

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, December 17, 2008 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:40 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 Leigh Rivers

Absent and excused:

Commissioner Kristian Kelley  
Commissioner Stephen Veitch  
Commissioner Christy McClendon

Also present:

Mr. Bob Weworski, Planning Manager  
Mr. Kevin Mayo, Principal Planner  
Ms. Jodie Novak, Senior Planner  
Mr. Bill Dermody, Senior Planner  
Mr. Erik Swanson, City Planner  
Mr. Glenn Brockman, Assistant City Attorney  
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES  
**MOVED BY COMMISSIONER CASON**, seconded by **COMMISSIONER RIVERS** to approve the minutes of the December 3, 2008 Planning Commission hearing. The motion passed unanimously 4-0.
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 agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were 4 actions items-items G, A, B and C.

D. PDP08-0024 FIRST BAPTIST CHURCH CHANDLER

**Approved.**

Request Preliminary Development Plan approval for Phase II of the overall Master Plan for the First Baptist Church of Chandler. Phase II will include approximately 49,390 square feet of floor area. The subject site is located at the northeast corner of Arizona Avenue and Appleby Road.

1. Development shall be in substantial conformance with Exhibit 'K', Development Booklet, entitled "FIRST BAPTIST CHURCH CHANDLER", kept on file in the City of Chandler Planning Services Division, in File No. PDP08-0024, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinance No.3535 in case DVR03-0032 FIRST BAPTIST CHURCH CHANDLER, except as modified by condition herein.
3. A Traffic Study shall be submitted and approved by Public Works Director at the time of subsequent Preliminary Development Plan submittal.
4. The applicant shall work with Staff to incorporate art features within the development. Details to be worked out with Staff.
5. The use of the modular buildings shall remain in effect for two (2) years from the effective date of City Council approval. Continuation of the modular buildings beyond the expiration date shall require re-application of a Preliminary Development Plan and approval by the City of Chandler.
6. Additional right-of-way shall be dedicated along Arizona Avenue for a bus shelter and bay, details shall be worked out with Staff. Future construction and maintenance of the bus shelter and bus bay are not the responsibility of First Baptist Church of Chandler.
7. **The applicant shall work with Staff to depress the modular buildings.**

E. PDP08-0032 LAGUNA VILLAGE

**Approved.**

Request Preliminary Development Plan (PDP) approval for an additional monument sign in the Laguna Village shopping center at the southeast corner of Ray and Kyrene Roads.

1. Development shall be in substantial conformance with the application materials (site plan, elevations, narrative), except as modified by condition herein.
2. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
3. The monument sign package 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.

F. PDP08-0034 C SMART AUTO DEALERSHIP

**Approved to withdraw.**

Request Preliminary Development Plan (PDP) approval for on-site freestanding signage as part of an automotive sales and service development on approximately 24-acres located at the northeast corner of Orchid Lane and Interstate 10 (1/4 mile north of Ray Road). **(REQUEST WITHDRAWAL.)**

H. UP08-0056 THAI GOLD POTS FINE THAI CUISINE

**Approved.**

Request Use Permit approval to sell liquor (Series 12 Restaurant License) for on-premise consumption only within a new restaurant. The property is located at 2820 S. Alma School Road, Suite 15.

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. The Use Permit is granted for a Series 12 license only, and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.

I. UP08-0058 CARNICERIA EL HERRADERO

**Approved.**

Request Use Permit approval to sell beer & wine within a neighborhood grocery store for off-premise consumption only (Series 10 Liquor License) at 1368 N. Arizona Avenue, 200 feet south of Knox Road.

1. Substantial conformance with approved exhibits (Floor Plan, Narrative) except as modified by condition herein.
2. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
5. **The area adjacent to the store shall be maintained in a clean and orderly manner.**

J. UP08-0059 MARKETSIDE

**Approved.**

Request Use Permit approval for a Series 10 (Beer and Wine) liquor license for off-premise consumption only within an existing grocery store. The subject site is located at the southwest corner of Ray and McQueen Roads.

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

2. The Use Permit is granted for a Series 10 license only, and any changes of license shall require reapplication and new Use Permit approval.
3. The Use Permit is non-transferable to other store locations.

**MOVED BY COMMISSIONER CASON**, seconded by **COMMISSIONER RIVERS** to approve the consent agenda with the stipulations as read in by Staff. The consent agenda passed unanimously 4-0.

**ACTION:**

G. UP08-0051 GINGERROOT

Request Use Permit approval to sell liquor for on-premise consumption only within a restaurant (Series 12 Restaurant License). The facility is located at 1076 W. Chandler Boulevard, Suite 111, at the northwest corner of Chandler Boulevard and Alma School Road.

7. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
8. The Use Permit is non-transferable to any other location.
9. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
10. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses should require reapplication and approval of the Use Permit.
11. The area adjacent to the establishment shall be maintained in a clean and orderly manner.

**MR. BILL DERMODY, SENIOR PLANNER**, stated this a request for Use Permit approval to serve alcohol in conjunction with a Series 12 Restaurant at Gingerroot located within a suite at the northwest corner of Chandler Boulevard and Alma School Road. A restaurant license allows on-premise consumption only. It has certain requirements about the amount of food sales versus alcohol sales. Staff does recommend approval with the usual conditions.

**CHAIRMAN FLANDERS** asked the resident to come up and speak and said he would then go to the applicant if they want to respond to any of the items mentioned.

**DONNA WRIGHT, 1102 W. DIXON STREET, MESA, ARIZONA**, said she is the owner of the property at 301 N. Alma School Road, which is approximately two blocks north of Chandler Boulevard on Alma School on the east side of the road. It is a daycare center, A+ Preschool and it faces west. She feels like the proximity to where liquor is sold would be too close to any child daycare center. This center has flexible hours and

they are licensed from infants and older. Parents and Staff are exiting well after dark. Sometimes the school stays open till midnight even. She feels that is not appropriate. Opening the door for them to serve liquor she fears that will open the door for other establishments to do the same in that area. This could possibly make it less appealing for parents to bring their children to that daycare center thus affecting her business and her property value because this could decrease the value of the property for being used as a daycare center in the future. She is the leaseholder on that property. She has owned it for over 30 years.

**CHAIRMAN FLANDERS** asked if anybody had any questions of the speaker. He asked Staff as far as the proximity from the daycare to the liquor use is there any requirements that prohibits them from doing that. Mr. Dermody said for a Series 12 License there are no separation requirements from any other facilities. State law does require that Series 6 licenses and 7 must be 300 feet from a school or church. Those issues are not present in this case.

**VICE CHAIRMAN IRBY** said he understands her concern and thinks the center is designed appropriately for this type of use. He doesn't really see the impact of that on her property. He made a motion.

**MOVED BY VICE CHAIRMAN IRBY**, seconded by **COMMISSIONER RIVERS** to approve this item.

**COMMISSIONER RIVERS** echoed the Vice Chairman's point that this is a restaurant and a good distance away from the property. As Mr. Dermody told them, this does not have the same restraints on it as a liquor store or a bar and he doesn't think it will be much of an impact.

**COMMISSIONER CASON** stated it is important to note that there isn't a bar. There are all just tables and they couldn't put in a separate bar without coming back before them again. It's pretty much laid out just as a restaurant would be so everybody that desires to have some liquor, it will be while they are eating or at least sitting at the tables.

The item passed unanimously 4-0.

A. DVR08-0023 MCCLINTOCK VILLAGE

Request rezoning and Preliminary Development Plan approval for a commercial shopping center on approximately 26.4-acres. The subject site is located north and west of the northwest corner of Chandler Boulevard and McClintock Drive.

**CHAIRMAN FLANDERS** said that he has a "conflict of interest" on this item so he will turn it over to the Vice Chairman.

**MR. ERIK SWANSON, CITY PLANNER**, stated it is a request for rezoning and Preliminary Development Plan approval. It has had a long history of zoning actions on it dating back to before 1988. In 1988, the actual zoning was established for office type uses on the northern portion of the site and commercial related uses on the southern portion of the site to assist in the operation of the surrounding industrial type uses. Back in 2000, a PDP was submitted for the site. This request is seeking to amend that. In 2002, the surrounding Chandler Corporate Center came in for a PDP approval. While that approval did not speak specifically to this site, they have taken a number of design considerations into this. He said he knows there are a number of issues that they discussed during the study session and if it is the Commission's desire, he can go over those or he can give the full presentation to address some of those conditions about the site access as well as the traffic signal and the parking.

To first address the turn signal or the light at Juniper and Chandler Blvd. - that light will be required to be put in with the first phase and that is primarily being pushed by the amount of traffic produced. Currently, McClintock Drive and the left hand turn onto Chandler Boulevard is pretty close to capacity, which by putting in this light would alleviate that. That would require that traffic light to go in with the first phase. In regards to the additional truck access along Juniper Drive, the applicant would like to speak to that matter. Another issue was the retention behind Major 'B'. Since there is all the runoff, they will be required to put in that retention basin as part of Phase I. The northern portion of the retention basin will not be put in at this point in time. He said he knows there are some design considerations and concerns with the parking and the applicant would also like to speak to this.

**MIKE WITHEY, WITHEY MORRIS, PC.**, stated this property has a long history and he could talk a good hour and a half about it. He didn't think anybody wanted to hear about the whole land use scenario. In terms of the site plan design it is a very unique design. He remembers when it was first shown to him and he had some concerns that City Staff and others were going to get really enamored with it because it was so different than the traditional "L" shaped shopping center. By putting their retention in the middle of the site and trying to turn it into more of a people place and turning around some of the buildings, they realized it was not the usual scenario. He didn't want to propose this unless they were 100% committed that they could do it. He said he thought it was really cool and other people are going to think it's cool and really different. He personally doesn't want to start with that because he thinks they really should be applauded for doing something a little bit different.

He said when it comes to the architecture they are really proud of it. There was a real collaborative effort with Staff on building materials and building elevations as well as the landscape plans. They are very proud of that as well. In terms of uses, this area was always planned to be the retail. Actually Sooner Investments is his client on this. They own the whole 100 acres and the idea was they sold off because they are primarily a retail developer. They sold off the other 75 acres for the light industrial park and office uses. That has been successful. The idea was always to do retail on this remaining acreage.

They had been waiting to come up with a design that worked and the market come to fruition. The idea was that the retail has its life as the business park gets built out. A lot of the reasons for generating the uses on the retail come from the office and employment. That is why they are proceeding with the PDP at this time. That having been said, they are all in the business of developing property and not letting it sit there vacant. This thing can be graded and designed and retention work done. For example, if they wanted to come back 4 years from now and wanted to do an office building there instead of a hotel, they certainly could do so. There is nothing they are doing now that would prohibit that from happening in the future. Obviously, this is something that the PDP would have to come back through the whole process. They would have a chance to look at it. There is nothing prohibitive in what they are doing. Hopefully, that answers the question in terms of future flexibility.

He said the second thing he heard was why is there no curb cut on Juniper. He thinks there were a couple of reasons. They think it is a good idea to separate the commercial truck traffic from the retail shop traffic. There is a separation from this distance and they are dealing with this entrance because this is the entrance in the Stellar Commercial Park. With this corner here he thinks there is a site distance issue in terms of being on a curve. They felt it was unnecessary. They have done this before and liked the idea of the turn-arounds for the trucks and segregating them. Given all those things combined they thought this was the best solution.

The other issue he heard mentioned was the parking for Shops A. That is a little ironic because one of the things they were working on with Staff is that they were concerned they had too much parking on this site. So they have actually over the last few weeks of redesigning this site, they have actually lost quite a bit of parking. They have added buildings and landscaping. They feel very comfortable with that. If they took just that square footage and did the numbers they wouldn't meet the parking for that right in front of Shops 'A'. That includes employee parking. He has done a whole of shopping centers and he knows they have and reviewed them. Generally, the high traffic users are more in the Pad than the shop space. They feel very comfortable with that and if somebody had to walk an extra 50 feet by having to park at Pad 'B' or over here in front of Major 'A', they are very comfortable with that. He doesn't think that it is out of the norm from other shopping centers they have approved. The artwork in the public plaza area would go in as each phase goes in on the project as it is developed adjacent to it.

