

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, January 21, 2009 held in the City Council Chambers, 22 S. Delaware Street.

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

Chairman Michael Flanders
Commissioner Michael Cason
Commissioner Leigh Rivers
Commissioner Kristian Kelley
Commissioner Stephen Veitch
Commissioner Christy McClendon

Absent:

Vice Chairman Mark Irby

Also present:

Mr. Kevin Mayo, Principal Planner
Ms. Bill Dermody, Senior Planner
Mr. Erik Swanson, City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

CHAIRMAN FLANDERS stated that as we have all heard Vice Chairman Mark Irby is still missing. He stated that as he has said before, all of our thoughts and prayers to go the family for a positive resolution to the situation.

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CASON, seconded by **COMMISSIONER RIVERS** to approve the minutes of the January 7, 2009 Planning Commission hearing. The motion passed 6-0.
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 was one action item – item C.

A. DVR08-0023 MCCLINTOCK VILLAGE

Approved to continue to the March 4, 2009 Planning Commission Hearing.

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. **(REQUEST CONTINUANCE TO THE MARCH 4, 2009 PLANNING COMMISSION HEARING.)**

B. DVR08-0040 SANTAN MIXED-USE AMENDED

Approved.

Request rezoning from Planned Area Development (PAD) Mixed Use to PAD Mixed Use Amended to permit medical office uses within an office development on approximately 3.2-acres of an approximate 18.2-acre site located at the SWC of Ray Road and the Loop 101 Price Freeway.

1. Development shall be in substantial conformance with the exhibits and representations within "Santan Mixed-Use Amended", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0040, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3622, in case DVR04-0048 SANTAN MIXED USE AMENDED, except as modified by condition herein.
3. Medical office uses are limited to 75-percent of the building area within the three single-story office buildings.
4. The site shall be maintained in a clean and orderly manner.

D. PDP08-0038 CHAPMAN BMW

Approved.

Request Preliminary Development Plan (PDP) approval for the installation of a 6,000-gallon fuel tank as part of an automotive sales and service development on approximately 6.51-acres located west of the southwest corner of 54th Street and Orchid Lane (1/4 mile north of Ray Road).

1. Development shall be in substantial conformance with exhibits submitted as part of this application and shall be kept on file in the City of Chandler Planning Services Division, in File No. PDP08-0038 CHAPMAN BMW.
2. Fuel containment shall be in accordance with all State and Federal laws.

E. UP08-0024 CORNERSTONE CHRISTIAN FELLOWSHIP

Approved.

Request Use Permit approval for a temporary unpaved parking lot. The parking lot area is approximately 8.5-acres. The subject site is located east of the southeast corner of Alma School and Willis Roads.

1. The Use Permit shall remain in effect for two (2) years from the effective date of City Council approval. Continuation of the use of such parking lot beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. The temporary parking lot shall be surfaced with gravel or other suitable material and type of dust palliative in accordance with current Maricopa County regulations. The parking lot shall be maintained at all times in a dust-free and weed-free manner.

F. UP08-0063 MCCOOL'S BAR & GRILL

Approved.

Request Use Permit approval to sell liquor for on-premise consumption only within a restaurant (Series 12 Restaurant License). The establishment is located at 4910 West Ray Road, within the Chandler Sunset Plaza at the northeast corner of Ray and Rural Roads.

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit 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.
3. The Use Permit is non-transferable to any other location.
4. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
5. 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 shall require reapplication and approval of the Use Permit.
6. Outdoor music and outdoor live entertainment shall be prohibited.
7. No alcohol shall be carried outside of the building into the parking lot or off-premises.
8. Umbrellas placed on the patio facing Ray Road shall be solid, full color with no lettering.
9. Banners installed visible from Ray Road for special events shall be installed for a maximum of one week.
10. The patio and area adjacent to the establishment shall be maintained in a clean and orderly manner.

G. PPT08-0017 56TH STREET & CHANDLER CONDOMINIUM

Approved.

Request Preliminary Condominium Plat approval for a Planned Industrial and motor vehicle repair development located north of the northeast corner of 56th Street and Chandler Boulevard.

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

CHAIRMAN FLANDERS entertained a motion.

MOVED BY COMMISSIONER CASON, seconded by **COMMISSIONER RIVERS** to approve the consent agenda as read into the record by Staff. The consent agenda passed unanimously 6-0.

ACTION:

C. PDP07-0040 STAYBRIDGE SUITES/HOLIDAY INN EXPRESS

Request Preliminary Development Plan approval for two four-story hotels on an approximate 14.5-acre site. The subject site is located at the northeast corner of Chandler Boulevard and McClintock Drive.

1. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4)
2. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
3. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
4. Development shall be in substantial conformance with Exhibit E, Development Booklet, entitled "Preliminary Development Plan Booklet", kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0040, except as modified by condition herein.
5. Landscaping shall be in compliance with current Commercial Design Standards.
6. The site shall be maintained in a clean and orderly manner.
7. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.

MR. ERIK SWANSON, CITY PLANNER, stated this is a request from Preliminary Development Plan approval for 2 four-story hotels on an approximate 14-1/2 acre site. This site was seen by the Commission on November 19. At that hearing, it was sent to the Design Review Committee (DRC). The DRC had some concerns with the architecture of the hotel as well as site circulation on some other concerns. Based on this new submittal the developer and applicant have addressed a number of those issues. It does

have a long background in zoning history stretching back to the 80's. The most recent zoning on this was back in 1998. The property was rezoned from agricultural to PDP for a retail and hotel conceptual development. Throughout the years it has been extended. The most recent extension was in 2006. The Council extended it for that zoning and now this application is for the PDP for that site layout. Again, this is specific to the two hotels on the site. The hotels are an approximate 102 unit Holiday Inn Express located on the sites east side and a 122 unit Staybridge Suites located on the sites northeast side. The building architecture is more contemporary in design. Again, going back to the DRC the previous submittal had some CMU and brick veneer that has been changed to more stacked stone lending itself to the more desert contemporary style. Overall height there was a concern with the Holiday Inn Express with an architectural embellishment extending up to 60 feet. The architect did go back and look at what they can do to reduce that overall height. They did come back and reduce it about four feet. Based on that reduction, some of the cornice details were removed and the distances between the hotel building signage were redesigned a little bit. Staff is in support of the use and the design and he said he would be happy to answer any questions.

CHAIRMAN FLANDERS asked if there were any questions of Staff.

COMMISSIONER RIVERS asked how tall are the apartment buildings to the north and to the east of this property? Mr. Swanson replied they are approximately 35 feet tall.

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

JORDON SCOTT, DIVERSIFIED REAL ESTATE GROUP, 5812 N. 46TH PLACE, PHOENIX and **KENNETH SHALE, PROJECT MANAGER FOR THE DEVELOPER, 119 EMANCU DRIVE, FOLSOM, CALIFORNIA** introduced themselves.

CHAIRMAN FLANDERS said that Commissioner Rivers had some questions related to the project.

COMMISSIONER RIVERS said he had questions and then he was going to read a statement when they close the floor.

The first question he had was why aren't they seeing the restaurants first? Mr. Scott said they don't specialize in building retail, office or restaurant pads – they are a hotel developer and they bought this land with the intent to do a conceptual site plan to improve the use. They are there to develop the hotels.

COMMISSIONER RIVERS asked if they had visions for restaurants on this site? Mr. Scott said they do have visions but not for them to develop it. **COMMISSIONER**

RIVERS asked who would then develop it? Mr. Scott said a third party. They would probably sell the pads.

COMMISSIONER RIVERS said the next question that comes to mind is what are their plans as far as the traffic generated by this site? Where will those people go when they leave this site? Where are they coming from? Mr. Shale replied that most of the traffic is coming from out of town. Of course there are meeting rooms where they generate traffic from inside of town. Marriott did a really great traffic study a number of years ago and he wished he had brought it with him. He would have had he known questions would arise. He will make that study available to the City Commission if they would like to have it. Marriott did a study of 8 hotels and they monitored every visit in and out of those hotels for quite a period of time. What they found was that even when the hotel was occupied 100% full, the parking lots were never more than 89% full. The average rented room generated six trips a day. That would be three in, three out. He added that on those hotels none of them had restaurants. The fact that they will have a restaurant in both of these hotels would cut that traffic number down considerably. Almost all of that traffic was off peak. He wished he could quote it from memory. What they did find was that hotels are one of the lowest traffic generators that you can possibly have. **COMMISSIONER RIVERS** asked how many rooms in these two hotels? Mr. Shale said there are a little over 200 between the two of them. **COMMISSIONER RIVERS** said they are talking about 600 trips in and out. Mr. Shale said if they are 100% full, which is very unusual. The standard in the industry is about 65%. When you get up to about 80% occupancy they had better raise their prices because you are wearing your hotel out too fast. As a chain, they are probably running 75%. He said you would be looking at 150 rooms or somewhere in that area. **COMMISSIONER RIVERS** said then 450 trips in and out every day. Mr. Shale replied that was correct. **COMMISSIONER RIVERS** asked if this hotel was a vacation destination? Mr. Shale said in most cases their hotels are business hotels. Certainly there is some vacation and a lot of businessmen bring their families with them. If there were to be a trip out of the hotel, it probably would be to a shopping center or to another restaurant. Primarily, the vehicles come in and are parked and stay there until the guests leave. A typical guest checks in around 10:00 in the morning, typically after the airlines get in. Some of them leave early in the day, most of them don't. Most of them leave after supper. Again, without having that study in front of him he can't tell you. The study checked every hour for days on end and can give you an exact count of trips in and out from several pretty typical hotels.

