

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 16, 2007 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Heumann called the meeting to order at 5:45 p.m.
2. Pledge of Allegiance led by Commissioner Flanders.
3. The following Commissioners answered Roll Call:

Chairman Rick Heumann
Vice Chairman Mark Irby
Commissioner Flanders
Commissioner Gulsvig
Commissioner Creedon
Commissioner Cason

Absent and Excused: Commissioner Brett Anderson

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
Mr. Robert Bortfeld, Senior Engineer/Traffic Engineering

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER GULSVIG, seconded by **COMMISSIONER CREEDON**, to approve the minutes of May 2, 2007. Motion was approved 6-0. (Commissioner Anderson was absent.)
5. CONSENT AGENDA ITEMS
CHAIRMAN HEUMANN 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 that Item K is on the Action Agenda at this time. The following items are for consent agenda approval along with any additional stipulations:

A. DVR06-0048 POLLACK DOBSON PLAZA

CONTINUED TO THE JUNE 6, 2007 PLANNING COMMISSION HEARING.

Request amendment of existing Planned Area Development (PAD) zoning to allow a car rental use. The site is approximately 8.5 acres and located at the northwest corner of Dobson and Elliot Roads.

B. DVR07-0016 SOUTHEAST CORNER OF CHANDLER HEIGHTS AND MCQUEEN ROADS

APPROVED.

Request the establishment of initial City zoning of Agricultural District (AG-1) on an approximately 23-acre site located at the southeast corner of Chandler Heights and McQueen Roads.

C. DVR07-0017 NORTHWEST CORNER OF LINDSAY AND OCOTILLO ROADS

APPROVED.

Request the establishment of initial City zoning of Agricultural District (AG-1) on an approximately 42-acre site located at the northwest corner of Lindsay and Ocotillo Roads.

D. DVR07-0018 NORTH OF THE NORTHWEST CORNER OF GERMANN ROAD AND THE UNION PACIFIC RAILROAD

APPROVED.

Request the establishment of initial City zoning of Agricultural District (AG-1) on an approximately 3.5-acre site located north of the northwest corner of Germann Road and the Union Pacific Railroad.

E. DVR07-0019 SOUTH OF THE SOUTHWEST CORNER OF COOPER AND QUEEN CREEK ROADS

APPROVED.

Request the establishment of initial City zoning of Agricultural District (AG-1) on an approximately 10-acre site located south of the southwest corner of Cooper and Queen Creek Roads.

F. PDP06-0061 HOLIDAY INN/T-MOBILE

APPROVED.

Request Preliminary Development Plan approval for a wireless communications facility located on top of an existing hotel. The subject site is located at 1200 W. Ocotillo Road.

1. Development shall be in substantial conformance with the exhibits kept on file in the City of Chandler Planning Services Division, in File No. PDP06-0061 HOLIDAY INN/T-MOBILE, except as modified by condition herein.
2. Any substantial change to the approved exhibits shall require reapplication and approval of a Use Permit by City Council.
3. The mechanical screen wall will match the same color and cornice detail as the hotel.
4. *The mechanical screen wall shall be maintained at a level consistent with the time of construction.*

G. UP06-0090 REMUDA RANCH

CONTINUED TO THE JUNE 6, 2007 PLANNING COMMISSION HEARING.

Request Use Permit extension to allow for the use of a gravel parking lot for staff members. The subject site is located at 111 S. Hearthstone Way.

H. UP07-0011 418 S. DELAWARE ST.

APPROVED.

Request Use Permit approval to locate a single-family home within a multi-family zoning district. The subject site is located at 418 S. Delaware Street.

1. Development shall be in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.

I. UP07-0012 130 W. FAIRVIEW ST.

APPROVED.

Request Use Permit approval to locate a single-family home within a multi-family zoning district. The subject site is located at 130 W. Fairview Street.

1. Development shall be in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.

J. UP07-0013 150 W. FAIRVIEW ST.

APPROVED.

Request Use Permit approval to locate a single-family home within a multi-family zoning district. The subject site is located at 150 W. Fairview Street.

1. Development shall be in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.

L. UP07-0022 PERCIVAL – DAKOTA DUPLEX

APPROVED.

Request Use Permit approval to allow construction of a new residential duplex on a vacant lot zoned Multiple Family Residential (MF-2). The property is located at 131 S. Dakota Street, south of Boston Street and west of Arizona Avenue.

