Chandler • Arizona

2005 Planning & Zoning Commission Minutes

Regular Meetings

January 5, 2005

January 19, 2005

February 2, 2005

March 2, 2005

March 16, 2005

April 6, 2005

April 20, 2005

May 4, 2005

May 18, 2005

June 1, 2005

June 15, 2005

July 6, 2005 No meeting

July 20, 2005

August 3, 2005

August 17, 2005

September 7, 2005

September 21, 2005

October 5, 2005

October 19, 2005

November 2, 2005

November 16, 2005

December 7, 2005

December 21, 2005

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, January 5, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Vice Chairman Flanders called the meeting to order at 5:32 p.m.

2. Pledge of Allegiance led by Commissioner Heumann.

3. The following Commissioners answered Roll Call:

   Vice Chairman Michael Flanders
   Commissioner Rick Heumann
   Commissioner Mark Irby
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Absent & Excused: Chairman Phil Ryan and Commissioner Polvani

   Also Present:

   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Ms. Kim Clark, Planner
   Mr. Joshua Cook, Planner
   Mr. Kevin Mayo, Planner
   Ms. Jodie Novak, Planner II
   Mr. Thomas Ritz, Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER GULSVIG and SECONDED BY COMMISSIONER ANDERSON to approve the minutes of the December 15, 2004 meeting. **MOTION WAS APPROVED (4-0) with Commissioner Heumann abstaining from the vote as he was absent the previous meeting.**

5. CONSENT AGENDA ITEMS

   VICE CHAIRMAN FLANDERS stated that Commission and staff had met prior in a Study Session to review the items on the agenda. The Vice Chairman stated that all of the items had been left on the Consent agenda with additional stipulations. To the audience Vice Chairman Flanders that if anyone in the audience wanted to pull any one of the items, then would be the time to do so. Hearing no comments, he asked the Current Planning Manager Jeff Kurtz to read into the record the additional stipulations.

   MR. JEFF KURTZ stated that for Item 'A' DVR04-0031 SOUTH CHANDLER BUSINESS PARK and additional Stipulation No. 18, which would read ***"All landscaping along Ocotillo Road and Pinelake Way shall be designed to the Commercial Design Standards."***

Mr. Kurtz stated that there was an additional stipulation on Item 'B' DVR04-0036 WARNER COMMERCE PARK, which was read into the record by Kevin Mayo, Planner, and stated that Stipulation No. 10 would read, ***"The phase line shall be adjusted to include completion of the landscaping 20 feet east of the main drive along Warner Road at Nevada Street."***

Mr. Kurtz stated that Item 'D' DVR04-0045 ELLIOT & 101 PROFESSIONAL VILLAGE had additional stipulations, which was read into the record by Kevin Mayo. Stipulation No. 11 shall read ***"The applicant shall work with Staff to enhance the arterial street and frontage road landscaping to include date palms."*** Stipulation No. 12 shall read, ***"The applicant shall work with Staff to provide traffic calming on Benson Lane and Comstock Drive."***

Mr. Kurtz said the last stipulation was for Item 'J' UP04-0059 FAMOUS SAM'S #25, adding Condition No. 8, which would read ***"The Use Permit shall be granted for a period of two years at which time reapplication shall be required."***

A. <u>DVR04-0031 SOUTH CHANDLER BUSINESS PARK</u>

APPROVED a request for rezoning from Agricultural (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan approval for a 17 building, 25 unit multiple-building industrial park under single ownership located on approximately 12 acres. Buildings will range in size from approximately 3400 to 7200 square feet. The property is located at the northeast corner of Ocotillo Road and Pinelake Way.

1. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
2. 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. The property owner shall maintain the landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, excluding rights-of-way medians.
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. All outdoor storage shall be fully screen within the areas designated for enclosed outdoor storage areas and shall not be visible above the walls enclosing the outdoor storage area.
6. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "South Chandler Business Center" kept on file in the City of Chandler Current Planning Division, in file DVR04-0031, except as modified by condition herein.
7. Right-of-way dedications to achieve half width for Ocotillo Road and Pinelake Way, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and Public Works Director for median landscaping.
9. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

10. 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.
11. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance, the applicant shall post a 4' x 8' sign on the property, conspicuous to the (existing or prospective) single family residences near this site, advising the following: "This property has been zoned for other than single family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, 782-3000".
12. 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.
13. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.
14. In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.
15. The directory signs will be located within the development, setback at least 50 feet from Pinelake Way.
16. Uses permitted only in the General Industrial (I-2) district shall be prohibited.
17. The applicant shall resubmit to Staff a landscape plan prepared by a Registered Landscape Architect which includes substantial turf along Ocotillo Road and Pinelake Way and features species planted in Chandler on commercial and industrial sites where effluent is available.

B. **DVR04-0036 WARNER COMMERCE PARK**

APPROVED, a request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) on approximately 16.9-acres with Preliminary Development Plan (PDP) approval for a business park development with commercial and industrial uses, located on the southeast corner of Warner Road and Delaware Street.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "WARNER COMMERCE PARK" kept on file in the City of Chandler Current Planning Division, in file number DVR04-0036, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Warner Road and Delaware Street, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. 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. Completion of the construction, where applicable, 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. 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.
9. The developer shall be required to install landscaping in the arterial street median 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. <u>DVR04-0046 QUIKTRIP – ARIZONA AVE & GERMANN RD</u>

CONTINUED TO JANUARY 19, 2005 a request for rezoning from Planned Area Development (PAD) for Community Commercial District (C-2) to PAD amended to include a gas station with Preliminary Development Plan (PDP) approval. The site is approximately 2 acres and located on the southwest corner of Arizona Avenue and Germann Road.

D. <u>DVR04-0045 ELLIOT & 101 PROFESSIONAL VILLAGE</u>

APPROVED, a request for rezoning from Community Commercial District (C-2) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval on approximately 4.29-acres for the construction of a Medical/General Office development located on the southeast corner of Elliot Road and the Loop 101 Price Freeway.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "ELLIOT & 101 PROFESSIONAL VILLAGE" kept on file in the City of Chandler Current Planning Division, in file number DVR04-0045, except as modified by condition herein.
2. Right-of-way dedications to achieve full half width for Elliot Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. 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. Completion of the construction, where applicable, 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.
9. Signage facing adjacent residential homes shall be non-illuminated.
10. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.

E. **PDP04-0017 COOPER CROSSING**

APPROVED, a request for Preliminary Development Plan approval of a commercial office and retail center located at the northwest corner of Ray and Cooper roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "COOPER CROSSING" kept on file in the City of Chandler Planning Services Division, in File No. PDP04-0017 except as modified by condition herein.
2. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
3. The developer shall be required to install landscaping in the arterial street median adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. All trees planted along the west and north property wall adjacent to the residential development shall be 12' tall at the time of planting and spaced at 20' on center.
6. All perimeter and arterial street landscaping shall be installed during the first phase of construction.
7. River rock elements shall be incorporated in the enhanced paving treatments, parking screen walls, monument signage, and intersection wall treatment.
8. The Provinces logo shall be included on all monument signs.
9. All site lighting fixtures shall be designed to be compatible with the Provinces character theme.
10. The applicant shall work with Staff to provide additional pedestrian amenities such as seating areas and pergolas at the pedestrian entrances to the office and retail developments.

F. **UP04-0060 TARGET**

APPROVED, a request for Use Permit approval to sell liquor (Series 10 Beer and Wine License) at a general retail store at 2880 South Alma School Road.

1. The Use Permit is for a Series 10 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.
4. Alcohol display shall be prohibited at the checkout lanes.

G. **UP04-0052 RINCHEM COMPANY, INC.**

APPROVED, a request for Use Permit approval for indoor chemical storage in a General Industrial Zoning District (I-2). The request is for existing buildings at 6838 and 6888 East Frye Road.

1. Compliance with the City of Chandler's Fire Department provisions with regard to the Hazard Material Management Plan.
2. Development shall be in substantial conformance with all attached exhibits, except as modified by condition herein.
3. Any enlargement of the building or modification of the floor plan shall require a new Use Permit.
4. There shall be no outdoor storage in conjunction with this Use Permit.

H. **PPT04-0031 FULTON RANCH TOWNE CENTER**

APPROVED, a request for Preliminary Plat approval for a commercial retail development on an approximate 41.5-acre site located at the southwest corner of Arizona Avenue and Ocotillo Road.

I. **UP04-0051 GIBIDES GOURMET HOT DOGS AND HAMBURGERS**

APPROVED, a request for Use Permit extension to sell liquor for on-premise consumption only within an existing restaurant (Series 12 Restaurant License). The subject property is located at 1940 S. Alma School Road.

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. The Use Permit is not transferable to any other store location.
3. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
4. Changes to the hours of operation shall require new Use Permit application and approval.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
6. That the Use Permit be granted for a period of three (3) years, at which time reapplication shall be required.

J. **UP04-0059 FAMOUS SAM'S #25**

APPROVED, a request for Use Permit approval to sell beer, wine, and liquor for on-premise and off-premise consumption (Series 6 or Bar License) at an existing restaurant located at 940 North Alma School Road, Suites 106 - 109, at the Southwest Corner of Alma School Road and Ray Road.

1. The sale of alcohol for off-premise consumption is prohibited.
2. The Use Permit is for a Series 6 license only, and any change in type of license shall require reapplication and new Use Permit approval.

3. Expansion of the sales area beyond the approved floor plan shall void the Use Permit and require new Use Permit application and approval.
4. Outdoor music or outdoor live entertainment shall be prohibited.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
6. Access to the suite's south exterior door at the kitchen shall be restricted to emergency egress or employee use only. Customer access to this door shall be prohibited. This door is to remain closed during business hours to mitigate potential noise adjacent to residences.
7. Decibel levels of music shall be controlled so as not to present a nuisance to residential properties beyond the boundaries of the Alma Ray Plaza shopping center.

Vice Chairman Flanders asked if there were any questions regarding the stipulations. Commissioner Anderson said that he thought that the street was Coronado *(referring to Item D – Elliot & 101 Professional Village)***.** Mr. Mayo stated that the streets within the subdivision and adjacent to this development to the south and east was Benson Lane and Comstock Drive, and that Coronado was a collector street on the north side of Elliot that runs north.

Vice Chairman Flanders asked for a motion to approve the Consent agenda.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER IRBY, to approve the Consent Agenda with the stipulations as read into the record. Before the vote was taken Vice Chairman Flanders stated that he had a conflict with Item 'H' PPT04-0031 Fulton Ranch Towne Center as he was involved with one of the major users on that project. When the vote was taken, the motion was approved (4-0) with Vice Chairman Flanders abstaining from the vote.

6. DIRECTOR'S REPORT

There was nothing to report on at this time.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is January 19, 2005 at 5:30 p.m. in the Council Chambers.

8. ADJOURNMENT

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

_____
Michael Flanders, Vice Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, January 19, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Vice Chairman Flanders called the meeting to order at 5:32 p.m.

2. Pledge of Allegiance led by Vice Chairman Flanders.

3. The following Commissioners answered Roll Call:

   Vice Chairman Michael Flanders
   Commissioner Jeanette Polvani
   Commissioner Mark Irby
   Commissioner Dick Gulsvig

   Absent & Excused: Chairman Phil Ryan, Commissioner Rick Heumann, Commissioner Anderson

   Also Present:

   Mr. Doug Ballard, Planning and Development Director
   Mr. Glen Van Nimwegen, Asst. Planning and Development Director
   Mr. Garrett Newland, Economic Director
   Mr. Hank Pluster, Long Range Planning Manager
   Mr. David de la Torre, General Plan Coordinator
   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Ms. Kim Clark, Planner
   Mr. Joshua Cook, Planner
   Mr. Kevin Mayo, Planner
   Ms. Jodie Novak, Planner II
   Mr. Thomas Ritz, Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER IRBY and SECONDED BY COMMISSIONER GULSVIG to approve the minutes of the January 5, 2005 Planning and Zoning Commission meeting. **MOTION WAS APPROVED (3-0)** with Commissioner Polvani abstaining from the vote due to her absence the previous meeting**.**

5. CONSENT AGENDA ITEMS

   To the audience Vice Chairman Flanders announced that members of the Commission and staff had met earlier in a Study Session to review the items on the night's agenda. He pointed out that the agenda could be found at the back of the room. Vice Chairman Flanders went on to explain that there were two action items on the agenda, Item A and Item C, and that all other items were on the consent agenda. He asked if anyone in the audience wanted to hear any of the consent items, which were Items B, D, E, and F. There was no response. Vice Chairman Flanders then requested that Jeff Kurtz, Current Planning Manager, read the additional stipulations.

Mr. Kurtz identified that Commission's action was to continue Item B – UP04-0038 Utility Vault to the March 16, 2005, Planning and Zoning Commission agenda as opposed to February 16th as listed on the current agenda.

Mr. Kurtz went on to state that there was an additional condition number 6 for Item E – PDP04-0026 Lindsay 1, 2 LDS Meeting House: ***"The applicant shall work with staff to modify the building colors and materials to better incorporate the architecture into the existing neighborhood."***

Also for Item F – DVR04-0046 QuikTrip – Arizona Ave & Germann Rd, Commission's action was to continue this case to the March 16, 2005 Planning and Zoning Commission agenda, during which time a Design Review Committee will be held to discuss the design aspects of the project.

B. UP04-0038 UTILITY VAULT

Request Use Permit extension for existing outdoor storage of concrete vaults. The subject property is located at 411 E. Frye Road. (**Continued to the March 16, 2005, Planning And Zoning Commission Meeting.)**

D. UP04-0055 TRI-CITY BAPTIST CHURCH

APPROVED, a request for Use Permit extension approval for a student residence hall within an Agricultural (AG-1) zoning district. The existing student residence hall is located at 821 West Warner Road.

1. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other location.
3. Substantial conformance with the representations contained within the Applicant's Narrative.

E. PDP04-0026 LINDSAY 1, 2 LDS MEETING HOUSE

APPROVED, a request for Preliminary Development Plan (PDP) approval for site layout, landscaping, and building architecture for a 16,558 square foot church building on a 4.12-acre site. The property is located at 6345 S. Lindsay Road.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2943, in case PL98-0158 Sun Groves, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Lindsay 1,2 Wards Meetinghouse" kept on file in the City of Chandler Current Planning Division, in file number PDP04-0026, 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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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.

F. DVR04-0046 QUIKTRIP – ARIZONA AVE & GERMANN RD

Request rezoning from Planned Area Development (PAD) for Community Commercial District (C-2) to PAD amended to include a gas station with Preliminary Development Plan (PDP) approval. The site is approximately 2 acres and located on the southwest corner of Arizona Avenue and Germann Road. **(Continued to the March 16, 2005, Planning and Zoning Commission meeting.)**

Vice Chairman Flanders asked if there were any comments regarding the items. Commission Irby stated that he would be abstaining from voting on Item F QuikTrip due to a conflict of interest, as the applicant is a client of his. Vice Chairman Flanders asked for a motion to approve the consent agenda.

MOVED BY COMMISSIONER POLVANI, SECONDED BY COMMISSIONER GULSVIG**,** to approve the Consent Agenda with the additional stipulations as read in by staff. **MOTION WAS APPROVED (3-0)** with Commissioner Irby abstaining from the vote due to a conflict of interest (applicant is currently a client of his).

ACTION ITEMS:

A. GPA04-0003 CHANDLER 202 AUTO PARK PHASE II

Request to amend the General Plan by re-designating approximately 16 acres located at the northwest corner of Pecos and Gilbert Roads from Low Density Residential to Regional Commercial.

Vice Chairman Flanders stated that he has a conflict of interest on this agenda item (employed by the architect of record) and will turn the meeting over to Commissioner Polvani.

General Plan Coordinator David De La Torre addressed the members of the Commission and said that this is a request to amend the General Plan by re-designing 16 +/- acres of land on the northwest corner of Pecos and Gilbert Roads from Low Density Residential to Regional Commercial. He discussed e-mails that staff has received and stated that there seems to be some confusion as to the property's current zoning and what the requested zoning would allow. He explained that the City utilizes a three-tiered planning process with the General Plan being the higher level tier covering the entire City; the next tier being specific area plans that typically cover a square mile but can sometimes cover more area such as the Southeast Chandler Area Plan or the Airpark Area Plan and the last tier being the zoning, which regulates specific land uses and development standards for each individual property in the City.

Mr. De La Torre advised that the land use designation for the subject property is Low Density Residential, as shown in the City's General Plan, and this designation allows for the consideration of neighborhood shopping centers to be located at the corner of major arterials. He added that the College Area Plan further specifies that a neighborhood shopping center is planned for the subject property and said this is consistent with the Low Density Residential land use from the General Plan. He noted that the zoning on the property is AG-1 for agricultural district. He stated that if the City Council approves the proposed General Plan amendment, that would not constitute approval of the proposed auto park expansion, it would only allow subsequent zoning consideration for the auto park expansion. He advised that the

presentation will focus on addressing land use concerns and compatibility concerns associated with not only the regional commercial land use that is being proposed, but also the auto park, which is prompting this request to amend the General Plan. He added that an auto park is practically the only land use that would fit on 16 acres and be a regional commercial land use. He pointed out that on July 22, 2004, the City Council approved the zoning for the first phase of the auto park, located on the southwest corner of Pecos and Gilbert. He reported that the first phase consists of 98 acres and six lots ranging in size from 11.8 to 21.6 acres. He explained that the request is to expand the park to the north side of Pecos by 16 acres, representing a 16% expansion of Phase I.

Mr. De La Torre commented that staff believes it is important to place the property in the proper context when analyzing the proposed regional commercial land use. He added that an analysis of the land uses in the area reveals an area that one day, probably not too far from now, will be bustling with regional activity. He referred to slides depicting the area in question and noted that Phase I is located immediately south of the auto park expansion that has received zoning approval and said that south of the Santan Freeway 1.3 million square feet of major retail has been approved and is under construction with the Gilbert side of the major retail scheduled to open in March 2005. He stated that the Chandler side has just begun construction and contains approximately 100,000 square feet. He pointed out that the border between Chandler and Gilbert is Gilbert Road. He also pointed out that west of the Crossroads development there are approximately 80 acres planned for commercial, office and business park by the City's Airpark Area Plan and that is also the subject of a current zoning application that is being reviewed by staff. He noted that east of the Crossroads Town Center, approximately 150 acres are planned for light industrial by the Town of Gilbert's General Plan and directly east of that, approximately 80 acres are planned for a business park, also by the Town of Gilbert's General Plan. He informed the members that a mile and a half east of the subject site will lie the 150-acre Santan Motorplex (the Gilbert Auto Mall) and he said that the project contains 18 parcels and has received use permit approval.

Mr. De La Torre advised that between the Gilbert and Chandler Auto Malls, approximately 300 acres are planned for a business park under the Town of Gilbert's General Plan. He added that on the immediate southeast corner of Pecos and Gilbert there are 20 acres that have received approval for a shopping center in the Town of Gilbert and on the northeast corner, there are five acres that have zoning approval for a neighborhood commercial center. He pointed out that south and east of the Chandler Boulevard and Gilbert Road intersection there are approximately 20 acres that wrap around the immediate corner that are also zoned for commercial uses by the Town of Gilbert. He further stated that to the north and west of the site lies the Chandler-Gilbert Community College, which during the last fiscal year (2003-2004) had 12,416 students enrolled in 4 credit classes. He noted that the college projects this figure will increase to 20,000 students by the year 2010. He said that staff met with college officials and they acknowledged that there is more room to grow beyond 2010 if needed and staff believes the community college could become as large as Mesa Community College is today, almost 44,000 students enrolled in four credit classes. He added that the college draws students from a six-mile radius and they advised that it is not uncommon for students to enroll there when they live across the valley. He further stated that immediately to the north and west of the subject site the college plans to build ball fields and parking lots and on the northeast and southeast corners of Pecos and Cooper Roads there are two properties zoned PAD (Planned Area Development) for neighborhood commercial as well.

Mr. De La Torre advised that from the analysis staff has developed four findings:

1. That the proposed 16-acre extension of regional commercial is not out of context with the rest of the area. The analysis reveals a future that will contain a dynamic relationship between existing residential developments and a future 300-acre business park, 150 acre-light industrial park, a community college that could become as large as Mesa Community College, a freeway to the south, and an auto park a mile and a half to the east. It is not just a residential area.

2. The Community College is a regional land use in itself, drawing students from a six-mile radius as well as from across the valley. The regional commercial is a logical land use for this property since it is located between the college and the freeway.

3. The site does not enjoin or directly abut any residential properties, it is surrounded and buffered by non-residential land uses. Allen Ranch, a residential neighborhood in the Town of Gilbert, is located directly east of the 5-acre neighborhood commercial property and was appropriately designed with a retention basin and a local street between the 5-acre property and homes. In addition, all of the homes that are located on the western edge of the neighborhood face north and south, as opposed to east and west, further minimizing impacts from properties across Gilbert Road to the west.

4. Many residents have expressed the desire to see a shopping center that would include shops and services that would cater to the college students. Staff believed that these shopping center needs will be adequately provided by the four vacant corners that are currently zoned for neighborhood shopping center on the Town of Gilbert's side of Pecos and Gilbert Roads as well as the north and southeast corners of Cooper and Pecos Roads. Staff believes the distance between the subject property and the nearest college building (approximately 700 feet) is long enough to dissuade students from walking to the property if it were developed as a commercial center and would prompt them to drive instead. If this were the case, students could just as well drive to one of the aforementioned corners that are planned for neighborhood commercial.

   In addition, the market for a neighborhood shopping center has been significantly reduced by over 200 acres of land that is now devoted to the community college and Phase I of the auto park. This land would have otherwise yielded 800 dwelling units if it were developed as residential. As it is planned, the four corners that have been identified for neighborhood commercial may actually be providing an oversupply of neighborhood commercial for the area. Given the oversupply of neighborhood commercial corners, a neighborhood commercial corner at the subject property would not be sustainable.

   The subject property is also not on a "going home" corner, which is more difficult to access during rush hour traffic if one is traveling north from the freeway. On the other hand, the corners on the east side of Gilbert Road would be better candidates for commercial development because they are easier to access coming off of the freeway (i.e. right-in/right-out turning movements).

Mr. De La Torre advised that staff believes that the request is appropriate and indicated his willingness to respond to questions and comments posed by the Commissioners and citizens in the audience who wish to address this matter.

Acting Chairman Polvani said that she would open the meeting up for public comments at this time. She stated that some members of the audience have requested that a spokesperson be allowed to speak for them. She added that although this is not a typical occurrence, she would comply with the request. She explained that whether the citizens speak or not, all submitted cards and written comments will be read into the record. She also noted that the first speaker, Fidelis Garcia, will be speaking on behalf of the following citizens:

Cindy Martin	2703 S. Palm Court	
J.L. Skinner	3125 S. Birch, Gilbert	(Opposed)
Nancy Weber	2441 E. Dana Way	(Opposed)
Laura Smallwood	133 E. Frances Lane	(Opposed)
Clea Martin	2730 S. Palm Court	
Keith Branzen	106 E. Frances Lane, Gilbert	(Opposed)
Stacey Tosetti	106 E. Frances Lane, Gilbert	(Opposed)
Vinny Bocchino	107 E. Julian Drive, Gilbert	
Lavonne Skinner	3125 S. Birch, Gilbert	(Opposed)
Nino DiGiulio	345 E. Julian Drive	(Opposed)
Maura Anderson	82 E. Mary lane	(Opposed)
Sherri Braden	None provided	(Opposed)
Kevin Gifford	2915 S. Palm Street, Gilbert	(Opposed)

(Note: Although three speakers listed above did not check the box indicating their opposition to the item, the fact that they donated their time to allow Mr. Garcia to speak on their behalf indicates their opposition as well.)

Fidelis Garcia, 184 E. Benrich Court, said he was previously advised that citizens could each yield their three-minute time allotment to him. He stated that he has conducted extensive research on this issue and would like the opportunity to discuss his findings along with concerns, including the overall notification process.

Acting Chairman Polvani asked how much time Mr. Garcia thought he would need and said there were a lot of other citizens in the audience who wished to address the Commission regarding this agenda item. He estimated that he would need less than an hour for his presentation. Counsel advised that the Acting Chairman has the authority to provide the speakers with whatever she feels is an appropriate and reasonable amount of time in which to speak. Counsel suggested that Mr. Garcia proceed in a reasonable fashion. Mr. Garcia indicated that he had a number of questions he intended to pose regarding this agenda item and he was requested to proceed with his presentation on the information he already has rather than extend the meeting by posing additional questions.

Vice Chairman Polvani agreed but added that if there are questions that can be easily answered they will attempt to respond to them.

Mr. Garcia said that he and his wife were first notified of this case by mail over the Thanksgiving holiday and the notification advised that an open house was scheduled for December 9th. He stated that he attended the meeting along with a capacity crowd, more than 150 citizens. He advised that he visited Mr. De La Torre on November 30th and asked to review the files associated with the application. He acknowledged that Mr. De La Torre has been very cordial and helpful throughout the process as has City Clerk Marla Paddock. He said that the first point

that struck him was the fact that the landscape architect for the project was Ryan & Associates and under the contact information a gentleman by the name of Phil Ryan was listed. He stated that although no one here is willing to verify this for him, to the best of his knowledge the same Mr. Ryan is the Chair of the Planning & Zoning Commission in Chandler. He commented on the fact that much has been said that the project would mirror Phase I of the auto park and stated that he took the liberty of requesting copies of some of the documents related to Phase I for comparative purposes. He commented that in reviewing Mr. De La Torre's files, the earliest date he could find that the City was notified or that a request in writing was made of the applicant was October 25th from Mr. Withey's office, the first notification of the 16-acre expansion request.

Mr. Garcia informed the members that he spent an extensive amount of the time in the City Clerk's office reviewing the history and planning for the outlined area. He said that first reference he found, although there might have been prior ones, was the South Chandler Area Plan that he displayed on the screen in the Council Chambers. He advised that it appears the Plan went to the Planning & Zoning Commission in February 1982 and was adopted by the Council in that same year. He noted that Jay Tibshraeny was on the Commission at that time and later signed the Plan. In 1986 the Chandler Air Park Plan was adopted as well and he referred to boundary pictures displayed in the Chambers. He noted that there is a direct quote in the area plan that states the area is "an area requiring more detailed land use planning due to the area's relationship to the Chandler-Gilbert Community College, the airport, the future Santan Freeway and an existing single-family neighborhood." He said he brought this up because it shows that as far back as 1986 the City was planning well in advance and specific references to the college and anticipated land uses were made.

Mr. Garcia referred to the map from the 2001 General Plan and noted that the Chandler Airport Air Park's borders are very clearly to the north, stops at Pecos Road and there is nothing south defined in the Chandler Air Park Area and to the west of Gilbert Road.

Mr. Garcia discussed the Community College Area Plan, passed by Resolution No. 2200 in 1994, and pointed out that the Plan was required by the 1990 Land Use Element of the General Plan and states "at least a square mile section in which a proposed project is located" and the Community College Area Plan was adopted in 1994 as "a general guideline for future land development within the area." He noted that Jay Tibshraeny was the Vice Mayor at the time Resolution No. 2200 was adopted and both Councilmembers Huggins and Orlando voted for the Community College Area Plan. He expressed the opinion that this shows the planners in dealing with this particular section and recognizing the mile that surrounded the Community College had a vision of uses and what was going on in that area.

Discussion ensued relative to the fact that in 1996 the Council made an amendment to the College Area Plan, which provided specific land-use designation for the area adjacent to and surrounding the community college; Mr. Garcia's point that the area in question (northwest corners of Pecos and Gilbert are clearly defined in the College Area Plan as neighborhood commercial); his opinion that the Council anticipated growth and the need for housing and regional/commercial in the area that abuts the Santan Freeway and Pecos/Gilbert Roads; the fact that the northwest corner was designated as neighborhood commercial and the actual Resolution itself actually defined neighborhood commercial as "areas intended to serve local, commercial needs such as neighborhood shopping centers;" his opinion that the words "local needs" should be emphasized since much has been said about "regional development in the area" and the plan specifically states that it should serve the local needs, such as a neighborhood shopping center and service

uses such as cafes, shops and coffee shops that could be creatively designed into integrated pad orientations for places to gather or relax and study for the commercial areas just east of the Community College; the 1996 amendment, signed by Jay Tibshraeny, "was to serve as a guide for rezoning decisions, development standards and intensity;" the 1999 Santan Corridor Area Plan and the fact that the Plan clearly designated an established boundary line south of Pecos and west of Gilbert Roads; language in the Plan itself which stated, "the primary goal of the Plan is to protect existing and planned residential development from the impacts created by the Santan Freeway, thereby preserving quality of life aspects of the existing areas;" the public participation phase of the Santan Freeway Corridor that included community meetings in addition to community newsletters, policy and issue meetings with City staff as well as the Planning and Zoning Commission and City Council; the fact that the Santan Freeway Corridor Plan, in a planning context, states that, "the City of Chandler has designated the Santan Corridor Area for preparation and adoption as a detailed, specific planned area. Area plans are incorporated into the General Plan upon the approval of the Planning & Zoning Commission and adoption by the City Council. The Santan Area Plan supports the overall goals and policies of the General Plan and is compatible with surrounding uses proposed by the Plan;" and Mr. Garcia's comment that this again recognizes and incorporates the adoption of the previous area plans, including the College Area Plan.

Mr. Garcia advised that in 2001, as a result of the Smart Growth and Smart Growth Plus legislation adopted by the State, the City was in preparation for its General Plan and the Council adopted "new procedures to provide effective, early and continuous public participation in the development of the update of the 2000 General Plan," providing for compliance with the State of Arizona Growing Smarter and Growing Smarter Plus resolution. He noted that the resolution itself and the planning process for the General Plan contained a very comprehensive interactive approach to public involvement in the General Plan process. Mr. Garcia noted that one of the firms that was hired was a Public Relations firm that developed a key message identification as a promotion to the public for the General Plan and as a mechanism for involvement with the public in the participation of adopting the General Plan, which was ultimately submitted to the voters. He stated that they wanted to discuss the attributes of the General Plan and noted that the Plan is citizen based, is for managed growth, for long-term vision, and community identification. He emphasized the importance of incorporating public education into the attribute of the General Plan along with the land use impact.

Additional discussion ensued relative to the promotion of the General Plan and one of the first things the public relation's firm recognized was the importance of promoting safe neighborhoods, community interaction and schools for future population growth; the listed values of the General Plan that include civic pride, confidence in the future, a sense of community that feels like home, citizens are connected to City government and citizens make a difference among other things; the message the City sent out to the citizens that the General Plan is sustainable, practical and long lasting; the fact that in November 2001, the City Council adopted the General Plan and read a quote that stated, "residents can use the General Plan to learn more about our City and how it plans to grow over the next decade;" Mr. Garcia's comment that in 2001 the Council was envisioning a General Plan that would last over the next ten years; the fact that with regards to land use, the City stated that "the General Plan will assure that our City is attractive and well planned over the next decade. This element establishes a different land use category's intensities including a map that identifies where these uses should be located. The Chandler Land Use Element includes the Chandler Land Use Map, which integrates the existing area plans;" and Mr.

Garcia's comment that the General Plan is the latest in a series of documents that incorporated all of the plans and years of planning and was ratified by the voters in 2002.

Mr. Garcia stated that if they look at the area for proposed development, it is very clear that the General Plan designates the 16 acres as low residential and some type of educational facility, again with the understanding that neighborhood commercial is allowed at the major arterial streets. He added the opinion that clearly to the south of Pecos Road, at the boundaries to the south, there is an allotment for retail, which is aligned with the College Area Plan. He said he believed it was important to provide the Commission as well as the members of the public an understanding of the historical background with relation to the land use planning that went into the process.

Mr. Garcia commented that one of the frustrations as a resident in the area has been the process, the speed and the intensity of this project that seems to have been fast tracked through the application process. He expressed the opinion that there appears to have been meetings that have taken place well before the public was notified of the proposed project. He added that he received a memorandum that apparently the President of the Community College wrote and sent out to her staff stating that "officials from the City of Chandler came to me with Mark Mason, (her assistant) to explain that the auto mall would be expanded to include the land on the northwest corner of Gilbert and Pecos Roads, adjacent to the college." He said she further stated, "up until this time it was our understanding that the corner would be a retail development of some sort and our hope was that it might be a combination of restaurants and other services that would complement the college campus. They explained (he believes referring to City staff) approached her on this particular project and explained that it was their hope too that this would have been the case, but the difficulties between both cities in developing the auto mall on both sides of the street posed development problems that precluded that as an option." He commented that it appears the President and her assistant were approached by City officials in early October regarding the zoning of this particular property.

Mr. Garcia said that he wanted to respond to some of the comments made by Mr. De La Torre relative to the statistic that less traffic would be generated in the area as a result of the proposal rather than a retail or neighborhood commercial center as designated. He stated that in speaking with individuals who have experience in this area, it is his understanding that it is not so much the traffic congestion that becomes the issue, but rather the type of traffic into the neighborhood. He said that along with test-driving they also have 24-hour automobile deliveries and drop offs. He pointed out that tow trucks can deliver vehicles also at night to the body shops. Mr. Garcia commented on the Tempe Autoplex and said that the location for that along with the utilization of the I-10 Freeway was also a result of Tempe dealerships located on Baseline Road having numerous problems with the neighborhood. He added that the body shops were operating 24-hours a day and as a result many of the homes in the area turned into rental properties due to the property devaluations. He said that his wife called the Tempe Planning Department and learned that the original 1999 adoption of the acreage for the Tempe Autoplex was 104 acres and he believes acreage was added to that. He pointed out that one of the things the Autoplex boasts is 10,000 vehicles on their properties and discussed the negative impacts of a business that size.

Mr. Garcia said that he has requested, but to date not received, a copy of the development agreement that he believes the City of Chandler is going to consider as part of the acreage here. He added that he did review the original 100-acre incentive deal that was entered into by the City and the developer and said he believes that there were provisions that allowed the Zoning

Administrator to waive some of the requirements. He added that there is a general provision in the Chandler Zoning Code that states the Zoning Administrator, with regard to pads, does have the authority to look at some of the requirements and to waive or amend requirements. He said it is his understanding that the closest hazardous material fire department is located by the Chandler Fashion Park, six and a half miles away from the plan (there is a Fire Department located three miles away but it is not classified as a hazardous material fire department). He commented that fire potential is a very serious concern and last week there was an explosion at a dealership in California, a gas leak, and employees were welding and it resulted in a catastrophe. He said that this is a major concern, particularly because of the site's close proximity to the college. He stated that in the interest of time, and to allow other speakers to provide input, he would end his presentation at this time and thanked the Commission for the opportunity to address them.

Acting Chairman Polvani stated that she needed to read into the record the additional names of citizens who wished to speak regarding this agenda item. A number of these citizens also gave up their time to allow Mr. Garcia to conduct his presentation.

Albin Wisniewski	2393 East Morelos	(Opposed)
Perry Cooper	2783 East Elgin	(Opposed, does not support something that does not fit the area.)

Albin Wisniewski, 2393 East Morelos Street, Chandler, spoke in opposition to the proposed rezoning. He advised that he is the resident of a subdivision located directly west of the college and said he received notification of this action by reading signs placed along the roadway. He stated that although the developer has met all of the City's requirements, he feels that the fast tracking of this through the process is inappropriate. He added that they already have an auto mall planned for the area south of Pecos as well as the existing auto mall, and expressed the opinion that the land use does not dictate an expansion of the auto mall to the north. He said that the master plan is a sound plan approved by the voters and there is no need for a change to the plan. He expressed the opinion that the community, particularly the college area, would be better served if the existing zoning remained in place. He stressed the importance of long-range planning and providing facilities around the college for students such as restaurants, etc.

Perry Cooper, 2783 East Elgin Street, stated that his home is located immediately north of the property under discussion. He discussed traffic and noted that the type of traffic will be different and inappropriate for the area. He said that parking at community colleges is crucial because of time restraints and quantity of parking spots and students will not want to drive somewhere away from campus for lunch or other services and then hope they can find another parking space when they return. He questioned whether they wanted 40,000 students to go to Gilbert to spend their money and expressed the opinion that they would miss out on a significant economic potential. He also commented on aesthetics and said it makes more sense to put a natural buffer between the auto mall and the area in general. He noted that perception is a big influence on people's whims and desires, property desires, etc. He questioned whether any members of the Commission would like to live near an auto mall.

Tom Kovacevich, 2783 East Elgin Street, a resident who lives north of the property under question in the Country Cove II Subdivision, commented on the fact that the college is a community campus and said that some of the parking lots are actually closer to the neighborhood commercial center so it would be like walking out to their cars if the students wanted to go to the

restaurants. He stressed the importance of offering students facilities close by such as coffee shops or cafes and said he believes it would be harmful to make the area an extension of the auto mall.

Mireille Kaplan, 285 East Benrich Drive, Gilbert, said that none of the students at the college are aware of the auto mall and added that she believes they will be hearing from them about this proposal.

Acting Chairman Polvani read the following into the record:

Mary Gibbons	2391 East Fairview	(Opposed, no auto mall)
James Gibbons	2391 East Fairview	(Opposed)
Michael Parent	2090 East Whitten Street	(Opposed, rezoning completely disrupts quality of life in a residential community)
David Guerrieri	333 East Renrich Drive	(Opposed)
Carmen D'Amore	245 East France Lane	(Opposed, no auto mall)
Pam Jackson	169 East Canyon Creek Dr.	(Opposed, does not belong in a college/residential area)
Will Jackson	169 East Canyon Creek Dr.	(Opposed, serves to further isolate the college from the community. Will adversely affect property values)

Mr. Jackson commented that one of the reasons his family moved to this particular area was because of the proximity of the community college. He said that in other communities where they have resided, there has been cross pollenization between the colleges and the residential areas in order to enrich the lives of both communities. He stated that to take this area away and turn it over to blatant commercial use that provides no benefit to the surrounding community or the student community as a whole represents a missed opportunity to help integrate the community and college into a viable unit.

M. DeMello	2899 S. Larkspur Street	(Opposed, too close to neighborhoods. Stick with current plan)

Michael De Mello addressed the Commission and said it appears from what was discussed this evening that there were several members of the City Council who approved the planning of this particular area in the past and asked that they leave it as it is and allow it to remain useful for the neighborhood and college students. He said he collected signatures in opposition to the proposal and everyone who answered the door signed the petition except two and he collected about 102.

Marsha Sexton	803 S. Marie	(Opposed, no auto mall)
Barbara Jackson	169 E. Canyon Circle	(Opposed strongly)
Margaret De Mello	2899 S. Larkspur Street	(Opposed, no expansion, safety issue)
Tim & Leah Ayers	347 E. Phelps	(Opposed, the auto mall is the wrong plan for Gilbert/Pecos Prefer small commercial

		like deli, boutique, coffee shop.
Arlene Jackrel	2081 E. Whitten Street	(Opposed, more than enough land. Want to see retail stores or houses)
Howard Jackrel	2081 E. Whitten Street	(Opposed, same as above)
A. Blanset	119 E. Joseph Way	(Opposed, traffic congestion)

Mr. Blanset stated that people want a peaceful neighborhood to live in and that is why they recently bought their home in the area. He expressed the opinion that some of the data provided by staff relative to traffic statistics appears to be generic and not specific to the area involved. He added that the large turnout should symbolize the residents' opposition and he hopes they will take this into consideration.

Chandra Rickard	286 E. Elgin	(Opposed, auto mall should not restrict growth and potential neighborhood)
Lisa Winters	2878 S. Cottonwood Drive	(Opposed, dangerous to the children and students)
Cynthia Connis	303 E. Joseph Way	(Opposed, no auto mall in front of college)
Andrew Winter	2477 E. Winchester Place	(Opposed, not the right location for an auto mall)
Carmen Embry	2949 S. Larkspur Street	(Opposed, concerned that property values will be impacted and riff raff will come into the community)
Mark Bogumill	13315 E. Cindy Street	(Opposed, no need to change current zoning)

Mr. Bogumill advised that his residence lies in an unincorporated county island in Chandler and said he understands that Phase I is already a "done deal" and not much can be done about it at this point but said the second Phase, consisting of 16 acres, is currently zoned neighborhood commercial. He expressed the opinion that the Commission should leave the zoning alone because he believes the auto mall, with a little bit of creativity, can develop the property along neighborhood commercial lines that would still function to benefit the auto mall as well as the community college and residents in the neighborhood. He said they could bring in businesses that agree to have an auto type theme for their businesses, i.e. a sport's bar could have as its theme Nascar. He stated that this would result in an attractive place to bring consumers where they could see some of the wares that are available at the auto mall. He added that with a little bit of creativity and thought, the zoning could remain in tact and benefit everyone involved.

Susan Nusser	40 E. Mary Lane	(Opposed)
Ina Hancock	46 E. Hopkins Road	(Opposed)

Ms. Hancock stated that she lives directly west of Gilbert Road and does not want to come out of her driveway every morning and see an auto mall between her and the college. She expressed the opinion that it is unfair to everyone who moved into the area seeking a peaceful community.

Herb Hancock	46 E. Hopkins Road	(Opposed)
Lynette Oliekan	2897 S. Birch	(Opposed)
Tim Barratt	2275 E. Hawken Way	(Opposed)

Mr. Barrett expressed concern regarding the fact that the Commission cannot tell the residents what is going to go in there and questioned whether it will be a 16-acre body shop, a rental agency, or a used car lot. He said they won't be able to tell them until the project is done and therefore they cannot say that the project is compatible with the area.

Larry Petersen	97 E. Benrich Drive	(Opposed)

Mr. Petersen said he doesn't mean to be critical but he was very concerned about the report given by staff. He stated the opinion that the report was totally biased and not one that the members of the Commission can evaluate and say "this is good, this is bad." He added that there has always been a comparison between an auto mall or a commercial center and noted that the zoning also allows residential development, which would be very appropriate for the corner. He asked the members of the Commission and the developer which side of the issue they would be on if they lived in one of the affected subdivisions.

Jo Marick	2381 E. Geronimo	(Opposed)
Mark Ziegelhagel	2170 E. Whitten St.	(Opposed, defeat this)
Ray Embry	2949 S. Larkspur St.	(Opposed, concerned about property values for surrounding developments)
Nick Marick	2381 E. Geronimo St.	(Opposed)
Greg Malachowski	2467 E. Winchester	(Opposed)

Mr. Malachowski said he is adamantly opposed to the proposed expansion and said the reason why there were not many concerns expressed when the first phase was approved was because the Council in 2004 used the Emergency Clause when it agreed to give $40 million in sales tax to an auto mall developer. He added that they stated an emergency existed because the project would generate tax revenue need to pay for public safety in the future. He expressed the opinion that the Emergency Clause circumvents citizens' rights and leaves them powerless in protecting their tax dollars. He noted that once an Emergency Clause has been enacted, the citizens have no say and that is why it was passed. He added that the signs were put up on Pecos Road during heavy construction and on Gilbert Road, south of Pecos, when the road was closed. He said he is unaware of any of his neighbors receiving notification on either Phase I or Phase II. He stated that he was informed by a Mr. Paxton that neighborhood meetings took place within 1200 feet of the proposed mall (Phase I) and he does not know of one house that is within 1200 feet other than the proposed development. He commented that staff's report indicates that they visited two dealerships and he happens to have been in the business for 18 years and knows the daily routines of a car dealership and the noise pollution, mainly on weekends. He emphasized that a majority of sales occur on weekends and the dealerships don't care about permits, they would rather pay the fine. He requested that they not make the same mistake twice.

Laura Price	None provided	(Opposed)
Julian Rodriguez	Unknown	(Supports)
Amy Thompson	191 E. Enrich Dr.	(Opposed)
Chris Ferguson	86 E. Phelps Street	(Opposed, lives in Gilbert but shops in Chandler)
Paul Jacusis	See below	(Opposed)

Mr. Jacusis, 2300 E. Berringer Way, said that his house borders the south side of Pecos Road. He stated that he shares some views with the gentleman who just spoke and said he worked at a dealership at the Tempe Autoplex for 15 months and witnessed firsthand the negative impacts dealerships impose on neighborhoods (traffic, lights, noise, etc.). He stressed the importance of respecting the wants and views of the people who live in the community. He said he has heard that approximately $40 million will be given to the developer to construct the project and stated that he knows of 300 police officers, 100 firefighters and countless senior citizens who could use $40 million. He added that the developer is going to make money, he should not be paid such as ridiculous amount of money, he should be paying the City. He commented that the people in the room would not object to something being built but they believe the developer should at least meet them half way.

Connie Steber	2380 E. Fairview St.	(Opposed, a bad idea for an auto mall in a residential area)
Ron Ramsey	70 E. Benrich Dr.	(Opposed)
Martha Ramsey	70 E. Benrich Dr.	(Opposed)
Francisco Arviza	82 E. Mary Lane	(Opposed, expansion is not consistent with the college & surrounding residential area. Please respect the Pecos Road boundary and do not expand beyond it.
Barry Southwick	247 E. Julian Dr.	(Opposed, no on rezoning)

Mr. Southwick said that he too has worked in dealerships and knows what goes on and the negative impacts on neighborhoods. He added that he spoke with representatives of the college regarding their supposedly neutral position on the proposal. He noted that just prior to the zoning change being announced there was a general election and a bond issue was passed to raise money for the community colleges and then they "sprung" the 16 acres after the fact. He stated the opinion that they are being neutral because they are going to get something out of this in terms of money. He noted that diesel trucks will be towing vehicles all hours of the day and night and parts trucks will be making trips back and forth to stock the dealerships. He added that the diesel trucks will also be delivering automobiles to the dealerships for them to sell. He commented that at this point body shops are not consistent with this, they don't have to be approved by the Zoning Commission, and said the citizens do not have any confidence that that won't happen. He stated that he is very familiar with the pollution body shops create as well as the overspray and the noise. He added the opinion that this is all money driven with no concern for the community at this point. He also commented on the fact that although closing hours would be posted for 9 p.m., people who are doing deals will be there much later than that. He discussed the notification signs and said they were never told about the 100 acres and the signs posted along the road are too small to read. He stated that citizens had the Price Corridor forced upon them, they had no choice in the matter, and now they are all unhappy about what has taken place.

Sandi Johnson	2931 E. Geronimo St.	(Opposed, How would you vote if you lived on these corners?

Cal Bowler, 2925 S. Palm Ct., said his family moved to the east side of town almost three years ago from Glendale where they lived a half mile from auto dealerships. He stated that they are not a neighborhood friendly atmosphere or business. He noted that auto dealerships utilize a number of hazardous materials besides gasoline, such as diesel fuel, solvents, thinners, degreasers, etc. in addition to the 10,000 vehicles on the lots that will leak onto the pavement. He commented on the excessive noise that would occur and said the traffic will bring crime to the area. He added that a majority of the citizens present this evening are opposed to the 16-acre expansion as well as the acreage south of there that they did not have any say about. He expressed the opinion that there should be something that they as a community can do about the whole auto mall issue itself and asked whether environmental impact studies were conducted. He noted that there are burrowing owls in the area and said they receive federal protection and he is looking into that matter. He thanked the Commission for the opportunity to address them.

Charles Goodale	3106 S. Delia Ct.	(Opposed)
Jerry Owens	3151 S. Corrine Ct.	(Opposed to changing the General Plan for the auto mall extension. Proposal is not community/college friendly)
Sherry Brown	2149 E. Winchester Way	(Opposed)
Louis DePalma	124 E. Mary Lane	(Opposed)

Mr. DePalma, a resident of the Allen Ranch community, stated that the proposed amendment violates the plan that the town voted on. He expressed the opinion that there is not enough buffer for an auto mall and added that it will negatively impact the college and the community. He said that the safety of the students and residents will also be affected as a result of the traffic.

Paul Brown	2149 E. Winchester Way	(Opposed)
Sharmon Steil	109 E. Mary Lane	(Opposed. Please keep it away from my kids)
Melissa	None provided	(Opposed)
Michael Cecchini	119 E. Frances Lane	(Opposed. The expansion of the auto mall will hurt the quality of life in Allen ranch.)
Amy Bowler	2925 S. Palm Ct.	(Opposed)

Ms. Bowler advised that her house is one block west of Gilbert Road and faces west. She said that next year her daughter will attend the college and is not sure walking there would be safe with the added traffic that the auto mall will attract. She noted that the homes in the area are typically not first homes and are expensive. She added that people in that category relied upon the General Plan when selecting where they chose to live and this should be a neighborhood business area. She expressed the opinion that it would be unfair to change the zoning now and

noted that there are lots of children in the neighborhood and she has concerns regarding crime and traffic.

Jen Ingersoll	3173 S. Riata Ct.	(Opposed. Too close to Residential areas)
Todd Ingersoll	3173 S. Riata Ct.	(Opposed. Please do not ruin the opportunity for this side of town to be a beautiful place for us to live.
Wendy Wilson	5563 Elgin Ct.	(Opposed)

Ms. Wilson commented that as a business communication major, she agrees that staff put together a very thorough plan but added that the logic insulted her intelligence. She said if they lived in the area they would know that and she could argue every point he made. She questioned the point of having a voter approved General Plan if it can be changed at any time.

