

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 7, 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
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 City Planner
Mr. Bill Dermody, Senior City Planner
Mr. Erik Swanson, City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN CASON, seconded by **COMMISSIONER RIVERS** 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. Items B and E were pulled for discussion.

A. DVR08-0038 MT. OLIVE MISSIONARY BAPTIST CHURCH COMMUNITY

Approved.

Request rezoning from Multi-family Residential District (MF-2) to Planned Area Development (PAD) along with Preliminary Development Plan approval for building architecture and site layout for a church located at 473 S. Colorado Street, and rezoning from MF-2 to PAD for associated parking lots located west, northwest, and southeast of the church property.

1. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
2. Development shall be in substantial conformance with Exhibit No. 9, Development Booklet, entitled "MT. OLIVE MISSIONARY BAPTIST CHURCH", kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0038, except as modified by condition herein.
3. Landscaping shall be in compliance with current Commercial Design Standards, except as modified by condition herein.
4. The canvas shade structures shall be maintained in a manner similar to that at the time of installation.
5. The site shall be maintained in a clean and orderly manner.
6. Preliminary Development Plan (PDP) 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 PDP shall apply.
7. **The applicant shall work with Staff to provide green screens on the east elevation of the Fellowship Hall building.**

C. PDP09-0017 THE SHOPS AT PECOS RANCH

Approved.

Request Preliminary Development Plan (PDP) approval amending a comprehensive sign package as part of an approximate 12-acre commercial development located at the northeast corner of Dobson and Germann Roads.

1. Development shall be in substantial conformance with the exhibits and representations, entitled "The Shops at Pecos Ranch" kept on file in the City of Chandler Planning Services Division, in File No. PDP09-0017, except as modified by condition herein.
2. All future signage shall be consistent with the signage contained within the attached exhibits with regards to sign type and quality. Any deviations shall require separate Preliminary Development Plan approval.
3. The freestanding monument signs shall utilize routed push-through lettering.

D. PDP09-0026/LUP09-1001 OREGANO'S @ THE SHOPS AT PECOS RANCH

Approved to continue to the November 4, 2009 Planning Commission hearing.

Request Preliminary Development Plan (PDP) approval for a restaurant within an approximate 12-acre commercial development located at the northeast corner of Dobson and Germann Roads. In addition, request Use Permit approval to sell liquor as permitted under a Series 12 (Restaurant) license within the new restaurant and outdoor patio.

F. UP09-0038 SIDELINES GRILL AND TAVERN

Approved.

Request Use Permit approval to sell liquor for on-premise consumption only within a restaurant that includes an expanded outdoor patio (Series 12 Restaurant License). The facility is located at 2980 S. Alma School Road, Suite #2, within the shopping center at the northwest corner of Queen Creek and Alma School 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.
1. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
2. 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 of the Use Permit.
3. The Use Permit is non-transferable to any other store location.
4. The patio and area adjacent to the restaurant entrance shall be maintained in a clean and orderly manner.
5. Trees adjacent to the facility shall be replaced to the extent that it is in substantial conformance with the originally approved landscape plan.

G. LUP09-1002 FIBBER MAGEES

Approved.

Request extension of Use Permit approval to sell and serve all spirituous liquor (Series 6 Bar License) within a restaurant and pub that includes an outdoor patio located at 1989 W. Elliot Rd., Suite #19, the southeast corner of Dobson and Elliot Roads.

1. The Use Permit is for a Series 6 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. 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 of the Use Permit.
4. The Use Permit is non-transferable to any other store location.

5. Decibel levels of recorded or live music shall be controlled so as not to present a nuisance to residential properties beyond the boundaries of the Elliot Square shopping center.
6. The patio shall be maintained in a clean and orderly manner.

H. LUP09-1003 HEART N SOUL BAR AND GRILL

Approved.

Request approval of a Use Permit to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors only at a new restaurant within the McRay Plaza. The property is located at 3855 West Ray Road, Suites 6-7, which is the southeast corner of Ray Road and McClintock Drive.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment related uses shall require re-application and approval of the Use Permit.
3. The Use Permit is non-transferable to other restaurant locations.
4. No noise shall be emitted so that it exceeds the general level of noise emitted by uses outside the premises of the business and as not to disturb adjacent businesses and residential areas.
5. The rear door to this business shall remain closed during businesses hours and not be propped open in the evening as to disturb adjacent homeowners when there is live entertainment.
6. The site shall be maintained in a clean and orderly manner.

