

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, December 19, 2007 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:50 p.m.
2. Pledge of Allegiance led by Commissioner Kelley.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders
Vice Chairman Mark Irby
Commissioner Dick Gulsvig
Commissioner Michael Cason
Commissioner Leigh Rivers
Commissioner Kristian Kelley

Absent and Excused: Commissioner Angela Creedon

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CASON, seconded by **COMMISSIONER RIVERS**, to approve the minutes of the November 21, 2007 Planning Commission Hearing. Minutes were approved 5-0. (Commissioner Gulsvig abstained, as he was not at the meeting.)
5. APPROVAL OF PLANNING AND ZONING COMMISSION RULES OF PROCEDURE (BY LAWS)
MOVED BY COMMISSIONER GULSVIG, seconded by **VICE CHAIRMAN IRBY**. The Rules of Procedure (By Laws) passed unanimously 6-0.
6. PRESENTATION OF RECOGNITION PLAQUE TO BRETT ANDERSON
CHAIRMAN FLANDERS stated that they had served together for four or five years and appreciated his time and efforts while on Commission. Mr. Anderson thanked the City for allowing him to participate in the Planning and Zoning Commission close to five years. He said he really enjoyed himself previously on the Parks Recreation Board and is very proud of the things that were accomplished on both Commission and the Board. **VICE CHAIRMAN IRBY** thanked Mr. Anderson for his input as there were many times when they had to rely on his expertise in the landscape areas and he learned a lot. **COMMISSIONER GULSVIG** stated that he would echo all the comments made by Vice Chairman Irby because he taught him a lot about landscaping and how it applies in a commercial environment. **COMMISSIONER CASON** wished Mr. Anderson good luck and said it was nice working with him. He agreed that getting his input on landscaping was very educational for him.

7. ACTION AGENDA ITEMS

CHAIRMAN FLANDERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of 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. There were three actions items. Items A, D and E.

MR. BOB WEWORSKI, PLANNING MANAGER, stated the following items are for the Consent Agenda approval along with any additional stipulations.

A. GPA07-0001 SOUTH ARIZONA AVENUE ENTRY CORRIDOR

Request to adopt the South Arizona Avenue Entry Corridor Study with amendments, incorporate the Study into the Redevelopment Plan and separate the Redevelopment Plan from the Conservation, Rehabilitation and Redevelopment Element of the General Plan.

B. DVR07-0013 APPLEBY ROAD PROPERTY

Request rezoning from AG-1 (Agricultural) to PAD (Planned Area Development) to allow a light industrial business park on approximately 35 acres. The property is located at the southwest corner of Appleby Road and the Consolidated Canal, just west of McQueen Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Appleby Business Park", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0013, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

6. 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.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a property owners' association.
9. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support 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 Appleby Road Property development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
11. The site shall be maintained in a clean and orderly manner.
12. The parking space canopies shall incorporate building materials, forms, and colors to match the development.
13. 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.
14. Freestanding monument signs shall be designed to compliment the building architecture with building materials and colors.
 15. Business park identification signs and individual corporate signage including building signage shall be in compliance with Sign Code, and individual mounted halo-illuminated or non-illuminated reverse pan-channel lettering shall be applied on all building signs and center identification monument signs.
 16. **The development is required to have public roadway access to either Arizona Avenue or Ocotillo Road with a paved roadway, per standards of the Chandler Transportation Plan.**
 17. **All landscaping along arterial and collector streets shall be in conformance with the commercial design standards.**
 18. **No raceway signage allowed.**
 19. **All buildings to incorporate pedestrian sitting areas with water and/or art features. Pedestrian areas to be well shaded by mature landscaping.**
 20. **Applicant to work with Staff to provide landscape design features at all public street entrances within the use of Date Palms and Mexican Palo Verde trees.**

C. DVR06-0047 K ESTATE SUBDIVISION

Request rezoning from Mobile Home District (MH-1) to Planned Area Development (PAD) zoning with Preliminary Development Plan (PDP) approval for single-family attached housing product on 12 lots within a new single-family residential subdivision. The approximately 1.31-acre site is located at 390 E. Commonwealth Avenue, east of the Union Pacific Railroad and south of Chandler Boulevard.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "The K Estate Subdivision", kept on file in the City of Chandler Planning Services Division, in File No. DVR06-0047, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.
4. Approval by the Zoning Administrator of all project details required by Code or condition.
5. Buyers shall be notified that the land south of Commonwealth Avenue is zoned for industrial uses.
6. The rear yards shall be enclosed by 6'-high masonry walls.

7. A minimum of two 15-gallon trees shall be planted in all front yards.
8. **Lots 1, 2, 11 and 12 shall be moved west by six feet with six feet added to the shared driveway widths.**

F. PDP07-0028 RAINTREE RANCH CENTER (PANDA EXPRESS)

Request Preliminary Development Plan (PDP) approval for building architecture for a freestanding restaurant pad. The property is located at the southeast corner of Ray and Price Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Panda Express at Raintree Ranch Center", kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0028, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3744, case DVR05-0041, except as modified in condition herein.
3. **The applicant shall work with Staff on the design of the patio's shade cover to be in conformance with the development's architectural design, colors, and materials.**
4. **The site and patio shall be maintained in a clean and orderly manner.**

G. UP07-0058 LATITUDE 8

Request Use Permit approval to sell alcohol (Series 12 Restaurant License) for on-site consumption in a new restaurant at 11 W. Boston Street, Suite #4. (REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)

H. UP07-0062 DESERT SAGE HERBS HOLISTIC CENTER

Request approval of a time extension for a Use Permit to allow retail sales and personal services within the Planned Commercial Office (PCO) zoning district. The property is located at 1728 N. Alma School Road, approximately 1,000 feet south of Warner Road on the west side of Alma School off of Stottler Drive.

1. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. Development shall be in substantial conformance with exhibits and representations.
3. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
4. Landscaping shall be in compliance with current Commercial Design Standards.
5. Monument signage shall be in compliance with the Sign Code and obtain a sign permit. Wall-mounted building signage including windows signs and banners is not permitted.
6. The site shall be maintained in a clean and orderly manner.

I. UP07-0091 SUNRISE ADULT CARE HOME

Request Use Permit approval to operate an Assisted Living Home for up to nine residents within an existing single-family home. The subject site is located at 2004 W. Western Drive.

1. **The assisted living home shall have no more than eight (8) residents at any time.**
2. Should the applicant sell the property, this Use Permit to operate an assisted living home shall be null and void.
3. This Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

J. UP07-0095 SHANE'S RIB SHACK

Request Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for on-premise consumption only within a new restaurant. The property is located at 7131 W. Ray Road, Suite 6 in Casa Paloma, which is the southeast corner of 54th Street and Ray Road. (REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)

K. UP07-0096 FRESH & EASY NEIGHBORHOOD MARKET
(DOWNTOWN OCOTILLO)

Request Use Permit approval to allow liquor sales, beer and wine only, as permitted under a Series 10 Beer & Wine License within a new grocery store. The property is located at the southwest corner of Dobson and Queen Creek Roads as part of a larger development.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, a bar serving area or the addition of entertainment related uses shall require new Use Permit reapplication and approval.
3. The Use Permit is granted for a Series 10 license only, and any change of licenses shall require re-application and new Use Permit approval.
4. The Use Permit is non-transferable to other store locations.
5. The site shall be maintained in a clean and orderly manner.

L. UP07-0097 THAI BASIL

Request Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for a new restaurant. The property is located at 4929 West Chandler Blvd, Suite 8, which is at the southeast corner of Chandler Blvd and Rural Road.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.

1. Any substantial change in the floor plan to include such items as, but not limited to, a bar serving area or the addition of entertainment related uses shall require new Use Permit reapplication and approval.
2. The Use Permit is granted for a Series 12 license only, and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.

M. UP07-0103 LEISURE LIVING FOR THE ELDERLY

Request Use Permit approval to operate an Assisted Living Home for up to ten residents within an existing single-family home. The subject site is located at 507 N. Nantucket Court.

1. **The assisted living home shall have no more than eight (8) residents at any time.**
2. Should the applicant sell the property, this Use Permit to operate an assisted living home shall be null and void.
3. This Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

N. UP07-0104 HA NOI PHO

Request Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for a new restaurant. The property is located at 5865 West Ray Road, Suite 6, which is at the southeast corner of Ray and Kyrene Roads.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit reapplication and approval.
1. Any substantial change in the floor plan to include such items as, but not limited to, a bar serving area or the addition of entertainment related uses shall require new Use Permit reapplication and approval.
2. The Use Permit is granted for a Series 12 license only, and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.

O. PPT07-0050 PECOS VILLAGE

Request Preliminary Plat approval for an office and retail development located at the northwest corner of Pecos and Cooper Roads.

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

P. PPT07-0049 THE PRESIDIO CONDOMINIUM

Request Preliminary Condominium Plat approval for a medical and general office development located south of the southwest corner of Pecos and Dobson Roads.

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

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 stated for the record that he had two items on the Consent Agenda that he had a "conflict of interest" on as a result of being employed by the Architect of record. He will be abstaining from voting on them. They are items F and K.

MOVED BY COMMISSIONER GULSVIG, seconded by **COMMISSIONER KELLY** to approve the Consent Agenda with the additional stipulations as read in by Staff. The Consent Agenda passed unanimously 6-0 (Commissioner Creedon was absent.)

ACTION:

A. GPA07-0001 SOUTH ARIZONA AVENUE ENTRY CORRIDOR

Request to adopt the South Arizona Avenue Entry Corridor Study with amendments, incorporate the Study into the Redevelopment Plan and separate the Redevelopment Plan from the Conservation, Rehabilitation and Redevelopment Element of the General Plan.

DAVID DE LA TORRE, GENERAL PLAN COORDINATOR, stated this is a City Initiative that involves three parts. The first is to amend the South Arizona Avenue Entry Corridor Study; the second involves amending the General Plan and the third involves adopting a new specific Area Plan.

On September 28, 2006, the Mayor and Council approved the South Arizona Avenue Entry Corridor Study and directed Staff to implement the study. Primarily, the study seeks to improve the entryway into downtown Chandler coming from the south from the new SanTan Freeway. The first part of Staff's request tonight is to amend the study that was approved by Council in 2006 and Staff is proposing two amendments. The first is to expand the urban commercial designation at the northeast corner of Pecos and Arizona Avenue. Currently, the accepted plan is the image on the left (shown on the Elmo). The red area is The Urban Commercial Land Use Designation. The original plan is to extend Washington Street, which is parallel to Arizona Avenue, south to Kessler. What Staff is proposing now is to extend this Urban Commercial Land Use Designation easterly to utilize the existing Washington Street right-of-way. There is an existing half a street right-of-way there, about 150 to 200 feet east of this alignment. This is the image that Staff is proposing on the right hand side (shown on the Elmo). He stated that you could see how it changes the future alignments and traffic circulation in this neighborhood. Mr.