COMMISSIONER RIVERS said his concern is that this corner is very limited as far as the traffic leaving this corner. A lot of their business is going to come from people who drive to Chandler on the 101 and they get off on Chandler Boulevard from the 101 to come to their hotel. He is concerned how they are going to get back to the 101. Have they given any thought to that at all? Mr. Scott said due to the low frequency of traffic to hotel uses they haven't put much thought into that as far as ins and outs. The Chandler Mall and the 101 are reasons why they are putting forward this property. As far as bringing on a traffic engineer at this point, they have not done so.

CHAIRMAN FLANDERS said to continue that discussion with the traffic leaving the site, he wanted to know if Mr. Swanson knew there is a median break along McClintock that is going to service not only this property but the property to the west. Is that pretty much the main point that you would either go to the 202 and to the 101 and Chandler Mall? Is that the best way to get out onto the arterial and go? Mr. Swanson said with the current site configuration, yes. When this site initially came in and they did their preliminary technical review prior to PDP submittal, there was a comment about doing a full access on Chandler Boulevard. However, that had certain restraints that it had to be in a particular location, which wouldn't lend itself to the current design. In addition, he doesn't think that would be a lighted full access and he wasn't sure how viable or even feasible a left hand turn onto Chandler Boulevard from the south side of the site would be going across that many lanes of traffic. The short answer is yes they would be turning left on McClintock. **CHAIRMAN FLANDERS** asked if the median break along McClintock is going to be a lighted median break? Is there going to be a light or is it further to the north? Mr. Swanson answered that the light is further to the north. He believes it is Erie Street. **CHAIRMAN FLANDERS** said so they would have to get out onto Tyson to the north of the site and then take that light if they have some difficulty at that median break. Mr. Swanson said that was correct or they could take a right onto McClintock, go up and do a u-turn.

COMMISSIONER CASON asked Staff on the eastbound Chandler Boulevard if there was a left hand turn into that entrance? Mr. Swanson said no there is not. **COMMISSIONER CASON** asked then the only way that they can enter this property is from McClintock Drive if you are going eastbound on Chandler Boulevard? Mr. Swanson said that was correct. **COMMISSIONER CASON** asked the applicant if they could include the driveway to McClintock Drive as part of Phase I? Mr. Swanson said they believe that is correct – it is part of Phase I. **COMMISSIONER CASON** said they are not obligated to have an exit on Tyson Street when the second half of this comes through. In other words, because what they are seeing on their drawings is preliminary they aren't obligated to allow for an exit onto Tyson Street. Is that correct? Mr. Swanson said the actual exit onto Tyson would be done in the second phase with say the restaurant. When the rest of the area is sold off or comes in for development, that is when they will require that Tyson ingress/egress to be built. **COMMISSIONER CASON** asked if their action tonight doesn't require that or doesn't make that a part in parcel of the next decision they have to make on this property? Depending on what's built on that property they may or may not require an exit onto Tyson Street? Mr. Swanson stated he would imagine that whatever gets developed, they would want some sort of exit to go onto Tyson. They can certainly look at the configuration then and maybe it isn't warranted but he would imagine that they would probably want something up there. Likewise, he would imagine the property owner would probably want some sort of means of ingress/egress on Tyson. He said but no he wasn't obligated to approve that. If it came down to it he could recommend that be removed. **COMMISSIONER CASON** asked going east bound on Chandler Boulevard if he can't get into the hotel where is the next appropriate place to

make a u-turn and come back? Mr. Swanson said he thinks it is Los Feliz? **COMMISSIONER CASON** said then Los Feliz allows a u-turn? Mr. Swanson said he is not sure but he believes so. **COMMISSIONER CASON** asked would that have had to be analyzed in order to look at the traffic patterns that this would generate whether people would be able to make a u-turn there? Mr. Swanson said in looking at their traffic engineer in the audience he has indicated that it is a u-turn and does allow for that. Would they have looked at that intersection as part of the review for this site, probably not unless that concern was brought forward to them. **COMMISSIONER CASON** asked then the traffic engineer says that intersection allows for a u-turn? Mr. Swanson said yes he has indicated that.

