

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, July 15, 2015 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Pridemore called the meeting to order at 5:35 p.m.
2. Pledge of Allegiance led by Chairman Wastchak.
3. The following Commissioners answered Roll Call:

Chairman Matthew Pridemore  
Commissioner Katy Cunningham  
Commissioner Ryan Foley  
Commissioner Phil Ryan  
Commissioner Devan Wastchak

Absent and excused:  
Vice Chairman Andrew Baron  
Commissioner Bill Donaldson

Also present:

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

4. APPROVAL OF MINUTES  
MOVED BY COMMISSIONER CUNNINGHAM, seconded by COMMISSIONER FOLEY to approve the minutes of the July 1, 2015 Planning Commission Hearing. The motion passed 4-0. (Commissioner Wastchak abstained since he was not present July 1, 2015. Vice Chairman Baron and Commissioner Donaldson, absent)
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.

A. DVR14-0031/PPT14-0014 RHYTHM

**Approved.**

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Residential with Preliminary Development Plan (PDP) for subdivision layout and housing product along with Preliminary Plat approval on approximately 30 acres located at the northwest corner of 56th Street (Priest Drive) and Orchid Lane, north of Ray Road.

### **Rezoning**

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "RHYTHM", kept on file in the City of Chandler Planning Division, in File No. DVR14-0031, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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](http://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.

### **Preliminary Development Plan**

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "RHYTHM", kept on file in the City of Chandler Planning Division, in File No. DVR14-0031, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
4. 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.

B. DVR15-0002 FAMILY BIBLE CHURCH

**Approved.**

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Church with Preliminary Development Plan (PDP) for site layout and building design approval on approximately 4 acres located south of the southwest corner of Ocotillo and McQueen roads.

**Rezoning**

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "FAMILY BIBLE CHURCH", kept on file in the City of Chandler Planning Division, in File No. DVR15-0002, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. 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.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
5. 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.
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.

**Preliminary Development Plan**

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "FAMILY BIBLE CHURCH", kept on file in the City of Chandler Planning Division, in File No. DVR15-0002, except as modified by condition herein.
2. The site shall be maintained in a clean and orderly manner.
3. Landscaping shall be in compliance with current Commercial Design Standards.
4. 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.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
7. 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.

C. PPT15-0005 ARTESIAN MARKETPLACE.

**Approved.**

Request Preliminary Plat approval for a commercial development located at the southwest corner of Ocotillo and Gilbert 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** announced he had several speaker cards for item A and in no particular order he was going to have the person come up and speak.

**MR. TIM NEWQUIST, 2033 E. WARNER RD #107**, stated that the Senior Executives at Chapman Automotive could not attend the meeting and asked for him to speak on their behalf. He asked to read a letter into the record that was sent by David Bower who is Chief Financial officer to a number of departments in the city. He stated that in the last 24 hours it seemed if so a number of individuals did not receive the letter, therefore, he will read it. Dear Chairman and Commissioners, for 50 years, Chapman Automotive Group has invested in Arizona. Over this time period, Chapman Automotive Group has developed over 20 dealerships. Two of these dealerships are in the City of Chandler, Freeway Chevrolet and Chapman BMW, Both located off I-10 & Ray. As you may know, Mattamy Homes now owns the 28 (+/-) acres located just east of our two locations located on the NWC of Priest Road and Orchid Lane. The current zoning on this property is AG-1 and the General Plan for the City of Chandler calls for General Commercial for this property.

We had been told by the City of Chandler that the property bordering Orchid Lane up to 56<sup>th</sup> Street was to be earmarked for dealerships in the General Plan. This piece of land is the last property that is viable for auto dealers in the corridor along I-10. There are three major automotive groups represented in this corridor (Earnhardt, Penske, and Chapman), who at any time could receive a letter of interest for a new franchise from a manufacturer. Once this is turned into residential, there is no more property available to auto dealerships in West Chandler. It is in the best interest for the City of Chandler and the auto dealers along Orchid Lane, to not allow the entire 28 acres to be zoned for residential. This would hinder further economic growth for the automotive retail industry along the I-10 corridor.