De La Torre stated the second amendment that Staff is proposing is to modify the civic uses description in the plan to allow office as well as ancillary retail in the civic land use area which is noted in the light blue area; generally located north of Frye Road and east of Arizona Avenue. The second part of Staff's request tonight is to amend the General Plan by separating the redevelopment element; the 1995 Redevelopment Area Plan from the conservation rehabilitation and redevelopment element of the General Plan. They are separating the Redevelopment Area Plan that is currently in the General Plan from the General Plan and historically, the city's General Plan has been a strategic document and it has been very effectively utilized as a strategic document. If you look at the Land Use plan in the General Plan, it's not parcel specific. The Redevelopment Area Plan, which is currently part of the General Plan, is parcel specific and Staff believes that lends itself to function better as a specific area plan rather than a part of the General Plan where it currently stands.

Mr. De La Torre said the other text amendment that Staff is proposing to the General Plan include deleting references to the City Campus Plan, which is inconsistent now with the South Arizona Avenue Study that Council approved last year, as well as other minor amendments that are inconsistent with Council's policy or direction to Staff to implement the South Arizona Avenue Study. Finally, the third part that Staff is requesting tonight is to adopt a new specific Area Plan, which would consist of merging the Redevelopment Area Plan, which they want to separate from the General Plan, together with the South Arizona Avenue Entry Corridor Study. Anything in the Redevelopment Area Plan that's located within the boundaries of the Study, which are Chandler Boulevard on the north, Pecos Road to the south, railroad track on the east and Palm Lane alignment on the west. Anything in there would be replaced by the South Arizona Avenue Entry Corridor Study and would become this new specific Area Plan for the downtown area. With respect to public outreach, they have had a couple of neighborhood meetings in the neighborhoods, one on the west side and one on the east side of Arizona Avenue. They were really well attended meetings, about 75 people more or less. They did not receive any opposition to the proposed amendments to a Study or to the General Plan. Staff can also verify that these requests have been noticed in accordance with the State required statutes. Mr. De La Torre said he would be happy to answer any questions.

CHAIRMAN FLANDERS asked if there were any questions of Staff.

VICE CHAIRMAN IRBY said he was glad to see this continuing to move forward. He asked the difference between an Area Plan and an overlay district or plan or zoning? Mr. De La Torre answered that an Area Plan is a specific plan that is used to implement the general policy goals of the General Plan. It is not as specific as zoning where it doesn't become law. You are not actually changing the zoning district of a specific property, but you are saying more specifically what land uses you would like to see in any particular area but without actually regulating that. It just uses as a policy to guide future developments. If a property owner were to ask the city to rezone their property in the future, they would look at the area plan and use that as guidance to determine what their

property should be zoned for. The overlay district is zoning so that does become law. That is regulatory land use as opposed to just guidance, which is the area plan.

CHAIRMAN FLANDERS stated he would like to echo what the Vice Chairman said in seeing this come forward. He has been able to attend some of the public hearings and public meetings with the citizens and it is very well advertised. Staff has made it crystal clear and it is really easy to understand. He complimented him and Mr. Pluster on everything they were doing along with the rest of the Staff.

CHAIRMAN FLANDERS went to the audience to see if there was anybody in the audience that would like to speak on this particular item.

MR. HUMENEZ, 49 E. MORALES STREET, stated that everybody in his neighborhood is on hold. He would like to know how soon would this progress be going on? They know it is going to happen but they are on hold with their properties. They don't know if they should go out and invest in another one or hold on until the city decides to start developing that area. He is in the path of Washington Street and his house is right in the middle of the street if they decide to do what they are doing right now. Right now everybody is on hold. They just want to know how much longer are they going to have to wait?

CHAIRMAN FLANDERS suggested that Mr. David De La Torre give him a real quick schedule of events and what is going to be happening in regards to that area.

MR. DAVID DE LA TORRE, said that Staff is currently in the process of finding an engineering consultant to design these improvements that are planned by the South Arizona Avenue plan. They anticipate taking a contract to Council sometime soon, maybe in January or February. They are currently working on the scope of work with potential consultants who would be actually designing these right-of-way improvements. The first phase of these improvements are going to be median landscaping down the center of Arizona Avenue from Boston Street all the way down to Pecos Road. In addition, another part of the first phase is going to be a Pecos Road connection from Kessler Street, which is on the east side of Arizona Avenue to Pecos. There is going to be a new connection there as well as the median landscaping that he mentioned earlier. That will be coming up fairly soon. Probably within a year you will be seeing something out there. Bob Bortfeld, Senior Engineer in Public Works, is the lead Staff person on that and he is here tonight to provide more specific comments on that as to where they are.

CHAIRMAN FLANDERS said as far as he as seen the city has been real good as far as advertising and informing people. Will the city inform people if his property is within that area as far as any property to be taken? Mr. De La Torre said Sharon Joyce, Real Estate Manager, is also here tonight and he believes that she has already started the process of contacting some of those property owners that are in this future street right-of-way extension area. She has already started the process of contacting some of these

property owners and will be in contact with them soon. Chairman Flanders said he would be interested to see what the timing is on everything.

BOB BORTFELD, SENIOR ENGINEER, PUBLIC WORKS, stated that he is managing this project for South Arizona Avenue, which is going to change the face of what downtown Chandler looks like. It is a very important project for the community. He said that Tri-Star Engineering has been selected as the consultant. Their team includes such companies as Pinnacle One, J2 Landscaping, R&L and some other minor subs on the project. They are currently negotiating the scope and fee for the project and estimate bringing that to Council toward the end of January so they can get started on the project. He has had Sharon Joyce in our Real Estate Department start the right-of-way acquisition on some of the more difficult parcels that are going to require a long time to work on. One of the first items with the consultant will be to determine where the actual final right-of-way lines need to be. The conceptual study basically brings up a concept of where the streets are and how wide. They are going to define where those curbs are going to be and definitely define the right-of-way acquisition. There are many parcels that are obvious that no matter where they put the right-of-way curb they are going to be full acquisitions. That is what he has had Sharon start on so that they can get those people out of limbo and get them negotiated and see where they can get them relocated. As they move forward, he expects in 2008 they will have some of the projects out to construction. This will be going Construction Manager at Risk and by next summer he would hope to have that Construction Manager at Risk on board also. One of the commitments that Tri-Star has made for this particular project since it is so large is to open the office in downtown Chandler that will be focused specifically on this project with the team that will be working on the design, public relations and the other planning elements that will be coming forward. It will be very accessible to the public. He said they are looking at several miles of new water and sewer storm drains. The number of parcels that are affected are 75 to 100 parcels over the next three years. They are going to see quite a number of changes in the downtown area as this progresses.

VICE CHAIRMAN IRBY asked if Tri-Star is the design and contract firm? Is this a CM@Risk contractor? Mr. Bortfeld said no they are the design consultant. For the CM@Risk an RFP will go out some time next year for that. They are designing the job for the City of Chandler. They are a team.

COMMISSIONER GULSVIG said they have talked about a lot of different things that are going to happen but in answer to the question raised by the citizen, the minimum amount of time he is looking at that he is going to be confronted with is relocation and the maximum amount of time. Based upon the fact that they are talking about RFP's, it could be two or three years before all this evolves. Mr. Bortfeld said no they had started the right-of-way acquisition several months ago and several parcels are in the process of being acquired; some of the larger parcels. As they work through that list, the parcels are in the process of being acquired. Contracts have gone to Council to get the appraisals done. Once the appraisals are done, offers will be made to them. He said he is not the expert on right-of-way acquisition but Sharon is here if he has specific questions to the

process. Commissioner Gulsvig said the specific question was what is the expected timeline? Not all the tasks that make it up. Mr. Bortfeld said the expected timeline is as soon as the process is going on. He said he was going to let Sharon answer on the time matter.

SHARON JOYCE, REAL ESTATE MANAGER, stated they have been asked to start on some of the full parcels that they know will be acquired. The alignment hasn't been established yet totally and that will be established by the design consultant. The ones that they absolutely know about will be full acquisitions, which at this point there are only a few they know about. They are beginning to put contracts together for the appraisals and they have been in touch with some of the property owners but not all of them. They have been cautioned to be very cautious about it because they are not really sure where the exact alignment is on some of the parcels. The ones they absolutely know about, for example, for Mr. Humenez, if they know that is absolutely a full acquisition, they will be in touch with him and make an offer to him in a short period of time. Ms. Joyce said the appraisal process could take 60 to 90 days. They will be in touch with him and working with him throughout the whole process. He will have more than a sufficient amount of time to be able to make decisions. When she says that it could be months.

COMMISSIONER GULSVIG said that if it satisfies the citizen it satisfies him. People are concerned about when events are going to happen not what the events are. He said he appreciated her response.

CHAIRMAN FLANDERS stated the important thing for the speaker is that he keeps in touch with the City if he's not seeing something. He said he has worked with Ms. Joyce in the past and she has always let him know what was going on. He is sure that will happen in this case. He said to the speaker to try to stay in touch with members of City staff and they will give you the best possible information that they know.

COMMISSIONER RIVERS said he was looking at a black and white map at an area HDR/MU and believes that is where Mr. Humenez lives. He asked if the city is acquiring those properties or are the commercial developers going to be acquiring properties as well? Ms. Joyce said if you were to extend the current right-of-way line that exists on Washington Street directly south down to where there is an intersection with a "T" to a street that has yet to be created, it is his understanding if the alignment is approved, the properties within that area will be contacted for acquisition purposes. Commissioner Rivers said it was his understanding that Mr. Humenez lives at 49 E. Morelos Street. Morelos Street is not down in that area that she was pointing at. Ms. Joyce said actually it is. It actually does cross what would be the future alignment of Washington Street. Commissioner Rivers asked if 49 E. Morelos is that far to the right on the map or is it nearer to Arizona Avenue? Ms. Joyce said she would say it's closer to Arizona Avenue but she can't tell without a map that has the addresses on it. That's one of the things she will be going over with Mr. Humenez. She will be giving him her business card. Commissioner Rivers said he was wondering if the City is responsible for acquiring all those properties to sell to a developer or if the developer is going to be acquiring their

own property? Mr. David De La Torre answered the City is responsible for only acquiring the property that is needed to extend the right-of-way and to accomplish the right-of-way improvements. The purple areas are the high density residential with mixed-use. Those they would rely on the private developers to acquire those properties and redevelop those. The City would not be purchasing those properties.

