



Chandler • Arizona

2014 Planning & Zoning Commission Minutes

Regular Meetings

January 15, 2014

July 2, 2014 cancelled

February 5, 2014

July 16, 2014

February 19, 2014 cancelled

August 6, 2014

March 5, 2014

August 20, 2014

March 19, 2014

September 3, 2014

April 2, 2014

September 17, 2014 cancelled

April 16, 2014

October 1, 2014

May 7, 2014

October 15, 2014

May 21, 2014

November 5, 2014

June 4, 2014

November 19, 2014

June 18, 2014

December 3, 2014 cancelled

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, January 15, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Stephen Veitch
Vice Chairman Matthew Pridemore
Commissioner Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior Planner
Ms. Susan Fiala, City Planner
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by COMMISSIONER RYAN to approve the minutes of the December 18, 2013 Planning Commission Hearing. The motion passed 6-0 with 1 abstention (Commissioner Baron was not present at the hearing.)
5. ACTION AGENDA ITEMS
CHAIRMAN VEITCH informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR13-0025 CENTRE POINT BUSINESS PARK

Approved.

Request rezoning from Planned Area Development (PAD) for light industrial, general/medical/dental office, and self-storage mini-warehousing to PAD for retail/restaurant, light industrial, general/medical/dental office, and self-storage mini-warehousing with Preliminary Development Plan (PDP) for site layout and building design. The property is located east of Arizona Avenue on the north side of Ocotillo Road at the northwest corner of Ocotillo Road and the Consolidated Paseo Canal.

activity, and is encumbered by an avigational easement to the City of Chandler.”

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “CENTRE POINT BUSINESS PARK”, kept on file in the City of Chandler Planning Division, in File No. DVR13-0025, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
4. 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.
5. Within the mini-storage development area, the following shall occur:
 - a. All outdoor storage and vehicles shall be fully screened and shall not be visible above the walls enclosing the outdoor storage areas.
 - b. All hazardous materials shall be prohibited within the self-storage units and on the site.
 - c. All repair work or activities not related to self-storage or vehicle parking shall be prohibited.

B. DVR13-0031/PPT13-0021 LAYTON LAKES PARCEL 17

Approved.

Request rezoning from Planned Area Development (PAD) for commercial uses to PAD Single-Family Residential, with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for the subdivision layout and housing product for Parcel 17 of the Layton Lakes Master Plan located at the southwest corner of Lindsay and Queen Creek roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled “Layton Lakes Parcel 17” and kept on file in the City of Chandler Planning Division, in File No. DVR13-0031, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3250, case DVR00-0025 LAYTON LAKES, except as modified by condition herein.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners’ association.
4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. 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

1. Compliance with original conditions adopted by the City Council as Ordinance No. 3229 in case DVR00-0028, GERMANN COMMERCE CENTER, except as modified by condition herein.
2. Development shall be in substantial conformance with the Development Booklet, entitled "Facility Expansion for Germann Storage Solutions", kept on file in the City of Chandler Planning Division, in File No. PDP13-0012, except as modified by condition herein.
3. The existing east driveway gate shall be replaced to match the new gate.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. Dead, dying, or missing landscape shall be replaced.
5. The site shall be maintained in a clean and orderly manner.
6. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
7. 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.
8. 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.

D. LUP13-0020 WINCO FOODS STORE

Approved.

Request Use Permit approval to sell liquor as permitted under a Series 9 Liquor Store License within a grocery store. The property is located at the northwest corner of Arizona Avenue and Willis Road, west end of the San Tan Plaza commercial center.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 9 (Liquor Store license) only, and any change of licenses shall require re-application and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other store locations.
4. The site shall be maintained in a clean and orderly manner.

E. LUP13-0021 TALEBU

Approved to withdraw for the purpose of re-advertising.

Request Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption both indoors and within an outdoor patio at an existing restaurant. The subject site is located at 2095 N. Alma School Road, Ste. 2A, north of the northwest corner of Alma School and Warner roads. **(REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)**

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 5, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Stephen Veitch
Commissioner Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Devan Wastchak

Absent and excused:

Vice Chairman Matthew Pridemore
Commissioner Phil Ryan

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Erik Swanson, City Planner
Ms. Susan Fiala, City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CUNNINGHAM, seconded by COMMISSIONER BARON to approve the minutes of the January 15, 2014 Planning Commission Hearing. The motion passed 5-0 (Vice Chairman Pridemore and Commissioner Ryan were absent).
5. ACTION AGENDA ITEMS
CHAIRMAN VEITCH informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. PDP13-0014 CALABRIA

Approved.

Request Preliminary Development Plan approval of the housing product for a single-family residential subdivision located at the southwest corner of Brooks Farm and Cooper roads.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Calabria by Blandford Homes", kept on file in the City of Chandler Planning Services Division, in File No. PDP13-0014, except as modified by condition herein.
2. Development shall be in substantial conformance with the Development Booklet, entitled "Calabria", kept on file in the City of Chandler Planning Services Division, in File No. PDP10-0019, except as modified by condition herein.
3. Compliance with original conditions adopted by the City Council as Ordinance No. 3401 in case DVR02-0028 CALABRIA, except as modified by condition herein.
4. The same elevation shall not be built side-by-side or directly across the street from one another.
5. All homes built on corner lots within the residential subdivision shall be single-story.

B. LUP13-0021 TALEBU

Approved.

Request Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption both indoors and within an outdoor patio and to allow live music indoors at an existing restaurant. The subject site is located at 2095 N. Alma School Road, Ste. 2A, north of the northwest corner of Alma School and Warner 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 is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
4. The site and outdoor patio shall be maintained in a clean and orderly manner.
5. Music shall be controlled so as to not unreasonably disturb area residents.

C. ZUP13-0031 FIERCE HAIR BY SACHA

Approved.

Request Use Permit approval to operate a hair salon business in the Plaza Del Rey development zoned High Density Residential (MF-3). The property is located at 497 West Ray Road, Suite 2, southeast corner of Ray Road and Iowa Street.

1. Development shall be in substantial conformance with the exhibits and representations.
2. 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.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the property owner.
4. The site shall be maintained in a clean and orderly manner.
5. The Use Permit is non-transferable to any other property.

D. MOTION TO CANCEL THE FEBRUARY 19, 2014 PLANNING COMMISSION HEARING.

Approved.

MOVED BY COMMISSIONER BARON, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed 5-0 (Vice Chairman Pridemore and Commissioner Ryan were absent).

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

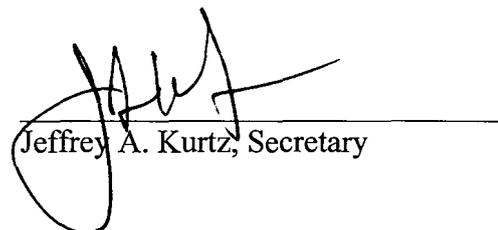
CHAIRMAN VEITCH said the next regular meeting is March 5, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:36 p.m.



Stephen Veitch, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, March 5, 2014 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Veitch called the meeting to order at 5:38 p.m.
2. Pledge of Allegiance led by Commissioner Baron.
3. The following Commissioners answered Roll Call:

Chairman Stephen Veitch
Commissioner Andrew Baron
Commissioner Bill Donaldson
Commissioner Devan Wastchak

Absent and excused:

Vice Chairman Matthew Pridemore
Commissioner Katy Cunningham
Commissioner Phil Ryan

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. David de la Torre, Principal Planner
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, City Planner
Ms. Susan Fiala, City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER DONALDSON, seconded by COMMISSIONER WASTCHAK to approve the minutes of the February 5, 2014 Planning Commission Hearing. The motion passed 4-0 (Vice Chairman Pridemore, Commissioners Cunningham and Ryan were absent).
5. ACTION AGENDA ITEMS
CHAIRMAN VEITCH informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR14-0002 WEST OF THE NORTHWEST CORNER OF RIGGS AND LINDSAY ROADS

Approved.

Request to establish the initial City zoning of Agriculture (AG-1) on approximately 19 acres located west of the northwest corner of Riggs and Lindsay roads.

Upon finding consistency with Arizona Revised Statutes, Planning Staff recommends approval of establishing the initial city zoning of AG-1 following the annexation of the subject site.

B. PDP13-0019 AVIAN MEADOWS

Approved.

Request Preliminary Development Plan approval for housing product for 81 lots within the 200-lot Avian Meadows single-family residential subdivision. The subject subdivision is located north of the northwest corner of Chandler Heights and Lindsay roads.

1. Development shall be in substantial conformance with Attachment No.5, Development Booklet, entitled "AVIAN MEADOWS", kept on file in the City of Chandler Transportation & Development Services Department, Planning Division, in File No. PDP13-0019 AVIAN MEADOWS, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 4202 in case DVR09-0002 AVIAN MEADOWS, except as modified by condition.

C. LUP14-0002 AXIOM BREWING COMPANY LLC

Approved.

Request Use Permit approval to sell and serve liquor as permitted under a Series 13 In-State Domestic Farm Winery License within a manufacturing and distribution business with a tasting room. The property is zoned I-2 General Industrial District and located at 6503 W. Frye Road, Suite 12, which is east of 56th Street and north of the Loop 202 Santan Freeway.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 13 (In-state Domestic Farm Winery License) only, and any change of licenses shall require re-application and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.

D. ZUP13-0026 MORGAN'S HOME CHILD CARE

Approved.

Request Use Permit approval of a time extension to allow a residential child care for up to ten children within an existing single-family residential home located at 923 N. Dakota St., which is south of Ray Road and west of Arizona Avenue.

1. The residential childcare home shall have no more than ten (10) children for compensation, at any time.
2. Should the applicant sell the property, this Use Permit to operate a childcare home shall be null and void.
3. This 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 reapplication to an approval by the City of Chandler.

E. ZUP13-0027 VERIZON PHO BOLOGNA

Approved.

Request Use Permit approval to install a monopalm wireless communication facility at 1225 East Frye Road, southeast corner of McQueen and Frye roads.

1. Development shall be in substantial conformance with approved exhibits. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The monopalm shall have a minimum of 65 palm fronds.

F. ZUP13-0028 ALL J'S DETAIL

Approved.

Request Use Permit approval of a time extension to allow an automotive detailing business within Planned Industrial District (I-1) zoning. The property is located at 7045 W. Galveston Street, Suite 11, north of Chandler Boulevard and east of 54th 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 reapplication to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (Floor Plan, Site Plan, Narrative) shall require reapplication and approval of a Use Permit.
3. The Use Permit is non-transferable to other store location.
4. There shall be no vehicle maintenance and repair, auto body or mechanical engine work, tire and/or wheel shop, vehicle customization and accessories, sales, leasing, vehicle related retail sales, or the like.
5. The site shall be maintained in a clean and orderly manner.
6. There shall be no vehicle parking, storing, detailing, or the like on City streets. All vehicles shall be maintained on-site.
7. There shall be no working on vehicles in front of the building; all detailing shall occur in the building or at the rear of the property.
8. As represented by the applicant, clients are restricted to corporate accounts only; no individual, general public clients are permitted.

G. PPT14-0003 THE MET AT FASHION CENTER

Approved.

Request Preliminary Plat approval for a multi-family residential development and a future mixed use parcel located at the southeast corner of Chandler Boulevard and Hearthstone Way.

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

MOVED BY COMMISSIONER BARON, seconded by **COMMISSIONER DONALDSON** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed 4-0 (Vice Chairman Pridemore, Commissioners Cunningham and Ryan were absent).

6. SOUTH PRICE ROAD EMPLOYMENT CORRIDOR REPORT-BRIEFING
(Briefing during Study Session)

CHAIRMAN VEITCH noted that they had a briefing on that report which was presented to the City Council in October and they had a briefing at the Council in November. It was very timely for them as there will be at least one case concerning the Price Road Corridor on their agenda fairly shortly. He told the audience that a copy of that report is available in PDF form on the City's website for those that might want to study it in greater detail.

7. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, said there was nothing to report.

8. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN VEITCH said the next regular meeting is March 19, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 5:44 p.m.



Stephen Veitch, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, March 19, 2014 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Veitch called the meeting to order at 5:38 p.m.
2. Pledge of Allegiance led by Commissioner Donaldson.
3. The following Commissioners answered Roll Call:

Chairman Stephen Veitch
Vice Chairman Pridemore
Commissioner Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan

Absent and excused:

Commissioner Devan Wastchak

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER BARON, seconded by COMMISSIONER DONALDSON to approve the minutes of the March 5, 2014 Planning Commission Hearing. The motion passed 3-0 with 3 abstentions (Vice Chairman Pridemore, Commissioners Cunningham and Ryan did not attend the March 5, 2014 meeting). Commissioner Wastchak was absent at this meeting.
5. ACTION AGENDA ITEMS
CHAIRMAN VEITCH informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR13-0032 ALLRED PARK PLACE

Approved to continue to the April 2, 2014 Planning Commission Hearing.

Request rezoning from Planned Area Development (PAD) for commercial, office, and business park uses including a Mid-Rise Overlay for buildings up to 85-feet in height, to Planned Area Development (PAD) for business park, hotel, conference center, and service retail uses, including a Mid-Rise Overlay for buildings up to 150-feet in height, with Preliminary

Development Plan (PDP) approval for site design and building architecture on property totaling approximately 73-acres located at the northeast and southwest corners of Price and Willis roads. **(REQUEST CONTINUANCE TO THE APRIL 2, 2014 PLANNING COMMISSION HEARING.)**

B. DVR14-0008 OPUS CHANDLER AIRPORT CENTER PHASE I

Approved.

Request rezoning from Planned Area Development (PAD) for general office and an adult educational institution to PAD for general office, an adult educational institution, and medical office. The property is located at 1850 E. Northrop Blvd., west of Cooper Road and south of the Loop 202 Santan Freeway.

1. Development shall be in substantial conformance with Exhibit A, Narrative and Exhibit B, Site Plan entitled "OPUS Chandler Airport Center Phase I", kept on file in the City of Chandler Planning Division, in File No. DVR14-0008, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3673, in case DVR04-0037 Chandler Airport Center, except as modified by condition herein.

C. PPT14-0004 CHAMPION ACADEMY

Approved.

Request Preliminary Plat approval for a public charter school located north of the northwest corner of McQueen and Frye roads.

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

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER RYAN** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed 6-0 (Commissioner Wastchak was absent).

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

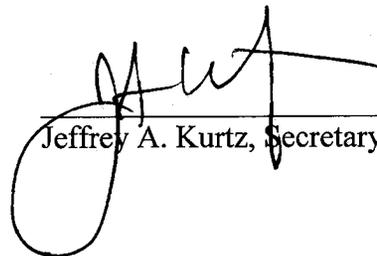
CHAIRMAN VEITCH said the next regular meeting is April 2, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 5:33 p.m.



Stephen Veitch, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 2, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Stephen Veitch
Vice Chairman Pridemore
Commissioner Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak

Also present:

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

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by COMMISSIONER BARON to approve the minutes of the March 19, 2014 Planning Commission Hearing. The motion passed 6-0 with 1 abstention. (Commissioner Wastchak was not present at the meeting).
5. ACTION AGENDA ITEMS
CHAIRMAN VEITCH informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR13-0032 ALLRED PARK PLACE

Approved.

Request rezoning from Planned Area Development (PAD) for commercial, office, and business park uses including a Mid-Rise Overlay for buildings up to 85-feet in height, to Planned Area Development (PAD) for business park, hotel, conference center, and service retail uses, including a Mid-Rise Overlay for buildings up to 150-feet in height, with Preliminary Development Plan (PDP) approval for site design and building architecture on property totaling approximately 73-acres located at the northeast and southwest corners of Price and Willis roads.

(REQUEST CONTINUANCE TO THE APRIL 16, 2014 PLANNING COMMISSION HEARING.)

May Kevin Mayo, Planning Manager, stated for the record that a Design Review Committee (DRC) meeting has been scheduled for April 8, 2014 at 4:30 p.m. in the Transportation & Development building.

B. APL14-0003 WATERS AT OCOTILLO AREA PLAN AMENDMENT /DVR13-0043/PPT13-0027 SIENA AT OCOTILLO

Approved.

Request Area Plan Amendment to the Waters at Ocotillo Area Plan for parcel 7 from Commercial Office/Retail development to Single-Family Residential, along with rezoning from Planned Area Development (PAD) for commercial office/retail to PAD for attached single-family residential and Preliminary Development Plan and Preliminary Plat approval for a 76-unit townhome development on approximately 7.7 acres. The subject site is located at the southeast corner of Dobson Road and Market Place.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "SIENA AT OCOTILLO", kept on file in the City of Chandler Planning Division, in File No. DVR13-0043, except as modified by condition herein.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
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. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.

9. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "SIENA AT OCOTILLO", and kept on file in the City of Chandler Planning Division, in File No. DVR13-0043, except as modified by condition herein.

Preliminary Plat

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

C. DVR13-0047 MCCLINTOCK & CHANDLER LUXURY APARTMENTS

Approved.

Request rezoning from Planned Area Development (PAD) for commercial to PAD for multi-family residential with Preliminary Development Plan (PDP) for site layout and building design. The property is located north and east of the northeast corner of McClintock Drive and Chandler Boulevard.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "McClintock and Chandler Luxury Apartments", kept on file in the City of Chandler Planning Division, in File No. DVR13-0047, except as modified by condition herein.
2. 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.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. 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.

8. The multi-family apartment manager shall display, in a conspicuous place within the rental office, a map illustrating the location of the MCCLINTOCK AND CHANDLER LUXURY APARTMENTS in the context of Stellar Airpark. Such map or aerial photo shall be a minimum size of 24" x 36". Compliance with this condition shall be demonstrated by the property owner or multi-family apartment manager by submittal to the Zoning Administrator of a signed affidavit and photograph that acknowledges such map is on display prior to beginning any rental activity.
9. Prior to execution of any lease, prospective apartment tenants shall be given written disclosure in their lease and in a separately signed disclosure statement acknowledging that this apartment community is located proximate to the Stellar Airpark, that an avigational easement exists on the property, and that the property is subject to aircraft noise and overflight activity. The requirement for such disclosures shall be confirmed in an Avigation Notice Covenant that runs with the land and is recorded with the Maricopa County Recorder prior to issuance of the first Building Permit for this development.
10. Prior to the execution of any lease, prospective apartment tenants shall be given a written disclosure statement acknowledging that the apartments are located adjacent to or nearby existing and future industrial uses that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Lease/Purchase Contracts", CC&R's, and individual rental contracts shall state such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/apartment builder/developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
11. Presuming an ambient noise condition of 55-60 DNL, all apartment buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are in conformance with this condition.
12. The developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
13. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
14. The development shall not be subdivided to allow individual dwelling unit ownership.
15. All leases at the MCCLINTOCK AND CHANDLER LUXURY APARTMENTS shall provide: (i) that all questions, concerns, or complaints any tenant may have about Stellar Airpark or the operation of aircraft landing at, taking off from, or operating at or on Stellar Airpark shall be directed solely to the property manager of the MCCLINTOCK AND CHANDLER LUXURY APARTMENTS and not to Stellar Airpark, the City of Chandler, the FAA, any aircraft owner, or any pilot; and (ii) that the property manager of the MCCLINTOCK AND CHANDLER LUXURY APARTMENTS shall determine, in its sole discretion, how to address any such complaint, if at all.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "McClintock and Chandler Luxury Apartments", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0047, except as modified by condition herein.

2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
5. 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.

D. LUP13-0019 ORIGINAL CHOPSHOP CO.

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 7 Beer and Wine Bar license for on- and off-premises sales, and a Series 12 Restaurant License for on-premise sales for a new restaurant with outdoor dining in downtown Chandler. The property is located at 35 W. Boston Street, west of Arizona Avenue and south of Chandler Boulevard.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 7 Beer and Wine Bar license and a Series 12 Restaurant license only, and any change of licenses shall require re-application and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. The site and patios shall be maintained in a clean and orderly manner.

CHAIRMAN VEITCH said he wanted to acknowledge that he had a speaker slip from Mr. Dan Perry who represents the Stellar Airpark area in connection with Item C and who wishes to make a comment for the record but does not wish to remove the item from the Consent Agenda. Also, Mr. Ed Bull might also have a comment with respect to Item C.

COMMISSIONER RYAN said for the record that on Item C he provided consulting services so he would be abstaining from any conversation or vote on the item.

COMMISSIONER BARON said he would also be abstaining from voting on Item B on the agenda as he provided consulting services.

MR. DAN PERRY, 4304 W. MERCURY WAY, STELLAR AIRPARK stated they wanted to come tonight to get on the record for condition no. 14. When this project was brought to them, their only objection was that they were concerned that it would be converted to a condo project sometime in the future thereby pitting Stellar Airpark against ownership and of course, Stellar will be flying over this project. He said they wished to thank Lennar and Ed Bull for crafting

these stipulations to protect Stellar. They only wanted it on the record so in the future if there is ever an issue, it is clear to anybody that would read these notes and the minutes that stipulation 14 was put on specifically to preclude condominium conversion of this property in the future. That was really their only objection and they appreciate their working with them and they hope they have accomplished that. Their attorneys are still in contact and there may be some minor paperwork change between here and the Council but that is it.

MR. ED BULL, 702 E. OSBORN ROAD, REPRESENTING LENNAR MULTI-FAMILY, said as they know from their Staff Report and earlier discussions in the Study Session, there were several meetings between the Stellar Board of Directors and Lennar Multi-Family representatives discussing a host of things including, as Dan just mentioned, Stellar concern with condo conversion. They worked through a bunch of stuff and worked on a lot of stipulations and some additional documentation and the wording of stipulation 14 is intended as a zoning stipulation to preclude condo conversion or conversion to some other kind of individual ownership and would require addressing the zoning stipulation through a public process. Bottom line, lots of discussion and lots of issues worked out and efforts to document things both in the stipulations, which they appreciate Staff adding because some of them are normal, some are in addition to normal stipulations. The additional documents called for in the stipulations have been drafted. Dan is correct, starting this afternoon Stellar's attorney and he began swapping voice messages so he doesn't know exactly what they are talking about yet. He's guessing it is adding some wordings to one of these separate documents and if that is the case when they talk, he will ask him to draft something and send it over and they will review it and get back with him. He has no reason to believe it couldn't be dealt with between now and the Council hearing. He said if they any questions, they will try to answer them otherwise, they appreciate all the work with Staff and the Stellar Board and others and ask their approval per Staff's recommendation.

CHAIRMAN VEITCH asked if there were questions for Mr. Bull or Mr. Perry. There were none.

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 7-0.

6. DIRECTOR'S REPORT

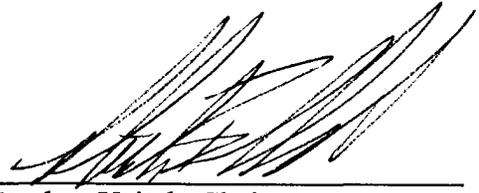
Mr. Kevin Mayo, Planning Manager, said he just wanted to again reiterate that they do have the Design Review Committee meeting hearing scheduled for next Tuesday evening, April 8. It will not be in the Council Chambers but in the Transportation & Development building in the South Atrium.

7. CHAIRMAN'S ANNOUNCEMENTS

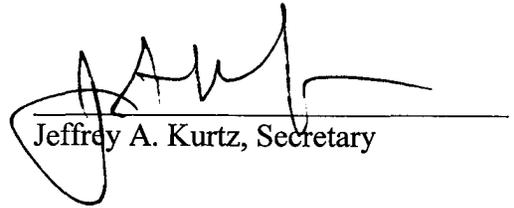
CHAIRMAN VEITCH said the next regular meeting is April 16, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 5:40 p.m.

A handwritten signature in black ink, appearing to read 'S. Veitch', written over a horizontal line.

Stephen Veitch, Chairman

A handwritten signature in black ink, appearing to read 'J. Kurtz', written over a horizontal line.

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 16, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Stephen Veitch
Vice Chairman Matthew Pridemore
Commissioner Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak

Also present:

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

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by COMMISSIONER RYAN to approve the minutes of the April 2, 2014 Planning Commission Hearing. The motion passed 7-0.
5. ACTION AGENDA ITEMS
CHAIRMAN VEITCH 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.

A. DVR13-0032 ALLRED PARK PLACE

Approved.

Request rezoning from Planned Area Development (PAD) for commercial, office, and business park uses including a Mid-Rise Overlay for buildings up to 85-feet in height, to Planned Area Development (PAD) for business park, hotel, conference center, and service retail uses, including a Mid-Rise Overlay for buildings up to 150-feet in height, with Preliminary Development Plan (PDP) approval for site design and building architecture on property totaling approximately 73-acres located at the northeast and southwest corners of Price and Willis roads.

Rezoning

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "ALLRED PARK PLACE", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0032, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.
2. 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.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals or as otherwise approved in a development agreement.
5. Unless otherwise included as part of the City's Capital Improvement Program, the developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
7. Approval by the Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
9. Notwithstanding any provision of the Development Booklet or of any other conditions of the Rezoning, no data center use of any type, unless ancillary and secondary to a primary use, shall be a use permitted for the property that is the subject of this Rezoning.

10. Maximum building height shall be limited to 150-feet.

Preliminary Development Plan

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "ALLRED PARK PLACE", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0032, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. All buildings shall be designed to be consistent with the level of quality, detail, building material, paint colors, architectural articulation, and the like as established in the attached Development Booklet.
4. Administrative changes to the approved building elevations shall ensure that the building elevations and massing (i) carry an architectural level of quality and detail that is as good or better than what is contained in the Development Book and (ii) are horizontally and vertically broken up through the use of color, material, texture, and varied treatment of segments of the buildings.
5. Building architecture shall promote consistent architectural character and detail on all sides of the structure.
6. The traffic signal to be located at the intersection of Price Road and Armstrong Road shall be installed before or simultaneous with the construction commencing on Area 3.

C. DVR13-0017 ARIZONA K-9 CENTER

Approved.

Request rezoning from Planned Area Development (PAD) for machine shop, tool and die to PAD (dog daycare, boarding, grooming, training, and related uses) with Preliminary Development Plan (PDP). The property is located at 1535 N. Dobson Road, east side of Dobson Road and south of Warner Road.

Rezoning

1. Development shall be in substantial conformance with Exhibit A Narrative, Exhibit B Site Plan, Exhibit C Landscape Plan, Exhibit D Floor Plan, and Exhibit E Grading & Drainage Plan kept on file in the City of Chandler Planning Division, in File No. DVR13-0017 ARIZONA K-9 CENTER, 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.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A Narrative, Exhibit B Site Plan, Exhibit C Landscape Plan, Exhibit D Floor Plan, and Exhibit E Grading & Drainage Plan kept on file in the City of Chandler Planning Division, in File No. DVR13-0017 ARIZONA K-9 CENTER, except as modified by condition herein.
2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

D. DVR13-0050 RAY ROAD APARTMENT HOMES

Approved to continue to the May 21, 2014 Planning Commission Hearing.

Request rezoning from Planned Industrial District with a Planned Area Development (PAD) overlay to PAD for multi-family residential with a Preliminary Development Plan for a 192-unit multi-family residential development. The site is approximately 7 acres and located east of the northeast corner of Arizona Avenue and Ray Road.

(REQUEST CONTINUANCE TO THE MAY 21, 2014 PLANNING COMMISSION HEARING.)

E. DVR13-0051/PPT13-0031 PESCARA

Approved.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential development with Preliminary Development Plan (PDP) and approval for subdivision layout and Preliminary Plat approval for 46 lots on 19 acres. The subject site is located east of the northeast corner of Gilbert and Riggs roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "PESCARA", kept on file in the City of Chandler Planning Division, in File No. DVR13-0051, 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. 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. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
9. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
10. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby an aircraft engine testing facility and an airplane aerobatic training area that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an aircraft engine testing facility and an airplane aerobatic training area, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
11. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with

the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "PESCARA", kept on file in the City of Chandler Planning Division, in File No. DVR13-0051, except as modified by condition herein.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. All homes built on corner lots within the residential subdivision shall be single-story.

Preliminary Plat

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

F. LUP14-0005 PIZZA ON 87

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption in a new restaurant with a new outdoor patio. The restaurant is located at 1368 North Arizona Avenue, Suite 101, south of the southwest corner of Knox Road and Arizona Avenue.

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 a new Liquor Use Permit application and approval.
5. The site and patio shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from the televisions and speakers located outdoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
7. The establishment shall provide a contact phone number of a responsible person (owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.

G. PDP14-0002 CLEANFREAK CARWASH

Approved.

Request Preliminary Development Plan (PDP) approval for the site layout and building architecture for a new carwash on approximately 1.15 acres located south of the southwest corner of Gilbert and Queen Creek roads, within the Carmel Village shopping center.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3788, in case DVR05-0052 CARMEL VILLAGE PLAZA, except as modified by condition herein.

2. Development shall be in substantial conformance with the attached Development Booklet, entitled "CLEANFREEAK CARWASH", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0002, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Planning Administrator and Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
5. 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.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
7. **The applicant shall work with Staff to add two additional trees at the north and south corners of the carwash building.**

CHAIRMAN VEITCH said for the record he had 24 speaker slips indicating that the signers were in favor regarding Item C, Arizona K-9 Center. Twelve others indicate they were in favor and wished to speak if it was to move to a full hearing. Three others indicate they would wish to speak and whose positions aren't entirely clear, meaning they did not check a box in favor or opposed. He said he would have to ask because the case number cited doesn't seem to conform to any of the cases on our agendas. The address is 193 W. Wisteria Place in Chandler and indicates opposition to Item to DVR13-0042. Kevin Mayo, Planning Manager said that was Item B which is already on action. He said he has 39 speaker cards concerning Item C which are overwhelmingly in favor but there has been no indication that a full presentation is desired on Item C so they will leave it on the Consent Agenda unless a member of the Commission would like to have it removed.

COMMISSIONER RYAN said before they go to a motion, for the record he will be voting no on Item C. He doesn't feel like that is an appropriate use for that site. He didn't want to pull it off consent because of all of the support it has from the neighborhood.

CHAIRMAN VEITCH said he had received 9 more speaker slips in favor of Item C.

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda with the additional stipulation as read into the record by Staff. The Consent Agenda passed unanimously 7-0.

ACTION:

- B. APL14-0002 AIRPARK AREA PLAN AMENDMENT/DVR13-0042/PPT13-0026 ARIZONA AVENUE & QUEEN CREEK ROAD

DENIED.

Request an Area Plan amendment to the Airpark Area Plan from Neighborhood Commercial and Commercial/Office/Business Park with a Light Rail Corridor Overlay to Low-Medium Density Residential. Rezoning from Conceptual Planned Area Development (PAD) for Commercial/Office/Business Park to PAD (Low-Medium Density Residential) with Preliminary Development Plan (PDP) for subdivision layout and housing products and Preliminary Plat (PPT) approval on approximately 14 acres located at the northeast corner of Arizona Avenue and Queen Creek Road.

MS. JODIE NOVAK, SENIOR CITY PLANNER, stated the item before them is an Area Plan Amendment APL14-0002 Airpark Area Plan Amendment. The rezoning component is DVR13-0042 which is Arizona Avenue and Queen Creek Road which is the name of the project. There is also a Preliminary Plat, PPT13-0026 Arizona Avenue and Queen Creek Road.

The request has 3 components. There is an Area Plan Amendment to the City's adopted Airpark Area Plan to change the land use on the Airpark Area Plan's Land Use map. The request is to change the use which is currently Neighborhood Commercial and Commercial/Office/Business Park with a Light Rail Overlay to a new land use which would be Low-Medium Density Residential. The rezoning is to change the site's existing PAD zoning district which was conceptual for a Commercial/Office/Business Park uses with a Light Rail Overlay and to rezone to a PAD for Low-Medium Density Residential. There is also a Preliminary Development Plan included and that is for the subdivision layout as well and the Preliminary Plat which is the engineering document for the subdivision's layout. This property is at the immediate northeast corner of Arizona Avenue and Queen Creek Road. The applicant is KB Home. What they are proposing is on approximately 13.8 acres to develop 90 single-family residential homes, approximately 6.51 dwelling units per acre which is akin to our low-medium density designation that they are requesting and all the housing product would be 2-story homes.

Ms. Novak said they would see in the Staff Report that the Planning Staff has a recommendation of denial for the Area Plan Amendment and the Rezoning request and also the Preliminary Development Plan with the Plat. To clarify the recommendation of denial, they look at the proposal for the residential land use in conformance with the City's adopted land use plans and what uses are allowed or are not allowed to be considered under the current plan. City Staff with the findings and the information that has been presented has determined that the proposed use for a detached single family housing at low-medium density isn't a considerable use under the General Plan and the Airpark Area Plan for this particular area. That considerable use can occur through the public hearing process to be at Planning and Zoning Commission as well as City Council so, therefore, they come forward with a recommendation of denial.

Also with that is the Preliminary Development Plan and the recommendation of denial is consistent with that. If they are not supporting the land uses, they can't support the development plan that comes with it. However, she will get into some of the positives of the development plan they have and while the use isn't o.k., it's still a very good development center they have come forward with.

This particular parcel was part of a larger rezoning case that occurred in 2012. There is some history with the property. The property was rezoned as part of a larger master plan called Archstone Village Crossing at Chandler. It has high density urban living residential multi-family that is on the land that surrounds particular property. As a part of that, the developer at that time had left over this piece for future commercial/office/business park type uses which is what is currently designated in the City's Airpark Area Plan Land Use map. What is before them today is to change that intent and that land use to do a single-family residential community. Getting into some of the detail of the General Plan component, which is really the primary component of the request for us in recommending denial. Our General Plan's land use map does designate this as an employment area. It also is at a commercial node because Arizona Avenue and Queen Creek are arterial street intersections and Arizona Avenue is one our hubs for all of these commercial intersections. It is also within an area called a Large Tract Growth Area. The City has specialized goals and planning for future roads and developments of this particular area. It is also within the Airpark Area Plan. The Airpark Area Plan is a much more specific plan. It's not as general as the General Plan is and it further defines what the City's intent and goals are and the guidelines are for this particular area. As she has mentioned, the request is to change the Commercial/Office/Business Park to a Low-Medium Density Single-family Residential. With that request they feel while the area does allow the consideration for high-density multi-family, which is what is occurring to the north of it that occurs because it is a high-capacity transit corridor area. Those types of use, higher density residential, can occur as part of a larger employment business park type of development plan. Also, as a use that is very considerable to have as part of their 9 square mile Airpark Area Plan, which currently doesn't have any multi-family developed in it and is something they look for to support the larger employment base that is occurring.