Lastly, he said he wanted to address the phasing plan because that is the biggest thing that he heard at the study session in terms of what people's comments were. They filed this phasing plan and would like the ability to go forward with this as it is. He will tell them from a practical real world business issue the chance of them going ahead and just doing Major 'B' and nothing else in the center just from the economics of it, the chances are very, very small. It won't justify spending the kind of dollars that they probably do. Their problem is they just don't know who the other buildings are. They are marketing all sorts of different people and they think a lot of these things are going to land once they get their PDP approved. They just don't know if it's another restaurant or if it is Major

'A', so they filed this to maintain their flexibility. Maybe he is partly to blame for some of this because what they have told the client and his Staff in the past has been when somebody wants to do just a small part of a center like this, Staff is basically concerned about what happens to the remaining property and what the overall property is going to look like. Generally, when somebody comes in here and wants to do just a building or a couple of buildings, they are saying they only want to do the perimeter landscaping adjacent to McClintock or maybe Chandler Blvd. They are really trying to limit what their capital exposure is in terms of outlaying of costs. In this particular case, the trade off he was suggesting is that no matter what the first phase is all the perimeter landscaping goes in not just on McClintock and Chandler but in the internal streets. When you have the office park coming out of the ground and those buildings going and then no matter what happens first on this site you get all the other perimeter landscaping. Now Chandler Corporate Center really has a life and it looks finished, etc. and it is there waiting for the interior Pads to be developed. They had to arm wrestle their client to agree to spend that kind of money to do all that perimeter landscaping. They are willing to do that. To answer their question in terms of maintaining it, they have to maintain that perimeter landscaping. He said hopefully he has addressed their questions.

**VICE CHAIRMAN IRBY** said it is a nice project and as he mentioned in study session the architecture to the whole project and how it is laid out in general was very good. There is still a little tweaking that he still has a little heartburn over. He is also concerned because he has looked at the footprint and the architecture of Phase I Major 'B' and was under the impression that the user isn't doing that well. He goes back to pharmacies that were being built all over the place and you would get 2 and 3 on every corner and then they would start to merge and then they would be shutting down one. Now you have a building that looks like a CVS but isn't one anymore. That is one of his major concerns with approving Phase I including only one structure. The example he can give them is Fulton Ranch, which has a CVS on the corner of Ocotillo and Arizona Avenue. It is up and running. Right next to it is a very nice looking Fresh & Easy that looks like it is a hundred percent finished but with not a product in it. He is kind of concerned with that point of view. Mr. Withey replied the gas station that went out on the corner is a perfect example of what he is talking about before Chandler had the codes that required those things to go in. They would get these big, huge beautiful shopping centers approved and they would get the gas station and Circle K on the corner. In response to his questions, they really feel like that is a really good use for this property and the people they have talked to in the neighborhood are actually really excited about it. He doesn't know anything about the other site. He said he knows they have committed to them on this site and he knows they want him to build this. He assured them that they are not going to build it unless they know they are moving in and they have a long-term lease with them. He is not worried that it is going to be built and it's not going to happen. This is on the middle of the site rather than on the corner. What is going to happen is that this retention basin gets built, the public plaza area gets built, and then all the perimeter landscaping gets built, the light gets put in to finish off the corporate park and the signage on the corner that matches the signage on the northwest corner gets built. Even if this worse thing happens, he would suggest that the city is in really good shape and that the problem

of the Circle K going on the corners is completely different here because they have had all this massive other capital improvements that have been made to this site. He thinks they are much better than what they have been living with for 25 years out there when those streets when in. They are redoing the streets and they are making all sorts of capital improvements. As a result of all those signage, traffic signals, landscaping and all those other capital improvements that are called for by this plan, you will see not one but more than one building. They would like the flexibility to keep it the way it is.

**VICE CHAIRMAN IRBY** stated that we are obviously in some very interesting economic times. He would have to believe that if they don't have another building to go with this thing, he would be shocked if it ever got built. He drives around town and he sees a lot of buildings that are started but never finished. Chandler Mall has a beautiful sculpture of a hotel sitting on the main entry into the mall. If you drive down that same street, Frye Rd. and you head east, there are about two or three more projects towards Alma School that are also half built. There is a big retail project that is fenced and the weeds are growing up, the buildings are built and it has exposed framing and it is quite an eyesore and also becomes a tempting place for kids to get into. He has a lot of people asking him how he can approve a project and then it never gets built. He tells them he doesn't have control over whether they get built. The City never really tries to approve anything that can't get built. People run into a lot of different problems. That is the other flipside of this Phasing that he has a little heartburn over. Again, into the more detailing questions that if they approve this, what is really getting built. Are they redoing the landscape around the existing facility? He doesn't remember what the landscape around that is. He thinks they probably need clarification on the monument signs. If you go farther north on McClintock Drive, he assumes they are not building monument signs in this landscape area. The same thing goes if you are heading west on Chandler Boulevard. There are a lot of little issues. They couldn't maintain this property in a good, clean manner long term with just one tenant supporting it. They say Shop 'A' is under parked and it may or may not be depending on what tenants go in there. He doesn't know if a Coffee Shop could fit into one of these end caps on Shops 'A' and all of a sudden it becomes a popular hip place to be and then all of a sudden you can't park. It also jams it up right there at the only real entrance off of the west side. Again, he said he falls back on the Chandler Mall – success creates problems. If you want to go to the Keg or Majerle's or anything in that little zone of the mall for a restaurant, on any popular night you can't park. You drive around for half an hour and you end up parking almost a football field away. You can have the total number correct but if they are not in the right location, it creates a problem. He thinks the Chandler Mall gets over it to a certain extent because of the popularity of the facilities. Eventually, people say they would go there but they don't want to spend a half an hour trying to park.

Mr. Withey responded that as far as the parking on Shops 'A' he is sure he can pull out a lot of shopping centers either approved or built that if he looks what is exactly in front of it, they may or may not meet the exact requirements. The whole idea of doing a shopping center and master planning it is not so you break it out. In fact, he has gotten into trouble in this city from going down and showing plans where he takes every single user and he

looks at exactly the parking needed for that user and he allocates the amount of space that needs to go right in front of that user. Staff beats him up like crazy. Then he ends up with more parking than what their code requires and then he gets criticized for having too much parking. You want the whole idea of designing these centers overall and bringing it down there is going to be some mixture of parking. Then the Majors all want their parking right out in front of their parking fields etc. They feel like the amount of parking spaces that they are showing in front of Shops 'A' is more than sufficient to solve that problem and if there was something, there is the ability that somebody has to walk an extra 40 or 50 feet. They are not concerned about it and if they are going to start looking at every single shop space in this city and saying they have to have the full required parking in front of them, then they think a lot of their plans are going to fail. He suggested it is not the best long-term solution.

As to the gas station, they are not doing anything on the gas station property. He wished they owned it and they would redo a number of things. They are not going on to their property or doing anything on their property. They have pleaded with them to make some improvements. He is hoping when they see them making a bunch of new money and there is new activity around it they will choose to do the same. He said lastly on the big issue, he didn't quite know how to respond. Yes, we are in completely uncharted and challenging economic times that none of us envisioned happening. You can look at it one way not to approve any of these centers because either they won't get built or they will get started but not finished and they will have a problem. But then they might as well shut down. He has the complete opposite outlook on that. He has been telling people that in times like this where it's so challenging from an economic perspective and it is so hard to get money and lending, this is exactly when you should be doing the planning. This is exactly when you should be getting the land use entitlements done and this is when they should be going out and approving the zoning entitlements on these centers so that when the market comes back they are ready to go and they can respond to the users – not that they should cut corners, they should make sure they are good centers and well designed. There is only so much they can control in this room. He can assure him that they are not going to go out and make a multi-million dollar investment and put themselves in the position of having to maintain all this perimeter landscaping and do all the capital improvements and everything else if they don't think they have the revenues to support that. He thinks that they are going to end up building way more square footage than what they are thinking here. In these challenging times they are trying to protect their options. If worse comes worse and this guy was really willing to make all these capital improvements and do all these wonderful things for perimeter landscaping and signage, why not encourage him to do that. Normally, you see guys saying they just want to build a little bit and they don't want to put in the retention and the perimeter landscaping and the traffic light. They don't want to pay for that stuff. Here is a guy that is willing to step up and do it and he doesn't think we should penalize him for that.

**VICE CHAIRMAN IRBY** said he pretty much agrees with him but he is not sure how he approves this project. He also looks at it in terms of this is a small section and there is still a lot of property that can be developed depending on what the market dictates. Mr.

Withey said that Sooner Investments is a big nationwide company and they have tremendous relationships with a number of retailers and with Majors. He was talking with one of the owners of the company last week. He said nationwide has done 44 Target Centers and JC Penney's. They do not have a Major on this site of that scale. They are dealing with a large developer that knows retail that has the resources available to do a project like this and they also have the contacts with the retailers in order to do a project like this. He assured them they are not going to do anything that doesn't make sense. They were actually the buyers of the entire 100 acres. They have been instrumental in selling off those parcels and the overall master plan, which has lead to the overall 100 acres. Mr. Withey also said they have had a number of discussions with Economic Development about the market place and alternative uses. They asked a lot of the same questions and they have worked through that with them diligently.

**COMMISSIONER CASON** asked how much property does the gas station own beyond their black rail fence that borders their property? Mr. Withey said he didn't know the answer to that. They were going to develop up to that and landscape around that on their property. They were not going to put a wall. **COMMISSIONER CASON** said on the landscape drawing it doesn't show any landscaping around that so he was concerned what they were going to do to hide it because it's really an eyesore, especially where Pad 'E' would be. They said they were going to do some landscaping but he didn't see it on the drawing. It's on the backside of the gas station along where Pad 'E' would be. He would like to get something in there so that it could be hidden. More than anything else so that they can transition from the stark white box w/stuff stuck all over the wall and 1970's type design to transition to Pad 'E' and Pad 'F'. The problem is that they don't have a lot of room to do it so he didn't know what they could possibly squeeze in there.

**VICE CHAIRMAN IRBY** said he wasn't sure but when he looks at the civil drawings it looks like the property line is up against their fence more or less. It looks like there is a landscape area between that and where their driveway is being built. Their landscape plan kind of ignores that.

**MR. SWANSON, CITY PLANNER,** stated their property line from what he understands is basically those two entry drives that are on the applicant's property and so the mobile is basically going right up to that drive. Can they potentially work out a design where that entry drive gets redirected and curves a little bit to provide a little extra landscaping. That is actually on the applicant's property potentially. That is something they would have to be comfortable with and they can do a stipulation. That is one possibility of providing some additional landscaping by just providing a jog in those entry drives. **VICE CHAIRMAN IRBY** said he wasn't sure if they even need a jog. It looks like a 6 or 10 ft. strip that may be able to be landscaped. His gut feeling is maybe they could write a stipulation if this is approved, to provide upgraded landscaping along the perimeter of the existing gas facility whether it means jogging a driving or having enough land to landscape it with screen trees and shrubs.

**COMMISSIONER CASON** said he didn't think there was enough room to get a wall in there and landscape.

On the hotel because of the way it is angled, are those windows going to be recessed on the west side so that when they have afternoon sun they aren't shining on those windows until sunset? Mr. Swanson said it is difficult to tell on these elevations but it does look like there are some substantial shadow lines shown on those elevations. There is some various stepping as well. That is something they could get clarification from the applicant but it does look like there is some sort of recession there. Mr. Withey said he thinks so but if he would like to clarify that in a stipulation they would not be opposed to that. **COMMISSIONER CASON** said he would like to do that.

On Pad 'B' his concern is that this Pad has a patio and he doesn't know where that patio is going to go. He said he thinks this is more than conceptual. They would hold them to this plan. Is Pad 'B' kind of like what they want it to look like or it will look like that? What are they going to do with Pad 'B'? Mr. Swanson stated it is shown as conceptual and they are just providing some elevations. He said if he is concerned, they could work on them to enhance them a little bit more.

**COMMISSIONER CASON** said his concern with the parking around Shops 'A' is not particularly only having 25 spots there but his biggest concern is that it is right next to Major 'A'. Presuming that Major 'A' would be a grocery store, it is safe to assume that all the parking close to major 'A' is always going to be full. There isn't going to be any parking for Shops 'A' because Major 'A' is going to have it all. It could be argued, first come first serve, but he thinks that is his biggest concern with Shops 'A'. If the Major wasn't next to Shops 'A' and it didn't have such a draw for that parking area, he doesn't think he would have that much ingestion about the parking at Shops 'A' as he does with that Major there. The Major works very well where it is. He can't really see the Major working anywhere else on the property. That seems the best place for it. He is concerned about the parking at Shops 'A' because there will not be any parking available in front of Major 'A' for the shop site and according to the elevations there could be as many as nine shops in there or thereabouts. He doesn't know whether removing Pad 'B' and adding more parking on the south side of Shops 'A' or south side of the thru road might be an option. Besides the fact you have to back out there and it is right next to an entrance. He thinks that if he wanted to go to Shops 'A' it would be really, really inconvenient for him.

