

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, March 7, 2007 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders call the meeting to order at 5:37 p.m.
2. Pledge of Allegiance led by Commissioner Gulsvig.
3. The following Commissioners answered Roll Call:

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

Also Present:

Mr. Bob Weworski, Planning Manager  
Mr. Kevin Mayo, 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 CREEDON,** seconded by **COMMISSIONER ANDERSON,** to approve the minutes of February 21, 2007.  
Motion was approved 7-0.

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, PLANNING MANAGER**, stated item A is on the action agenda at this time. The following items for consent agenda approval along with any additional stipulations:

B. DVR06-0011 THE METROPOLITAN OF CHANDLER

**APPROVED.**

Request rezoning from Planned Industrial District (I-1) with a Planned Area Development (PAD) Overlay, to Planned Area Development (PAD) Amended Mixed Use with a Mid-Rise Overlay for additional building height. In addition, request Preliminary Development Plan (PDP) approval for a Residential and Commercial Office/Retail development on an approximate 12-acre site located at the southeast corner of Chandler Boulevard and Hearthstone Way (1/2 mile west of the Loop 101 Price Freeway).

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "THE METROPOLITAN OF CHANDLER" kept on file in the City of Chandler Current Planning Division, in file number DVR06-0011, 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.
3. 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.
4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. 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.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. 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.
8. 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.

9. 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.
  
10. Landscaping shall be in compliance with current Commercial Design Standards.
11. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner, property owners' association, or homeowners' association.
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. All raceway signage shall be prohibited within the development.
14. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
15. The applicant shall work with Staff to striping pattern for lane design of the Hearthstone Way and Chandler Boulevard intersection.
16. The southern residential only gated entrance shall provide the standard turn-around detail. Details to be worked out with Staff.
17. Permitted uses within the proposed Commercial/Retail component shall be limited to include all uses permitted by right within the Community Commercial District (C-2) zoning district, including all professional, business, administrative, executive and medical office uses.
18. *The multi-family units shall be individual for sale only units at the time of development.*
19. *The applicant shall work with Staff and adjacent property owners to investigate the ability to provide traffic calming, a pedestrian crossing, and/or signal along Chandler Village Drive.*
20. *The comprehensive sign package shall return through a separate Preliminary Development Plan.*
21. *The applicant shall work with Staff to develop the potential future sunroom option.*

**C. DVR06-0049 CIRCLE K AT CARMEL VILLAGE PLAZA  
REQUEST CONTINUANCE TO THE MARCH 21, 2007 COMMISSION HEARING.**

Development (PAD) Amended to allow the sale of gasoline, with Preliminary Development Plan (PDP) approval for the construction of a gasoline station on approximately 2-acres of a 12.48-acre site located at the southwest corner of Gilbert and Queen Creek Roads.

**D. PDP06-0044 LMA MIXED-USE  
REQUEST WITHDRAWAL FOR THE PURPOSES OF RE-ADVERTISING.**

Request Preliminary Development Plan (PDP) approval for site layout and building architecture for an office development on approximately 19-acres located at the southeast corner of the Loop 202 Santan Freeway and Price Road.

E. PDP06-0057 PANATTONI CHANDLER AIRPORT CENTER  
**APPROVED.**

Request Preliminary Development Plan (PDP) approval for site layout, landscaping, and building architecture for up to three office/light industrial/showroom buildings totaling 114,000 square feet. The 11-acre site is located at the northwest corner of Wright Drive and Germann Road, approximately 300 feet east of Cooper Road.

1. Completion of the construction of all required off-site 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.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "PANATTONI C.A.C." kept on file in the City of Chandler Current Planning Division, in file No. PDP06-0057, 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. All raceway signage shall be prohibited within the development.
7. Tree planters shall be added to achieve the design guideline of one tree planter minimum per 10 parking spaces.
8. If Building 3 is constructed, its architecture shall be consistent with that of Buildings 1 and 2.
9. *The development shall contribute a proportionate amount to the design plus construction cost for a traffic signal at Germann Road/Wright Drive, as determined by Traffic Engineering staff. The second development to receive building permit approval at the north intersection corners will be required to design and install the traffic signal.*
10. *The development shall provide additional trees adjacent to the buildings.*
11. *All parking space canopies shall incorporate building materials, forms, and colors to match the development.*
12. *Pedestrian features shall be added along the north side of Building One.*

F. PDP06-0058 CHANDLER BMW  
**APPROVED.**

Request Preliminary Development Plan (PDP) approval for site layout and building architecture for an automotive sales and service development on approximately 6.5-acres located west of the southwest corner of 54<sup>th</sup> Street and Orchid Lane (1/4 mile north of Ray Road).

1. Development shall be in substantial conformance with exhibits submitted as part of this application and shall be kept on file in the City of Chandler Planning Services Division, in File No. PDP06-0058 CHANDLER BMW.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. 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.
6. 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.
7. All raceway signage shall be prohibited within the development.
8. The landscaping shall comply with the Commercial Design Standards.

**G. PDP06-0059 WESTECH CORPORATE CENTER – LOT 15**  
**APPROVED.**

Request Preliminary Development Plan (PDP) approval for site layout and building architecture for an industrial building located at 2352 N. Delaware Court, Lot 15 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 “Westech Lot 15 PAD/PDP”, kept on file in the City of Chandler Planning Services Division, in File No. PDP06-0059, 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. No outside storage or display of any kind will be permitted for any business outside of the fenced yards behind buildings. Such storage shall not be taller than the perimeter fence and shall not reduce the amount of available parking spaces as required by Chandler Zoning Code.
8. Any building signage shall be halo-illuminated or non-illuminated.
9. All raceway signage shall be prohibited within the development.
10. All roof drainage shall be internalized.
11. Landscaping along Delaware Court shall conform to Commercial Design Standards.
12. Outdoor pedestrian seating shall be provided at the building entrance.
13. *The landscaping along the southern and western property lines shall adhere to the dissimilar use landscape buffer requirements. The dissimilar use landscape buffer requires evergreen trees to be at 20' on center and 12' in height at the time of planting.*
14. *The perimeter wall shall be 6' tall and constructed of 8" split faced CMU.*

H. UP06-0093 SAN TAN BREWING COMPANY  
**APPROVED.**

Request Use Permit approval for a liquor license (Series 12 Restaurant) for on-premise consumption (all spirituous liquor) and a liquor license (Series 3 Domestic Microbrewery) to sell beer manufactured on the premises for consumption on or off the premises within a new restaurant. The subject property is located at 8 South San Marcos Place.

1. The Use Permit is granted for a Series 3 and 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. Alcohol sales shall be prohibited on the patio.

**CHAIRMAN FLANDERS** state there would be one action item, item A. He asked if there was anybody in the audience that would like to pull any of the items that have been read into the record for a full presentation.

**VICE CHAIRMAN HEUMANN** said he would like Kevin Mayo to put up **Item B, THE METROPOLITAN OF CHANDLER**. He stated that this project is a very unique

project to the City of Chandler. It's over by the mall. The applicant has done a lot of work on this and this project will be a great addition to the City.

**KEVIN MAYO, SENIOR CITY PLANNER**, stated that The Metropolitan of Chandler is a 12-acre site that is located at the southeast corner of Chandler Boulevard and Hearthstone Way. It's just west of the Chandler Fashion Center mall. It is a mixed-use project that's coming forward. It is a totally integrated residential and commercial project highlighted by twelve buildings organized around a grand promenade main street theme. It does come forward with a mid-rise overlay for additional building height that should permit the six story buildings. Those six story buildings consist of two floors of commercial retail with four floors of residential condominiums above it. As he mentioned in Study Session, when you look at the site plan, what you see missing is the parking. The site requires approximately 1300 parking spaces and of those 1300 only 200 of them are at grade. The balance of them are placed underneath the project and an underground parking garage eliminating that typical sea of parking that normally comes with this type of development. It gives way for a much more pedestrian oriented development with more areas of open space and gathering places for pedestrians. Of special note for the neighborhood, as was heard in the original neighborhood meetings, this project does not permit any traffic to come from the mall, Chandler Village Drive, and cut through to come down Hearthstone Way. The only exit out of this project on to Hearthstone Way is a right out only to head out on Hearthstone Way. The applicant has worked through site design issues and architectural issues that Staff feels is very meritorious of considering additional building height and the additional intensity that this project brings forward. It is a nice urban mixed-use project that does a great job of internalizing all that intensity to maintain a decent relationship with the residential community to the south and west and then it is nice and open to the mall to the east. Staff is very excited bringing this forward and recommends approval.