Directly east of this property is a component of that adjacent multi-family, then the railroad tracks and then east of that is the larger light industrial and general industrial, which is a heavy industrial area that is planned. The particular project that is coming forward is not very large and it is just 90 single-family residential lots and is developed into a very intimate atmosphere and it is like a cluster subdivision layout and has lots of open space around it. While it is designed in a way to fit within the apartment development that is developing around it, there aren't any other single-family or residential neighborhoods that surround this. It is not really part of any kind of a larger area so with the development request at hand, this project would have a lot that range from around 2400 up to 3700 square feet in size. While they are small, they are specific to a particular lifestyle and a development intent with their client; smaller lots, less maintenance. They all have front yards and have usable side yards and indoor/outdoor spaces for entertaining as defined in their development booklet.

With this project they have taken great lengths on the layout and the design of it to create lots with pedestrian pathways, pedestrian access to a greenbelt, the ability to have lots of open space surrounding the arterial streets, large retention basins that are usable that are along the arterial street versus tucked inside the neighborhood itself. In addition, the wall design is designed to be related to the multi-family Archstone project that is next to it; very articulate, multiple materials, modern urban design theme that you would see along the two arterial street frontages, and the landscape theme is integrated as well. You have a consistent street theme between the two projects that are there. The walls have been staggered. Some of them have been put on angles to provide some of those unconventional organic layouts that you wouldn't traditionally see in a regular single-family subdivision. The project with its lot sizes are smaller. They are under the 7000 sq. feet and therefore, the typical residential development standards would need to be required. However, they realize when you have unique subdivisions like this that has smaller lots and are more of an urban design and have a cluster layout, not all of the residential development standards are going to be applicable. That is known and understood through this project so there really isn't necessarily a need for them to waive a lot of those standards because it's just known that it is just not going to fit in with this type of unconventional layout. It is a really inviting community with the way they have positioned all of the lots. The applicant will get into more detail with a lot of the design features that are more internal with it.

They have looked at the housing product, which are sizable homes from over 1900 to 2800 square feet. The homes definitely meet our intent for residential development design, architectural quality. They are all 2-stories but you wouldn't necessarily know it because of the orientation of all of the lots and the layout and the loop streets that they have throughout the community. They have done a really good job with the overall design of it. With that being said getting back onto the land use is a tough decision that they have to look at and evaluate and determine while though it is a quality project and it looks real nice and if it were to be approved, it would be a good fit aesthetically but land use wise the City would prefer to see other appropriate uses on this particular property. In the discussion that she provided in the report she does touch on some of the elements and some of the uses from an Economic Development and a Planning standpoint and it is still appropriate for future commercial/office or business park type uses-that would include even retail or restaurants. Those are services that they feel are needed and they support the Airpark Area Plan which exists east of Arizona Avenue and that intersections while a commercial node, it does have other smaller commercial corners that are designated for commercial retail. This is a property that is in the Airpark Area Plan where the other properties are not and as part of anchoring that particular location of the Airpark Area and all the industrial that is planned to occur just east of the railroad tracks, they feel this is an appropriate site and would support the rest of that development that would occur in the future.

This did go to their Airport Commission and they are aboard that we do keep this in the loop and let them know and be apprised of products that are occurring within the city. They look and evaluate to determine if this proposed development and land use would have any conflicts with the Airport operation. The Airport Commission did come up with a finding that this proposed development use does constitute a conflict. They have explained that the change in land use to a single-family residential use is not compatible with the City's guiding documents for the Airpark area which is designed to preserve the long term viability of the airport and the surrounding area

around the airport given that there is aircraft and flight and so forth and that having homes in that area would negatively impact the airport operations. Usually from past experience with any single-family residential that was planned years ago in the Airpark area, they tend to have an increase in noise complaints from over flights. That is always a big concern for the Airport Commission.

Through this entire process the applicant has done a good job in keeping the citizens informed. Early on in the process they did a neighborhood meeting back in November of 2013 and nobody attended. They did have them do a 2nd neighborhood meeting because the Area Plan Amendment component needed to be filed. They hadn't done that at that time. Expanded notice occurs when you have an Area Plan Amendment. Therefore, they went back and had another meeting and only 4 residents attended and they were supported of it. They just asked some general questions that she has explained in the report. She hasn't really received many phone calls or e-mails or anything related to this case. There was one e-mail from somebody who was in support who lives down the road and then there was a phone call from a gentleman who she believes was a couple miles away and basically said that this would hurt any future expansion of the operations and uses at the airport. Given the history of residential impact with the airport already, he didn't want to see that happen any further. They are not aware of any opposition to this particular project.

They do have all of the recommendations and motions in the memo and everything is denial. They don't have the zoning conditions because with the support they would have them. She does have them available on line on the computer. They are our boiler plate zoning conditions – just standard; nothing unique or with the project so if the Commission was inclined to recommend approval she could certainly read all of them into the record. With that being said they feel the land use is something that they would like to preserve and keep on that property. That is something they had discussed prior with the original project that they intend to keep there and it is not something they want to set precedence for in the Airpark area. There was very limited single-family initially planned for and designated historically and that's already been built. The Preliminary Development Plan is a quality project as far as the design of the subdivision; all of the amenities, the open space, the layout, the uniqueness to it and the intimacy of it and the housing product so they don't really have any issues with that component of the request. If they have any additional questions, she would be happy to answer them.

CHAIRMAN VEITCH asked if there were any questions for Staff. He asked to hear from the applicant.

MIKE CURLEY, 3101 N. CENTRAL AVENUE, said he is there representing the property owner but also the purchaser of this site. As Jodie has indicated, this case has been the subject of a lot of discussions and a lot of meetings with Staff. He will explain why this has taken so long but over that period of time they have gone through a number of iterations of this plan for reasons he will explain momentarily. Staff has spent an enormous amount of time with them in site planning and in terms of product. They are very appreciative of the time they gave them. He really respects the fact that Staff even with the recommended Denial was very gracious and complimentary of the product itself of the site plan. He couldn't say that all Staff would do that.

He thanked them for being fair minded and he respects that. As Jodie has indicated, there are really two issues here. One is the land use and the other is the product and site plan. He is going to begin by focusing on the land use because he really thinks that is the crux of the matter.

When they began this process back in 2012, they knew that Staff was going to be skeptical and somewhat cautious here because the essence of this case is that they are changing the zoning or requesting that the zoning be changed from the retail business employment type category to a single-family. This is really a medium-density product and they recognize that whenever you are changing commercial zoning any Staff is going to be hesitant and wary because that is the tax base of the city. He has the utmost respect of Staff but by the end of the day when they got done having their discussions, they had a couple of differences with Staff. Number one is the character of Arizona Avenue. Arizona Avenue as you look from the 202 south to Riggs or Chandler Heights is a very mixed type of development character and what they are proposing he would submit is not out of character with what that character of Arizona Avenue is. Number two compatibility is not an issue here. They are adjacent and actually wrapped by multi-family. They are a medium-density product. They don't think there is anything incompatible with that development scenario. Finally, this is really an important consideration and they are hoping the Planning Commission will give some consideration to the fact that the viability of some of the uses that he thinks the Airport Plan envisions for the site i.e. retail or employment, they think are very, very limited. That is what has really driven this application. He said he wanted to talk about the character of Arizona Avenue.

When you look at Arizona Avenue from the 202 on the north going down to Chandler Heights or Riggs in the south, what really strikes him is there is an enormous amount of diversity in terms of land uses. This is anything but Price Road, which is obviously exclusively an employment corridor south of the 202. When you look at the diversity of single-family, multi-family medium-density, they believe that from a land use perspective the medium density type of product that they are proposing tonight is a new and unique product and they think this product is consistent with the diversity and the development fabric of this area. Typically, as he is going to show, the City has historically said that when you are near an employment corridor, having diverse types of housing whether it be multi-family or single-family, is an important component because you are trying to provide different types of housing for people who are near major employment areas. Here they are next to the Airpark area.

He thinks Staff will be the first one to admit that when you look at the development character, that what they are proposing here is not out of character with some of the other recent approvals that have taken place. He said he wanted to start by examining some of the specifics of the corridor. The first graphic showed an inventory of retail between the 202 on the north going down Arizona Avenue toward Riggs. Starting at the 202 and Arizona Avenue, as they know there are a couple of power centers (indicated by an asterisk) that are in retail and have been approved that are existing right now. This is one mile to the north. They have 750,000 square feet of retail. When they go down 1 mile to the south, there is about 350,000 square feet of retail on these corners and then when you go on the southeast corner, there is about another 200,000 square feet of existing retail. When they are looking at this corridor just within a mile and a half to the north and a mile and a half to the south, they have 1,500,000 square feet of existing retail.

When they look at the zoning that is in the same corridor, what they are looking at are centers and corners that are already zoned for commercial. South of the 202 about a half of a mile, there is a corner that is zoned for 77,000 square feet. When they get down to the intersection of Queen Creek and Arizona Avenue on the west side, there are 2 corners that are zoned for 180,000 square feet of retail. When they go down further to the south between the Shops at Chandler Heights which is a partially developed retail center on the north side of Chandler Heights, it is over a 100,000 square feet and then Riggs Road there is 300,000 square feet. In terms of this corridor between the 202 down to Riggs, you have a total of 700,000 square feet of retail. That is where they stand from a commercial standpoint. Again, the point he is making is to try to bolster their view that this is a mixed-use corridor; it is not a Price Road Corridor where they are having one exclusive use.

Regarding the intersection that is right across the street, all 4 corners are actually zoned retail. The southeast corner is a smaller parcel; it is a County parcel roughly 2 to 3 acres but the other sites are 13 acres and the other corner is 20 acres - a total of 180,000 square feet. That figure does not include the acreage that could be built on this southeast corner.

Turning to the residential nature of this Price Road Corridor between the 202 on the north down to Riggs (slides were shown); everything that is on the west side highlighted in yellow is essentially residential. Mr. Curley said he wanted to talk about all the parcels that are to the south. Jodie indicated this was a recent approval (the parcel labeled Archstone) which is a multi-family project that was approved in 2012. When you go down further to the south, Paseo Lindo, was approved in 2007; Fulton Ranch was approved in 2011. PB Bell which is across the street on the west side of Arizona Avenue was approved in 2000 to 2011. These are recent residential approvals that have occurred. He would submit that when you total the exhibits that he just showed them between the enormous amounts of commercial corners that have been zoned, undeveloped zones and developed in residential character that has taken place on both sides of Arizona Avenue, he doesn't think that they are inconsistent. In fact, he thinks they are consistent.

All of the background ducktails into the second point he wants to make and that is really the viability of this particular corner, and to do that they need to look at what they just discussed.; this property is zoned for retail and for employment. His clients have owned this property for about 5 years. They are sophisticated, real estate investors. They have marketed this property to every retail developer to every retail user to every broker in town. Clearly, they would prefer to sell this property for retail. It was an option but they have concluded is not an option. The reason it is not an option is for the reason he is about to speak about. It's not only that it is not an option for this to be developed commercially and he understands that Chandler has a long and well-deserved reputation in looking into the future, but it is their conclusion based on what their research has found that there is not an option for a future for this property to be developed for commercial. They return to the existing commercial that is in this area, about 1,500,000 square feet within a mile and a half to two miles and north and south of the subject site. What also influences the potential for development of this site is that not only do you have a million and a half square feet of retail but they have major box users that are essentially category killers. You

have Target, Walmart, and Sam's Club. What that means is that with those users there, it really inhibits the ability of other commercial corners to develop commercially.

The next exhibits he showed were the grocery stores. There is some reference in the Staff Report to the viability of this property down the road being a grocery or neighborhood type center. They don't think that is a realistic option. When you look at the grocery stores that are in this one and a half mile trade area which is really probably a little smaller than what grocery stores are considered to be. Their trade area is a mile and a half to two miles but within one and a half miles they have Sam's Club, Target, and Walmart which isn't even shown on this graphic. They have Sprouts, Fry's and in terms of this area being over-grocered there may be other reasons why AJ's and Basha's decided to close their doors in Arizona at Alma School and Chandler Heights and Alma School and Queen Creek. Obviously, Basha's financial situation had something to do with this but he thinks it is fair to say that probably the proliferation of grocery stores in this area certainly contributed to that. When you take all that into account and you look at the fact that you have 3 of the 4 corners that are zoned commercial here and when you look at what has happened up at Germann and Gilbert where they have a 1,600,000 square feet of retail, all of that leaves them to conclude that if they are going to be sitting on this site for potential retail, they are going to be sitting on the site forever. They just don't think it is a viable use. If ever there was a poster child for problems associated with 4-corner commercial, this is it. He has had some discussion with you and they talked a little bit about the 4 corner Study that the City engaged in a couple years ago. He has read the 4-Corner Retail Study several times and there is a whole series of items that are studied in that analysis and the real lesson to be taken from that Study is that it's not in the City's best interest to over entitle, to over develop and over retail sites. What they wind up happening is that they over saturate the area, the retailers cannibalize each other and you wind up with vacancies occurring in some of the developed centers.

Within two miles north and south you have a 1,500,000 compilation of all of the existing and the proposed zoning hard corners, 1,500,000 square feet built, 700,000 square feet that has been approved and then lastly by Chandler Heights you have 100,000 square feet of a half-built center. All that coupled with the fact that the 4 corners of this intersection and the fact that you have the major retail users already seating at the table and have a place at other intersections, they think this is very unlikely this will involve retail. The 4-Corner Commercial Study does reference Fulton Ranch retail. It talks about it but does not speak to this specific intersection. The reason why it doesn't speak to this intersection is because in the study it references seven different intersections. Those intersections that were studied were actually intersections where there was developed retail and the developed retail had suffered because some of the larger users had moved out of the centers. The study was basically an effort to try to determine how do they rectify the situation, how do they remedy this vacancy that has occurred in some of these other centers. This particular intersection wasn't analyzed, wasn't studied because there is nothing there and there wasn't the problems that have occurred at the seven other intersections. Again, it is interesting that it does reference some of the difficulties that have happened over at Alma School Road with the development of the Fulton Ranch and rightly or wrongly the author and contributors of the 4-Corner Study basically felt that the development of the power center and the retail that has taken place at Arizona Ave. has heard the retail on Alma School.

The other issue is can some type of Business Park or retail take place here. He is not saying that on this 16-acre small site that something of an employment nature couldn't occur there although there are some vacancy problems with office further south from here. He would submit there are better locations, better business environments and better office environments than this isolated piece. He showed an exhibit that was produced by the City of Chandler. Everything in red is essentially potentially development area for businesses. The area in red constitutes about 1700 acres and if you look just to the north there is business park area that in their view is better situated and better located. This is all basically along Germann and the 202. These are developments which actually have infrastructure already in place and they are selling PADS off. They think this type of development here totals about roughly 800 acres of users and large contiguous parcels that are available. These properties can't be developed for residential because they are within the noise contours of the airport which they are not.

With those two options they think limiting this particular property, they think residential is a viable use here. He doesn't think that anybody including Staff would argue that residential particularly if it is medium-density or high-density, it benefits and can support the nearby employment. The best evidence of that is some of the analysis that Staff and the City has gone through when they have looked at residential properties and residential proposals south of them.

They are looking at four fairly recent developments. The four parcels he is talking about are Archstone to the north, and the following three to the south are basically projects that were recommended for approval by Staff that were in fact approved by the City. He would submit to them as they start to look at some of the justifications that were used in connections with those cases, they think that the justifications are absolutely equally applicable to their particular case. The Archstone case, which the report says it meets the Airpark plan and serves the employment needs. He showed Paseo Lindo which is about a half of a mile to the south of them. This density was at 5.4 units per acre and roughly the same as them. Their project meets the Airpark Plan. Arizona Avenue Land Use Corridor has evolved and reflects changes from commercial employment to residential. This was The Reserve at Fulton on the east side of Arizona Avenue. It meets the Airpark Plan. Arizona Avenue was intended to accommodate high density but this proposed medium-density which is 5.1 and comparable to what they are doing, is compatible with the areas commercial zoning. The last one he showed was Southshore Village and again the quote from the Staff Report is that this proposed medium-density at 5.4 is compatible. He would again submit that they think from a logic standpoint, all that logic that applied to these zoning cases is equally applicable to here.

Dealing with the land use they think they are consistent with the development pattern; retail is not realistic and they don't think it is beneficial and is not sustainable. For those reasons, they respectfully disagree.

Turning to the site plan, when they began this process, he started this discussion by saying they started this process about a year and $\frac{3}{4}$ ago. They actually were into Staff in late December of 2012/January 2013. They worked extensively on the design of the project. They actually had to sit back after they had made their original submittals because the fire department had come up with new concerns in dealing with circulation, dealing with fire truck access and proximity of the

fire truck to the unit. They had to lose about 14% of their density from what they had originally proposed but in August and September they were ready to come to the Commission. Right about that same time, unfortunately the City Council had decided that some cluster products were being opposed throughout the City and they thought that the Staff really needed to take a look at some new criteria so that some of the cluster product weren't replicated by the City. This is July/August 2013 and Staff said they weren't well advised to move forward with the zoning case at this time; let them come up with some new criteria. They put the brakes on the zoning case. New criteria came up and they were presented with these new criteria and were asked to redesign the project and this is after spending about 7 or 8 months designing to density standards. The owner had been frustrated because he had taken the property off of the market for considerable amount of time. Staff and he said if they take the time and really try to create something special and you do conform to these new criteria that Staff will stand tall in the saddle and acknowledge that the site plan and the product are high quality product and meet the City's expectations. Staff to their credit was very complimentary of the product. He read quotes out of the Staff Report – unique, inviting living environment, innovative layout, unconventional layout, varied streetscapes, etc. In the end, they are winding up with a product they think is exciting, high level quality, something different that doesn't exist in this area which again they think is a positive addition. He has actually gone out and seen this product.

He has done 5 or 6 of these projects for KB throughout the valley. In order to get his arms around the product, he really wanted to understand so he and Gary went out there. They took a series of photographs, which he showed them briefly. He doesn't think the product or the site plan is in question. It is a very impressive looking product in terms of providing a small lot environment. People want to have lock and leave mentality yet still having a very good looking aesthetic from the street. They can see there are large setbacks that they have incorporated along the perimeter. The general concept of these are six packs. These are the public streets. The architecture is out on the public street which he thinks is something that is really significant and they are avoiding some of the smaller lots, the 45 wide lot that they used to see in the best where the garage is dominant out on the street. He showed the photographs of the units that are out on the street. Basically, you are coming in and you don't see the garages because they are off of these courtyards. This is the concept of the public street. He showed pictures of the architecture in the home and that is what they are seeing out in the street as opposed to the garage. One of the impressive things about the product is that there really is a relationship between the indoor and the outdoor space. The pictures taken are of Irvine as well as the product that KB has built at Greenway and Tatum and dimensionally everything they see are accurate to what they are doing here. These doors are basically accordion doors that come out and feed out onto this outdoor space. While the lots are small, they are very efficient and the outdoor/indoor space is a very livable environment.

He said he would conclude that if they have questions about the Airpark, he would be happy to answer that. They think it was a foregone conclusion when they went into the Airport Commission that they were going to be denied. The reason being is that the Airport Commission like every other Airport Commission has a charge and that is the airport. That is their focus – not necessarily a mix of land use and other considerations which they think the Planning Commission's prevue goes beyond that narrow focus of just the airport. They are half of a mile

from the 55 decibel level area. Every other jurisdiction that he deals with, the 55 decibel level is the line of demarcation as to where residential is appropriate and where it is not appropriate. He totally respect that the Airport Commission that if they had their druthers they would rather have no residential within 5 miles of the site. Therefore, there is no complaint. The fact of the matter is he doesn't want anybody laboring under the impression that they are in a noise sensitive area and they are a half a mile away from it. They had an aviation report that was submitted basically testifying that the number of over flights were relatively insignificant otherwise the token noise level would be greater. Again, they weren't surprised by the outcome and they offer a series of stipulations which by the way the Airport Commission also recommended denial on several of the cases that he showed earlier on the east side and the Archstone case to the north as well and the single-family to the south. They had offered them a series of stipulations that were the identical stipulations which were associated with the multiple family case that wraps them and they would be happy to agree to those stipulations. Basically they require notification to buyers that they are within the airport or near the airport and then secondly a stipulation requiring that the decibel levels be brought down. There would be noise attenuation incorporated into construction such that decibel levels would be reduced to 45 decibel levels. They are more than happy to agree with that.

Mr. Curley apologized for taking so long but with Staff's recommendation of denial he wanted to make sure that he covered everything. He said if they had any questions, please fire away.

CHAIRMAN VEITCH asked if there were any questions for Mr. Curley.

COMMISSIONER RYAN said that was a pretty convincing presentation. He did a good job. He said he thinks the use is appropriate here. They are actually upsizing the density from the apartments as you get to the corner. He said he really wanted to look at the housing product, the materials, the colors, perimeter fencing, and perimeter landscaping because he was the landscape architect for the apartments so he was concerned with this being a small piece as it is. At least the streetscape would blend from project to project. Even though both projects have their own sense of identity from a material standpoint it blends very well. He was happy to see that. He thinks it is a great project so he is wholeheartedly going to support it. He understands Staff and City Council not wanting to give up their retail commercial but he thought he covered all of the bases as far as showing us how they are pretty saturated with commercial now. He is all on board.

COMMISSIONER DONALDSON said this might be a question for Staff or the applicant. What is the applicant's view of why the Airport Commission shows conflict on this versus the other four properties that they showed. If Mr. Curley wants to answer that and then also he would like to ask Staff.

MR. CURLEY replied that the Airport Commission in Chandler is no different than any other Airport Commission that he practices in front of. There focus is aviation and there is a general feeling, rightly or wrongly, that residential is a problem for airports because of complaints. There is no surprise. They don't want to have deal with complaints. He understands that. The Airport Commission recommended conflict on the single-family project to the south of us so

their position is consistent. Again, he understands the complaints are a problem but he guesses that he would just argue from a landowner standpoint that when you are half a mile away from the 55 dln line there has to be a point where the influence of a Commission sort of wanes and they have to look at objective criteria. The reason why they have these decibel level areas is to decide where is residential appropriate and where is it inappropriate. When you look at any Airport criteria, if you are inside the 55 db it is inappropriate; if you are outside of the db, then it is permissible and they are a half a mile from that.

MS. JODIE NOVAK, SENIOR CITY PLANNER, said the information is correct with what is being conveyed by the applicant on here. They have had two other multi-family projects that have been in the Airpark area. They haven't been constructed yet. One came forward through them not too long ago. The Airport Commission will always typically find residential can be an impact. People are going to complain. With multi-family they are not as concerned with that because they can leave. They do ask that there be specific zoning stipulations in place that if they were to become condominiums and become more of an ownership, the same disclosures are put in place like they do with any other kind, like a residential subdivision. Paseo Lindo was very controversial with the airport back in the day because it is directly in that southern flight path and the directional path of the actual runways themselves. The particular project Fulton Ranch II is marketed as a reserve. These two particular projects aren't really in close proximity to the airport contour lines either; same as this situation. Southshore Village had previously been zoned for single-family by Maracay Homes for several years prior to that. There was a precedence already set. There is a lot of history that she really wouldn't want to get into but these areas where Fulton Ranch II is and Southshore Village and an even more specific area plan that pre-dated the City's Airpark Area plan being adopted. So there was another Land Use plan called the Southshore Area plan that had been in place forever. It was supposed to be a square mile of employment and over the years they had the Pinelake Estates subdivision and Pinelake Village built and there was a lot of discussion from an economic standpoint. It originally had high-density multi-family residential in it and there were a lot of decisions over the years of what uses would or would not go there and obviously it has substantially changed over the years. There was a lot of precedence that kind of came in through the Airpark Area plan because of that Southshore Area Plan that was there. That was more like a unique circumstance with the evolution of those residential components that exist today on those areas.

MR. KEVIN MAYO, PLANNING MANAGER, said he wanted to point out that the Reserve at Fulton Ranch in the Southshore is not a part of the Airpark Area plan. They did not go to the Airport Commission for a formal recommendation of finding. Only the Paseo Lindo did. Ocotillo really is that line in the sand. In terms of either one of those exhibits that the applicant had up, if Chris Mackey was here she would remind us that thing has been termed the chaos corridor forever. It has always just been this evolutionary thing of what does Arizona Avenue want to be? If you drive down it 10 years ago and you drove down it 5 years ago and if you drive down it today, you still don't know. You still have a question mark of I'm not sure what this thing is trying to be and it is always a push and pull. As they start moving north towards it, they look at Pinelake Estates on the exhibit shown on the screen right now and there is Fulton Ranch and Southshore, you kind of have this city evolution that is moving towards the airport. Everything is moving north and west. A lot of the residential like the exhibit right now is a

really good one. Everything moved in and just kind of hit Arizona Avenue and it stopped. There have been little things that have been able to push into it but it has been a case by case step movement. When they start approaching Ocotillo and north of Ocotillo in around the Airpark Area you are going to see very little penetration into that area. Although if we take a step back and solely focus on the commercial retail aspect of this, he would not disagree with the applicant in their presentation on a true retail standpoint. As things lay today, clearly there is no liability for retail today or in the next five years, probably for the rest of his career. In terms of an employment standpoint, they look at this piece from an employment standpoint and they look at what the single-family residential does to the adjacent pieces. As things start to push into that Airpark Area Plan, that has influence then on the piece that is just next to it and the piece that is next to that. It is very important to keep in mind that when they look at this Airpark Area Plan, if they keep their eye on the ball and say the railroad tracks are the line in the sand, they have a different discussion when they look at this. They see the Commercial/Office/Business Park and refer back to this exhibit. It starts to make a whole lot of sense of why not. When you look just to the railroad tracks, you are going to see this dark color purple (shown on exhibit) and it is a quarter of a mile away. That is one of the few areas in the City of Chandler where the most intense heavy industrial is going to occur someday. Is it going to occur in the next five years, he doesn't know-he wishes it would but he doesn't know. It would be kind of like looking towards West Chandler where they had some pretty heavy industrial stuff. While this piece taking on isolation from a retail standpoint, it was a fantastic presentation and he almost wants to get a copy of it to keep it for later reference. As they look to that line of sand pushing from the west to the east, there is a point at which it starts to influence the development evolution potential and viability further to the east. Their recommendation of denial is a much more global recommendation for what that pushing of the line starts to occur. As they look to this example, it really starts to set the stage. You can barely visually see that push from west to east.

MIKE CURLEY said he wanted to go on record saying that he has the Chaos clause written in his notes but he didn't use it in his presentation.

CHAIRMAN VEITCH said he didn't have to use it.

MIKE CURLEY said he thinks Kevin makes a good point. He thinks that clearly when you start going east of Arizona Avenue, you are obviously getting closer to the airport. One of the things that he thinks is unique about this piece is that it is wrapped by the multi-family piece and so they are actually constrained in terms of moving further to the east. This piece is actually further towards west and the other parcels and the other interesting thing is that when you look at the noise contour lines, they actually extend much further toward Arizona Avenue as you are going south. He totally respects what Kevin is saying but they are sort of an isolated piece wrapped by the existing multi-family.

CHAIRMAN VEITCH thanked him and asked if there were any further questions for Mr. Curley at this time.

COMMISSIONER CUNNINGHAM said she had a couple of questions. She said this was a beautiful product. The homes are very nice and planned. She loves the indoor/outdoor concept. She is curious about the accordion doors. Is that going to be a standard? Mr. Curley replied yes. He has been asked that question before and the answer is yes. **COMMISSIONER CUNNINGHAM** said she has been to subdivisions where that is on the models but it is several thousand dollars higher for that to be a part of the home. That is part of what sells this subdivision is that accordion wall. Secondly, she asked how KB Home acquired a commercial corner in the first place. How did they come to do that? Mr. Curley said they haven't acquired it yet. The property owner is still the owner of the property. KB is the purchaser and for any purchaser these days it is very rare that anyone who is going to develop the property is going to buy the property without a zoning contingency. They are obviously very committed to the property. The amount of money that they spent engineering wise is an enormous amount. They are committed to the property but they haven't purchased it yet.

COMMISSIONER WASTCHAK said as he looked through the Airpark Area Plan it doesn't call for multi-family other than it says this is a use where the corridor wants higher densities. Multi-family was brought in here and was previously approved. The concern he has is this is a lower density going to a higher density versus a higher density going to a lower density. That is a concern. The corner, although retail for this property is not a use that would be viable now or probably again in the future, it's not just retail that is allowed here; there is office, Business Park, and employment. Typically, you are going to want that on a corner and by an intersection so he does agree that retail isn't a use that would be viable or even into the future.

If this use was on the north side of this property and on the other side of the multi-family, would Staff support something like that? He says this because he wants to know if this use can be put anywhere in this area much less this corner. He is just trying to get a feel for Staff on that. When you compare this to the other uses that are here, they are not on a hard corner. They are mid corner, mid-block so he was just asking if that was taken into consideration. Mr. Mayo replied in a global sense they would never go on record stating that they do or don't support a use. There is an evaluation process that goes into that. The initial gut reaction is that it is a pretty steep uphill battle to get to a point of support for type of use. Again, as they look starting south near Chandler Heights or even further south than that, that corridor has just been in this moment of turbulence as you work your way up. When you get to Ocotillo, the west side of Arizona Avenue continues to develop out. When you get north of Ocotillo, there are very few things like Paseo Lindo is there and the Target Center. It really kind of stops and there is a recognition that there is an Airpark area, a Business Park that is going to be coming and you see that kind of development stop. To pick this up and put it directly north of it there is a Business Park that is coming that is directly to the east of this. It becomes a hard thing to get over that hump that they would do that on the north side. That being said, he can't say yes or no that they would or would not support something on a hypothetical like that. He would never do that. **COMMISSIONER WASTCHAK** said is it Staff's concern keeping commercial, keeping a business employment on this corner or is it we just don't want residential regardless of the density?

MS. NOVAK replied that part of the land use decision factor is what is and what isn't allowed. The Airpark Area Plan has the fundamentals of the General Plan so you have to look at both. It

does explicitly say higher density to residential. That historically has always been the higher density category and it further gets into detail about when you have campus, office business park type development, that you can integrate those multi-family type uses as a part of it because those uses support the larger employment area. It's not formulated for the single-family or the medium-density. It is not in the Airport Master Plan Part 150, it's not in the Airpark Area Plan and it's not in the General Plan. There are three guiding documents and there isn't anything that says any kind of single-family, low-density, low-medium density or medium-density is considerable. While some of those uses have happened, they are on a site by site basis throughout history. Everything south of Ocotillo Road is a totally different area plan as mentioned earlier. That is the Southeast Chandler Area Plan. Then there was that specific Southshore Area Plan. There are different components and reasons for why those uses happen. Once they are in this 9-square mile Airpark Area Plan as Kevin had indicated, it is a very protected area - the borders of Arizona Avenue, the northern boundaries of Pecos, the east side is Gilbert and then you have Ocotillo. Within that area when this plan was adopted, there is a very specific single-family designated area. The airport has grown and Part 150 has been re-evaluated. Its establishment of wanting to get longer runways and have more traffic over a period of time, is what the airport envisioned. The airport mission has the forethought of if they put anymore single-family than what the City had already originally planned with this development plan, it could impact them and that is not something they want to see happen. From a case by case basis looking at that corner, saying would they support high-density residential is not anything they can answer today. While high density residential is a considerable land use under the General Plan and the Airpark Area Plan because it is a high capacity transit corridor, it has the bus rapid transit and has potential for the light rail in the future, that is how they were able to come up with considering the Archstone development to the north but it is always on a case-by-case basis. As Kevin indicated, they do it globally. They look at what are the land uses in the area, what are the development inquiries happening in that particular area, what kind of development is looking and how much acreage do they need, where do they have that acreage, were they able to compile that acreage. It is literally putting pieces of a puzzle together and you do this large evaluation of it. If you take one chunk does that create a domino effect of other things that the City's economic development division is doing and working to get developments and businesses and companies and business parks or offices into that particular area. You don't want to take one piece out that hurts what could be planned on the other. It is very strategic and looking at that from a long term standpoint where they come from once it comes before the Hearing Board, it could sometimes be looked at on a short term standpoint. They don't know the evolution of what's happening today versus five years from now. That is what they don't know on this particular corner whether it is commercial office Business Park and when that will happen. If they put high-density residential, the answer is already known. They are taking away any potential to have commercial office Business Park and are they o.k. taking that land use away and where else could it go. What is the market on the other properties. It isn't always an easy decision for them to be able to answer but HDR is a considerable land use under the land plan documents. **COMMISSIONER WASTCHAK** asked what is Economic Development's opinion on this property? Ms. Novak replied that they work with them wholeheartedly on this and this is not one of those hard fasted recommendation of denial, as if this was the most inappropriate land use someone could think about and this would really kill the Airpark Area Plan. It's more just a fundamental premise. It is just the historical philosophy of the City is to

protect the airport, check the growth and development of it, the expansion of it, all the businesses in or around it and the functionality of the airport. While it is a commercial node and Mr. Curley is very correct about the whole 4-corner intersection, this is Arizona Avenue – it's a state route. It has different impacts than a typical intersection in a very single-family subdivision that has single-family residential at all 4 intersection corners. This corner is leading into heavy industrial and light industrial type developments and light rail. So they look at it quite differently for them to say yes. You could potentially have the commercial supporting some office or business park or corporation. The light rail and the railroad track do have a decisive line. It's kind of a gray area. There is not really a hard fast, this is a really bad use or not a bad use but they just think planning wise and economic wise that there are other appropriate uses that they are marketing for that they think would eventually happen at some point on this property other than residential at this time. It is never known-zoning can change all the time.

CHAIRMAN VEITCH asked if there were any other questions from the Commission at this time. He said there would be more opportunities. He said he wanted to turn to the audience but he had a feeling that Mr. Curley would like to be recognized with respect to what has been put up on the screen. Mr. Curley said he could wait until after all of the comments and just do a rebuttal then if that is o.k. with them. **CHAIRMAN VEITCH** then asked if there was anybody that would like to speak regarding this case. He said he did have a speaker card from someone who listed their address as 193 W. Wisteria Place in Chandler. He asked if that person was here. No one responded.

