

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, September 16, 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 Rivers.
3. The following Commissioners answered Roll Call:

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

Also present:

Mr. Kevin Mayo, Acting Planning Manager
Ms. Jodie Novak, Senior Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER RIVERS, seconded by **COMMISSIONER HARTKE** to approve the minutes of the September 2, 2009 Planning Commission Hearing. The motion passed 7-0.
5. ACTION AGENDA ITEMS
CHAIRMAN FLANDERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the 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.

A. DVR09-0014 SUNSET MARKETPLACE

Approved.

Request rezoning from Planned Area Development (PAD) for general automotive services to PAD for a dental office with retail/restaurant shops along with Preliminary Development Plan (PDP) approval for the dental office/retail/restaurant building. The property is located east of Pennington Drive on the south side of Chandler Boulevard.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Sunset Marketplace", kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0014, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
5. 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.
6. 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.
7. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
8. Raceway signage shall be prohibited within the development.
9. 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.
10. Landscaping shall be in compliance with current Commercial Design Standards.
11. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
12. The site shall be maintained in a clean and orderly manner.

B. UP09-0021 TEMPE KOREAN PRESBYTERIAN CHURCH

Approved.

Request an extension of Use Permit approval for a modular building used by the church. The property is located at 800 West Galveston Street, which is east of Alma School Road on the north side of Galveston Street.

1. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits and representations including a site plan and narrative shall void the Use Permit and require new Use Permit application and approval.
3. The site shall be maintained in a clean and orderly manner.
4. Provide one (1) additional tree in between the two existing trees along Jay Street to further screen the modular building.

C. UP09-0037 CHANDLER PREPARATORY ACADEMY

Approved.

Request Use Permit approval to operate a high-school component of a charter school on property zoned Community Commercial District (C-2) located at 1951 N. Alma School Road (SEC of Alma School and Warner Roads).

1. The Use Permit shall be for a charter school grades Kindergarten through 12.
2. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
3. All signage, whose text shall be limited to business name identification only, shall be in conformance with the Chandler Sign Code.
4. **The site shall be maintained in a clean and orderly manner. Any dead or missing landscaping shall be replaced.**
5. Any future recreational field lighting shall be shielded to prevent light rays from exiting the property.
6. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
7. **Trees at least 12 feet high at the time of planting shall be installed along the west side of the sports field.**
8. **Temporary netting shall be installed along Alma School Road during practices and games.**

CHAIRMAN FLANDERS mentioned that Item C on tonight's agenda, the Chandler Preparatory Academy, is a great use, a redevelopment of the larger old retail boxes. He was very impressed with the package and how it is all put together. He wished the applicant good luck on that site. He knows where their existing site is right now so it looks like they will have a lot more room to move and provide a lot of nice things for the kids over there.

MOVED BY COMMISSIONER RIVERS, seconded by **COMMISSIONER KELLEY** to approved the consent agenda with additional stipulations. The consent agenda passed unanimously 7-0.

ACTION:

D. ZCA09-1001, CITY OF CHANDLER / TEMPORARY SIGNAGE

Approved.

City initiative to amend Chapter 39 (Sign Code) of the Chandler City Code, by amending Section 39-10 (Temporary Signs), temporarily amending/adding language within this section pertaining to certain types of temporary signage.

Upon finding consistency with the Chandler General Plan, Staff recommends approval of the Zoning Code Amendment as set forth in the attached Draft Ordinance No. 4182 (Exhibit "A"), pertaining to certain types of temporary signage.

KEVIN MAYO, ACTING PLANNING MANAGER, stated this is a City initiative to amend Chapter 39, the sign code of the Chandler City Code, by amending Section 39-10, which is the temporary signs section. This City initiative is to temporarily amend that temporary sign section by adding or amending language within that section as it pertains to certain types of temporary signs. This draft ordinance that is before them is the derivative that Council received direction for at the August 27, 2009 City Council hearing. It is really intended to provide a temporary relief from our temporary Sign Code Ordinance to various citizens, businesses and property owners in Chandler with the intention to temporarily amend it based on the current economic climate and a way to extend a helping hand out to Chandler citizens and business owners. In a nutshell, the ordinance does three things. Currently, our temporary signs section has one lead in sentence. It says all temporary signs require a permit unless specifically exempted herein and then it goes into the types of signs.

