

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 15, 2008 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:32 p.m.
2. Pledge of Allegiance led by Chairman Flanders.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders
Vice Chairman Mark Irby
Commissioner Michael Cason
Commissioner Stephen Veitch
Commissioner Christy McClendon
Commissioner Kristian Kelley

Absent and Excused:
Commissioner Leigh Rivers

Also present:

Mr. Kevin Mayo, Acting Planning Manager
Mr. Erik Swanson, City Planner
Mr. Glenn Brockman, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. PRESENTATION OF RECOGNITION PLAQUES TO DICK GULSVIG AND ANGELA CREEDON

CHAIRMAN FLANDERS presented them with their plaques in recognition of their services on the Planning Commission. He thanked both of them for their service and said it was too short of a time to work together but he enjoyed it and learned a lot from both of them.

ANGELA CREEDON said she certainly enjoyed her time on the Planning Commission and she learned a lot from her fellow Commissioner, Dick Gulsvig. She stated she would miss all of them because it was fun spending her Wednesday evenings with the Commissioners. She really appreciated her time there. She also appreciated her time with Rick Heumann who happens to be running for Chandler City Council.

DICK GULSVIG stated it was definitely an honor for him to serve on the Commission and hopes that the 3 years and a few months that he was there he was able to serve the community. He really enjoyed working with Kevin and Erik. He said he thinks Chandler has one of the finest planning departments in the

valley. That made his job on the Commission a lot easier. He also enjoyed working with the developer and especially with everybody on the Commission because it was really a joy.

VICE CHAIRMAN IRBY said they missed both of them and enjoyed their perspectives on projects and he said it hasn't been the same without them. He wished Dick Gulsvig luck on his retirement and said he would see Angela Creedon around town.

COMMISSIONER CASON said he enjoyed working with both of them. What he liked about Dick most of all was that he always came to the Commission meetings with these wow ideas. He would sit back and wonder why he didn't think of that. He always came up with these wonderful ideas. Angela was always this beacon that was out there. They would be negotiating the waters of the zoning commission and they would be veering off a little but then they would look over to the left and there would be that beacon. He thanked her for her enlightenment and stated he enjoyed working with them both.

COMMISSIONER KELLEY thanked both of them for helping him get his sea legs on this Commission as they both sat next to him and helped him flourish. He wished his congratulations to both of them.

COMMISSIONER MCCLENDON said she unfortunately hasn't had the opportunity to serve on the Commission with either of them but stated they left obviously a very big legacy that continues to carry itself and sets a high precedence for new Commissioners like herself. She thanked Angela Creedon who has helped mentor her through the transition of coming on to the Commission and very much appreciated that.

COMMISSIONER VEITCH stated he thinks he overlapped with Angela by about 3 meetings and didn't serve with Dick at all but they did leave big shoes to fill. It was a pleasure serving with Angela on the General Plan Update Committee.

5. APPROVAL OF MINUTES

MOVED BY VICE CHAIRMAN IRBY, seconded by **COMMISSIONER KELLEY** to approve the minutes of the October 1, 2008 Planning Commission hearing. The motion passed unanimously 6-0 (Commissioner Rivers was absent).

6. 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 agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There was one action item – item A.

MR. KEVIN MAYO, ACTING PLANNING MANAGER, stated the following items are on the consent agenda for approval.

B. DVR08-0029 THE GATES

Approved.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) along with Preliminary Development Plan (PDP) approval for a commercial retail development on approximately 18 acres. The subject site is located at the southeast corner of Gilbert and Ocotillo Roads.

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. Development shall be in substantial conformance with Exhibit 'G', Development Booklet, entitled "THE GATES", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0029, except as modified by condition herein.
8. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
9. Landscaping shall be in compliance with current Commercial Design Standards.
10. Raceway signage shall be prohibited within the development.
11. The canvas shade structures shall be maintained in a manner similar to that of the time of installation.

12. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
13. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
14. 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.
15. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
16. 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 Gates" development shall use treated effluent to maintain open space, common areas, and landscape tracts.

17. **The building mounted signage for the buildings located at the intersection corner shall be limited to reverse pan-channel halo-illuminated lettering.**

C. DVR08-0031 TRE VICINO

Approved.