MR. CURLEY said in response to a couple of the comments that were made, in terms of the compatibility of this use with multi-family he would submit a couple things. One, Chandler's residential densities for multi-family is really at the low end. The surrounding multi-family case, the Archstone case, is about 18 units per acre. It is relatively low density unlike probably 90% of the stuff that he has done in town. It is upwards to 40 or 50 units per acre and on many of those urban 40 to 50 units per acre, they are putting it right in single-family areas. There does seem to be a compatibility issue there so he submits that when they are talking about this type of product which is really a more urban type product. People go in there and they have a different set of expectations than do single-family residents. He sees absolutely no incompatibility between this 6 unit per acre and 18 units per acre surrounding multi-family project. You could make an argument that if this property was to develop out commercially or a business park, as compatible to the multi-family as with this. Secondly, just from a practical standpoint, there have been a number of multi-family projects that have been approved up and down this corridor. Down at Chandler Heights and on the southeast corner about a year or so ago, a multi-family project. This Archstone was approved and the PB Bell was approved. There were a number of projects in this area that were approved and he thinks there is a feeling to some degree that a multi-family development in these areas have sort of hit their mark and he doesn't think there is a big welcome wagon on the doors open for more multi-family because of the 6 to 8 projects that have recently approved not too far from here - also along the 202 corridor. That is the niche that has been filled. He thinks the niche that hasn't been filled and he knows that is going to sound self-serving but he thinks it really goes to the essence of the case that this is a uniquely different product than what they have seen up and down this corridor. The exhibit he showed earlier, they showed the west side of Arizona Avenue. He thinks this is somewhat relevant to the whole

airport compatibility, noise issue. They are essentially 120 feet to the east of all that single-family. All the single-family that is here is separated by Arizona Avenue so whatever the right-of-way is, 120 or 140 feet, he doesn't think anybody can say that because they are across the street and all of a sudden they are that much more significantly potentially impacted by the residents and all of a sudden the 90 different homeowners that are going to be living in this site are going to be calling the airport when they have all of this single-family over here. People are going to move in an area and they know what the expectations are. He thinks that having a different type of product that doesn't exist here, he thinks is a benefit. It is a benefit to people who are going to live in this area, who are going to work in this area, providing alternate housing is something that is important. In terms of a business or business park he can't stand in front of them and say there is no chance that this 15-acre site might not at some point develop out as some sort of business or Business Park. He thinks that the exhibit that they showed earlier where they have 800 acres, an area that is already improved in a larger Business Park environment. It is not like the Business Park option for users that want to locate in this area isn't present. There is an enormous amount of inventory here. The case would be entirely different if like Kevin was saying that they were encroaching further to the east and less than that quarter mile on the east side of Arizona Avenue, it would be an entirely different case. These properties in here can't develop residentially. They are bound by the noise contour. Their property can and that is where the logical residential is and he would submit that this is appropriate land use but he understands if they differ.

CHAIRMAN VEITCH said they are at a point where they can open the floor for discussion among the Commissioners. If there are questions for either the Staff or the applicant, that certainly can be asked as well.

COMMISSIONER RYAN said he wanted to take a minute and add to what Kevin was saying. It was interesting but it brought back his memory from quite a few years ago on this Airport Area Plan. What he recalls is Queen Creek Road was going to be a major employment industrial kind of corridor because it was a straight shot to the 10 and so they visualized a lot of truck traffic going back and forth. This might even precede Kevin's time. He understands the airport and trying to utilize that employment industrial land around that airport. It is very important for the airport. He always felt like it was going to be along Germann Road along the northern part which has developed more up in that area for the fast connection to the 202. He understands Kevin's thoughts because when he brought that up about that whole Queen Creek area being employment and as you take these small pieces it just keeps moving and moving. He's right. He sees that railroad as kind of the dividing line and he see the traffic in corridors moving north/south and not in this east/west direction off of Queen Creek. He just wanted to say that because he remembers some of that discussion way back whenever they did this in the 80's or 90's.

CHAIRMAN VEITCH said to give some respect to Commissioner Ryan who is their historian and they appreciate it. Kevin Mayo said if they turn the history back far enough, the southwest corner of Arizona Avenue and Queen Creek was actually supposed to be our designated mall site based on that traffic.

VICE CHAIRMAN PRIDEMORE said one thing that jumps out at him is how Archstone developed. To him it was very clear when Archstone came through that it left the corner available for commercial development. He wondered what would have happened if Archstone had said they would take the whole corner but they didn't do that. They specifically left this piece carved out and to him it put a very little awkward arm on the east side because they didn't want to take the whole thing. That is very telling. They all would love to have the crystal ball but again looking at how that site has already developed and they have kind of kept that open, he just doesn't see necessarily putting in lighter density residential is going to work. It is a nice product and he has nothing against what they have been shown. He doesn't know personally if he would want to live in it. The indoor/outdoor spaces are gorgeous except the majority of the conditions their outdoor space is delineated by the wall of your neighbor and you don't really see that in those renderings. He would have to see one personally to get a better handle for that but overall he doesn't have an issue with the product. If it ends up being built on this corner, he wouldn't be offended by it and it would like fine and would blend in with what they have. Right now looking at it he doesn't see why they shouldn't still give this site some more time to develop as it has been kept on the books this whole time – for commercial.

COMMISSIONER DONALDSON said he looked at this and thought it was kind of strange to have high-density residential surrounding a corner with medium-density residential. At first, he wasn't sure he has seen that. Vice Chairman Pridemore kind of highlighted that by saying its commercial, its employment and was set aside for that. That makes him want to support the denial and as he was listening, he lives near and has spent quite a bit of time on the employment area designated north of Stellar. North of Stellar is an employment corridor that has taken a very long time to develop into an employment corridor but it is finally coming along. He doesn't think anybody wanted it to take this long but it has. He is protective of the employment corridor and so he will be supporting the denial.

COMMISSIONER CUNNINGHAM stated she agrees with both Vice Chairman Pridemore and Commissioner Donaldson. When Archstone was approved, they specifically did state that they needed to preserve the commercial corner. No one has anticipated the economic downtown over the last ten years but it happened and had we continued going guns a blazing we would have filled all of these commercial properties with jobs. It has always been the goal of Chandler since the early 70's when they first started the Master Plan to create a community where you could live and work and they do need areas such as KB Homes has proposed but they need them to go into residential areas. It is a beautiful product and she supports KB Homes on the design. There is a need for smaller single-family residences. They don't need the great big giant homes they had ten years ago going. They need the workers to have homes also but they got to have a place for their jobs to grow. With the Price corridor and Allred Park that they approved tonight, they have the potential to build more industrial areas and they are going to need to support businesses. They are also going to need medical centers around the residential areas. For that reason this site would be perfect for a small office complex or a Business Park. She will be voting to turn this down.

COMMISSIONER WASTCHAK said that he doesn't have any issues with the product; it's a great product. They approved something similar to the north previously. His concern is exactly

as has been articulated and is that when you look at this specific slide that is up here and look at the employment and you look at the Price corridor for employment, you need to have that ability to have smaller users. These are larger users, big box where you are going to need that commercial designation for smaller buildings, smaller offices, smaller users and if they start getting rid of some of those, we will find ourselves in trouble. In his business he sees that. He has had people look for office and he knows there is a demand for office even if people don't think there is today. There are people out there trying to find small parcels where they can put a small office or be able to have a place to put office. It also could be medical or other uses. He thinks keeping this as a commercial designation is the best move.

CHAIRMAN VEITCH said for his part he doesn't think he is quite ready yet to give up on an employment use for this corner. They have other single-family even on the east side. They have talked about Paseo Lindo. It is not at a corner. If they were going to have residential at this corner, he would have been happier as he thinks some of the Commissioners would have liked to see Archstone just come out and take it. This product is wonderful. The design is terrific and he hopes it can be executed in other places around Chandler. He thinks they need to stand for it now in favor of trying to hold this piece of property for possible employment related use. He thinks they all agree that it probably isn't retail but it might be something else.

CHAIRMAN VEITCH said unless there are other comments they had to do four motions which could go either way. The first motion would be concerning the Area Plan. Staff had given them the suggested motions for denial. If there is a motion to approve that is to be made, then they will need to have the Staff inform them of what the stipulations that will be recommended be attached to that motion.

COMMISSIONER BARON abstained from voting on all the motions regarding this case as he provided consulting services.

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to recommend denial for the Airpark Area Plan Amendment from Neighborhood Commercial and Commercial/Office/Business Park with a Light Rail Corridor Overlay to Low-Medium Density Residential in case APL14-0002 AIRPARK AREA PLAN AMENDMENT per Planning Staff recommendation. The motion carried 5-1 (Commissioner Ryan opposed and Commissioner Baron abstained).

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to recommend denial for the rezoning request DVR13-0042 ARIZONA AVENUE & QUEEN CREEK ROAD for PAD for Commercial/Office/Business Park to PAD low-medium density residential per Planning Staff recommendation. The motion carried 5-1 (Commissioner Ryan opposed and Commissioner Baron abstained).

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to recommend denial of the Preliminary Development Plan request DVR13-0042 ARIZONA AVENUE & QUEEN CREEK ROAD for the single-family residential

development per Planning Staff recommendation. The motion passed 5-1 (Commissioner Ryan opposed and Commissioner Baron abstained).

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to recommend denial of the Preliminary Plat request PPT13-0026 ARIZONA AVENUE & QUEEN CREEK ROAD per Planning Staff recommendation. The motion carried 5-1 (Commissioner Ryan opposed and Commissioner Baron abstained).

6. DIRECTOR'S REPORT

Kevin Mayo, Planning Manager, said time has a way of sneaking up on us. It is already the second quarter of 2014 and he doesn't know where the first quarter went. This evening as many of you may not know is the Chairman's last meeting. From Staff's standpoint they wanted to extend a heartfelt thank you for his service to the City of Chandler. His professionalism and his leadership with this group has been exemplary. His attention to detail has always been great and he will miss it tremendously. He thanked the Chairman and said it has been a pleasure serving with him.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN VEITCH said this month marks the end of his second full term and according to the recent practices of the Mayor and Council, that is all you get. So this will be his last meeting and thanked the Staff for all of its hard work and support over the years. He said it has been a pleasure serving with them and to all of the other Commissioners who have served during the six years that he has been on the Commission. It has been a pleasure serving with them as well. It has been an honor to be their Chairman this past year. Beyond that he said keep up the good work.

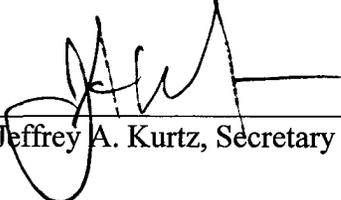
CHAIRMAN VEITCH said the next regular meeting is May 7, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 7:09 p.m.



Stephen Veitch, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 7, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Stephen Veitch
Vice Chairman Pridemore
Commissioner Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak

Also present:

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

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by COMMISSIONER BARON to approve the minutes of the April 16, 2014 Planning Commission Hearing. The motion passed 7-0.
5. ANNUAL PLANNING COMMISSION BUSINESS MEETING
Election of Officers:
 - A. Chairman
 - B. Vice Chairman

CHAIRMAN VEITCH stated as the Commission is well aware of his term expired on May 1, 2014 and is there only because the Council has not yet completed the process of appointing his successor and so he is obligated to continue to serve until that is done. It should be done very soon. In any case, he will be going off of the Commission shortly and is not eligible to serve again as Chairman or as Vice Chairman. He then opened the floor for nominations for the office of Chairman and Vice Chairman.

COMMISSIONER RYAN nominated Matthew Pridemore for Chairman. There were no other nominations. A vote was taken and passed unanimously 7-0 for Matthew Pridemore as the new Chairman.

COMMISSIONER RYAN nominated Andrew Baron for Vice Chairman. There were no other nominations. A vote was taken and passed unanimously 7-0 for Andrew Baron as the new Vice Chairman.

6. ACTION AGENDA ITEMS

CHAIRMAN PRIDEMORE informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were three action items; Items A, B and G.

C. * DVR14-0005 FALCON POINTE AT PINELAKE

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three year schedule for development or to cause the property to revert to the former PAD (Business Park) and I-1 zoning districts. The existing PAD zoning allows multi-family residential. The property is located at the southeast corner of Ocotillo Road and Pinelake Way.

Planning Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

D. * PDP14-0004 CHUCK E CHEESE'S

Approved.

Request Preliminary Development Plan (PDP) approval for the site layout and building architecture for a new restaurant on approximately 2.5 acres located at the southeast corner of Frye Road and the Loop 101 Price Freeway.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3823, in case DVR06-0012 CHANDLER HILTON, except as modified by condition herein.
2. Development shall be in substantial conformance with the attached Development Booklet, entitled "CHUCK E CHEESE'S #3260", kept on file in the City of Chandler Planning Services Division, in File No. PDP14-0004, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Planning Administrator and Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
5. 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.

6. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
7. Exposed exterior building illumination is prohibited.

E. * LUP14-0004 FAZIO'S CATERING AND EVENT CENTER

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor as permitted under a Series 6 Bar License within a catering and event business. The property is located within an existing shopping center at 700 West Warner Road, northwest corner of Warner Road and Evergreen Street.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 6 (Bar License) only, and any change of licenses shall require re-application and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other store locations.
4. The site shall be maintained in a clean and orderly manner.
5. **Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.**

F. * ZUP14-0001 VERIZON PHO PANNO

Approved.

Request Use Permit approval to install a monopalm wireless communication facility at 1420 South Arizona Avenue, north of the northwest corner of Arizona Avenue and Willis Road, within the San Tan Plaza shopping center.

1. Development shall be in substantial conformance with approved exhibits. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.

H. * ZUP14-0004 QUANTUM HELICOPTERS

Approved.

Request Use Permit approval to install a temporary modular building adjacent to Quantum's existing heliport tarmac for pilot training. The site is at 2401 South Heliport Way at the Chandler Municipal Airport.

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. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require a new Use Permit application and approval.

COMMISSIONER RYAN stated for the record that he would be abstaining on Item C even though it is just an extension as he was a consultant originally on that project.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda as read into the record by Staff with the noted exceptions. The Consent Agenda passed 7-0.

ACTION:

- A. APL14-0004 AIRPARK AREA PLAN AMENDMENT / DVR14-0004 / PPT14-0006 WILLIS GATED COMMUNITY

Approved.

Request Area Plan Amendment to the Airpark Area Plan amending roughly 6 acres from High-Density Residential to Low-Medium Density Residential, along with rezoning from Agricultural (AG-1) to Planned Area Development for detached single-family residential and Preliminary Development Plan approval for subdivision layout and building architecture of a 35-lot single-family residential subdivision. The subject site is located east of the southeast corner of McQueen and Willis roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "WILLIS GATED COMMUNITY" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0004, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
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. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

7. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
8. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
9. The following stipulations shall be the responsibility of the sub divider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and over flight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorder's Office upon sale of the property.
 - b) The subdivide/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and over flight patterns, as identified and depicted in the document entitled Chandler Municipal Airport, F. A. R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area), as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
 - c) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
 - d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.

- e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
- f) All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
- g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:
“This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and over flight activity, and is encumbered by an avigational easement to the City of Chandler.”

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit 9, Development Booklet, entitled “WILLIS GATED COMMUNITY”, kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0004, except as modified by condition herein.
2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. 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.

Preliminary Plat

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

MR. ERIK SWANSON, SENIOR CITY PLANNER, stated the request is for an Area Plan Amendment to the Chandler Airpark Area Plan amending roughly 6 acres from High-Density Residential to Low-Medium Density Residential along with the rezoning from Agricultural to Planned Area Development for Detached Single-Family Residential homes and a Preliminary Development Plan approval for a subdivision layout and housing product.

The subject site is east of the southeast corner of McQueen and Willis roads. While they discussed this during their Study Session, he won't go into too much detail unless of course Commission has questions, but will more or less get to the point so that the residents can ask their concerns. Again, the request is for single-family residential. What is being proposed is 35 single-family residential lots in a gated community. This project came through last year for townhomes. That has since been changed to single-family residential. A lot of the concerns expressed at that point in time dealt with circulation and traffic at which time the developer came back and made the modifications to address those issues.

As part of this review, they did go to the Airport Commission and they reviewed it and issued 'no conflicts' statement. They did have a neighborhood meeting where roughly 8 or so neighbors attended. They had some concerns that primarily revolved around the traffic and circulation. As part of the review additionally, they had spoken with ADOT, both the developer and Staff and our Transportation Department. With those concerns a Traffic Study has been generated and as a result of that Traffic Study it was determined that the proposed development does not create any conflicts with any sort of circulation. Basically this shows any problems with the interchange of McQueen and Willis roads. However, if it is deemed appropriate and Council is desirous of it, the applicant has worked with ADOT to reduce the median that is out in McQueen Road to allow for a left turn out. Again, that is contingent upon Council approval and going through the annexation process of that. Following the neighborhood meeting, Staff had an occasional inquiry as to what the request was and didn't hear any opposition to the request up until today where there were some exchange of e-mails and phone calls with some concerns primarily revolving around the circulation and not necessarily a single-family issue but more as development occurs, this is going to create a traffic hazard.

Mr. Swanson said he would be happy to answer any questions and would be more than happy to go into further details if Commission so deems.

CHAIRMAN PRIDEMORE asked if there were any questions for Staff before they turn to the applicant. There were no questions for Staff so he asked the applicant to speak.

MR. MIKE CURLEY, 3101 N. CENTRAL AVE., stated that Erik Swanson gave a good summary to the application. He has Don Cartier here who is their traffic engineer and who has been working on this for a number of months. He is perfectly willing to dispense with the presentation because he doesn't have a whole lot to add but said he would be happy to answer any questions and respond to any comments that are made.

CHAIRMAN PRIDEMORE asked if there were any questions for the applicant before they turn to the audience.

KEVIN BIESTY, 961 E. WILDHORSE DR., said this address is northeast of the property in question. He does work for ADOT and is not here in his official capacity but as a concerned citizen. On his card he wrote that he was opposed to this development. He said he wished there was a box for neutral and concerns. He thought that would best describe why he is there today. He does bring up the issue of traffic and they have had this discussion on previous occasions with the developer and other Staff and the Council. He is not a traffic engineer but said he could tell them from living off of Wildhorse which is the street where all of the U-turns occur. What generally happens is there is a development northeast of him where people come off of the 202 to head north and it is shorter for them to go west on Willis to get to their community rather than going up to Pecos and enter into that way. What they will do is they will make a U-turn at Wildhorse and then proceed down to Willis. The concern of himself and his neighbors is that further development of Willis with High-Density or even the density being proposed now, once that is fully developed, how that traffic is going to flow and how that is going to interact with the 202. He is not against development. He is pretty sure when his house was built in the 70's there

were probably people for a Commission like this saying that it probably shouldn't be built but he would just ask that they consider the traffic there. He understands that Mr. Swanson had mentioned that there has been discussion with the traffic department. He appreciates all the work that he has done on this. He has been in situations that he has been in with neighbors and it is hard to balance the need for development, property rights and the community that it impacts. At the last Council meeting which he wasn't able to attend as residents were bringing up these issues, it appeared that the traffic folks kind of waived on their claim that there wasn't going to be any real impact to the traffic flow, especially with the 202. He just wants to be on record that he is hoping the discussions are underway to really look at what this is going to look like, not just with this development but the development to the east of it – when that should occur on a dead end street, how all of these people are going to get in and out. In his neighborhood they have horse properties. They already have conflicts trying to get to the canal. That is the only route to the trails. Even at the light at the 202 and McQueen, people coming off of the ramp – but that is not their concern. He just asks that they listen to some of the other neighbors and hopefully, they can resolve this. He said he appreciates their time and their service to Chandler. He said he would be happy to answer any questions.

CHAIRMAN PRIDEMORE asked if there were any questions for the speaker.

COMMISSIONER WASTCHAK said since Mr. Biesty works for ADOT he probably understands or at least knows that there were some contemplation of changing this configuration of the median in McQueen so people can make a left out. Is that correct? Mr. Swanson replied what happens right now is that median goes the length of Willis. It extends beyond that and so it prohibits that left turn out. The discussion has been to cut that back and allow for a left turn out. **COMMISSIONER WASTCHAK** asked has ADOT already conceptually approved that and so has traffic for the City? Mr. Swanson replied yes. **COMMISSIONER WASTCHAK** said so if this is approved, it just a matter of administratively getting that modification to be made at the intersection. Mr. Swanson said he wanted to clarify his presentation earlier because there was some confusion that he heard from a couple of people. The reason why he didn't include the details in the development booklet fully was because in order to get that median that property needs to be annexed which then is a Council action. He didn't want to say look this is going to be approved because it requires Council action. So assuming that the proposal is approved their next step will be to go forward with the annexation. So for all intents and purposes if everything is approved, that will be put in. He just can't say with all confidence it is going to because it stills requires action from Council. **COMMISSIONER WASTCHAK** said he knows when people get in he knows it doesn't look like it is going to be a left turn onto Willis, which he said people are doing U-turns but at least from this property it looks like that will at least stop people from going north and doing U-turns. Does that satisfy what his concerns are? Mr. Biesty said it does but looking at the fact that this probably won't be a signalized intersection, he pulled into Willis and sat there and watched the traffic. Again, he is not a traffic engineer. He drives every day. That is the best he could do to advise people on traffic but to now go across all these lanes to get to the 202, he would be interested to see the plan. His understanding, and again he is not speaking for ADOT, is generally in cases like this if the City wants to assume the liability and maintenance of an intersection that is currently in control of the state, the City can take on that liability and maintenance cost and the state would transfer right-of-way in cases like that. He is

not sure – he doesn't have details on this intersection. He said he would also ask if there is a similar intersection within the City that is similar to this, he would be curious to see that. Where there is a similar layout where they do allow left, if it is possible.

CHAIRMAN PRIDEMORE said since it has been brought up could Staff say something about a signal at this intersection. Mr. Swanson replied that his understanding is that the separation between the freeway interchange and then another signal is just too close and so you start getting a stack issue. He actually spoke with their traffic guys earlier today looking at this because some concerns were expressed about line of site and cresting over the freeway and seeing that some people turn out. In really looking at our traffic volumes that are not only existing but are proposed, they really had no concerns with the ability for somebody to get all the way across. In addition to that the width of that median as it currently sits and with that improvement, would allow potentially for somebody to stack there. It is not a designated stacking area but there is enough width for a car to pull in, stop and then proceed southbound on McQueen. In short, no, they can't put a light in there. He also looked at if they could do a left turn; an actual lane onto Willis and unfortunately the way that it is designed also poses issues with southbound left onto the freeway. He is trying to solve it but unfortunately there are some restrictions that they just can't control. Mr. Biesty said he would just ask that they look at the long term not just this property. A lot of development is going to happen. He knows that. He tells people he lives on the edge of the country where he lives now from where he moved. It is all going to be developed. He knows they are all professionals and this is not your first time doing this but looking at the long term maybe just for this development a left turn would work but as further development occurs in that area, he doesn't see how that intersection is going to function.

MR. KEVIN MAYO, PLANNING MANAGER, said in terms of an example of this, existing Cooper and Willis is a similar intersection with the exception that it doesn't have the westbound leg of Willis since it is all commercial property on the west side of Cooper. Down at Cooper, Willis Road is eight feet wide in terms of right-of-way; it is a really big street. It is almost the sole single feeder collector road that feeds almost all of that entire mile worth of residential since most people don't go westbound on Willis where it arcs up around through the Chandler Auto Mall and then going on to Gilbert Road; that intersection is set up with the left out westbound to southbound to get onto the 202. Driving that every day it is not signalized and there are always 3 or 4 cars that are waiting to go and the gaps just work out but that is how it works. A similar distance in terms of how roads interact with it and the westbound heading left to go south. Cooper is very similar. It just doesn't have the westbound lane where people head north on McQueen and then would be turning left.

COMMISSIONER RYAN said he wanted to make sure he understands this right. They are just really going to vote on the single-family housing plan. It has nothing to do with the reduction of the median or left hand turn out. That comes in another hearing. It is kind of a moot issue to discuss it right now. Mr. Swanson, City Planner, said he is correct in the sense they will be making a motion on an Area Plan Amendment, a rezoning, a PDP and then the plat. They just know that traffic has been kind of a historical issue for the site. They have been kind of throwing this in there because they know it is an issue. They believe it has been resolved. They have tried

to do that hand in hand but he is correct that the motions they will be looking at is strictly for the Area Plan Amendment, the rezoning, the PDP and the plat.

TERRY WOOD, 12220 E. WILLIS ROAD, said when they were here last summer listening to the original proposal she comes in with an open mind and the willingness to support something because she is also in favor of development. However, she lives on Willis Road and goes to work every single morning. She can wait sometimes 10 minutes. It is easy to listen to statistics and reports and who knows when those studies are being taken, what time of day or what have you. She turns right to go to work. She used to have to turn left and get onto the 202, now she goes north. She still waits some morning 10 minutes and she lives at 6:30 a.m. The traffic with the 3 lanes coming over the bridge of the 202 is 45 miles per hour and people are going at least 50 miles per hour. The second they are stopped by a light on the bridge, there is no deterrent from turning right. You don't have to wait for a green to turn right onto Willis to go north on the 202. The minute the northbound traffic stops the freeway traffic comes and it is constant. They have horse property, they have trailers, fifth wheels and when they try to pull out into that on those 3 lanes of traffic, there is no way they could ever make a left hand turn. With a 36 foot fifth wheel behind our truck to make a left hand turn to try to go eastbound on the freeway, would never happen. She apologizes as she has to go through the subdivision. They have to turn right on McQueen, try to get over 3 lanes, sit in the middle section, wait for the southbound traffic to clear, go through the whole subdivision off Wildhorse, then turn south and cross 3 more lanes of traffic just to get on the eastbound 202. It is a nightmare now. She can't even imagine what it is going to be like with 35 homes and possibly 2 people in the home going to work every morning. Like the previous speaker said the property to the east of that when it is developed, that's even more traffic. She understands how it works. Only the south portion of Willis Road is going to be improved because the north side isn't. It's still agricultural and they are still in the County. With the example that Mr. Mayo gave, he said Cooper is 80 feet wide. They may have 30 feet of asphalt from edge to edge. It's not even an improved road. The south side of Willis Road isn't even going to be improved. The north side is. She just doesn't see how that is going to happen. Even shortening the median. Where are the cars going to stack from turning left to go south. She just can't visualize that in her head because especially if they are pulling their horse trail or their RV or whatever. If it could be signalized, she would have no problem but just putting in a left hand turn lane, she doesn't see how that is going to be a liability that the City would even want to take on if they had to annex that intersection from ADOT. Those are her concerns. She agrees with the previous speaker that she really hopes that they take into consideration the proposal as it is, the future proposal to the east and for those of them living on that road right now.

CHAIRMAN PRIDEMORE asked if there were any questions for Ms. Wood. There were none so he turned back to the applicant.

MR. CURLEY said Don Cartier is there if they have any traffic issues. When he first got retained on this case, he reviewed the record of the previous application that Erik talked about which was a proposal for 66 townhomes. He reviewed the minutes and traffic was the overriding issue in that case. Much of what was just stated was stated in connection with the previous case but the U-turns were repeated by speaker after speaker as being a problem. They had Don go out

there and actually do physical inspections of the amount of U-turns that are taking place during the peak hours in addition to looking at accident information on this stretch because there was some representation that there were a significant number of accidents. There were accidents at the intersection of the freeway but not necessarily on McQueen. They also did in regards to the first speaker, Don's Traffic Study which anticipates the build out of this vacant area so it is not just the analysis of the development of their 35 homes but also anticipates the build out of a vacant development that is currently planned. They did take a comprehensive look at this. When you look at the question of the U-turns, they basically said there are two ways of addressing this. One is they reduce the density, which obviously decreases the number of trips and the second is looking at this median modification. They spent a lot of time with the City of Chandler Traffic Department as well as with ADOT looking at seeing whether they can modify the median to avoid the exacerbation of the U-turns which basically is taking place north of Wildhorse. Again, it is up to the Council if the median modification takes place. They can live with the existing median or they can agree to the median modification. If the median modification takes place it is not going to worsen that situation. The other comment he wants to make is that they did look at three different intersections that are similar situations. They have looked at those situations, the accident rates for those particular intersections and nothing was particularly alarming or out of the ordinary. Regarding to Ms. Woods, they have a meeting scheduled with the Woods for next Friday. They have been trying to get something scheduled since April but he thinks there was some medical reason that prevented that but they look forward to sitting down and meeting with them and addressing some of their concerns.

CHAIRMAN PRIDEMORE asked if there were any questions for the applicant. There were none so he looked to the Commission for any discussion or comments. He called for a motion and noted there were four items that will require separate motions and votes.

COMMISSIONER CUNNINGHAM said she did have one question for Staff and maybe one for Glenn Brockman, Assistant City Attorney. What they are reviewing is a subdivision that is not at the intersection that is in question. Do they have the authority to require a traffic light in a planning and zoning case. She knows they don't have the authority to pass one but do they have the authority to put that as a stip. for a subdivision that is not on the intersection. **GLENN BROCKMAN, ASSISTANT CITY ATTORNEY** stated no, that would go beyond the scope. **KEVIN MAYO, PLANNING MANAGER**, said there is an emotional desire for a light and then there is a practical desire for a light. A lot of times the emotional desire triggers much earlier than the practical desire for a light. Dealing with another case that will be coming before Commission very shortly, the entire issue is centered on signal lights in an intersection or not. When they look to Willis Road for signalization, in the event Council said that they should signalize this intersection, if it even come close to warranting it and currently with this proposal and the anticipated lane use directly east of it and then some reasonable level of residential development from the larger AG piece north of Willis. That in and of itself doesn't even come close to triggering the need for a signal. Even if you solely focus that down to simply a name or peak time frame, it doesn't come close to doing it. Practically speaking throughout the valley and throughout the United States, when you signalize intersections that don't need it, it has a negative impact - the number of accidents actually goes up. When people signalize an intersection and when you have the red, it mentally says to you everybody else is stopping so I'm

going and people go. You end up having higher levels of rear endings, higher levels of people running red lights that didn't see it or it is a new signal and they are not used to it. A lot of times unless it is warranted, it will have a negative impact by signaling that intersection. While there is an emotional desire to signalize it and a thought that it just makes it better, in the real world it actually has the more often effect of making it worse.

CHAIRMAN PRIDEMORE looked for a motion.

COMMISSIONER RYAN said he doesn't think the subdivision itself, which is currently a right turn out only, and that is the way it will stay until there is another hearing. He doesn't think that it is going to impact the traffic flow that much on Cooper/McQueen roads.

MOVED BY COMMISSIONER RYAN, seconded by **VICE CHAIRMAN BARON** to recommend approval of APL14-0004 AIRPARK AREA PLAN AMENDMENT. The motion passed 7-0.

MOVED BY COMMISSIONER RYAN, seconded by **VICE CHAIRMAN BARON** to recommend approval of the rezoning subject to conditions of DVR14-0004 WILLIS GATED COMMUNITY. The motion passed 7-0.

MOVED BY COMMISSIONER RYAN, seconded by **VICE CHAIRMAN BARON** to recommend approval of the Preliminary Development Plan for subdivision layout and building architecture subject to conditions. The motion passed 7-0.

MOVED BY COMMISSIONER RYAN, seconded by **VICE CHAIRMAN BARON** to recommend approval of the Preliminary Plat for the 35-lot subdivision with conditions. The motion passed 7-0.

CHAIRMAN PRIDEMORE said given the questions that they have had here by the neighbors he asked when this would go to Council. Mr. Swanson, City Planner, said it is scheduled for Council on May 22, 2014.

B. DVR13-0044 FOOTHILLS COMMUNITY CHURCH

Approved to continue to the June 4, 2014 Planning Commission hearing.

Request rezoning from Planned Area Development (PAD) for Industrial uses to PAD for a church and Preliminary Development Plan approval for building architecture and site layout. The 1.9-acre site is located north of the northwest corner of Hamilton Street and Pecos Road.

Rezoning

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Division, in File No. DVR13-0044, except as modified by condition herein.

2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. 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.
4. 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.

Preliminary Development Plan

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Division, in File No. DVR13-0044, except as modified by condition herein.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.

MR. ERIK SWANSON, CITY PLANNER, stated this is a request for rezoning from Planned Area Development (PAD) for industrial uses to PAD for a church along with the Preliminary Development Plan approval for building architecture and site layout. The subject site is located north of the northwest corner of Hamilton Street and Pecos Road. The subject site is part of Bogle Business Park and as such is literally surrounded by industrial users. South is one, west is one, and north is currently a church and east is the ICAN facility. Additionally, there is a healthcare facility through the County that is just east of the site.

The request is for a church. There are two structures and two phases. Phase one is roughly 9400 square feet and is kind of the church proper with the sanctuary associated rooms for that. Phase two is more or less for some gathering areas, classrooms, etc. As they look at these things, they take into consideration its location and specifically on this case with the Business Park and the restrictions placed upon us through the Religious Act they have to look at these through. As such, they looked at it from a land use standpoint. They didn't find any negative impacts imposed on the site so therefore they do recommend approval of that. Of note, the design is not typical churches that they have seen in the past. They have really gone above and beyond to really bring out some architectural features that really highlight the building and create some really unique designs to it. Again, Staff is recommending approval of that as well.

Based on its location they did not have a neighborhood meeting but rather the applicant went door to door and sent out notification. As Kevin mentioned earlier, they have not received a

direct opposition, however, the applicant did submit letters of approval and there was a letter of opposition stating concerns based on religious differences. This was not directly related to the land use but more or less opinions. With that, Planning Staff is recommending approval and he said he would be happy to answer any questions.

CHAIRMAN PRIDEMORE asked if there were any questions for Staff. Seeing none he asked the applicant if he would like to speak.

S.A. EVERLY, 2101 W. CAMBRIDGE AVENUE, PHOENIX, stated he represents the Foothills Community Church. Aside from what Erik has already told them he doesn't know what else to add to this but he is there to answer any questions they might have.

CHAIRMAN PRIDEMORE told Mr. Everly he would turn to the audience after he had spoken here and that he would have a chance to respond to any comment. He asked if there were any questions for Mr. Everly. There were none. He asked if there was anyone who wanted to speak on this item. There was one speaker.

GUY BLUFF, ATTORNEY FOR ALOHA DEVELOPMENT, 4205 N. 7TH AVENUE, SUITE 201, PHOENIX, said he represents the property owner immediately south of the proposed new church and they do oppose the rezoning on a number of grounds. His client is a construction company. This area is historically an industrial area. His client uses it for its construction yard for storage. It also has carcinogenic materials stored there and gases it uses historically for its construction yard. In discussing the matter with the bank who is the primary lender on the construction yard, it has become clear that allowing this particular development will have a diminished value in terms of the ability of what is historically an industrial area that has value for that purpose. It will diminish the value of his client's property. The other issues that they have in particular relate to the hiring of our employees. As a construction company, many of the employees that they hire are convicted sex felons. That is just one of the areas that they traditionally go to for employment because this is a church and one of the proposed plans involves a preschool that will eventually adjoin it. They are very concerned that even though there may be a fence between them that the current employees they have now who work in that yard would no longer be able to work for the company because of restrictions. His client does new residential development so they don't ever have any issues regarding schools or churches because they build building pads essentially that are brand new developments. They don't have wide open spaces and they don't have any issues with respect to the schools or church limitations that a convicted sex felon might otherwise have. It is one of the reasons that they kind of draw them to us as an employer. It is just the nature of our business.

