

**INFO #1**  
**August 23, 2007**

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 1, 2007 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:34 p.m.
2. Pledge of Allegiance led by Commissioner Cason.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders  
Commissioner Dick Gulsvig  
Commissioner Angela Creedon  
Commissioner Michael Cason  
Commissioner Leigh Rivers

Absent and Excused: Vice Chairman Mark Irby  
Commissioner Brett Anderson

Also Present:

Mr. Bob Weworski, Planning Manager  
Mr. David de la Torre, Senior Planner  
Mr. Kevin Mayo, Principal Planner  
Mr. Erik Swanson, City Planner  
Mr. Bill Dermody, City Planner  
Mr. Glenn Brocklman, Assistant City Attorney  
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES  
**MOVED BY COMMISSIONER GULSVIG**, seconded by **COMMISSIONER CREEDON**, to approve the minutes of the July 18, 2007 Planning Commission Hearing. Minutes were approved 5-0 (Irby, Anderson were absent).
5. ACTION 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. Staff will read into record all the items on the consent agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion.

**MR. BOB WEWORSKI, PLANNING MANAGER**, stated the following items are for consent agenda approval along with any additional stipulations. There are three action items, item A, B & C.

D. PDP07-0012 CHANDLER MIDWAY CORPORATE CENTER

**APPROVED.**

Request Preliminary Development Plan (PDP) approval of a comprehensive sign package for an office development on approximately 20-acres located at the northeast corner of Chandler Boulevard and Gila Springs Boulevard (1/4 mile east of Kyrene Road).

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Midway Corporate Center" kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0012, except as modified by condition herein.
2. 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.
3. Any future freestanding monument signs will require separate Preliminary Development Plan approval.
4. All raceway signage shall be prohibited within the development.

E. UP07-0044 THE URBAN TEA LOFT

**APPROVED REQUEST FOR WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.**

Request Use Permit approval to sell alcohol (Series 12 Restaurant License) for on-site consumption in a new retail/restaurant facility at 11 W. Boston Street, Suite #2. **(REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING)**

F. UP07-0049 PICAZZO'S GOURMET PIZZA & SALADS

**APPROVED.**

Request Use Permit approval to sell alcohol (Series 12 Restaurant License) in a restaurant within the Ice Den at 7225 W. Harrison Street, near the northeast corner of 54<sup>th</sup> and Galveston Streets.

1. The Use Permit granted is for a Series 12 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion 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.

G. UP07-0051 BIG WA CHINESE CAFÉ

**APPROVED.**

Request Use Permit approval to sell liquor to restaurant patrons (Series 12) within a new restaurant. The restaurant is located at 990 E. Riggs Road, Suite #9.

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

H. PPT07-0021 PLAZA 333 CONDOMINIUM

**APPROVED.**

Request Preliminary Condominium Plat approval for a general and medical office development located on 3.9 acres at 333 N. Dobson Road, Dobson Road north of Chandler Boulevard.

**CHAIRMAN FLANDERS** asked if anybody in the audience wanted to pull any of the consent items for a full presentation. He asked if there were any comments or questions from Commission. He also stated that he does have a “conflict of interest” on item G as he is employed by the architect that did the center. He will be abstaining on that particular item.

A motion was made by **COMMISSIONER CREEDON** to approve the Consent Agenda as read in by Staff, seconded by **COMMISSIONER CASON**. Motion to approve the Consent Agenda passed unanimously 5-0 with the noted abstention. (Irby, Anderson were absent.)

**ACTION:**

A. GPA07-0001 SOUTH ARIZONA AVENUE ENTRY CORRIDOR

Request to (1) amend the South Arizona Avenue Entry Corridor Study by expanding the Urban Commercial designation on the northeast corner of Arizona Ave and Pecos Road easterly to the existing Washington Street right-of-way, revise the Washington Street alignment accordingly, and Modify the land use description of Civic Uses to include office, museum and incidental retail, and (2) amend the General Plan to incorporate the South Arizona Avenue Entry Corridor Study together with the proposed amendments

**MR. DAVID DE LA TORRE, SENIOR PLANNER**, stated that Item A, GPA07-0001 SOUTH ARIZONA AVENUE ENTRY CORRIDOR is a City Initiative that involves two requests. The first is to amend the South Arizona Avenue Entry Corridor Study and the 2<sup>nd</sup> is to amend the City’s General Plan to incorporate the South Arizona Avenue Corridor Study and make it formally a part of the General Plan. The Planning Commission may recall that last year the Mayor and City Council formally accepted the

South Arizona Avenue Entry Corridor Study and directed Staff to proceed with implementing the plan. As you may not be aware, there are many components to the plan but the primary goal of the South Arizona Avenue Study is to improve Arizona Avenue from the San Tan Freeway to the Downtown Square. This is in recognizing the San Tan Freeway has created a new entryway into the downtown Chandler area. The other thing he mentioned is that the South Arizona Avenue Study emphasizes the need for new high density residential particularly along Arizona Avenue, between Pecos Road and Frye Road, to bring new people into the area to support the existing commercial and the planned commercial in the downtown area, as well as putting people on the streets to create pedestrian activity and create that vibrant, downtown environment that we're trying to create. Tonight, Staff is proposing two amendments to the South Arizona Avenue Corridor Study. The first one is a revision of the civic uses definition. Mr. de La Torre drew their attention to the exhibits shown. Civic uses is indicated in the light blue color, generally located on the east side of Arizona Avenue between Chandler Blvd. and Frye Road. Staff is proposing to amend the definition of civic uses to also allow for offices, museum and incidental or ancillary retail uses in addition to the government offices and services that are currently specified by the South Arizona Avenue Corridor Study.

The second amendment that is proposed by Staff is to expand the urban commercial corner at the northeast corner of Pecos Road and Arizona Avenue. Currently, the South Arizona Avenue Study calls for Washington Street to be expanded south from Fairview Street, as indicated by the dotted line in the exhibits, all the way down to Kessler Lane. But as you can see on the exhibits, there is currently half a right-of way of Washington Street located about 150 feet east of the previously accepted Washington Street extension. Staff is proposing to utilize that right-of-way segment and expand the urban commercial to that Washington Street segment. In addition to benefiting from utilizing existing right-of-way segments, the area would be expanded from about four and a half acres to about seven and a half acres which wouldn't be big enough to allow for any regional commercial type of uses-that's not what is intended for the urban commercial category. Instead, it would provide more of an opportunity to provide the neighborhood commercial services that are intended. The pedestrian oriented services such as beauty salons, maybe some retail and certainly offices as well. The other part of Staff's request tonight is to amend the City's General Plan to incorporate the South Arizona Avenue Study and make it formally a part of the General Plan. The first part of that, more specifically, is districts one and five of the Conservation Rehabilitation and Redevelopment elements of the General Plan, which show the same boundaries as the South Arizona Avenue Study; Chandler Boulevard on the north, Pecos on the south, Palm Lane on the west, and the railroad tracks on the east. Districts one and five of the redevelopment elements will be replaced in their entirety by the South Arizona Avenue Corridor Study. This would become part of the General Plan. Some of the main differences between districts one and five are that the districts one and five previously emphasized the revitalization of strip commercial along Arizona Avenue. Mr. de la Torre said as he indicated before, the South Arizona Avenue Study instead emphasizes the need for high-density residential to bring more people into the downtown area to support the

commercial. We don't need more commercial, we need people to support the commercial. Another main change, is the civic uses where the districts one and five limit civic complexes to be along the north and south side of Commonwealth Avenue east of Arizona Avenue, whereas this exhibit shows a light blue civic uses area that includes the City Hall site that was approved by Mayor and Council last year on the east side of Arizona Avenue, north of Frye as well as east of the City Hall site where the existing government and civic uses are located. In addition, the public buildings element of the General Plan will also need to be amended to refer to the South Arizona Avenue Corridor Study for determining and guiding future public buildings and facilities to be allowed in the light blue area, the civic uses, as opposed to the outdated civic campus plan.