Mr. Swanson said they could potentially draft a stipulation that the applicant will work with Staff to redesign the parking in front of Shops 'A' or redesign the Pad A and Pad B layout to provide additional parking. Mr. Withey said he thinks they would be amenable to that. Also, Major 'A' is only 41,000 square feet. Grocery stores are way bigger than that. They call these Majors but when you really think about it in the context of most of the shopping centers seen, none of these are Majors.

**COMMISSIONER CASON** asked him what they would put here just for an example? Mr. Withey said they talked to some soft good retailers and those kinds of things but they are fine with the stipulation.

**COMMISSIONER RIVERS** stated that Mr. Swanson took care of one of his questions. He said he wanted everyone to know that the landscaping around that gas station currently is very scarce. He doesn't know if what they have is considered landscaping. On that subject, he was curious to know what the possibility would be of just moving Pad 'E' west about 9 feet giving up 4 parking places on the west side of Pad 'E' to widen that driveway - Maybe not so much to widen the driveway, but to allow for a landscape area east of that driveway. Mr. Withey said first of all the driveway cannot be moved. They can't change that because that is a joint driveway that was built a long time ago that has its own legal description. It was built for the gas station and was to serve the access of this site. They can't move that. He doesn't know exactly where that property line is either and obviously, they can't go on the gas stations property. They would concur with some of the opinions of the Commission about the beauty of the architecture over on that building on the corner. They are happy to explore with Staff if they want a stipulation put on it. To the extent that they can find room over there behind that property line and not screw up the access easement, they would look at doing some plantings over there. That would benefit them as well. **COMMISSIONER RIVERS** said if Commissioner Kelley was there he could correct him now because the plant he is after is the Cyprus, the round green plant that grows about 30 feet high. **VICE CHAIRMAN IRBY** said that is not really part of the landscape pallet out there. He said he thinks they could craft a stipulation to work with Staff to modify the drive as necessary to provide enough landscaping on the north and west side of the gas facility to accommodate some landscape screening. Mr. Withey said he would like the stipulation to say that they attempt to work with Staff to try to provide some landscaping on there because Vice Chairman Irby said something about 'moving' these and he knows he can't do that. **VICE CHAIRMAN IRBY** stated he didn't mean it that way, he meant the driveways are stationary. Work with Staff to realign their interior drives to accommodate enough area to get some good landscape screening and maybe even a screen wall if necessary.

**COMMISSIONER RIVERS** stated on the subject of stipulations there was some mention made of exploring with the city's traffic engineering group about the possibility of creating an additional drive behind Shops 'A' to allow truck traffic in at that end rather than have that be faced with having that mandatory dead-end turn-a-round situation. He is certainly understandable if that is not possible but if they could look into that it would be good. The other two things he wanted to ask Mr. Withey is when they talked about the sign on the northeast corner of this property matching the sign that is across the street in front of Creative Leather as far as the Chandler Corporate Center. Is there to be a matching sign there, correct? Mr. Withey said if the signage they are showing in their booklet that has been designed to correspond to that. He doesn't want to say it's identical but it's the one in the booklet. **COMMISSIONER RIVERS** stated he did not find the corner sign in the booklet. Mr. Swanson, City Planner, stated there is no corner signage in the booklet. **VICE CHAIRMAN IRBY** said the sign plan location is a totally

different site plan. Mr. Swanson said they have worked on the site plan and gone through a number of designs and sometimes that doesn't get translated over to the sign company. While the locations are accurate, the site plan itself with building locations is not. Mr. Withey said his client thinks that the sign is already built. The landscaping needs to be put in and the letters need to go on but he believes it is already built. **COMMISSIONER RIVERS** stated it is a different material all together from the sign on the north side of the street to his eyes. It is not the same size, it's not the same width, and it's not the same length. To his recollection the sign on the north side of the street, which is in front of Creative Leather, is kind of sandy colored. The other one on the south side of the street has gray slate panels on the front of it and it is falling apart. Mr. Withey asked if he thought it was the one put in 20 years ago? **COMMISSIONER RIVERS** said yes. He said when they were discussing this he thought they were on the same page and yes, it would be kind of a matching sign. Certainly, they are not going to leave that thing there as it is? Mr. Withey said no. **COMMISSIONER RIVERS** asked if they need to put some kind of stipulation so that it will be at least the same color pallet as the one to the north? Mr. Withey replied "absolutely" and he apologized for the confusion. The intent was to have it on both sides of the major entryway drive.

**COMMISSIONER RIVERS** asked if there was a Chandler Corporate Center sign on the southwest edge of this property as well? Or was there never one? Mr. Withey said he is hesitant to answer any question about what is out there now. He said he doesn't think so. He believes that property was zoned by the Stellar Commerce Park, their neighboring property owner. **COMMISSIONER RIVERS** asked if you create or modify signage, the corner sign at the northeast corner of their property, would the sign if it already exists on the southeast corner of your property match that as well? It is where Chandler Boulevard meets Juniper, very close to Pad 'A'. Mr. Withey said he doesn't think they've shown one at that location. Mr. Swanson said he would like to provide some clarification for that sign on the northeast corner of the site and also on the southwest corner of the site just across the street on Juniper. When this project initially came through, not the subject site but the Chandler Corporate Center, there was a monument sign package that came through and at that time they were required to build those. That is why those are out there now. They are old and he guesses they are kind of falling apart. He hasn't seen them so he can't speak 100% on that. Staff has not seen any sort of Center identification sign so they can't approve anything on that corner. A Center identification sign would have to come back through the PDP process. What they have seen throughout this entire review is what's shown for the monument signs.

**VICE CHAIRMAN IRBY** said it seems appropriate that if there is an existing monument sign on the northeast corner and the same thing on the southwest corner that they stipulate they be demolished. When it comes back with a different sign package and they start developing the rest of the signs, they can come back and re-look at it. He feels like they are talking about something that nobody knows what it looks like. Mr. Swanson said he has a little bit of difficulty in doing a stipulation to demolish because there might be some other past stipulation on there that requires it. Without knowing what that is he is hesitant on saying let's demolish it. They can do a stipulation that Staff shall review it

to see what they can do either to bring it back up to its initial look or possibly look at it in another way. That is something he will need to speak with the rest of Staff on. **COMMISSIONER RIVERS** said his suggestion would be that instead of returning it to its initial look, make it match the new sign that says Chandler Corporate Center that is on the corner of Erie and McClintock, in front of Creative Leather. He think there is going to be another one at Desert Breeze and McClintock as well, but he is not positive about that one. If they are going to have this intersection, it would be good to have a sign on both sides that look the same and says the same thing. Mr. Withey said when they did the whole 100 acres they did a master PDP. In the master PDP, it was a landscape strip up on Desert Breeze. They looked at the whole landscaping pallet, signage and everything for the overall 100-acre PDP. He showed the entryways of the Center that were approved as part of that. They need to see what's really out there and if it is in disrepair, it needs to be fixed. He couldn't agree with him more that it needs to look nice like the other one. That is the whole idea. You can see the entryway monuments would occur at those locations. If it makes them feel any better, it is part of the master PDP that was approved back in 2004. **COMMISSIONER RIVERS** said his primary concern is that it is consistent and attractive and he is sure that is his concern as well. He asked how much bicycle parking is in this development? Mr. Withey wasn't sure of the city code on this. Are there any ordinance requirements? The idea of this is to have people come from the neighborhoods around there. Mr. Swanson stated they do have requirements that once they do submit for all of their improvement plans and subsequent building plan, they will be required to put in bicycle parking. There will be ample bicycle racks spread throughout the development.

**MR. KEVIN MAYO, PRINCIPAL PLANNER**, stated while in theory there should be a couple on this property; there are more that are off of this site. He echoes Erik's concerns about hesitating to craft a stipulation, but if it is o.k. with Commission and through their direction, they will go back and ensure what is built up - not only on this piece but also elsewhere on the Center. He is hesitant to put a stipulation onto something that is only maybe 2 out of 6 or 8 when the balance of the majority of them aren't on this property and would not be subject to that stipulation. Through Commission's direction they will go back and ensure there is coordination with those signs.

**VICE CHAIRMAN IRBY** remembers seeing it when it was approved the last time through here.

**GLENN BROCKMAN, ASSISTANT CITY ATTORNEY**, stated that the original master plan and what was approved does affect more than just the client's property. He said he would be hesitant to impose any type of condition dealing with those signs through this process without having adequately notifying other parties. He has found in these situations that sometimes there may be a part or all of monument signs on the client's property but it may turn out it's not the client's sign. They have run into that with banks where it turns out the shopping center is actually on bank property or vice versa. You run into problems that way. He hesitates to have type of condition added where they don't really know all the details about the signs that are out that. **VICE CHAIRMAN IRBY** said he thinks they can direct Staff to research it prior to going to

City Council to have a conclusion to that issue. His original thought was that if it is an old sign from 30 years ago, demo it and bring it back up in the future. Since they have a sign package that was done with the whole center, it takes care of itself.

**COMMISSIONER CASON** said he would like to take a minute to talk about Major 'B'. He is confused about which elevation is in which direction. When he looks at the exhibit on page 30, it shows the windows are south facing Pad 'F'. He is curious as to why they are doing that especially since there is a drive through right there. Nobody can enjoy the view of the best looking side of the building. If you look at the east elevation, that is the side that they know is the east because that is the side that has truck-loading dock. Is there something where they can go ahead and make the elevation that has the windows and make that face McClintock Drive? Erik Swanson, City Planner, stated that is something they can look at. There was a lot of discussion about Major 'B' and its current layout and whether or not that truck bay is good on the north side, the south side, and how it affects the elevation. Ultimately, it remained as it currently is due to the truck circulation and ease of doing that. They could look at that and addressing those elevations to enhancing it a little more. **COMMISSIONER CASON** said he doesn't have a problem with the truck bay staying where it is, it just looks like they flip over and mirror the south elevation just so that if you look out the window you are not looking at a drive through. **VICE CHAIRMAN IRBY** asked him if he was thinking that the south elevation should be the east? **COMMISSIONER CASON** said yes, or at least the features on the south elevation should be on the east side. He would like them to work with Staff to drive that elevation to the east side of the building. He asked if they found out about the recessed windows on the hotel? Mr. Swanson said they did discuss adding that as a stipulation and they are fine with that.

**VICE CHAIRMAN IRBY** stated he looked at all of the elevations of the buildings and he doesn't have a problem with hardly any of the building architecture with the exception of this building. This building got short changed in some of its architectural embellishments. He looks at Shops 'A' and 'C' and he sees a lot of nice roof designs and different movements in it and then he looks at this Pad and it just seems like it lost of nice detailing to it. It looks very simple and boring. Since this is the only one getting built, he has a hard time figuring out how they can get a positive vote from him on this particular design. He doesn't have a problem with the shapes but he looks at the parapets on this building and they are all the same. There is like a little slope to it. If you look at some of the other buildings, they have flat parapets, some projections and moldings. This building doesn't have any of that. He finds it is the least architecturally pleasing building out of all the buildings on this site.

**COMMISSIONER RIVERS** stated if they are going to re-orient the market, he thinks the more attractive side should be toward McClintock. This diagram looks very similar to a total reversing of the Fresh & Easy at Ray and Kyrene Roads. The side with the windows faces the parking area and the south without the windows is where all the shopping carts are. The one on Ray and Kyrene has a screen wall to hide the shopping carts. He doesn't see that on this diagram. So if they are going to re-orient the building

so that the side facing McClintock is where the shopping carts are, they need to have a screen wall. **VICE CHAIRMAN IRBY** said he would agree with him.

**MIKE WITHEY** said they have turned this building every which way. They have designed this in at least 3 different variations. One time, for example, they did have the truck loading on the back of the building and people were concerned about its impact on the retention area. They are trying to make that a nice thing. This has all been approved by the user and they worked a long time on the north elevation to screen it. They can't just start turning this building because of what it does to everything else. He said Commissioner Cason was right that on the south side elevation you think it is right next to another Pad so it has been the least important. They are trying to make it look good on all four sides. He could tell them about the great materials and how it calls for slate and how they think different building embellishments that they have added make it an attractive building. If you want to put some stipulation on Staff that they go back and take a look at it making certain changes to these elevations and particularly the elevation to the east facing McClintock Drive. He thinks they have a trust level built up with their Staff and they would agree to do that.