Madelyn Rogers	2633 E. Elgin Ct.	(Opposed)
Dustin Rogers	2633 E. Elgin Ct.	(Opposed. Does not consider parking lots/ball fields as appropriate buffer. Country cove will be directly affected. I can see the corner from my home)
Danielle Cobb	87 E. Hopkins Road	(Opposed)
Tracy Zollinger	2445 S. Palm Ct.	(Opposed)
James Cobb	87 E. Hopkins Road	(Opposed)
Jim Casit	368 E. Mary Lane	(Opposed. Reserve this land for the college)
T. Ronai	2231 E. Elgin	(Opposed). The expansion is not needed and will only increase developer's revenue and decrease property values)

Mr. Ronai noted that that the purpose of a General Plan is to foster trust and changing the zoning sends out a message that they cannot be trusted.

Angelina Neaves	2433 E. Morales St.	(Opposed. Approximately 100 acres of auto mall is plenty. Please do not approve Phase II)
Paul Jacusis	None provided	(Opposed)
Robert Neaves	2433 E. Morelos St.	(Opposed). Does not want the area rezoned)

Mr. Neaves stated that despite all of the studies that were conducted and all of the due diligence performed by Mr. De La Torre, if the residents oppose the rezoning of the area, the Commissioners should have the integrity to listen to them and honor their wishes.

Teresa Carlin	749 E. Joseph Ct.	(Opposed. Area needs to be a Retail center that compliments the college & surrounding communities
Ron White	125 E. Benrich Drive	(Opposed)
Trudy Mace	2466 E. Winchester	(Opposed. Leave it alone)

Acting Chairman Polvani advised that there are no additional speaker cards and if there are no questions at this time, she will close the public comment portion of the meeting. She requested that the applicant come forward at this time.

Mike Withey, Withey Anderson & Morris PLC, addressed the Commission and said they "agree to disagree" on this issue. He acknowledged that the issue is an emotional one and stated that he would just submit that what is before them is a relatively straightforward land use case. He reminded everyone that this is a General Plan amendment only and noted that some of the items that were discussed this evening were misplaced or premature, such as site plan issues, development agreement issues, etc. He expressed the opinion that a lot of the residents' fears are misplaced and added that an auto dealer can be a better neighbor than many other uses that could happen on the property. He said that whatever happens on the 16-acre site will not have anywhere near the impact that people envision compared to everything else that is going on in the immediate area. He stated that the larger impact on this area is going to be the freeway completion, Gilbert Road expansion, the other commercial businesses up and down Gilbert Road, the 1.3 million square feet south of the freeway, etc. He said it is hard to imagine these urban intense changes that will be occurring regardless of what happens in this particular case. He expressed the opinion that the request is a reasonable one and said they understand that prior plans did not call for regional commercial on the property and that is why he is before them. He said that staff did an excellent job and he does not want to be repetitive but stressed the importance of moving forward with a positive recommendation from the Commission. He reiterated the opinion that the location is appropriate for the use for a variety of reasons including the fact that it is not adjacent to residential development. He requested that the Commission approve staff's recommendation.

Commissioner Gulsvig noted that comments had been made this evening about the case going through the process in a quick manner and asked Mr. Withey to respond to that. Mr. Withey responded that the case was filed in a timely manner and all of the notice requirements have been met. He added that neighborhood meetings were held and the matter was continued from the Commission's meeting a month ago. He said he does not believe the process was fast tracked and although he doesn't believe that opinions will change, there has definitely been a lot of dialogue back and forth on the case. He added that there was no lack of notice and said obviously many people are aware of the case from signs, the open house, flyers, and newspaper articles.

Commissioner Gulsvig asked what specific type of auto mall is being proposed and Mr. Withey stated that they are talking to car dealerships and that is their intent.

In response to a request from Acting Chairman Polvani for additional input regarding this issue, Jeff Kurtz advised that the next step in the process would be to forward the Commission's recommendation to the City Council. He said that should Council act favorably upon the

proposed General Plan amendment, the next step would be the zoning of the property. He explained that the zoning process is an opportunity to discuss the specifics of the development request, identify stipulations that might be appropriate to mitigate any externalities, lighting issues, etc. He noted that this is a General Plan amendment and a very normal case that they deal with throughout the community whenever a development is proposed. He advised that the process has led them to this point and the Council is seeking the Commission's recommendation on the proposed change and they will deliberate the matter as well. He noted that staff is recommending approval. He pointed out that the General Plan is a strategic oriented document, not a parcel specific document and allows them to consider various land uses as part of the overall component of the community. He further stated that should the Council adopt a resolution to approve the General Plan amendment, this case would be brought back before the Commission for rezoning.

Commissioner Irby commented that rezoning anything or changing the General Plan is a very difficult process for any developer or individual to go through and no one will be 100% happy with the end result. He said that a few people this evening asked what the Commissioner's opinion would be if they lived there and stated that the first home he purchased was in Kiwanis Park in Tempe, next to Earnhardt's, and he lived there for approximately eight years and found that the dealership did not have a significant impact on property values or rentals. He stated the opinion that the quality of the neighborhood will not be diminished. He advised that he attended Mesa Community College and did not find it to be a pedestrian friendly campus and people got into their cars and drove down to Fiesta Mall. He added that he would personally hold out for probably a retail center at this site if he didn't see so much other retail being developed nearby.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER GULSVIG to approve GPA04-0003 Chandler 202 Auto Park Phase II as recommended by staff. The motion **CARRIED UNANIMOUSLY** by those present and voting (3 to 0).

Acting Chairman Polvani reiterated that the Commission is only a recommending body and the case will be considered by the City Council on January 27, 2005.

Vice Chairman Flanders declared a ten-minute recess at this time.

C. UP04-0031 YOUTH CENTER & ARTISTIC LAND MANAGEMENT, INC.

Request Use Permit approval to operate a teen center and a business office for a landscaping company within an existing home in a Single Family Zoning District (SF-8.5). The property is located at 388 N. Washington Street.

KIM CLARK, PLANNER, stated that this is a request that is located in the "Silk Stocking" district. She stated that this neighborhood is currently seeking historic designation. This address also falls within the boundaries of the Chandler Area Redevelopment Plan as designated by the General Plan. A major goal of the Redevelopment Plan is to improve and protect the integrity of neighborhoods.

Ms. Clark explained that this home was purchased with the intention of operating a teen center and as an office for Artistic Land Management. The home is not occupied by anyone as a residence, nor is it the intention of the owners to reside there. The three bedrooms have been configured as offices currently with clerical work occurring between the hours of 7 a.m. to 5 p.m., five days per week. The request is for up to three employees to work at the

residence (currently there is one employee) to travel to this property for employment during these hours. Ms. Clark stated that the Company's main facility is located in Mesa where the landscaping employees report to work and the equipment is stored. The applicant has stated that no customers will visit the office on Washington Street.
The second proposed use is the Youth Center. The applicant plans to operate a youth ministry that is connected to the Latin American Church of the Nazarene. The name of the ministry is 'Caring for Hearts and Souls'. The youth ministry will be open to Chandler High School students during their lunch hours between 11:40 to 12:40, and between one and three days per week. The applicant wants to provide free lunches to students and provide a safe place for them to congregate. The applicant requests the ability to host up to 29 students during the lunch hours with some occasional evening meetings. During the lunch hour, students will be asked to walk from the school.

The exterior appearance of the home has been modified to include an 8' tall fountain, a rock waterfall, various benches, and a 5 sq. ft. window sign. The additions that have been made to the property make it appear more commercial in nature.

Also included in the Use Permit request is a proposed expansion to provide more room for the Youth Center. The applicant wishes to enclose the existing carport to create a larger assembly area, and to build a detached garage in the back yard.

Staff feels the land use is incompatible. The zoning designation is Single Family, SF 8.5, which its purpose is to promote and preserve urban single-family developments. The proposed business use is not a compatible fit within this established neighborhood. Ms. Clark went on to explain that this property is not eligible for home occupation or complete residential conversion as per policy it does not meet the required criteria. The proposed uses are not consistent with the Chandler Area Redevelopment Plan as designated by the General Plan. In addition, this home was not built to accommodate this quantity of people or the types of uses proposed. This conversion does not reinforce the residential qualities of the property, but instead, introduces a new commercial element to the neighborhood.

One of staff's concerns is parking, that it will not be adequate. Under a business use, up to nine spaces will be required if the applicant expands the property. Currently only two will be provided. The Youth Center will generate vehicular and pedestrian traffic and additional noise. Parking for the proposed evening uses has not been addressed. On street parking has already been an issue along Washington Street, and this use will only intensify the current situation.

Ms. Clark stated that she had received telephone calls from various neighbors who have stated that they feel that this use is not compatible within their neighborhood. She went on to state that overall, Staff finds the proposed uses inconsistent with the Redevelopment Plan and recommends denial.

Commissioner Irby asked if there would only be one employee because a photo showed at least five vehicles parked in the driveway. Ms. Clark stated that the applicant indicated that there would be just one employee, plus the owner does some work from the home. She also said that a van from the church is parked at this site. The narrative stated that no more than four vehicles at one time would be parked at the residence. Ms. Clark commented that the three times she had visited the site; five vehicles were parked there.

Commissioner Gulsvig asked the size of the homes. Ms. Clark stated that the home is 1,290 sq. ft., and with the addition it would raise the square footage to 1,881. Commissioner Gulsvig confirmed with Ms. Clark that it was a three bedroom with two baths.

Vice Chairman Flanders asked if the home had an operating kitchen in the facility that would feed the students. Ms. Clark stated that there is an existing kitchen in the home. She explained that when lunches are provided, the applicant relies on donations or would order pizza or things along those lines that would bring food in. Not a lot of cooking goes on at the site. Vice Chairman Flanders asked if it was is a daily occurrence with so many students going in and out of this facility. Ms. Clark stated that currently the applicant would like to get approval for Fridays only, but as money permits the applicant would like to expand up to three days per week, which is the request under the Use Permit. She said it would occur at various times during the week, maybe Monday, Wednesdays and Fridays with some occasional evening use by the Youth Center. Currently it has been Fridays only.

Jose Hernandez, 22030 S. 119th Street, Chandler, 85249 stated that he has owned the property for approximately for one and one-half years. Vice Chairman Flanders asked if the applicant realized this was in a residential neighborhood. Mr. Hernandez said he did realize it was in a residential neighborhood, and that one of the motivations for purchasing the property and believing he could use it for this use was the seminary across the street, which is the same use as what he was requesting to use his property for. He noted that the seminary is across the street north of his property, which is also in an 8.5 zoning district.

Vice Chairman Flanders asked staff for background information on the seminary building to the north. Ms. Clark stated that the seminary has been in use since the 1950's and that there are two classrooms in the facility. She said she did not have an exact number of how many students go in and out of the facility. Vice Chairman Flanders asked if there was a commercial use connected to the seminary facility. Ms. Clark explained that it was her understanding that students at the high school may take a release period for religious education training within the seminary building.

Vice Chairman Flanders asked Mr. Hernandez about his company's facility in Mesa. Mr. Hernandez said that his company is located on a commercial piece of property in Mesa where he performs most of the functions for the business, as well as the trucks and equipment are located there. He said most of his employees live in Mesa. Mr. Hernandez said that he lives in Chandler and that it facilitates him to have an office here in Chandler close to his home where he can work, while at the same time he feels it would be appropriate for him to run both situations out of this building.

Vice Chairman Flanders asked Mr. Hernandez why he wouldn't want to place all of his business activities at one location. Mr. Hernandez said that that is something that he would be looking to in the future. He went on to explain that he has lived in Chandler for more than 22 years and had graduated from Chandler High School. He said he felt there was a tremendous need in the community and that he and his wife wanted to get involved and give back to the community. He said he and his wife felt they wanted to work with the youth and try to provide a place where they could provide good advice, a social time, a place to make friends and a place where anyone would be accepted. He said that's why they located this use near Chandler High School.

In response to a question from Vice Chairman Flanders regarding evening activities, Mr. Hernandez stated that there are no weekend activities and that all they have had were Fridays, basically 40 minutes with the kids while they eat. He said their goal was to build a relationship with the kids and provide friendship. He went on to say that he is a youth leader at his church, which is located at 191 S. California Street. Vice Chairman Flanders asked how far his church is located from the high school and why the youth activity wasn't performed at the church. Mr. Hernandez stated that the church is approximately one and one-half miles from the high school. The activities could not be held at the church due to the fact that most of the students do not drive or have transportation. He said there is no vehicular activities at this facility and that the students walk from Chandler High.

Commissioner Irby asked Mr. Hernandez intended to feed the students lunch every day. Mr. Hernandez said they would feed them on Fridays, once a week, and in the future they may do it twice a week. Commissioner Irby had questions with regard to the applicant's company facilities in Mesa. Mr. Hernandez said that in Mesa he had a building and a yard with employees and office staff.

Commissioner Irby stated that in this facility (Chandler) there were three offices with the possibility of two more employees. He went on to say that at the Chandler facility he is the owner and has an office, as well as an office manager. He said he wanted the opportunity to have the use of the additional room in case he needed it.

Commissioner Irby stated that parking was an issue. He said that this is a nice neighborhood that needs more help and that when businesses come into residential areas, less and less people want to live there and it becomes a more business oriented area. He said he feels that it degrades the community. He went on to state that there would be people coming and going from there, whether walking or driving, and felt it would be an inconvenience to the neighbors. Commissioner Irby questioned Mr. Hernandez as to how he intended to operate the building without there without being a negative impact to the neighborhood. Mr. Hernandez stated that he has operated there for several months without anyone realizing they were there. He went on to say that as far as the landscaping in the front commercializing the property, he felt that the property has a very attractive look to it as compared to the property next to it and still looks residential. He also said that the parking issues are not due to his business or the students that are coming, but that it's due to the high school students who have been parking there for 15 to 20 years.

To staff, Commissioner Irby noted that there is a 5' building setback along the side property line and wondered if a driveway would be able to go over the setback. Ms. Clark said that it was a building setback only and a driveway would be able to encroach into the setback.

In response to a question regarding perimeter fencing, Mr. Hernandez stated that there is a chain link fence on his property. He went on to say that with regard to the garage in the back, he had spoken to the City of Chandler who informed him that if he planned to enclose his carport, there would have to be a two-car garage in the back. An architect has drawn the plans up and submitted it to the City. Commissioner Irby said that he did have a copy of the plans; however, he was trying to figure out how to get cars out from in front of the house. He went on to ask Mr. Hernandez what his future plans are for the back yard. Mr. Hernandez

responded that currently there's a volleyball net in the back and was going to use it for recreational activities.

Commissioner Polvani asked the applicant how many students have been coming to the site on Fridays. Mr. Hernandez stated that there are anywhere from 5 to 14 students, and it does vary. Commissioner Polvani asked if there are Maricopa County health requirements that must be met. Mr. Hernandez stated that if his application were approved, he would definitely look into that.

Commissioner Gulsvig stated that he had a problem with this going into a commercial like landscaping office. He asked the applicant if this was a facility similar to the seminary how the applicant would use the facility, how he would build it out, if there wasn't a commercial aspect. He went on to say that the Use Permit was for both the youth center and Artistic Landscape Management. He asked the applicant if there weren't the commercial aspect, would he still go for the youth center. The applicant responded that that had gone through his mind and found that it was very difficult to have a building to only use it for 40 minutes on Fridays, so this compliments it. It makes it financially possible for him to do both activities at the same time. It facilitates the ability to having the property there and using it on a daily basis versus once a week for 40 minutes.

Commissioner Gulsvig asked if anyone lived on the property. Mr. Hernandez stated that no one lived there. The City of Chandler had stated that if one of his employees that work in the office lived there, then the use would probably be granted; however, he felt that it shouldn't make any difference and felt it would impede his work with the youth. Commissioner Gulsvig stated that changes his view of the situation if no one was living in the facility because it becomes more commercial than it does anything else, and he had a problem with that.

Vice Chairman asked staff what the City of Chandler is doing in this area. Ms. Clark stated that there are different goals in the Redevelopment District as designated by the General Plan that are specified throughout the area. One of the goals is to maintain a residential character and quality so that there are residential neighborhoods in and around the city center. Vice Chairman Flanders commented that with redevelopment areas that there is funding through the City to help the neighborhoods. He asked if there were parts of this neighborhood that had requested those funds from the City. Ms. Clark stated that she was not aware of any. Vice Chairman commented that the funds are out there. In response to a question regarding the historic district status, Ms. Clark stated that there are two individual from within the neighborhood who are trying to get the neighborhood registered as a historic district; however, it's not been placed on the National Historic District register. The neighborhood is a registered neighborhood with the City of Chandler, but that does not mean they are a registered historic district.

Commissioner Irby asked the applicant if the building in Mesa is being rented. The applicant stated that he's currently renting the building. Commissioner Irby went on to say that he is a business owner and could not imagine having his office detached from where his employees are working. He said he didn't know how much more viable it would become with this Chandler office. He said he appreciated the youth center side of the applicant's request and he would support the youth center if there were a better plan as to how it would function day-to-day. He said he had a difficult time with the commercial side and felt it would take over, and

that it doesn't fit into the neighborhood or the goal of the neighborhood. He went on to say that he assumed it was the City's goal to clean up the area and to see it thrive. He said he would vote against the applicant on this particular use, but if they could back in the future with a different plan on how to utilize it, which he could support. Commissioner Irby stated that he felt the neighborhood didn't need another hit with a commercial venture and felt the neighborhood would continue to deteriorate.

Vice Chairman Flanders stated that there were a few speaker cards for this case.

Ogden Rico, 1591 S. Hickamore Place, Chandler, 85248 stated that he is the pastor at the Latin American Church of the Nazarene located at 191 S. California. Mr. Rico said he wanted to lend his support to Mr. Hernandez and his wife. He said that he had read some of the objections written by staff and felt some of the benefits outweighed the objections. He went on to say that he had been a school counselor for 20 years with the Chandler Public Schools and became aware of some of the problems that young people face. He felt that this place could be a support system for the youth. He went on to say that Mr. Hernandez had greatly improved this property in an attractive way. He felt that this center could make a change in some young person's life. He realized that some changes would have to be made as far as the redevelopment in that area, but for now he felt they could be service to a number of young people.

Vice Chairman Flanders went back to the speaker cards. A card from Julian Rodriquez stated that he was in favor of the item.

Rachael Hernandez, 22030 S. 119th Street, Chandler said she doesn't work in the building, but does go there on Fridays to supply the food for the teens, which is usually half and half donations from their church and Peter Piper Pizza. She went on to explain that with regard to Maricopa County, it is fine to bring in food from outside organizations. The business is secondary to the ministry and is there to support it financially.

She went on to state that there are no signs indicating a commercial business and that it appears to have a residential appearance. The vehicles do not identify a business. There is a sign for the ministry and understands that it is over the allotted size. She said that the sign could be changed. She went on to say that by no way are they trying to bring down the neighborhood and has family living in the neighborhood. She stated that to the back of their property is commercial, Quick Lube and Elmer's Tacos, and their property is right on the perimeter. Ms. Hernandez stated that one of the ladies that is involved in having the area recognized as a historic district did not have a problem with it conflicting with what she is trying to do with the neighborhood. Ms. Hernandez went on to say that she was aware of the nursing care facility down the street as well as the property across the street from the care facility where they have a home based business.

Vice Chairman Flanders asked staff how they became aware of the activity at the residence. Ms. Clark said they had become aware of it through the Neighborhood Services department. Ms. Clark stated that she was not aware of any other businesses in this area other than the nursing care facility and the LDS seminary. Any other businesses would be a home-based business, which is allowed if someone is living in the home.

Vice Chairman Flanders stated that he had a speaker card from Dorothy Ruoff who is opposed to the item and stated it was not for a residential neighborhood. Another speaker card was from Ernie Serrano who was opposed to this item, no comment. Another card was from Stephanie Serrano who said that this was a residential neighborhood not intended for commercial.

Vice Chairman asked if there were any questions or comments.

In response to a question from Commissioner Irby, Ms. Clark stated that the two people that are working on the historic district are Dorothy Ruoff who had showed up and filled out a card, as well as Marylou Perkins who attended a neighborhood meeting and at first was in favor of the case and later was in opposition.

Commissioner Polvani commented that providing opportunities for youth is very, very important; however, she was struggling that this was not the right location due to the redevelopment goals for this area.

Vice Chairman Flanders said when he first saw the application as far as the location in a redevelopment area and a possible historic district, he was having a problem with the activities going on. He said he was not opposed to a youth oriented business. He stated that it was his understanding that this doesn't fit the parameters of a redevelopment district and also a historic district. Ms. Clark stated that it doesn't fit the parameters of a redevelopment area. Vice Chairman Flanders said this is an item that couldn't even be considered even if it stood on its own because it doesn't fulfill the requirements. Ms. Clark explained that if the applicant was willing to only operate the youth center, which it didn't sound like was financially feasible, then Commission could consider this if they wished to change their application. Vice Chairman Flanders asked if it would be required that someone live in the home to achieve the requirement. Ms Clark stated that in order to run a business out of the residence, someone would have to live there. In order to run a church operation, that could be approved with the Use Permit without someone living there. Vice Chairman Flanders confirmed that with the application the Commission had to vote on both items as one. Ms. Clark stated 'yes'.

Mr. Hernandez questioned that if someone were living in the residence then the Commission would allow him to run this as a business. He wondered if he had someone living there, would it change the Commission's opinion as to what was being done there. Vice Chairman Flanders stated that personally he felt that this is a residential neighborhood and a commercial use should not be going on in a residential neighborhood, especially in an area that is a redevelopment area, as well as a possible historic district. He felt that as far as the commercial goes, he was absolutely opposed and inappropriate. He felt it would bring traffic into the neighborhood.

Mr. Kurtz stated that he wanted to speak more about the concept of someone living there and how it legitimatizes the proposed use. He stated that the code allows for home occupations. The concept is that someone could work out of the home office where you live. If this proposed use could satisfy the definition of a home occupation, then it would be an allowed use just like any other home in Chandler. The concept of having any kind of outgoing ministry that occurs, there's certainly a fine line between you at your home having people over versus an organized practicing ministry that is happening at a house. Mr. Kurtz said

there are a lot of gray lines that are established once people start moving into the house, but home occupations are allowed under the definition of home occupation. He went on to say that this could occur anywhere in town. He said that what defines a home occupation is that you're living in the home, running the business from the home, no employees are reporting to the home, no commodities are being delivered at the home.

Ms. Clark stated that she had the definition from the Code, "*Any occupation or profession conducted entirely within a dwelling unit and carried on by a member of the family residing therein in which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and in connection with which there are no employees other than a member of the immediate family residing within the dwelling unit.*"

MOVED BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER POLVANI, to deny Use Permit UP04-0031 YOUTH CENTER & ARTISTIC LAND MANAGEMENT, INC. **MOTION WAS APPROVED (4-0).**

Vice Chairman Flanders stated to the applicant that they were a recommending body and that the Council meeting would be on February 2, 2005 to hear the case.

6. DIRECTOR'S REPORT

There was nothing to report on at this time.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is February 2, 2005 at 5:30 p.m. in the Council Chambers.

8. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

_____
Michael Flanders, Vice Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 2, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:33 p.m.

2. Pledge of Allegiance led by Commissioner Polvani.

3. The following Commissioners answered Roll Call:

   Chairman Phil Ryan
   Vice Chairman Michael Flanders
   Commissioner Rick Heumann
   Commissioner Janette Polvani
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Absent & Excused: Commissioner Irby

   Also Present:

   Mr. Doug Ballard, Planning & Development Director
   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Ms. Kim Clark, Planner
   Mr. Joshua Cook, Planner
   Mr. Kevin Mayo, Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   Commissioner Heumann noted that there were two stipulations that had been omitted in Item "D" *(DVR04-0045 Elliot & 101 Professional Village)* on the January 5th meeting minutes. JEFF KURTZ, CURRENT PLANNING MANAGER stated that he was aware of the two stipulations that Commissioner Heumann referenced and noted that the stipulations had been passed on through a staff report to Council.

   MOVED BY VICE CHAIRMAN FLANDERS, SECONDED BY COMMISSIONER HEUMANN to approve the minutes of the January 19, 2005 meeting, and to re-approve the January 5, 2005 meeting minutes as amended. **MOTION WAS APPROVED (6-0).**

5. CONSENT AGENDA ITEMS

   CHAIRMAN RYAN stated the Commission members had met prior to the Commission meeting to review the action items. He stated that there were some items that would be on the consent agenda, and further stated that if anyone in the audience wished to pull any one of the consent items, they would have the chance to indicate so. Chairman Ryan went on to say that the consent items were: Item A – Chandler 202 Auto Park-Phase II; Item B – Bank One at Kyrene Crossings; Item C – The Ranch Super Storage, which was a continuance to the March 2nd meeting; and Item G, which was the Commission meeting cancellation for the February 16th meeting.
   Commission Heumann noted that Item A *(DVR04-0054 Chandler 202 Auto Park Phase II)* was a continuance.

Mr. Kurtz stated that there were additional stipulations that were being added. BOB WEWORSKI, PRINCIPAL PLANNER, stated that there were five additional stipulations for **Item B** ***(DVR04-0047 Bank One at Kyrene Crossings):***

3. ***The applicant shall work with staff to provide additional site lighting and building lighting features throughout the site.***
4. ***The applicant shall work with staff to provide a pedestrian seating area along the north portion of the building entrance with the proposed walkway at building entry reduced.***
5. ***The applicant shall work with staff to provide a pedestrian walkway along the southeast portion of the site to provide a connection to the adjacent parcel.***
6. ***The applicant shall work with staff to realign the drive-thru structure with additional architectural features provided on the east, west, and south facades, such as enlarged stone columns or arches.***
7. ***The applicant shall work with staff to provide additional full height stone veneer on the recessed entry wall.***

VICE CHAIRMAN FLANDERS asked Mr. Weworski if the stipulation for the drive-thru included the east, west and south elevation; Mr. Weworski said he could add the south as well.

A. <u>DVR04-0054 CHANDLER 202 AUTO PARK – PHASE II</u>

CONTINUED TO JUNE 1, 2005, this request for rezoning from AG-1 (Agricultural) to PAD (Planned Area Development) with Preliminary Development Plan approval on approximately 16 acres located at the northwest corner of Pecos and Gilbert Roads for the development of an automobile dealership complex.

B. <u>DVR04-0047 BANK ONE AT KYRENE CROSSINGS</u>

APPROVED, a request for rezoning from Planned Area Development (PAD) to PAD amended to allow for a drive through use, along with Preliminary Development Plan (PDP) approval for a freestanding bank facility located on approximately 1.2 acres at 5915 West Chandler Boulevard.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Bank One at Kyrene Crossings" kept on file in the City of Chandler Current Planning Division, in file number DVR04-0047, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinance No. 3306, in case <u>DVR01-0017 Kyrene Crossings</u>, except as modified by condition herein.

C. <u>DVR04-0042 THE RANCH SUPER STORAGE</u>

CONTINUED TO THE MARCH 2, 2005 PLANNING AND ZONING COMMISSION MEETING, a request for rezoning from Planned Area Development (PAD) for Business Park uses to Planned Area Development (PAD) Amended to allow a self-storage facility as an additional permitted use, with Preliminary Development Plan approval for a 6 building, approximately 90,000 square foot facility located on approximately 5 acres. Buildings will range in size from approximately 3,000 to 28,500 square feet. The property is located at the southeast corner of Ocotillo Road and the Union Pacific Railroad.

G. MOTION TO CANCEL THE FEBRUARY 16, 2005 COMMISSION MEETING

APPROVED, a motion to cancel the February 16, 2005, Planning and Zoning Commission meeting.

CHAIRMAN RYAN asked if anyone in the audience wanted to pull any one of the consent items. There was no response. Chairman Ryan called for the motion to approve the consent agenda. Prior to the vote being taken, Chairman Ryan stated that he was a consultant on the Auto Park project and his vote would not be a part of that. Vice Chairman Flanders declared a conflict of interest for item A, as he is employed by the architect of record.

COMMISSIONER HEUMANN stated that he wished to welcome Chairman Ryan back to the Commission meeting and was glad to see that he was in good health.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER GULSVIG, to approve the Consent Agenda for Items A, B, C, and G with the additional stipulations as read into the record. **MOTION WAS APPROVED (6-0)** with Chairman Flanders and Vice Chairman Flanders abstaining from voting on Item A.

ACTION ITEMS:

D. UP04-0062 WILD BILL'S BARBECUE & INTERNET SPORTS BAR

Request Use Permit approval to sell liquor (Series 12 Restaurant License) at a restaurant at 1361 N. Alma School Road.

KIM CLARK, PLANNER, stated that the restaurant is located at 1361 N. Alma School Road. It is an existing restaurant, approximately 6,000 sq. ft., and sits 196 guests. The Use Permit request is for a Series 12 Restaurant License and under this license, a minimum 40% of total sales must be in food and non-alcoholic beverages. A valid Use Permit has been in effect since 1997 to sell liquor. The Use Permit restricts the hours of operation to 11 a.m. to 10 p.m. Sunday through Thursday, and 11 a.m. to 11 p.m. on Friday and Saturday. The applicant requests approval to expand on the hours and to remain open between the hours of 7 a.m. to 2 a.m., seven days a week. Under the proposal, food would be sold between the hours of 11 a.m. to 10 p.m.; appetizers would be available as long as the bar was open. The bar would operate between 12 p.m. and 12 a.m. Sunday through Thursday, and until 2 a.m. on Friday and Saturday. The applicant also wishes to have the ability to expand the hours to 2 a.m. as business dictates in conjunction with special events. Special events that are expected are banquets, karaoke, sporting events, live music, and other entertainment events. Stipulations of approval have been added to ensure this practice does not become a nuisance, as well as a one-year timing condition on the Use Permit. Staff recommended approval of the Use Permit with conditions.

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.
4. Hours of operation are limited to 7:00 a.m. to 2:00 a.m. Monday through Saturday.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or expansion of the entertainment area shall require reapplication and approval of the Use Permit.
6. Decibel levels of music shall be controlled so as not to present a nuisance to properties beyond the boundaries of the restaurant.
7. 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.
8. Alcohol sales can occur between the hours of 11:00 a.m. and 2:00 a.m. seven days a week.

CHAIRMAN RYAN asked if the hours for this restaurant are comparable to the hours for the restaurant to the north. Ms. Clark stated that the restaurant to the north does not open for business at 7:00 in the morning, but opens at 11:00 a.m. for their lunchtime business. She was unaware how late they were open in the evenings, but felt it was fairly late, especially on the weekends.

The applicant stated that the original special event permit was from 10 to 10. He went on to say that since opening, they had received requests for breakfast from the neighboring Motorola complex and from the office complex to the south. He said there have been similar requests for entertainment going into the later evening. He noted that Iguana Max is open until 2 since the law changed from 1:00 to 2:00. The applicant wants to expand their hours until then as well. He stated Free Space (old Motorola building) has varying shifts and some employees have their lunch up to 11 p.m., so they wanted to leave the kitchen open from 10 to 2 for appetizers only.

COMMISSIONER HEUMANN asked the applicant to state his name for the record. The applicant stated that his name was Jeff Barke, the General Manager for Wild Bill's Barbecue and Internet Sports Bar. In response to a question from Commissioner Heumann, Mr. Barke stated that the restaurant had officially opened on December 2nd and that they had had their first special event liquor license on January 13th. The bar has been open since January 13th. He noted that he had pulled a report showing the dates they had served alcohol, from January 13th to the present day. He said that the special event liquor license hours of operation ended at 10:00. Commissioner Heumann noted that the information that he had been provided stated that the bar might be open from 7 a.m. to 10 p.m., seven days a week, and the bar would operate between 12 and 12. Commissioner Heumann asked if this meant that on Sunday mornings there would be no liquor served until noon. Mr. Barke said that would pretty much be the way due to the fact that there is no staff scheduled to work in the bar until noon. Currently, it's a 12:00 start because they had stipulated to that and they needed to stick to that.

Commissioner Heumann commented that he brought it up because he wanted the business to work and be successful. He said that it appeared that the applicant was almost putting himself at a hindrance on Sunday mornings. Commissioner Heumann stated that if this case went to Council the way it is now, the applicant would not be able to start serving liquor before noon, and he wasn't sure if that's really what the applicant wanted. Mr. Barke stated he did not know if they needed to do another change for that, but that initially they were not intending to open until 11:00 on Sundays, and serving breakfast was something they were still considering. Mr. Barke stated it was not logistically possible due to staff restraints. He said that for now 7 a.m. is contingent, but would like to have that ability to do that if they decide within the next twelve months that it was something they could truly do. Mr. Barke stated that for now their regular opening time is 11 a.m. and it would probably stay that way on Sundays. He said that they had been open the Sunday prior and did not get much traffic until early afternoon.

Commissioner Heumann commented that they could make the change for the bar to open at 11 a.m. He stated that he did not have a concern with the use, but did want to get it on record and more narrowed down. Mr. Barke commented that it would be great if Commission would approve an 11 a.m. opening time for the bar.

CHAIRMAN RYAN asked if there was anyone else that wanted to ask any questions. There was no response. Chairman Ryan asked if anyone in the audience wanted to speak in favor or opposition of this case. There was no response. Chairman Ryan thanked the applicant and called for the motion.

MOTION BY COMMISSIONER HEUMANN, SECONDED BY VICE CHAIRMAN FLANDERS to approve UP04-0062 Wild Bill's Barbecue & Internet Sports Bar, changing the hours of operation, allowing the bar to operate from 11 a.m. to 12 a.m. Sunday through Thursday, and 11 a.m. to 2 a.m. on Fridays and Saturdays. **MOTION WAS APPROVED (6-0).**

E. UP04-0045 HAPPY WORLD DAYCARE

Request Use Permit approval to provide day care within a residential house. The subject property is located at 5758 W. Mercury Way.

JOSHUA COOK, PLANNER stated that the request was for Use Permit approval to allow a daycare for up to 10 children. Mr. Cook pointed out that this is a traditional neighborhood. The property is located close to a collector street, N. Gila Springs Boulevard, and is located south of Chandler Boulevard and east of Kyrene Road. Staff reviewed the application based on the criteria in the Zoning Code. Mr. Cook stated that there are no Use Permits for daycare within 1,200 ft. of this residence. The house sits on a lot that is approximately 4,500 sq. ft., and the house is approximately 1,400 sq. ft. There are three bedrooms and two baths. The area where most of the activity will take place is in the living room area, which is about 400 sq. ft. The three bedrooms where the children will take their naps are approximately 120 sq. ft. each. The rear yard is approximately 1,100 sq. ft., and it was indicated to staff that it is currently turf. Currently, there are two children that the applicant is caring for; one is three years old and the other child is seven months old. The applicant has indicated that she would like to increase that number to 10 children, between the ages of one and ten. The daycare has been in operation for approximately three months. During this time the hours of operation have been, and will continue to be, 5 a.m. to 5 p.m. on a daily basis. The applicant has stated that on occasion the hours would be 8 p.m. to midnight. The applicant also stated that approximately once a month she would like to have an 8 p.m. to 5 a.m. sleepover for the shift workers. Mr. Cook commented that staff received several telephone calls, some in support, some in opposition, and some with questions. One of the questions had been with regard to the CC&R's and how that is affected. Mr. Cook stated that the CC&R'S is a private agreement between the homeowner and the homeowner's association. The City does not enforce those and does not use it for justification or rational for recommending denial or approval. Mr. Cook said that staff recommends approval. He went on to say that he had earlier mis-spoke. The condition that staff is recommending is for up to 10 children for compensation or fewer as dictated by state license.

1. The Use Permit shall be granted for a period of one (1) year, at which time re-application shall be required. The one-year time period shall begin from the date of City Council approval.
2. Use Permit approval for operating Residential Childcare shall be applicable only to the applicant and location identified with this application and shall not be transferable to any other person or location.
3. Comply with the City of Chandler's Zoning Code provisions with regard to the operation of childcare homes.
4. Maximum capacity is ten (10) children or fewer as specified by the State Department of Health Services.

COMMISSIONER HEUMANN asked Mr. Cook to clarify his last point. Mr. Cook stated that stipulation No. 4 states that staff is recommending approval for 10 children or fewer based on the state's recommendation. The applicant has applied for state license, which is required for five or more children for daycare services. The state will determine how many children they feel can go into the house. Mr. Cook said that staff would recommend approval for 10 children or fewer based on the state's recommendation.

COMMISSIONER HEUMANN said he understood that the applicant has asked for 10 plus their own children. He wanted to clarify if this was 10 including their own children or 10 plus their own children. Mr. Cook explained that that was where he mis-spoke. He said that staff could not include their own children in the number.

CHAIRMAN RYAN asked how many children were allowed by right. Mr. Cook stated that 4 children were allowed by right.

COMMISSIONER GULSVIG commented that earlier Mr. Cook had noted that the applicant currently has a 3-year old and a 7-month old and has been operating for three months. He asked if they were her children. Mr. Cook replied that the 2 children were for compensation; she also has her own 2 children for a total of 4 children. He repeated that the applicant is providing daycare services for two children for compensation. Commissioner Gulsvig asked the ages of the applicants own two children; Mr. Cook did not know.

VICE CHAIRMAN FLANDERS asked for information regarding the state's requirement for square footage per child. Mr. Kurtz stated that he did not know. He said that the state would have other regulating factors other than the square footage, and that their final determination will fit into their rules. Mr. Kurtz stated that he thought is was 1 per 50 square feet, but couldn't quote that. Vice Chairman Flanders said he believed that it also depended on the age of the child. He said there was also a certain area for play area outside. Mr. Kurtz stated that that was why they had crafted the stipulation to say "or fewer as determined by State" because the applicant needs to go through the state licensing process. Vice Chairman Flanders confirmed with Mr. Kurtz that it was the state that determines the number of children based on their criteria.

CHAIRMAN RYAN asked the applicant to come forward. He asked here to state her name and address. The applicant stated **SABA AL-BAYATI, 5758 W. MERCURY WAY, CHANDLER**. Chairman Ryan stated that during Study Session there had been concerns that her home was too small for 10 children plus the working staff. He asked her to comment to that.

The applicant stated she had spoken to the state about that. She said that the state requires 30 feet per children. She said when she asked the state how many children she could provide for with a 1,400 sq. ft. homes and that the state said that, if using the two bedrooms, the living room and the kitchen, she could have 22 children, which is more than her license capacity.

COMMISSIONER GULSVIG stated that it was great that the applicant was providing a facility for the children, but was concerned about this being in a residential area such as where she was presently living. He went on to ask what her credential were for being a childcare provider. He asked her if she was a licensed caregiver. Ms. Al-Bayati stated that she is a childcare provider and that she could have 4 children plus her own two, but if she had 10 children, she would have to have hired help. She said that each 5 children would have an adult to care for them. Commissioner Gulsvig asked if it were her plans to hire someone. Ms. Al-Bayati stated that if her license allows 10 children she is required to hire someone. Commissioner Gulsvig asked the applicant if she had any potential clients at the present time, besides the two children that she currently cares for, as well as the age group she intends to care for. The applicant responded up to 10 years old; however, 10-year olds don't like staying in daycare.

COMMISSIONER GULSVIG asked the applicant what formal training she had with childcare. Ms. Al-Bayati responded that she had training in first-aid and CPR. She said she would have 2-3 classes per year from the State, which is mandatory.

COMMISSIONER GULSVIG stated that he was concerned about the location of the home due to the fact that she lived three houses in from a main street and that there would be a lot of traffic going back and forth. He said that he had lived in an area where there was a childcare facility and that there had been a lot of traffic. The older children were out in the neighborhood and had caused problems. Ms. Al-Bayati commented that the City does not allow her to have the children in the front yard. Commissioner Gulsvig asked if she was planning to have locks on her doors. Ms. Al-Bayati replied that she would have locks on the doors or she would lose her license. **COMMISSIONER GULSVIG** stated that although the State may allow more (children), he was concerned about that many children being in a residential area in a house this size. Ms. Al-Bayati stated that the State would come to her home to determine if it meets their requirements.

Responding to a question from Chairman Ryan, Ms. Al-Bayati stated that she and her husband live in the house together with their two children.

VICE CHAIRMAN FLANDERS asked the applicant if she had experience working in a daycare center. Ms. Al-Bayati said she had not worked for a daycare. Vice Chairman Flanders commented that most daycare providers have their own set of standards and rules and if one works for them for any period of time, you get the experience dealing with children and procedures. He said that it sounded as though the applicant had not had any previous experience or had worked with a company that is a daycare provider, such as Tutor Time. Ms. Al-Bayati said that the City does not allow her to have a center outside. She said she had applied to have a business outside of the center and hire people that had the experience. She stated that the City had told her that she had to run the business in her home for at least two years to have experience. She said the basics of her experience would be in her home. She said that she does not have experience outside the home other than she is a mother.

COMMISSIONER HEUMANN asked the applicant why she wanted to go from having 2 children, plus her own, to 10 children without any prior experience. He stated he had concerns with that. Ms. Al-Bayati stated that when she started she had no experience. She wanted to see if she could make it with four children plus her own two children. She said after that she had experience, not certificates or experience from an outside facility, but she now feels she can maintain 10 children with a helper. She said that people feel comfortable with her and have been referring her to other people; however, by the law, she can't accept the children. She was hoping if she can get the license, then she'll be able to accept that number of children. Commissioner Heumann commented that the applicant had said she had four children, two plus her own two children, or did she have four other children plus her two. Ms. Al-Bayati stated that before she had four other children plus her own, but now has two children. She stated that the number of children could vary. Commissioner Heumann asked the applicant how long she had the four children plus her own two. She stated that she had the four children for three months. Ms. Al-Bayati said that it had been three months since she registered, but had the business with her relatives since June when she was babysitting her relatives and friends. Commissioner Heumann commented that her homeowner's association has guidelines for running businesses out of the home. He asked the applicant if she if she had checked with her homeowner's association about the business or if she had read the guidelines. Ms. Al-Bayati stated that she didn't know had to do that until she applied with the Childcare Referral Resource.

She went on to say that there are four daycares on her street with several children. Commissioner Heumann asked if she would be picking children up from school; she responded she would not do that. Commissioner Heumann also asked about the sleepovers. Ms. Al-Bayati explained that some of the parents work late, and instead of waking up the sleeping child, they will let them stay over until the following morning.

CHAIRMAN RYAN asked Joshua Cook if the City has any record of daycares with more than four children within the vicinity of this home. Mr. Cook stated that there was no record of any within the 1,200-foot radius, which is required by Code.

CHAIRMAN RYAN asked if anyone in the audience wished to speak about the case.

JOAN WYATT, 5734 W. MERCURY, stated she lived two doors east of this daycare and was opposed to the application. She described for the Commission members two experiences she had had with the applicant's child running into the street in front of her car. She stated that she had concerns for their children and worried when she read they wanted 10 children. Ms. Wyatt also stated that Mercury is a through street with a lot of traffic, and stated it would be dangerous if the children were to get into the street. She went on to say that another danger are the pools on either side of this home. She stated she worried the children would climb the fence. Ms. Wyatt said she had been hearing children screaming and crying all day long and that it was noisy. She went on to say that running a business out of the home is against the CC&RS. She felt this was not the right thing to do on a residential street.

Chairman Ryan asked if she had attended a neighborhood meeting. Ms. Wyatt answered that the public hearing notice was the only notice she had received and how she had found out about the case. Chairman Ryan questioned Mr. Cook if this neighborhood meeting had gotten door hangers or how the neighbors were noticed. Mr. Cook stated that the applicant had sent out notices to the neighbors that were within 300 ft. of her residence. Chairman Ryan asked if this was a function of the City of Chandler. Mr. Kurtz stated that there are two mailings that go out when there is a neighborhood meeting. The neighborhood meeting notification is handled by the applicant because its their meeting and hosting the meeting; the follow-up is done by the City by way of advertising and mailing out notifications for cases that appear on the agendas.

Chairman Ryan asked if there were other questions. Commissioner Gulsvig asked Ms. Wyatt if she was aware of other daycares in her neighborhood. Ms. Wyatt stated that she was unaware of any daycares and that she had resided there in the neighborhood for three years.

Chairman Ryan asked if there was anyone in the audience that wished to speak.

JOSE AVENA, 5757 W. COMMONWEALTH PLACE, CHANDLER, AZ, stated that he lives behind the applicant and opposes the daycare. He stated the main reason he opposes the daycare is because of the noise as he works at night and sleeps during the day. He said that the kids scream and holler and keep him up. He said that he couldn't image what it would be like if the applicant wanted to expand. He commented that some of the other neighbors that live there are bought by investors, so they didn't have the close interface as he does.

Chairman Ryan opened the floor for discussion.

CHAIRMAN RYAN stated that he's not opposed to daycare centers, but does judge by the barometer from the neighbors. He said what made his mind up was from Jose Avena had said. Mr. Ryan stated that Mr. Avena had said that he's in a private residential area and had a right to sleep during the day. Mr. Ryan said he felt there were issues and problems and would vote in opposition.

COMMISSIONER HEUMANN said he had several concerns, one being the applicant's experience, and the other would be the issue with the homeowner's association. He stated he believed that the applicant should come back at a later time after she has more experience. Mr. Heumann commented that jumping up to 10 children would be a major leap and that he would be voting in opposition.

VICE CHAIRMAN FLANDERS asked staff if the applicant was asking for 10 children plus their own two. Mr. Cook stated that that was correct at a maximum capacity. Vice Chairman Flanders said that he agreed with Chairman Ryan and Commissioner Heumann's concerns. He stated that this many children in a 1,400 sq. ft. house would be too much. Also, he was concerned with the applicant's experience. He commented that these kinds of facilities are important and he was not opposed to the use; rather, he was concerned with the other issues. He asked staff how many children were allowed by right without a Use Permit. Mr. Cook stated that four children plus her own.

COMMISSIONER ANDERSON stated that he agreed with the rest of the Commission. He felt Mr. Avena's statements rang true. He mentioned that with regard to the State Health Department's square footage requirements, he had other people that had gone through this process, and the corrections that had to be made to meet the requirements were very high. He said he also had some questions regarding the HOA as well.

CHAIRMAN RYAN stated that he would entertain a motion.

MOTION BY COMMISSIONER GULSVIG, SECONDED BY VICE CHAIRMAN FLANDERS to deny UP04-0045 Happy World Daycare. Chairman Ryan stated that the motion for denial was approved unanimously **(6-0)** by those present**.**

CHAIRMAN RYAN stated to the applicant that the Commission was a recommending body to the City Council. He asked Mr. Kurtz when the case would go to City Council. Mr. Kurtz stated the case would go to City Council on February 24, 2005.

F. PDP04-0021 OFFICES AT SHADOW RIDGE

Request Preliminary Development Plan approval for building architecture, landscaping, and site layout to construct a medical office complex on 4.13 acres at the northwest corner of Lindsay and Riggs Roads.

KIM CLARK, PLANNER, stated that this request was for Preliminary Development Plan approval for a medical office complex located at the northwest corner of Riggs Road and Lindsay Road. The PDP is for a multi-building office condominium project on an approximate 4-acre site. The property borders the Shadow Ridge single-family residential development to the north and west; residential and vacant County property to the east across Lindsay; and Springfield Lakes residential community to the south across Riggs Road. This piece was zoned PAD for C-1 office use in 2000 with the Shadow Ridge rezoning. Proposed are five office condominium buildings oriented toward the street frontages. All the development will occur in one phase. The buildings range between 5, 113 sq. ft. to 8,550 sq. ft. with a total building area of 31,191 sq. ft. It is the intent to sell all buildings to medical professionals for office use; however, general office uses are also allowed in the complex. The site has been parked to accommodate 100% medical office uses and contains 208 parking spaces. The predominant material is Founders Finish concrete block accented by metal canopies. Recessed areas are finished with stucco and connected to the Founders Finish block by tiled roofs. Two varying color schemes are incorporated throughout the project, and the buildings are unified by the use of the same roof tile and accent block. The streetscape view at the arterial intersection is enhanced by shifting the corner column on Building 4 and by the addition of a pitched roof element. Revised elevations have been submitted showing the addition of a pitched element on the corner. The element ties into the residences directly behind the property in Shadow Ridge by incorporating a sloped tile roof. To further vary the streetscape view, Building 3 is situated 5 feet closer to Riggs Road then the other buildings. Trellis features have been added along both street frontages to add another vertical element

to the street perspective. This parcel is within the boundaries of the Southeast Chandler Area Plan, and design elements have been incorporated into the project to signify a rural theme, including the use of tile roofs, stucco accents, goose neck theme lighting, deep set openings, and trellises that lead to a courtyard with a water feature. Equestrian trails have also been incorporated in the landscaping along the Lindsay Road frontage as a continuation of the established trail system. Turf and enhanced berming would be a predominant feature along both arterial street frontages, and open split rail fencing is incorporated to reinforce the trail theme. The signage on the site will include backlit individual metal letter signs placed along the street frontages on each building with the exception of Building 1. Due to the proximity of this building to the homes, illuminated signs will not occur on this building or any interior elevations. One monument sign is proposed at the arterial intersection that identifies the site. No tenant panels will be included on this sign. Staff feels the project could incorporate some additional elements to further signify a rural theme. As per the Southeast Chandler Area Plan, some of the elements may include open rafters with exposed wood accents, the use of corrugated metal or barrel tiles in lieu of standing seam metal, just to name a few. Staff also feels the corner sign could tie into the buildings a bit more by incorporating Founders Finish or incorporate into the existing neighborhood. The lettering should be changed to reflect a more rural feeling. A stipulation of approval has been added requesting the applicant to work with Staff to improve the architectural diversity on this project. Staff recommends approval of this project, subject to conditions.

