

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 20, 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 Vice Chairman Baron.
3. The following Commissioners answered Roll Call:

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

Absent and excused:

Commissioner Katy Cunningham
Commissioner Ryan Foley

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, 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 April 15, 2015 Planning Commission Hearing. The motion passed 4-0. (Commissioner Ryan abstained since he was absent April 15, 2015. Commissioner Cunningham and Commissioner Foley, absent)
5. ANNUAL PLANNING COMMISSION BUSINESS MEETING
Election of Officers:
 - A. Chairman
 - B. Vice Chairman

CHAIRMAN PRIDEMORE stated the next item of business; the annual Planning Commission Business meeting, which is the election of Chairman and Vice Chairman. It is done every year in the month of May. He then opened the floor for nominations for the office of Chairman and Vice Chairman.

VICE CHAIRMAN nominated Chairman Matthew Pridemore to continue his chairman for another year. A vote was taken and passed unanimously 5-0 for Matthew Pridemore as the new Chairman.

COMMISSIONER DONALDSON nominated Vice Chairman Andrew Baron to continue his Vice chairman for another year. A vote was taken and passed unanimously 5-0 for Andrew Baron as the new Vice Chairman.

6. 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 were two action items; Items C and H.

A. DVR14-0042 GREYWOOD PROFESSIONAL OFFICES

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former Agricultural District (AG-1) zoning. The existing PAD zoning is for an office building on approximately 2 acres located south of the southwest corner of Frye Road and Gilbert Road, north of Pecos Road.

Planning Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three years with all of the conditions in the original approval remaining in effect.

B. DVR15-0011 THE GATES

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development, or to cause the property to revert to the former Agricultural (AG-1) zoning designation. The existing PAD zoning designation is for a retail commercial development on an approximately 18-acre site located at the southeast corner of Gilbert and Ocotillo roads.

Planning Staff, upon finding consistency with the General Plan and SECAP, recommends approval to extend the timing condition for three years with all of the conditions in the original approval remaining in effect.

D. PDP15-0004 ALLRED PARK PLACE

Approved.

Request to amend Preliminary Development Plan (PDP) Stipulation No. 8 in case no. DVR13-0032 ALLRED PARK PLACE to reduce the number of rooms in the Conference Center hotel on approximately 30 acres located at the southwest corner of Price and Willis roads.

Preliminary Development Plan

1. Compliance with original conditions adopted by the City Council as Ordinance No. 4541 in case DVR13-0032 ALLRED PARK PLACE, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Preliminary Development Plan case DVR13-0032 ALLRED PARK PLACE, except as modified by condition herein.
3. Preliminary Development Plan (PDP) Stipulation No. 8 in case no. DVR13-0032 ALLRED PARK PLACE is amended to reduce the number of rooms in the Conference Center hotel from 300 rooms to 264 rooms.

E. LUP14-0023 GOGI

Approved.

Request Liquor Use Permit approval to continue to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within an outdoor patio. The restaurant is located at 2095 North Dobson Road, Suite 8, in Dobson Park Plaza.

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.

F. LUP15-0005 ESPO'S MEXICAN FOOD

Approved.

Request Liquor Use Permit approval to continue to sell and serve liquor as permitted under a Series 12 Restaurant License along with an extension of premises for an outdoor patio to sell and serve liquor for on-site consumption, and live entertainment. The restaurant is located at 3867 W. Chandler Boulevard.

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 other store location.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
5. The patio shall be maintained in a clean and orderly manner.
6. Live entertainment shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
7. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

G. LUP15-0006 PALETTE COLLECTIVE

Approved.

Request Liquor Use Permit approval to sell and serve beer and wine as permitted under a Series 7 Beer and Wine License for on-premise consumption indoors. The new beauty salon is located at 2100 South Gilbert Road, Suite 22, in Mill Crossing.

1. The Liquor Use Permit granted is for a Series 7 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.

I. ZUP15-0001 SAN MARCOS GOLF RESORT

Approved.

Request Use Permit Extension approval for the continued operation of a maintenance/cart storage facility in conjunction with the San Marcos Golf Resort. The subject site is located south of the southwest corner of Chandler Boulevard and Dakota Street.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require a new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner. Use Permit approval does not constitute Final Development Plan approval. The site must conform to all applicable City regulations.
3. The Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
5. Storage shall be contained within the confines of the existing chain link fence. Non-compliance with this condition shall void Use Permit approval.
6. Building permits shall be obtained for any structure or assembled object used to shelter material from the elements that is placed upon the property.
7. There shall be no maintenance-related deliveries between the hours of 10:00 p.m. and 6:00 a.m.

CHAIRMAN PRIDEMORE stated he had two speaker cards for Item B, Dan Resnick did not wish to speak, however, opposed to the extension on the PAD development and thinks it should revert to AG-1. Second speaker card, Contance Syca.

MS. CONSTANCE SYCH, 3427 E. GLACIER PLACE, stated she wanted to say a few words about how there is no need for additional development on that corner. When commercial zoning was approved for that area, the area on the south west corner was designated for Municipal use and supposed to be a fire department and a water treatment station. Since that time it has been rezoned commercial and we have an excellent development with a Fry's and many other stores and restaurants. I frankly think that we don't need additional development on the corner. Additionally, I would say the traffic would be a mess if we had development on the south east

corner and south west given that the south west corner is supposed to be quite a large commercial development. Thank you.

