

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 6, 2008 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Vice Chairman Irby.
3. The following Commissioners answered Roll Call:

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

Also Present:

Mr. Kevin Mayo, Principal Planner  
Ms. Jodie Novak, Senior Planner  
Mr. Erik Swanson, City Planner  
Mr. Glenn Brockman, Assistant City Attorney  
Mr. Bob Bortfeld, Senior Engineer, Public Works  
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES  
**MOVED BY VICE CHAIRMAN IRBY**, seconded by **COMMISSIONER CREEDON** to approve the minutes of the January 16, 2008 Planning Commission hearing. Minutes were approved 7-0.
5. 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 put any of the items for discussion. There were two action items; Items B and C.

**MR. KEVIN MAYO, PRINCIPAL PLANNER**, stated the following items are for the Consent Agenda approval along with any additional stipulations.

A. DVR07-0002 SEC OF ARIZONA AVE. AND GERMANN RD.

**APPROVED.**

Request rezoning from Regional Commercial District (C-3) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a commercial retail development on approximately 3.5-acres located at the southeast corner of Arizona Avenue and Germann Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "PROPOSED RETAIL CENTER SEC OF AZ AVENUE AND GERMANN RD." kept on file in the City of Chandler Current Planning Division, in file number DVR07-0002, except as modified by condition herein.
2. Right-of-way dedications to achieve full half width for Arizona Avenue and Germann Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
9. The developer shall be required to install landscaping in the arterial street median adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
10. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface

water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality, which meets the requirements of the Arizona Department of Environmental Quality for the purposes, intended available to the property to support. In the event the owner sells or otherwise transfers the development to another person or entity; the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the SEC Arizona Avenue and Germann Road (DVR07-0002) development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. The light fixtures upon the Sonic building shall be replaced with lights matching the decorative hanging lights found upon the Shops building.
12. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
13. The Sonic building shall utilize the split-faced block wainscot and decorative center-score block columns as found upon the Shops building.
14. The site and outdoor patio areas shall be maintained in a clean and orderly manner.
- 15. The drive through lane screening shall be extended west to provide street view screening from Arizona Avenue.**
- 16. The decorative scoring pattern and proportion shall be consistent for each building.**

D. DVR07-0037/PPT08-0001 ROCKEFELLER GROUP CROSSROADS

**APPROVED.**

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for a business park development consisting of industrial and commercial uses on approximately 80-acres located at the northwest of Gilbert and Queen Creek Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "ROCKEFELLER GROUP CHANDLER CROSSROADS" kept on file in the City of Chandler Current Planning Division, in file number DVR07-0037, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
9. The developer shall be required to install landscaping in the arterial street median adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
10. 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 ROCKEFELLER GROUP CROSSROADS development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. All raceway signage shall be prohibited within the development.
12. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.

**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.

E. DVR07-0039 DOBSON CENTER

**APPROVED.**

Request Rezoning from Agricultural District (AG-1) to Planned Area Development with Preliminary Development Plan approval for medical office and retail development on approximately 6.7 acres. The subject site is located at the southwest corner of Frye and Dobson Roads

1. Development shall be in substantial conformance with Exhibit E, Development Booklet, entitled "DOBSON CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0039, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The site shall be maintained in a clean and orderly manner.

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4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. 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.
6. All raceway signage shall be prohibited within the development.
7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
8. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
9. 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.
10. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
11. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
- 12. The applicant shall provide additional steel overhangs on the north side of the medical building as found on the building's south side.**

F. DVR07-0042 NORTON'S CROSSING  
**APPROVED TO CONTINUE TO THE MARCH 5, 2008 PLANNING COMMISSION HEARING.**

Request rezoning from Planned Area Development (PAD) for commercial uses to PAD amended for an office, retail and multi-family development, with Preliminary Development Plan (PDP) approval for site layout and building architecture on approximately 23.5 acres. The subject site is located at the northwest corner of Chandler Boulevard and Gilbert Road. **(REQUEST CONTINUANCE TO THE MARCH 5, 2008 PLANNING COMMISSION HEARING.)**

G. PDP07-0032 POLLACK CHABAD CENTER

**APPROVED.**

Request Preliminary Development Plan (PDP) approval for site layout and building architecture for a Synagogue facility on approximately 2.3-acres located at 875 N. McClintock Drive, just south of the southeast corner of Ray Road and McClintock Drive.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 1909, in case Z87-156 RAY & MCCLINTOCK.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Pollack Chabad Center for Jewish Life" kept on file in the City of Chandler Current Planning Division, in file number PDP07-0032 POLLACK CHABAD CENTER, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. The landscaping along McClintock Drive shall comply with the Commercial Design Standards.
7. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
- 8. The applicant shall work with Staff to architecturally integrate the monument sign with the building as well as provide space for community event information.**
- 9. Building moutage signage shall be indirectly eliminated.**

H. UP07-0105 PRICELESS TOO

**APPROVED TO WITHDRAW.**

Request Use Permit approval for a Series 6 (Bar) liquor license, for an extension of premises to allow for an outdoor patio. The subject site is located at 3029 N. Alma School Road, Suite 2, at the northeast corner of Alma School and Elliot Roads. **(APPLICANT REQUESTS WITHDRAWAL.)**

I. UP07-0107 CALVARY EVANGELICAL LUTHERAN CHURCH

**APPROVED.**

Request Use Permit approval for a modular building used by the church. The property is located at 1270 N. Dobson Road.

1. Expansion or modification beyond the approved exhibits and representations including a site plan and narrative shall void the Use Permit and require new Use Permit application and approval.
2. The modular buildings shall be used for offices and classroom use only. Events, regular meetings, and services are not allowed.

3. All pedestrian walkways to and from the modular building shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
4. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
5. **The applicant shall with Staff to provide molding around windows and doors.**

J. UP07-0112 CORK

**APPROVED.**

Request Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for on-premise consumption only indoors and outdoors within a new restaurant. The property is located at 4991 South Alma School Road in the Promenade at Fulton Ranch, northeast corner of Alma School and Chandler Heights 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 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 12 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 restaurant locations.
5. The site and outdoor dining area shall be maintained in a clean and orderly manner.

K. UP07-0113 BEAR CREEK GOLF COMPLEX

**APPROVED.**

Request Use Permit approval to sell liquor (Series 12 Restaurant License) within a new restaurant located in the clubhouse of the Bear Creek Municipal Golf Course, at 500 E. Riggs Road.

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

L. UP08-0005 SAN TAN BREWING COMPANY

**APPROVED.**

Request Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License and Series 3 Domestic Microbrewery License for an extension of premises of an outdoor patio at an existing restaurant. The property is located at 8 South San Marcos Place in Historic Downtown Chandler.

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 12 and Series 3 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 restaurant locations.
5. The site and outdoor dining areas shall be maintained in a clean and orderly manner.
6. Compliance with all building and fire code requirements including fire sprinkling the colonnade per approved plans.

**M. PPT07-0055 CHANDLER WOODS CONDOMINIUMS**  
**APPROVED.**

Request Preliminary Plat approval for a residential condominium development located south of the southwest corner of Chandler Boulevard and McQueen Road.

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

**CHAIRMAN FLANDERS** asked if anybody in the audience wanted to pull any of the consent items for a full presentation. There were none. He asked if there were any comments or questions from Commission.

**COMMISSIONER KELLEY** stated that he would be abstaining from item D. He has a conflict as he lives directly across from that project.

**CHAIRMAN FLANDERS** stated he had a couple of “conflicts”. On Item A he has a “conflict of interest” as the developer is a current client of their company. On Item C he is the architect of record for the company working on this and on Item G he is within the notification area so he wouldn’t be able to comment on that either. He then entertained a motion.

**MOVED BY COMMISSIONER GULSVIG**, seconded by **VICE CHAIRMAN IRBY** to approve the Consent Agenda with the additional stipulations as read in by Staff. The Consent Agenda passed with noted exceptions 7-0.

**ACTION:**

**B. DVR07-0014 CHANDLER HEIGHTS RETAIL**  
Request Rezoning from Planned Area Development (PAD) to PAD Amended with Preliminary Development Plan approval for a retail shopping center to include a carwash and fuel station on approximately 19.5 acres. The subject site is located at the northeast corner of Chandler Heights Road and Arizona Avenue.

**INFO #1**  
**February 28, 2008**

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2. Right-of-way dedications to achieve full half width for Arizona Avenue and Germann Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
9. The developer shall be required to install landscaping in the arterial street median adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
10. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water

service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality, which meets the requirements of the Arizona Department of Environmental Quality for the purposes, intended available to the property to support. In the event the owner sells or otherwise transfers the development to another person or entity; the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the SEC Arizona Avenue and Germann Road (DVR07-0002) development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. The light fixtures upon the Sonic building shall be replaced with lights matching the decorative hanging lights found upon the Shops building.
12. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
13. The Sonic building shall utilize the split-faced block wainscot and decorative center-score block columns as found upon the Shops building.
14. The site and outdoor patio areas shall be maintained in a clean and orderly manner.

**MR. ERIK SWANSON, CITY PLANNER**, stated this request for rezoning from Planned Area Development to Planned Area Development Amended to allow for a fuel station along with PDP approval for a commercial site on approximately 19 ½ acres. The subject site is located at the northeast corner of Chandler Heights Road and Arizona Avenue. The subject site is located within our Southeast Chandler Area Plan as well as the Southshore Area Plan. The site is designated in the Southeast Chandler Area Plan as a commercial site. Furthermore, it is designated as a major entryway into the City of Chandler. The proposal is requesting approval of approximately 108,000 square feet of retail and day care as well as 6,000 square feet of convenience store in the carwash. He said there is a gas station proposed at the southwest corner as well as various pads throughout. There are approximately 5 pads. In addition there is a fitness center being

proposed as well as a daycare and a bank. Staff is in support of the request but Staff does have some concerns. There are some deviations from the zoning code and commercial design standards. Located at the intersection corner where the gas station is one of their commercial design standards is a required 50 x 250 landscape setting along both frontages. The proposal is requesting deviation for relief of five feet along Arizona Avenue and approximately 25 feet along Chandler Heights roughly for the distance of the 250 ft. There is a little corner where the water feature goes into the 250 ft. In addition, the applicant is requesting deviation for retail (F), which is the fitness center, the major for the site. They have a requirement of a 25 plus 1-foot building separation from any residential zoned property. Staff is in support of this deviation sighting that to the east of the site is open space and therefore, doesn't directly affect any residents. Staff is aware that there are a number of concerns with access and some issues with the site. Rather than going into detail, they would rather open it up to questions and comments from Commission.

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

**COMMISSIONER GULSVIG** stated on the access coming off of Arizona Avenue he has a problem with the traffic flow, which appears to be contained without an access area.

**MR. SWANSON** said there have been some concerns with access to the site along Arizona Avenue, seeing as there is just one main access point. Staff has been working with the applicant as well as with our traffic department to potentially provide an additional access point to the site based on comments from Commissioners and Staff as well. In meeting with the traffic department there were a couple of options. There is a proposal to punch one in and make it a right in, right out. The applicant is in favor of this or not providing any additional access. They can move the drive approximately 50 feet north and still maintain the requirements. Staff would prefer to move it north if an access point is desired because then that provides them with the potential to shift the gas station out of that 25 foot deviation and provide them with the 50 x 250 required landscape setback.

**COMMISSIONER GULSVIG** asked if the shifting of the building would reduce the amount of parking space? Mr. Swanson said that could potentially do that. Currently, the site is over parked approximately by 68 parking spaces. There is room to work with an excess of parking. That area traveling up Arizona Avenue is a high traffic area now and is probably going to get worse as Fulton Ranch gets built up plus the Arizona south of there off of Arizona Avenue and Chandler Heights. He feels that having that carwash and the gas station there at the same time provides a real congested area. He understands they have standards as far as how far you can have an access close to a bus area. In this case, it would be safer to have an access even directly straight out from that road. Buses aren't going to be traveling that route 24 hours a day, 7 days a week, every hour on the hour. There will be a higher volume of traffic in his mind. That is a concern of his. His other concern is that the building to the right of that, Retail 'H' has no access to the rear of the building at all. It's retail and all of the deliveries would have to come to the front of the building so there would be a higher amount of traffic floating back and forth. Also,

that particular retailer that is sitting there is going to have to go along a way to use the trash receptacles to the right and north. It also concerns him as well that there is a retail area being pocketed back into that area. He said those were his concerns but everything else looked nice.