The first section of the proposed ordinance really sets out to further clarify what is prohibited on a temporary sign basis right in the beginning and really clarifies what they are and what is prohibited. All of that bold language you see in the draft ordinance is all new language that does not exist today. The next three sections, Sections 2, 3 and 4 of that draft ordinance look to expand upon language that is already in that temporary sign section of our Sign Code. Those three sections pertain to open house signs; model home signs and real estates signs. For the most part, what all of these three sections do is expand the permitted size and height of signs that are already permitted by that temporary sign section of their code, as well as it goes on to further clarify which ones need a permit and which ones don't, which ones have certain types of signs that are allowed and which ones don't. It is all identified in this draft ordinance. Section 5 creates a new section for

the temporary sign section of the Sign Code and specifically identifies what is referred to as a significant event sign. A significant event is really an anniversary of the business. It is a Memorial Day weekend sale. It is a St. Patrick's Day event; those type of things. Our sign code currently is silent when it comes to significant events. The only type of significant event that they recognize, although they don't call it a significant event, is a Grand Opening. Our Code allows Grand Opening banners to be placed up for a specified period of time and then that is it. What this does is recognize and provide a path to legality for those types of banners that advertise significant events. For reference, the majority of municipalities in the valley have permanent significant event sections in their code. Chandler does not currently. This ordinance would seek to create that.

Finally, Section 6 of this draft ordinance is a sunset date. Per the direction received from Council, this is seen as a temporary amendment to the temporary section of the code and as part of this ordinance is a sunset date of June 20 of next year. The intent is that this is temporary, considered a relaxing or expansion of permission in that temporary sign code that is really seen as a temporary thing in response to the current economy. Then on June 20th of next year they will revert back to the existing code today. As citizens and as Commissioners and even Councilmember's as they drive around the city, he is sure they can pick their favorite corner that is littered with things that are termed a temporary sign – A frames that are out along the right-of-way, flapping banners, inflatable men with their arms flapping and those types of things. Also, banners that are just tied between trees and tied to each other and there are corners that are just slathered with this stuff. The majority of those things that you see out there today are illegal today and would remain illegal after this proposed ordinance. The majority of A-frames out there today are illegal and will remain illegal even after the proposed change. The only A-frame that is permitted with this proposed change is for Open House signs. Every other type of A-frame that you see will remain an illegal sign. There have been concerns raised both internally and also have reached out to the community with this, they have an issue with an abundance of illegal signs all over the city. Isn't this going to make the situation worse? They have come to the conclusion that no they actually think it is going to make it better.

With talking with their Code Enforcement Division his unofficial estimate is that about 80% of the businesses in Chandler follow the rules and they are in compliance with the Sign Code and the Temporary Sign Code and they comply. The 20% that don't and they are the ones that just go rampant with these types of signs and you see them all over the place. The Sign Code Amendment does two things for that issue. It allows a path to legality for the 80% that don't have anything right now that want to follow the rules that want to do this but don't because they know it is illegal. It also allows a path to legality for the percentage of that 20% that don't know they are in violation and think they can do it anyway. There will be an education process explaining and educating the business and public of what is permitted. It allows them a path to legality once they are aware of their violation. They will always have those property owners and businesses that know they are in violation and choose to remain in violation intentionally. That is an enforcement issue that is entirely separate from this proposed amendment. Speaking quickly to

