

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 21, 2007 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:49 p.m.
2. Pledge of Allegiance led by Vice Chairman Heumann.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders
Vice Chairman Rick Heumann
Commissioner Mark Irby
Commissioner Brett Anderson
Commissioner Dick Gulsvig
Commissioner Angela Creedon

Absent and Excused: Commissioner Michael Cason

Also Present:

Mr. Jeff Kurtz, Assistant Planning & Development Director
Mr. Bob Weworski, Planning Manager
Mr. Kevin Mayo, Senior City Planner
Ms. Jodie Novak, Senior City Planner
Mr. Bill Dermody, City Planner
Mr. Erik Swanson, City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES

MOVED BY COMMISSIONER IRBY, seconded by **COMMISSIONER GULSVIG**, to approve the minutes of February 7, 2007. Motion to approve carried 6-0 with Commissioner Brett Anderson abstaining due to his absence of the February 7, 2007 meeting. Commissioner Cason was absent.

5. CONSENT AGENDA ITEMS

CHAIRMAN FLANDERS explained to the audience that prior to the Commission meeting, Planning Commission members and Staff met in a study session to discuss each of the items on the agenda. He further stated that Staff would read the consent agenda for the record. At the conclusion of the reading, Commission would be voting on the Consent Agenda items with one motion.

Consent items on the agenda are highlighted by an asterisk. The audience will have the opportunity to pull any of the items for discussion.

MR. BOB WEWORSKI, PRINCIPAL PLANNER, stated items C and G are on the action agenda at this time. The following items are for consent agenda approval along with any additional stipulations.

A. AP06-0007 / DVR06-0056 WILLIS ROAD PROPERTY

APPROVED.

Request an Area Plan amendment from Special Use Commercial to High Density Residential (HDR) on approximately 2 acres, and Rezoning from Agricultural (AG-1) to Planned Area Development (PAD) on approximately 6.4 acres to allow for future multi-family development. The property is located at the southwest corner of Willis Road and the Consolidated Canal; approximately a quarter-mile east of McQueen Road on the south side of Willis Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Narrative Statement Area Plan Amendment and Rezoning Willis Road Property", kept on file in the City of Chandler Planning Services Division, in File No's AP06-0007 and DVR06-0056, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification. The exhibits and representations in the Development Booklet are conceptual, requiring a separate Preliminary Development Plan for the approval of a multi-family development. The multi-family development density for the conceptual PAD zoning shall not exceed 18.0 dwelling units per acre (du/ac) for high density residential development.
4. The development shall submit a separate Preliminary Development Plan (PDP) including, but not limited to, site development plan, building architecture, landscaping, grading and drainage, and a comprehensive sign package. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
6. 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.
7. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
8. 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.
9. 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.

10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
11. 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.
12. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
13. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Willis Road Property development shall use treated effluent to maintain open space, common areas, and landscape tracts.

14. The following stipulations shall be the responsibilities of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is

required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the

homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property.

- b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled Chandler Municipal Airport, F. A. R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area), as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
- c) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
- d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
- e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
- f) All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
- g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:

“This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler.”

15. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The “Public Subdivision Report”, “Purchase Contracts”, CC&R’s, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby a heliport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase

agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

16. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a water treatment facility that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby a water treatment facility, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
17. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.
18. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
19. At the time of sale, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the canal right-of-way together with the adjoining easements dedicated to the City of Chandler, is to be developed as a multi-trail system for use by the general public.
20. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby an existing dairy farm and animal privileged properties that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to an existing dairy farm located directly west of the subject property as well as other agricultural properties that have cow, horse, and other animal privileges, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This

responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

21. At the time of Preliminary Development Plan, the development shall provide sound attenuation measures in accordance with ADOT standard details and requirements excepting any decibel reductions or sound attenuation credits for the use of a rubberized asphalt paving surface. Any noise mitigation, if required, is the responsibility of the development.

B. DVR06-0026 MAGNUM MEDICAL OFFICE

APPROVED.

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval on approximately 4.22-acres for the construction of a general/medical office development located approximately ¼-mile south of the southeast corner of Chandler Boulevard and Dobson Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "MAGNUM MEDICAL OFFICE" kept on file in the City of Chandler Current Planning Division, in file number DVR06-0026, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Dobson Road and Boston Street, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. 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.
6. 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.
7. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. 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.

9. The developer shall be required to install landscaping in the arterial street median 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.
10. All future signage shall be consistent with the signage contained within the attached exhibits with regards to sign type and quality. Any deviations shall require separate Preliminary Development Plan approval.
11. All raceway signage shall be prohibited within the development.
12. 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.
13. *The freestanding monument signage tenant panels shall utilize pin-mounted indirectly illuminated metal lettering.*
14. *The landscaping shall comply with the Commercial Design Standards.*
15. *The radius parapet roof detail shall have a minimum 3-foot thickness. Details to be worked out with Staff.*
16. *Additional trees shall be added adjacent to Office 'A'. Details to be worked out with Staff.*
17. *The applicant shall work with Staff to ensure an appropriate quantity and distribution of trash cans.*
18. *The applicant shall work with Staff to enhance the overall landscape design. Details to be worked out with Staff.*

D. DVR07-0004 FOOD CITY MONUMENT SIGN

APPROVED.

Request rezoning from Regional Commercial (C-3) to Regional Commercial with a Planned Area Development overlay (C-3/PAD) and Preliminary Development Plan (PDP) approval for new monument signage. The site is located at the northeast corner of Ray Road and Arizona Avenue.

1. Development shall be in substantial conformance with existing Regional Commercial (C-3) zoning except as modified by the application materials of this request (narrative, site plan, and illustrations) and associated conditions of approval.
2. *The monument sign shall feature push-through acrylic letters.*
3. *A raised landscape planter shall be installed at the sign's base.*
4. *The sign shall be limited to 14' in height.*
5. *The Food City anchor tenant portion of the sign shall feature reverse pan-channel, halo-illuminated letters.*

E. PDP06-0051 HENSLEY

APPROVED.

Request Preliminary Development Plan (PDP) approval for site layout and building architecture for an industrial warehouse and distribution facility located at 2555 N. Nevada Street, Lots 29 and 30 of the Westech Corporate Center.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2858, in case PL98-0020 WESTECH PAD.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Hensley Distribution Center" kept on file in the City of Chandler Current Planning Division, in file number PDP06-0051, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. 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.
6. All future signage shall be consistent with the signage contained within the attached exhibits with regards to sign type and quality. Any deviations shall require separate Preliminary Development Plan approval.
7. 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.
8. All raceway signage shall be prohibited within the development.
9. Date Palm trees shall be added along the southern entrance to further enhance the employee/visitor entrance. Details to be worked out with Staff.
10. Trees along the property's street frontage shall comply with the Commercial Design Standards in regards to the tree box-sizes.