**MR. SWANSON** stated that the applicant has shared that there is going to be an access to the rear as well as they are willing to provide a loading space and a trash receptacle.

**COMMISSIONER GULSVIG** said that was excellent and as far as he is concerned they only need to resolve the egress and ingress issues.

**COMMISSIONER CASON** asked by having this size of property, east of the property between here and the railroad tracks, is there still enough size left on that property to maintain a light industrial office use?

**MR. SWANSON** replied that back in 2005 with the Southshore Area Plan there was a request to amend the Area Plan as well as a rezoning to make this a medium density residential. He showed the commercial piece on the Elmo. What happened with the Area Plan is that they rezoned this to medium-density residential. Approximately in this area is the fitness building that does not meet the 25-foot plus 1. Seeing as directly east of it is a large open space area, Staff was not necessarily concerned with meeting that requirement. Mr. Swanson also said this had already come before Planning and Zoning.

**VICE CHAIRMAN IRBY** asked when somebody fuels up and they go to leave, are they able to turn west and go underneath that structure to exit on to Arizona Avenue?

**MR. SWANSON** said no what will happen is the vehicles will come in and this is a staging area for cars coming through the car wash. Cars will go through the car wash and park there. **VICE CHAIRMAN IRBY** asked what if they are just buying fuel and now they want to get back up onto Arizona Avenue? Mr. Swanson answered they would have to either do a right in, right out or drive through the site and come up and go to the full access area. He said he would check with the applicant to see if they can provide some sort of drive through there. **VICE CHAIRMAN IRBY** said it seemed to him it would be common sense for somebody fueling up that they would want to get back on Arizona Avenue and would try to go in that direction.

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

**LINDSEY SCHUBE OF BEUS GILBERT LAW FIRM, 4800 N. SCOTTSDALE ROAD, SCOTTSDALE**, stated that with her is a large development team representing the ownership group and architects. She stated she has enjoyed working with Staff on this project. She thanked them for their efforts and thorough presentation. She stated she would make her comments brief.

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As stated by Mr. Swanson the project is located at the northeast corner of Arizona Avenue and Chandler Heights and encompasses approximately 19 gross acres. This is an application to request approval for amendment of the existing planned area development zoning as well as a preliminary development plan. The proposed uses are consistent with the General Plan in the Southeast Chandler Area Plan. It includes a daycare, restaurants, a well-known fitness center, retail, carwash/fuel station and a bank. Key site design characteristics include the monument water feature at the intersection, a boulevard entry drive to the project with lush landscaping, varied building set backs, strategically located uses and buildings, parking areas, landscape features to avoid a sea of asphalt as well as pedestrian notes throughout the development to encourage pedestrian connections. The architecture is rural in nature and as dictated by the Southeast Chandler Area Plan. The developer and Staff have worked hard to create a well-designed site plan and they are happy to be there in front of Commission tonight. They are in agreement with 16 of the 18 stipulations that were proposed to them.

Stipulation no. 16 states the applicant shall work with Staff to provide layout alternatives for the retail G building in order to meet the intent of the commercial design standards. She showed the Retail G building on the Elmo. The location of the Retail G building was chosen to create a small limited parking area. The location was also chosen to create varied building locations along Chandler Heights. They wanted to negate the sea of asphalt that would be presented if the building were to be moved north. They like the idea of a few intimate parking spots along Chandler Boulevard so that as people are traveling by they can see that there is parking in front of the local smoothie shop or that there is easy access to whatever retail building is in there. It also affords the opportunity for service drives and loading and unloading for both Retail G and the fitness building which is located just to the north of the site. Because of these reasons they believe the proposed location presents the best opportunity for Chandler residents to have a very pleasant street scene along Chandler Heights Boulevard and having diversity in building setbacks avoiding a sea of asphalt. They like where the building is and therefore, they request that stipulation no. 16 is stricken. Additionally, it is important that they have fifty feet of landscaping in front of that building to negate any negative impact of the parking located in the front of their site.

Stipulation no. 18 is something that Staff touched upon. The applicant shall work with Staff to provide layout alternatives of the fuel station and car wash located at the intersection at the corner. The main purpose of this request is as Staff explained the 50 by 250 landscaping requirement - fifty feet of landscaping for the first 200 feet at the intersection. One of the issues at hand is how the fifty feet is calculated. They have 50-feet of landscaping, more or less, at that intersection. Unfortunately, if you count it, the property line is the bold-dash line and therefore, Staff doesn't count any of the landscaping south of the property line. If they do count that landscaping, they have close to if not the entire 50-feet. Also, in rebut to Staff's comments, they thought they had 50-feet along Arizona Avenue. If they don't, they will give them the 50-feet. In response to that stipulation, they believe they have sufficient landscaping close to 50-feet, if not 50-feet. That is enough to buffer there fuel station and car wash. Secondly, an issue raised tonight by Commission was there traffic circulation. They believe this traffic circulation

works well. With regard to an access point along Arizona Avenue, they don't have a problem with an additional access point where they have the current drive aisle. They do have a concern if that access point gets any further north due to the proximity of the boulevard. They would rather see it right where they have their current drive aisle. Of the three options presented by Staff, they would take the A or B option. They are not as supported of C. They have worked closely with transportation and planning on this. Hopefully, they have come up with a solution that they are all happy with.

Thirdly, concerns with the regard to the corner architecture, there were some questions raised by Commissioners and Staff as to what that corner was going to look like. They did not provide any rendering in their packet. They prepared one in the past couple of days. They wanted to give them a chance to see from the street what that's going to look like with their water feature, the monument sign and the canopies, the shade structure there. They can answer any questions about that architecture.

Lastly, there are some questions in regard to the gas canopy or gas shade structure. They have added an architectural element there. They have no problem stipulating to that. It ties in the architecture of the gas canopy to the other architecture of this center. They are hoping this is just in response to some of Commissions concerns. She stated they have 75% of their space leased out and they have construction documents ready to go. Their client wants to finish construction by the end of 2008. This is a serious developer and they have the loans in place, the financing and they are ready. Anything they can do tonight to help progress this project they are happy to do.

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

**VICE CHAIRMAN IRBY** stated he thinks they heard his comment about traffic flow around the fuel island. He asked the applicant if she understood his comment. Obviously, somebody coming off for just fuel and not a car wash, when they are finished they want to get on to Arizona Avenue. The more he looks at it, it seems clumsy and difficult to pull that off.

**MS. SCHUBE** replied that there is no circulation path through these drying canopies. If someone was to access it off of Arizona Avenue, the intent is for them to loop around and either come out on Chandler Heights and then head north on to Arizona Avenue or to come back around and come out on the boulevard. Unfortunately, they think if you were to create an access point through the drying canopies that would create more confusion and more potential conflict points then keeping all of the automotive uses contained to this area. There is no potential for cars to come back through that point. An access point would be great they could come back around and come out through there without using the rest of the center. If they were to add an access point, there would be some other minor changes that would have to be done. The intent is to keep the automotive uses in this area and avoiding the pedestrian connections and the other non-automotive uses on the property. **VICE CHAIRMAN IRBY** said you always try to design fuel stations so that customers can easily get to the fuel islands and also have a very common sense way of getting out. He said he knows planners always have great ideas and let's turn it on a

45-degree angle. That's great to pull in but when you want to leave and go the opposite direction you have a sharp turn to get out. Ms. Schube stated this is a similar layout to the Cobblestone gas and car wash located at Germann and Alma School Roads. Although it may look congested on this plan, it actually does work very well. Going into the fuel station you come in at a 90-degree angle and they can potentially stripe arrows to help people move around there. They don't think access through the drying canopies would be less congested, they think it might add to the confusion. Vice Chairman Irby said also if someone should grab the first fuel pump on the far east side, they are actually in the traffic flow for people trying to exit out. He thinks that maybe that driveway is too close to the fuel island.

**JOHN REDDELL, RIDDELL ARCHITECTS, 7524 E. ANGUS DRIVE, SUITE 1, SCOTTSDALE**, said he has done several gas and car wash combinations throughout the valley. The circulation from Chandler Heights is there main circulation end. Staff has moved that driveway that you are talking about coming in off of Chandler Heights farther to the west than it was originally proposed. As you do pull in, you can come into the gas and make a turn to the left to come around and out. But for car wash circulation, they have the access coming in right into the vacuum area and to the lube through the tunnel headed west and then they come back out. The car wash doesn't have to be 100%, but the most efficient circulation on a car wash is counter clockwise motion for the entering of the conveyor and through the tunnel and out to access. From the finishing canopy they have the ability to come back out and on the south side of the gas canopy and exit on to Chandler Heights. If there was an access point off of Arizona Avenue at that drive lane that is north of the car wash, that would be a much easier alternative circulation to get out to Arizona Avenue also. That would be very helpful. He doesn't see the circulation of the gas coming in and out of Chandler Heights as an issue. The issue coming in off of Chandler Heights where the driveway is located now was moved to the west by Staff for separation from the other driveway on the east side of the site.

**VICE CHAIRMAN IRBY** said he goes to Cobblestone and they are very successful. That facility is way overcrowded. When he pulls in to get a car wash and you have people stacked up waiting to get car washes, they are going to start blocking some of your access out of your fuel. Mr. Reddell said they have provided three full lanes with about 50-foot stacking that would not interfere with that fuel plus two lanes of lube facility there also. On the landscape island to the west of the canopy, they can cut it back and make it a little bit more accessible around the corner. **VICE CHAIRMAN IRBY** said he thinks the fuel canopy needs to be moved to the west and he would hate to give up the landscaping, but it is looking a little too congested. They can talk to Staff about the closeness to the other driveway. The access point off of Chandler Heights needs to move to the east a little more. He asked how fuel trucks access and make deliveries and leave this facility. Mr. Reddell responded that they have run it by Chevron and their truck division and they are accepting that they come in there and it has a full turning radius and then back out to Chandler Heights around Building H. **VICE CHAIRMAN IRBY** asked where do they stop to fuel up their tanks? Mr. Reddell showed him on the Elmo. The fuel truck will be fully out of the egress/ingress off of Chandler Heights. The only point it clogs is the circulation back through the whole development. The trucks

will be on off- hour deliveries. On all their car washes they request off-hour deliveries. They come somewhere between midnight and 4:00 a.m. They request this because of the vehicular circulation through it. **VICE CHAIRMAN IRBY** said if they come during business hours, they would have a lot of problems with traffic flow. He said he likes how Building G is pushed back away from Chandler Heights and staggers it with 'H'.

**COMMISSIONER RIVERS** said he favors the addition of a right in, right out access on the drive aisle. He asked where they have the staging area for the car wash, is that useable as a pass through for people finished filling up to go out to that drive aisle through that small opening? Mr. Reddell stated that is a vacuum aisle. They could take a look at that but right now they were going to come around the end of the lube bay and back out this direction. It is not designed to be a full access through there. **COMMISSIONER RIVERS** asked if they moved the car wash and there oil operation north forty or fifty feet and turned there fuel island north/south rather than east/west and created an Arizona Avenue access and pushed Retail J north, would that solve all of these problems or create more problems? Mr. Reddell said it would create some additional concerns and losing parking spaces and some other circulation issues. He feels that if they could get the ingress/egress off of Chandler Heights over and the ingress/egress off of Arizona Avenue, they create a good circulation around the car wash. It would make a smooth and easy transition for the customer.