Request to amend the Planned Area Development (PAD) zoning to eliminate a zoning condition requiring copper supply plumbing for a 50-acre residential subdivision located south and east of the southeast corner of Knox Road and Arizona Avenue.

MOVED BY COMMISSIONER CASON, seconded by **COMMISSIONER VEITCH** to approve the Consent Agenda with additional stipulations as read into the record by Staff. The Consent Agenda passed unanimously 6-0.

ACTION:

A. AP08-0003/DVR08-0014 PARK PLACE OFFICE TRIANGLE

Request amendment to the Dobson/Germann Area Plan, re-designating an approximate 10.6-acre site located east of the southeast corner of the Loop 202 Santan Freeway and Price Road, from Low-Density Residential (10,000 square-foot lot minimum) to Office/Business Park.

In addition, request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a flex-office development.

1. Development shall be in substantial conformance with Exhibit A, Development Booklets, entitled "PARK PLACE OFFICE TRIANGLE" kept on file in the City of Chandler Planning Services Division, in File Nos. AP08-0003 and DVR08-0014, 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. 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.
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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
8. 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.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
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 Park Place Office Triangle development shall use treated effluent to maintain open space, common areas, and landscape tracts.

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

13. The landscaping shall comply with the Commercial Design Standards.
14. The perimeter block wall shall be constructed at an 8-foot height.
- 15. The potential parking deck landscape interface shall include some combination of additional parking screen walls, trees and shrubs.**

MR. KEVIN MAYO, ACTING PLANNING MANAGER, stated this is a two-part request. The first part is a request for an Area Plan Amendment to amend the Dobson/Germann Area Plan that covers this piece. The Dobson/Germann Area Plan was a square mile area plan covering Price to Dobson and the freeway down to Germann Road. It was initially created in 1987 and amended in 1995. The request is to amend this 10-acre site located east of the southeast corner of Price and the Loop 202 from a low-density residential designation, 10,000 square foot minimum lot size, to an office business park land use designation. The subject site this evening is the triangular shaped parcel south of the freeway. This business park to the west is the Spectrum 'Park Place' formerly known as 'The Spectrum Business Park'. This piece is located north of Vintage Villas, recently approved and under construction, as well as additional AG-1 land also planned for the same low-density residential 10,000 square foot minimum lot size. Staff is in support of this Area Plan Amendment. It is an irregular shaped triangular parcel. This was one parcel back in the day when the freeway came in and built. ADOT acquired this piece and it was a remnant left over parcel. It is irregularly shaped and you have a small tapering triangular point. It becomes very difficult to layout a residential subdivision if you could assume you could take all the land here. You have a much better chance of platting out a proper subdivision. The only issue they have is that these lots are larger acre properties and have established homes on them and many of them have put a substantial amount of money into their property in the last couple of years. They are in it for the long haul. Those are there. They are left with this irregularly shaped triangular parcel to deal with.

On top of that, the proposed office land use is always used as a transitional land use. This is a very good use to transition from other higher intense uses to residential. For this one this evening we see this good transitional use from the freeway down to that residential property. Overall, from a site plan standpoint, which he stated he would get into further when they talk about the rezoning and PDP, it just is a good solution for this challenging parcel.

The second portion of this request this evening is a rezoning and PDP request for a single two-story 100,000 square foot office building to be located on that 10-acre parcel. The applicant has done a great job to really mitigate and acknowledge its low-density agrarian character residential on the south border. The building is pulled all the way to that sites northwest corner up against the freeway basically set into a landscaped setting along the freeway and along the properties west side. The parking lot is set at an angle to where the terminating rows create this sawtooth effect with the landscaping buffer along that south property line adjacent to those rural properties. That landscaping buffer tapers from somewhere between 40 and 50 feet and it sawtooth's into a 110 feet as it heads along that

south property line. So you get multiple layers of trees and good depth pulling the parking spaces away from those homes minimizing any potential impact. They will see the building architecture is a very clean, sleek design with the Spectrum project to the west of this parcel. There are six buildings of which three are under construction. It is basically mimicking that architectural style with some additional architecture detailing occurring on the north side of the building visible from the freeway. You will see the top portion of that building. The applicant has gone the extra mile to really tweak the parapet lines and to add additional architectural detailing along that north facade. They do have the potential for a parking deck. Currently, this entire site with its at grade parking is parked to code for a full office build out. However, if you have a call center or something that would require additional parking there is a potential for a parking deck to be located on the site. The parking deck is a two-level – basically grade level and one above and it is also pulled up against the freeway farthest away from the homes. They do have an extra stipulation for their consideration for that deck. It would be stipulation no. 15.