As a major employer here in your city, creating hundreds of jobs and millions of sales tax dollars, we felt that we needed to write to you today and ask that you not allow this entire parcel to be changed from the General Plan, which has been in place for many years along the Orchid Lane corridor. The current General Plan gives us the protection and the opportunity for future growth. By allowing this to move forward as proposed, this forces us to look elsewhere for future dealership properties, if such an opportunity arises.

We welcome the opportunity to speak with you in person to discuss any questions that you may have. Please do not hesitate to reach out to us. David Bower, Chief Financial Officer, Chapman Automotive Group.

Since, David wrote this letter, they had a few follow-up thoughts since then and they know that with P&Z and Staff (Jodie & Kevin), they know there are multiple questions Commission need to answer. Two of them that they talked about are; the allowable uses within the proposed zoning change and the design guidelines for that use within that zoning change. He wants to talk about timing, is this the right time before go, what is in the General current plan, the regional commercial zoning along Orchid Lane. It changes the synergy amongst the existing dealers. They also lose on the marketing presence along Priest Road. Earnhardt and Chapman as you

know have unobstructed use for dealing with vacant land right now. When that subdivision is built, you will be closing the front door to all 4 of those dealerships off of Priest Road. And as some of you may know, the Chapman's specifically have tried to work with the City on monument signage off of 54th Auto way. Marketing, visibility, signage, directional signage is huge for the Chapman, Earnhardt and for Penske. He asked a question regarding what he heard during study session. Is the proposed entrance of the subdivision; is that off of Orchid Lane? Or is it a secondary egress easement.

**MS. JODIE NOVAK, SENIOR CITY PLANNER,** Responded that the primary entrance and exist is off of 56th and Priest Drive. The secondary exist which is also for emergencies is off of Orchid Lane.

**MR. NEWQUIST,** stated he wanted to add what Mr. Bower stressed to him is what the ingress and egress into the community on Orchid will be on. Not knowing of any study that has been done by Chevrolet, BMW, Mercedes, Fords and so on. On the amount of semi-trucks that go in and out of Orchid to Priest, and delivery trucks. They feel it is a safety concern with the amount of semi traffic.

**CHAIRMAN PRIDEMORE** asked the audience if anyone would like to ask the speaker questions. There was one. He explained for the record the letter that the speaker read was provided in the Commissioners packets.

**MS. LINDA ARTERS, 1303 W. LISA LANE,** stated she is a resident of Tempe which is bordered by Chandler on three sides and stated sometime she wishes Chandler could adopt them because she appreciates having services from the City of Chandler. She stated she speaks as an informal speaker on behalf of the neighborhood to say that a group of them have been spreading the information to their neighbors about the Mattamy development and what's been going on from Chandler's standpoint. She wants to complement the staff from the City of Chandler, in particular Jodie Novak. There has been a lot of information going back and forth about uncertainty of the actual facts. She deserves a significant amount of recognition as to others within the City for clarifying information for neighbors. She states there are multi generations living in her neighborhood and for whatever they decide to go forward with in the Chandler section of the property, the neighbors of all ages would greatly appreciate as much direct communication with the homeowners, more so than just the 600 ft. jurisdiction and can help the City get the information out. She really wanted to thank City of Chandler staff of doing a wonderful job.

**MR. ERIC EMMERT, PRESIDENT OF SIERRA TEMPE #4 HOA,** stated that it is the southwestern most part of the community, across the street from the Mattamy proposed project. There is an HOA south of his community Sierra Tempe #123 to clarify since he believes there's a speaker to speak on behalf of that association. He stated that there are 151 single-families detach homes. Many of whom use Priest to go to work or take their kids to school which happens to be in the neighborhood to the south and with 450 plus homes coming on line in both Mattamy projects. They have two major concerns, traffic and safety. They are supportive of the project with a couple of mitigation request of the Commission. On December 2, 2014 they sent Jodie and staff a joint letter with his community and the one to the south stating the concerns. There