**VICE CHAIRMAN HEUMANN** said he had a note to Staff and a direction to the transportation and street people. He said they talked in Study Session about the access to the mall whether it's through calming measures or whatever. The comment of having people walk to Chandler Boulevard is absolutely ridiculous and he thinks that our traffic people understand the importance of coming up with some kind of device for people to get across to the mall. He stated that they are going to have 700 to 800 people living there and people working there and for a safety factor it needs to be done. With that he thanked the applicant and said this is a really great project.

**MOVED BY VICE CHAIRMAN HEUMANN**, seconded by **COMMISSIONER GULSVIG**, to approve the Consent Agenda with additional stipulations read into the record. Motion to approve carried unanimously 7-0.

**ACTION:**

A. DVR06-0010 / PPT06-0016 VINA ESCONDIDA

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a 16-lot custom single-family residential subdivision with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and development standards on approximately 12.23-acres located approximately ¼-mile south of the southeast corner of McQueen and Germann Roads.

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
3. 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. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. 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.
4. 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.
5. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Vina Escondida" kept on file in the City of Chandler Current Planning Division, in file no. DVR06-0010, except as modified by condition herein.
6. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
7. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.

9. 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. 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 development shall use treated effluent to maintain open space, common areas, and landscape tracts.

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 Vina Escondida (DVR06-0010) development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. 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 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.

11. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at [www.chandleraz.gov/infomap](http://www.chandleraz.gov/infomap), or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.
12. 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 future 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.
13. 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 or adjacent to 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.”

14. No more than two, two-story homes may be built side-by-side throughout the development.
15. A minimum of two trees shall be planted in all front yards.
16. A 10-foot strip of land along the Consolidated Canal shall be dedicated to the City for the Paseo.
17. 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.

Staff recommends approval of the Preliminary Plat subject to:

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.

**MR. KEVIN MAYO, SENIOR CITY PLANNER**, stated that the action item today is DVR06-0010/PPT06-0016 VINA ESCONDIDA. This is a request for rezoning from

Agricultural District AG-1 to PAD for a 16 lot custom single-family subdivision with PDP approval for site layout and a Preliminary Plat approval.

The site is approximately 13 acres and is located about a quarter of a mile south of the southeast corner of McQueen and Germann Roads. Planning Commission may remember this coming forward on September 20 of 2006. At the time that it came through, we had in place their noise contour lines as shown on our zoning map. The 55 dnl noise contour line encumbers about a third of the site. At the time when it went

forward, Staff was recommending conditions to alleviate that to approve something no more intense than what could normally be built by right in the AG-1. Subsequent to Planning Commission acting on this case and it being forwarded to Council, the Airport Master Plan was in the process of being updated. As it came through for the updates, the consultant prepared new noise contour maps showing what the current condition was out at this site and the airport and then what the future would be. The noise contours that are shown on our current zoning map are based on a 6800 runway length, a length that we cannot ever achieve based on the roadway alignment of Queen Creek and Germann Roads. These noise contours that are shown on our zoning grid also did not indicate the location of the past location of the heliport that was directly east of this subject site. Based on our current runway length of 4850, the 2005 noise contour lines that were shown as part of the Airport Master Plan Update, show that this site was not only encumbered by the 55 but also the 60. These noise contours again were based on the current 4850 runway as well as the location of the old heliport. As part of that Master Plan Update, the heliport has moved to the northeast side of the runway pulling those noise contour lines away from it. Based on that, the 2025 map is shown here. The noise contours have shifted. They have shifted away from this site and this site is no longer encumbered by that 55 dnl. There is a lot of theology behind how these noise contours are drafted. He said he could get into that but for the time he said it is safe to assume that this site is no longer encumbered with the removal of the heliport. It is also important to note that these noise contours are based on a projected runway length of 5700 feet, which is currently the longest runway we could achieve. It's not there right now; it's only 4850. So with that the applicant decided to bring this back for Planning Commission in light of this new information and come forward with their proposal. It comes back again as a 16 lot single-family subdivision.

The site is approximately 13 acres. Directly north is the recently constructed City of Chandler Equestrian Park. It gives access from the Tumbleweed Park located to the west to the Paseo Canal that's on the east. South of the subject site is existing rural residential County homes that been there for quite some time. East of the canal is the airport. The site has approximately 645 feet of frontage on McQueen Road. After this first lot, it tapers down to about 200 feet of width and runs the full depth all the way back to the canal. The General Plan designates this as rural residential and permits residential densities from 0 to 2.5 units per acre. The property also falls underneath the Airpark Area Plan. It goes a little bit further and designates it as rural residential but further restricts that approved density to 0 to 1.5 units per acre. The proposed 16 lots comes in at

per acre so it is consistent with that. Additionally, the Airpark Area Plan also identifies the subject site as being within an area called a transitional overlay. The intention of the transitional overlay zone is to permit the existing rural residential uses until such time that it becomes appropriate to transition from that rural residential use to some other use such as a commercial use. There are seven criteria that need to be met for that to occur. This site cannot meet various aspects of those criteria's and therefore, is not eligible for that. Additionally, Staff does not feel that it's an appropriate use to transition out of and to a commercial use based on the existing park to the north, the existing rural residential

homes to the south, the city park to the west and the Paseo Canal to the east. Again, the proposal is 16 lots. They are all 20,000 square feet or larger. The site has been oriented with the majority of the lots, with the exception of 16, into facing north towards that city park. They have broken down that traditional barrier that would be at that city park. Instead of having a six-foot block wall, it is a four-foot high wrought iron wall with two gate accesses at the two cul-de-sac points to allow the residents to get out there to the park and enjoy it.

The request went before Airport Commission on February 14. The Airport Commission through its Conflict Evaluation Process determined that this proposed use does represent a potential conflict for the existing and future uses out at the airport and forwarded a recommendation that this zoning be denied. They also forwarded a suggestion that the land could better be used for commercial uses. Two that were sited were a strip center and a mini-storage facility. Staff has evaluated this process from the beginning. They first take a look at what's around it. What are the existing land uses around it. It is directly bordered by a city park to the north that's new. The County residents to the south are there as well. Some of the homes are older and some of them are pretty new. Staff doesn't feel that those are going away anytime soon and that skinny piece is not an appropriate piece for any other land use that they can think of based on its access, restrictions and its minimal visibility out on McQueen. Additionally, the site currently has AG-1 zoning; permits 1 unit to the acre development based on slightly less than 13 acres. They could do 12 homes by right today and will just need to process a plat. With the 16 lots that are coming forward, they get a lot of positive benefits that come with proper development. They get a loop water system, a street that is designed to city standards, two turn arounds for proper fire access, they get the HOA, the landscaping and all those positive things that come with it. With that, Staff does recommend approval. Again, they feel it is an appropriate land use. It is consistent with the Airpark Area Plan. Staff does recommend approval and he would be happy to answer any questions.

