

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, March 4, 2015 held in the City Council Chambers, 88 E. Chicago Street.

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

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

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Scott McCoy, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN BARON, seconded by COMMISSIONER DONALDSON to approve the minutes of the February 18, 2015 Planning Commission Hearing. The motion passed 5-0. (Chairman Pridemore and Commissioner Cunningham, abstained since they were absent February 18, 2015)
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE informed the audience 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 was one action item – Item A

B. DVR15-0005 SOUTH OF THE SOUTHWEST CORNER OF MCQUEEN AND OCOTILLO ROADS

Approved.

Request to establish the initial City zoning of Agriculture (AG-1) on approximately 4.18 acres located south of the southwest corner of McQueen and Ocotillo roads.

Upon finding consistency with Arizona Revised Statutes, Planning Staff recommends approval of establishing the initial City zoning of AG-1 following the annexation of the subject site.

C. DVR15-0006 NORTHWEST CORNER OF GILBERT AND BROOKS FARM ROADS

Approved.

Request to establish the initial City zoning of Agriculture (AG-1) on approximately 5 acres located at the northwest corner of Gilbert and Brooks Farm roads.

Upon finding consistency with Arizona Revised Statutes, Planning Staff recommends approval of establishing the initial City zoning of AG-1 following the annexation of the subject site.

D. LUP14-0024 SMASHBURGER

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within a patio at a new restaurant located at 2925 S. Alma School Rd. Ste. 8, in Las Tiendas Village.

1. The Liquor Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Liquor 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 Liquor Use Permit and require a new Liquor Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.
5. The patio shall be maintained in a clean and orderly manner.

E. PDP14-0015 LAYTON LAKES PARCEL 21

Approved.

Request Preliminary Development Plan (PDP) approval for housing product on approximately 33.4 acres located south and west of the southwest corner of Queen Creek Road and Layton Lakes Boulevard.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "LAYTON LAKES PARCEL 21" kept on file in the City of Chandler Planning Services Division, in File No. PDP14-0015, 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.
7. Window pop-out treatments shall remain consistent on all sides of the homes.

F. ZUP14-0034 VERIZON AT ST. JUAN DIEGO CHURCH

Approved.

Request Use Permit approval to install a monopalm wireless communication facility located at 3200 South Cooper Road, south of the southwest corner of Cooper and Queen Creek 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.
2. The two live palms and landscape shall be maintained at a level consistent with or better than at the time of planting.

G. PPT13-0022 NORIA MIXED USE

Approved.

Request Preliminary Plat approval for a multi-family residential and commercial mixed-use development located at the southeast corner of McQueen and Germann roads.

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

CHAIRMAN PRIDEMORE stated items B through G are still on the Consent Agenda and asked the audience for comments, questions or if anyone would like to have items pulled for a full presentation. There were none.

COMMISSIONER RYAN stated he will be abstaining from items B and G. He provided consulting services to the applicant.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda with the noted abstention from Commissioner Ryan on items B and G as read in by Staff. The Consent Agenda passed 6-1 (Commissioner Ryan abstained on item B and G).

ACTION:

A. APL14-0007 AIRPARK AREA PLAN AMENDMENT/DVR14-0019/PPT14-0012 ENCLAVE AT HAMILTON RANCH

Approved.

Request Airpark Area Plan amendment from Neighborhood Commercial and Commercial/Office/Business Park with a Light Rail Corridor Overlay to Low-Medium Density Residential. Request rezoning from Agricultural District (AG-1) and Planned Area Development (PAD) for offices to PAD for Residential with Preliminary Development Plan (PDP) for subdivision layout and housing product along with Preliminary Plat (PPT) approval on approximately 28 acres located south and east of the southeast corner of Arizona Avenue and Queen Creek Road.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "ENCLAVE AT HAMILTON RANCH" kept on file in the City of Chandler

Planning Services Division, in File No. APL14-0007/DVR14-0019, except as modified by condition herein.

2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
7. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Planning Administrator for arterial street median landscaping.
9. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement
10. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.
11. The following stipulations shall be the responsibilities of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft

- noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property.
- b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled Chandler Municipal Airport, F. A. R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area), as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
 - c) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
 - d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
 - e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
 - f) All homes and buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are in conformance with this condition.
 - g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:
"This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler."
12. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby a heliport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

13. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing railroad tracks and railroad right-of-way that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an existing railroad track and railroad right-of-way, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan

1. The same elevation shall not be built side-by-side or directly across the street from one another.
2. Corner lots shall be limited to single-story homes only.
3. For lots adjacent to an arterial street, two-story homes are limited to every third lot, with no more than two, two-story homes built side-by-side.
4. Window mullion/muntin patterns shall remain consistent on all sides of the homes.
5. Window pop-out treatments shall remain consistent on all sides of the homes.
6. The total side yard setback between two, 2-story homes shall be 14 feet.