1. Development shall be in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.
2. Base landscaping shall be installed along the northern walls of the building adjacent to the driveway. Details to be worked out with Staff.
4. The two front yard trees shall be shade trees rather than palm trees. The trees shall be at least 36”-box in size at time of planting.
5. There shall be a landscaped strip installed along the northern property line of at least 30” in width.

MOVED BY COMMISSIONER FLANDERS, seconded by **VICE CHAIRMAN IRBY**, to approve the Consent Agenda with the additional stipulations read into the record. Motion to approve carried unanimously 6-0.

ACTION:

K. UP07-0014 CATHEDRAL OF PRAISE CHRISTIAN CHURCH

APPROVED.

Request Use Permit approval to locate two single-family homes for pastoral use on an existing church property. The subject site is located at 2400 W. Warner Road.

1. The homes shall be used by the Church Pastor and associated staff. Any change in the use or user of the home shall make the Use Permit null and void.
2. Any expansion or modifications beyond the approved exhibits shall void the Use Permit.
3. *The applicant shall work with Staff to provide additional documentation for the site.*
4. *The landscaping and site improvements shall meet current City standards.*
5. *The landscaping shall be maintained at a level consistent with or better than at the time of planting.*

6. *The site shall be maintained in a clean and orderly manner.*

MR. ERIK SWANSON, CITY PLANNER, stated that the request was for a Use Permit to allow two (2) single-family residential homes for pastoral use on an existing church property located at 2400 W. Warner Road, one-half mile west of Warner and Dobson on the north side of Warner Road.

The church was originally zoned as part of a larger subdivision in 1978. The pastor recently contacted staff requesting that two homes be located on the site for pastoral use. The homes are located just south of a retention basin on the church property and north of the existing church building. The homes will be constructed with stucco exterior with tiled roofs. Mr. Swanson explained that the original exhibit of the homes contained in the staff memo to Commission showed a home with siding on the exterior. The reason for this is that the model is new and the developer did not have a current exhibit.

Mr. Swanson said that there were some concerns with the driveway. The applicant will be required to pave the driveway up to the homes. There is an existing drive off Bullmoose Drive, which the pastor and pastoral staff will utilize to access the homes.

There was a neighborhood meeting, which was attended by approximately six neighbors. The neighbors approved the pastoral use of the homes; however, there was some concern with the second home and potential programs to rehabilitate the homeless or troubled teens being located within the second home. To address that concern, Staff added a condition that the homes are required specifically for pastoral staff.

Staff recommends approval of the request.

VICE CHAIRMAN IRBY stated that he had a problem trying to approve this case due to the lack of information that had been presented. He said that he had further questions regarding the driveway, landscaping, and pedestrian access from the homes to the church and street. Vice Chairman also had concerns with how the church was meeting city standards. He felt that the church's street presence was rather barren.

MR. SWANSON stated that was also one of staff's concerns early on. A staff member went to the site to make sure that city standards were being met. One of the concerns was the landscaping and the lack thereof. It was found upon inspection that the landscaping did meet city standards.

VICE CHAIRMAN IRBY asked if the city would require the church to bring the property up to the current standards when the expansion takes place. **MR. SWANSON** stated that a condition could be added that the church meets all standards.

MR. BOB WEWORSKI, PRINCIPAL PLANNER, stated that when a Use Permit comes back for changes, if it affects the property, staff would look for improvements to the site to meet current standards. He said that staff deemed the church structure itself as not being affected or improved, and concentrated on the property to the north of the

church as being the developed area. The Use Permit for the church was not changing. He went on to say that whatever landscaping was lacking would be based on what was approved through the original Use Permit. At that time there weren't a lot of standards.

VICE CHAIRMAN IRBY commented that if the church wanted to expand their facilities, now would be the time to try to bring it into conformance. He said that his memory of the structure was that it was rather barren from the street presentation.

A discussion ensued with regard to other properties to the west. Mr. Swanson explained that those properties were within the County jurisdiction.

In response to a question from Chairman Heumann, Mr. Swanson stated that there were no current landscaping plans for the two buildings at the back of the church property.

CHAIRMAN HEUMANN stated that he did not have a concern with the use, but rather a concern with the lack of documentation. Generally, Commission would not approve anything without the plans in front of them, i.e., building architecture, landscaping plans, etc. He said that this was like a conceptual plan only. He asked if staff was comfortable with the lack of documentation?

MR. SWANSON suggested that a condition be added that the applicant shall work with staff to provide more complete documentation.

CHAIRMAN HEUMANN said that he wanted to hear from the applicant.