CHAIRMAN FLANDERS asked Staff what is going to happen to the main intersection at McClintock and Chandler Boulevard as far as future improvements, when they are going to happen and what that profile would possibly be? He knows that intersection is a little busy at times especially during rush hour and peak times during the day.

MR. BOB BORTFELD, PUBLIC WORKS TRAFFIC DEPT., stated that intersection currently is beyond their 10-year CIP program for improvements, which basically means that the capacity is currently adequate to handle the traffic that is out there today. The intersection is operating at what they call level of service, which ranges from A to F like grades in school. A being excellent and F being pretty poor or close to failing – or in school it would fail. This intersection is in pretty good shape except at certain times of the day. The southbound left turn lane operates at a level of service D today. However, the good news is in the last year the overall volume in that intersection has gone down as is true in several locations throughout the city. The improvements are not planned within the next 10 years. That is the best he can tell you. They do have some perimeters in there where they can adjust timing. **CHAIRMAN FLANDERS** said that was going to be one of his questions for him. Mr. Bortfeld said they have computers that do that. They can adjust the timing any day of the week. They would have to synchronize it with the other intersections throughout Chandler and they would re-time typically half the city during certain periods and then they would do the other half of the city. They go through and look at that every year. Traffic counts were just taken last year. It's still doing pretty good right now even though certain times it is congested. There are many intersections in Chandler and throughout the valley that do that for certain short periods of time. **CHAIRMAN FLANDERS** said the development to the west of this and on the same side of the street with those two developments coming forward, what is that going to do to that intersection as far as level? Is that a D or what? Mr. Bortfeld said it is how the projects phase. If they come in multiple phases and if a signal is put in at Juniper, much of the traffic for the development on the west will have the opportunity to exit on Juniper, which is right by Stellar Airport. Again, depending on how the project is phased. **CHAIRMAN FLANDERS** said so what he is saying is that traffic engineering will watch that as time goes on. Mr. Bortfeld said he will watch that and will watch as the hotels go in. As the developer stated, the hotel is very friendly to traffic because most of their business does come in off of the peak. This intersection is poor in the p.m. peak. In

most cases you don't have a lot of people going in and out of the hotels at that particular point in time. They are exiting at noon and they are coming in 10 to 2 in the afternoon. Unless it is by the mall where we have a heavy lunch crowd, you are o.k.

CHAIRMAN FLANDERS asked if there was anybody in the audience that would care to speak in regards to this item. There were none. He closed the floor for discussion and motion.

COMMISSIONER RIVERS said he has a statement that he would like to make at this time. He stated he would be voting no on this project. Of all the projects he has seen that have come to this panel while he has been here, this is without question the greatest example of inappropriate land use that he has seen. How many hotels does Chandler need? Already, within two miles of this site, there are or are about to be 7 hotels. If you count the unfinished Club Sport Hotel, which is part of Elevation Chandler, you would have 8. When you add one more mile you find another 3 or 4 making a total of 12 hotels. Have hotels become the new Walgreen's in that you must have one on every corner. While that might be viable on freeway corners in the middle of a west Chandler neighborhood, it is not. The two neighborhood hotels at Chandler and Kyrene are just 2 and 3 stories and have easy access. Those at Chandler and Metro are just 3 stories and each has their own traffic light. The Windmill Inn next to Chandler Village Drive is just 3 stories and once again has their own traffic light. All these hotels have decent, easy access. Why does this project require 2 four-story hotels just across McClintock from another planned 4-story hotel? Again, how many hotels do we need? The 4-story hotel across the street is planned at only 40 to 47 feet tall and it is in a corporate center. The other hotels along Chandler arrange in height from 24 to 36 feet. This property boasts a top height of 56 feet recently reduced from 60 feet. It is almost 20 feet higher than Nordstrom's at Chandler Mall. At the Planning Retreat back in December where they all went, they were asked to identify the customers of the Planning and Zoning Commission in addition to current Chandler citizens and the City Council. Some customers they identified were future citizens and visitors to Chandler. How does having a glutton of hotels next to our mall serve our citizens? How does having buildings taller than almost any other in the city placed next to an existing 25-year-old neighborhood help those current residents not to mention any future residents of that area?