enforcement, in talking with their Code Enforcement Division where they are today, is really the evolution of many years of policies, growth and evolution of a city from a suburban community into an urban city, the growth and expansion and relocation of city employees and departments and responsibilities within departments. The Code Enforcement Manager fully recognizes that they have an enforcement issue out there right now. They have a violation issue that seems very prevalent and seems to be growing. They have taken a step back and outlined a systematic incremental approach to enforcement starting with illegal signs that really are the hazardous ones when you see the inflatable Santa Claus that is up on top of a building. They have photographs of that thing blowing off the building. Thankfully, their photographs showed that it blew to the inside of the parapet but it could have very well come down on somebody. They have pictures of A-frames that have been either knocked out into traffic and/or blown into traffic. Those inflatable flapping guys – they have pictures of those things laying down into traffic. They have pictures of balloons with about 40 feet of rope tethered to them just cruising down Arizona Avenue. They broke away from what it was that they were tied to. All of that is has been there initial push for enforcement to really get these signs that are dangerous under control. At the same time there enforcement has been based on complaint. When the 80% of the businesses that are in compliance with it and/or just citizens that a certain corner has too much, they get the complaints and they go out an enforce based on that. Just to give them an idea of how many they receive, the Code Enforcement Manager let him know this morning that from April until today, they have received approximately 3,000 complaints just since April on various temporary signs. He has photographs upon photographs on a lot of things that a lot of people envision in their mind as temporary signs and there is often the understanding that this proposed amendment relaxes the restrictions on those. He wanted to impress upon them that the majority of those they see out there today will continue to remain in violation and will be subject to the enforcement that is already underway. It isn't something that is going to happen over night with the enforcement. It took many years to get where they are today and it will take a substantial amount of that time to get it back to where they need to be.

Getting back to this temporary signage request, this seeks to expand language in one section, modify language in 3 other sections and then create the new 'significant event' section. Staff is forwarding a recommendation of approval. This is set to get to Council next Thursday and will be heard next Monday at their Study Session. Mr. Mayo said he would be happy to answer any questions.

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

COMMISSIONER RIVERS said the only comment he had was that he thinks it is good the City is being proactive in trying to help businesses succeed in the economy they are now going through. The question he has relates to enforcement. As far as the people who have the banner signs, is there somebody counting the days that they have them up and when they get to day 22, they have to take it down or are we just waiting for complaints from other businesses? Mr. Mayo said that was an excellent question. They are currently working with the Code Enforcement Division to set up a computer-based

notification kind of a tickler file of these permits. When somebody comes in and requests a permit, they are allowed to have 21 accumulative days for that banner or temporary sign or whatever it might be (the types are listed in this ordinance). They have 21 accumulative days within a 6-month period. They have to identify those when they submit the permit whether they are asking for every Friday and Saturday as many as it can get through that 6 months or if it is a 2 week block, whatever that might be, they identify that in there. Two things occur: Digitally it will get sent over to Code Enforcement and it will have a tickler file for the week that it would be coming up for expiration and it will pop up on their screen to go out there and make sure this is taken down. The business owner or whoever it is that files for that temporary sign under the 'significant event' has to post that permit and it will be printed up with the days it is permitted to be up. That has to be posted in a very visible place at the front of the business so that not only do they have their tickler file but when they go out there, they can see on that permit what days those are permitted to be there. That is the plan as of right now and this is something new for them. It is kind of split between the permitting being issued through Planning and the enforcement through Code Enforcement, but they are proactively trying to develop a system of notifying each other of what is occurring. **COMMISSIONER RIVERS** said it sounds like a great way to do it.

COMMISSIONER HARTKE said he had a comment and a question. He said it would be his hope that it is tough enough to try to enforce things in our city and if they are giving them a new code, he fully appreciates the education aspect. They stand with their Code Enforcers to enforce the code that they are putting into place. It is significant that they do that and get behind them so they don't stick them out on new territory and then find themselves or the powers to be questioning the decision after they have already sent them out. He hopes they would stand behind this document and those who are called to enforce it. His questions is that under the 'significant sign event' the language there of one piece states such events include but are not limited to today is 'Mexican Independence Day', last Friday was Patriot's Day, next Tuesday is the beginning of Autumn. Are there any criteria other than they will have to fill out the permit for this? He could probably find a 'significant event' a day if he was a cagey business owner that would cover the entire year and still fit into a 'significant event' sign. This seems to be pretty subjective. Maybe they intentionally want to leave it that way as long as they are putting in a permit. How do we determine what is a 'significant event'? Mr. Mayo said that was a very good question. When they come in and file the permit, they will have to identify what that 'significant event' is. They don't just come in and say I want a 'significant event' permit and they give them a blanket permit. If it is going to be a Memorial Weekend Sale and they want a Memorial Weekend Sale banner, they identify that on the permit. So if they want to come in for Mexican Independence Day and then there happens to be an event, like Flag Day, those are going to be individual permits. It could be included on there but they can't have the same banner just saying 'sale' and then tag that to a laundry list of 'significant events', it has to be related to whatever that 'significant event' is. If they wanted to do that they would be coming in and having individual banners for Flag Day, Mexican Independence Day and things of that nature. **COMMISSIONER HARTKE** said so the banner would indicate exactly what the