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

MS. GOMEZ, 226 S. WASHINGTON STREET, said she wanted to answer Mr. Humenez's question about the limbo he will be put in as being part of the redevelopment for the new City Hall. They have been going through this since 2006. She stated the City puts you in uncertainty and you don't know where you are going to be. They tell you that it's going to be within a couple of years. They have been dealing with this since 2006 and their property is one of the ones being taken for the new City Hall. All she asks is for Mr. Humenez and everybody to do their homework. If the City is going to be buying him out, treat him fairly because they haven't been. She said that this is more to the citizens of the City of Chandler that they have worked hard for what they have and to just come in and offer people around them \$40 a square foot and to be offered \$15 a square foot - that's a big difference. That is her only concern. She said Mr. Humenez should be prepared because it is a long struggle because they have been through it.

CHAIRMAN FLANDERS thanked her for her comments.

MR. JACKSON, 465 S. WASHINGTON STREET, stated he has lived in Chandler for sixty years and owned property in south Chandler. It is a sentimental place for him and in his family for the last 90 years. He would like to have the historical sign moved to Pecos Road. Right now it is on Frye Road. That district has been there for 90 years that he knows of and it should be a historical district with the redevelopment.

CHAIRMAN FLANDERS thanked Mr. Jackson and stated that in regards to his comments he thought that was a process they have to go through with the state. Mr. De La Torre said that was correct. The historic district designation is a zoning district and because of proposition 207 the City is limited to what they can do in terms of initiating a district on properties. They could look into it but he said they couldn't make any promises.

CHAIRMAN FLANDERS asked if the area residents would have to contact the state, probably as a group? Mr. De La Torre said he would have to do some more research on the exact process of designating historic districts. He does know the City would be limited to doing that because of proposition 207.

CHAIRMAN FLANDERS asked the audience if there was anybody else that would like to speak in regards to this item. There was none. Chairman Flanders closed the floor for discussion and entertained a motion.

MOVED BY COMMISSIONER GULSVIG, seconded by **VICE CHAIRMAN IRBY** to approve GPA07-0001 SOUTH ARIZONA AVENUE ENTRY CORRIDOR. The item passed unanimously 6-0. (Commissioner Creedon was absent)

After some discussion about the order of moving Item E ahead of Item D, **COMMISSIONER GULSVIG** stated that he would make a motion to that effect:

MOTION BY COMMISSIONER GULSVIG, SECONDED BY VICE CHAIRMAN IRBY to change the order of the agenda by placing Item E ahead of Item D. Motion was approved unanimously.

E. DVR07-0022/ PPT07-0051 STELLAR AIRPARK ESTATES II

Request rezoning from Agricultural District (AG-1) and Planned Commercial Office District (PCO) to Planned Area Development (PAD) for a custom single-family residential subdivision with aviation-related uses, with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and development standards on approximately 14.5-acres located at the southeast corner of Chandler Boulevard and Galaxy Drive, ½-mile west of McClintock Drive.

1. Right-of-way dedications to achieve full and half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
3. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
4. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
5. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Stellar Airpark Estates II" kept on file in the City of Chandler Current Planning Division, in file no. DVR07-0022, except as modified by condition herein.
6. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180

days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.

7. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
9. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.
10. The following stipulations shall be the responsibilities of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Stellar Airpark Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Stellar Airpark and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property.
 - b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns. Such map shall be a minimum size of 24" x 36".
 - c) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
 - d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
 - e) All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event

from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.

- f) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:

“This property is located within the Stellar Airpark Impact Overlay District and is subject to aircraft noise and overflight activity.”

11. A minimum of two trees shall be planted in all front yards.
12. The landscaping shall comply with the Residential Development Standards.

Staff recommends approval of the Preliminary Plat subject to:

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

MR. KEVIN MAYO, PRINCIPAL PLANNER, stated that the request was to rezone from Agricultural District (AG-1) Planned Commercial Office District (PCO) to Planned Area Development for a 9-lot single-family custom subdivision with aviation-related uses, as well as Preliminary Development Plan approval and Preliminary Plat approval for the subdivision layout and development standards for the 9-lot custom subdivision. The subject site is located at the southeast corner of Chandler Boulevard and Galaxy Drive, and encompasses all the vacant land west of the Stellar runway.

Mr. Mayo went on to explain that the request was for a 9-lot custom single-family subdivision. With custom single-family subdivisions there is no housing product; however, there are development standards. The request also includes aviation-related uses. Everything west of Stellar runway has access to taxiways and the opportunity for hangars for personal aircraft. Mr. Mayo noted that the developer of the subject subdivision is the same developer that developed Stellar I, which is located further south of this subject site. The nine lots are located on a future planned private street with a cul-de-sac. There an existing taxiway on the site's south side that the lots would access. There is also a proposed new taxiway located north of lots 1 through 5 that those lots would access.

He continued to say that what was also going forward with the request was the vacation and abandonment of easements (extinguishment of easements and vacation of right-of-way) of the existing Stellar Parkway street and realignment of the street to the existing Galaxy Drive. Mr. Mayo noted that there had been four neighborhood meetings, and for the most part the neighbors were in support of the request; however, there are some neighbors on Galaxy Drive that are opposed to the realignment.

Mr. Mayo explained that Galaxy Drive is a collector street and is meant to serve Twelve Oaks all the way south and west of the subject site as access to Chandler Boulevard. It is

intended to be the collector street to funnel the traffic there. Stellar Parkway is a residential street and is meant to only serve the homes in Stellar Airpark subdivision and Stellar Airpark Estates I. Throughout the years the speed on Galaxy Drive has gotten worse. The neighbors, working with Transportation, had speed humps installed on Galaxy. Drivers then found that it was quicker then to speed down Stellar Parkway to Chandler Boulevard, thus bypassing the collector street. The realignment of the road is a corrective action to diminish or stop the cut-through traffic, eliminate the right-in, right-out only onto Chandler Boulevard, as well as the frequent u-turns that people make on Chandler Boulevard to get back to Stellar Parkway. Staff is in support of the realignment since it does correct an on-going traffic circulation problem in that area.

There were some concerns expressed during study session pertaining to walls, heights, staggering, and landscaping. Mr. Mayo stated that it is the intention to develop an 8-foot solid wall all the way along the northern limits of the property, with the exception of what is in front of the existing runway due to runway protection zone requirements. It is a solid 8-foot block wall with a double row of trees running on the inside and outside (1 row on the inside of the wall and 1 row on the outside of the wall) all the way down. The developer indicated that it was his intention to install nothing smaller than a 48" box tree.

There was discussion during study session regarding the visibility of hangars as well as the moving aircraft on the new taxiway. Mr. Mayo stated that staff is comfortable with the fact that the majority of the airplanes in there have about an 8- to 10-foot height, although some can get up to 15-ft. in height measuring from the top tip of the tail; however, the applicant has indicated that the majority of the planes will be in the 8-ft. height area. The wall, as well as the canopy of trees, will screen the airplanes as well as the doors and back sides of future hangars on lots 1 through 5 from Chandler Boulevard.

Mr. Mayo stated that there was not a specific landscape plan for the site. He stated that there were stipulations that the landscaping comply with the Residential Development Standards. There will be no stipulations that the landscaping comply with the Commercial Design Standards. The applicant is in agreement with the stipulations.

Staff recommended approval of the request.

COMMISSIONER CASON asked if the alignment for the new street would be aligned with Buffalo Street.

MR. MAYO stated that the new street would be directly aligned with Buffalo Street.

CHAIRMAN MIKE FLANDERS asked the applicant to speak.

MR. BRENNAN RAY, 702 E. OSBORN stated that he was speaking on behalf of the applicant, Mr. Ron Pratte. He said that they were in agreement with stipulations 1 through 12. He went on to say that this site had been very challenging to develop; the challenges were the compatibility with the airport and the neighborhood. He said that in

terms of land use and what was going on in this area, they felt that this subdivision was a good fit. Therefore, they were requesting Commission's approval in accordance with Staff's recommendation.

He noted that he was present at study session and heard the concerns that were raised. He said that Mr. Pratte had been flying planes for approximately 27-years. He's been developing land for over 40-years. When he laid out Stellar Airpark Estates II, he was continuing what had occurred south of the subject site through the Stellar City Airpark Estates, through the Twelve Oaks subdivision, and Stellar Airpark I. Mr. Ray did note that Mr. Pratte was not the developer of Stellar Estates I; instead it was a Mark Taylor project. Stellar Airpark Estates I development was a model for this subject site.

Mr. Ray stated that from their perspective the reason that one would meander a wall was for visual and aesthetics, trying to create a pleasing environment, one where it doesn't seem monotonous or create a monotone view of what was going on. There were visual breaks and staggers that would relieve the monotone view. He said that in this case meandering the wall would be a disservice to what they were trying to accomplish in terms of development and quality.

The applicant went on to say that the appearance from Chandler Boulevard would be very pleasing with 48-inch box trees. He stated that meandering the wall and providing visual breaks were unnecessary due to the amount of landscaping that was planned. The wall would not be a plain CMU block wall. There are architectural details such as stone finishes to the columns, decorative column caps, and banding. He felt the wall would be a quality wall. Any minimal jogs that would be there would occur at columns, and they have the opinion that the jog would disrupt some of the clean appearance of the columns and decorative caps. The applicant stated that they believe they are meeting the spirit of the intent by creating a pleasing street scene and a visually pleasing pedestrian environment for those walking along.

Mr. Ray stated that the planes would be Bonanza planes, which are approximately 8-feet. He said that he did not believe the planes would be a distraction to the traveling public along Chandler Boulevard due to the screen wall and landscaping. He felt there was more distraction when planes fly overhead and land. He noted that for FAA concerns and safety concerns, along the sides of the house there is a 'no run up on housing' sign posted.

The applicant stated that, with regard to hangars and aesthetics, there were guidelines for Stellar Estates, which were representative of what would occur on Stellar Estates II. The hangars are to be designed as a single visual element of the residences. In addition to the guidelines, there is a design review process.

Mr. Ray stated that the development would be a high-quality development consisting of ½-acre lots for aviation enthusiasts. The applicant requested approval for the development.

CHAIRMAN FLANDERS asked the applicant what length the wall would be along the frontage of Chandler Boulevard for lots 1 through 5.

Mr. Ray responded that it was his understanding that the distance was approximately 860-feet.

CHAIRMAN FLANDERS said that because of the length of the wall along the frontage he felt there needed to be some variation or staggering of the wall to break it up a bit. He said that using the landscaping helped some.