The potential parking deck landscape interface shall include some combination of additional parking screen walls, trees and shrubs.

The exhibit in the booklet shows a very stark edge of the parking deck to the parking lot. The intention is to add some varying screen walls, shrubs and trees that really soften that interface and give it more of a sense of place than just floating out in a sea of parking. They had two neighborhood meetings as is required for an Area Plan Amendment. They were both fairly well attended. For the most part questions were asked and answered. There wasn't a lot of specific opposition to this request. One of the derivatives from the neighborhood meeting was raising the perimeter wall along the south property line from 6 feet to 8 feet. It would go to a full engineered wall now being 8-feet tall. The extra few feet was a request by those neighbors to add another little bit of buffering and screening for this project and the applicant has agreed to do that. For the most part, the concern they have heard is an opposition to this from setting a precedence standpoint. While Staff has explained their reasons for their support for the Area Plan Amendment and ultimate zoning for this parcel, the fear is that by amending the Area Plan from residential for this piece to an office business park designation, it would open the door for these parcels to come in and do the same. It would just increase the business park and bring it closer and closer to the homes. The simple answer is on this parcel it has a 3-way frontage, it has freeway interchange and on-ramps that are impacting it. It also has the hotels just to the west and is able to access the loop road Spectrum Boulevard. Point all the traffic away from the homes and it's a good solution for that piece. The remaining parcels here are of an adequate size and are an adequate shape to lot out for a residential subdivision. If you just close your eyes and look at the plotting pattern for this area, you could easily bring a cul-de-sac down and lot that out very easily because of the nice rectangular shape. It would be very easy to accomplish that. On top of that with it being adjacent to the back yards of those homes and then the lots to the east of it, it would not make sense. You don't have the depth of the lot and the area to move any type of non-residential land use. You don't have the amount of area to pull it up into this corner to get it away from these

homes like you do on this parcel where the office building is mainly pulled way up into that corner providing maximum distance. This building is in fact much further away from those residential properties than the other ones. It has gone even further at mitigating that while still providing a good buffer in transition from the freeway to those homes. He said they do have an e-mail that was sent to them from one of the property owners of the residential subdivision Vintage Villas. It outlines their opposition to this request. In there it does highlight the concept of a General Plan Amendment. He wanted to clear that up on the record.

The General Plan and Area Plans are not parcel specific documents. If they were able to look at those and evaluate where this would sit, it would fall under what's termed low-density residential under the General Plan. In the General Plan there is language that says office uses are considerable land uses in the low-density residential land use designation when they are adjacent to arterial streets. Freeways have always been considered the super arterial street. Based on its adjacency to the freeway this piece is eligible for consideration of an alternative use such as office even though it is in that low-density residential designation. A General Plan Amendment would not be necessary for this request. However, the more specific Area Plan does specifically call it out as the low-density residential with 10,000 square foot lot minimum, therefore, they do need to amend that. That is part of this request and then the subsequent zoning and PDP. Again, for the reasons that he has outlined, Staff is in support of this request. He believes there are two neighbors who want to speak in opposition to this tonight and he said he would be happy to answer any questions.