CHAIRMAN PRIDEMORE asked the audience if anyone had any questions for the speaker or would like to make a statement on the consent agenda. There was none.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER DONALDSON** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed 5-0 (Commissioner Cunningham and Commissioner Foley, absent).

ACTION:

C. PDP15-0003/PPT15-0008 THE PLANT

Approved.

Request Preliminary Development Plan approval for site layout, building architecture, and a comprehensive sign package for a commercial shopping center and Preliminary Plat approval for an approximately 8-acre commercial shopping center located at the southeast corner of Gilbert and Ocotillo roads.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "The Plant", kept on file in the City of Chandler Planning Division, in File No. PDP15-0003 The Plant, except as modified by condition herein.
2. The commercial development standards shall be in accordance with the requirements of the Southeast Chandler Area Plan.
3. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
4. Landscaping shall be in compliance with current Commercial Design Standards.
5. Raceway signage shall be prohibited within the development.
6. The site shall be maintained in a clean and orderly manner.
7. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
9. The freestanding pads shall carry an architectural level of detail similar to front facades of main building.
10. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
11. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
12. The applicant shall work with Planning Staff to provide enhanced pavement treatments (pavers or stamped concrete) all site entrances.
13. Light shields shall be installed on all light poles located in the rear of the shopping center.

- 14. The applicant shall work with Staff to provide additional screening, whether a wall, landscaping, or combination thereof, commensurate with the agrarian architectural design presented, along the eastern property line for the area and length adjacent to the Mayor space.**
- 15. The applicant shall work with Staff to provide screening to mitigate vehicular lighting from the drive-thrus.**

Preliminary Plat

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

MR. ERIK SWANSON, SENIOR CITY PLANNER stated he will try to keep it brief but thinks history is important. For the record the request is for Preliminary Development Plan approval for site layout, building architecture and comprehensive sign package, along with Preliminary Plat approval. The overall site is roughly around 8-acres that applies to the particular request. The site is located at the south east corner of Ocotillo and Gilbert roads and with part of the larger The Gates Commercial Development. To the north is the Layton lakes single-family residential subdivision, to the east is Quail Springs, to the west is now the future Fry's, and the south half of this piece is vacant land that zoned for commercial. As commission briefly discussed, this piece occupies the northern portion of The Gates development.

The Gates Development was originally roughly 18 acres; this applies only to the northern half of the original Gates Plan was. The original zoning was done in 2008 and part of the SECAP and designated for commercial. It went through an extension in 2011 and again it is going through that extension process. The site is cut in half from what it was originally shown. He states staff has worked with the developer to try to ensure that future developments can occur either in a commercial format which is what the zoning is currently designated for, or for some other capacity that can accommodate that. With that said, there are a number of access points two along each road frontage with the southern drive being the shared drive with the future developments ones that comes in.

As for the SECAP requirement, they took a look at the architecture and site layout and tried to insure that it relates to the agriculture heritage of the area. So in that particular case, staff believes it has done that, they don't have any descriptions as to what exactly it needs to look like or needs to be designed. But they have recommendations for materials and how it will over all feels. He believes it has met that. When the site plan is looked at, staff tried to focus on the entry design with the intersection corner as well as along the access points to the site. They want to relate back to the original agrarian heritage. Staff believes the developer has done a good job reverting back to the agrarian motif for the architecture. There was a neighborhood meeting and roughly 30 neighbors attended and shared a lot of comments. Some of those comments are further outlined in the staff memo as well as attachments.

Following the neighborhood meeting, staff and the attorney representing the developer met with two representatives from the HOA and neighbors to further discuss those items. They have been in routine contact via email and stated he has received a number of comments from other

neighbors. Some of those concerns that were outlined by the HOA representative speaking for the neighborhood at that point in time is outlined in the memo but generally covered light shield for the development, pitch roof color, incorporating pavement treatments and increasing the landscaping along that eastern edge. Those were the kind of four big ticket items. Following the writing of the memo, staff has received some emails that there are some additional concerns requesting walls and additional trees. What it boils down to is providing an adequate buffer between this site and the residential to the east. The developer has agreed to do the light shield, and agreed to change the color of the pitch roof that is illustrated in the elevations. Also, has agreed to incorporate pavement treatments, so, the only issue is how to address the buffer, in which majority of the neighbors want to speak about. With that, staff is recommending approval. Staff has worked with the developer and has gone back and forth with some of the neighbors' concerns and again, the only outstanding issue is the proper buffering screening between the developments to the east of this site. He stated he'd be happy to answer any question.

MR. GARRY HAYS, 1702 E. HIGHLAND AVE., states he lives down the street from the proposed development. He explained that it is something that it is in his neighborhood and community and is very proud of it. He hopes that after today, they are all proud of it as well as the neighbors. He states he appreciated staff's work with the project. He explains that Mr. Erik Swanson is correct they have worked closely with staff and he has met with the two representatives from the HOA at least twice and has had several phone conversations. He has addressed a lot of their concerns. He stated he briefly wants to talk about the development and the developer, which were present Brian Frakes and the architect Dean Munkachy, and engineer Troy Peterson. A little bit about Brian, he is the principle of common bond and Brian has done several developments that everyone might be familiar with. (He referred to the illustration shown) The last three ones he has done are The Yard on 7th street, The Yard in Tempe and the Zinburger in Gilbert. He explained that Brian does great quality work and Brian came to him and talked about the project and he said that he wanted to do something that was going to "knock it out of the park". He looked into the Chandler marketplace which is on Chandler Heights and Gilbert Rd where the Bashas is. He states that is the gold standard for SECAP. He said he wanted his to be the Golden one moving forward and believes they have gotten there.