Having a church immediately adjoining their property and in particular having a preschool will cause significant problems to our company. Employees that they have presently they would have to fire or otherwise change their job duties. They would have significant restrictions placed upon them regarding hiring new individuals because their main construction yard is this particular property. They would no longer be able to send them to their construction yard to pick up supplies, pick up equipment and the like which negatively impact their business. The last issue that they have and they spoke with Mr. Everly directly on the phone about this was as a

construction yard there is a considerable amount of noise that is generated by their operations. There is a considerable amount of dust even though they comply with Maricopa Dust Control regulations; it is inherent in the day to day operations of their business. The fact that they create construction debris and construction dust and are very concerned about having a preschool immediately adjoining them literally. Where they are proposing putting their school is not 50 feet from their primary activities.

The only alternative that they could suggest and has not been proposed to the City Planner would be if they look at the site plan they propose, they are actually putting their school and church immediately adjoining their property. If they were to completely flip the site plan given the dimensions of the lot that they are on, it would put the school and church outside the boundaries where they would be impacted relative to their employees but also reduce the amount of dust and carcinogen issues that they would have as a result of their normal day to day operations as a construction company. They are very concerned based on the current site plan that they are literally putting themselves right next to them. They can't be good neighbors given their current operations so as proposed, they object to the plan. They would also indicate that even though there may only be a few property owners, there was not a neighborhood meeting as required by Code and regulations. They did reach out to them. They received a letter where they proposed to them they indicate their approval of the rezoning. They advised them they could not. That was the only contact that they had from this particular development. Those are the reasons that they oppose the development as it is currently proposed.

CHAIRMAN PRIDEMORE asked if there were any questions for the speaker. He said he had one for Staff. He asked them to address the decision when there is a neighborhood meeting versus a letter.

KEVIN MAYO, PLANNING MANAGER, replied absolutely. In terms of code requirements he believes the only thing that is truly required is the posting of the notice of the site and the notice of the request. Everything else is a discretionary list at the discretion of the Zoning Administrator. In terms of a neighborhood meeting historically when they near residential property owners, they almost always have a neighborhood meeting. When there are industrial parks like this and surrounded by significant amounts of city owned property and things like that, non-residential properties and owners don't come to a neighborhood meeting. They notify us. A lot of times they are out of state (property owners). They notify us through mail, e-mail, by phone and things like that. In this type of situation they historically don't do a neighborhood meeting and yet still go through the same time period process where they have to have a neighborhood letter that is sent out for two weeks prior to the advertisement for the public hearing. They don't schedule and hold it on a neighborhood meeting historically in areas like this.

COMMISSIONER RYAN asked Mr. Bluff if they flip the footprint on the two lots, would that remedy most of the concerns that they have? Mr. Bluff replied it doesn't remedy the devaluation of their property. That will never happen because the nature of putting a church and a school historically always devalues the adjoining properties especially when it is commercial. If it was residential, the property immediately adjoining it would be a different story but for industrial

properties of this nature putting a church and a school will devalue his client's property. Flipping the footprint does address the issues that we would have regarding their concerns over dust, their concerns over carcinogens for the preschool and would he thinks, depending on the particular employee, because some of the statutes are 500 feet and in terms of probation may be only 300 feet, would address the issue with respect to their employees. They are subject to limitations in terms of where they could work in proximity to a school or a church. **COMMISSIONER RYAN** asked Kevin if this whole area was rezoned as a PAD or as a hard I-1 or what? Mr. Mayo, Planning Manager, said the total Business Park is PAD and within that it had broken out a bunch of different uses within it. **COMMISSIONER RYAN** asked if the church was an original approved use. Mr. Mayo said no, it was not. Where the Sunbelt Equipment is on Pecos it had a little more of a retail base to it. As you head east of Hamilton it was predominantly light industrial in manufacturing stuff. It was identified with the Maricopa County Health facility that was identified in the 1989 rezoning and then you have obviously the ICAN facility that was sitting on property northeast. The property directly to the north was actually outside of the Bogle Business Park and was on property zoned SF8.5 that came through and rezoned for the church. **COMMISSIONER RYAN** said the applicant's attorney refers to carcinogen and chemicals and so forth. What is allowable by right in here? They are all breathing carcinogens every day he guesses. He is assuming that Staff really took this in consideration when the church came in and proposed this use here. Mr. Mayo replied that is a delicate question and even a more delicate answer. Fundamentally in their code, PAD or just straight I-1 is not allowed to have obnoxious noise, obnoxious dust, odors, things that impact adjacent properties. I-1 does not permit that in one stretch. Most of that is controlled through Maricopa County Air Quality. In terms of carcinogen and things, more than likely it is going to be the off gassing of paint in industrial areas or just physical idling of vehicles and the burning of either diesel or gasoline. That occurs throughout the valley, driving on the freeway and things like that so in terms of carcinogens and higher levels in one area or another, it's not something that the City gets into regulating how much you are allowed to idle a vehicle in one area and not in the other. From a land use standpoint for I-1, you are not permitted to create lots of dust, lots of noise, lots of odors and things like that. It is entirely done on a complaint basis. If it is an I-1 buried that nobody complained about, it doesn't get addressed. When it is in more sensitive areas, it is more rigidly enforced.

CHAIRMAN PRIDEMORE asked if there were any more questions for the speaker. There were none. He turned back to the applicant and said he had a question or two.

MR. EVERLY said he would like to address the attorney's comments. He did speak to him on the phone. The contact with him was one of three contacts with that property owner; one in person when he went to his office and attempted to speak to him. He wasn't successful in speaking to him directly. The third time he actually physically on every single one of the properties that were within 600 linear feet radius of the church property, he went to see them. He said Erik Swanson has a copy of an e-mail that he sent to Gus Schultz, owner of Aloha (he believes). That should address the fact that he did contact him just as he did everybody else that was within that 600 foot area.

He went back to the gentleman's first comment that this would reduce the property value. That is subjective. He has been a real estate broker in this state and in this county for 37 years. He is not any longer but he dealt exclusively with commercial and industrial properties. One can argue in both directions having a church next door could substantially raise the value of your industrial property in light of the fact that you don't have competing dust, noise, water pollution and so forth that's transfers itself back over to your property. On the other hand, he thinks you could easily argue in favor for his comment that it would reduce the property value because now you have to be a little more careful. Speaking of careful, Maricopa County Air Quality controls dust and if his client, which is Aloha Pavers, was in compliance with air quality that it would appear to him that it would become a non-issue. If he has a lot of carcinogenic floating around because of his activities over there, it would appear to him that not only would he have a problem with his neighbors but he would probably be in violation of OSHA regs. He thinks that becomes a red herring.

With respect to the employees that he hires, that is outside of his area. He doesn't have any expertise in that area. He couldn't tell them how to address that. There is a substantial wall right now that is on the property line. It is a demising wall. He leaves this one up to them because they have the expertise. He just accomplished addressing the issues as he saw them.

CHAIRMAN PRIDEMORE asked if he could speak to how his client has chosen this site and if they were aware of who their existing neighbors are. Mr. Everly responded that he had offered to guide the gentleman who was just up there and provided him with the telephone number, an e-mail address and a name of the Chairman of the Board of Directors for the church – a Doctor Robert Clark. He told him he could contact him. He inquired on two different occasions to Mr. Clark whether or not he had ever been contacted. The similar concerns regarding dust and noise were raised by actually the largest property owner in the area which is Old Castle. They actually met on site and Jason Jackson, the GM for Old Castle, met with Dr. Clark and got along fine. If you met the pastor of the church you would find him quiet and demure, very accepting. They knew exactly what they were getting into when they purchased the property. They knew they were going to be sitting next to dust and noise but quite frankly I've sat out there on that property on two different occasions. One was the morning that they had the sign erected and he was out there about 6:30. The ambient noise from the freeway actually drowns any noise from next door including Aloha because Aloha was loading up there trucks that morning as they did two other mornings. As far as dust is concerned, they are going to encounter that even next to a vacant lot. You are going to encounter that next to your next door neighbor that doesn't mow his grass and cut his weeds. The rising of dust and so forth is something that is both tolerable and expected by the church.

COMMISSIONER WASTCHAK asked what the hours of operation are going to be for the church. It looks like they may have school going on or is it just strictly Sundays. Mr. Everly responded the first year, year and a half is going to be strictly church. The daycare center is something to evolve. He believes that comes into Phase 2. It's a Seventh Day Adventist church. Subsequently, there Sabbath is on Saturday. Whether or not they have activities during the week, he doesn't have any knowledge. He would say the bulk of their activity is going to be on Saturday. He went to one of their services recently to get a feel of their place and so forth and

Sabbath appears to be an all-day affair starting about 10:00 a.m. and about 4 or 5:00 p.m. it starts petering out. **COMMISSIONER WASTCHAK** asked if the applicant be opposed to flipping the site. He doesn't know if there were any constraints or anything like that. Mr. Everly said the topic never came up. He believes that one of the reasons why early on in the site planning that there was a concern with the driveway to the north of the property. Mr. Swanson, Senior City Planner said they haven't looked at it. Visually looking at the site it seems like it can be done. Of course, that comes back to some substantial costs to the church and the developer as to redesigning, engineering, landscaping, and site plans. He was thinking that there were some easements here. There is an easement on the north end but again looking at some of those setbacks, they might be able to work with that but it is kind of a difficult thing at this point in time just simply because they haven't looked at that at all and sort of redesign everything. **COMMISSIONER WASTCHAK** said the concern he has is based on the notification and it sounds like he reached out and tried to have a discussion about it that at least this could of have been vetted before they came here and heard that there were issues - at least to look at it and have dialogue about it. That is a concern he has that if they could indeed do that, it sounds like they would be happy to but they are pretty far road down here and never even had that discussion.

CHAIRMAN PRIDEMORE asked if there were any other questions for the speaker. Seeing none he thanked Mr. Everly. He closed the floor and turned to the Commission to see if there were any comments.

COMMISSIONER RYAN said he is thinking at this point it is a beautiful facility and it's a great site plan but it looks like an easy flip to him. If that takes away at least half of the problems, that is a good thing. Since the church has already acquired the property he said he would feel kind of bad rejecting it at this point. It just sounds like the uses aren't very compatible next door to each other. He said he would like to make a motion to continue the case so the two parties can get together and then the owner also has the ability to take a look at the flip on the site. That could at least remedy part of it. That is how he feels right now.

VICE CHAIRMAN BARON said one of the things he has been confused about on this is that he just sees a PDP. He doesn't see a pre-plat, landscape plans or anything. How far are they actually in the process? Mr. Swanson replied that for this particular piece it is only two parcels and so it then goes through our minor land division process and so they wouldn't include it on here. They have a landscaping plan. It is just a matter of getting some of the submittals in front of them and not necessarily overbearing them with too much information. He is happy to do that and he has it. **VICE CHAIRMAN BARON** said he is kind of leaning the same way that Commissioner Ryan is because he feels like without seeing all that data and having done site plans like this it seems like it would be really easy to flip. He also understands the cost associated with that. What is the land use directly to the east of this? Is that all industrial as well? Mr. Swanson said it is actually a City park. **VICE CHAIRMAN BARON** said south of that City Park. Mr. Swanson replied that is a Maricopa County Healthcare facility. South of that is a fire station. South of that is an office flex industrial – an air-conditioned facility. **VICE CHAIRMAN BARON** said he would second Commissioner's Ryan motion.

COMMISSIONER RYAN said it could be worked out and will continue it for two weeks.

KEVIN MAYO, PLANNING MANAGER said if the intent is to study flipping the site, our memo gets written in two days. It gets mailed out a week or week and a half from now. That will clearly not be enough time unless it is simply to have the applicant meet with the adjacent property owner and work out a verbal agreement and it comes back to them in this exact format plus a landscape plan that normally would have been applied. If there is a change to that there isn't enough time and really should be a one month continuance to the June 4, 2014 hearing.

CHAIRMAN PRIDEMORE said he had a motion and a second to continue this item to June 4, 2014 hearing. He asked if there were any other comments.

COMMISSIONER CUNNINGHAM stated she is in favor of looking at an alternative and flipping the site. It does appear to have the same width on both ends with a little bit of restrictions but not much. The main thing is she has read the laws on sexual predators who have been convicted and it is very restrictive and for them to be working is a positive thing. It is not easy for them to find employment and to be working rather than back in prison is certainly a good thing for us tax payers so she would hate to see that something that went on the site is supposed to be a church and a thing to promote faith would directly cause the unemployment of people who can't find employment everywhere. She thinks we need to have these parties seriously sit down and study the issues and look into what the restrictions are for the neighbor's employees because those employees cannot be near schools. They do have a distance regulation and it is very important that be adhered to or they do have to leave those jobs. They cannot stay in that area. With that said she will be in support of this motion also.

CHAIRMAN PRIDEMORE said he is in favor of the project. He said he kind of wished that they had gotten a motion first to approve it just to see how that would have flown. He agrees with a little work it would help reduce some of the concerns of the neighbors and he would like to think everybody wants to be a good neighbor. Obviously, the church that is looking to go in here is aware of who is around them. They have consciously made the decision to look at this site and to move forward with it. He understands the argument and would be in support of the continuance.

MOVED BY COMMISSIONER RYAN, seconded by **VICE CHAIRMAN BARON** to continue DVR13-0044 **FOOTHILLS COMMUNITY CHURCH** to the June 4, 2014 Planning Commission hearing. The motion passed 7-0.

G. * ZUP14-0003 THE PAMPERED PINKIE

Approved.

Request Use Permit approval to allow a beauty salon in an existing residential conversion property zoned SF-8.5. The subject site is located at 498 W. Chandler Blvd, northeast corner of Chandler Boulevard and Iowa Street.

1. The Use Permit shall be effective for two (2) years from the date of Council approval. Use Permit extensions, for similar or greater time periods, shall be subject to re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (site plan, floor plan, narrative) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other property.
4. Increases in on-site employment over that represented, a maximum of four (4) or the expansion of the home to provide additional tenant/business space shall require Use Permit application and approval by the City of Chandler.
5. The property shall be maintained in a clean and orderly manner.
6. Use Permit approval does not constitute Final Development Plan approval such as building plan review and permits for the residential conversion; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.

MS. JODIE NOVAK, SENIOR CITY PLANNER, said the item before them 'The Pampered Pinkie' is regarding a property at 498 W. Chandler Blvd. which is the northeast corner of Chandler Boulevard and Iowa Street. This is a single-family residential home in SF-8.5 zoning that was converted to an office use several years ago. It has been a general office use since at least 1995 so actually more than several years ago. It has always been an office and she thinks at one time a Counselor was in there. The property is for sale and the last user that went in there has left so it is vacant. The Pampered Pinkie is an existing salon in downtown Chandler's Wall Street area. The business owner is looking at purchasing this property in requesting to put another residential conversion use in here which would be a nail salon. While it may seem more of like a retail oriented kind of use it is akin to a more recently approved residential conversion use for a dress shop or like a wedding and event kind of an office use. They also had alterations and tailoring of dresses. There are a handful of them along Chandler Blvd. maybe like five homes have been converted to these types of uses. What they are requesting to do doesn't generate any more traffic or any more employees than what has been improved on that property since the 90's. It won't be any more of an impact than what already existed or what already exist on either side of it with other office uses in place. The applicant had a neighborhood meeting as was mentioned earlier this evening in their Study Session with one attendee that was supportive. They received an e-mail in support of this particular use. They have some standard zoning conditions in place that they conform with and what has been represented for their business and their floor plan. Ms. Novak said if they have any questions, she would be happy to answer them.

CHAIRMAN PRIDEMORE asked if there were any questions for Staff. Seeing none he turned to the applicant to see if she would like to make a statement.

MEGAN WILCOCK, 639 E. GILA LANE, CHANDLER stated she is the business owner and has owned it since August of 2009 and has been in Chandler the entire time. She is more than happy to answer any questions.

CHAIRMAN PRIDEMORE asked if there were any questions for the applicant. There were none. There was a speaker from the audience.

DONNA HUMPLE, 470 W. TOLEDO ST., CHANDLER said she doesn't have a problem with the business. Her concern is her parking lot. If there is not enough room in her parking lot or if patrons choose not to park in the parking lot and park on Iowa St., it is not wide enough for two way traffic and parked cars. That is her only concern. What she would like Council to consider is putting 'No Parking' on Iowa from Chandler Boulevard to Toledo either on the east side where her driveway is. They can see traffic coming and going. There is no blind vision. That is her concern. There is no parking on Iowa. Other than that she has no problems with the business.

CHAIRMAN PRIDEMORE asked if there were any questions for the speaker. Seeing none he turned to Staff for adding 'no parking' how would they even go about that and who would have to weigh in. Would it even be a part of this item.

MS. JODIE NOVAK said the property itself conforms with on-site parking. There are 12 existing parking spaces in the back side of the property. The way this business functions is less intense, has less employees and would potentially have less clients than what was previously there. All of the offices beforehand would take up almost all 11 spaces. There is one disabled space that is one the property. The business would have ultimately a total of four employees; currently they have three. They had one that is not employed with them at this time. Those employees don't all work at the same time so you don't have all four parking spaces filled. You might have one employee there, maybe one comes later in the day, maybe they will have two on one day, three on another day and vice versa. So the appointments with their clients if you only have all four employees there and four clients, that is eight people maximum and there is 12 spaces so there is never going to be a parking shortage based on how this operation is occurring. In regards to Iowa Street, she knows from prior cases throughout the years that she has done on this particular site for these Use Permits, it is a public street so certainly anybody could park on any City of Chandler public street if they would like to. However, there are limits of not parking in any of the lane configurations when there is a traffic signal on a particular property. So when there is that kind of circumstance, nobody can park in the thru lane or the leaving lane or whatnot. That is usually monitored by the Police Department if somebody turned around the corner on a traffic light and there is a car parked right there. There is a program that our Traffic Staff that does like a whole study to determine whether or not 'No Parking' signs need to be considered. In previous cases it hasn't been something that was considerable here because there never has been a parking problem. There has never been non-stop on-going parking that impacted anybody's visibility or being able to drive up and down Iowa Street for that situation. That is not to say that can't be considered in the future if there was a problem but it just hasn't been implemented in years past because it didn't warrant having those 'No Parking' signs. But based on what she is representing, she would be required to comply with what is being represented in the narrative and the floor plan and everything that they are doing and in the stipulations as well. Stipulations aren't going to allow her to have more than four employees that

they represented. They won't be able to create the parking problems. They are pretty confident that there won't be a situation occurring off-site onto the public street.

KEVIN MAYO, PLANNING MANAGER, said requiring a street to be signed or even a segment of a street or even right in front of one house be signed with 'No Parking' is never something that gets tied to a Use Permit. Ultimately, it comes down to site lines and things and if it ends up becoming a problem, unfortunately for us, parking traffic is always reactionary; it is not a proactive thing. If it becomes a problem and there are people parking and it becomes an unsafe situation, then they will go out and study it. It is sole and separate since it is public right-of-way and dedicated to the public for public use there is a separate process that occurs that is outside of the Use Permit.

COMMISSIONER DONALDSON asked the speaker that there has been business going on at that residence since 1995. Ms. Humple said since they moved in there has been nobody there. She has been there a year and a half and has had nothing. When cars do park there and she is coming from Chandler Blvd. onto Iowa to go home, she has to go in the middle of the road to the other side to get around a parked car that is on the east side. There are two fire hydrants also on both corners. They are not marked red for people not to park there and she thought the law says you can't park in front of a fire hydrant. There is one on Chandler Boulevard and Iowa and one on Toledo and Iowa. She has been driving this for the last year and a half. She will probably have enough parking but that doesn't mean somebody is going to park in her parking lot. If somebody doesn't want to, they may park on the street. Maybe they will park on the other side so they can get out on Chandler Boulevard and that is her concern. If the car parked on the corner of Chandler Boulevard and Iowa coming out of her parking lot, it is going to be blinded and if she is coming in trying to beat traffic on Chandler Boulevard to get onto Iowa, they are right there. That is why she is concerned and would really like to see 'No Parking' on the east side of Iowa. **COMMISSIONER DONALDSON** stated as everybody has said so far it sounds like it is unrelated from a parking standpoint compared to the Use Permit application. As Kevin says, it is reactionary. Ms. Humple said she doesn't have a problem with this. **COMMISSIONER DONALDSON** said if there are general parking issues then that would be reactionary reporting and through the police to deal with the general parking issue.

MS. JODIE NOVAK, SENIOR CITY PLANNER, said she would think that the business owner would ensure advising their clients to park in the parking lot that is why they required this parking lot to be constructed on-site to provide on-site parking just like with shopping centers or office complexes. They have to provide required parking on their own property. She hears what she is saying. Somebody could say I don't want to I want to park on the street. She is not aware of that in any of the cars recently. She is not really sure who would have been parking there and if it was related to this site or not. Ms. Humple said she thinks it is the construction workers. Ms. Novak said certainly if someone is blocking the view at the intersection or by a fire hydrant or a landscaper who happens to be on the street that warrants a non-emergency police officer call. They would certainly come out there that they move their vehicle. Ms. Humple said she is just trying to keep from calling the Police Department to move a car when that is not an emergency. She is just trying to make it better. She just can see some potential issues. There have been people parking there whether it's the landscapers, the contractors. There have been

people with four sale signs and they will park on the west side of Iowa and she is just saying the road is not wide enough even though as a business owner may tell her patrons to park in the parking lot. If she is not comfortable pulling into a parking lot and trying to park and then back out and get out, she is not going to park in there. She is going to park on the street whether she says please park in my parking lot or not. She would really hate to have to call the Council or the Police Department every time somebody decides to park on the street. She just sees herself having to pull to the middle of the road in oncoming traffic to get around that car when she is trying to get off of the busy street of Chandler Boulevard. Ms. Novak said once the hearing ends, she will get her number and they will communicate further and will coordinate with some other professionals in our City Staff dealing with traffic or enforcement so that maybe they can provide additional information beyond what they may have and kind of come up with a solution to help address that.

CHAIRMAN PRIDEMORE asked if there were any other people that would like to speak on this. There was no one. He turned to the applicant to see if she would like to add anything. They do see in the stips. that she is restricted to four employees and they hope over time she gets her customers trained that they do have their own parking lot to be used.

MS. WILCOCK replied absolutely and she is actually really proud to have her own parking lot and thinks it's great that they put it in. She will, of course, inform all of her customers to park in the parking lot and if there are any issues, feel free to call her if there is anything that arises between now and then. She doesn't foresee any issues with that.

CHAIRMAN PRIDEMORE closed the floor and looked for a motion.

COMMISSIONER VEITCH said the geometrics of the parking lot seem to be quite generous in terms of backing out. No one is going to have to back out onto Iowa Street and will be able to pull out in the normal way. If a parking problem develops, there is a process to deal with it.

MOVED BY COMMISSIONER VEITCH, seconded by **VICE CHAIRMAN BARON** to approve ZUP14-0003 THE PAMPERED PINKIE subject to the conditions recommended by Staff. The motion passed 7-0.

6. DIRECTOR'S REPORT

Kevin Mayo, Planning Manager said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE said the next regular meeting is May 21, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 21, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Vice Chairman Andrew Baron
Commissioner Stephen Veitch
Commissioner Katy Cunningham
Commissioner Phil Ryan
Commissioner Devan Wastchak

Also present:

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

Absent and excused:

Chairman Matthew Pridemore
Commissioner Bill Donaldson

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER RYAN, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the May 7, 2014 Planning Commission Hearing. The motion passed 5-0 (Chairman Pridemore and Commissioner Donaldson were absent).
5. ACTION AGENDA ITEMS
VICE CHAIRMAN BARON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR13-0050 RAY ROAD APARTMENT HOMES

Approved.

Request rezoning from Planned Industrial District with a Planned Area Development (PAD) overlay to PAD for multi-family residential with a Preliminary Development Plan for a 192-unit multi-family residential development. The site is approximately 7 acres and located east of the northeast corner of Arizona Avenue and Ray Road.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Ray Road Apartment Homes", kept on file in the City of Chandler Planning Division, in File No. DVR13-0050, except as modified by condition herein.
2. 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.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. 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.
8. Prior to the execution of any lease, prospective apartment tenants shall be given a written disclosure statement acknowledging that the apartments are located adjacent to or nearby existing and future industrial uses that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Lease/Purchase Contracts", CC&R's, and individual rental contracts shall state such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/apartment builder/developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
9. In the event the multi-family residential is platted to allow unit ownership, prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing railroad tracks and railroad right-of-way that may cause adverse noise, odors, and

other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot/unit property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an existing railroad track and railroad right-of-way, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/homebuilder/developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Ray Road Apartment Homes", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0050, except as modified by condition herein.
2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Planning Administrator for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
5. 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.
6. **The applicant shall work with Planning Staff to incorporate the additional architectural elements, building materials, and/or paint colors to further break up flat wall planes.**
7. **The applicant shall work with Planning Staff to incorporate additional window treatments.**
8. **The applicant shall work with Planning Staff to add plant materials within the curbed islands along the driveway between Buildings 4 and 5.**

B. LUP14-0006 ZOE'S KITCHEN

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption in a new restaurant. The restaurant is located at 7131 West Ray Road, Suite 7, southeast corner of Ray Road and 54th Street.

1. The Liquor 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 Liquor Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require a new Liquor Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.

C. ZUP13-0016 ICEV PARKING LOT

Approved.

Request Use Permit Extension approval for a temporary parking lot on an approximate 2.10-acre site located at 411 N. Alma School Road.

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.
3. The expansion or modification beyond the approved site plan shall void the Use Permit and require new Use Permit application and approval.

D. ZUP14-0007 AOK PROPERTY ASSETS, LLC

Approved.

Request Use Permit approval for a time extension on the residential conversion for office use. The subject site is located at 542 W. Chandler Blvd.

1. The Use Permit shall be effective for five (5) years from the date of Council approval. Use Permit extensions, for similar or greater time periods, shall be subject to re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (Narrative, Site Plan, Floor Plan) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other property.
4. Increases in on-site employment over that represented, seven (7), or the expansion of the home to provide additional office space, shall require a new Use Permit application and approval by the City of Chandler.
5. The property shall be maintained in a clean and orderly manner.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting in accordance with City approved construction plans.

E. ZUP14-0008 AZ REALTY NETWORK

Approved.

Request Use Permit approval to allow an office use within a residential conversion. The subject site is located at 598 W. Chandler Blvd.

1. The Use Permit shall be effective for five (5) years from the date of Council approval. Use Permit extensions, for similar or greater time periods, shall be subject to re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (Narrative, Site Plan, Floor Plan) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.

3. The Use Permit is non-transferable to any other property.
4. There shall be no tandem parking in the designated parking spaces at the rear of the property.
5. Parking along Hartford Street is not permitted for either employees or clients.
6. Parking shall not be permitted in the front yard other than on the existing concrete driveway.
7. The site shall be maintained in a clean and orderly manner.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

COMMISSIONER RYAN stated for the record that he provided consulting services on Item A, the Ray Road Apartments, so he would be abstaining from any discussion.

MOVED BY COMMISSIONER VEITCH, seconded by **COMMISSIONER WASTCHAK** to approve the Consent Agenda with the additional stipulations as read into the record by Staff and with the removal of stipulation no. 2 on Item B. The Consent Agenda passed 5-0 (Chairman Pridemore and Commissioner Donaldson were absent).

6. DIRECTOR'S REPORT

Kevin Mayo, Planning Manager said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

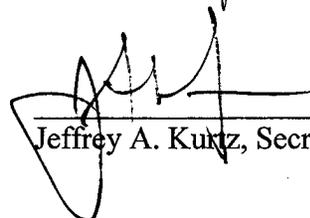
VICE CHAIRMAN BARON said the next regular meeting is June 4, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 5:35 p.m.



Andrew Baron, Vice Chairman



Jeffrey A. Kutz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 4, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Erik Swanson, Senior City Planner
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN BARON, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the May 21, 2014 Planning Commission Hearing. The motion passed 4-0 with 2 abstentions (Chairman Pridemore and Commissioner Donaldson were not present at the meeting and the new Commissioner will start at the June 18 hearing).
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR13-0044 FOOTHILLS COMMUNITY CHURCH

Approved.

Request rezoning from Planned Area Development (PAD) for Industrial uses to PAD for a church and Preliminary Development Plan approval for building architecture and site layout. The 1.9-acre site is located north of the NWC of Hamilton Street and Pecos Road.

Rezoning

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Division, in File No. DVR13-0044, except as modified by condition herein.

2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. 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.
4. 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.

Preliminary Development Plan

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Division, in File No. DVR13-0044, except as modified by condition herein.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.

B. APL14-0006 OCOTILLO AREA PLAN AMENDMENT/DVR13-0045/PPT13-0029 ECHELON @ OCOTILLO

Approved.

Request amendment to the Ocotillo Area Plan from Compadre Stadium, Employment and Junior High School, to Single-Family Residential and Townhouse. In addition, request Rezoning from Planned Area Development (PAD) for Compadre Stadium and Agricultural District (AG-1), to Planned Area Development (PAD) for single-family residential and townhouse, with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and housing product on property totaling approximately 64 acres located at the SEC of Alma School and Ocotillo roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "ECHELON AT OCOTILLO" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0045, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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.

3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals or as otherwise approved in a development agreement.
5. Unless otherwise included as part of the City's Capital Improvement Program, the developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
7. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
8. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties **and a City of Chandler dog park** that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges **as well as a City of Chandler dog park** and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "ECHELON AT OCOTILLO" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0045, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

4. 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.

Preliminary Plat

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

CHAIRMAN PRIDEMORE said he had quite a few comment cards dealing with Item A in which all of the people who submitted them are in favor of it but as of right now, it is still on Consent so they are good there. He had another card from a Paul Hodges on Item B. He asked Mr. Hodges if he wanted to make a statement or if he would like the item pulled for a full presentation? Mr. Hodges said he would like to make a statement.

PAUL HODGES, 4580 S. FRESNO, CHANDLER, stated he is the one Mr. Mayo spoke about with the e-mail. He is opposed to this item for a couple different reasons. In today's age of phones and things, he unfortunately left his with all his great notes at his office rushing to get here. He said he lives in the area and grew up here in Arizona and grew up on Williams Airforce Base and knows Chandler well. The Compadre Stadium in this area is important to them as a Community. The 3 reasons he opposes the replanning of this as stated is the following. The first one is that this is a jewel for this city. That is his belief and not only does he live in the area but it connects the retirement community with Snedigar Park and complex there. On any given Saturday or Sunday you will see hundreds of children using that park in a way in which you can see both young and old together. He believes this area has the opportunity to continue that if the development site is one that is used both for recreation but also helps drive the community in a different way.

The second reason that he is opposed to this is that although the Planning processes today are different and certainly more sophisticated, he would have to give ode to the predecessors of Planning and Zoning back in the day. There were fireworks and there were certainly baseball games and other things played in that area. He'd imagine that somebody looked where this city was and what that area should be used for; they certainly designated it as an area of recreation and possible employment and other things to do with their youth. He thinks they have a lot of homes and it is a beautiful development that Standard Pacific has put together. He applauds that. He has read it, looked at it and it is impressive. Even though his home value is similar or very close to that and would go up in value, he still doesn't think that the City of Chandler needs another home development in this area.

The third one is "innovation" and if you look at the charter of the city and they talk about what we want to do as Chandler, they use the word 'innovative' a few times. He thinks there are some "innovative" uses both partnered with public and private areas. He has talked to different people and things that could be done with the existing structure, the land and other areas around there. He is just trying to appeal to the innovative nature of Chandler. Where else are they going to find a piece of property that is already zoned in ways that could be used either from the "Green"

movement-agricultural, which is already zoned in a more professional manner versus just another housing development with a pretty lake. He was inspired here certainly from a ride in that area about 3 weeks ago on his bicycle to see the children in that area that were playing and to see the use that has already been put in place and then to see the big orange sign that says they are putting more houses here. If he had anything, he had a voice here today and he is opposed to the rezoning of this land for the reasons he just stated.

CHAIRMAN PRIDEMORE thanked Mr. Hodges and then looked to the Dais for a motion.

VICE CHAIRMAN BARON said he would not be voting on Item B as he provided consultant services for the project.

MOVED BY COMMISSIONER RYAN, seconded by **COMMISSIONER DONALDSON** to approve the Consent Agenda with the amended stipulation as read into the record by Staff. The Consent Agenda passed 6-0 (The new Commissioner was not present at this meeting and will start at the June 18 meeting).

6. DIRECTOR'S REPORT

Kevin Mayo, Planning Manager, said the Planning Division has really started taking a hard look at how we do business and with the old phrase "work smarter not harder". They have been taking a hard look at almost all aspects of their process and really trying to see what they have empowerment to do. From an efficiency standpoint there will be some processing that they may start looking to change. They have been really tweaking a lot of different things to save time-a lot of processes that are antiquated and they just don't do them anymore. He wanted to highlight tonight one of the things they have taken a look at doing. In the almost 15 years that he has been there, as they write memos they provide the facts. Over the years those memos started to bloat. There was a period actually with Mr. Ryan with his first P & Z round. They used to have a process that if the memo bloated past 8 pages, they then had to write a memo summary that got attached to that first page. There was a point when people said enough is enough and they severely cut the memos back. They have crept back into talking about the doorknob details, talking about all these things that are not only in the memo, in the narrative and booklets, exhibits and things. You will see that the "Echelon" memo has been trimmed down. It was his first time at trimming the memos down. It's more of a statement of facts organized; obviously you will have the Area Plan, the Rezoning, and the PDP. They are going to be adjusting their memos to the point that they are much more fact based and then the discussion is really where a lot of the thought process goes into this. He wanted to highlight this memo and they will start to see this being kind of a standardized template format for how they are going to start writing their memos. He just wanted to identify that. If they start reading them and they don't quite look exactly like they were before, it is because applicant's like this when they produce this much (he showed the development book), he doesn't need to add that much more because it is right there. It is also to save time, save paper, save Planning Commission and City Council time and all

that. He said he just wanted to highlight that this evening and other than that there is nothing more to report.

CHAIRMAN PRIDEMORE asked since they did have a speaker that was opposed to an item, when would Item B be going to Council? Mr. Mayo said it would be going June 26, 2014.

7. CHAIRMAN'S ANNOUNCEMENTS

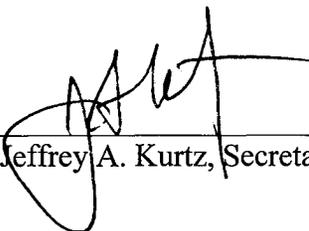
CHAIRMAN PRIDEMORE said the next regular meeting is June 18, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:48 p.m.