Preliminary Plat

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

MS. JODIE NOVAK, SENIOR CITY PLANNER stated this request is to amend the City's Chandler Airpark Area plan map. The Area plan currently designates the property which is located south and east of the southeast corner of Arizona Ave and Queen Creed Rd to be developed with a combination of neighborhood commercial and commercial office business park uses along with a light rail corridor overlay which allows additional land uses such as higher residential density's and for this area to develop with office showroom, research and development and retail services. They are proposing to change that land use and designate it for low-medium density residential for a single-family residential subdivision. Along with that, is the rezoning of the land from the current zoning of Agriculture district AG-1 and Plan Area Development zoning for office on a portion of the property and rezone it to PAD to allow single-family residential. The Preliminary Development Plan component in the development booklets include the subdivision layout for approximately 132 single-family lots with approximately 4.76 dwelling units per acre also includes the housing products that are being proposed for the development.

Planning staff reviewed the request from a land use stand point in accordance with the General Plan and the Airpark Area Plan. Staff also the reviewed the land use, site design and the housing product in accordance with the city's residential development standards as well as our zoning code and site development code. As indicated in the staff reports, the staff recommendation is not supporting any of the requests based on the premise that the proposed land use change in the

Airpark Area Plan is not consistent with the Area Plan. Staff feels that the proposed land use to go to a low-medium density residential is not what the City has in vision for this intersection. The property is approximately 28 acres and it is not on the intersection corner there's approximately an 8 acre commercial corner that's represented in the development booklets but it is not a part of this request, it wraps around the property. There is a total of 36 acres in total. But they are asking to develop and zone 28 acres for single-family residential. The property is surrounded by land that is developed and undeveloped to the east, north, west and south. There's a lot of county property located to the south as well as to the east of this. It is bordered by the Union Pacific Railroad tracks on the east side.

The land uses that are planned east of it are industrial and light industrial as this is a part of Chandler Airpark Area Plan and which all the industrial uses are intended to be located in that particular location of the City. South of it is undeveloped land but immediately next to the site, which has zoning in the county for commercial but it also has a veterinarian clinic that has a pet boarding facility and a church which owns extra land around for future expansion. It's adjacent to two arterial streets so it does have some frontage along Queen Creek Rd east of the intersection and frontage along Arizona Ave. The subdivision will be gated and will have 132 single-family lots. With the land use that is being proposed, which is low-medium density residential, that is a category of the General Plan that limits it to an area further into the Airpark area. There's some low-medium density and medium density residential that has existed or is planned a few miles to the east but along the corridor between Arizona Ave and the railroad tracks the plan is very specific in insuring that the area developed with major campus like business parks. And in those business parks they would have light industrial uses, office type uses and retail services. The industrial that surrounds the area next to the railroad track would have your mix of manufacturing, warehouse distribution, assembly, and research and development. The property is located at an arterial street intersection in what the General Plan calls out as an area that potentially could have commercial on all four corners. The northeast corner was recently rezoned for residential uses, there's multi-family apartments under construction right now and a single-family subdivision that was approved last year. The northwest corner was designated for condominiums which partially developed. There is a piece remaining that is very small as well for commercial uses which is yet to develop. On the southwest corner of the intersection there are single-family subdivisions and multi-family development that have developed and another smaller parcel at the intersection corner planned for commercial that has yet to develop.

Looking at the Area plan and General plan and typical planning practices, the 28 acres proposed for the single-family residential and the 8 acres left over for potential commercial, I from a planning stand point it would be better if all the land were taken into the single-family residential and not leaving an 8-acre piece of commercial remaining. We have seen where there are smaller properties of that size that have not developed. They have been zoned but not developed. They've had residential around it but never transpired. There is an opportunity to have commercial in an intersection corner but if there is an interest for single-family they would think all the land would have been considered for that, not just 28 acres. It is not the appropriate land use and it is not a use considered under the category of the Airpark area plan. If it was a higher density residential, something between 12.1 to 18 dwelling units per acre, which would give a

better consideration of a residential land use as a support use to a larger office/business park/ industrial employment area which is currently designated for that area on Airpark area plan.

In regards to the rezoning component, it is adjunct to the Area Plan. If the land use was changed from commercial office/business park to a low-medium density residential, they have the request to rezone the land to match. It would be permanently changing the land allowing single-family and having the development plan with it. The subdivision diversity and housing product meet the intent of our residential development standards as outlined in the staff memo. There are some items that they do not meet and some of it is difficult to meet with a parcel of this particular orientation and its location due to the limited frontage on the arterial street. But they do incorporate several items such as curvilinear streets, open space, unique amenity area for both adults and children, entrance features, the look of the subdivision and landscape pallet. There are a lot of quality elements that they are proposing and the housing product meets the intended expectations and architectural standards.

