

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 17, 2016 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Pridemore called the meeting to order at 5:37 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 Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak

Absent and Excused:

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 COMMISSIONER DONALDSON, seconded by COMMISSIONER WASTCHAK to approve the minutes of the February 3, 2016 Planning Commission Hearing. The motion passed 5-0. (Vice Chairman Baron abstained, since he was not present on February 3, 2016. Commissioner Foley, 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.

B. PDP15-0014 TOWNEPLACE AT THE MET
Approved.

Request Preliminary Development Plan (PDP) approval for site layout and building design of a commercial development with a hotel and inline shops. The property is approximately 4 acres located at the southeast corner of Chandler Boulevard and Hearthstone Way.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “Towneplace at The Met”, kept on file in the City of Chandler Planning Division, in File No. PDP15-0014, except as modified by condition herein.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
3. 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.
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.
5. Raceway signage shall be prohibited within the development.
6. Tenant panel lettering on all monument signs shall be ¾-inch routed-out push-through.
7. **Date Palm trees shall be added at the Chandler Boulevard entry continuing along the boulevard entry drive south to the hotel.**
8. **Add a permanent shade structure over the water feature or relocate the water feature to a pedestrian-oriented location within the development that incorporates shade.**

C. PDP15-0016 RHYTHM

Approved.

Request Preliminary Development Plan (PDP) approval for one-story housing product within a component of the Rhythm residential development located at the northwest corner of 56th Street (Priest Drive) and Orchid Lane, north of Ray Road.

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. PDP15-0016, except as modified by condition herein.

D. PDP15-0017 FIRST CREDIT UNION PLAZA

Approved. APPROVED TO CONTINUE TO THE APRIL 6, 2016, PLANNING AND ZONING COMMISSION HEARING FOR THE PURPOSE OF CONDUCTING A DRC MEETING.

Request Preliminary Development Plan approval for building mounted signage. The subject site is located at 25 S. Arizona Place, east of the northeast corner of Arizona Avenue and Boston Street.

E. ZUP15-0017 VERIZON – HUNT HIGHWAY

Informational. APPLICATION HAS BEEN WITHDRAWN

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.

MOVED BY VICE CHAIRMAN BARON seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda as read in by Staff and the noted additional conditions 7 and 8 to Item B. Vice Chairman abstained from voting on Item C, since he provided consulting services. The Consent Agenda passed 6-0 (Commissioner Foley, absent)

ACTION:

- A. DVR15-0033 FRYE ROAD BUSINESS PARK (SANTAN TECHNOLOGY PARK)

Approved. ITEM DENIED

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 San8662tan Freeway.

Rezoning

Planning Staff recommends Planning Commission motion to recommend denial of DVR15-0033 FRYE ROAD BUSINESS PARK (SANTAN TECHNOLOGY PARK).

Preliminary Development Plan

Planning Staff recommends Planning Commission motion to recommend denial of DVR15-0033 FRYE ROAD BUSINESS PARK (SANTAN TECHNOLOGY PARK).

MS. SUSAN FIALA, CITY PLANNER stated the Fry Road Business Park is better known as Santan Technology Park. It is rezoning from Planned Area Development for light industrial and billboards along with a Preliminary Development Plan for two 70 foot tall billboards. The site is located northeast corner of 56th St. and loop 202. Within the industrial park tract is used for retention. She provided more information about the industrial development, it was approved back in 1999, with approximately 30 acres and it has been fully built out within the last few years. Some of the businesses include Botanicare, AvAir and Brycon construction. Surrounding this area, there are other industrial developments. South of the 202 is the Gila River Indian Community and further to the west is Interstate 10. Within that, there are existing billboards along two of the interstates and freeways. There are 4 static message billboards located to the southwest of the site and most of them are in county land or tribal land and another 12 billboards along the south side of the 202 that are in the Gila River Community. The tract that is used for retention is about 2.4 acres and with that as well east of the property is City owned land and vacant.

