

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, January 20, 2016 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 Wastchak.
3. The following Commissioners answered Roll Call:

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

Absent and Excused:

Commissioner Phil Ryan

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Susan Fiala, City Planner
Ms. Lauren Schumann, 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 January 6, 2016 Planning Commission Hearing. The motion passed 5-0. (Chairman Pridemore and Commissioner Cunningham abstained, since they were absent on January 6, 2016.
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. DVR15-0033 FRYE ROAD BUSINESS PARK (SANTAN TECHNOLOGY PARK)

Approved. (CONTINUED TO THE FEBRUARY 3, 2016, PLANNING COMMISSION HEARING)

Request rezoning from Planned Area Development (PAD) for light industrial to PAD for light industrial and billboards along with a Preliminary Development Plan (PDP) for two 70 foot tall digital billboards. The site is located at the northeast corner of 56th Street and Loop 202 Santan Freeway. **(REQUEST CONTINUANCE TO THE FEBRUARY 3, 2016, PLANNING COMMISSION HEARING.)**

The applicant requests a continuance of this case to the February 3, 2016 Planning and Zoning Commission meeting due to their scheduling conflicts. Accordingly, Planning Staff recommends a continuance to the February 3, 2016, Planning and Zoning Commission meeting.

B. DVR15-0035/PPT15-0015 MAINSTREET TRANSITIONAL CARE FACILITY

Approved.

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Commercial/Medical Related Uses with Preliminary Development Plan (PDP) approval for a transitional health care facility and other associated uses with Preliminary Plat approval on approximately 8 acres located at the southeast corner of Arizona Avenue and Queen Creek Road.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "MAINTSTREET TRANSITIONAL CARE FACILITY", kept on file in the City of Chandler Planning Division, in File No. DVR15-0035, 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.
7. 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.

Preliminary Development Plans

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "MAINSTREET TRANSITIONAL CARE FACILITY", kept on file in the City of Chandler Planning Division, in File No. DVR15-0035, except as modified by condition herein.
2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
3. The site shall be maintained in a clean and orderly manner.
4. Landscaping shall be in compliance with current Commercial Design Standards.
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 landscaping shall be maintained at a level consistent with or better than at the time of planting.
7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
8. 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.
- 9. The applicant shall work with Staff to enhance the pad buildings' architecture to include adding materials, paint colors, and forms to match the care facility as well as provide enhanced elevation design adjacent to residential lots.**
- 10. The applicant shall design the four courtyard areas as useable open space with turf and/or hardscape as represented in landscape plan L1.0 dated September 29, 2015, as submitted to Planning Staff.**

Preliminary Plat

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

C. LUP15-0023 BELLA GUSTO

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for on-premise consumption indoors at a new restaurant located at 1964 N. Alma School Road, Suite 1, southwest corner of Alma School and Warner roads.

1. 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.
2. 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.
3. The Liquor Use Permit is non-transferable to other store locations.
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. Music 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.

D. ZUP15-0006 VERIZON AT CONGREGATIONAL CHURCH OF THE VALLEY

Approved.

Request Use Permit approval to install a monopalm wireless communication facility at 240 South Cooper Road, located south of the southwest corner of Cooper Road and Chandler Boulevard.

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. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
3. The two 25 foot tall live palms shall be maintained at a level consistent with or better than at the time of planting.

E. ZUP15-0017 VERIZON – HUNT HIGHWAY

Approved. CONTINUED TO THE FEBRUARY 17, 2016, PLANNING COMMISSION HEARING)

Request Use Permit approval to install a monopalm wireless communication facility on property located east of the northeast corner of Cooper Road and Hunt Highway. **(REQUEST CONTINUANCE TO THE FEBRUARY 17, 2016, PLANNING COMMISSION HEARING)**

This case was continued from the December 16, 2015, Planning and Zoning Commission meeting to the January 20, 2016, Planning and Zoning Commission meeting. The applicant requires additional time to conduct further neighborhood outreach to address neighborhood concerns and issues. Accordingly, Planning Staff recommends a continuance to the February 17, 2016, Planning and Zoning Commission meeting.

F. PPT15-0017 VILLAS AT CHANDLER AIRPARK

Approved.

Request Preliminary Plat approval for a 504-unit apartment complex located on an approximate 29-acre site. The subject site is located east of 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 all items 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 was none.

CHAIRMAN PRIDEMORE stated there was a comment card for Item D and wished to speak. He also mentioned that Commission did receive the letter the speaker submitted to staff.