CHAIRMAN FLANDERS said he was trying to get a sense of where the proposed building and the existing residential and residential lots are from this building. There are two dimensions here. One from that corner to the property line of the AG-1 property that is adjacent to the site. How far do they think that dimension is? The second dimension is from the same corner of the building down to the residential lots just to the south of that rectangular piece of AG-1. Mr. Mayo answered that working off of the scale provided on the map from the corner of this building down to the nearest point that is zoned for residential use, is a little over 300 feet. It would be 800 to 900 feet for the second dimension. **CHAIRMAN FLANDERS** said so it is a couple of football fields then? Mr. Mayo said it is approaching a quarter of a mile away. **CHAIRMAN FLANDERS** said so there is ample distance as far as screening or site visibility lines and everything else from that building. Mr. Mayo stated that was correct and again, to reinforce office is always used as a transitional land use. For a typical 8-5 you get well-maintained properties that are secured and they are just a good land use to have next to homes. These guys have gone the extra mile to really mitigate any potential impacts. **CHAIRMAN FLANDERS** said yes, they are less intense and nobody is there on the weekends.

CHAIRMAN FLANDERS asked if anybody had any questions of Staff.

COMMISSIONER VEITCH said he had one question concerning the 5-acre parcel to the south. The triangular piece that they are considering is eligible for consideration for office use by virtue of its arterial street frontage on the freeway. That eligibility doesn't extend to the piece further to the south, so that if the concern is about setting precedence with this Area Plan Amendment, it strikes him that the piece to the south isn't eligible for consideration for an Area Plan Amendment. Mr. Mayo said that was correct. It may require even further amendment, maybe even a text amendment to the General Plan to give it an employment designation or something to that nature. It doesn't have that 'arterial' street adjacency freeway that this one does and therefore, you couldn't use that as its eligibility criteria to consider it.

CHAIRMAN FLANDERS called the applicant to come forward.

SCOTT MCCOY, EARL, CURLEY & LAGARDE, 3101 N. CENTRAL AVENUE, PHOENIX, thanked the Commission for their interest in this project and the questions they raised earlier in their Study Session. He knows they are hard at work to consider all the development plans in the City seriously. They appreciate the attention they gave to this project.

He said as they already know and Kevin did a fine job of presenting what they believe to be the strengths and weaknesses of this particular site and the reasons why they believe the specific Area Plan Amendment and rezoning are appropriate for this site. Another constraint this site has that they haven't talked about and while it may not seem terribly important at least from their view, is that there is no dedicated right-of-way for this to access this site not only from the freeway side but also to the property to the south. That obviously creates some real issues in terms of trying to develop this site as a single-family residential development. There is no dedicated right-of-way through the 5-acre parcel to the south of theirs or to the existing homes to the southeast of them. That is an important consideration. In Study Session they talked about a couple of things and hopefully, Staff answered their questions in that regard. There has been a new stipulation proposed, stipulation 15, as it relates to landscaping around the potential parking deck. Again, that parking deck is a concept but they don't know that it will be necessary in the event they require additional parking. They put in their PDP so that they would understand that is a potential. They are happy to agree to that stipulation. They know there are some neighbors here and want to speak. They have had a number of neighborhood meetings, they have worked with their neighbors and they have been attentive to their concerns. In regards to the existing residential to the south and east of our site, they have worked with those folks and they believe they have addressed all of their concerns, which primarily was security and what it would look like. They have agreed to the 8-foot block wall on the perimeter. They would be happy to do that. They have substantial landscape buffers along the south side of their property to mitigate any impacts their site might have on residential, as it exists now. He thanked them for their interest and asked that they follow Staff's recommendation on both action items.

CHAIRMAN FLANDERS asked if there were any questions of the applicant. There were none. He said there were two speaker cards. He asked that they state their name and address for the record when they come up.

KAYVAN SANUIHA, 2147 E. BASELINE ROAD #101, TEMPE, stated he is one of the principals for Vintage Villas. He wanted to go over some of the concerns that were raised and why he disagreed with the Staff as to why this piece should be redone from the General Plan low-density to commercial. He noted there were a few different arguments that were put up and he is going to try to address them.