Matthew Pridemore, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 18, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Phil Ryan
Commissioner Devan Wastchak
Commissioner Ryan Foley

Absent and excused:

Commissioner Katy Cunningham
Commissioner Bill Donaldson

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Glenn Brockman, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. INTRODUCTION OF NEW COMMISSIONER RYAN FOLEY
CHAIRMAN PRIDEMORE welcomed the new Commissioner.
5. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN BARON, seconded by COMMISSIONER RYAN to approve the minutes of the June 4, 2014 Planning Commission Hearing. The motion passed 4-0 with 1 abstention (Commissioner Foley was not present at that meeting). Commissioner Cunningham and Commissioner Donaldson were absent.
6. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE 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 G.

A. APL14-0005 SPRINGFIELD LAKES AREA PLAN AMENDMENT/DVR14-0001/PPT14-0002 LONE TREE

Approved.

Request Area Plan Amendment to the Springfield Lakes Area Plan, amending roughly 21 acres from Multi-Family Residential to Single-Family Residential, along with rezoning from Planned Area Development (PAD) for condominiums to PAD for single-family residential, Preliminary Development Plan approval for subdivision layout and housing product, and Preliminary Plat approval for a 72-lot single-family residential subdivision located at the southwest corner of Riggs and Lindsay roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "LONE TREE" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0001, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
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. Construction shall commence above foundation walls within three (3) years of the to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
8. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with

the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

9. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "LONE TREE", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0001, except as modified by condition herein.
2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. 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.

Preliminary Plat

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

B. DVR14-0010/PPT14-0007 ALTA CHANDLER

Approved.

Request rezoning from Regional Commercial District (C-3) to Planned Area Development (PAD) for Multi-Family Residential including a Mid-Rise Overlay for buildings up to 65 feet in height, with Preliminary Development Plan (PDP) and Preliminary Plat approval for site design and building architecture for an apartment development on approximately 6.7 acres located at the southeast corner of Frye Road and Washington Street.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "ALTA CHANDLER" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0010, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The

aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals or as otherwise approved in a development agreement.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. Building heights shall be limited to a maximum of 65-feet in height.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "ALTA CHANDLER" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0010, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. 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.

Preliminary Plat

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

C. DVR14-0012 CHANDLER VIRIDIAN

Approved.

Request rezoning from Planned Area Development (PAD) Commercial and Multi-Family to PAD Commercial and Multi-Family with Preliminary Development Plan (PDP) approval on an approximate 26-acre parcel for a mixed use development including Office, Hotel, Commercial, and Multi-Family Residential uses located at the southwest corner of the Loop 101 Freeway and Frye Road.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "CHANDLER VIRIDIAN" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0012, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
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. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. **The City shall perform an ongoing study of the pedestrian crossing on Galleria Way at the residential entrance to assess if a designated crosswalk is needed to ensure pedestrian safety and enhance the pedestrian usage in the area. If deemed necessary by the Planning Administrator, the developer shall provide an assurance to construct the pedestrian crossing as part of a phase of the development.**

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "CHANDLER VIRIDIAN" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0012, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. Preliminary Development Plan 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 Preliminary Development Plan shall apply.
6. The canvas shade structures shall be maintained in a manner similar to that at the time of installation.
7. Raceway signage shall be prohibited within the development.
8. The parking space canopies shall incorporate building materials, forms, and colors to match the development.
9. The freestanding pads shall carry an architectural level of detail similar to front facades of main building.
10. The applicant shall work with Staff to incorporate art features within the development.
11. 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.

12. **The hotel elevations shall carry a level of architectural design and detail consistent with those details as provided in the development booklet for the office buildings.**
13. **The applicant shall work with Staff to ensure that the landscape pallet and landscape design is cohesive throughout the development in order to present a more unified landscape plan.**

D. DVR14-0016 THOROBRED WRESTLING CLUB

Approved.

Request to amend the Planned Area Development (PAD) zoning for Planned Industrial District (I-1) uses to allow an instructional sports and athletic training facility use in Unit 14 of Building M within the Paloma Kyrene Business Community. The property is located south of Chandler Boulevard on the west side of Kyrene Road at Gila Springs Place.

1. Compliance with original conditions adopted by the City Council as Ordinances No. 3729 and 4323 in cases DVR05-0002 and DVR11-0025, except as modified by condition herein.
2. Development shall be in substantial conformance with Applicant Narrative and Site Plan, kept on file in the City of Chandler Planning Division, in File No. DVR14-0016, except as modified by condition herein.

E. PDP13-0016 OCOTILLO PLAZA SHOPPING CENTER

Approved to withdraw for the purpose of re-advertising.

Request Preliminary Development Plan (PDP) approval for the addition of two commercial buildings, including a drive-thru, and PDP approval for a comprehensive sign package for the Ocotillo Plaza shopping center located at the northwest corner of Alma School and Queen Creek roads. **(REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)**

F. PDP13-0018 ASCEND AT CHANDLER AIRPORT CENTER

Approved.

Request Preliminary Development Plan approval of the conceptual site layout and conceptual building architecture for a business park. The approximate 30-acre site is located at the northwest corner of Germann and Cooper roads.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "ASCEND AT CHANDLER AIRPORT CENTER", kept on file in the City of Chandler Planning Services Division, in File No. PDP13-0018, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual buildings, and related onsite site layout related to such future development of individual buildings, will be reviewed and approved administratively.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

3. All buildings shall be designed to be consistent with the level of quality, detail, building material, paint colors, architectural articulation, and the like as established in the attached Development Booklet.
4. Building architecture shall promote consistent architectural character and detail on all sides of the structure.
5. 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.

H. CANCELLATION OF THE JULY 2, 2014 PLANNING COMMISSION HEARING

Approved.

VICE CHAIRMAN BARON stated he would be abstaining from voting on Item B as he provided consulting services.

COMMISSIONER FOLEY said he would be abstaining from voting on Item F due to a conflict.

MOVED BY COMMISSIONER RYAN, seconded by **COMMISSIONER WASTCHAK** to approve the Consent Agenda on Items A, B, C, D, E, F and H with added stipulations as read into the record by Staff on Item C. The Consent Agenda passed 5-0 (Commissioners Cunningham and Donaldson were absent).

ACTION:

G. ZUP14-0005 WASHINGTON RESIDENCE

Denied.

Request Use Permit approval to allow a single-family dwelling within the MF-2 (Multiple-Family Residential District) on property located at 380 S. Washington Street.

MS. JODIE NOVAK, SENIOR CITY PLANNER, stated this application is a Use Permit zoning case. It is specifically requesting approval to allow a single-family residential dwelling within the MF-2 Multi-Family Residential Zoning District. This property is located at 380 S. Washington Street. This is a property located south of Frye Road and east of Arizona Avenue. The property is approximately 7,500 square feet in size and the proposal is a 1,390 square foot single-family residential home.

The property would include a 2-car garage and also include a standard rear covered patio. It does have obviously bedrooms and bathrooms within it and it is laid out and designed to meet the MF-2 zoning setback standards for front, rear and side yard setbacks as well as maximum lot coverage. The property is located within an area of the city that is part of a redevelopment area. The property is located where there is some existing vacant land both south of it and north of it. There are a few single-family residences or multi-family residences in existence in the area. There is also C-3 Regional Commercial property located to the east of the site where there is an existing church property, there is a City Park and then there is a former steel operation plant known as CMC Steel which came before them this evening for a high-density urban residential project. This property is also located along Washington Street. This is a street that is part of the city's redevelopment effort to extend much further south down towards Pecos Road as part of a redevelopment action in that area.

This property is currently designated in the General Plan as an infill revitalization growth zone. With that, it is also within the City's South Arizona Avenue Corridor Area Plan. These plans specific that this property be included as part of a larger Master Plan High-Density Mixed-Use type of development for that area. That category of the General Plan looks at getting densities that would be 18 dwelling units per acre and even greater; some urban residential type densities. The goal of this particular area will eventually be the compilation of multiple parcels being joined together as part of one large development plan that would come forth. As she mentioned with some of the properties being vacant, over a time there would be an evolution with this particular area that either properties would get bought out or other properties would be demoed and you would have additional vacant lots.

With that being said, while the zoning code does establish MF-2 zoning as multi-family, it does allow the consideration of single-family residential with the Use Permit. It is not unusual to have that kind of a request. The City has approved those kinds of requests in other parts of the city over the years where there are a lot of well-built out single family communities. With this particular area being at the height of redevelopment going on with the high density residential project, the evolution of Washington Street extending much further to the south and with the amount of vacant land that is in this particular area, Planning Staff's position is while it is not an unusual request for wanting to do a single-family home and while it meets the Development Standards for MF-2 and it is a nicely designed home, it really circumvents our future long-term goal of what they would want to see within this particular area. With that, they are recommending that this project not be approved because they find that it is inconsistent with the long-term goal of this particular area. While the land uses are adopted, the zoning code still will allow somebody to consider doing a multi-family use on this particular property, however, in working with the applicant who is the property owner on that, it would be very difficult to try to even get two units and meet all the setbacks and required parking that would be necessary. The only option was to consider doing a single-family. They purchased this property she believes was back in March of this year and their intention was to do a single-family development. They were not aware of the area plans and the land use plans that were an overlay over this particular section of the City's downtown. Therefore, there are no zoning conditions that are included because they are recommending denial due to its inconsistency with the City's land plans.

They did do a neighborhood meeting. There was one attendee that did come and they just wanted more information and didn't really express any concerns and they are not aware of any opposition to this. She said if they had any questions, she would be happy to answer them.

CHAIRMAN PRIDEMORE asked if there were any questions for Staff. There were none. He called the applicant up.

ROBERT JARMAN, 380 S. WASHINGTON STREET, said he bought the property around March. He and his partner, **EDWIN JARMAN**, who is his brother, build houses. They did plan. They came in before they bought the property and asked somebody in the City if they could do this. They said it would be fine. It was normal to build single-family in a multi-family place so they figured it was going to be not that difficult to do so they went ahead with it and now they have talked with Jodie and other people, it seems more difficult. They are really stuck in a situation where they are either going to build a house or they are going to build a tri-plex. It is zoned for that and they are saying they are allowed to build that. They feel like the people would rather have a nice house than a tri-plex in their neighborhood. That is what is has come down to. Either they are going to get approved with this to build a house and they would rather do that or they are going to build their tri-plex.

EDWIN JARMAN said it will be difficult for them to build a tri-plex on the lot but that is kind of what they do for a living-to figure out how to solve difficult problems like that. He believes they can get it done but it won't be ideal.

CHAIRMAN PRIDEMORE said he was kind of surprised to hear that they had only just bought the property more recently so that the zoning that overlays it was already there. It was part of the public record. He is curious that when they came into the City to ask, did they mention the specific address of the piece of property. Mr. Jarman said they actually submitted plans to the City. They have a first review on the plans they submitted. It came back that they needed to get a Use Permit. He has talked to a planner at the table. Before they bought, he wasn't the one that went in but they told us they talked to somebody at the City with this specific address and they said it would be fine. You talk to a lot of people when you submit plans and it is always a big circle. **CHAIRMAN PRIDEMORE** said he wasn't looking to point fingers like who was the specific person they talked to. He is just trying to get an understanding of the process they went through to get to where they are right now. They said they called and they got an answer. It is not always so easy from their side and every city is different. It's a world change from one to another.

CHAIRMAN PRIDEMORE asked if there were any questions for the applicant.

VICE CHAIRMAN BARON asked when they bought the property, did they get a title report with it. Mr. Jarman said it will say the zoning on it but the MF-2 is not the problem because with a Use Permit they could build a house. The problem is the specific plans that the City has won't be on the title report. The title report won't include the zoning on it. The title report will tell you the plat map of the area.

CHAIRMAN PRIDEMORE closed the floor. Just for formalities he turned to the audience to see if there is anybody that would like to speak on this item. There were none. He said he was torn because he thinks that property owners should have the right to develop their piece of property but the City puts zoning overlays over properties so that they have a certain vision for the area and in this case the Southeast Plan that is overlaying is kind of clear. Mr. Jarman said the question for him is will a tri-plex or duplex do any better for the goals of the City than a single-family home. They don't have to have any kind of Use Permit for building a tri-plex so they have to figure it out and fit it in the zoning ordinance as zoned. They are going to be forced to do that otherwise they are giving up a chunk of money. This is going to be a loser for them unless they build something there. The pertinent question is which one is better for the City and for the neighborhood. There are many single-family homes in that neighborhood and some recent ones. They have built several within less than a quarter of a mile. If you drive Frye east to the railroad tracks, there are several single-family homes built there by Habitat for Humanity.

CHAIRMAN PRIDEMORE thanked the applicants. He asked if there were other comments from the Commission otherwise he would look for a motion. He said he would support the motion for denial, except he is torn on it. He does think a property owner has the right to develop his property but this one seems pretty cut and dry to him that the overlay really doesn't account for a single-family residence. He understands what they can do within the rest of the ordinance that they wouldn't see. They are welcome to do that. He would support a motion for denial.

COMMISSIONER RYAN asked Jodie so they cannot build a single-family home in an MF-2 District? Ms. Novak said that is correct. The MF-2 zoning district in MF-1, 2 and 3 are multi-family zoning districts in the zoning code. It states that if you wanted to do a single-family land use under those zoning districts, you would need to get the Use Permit because the goal was to develop multi-family residential types similar to dwelling units whether they were duplex or tri-plexes, 4-plexes, or full blown apartment complex type developments; that is what the goal of that is. They would need a Use Permit in order to be able to ask to do a single-family home on that particular lot. This is a really old area of downtown Chandler. This was platted as part of what they call the Dobson Addition and originally the intent back in the 20's or 30's was a single-family area so that is why there is a lot of older homes that do still exist much further south in this particular part of downtown. Over the years in the 70's there were changes in the zoning district to this particular area and there was a lot of bootleg duplexes or back houses or guest houses that were put in the back of a lot of these single-family lots and the town at that time thought let's just change all the zoning to multi-family. A lot of the sites that have a single-family home already they are considered a legal non-conforming use. All of the others that have more than one home on their lots, there is one on the front, one on the back, or it's more like a guesthouse or there is already duplexes. The changing of the zoning to MF-2 made those legal back then. The zoning has been in place all of these years in this particular area and a little bit in other areas in the downtown. It does get confusing. You see a lot of single-family homes here but on an aerial map you see that a lot of them have multiple units or other units in the back side of them where the home has been converted into 3 apartments. That is why she was mentioning that. They have in the past in other areas done Use Permits to allow a single-family resident but with the advent of the South Arizona Avenue Corridor plan that took place for this particular

area in the last few years, the vision for this particular corridor of Washington Street going westerly to Arizona Avenue that is the dividing line – the west side of Washington Street where that high-density residential mixed-use category is. The east side of Washington Street changes and that becomes medium density residential or even high density say the ALTA Chandler project that came forward this evening as well. They are in a corridor that runs from Frye Road all the way south past Fairview as part of a large future urban residential type development area. **COMMISSIONER RYAN** said he totally understands the City's desire to urbanize this area and the fact that they have an overlay on this. For the common person they aren't really going to dig into that overlay without doing a lot of research. He is trying to be sympathetic to the applicants needs too but what she is telling him is if it is in the MF-2 hard zoning, they cannot build a single-family dwelling on an MF-2 zoned property. If he was purchasing the property, he would want to know right away if he could build a single-family home. That is probably enough in his mind that they should have done a little bit of research before they purchased the property. That is what he was trying to determine in his own mind - the overlay and the City's attempt for doing the redevelopment downtown and so forth. Most of that stuff as a professional they have a hard time digging some of that information out. The fact that it is MF-2 hard zoned and you can't build a single-family dwelling on that makes his decision.

CHAIRMAN PRIDEMORE called for a motion.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER RYAN** to deny ZUP14-0005 WASHINGTON RESIDENCE consistent with Staff's recommendations. The motion passed 5-0 (Commissioners Cunningham and Donaldson were absent).

CHAIRMAN PRIDEMORE told the applicants that this will go to City Council and that they are only a recommending body. This item will go to Council on July 10, 2014. On July 10 they will have an opportunity to make their case to the City Council as well. They are only a recommending body and he wished them good luck.

7. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, said he mentioned at the last meeting that internally Planning Staff is going through this on-going efficiency study and trying to figure out how to work smarter not harder. This agenda was chalked full of a bunch of real good land use stuff –the stuff they live for. They are much more fact oriented type memos and as you read through them, if the Commissioners start to struggle with something or think there is something that is missing, they are always open to feedback. If it is working for Commission, good. Again, if there are some things that Commission wants to see in the memos that isn't there or some other way of doing it, let them know. They are always open to suggestions and input, both good and bad. Other than that, nothing to report this evening.

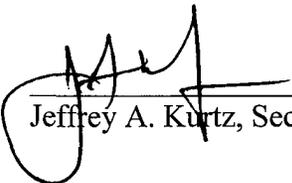
8. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE said the next regular meeting is July 16, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 5:57 p.m.


Matthew Pridemore, Chairman


Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, July 16, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Commissioner Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak
Commissioner Ryan Foley

Absent and excused:

Vice Chairman Andrew Baron
Commissioner Katy Cunningham

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Glenn Brockman, Asst. City Attorney
Mr. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER RYAN, seconded by COMMISSIONER WASTCHAK to approve the minutes of the June 18, 2014 Planning Commission Hearing. The motion passed 4-0 with 1 abstention (Commissioner Donaldson abstained as he did not attend that meeting.) Vice Chairman Baron and Commissioner Cunningham were absent.
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE 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 F.

A. DVR13-0010 CONTINUUM AT DOBSON ROAD

Approved.

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for uses allowed within the Innovation Zone designation of the General Plan and to allow for the development of parcels less than 15 acres, and Preliminary Development Plan (PDP) for site layout and building design for property located at the northwest corner of Dobson and Queen Creek roads.

Rezoning

1. Development shall be in substantial conformance with the attached Development Booklet, Exhibit A, entitled "CONTINUUM AT DOBSON ROAD", kept on file in the City of Chandler Planning Division, in File No. DVR13-0010, except as modified by condition herein. The Development Booklet provides building layout, site layout, and architectural design for the future development of individual parcels including on-site improvements which will be reviewed and approved administratively by Planning Staff, except as modified by condition herein.
2. 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.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
6. 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.
7. 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.
8. Notwithstanding any provision of the Development Booklet or of any other conditions of the Rezoning, no data center use of any type, unless ancillary and secondary to a primary use, shall be a use permitted for the property that is the subject of this Rezoning.

Preliminary Development Plan

1. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Planning Administrator for arterial street median landscaping.
2. Landscaping shall be in compliance with current Commercial Design Standards.

3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. The site shall be maintained in a clean and orderly manner.
6. Building mounted signage shall be consistent with the design expectations as provided in the development booklet, and as such, building mounted signage shall be reviewed and approved administratively by Planning Staff.
7. 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.
8. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
9. Raceway and animated signs shall be prohibited within the development.
10. The applicant shall work with Planning Staff to further enhance the office buildings with elements such as, but not limited to, vertical articulation, score lines and other depth elements to tie the buildings to existing Continuum buildings.

B. DVR14-0015 CHANDLER CORPORATE CENTER

Approved.

Request rezoning from Planned Area Development (PAD) for commercial retail to PAD for industrial/office/warehouse and commercial retail, and Preliminary Development Plan (PDP) approval for site and building design on an approximate 25-acre site generally located at the northwest corner of Chandler Boulevard and McClintock Drive.

Rezoning

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. If deemed necessary by Transportation Staff, the developer shall be required to design and construct a traffic signal at the intersection of Chandler Boulevard and Juniper Drive.
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. 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. Development shall be in substantial conformance with the Development Booklet, entitled "CHANDLER CORPORATE CENTER" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0015, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

Preliminary Development Plan

1. Landscaping shall be in compliance with current Commercial Design Standards.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
4. Preliminary Development Plan 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 Preliminary Development Plan shall apply.
5. A phasing plan shall be submitted in conjunction with the first building(s) outlining off-site improvements, landscaping, access points and drive aisle locations, and parking areas.

C. PDP13-0016 OCOTILLO PLAZA SHOPPING CENTER

Approved to continue to the August 6, 2014 Planning Commission Hearing.

Request Preliminary Development Plan (PDP) approval for additional commercial buildings, and PDP approval for a comprehensive sign package for the Ocotillo Plaza shopping center located at the northwest corner of Alma School and Queen Creek roads. **(REQUEST CONTINUANCE TO THE AUGUST 6, 2014 PLANNING COMMISSION HEARING.)**

D. PDP14-0001 DOMINION CHANDLER SELF STORAGE

Approved.

Request Preliminary Development Plan (PDP) approval for the site and building design of a new self-storage facility located east of the southeast corner of Arizona Avenue and Ocotillo Road.

1. Compliance with original conditions adopted by the City Council as Ordinances No. 3588 in case DVR04-0003, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Dominion Chandler Self Storage", kept on file in the City of Chandler Planning Division, in File No. PDP14-0001, except as modified by condition herein.

E. PDP14-0007 INTEL OCOTILLO CAMPUS AMENDMENT NO. 4

Approved.

Request Preliminary Development Plan approval for a Master Plan amendment on the approximate 630-acre parcel. The property is located at 4500 S. Dobson Road, the northwest corner of Dobson Road and the Chandler Heights Road Alignment.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "OCOTILLO CAMPUS PRELIMINARY DEVELOPMENT PLAN", kept on file in the City of Chandler Planning Services Division, in File No. PDP14-0007, except as modified by condition herein.
2. All buildings shall be designed to be consistent with the level of quality, detail, building material, paint colors, architectural articulation, and the like as established in the attached Development Booklet.

G. LUP14-0007 BOURBON JACKS BAR & GRILL

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 6 Bar License for on- and off-premises sales indoors and within an outdoor patio, and live entertainment indoors. The property is located at 11 W. Boston Street, Suite 1.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 6 (Bar License) only, and any change of licenses shall require re-application and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other store locations.
4. The site shall be maintained in a clean and orderly manner.
5. Music shall be controlled so as to not unreasonably disturb area residences.

H. LUP14-0008 TOKYO JOE'S

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premises sales indoors and within an outdoor patio. The property is located at 800 N. 54th Street, Suite 5.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 12 (Restaurant License) only, and any change of licenses shall require re-application and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other store locations.
4. The site shall be maintained in a clean and orderly ma

I. LUP14-0009 TONY SACCO'S

Approved.

Request Liquor Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption both indoors and within an outdoor patio. The subject site is located at 4960 S. Gilbert Road, Suite B-10, west of the northwest corner of Gilbert and Chandler Heights roads, within the Chandler Heights Marketplace shopping center.

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 is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
4. The site and outdoor patio shall be maintained in a clean and orderly manner.
5. Music shall be controlled so as to not unreasonably disturb area residents.
6. The applicant shall work with Planning Staff to ensure that adequate pedestrian clearance is provided between the parking lot and the patios.

J. ZUP14-0010 FAST & FURIOUS MOTORSPORTS LLC

Approved.

Request Use Permit approval to allow a used motor vehicle dealer in Planned Industrial District (I-1) zoning. The property is located at 4043 W. Kitty Hawk Way, Suite 5.

1. Expansion or modification beyond the approved exhibits (Narrative, Site Plan/Floor Plan) shall void the Use Permit and require new Use Permit application and approval.
2. The property shall be maintained in a clean and orderly manner.
3. There shall be no auto mechanical work, auto body, auto detailing, or washing of vehicles.
4. On-site advertising of vehicles for-sale is prohibited.

K. ZUP14-0014 OAKLAND BUSINESS PARK

Approved.

Request Use Permit approval to allow a used motor vehicle dealer in Planned Industrial District (I-1) zoning. The property is located at 500 N. 56th Street, Suite 8.

1. Expansion or modification beyond the approved exhibits (Narrative, Site Plan, Floor Plan) shall void the Use Permit and require new Use Permit application and approval.
2. The property shall be maintained in a clean and orderly manner.
3. There shall be no auto mechanical work, auto body, auto detailing, or washing of vehicles.
4. On-site advertising of vehicles for-sale is prohibited.

CHAIRMAN PRIDEMORE stated he had a couple of speaker cards. He called up the first speaker on Item E.

MR. FRANK HAND, 9517 E. SUNDUNE DR., SUN LAKES, stated he wanted to make a statement regarding Intel's proposal to put a parking lot adjacent to and close to the boundary

fence of Sun Lakes which behind are thousands of retired people that are in various states of health. They feel that is not good and they would ask for reconsideration. They planned to submit a package as to why and suggestions to what they might consider.

He called up the next speaker on Item F.

ROGER B. MAAT, 500 W. GARY DR., CHANDLER stated that for this bar to go in there he is against that because he lives on the corner of Gary and Iowa. He has lived there since 1964 and he has seen that whole area grow. He has his neighbors behind him here. Once before they had a bar there in that same location and they let them have live music and at night you could hear it inside your house. The other thing is it is right on the corner of Iowa and Ray Road. Those cars leave that place and cut on that side street and go down Iowa Street lickety split and if they make the turn on Gary Drive, one of them is going to end up in his bedroom. He is dead against it for that reason. He thinks that is why his neighbors are because of the noise. They have a neighborhood that they are trying to build back into a nice neighborhood. It has been run down and with this kind of stuff going on it is not going to happen because there is not sufficient parking there. When he came down here tonight, the parking lot is half full because there are other stores in there that people are using. Now they are going to be parking on the side streets and even across the street in the church property and that is why he is very much against it. He thanked them for his time.

CHAIRMAN PRIDEMORE asked Mr. Maat based on his experience regarding the noise how late at night has he experienced loud music from the establishment and how recently? Mr. Maat replied not from this one because there is nothing going on down there now. From the previous one that was in there, they would hear it at midnight.

CHAIRMAN PRIDEMORE said to Staff that in Study Session he asked how often the music would be occurring at this establishment. Do they have an answer for that yet?

SUSAN FIALA, CITY PLANNER, said she checked with the owner of the business and indicated that there would only be the live entertainment in one person, a keyboardist, occurring only on Friday nights every week through those hours and there would be only one person indoors only. The hours are from 9:00 p.m. until midnight.

CHAIRMAN PRIDEMORE asked if there was anybody else that would like to make a comment on Item F or have Item F pulled for a full presentation.

COMMISSIONER RYAN asked Staff that as far as the parking goes every time he has been by there it is hard to even see where the parking spaces are and the asphalt is pretty deteriorated. Is there adequate parking there for this facility?

SUSAN FIALA, CITY PLANNER, said with that being said when this property expanded in 2010 with an additional suite and the parking on site, there are about 40 spaces available with that. Based on the restaurant use alone there would be adequate space because looking at what would be the prep area and the common area for the public serving, there would be an adequate

amount because it takes about 25 spaces. **COMMISSIONER RYAN** said so that takes in all the other uses and tenants in there too. Ms. Fiala replied she did not calculate all of those pieces because of the times of those businesses being open. **COMMISSIONER RYAN** asked so they had some shared parking then? Ms. Fiala replied yes.

STAN MORKOWSKI, 476 W. GARY DRIVE, said in getting back to the music they have not heard any in a while because they are not playing any because they don't want them to hear it. When they were playing, you felt like it was in your living room and he lives right behind the restaurant. That is no. 1. No. 2, this is a residential area. They don't want any cabaret or anything like that. This is not the area for it. This is all residential. They don't want the value of their property going down or anything like that. They feel if they want something like that, let them find another area. They don't want to put them out of business. They can have a liquor license but they don't want dancing or disco.

CHAIRMAN PRIDEMORE thanked him. He said he was going to go ahead and pull Item F. He said they would pull Item F to the action agenda since they keep getting speakers and pull it off of consent. He asked the audience if there were any other comments or if anybody wanted to pull any items other than Item F for a full presentation. There were none. He looked to the dais for a motion on the Consent Agenda.

MOVED BY COMMISSIONER DONALDSON, seconded by **COMMISSIONER RYAN** to approve the Consent Agenda with the exception of Item F as read into the record by Staff. The Consent Agenda passed 5-0 (Vice Chairman Baron and Commissioner Cunningham were absent).

ACTION:

F. LUP14-0003 EL HERRADERO

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption in an existing restaurant and to allow live entertainment indoors. The restaurant is located at 474 West Ray Road, east of the northeast corner of Ray Road and Iowa Street.

SUSAN FIALA, CITY PLANNER, said this is for a Series 12 Restaurant License, not a bar license which means there can only be on-premise consumption in the restaurant. You have to derive 40% of your income through the sale of food. This property has a history of Liquor Use Permits. It has gone through several businesses as well. Back in 2011, a Liquor Use Permit was issued and at that time the tenant suite expanded and that was at the time where music and entertainment live was requested and approved with a 1-year time limit. That indoor music was to occur in the southeast corner away from the residential. Then in 2012 because of that 1-year time limit the new business came in and as well they had live entertainment and because that 1-year time limit has expired, the current owner wishes to continue having live music and

entertainment. That entertainment would consist of a 1 person keyboardist to occur only on Friday nights and it would not involve large bands and would occur indoors only in the southeast corner of the restaurant. Staff checked with police records on any incident and any history of crime and of any noise. There was one record in January of this year. However, in speaking with the applicant there was no live music or entertainment occurring at the business at that time so once again when those addresses are established with the police record it may be just in the vicinity and not necessarily related to that business at that address. They have placed several conditions on the Liquor Use Permit to address any noise issue that being it should not disturb the area residents and businesses. They are recommending a 1-year time limit to determine compatibility of this live music and entertainment. At that 1-year time limit they will again check if there have been calls or issues with the Liquor Use Permit and their entertainment.

CHAIRMAN PRIDEMORE asked if there were any questions for Staff before he goes to the applicant. There were none. He called up the applicant.

AMANDA ADAMS, 608 E. APPALOOSA ROAD, GILBERT, said she had someone with her that would speak for her as her English is not really good. Her friend said she just wanted to say this is a family business for families to come and enjoy eating and having music. This is not a bar – just family friendly. Regarding the parking, they own the store in the corner and usually at night they don't have many cars over there. She doesn't want to disturb her neighbors; she just wants to have a business.

CHAIRMAN PRIDEMORE asked if there were any questions for the applicant and asked if there was anybody else that would like to speak on this item. There was one speaker.

COLLEEN HUBER, M.D., 496 W. GARY DRIVE, CHANDLER said she mentioned her degree because she is a physician and works all day Saturday. If they have live music that they can hear inside of their houses on Friday evenings, that will interfere with her ability to do her job all day Saturday but mainly they are concerned about a quality of life issue. She needs to be able to have the home she intended to buy when she first bought it, which is a home that is free of other people's choice of music. They need to have the quiet, peaceful home that they bargained for when they first came to the neighborhood. It is a residential neighborhood and it is really not set up for this kind of live entertainment. That was not part of the deal when they moved into the neighborhood. She thanked them for considering their concerns and not allowing live music.

CHAIRMAN PRIDEMORE asked if there were any questions for the speaker. There were none so he turned back to the applicant.

MS. ADAMS stated she wants to try it and if they have any problems she is more than willing to help out because she works there every day. She stays there when they have the music. It won't be very loud.

COMMISSIONER WASTCHAK said he had a comment and question for Staff. They had mentioned that typically they don't put a phone number in there for calling if there is a question

for restaurants. Normally it is for bars. Is that something that they are saying they wouldn't put in here if there were concerns? The applicant is saying that they are going to be open to working with the neighbors if there is a concern to keep the sound down. Even though it isn't a bar maybe in this case they could put a phone number that says there are concerns the neighbors know who they can call. It sounds like they are offering that. Would they be open to that?

KEVIN MAYO, PLANNING MANAGER, said historically on restaurants that have some level of live entertainment. The live entertainment is very incidental to the restaurant in itself but historically they have not needed to use that stip. The restaurants just live in a family environment versus not living in that family environment and he said they can all think of the one or two that didn't. In terms of this request if the applicant is agreeable to put that stip. in and he doesn't have the specific wording with him, but it is something like 'the applicant shall provide a neighborhood liaison contact phone number that is to be on staff'. Maybe Susan can get it but if not, they will make the statement of intent of that stip. and get the wording on its way to Council. They are in the situation where they have had an applicant that came forward that said they will abide by these rules and have gone out and broken those rules and now they are back trying to figure out what to do. A lot of times that liaison stipulation becomes a last ditch effort. There have been problems on the subject time with the previous owners. The current owner is representing what they want to be. If it sounds like they are agreeable to that stip., they will be glad to add that to the record as condition no. 8 and move that forward to City Council. Maybe that will offer the neighbors some level of comfort. Most neighborhoods never want to have to be the first level of policing the enforcement of things. He does understand that level of sensitivity as well. It sounds like the applicant is amenable to it. **COMMISSIONER WASTCHAK** said that is why he asked. It shouldn't be an issue with the neighbors but he wants the neighbors to at least have that ability so they don't have to wait a year and can at least try and inter-face with them. He thinks that would be prudent at least in this case especially since there is a history with this site. Being a restaurant shouldn't be an issue but he guesses it was. Mr. Mayo stated that after this hearing, Susan will get that contact information to those neighbors as well. Sometimes people don't want to call directly to the business, they would rather call a City official. They are only there 8 to 5 and they would be getting the call after the fact but they have another point of contact for record and enforcement.

CHAIRMAN PRIDEMORE said if they could go ahead and get that wording ready to add here because he would like to have that in their back pocket. He would be supportive of that. He asked if there were any more questions for the applicant. There were none so he closed the floor and turned to the dais. He said in cases like this they put a 1-year stip. on things so that they basically give people the opportunity to prove themselves. He said he obviously doesn't live in that neighborhood and he would not be directly affected by it. They still have to take people at their word in his opinion in at least the first go around. The system is set up and he would be amenable to adding the stip. about providing a liaison contact for the neighborhood. He thinks that is a reasonable addition in this case but he would also be in support of the item to give this new operator a chance to succeed and it's a chance to fail as well. They have to give them the benefit of the doubt.

COMMISSIONER RYAN said he is o.k. with the Liquor Use Permit but he is not o.k. with the music. He thinks this facility is too close to the residential and it is like Mr. Maat said - this residential area is starting to come back and they are trying to get it back so this is working against them. He doesn't want to prohibit the business from serving alcohol but he thinks the music is a distraction so he would be opposed to the music.

COMMISSIONER DONALDSON said in looking at this with a Series 12 this establishment he is going to have make most of its revenue from food sales and they are indicating they are a family restaurant. They are going to be serving alcohol with incidental music to enhance their business model. He is really sensitive to traditional neighborhoods and older neighborhoods that are trying to make it back. He just thinks that the history of this site shouldn't necessarily carry forward to these new owners and give them a chance, so he would be supportive of the additional stip. with communication available to the owners. Hopefully, they will be a good neighbor and they will have a chance to come back if they are not.