I. ZUP09-1001 BANKER INSULATION INC.

Approved.

Request Use Permit approval to locate an 8,000-gallon fuel tank on a Planned Industrial (I-1) zoned property. The subject site is located at 111 S. 56th Street, which is south of the southeast corner of Chandler Boulevard and 56th Street.

1. Development shall be in substantial conformance with narrative, site plan, and associated conditions of approval.
2. Fuel containment shall be in accordance with all State and Federal laws.
3. The tank shall be constructed to comply with all City of Chandler Building and Fire Codes.
4. A Spill Prevention Plan shall be kept on file with the Fire Marshall.

J. ZUP09-1002 BLUE SKY MANOR

Approved.

Request extension of existing Use Permit approval for an adult care home with 10 residents at 2202 N. Santa Anna Court, north of the northwest corner of Warner and Dobson Roads.

1. Compliance with the City of Chandler's Zoning Code provisions regarding the operation of adult care homes.
2. Maximum resident capacity is ten (10).
3. The Use Permit is applicable to this address only and may not be transferred to another location.

K. PPT09-1002 DOBSON PECOS CENTER

Approved.

Request Preliminary Plat approval for a commercial project located at the southwest corner of Dobson and Pecos Roads

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.

L. PPT09-0004 THERALDSON'S FIRST ADDITION

Approved.

Preliminary Plat approval for Theraldon's First Addition, also known as Holiday Inn and Staybridge Suites located at the northeast corner of Chandler Boulevard and McClintock Drive.

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.

M. CANCELLATION OF THE OCTOBER 21, 2009 PLANNING COMMISSION HEARING.

Approved.

CHAIRMAN FLANDERS entertained a motion for the agenda. He also stated he had a "conflict of interest" on Item H because he lives within the notification area.

MOVED BY COMMISSIONER KELLEY, seconded by **COMMISSIONER RIVERS** to approve the consent agenda with additional stipulations as read in by Staff. The consent agenda passed unanimously 7-0.

ACTION:

B. DVR08-0042 / PPT08-0019 PASEO LINDO

Approved.

Request rezoning from Planned Area Development (PAD) for Commercial/Office/Business Park to PAD for Commercial with Preliminary Development Plan (PDP) along with Preliminary Plat (PPT) and late hour businesses. The property is located at the northeast corner of Arizona Avenue and Ocotillo Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Paseo Lindo", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0042, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3866 in case DVR06-0018 as applicable to the commercial component, except as modified by condition herein.
3. Condition No. 26 of Ordinance No. 3866 shall be deleted.
4. Condition No. 27 of Ordinance No. 3866 shall be deleted.
5. Condition No. 29 of Ordinance No. 3866 shall be modified to read, "Incorporate additional shade trees where appropriate to further shade walkways along the north side of the southern Main Street retail buildings."
6. Condition No. 37 of Ordinance No. 3866 shall be deleted.
7. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
- 8. The applicant shall work with Staff to provide additional trees and landscape plantings along the main center's Anchor and Majors colonnade without impeding wall signage.**
- 9. The applicant shall work with Staff to provide Date Palms and other smaller trees grouped together to highlight Anchor 1's main entrance without impeding wall signage.**
- 10. The applicant shall work with Staff to provide additional building façade enhancement to the south elevations of Shops B and C providing elements found on front elevations.**
- 11. Provide a direct pedestrian connection from Ocotillo Road to the front of Major A.**
- 12. The applicant shall work with Staff to break up the west elevation of Anchor 1 in the area located north of the trellis and south of Major D through the addition of Date Palm trees, landscaping plantings, and/or shade trees.**

Staff recommends approval of the Preliminary Plat subject to the following condition:

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.

MS. JODIE NOVAK, SENIOR CITY PLANNER, stated she was unaware of any neighborhood opposition. Did he want a full presentation at this time? **CHAIRMAN FLANDERS** said he would ask the gentlemen who wanted to speak to step forward and let them know what his concerns are.