'significant event' is and isn't just beer sale and then next week beer sale again. It would specifically tag to an event that would be indicated on the sign? Mr. Mayo said that is correct.

COMMISSIONER VEITCH said he just wanted to comment with respect to that point. He has been involved in the administration of a couple of zoning ordinances where temporary signs were permitted almost by right but for a limited number of short periods over the course of the year and it didn't matter what it was for. All they were trying to manage was that they didn't overdraw on the privilege. So to the extent that they can tie it to something, good for us, but he is not sure how important it is that they actually try to do that. The second comment is that it occurs to him and probably occurs to some others at their table that some of this language represents good additions to the ordinance that should not automatically sunset- or maybe not. Council may or may not want to hear from them on that point at this time and there will be adequate time to decide that some of the language stays if that is what the Council wants to consider. In that connection he would observe that the language in 39-10 that expands on their one sentence introductory paragraph now, might have a life beyond the sunset and the 'significant event' section, 39-10.10 might also have a life after the sunset. The privilege is granted in the intervening sections where signs are allowed to be larger. Those are the things that appear to be subject to primarily to the sunset. Back to 39-10, however, which has the 9 bullet points. The first of those bullet points, leads off with non-public signs which they could all probably guess what that means. He doesn't think that is a defined term in Chandler's code. He said he might be wrong but he thinks he recalls it is a defined term in Tempe's code and that might be the genesis of this. It could be handled either by adding definitions or by just expanding the language in that first bullet to make it clear what they are talking about. He will leave that to the lawyers.

CHAIRMAN FLANDERS said that was a good point and to expand on the comment Commissioner Veitch made as this thing goes through the process and they hit the sunset date, they either continue it or they don't. Does this stuff continue into the permanent sign code? Does that trigger an update of the sign ordinance to kind of go through the whole thing, look at some of the stuff, how well this did, if it didn't and just go with that. Is that something they can look at down the road at least? He knows the sign code hasn't been redone in some time. He doesn't even know when the last time it was. Mr. Mayo answered it was last submitted in 2001 not for temporary signs but for another section. This ordinance is an evolving animal. It initially started off as a direction to relax the requirements for certain types of signs and since they didn't have the concept of significant signs, they created it. That was the initial direction and then when they looked at other language in that temporary sign section, they realized it was very lacking in the lead in sentence and so that's in Section 39-10 of this ordinance of the proposal - it would expand that significantly. That actually was a by-product of the desire to relax the restrictions and conditions in the other sections. It is still up for consideration as it is drafted right now on the entire proposed ordinance with sunset of June 20. There are as Commission has indicated, that Section 39-10 and then also the 'significant events' section, certain aspects of that probably do have a lot of value staying in our code and

they actually lose value when it sunsets and goes away. As this continues through the process, he will be working with Council and it may be that sunset section only applies to certain things. It may be before June 20th of next year. He may bring back another sign ordinance that memorializes permanently some of that language and maybe tweak the 'significant event' if they find certain things work and certain things don't and if they need further clarification or don't. They have a lot of options as they go forward. It has always been his understanding that approaching a couple months before June of next year, they will be going back to Council to ask for direction to give a brief history of where they are now and where this was, where it is taking us and what is the intent to go forth from that point forward. These are all great comments and a lot of things that definitely should be forwarded to Council for consideration. **CHAIRMAN FLANDERS** said he is curious to see how this whole thing is going to play out. The 'significant event' section is a good addition to help out businesses plus the other sections that have been revised. It is a good step.