There are two conditions in the City's sign code that must be met for billboards to be approved within the city and those conditions are related to the location and the processing. The locations are permitted along Chandler Blvd and Arizona Ave with a use permit application and review of that. The proposal for the 270 foot tall billboard is being proposed as double-sided design, each sign faces the approximately 672 square feet, which exceeds that per the city code, which allows a max 320 square feet. The height is limited to billboards of 45 feet and the proposed is 70 feet however, that is partially due to the land being suppressed below the freeway area. Other regulations and the proposal is contained within the development booklet such as the separation and the distance to the location from the ground, street and other criteria as related illumination the changing of the message on the digital billboard as well. The project did go through public participation process. There was no neighborhood meeting as there is no residential in the area, the residential is approximately 1 mile to the east, however, based on the phone calls and input from some of the business owners within the industrial park. There are two business owners that

are opposed to the request to have billboards. One is AvAir and the other is Pensetc which included a letter that is attached to the staff memo. Some of the issues Pensetc cited were, there are too many existing billboards along the freeway, it shades their solar panel, too many distractions for drivers along the freeway and also as well they just do not want it in their industrial part, for it does not enhance it. She stated Planning Staff; recommends denial for it is not consistent with the General Plan and the other items that were aforementioned. She concluded the presentation.

CHAIRMAN PRIDEMORE asked staff if all of the existing billboards along the 202 and at the intersection of the I10 are currently on County land and reservation.

MS. FIALA stated that was correct.

COMMISSIONER WASTCHAK asked Staff if they knew the heights of the other billboards and how they compare to the proposed.

MS. FIALA stated she had no specific information regarding the heights or size of the billboards on the Gila River Land.

ADAM BAUGH, 2525 E. AZ BILTMORE CIR began his presentation with illustrating exhibits of the proposed billboard. He stated there were some questions that were raised hoped to answer those while going through his presentation. He said it is true that they are proposing two billboards in the Frye Rd Business Park, it is zoned industrial through a PAD process, and it is along the freeway and an industrial area. It is an important distinction, if the City were to approve billboards, in his opinion; there is no better location than in an industrial area along the freeway. The question is the appropriateness of the request, located on the freeway, in an industrial area, on an industrial zoned property where there are no residential uses nearby and is adequately spaced. He stated the request is unique probably the first to come up with this however, is a little different from regular freeway advertising than being next to onsite business. He stated he appreciated Staff's comments as they explained how the code currently reads and the processes for that and the other way would be through the PAD and PDP process. The code is more than 30 years ago and the city determined, if they were going to have billboards it made sense to have them to have them on the main transportation corridors. Then they adopted some guidelines to direct that. The policy attempt for the original code was to direct them towards the main corridors. He stated that it is still the case today but the corners have simply changed, moved and addressed. He stated they are not applying for a CUP because they are not on Arizona Ave or Chandler Blvd. He believes apparently that the signs are better designed, better located and more compatible than the regular location where you expect to see them today up and down the freeway across the valley than on city owned streets.

He stated if one considers the existing city's inventory today, there is currently a development at the southwest corner of Arizona Ave and Chandler Blvd, through an RFP site 1, 2, and 3, the recent development agreement was to give them up to 3, 2,000 square feet of digital signage, which comes out to be 3 digital signs that are 14 x 48. He stated if the city can recognize those are appropriate in Chandler, he asked than why a digital sign can't be appropriate on a freeway where they are expected to be seen, and in an industrial area far away from residential. He stated that would be the appropriate location. He explained that there are multiple of billboards in that area along the freeway. The billboards where the county properties are located are lower than what is being requested because where they are situated on onramps at grade level that do not need to be taller than the necessity in order to be seen. Some of them of 14 x 48 and 10 x 30. He referred to the exhibit and shows where all the residential area is to the east and to the west is the

industrial area. He stated he is not asking to place a sign where is not appropriate but believes the industrial west area is the appropriate placement not on the residential area on the east.