EDWARD SPENCE, 1106 W. WHITTON STREET, CHANDLER, stated his concern about this project is primarily because his understanding is the primary anchor for this particular development is a Target store. Although it is not stated in the proposal,

he knows the Target that is now at Queen Creek and Alma School Road will close and will move about a mile and a half to this site. He speaks in opposition to this particular project because of that particular element of the project. His concern is that our City already has far too many unfinished projects and vacant buildings due to people not having the wherewithal to finish those projects. They can ill afford more empty buildings. If you go to the site at Queen Creek and Alma School Road where the Bashas store is currently closing next store to that Target, if it leaves and moves to this site it will leave a huge vacancy. He is concerned that you haven't gained anything. There was spoken at the Neighborhood meeting that the previous location of that Target store was too close to the store at Chandler Mall. When you put this store where it is going to be at Arizona Ave. and Ocotillo Road, it is a mere 4 miles from the Towne Center store at Gilbert and Germann Road. Exactly the same distances from those 2 different store locations. He doesn't see the point of it. When you look around the city and you see the Chandler Elevation, The Piazza project on Frye Road, the vacant Countrywide Lending building where they tore down two perfectly good buildings and built another one and now left it, when you look at the vacant Methodist Church site not a stone throw from this building, then he wants them to go to Southern and Alma School Road and see the emptiness that is at that corner in Mesa. It was once a vibrant growing place and now it is a ghost town. Maybe they don't ever go there. He doesn't want to see that happen in Chandler. He is fearful that every time they pull one of these switches, they are left with another vacant building. He doesn't understand why they ever approved moving the CVS Pharmacy one mile from the corner of Ray Road and Dobson to the mile below it to Chandler Road and Dobson. Now that other vacant store is sitting there empty just like others. To him it is not good planning.

He knows we are concerned about the economy and we want stuff to get going, but he doesn't think it is healthy for our community to take one thing and move it somewhere else and then leave an empty shell. People said at the neighborhood meeting that there are some plans to get somebody else to be the tenant in that old place. He is concerned that if they continue this kind of track, they are going to have more and more empty space and will have nothing. He would urge them if nothing more than to put this on hold until there is more information about what might happen at the previous site because he thinks it hurts Chandler rather than help. It is detrimental to their life together. He thinks that there is a biblical story about a man that built his house on sand and a man who built his house on a rock. There is a lot of shifting sand out there right now and he thinks they should be very, very cautious about this kind of action that would leave another vacancy in our city. He thinks the people at the corner of Queen Creek and Alma School don't have a clue about what is going to happen down there and they are going to be upset when they realize that they just moved the store another mile and everything is empty there. It would be far better if the city could encourage that store to do some expansion, do some remodeling and do some other kinds of things to help expand their services that they feel that's needed to help them be more viable in that particular location. He said he appreciated their time and he hopes they will consider this as they take into consideration whether or not this project ought to move forward or not.

CHAIRMAN FLANDERS said he appreciated his comments and asked the audience if anybody else wished to speak on this item. There were none.

ED BULL, BURCH & CRACCHIOLO, 702 E. OSBORN, stated he was representing Red Development. He said they could do a full presentation but what they are really there to talk about is focusing on the land use and the design of this particular site at the northeast corner of Arizona Avenue and Ocotillo Road. Red Development cannot speak for another anchor, they can't speak for another shopping center, but they have been able to work with Staff and Commission on the land use and design on this particular site. As was discussed during your Study Session, the land use is an absolutely appropriate land use at this commercial node. The design was described as being an outstanding design and was even fine-tuned and enhanced more during the Study Session. Where they are is in a situation where what they are asking the Planning Commission to do is to agree with Staff and agree that the change in the 12-acres on the eastern edge, the change in land use is very appropriate and to agree with Staff's recommendations and stipulations including the ones that were added during the Study Session. Also, that they recommend accordingly the PAD Amendment, the PDP Amendment and the Preliminary Plat. He said they could go into further detail if they like and if it is necessary, they would be happy to but if it is otherwise covered in the Staff report and Study Session, they are very comfortable with those recommendations.