**COMMISSIONER CASON** agreed with the Vice Chairman's comments. They all agree that during early morning and evening hours during the commute, that the operation around a fuel island is chaotic at best. As it looks on the plan, everything seems like it would move. With people going left and right, having this little amount of space between the landscaping and the fuel island, it's about 20 feet. If you have to take a wide swing in there because you are pulling a trailer in order to get to a pump, it's going to be a mish mash of cars wondering where to go and who's going left and right - especially if someone wants to go back into the retail center. People are trying to go up to the gas station or go into vacuum areas or people might be going to the north side of the fuel island to get to a pump - it's too much confusion with cars there. He thinks they should take the whole thing and move it north. He suspects moving Retail J further north is actually affecting Retail F to the point the Retail F customer might not be too happy with blocking their building with Retail J. He can't see the fuel island working at all. He thinks it needs to move north regardless of whether they push the landscaping north because of the condition at this intersection. He thinks to keep cars safe and improve the flow of the area, they need to take that whole facility and move it north.

**ARMAN MALOZO, MALOZO ENTERPRISE, 43671 W. CAPON DRIVE, MARICOPA**, stated the main architect is out of town and he would try to answer some of the questions.

**VICE CHAIRMAN IRBY** said he wondered why they had a driveway between Building J and the car wash. It seems kind of wasteful. Mr. Malozo said there is an escape lane here so that if a vehicle comes into this by accident, they have a way out this area because they don't want them to back up and causes more problems. Building Retail

J is a restaurant and the area in the back is a service area and that's where their loading doors are. This is a very useful and very much needed service area between the two buildings. **VICE CHAIRMAN IRBY** said the overall site plan he doesn't have a lot of problems with. He was going to ask him if it is doable to take Building J and move it south a little bit and take the carwash and move it north a little bit and eliminate that driveway. Maybe create some type of service access behind 'J' so that the trash would move to the east. He doesn't have a problem with the issue of landscaping along Chandler Heights in terms of encroaching into the 50-foot. He thinks it bounces out as it turns the corner. That part of the site plan could be done a little bit better. If you pull those two facilities closer together and eliminate that driveway, maybe you could create more of a driveway between your Retail K and J to move that access on to Arizona Avenue a little more north. Mr. Malozo said his concern is the access point being too close to the main access at this location. He thinks eliminating this doesn't give them the potential to have the majority of the main anchor to have their people coming out and being able to also use this. He agrees that the landscaped island can go away or be redesigned in a better way. He complimented Staff and Commission as this allows us their circulation to flow a little bit better. As Mr. Reddell said the car wash is a very unique monster where they need to have proper circulation or else you get the bottleneck like he said and also longer lines. With the three lane and approximately 50 feet in each lane, they have over 300 feet of stacking in this area. They are trying to avoid any of that bottleneck. With the potential of this circulation being able to relieve out here that will further relieve that as well.

**COMMISSIONER GULSVIG** stated that one of the things that frequently happens at a car wash is customers are going to need some temporary relief after the car is washed. The car has to be parked. Where do they propose to park the cars after they are cleaned? Mr. Marozo said that is why they have so many dry lanes as vehicles are waiting if the customer is still inside. The attendants will then move it to the next lane and the next lane. If a car is backed up and it's been sitting there too long, they can actually move the vehicle to the front of the store or they bring them down to this ancillary parking area.

**CHAIRMAN FLANDERS** said he had a couple questions of Staff. He asked Mr. Swanson how long has this project been going through the process? Mr. Swanson replied that they received the application in March of 2007. **CHAIRMAN FLANDERS** asked how were they to work with as far as Staff's suggestions? Mr. Swanson said overall they have been able to work well together. There have been some instances where there were some difficulties and mainly that being the fuel station. Up front Staff said they are not in support of that deviation on the 25 feet. They know that the whole way through. That was the main issue. They have worked fairly well with the concerns to the north. They did have some concerns initially with the in-line retail A as well as B and C and creating additional free floating pads. They were able to come to an agreement to provide additional treatment in the pavement and pedestrian areas. They eliminated a concern there with the additional pads.

**CHAIRMAN FLANDERS** said he has a number of concerns that he has already voiced.

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He said he would read them and let them respond. After that he would make a suggestion. The first two they have talked a little bit about as far as site access and circulation. As far as Arizona Avenue, he thinks there should probably be three locations as far as access. One that runs along the front of Retail A, your main entry and also one down by the car wash and Retail J. The encroachment of the landscape setback he is not in favor as a result of the use of the car wash and the gas canopies. There is a lot of stuff going on there. They need some area for screening and everything else. That goes back to moving the use further north. The car wash itself as this sits right now as far as the site layout with the car wash; he couldn't possibly support this application. He is willing to provide them with some time to take care of some of this so it is good enough to send on to City Council. As far as the layout goes, he was on Planning Commission when Cobblestone went through and they thought there was enough room. If you go out there on a Saturday or Sunday it's not. He believes they will have the same problem here. He stated he thinks there site circulation, how much room they have and everything else is a real problem. They have seven pads. In the industry as far as retail goes that is called a pad farm. He said they need to look at redoing some of the buildings like they have done on the two buildings, D and C, with the pedestrian access between them. That is done very well. To reduce the amount of buildings as far as being spread out would help them as far as the look and the parking. He is looking for better integration. The restaurant with the drive through along Arizona Avenue probably needs to be rotated 90 degree to move the drive through off of Arizona Avenue and put that along the main drive. That may provide some additional parking and provide a larger window for the major user at the rear. The building set back for the gym from the residential he was questioning initially. He then understood there is an open area behind it and then there is some landscape stuff that can be worked out later. As far as the car wash and circulation and their gas canopy, he agrees with what has been said. With the amount of gas pads that they have, they have the possibility of 16 cars at that location. That is a lot of vehicles and congestion. That goes back to what he said about needing more room. The building architecture needs to be integrated with more of the masonry that they have on their material list. They have green, red and a rust color type roof. That needs to integrate better. They have a good start and there are some good elements to the development.

**MS. SCHUBE** responded said that in working backward with regard to the building architecture and different colors and material, the reason why they used a lot of different materials is because of the Southeast Chandler Area Plan. They will agree with a stipulation to work with Staff to integrate some of those colors and materials. With regard to Retail Building K there is a stipulation that they are going to come back with a PDP specifically for that building. As of right now, they are not confident of the user and they are coming back in front of them with that. Hopefully, that concern will be answered. With regards to the seven pads, the one thing they can offer is with regard to stipulation no. 16 and Retail Building G, they like the way it is now but if he feels more comfortable bringing it south and integrating it with the landscaping they are definitely willing to do that. With regard to cobblestone she said she couldn't speak to their circulation and how well it works. This has been designed and they do have a tenant in place and they are comfortable with the design. They have used it before and they have several locations in Gilbert. This is a design that works for them. They believe the

recommendation from Commission of the new access point does even enhance the circulation for this site. They might disagree with Vice Chairman Irby we believe there is access here and that it will work. She said if they have any other suggestions, they are willing to look at them. The access point at this drive is definitely something that they are interested in. With the regards to the 50-feet of landscaping for the first 200 feet, as she stated earlier with the water feature and the 50-feet of landscaping that goes all the way along Arizona Avenue, they believe they have met the intent of the ordinance. They are providing a great streetscape not only on Arizona Avenue but also on Chandler Heights. Although they are 25-feet off per the calculations from the property line, they are providing almost 50 feet of landscaping and again, as Staff has said that's been the biggest point of contention going through this process.

**DENNIS NEWCOMB, BEUS GILBERT, 4800 N. SCOTTSDALE ROAD, SCOTTSDALE**, said he went out to Cobblestone because he heard it was a good indicator for the design elements for the canopy. Cobblestone is located on Alma School and Germann and he used both access points. One of the difficult accesses off of Germann forces you into the drying canopy area so cars are coming out of the canopied area and parked out in front. You are actually trying to drive through that to get to the gas station. This makes it very challenging. It's the same if you go in off of Alma School Road. You go get gas and you want to go out on Germann, you have to go through this drying canopy. One thing he likes about this site when he reviewed it with a proposal for a potential drive through and eliminating this drive access here it creates a field area where cars can come out at their leisure. If somebody is still drying a car and they need to wait a few minutes, you don't have that conflicting aspect that has happened. It provides access around and over. The thought of providing that access point was really key to individuals coming north from Hunt Highway. As you are driving north on Hunt Highway on Arizona Avenue, you may see the gas station as you approach but you don't make the turn quite yet at Chandler Heights. You can easily turn into this site and circulate around and quite frankly he doesn't think you would have any difficulty finding where to go because you know the gas and car wash are all inclusive. You circulate around, get your gas and go back out. He like the site as it did not conflict the uses as you see at Cobblestone. It really segregates the uses and provides that relief valve that they talked about and provides for a drying area potentially. They can still close this off even without the driveway. It gives an area where people can dry their car. He just wanted to tell that little insight because he did go and look at Cobblestone extensively.

**VICE CHAIRMAN IRBY** asked if the drying area was self serv. Ms. Schube answered that no this was not a self serve. This is a full service gas station. Vice Chairman Irby said he disagrees with Dennis on Cobblestone because actually you come off of Germann (he washes his car there) and you drive past the drying area; you don't drive through it to get to the fuel. It actually has in some ways a good flow in that manner. He really thinks the entry off of Chandler Heights is very similar to Cobblestone off of Alma School Road. They actually have a lot more room than this one does. He doesn't go there on weekends because it is not worth it. You're almost jammed out into Alma School. This particular portion of this site needs a lot of finessing to work. He is not sure how to solve it. Ms. Schube said that in regards to any cars that would be left, it is up to the attendants

and staff of the car wash to find the owner and/or move it into another parking spot that is available. They are hoping that they have quite a bit of space there so that wouldn't be a problem in terms of congestion.

**COMMISSIONER CASON** said he had some things he wants to put on the record regarding signage and some landscaping issues he has. He said he is presuming Retail C will be a bank and it appears on the north elevation and it has windows that will be offices. The landscape plan on Retail B is a blank wall and there are no windows, just access doors on the backside. On the landscape plan it looks like some shrubbery on the ground. Looking out the windows of Retail C you are just looking at a blank wall with some shrubbery at the bottom. In addition to that, some of the seating areas on the landscape plan actually have the shade trees only on the west. He was wondering if in both of those cases if they would be willing to work with Staff in order to augment those landscaping issues and to move the trees so that they have more of a southwest exposure and perform a better function of shading. Also, get some varying heights of shrubbery on Retail B so it breaks up that blank wall for people that are looking out the windows on Retail C. Ms. Schube said they would be willing to work with Staff on both of those issues. **COMMISSIONER CASON** said since they are talking about the gas station, under Tab E, no. C, they have a lot of signage on the front of that. Can they limit some of that signage? He understands that this will be a Jiffy Lube. Ms. Schube said it would not be a Jiffy Lube. It will be a lube facility that will be in conjunction with the gas station. They are coming back with a comprehensive sign package on March 5. All this signage is very conceptual in nature and they will have a complete sign plan on March 5. **COMMISSIONER CASON** said that was fine but he wanted her to know he was also concerned about the signage on the northwest elevation and the southeast elevation of the proposed daycare. He is o.k. with the signage on the front of the daycare. It seemed that the signage on the sides of the building were really unnecessary because it points to the houses behind the project and really doesn't perform any advertising. He was hoping that he could remove that signage as well.