**CHAIRMAN FLANDERS** asked if there were any questions of Staff.

**COMMISSIONER GULSVIG** asked Mr. Mayo what's planned for just north of the equestrian park that's south of Germann and east of McQueen? Mr. Mayo said he would show it on the Airpark Area Plan. He showed the subject site, the city park and the piece Commissioner Gulsvig asked about. He said it falls under the definition called "Special Use Commercial". It is a specialized land use category intended for some type of commercial development. It may be recreational related so it can relate to the Paseo

Canal and it could include some restaurants. It could also include potentially a multi-family portion to it. It's a very unique land use category. **COMMISSIONER GULSVIG** asked that to the west of McQueen, that whole quadrant in there, is that all city property? Mr. Mayo said that it is Tumbleweed Park. **COMMISSIONER GULSVIG** asked what is scheduled to be up in the right hand corner of that quadrant? Right now it's used for open parking when they have events. Mr. Mayo said he would have to look at the park plan to see what's exactly specified for that corner. He said just south of the corner is the Tumbleweed Tennis Center; basically, directly across from

this. **COMMISSIONER GULSVIG** also asked in the south corner just north of Queen Creek and to the east of McQueen, that is currently planned as what? Mr. Mayo said this piece that is west of the canal, north of Queen Creek and east of McQueen, is identified as park and open space. **COMMISSIONER GULSVIG** inquired as to what are the chances of the residential property just south of the current applicant, becoming incorporated? Mr. Mayo said he didn't know. The residential neighbors that live out there if they would like to be annexed, you couldn't annex one of them because you cannot annex an island. If the bulk of them wanted to come in and annex them to the City of Chandler to get city services, it is at their option. The city does not force annexation. **COMMISSIONER GULSVIG** said he voted against this before because in the event that a developer came in and offered the right kind of money, they could incorporate, annex it and sell all their property and make that into a commercial environment. That concerns him. It still concerns him that he hasn't heard any indication to convince him other than that. If that happens, that property will become a single strip of residences lined right across that area. Notwithstanding the fact that they already have had problems with residents and noise in that area for air traffic. This is still a concern of his.

**CHAIRMAN FLANDERS** asked if there were any other questions of Staff. He said that at this time he is going to the applicant and asked him to please step forward and state his name and address for the record.

**SEAN LAKE, 1930 E. BROWN ROAD**, said he is here on behalf of the property owner. He appreciates the opportunity to be before them and understand that this Commission has heard, debated and talked and thought about this property before. This is not the first time you have seen this. Kevin Mayo did an excellent job outlining their position and the thought process of the Staff and the best beneficial use of this property. He said he wanted to highlight a couple of things with this property. There was some discussion of the last Planning Commission meeting about wanting to develop this or utilize this property for some other use other than residential. That line of thought, while they certainly can understand it, really places this property owner in a box - a very difficult box. The proposal that he has presented before you is consistent with the General Plan. Right now the General Plan is for 0 to 2.5 residential, not for commercial. The proposal before them this evening is consistent with the Airport Area Plan. Keep in mind that the Airport Area Plan was voted on by the Airport Area Board. The Airport Area Plan designates this for residential use 0 to 1.5. The Plan before them is consistent

with that plan as well. They think if you tell this property to go develop it for something other than residential, you are telling him to go develop it for something other than what the General Plan or the rules that have been put in place for the development of this property. They think that's a quagmire that they have put him in and they don't think is fair. They don't think giving him the hopes of maybe ten, twenty, or thirty years in the future somebody is going to come in here and buyout this residential subdivision to the south so they can take advantage of that transitional overlay. They don't think that's a fair option either simply because that property to the south is developed for residential

purposes. There are older homes but there also newer homes and there were homes being redeveloped in that area. Also, they need to understand, that for somebody to come in and redevelop the property to the south, which is an existing subdivision, you can't just buy out half the subdivision or some of it. You have to buy it all out. Every single home needs to go in order for this to be developed for commercial purposes. There are private restrictions on that property and so a property owner who comes in and gets everybody but one, one hold out could blow the whole thing. It's not easy to assemble properties. They've seen cities try doing it and they've seen developers try to do it. Most recently the City of Mesa struggled with one hold out property. One hold out property owner would blow the whole thing. They think that is an unfair burden to place on this individual property owner to hold out in anticipation of what may happen or hopes to happen in the future. That's really an unfair burden that they don't think is fair. They think this is an outstanding plan that's presented. They think it's a great transition from what exists to the south of rural residential uses to a park that occurs to the north. It has a much better design that could occur than just lotting it out consistent with the existing zoning with the park and the trails that are incorporated. They've got sand volleyball courts, tot lots, ramadas and gathering places for the people who live within this community. It's a gated community. It's going to be a very nice design. They have worked with Staff on incorporating a lot of those open space features; the fence features and the gate features. All those things will make this an outstanding community. They think that at the end of the day, the best use of this property and the realistic use of this property is residential. They think with residential use, the plan that is before them this evening is a great use of the property and a great design. It has a much better beneficial use of this property in layout than just a standard little platting consistent with the existing zoning. With that they would remind them that this property is now out of the 55 dnl area. This property is consistent with all of their plans and all the rules that have been set in place and so they request that they favorably recommend this to the City Council because they have complied with the rules. They request their support on this project.

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

**VICE CHAIRMAN HEUMANN** asked Mr. Lake if this property is currently owned by the applicant or is this in escrow? Mr. Lake replied that tax assessor records show it currently owned by the applicant.

**CHAIRMAN FLANDERS** said he was going to the audience as he has a lot of speaker cards. He said when he call their name please step forward and state your name and

address for the record. He also said for the people that come after the first speaker to try not to repeat any items that have been mentioned before.

**JEFF DEAVER, 12046 E. BLUEBIRD DRIVE, CHANDLER, ARIZONA 85249,** stated he lives in the neighborhood south of the subject parcel. There is a lot of people from the neighborhood here all in favor of the development. They have looked to him to speak on their behalf. He hopes he captures everything that they want him to capture. He said he is going to talk briefly on a couple of things that he just heard. One was on

annexation. He has actually talked to the city a couple times regarding that. Annexation is something that they could do. It would require 100% vote of everyone in the neighborhood to agree to it. Plus, their street would need to be brought up to City of Chandler specifications before they would be annexed. The estimated cost is about \$600,000 to bring it up to City of Chandler specifications. It is probably cost prohibitive for their neighborhood to do that. They talked about the equestrian trail just to the north of the property. It's a great trail and is used all the time by joggers, mountain bikers and horses. At this time, the only horses that you see in there are horses from their neighborhood. Their neighborhood really likes it because it's like a private equestrian trail. It really makes living in that area convenient. They talked about the homes in the neighborhood, especially some of the older homes. He actually bought his property and built their home six years ago and at the time it was the newest home in the neighborhood. Since then, they have had another new house built. There are four vacant lots on the street, three of which were just sold and are in the process of having custom homes built on those three lots. The estimated value of homes in that neighborhood range from 650,000 to a \$1,000,000.

Six years ago when he bought in that neighborhood, he and his wife were looking for horse property. At the time, they lived in Clemente Ranch, which is approximately two miles to the west of this neighborhood. In regards to airplane traffic and noise, Clemente Ranch has more airplane traffic and noise in his opinion than the neighborhood he is in now. They actually are not bothered by the airport and the only complaint that his neighborhood had was the actual heliport pad, which has since been moved. Their neighborhood really doesn't have many complaints with the airport. He personally does not. There maybe one or two others that do. The airport has never been a problem for him. They talked about other potential uses for the parcel of property. If it was not custom homes, a mini-storage unit was mentioned. He said if a mini-storage unit were put in, there would be a lot more people from the neighborhood here to speak against that going in than there are here to speak for the neighborhood going in. As a resident of the area, he has lived in Chandler for over 16 years in the south Chandler area specifically. Their family enjoys Tumbleweed Park. They enjoy the Paseo Trail. He thinks having some type of commercial development right there backing up to the park, really aesthetically wouldn't be pleasing to the park and to the folks using the park. Hopefully, he has touched on a few things, but he can't say that the whole neighborhood is in favor of the development going in.

**CHAIRMAN FLANDERS** thanked him for his comments. He called Kristin O'Connor to speak. Ms. O'Connor said she didn't want to speak but was in favor of this item. He called Wendy Larson and she said she is in favor of the residential development but doesn't wish to speak. He called Randy Ransom and he said he is in favor of the item but doesn't wish to speak. He called John Walkup to speak.