CHAIRMAN FLANDERS said the only thing he would ask him for is how is this to be developed? Is it phased? Is the larger anchor going in first and then as the others come on line, they would be built or is everything going to be built at one time with construction not starting until those tenants have been lined up for the peripheral majors for that anchor? Mr. Bull replied that there would be phasing that occurs. The phasing as was discussed somewhat in the narrative at page 35 of the booklet; getting started with various streetscape kinds of improvements that needed to be done in order to get the Center ready to develop, moving into then the Anchor building, the anticipated gymnasium facility or the gym facility to the north of Anchor 1 and then continuing to build out the site and providing appropriate streetscape and landscaping enhancements and so on. It is to be phased, but it is to begin really with the improvements that are needed to facilitate that phasing.

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

COMMISSIONER RIVERS thanked the speaker for coming tonight and expressing his opinion and he thinks it is vital that he take that same set of notes to the City Council. Again, as was pointed out what they are doing is deciding on an appropriate land use for this corner. This definitely is one and as far as who occupies which spot within the development is not within our control. It is a fabulous development for this corner. There is nothing about it that he doesn't like and with that he said he would like to make a motion.

MOVED BY COMMISSIONER RIVERS, seconded by **COMMISSIONER VEITCH**, to approve DVR08-0042 / PPT08-0019 PASEO LINDO per Staff recommendation. The item passed unanimously 7-0.

E. PDP09-0025 REID'S RANCH AND AMBERWOOD HEIGHTS

Request Preliminary Development Plan approval for two additional housing products for the Reid's Ranch and Amberwood Heights single-family residential subdivisions. The subject sites are located north and east of the northeast corner, and south and east of the southeast corner of Gilbert and Chandler Heights Roads.

1. Development shall be in substantial conformance with the attached exhibits, kept on file in the City of Chandler Planning Services Division, in File No. PDP09-0025, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3601 in case DVR04-0009, except as modified by condition herein.

MR. ERIK SWANSON, CITY PLANNER, stated the request is for Preliminary Development Plan approval for 2 additional housing products for the Reid's Ranch and Amberwood Heights single-family neighborhoods. The subject sites are located at the northeast and southeast corner of Chandler Heights and Gilbert Roads. The subdivisions are part of a larger Master Planned single-family residential development including Reid's Ranch, Amberwood Heights and the Landing at Reid's Ranch. The specific request is for the Reid's Ranch and Amberwood Heights subdivision only. Collectively, all 3 of those subdivisions were approved in 2004. Reid's Ranch and Amberwood Heights were approved with Housing product. The Landing at Reid's Ranch is a custom single-family subdivision. Those home plans come in individually. At the time in 2004 with the approval, there were 5 housing products. There were 2 single-story homes and 3 two-story homes. After the approval, they came in with additional requests for the Housing product to allow basements as an option. Those were administratively approved. Overall, the home sites that are currently out there range from approximately 2600 square feet up to about 4600 square feet. The current request is to add 2 additional housing products. When they were first submitted to Staff, Staff reviewed them to see if they could administratively approve them. However, there was a reduction in the home sizes in the square footage greater than 10%. Therefore, they require them to go through the public hearing process.

The proposed housing plans are approximately 2005 square feet and 2262 square feet. Roughly, a 23% and 13% reduction from what was previously approved. What is before them are 2 plans that are maintaining the 3 architectural styles that were originally approved with the 2004 approval. The homes themselves will offer all of the same architectural elements. The lot widths are remaining the same; the sizes of the homes and widthwise are remaining the same. From a perspective view or street view, the homes will blend in with the rest of the neighborhood. It is just a matter of smaller home sizes. Again, all of the other architectural details are remaining the same.

There was a neighborhood meeting. Approximately 30 neighbors came to the meeting, 8 signed the sign-in sheet. Staff has heard from a number of residents with concerns to the request siting that the smaller homes aren't in keeping with what is out there. There are concerns that this may bring down the property values, then also some concerns expressing limiting 2-story homes and single-story homes and certain lots. Staff In Study Session did try to address those and so with that Staff is recommending approval and said he would be happy to show any exhibits they have.

CHAIRMAN FLANDERS asked if there were any questions of Staff on this item. There were none. He went to the applicant and asked him to step forward and state his name and address for the record.

