

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 15, 2014 held in the City Council Chambers, 88 E. Chicago Street.

1. Vice Chairman Baron called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Vice Chairman Baron.
3. The following Commissioners answered Roll Call:

Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak
Commissioner Ryan Foley

Absent and Excused:

Chairman Matthew Pridemore

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Erik Swanson, Senior City Planner
Mr. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER RYAN, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the October 1, 2014 Planning Commission Hearing. The motion passed 5-0 (Vice Chairman Baron abstained as he was not present at the meeting and Chairman Pridemore was absent).
5. ACTION AGENDA ITEMS
VICE CHAIRMAN BARON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR14-0030 WARNER BUSINESS CENTER OFFICE CONDOMINIUMS

Approved.

Request rezoning from Planned Area Development (PAD) for office/industrial/warehouse uses to PAD Amended to expand the list of permitted uses. The approximate 7-acre site is located east of the northeast corner of Arizona Avenue and Warner Road and encompasses the entire Warner Business Center development.

1. Compliance with the conditions adopted by City Council through Ordinance Nos. 2858 and 4348, in case PL98-020 Westech PAD and DVR11-0032 Warner Business Center, except as modified by the subject application and conditions herein.

B. LUP14-0016 CIRCLE K STORE

Approved.

Request Use Permit approval to sell and serve liquor as permitted under a Series 10 Beer and Wine Store Liquor License for off-premise consumption within a new fuel station convenience store. The subject site is located north of the northeast corner of Dobson and Elliot roads.

1. The Use Permit granted is for a Series 10 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.

C. ZUP14-0024 CIRCLE K STORE

Approved.

Request Use Permit approval for a fuel station within a Community Commercial (C-2) zoned district. The subject site is located north of the northeast corner of Dobson and Elliot roads.

1. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler shall apply.
2. The site shall be maintained in a clean and orderly manner.

MOVED BY COMMISSIONER CUNNINGHAM, seconded by **COMMISSIONER RYAN** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed 6-0 (Chairman Pridemore was absent).

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, said there was nothing to report this evening.

7. CHAIRMAN'S ANNOUNCEMENTS

VICE CHAIRMAN BARON said the next regular meeting is November 5, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:34 p.m.

Andrew Baron, Vice Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 5, 2014 held in the City Council Chambers, 88 E. Chicago Street.

1. Vice Chairman Baron called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Vice Chairman Pridemore.
3. The following Commissioners answered Roll Call:

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak
Commissioner Ryan Foley

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Susan Fiala, City Planner
Mr. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CUNNINGHAM, seconded by VICE CHAIRMAN BARON to approve the minutes of the October 15, 2014 Planning Commission Hearing. The motion passed 7-0. (Chairman Pridemore abstained as he was absent from the meeting.
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR14-0027 CALIFORNIA AND WHITTEN

Approved.

Request rezoning from Medium Density Residential District (MF-1) to Planned Area Development (PAD) Multi-family and to PAD Single-family to allow one lot containing a duplex and a single family home to be subdivided into two lots and modify building setbacks. The property is addressed as 464 S. California St. and, 221 and 241 W. Whitten St., southwest corner of California and Whitten streets.

Rezoning

1. Development shall be in substantial conformance with the exhibits as represented by the applicant in case DVR14-0027 CALIFORNIA AND WHITTEN, except as modified by conditions herein.

Preliminary Development Plan

1. Lot 1 building setbacks shall be a minimum of 12 ft. front yard, 8 ft. street side yard, 0 ft. interior side yard, and 10 ft. rear yard.
2. Lot 2 building setbacks shall be a minimum of 14 ft. front yard, 9 ft. side yards, and 3 ft. rear yard.

B. PDP14-0012 LAYTON LAKES – PARCEL 22 (TAYLOR MORRISON)

Approved.

Request Preliminary Development Plan (PDP) approval for housing product on a portion of approximately 44.5 acres located south and east of the southeast corner of Gilbert and Queen Creek roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “LAYTON LAKES - PARCEL 22 (TAYLOR MORRISON)” kept on file in the City of Chandler Planning Services Division, in File No. PDP14-0012, except as modified by condition herein
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3250, case DVR00-0025 LAYTON LAKES, except as modified by condition herein.
3. Compliance with the original stipulations adopted by the City Council as case PDP03-0038 LAYTON LAKES, except as modified by condition herein.
4. The same elevation shall not be built side-by-side or directly across the street from one another.
5. Window mullion/muntin patterns shall remain consistent on all sides of the homes.
6. Corner lots shall be limited to single-story homes only.

C. LUP14-0019 MAKUTU’S ISLAND

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption. The indoor family entertainment center is located at 6919 West Ray Road, southeast corner of 56th Street and Ray Road.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.

D. ZUP14-0011 VERIZON WIRELESS – MCCLINTOCK AND RAY

Approved to continue to the November 19, 2014 Planning Commission Hearing.

Request Use Permit approval to install a monopalm wireless communication facility at 3875 W. Ray Rd., southeast corner of McClintock Dr. and Ray Rd. **(REQUEST CONTINUANCE TO THE NOVEMBER 19, 2014 PLANNING COMMISSION HEARING.)**

E. ZUP14-0018 VERIZON – PASEO DEL ORO

Approved.