were 5 request but have paired it down to 2 and present them. 1. Because of the traffic impact on Priest and because they are uniquely situated running parallel to a major freeway, because congestion during peak hours when the I-10 is blocked or shut down when traffic pours down to Priest. There are a number of developments going online along Priest 56<sup>th</sup> St. corridor in both Tempe and Chandler that would impact traffic. Because of all those issues, they are concerned that the proposed community needs mitigation measures. They would like to see the primary entrance shifted to Orchid Dr. traffic is very much like water it seeks the path that is least resistant. Their hope is that if the primary entrance is on Orchid the resident would access the I-10 off of Orchid down 54<sup>th</sup> over to Ray on to the I-10. There are number of communities in Chandler more than a dozen that do not have access to a major freeway. This would not be unique for this request to be granted in the process. 2. If it please the Commission to move the project forward with primary access at Priest. They would have that the deceleration lane be stipulated in development agreements from Chandler. He stated that Staff would probably let them know that Tempe has jurisdiction over Priest. However, he states that Chandler staff has the power to stipulate to the developer shall include south bound deceleration lane in the subdivision at Priest and Lisa Ln entrance provided the City of Tempe does not object.

He hopes that with this mitigation measure that traffic would get on to an off of Priest as quickly as possible and would provide southbound continuity. There is a decal lane at the project to the north, there's another one in the Tempe portion of the Mattamy project. He would ask that they add one in the Chandler portion of it. There a decal lane moving south on the street and a decal lane into the Lowes plaza as well as you get to Priest. So to get traffic off Priest, he asks for the mitigation measure. Lastly, he would like to compliment Jordan Rose and Chris Web the law firm that represented their client extremely well and have communicated with them very well and stated that City of Chandler Staff is top notch. Jodie has been extremely communicative throughout the process.

**MR. STEVE EVANS, 9646 S. DAROW DR**, stated his home is at the west end of the communities in Sierra Tempe 123 to the east of the proposed development. He stated he has lived in the neighborhood for 20 plus years. He stated he regrets the change in the character of the neighborhood that's happened because lingering rural agriculture essence is going away. That is something no one can stop. For that reason, he signed in favor of this measure. He wants to second to what Mr. Emmert and Ms. Arters have said and said it very well and agree to everything they said. He said he is a board member Sierra Tempe 123. He stated he is not speaking on behalf of the board but on his own. He spoken to a lot of neighbors and they all feel the same. The project is going to happen and the land is going to be developed. He wants to see it develop the way Mattamy is proposing to develop.

That the view of the mountain is going to be blocked and rather have it blocked by nice residential development than with all due respect another car dealership. He is in support. However, like Mr. Emmert emphasized, the measures to decrease the negative impact on traffic on Priest Rd. are essential. Traffic on Priest Rd. is a nightmare already. Within the last couple of months, an apartment complex up to the north and west at the corner of Warner and Priest has opened up and being occupied. He stated he is feeling the traffic impact already. There is high density there and at the townhomes to the south of the proposed project. This would be more of that. Deceleration lanes putting the entrance in a place where it is not going to directly impact the

flow on Priest and appropriately place some of the traffic lights are critical. If anyone doubts the impact that the places are having on traffic on Priest, he provided his cell phone on the speaker card so anyone could call him and drive through these streets on different times a day with him. He thanked everyone present at the meeting.

**COMMISSIONER WASTCHAK** stated he wants to understand what the neighbors are proposing for this project. He asked Mr. Evans is moving the entrance to Orchid what they want? And a traffic light on Orchid.

**MR. EVANS** responded that the traffic light is being considered further north either on Knox, which is half-way point along Priest between Warner and Ray or a further south.

**COMMISSIONER WASTCHAK** stated he is trying to understand if the traffic gets directed down to Orchid Lane, when people leave, most people are heading north, so when they come out of Orchid and go north how is that different than if they come out further north of the community and go north. It seems like if they move south and then they are going to head north on Priest. They are going to impact more people than they would and still going to go past Lisa Ln. and impact those people trying to make a right out. He stated he is not exactly sure, why having an exit down there or because it seems like the location across from Lisa Ln. and at the lights there is actually going to be a better solution for them than moving it to the south. He is just trying to understand why it's better to have it on the south end.