ALLEN WILLIS AMBERWOOD HOMES, 4320 E. BROWN ROAD, MESA, stated as Erik has addressed, the issue of these 2 plans they have submitted they feel with the market conditions and with the 9 remaining lots in their subdivision and then in going to the next phase of Amberwood Heights liked he discussed, is something they would feel is beneficial to the community and to the developed communities. That is why they have designed it as such with those elevations. At the neighborhood meeting they discussed the neighbors concerns. As you know, a lot of times they look at appraisals and as homebuilders they have all been affected in this room. Because of this market, they look at the per square foot price. A lot of times they think because it is a smaller home it is going to affect them numbers wise, but from a homebuilding standpoint it is more expensive to build a smaller footprint home than a 2-story home element. As a result, from an appraisal standpoint where they think their values will go down that will not be in affect because appraisers look at it per square foot. They do like client appraisals. They are encouraging Commission for their vote and they would like to move forward and build these products and to benefit not only their community but their community as well.

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

VICE CHAIRMAN CASON said he understands the fronts of the homes with their new product will look identical to the product that is already out there. From somebody that is driving down the road, they really won't be able to tell the difference at least from driving down the street that the houses are any different from one another. Correct? Mr. Willis said that is correct. **VICE CHAIRMAN CASON** said that includes the windows, the way the windows are shaped and as well, if you are a purchaser down there, you might want to go for the original package and not necessarily pick the two items that you are going to add to what you have for your customers. Correct? Mr. Willis said that was correct.

COMMISSIONER RIVERS asked in Reid's Ranch how many vacant lots do they currently have? Mr. Willis said right now there are nine. **COMMISSIONER RIVERS** asked how many lots are there altogether? Mr. Willis replied there are 113.

COMMISSIONER HARTKE asked of the 9 of the 113, about 92, 93% build-out, are any of these lots available to be used with the smaller products or what is your estimation of how many of those this would actually affect? Mr. Willis said you mean that we would pick these lots to be built on? **COMMISSIONER HARTKE** said yes sir. Mr. Willis stated they haven't made that estimation yet. They didn't know their timing. They sold 4 houses this last month. Their sales are picking up in that community and they decided to see what demand would be. To answer his question, they haven't slotted that because they really can't. He doesn't want one of his sales people to say something they can't deliver.

CHAIRMAN FLANDERS thanked the applicant. He went to the audience. He had one speaker card and asked them to please step forward and state their name and address for the record.

JAMI GOLDMAN, 3311 E. LYNX PLACE (IN REID'S RANCH), CHANDLER, said when they did go to the housing meeting a few weeks ago, they were told that those extra 9 lots would have the smaller homes put on them which is part of the reason they are here tonight. They live in one of the mid-size homes in Reid's Ranch that they purchased in July 2008 between the peak of the market and where they are at now. As the market continues to slide, they know that Amberwood is still building and instead of going with people coming in and picking their choices, they are just building the smaller 2600 square foot homes. They can drive through the neighborhood and see that. There are less special features but they are still building at the minimum, the 2600 square foot home and supposedly selling them at a reasonable price. They feel that by putting in homes that are 2000 square feet or 2200 square feet, they are changing the entire neighborhood even with those 9 homes. Yes, they would be able to see them from the street because they back up and when you drive through the neighborhood you can see kind of the estimate for the size of the homes and so a smaller home at 600 square feet less you would be able to notice that difference. She thinks you would see that from the back and from the front. Also, they purchased in this neighborhood because of the homes, because of the size of the homes and they were hoping they could have a family and not have to upgrade their move to a different neighborhood. She also thinks based on some of the comments they see and the only e-mails sent in were opposition to this plan as opposed to anyone in favor of it. She can tell from talking to her neighbors no one is overly thrilled with the idea of even 9 homes at a different size than what they bought into at the time. They are definitely opposed to this and they hope that the neighborhood would maintain the same level of 2600 to 4600 square feet to encourage the same type of person coming into the neighborhood. They know that the homes they are planning to build are a minimum of \$30,000+ less. That is a big difference in pricing of a home even in this market. They encourage you to oppose this modification in Reid's Ranch.

CHAIRMAN FLANDERS asked if there were any questions of the speaker. He asked if there was anybody else in the audience that would care to speak in regards to this item? There was one speaker.