CHAIRMAN RYAN asked Commissioner Anderson if the slump block with mortar wash *(that Commissioner Anderson had described earlier in Study Session)* was used throughout the Shadow Ridge subdivision or if it was incorporated into the single-family wall theme for just one parcel of single family. Commissioner Anderson answered that the entire Shadow Ridge development has a couple monumentation pieces that look similar to what they had seen in the previous session and that they are incorporated throughout the community. He went on to say that the pilasters are done in mortar wash and the walls are sand finished stucco with a cap that's in slump block as well. He said it is the theme throughout.

CHAIRMAN RYAN asked if there was anyone that had questions of Staff. There was no response. Chairman Ryan asked if the applicant would like to speak.

SHERM CAWLEY, stated that he was the architect for the project. Mr. Cawley said that regarding the Southeast Chandler Plan, it was their idea to present a ranch-style architecture for the buildings. They selected Founders Finish block because it not only made reference to ranch architecture, but a specific architecture that could have been a prevalent with western theme. He stated they had done a tour of the residential neighborhood earlier on in the project and felt that the slump block was not appropriate for kind of use proposed for this type of project. He said that the material that they are proposing a material, which is a concrete product, intended to look like brick and from their point of view was an upgraded material. They used this material for the corners on all the buildings. They are also proposing other ranch-style features in the project including porches and overhangs (wood porches with exposed tails and small facias, tile roofs on porch features, and metal canopies over the windows that are on all the corners of all the buildings for shading. He stated that they went with metal canopies due to the durability. Mr. Cawley said that they feel like they had successfully made reference to a ranch-style architecture and liked the way the project turned out. He stated that they felt the project adequately expresses the feeling they were trying to convey. He went on to say that they had earlier considered the slump block material, but felt that it wasn't an upgraded material for what they were trying to propose and sell. He stated that because these are office condominiums, they want to convey a more professional appearance. Other features he pointed out were the varying colors and varying materials, enhancement of the building corner features facing the intersection, a gabled roof feature facing into the courtyard providing a backdrop for the water feature, cornices, and small lights

to the tops and bottoms of the windows, three trellis features (one on either side of the corner building and one in the center of the project), porch-like features, and split rail fences.

Mr. Cawley explained the purpose for the double row of landscaping. He stated that the first row of landscaping is in a tract, which had been designated with the original zoning case. At Staff's suggestion, they were able to increase the landscaping to provide more screening from the residential. Mr. Cawley stated that they are in agreement with the stipulations and happy to comply with them.

CHAIRMAN RYAN suggested that, instead of designing the site at the present time, there was going to be a design review meeting in two weeks where everyone could sit down and take a look at the project, if the applicant was agreeable to that. Mr. Cawley stated that they would be open to that idea.

VICE CHAIRMAN FLANDERS asked Staff regarding the type of signage. He said that on the commercial projects in Southeast Chandler, there was a lot of reverse pan channel being used. Ms. Clark said she believed that was the intent. She said there is information on the signage and lays out the guidelines for what would be placed on the building. **MS. CLARK** read, "individual mounted, solid lettering, backlit on the street frontage only, no illuminated signs on the interior". The corner feature sign will be 12-inch high letters and 2-1/2" wide, halo illuminated with reversed pins, metal channel letters painted black.

To the applicant, Chairman Flanders stated that he thought as part of the residential area adjacent to this project it was important to carry some of the design features throughout the project. He said that the use of slump block with mortar wash along the screen wall and other areas was appropriate. He went on to say that he was not in agreement as far as the ranch style of architecture. He said that he viewed ranch style as pitched roofs and deep overhangs.

COMMISSIONER HEUMANN said he didn't see any pictures of the main layout. He pointed out there was a large parking lot on the east and in the center, being very visible from the street. He felt it would take away from the architecture.

CHAIRMAN RYAN asked if the parking ratio was right at the city's requirement. Mr. Cawley stated it was correct for medical. He pointed out that it may not all be medical and therefore would be excess parking available.

COMMISSIONER ANDERSON said that he agreed with Vice Chairman Flanders. He stated that he didn't have a problem with the architecture in the buildings, just the location of the buildings and some of the issues that Vice Chairman Flanders had spoken of with the ranch style architecture. He went on to say that when Shadow Ridge was originally approved it was all one piece at the time and this was designated as office in the future. He said that he preferred to look at it as a holistic approach and say if that's already there, whether it's what you like or not, it's still the same community and needs to tie to that community. Mr. Anderson said that it's not a big community, not like a multi-thousand acre master planned community, but as much as we can, we need to tie things to each other was his intent.

To the applicant, **VICE CHAIRMAN FLANDERS** stated that there are a lot of good pieces to this project. He went on to say that the Southeast Area Plan is very important to everyone including the Council, and that was why they were pushing for something just a little bit different and more for the area. He said he was hoping the design review would be of help to the applicant.

MR. CAWLEY pointed out that easily 60%-65% of the roofs are already shed, or sloped, roofs. Vice Chairman Flanders noted that for commercial they like to see varying heights using more than one shape of a pitched roof.

MOVED BY VICE CHAIRMAN FLANDERS, SECONDED BY COMMISSIONER HEUMANN, referring PDP04-0021 Offices at Shadow Ridge to a Design Review meeting on February 16, 2005, and that the case be continued to the March 2, 2005 Planning and Zoning Commission meeting. **MOTION WAS APPROVED (6-0).**

6. DIRECTOR'S REPORT

There was nothing to report on at this time.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is March 2, 2005 at 5:30 p.m. in the Council Chambers.

8. ADJOURNMENT

The meeting was adjourned at 6:46 p.m.

_____
Phil Ryan, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, March 2, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:34 p.m.

2. Pledge of Allegiance led by Commissioner Gulsvig.

3. The following Commissioners answered Roll Call:

   Chairman Phil Ryan
   Vice Chairman Michael Flanders
   Commissioner Rick Heumann
   Commissioner Janette Polvani
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Also Present:

   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Ms. Kim Clark, Planner
   Mr. Kevin Mayo, Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   Prior to approving the February 2, 2005, Planning Commission minutes, COMMISSIONER HEUMANN noted that there was a correction to be made to the meeting minutes by adding a one-year timing stipulation to UP04-0062 Wild Bill's Barbecue & Internet Sports Bar. MOVED BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER HEUMANN to approve the minutes of the February 2, 2005 meeting. **MOTION WAS APPROVED (7-0).**

5. CONSENT AGENDA ITEMS

   CHAIRMAN RYAN stated the Commission members had met prior to the Commission meeting to review the action items. He stated that there were some items that would be on the Consent agenda, and further stated that if anyone in the audience wished to pull any one of the Consent items, they would have the chance to indicate so. He asked the Current Planning Manager to read the Consent items.

   JEFF KURTZ, CURRENT PLANNING MANAGER, stated that those items on the Consent agenda were Item B JKM Self Storage, which was being continued to the March 16th agenda; Item C Toscana Townhomes, (Mr. Kurtz noted that there were additional stipulations that were added to this item, which Kevin Mayo read into the record as being Condition No. 13. ***"The applicant shall work with Staff to enhance the rear elevations of the buildings utilizing architectural elements and materials found on the front elevations."***; Condition No. 14. ***"The applicant shall work with Staff to soften the central parking court through the use of, but not limited to, additional landscaping and diamond planters."***; Condition No. 15. ***"The applicant shall work with Staff to adjust the pedestrian paths within the parking court to ensure free and clear pedestrian movement."***); Item E The Offices at Shadow Ridge; and Item F The Offices at Kyrene Crossings, which had two additional stipulations (Mr. Kurtz read the additional stipulations as being, Condition No. 5. ***"The applicant shall work with***

Staff to provide specialty building light fixtures to match the approved Bank One building." and Condition No. 6. ***"Safe pedestrian access and sidewalk shall be provided to the site from Chandler Boulevard and Kyrene Road."***). Mr. Kurtz further stated that the remaining items, Items G through L, were all on the Consent agenda as well. He stated that Item A The Ranch Super Storage and Item D Summit at Chandler Heights were on the Action agenda.

B. DVR04-0055 JKM SELF STORAGE

CONTINUED TO MARCH 16, 2005, a request for rezoning from Agricultural (AG-1) to Planned Area Development (PAD) along with Preliminary Development Plan approval for a storage facility located on approximately 20 acres at the northwest corner of Ocotillo Road and Center Pointe Parkway.

C. DVR04-0061/PPT05-0003 TOSCANA TOWNHOMES

APPROVED, a request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a 60-lot townhouse residential subdivision with Preliminary Development Plan (PDP) and Preliminary Plat approval for subdivision layout and housing product on approximately 6.5-acres located west of the northwest corner of Dobson and Pecos Roads.

1. Right-of-way dedication to achieve full half width for Pecos Road including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
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, where applicable, 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. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. 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.
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 Exhibit A, Development Booklet, entitled "Toscana Townhomes" kept on file in the City of Chandler Current Planning Division, in file no. DVR04-0061, except as modified by condition herein.
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. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.

10. The homes shall have all copper plumbing lines for those lines under pressure.
11. The "Public Subdivision Report", "Purchase Contracts", and CC&R's 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.
12. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
13. **The applicant shall work with Staff to enhance the rear elevations of the buildings utilizing architectural elements and materials found on the front elevations.**
14. **The applicant shall work with Staff to soften the central parking court through the use of, but not limited to, additional landscaping and diamond planters.**
15. **The applicant shall work with Staff to adjust the pedestrian paths within the parking court to ensure free and clear pedestrian movement.**

Staff recommends approval of the Preliminary Plat subject to:

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

E. PDP04-0021 OFFICES AT SHADOW RIDGE

APPROVED, a request for Preliminary Development Plan approval for building architecture, landscaping, and site layout to construct a medical office complex on 4.13 acres at the northwest corner of Lindsay and Riggs Roads.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3105, in case PL99-0070 Riggs Road Properties, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Offices at Shadow Ridge" kept on file in the City of Chandler Current Planning Division, in file number PDP04-0021, except as modified by condition herein.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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 existing landscaping along the Pinaleno Place frontage and the northern boundary of this property (tract H) shall be maintained by the Owner or Owner's Association of the commercial property.
6. Berms along 50% of arterial street frontages must be at least 24" above the top of curb elevation in order to meet the Commercial Design Standards. Berms are to be located behind the right of way and must maintain a four to one slope.
7. Trees planted along arterial frontages are to be comprised of 25%-48" box trees, 25% 36" box trees, and 50% 24" box trees as per the Commercial Design Standards.
8. The eastern driveway on Riggs Road and the driveway on Lindsay Road will be limited to right-in/right-out access only.
9. All building signage oriented toward the adjacent residential development to the north and west shall be non-illuminated.
10. Proposed oak trees shall be replaced with ash trees in the same quantity and size.

F. PDP04-0027 OFFICES AT KYRENE CROSSINGS

APPROVED, a request for Preliminary Development Plan amendment approval for office and retail buildings located within the Kyrene Crossings commercial center on approximately 3.7 acres at the southeast corner of Kyrene Road and Chandler Boulevard.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Office and Retail at Kyrene Crossings" kept on file in the City of Chandler Current Planning Division, in file number PDP04-0027, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinance No. 3306, in case DVR01-0017 Kyrene Crossings, except as modified by conditions herein.
3. The perimeter walkway along the planned buildings' north side shall be constructed during the first construction phase.
4. The individual site amenity features shall be constructed upon completion of the adjacent buildings around a given feature.
5. **The applicant shall work with Staff to provide specialty building light fixtures to the match the adjacent Bank One building.**
6. **Safe pedestrian access and sidewalks shall be provided to the site from Chandler Boulevard and Kyrene Road.**

G. UP05-0007 PETER PIPER PIZZA

APPROVED, a request for Use Permit to sell liquor (Series 12 Restaurant License) at a restaurant at 2965 S. Alma School Road.

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.
4. The Use Permit is non-transferable to any other store location.

H. UP05-0002 SWADDEE THAI CUISINE

APPROVED, a request for Use Permit extension to sell liquor (Series 12 Restaurant License) at a restaurant at 5055 W. Ray Road Suite B8. Request is to extend Use Permit for three years.

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.
4. The Use Permit is non-transferable to any other store location.
5. The Use Permit shall be extended for a period of three years, at which time re-application shall be required. The three-year time period shall begin from the date of City Council approval.

I. UP05-0008 MI LINDA'S AUTHENTIC MEXICAN FOOD

APPROVED, a request for Use Permit to sell liquor (Series 12 Restaurant License) at a restaurant located at 2041 N. Arizona Avenue.

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.
4. The Use Permit is non-transferable to any other store location.

J. PPT05-0001 OCOTILLO ANIMAL CLINIC

APPROVED, a request for Preliminary Plat approval for a commercial subdivision located north of the northeast corner of Appleby Road and Arizona Avenue.

K. PPT04-0032 WARNER COMMERCE PARK

APPROVED, a request for Preliminary Plat approval for an industrial subdivision located at the southeast corner of Delaware Street and Warner Road.

L. PPT04-0020 CHANDLER SANTAN AUTO PARK

APPROVED, a request for Preliminary Plat approval for an automobile dealership complex development for property located at the northwest corner of Gilbert Road and the Future Santan Freeway (Loop 202).

Chairman Ryan asked if anyone in the audience wished to pull any of the items from the Consent agenda. (There was no response from the audience.)

CHAIRMAN RYAN stated that for the record his Consent vote would not include Item B "JKM Self Storage" (which was being continued) as he was a consultant; Item F "Offices at Kyrene Crossings" as he was a consultant for the architect, Item J "Ocotillo Animal Clinic" as he was a consultant for the original zoning, and on Item L "Chandler Santan Auto Park", Chairman Ryan said he would abstain on this item as well.

VICE CHAIRMAN FLANDERS also stated that he had a conflict with Item L "Chandler Santan Auto Park" as he is an employee of the architect of record on that project, even though he had never worked on the project.

CHAIRMAN RYAN called for the vote of the Consent agenda. **COMMISSIONER HEUMANN** stated that he wanted to make a motion for the Consent agenda, but first wanted to make a comment with regard to Item F "Offices at Kyrene Crossings". He stated that this is a parcel that is being piece-mealed back together. The drugstore on the corner had been approved with the rest of the center. He said that he wanted to point out to staff that when they come forward with other future centers that there is a continuous feel of the center. He stated that during study session there had been a lot of ambiguities in terms of making sure of the pedestrian access. He said he knew there were other

centers coming down the road and he wanted to make it clear that Staff try to work these things together so that the center is contiguous and consumer friendly.

MOTION BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER IRBY to approve the Consent agenda with the additional stipulations as read into the record by Staff. **MOTION WAS APPROVED (7-0).**

ACTION ITEMS:
(At this time Chairman Ryan restated that he would abstain from the following item due to the fact that he was a consultant for a self-storage case immediately across the street from the following case.)

A. DVR04-0042 THE RANCH SUPER STORAGE

Request rezoning from Planned Area Development (PAD) for Business Park uses to Planned Area Development (PAD) Amended to allow a self-storage facility as an additional permitted use, with Preliminary Development Plan approval for a 6 building, approximately 90,000 square foot facility located on approximately 5 acres. Buildings will range in size from approximately 3,000 to 28,500 square feet. The property is located at the southeast corner of Ocotillo Road and the Union Pacific Railroad.

BOB WEWORSKI, PRINCIPAL PLANNER, stated that The Ranch Super Storage is a request for rezoning from and Preliminary Development Plan for self-storage or mini-storage facility located on a 5-acre site on the south side of Ocotillo Road. This site is located between the Southern Pacific Railroad tracks on the west and further east is the Consolidated Canal. To the west is the arterial street, Arizona Avenue. The site is proposed for four individual self storage buildings, which are essentially mini storage allowing for self storage that would include an office and living quarters for management, as well as the storage facilities. The applicant had originally proposed RV and boat storage on this site, but since had omitted this part of the application. Mr. Weworski said that in 1988 this property was zoned as part of the Southshore Area Plan. The Plan is bounded by Ocotillo Road to the north, Chandler Heights on the south, on the west by Arizona Avenue, and on the east by the Consolidated Canal. The Area Plan contained a mix of uses, commercial uses, industrial uses, office uses, multi-family uses, and business park uses. This particular site received its designation for land use and the zoning designation for Business Park uses. What was defined in the rezoning at that time for this particular site was that it was approved for Business Park, which was defined as high tech, two-story office, and office research type building facilities. The application is a request is to rezone this particular piece of land because the self-storage does not fit that designation.

Mr. Weworski stated that the applicant is proposing four buildings on this site; a building along Ocotillo Road, two large buildings in the center portion, and a skinny long building on the southern portion of the site. The building on the north is proposed as a two-story building including an office and living quarters for management that would be living on site. The other buildings would include internal storage corridors, as well as exterior access corridors. All the buildings are providing four-sided architecture. The internal part of the site has a level of architecture not often seen on other storage facilities. There is a landscape buffer around the entire site. In addition, there is a retention basin being provided on the south end of the site. Property to the south is owned by SRP that is an open space corridor, then there's an SRP easement along the west side of the property along with the railroad tracks, and on the other side is Pinelake Way and an SRP substation further to the east.

To the north are properties zoned for planned for industrial type uses. Currently, there are two applications in the City for self-storage type facilities, which are across the street to the north and further to the east.

Mr. Weworski explained that Staff had worked closely with the applicant as to provide enough of the Southeast Chandler character in the way of site development and architecture. He noted that the applicant complied by providing substantial building setbacks on the site along Ocotillo Road with turf areas. Staff did provide a stipulation, however, that there would be additional turf areas along Ocotillo Road as well as Pinelake Way to get more of a Southeast Chandler lush character as well. Staff believes the architecture is somewhat a unique character that is conducive to the Southeast Chandler Area Plan such as the corrugated metal roofs along with parapet roofs, roof variations, a mix of building materials, textured block, EIFS materials, and stone veneer as well. Staff included another stipulation that the applicant would work with Staff to provide some additional building architectural features on the two-story building along Ocotillo Road to be a more residential scale in character, and the applicant is willing to do that. Because of this self-storage type use, Staff also included other stipulations that included, no outside storage allowed or displayed, no repair work on site, no hazardous materials allowed on the site, and no direct vehicular access to Pinelake Way, and a landscape planter on the eastern portion of the mini-storage site. The applicant is proposing to do a landscape buffer along the east portion of the site on a portion of the planter; however Staff has done a stipulation that the applicant will do the entire portion of the planter on the east side.

Mr. Weworski said that there was a lot of neighborhood inter-action on this particular application. The applicant held two neighborhood meetings. Comments were received at the first neighborhood meeting. A lot of neighbors are opposed to the use; that has been well established. The initial concern was with the RV/boat storage along Pinelake Way. In response to the concern, the applicant has removed that portion of the request. In place of that, there is a conceptual plan to allow commercial office buildings. Also the applicant has removed any access to Pinelake Way has been removed.

There is a neighbor directly to the north who has supplied a petition in opposition to the application, which will trigger a legal protest on the application. When the application goes to City Council, it will require a three-quarter vote for approval.

Staff supports the application. Mr. Weworski summarized the following: the site is well buffered from other uses; its at least 500 feet from the Pinelake neighborhood; the applicant has reduced the scope of the project by eliminating the RV/boat storage and access to Pinelake Way so that there is no vehicular access to the residential area; the zoning could allow for more intensive uses as a business park such as a research type development or other research labs; the application provides a lot of Southeast Chandler character features; there is a tractor and windmill on the site for added flavor; it meets the commercial design standards along arterial streets and meets the building architecture as well; and, the applicant has been with Staff to improve the landscaping and architecture. Mr. Weworski explained that this is a one-phase construction. The applicant proposes that the entire mini-storage site will be developed at one time, all the buildings, all the site improvements, all the landscaping along Ocotillo Road and Pinelake Way. The only exception would be the building pads and parking for the office development itself. He also added that this application provides four-sided architecture, which is not often seen on mini-storage facilities, as well as an on-site management.

COMMISSIONER IRBY stated that the Commission-members had been handed additional information and had not been able to go through the packet. He asked Mr. Weworski to go over with him what was contained in the packet.

Mr. Weworski explained to the audience and to the Commission-members that Commission was supplied a packet with everything that Staff had received relating to this application, such as e-mails and direct mailings, primarily from the residents of the Pinelake neighborhood and generally in opposition. He stated that its Staff belief and what Staff is hearing from the neighbors is that the neighbors are in objection to the mini-storage use, they don't want to be driving by and seeing the self-storage facility, they have issues about the use itself and would rather see office buildings developed instead of the self-storage facility. Mr. Weworski pointed out that within the packet was the petition received from the property owner to the north and their statement that they were opposed to this type of use, that this type of facility with a two-story building along Ocotillo Road was not appropriate and may de-value their property value. Mr. Weworski went on to say that mostly the neighbors are in opposition. One petition was received in support.

COMMISSIONER IRBY asked if the neighbor to the north was the one that was pushing the three-quarter vote. Mr. Weworski stated that that was correct, and that the property owner owns pretty much the entire property that faces this site and to trigger a three-quarter vote would only require 20% of the area around the perimeter of the property. The land is currently County land (presently a palm tree orchard).

COMMISSIONER HEUMANN asked that if the office portion would have to come back for a PDP if this application was approved. Mr. Weworski stated that the office portion would be under a separate application in the future for PDP. The use is already approved for office.

COMMISSIONER HEUMANN asked if the perimeter landscaping along Pinelake Way and Ocotillo Road would be installed if this application were approved. Mr. Weworski stated that that was correct.

COMMISSIONER HEUMANN pointed out that Mr. Weworski had stated that there would be no entrance from the site to Pinelake Way, but that the plan showed an entrance. Mr. Weworski stated that there would be an entrance primarily for the office/condominium use. If someone were to go in a somewhat circuitous route through the parking lot, they could make their way to what might be a shared parking or driveway to both the storage and Ocotillo Road. Commissioner Heumann stated that was confusing because in the narrative it was stated the developer was willing to not have access to Pinelake Way. With a shared driveway, one would have to drive through it, but they still could do it. Mr. Weworski stated that was correct, if the offices were to get approved and if the site layout was approved as shown. However, what is being proposed is only access to Ocotillo Road. When the offices, if they were to come in the future under a PDP, that driveway location and access would be part of that application. The driveway shown on the plan is only conceptual to show how the office would lay out in access to Pinelake Way. Commissioner Heumann asked if crush granite would be installed in this area until the offices are developed. Mr. Weworski answered that the site would be a clean, vacant, weed-free site.

COMMISSIONER HEUMANN said that he had read a few of the letters, but one had caught his eye with regard to notification. He asked how notification was handled with this case. Mr. Weworski explained that some of the neighbors felt that proper notification might not have been provided, particularly for the neighborhood meeting. They felt they had not received notification in order to attend the neighborhood meeting. Mr. Weworski went on to say that the applicant did all the minimum notification requirements for the hearings and for the neighborhood meeting. He explained that this application was received prior to the adoption of the extended notification requirement. The

applicant provided notification beyond 300 feet, which was the current notification requirement, and provided notification to the property owners for the homes that border the northern portion of Pinelake Estates. The applicant also contacted the homeowners' association and ultimately contacted the homebuilder to let them that any future owners are made aware of the application.

COMMISSIONER HEUMANN asked how many neighborhood meetings were held. Mr. Weworski stated that two neighborhood meetings were held. There were approximately 30 residents in attendance at the first meeting and approximately 12 residents at the second meeting. Commissioner Heumann asked if Staff felt that the applicant addressed some of the homeowner's questions/issues at the first meeting. Mr. Weworski stated the applicant addressed the issues regarding eliminating access to Pinelake Way and the RV/boat storage. However, the primary concern with the neighbors is the use.

COMMISSIONER IRBY asked Staff what the intentions were with build out on Ocotillo Road. He asked if the median would be raised and if there would be a left-turn into the property. Mr. Weworski stated that there would be a raised median on Ocotillo Road in front of the property. There will be no left-turn into this site going westbound. The applicant is aware of this and believes there will not be a large volume of traffic in demand for this access. Access will be available eastbound. Commissioner Irby asked if the public would have to go all the way to Arizona Avenue or if there was a break where a u-turn could be attempted. Mr. Weworski stated that there is a planned commercial development at the southeast corner of Arizona Avenue and Ocotillo Road (Home Depot), and there would be a median break along Ocotillo Road for that development where a u-turn could be made. Mr. Weworski noted that the applicant had stated that the self-storage is a destination-oriented type of use, and anyone going to the facility would probably plan his or her route to get to the facility.

VICE CHAIRMAN FLANDERS asked Mr. Weworski what kinds of businesses are going into the research and development designations. Mr. Weworski stated that Chandler is very high tech oriented, which includes corporate businesses that deal in development and research and also production of some products. He gave as an example Flex Tech, which is a high tech research oriented business with a level of warehousing. He said that it could be distribution of product, but not a lot of toxic chemicals on a small site. Vice Chairman Flanders commented that there's a possibility then that a research and development or materials distribution facility would be designated for this particular site. Mr. Weworski said that was correct, but in order to stay in conformance with the zoning, any kind of distribution would have to be incidental and the primary use would be the office or the research and development use. At that point it would be necessary for that developer to make application for a PDP.

COMMISSIONER HEUMANN asked how many other self-storage type facilities were in the pipeline. As background, Mr. Weworski stated that the Southshore Area Plan, which was established in 1988, showed a mix of uses, i.e., industrial uses, commercial/office uses, multi-family, and Business Park uses. A lot of that Plan changed as the result of the Pinelake Estates development. In 1997, the Plan came back and was rezoned and the Area Plan was changed considerably for less intensive uses. However, the portion that this site is on has remained business park use. Through the use of a map, Mr. Weworski pointed out the location of this site and the other properties that currently have applications with the city with potential self-storage uses. Mr. Weworski went on to explain the zoning on other properties in the vicinity.

VICE CHAIRMAN FLANDERS asked the applicant to come forward.

ANDY MOORE, representing the developer Jack Chumadevsky for The Ranch Super Storage, stated that the site is separated approximately 500 feet with SRP property from Pinelake Estates. He said the site is located approximately one-quarter mile east of Arizona Avenue. He reviewed the building layout on the site, Buildings A, B, C, and D. Buildings B, C, and D are one story; Building A is two-story with a 6' difference in height from the other buildings. Buildings B and C are 21' high, Building D is 22' high, and Building A is 28' high at the top of the parapet. He commented that it's not an additional story, but only an additional 6' higher that the other buildings. He said there are varying square footages for the intended uses. He went on to say that the site is buffered to the west with the Southern Pacific Railroad and their right-of-way, an SRP easement for a gravel driveway, and the development's landscape buffer. There is an 8' high CMU wall going on the entire length of the site on the west, as well as Mondale Pine Trees for additional buffering. On the east side of the site is Pinelake Way with extensive landscaping, which will be installed in Phase One. All of the inner median will be installed with landscaping. In addition there will be an 8' wall. To the south is the SRP property along with extensive landscaping. He noted there would be no roll up doors facing the neighborhood. On the north side is Ocotillo Road with an extensive landscape setback and turf areas in keeping with the Southeast Chandler planning character. A tractor and windmill will be placed on the north side of the site with landscaping going behind them. The only entrance door into Building A will be the glass office door. There will be no roll up doors within view from the street. He noted it would be difficult to see into the interior of the facility.

Mr. Moore stated that the architects for the development worked diligently to come up with a unique and exceptional elevation for the project. He stated that on the project there is building height modulation, pop-outs, pitched roofs, trellises, different material mix such as stone, stucco, varying colors, and corrugated roofs. He pointed out that the building is designed not only to have a unique character, but to fit in with the Home Depot site on one side and to fit in the area by the use of residential color and scale, as stipulated by Staff. Additionally, the perimeter wall has stone columns.

Mr. Moore stated that there had been two neighborhood meetings. The first neighborhood meeting had approximately 30 persons in attendance. The main discussion was on how to change the then-existing site plan so that it would have less impact on the neighborhood to the south. He said that there are two major entries into Pinelake Estates, an entrance off Chandler Heights Road, and Pinelake Way, which is the drive entrance adjacent to the east of this site. The site plan originally showed a lot that had RV/boat storage with exit/entrance. He mentioned that Commission had asked why the additional drive entrance had not been deleted at the time the RV/boat storage had been deleted. Mr. Moore stated that it was his understanding at the neighborhood meeting the additional driveway was not the issue. The concern wasn't office/condo users coming in and out. It was boat and RV people and passing into the storage area in trucks. In response to this concern, the applicant deleted that portion of the plan and deleted the entrance/exit onto Pinelake Way, as the neighbors requested.

Mr. Moore went on to say that after the plans were revised, they held a second neighborhood meeting. With regard to notification, it was the applicant's understanding at the first neighborhood meeting that they were to get the material to the brand new board of directors and then they in turn would distribute the notice. At the second meeting it was indicated that that wasn't what was wanted. Instead, everyone was supposed to get a mailer. The applicant said he heard about that extensively. Mr. Moore said that in order for everyone's voice to be heard, prior to this meeting they distributed door hangers on everyone's home in the project. He said that it consisted of the narrative, the application page, site plan, landscape, elevations, and gave the time and date of the meeting. Mr. Moore went on to state that at the second neighborhood meeting the changes were reviewed. The

neighbors were asked what else was needed to so as to meet with their approval. He said that the neighbors did not have any suggestions; they just didn't want the use. He said that it was unfortunate that they were not able to offer them that as a solution.

Mr. Moore summarized that he believed this use was appropriate for this site. The site is buffered by the railroad tracks, a large tract of SRP property, office/condos, and extensive landscaping. The site is on a major arterial. There will be no outdoor work, outdoor repair or hazardous materials. He said that it's their belief that there would be little impact on the area, both visually and traffic-wise. He mentioned it is a minimal use, no RV/boat storage, and minimal impact with buffering to the neighborhood. He said that he didn't know what to tell the people that say that their house values will go down. He stated that he did not have a study with him, but whenever they do studies with big box stores or Home Depots, the results have been that there is no change in the property values. He said he didn't believe that a project such as this would be a problem to the neighborhood.

COMMISSIONER HEUMANN asked the applicant how many units were planned with this site and how many trips per day were estimated. Mr. Moore responded that there are roughly 450 units inside and that the traffic study showed there would be 22 trips on the busiest day and 8 trips on an average day. Commissioner Heumann asked if the applicant had a plan on how westbound traffic would access the facility. Mr. Moore stated that they would love to have a median at this location. He said that they expect people that do business with them to know where they are going and that they would have to figure out how to get their truck there. It was their hope that no one would do a u-turn near the railroad tracks. He said that they would have to do what a lot of other people do when there's no median break, and that is to figure out how to get there.

COMMISSIONER IRBY stated that he did not think a storage of this type would create a lot of traffic. What he wasn't convinced on was the architecture, especially for Building A. He asked if the applicant was revising the elevation. The applicant responded that Staff, through stipulation, wanted the elevation to be revised so that it reflected more of a transition toward residential, and they would be happy to do that. Commissioner Irby stated that he agreed with Staff, but what he didn't agree with is that it should be a stipulation. He continued that he didn't like the height of the building elevation and felt it had very little residential flavor. Commissioner Irby stated that he appreciated the project having a lot of different materials and colors, but found the elevation unattractive. He also felt that the tractor and windmill appeared to be thrown out into the yard just to meet the Southeast Chandler concept. It appeared trashy to him. He asked what the benefit was to the applicant. Mr. Moore said that it didn't feel it was a trashy look, but rather a reminder of our rural heritage. He said they felt it was a way to take a non-residential, non-rural use and tie it into what the city that approved the plan really wanted.

COMMISSIONER IRBY went on to say that the two interior buildings were not that bad, but he did have objections to Buildings A and D.

JULIE GOSSELIN, 470 E. CANYON WAY, CHANDLER, stated that she lives in the Pinelake Estates subdivision and wished to express her strong opposition to the rezoning request. She felt that this project had the appearance of getting through without the community that it will affect having much notice to get a handle on it. She continued that the residents of Pinelake Estates have had little time to respond to the project due to the fact that they had not been notified of the project by the developer. She went on to say that not one Pinelake Estates neighbor was invited to the January 19th neighborhood meeting. She said that she had learned that the developer was not technically required to notify anyone past the 300 ft. perimeter of the project; however, they were asked to do so on the

handwritten notes on their application packet and asked to post a notice in the DR Horton sales office in Pinelake Estates. No notice was ever posted in the office. She said that most residents would have no reason to go into the DR Horton sales office, especially if their home was not even built by DR Horton. She went on to say that a second neighborhood meeting was held on February 17th; however, once again the neighbors from Pinelake Estates were not invited. Ms. Gosselin stated that the developer was asked why they hadn't made an effort to communicate with the residents who would be affected by the project; the developer stated that they did the minimum requirement and nothing else. Ms. Gosselin stated that they were not a minimum community and expected much more of an outsider looking to become their neighbor. She went on to say that, although the developer had revised the plans from their first neighborhood meeting to make them more palatable to some of the people in attendance at the first meeting, she believed that the point had been missed – the community clearly does not support a storage facility at its entrance. Ms. Moore stated that she spoke to 77 residents in her community and 95% of the Pinelakes community does not believe a storage facility, no matter how it looks, is a desired business to be located at the entranceway to a community such as theirs. In addition, the division of this small parcel of land into two separate and unrelated uses was also unacceptable to residents. Ms. Moore went on to say that 73 signatures were gathered that were in opposition to the rezoning on this land for storage use and that a copy of this was sent to the Commission.

Ms. Moore went on to state that, according to the Southeast Chandler Area Plan, the area that encompasses their community has been designated as Traditional Suburban Character. All the development in the area should be made with transitions and compatibility in mind, and she felt that a storage facility did not fit within that design parameter. Ms. Moore noted that there were three other storage facilities within their area that were already being planned. She said if the land entering their subdivision is rezoned for storage use, they will be surrounded by storage facilities, not quite the picture of the Traditional Suburban Character as planned for. Ms. Moore said that they are simply asking that the parcel in question remain status quo. She went on to state that it their hope the plans for the Southeast Chandler area be adhered to with resident input as the guide.

Ms. Moore submitted a packet of information to the Clerk.

MARK GORDON, 479 E. HORSESHOE PLACE, stated that he is a resident of Pinelake Estates and wanted to express his thoughts on The Ranch Super Storage facility. He stated that the unique shape of the property makes it most unlike most industrial sites in the city of Chandler. He states that there is no back portion of the property to place a public storage facility to hide from view. The entire property would be visible from all three sides. He said that what they were concerned about would be that there would actually be availability to drive through to the storage facility. Another issue would be the access to the facility for the westbound traffic. He felt that because the piece of property is relatively small, it's a risky proposition to have a zoning change on only a portion of the property. The main concern being that there's a proposal for high tech or buildings, but no definite plans. Mr. Gordon said that if the zoning gets changed, the storage facility could get constructed and leave the other portion of the property unimproved. Worse yet, changing the zoning and getting approval for having RV/boat storage. He said that they would like to see the Planning and Zoning Commission consider this plan as a complete plan with potential tenants lined up. He felt the parcel should not be done in stages and mixed use, but rather all or nothing.

Mr. Gordon stated that 'out of state, out of mind' came to mind when thinking about the owner residing out of state. He said he was not confident that there was a vested interest in the project for the community's sake. He also stated that notices were not delivered well in advance, which was

disappointing. Mr. Gordon said that he appreciated the developer trying to make the project esthetically pleasing, but to leave the residents out of the loop during the planning stages wasn't in the best interest. He felt that the developer lacked concern during the first neighborhood meeting, and it was clear that the developer was only interested in the financial benefit to himself. The residents did not want to see the banners, advertising, etc. for the storage facility when entering their subdivision or when bringing guests into their subdivision. Mr. Gordon related his experience when moving a relative to this community and the associated problems when maneuvering a truck when there was no access. He summarized that this project is not a project that should be placed at the entrance into a subdivision and wanted to see the zoning kept as it was originally.

KATHY GRISMORE, 519 E. HORSESHOE PLACE said that she believed that this was the wrong project, at the wrong place and at the wrong time. She said that in 1997 when the City of Chandler approved Pinelake Estates, this parcel was designated for future employment. Self-storage employs possibly only four people. She also stated that this area is designated Traditional Suburban Character in the Southeast Chandler Area Plan. Any non-residential development should be consistent with the guidance of the General Plan and should convey that rural agrarian feeling that was discussed. She felt that this should be complete with traditions and compatibility in mind. She stated that she felt this project was incompatible as an entrance into a neighborhood and didn't show a compatible transition into Pinelakes. In order to transition it should enhance the neighborhood or detract or de-value from the neighborhood. She felt that this parcel of land needed to have one consistent use and to be developed in continuity with the neighborhood. She said that this was the wrong place for the project. She stated that she had driven around Chandler to view other storage facilities and their locations and did not find one that was located at the entrance into a subdivision. She said that most of them were located next to gas stations or in industrial type areas. She went on to reflect that when the City of Chandler established the Southeast Chandler Area Plan, they wanted to make this area different from any other area that had been established. She said that she thought that placing a self-storage facility at the entrance to a subdivision is setting a dangerous precedent. She commented that she felt that the placement of the storage facility is hazardous for traffic because of its proximity of the street entrance off Ocotillo Road. The entrance could only be accessed going east and meets the minimum setback requirement from the railroad track. She felt that due to the close proximity to the railroad tracks there was the potential of rear-end accidents. She was concerned that if a turn were missed into the storage facility, then the next turn would be into their neighborhood. Lastly she felt it was the wrong time for the facility. She felt that with a minimal amount of land left and there being a maximum need for land, she didn't think the City needed to accept a down-zoning at this point. She said that there were many developers who would use this property for its intended use and provide a compatible project, which would enhance the neighborhood and blend into the rural agrarian theme of southeast Chandler. She went on to state that there are already three projects of this type that are zoned for this usage and felt there was no need for anymore at this gateway to the southeast Chandler corridor. She said that if this project was intended for this property, then it would already be zoned for this and it would fit within the plan. She asked that the Commission deny this project from continuing.

VICE CHAIRMAN FLANDERS asked Staff if a storage facility would be an allowed use in an area that is designated for research and development, or if it would need a Use Permit. Mr. Weworski stated that it would need to be rezoned.

COMMISSIONER IRBY asked Staff if a storage facility would be an allowed use on the property to the north, which is in the Airport district. Mr. Weworski said that the property to the north of Ocotillo Road was in the Airpark Area Plan. A lot of the property in that portion is designated light

industrial, which could consider storage as an allowed use. There would have to be a rezoning and PDP.

MARK GRISMORE, 519 E. HORSESHOE PLACE, stated that this project was in the wrong location. He felt the space of 8.6 acres would not fit two types of business and that it would be cramped. He also felt that the entrance into the storage facility was too close to the railroad tracks and was a dangerous situation. Mr. Grismore went on to state that he highly doubted there would be anyone coming into the area with a research and development lab having substantial chemicals next to homes and a Home Depot. He said that the developer was not honest with the homeowners. He stated that there were no notices, and that the homes along the north side of the subdivision are not lived in. He went on to state that the date on the sign had not been updated until he pointed it out to the developer. He commented that he had a problem with the City of Chandler placing the orange sign along Ocotillo Road, making it impossible to read and posing a danger to the traveling public. He felt the city should be more responsible. Mr. Grismore said that he had visited the DR Horton builder because the developer had stated that they had informed the builder as to what was being planned on this parcel of land. He commented that there was no notice posted, and the sales people had no idea. Mr. Grismore said that this piece of property is not big enough for a storage facility and that it needs to remain zoned as it currently is zoned. He stated that there would be nice research and development buildings in place of the storage facility.

COMMISSIONER HEUMANN asked Staff for information on the new policy that affected the orange signs. Mr. Kurtz stated that Council recently adopted an ordinance that changes and enhances the type of notice that is provided throughout the city whenever there is a rezoning and when there is going to be a next phase of a Preliminary Development Plan. The changes were an attempt to be responsive to a fast-growing community. Council changed the 300 ft. notice to 600 ft. The Council also added the requirement that if a neighborhood chooses to register themselves with the city, they become part of a mailing list where if they are within one-quarter mile of a proposed development, they will also receive a notice. The content has been modified on the large orange signs. It has become common knowledge that something is happening on a piece of property, and perhaps there's never enough room to place all the information that one could use on the sign, so the sign has been simplified to identify the basic request for what the application is for, along with the dates and times. A website is also identified that the city has just recently kicked off. Mr. Kurtz said that great attempts are being made. There's never enough notice. Mr. Kurtz stated that it's refreshing that the neighbors have gotten notice in some way and had an opportunity to participate. As more word gets out, more people are able to participate. He said that this is a Planning Commission hearing, a recommending body to the City Council and that City Council would also take testimony of people's concerns.

COMMISSIONER HEUMANN thanked Mr. Kurtz and stated that he just wanted to get that on the record. He said that things are being done and thought the ordinance would go into effect on March 1st. Mr. Kurtz stated that Staff it is in practice at this time.

MICHAEL BISHOP, 462 E. KAIBAB PLACE, said that he had heard all the discussions that evening and appreciated Mr. Weworski putting the facts out there. He said that the people that bought their homes in Pinelake Estates have a huge investment. When the residents bought their homes, they knew the zoning, they knew what was out there and they signed on to it. He went on to say that he had walked around this small piece of property. He said that he didn't think that the other half of the property would ever get approved as a mixed usage; rather, he felt it would be all self-storage. He felt

the project had too many things going against it. He thanked the Planning Commission for putting on a good presentation and appreciated the process that they were going through.

DEREK LOGAN, 445 E. COCONINO PLACE, stated that this area is supposed to be for homes and they knew there would be office parks when they bought their homes. He said they had bought some very expensive homes in a very nice neighborhood. He went on to say that they knew that the airport area was across the street. They felt the entryway into their neighborhood would still be pleasant with an office park. He said he wouldn't mind living behind an office park, but didn't want to live behind a storage area. He said that he didn't mind the self-storage being across the street, but didn't want to see it at the entryway to their subdivision. He felt it was going to be very difficult with the traffic in that area, as well as access out of the storage area.

CHRIS RICHARDS, 488 E HORSESHOE PLACE, stated that he was the Vice President of the homeowners' board at Pinelake Estates. He stated that the developer did contact him and the president with the information about the development. He said that they did not, as a board, feel it was their responsibility or obligation to notify the community of their development. He stated that a major concern for the residents is that the land is not being developed completely. There would be nothing to prevent the developer from developing the remaining land into self-storage with RV and boats. He said if the property were developed as business park, he would have had a different view. He said no one wanted a self-storage at the entry to the subdivision. Mr. Richards said that as far as good will, the developer did the absolute minimum required. He felt that the developer did not have the community's best interest with this project.

COMMISSIONER IRBY asked Mr. Richards to explain his comments with regard to the earlier notification. Mr. Richards said at the first homeowners' meeting, he and the president of the board gave the developer information so that they (the developer) could provide them with information on the project as far as what it was doing or where it was going. He said that the board had never given the developer any indication that they would notify the community of the developer's doings; it was just something that they as a board felt they should be kept informed of. Financially, they did not feel it was necessary for the board to pay for postage to notify them of what their development was going to be.

VICE CHAIRMAN FLANDERS asked Mr. Richards if the applicant offered to make a presentation to the board or to the homeowners' association. Mr. Richards stated that they had not.

VICE CHAIRMAN FLANDERS said he would go back to the applicant.

ANDY MOORE stated that he was not at the first neighborhood meeting, but the architect was there and he had people take notes. The notes reflected that the homeowners' association individuals discussed with them that if the information were sent to them, they would look into putting it into a newsletter or an e-mail to get it out to the neighborhood. Obviously, there was miscommunication or everyone from the developer's side had taken down the wrong notes. Mr. Moore said that the information that the board had provided to them was contact information. From that the developer sent them the second neighborhood information, fully expecting that to go out to the neighborhood, and it didn't. Mr. Moore said that there had been a breakdown in communication, not because they were being evil and sneaky. It was just that they didn't understand that the board wasn't going to send it out to the community. He said that as far as financial responsibility, they could have gone out 2000-3000' beyond the property; however, he stated that the applicant met the city's requirements and beyond. They did attempt to get the information into the DR Horton office, but they had resisted

on several levels. They were not interested in it. Mr. Moore went on to say that every single person that has a doorknob knew about this evening's meeting.

Mr. Moore continued that the resident's concern with the developer going in and rezoning the remaining property for self-storage is hardly the point. He said there was nothing stopping anyone from going in anywhere around the area and rezoning it for a giant self-storage. Mr. Moore said that the developer was not going to do that. That was another issue for another day. To Commission Irby he stated that there are self-storage facilities in process for the north side of Ocotillo Road. With regard to whether or not those facilities that are within the Airpark Area Plan are more appropriate for self-storage versus the one that they are in. Mr. Moore said that he understood that those applicants were allowed to do this under the Airpark Area Plan without amending the Area Plan or changing the Area Plan. He went on to state that this applicant is allowed to do self-storage in the Southeast Chandler Area Plan without amending the Area Plan or changing the Area Plan because this use is completely allowed within the Southeast Chandler Area Plan.

MR. WEWORSKI stated that the applicant is correct in this case. They would both take rezoning without having to amend an Area Plan.

COMMISSIONER HEUMANN said he needed to confirm that, under the Area Plan, this property that was being discussed for this use was not allowed. It was a rezoning, but the General Plan calls for light industrial, which then a self-storage would fit into the Plan. Mr. Weworski said that was correct. The Airpark Area Plan and the portion north of Ocotillo Road spells out that a self-storage could be considered. Commissioner Heumann went on to say that the property under this application under the Southeast Chandler Area Plan spells it out as research and development. Commissioner Heumann said that he wanted to clarify that as he felt there had been some confusion.

MR. MOORE stated that (for this property) under the PAD the developer has to rezone. Under the PAD for the north property, they would have to rezone; however, in the Area Plan, non-residential are allowed and there's not a specific delineation that you cannot do a self-storage. In the Southeast Chandler Area Plan, the issue is when you do a commercial use, you have to meet criteria that make it the type of thing that would fit in the Southeast Area Plan, but it's not that its not allowed there. He said that their rezoning is a separate issue. Commission Heumann said that this area was called for research and development and it's a rezone changing the Area Plan south of Ocotillo Road.

COMMISSIONER HEUMANN asked the applicant where the company, The Ranch Super Storage, was based. Mr. Moore stated that there are two partners; Jack Chumadevsky lives in the Valley, and his partner lives in the state of Washington. Commissioner Heumann asked how many facilities there were, either locally or around the country. Mr. Moore stated that this is the first one.

COMMISSIONER GULSVIG said that he had read all the material that had been handed out that evening. He said that he appreciated the project that the developer had and that it looked very nice. It had a very nice appeal for its intended use, but had a major concern as to the ingress into the facility from Ocotillo. He went on to say that he was opposed to this application as he felt that it's in an area that needed be built up. There's a sheet metal shop in that area, and hopefully that will go away someday because the area needed to be built up a bit. He felt that this was a shortsighted change to what was in the prospectus when the residents bought their homes. He said that when he bought his home, he looked at the material that was presented and bought accordingly. If Commission changes the zones that are already there, it's very disruptive to the community and the people who live in that

area. Commissioner Gulsvig said that he was opposed to the development and in favor of the residents.

COMMISSIONER ANDERSON said that south of the site between Pinelakes and this site there is a void area along the Union Pacific and bordered on the eastern side by Pinelake Way. He asked how big that piece was and what could be put there at this point. Mr. Weworski said that it is a vacant parcel owned by SRP and is approximately 5 acres in size. He also said that SRP owns the property on the east side of Pinelake Way as well. It's an open space and connects to the easement along the railroad tracks. Commissioner Anderson asked if the developer would be allowed to expand their facility to the other side of Pinelake Way.

MR. KURTZ stated that SRP is a municipality, a government. They come under no jurisdiction of anyone other than themselves. The city doesn't know what they have planned to do with it. SRP bought the land and was part of the receiving station when they bought the land. Best answer is, we don't know.

COMMISSIONER HEUMANN commented that Mr. Gulsvig point was very well taken. If the Planning Commission would change everything to the better would be a consideration for the Planning and Zoning Commission. He felt a self-storage was not a dire need for the community. He said that a concern of his were the number of self-storage facilities in this area. The Airpark Area Plan called it out better for that area. Another concern was the phasing, as he had a heartburn problem when only one-half of a project is shown and a dirt lot that could be potentially built down the road. Traffic issues is another concern with getting in and out of Ocotillo Road and then trying to go westbound out this project. It would require going through residential areas. He also commented that as the city builds out, it's crucial that every spot is looked at that is going to generate the most income for the city and be the best use. Employment is one of the better uses than a self-storage place here. Commissioner Heumann stated that he would also be voting no on this project.