MR. GREG RODMAN, 2400 W. WARNER RD., CHANDLER, AZ asked if there was a concern with the landscaping by the two new homes.

VICE CHAIRMAN IRBY said that his initial concern was just the two homes, dealing with the driveway, whether there would be fenced yards, pedestrian access, and the lack of landscaping along Warner Road.

MR. RODMAN said that there were trees along Warner Road, N. Bullmoose, and all the way around the retention area. He said that when the city wanted to put in a huge bus stop, they had commented that this was one of the most attractive places for a bus stop due to the expansiveness of the space. Behind the bus stop is desert landscaping. There is a cross to the west and north, and landscaping further to the west. Mr. Rodman said that one time it was grass, but decided it would be more attractive in granite. He added that there were eight trees in this area.

Mr. Rodman continued that the driveway would come off N. Bullmoose. There will be a circular driveway around the two houses; there would be landscaping, and they were thinking about installing a block fence to define the area. He said that it would be attractive. He added that there was a lot of vandalism in this neighbor, and they wanted

security (people) on the property. Mr. Rodman said that there had been some vandalism of equipment from his property.

VICE CHAIRMAN IRBY said that he had a hard time approving anything this vague. He wanted to see how the lots were going to be developed, how the road would go in and then out, where the fencing would be, and type of materials being used. He also said that he had a concern with the street landscaping along Warner Road. He felt it did not meet city standards.

MR. RODMAN said that they met the city requirement when the trees were installed. When the bus stop went in, some of the trees were removed. Just west of the bus stop are eight trees, as well as 40 to 50 trees down Bullmoose and approximately 20 to 25 trees in the retention area.

COMMISSIONER FLANDERS asked staff what the requirements were for landscaping under the Residential Design Standards.

MR. WEWORSKI stated for property zoned SF-33 there were not a lot of landscaping standards for residential property. This was a Use Permit granted for a church, so given that, more landscaping might have been deemed appropriate in this case. Mr. Weworski stated that he felt the church was meeting the requirements with the amount of trees that were on the property.

COMMISSIONER FLANDERS stated that he did not have a problem with the homes, but said that the documentation had been vague. There were a lot of questions. He said that as the applicant comes in for a permit, staff could make sure that the issues were addressed (driveway plan, landscaping, screen walls).

MR. WEWORKSI said that staff agreed that there was not a level of detail that Commission would be comfortable with in order to make a judgment. He said that if the applicant was willing to provide these things, staff could go ahead and work with the applicant.

COMMISSIONER FLANDERS suggested that the applicant provide these items prior to going to Council – how the driveways are going out onto the street, where the landscaping was going, etc. It needed to be more tied down for Council.

CHAIRMAN HEUMANN said they also needed to know if there was going to be a block wall.

MS. CANDI BRIGGS, 21510 N. DUNCAN DRIVE, MARICOPA, said that there would be no problems getting pictures. She said that there would be a paved circular driveway off Bullmoose. The center of the circle (35-ft) would be grass and flowers. There would be block walls around each home.

When asked for the Council date, Mr. Swanson replied that this case would go to Council on June 14th.

VICE CHAIRMAN IRBY said that he was still concerned with the landscaping along Warner Road.

MR. WEWORSKI stated that he had looked at the code, and code stipulates one tree and six shrubs per 500 square feet of landscapable open space. He said that there could be a condition if Commission felt it was not meeting code.

VICE CHAIRMAN IRBY said that the applicant could work with staff to bring their exhibits up to speed between now and the time they go to City Council. He asked that a condition be added to bring the landscaping up to city standards along Warner Road.

MS. BRIGGS asked what Commission was looking for.

VICE CHAIRMAN IRBY said that the applicant needed to provide a more defined site plan that shows how the driveway goes into the property and how it loops out. Ms. Briggs said that she understood that, but wondered what Commission was looking for with regard to Warner Road.

VICE CHAIRMAN IRBY said that there were city standards for landscaping. He said that staff could clarify that for the applicant. There is a standard for screening parking lots, either by landscaping or masonry walls; there is a requirement for a certain number of trees per lineal footage. He stated that he did not believe this property met those conditions.

CHAIRMAN HEUMANN commented that there might be enough trees; however, standards had been raised over the past 28 years. When properties come in for improvements, Commission tries to bring the properties up to meet the new standards.