F. PDP06-0053 AMTRUST BANK AT RAINTREE RANCH CENTER

APPROVED.

Request Preliminary Development Plan (PDP) approval for building architecture for a freestanding bank pad. The property is located at the southeast corner of Ray and Price Road/Loop 101 freeway.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AmTrust Bank at Raintree Ranch Center", kept on file in the City of Chandler Planning Services Division, in File No. PDP06-0053, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3744, case DVR05-0041, except as modified in condition herein.
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. *No raceways allowed for signage.*

H. UP06-0075 LA FAMILIA MARKET

APPROVED.

Request Use Permit approval to sell wine and beer for off-premise consumption only (Series 10 Wine & Beer Store License) at a convenience store located at 545 North Arizona Avenue, approximately 300 feet south of Galveston Street.

1. The 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 Use Permit is non-transferable to any other location.
3. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
4. Changes to the hours of operation shall require new Use Permit application and approval.
5. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

I. UP06-0076 LOGAN'S ROADHOUSE

APPROVED.

Request Use Permit approval for a liquor license (Series 12 Restaurant) for on-premise consumption (all spirituous liquor) within a new restaurant. The subject property is located at 3481 W. Frye Road.

1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to other store locations.

J. UP06-0088 JEEPNEY BISTRO

APPROVED.

Request Use Permit approval for a liquor license (Series 12 Restaurant) for on premise consumption (all spirituous liquor) within an existing restaurant. The subject property is located at 2390 N. Alma School Road, Suites #103-105.

1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to other store locations.

4. *The use of disc jockeys and live music shall be prohibited.*

K. PPT06-0050 POLLACK CHANDLER CROSSING

APPROVED.

Request preliminary plat approval for a commercial development including retail, restaurant, and office uses located at the northeast corner of Chandler Boulevard and Cooper Road.

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

L. PPT06-0026 CANYON ROCK MARKETPLACE

APPROVED.

Request preliminary plat approval for a commercial development including retail, Restaurant, and hotel uses located at the southwest corner of Alma School and Pecos Roads.

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

M. PPT06-0027 THE VILLAS AT LONE TREE

APPROVED.

Request preliminary plat approval for “for-sale” condominiums located at the southwest corner of Lindsay and Riggs Roads.

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

MOVED BY COMMISSIONER GULSVIG, seconded by **COMMISSIONER CREEDON**, to approve the Consent Agenda with the additional stipulations read into the record. Motion to approve carried unanimously 6-0 (Commissioner Cason was absent).

CHAIRMAN FLANDERS said he wanted to indicate that on item F he does have a conflict of interest as he is employed by the architect of record for that particular site.

ACTION:

C. DVR06-0060 SOUTHSORE TOWN CENTER – PHASE II

Request a rezoning amendment from Planned Area Development (PAD) to PAD to allow the addition of a condominium storage business for items such as, but not limited to, recreational vehicles/motor coaches (RV’s), cars, boats, file storage, off-road vehicles, office furniture, and business equipment. The development request includes Preliminary

Development Plan (PDP) approval for a condo storage business, a self-storage warehouse business, and a future pad. The property is approximately 12 acres and located at the

southwest corner of Ocotillo Road and the Union Pacific Railroad tracks; east of Arizona Ave. and east of the Home Depot commercial center on the south side of Ocotillo Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Southshore Town Center – Phase II", kept on file in the City of Chandler Planning Services Division, in File No. DVR06-0060, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance No. 3588, case DVR04-0003, except as modified by condition herein.
3. All landscaping along Ocotillo Road, including the area in front of the future pad, is required to be landscaped at the same time as all other landscaping in the initial phase of development.
4. Landscaping along Ocotillo Road shall be similar to the landscape theme on the adjacent Southshore Town Center site.
5. For the condominium storage parcel and self-storage rental warehouse parcel, all repair work and kindred businesses or activities or vehicle parking not related to the condominium storage and self-storage rental facilities shall be prohibited. Any repair work will be limited to minor maintenance activities and any other repair or restoration activities are prohibited.
6. All hazardous materials shall be prohibited within the condominium storage and self-storage rental facilities and within the development.
7. No outside storage is permitted to occur within the development including storage of RV's/motor coaches, boats, and the like.
8. The developer shall provide notice to buyers that if any future owners rent the condominium storage units to others, then the owner is required to abide by the City code requirements for rental property including obtaining a privilege tax license.
9. The future freestanding pad site shall be reviewed and approved through a separate Preliminary Development Plan request.
10. The freestanding pad shall carry an architectural level of detail similar to front facades, building materials, colors, and architectural style of the adjacent storage facilities.
- 11. *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.***
- 12. *The monument sign shall be redesigned to incorporate individual pin-mounted or reverse pan channel letters similar to the lettering on office development's signs.***
- 13. *The west elevation on Lot 3 Building A shall match the revised elevations presented to Staff and Planning Commission.***

MS. JODIE NOVAK, SENIOR CITY PLANNER, stated DVR06-0060, SOUTHSORE TOWN CENTER PHASE II, is property that's approximately 12 acres and located east of the southeast corner of Arizona Avenue and Ocotillo Road. There is

an existing commercial center that's anchored by a Home Depot. This property is on the east side of the Home Depot center and the east side of this property is the railroad tracks.

She stated that this is a request to amend the zoning to allow an additional use. The current zoning of the property is PAD. It allows all uses permitted by right in C-2 zoning, which is a commercial zoning. It also allows additional uses that include a mini-storage, self-storage warehouse facility, day care, school, and in terms of the self-storage, they could have incidental boats and RV storage. The amendment to the zoning is to allow the addition of a condominium storage business where there are owner occupied condominium buildings that somebody would be able to store recreational vehicles, such as motor coaches, boats and cars. There are also smaller units for individual storage in an owner occupied unit for personal belongings or any kind of records or files. The property is approximately 12 acres; almost 5 and ½ acres is the condo storage facility, and just over 5 acres is the self-storage rental warehouse and 1.7 - 5 acre future PAD site. There is a Preliminary Development Plan request as well. It does not include the PAD site. That will come back as it's own Preliminary Development Plan when they determine the use and the design of the building that will go there.