COMMISSIONER IRBY stated that he was not in support of this project as it was presented. One of the major issues he had was that he could not see the viability of the office function on the property. He said that the storage facility was not a bad neighbor, even to the residential. They are usually quiet once they're filled up; however, he felt that if this was approved, he couldn't see Commission ever approving any kind of office/condo project as presented. He went on to say that he wasn't excited about the two-story Building A or the architecture. He said he didn't architecturally the tractor; that one or the other of the features would have to go away as it wasn't integrated into the project, more so, token items thrown into the mix to meet a requirement. He stated that he was going to recommend that this case go to design review as he didn't feel that the use was that bad to the residential area, but he felt there was a better opportunity on the north side of Ocotillo for this use and function. Commissioner Irby stated that he would be voting no on this case and not request a design review.

COMMISSIONER ANDERSON said that he was in support of the other Commission members with this as well. He said that Commissioner Gulsvig had made some very good points about whether this was a better use that what was previously planned. He said that the answer probably is 'No'. Commissioner Anderson said that he thought the developer had done a good job of due diligence with the project. They have followed what they were supposed to do. However, he felt the north side of Ocotillo Road was a better opportunity. He said that he was also concerned with the traffic issues. Commissioner Anderson said that he would be voting in opposition to the project as well.

VICE CHAIRMAN FLANDERS stated that he had gone and forth with the application. He said that over the weekend he had had a chance to spend some time in a storage facility and found that there were not that people going through there during the week and also during the weekend. He said that in general that for the most part he was struggling with the location and the proximity to the neighborhood. He said that his stepson lived in Pinelakes and that he had envisioned this entrance as something a little bit different, whether it's office or something else, he wasn't sure.

VICE CHAIRMAN FLANDERS asked for a motion.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER GULSVIG, to deny the application. Motion was approved (6-0) with Chairman Ryan abstaining from the vote.

VICE CHAIRMAN FLANDERS stated that the motion was for denial was unanimous. To the applicant, he stated that Commission is a recommending body to the City Council.

CHAIRMAN RYAN thanked Vice Chairman Flanders for his assistance and declared a five-minute break.

D. <u>DVR04-0059 SUMMIT AT CHANDLER HEIGHTS</u>

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval on approximately 6.7-acres for the construction of an Office and Retail development located at the southeast corner of Alma School and Chandler Heights Roads.

KEVIN MAYO, PLANNER, reviewed the request application for the Planning Commission. Mr. Mayo said that this request was for office and retail development on approximately 6.7 acres located at the SEC of Chandler Heights Road and Alma School Road. The request includes a total of 37,346 sq. ft. total building area comprised of approximately 14,088 sq. ft. of office space and 23,000 sq. ft. of retail space and five, single-story only buildings. This project proposes a phased development; however, the phasing is different that what would typically be seen on a project of this nature. Traditionally, there would be a corner building and then one of the higher turnover uses coming in as Phase One, with the balance of the project coming in at a later date. This is being proposed the exact opposite of that. Phase One will include retail building C along Chandler Heights Road at approximately 10,500 sq. ft., office buildings D and E at approximately 14,088 sq. ft. and all the perimeter landscaping. Phase Two encompasses retail pad A at the corner, just over 9,000 sq. ft. and the restaurant at pad B, at 3,500 sq. ft.

Mr. Mayo went on to explain that the buildings had been arranged on the site in response to the neighboring properties. The softer, less intense office use is located at the southeast corner of the site adjacent to the closest residential homes with the retail building C sided up to the residential properties at the northeast corner of the site. The buildings are arranged around a decorative pavement hexagon that serves not only as a vehicular and pedestrian focal point, but also serves to tie the dissimilar uses together on the site. A smaller version of the hexagon is utilized at the intersection corner of the property, and includes a decorative feature sculpture, public art feature, and is incorporated into the main pedestrian link.

The site provides a very strong pedestrian circulation system throughout. The building architecture is consistent with what has been approved elsewhere in the city and is consistent with the commercial design standards. The project complies with the commercial design standards with the exception of one item. The commercial design standards permits one pad per arterial street frontage, and this project has three. Staff added a stipulation that the applicant shall work with Staff to provide an implied connection between retail pad A and retail building C through the use of additional landscaping, trellis features, pavement features, bollard lighting, etc.

A neighborhood meeting was held and was very well attended. Overall, the flavor was of support, with the exception that the neighbors questioned the validity of the drive-thru restaurant. Mr. Mayo said that that building had been located on the site at the least impacting point on the site. The building is located at the southwest corner of the site. Between that and the residential is a 10 ft. drive aisle, a 10 ft. landscape strip with screen trees, and the perimeter wall. South of the wall is a street, Nolan Way. There's a landscape strip with existing trees there now, the street, the front yards, and then the homes, so there's no homes backing onto this site, impacting their back yards, which is why the fast food restaurant was located at this point. Mr. Mayo said that the second topic of conversation at the neighborhood meeting were the hours of operation. He said that he applicant is not requesting to be open after midnight. The applicant has agreed to a stipulation to limit the hours of operation to 11 p.m. Mr. Mayo said that he had received a call from a neighbor who requested the hours be limited to 10 p.m.

Mr. Mayo stated that the project met the commercial design standards with the stipulation that Staff added regarding creating an implied connection. He said that it represents a quality, mixed-use development and Staff recommended approval.

COMMISSIONER HEUMANN asked Mr. Mayo to read the stipulations that had been talked about earlier.

MR. MAYO stated that there had been some earlier discussions regarding the four-sided architecture on retail pad A and building C and the desire to beef that up a bit. Due to that, Staff crafted a stipulation that said that the applicant shall work with Staff to provide four-sided architecture on building C and retail pad A to enhance the rear elevations. Additionally, there had been some discussion about the building signage. A monument sign is shown on Chandler Heights Road and a monument sign along Alma School Road. They are consistent with the commercial design standards in size and materials. The building signage will comply with the Sign Code. The discussions were to try to get a comprehensive sign style on the property, so Staff created a stipulation that read, "The building-mounted signs shall be limited to halo lit reverse pan channel lettering." The applicant is in agreement with the two stipulations.

COMMISSIONER IRBY asked if Chandler had a minimum queuing lane requirement. Mr. Mayo stated that it is 120 ft. to the menu board. He stated that this complied with that requirement. He went on to say that the menu board is centrally located on the southern portion of retail pad B. Commissioner Irby asked if it only met it if it went in front of parking spaces. Mr. Mayo said that it did comply.

COMMISSIONER GULSVIG asked what would be going in south and east of this area. Mr. Mayo stated that it was Oakwood Lakes, a residential neighborhood.

COMMISSIONER HEUMANN confirmed that the first phase would consist of Building C, D, and E and all the perimeter landscaping. He asked Mr. Mayo about B and AR, if the rest of the project would be paved. Mr. Mayo stated that the drive aisle will be built off Alma School, and then there will be two finished pad that will be awaiting a building on each side, where retail pad A and restaurant pad B will be located.

COMMISSIONER GULSVIG asked when the front landscaping would be completed. Mr. Mayo said it would be completed in Phase One.

COMMISSIONER IRBY asked if the parking lot and drives would be installed. Mr. Mayo stated that the drive aisle off Alma that snakes up and around to the pavement hexagon would be completed. The parking with pad A and pad B will not be built. Commissioner Irby stated that if the request was approved that he would also include the screen wall that separates the landscaping from pad A and the same with D so that it looks complete.

PAUL PHILLIPS, 7717 E. VALLEJO, stated that he thought Mr. Mayo had done an excellent job and that they had no problem with the additional stipulations.

CHAIRMAN RYAN asked Mr. Phillips if he had attended the earlier Study Session and had heard some of the Planning Commission's concerns with the architecture. Mr. Phillips stated that he had attended the earlier session and said that they had agreed with Staff to work on the four-sided elevations on the two buildings.

VICE CHAIRMAN FLANDERS stated that certain parts of the elements are good on this site, but was struggling with how the development was working together as a whole. He said that there were two office buildings set back away from everything, and then there was the back of a restaurant and two retail buildings. He was wondering how people would move on the site, coming into and out of the site. He said that he wasn't comfortable with this site. He said that on a few occasions he had asked an applicant to look at the possibility of moving one of the buildings into a landscape setting, which is moving it up to the corner and internalizing the parking. He said that it provides an easier way to get to a building from the street, for the pedestrians, and it also internalizes the parking so that it cannot be seen when driving by the site. He asked the applicant if he knew what the use would be of pad A. Mr. Phillips stated that it would be retail with a possible restaurant use, but presently there was not a use. He went on to say that with moving the building to the corner, they had looked at that possibility at an earlier time. He felt that if they were lucky enough to get a restaurant on site, he thought it would work very well in moving it up to the corner with the parking behind. He felt that with the retail, it was a better flow in leaving it where it is. Vice Chairman Flanders stated that it related to what was going on across the street with Fulton Ranch and that development. He said that they are providing most of their buildings in a landscape setting. He felt it was creating a flavor for this intersection as far as the accessibility. He asked the applicant if he had looked at an alternate location for the drive-thru restaurant. Mr. Phillips stated that they had. Initially they had looked at the northeast corner; however, it was Staff's concern that it was too close to place the speaker so close to the residential. At the present location, they would be approximately 100 yards from the first resident. Vice Chairman Flanders asked if they had ever looked at rotating the building where the pick-up window and drive-thru lane on the north side of that particular site, which would provide more of a parking separation. Mr. Phillips stated that they had not actually looked at that idea.

KEVIN SOUTH, 6221 RIVERSIDE DRIVE, DUBLIN, OHIO stated they had looked at that originally as a location for the fast food window. He said the desire was to move the curb cut on Alma School further to the south, which really shrunk that parcel and made it very difficult to layout a drive thru.

CHAIRMAN RYAN said that when he looks at the site plan it appears to be a mix of uses on a small 6.5-acre site. He felt that having the retail, restaurant and office was kind of a mix match of stuff, as if it was designed to maximize the site financially. He said it didn't have a cohesive site plan and the uses didn't interact with each other. He said that he could not support the site plan as it stood, and felt that some of the other Commissioners felt the same. He felt it would be better to send the project to a design review to work out some of the concerns. Mr. South that they had started the process in June 2004. He said that they had submitted to Staff five or six different layouts, and it wasn't something that they had just "thrown together". He said that at the recommendation of Staff, they placed the office in the corner because of the residents. Staff felt it would be less impact to the residents. He said that they had moved the drive thru. He went on to say that the process had been going on for a long time. Chairman Ryan stated that he apologized and said that he didn't mean that they had just thrown the project together. He said that Staff never lets anything through that fast. Chairman Ryan said that he saw some problems with the site that needed to be worked through. He said there were too many problems to place the burden on Staff. Mr. South stated that they originally wanted to submit the plan just showing building C, D, and E, and reserve the conceptual plans for pad A and B. Mr. South asked if it would be an option to eliminate the two pads. Chairman Ryan stated that the site was small, and thought the problem was that parking segregated the pads and it wasn't a pedestrian site, which it should be with a site that small. He felt it was the entire site that needed to integrate and become pedestrian friendly. He said that the drive thru would generate a lot of traffic into the site. Chairman Ryan said he was having problems from a good planning standpoint.

COMMISSIONER HEUMANN stated that it was a concern of his when he sees a site that is not put together. It needed to work as a total unit. He felt that going to a design review and talking through some of the issues would be recommended. He said it all needed to work together so that the center works so that money can be made.

CHAIRMAN RYAN stated that design review is not a four-letter word. He said that there's a lot of gifted designers (architects) that sit on the board that also sit on the design review board, that could give the applicant some ideas. He said that they would sit down with some of Commission's ideas. If they didn't like the ideas they could come back to Commission and take their chances.

COMMISSIONER IRBY stated that he understood why some of the functions had been placed where they were. He said that there wasn't a good flow. Pad A and pad B didn't have a trash dumpster designed on the site, which would dramatically impact the parking ratio and how the project comes together as a complete package. He stated that there was going to be some stiff competition with the Fulton Ranch project across the street as they had done an outstanding design. He felt that, especially on small projects, it needed to be taken up an extra notch, making sure vehicle access through the site was comfortable and fluid; same thing with pedestrian access through the site. He said that he was going to recommend design review so that they could get on with the project. Mr. South asked if they should have gone to design review several months ago. Commissioner Irby stated that the project first goes through Staff to weed out most of the issues.

MR. SOUTH stated that they were in agreement with the design review. Commissioner Anderson asked the applicant to bring a landscape plan that matches the legend. Chairman Ryan asked that the applicant bring all the designers that they have for the project. It is more beneficial to discuss these issues with them. Chairman Ryan stated that Staff would schedule the design review.

CAROL LANGWELL, 5201 S. COTTON DRIVE, thanked everyone for the interest that had been shown on the project. She commented that it would be a good idea for the applicant to get together with Fulton Ranch and combine with their beautiful values and views of what Fulton Ranch is going to look like. She felt the Planning and Zoning Commission could give the applicant some good ideas as to how to incorporate the whole area.

VICE CHAIRMAN FLANDERS stated that he agreed with the other Commissioners and their comments. He felt the design review would definitely be of help.

MOTION BY VICE CHAIRMAN FLANDERS, SECONDED BY COMMISSIONER IRBY to recommend DVR04-0059 Summit at Chandler Heights to a design review meeting and continue the case to the April 20th Planning and Zoning Commission meeting. Motion was approved (7-0).

It was discussed that this case could go to the April 28th Council meeting. It was also suggested that the applicant go to the Fulton Ranch website and review what is being planned.

6. DIRECTOR'S REPORT

Mr. Kurtz stated that a wrong Council date had been stated when discussing The Ranch Super Storage case and that notification would be going out to the neighbors. The correct date will be March 24th. Also an attendance check was made for the March 16th meeting. Vice Chairman Flanders wished his wife a happy birthday.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is March 16, 2005 at 5:30 p.m. in the Council Chambers.

8. ADJOURNMENT

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

_____
Phil Ryan, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, March 16, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:36 p.m.

2. Pledge of Allegiance led by Commissioner Heumann.

3. The following Commissioners answered Roll Call:

   Chairman Phil Ryan
   Vice Chairman Michael Flanders
   Commissioner Rick Heumann
   Commissioner Mark Irby

   Absent and excused: Commissioner Gulsvig, Commissioner Anderson, and Commissioner Polvani

   Also Present:

   Mr. Bob Weworski, Principal Planner
   Ms. Jodie Novak, Planner II
   Mr. Joshua Cook, Planner
   Mr. Kevin Mayo, Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY VICE CHAIRMAN FLANDERS, SECONDED BY COMMISSIONER HEUMANN to approve the minutes of the March 2, 2005 meeting. **MOTION WAS APPROVED (4-0).**

5. CONSENT AGENDA ITEMS

CHAIRMAN RYAN stated the Commission members had met prior to the Commission meeting to review the action items. He stated that there were some items that would be on the Consent agenda, which would be voted on with one motion, and further stated that if anyone in the audience wished to pull any one of the Consent items off the agenda, they would have the chance to indicate so. The items on the Consent Agenda were as follows: Item B, Chandler Airport Center, Item D, QuikTrip-Chandler Boulevard and McQueen Road, Item E, Ritter Building, Item F, JKM Self Storage, and Item G, Utility Vault. Chairman Ryan stated that for item D, QuikTrip-Chandler Boulevard and McQueen Road, the applicant had requested a continuance to the April 6th meeting.

CHAIRMAN RYAN asked the audience if anyone wanted to pull any of the items off the Consent Agenda and Chairman Ryan explained that if an item is pulled, Staff would give a brief presentation, the applicant is allowed to go forward to discuss the project, and anyone in the audience is allowed to go forward and discuss the project as well albeit, questions or concerns. He said that if the member of the audience wanted to hear more about the project, and then Commission would be happy to pull the item off the Consent Agenda. A member of the audience stated that he would like to have item D pulled from the Consent Agenda.

CHAIRMAN RYAN asked Staff to read the additional stipulations. **BOB WEWORSKI, PRINCIPAL PLANNER,** stated that for item B, Chandler Airport Center, there were two additional stipulations:

20. *A separate comprehensive sign package shall be required at the time of the first Preliminary Development Plan is submitted."*

21. *The trail connection from the Paseo Canal to the central portion of the site shall be integrated with the development and not be conceptual in nature."*

Mr. Weworski went on to state that for item F, JKM Self Storage, there was one additional stipulation:

17. *"Trees along the west side of Centre Point Parkway adjacent to the buildings shall be 12' tall at the time of planting."*

Chairman Ryan asked if there were any concerns with regard to the conditions. A member of the audience, Mr. Paul Gilbert, asked if item A, QuikTrip-Arizona Ave & Germann Rd, been moved to the Consent Agenda. Chairman Ryan stated that both QuikTrip items were moved to the Action Agenda.

PAUL GILBERT, 4800 N. SCOTTSDALE ROAD, said that he had a problem with one of the stipulations for Chandler Airport Center. He requested that the item be pulled from the Consent Agenda. He went on to say that he could live with the new stipulations that had been read into the record. Chairman Ryan stated that the item would be pulled from the Consent Agenda.

CHAIRMAN RYAN asked again if anyone else in the audience wanted to have an item pulled from the Consent Agenda and there were no requests. Chairman Ryan stated that, for the record, his vote would not be included on the JKM Self Storage item, as he had provided consulting services for the applicant. Chairman Ryan then stated that the Consent Agenda included items E, item F, and item G.

E. DVR05-0001 RITTER BUILDING

APPROVED, a request for approval to rezone from Planned Area Development (PAD) warehouse/industrial to PAD office. The property is located at 7155 W. Detroit Street north of Chandler Boulevard and west of 56th Street. *(Note: there were no stipulations for this item.)*

F. DVR04-0055 JKM SELF STORAGE

APPROVED, a request for rezoning from Agricultural (AG-1) to Planned Area Development (PAD) along with Preliminary Development Plan approval for a storage facility located on approximately 20 acres at the northwest corner of Ocotillo Road and Center Pointe Parkway.

1. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
2. 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. The property owner shall maintain the landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, excluding rights-of-way medians.
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. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "JKM Self Storage" kept on file in the City of Chandler Current Planning Division, in file DVR04-0055, except as modified by condition herein.
6. Right-of-way dedications to achieve half width for Ocotillo Road and Centre Point Parkway, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and Public Works Director for median landscaping.
8. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
9. 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.
10. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance, the applicant shall post a 4' x 8' sign on the property, conspicuous to the (existing or prospective) single family residences near this site, advising the following: "This property has been zoned for other than single family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, 782-3000".
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 source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

    In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure

statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.

13. All outdoor storage and vehicles shall be fully screen within the areas designated for enclosed outdoor storage areas and shall not be visible above the walls enclosing the outdoor storage area.
14. All repair work or activities not related to self-storage or vehicle parking shall be prohibited.
15. All hazardous materials shall be prohibited within the self-storage and on the site.
16. **Trees along the west side of Centre Point Parkway adjacent to the buildings shall be 12' tall at the time of planting.**

G. UP04-0038 UTILITY VAULT

WITHDRAWN a request for Use Permit extension for existing outdoor storage of concrete vaults. The subject property is located at 411 E. Frye Road.

MOTION BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER IRBY to approve the Consent agenda, items E, F, and G, with the additional stipulations as read into the record by Staff. **MOTION WAS APPROVED (4-0)** with Chairman Ryan abstaining on item "F" JKM Self Storage**.**

ACTION ITEMS:

A. DVR04-0046 QUIKTRIP – ARIZONA AVE. & GERMANN RD.

Request rezoning from Planned Area Development (PAD) for Community Commercial District (C-2) to PAD amended to include a gas station with Preliminary Development Plan (PDP) approval. The site is approximately 2 acres and located on the southwest corner of Arizona Avenue and Germann Road.

(COMMISSIONER IRBY excused himself from this item, as the applicant is a client.)

JODIE NOVAK, PLANNER II, stated that the site is located at the southwest corner of Arizona Avenue and Germann Road. The property was recently approved as a development plan for a commercial center, Olive Tree Plaza. QuikTrip is amending the original zoning for the property, which did not permit a gas station use and is amending the site plan to include a QuikTrip convenience store as well fueling pumps. The project is 2 acres in size. The gas station facility includes 10 double-sided gas pumps and 5,100 sq. ft. of commercial convenience retail store. The application went before Planning Commission on January 19th. At that meeting the Commission referred the case to the Design Review Committee, which evaluated the architecture and landscaping in relationship to the proposal at three separate design review meetings. The issues that arose from the Planning Commission related to architectural integration with the retail center. The Design Review Committee made suggestions to QuikTrip as to components that should be added to the building to better integrate it with the rest of the shopping center. Initially, Staff did not support the proposed architecture of the property. There was not a land use issue, but felt that it needed to integrate by incorporating paint color, materials, and features on the buildings from the main center. Staff felt the applicant was not meeting some of the commercial design standards. Since the applicant has gone through the Design Review Committee, Staff has moved to support the request. Staff feels it is now integrated, matching some of the design elements and features with the main center. The project incorporates the same building materials, paint colors, columns, a four-sided pitched roof, a grander entrance into the convenience store, and has added the same colors and materials onto the gas canopy itself. There were, however, some items with regard to the commercial design standards that were

still lacking, but Staff did not feel they were substantial enough to deny the case. One of the items was the gas canopy that still includes the corporate red band that is illuminated around the gas canopy. The gas canopy is taller than what code allows, which is no greater than 14'6" in height above finish grade to the bottom of the gas canopy. The applicant is asking for 15 feet. Staff feels that the applicant has integrated enough of the architectural design to mitigate some of the commercial design standards. Ms. Novak stated that Staff's recommendation is for support with the stipulations that were added.

1. Compliance with the original stipulations adopted by the City Council as Ordinance 2980, case PL98-00173 Olive Grove Apartments, except as modified in condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "QuikTrip #442", kept on file in the City of Chandler Planning Services Division, in File No. DVR04-0046, except as modified by condition herein.
3. 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.
4. 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.
5. The freestanding pad shall carry an architectural level of detail similar to front facades of main building.
6. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.

COMMISSIONER HEUMANN posed a question regarding condition No. 5, which reads, *"The freestanding pad shall carry an architectural level of detail similar to front facades of main building."* Commissioner Heumann questioned which main building was being referred in the condition. Ms. Novak stated that it refers to the main center. She went on to explain that the condition is a boiler plate condition, and that Staff wanted the condition to be in place to further emphasize that the convenience store and gas canopy would be integrated with the front facades of the main buildings of the center.

VICE CHAIRMAN FLANDERS stated that, based on the Development Booklet, there is a standard sign package for the monument sign for QuikTrip. He asked if it was the applicant's intent to go ahead and provide the design for the signage, or whether the signage would match what was approved for the shopping center. Ms. Novak stated that the Design Review Committee had suggested that the applicant to integrate the design of the freestanding monument sign with the architecture of the center, matching the monument signs that were approved for Olive Tree Plaza. Ms. Novak explained that the applicant was representing a similar sign as before, with a slight revision of the material on the base. She went on to explain that Staff could provide a stipulation asking the applicant to further integrate the sign to match the signs to those at Olive Tree Plaza.

VICE CHAIRMAN FLANDERS asked if stipulation No. 6, which reads, *"The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign"* was referring to the applicant's sign or the signs for the main center. Ms. Novak stated that it was intended for the applicant's sign. Vice Chairman Flanders said he wanted language added that would tie the signage into the main center.

CHARLES HUELLMANTEL, stated that he represented QuikTrip in this case. He stated that he believed they had come a long way in the building design. They had changed the roof lines, columns, gone to four-sided architectural scheme, changed the landscaping, added significant palms, and made sure there were olive trees. He went on to say that they had changed the landscaping walls, stone columns, and the exterior. He asked how they might accommodate the desire of the Commission regarding the monument signs.

VICE CHAIRMAN FLANDERS stated that the signs should maintain the design, which was established by the zoning on the shopping center. Ms. Novak reviewed with Commission the original signage design for Olive Tree Plaza.

MS. NOVAK advised that she had slides of the original signs from Olive Tree and displayed them in the Chambers. She referred to the slides and noted that the monument signs consisted of mainly a stone base and said that the taller sign had an arch feature on it and some smaller columns. She added that the stone matched the stone on the buildings in the center, which also matches the stone that will be on the QuikTrip convenience store. She said that there was also a "cap" on top of it. She advised that the height of QuikTrip's proposed sign is six-feet high and stated that the sign for Olive Tree Plaza is eight feet to the very top of the pitched roof.

VICE CHAIRMAN FLANDERS stated the opinion that the applicant's signs should include a stone base and some of the design features in place at Olive Tree Plaza. He added that he is not sure that a pitched roof is needed over it, but some of the cornice details should be the same as those used in the Olive Tree Plaza's signs. Ms. Novak advised that she would draft a stipulation to that effect.

MR. HUELLMANTEL commented that the applicant would not oppose such a stipulation.

COMMISSIONER HEUMANN said he liked the pitched roof and asked how many monument signs were included in the package. Ms. Novak responded that there are a total of four, including QuikTrip's, which is replacing one of the signs that was represented by Olive Tree Plaza. Commissioner Heumann spoke in support of continuity throughout the project, including the pitched roof.

MR. HUELLMANTEL stated that they were not opposed to adding a pitched roof if the Commissioners so desired.

CHAIRMAN RYAN clarified that the applicant will add a pitched roof over the signs; and instead of the center scored (CMU) square block, stone will be used. He said that this brings up the issue of the front wall, the center scored CMU, and asked whether that was what is in the balance of the center.

MR. HUELLMANTEL said that is what appears to be the case and confirmed with his client that this is true. Ms. Novak said that she believes it was the center scored CMU as well that is being used in the balance of the center.

CHAIRMAN RYAN stressed the importance of consistency throughout the project.

MR. HUELLMANTEL advised that his client would not be opposed to a condition that would require the same type of wall to be built.

CHAIRMAN RYAN asked how wide the columns are and Mr. Huellmantel said he believes that at this point they are 2-feet wide. Chairman Ryan said that he was picturing something that would be approximately 4-feet high, 4-feet wide and 8-feet deep and Mr. Huellmantel stated that the Chairman's suggestion could be accommodated and a stipulation could be added to that effect. Chairman Ryan noted that there are three or four olive trees in the back, 24-inch box size, and advised that he would like them to be 36-inch box trees to "soften" the rear. Mr. Huellmantel also agreed to that request. Chairman Ryan added that the stone arch over the gas dispensing units should be lowered two feet (the whole design feature) and Mr. Huellmantel said that this too would be stipulated and adhered to.

In response to a request for clarification from **COMMISSIONER HEUMANN,** Mr. Huellmantel advised that at the last Design Review Committee meeting the height of the canopy was changed to 14 feet 6 inches from 15 feet. Commissioner Heumann stated that he had some concerns throughout the Design Review process about the canopy and the ten pumps and asked why so many pumps are being requested. He noted that another case is on the agenda this evening for a four-acre parcel (as opposed to the two-acre under discussion) and said they are requesting 8 pumps for the project along with a small car wash. Mr. Huellmantel responded that one project is a car wash while the other is not. He stressed the importance of considering each request on a case-by-case basis. He noted that the site is located on Arizona Avenue, which is really a State route in terms of its use. He added that the site is located in a commercial node along an area that is currently industrial in nature and expressed the opinion that the traffic will justify ten pumps. He said that he does not have specific numbers to provide at this time and added that for obvious reasons the applicant is hesitant to provide some numbers. He noted, however, that one of the main purposes for having ten pumps is that this is what QuikTrip does; they have a convenience store with gas fueling services. He stated that customers move in and out very quickly and said that they do not find it particularly advantageous to have eight pumps instead of ten when they know that ten pumps will reduce congestion in the area and on the site, and reduce idling, which is harmful to the environment. He said that they believe ten pumps will allow them to provide a much better service for their customers.

COMMISSIONER HEUMANN commented that the applicant has come a long way from where they started two months ago and commended the applicant on his efforts. He said, however, that he is just looking for justification for the architecture, the massive canopy with the red band around it. He added that he is looking for something a little bit stronger on the top to break up the massiveness or has some unique characteristics to it. He said that he is looking for architectural excellence and is not sure he is seeing that as far as the canopy goes. He stated that this remains a significant concern and he is not sure how the applicant can address this. He added that as far as the convenience store, he would like to see some additional items such as latticework to soften it up. He pointed out that one of the comments that came out of the Design Review Committee was that the project was very commercial "truck stop" looking, and although they have come a long way, he said he would still like to see them soften this up.

MR. HUELLMANTEL commented on the car wash referred to by Commissioner Heumann and noted that the car wash may be a small portion of the site. He said that it is not actually the car wash that causes congestion on the site; it is the people entering and leaving the car wash. He stated that whether a car wash causes more disruption than two additional pumps is an issue for another case. He agreed that Arizona Avenue will experience increased traffic and said this has been taken into consideration. He noted that from Arizona Avenue, people would only be able to see the side of two pumps, not ten pumps. He added that from Germann they would see the difference between eight and ten pumps while from Arizona Avenue, only the difference of how deep it is will be noticed and this too would be difficult based on the significant landscaping the applicant intends to provide. He agreed that lattice has been discussed but has not been provided and advised that QuikTrip decided that it is not a good thing to have

on site. He explained that they do not like to have things outside of their view and pointed out that latticework would be outside of their view and people can climb on it as well. He expressed the opinion that the applicant has agreed to a significant amount of changes, as previously discussed, and added that he believes their efforts provide justification for allowing the proposed ten pumps.

COMMISSIONER HEUMANN asked whether the streetscape view on Germann was less important than the streetscape view on Arizona Avenue. Mr. Huellmantel said he would not say this was so, he was simply referring to the comments made by Commissioner Heumann regarding Arizona Avenue. Commissioner Heumann emphasized that the streetscape view was in fact just as important on Arizona Avenue. He added that he has not seen anyone climbing on the latticework at Casa Paloma and said they were not talking about building a "climbing fence." Mr. Huellmantel responded that he visits that center often and does not wish to disparage it but stated that there are significant differences between that shopping center, an upscale center with limited hours of operation, and the applicant's business. He noted that different clientele would shop at the two businesses and expressed the opinion that latticework at a QuikTrip may not be as appropriate or safe as it is at a shopping center such as La Paloma. He agreed that there are many successful uses of latticework and this might well be one of them but said the applicant does not believe that it fits with QuikTrip's product.

COMMISSIONER HEUMANN commented on the red illuminated banding and asked whether QuikTrip was willing to eliminate this detail. Mr. Huellmantel responded that the applicant decided not to eliminate the band as stated in the submittal.

CHAIRMAN RYAN stated that there were some citizens who wished to speak on this agenda item and asked them to come forward as he called their names.

MIKE CAHILL, 11601 E. Charro Road, Scottsdale, said he is a principle owner of the Cobblestone Auto Spa and Market located directly west of the QuikTrip at Alma School and Germann. He stated that they are very happy with their successful venture and noted that they were the recipients of the retail architectural award last year. He informed the Commission that having gone through the same process that QuikTrip is currently going through, he can testify that that he gained knowledge and guidance and the result was the design of an architecturally pleasing facility in Chandler. He noted that his business was limited to six pumps by stipulation and said that was not anywhere near what he would have liked to build. He pointed out that their new facility in Surprise has ten dispensers, the same as QuikTrip is requesting. He said that they made the decision to operate a business in Chandler and adhere to the requirements outlined by the City. He requested that the City provide a level playing field for anyone trying to compete in the gasoline business and noted that the business is extremely competitive. He stated that the difference between ten dispensers and six dispensers is dramatic. He added that they would welcome QuikTrip to the neighborhood but only ask that they be treated the same as other businesses that operate in the area. He agreed that their architecture should be at the same high level as theirs and noted that they are a national rather local business but should be held to the same standards.

PAUL GILBERT, 4800 N. Scottsdale Road, concurred with the previous speaker's comments and spoke in opposition to allowing QuikTrip to erect ten fueling pumps on site when businesses such as Cobblestone Auto Spa and Market are limited to six. He emphasized that they support the business and want it to come forward but stressed that allowing QuikTrip to have ten pumps while others are limited to six, is unfair and gives an edge to the competition. He stated that they believe the location is appropriate for this use. He further stated that the landscaping and architectural design on their site is more intense than what is being proposed by QuikTrip. He urged the Commission to ensure that a level playing field

exists and restrict the applicant, who is located less than a mile way, to six pumps rather than the requested ten.

COMMISSIONER HEUMANN asked Mr. Gilbert the size of the site at Alma School and Germann. Mr. Cahill responded that the site is three and a half acres in size.

CHAIRMAN RYAN expressed appreciation to the speakers for their comments and said that Mr. Cahill has a great project and deserved the award he received. He agreed that their building architecture is much better than what is currently being proposed but noted that it is a different project. He commented on the success of their business and stated that he drove by there today and there had to be 100 cars in the lot. He added that they could not accommodate ten pumps at that site. Chairman Ryan said he sympathizes with what Mr. Cahill has said but feels that the site under discussion is totally different and would gracefully accommodate ten pumps while they had to "squeeze" six pumps on Mr. Cahill's site. He advised that he believes they acted appropriately when they developed the stipulations for Mr. Cahill's project and would do so again. Chairman Ryan commented that QuikTrip constitutes a corporate approach and believes that they have agreed to a significant amount of changes. He noted that QuikTrip's landscaping will be more than Mr. Cahill's business has and said he is comfortable with both projects. He further stated that he is not that knowledgeable about the difference in revenues generated by ten pumps versus six pumps but said that as long as the site accommodates ten pumps he is comfortable approving that many. He stated that he is not convinced that justification exists to limit QuikTrip to six or eight pumps but reiterated that he appreciates what Mr. Cahill has done in Chandler and he would receive top priority on other sites he may wish to develop in the City.

MR. CAHILL responded that a gasoline purchase in an impulse purchase and QuikTrip likes to have ten to twelve dispensers at their facilities. He noted that their business is an intense use. He added that from a customer perception, it is a huge impact to have a ten or twelve dispenser site versus a six. He said his only concern is from an economic standpoint and added that he and the Chevron business went beyond the call of duty and acquiesced to the City's wishes. He stated that no less should be expected of QuikTrip. He noted that they will be the only business in south Chandler with ten dispensers and will therefore stand out.

CHAIRMAN RYAN said that that is interesting to hear because he is not a pump counter and when he needs gas he gets gas. He said that Mr. Cahill would still have the opportunity to plead his case before the Council.

COMMISSIONER HEUMANN said he believes that Cobblestone was originally approved for more than six pumps. Ms. Novak advised that they actually have a total of eight pumps on site, six of which are parallel to Alma School Road and two of which are located by the car wash entrance. She said she does not believe that they are self service; employees pump the gas for the customers while the front six are self service. She stated that the number and location of the pumps was the result of dialogue that came through the Planning and Design Review processes.

MR. HUELLMANTEL said that they appreciate Mr. Cahill's comments and welcome the competition as well. He added that they are a totally different product and if they look at the sites, Cobblestone is much more intense, particularly with the car wash. He noted that they have agreed to add significant landscaping and features, specifically designed to distract people's eyes away from the pumps.

VICE CHAIRMAN FLANDERS said he believes that design on similar projects should be consistent. He noted that QuikTrip has been a little tougher to "push over the top and get where they need to be." He added that he is still not satisfied with the building and would like to work in a couple additional stipulations. He said that regarding the building itself, he thinks the trellis features are appropriate and stated that either landscape vines or some type of feature that fills up that wall should be included. He explained that there are a lot of blank walls on the building. He advised that he would like a stipulation that states, *"Applicant shall work with staff to provide additional columns at the sides of the building to provide more balance (as provided in the front) and shall work with staff (location and size) regarding providing a metal trellis along the front and rear to appropriately fill in the voids. In addition, the red band shall be eliminated from the gas canopy."*

MR. HUELLMANTEL commented that the purpose of the lattice features is to break up some of the walls and perhaps there is some flexibility that can come into play (light fixtures, metal treatments, etc.).

VICE CHAIRMAN FLANDERS stated that he would not be opposed to that, he simply wants some kind of a design feature, i.e. a light fixture, a trellis, etc. He added that he feels confident that staff will be able to work with the applicant to reach an appropriate conclusion that ensures consistency throughout the center.

In response to a question from the Commissioner Heumann, **MS. NOVAK** responded that should staff feel that the applicant is not meeting the desired intent of the stipulations, the project would have to come back and be re-evaluated. She said that the stipulations must be met by the applicant, they are not an option. She stated that she believes staff will be able to work with the applicant on these issues but reiterated that should a problem arise, or should staff believe they are not achieving the Commission and/or Council's intent, the case would be brought back for re-review.

COMMISSIONER HEUMANN pointed out that Arizona Avenue is the main entrance to the City and the entire facility, with all of its pumps will be seen. He said that was one of his concerns. He added that he is still not completely sold on it but he believes that the stipulations will help if the applicant agrees to abide by them. He asked whether the applicant would like to indicate whether QuikTrip would abide by the stipulations.

MR. HUELLMANTEL said the applicant can and will work with staff. He stated that as far as the trellis and the red band, he is not in a position to speak on behalf of his client. He added that if the stipulations were added, they would have to work with staff to deal with the matter. He took a few minutes to confer with this client.

COMMISSIONER HEUMANN said he noticed that ceramic tile is being proposed for the roof and asked for information on this item. **MS. NOVAK** explained that the project was supposed to match Olive Tree Plaza's concrete tile and what is listed in the report is simply a grammatical error. She added that it should state concrete roof tile. **MR. HUELLMANTEL** said that the applicant is willing to agree to match the tiles to those used at Olive Tree Plaza.

MR. HUELLMANTEL stated that he can not state for certainty that the applicant would be willing to totally eliminate the red band without corporate discussion and approval and said that one of the suggestions that came out of the Design Review process was to do some red line, not the entire red line, and that might be something the applicant can live with.

COMMISSIONER HEUMANN said that perhaps a three to five foot band coming off of the two signs could be stipulated and Mr. Huellmantel stated that the applicant would be willing to abide by that. (Red band would be cut back from 159 feet to approximately 10 feet.)

COMMISSIONER HEUMANN stated that they could proceed with modifying the stipulation based on some type of dimension to review. He added that just looking at the elevations on the front and the rear, they've got the QuikTrip's sign that is at the corner and they could go ahead and provide the red band at the corner and as it turns and hits the sign on the side of the canopy, then as it moves along the front it would just go to the center line of the first column. He added that he is attempting to provide some dimensional continuity. He asked what the applicant would think of running the band to the centerline of the arch. Commissioner Heumann continued that they would go ahead and do that adjacent to all the signage around the column, it would just occur at the corners; there would be a red band. Mr. Huellmantel conferred with the applicant at this time.

MR. HUELLMANTEL asked whether Commissioner Heumann is suggesting that the band be placed on each of the corners surrounding each of the QT signs, not just on the one corner, and Commissioner Heumann advised that he was in fact talking about each of the corners. Mr. Huellmantel stated that in that case the applicant would agree to abide by such a stipulation. Commissioner Heumann clarified that every time a sign occurs, the band would go to that point. He added that the red band would occur on the elevation face where the sign is and there would not be a red band that would stand alone on the canopy. Mr. Huellmantel responded that that is their understanding as well and they find the stipulation acceptable.

MS. NOVAK read into the record the following additional stipulations as discussed above:

7. *Perimeter screen walls to match the main center screen walls;*
8. *Columns along the screen wall shall be 4 feet in height and 8 feet in depth;*
9. *Olive trees in the back of the convenience store shall be 36" box trees;*
10. *The stone arch feature on the gas dispensing unit shall be lowered two feet;*
11. *The applicant shall work with staff to further break up the convenience store's building facades, incorporating trellises with vegetation on the rear and front facades, adding additional columns on side facades and adding lighting fixtures or iron accents that match the main commercial center;*
12. *The length of the red illuminated band on the gas canopy will be reduced and only wrap around the corners of the canopy extending no further than the mid point of the first column, and*
13. *Roof tile shall match the concrete barrel roof tile within Olive Tree Plaza.*

It was clarified that in Stipulation #12, the red bands on the front and rear elevations, which would be the long elevation, would occur at the signage and would stop at the center line of the first column or the first bay, the north and south side.

Ms. Novak said that she would revise the stipulation to focus only on the north and south elevations.

Discussion ensued relative to the fact that on the east and west elevation, the band would stop at the centerline of the arch, the first gas pump.

Ms. Novak read the following revised Stipulation #12 as follows:

12. *Reduce the length of the red illuminated band on the gas canopy's north and south elevation from the QuikTrip logo to the mid point of the first column, wrapping around the corners and at the east and west elevation, the red band shall extend from the QuikTrip logo to the center line of the first arch.*

Ms. Novak's revision was approved as stated.

MOTION BY COMMISSIONER FLANDERS, SECONDED BY CHAIRMAN RYAN, to approve DVR04-0046 QuikTrip - Arizona Avenue and Germann Road with the additional stipulations (7 through 13) listed above.

Discussion ensued relative to the importance of ensuring that as future projects come forward, the levels continue to be raised and the fact that the applicant has made significant changes to the proposal.

The motion **CARRIED UNANIMOUSLY** by those voting (3 to 0).

B. DVR04-0037 CHANDLER AIRPORT CENTER

Request rezoning from AG-1 and PAD Mixed-Use Commercial and Industrial Uses to PAD Light Industrial, Office, Commercial and Airport Uses with a mid-rise building overlay on approximately 245 acres. The property is located on the south side of the Santan Freeway (Loop 202) on the east and west sides of Cooper Road. The property extends south of Germann Road east of Cooper Road. The property extends along the north side of Germann Road from one-half mile west of Cooper Road at the Consolidated Canal to one-half mile east of Cooper Road. The development is a master planned business park within the Chandler Airpark Area Plan.

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan. Dedication of a full width collector street along the property's eastern property line subject to approval by the City Engineer.
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. The development shall provide additional landscaping to include one (1) 24-inch box tree and three (3) 5-gallon shrubs for every 20 feet of freeway frontage to be installed in the freeway right-of-way.
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 Exhibit A, Development Booklet, entitled "Chandler Airport Center Zoning Application", kept on file in the City of Chandler Planning Services Division, in File No. DVR04-0037 Chandler Airport Center, except as modified by condition herein.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a Chandler Airpark Center property owners' association.
10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
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 source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

    In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.
13. The development shall provide sound attenuation measures in accordance with ADOT standard details and requirements excepting any decibel reductions or sound attenuation credits for the use of a rubberized asphalt-paving surface. Any noise mitigation if required is the responsibility of the development.
14. Monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
15. The uses within the Office/Light Industrial with Airport Access area shall be allowed under the following criteria. For the purposes of the stipulation, the following definitions are used:

Airpark – Those areas outside of the airport property being adjacent to and/or having direct access to paved taxi lanes and appropriate taxi lane safety areas which allow aircraft access to the airport runway/taxiway system through the crossing of the airport property line.
Airport – Those areas that are bordered by and are interior to the airport property line. Said property contains the runway/taxiway system.
Runway/Taxiway system – The areas within the airport property consisting of paved areas designated for the take-off, landing, parking, taxiing or other movement of fixed wing and rotary wing aircraft.
PROHIBITED USES
The uses prohibited within the airpark area include any activity that provides aeronautical services to the public in direct support of aircraft operations, maintenance, and service/repair.
PERMITTED USES
The uses permitted within the airpark area are those uses allowed under the I-1 zoning district, excepting those more airport intensive prohibited uses identified above. Permitted uses are generally described as transitional uses that are less airport intensive uses such as offices or businesses that use aircraft as part of the office or business. These businesses may self-fuel, maintain, or repair their own aircraft in accordance with the Airpark Rules and Regulations. Uses which require access between the Airport and Airpark require an Airport access permit.

16. No television, communication towers or stand-alone antennas shall be constructed on the property. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and detailed in the Airport Layout Plans.
17. Developer acknowledges that City does not guarantee the actual physical connection of the property from the Airpark area to the airport area. The Developer has the option to construct the on-airport taxiway connection subject to a Development Agreement.
18. Since zoning cannot guarantee or provide access to the airport, said access needs to be addressed through a development agreement. Developer understands and agrees that no right of access to any part of the Chandler Municipal Airport, including any of its taxiways or runways, accrues to or runs with any of the land that is subject to this zoning, including the airpark, as a consequence of this zoning. An owner or occupier of any portion of the airpark may apply to the City for permission to access and use the on-airport taxiways or runway. However, the decision to grant such permission shall be in the sole discretion of the City, and in no event, shall the granting of such permission constitute a right of access running with the permittee's property at the airpark.
19. The developer acknowledges that the hangar portion of the buildings in the Airpark area will not be for aeronautical services to the public, and that a certificate of occupancy needs to be obtained before the hangar can be utilized. In addition, each development with intended aircraft hangar construction must provide a paved aircraft-parking apron adjacent to the hangar and the taxiway safety area. Said area must be of sufficient size to be equal to or less than the square footage of the aircraft hangar.
20. All development shall comply with the approved FAR Part 150 Noise Compatibility Study and specifically sound proofing the buildings to achieve a 25- to 30-db reduction within the applicable noise contours.
21. **A separate comprehensive sign package shall be required at the time the first Preliminary Development Plan is submitted.**
22. **The trail connection from the Paseo Canal to the central portion of the site shall be integrated with the development and not be conceptual in nature.**

MR. WEWORSKI addressed the Commission regarding this agenda item and said that the request is for rezoning to allow for a mixed-use employment and commercial development to allow uses that would include industrial, office, showroom retail and commercial support uses. He noted that the 245-acre site

is located on the south side of the Santan Freeway (Loop 202) on the east and west sides of Cooper Road, extending south of Germann Road, east of Cooper Road and along the north side of Germann Road from one-half mile west of Cooper Road at the Consolidated Canal to one-half mile east of Cooper Road. He stated that a comprehensive plan is before the Commissioners this evening allocating the uses for this site and added that the uses are related to both the Airpark itself and the Santan Freeway. He noted that what is primarily being proposed are light industrial uses as well as commercial uses related to the Freeway and Cooper Road itself. He advised that the uses along Cooper Road, as people exit off of the Santan Freeway, would be relegated primarily to commercial freeway-related uses such as fast food, gas stations, restaurant/retail uses. He said that extending away from Cooper Road, more service hospitality-type uses are being proposed such as hotel, motel, and restaurant uses. He added that the area extending out from that is for more of a commerce type of development such as light industrial/office/showroom uses. He reported that the sites to the south of Germann Road and to the east of Cooper Road are relegated to office/light industrial and airport-related uses that would relate to potential airport taxiway access.

MR. WEWORSKI informed the Commissioners that the applications proposing the rezoning and a Preliminary Development Plan (PDP) for all the buildings, site layout access and architecture to come back before the Commission as a separate Preliminary Development Plan in the future under separate applications. He added that the applicant is also proposing a comprehensive sign package for the site itself including freeway monument signs, feature monuments throughout the site at freeway access points and also the intersections of the streets and accesses to the potential parcels on the sites. He stated that the applicant has also proposed building architectural signage but said that the Commission commented at the Study Session that they would prefer to see the building signage come back under a separate Preliminary Development Plan (he said that this would be outlined in an additional stipulation). He noted that the off-sites would also be developed as primarily part of the Phase I development, which would include the infrastructure, the off-site development, the street improvements, landscaping along the street frontages, monuments, freeway signs and potential circulation and trail systems. He pointed out that there are also traffic transportation issues to the point of a potential Park and Ride site on the east side of the site. He said that the cities are currently undergoing a study to determine appropriate Park and Ride sites throughout the Santan Freeway. He stated that this could potentially be one of those sites. He noted that there are stipulations in place regarding the potential of this occurring. He added that the zoning request also includes a Mid-Rise Overlay District as part of the PAD zoning in relation to the industrial/commerce area as well as the commercial/hotel/retail area to allow potential developments, buildings, to extend further beyond the 45-foot limit. He explained that these issues would be reviewed at the time of the Preliminary Development Plan process.

MR. WEWORSKI noted that a neighborhood meeting was held and attended by four property owners who live in the area and who were pretty much in support of the project. He said that no opposition was expressed and discussion related to the amount of jobs created as a result of the development, traffic, roadway plans and restrictions on building heights. He advised that the Airport Commission reviewed the proposed development and stated that they did not find any conflicts with the application. He pointed out that an Airport Conflicts evaluation report was issued by the Airport Manager and it indicates that there are no conflicts caused by this development request upon the condition that all structures comply with the FAA restrictions for building heights. He said that staff recommends approval with conditions as previously listed, including the two additional (bold print) stipulations that were read into the record, #20 and #21.

PAUL GILBERT addressed the Commission and noted that the proposal conforms to every City plan in existence and has received approvals all the way around. He explained that the item was pulled from the Consent Agenda for two reasons, Stipulation #1 and #6. He said that #6 would require the applicant to

landscape all of the ADOT properties along the northern edge of the property. He stated that they are still investigating this matter and would not go into great detail this evening. He added that he is not sure they will be able to agree to abide by that stipulation but would not argue the points at this time.

CHAIRMAN RYAN commented that perhaps a fund could be set up and Mr. Gilbert said that they are looking into issues such as that and the matter will be discussed at a future time.