With this being within our Chandler Municipal airport area it did go before out Airport Commission for their review. The airport manager provided staff an airport conflicts evaluation letter that indicated that the airport commission found that their proposed land use change with the area plan and the rezoning was going to cause a conflict with the airports' operations and with existing and planned uses that are at the airport. They believe that creating a change in land use to do a single-family residential would be incompatible with how the airport operates and what their long term viability is. They believe that noise concerns will arise from the single-family residential area as the airport grows and have more flights from the single-family residential area. This did go through the citizen review process and the applicant had their neighborhood meeting. Three individuals attended and they were representatives of a property that is next to this. There have been no concerns from anyone around the area so far. As of the day before and the day of the meeting, five emails were received from area property owners adjacent to this that are in support of this and were handed out. Staff is recommending denial of the Area Plan, Rezoning, PDP and the plat as indicated in the memo. If Planning Commission vote in favor, standard zoning conditions regarding subdivision lots and housing products have been prepared.

MR. ADAM BAUGH, WITHEY MORRIS, 2525 E. AZ BILTMORE CIR, stated he appreciated the time given to give a presentation. As he was preparing for this an idea came to his mind, growing up he thought he was going to be a teacher and was convinced he was going to be a teacher since most of his family are teachers. He realized he did not want to be a teacher and relates it to this case. He states even the best plans one projects to occur sometimes need to evolve and change. The Airpark Area plan was approved in 1998 with the best intentions. It has been 17 years and we've seen changes in that area. He says the project has been worked on for a year and a half. They have considered high density to medium density compact to back to what will be presented. The case represents collaboration from staff even though they knew staff was going to recommend denial right from the beginning. However, staff assisted and steered the project in the right direction. They disagree in the eventual decision.

He states that this site is termed as the chaos corridor. His applicant approached him with questions regarding what to do with the property; he owns a property at the northwest corner and

has owned it for 11 years. At the time, there were four vacant corners of commercial use, apartments on both sides; industrial has tended to locate east of the railroad tracks so that is how it lead to this use. At some point, along Arizona Ave between the railroad tracks, there are a couple of area plans that have been in this area; the Airpark Area Plan and the South Chandler Area Plan, just south of Ocotillo. Whether it had a mixed used commercial and employment category for it or the Airpark Area Plan, there has always been some design that hopefully it would be some type of office employment commercial use, but according to the exhibit, the area has not evolved that way. There is a Target and Home Depot center but by and large all these uses have gone the opposite direction of what has been encouraged by the Airpark Area Plan. That is the reason he believes they call it the chaos corridor, because every time they recommend approval, up until the last case, they don't understand how to respond as the case evolves. How to realize that the railroad tracks have become the default dividing line. That is why he believes they should consider the case. He stated members of the panel have seen these cases before where staff recommended approval, but it is unusual that they recommend denial. He stated if he were sitting in the commissioner's shoes, he would be questioning why staff is recommending denial and is there another use for this site?

The first use, which is commercial retail, is not viable because there is a heavy density of commercial in this area. However, he knows they agreed to it because last hearing a similar type use came before them and there was consensus that there wasn't an overabundance of commercial in that area, but his exhibit helps illustrate that. They looked at the 202 freeway all the way down to the Chandler Heights area and the blue stars [on the exhibit] indicate existing commercial inventory. He did not go into detail since the Commissioners have heard it before, but 750,000 sq. ft. to the north, within a mile and a half, and another 750,000 sq. ft. of retail to the south, within a mile and a half to two miles. A total of 1.5 million, approximately, of retail. It is appropriate; however, the challenge is that it is sufficient to meet the needs that are currently there. But when you see what has been approved and see exhibits; the Carino Commons, the Chandler Center, the county corner, and The Shops at Chandler Heights which has been approved, is half built and has been under construction for years. If anything is going to come in line like new commercial in that corridor it would come to that spot first because it is already half under construction. However, when the extra 700,000 sq. ft. of vacant and undeveloped and approved commercial is added, now it totals out to 2.3 of commercial, he believes it is a lot of commercial. He states the existing 1.5 has a hard time succeeding with the current population so how will the 700,000 be justified that doesn't include the 8 acres of the county piece. In theory that is what the plan recommends but that is not the proposal. What is more important is to look at the existing corner.

He states indeed the project wraps around a county parcel that is not owned by them. There was some discussion to include it, but they weren't interested in selling. That is the first time he heard staff express sentiment that they want to see that come in with this project. The exhibit shows how much commercial is vacant at this corner. The northwest corner his clients owned for the last 10 or 11 years and they have not had any buys from that property, they had CVS interested in the immediate corner that purchased it but even CVS won't build it. Then there's the Chandler Center on the south side, and even KB home site was commercial up until a year ago. All those together just on the west side there's a substantial amount of vacant commercial. He states that

every corner is commercial at it and is wrapped by residential. So the proposal is symbolic and consistent with what has already happened at the other corners.