The applicant responded that the wall wedges down because they were pulling their lines off the existing runway. He said there would be some vertical relief because of the shrubs, which occurs along Chandler Boulevard.

VICE CHAIRMAN IRBY said that he wanted to see the jog somewhat. He said that perhaps for lots 1 and 2 the wall could be 5-ft. closer to the taxi runway, then it could jog back out toward the street a bit more. It didn't need to make a million jogs back and forth. He said they could also cluster some of the shrubs closer to the street, which would help as well. It helps to give a perception of a meandering wall. He said that maybe there could be a combination of the two so that when one drives down Chandler Boulevard there's not the appearance that everything is all straight and boring. Vice Chairman Irby said that the jog needed to be a 4- to 5-ft. distance to get the impact of the joggling.

The applicant responded that grouping the plants, having some closer and others further back, was something that they could consider doing. He said that in terms of joggling a wall back, there could be some safety concerns with constraining the clearance area for the airplanes.

VICE CHAIRMAN IRBY asked if there was a way of getting grass or groundcover for better dust control measures behind the runway.

Mr. Ray stated that in the Narrative there was discussion of what was going to happen north of Stellar runway. There are FAA safety concerns with being within the runway protection zone. The type of fencing per the FAA would need to be break-down type fencing. The area would be landscaped with low lying shrubs and other similar vegetation. The applicant stated that they were planning to do as much as they can to make it look good without going against the FAA. He assured the Commission that there would be landscaping.

COMMISSIONER RIVERS said that he thought the landscaping as presented looked terrific. He agreed that if there was going to be a meandering curb along the landscaping and different size shrubs, it quite adequately broke up the wall. He noted that when the landscaping became mature, the wall might not even be seen.

Mr. Ray said that, to the extent that they are allowed, they would do turf as well.

MR. MAYO stated that turf is not permitted in the right-of-way. This area is outside the reclaimed water area, so the applicant is limited to 10% of their landscape area to be turf. He said it would be more beneficial to have the turf outside the right-of-way area where it would have the most impact versus the bottom of the basin.

CHAIRMAN FLANDERS said that there was probably 15- to 20-ft. of lawn area. The landscape area itself was probably anywhere from 10- to 15-ft. When looking down Chandler Boulevard there wasn't going to be much open area, it is going to be all landscape.

CHAIRMAN RIVERS commented that it could even be nice looking colored granite. He thought that the different kinds of trees and different textures broke up the visual. He said that he didn't think anyone would be able to see the homes or the garages behind them if they are 20-ft. high.

COMMISSIONER KELLEY said he could see that there was 31-ft. from back of curb to the wall. He asked if the applicant planned to landscape the rest of the site besides just the P.U.E.

The applicant stated that they were going to landscape it to the extent that they're able to. They'll do as much turf as they are allowed to do. If it were not turf it would be some other form of groundcover, such as decomposed granite. He said they would do what they can in terms of landscaping.

COMMISSIONER KELLEY stated that the trees are depicted as being in a grove relationship. He said that if the trees were to be 5-ft. apart they would grow together and cautioned that the trees should be staggered to 10-ft. on center. Commissioner Kelley also noted that he had a concern with 48-inch box trees going into a 5- to 10-ft. landscape tract. He felt it was not a healthy environment for the trees.

CHAIRMAN FLANDERS stated he agreed with that point.

COMMISSIONER CASON asked how wide the greenbelt area was south of the new road alignment at Buffalo (the area adjacent to the existing residential).

Mr. Ray stated that it was approximately 20-ft. wide. He said that a resident at one of the neighborhood meetings was very excited that this area would be landscaped. It will cut down on the amount of debris that comes from the vacant lot.

COMMISSIONER CASON said that it was not clear to him about the distance between back of curb and the fence wall. He asked the applicant if it was their intention to landscape the entire 25-ft.

MR. MAYO said that the applicant is charged to landscape from back of curb all the way to their wall. They will be landscaping the right-of-way and their private property, but they do it all at the same time.

COMMISSIONER CASON asked if there was enough depth for the applicant to landscape so that the landscaping would be similar to that of the previous phase, with that type of landscaping and that type of depth regardless of the turf.

MR. MAYO responded that they couldn't do as much turf, but there would be as much clustering of trees and shrubs.

CHAIRMAN FLANDERS stated that he had five speaker cards, and everyone was in favor of the project. He said that it appeared everyone wanted to speak.

MR. FRED BORNS, 6 SO. STELLAR PARKWAY stated that he wanted to tell everyone how much he was in support of the development. He said he had lived at Stellar Airpark for the past 31 years, and now some of the neighborhood had declined in terms of traffic on Stellar Parkway. Mr. Borns stated that his main issue, in gratitude to the developer, is his challenge to realign Stellar Parkway. Mr. Borns collected some traffic data from the city's traffic department taken three years previously and found there were about 850 cars that day (a typical day at Stellar). At peak there were about 75 cars per hour. He said he did approach the neighborhood about having speed bumps installed, but was met with some disdain. He noted that Galaxy Drive had five speed bumps while the same north/south ½ mile they have none. He asked the city if Stellar Parkway could enjoy the use of bike lanes and a centerline stripe that Galaxy Drive presently enjoys. He found, though, that there was a 20-ft. width difference between the two streets, which made the idea not workable. As a result there are speeding cars going down the street at all hours of the day and night. He stated that he was grateful to the developer in taking this to the Commission.

MR. JOE MARTIN, 4306 W. JUPITER WAY, CHANDLER, stated that he is the current president of the Stellar Runway Utilizer's Association and he represented the homeowners at Stellar. He thanked Mr. Bill Dermody for his help in resolving the issue with the Stellar office condos.

Mr. Martin said that their position on this project is that they want to see it approved emphatically as is. It will finalize Stellar Airpark and get rid of the last dirt. He said that moving the entrance to Galaxy Drive gets rid of a dangerous u-turn, and it will redirect the traffic that should have been on Galaxy all along. When the speed bumps were installed on Galaxy, it encouraged the people who like to speed to use Stellar Parkway, which doesn't have speed bumps. He said that there was one person who was opposed to the proposal, as it would throw the traffic back onto his street. Mr. Martin said that the neighborhood was tired of the dirt and dust. One of the most important parts of getting rid of the dust is that when aircraft are accelerating on the takeoff roll, they blow dirt onto Chandler Boulevard, which makes it unsightly. This development will cure that problem

once and for all. Mr. Martin said that he has known the developer for some time, and said that he has very high standards, especially when it comes to landscaping and making things look good. Mr. Martin stated that they have all the confidence in the world that Mr. Pratte will make the development something that all of Chandler could be very proud of.

With regard to the wall along Chandler Boulevard, Mr. Martin commented that he didn't see what could be gained by having five or six lots having block walls moved a few feet. He feels the landscaping itself will achieve Commission's concerns.

Mr. Martin said that there are five jet aircraft based at Stellar, but most of them are on the commercial side. He said that there are 105 lots that have taxiway access, but there are only two jets. The people operating the jets know that when they make a turn one way or the other, they don't do it with full power.

MR. RONALD BATES, 4308 W. JUPITER WAY said that was no opposition to the project, but rather unqualified support for the project. He stated that he also had known Mr. Pratte for some time and knew that he wouldn't build something that didn't look well above the average. He noted that when Mr. Pratte became associated with Stellar Airpark he landscaped the areas around the runway on his own dime. Mr. Bates said that the only concern he has is that any stipulations that Commission might entertain could affect the viability of the project by reducing the available size of the lots. If that happens it could jeopardize the project as it currently exists.

MR. KURT GEARHART, 4437 W. RICKENBACKER WAY, said that he lives in Stellar Airpark Estates I. He stated that he has been a pilot for 30 years. He stated that as a pilot when he is driving along as a pilot on the ground he's not only thinking about where he's going, but where his wing tips and where they are in relation to shrubbery, objects, walls, etc. Mr. Gearhart said that having the walls weave in and out is tantamount to driving in a car and having the curb weave in and out.

In a response to a question from Commissioner Rivers, Mr. Gearhart stated that his wingtips are 29-ft. apart.

MR. ED BREUNIG, 4333 W. KITTY HAWK stated that as far as the configuration of the wall, across from them was industrial. If it were residential that may make a difference. He said he would hope that people who drive down Chandler Boulevard would be looking where they're going instead of looking at a wall. He said that he was in favor of everything that the applicant wanted to do. He stated that he had a lot of confidence in Mr. Pratte. He commented that he was all in favor of redirecting the street due to the traffic that goes up and down Stellar Parkway.

CHAIRMAN FLANDERS asked if anyone else in the audience wanted to speak on this item.

MS. DAWN WAGNER, 102 S. STELLAR PARKWAY stated that there are children living along Stellar Parkway. She said that Stellar Parkway was not safe for the children due to the traffic along Stellar Parkway.

MR. TRENT HOLMAN, 2 STELLAR PARKWAY, stated that he lives three lots south of the proposed subdivision. He said that he really wanted to see the request approved.

MR. MARVIN WESSEL, 100 S. STELLAR PARKWAY said that he lived right next to the Wagner's'. He said that you wouldn't see children out playing because the street is very dangerous. He said that on November 14th someone doing 20 miles over the speed limit rear-ended his truck as he was pulling out of his driveway. He felt that realignment of the street was something that they really welcomed.

MR. BOB GOTLEY, 209 S. STELLAR PARKWAY said that he was dead center of the runway on the west side where the entire airplanes park. He said that the taxiway that Mr. Pratte is proposing closest to Stellar Airpark is 60-ft. He said that Mr. Gearhart's airplane is an experimental with a 29-ft wingspan. He said that he has 80 customers on his ramp, and most of the airplanes have close to a 40-ft wingspan. That gives 10-ft on either side. Should a pilot drift 5-ft, half of the safety margin is gone. He said that he was there to advise Commission that they should consider the straight wall for the safety of the aircraft and pilots. He commented that the Commission was thinking in terms of looking south, while the pilots are thinking in terms of safety margins operating their aircraft within the project. He also encouraged Commission that the wall needed to be consistent such that it wouldn't allow any intruders or anything along the lines of terrorism. He said that it was his concern that if Commission makes the wall jog it would cause the likelihood of a security breach for the airport. Lastly, he pointed out that the curbs built into the grassy area at Stellar Airpark Estates I gave the appearance that the wall was meandering. He said that if it wasn't just the design factor he wanted to encourage Commission to consider the safety factor of a straight wall over a curved wall. He also added that the height of the hangars dictate how tall the airplanes are that go in them. Generally, he has hangars that are 12-ft; even at 14-ft they need more clearance. Larger aircraft require significantly higher hangars. Because this is a residential neighborhood, you wouldn't be likely to see the taller hangars. He suggested that the wall and landscaping as proposed was more than adequate to shield that from Stellar, as long as the safety concerns are addressed.