The first one is the access to the site. This piece can be residential as it is planned in the General Plan. The access is from El Dorado, which is where they did the full improvement of the site up to the County border where the bigger lots are. If it is improved, that is where the access is going to be – through El Dorado. He disagrees that this site just doesn't have access and it has to be taken from the commercial side. The second one, Kevin made the argument that because of the arterial street and because of the frontage on the freeway, this makes it a better candidate for a commercial piece rather than residential. There is actually no arterial. The only road to this is El Dorado. They are trying to actually bring an access from the commercial piece to the site and there is really no freeway frontage. If you call a 10-foot block wall freeway frontage, that would be a redefinition of a freeway frontage. There is absolutely no way to get to the freeway from this site. You can't even see the freeway – there is a big 10-foot tall concrete wall. Third, it was hard to work with this triangle piece. He feels that this is a 10-acre site and if you give it to a creative architect, they can use the end of that triangle probably for the retention. There is the road El Dorado that would come through and you can tee off and get plenty of lots as it is zoned for, which it is. The General Plan shows approximately 10-acre lower density, which is approximately a 10,000 square foot minimum. He also thinks that when they went out (he wished Kevin Mayo was the Director at the time) and when they came in here and wanted to use smaller lots, they did not allow them to do that. Even though they argued they were right next to that commercial piece, they still disagreed with them and they had to go with what the General Plan called for, which was 10,000 square feet minimum. They have a series of their lots at Vintage Villas that basically sit approximately 60 feet away from 35-foot high buildings, which are two-story and supposedly they have approval for double deck parking a short distance from their homes.

Their homes were designed per the Staff to be \$400,000 to \$600,000 houses. To have something like that in the backyard, they need to put themselves in the position of a homeowner. How would you like to be sitting in your backyard when somebody on the second floor about 80 feet away is looking down into your backyard. They are obviously against this project. They feel that is why the city works in putting general plans together. They definitely disagree with the argument of the arterial street access from the freeway frontage. Those are absolutely stretching the rules. That is their position. They are against this and will be back here at City Council. If you have any questions, he will answer them.

CHAIRMAN FLANDERS asked how many residents are living in this subdivision right now? Mr. Sanuiha said they opened up in April and they haven't had anybody move in yet. Some of the challenges they have is just that. People pull into the front of their models and there are these 35 to 40-foot buildings that are sitting there like monsters. The reason they are against this is because they don't want the same thing to the north. The bottom line is when you pull into the area they are huge buildings sitting there and they just don't want to become an island having them surrounding them. When he called the city and discussed this with them, they said he knew that to the west of them was a commercial piece and they shouldn't have bought land to rezone it for housing. That is a fair comment, but in this case here they have a General Plan in place and the applicant knows that this was a residential low-density piece but they have gone ahead and purchased it in the hope of coming in and persuading you guys to change it to what they want. **CHAIRMAN FLANDERS** said he was surprised because he was looking at the location of his development and if he had the ability to buy in an area that is right in the middle of something, they are sitting on a prime piece of property here. He lives right now behind a bowling alley and is about five minutes from the mall. This is even closer to everything so he would think this would be a great place for residential. Mr. Sanuiha said that is not the opinion of the buyers that are coming through their models.

VICE CHAIRMAN IRBY said he remembers his project coming in front of them. He asked if their project was before the commercial development to the west of them or did they come in after them? Mr. Sanuiha said they came in after but he thinks that area was industrial. **VICE CHAIRMAN IRBY** said he believes it was zoned industrial. When they came in to do their PAD and final project to them, he wondered if he was already on board with it? Mr. Sanuiha stated they actually attended a few of the neighborhood meetings and opposed it but it slipped by them. That is why they are going to be acting on this one. **VICE CHAIRMAN IRBY** stated when he saw his e-mail and looked at the packet, he would have been jumping up and down on the one to the west of them. It has the most impact to them. This one they have a lot in between them and they pushed the building even farther away from them. Mr. Sanuiha said they were also told that the General Plan for that area was going to be commercial. It has been the argument of how the buildings are going to be and how much more distance they would have. They couldn't really change that because the General Plan wasn't residential and somebody was trying to convert it. The city had determined a few years ago that this area is low-density residential. They are basically going back on what they had voted and decided on. **VICE CHAIRMAN IRBY** said on a scale of 1 to 10, 10 being the biggest impact to them, he saw the west part as being a 10 and this property being more like a 5 or 4 in terms of their proximity. They already have the impact of it. He was trying to think from their point of view when he was reading the letter. Mr. Sanuiha replied they were just looking for fairness because when they came in, they wanted 7,000 to 8,000 square foot lots. They said no, it will be a 10,000 square foot minimum – no discussion, just take it or leave it. They adhered to that General Plan and they feel like everybody else should. **VICE CHAIRMAN IRBY** said to be honest with him he didn't know if he would have supported their project if they had done smaller lots based on what is around them. They

have lots to the north of them that are actually pretty big lots and big homes and they would have been fighting his development also. He stated he appreciated him giving them his point of view.