CHAIRMAN HEUMANN stated that he had four comment cards from people that did not wish to speak:

Lily Ann Tolman, in support

Rod Tolman, in favor

William Carroll, in favor

Ann Faery, in favor

MR. JOHN WILLIAMS, 2304 N. HICKORY ROAD, MARICOPA said that he felt the homes would be invisible due to the number of trees along Bullmoose and those on the property. He felt it would be wonderful to have the homes on this property's vacant area. Mr. Williams stated that there was a city-approved driveway already in this location, which was installed when they first got the property many years earlier. The water and sewer is also there. The retention area has grass and trees, which is kept

mowed and kept clean. He asked Commission to approve the request. The pastor and staff would occupy the two homes.

MS. JEANENE ESSEX, 2536 W. EL ALBA WAY, CHANDLER said she wanted to see a dwelling on the property, as it would be a great asset. She said that she was not a member of the church. She stated that she lived at the end of the retention area and felt it would be added safety to have the homes. She stated she was in support of the request.

MS. KAREN HAMIL, 2045 N. 91ST PLACE, CHANDLER said that she lived directly west of where the homes were proposed to be built. She asked if the homes were manufactured homes.

MR. SWANSON stated that they were manufactured homes.

MS. HAMIL commented that Mr. Rodman had assured them at the neighborhood meeting that the homes would improve the value of their property. She asked if one of the homes was intended as a retirement home for Mr. Greg Rodman, and if the church or the people who occupy the homes were paying property taxes? With regard to the landscaping along Warner Road, she agreed that it had not always been well kept. Ms. Hamil submitted pictures of properties in the area, as well as Cathedral of Praise Christian Church. She said that Mr. Rodman painted a really rosy picture of everything that surrounds him, when in fact, what surrounds his property were old swamp coolers, old lumber, old railroad ties, bales of hay, and a lot of other trash. She went into some detail as to how her own property was maintained.

COMMISSIONER CASON asked if Ms. Hamil was for or against the request.

MS. HAMIL stated that she had no problem with a single-family dwelling; her concern was with two single-family dwellings and what they were going to do with the second home. They were going to be 4-bedroom, 3 bathroom dwellings. She said that she was truly concerned with how the homes were being used. She went on to say that she too was concerned with the landscaping along Warner, as well as ingress and egress to the homes. She was not concerned with the walls.

CHAIRMAN HEUMANN asked Mr. Swanson to explain the condition of the church property.

MR. SWANSON stated that he had not gone on the west side of the property where the items of concern were located. Therefore, he was unable to verify that these items were

actually there. From what he observed, the property and retention basin were being kept in a clean manner.

MS. HAMIL stated that the items were still on the church property as of that evening. She said that she could see the coolers and wood from her back window. She noted that

she hadn't seen the bales of hay. Ms. Hamil stated that there is a chain link fence between her property and the church property, which had been an issue of contention.

ROD TOLMAN, 2215 N. LOS ALTOS DRIVE said that he drives past the church every day and commented that he could not see why anyone would complain about the landscaping. He said it was a beautiful piece of property, is kept weed free and well maintained. Mr. Tolman said that if the pastor maintained the new homes like he maintained the rest of the property that he was in favor of the request. He felt it would be a great asset to the city.

SUZANNE HENDERSON, 2019 N. 91st Place, said that she lived west of the church property and north of the school for the blind. She said that she was concerned with the second home, as she didn't know the intentions for the home due to the number of bedrooms called for on the plans. She said that she and her husband were against the second home, but had no problem with one single-family home being built on the property.

A speaker from the audience stated that manufactured homes were better built than stick built homes. She said that she was not worried about a pre-fab home being built on the property. She commented that she was aware of the County property that had been mentioned by a previous speaker and said that the only reason she would be in favor of the city coming to the County and buying their property was because of people like that. The speaker stated that it was no one's business if one of the homes was intended as a retirement home. She said that the church would not be running a halfway house. The speaker said that the pastor's granddaughter would be occupying the other home. She said she was very much in support of the request.

MR. RODMAN stated that the church had been there for the past 28 years and had never received a complaint from the city regarding the landscaping. Mr. Rodman stated that he didn't know what was in the pictures, but that he did have two sheds by the retention area for storage. He said there were twelve, 5-ton air conditioners, as well as five evaporative coolers. Mr. Rodman said that there was probably a picture of a cooler, a front end car hauler, as well as some disassembled school furniture which is stacked against the 6-ft fence along the west side. He noted that this was completely out of site from anyone driving along Warner Road or Bullmoose Drive. Mr. Rodman asked Commissioners to visit the site the following day to see for themselves what was being stored. He suggested that they then look at the storage at the Henderson's property in the back yard. He said that he had no problem with what the neighbors had stored on their own property.