With that, as they did when they first prepared the plan last year, we felt it very important to involve the neighborhood through this process and they have had very extensive public notification. They have mailed notices to all of the property owners inside the planning areas, as well as within a quarter of a mile outside the planning boundaries and they have mailed notices to all the registered neighborhood organizations and HOA's within half of a mile of the planning boundaries. According to state statutes, we have notified adjacent municipalities and other agencies and have not received any opposition to any of the proposals that Staff is making. They also had two neighborhood meetings in the neighborhoods. One was in the Salvation Army on the east side of Arizona Avenue. The other was on the west side of Arizona Avenue in the Chandler Community Christian Center. Both were very well attended, with about 75 people and there was a lot of questions on the how's and when's but they did not receive any opposition to any of the proposals that Staff is making today. Mr. de la Torre said that with that he would like to open it up to questions and recommend approval of the amendments they are proposing for the South Arizona Avenue Corridor Study and also approval of the General Plan Amendment to incorporate the South Arizona Avenue with these amendments into the General Plan.

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

**COMMISSIONER RIVERS** said he had been following this for quite a while. He had general questions about things that he had heard before and was wondering if they are still valid. He said in looking at Exhibit B, does the existing Washington Street from Boston south run through to Morelos passed Saragosa Street or does it dead end at Fairview? Mr. de La Torre answered that Washington Street currently dead ends at Fairview Street. Commissioner Rivers asked if there were any plans to run the street south to connect up with the Washington Street that's kind of jogged off to the east to make a through street or is it just going to be this way? If so, is there room at the west end of Saragosa and the west end of Morelos to turn around a fire truck, which he believes is a City requirement? Mr. de la Torre replied that yes that is correct. Washington Street is planned to be extended. The current South Arizona Avenue Study plans for the extension to go straight down to Kessler. Now they are proposing that it stops right below Morelos about 150 feet below Morelos, then jog east, making a new T intersection here. It would jog east and then continue along the existing right-of-way of

Washington Street south to Pecos Road. Commissioner Rivers inquired if you would be able to enter Washington Street off Kessler and drive all the way to Boston Street. Mr. de la Torre said that was correct. One of the objectives that they heard from the neighbors at the neighborhood meetings was to discourage through traffic. Along with this plan is to include traffic calming. That's one of the reasons why they included this jog shown here. There may be other measures such as traffic bumps or speed bumps, maybe speeding tables, but he is not sure. They have yet to design the specifics, but the intent is to provide traffic calming to discourage through traffic through the neighborhoods. Commissioner Rivers said he heard that last year when this was going on about the possibility of running Washington all the way through, so he just wondered how that had worked out. He thinks the traffic calming measures idea is a very good one.

**COMMISSIONER CASON** said in the original study there is a lot of discussion about how different components have to come together to make the downtown redevelopment project successful to allow us to attain the vision that we all see as a revitalization of the Arizona Avenue Corridor. He asked Mr. de la Torre if he could discuss some of the factors that the Study required in order to make this successful, such as employment and investment in various properties and those types of things? Mr. de La Torre answered that he thinks the primary emphasis and the primary message that the South Arizona Avenue Study sent is that they need more people living in the downtown area and that's done in the purple areas through the high-density residential, mixed-use category. In addition to that, there are other components. It is important to have employment nearby to give the opportunity for people to walk to work and create that true live, play and work environment. There are opportunities and there will be more opportunities they think north of Frye Road for that to happen as well as south of Pecos Road. That's another item on the agenda tonight. That may be an opportunity for someone to walk to work as well. There is retail, obviously, to be able to play and entertain. Another important thing is different types of housing made available; not just the high-density stuff but also the low-density and preservation of existing neighborhoods to maintain that historic element so there is character in the downtown area. They definitely want to retain our historic character in downtown Chandler. That is also being done through improvements that are being planned in the low-density residential areas as well as improvements in our commercial downtown square.

**COMMISSIONER CASON** asked if there are any areas in the redevelopment area that specifically target mid-rise or high-rise construction? Mr. de la Torre answered that there aren't any areas that are singled out in the South Arizona Avenue Study for mid-rise. However, the downtown area in general is an area that they have expressed in the past would be desirable for a mid-rise. For example, the high-density residential area along Arizona Avenue could be more than 45 feet in height. The area around Site 6 north of Frye Road and west of Arizona Avenue could develop with also some heights over 45 feet. There is that possibility in different areas within the Study. They haven't singled any particular area out. Commissioner Cason inquired if he looks at this, would this be a square mile? Mr. de la Torre said this was half of a square mile. Commissioner Cason asked if that was 160 acres? Chairman Flanders said it was 180 acres, plus or minus-

probably plus. Commissioner Cason asked if there had been any examination outside of this area, such as east of the railroad tracks or anything else like that for redevelopment in those areas attached to this Study? Mr. de la Torre replied that there was not.

**CHAIRMAN FLANDERS** asked if there were any other questions. He said that in regards to what Commissioner Rivers was talking about with Washington Street, is it the intent to continue Washington all the way to Pecos or is it to just dead end at Kessler? Mr. de la Torre said the intent is to extend Washington Street all the way to Pecos to align with the driveway that's on the south side of Pecos Road on the Wal-Mart shopping center side. It may not be as straight as it is shown here. He said to keep in mind that this will become part of the General Plan, which will be general in nature, not site specific. There may be some design variations depending on where that driveway lines up on the south side of Pecos Road. The intent is to provide access to the south side of Pecos. Chairman Flanders said this a secondary thoroughfare for people that live in the area and also for people working so that they could get to Pecos if they had to. Mr. de la Torre said that is correct. Chairman Flanders said he knows that David and Hank have worked on this for quite a long time and he knows that in some discussions about a year ago, he had mentioned that jog as it goes up Washington and remembers making a suggestion about doing some type of curb linear or angle to make it a little bit easier. From a residential standpoint he can understand the idea of slowing traffic down. He likes the idea of traffic flow and the use of traffic calming devices. He said the City of Tempe has done it very well in some areas just adjacent to the downtown and it works very well. He said at least look at that as they are going through this and as the General Plan goes forward. This commercial piece comes on line for some type of an easier routing of that Washington transition from one side to the other. There is also land there that could be provided as a green area in conjunction with the existing park. There is a lot of opportunity to create some stuff for the neighborhood too. At least possibly look at that. Mr. de la Torre said they would look at that and keep that in mind as they fine-tune the design process. Chairman Flanders said they have worked really hard and thanked them for having done an excellent job.