MR. GILBERT also referred to #1, which requires the applicant to make right-of-way dedications for basically a full width collector street along the project's eastern boundary. He said that they do not need it and it is not part of their plan. He added that if it is needed, it is to accommodate something else, perhaps a Park and Ride. He commented that the law is very clear that the City cannot exact exactions from them unless it is reasonably related to their project and in this case it is not. He requested that the applicant not be penalized and be granted relief from this stipulation. He noted that staff is not only saying they have to do it for the typical half street that is going in, they want the applicant to dedicate the full street. He noted that when a previous developer came in, he was not required to do anything in this regard. He emphasized that the applicant does not have any problem dedicating what is shown on their plan but does not agree with staff's contention that they should extend it as outlined in Stipulation #1, because it is not needed for their project.

PAUL YOUNG advised that the intent of the stipulation was to obtain a street that would service this site and others. He said that the Park and Ride is conceptual in nature and they are just indicating a street alignment on the eastern edge. He added that staff has not made a determination as to whether or not a Park and Ride will be necessary. He said that right now staff is simply providing conditions that would require any kind of streets on the eastern side to be dedicated.

CHAIRMAN RYAN asked whether the City was looking into purchasing some of the land to develop a future Park and Ride and Mr. Young responded that he did not have the answer to that question but added that it is a City service operation and they would have to purchase the property if it is not offered as a dedication. Mr. Gilbert commented that he can say without doubt that the property will not be dedicated for a Park and Ride. He said that this is an interesting proposition because if the City plans to purchase the property, they are asking the applicant to build a roadway to service property that they need.

In response to a question from **COMMISSIONER HEUMANN,** Mr. Weworski advised that if there was a Park and Ride site somewhere in the area potentially there might be another freeway ramp exiting from the Santan Freeway going eastbound onto this site and eventually connecting with the collector street. He added that if a particular site is benefiting from that and a connection to it, a dedication should be made.

MR. GILBERT commented that ADOT does not have a single plan in place for a frontage road in the area referred to by Mr. Weworski.

MR. YOUNG advised that a Park and Ride study is being conducted to select sites and one of the anticipated sites is located north of the airport runway. He said they have talked about constructing a bridge or freeway ramp that exits off of the freeway and then the public would be able to access the Park and Ride facility via the collector roadway that is the topic of discussion.

Discussion ensued relative to the fact that the applicant should take this issue before the City Council for their consideration and determination.

MR. GILBERT noted that should the Commission agree to delete Stipulation #1, it would not preclude the Council from putting in a Park and Ride, it simply precludes making someone else pay for a use that is unrelated to their project. He expressed the opinion that the stipulation is both illegal and unfair and asked why the developer on the other side of the road was not asked to put in a half street. He added that if the Commission believes that a decision regarding the elimination of Stipulation #1 should be made by the City Council, their motion should include a statement to that effect.

Additional discussion ensued relative to the fact that this item will be presented to the City Council on April 14th, the fact that the Commission does not have sufficient information upon which to base a recommendation at this point in time; the possibility of continuing this case until sufficient information has been received or sending it on to the Council with a motion that takes into effect the fact that insufficient information exists at this time upon which to make a decision; and the importance of proceeding with this project as quickly as possible.

MR. GILBERT introduced Wes Balmer, the project architect, to the members of the Commission. Mr. Gilbert said they have no problem with the stipulation that states that "a separate comprehensive sign package shall be required at the time the first Preliminary Development Plan is submitted" but suggested that there be two separate sign packages, one for the retail that would be distinct from the employment and industrial. The Commission did not voice any objections to this suggestion but stressed the importance of bringing back a consistent, cohesive sign package rather than a variety of different signage packages.

MR. BALMER requested clarification relative to Stipulation #21, "*The trail connection from the Paseo Canal to the central portion of the site shall be integrated with the development and not be conceptual in nature.*" He said that the current documents/records indicate that the conceptual trail connects the Paseo to the commercial cores so people from businesses can circulate over to restaurants, etc. He stated that the current request is more limiting.

COMMISSIONEER HEUMANN said that the intent on his part was not for them to say "a six foot sidewalk with trees" but rather to make sure that as they come through with their PDP's, they are an integrated part of the entire project. He noted that conceptual means maybe it happens, maybe it doesn't, but whatever occurs will be an integral part of the entire project and will tie in. He added that he was trying to avoid "piecemeal" proposals and said he believes their vision of the project is appropriate and supported by the Commission.

MR. BALMER summarized that actual PDP developments would solidify those sections of the trail and other planners who come in would have to pick that up and continue with the theme for both aesthetics and continuity. Commissioner Heumann concurred with his summarization.

MR. GILBERT asked whether they could eliminate the words "*and not be conceptual in nature" and read instead" .... integrated with the development as each PDP development is reviewed.."* The Commissioners concurred with this amendment.

There were no citizens wishing to speak on this agenda item.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY VICE CHAIRMAN FLANDERS, to approve DVR04-0037 CHANDLER AIRPORT CENTER with additional Stipulations #20 and #21 and including the revised wording in #21 as listed above; and that Stipulation #1 be expanded to include that *"staff be directed to provide necessary information regarding intended uses of Park and Ride and*

impacts on the applicant because of the intended uses at the time of Council consideration." **MOTION CARRIED UNANIMOUSLY** by those present.

C. DVR04-0060 YEN-LI CHEN BALLET SCHOOL

Request rezoning from Single-Family District (SF-8.5) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval on approximately 0.82-acre for the construction of a dance school and real estate office building located at the northeast corner of Alma School Road and Fairview Street.

Planner I **KEVIN MAYO** addressed the Commissioners regarding this agenda item and said that the request is for rezoning from Single-Family District (RF-8.5) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for the construction of a dance school and real estate office building. He noted that the site is approximately 0.82-acre and the 2-story building is approximately 5,383 square feet in size. He said that the building includes two dance studios, a reception and waiting area, dressing rooms, storage areas and a small real estate office located on the first floor. He noted that the proposed ballot school will be open Monday through Friday 3:30 p.m. to 8:30 p.m. and on Saturdays from 9 a.m. until Noon with 60-minute and 90-minute class times offered. He note that the class size is limited to a maximum of 15 students in each of the two dance studios with ages ranging from 4 to 17 years of age. He said that the small real estate office intends to house only two employees, the owner and an assistant, and will be open Monday through Friday from 9 a.m. to 5 p.m. and by appointment only on Saturdays. He noted that the applicant is a husband and wife team and added that the application requests various deviations from the Code, which staff supports. He reported that a neighborhood meeting was held on February 8th and attended by approximately 8 neighbors. Discussion at the meeting included overflow parking during exhibitions, the potential for after hours loitering in the parking lot, and a potential for cut-through traffic through the neighborhood. He noted that all of the concerns have been addressed by the applicant and staff conveyed the City's traffic calming policies and has provided the neighbors with appropriate contact information. The homebuilder has agreed to notify all potential homebuyers of the proposed use.

MR. MAYO reiterated that staff recommends approval subject to the following stipulations:

1. Redevelopment shall be in substantial conformance with Exhibit A, Development Booklet, entitled "YEN-LI CHEN BALLET SCHOOL" kept on file in the City of Chandler Current Planning Division, in file number DVR04-0060, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Alma School Road and Fairview Street, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. 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. Completion of the construction, where applicable, 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.
9. Signage facing adjacent residential homes shall be non-illuminated.
10. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
11. The ballet school classes are limited to a maximum of 15 students.

VICE CHAIRMAN FLANDERS asked whether this case has gone through technical review and Mr. Mayo advised that it has. He noted that the driveway entrance has been through quite a few renderings and a majority of concerns have been addressed.

DOUGLAS SYDOR, the applicant in the case, said that they have agreed to lower class size from 18 to 15 and added the parking spaces meet the needs of the applicant. He discussed efforts that have been expended to meet concerns of the neighbors and spoke in support of the proposed driveway as presented. He referred to Stipulation #2 and said they are only committed to widening Fairview to the south by 30 feet only and stated that all other aspects of that stipulation are not appropriate to this case and the owner is not willing to commit to that at this time or the future. He requested that part of that stipulation be reworded. He also discussed Stipulation #4 and said no such median opening is required for this case and asked that the stipulation be eliminated. He also referred to Stipulation #9 and clarified that the intent of that was for all building signs, which they are not proposing. He added that they are proposing that there be a site monument sign to serve as a major identification sign fronting on Alma School Road, two-sided. He said they would like to internally illuminate that sign for early evening events at the school.

COMMISSIONER IRBY commented on bottlenecking at the entry as a result of people being dropped off and said with the possibility of 30 vehicles dropping off students, in addition to school staff and people working at the real estate office this could become a serious concern. He asked how long the classes were and Mr. Sydor responded that they last anywhere from an hour to an hour and a half and most parents leave unless invited by the teacher to remain to watch an event. He noted that start and end times for the classes are staggered. He added that there will be a maximum of one teacher at each of the two studios and the real estate office will have a maximum of two or possibly three people.

Discussion ensued relative to the fact that the business has a trash dumpster on the east end of the parking lot and the fact that commercial entities are allowed to contract out for trash pickup; the fact that Stipulations #2 and #3 referred to by the applicant are "boilerplate stipulations;" the fact that staff's intent with Stipulation #9 was for building mounted signage and their willingness to so stipulate; the monument sign's sign panels and colors in specific areas (a light tone of pink) and the fact that the applicant is attempting to move away from a masculine look, particularly since they are talking about a ballot school; the panel signs themselves; a proposed chain held up by steel posts to block traffic after hours; and the extensive detail that has gone into the project; the possibility of adding a stipulation whereby the metal chain is eliminated and something more attractive is used (i.e. fencing) and the applicant's willingness to abide by such a stipulation

LES GEORGE, 1225 E. Prescott Place, said that his daughter attends class five days a week at the school and spoke in strong support for the proposal. He stated that he has never witnessed any traffic problems or bottlenecking at the facility and believes there is sufficient parking spaces. He noted that the classes are

closed except for once a year when parents are invited to observe performances. He said that this year the performance would take place at Mesquite High School because there is more room there to accommodate the parents.

STEVE BELT, 975 S. Camilla Drive, a boardmember of the homeowners' association, said that he believes most of the people who serve on the board and live in the neighborhood support for the project but have a couple of concerns regarding traffic. He stated that they have already experienced cut-through traffic problems because of construction. He added that speed is also a problem and the neighbors would like to see some speed humps erected in the neighborhood or come up with some other type of traffic calming device. He said that there has been some criminal activity in the area and the citizens would like to have a small gate rather than a chain on the site.

BRUCE ELLIS, 931 W. Saragosta, also a member of the Fairview Homeowners' Association, stated that everyone in the area is supportive of the project and are extremely pleased with the design of the building. He added that the residents would like to see "No Parking" signs erected along Emerson and Fairfield and thanked Mr. Mayo for all of his assistance. He agreed that a gate would be more appropriate both from an aesthetic and a safety point of view.

JOHN PALMAE, 675 S. Camilla Drive, commented that he was not aware of the fact that a neighborhood meeting was held. He added that his main concern is cut-through traffic and urged the Commission to take steps to protect the residents who live in the area. He noted that a new development is going in behind them and stated the opinion that the people who live in that area should also have a say in the matter.

MR. MAYO advised that new homes are under construction and a letter of support for the project has been received from Heritage Homes, the builder of the project.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER IRBY, that DVR04-0060 YEN-LI CHEN BALLET SCHOOL **BE APPROVED** subject to the stipulations listed by staff and the three additional stipulations as discussed (#12, applicant shall work with staff to provide fencing versus a chain to parallel the quality of the rest of the project; #13, any significant change in the floor plan shall require the applicant to come back for a new Use Permit; #14, applicant shall work with staff to alleviate traffic/safety concerns and provide necessary items, i.e. signs, flow, etc. **MOTION CARRIED UNANIMOUSLY** by those present.

D. DVR04-0049 QUIKTRIP - CHANDLER BLVD. & MCQUEEN ROAD

Request rezoning from Agricultural District (AG-1), Community Commercial District (C-2) and High-Density Residential District (MF-3) to Planned Area Development (PAD) on approximately 10-acres for a commercial development with retail and office uses, with Preliminary Development Plan (PDP) approval on approximately 4-acres for a QuikTrip gas station, convenience store and car wash, located at the southeast corner of Chandler Boulevard and McQueen Road.

COMMISSIONER IRBY stated that he would refrain from discussing/participating in this item due to a possible conflict of interest.

CHAIRMAN RYAN stated that staff has recommended that this item be continued to the April 6, 2005 Planning Commission meeting.

MR. MAYO advised that staff received a letter from the applicant requesting a continuation to April 6th to allow the referral of the case to the Design Review Committee on March 22, 2005. He added that the case will then be continued to the April 28, 2005 City Council meeting.

DAN NELSON, 1084 E. Senate Circle, discussed concerns regarding the proposed project and requested additional information regarding potential anchors and businesses at that location. Chairman Ryan encouraged Mr. Nelson to attend the April 6th meeting and provide input regarding this item. He advised that he will have the opportunity on the 6th to review the plan and emphasized that nothing is a "done deal." Mr. Nelson requested that he be provided copies of records from the neighborhood meeting and Mr. Mayo advised that he would provide Mr. Nelson with that information. Chairman Ryan added that this item would be the first one on the April 6th agenda.

GAIL FACONE, 1069 E. Senate Circle, expressed concerns regarding the project. She asked if she doesn't have sufficient time to notify all of the neighbors about the upcoming meeting whether she can call Mr. Mayo and request a continuance. She stated that she was just curious about the procedure and said the timing, because of spring break, is difficult. She was encouraged to contact staff by April 4th to obtain up to date information so neighbors who cannot attend the meeting will have information to review. She advised that she lives fairly close to the project and received late notification of the meeting. She was also told to send her comments in writing if she is unable to attend the meeting.

Additional discussion ensued relative to providing information on the City's website if sufficient time allows.

The Chairman said the applicant has the ability to request a continuance and the Commission votes on whether or not to allow the continuance. He added that they are anxious to move this case forward.

MS. NOVAK clarified that Ms. Facone wants to know whether she has the ability to ask for a continuance as well.

MR. BROCKMAN advised that anyone can ask for a continuance but the only people who can decide whether one will be granted are the members of the Commission. He said there are no guarantees that a continuance will be granted. She was advised that State Statutes governing open meetings address this issue and the City Code and bylaws may also be helpful.

VICE CHAIRMAN FLANDERS MOVED AND CHAIRMAN RYAN SECONDED a motion to continue the case to the April 6, 2005 Planning & Zoning Commission meeting (to allow the case to be referred to the March 22, 2005 Design Review meeting). **THE MOTION CARRIED UNANIMOUSLY** by those present and voting.

6. DIRECTOR'S REPORT

There was no report at this time.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is April 6, 2005 at 5:30 p.m. in the Council Chambers.

8. **ADJOURNMENT**

The meeting was adjourned at 8:18 p.m.

_____
Phil Ryan, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 6, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:32 p.m.

2. Pledge of Allegiance led by Commissioner Heumann.

3. The following Commissioners answered Roll Call:

   Vice-Chairman Michael Flanders
   Commissioner Rick Heumann
   Commissioner Mark Irby
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Absent and excused: Chairman Phil Ryan, Commissioner Jeanette Polvani

   Also Present:

   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Ms. Kim Clark, Planner
   Mr. Joshua Cook, Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER HEUMANN to approve the minutes of the March 16, 2005 meeting. MOTION WAS APPROVED 3-0 with Commissioners Anderson and Gulsvig abstaining due to their non-attendance at the prior meeting.

5. CONSENT AGENDA ITEMS

   VICE CHAIRMAN FLANDERS asked Jeff Kurtz, Current Planning Manager, to read the action items. Mr. Kurtz stated that the Commission had scheduled for their action Item D (DVR04-0021 Abart Investment Corp.); Item E (DVR04-0038 Cornerstone Christian Fellowship); and Item G (UP04-0030 Desert Spring Adult Care). The balance of the items were on the consent calendar if Commission so chose. In response to a question from Vice Chairman Flanders, Mr. Kurtz stated that the applicant for Item F was prepared to go to a design review meeting and continue the case to the May 4th Planning and Zoning Commission meeting.

   VICE CHAIRMAN FLANDERS asked if anyone in the audience wanted to pull any of the Consent items for discussion. He stated that he had received a speaker card for Item A (AP04-0003/DVR04-0050/PPT04-0024 Windward) and that item went on the Action agenda.

   Mr. Kurtz stated that some of the items on the Consent agenda included additional stipulations. He stated that for Item B (DVR04-0057/PPT04-0030 Artesian Ranch) conditions 16 through 20 were added; Item C (DVR04-0049 QuikTrip – Chandler Blvd/McQueen Rd) was being continued to the May 4th meeting as opposed to the April 20th as noted on the agenda; Item H (UP04-0061 Adult Senior Care Facility) is now being continued to May 4th; Item F (PDP04-0028 Ocotillo Professional

Building) is being recommended for continuance to the May 4th agenda with a design review meeting prior to May 4th.

COMMISSIONER IRBY asked that the items on the Consent agenda be read again. Mr. Kurtz stated that the Consent items were Item B Artesian Ranch; Item C QuikTrip; Item F Ocotillo Professional Building; Item H Adult Senior Care Facility; Item I Arizona's Children Association; Item J QuikTrip-Az. Ave and Germann; Item K CVS Pharmacy; and Item L Cooper Crossing. Commissioner Heumann asked if the applicant on Item G was okay with doing a one-page sign off sheet. Mr. Kurtz stated that the applicant was okay with doing that.

B. DVR04-0057/PPT04-0030 ARTESIAN RANCH

(APPROVED.) Request rezoning from Agriculture (AG-1) to Planned Area Development (PAD-Residential) and Preliminary Plat approval for an approximate 186-lot subdivision. The property is located on approximately 62-acres of land west of the northwest corner of Ocotillo Road and Gilbert Road.

1. Right-of-way dedication to achieve full half width street improvements for Ocotillo and Gilbert Roads including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
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, where applicable, 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. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. 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.
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 Exhibit A, Development Booklet, entitled "Artesian Ranch" kept on file in the City of Chandler Current Planning Division, in file no. DVR04-0057, except as modified by condition herein.
7. Approval of a Preliminary Development Plan for housing product and architectural diversity standards shall be required prior to the issuance of building permits.
8. 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.
9. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.

10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
11. The "Public Subdivision Report", "Purchase Contracts", and CC&R's 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.
12. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
13. Lots 90 – 95 shall not be required to have staggered front yard setbacks.
14. Lots 90-107 and 173 – 186 shall have a minimum 30-foot rear yard setback, with patios allowed to have a 20-foot rear yard setback. All other lots shall have a minimum of 20-foot rear yard setback.
15. Lots 90-107 and 173 – 186 shall be limited to one-story homes.
16. **The following stipulations shall be the responsibilities 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 overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property.**
    b) **The subdivider/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 overflight 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 overflight activity, and is encumbered by an avigational easement to the City of Chandler."

17. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas. In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Artesian Ranch development shall use treated effluent to maintain open space, common areas, and landscape tracts.

18. 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 a future heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby a future heliport, 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.

19. That the number of two-story homes along Ocotillo Road be limited to a maximum of 50% and that no more than two two-story homes be constructed next to each other.

20. **Development of the subdivision shall include Architectural Diversity Standard No. 4, Specifically that, "Provision of single-story or combination one- and two-story homes on all corner lots, with the two-story portion encompassing a maximum of 75% of the building footprint and oriented furthest away from the side yard street side."**

Staff recommends approval of the Preliminary Plat subject to:

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

C. DVR04-0049 QUIKTRIP - CHANDLER BLVD. & MCQUEEN ROAD

(CONTINUED TO MAY 4, 2005 PLANNING AND ZONING COMMISSION MEETING AGEND.) Request rezoning from Agricultural District (AG-1), Community Commercial District (C-2) and High-Density Residential District (MF-3) to Planned Area Development (PAD) on approximately 10-acres for a commercial development with retail and office uses, with Preliminary Development Plan (PDP) approval on approximately 4-acres for a QuikTrip gas station, convenience store and car wash, located at the southeast corner of Chandler Boulevard and McQueen Road.

F. PDP04-0028 OCOTILLO PROFESSIONAL BUILDING

(RECOMMENDED TO DESIGN REVIEW AND CONTINUED TO MAY 4, 2005 PLANNING AND ZONING COMMISSON MEETING AGENDA.) Request Preliminary Development Plan approval for a 13,314 square foot medical and office building located on 1.78 acres at the northwest corner of Alma School Road and Sandpiper Drive.

H. UP04-0061 ADULT SENIOR CARE FACILITY

(**CONTINUED TO MAY 4, 2005 PLANNING AND ZONING COMMISSION MEETING.)** Request Use Permit approval to provide day care for senior adults within a residential house converted for office use. Also requested is a Use Permit extension for the office use. The subject property is located at 420 W. Chandler Boulevard.

I. UP05-0005 ARIZONA'S CHILDREN ASSOCIATION

(APPROVED.) Request Use Permit approval to allow an office in Planned Industrial District with a Planned Area Development overlay (I-1/PAD) zoning. The property is located at 2775 North Arizona Avenue, Suites 3 and 4.

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

J. UP05-0015 QUIKTRIP – ARIZONA AVENUE & GERMANN ROAD

(APPROVED.) Request Use Permit approval to sell liquor (Series 10 Beer and Wine Store License – Beer and Wine only) at a proposed QuikTrip convenience store and gas station within the recently approved Olive Tree Plaza commercial center. The property is located at the immediate southwest corner of Arizona Avenue and Germann Road.

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

2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
3. The Use Permit is granted for a Series 10 license only and any change of licenses shall require re-application and new Use Permit approval.
4. The Use Permit is non-transferable to other store locations.

K. UP05-0010 CVS/PHARMACY

(APPROVED.) Request Use Permit approval to sell beer and wine (Series 10 beer and wine store) at a CVS Pharmacy located at the northwest corner of Pecos Road and McQueen Road.

1. The Use Permit is for a Series 10 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

L. PPT05-0005 COOPER CROSSING

APPROVED, Request Preliminary Plat approval for a commercial subdivision located at the northwest corner of Ray and Cooper Roads.

COMMISSIONER IRBY stated for the record he would abstain from voting on Items C and J as they were current clients of his.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER GULSVIG to approve the Consent Agenda with additional stipulations as read into the record. Motion was approved 5-0 with Commissioner Irby abstaining from voting on Item C and Item J.

ACTION ITEMS

A. AP04-0003/DVR04-0050/PPT04-0024 WINDWARD

Request an Area Plan amendment from townhouses to single family homes along with request for rezoning from Planned Area Development (PAD) to Planned Area Development amended along with Preliminary Development Plan (PDP) approval for the subdivision layout and housing product, and Preliminary Plat approval for a 49 lot single-family residential development on approximately 19 acres. The property is located at the southwest corner of Alma School Road and Balboa Way.

Planner I Kim Clark addressed the Commission regarding this agenda item and said that the homes would be built by the applicant, Camelot Homes. She noted that the 2000 Ocotillo Phase II Area Plan designates this parcel (Parcel 4) as townhomes, allowing a maximum density of five dwelling units per acre, with consideration for a higher density depending upon design quality. She explained that the proposed Area Plan amendment changes the land use to Single Family, thereby decreasing the density to 2.97 dwelling units per acre. She said that staff is of the opinion that the proposed amendment is consistent with the goals and policies of the Chandler General Plan.

Ms. Clark advised that Windward will be composed of 49 lots ranging from 8,261 to 16,455 square feet, with a typical lot size of 70' by 120'. She stated that Camelot Homes is currently constructing a similar subdivision in the Ocotillo Master Planned Community named Watermark at Ocotillo. The same homes and general layout will be built in both subdivisions had will have a shared model complex located at the Watermark community. She noted that the Planned Area Development, Preliminary Development Plan and subdivision plat for Watermark were approved by the City Council in February 2004. She said that seven standard plans will be offered in the subdivision and each plan will be offered with three elevation choices for greater diversity. She added that they will be offering three one-story homes, two two-story homes and two split-story with the second story portion offset from the first floor elements. She said that split-story homes will be considered one story for the purpose of the placement and quantity of two-story homes.

Ms. Clark commented that the front setbacks will be varied and stated that the site layout is configured with the main entrance off of Balboa Way. She said that the subdivision's main street continues south to a cul-de-sac with an exit only and emergency access gate that fronts Lake Drive and added that the layout allows for some landscaped open space adjacent to Alma School Road and creates a situation where no homes will back up to Alma School Road. She noted that three open space recreation areas are dispersed throughout the site to provide common amenities, including shade armadas, picnic tables, barbecues, play areas and a boat dock. Ms. Clark informed the members that the project meets eight of the eight required subdivision diversity standards, creating a quality subdivision. She stated that staff recommends approval of the request with the following stipulations:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Windward", kept on file in the City of Chandler Planning Services Division, in File No. DVR04-0050, 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. 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.
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. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and

supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Windward development shall use treated effluent to maintain open space, common areas, and landscape tracts.

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 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.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
11. All homes built on corner lots within the residential subdivision shall be single story or split story.
12. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
13. On Lots 21 – 49, no more than two two-story homes will be permitted on each side of the street.
14. Lot 1 shall be limited to one story.
15. The same elevation shall not be built side-by-side or directly across the street from one another.
16. **On lots 1-20, no more than 50% of the homes may be two-story with no more than two, two-story homes in a row.**
17. **An additional 5-foot front building setback will be required at the side entry garages, guest casitas, and front porch encroachments (where 12' minimum is otherwise allowed) on any lots measuring 135' or longer on both sides. These lots include 3-13, 17, 27, 47, and 48.**

Upon finding consistency with the Subdivision Diversity Standards and the Ocotillo Phase 2 Area Plan, Staff recommends approval of the Preliminary Plat subject to the following stipulation:

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

Chairman Ryan advised that there was one speaker who wanted to address the Committee and asked Mr. Ed Bull, representing Camelot Homes, whether he would mind if the applicant presented her

remarks at this time. Mr. Bull responded that the applicant is fine with all of staff's stipulations and said he had no objection to the speaker coming forward at this time.

Carol Black, 4221 South Purple Sage Place, said that her backyard is about the middle across the lake from the proposed development. She added that she is the President of the Balboa Way Community Association, which consists of Laguna Cove, Catalina Shores and Balboa Point. She stated that she attended the developer's open house in May and after reviewing their site plan she noticed that there was only one proposed method of ingress/egress to the Windward Development. She commented on her background and said she is familiar with traffic flow patterns and is aware of how the traffic flows in some of the more difficult areas around her community. She advised that in February she forwarded a letter to the Planning & Zoning Board, the City Council and the developer that outlined her concerns regarding the one entry/exit off of Balboa Way. She said that she noticed in the agenda packet that the applicant is adding a second gate at the end of the cul-de-sac, which will be used for emergency access only. She stated that her letter included an attachment that showed detailed concerns about the traffic-flow pattern entering and exiting the community.

Ms. Black advised that the first concern she raised was making a left turn from Balboa Way to go north on Alma School is extremely difficult, there are no traffic signals there and a traffic study has not been conducted for three years in three years. She discussed increased traffic loads on Alma School Road and Balboa and said additional cars trying to make a left turn onto Alma School would only compound the existing problem and negatively impact safety. She pointed out that if they want to head over to Dobson Road, the Price Road Corridor, the 101 or I-10, they would then have to make another left on Ocotillo, increasing traffic on that busy road as well. She said that if a second entrance/exit was put in, the traffic could exit Windward out to West Lake Drive, take that to Chaparral, Chaparral to Dobson and then continue on to access the freeway corridors. She noted that during rush hour Ocotillo backs up at Alma School Road for about a half a mile.

Ms. Black said that some confusion had existed regarding her concerns and she spoke with the developer tonight and she is not sure whether they really understand the impact on the roads surrounding the community should they only put in one entrance/exit. She announced that the Association discussed this issue at their last meeting and they unanimously support the addition of a second entrance/exit for this project.

Vice Chairman Flanders indicated that he would like to review Ms. Black's February letter and asked whether the homeowner association's unanimous support for a second entrance/exit was in written form. She responded that the issue was on their March 17th agenda and she has no written documentation to present at this time. She explained that it was the Board's annual meeting and would be happy to place the item on an agenda for formal action and reporting if the Commission so desired.

COMMISSIONER HEUMANN asked Ms. Black whether she thought a second entrance/exit would solve the problem and she said she definitely believes it would. Commissioner Heumann asked if she was aware of the fact that the property has already been down zoned and was originally zoned for 95 parcels. Ms. Black responded that she was aware of that and if it would have been a gated community they would have made the same request. Commissioner Heumann asked whether the major concern was trying to get out on Balboa Way and Ms. Black stated that that has been a concern all along and she has talked to Transportation staff about how difficult it is to make a left turn at Balboa Way and Alma School Road. She reiterated that there are no traffic control devices at that location. She reported that there are 49 homes in the Association she represents.

COMMISSIONER IRBY said he believes that when you turn west on Balboa Way out of the project, it is gated so the drivers really couldn't go that way. She stated that if there is only the one gate on Balboa Way, the drivers have to go north on Alma School. Commissioner Irby added that they could turn right on Alma School and then turn right onto Westlake Drive and "zig" their way through to Price. Ms. Black agreed that they could do that but said with the price of gas being so high, she doubts people will want to drive south to go north.

In response to a question from Commissioner Irby regarding Fulton Ranch, **MR. KURTZ** concurred that the developer is going to put a light in at what used to be called South Basha Road. He said that the City's intersections are built to accommodate traffic signals when warranted. He added that should this intersection meet the warrants for a traffic signal, one would be erected. He stated that it is a matter of timing and warrants. He said that he is not aware of any study that has been done that states in the year "X" a traffic signal will be placed at this location but noted that upon request, traffic staff will conduct an analysis. He added that there is always the issue of prioritizing as well and that gets into the Five Year Capital Improvement Plan.

COMMISSIONER GULSVIG asked whether the City's traffic pattern analyst followed up on the letter sent by Ms. Black and Ms. Clark responded that the letter was analyzed and as a result coordination took place between the Traffic Department and the developer. She reported that the result of those coordinated efforts was to make the cul-de-sac at Lake Drive an exit only, so that people can exit from there and turn left or right at the signalized intersection down at Lake Boulevard. She said staff felt that an entrance was not warranted because there are only 49 lots and this way people could still enter from Balboa and exit from either Balboa or Lake. She said that as far as she knows, the Traffic Department looked at the traffic flows in the area and Mr. Kurtz concurred that staff did look at the circumstances and believed another exit would help to address the problem. Commissioner Gulsvig stated that he was trying to determine whether the City validated the citizen's concern. Mr. Kurtz said that he had not heard from the citizen that she had an understanding that there was an exit there also and added that staff looked at the issue from a traffic flow standpoint and with the conditions that are currently being proposed, they believe the plan meets the City's traffic standards.

COMMISSIONER GULSVIG asked how many people from the homeowners' association endorse the concerns expressed by Ms. Black and she said that when the issue was discussed at the Board's annual meeting, a quorum was present, approximately 35 residents. Commissioner Gulsvig commented that 35 homeowners attended out of 200+ members and Ms. Black said that the residents are typically pleased with their quality of life and conditions in the area.

MS. BLACK said that since they are putting an exit in, why not make it an entry as well and put a bigger gate in. She also requested a copy of the traffic study analysis that was conducted by staff. Ms. Clark responded that an entrance was not included because it would require the developer to lose lots in order to obtain sufficient room for the entry. She added that she will contact staff in the Traffic Department and obtain a copy of the study requested by Ms. Black.

COMMISSIONER HEUMANN asked whether there is a light on Lake Drive and Ms. Black confirmed that there is. The Commissioner also asked Ms. Black whether Balboa was the only exit out of her subdivision and she stated that they have a second gate. He stated that he has served as a member of the Transportation Commission for many years and expressed the opinion that making a left-hand turn going back into the neighborhood, crossing one lane, is not as dangerous. He added

that the addition of the second exit solves a lot of the problem. Ms. Black suggested that the Commissioners drive over to Balboa Way and try making a left-hand turn during rush hour onto Alma School Road to see first hand the problem she is talking about. Commissioner Heumann said that the neighborhood had that problem long before this issue came up and reiterated that the additional exit only at all times solves a lot of the problems.

In response to a question from **VICE CHAIRMAN FLANDERS,** Mr. Kurtz reiterated that the placement of traffic lights comes down to the issue of warrants and funding and assured the Commission that when lights are warranted, they will be put in.

ED BULL, representing the applicant, commented on the fact that the project is a significant "down zoning." He added that in the original area plan, access was contemplated on the north end and there was no access at all shown to or from the south end of the site. He stated that he did not attend the neighborhood meeting and had not seen Ms. Black's letter until this evening. He said that Tom Kirk, with Camelot Homes, attended the meeting and is present in the audience. He said that Mr. Kirk and staff believe that the primary concerns had to do with traffic exiting the site to go north on Alma School or to go west to get over to Dobson. He added that he can understand how people reading the letter would have understood that those are the concerns and so the solution was the additional exit that provides an opportunity to use the signal at Alma School and Lake and to go west to Dobson. He stated that he appreciates that there may be concerns regarding the amount of traffic on Ocotillo and whether the 49 homes will compound the concern but emphasized that the number is substantially less than what would have occurred under the previous design. He said that from the applicant and staff's perspective, the modification to add an additional exit resolves what they previously understood the issues were. He added that the applicant does not believe that they are doing anything that will negatively impact the traffic patterns in the area. He said they believe they are actually decreasing traffic and, as compared to the area plan that was originally part of the development, they will be dispersing the traffic more than what was originally contemplated. He noted that the issues have been studied on a staff level and they concur with staff's recommendations.

VICE CHAIRMAN FLANDERS asked whether anyone else wished to speak on this item and no one came forward.

COMMISSIONER HEUMANN expressed appreciation to Ms. Black for her input at the meeting. He added that with the 49 homes, he believes the exit out onto Lake Drive will be an asset. He added that he would recommend that if there is a problem on Balboa Drive, the residents should contact the City's Traffic Engineers and request that they conduct a warrant study. He assured the citizens that staff would be happy to do so

COMMISSIONER HEUMANN MOVED AND COMMISSIONER IRBY SECONDED a motion to approve **APO4-0003/DVR040050/PPT04-0024 WINDWARD** with the stipulations outlined by staff, including the additional stipulations, as listed above. The motion **CARRIED UNANIMOUSLY**.

D. DVR04-0021 ABART INVESTMENT CORP.

Request rezoning from Industrial (I-1) to Planned Area Development (PAD) for a mixed-use development of office, retail, and storage. The property is located on approximately 10 acres east of the southeast corner of Riggs Road and Arizona Avenue.

Planner I **JOSHUA COOK** addressed the Commission regarding this agenda item and said that the applicant's request is to rezone the property from I-1 Industrial to Planned Area Development and also for Preliminary Development (PDP) approval for the architecture and site development. He referred to an aerial displayed in the Chambers and pointed out the location of the project. He noted that a significant amount of undeveloped property around the site, to the north, east, as well as to the west across Arizona Avenue where the land is under County jurisdiction and undeveloped. He added that Gold Canyon Candle Company is located to the south and Stewart Electric is located on the west side. He noted that the railroad line runs along the entire east property line.

MR. COOK stated that the applicant is proposing some retail/office warehouses and mini-storage units that would occupy approximately 139,000 square feet of building, 28,000 square feet of which would be for the office/retail. He noted that the site is designated as industrial employment in the Southeast Chandler Area Plan and said that sites with this designation are intended to accommodate light industrial business parks, hi-tech uses and corporate office type projects. He said that the applicant is proposing a variety of uses, many of which are retail in nature, which staff does not support. He informed the Commissioners that the applicant has argued that this site is part of a commercial node and staff does not agree that this site would be part of the commercial node. He explained that a commercial node requires connectivity between sites so that each individual development appears to belong to the greater development. He pointed out that the site plan does not suggest connectivity between surrounding sites and there is only one entrance in and out and that is on Riggs Road. He added that staff does not believe that the proposed site layout and architecture of the building satisfy the requirements of the City's Design Standards, which emphasize the need for four-sided architecture and placement of the buildings within a landscaped setting.

MR. COOK said that a neighborhood meeting was held and one representative from Gold Canyon Candle Company attended. He said that the person's reason for attending was to find out about the utility easement that is located next to their property on the west side. He advised that staff recommends denial of the requests.

JAN BETTS, an attorney representing the applicant, 201 E. Washington, Phoenix, said that she and **KURT FRIMODIG**, an architect representing the design team, would both address the Commissioners on various issues.

MR. FRIMODIG, 2233 E. Thomas Road, Phoenix, also introduced himself to the Commission.

MS. BETTS commented that they are disappointed because they had come so close to being acted upon during the Consent Agenda approval process this evening so they wanted to address the small amount of remaining issues that they believe can be resolved this evening. She commented on the commercial node and said to refresh the Commissioners' memories, this issue was to be placed on an agenda many months ago. She added that the property is right across the street to what she will refer to as the Wal-Mart property and they decided to hold back on their plans until a decision was made regarding that property. She explained that that is why this is being referred to as a commercial node property, it was part of the suggested plan use, and what they were suggesting for their uses was going to blend perfectly with what may have been a development there. She said she understands that the case is no longer active but added that they believe the property someday will be developed with a large end user and stated the opinion that their proposed uses will blend perfectly with what is going to be located across the street. She said they view this property as one of the main properties that will blend in with future development. She noted that this was staff's suggestion many months ago when the project began.

MS. BETTS also discussed staff's concerns regarding proposed uses and that the project was "over-parked." She said that that will bring up two topics, landscape and use issues. She stated that what they envision, and what has worked very well for another project the developer has in mind, is an electrical company, a tile company and employment of this type working in with their project. He noted that at the other project, the employees park their vehicles and then take the trucks out to perform their work, they exchange vehicles for vehicles. She expressed the opinion that the parking will be appropriate for their proposed uses. She said they wanted to keep the parking where it is and did not want to reduce the number of spaces because of the intended uses. She noted that staff has asked for up-to-date use lists and said the developer has received calls from a dental office. She pointed out that dental offices are now including labs right in with their projects and said this would be a perfect opportunity for the dentist to have his lab next door. She said that is why they have left the medical/dental use on their list, because of the interest that has been generated. She also commented on the project's appearance and agreed that the look is "very retail" but stated that that was done on purpose because they believe the project and the landscaping will look great along Riggs Road. She noted that that is going to be the forefront for the self-storage facility that is in the back and will be right in front of the candle factory, which is just a blank wall with an industrial project in the back. She added that they are going to be in front of that project and believe that they will enhance Riggs Road and the retail look in the front will be a very nice look and will encourage other development along Riggs, the type of development that Chandler would like to attract to the City.

MS. BETTS commented on employment uses and expressed the opinion that the proposal matches what the General Plan requires and will bring a significant amount of employment to the area.

MR. FRIMODIG responded to comments made by staff relative to the architectural design of the proposed project and, referring to renderings, stated the opinion that they have handled the four-sided treatment of the buildings, specifically for the Riggs Avenue frontage and the side elevations. He noted that the rear of the building may be the location for a potential loading dock type rear door but added that they plan to provide a screening element to bring the massing down and almost eliminate the view of those doors. He added that they are also providing a screen wall around the rear areas, which will be a secondary potential storage use for the tenants. He discussed the 8-foot screen wall and landscaping, including ground cover, that would eventually provide an aesthetically pleasing living wall. He referred to the mini-storage building and said again they have utilized the four-sided architecture flavor for the development, not only on the Riggs Avenue frontage and they believe what they are planning is very compatible with the two secondary uses (office/retail buildings) in front. He informed the Commissioners that they have created a nice architectural feel as a separation between the commercial uses, the two office/retail buildings and the mini-storage. He said that they do not expect a lot of development to occur t the east of the project and said there is a substation and the railroad appears to be an ominous factor. He noted that there is a significant differential between their finished floor and the road surface itself (8 feet).

MR. FRIMODIG added that the developer has created a nice architectural feel as a separation between the commercial uses, the two office buildings, and the mini storage. He noted that they have also taken the elevation of the wall that faces the railroad tracks (a portion of the mini-storage) and worked hard on the landscaping of this area in coordination with staff. He said that staff allowed them to go "zero lot line" on their common lot line property with Canyon Candle Company an added that they saw not benefit in having a 5-foot landscaping strip in between two eight-foot walls. He stated that in terms of architecture and flavor he believes that for a mini-storage use, the applicant has satisfied what they believe the market will bring them. He expressed the opinion that it is an excellent building that will be a very good blend of materials, colors and articulation and something that the City of Chandler would be proud of. He expressed the opinion that they have met the four-sided architectural requirement and have

gone beyond that considering that the use of the project will be mini-storage. He noted that a majority of the mini-storage facilities do not contain the "flavor or articulation" that they are proposing. He added that site photographs are contained in the booklet presented to the Commissioners that will help explain where they are in relationship to the railroad tracks and reiterated that the building would not be visible. He commented that Chandler deserves a better product and they are willing to provide it.

MS. BETTS reiterated that they really believed that the item would be approved on the consent agenda and said she believes the concern is that they are planning to bring in retail. She added that that was not their original intention and when they submitted the booklets, they made sure that there was no reference to retail and for the two pages that did, they have prepared substitute pages. She informed the Commissioners that the applicant would agree to an additional stipulation that states they will not be "retail retail" and said that this is not going to be a store front retail project. She added that they anticipate that people will be selling tile and electrical and plumbing items, which will be available for people in the residential area to come and look at. She said that they are willing to agree to that stipulation to provide a "comfort level." She added that in respect to the other factors, they believe they have satisfied what the City would like in order to have a very good project.

COMMISSIONER HEUMANN commented that the was confused by the comment that this was close to consent and asked staff whether a min-storage facility fell into the category of "employment."

MR. KURTZ responded that the City does encourage mini-storages in employment areas and the issue that is in contrast is the retail element.

COMMISSIONER HEUMANN stated that he has some concerns about the retail and the mini-storage as employment and a use for this area. He added that he does not even want to address the potential Wal-Mart center at Riggs & Arizona Avenue. He said that based on his concerns, he believes it may be appropriate to send the project back to staff to work on more of the issues rather than sending the case on to Design Review or anything else. He expressed the opinion that there are a lot of issues that have to be worked through from a staff point of view before coming back to the Commission.

COMMISSIONER GULSVIG asked Mr. Kurtz if the Commission endorses staff's recommendation this evening, would the applicant have to go back through the entire process again. **MR. KURTZ** responded that if the Commission's preference is to rework some of the issues, a continuance would be in order. He added that any other action that the Committee would take, affirmative or denial as a recommendation, would wind up going to Council.

COMMISSIONER HEUMANN stated that he supports the suggestion that the applicant work with staff.

In response to a question from **VICE CHAIRMAN FLANDERS**, Ms. Betts said that the businesses in the plumbing, electrical and tile field will have a showroom where people who are purchasing homes can pick out their house choices. She added that the warehouse in the back area will supply and hold the warehouse materials. She stated that this has never been an issue with staff and in fact the uses were encouraged by staff.

MR. KURTZ commented that staff has always been opposed to the retail on the property and, regardless of that point, a list of uses is contained in the development report. He said he is also confused on what is retail and what is not and what is the tile manufacturer and what is not. He stated that staff based their recommendation on the list, even to the extreme of specialty stores being identified such as tobacco,

newspapers, books, etc. He advised that it is clearly a broad retail use that is inconsistent with the General Plan and that is what staff has based its recommendation on.

VICE CHAIRMAN FLANDERS thanked Mr. Kurtz for his comments and said there are a number of things that bother him about the development. He stated that he usually looks at developments as a three-strike rule and the first issue was the retail use. He concurred with staff's opinion regarding this matter and added that he is not enthusiastic about the site plan design and building architecture. He noted that the Commission recently approved two developments on Ocotillo, a storage facility adjacent to an employment area, and commented that it does not resemble anything that he is seeing here. He said that he too is having a problem with this application and agrees with Commissioner Heumann that the case should be sent back to staff for further review. He added the opinion that there are too many outstanding issues remaining to send the case to Design Review and would like staff to look at this matter again.

MS. BETTS commented that they have been through the architectural review process and changes were made and asked if there is anything specific that the Commission would like to see changed. The Vice Chairman responded that staff will be able to work with the applicant on those issues and said, for example, that there is a great example of a self-storage facility that was approved at the last meeting, that had a great integration of materials, landscaping, etc. He said he does not see this application working with anything outside of its borders, it does not integrate with anything to the west, and this is a great concern.

COMMISSIONER ANDERSON concurred with the previous comments and said he too was confused by all of the different uses that could occur within the project and agreed that a continuance is in order.

COMMISSIONER IRBY stated that he is not really concerned about the uses but his concerns center around the building architecture and the site plan. He expressed the opinion that they are too "rigid and uniform" and has a monotonous appearance. He added that the entire project comes across as a very engineered type of architecture and does not address some of the concepts that are occurring in this part of the City. He added the opinion that Building A appears massive for its location and suggested that they become more creative in their land/site planning for the project.

VICE CHAIRMAN FLANDERS asked the architect why there were 45 additional spaces and asked why so many over the required amount. Mr. Frimodig responded that based upon the flexibility of the retails uses they determined that this was appropriate. He reiterated that they are speculating on what the market will bring and said they wanted to be prepared. He added that he thought that the applicant and staff had reached some sort of consensus on what was going to be presented. The Vice Chairman said with so many parking spaces, he wonders why the developer did not dedicate more to the environment as far as landscaping. He requested that they look at this issue when they discuss the matter further.

MR. FRIMODIG advised that staff had initially indicated they did not support parking areas behind the two office/retail buildings and they preferred that they be moved back and eliminate that parking or pull it out to the front. He indicated that there has been some contradictory discussions regarding this issue. The Vice Chair commented that in other projects that have been approved, the Commission has encouraged the placement of buildings in landscaped settings and putting the rest behind the project. He added that he believes this is a better scenario and encouraged them to proceed in this direction.

In response to a question from **COMMISSIONER GULSVIG**, **MR. FRIMODIG** stated that the additional parking is to provide flexibility for tenants proposed for the two buildings in the front. The

Commissioner added that if the applicant went through and eliminated all of the retail uses he would not have a problem with the case.

MR. FRIMODIG said that they have an amended use listing that was submitted to staff and **COMMISSIONER GULSVIG** responded that an automotive accessory sales business is definitely a retail operation. He added that catering and clothing manufacturers, also on the amended list, are very "gray areas" and he concurs with staff as far as this point. He recommended that the applicant work with staff and eliminate the retail portions of the proposal. Mr. Frimodig commented that a retailer could be a tile or plumbing fixtures supplier and the Commissioner reiterated that he should work with staff to reach a reasonable and acceptable solution to the concerns.

There were no citizens present wishing to speak to the Commission regarding this matter.

COMMISSIONER HEUMANN said that employment fits a lot of things and mini-storage technically fits an employment area. He stated that when this comes back (and he senses that this is going to be continued) he hopes that they have expended effort to look at the overall area as well. He noted that other storage areas have been approved for this area and although he is not saying that this is not a good use for the area, employment is extremely important for the City of Chandler. He added that as the City approaches buildout, they need to be sure that they are really analyzing every site to ensure that the City receives the best return.

COMMISSIONER HEUMANN MOVED AND COMMISSIONER GULSVIG SECONDED a motion to **CONTINUE** this case for 120 days (August 3, 2005) to allow staff and the applicant sufficient time to work on this project. He said that after that time, if staff does not feel that the applicant has worked through the issues, staff can request an additional continuance. The motion **CARRIED UNANIMOUSLY** by those present.

E. <u>DVR04-0038 CORNERSTONE CHRISTIAN FELLOWSHIP</u>

Request rezoning from Agriculture (AG-1) to Planned Area Development (PAD) and Preliminary Development Plan approval (PDP) for a church expansion. The property is located on approximately 17 acres at the southeast corner of Alma School Road and Willis Road.

MS. CLARK also addressed the Commission regarding this agenda item and said that the Preliminary Development Plan (PDP) is for a 40,470 square foot worship center addition with conceptual approval for three future two-story buildings totaling 26,500 square feet. She noted that the site has been divided into three distinct phases and said the first phase has already been constructed and includes two existing buildings, parking and offsite improvements that include dedication and improvement of Maplewood Street to the end of Phase One and a median break on Alma School Road. She said that Phase II proposes to approve 5 acres with appropriate parking and landscaping for the construction of a 40,470 square foot worship auditorium and will also include the improvement of the south half of Willis Road from Alma School to the phase line, including two vehicular entrances to the site. She added that reclaimed water lines adjacent to both Alma School Road and Willis Roads will be installed adjacent to Phase II. She noted that Phase III will include three two-story office and classroom buildings and the constructions of the buildings will allow the worship auditorium to remove their classrooms and offices to provide a larger auditorium. Ms. Clark informed the members of the Commission that over 500 parking spaces will be added at this time, landscaping in front of Phase III and the completion of both Willis Road and Maplewood Street to the end of the property and in front of the existing well site at the property's southeast corner. He added that it will be the church's responsibility to obtain a roadway easement in

front of the well and ensure the irrigation ditch is tiled on private property at the time of Phase III development.