CHARLES WARRICK, 3311 E. LYNX PLACE, CHANDLER. stated he wanted to point out a couple things. He finds it odd that this is on the block when the homes they are building, even at the minimum, are selling. They are probably selling a little slower than what they prefer but it is 92% completed. He doesn't understand why they want to switch up right here at the end because it does affect everyone in the neighborhood, does affect all the homes and home prices in the long run. He just wanted to tack that on because his wife didn't point it out. If it was a brand new project, he could understand or even a mid-way project but it doesn't make a whole lot of sense to him. He realizes it makes a little bit of business sense maybe but it is not in keeping with what they expected and what they were shown and the things that were talked about. Of course, he realizes that agents are legal representatives of the corporation that is building in the area. It is just not the kind of thing you would expect. If it had been mentioned to any one, he is sure they would have had a different idea about what they were buying and what they were getting into and how much money they were willing to spend. He is completely opposed and he agrees with his wife. Everyone they have spoken to in the neighborhood anyway of course objects to this. He said he hopes they will take it under consideration.

COMMISSIONER RIVERS asked what year did he buy his home? Mr. Warrick said they have been there for 13 months. **COMMISSIONER RIVERS** asked him what he paid for his home? Mr. Warrick said \$385,000. **COMMISSIONER RIVERS** said he was assuming he was the first owner of the home. Mr. Warrick said yes.

CHAIRMAN FLANDERS asked if anybody else wished to speak.

SEAN STECKER, 5233 S. MILLER PLACE, CHANDLER, said he lives east of where Amberwood Heights would be built. He can second essentially all their comments that they made. They purchased their home brand new in 2005 and moved in 2006. One of the things his wife and him actually looked at when they were building a home in that area was the plans for the sizes of the homes that are out there. As you see in the records, those home plans and sizes were approved in 2005. They were already established at the time they moved in and purchased their home. Unfortunately, the gentlemen from Amberwood Homes has pointed out the price per square footage is what home values are measured on when they go get them appraised. However, when folks buy a home they don't look at the appraisal first. The first thing they do is they look on line. There are a lot of websites that are out there that are not County or City owned. There are a lot of websites that are freely available to the public and they take it upon general pricing of all the homes. They don't take in general square footage and they don't take in price per square foot, they simply establish home values. In that general area people can start to whittle down and start to look at the type of homes they would like to buy based upon that price. It is not fair and it certainly happens but you are looking at providing a service to anybody on the Internet in a community. From that perspective he is afraid the first piece of information people look at isn't the total cost per square footage but it is actually the value of that neighborhood or the value of those homes in that area. When they look at the total cost, approximately \$30,000 less than what was out there, certainly a \$30,000

drop on a home of 2500 square foot is going to severely financially impact the value of his home to a tune of much more than \$30,000 when he goes to resell that home. From his perspective when they look at the total value of the homes certainly in Reid's Ranch with the size of the homes that are out there, they are certainly comparable to the ones in his neighborhood and the ones in Amberwood Heights while certainly are smaller, they certainly understood that. When they go back 3 or 4 years later and they reduce the size of those homes by 20 plus percent in some cases, they feel that is a little bit large of a jump. He thinks that is strictly aimed at business. Yes, they certainly want to do right by their communities and they want to support the communities and provide options. They think there are a number of options out there and he thinks frankly that this isn't specifically about helping the community. It is specifically about selling homes and he is not o.k. with that if that financially impacts him, based upon the understanding that he and his wife had when they purchased their home.

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

COMMISSIONER RIVERS thanked him for coming to speak this evening. He asked what the name of the development where he lives is? Mr. Stecker said the name of his development is Finistera just to the east of the new Amberwood Heights subdivision. **COMMISSIONER RIVERS** said but Finistera is not connected to the development and it is a totally different development. Correct? Mr. Stecker said that is right.

CHAIRMAN FLANDERS thanked the speaker for his comments. He asked the applicant to come back up if there isn't anybody else who would care to speak on this item. He said for the audience what they are talking about is 2 additional plans and elevations to this subdivision. That is pretty much all they are looking at right now as far as cost of the product. The one thing they are getting away from what they are talking about here is the appraisal of homes. If you have a 2000 square foot home that has elevation A and you are getting your house appraised, he would think an appraiser would go after or look at any home in the subdivision that would have those features to figure out what the sales price would be. Is that how normally they would do that?