The project's architecture reflects a lot of the architectural design themes, colors and materials on the adjacent Home Depot anchored shopping center. There are mostly one-story buildings and storage facilities throughout this project. There is an eight-foot perimeter wall on the south side of the property and there is interior and exterior landscaping along the perimeter. There are two buildings that are like office buildings and the condo facility has a clubhouse, which is almost two stories in height, and those are along the Ocotillo frontage. They have added a couple of stipulations to address maintenance of the landscaping. They have revised the west elevation perimeter wall to add additional enhancement and variations in the height to be similar to the east wall elevation along the railroad tracks. They did have their neighborhood meeting as part of this process. They have had communication and discussion with the adjacent property on the east side of the railroad tracks. Neither the applicant or Staff is aware of any opposition to the project as of date. They did hear that there is somebody here that wants to talk about it. They are not familiar with why. They are recommending approval of this project with the stipulations in the report, as well as the original stipulations and those that were added this evening.

CHAIRMAN FLANDERS asked if there were any questions of Staff.

VICE CHAIRMAN HEUMANN said that rather than having a full presentation from the applicant maybe we can find out what the issue is from the person who asked to have it pulled.

CHAIRMAN FLANDERS said to the applicant that the Vice Chair has made the request if we can go directly to the resident who has pulled this from the agenda. They

will hear what he has to say first and then they will come back to them. He asked the resident to state his name and address for the record.

DERRICK LOGAN, 445 E. COCONINO PLACE, CHANDLER, thanked them for letting him speak. The reason why he wanted to come forward is that he has not received any information on this other than the signage out in front. When calling Jodie Novak, he got the response that information was available. His wife went down to get the information and was only given the agenda and was not given the detailed plans. He would like to have more time in order to review what all the changes are as he has no idea what they are; part for himself as a resident, part for Pinelake Estates as a whole. He sees in the beginning of the document it doesn't state about Pinelake Estates being on the east side of this property, which it is. There is one resident right across from this property. He is also the Vice President of the HOA.

CHAIRMAN FLANDERS asked him if it was just the elevations that he is concerned with? Mr. Logan answered it was the elevations and the change in lighting. He is not familiar with this condominium storage. He doesn't know what the business hours are and how that's going to be changing. He doesn't recall hearing of any neighborhood meeting.

VICE CHAIRMAN HEUMANN asked him how close does he live to this parcel? Is his HOA within a quarter of a mile? Mr. Logan said yes it was right across the railroad tracks.

MS. JODIE NOVAK stated the Pinelake Association did receive notice. They are one of the City Registered Neighborhood Organizations and they are definitely within a quarter of a mile, which is our notice for RNO's. The notice goes to all property owners that are within a 600-foot radius of the property. They did have a neighborhood meeting that the applicant held on December 21, 2006. They as well sent notice out to everyone within a 600-foot radius and any homeowners association within a quarter of a mile. No residents in the area attended the neighborhood meeting. She did not meet with Mr. Logan so she is not sure whom he spoke with in terms of the information his wife was trying to receive. He has called her on a few occasions to find out about the project, but she wasn't aware of any opposition other than just wanting to be aware of the development that's going on in the area. He had communicated with her quite a long time ago.

VICE CHAIRMAN HEUMANN asked him if he was on the HOA board and if he had any notification for his management company - did he check with them? Mr. Logan said not that he is aware of. In addition, he tried to get information beforehand because he is the first person on the board to have the roll where he would handle the surrounding community. It was not available on the website like it sometimes has been. He works in a different town far away so he has difficulty getting here during business hours. **VICE**

CHAIRMAN HEUMANN asked Staff if the sign went up 30 days prior? Ms. Novak answered yes. Mr. Logan said the sign is how he was aware of the property amendment. **VICE CHAIRMAN HEUMANN** looked at the date of the neighborhood meeting and December 21, four days before Christmas, is a real odd time to have a meeting. Ms.

Novak said that she and the applicant did not receive any phone calls from people that may have wanted to go but were unable to. She said she was looking at the list for Pinelake Community Association and they show up as an owner on several parcels within that notice area. Kirby Estates is also in the area and they are one of the registered neighborhood groups. They haven't heard from anybody.

CHAIRMAN FLANDERS said to let the applicant go ahead and make a presentation to see if that would answer any of the questions. After that Mr. Logan could come back up again, if there were any specific things they could help out with. He asked the applicant to please come forward and state his name and address for the record.

DAVE GIBSON, ROBERT KUBICEK ARCHITECTS, 2233 E. THOMAS ROAD, PHOENIX, stated they sent out notices. **CHAIRMAN FLANDERS** said what he would like him to do is describe the changes they have worked with Staff on as far as elevations. There may be some specific questions that the resident may have. Also, describe the project a little bit. Mr. Gibson said The Pinelake subdivision is on the very southeast corner. There are a couple of residents there. They did talk to Staff because they wanted more cultured stone. They added more cultured stone columns to the east side of Building A along the railroad tracks. He didn't have many issues with Staff. They enhanced Building A, Lot 3. **CHAIRMAN FLANDERS** asked if there was any type of lighting that would be seen? Mr. Gibson said there is no lighting on the outside of the building. There is no lighting toward the residential area to be seen. There will be lighting on the building, but they shield it. It's going to be behind the other buildings. They will not be able to see any type of lighting. **CHAIRMAN FLANDERS** asked what is the height of the screen walls or the structure along that east property line? Mr. Gibson said it is 25 feet. **CHAIRMAN FLANDERS** also asked if that would screen any type of RV's or motor homes? Mr. Gibson replied that all the RV's and all the parking is indoors. There are no exterior storage facilities on the site. Mr. Gibson stated you would not see anything.

CHAIRMAN FLANDERS asked if there were any questions of the applicant.

COMMISSIONER GULSVIG stated that one of the things they discussed during study session is what kind of traffic pattern egress turnover on a daily basis do they expect on a storage facility of this volume? Mr. Gibson replied it would be very low. People move in their items and they don't come back. **COMMISSIONER GULSVIG** asked that with this many storage spaces don't they expect egress on four or five or six to ten trips a day? Mr. Gibson said the developer said that there is less than five cars a day that come in and out of this place. **COMMISSIONER GULSVIG** asked if this is a small utilization? Mr. Gibson said yes, this is a storage facility - long term. **COMMISSIONER GULSVIG** said he understood that and if you take the worse case, if everybody tried to store all the

same day, you would have a huge volume in there. Hopefully, you get enough turnover. He said that from the neighborhood, he lives off of McQueen. Has the same address, same street but different number as Mr. Logan does. He is concerned

about the traffic patterns going in and out of there too. But if it's only five a day than he doesn't have too much of a problem with it. He also has a concern about security. Is there going to be any kind of secure area in there and is it open at night? Is this a 24-hour a day operation or is there time periods when it's open and closed? Mr. Gibson answered that these facilities usually have their security cameras. The storage facility to the south will have a permanent in-house manager. **COMMISSIONER GULSVIG** asked if the people who are storing in there will be able to go in there 24 hours a day? Mr. Gibson said he thinks there are some restrictions on that. **COMMISSIONER GULSVIG** said restrictions such as being closed from 5:00 – 6:00 p.m. or is it open 24 hours a day? Mr. Gibson said it is in the narrative. **COMMISSIONER GULSVIG** said they didn't discuss it that is the reason why he's curious. Mr. Gibson said he doesn't know the exact hours but he doesn't believe it is open 24 hours a day.