VICE CHAIRMAN IRBY said that he had no problem with the use; however, he requested that a stipulation be added that the landscaping along Warner Road be brought up to current city standards. He noted that he did not have a problem with the fact that the proposed homes were manufactured homes. He asked the applicant to submit to staff more clarified drawings of the site plan.

CHAIRMAN HEUMANN asked Counsel if Commission could stipulate that the documents be submitted prior to the Council meeting.

MR. GLENN BROCKMAN, ASST. CITY ATTORNEY, stated that Commission could give direction to have upgraded documentation for Council and proceed on that basis.

VICE CHAIRMAN IRBY asked if there should be a stipulation that the homes were for residential use and not for commercial use?

CHAIRMAN HEUMANN noted that condition no. 1 in the staff report would cover that request.

MOTION BY COMMISSIONER CREEDON, SECONDED BY COMMISSIONER GULVSIG, to approve UP07-0014 CATHEDRAL OF PRAISE CHRISTIAN CHURCH with stipulations as addressed per the standards.

CHAIRMAN HEUMANN asked if there were additional stipulations.

MR. SWANSON stated that there were two additional stipulations:

- 3. The applicant shall work with staff to provide additional documentation for the site.*
- 4. The landscaping and site improvements shall meet current city standards.*

COMMISSIONER FLANDERS said that he wanted a stipulation added regarding landscape maintenance, especially for the landscaping along Warner Road. An additional stipulation was also added by Staff. The two additional stipulations added were:

- 5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.*
- 6. The site shall be maintained in a clean and orderly manner.*

COMMISSIONER CASON noted that he agreed the documentation that is presented to Commission should be in a more concise and more understandable manner. He said he agreed with staff that the addition of the two homes would not warrant a major change along Warner Road. He felt that if there were an addition to the existing church, building it might be applicable, but the addition of the two buildings in the back didn't warrant the

additional expense of radically changing the front of the property. Commissioner Cason said that he approved the land use for the homes, but that he would be voting against the motion due to the landscaping stipulation.

CHAIRMAN HEUMANN stated that the landscaping stipulation was a result of the lack of information that had been provided to Commission. It was more of a protection for the city to make sure that the landscaping was brought up to current standards.

COMMISSIONER CREEDON stated that she agreed with Commissioner Cason and felt that same way until she understood that it sounded as though the church was up to code now.

COMMISSIONER CASON asked if the motion was to make sure that the property was up to the standards that were in place when the property was originally permitted, or up to standards that are in place at this time.

COMMISSIONER CREEDON said that it almost sounds as though the property is up to the standards that are in place now based on the description described by staff.

MR. WEWORSKI stated the standard is one tree and six shrubs for every 500 square feet of area. He went on to say that it is likely there is landscaping missing as a result of some Warner Road improvements, mainly in the bus pullout area. He noted that the city project may not be completed as yet and the landscaping may be supplemented.

CHAIRMAN HEUMANN stated that if the city takes out landscaping they would be required to put it back in.

COMMISSIONER CASON said he understood the Motion Maker and asked if the Second understood it the same way – they were speaking about the landscaping as it was established when the building was originally permitted?

CHAIRMAN HEUMANN stated that the idea was to bring the landscaping up to code, up to current standards.

COMMISSIONER CASON said that his objections would stand then.

MR. RODMAN made additional comments regarding blocking church signage from the street.

CHAIRMAN HEUMANN stated that there were stipulations in the building code that signage not be blocked. He went on to say that typically Commission would not have heard this case and that it would have been continued based on the lack of information

presented. Chairman Heumann said that the case was going forward based on the applicant and his granddaughter being at the meeting, as well as a lot of the audience.

When the vote was taken, the motion carried 5-1 (Cason) to approve UP07-0014 Cathedral of Praise Christian Church.

CHAIRMAN HEUMANN stated that the Planning Commission was a recommending body to the City Council. This case would be heard by Council on June 14th.

6. DIRECTORS REPORT

There was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENT

Chairman Heumann thanked the voters that had taken the time to vote and approved the largest bond election in the City of Chandler, which would improve the streets, parks, police, fire, etc. The next regular scheduled meeting is on June 6, 2007 at 5:30 p.m. in the Council Chambers.

8. ADJOURNMENT

The meeting was adjourned at 6:55 p.m.

Rick Heumann, Chairman

Douglas A. Ballard, Secretary

Planning & Zoning Commission Meeting

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