**GLENN BROCKMAN, ASSISTANT CITY ATTORNEY**, stated there is a proposed stipulation no. 18 that has been referred to before and it may get resolved because of all of the comments that have been made. In its current form it's completely unenforceable. There is absolutely no standard tied to it and stipulation no. 16 is not much better. At least you are tying it to the commercial design standards. No. 18 is totally unenforceable. The second comment has to do with the 50-foot landscape setback. The applicant has argued that they have met the intent of the 50-foot landscaping setback. Whether they have or not, it certainly would be an exception to our standard which measures it from the right-of-way. As a practical matter since he has been here, he has had to condemn property for intersection widenings and retro fittings at several intersections. On several of them this type of site layout occurred where a good chunk of the landscaping has been within the right-of-way. He said it is very difficult to tell a property owner that half of their landscaping they don't really own or a tenant on a corner that thinks they have a nice grassy area that the city is going to use and they are not going to pay anything for it because the city already owns it. It tends to create a lot of problems at least at the point

where he is working with those intersections. He said this is a long way from being there but 25 to 30 years from now he would hate to have somebody else have to deal with it.

**CHAIRMAN FLANDERS** said he appreciates the points. He thinks for the most part they are not real comfortable with that. If there aren't any other comments, he said to the applicant he would like to make a suggestion. Then he needs to go to the audience because he needs to see if there was anybody here that would like to speak in regards to this item. His suggestion on this application as a result of the many items that he feels are a problem is a design review meeting. He stated they have listened to his concerns and he can ask the other Commissioners if they have any specific items that they would like. For the most part they have already been voiced. He stated he felt there was a lot of work that had to be done. The time issue is the big part. He said for them to think about it while he went to the audience and then he would come back to them.

**CHAIRMAN FLANDERS** asked if there was anybody in the audience that would like to speak in regards to this item. There were none.

**CHAIRMAN FLANDERS** said to the applicant in providing them with time to go ahead and look at some other site alternatives, he is suggesting they continue to a design review but first allow them to go ahead and make some of those changes and then schedule a design review meeting. Then they can come back to Planning Commission after they have gone through that process. In talking with Staff with the time and everything else, he is going to suggest about a 60-day continuance for them to go through site plan issues, circulations and building elevations. After they get that done, schedule a design review meeting and they can sit down and see what they've done and make some adjustments and then come back to Planning Commission. Personally, he is not real comfortable with sending this to City Council in its present form. He will listen to some of the other Planning Commissioners as to what they think.

**MS. SCHUBE** stated that in regards to the Asst. City Attorney's comment on the 50 x 250 landscape buffer, they have met with Transportation and they have the most restrictive potential widening until the year 2050. They have met their due diligence to create a large landscape buffer to last as long as they have planned out. In response to Chairman Flanders suggestion for design review, their client has 75% of the space leased and in today's market it's not as good as it used to be. They have financing and investors and she thinks there aren't too many concerns with regards to the site in general. They are willing to work on some of the detail oriented comments in regards to the rest of the site. She said they are willing to work with Staff on circulation issues in regards to the carwash. They would prefer to move forward with any stipulations and work they can do with Staff. They will work 24/7 until they get to Council.

**DENNIS NEWCOMB** stated that in response to the application date of March 2007, it is not anything from their side as far as willingness to work with Staff. When Staff has asked that they do something, they have been extremely proactive. It just happens to be that on the leasing side of things that have slowed things down. Now they are this far along with the leasing, they have the ability to move forward very quickly. He said he is

an architect as well and has been sitting there sketching some ideas already; everything that the Commission has asked for. He thinks they can move this along extremely fast. Hopefully, Mr. Swanson will agree with everything he has said.

**CHAIRMAN FLANDERS** said he appreciates the applicant's position. As he has said, he didn't feel comfortable with going to City Council with this. One of the things they need to make sure is good is how the development is put together, how it looks and the quality of the development. To the west are the Fulton Ranch commercial projects. The bar has been set quite high. There is housing in and around them in excess of a million dollars. It is important that the quality and circulation is done well. That is where he is coming from. He asked if there were any other comments or questions from the Commissioners.

**COMMISSIONER RIVERS** stated he needed clarification from the applicant. He asked that when they are looking to fast track this, do they mean instead of a design review 60 days from now they want it in a week or do they not want a design review at all? Ms. Schube answered that fast track is not the right words. They are just looking to stay on tract. They would prefer not to go to design review at all. Hopefully, they could craft some type of stipulation and agree to come back. If it would help to sever the gas station portion and move forward with the rest of the site, she didn't know if that was a potential option. Obviously, they want this to go forward and they are willing to do what needs to be done. They are willing to do what needs to be done and they are willing to work with Staff and any ideas to make everyone feel more comfortable. There is no intent to rush this and no intent to put forth a product that is not high quality.

**VICE CHAIRMAN IRBY** said he personally doesn't see this as a big issue as far as a pad farm. He understands the terminology. To be able to solve the fuel issue it almost feels like to solve it they would have to impact 'J' building and 'K' building - so now they have taken a good portion of their property that still needs some finessing. He said he doesn't know if 60 days is really necessary but they at least need 30 days to pull it off. He also said he still has some issues with the architecture but overall he thinks it is a nice job. It has been hard because they have several architects and different concepts of presentation that it is hard to follow. It is ironic that the daycare has nice looking architecture as one of the better looking and more detailed buildings on the site. He has some concerns on Retail C, which is the bank. Regarding the drive to the west of it along Arizona Avenue he was wondering if one of those drive through lanes was a pass through? It was hard to see. It bothered him a little bit in terms of somebody pulling in to the parking spaces up along Arizona Avenue and they start to leave and now they are jammed up with people at the bank. If there isn't, there needs to be some kind of ability to get passed the teller lines. Some of the others issues he pointed out earlier was the screen wall. It comes across as everyday kind of architecture. It doesn't tie to the project much. He was going to suggest picking up the columns of the building in terms of detail. The biggest issue is to solve their car wash they really have to impact Retail 'J' and 'K'.

**COMMISSIONER CREEDON** stated she understands their desire to get this moving as quickly as possible but can they give them an idea of what they are talking about? She

said there are a number of issues that are not going to be resolved tonight. Is 30 days acceptable to them? Ms. Schube said they wanted to counter that with a continuance to the next Planning and Zoning hearing, which is the 20<sup>th</sup> if they agree to work day and night with Staff, their architects and meet with the Commissioners at their request. She thinks the best compromise is to come back on the 20<sup>th</sup> and address some of those concerns. On a whole, she thinks they have a good site plan.

**CHAIRMAN FLANDERS** asked if she is suggesting they skip the design review altogether? He asked Mr. Mayo what a two-week or a 30-day continuance would do for Staff? Mr. Mayo answered if it goes two weeks, it gets kicked to the February 20 hearing and their memos are due this Friday. They go out a week from this Friday and are delivered to the Planning Commission. They would have to know the answers by Friday morning at the absolute latest to write that memo and get it reviewed and signed. For the 30-day continuance to the March 5 meeting, that gives them a two-week time frame to determine what is being done, get it changed, get the exhibits in and the memo written two weeks from this Friday. Every meeting basically kicks it out another two weeks. Chairman Flanders said he wanted to give them enough time to look at it, redesign it and make sure the points are picked up and reviewed by Staff, schedule the design review and show them what they have done making any type of adjustments. Then they get it back to Staff so they have enough time to go ahead and do their Staff report. Granted it is pushing it out more time than the applicant is looking for, but it has been 10 or 11 months since they have been going through the process with comments voiced by Staff and may not have been responded to in a timely manner. He wants to make sure before they send it on to City Council that this is the best possible product for this location on Arizona Avenue. He said that was his thinking behind it.

**MR. SWANSON** stated the project is being fast tracked to the February 14 City Council. So tomorrow morning he would be writing that memo and sending it on its way. Even a two-week, applicant shall work with Staff time frame, doesn't necessary cut it for this next Council hearing they are on.

**CHAIRMAN FLANDERS** said it needs to be more definite than to work with Staff.

**MS. SCHUBE** stated that they respectfully request to get continued to the 20<sup>th</sup> and to come back in front of them with all of these issues resolved and hopefully on the consent agenda so they don't have to put them through this again and move forward to the next Council date after that.

**CHAIRMAN FLANDERS** stated he is not comfortable sending this without a design review. He thinks there are too many issues that need to be taken care of. As far as the fast track, he isn't sure why it was fast tracked but they need time to make sure this is right.

**VICE CHAIRMAN IRBY** said he would be surprised that they would be able to pull this off that quickly. If they can pull it off, he is more than happy to give them the opportunity.

**MS. SCHUBE** asked as far as an additional access point off of Arizona Avenue, is that a direction they should take?

**CHAIRMAN FLANDERS** said yes, they need it for the development. The location needs to be looked at too. He closed the floor for further discussion.

**VICE CHAIRMAN IRBY** said to Chairman Flanders that he had made a comment that this thing needed three driveways on Arizona Avenue. Did he feel strongly about that?

**CHAIRMAN FLANDERS** stated he was throwing out all possible locations. One by the car wash and the other one by Retail 'A' basically as a circulation on to Arizona Avenue. He was throwing that out there to provide site circulation on there – easy, convenient and safe. He then entertained a motion.

**MOVED BY VICE CHAIRMAN IRBY** to continue DVR07-0014 CHANDLER HEIGHTS RETAIL to the February 20, 2008 Planning Commission hearing, seconded by **COMMISSIONER CREEDON**.

**COMMISSIONER CASON** stated he is not very confident that this can be solved in that little amount of time.

**VICE CHAIRMAN IRBY** said he guessed that they could always continue it again if they have to.

**CHAIRMAN FLANDERS** stated that was what he was trying to get away from – another continuance. As far as not going to a design review, he is not in favor of the continuance. He said he thinks they need to go to that to make sure it is done right.

The motion was passed to be continued to the February 20, 2008 Planning Commission hearing. The item passed 5-2.

**CHAIRMAN FLANDERS** stated that next on agenda is Item C. He had a “conflict of interest” on this item so he turned it over to the Vice Chairman.

C. DVR07-0034 SANTA MARIA VILLAGE  
Request rezoning from Planned Area Development (PAD) for conceptual commercial uses, to Planned Area Development (PAD) Amended with Preliminary Development Plan (PDP) approval for the construction of a mixed-use development with commercial and residential uses on approximately 18-acres located north and east of the northeast corner of Chandler Boulevard and McQueen Road.

**MR. KEVIN MAYO, PRINCIPAL PLANNER**, stated this is a request for rezoning from Preliminary Development for conceptual commercial uses to Planned Area Development Amended with Preliminary Development approval for a mixed-use development with commercial and residential uses on approximately 18 acres located north and east of the northeast corner of Chandler Boulevard and McQueen Road. This site received its PAD zoning for conceptual commercial uses as part of the larger 350 + acre "Traditions" Master Plan and with the exception of the northwest corner of Chandler Boulevard and Cooper Road, this site that Master Plan is built out.

This is a two-fold multi mixed-use request. They have a residential component at the northeast portion of the site. It is on about 9.7 acres, which included 38 buildings. Each building contains three units. There are two two-floor townhouse units with a single level condominium unit above the garages of all three units totaling 114 units for an 11.7 dwelling per acre density. Additionally, there is an 8.3-acre commercial portion of this project. This includes a car wash, a Firestone Tire facility, a 14,000 square foot approximately Fresh & Easy grocery store with in-line shops and another freestanding retail building out along Chandler Boulevard. Overall the project has taken a lot of steps to create that mixed-use concept of shared driveways and pedestrian integration not only from inside the commercial project but also to and from the future residential project. Architecturally there are some exceptions but architecturally the themes have been carried throughout the buildings including the materials – the slump block materials, the saltillo tile accent bands and the sloped arched roof element that they see initially proposed on the Fresh & Easy building. It has been carried throughout the rest of the buildings.