CHAIRMAN FLANDERS asked if there were any other questions of the applicant.

VICE CHAIRMAN HEUMANN asked if he could put up on the ELMO the elevation for the east side of Lot 2 and the south side of Lot 2. The one that's going to be closest to Pinelake Estates. He asked Ms. Novak if she could show an aerial map of where Pinelake Estates is relative to Parcel 2. Ms. Novak showed the subject property and where the Pinelake community is. For clarification, she showed where the notices went (as far as the 600-foot notice goes). She stated anybody on Coconino Place wouldn't get the notice. She stated they had multiple labels for them as owners falling within the areas up towards the North. Pinelake Way is the north entry into the community. They have almost a 100-foot track that runs along the west side of that development as a buffer from the railroad. They have a loop street that goes all the way around. They don't have any homes that actually back up or are adjacent to that loop street. They are all within interior cul-de-sacs. Ms. Novak showed what the south elevation looks like on the ELMO. She showed the areas that go up to 24 feet at the tallest point as well as the shorter points. Mr. Gibson pointed out that there is also a landscape area on the other side of the eight-foot screen wall. There will be trees lining that inside of the facility. **VICE CHAIRMAN HEUMANN** stated he was trying to get a feel for the neighborhood in terms of what they are going to be looking at. They are looking at least a 100-feet away or more from the railroad tracks and the street.

CHAIRMAN FLANDERS asked if there were any other questions of the applicant. He asked the resident to come back up and see if there were any additional items that he might be concerned about.

MR. LOGAN said thank you but it was difficult for him to state what additional items he had until he had time to thoroughly review everything. He understands that the notice went out, but he lives about 700 feet away so that's why he didn't get the notice. He

noticed in what little he had read, there are some Acacia trees on the south side. There wasn't any notice of trees on the east side. He said they have all talked about this before

and they feel that this company would be a good neighbor to them. They were not worried at all about that. The only thing is how is it going to look architecturally, landscape wise, lighting and noise. He's a little concerned about the clubhouse. They say there won't be a lot people there, but there's a clubhouse, which has television and a microwave and certain things available for people. That is on the north end so that really doesn't affect us. What are the hours of operation and what is going to happen in this kind of environment? He is glad that all the storage is inside and he thinks that is a great idea. Again, he feels they will be a good neighbor; it's just a matter of some of the details for landscaping, walls, lighting, hours of operation and so on.

CHAIRMAN FLANDERS asked Jodie Novak if she was aware of any activities at the clubhouse? Have they gone into any description of what the function is of that other than the TV? Ms. Novak answered that they have a tentative set of their CC&R's. Basically it's for the condo association only; it's not on the rental storage facility. For those who own their units, it's just a place that if they have come back from a long trip and while they're parking their motor coach, they can use the restroom facilities. If someone is cleaning things up or whatever they need to do, you can go into the clubhouse and kind of relax for a little bit. You can't run businesses out of them, but if they do need to take care of business from their outside office, there may be a hook up for a computer or laptop. Also there is phone service for them as well. It is just an amenity for them because they are owners; they are not renters. It could also be used by those owners for gatherings. She had asked these same questions of the applicant to understand what that entailed. There are restrictions on not having loud noise and music and anyone sleeping in there and maybe a group of people getting together. **CHAIRMAN FLANDERS** said is he hopes there isn't any type of socials or gatherings where there is a lot of people in there. He would have a concern about that. **COMMISSIONER CREEDON** said that page 3 does identify about what it is, so they have information later when they look at it. It does kind of clarify that it is not for parties and that type of use. It's just for relaxation. **CHAIRMAN FLANDERS** asked the resident if that helps him understand a little better. Mr. Logan wanted to know if it was possible to ask the developer if he could attend a Board meeting on March 5. The developer could talk to them about the landscaping; something that will break up the large buildings that will be visible. **CHAIRMAN FLANDERS** asked him if he was talking about the east elevation? Mr. Logan said yes. **CHAIRMAN FLANDERS** said he knows there is landscaping that covers the corner of the building there. He asked Ms. Novak if the building is right up to the property line? Ms. Novak replied that it is because the very eastern buildings' serve as their perimeter wall. There is not a separate perimeter wall that they are putting up. It goes to their lot line and then you have the railroad right-of-way. **CHAIRMAN FLANDERS** asked if there would not be any opportunity to provide any type of landscaping along that whole side. Ms. Novak and the applicant said no. **CHAIRMAN FLANDERS** stated he was looking at the landscape plan and it does cover the south side and then it turns and goes

up about 75 or 80 feet so that it would cover the corner adjacent to the Pinelake Estates. Mr. Logan said it appears that there is landscaping on all sides except just the side that is adjacent to Pinelake, other than that little corner.

CHAIRMAN FLANDERS said he believes it's because they're right up against the railroad right-of-way.

VICE CHAIRMAN HEUMANN asked Staff that in other projects that butt up against the railroad tracks is the normal course no landscaping? Ms. Novak answered that on other projects there was residential components. So far as the buffering from the residential development that had their own separate perimeter wall from the homes, they would put in additional landscaping as a buffer for the homes to the railroad track. With commercial industrial projects it's not necessarily a requirement. They have provided the landscaping within the development, but they didn't require them to have to put a landscaping area in next to the railroad tracks. From where this particular project is located, that little tail end of landscaping at the very southeast corner butts up to an open space landscape tract for Pinelake Estates. There is no home there. It is at least almost a 100 feet away from the railroad right-of-way before you get to the first home. This landscaping reflects the landscaping that was adjacent to it. Pretty much all of building A and some of that landscaping is next to the vacant land which is planned for a business park development. There are no homes that are even adjacent to or in close proximity to that eastern border. It's land planned for a business park destination. **VICE CHAIRMAN HEUMANN** said as a recommending body this will go to Council March 5, 2007, although this doesn't help the applicant. Pinelake Estates has been fairly vocal in other issues that have come in front of Commission and Council. The applicant would probably want to meet with the Board if they have a chance. He said he thinks the applicant would want to do that to clear up any kind of things that may go on. Ms. Novak said she wanted to clarify some other comments that Mr. Logan had. The south property line and the east property line with all that landscaping are shown as having 24" box Willow Acacia trees. Those are going in as a part of the project. As part of the tentative CC&R's, there is a disclosure in there about nuisances and offensive activities such as exterior speakers, horns, whistles, bells and other sound devices except when used for emergency purposes. They do not want any noise to be emanating from this development. There association is making sure that doesn't occur from the clubhouse or anywhere else on the site. **VICE CHAIRMAN HEUMANN** said he thinks all these things are fine. Again, Pinelake Estates has been fairly vocal on other things. The applicant might want to get with their board and talk with them before the Council meeting and iron out any questions that might have come up.