At the neighborhood meeting, there were some questions that were brought forward, and Erik sent him an email that they asked for texture payment at entrances and agreed to that. They asked for the light shields, also agreed to that. They asked for the painting of the back wall and agreed to that. The neighbors also asked for them to work on the buffering between the subject parcel and their parcel. This parcel is a unique one in many ways because it is broken off by a canal and created an island and you can see that on the illustration (the canal) of the landscape plan. He stated when they first came in; they had every 50ft., a tree which equated to 10 trees. After meeting with the neighbors, they changed their landscape plan and were submitted after the booklet was submitted because they wanted to make sure they addressed it. They went from 10 trees to 29 trees. And also between each tree, put 6 sage specific shrubs that would create that dual level of lower barrier and higher barrier. So they went from trees every 50ft to trees every 20ft. What Brian is trying to create is an open concept the way it comes off the canal, the way they get into the development, to have part of the community. It is very important to him and he states that Brian thinks he can create something that is going to work well. He states he wants to listen to their comments and talk about it afterwards. But what is going to be said is that they

want buffering and screening. Mr. Hays states they want to do that and want to make sure that they are good neighbors. With that said, I will answer any questions.

CHAIRMAN PRIDEMORE states several speaker cards were submitted regarding the item.

MR. SAMUEL SMITH, 3450 E. YELLOWSTONE PL., States he lives in the Quail Springs development that is adjacent to the proposed development. He states he tends to agree with Ms. Constance Syca who spoke earlier. He doesn't think they need another commercial development in the community. He states there's a Fry's that was originally proposed to be a community park which was rezoned for commercial. He feels as though many community members or residents in the community feel as if there seems to be an overdevelopment of commercial. It seems like every mile or so that there is another commercial corner. Another grocery store, as great as Sprouts may be, he does not think it is something that enhances the community and that is what they are looking for. The park enhances the community, another commercial development does not. With that said most residents understand that it's currently zoned commercial and would be very difficult for them to fight it. All they are asking from the developer is to understand their perspective that there is a park with the community members use and don't want to be looking at the back of a loading dock. He states Gary had a couple discussions and moved in the right direction, but does not think there is enough buffer to provide them with the privacy that they would like. Unlike any other commercial development in the area, he thinks and he has driven around, this is the only one that is being developed adjacent to a park that has few fencing.

Other commercial developments including Sprouts on Alma School and Queen Creek that backs up to another neighborhood has a wall, and in fact, every commercial development he has driven by, Fry's or a grocery store of some type or large scale commercial center always has a wall. Reading the emails from one of the community members had sent, it tends to be somewhat of a City standard set when developing commercial there is a wall that boards the back of that commercial center. He thinks by looking at the plan and its frontage, it does look great for commercial development. He states he is the president of the Home Owners Association and speaks for them. He states would they rather not have it and rather have a residential community? He states he thinks 99% of the community would say yes. As great and convenient Sprouts maybe. With that being said he states he understand what the zoning is. All they are asking for is for something that is going to enhance the community. He states this commercial development backs up to a path that people walk along. He doesn't think they want to see a loading dock and believes there can be a little bit of creativity with the commercial plan, something that would be unique, but is really not. Mr. Smith thinks what they would like to see is a 9ft. wall with landscaping or trees on the outside of that wall, just like the development on Queen Creek and Alma School. Mr. Smith states he hopes he can work the developer and hopefully they can consider their opinion, there are a lot of people that attended and he knows that Erik received a lot of letters but that is where he stands.

COMMISSIONER WASTCHAK asked staff if the previously approved development have a wall along that eastern boundary?

MR. SWANSON responded, the previous "The Gates" project did not have a wall. What Mr. Smith brought up was the similar use land use buffer, which he is correct, typical design standard

that they implement when dealing with the interface of Commercial and residential adjacent to each other. What that equates to is roughly a 6ft. wall with 12ft. trees planted 20ft on center. Then, 5 or 6 shrubs per tree are basically what it equates to. When they look at this and “The Gates” process, he recognized that while there is residential east of there, it is not a direct connection. Then there is a large RWCD canal in the way. In some sense it created that buffer that was needed. In addition what he had concerns with in this particular case was the creation of almost a no man’s land or even kind of a dangerous situation where there is a wall that blocks off the back side of the canal that people just can’t see through. Normally, they do require the wall; in this case, he thinks he can let it go because there are some safety issues there. As they looked at it, it also creates just a floating wall because they are not doing the whole commercial piece, only the north half. It would just be a segment that doesn’t turn and just end, so there is not completion to it. Looking at that, it was just one of those things that they can get rid of the wall, similar to what the “The Gates” originally had.

COMMISSIONER WASTCHAK asked if the previously development had no wall, but understands there is a loading dock now. The applicant is putting trees and everything in to block that, how did they come up with 9ft wall vs. the standard 6ft wall?