He explained the ambient conditions such as freeway frontage, property zoned PAD for industrial and a large industrial area with no residential uses nearby and an existing billboard inventory. So it is not something new that is not already present in the area, it is just the first time the city's happen to see on its own property. He understands and appreciates Staff's position, however, respectfully disagreed because he does not think it is inconsistent with the General Plan. He stated the General Plan recommends employment for the area. He stated those types of uses create advertising for local businesses. He stated they are not asking to put it in pads or developed areas or parks, but in an existing retention area where there will not be neighbors coming into the retention area. He displayed the site plan exhibit of the location of the proposed signs, both in the existing retention area. He stated the request for 70ft is not because they want to have the biggest sign in the area, but because if someone travels on the westbound direction, the freeway starts to elevate onto an over path and the whole point of a billboard is for visibility for advertising. If you can't see the sign there is no point in having one. However, the minimum height has to be at least the height of the freeway. Also, along the freeway, there's landscape, trees and vehicles, so there's got to be a sign that is sufficiently legible at least above those things, so that is how it came to the request.

He stated in the last couple of weeks, he understands there was feedback from business owners in the area. He stated they did a little bit of analysis and took a crane to do a height study to determine if there was any way to lower the height of the sign. Through the height study, that was the exact height that would be sufficient to be seen above the tree canopy and any intervenient vehicles that would come between both east and westbound direction. During that time they also had a chance to visit the owner of the property and reached out to the property owners, his understanding was whatever concerns they had were resolved. He stated as for Mr. Harris, the honesty was to participate in the cash flow of the property, because they were not willing to share that. Usually billboards are two structures with an 8 shape and a big bolt on top, they are proposing something more industrial that fits in the character of the area and it is also digital. Because the retention basin is recessed and the billboard is 70ft, it does not have the appearance of a 70 foot sign from the vehicles traveling the freeway.

He stated something that is very interesting he think everyone should know the light admitted from the signs are significantly different than a light admitted from traditional board. The traditional boards there are two sources of light, a lamp on the board and a reflection. Sometimes the lams are above or below or a little bit of both. With a digital sign, the level of light is actually controlled. He stated they proposed 300 nits, which is the measurement that ADOT uses and that measure will kick in from dusk to 11 p.m. He stated it is important to know a traditional board does not have the ability to restrict it. There are benefits such as amber alerts, public safety alerts, wanted posters, city advertising and emergency broadcast messaging. So beyond just being self-serving there are some public utility and benefits to this. He asked everyone to consider if this were to be CUP, he stated it is important to know that the request is in conformance with the General Plan and he believes it because it is an industrial area, and the use is appropriate for the industrial areas and the code states it should be zoned in an industrial area. The billboard they propose will have no negative impact, in fact, more importantly, it has benefits just my looking at the ambient conditions in the area. It is an industrial area, resident are more than a mile away, there's existing signage in that area, there are no rural residential uses nearby, and he believes, personally, that it is the ideal location for that type of sign. To conclude he stated that at the end of the day there is an old code, the billboard sign should be located at the primary transportation corridors in the City of Chandler. The code has not kept up to the transportation needs of the city,

however, new freeways have been introduced, and they are not proposing it on the 101 where there are residential area, nor, the 202 where there are residential areas, but on a transportation corridor and in an industrial area and to come back to the simple question. Are billboards signs appropriate in the area? It's along the freeway, its industrial nature, industrial zoned, and no residents nearby, respectfully, he believes it is. He understands staff has a different opinion; however, that is the process to present their case.

CHAIRMAN PRIDEMORE asked when did they go out with a crane and conduct the height study.

MR. BAUGH answered, the last 10 days.

CHAIRMAN PRIDEMORE wanted to see some imagery from the study.

MR. BAUGH displayed exhibit and explained the imagery from the east and west bound direction.

CHAIRMAN PRIDEMORE asked if his client ever consider just one billboard verses two.

MR. BAUGH stated the city has a spacing standard of 1000 ft. which they tried to observed, so given the length of the site, they thought two would simply satisfies the ability to have two. They never considered anything less than two and staff never approached them with that or haven't heard that feedback from anyone.

COMMISSIONER WASTCHAK asked how the height on the proposed sign compares to the other signs that are along the freeway. He understands that there is topography that makes it low. He used the existing sign that is directly west along the same interchange. He knows it's a really tall sign, but asked how it compares.

MR. BAUGH stated he did not know the answer to that question, however, knows that it is a county sign and county allows signs to be 30 ft. taller unless they apply for a variance so it is taller than that but does not know the exact height. He stated in relations to their proposed sign, they are set back further from the freeway so they can capture that visibility. Whereas, their location is parallel to the freeway so there has to be the necessity of the height. He mentioned the 2 signs west of them on the onramp; they are both at grade so they do not need to be taller than 30 ft.