Staff is bringing this forward as a recommendation of denial. Their reasoning is that they do not find the location and orientation of the two commercial uses out on McQueen Road compatible with the existing residential property to the north and the future proposed residential component directly to the east. The car wash at the very northern end there are residential homes that back up right to it. That north property line is the back wall of residential houses. While the car wash and Firestone Tire facilities are uses that are not only consistent with the sites current PAD C-2 zoning as well as the proposed PAD commercial zoning. The PDP is really the tool that finally locates them, sites them, and architecturally designs them to maintain their compatibility in transition from whatever adjacent uses happen to be there. The car wash is seen as too much of a high turnover use that is too loud and will impose too much upon the existing residential uses primarily and then secondarily, the future residents to the east. Two neighborhood meetings were conducted. The car wash for the most part seemed the focus of the attention of those neighborhood meetings. There were some other landscaping concerns along the north property line, wall heights and such. The applicant has adjusted the design of Pad B, the car wash. They have pulled that building to a 75-foot setback from that residential property line. A 30-foot landscape strip with a double row of trees staggered has been placed along that north as well as another screen wall to screen the pay kiosk. Staff is of the opinion that those are just band-aid fixes and it is still dealing with a flat out fundamental incompatibility issue between the two land uses.

Secondarily, Staff sees the Firestone Tire store as also incompatible with those uses. The building is approximately 320 feet south of the residential backyards. However, there are five overhead doors that face north with nothing between them except for a couple layers of landscaping to control the air gun noise. If the car wash was to go away and become something else, the Firestone would still be seen as an incompatibility issue, however, the car wash is the primary issue. A question could be asked as to why not send this forward and not have the car wash and/or take away the Firestone. The response to this is that the site plan has created two small parcels out on McQueen Road that don't have the depth and size to sufficiently mitigate any potential impacts, be it noise, traffic or whatever they may have. There just isn't that sufficient depth to deal with that. Thus, Staff's recommendation of denial is seen as the solutions that are necessary to mitigate those concerns that will require extensive reworking of this site. Two neighborhood meetings were held and were very well attended. It looks like there are quite a few neighbors here to speak tonight. He said, again, Staff does recommend denial. Mr. Swanson passed out some stipulations in the event this Commission is inclined to approve it. These are standard conditions, which can be added on to with specific conditions. Mr. Mayo said he would be happy to answer any questions.

**VICE CHAIRMAN IRBY** asked how far apart were the two neighborhood meetings. Mr. Mayo answered that one was in November and the second one in December. There has been a lot of neighborhood contact between the applicant and specific neighbors. **VICE CHAIRMAN IRBY** asked if Staff attended any of these meetings? Mr. Mayo said he was at both of them. **VICE CHAIRMAN IRBY** also asked what was his impression in terms of how well comments were received from the neighborhood community and the client? Mr. Mayo replied that it would depend in what geographic area you were pointing to relative to this piece. Neighbors immediately to the northwest of this property were in opposition to the car wash. As you would head east from McQueen the neighbors became more focused on the landscaping that was specifically behind their house. Some of them do have pools and they were concerned with root systems, leaves, etc. Neighbors from the east were asking about traffic flow patterns coming on the Superstition Boulevard since it is there residential access also. It lines up with the gated primary access for the residential component. He doesn't remember opposition from the neighbors to the east. **VICE CHAIRMAN IRBY** asked when was this originally zoned? Mr. Mayo said it was all the way back in 1987. **VICE CHAIRMAN IRBY** also asked if the vacant portion was part of the whole plan? Mr. Mayo said it was part of that Master Plan. Later, the immediate corner was rezoned to allow the gas station for the separate PDP that came through to be approved.

**BRENNAN RAY, BURCH & CRACCHIOLO, 702 E. OSBORN, PHOENIX**, here on behalf of the applicant SANTA MARIA VILLAGE CHANDLER LLC. Mr. Ray said they were here to amend the PAD to provide for what he refers to as an integrated development rather than a mixed-use. He said they are here to discuss what they feel is a good development and good use of the land which has been historically difficult to develop. As Mr. Mayo mentioned, this land was zoned conceptual commercial in 1987 and with the exception of the gas station on the immediate corner has remained undeveloped for close to 20 years. They think there are a couple of reasons of why that

is. They are certainly appreciative of Staff's description of the project and their willingness to work with us as we have gone through and made provisions and tweaks to the site plan to try to address Staff's concerns. They respectfully disagree with their recommendation for denial. They believe they have worked hard. The applicant, the developer and the project team have worked hard to create a development that is going to be a good addition to the area. They would request your approval. As has been mentioned in Staff's report and there were some questions from the neighbors, they perceive that things are o.k., although there might be a few questions with respect to the rest of the overall project. As Mr. Mayo mentioned there are some questions concerning the McQueen Road frontage. To answer Vice Chairman Irby's questions with respect to the neighbors to the east, they are not aware of any opposition. The few neighbors they did speak to at the neighborhood meeting were very supportive of the project. As Mr. Mayo indicated, the degree and the intensity of the questions as you went northeast on the site, they didn't hear too many questions. He said they heard a lot of positives. There are a couple of reasons that have made this site very difficult to develop.

The first that has made it difficult is that there is an existing Circle K on the immediate corner which on this odd shaped site has taken out the heart of the development and created a challenge with trying to link stuff back behind. The other challenge that you have is a retention basin. The half street runoff from Chandler Boulevard is piped back approximately 500 feet into a retention easement. You can see on the southwest corner of the site and the northeast corner of the site is kind of constrained. The other thing that plays into this is the fact that McQueen Road is the edge of the redevelopment area and has Staff has pointed out in their memo, there is the city owned residential housing that is immediately west of the site. The combinations of these challenges, which are clearly outside the scope of the developer's control, have impacted the site and its development. Notwithstanding these challenges they believe that they have a development with real users that given the opportunity would be building yesterday. They are excited to be here.

As it pertains to issues on McQueen Road and as they look at the site plan, the two areas that Mr. Mayo was talking about are these two – a carwash as well as the proposed tire store. In terms of the car wash it is kind of an unique state of the art facility in terms of what they are doing in terms of equipment. He thinks it is important to understand who the operators are going to be and they are here tonight to address any questions he is unable to answer. These guys have had 12 to 14 years of experience of developing car washes. They are aware of the stigma that often times is associated with a car wash and for those reasons they have worked very hard to try to develop this site and mitigate some of the concerns that have been out there with respect to noises. It is not a traditional car wash – it doesn't look and feel like a traditional car wash. This is a self-automated tunnel where people can drive up and pull their cars through. They have the ability to vacuum out their cars here on the southern two rows with side access occurring along the north. These gentlemen have experience on a different site. They have an existing site located at Chandler Boulevard and Arrowhead just west of here. It's substantially laid out the same. You have the residences there along the north. They have been open since August

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of 2007 and to the best of their knowledge there hasn't been any real concerns in terms of the impact and noise that is associated with this car wash.

Mr. Ray showed letters of support from the existing residents at the existing car wash. He read a statement that said that they have lived adjacent to the existing fast lane auto spa at 1490 W. Chandler Boulevard since they opened in August of 2007 and have not experienced any significant disruption from noise relating to the wash. He would consider them a very compatible use in their neighborhood. Clearly, they have a situation here where they have an existing car wash that is run similar in terms of mechanics and the operations. People that actually live next to this facility as indicated in the letters of support, are supportive of the car wash at that location. He said he does not mislead them and say they are supporting this new one because they are clearly outside the scope.

Mr. Ray said they are certainly mitigating the potential noise impact. He said he is not going to stand up there and say there will not be any noise because that would be ridiculous. There is going to be noise but they feel they have taken substantial steps to mitigate the noises and impact on both the existing residential and on the proposed residential. The first way they have done that is through the operations – the way they run the site. Their hours of operation are from 7:00 a.m. to 7:00 p.m. Monday through Saturday and from 8:00 a.m. to 6:00 p.m. on Sunday. It is not a 24-hour car wash. It shuts down at night. There are two on site attendants. One who is located at the tunnel to help people as they go through and another one who serves as a maitre d' – walks around making sure that things are clean and they look nice and certainly the ability to address noise. At the existing facility, the operators actually have their corporate offices there. To the best of their knowledge, they haven't been aware of situations where someone pulls up to the car wash and has their doors open with music blaring while they are vacuuming their car. It has happened less than a handful of times. Clearly, less than one would anticipate.

At night the operation completely shuts down. When the hours of operation are up, the place is shut down. The building is completely closed and there is a considerable amount of dollars invested in that equipment and they don't want it vandalized. The power to the vacuum is shut off and the hoses removed. There is a brain to the kiosk and that is removed and pulled inside. He stated there is also no vehicular access – it's chained off. This is a positive thing on the site.

With respect to the existing residential, there are lots of stuff going on. There is going to be an 8-foot high sound attenuated wall and will be able to contain some of the sound. As Staff mentioned, there is a 30-foot landscape track with a double row of trees staggered with a tree every 10 feet on center. These are going to be Mondel Pines, which are big-canopied absorbent type trees. He stated there is also going to be a pony screen wall that is going to be next to the kiosk that will serve to buffer and mitigate the noises as the cars pull up. The length of the wall will be about a cars length for a variety of safety concerns. They don't want to make it a dead man's area where people can go back and later hang out.

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This building is situated about 80 feet back. It is his understanding from the operators that the actual equipment itself is located an additional 20 feet underneath the building. Basically, you have close to 100 feet of separation between the back wall line to the start of where the equipment is – not the building itself. The dryers on the south end are located approximately 160 feet away. They feel they have a lot of distance that is going on there and they think with the landscaping and the way the building is located and situated they have adequately mitigated any noises associated with the car wash and the existing residential.

Mr. Ray said with respect to the proposed residential there is a single row of trees placed in a landscaped setback. Again, the building is enclosed on both sides east and west. The residential wall will be an 8-foot high sound attenuated wall as well. They are going to place another row of trees (doesn't show on site plan and in books) placed on the inside of the wall. They have a single loaded street and the distance approximately from the building itself to the face of the resident is approximately 50 feet and it's 80 feet to the nearest rear yard. As you see on the residential site plan, the primary areas where people are going to go and spend time would be in these fenced back yards. They feel the separation in this case to the proposed residential, taking into account the landscaping and the hours of operation, is adequate to mitigate any noise that is associated with the car wash to the proposed residential.

As they look at the existing car wash on Chandler Boulevard and Arrowhead, they did conduct a noise study at that location to try to understand what's going on and what really are the impacts. He stated he had copies if they want to take a look at it. It's only the executive summary of the car wash – all of the data is not included in this. The tests that they ran at this facility – the first test was done about three feet from the back wall just to get a baseline of what's going on there and Chandler Boulevard clearly has a lot of traffic on it. That baseline test with all the car wash equipment turned off came in at 59.9 decibels. He was told by the person who did the noise study that it is comparable to the conversation levels of two people at two feet. At the same location about three feet from the back wall with all the car wash equipment on it jumped up to 70.4 decibels. That is about twice as loud as someone at a conversational level at two feet. The interesting thing to note is that once he got on the other side back near the residences property line with all the car wash equipment on the readings came back at 52.4 decibels which is noticeably less than two people talking a normal conversation at two feet. Those are below the recommended noise levels by both HUD and EPA residential living. The building to the residential property line is approximately 58 feet as shown on their site plan. On their site plan, they have approximately 80 feet from the building. There is a wall located approximately 37 feet away from the building. This is about a 21-foot alley. This wall is about 6-1/2 feet and in this location they are going to 8 feet and they have greater distance.

The type of landscaping is a single row of trees. They feel by analogy what the noise study showed at this site with this similar layout, they think they are doing here will believe will come out very similar or close to it. The steps they are taking to mitigate those noises are positive things. The bottom line in respect to the car wash is that they

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believe these guys have gone to great length to design this building, operate it, to lay it out with the walls, landscaping and separation, it's more than sufficient to control or mitigate any potential noises that might be generated by this use.

Mr. Ray said he had available to pass out is an e-mail from residents that would be immediately impacted by the car wash. Because of previous obligations they were not able to make it tonight. They say in the e-mail to Scott Ward that they are in support of the car wash. They say the car wash is the safest and best use of the land located behind their home. They wanted to relay their support at the meeting tonight by their e-mail if they so wish. Again, that is from the residents that are located closest to McQueen and behind there.