CHAIRMAN FLANDERS asked if there were any other questions of the speaker. There were none and called up the next speaker.

NICK GOODMAN, 1708 E. KAIBAB DRIVE, CHANDLER, said he probably won't make it to the end of the discussion on this because he has a prior engagement but he hoped to share some points with them; some from what he thought of before and some from the questions/answers that have happened here today. The first question that comes to mind for him is if office space is transitional use, what transitional use is there for their 5-acre parcel immediately south of the parcel in question? He fully believes in the world that they should allow properties to seek its highest and best use. He, like Vintage Villas, have been in contact in the past with the City of Chandler and he has been directed that 10,000 square foot lots is all that they can have on this property. A question comes to mind in this argument that had they purchased his 5-acres as well as the 10-acres, would they right now be talking about a 15-acre parcel that should be approved for commercial because its adjacent to the freeway? He would argue that if they were presenting a 15-acre parcel right now, on the map it would like something that makes sense. It looks like a continuation of the commercial. It looks like there is a true dividing line. The old County homes would be there. As far as the questions on the property to the west, on a scale of 1 out of 10, the properties to the west are a 10 for his property and the property north would be a 10. If he has to build homes to 10,000 square foot minimum lots, then he is basically right up against both these properties. What happened in that is they followed the same logic that the General Plan is the General Plan is the General Plan and you need to follow that. They focused on the 10-story building that was proposed for that project to the west of them – not the 35-foot building that is going to be in their back yard. That was a mistake on their part and they should have focused on that.

With this he has some other thoughts to share. If his is residential, then he is basically looking at a property at 5-acres that could be built out for 10,000 square foot lots. But he is looking at seeing the transition for two commercial projects. What transition is his property allowed to have so that he can transition from this commercial? His property is the buffer. It's the buffer for Vintage Villas and it's the buffer for every part of the area. Regarding the parking structure idea, he met with the counsel for the landowner. They came to his office and they met. He said it was nice of them to do that. They had a discussion. Today is the first time the parking structure has ever been brought up. It wasn't in any of the pretty pictures they left him or anything of that nature. Yes, he should have done the due diligence and read through the packets on line and everything that is available. Today was the first time that was brought up to him. The history of the parcel for them was they purchased the parcel and it was zoned commercial for the County. Then because of tax purposes and the down turn that happened after their untimely purchase in 1987, they zoned it to AG so they wouldn't get killed on taxes. It was obvious the area was not going to be developed. From there it was changed to

residential through the Area and the General Plan and now they are stuck residential. To reiterate, he believes in having the best and highest use, but he doesn't understand and can't fully appreciate why the property to the north of him can have the highest and best use and that he has to be the transitional buffer for that property as well as to the property to the west. Those are his thoughts.

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

VICE CHAIRMAN IRBY asked if he was in support of this project or is he now against it? Mr. Goodman said initially before the parking deck surprise and in his discussions with the Counsel for the property, they had presented to him that their property had some access to his property so that if and when his is zoned commercial, it can be commercial. From listening to the city it is quite obvious that there are many discussions and much analyzation of his property and how it will never be commercial. He feels a little mislead at this point, so at this point he does oppose this project because he had been directed they would provide access and he is off the loop. They will draft a document separate and they will get it all taken care of. That document is not going to be worth the paper or the time if the city is adamantly opposed to it. So he is opposed to the project.

CHAIRMAN FLANDERS asked if there was anybody else in the audience that would care to speak in regards to this item. There were none. He went back to the applicant.