**CHAIRMAN FLANDERS** asked if there were any other questions or comments.

**COMMISSIONER CASON** asked on the existing plan where they came out south of Kessler onto Pecos Road, didn't that split the churches? There was a church on one side and a church on the other. Mr. de la Torre said there is one church. He said when they look at that in an aerial this is just conceptual. They don't know where the street extension would be located until an engineer actually designs the right-of-way improvements. But from looking at an aerial it appeared that the driveway on the south side of Pecos would line up with the parking lot of the church located on the north side of Pecos. The parking lot is located on the east side of the church. Commissioner Cason asked if the church that houses the day labor is off of Fairview? Mr. de la Torre answered that was correct.

**COMMISSIONER RIVERS** asked how many houses would the city need to buy to clear up the Washington Street alignment that they are proposing? Mr. de la Torre said there would be approximately about a dozen homes that the city would need to buy to extend Washington Street. Again, this is just from looking at an aerial and guessing which ones would need to be acquired without knowing exactly where the street right of way edges are going to be located. If you look at an aerial and just look at the conceptual street extension, it appears that about twelve homes would be located within that street extension. Commissioner Rivers said in changing the corner of the space on the northeast corner of Arizona Avenue and Pecos into the urban commercial block that you are proposing here, are there any private homes that are purchased for that as well? Would the commercial developer have to buy homes to create a project that size or is that pretty well open right now? Mr. de la Torre said there are some homes located between the existing Washington Street extension and the proposed Washington Street alignment, as well as some homes in the red urban commercial area. He doesn't know how many total. There are three properties along Washington Street and maybe a handful of other properties that are currently residential in the red urban commercial area. Commissioner Rivers asked if the city doesn't have to purchase those homes and if that would be up to the developer to do? Mr. de la Torre answered that it would be up to the developer to acquire those properties and redevelop them. Commissioner Rivers inquired if the City of Chandler would have to go in and purchase approximately twelve homes to do the Washington Street alignment? Mr. de la Torre said that was correct.

**CHAIRMAN FLANDERS** asked if there was anybody in the audience that would like to speak in regards to this item.

**COMMISSIONER CREEDON** moved to approve GPA07-0001 SOUTH ARIZONA AVENUE ENTRY CORRIDOR, seconded by **COMMISSIONER RIVERS**. The item passed unanimously 5-0 (Irby, Anderson were absent).

**B. DVR06-0045 STEVENS OFF ROAD**

Request amendment of existing Planned Industrial District with Planned Area Development Overlay (I-1/PAD) zoning to allow certain auto service and customization, including for sand rails. The property is located at 3210 N. Delaware Street, north and east of Elliot Road and Arizona Avenue.

1. Development shall be in substantial conformance with existing zoning and PDP approvals except as modified by the application materials of this request (narrative and site plan) and associated conditions of approval.
2. In addition to I-1 uses, the following uses shall be allowed: small recreational vehicle (ATV, etc.) repair and accessory sales and installation, when said repair and/or installation is carried on within the principal building; motor vehicle after-market customization and accessory sales, including but not limited to upholstery, bed liners, and customized parts installation, carried on within an enclosed structure and having no outside storage of vehicles or parts of vehicles.

3. Engine repair shall be prohibited.
4. Service of street vehicles such as cars, trucks, and RV's shall not be allowed.
5. All work shall be conducted indoors.
6. There shall be no outdoor storage of parts.
7. There shall be no overnight outdoor storage of vehicles.
8. There shall be no testing of the vehicles on streets.
9. 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.

**BILL DERMODY, CITY PLANNER** stated this is a rezoning request for a building at 3210 N. Delaware Street, north and east of the intersection at Elliot and Arizona Avenue. This business only occupies one part of one building and the rezoning is only for that building. This is part of a larger corporate park that is mostly zoned industrial on both sides of Elliot east of Arizona Avenue in north Chandler. There have been a number of auto related rezonings and a use permit in this area including a bed liner company very close to Stevens Off Road and a number along Arizona Avenue, including a couple motor bike places and the recent Pollack rezoning that came through. The request is to allow uses beyond I-1 including certain auto service and customization including sand rails. The business themselves were found to be there illegally and all they care about is that they get to continue. Staff has, however, wanted to expand the uses a little bit beyond just sand rails so if somebody else came in we wouldn't need to go back and do another rezoning.

Auto type uses in industrial areas have caused us some heartburn in the past but they are coming forward with a recommendation of approval tonight. The reason is they have been able to craft this rezoning so that our big worries when it comes to auto won't be present here. You aren't allowed to work on engines, you aren't allowed to do any work outside. Uses such as auto body repair, like a Maaco or a Jiffy Lube, those types of uses would not be allowed up here. What would be allowed is customization, ATV's, sand rails and those sorts of things and recreational vehicles not including the street legal kind like RV's. Staff recommendation is for approval. They have quite a bit of feedback from the neighbors here at the condo association and are largely against this. He believes they have a few people probably here to speak about that. One of the issues raised is whether or not they have had the property owner's approval for this. They do have their signature and they have gotten it on two occasions because this originally came in as a use permit so the property owner is aware and supportive of this rezoning request. Again, the Staff recommendation is for approval with a number of conditions. Also, Mr. Dermody mentioned that Commission had raised a concern about whether or not this would meet building code, fire code and so forth. It goes without saying that if the rezoning were approved, it would have to get any building permits necessary and they would have an inspection to make sure they abide by the building and fire code. He said he would be happy to answer any questions.

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

**COMMISSIONER CASON** asked Mr. Dermody if they know the extent of the property owner's ownership? Do they just own the one unit in the building or the entire building or the buildings in that block? Mr. Dermody replied that they only own the address of 3210, which is a portion of that center; a very small portion. Commissioner Cason asked if it is that building of which this is a part of or half of that building? Mr. Dermody said he believes it is Stevens Off Road and the one suite right next to it.

**CHAIRMAN FLANDERS** said as far as this goes, it's taking a sand rail or ATV in and taking off the old parts and putting on the new customized parts and that's pretty much it. Mr. Dermody said this business does some of that. For the most part they are building from scratch or taking a very simple sand rail and beefing it up. They also do some part sales. The only part that requires a rezoning out of all of this is the service to existing vehicles. Chairman Flanders said they would have to do offsite any type of repair work to an engine or moving it to get an engine out or transmission. That is all offsite then? Mr. Dermody answered that if it was an engine or transmission, they would have to do it offsite. The applicant has said they don't do that type of work. Right now that is not an issue but if it came up, it would have to be done somewhere else. Chairman Flanders inquired just to make sure, any type of auto body would be done offsite then? Mr. Dermody replied that was correct. Chairman Flanders said that it didn't seem like a lot. He said he and his wife had worked in auto body and he knows what it is like to take off a fender and put on a door or whatever. It's not as intense as repairing an engine.

**COMMISSIONER CASON** stated he expressed concern about stipulation no. 2 and specifically about the term jet ski. He thinks it refers directly with what Chairman Flanders was just saying about no bodywork and no engine work. He doesn't know what other type of work you do on a jet ski if it wasn't bodywork or engine work. He said he doesn't know how those two conflict with one another. He felt they kind of conflict. He can understand the addition of the I-1 uses with everything else in there except jet skis. Commissioner Cason said he would like to strike jet skis in there because it will conflict with what they are trying to say, unless there's something else that happens with jet skis other than engine or body work. Mr. Dermody said that would be fine with them and he is sure that would be fine with the applicant.