**MR. EVANS** stated he is not a traffic engineer; he is speaking based on his own experience. In the last couple of months when the Mark Taylor apartment complex began being occupied with people coming and going from there now, at least twice in a few weeks he had to break check going by there because of somebody peeled out of the entrance because they are in a hurry. He doesn't think it's because there's poor drivers but there's more drivers coming and going at the same time. He explains for a common sense stand point to him, it seems if traffic flowing on Priest would impacted less if the people leaving their neighborhood immediately getting onto the roadways were coming from a roadway unto Priest and that the entrance to and from the neighborhood was not directly on Priest. It is a common sense from his perspective. He states he is sure that they could find traffic engineers on both side of that issue. He finds that there have been more problems with traffic coming and going from that Mark Taylor development that he has ever experienced. His main way of getting in and out of his neighborhood is Stacy, which is the Tempe version of Orchid, same road just on opposite sides of the street. He stated he's had far more trouble with traffic that is coming off directly out of the apartment than with the people turning left or right north or south coming from Orchid. The traffic has been there for a long time. The dealerships have been there and that traffic has impact as well. However, it seems to him to be fewer problems with them coming from another established road turning onto another one rather than coming out of the driveway.

**COMMISSIONER WASTCHAK** stated that it seems to him that somebody from that neighborhood, they are going to go to the main entrance whether there's traffic signal and head north versus south. If somebody is going south to get to the freeway, he thinks they'd go down to orchid and then catch that lane that is south of the Earnhardt and take that down, take a right Ray then go north on the freeway, and not even mess with trying to go down to Priest. To him, it

seems more logical if you are going to head north, you want people leave further north out of the subdivision and take a left at the light and go north. And if they are going to go south, he thinks the traffic is going to want to get out on Priest, if traffic is an issue they will probably leave through that to get down there. He thinks logically having that all directed south like that it could not be in the neighbors favor.

**CHAIRMAN PRIDEMORE** stated the people that have spoken have been on item A and he opened it up to all three items on the agenda. There were none.

**CHAIRMAN PRIDEMORE** stated regarding item A, he thinks it's a nice project, the fact that it has been dirt for so long, he is glad to see something moving forward. The current owner of the property has the right to develop it and believes they have come forward with a nice project. He was surprised on the mixed of residential but it will work. He wished they had more that they can say to the neighbors in Tempe regarding traffic; he assured the audience that the Chandler engineers have been in communication with Tempe engineers and unfortunately the traffic side of things is out of their purview or they would be looking at it in more debt. They have recommended certain things to Tempe and it is unfortunately entirely up to Tempe. He wished he had something better to say about that. He is glad to the project going forward.

**COMMISSIONER CUNNINGHAM** asked a question to the gentlemen to the HOA that spoke first. He mentioned if a stipulation could be created for the deceleration lane subject to approval of the City of Tempe. She stated it sounded like a logical request and asked if staff can put that stipulation there; subject to cooperation from City of Tempe.

**MR. KEVIN MAYO, PLANNING MANAGER** stated that staff could stipulate anything they want but it depends on if it has any legal strength. When it comes to stipulating public improvement in somebody else jurisdiction, it is something that they don't do. As it was worded it would require Tempe objection to not put it in. Even if staff would have stipulated; if they don't care or if they do care or object, it is something they don't do. He explained he would want Tempe stipulate the developer to do something unless they strongly object to it if they were indifferent. Or if they never receive a formal objection from Tempe, then are they not in compliance with the stipulation approval? Staff can't force them to build something a public improvement in another city. They will always stay away from those stipulations. He agreed with the speaker, the way it was worded seemed very logical and reasonable but it is the way the two governments work with each other is something that isn't practiced. However, he understands the desire of it.

**COMMISSIONER RYAN** abstained from voting on Item B, he provided consulting services for the applicant.

**CHAIRMAN PRIDEMORE** explained to the audience, that Planning and Zoning Commission is just a recommended body. All the items presented will go to City Council on August 13, 2015.

**MOVED BY COMMISSIONER WASTCHAK** seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda with the two modifications to item A as read

in by Staff and noted abstentions on Item B. The Consent Agenda passed 5-0 (Vice Chairman Baron and Commissioner Donaldson, absent).

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager stated he wants to utilities Planning and Zoning Commission meeting to schedule the DRC at 4p.m. on August 5, 2015, since there is an item on the agenda on that day. A conference room will be scheduled in the same building.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE stated the next regular meeting is August 5, 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 6:10 p.m.

---

Matthew Pridemore, Chairman

---

Jeffrey A. Kurtz, Secretary