MS. CLARK noted that the applicant has proposed an alternative site plan that shifts the three buildings in Phase III farther away from the Maplewood Street frontage and added that the architecture for the buildings will be analyzed in a future Preliminary Development Plan. She stated that this proposal is considering the site layout only for Phase III. She advised that the alternate site plan will create a larger buffer between the homes, but will also bring more traffic onto Maplewood Drive due to the parking lot configuration and the addition of a drop-off area. She stated that staff believes that neither site plan will serve the purposes of the church and meet City codes. She added that overall, Cornerstone has developed a huger plan for the church campus that will allow them to grow with their congregation and said that the proposed use and design is appropriate for this location. She noted that staff recommendations approval subject to the following stipulations and requests input from the Commission regarding the alternate site plan. The stipulations are as follows:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Cornerstone Christian Fellowship", kept on file in the City of Chandler Planning Services Division, in File No. DVR04-0038, except as modified by condition herein.
2. Compliance with the original stipulations contained in Ordinance No. 3209 for Cornerstone Christian Fellowship as approved in case DVR00-0027.
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 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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
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 landscape setback along Willis road shall be 20' from the back of the right of way.
11. A Preliminary Development Plan will be required for the three future buildings in phase three.

12. A roadway easement shall be required in front of the well site at the campus' southeast corner and the irrigation ditch is to be tiled on private property at the time of phase three development.

13. Cornerstone Church will work with the City to contact and work with the well site owner regarding the right-of-way dedication and construction of Maplewood Drive adjacent to the well site. In the event that ownership is gained by the church, right-of-way dedication and roadway construction will be required across the well site frontage along Maplewood Drive.

COMMISSIONER ANDERSON noted that he will abstain from this item since he is a consultant for the business.

In response to a request for clarification, **MS. CLARK** advised that Phase III consists of three two-story buildings. She referred to an aerial displayed in the chambers and identified the new property.

GREG LINNAMAN, 2525 East Arizona Biltmore Circle, Phoenix, representing the applicant, said that Ms. Clark has given a good overview of the case and the applicant agrees to comply with all of the stipulations. He briefly discussed the new site plan and stated that it is a result of extensive work with the neighbors. He discussed meetings and telephone conversations that have occurred in an effort to address concerns and said that their major concern centered around the three larger buildings on Maplewood. He said that as a result, the Church agreed to draft an alternate proposal to discuss with the revised site plan. He added that the purpose of the alternate plan is to move the three buildings off of Maplewood, resulting in a 100-foot setback (minimum). He expressed the opinion that this represents a substantial improvement for the neighbors. He added that they believe it makes sense to move forward with the site plan. He noted that due to time constraints, they were unable to provide staff with a detailed colored drawing of the site plan. He said that following discussions with Ms. Cook, he would ask that the Commission approve the applicant's PDP (site plan) but with respect to Phase III where the future buildings are located, they could approve the site plan only as far as building location and driveway entrances go. He added that all other components, such as parking calculations, retention, landscaping, etc. would be brought forward as part of the subsequent PDP that also addresses building architecture. He requested the Commission's approval of the case overall, including this site plan.

COMMISSIONER HEUMANN said he prefers this plan and asked Ms. Clark to display the original plan. He said he was curious about the landscaping portion of the plan and the Willis Road landscaping portion. **MR. LINNAMAN** said that the applicant's intention is to provide landscaping per City Code along Maplewood, the same as will be provided along Willis. He added that the landscaping requirements are pretty substantial and they plan to make the streetscape extremely attractive. He noted that as part of Phase II, Alma School will be dedicated and improved and all the landscaping along the roadway will be built to the second driveway. He noted that they will be developing the roadways in conjunction with the phases.

MR. KURTZ advised that staff has analyzed this proposal and it is normal procedure in situations such as this.

Discussion ensued relative to improvements that were made to the second site plan; Commissioner Irby's request that the applicant work more on the driveway configuration to make it more driver friendly and relocate the parking more to the east of the proposed two-story building, off Willis Road; landscaping along Willis Road (north elevation) and the possibility of the applicant working with staff to "soften it up" and decrease the massing by use of date palms, etc.; and the applicant's willingness to work with their landscape architect to address this matter.

There were no citizens present wishing to speak on this item.

MS. COOK confirmed that the alternate site plan replaces the plan contained in the booklet that was distributed to the Commissioners. She added that staff will work with the applicant to obtain a better looking plan to present to the Council.

COMMISSINER IRBY MOVED to approve DVR04-0038 CORNERSTONE CHRISTIAN FELLOWSHIP with the following additional stipulations: **(1) that the applicant work with staff to develop a better circulation pattern through the property; (2) that the covered parking be relocated; and (3) to increase the landscaping on the north side of Fellowship Hall.**

Discussion ensued relative to the fact that the PDP would come back on the landscaping for the site and the fact that the applicant at this time is only asking for approval of the building layout and driveway locations along the southern portion. The rest will come back before the Commission as part of the next application (PDP).

COMMISSIONER GULSVIG SECONDED the motion, which **CARRIED UNANIMOUSLY.**

(The Chairman declared a brief recess at this time.)

G. UP04-0030 DESERT SPRING ADULT CARE

Request Use Permit approval for an adult care home to provide service for up to eight adults within a single-family residence. The subject property is located at 1641 E. Yellowstone Place. The Use Permit shall be granted for a period of one (1) year, at which time re-application shall be required. The one-year time period shall begin from the date of City Council approval.

(Commissioner Anderson was excused from the remainder of the meeting.)

Planner I **JOSHUA COOK** addressed the Commission regarding this agenda item and said that staff has reviewed the applicant and found that the request is compatible with the Zoning Code. He added that in checking the data base for other Use Permits in the City it was determined that there are none within the 1200 foot radius requirement. He referred to a vicinity map and outlined the specific location. He reported that the property is part of a large lot single-family residential subdivision with lots of approximately 10,000 square feet in size. He reported that the proposed house is approximately 4200 square feet in area and has a single story profile with a basement. He added that there are eight bedrooms, five of which are located upstairs and three are in the basement. He noted that the rooms range in size from 110 square feet up to 260 square feet. He informed the Commissioners that the applicant and her husband will provide the care for the residents and will reside at the house as well. He commented that the senior adults will spend most of their time indoors and will be ambulatory (able to move around) and will not have debilitating diseases such as Alzheimer's, dementia, etc. He said that the applicant is currently operating an adult care facility in Chandler and the house has four residents plus a caretaker and noted that the Commissioners have been provided with copies of letters from people they care for as well as neighbors of the home. He reported that staff has received several telephone calls in opposition to the case and added that a neighborhood meeting was held and attended by approximately 35 residents. He noted that all of the attendees were in opposition to the proposal and pointed out that some of their concerns are listed in

the staff report. He stated that staff is recommending approval of the use subject to the following stipulations:

1. Use Permit approval for operating Residential Childcare shall be applicable only to the applicant and location identified with this application and shall not be transferable to any other person or location.
2. Compliance with the City of Chandler's Zoning Code provisions with regard to the operation of adult care homes.
3. The maximum capacity of people receiving care shall be limited to 8 adults.

In response to a question from **VICE CHAIRMAN FLANDERS**, Mr. Cook confirmed that the applicant is licensed through the State of Arizona and is present and willing to respond to questions from the members. He added that the proposed facility meets and exceeds square foot requirements.

COMMISSIONER HEUMANN asked whether the applicant planned to keep the other care facility operational as well and Mr. Cook responded that she intends to move her family at the residents currently at that home to the new facility and increase the capacity of the home by four additional adults. Mr. Cook advised that staff has not received any telephone calls or comments from the existing neighbors other than the letters that were submitted to the Commissioners.

VICTORIA SANA, the applicant in this case, stated the activities will take place inside of the home and there will not be any signage. She added that they do not purchase or sell any products and the activity itself is quiet and most of the residents are over 80 years of age and their activities are limited. She described the care she provides noted that the letters will confirm that the operation is a good neighbor. Ms. Sana advised that her residents are alert but frail and require assistance in taking care of themselves.

In response to a question from **COMMISSIONER HEUMANN** relative to moving into a non-homeowner association area (more of a semi-commercial or conversion property) rather than the proposed location, Ms. Sana responded that she does not believe that having a homeowner association is an issue because her operation does not disturb anyone and will not detract from the neighborhood. She said that with the current four residents, there is not a lot of traffic because the residents do not have visitors on a daily basis, rather once or twice a week. She stated that she has been licensed for four years.

MR. COOK, responding to a question from Commissioner Heumann, advised that he had not checked with the state to see whether the existing facility has been the subject of any complaints.

COMMISSIONER IRBY asked whether the existing facility is a single-story structure and Ms. Sana said it is. He questioned the practicality and safety of utilizing a two-story (basement included) home rather than a single story since the residents are frail and unsteady. She responded that her family plans to live in the basement and the residents will occupy the rooms on the first level. He commented on the fact that she wants to double the number of residents and asked how traffic is handled on holidays and busy special occasions. Ms. Sana stated that the residents do not have lots of visitors and as far as on holidays and special occasions, she is sure that her neighbors have parties once or twice a year as well that generate some additional traffic.

COMMISSIONER GULSVIG asked how many times over the course of a year emergency services needed to be provided to the residents. Ms. Sana reported that she has had to call 911 three times in three years. She said the residents will be between the ages of 75 and 98 and at the current time the oldest resident is 88. Commissioner Gulsvig said that personally he does not see a problem with this and he has

a 92 year old and 95 old living with him and it works out just fine. She described the floor plan of the proposed house and stated that two residents can share a room.

In response to a question from the Vice Mayor, Ms. Sana stated that the residents do not venture out to the street, they sometimes spend time in the backyard and play cards, bingo and dominos. She said that they do not take the residents on outside excursions.

Discussion ensued relative to the fact that the owner will install an alarm system in the house; dogs are not allowed; the fact that the house will be ADA compliant and accommodate wheelchairs; the fact that the facility is required to have a fire sprinkler system and one has been installed; and the fact that two of the rooms are 11 feet by 11 feet in size and at the current time only one of the residents utilizes a wheelchair.

VICE CHAIRMAN FLANDERS stated that at this time he would like to hear from members of the audience regarding this issue.

Some of the following citizens spoke in opposition to the approval of the request and others with an asterisk simply wrote on their speaker cards that they did not wish to speak but are opposed to the request:

David Jones*	1594 E. Grand Canyon Drive
Steve Tomte*	1630 E. Yellowstone Place
Sandra Becker*	1937 E. Glacier Place
Terri Ruffino*	1937 E. Glacier Place
John Biasco*	1955 E. Grand Canyon
Roger Campbell*	1954 E. Grand Canyon Drive
William Branch*	1913 E. Zion Way
Linda Biasco*	1955 E. Grand Canyon
Jason Gratton	1512 E. Zion Way
Daoqiang Lli*	1653 E. Zion Way
Susan Campbell*	1954 E. Grand Canyon
Rob Robbin*	4052 S. Santell Drive
Sharon Semrau*	1835 E. Grand Canyon
Erik & Amy Clinite*	1912 E. Zion Way
T. & Kent Schwienke*	1873 E. Zion Way
Frank Chew*	1935 E. Grand Canyon
Edythe Garvey	1640 E. Yellowstone
J. Todd Davis	4046 S. John Way
Frank Watson	4072 S. Danyell
Paul Weinberger	43175 S. Cambridge Street
Jill Casperson	1557 E. Glacier Place
Sally Tomte	1630 E. Yellowstone Place
Scott McCauley	1905 E. Grand Canyon
Chris Gagne	4070 S. Melody Drive
Eric Butler	1642 E. Zion
Chris Tulley	1925 E. Grand Canyon

Speakers in opposition stated the following reasons for their concerns:

- Allowing a business in the neighborhood would constitute a direct violation of the CC&Rs;
- Property values will be lowered and the desirability of the neighborhood itself will be negatively impacted;
- Residence is located in close proximity to single entrance off of Ocotillo Road which will be a major arterial in future and may impact residents' safety;
- Increased traffic and noise (emergency vehicles, etc
- Testimonials are of marginal value because the other facility the applicant operates only has four residents;
- Home is way too small to house that many residents;
- Safety concerns regarding residents' close proximity to kitchen and impaired awareness which could result in harm;
- Lack of sufficient certified caregivers;
- Strong possibility that elderly residents will develop dementia and wander, create disturbances;
- Lack of parking;
- HOA is attempting to enforce a no on street parking regulation;
- Residents were not informed of the possibility of such a facility locating in their neighborhood;
- Strong neighborhood opposition;
- Concerns regarding the safety of children in the area and the facility's close proximity to a park;
- Detriment to selling their homes;
- House contains a steep stairwell and upstairs bathrooms will not accommodate wheelchairs;
- Importance of maintaining the quality of life in the area;
- Complaints about lack of notification and the notification process that was followed;
- Dispensing of medications should be conducted by a nurse or other medical professional;
- Buses or large vans coming in/out of the neighborhood transporting residents to various locations;
- Area is zoned for single family homes;
- Inappropriate for the area;
- Possibility of increasing the number of residents to ten.

In response to a request from **COMMISSIONER HEUMANN, MR. BROCKMAN** provided an explanation of CC&R's for the benefit of the Commission and the audience members. He said that for any property in the City located in a subdivision where there is a homeowners' association & CC&R's, that property is subject to two separate regulatory structures, the public regulations through the Zoning Codes and through any private restrictions that the developer put together and become part of the CC&R's that the residents agree to abide by. He said property owners have to be in compliance with both and added that although the City recognizes them, they do not enforce the private restrictions, only its own regulatory structure. He added that a homeowners' association would deal with the private restrictions.

COMMISSIONER HEUMANN said he wanted to clarify for the audience that whether the Commission votes for something this evening or not, the residents have a separate contract with their homeowners' association and their board will have to deal with them, no matter what happens at this meeting.

MR. KURTZ commented that all of the mailing notices are sent out based on the most current County listings and staff does whatever they can to add new residents to the list. He said that Fulton Homes have not stated a position on this matter.
VICE CHAIRMAN FLANDERS thanked all of the speakers for their comments and written input as well.

MS. SANA said they are not here this evening to discuss her ability to run the business or determine whether her license allows her to house that number of people. She stated that the State conducts inspections and oversee her operations. She said that the Health Department will measure all the rooms and doors and tell her how many residents she can house.

In response to a question from **COMMISSIONER GULSVIG** as to whether Ms. Sana read the CC&Rs prior to purchasing the home, she stated that she did. He asked whether the CC&R's prohibit home businesses in the neighborhood and she responded that the CC&Rs state that a person can run a business activity within the residence as long as the operation of that business activity is not apparent or detectable by signs or other methods. She noted that she will not have any signage. Commissioner Gulsvig commented that the Commissioners must base their decision on whether the criteria allows such a business to operate at that location. He added that this is a civil issues rather than a City issue and no matter what they decide, the citizens in the area can deny the use. He commented that he doesn't believe there should be any more than five residents living in that amount of space. He said he is not sure how he is going to vote on this issue.

MS. SANA said that when she purchased the home, she told Fulton Homes what her intention was and they did not have any concerns. She added that the home has an alarm system and residents will be restricted to the interior of the house and the backyard, they cannot open the door and leave the home. She said that the detached casita will not be used by the residents, the Health Department would not allow it.

VICE CHAIRMAN FLANDERS asked whether Fulton Homes was aware of Ms. Sana's intended business activity from the start and she responded that they were. She stated that she is licensed by the Health Department to dispense medications.

COMMISSIONER HEUMANN said he is familiar with similar CC&Rs and he does not believe that her use would be allowed in accordance with the CC&Rs and added that she only read a portion of the regulations.

COMMISSIONER IRBY stated that he came to the meeting this evening with the intention of approving the request although he did have some concerns regarding the number of occupants and discussed zoning regulations that were in place at that time. **MR. KURTZ** clarified that there is a difference in that this is a group home and differs from a home business. Commissioner Irby expressed concerns regarding the staff to patient ratio and said he is personally inclined to deny the application and having the applicant live within the guidelines of the existing code, four occupants.

COMMISSIONER GULSVIG concurred with Commissioner Irby's comments and said that after hearing all of the comments this evening, he cannot support the request.

COMMISSIONER HEUMANN stated that this is an emotional issue for the neighbors and group homes are needed in society today. He added that whether or not they belong in the middle of a

neighborhood is another questions. He noted that many good points were made this evening and he believes people need to go outside to exercise and get fresh air. He added that he has a concern with any developer who willingly and knowingly violates their own CC&Rs. He stated that he does not feel a facility with that many people in that size house at that location is inappropriate and he would not support the request.

VICE CHAIRMAN FLANDERS said he agreed with everything that has been said by the Commissioners. He stated that staff did a good job on their analysis but after listening to some of the residents and to the applicant he has concerns about the amount of people in that size house, particularly from a safety aspect. He noted that having elderly people in a neighborhood is not a bad thing, it is a good thing, but said the residents need to go outside for activities. He said he is inclined to deny the application as a result of the amount of residents and by right four are allowed so that is what should probably happen.

COMMISSIONER IRBY agreed that it is a necessary use and said he would like to see more elderly housed in residential neighborhoods. He expressed the opinion that the applicant should sit down with the neighbors to see if a compromise can be reached. He said he does not believe that her facility will meet the CC&Rs and allow even four residents to live there but noted that he is not an attorney, that is just his opinion. He encouraged the applicant to pursue this matter with her neighbors.

COMMISSIONER IRBY MOVED to deny UP04-0030 DESERT SPRING ADULT CARE and **COMMISSIONER HEUMANN SECONDED** the motion, which **CARRIED UNANIMOUSLY** by those present.

VICE CHAIRMAN FLANDERS informed the applicant that the Commission is a recommending body and will forward their recommendation on to the Council. He noted that the Council will hear this item on April 28th and said she will have the opportunity to plead here case at that time. He added that the residents are also encouraged to attend and provide their comments. He thanked everyone for their attendance.

6. DIRECTOR'S REPORT

Mr. Kurtz reminded the Commission of the Planning and Development Spring Picnic on Wednesday, April 13, 2005.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is April 20, 2005 at 5:30 p.m. in the Council Chambers.

8. ADJOURNMENT

The meeting was adjourned at 8:44 p.m.

_____
Michael Flanders, Vice Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 20, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:39 p.m.

2. Pledge of Allegiance led by Vice Chairman Flanders.

3. The following Commissioners answered Roll Call:

   Chairman Phil Ryan
   Vice Chairman Michael Flanders
   Commissioner Jeanette Polvani
   Commissioner Rick Heumann
   Commissioner Mark Irby
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Also Present:

   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Ms. Kim Clark, Planner
   Mr. Joshua Cook, Planner
   Mr. Kevin Mayo, Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY VICE CHAIRMAN FLANDERS, SECONDED BY COMMISSIONER HEUMANN to approve the minutes of the April 6, 2005 meeting. MOTION WAS APPROVED UNANIMOUSLY (7-0).

5. CONSENT AGENDA ITEMS

   CHAIRMAN RYAN stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the Consent agenda. He explained that the Consent agenda would have one motion for approval. He read the following items that were on the Consent agenda: item B, Renaissance ClubSport Hotel; item D, Sam's Club; item E, Wal-Mart Supercenter; item F, Qwest-Chandler/Galveston; item G, KLB Construction; item H, David L. Christensen; and item I, Chino Bandido. Chairman Ryan asked the audience if there were any items that they wished to have pulled. There was no response.

   CHAIRMAN RYAN asked **JEFF KURTZ, CURRENT PLANNING MANAGER,** to read into the record the additional stipulations.

   B. PDP05-0003 Renaissance ClubSport Hotel

   1. ***Additional parking lot landscape planters and taller date palms and trees shall be provided along the front of the building at Frye Road.***
   2. ***The applicant shall work with staff to include metal awnings or canopies at the upper floor windows to provide additional architectural relief and shade.***

3. ***Outside storage on balconies shall be prohibited.***
4. ***Additional trees spaced at a minimum of 20 ft. on center shall be planted along the perimeter of the parking structure.***

G. <u>UP05-0011 KLB Construction</u>

3. ***A fuel containment area shall be provided in accordance with State and Federal laws.***

Mr. Kurtz stated that concluded the additional stipulations. When asked if there were any comments, Vice Chairman Flanders asked Mr. Kurtz if he had checked with the applicant with regard to the valet services for the Renaissance ClubSport Hotel. Mr. Kurtz said that there definitely would be valet services for the condo owners.

COMMISSIONER IRBY asked if there was a resolution on the color of the upper level for the Renaissance ClubSport Hotel. Mr. Kurtz stated that the brown had been changed to a champagne color. Commissioner Irby said that he preferred the darker color, as the lighter color made it seem to disappear.

COMMISSIONER HEUMANN stated that it might be better to make a stipulation that the applicant shall work with staff regarding the color. He felt that the champagne color was better than the darker color. **COMMISSIONER IRBY** said that it should be resolved before going to City Council.

CHAIRMAN RYAN asked Mr. Kurtz if the color is a part of the colors that is being used on the Chandler Fashion Mall. Mr. Kurtz explained that the color is in the family of colors and was the exact color that was being used on the windows of the hotel.

COMMISSIONER IRBY commented that he felt the item should be kept on consent and that a stipulation be added that the applicant work with staff on the final color resolution for the upper level prior to going to City Council so that it gets final approval. He said he felt that the darker color helped the building overall and felt that the lighter color made the top of the building fade away.

MR. KURTZ stated that he could include that as stipulation no. 9.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated that type of stipulation was not appropriate. To direct staff to address something before it goes to Council was not appropriate as a stipulation. He went on to say that Commission was proposing a stipulation that was a direction to staff as to what they should do before they go to Council. He said that should not be a part of the stipulations for the approval of the item.

CHAIRMAN RYAN commented that he didn't really follow the idea behind that, but they would eliminate that part of the stipulation that required staff to resolve this matter before going to City Council.

COMMISSIONER HEUMANN stated he understood what Counsel meant and that it was putting a lot of pressure on staff to come up with something in two weeks.

VICE CHAIRMAN FLANDERS stated for the record that he had a conflict on items D and E as he is employed by the architect of record.

COMMISSIONER HEUMANN commented that he wanted to clarify that item E, Wal-Mart Supercenter, was for a liquor permit for an existing center that was approved earlier and that there was not a new Wal-Mart Supercenter going in anywhere. He said he had received a few calls on that.

B. PDP05-0003 RENAISSANCE CLUBSPORT HOTEL

APPROVED, request for Preliminary Development Plan amendment to modify the existing approved hotel to add a parking deck and two additional stories (floors) for condominium units for a total 10-story hotel. The property is located at the southwest corner of Frye Road and the Price Freeway (Loop 101).

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Renaissance ClubSport", kept on file in the City of Chandler Planning Services Division, in File No. PDP05-0003, except as modified by condition herein.
2. Completion of the construction of all required offsite 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 detail, and design manuals.
3. Sign packages, including free-standing signs as well as wall mounted signs, shall be designed in coordination with landscape plans, planting material, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape material.
4. The Galleria Way driveway shall be restricted to right in-right out movements only, or as otherwise approved by the Public Works Director.
5. **Additional parking lot landscape planters and taller date palms and trees shall be provided along the front of the building at Frye Road.**
6. **The applicant shall work with staff to include metal awnings or canopies at the upper floor windows to provide additional architectural relief and shade.**
7. **Outside storage on balconies shall be prohibited.**
8. **Additional trees spaced at a minimum of 20 ft. on center shall be planted along the perimeter of the parking structure.**

D. UP05-0020 SAM'S CLUB (SANTAN GATEWAY)

APPROVED, request for Use Permit approval to sell liquor (Series 9 Liquor Store License – All Spirituous Liquor) at a new retailer within the Santan Gateway commercial retail development. The property is located at the northeast corner of Arizona Avenue and Willis Road.

1. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
3. The Use Permit is granted for a Series 9 license only and any change of licenses shall require re-application and new Use Permit approval.
4. The Use Permit is non-transferable to other store locations.

E. UP05-0021 WAL-MART SUPERCENTER (SANTAN GATEWAY)

APPROVED, request for Use Permit approval to sell liquor (Series 9 Liquor Store License – All Spirituous Liquor) at a new retailer within the Santan Gateway commercial retail development. The property is located at the southeast corner of Arizona Avenue and Pecos Road.

1. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
3. The Use Permit is granted for a Series 9 license only and any change of licenses shall require re-application and new Use Permit approval.
4. The Use Permit is non-transferable to other store locations.

F. UP05-0004 QWEST – CHANDLER/GALVESTON

APPROVED, request for Use Permit approval to expand an existing utility building within an Agricultural (AG-1) zoning district. The proposal is for a 1,250 square foot addition to a 1,740 square foot telephone switching facility. The building is located at 2850 W. Galveston Street.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet entitled "Qwest Chandler/Galveston Central Office Building Addition" kept on file in the City of Chandler Current Planning Division, in file No. UP05-0004, except as modified by condition herein.
2. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
3. All mechanical equipment shall be completely screened by solid masonry walls or building parapets equal to or taller than the equipment height.
4. All exterior light fixtures shall be decorative to enhance the property's residential look.

G. UP05-0011 KLB CONSTRUCTION

APPROVED, request for Use Permit to allow the installation of two 5,000-gallon fuel tanks to be used for refueling company vehicles. The subject property is located at 401 N 56th Street.

1. Development shall be in substantial conformance with exhibits submitted as part of this application and shall be kept on file in the City of Chandler Planning Services Division, in File No. UP05-0011.
2. Landscaping along 56th Street shall be installed according to requirements found in Zoning Code Section 35-1903. A landscape plan shall be submitted to Staff for review prior to installation.
3. **A fuel containment area shall be provided in accordance with State and Federal laws.**

H. UP05-0017 DAVID L. CHRISTENSEN

APPROVED, request extension without expiration of a Use Permit for a law office within a Single Family (SF 8.5) Zoning District in accordance with the City of Chandler's Residential Conversion Policy. This use has been allowed by Use Permit since 1992 at its current location of 484 W. Chandler Boulevard.

1. Substantial conformance with the attached exhibits (Narrative, Site Plan, Floor Plan and Signage).
2. Expansion or modification beyond the Site Plan and Floor Plan shall void the Use Permit.
3. The Use Permit may not be transferred to any other individual or entity not occupying the home as living facilities.

I. UP05-0013 CHINO BANDIDO

APPROVED, request for Use Permit approval to sell liquor (beer & wine) for on-premise consumption only within a restaurant (Series 12 Restaurant License). The subject property is located at 1825 W. Chandler Boulevard.

1. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
3. The Use Permit is granted for a Series 12 license only and any change of licenses shall require re-application and new Use Permit approval.
4. The Use Permit is non-transferable to other store locations.

MOTION BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER IRBY, TO APPROVE THE CONSENT AGENDA with the additional stipulations as read into record by staff. Motion was approved 7-0 with Vice Chairman Flanders abstaining from voting on items D and E.

ACTION:

A. PDP04-0029 PAD 1 AT THE PROVINCES

Request Preliminary Development Plan approval to construct a 10,200 square foot retail building on a 1.82-acre pad within an existing 18.9-acre shopping center at the northeast corner of McQueen Road and Ray Road. The property is zoned Planned Area Development (PAD).

KIM CLARK, PLANNER, stated that the request was for Preliminary Development Plan approval to construct a 10,200 square foot retail building within an existing 18.9-acre shopping center at the northeast corner of McQueen Road and Ray Road. The proposal is for a deviation from an existing site plan that was approved in 1998. The current proposal is for one building instead of two, to be divided into 8 retail suites. Ms. Clark stated that architecturally the building is compatible with the existing site. She stated that during Study Session many items had been discussed including the layout of the site. She said that there were concerns with the location of the drive-thru along the McQueen Road frontage, about the building orientation within the center, the distribution of parking throughout the center, the traffic flow due to the one-way drive that was established, and architecturally the size of the grid that's on the tower.

Ms. Clark stated that the frontage had been laid out in layers with a parking screen wall in front of the parking, a screen wall in front of the drive-thru, some landscaping and an additional colonnade that makes the rear of the building appear to be more integrated into the site. This site was laid out to keep the retail suites together so as not to separate this building from the entire site. Staff recommended approval of this request.

1. Compliance with the original stipulations adopted by City Council as Ordinance No. 1377, in case Z84-49 THE PROVINCES, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council in case PL98-0006 SAFEWAY AT THE PROVINCES, except as modified by condition herein.
3. Development shall be in substantial conformance with Exhibit A, Development Booklet entitled "Pad 1 at The Provinces" kept on file in the City of Chandler Current Planning Division, in file No. PDP04-0029, except as modified by condition herein.

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. All mechanical equipment and appurtenances shall be concealed and screened from view. Solid parapets are acceptable for screening, provided the height shall be equal to or higher than, the highest point on the mechanical equipment.
6. The total of all signs for each tenant shall not exceed two square feet for each linear foot of suite frontage.
7. Any missing or dead landscaping along the McQueen Road and Orchid Lane street frontages will be replaced with this development.
8. All screen walls, including both the parking and drive through screen walls, are to match the existing parking screen walls used throughout the center.

CHAIRMAN RYAN asked if there were any questions of staff. There were none. He asked the applicant to step forward. Chairman Ryan asked the applicant if he had attended the Study Session. The applicant said that he had.

JOE MURRAY, 1555 E. ORANGEWOOD AVENUE, stated that he is one of the project architects for the development. He stated that he wanted to speak about the drive-thru location and the reasoning. He said that they located the drive-thru at the present location to internalize any traffic conflicts on the McQueen side and to take advantage of the parking where the existing shops are located. He said that on the original approved plan there would have been severe under-parking causing congestion. He stated that they created a one-way lane, placed the drive-thru on the other side and pulled the building down to help utilize the parking that is at the bottom end of the site that is typically unused by the rest of the center where the Safeway is at. He went on to say that with regard to the issue with the menu board, they could relocate the menu board if they could raise the height of the screen wall. He said they could rotate the menu board so it would be further down toward the queuing. He stated that currently his client was talking to Starbucks at this end of the site and that was another reason they wanted a longer queuing area and on this particular corner of the site.

CHAIRMAN RYAN asked the applicant if there was a current user for this site. Mr. Murray stated that there was not officially; however, his client was working with Starbucks as the user for the endcap. There was not a signed contract as yet.

CHAIRMAN RYAN asked the applicant to explain further with regard to the menu board and the screening. Mr. Murray said that the menu board had to be placed at its current location to get it away from McQueen Road. He said that they are proposing is to relocate the menu board (around the corner on the west side) and to increase the screen wall to help with some of the traffic.

CHAIRMAN RYAN said that by so doing, the queuing would be reduced by less than 120 ft., which is below what the City allows. Mr. Murray said that they were only trying to address the issue of the menu board being too close to the pick up windows.

COMMISSIONER GULSVIG said he was still very concerned about the flow pattern of the traffic. He said that if you look at the entrance into that drive thru queue, you would either come in off Orchid Lane or off McQueen Road and cross over the egress and exit way from the drive thru area. He said that there's a lot of traffic that passes Rosatti's Pizza, and it seemed like it would become

very congested. He went on to say that there would be quite a bit of traffic in the morning and evening, especially if the user were Starbuck's.

Mr. Murray stated that they were open to suggestions on a better location for the drive thru. He said that the original plan was not working, and with the current plan its far user-friendlier with better circulation.

COMMISSIONER GULSVIG questioned who the other tenants would be in the retail center. Mr. Murray said that it was basic convenience retail, but would most likely be smaller 'mom and pop' stores as opposed to national chains.

COMMISSIONER ANDERSON commented that the 48" wall was a comfortable height without creating an alleyway. He asked Mr. Murray if it was possible to get a 48" high menu board (or less) that was also freestanding. Mr. Murray said that it was a possibility, and if it became a stipulation, they would work within that. Commissioner Anderson said that, in looking at the site plan, if the site plan works and the menu board were flipped around while still maintaining the 120 ft., they could lose a couple of parking spaces, pull the screen wall out further, and pull the taper to the north. He said this could easily be achieved. Mr. Murray said that that was conceivable.

COMMISSIONER HEUMANN stated that he had a concern with the traffic flow through the center. He also had a concern with creating an alleyway or tunnel should the wall go over 48" in height. Another concern was the landscaping along the McQueen Road side of the building. He stated that it wasn't in a true landscape setting. He also stated that the configuration of the drive thru appeared as though it was being forced to work. He said he had concerns with the drive thru, especially if the user is Starbucks.

COMMISSIONER RYAN asked staff what the setback was along McQueen Road. Ms. Clark stated that the building setback was 50 ft. and the landscaping setback was 20 ft. She stated that the applicant is in compliance with the setbacks.

COMMISSIONER RYAN went on to comment that he had driven through various centers where there are two or three drive-thrus, and that they tend to really get jammed up around noon and in the evening hour, as well as bottlenecking the entrances into the shopping center. He said that when he looked at the site plan, he saw a lot of problems. If the stacking exceeded the stacking space and went into the driveway space then there would be no way out and everyone would be jammed in. He also had a concern with the parking spaces (along the west side of the building). He was worried they would not be able to get out due to the stacking. He said he wasn't sure exactly what it was, whether it was the square footage of the building was too much, or if it was not an appropriate site plan, or the drive thru wasn't going to work the way it was, but he wasn't comfortable the way it was at the present time.

COMMISSIONER IRBY stated that in some ways he didn't really have that big of a problem with the drive thru in the present configuration. He felt that the parking along the McQueen Road side of the building as being employee parking, and that customers would be parking in the front of the stores, which would be to the east. He felt that as stacking gets backed up, and if it backs up into the one way drive, he didn't believe that it would bother the circulation that badly. He did have a concern though with the exit out of the drive thru. He felt the vehicles turning right out of the drive thru would have to make a sharp right turn to get out. He said that it would mean that they would have to make a wide turn, which would mean they would turn into oncoming traffic as it comes off McQueen. His

suggestion was to shorten the building up to make more room to achieve a more perpendicular connection to the drive that it empties out into.

Another concern of Commissioner Irby was the building's architecture. He felt the metal grid was going to be too large for the building. He suggested the grid tighten up and broken down to less than four openings. Mr. Murray stated that that was not a problem.

COMMISSIONER IRBY went on to say that he felt the biggest problem was that the employees needed to be forced to park along the McQueen Road portion of the site. He felt that to get the drive thru to function correctly, the building needed to be shortened up a bit. Mr. Murray stated that shortening up the building would be economically difficult for the client because they were trying to maximize square footage. He also stated that they were trying to possibly get two restaurant tenants in the center. He said that they could widen out the radius on the end of the exit of the drive thru. He felt pulling the queuing lane out further and losing a parking space or two was not a problem, as long as they were still within the city ordinance. Commissioner Irby said that having the menu board so close to the pick-up window would be a big problem if this site happened to become a Starbucks. He felt that losing a few parking spaces, lengthening the queuing lane, and moving the menu board around would help out a lot. Commissioner Irby also felt there should be more work done on the drive thru exiting to achieving a better turn out.

COMMISSIONER GULSVIG stated that he had a concern for those people who would be parking in the spaces along the McQueen Road side that there didn't seem to be any pedestrian path and that they would be crossing traffic to get to the building. He felt that it would be a potential problem and that it seemed that the parking was put in as an afterthought. Mr. Murray said that it was their intention that the parking spaces along the McQueen Road side be designated for employee parking. They wanted the parking and the drive thru to be internalized on the McQueen Road side of the site.

VICE CHAIRMAN FLANDERS stated that with this site plan's entry points, it's bringing the traffic in off Orchid Lane or McQueen Road and feeding into a drive lane on-site. He said he did not have a problem with that. He said he agreed with the additional queuing. He also remarked that he agreed with the exiting (as had been sketched out during discussion) as it provided more of a screening opportunity for the outside sitting area. He felt that the parking along McQueen Road was intended as employee parking, and that they would find a way to get into where they were working and that hopefully the people driving through this area would let them cross. He went on to say that in general he felt there was good separation from the drive thru lane from the main parking fields along Orchid Lane. He said he agreed with the applicant and some of the Commissioners regarding the queuing.

COMMISSIONER HEUMANN questioned the applicant about the second restaurant. Mr. Murray said that due to the square footage that is allowed, it would not be a high turnover restaurant. He stated it was to give the client the opportunity in the future for a small restaurant in this site. Commissioner Heumann stated that the original plan was for two buildings and was more conducive for patios. He stated that this patio was for the (potential) Starbucks. However, now there was talk about another patio. Mr. Murray stated that most likely another restaurant user would go on the north end of the site where there is over 1,500 sq. ft. of hardscape and a tower element. He said that area could be potential patio space, a little smaller than what is planned for at the south end of the site. He stated that the endcap on the south end was planned for a more major restaurant use. That was the purpose for the larger outdoor eating area. Commissioner Heumann said that he didn't understand the patio being placed next to the drive thru, especially due to the exhaust fumes. Mr. Murray stated that

it is a requirement of Starbucks when there is a drive-thru, but said that he did understand Commissioner Heumann's concern.

CHAIRMAN RYAN asked if there was anyone in the audience that wished to speak on the item. There was no response from the audience.

CHAIRMAN RYAN said that there seems to be a lot of concerns with this site. He felt that with a site plan of this size, there is either just one drive thru restaurant or a sit down restaurant, and he felt that this was the problem, that it was too intense. He said that he personally wanted to see the plan go to design review.

COMMISSIONER HEUMANN stated that there were a number of issues such as traffic patterns and architectural issues. He felt it would be the best idea to take the plan to design review and work through some of the issues. Chairman Ryan stated that he hated to see this go to design review and try to force it. He felt that elongating the drive-thru was not going to be the total solution. When reducing square footage in the building you also reduce the need for some of the parking spaces, which frees up some open space.

COMMISSIONER IRBY said that he could approve the site plan with stipulations, but if the other Commissioners wanted to work out the details in design review, that it was fine with him.

MOTION BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER GULSVIG, to refer PDP04-0029 PAD 1 AT THE PROVINCES to design review and continue the case to the June 15, 2005 Planning And Zoning Commission meeting. **THE MOTION WAS APPROVED UNANIMOUSLY.**

C. DVR04-0059 SUMMIT AT CHANDLER HEIGHTS

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval on approximately 6.7-acres for the construction of an Office and Retail development located at the southeast corner of Alma School and Chandler Heights Roads.

KEVIN MAYO, PLANNER, stated that this was a request for rezoning from Agricultural District to Planned Area Development with PDP for the construction of an office and retail development on approximately 6.7 acres located at the southeast corner of Alma School and Chandler Heights Roads. Mr. Mayo stated that staff is now recommending denial based on changes that evolved with the project that resulted in code deviations. The case went before the Planning Commission on March 2nd, and was recommended to go to design review, which occurred on March 22nd. Mr. Mayo went through the changes that had occurred resulting in staff's denial.

Mr. Mayo stated that originally the site plan called for five buildings. There are now six buildings. Originally, there was a total of 37,346 sq. ft, and it has now increased by a little over 3,700 sq. ft. to just over 41,000 sq. ft. The first code deviation is parking. Initially the project did comply with code. Code requires 5.5 parking spaces per 1,000 sq. ft. of building area. Based on the original square footage, it would have required 201 spaces, and they provided 210 spaces. With the increase in square footage now, code would require 226 parking places and the proposal only includes an additional four spaces for a total of 214 spaces. Mr. Mayo went on to explain that the commercial design standards with the code differentiate commercial centers when they're under 10 acres or greater than 10 acres. This site being under 10 acres is parked higher than what a larger center would be parked. For the reason of overflow parking, the smaller centers do not have the ability to have the cushion to absorb

parking intensive uses that can evolve over time. If there was a series of parking intensive uses, it would wipe out the parking lot, which is why staff recommended that it meets the parking standard. He pointed out that during the Study Session a Commissioner asked how much square footage it would require to remove the parking deficiency. Mr. Mayo said that Pad A along Chandler Heights Road had been placed at a 30 ft. setback. On an arterial street the required setback is 50 ft. Therefore, this was a code deviation that staff does not support. He said that if the Pad were brought back to the 50 ft. building setback it was estimated that approximately 11 spaces would be lost out of the 214. To be compliant, the applicant would have to reduce 4,200 sq. ft. If the pad remains where it is, it is only approximately 2,000 sq. ft. that would need to be reduced to make the project in compliance with code.

Mr. Mayo went on to say that other things that had evolved, which weren't as major, was the berming, which was required for screening the basins, had been placed in the right-of-way, but noted that that could be adjusted. In addition, the parking lot layout had evolved and staff felt it was problematic and not efficient, but could be worked with.

Mr. Mayo stated that the commercial design standards were created to foster creativity. Based on that creativity deviations from code had been granted in the past. With the 50 ft. building setback on Chandler Heights Road, staff did not feel that there was a design warrant to merit the 20 ft. departure from code. He went on to say that if the Commission desires and the direction is to approve the case, staff has stipulations that could be utilized for approval. Mr. Mayo stated that staff recommended denial based on the code deficiencies.

COMMISSIONER HEUMANN commented on the right-of-way issue on Chandler Heights Boulevard and asked whether the roadway was designed for four lanes, two in each direction. Mr. Mayo responded that the road is currently two lanes in each direction. Commissioner Heumann asked whether the City's Master Plan reflects further expansion and Mr. Mayor stated that he does not believe it does. He added that the setbacks would be planned from future right-of-way but he does not believe it is planned to go any higher than it currently is.

TIM REARDON, 6221 Riverside Drive, Dublin, Ohio, representing the applicant, commented that during the design review process a lot of changes were made. He said they tried to take into account all of the recommendations provided by the Commissioners. He added that they are willing to make some adjustments regarding the square footage but added that being in the setback 20 extra feet breaks the building up from the other building. He indicated their willingness to abide by the wishes of the Commissioners, whether that be to pull it back and just line it up, they can do that and just drop some square footage.

CHAIRMAN RYAN said that he told Mr. Reardon during the Study Session that they have the ability to vary from the setbacks and some hard line Code requirements that would normally impact the site, but because they are going though a PAD, they have the ability to vary from that. He commented that staff is saying this is not a unique enough project to vary from those Code items and stated that he disagreed with that opinion. He added that if they move Pad A back, it might actually take away from the look instead enhancing the look. He said he believes the proposal represents a huge improvement, but he was unaware of the increase in square footage until the issue was brought up during the Study Session. He commented that some of the centers, with all their different users, especially businesses like small sandwich shops and coffee shops, might dictate that they keep the parking to the required ratio.

MR. REARDON responded that they would be willing to do that.

CHAIRMAN RYAN said he would like to see that done and agreed that the office ought to come into a little more design conformance with the retail center. He expressed the opinion that it makes sense to do that. He stated that overall, he is pretty happy with the proposal. He expressed appreciation to the applicants and the architects for their hard work and willingness to work with the Commission.

COMMISSIONER IRBY concurred with Chairman Ryan's remarks and said that moving Building Pad A back takes away from the artistic and aesthetic value that the landscaped setting provides. He recommended that they take Building Pad A and reduce it by one bay and try to "double load" the entry drive off of Chandler Heights. He estimated that they could pick up possibly six cars right there. He added that he doesn't believe they really need the north/south drive connection between the office and the retail pad and if they take the parking spaces that are currently the driveways that are running east and west, the believes they will lose seven cars when they "punch" through there, but will pick up enough cars to possibly net another eleven cars without destroying the flow. He said he thought the project would still look pretty nice. He added that by doing that, he believes they will comply with the City's preferred ratio and might even gain more than that by the time they are done.

MR. REARDON commented that they would be willing to follow that recommendation.

COMMISSIONER IRBY stated that overall, he believes they have done a very nice job and will have a much better and more successful long-term project than originally planned because they were willing to listen and take into account the suggestions that were provided.

VICE CHAIRMAN FLANDERS concurred with Commissioner Irby's recommendation and said he believes they will be able to achieve what staff is looking for as far as the parking if they proceed in this manner. He added that as far as the site plan and building design, he appreciates the fact that they have worked so hard to turn the project into a really nice project. He thanked them for their hard work.

COMMISSIONER HEUMANN asked for clarification of Commissioner Irby's comment regarding eliminating the north/south drive on the eastern boundary. Commissioner Irby passed along his drawings, which depicted his idea, and said that he would give them to staff as well so they can see what he is talking about.

COMMISSIONER ANDERSON agreed that the project has improved substantially and expressed appreciation to the applicants for their willingness to compromise. He added that he agreed with Commissioner Irby's statements and said that he believes his suggestions make a lot of sense. He stated that he is not opposed to the variation in the set back and expressed the opinion that it provides good variety along Chandler Heights.

CHAIRMAN RYAN commented on the importance of ensuring that the motion contains all of the inclusions. He added that he wanted to make sure that the architectural style of the offices blends with the retail part of the project.

COMMISSIONER HEUMANN said he believed that staff would have to read in all of the stipulations that weren't in the packet. He added that this would be a good place to begin and then perhaps one of the "drawers" could make a motion.

MR. MAYO stated that the following are stipulations regarding DVR04-0059, Summit at Chandler Heights:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled " Summit at Chandler Heights," kept on file in the City of Chandler Current Planning Division in File No. DVR0004-0059, except as modified by conditions herein;
2. Right-of-way dedications to achieve full height and width for Alma School Road and Chandler Heights Road, including turning lanes and deceleration lanes per the standards of the Chandler Transportation Plan;
3. Future median openings shall be located and designed in compliance with the City adopted Design Standards, Technical Design Manual #4;
4. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association;
5. Approval by the Director of Planning & Development of plans for landscaping, open spaces and rights-of-way and perimeter walls;
6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, plants and materials, storm water retention requirements and utility pedestals so as not to create problems with sign visibility or prompt the removal of the required landscaping materials;
7. Construction shall commence above foundation walls within three 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 what is scheduled for development or take legislative action to cause the property to revert back to its former zoning classification;
8. Completion of the construction, where applicable, 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;
9. Signage facing adjacent residential homes shall be non-illuminated;
10. The monument signs' sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign;
11. Late hour business occupancies, as defined by policy, (Resolution #3801), shall be prohibited;
12. The hours of operation shall be limited to 11 p.m.;
13. Perimeter landscaping shall be installed in Phase 1.

MR. MAYO stated that the balance of the stipulations get into the adjustments of the current plan and read them as follows:

14. The applicant shall work with staff to adjust the parking lot layout to provide a more efficient parking layout as well as additional parking;
15. (Mr. Mayo prefaced this stipulation by stating that the original submittal that came forward on March 2nd, included elevations for the fast food restaurant (Retail Pad B) but said they are not included in this submittal. He said they could either keep it out of the PDP approval or have a stipulation that states "*the applicant shall work with staff to develop elevations for Pad B (restaurant) consistent with the elevations proposed on the balance of the center.*"
16. Mr. Mayo said that in response to a Code deviation on the current plan, *"the landscaping berms shall be adjusted to be located outside of the right-of-way*;
17. The cornice detail at the top of the retail buildings shall be replicated upon the office buildings;
18. The applicant shall work with staff to reduce the overall square footage to comply with the parking requirements of the Code.

CHAIRMAN RYAN complimented Mr. Mayo on his summation of the stipulations. He commented on the fact that the applicant does not have a user for the drive through restaurant at this time and said they can vary dramatically from user to user. He said he believes they just want to conduct a conceptual review at this time. He added that the site plan could be "tweaked" just a bit as well. He stated that the Commissioners appear to agree on this point and if the applicant also agrees then that is how they will proceed, granting PAD approval on the office and retail portion and conceptual approval on the drive through restaurant.

In response to a question, **MR. MAYO** discussed Stipulation #16 and said that the stipulation is merely a Landscaping Code requirement. He said that the berms are located outside of the rights-of-way so that any work that occurs in the rights-of-way doesn't affect the berms. He added that staff will be able to work with the applicant to adjust the landscaping.

VICE CHAIRMAN FLANDERS asked whether the stipulations include language that would prohibit the 30-foot setback dimension on Pad A. Mr. Mayo responded that it is his understanding that the 30-foot setback will remain as is and added that he did not read a stipulation that would require the applicant to move that to the 50-foot setback. He said there was just an adjustment to the square footage to comply with parking code requirements.

MOTION BY VICE CHAIRMAN FLANDERS, SECONDED BY COMMISSIONER IRBY, to **APPROVE** DVR04-0059 Summit at Chandler Heights with the stipulations outlined by staff. **THE MOTION CARRIED UNANIMOUSLY**.

6. **DIRECTOR'S REPORT**

There was no report.

7. **CHAIRMAN'S ANNOUNCEMENT**

The next regular meeting is May 4, 2005 at 5:30 p.m. in the Council Chambers. Chairman Ryan asked Mr. Kurtz if the next meeting was election of the officers. Mr. Kurtz stated that it was.

8. **ADJOURNMENT**

The meeting was adjourned at 6:43 p.m.

_____
Phil Ryan, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 4, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:35 p.m.