**JOHN WALKUP, 551 S. EVERGREEN STREET, CHANDLER, ARIZONA 85225**, said he is with Chandler Air Service at the Chandler Airport and he had a few items he would like to discuss concerning the home area. He represents himself as a

business at the Chandler Airport. This particular development was not brought to any of the airport tenants or businesses last year until it showed up on an Airport Commission meeting as a "conflict evaluation". When it was brought up at that meeting, nobody new anything about it until it showed up on the agenda. They then came down and found out they were going to put 16 homes adjacent to the airport. That meeting was not a very good meeting from their standpoint. Many of them were opposed to it and the Commission was not in favor of it. Due to the contours and such, the developer said he would reduce it from 16 to 14. It then went away and the next thing it was showing up on a City Council meeting to be approved. It was pulled from that because of the contours that were changed. It then came back through the process to add the two homes back to it. There was no public notice to any of the tenants at the airport or any of the businesses at any time on that first go around. They then started paying attention to it. None had attended any neighborhood meetings. There was a neighborhood meeting just a short time back and he found out about it when a landowner came by wanting to know where the city terminal was going to be because that's where the meeting was held. This was coming through again for the homes. They got on the phone and made some calls and they had about 20 people show up that night within a five hour period of time to protest and go to the public meeting with the people presenting it. Four of them walked in the door and they said that's more than was at the first meeting. Twenty more walked in the next thirty minutes. They didn't like it. They were told homes would go there whether they liked it or not. It then went to the Airport Commission for the next round and they notified everybody. There was no public notice to speak of on this development until they started talking to the people at the airport. The City of Chandler was supposed to notify the property owners. The City of Chandler is a property owner all to the east of it. The airport was notified and as lease tenants they were supposed to be notified. None of them were notified. They took issue with that. They have since apologized and they appreciate that. They are here tonight to say they weren't notified or they would have gone through this the fall of last year. They got there by their own initiative because they feel there were deliberate attempts made by the developer to not let the airport people know. The entire presentation by Staff tonight brushed past the airport like it didn't exist. The Airport Commission is against this program. They were adamant about it. They were told the way the rules are they can't say don't build it, you have to tell them why they can't build it. The Airport Commission discussed it. He has personally looked at the plan. He was present at the meetings in the late 80's and 90's when the Airpark Development Plan was brought up. The twin acre parcel to the south are the only two parcels in the whole airport development area that have a commercial overlay grid on it

because the planning and the thought process. There is some residential now. As time goes on and the airport grows, things happen and the city says it should have the option to go either way. Commercial overlay was put on it to have those options. This area in question here was a junkyard in a County island. It was purchased and turned from a junkyard into a flat piece of land and brought into the city and now they want to build homes on it. He has a lot of respect for the neighbors to the south for what they have and what they have developed. He would be totally understandable because they want to build another buffer between them and the rest of the world. However, they take issues with airplanes all of the time and use the airport to keep from developing by them being

there. The equestrian park there was bought by the city as an access from the Paseo Trail to the Tumbleweed Park. It was bought as a strip piece to get them from one place to the other. It was built as a buffer. It was not built to take the junkyard and turn it into a residential area. He thinks the people need to be aware that those decisions were made on the overlay and the airpark area, that it was to give the option for the future. Somewhere down the road somebody is going to build something down there to the benefit of the owners and to the benefit of the community. Another residential area in there is totally against the concept of what this area is all about. One last thing, in the plans on the back it shows the traffic pattern for the airport. If you look on the traffic pattern at the back down in the lower corner is the tennis courts in the Tumbleweed area. The tennis courts are the outside of the traffic pattern. In order to stay away, they deliberately fly (his company) to go past and around it, north of the county island on the south edge of the tennis courts. That's as far as they can go and really comply with the normal light airplane pattern. It is exactly dead center down that home area. It is directly underneath the traffic pattern of the north runway, not slightly inside it like it shows here. It is the 43<sup>rd</sup> busiest airport in the United States. That will not change. With due respect to the people to the south, every time anything happens at the airport when we talk about growth, they say you built residences next to the airport, why do you do that when you want to make it grow? For this group to go out and say build more homes directly adjacent to the airport, falls into the concept to prevent growth at the airport at the expense of the traffic patterns and the airport. As a business owner, know that directly adjacent two hundred feet from the last home is an engine test facility. You will hear more about that in a little bit. There is an emission control facility. Why would anybody want to build homes directly adjacent to an airport and to a park which will have 100,000 people in the next few days. He wouldn't want his home next to that. There is a commercial area to the north so this does not make any sense to him. The developer says pilots will buy it and build it. They will love to be near the airport. He is a pilot and can't even remotely afford the area in there and that would be the last place he would build his home. He knows what goes on.

**CHAIRMAN FLANDERS** had a question for Staff. Has this applicant met all of the requirements for notifications and meetings? Mr. Mayo said that is correct and that every public notification was done to code.

**VICE CHAIRMAN HEUMANN** said in the Staff report it says that there were two neighborhood meetings held, one in June of last year and one in January of this year. It says neighbors adjacent to the site attended the meeting and no neighbors offered any opposition to the proposed subdivision. From the last speaker it sounded like there were people there. Was there a different meeting they were at? Mr. Mayo said the first neighborhood there was no neighbors in opposition to it. The second neighborhood meeting the neighbors that showed up from the residential neighborhood to the south were in favor of it. He was not at the second meeting. He would have to check back with the applicant to see if it was the various airport business owners that attended the second neighborhood meeting offering their opposition or if that was at the Airport Commi2ssion

“conflicts evaluation” meeting itself. **VICE CHAIRMAN HEUMANN** asked Mr. Walkup to come back up because he wanted to clarify something because the staff report says there were no neighbors offering opposition to the subdivision. Were you at the neighborhood meeting at the end of January or were you at the Airport Commission meeting? Mr. Walkup said he was at the 2<sup>nd</sup> meeting. He was notified at 1:00 p.m. on the day of that meeting that there was a meeting by the neighbor that came by. He then sent out approximately 300 e-mails and he had 20 to 22 people show up that night. They were advised that there would be a representative from the City of Chandler at that meeting from Planning and Zoning. They showed up at the meeting and there was not a representative from the City of Chandler. There was the Airport Manager, but nobody from Planning and Zoning. The meeting went on for a long time. Randy and the other gentlemen were there and expressed their favoritism. There were another 20 people there that were completely opposed to it, including the business owners and tenants on the east side, who had not been notified prior to that day when he called. **VICE CHAIRMAN HEUMANN** said that whatever happens tonight with the project, before this goes to Council, maybe we should get a little more clarification if that’s the case. One report is saying nothing and tonight we had public testimony there were people there. Mr. Mayo said he would be happy to.

**CHAIRMAN FLANDERS** said the next speaker is Jerry Latimer.

**JERRY LATIMER, 6340 W. CORONO DR., CHANDLER**, is a resident and a pilot. His fear is that if you build a subdivision in there, with those houses worth a lot of money, they will have a lot more political power than some of the poor pilots. What he sees happening in California today is that he sees airports being closed because Planning and Zoning city officials have a master plan. They let houses get to close the airport and they lose their airport. It is his understanding that the master plan for this airport, the model for it is the Scottsdale Airpark. They want it to be commercial and a job provider. They want it to bring tax revenue to the city. Putting these houses there in his mind run the risk of killing that airport, maybe not in 5 or 10 year, but eventually. We should not put any homes in that airport space at all.