COMMISSIONER WASTCHAK asked if 14 x 48 is the standard along the freeway.

MR. BAUGH stated the city has approved up to 3, 14 x 48 digital signs on Arizona Ave. and Chandler Blvd, part of the development.

COMMISSIONER WASTCHAK asked staff if that was the same size that is allowable on Arizona Ave. and Chandler Blvd. from sign code.

MS. FIALA stated it was it was not. 320 sq. ft. per face is permitted.

MR. BAUGH stated the codes stated 320 sq. ft. unless double-faced or V-shape. He stated maybe the code is intended to be what they read be but that is not what it says. It simply says, 320 sq. ft. unless double-faced or V-shape and in this case they are double-faced and the code is

representative of an old traditional standard and clearly the city does not recognize that with the current development agreement.

COMMISSIONER RYAN stated billboards don't give anything back; there is no benefit to the city. He stated if there is any public service that can go on the billboard; he has never seen it and they would have to commit that in writing in order for them to consider that. He stated he agreed with the location of the billboard, if the city wants billboards. However, he does not see any reason for them as a Commission to send it to City Council, as approving billboards, because it is miscellaneous advertising. He stated the applicant did great job and his firm has brought forth great cases and has helped the city a lot, so he thinks it is professional courtesy, because if it were another office, they would not be considering anything. He stated maybe he is wrong, and there is something in billboards beyond what he is looking at. He thinks it is a travesty what the Indian reservation did to the 202 on the south side. He looks at it, being the entry of Chandler and thinks it is just air pollution. He stated if maybe they can piggy back with the City of Chandler and provide some public information as a courtesy to the city on the billboard for a portion of a time, such as "Welcome to Chandler". However, there needs to be some type of benefit to the city in order to send it to City Council.

MR. BAUGH appreciated Commissioner Ryan's comments and understands where he was coming from. He stated sometimes you have great rendering and great projects and uses. It is a billboard and there is only so much he could tell them about a billboard. However, there are something's that are important to know and benefits to the city. Clearly it is a land use that a property owner has an opportunity to apply for. He hopes it is not just a matter of professional courtesy and hopes they consider the case just like any other land use application. Every property has an opportunity for the land uses that are available, whether they don't accept it or not, it is a determination the board makes. When he looks at the site, nothing new is being introduced that hasn't been done already, and also no precedents is being created for anything else because it is strictly contained to an industrial area. He stated they don't open Pandora's Box for the rest of the stretch of the freeway, in fact the code limits that based on the spacing from residential area. He is only asking for one particular signage area where there are some things they can do, such as enhance the sign, which has been done in Tolleson. He stated his client owns a number of signs in the area for example the ones at Tempe Market Place, Tolleson and the sport complex at the 303. Some of the instances, they have been able to brand the sign that say "Welcome to Chandler". They can add those embellishments on the signs as an introduction to the city to somehow highlight that it is the entry to Chandler. He stated as part of the stipulation, they proposed No. 6, adding network time and making available to the city for any type of emergency messaging. There is a benefit, everyone works for somebody. Whether in Chandler or not, advertising is revenue and advertising on a sign, helps local business, whether it maybe a local concert, ostrich festival or a mom and popshop and Basha's for example. Those advertisements benefit from that and go directly back into the city's sales tax revenue. He stated, compared to the other signs along the freeway, the proposed is a much superior design. He mentioned the city will benefit and there is no room to have one anywhere else, because there is no other industrial area and when the embellishments are added to highlight the entry of the City of Chandler, in his opinion it is a win win for everybody.

COMMISSIONER RYAN stated he loved the design and stated on the 28 years that he has been on the Commission; this was only the second time a billboard popped up. The first time was with Derito did his 202 autoplex project. He stated he considered it a billboard and it is very well done, however, it is also integrated with City of Chandler information and so forth. He stated if the signed proposed can be to that level, he believes they have a good chance to get to City Council. He stated it is something from planning standpoint, it does not make sense. Maybe from

the City Council it will. He stated he will probably vote for it, however, they will make the decision.