When both existing and proposed are added in there is 2.2 million within a 4 to 5 mile stretch. He states there is a reason why the City did the 4 corner commercial study and it can also be referred to 3 corner study because the imbalances are clearly shown versus the amount of roof tops that are in the area. He states that there is an abundance of commercial so he asked himself, what about office. There is an opportunity to do 30 acres of office, There are some questions that his clients have explored such as would it be realistic? Or is it feasible? In 2006 the 9 acre parcel was called Pinnacle Professional Village. It was approved by Commission and zoned and approved by Council for about 9 buildings, 73,000 sq. ft. In 2010, they got a time extension and still in 2012 they could not make it a go at it, until they allowed it to expire voluntarily. He explains that offices have already made an attempt at this site. He states that 9 acres is an appropriate amount of office here, but if that cannot succeed then 30 acres is inappropriate. He states there are some good spots for 30 acres and thinks the City has done a great job in steering people to those areas. But he believes this is not the right area. He states that in the last 30 years the 202 down Hunt Highway, there have been only 25,271 sq. ft. of built office, from what he can see when he drives that stretch. There is a Ryan office development of about 12,000 sq. ft. on Ryan Road and Market Place Commons right on Chandler Heights. He questions why is it that the Airpark Area Plan has been encouraging office and employment uses since 1998 they cannot get a single person interested in office there and two spots that have been come in line have been on the west side of the road not on the east side where the Area Plan is encouraging it. He states that tells him it is not an office corridor and to the City's credit they have strengthened their office corridors in other locations. He believes it does not fit in the context of the area for the reason that it will have to have some height to it and given that there are many residential uses in the area it is probably not the right use.

He wants to point out that in the Chandler Airpark area, in the City's own information, there is about 1700 acres of potential development area, which is a lot of area. He explains within that there is about 800 acres that have been improved, infrastructure in place and ready to sell off pads. He states that if someone is going to be an employer they will look elsewhere because there are far better locations and better access and if the City has encouraged them to go there a perspective person will launch that way as well. He also points out that south of the proposed site is a pet resort facility with the intentions and plans to build an office, according to the plans they have provided to him. They showed about 23,000 sq. ft. He says that interestingly, in 30 years there were 25,000 sq. ft. along the stretch of the corridor and the property south would essentially double that if it were to come in. He expressed the patterns that have occurred in the Airpark Area Plan of approved, infrastructure in place and available to be sold.

His next question was 'Is there an impact on the airport?' He states he understands why the City would have an Airpark Area Plan and believes it has done a great job in serving that purpose. He explains the airport is most concerned about people complaining about noise. He says the proposed site is far outside the noise contour of 55 decibels, which has been the baseline for residential development. However, even the Chandler's own Zoning Ordinance allows for single-family residential in the 55 and inside the 60 decibel line. Also, they are outside the direct flight path for arrivals and departures. He thinks that the line at Arizona Avenue was arbitrary

because it made sense to bring it to the next convenient street. However, he believes it does not make a difference if the line were on Arizona Avenue or on the railroad, since homes on the west side of Arizona Avenue have no greater or less impact on the airport than their property being on the east side, at least at that specific intersection and they are outside of those areas.

He states the Airport Commission has done a good job deciding what is and is not a conflict and as he presented the case to them it was very complimentary from their perspective to provide the conflicts of the plan and express their appreciation for what was created. Their flint was they would love to see this, but on the opposite side of the road. However, their point was simply this; the plans do not say that so they want to support the plan. And while there is no conflict, it doesn't describe what those particular conflicts are and he thinks I respect the value and the rule that they play. But given in this case, he feels the circumstances are a little different. Not only that, Paseo Lindo, that was recommended approval by staff and this body and supported by the City Council, is actually in the direct flight path of the Airpark. And it can work there, why it can't work here. He knows there are concerns in regard to the logical extension that will if it's not a real impact on the Airport, we still want to preserve the integrity of the area around the Airport and help it success in its development. He feels the same way, and that is why it's important to point that the property just east, has been zoned and entitled back in 2013. And the PAD calls for office/warehouse/industrial and Jodie mentioned RND.

What he likes about this case is that it gave him an idea of what was occurring on the east side, rather than him preceding them, they preceded him. So we know what is going to occur and what he appreciates about their plan is that there is a flip plan on the west side and had to put the retention in that area and then create a large landscape set back and buffer. So that is on the west side and the south side which is a buffer from their development to the railroad tracks and even a greater distance to their development. He can see why staff's perspective is that they want to protect the integrity of the Airpark Area because they want to see things succeed. And he believes in honesty that his case being innocuous as it is it will not impact or impede that from succeeding.

He states when he started, they did not have a good plan, and he thinks part of the original direction they were given with the look of doing something a little denser for this area. So they spent a lot of time looking at, he doesn't want to call it compact housing but medium to higher density stuff that was still ownership. And if they can see on the exhibit that is kind of the idea that they started with. In a grid like pattern without clusters, they came around with something a little different and still didn't seem like it was getting much traction in their initial discussion with the City Staff. It wasn't until Jodie assigned to the case, she started giving them some good feedback on how to design the site. They got feedback on adding curvilinear streets into it and adding cul-de-sacs also a central focus on the open space and improving the street skip view. He states because of that feedback they spent some times finding home builders that would be appropriate for this area try to work on designing, seeming and finding a designer rather than having the engineer to create this PAD. They looked at things such as how can they create a great focal point or monetize this project and make it stand out from the rest of the area. He states it took some time and through the feedback from staff and their cooperation in helping them steer there, he thinks staff has helped them achieve a better quality subdivision.