CHAIRMAN FLANDERS stated he thinks it's a good idea to go ahead and sit down with the developer and see if you can iron out any items. He said he wasn't sure how Staff would deal with that. Ms. Novak said everything for Council is going out this week, however, she will follow up with the applicant to find out what communication they have had with Mr. Logan or any board member. If there are any questions that are being proposed or being recommended, she will make sure that they get those for that Council meeting and that it is addressed, whether it's addendum memos or exhibits.

CHAIRMAN FLANDERS asked the speaker if this was a workable solution? Mr. Logan said it would be acceptable if they could meet with the developer prior to March 5 on the other small details. **CHAIRMAN FLANDERS** said if he wanted, he could attend

the City Council meeting if there was something he is not comfortable with and then voice his concerns.

COMMISSIONER IRBY wanted to talk to the applicant about Building A on Lot 2. How long is that building? The driveway is between buildings. There is one at 59 foot three and the other one at 50 foot for Lot 2. He commented that this is a long building and it's up against the property line. The railroad tracks are usually pretty ugly to begin with and there is no landscaping and you have a big long building. The architecture is probably pretty nice. He asked if they have two driveways and if the 50-foot works, why don't they make both driveways 50 feet? That will give them a 9-foot landscape strip along the east property line. Mr. Gibson responded that he has talked to the developer about this.

MR. JEFF WELKER, 3125 E. OVERSTREET, MESA, asked Commissioner Irby if he could repeat the question? Commissioner Irby said he wanted to know why they don't make both driveways 50-feet and take the 9-feet of area that is left and landscape it along the east property line? Mr. Welker answered that he appreciates that suggestion. The reason it doesn't work is because the size of the potential RV's that would be in those units will need that maneuvering space to be able to get in and out. The units on the side where there is only 50 feet can't accommodate those bigger vehicles and therefore, they don't need as much maneuvering space. That is the reason for that design difference. **COMMISSIONER IRBY** said that is a good point. The railroad has no landscaping between it and the buildings and obviously it's a pretty long building. He asked about the possibility of taking some of their buildings along the east property line and maybe notching them making a couple of those units a little bit shallower. He said he is going to let them deal with that and is not going to make that a stipulation unless other people on the Commission have a feeling. He stated he was throwing out some ideas that he would like them to explore with the adjacent property owners to see what works and what doesn't work and then they can resolve it with City Council. Mr. Welker said as he just expressed to the property owner who is here, they are committed to meeting with them and would have had they known his concerns earlier. The only concern they have about landscaping on that side, whether it's notched or otherwise, is accessibility to maintain it. It's railroad right-of-way there and the railroad doesn't allow ready access. Long-term maintenance could become very, very challenging. Instead, they have put a lot of effort into the architectural elements of that side to compensate for that lack of landscaping and create that visual interest in other ways. **COMMISSIONER IRBY** stated that those were some of the comments he was going to say; access (if you could make a 9-foot strip you could probably get some access). Those are just some concerns he would like to see them address. When they get to City Council, they can say what they tried and didn't try to do alleviate that elevation.

CHAIRMAN FLANDERS asked if there were any additional comments for the applicant. He asked the audience if there was anybody that would like to speak in

regards to this item. He said he was going to go ahead and close the floor for Commission discussion and a possible motion.

MOTION BY COMMISSIONER IRBY to approve item C, DVR06-0060 SOUTHSORE TOWN CENTER – PHASE II with stipulations, **SECONDED BY COMMISSIONER CREEDON**.

VICE CHAIRMAN HEUMANN stated he was going to be voting no on this project. He thought it was going to stay on Consent. He doesn't feel the land use for the entire parcel is in the best interest of the City. He thinks it's a nice parcel with some of the things they've done, but he will be voting no. He wanted to clarify his no vote.

CHAIRMAN FLANDERS asked if there was any further discussion. There was no further discussion so they proceeded with the vote. Item C passed 5-1 (Commissioner Cason was absent). He stated to the resident and the applicant to work out their meeting, as this is going to Council on March 5. He asked Ms. Novak if they need to be there? Ms. Novak said it will be the responsibility of the applicant and she will communicate with them so she knows when they're meeting. She will see if one of their members on their development team could go to that board meeting and have the other members here at the Council meeting. She will keep in touch and put that information in a report that will be forwarded to Council as far as the ongoing neighborhood work. **CHAIRMAN FLANDERS** said he appreciated that.

CHAIRMAN FLANDERS stated that next on the agenda is item G.

G. PDP06-0055 PURRFECT AUTO

Request Preliminary Development Plan (PDP) approval for a new retail and auto service building in an existing shopping center at 125 E. Ray Rd., east of the southeast corner of Ray Road and Arizona Ave.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2825, in case PL97-0177 EVERGREEN RETAIL CENTER.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Purrfect Auto", kept on file in the City of Chandler Planning Services Division, in File No. PDP06-0055, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
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. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.

6. 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.
7. All raceway signage shall be prohibited within the development.
8. *All automobile services and associated equipment storage shall be conducted only inside the building.*
9. *In accordance with City Code, no vehicle shall be stored outdoors for more than one week.*
10. *There shall be no loudspeakers.*
11. *The screen wall along the western property line shall be 5 feet in height near the auto service bay doors and step down toward Ray Road.*

MR. BILL DERMODY, CITY PLANNER, stated this a request for a PDP approval for the final portion of the Dene Retail Center. This center is at 125 E. Ray Road, a little bit east of the intersection at Arizona Avenue and at the southeast corner of that intersection. This is part of a larger area that received PAD zoning back in 1998. This particular center had PDP approval for the eastern two-thirds back in 2001. This lot had PDP approval in 2004 for a fast food restaurant operation. The request is for PDP approval for a two-part building. It would have a little less than 3300 square feet of in-line retail facing Ray Road to the north and about the same amount of auto service in the rear facing east/west. This site does provide sufficient parking. It requires 46 spaces; it provides 48. The architecture is in-line with what you see in the rest of the center as well as with the Walgreens just to the west. It has a number of elements that you see in the rest of the retail center and Walgreens including the same roofing, cornice details, brick columns and arches and color scheme. In addition to all of that, there's a colonnade that is extended from the retail center to the east all the way around the front of the retail shops and around the western side of the building as well. The pan-channel wall signage that is proposed for this fits what's in the rest of center as well. It matches the existing pan-channel letters. The screening of the auto service of the business was a concern for Staff and that's been addressed through a combination of landscaping and a step wall along the western property boundary. He said they have a number of additional stipulations besides what's in the memo from Staff. Three of them have to do with the auto service portion of the business.