MR. WILLIS OF AMBERWOOD HOMES replied yes they look at that and the square footage and the elements and the items that are in the product as well. Also, the lot size because the lot is not changing, as they know. The dirt underneath the house is where a lot of your value is too. **CHAIRMAN FLANDERS** said the subdivision where he lives they have gone through the same thing where the builder that came in built a really nice product and he sold out to a different builder. He came in with a cheaper product line. Unfortunately, they weren't able to talk to Commission and City Council at that time to argue it. In looking at the appraised values and he has looked at a lot of this in his subdivision, his particular house a price range within about \$10,000 to \$20,000 and then the different square footages. He thinks as a matter of style house, what the plan is, square footage, bedrooms and everything else will determine the appraised value. He is not sure he necessarily agrees with the speakers as far as impacting the value of their house. Everything in the market right now is down. He is just not seeing it as far as that

goes even though they can't consider that on this application. He asked if anybody else had additional questions or comments for the applicant.

COMMISSIONER RIVERS stated he had a couple of questions. He asked throughout Reid's Ranch are all of the lots the same size? He realizes that they have a couple cul-de-sacs and a couple corners but for the most part are all of the lots the same size? Mr. Willis replied yes sir. **COMMISSIONER RIVERS** said the smallest model that was originally built in Reid's Ranch was how large? Mr. Willis said 2593 square feet. **COMMISSIONER RIVERS** said so roughly 2600 square feet. **COMMISSIONER RIVERS** said the smallest lot is 2000 or what they are proposing is 2000? Mr. Willis said yes. **COMMISSIONER RIVERS** asked what did the 2600 square foot sell for originally? Mr. Willis said is sold originally in the high \$200's and as the market went up like all their homes, they went up too. Right now it is selling in the low \$300's. **COMMISSIONER RIVERS** asked if this is the new model? Mr. Willis said yes, the 2600. **COMMISSIONER RIVERS** asked so the new 2000 square foot model will sell for what? Mr. Willis said it would be in the high \$200's. They haven't put a price on them yet. **COMMISSIONER RIVERS** said it is not 30% difference in price or anything like that? Mr. Willis said no.

VICE CHAIRMAN CASON said he actually thought Leigh did all the calculations but he will ask the question of what is the difference in the cost per square foot of the two homes? Mr. Willis asked to construct or to sell? **VICE CHAIRMAN CASON** said let's talk about selling them. Mr. Willis said right now they are selling houses at about \$130 a square foot down there without upgrades added to them. That is their base price. At the smaller products, they will probably be higher. They will probably be at \$140 a square foot because cost construction is higher. So to get your margins that is how builders do it because you have less square footage to spread your dollars out. The kitchen costs the same, your bathrooms and components. So it is just the cost of doing business. **VICE CHAIRMAN CASON** said that would be the same because of the cost changes when you are constructing the house. When you turn around and sell it those same functions still come into play; the fact that the kitchen still has a stove and an oven and all of those types of things.

CHAIRMAN FLANDERS closed the floor for discussion and motion.

MOVED BY VICE CHAIRMAN CASON, seconded by **COMMISSIONER KELLEY** to approve PDP09-0025 REID'S RANCH AND AMBERWOOD HEIGHTS. The item passed 6-1 (Commissioner Hartke voted against the item).

6. DIRECTOR'S REPORT

Mr. Mayo said seeing as this is our last Planning Commission hearing prior to the Fall Planning Picnic and since they cancelled the October 21 hearing, he reminded Commission of their Planning Department Picnic at Desert Breeze on November 3 starting at 11:30 a.m. He said he hoped to see them there.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN FLANDERS announced that the next regular meeting is November 4, 2009 at 5:30 p.m. in the Council Chambers, 22 S. Delaware Street, Chandler, Arizona. He added as an additional reminder they do have a Planning & Zoning meeting to discuss the design standards for the Arizona Corridor next Tuesday at 6:00 p.m. Mr. Mayo said that was correct. It is next Tuesday, October 13 at 6:00 p.m. in the Police Department's Community Room on the 1st floor.

8. ADJOURNMENT

The meeting was adjourned at 6:10 p.m.

Michael Flanders, Chairman

Jeffrey A. Kurtz, Secretary