He loves the fact that it has the curvilinear spine and how it gives it a little more interest in the site. And it has an interesting open space area as you drive through the center of it that you don't typically see elsewhere. The gated entry on Arizona Avenue and the gated entry on Queen Creek Road are actually common drives so that way the commercial development next to them can enjoy the benefit of that common driveway. And also the Wheeler property southwest which is planned for some offices in their mind can have a joint benefit from that area as well. The feedback that they got from staff was to look at the residential developments that have occurred along this stretch. The Fulton Homes, The Paseo Lindo, and the DR Horton case and mimic some of the things they did. Distances from the railroad tracks, the way they designed their entry ways, how they coexisted with their commercial and retail environments and how they included curvilinear concepts. Because of that feedback, they were able to incorporate some of those things the case today. He is proud of the plan because he knows how bad it was from the beginning and can't say this is entirely perfect but it gives the geometry of the site and where they started and where they are at today. It is a tremendous improvement. He loves the entry way because it sets them apart from the rest of the project in that area but it serves a dual purpose of benefiting the office which is directly to the south of it. Centrally their case helps sets up those cases by putting that entry way in, by improving it and it is one less cost for them to incur and hopefully jump start them in towards their development/project.

What he appreciates is the effort and time that has been put into the amenity. Some subdivisions are similar and it is hard to distinguish between them and he wanted to really set this apart from the rest. So there was a lot of time put into it. The park alone was a half a million dollars and it is a commitment that home builders wanted to make. It is not the typical tot lot and sand, it has all kinds of elements from both young to an older teenager population and for young mothers. It has swings, playgrounds, tree houses and instead of open air or shade canopies, they used trees to help shade out. There's a little bridge and brook that goes across it and a little water pump. There are so many different cool features about this project that they really want to make it a creative focal point for this community. And because it is in the center of it, it is to attract the residents to the center to create more of a community and neighborhood rather than just a home. He does not know if anyone will see anybody put the type of investment and interest in a community area just like this. He sits back and thinks about the case and comes back to the same thing.

Over time the Chandler Airpark Area Plan has evolved, like it or not, whether it was by design or default. But, up and down this road, the City has determined essentially that the railroad is the dividing line for the integrity of the Airpark Area Plan. Everything west of it as it relates to residential that's come before this City Council has been approved up until the KB case they were recommended by approval by this body, both the DR Horton, Paseo Lindo and Fulton Ranch. He states it brings up another point, why is it different than KB? He knows it was an issue and he spent some time reading comments and watched the video several times and wanted to understand what where the sentiments and why was this body recommending denial? It was the first time seeing Commission take that action because every other one at that point was supported of. He realized that there are a couple of things unique about that one that are different from them today.

The first thing is, Archstone wraps around the commercial corner and there seemed to be and intent to leave the commercial corner open rather than zoning it when the arched stone case came

in. He thinks City and Commission wanted to keep that available to the benefit of the Archstone development. So when the KB case came in, it was almost contrary perhaps to what Archstone was envisioning. The second thing he heard was Chairman Devan made a comment, yes there's a lot of power centers in this area and too many tend to cannibalize each other, there's only enough big boys in the sandlot that can play but maybe there's a reason to keep this what he calls a former KB site. Maybe there's a reason to keep it commercial because it is small enough that it could attract smaller users that would be more appropriate. Or maybe a smaller office development and they didn't want to foreclose that opportunity for somebody like that in the future. That is why this case is different, he states because they still have that luxury at the commercial corner at the direct that they don't own and it is not part of their project. It's 8 to 9 acres and the very things you want to see happen at KB can happen still here today. He knows there was a concern from staff about wanting to preserve the commercial corner at KB because they want to preserve the integrity of the rest of the Airpark Area Plan east of that site, well in this case we already know what is happening on the east side. It has already been approved and entitled, it is going to happen. It might not happen right away but this case doesn't affect that at all. At the end of the day, when you look at the precedence that the Council has done, and every time one of these cases have come up between Chandler Heights to Queen Creek Road, at least in the four instances that he could identify, it consistently in supported this. That tells me that the policy maker from the City, the people who make the decisions have already determined that even the own Airpark Area Plan really isn't living up to the vision they wanted to, at least on this part. No dis to the rest of the planning because he thinks it's done a great job. Between the railroad tracks to Arizona Avenue, he thinks they agreed and he thinks it has changed because that is why he thinks they continue to support it.