In response to a question from Vice Chairman Irby regarding wingspans, Mr. Gotley stated that most were in the high 30's. He explained that the one that Mr. Gearhart has is an experimental, small two-place airplane. He said that as soon as you get into a 4-person aircraft you could expect 35- to 40 ft. wingspans. Mr. Gotley said for them to imagine a 60 ft. runway with setbacks and trees. He suggested that for aircraft safety, Commission might consider the straight wall. Mr. Gotley added that some airplanes have as much as a 50 ft. wing span; a 60 ft. wingspan would not be able to go down this runway. However,

Mr. Gotley stated that they don't see aircraft over 50-ft. He believed that the meandering wall could cause a safety issue.

COMMISSIONER GULSVIG commented that Commission was only talking about five lots, and asked how frequently the residents move their airplanes down the taxiway.

A previous speaker stated that there were several customers that commute to work. They go out at 8 and come back at 5 at night times 5 homes if all of them use their aircraft on a daily capacity. He said in many cases an airplane might not be pulled out for a month.

COMMISSIONER GULSVIG stated that that was his point – there's not a lot of activity. He said that this was only an access taxiway. He asked if the potential homeowners would have more than one aircraft.

A speaker stated that it would be five properties accessing the taxiway. He stated also that there's a possibility that each home could have more than one aircraft; it would depend on the size of the hangars that were built to the property. He said that there could conceivably have two aircraft per hangar.

COMMISSIONER GULSVIG stated that he wanted to make the point that they weren't talking about a high volume of traffic.

CHAIRMAN FLANDERS asked if there were any other members of the audience that wished to speak about the case. Hearing no response he closed the floor and called the applicant forward for further comments.

MR. RAY said that the homeowners had said it best. They are the people that live there, use the runway, that walk up and down Stellar Airport runway when they are able to. He said that they had heard a lot of the testimony of what the quality would be expected. The wall was going to be 860-ft, and although that sounded like a lot, in car going 45 M.P.H. it was only about 2 seconds. In addition, what is north is commercial property. He mentioned that there was lots of expansiveness and not enclosed. He said that meandering the landscaping would accomplish and have the same effect as a jog in the wall.

VICE CHAIRMAN IRBY said that the civil drawings called out for the runway to be 68-ft. On the Chandler half-street section it is called out as 58-ft. taxiway. There was a 10-ft. difference. He also noted that according to the drawing, the 10-ft was up against lots 1-5. He went on to say that on the north side of the taxiway there was a 5- to 10-ft. landscape strip on the taxiway side, plus another 31-ft. to get to the curb of Chandler Boulevard. He asked if that was correct.

MR. TROY PETERSON, CMX INC. said that the cross-section shows 68-ft because there's a 58-ft taxiway and then 10-ft of landscaping, which gives 68-ft as shown on the Preliminary Plat. He pointed out that the area wedges down; 10-ft. at Galaxy and 5-ft at the other end. Much further discussion ensued at this point with the help of photographs

and drawings. Troy said that to simplify things in terms of whether there was 5-ft or 10-ft landscape strip, there was going to be an HOA responsible for maintenance. In terms of trees being planted there, clearly the canopy height was anticipated at 8-ft in height.

VICE CHAIRMAN IRBY said that it sounded as though the backsides of the trees would be chopped off so that there was always a clear pathway for the aircraft. He asked why not let lots 1 and 2 have the 5-ft. distance on the taxiway side, which would give more room for the rest of the lots as it goes along Chandler Boulevard.

CHAIRMAN FLANDERS said that if there were 48" box trees that would give some additional area. This would accomplish two things: it would provide additional area on the taxiway side for the trees and provide a little bit of relief in the 860-ft. wall. He said he wanted to provide more area for the trees.

Mr. Peterson said that 48" box trees were not planned for inside the wall; they were going to be planted on the outside.

CHAIRMAN FLANDERS stated that he really didn't want to get into so much discussion over a jog in the wall. He said that it was because of the wall length that he wanted to see some relief. Chairman Flanders commented that he was fine with the variation of the landscaping after seeing what the developer had already done or was proposing to do.

COMMISSIONER RIVERS said that it had been established that the tails of the aircraft were anywhere from 8- to 16-ft. He estimated that the wings were possibly 6-ft off the ground. So if the canopy of the trees was at 8-ft because of the 8-ft wall height, there wasn't going to be an issue of the wings encountering the tree canopies at that height. He said that as long as there wasn't some kind of city ordinance or rule that says that the outside fence had to be 31-ft. from the roadway, then it would make more sense to leave a little more distance inside for the moving aircraft. He also said that shrinking the outside width of the landscaping by 5-ft. would not be anything that anyone would notice while driving down Chandler Boulevard. He said that there were intelligent landscapers that could make it look good.

COMMISSIONER CASON stated that the judgment on the proper land use is the variance between safety and what is aesthetically pleasing from Chandler Boulevard, regardless of how fast cars go by. The variable is the size of the properties for lots 1 through 5. If there were an issue between what was aesthetically pleasing and the taxiway size, the solution would be to make the properties smaller; however, he said that he had only heard testimony that said that both the aircraft and the heights of the hangars attached to the single-family homes will be covered effectively by the landscaping, and in addition, any variance in the wall will be mitigated by the landscape that is placed in front of it. He said that the more they talk about this the more variable there were. He said the presentation was 31-ft from back of curb and the landscape can vary however it wants

is adequate. Commissioner Cason stated that he would support leaving the wall straight and remaining with the 31-ft. on the public side and 5 to 10 on the private side.

CHAIRMAN FLANDERS CLOSED THE FLOOR AT THIS TIME FOR MOTION AND DISCUSSION.

COMMISSIONER GULSVIG stated that based upon all the information he had heard, his main concern was with aircraft safety and the safety of the citizens. He said that the wall as presented adequately covered his concerns. He said that the hangars would not be seen from Chandler Boulevard.

MOTION BY COMMISSIONER GULSVIG, SECONDED BY COMMISSIONER CASON to approve DVR07-0022/ PPT07-0051 STELLAR AIRPARK ESTATES II as presented. The motion was approved unanimously 6-0 (Commissioner Creedon was absent).

CHAIRMAN FLANDERS asked staff if there were additional stipulations from Study Session.

MR. KEVIN MAYO stated that there had been some conceptual stipulations dealing with the wall. He said that from all the representations that the applicant had made, staff knows how large the landscaping is going to be. It's going to be far in excess of the commercial design standards. Mr. Mayo said that enough representation had been made that staff had a very good picture of what was going to be done.

D. DVR07-0006 ENTRADA DE CHANDLER

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a new mixed-use development with gas station, assisted living, office, and auto parts retail uses. The approximately 6.6-acre site is located at the southwest corner of Elliot Road and Arizona Avenue.

BILL DERMODY, SENIOR CITY PLANNER, stated this is a request for a mixed-use development on 7 acres at the southwest corner of Elliot Road and Arizona Avenue. That's a gateway intersection to the city for traffic heading from the north or from the east. The request is for a PAD zoning and PDP approval for a mixed-use development that includes a gas station, assisted living, office and an auto parts retail use. He showed the site plan and how the uses are laid out. The gas station is proposed to be on the corner, the assisted living at the back part of the site, offices generally along Elliot and along Arizona Avenue is an auto parts retail store. Auto circulation is provided through a meandering driveway rather than a circular one or anything more direct. What you see at the entrance from Elliot is something you won't find in other modern developments in Chandler. They usually require an 80-foot throat but here they have 30 feet. There are

other places in Chandler where we don't get that 80-foot throat but usually there's an option to go through. This is the only one they could find built recently that forces you to go in one direction or another which is a problem for Staff. They also have pedestrian circulation throughout the site. In the back there is a walking path that's directed towards the assisted living residents, but there is also what they feel maybe the best element of this entire project – a covered colonnade in front of all buildings on the site. It is disconnected in a few places. You can't get from the assisted living to the gas station and you can't get to the office from the gas station but you do see this element in front of all parts of the site. He showed some of the renderings of what it would like. He said you could see the auto parts retail and the covered colonnade and a tower element that shows up in seven places on the site. He showed one in front of the gas station with a tower element and that covered colonnade with a slatted metal trellis above it. He showed what it looks like in front of the offices. There is a covered colonnade wrapping around the corner. They feel very comfortable with the pedestrian element that has been introduced by the developer on it with the colonnade. The architecture is simple, contemporary southwest, plain white stucco with tile roofs. Probably the most distinguishing feature is the colonnade in front of all the buildings. This element is a clay block turned on its side, which you will see in front of the colonnades. You will also see it on certain parts on the buildings wrapping around the sides on different sides of the building. There is a corner gateway feature, which he pointed out on the site plan. As he mentioned, this is the gateway to Chandler for traffic from certain directions. They have what is proposed to be a curved sign that will be framed by small shrubs as well as some trees. Signage is not part of this PDP and will have to come back separately. They do intend to have corner center ID signage.

Mr. Dermody stated that as they know from reading the memo, Staff recommends denial of this request. They have two major problems with it and some minor ones. The major problems are that the uses are fundamentally incompatible and the site layout is not functional. The problems they really have with the uses are the gas station and retail being adjacent to a quasi-residential use and the assisted living buildings. These aren't daycares. People do live there and what they will have is a 100 feet to a gas station that will be opened 24 hours, have traffic all hours of the day, and a not aesthetically pleasing gas canopy for the view out their window. Some similar problems to a lesser degree come from the retail. It's Staff's point of view this project would work much better if the gas station and the retail were eliminated and the site would become all assisted living and office or conversely if the assisted living were eliminated and this were all office and retail. They really find the gas station and the retail to be incompatible with this residential use all crammed together on the same site. They also have problems with the site layout. The biggest problem is a safety problem. Elliot does not have raised medians and there will be traffic coming in on a right turn basis. They have a decel lane plan. There will also be traffic crossing Elliot as you come into the site. That's a particular problem when you are forced to turn – if there is any indecision or backup, a couple cars back will be out in the middle of traffic and will be prone to broadside collisions, which is a problem for our traffic division and it's a problem for everyone that uses this site.