**COMMISSIONER RIVERS** said this afternoon he visited the business and he found it to be more of a metal working company than anything else. They have storage of tubular steel used in sand rails for roll cages and tow bars and the outside boxes of the vehicles are all made out of the same tubular steel. They are set up to work vending and welding and cutting this tubular steel and he could see they had made roll cages, roll bars and tow bars. Again, going with the stipulations, they were not involved at all with engine repair of any kind and they actually only had four vehicles they were working on at the time. Three of them were inside and one of the vehicles nose was inside because they were putting a tow bar on the front of it. There is not any engine use in this facility that he could see.

**COMMISSIONER CREEDON** asked for clarification if there are any hazardous materials? She noted that in one of the letters of opposition they were very concerned about that. Mr. Dermody said that as he stated earlier it would have to meet building and fire code regulations. There is not a prohibition on hazardous uses here, but it would have to meet their codes.

**CHAIRMAN FLANDERS** said if there were no further questions or comments he was going to the applicant. He asked the applicant to please step forward and state his name and address for the record.

**JEREMY STEVENS, 3210 N. DELAWARE**, stated he was open for questions from anyone.

**COMMISSIONER RIVERS** asked the applicant if he could tell the Commission what it is the neighbors do, what's the business next door and down the line and how many are there? Mr. Stevens said next door adjacent to him is New Treat, which is a pesticide company. Then there is his company and next to him is a cabinetry company. Next to him is Smart Doors, which installs electronic devices on doors where you show your tag and it opens the door for you. Further down, the last unit is Prox Air where they sell oxygen and medical equipment for hospitals and home use. Commissioner Rivers thanked him and said he was just trying to get a picture as to what the businesses around him were.

**CHAIRMAN FLANDERS** asked if there were any additional automotive uses in their area? Mr. Stevens replied that back west of him there is a common area they share with another building, which is in the same development. That's where the bed liner company is and maybe a labeling/vinyl wrap company, although he's not sure it is still there. Around the corner is Town & Country Motorsports and next to him is XTC, which is an extreme truck company. Way back in the corner is Vivid Racing which is a true street automotive street car racing company that is similar to him, but they are true street legal vehicles.

**COMMISSIONER CASON** said when people break their sand rails, which he thinks happens about every time they go out, they never break their engine they always break their suspension and the frames and stuff like that. Would they say that's an accurate statement? Mr. Stevens replied that he wouldn't say they never break their engines, but if they break their engines, they go somewhere else because they don't do that. But yes, their chassis break, they fatigue and crack and they come in for weld repair. Commissioner Cason inquired if somebody wants to come in and do 'Sponge Bob Square Pants' on the side of their vehicle, do they direct them someplace else for that type of service? Mr. Stevens said absolutely. They have a company they sub that out to and the vehicle goes there.

**CHAIRMAN FLANDERS** said at this time he was going to go to the audience. He had one speaker card for a James Hazelwood. He asked him to please step forward and state his name and address for the record.

**JAMES HAZELWOOD, ATTORNEY OF THE LAW FIRM OF CARPENTER HAZELWOOD, 1400 E. SOUTHERN IN TEMPE**, stated he is representing the Chandler Business Park Owners Association, which is the condominium association that's been referred to. One thing he would like to point out is the maps and materials we have tend to show a very large area. This association is a small area within that. It's only ten owners and governed by it's own set of covenants, conditions and restrictions. The association has authorized him to come and talk today because nine out of the ten owners object to this. Obviously, one doesn't – the tenant is here. He said nobody is saying that there is a mass amount of engine work going on, but the owners are extremely concerned that this is going to change the nature of their business park. It is going to let something else in that is really not wanted. In the materials it says that there has been no negative impact. There is disagreement about that because you have nine other owners objecting. The materials also say that there was a neighborhood meeting held on May 10 and no citizens attended. The letter that was mailed to the other business owners by Stevens Off Road was dated April 24 and it said the neighborhood meeting was going to be on Thursday, May 18. The owners came later because the meeting was held on May 10 apparently, and didn't even know about it. There are concerns and the letters express some of that concern about hazardous chemicals. There are common drywells in this association and they all share it so they are definitely concerned about shared liability if materials from repairs do go into commonly owned drywells. The bed liner business, it is his understanding, does not do repair work. This is all about doing repair work. There's concern because they say one of the stipulations is that there be no testing, basically moving around vehicles on the streets. The owners here have noticed these vehicles being moved around on the streets and in the parking lot. At the very least, it should say parking lots too. They have noticed that going on during this year of illegal use. There is concern about that. There is concern about parking vehicles outside and noise, although since they're not working on engines that may not be a large concern. They are concerned about property values because these people bought their buildings and they believe this type of business could drive their property values down. They are concerned about the appearance of their association and again, they believe this would affect the appearance of their association.

This is really nothing personal, they believe it just does not fit in the association as they want it to be. They are a little concerned that the city actually is expanding what they are even asking for and making it broader so that other types of auto repair businesses could come in. Mr. Hazelwood asked if there were any questions.

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

**COMMISSIONER CASON** asked Mr. Hazelwood if he could show them on a map the constituency of buildings that he represents? Mr. Hazelwood showed them where the

buildings are located-there are only ten and they are small. Commissioner Cason said it goes from the bug service next to the project site all the way to the door place on the left and down to the meat purveyor. He asked what businesses are on this southwest set of five? Mr. Hazelwood brought one of the owners up to answer.

**CHRIS PETRONE, 3145 N. COLORADO STREET, CHANDLER,** stated he has the southwest unit. Next to him is the Chandler Screen and Awning, next to that would be Alu-glass. He showed them where his building was at 3145, Chandler Screen and Awning and next to that was Alu-glass. He wasn't sure of one of businesses. The last building was Inyati.

**COMMISSIONER CASON** said he couldn't understand the third building. Mr. Petrone explained that was Alu-glass and it has something to do with commercial windows and some kind of glass fabrication. Residential and commercial glass applications. Commissioner Cason asked Mr. Petrone what was his definition of automotive use? Mr. Petrone answered that anything that had an internal combustion engine in it. Commissioner Cason said an automotive use would be servicing something that does that. In this context, how do you define automotive use because not only in your letter but your attorney and many other letters they see in the package, the objection is against automotive use? He is trying to get a feel for a definition of automotive use in this context. Mr. Petrone said he knows we are not talking about street legal vehicles here, but it pertains to automotive use again because of an internal combustion engine in it. One of the main concerns was the hazardous material having a common drainage system where our fellow property owners are all liable if there is any kind of spillage or leak into the system. That was a big concern for them right there. Commissioner Cason said so it's not the fact that vehicles show up or the fact that Inyati works on vehicles that have internal combustion engines, that falls out of their definition of automotive use? Mr. Petrone did not understand his question. Commissioner Cason replied that in the case of Inyati, who does spray bed liners on vehicles that have internal combustion engines, would that fall out of your definition of automotive use the way you see it? Because you are concentrating on actual engine work or something like that, is your definition of automotive use in this context? Mr. Petrone said that within Inyati with them being specific to the bed liner end of it, because it's not just automotive use it could be trailers, floorboard applications and things like that - so it's not strictly automotive use. With sand rail fabrication as far as engine and transmission removal, he didn't know if they do fabrication. He knows that if some work is required that if you do want to customize, and depending on to what level you want to customize a sand rail, engine and transmission removal is required. Again, it may be extremity pieces mentioned before such as transmissions. But if someone comes in and really wants to do a major modification to a vehicle, where is the line in that-the line drawn in the sand, as you will. In order to do some major modifications, engine and transmission removal is required to do that. You mentioned vehicles being dropped on and off because of the nature of the business. They are not street legal vehicles. They do require a tow vehicle to bring them in on a trailer. It is a small complex distance wise between the buildings. It is required on other tenants properties where there are vehicles and trailers parked. He said he wanted to note what

Commissioner Rivers had addressed before. He asked him if he had physically went out to the site himself.