VICE CHAIRMAN BARON stated he spoke with Mr. Baugh earlier regarding his problem with the height. His problem is the scale that is disproportionate to the area. He stated it is not appalling but Commissioner Ryan mentioned that when you look at the sign, it has a significant scale. Most of the time when they work on billboards signs or monumental signs; it is something that it is integrated that has some sort of a foundation and not just a flimsy, disproportionate, heavy mass that it feels like it's going to fall over. His challenge is that if they have to make it that tall to be visible, is it really in the right spot? He stated just because there's other signs there already, doesn't necessarily mean that it's right to have more signs. He is struggling with those questions.

MR. BAUGH stated he appreciates the comments, however, the sign is for off-premise advertising, and perhaps the size of the sign is different from the on-premise, even those ones, have traditionally much taller height than the existing office buildings nearby. For example, the 202 Derito sign, the scale of that is very tall. While he has an off-premise advertising sign; he is not going that much different than the height from the other freeway signs in the area. The only difference is the other ones are on-site advertising and have gone through the PDP process to allow that and include that and they are going through a different process. When he looks at the height of the adjacent building, it is about 40 foot roof line, plus whatever the parapet is and the height of the freeway, which is similar in height. The exhibits show that the bottom of the sign is at the same level as the height of that building.

VICE CHAIRMAN BARON stated he has worked on a lot of properties, however, he doesn't think he has ever seen an industrial building that is refined at 40 ft., that is big. His challenge is that the exhibits don't really show the real view of everything. If he were to be sitting on the council side, he would be asking for more information. So he could get a better gage of what is there. He agrees with Commissioner Ryan that there needs to be some type of synergy or public benefit. He stated unfortunately there is not a whole lot of value other than adding more signs. He believes there should be more diagrams and illustrations to help support the case because the current document seems to be incomplete and needs more detail.

COMMISSIONER WASTCHAK stated he had a question for Mr. Baugh, when they met, the applicant brought up some standards along and explained some of the other freeways and city's that do allow billboards, not that it matters what other city's do however, it is relevant and ties to the comment he will make in the Commission discussion. He asked Mr. Baugh to elaborate on that.

MR. BAUGH stated he would be happy to direct that comment. He looked at a couple of jurisdictions that consider billboards. Mesa has some old non-conforming signs along the 60 freeway that may not be permitted today but allowed to be converted to digital if they are willing to trade in an older sign somewhere else in the city. Tempe allows development agreement along freeway frontages. Glendale allows along freeway frontages through a license agreement approved through zoning and they allow them in their entertainment corridor. Phoenix allows them through a use permit process along freeway properties that are industrially zoned. Buckeye allows them with their maximum of 4 signs on freeway frontages only. Avondale just recently went through a process to now allow them on freeway corridors. Tolleson has them on freeway corridors. Maricopa County permits them on freeway corridors for industrial zoned properties. He stated to summarize, it is either heavy commercial or industrial freeway frontages for the jurisdictions that he mentioned. Others do not allow for example, Scottsdale. However, their

freeway frontage may cut through primarily travelland so they might not be able to enjoy freeway frontage. Gilbert also does not allow them either.

COMMISSIONER WASTCHAK asked if there was any benefit to those cities that have approved them, even as most recent as Avondale because there is still the question about benefit.

MR. BAUGH stated that there are benefits such as revenue sharing, advertising community events. (Technical difficulties with audio)

COMMISSIONER WASTCHAK asked Mr. Baugh that the point he was making was that there is really no benefit for some of these cases, like Phoenix and Avondale to approve it.

MR. BAUGH stated there were benefits however, subject to a development agreement and RFP with the city. So the city enjoys financial benefit directly from the billboard sign advertisement.

COMMISSIONER WASTCHAK asked if it was on city land.

MR. BAUGH stated he believed it was.

CHAIRMAN PRIDEMORE asked Commissioners if there were any more questions for the applicant. There was none.

CHAIRMAN PRIDEMORE asked staff if there is any indication or what the piece of city owned property directly to the east will be used for because he noticed the exhibit provided by Mr. Baugh that showed potential billboard structures that could be map pieces as well.