2. Pledge of Allegiance led by Commissioner Anderson.

3. The following Commissioners answered Roll Call:

   Chairman Phil Ryan
   Vice Chairman Michael Flanders
   Commissioner Jeanette Polvani
   Commissioner Rick Heumann
   Commissioner Mark Irby
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Also Present:

   Mr. Glen Van Nimwegen, Asst. Planning & Development Director
   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Ms. Kim Clark, Planner
   Mr. Joshua Cook, Planner
   Mr. Kevin Mayo, Planner
   Ms. Jodie Novak, Planner II
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Kim Gehrke, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER HEUMANN, SECONDED BY VICE CHAIRMAN FLANDERS to approve the minutes of the April 20, 2005 meeting. MOTION WAS APPROVED UNANIMOUSLY (7-0).

5. ELECTION OF OFFICERS

   MOVED BY CHAIRMAN RYAN, SECONDED BY COMMISSIONER HEUMANN, to nominate Vice Chairman Flanders as Chairman of the Planning and Zoning Commission. The motion was approved unanimously (7-0).

   MOVED BY CHAIRMAN FLANDERS, SECONDED BY COMMISSIONER IRBY to nominate Commissioner Heumann for Vice Chairman. The motion was approved unanimously.

6. CONSENT AGENDA ITEMS

   CHAIRMAN FLANDERS stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the Consent agenda. He said that if anyone in the audience wanted to pull any of the items to the Action Agenda to raise their hand. There was no response. Chairman Flanders asked Mr. Jeff Kurtz, Current Planning Manager to read the Consent items with the additional stipulations.

MR. JEFF KURTZ, CURRENT PLANNING MANAGER, stated that the first item on the Consent agenda was Valencia, a rezoning on property located at the intersection of Chandler Heights and Lindsay Roads. He stated that there were no stipulations. He further stated that Items B and C, were on the Action agenda. Item D, a liquor Use Permit for QuikTrip was on the Consent agenda with no additional stipulations; Item E, Adult Senior Daycare was continued to the July 6th meeting agenda; and Item F, Desert Sage Herbs Holistic Center had a revised stipulation and one new stipulation for consideration by the Commission.

Mr. Kurtz stated that condition no. 1 for UP04-0046 Desert Sage Herbs Holistic Center was revised to a two-year time limit as opposed to a one-year time limit. Additionally, for condition no. 4, the landscaping is required to be installed within 6 months; condition no. 5, the decorative screen wall for the parking area is required to be installed within one year; and lastly, condition no. 8, a new stipulation,

8. "The applicant shall work with Staff to upgrade the monument sign to make it more identifiable."

Mr. Kurtz commented that the applicant is in agreement with the stipulations.

CHAIRMAN FLANDERS stated that according to his notes the liquor Use Permit for QuikTrip was shown to be on the Action agenda. Mr. Kurtz stated that that was fine.

A. DVR05-0008 VALENCIA II

APPROVED, Request rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) amended to eliminate a zoning condition requiring copper supply plumbing for a residential subdivision located on approximately 206 acres at the southwest corner of Chandler Heights Road and Lindsay Road.

(Planning Commission recommended approval to eliminate the zoning stipulation (Condition No. 17) requiring copper plumbing water supply plumbing for houses.)

E. UP04-0061 ADULT SENIOR DAYCARE FACILITY

Request Use Permit approval to provide day care for senior adults within a residential house converted for office use. Also requested is a Use Permit extension for the office use. The subject property is located at 420 W. Chandler Boulevard. **(CONTINUED TO JULY 6, 2005 PLANNING AND ZONING COMMISSION MEETING AGENDA.)**

F. UP04-0046 DESERT SAGE HERBS HOLISTIC CENTER

Request Use Permit approval to allow retail sales and personal services within the Planned Commercial Office (PCO) zoning district. The property is located at 1728 North 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 Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. Development shall be in substantial conformance with exhibits and representations.
3. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
4. Landscaping shall be installed within 6 months and in compliance with current Commercial Design Standards.

5. The applicant shall work with Staff to provide a decorative screen wall for the parking area within one (1) year.
6. Re-stripe existing parking spaces and provide for a handicap parking space in compliance with site development requirements.
7. Monument signage shall be in compliance with the Sign Code and obtain a sign permit. Wall-mounted building signage including windows signs and banners is not permitted.
8. The applicant shall work with staff to upgrade the monument sign making it more identifiable.

COMMISSIONER IRBY stated for the record that he would abstain from Item C, DVR04-0049 QuikTrip-Chandler Blvd. & McQueen Road, and Item D, UP05-0019 QuikTrip-Chandler Blvd. & McQueen Road, as QuikTrip was a client.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER RYAN, TO APPROVE THE CONSENT AGENDA subject to the conditions stated. Motion was approved 7-0.

ACTION:

B. PDP04-0028 OCOTILLO PROFESSIONAL BUILDING

Request Preliminary Development Plan approval for a 13,314 square foot medical and office building located on 1.78 acres at the northwest corner of Alma School Road and Sandpiper Drive.

MS. KIM CLARK, PLANNER, stated that the request was for a 13,050 sq. ft., 2-story building for medical and general office uses. She explained that the request was previously heard by the Planning and Zoning Commission on April 6, 2005. At that meeting the case was directed to the Design Review Committee, which met on April 13, 2005. At the Design Review meeting, it was expressed that the building's architecture and materials were not consistent with the existing community. Ms. Clark said that the applicant responded that they had matched the colors of The Falls at Ocotillo and had also incorporated stucco to match. She went on to say that another major issue had been the color of the glass on the north wall. Ms. Clark stated that the applicant had revised the materials to include a more reflective sample that was still blue in color. Blue was used to emphasize the existing lake. Landscaping was also discussed in terms of the tree size along the street frontages. She said that a stipulation had been added to ensure that the size of trees along the street frontages complied with the Commercial Design Standards. Signage was reviewed as well as the sign had been made shorter per the requirements of the Ocotillo Association. Ms. Clark stated that staff is in support of the request as this site had been thoughtfully designed to fit into an irregular site configuration. She said that while the architecture consists of different building forms typically found within this area of the city, staff felt the applicant made an effort to integrate the colors and materials with the existing buildings in the area. The site layout and architecture emphasizes the presence of the existing lake and articulates diversity within the community. Ms. Clark went on to say that the challenge of designing around three street frontages had been met and resulted in an attractive street presence with increased landscaping and buffering between the project and existing residences. She said that the applicant had submitted the changes requested at the Design Review meeting for Commission's consideration.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 1467 in case Z85-27, OCOTILLO WEST, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Ocotillo Professional Building", kept on file in the City of Chandler Planning Services Division, in File No. PDP04-0028, except as modified by condition herein.

3. Approval by the director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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 landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
6. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
7. The landscaping plan shall be revised to ensure compliance with all Commercial Design Standards. Tree sizes along arterial frontages are to be comprised of 25% - 48" box trees, 25% - 36" box trees, and 50% - 24" box trees.

DUANE RAY, 1717 W. THIRD STREET, TEMPE, AZ. AND DR. JEFF GARELICK, 2820 S. ALMA SCHOOL ROAD. Mr. Garelick stated that he was one of the owners of the building. Mr. Ray stated that he felt the Design Review Committee had taken a thorough look at the facility. He felt the major concern was the glass color.

COMMISSIONER IRBY stated that he felt that the architecture of the building was nice, but he didn't feel the site was appropriate for this particular architecture. He said that this was a beautiful site and was personally disappointed that what was being presented was something that he could not support. He said that the whole structure looked as though it had been extruded and chopped off and had no real vertical changes. Commissioner Irby said that the blue colored glass that had been suggested was ideal when thinking of the water; however, the water is never blue. He said that the water is green, and if the project were approved, he would like to see the glass have a greenish tint. Commissioner Irby said that the architecture and palette of finishes was a good complement for this location.

MR. RAY stated that there are two shopping centers that are adjacent to the facility. He said it was there intent to not only make a statement for the clients, but also to tie in with colors and materials by the use of stucco, masonry and earth tones. He felt it was appropriate for the area and met the intent. He stated that the blue glazing would reflect off the lake, but acknowledged that the water was rather greenish.

MR. GARELICK, stated that he had taken some of the preliminary plans and had gone to some of the neighbors. He said they were all happy with the plan. Mr. Garelick said that the homeowners' association had given good feedback, and that they had wanted the colors mimicked to that of The Falls at Ocotillo. He said that they had tied in with the colors and with the glass materials and felt it met the intent and had received Ocotillo's approval.

COMMISSIONER IRBY stated he was surprised that they had gotten Ocotillo's approval and that he had meant to speak with Mr. Mike Palermo about the project. He said that it was a beautiful site, he had no problem with the uses, nor any problem with the land planning and positioning of the building on the site.

MR. RAY commented that it was a very small area and that, although this was part of The Falls area, this particular piece was sold separately. He stated that the neighbors were thrilled that this would not become a restaurant.

COMMISSIONER IRBY stated that The Falls had received design awards, as it is a beautiful project that comes across and blends into the neighborhood very well. He went on to state that the Vestar project

across the street had a lot of nice materials and that if this applicant were to use the same type of materials, he would be more supportive of the project. He also stated that he did not like the Albertson's shopping center at all and that it was a very cookie cutter building and signage were a disappointment. He said the Bashas' center was along the same par as the Albertson's. He restated that he did not have a problem with the use, the square footage, land planning or land layout for this project. He said that he couldn't see using the material that was proposed for the project (scored block, painted and split face.)

MR. RAY responded that it was all natural block and that it was an upgrade from the buildings around the project. He said that they were trying to tie the project into The Falls, but at the same time be distinctive and separate since they were not part of The Falls. He also stated that as stringent as the homeowners' association is with their rules, they were supportive of this project.

COMMISSIONER IRBY said that if they were to come back with a different exterior design he would be more supportive of the project. He stated that it wouldn't have to match The Falls or the Vestar project across the street.

COMMISSIONER GULSVIG said that he agreed with many of the comments stated by Commissioner Irby. He said he found the geometry of the architecture different than what was in the local area, and felt the blue glass stood out so significantly as to make it incompatible. He felt a more subtle color for the glass would make a difference.

DR. GARELICK stated that that had been reviewed with the Design Review Committee and that they had come up with other samples with a reflective coating, which de-accentuates the blue and also a sample that was a grey color with green tones. He said that The Falls have some grey, but no greens.

COMMISSIONER RYAN said that he agreed with Commissioner Irby, but wasn't so adamant about not allowing something different and more personalized going in this area. He felt that matching the colors was extremely critical. He said the glass product had to be a non-reflective nature, whether its grey or green. He wanted it to match somewhat what was already in the center. He felt the blue glass was very distinctive and understood why they wanted to use it; however, he felt it was critical to match up the colors to The Falls.

DR. GARELICK asked if they were to match the colors of The Falls glass, if it would be satisfactory to the Commissioners.

COMMISSIONER RYAN stated that he could condition that.

VICE CHAIRMAN HEUMANN said that the blue color didn't fit. He said there needed to be a stipulation that stated that the applicant should work with staff on the glass to get it closer to The Falls and have it blend in a bit better.

COMMISSIONER ANDERSON commented that he agreed with Commissioner Irby. He stated that he could deal with something a little bit different, but the glass is a big issue. He said that it wasn't so much the color as it was the amount of glass. It didn't bring out a residential character of the neighborhood or the area. He said that this project would be a fit better in an area that's denser in office buildings or industrial. He said this site did not support this style of building.

MR. RAY stated that it was their intention to reduce the amount of vision to the residential areas and expose the dental offices with as much glass as possible on the north side.

COMMISSIONER IRBY said that the curved area may be away from some of the residents, but it was a strong statement when driving south on Alma School. He said he felt there were still going to be some residents that would have a good view of the building when driving along Jacaranda. He felt it was a prominent feature.

DR. GARELICK stated that they had studied the position of the building. He said that it would be prominent when driving southbound on Alma School, and that that was one of the features they had asked for.

COMMISSIONER IRBY stated that the northeast and southeast elevation of the building had large glass panels. He was hoping that could be reduced by using stone and square up the glass.

COMMISSIONER POLVANI asked if the applicant had a sample of the masonry as the sample in the Development Booklet looked very reddish. (A sample of the material was passed to the Commission.)

CHAIRMAN FLANDERS asked the applicant about the block material that was shown. Mr. Ray stated that it was a dark bronze anodized aluminum standard, the same as The Falls.

CHAIRMAN FLANDERS asked if anyone in the audience wanted to speak about the case. There was no response.

CHAIRMAN FLANDERS stated that he didn't have a problem with the project as it's contemporary, which is what he likes. He went on to say that he didn't have a problem with the design of the building, as it was different and unique. He said that he didn't like the blue color of the glass, but felt a stipulation that the applicant work with staff to address the glass concerns would be appropriate.

MOTION BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER POLVANI, to approve the Preliminary Development Plan, PDP04-0028 Ocotillo Professional Building, subject to conditions nos. 1 through 7, and adding condition no. 8 that the applicant and architect with work with staff to select a glass that is non-reflective and that is of a color and nature that is compatible with The Falls shopping center and that the glass selection be picked prior to City Council approval. The approval is subject to the attachments.

CHAIRMAN FLANDERS asked Glenn Brockman, Asst. City Attorney, if the motion in this case was appropriate *(referring to the directive that the glass selection be chosen prior to City Council approval.)* Mr. Brockman stated that what staff would do would be to take it as direction and proceed.

When the vote was taken, the motion was approved by a 4-3 vote. Those in favor were Commissioners Ryan, Polvani, Heumann and Chairman Flanders. Those opposed were Commissioners Irby, Gulsvig, and Anderson.

C. DVR04-0049 QUIKTRIP - CHANDLER BLVD. & MCQUEEN ROAD

Request rezoning from Agricultural District (AG-1), Community Commercial District (C-2) and High-Density Residential District (MF-3) to Planned Area Development (PAD) on approximately 10-acres for a commercial development with retail and office uses, with Preliminary Development Plan (PDP) approval on approximately 4-acres for a QuikTrip gas station, convenience store and car wash, located at the southeast corner of Chandler Boulevard and McQueen Road.

(Commissioner Irby stated that he would be abstaining from this item as well as Item D.)

KEVIN MAYO, PLANNER, stated the request went before the Planning Commission on March 16, 2005 and was continued for the purpose of holding a Design Review hearing. The hearing took place on March 22nd. Mr. Mayo stated that it was important to note that when the request came in it included a car wash. The applicant has since decided not to pursue the car wash on the southern portion of the QuikTrip. The balance of the property will come forward with conceptual approval for zoning for the retail/commercial/C-2 uses and office uses. Staff recommends the modification of condition no. 12 to address the balance of the parcel. It would read: "The perimeter landscaping shall be installed in Stage 1 as outlined in the Development Booklet with the balance of the property south of the refueling facility improved with decomposed granite." (Mr. Mayo commented that this was for dust-proofing). Mr. Mayo stated that the request had gone through some substantial changes through the DRC. The landscaping along the street frontages had been adjusted and improved providing a very strong visual impact. The building architecture and the treatments on the canopy had been adjusted as well; Staff felt they would establish a nice high architectural expectation for the balance of the property as it develops in the future. Mr. Mayo stated that staff is recommending approval of the request. He said that the request included an illuminated red sign band along the canopy for the refueling facility. Staff views these illuminated bands as an extension of signage and therefore would normally recommend approval with eliminating the bank; however, a during a recent QuikTrip approval, a compromise was met to reduce the overall length of the illuminated sign band to small portions on either side of the QuikTrip logo on the canopy. Staff is recommending approval with that stipulation (no. 13). In addition staff is recommending approval with an additional stipulation (no. 14), which would read: "Along the south property line drive thru uses are not permitted unless specifically approved through a separate future Preliminary Development Plan."

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "QUIKTRIP-CHANDLER BLVD. & MCQUEEN ROAD" kept on file in the City of Chandler Current Planning Division, in file number DVR04-0049, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Chandler Boulevard and McQueen Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. 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. Completion of the construction, where applicable, 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.
9. Building mounted signage facing adjacent residential homes shall be non-illuminated.
10. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
11. Late hour business occupancies as defined by policy (Resolution No. 3801) shall be prohibited, with the exception of the QuikTrip convenience store and re-fueling facility.

12. **The perimeter landscaping shall be installed in Stage 1 as outlined in the Development Booklet with the balance of the property south of the refueling facility improved with decomposed granite.**
13. Reduce the length of the red illuminated band on the gas canopy's north and south elevation from the QuikTrip logo to the midpoint of the first arch element between columns, and the east and west elevations from the midpoint of the first column wrapping around the corners of the canopy.
14. **Along the south property line drive thru uses are not permitted unless specifically approved through a separate future Preliminary Development Plan**

VICE CHAIRMAN HEUMANN asked if the carwash was definitely out and was no longer being considered. Mr. Mayo stated that was correct, it was originally shown as a conceptual carwash; however, it's been taken out. If in the future the applicant decides to go ahead with a carwash, it would have to come back.

VICE CHAIRMAN HEUMANN stated that one of the concerns during the Design Review meeting was to tie the center together, and the carwash was integrated with the gas station. He asked what conceptually was going in there and how big the site would be. Mr. Mayo stated that the balance of the parcel was over one acre, but staff anticipated it would be encompassed with the balance of the property to the east when it develops as a commercial center. He stated that currently there were two separate owners. Vice Chairman Heumann asked what would happen with the landscaping that was being shown for that area. Mr. Mayo stated that in the future, if this parcel were encompassed with the other piece, the landscaping would be removed.

ED BULL, 702 E. OSBORN RD., PHOENIX, said that he represented QuikTrip and the other owners for the six acres to the east. Mr. Bull said that it was requested that they work with the other owners to the east to bring in a ten acre PAD with PDP for the QuikTrip portion of the site. He stated that they are requesting PAD approval for the ten acres with PDP on QuikTrip C-store and fueling facility. He said that they had a difference with staff regarding stipulation no. 13. During Study Session there were questions about trellises that he wanted to address.

Mr. Bull said that this was a redevelopment site that had candidly long been ignored. He said that the neighbors who had attended the neighborhood meetings strongly encouraged the development of this site and had been very complimentary of what QuikTrip was proposing. Some of the neighbors had seen prior plans from several generations ago that did not include pitched roofs and enhanced landscaping packages. He said that he appreciated staff's recommendation for approval; however, they requested that the stipulation (no. 13) to reduce the red band be deleted. Mr. Bull said that they were fine with the modification to stipulation no. 12 regarding providing decomposed granite on what was the carwash site, as well as stipulation no. 14, which had to do with acknowledging that, if a drive thru comes forward, it would have to go through the PDP process. Mr. Bull also said that they realize as well that the 6 acres to the east would have to come back through the PDP process should it develop. He said that there may or may not be a stipulation with regard to trellis and those types of things, but did want to speak about them.

Mr. Bull addressed Vice Chairman Heumann's question regarding the carwash site. He said that originally there was going to be a C-store and fueling facility at this location, but with a much different design and more pumps. There was also a QuikTrip carwash on about 50,000 sq. ft. of land located immediately south of the C-store and fueling facility. After discussion with staff about that and having a PDP on the carwash, it became apparent that QuikTrip did not yet know for sure whether or not there was actually going to be a carwash because it was a new concept within the company. Also, if the use were

going to be carwash, they weren't certain as yet how it would be laid out. Thus, it may someday be a carwash, but they were not requesting PDP approval on that at this time.

With regard to the questions asked during Study Session about the landscaping, columns under the canopy, and trellis work, Mr. Bull stated that after discussions with architects, QuikTrip is acceptable to adjusting the columns under the canopy to bring the archway down a little further and to provide the metal trellis work between the two columns. With regard to the possibility of providing trelliswork on the west, north and south elevations of the C-store, they perceived that what they were being asked to do was to provide ornamental steel work in the spaces between the columns. It would be the same type of steel trelliswork that is intended to go between the columns under the canopy. They understood that is what is being requested along the front (or west) elevation, along the south (or end) elevation of the building, and along a portion of the north. Mr. Bull said there had been lots of other things occur along the streetscape, the hardscape, the enhanced walls, and the cascading landscaping at the corner. He said he did not know whether or not the trellis feature would need to be architecturally provided on the front of the building, but they had heard the request and he had been authorized to agree to provide that type of steel trellis on the elevations of the building.

Mr. Bull went on to discuss the red band. He said that it is a very important issue to QuikTrip on this site. This site is not the same as every other site that QuikTrip may or may not have done in other cities or in Chandler. Mr. Bull stated that this is a redevelopment site and that they had heard time and again how happy residents were that this site was finally being developed. He said that it was his hope that through redevelopment of the property and doing some of the things that they are proposing, including the red band, is something that is deemed appropriate by the Commission and Council. He went on to say that there is red band located on the canopy that is now Circle K across the street to the north of this site. That red band was approved by the City Council. There are six single pumps, whereas the QuikTrip has 8 doubled pumps. Circle K's canopy is approximately 150' long, and QuikTrip's canopy is approximately 127' ft. long. He said that if the Circle K's canopy were doubled up it would look like a 12-pump canopy as opposed to an 8-pump canopy. Mr. Bull stated that at one time QuikTrip was talking about having 12 pumps on the site, and another time, 10 pumps on the site. He said that one of the things they did a long time ago when they still had a flat roof and didn't have enhanced landscaping, archways under the canopies and other kinds of things, QuikTrip made the decision on this site to reduce down to 8 pumps. He felt it was an important concession and hoped that it would be important to the City as well.

Other additional upgrades added were a pitched roof, archways under the canopy, the enhanced archways, and the trellis. Mr. Bull stated that all these were substantial upgrades on this site, which were things that he wasn't sure QuikTrip would have had to have been done if the application would have been processed six months ago instead of today. From QuikTrip's perspective, there were many distinctions between this site in terms of its location, terms of what's around it, and in terms of the established architectural character that is around the site as compared to one that the Commission may have dealt with a month or so ago. Mr. Bull said that they do not have a shopping center designed around this site, where they would have to match up architectural features. He said that they had brought many of the architectural features to the site that would enhance the corner and elsewhere. Each side is unique and different. Mr. Bull said that he compliments QuikTrip on the steps that they have taken, positive steps, to take the site from being what it is presently to being a redevelopment site and an example with high quality streetscape architecture with exciting wall treatments. He said that the corner feature and the cascading landscaping was a nice treatment.

Mr. Bull said that the red band was important to QuikTrip and that from their perspective would put them at a competitive disadvantage with the store immediately across the street from them. He said that this is a good site for QuikTrip, but it was hoped that with all the other things they've done and how this site can

be distinguished from another one that the Commission dealt with recently, that a red band in this location is appropriate. Mr. Bull said it was their hope that Commission in making a recommendation for approval would delete stipulation no. 13. He said that they requested Commission's approval with stipulations 1 through 12 as proposed and modified by staff and deleting no. 13. He said that they were fine with stipulation no. 14, and if there needed to be a stipulation no. 15 that addressed adding steel trellis to the north, south, and west elevations of the store, that they would be fine with that as well.

VICE CHAIRMAN HEUMANN thanked Mr. Bull for his comments. He asked about the service door on the north side and the trash receptacle on the south side. He said he was curious what the door went to. Mr. Bull stated that the trash is brought out of the door and taken down to the dumpster. He asked that Commission keep in mind that the screening that is occurring out along the street. He said that it is basically the same layout as the Warner and Arizona Avenue site.

VICE CHAIRMAN HEUMANN then asked where the deliveries would come in from and where the trucks would be parking.

DENNIS ARCHULETA, **1116 E. BROADWAY, TEMPE, AZ,** stated that the site was deep and trucks would pull all the way up to get out of the traffic. He demonstrated to the Commission the motion the trucks would make to keep from blocking the streets.

VICE CHAIRMAN HEUMANN commented that QuikTrip was an excellent operation and felt that the operation drives the public into the store more so than the red band. He felt that QuikTrip had stepped up to the plate quite a bit; he thanked QuikTrip for doing so. He said that this site was a mile away from downtown and that there were a lot of great things that was coming to the downtown area, so he felt it was important that the level come up. He commented this was a higher level of redevelopment and appreciated the efforts that had been made. He said it had come a long way from the first project that had come in.

CHAIRMAN FLANDERS asked if the audience had comment on this case. There was no response.

CHAIRMAN FLANDERS commented that he appreciated what QuikTrip had done on this site, especially a redevelopment site. He felt this quite a move by QuikTrip to have come to Chandler and felt this was going to be a very good site for them. He stated that he did not have a problem with staff's stipulation regarding the red band. He felt it was consistent with what had been approved at a previous QuikTrip location, even though they are different sites. He said that QuikTrip's advantage at this site is that there were more pumps. Chairman Flanders stated that he felt QuikTrip had the advantage over any competition in the area.

MOTION BY COMMISSIONER GULSVIG to approve DVR04-0049 QuikTrip-Chandler Blvd. & McQueen Road, with Stipulation No. 13 removed and adding Stipulation No. 15 to include the iron trellises as presented by the applicant in the locations identified.

CHAIRMAN FLANDERS asked if it was Commissioner Gulsvig's wish to delete Stipulation No. 13? Commission Gulsvig responded that it was.

CHAIRMAN FLANDERS stated that there was a modification to Stipulation No. 12 and the addition of No. 14 and No. 15.

COMMISSIONER RYAN asked staff to read stipulation nos. 14 and 15.

MR. MAYO stated:

No. 14 shall read, " Along the south property line drive thru uses are not permitted unless specifically approved through a separate future Preliminary Development Plan."

No. 15 shall read, "The applicant shall work with staff to incorporate steel trellis features on the north, south, and west facades of the convenience store."

MOTION WAS SECONDED BY COMMISSIONER RYAN.

VICE CHAIRMAN HEUMANN stated that everything comes with compromise. He was not a big fan of the red band, but felt that the applicant had worked with staff and agreed to a lot of things and stepped up to the plate in terms of the overall property. It was his hopes that with any future QuikTrips that come in, that it starts on a higher level and not go backwards again. He stated that he would vote on approval based on all the additional things that were being done on the site.

When the vote was taken, the motion was approved (6-0) with one abstention (Commissioner Irby).

D. UP05-0019 QUIKTRIP – CHANDLER BLVD. & MCQUEEN ROAD

Request Use Permit approval to sell liquor (beer and wine) for off-premise consumption only (Series 10 License) at a proposed QuikTrip convenience store and gas station for property located at the southeast corner of Chandler Boulevard and McQueen Road.

KEVIN MAYO stated that this was the companion request for Use Permit approval to sell liquor under a Series 10 beer and wine liquor license at the convenience store at the southeast corner of Chandler Boulevard and McQueen. He stated that a Series 10 is for beer and wine only, to be purchased in an unbroken container and to be taken off site to be consumed off premise. The store will be open 24-hours per day. Staff recommended approval.

ED BULL, 702 E. OSBORN, PHOENIX stated that he represented QuikTrip for this request. He stated that there had been a neighborhood meeting approximately two months prior for the PAD and PDP. There was a second neighborhood meeting approximately two weeks ago that was noticed just for the Series 10 permit. He stated that the neighbors that showed up wanted to talk about both requests. Mr. Bull said that at the second neighborhood meeting there were two residents that were there, both speaking on behalf of their respective neighborhoods. One was a lady who lived in here home in The Springs and was a spokesperson for The Springs. She had been in her home since 1991, and thought that all of this was great including the opportunity for people to get the wine and beer for only off premise consumption. The other gentleman that was there had been involved in his neighborhood near Galveston School since 1970. Mr. Bull commented that both of these people were very nice people, both had been in their area forever, and that both were very anxious for redevelopment. Both of the people liked what they were seeing and were comfortable with the plan, including the floor plan as to where the beer and wine would be placed. Mr. Bull stated that the Use Permit is an important part of the operation when dealing with a C-store like QuikTrip. He stated that is for beer and wine only and for consumption off premise only. QuikTrip has all rules and safeguards that you expect a company like this to have because they need the operation to be right and to be legal.

CHAIRMAN FLANDERS asked if anyone in the audience had any comments. There was no response.

COMMISSIONER RYAN asked how the advertising in store windows is controlled within a convenience store. Mr. Mayo stated that it is controlled under the sign code.

MR. KURTZ stated that the sign code allows window signage not to exceed 25% of the window sign area, so there is already some explicit permission in the sign code that regulates this.

COMMISSIONER RYAN asked if vending machines are allowed on the outside if they weren't shown on the site plan. Mr. Mayo said if they were not identified on the PDP, then they were not permitted.

VICE CHAIRMAN HEUMANN asked if the application had propane rentals. Mr. Mayo stated that if they do, they are internalized within the building; however, it was not requested with this proposal.

MOTION BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER ANDERSON, to approve UP05-0019 QuikTrip-Chandler Blvd. & McQueen, subject to conditions 1-3 and attachments. The motion was approved (6-0) with Commissioner Irby abstaining from the vote.

6. DIRECTOR'S REPORT

There was no report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is May 18, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 6:45 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 18, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance led by Commission Phil Ryan.

3. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commissioner Phil Ryan
   Commissioner Mark Irby
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Also Present:

   Mr. Doug Ballard, Planning & Development Director
   Mr. Glen Van Nimwegen, Asst. Planning & Development Director
   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Ms. Kim Clark, Planner
   Mr. Kevin Mayo, Planner
   Ms. Jodie Novak, Planner II
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

   CHAIRMAN FLANDERS announced that Commissioner Jeanette Polvani had resigned from the Commission. He said that she would be missed and wished her good luck.

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER IRBY to approve the minutes of the May 4, 2005 meeting. MOTION WAS APPROVED (6-0).

5. CONSENT AGENDA ITEMS

   CHAIRMAN FLANDERS stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the Consent agenda. He said that there was one Action item, Item 'G', which would be presented by staff and the applicant. He went on to say that if anyone in the audience wanted to pull any of the items to the Action Agenda to raise their hand. There was no response. Chairman Flanders asked Mr. Jeff Kurtz, Current Planning Manager to read the Consent items with the additional stipulations.

   MR. JEFF KURTZ, CURRENT PLANNING MANAGER, stated that additional stipulations were added as a result of the Study Session. He read for the record:

   Item 'C' – PDP05-0004 Intel Ocotillo Campus – Amendment 3

   2. The applicant shall work with staff to develop a public transportation plan to identify existing and planned public transit facilities on and adjacent to the site.

Mr. Kurtz stated that Items 'D', 'E', and 'F' were all applications for Use Permits by Habitat for Humanity. For each individual item there was an additional third item:

3. The applicant shall install a chain link fence around the rear yard of the subject site.

CHAIRMAN FLANDERS asked if there were any questions about the Consent items. **COMMISSIONER ANDERSON** stated for the record that his Consent vote would not include Item 'D', due to his firm's previous relationship with the client.

VICE CHAIRMAN HEUMANN commented that Intel was a great corporate citizen that was coming forward to hopefully expand on what is a great economic base for the city of Chandler. As well, Habitat for Humanity is necessary in the city of Chandler, as there was a lack of affordable housing in the city, which was a challenge. He commended them for their efforts.

A. DVR04-0064 SUNRISE ASSISTED LIVING OF CHANDLER

Continued to June 1, 2005 a request for rezoning from Planned Area Development (PAD) Office to Planned Area Development (PAD) Assisted Living Facility with Preliminary Development Plan (PDP) approval on approximately 4.87-acres for the construction of an Assisted Living Facility development located at the southeast corner of Chandler Boulevard and Gila Springs Boulevard.

B. DVR05-0006 GATEWAY PARK CHANDLER

Approved request for action on the existing Planned Area Development (PAD) zoning to extend or remove the conditional schedule for development, determine compliance with the four year schedule for development, or to cause the property to revert to the former Agricultural District (AG-1) and Planned Industrial District (I-1) zoning classifications. The existing Planned Area Development zoning is approved for a mixed-use master plan including office, retail, hotel, business park, and commercial parcels on approximately 156-acres located east and west of Price Road, between the Loop 202 Santan Freeway and Willis Road, as well as the northwest corner of Pecos Road and Ellis Street.

Staff recommended approval of a three-year time extension subject to:

1. Compliance with the original stipulations adopted by the City Council as Ordinance 3251, case DVR00-0007 GATEWAY PARK CHANDLER, except as modified by condition herein.

C. PDP05-0004 INTEL OCOTILLO CAMPUS – AMENDMENT 3

Approved request for an amendment to the PDP on a portion of the 720-acre campus for the site master plan and additional buildings. The property is located on the west side of Dobson Road near Ocotillo Road.

Staff, upon finding consistency with the General Plan, recommended approval to rezone the property with Preliminary Development Plan approval for the construction of a convenience store and fueling facility subject to:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Intel Ocotillo Campus Preliminary Development Plan Amendment #3" kept on file in the City of Chandler Current Planning Division, in file number PDP05-0004, except as modified by condition herein.
2. **The applicant shall work with staff to develop a public transportation plan to identify existing and planned public transit facilities on and adjacent to the site.**

D. <u>UP05-0026 HABITAT FOR HUMANITY</u>

Approved request for Use Permit approval to construct a single-family home within a Multiple Family Residential (MF-2) Zoning District. Subject property is located at 409 S. Colorado Street.

Staff, finding consistency with the General Plan and the Redevelopment Area Plan, recommended approval subject to:

1. Development shall occur in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.
3. **The applicant shall install a chain link fence around the rear yard of the subject site.**

E. <u>UP05-0027 HABITAT FOR HUMANITY</u>

Approved request for Use Permit approval to construct a single-family home within a Multiple Family Residential (MF-2) Zoning District. Subject property is located at 232 E. Morelos Street.

Staff, finding consistency with the General Plan and the Redevelopment Area Plan, recommended approval subject to:

1. Development shall occur in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.
3. **The applicant shall install a chain link fence around the rear yard of the subject site.**

F. <u>UP05-0028 HABITAT FOR HUMANITY</u>

Approved request for Use Permit approval to construct a single-family home within a Multiple Family Residential (MF-2) Zoning District. Application includes a request for a deviation from standard side yard building setbacks within this zoning district. Subject property is located at 498 S. Delaware Street.

Staff, finding consistency with the General Plan and the Redevelopment Area Plan, recommended approval subject to:

1. Development shall occur in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.
3. **The applicant shall install a chain link fence around the rear yard of the subject site.**

H. PPT05-0004 CHANDLER CROSSING CENTER

Approved request for Preliminary Plat approval for a commercial subdivision located at the southeast corner of Ray Road and 56th Street.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER IRBY, to approve the Consent Agenda with the additional stipulations as read into the record. Motion was approved (6-0).

ACTION:

G. UP05-0012 ZIPPS SPORTS GRILL

Request Use Permit approval to sell liquor (Series 12 Restaurant License) at a new restaurant within Windmill Square's commercial center. The property is located at the northeast corner of Ray Road and McClintock Drive.

MS. JODIE NOVAK, PLANNER II, stated that the applicant was proposing to locate in a shopping center at the northeast corner of Ray Road and McClintock Drive. The shopping center is currently under construction; however, there is an existing CVS Pharmacy, which was part of the first phase. The restaurant is requesting Use Permit approval for a Series 12 liquor license. The restaurant would be occupying a large portion of a retail shop space. The building is 7,800 square feet, and the restaurant would occupy approximately 6,174 square feet of the building. They are also proposing an outdoors dining area on the west side of the building that would include 7 tables for seating, as well as indoor dining. Ms. Novak noted that staff had evaluated the request in terms of the type of uses, the hours of operation, and the number of seats. She said that staff had worked with the applicant to come up with an outdoor dining area that would fit well with the outdoor pedestrian plaza that exists to the west side of the building. She stated that the outdoor plaza is used as a pedestrian connection as well to the Windmill Villas residential subdivision to the north, which is currently under construction. Ms. Novak stated that the restaurant would be open for lunch and dinner hours for seven days a week. They would open at 11:00 a.m. and close around 2:00 a.m. There was a neighbor meeting in which several attendees were prospective buyers in the Windmill Villas subdivision. Currently, there are no residents occupying the homes that border the shopping center. Ms. Novak stated that there were inquiries from individuals that live in subdivisions on the other side of McClintock Drive. There were concerns from the neighbors regarding the hours of operation and the outdoor dining area, which would be open until 2 in the morning. They felt that was not compatible with the residential subdivision that is approximately 80 feet away from the back of this tenant space. The applicant is Goldman Management. They own the Zipps, as well as other restaurant chains throughout the Valley. Ms. Novak stated that some of the residents viewed some of the existing establishments to help in understanding the nature of the business. Staff recommended approval of the Use Permit with conditions. A condition was added that no music or television speakers be mounted on the outside of the restaurant on the patio. This was to prevent any externalities with the prospective buyers living in the adjacent subdivision. Another condition recommended by staff was the addition of a solid wall that would wrap around the pedestrian plaza area. Ms. Novak stated that all the other conditions were the standard conditions with a one-year time limit.

Staff, upon finding consistency with the General Plan and PAD zoning, recommended approval subject to:

1. 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.
2. Expansion, modification, or relocation beyond the approved exhibits shall void the Use Permit and require new Use Permit re-application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
4. The Use Permit is granted for a Series 12 license only and any change of licenses shall require re-application and new Use Permit approval.
5. The Use Permit is non-transferable to other store locations.
6. Televisions, speakers, and music are prohibited outside of the restaurant.
7. The applicant shall work with Staff to incorporate a solid, decorative masonry wall along the eastern and northeastern portion of the outdoor dining patio, closest to the single-family residential. The wall shall be a minimum of 5-feet in height, stepping down in height as the enclosure terminates to the main outdoor pedestrian plaza.

VICE CHAIRMAN HEUMANN said he had several concerns with this site. He said that he commended Magee Homes for notifying prospective buyers of this site. He went on to state that he had personally visited all three Zipps. None of them were adjacent to any neighborhoods, while this one was adjacent to a subdivision, which was a concern. Vice Chairman Heumann asked Ms. Novak if it was correct that, under the State liquor laws, the city could not limit the hours of operation on the patio. Ms. Novak stated that that was correct.

Another concern was the amount of parking provided for the restaurant. He said that based on 5.5 parking spaces per thousand, there was probably enough parking spaces. He asked Ms. Novak if she had calculated how many spaces would be needed if there was a restaurant for this particular building. Ms. Novak stated that there would need to be approximately 100 parking spaces if this building were a restaurant instead of a mixed use. There are approximately 60 spaces provided for this building, under parked by 40 spaces.

COMMISSIONER RYAN asked Glenn Brockman, Assistant City Attorney if the city could control the hours of operation for the facility.

Mr. Brockman was unable to give a definitive answer without researching this law. He stated that he felt that, due to the recent law, the city may not have that control.

COMMISSIONER GULSVIG stated that he agreed with Vice Chairman Heumann with regard to the parking issue.

CHARLES HUELLMANTEL, WITHEY ANDERSON & MORRIS, stated he represented Armstrong Development and Todd Goldman. Mr. Huellmantel stated that Zipps was a sports grill, not a bar. He said that they had gone through different versions for the patio and that originally they had a much wider patio; however, staff had indicated that there were a number of concerns with that design. He said that they worked with staff to create something that was better. He went on to say that Zipps has two busy times, 11:30 to 1:30 and 6:30 to 9 p.m. He stated that Zipps is a restaurant and people go in to eat; however, some people go just for a drink. The breakdown is 50/50; 50% food, 50% is the sale of beverages. Zipps has a place for games for the children and that it was not an establishment that would have live music. He said they would not contest not having speakers on the patio, but they would request that they have monitors, which were not capable of having sound. Mr. Huellmantel

explained what the other uses were planned in the center and that Zipps would have the right to use other tenants' parking spaces.

TODD GOLDMAN, 10425 E. WEATHERSFIELD RD, SCOTTSDALE, stated that they were a family-owned company that operated four restaurants for approximately 11 to 12 years, starting in 1993. He said that they started their first restaurant knowing they wanted to appeal to families. He said that he had previously frequented a restaurant that was closer to a sports bar and wasn't "kid friendly", and it gave them ideas how they could improve upon a restaurant that offers sports for entertainment and the opportunity for families to attend with their children. He said they had been fairly successful with that concept. They cater to families in all their establishments, they offer a kid's menu, they have game rooms that appeal to the children, as well as being the Little League headquarters. Mr. Goldman said that they also appeal to the adult softball teams and other sports teams. He said that a large part of their success is that they have such a large, broad based appeal.

COMMISSIONER RYAN said that he was convinced that this was a family run operation, although most family type restaurants don't stay open until 2:00 in the morning. He said his concern was for those hours after 9:00 at night and felt that a bar was not good for these types of developments.

Mr. Goldman said that generally he was correct. The families and teams are generally leaving the restaurant by 9:00 or 9:30, no later. After that they draw a large service industry crowd that might be getting off other restaurant jobs, going in for a bite to eat and drinks. He said that since the law changed allowing them to stay open until 2 a.m., they did not want to eliminate themselves from someone's thought process. He said their kitchen serves food until 1 a.m., and it was their philosophy that if they close any earlier than that, then people will eliminate them from their choices of where to go when thinking of a late night bite.

CHARLES HUELLMANTEL stated that what happens in some places that have a mix of what becomes a restaurant, later becoming a bar, is that you'll see the seats being moved aside and a live band moving in and start playing music. This doesn't happen at Zipps. He said that no matter what time you may go to Zipps, the chairs and tables are all there and set up. They reduce staff significantly at about 9 p.m. He stated that Zipps stays open and people that go there may be having a drink. He stated that this is absolutely a place that sells alcohol, but wasn't a place that would become rowdy and loud. In fact, they had received a New Times award for being one of the best bars in which to have a conversation.

VICE CHAIRMAN HEUMANN said that he had concerns with the parking. He said that one of the concerns for Commissioner Ryan was the late hours. He asked Mr. Goldman if they allowed smoking within the restaurant. Mr. Goldman stated that it was there plan here not to allow smoking in the restaurant. Vice Chairman Heumann said that it would make it more child friendly, but he hadn't seen that in the applicant's other places. Mr. Goldman pointed out that in his other restaurants there are designated smoking sections.

VICE CHAIRMAN HEUMANN stated that the concern was the intensity on this site. His concerns were the patio being next door to a neighborhood, the noise to the neighborhood, as well as the parking issues. Vice Chairman Heumann cited other popular restaurants in the area and the fact that they were typically packed on a Friday night. He stated that he had no qualms about the way the operation was run. He said that he had personally performed parking calculations for this site and that they were 40 spaces short. To overflow certain times of the day was fine, but it's not at other certain times of the day.

MR. HUELLMANTEL commented that the Commission had pointed out some concerns and that they wanted to work with the Commission to address the concerns. He said that they also appreciated Magee Homes advising the prospective buyers of the proposal. Mr. Huellmantel said it was important to point out that this was originally zoned as a much larger commercial development. His client, Armstrong, went through the rezoning process, and Magee Homes was part of the entire package. It was always envisioned that there would be businesses here.

Mr. Huellmantel stated that there are times of the day when parking is tighter. They had worked to create a parking agreement so that one tenant had access to other tenants' spaces. Any one tenant does not have exclusive rights. As restaurants become more successful and more popular, people expect that they will have to park further away. Mr. Huellmantel exhibited to the Commission the parking spaces. He said that he believed that they could get close to the 100 spaces that Commission desired. He stated that the other businesses that go in there will not have the same hours, i.e., the doctor's office would have morning hours; a national retailer would have hours on weekend mornings, and a bank would have mostly daytime hours.

MR. GOLDMAN stated that, based on the history of their restaurants, they would do one-third of their business during lunch hours, and two-thirds of the business at night when the other users are generally closed or closing up.

VICE CHAIRMAN HEUMANN asked if Happy Hour would be one of the busiest times of the day. Mr. Goldman stated that it was not a huge concern of theirs because of the limited bar space. During a Sun's game it would be busier. Mr. Huellmantel stated that Fridays become busy; they become busier than the Happy Hour. Vice Chairman Heumann commented that Mr. Huellmantel had pointed out that this was planned as a major center; if this had been built out as the original center, and this parcel would be out front, they would be approximately 300-600 feet away from the closest home. Mr. Huellmantel said that Chandler had done some creative things by taking commercial land and creating pockets of residential, and it comes with the knowledge that you would be closer to commercial.

CHAIRMAN FLANDERS went to the audience and those that wished to speak.

Dana Ross – did not wish to speak

MR. JAMES ROSS, 892 E. SAVANNAH, stated that he and his wife had been realtors for over 20 years, and that he had formerly owned a restaurant, so he totally understood the business. He said that in general he had no problem with this mixed-use development. However, at the same time it required more intelligent planning. He said that it was obvious to him that the plan had a 7 or 8 bay retail building, and that Zipps would occupy ¾ of the bays in the one building. It was originally designed to occupy 6, 7, or 8 smaller businesses. His biggest objection was the proximity. If this request had come in before the homes had been built, he would expect that the layout of the streets in Windmill would be different. Mr. Ross asked if anyone had actually measured the distance to the homes. He stated that it appeared that it would be very close, especially to the dumpsters and stacks of beer kegs. He said that directly northeast of the patio is the pedestrian gate for the neighborhood, directly beyond the gate is the children's tot lot, and beyond that is the green space/drainage area. Mr. Ross said that basically what would be created is a sound tunnel. The noise created would go down the open space and affect all the homes that back to the open space. He felt that this would be an incompatible use. Two-story homes will face the dumpsters, which will lower the value of the homes.

CHAIRMAN FLANDERS asked Ms. Novak how distances are measured with regard to notification. Ms. Novak stated the notification is from the boundary of the entire commercial center, not from the building. The 600-foot notification was from the boundary of Windmill Square itself. In addition, any registered neighborhood organizations within a quarter mile of the boundary was notified.

Mr. Ross asked what the distance was from the back of Zipps property to the closest home. Ms. Novak stated that it was approximately 84 or 85 feet to the play area.

COMMISSIONER ANDERSON pointed out to Mr. Ross that no matter what would go in the retail center, the building is where it is. The people would always be looking at the back of the building no matter what goes in the retail space. Mr. Ross said that he understood that, but he knew the difference between a restaurant dumpster and a general retail dumpster.

VICE CHAIRMAN HEUMANN asked how many homes were affected by the 600-foot notification. Ms. Novak stated that roughly 100 homes were noticed. Notices were sent to homes on the south side of Ray Road, a portion of homes in the Windmill Villas, some homes north of the Albertson's shopping center, and also homes on the southwest corner of Ray and McClintock. Vice Chairman Heumann asked if the notification included every home in the Magee Home subdivision. Ms. Novak said that it would have included all the homes.

MR. RON PHIFER, 3934 W. ROUNDABOUT CIRCLE, stated that he was disappointed that the grill was going in. He said that they knew a retail establishment was planned at this location; however, they weren't aware what retail establishment. He said that a sports bar wasn't what he would call a retail establishment. Mr. Phifer said that he didn't feel that this was a good fit for this area. He and his wife visited another Zipps to get a better idea of what the restaurant was all about. He said that they had visited the patio at one of the Zipps and found the TV blaring at 5 p.m. He said that 30 yards away it was even louder. Mr. Phifer said that their concerns were with the outside patio and the way the grill would exit out of the community in the same area as the exit gate for the subdivision. He went on to say that there would be a potential problem with the odors.

VICE CHAIRMAN HEUMANN asked staff if restaurants were part of the PAD for this site. Mr. Kurtz stated the underlying zoning for the property was PAD for C-2 land uses, so restaurants would be permitted as a matter of right. Vice Chairman Heumann commented to Mr. Phifer that when he purchased his home, that this was a development that included the homes, a CVS Pharmacy, and the other buildings, and that everything was part of it. Restaurants were approved to go in here.

MR. R. J. ORR, 682 E. PARK AVENUE, stated that he had frequented the Zipps grill for several years. He felt that Zipps was not a bar; it was a restaurant. Each of the establishments has taken on the qualities of the neighborhood. The restaurant will be what the people around it and the people that frequent it make it. He said that he was looking forward to the restaurant coming in because of the excellent food. It doesn't have the club atmosphere, you can go there to eat and have a conversation.

MR. LUKAS FORNEY, 710 W. ORIOLE WAY said that he was in support of the request. He said that he and his parents had frequented Zipps. He stated that this corner had struggled for years to try and find a base to help the area to grow. Mr. Forney said that he was excited to hear that a Zipps would be going in because it was a destination for people to get together. He said that it would take the shape and form of the community that frequents it. He said that this area would benefit with a Zipps establishment going in this area.

COMMISSIONER RYAN stated that initially he felt the intensity and size of the restaurant were too much for its location in the center. The parking is not oriented in mass close enough to this location. In the original application there were small bays in this location and he thought there would be much smaller tenants with less of a turnover and not as many patrons. He said that he immediately got turned off on the request; however, in listening to some of the positive and negative testimony, he would vote against the project if they were to vote that evening. Commissioner Ryan stated that he would like the city's legal counsel to look into the hours of operation, as he wanted more control over that. He said that he would also like to visit the restaurants and become familiar with them.

MR. HUELLMANTEL stated that they were prepared to solve the issues with the outside speakers on the patio. He stated that one of the things they had done was to change the design of the patio, as well as agreeing to the solid wall that would prevent sound from flowing back. They have also agreed that the TVs and music outside isn't necessary or beneficial to the neighborhood. What they proposed were flat screen monitors with no speakers.