Additionally, internally there are problems with the circulation and you have to make several 90-degree turns to get anywhere. It's nice that it slows down traffic but it contributes to that traffic safety problem he just mentioned. Additionally, buffers are lacking both exterior and interior to the site. It's about a 50-foot stretch on the western property boundary that should have 12-foot high trees planted 20-foot on center for proper buffering to the residential to the west of this. That's lacking its pavement. Also, the applicant recognizes that the uses aren't exactly compatible and they have tried to provide a buffer of sorts in between those uses. You will see a six-foot solid wall in these areas. Also, they have provided trees to some extent where they can. They have not provided trees behind the gas station because of a service drive that squeezes that area down too small to have any trees. There will be a straight shot from the assisted living over the wall right into an aesthetically undesirable neighbor in the gas station. They also have minor problems with the architecture. Perhaps if they haven't had such large problems with the site layout and with the uses they could handle the architecture problems through condition and those are that some of the facades are plain. Some of the site facades of the office and the Checker Auto are just black white walls. They prefer to see the clay block element wrapped around to a greater extent there. Also, the offices have roofs that don't meet their commercial design standards – the heights are supposed to vary to some degree. In this case you have 80 feet of straight line at the peak of the roofs.

They have had some neighborhood input. They have heard from four residential neighbors to the west that attended the neighborhood meeting. They generally ask questions about the project. They don't like the dirt that is there right now. One did speak in opposition to the auto parts retail and the gas station because of the traffic it would attract. They have also heard from the property owner of the other three corners, Pollack Investments. Mr. Pollack is against the gas station use. He said he has been approached by gas stations for his own sites and he turned them down because he didn't think they were appropriate there and he doesn't think there appropriate here at a gateway into the city. Also, just to the south of the southeast corner there is an existing industrial park that has been partially converted to other types of uses like schools and churches. The owner of those parcels (5 to 10 buildings) is against the gas station use as well. Mr. Dermody said he would proactively address one issue that the applicant will surely bring up. There is some need for desperation on this site and it has been vacant for a long time and there is nothing else that will fit. They can't change the uses and they can't shrink the uses. This is the only thing that will work. In Staff's opinion there is a problem on the site. A vacant site is not desirable but that is a short to medium term problem. They don't feel that it is appropriate to replace a short to medium term problem with a long-term problem in the form of a dysfunctional site plan with incompatible uses that will be there for decades and decades. Also, there is some question about whether there really is any desperation here. To some degree there must be if this is what's being brought forward. There has been a lot of activity in this area. Just in the stretch from this site to the railroad tracts there are seven vacant sites along Elliot Road. Out of the other six, five of them have come forward just in the last couple of years or are coming forward

shortly with uses that make sense that are internally compatible and with site plans that function. Also, a quarter to a half mile to the south is the Westech Industrial Park that has about 125 acres of industrial zoned property that were completely vacant five years ago and about 70% of that has been approved for something that follows the plan that's functional and internally compatible. This site doesn't do that and Staff does not support the request and recommends denial.

CHAIRMAN FLANDERS asked if there were any questions of Staff on this item.

COMMISSIONER KELLEY asked about the incompatible uses. He said in looking at the gas station component, is it the market component or the fueling component that they find to be most incompatible with the adjacent uses? Mr. Dermody said it is both. The fueling component probably brings more traffic to the site but even if it were a stand-alone convenience store that brings a lot of traffic also. The answer is both but more so the pumps.

COMMISSIONER CASON stated to Mr. Dermody that from his presentation it appears that the applicant has a lot of issues that he hasn't addressed in their application. Did the applicant come forward with what they are seeing now and provide any give or compromise on any of the suggestions and requirements that Staff brought to their attention? Mr. Dermody said on the big issues no. There hasn't been any give or take on these issues. They had a worse set up about a year and two months ago when this same sort of idea was proposed except the office was mini-storage. So it has approved since then. They got an application in February that looked a lot like they have here. They went through a pre-tech and they didn't want to change uses and they didn't want to shrink the uses and they didn't want to fix the site plan circulation problems and they have been told because they can't do anything else.

VICE CHAIRMAN IRBY said that on the south side of this property there is a PAD that looks landlocked. He asked Mr. Dermody to refresh his memory. The PAD that is southwest of this property is going to be an expansion of the apartments that are a little farther south along Arizona Avenue. He believes they have gotten building permits for that already. They just haven't started construction yet.

CHAIRMAN FLANDERS asked the applicant to please step forward and state their name and address for the record.

STEVEN BUNCH, 10891 E. MARISOL CIRCLE, SCOTTDALE, said he has owned this property for approximately six years. He said there are a lot of adjectives: incompatible, dysfunctional, desperation and opinions of individuals who are not present. He knows Mr. Pollack and has not heard from him. He has his phone number. They have owned this property for about six years and they have looked into a number of different uses. This property has some challenges. To the south is a hard-zoned C3 property - a former used car lot that is presently a long term lease to Penzki Truck Rental. To the west of that there is an extension of an existing class-A apartment project.

To the west property line they have a two-story townhouse and condominium project of some 20 years in age. The challenge that they presented to their architectural team into their marketing team was how can they be a compatible good neighbor in this portion of the property, yet realizing the traffic and the volume up there with the commercial dictated a different type of use. What they are attempting to do is be a good neighbor to those uses that already exist including a recently approved and permitted apartment project. As you will see the site plan that Luis Salazar will present to them, he thinks they will see that the compatibility is based on their neighbors abutting property uses. Over the last year and a half the City of Chandler has reduced the size of his property to buy additional right-of-way. Today Elliot Road has a right-of-way capable of this intersection of nine lanes. Arizona Avenue at this intersection has a capability of eleven lanes. That's engineering work done by Stantec a retaining consultant of the City of Chandler. They have constructed and completed that work. There is an enormous volume of automobiles north, south, east and west. Gateway corner has a lot of traffic. There is a stretch of approximately four miles going north on Arizona Avenue and continuing south to about midway where there is not any fuel being sold on the west side of Arizona Avenue. Of these four corners there is no gas being sold to service the volume of employees and residents of the City of Chandler moving through this intersection. This is a challenging task for their architectural team. Dysfunctional as far as traffic flow – most residents in assisted living do not have the ability to drive. Many residents in the assisted living are not allowed to leave the grounds – some are. The walking distance to the convenience store or the landscape areas that have been created in the rear of the property are attributes. Traffic consultants have been retained and studied the access points on both Elliot Road and Arizona Avenue.

Luis Salazar, their architect, will take the podium in a moment and will give you a more technical background on that. Bob Badula who is in attendance tonight is one of the premier franchisees for ARCO oil in the western United States. Bob's a successful businessman who makes sure that his operations are clean, inviting and safe – all of the things they look for in a component in their development. New Dawn Assisted Living provided them with the type of use that was transitional between Class-A apartments on the south and are neighbors to the west in two-story town homes and condominiums. The assisted living in connection with small-to-scale 3000-4000 square foot office buildings allowed them to make that change. They didn't zone the property adjacent to them to the south C-3 nor did they grant the approval to the Class-A apartments immediately to the west that abuts them. Nor were they all around 20 years ago when the condominiums were approved to the west. They are trying to come up with a compatible plan for the neighbors. They have had many meetings with Bill Dermody. He thinks they were cooperative meetings. They have had lists of 30 to 40 items which they have addressed one at a time. They have continued to submit site plan approvals and granted there are some issues that they have a difference of opinion on but he would not want this Commission to think they have not attempted to be cooperative, that they don't do good quality development – Corcovado Village at Warner and McQueen is one of his former developments in our city. They are here tonight to present it from their perspective.

LUIS SALAZAR, PROJECT ARCHITECT, 723 W. POLK, PHOENIX, said he would like to talk about two or three things and will wait to the end to address Bill Dermody's concerns. They obviously have a different opinion on some items but like Steve Bunch they have been working very, very closely with him and he has been very helpful. He said the next time you see a shopping center, think what the architect must have been thinking as far as the concept or was there a concept. One of things he likes about this project was that when it was presented to him there were dissimilar uses. That is a plus. All of Europe is that way and they love Europe. When you have the same retail over and over you end up with an enormous amount of shopping centers that vary the height arbitrarily, that have different colors arbitrarily, but there is no strong concept. Everything they have done in this project is a challenge. How were they going to make this project look like there compatible with each other? This is number one. Number two, whatever they do let's do something that is functioning and number three, let's address Arizona weather which 90% of every building in this state does not address. Years ago in the territorial times they had porches and the long overhangs. Now they have California architecture here. Obviously, they don't have California weather. What they developed were two things that were very important. They developed a horizontal shade structure connecting these structures for the most part - 80% of it. Then they developed a screen structure, which is the clay block. That screen structure is used at the Heard Museum many, many, years ago. If you go to the Heard Museum, you notice that all the buildings are different. There is the new edition, there's the very, very old edition existing building and then there's the other editions. This is the same as the Franciscan Retreat on Lincoln. All these projects have one thing in common; they are different but they have a sense of space. This is what they try to achieve in their projects. The Biltmore amazingly enough is a conglomerate of different kinds of architecture and yet there is a sense of space there. It is a successful shopping center. If you look at it, it is amazing because it has a sense of space.

Many shopping centers may have fake stone and wainscot out of stone and arbitrarily have colors but there is not a sense of space because there was no strong concept on it. On a plan view you can see that they have these towers but they are not arbitrarily placed. These towers signify a beacon that you are entering an area of a certain type of function. Every building has this tower. The clay is a functional thing not a decoration like fake stone. This provides shade. The shade in Arizona is one thing we have and it's very unique to Arizona. We have buildings that don't have overhangs and we have sidewalks that are not shaded. The clay block is an 8 x 8 x 8 clay block that you can see through. Beside the visual effect when the sun hits it, it creates all these patterns. When you walk underneath the trellis, the temperature is probably the same as out in the pavement, but psychologically you see the change of shadows. All this is very, very good. This is not a decorative thing. He showed pictures that are consistent yet all the buildings were different; different type of roofs, some are parapet. They unified the roofs by going with the Mission tile. If you look at this the whole shopping center has a sense of space. They know they are in an area that shade is probably the number one element. When it comes to materials, they only have white stucco and clay block. Simplicity is what makes longevity in buildings like the Heard Museum and the Franciscan Retreat. When you

have a mixture of materials this is not following any kind of design criteria. This is something many cities have improved on because many years ago architects did plain boxes. There is more to design than just having different kinds of materials otherwise there is no reason to go to school. All they have to do is change the materials. There is more to design than just selecting several materials. They all know about Tuscan architecture that has every material known to mankind and yet it is not Tuscan architecture it is something that was invented in Arizona.