CHAIRMAN PRIDEMORE looked for a motion.

MOVED BY COMMISSIONER DONALDSON, seconded by **COMMISSIONER WASTCHAK** to approve Item F with the additional stipulation 8 that will read, 'The applicant shall provide a liaison contact and phone number to concerned citizens to call for any issues related to loud music'. The item passed 4-1 (Commissioner Ryan opposed). Vice Chairman Baron and Commissioner Cunningham were absent.

CHAIRMAN PRIDEMORE said they are only a recommending body so City Council has the final say on this matter. This item will be going to Council August 14, 2014. They will have another opportunity and he suggested they go because they will have the opportunity to speak on this item.

6. DIRECTOR'S REPORT

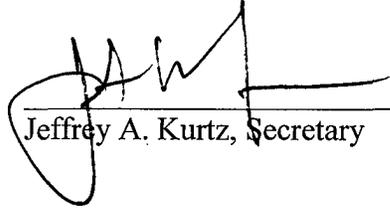
Kevin Mayo, Planning Manager, said there is nothing to report this evening.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE said the next regular meeting is August 6, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT
The meeting was adjourned at 6:01 p.m.


Matthew Pridemore, Chairman


Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 6, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Bill Donaldson
Commissioner Katy Cunningham
Commissioner Devan Wastchak
Commissioner Ryan Foley

Absent and excused:

Commissioner Phil Ryan

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. David de la Torre, Principal Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER DONALDSON, seconded by COMMISSIONER WASTCHAK to approve the minutes of the July 16, 2014 Planning Commission Hearing. The motion passed 4-0 with 2 abstentions (Vice Chairman Baron and Commissioner Cunningham abstained as they were not present at that meeting). Commissioner Ryan was absent at this meeting.
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE 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 item pulled for action – Item G.

A. APL14-0008 DOBSON/GERMANN AREA PLAN AMENDMENT /
DVR13-0030/PPT13-0019 CANOPY LANE

Approved.

Request an amendment to the Dobson/Germann Area Plan from Low Density Residential to Medium Density Residential. In addition, request Rezoning from Planned Area Development for office to Planned Area Development for single-family residential, with Preliminary Development Plan and Preliminary Plat approval for subdivision layout and housing product. The site is approximately 2.5 acres and located north of the northwest corner of Dobson and Germann roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Canopy Lane", kept on file in the City of Chandler Planning Division, in File No. DVR13-0030, except as modified by condition herein.
2. 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.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
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 covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
7. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, the Development Booklet, entitled "Canopy Lane", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0030, except as modified by condition herein.
2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Planning Administrator for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
5. 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.
6. Lots 11 through 15 shall be constructed with single story homes only.
7. The same elevation shall not be built side-by-side or directly across the street from one another.
8. "No Parking" signs shall be installed where parking is prohibited and in accordance with Fire Department regulations.

Preliminary Plat

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

B. PDP13-0016 OCOTILLO PLAZA SHOPPING CENTER

Approved.

Request Preliminary Development Plan (PDP) approval for additional commercial buildings, and PDP approval for a comprehensive sign package for the Ocotillo Plaza shopping center located at the northwest corner of Alma School and Queen Creek roads.

1. Development shall be in substantial conformance with the Development Booklet, entitled "Ocotillo Plaza Shopping Center" and kept on file in the City of Chandler Planning Division, in File No. PDP13-0016, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
3. The applicant shall work with Planning Staff to ensure that decorative metal elements are incorporated into the design of the monument sign.
4. All tenant panel and center identification lettering on the monument signs shall be 1" routed aluminum push-thru lettering.
5. Landscaping shall be in compliance with current Commercial Design Standards.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
8. The freestanding pads shall carry an architectural level of detail similar to front facades of main building.
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. The applicant shall work with Planning Staff at time of building permit submittal to ensure that there is cohesiveness between the commercial buildings in the use of colors, materials, accent features, and architectural design.
11. The applicant shall work with Planning Staff to ensure that the drive-thru of Building A meets the queuing requirements as provided in the Zoning Code.

C. PDP14-0005 FAIRVIEW MEDICAL PLAZA

Approved.

Request Preliminary Development Plan approval of a phased medical office development. The approximate four acre property is located at the southeast corner of 94th and Fairview Streets, north and west of the northwest corner of Dobson and Pecos roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "FAIRVIEW MEDICAL PLAZA", kept on file in the City of Chandler Planning Services Division, in File No. PDP14-0005, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinance No. 4174, in case DVR09-0011 SANTE CHANDLER, except as modified by condition herein.
3. The vehicular curb cut and pedestrian connection located on the Sante Chandler property shall be removed and reconstructed by the Fairview Medical development as part of Phase I.
4. Landscaping along 94th and Fairview streets shall be installed as part of Phase I.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
7. All buildings shall be designed to be consistent with the level of quality, detail, building material, paint colors, architectural articulation, and the like as established in the attached Development Booklet.
8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

D. ZCA14-0001 ZONING CODE AMENDMENTS

Approved.

City initiative to amend Chapter 35 of the City Code (Zoning Code) by adopting clarifications, citation reconciliations and other minor adjustments to match current administrative practices.

Upon finding consistency with the General Plan, Planning Staff recommends approval of the Zoning Code amendments as presented in case ZCA14-0001 ZONING CODE AMENDMENTS.

E. LUP14-0010 THE PERCH

Approved.

Request Liquor Use Permit approval to expand the premise area to sell and serve liquor as permitted under a Series 6 Bar License in an existing restaurant, outdoor courtyard and patios, and continue live entertainment indoors and outdoors. The request also includes expanding the area for operation of the Series 3 Domestic Microbrewery License to include additional storage for property located at 232 South Wall Street, north and west of the northwest corner of Arizona Avenue and Frye Road.

1. The Liquor Use Permit granted is for a Series 6 license and a Series 3 license, and any change of license shall require reapplication and new Use Permit approval.
2. The Liquor Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require a new Liquor Use Permit application and approval.
4. Music and entertainment shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
5. No noise shall be emitted from the live music and entertainment occurring outdoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
6. No live entertainment shall occur after 11 p.m. on Friday and Saturday.
7. The establishment shall provide a contact phone number of a responsible person (bar owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.
8. The site shall be maintained in a clean and orderly manner.

F. LUP14-0011 MAX & TED'S 480

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor as permitted under a Series 6 Bar license and allow live music indoors at an existing bar. The property is located at 480 N. Arizona Ave., south of the southwest corner of Oakland Street and Arizona Avenue.

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

2. The Liquor Use Permit is granted for a Series 6 license only, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. Music shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
5. No noise shall be emitted from the live entertainment occurring indoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
6. The site shall be maintained in a clean and orderly manner.

H. PPT14-0010 CORNERSTONE CHRISTIAN FELLOWSHIP

Approved.

Request Preliminary Plat approval for an approximate 23-acre church campus located at the southeast corner of Alma School and Willis roads.

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

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda with the exception of Item G, as read into the record by Staff. The Consent Agenda passed 6-0 (Commissioner Ryan was absent.)

ACTION:

G. ZUP13-0025 HUDSON BAYLOR dba RECOMMUNITY CHANDLER

Approved.

Request Use Permit extension approval for the continued operation of a recycling facility located within a General Industrial (I-2) zoning district, and the continued use of ingress and egress off of Hamilton Street. The subject site is located at 1100 N. Hamilton Street, north and west of the northwest corner of Ray Road and Hamilton Street.

1. The site shall be maintained in a clean and orderly manner.
2. 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.
3. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

MR. ERIK SWANSON, SENIOR CITY PLANNER, stated this a request is for a Use Permit Extension approval for the continued allowance of ingress and egress off of Hamilton Street for a recycling facility located within an I-2 zoning district. The subject site is located at 1100 N.

Hamilton Street, which is generally north and west of the northwest corner of Ray Road and Hamilton Street. Staff is recommending approval with conditions.

The subject site is surrounded by I-2 zoned properties. There are recycling activities occurring to the south of the subject site. East is a vacant industrial lot and then north is a welding facility. Recycling activities have taken place on the subject site and the site to the south. Since the late 80's it is important to note that as he stated in the request tonight the request is simply for the allowance of ingress and egress. As Staff has reviewed this, the recycling activities themselves have been vested for the subject site. The question is whether or not the allowance for ingress and egress off of Hamilton Street.

This specific building has operated for recycling facilities since 1995 and has operated using access off of Ray Road. They go in and out off of Ray Road not causing any issues with Hamilton Street. In 2001, Use Permits were granted to allow ingress off of Hamilton Street and then they would cut through and go back out down to Ray. When he got involved it was in 2009 and at that point in time there was a split in ownership between the subject site and the recycling facility to the south. At that point in time there was a request for ingress and egress off of Hamilton Street so this subject site could get in and out without having to head down south on to Ray Road. The Use Permit was granted for one year. They did come back in 2010 and also received a 3-year extension at that point in time which brings them to today's date.

As alluded to during the 2009 and 2010 process, they really looked at the truck traffic, what would be generated, what were the issues going to be and were there other extenuating circumstances. Staff worked with their traffic department, looked at projected totals, worked with the applicant on what their projected total from a traffic standpoint was, and they both came to an agreement that there wasn't an issue. It is important to note that Hamilton Street as it is designed from a cross-section standpoint is an industrial collector. It is designed to accommodate this kind of truck traffic. It is very much in keeping with the area. Again, they looked at that as this case came through this most recent time. He worked with their traffic division to go back out and have them measure traffic counts again. Let's see what is being generated. They did the 2-day study; they also did a study with some cameras as well to watch movements. Really what it came down to is that 4% of the total traffic on Hamilton Street was truck generated; that is the recycling trucks, Fedex trucks. Again, looking at this as well, they looked at the overall traffic heading north on Hamilton Street and that was about 9% of the truck traffic. So it was 4% overall, 9% heading north.

It is important to note that with the original Use Permit granted in 2009 and subsequently in 2020 and what they are again recommending at this point in time is that any traffic coming out of the site onto Hamilton Street, head south down to Ray Road rather than heading north into the more residential areas. The applicant has done that albeit there are probably some kinds of rogue trucks that occasionally head north. Their study showed that there were some that did do that. By in large, 91% headed south as they are required.

They did have a neighborhood meeting. There were a number of neighbors that attended. In addition to that, he has been in contact with what has turned out to be a neighborhood activist or

advocate. He works with him and then goes back to the HOA and goes back to the larger neighborhood and presents their information. It is kind of working back and forth. What it has come down to is there are 3 primary issues they are concerned with. One is the diminished property values on account of the recycling facility, two is the on-going trash issues (if a storm rolls through there are recyclables kind of thrown throughout the neighborhood) and three is the traffic on Hamilton. As he explained to him and tried to explain to the neighbors, they can't really touch the diminished property values just because that is information they don't generally get into. Regarding the trash it is difficult to really pinpoint where it is coming from because there are other facilities in the area. However, all of the times he has gone out to the subject site he has never found there to be an issue with trash. As indicated in the applicant narrative, when a truck comes in and dumps the trash, it is pushed into a 3-sided building and then they push it all the way to the edge and there is a net that is pulled over it to prevent anything from going out. Really what it comes down to is that any recyclables that get outside of the net is more or less money lost to the user. They have looked at the surrounding users and have noticed there are some deficiencies in some of their standards and they are working with their site team to remedy the issues with outstanding trash in the area as well as some other issues. It is tough to say that this guy and not that guy – it could be both. By in large from Staff's visiting the site and perspective, the subject site has been clean on all of their visits. His understanding is that there are a number of neighbors here tonight that are here to speak about the case. In a nutshell the opposition that he has heard is really about the traffic and trash. They believe that the traffic issue has been addressed and they don't really believe that this site is particularly the result of the trash and there are other users in the area that may also contribute to that.

Mr. Swanson said Staff is recommending approval for an additional 3 years. Again, the request is primarily for the ingress/egress off of Hamilton Street and not for recycling use.

CHAIRMAN PRIDEMORE said for the audiences benefit could he define what vested means in terms of the use not only for this site but the others surrounding it. Mr. Swanson said from the standpoint of this type of use when you get a vested use, in this case there is a use permit and some of the other items on tonight's agenda there are use permits. In essence that is a granting of a particular use on a property that says that use is allowed with some conditions attached for a certain amount of time. In this particular case the way that the zoning has occurred over the years, the recycling use is more or less allowed and vested on the site but there are no particular modes that can be removed. In this particular question, it is really whether or not traffic can use Hamilton to get to the site. That is what is in question. That can be taken away. Now granted if that is taken away, then ultimately they have to find another way to get in and out of the site to make sure that use can work but the use itself is vested and allowed to stay.

CHAIRMAN PRIDEMORE said regarding the traffic, he knows you said the one figure was 91% of the traffic was heading south to Ray. In general does he have an overall count of how much traffic is actually being generated by this particular property? Mr. Swanson said he has the traffic report in from of him so he said he would crunch some quick numbers. What they are looking at is a tractor trailer volume of roughly 29. That is over the 2 day period and then single unit truck volume which includes 2 axle trucks is right around 200. That isn't specifically to this particular user but the tractor trailer is. They are looking at 29 for the tractor trailers over those 2

day periods and then 217 over those 2 day periods and that is the municipal trucks that come in and go.

CHAIRMAN PRIDEMORE called up the applicant.

WILL HERZOG, REGIONAL DIRECTOR OF BUSINESS DEVELOPMENT FOR RECOMMUNITY, stated they are the operator of the facility at 1100 N. Hamilton Street. He said he has been before Commission and Council in the past. He has been involved with this project since they first applied for their expanded use permit back in 2009. Recommunity is a recycling company. They are not attached to other things such as trucking or garbage. They don't actually operate any of our own trucks. In terms of collection routes they operate one tractor trailer vehicle specific to this project. They receive recycling material collected from households at their facility, consolidate those and move them to a second processing facility elsewhere in the valley. In terms of traffic count, they typically average approximately 100 vehicle trips a week from their facility. Those are made up of in-bound deliveries from a variety of recycling collection vehicles as well as their outbound trucks taking the collected recyclables to their processing centers. The reason that was stated by Staff that came originally in 2009 for the Use Permit and a continued request for it. It is the driveway to their property that only exits onto north Hamilton Street. They have no other means of access in or out of the facility. In the history of the site there was access across a neighboring site unfortunately they no longer have that opportunity –the land use has changed. They are adjacent to a similar operation.

It is very difficult for them to know exactly where any of the potential neighborhood concerns regarding contamination is coming from. He can't speak to the neighbor's property but he can speak to what they do to try and contain the recyclables delivered to them and processed at their facility. As Staff noted, they did receive all of their materials indoors in a 3-sided building that had the screen that is able to be closed when there is no traffic so that they are able to maintain all of the materials indoors. It is important to them. Every single piece of recyclable material, bottle, paper, has value to them but only if you can capture it, process and sell it. Anything that gets away from them is a loss of revenue. Not only do they have the ability to contain materials, they also have Staff on site. Part of their daily responsibility is to clean up because they are not perfect and he doesn't claim to be. What they do have is an everyday protocol of the staff going around our site all the way out to the end of their driveway. If they notice anything on Hamilton Street they are also instructed to clean that area as well so they can be as good as a neighbor as they can be given the fact that they all know that recycling is not popular when there are adjacent residential neighborhoods. The recycling facility does go back long before Recommunity was involved or their predecessor – Hudson Baylor.

What they are here asking for through the Use Permit is being able to maintain continuing their business. Their business is to provide a location for their customers that provide efficiency for our customers. It allows their customers to shorten their driving time by acting as a consolidation point. It allows their customers to drive fewer miles with individual vehicles so there are obviously some greenhouse gas house benefits to that as well as strict cost savings for everybody involved. Without the access to Hamilton Street they would have no way they could bring trucks onto their property but have no legal way to have them exit and that would have a severe

damaging impact on their business. He said he was happy to answer any questions they might have about their use, their traffic counts and flow, their procedures for trying to be a good neighbor and keep the site clean. At each of the meetings he has been to from 2009 and forward at neighborhood meetings and at City Council meetings, he has already tried to hand out his business card and ask people to call him if they have specific concerns and complaints. They do try to be as good of a neighbor as they can possibly be given the fact that they are absolutely in a recycling use. Everybody likes to recycle but no one likes to have it in their neighborhood.

CHAIRMAN PRIDEMORE asked if there were any questions for the applicant.

COMMISSIONER DONALDSON said in the last part of his statement that he would have ingress but not egress. Mr. Herzog said the ingress was allowed through a prior Use Permit prior to them being involved in the property so his understanding is that the ingress is a pre-existing approved use from a prior Use Permit that actually has no termination to it. **CHAIRMAN PRIDEMORE** asked Staff why it is one-sided. Mr. Swanson, Senior City Planner, replied that in 1995 they came in and got the Use Permit for the ingress which then allowed them to go down to Ray Road because they had that partnership to the south. Then in 2009 they had to get the egress and so it was tied together.

KEVIN MAYO, PLANNING MANAGER, said back when the subject's facility in the one to the south were not combined but operating in harmony with each other, the access came in off of Ray Road. They came up into the site and then came back down. They came through in 1995 and got the Use Permit to come in off of Hamilton and basically created a loop using Hamilton. In early 2000, they took through a time extension that had no time limit so that again the two facilities both were coming in off of Hamilton and dropping down to the site back to Ray Road. That no longer has a time condition to it at the point that the southern facility stopped access for this facility to come down south. The southern facility has everything coming off of Ray Road and this one functions apparently off of Hamilton and in 2009 brought with it the need for egress onto Hamilton. It seems a little bit weird but the entire site has the ability to use ingress off of Hamilton, even the other one. If the gate got opened back up, they could use that. If this Use Permit Time Extension fails, the site still has the Use Permit authority to enter off of Hamilton and still has Use Permit authority to operate the recycling transfer facility on the property but does not have land use authority to exit onto Hamilton.

COMMISSIONER WASTCHAK said would it be safe to say that most of the truck traffic that actually has trash is inbound traffic? Mr. Herzog replied the in-bound traffic is recycling. They prefer to refer to it as recycling then trash because it has value as opposed to something that is thrown away. The inbound trucks are collection vehicles that collect recyclables from households typically and deliver those to our facility. **COMMISSIONER WASTCHAK** said so the only truck taking trash away would be one that has their consolidated materials. Mr. Herzog said yes to a larger vehicle to save money and time. **COMMISSIONER WASTCHAK** said is the property landlocked other than this access point? Mr. Herzog replied yes it is. **COMMISSIONER WASTCHAK** said is there an alternative to get out? Mr. Herzog said they have not been able to secure any alternatives at this time. They are bordered by railroad on one side and the same owner owns everything to the southern border of their property and they have

not been able to secure an agreement. **COMMISSIONER WASTCHAK** said so if this is denied they wouldn't have access to their facility. Mr. Herzog replied correct. **COMMISSIONER WASTCHAK** said other than bringing people in but nobody is leaving. Mr. Herzog replied yes.

CHAIRMAN PRIDEMORE said the item before them tonight is for the egress from this site; it is not the use. He knows that is a sticking point for some of the neighbors unfortunately that is out of their prevue tonight so please be aware of that.

JOHN OSBORN, 3165 S. ALMA SCHOOL ROAD, SUITE 29-306, CHANDLER, said the main issue he has with the property is if you are heading east on Ray Road to turn left onto Hamilton and one of the tractor trailers is leaving, which has happened twice to him this year, he had to back up to let this truck out. It may be zoned industrial but it is not built industrial, if that makes sense. It is a small 2-lane thorough fare and a turning radius on a tractor trailer forces that truck to come all the way over into eastbound Ray Road traffic in order to get its car going westbound on Ray Road. He has rentals in the area and he has had to back up his car twice due to that. Another point of contention is that he has heard it bandied about as a recyclable station. He sees a lot of trash in the neighborhood and he doesn't know what the percentage of trash gets put into those blue cans. That has to be figured into the equation he would say – it's not all recyclables coming in. It is really about the traffic and it is a danger heading west.

COMMISSIONER CUNNINGHAM asked how long would he say the trucks are – how large? Mr. Osborn said there is regular tractor trailers coming in – 40 foot trailers and then the cabin is at least 20 along with the hitch.

BRAD TAYLOR, 700 E. INDIAN WELLS PLACE, CHANDLER, said he has been a Chandler resident since 2002. The reason he is here based on Mr. Swanson's comment and Mr. Herzog's comment, they are in the process of looking at investment properties and the Fiesta and Provinces subdivision which neighbors on Hamilton Street. During his due diligence phase, he has been out there 2 or 3 times. As John had mentioned, Hamilton may have been built and zoned for commercial for 2-axle commercial trucks but these are 4-axle with trailer trucks that are 40-foot trailers. Hamilton is a narrow street – one lane each way with a center turn lane so it is not designed for a 40-foot tractor trailer. During the due diligence phase and walking the neighborhoods and what not and sitting out and watching the facility, you can't control City of Gilbert, City of Mesa or services but he has noticed several times the 2-axle trucks making left turns going northbound onto Hamilton versus south as the sign states. They need to tighten up the protocol there. At the end of the day based on what he has seen so far, he thinks he will invest elsewhere.

GARY LIEDER, 1017 N. BOGLE AVE., CHANDLER said his back street is Hamilton. At 4:30 in the morning he starts hearing trucks coming out of there. It is not so much that he sees trucks it is hearing them all day long. They see a lot of garbage in their back yards. They even see rats. The rats are out at night time. They have runners that go around and see them on the back fences. You can see them go on their back fences. Their back fence is higher than any fence around the neighborhood. You tell him out they get up there, he doesn't know. He is

looking at his property value. Someday he is going to sell and he doesn't want to have a low price because there is a dump in his back yard. There are a few other people here from the same neighborhood that he is at. There are a lot of people that couldn't make it tonight. They were saying the same thing. They are hearing the trucks going in and out and a lot of noise. A semi makes a lot of noise especially when it is 45 feet behind your house. He hopes they deny it because he doesn't want to see it.

WILLIE MONTEITH, 1122 N. BOGLE AVE. CHANDLER said he lives right behind the recycle plant. Every morning at 4:00 they are pulling out. Is that street designed for 40-foot trailers? He worked for the City of Los Angeles and they shouldn't be down that street. There are kids and parents taking them back and forth to school and these trucks are very dangerous. They don't care, the trucks belong to them – it's making money to recycle. His property values are going down because of all of this trash blowing into the yard. Come on over on windy day and you can see all that stuff. People have swimming pools; they have to buy a new pump because the plastic gets into it. They have to replace them. They should a bill to the guy and make them pay for it.

LINDA VAN HORN, 693 E. IRONWOOD DRIVE, CHANDLER said she lives in the Provinces and it is a little bit over her head that there is nothing they can do about the actual transfer station itself. It's there and they have to live with it. That is what she got out of this. In relation to talking about property values perhaps it would be a little easier to ignore if you put your house up for sale and people came and see your home, if they didn't have the big trucks that are going up and down Hamilton and just seem to bring it right out to anybody who is looking at your property. At least maybe they could live with it a little easier since there is nothing they can do about it, if they could keep the big trucks off their community road which is what they feel it is. They were talking about ingress and egress and she understands why they feel they have to come out onto Hamilton but a statement was made that they can't come out onto Ray Road because that would be illegal and she is wondering why that is. It doesn't seem like it would be to her if they could just take a right. If they could do that, why can't they drive their trucks and make their circle on their property rather than using Hamilton as the circle. That is the part she is not getting. She wants to state to please keep the trucks off of Hamilton so that at least it isn't so obvious when they go to sell their home that there are big trucks going down that street and that might help them to live with it.

MITCH VAN HORN, 693 E. IRONWOOD DRIVE, CHANDLER stated he is a tractor trailer mechanic and he said he can guarantee them that Hamilton is not wide enough for tractor trailers to pull out onto the street and stay in its own lane. There are 3 lanes there and he said he will guarantee that every one of those tractor trailers that pulls out of that yard goes into the third lane. Everybody keeps saying 40-foot trailers – those trailers could be up to 53 foot trailers. Then you add on a 15-foot tractor and if you are sitting on Hamilton, you have 3 lanes; one goes north, one is a turning lane and one is a right hand turn lane or going straight. Right there at Ray Road it is only 2 lanes wide. There is an island in the middle where cars turn to go left on Hamilton. There is no way that tractor trailer is going to make that right turn onto Ray Road without swinging out into the turning lane, out into the middle of the intersection so anybody turning left onto Hamilton and then will be lucky to miss the curb to get into the second lane of

Ray Road. He will never make that inside lane. There is a telephone pole and a sharp curve right there. That road is not set up for tractor trailers and that is coming from somebody who knows. The other point he has if you go down and look at that yard, it is huge. They have a wide open field to the east. He has the railroad tracks right behind his building. If he wanted to, he could put down pavement, he could put down rock and make that yard big enough to do a U-turn and go back out the same way they have been coming in for years. It's bad enough that they have expanded. He's saying his competitor, his recycling plant. That recycling plant has been there since 1995 at least, a long time. They never had the trash, they never had the rats or any of those problems until this new company came in. They are bringing recycles from Mesa, Gilbert, Tempe. Why? They have a Chandler station that they pay for that is down away from housing on McQueen and Queen Creek. They pay for those themselves. They put it out there because it is not near people. It is not ruining the values of the homes around it. They all did that. We all did that because they are here in Chandler. He has been here for 25 years. This is one of the worst ideas is to put a recycling plant in the middle of your town. That is what - 1.5 miles from downtown Chandler. Is that the kind of impression they want to give out to people. They want people to move here. That is all he has to say.

CHAIRMAN PRIDEMORE closed the floor for public comment and he asked the applicant to step forward as he had a question and he has the opportunity to make another statement. He said he heard several times tonight about the hours of operation in this facility. He is quite surprised about the 4 a.m. operating time if in fact that is correct. He asked Mr. Herzog, the applicant, during what hours are these trucks arriving and leaving. Mr. Herzog said in the Use Permit application it does speak to operating hours that start at 4:30 a.m. That is a residue of the prior operation prior to arriving on the site and they maintain those hours. Their current operation typically starts up around 6 in the morning and most of the inbound traffic is received between the hours of 8 a.m. and 4 p.m. This is the majority of the truck traffic that happens at their site. They are one of several industrial users in the neighborhood. He can't speak to whether or not there are other trucks or other activity happening in the neighborhood. Beyond that time, his manager typically arrives at the facility somewhere between 5:30 a.m. and 5:45 a.m. They have some start up activities. Typically our operations commence around 6:00 in the morning. **CHAIRMAN PRIDEMORE** said so there could be a time where a truck arrives at say 4:30 a.m. and is just sitting there or is it dumping its load? Mr. Herzog said they don't currently have anything happening on site at 4:30 a.m. **CHAIRMAN PRIDEMORE** said but they could. The Use Permit is written that way because the 4:30 a.m. start time was the existing condition when they took over the facility. **CHAIRMAN PRIDEMORE** said again just to clarify their current operations really don't get going until closer to approximately 6 in the morning. He said Mr. Herzog is welcome to respond to the comments if he so chooses.

MR. HERZOG said one of the comments he wanted to speak to was their operating hours. So obviously they just touched on that. Ms. Van Horn also made the comment about trucks having access to Ray Road. He wanted to clarify, they do not have any direct access to Ray Road nor do they have any direct access to any other neighborhood streets other than North Hamilton. They are a tenant on the site. Their landlord they share the driveway with and the driveway goes to North Hamilton Street. It is a separately owned parcel to the south of us as well as being separately owned parcels to the west of us on the other side of the railroad tracks and to the

north. He wanted to clarify that point that if they had access to Ray Road they would certainly do everything we could to use it. Unfortunately, their site does not have that. Speaking to how trucks exit their site, their trucks are directed at all times to come and go from the Ray Road side of Hamilton so they should be coming to our site from Ray Road north on Hamilton. They also exit our site to the south down Hamilton towards Ray Road. That was expressly put into their Use Permit in prior hearings because they were trying to keep traffic away from the rest of the neighborhood at the residential areas that are to their north and west. They do regularly instruct their customers who are driving these vehicles to please observe the rules. Always enter and exit coming from the Ray Road side on Hamilton. On a monthly basis we re-issue notices to all of the drivers who use their facility to remind them of the rules in addition to the times posted at the end of our driveway instructing all truck traffic to turn to the right and towards Ray Road. His only other comment just because it has not come up in the discussion is he does note that the traffic pattern of Hamilton and Ray roads is a traffic light controlled intersection so certainly their drivers should be obeying all the traffic rules related to the traffic light and he would hope that would ease any potential congestion at that point.

CHAIRMAN PRIDEMORE asked him if he would say there is an on-going effort to negotiate with their neighbor to the south for exiting or is that no longer happening. Mr. Herzog replied because they are in related businesses they have periodic discussions on a variety of topics and certainly whether they initiate them or are approached by different ideas, they are always exploring different ways they might be able to partner together, unfortunately, they have not found a successful avenue to get there. **CHAIRMAN PRIDEMORE** said is it safe to say it is on-going? Mr. Herzog said it isn't a weekly discussion but it is a topic that is raised periodically.

COMMISSIONER DONALDSON said the ingress and egress that existed before they received permission on Hamilton, the property to the south was that in its current configuration or is that a configuration of new buildings that have been built or is that ingress/egress plausible? Mr. Herzog replied that prior to applying for the existing Use Permit the building that they occupy was occupied by the business under different ownership to the south of them. That business at the time went through a Chapter 11 proceeding and that was what caused them to separate. They were actually working with them in a capacity prior to the Chapter 11 but through the Chapter 11 proceeding unfortunately that fell apart. Through the Chapter 11 proceeding a new owner took over this facility to the south and that is where they stand today. Physically on the site, he can't speak to whether or not there have been any major changes to their site because he doesn't know. He does know as a result of them separating their facility from the facility to the south of them, they shared in the cost of putting up a fence between their two properties. He can't speak to whether or not there are any other physical restrictions or traffic flow concerns that the owner to the south would have with their truck traffic. **COMMISSIONER DONALDSON** said he probably transfers a number of cubic feet of material. Since they have people on it and resources on collecting it and making it sure it doesn't escape to a large degree, do they have a fall down percentage? Mr. Herzog said actually they do measure that because they measure what comes in as well as what goes out. He said he didn't know the percentage off the top of his head. The numbers tie up very closely because as he stated before any material that is received and not been able to be recovered is a loss to them. While he doesn't have that number at his fingertips, it is extraordinarily low because that is their business to not lose anything.

COMMISSIONER CUNNINGHAM asked if it would affect his business adversely to change the permit to start at 6:00 a.m. rather than 4:30 a.m. so that no trucks from their facility would be out at 4:30 in the morning. Mr. Herzog said their permitted hours right now are 4:30 a.m. to 6:00 p.m. My request at that point would be to make sure that they had at least the same amount of permitted time to operate in the event of things happening that require them to work a little bit longer than their plan. Their plan is to work approximately 6 in the morning to 4 in the afternoon but anyone in an industrial type of business knows that things happen and they do need to have the ability to operate longer. Whether it's preferable for that to be later into the evening versus earlier in the morning is not my position to make a statement on. They have not to his recollection started up at 4:30 a.m. He can't remember the last time they intentionally did that. It is an element of a business flexibility that helps us. **COMMISSIONER CUNNINGHAM** said just for clarification, their property is what she would describe as a flag lot. You have a square property in the middle of a very large block and you have in the northeast corner a strip of land that accesses Hamilton and that is the only way they can get out. Mr. Herzog replied that is correct. **COMMISSIONER CUNNINGHAM** said so if that way were blocked to them, he has no business. Mr. Herzog said that is correct.

COMMISSIONER WASTCHAK asked if he said the property to the south owns the land he is on and does he rent from them or did he hear that wrong? Mr. Herzog said no the property he is on is owned by the Steel Company which is located to the north of them. The property to the south of them is owned by a different ownership group. They are tenants of T.W. Steel. **COMMISSIONER WASTCHAK** said the Steel company's access is the same access that we are talking about to Hamilton. Mr. Herzog said yes it is. **COMMISSIONER WASTCHAK** said he had a question for Staff. Is the Steel company required to have a Use Permit as well for access on this road and why is it specific to this site that a Use Permit is required. Mr. Mayo, Planning Manager, said you get deep into the technicalities. He said to look to the vicinity map that is attached to their memo. They will see that entire block that is bound by the Festiva Corridor residential subdivision to the north, railroad tracks on the west, Ray Road on the south and then Hamilton on the east. That entire block is zoned what they consider a hard zoning district of I-2. That is general industrial. It is the heaviest industrial district that they have in Chandler. The only thing less than that is I-1 and that is more of a light industrial. This is general industrial so the heaviest of the heaviest things they can do from a manufacturing standpoint can occur on this property by right. It needs no Use Permit approval to do such. T. W. Steel, the steel manufacturing facility they operate there with their trucks and some of them are 18-wheelers and some are U-Haul size trucks, all that can exist without any Use Permit and is allowed by right. Their access to Hamilton is allowed by right. Because the recycling facility is not a use that is allowed by right in I-2 – that takes a Use Permit. The piece that subject business is in has Use Permit approval to operate that recycling facility as does the piece at the south, the other recycling facility. It goes all the way down to Ray Road. They have Use Permit authority to operate that business on this property. The need for the access to Hamilton and the reason for the Use Permit for that is because if a use is not permitted by right, it has authority to do something on this piece of property. They need to cross this piece of property to get to that public street; they still have to have some level of land use authority to utilize that property in some capacity even if it is simply just for access. So that is why the Use Permit came in initially

as they want to cross this piece of property that has not been granted authority to operate a recycling facility on – they want to use this piece of property to get to this piece of property. That started the entire Use Permit process for simply ingress off of Hamilton. Once the two split and they no longer had authority to go through the southern piece to get to Ray Road, they then needed to modify that request to include egress from a land use authority standpoint. **COMMISSIONER WASTCHAK** said the Use Permit for the recycle facility is vested now. Right? Mr. Mayo replied only on the piece that the building sits on. There are actually separate parcels. It looks like a flag lot from an ownership standpoint; that piece never had land use authority to have a recycling facility. Once they establish the authority to have a recycling facility if that piece physically touched public right-of-way, then you just naturally have that access. The piece that has land use authority for the recycling facility doesn't physically touch the public-right-of way. They have to cross over that other piece owned by T.W. Steel. **COMMISSIONER WASTCHAK** said if the property that we are talking about, the recycling, has vested use. It has a Use Permit and is now vested. At what point would this drive become vested as well? If they have been operating this, is it 2009 when the first Use Agreement was? Mr. Mayo replied the first access point came in 1995, as ingress only. When the two of them operated together, all exiting flow went south to Ray Road. In 2009, when they split and the fence was erected, then the egress standpoint came into play. **COMMISSIONER WASTCHAK** said because the Use Permit had time stip. on it, it didn't vest because it has always had a time stip. where the first one did not. The property to the south, that hasn't been reconfigured from when they previously had access down to Ray Road. They could technically use the same access if they could negotiate something with the property to the south. Mr. Herzog replied he can't speak to whether it has been reconfigured because he has not been on the site himself. He is not aware of anything that has been changed but he simply doesn't know.