In respect to the tire store they are doing lots of things – mostly, the separation they have. They are located 320 feet (more than a football field) away from the existing residential line. Their hours of operation are limited. They are open from 7:00 a.m. – 9:00 p.m. Monday through Saturday and 7:00 a.m. to 7:00 p.m. on Sunday. The compressor and the equipment are located in a separate room that is enclosed away from residents. They feel that in the separation and the hours of operation and locating their equipment in is a good thing and helps to mitigate any potential impact.

Mr. Ray said he be happy to answer any questions and requests their approval.

**VICE CHAIRMAN IRBY** thanked Mr. Ray and asked if there were any comments from the Commission to the applicant.

**COMMISSIONER KELLY** said the one thing he mentioned was that they were going to chain off access to the car wash. Could he explain where that might happen? Mr. Ray said he would bring it up on the Elmo. He showed where the chaining off would occur.

**MR. RAY** said there would be a double row of trees planted on the north and on the east side of the wall

**VICE CHAIRMAN IRBY** asked what was the landscaping they are planting in this? Mr. Ray said they are planting them in a 10-foot wide landscape tract and they were told through a landscape architect that six-feet on this wall would be sufficient to support a row of trees. He said actually they were told by Commissioner Kelley. **VICE CHAIRMAN IRBY** asked then he is saying there is landscaping on both sides of the wall. Mr. Ray said yes there will be.

**COMMISSIONER KELLEY** asked in regards to the tire facility is it a single-sided building or is there only doors on one side of this building? Mr. Ray said no, the way it is currently proposed is there are bays on both sides. There are five bays on the north side and five bays on the south side.

**VICE CHAIRMAN IRBY** asked if they are able to double load a bay so you have two vehicles in each bay? Mr. Ray said it is only one car per bay. **VICE CHAIRMAN**

**IRBY** asked then you don't go through one side and through to the other side? Mr. Ray said no.

**COMMISSIONER KELLEY** made a comment about the chaining off of the driveway. He said he had hoped they could do something a little nicer than chaining. Maybe a wrought iron component, a wrought iron gate. If they go towards approval, maybe a stipulation to that effect. Mr. Ray said certainly they could work to dress that up.

**COMMISSIONER CASON** asked on the north side of the property are those Desert Museum Palo Verdes in the housing component? Mr. Ray said yes they are. **COMMISSIONER CASON** asked if there were any concerns from the neighbors back there looking over those trees and seeing the balcony of the two bedroom and the windows of the two bedroom overlooking their back yard? Mr. Ray said there was a concern. Mr. Ray said the wall height for the commercial varies in height between 5-1/2 and 6 feet. Through this the developer has represented at the neighborhood meetings that he will work and will raise that to a 7-foot high wall. In terms of the type of trees that go back there, at the neighborhood meeting they indicated that because there was some concern about debris falling into people's backyards, they are certainly open to the types of tree species that goes back there that would be complimentary to the rest of the center. Mr. Ray said maybe they can provide something better that is more suitable for them. He said in terms of what they have going on and the separation at the residential property line along the residential portion, they have a 7-foot row of trees, 10-foot landscape setback, the single-loaded streets and the front of the homes are approximately 40 feet from the existing property line. The rear yards probably measures to the closest point is approximately 63 feet. What normally occurs is that you have rear yards backing up to rear yards. There was an earlier version of the site plan that did have some of these residences with the rear yards adjacent to the rear yards. They think it is a positive thing that the rear yards have been separated from the residences so the ability to have someone looking over your back fence goes away. **COMMISSIONER CASON** said so if someone was standing on the patio of the second floor they would be about 15 feet off the ground? So someone standing on those patios might be 15, 17 feet off of the ground. The faces of those particular 25 through 29 are about 50 feet from the property line? Mr. Ray said he believes it's about 40 feet. **COMMISSIONER CASON** asked **COMMISSIONER KELLEY** given the height and the distance from the property line, would Desert Museum PaloVerdes be a sufficient height tree to block that view into the folks' backyard? **COMMISSIONER KELLEY** said from a height of 15 feet it would be sufficient to block the view down into a backyard from there. **COMMISSIONER CASON** said to Mr. Ray that their sound person was not there. He wished he was because he doesn't know if any of them know the answer to this question. He thought decibels were log rhythmic, meaning that if you go from 50 to 70, its not 20 more decibels or just two times the original sound but actually because if it is log rhythmic it would be 20 times the amount of sound by changing the decibels by that amount. If he recalls, that is how you interpret a variance in decibels like that, but he doesn't know for sure. He asked Mr. Ray if this guy had anything in his narrative that might have discussed what the change in decibels really means to laymen? Kevin Mayo said that in dealing with decibels, every 3 db you want to increase, you have to double your power to create

that next 3 db. It is not a simple 45-degree angle chart. It is very much log rhythmic. **COMMISSIONER CASON** said he knows about it in an electrical environment because of his background, but he doesn't know where it is in an auditory environment. Just by the name decibel you would think it would. Mr. Ray said he knows in speaking with it and as Kevin mentioned, there is an intensity and amplification that occurs as the decibel goes up. Mr. Ray said what was contained in the noise study was 59.9 – the conversation of two people at two feet; 70 is about two times that. With respect to the height of these residential buildings, they believe a person sitting on the balcony would be approximately 15 feet in terms of where they are looking. **COMMISSIONER CASON** said so if he understood his comments correctly, the person that they hired to do the sound study stated that with the equipment running it was only two times louder not 20 times louder? Mr. Ray said comparing it to the conversation of those people at two-feet, yes it is two times louder.

**VICE CHAIRMAN IRBY** asked Mr. Ray if that residential tree is an evergreen tree? **COMMISSIONER KELLEY** stated that it's not technically an evergreen in that it will lose leaves but it does remain green most of the year. It doesn't entirely lose its leaves.

**COMMISSIONER RIVERS** asked if the loudest part of the car wash is the drying machine? The drying machine is the farthest away from the existing homes of any part of the car wash and is all the way at the south end? Mr. Ray said that is correct. **COMMISSIONER RIVERS** also asked that is it inside of the building? The building is going to shield the noise of the loudest part of the car wash and it is also the farthest from the homes? Mr. Ray said yes, that is correct. **COMMISSIONER RIVERS** asked in the discussion with the sound gentlemen was there any discussion of the existing noise of McQueen Road? Mr. Ray there wasn't that analysis performed in terms of getting a true predictor of what they can anticipate on this site. His best guess is the amount of flows on traffic on Chandler Boulevard would be a little higher than what would be on McQueen Road. In terms of saying it's this level at McQueen so they can anticipate this – they didn't get to that part of the analysis. **COMMISSIONER RIVERS** said he is trying to figure out if existing traffic on McQueen is putting out as much noise as the car wash would? He said he has stood in the parking lot at the AM/PM at the corner of Ray and McClintock and there is a small car wash in the parking lot and there is Ray Road on the other side. If you come out of the AM/PM and the car wash is running, you can still hear Ray Road louder than you can a car wash. That was his question. His last question was regarding the vacuuming area that is going to be closed down at night. Will the lights remain on at night? Hopefully, they are not very bright because that would disrupt residences.

**JOE SCARZONI, FAST LANE AUTO SPA, 1490 W. CHANDLER BOULEVARD,** said they do light the property for security reasons. They will typically shut them off as the hours go on. Right now their lights go off between and 10:00 and 11:00 p.m. and then they are shut down. On the canopies they have some lights but they are on timers and they shut those off in the middle of the night. **COMMISSIONER RIVERS** asked so in the middle of the night the property will be dead dark? Mr. Scarzoni said absolutely, but they don't want it pitch black. They will have a couple light posts.

**COMMISSIONER GULSVIG** said one of the concerns he has is the vacuum area. What kind of vacuum units is being used because they sometimes have a higher whine from what they are getting from the car wash area? Mr. Ray said he would probably defer to them as far as the types of vacuum. What he can tell him is that the vacuums themselves and if they look on this site to where they are located is at the furthest two points. The canisters are right there and the hoses come out. **COMMISSIONER GULSVIG** said he is just concerned about the decibel sound coming from the vacuum areas because the vacuum cleaners are sitting out in the open area. Mr. Scarzoni answered that each vacuum is a self-contained motor that actually has a muffling system on each of those components. The blowers as you mentioned are usually by far the loudest component within a car wash facility. That is in fact the furthest from all the residential area.

**VICE CHAIRMAN IRBY** asked did the sound study include those vacuums or just the equipment in the building? Mr. Scarzoni said he doesn't have a definitive answer to that but he assumed that while they were actually open for business they will always have a few vacuums on there. They have 10 or 15 vacuums at their current location right now. Was 15 or 14 of them turned on he doesn't have the answer to that question. He can assume they would have 4 or 5 of them. **VICE CHAIRMAN IRBY** asked about the hours of operation. Mr. Scarzoni said they are 7:00 a.m. 7:00 p.m. Monday through Saturday and 8:00 a.m. to 6:00 p.m. on Sunday. Mr. Ray said he knew that Joe had mentioned the number of vacuums that were at his existing car wash. He can tell you at this site and if you look under Tab no. 6, they will see the small darker dash lines throughout there. Those are the vacuum stations. There are eight vacuums. The vacuums will only be on these two south areas. **VICE CHAIRMAN IRBY** asked what type of material is used for the roof structure for the car wash and also the carport structures? Mr. Ray said he misspoke about what the dash marks represent. They represent lights. Mr. Ray also said the roof structure material is metal. The carport covering is metal also. **VICE CHAIRMAN IRBY** said the reason he asked is that he thought they were some type of fabric structure that would also aid in absorbing sound. Mr. Ray said they could look at alternative materials other than metal - maybe some kind of mesh material. **VICE CHAIRMAN IRBY** said metal is durable. If they start to deal with fabric, it might absorb some sound but it also has a shorter life span and depending on the color, will degrade. He was also wondering if the curb was metal maybe it does help reflect sound back down towards the vacuum as opposed to distributing it farther out into the site. He said he was thinking maybe it's metal and maybe you have some sound material that's up underneath it that also helps absorb it. Mr. Ray said he thinks they have a possible solution in play. They could go with a metal curb over the canopies but put some type of a fabric or material that would absorb the sound of that. **VICE CHAIRMAN IRBY** said a combination of the two might help absorb some of those vacuum noises and he was looking at issues of the Firestone store having equipment-making noises. They have some additional things in the way that are also helping to stop and absorb sound. The 8-foot wall abuts residents of the car wash. Are they looking at adding a secondary wall or removing their existing wall and replacing it? Mr. Ray said what they believe would happen is that they would work with them to obtain temporary

construction easements and remove their existing wall and replace it with an 8-foot high wall. **VICE CHAIRMAN IRBY** said he personally has seen at times developments with double walls and you end up with a nice spot in between it - a great place for critters. He was going to request it be a single wall.

**VICE CHAIRMAN IRBY** went to the audience as he had several speaker cards.

**ANTONIO CASTRO, 1101 E. FLINT STREET, CHANDLER**, stated his may concern is that on Saturday morning he was taking his kids to a basketball games and he was driving through a car wash on Chandler Boulevard he rolled his window down and asked his kids if they hear noise from the car wash. They said yes they heard it and it's loud. How would you feel if you had that business right behind your back yard? He knows they said they have the blower section farthest from the residences but honestly, he likes his house and where he lives but this is a bad decision to put that there. He is in back of the townhouses and a little bit of the car wash. **VICE CHAIRMAN IRBY** asked if he was the third or fourth house in? Mr. Castro showed where his house is on the site plan. He said if he had his way he would like either of the businesses but not both of them – either the tire shop or the car wash. On the other side by Superstition Boulevard they are going to have a retention area. **VICE CHAIRMAN IRBY** asked him if they eliminated the Firestone, he wouldn't have too big of an issue? Mr. Castro said if they moved the car wash as far as they can or more townhomes or another small retention area. **VICE CHAIRMAN IRBY** said the reality with car washes is there typically not running 24/7 and even while they are open it's not continuance. This whole property behind them is zoned commercial to begin with – this could be a big shopping center with trucks making deliveries. Mr. Castro said when they bought the house they were told it was going to be developed, but they never envisioned it was going to be this.