**COMMISSIONER RIVERS** replied yes. Mr. Petrone said what they are trying to amend was one of the proposals that all work was to be done in doors. He thought he heard Commissioner Rivers say that 3 out of the 4 vehicles were inside and one was in the outside bay.

**COMMISSIONER RIVERS** said what he found was the vehicles that were completely being worked on were inside the nose of the other vehicle that was inside. They were putting a tow bar on the front of it. Mr. Petrone said he was just clarifying if that was considered outside or inside.

**COMMISSIONER GULSVIG** asked if he could explain the type of facility and uses across the area from where the applicant is. Could he highlight what kind of facilities are next to them – the buildings on the other side? Mr. Petrone answered the one on the end is 'New Treat' the pesticide company. Commissioner Gulsvig asked him if it didn't bother him to have a pesticide company there? Mr. Petrone said that didn't have anything to do with the actual request for rezoning and as far as the automotive use. Part of what we are saying and what Mr. Dermody mentioned before, it's nothing personal against Stevens Off Road, but as a board member he is partially responsible to represent the fellow building owners and nine out of ten are against this with concern to their resale value because in the past of negative effects with automotive use companies. New Treat has nothing to do with automotive use. Commissioner Gulsvig said he was responding to the fact that one of your concerns is your sharing of common disposal. That was his only concern that there is somebody using chemicals or pesticides in that building. Could he go on to the other facilities next to it? Mr. Petrone said right next to that is the project site in question, Stevens Off Road. Next to that would be the cabinet company. Next to that would be Smart Doors. The one on the end is Prox Air. Commissioner Gulsvig asked if the cabinet company is manufacturing cabinets? Mr. Petrone said he couldn't answer that question. He wasn't sure if they manufacture or distribute. Commissioner Gulsvig asked if the door company manufactures doors? Mr. Petrone said he didn't know that. Commissioner Gulsvig said he thought he was on the board for representing all the residents. Mr. Petrone said he just has an obligation to as they voiced their opinion on how they feel about the rezoning. Commissioner Gulsvig stated when he looked at this and the fact that it's manufacturing or assembling which is using tubing and probably welding and spray painting, and as Staff pointed out, as long as their in compliance with the city codes it's an industrial area. By virtue of the fact that they have four wheels – it could be a trailer that's coming in and out of there or even moving in for spraying the truck bed areas. There is obviously traffic coming in and out of there for that. He said he had a hard time understanding why there is an objection to the use. He hasn't heard any evidence that says that the land use is wrong. The CC&R's that go along with this particular condominium, that's another issue. We are looking at land use and right now he sees no objection to it. Mr. Petrone replied that the three main objections to it was nothing to do personally with Stevens Off Road. What initiated this

was because it was with automotive use or partial to the automotive use industry. The major concern again of the nine other building owners was future resale value. Secondly, was the master association that they are governed by. This was not to be allowed and they were instructed that they as an association would be held liable if this was to continue. That was the main thing and third, resale, master association and the nine other building owners.

**JAMES HAZELWOOD, ATTY.,** said they did refer to the master association. Those CC&R's say each site may be used only for those purposes permitted in the applicable zoning district of the zoning ordinance. This seems like this is kind of a run around of the existing CC&R's. They come in and operate illegally and then basically ask for it to be fixed later.

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

He asked if there was anybody else in the audience that would care to speak in regards to this item.

**COMMISSIONER CASON** said he wanted to ask the applicant a couple of questions. Mr. Petrone had mentioned his concern about engine removal and transmission removal. Can he describe for them how that all happens with one that your designing from scratch or one that comes in from repair because he imagines those are the two different circumstances that you deal with? Mr. Stevens said absolutely. There are always cases where the transmission mount is cracked and it needs to be removed to repair it. The case of getting into the transmission is not done. The transmission may need to be removed but there are no fluids that are removed from the transmission. To remove or install a motor, you're putting fluids in the motor not taking out of the motor. Commissioner Cason said it brings up another question. If you put the engine back in then do you put fluids into the engine on site? Mr. Stevens said yes. He said they are not going to let it leave without fluids in the engine. It's usually about 5 quarts of oil and maybe 2 gallons of water within what they do right now. Commissioner Cason said he is curious as to if they are just working on the bodies, why would there be fluids removed or replaced into the engine? Mr. Stevens said no, installed, because they build them from scratch. They purchase a motor from a separate company, it's delivered from a freight company and most of the times they come with the fluids all in them, except for water. As a warranty issue for that motor company, showing they have tested them. There are no leaks basically. Usually, it comes with oil already sealed up in them. Every once in a while you may get one without oil in it and they will have to put 5 quarts or so in it. They don't stock drums of oil like a Jiffy Lube. When that happens, they run up to Checker and get 5 quarts of oil. It's not enough, where they are stocking oil. Commissioner Cason asked how long is his lease for? Mr. Stevens answered his lease is for three years. They have been there a year and a half already. Commissioner Cason asked him to describe what he did that caused the city to come back and say that you were doing something illegally? What was missed by your landlord when you took occupancy? Mr. Stevens said it was a lack of knowledge on his and their part applying for a use permit. They applied for a use

permit and believe that area is not available for a use permit. That stirred the pot up and just a lack of knowledge from them, beginning a business adventure and learning as they go. Commissioner Cason inquired if he had any discussions with his landlord about breaking their lease and moving to some place else. Mr. Stevens said yes, absolutely. They have looked into moving prior to going through this. Financially, it's not in his best interest at this time to do so. They have invested improvements already. Commissioner Cason asked him if he was to find another location by the end of his term, would that be favorable to him? In other words, could you build that into your business plan to get all your stuff moved and those kinds of things? Mr. Stevens said absolutely, if it came down to having to do that. It would be a lot better than saying you have to be out in a short time.

**CHAIRMAN FLANDERS** said he was going to go ahead and close the floor and open it up for discussion between Commission and a possible motion.

**COMMISSIONER CASON** stated to Mr. Dermody, City Planner that they had approved the application before, then something came up that caused it to have to come forward. He asked what triggered the need for the second one?