MR. KEVIN MAYO, PLANNING MANAGER stated in his 17 years he has seen two RFP processes start and formulate what they would desire on the property but currently nothing in the plans. There is a spelled and drawn out process to dispose of public lands.

CHAIRMAN PRIDEMORE asked the audience if anyone would like to speak on the item. There was none.

CHAIRMAN PRIDEMORE explained to Mr. Baugh he is welcomed to make any closing statements. He did not need to.

CHAIRMAN PRIDEMORE agreed with Vice Chair regarding the exhibits that they were provided do not necessarily sell it as well as they may be able to. When he first saw the item, if there were ever an area in Chandler that may work, he could be convinced that area could be it. However, if one came through on the either of the corridor that it is allowed on, he doesn't think it could fly because too much has changed. He thinks some of the imagery is very misleading by looking at the very last one, the view east from 56 St., to him that is the one he had problems with. He also stated that one of the jobs Planning and Zoning jobs is to act as gate keepers to the City Council, since basically everything they see goes to City Council. He picked up on some Commissioner Ryan's comments. He does not feel comfortable forwarding the item on, whether it was a recommendation for denial or approval, but is not sure he wants it to go forwarded.

VICE CHAIRMAN BARON asked Chairman if he wants to see more detail.

CHAIRMAN PRIDEMORE responded he would want to put on the table is continue it, to give the applicant more time to talk with their client. To see if any additional exhibits could be put in

to help sell it because he is not sure if he would comfortable forwarding it in any recommendation in its current form to Council.

VICE CHAIRMAN BARON stated so are they are expecting to address the questions, in terms of what the public benefit is and how do they address the scale. He stated if they are going to do that, they would need to get clear direction. He also stated he agreed with Mr. Pridemore, which he doesn't necessarily disagree, if there is a place that is going to happen, it would make more sense there but his struggle is putting billboards up just for the sake of putting a billboard up for having more advertising.

CHAIRMAN PRIDEMORE stated a comment jumped out at him from Mr. Baugh that his client also owns the billboards at Tempe MarketPlace which he believes he saw the very same design on so it looks like it was picked up and dropped down. So it does not necessarily fit Chandler. What he is also looking for is giving them the opportunity to possibly make those changes and address the questions as opposed to stipulating to what they currently see. He stated they have done that in the past on many items where they add stipulations and allow it to move forward. However, he thinks the stipulations would lead to so much work that the product that may make it to Council is not what they see. He much rather have a say in it before they let it go.

VICE CHAIRMAN BARON stated he is interested in hearing what others have to say. In his opinion, if they are assuming it is going to help solidify a case that leads to Council with their recommendations for approval, he sees the benefit of doing so. However, if not, they are just going through the motions, which is not fair. He would like to hear what others have to say first before they make any other recommendations.

COMMISSIONER CUNNINGHAM asked staff that the gentlemen indicated that it would not be precedent setting; however it would seem to her that it would be. She asked how many properties along the freeway would potentially come forward and ask to use their drainage basin in a similar matter. To where they would be facing every 1000 ft. a new billboard, if they were to set a precedent and approve the current project.

MR. MAYO stated he did not have any information with the exception as Mr. Ryan indicated; other jurisdictions look to concentrate them or only permit them or funnel them to industrial areas along freeways. They only have that portion along the 202 that wraps around and stretches out by the I10 into you get to Chandler Blvd and that transitions to commercial. The code is what they use to guide them and while they were looking to make a change to the code, part of the bedding process would be to go out and measure other cities. However, today, they look at the coded and from a code standpoint; it does not restrict them solely to industrial area since majority of the land up and down Arizona Ave and Chandler Blvd is primarily regional commercial C3, so the code contemplates billboards in commercial areas, he struggles to say that they opened pandora's box or set a precedents or not. The code simply states where they can and not go from a corridor standpoint but it does not limit it from a land use standpoint other than residential. It does not permit it in residential outside of AG-1, but there are requirements for that. He can't say that somebody, further east maybe near the airpark, or near the chandler auto park that somebody else will come in and file an application, they can file, however, then they will measure it against the current code. He wishes he can say they have an inventory of what could and come through and give a comfort level that it does or does not set a precedent. He can't do that.