The last difference between them and the KB thing is that was a unique and a different type of housing product. Perhaps that might have been the sentiment that it might not have been the right type of product in that area, but he did want to highlight that their subdivision is not the same type of product or character. When he comes back and looks at this and asks himself, what has happened in this corner? All those corners at this intersection have commercial with a residential wrapping around it. In his case, it maintains the same thing. Up and down Arizona Avenue, what's happened on the west side had mimicked on the east side, and that is why the Airpark Area Plan has evolved so much. He explained that one doesn't have to look far to understand why just look what happened on the west side. As those homes have come in as the power centers have come in, happened on the east. He does not think the 30 acre office development is appropriate there, as he looks at his case. He thinks that they agree that another 30 acre power center isn't going to succeed as well. Industrial tends to be on the east side of the railroad tracks, so it would be for apartment or residential, which he could probably make a good case for apartments but he doesn't think anyone wants more of those and the City's had its share of those in the last years as well. As he comes back and looks at all those things, he thinks it makes sense, and that is why he brings forth this case in today. He thanks everyone for their time.

CHAIRMAN PRIDEMORE asked the audience if anyone has questions or comments for the applicant. There were none. He had two speaker cards of individuals that were not present at the meeting however, wanted the letters read into the record on their behalf.

RICHARD STONE, 700 W. POWELL ST. read a letter of support into the record on behalf of ROBERT STETLER, 8831 E. COOPER DRIVE I want to express my support for the residential subdivision proposed at Queen Creek and Arizona Avenue. I am a property owner that lives in the area and I drive past this intersection daily. I have seen the area transition into a residential corridor over the years and with the inclusion of new apartments and cluster homes at this intersection, more commercial doesn't make any sense. There are already 3 corner of vacant commercial land here which will have to compete with the Target, Home Depot and Lowe's shopping centers just down the street. I believe a high quality residential subdivision like the one proposed will be better for the area and will actually help strengthen the commercial activity in the area.

JULIE BECK, 2222 N VAL VISTA DR., MESA, read a letter of support into the record on behalf of CHRISTINE STONE, 700 W. POWELL ST Dear members of Planning Commission. I am a resident at the Fulton Ranch Subdivision which is close to the new development called Enclave at Hamilton Ranch. We moved to this area because of the great schools, strong community and amenities. This area of Arizona Avenue is great because of the high quality subdivisions that exist. That is why I support the proposed neighborhood development at Queen Creek and Arizona Avenue. When you drive this area, you always wonder why this intersection hasn't developed like the rest of Arizona Avenue to the south. It is unlikely new commercial will work here because of the great shopping centers we already have in the area. My fear is the alternative, and nobody wants to see more apartments, or industrial uses next to the railroad or more vacant land. Just look at the blighted commercial and office projects just down the street at Chandler Heights, it's a mess and if the area can't support that then it won't support more of the same at this intersection. I like the proposed subdivision and I think it is a good use here. Hopefully you agree.

CHAIRMAN PRIDEMORE asked the audience if anyone would like to make a statement on the action item. There was one.

An audience member read a letter of support into the record on behalf of KATHERYN PARKER 381 W. HACKBERRY DR Dear members of the Planning Commission, I recently became aware of the recent application for the property at the southeast corner of Arizona Avenue and Queen Creek. I saw the sign posted up on the property and was curious about the proposal because I live nearby on the Avalon at Dobson Crossing Subdivision. I am excited to see something finally develop at this site. For years, the four corners at this intersection have been vacant and we all know commercial will not happen any time soon given the three large commercial centers just down the street. We can stare at the vacant intersection properties forever, but recent apartment developments appear to be the only thing that is attracted to this intersection. Every day I have to see the half-built blighted office and commercial development at Chandler Heights and Arizona Avenue and it is such an eyesore for the area. The last thing we want to see is another project like that at Queen Creek too. I am happy to learn a new residential subdivision will be built here which will actually bring rooftops to support the area commercial. Hopefully it will spur interest in developing the other empty corners because we really don't need more apartments or another empty employment center along this corridor. I hope you approve this request.

CHAIRMAN PRIDEMORE asked the audience and the applicant if anyone would like to make a statement or have any questions on the action item. There was one.

CHAIRMAN PRIDEMORE stated he voted against the KB site directly to the north. He tries to look at them on case by case bases. He was not sure why the commercial has been kept for so long and now getting rid of it. This case is similar, except the commercial is still being kept there. He knows that Staff's concern is that 8-acres is not a lot and puts restrictions on what could be developed there and he appreciates their stands. He states he does not have an issue with the resident and thinks it is a very nice product. If this would be approved and built, he hopes to see the play area the way it was shown. He states as the applicant pointed out, it is an expensive amenity and he would hate to see part of the sales pitch and then to be valued engineered out. He says he would personally keep an eye on that. For him the most telling part was one of the first images that were labeled "chaos corridor". He believes that they have reached where they are past the inflection point where residential is now not the norm but it is now more accepted along the corridor than it was in the past. He knows there has been some past commissioner that have voted no against any residential "just because" and stuck to their decisions every time they were up there. He believes those times have changed and have seen enough now and there are real project that have been built that he has no issue with that addition. He votes in favor of it.