**CHAIRMAN FLANDERS** said the next speaker is Jim Fordemwalt.

**JIM FORDEMWALT** is the Chairman of the Chandler Airport Commission and he wants to reiterate what Mr. Walkup said. The Airport Commission was adamantly against this project. They are very concerned about this issue of encroachment. This has wiped out more good airports probably than anything else. They are very, very concerned about it. He was on the Area Plan Committee back in 1998 and they insisted on that overlay so that we wouldn't have houses there. That was the idea when they were putting it together. They did not want to see houses there. He showed a business that is involved in rebuilding aircraft engines. One of the things that is a necessary part of rebuilding an aircraft engine, is to run the engine in. That means setting the engine up on

a stand and running it for a number of hours and varying power, which of course produces a great deal of noise. One of the things that he has to admit he was on the committee in 1998 and on the master plan committee last year that came up with these noise overlays. One of things all of them overlooked. The consultant, himself, and the other committee members was that business there. They have since had a new Part 150 Noise Study. They have talked with the three different consultants as possible bidders about the existence here and the probability that these noise contours will be significantly changed once the two things, the engine rebuilder and the emission testing, are looked at adjacent to the proposed residences. The 55 dnl is going to come up. He does not believe that this noise contour map will survive.

**COMMISSIONER GULSVIG** said that the speaker mentioned the Part 150 and he is concerned about the dnl noise contours that are there now. The original ones that were there were for a 6000 foot runway and they were approved by FAA? Mr. Fordemwalt answered yes. **COMMISSIONER GULSVIG** asked if the current ones that are being processed, have they not been approved by FAA? Mr. Fordemwalt said it has been through the city. The next thing it has to do is go to the FAA for final approval. As far as he knows, they have not gotten word back that they have started acting on it. **COMMISSIONER GULSVIG** asked Mr. Fordemwalt that based upon the landing and take off and the noise abatement on an average day in daylight and night, how are they going to incorporate the test facility from the engine manufacturer here? Mr. Fordemwalt answered that they have asked the consultants, as he is on the interview committee for the Part 150, and they seem to feel that the engine test noise, if not the state emission facility, would qualify because that would be aircraft engines running whether they were actually flying or if they were sitting on the ground. That has not gone by the FAA, but on the other side of the coin, that is still a business that is located there. It has been there for at least 20 years because he had an engine rebuilt by them about 20 years ago. They are one of the premium engine rebuilders in the country. **COMMISSIONER GULSVIG** said his question will the noise contours be accepted and approved by FAA and the Part 150 to include that additional noise from the manufacturer or is it there just in support of the type of aircraft landing and taking off during night and daytime? Mr. Fordemwalt said the consultants were not real clear, but the impression he received was they felt that this should definitely taken into account and that FAA would consider that to be an aircraft relate noise.

**VICE CHAIRMAN HEUMANN** asked Staff regarding the aircraft engine facility across the Paseo how large of a facility is it? Mr. Mayo said square footage wise he didn't know. They have been around for a number of years. **VICE CHAIRMAN HEUMANN** said the reason he asked that is south of Riggs Road there's a plant down there that does noise that nobody knew about. When homes went in, the screaming went on in south Chandler about this test facility. He is kind of curious that this is not in report whatsoever. It's probably within a couple hundred feet from these homes. He thinks that would be a consideration that a long time Chandler business that's been there for 20 years, putting homes there and the complaints about that could drive out a legitimate

business that we've had in the city for 20 years. So he's curious as to why that's not in the staff report. Mr. Mayo said there have been complaints about that business rolling various engines outside and firing them up. That site is zoned I-1 (light industrial with no noise, odors, etc. that could harm adjacent businesses or residences). The city and that business have been working back and forth over the years to make sure that business stays in compliance with its I-1 zoning. The complaints that have been issued over the years have been that the business rolls an engine out, fires it up and runs it when they are not permitted to do that in that zoning category. They need to do it either internally in the building or construct noise suppression areas where the noise could only go up versus just going out into the open like it has been. It is his understanding that the business has been going back into maintaining compliance with its zoning. **VICE CHAIRMAN HEUMANN** said if the noise goes up, the noise level even though it may not spread as much, it would still be there. Mr. Mayo said it would depend where the noise meter is stuck.

**COMMISSIONER GULSVIG** said to that point he thinks that piece of information needs to be resolved before this moves forward. This is an open item in his mind that could cause a significant problem with people living there. The plant Vice Chairman Heumann was talking about is the South Mountain Honeywell Test site near South Mountain, which does have a large impact on noise. It's a long-term tenant that's at the airport and we certainly need to be protective of that.

**MR. GLENN BROCKMAN, ASSISTANT CITY ATTORNEY**, said he would like request that the record be made clear as to whether or not that building that's doing the testing is on the airport or not. His understanding is that the building is not an airport tenant. It's separately owned land. The last speaker seemed to imply that it was an airport tenant and he would like clarification for the record on that. Mr. Mayo said that as that airport drive comes down, everything east of that is zoned airport property and the tenants on there lease that property. On the west side where the engine testing facility and the engine manufacturing facility and the emission facility are on private land under it's own zoning category. It's zoned I-1. **VICE CHAIRMAN HEUMANN** said it's still part of the Airpark Area Plan and they have approved other things around there. They just approved in the last 60 days an engine rebuilding facility in that general vicinity on the north side of the airport. Have they not? Mr. Mayo said that was correct.

**CHAIRMAN FLANDERS** said the next speaker is George Varga.

**GEORGE VARGA, 2350 S. AIRPORT BOULEVARD, CHANDLER,** said he has operated businesses at the Chandler airport since 1970. They are the facility that we were just talking about. They have 28,000 square feet of building across the canal. Their engine facility is approximately 150 feet from where the new homes will be built. They run at least one engine a day for a minimum of an hour and a half. He said their business is increasing and they expect that to continue. They may do more than one a day. They have had noise complaints from the people across the canal. Those homes are

approximately 600 to 700 feet from their facility. About six months ago they received a cease and desist order from the City of Chandler because of their noise. They were able to work out a program and add muffler systems and noise depression systems to their engines to satisfy the City of Chandler. He believes that homes 150 feet from them they will not be able to satisfy them. Their facility maintains about six or seven aviation related businesses and they're related to each other. They have in their facility maybe fifty to sixty employees. It is important to them to keep their operation going in that location. They have spent money to suppress the noise and they anticipate having to spend more. They are definitely opposed to this project across the canal.

**CHAIRMAN FLANDERS** asked Mr. Varga what is the sound decibel level of those engines when they are running them and do they vary? Mr. Varga said he couldn't answer that as nobody has ever asked them to test. He said they do vary a little. If you run it with an actual propeller as opposed to a test club, the noise varies but he cannot answer the decibel level. **CHAIRMAN FLANDERS** called Margaret Leigh to speak.

**MARGARET LEIGH, 12038 E. BLUEBIRD DRIVE, CHANDLER,** said her property adjoins the proposed development. She and her husband purchased her home in 1990. When they moved in the neighborhood in 1990 they were one of the new people on the street because this is an established neighborhood that's been there a long time. They enjoy some wonderful benefits. They have horse properties, open spaces and a rural feel. Their neighborhood does very well. There were some problems when the airport put the heliport at the end of their street. However, the airport and their people realized that they had made a mistake and they moved it. Since they have moved the heliport, their neighborhood is not noisy or any noisier than any other housing tract that's close to an airport. She has reviewed the plan and she feels the project would not only be a benefit to their neighborhood, but it would certainly be an attractive option for the adjoining equestrian park, the Paseo walk and the park across the street. This is what the City of Chandler has put its tax dollars into for their residents to use these facilities. These houses would be attractive and they would not be a 'business'. They would not be a storage facility that brings in questionable people to line a park where there are going to be a lot of people. The airports recommendation of commercial use does not appear to her to promote what the City of Chandler is doing in this area. Additionally, as even the airport people have pointed out, they are within the rules and zoning. This is something that is not against the rules. Commercial property use was well defined by the Airport Plan.

There is lots of it there. They don't need to squeeze out a little bit more to the detriment of their community. She would ask that they consider approving the project and create an area that will enhance Chandler.

**CHAIRMAN FLANDERS** called Beverly Parris to speak. Ms. Parris said she did not wish to speak but is in favor of the project.