**MR. DERMODY** said he could clear this up. There was no approval for a use permit. They originally applied for a use permit. Staff asked them to come back and apply for a rezoning. The applicant was a little confused about this too was why they had to come to the city for any approval. Most of their business is allowed in an I-1 district where I-1 uses are allowed. What is not is motor vehicle repair, which as they have defined it is bringing in an existing vehicle, doing repairs to it and taking it out. The building from the ground out, brand new vehicles, they have deemed to be manufacturing. It's the servicing of a sand rail that goes out that gets busted and comes back in that does not fall under manufacturing under I-1. That is why they needed to do something. Initially, they came in for a use permit. They made the decision that in a customized zoning district such as I-1 with a PAD overlay, it's not good zoning practice to be doing use permits. It's customized and the proper route is to re-customize that district. That's why there was some confusion and two applications were filed and eventually came forward with the rezoning application before us tonight.

**COMMISSIONER CASON** asked with the understanding that the applicant installs motors and installs oils, does that still fall under the manufacturing label rather than repairs? Is this an authorized use in that area? Mr. Dermody said they didn't know about the oil or the water, but he thinks the call would be manufacturing if they were doing it from scratch.

**BOB WEWORSKI, PLANNING MANAGER**, said that would be their opinion as it's for manufacturing and they aren't operating the engine and not testing it. It wouldn't fall under the category of engine repair. Commissioner Cason asked if they had any other situations that are similar to this in other areas?

**MR. DERMODY** said they have had situations similar to this in this area. He stated that some of the Commissioners might remember a case called 'Motoworks' that came through in this same area. They actually withdrew and moved before they got to City Council but they had a similar situation. The aforementioned 'Vivid Racing' is not there legally and we anticipate that will come forward in a similar situation. Also, they had APS, Action Power Sports, and the XTC, which prompted a much larger rezoning than Pollack did just east of Arizona Avenue, much closer to Arizona Avenue a while back. This is one of five instances in the same industrial park with a similar sort of a problem.

**COMMISSIONER CASON** inquired if this was just a couple of blocks away from the dance studio? Mr. Dermody said that was correct. There is a dance studio south of there somewhere although he wasn't sure exactly how far. Commissioner Cason said he recalled that City Council went ahead and granted a temporary permit to allow them to stay there until the end of their lease. Mr. Dermody said if he is talking about the recent case, that's a different dance studio. That one was in another industrial park in west Chandler and they did get a use permit for three and a half years. South of here there is a district on the south side of Elliott that allows dance, church and so forth. It's right along Arizona Avenue. Commissioner Cason said he was mistaken.

**COMMISSIONER RIVERS** said he wanted to elaborate a little more. If we were concerned about hazardous materials, he thought the cabinet company, the spray bed liner and the pest control company would produce more hazardous materials than this business. He didn't have an opportunity to ask the owner other than welding if they do painting or not. He can't see a large amount of hazardous materials coming from this unless he is just ignorant of what's coming out. The other question is do we know what the current hours of operation on this business are? Mr. Dermody said off hand he didn't know, but he would check through his materials. He is sure the business owner would know.

**JEREMY STEVENS** said the hours of operation are 9:00 a.m. to 6:00 p.m. Occasionally, as in any business, it drags on longer than 6:00 p.m. and sometimes earlier than 9:00 a.m. for him. The open hours are from 9:00 a.m. to 6:00 p.m. Monday through Friday. Occasionally, they will go in on a Saturday as employees to catch up, although it's closed to the public. Commissioner Rivers said while he was there could he tell them what hazardous waste he produces in his business? Does he use spray paint? Mr. Stevens said he has used spray paint in a couple sections on places he welded, but not enough to keep it in stock. It's the type of deal where you run up to the store and get it. Commissioner Rivers said then he was talking about a can of spray paint as opposed to a Maaco Auto Body paint job

**COMMISSIONER CREEDON** said she had a couple of quick comments. She said this is an industrial area so she is completely supportive. She doesn't think the opposing arguments have really held up tonight. The hazardous materials issue and future resale value - people often use that and can't ever really prove it. Liability again, she doesn't

think stands up considering you have a pesticide company on another site. She is very much in support and when they are ready she would be happy to provide a motion.

**CHAIRMAN FLANDERS** asked if there are any other comments or questions.

**COMMISSIONER CREEDON** made a motion to approve DVR06-0045 STEVENS OFF ROAD, seconded by **COMMISSIONER GULSVIG**. **COMMISSIONER CASON** said he would like the motion maker and the second if they could remove the term jet ski out of stipulation no. 2. Commissioner Creedon said she would be more than comfortable with that. Commissioner Gulsvig also agreed. Chairman Flanders said they amended the motion. Motion was approved 5-0 (Irby, Anderson were absent).

C. DVR07-0009/PPT07-0032 AZ 202

Request rezoning from Planned Area Development (PAD) to PAD Amended and Preliminary Development Plan (PDP) approval with a mid-rise overlay for the construction of an office, retail and hotel development with late hour businesses. The approximate 45-acre site is located at the northwest corner of Arizona Avenue and the Loop 202 Santan Freeway.

**MR. BILL DERMODY, CITY PLANNER**, stated that there were three parts to the request. The project name is AZ 202 and the request was DVR07-0009, as well as Preliminary Plat 07-0032. This is a request for rezoning from Planned Area Development to Planned Area Development Amended with a mid-rise overlay for additional building height, as well as Preliminary Development Plan/Preliminary Plat approval for a mixed-use development with late hour businesses.

Mr. Dermody said that this was an approximate 45-acre parcel that represented all the vacant land to the northwest of Arizona Avenue and the 202 interchange. He noted that this was a very important gateway into the downtown.

The development has an office component that is centered in the middle of the site - two large mid-rise office buildings, 4-story and 6-story, with a central fountain feature in this area. There are also retail buildings along Pecos Road and Arizona Avenue. There are also two conceptually zoned sites that will be going back before Commission at a future date, which consist of a hotel site in the middle of three acres, and a future commercial site that could go to office or some other commercial use located at the southwestern end of the site on about 10 acres. There is a pedestrian-oriented fountain feature in the middle, as well as a generous plaza area in between the pads at the intersection of Pecos and Arizona Avenue, as well as a small fountain feature. The 4- and 6-story office buildings feature modern architectural interest, which is reflected throughout the site (such as glass and metal) and is also repeated on the signage. The mid-rise request for the entire site is to go up to 120 ft. This development plan has two buildings of 59-ft. and 87-ft. height.

The request also asks for signage approval, including two, 65-ft. high freeway pylon signs with 4 tenant panels each, which is consistent with the signage on the other quadrants of this interchange. There is other monument signage, two on Arizona Avenue and two on Pecos Road, of 14-ft. and 10-ft. in height, which is consistent with what has been approved on other sites. There is also some nice looking wall signage and site identification throughout the site.

Mr. Dermody stated that Staff recommends approval for the site with a number of conditions.

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. 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.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. 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.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AZ 202", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0009, except as modified by condition herein.
8. Approval by the Director of Planning and Development of plans for landscaping and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. 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.

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

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

11. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
12. Palm trees and associated landscaping shall be provided in the medians adjacent to the project near the intersection of Pecos Road and Arizona Avenue. The landscape design shall be consistent with the median landscaping at the intersection of Chandler Boulevard and Arizona Avenue.
13. Additional shade trees shall be placed in the central fountain area in order to enhance comfort for the pedestrian-oriented seating areas.
14. Any patio additions to Retail Shops B, C, or D or to Pad G must maintain generous public pedestrian spaces and pedestrian pathways of at least six feet in width.