**GLENN BROCKMAN, ASSISTANT CITY ATTORNEY**, said he has heard of at least 4 of these work with Staff conditions to the point that the whole thing is getting to be ambiguous. He is not in favor of work with Staff to realign or turn around the building and put up a parapet here and do this there. He thinks that needs to be much more clear when you either recommend approval or not and with our without conditions on this.

**VICE CHAIRMAN IRBY** stated he was actually heading that way. He thinks personally they should continue this and let them work with Staff. He doesn't know if it needs to be a design review issue on this particular building. He doesn't have the comfort level. Overall, it is a great project. He stated he was not warm and fuzzy with what was going to be built in Phase I. He leans toward a design review.

**COMMISSIONER CASON** asked if they would consider not having Pad 'F' a drive through? It would be part of their landscape area between Major 'B' and Pad 'F'. Mr. Withey said they would have to say no at this time because they have people interested. They have worked hard to get that incorporated into the plan. If it were Commission's pleasure to continue it, they would ask to continue it to the next meeting. They will work with Staff in the meantime on some of these issues.

**KEVIN MAYO, PRINCIPAL PLANNER**, stated it is not necessary to have a DRC. He thinks they have a very clear direction tonight of what things need to be changed. It just gets put back to the applicant to make those changes and come back to Commission January 7. That would be the next hearing. It is not necessary to go to DRC since they have gotten such clear direction tonight.

**VICE CHAIRMAN IRBY** said he doesn't have a problem with the loading dock on the north side. When he was looking at this originally he thought it should be angled in the other direction. He knows this being a Fresh & Easy that may not work well with the rest of the architecture. He suggests we continue it. He looks at the architecture of all the other buildings on this thing and they have a lot of nice architecture and this one has the least amount of embellishments and character.

**KEVIN MAYO**, said in talking about dates, January 7 and January 21 Planning Commission Hearings both track to the February 12 City Council hearing. If they were going to go for a continuance to give the applicant time to work on this, Staff would suggest taking it to the January 21<sup>st</sup>. With the Christmas and New Year holiday falling in the middle of that time, it would probably be best to push it to the January 21<sup>st</sup> since they both track to the same Council hearing. It gives the applicant a little more time to get the changes made.

**COMMISSIONER CASON** asked about the traffic signal. He said they know they had an opportunity to speak with the traffic engineer and he only asks this because it is condition no. 2 and they have been able to verify that it is going to be tied to Phase I. Since it is tied to this, he has to have a feel what that is going to look like because in his mind there is no possible way there could be a signal at that intersection. Does the engineer know a way to put a signal in there? He said he is just curious what it is because it is tied to the condition in the memo. Mr. Swanson stated that in speaking with the traffic engineer when he was here, he did ensure them that they will design it accordingly. There are various standards and designs they can use in similar situations like this. The light will be designed accordingly and also with the FAA. It will be taken into consideration. **COMMISSIONER CASON** asked if there was an example they would be able to see? **KEVIN MAYO** stated they would get some examples of some that are built so he can see what it looks like in real life.

**COMMISSIONER RIVERS** asked if Staff would be reviewing the issues with Major 'B' and the parking situation in front of Shops 'A' as well as the driveway possibility behind Shops 'A'? Mr. Swanson said they would take all of the issues they discussed tonight and try to address them by the hearing.

**COMMISSIONER CASON** asked Mr. Swanson if all those items are on the record so when they review the minutes they can see what they were. Mr. Swanson replied they will be in the minutes but he will also try to provide an outline or detail and go into the depth on those with the next hearing.

**MIKE WITHEY** stated if they don't deliver 100% of everything, it wouldn't be from lack of trying. He thinks they have a really well designed center. They are trying to make a number of things work. They will do their best but would appreciate their indulgence and trying to work them and they will try to work with them and Staff. They will come back and have a better answer to some of these questions.

**VICE CHAIRMAN IRBY** said he thinks they are 85% there; he just can't personally approve it with the 15% that seems to be the most important on this one. He went to the audience and asked if anybody wanted to discuss this project. There were no questions. He closed the floor for discussion and motion.

**MOVED BY COMMISSIONER CASON** to continue DVR08-0023 MCCLINTOCK VILLAGE to the January 21, 2009 Planning Commission meet, seconded by **COMMISSIONER RIVERS**. The item passed as a continuance 4-0.

**B. DVR08-0032 FULTON RANCH**

Request to amend the Planned Area Development (PAD) zoning regarding the separation between two-story homes for Parcels 1 & 7. In addition, the request includes Preliminary Development Plan (PDP) approval for housing products on Parcels 1, 2, 5, and 7. The parcels are within Fulton Ranch located on the west side of Arizona Avenue between Ocotillo and Chandler Heights Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "FULTON RANCH", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0032, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinance No. 3560 in case DVR03-0044 FULTON RANCH except as modified by condition herein.
3. Condition No. 16 of Ordinance No. 3560 shall be modified to read as follows: On Parcels 1 and 7, when two-story homes are built on adjacent lots, a 15-foot separation shall be provided between the two-story homes. Side yards shall be a minimum of 5 feet and 10 feet.

**MS. JODIE NOVAK, SENIOR CITY PLANNER**, stated this request has two components. This request includes amending a zoning condition that was adopted with the original ordinance for the Fulton Ranch Master Planned Community involving Fulton Homes single-family housing product within the development. It also includes preliminary development plans for a new housing product for several parcels, which she will get into more detail. Fulton Ranch is a Master Planned Community located on the southwest corner of Arizona Avenue and Ocotillo Road and it extends down to Chandler Heights Road and all the way west towards Alma School. This project originally had come forward and Staff had reviewed it in regards to parcels 1 and 7, which are shown on the map on the monitors. The developer had further looked at their intentions for the project and they modified the request to come back and include housing product for Parcels 1, 2, 5 and 7. Currently, homes are being built on Parcels 3 and 4 and also on Parcel 6, which is the custom home portion of Fulton Ranch. The application as she mentioned with its 2 components, the amendment includes no. 16 in the original ordinance. The original ordinance had a standard condition that they have been putting on for several years that was generated by the city to minimize the number of 2 story homes that they would have within the interior of a subdivision. The stipulation was if you have 2 story homes that are adjacent to one another on the interior of the subdivision

that you would provide your 10-foot side yard setbacks next to one another, which would then create a 20-foot separation between those 2 story homes. The application is requesting to modify that to review the 20-foot separation between 2 story homes to 15 feet. When you have a 5-foot minimum and a 10-foot minimum side yard setback from lot to lot you have a 5 and a 10, a 5 and a 10 and so you would just have the 15-foot separation between those homes. In doing so, in can provide some additional 2 story homes within the subdivision. It doesn't necessarily mean it will happen. It is all predicated upon the buyer and whether they are buying a 1-story home or a 2-story home and on which lot they're buying them on. For clarification, in the report they do convey that they are modifying the original no. 16 with the new language as she provided on page 2. However, they realized that if you completely replace the language in the ordinance it would then be applying to all of the lots within the Fulton Ranch. That is not the intention. It is specifically for parcels 1 and 7. Condition no. 16 in the original ordinance we maintain the way it is today, which is on single family parcels and 2-story homes are built on adjacent lot. A 20-foot separation shall be provided between the 2-story home, the remainder side yard may be 5 feet minimum. To that they will add the modification, which is on parcels 1 and 7 when 2-story homes are built on adjacent lots. A 15-foot separation shall be provided between the 2-story homes. Side yards shall be a minimum of 5 feet and 10 feet. They will basically tack that on to the existing language. That way they are not affecting all the other parcels in Fulton Ranch. That is the first request that is before you.

The second request is the new housing product. To give you some overview, when Fulton Ranch came through and got approved in 2004, they had 2 series and each series had multiple housing plans. Those series were divided up so that those housing plans would locate on certain parcels as indicated in the report. They did have a series of different number of housing plans and elevation options, varied square footage sizes and what they are proposing with their housing product today in summary is product that is consistent with and in substantial conformance with the design, the architecture, the character and the quality of the homes that were originally approved in 2004. We worked with them, we went over all the homes and looked at the homes that have already been constructed to ensure the quality level and expectation of the product that was going into Fulton Ranch would remain the same with the new product that is coming forward on Parcels 1, 2, 5 and 7. The interior of the home is where most of the changes are occurring. The reason that the PDP is coming back before them is due to a policy that if you provide a product and if there are any homes that are greater than a 10% size reduction than the homes that were originally approved, then they would have to come back with a PDP. They as Staff would not administratively add them even if those homes match a home that has already been approved to be built there. That is the reason it is before them today is because they do have a smaller housing plan and on their largest plan also exceeds the 10% reduction in the size of the home. The quality and the design objectives and meeting the City's residential development standards all remain the same as what they had originally provided for in 2004. They did have their neighborhood meeting and they had a couple of meetings to meet with people that reside in the community and then people that reside outside of the community. Their notification was

in compliance with the City's notification, which is a 600 ft. radius measured from the subject property line of each of the parcels that are part of this application, 1, 2, 5 and 7. Any property owner's that did fall within that 600 ft. notification area would have been notified of either of those meetings. They were aware that a few people showed up for one of the meetings and another meeting there was one individual that showed up. At that time, there was no opposition to the request. Fulton Homes desire to come in with new product on the remaining lots on what had been approved and is developing on Parcels 3 and 4, will remain the same. There are no changes to lot sizes, no changes to the width, the depth, no changes to building setback on the front side or rears, there is no changes in the maximum lot coverage and they are not redesigning streets or lot locations. Everything is identical as you see it on the color plan. All that is changing is the housing product that is actually going to be chosen by buyers to be built on the lots in Parcels 1, 2, 5 and 7. It actually adds more diversity to the community and it offers even additional elevation options that you would find out there. Once that was explained to those who attended the neighborhood meetings, as she mentioned, there wasn't any opposition or concern following. Recently, in the last few days, they did get a phone call from a resident in the Fulton Homes Community who does have some concerns about the product coming in and how that may or may not effect the value of their home that they have already bought and are residing in within either Parcel 3 or 4. Also, the same individual felt they never got notice and they shouldn't gotten notice of this application but as she mentioned the notice was done per the requirements of the code of doing within the 600 ft. area. There are residents that are here that wanted to speak in regards to those items. Staff is recommending approval of this. In their findings the housing products are in addition to those being built in Parcels 3 and 4. They will be going on the other parcels within the community, the quality of the design, the architecture, the styles, the features, the material, the varied garages, the rooflines and the mix of 1-story homes and 2-story homes. All of that meets our development standards as well as the development standards as represented in the original application.

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

**COMMISSIONER CASON** asked as far as the 600 feet goes, those are homeowner associations that are adjacent to that or they are informed separate from the individual notification of the property holders? Ms. Novak said in addition to each parcel having a 600 ft. radius generated for parcels 1, 2, 5 and 7, the city requires notice to any registered neighborhood group which could be a person, an HOA, or a group of citizens that are within a ¼ of a mile (1320 foot radius). They do that measurement from each of those subject parcels as well. Fulton Homes themselves is not a city registered neighborhood group; they are just their own HOA. Fulton Homes is the owner of that. It hasn't been turned over to a private HOA group at this time. Fulton Homes isn't a separate registered neighborhood group, but anybody outside of the Fulton Ranch Community that was an RNO, did get notice as well.