MR. SMITH responded it was open for compromise. When they looked at the tree buffer, it is going to take about 4 to 5 years for the trees to mature and provide actual blockage. He states they have view fencing. He states it is open for compromise and it was not a number that was pulled out of the air, but it seems to be that the 6 to 9ft seems to me the rule of thumb. Mr. Smith states a point in regards to “The Gates” community, that their HOA community didn’t take over until the Fall of 2009. There was not much community involvement as much as there is now, with the HOA being involved. Not to say people didn’t know about through the signage and commission meetings. He doesn’t know if the same responds would have occurred if the community was still being developed. He thinks that maybe half or two-thirds of the community was even built. The other item Mr. Smith wanted to mention is that they want to set somewhat of a precedent since it is only half of the parcel. The other half of the parcel is going to be developed by someone else, so, they want to make sure that it is going to be something that is continuous. If it is going to be residential, since the north west corner was rezoned from commercial to residential, then there will be trees and then a wall. This tends to be with communities because there are homes that back up to a wall. He believes a precedent for design should be made.

COMMISSIONER WASTCHAK commented to Mr. Smith that he mentioned earlier that he knew it is commercial and was approved for a previous plan. If the site plan comes through it is his understanding they can built what’s already there, with no wall and no articulation to the eastern elevation to that site. He wants to make sure Mr. Smith understand that if there are changes that causes problem for what they are asking for, he might get something worse to what is drawn. He asked Mr. Smith, as far as screening goes, did they ever consider that the wall will only be for the back where the loading dock of the back of the Sprouts, only a portion. He asked Mr. Smith if it was ever a discussion of only a portion being covered with the wall.

MR. SMITH responded with a no, due to setting a design precedent for the rest of the development. There are shops 4,500 sq. ft. on either side, or 10,000 on one side and 4,500 on the other side of Sprouts. So they will have deliveries of some type but maybe not a loading dock.

COMMISSIONER WASTCHAK asked Mr. Smith, would it be a problem if the wall was only behind the part that is most objectionable? If that was an alternative proposed by the developer.

MR. SMITH stated he would have to think about that because it would be a bit odd to have landscaping and then wall, then landscaping. He stated he knows there needs to be a potential solution but he believes it would be incongruous. Exhibits were shown of the back of the Sprouts on Queen Creek and Alma School that has a wall and significant amount of trees, and homes about 120 ft. from the back of the sprouts. All they are asking for is the same thing.

MR. DAN RESNICK, 3316 E. GLACIER PL., stated he lived at the second house from the park at Quail Springs. He wanted to get a clarification from Eric. When “The Gates” was put in, they spoke in regards to the buffer. The major anchor was going to be facing north, this one backs up to the plan and they had a 30ft. service drive in the “The Gates” development and a wider buffer zone for landscaping and trees. The developer is proposing 10ft. border in their plans along the canal with the trees and 24 ft. from that border to the building. That is only 34 feet, then a much larger border with 30ft. service drive and 20 ft. plus in the plans for landscaping in the plans before. Another thing in the plans, it calls for a 50ft. setback, which is standard in Chandler from both Ocotillo and Gilbert Road with landscaping, retention areas and the question is why are they not doing that from the canal? 50ft. He stated he sent an email to Eric that he does not feel the aesthetic design of the plan then keeping with the agrarian and low character of south east Chandler plan that is on the planning site. If one goes down to Chandler Heights where the Bashas is and mentioned earlier. It has a lot more rural feel, and has steel girder shelling, more industrial feel from the pictures that they saw. It has a lot of glass and a lot of steel. It is not in keeping with the rural character and the agrarian character of south east Chandler. Some of the other concerns are the increase in noise from the loading dock, which will face the park and development.

The intersection of Gilbert and Ocotillo has recently been completed and widened. Over time there have been a lot of accidents at that intersection prior to the completion. He states if someone drives by there, the memorials of people that have passed. Like other people say, if more retail is added, more traffic which increases the chance for more accidents. When they talked about the opportunity for grocery shopping and retail within a 5-mile area, just as the developer’s lawyer stated that he is proud of the south east Chandler area. So is Mr. Dan. However, the proposed development will not be right next to that development. There are about 7 market places, Fry’s, Artesian, Bashas that is one mile from that intersection which is a two minute drive. Wal-Mart, Target up the street on Gilbert both 2.1 miles which is a 4 minute drive. Albertsons on Gilbert and Riggs, only 2.2 miles, and Fry’s market place down on Riggs and McQueen. The closest Sprouts is 9 ½ miles away on Valvista drive and Gilbert only 17 minute drive from the intersection. So when the rural and agrarian character is kept, things don’t have to be right next to each other. Those types of increased developments would hurt, open space is better.

MS. CONSTANCE SYCH, Stated Quail Springs residents purchased their homes in this development with the understanding that the corner parcel would be developed as an upscale shopping area that would be an asset to our neighborhood. “The Gates” plan calls for about 70 to 75 ft. of attractively landscape border between the canal and the rear of the shop along the canal. Which would conceal the rear of the building from the Quail Springs Park and enhance the view from the equestrian trail along the canal. “The Plant” plan calls for Quails Springs resident to put up with the site of the rear of the large grocery store, the noise of the delivery trucks and the stench of the garbage from the dumpsters. The anchor stores have been relocated closer to the parks and homes and the back of the store comes about 24ft. of the property edge. The only landscaping they propose is a thin straight line of seasonal trees which would be the rear of the store in full view, viewed by homes and to those using the parks and equestrian trail. Such an eye sore will also bring down the value of the homes and diminish the use and enjoyment of the park to the Quail Spring residents and trail users. “The Plant” also has no other businesses interested in locating there other than the Sprouts. The developer indicates there could be restaurants and a bank there. She stated the plan seems to indicate that the restaurants would be fast food chain restaurants, but she stated they already have about every fast food chain located two miles north of them and many places have come and gone already. The area can only support so many types of chains. She stated it is not the sort of entity that will enhance their neighborhood and the empty buildings will continue to be an eyesore long after the businesses have closed up.