Mr. Dermody read some additional conditions, which were not in the original memo to Commission:

15. **The monument signs' sign panel shall have an integrated or decorative cover panel until a tenant name is added to the sign.**
16. **The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.**

17. **REVISED.** The applicant will update the “Category One” traffic study and identify any necessary improvements to be made. (Mr. Dermody commented that this would allow flexibility, and Staff would expect a different result than moving the driveway across from California on Pecos.)
18. The median break at the driveway across from California Street must be ‘left-in only’ access in accordance with City of Chandler Standard Detail No. C-226.

**CHAIRMAN FLANDERS** asked if the traffic study would be completed prior to City Council hearing this case?

**MR. DERMODY** responded that Staff anticipated that the traffic study would be completed by the week of August 6<sup>th</sup>. He noted that if the study was not satisfactory to the City of Chandler traffic division, the case would be continued. Chairman Flanders asked if they were not able to review that traffic study? Mr. Dermody said they have a traffic study, but not the updated one. Chairman Flanders inquired if the traffic study basically says you have to move it? Mr. Dermody replied that the current traffic study does not indicate that the driveway needed to be moved. Our traffic division has asked for more from the traffic study. It needs to be updated before final calls can be made on that as well as a couple other items.

**CHAIRMAN FLANDERS** asked Mr. Dermody to explain further the items that would be going before Commission at a later date on a separate PAD. Could he expand that further as far as your discussion with the applicant and what the intent of those areas are as far as type of building, height of building, uses, etc.

**MR. DERMODY** explained that the approximate 3-acre site in the middle was designated for a hotel. The developer is looking for something very nice, and there was a chance that it would be mid-rise. Mr. Dermody said that Staff was hoping that it would be designed very well to merit a mid-rise. He said that it would go to Commission for approval. The other 10-acre commercial piece is still up in the air. It could be more office or a little bit of commercial closer to Pecos, like a daycare with an office behind it. A decision has not been made at this time.

**CHAIRMAN FLANDERS** asked if a mid-rise had been discussed with the neighbors to the north of the site?

**MR. DERMODY** said that he personally did not attend the three neighborhood meetings. The issue of height did come up, and the neighbors commented that they were happy that the tallest building(s) were the furthest from Pecos Road. He said he was not aware if there had been discussion with regard to the hotel. This was an issue that can be handled at a later time.

**CHAIRMAN FLANDERS** asked if there had been any discussion with regard to a higher density residential component associated with this development?

**MR. DERMODY** stated that there was none through this submittal. Previously the site was two different parcels and two different owners. There was a higher density residential, either condominiums or patio homes. Since then, ownership was consolidated and the residential idea has not been on the table.

**COMMISSIONER CASON** asked if he understood Mr. Dermody to say that there were two freeway monument signs at the other three corners of this intersection? He went on to ask how many business parks or employment centers in the city had monument signs such as these.

**MR. DERMODY** replied that it was correct that there were freeway monument signs at the intersection. He named a few sites that had these type signs, such as the Chandler Airport Center, a very major multi-parcel development on the south side of 202 at Cooper; as well as one freeway monument sign in west Chandler for the Verizon office park. Mr. Dermody noted that it is not common for office type developments to have monument signs; however, in this case, Staff supports the request for two freeway monument signs because there is a significant retail element here and because the height and design is in keeping with the other four quadrants.

**COMMISSIONER GULSVIG** stated that he was impressed with the architecture for this site and the fact that it would be a mixed-use. He did have a concern with pads A, B, C, D, and E, which seemed as though they were distant. It appeared there was a lot of space between these pads. He wondered if this had ever been discussed.

**MR. DERMODY** stated that it certainly had been discussed. Usually when there were this many pads along a street, Staff prefers that they be grouped in pairs or in threes rather than being separated. When that isn't possible, Staff asked that they be grouped in landscape settings around the entrances, such as at Fulton Ranch Town Center. Mr. Dermody stated that this has been done to some degree at the very corner and by the fountains at this subject development, although not quite as good, from a site plan point of view, as that of the Fulton Town Center. However, to mitigate this concern, the applicant has gone above and beyond to treat the entrances with extra landscaping.

**COMMISSIONER GULSVIG** said that he was concerned about the pedestrian movement between the buildings. He felt it was not conducive to that kind of environment.

**MR. DERMODY** said that the pedestrian connection wasn't something that had been discussed a great deal. There is a sidewalk along Pecos Road.

**CHAIRMAN FLANDERS** commented that he's very familiar with this business, and he would describe this layout as a 'pad farm' due to the number of pads. He understood what the applicant had done by putting in a landscape setting. He felt there should be a grouping of buildings and felt that the site was rather conventional. He said that he was

hoping for more of a 'wow factor'. He said that it has been achieved on a couple of different fronts with the building architecture and landscaping, as well as the main pedestrian feature; however, as far as everything else, it's all spread out. He felt anyone working in an office was going to be walking across a lot of parking lots to get to a restaurant. Chairman Flanders stated that it's not as intimate as he would like to see in a development of this caliber.

**COMMISSIONER CASON** stated that he wanted to discuss acreage/square footage. He said that the first two phases were about 31 acres, which was about 11,600 square feet per acre. This would give them the scope of the employment density based upon the property that it will be built on. He asked what were some of the other densities for campus settings for employment in Chandler?

**MR. DERMODY** stated that three examples would include Wells Fargo campus along Price Road (63 acres, 1,200,000 sq. ft. of office for a ratio of 19,000 sq. ft. per acre); Countrywide campus along Chandler Blvd. (51 acres with a little over 1,000,000 sq. ft. of office – 20,500 sq. ft. per acre); and The Park at Santan, SWC Ray/101, (16 acres, 241,000 sq. ft. office – 15,000 sq. ft. per acre) compared to the subject site's 11,600 sq. ft. per acre.

**MR. MIKE WITHEY** stated that he was present representing Meridian West. He said that he felt that this was one of the most exciting dynamic projects that the city had ever seen. He said that this project had been massaged over a period of many months. Mr. Withey said that they were fine with all 18 stipulations.

Mr. Withey stated that he wanted to give Commission some background on the site. Two years ago the owner at that time wanted to do another shopping center with several pads and mini majors, which would be a lot like what had occurred on the other four corners. He said that Staff and Economic Development were supportive of the plan as it met the Area Plan and the General Plan requirements. Mr. Withey noted that the city did not want to see a residential component on the other parcel (a long narrow parcel at the west end of the site). The city wanted to see both parcels, if not owned by the same person, at least designed in a complementary and unified way. However, the Commission talked about doing something a little bit different on this site. They didn't want to do all retail, but rather do something that was a little more urban with a mix of uses, not all retail, not all employment, not just a hotel, but something with a mix of uses. That is the word that went back to Mr. Withey's client. After that a whole series of events happened. The property changed hands and the entire plan was scrapped. An entire new plan was prepared with new ownership. Based on that the new owner became Meridian West. They then brought a whole new plan to the city. Also, they hired Butler Design Group, who has a very good reputation throughout the Valley.