**CHAIRMAN FLANDERS** called Norm Knox to speak.

**NORM KNOX, 800 W. TYSON, CHANDLER**, said he has served on the Airport Commission for a year many years past. These conditions that you operate under now are certainly much different and much nicer than when he was on the board. He is a very strong proponent of private rights. He thinks that those private rights have to recognize their responsibility to build or to develop to be a good neighbor. He doesn't think that this particular subdivision is being a good neighbor to the airport. He thinks it's a detriment to the airport. For instance he was a farmer. If you build housing next to a farm and all of a sudden the farm is gone. Not necessarily the farmer wants it, but because there's too much dust, there's too much this and that and the airport certainly creates noise. It is a noisy place. If this development goes through, that anybody that builds there certainly ought to be aware of what's going on and why. There will be planes flying over them and planes flying beside them and he doesn't feel that this is a proper use. He is not suggesting what use could be made better that would be a good neighbor to the airport.

**CHAIRMAN FLANDERS** called Garlan Lemons to speak. Mr. Lemons said he didn't wish to speak but is in favor of the project. Next he called Oscar Jimenez to speak.

**OSCAR JIMENEZ** is one of the area managers for the vehicle emission testing and they are opposed to the development going in. They have already encountered in the past where they get commercial property where they have an emission station and then it's changed to residential. People say they are not going to complain about the noise and then they change their mind. Then they have to do some of the things that Mr. Varga talked about. They have to incur costs to satisfy those neighbors. If this neighborhood goes in, they are going to incur the same thing. The emission station does create noise. They have been there for numerous years. It is a different type of noise than the engines that Mr. Vargas's people handle. He thinks it is a really bad idea for residential to go in that area. They may say they are not going to complain initially, but down the road they will. They are totally against anything like that going in there.

**ALLEN ROBERTS, 4139 W. VENUS WAY, CHANDLER**, said basically there must be areas for residential and there must be areas for commercial such as airports. You have to keep separation. The airport has been there for many years and doesn't make

sense to set your up for failure by allowing residential to encroach. That's the basic concept he feels.

**CHAIRMAN FLANDERS** called Frank Setzler to speak.

**FRANK SETZLER, CHANDLER AVIATION, 2375 S. STETSON WAY, CHANDLER,** said they have been doing business at the airport for over 20 years. He said that they have mentioned over and over this 55 dnl line. It's represented on page 4-23. That line is just on the eastern side of the border. That is not a magic line where the noise all of a sudden subsides. What he understands is that it's going to be quiet on this side of the line. That is not true at all. That is only an average day and night. There

are going to be times where you do get an occasional operator that's going to fly in well after dark. It's going to increase the noise on that side of the line. Those averages right now and they may increase or decrease. The point is it's not a line drawn in the sand by any means. You're still going to get the noise. It's only an estimated average. The public has bestowed their confidence of the future growth of the city to the public officials. This is what he sees as an opportunity for you to ensure continued growth of the community that utilizes the local airport. Time and time again in history it has shown residential encroachment. It almost always jeopardizes the growth and it often times is detrimental to any airport. The amount of commerce that's generated off of our public airport is immense. In the very few years that he has been there (20 plus years), what we used to see flying in and out of there on a daily basis is nothing like you see now. The amount of fuel sales, part sales, service sales and the number of employees at the airport will be jeopardized if they are looking into the future of what has happened in the past. They have seen encroachment that forces the closure of airports. That's what he is trying to reiterate. They do not want to see that happen. It was mentioned how well the city took care of the noise that was being generated to the local residents when the heliport was moved. He is sure that all of us are aware of the enormous expense to the city that was to move that heliport and that's just a few helicopters. It got moved because of the public. He doesn't think it would even be feasible to move the whole airport just because the public complains. What would they do then? History has a way of repeating itself. Let's look into the future and let's make this the best airport we possibly can. We have a great opportunity to do it now. If the airport is gone, it will never come back.

**CHAIRMAN FLANDERS** said at this time he is going back to the audience to see if there is anybody else that would care to speak in regards to this item.

**RANDY RANSON, 12217 E. BLUEBIRD DRIVE, CHANDLER,** said he wasn't going to talk tonight but the thing that is irritating him is that now that there is opposition to this housing development, everybody now on the airport side is saying how loud the airport is. For years when they were trying to get the heliport moved, everybody was arguing the other way around. He realizes now that it is working in their favor to be noisy. When we talked about the engine testing facility, it is zoned not to test those engines outside. Why are they testing them outside? He was the biggest complainer

about his engines. He called there a couple of times before he ever went to the city. They said they would try to do something about it and they never did. He went over their head and went to the city. He's a contractor and has to abide by codes and regulations daily. They are in violation and they need to change it. When this guy here is talking about how we complained to where the heliport got relocated and it cost the city a lot of money, the city admitted that that they should never have built it where they built it. He could throw a baseball from his property and hit a helicopter if he had wanted to. That is how close they landed to his property. It's not that the city did a good deed by moving the heliport. They never should have built it there in the first place. As far as all of the notification issues, when they built the heliport, he never got notified. They also built the auto emission testing facility and never notified them. All of these things need to be

taken into consideration. He has been there 31 years. When he was there, he doesn't think it was the Chandler Airport at that time. It was a dirt crop dusting facility. That was about the extent of the runway. He has been there longer.

**CHAIRMAN FLANDERS** asked if there was anybody else that would care to speak in regards to this item. He called the applicant to come back.

**SEAN LAKE** said he appreciated the opportunity to come back and re-address some of the issues. He said there has been a lot of discussion here this evening and a lot of opinions expressed on both sides. He thinks you have to put yourself in the property owner's shoes with this particular piece of unique property. This is a very unique piece of property. The Commission does have a charge and it's important to protect the airport, but it's also important to protect the property owner's private rights. It's a balancing act that you are up here deciding. He said the things you need to look at in evaluating this are very clear. The noise contour map, which was adopted by the City of Chandler, shows this property outside the 55 dnl area. That is an undisputable fact. The Airport Area Plan designates areas outside of 55 as appropriate for residential and inside 55 is not appropriate for residential. That is an undisputable fact. The General Plan that the City of Chandler adopted and the voters approved and voted on shows this property as residential from 0 to 2.5. That is an undisputable fact. The Airport Area Plan shows this property as 0 to 1.5 for residential. That is an undisputable fact here. If you look at this unique property, there is not much you can really do with it. You have a park on your north and you have an existing residential subdivision to the south that is not going anywhere. There is new development going on to this day for that residential subdivision. So you are left with a long narrow strip sandwiched between a park that's not going anywhere and a residential subdivision that's not going anywhere. It's unrealistic to expect this property to develop for anything other than what the General Plan and the Airport Area Plan shows it to develop as. It's not realistic to expect something else. We plead you to protect the property rights of this gentleman to allow him some development of his property, and we think that development right is residential. They think the neighbors have been here and they have expressed their position. The airport is not that bad. The person who was out of compliance with the engine testing, once he brought his property into compliance with the existing zoning it's not that bad. The problem is when you violate city code. That would be a problem any where in the city. Once people follow

the rules and follow the rights, things are o.k. They think this is a good plan, a beneficial plan, it's a much better plan than could be done given the existing zoning on the property. They think it's better for the city to have this plan and have all this open space and the plan as it's designed. They urged their support.

**CHAIRMAN FLANDERS** asked if there were any questions of the applicant. He said that at this time he is going to go ahead and close the floor for discussion and a motion.

**COMMISSIONER IRBY** had a couple questions for Staff. Is the current zoning on this AG-1 and what is the minimum lot size for residential in that type zoning and/or units per acre? Mr. Mayo said the minimum lot size in AG-1 is 43,000 square feet, a 1-acre lot.