COMMISSIONER CUNNINGHAM stated with the code, potentially, a 1 mile commercial stretch could potentially along both sides of the freeway have 10 signs a 1000 ft. apart.

MR. MAYO stated the code has an exception comma within every one of those requirements, and when it says “no such sign structure may be closer to 1000 ft. to any other such sign structure”. As you kind of further through that, it says “unless such structures are back to back or V-shaped”. So it almost takes the V-shape and puts it in an exception clause and leaves it up for discretion. So the 1000 ft. is not a hard and fast number at the point that they utilize a PAD and PDP, that process allows inherently variances to be granted based on a case by case basis. He couldn’t say that it could be 10 or whatever it may be since it would be reviewed as a cases by case basis.

COMMISSIONER DONALDSON stated that his thoughts are probably more abroad and more specific based on because he’s been at the west chandler for 25 years and his property backs up to the freeway. When the billboards signs came in on the 202, which he considers the gateway to chandler, like I10 isn’t the gateway to Tempe but in his opinion the 202 is the gateway of chandler. That was something he could not impact. Back then he didn’t have any input or say and it just happened. It was a huge impact to chandler and the area. There are neighborhoods on the north side of the 202 and his home is one of them and he thinks about Stellar industrial park, which is across McClintock from his neighborhood and very close to his neighborhood. Getting back to how many feet it can be from a neighborhood is his concern because once the box is open they won’t be able to close it. He thinks they have to very careful and also thinks it’s a General Plan issue and looking at the placement at the particular request is one thing, but looking at it from an overall chandler standpoint is the bigger picture for him. He would be in support of denying of the issue because the overall impact to the city and that particular area of the city.

COMMISSIONER WASTCHAK asked when was the last billboard, where it stated it was only going to be along Arizona Ave.

MS. FIALA stated it was 1984, that was the last use permit she could find along the two corridors, which is a pretty long time.

COMMISSIONER WASTCHAK he agrees with everything that has been said and thinks it is something that if a sign is going to be placed somewhere, that is appropriate, however it is difficult for him to say that there has to be a benefit for them to be able to allow it because other cities are doing it without doing that. He stated, but if there could be a benefit and could have development agreement and the city could benefit in some way and the land owner could be able to use its property from a land use standpoint. He is fine with that, however, he thinks they need to spend more time before they send it Council to make sure it does make sense and it does work. He also thinks similar to where the city looked at Arizona Ave. and Chandler Blvd. and made a decision, they are going got have signs. Fast-forward to 2016, if they think there could be signs, if they are going to be along the freeway and if that is going to be allowable, he does not think they should approve it in one location. He thinks it should be comprehensive, and there should be guidelines that address where it can occur because he agrees with Kevin. He thinks they are going to open pandora ’s box, if it gets approved, he can probably name a whole bunch where they are going to start saying “hey, you approved it here”. He would rather see it comprehensive approval process if that City Council is even going to consider it. They would have to come up with criteria that will allow them along freeways, if they are going to be allowed. He would like to understand the revenue sharing. Was there revenue sharing from the ones on Tempe Market place? He doesn’t think so, but that is how he looks at it. He is ok with having billboards, and is not concerned about the height; he doesn’t necessarily have a concern with that. He stated if they look at it and it makes sense as far as being able to see over it, he doesn’t by that “it makes it more dangerous” because they are all over the place and someone can make that argument all the

time. He would like to see a continuance and a plan and design that makes more sense and also the City and Planning staff to consider a more comprehensive look at it not just an approval because he thinks they are going to set a precedence.