The style of The Plant development is not in keeping with the old rural village style but the developments in the area. The Plant style is more of an industrial style that calls for using inexpensive and unattractive building material. Other developments in the area have taken care to make the area appealing by using water features, stone, attractive plants and trees. The Plant plan is lacking in all of these aspects and will stand out as an eyesore to the area, rather than become an asset. She stated the low-budget industrial design does not belong in that area of Chandler that is designated to be agriculture and residential uses.

CHAIRMAN PRIDEMORE stated he had a speaker card in favor of Item C from Amy Nations in which did not wish to speak.

CHAIRMAN PRIDEMORE opened the floor to anyone else that wished to speak in regards Item C.

MS. STEPHANIE HAWKENS, 3381 E. YELLOWSTONE PL., stated her understanding that the City has a limit on an 8ft. wall.

MR. SWANSON He explained that they typically don't allow it just from a permitting stand point, design standpoint, and overall stand point. He stated a typical wall would be 6 ft.; however, they can go up to 8 ft.

MS. HAWKENS stated she wanted to specifically ask that for a 9 ft. wall, but the 8 ft. would be according to the guidelines. Also, because her understanding is that development is set at a lower elevation?

MR. SWANSON stated it is because there is a natural what appears to be a change in elevations. However, what the difference is between the park and the subject site, he doesn't know if theirs is 2 ft. or 3 ft. lower. But stated that the particular set is probably about 2 ft. lower maybe 3 ft. lower than the top of the canal path. He stated there recession of that, but on the other side it is kind of the same thing.

MS. HAWKENS stated her concern is where her homes are and where this wall may or may not be built. The shorter it get, if it is already being set at a lower elevation, the more they are going to see. So if possible the maximum height of the wall they can get is what they are asking for.

MR. ROBERT CARLSON, 3313 E. ZION WAY., stated he wanted to thank everyone that was there and are from Quail Springs. He stated everyone did an excellent job in explaining the concerns that he's been hearing. He stated he is also on the HOA board with Sam Smith and wants to address some of the things that he thinks maybe they missed a little bit on the elevation part, when they talk about the wall size, he thinks Sam mentioned 9 ft. maybe it is closer to 8 ft. because of the elevation. If one looks at the wall over Alma School and Queen Creek Sprouts, it is probably 8 or 9 ft. then it goes to 6 ft. because of the elevation changes and he thinks they are looking for a size larger than 6 ft. is because of the elevation. He stated that Garry mentioned to him that it is 4 or 5 ft. of the elevation from where the farm is but he thinks it may be 2 or 3 ft. So that would make it more like 8 ft. that they are requesting.

Another thing he mentioned is the building, when they originally requested he agreed that an open concept would be great, but that was on the understanding there would be a landscape buffer and birming, something that would separate or add because they walk on those trails that are right by there. A lot of things are talked about regarding the park, but here is also a walking trail against the canal that is even closer and higher up elevations then the park or the rest of the community. The other thing he wanted to touch base on is the 45 ft. wall was not part of The Gates. The anchor property was located on the south side rather than facing the park. That has always been the biggest concern. If it could be extended and take some of that buffer that is up at the front that is 50 ft. to get a little more buffer on the back then they would be interested in looking at having an open concept. They have been told because of the parking that is going to be in that complex that 10 ft. is basically all they can get and the birming cannot happen because of flooding or other concerns that they had. It wasn't that they were so much against, even though some people were against open landscape, it was the 10 ft. is so limited. He stated it is not so much view from the park. It is the views from the walking trails. People walk, and ride their bikes, people that still have horses ride on the canal. All they are looking for is having something added to that back side. If they are going to get 45 ft. wall give them something that will take away a little from that. For example, more landscaping, more birming, something like the front. If they back were like the front, they would be much happier than what they currently are.

MR. MARK, 3387 E. GLACIER PL., stated he had another concern regarding the view fencing to the neighborhood, every night he thinks cars are going to be coming through the fast food and lights will be shining through the neighborhood. He stated with the current view fencing that they're proposing there is nothing to stop the traffic or the lights from the cars. He stated something must happen there to restrict those car lights. In regards to elevation changes,

they were told they were 3 to 4 ft. below the neighborhood that is incorrect. If one looks that their neighborhood street and you shoot the elevations of the streets from Gilbert, they are not going to sink the subdivision down below Gilbert Rd?

MR. SWANSON stated he does not know what the elevation is but from the flooding stand point or from a flow from retention your open park operates as where that water would go. It is part of the flood control district for the area. That would be higher than what the park is. Stated it will be very close.

MR. MARK, in regards to the streets and the elevation of the parking lot is going to be almost identical; he just wanted a misconception being lower than his neighborhood.

MR. JOHN REYNOLDS, 3470 E. YELLOWSTONE PL., stated if he walked out his front door and looked to the right he had the park. His concern is instead of having the park and horizon there will be a big building in front, which is an eyesore and will potentially bring down the value of the homes.