VICE CHAIRMAN BARON stated he generally agrees with what **CHAIRMAN PRIDMORE** stated, for the reason that when you look at the corridor, there is proven success of residential units and existence there. Certainly Fulton Ranch, and Paseo Lindo that has been there the longest and a very desirable location. A little bit Concerned about the commercial corner. He did not realize that was not something the applicant actually had control of. Something at that scale and trying to build that out, he personally does not see how that is going to work and it is technically on the wrong side of the road to benefit folks that live in the area. From a residential stand point, he believes it is a nice project and certainly believes a precedent has clearly been set. He thinks the vision of Arizona Avenue versus the railroad track is somewhat of an ambiguous line. He supports the project.

COMMISSIONER DONALDSON stated he voted against the KB property becoming residential as well. In looking at the project, he still has two strong concerns, the diving line of the railroad track the applicant put up a slide that showed an approved office or commercial center to the east which is on the east side of the railroad tracks and the southern neighbor with the desire to have commercial or office. This feels to him that this still may be a residential island amongst commercial and office. He is not sure if he has that correct, however, based on what the applicant showed it looks like it is going to be. It was more of a question for the applicant.

MR. ADAM BAUGH responded to the east side is zoned PAD for Office/Warehouse/Industrial which is more of an R&D type of product. To the south are the ball-fields for the Baptist Church, then a small pet resort facility that has ability to have a little bit of office on it if it were to come in.

COMMISSIONER DONALDSON clarified that the 23,000 sq. ft. to the south which is a wish list item for the wheelers, and so to the southwest are the wheelers to the south east ball-fields for the baptized church. He stated that he still believes that the dates that the applicant gave, 2006 to 2012 as far as developing it as commercial are the dates that he holds. He still hold out hope that the employment area, commercial area, and the area closest to the Airport would still be developed as commercial according to the plan.

COMMISSIONER CUNNINGHAM stated she agreed with **COMMISSIONER DONALDSON** and also agrees with **CHAIRMAN PRIDEMORE**. If this development occurs she wants to play on that tot lot. She thinks it feels very much like a square peg for a round hole and thinks the area around it is not going to be residential, it's not in the plans to be residential and believes that the City has done a great job at planning the employment corridor and the last eight years have not been good for development of any kind and just seeing residential coming back. It is not sensible to build residential when you won't have the jobs for the families that live in those residences. She believes that area should be left for jobs to be developed. She mentioned she loved the product but votes against it.

COMMISSIONER WASTCHAK stated what he struggles with on this specific application is not just the application because he thinks it is a really good one such as the plan and quality and everything that has been done. He also wants to see the playground built. What he struggles with is the stuff that has come before them when the General Plan says X and it is all commercial or industrial. Yet, residential has always been approved over and over again. He agrees with the applicant that the de facto west boundary has become the railroad track. He does not like the idea of residents against the railroad track and explained that he lives half-mile west of there and hears the train go by and wonders how people can live right next to it. However, he has seen Fulton go in and DR Horton go in and people wanting to live there. He states if the train track was not there it would be residential. He is concerned about the industrial to the east. However, he states it is nice to hear a plan was approved and it is not that heavy industrial that they will not hear a lot of noise, they still might, but they will know that when they move in.

He spoke to one of the commissioners earlier and if this was a part of town that was not as affluent or if there was not such a demand to live in that area, he'd be concerned. Because you get the first people that move into the subdivision because they really want to be there, then they realize that they made a mistake and then you get a community that goes downhill because it ends up being blighted. He believes the demand in south Chandler is not going to let this community become that. He thinks people are going to have the desire to live in there because it's gated and it's a high quality project. There's been other communities like Fulton Ranch and everybody else to the south. He voted against the KB homes because he thinks they need to preserve areas for commercial and when he says commercial he means office and uses where jobs are going to come. He does not think it is a retail corner, and if it is, it would be one of the other corners.

He appreciates that the applicant held out a commercial corner for something. Because he is in the business, he believes something will go there, it might not be now. And he also appreciates it being held out because at a certain point when things get built out, offices are not going to want to be in the middle of the Airpark. They are going to want to be in the residential area and that is

why he didn't want KB Homes to go in there. He agrees the other corners have residential wrapping it and he doesn't think this is any different other than it's designated under the General Plan to be commercial. He supports it and states he was not involved in the previous cases. He states that it is nice that they have been successful and given precedence to it. He thinks that when the General Plan is updated in the future, they are going to have to consider what is going on there and believes this maybe something that's changed as far as the outlook because the inflection point is hit and things are starting to change along there. He likes the project and will vote in favor of it.

COMMISSIONER FOLLEY stated the applicant has done a fine job of showing how the complexion of this corridor has changed over time. When he looks at the overall area, he sees a lot of those employment uses moving to the north and following the 202 loop corridor and sees less of that type of development in this area. He supports the project as well.