MR. MAYO stated there are three levels of direction that he got from Commission and a couple of them are really outside Planning staff and Planning Commission purview. The one direction that he is hearing, not for staff to do but to pass along to City Council is a lack of desire to deal with it on a singular basis but to take a citywide approach and a comprehensive approach to looking at the sign code, and If they are going to look outside the two corridors to a comprehensive manner. That is something that staff can do and pair it up with the zoning case. The appropriate way to handle that would be to make a motion to deny with a statement of, ultimately reaching Council and direct staff to look at it through a comprehensive standpoint. That would have to be done and then that would be the process that would be laid out for property owners that would be eligible for a consideration. He heard a direction to come back with some level of financial benefit tied to it. It is on private property that would ultimately live and breathe in a development agreement. That is something that does not come back to Planning Commission; it is not something that gets paired with a zoning case at a Planning Commission level. That happens at the Council level, so he would not want to put at the table that they would be coming back with a draft development agreement for their review and consideration. It is outside the Planning Commission purview so he does not want to lead them in a path and not able to provide what they are asking for because he can't. The third one was that the exhibits don't really tell a story of what they are asking for and the clarity within the exhibits need to be brought up to feel comfortable to at least send it forward with an understanding what they are asking for to Council so they can make a formal action on it. That is something he can work on with the applicant to understand what they are looking for, in between now and whatever date it would be continued to. The comprehensive approach he cannot do that, until Council directs staff or a development agreement, he can't bring that back.

CHAIRMAN PRIDEMORE stated unless there are any other comments he is ready for a motion.

COMMISSIONER RYAN wanted to make one last comment; he thinks they are getting off course. He stated it is a Planning and Zoning Commission and tasked to look it those types of cases such as the use of the application and how it is going to fit in with the surrounding areas. As far as he can tell, it does fit in with the surrounding area other than the fact that they are just ugly. They are not the prettiest things in the world and that is what he looks at it. He would like to see it go to Council because he thinks there could be some contribution and they can mandate and make it happen. But he doesn't think can plant enough trees or landscape it to make it fit into the freeway setting. The City Council will read everything that's been said and will be taking into consideration. He stated he is going to deny the case and send it to City Council with that recommendation in hopes. He thinks maybe the applicant is taking some baby's steps to find out where he stands with it and maybe that is why the application is not quite done graphically like it should be. He stated City Council will have to handle the case because it doesn't work at the Planning and Zoning level. It is not a beatification thing that they would support.

VICE CHAIRMAN BARON stated he would agree with Commissioner Wastchak, he thinks that fundamentally they need to decide as the City, what they want. He understands that unfortunately, the neighbors decided to litter it with signs, for a lack of a better description. But when he looks at it from his perspective, Chandler is a high quality community with high paying jobs and desired location. He compares it to Orange County, California, where you don't see billboards. His motion, would be modified denial, but ask City Council to direct staff to look at

fundamentally a plan that addresses this in the city or whether or not they are going to do, just make it something standard.

MOVED BY COMMISSIONER RYAN seconded by **COMMISSIONER BARON** to deny DVR15-0033 with the added comment from Planning and Zoning Commission to City Council to highly recommend direction to staff to look at it as an overall plan. The motion passed 6-0 (Commissioner Foley, absent)

CHAIRMAN PRIDEMORE asked what date will the case go to Council.

MS. FIALA stated March 17, 2016.

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager stated that he wanted to highlight that in March the General Plan update hearings start. March 9th, will be the special meeting for the General Plan update and March 16th, will be a normal Planning Commission Hearing of the second go around. March 2nd, there will be normal Planning Commission hearing and there will be an item tracking from tonight to the Design Review Committee. He indicated back in October or November of last year that in the past, when a Design Review Committee hearing was needed, an email would be sent out with proposed dates to search a quorum. He stated it has been problematic for Lucy and others to get it nailed on peoples calendars. He indicated that looking forward he will look to do them on the two days of the month that Planning Commission normally meets and simply do it about an hour before. Permission has been given to use the Council Chambers conference room to make it easier. He just wanted to reiterate that again and wanted to mention March 2nd. He has to watch how that agenda builds to determine what time he needs to schedule DRC. There will be two items on DRC and he anticipates about 40 minutes for one of the items and 25 minutes for the other.

CHAIRMAN PRIDEMORE stated those dates are already in everyone's calendars for the regular hearings. However, if there is going to be any kind of conflict, staff needs to know because they need a quorum for DRC. He asked commissioner to please look at their calendars.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE stated the next regular meeting is March 2, 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 6:50 p.m.

Matthew Pridemore, Chairman

Jeffrey A. Kurtz, Secretary