8. All automobile services and associated equipment storage shall be conducted only inside the building.
9. In accordance with City Code, no vehicle shall be stored outdoors for more than one week.
10. There shall be no loudspeakers.

Mr. Dermody said the applicant is in agreement with all of these stipulations. He said they do have two neighbors who have expressed opposition to this. One is a tenant, H & R Block of the neighboring retail center. There is a letter that is in front of them that

came in a few days ago. Also, there is a neighboring property owner, a landlord, who's got opposition to this project. Their concerns are similar and they are along the lines that this new retail and auto service building will be closer to Ray Road and therefore, obstruct the vision to their portion of the retail center from the West along Ray Road.

Staff has talked with the objectors about this. Staff finds that there are two circumstances that cause them to continue to recommend approval despite that. One is that landscaping in place along Ray Road obstructs this retail to a great extent already, regardless of whether another building comes in or not. Also, there is an existing approval for a fast food restaurant that has almost the same footprint and blocks their portion of the retail center to about the same extent. They don't find that this is causing that problem to get any worse. As he alluded to, Staff does recommend approval with a number of conditions and he would glad to answer any of their questions.

CHAIRMAN FLANDERS asked if there were any questions of Staff.

VICE CHAIRMAN HEUMANN asked when this was approved with the Walgreens on the corner, do they have the original plans that were approved by Commission and Council in terms of what the layout was then? Mr. Dermody said yes they do and actually there is a version of the old approved site plan in their packets. He said it's not in the booklet, it's actually one of the attachments to the memo. He put it up on the ELMO as well. In their packets, after the elevations, are two versions of the old restaurant site plan that was approved in 2004. **VICE CHAIRMAN HEUMANN** said in regards to the buildings to the east that is the concern, when were those built? Mr. Dermody answered that they received PDP approval in 2001. He thinks the middle portion was built soon afterwards and the eastern third was just recently built. **VICE CHAIRMAN HEUMANN** asked if the people that are here testifying and the H&R Block tenant are part of parcel 3 or parcel 4? Mr. Dermody said H&R Block is part of that middle parcel and the landlord owns the eastern recently constructed third of this center which is parcel 4, according to the County parcel map. **VICE CHAIRMAN HEUMANN** stated this site plan was approved in 2004 with the drive-thru restaurant and the other parcels were approved in 2001. He asked Mr. Dermody when they built their parcels? Mr. Dermody replied the middle portion, which is referred to as Lot 3, was constructed in 2001 or 2002. The eastern portion, Lot 4, was just recently constructed in the past year. **VICE CHAIRMAN HEUMANN** asked if there has been any change of ownership from the time they built it to now, and was there any objection raised in 2004 when the drive-thru restaurant was approved? Mr. Dermody replied that there are no objections that made it to the record regarding the fast food approved in 2004. He doesn't know about the changes in ownership. **VICE CHAIRMAN HEUMANN** said he was just trying to clarify timelines in terms of when things were approved and were there objections then.

CHAIRMAN FLANDERS said he remembers when this actually came forward with the drive-thru. Comparing both of them, the application tonight is a better situation because they are eliminating the drive-thru lane and any type of vehicular traffic between the buildings. He said as far as who is further forward, it looks like tonight's application is

just a bit more to the north. It seems very similar to him. He asked if there were any additional questions of Staff?

VICE CHAIRMAN HEUMANN said he had one question on stipulation no. 9. Normally on auto facilities, don't we say there is no outside storage whatsoever? Mr. Dermody answered "not usually". They do have a stipulation similar to what you see in no. 8. That is very common that you can't conduct work or have regular storage outside.

VICE CHAIRMAN HEUMANN said it is a fenced area. In terms of storage it's usually behind the wall or something like that. If they do store cars on the outside and are being left out there, what about security? Mr. Dermody said it's certainly the prerogative of "Purrfect Auto" not to have any outside for security reasons. They just didn't want to treat them any differently than other typical auto services who have up to a week for each car if they want to leave it out there. It was an issue of fairness as to why they weren't more restrictive in this recommended condition.

COMMISSIONER IRBY asked if there was a screen wall between this and the Walgreens? Mr. Dermody said yes there is and there is a detail of it in their booklet. It is a stepping screen wall that goes from four feet down to nothing. The four foot portion is farther north and provides screening from Ray Road and it steps down naturally. The applicant is open to any form of screening over there. Originally, they had a six-foot wall over there and decided that it was dividing up these properties a little more than they wanted. That's why they suggested a stepping wall in its place. **COMMISSIONER IRBY** asked in regards to parking screening, what does that typically require-36 inches? Mr. Dermody said yes, just like along Ray Road. **COMMISSIONER IRBY** said he would wait and hear the applicant's presentation.

CHAIRMAN FLANDERS asked if there were any other questions of Staff. He asked the applicant to please step forward and state their name and address for the record.

JEFF LOOKER, LOOKER & CAPPELLO ARCHITECTS, 2070 E. SOUTHERN, TEMPE, said he doesn't really have a presentation. They agree with Staff's recommendations. The project is pretty self-explanatory. As was mentioned, they are filling an existing dirt pad that has parking around it. Right now this parking exists around the building. He showed where the existing dirt pad is and where the original fast food proposal was. He said they are actually further back than the original fast food proposal. If you look at the Walgreens alignment, and if you look at the end of the parking space to the front of their building, it's maybe even a little further back than the fast food because they had a tower here. It's roughly the same. They tried to be sensitive to that and stay within the existing PDP. Again, they have worked with Staff and they meet all the setback requirements and exceed all the landscape requirements. They meet and exceed all the parking requirements. They meet and exceed all the lot coverage-maximums. They are well within all the setbacks and site development standards for this project. They are also within the previous PDP approval and setback for that. He said if there were any other questions, he would be glad to answer them.

CHAIRMAN FLANDERS asked if there were any questions of the applicant.