Request Use Permit approval to install a monopalm wireless communication facility at 3150 N. Alma School Rd., northwest corner of Alma School and Elliot roads.

1. Development shall be in substantial conformance with approved exhibits. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.

F. PPT14-0009 CONTINUUM AT DOBSON ROAD

Approved.

1. Approval by the City Engineer and Planning Administrator with regard to the details of all submittals required by code or condition.

CHAIRMAN PRIDEMORE said he had some speaker cards on Item C. He called up the first speaker card.

VIRGINIA THOMPSON, 6821 W. MEGAN ST., said this is in her backyard. She said that is not primarily why she is appearing tonight. She has some concerns about the proximity of small children and being able to have a liquor license on premise. She knows there is a restaurant there and their reasoning is that some other restaurants like Chucky Cheeses and Peter Piper Pizza are able to serve beer and liquor but when you think about going to chucky Cheeses you don't think about going there to play the games, you go there for pizza. This is different; this is Makutu's Island. This is a play place for children and somehow the proximity of the liquor and the children she finds somewhat distasteful. Also, in that parking they share a parking lot with a swim school and that swim school has a lot of children going and coming in the area and she thinks it presents a potential hazard traffic wise. Being a grandmother she has concerns about that so she does object for that reason. She is the original owner of her home and has enjoyed living there, but she is concerned about this proposal. She objects to it.

MIKE WATSON, 6822 W. SHANNON ST., stated his house is directly behind the center. He is not only a resident of that neighborhood but he is also the owner of the swim school. They run approximately 2000 children a week through the school. That parking lot is not a typical parking lot. Between Makutu's Island business and his business, they have very similar clientele. They are all children under 10. That is predominately what they serve. They have installed speed

bumps, they have installed caution signs and just about everything they can because parents after work want to get home and on with their life. Makutu's has been successful for years without having to serve alcohol. His establishment is the same thing. Could he serve alcohol and make more money – sure but there is an obligation they have with those kids. That parking lot at 6:00 at night is not a typical strip center. The cars are packed and you can't see kids and it is difficult enough. He is absolutely paranoid about the safety hazards of the kids. He doesn't think it is a normal NYPD pizza. He doesn't think it is a normal Chucky Cheeses. There are so many kids at 6:00 p.m. It is their peak time every week and it just frightens him. He has been around there for 8 years since they moved in there. He moved into the neighborhood because he loves it so much but when they get Makutu's Island full and his school full, it is a recipe for disaster. He hopes they consider not approving the alcohol permit. He understands it might be better for the bottom line of business but he doesn't think it is better for the bottom line of the kids.

KEVIN LYNCH, 6813 W. SHANNON ST., is opposed to the item but did not want to speak.

CHAIRMAN PRIDEMORE asked if anybody else wanted to speak on any items on the agenda. There were none. He closed the floor.

CHAIRMAN PRIDEMORE said when he first saw this item on the agenda it was a bit confusing to him. He wasn't quite sure after so many years why the business would want to start serving alcohol but from a land use point of view, which is where they are looking at items and judging them, it is difficult for him personally to tell somebody how to run their business. In this case he doesn't necessarily understand it and it is a strange request to him. Overall, based on what they have to judge it by he really didn't see any reason to oppose it. He asked if there were any comments from the dais before he looked for a motion.

COMMISSIONER WASTCHAK said he wanted to clarify if there were any other restaurants in there. Is this the only restaurant in this center? Ms. Susan Fiala, City Planner, said there are no other restaurants within that particular center. There is a Circle K which has a liquor license which is right at the corner adjacent to the subject restaurant. All the restaurants are to the west of the facility.

COMMISSIONER RYAN said for the record his vote for Item C will be a 'no' vote.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER DONALDSON** to approve the Consent Agenda as read in by Staff with the noted exception to Item D as a continuance. The Consent Agenda passed 7-0.

6. WIRELESS DISCUSSION
(Briefing during Study Session)

7. DIRECTOR'S REPORT
Mr. Kevin Mayo, Planning Manager, said our next meeting has a pretty full agenda and we will be looking at a 4:00 p.m. Study Session. It has a lot of good cases coming forward on it. Through the scheduling of the Planning Commission hearings at the

beginning of the year, they did not schedule the 2nd hearing in December because it happens on Hannukah. The first hearing on December 3rd will more than likely be cancelled as the hearing it transmits to Council wise is the first hearing of the year, where they change over to the new Council. There is a solid change that the next Planning Commission hearing on November 19th will be the final one for the year so he looks forward to seeing them all on that hearing so he can wish them well during the holiday season. CHAIRMAN PRIDEMORE told the members in the audience that were here on Item C that this item is going to Council on Thursday, November 20th and that Planning and Zoning is a recommending body to the City Council. All these items whether it's recommended for approval or denial will still go to City Council. He encouraged everyone, especially those for Item C, Makutu's Island that they still attend City Council and that they express their opinion there as well.

8. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE said the next regular meeting is November 19, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 6:00 p.m.

Andrew Baron, Vice Chairman

Jeffrey A. Kurtz, Secretary