CHAIRMAN PRIDEMORE asked the audience if there was anyone else that wanted to speak in regards to the item. There were none. He thanked everyone who spoke. He turned it over to the applicant.

MR. HAYS displayed a reference exhibit on the projector of the previously approved The Gates PDP and PAD and he wanted everyone to notice that there is a 10 ft. landscape buffer with no wall. The access and the canal, which is the exact same thing they have proposed. There is also a straight line of shops with no articulations, just a straight line of a wall. He feels that what's going to happen with the development will have less of an impact on the community. He displayed the proposed exhibit and demonstrated some open space and trees and mentioned that the landscaping buffer will help with the lights, which was a concerned mentioned. Also, he mentioned that Sam spoke about the loading dock. He states it is important to talk about that, he demonstrated the exhibit. He stated there is an 8 ft. wall that is recessed and also the loading dock recessed 4 ft. So there is already an 8 ft. wall and 4 ft. recessed. He mentioned he wanted everyone aware that there is already screening with the wall.

The screen wall was composite with black; it is not just stucco wall. They want to be good neighbors and they want it to look nice. There is white color on there that the neighbors asked to be changed. We have agreed to that as well. He stated his wife is a frequent shopper at Queen Creek and Alma School. He displayed an exhibit, showed the loading dock. The wall to the nearest resident is 126 ft. away. He checked with Jennifer Morrison the Community Relations and all the neighborhood associations are ran through her. He spoke to her about noise, smell and had her check in her data base to see if there have been any complaints. Carinos Estates is the community they researched, her and Judy Ramos reported back with zero complaints and zero issues.

Judy Ramos is the one that runs the HOA program stated if there were issues they would have heard about it since they have regular dialog with Carino Estates. They worried about that to, he stated that they want to make sure the neighbors are not going to hear or be disturbed. They had a

site drawn for Robert, Sam. He states they had great conversations about it. They wanted to know what it would look like. Mr. Hays showed 3 exhibits, one with a line of mature trees. He explains that he asked Sam to take pictures of the neighborhood. He displayed on the exhibit the elevation change, standing in front of the Ramada looking east. Showing that part of the canal goes up and it goes down the parcel. He wants everyone to understand including Robert and Sam that they want to be good neighbors. He wants to make sure it is not going to have an impact on them and they took into account everything that was discussed. They went with what was proposed and approved for The Gates. He will continue to talk to them and see if there is anything they can work on.

VICE CHAIRMAN BARON stated is curious about the elevation; he asked Mr. Hays if he knows the actual grade or what the difference is? And asked if there was retention on the other side?

MR. HAYS he referred to Mr. Troy Peterson and he responded with yes there is retention of blood zone.

VICE CHAIRMAN BARON stated that some folks probably don't realize that although it looks like on the previous plan that there was a whole lot of landscape area the inherent challenge with part of the Cd who is the district that regulates what can be placed in terms of plant material and trees in their easements and it would have just been granite, because they do not generally allow trees. He thinks between the two plans it is safe to say and have to agree with Mr. Hays that what was there in the old plan is what they proposed on the new plan. He explained in respect to the wall issue, he is curious from his perspective, it comes down to the larger user. If they can come up with something from a design aesthetic stand point, provide mitigation visually to that service area. He thinks they can get a little creative with what that means. He thinks for some folks, they look at it and say, how landscape can be used as a visual barrier. He thinks they can because they talked about an agriculture heritage that allows them because the term is agriculture to use landscape to create visual transition. He would be interested in hearing if they would be willing to work with designing something that has landscape integration that's a taller element.

The sage he believes it will be too short to accommodate that but if they were to use that grew taller at the same time to create a wall that from his perspective. He mentioned to the audience that he doesn't think they realize how tall an 8 ft. wall is. His cautioned that because he stated it becomes a big target for people to go and practice spray painting on. He thinks having a 6 ft. wall will have some merit but at the same time to create something that has visual aesthetic that will blend with the architecture. If a regular wall is placed, he believes it will not be as pleasing as they think. He stated having something creates a physical barrier between the service dock and the canal will probably will have some merit. A floating wall doesn't concern him that much because their design team can come up with a way to mitigate that and transition that so that it steps down, turns or gets wider, something more creative that compliments the architecture. He asked Mr. Hays if that is something their team is willing to do.

MR. HAYS stated he would be more than happy to come up with something between now and council.

VICE CHAIRMAN BARON stated what he is hearing is more of the bigger user. The headlights can be mitigated through landscape. He doesn't think they need a solid barrier there. He stated he is cautioning the audience against doing a very solid hard 8 ft. tall wall that holds distance because it is really going to feel industrial. He asked Mr. Hays how are they going to deal with the SRP lines since they have great signage and some great landscape and agricultural layering that really fits a great character of the SECAP. The challenge is that SRP has rules against putting vertical signage anything with footing with their easements essentially. He stated he would love to see it built the way it's designed. However, the challenge is that Government agency isn't quite as generous as he is.

MR. HAYS stated that in that area there's been a lot of challenges with SRP recently for various other issues. The engineer and design team will start reaching out to SRP tomorrow and try to figure out what they will allow and not allow. He stated they have great relationship with SRP based on long standing dealings with them. They can be demanding and will work with what they are trying to accomplish will also work with them. There is a 230kb line on the outside Quail Springs neighborhood so they have work with it. The actual pole is further back but they have the easement and will work with SRP moving forward.