COMMISSIONER IRBY said he apologized because he actually meant to drive past this site on the way in here, but ended up taking a different route. He said their architecture shows a slope-tiled roof. Does the Walgreens have that same element? Mr. Looker said the shops do. It's a continuation of the architecture of the shops that are to the east. **COMMISSIONER IRBY** asked if it's the same slope and is the length of the roof pretty much the same? Mr. Looker replied that it is comparable. You can see in the rendering how it relates. **COMMISSIONER IRBY** said the three-dimensional one represents it that way, but he wasn't sure. Mr. Looker said that is an actual photograph of the existing shops and then the rendering is placed on top of that. **COMMISSIONER IRBY** said when he looked at the building elevations, it seemed like a very tall structure. When you look at the rendering, he thinks it will architecturally change and not seem as tall. He was curious if the tile roof on the adjacent buildings were pretty close to the same or is their building taller? Mr. Looker replied it's pretty close to the same. Most of the height of the building is a result of the height that the auto has to be for the lifts. It has to be 14 feet clear to the structure. **COMMISSIONER IRBY** said he wasn't sure if there was a screen wall at all between their property and Walgreens. He thought the sloping wall was maybe something that was going on in the front along Ray Road. From Arizona Avenue, Walgreens is going to screen a lot of their visibility. He thinks stair-stepping it and starting out a little higher on the south side, and as you go north let it stair-step back down to something a little bit less. If you are parking cars at night, with just the visibility, you don't know what state these cars will be stacked up there. Maybe it starts out as a five-foot wall and stair-steps down a little bit as it goes north and still achieves that same look. He doesn't want to see it totally blocked off and separate each property a little too much. Mr. Looker said the landscape is pretty heaving in there too. They tried to combine both wall and natural elements.

CHAIRMAN FLANDERS asked if there were any other questions of the applicant.

COMMISSIONER ANDERSON wanted to add that he thinks at Germann and Alma School Roads there is a Walgreens that has a Fletcher Tire behind it and they do have a 5-foot separation wall. It had some perforations through it and it looked nice. He agrees that maybe taking it up a little bit higher. **CHAIRMAN FLANDERS** said that provides a little variety along there. **VICE CHAIRMAN HEUMANN** said he would reiterate that. He thinks it would be good from the south side and maybe have five feet staggering down and going back up or something. Especially where the bay doors are. He also knows which one he is talking about on Alma School and Germann Roads.

COMMISSIONER IRBY said it was nice fit for this in-fill.

CHAIRMAN FLANDERS stated at this time he has one speaker card. He asked him to please step forward and state his name and address for the record.

DR. ESAN MASSROUN, 7050 E. DOUBLETREE RANCH ROAD, PARADISE VALLEY, said he owns the property east of the site, Lot No. 4. On December of last year he got an occupancy permit. When he originally purchased this land, he proposed to the city to build some retail center there. The city wanted him to build something similar to Lot no. 3. The color should be the same and the height the same. The city wanted to see a bigger center with Walgreens as an anchor. Originally, he wanted to buy the same land that is proposed today. When his architect looked at that, he said you couldn't build much on it. Maybe fast food is good – it is too narrow and too deep. His lot was about 1 to 1.4 acres. The city allowed him to build only 7300 square feet of building. They wanted a lot of parking in front and in the back. The same is with the center on his west. They have the same parking in the back and in the front and the same elevation and same height and color. It looks like a center. When he saw the proposal, he saw a higher building. Secondly, they are proposing to build a huge building 33 feet closer to the street. Not 3 or 4 feet, 33 feet. When his tenants came there and agreed to a lease agreement, they assumed they had visibility. Now a big building is coming here and all of the traffic coming from the west will never see them. They will not see them until they pass by. The same is true with Walgreens. Today he called Walgreen and the agent was surprised also. This will block them for all traffic coming from the west because the building is high and is 33 feet in front of all of them. He thought an automobile retail center would come there. There is all retail there. He would suggest that they should be in line with all properties and not come and block everybody. It is ugly and will bring the value of his property down. He recently got his occupancy permit. He didn't build this center ten years ago. He hopes that the city will not allow after one year of getting his occupancy permit, a huge building higher than all of the buildings there and block everybody. It's not nice and he is strongly opposed to that. He hopes that Commission will understand his point. He is not really opposing them, but it should make sense. It makes no sense. The other owner has seven or eight tenants. The gentleman that owns the property is in Korea so he has talked to his agent. The agent was really amazed and didn't believe that the city would allow this and they didn't get any notice from the City of Chandler. He said he would talk to the owner and he was sure they would oppose it also. H & R Block, who is a tenant, also thought they would have visibility. The people who purchased or leased a retail store there will have a huge block. This is the Dene Center. His center is west of this center and they are exactly the same color and the same height. Their buildings will be blocked. It is impossible to accept that. He said he hopes he could make himself understandable because of his accent.

CHAIRMAN FLANDERS asked Mr. Massroun if he was aware of the previous fast food site that was approved. Mr. Massroun said he was and wanted to purchase it, but his architect said it is not good for retail. It is only good for a drive thru restaurant. **CHAIRMAN FLANDERS** asked him as a result of that building being approved did he

realize that there was a possibility that a building could be put at that same setback. Mr. Massroun said he couldn't even imagine that any building would come and cover all these retail centers.

VICE CHAIRMAN HEUMANN asked him if he knew there was a fast food restaurant that was approved? Mr. Massroun said he knew it was approved for a fast food restaurant but he didn't see the plan. **VICE CHAIRMAN HEUMANN** asked Mr. Massroun if anybody showed him the plans? They just sold you the land and didn't tell you the whole story? Mr. Massroun replied that was true and he would never have purchased it. You come here and rent a space for \$25 or \$30 a square feet and somebody is blocking you (a huge building). Nobody can see you. **VICE CHAIRMAN HEUMANN** said he fully understands what he is saying. Mr. Massroun said it is bad for Walgreens also. He is going to talk to Walgreens because they would be covered also. **VICE CHAIRMAN HEUMANN** said he didn't think Walgreens had an issue. Mr. Massroun said one good retail center with Walgreens as an anchor would be ideal. **VICE CHAIRMAN HEUMANN** stated that he understands his concerns. If people didn't ask the right questions of the real estate people that were leasing those places, he couldn't speak for that. This was something that was approved in 2001. He asked Mr. Dermody if the height of this building is any higher than the original height for the fast food restaurant? If this was a fast food restaurant this wouldn't even be a hearing. Mr. Massroun said if this were a small thing, he wouldn't bother taking up his time. **VICE CHAIRMAN HEUMANN** said if a restaurant had been built versus what they are asking for today, they wouldn't even be in front of us. There wouldn't even be a public hearing on the situation. It would have just gotten built. The Chairman brought up earlier that based on the original plan, the amount of cars going through here and circulation, it would have probably hurt the retail shops even more. Mr. Dermody said that the proposed height is about 23 feet. The fast food place was about 29 and a half at its peak and the prevailing height of 21 to 23 feet. **VICE CHAIRMAN HEUMANN** said it's smaller than the building that was originally approved. Mr. Massroun said it was still high enough to cover them.