MR. MCCOY stated he had a couple of responses to the first speaker's concerns. If you look at the aerial and the land uses that are going on in their area, the impact of this site on the project that the first speaker is the developer on is in fact minimal as Vice Chairman Irby pointed out. They have done everything they can from a design and site plan standpoint to minimize their impact on all of their neighbors, but in particular that development because they knew that one was at least underway. They think that they are in a position to hopefully help the first speaker sell some of his homes and think that their project and the employees that are going to come there and work there, are also going to want to live nearby. They think this is a good opportunity for their employees to end up living in those homes. If you look at the specific area plan, the future of this site they are talking about in terms of a single-family residential development, large lots with executive homes in the price range at half a million dollars for a house, don't want to live up against a freeway. Other transitional uses from a freeway to a single-family residential are multi-family and that is exactly what occurred north of their site on the other side of the freeway. They think in this instance that a multi-family project wouldn't be appropriate. It dumps a bunch of trips on the local streets to the south of theirs and there is no access to begin with. They think that the commercial development stands at least a pretty good chance of getting off the ground and being an asset to the community. We are not sure that they are comparing apples to apples as the prior speaker mentioned his efforts to try to get smaller lots. They are not seeking residential and obviously, the City and this Commission jealousy guard large lot land use designation in their General Plan and they support that and think it is appropriate. This just isn't a likely candidate for large lot development.

With respect to the second speaker, he wasn't the Counsel that Mr. Goodman met with at Earl, Curley and Lagarde. This is actually Mike Curley's case and he is standing in for Mike because he has four other hearings tonight. So he is not 100% sure of what the conversations were. He can tell them that the speaker and Mr. Curley did talk about a potential access through their site from his 5-acre site in the event he was able to persuade this Commission and City Council to re-designate his 5-acre parcel into rezoning. That is obviously not in stone and it sounds like from the tenor of the conversations here tonight from Staff that is at least an uphill proposition. We are not opposed to allowing him access to our site. Any commercial uses they think is inappropriate to dump those trips onto the residential properties, so they would work with him to try to develop an access if he was able to get his zoning. He said he would be happy to answer any questions that they may have.

CHAIRMAN FLANDERS asked if there were any questions or comments to the applicant. There were none. He closed the floor for discussion and motion.

COMMISSIONER VEITCH stated the reference to the eligibility for this property to be considered for a non-residential use as a transition by virtue of its position along the freeway. It has nothing to do with access; it has to do with the land use pattern. When he looks at the land use pattern using the exhibit that Kevin had on the Elmo earlier and as he looks at it as it's proposed, he compares that to what it would look like with residential going all the way to the freeway. I think the pattern is better with this development intervening than without it.

CHAIRMAN FLANDERS stated he would have to agree with that point. He thinks it is a good buffer from the freeway to those residential lots - five hundred feet to the 5-acre site with a total of 800 ft. to the Vintage Villas project. There is more than enough room for separation and a transitional thing through the parking lot, the landscaping, the screen walls, etc. He thinks it is a better choice.

VICE CHAIRMAN IRBY stated he doesn't ever see this property being a residential. He agrees with the applicant's assessment of that and he thinks it is designed quite well to be a nice buffer between the freeway and the residential properties to the south. He can't find any true cause for this one to ask for any modification or change to it. It is a good project.

CHAIRMAN FLANDERS asked if there were any other questions. There were none. He entertained a motion.

MOVED BY VICE CHAIRMAN IRBY, seconded by **COMMISSIONER CASON** to approve AP08-0003/DVR08-0014 PARK PLACE TRIANGE with the additional stipulation. The item passed unanimously 6-0.

CHAIRMAN FLANDERS told the two speakers that Planning Commission is a recommending body to the City Council. The November 20, 2008 City Council Hearing will be their next opportunity to go ahead and voice their concerns.

6. DIRECTOR'S REPORT

Mr. Mayo reminded them that the Planning and Development picnic is tomorrow, October 16 at Desert Breeze Park from 11:30 a.m. to 1:00 p.m.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN FLANDERS announced that the next regular meeting is November 5, 2008 at 5:30 p.m. in the Council Chambers, 22 S. Delaware Street, Chandler, Arizona. He stated that is the day after the election, so everybody get out and vote.

8. ADJOURNMENT

The meeting was adjourned at 6:19 p.m.

Michael Flanders, Chairman

Jeffrey A. Kurtz, Secretary