**CHAIRMAN FLANDERS** asked the applicant to step forward.

**BRENNAN RAY, 702 E. OSBORN**, stated he was there on behalf of the applicant Fulton Homes Corporation. As has been mentioned, Fulton Homes is the developer within Fulton Ranch. The entire Master Planned Community was brought before this Commission and Council back in 2004 where they received their preliminary approval. The approval at the time included commercial corners at the SWC of Ocotillo and Arizona Avenue and the NWC of Arizona Avenue and Chandler Heights as well as NEC of Alma School and Chandler Heights. Fulton is the developer of approximately 371 acres within Fulton Ranch. As Jodie mentioned, they are here tonight to discuss two things. One is the request to modify condition no. 16 of the original approval as well as to amend the PDP to provide additional housing for parcels 1, 2, 5, and 7. As Jodie mentioned and they would like to emphasize there are no changes to lot size, lot counts, densities, open space, amenities, everything that Jodie indicated on the plan is still there. In fact, what you will be able to tell from the aerial, they will see the infrastructure has been put in place already. This interior collector street has been in, paved and the landscaping median in the middle. All the internal landscaping along and adjacent to the parcels has been put in as well. The perimeter landscaping along Chandler Heights, Arizona Avenue and Ocotillo has been placed in. The lakes are placed in and the trail system has been placed in as well. There has been a lot of activity that has gone on out here at Fulton Ranch. As Jodie mention, Fulton is under construction on Parcels 3 and 4. He would also add that in looking at this Master Planned Community, Cachet Homes is under construction on Parcels 8 and 9 as well with your town homes and condos. As he has mentioned, they believe that our proposal tonight and the changes create a more diverse, complete Master Planned Community. They have worked hand in glove with Staff to ensure that the City's residential guidelines are met and this is a Fulton quality product that is no different from any other quality subdivision that Fulton has built in Chandler that has been before this Commission and Council. They are certainly appreciative of Staff's recommendation and they think Jodie did a pretty detailed thorough explanation of our request. They would request your approval in accordance with Staff's recommendation. Jodie has certainly done a thorough job and he can get into as much detail as this Commission would like in terms of the individual specific requests. There are 3 areas to emphasize as it pertains to the amendment to the PDP to bring in these 4 additional housing products. The first thing that he will tell you is that they are not proposing any changes to parcels 3 or 4 in terms of the housing product that is currently being built within those 2 parcels. He said you could see on the map there are blackened areas around Parcels 5, 7, 2 and 1. These parcels together with 6, 8, 9, 4 and 3 are pretty isolated parcels. They are separated by a variety of things such as the internal collector street, the landscaping, the lake, and entrances. Each parcel in essence functions as its own individual community – kind of a neighborhood within a neighborhood. Each of the respective parcels in addition to the overall amenities of the lakes and the trail system, each parcel has its own play area or gathering area that is complete with pot luck, basketball courts and armadas. Again, when you look at the broader scale, the isolation and separation that occurs is no different than you would find in any other Master Planned Community.

The other thing that he will also emphasize is that with respect to the residential diversity guideline, the standards that the City has established, satisfies 9 of the 9 required and between the four projects, they meet 10 of the optional where 7 is only required. As Jodie mentioned, there is plenty of architectural diversity, architectural elements and features that are going on these homes. There is 4-sided architecture, a variety of garage orientation; they have rear-covered porches, patios in the front, and courtyards. There are lots of good and positive things that he can go into as much detail as they like with respect to the request. He said he can go through the 2<sup>nd</sup> part of the request with respect to the modification, dealing with the separation from 2 story homes but he knows there are some residents here and certainly reserve the right to rebuttal.

**CHAIRMAN FLANDERS** asked if there were any questions of the applicant. As a result of the neighbors being here related to Parcels 3 and 4 and he understands what he was saying about a community within a community. As a result of this new product line, he is sure this is driven as a result of market forces going on right now as far as the economy and selling homes. How do you prove that building these neighborhoods adjacent to 3 and 4, how do you determine that the costs are not going to be an impact on those other two? It's more curiosity than anything else. Mr. Ray said he will pass part of that question to Norm Nichols who is the President of Fulton Homes and is here with him tonight. It is well documented with the state of the economy. There was some discussion with the last applicant as to the state of the economy. Clearly, the market forces that are at play is not something that Fulton Homes has brought on. They are just as adversely affected by the down turn that is going on, if not to the same level maybe to a greater level because of the amount of investment and the amount of hard costs that are already in place in Fulton Ranch. With respect to how do we ensure that they are not adversely affecting Parcels 3 and 4, he will pass that question to Norm Nichols.

**NORM NICHOLS, 9140 SOUTH KYRENE ROAD, TEMPE**, stated he is the President of Fulton Homes and have been for 29 years and has lived through many of these cycles up and down. This is one that is a little more unusual than anything they have faced in the past. What they are beginning to find now is that it's not just a normal market cycle of things retracting and them trying to pull back and pull in their horns. They have been doing that for two and a half years. The last year and a half of Fulton Ranch they have taken back more homes than they have been able to sell in that community. Mostly because of the financing. The Fulton Ranch Community, the products they have built in there in their first two parcels, are parcels that require a jumbo loan. Today those loans are extremely difficult if not impossible to get. Many of their buyers that has in good faith came in and bought homes from them in December of 2006 up to the July, August period of 2007, by the time they completed their home by the beginning of 2008, they were not able to qualify for that home anymore. Down payments of 10% were moved up to 25% down. They were being penalized 1 to 2% additional on their interest rates. Needless to say, they had to take back many homes from homebuyers that could just no longer qualify for those homes. Today, in Maricopa County they have a maximum conforming loan rate of \$417,000. That is what they can get a buyer qualified for today. When they get above \$417,000, you are beginning to stack 2<sup>nd</sup>

mortgages on top of it. You are pushed into the jumbo loan market, which is extremely difficult. The reason that the jumbo loan market is so difficult is that it is not a guaranteed loan. It goes after the private investors and the private investors look at it as a high-risk situation and begin to charge additional down payment and begin to charge additional interest rates for what they consider a higher risk. One of the other things they have to look at is that January 1<sup>st</sup> of this year in Maricopa County, FHA who has been financing homes in Maricopa County as \$346,000, has decided to retract those and move it down to \$271,000. As we stop and look at the financing that is happening in the country and the economic conditions that are happening in the country today, he doesn't think the economic ability for them to be able to get loans for their buyers going forward are going to happen anytime in the next few years. This isn't a time for us to retract and just wait out the market. They have been at Fulton Ranch a year and a half with a grand total of 3 sales for a new built home. The only thing they are able to sell at all at Fulton Ranch right now is those homes they have taken back from homebuyers that could no longer qualify for their homes, which they have taken quite a beating on to be able to try to get any interest at all and try to make any sells. There was a comment that was made, "what happens with this product"? As they look at parcels 1, 2, 5 and 7, what does it do as it relates to parcels 3 and 4. Does it affect it if Fox Crossing is across the street or the new product that is going up on the northeast corner of Arizona Avenue and Ocotillo as well? Each one of these is an individual community within a community. Each one with their own amenities. It's not like they are sharing tot lots, basketballs and remodels with other parcels. Each one of those has their own amenity. Yes, they share the same common trail. They actually think it improves and it helps the community to have a diverse product type. Before they had a huge void between the condos. and the townhouses and what they were offering in Parcels 3 and 4. Today they can stop and fill that void and be able to get it within striking distance of the conforming loans that are now available. He said hopefully, that will answer some of their questions.

**CHAIRMAN FLANDERS** asked the speaker in the audience to step forward, state her full name and her address.

**AMANDA FRISARD, 290 W. NEW DAWN DRIVE, CHANDLER,** stated she lives in Lot 10 of Parcel 4 at the Gallery of Fulton Ranch. She is asking them not to amend the PDP zoning at Fulton Ranch. First of all, all residents that live within the 600 square foot radius were not notified of these plans that took place on December 1 and December 3 or she would have been there. Secondly, Fulton Homes will not be living up to its standards and advertising pitch of a luxury resort style living unique homes that are only available to Fulton Ranch. It's a place you would want to grow up in. The homes are a \$500,000 and above subdivision. Fulton Ranch can't even maintain the by-laws and standards of its current lots, so why should it be able to change its own lots when they cannot even maintain them in the condition they are in now. Why do they want to put in new homes that are the same homes that are in Queen Creek, which are in a neighborhood called Ironwood Crossings? These homes are in the 2000-4000 square foot range and cost \$215,000 - \$220,000. They are the Mediterranean and Caribbean Series that they have spoken about. They will be going into these parcels, 7, 5, 2 and 1. Fulton Ranch has

2000-4000 square foot lots that are in the \$399,000 to \$652,000. That is a two to three times decrease of these homes. It's like calling apples oranges. These are not the same. Fulton Ranch said these homes would be specific to Fulton Ranch. They are not going to take homes from Geneva Estates and from Ironwood Crossing and put them in Fulton Homes. This is a supreme, luxurious subdivision that is unique to the southeast valley. Fulton Ranch residents don't want to have a wolf in sheep clothing and tricks played on them. This housing market is hitting everyone but rezoning their neighborhood with lower prices won't fix this. If you would look at happened in Freeman Farms, which is in Gilbert. The Gilbert City Council approved the same thing for Fulton Homes. Nothing has changed. Less expensive homes are not selling either. Fulton Homes is acting for a government handout and that is not capitalism or a democratic government at work. Fulton Homes needs to step back and ride the storm just like everyone else is. She said to the Chandler City Council please do not only be influenced by developers and builders. Make sure you hear your citizens and don't jump hastily in uncertain housing markets that can further hurt homeowners. Possibly a better thing to do is to allow them to change one zone at a time, not all of them at once because the market could come back a year from now or two years from now. Everyone is being hurt by it.

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

**BRENNAN RAY** stated he would do his best to address some of the concerns. As has been provided by Staff, they did provide notification as was required. He showed a marked up map of the 600-foot notification that they were required to provide around the various parcels. He said that you would see that the 600 feet was measured from the perimeter of Parcel 2, Parcel 1, as well as 7 and 5 in terms of where that notification went. He showed where the resident who spoke lives. They provided the notification that they were supposed to in accordance with what was required of them. With respect to the comment made concerning the same homes were being built in Queen Creek that are being built here. Clearly, the quality and the standards between two jurisdictions cannot be compared. The homes that are being proposed in Fulton Ranch and these additional homes comply with the high quality that the City has established through the residential diversity guidelines. As he mentioned, they meet nine of the nine required and ten of the optional where only seven is required. With respect to not wanting a wolf in sheep's clothing, they are not hiding anything. They are here and met with the neighbors and certainly if the opportunity presents itself, they would sit back down and talk with these neighbors here as well on an individual basis or present the plan for those who are outside of their 600-foot notification. With respect to what happened in the town of Gilbert, she did bring up Freeman Farms and that the Town Council did approve something there but there has been nothing changed. There are no models built, there is nothing even for sale with respect to what was approved. She did bring up a couple of good points in that this is a market that everyone is being hurt. Clearly, as Mr. Nichols indicated, Fulton Homes is no exception to the statement that everyone is being hurt. One of the things he would like to clarify in terms of what the homes are that are being built on the specific parcels because he may have misunderstood what she was saying. If

he understood her she said the Mediterranean Series was going on 1, 2, 5 and 7 and if he is wrong, he apologize for not hearing that. Just so everyone is clear of what we are requesting and proposing, again with no changes to 3 and 4, Parcel 7 only will be the Mediterranean Series. Parcel 5 only will be the Caribbean Series. Parcel 1 only will be the Shoreline Series and Parcel 2 only will be the Monterey Series. As you look and take a step back at the bigger picture, these are individual communities within a Master Planned Community. As Mr. Nichols mentioned, these homes fill the void between the town homes that are one end and the executive style homes that are on the other end. Mr. Ray said that it fills the void and makes it a more complete and diverse Master Planned Community and they request their approval in accordance with Staff's recommendation.

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

**COMMISSIONER RIVERS** stated that one of the things that concerned him in listening to Jodie and him and seeing the diagram, no. 3 and 4, do they have HOA's there? Mr. Ray checked with Mr. Nichols. There is one residential HOA for all of Fulton Ranch that includes 1, 2, 3, 4, 5, 6, 7, 8 and 9 as well. **COMMISSIONER RIVERS** said he knows in his neighborhood they have seven different communities in his neighborhood. Some have HOA's and some don't. If the HOA's were notified by something of this matter, typically those HOA's contact all their members and he guesses that if there is only one HOA for all of Fulton Ranch, they probably didn't contact all the members of the HOA. Is that a fair statement? Mr. Ray replied there is one HOA and that HOA meets once a year. To there knowledge there was no notification through the HOA to all the residents of Fulton Ranch.

**COMMISSIONER CASON** stated that he doesn't know that they could necessarily legislate that anyway. Considering the fact that Fulton Ranch is the majority vote holder in this HOA, did Fulton Homes, the builder, notify itself Fulton Homes officially as an HOA? Is there documentation there that the one entity notified the other entity even though everybody works in the same office? Mr. Ray said he would have to go back and check in the file but in reviewing the notifications that went out before and the notification list that they submitted as part of their request, the HOA would have been formally notified because they would have been on the list. As he mentioned, they are certainly amenable to sit down and visit with some of these other neighbors that were outside the notification area should we need to.