MS. MONTE BARNES, 4722 S. OLEANDER DR thanked Chairman, Commissioners and any other persons of interest for allowing her to speak on the matter of the cell tower proposed at 240 S. Cooper Rd, The Congregational Church property. She stated she is a Chandler resident since birth. As a child, her family lived on California St. and she walked across the street to attend grammar school and afterschool hours, she played in the school playground. She stated she graduated from Chandler High School and married and raised her family in the community and both of her sons attended and graduated from Chandler High. She was a part of the very first Tumbleweed Christmas tree lighting, she shopped at the JCPenny store and went to the only theatre downtown, every weekend. She stated for her entire life she has been part of the history of Chandler and watched it grow from a small quiet rural community to a very large extensive City. Her parents were Mr. and Mrs. O.W. Kirkpatrick who purchased 11 acres on the west side of Cooper Rd. The Congregational Church that is located on part of their original property and their home at 220 S. Cooper is immediately north of the church. In 1992, after the passing of her mother and father, she inherited the Kirkpatrick residence and 1 acre known as 220 S. Cooper Rd. Over the years, improvements by the City and SRP easements and right of ways have benefited the use of the property but in exchange a considerable portion of the original acre has been lost. She stated she offered the background so they can understand her familiarity and love of the City. The land in question where the Cell tower is to be built in her property used to be part of a lovely little farm where her dad and mom tenderly cared for their farm animals, grew vegetables and worked the land with love. Her father taught the boys to ride horses and care for them, also baby calf's they raised. Her dad raised every animal, even chickens and her two boys played in the field and learned to ride their dirt bikes along the canal.

The history and love they have for the land there goes back two generations. It is difficult to see how the growth around her family's place has adversely changed from the pleasing agricultural environment it used to be. Her family is greatly disturbed to think that the Cellular monopalm tower is being proposed for the Congregational Church property. The tower is personally offensive and reduces and inhibits the enjoyment of her and neighboring property owners, compromising specially her liberty and right to peaceful use of her land and it visually unobstructed neighborhood. The tower is environmentally unpleasant, objectionable and could expose unsuspecting public with possible health risks. It is extremely visually invasive in a result in to diminish of property value. The church apparently received some monetary benefit and incentive for having the tower placed on their property. Perhaps their financial stability relies on the proceeds they gained for sacrificing part of their land. Her objection is for the unsightly intrusive impact it has for her property as it changes the nature appearance and complexion of the neighborhood. It appears that the consuming public has set no recourse against large cooperates cellular companies spending millions, spreading the universe with never ending implantations of those eyesores. She stated, what does it take to present unlimited unrestricted construction of the ubiquitous cell tower installation. She recognizes that there is a need for everyone to have cellular technology in everyday lives, however to what expense when the rights of the individuals and home owners are completely disregarded. How many cell towers will invade your community? She asked how many in the meeting and to raise their hand, would like to have a 55 or 48ft monopalm cell tower in the lot next to your property. She wants to go on record, if

concessions are made by the city to approve the tower, she would ask for some compensation from the cellular company to satisfy me for changing the ambiance and character of the land and for the obstruction towering over the earth from the childhood memories were made and for the intrusive visual environment it creates for everyone from now on. She thanked the Commissioners.

CHAIRMAN PRIDEMORE asked if anyone had a question for the speaker.

COMMISSIONER CUNNINGHAM asked staff during study session they mentioned that the tower looks almost like a smoke stack about 40 ft. however; if it was the AT&T existing cellular tower on the property so there will be an additional one added how many feet away?

MS. SUSAN FIALA, CITY PLANNER referred to sheet C-1, the overall site plan, it illustrates the existing pole is and the parking space, so approximately about 65 to 70ft west.

COMMISSIONER CUNNINGHAM asked if the AT&T tower was 70 ft. west or the proposed one. And asked if the resident in opposition home was north if so how many feet between her property and the AT&T tower.

MS. SUSAN FIALA, CITY PLANNER stated the subject tower was approximately 70ft west. And her home was north and referred to the site plan and it explained it is slightly south of the subject monopalm, so given that is approximately 204 ft. from the north property line and there is an additional 20ft.

MOVED BY VICE CHAIRMAN BARON seconded by **COMMISSIONER DONALDSON** to approve the Consent Agenda and the two additional stipulations to the PDP No. 9 & 10 on Item B as read in by Staff. The Consent Agenda passed 6-0 (Commissioner Ryan, absent)

CHAIRMAN PRIDEMORE informed the audience that Planning and Zoning Commission has a narrow purview and explained that all items that come before them also go to Council on February 11, 2016. He encouraged them to speak there as well.

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager stated he wanted to advise Vice Chairman and Commissioners that they are about ready to start the General Plan update public outreach meetings. He inferred that they will have two trips to Planning Commission with the draft General Plan update, he was hoping to get one at the Sunset library, but they weren't able to get the location and date time work. However, they do have the regular Planning Commission Hearing, the first Wednesday of March; the first General Plan update meeting will be the second Wednesday, which is March 9th at 6 p.m. will be held at the Tumbleweed Recreation Center in the Cotton Room on the first floor. There will be signs that will guide everyone back there. The second hearing of the General Plan update will be the third Wednesday of the month will be a normal Planning Commission Hearing at 5:30pm.

CHAIRMAN PRIDEMORE stated everyone should have received a copy of the General plan book since his was mailed because he was absent last meeting.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE stated the next regular meeting is February 3, 2016 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:48 p.m.

Matthew Pridemore, Chairman

Jeffrey A. Kurtz, Secretary