Mr. Withey said that their whole premise when they started this was not to do 100% employment. Their goal was to provide a true mixed use. The challenge was not to create another Kierland Commons or another power center. He said that Butler Design Group

was very successful in creating a mix of uses around a common theme. He noted that Staff was very successful in trying to make that vision take place. He said that this now is primarily an employment park with retail use. Over 80% of the square footage is employment, but there is also 85,000 sq. ft. of retail, as well as the hotel. Mr. Withey stated that he wanted to go over some of the key components of the site. It all revolves around the water feature, the circular drive, and the major entryway features. He said that the pads are not necessarily just to serve the office buildings. The retail component is also serving a larger area like a shopping center would. He said that they had been speaking with hoteliers and that there might also be a market for another mid-rise tower. He said that they did not want to present that to Commission until they knew what that would be. Mr. Withey stated that they had told everyone that they believe there would be a hotel and subject to a future PDP process. Mr. Withey further discussed the development's key features.

There were three open houses. A letter had also been sent out in Spanish prior to the third open house. Mr. Withey explained that they had pointed out in the meetings that there was a request for mid-rise and pointed out the locations. He said that they had been very up front with everybody who had asked about that. He said that they are not aware of any opposition to the case.

Mr. Withey said that they had talked to Staff about multi-family residential on this site, but Staff had really encouraged them to do commercial. They saw this as a mixed-use commercial site with retail, employment and hotel. He said there had been tons of interest from multi-family residential developers. Mr. Withey went on to say that in terms of density, they believe that these two sites have the ability to bring some additional density to the site, whether it is office, hotel, or a mixture of both.

Mr. Withey went on to say that a lot of the pads on this site had been moved around based on comments with Staff. Butler Design paid extra attention to the entrances, pads are grouped on either side, dipped the driveway, bermed it up, and greenscape screen walls with pots are used to bring a sense of entry and arrival. He said that he did not want to see this applicant punished for bringing office and hotel uses versus what a retail shopping center would bring.

**COMMISSIONER GULSVIG** asked about the phase plan.

**MR. WITHEY** said that all of the perimeter landscaping, the corner entryway feature on Arizona Avenue and Pecos Road, the internal loop road, the entrance off Arizona Avenue, and the huge feature in the middle of the project would be in the first phase.

**COMMISSIONER CASON** asked how many pads would have a drive thru?

**MR. WITHEY** said that Retail Shops A would have a drive thru (Starbucks) and a bank in phase 1; in phase 2 there will be a restaurant with a drive thru and a financial institution.

**COMMISSIONER CASON** asked if the drive thru on Retail Shops A would be an east/west alignment or a north/south alignment?

**MR. WITHEY** responded that the cars would pull in from the south and queue to the north.

**COMMISSIONER CASON** asked what type of shading would be supplied for the cars so that they're not exposed to Arizona Avenue while waiting?

**MR. WITHEY** stated that there is a screen wall with additional landscaping. This would be the same for all the buildings with a drive-thru.

**COMMISSIONER CASON** asked about the four-story office building signage. He said the south elevation has three signs. He asked if he was correct to assume that if there were one tenant taking up the entire square footage there would only be one sign?

**MR. WITHEY** said that was correct. Basically, there would only be a wall sign for those tenants taking up a significant amount of space.

**COMMISSIONER RIVERS** asked about the freeway pylon signage and which tenant name(s) would be shown on the freeway signs?

**MR. WITHEY** said initially they had requested seven tenant names on each sign; however, staff disagreed. Staff stated that all other freeway signs had only four names. He said that the signs were a key marketing tool; however, he did not have an answer for Commissioner Rivers. It could be a great sit down restaurant name or a major employer.

**COMMISSIONER RIVERS** stated that his biggest problem with the project was that there were not enough superlatives to tell how terrific the project is for this position. He said that it was good that the two sites were going to be developed together. He felt it would make a tremendous southern gateway to the city.

**COMMISSIONER CREEDON** said that she was in agreement with Commissioner Rivers. She feels it's a great project.

**CHAIRMAN FLANDERS** said there were a couple of the buildings that were combined together, but for the most part the buildings are independent of each other and spread out. As a mixed-use project he had thought there would be a higher density and a more intimate relationship from retail, restaurant users to the office user. He said that he was surprised to see the distance between buildings, which causes a little bit of concern. However, for the most part, in the first phase the pad configuration is fine because it gives a variety, which is good. Chairman Flanders asked that the applicant provide a better pedestrian connection between pads A through D before the second phase starts. He said that he would craft a stipulation to that effect.

**COMMISSIONER GULSVIG** stated that he was excited about this project. He said he was concerned about the fact that there is a downtown redevelopment study going on and he would not want to see an incompatibility in the flow from this site into the downtown area. He asked that staff be considerate of that going forward.

**CHAIRMAN FLANDERS** thanked Mr. Withey for his input.

**COMMISSIONER CASON** stated he felt the architecture was wonderful on this project and that the look is bold. His concern was with the relationship of this particular piece of property and the effect it might have on the downtown redevelopment. He commented that he had spoken in the past about the need to be able to provide a sufficient enough employment to jump-start the downtown redevelopment. He said that his concern had always been that in order to fuel effective downtown redevelopment, there has to be sufficient enough employment base to do that. He said that he had always looked at this site as the last 'jewel' to provide that employment opportunity downtown. To actually allow folks that work here to filter into the downtown area.

Commissioner Cason stated further that this site was a 'car destination', with the way that the parking is laid out and the signage, the pads and drive-thrus. It doesn't do anything to invite people to come north. It doesn't do anything to people that stay in the hotel to even make them aware of the downtown. There is no flow-through or gateway to invite people to come downtown. He feels that all of those factors just doesn't do enough or give enough to the citizens of Chandler to justify to go on that special nugget of a corner. Commissioner Cason stated that he could not support the request as he felt that corner really needed to have more in order to support what he envisioned for the downtown.

**COMMISSIONER GULSVIG** said that this was a fantastic project and complimented Ms. Chris Mackay on her detailed economic assessment. He felt she did a great job in answering some of the questions.

**COMMISSIONER GULSVIG** stated that he was ready to make a motion.

**CHAIRMAN FLANDERS** responded that he wanted to add a stipulation before the motion was made. He said that he wanted a stipulation with regard to pads A-D.

**MR. BILL DERMODY** stated that he had the language for stipulation no. 19:

**19. The applicant shall work with staff to provide stronger pedestrian connections from pads A, B, C, and D to the site center and between the pads.**

**CHAIRMAN FLANDERS** stated that he wanted a stipulation no. 20 which would read that all ground-mounted equipment to be painted to match adjacent buildings and be screened from public view.

**COMMISSIONER CREEDON** asked if he wanted that painted and screened, or if screening would be sufficient. Chairman Flanders responded painted and screened.

**COMMISSIONER GULSVIG** asked Mr. Dermody to read the final stipulation:

**20. All ground-mounted equipment shall be painted to match adjacent buildings and screened from view.**

**MOTION BY COMMISSIONER GULSVIG, SECONDED BY COMMISSIONER CREEDON** to approve DVR07-0009/PPT07-0032 AZ 202 subject to conditions as read in by staff. Motion was approved 4-1 (Cason).

7. DIRECTOR'S REPORT

There was nothing to report.

8. CHAIRMAN'S ANNOUNCEMENTS

The next regular meeting is August 15, 2007 at 5:30 in the Council Chamber, 22 S. Delaware Street, Chandler, AZ.

9. ADJOURNMENT

The meeting was adjourned at 7:31 p.m.

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Michael Flanders, Chairman

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Douglas A. Ballard, Secretary