**CHAIRMAN FLANDERS** closed the floor for discussion and motion.

**VICE CHAIRMAN IRBY** said his first impression was he doesn't care if the economy is bad or not, you don't lower the bar becomes some where down the road all of these properties get built everybody has to live with them. As he got into studying what they are really try to achieve on this thing, he didn't really see a detriment to the overall community and to the quality of the product and the architecture in it. He thinks there is enough stipulations and comments in here to make sure that the streetscapes of these buildings have enough diversity in terms of it doesn't look like row housing. He thought

there was enough play with different building elevations and setbacks that anybody would notice the difference. The only way you would notice this if you sit there and look at paper and say its 'x' square feet versus the previous plans. He doesn't really have a problem with what they are asking for. Personally, if they were trying to come in with something that was totally foreign and didn't look like it belonged here or they were trying to cram in too many 2-story houses on top of each other, he would vote against this one. He thought what they presented works quite well and is still in keeping with the overall Fulton Ranch Community.

**CHAIRMAN FLANDERS** stated that as long as he has been on Planning Commission, they have been approving residential subdivisions and this is very typical as far as the individual parcels go. The only unique thing about this is one homebuilder is building everything. In other places in Chandler, they have the same situation with subdivisions next to subdivisions with different homebuilders. They have looked at all of the development standards and they have met those development standards in reviewing this package here. It is a different type of product line but personally feel the quality is still there. Staff and the applicant have done a good job in providing that quality so he thinks there is diversity as far as how much those homes are worth all the way from the condos. to the town homes all the way up to the custom home sites. It provides a better variety overall but he thinks from the point of impacting Parcels 3 and 4 as far as what those homes are worth, he thinks that is not going to affect it at all. That is a separate housing type and community within the overall 300 to 400 acre parcel so he doesn't have a problem on this application.

**COMMISSIONER RIVERS** stated he thinks it is a great advantage to a neighborhood and seemingly to look at this and know about his neighborhood, this is a really big neighborhood in comparison to the one where he lives. The fact that there are different segments to it, again in referring to his own neighborhood where they have these subdivisions and different developers, to get a consistent product through the whole thing is very good. One of the things that was mentioned was the maintenance of the current empty lots, and a good way to maintain those lots is to put houses on them. Again, if you have the same quality from no. 1 all the way up to no. 7, some being a little bigger than others and some of the lots being different sizes, we are back to diversity. He thinks that improves the whole situation.

**MOVED BY COMMISSIONER RIVERS** to approve the zoning amendment in Case DVR08-0032 FULTON RANCH as recommended by Staff, seconded by **VICE CHAIRMAN IRBY**. The item passed unanimously 4-0.

**CHAIRMAN FLANDERS** asked Staff when would this go to City Council. Ms. Novak said this application would go to Council on February 12, 2008. He told the resident who spoke this would be the time to go ahead and provide her opinion to City Council.

C. PDP08-0016 THE SHOPPES AT CHANDLER HEIGHTS

Request Preliminary Development Plan approval for a comprehensive sign package for a commercial retail center on an approximate 19.5-acre site. The subject site is located at the northeast corner of Arizona Avenue and Chandler Heights Road.

1. The number of tenant panels on monument sign type 'A' shall be limited to five.
2. The cabinet signs located on the fuel station monument sign shall be limited to illumination of the business logos and lettering only.
3. The comprehensive sign package shall be in substantial conformance with Exhibit E, Development Booklet, entitled "Shoppes at Chandler Heights – Master Sign Plan", kept on file in the City of Chandler Planning Services Division, in File No. PDP08-0016, except as modified by condition herein.
4. Signage shall be prohibited on the northwest and southeast elevations of the proposed daycare building.
5. All tenant panel and center identification lettering on the monument signs shall be 1" routed aluminum push-thru lettering.
6. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
7. Raceway signage shall be prohibited within the development.
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 two potential sign locations on the east end of the north elevation of Retail D/E/F shall be eliminated.
10. Signage on the fuel station canopy shall be limited to the fuel company logo.
11. The building mounted signage located on the east side of Retail 'A' shall be non-illuminated.
12. The applicant shall work with Staff to provide ample visibility of the street addressing on the monument signs.
13. Monument sign 'D' shall be reduced in height to provide an overall separation between the ground level and the bottom of the sign to a height of 18-inches.
14. The signage located over the entrance and exit of the carwash shall be eliminated.

**ERIK SWANSON, CITY PLANNER**, stated that this is a request for Preliminary Development Plan approval for a comprehensive sign package for a commercial shopping center. The shopping center is located at the northeast corner of Arizona Avenue and Chandler Heights. It is approximately 19-1/2 acres and provides approximately 114,442 square feet of building area. This request was continued from the November 19 Planning Commission hearing at which point in time there was much discussion from the Commission regarding that current package they were proposing. Some of the concerns expressed by Commission included the number of the monument signs along the arterial frontages, the number of tenant panels on those monument signs in relation to other surrounding commercial developments, the location of building mounted signage on the car wash and retail buildings B, E, and F, and the height of the

fuel station monument sign. The adjustments that have been made to this current proposal based on those concerns expressed by Commission would be the reduction of monument signs along Arizona Avenue and the reduction of tenant panels on Monument Sign A. Before he goes into an explanation too far, he does want to make a couple points of clarification. In the Staff memo there are actually two errors. They are on page 3 and it is the 3<sup>rd</sup> or largest paragraph. There is a sentence that reads, "the average square footage of Building A is 204,761 square feet and the average number of tenant panels per site total is 20 tenant panels". That is referencing the average of the other commercial developments that were reviewed by Staff. What was currently listed was 21-1/2 and there is actually 20 tenant panels, which is the average per one of those other commercial sites. In addition, there is a reference to this request being a 58% increase above the average. In actuality it is 70%. Those are the two points of clarification. Again, to reiterate the last Commission hearing, that is part of this review process. They did review four other commercial shopping centers in the vicinity. Those were the Fulton Ranch Marketplace, Fulton Ranch Promenade, Fulton Ranch Town Center and the Southshore Town Center. He has details for all of those if they want to go into that discussion. He has also looked at various breakdowns.

They had some Commissioners express some interest in wanting to know the square footage of signs as it relates to linear feet of frontage. He has that breakdown and where this one relates. He will go through each one of those commercial shopping centers first. The Fulton Ranch Marketplace provides approximately 1 square footage of building signage for monument signage per 5.24 feet of linear frontage. So for every square foot of sign it equals 5.24 feet of linear frontage. The remaining commercial centers are relatively sticking around that same number 5 linear feet, whereas Fulton Ranch Town Center actually exceeds 6.7, even close to 7 feet. With this request they are requesting 1 square footage of monument sign per 4.65 feet of linear frontage. To try to reiterate, what they are requesting is really unprecedented in the area and in any other commercial shopping center. What they have proposed and the concessions they have made are based on the long discussion that Commission had with a number of panels. They have overall reduced Monument Sign A from 8 tenant panels down to 7 panels and they have eliminated the smaller Monument Sign B on one of their locations along Arizona Avenue. What this has done more or less with the elimination of Monument Sign B has now provided that space of the 300-foot separation requirement that codes requires and that Staff had mentioned in the first and also this memo. However, they are still in support of the comprehensive sign package with some additional conditions. Those conditions being that the Monument Sign A reduce the number of tenant panels from 7 down to 4. On Monument Sign B reduce the number of tenant panels down to 2 as well as the elimination of additional monument sign along Arizona Avenue. They are currently proposing 3. Current code allows for 2 and that is what Staff is recommending. There were some additional conditions added this time around as compared to last time. These are concerns expressed by Commission. Those were the elimination of the Building Mounted Signage on Retail Buildings B, E and F. The signage on the Fuel Station on the Car Wash is being eliminated for the entrance and exit as well as the reduction of the sign height of the Fuel Station Monument sign. There was a concern that

the space between the bottom of the sign and the ground level was approximately at 3 feet and that condition now reduces that down to 18 inches, as was expressed by Commission. There is nothing they can compare it to within not only the general facility but also even the larger area for the number of requests for the Monument signs. It just is not unprecedented. They just don't have it. They don't have it at the Chandler Fashion Mall and he would be really hard pressed to try to find these locations that are current. Granted, they do have some old shopping centers built in the late 80's or early 90's that may exceed the code, but again this is really something unprecedented. Mr. Swanson said he would entertain any questions that Commission might have.

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

**COMMISSIONER CASON** said that at the last meeting or the last time they met on this, the applicant had offered the 7 panels on A, and the 4 panels on B as he recalled. Is he correct in presuming that this application came back with the only change that sign B2 was removed and everything else was the same as what they had last time. Mr. Swanson replied there was a lot of discussion on the number of tenant panels that the applicant was willing to eliminate. At that point in time, they did not have the authority to really make any strong decisions so they requested to continue it to be able to come back with a more definitive answer. What they have done is eliminated one tenant panel on Monument Sign A and one Monument Sign B along the Arizona Avenue frontage. **COMMISSIONER CASON** asked if that is B2? Mr. Swanson said that was correct, B2 is eliminated.

**LINDSAY SCHUBE, OF BEUS GILBERT**, stated she was here with Armand Milazzo representative of Glimcher Representatives. They also have Jeremy Galloway who spoke last time from YESCO. They are here tonight to re-evaluate the comprehensive sign plan package for the Shoppes at Chandler Heights. She thanked Commission for the continuance from the last hearing so they could do some additional research and regrouping and come back to them with definitive answers as to why they feel their sign package is fair and appropriate for this corner. The proposal before them tonight deviates from the standard sign program which is exactly what the comprehensive sign program was adopted to do in the development code. The developer is requesting deviations because they are providing so much more. They are proposing monument signage with architecture style. The signage conveys a message for small businesses with additional panels but they are providing it with additional flair, green screens, etc. They respectively request their approval but before they get to a vote she wanted to take a few more minutes to look at the package a little more in depth.

The two biggest reasons for this comprehensive sign package are architecture and local business. The signs incorporate sophisticated architecture style that includes green screen elements. Green screen elements decrease the massing that you typically find with monument signs and thereby diminishing the visual effect of the signage on the streetscape. In essence their monument signage also increases right-of-way landscaping. Local businesses – signage is extremely important to local businesses, more so than

national tenants. Excess or failure of a business and thus shopping centers often hinges on visibility. A case study conducted in California by the United States Small Business Administration looked at a small restaurant that got a new sign. After two years of having this new sign, sales rose by 32%. The only variable that changed was the sign. An estimated 35 to 50% of consumers shop outside their local area. Effective signs attract non-local and new customers. She said that her husband likes to cycle on Saturday and Sunday morning. He ends up in different jurisdictions and in finding little breakfast places, he calls her and she gets her 2 girls and they go and find new places. Signage is very important when you have people who go outside their local market. Over 75% of consumers consider signs to be very important when they are shopping for specific products or services. The percentage can be as high as 95% in certain situations. This is a quote from the United States Small Business Administration. She said that Erik went over what changed in this package as compared to what they brought in front of them a month ago – facing tenant panels and sign profile. First, one of Staff's primary concern and something they heard from them as well was the spacing between monument signs. They eliminated one of their monument signs-Monument Sign B. Therefore, they have a minimum of 300 ft. between all of their signs. Secondly, they modified Monument Sign A from 8 panels to 7 panels creating a premium panel at the top. Lastly, they did lower the profile on Monument Sign D per Commission's recommendation. Unfortunately, that wasn't depicted in the material that was submitted. She apologized to Erik for that. There is a stipulation that they are not fighting to lower the profile on Monument Sign D. They are right on board with that. That was an intended change.

Staff has made some statistical comparisons to other projects pertaining to the number of panels more so in the last meeting a month ago than with her tonight. They believe the project comparisons aren't fair. They cannot compare monument signage and the number of panels for big box retail centers with that of a neighborhood shopping center. The Lowe's and the Petco's of the world need less monument signage for 2 reasons. First, they draw by their sheer size and market share. Secondly, the building signage is so pronounced that potential customers see that long before they see the monument sign. In contrast local businesses and smaller businesses such as they have at their center, rely very heavily on visibility. They don't occupy as much space and they don't have the same market share. They are not big box retail stores with big box store building signage. They are asking for more signage. They are asking for additional tenant panels. They are investing in the future of the local business of Chandler. If we want fewer monument signs they should develop bigger box retail centers on every corner, but they believe this is something that is not appropriate at this corner and they believe their center is a great asset to Chandler. She said she was going to bring Armand Milazzo to the mike and let him compare a few of the signs for us.