Just because the people who live closest to this project, for whatever reasons are not here tonight, doesn't mean they shouldn't be looking out for their needs. How is luring Chandler visitors to a place surrounded by insane traffic serving them? The traffic department has stated that this intersection at McClintock Drive and Chandler Boulevard is overloaded. He was told it needs a double-left turn lane to handle the existing southbound traffic and further that those modifications may not happen for at least 10 years. Yet here they propose to cut the McClintock median to allow access to hotel traffic turning southbound into the blocked traffic already on McClintock. Other traffic flow issues include the right in right-out on Chandler Boulevard. At that point, you lose sight of our customers completely. People coming to these hotels from the 101 will probably

want to get back to the 101 and can't on Chandler Boulevard without either turning west onto Chandler and making a quick u-turn on McClintock cutting across 3 lanes of traffic in about 300 feet. Traffic is backed up past the hotel exit most of the time. They could also turn south onto McClintock out of the hotel property going through the median as mentioned before. They could turn north on McClintock and make an immediate u-turn at Erie or what will surely become the preferred way driving out of the hotel property onto Tyson Street, turning east driving through the existing neighborhoods of Los Feliz Drive, turning south to Chandler Boulevard and making their eastbound turn there. He bets not one of these people will drive north to Ray and access the 101 that way.

This brings us to consideration of another issue discussed at the recent Retreat. That of the idea that other Planning Commissions and City Councils before us thought things through and made decisions for a reason. Here they must consider that when the Chandler Corporate Center was designed decades ago, the reason for having its Loop Road enter McClintock at Erie and not at Tyson was to avoid having commercial traffic routed through this residential neighborhood. They must not undercut that idea now by giving the o.k. to a development that will supply a never-ending flow of cars and trucks through that very same neighborhood. The hotel proposed in the Chandler Corporate Center has not one but two traffic lights, it's own Loop Road from McClintock to Chandler Boulevard to make traffic access convenient as well as allow an easy return to the 101. This development does not include any restaurants yet we are to think there will be restaurants adjoining. It is hard to believe that 3 restaurants will find this traffic nightmare of a corner to be their ideal location. Especially since there are many, many competitors within little more than walking distance. Regardless, imagining hotels with restaurants adjoining makes for good discussion but the reality is they are being asked only to approve 2 hotels. No one knows what, if anything, will ever be built next to this. So what are we left with? Yet another glaring example of a developer who has a plan to build something that belongs elsewhere in the city, perhaps along a freeway corridor and money to buy at this location. Now they must try to convince the Staff, this Commission and the City Council to pull out the shoehorn and make their project fit. He is not willing to do that.

COMMISSIONER CASON stated that Commissioner Rivers has made some very good points. He does think that the property as fully developed whether there is hotels on it or not would generate the levels of traffic and with the driveway that would leave the property onto Tyson would perhaps cause traffic issues into that neighborhood anyway. He doesn't know what they could do or what they could put on that property or allow to go on that property that would make that much of a difference. In fact, having hotels there probably drives down that volume to a certain extent. He doesn't think the positioning of the hotel necessarily steals sunlight or anything like that from the apartment complexes that reside north and east of the property. There is enough clearance there to where those folks that live in apartments would just understand that there is something over there. He doesn't think they are too close to accommodating that. The entrances and the exits are poorly planned especially on Chandler Boulevard. He

doesn't know what else could be different there, whether they could be bring in the driveway to come in more of the east side of the property and work that way. He thinks with proper guidance people can get to the freeway either by going down McClintock and getting on the freeway down there and coming back around or otherwise, having to make a left hand turn at Chandler Boulevard to go to the 101 if that's how they prefer to get back to the airport or wherever they are going. He stated that all in all, while Commissioner Rivers makes some good points he can't see this is necessarily the worst idea for this property and is probably preferable over many other things that could go in that intersection.

CHAIRMAN FLANDERS asked if there were any other comments. There were none.

MOVED BY COMMISSIONER KELLEY, seconded by **COMMISSIONER VEITCH** to approve PDP07-0040 STAYBRIDGE SUITES/HOLIDAY INN EXPRESS. The item passed 5-1.

CHAIRMAN FLANDERS asked when this would go to City Council. Mr. Swanson said it would go to the February 12, 2009 meeting.

6. DIRECTOR'S REPORT

Mr. Mayo stated there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN FLANDERS announced that the next regular meeting is February 4, 2009 at 5:30 p.m. in the Council Chambers, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 6:07 p.m.

Michael Flanders, Chairman

Jeffrey A. Kurtz, Secretary

Planning & Zoning Commission

January 21, 2009

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