CHAIRMAN PRIDEMORE closed the floor with the applicant and opened it up for discussion and questions from the Commission.

COMMISSIONER CUNNINGHAM asked Mr. Mayo about the steel company. Do they have trucks and they have no restriction of use on Hamilton. So it could be the steel company's trucks that are out there at 4:00 or 4:30 every morning. Is she correct? Mr. Mayo said that is correct. If this facility lost its access point, it then obviously loses its viability. The steel company owns the vacant dirt that is south of the flag so in the event they wanted to come in and ramp up or triple the size of their business, they can do so by right. There are restrictions in I-2 in terms of setbacks and things like that and assume they live within all of those, they could erect more buildings and do more steel truss manufacturing. They have direct access onto Hamilton and that can all occur by right without any public hearing of any sort. There isn't a restriction in terms of hours on their business especially in I-2. It is the hardest of our industrial zoning. **COMMISSIONER CUNNINGHAM** said so we really don't know where these trucks come from and in fact based on Mr. Herzog's statement, the trucks don't come from his company even though they are coming from that vicinity at 4:30 a.m. They are more than likely coming from the neighboring business. Mr. Mayo replied based on his statement, anything prior to 6 a.m. is not coming from the subject facility.

CHAIRMAN PRIDEMORE said from the most recent traffic survey they could specifically account 29 in two days specifically to this site. Is that correct? They do have a hard number. They do.

COMMISSIONER DONALDSON asked Erik about the traffic study. One of the speakers mentioned the unsafe access. Actually two speakers mentioned unsafe driving associated with coming out of Hamilton and going across turning lanes and possibly coming into oncoming lanes and also waiting for someone to do a 3-point turn onto Ray Road heading west. Is that something that the traffic study would either indicate or observe or do they have any awareness of that? Mr. Swanson, Senior City Planner, responded when he worked with their traffic division it was strictly to address traffic on Hamilton and so they did not look at the movement out onto Ray Road and the radius and things like that. He can certainly work with them to see if there is some means that they could measure that and get a little bit more information. From the study standpoint it was strictly how many vehicles or trucks are heading north and how many vehicles and trucks are heading south. One thing he didn't mention that he thinks they could probably look at from that swing standpoint is at the width of the drive on Hamilton onto the site, the potential exists to widen that so then rather than have such a large swing out and head south, you almost can kind of angle south more and try to stay in their more. Obviously, that requires work with the applicant and property owners to see if they have the ability to go ahead and desire to get permits and rebuild that. That is certainly something that they can look into to try and alleviate that. But again it has been designed as an industrial collector. The amount of truck traffic on there is really not even close to capacity even from a traffic standpoint. And yes there are wide movements and it is something to be anticipated on an industrial collector.

COMMISSIONER DONALDSON said the applicant's business sounds like they want to be a good neighbor. They have had some restrictions placed on them. When he was reading through this case in the first place, he thought of a community liaison type relationship with some of the property owners and some of the neighbors and the applicant. His thought is this is asking for a 3-year Use Permit. He doesn't know if the applicant would be interested in establishing that relationship over the next period of time because from a business ownership standpoint land locking your property with a 3-year Use Permit is pretty risky business. You have the potential to lose a Use Permit and you have the potential to lose your business by not having egress from your property. With that said it sounds as though there is ongoing communication with the property owner to the south to try to get ingress/egress in case that would happen. His point is if the neighbors are unhappy and they have situations that are happening because of this business or other recycling businesses in the area, it is going to impact the business owner in the long run. He appreciates the neighbors coming out but he thinks that could take a really positive course over the next period of time over this Use Permit if that is established with the business owner. Staff has recognized that this business would impact the neighborhood to the north that is why there are restrictions on them. Through the Use Permit they have said they won't go to the north because there are neighbors on the west side and there are neighbors on the east side. These neighbors on the east side south of Hamilton are impacted. The business owner and they need to be really aware that this is impactful and how can they mitigate it and how can the business owner mitigate it.

KEVIN MAYO, PLANNING MANAGER, said the reason for the northbound movement was done earlier in 2000/2001 when he had done a time extension on that ingress only. It came up for discussion why they didn't want to go into the north. If you refer back to their vicinity map, they will notice that entire block of I-2 is south of what is Sheffield Ave. That road is what goes east off of Hamilton into the subdivision that isn't all the way on the east side on Hamilton. The reason for not sending trucks north is because there are residential streets that intersect into Hamilton north of that access point but there are none to the south. The only things the trucks would be interacting with heading south would be Ray Road. If they head north, they are passing multiple intersections that are residential streets feeding onto Hamilton. The reason for heading south at the time was simply to keep the trucks away from any intersections that are residential streets and Hamilton.

COMMISSIONER WASTCHAK said he understand that the neighbors don't like the use of recycling but that is not changing. Anything that falls under I-2 trucks are going to be able to use this drive and get out there and cause secondary issues which is the traffic. Is that correct? Mr. Swanson replied that is correct and not only that but if there is additional expansion like T.W. Steel as an example, there is no prohibition on them heading north onto Hamilton and so the prohibition on right turns only onto Hamilton is strictly for the transfer station. If that disappears and that southern stretch from Hamilton to the railroad tracks gets developed as industrial, they could head north and south on Hamilton all day long and there is no time limit. **COMMISSIONER WASTCHAK** said he doesn't like hearing that trucks are going at all hours but that is aloud right now. This use has a limitation on what it can do. I like the idea of maybe addressing the issue of at least helping with turning. It sounds like there is a traffic issue not only at the exit here and Kevin put in the stip. in to go south for a good reason. The reality is steel trucks have long pieces of steel that they pull in and out. That is probably part of the problem as well. He doesn't know if the neighbors would be able to speak to how many steel trucks come out of there and clip traffic and whatever. They may be going left because they can because it is easier to make a right going north or whatever, he doesn't know. As they sit her today, he doesn't know if they could do anything about traffic other than recommend that maybe Staff looks at that. They will have access in not only this business but other businesses and in the future have access to this street and could cause a traffic issue. Again, they may not like the use of recycling but he is taking that out because that is not the issue here, it is an issue of trucks coming in and out of that. He said let's say it doesn't get approved and this business goes away, the welding company is going to bring somebody else to lease their property and they could have the exact same kind of impact just with a different use that is allowed. He is talking more in general in his observation and is looking at it from a neighbor's standpoint. Any use that is allowed under I-2 could cause the exact same traffic problem they have now. Maybe it is just a matter of Staff looking at the exit and what can they do to make it a little easier to get out when traffic is going so that people are going and not clipping traffic. That helps for any use that is coming into this later. He doesn't know what you do with your Hamilton/Ray intersection because that is a traffic issue that they are not solving here tonight. Just because this is I-2, he thinks the City should try and at least do something from a traffic standpoint. He said that are his observations as he sits there and looks at strictly the traffic issue and the access.

KEVIN MAYO, PLANNING MANAGER, said he doesn't want to set the stage or give the impression that they are powerless and they can do nothing. In terms of the use of a recycling facility is that they are correct in that the use is vested. That does not mean that the subject site or the one to the south can just let trash migrate and they don't care and we don't care. The City absolutely does care and there are enforcement actions and steps they can take. These Use Permits actually have a lot of value especially when they come back in the three years because things happen. You get focused on something and these things remind you that you need to go back and recheck that. The migrating trash is an issue that is not allowed by right by anybody regardless of T.W. Steel or whoever. As Erik indicated, they have gone out at multiple times during this process to just surprise and inspect this site and the site to the south and even a couple uses southeast of this piece and see how they are doing from a garbage standpoint. He doesn't want to say that recycle is garbage, he agrees there is value. We have noticed issues and they have notified the property owners they are seeing that originate from. That is not something they are powerless to do and they don't have any authority – they do. That process has started. As Erik indicated with the driveway cut, coming from the T.W. Steel access on Hamilton Street, it isn't again that they are totally powerless. There are things they can do. They can open up the wings to that driveway and let the turning movement begin to occur on private property so that they are not hitting Hamilton Street at a ninety. It starts to open that thing up. If 18-wheelers regardless of who they are, if they are physically having a problem making a southbound Hamilton left to westbound Ray Road, that is a safety issue. He would like to go and find out from our traffic guys and see if anybody has heard of this issue, has anybody looked at it. He doesn't know if there is enough right-of-way to adjust the radius of the turns at the intersection. Maybe there is – he doesn't know. He is going to go and see what can be done. It really has nothing to do with this site it could be T.W. Steel. He doesn't want to set the stage to most of the neighbors that there is nothing they can do. The Use Permit is only about the access question but there are other things to get brought up as concerns that the City will want to address regardless of what happens with this Use Permit.

COMMISSIONER WASTCHAK thanked Kevin and said that is what he was looking for. He wants to be clear especially to the neighbors. He is not saying that he doesn't think the City should be doing something to stop rats and trash - they absolutely need to have that. He is just saying that is not what they are discussing tonight. The City should do what it can. He was just simply making a point that it doesn't matter if it is this or anybody else, you can do something. However this vote goes if they can do something check that out because that is his issue. This is I-2 and there are trucks that are going to be coming out of here without any kind of use restrictions. They should try and see if that could be fixed.

CHAIRMAN PRIDEMORE looked for a motion.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER CUNNINGHAM** to approve ZUP13-0025 HUDSON BAYLOR dba RECOMMUNITY CHANDLER subject to conditions recommended in by Planning Staff. The motion passed 6-0 (Commissioner Ryan was absent).

CHAIRMAN PRIDEMORE said obviously there are some existing issues that the City is now aware of. Obviously, they have been looking at the trash issue and is on-going, and also now the turning issue not only onto Hamilton but onto Ray. That is something that is now on the record and Staff will be pursuing further. He reminded everyone that they are a recommending body. All these items still go before City Council on September 11, 2014. He encouraged everyone to attend that meeting as well and to voice their opinions. He thanked them for coming tonight.

6. DIRECTOR'S REPORT

Kevin Mayo, Planning Manager, said there is nothing to report this evening.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE said the next regular meeting is August 20, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 6:47 p.m.


Matthew Pridemore, Chairman


Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 20, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak
Commissioner Ryan Foley

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN BARON, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the August 6, 2014 Planning Commission Hearing. The motion passed 6-0 with 1 abstention (Commissioner Ryan was not present at that meeting).
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR14-0006 BELLA ROSE INN

Approved to continue to the September 3, 2014 Planning Commission hearing.

Request rezoning from Planned Area Development (PAD) for Office to PAD for a Hotel, including a Mid-Rise Overlay for building height up to 75 feet, along with Preliminary Development Plan approval for site layout and building architecture on an approximate 3.5-acre site located west of the northwest corner of Price and Willis roads.

B. DVR14-0007 THE PERCH

Approved.

Request rezoning from Community Commercial (C-2) with a Planned Area Development (PAD) overlay to PAD for commercial and retail with a Preliminary Development Plan for the site and new buildings at an existing bar and restaurant. The property is located at 232 South Wall Street, north and west of the northwest corner of Arizona Avenue and Frye Road.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "THE PERCH", kept on file in the City of Chandler Planning Division, in File No. DVR14-0007, except as modified by condition herein.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, the Development Booklet, entitled "THE PERCH", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0007, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting. Dead, dying, or missing landscape shall be replaced.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
4. The site shall be maintained in a clean and orderly manner.
5. Trash shall not accumulate outside the refuse containers.
6. Trash pick-up shall be provided five-days a week.
7. The on-site trash enclosure shall be constructed and remain in place until such time that a permanent off-site refuse location is developed. If the off-site refuse location is removed and no replacement is available, an on-site trash enclosure shall be required.

C. DVR14-0013 NEC LOOP 202 & ALMA SCHOOL ROAD

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the two year schedule for development or to cause the property to revert to the former PAD (Commercial) and AG-1 (Agricultural District) zoning. Request to revert from PAD (Commercial) zoning in Ordinance No. 3260 (DVR00-0005) to PAD (Commercial) in Ordinance No. 2822 (PL97-199) and AG-1 (Agricultural District). The reverted zoning establishes community commercial uses on approximately 10 acres and agricultural uses on approximately 2 acres. The property is located at the northeast corner of Loop 202 Santan Freeway and Alma School Road.

Upon finding consistency with the General Plan, Planning Staff recommends approval to cause the property to revert from PAD (Commercial) zoning in Ordinance No. 3260 (DVR00-0005) to PAD (Commercial) in Ordinance No. 2822 (PL97-199) and AG-1 (Agricultural District). The reverted zoning establishes community commercial uses on approximately 10 acres and agricultural uses on approximately 2 acres.

D. DVR14-0014 NEC LOOP 202 & ALMA SCHOOL ROAD

Approved.

Request rezoning on approximately 2 acres from AG-1 (Agricultural District) zoning to Planned Area Development (PAD) for Commercial, as well reestablishment of Preliminary Development Plan (PDP) approval for a commercial center. The property is located at the northeast corner of Loop 202 Santan Freeway and Alma School Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "NEC SR202 and Alma School Road DVR14-0013 and DVR14-0014", kept on file in the City of Chandler Planning Division, in File No. DVR14-0014, except as modified by condition herein.
2. The rezoning request does not include a specified timing condition. This includes relief of the 1-year timing condition from the effective date of the ordinance as specified in the City Code section 35-2603.B.
3. The rezoning reestablishes the Preliminary Development Plan (PDP) for a commercial center as represented in zoning case PDP08-0005.

E. LUP14-0013 HYATT PLACE PHOENIX / CHANDLER FASHION CENTER

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 11 Hotel Liquor License) for on-premises consumption of beer, wine, and spirits. The property is located at 3535 W. Chandler Boulevard, southwest corner of Chandler Boulevard and Chandler Village Drive.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 11 (Hotel License) only, and any change of licenses shall require re-application and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other store locations.
4. The site shall be maintained in a clean and orderly manner.

F. ZUP14-0006 MID MOUNTAIN EXCAVATION

Approved.

Request Use Permit extension approval for the continued operation of an excavation business located at 900 E. Germann Road, west of the northwest corner of Germann and McQueen roads.

1. Substantial conformance with application materials (Site Plan, Narrative) kept on file in the City of Chandler Planning Division, in File No. ZUP14-0016, except as modified by condition herein.
2. The Use Permit shall be extended for a period of three (3) years from the 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.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER DONALDSON** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 7-0.

6. DIRECTOR'S REPORT

Kevin Mayo, Planning Manager, said there was nothing to report.

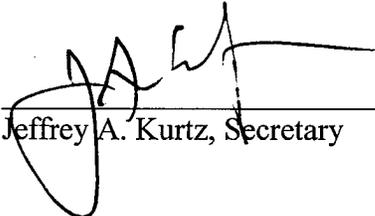
7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE said the next regular meeting is September 3, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:38 p.m.


Matthew Pridemore, Chairman


Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, September 3, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak

Absent and Excused:

Vice Chairman Andrew Baron
Commissioner Ryan Foley

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CUNNINGHAM, seconded by COMMISSIONER DONALDSON to approve the minutes of the August 20, 2014 Planning Commission Hearing. The motion passed 5-0 (Vice Chairman Baron and Commissioner Foley were absent).
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR14-0006 BELLA ROSE INN

Approved.

Request rezoning from Planned Area Development (PAD) for Office to PAD for a Hotel, including a Mid-Rise Overlay for building height up to 75 feet, along with Preliminary Development Plan approval for site layout and building architecture on an approximate 3.5-acre site located west of the northwest corner of Price and Willis roads.

Rezoning

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. 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.
4. 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.
5. Development shall be in substantial conformance with the Development Booklet, entitled "BELLA ROSE INN" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0006, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
6. Maximum building height shall be limited to 75 feet.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "BELLA ROSE INN" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0006, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. 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.

6. The applicant shall work with Planning Staff to ensure that the entry porte-cochere and drives meets all applicable design requirements.
7. The applicant shall work with Planning Staff to enlarge the pedestrian connection located at the site's northeast corner.
8. Signage for the hotel shall meet the requirements as outlined in the Sign Code of the City of Chandler.

B. PDP14-0010 MACH 1 @ CHANDLER AIRPORT CENTER

Approved.

Request Preliminary Development Plan approval of site layout and building architecture for an office development. The approximate 19-acre site is located southeast of the Santan Loop 202 and Cooper Road interchange, off of Yeager Drive.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "MACH ONE AT CHANDLER AIRPORT CENTER", kept on file in the City of Chandler Planning Services Division, in File No. PDP14-0010, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. All buildings shall be designed to be consistent with the level of quality, detail, building material, paint colors, architectural articulation, and the like as established in the attached Development Booklet.
6. 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.

C. LUP14-0012 H&H CITY PIZZA

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption. The restaurant is located at 4040 South Arizona Avenue, Suite 17, in Fulton Ranch Towne Center.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.

4. The site shall be maintained in a clean and orderly manner.

D. CANCELLATION OF THE SEPTEMBER 17, 2014 PLANNING
COMMISSION HEARING

Approved.

MOVED BY COMMISSIONER DONALDSON, seconded by **COMMISSIONER WASTCHAK** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed 5-0 (Vice Chairman Baron and Commissioner Foley were absent.)

6. DESIGN REVIEW COMMITTEE PROCESS
(Briefing during Study Session)

7. DIRECTOR'S REPORT
Kevin Mayo, Planning Manager, said there was nothing to report.

8. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN PRIDEMORE said the next regular meeting is October 1, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT
The meeting was adjourned at 5:34 p.m.


Matthew Pridemore, Chairman


Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 1, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak
Commissioner Ryan Foley

Absent and Excused:

Vice Chairman Andrew Baron

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CUNNINGHAM, seconded by COMMISSIONER DONALDSON to approve the minutes of the September 3, 2014 Planning Commission Hearing. The motion passed 5-0 (Commissioner Foley abstained as he was not present at the meeting and Vice Chairman Baron was absent).
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were was one action item - Item B.

COMMISSIONER RYAN stated that he provided consulting services to the applicant on Item E, Metro Chandler Airport Center, so he will be abstaining from voting on that item.

COMMISSIONER FOLEY said he will have to abstain from voting on Item E as well as he has a financial interest in that project.

CHAIRMAN PRIDEMORE said that they were duly noted and asked Mr. Mayo, Planning Manager, to read the Consent Agenda.

A. DVR13-0049 THE PLACE ON ALMA SCHOOL

Approved.

Request rezoning from Planned Area Development (PAD) for commercial and multi-family to PAD for condominiums with a Preliminary Development Plan for site design and building architecture. The approximate five acre property is located at the northwest corner of Mercury Way and Alma School Road.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "THE PLACE ON ALMA SCHOOL", kept on file in the City of Chandler Planning Division, in File No. DVR13-0049, except as modified by conditions herein.
2. 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.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. 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.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, the Development Booklet, entitled "THE PLACE ON ALMA SCHOOL", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0049, except as modified by conditions herein.
2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Planning Administrator for arterial street median landscaping.

3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
5. 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.

C. DVR14-0017/PPT14-0015 CHANDLER PATHWAYS OF ARIZONA

Approved.

Request rezoning from Planned Area Development (PAD) for commercial retail uses to PAD for an assisted living memory care facility, and Preliminary Development Plan and Preliminary Plat approval for site layout and building architecture. The approximate 5.8-acre site is located at the northwest corner of Chandler Heights and Lindsay roads.

Rezoning

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. Development shall be in substantial conformance with the Development Booklet, entitled "CHANDLER PATHWAYS" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0017, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

Preliminary Development Plan

1. Landscaping shall be in compliance with current Commercial Design Standards.

2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
4. Preliminary Development Plan 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 Preliminary Development Plan shall apply.
5. Development shall be in substantial conformance with the Development Booklet, entitled "CHANDLER PATHWAYS" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0017, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

Preliminary Plat

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

D. DVR14-0018 WILLIS AND ARIZONA AVENUE CORPORATE PARK

Approved.

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for light industrial and commercial retail with a Preliminary Development Plan or site layout and building architecture. The approximate 10.5-acre site is located east of the southeast corner of Willis Road and Arizona Avenue.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "WILLIS AND ARIZONA AVENUE CORPORATE PARK", kept on file in the City of Chandler Planning Division, in File No. DVR14-0018, except as modified by conditions herein.
2. 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.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
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. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and/or in relation to limits established in FAA determined Terminal Procedures (TERPS). All construction cranes shall be installed and operated in accordance with FAA rules and regulations including notification through the filing of FAA Form 7460-1, Notice of Proposed Construction or Alteration.
7. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
8. The developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, the Development booklet, entitled "WILLIS AND ARIZONA AVENUE CORPORATE PARK", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0018, except as modified by conditions herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
4. The site shall be maintained in a clean and orderly manner.
5. 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.

E. DVR14-0021 METRO CHANDLER AIRPORT CENTER

Approved.

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Business Park uses, with Preliminary Development Plan (PDP) approval for site design and building architecture for a business park development on approximately 25 acres located at the southwest corner of Cooper and Germann roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "METRO CHANDLER AIRPORT CENTER" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0021, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-

ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals or as otherwise approved in a development agreement.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. Permitted uses within Buildings 1 and 2 include all Planned Industrial District (I-1) uses, as well as all office, educational facilities, financial institutions, places of worship, service retail uses, and recreational assembly uses such as fitness centers, gymnastic and martial arts studios. Recreational assembly uses for children and young adults within Buildings 1 and 2 are limited to no more than 15-percent of total building square footage and shall be located no closer than 450-feet to the western property line. Permitted uses within Building 3 include all uses permitted within Buildings 1 and 2, as well as automotive accessory sales and installation uses.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "METRO CHANDLER AIRPORT CENTER" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0021, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. 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.

F. DVR14-0022/PPT14-0011 WILDHORSE

Approved.

Request Rezoning from Agricultural to Planned Area Development for single-family residential, along with Preliminary Development Plan approval for subdivision layout and housing product, and Preliminary Plat approval for a 15-lot subdivision on roughly 5 acres. The subject site is located north of the northwest corner of Willis Road and El Dorado Drive.

Rezoning

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. 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.
4. 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.
5. Development shall be in substantial conformance with the Development Booklet, entitled "WILDHORSE" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0022, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "WILDHORSE" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0022, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Preliminary Development Plan 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 Preliminary Development Plan shall apply.
3. The same floor plan and elevation shall not be built side-by-side or directly across the street from one another.
4. **Lots 2, 14 and 15 shall be restricted to single-story homes.**

Preliminary Plat

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

G. PDP14-0008 LAYTON LAKES PARCEL 22

Approved.

Request Preliminary Development Plan (PDP) approval for housing product on a portion of approximately 44.5 acres located south and east of the southeast corner of Gilbert and Queen Creek roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "LAYTON LAKES PARCEL 22" kept on file in the City of Chandler Planning Services Division, in File No. PDP14-0008, except as modified by condition herein
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3250, case DVR00-0025 LAYTON LAKES, except as modified by condition herein.
3. Compliance with the original stipulations adopted by the City Council as case PDP03-0038 LAYTON LAKES, except as modified by condition herein.
4. The same elevation shall not be built side-by-side or directly across the street from one another.
5. Window mullion/muntin patterns shall remain consistent on all sides of the homes.

H. LUP14-0014 SOCIAL BOX/AMERICAN EATS AND DRINKS

Approved.

Request Use Permit approval to sell and serve liquor as permitted under a Series 6 Bar Liquor License for on- and off-premise consumption within an existing restaurant and outdoor patios. The subject site is located at 1371 N. Alma School Road, the southeast corner of Alma School and Knox roads.

1. Expansion, modification, or relocation beyond the approved exhibits for interior and exterior areas (Floor Plan, Site Plan, and Narrative) shall void the Use Permit and require re-application and approval of a new Use Permit.
2. The Use Permit is granted for a Series 6 license only and any change of licenses shall require re-application and approval of a new Use Permit.
3. The Liquor Use Permit shall remain in effect for three (3) years from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
4. The Use Permit is non-transferable to other store locations.
5. 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 beyond outdoor speakers and live music shall require reapplication of the Use Permit.
6. The site and outdoor patio shall be maintained in a clean and orderly manner.
8. Music shall be controlled so as to not unreasonably disturb area residences.

I. LUP14-0015 D'VINE GOURMET

Approved.

Request Use Permit approval to sell and serve liquor as permitted under a Series 7 Beer and Wine Liquor License for on-premise retail sales and sampling within a new retail store. The subject site is located at 4955 S. Alma School Road, Suite D-103, within the Fulton Ranch Promenade shopping center.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
2. The Use Permit is granted for a Series 7 license and any change of license shall require reapplication and new Use Permit approval.
3. The Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.

J. ZUP14-0015 VERIZON AT PIMA PARK

Approved.

Request Use Permit approval to install a wireless communication facility on a ball field light pole within the City of Chandler's Pima Park located at 625 N. McQueen Road, northeast corner of McQueen Rd. and Thatcher Blvd.

1. Development shall be in substantial conformance with approved exhibits. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.

K. ZUP14-0017 #1A LIFESAFER OF ARIZONA, LLC

Approved.

Request Use Permit approval for automotive accessory installations within a Planned Area Development zoned district that allows for industrial/office/warehouse uses. The subject site is located at 480 E. Warner Road, Suite 1, within the Warner Business Center development.

1. 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.
2. On street parking is prohibited. All vehicles must be parked within designated parking spaces inside the paved parking lot, fenced yard, or inside the building.
3. The Use Permit shall remain in effect for one (1) year from the 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.
4. All motor vehicle customization and installations shall occur indoors.
5. Outdoor storage is prohibited.
6. The site shall be maintained in a clean and orderly manner.

L. ZUP14-0021 EVOLUTION CUSTOM CYCLES

Approved.

Request Use Permit approval for motorcycle sales, customization, and accessory installations within a Planned Area Development zoned district that allows for industrial/office/warehouse uses. The subject site is located at 430 E. Warner Road, Suites 1 and 2, within the Warner Business Center development.

1. 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.

2. On street parking is prohibited. All vehicles must be parked within designated parking spaces inside the paved parking lot, fenced yard, or inside the building.
3. The Use Permit shall remain in effect for one (1) year from the 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.
4. All motor vehicle customization and installations shall occur indoors.
5. Outdoor storage is prohibited.
6. The site shall be maintained in a clean and orderly manner.

M. ZUP14-0023 AASK – AID TO ADOPTION OF SPECIAL KIDS

Approved.

Request Use Permit approval to allow a general office use within an existing building on property zoned Planned Area Development (PAD) for Planned Industrial District (I-1) uses. The property is located at 175 E. Corporate Place.

1. Expansion or modification beyond the approved exhibits (Exhibit A Narrative, Exhibit B Site Plan, Exhibit C Floor Plan) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
2. The Use Permit is non-transferable to any other property.
3. The property shall be maintained in a clean and orderly manner.
4. Use Permit approval does not constitute Final Development Plan approval such as building permits and/or Certificate of Occupancy for the general office use; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.

CHAIRMAN PRIDEMORE stated he had a few speaker cards on Item B.

MIKE CAHILL, 14269 N. 87th ST., SCOTTSDALE, said on this particular application he is not opposed to the use but he would like to comment on the site plan. They are at the Cobblestone Auto Spa location at Alma School and Germann roads. They have been there for 11 years and couldn't be happier. He is happy to be a community citizen of the City and they have made a lot of good friends and established a lot of good relationships over the last 11 years. When they went through the process originally, they were initially being encouraged to reverse their layout because they were requesting 8 gasoline dispensers at the time and were told they couldn't do that. They couldn't give us 8 gasoline dispensers if they have their facility facing the street; they could only give them 6. With their carwash layout that was just not going to work. It was going to be possible. So they elected to go ahead with the 6. Then, of course, other facilities close by were encouraged or told that they needed to reverse their layout as well. Gasoline is a very spontaneous purchase by most people. With their 6 dispensers he would have to say they do lose some business. They definitely could use the 8. They are happy they are facing the street but they could definitely use the 8. He wants to encourage the City to do to be consistent hold them with the high standards that they were led to employ in the construction of their facility. For this application is only a mile to the north and he thinks it would put him at a

competitive disadvantage for this facility to offer 8 dispensers facing the street. He is just asking for consistency on behalf of the City.

COMMISSIONER RYAN said he should get an explanation for this. He was on the Commission when his station came through and they were going through a time when they did want to reverse those corners and wanted more of a landscaped setting instead of looking at islands and so forth. That has been many, many years ago. He did approach the Staff and said they need to give him an answer here why we are all of a sudden changing their design approach to these service stations. It is mostly because of the vandalism and the ability to see into the convenience stores from the streets for the police officers. They have been hammering Staff to reverse that design. He remembers his case like it was yesterday and he knows they wanted to reverse it and it was a big deal for them but at the time that is what they did. It is unfortunate that he had to do what he did although it is a very nice looking center. Mr. Cahill said they just have the 6 dispensers. **COMMISSIONER RYAN** said things change and that was a decade ago and he said he thought he at least deserved an explanation for it.

J. D. SARAN, 1990 S. ALMA SCHOOL ROAD, CHANDLER said he bought this location ten years ago. When they developed it as Mr. Ryan said, they reversed their site and there is no visibility and they were cut down to 6 pumps, a small carwash and now they are going to see the big pumps and carwash and bigger stores – what are they going to do? There is competition here – no problem. They can build but he would like to see 6 pumps and cut down the store and carwash. Ms. Novak, Senior City Planner said if they want to redevelop that they can do it today for 8 pumps. If he has that much money, he doesn't need to be here. It costs millions. Before they approve all these big sites, they should look around. There are 43 sites in the Phoenix area that are boarded up because the big sites came in and shut down every other one.

JASMAIL DHATT, 1820 S. YUCCA STREET, CHANDLER is opposed to the item but does not wish to speak.

DALON MORGAN, 989 S. LEO, CHANDLER, is opposed to this item and did not wish to speak.

MR. MIKE CAHILL requested that the item be pulled from the Consent Agenda.

CHAIRMAN PRIDEMORE said they are pulling Item B from the Consent Agenda and moving it to the Action Agenda. He closed the floor and moved for a motion from the dais.

MOVED BY COMMISSIONER DONALDSON, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda with noted exceptions and with Item B being removed. The Consent Agenda passed 6-0 (Vice Chairman Baron was absent).

ACTION:

B. DVR14-0003 PACIFIC OIL PARTNERS

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the two year schedule for development or to cause the property to revert to the former PAD (Commercial) zoning. Request to revert from PAD (Commercial) zoning in Ordinance No. 3260 (DVR00-0005) to PAD (Commercial) in Ordinance No. 2822 (PL97-199). The reverted zoning establishes community commercial uses including a gas station, convenience store and car wash uses on approximately 2.5 acres. The request includes Preliminary Development Plan (PDP) for site layout and building design. The property is located at the southeast corner of Alma School and Pecos roads.

Zoning Reversion

Upon finding consistency with the General Plan, Planning Staff recommends approval to cause the property to revert from PAD (Commercial) zoning in Ordinance No. 3260 (DVR00-0005) to PAD (Commercial) in Ordinance No. 2822 (PL97-199). The reverted zoning establishes community commercial uses including a gas station, convenience store, and car wash uses on approximately 2.5 acres.

Preliminary Development Plan

1. Compliance with original conditions adopted by the City Council as Ordinance No. 2822 in case PL97-199, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "DVR14-0003 pacific Oil Partners", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0003, except as modified by condition herein.
3. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Planning Administrator for arterial street median landscaping.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. Landscaping shall be in compliance with current Commercial Design Standards.
 - a. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
 - b. 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.
 - c. The canvas shade structures shall be maintained in a manner similar to that at the time of installation.
 - d. The site shall be maintained in a clean and orderly manner.

MS. JODIE NOVAK, SENIOR CITY PLANNER stated the application before them is a 2-component request. The first request is a reversion of the zoning from Planned Area

Development (PAD) district allowing commercial uses to another PAD zoning district allowing commercial uses. This property has had a history with both of these zoning cases allowing C-2 (Community Commercial land uses) along with the right to have gas station use, convenience store use and carwash use. That has been entitled on this land and is still entitled on this land. The reversion and the cleaning up of these ordinances from one to the other is piggy backing cases that recently came before them at a prior Commission meeting dealing with the adjacent property and they have reversions to some prior ordinances as well.

The biggest component of this request is really there Preliminary Development Plan which is the site layout and the building architecture design of a proposed gas station land use with convenience store and carwash as well. This site is approximately 2-1/2 acres and is located at the southeast corner of Alma School and Pecos Roads. The development booklet provides all the exhibits and the details of what they are proposing. The gas station/convenience store is almost 5,000 square feet. They have 8 fuel dispensers and they have a car wash that is about 3500 square feet as well integrated into the property. The development is requesting a waiver to be able to develop first before any additional development occurs on the land surrounding it because they don't know ultimately when that will occur.

The property that does surround it has had a history of Preliminary Development Plans (PDP). Those also did represent this corner being a gas station/convenience store/carwash component which would develop separately. The property surrounding it currently has a development plan for a mix of office and retail use. This particular development has worked really hard to integrate them architecturally, landscaping and so forth with the adjacent approved PDP that is next to it. They feel it is a quality development and has a very contemporary, modern architectural design that is similar to what is already approved. They thought this would be a great addition to that particular area. They are recommending approval. They did have a neighborhood meeting. There was nobody that attended. That was held back in August. They haven't received any calls or concerns or opposition with this request until last week when they received a phone call from a gas station owner in the area and then the two e-mails they received this evening that have been forwarded to you.

There standard zoning conditions are in place. A lot of the conditions are in the original ordinances as attached. She said again, they are recommending approval and if they had any questions, she would be happy to answer them.

COMMISSIONER WASTCHAK asked when this came through before, the whole idea was they were going to have a gas station where the building was in the front and shielded the pumps in the back. You would allow 8 if it was in the back but if it was in the front only 6. Is that accurate with how gas stations were approved before. Ms. Novak said to clarify the record they do have two individuals here this evening that own gas stations at the intersection of Alma School and Germann roads. There is a Chevron on the northwest corner and Cobblestone gas station/carwash and other retail services on the southeast corner. When this particular development had zoning cases represented from many years past, over 10 years ago, there wasn't a specific design that was approved – there was just a concept. At the time, the concept the City had back in the last 90's and 2000 and 2001, they were trying to introduce something different.