The block he is talking about you can see through it. He showed a view of what it looks like from further away – a building probably 35 years old on Camelback. The purpose of this block was strictly not for decoration but to shade that elevation. You can see all the sun where the foliage is – behind the block it's totally in the shade. That is what they are trying to achieve. He showed the Biltmore where there is a sense of space and yet all the buildings are totally different. How that evolved he is not exactly sure other than they were all built at different times. He showed the Franciscan Retreat with a plain white wall but it has endured enormous amount of time. He showed the Heard Museum and they have a similar block and it's all white but again, they are addressing the concerns of the heat we have here in Arizona. He showed a Ramada that is connecting areas. That is what they are trying to achieve. Mr. Salazar said he is not trying to compare their building to the Heard Museum or the Franciscan Retreat. They just have the same elements they have. He also showed a picture of a shopping center on 2031 N. Arizona Avenue and by changing all the colors he guessed that made it a good architecture. He showed another one where they are addressing just the corner but the rest of the building is plain. They have seen this in every city. When you have a project, not only do you have aesthetic concerns, you have codes and zoning ordinances and client requirements. There is an enormous amount of input. What they try to do is simplify all this and that's what they did by having just two materials and shading so that the experience in this place is pleasant. There is some degree of shade. That is what we all seek and why we all plan trees. We all want to park underneath that tree.

Mr. Salazar said that somebody was concerned about the galvanized trellis work. - Galvanized is the wrong term. They are getting them primed because they are going to be painted. They are going to be painted Chocolate Brown. He showed a project on 7th Avenue and Thomas on the west side of Phoenix. From a distance it looks like it is wood. Probably years ago it was wood but wood doesn't do well here in Arizona and it starts warping and cracking. As you get closer, you realize it's not wood at all. This is probably the color they are going to do and everything you see there is steel. He showed another project on Central Avenue and everything is Chocolate Brown steel. It also showed that screening is an important device.

He addressed Bill Dermody's concerns. First, they have a deceleration lane and second, when you come in, the first car you encounter would be over here (he showed where on the plan), which is more than 80 feet. An 80-foot throw doesn't necessarily have to be in a straight line. Mr. Salazar talked about stop signs. He also said if you line every building in a row like many shopping centers that is considered not disjointed. What they

are trying to do is instead of having an office building of 12,000 square feet they have four small buildings of 4000 square feet creating this residential feeling that the assisted living has. The people in the assisted living are elderly people that cannot be left alone. They do not walk away from the building – they are in a controlled environment. These people are not going to go to the gas station. They say they never have more than 20 cars in the parking lot. Most of the cars there are for the employees. There are usually four to five cars visiting their relatives. If you go behind the shopping centers, you see a service where all the dumpsters are and all the boxes are. They are usually areas that are not maintained as much as the front area. In their project they don't have that. They don't have a service behind them. What they have is a green area and even on the corner they have a substantial amount of green like a mini park. The view from the neighbors is actually ten times better than you would have in most shopping centers that have service yards. There are not dumpsters back there and it's a pretty nice view to see the mission tile roofs. The buildings are simple. He said he thinks when you get honesty in architecture it has a tendency to last. When you have different colors, in a couple of years you get tired of the color. It is just a temporary fix. The white and red mission tile will be that way and endure the change of time.

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

VICE CHAIRMAN IRBY stated he came in with an open mind but wasn't very excited about their project from a land planning point of view. He thought some of the architectural elements were kind of nice and certain things flowed. He does agree with Staff that mixing a gas station with a medical office and assisted living and auto parts seems very tough to blend together on a small property. He said he took a stab at this property ten years ago with a Quick Trip on the corner and wasn't met with a lot of success. He doesn't like a lot of the land planning. Behind the ARCO is a service drive that is taking up a lot of land and without landscaping they are not achieving a whole lot. Staying with the gas station and the canopy design is the main focal point from the intersection and it's probably one of the least architecturally exciting elements of the design. He said a lot of the pedestrian circulation patterns through this and he see a lot of disjointed and poor design decisions. An example, between the medical A & B, if you come off of Elliot there is a walkway and you start to walk into the project and there is a walkway that you have to kind of walk down the middle of the street. Mr. Salazar said there is no dead end- you walk underneath it. Vice Chairman Irby said you are walking off Elliot Road and you come in and now you are going to turn right going towards Building A - you are walking down the middle of the road. You have pedestrians walking down the middle of the road where you have traffic coming and going. Mr. Salazar said every one of their shopping centers that have detached buildings is that way. You can't put an archway or a walkway where there are cars. Vice Chairman Irby stated that you try to protect it with the landscape islands, etc. Your landscape island is cut short and doesn't come up to that because you are trying to get a fire truck access. They are trying to give up circulation for trash or fire – you gave up the pedestrians to solve that one. There is also pavement against the west property line. Mr. Salazar said there comes a point when you just can't have landscape. In the previous element, he said they

spent 45 minutes discussing the trees and the landscaping. There is more to a project than landscaping. Vice Chairman Irby said it depends on what is on the other side of their property. Mr. Salazar said but they have no service yard in the rear. He said that's where other shopping centers service them all. If they move that over, it's not very accessible for a garbage truck to pick up the trash. Sometimes in the design you have to give and see what is more important and how it's going to work. There is more to design than picking on one little corner. Look at the whole thing and look at other shopping centers that have been approved. It doesn't make sense. He asked Vice Chairman Irby why he thinks it's disjointed? Is it because of the different uses? Vice Chairman Irby replied that it seemed incompatible. Mr. Salazar said what do you do in Chandler when you have a gas station and behind the gas station there are apartments? Although, it's a different developer it is disjointed. You are going to have disjointed if you start saying you can never have anything but apartments. Sooner or later there has to be something else. Vice Chairman Irby said he agreed. It's how you connect them and how you don't. Mr. Salazar said that is why they put the residential in the rear and there are a 6 or 8-foot high wall and landscaping and they can't really see that. First of all these people are not wandering around as they are inside. If they go outside, they would not be looking at a service yard because they have all this landscaping to look at. Vice Chairman Irby said he doesn't have a problem with the assisted living and even the medical except for some of the circulation issues and pedestrian access. He asked why would he put people down the middle of a street. Mr. Salazar said he agrees but that is a requirement that they will have to ask Mr. Dermody about. He would get rid of all those but there is a requirement. Vice Chairman Irby said you have to design the best solution to get to that requirement. He was just giving some of his first observations of things that he likes and doesn't like. He said he doesn't have a big problem with the assisted living, medical office. He doesn't like some of the flow. He asked how are they on parking? Will they need variances on parking? Mr. Salazar said no. Vice Chairman Irby also asked if there was a surplus of parking? Mr. Salazar said he thought one or two cars but not much.

BILL DERMODY, CITY PLANNER, answered that they are over-parked by four cars. If you assume that there is no food service in the ARCO and you assume they have a typical 200 square feet of food service than they would be parked exactly to code.

CHAIRMAN FLANDERS asked if they were covered on the medical office? Mr. Dermody said that is correct. They have divided up the medical office as 1/3 medical and 2/3 other. That's how they have calculated the parking.

VICE CHAIRMAN IRBY asked if these were also going to be sold off as lots? Mr. Salazar said yes the medical buildings one, the assisted living would be the second one, the Checker Auto would be a third one and then the gas station. Vice Chairman Irby asked if each use is parked on their own? They are not sharing parking requirements? Mr. Salazar said yes that would be under the C&R's. They would have access agreements. They would own but they would have access agreements because you would have to drive through the property.

COMMISSIONER CASON said he had a question on the galvanized trellis. He said he was happy to hear it was going to be painted. His concern was if you look at page 18 you have a C channel. How is it going to rest? Is it going to rest on its side or does it rest on its back? How does this C Channel end up looking like the cross section of your trellis? The trellis and some of the things they have demonstrated to them appear to be square or rectangular. In this case, what he is being shown is that the C Channel will stand up on its side on top of the beam. Mr. Salazar showed the C Channel and the beam and said they screw that down into the beam. Commissioner Cason asked what is their rationale for not enclosing that C Channel? Mr. Salazar said they have done that both ways. He thinks it depends on what you are trying to achieve. They are trying to achieve more shade. They have done it both ways. Commissioner Cason said he personally can't see how it would offer any more shadow but he said what it will offer is a lot of birds resting on it and nesting in the bottom of those channels, which wouldn't necessarily be advantageous to the folks that are using it for shade. He said he would hope that they would change that to an enclosed metal. Mr. Salazar said he didn't have any problem changing it, but it is going to be hard for a pigeon sitting there because these are five inches. The shade he was talking about is if he had a tube that shades this way, you get shadows inside. That's the only reason. Commissioner Cason said he was wondering where he has obtained his data that assisted living necessarily means the same thing as invalid. They are indicating that their assisted living people are never going to walk out the doors and they are never going to want to experience around them. In fact, assisted living is going to be something very important in the next 20 years for all of them to live in. The fact of the matter is as health improves and as people move into these and live longer, he thinks presuming or setting up a project that presumes that they will never leave the building is very short sided. As a matter of fact, it's disrespectful to the people that would be inside. He said he would hope that their project would embrace the need for people to be able to leave and participate in the buildings around it such as the gas station, such as the auto parts. If no other reason, than to go so other people and realize they still exist in the world.

STEVE BUNCH replied that the term assisted living is a very broad term. Unfortunately, the President of New Dawn Assisted Living isn't with them tonight. This New Dawn Assisted Living development is a secured campus. The patients for the New Dawn Assisted Living are part of the assisted living business, which does not have patients mobile versus other people in the industry. It is a secured campus – patients with dementia and things of this sort are the primary operating clientele of New Dawn. So when you hear that term assisted living, it's pretty broad spectrum. It is a secured facility. Mr. Salazar said they do go out for walks but with somebody-not on their own. That's why they created the park environment in the back and on the side and in the corner. They do go out but they always with somebody; so it's controlled.

CHAIRMAN FLANDERS asked if anybody in the audience would care to speak in regards to this item.