VICE CHAIRMAN BARON asked how they can put something on the record that makes it so that whatever the design ends up, because unfortunately, with SRP the trees that are illustrated are not going to be allowed. The corner monument is a big deal and he certainly wants to see them work. He asked Mr. Hays if they can agree to a stipulation that states they will work with staff to a design that is complementary to what is there. He stated it might be difficult because it is a 58 ft. wide easement and it is big.

CHAIRMAN PRIDEMORE turned it over to staff regarding the stipulation if this project would move forward.

MR. KEVIN MAYO, PLANNING MANAGER stated he has been working at Chandler for 15 years and has worked with SRP in different aspects. It has been a moving target over the years of what they will and won't allow. He stated ultimately they have run into this in many different areas in Chandler where SRP says no to everything proposed. What the proposed PDP does is establishes a theme. The theme is carried out to hard scape elements, landscape, vertical, horizontal elements and they will do the best to work with the applicant and SRP to deliver the intent of the theme as the Vice Chairman mentioned. He stated that it seemed like if SRP rules got even stricter and keeping eroding the things that are allowed to exist in their easements. Their tool bag will be a little smaller but they should still be able to deliver a theme that is similar to that but it is going to be with a smaller diversity list of tools.

MR. HAYS stated he reassures them that Mr. Frakes will deliver a first class product and will make sure it works. He stated that Vice Chairman has seen that he does create first class work.

VICE CHAIRMAN BARON stated he wants a stipulation or something that gives staff the power to work with the applicant without having them to come back to the board to modify the PDP. He stated that it is not necessary to come back, however, in his opinion he thought the

applicant did a great job with the architecture. He stated he works with a lot of projects and stated that the level of detail and character is not a low cost alternative. He stated the material probably cost more than what one sees in a traditional building. He stated that the way it is laid out and the access to the trail itself create value to the neighborhood because it allows folks to use localized services. He stated he was certain that Mr. Frakes would not go and build a very expensive building without having done his market research to ensure that is quite viable.

COMMISSIONER RYAN stated he wanted to say a few words to let Council know where they are coming from. He stated he agreed with Vice Chairman Baron. The material finishes, architecture, color is just right for the building. He stated it is a little unusual for the area but it will blend nicely. He stated that will be a mistake to have continuous long wall on the eastern property line along the canal. He stated it is not so much for the benefit of the neighbors as it is how it impacts the canal and Paseo system. So if those that are riding their bikes or walking enjoying the Paseo, he doesn't think he would want to see a long 6 or 7 ft. wall. He stated he'd rather see a clustering of trees and shrubs in large masses instead of a linear structuring of trees every 30, 40 or 50 ft. He stated they can use the full size oleanders and that could provide a much nicer and quick screen. He would also like to see using segmented walls, short sections of wall that are offset and intergraded with some clustering landscaping along the Paseo system. He stated architecturally, the materials and finishes have been used on all four sides of the structure, but they still have a service area back that so it is important to make sure they do a certain amount of screening with plant material not just a long wall.

COMMISSIONER DONALDSON asked Mr. Hays about the screen that covers the loading dock area; he had mentioned it was a 4 ft. deep loading dock. He asked how long is the screen compared to when the loading dock begins and how much does it screen? He stated he is trying to get a sense of how much screening is done by the screen?

MR. HAYS stated he knows his architecture is doing calculations in his head, but it is important to note that is it more than half of the length of the building. (He referred to the exhibit). He stated it goes recessed so the 8 ft. will stay but will be 4 ft. lower. A little bit longer than 70 ft. is what the architect stated and Sloping 30 ft. then flat.

COMMISSIONER DONALDSON stated the visual does not show it very well but he recommended the neighborhood that there seeing that there is a significant amount of screening of the loading dock. To them it should go a long way to mitigating the view and some sounds or things that go along with the loading dock. He thanked the neighborhood for showing up since he is involved in his neighborhood as well. He stated that the articulation of the building compared to the plan that exist today is a big step up, compared to what was there. For example the landscaping and buffer was the same and the long wall that has no articulation. He stated that is a plus for the neighborhood. He stated that he heard a lot of people mention that it is just not the neighborhood of houses and how far it is from the houses but that's their park and a part of their neighborhood. So the distance between the project and their neighborhood really is the beginning of their park. He doesn't know what that distance is.

MR. HAYS stated the distance from the projects property line to the neighbor's property line which is actually the trail and then the view fencing then their landscaping buffer. However, from the project property line to their first property line is 65 ft. and that is the RWCD canal.

With their access road, the canal itself, the neighborhood, he is not sure if they own it or maintain it but he knows there is a big portion there that it is outside their fence and thinks that is where the 65 ft. goes to. So from their property line to their trail is 65 ft. and they have trail view fencing, landscape and their grass area which is their park. He did not have their numbers.

COMMISSIONER DONALDSON stated that his point is that is not 500 ft. from their neighborhood because the park is part of their neighborhood. He stated for him it makes it more important.

COMMISSIONER WASTCHAK Stated he would like to add to the booklet because it is not clear that the screening wall behind to the top is 8 ft. from finish grade. It does not say that but he would like to have that noted. He stated he had another question in regards to something that is not in the booklet but in the packet that Erik provided to them. (An exhibit was displayed). He stated when he looks at an aerial the park area, it looks like there's existing trees in that area, but when he looks at the aerial there are no trees.

MR. HAYS (Displayed an exhibit) stated they are trees and shrubs.