CHAIRMAN FLANDERS had a question for Jeff Kurtz, Assistant Planning & Development Director because he has been here longer than everybody else. He said he ran into this situation a number of years ago on a site he was involved with in Scottsdale. They had a similar situation where they were putting a building further ahead of the rest of buildings that were adjacent to it. The city indicated to him he couldn't do that as a result of a common setback of all the existing buildings. Does the City of Chandler have any type of ordinance or anything in the book related to this? Mr. Kurtz said all of their site planning is controlled through the adopted site plans; through the PAD, through the PDP's. There is nothing like that which would prevail in any kind of determination. You are being asked tonight to consider a revision to a Preliminary Development Plan. Certainly, any judgment or evaluation is appropriate to address such as any past cases, any past expectations, the design of the building, and the height of the building. It really all is open. You are not constrained for this particular project. **CHAIRMAN**

FLANDERS said he was just curious if there was anything in the books as a result of one cities in the valley doing that and he didn't know if they have anything like that. Mr. Kurtz said no, but he has seen things like that in terms of CC&R's where there are

easements described on properties that become private regulation in terms of view corridors or things like that.

He hasn't heard any testimony tonight that those easements are in place on this particular property. Mr. Massroun said as a last note, he talked to the real estate agent and he said if this gets approved, his property value will come down.

VICE CHAIRMAN HEUMANN asked Staff that on the site plan, in terms of parking for this site, is this overparked or underparked? Is the 46 required based on square footage? Mr. Dermody said 46 spaces are required, 48 are provided. There are three different calculations that go into this; the retail is calculated as retail, the office counts as office (five per thousand) and the bays are counted at 3.5 spaces per bay. That is how Staff added it up and it came to a total of 46 spaces. **VICE CHAIRMAN HEUMANN** said the reason he was asking is because he was looking to see if there was any way whatsoever of pulling this back. Mr. Dermody said maybe a few feet, but not a significant amount. **COMMISSIONER IRBY** said you have to maintain all the circulation behind all these buildings too. **VICE CHAIRMAN HEUMANN** said he understands from the citizen and the landlord their concern, but they wouldn't be here tonight if this was a fast food restaurant that would actually be higher and maybe a couple of feet further out with a heavier circulation. He asked what type of auto facility is this? Is it a tire and lube place or a full body shop? The applicant, Mr. Looker, said Purrfect Auto is a light maintenance with tune-ups and that kind of thing. It's not a tire store. They do a minor exchange of parts. **VICE CHAIRMAN HEUMANN** asked if there are compressors on this? When they approved the auto center by Fulton Ranch, one of the things that came up was compressors. Where are the compressors going to be on this site? Mr. Looker said the compressors are interior and he showed them where the area is. **VICE CHAIRMAN HEUMANN** said he understands from the citizen, but at the same time this was zoned properly, the land use is fine and they wouldn't be sitting there if it were a fast food restaurant. He would like to see the theme wall on the west side be changed like Commissioner Irby said. Other than that, he doesn't have a problem with this project.

CHAIRMAN FLANDERS went back to the audience to see if there was anybody that would like to speak in regards to this item. There were no additional comments from the audience.

COMMISSIONER ANDERSON asked the applicant if the height is pretty close to the same as the retail or do they know exactly what the difference is? Mr. Looker said they are at 23 feet. He said that it's within a couple of feet that. They are not significantly higher. He said if you look at the picture of the existing site, it look like it's 22 feet. Those are not small towers on those existing buildings. **COMMISSIONER ANDERSON** said his only thought was if it was two or three feet difference, couldn't

they just lower the retail portion, keeping the portion in the back for the garage. Mr. Looker said the height of their building is really not an issue. The citizen has an issue with the positioning on the site, which is in full conformance. **COMMISSIONER ANDERSON** said his own thoughts were to tie in to his site as well making sure this all

looks cohesive. He noticed they do have some differences. They have a stucco parapet and he doesn't have that piece. Mr. Looker said they do, it's almost the exact same detail. He said if you look at the picture they have the same stucco, same diamond detail, same roof and parapet. **COMMISSIONER ANDERSON** said if he looks at where there is a sign, they have one that's much bigger and angled than the citizen appears to have. He is looking at the aesthetics of it trying to make sure it looks like the same center. Mr. Looker said it's not identical but if you look at the west end of this building, the arch and colonnade are there. It's complimentary. **CHAIRMAN FLANDERS** asked Commissioner Anderson if it is his wish to have this new part to match? **COMMISSIONER ANDERSON** said he was just asking that if they are looking at two to three feet height difference, are they really going to notice? If it just one-foot, they won't really notice that driving by from either direction. Mr. Dermody said he might be able to help. The existing center according to the old fast food approval shows the existing center. It's about 21 and half feet prevailing height with columns extending higher above that. So it's approximately the same.

CHAIRMAN FLANDERS asked if there were any other questions of the applicant. He said he was going to close the floor for further discussions and a motion on this.

VICE CHAIRMAN HEUMANN said he had one last question for Staff. In regards to the square footage of the auto facility and the three retail shops, is it any different than the square footage that was represented for the fast food restaurant? Mr. Dermody said yes it is. The old fast food plan was 6,000 square feet total and the fast food was under 3,000 square feet. There are differences there. Some of the space was dedicated to a drive thru lane in the past. It was overparked in the past. In addition to taking up the extra spaces, there also new spaces in this plan and parking spaces that were not shown in the old fast food plan. The building itself is approximately twice as large.

CHAIRMAN FLANDERS asked if there were any other questions or comments. He stated that what was approved prior to this and what we have now, the situation is better that we are eliminating a drive thru. The auto portion of it is behind it and it's well screened that way. As far as this application goes, he didn't have a problem with it.

COMMISSIONER IRBY said he agreed with his comments and made a motion for approval for Purrfect Auto with current stipulations, seconded by **COMMISSIONER CREEDON**. **VICE CHAIRMAN HEUMANN** asked the motion maker about a stipulation for the additional screen wall. Mr. Dermody said if they wanted a stipulation that would be fine. **COMMISSIONER IRBY** said the additional stipulation he wanted to add is regarding the screen wall west of this property between them and Walgreens. He would like to see it start at five feet on the south side and consider that same design

concept with it stair-stepping down as it goes north towards Ray Road. **COMMISSIONER CREEDON** said her second includes that stipulation.

CHAIRMAN FLANDERS said the item passed unanimously 6-0 (Commissioner Cason was absent). He said the item will go on to Council on March 5. The speaker will have the opportunity to speak at that point.

6. DIRECTORS REPORT
There was nothing to report.
7. CHAIRMAN'S ANNOUNCEMENT
The next regular meeting is March 7, 2007.
8. ADJOURNMENT
The meeting was adjourned at 7:16 p.m.

Michael Flanders, Chairman

Douglas A. Ballard, Secretary