VICE CHAIRMAN CASON asked Mr. Mayo in regards to page 3 of 5, Section 4, Paragraph E, subparagraph 3, will any illuminated sign that is internally illuminated be otherwise controlled under existing sign codes? Mr. Mayo stated that for the internal illumination, the sign code doesn't necessarily control it if he is referring to intensity. Is it a brightness concern? **VICE CHAIRMAN CASON** said he is thinking more of a big old box propped up on somebody's property with black lettering put in like school lettering and then they have fluorescent lights on the inside. It seems like under this particular ordinance that all bets are off when it comes to that kind of sign. He just wanted to see how the City could control that type of signage in a temporary fashion or that type of temporary signage that keeps it stylish. Mr. Mayo stated he does not have an answer for him on that. He sees what he is saying. He thinks in all practicality the majority of property that would take this would be like a large commercial corner that is vacant or for sale. He really doubts they would put up a large sign and getting an electrical permit and electrical meter and run it out to it. The chances of that occurring are probably pretty slim. The ones he could see it happening would be on an existing center. Let's say the entire center went dark and you have monument signs out there already. He could see those panels coming off and being 'for sale', etc. He could see where this would apply. How to control it, he doesn't know. He will forward that concern to the Council in the interim. He could look elsewhere in code to see if there is something else that controls it, but he doesn't know.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated that particular session is dealing with commercial and industrial use where a permit is required. He thinks the control would be through the permitting process. **VICE CHAIRMAN CASON** said certainly, that was what he was asking. In other words, how much control do we have over that. If they are building new buildings, they have a lot of control over the type of signage being used. While he could see monument signs as a good example of this abuse in this ordinance, he would like to think that Council would have the desire to still maintain some kind of control over the signs through the permitting process where through permitting they get to decide the size, the character, the type of illumination on

the signs and just make sure it is controlled and not over bright and done in an over zealous fashion. Mr. Mayo said he would definitely forward that concern. **VICE CHAIRMAN CASON** stated he also wanted to comment that he agrees with Commissioner Veitch's observation. He too thinks the many factors within this ordinance are ones that they should keep permanent. He would like to make a suggestion that the members of this Commission go forth in unison and present to the City Council a unified desire to see this ordinance broken up into two ordinances. He thinks that by going forward with what they see as two ordinances of things they that want to keep along with things that they want to be temporary, kind of disrupts the purpose of the intent. Clearly, City Council's intent was to bring relief to businesses that believe that increasing their signage is beneficial to people coming in through their door and he agrees with that. However, those types of issues that they want to see permanent, that they want to further define what constitutes a sign in certain particular situations, they don't want those to sunset. If this comes back before us at sunset time, then at that time they have to separate the ordinances and at that time people will be able to argue somewhat well that because they have already gone into and having this ordinance that permits it, perhaps they should let the whole thing to continue to go because they have good parts of it. He would like to go forward and suggest to City Council that this should actually be broken into two ordinances. The one ordinance should be to clarify the signs as in Sections 1 and 5 that kind of produces an ordinance for the description of the sign. Then have Sections 2, 3 or 4 in a separate ordinance that addresses the temporary signage. By doing that then when they come back through to decide whether they want to allow the temporary signage to sunset they don't have to. They have already established what they believe to be good sign policy so they can separate those two when it sunsets. He hoped he would have that support of the rest of the Commissioners in presenting this to the City Council not in a motion but in a suggestion that shows they are all in agreement with that philosophy.

KEVIN MAYO, ACTING PLANNING MANAGER, said if he might add a point of clarification, the sunset clause under Section 6 of this proposed ordinance, it does sunset automatically. It isn't something that comes back before Planning Commission and Council for the decision of whether or not it should sunset. The decision is being forwarded as Section 6 of this ordinance. The reason why it would come back is if towards the end of April or May, they go before Council and the direction is re-instate this temporary ordinance and/or re-forward a modified version of it. Then it would come back. He just wanted to clarify that this isn't going to come back for a decision of whether or not it should sunset since that is Section 6 of this ordinance.

VICE CHAIRMAN CASON stated he thinks that makes the point of separating the ordinance into two because there is a section that should be sunset unless there is convincing argument that it should be continued. The other sections of this particular ordinance are actually things that he thinks that generally by consensus they could agree on as being good policy. He thinks City Council should actually look at these from those two different perspectives. He wanted to see if there are any comments or would everyone agree with that to go forward to City Council with that recommendation.