**ARMAND MILAZZO, 2278 ASTER DRIVE, CHANDLER**, stated his home is exactly 4.1 miles from this center. He has taken the time to travel 4 miles around his house to find comparable projects similar to this. Their signs are 85 square feet and 32 square feet respectively. These are some similar signs, 67 feet, 35 feet, 77 feet; fairly comparable. As an example, two signs at Watermark are 208 feet apart. They have gone

in depth and done some measuring for some of these signs. He showed a comparable sign size that is 80 square feet at the Fulton Ranch Marketplace. He then showed signs from various places in the area; Chandler Heights Marketplace that are 242 feet away from each other. Their total square footage of sign is 87 square feet and 53 square feet. These signs are larger than the signs that they are proposing here tonight and they are closer together than the signs that they are proposing here tonight. At Gilbert and Germann Roads in the City of Chandler, the signs are 190 feet apart and 148 feet apart. They have signs that are actually 40 feet apart from each other on this same development. The larger signs are very nice architecturally, they do have a use of a green screen, however, the green screen starts two feet above the ground so there is no way that vegetation would grow up there. They are using their signs that they are creating in a very smart approach to actually integrate the landscaping. He showed a good comparison of that project. They have over 52 tenant panels not including the highway sign. This is just their tenant panels that are along the two arterial streets. He showed that there are three signs within about 380 feet proximity. You can see the mass amounts of signs. These two signs are 40 feet away from each on opposite sides of the entrance. For them to sit there and argue these points with Staff when these are all things that have already been approved and built. They have heard recommendations about having over signage. He showed a clear example of over signage. Again, every single tenant that has arterial frontage on this project also has a monument sign. Some of them have their own monument sign; In and Out Burger, Long Horn, Olive Garden, Chase Bank. This is probably the best example of a center like theirs. He found this less than 500 feet from his house. This is Carmel Plaza. It has a fitness center just as they do. It has a gas station just as they do. It has a mixed use of mom and pop places that his family goes out and supports. They have 38 panels. The exact number of panels they are asking for. Their square footages of their panels are very similar. Their spacing is very similar to what they are asking for. This is exactly what they are proposing. This is exactly what makes the center viable and what keeps people in business. Unfortunately, this center charges for their signs and they don't have as many people on some of their monument signs but he can guarantee them that if those small businesses were to put their signs on here, they would increase their revenues. He read a quote about signs. Sign values have the trickle down effect. Effective in supporting employment, the payment of taxes to support government services and supporting businesses that supply services and products to sign user businesses. That is what they are asking for tonight which is to approve something that has been approved elsewhere in the city so that they can support their tenants and so they can have a viable center.

**MS. SCHUBE** stated she stands by her original statement that these projects shouldn't be compared. Each project should be judged on the merit of the proposal. Commercial centers are not identical nor are the tenants needs identical. Therefore, they should not compare signage based on statistical references to other projects. Signage decisions should be made on a project-by-project basis hence the adoption of the comprehensive sign program and the flexibility of the land development code. They are building a center to support small businesses, local entrepreneurs and local families. Their opportunity to succeed, especially in these tough economic conditions relies heavily on their ability to

communicate their presence to local and other residents that they provide goods and services for. Furthermore, the signage they are proposing is architecturally impressive and adds to the streetscape. The proposed monument signs send a message to the center as vibrant and full of local tenants without being visually obtrusive. Can you really compare the architectural quality of the proposed signs with others in the community? There is concern with regard to too many panels. She thinks Staff is thinking of old centers in north Phoenix that have 22 tenant panels that are small and you have difficulty reading. They are proposing relatively large signs, smaller than a lot of other ones especially in the immediate area within Fulton Ranch. The tenant panels are longer than she is tall. She is only 5'2" but these are large tenant panels. They are just trying to do a service to their client and to the future sales tax generated of Chandler. The monument signs at Fulton Ranch are huge and they make a statement about the larger Master Planned Community as a whole. They are not developing a 640-acre Master Planned Community; they are developing a neighborhood shopping center with small businesses. Their signage is a reflection on their project and the commitment the tenant needs and the aesthetically pleasing streetscape. They have designed signs that are outside the box. We respectively request that you look a little outside the box and approve their proposal tonight as submitted with the deletion of stipulations 1, 2, 4 and 7.

**CHAIRMAN FLANDERS** asked if anybody had any questions of the applicant.

**VICE CHAIRMAN IRBY** asked what stipulations she was looking to eliminate? Ms. Schube replied stipulations 1, 2, 4 and 7. Mr. Swanson said in the proposed booklet in the last 2 pages it shows 8 tenant panels and the final page shows 5 tenant panels with the top panel being an electronic sign. Staff is definitely not in support of those. He said he knew that they didn't discuss at the last Commission hearing and he didn't include it in the current memo but he did want to reference it since it is in the booklet. He should point out that they are not in support of it. Ms. Schube stated that those were both mistakes. YESCO added them to the packet by mistake-those were internal discussion items with the client that they don't intent to proceed with.

**CHAIRMAN FLANDERS** said in reviewing the sign package, he and Vice Chairman Irby had met with the applicant a couple of times to talk about the sign design and everything else. He believes they have a done a good job related to that. The elimination from the last time is a good start. Where he is coming from is to provide consistency along Arizona Avenue as far as sign designs and the amount of panels and everything else. From Staffs review and everything else they are saying that you are exceeding what those other centers have. Mr. Swanson said yes, substantially. These signs are a 70% increase tenant panel above the average of those 4 other sites. At least a 20% increase over the square footage ratio per monument sign to the linear frontage of the various shopping centers. There are some substantial increases. **CHAIRMAN FLANDERS** said his point of view as a result of what they proofed before, would be consistent with what has already been established. He understands that he has a lot of tenants within this development and everything else. Do all of them need to have signage on the street, probably not. He thinks probably as a result of living in the neighborhood, the residents

will come to know this center and know what exactly is there. Some of the larger users will draw attention to people coming through and they will stop. In viewing Staff's analysis of the sign package he is pretty much in agreement with that from the standpoint of consistency with what has been established already.

**COMMISSIONER RIVERS** asked Staff in talking about stipulations 1 and 2 where it says Type A shall be limited to 4 signs – that's on each side, correct? Mr. Swanson said that is correct. **COMMISSIONER RIVERS** said that likewise the B signs have 2 on either side? Mr. Swanson said that was correct. **COMMISSIONER RIVERS** said the last time they talked about this they were talking about having panels on the signs that could be changed from time to time so that more than 6 or 8 or 10 or however many people could be on the signs at different times. That could be worked out with the tenants whether it is every 2 weeks or every month. He is not sure how to say that he favors leaving the gas station signs one on either side of the gas station as a separate piece of discussion. He doesn't think you can pick on that sign for the gas station as far as advertising for the people in this development. He thinks if they are going to count A, B, and D as 3 signs on Arizona Avenue, he thinks D should get a pass because it really doesn't have anything to do with the development. It has to be there for the gas station. Mr. Swanson said that he appreciated the points he made, but with all of the commercial centers they always include the fuel station and their signage as part of the number monument signs allowed along that frontage. They were keeping in consistency with other developments. **COMMISSIONER RIVERS** asked isn't there something about the distance between signs being 300 feet and doesn't this meet that requirement? Mr. Swanson said that is correct it does now that they have eliminated one of them and it does meet that 300-foot separation. The code also only allows for 2 monument signs per arterial. They are now exceeding that. They are doing the three if you include that fuel station sign, which is what Staff has traditionally done based on code. **COMMISSIONER RIVERS** asked if they have a precedence for that if you have a development that has enough linear footage on a frontage to possibly have applied for three or are all the other developments to short that they wouldn't allow for 3 signs anyway? Mr. Swanson said no. He got some rough numbers for frontage. If the current site along Arizona Avenue has approximately 1020 feet of frontage, the Fulton Ranch Marketplace has 1100 feet of frontage along Chandler Heights. Fulton Ranch Promenade along Alma School has 1200 feet of frontage and the Fulton Ranch Marketplace at the southwest corner of Ocotillo and Arizona Avenue is approximately 1600 feet of frontage along Arizona Avenue and approximately 1280 feet of frontage along Ocotillo Road. All of those developments could have had the potential to have 3 Monument signs but were only limited 2. **COMMISSIONER RIVERS** asked did they each have one for a fuel station and one for the development? Mr. Swanson said this site is the only one of those four that Staff reviewed that has a fuel station. They certainly have the frontage by meeting the standard of a 300-foot separation between monument signs. They certainly have the ability to have more than 2 but they would have had to request deviation from code for that.

**KEVIN MAYO, PRINCIPAL PLANNER**, stated it would be unfair to say that there has never been a gas station on a corner of a center where they came in and requested a third monument sign for the fuel station. There have been commercial centers that for whatever reasons in the past, Commission and Council felt that they earned a third sign. There have been some in the past. Have they ever done it – yes, it has been done through a PDP and they have been earned to get that third sign if they have the sufficient room. **COMMISSIONER RIVERS** asked since the other developments that they were discussing don't have a fuel station, it would be incorrect of them to compare this one that does to those that don't on an even basis. From his point of view he thinks if they earned this additional sign, he thinks by having a fuel station you earn a fuel station sign over a development that doesn't have a fuel station. Mr. Swanson said there has been instances where a fuel station has come in with their own monument sign but there have been additional tenant panels on it addressing standing buildings. One is the Cobblestone at Alma School and Germann Roads although that site is pretty heavily used and there is a lot of stuff going on, if he can recall correctly they do have the fuel station sign with small panels below it. That certainly is an option in this instance. **COMMISSIONER RIVERS** said so he is suggesting that they could take their fuel station sign and put two tenant panels below that and then eliminate the B sign on Arizona Avenue. Mr. Swanson said they recommend that a fuel station monument sign have the possibility for one more tenant panel and then eliminate Monument Sign B. That would bring the fuel station monument sign into code by having two tenant panels and then they would need to still address Monument Sign A and bring it down to 4.

**MS. SCHUBE** stated if the gas station was under separate ownership then they would come forward with a separate sign application and then they would be able to meet code. Because this center is under one central ownership they are being penalized and not allowed to have more signs per Staff's analysis. The other four centers do not have gas. The other four centers have bigger national chains. They have Petco and Best Buy and they don't require as many panels. If you were to take the gas station out of the equation, that takes away 8 signs. Then they are comparable to the other centers.

**ARMAND MILAZZO** said to answer one of Commissioner Rivers points about the varying sign panels; they actually did go to some of their tenants and ask them about that because they thought it was a pretty good idea. They did not get the same reaction from them. Their biggest fear was that their tenant base would be lost because they would have their sign disappear and in this economy right now they are very fearful. It is also not fair to compare this project with some of these other projects. Some of the other projects do have more than 4 frontage signs on the arterials. If you go down to Gilbert and Germann, they actually have more than 4 on each of their arterial streets. To be truly fair on this project compare it to a comparable project like Carmel Plaza at Gilbert Road and Markwood. This is exactly the same size with similar tenants and it has the fitness center and the gas station. They have the same signage that they are asking for. They have 3 signs of one size. One of those signs happens to be a gas station sign. Unfortunately for them, their gas station sign does have tenant panels but they are very small tenant panels. What they are proposing here tonight is more legible tenant panels

that are aesthetically pleasing. So to compare the two projects, he would say those two projects are good comparable projects. But then you look at the aesthetics of what they are providing compared to the aesthetics of what they have been providing and what has already been approved, it is not even a close competition. Their signs are a lot more aesthetically pleasing. They look nice and they integrate into the center a lot better.

**KEVIN MAYO** said they are going to beat this comparison horse to death tonight unfortunately. With this example, this was actually two developers that came forward at the same time and they ended up making them call it the same project. The piece on the south where that 6-tenant panel shown on the lower corner of their screen is the office portion signage. The other one at the top is the retail portion shown on the top left and then the gas station signs at the other piece. There is the retail portion at the north basically starting at Gilbert Road, heads south and then there is the office component of it that then goes all the way down to the apartments. They were two separate projects that they brought through the process together because they wanted unified development even though they were two separate projects. Based on the frontage, Carmel could have squeezed in one more monument sign for the office portion of it, but at the time because it was worked out as one development, this was the compromise that was reached. He said while we are going to keep hammering if it is comparable or not comparable, it is slightly different in this case but they do have the 3 signs on Gilbert Road. There is only one on Queen Creek Road if he is not mistaken. The one in the left corner is for the office portion, a separate piece, but was wrapped up as Carmel for uniformity from the street scene perspective.