**HEIDI CASTRO, 1101 E. FLINT STREET, CHANDLER**, stated in the beginning she was indifferent because she has lived in a variety of places. They understood that this was going to be developed. She is grateful it's not a big grocery store. She does have friends that live behind a Frye's and they are constantly contending with the noise of deliveries, kids hanging out and skateboarding. She realized that it would be nice if we could have just one of those businesses, preferably the Firestone and not the car wash. She was under the impression that it was one sided and it would be nice if it was just the entrance from the north side instead of two-sided bays. Tire shops can put out a lot of noise too. The thing that turned her is when she goes to a Jack-in-the-Box or drive through and she has a diesel truck they have to turn their engine off to be able to order. They are going to have some of those vehicles coming to the car wash. She has gone to the one on Chandler Boulevard and Arrowhead and there have been lines backed up from Chandler Boulevard pulling them in there, idling their cars. There is that idling noise as well. It gets to be that busy. Again, as they stated it is off and on. She stated those are her views.

**JOE LAPRADE, 1081 E. FLINT STREET, CHANDLER**, stated he is the second home right behind the canopy. Where they live currently, they have on Chandler Boulevard heading towards Cooper or McQueen; they have at least five shops that deal

with tires or repairs. There is a Tire Pro; there is also a CMG and at least three others on Chandler Boulevard. He asked the gentlemen with the plan why another tire center as well as a car wash? It was just feasible because everybody likes to congregate together. One of his neighbors is going to speak out the car wash. Being that he is directly behind it, he will be absorbing quite a bit of the noise. They made trips down to the Chandler shop and they listened. They heard a lot of noise. They spoke to neighbors, one neighbor in general. He said was surprised that he wasn't included in the discussion about the car wash there. He did not agree with it. Basically, they think it is a bad idea to put those facilities there.

**VIKEN GHOUGASSIAN, 1091 E. FLINT STREET, CHANDLER**, stated he moved to Arizona in 1991 and he is one of the only people that is an original homeowner there. He takes pride living in Chandler. He works in Chandler and has lived in the same house as 1991. He raised his kids there and he has his dad's memory in it and he doesn't want to move away from his house. He did some studies. He doesn't have lawyers or equipment money to hire people but he did his homework with a couple of his neighbors. What he heard about the car wash is way different. In regards to the study of the noise that they did, he doesn't think all the equipment was running when they did that test. He went there and took some pictures. That was probably the most he could do. They talked to one of the neighbors and he was complaining about the line. Cars are going to be idling there. They have been going there almost every week other than the rainy days. Some of them have loud music. Sometimes there are a lot people in line waiting for their turn. It's a 2 lane. This building is a two-story. The one they are going to build by them is a single story but that has nothing to do with the noise. The noise was idling the cars, diesel trucks running and loud music. They went there several times and took some pictures. He showed the photos. He showed the two lanes going in, a photo of the wall, vending machines, which might bring thieves at night. Kids try to break the machines to steal the money. There are also speakers in the facility with music, there are hoses that are blowing that make lots of noise and he looked at the car wash and it looks like a circus. He brought a couple of trucks and parked them 30-feet from his backyard wall; one diesel truck and a couple of gas vehicles and it is loud. His main concern is the noise, it is too much. The tire shop is going to be another addition to the noise that they are going to get from the car wash. He would want to see maybe one business, maybe the tire shop turned around with no bay doors towards north – only on the south side. They are not trying to oppose the developer; they are trying to work with him. They have been frustrated since before Christmas. They did their homework. The car wash is going to use a chain; it's real thin and only going to block the car wash area. **VICE CHAIRMAN IRBY** said they are not going to let them do that. Mr. Ghougassian said his main concern is that he is going to live in this house and strongly opposes this. He would really appreciate it for once if the City of Chandler stands up for the citizens of Chandler. They really don't want the noise in there and what's happened to Sunday. They are going to close at 6:00 p.m. If he is going to sit outside by his pool and have a good time with his family, what's going to happen? Also, he said he would like to see first row single-story townhomes so they have more privacy. **VICE CHAIRMAN IRBY** asked if his neighborhood is only single-story homes? Mr. Ghougassian said they are all single-story-no two-story.

**TINA JONES, 1070 E. FLINT STREET, CHANDLER,** said the gentlemen earlier talked about an individual that sent an e-mail to him that was on the adjacent corner. She lives right next to that individual. She respects what they communicated but she is there pretty much the same thing as far as the noise. She is actually more concerned about the tire location more so than the actual car wash just because of her experiences with individuals that live close to a Firestone location. It is very noisy and she has been in their back yards and has heard the drills and everything. **COMMISSIONER RIVERS** asked where she lives? Ms. Jones showed where she lived.

**JOHN YANTIS, 1161 E. FLINT STREET, CHANDLER,** stated his home is located right in the middle of Flint Street. He showed on the map where it is. He said had he read Mr. Mayo's request for denial he could have eliminated and saved himself a whole lot of time in terms of what he has to say. Needless to say, they are opposed to the construction of the tire shop and car wash along McQueen Road. They agree these noise-generating establishments are not compatible with the existing single-family residences in the immediate vicinity. In addition, they are not even compatible with the applicant's only multi-family buildings located to the east of the car wash and tire shop. The footage there despite whatever walls exist are still not something that is amenable. They don't believe that tire shops and car washes are compatible with these close distances to residents whether they be single-family or multiple use. They also feel in the proposed residential portion of the project, some seven plus dwellings per acre as he understands it, is too dense given the fact that no multiple family dwellings exist in the entire one mile quadrant of this proposed development. The one-mile quadrant he is referring to is Chandler Boulevard on the south, Ray Road on the north, McQueen Road to the west and Cooper Road to the east. They strongly urge if they are going to do site studies on this entire project, to lessen the visible impact of the project to the homeowners along the south side of Flint, require buildings 23 to 29 to be built as single-story units. This would enhance the aesthetics of the entire project. It would be more visibly appealing to the future occupants of the buildings 30 through 34 to be visibly looking down on something that is closely compatible to what they are in living in and would ensure more privacy for the Flint Street homeowners. This transition would at least mitigate the staring down from two-stories up into the possible unattractive back yard only 43 to 45 feet away from the proposed structures. To conclude, he and his neighbors are proud to be residents of Chandler. They feel by in large this city has been a very well community in recent years. They are proud that AARP magazine, with the largest circulation of any magazine in the world, named Chandler as one of the six outstanding cities in the country for retirees to both live and retire to. With land build out at about 92% (residential) they can only hope that the future needs for building impact fees will not cloud the quality of design in some of the mixed-use areas so they will produce decisions that will be higher and higher in density into the future. They are well aware as they build out they have to replace a lot of the impact fees that are currently being generated to run the city. All he is asking is that from here on out as more and more of these type projects come to them, that you think about the future 20 or 30 years down the line in terms of the quality of the projects and what exists around them. Yes, Flint and the following street are all single-family single-story residences. All along the east of the project across Superstition, they are all single-

family. Across the street, our own City owned public housing is all single-story also. There is single-story existing around the whole thing and now they want to put in a high-density two-story area, which really doesn't exist, in the whole quadrant.

**VICE CHAIRMAN IRBY** asked if there was anybody else in the audience that wanted to speak. There was none and so he closed the floor.

**BRENNAN RAY** stated that they are certainly appreciative that the neighbors are more than willing to come out and take advantage of the process that has been afforded to them. They have had numerous discussions with them in terms of what they can do. They feel that the things they are doing more than offset any potential negative impact by the noises in terms of the wall, the landscaping, and the separation setbacks. He thinks it is important to note the site at Chandler Boulevard and McQueen Road is a very challenging, vacant in-fill site on two busy arterial streets. This entire thing as Kevin Mayo mentioned is 303 acres and zoned back in 1987 with all the residences that occurred through there. The developer and the other team members have worked hard on creating a quality streetscape and buildings to dress up the street frontage along McQueen Road and Chandler Boulevard even addressing the landscaping that will be occurring along the existing residential property line and along Superstition Boulevard. There have been many changes to the car wash. He said he can appreciate the site plan before them in terms of the changes that have been made and the designs that have gone through this car wash in terms of widening the setback and making sure that these blowers are as furthest from the existing homes providing a double row of trees. Per Commissioner Kelley's suggestion, providing an additional double row of trees to the proposed residential as well. Firestone is intentionally perpendicular to McQueen Road. They have a lot of distance and separation (more than a football field) away from the tire store and the existing residential. In response to one of the comments as to why a tire store is here when there is one along Chandler Boulevard; that is what their marketing studies indicated. Firestone does extensive marketing studies to determine whether something is appropriate. Their market study shows they want to be there. With respect to the homes in two-story nature, they show they are very appropriate on this vacant urban in-fill site. It wasn't developed as single-family residential homes as was the rest of the area that John described. The positive things that they are doing such as the rear yards of these are not abutting to the existing residential homes. They have separation and as indicated by Commissioner Kelley the trees they are providing there are sufficient enough or adequate to provide screening and a seven-foot wall. They have real users, real people who like the site and they want to be there. Again, it sat vacant for 20 years for a variety of reasons and challenges. These guys have worked hard and diligent to try to overcome some of those challenges to create a site that will be a benefit to the area and one that will be appearance wise in terms of landscaping and architecture that will be good. They would request their approval of this project.

**VICE CHAIRMAN IRBY** stated in general it is actually a very nice plan. Obviously, along McQueen you have a couple of uses that are difficult no matter what project you put them in unless it's in the middle of a shopping center and you are quite a far distance from other users. The residential project was a nice transition between the existing

homes and what could have been as a very congested commercial center. This is actually commercially retail wise spread out and has a very comfortable feel to it. He asked about the 8-foot wall for the car wash and the neighbors. What is the height of the wall and is it continuance along the whole north property line? Mr. Ray said the wall will be 8-feet from basically McQueen Road and run the length of the commercial portion of the property. At the edge of the commercial portion all the way over to Superstition Boulevard there will be a 7-foot high wall. **VICE CHAIRMAN IRBY** asked what about between the car wash and their new residential component? Mr. Ray said basically you have an 8-foot wall that encompasses these two users. **VICE CHAIRMAN IRBY** asked about phasing of this project? Mr. Ray said in terms of phasing it is anticipated that in terms of offsite and streetscape landscaping, the offsite improvements along McQueen Road and Chandler Boulevard and Superstition will be constructed in one phase. The streetscape landscaping, Phase I will be McQueen Road, Chandler Boulevard and Superstition up to the residential point. Phase I of the onsite stuff will be the commercial stuff. The residential onsite improvements including the frontage along Superstition Boulevard will occur in Phase II and be based on market demand. **VICE CHAIRMAN IRBY** said he was kind of concerned with the housing market whether this portion of the project was moving along or not. He asked what is the density of this housing? How many dwelling units per acre? Mr. Ray said there are 114 units at a density of 11.7 an acre. **VICE CHAIRMAN IRBY** stated that the one architectural element would like to talk about is the Firestone and the architecture is not living up to the standards of your PAD A and B and Shops A. If this were approved, he would like to see a stipulation that the roofline with a sloping parapet like the other structures. He would like to see the same design on the Firestone portion of it, which is usually two-sided. The current elevation looks only one-sided. Mr. Ray said a stipulation of that sort would be acceptable for that architectural element. **VICE CHAIRMAN IRBY** said also the chain link fence they want for security definitely needs to be some kind of wrought iron painted to match the facility. He said he would like to see some additional trees between the Firestone and the Car wash. They have a trash dumpster and a few little trees. He would like to see that densed up a little more to help provide not just a visual barrier but helping to absorb sounds from the tire shop. Mr. Ray said in speaking with the architect they could certainly add some additional trees along the south line. **VICE CHAIRMAN IRBY** said he liked the signage on their buildings. The architecture of their monument signs look pretty nice. He said they have taken a lot of steps to control sound from the car wash into the adjacent properties.