VICE CHAIRMAN BARON stated for the commission to consider, he is looking at the perspective of the screen wall on the loading dock, then they are also asking the applicant to consider doing some combination of varying height, length or some kind of mitigation through landscape. What he was curious about is why are they putting the screening wall on the loading dock and putting another on the property line? It seemed to him as if it is a duplicate.

CHAIRMAN PRIDEMORE stated from past comments they would be looking at applicant to work with staff on. He stated they can specially identify certain areas but he agrees that the redundancy in that area is not needed. However, he stated if a stipulation could be added and worded in such way that they are not building a wall the length of the eastern property.

VICE CHAIRMAN BARON stated that the applicant has designed something that has a lot of character and that is the cost there. So maybe removing the wall from the loading dock and spent the money in creating something more interesting on the property line, it would be a win win. It would be offsetting some cost for the developer at the same time creating something that still has an architectural character that is complimentary. He is trying to think out loud because he understands there is a lot going on and he is trying to find ways to reach a happy median.

MR. HAYS stated the architect have to be careful about safety.

CHAIRMAN PRIDEMORE stated some additional screening is wanted along the eastern property line. He doesn't think a solid wall is necessary; his biggest concern is security for everyone that uses the pathways on the canal. He stated green screen or perforated metal will still get some views, so no is hiding as neighbors try to use the facilities that are available to them. He stated a stipulation needs to be added to make sure something covered additionally for the eastern property line and he is willing to discuss what that would be but he stated they all agreed that they need to do something. They do not want to let the case go through the way they are looking at it out and it looks like the applicant and owner are open to adding such.

VICE CHAIRMAN BARON asked Erik what he thought about the wall and what stipulation they can use.

MR. SWANSON stated he created two additional stipulations written down. One is addressing the wall and screening. The second one would be addressing the lighting of the drive-thru to ensure the proper screening to mitigate that. Condition No. 14. The applicant should work with staff to provide additional screening, whether a wall, landscaping or a combination thereof, commensurate with the agrarian architectural design presented, along the eastern property line for the area and length adjacent to the Mayor space. Condition No. 15 The applicant shall work with Staff to provide screening to mitigate vehicular lighting from the drive-thru.

CHAIRMAN PRIDEMORE stated he would like it to state drive-thru's in general.

VICE CHAIRMAN BARON stated that gives it flexibility to be creative on the design that is what they were asking for. He asked Mr. Erik Swanson if it needs to say anything about height, specially.

MR. SWANSON responded that it if he understands him correctly that there is some flexibility whether it's something that is solid structure, perforated structure or if it's an increase in landscaping and if the height gets there to cover that, he thinks it is ok with not saying that it needs to be an 8 ft. wall.

VICE CHAIRMAN BARON stated he agreed and the most important for them is to see some articulation so it's just not a straight horizontal plane. Because the architecture itself has a lot of geometry on it and he doesn't think he wants it to track from that.

MR. MAYO stated for clarification for staff, as everyone heard from the neighbors, it does not appear to be an in goal to screen the entire facility. They highlighted various things such as the loading dock and head lights of the exits of the drive - thru. That is the end result and goal is to screen the effects of the loading dock and the exits, any of the service areas of the Sprouts. That will be directed they will take when they work with the applicant. Not necessary screen out the entire center because that would result in a solid wall.

VICE CHAIRMAN BARON stated he agreed and thinks they need to let the design team come up with something that has the articulation that meets the intent of what everyone is talking about without being overly described.

MR. HAYS stated the stipulations that Mr. Erik Swanson has crafted to address the two issues takes care of Mr. Kevin Mayo's concerns. They will work on it and will work with staff to create something great.

CHAIRMAN PRIDEMORE asked Mr. Hays if his client was ok with the stipulations created.

MR. HAYS stated they were ok.

VICE CHAIRMAN BARON asked if there needs to be anything written down for the SRP easement.

MR. MAYO stated in the event that they are not able to deliver the intent of the design; they would have to come back. Nobody would want to do that and they will work hard to deliver the intent with the rules SRP gives them at that time.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER DONALDSON** to approve Item C PDP15-0003 THE PLANT as read in by Staff with the noted stipulations 14 and 15. Item C Preliminary Development Plan passed 5-0 (Commissioner Cunningham and Commissioner Foley, absent).

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER DONALDSON** to approve Item C PPT15-0008 THE PLANT as read in by Staff. Item C Preliminary Plat passed 5-0 (Commissioner Cunningham and Commissioner Foley, absent).

CHAIRMAN PRIDEMORE let the audience know that they are just a recommending body. He stated all the items will still need City Council approval and stated Council meeting will be held on June 11, 2015.

H. LUP15-0009 THE PLANT (SPROUTS)

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 10 Beer and Wine Store License in conjunction with a new grocery store, and to allow for limited sampling within the grocery store. The subject site is located at the southeast corner of Gilbert and Ocotillo roads.

1. The Liquor 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 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.

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

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER RYAN** to approve Item H LUP15-0009 THE PLANT (SPROUTS) as read in by Staff. Item H passes 5-0 (Commissioner Cunningham and Commissioner Foley, absent).

7. DIRECTOR'S REPORT

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

8. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE announced the next regular meeting on June 3, 2015 at the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 7:05 p.m.

Andrew Baron, Vice Chairman

Jeffrey A. Kurtz, Secretary