**COMMISSIONER IRBY** asked what does this proposal break it down to, ½-acre lots or less? Mr. Mayo said a little below a ½-acre lot. **COMMISSIONER IRBY** asked how did this equestrian park come about? How did the city acquire that property and how did it get placed here? Mr. Mayo replied he didn't know. He does know that the intention was to provide something to provide access from the regional Tumbleweed Park to the Paseo Canal. That's what this land is purchased for and put in. **GLENN BROCKMAN, ASSISTANT CITY ATTORNEY**, said the property was available for purchase and the city purchased it. They didn't condemn it. It was a voluntary purchase. **COMMISSIONER IRBY** said because of where the park ended up being constructed, it does leave a sliver of a property that's pretty hard to deal with. And then again, there are residential lots on the other side it so he doesn't see any great use. He said to him self-storage doesn't work because we have approved about three projects within a mile of this property, as it is. He does have a problem with building more residential next to an airport. He lives in the Ocotillo community and there are times when he is on the back patio and he is a good mile or two miles away, the airplanes are pretty noisy. He said is at a dilemma here in terms of whether to approve it or not. He sees the majority of this property being used for residential. He has a big problem with the buffering at the end of this property to the east. He doesn't have a problem with approving this as residential but he also thinks that there be no residential structures within 150 or 200 feet of the east property line. That gets it a little additional buffer from the airport. He doesn't know what you would use this property for if we don't maintain residential. It's too bad this park didn't get built on this property. Then the park becomes the nice buffer between existing residential properties and hopefully, commercial to the north of it. He had one other item for Staff. When this came back in front of them last time, he thought there was a discussion about lots 15 and 16 creating a landscape area along the canal. Was it this project or another project? Do you remember that comment? Mr. Mayo said there was a discussion at the first Planning Commission hearing. Initially, it was proposed as a plain wall along the perimeter. The applicant has an exhibit this evening that shows the decorative wall and there are even trees that are proposed along the eastern edge of the property relating to the Paseo Canal addressing that concern. **COMMISSIONER IRBY** said he would like to see that exhibit.

**GARY FINLINSON, 4010 E. MCLELLAN ROAD, MESA**, said he is one of the owners. At the last meeting, they agreed that the 10-foot was o.k. to take from the east

side for the Paseo and that we would landscape it and put a finished wall rather than an unfinished wall. They also talked to the neighbors in the neighborhood meeting at the airport. They did say they would put a line of trees there as well for a buffer and encourage them to do the same thing on their side. Because of the engine testing and the other testing, this would be a wise thing for them to do as well. They understand that doesn't necessarily block off all noise, but they do believe it would soften noise.

**COMMISSIONER IRBY** asked if it is the 10-foot landscape strip? Mr. Finlinson said that Commission had requested that to decorate the Paseo. They said that would be fine to allow for that landscape situation. They agreed, again, at the neighborhood meeting to do a line of trees. They also agreed they would do single story on those last two homes.

**COMMISSIONER IRBY** asked if you do a ten-foot strip of trees, who maintains them? Mr. Finlinson said the association would be maintaining all that side of the landscaping. **COMMISSIONER IRBY** also asked how does the association get to that to maintain it? Mr. Finlinson said he assume it would be down the canal. **COMMISSIONER IRBY** wondered if that could be done legally or not. Mr. Finlinson said they could put the trees on their side if they wanted and do no landscaping on the Paseo if that would satisfy their needs. He said those trees could be within the lots all the way through those two lots that are along there and maintain by the people in the homes and do nothing on the Paseo and have a regular block wall on the Paseo. **CHAIRMAN FLANDERS** asked Mr. Mayo how have we done this before as far as landscaping along the Paseo? Has the landowner maintained that property for vegetation and trees if they have done it? Mr. Mayo said the 10-foot Paseo Canal is installed and maintained. The city takes care of that path. Traditionally, most developments end up having an open space that is also adjacent to the Paseo Canal. The landscaping that isn't there is maintained by that HOA and you get that interaction with this piece being that really skinny window that's on the Paseo. The back of Lot 15 and 16, depending where that block is placed, if it is placed on the edge of the Paseo Canal that can be maintained by the city. If they move that block wall further west and put additional landscaping there to compliment the Paseo than that would be maintained by the HOA. Their landscapers would have to go out the eastern cul-de-sac, through the fence, go down a short distance down the city park to the north and then hit the Paseo and come down to maintain that. **CHAIRMAN FLANDERS** asked then they do have access to that Paseo within a short distance then? Mr. Mayo said yes.

**COMMISSIONER GULSVIG** said he has a real concern about land use. The Chandler airport has been there for more than thirty years. He was on the Airport Commission back in the 1980 time period. They had a nice runway out there but they didn't have a tower. The County property line is south of the residences they were referring to. If that were incorporated into the city, he would have less of a problem with this whole issue; land use, sound noise and the close proximity to the airport. He has a real problem with putting more residences right next to the flight pattern. Mr. Walkup made a strong argument. Mr. Knox made a strong argument. The Commissioner from the airport has made a strong argument. I think we need to listen to them. They have a very expensive airport out there and we need to protect that. The property out there is a land use area and

he knows they can argue that the area plan was put together at some point to allow residences in there, but it was to accommodate the existing people that are there. He is still not convinced that this particular property is going to be well served by putting residences in there even they talk about various types of landscaping and everything else. He is not in favor of it at all.

**COMMISSIONER CASON** had a question for Staff. He asked Mr. Mayo to share with them the rules that are associated with overlay district in so far as how much land has to be put together in order to place commercial use on any of the land in that area? Mr. Mayo said it would probably be helpful if he would read it straight out of the Airpark Area Plan. It says under the transitional overlay zone, “transitional areas that have

potential for a variety of commercial land uses based upon compatibility with surrounding land uses, this land use allows a transition from residential to commercial land uses as economics become favorable for the transition to occur. Transition areas must be transitioned from rural residential to a compatible commercial use according to the following guidelines. There are seven of them.

- Industrial uses will only be permitted if all the property owners in the contiguous transitional area request rezoning to that zoning district.
- Property owners in any transitional area request a rezoning of a minimum of forty contiguous acres made up of whole subdivision lots.
- All requests for rezoning are for a specific proposed commercial project with committed funding.
- The development site where the new zoning occurs is adequately buffered so as not to create a hazard or a nuisance to the adjacent rural residential land use.
- Adequate infrastructure either exists or is planned as part of the development to design to support the proposed use in traffic impacts and residential uses are minimal.
- All properties proposed for rezoning are adjacent to and border an arterial roadway or a commercial property that is adjacent to or borders an arterial roadway. This guideline is intended to prevent fragmented commercial development.
- Include the use of noise attenuation as provided in Appendix A of this report.

**COMMISSIONER CASON** asked if this property is around 13 acres? Mr. Mayo said it's slightly under 13 acres on the net; gross is slightly over 13. **COMMISSIONER CASON** stated according to the stipulations or the rules that are associated with it that Mr. Mayo has just explained, this property as it sits right now could not be developed as commercial. It could not be a storage facility or anything like that because there is not

enough contiguous acreage to allow that to happen. Is that correct? Mr. Mayo replied it isn't that it couldn't be developed; it just wouldn't be supportable through the Airpark Area Plan. If it was approved through Council, it could be built. If the request came in to develop this as a min-storage, it would not be consistent with the Airpark Area Plan and Staff would recommend denial. Once it went through the Public Hearing process, the outcome he doesn't know. **COMMISSIONER CASON** said the city would only support it if there were other properties combined with this in order to make forty contiguous acres to go ahead and develop something commercial. Mr. Mayo said that was correct but it would need to be forty contiguous acres, so it would have to be the properties directly south of this. **COMMISSIONER CASON** stated that he too believes that it's not the best land use. He thinks that is to the benefit of the residents that live

down there because this particular piece of land is little less than a fifth of the total land in this particular transition area. It's a large chunk of property masquerading as an odd shaped parcel in an effort to persuade us that it's only possible use is for single-family million dollar homes. If two or more contiguous properties of the same size were to adjoin this parcel, there would be enough land to propose a commercial usage, which generates tax revenue. The fact of the matter is if the landowners aren't willing commercially to divest themselves from the property in order to create commercial, then the status quo remains. Everybody keeps their property like it is and we get to protect that land. Citizens of Chandler get to protect that land for future use. We get to protect it for when there is no other land to develop in the City of Chandler. The commercial viability of that land increases. Landowners then have an opportunity to decide, whether in fact, they want to sell their property to create commercial development there. This is the second time that a developer has come to us and used this transitional overlay land to create million dollar homes. He can see in the future that it's just going to get pieced out with million dollar homes. There are a lot of other places to put million dollar homes in the City of Chandler. If this developer wants to take this land and put twelve lots on it, twelve 1-acre lots – that's great. By doing that it will maintain the viability of the land for possible future use. If people sell out their properties just to develop homes, we will have nothing but homes next to the airport. He does not think it is a proper land use. He thinks that if the agrarian land remains agrarian, it's no loss to the community whatsoever. If it becomes commercial land, it will be due to those market forces that he discussed earlier. It will not only support itself but the citizens of Chandler as a whole. If it becomes all residential and built up residential, all annexed residential, all nothing but residential, they will have sacrificed our options for our future use. All for the benefit of a few property owners. He said he couldn't support this project as it is.