**COMMISSIONER GULSVIG** stated he had a question for Staff. The other car wash has been brought forward as evidence in comparison. That did not come through Planning and Zoning because it was a retrofit to an existing zoning. Is that correct? Mr. Mayo, Principal Planner, replied that was correct. **COMMISSIONER GULSVIG** said they never reviewed that to give their consideration to it. It was done through an approved process. Mr. Mayo said it strictly had to meet minimum commercial code requirements. He wanted that clarified that they did not review that to use as evidence. He asked Brennan Ray because of the citizens concerns and he certainly wouldn't want to live next to a car wash, did he consider swapping PAD D and PAD A? They are basically the same square footage or the same square area. Mr. Ray asked if the question

is swapping these two pads? **COMMISSIONER GULSVIG** said he is talking PAD A all the way to the lower right corner of your property that's on Chandler Boulevard and Superstition Boulevard, the corner. Mr. Ray said that was something they did consider. In looking at the layout trying to create a synergy flow, to have an automotive use over here and a potential restaurant here adjacent to these automotive uses, recognizing this as a gas station kind of disrupts the flow of the site. You will see they have pedestrian connections occurring throughout this portion so there is a good feel site planning wise with pedestrian access points out of the residential here. **COMMISSIONER GULSVIG** said he recognizes the argument and where he is going but it seems to him that the tire shop and the car wash don't compliment each other. That argument doesn't hold up in his mind. If PAD A is going to be a restaurant, that could easily be over next to Firestone and then you would solve the problem with the residents. This property sat vacant for a long time – he recognizes that. It definitely needs to have something brought into it. He likes the basic plan but he does have a concern that the citizens need to be listened to. When they compare the other car wash to this car wash the sound of a motoring engine sitting and waiting into the car wash certainly has an effect on the wall next to it. Even if you put up a 10-foot wall they are still going to get sound passing through it. The decibel level is one thing, but the bass sound is another thing. That penetrates through walls. He still doesn't see what those two can't be swapped. Mr. Ray said there are a variety of issues with this swapping. As he mentioned earlier in terms of pedestrian circulation, the other thing that you get is the desire for certain types of users to be located along Chandler Boulevard as opposed to being located on McQueen. The ability to make the McQueen Road frontage viable is challenged by other factors in the area. With respect to the noises and he can appreciate that they went out to the existing site, that site is not this site. In terms of the things that are done on that site to control the noise they are doing substantially more at the proposed location to address those concerns and provide proper mitigation.

**COMMISSIONER CASON** asked if the wall and landscaping to the east of PAD C and D is in phase one? Mr. Ray said yes. To the extent it's on the commercial side that will be included in Phase I. The residential side will be included when the residential develops. **COMMISSIONER CASON** said there will be one row of trees and the 8-foot wall as part of Phase I and then the second set of trees on the inside of the project will come with the second phase. Mr. Ray said that was correct. As the residential homes are built, that landscaping will go in. **COMMISSIONER CASON** asked if there was a particular reason why they couldn't put in the other row of trees as part of Phase I? Mr. Ray said no, there is no reason why they couldn't include that row of trees on the residential side in Phase I. He presumes it is to allow them to grow and mature. **COMMISSIONER CASON** said yes and also if it takes ten years before you build the housing product, it would be nice to have that noise mitigation put in there for the residents living north of there. On the landscape along McQueen Road, is that bermed? Mr. Ray introduced Bill Francis of Pinnacle Design and Landscape Architect. In terms of what is currently shown it is his understanding there are no berms there. These are Mulga trees which are little trees. Mr. Francis said they could add the berms. **COMMISSIONER CASON** said his concern was that berms were there. He can appreciate that they are going to try to close off PAD D, but on PAD C they are making

no effort. If it is bermed or landscaped so that it can't be seen from McQueen Road, he is concerned there might be some activity in there that can't be patrolled in an efficient manner while those buildings are closed. He wouldn't want to see a berm. He also asked Staff as to the density of the landscaping so that the parking lot especially south of PAD C could be viewed from McQueen Road. Mr. Kevin Mayo, Principal Planner, responded that when it comes to berming, their commercial design standards do require berming. These things aren't five or six feet tall. They are generally two or three feet and they usually help to screen retention basins and add a natural layer to parking lot screening walls so you are not just seeing hard block walls all the time. They would only be up to three feet tall and you would be able to see over them. Additionally, the commercial design landscaping while it is intended to be lush and dense enough that it doesn't look like an arid desert, the intention is not to build a forest of landscaping. That makes their commercial centers not viable from a visibility standpoint. Commercial design standards for landscaping are basically the happy balance of what is soft and screening but also has enough visibility on the project. Then it comes to the landscape maintenance and whomever the association is that maintains it to maintain proper pruning schedules and such to keep the landscaping from becoming an overgrowth issue. **COMMISSIONER CASON** asked him if he is confident that the landscape design provides enough view into that parking lot? Mr. Mayo said the driveway actually is going to provide the largest amount of view into that parking lot. The landscaping is not going to be a solid wall and you will be able to see through it. It may hinder some of the visibility. There will be sufficient openings just naturally through the design. Keep in mind the landscape plan is a conceptual 70% drawing. The final landscape plans when they come in for a permit, will end up having everything on there and they will review it per code and make sure the correct numbers of trees, shrubs and berms will be in place. **COMMISSIONER CASON** said he didn't see any drawings of the signage on PAD C and PAD D except for the overhead view that indicated where the plan signage would be. Is there going to be any limitation in the documentation that specifies that the size or 25% of the area, especially PAD C, which indicates that there will be signage on the north, the west and the south. He doesn't imagine there would be a tremendous amount. Is there any way that they can control that since there is any type of drawing in the package regarding those specific buildings? Mr. Mayo said in the event Commission is inclined to recommend approval of it, those stipulations could be added to that recommendation to address signage controls.

**BRENNAN RAY** stated there is a comp sign plan that is included with the booklet and although he doesn't believe there is a signage for what's going on there. To the best of their knowledge, the sign part of the plan that would encompass the entire thing is within code. He said they are happy to work with a stipulation.

**COMMISSIONER RIVERS** asked about the trees that are north of the residential portion – the ones along the 7-foot wall. How tall are they? Bill Francis said about 30 feet. **COMMISSIONER RIVERS** asked when they plant them, approximately how tall will they be? Mr. Francis said it depends on what box size they go with – from 24 to 48. **COMMISSIONER RIVERS** asked to get a 15-foot tree, how big of a box is that? Mr. Francis said it would be 48 or larger. **COMMISSIONER RIVERS** also asked if it has

been specified how big a box those trees are? Mr. Francis replied not yet. **COMMISSIONER RIVERS** said they could add a stipulation to have it be a 48-inch. Then they would be 15 feet high and then screen the second story balconies of these two-story units.

**COMMISSIONER CASON** asked in regards to Commissioner Rivers point, would they consider installing those trees as part of Phase I. Brennan Ray stated that is exactly what they were just discussing is putting those trees in. At the neighborhood meetings, they certainly represented and told them that they would put those trees in and so, yes, they would be amenable to putting those trees in as part of Phase I.

**COMMISSIONER RIVERS** asked if you do that as part of Phase I, you would enlarge the wall from 5-1/2 / 6 feet up to 7 feet as part of Phase I as well? Mr. Ray answered yes.

**COMMISSIONER CREEDON** asked Kevin Mayo that it says that this is presently owned for conceptual commercial uses; types of uses that these neighbors perhaps see would be what that would not come before this Commission? Mr. Mayo replied said the shape of the property as it was designed back in 1987 he said can only imagine that it was intended to be a typical grocery anchored shopping center. If you go to any Basha's or Frye's center that was the intent of the original zoning. **COMMISSIONER CREEDON** asked so they could in effect see that without ever coming back to them? Mr. Mayo said the property only has conceptual zoning so it would take a Preliminary Development Plan that does involve the neighborhood participation program similar to the rezoning – it is zoned for it. They would just be dealing with the design portion of it. **COMMISSIONER CREEDON** said she just wanted to make sure that they understand if this project doesn't come through there are other commercial uses that could come through. They did hear tonight that there are some opposed to the residential piece and others opposed to the commercial piece. There are certain other uses that could be approved that might have as much impact. She said she wanted to make sure they know their voices were heard. It could be something quite different.

**VICE CHAIRMAN IRBY** went back to an applicant who had something additional to say.

**JOHN YANTIS, 1161 E. FLINT STREET, CHANDLER** said he was remiss in reading a letter from a neighbor. The letter stated she could not attend the meeting and has asked him to voice her views on the Santa Maria Village development. They are as follows:

1. I oppose the building of the car wash on McQueen Road for the obvious reason of the increased noise value. This type of business devalues all residential properties surrounding it including those townhouses that would be built to the east end of the car wash.
2. Instead of the two-story townhouses single-story townhomes that back up to what would be considered the north wall of the Santa Maria Village development to help maintain a degree of privacy to residents currently residing in that development.

He stated that this letter came from Jarume Scott, 1090 E. Flint Street in Chandler.

**VICE CHAIRMAN IRBY** closed the floor for discussion and entertained a motion.

**COMMISSIONER RIVERS** stated that as our city approaches build out they are going to be left with more and more odd shaped parcels and in-fill parcels like this one that require forward thinking and flexibility as well as some tolerance on the part of the city. With that he made a motion.

**MOVED BY COMMISSIONER RIVERS** to approve DVR07-0034 SANTA MARIA VILLAGE with stipulations. He stated they were going to add a stipulation about building the wall on the north side as part of Phase I and using 48-inch box trees to reach a height of 15 feet at the same. Also, planting the row of trees on the east side of the north/south wall next to the car wash.

**VICE CHAIRMAN IRBY** stated he had a couple other ones that could be added. His suggestion for the car wash site, Pad D, that the chain link security fencing be built out of wrought iron material and painted to match the building. The other one was about Pad C, stating that the architectural features at the rooflines match Building B. The third one was for additional trees between the Firestone and the car wash.

**GLENN BROCKMAN, ASSISTANT CITY ATTORNEY**, stated he wasn't sure if the motion maker included the list of standard conditions that had been circulated by Staff or not.

**COMMISSIONER RIVERS** said he would like to include the list of standard recommendations as passed out by Staff as well as the stipulations from Vice Chairman Irby.

**GLENN BROCKMAN** stated for the record he wanted to make sure that the applicant has seen the standard stipulations.

**BRENNAN RAY** replied that they had seen the stipulations 1-10 that were circulated and they are agreeable with those stipulations.

**KEVIN MAYO** read the draft stipulations and he said once he listens to the tapes he would write them out in length. They are:

1. 48-inch box trees be planted on the north property line 15 feet at planting.
2. A 7-foot high wall along the north property line to be installed as Phase I with an 8-foot wall to be placed along the north property line adjacent to the car wash installed in Phase I.
3. The chain link fence to be replaced with a wrought iron painted to match gate fence material.
4. The architecture of the grocery store in the Shops building shall match the Firestone architecture.

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5. Additional trees be placed between the Firestone and car wash building.
6. Trees to be planted along the east side of the wall between the car wash and the housing part of the development.

**VICE CHAIRMAN IRBY** asked how many stipulations are there. They started with ten.

**KEVIN MAYO** said he counted seventeen. He broke the 7-foot wall and 8-foot wall into separate stipulations. If he puts them together there will be 16.

The motion was seconded by **COMMISSIONER KELLY**. The item passed 5-1 with 1 abstention. The item will go to City Council on February 28, 2008.

6. DIRECTOR'S REPORT

7. CHAIRMAN'S ANNOUNCEMENTS

The next regular meeting is February 20, 2008 at 5:30 p.m. in the City Council Chambers, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.