COMMISSIONER RYAN stated he has been on the fence with this on. He thinks with KB to the north it kind of set precedence for this micro-area and he would like to see this development continue. He states that this would probably be the furthest south residential development on Arizona Avenue, other than going down to Fulton Ranch. He thinks it is the way the area has developed, he thinks it's turned out pretty good and knows he's sat on the commission a long time ago when they did the Area Plan for employment along the corridor, and it was mostly because of the potential of that railway being the transportation corridor for Chandler. He states he would like to see what the conditions would if they were to vote yes. And would like to add stipulations if it is approved. Such as, Plan 28-27, he thinks he will leave it up to Staff to work thru with them, it has a weird elevation, and it has a box on the front of a nice elevation. He'd like the applicant, if approved to work with staff. He sees so much around town where the narrow setbacks, and this one's got a 7 and 5 yard setback, where there are two, two story adjacent to each other, he would like to go with a 14 ft. yard total setback. This means they would have to flip the setbacks. He won't give on that and kind of complicates things a bit. Those are the only two things to add if approved.

MR. KEVIN MAYO, PLANNING MANAGER stated, in terms of stipulations, he held up three pages of standard conditions stipulations that go with anything residential that is in the Airpark, As well as five more at the end that are traditional evolutions of stipulations today, and adding the final stipulation for Two- story homes shall pair the 7 ft. side yard for a total of 14. He explained to the the City Attorney, in the interest of time, the stipulations have been given to the applicant for consideration, however, they are not in any printed record. So he asked the City Attorney if it would be preferable to pass the stipulations to the commissioners or passing them out so they can read them.

MR. SCOTT MCCOY, ASSISTANT CITY ATTORNEY suggested in the interest of brevity and rather than reading all three pages of stipulations into the record, if copies are available that can be handed to the commissioners and give them an opportunity to review them and make necessary comments they might have, would be appropriate under the circumstances.

CHAIRMAN PRIDEMORE explained to the audience to bear with them for a second as they work through the paperwork.

COMMISSIONER RYAN stated if there are additional stipulations that need to be made as far as the noise buffering.

MS. JODIE NOVAK responded that stipulations 12 and 13 are the special disclosures stipulations that go into the Deed of record and also disclosure statements that the builder has to have each homeowner sign when they are buying the home and goes into the public subdivision report purchase report, CCNR's that lets them know they are next to the railroad track and there will be noise forever, and there will be noise from the airport forever, etc. There is also the standard Airport Airpark Area stipulation number 11 which has several components A through G, and a statement on the final plat that get recorded that talks about that. Also, stipulations in regards to the homes having to have noise mitigation to make sure it reduces noise levels as well as the type of construction materials. There's a lot of standard stipulations that they do for single-family residential that are building anywhere near the Airport Airpark Area. If there are stipulations that want to be added into this, they would follow number 18. She asked Commissioner Ryan to clarify what he wanted on number 19 regarding plan 28-27 and will come up with a number 20 for the setbacks.

CHAIRMAN PRIDEMORE stated for the record if they can keep the generic stipulation "the applicant will work with staff" on the architecture, So that they are not focusing just on that one plan because there might be some other stuff. So keeping it general would be best.

MR. KEVIN MAYO stated if it is ok they can take it as a direction to staff to work on that housing product and simply deal with it administratively after the fact and the condition is not necessary. It is important to note seeing in the various approvals lately that they have been splitting the rezoning and Preliminary Development Plan stipulations. On the list, stipulations 1 through 13 are really the appropriate land use ones that belong in the ordinance and as part as the rezoning approval. Stipulations 14 through 18 effectively become PDP steps 1 through 5 and we would be adding stip 6, regarding the two story homes, total side yard setback between 2 two story homes shall be 14 ft. So we would have rezoning stips. 1 through 13 and PDP stips. 1 through 6.

CHAIRMAN PRIDEMORE stated to be clear with whatever motion is made, there will need to be four separate motions for each of the Area Plan, rezoning, PDP and Preliminary Plat and looked for a motion.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER RYAN** to approve Item A, APL14-0007 Airpark Area Plan Amendment for the Enclave at Hamilton Ranch with the appropriate stipulation document that was handed to them and mentioned by Staff. Action Item A on the Agenda passed 5-2 (Commissioner Cunningham and Commissioner Donaldson voted no).

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER RYAN** to approve Item A, DVR14-0019 Enclave at Hamilton Ranch with the appropriate stipulation document that was handed to them and mentioned by Staff. Action item A passed on the Agenda 5-2 (Commissioner Cunningham and Commissioner Donaldson voted no).

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER RYAN** to approve Item A, for the Preliminary Development Plan portion of DVR14-0019 Enclave at Hamilton Ranch with the appropriate stipulations and stipulations 19 and 20 added by Staff. Action item A passed on the Agenda 5-2 (Commissioner Cunningham and Commissioner Donaldson voted no).

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER RYAN** to approve Item A, PPT14-0012 Enclave at Hamilton Ranch subject to the stipulation recommended by staff. Action item A passed on the Agenda 5-2 (Commissioner Cunningham and Commissioner Donaldson voted no).

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager had nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

VICE CHAIRMAN BARON stated the next regular meeting is March 18, 2015 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 6:38 p.m.

Matthew Pridemore, Chairman

Jeffrey A. Kurtz, Secretary