FRED STERN, ARCHITECT FOR ARCO, 2728 E. THOMAS ROAD, PHOENIX, said he was given a difficult situation in that he has a gas station that he thinks is a necessity for the city in certain areas. They have a highly trafficked area that basically is an excellent place for an ARCO. The ARCOS aren't necessarily destinations they are places that basically take advantage of traffic that's already there. It's not like somebody gets up in the morning and says they are going to an ARCO and they are really going to increase the traffic that was already there on the two main streets that are probably the highest traffic streets in the city. They had to work within the context of the development. They are trying to do basically a modern, contemporary, nice looking, clean gas station that will service the public. They work within the parameters that they were given by the developer for the entire development and the requirements of the city. He said Commission said there was a QT that was planned for this. They have done plans on this where they were parallel to each of the streets. It was the city that basically told them that they wanted to see this basically at a 45-degree angle on the corner and essentially put the canopy where it is. The landscaping requirement that the city has on this corner is that they have 50-foot of landscaping that's going to be very highly landscaped. They have as a necessity a canopy that's out front. That is something that's going to be there for any kind of a gas station. They feel this is a good corner for the gas station and they are trying to fit within the context of the entire development. They are trying to do the best job they can. There is a need for a gas station there. This is on a through corner and the actual traffic access coming from the north or the south is probably not going to cause any problems getting in and out as far as backing up traffic on Arizona and/or Elliot. They feel this is a good solution for the gas station as far the landscaping behind. On the street behind the ARCO they were trying to accommodate service trucks that would not be out in front. They have no problem putting landscaping back in that area. They look forward to the people at New Dawn that are able to possibly get out to be able to come out and use the convenience store for things that they may need over there.

CHAIRMAN FLANDERS thanked him for his comments. He asked if there was anybody else that would care to speak regarding this item.

ERIK BEAU, NEW DAWN ASSISTED LIVING, NEW JERSEY, said he wanted to reiterate a couple of things. They do only service Alzheimer's and Dementia residents. None of those residents leave the site on their own. The homes are secure and they are not allowed to leave the area without Staff or a relative. Their company started in New Jersey where they are a permitted use in a residential zone and needless to say, none of the residential zones wanted them so they ended up being on the edge of all residential zones in New Jersey and it has worked out very well. They are on busy intersections with service stations across the street. They are on busy intersections with all kinds of commercial established around them. They are right on the edge of the residential zone in a residential zone but as a transitional use. It's worked out very well in New Jersey and now they are developing all over the country in similar situations as this.

CHAIRMAN FLANDERS asked if he as an operator of this type of facility would be a little concerned with the location of this facility related to the arterial roads, and also to the adjacent uses such as the gas station and the convenience store? Mr. Beau said the assisted living homes in New Jersey they are right on the edge of those all the time. Chairman Flanders said from a standpoint of going from a low intensity use to a high intensity use as a user he would be a little concerned for his residents if there were a chance they do get out. Something may happen to them wandering through the traffic of the gas station, convenience store and everything else.

Mr. Beau said they are used to dealing with it. About 60% of the ones in New Jersey are right on the intersection. They would be right where the ARCO station is. They are used to dealing with those situations. Their residents are monitored and all kinds of security systems and cameras. They don't have people getting out. Chairman Flanders asked him if they have ever had somebody get out in their history. Mr. Beau said no and they have 15 operating in New Jersey right now.

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

COMMISSIONER RIVERS said if he understood what they were telling them, this is not an assisted living facility. This is an Alzheimer's and Dementia ward. Is that correct? Mr. Beau said it is still assisted living. They are under the assisted living umbrella. Commissioner Rivers said that is an awfully big umbrella. His parents went through old age and they have both now passed and they went through independent living, assisted living, 24-hour nursing care and unfortunately his father was admitted the Dementia ward. These are four separate things. Assisted living is for someone who can handle most of their daily activities by themselves but they need help with certain items such as bathing, cooking, etc. If this is a 24-hour care facility that is under lockdown and has to have individual escort for these patients, this is not an assisted living facility in his definition. It is something totally different more on the level of a hospital. Mr. Beau said no they don't provide medical care. They administer medications – that is all they do. There's no medical care. Commissioner Rivers asked since they have Alzheimer's and Dementia patients, they do not have medical care? Mr. Beau said they do not have medical care. If they need medical care, then they are not the place for them anymore and they move out.

COMMISSIONER CASON said he had a question for Mr. Salazar. He said he did notice on the plans that there were fences separating the assisted living from the parking lots but now he is concerned – how high are these fences? Mr. Salazar said they are four feet tall and an iron picket fence between the columns. Commissioner Cason said he is presuming that when they say Dementia patients they aren't always invalid or unable to get around. He asked if some of their Dementia patients who were agile would be able to move around rather well? Mr. Beau answered that there are some wheelchair bound residents but for the most part they are able to get around. Commissioner Cason said referring to the age aspect, would some of these Dementia patients or all of these Dementia patients not be able to scale a four-foot wall? Mr. Beau said most of them

could not scale the wall but they are supervised when they are outside too. They are also monitored with bracelets.

FRED STERN, ARCHITECT FOR ARCO, stated that ARCO does have another location at McQueen and Elliot about a mile away. When they open this up, they would close that one down. In other words, they are actually helping some of the traffic in the area by closing down the station that is already in the area and just operating this one.

CHAIRMAN FLANDERS asked if anybody else would like to speak on this item. He asked the applicant if there was any closing statement he would like to make.

STEVE BUNCH, said no but again he would point out as a reminder that the character of this property and the character of their development has been in response to some existing vertical building construction development that exists. Those being the townhouse condominiums to the west, recently approved Class-A apartments to the south, hard zoned C-3 adjacent then on the south moving out to Arizona Avenue. He said it was a challenging task that they gave to Luis Salazar and their marketing department. What they have tried to do is to recognize the automotive related use just as Penzki has with their hard zoned C-3 next to them, transitioning back towards their neighbors (the townhouses and Class-A apartments) with uses at a scale and the type of use that would be compatible with what exists there today.

CHAIRMAN FLANDERS asked if there were any additional questions of the applicant. There were none so he closed the floor for discussion and a possible motion.

COMMISSIONER GULSVIG said he came there also with an open mind to listen to the testimony. He read through the data that was presented by Staff and looked at the plan that was presented by the applicant. He has a problem with the transition going from residential into medical assisted care and also the medical next to the gas station and automotive store. He said he agrees with Staff and he hadn't heard any testimony to alter that opinion. This is not compatible land use. There is residential property sitting next to assisted living. It would make more sense if it were some retail outlet that the residents of that apartment complex use. Or if it was all assisted living and no gas station that would make sense to him. He stated that he totally agrees with Staff on this. The other part that he is not very appreciative of is the traffic flow. It doesn't appear to be fluid. It has its upside and downside. That's probably a result of the fact that its mixed-use that is not compatible. As far as the architecture goes, he appreciates the fact that it is an attempt at making it what we would probably classify as a "green" using the old style technology to develop shade in areas. To him, this architecture doesn't fit with that area as well. He still is open-minded but he is not in favor of this at all.

COMMISSIONER CASON stated he doesn't have any problem with the gas station or the Checker Auto or the medical offices. What he has a problem with is the assisted living component. He would be a lot happier if there were offices in the place of the assisted living buildings. He thinks it would be a more compatible use. He really is not a

big white building favorable person but he thinks they did a great job with these. I personally like the trellis feature and the accent of the red block with the white. For him it's a compatibility issue with the residences. He said he thinks if they put some offices in there it would give them an opportunity to add an additional driveway on the west side of the property that would allow people to go west on Elliot Road which, of course, with the way it is set up won't allow that to happen.

COMMISSIONER RIVERS stated he hoped he didn't sound too much like he was repeating but said he sees in this project two projects. The compatibility was the issue for him and he thinks if instead of the assisted living segment there would be more automotive uses or instead of the automotive uses there would be more medical office buildings. He thought this would be in sink with itself but what they have here is two projects on one lot and this is rather a small lot. He has all kinds of problems with the compatibility issues and the traffic uses, especially that left turn off Elliot Road. He stated he wouldn't be favoring this.

VICE CHAIRMAN IRBY stated his gut feeling when he was looking at it and started to hear what they were doing, you could almost make the gas station and auto work but separate it from the rest of the building – not trying to connect it all together with driving to them. He doesn't care for the architecture of the whole thing. He likes a lot of the design elements, the assisted living architecturally has a nice feel to it with rooflines and so forth, and then as it spreads out in other buildings gets more and more diluted and becomes too commercial. It has little remnants of some of the architecture they talked about. The backside of the AM/PM shows a screen wall that all they are screening is a blank wall. It's not screening windows or anything of that nature and it doesn't turn the corner when he looks at the side elevation. It doesn't tie together very well from one use to the other. It just has a few little pieces of each thing. He also can't support that fuel island designed as it is. It needs to be broken apart and something different is needed with the rooflines or get rid of some of the tile roof on it. There are a lot of things he can't support and it needs a lot of work especially the pedestrian circulation through the project. There might be a way of reconfiguring the circulation of automobiles and people and breaking them out into different uses but it is a pretty tight site and he is not sure how he would do that.

COMMISSIONER KELLEY stated that he thinks the applicant obviously recognizes that these are non-compatible uses to put a six-foot wall between the gas station and every other use on the site. They recognize that. Based on that alone he feels that this isn't a qualified mixed-use project as they have brought it to them today. He does disagree somewhat with Staff in that he thinks that a market component would actually be a great mixed-use combination with office uses and assisted living uses, but the fueling component he also agrees is not a compatible use.

CHAIRMAN FLANDERS stated in regards to a lot of developments that he looks at there is usually three points that he goes through and he usually uses a three strike rule when he goes through the checklist. When he first looked at this he didn't like the land

use. You have a residential or low intensity use to a high-intensity with a convenience gas and with retail parts store. The land use was the first checkmark that he didn't agree with. Either it's going to be all retail with some office or the assisted living with some type of an office. What trips it up is the combination of all three of those together. Looking at the site plans he cannot get his hands around this site plan at all. It doesn't work for him at all from the circulation standpoint. It is stuff he sees everyday and he does shopping centers everyday. He sees a lot of good stuff and a lot of bad stuff. This doesn't grab him. There are some elements of the building architecture that he really likes as far as use materials and how they are used. It really for this corner as a "Gateway Entry" doesn't pop for him. It needs to grab you with design and use. It just doesn't do it for him. He said with that he really can't support this application and so he agrees with Staff and their findings.

CHAIRMAN FLANDERS entertained a motion.

MOVED BY VICE CHAIRMAN IRBY, seconded by **COMMISSIONER GULSVIG** to deny DVR07-0006 ENTRADA DE CHANDLER. The denial was passed 6-0 (Commissioner Creedon).

CHAIRMAN FLANDERS told the applicant that Planning Commission is a recommending body to City Council. They will need to present this to Council.

8. DIRECTOR'S REPORT

9. CHAIRMAN'S ANNOUNCEMENTS

The next regular meeting is January 16, 2008 at 5:30 p.m. in the Council Chambers, 22 S. Delaware Street, Chandler, Arizona. He thanked everybody for a good year and wished everybody a good holiday season.

10. ADJOURNMENT

The meeting was adjourned at 9:13 p.m.

Michael Flanders, Chairman

Douglas A. Ballard, Secretary