To get away from the typical metal canopy along the street frontages and instead do a nicely decoratively designed 4-sided architecture convenience store and have that back up to the intersection. It was a streetscape presence. You put the building in a landscaped setting and you kind of enhance how that intersection looks without just automatically seeing a metal gas canopy. The design concept at the time did represent that but there was no requirement that it had to be designed that way and there was no requirement on how many gas pumps they had. Back in the late 90's and early 2000's a lot of gas stations were smaller and they only came in with 6 or 8 gas pumps. Their islands maybe only has 1 pump per island. They didn't have the double pump island. So it was very different what the industry was and what was coming forward but there wasn't anything that the City dictated to them. There was no limit on how many pumps they could come in with. It was a function of how could they fit the quality of the design of their buildings, the layout of the site and the buildings on a parcel of whatever site that it was. Some of the sites were smaller and so they couldn't meet their code 100% without having to go down to a 6 pump versus an 8 pump. If they couldn't meet their codes for circulation or better design, they wound up with 6 pumps at that time. There were a few gas stations that were developed that had the convenience store on the corner. It wasn't very common place. In the last several years all gas stations typically have the gas canopies out front. They are either parallel to an arterial street frontage or they are angled, maybe at a 45 degree angle and they are more centered within the property. The history as already mentioned by the Commission was a safety issue. When you put the convenience store and the building at the corner, it blocks the rest of the site from a police standpoint and so therefore the direction was from a Planning standpoint to come up with great designs for projects but put the convenience store back on the interior of the properties. **COMMISSIONER WASTCHAK** said if he was somebody coming through like the two people who have spoken tonight about their station, when they came through it sounds like they were given an alternative. He is not talking about this property and what was approved previously. He is just saying when somebody came through before, they were given an option either they put the store on the corner and you can have your 8 pumps and they have to be in the back or you put your building not on the corner and they are only going to let them have 6 pumps in the back. Was that how that was interpreted when they came through? That is what he is trying to understand. Ms. Novak replied no, that has never been dictated to a particular development. How many gas pumps they wanted and where their convenience store was a function of how they could meet the site development standards. The goal was to put the convenience store at the corner. It wasn't a tradeoff. If you do one, you get the other. If you do the other, they get the other thing. That was never their protocol in how they design these sites. So that is not a correct statement coming from the speaker at all. **COMMISSIONER WASTCHAK** said so the comment if they have 6 now and they wanted to put 8 they could. Is that accurate. If they want to add pumps, they could now? Mr. Novak, said the language that was stated is not accurate. The conversation they had is if the property owner has a desire to increase pumps, there is certainly a zoning case process they can go forward through. They can go through a new Preliminary Development Plan but it would require redesigning that site to see if they could even meet the development standards to fit additional pumps. That is standard protocol with any development that might want to do any expansion or redevelopment or increase the intensity of what they have. Again, there has never been a limit on how many pumps they could have. There have been discussions where they have an intersection where there are multiple gas stations already and another one wants to come in on

a third or fourth quarter. There have been Council discussions regarding how many gas stations they need, how many do they have on the corners, how many pumps they have because you are looking at the intensity of how many cars they are already providing for. Is there a need for more gas stations? In the past as Kevin had mentioned they used to bring forward information of how many gas stations were within a certain radius and how many pumps did they have? It wasn't whether to allow them a certain amount of pumps or not it was just a factor of understanding the intensity of how many gas facilities they were having. The City has kind of overcome that. In the last several years they have had 7 new gas stations. A couple of them haven't yet started construction but they soon will. None of them have a convenience store at an intersection corner and a lot of them have 10 pumps. **COMMISSIONER WASTCHAK** said so allowing or approving a gas station as they are looking at tonight with 8 pumps, it is not showing favoritism to this applicant versus applicants in the past. It was all a function of layout and what the City required at the time. Ms. Novak replied that is correct. There is fairness and equality of whatever they are doing with their development standards that are adopted at that time. The City has since adopted new commercial development standards in June of 2001. That put in place even more stringent standards from an architectural standpoint or the height of the canopy and the limit on how high that could be or ensuring a certain amount of circulation on that particular property but there has never been anything in their code regarding a number of gas dispenser units that somebody could have. There is always policy direction and a level of expectation of the quality of the look of their intersection corners at arterial street intersections and that changes and evolves. That could change month to month, hearing to hearing or year to year. They are going back to cases from '98, '99, 2000 and 2001. Here they are in 2014, the evolution of all the gas stations that have developed; Arco on Arizona and Chandler Heights, Circle K approved at Arizona and Riggs, QuikTrip at Arizona Avenue and Germann Road and two other Circle K's in the north central part of the city. There has just been an evolution of how these facilities look, how they are designed, what the City's expectations are but there has never been a restriction on how many pumps.

CHAIRMAN PRIDEMORE said first of all an applicant can come in with whatever they want to try and see how it goes. They obviously have to meet certain standards and if they are looking for deviations, there is a process to go through. Even if this Commission recommends denial, it is still going to go onto Council and Council is still going to see it. Past projects obviously went through that process, were evaluated at that time based on certain criteria and ended up with the results that they did. Good or bad, that is how they ended up. Again, clarification on the c-store when it is at the corner that changed. This was more than a decade ago but that was from direct feedback from the then Police Chief. It wasn't just a random officer. It was the head official for the police here in the city and obviously that kind of feedback they need to take seriously. That has kind of been brought up before. In terms of the number of pumps, he wasn't sitting on the Commission at that time but his understanding is these are single pumps in a line and when they start getting 8 of them that leads to a very elongated canopy which as a design element is very awkward. Unless they are putting a lot of effort into that canopy which he would think a lot owners don't want to do, one of the reasons they ended up at 6 was literally because of the canopy size. He asked if there were any other questions for Staff before they turn to the applicant. There were none. He called up the applicant.

DAVID MILLER, 20750 N. 87TH STREET, SCOTTSDALE, stated he has been a business owner in Chandler since 1996. He owns the Chevron on the southeast corner of Dobson and Ray roads. They have a lot of Chandler officials always stopping in as well as well as the Police Department. They run a very, very nice project. They have worked very hard with Jodie in building and designing this convenience store/gas station. They were basically asked to be a ten and he feels they are a fifteen. They have pulled out all stops to probably build without a doubt one of the most beautiful brand new state-of-the art gas station/convenience stores in the city. This will be a model that he is sure everyone will want to adopt going forward because they have really made it look like a Class A office building. The interior is going to also match the exterior as far as very high end with a nice finish and providing a service for the community. He chose that intersection because everybody is always asking. The 202 is a big barrier. People are either going north or south. It is not like they will be competing that much and that is what it sounds like it is about. They have some 56,000 cars a day going through their intersection. His intersection as 47,000 cars. There are a lot of cars. There are a lot of people to take care of. He thinks they will co-exist fine. The design they did just meets the standards of what the latest and greatest design has been between the QuikTrips and the Circle K's and everything else. Like J.D. he has several stations that are 2500 square feet and he has to compete with Circle K, QuikTrip and everyone else. What they have done and if you have ever stopped in his Dobson/Ray store, a couple of years ago to try to get an edge, to try to do something different, they remodeled the inside and tried to make it more for local neighborhoods with a very nice, polished finished steel because he can't compete with the QuikTrip, etc. His pockets aren't that deep nor are anyone else's. He is trying to do something different, very nice and build something that everybody in Chandler is going to be proud of. He worked hard on this project as Jodie will tell you for 2 ½ years now. He feels he has raised the bar for Chandler. This store is going to be absolutely gorgeous and they are going to run it in a 10 star fashion.

CHAIRMAN PRIDEMORE closed the floor and turned to the dais to see if there were any questions or discussion. He looked for a motion.

COMMISSIONER RYAN said he would make the motion. He said he is familiar with all these gas stations. Like most of them here he has patronized at Ray and Dobson and the Cobblestone and the Chevron at the northwest corner of Germann and Alma School. He loves that one by the way because it is never that crowded. He will use that one anytime he is close to them. Cobblestone is always jammed packed He can never get in there but he will go out of his way to use your station. He doesn't know whether that hurts you or not; being turned in or outward toward the street where the building is actually blocking the pumps. He has a nice property there at Cobblestone. The Chevron at the corner of Alma School and Ray is very nice too. They all have their pluses and minuses and he thinks this service station by just looking at it is going to be a nice station on this corner.

MOVED BY COMMISSIONER RYAN, seconded by **COMMISSIONER DONALDSON** to approve DVR14-0003 PACIFIC OIL PARTNERS with the stipulations and conditions as shown.

CHAIRMAN PRIDEMORE said he wanted to add that any item that comes before the Commission and City Council is taken on a case by case basis. Obviously, it is a sign of the times in certain cases when they see things more than once. That definitely looks like the situation they have gotten into here. Doesn't make it good or bad, it is what it is.

The item passed 6-0 (Vice Chairman Baron was absent).

CHAIRMAN PRIDEMORE stated that we are only a recommending body. All these items go before City Council. Item B will be going before Council on October 23, 2014. He encouraged them all to attend the City Council hearing as well and to express their views and opinions there. It will be another opportunity for them.

6. DIRECTOR'S REPORT

Kevin Mayo, Planning Manager, said on their agenda this evening they had a Use Permit for a wireless communications facility. It has been a little while since they have seen one and actually there are some new Commissioners that may have never been on the Commission when one of these came through. They are currently processing a series of the final wave of 4G Use Permits. There have been a ton that have come through their division that were able to go through our process administratively. Code has a lot of avenues to erect those types of towers or replace existing towers administratively. There are a series of them that can't do that administratively. They are going to intentionally try to put them together on one agenda and more than likely on Study Session they are going to give a quick refresh of what their code is for wireless, what is it they look for and what is their precedent and then bring those to them. They are shooting for the second week in November. He wanted them to know they are working that behind the scenes right now.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE said the next regular meeting is October 15, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

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

Andy Baron

Matthew Pridemore, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 15, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak
Commissioner Ryan Foley

Absent and Excused:

Chairman Matthew Pridemore

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Erik Swanson, Senior City Planner
Mr. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER RYAN, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the October 1, 2014 Planning Commission Hearing. The motion passed 5-0 (Vice Chairman Baron abstained as he was not present at the meeting and Chairman Pridemore was absent).
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR14-0030 WARNER BUSINESS CENTER OFFICE CONDOMINIUMS

Approved.

Request rezoning from Planned Area Development (PAD) for office/industrial/warehouse uses to PAD Amended to expand the list of permitted uses. The approximate 7-acre site is located east of the northeast corner of Arizona Avenue and Warner Road and encompasses the entire Warner Business Center development.

1. Compliance with the conditions adopted by City Council through Ordinance Nos. 2858 and 4348, in case PL98-020 Westech PAD and DVR11-0032 Warner Business Center, except as modified by the subject application and conditions herein.

B. LUP14-0016 CIRCLE K STORE

Approved.

Request Use Permit approval to sell and serve liquor as permitted under a Series 10 Beer and Wine Store Liquor License for off-premise consumption within a new fuel station convenience store. The subject site is located north of the northeast corner of Dobson and Elliot roads.

1. The Use Permit granted is for a Series 10 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.

C. ZUP14-0024 CIRCLE K STORE

Approved.

Request Use Permit approval for a fuel station within a Community Commercial (C-2) zoned district. The subject site is located north of the northeast corner of Dobson and Elliot roads.

1. 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 shall apply.
2. The site shall be maintained in a clean and orderly manner.

MOVED BY COMMISSIONER CUNNINGHAM, seconded by **COMMISSIONER RYAN** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed 6-0 (Chairman Pridemore was absent).

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, said there was nothing to report this evening.

7. CHAIRMAN'S ANNOUNCEMENTS

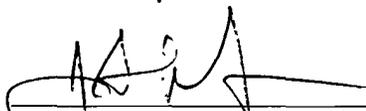
CHAIRMAN PRIDEMORE said the next regular meeting is November 5, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:34 p.m.



Andrew Barton, Vice Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 5, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak
Commissioner Ryan Foley

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Susan Fiala, City Planner
Mr. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CUNNINGHAM, seconded by VICE CHAIRMAN BARON to approve the minutes of the October 15, 2014 Planning Commission Hearing. The motion passed 7-0. (Chairman Pridemore abstained as he was absent from the meeting.
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

A. DVR14-0027 CALIFORNIA AND WHITTEN

Approved.

Request rezoning from Medium Density Residential District (MF-1) to Planned Area Development (PAD) Multi-family and to PAD Single-family to allow one lot containing a duplex and a single family home to be subdivided into two lots and modify building setbacks. The property is addressed as 464 S. California St. and, 221 and 241 W. Whitten St., southwest corner of California and Whitten streets.

Rezoning

1. Development shall be in substantial conformance with the exhibits as represented by the applicant in case DVR14-0027 CALIFORNIA AND WHITTEN, except as modified by conditions herein.

Preliminary Development Plan

1. Lot 1 building setbacks shall be a minimum of 12 ft. front yard, 8 ft. street side yard, 0 ft. interior side yard, and 10 ft. rear yard.
2. Lot 2 building setbacks shall be a minimum of 14 ft. front yard, 9 ft. side yards, and 3 ft. rear yard.

B. PDP14-0012 LAYTON LAKES – PARCEL 22 (TAYLOR MORRISON)

Approved.

Request Preliminary Development Plan (PDP) approval for housing product on a portion of approximately 44.5 acres located south and east of the southeast corner of Gilbert and Queen Creek roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “LAYTON LAKES - PARCEL 22 (TAYLOR MORRISON)” kept on file in the City of Chandler Planning Services Division, in File No. PDP14-0012, except as modified by condition herein
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3250, case DVR00-0025 LAYTON LAKES, except as modified by condition herein.
3. Compliance with the original stipulations adopted by the City Council as case PDP03-0038 LAYTON LAKES, except as modified by condition herein.
4. The same elevation shall not be built side-by-side or directly across the street from one another.
5. Window mullion/muntin patterns shall remain consistent on all sides of the homes.
6. Corner lots shall be limited to single-story homes only.

C. LUP14-0019 MAKUTU’S ISLAND

Approved.

Request Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption. The indoor family entertainment center is located at 6919 West Ray Road, southeast corner of 56th Street and Ray Road.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.

D. ZUP14-0011 VERIZON WIRELESS – MCCLINTOCK AND RAY

Approved to continue to the November 19, 2014 Planning Commission Hearing.

Request Use Permit approval to install a monopalm wireless communication facility at 3875 W. Ray Rd., southeast corner of McClintock Dr. and Ray Rd. **(REQUEST CONTINUANCE TO THE NOVEMBER 19, 2014 PLANNING COMMISSION HEARING.)**

E. ZUP14-0018 VERIZON – PASEO DEL ORO

Approved.

Request Use Permit approval to install a monopalm wireless communication facility at 3150 N. Alma School Rd., northwest corner of Alma School and Elliot roads.

1. Development shall be in substantial conformance with approved exhibits. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.

F. PPT14-0009 CONTINUUM AT DOBSON ROAD

Approved.

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

CHAIRMAN PRIDEMORE said he had some speaker cards on Item C. He called up the first speaker card.

VIRGINIA THOMPSON, 6821 W. MEGAN ST., said this is in her backyard. She said that is not primarily why she is appearing tonight. She has some concerns about the proximity of small children and being able to have a liquor license on premise. She knows there is a restaurant there and their reasoning is that some other restaurants like Chucky Cheeses and Peter Piper Pizza are able to serve beer and liquor but when you think about going to chucky Cheeses you don't think about going there to play the games, you go there for pizza. This is different; this is Makutu's Island. This is a play place for children and somehow the proximity of the liquor and the children she finds somewhat distasteful. Also, in that parking they share a parking lot with a swim school and that swim school has a lot of children going and coming in the area and she thinks it presents a potential hazard traffic wise. Being a grandmother she has concerns about that so she does object for that reason. She is the original owner of her home and has enjoyed living there, but she is concerned about this proposal. She objects to it.

MIKE WATSON, 6822 W. SHANNON ST., stated his house is directly behind the center. He is not only a resident of that neighborhood but he is also the owner of the swim school. They run approximately 2000 children a week through the school. That parking lot is not a typical parking lot. Between Makutu's Island business and his business, they have very similar clientele. They are all children under 10. That is predominately what they serve. They have installed speed bumps, they have installed caution signs and just about everything they can because parents after

work want to get home and on with their life. Makutu's has been successful for years without having to serve alcohol. His establishment is the same thing. Could he serve alcohol and make more money – sure but there is an obligation they have with those kids. That parking lot at 6:00 at night is not a typical strip center. The cars are packed and you can't see kids and it is difficult enough. He is absolutely paranoid about the safety hazards of the kids. He doesn't think it is a normal NYPD pizza. He doesn't think it is a normal Chucky Cheeses. There are so many kids at 6:00 p.m. It is their peak time every week and it just frightens him. He has been around there for 8 years since they moved in there. He moved into the neighborhood because he loves it so much but when they get Makutu's Island full and his school full, it is a recipe for disaster. He hopes they consider not approving the alcohol permit. He understands it might be better for the bottom line of business but he doesn't think it is better for the bottom line of the kids.

KEVIN LYNCH, 6813 W. SHANNON ST., is opposed to the item but did not want to speak.

CHAIRMAN PRIDEMORE asked if anybody else wanted to speak on any items on the agenda. There were none. He closed the floor.

CHAIRMAN PRIDEMORE said when he first saw this item on the agenda it was a bit confusing to him. He wasn't quite sure after so many years why the business would want to start serving alcohol but from a land use point of view, which is where they are looking at items and judging them, it is difficult for him personally to tell somebody how to run their business. In this case he doesn't necessarily understand it and it is a strange request to him. Overall, based on what they have to judge it by he really didn't see any reason to oppose it. He asked if there were any comments from the dais before he looked for a motion.

COMMISSIONER WASTCHAK said he wanted to clarify if there were any other restaurants in there. Is this the only restaurant in this center? Ms. Susan Fiala, City Planner, said there are no other restaurants within that particular center. There is a Circle K which has a liquor license which is right at the corner adjacent to the subject restaurant. All the restaurants are to the west of the facility.

COMMISSIONER RYAN said for the record his vote for Item C will be a 'no' vote.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER DONALDSON** to approve the Consent Agenda as read in by Staff with the noted exception to Item D as a continuance. The Consent Agenda passed 7-0.

6. WIRELESS DISCUSSION
(Briefing during Study Session)

7. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, said our next meeting has a pretty full agenda and we will be looking at a 4:00 p.m. Study Session. It has a lot of good cases coming forward on it. Through the scheduling of the Planning Commission hearings at the beginning of the year, they did not schedule the 2nd hearing in December because it

happens on Hannukah. The first hearing on December 3rd will more than likely be cancelled as the hearing it transmits to for Council is the first hearing of the year, where they change over to the new Council. There is a solid change that the next Planning Commission hearing on November 19th will be the final one for the year so he looks forward to seeing them all on that hearing so he can wish them well during the holiday season. CHAIRMAN PRIDEMORE told the members in the audience that were there on Item C that this item is going to Council on Thursday, November 20th and that Planning and Zoning is a recommending body to the City Council. All these items whether it's recommended for approval or denial will still go to City Council. He encouraged everyone, especially those for Item C, Makutu's Island that they still attend City Council and that they express their opinion there as well.

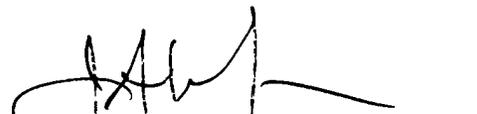
8. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE said the next regular meeting is November 19, 2014 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 6:00 p.m.


Matthew Pridemore, Chairman


Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 19, 2014 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Phil Ryan
Commissioner Devan Wastchak

Absent and excused:

Commissioner Ryan Foley

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Scott McCoy, Asst. City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN BARON, seconded by COMMISSIONER RYAN to approve the minutes of the November 5, 2014 Planning Commission Hearing. The motion passed 6-0. (Commissioner Foley was absent).
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE informed the audience prior to the meeting Commission Staff met in a Study Session to discuss each of the items on the agenda also to inform the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no action items.

COMMISSIONER RYAN said he would be abstaining on any discussion on Items B, C and D. He acted as a consultant on these three projects.

VICE CHAIRMAN BARON said he would be abstaining from voting on Item F as his firm provided consultant services for the project.

COMMISSIONER WASTCHAK said he would be abstaining from voting on Item E for the reason that he works with the company involved in that project.

CHAIRMAN PRIDEMORE said those are all duly noted.

A. DVR14-0020 AVILLA HOMES

Request rezoning from Regional Commercial (C-3) zoning to Planned Area Development (PAD) for High Density Residential along with Preliminary Development Plan (PDP) for site layout and building design on property located at the northeast corner of Warner Road and Grace Boulevard, west of Arizona Avenue.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AVILLA HOMES", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0020, except as modified by condition herein.
2. 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.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event, landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Planning Administrator for arterial street median landscaping.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AVILLA HOMES", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0020, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
4. 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.
5. **The applicant shall work with Planning Staff to enhance the rear building elevations along Grace Boulevard.**

B. DVR14-0024 ST. JUAN DIEGO CATHOLIC CHURCH

Approved.

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a church along with Preliminary Development Plan (PDP) for site layout and building design on property located at the northwest corner of Cooper Road and Markwood Drive, south of Queen Creek Road.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "ST. JUAN DIEGO CATHOLIC CHURCH", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0024, except as modified by condition herein.
2. 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.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. 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.
8. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Planning Administrator for arterial street median landscaping.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "ST. JUAN DIEGO CATHOLIC CHURCH", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0024, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
4. 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.

C. DVR14-0026 ELEMENT HOTEL

Request rezoning from Planned Industrial (I-1) to Planned Area Development for a hotel, with Preliminary Development Plan approval for site layout and building architecture, along with Mid-Rise Overlay for building height exceeding forty-five feet. The 3.4-acre site is located south of the southwest corner of Chandler Boulevard and Chandler Village Drive.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "ELEMENT HOTEL" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0026, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
6. Maximum building height shall be limited to 60-feet.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "ELEMENT HOTEL" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0026, modified by such conditions included at the time the Booklet was approved by

the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

2. The applicant shall work with Planning Staff to incorporate additional architectural interest on the elevations to break-up monotonous wall plane designs specific to the current window configuration.
3. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. Preliminary Development Plan 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 Preliminary Development Plan shall apply.
7. 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.
8. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
9. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls.

D. DVR14-0032 DC HEIGHTS

Request rezoning from Multi-Family (MF-2) to Planned Area Development for a mixed-use residential and commercial development, with Preliminary Development Plan approval for site layout and building architecture, along with Mid-Rise Overlay for building heights exceeding forty-five feet. The 5.3-acre site is located at the southwest corner of Commonwealth Avenue and California Street.

Rezoning

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for

development or take legislative action to cause the property to revert to its former zoning classification.

6. Development shall be in substantial conformance with the Development Booklet, entitled "DC HEIGHTS" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0032, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
7. Maximum building height shall be 130-feet.

Preliminary Development Plan

1. Landscaping shall be in compliance with current Commercial Design Standards.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
4. Preliminary Development Plan 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 Preliminary Development Plan shall apply.
5. Development shall be in substantial conformance with the Development Booklet, entitled "DC HEIGHTS" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0032, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
6. 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.
7. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.

E. DVR14-0035/PPT14-0017 MODERN STORAGE

Request rezoning from Planned Area Development (PAD) for Community Commercial District (C-2) uses to PAD for C-2 uses and Self-Storage/Mini-Warehouse, with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for a self-storage facility located at the southeast corner of Arizona Avenue and Germann Road.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "MODERN STORAGE" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0035, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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.

3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals or as otherwise approved in a development agreement.
5. Unless otherwise included as part of the City's Capital Improvement Program, the developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
7. Approval by the Planning Administrator for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "MODERN STORAGE" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0035, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

Preliminary Plat

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

F. DVR14-0036 SWC OF GILBERT AND OCOTILLO ROADS

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Community Commercial with a gas station and Preliminary Development Plan (PDP) for site layout and building design on property located at the southwest corner of Gilbert and Ocotillo roads.

Rezoning

1. Development shall be in substantial conformance Exhibit A, Development Booklet, entitled "SWC GILBERT AND OCOTILLO ROADS", kept on file in the City of Chandler Planning Division, in File No. DVR14-0036, except as modified by condition herein.

2. 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.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
6. 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.
7. 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.

Preliminary Development Plan

1. Development shall be in substantial conformance Exhibit A, Development Booklet, entitled "SWC GILBERT AND OCOTILLO ROADS", kept on file in the City of Chandler Planning Division, in File No. DVR14-0036, except as modified by condition herein.
2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Planning Administrator for arterial street median landscaping.
3. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. The site shall be maintained in a clean and orderly manner.
7. 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.
8. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
9. Raceway and animated signs shall be prohibited within the development.
10. The freestanding pads shall carry an architectural level of detail similar to front facades of main building.
11. The applicant shall work with Planning Staff to further incorporate site development and Commercial Design Standards such as, but not limited to, building architecture to provide

- four-sided design with the use of building materials, forms, and paint colors including building design for all freestanding pads.
12. All buildings shall incorporate a rural character through architectural design and building materials in accordance with the Southeast Chandler Area Plan.
 13. All pads and free-standing shops buildings will be designed to meet site development standards related to clustering of pads through sharing of common architectural detail, materials, and pedestrian connections including, but not limited to, the use of a combination of common landscape, hardscape, paint colors, materials, and/or architectural elements.
 14. The applicant shall work with Planning Staff to enhance entrance drives with common elements associating pads.
 15. The applicant shall work with Planning Staff to provide building elevations for the gas canopy and kiosk, integrate the gas canopy design with building architecture, and provide integral/screened gas tank vent piping within the canopy columns.
 16. An intersection corner center identification sign shall comply with Sign Code and be architecturally integrated with the commercial center.
 17. The applicant shall work with Planning Staff to incorporate public artwork within the development.
 18. All drive-through pads shall meet site development standards for screening and queuing lane design.
 19. The residential component shall be reviewed and approved through a separate Rezoning with Preliminary Development Plan application.

G. DVR14-0037 SOUTHWEST CORNER OF OCOTILLO ROAD AND THE UNION PACIFIC RAILROAD

Approved.

Request the establishment of initial City zoning of Agricultural (AG-1) on a City-owned parcel, approximately 3,920 square feet in size, located at the southwest corner of Ocotillo Road and the Union Pacific Railroad.

Upon finding consistency with Arizona Revised Statutes, Planning Commission and Planning Staff recommend approval of establishing the initial City zoning of AG-1 following the recent annexation of the subject site.

H. ZUP13-0032 ST. LUKE'S BEHAVIORAL HEALTH

Approved.

Request Use Permit extension approval for the continued operation of a therapy business in an office/industrial building. The subject site is located at 325 E. Elliot Road, Suite 29, east of the southeast corner of Arizona Avenue and Elliot Road.

1. Development shall be in substantial conformance with the submitted application documents (Narrative, Site Plan, Floor Plan) except as modified by condition herein.
2. Development shall be in substantial conformance with all existing approvals for the site, except as modified herein.

3. The Use Permit shall remain in effect for five (5) 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.

I. ZUP14-0011 VERIZON WIRELESS – MCCLINTOCK AND RAY

Approved to continue to the January 7, 2015 Planning Commission Hearing.

Request Use Permit approval to install a monopalm wireless communication facility at 3875 W. Ray Rd., southeast corner of McClintock Dr. and Ray Rd. (REQUEST CONTINUANCE TO THE JANUARY 7, 2015 PLANNING COMMISSION HEARING.)

J. ZUP14-0012 VERIZON WIRELESS – PRICE AND SR202

Approved.

Request Use Permit approval to install a monopalm wireless communication facility within the ADOT right-of-way located east of Price Road and south of the Loop 202 Santan Freeway.

1. Development shall be in substantial conformance with approved exhibits. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.

K. ZUP14-0016 VERIZON AT EPIPHANY LUTHERAN

Approved.

Request Use Permit approval to install a monopalm wireless communication facility located at 800 West Ray Road, north and east of the northeast corner of Alma School and Ray roads.

1. Development shall be in substantial conformance with approved exhibits. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.

L. ZUP14-0022 VALLEY CHRISTIAN HIGH SCHOOL

Approved.

Request Use Permit approval to allow a time extension for a modular classroom building located at 6900 West Galveston Street, south of the southeast corner of 56th Street and Ray Road.

1. The Use Permit shall be extended for a period of five (5) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

M. ZUP14-0029 BORNS OFFICES

Approved.

Request Use Permit approval for personal service/retail/office type uses in addition to general office use. The subject site is located at 348 W. Chandler Blvd., north side of Chandler Boulevard and west of Chandler High School.

N. CANCELLATION OF THE DECEMBER 3, 2014 PLANNING COMMISSION HEARING.

Approved.

CHAIRMAN PRIDEMORE said he had speaker cards for Item H (ZUP13-0032) ST. LUKES BEHAVIORAL HEALTH, Item B (DVR14-0024) ST. JUAN DIEGO CATHOLIC CHURCH all being in favor of these respective items. These items are still on the Consent Agenda. If for some reason that would change, they will go ahead and deal with these. They will be placed on record and back to the City Clerk.

Has one speaker card for Item A which is DVR14-0020 AVILLA HOMES.

DONALD CARROCCIA, 2118 N. ILLINOIS ST., said he lives border to this development and his concerns are three-fold. Traffic congestion at Grace and Warner - The traffic light is the only one to let people out of there. There is one other exit for this development, which would not allow anyone to turn left on to Arizona Avenue since there is no light. Arizona Avenue has very heavy traffic so they could only turn right. People wanting to turn left on Arizona would have to come out Grace to Warner to the stoplight which right now takes a long time for that light to change. With a 195 units there is going to be a long line trying to get out of their neighborhood. The other concern is construction debris and demolition debris. They lived through that with the other little development that went in resulting in nail screws, nuts, and bolts at that stoplight at Grace and Warner Avenue him being one of the lucky ones getting a flat tire and ruining a tire with a bolt. That is a big concern with vehicles going out to that area. The other concern is dust. Dust is Arizona once it gets stirred up, they do have what they call Valley Fever. It is spores in the dust and that is a big concern for his health and his neighbors. They have already met with the folks before and have assured them the trucks are going to be covered. He will be taking pictures of the nails and bolts in the road and the dust. Again, Valley Fever is prevalent and it is stirred up by construction. He is sure they will be told it will be wetted down but it wasn't at the last construction site.

CHAIRMAN PRIDEMORE said he had two other cards regarding Item F, DVR14-0036.

PETER SALTENTALL, 2711 E. YELLOWSTONE PLACE AT GILBERT AND OCOTILLO, said four months ago they came here and voiced their opinion and displeasure about the fact that a Fry's grocery store was going to be built on the corner. He thinks it was the southwest corner of Gilbert Road and Ocotillo Road. Several years earlier, they were informed that it was going to be a park so with the fact that there was going to be a grocery store going in there they were not super thrilled at the time. They came here and voiced their opinions and it went from there. That is when Marty DeRito came into the situation and really did a phenomenal job in working with them. Again, it wasn't what they were hoping for but what Marty and his

staff did and the time he put in to meet with them, the time he put in to come to their community and physically take a look at everything that was going to be developed, the land and all that, and the fact that he spent time and cared about their wants and dislikes regarding what was going in there. That cannot be overstated. He and his staff did a great job and wanted to come here and let them know that it was a positive experience working with them. They look forward to continuing to have that open dialogue as this project gets underway. As a community they were not super in favor of this but the way it has been designed and the way it has turned out and the accommodations that Marty has made for them and how they have been able to work back and forth and really come to a compromise on many, many things. Obviously, you cannot take the building and flip it this way or that way, they get that. There was just give and take on both sides and a willingness to meet with the homeowners and really present himself as a human and really take to heart what they had to say and to do everything he could to make this as easy as possible. He did a phenomenal job with that.

PAUL HODGES, 4580 S. FRESNO, said he had more of a comment versus a question. The question is around a sustainability check sheet that is used by the City. The last time he was here he talked about a few other things around sustainable practices that we are asking our developers to at least show as they put developments in or come to the Planning and Zoning Commission. Is there something above and beyond what Kevin and his team do with respect to water, power usage and so forth. They talk about sustainable aspects of the development, what types of things they are going to ensure that the minimal usages are used on those things. He understands there is no additional check sheet that is put forth in front of their team in order to judge that. It is a recommendation that they take to City Council that is a part of the recommendations either for or against future developments.

CHAIRMAN PRIDEMORE said he wishes him luck with that. He also received another speaker card on Item A and called that person up.

GAYLE CLARK, 2155 N. GRACE BLVD., said she does not object to the complex, however she did see their complex at Pecos and Alma School and they look like an upscale prison complex. If this is really going to be replicated in their area, she does have a problem with that. The aesthetics of the building themselves are really not attractive and it upsets her tremendously. The colors they chose down at Pecos and Alma School were garish and she does not understand or does not know if they have any choice in saying yes or no to this complex. That is what she is complaining about – the aesthetics of this complex.

CHAIRMAN PRIDEMORE asked if there was anyone else present that would like to make a comment or have an item pulled for a full presentation. There was none so he closed the floor and looked for a motion regarding their Consent Agenda.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda as read in by Staff with the noted additional stip. for Item A and noted deleted stip. (no. 16) for Item F and all three noted extensions on the panel. The Consent Agenda passed 6-0 (Commissioner Foley was absent).

CHAIRMAN PRIDEMORE said just as a reminder they are a recommending body. Every item that comes before the Planning and Zoning Commission still has to go through City Council

for their approval or denial. He recommended to everyone that had issues, positive or negative with an item, to come to City Council and to voice those opinions.

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, said their Clerk, Joyce Radatz, received a promotion to take an executive position with the Director of Transportation & Development. She will be leaving their Planning Division and won't be clerking meetings after this. He congratulated her and said January 7, 2015 will most likely bring a new Staff member in that seat to clerk the hearing. CHAIRMAN PRIDEMORE congratulated her. Mr. Mayo also said since they did cancel December 3rd and they did not actually scheduled December 17. this will be their last hearing for the year. Normally it would be more into the holiday season when he gets to say thank you to them for their efforts for the past year. He thanked them for all their effort for the City of Chandler. It is very much appreciated. He said he hopes they have a safe holiday season and a happy New Year. CHAIRMAN PRIDEMORE wished everybody Happy Holidays and a Happy New Year and to be safe

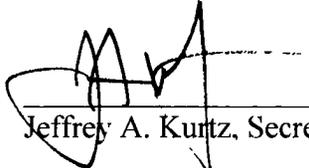
7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN PRIDEMORE said the next regular meeting is January 7, 2015 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:54 p.m.


Matthew Pridemore, Chairman


Jeffrey A. Kurtz, Secretary