**VICE CHAIRMAN IRBY** said he understands where Staff is coming from and understands Commissioner Rivers' though process. For him personally, he thought by reducing the gas facility sign, lowering it 18" brought it down to a smaller scale sign. He eliminated those 2 signs from being the total number of signs along the frontage. He saw along Chandler Heights having one major monument sign, the other ones were minor ones and along Arizona Avenue he saw 2 major type signs and again, the gas one being minor. He thinks the design they have for A, B and D are very nice looking. He likes what they presented. Aesthetically, he has never like C. It's nothing special; it's just a basic sign. He looks at it as clutter if you get too many signs going on. Sometimes where there is 8 panels or 4 panels or 2 panels, it really impacts the overall design on it. His recommendation was going to be change item no. 1 instead of 4 to 5 and item no. 2 from 2 to 3 and eliminating no. 4. He asked the applicant that they talked about having blank panel designs. He didn't remember seeing that in the packet. Ms. Schube replied that is one of the stipulations and they are fully amenable to it. **VICE CHAIRMAN IRBY** said he was hoping to see what that looked like, as there is a lot of different ways of interpreting what it is. It would look better. As an example, all of the signs they have presented in their study, it is a bunch of blanks. It is pretty sad when they are blanks. Ms. Schube stated that a lot of those centers aren't completely built out like a lot of the comparisons in Fulton Ranch. If they want, they have proven themselves thus far to come to Commission they can discuss what the decorative feature on the panel looks like. They have no problem with that. Obviously, they want an aesthetically pleasing center.

This is one owner. They are one of their only clients who are actively pursuing the development of the shopping center. They are very passionate about serving their tenants and they will not put a product out there that is inferior.

**VICE CHAIRMAN IRBY** said if this gets approved, he would like to see them fax over to his office what something like that would look like so in the future he can compare what a good design of a blank panel would look like. He will leave it up to Staff to have that by the time it goes to City Council. He said looking at Sign A is 16 feet tall. That is really pretty tall – 10 feet is not so bad. He was wondering if they kept the same proportions but shrunk it a little bit. 16 feet he thinks was from the very top of the arch. He is afraid that a lot of these signs including the examples that some of these monument signs become too big whether they look good or they don't look good. They are just gigantic just like when they are along a freeway. There is a point where they become nice looking and there is a point where they are nice looking but also gigantic. He was going to suggest they take the scale of it and shrink it. Those panels are 5 feet wide, each of them. He doesn't know what normal panel sizes are. He can live with B and was wondering if they could take A and just scale it down a little bit. Instead of 16 feet maybe 14 feet. Armand Milazzo said that one of the concerns that they have is that the tenant's logos start getting small. The smaller they make it, the less useful the signs are and the more cluttered it actually looks. This is a quick rendition of what it would look like. Normally, they would ask for a larger perimeter around the panel itself so the tenant sign would actually be a little bit smaller. Similar to what the Tutor Time looks like on the bottom left of your screen - they would have a perimeter around it. To also go back to something he mentioned about the blank panels, one of the ideas he had and he has actually seen this driving around, was actually cutting in a mountain scene with an off color paint that would match the building so it would kind of emulate the mountains in the background. It looked very nice. That was one of the ideas that they had. **VICE CHAIRMAN IRBY** said he was concerned about the blank panels because if you make it decorative and then you have eight of them and they looked like they are tacked on there. It is almost as if your blank panels need to be based on the whole design whether it is a swerve that comes through it. It would be stupid if this was called palm something and everyone had palms on them. It just becomes tacky. Mr. Milazzo said he doesn't think they are going to have a problem with blank panels. He knows that their leasing team is very, very proactive about helping tenants. Part of that means giving them the signage as part of the lease because their success is a success for their client. That is really what it comes down to – being a team. Together everyone accomplishes more. If they can help them by giving the signage they need, then they will be able to pay the rent. They will be able to stay in business longer and thrive and provide jobs at that location.

**KEVIN MAYO** said in going to the sign height since they keep focusing on consistency, the proposed site they are showing is not inconsistent with recently approved centers. They typically keep the tenant panels at 14 feet, which is codes magic number or shorter. Any type of architectural embellishment that reaches above that they have consistently supported letting that go above the 14-foot mark. The sign from a height standpoint is very consistent with recently approved projects. From Staffs view, this sign is a little bit

different in that if you look at some of the signs that were shown as examples, it is a solid something embellishment above those tenant panels versus this being there is air space in there. From a sheer size standpoint Staff does not have any issue with it and it is consistent with recently approved and constructed signage.

**COMMISSIONER CASON** stated his compromise offer. Sign B stays the same, A goes to 4 panels, they can have B1 and B3 and A and they will lose 6 signs. Amand Milazzo asked if he could repeat that. **COMMISSIONER CASON** said B stays 4 panels, A changes to 4 panels, they get B1, B3 and A and of course, both D's. They would lose 6 panels.

**VICE CHAIRMAN IRBY** said he thinks A looks better with that odd number in there that is why he went to 5. **COMMISSIONER CASON** said but when you look on the screen, that is way busy. **VICE CHAIRMAN IRBY** stated if you look at the screen, you take 2 of the bottom ones away. **COMMISSIONER CASON** said he threw it out there to see if it was something you could sink their teeth into, if not that is fine too.

**COMMISSIONER RIVERS** asked Commissioner Cason to repeat his suggestion. He asked are they talking about 4 panels on Sign A or 2 side by side? **COMMISSIONER CASON** replied he didn't know, as he did not think of it quite that in depth. **COMMISSIONER RIVERS** said he thinks if you do 4 in the pattern shown in the book on page 4 there is going to be a whole lot of air space in that sign or else they are going to have to shrink it a lot (make it shorter). My adjustment would be to make this instead of A being 4, have it be 5. That would be 4 of the smaller ones and then the large one across the top. Then everything else he just said.

**CHAIRMAN FLANDERS** said as a result of 5 panels on the 16- foot sign, at least what they can do is provide one large panel at the top and then the 4 panels are larger. He then went to the audience to see if anyone wanted to speak on this item. There was none. He stated that if there are any more questions to the applicant, they need to figure out how many panels as far as the request from the applicant on stipulations 1, 2, 4, and 7. There has been a lot of discussion about that. He would like to nail this down and move along here.

**VICE CHAIRMAN IRBY** said lets take one at a time. Stipulation no. 1 said he likes an odd number and it looked better aesthetically. That is why he recommended 5. Commissioners Cason and Rivers said they are o.k. with 5. On Item no. 2 Vice Chairman Irby said he could live with 3 or 4. He didn't think 2 was enough. **CHAIRMAN FLANDERS** said even with 3 their panels are getting larger too. **COMMISSIONER RIVERS** said he could go for 4. **VICE CHAIRMAN IRBY** said they eliminate no. 4. Item 15 reduces the height of those D signs.

**COMMISSIONER CASON** asked wouldn't they just want to change it to 3? **CHAIRMAN FLANDERS** said they are eliminating one of those so there would just be 2 along Arizona Avenue. **COMMISSIONER CASON** said even though they aren't

considering the gas sign in the overall look, you still have to count it. It would have to be 3. He said they should just change 2 to 3. Mr. Swanson said if you want to have 3 along Arizona Avenue they would just eliminate that condition.

**CHAIRMAN FLANDERS** stated so there is talk of eliminating stipulation no. 4. Mr. Swanson said yes as well as condition no. 2. He asked if they are willing to keep that at 4 tenant panels? **VICE CHAIRMAN IRBY** said yes so actually no. 2 would be deleted then if they were showing 4.

**CHAIRMAN FLANDERS** asked Staff in regards to stipulation no. 7, is that part of the stuff that they have been asking for? Mr. Mayo said that has a long history. It was about two years ago when signage became a hot button. When it came to tenant panels on free-standing monument signs, you have to have a flat panel with an acrylic back letter and when you cast from the side there is just no dimension to the face of that sign. That stipulation came up as a routed push-thru and while they didn't have to have an applicant try to create and build individual pan channel letters on a sign, the intention was to give a faux individual pan channel lettering affect and give some depth to the sign while not cranking the cost sky high. That is where that came from.

**CHAIRMAN FLANDERS** stated just for clarification, stipulation no. 1 would be modified from 4 to 5 tenant panels. Stipulation no. 2 has been eliminated and stipulation no. 4 has been eliminated. Stipulation no. 7 will be left as is.

**MS. SCHUBE** stated that the other signs they are comparing them to that have bigger panels and better ability to do the 1" routed aluminum push thru lettering they are not forced to do this. This is not a stipulation that is added to those signs. With their panels with the logos it is very tough to do the 1" push thru. You lose a lot of the integrity of the logo. On something like a Tutor Time it would be easier. On other logos it is very, very difficult to do and maintain the integrity of the logo. When you look at Fulton Ranch Marketplace they didn't have to do the 1" push-thru and they have much bigger tenant panels than they do.

**ARMAND MILAZZO** said they do have the push-thru for their main center sign but none of the tenant panels are push thru. Ms. Schube said they intend to have the push-thru for their center identification but they respectively request they don't have it for the tenant panels.

**CHAIRMAN FLANDERS** asked Staff about it. Mr. Mayo said both have been constructed up and down Arizona Avenue. The routed push-thru stipulation has been something that has been fairly consistent at least in the last year that he can remember. There are some built in the last year that were approved through a PDP 24-months ago maybe more that did not have that routed push-thru stip. Both have been built. The intention of the stipulation was to eliminate flat-faced signs.

**VICE CHAIRMAN IRBY** said he thinks he understands what it is but he wished he had a graphic example. Jeremy Galloway of YESCO showed an example of a 4-inch letter. **CHAIRMAN FLANDERS** said so what he is saying is that if the letters need to be larger, this wouldn't work then. Mr. Galloway said the smaller they get, push-thru becomes impossible. Everybody has their own font and script style. In the push-thru letter realm, generally it is not advised to go below 4 inches on an individual letter. **VICE CHAIRMAN IRBY** stated they helped them by making bigger panels. They said it does help but when you come to logos and specific script writing no matter how big it is, if you get a thin stroke it is so thin that the push-thru becomes fragile. The cost issue of that will double the price of your individual panels when you add the push-thru because the material of using the 1-inch thick acrylic is much more expensive than the 3/8" acrylic. You are doubling the price on each panel. If you want to see depth from the side, the push-thru only comes out three-quarters of an inch. It is not a lot of gap and you still wouldn't be able to read it. You get to the side because of the depth is so thin you really can't see it anyway. **VICE CHAIRMAN IRBY** asked him if there was a way of doing the reverse of that? Mr. Galloway said you can but you wouldn't be using acrylic faces, you would be taking the 1" thick acrylic and that whole piece the face and then you would etch inside the acrylic. You generally would not use that with a sign cabinet; you would put it where it is actually standing up past something so you would see the edge that way. **VICE CHAIRMAN IRBY** said he understands what he is saying. In hard economic times they are trying to get these sign people to make more money. Mr. Galloway said he is all for these and it is a good look but it is not very reasonable. **VICE CHAIRMAN IRBY** said he looks at it to see if it is more practical whether it costs more or less it is a matter of aesthetics. He wants to make sure the panels don't look like they are cutouts and they slapped something right behind it and it looks too flat. That is why the push-thru sounded good. **CHAIRMAN FLANDERS** said he is fine with the stipulation. He called for a motion.

**MOVED BY COMMISSIONER CASON** to approve PDP08-0016 THE SHOPPES AT CHANDLER HEIGHTS Comprehensive Sign Package with the change stipulation 1 to be changed from 4 to 5, elimination of stipulation no. 2 and the elimination of stipulation no. 4, seconded by **COMMISSIONER RIVERS**. The items passed unanimously 4-0.

6. DIRECTOR'S REPORT

**MR. MAYO** thanked the Commissioners for all their effort and dedication they have put in over the last year. He said it was great working with them and he is looking forward to working with them in 2009. Happy Holidays and a Happy New Year.

7. CHAIRMAN'S ANNOUNCEMENTS

**CHAIRMAN FLANDERS** thanked Staff for Saturday's retreat. That turned out incredible in his opinion. There was a lot of good discussion, new ideas and hopefully that will be something they do on a regular basis in the future with the

new Commissioners and also would lead to a joint meeting with Council, Planning Commission and Staff. He thanked Staff for all their hard work. This is the last meeting in 2008. Happy Holidays. He also wished his wife a happy anniversary. **COMMISSIONER RIVERS** thanked the Chairman for suggesting the retreat in the first place and he also found it very valuable. He also wished a Merry Christmas and a Happy New Year to the Staff and his fellow Commissioners. **VICE CHAIRMAN IRBY** agreed about the retreat and congratulated the Chairman on his anniversary. **CHAIRMAN FLANDERS** announced that the next regular meeting is January 7, 2009 at 5:30 p.m. in the Council Chambers, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 8:56 p.m.

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Michael Flanders, Chairman

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Jeffrey A. Kurtz, Secretary