**VICE CHAIRMAN HEUMANN** said he has listened to testimony now the second time around as we have done this twice. He said he has heard some comments about property rights and how the noise is not that bad. He heard comments from Mr. Knox about the farms that got pushed out of the city. He has seen people write letters to the editor about the cows and all the other things that have gone over the years. He said it's kind of the old caveat; you don't buy something until you have your zoning. The property rights issue he understands is important, but at the same time there is property rights issue whether it's the testing facilities, the emission facilities or the airport. Every time we add

encroachment, it only brings away more people complaining it's not that bad, but let's get rid of it or let's shut it down. We have spent a lot of money in the city recently with an Airport Area Plan, with Economic Development. We've approved in the last year and a half on this Commission and Council, hundreds of acres of valuable property. As Commissioner Cason said as things develop and there is less and less land, the land becomes more valuable and there are other uses. When you go up to Scottsdale and you look at that airpark up there, it is the number three generating employment zone in the state, next to downtown Phoenix and downtown Tucson. He has a problem with something this close to the airport across and within 150 feet of facilities. Throwing a few trees up He said he heard the comment about they weren't notified about the facilities across the way. Chandler's policy is to notify 300 feet or registered

neighborhood homes. The homes in question are in the County. Notification is a little bit different in terms of that. He didn't support this project the last time. Gorgeous homes and layout, but to him it comes down to a land use issue. He can't support this either.

**COMMISSIONER CREEDON** said she just want to clarify some comments of Staff. They heard in some testimony that they do meet the Airpark Area Plan. They have also heard that they are meeting the General Plan. Is that correct? Mr. Mayo said that was correct. The General Plan designates it as rural residential and the Airpark Area Plan has an underlying land use designation and then an overlay of the transitional overlay. The underlying land use is rural residential 0 to 1.5 units per acre. **COMMISSIONER CREEDON** said what she is struggling with is she doesn't like it encroachment on the airport and he doesn't think this is the best land use necessarily. They have met all of the needs of all the plans we have designed and now we are telling them that they can't use your property the way you would like to use it. She said she doesn't necessarily like the encroachment of the airport but she certainly sympathizes with this piece of property. You have these residential homes on one side and the city purchases the land on the other side and you have this park and it leaves us with this really strange piece of land to develop. It's definitely not an easy decision, but she does believe that they the right to develop their property. She will be in support of the project.

**COMMISSIONER ANDERSON** said he is going to go along with Commissioner Creedon on this for that very reason. Looking at the facts of the case being they can go out and develop this with 12 lots or they can get 16 lots with a real community with gates, walls and landscaping and develop open space and park space. We can have a nice approach to the park to the north or we can do it without it and he can develop 12 lots without doing any of those items and not have to come back to us and get their approval for what this community really would be. He agrees it's probably not the best use for the area. That piece of land is a very hard piece of land. He is very familiar with that piece of land because he was Chairman of the Parks and Recreation Board for many years. We acquired that park land to the north of it for the access for a bigger, global trail system. If you go out there it's a really interesting park. It's supposed to reflect the rural character of what the City of Chandler used to have; big plots of grass and some farm equipment that has always been sitting out there. It's really a neat little piece of park and a nice

connection between our trail system, which is turning out great and Tumbleweed Park, which is looking better all the time too. He thinks with that being said too, the residential does meet with the park site very well. The viability of something else going in there-he doesn't like to speculate. He likes to go with the facts. The facts at this time in front of him are that they can build houses in there based on all the approved plans through the city. If they are going to build it, he wants them to build the best houses they can and the best community they can.

**COMMISSIONER IRBY** said he hasn't decided yet but he knows which way he is leaning. He said he had a question for Staff. If they wanted to meet the 1-acre lot requirement that current zoning would allow, what's their process to do that? If they

want to have city utilities, water and sewer, what steps and controls would we have or not have? Mr. Mayo said that they would need to process a plat. They would process a preliminary plan and then a final plat. **COMMISSIONER IRBY** asked if the plat would go to Planning and Zoning for approval. Mr. Mayo said the preliminary plat would come to Planning Commission and City Council. The final plats go to City Council. **COMMISSIONER IRBY** said that means they would have another shot at it in terms of its layout to approve the plat to a certain extent. Mr. Mayo said you would be making a recommendation of the approval of the plat. The simple answer is yes it would come back to Planning Commission. **COMMISSIONER IRBY** said he doesn't care for Lot 15 and 16 being residential use whether it's a single-story or two-story. He thinks with the park being constructed, it's there and he thinks these lots take a nice view of it, take advantage of it. He doesn't have a problem with maybe approving 14 lots on this property. He's not sure he buys into lot 15 and 16. The rest of it works well and it becomes a nice transition to some existing residential. If he were going to approve this, he would probably limit it down to 14 lots and eliminate lots 15 and 16 for residential structures within 150 feet. If they want to come back and redo, he doesn't know.

**CHAIRMAN FLANDERS** said in regards to the property it meets the letter as far as the General Plan and also the Airpark Plan. The process that the applicant is going through does provide a better product for the City of Chandler. Is it an encroachment into the airport area? It's close. He thinks it is a better product for the neighborhood. The adjacent residence is a great transition to the park. He doesn't have any problem with this application as far as the 16 lots. If the engine rebuilding facility across the canal is within their zoning requirements, there shouldn't be a problem with sound. He said is in favor and will be voting for this item. He asked if there were any additional comments or questions or a possible motion.

**GLENN BROCKMAN, ASSISTANT CITY ATTORNEY**, said before any motion was made he wanted to thank them all for showing up tonight rather than leaving him with a possible tie.

**VICE CHAIRMAN HEUMANN** asked when the city bought the land for the equestrian park, is this about the same size acreage as that? Is there any conversation from the city

ever to expand the equestrian park? It's almost like they made this a no man's land. He said he almost questions the city side of it. As he said earlier, the applicant bought it before he had a zoning. He also asked if there were ever conversations about the city expanding the park more than just there? Mr. Mayo said he has not heard of any. That's not saying they haven't occurred. He does know that parks only intention was to be a link between two other things, the Tumbleweed and the canal. It serves the purpose as it sits now. He wasn't sure what the benefits of expanding that park would be. Maybe it becomes a more of a multi-use park, he didn't know. He didn't know of any discussions to acquire any more land to expand that park be it north of it or south of it. **VICE CHAIRMAN HEUMANN** said as a planning perspective the city did a job of cutting off this land, in one respect.

**CHAIRMAN FLANDERS** entertained a motion. **MOVED BY COMMISSIONER CREEDON**, seconded by **COMMISSIONER ANDERSON** to approve DVR06-0010/PPT06-0016 VINA ESCONDIDA. Motion to approve failed 4-3. The application was denied for approval.

6. DIRECTORS REPORT

There was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is March 21, 2007.

8. ADJOURNMENT

The meeting was adjourned at 7:27 p.m.

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Michael Flanders, Chairman

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Douglas A. Ballard, Secretary