COMMISSIONER HARTKE said he could certainly endorse that we recommend those two to return or be considered by the Council to become permanent. He thinks they could also pass this 'as is' with expediency of getting this in before the holidays rather than something that is going to take review and take longer. He thinks that was part of Council's wishes too is to expedite or to not prolong this. He thinks they could pass on a recommendation that they think this is good for the City. Several of these items should be in the current code. He asked Vice Chairman Cason if that would be satisfactory?

VICE CHAIRMAN CASON said absolutely. He said the point he is trying to make is not to delay but just to allow the City Council to understand that they acknowledge that some of the things should be permanent and some of things should be temporary and as it sits right now if approved, then everything becomes temporary - even those items that they would like to see permanent. Certainly, it will be up to City Council whether they feel that it is worth the delay in order to separate the ordinances. He thinks that them making the acknowledgement there are important issues to be permanent and important issues to be temporary, is something that could go forward. Certainly with all of their recommendations he thinks it probably carries more weight. Mr. Mayo, Acting Planning Manager, stated there might be an opportunity and he will have to research it tomorrow, but they may be able to forward a recommended amendment to Section 6 of the proposed ordinance that more or less with that sunset date refers to only Sections 2, 3 and 4 of this ordinance and does not sunset everything. He is assuming Council can do almost anything with this ordinance. He has to present it to them as written now (next week) but then forward the recommendation. He believes if the recommendation was to go forward to split them into two ordinances, he believes it would have to be readvertised so it would be a complete rewrite of an ordinance. They might be able to amend that Section 6 to sunset only Sections 2, 3 and 4. He will investigate that further tomorrow. **VICE CHAIRMAN CASON** said certainly that would be satisfactory. **CHAIRMAN FLANDERS** said he would agree that would be a quicker way at least to achieve what the Vice Chairman was talking about and to at least keep this on track so City Council is comfortable with it.

COMMISSIONER RIVERS said he agrees that there is great value in what their Vice Chairman has stated but if what Kevin just said and if that cannot be done, if they want this to go through as is, he would certainly support that as well. He would suggest if they decide that when Staff investigates this in April to see if they want to continue parts or all of it, at that time they break it into the two parts and bring back the parts they want to be temporary and the part that they think should be permanent. That would be his suggestion on top of his suggestion.

COMMISSIONER KELLEY said there was one type of sign he wasn't seeing that they have seen all over the place - the temporary builder identification or directional signs off-site. Are those addressed in this ordinance? Mr. Mayo said those are covered under a separate section of our code. **COMMISSIONER KELLEY** said o.k. but also another one that he doesn't see in here is human directional sign spinners. Mr. Mayo said that

has been taken care of by the state. The state legislature has ruled and created the statute that permits that by right. Those are no longer illegal.

CHAIRMAN FLANDERS went to the audience to see if anybody wanted to make any comments. There were none. He closed the floor for any further discussion. He asked if he should make a recommendation or a motion?

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated all their motions were recommendations. **CHAIRMAN FLANDERS** made a motion.

MOVED BY VICE CHAIRMAN CASON, seconded by **COMMISSIONER VEITCH** to approve of ZCA09-1001 TEMPORARY SIGNAGE with the comments and recommendations that the Commission has made to be presented to City Council along with comments from Staff regarding the possibility of modifying the ordinance in order to only sunset portions of it. The item passed unanimously 7-0.

6. DIRECTOR'S REPORT

Mr. Mayo said he believe they received a memo from their Assistant Director inviting them to the Planning Department's picnic. He said he knows it is a little bit in advance. It is on November 3 at Desert Breeze and it will run from 11:30 a.m. to 1:30 p.m. If they want to eat, they will have to show up at least by 1:00 p.m. because the food goes quickly. They start serving food at 11:30 a.m. He said he will look forward to seeing them there.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN FLANDERS announced that the next regular meeting is October 7, 2009 at 5:30 p.m. in the Council Chambers, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 6:14 p.m.

Michael Flanders, Chairman

Jeffrey A. Kurtz, Secretary