In terms of the buildings, Mr. Huellmantel stated that these buildings would be there. If there were several different bays, there could be even more trash receptacles and more activity. The building is going to be same size. It was pointed out earlier that this could have already been a restaurant today. He stated that it couldn't have been Zipps because they were asking for a Use Permit.

Mr. Huellmantel stated to the Commission that he would like to take a few minutes to speak with his client, Mr. Goldman.

MR. TODD GOLDMAN stated that he wanted to respond to Mr. Phifer. He said that he had received a note from Mr. Phifer that he had visited Zipps. Mr. Goldman noted that Mr. Phifer had visited their establishment during the Final Four and that the TVs were on. It had been a big day that day.

COMMISSION IRBY stated that he was going to suggest that the case be continued so that they could deal with the parking. He said that he personally did not have a problem with the patio. He commented that he would like to see the stipulation for the wall be deleted because he liked the idea of it being open for security so people could see. He went on to say that he felt the patio could be limited to hours so that it was closed at 9:30 or 10:00 p.m. His biggest problem was the square footage of the restaurant. It would take up a lot of parking spaces that wouldn't be easy to access. He felt there would be a conflict with the bank during peak hours. The bank parking was a compromise when the bank was allowed at this location. He felt the bank would take over parking spaces that the restaurant would want. He said that the biggest issue to deal with to gather his vote would be to try to solve the parking situation with the different uses in the community. Commissioner Irby said he was not 100% convinced on this request.

MR. HUELLMANTEL stated that he felt the best thing to do would be to continue the case so that they could continue to address some of the issues. He felt they could come up with solutions to help show that this was an appropriate use and to prepare more detailed work.

MR. TODD GOLDMAN stated that they would like to move for a continuance to give them time to do more research. Mr. Goldman also stated that the distance to the nearest residence wasn't known at the time he had submitted the Use Permit. There were no residences or plot lines.

MR. HUELLMANTEL stated that they would like to go to the next Planning and Zoning Commission meeting if acceptable.

VICE CHAIRMAN HEUMANN asked the applicant what other establishment the applicant owned besides Zipps. Mr. Goldman responded that there was an establishment in Scottsdale Ranch called Goldies Sports Café. They have a total of four restaurants, three Zipps and Goldies. Goldies is the original located at Mountain View and Via Linda in Scottsdale Ranch.

COMMISSIONER GULSVIG stated that he had a concern with the traffic flow pattern. The traffic for Bank One would be coming behind the restaurant and felt that the applicant needed to take a look at the flow.

MR. HUELLMANTEL stated that the drive is a service area and not actually a road. Commissioner Gulsvig stated that people would still use that drive and asked that the applicant take a look at that.

CHAIRMAN FLANDERS inquired as to the square footage of the other restaurants. Mr. Goldman stated that the one at Camelback and Miller was the smallest store at 3,900 sq. ft. with a 1,200 sq. ft. patio; the Kierland store (which the Chandler store is being modeled after) is approximately 5,200 sq. ft.; the Hayden store is 6,100 sq. ft.; and Goldies is 8,100 sq. ft.

CHAIRMAN FLANDERS stated that when the whole development went through originally that there had been a lot of talk about the uses that would complement the neighborhood. He said that when this application came through, the intensity bothered him due to the amount of square footage. It seemed to be too much for the proximity to the residences. He felt it would make more sense in a larger shopping center. He went on to say that there would be a lot of congestion at the location with the exit of the drive through from the pharmacy. There's currently a lot of traffic that goes through there.

CHAIRMAN FLANDERS asked the applicant if they would be willing to reduce the size of the square footage. Mr. Goldman stated that they would definitely consider that. He went on to say that they had accidentally fallen into the neighborhood niche and preferred to avoid the power centers. He pointed out that there are Pei Wei restaurants that a higher volume than their Zipps location. Mr. Goldman stated that this location would be the smallest Zipps.

VICE CHAIRMAN HEUMANN commented that the applicant was proposing to build the largest square footage restaurant in the smallest shopping center. Mr. Huellmantel stated that Goldies was significantly the largest of the four restaurants. He went on to say that the appropriate thing to do was to take the Commissioner's concerns and come back to Commission at a later time.

CHAIRMAN FLANDERS asked if there were any discussion or comments. There were none.

MOVED BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER GULSVIG, to continue UP05-0012 Zipps Sports Grill to the June 1, 2005 Planning and Zoning Commission meeting. Motion was approved (6-0).

6. DIRECTOR'S REPORT

There was no report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is June 1, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 6:40 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 1, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance led by Commissioner Polvani.

3. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commissioner Jeanette Polvani
   Commissioner Dick Gulsvig

   Absent and Excused: Commissioners Ryan, Irby, and Anderson

   Also Present:

   Mr. Bob Weworski, Principal Planner
   Mr. Kevin Mayo, Planner
   Ms. Jodie Novak, Planner II
   Mr. Joshua Cook, Planner I
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER GULSVIG, SECONDED BY VICE CHAIRMAN HEUMANN to approve the minutes of the May 18, 2005 meeting. MOTION WAS APPROVED (4-0).

5. CONSENT AGENDA ITEMS

   CHAIRMAN FLANDERS stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the Consent agenda. He went on to say that if anyone in the audience wanted to pull any of the items to the Action Agenda to raise their hand. Chairman Flanders asked **MR. BOB WEWORSKI, PRINCIPAL PLANNER**, to read the Consent items with the additional stipulations.

   MR. WEWORSKI stated that there were eight items on the Action agenda and that seven were on the Consent agenda. There were some additional stipulations, which were read into the record.

   For items 'E' and 'F' (UP05-0024 Wal-Mart Supercenter (Crossroads Towne Center) and UP05-0032 Bashas' #161, respectively): Condition No. 4, ***"Alcohol display shall be prohibited at the checkout lines."***

   Item 'G' (PPT05-0008 Chandler Gateway Office Park Condominiums): Condition No. 1, ***"The landscaping at the intersection of Chandler Boulevard and McClintock Drive shall be revised to include the planting of three palm trees and a planter wall. This plat cannot be recorded unless these improvements are fully complied with."***

A. DVR04-0064 SUNRISE ASSISTED LIVING OF CHANDLER

APPROVED a request for rezoning from Planned Area Development (PAD) Office to Planned Area Development (PAD) Assisted Living Facility with Preliminary Development Plan (PDP) approval on approximately 4.87 acres for the construction of an Assisted Living Facility development located at the southeast corner of Chandler Boulevard and Gila Springs Boulevard.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "SUNRISE ASSISTED LIVING FACILITY OF CHANDLER" kept on file in the City of Chandler Current Planning Division, in file number DVR04-0064, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Chandler Boulevard and Gila Springs Boulevard, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. 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. Completion of the construction, where applicable, 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.
9. Building mounted signage facing adjacent residential homes shall be non-illuminated.
10. Landscaping shall be in compliance with current Commercial Design Standards.
11. At the discretion and by written notice of the Zoning Administrator, the applicant shall implement the 'contingency parking plan' as outlined in the attached Development Booklet.

B. DVR05-0004 GILA SPRINGS BUSINESS PARK

CONTINUED TO JUNE 15, 2005 PLANNING AND ZONING COMMISSION MEETING, a request for Preliminary Development Plan approval for an office development located on approximately 18 acres at the northeast corner of Gila Springs and Chandler Boulevards.

C. DVR05-0013 COOPER PARK

CONTINUED TO JUNE 15, 2005 PLANNING AND ZONING COMMISSION MEETING, a request for rezoning from Planned Area Development (PAD) Commercial to Planned Area Development (PAD) Mixed Use with Preliminary Development Plan (PDP) approval for the construction of a mixed-use development consisting of residential and commercial land uses on approximately 15.34 acres located at the northwest corner of Chandler Boulevard and Cooper Road.

D. DVR04-0054 CHANDLER 202 AUTO PARK – PHASE II

CONTINUED TO SEPTEMBER 21, 2005 PLANNING AND ZONING COMMISSION MEETING, a request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) on approximately 16 acres located at the northwest corner of Pecos and Gilbert Roads, for the development of an automobile dealership complex.

E. UP05-0024 WAL-MART SUPERCENTER (CROSSROADS TOWNE CENTER)

APPROVED, a request for Use Permit approval to sell liquor for off-premise consumption only (Series 9 License) for a store located within the Crossroads Towne Center. The subject property is located at the northwest corner of Gilbert and Germann Roads.

1. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 9 license only and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other store locations.
4. **Alcohol display shall be prohibited at the checkout lines.**

F. UP05-0032 BASHAS' #161

APPROVED, a request for Use Permit approval to sell liquor for off-premise consumption only (Series 9 License) for a grocery store located within the Chandler Heights Marketplace. The subject property is located at the northwest corner of Gilbert and Chandler Heights Roads.

1. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 9 license only and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other store locations.
4. **Alcohol display shall be prohibited at the checkout lines.**

G. PPT05-0008 CHANDLER GATEWAY OFFICE PARK CONDOMINIUMS

APPROVED, a request for Preliminary Plat approval for an office condominium development located at the southwest corner of Chandler Boulevard and McClintock Drive.

1. The landscaping at the intersection of Chandler Boulevard and McClintock Drive shall be revised to include the planting of three palm trees and a planter wall. This plat cannot be recorded unless these improvements are fully complied with.

MR. WEWORSKI stated that the applicants were in agreement with the additional stipulations.

CHAIRMAN FLANDERS asked if everything had been taken care of with regard to Item 'A'. Mr. Weworski stated that he believed that it had.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER GULSVIG, to approve the Consent Agenda with the additional stipulations as read into the record. Motion was approved (4-0).

ACTION:

H. UP05-0012 ZIPPS SPORTS GRILL

Request Use Permit approval to sell liquor (Series 12 Restaurant License) at a new restaurant within Windmill Square's commercial center. The property is located at the northeast corner of Ray Road and McClintock Drive.

JODIE NOVAK, PLANNER II, stated that this was a request to sell liquor (Series 12 Restaurant) at a new restaurant within the Windmill Square shopping center located at the northeast corner of Ray and McClintock Drive. The proposed applicant is the Zipps Sports Grill and Restaurant owned by Goldman Management Company. The application was reviewed by the Planning and Zoning Commission at the May 18th 2005 hearing. At the hearing Commission had concerns and had asked the applicant to further look at parking on the site, traffic flow and circulation on the site, as well as the proposed hours of operation. Zipps Sports Grill is a restaurant that wants to have liquor served indoor as well as on an outdoor patio. The patio is a portion of an outdoor common plaza that was designed as part of the commercial shopping center. There is adjacent residential that is under construction by Magee Homes. The commercial center was approved along with the single-family residential development with PAD zoning (2003). The PAD zoning approved for the commercial center was for a mixed-use project, which would include a variety of restaurants, retail stores, and office based uses. As a part of that zoning approval a Preliminary Development Plan was also granted that included the site layout, site plan, which includes the parking calculations, the parking configuration, circulation, building locations, as well as the building architecture for the project, and landscaping. The application is especially a request to allow liquor as a land use within one of the tenant spaces within the commercial center and have Commission and Staff evaluate whether or not the proposed liquor land use creates intensity or any externalities within the center or within any of the adjacent residential. Following the last meeting the applicant evaluated the parking and how they could or could not accommodate parking on the site in relationship to the peak hours of their business and their familiarity of how their business operates at other locations. The applicant was asked to review their hours of operation or reduce the size of their tenant space. Also, another item following the last meeting was a consideration to amend Condition No. 6. Ms. Novak said that staff had left the condition as is other than adding additional language to allow the applicant to put flat screen monitors on the outdoor patio. They would be for viewing only with no speakers attached to them to address neighbors' concerns.

Ms. Novak went on to say that during Study Session it was asked by Commission that another stipulation be added to ensure that no one would park on the rear drive isle adjacent to the residential. Ms. Novak said that the drive isle was a service drive for deliveries or for loading/unloading. The stipulation would read, "The property owner shall post signs on the rear of the building adjacent to the rear drive isle that indicates parking is prohibited other than for deliveries." This may be in addition to anything that the Fire Marshall may post on the rear of the property. Ms. Novak that Staff recommends approval of the additional stipulation, as well as the other conditions.

VICE CHAIRMAN HEUMANN stated that there didn't appear to be any real significant changes from what had previously been discussed two weeks earlier. Ms. Novak stated that she had not received anything that directly responded to the specific questions that the Commission had addressed. She stated that she provided the concerns to the applicant and the developer's

representative following the previous meeting via e-mail. The letter from Goldman Management was the information that Ms. Novak received.

VICE CHAIRMAN HEUMANN asked Ms. Novak to review for the audience Commission's concerns from the previous meeting.

Ms. Novak stated the request is for a restaurant, and the restaurant wants to serve liquor. There was a neighborhood meeting that had taken place, and residents who are prospective buyers in the adjacent single-family subdivision and/or live in the area had concerns about the hours of operation. The restaurant is proposing to be open until 2:00 a.m., which is, by State law, the allowed hour that an establishment can serve liquor. The applicant also wants to have a small outdoor patio that is adjacent to the restaurant with outdoor seating for both food and beverage consumption. The residents also had concerns with noise that would be generated from the outdoor patio, as well as traffic and parking conflicting with the gated entrance into their subdivision. Commission addressed those same points at the last meeting. The major concern was accommodating parking for this particular restaurant to ensure that the shopping center could accommodate the number of patrons who would be coming at peak hours. Commission also had concerns about circulation, vehicles being able to park effectively and maneuver safely through the mixed-use center so there would be a variety of uses and really understanding the hours of operation for the other businesses, determining if there would be any cross parking conflict at any point during the day. Commission also asked the applicant to further review the possibility of reducing the size of the restaurant in hopes that it might reduce some of the intensity concerns regarding parking and the number of people going to the property. Ms. Novak went on to say that Commission had asked the applicant to consider limiting the hours of operation on the patio itself.

CHAIRMAN FLANDERS asked what the total square footage of the building was and Ms. Novak stated that the total square footage of the building is 7,800 square feet. Zipps would be leasing 6,174 sq. ft. Chairman Flanders asked if that included the patio area. Ms. Novak stated that it did not include the patio area; the patio was an additional 832 square feet. Chairman Flanders what the distance was to the closest residence to the back of the building. Ms. Novak stated that it was just under 150 ft. in distance from the back of the building to the front of the property line of the nearest home.

MR. CHARLES HUELLMANTEL, 2525 E. ARIZONA BILTMORE CIRCLE, PHOENIX, AZ. Mr. Huellmantel stated that the total building size was 8,400 sq. ft. with 6,000 being leased by Zipps. He stated that the previous numbers were close, but a little bit off. It was 8,400 and 6,000 as opposed to 7,800 and 6,100.

CHAIRMAN FLANDERS asked if the 174 sq. ft. was restaurant area. Ms. Novak replied that, per the improvement plans for the tenant improvement and the zoning documents, the building had been disclosed as a 7,800 sq. ft. building. Chairman Flanders asked the applicant if Zipps would be 6,000 sq. ft. Mr. Huellmantel stated that that was correct. Ms. Novak stated that the application is represented as 6,174 sq. ft. specifically for the total square footage of the tenant space that Zipps would lease.

VICE CHAIRMAN stated that, with the addition of the 832 sq. ft. of patio, it would be closer to 7,000 sq. ft. based on what had been presented. Mr. Huellmantel stated that they were in agreement that the patio was 832 sq. ft. and was in addition to the 6,000 sq. ft.

MR. HUELLMANTEL stated that he wanted to give a brief history of the project. He said that this particular project started as a commercial area. He said that it was important to point out that the area, which is now a neighborhood, started out as a commercially zoned piece of property. Armstrong Development went in and asked to have a portion of the property rezoned. It was important to note that everyone who bought homes in this area knew or should have known if they read their disclosure documents that this was a commercial center. In fact, the homes were there because Armstrong worked to rezone the property and make it residential. He said that the idea that there wouldn't be some expectation of finding a commercial use is without factual background.

He went on to say that they had worked with Staff by first holding a neighborhood meeting. One of the complaints was that the patio was not situated appropriately and would perhaps cause noise and sound. Mr. Huellmantel said that they worked with Staff to create a new design for the patio and to create a block wall. He felt that they had made substantial changes from what they had hoped to do there.

Mr. Huellmantel went on to state that one of the concerns brought up at the previous Commission meeting was with respect to the parking. He said that Code requires 46 spaces, and that they met Code requirements. In fact, they had allowed 60 spaces for the parcel. However, they were looking at roughly 198 seats for Zipps and that maybe 60 spaces wouldn't be enough. Mr. Huellmantel commented that the parking spaces are shared in the center. He said that they went back to find 100 spaces, even though they were allowed to share the parking. Mr. Huellmantel discussed how they could find additional parking spaces from the other tenants. In summary, he said that they now would have 100 spaces without taking any spaces from Bank One, without taking 55 spaces from in front of CVS, and without taking any of the primary spaces from the national retailer. This was not counting the spaces for the medical facility. He went on to discuss the hours of operation for the surrounding businesses.

Mr. Huellmantel stated that Zipps is a family neighborhood restaurant. Most of the people who are in Zipps know most of the other customers. Zipps serves approximately 50% food and 50% alcohol, which is far below what they are required to do. He said that different generations of people visit Zipps. It isn't a place with live music or bands. There will be televisions inside and sometimes outside as well. In this case, one of the concerns was having the televisions outside creating noise. Mr. Huellmantel stated that they had worked with Staff and were agreeable to having only monitors on the patio with no sound. He went on to say that the restaurant would be non-smoking. The restaurant does not have a large bar space, but contains mostly tables for families. The restaurant does wish to serve alcohol.

Mr. Huellmantel went on to explain that through the "point of sales" system that Zipps uses, they were able to estimate how many people would be at a Zipps at any given time. Using this system, they had made some assumptions and drew from them how many parking spaces would be needed. He said that approximately one-half of the guests at lunchtime drive their own vehicle. He went on to say that during happy hour 80% of the guests drive their own cars. During the dinner hour 60% of the guests drive their own cars. At the Kierland Zipps, the largest parking requirement for lunch is on a Friday, which requires 37 spaces. The largest requirement during a happy hour was on a Wednesday, and that was 49 spaces. The largest requirement for a dinner hour was on a Sunday and that was 49 spaces. They had taken the numbers from a week when there was Suns' games and when there were lots of people going to the grill to eat and to watch sports.

Mr. Huellmantel stated that for the same time period, the Hayden store's largest lunchtime would provide the need for 25 spaces, the largest happy hour was on a Thursday and required 40 spaces, and the largest dinner hour was on a Friday and would require 27 spaces.

At the Camelback Zipps, the largest lunch hour was on a Wednesday and would require 27 spaces; the largest happy hour was on a Friday and would require 41 spaces; and the largest dinner hour was on a Wednesday and would require 32 spaces.

Mr. Huellmantel explained why Zipps would need so many tables and said that the Goldman's run the Zipps restaurants and they want their customers to be comfortable. They don't want people to be overcrowded and they want people to have the ability to sit at a table where there may not be someone next to them. One of the things that restaurants do to make people comfortable is to have space. Mr. Huellmantel stated that also the reason they don't have loud music or bands is that Zipps is a place to go where people can have a conversation. The more space that you have, the better off you are in terms of volume and sound. Zipps wants exactly what the neighbors say they want, an atmosphere that has a family style restaurant and a place that one can go to for a drink and watch the game, and that isn't so loud that you can't talk to a person next to you.

VICE CHAIRMAN HEUMANN stated that his prior comments were with regard to the previous Commission meeting. He said that he agreed that this was a commercial center going in and was part of approving the center. He felt the neighbors knew about that. He said that the big question is the intensity. He said that they had talked about the Code requiring 46 spaces, but felt that was based on a normal retail. Vice Chairman Heumann asked Staff if the shared parking was discussed previously when Bank One was approved.

MR. WEWORSKI responded that there had been discussion about the shared parking with the rest of the center to the south of the Bank One and how the front door of the bank would accommodate the customers because some of the site had accommodated parking on the other side of the drive thru lanes.

VICE CHAIRMAN HEUMANN commented that he felt that a non-smoking venue was great and needed in Chandler. He went on to speak about the issue regarding the number of tables. Vice Chairman Heumann stated that businesses are not successful by just having empty tables; businesses are successful by filling the tables. He stated that using the statistic of 60% of the people driving, if there were 224 spots, not counting anyone waiting for dinner, there would have to be 134 spots. He went on to say that there are two other tenant spaces and that the parking hadn't been determined as yet. He stated that what he'd heard from the neighbors is that there was too much intensity. The other Zipps parcels are in large shopping centers and not next to residences. He said that he had visited all three Zipps.

MR. HUELLMANTEL stated that the way restaurants make money is by providing a good product that customers would want to come back to, having repeat customers, and having an environment where people feel comfortable, including families. He felt that by providing a consistent good product, people would go back. Zipps is not the kind of place that people just stop at, such as a Friday's. It's a neighborhood establishment with a repeat customer base. Mr. Huellmantel said that the other Zipps are similar in size in terms of the number of seats that they serve. There are 210 seats in Camelback (122 inside, 88 on the patio); at Hayden they have 145 seats (30 outside); and at Kierland they have 174 seats and 24 outside.

VICE CHAIRMAN HEUMANN asked if they were all in large shopping centers.

TODD GOLDMAN, 10425 E. WEATHERSFIELD ROAD, SCOTTSDALE, AZ 85259 stated that they were not in large power centers, rather more medium sized centers. He said that the proposed Zipps at Windmill Square would be the smallest center. He felt the other Zipps were in neighborhood centers. He said he agreed that in a great world they would be at a maximum capacity at their restaurants. They build 196 seats in hopes that they'll be using a lot of the seats. However, there is a common misconception in the restaurant industry. They do have big hours and the study they did as far as customers go indicated the strong hours as being the lunch hour between the hours of 12 to 1 p.m. and the largest dinner hour is from 6-7 p.m. As they seat 196, many are 4 tops and many are 6 tops. Unfortunately not everyone comes with a group of 4 or a group of 6, so at a 6 top if there are only 3 or 4 people seated, the table is full but not actually filled. He said that he wished they could seat 196, but that's not the case.

VICE CHAIRMAN HEUMANN asked Staff what the retail square footage of the retail center for Windmill Square was. Ms. Novak stated that Windmill Square has a total of 42,700 sq. ft., which is a small village cluster-style, intimate center. She noted that the square is intended to be "pedestrian friendly" and that is why the buildings are on individual lots per se. She concurred that this contains the medical space, CVS, the path that is open the current proposal and Bank One. He noted that the Safeway Center that the applicant is currently in is approximately 200,000 to 250,000 square feet with Safeway alone being 60,000 square feet.

MR. GOLDMAN commented that Safeway is 40,000 square feet in size and the entire center is approximately 260,000 square feet. **VICE CHAIRMAN HEUMANN** added that the center on Camelback is also a fairly large property. He asked whether the applicant would compare the proposed facility to The Teakwood Tavern, a very successful, locally run operation with facilities in both Scottsdale and Chandler. He noted that the business is typically "packed" and said that on Friday nights all of the successful dinner business in Chandler are "packed" from 6 p.m. until 9 p.m. and said his concern is the intensity of the use in this small shopping center located less than 150 feet of a residential neighborhood. He stated that two weeks ago he agreed that the applicant runs successful operations but that is not his concern, he is simply worried about the intensity of the use on the surrounding neighborhood.

MR. GOLDMAN advised that he understands the Vice Chairman's concerns and reiterated comments made at the previous meeting regarding their success in going into smaller centers and catering to the neighborhood. He pointed out that they are not trying to compete with 43 other restaurants like other big centers do and added that that is part of the reason for their success.

COMMISSIONER GULSVIG requested that the proposed parking layout be displayed again and said he totally understands Vice Chairman Heumann's concerns. He noted that as depicted there is ample parking and said he appreciates the added stipulation related to the back parking area that addresses his requirement for property flow, but said what worries him is the break up of the parking. He said that in other areas that they are at they see sequential parking that is a lot more orderly than what is being proposed. He pointed out that the egress into the area and the exit is right across the path for parking where pedestrians are going to be walking. He emphasized that he has nothing against the Zipps facility itself, but he too has concerns about the intensity that could quite possibly result in extreme congestion in a small area with parking not as uniform as it is in other areas.

MR. HUELLMANTEL commented that part of the project's design was to not have the parking uniform and to not have "fields of parking," which has not proven to work very well in the past. He noted that it might be easier for people to park but it does not create a more inviting environment. He

discussed the current proposal and said that they have indicated where 100 spaces can be provided but stated that that does not mean that that is where the people will park. He said they do not buy into the assumption that there will be a maximum number of cars in either parking area and added that they actually disagree with that but have respectfully listened to the Commission and have attempted to meet on of the requirements they would like to see. He reiterated that if they are going to have full tables, full does not mean that all of the seats at the table are occupied, it simply means that there are some people sitting at those tables any many not to capacity levels. He stated that they have attempted to provide a very fair assessment of what they believe the project's needs are. He further stated that they are using parking on the right side of CVS, closer to Ray Road, and said people may park there or closer to the entrance off of McClintock or in a number of other areas. He added that they do not believe that it is going to be as expansive as the Commission does. He said that another thing to consider is if the business is as successful as the Commission believes it will be, it is a place where at the end of the day buildings and accommodates a loyal clientele, it is not going to be busy overnight like the latest well known chain restaurant. It will take a while to grow to the clientele they would like and if it is ever as successful as the Commission fears it will be and 198 seats are filled by 198 people on a regular basis, he suspects that Zipps will come before the Commission again with a request for another restaurant. He noted that this would not happen overnight.

COMMISSIONER GULSVIG responded that he does not disagree with any of Mr. Huellmantel's comments but reiterated concerns regarding parking and the way pedestrians would have to access the facility. He said that if they use other areas as mentioned for parking, those businesses have people going in and coming out and are not there for extended time periods. He said he really is not sure what the answer is.

MR. HUELLMANTEL said that another thing to consider is that in the specific design of the project, care was taken to minimize impact on pedestrian paths.

VICE CHAIRMAN HEUMANN commented that this was envisioned and previously presented as a neighborhood center with small, incidental retail, with CVS as the anchor. He said that at this point he would like to hear from members of the audience.

CHAIRMAN FLANDERS concurred and advised that to him it doesn't make a difference whether they are talking about a Zipps, a Boston Market or a Flemings, it is simply a matter of the size of the restaurant with the patios and the restaurant combined, about 7,000 square feet. He added that as the restaurant was designed, that size is a slightly intense particularly with its proximity to the residents. He noted that he also has a problem with the intensity level of the proposal and said that he has heard a lot of good things about Zipps and the manner in which they are run and stressed that their concerns have nothing to do with the applicant or the operation itself. He commented that for him the concerns center around the square footage and the fact that they are talking about a restaurant and a bar.

CHAIRMAN FLANDERS requested that the speakers come forward as their names are called.

SANDI PHIFER, 3934 W. ROUNDABOUT CIRCLE, said that she has lived at her current address for approximately two weeks. She stated that she is typically business oriented because of the positive impacts they have on the community. She commented that as a homeowner, she was aware of the fact that commercial development was going in at the location under discussion but because of the limited size of the strip center, they did not expect that such a large, popular sports type bar and grill would be approved for that particular location. She expressed the opinion that the business would be located too close to the residential neighborhood and added that the possibility exists that sounds will echo down the green belt area. She further discussed the nature of the sports bar itself

and said that there will always be some type of event going on and the business will be very active. She informed the Commissioners that she and her husband visited a couple the Zipps operations and commented on their popularity and the fact that they are located in larger strip centers. She stated that she would welcome Zipps if it were going to be located in a larger strip center. She added concerns regarding the fact that the operation would be open until 2 a.m.

MICHAEL HAY, 907 N. ALBERT DRIVE, said that he and his wife lived in Scottsdale for a while and purchased their home in Chandler approximately two years ago. He stated that when they lived in Scottsdale, their home was in close proximity to Zipps, an establishment they visited frequently. He described Zipps as more of a "low key" bar where they would have drinks and dinner and added that other people in his age group are not interested in frequenting large, smoke-filled establishments and that is why they went to Zipps. He further stated that Zipps was a quiet, comfortable establishment and when they heard that there might be a Zipps coming to Chandler, a few blocks from their home, both he and his wife were both excited and happy about this prospect. He noted that there are a few other restaurant/bars in the area and expressed the opinion that they are not of the same caliber as Zipps and portray more of a bar atmosphere than he and his wife are looking for. He said he wanted to extend his and his wife's support for the establishment of a Zipps in Chandler and added that it is a nice, social-type place for people to gather. He commented on parking and pointed out that there parking nearby as well and he does not see this as a problem.

ANTHONY CHAMPY, 3923 W. ROUNDABOUT, expressed concerns about the placement of a bar in such close proximity to a residential neighborhood and noted that at the back of the building there is an ingress/egress that he is sure would be used by employees putting out trash, etc. He said that that is considerably closer to the nearest single-family home and the playground that is part of the Windmill Villas development than has been portrayed. He also commented on parking and said that more than likely people will park across the street and run across McClintock, a fairly dangerous procedure considering the fact those patrons may have consumed alcohol at the establishment. He added that there would definitely not be sufficient parking when they are having happy hour or holding other special events. He pointed out that the business will need to sell a considerable amount of alcohol in order to be successful, more so than food. He informed the Commissioners that he has worked at several similar establishments and knows this information to be true. He added that when he purchased his home, he was under the impression that because of the limited size of the strip mall, it would be leased to a number of small shops. He noted that his development contains 43 units and additional traffic/congestion would negatively impact safety, quality of life and property values.

JIM ROSS, 3939 W. ROUNDABOUT, said he plans to move into his new home at this location with the next couple of weeks. He asked whether the Albertson's Shopping Center, on the northwest corner of the intersection, was also C-2. **MS. NOVAK** responded that it is zoned Planned Area Development (PAD), no different than the Windmill Square Center. She added that as a part of that zoning district, it does permit uses that would be allowed under the C-2 zoning district in the City's Zoning Code. **MR. ROSS** pointed out that the Albertson's Center is substantial and said that the corner that the Windmill Villas is on was probably that same zoning originally but when the developer moved in and split it into 43 homes, with a small strip center "hugging" the corner, that strip center kept the same zoning as the Albertson's Plaza. He stated that comment sense dictates that these are two totally different types of complexes with one being much smaller than the other and designed for much smaller businesses. He said that perhaps there is a need for a new type of zoning sub-category to deal with these types of situations.

CHAIRMAN FLANDERS commented that the City does have specific zoning categories for commercial development and noted that C-1 is a little more restrictive than C-2. **MS. NOVAK** added

that C-1 does not allow as many uses as C-2 but added that they are basically the same, neighborhood and community/commercial-type retail services, often restaurant-based uses. She said that oftentimes those centers are zoned to allow a mix of those uses; there are no restrictions on whether there is one large restaurant or ten individual restaurants. **CHAIRMAN FLANDERS** stated that with the PAD process, they are allowed to view a lot of the uses that are going in and the current process takes care of a lot of those problems. **MS. NOVAK** commented that the shopping center in question is already zoned to allow a restaurant and the request is just whether to allow that restaurant to have liquor as a part of its use.

MR. ROSS further stated that he was alluding to the fact that since they are talking about a relatively small piece of land, perhaps there should be some kind of restriction in place as to how big any one business on that parcel can be. He asked whether theoretically they could have developed that strip with just one business. **CHAIRMAN FLANDERS** responded that that would depend upon the developer.

MR. ROSS referred to a comment made by the developer's counsel at the beginning of the presentation and said he stated that it was already zoning commercial and the residential was after the fact and therefore the commercial has precedence over the residential and the residential buyers knew that it was going to be commercial and for some reason ignored it and are "whining" after the fact. He explained that when the plan for this development came out, it showed that building holding eight approximately 1,000 square-foot bays. He added that common sense would lead someone to believe that they were seeking eight small businesses to fill those slots but now they have a business that occupies six out of the eight bays plus an additional outdoor dining area (just short of another 1,000 square feet). He agreed that the residents were well aware that the property was zoned commercial but said that he does not think anyone envisioned that a restaurant of this size would be located on that site. He further stated that the original plan for the entire commercial development was a wonderful idea and meshed with the area around it from an aesthetic standpoint with the various pedestrian plazas. He informed the Commissioners that one of the buildings is now encroaching upon what was a common area pedestrian plaza for its own private use. He added that the outdoor dining area is directly across from an open gate into the residential neighborhood that is directly across from a park. In order for the people in that neighborhood to use that pedestrian plaza, they are going to have to "squeeze down" between the corner of the Bank One and the wall created for the outdoor dining area, which in essence is a tunnel. He stated the opinion that it certainly appears from the submitted data that the restaurant could lose at least one bay, perhaps two, and still more than accommodate the highest numbers for lunchtime or happy hours/dinner on various days. He summarized by saying that either the census data is too low or the restaurant is too big.

RON PHIFER, 3934 W. ROUNDABOUT CIRCLE, informed the Commissioners that he has in his possession a petition signed by residents of the area opposed to the approval of this request. He reported that 12 of the 43 homes have been constructed in the Villas and the petition contains the signatures of 10 owners who have concerns about the proposal. He asked the proper manner in which to place this information into the official record. **CHAIRMAN FLANDERS** responded that the Commissioners are in receipt of the petition and suggested that Mr. Phifer submit his copy to Linda Porter who will make sure that it becomes part of the record. **MR. PHIFER** commented that he appreciates the effort that the applicant has put forth in addressing some of the residents concerns, including their willingness to close down the outdoor patio at midnight. He added that the residents' concerns still focus on the close proximity of the facility to the residential development, traffic and parking issues, and safety hazards as a result of the added congestion at this location. He further stated that he too visited two of the applicant's establishments and found them to be noisy. He added that they contain large bars and he has not seen the plan for this particular operation so he does not

know the size of the proposed bar. He expressed the opinion that the term "family restaurant" might be stretching the truth. He stated appreciation to the Commissioners for considering this matter and listening to the citizens' concerns.

VICE CHAIRMAN HEUMANN noted that the original packet from two weeks ago contains a layout of the proposed establishment and said that staff could provide copies to anyone interested. He estimated that the bar takes up approximately 25% of the total space, including kitchens, bathrooms, etc.

CHAIRMAN FLANDERS thanked all of the speakers for their input.

S.G. ELISON, ARMSTRONG DEVELOPMENTS, 1230 W. WASHINGTON, TEMPE, addressed the members of the Commission and advised that he was not present at the last meeting but enjoyed hearing everyone's comments this evening. He said he had thought that they had already gone through the process when they originally took the plan through Planning & Zoning. He noted that five years ago he took a big gamble on taking on this property and redeveloping it as a mixed-use, fairly intense in-fill piece of property that was previously un-developable. He added that with everyone's assistance (staff, Commission and Council) they developed a pretty unique plan that integrates fairly dense single-family residential/commercial development along a major arterial intersection that carries upwards of 80,000 cars a day. He reported that when they originally took the plan through, they had several conversations speculating about possible tenants for the center. He further stated that he reviewed documents and various sets of minutes dating back to that time and said they had often contemplated even more intense restaurant uses than the proposal and at one point contemplated an Applebee's. He explained that they could not come to terms with that type of user for that space as the project proceeded, but they always envisioned a restaurant being a unique component of the mixed-use development. A component that would serve as a buffer between the major arterial and the residents who were to come. Intensity was always taken into account and how it would be accomplish. He stated that they always provided parking in such a manner to ensure buffering/screening by buildings and provided pedestrian access ways throughout the development that would lead people from one building to the next. He said that he is very excited about the prospect of establishing a Zipps at this location and added that both he and the City agreed that this would always be a unique corner that they were able to create a unique environment upon.

MR. ELISON commented that he is very surprised that they are now being met with some opposition and questions regarding the levels of intensity for the use. He pointed out that 6,000 square feet is by no means a large user and added that this pad was envisioned to be 8,900 square feet for a restaurant use. In terms of creating a small village concept style mixed-use development, they originally had a larger building that had the potential to contain smaller tenants throughout and that was deemed by the Commission and Council not to be that necessary and the bank pad would be something acceptable in place of that, taking what they previously showed eight to ten suites in and creating one tenant, one user. In essence, the parcel in question is really the only parcel that is being developed in a manner containing multiple tenants, with three potential tenants and parking provided to accommodate the Zipps' parking as well as the additional two tenants. He expressed surprise that the intensity is a question at this point in time since it was not one when they previously discussed potential uses. He added that he can understand that homes are now being built near the site but expressed the opinion that this type of restaurant is a necessity within this mixed-use development in order to ensure success.

VICE CHAIRMAN HEUMANN clarified that the bank came to them with the developer's blessing to replace the building as a need for the neighborhood. He added that the bank is a low-intensity type

of use. He emphasized that the application was brought before the Commission. He commented on the location that could have potentially become an Applebee's and stated that if they look at that use and location, there is parking on four sides and Applebee's does not have a patio. He further stated that when the proposal was first brought before the Commission, the shops were smaller in-line shops, so the restaurant portion being out on the one pad that now is another national tenant that has been talked about, is a good site for that with parking on all four sides and the flow works great.

MR. ELISON responded that 83 parking spaces were provided for that project and Zipps would have 86 spaces. **VICE CHAIRMAN HEUMANN** pointed out that the differences and reiterated that there is parking surrounding it and no outside patio. He questioned whether that would potentially be a better site for Zipps. **MR. ELISON** responded that unfortunately the way the pad was configured on the site (the pad hidden behind CVS) they are never really going to find a convenient parking build out other than taking out the large pedestrian area that they put in front of it. He added the opinion that Zipps make the pad viable and the eight to ten small shops that would replace it would generate higher traffic levels, more turnover, and people would be entering and exiting every five to ten minutes because of the different shop spaces. He reiterated that Zipps will be unique and is appropriate for this location.

VICE CHAIRMAN HEUMANN disagreed with Mr. Elison's comment regarding intensity and said that on a normal retail center they have parked 5.5 per 3,000, which is what Mr. Elison's counsel has been using. He added that on a restaurant pad itself, the number is 1 per 50 and 1 per 200. **MS. NOVAK** clarified that the parking calculation for a free-standing restaurant on its own site would be 1 per 50 for the public serving area and 1 per 200 for preparation. She added that for a restaurant that is included as part of a mixed-use shopping center there is an overall bulk calculation of 5.5 per 1,000 and that accommodates a variety of multiple uses.

In response to a question from **CHAIRMAN FLANDERS, MS. NOVAK** advised that she was not the original planner on this project. The Chairman stated that he is trying to determine whether there was discussion about restaurants during the initial Commission hearing. **MR. WEWORSKI** replied that no discussion took place about how many restaurants or the intensity of those types of uses, it was known that there would be C-2 type uses that would be allowed and the expectation was that it would consist of a mix of different uses and the parking ration is based on the mix of uses.

MS. NOVAK added that the original zoning case to create the commercial and residential did not have any neighbors opposed to the development of a restaurant. It came about when the PDP was submitted by Armstrong Development to amend the development to eliminate the retail building and put in a bank. That is when residents sent correspondence stating their concern that the ideas represented by Armstrong Development at neighborhood meetings, in terms of developing small cafes and retailers, was no longer going to happen after the bank went in. She added that staff did not have any additional information regarding who would be going into the center.

COMMISSIONER POLVANI asked if this was a 7,000 square-foot restaurant going into that center that was not requesting a liquor license would the Commission have the opportunity to discuss intensity of use, parking or other issues. She questioned whether the reason they were before the Commission was because they were requesting a Use Permit. **MS. NOVAK** responded that the only reason the case is before the Commission is because the applicant wants to serve liquor. She added that otherwise they could just move into the premises because it would be in accordance with the existing zoning and would not be under review at this point in time. She added that the Commission would not be reviewing the case because of the parking issue either; they are simply hearing it because of their request to serve liquor. She said that the Commission's charge is to determine

whether the sale of liquor is a compatible use at that location based on everything they have heard and whether they feel there are any externalities associated with granting the Use Permit.

MR. ELISON commented that they believe the project meets the intent of having multiple tenants and added that he is not sure that it could be a single-tenant building. He added that they have made a good faith effort to live up to their promises and hope that they receive the same consideration back in return. He discussed the cooperative effort that has taken place to date and said he hopes they can move forward with a positive recommendation and bring the project to fruition.

CHAIRMAN FLANDERS asked Ms. Novak what the square footage is of the other two restaurants (similar uses). **MS. NOVAK** replied the she would estimate in looking at the site plan and exhibits, that they would be pretty comparable to the propose size and intensity of the current applicant.

VICE CHAIRMAN HEUMANN commented on the fact that Teakwood Tavern recently expanded to add a non-smoking room (totally space approximately 6,000 square feet) and noted that this is a pretty intense use although they don't have a patio that faces any homes. **MS. NOVAK** concurred and stated that staff evaluated how they dealt with other businesses requesting liquor licenses and/or having patios and the effect of the patios of adjacent residential areas. She reported that there are no exact examples to refer to but from a fairness point of view there are several other businesses the same size in residential areas that have Series 12 liquor licenses. She added that some of those businesses are located in shopping centers that may be much larger than this particular center and others that may or may not have intense parking depending upon their peak hours and certain events. The Vice Chairman commented that an intense use exists at Teakwood Tavern.

MR. ELISON pointed out that the dining floor area for Zipps is 2,800 square feet and the bar area is 5% of the serviceable area. He noted that Teakwood Tavern and Zipps are two totally different types of businesses. He added that as far as the patio, it will contain only seven tables and expressed the opinion that Teakwood Tavern is located closer to residences (on the other side of the service drive). Discussion ensued relative to the fact that there is no patio on the back of their building, their patio is on the front side of their facility and the fact that the applicant intends to enclose the outdoor patio and eliminate that intensity issue. Mr. Elison requested that if the Commission is not looking favorably upon their request this evening and there are still concerns, particularly since some of the members are not present to pose questions, they would like to again continue to case so they will have the opportunity to appear before the Commission once again.

GLEN BROCKMAN stated that the Commission has the ability to continue this case to a future meeting. He added that the bylaws indicate that a continuance is appropriate when there is information yet to be provided upon which the Commissioners will base a decision. He said that the applicant does not have to request a continuance; it will occur if the Commissioners decide that is the way in which they want to proceed.

COMMISSIONER GULSVIG stated that he still has concerns about the traffic pattern flow and the potential for added congestion and traffic safety hazards. He said that he would be willing to vote for a continuance so that these important issues can be further addressed.

VICE CHAIRMAN HEUMANN commented on the fact that the previous continuance only resulted in the development of a parking study and expressed the opinion that if the case is continued once again, the applicant should go back to the neighbors and expend effort to reach solutions to outstanding concerns, and following that, that the applicant come back to the Commission with definitive ideas as far as the traffic flow, intensity, etc.

MR. HUELLMANTEL said that one concern, as he understands it, is that people will be parking in front of the CVS, cutting across the lanes of traffic and then heading in. **VICE CHAIRMAN HEUMANN** responded that his concern is that there will be traffic getting off at McClintock driving towards Zipps and there is traffic coming off of Ray going towards the CVS drive-thru (pick-up) area. He stated that there appears to be a congested flow of traffic in that area. He added that it is just at the intersection on corner between the two buildings where there is traffic coming out of the CVS prescription area and traffic coming in. He added that if the parking spaces to the east of Zipps are taken, cars are going to be passing by there to use the abundance parking that has been identified to the west of Zipps.

MR. HUELLMANTEL responded that part of the answer comes from the fact that although they see a larger building there, their entrance will be along the center (he referred to the diagram). The Vice Mayor said that he is aware of that fact but what he is asking them to do is take a look at the traffic pattern and give him some assurance that the traffic study would indicate that it and the pedestrian study would not result in a conflicting congestion area at that location. **MR. HUELLMANTEL** stated that he understood the concern.

MR. ELISON commented said that he would appreciate a recommendation from the Commission that would allow them to go back to the table and come up with some traffic mitigation to address concerns. He reiterated that they are definitely excited about the project and would like to find a way to meet the Commissioner's concerns. He added that another week would be very helpful and appreciated.

CHAIRMAN FLANDERS thanked Mr. Huellmantel and Mr. Elison for their remarks

VICE CHAIRMAN HEUMANN said that he is a hearing that a one to two week continuance would be appreciated and reiterated his comments regarding going back to the neighbors and trying to address the concerns that have been expressed this evening. He questioned whether two additional weeks would provide sufficient time for the applicant to carry out the direction that was previously suggested, i.e., meet with neighbors, develop traffic mitigation, address issues concerning the size of the project, the possibility of reducing the size of the restaurant, etc.

Discussion ensued relative to the possibility of continuing the case for two weeks and if the applicant is not ready at that time to readdress the Commission, the case could be continued for an additional two-week period of time and the time problems two additional continuances might have on neighbors who wish to attend.

MR. HEULLMANTEL said he appreciated the concerns expressed and will work diligently to accomplish stated goals within the two week period of time if the continuance is granted. He commented on the significant amount of time and effort that has already gone into this project.

CHAIRMAN FLANDERS stated that he previously questioned whether the size of the restaurant could be reduced and added that in his opinion the size of the center is just too small and the parking is all over the place. He said that he is not sure that granting a continuance will actually do any good but said if such a motion is made they will continue in that manner.

MR. HEULLMANTEL assured the Chairman that every effort will be expended to address some of his concerns and the concerns expressed this evening by the residents and other members of the Commission. He expressed the opinion that they are actually asking for a very small usable space and

pointed out that their dining area is much smaller and more information will be provided at the next meeting. He noted that a Boston Market could come in and build two restaurants as long as they fit on the pad because they are not seeking a Use Permit but that is their dilemma.

VICE CHAIRMAN HEUMANN commented that the reason the applicants are before the Commission is because of their request for a Use Permit and explained that the purpose of that is to protect the residents and the area from an intense use. He expressed the opinion that a Boston Market and/or a Subway is not an intense use. He added that he will make the motion for the continuance but wanted the record to reflect that he hopes that when the applicant comes back in two weeks, he hopes that there are significant changes addressing concerns expressed by the Commissioners two weeks ago and this evening. He stated that he would not vote in support of another continuance unless he determines that significant progressive steps have been taken to address neighborhood and Commission concerns at both meetings.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER GULSVIG, to continue this case, UP05-0012 ZIPPS SPORTS GRILL for two weeks to the June 15th Planning & Zoning Commission Meeting. Motion was approved (4-0).

MS. NOVAK commented that with the continuance, the Commissioner's packets would not include anything on their case because information on the June 15th meeting will be sent out next week.

VICE CHAIRMAN HEUMANN asked whether any additional information could be e-mailed to the Commissioners prior to the meeting and **MS. NOVAK** stated that staff would certainly do so.

MR. BROCKMAN advised that sending the Commissioners additional information is fine but stressed the importance of making sure that the information is part of the official record.

In response to a question from **MR. ELISON, MS. NOVAK** advised that items heard at the Commission's June 15th meeting will be heard by the Council at their June 23rd meeting unless an additional continuance is granted, which would push the Council date to July.

CHAIRMAN FLANDERS thanked everyone for their input.

6. DIRECTOR'S REPORT

There was no report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is June 15, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 7:17 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 15, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:35 p.m.

2. Pledge of Allegiance led by Vice Chairman Rick Heumann.

3. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commissioner Jeanette Polvani
   Commissioner Brett Anderson
   Commissioner Mark Irby
   Commissioner Dick Gulsvig

   Absent and Excused: Commissioner Phil Ryan

   Also Present:

   Mr. Doug Ballard, Planning & Development Director
   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Mr. Kevin Mayo, Planner
   Ms. Jodie Novak, Planner II
   Ms. Kim Clark, Planner I
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER GULSVIG, SECONDED BY COMMISSIONER POLVANI to approve the minutes of the June 1, 2005 meeting. Motion was approved (4-0) with Commissioners Irby and Anderson abstaining from the vote due to their absence at the previous meeting.

5. CONSENT AGENDA ITEMS

   CHAIRMAN FLANDERS stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the Consent agenda. He went on to say that if anyone in the audience wanted to pull any of the items to the Action Agenda to raise their hand. Chairman Flanders asked **MR. BOB WEWORSKI, PRINCIPAL PLANNER**, to read the Consent items with the additional stipulations.

   MR. WEWORSKI stated that the following items were on the Consent agenda: Item 'A' Cooper Park; Item 'C' Pad 1 at the Provinces with one additional stipulation, No. 11, which would read as follows, **"No illuminated signage shall be permitted adjacent to residential property."** Also on the Consent agenda was Item 'D' Gila Springs Business Park with one additional stipulation, No. 19, which would read as follows, **"The applicant shall work with Staff to provide specific art features and pedestrian features throughout the development. These features include water features with cascading or splash effects at buildings I and J and the courtyard between buildings E, F, G, and H, and significant freestanding art sculptures at building A and between buildings C and D and the boulevard terminus. Concrete benches, ash urns, and trash receptacles shall be provided at all pedestrian feature areas.** Item 'E' UP05-0030 Bourgeois Salon, Item 'F' UP05-0025 Achen Gardner, Item 'G' UP05-0022 98 South Wine Bar and Kitchen, Item 'I' PPT05-0011

Lakeshore at Andersen Springs Condominiums, and Item 'J' PPT05-0012 Gold Canyon Candle were also on the Consent agenda.

CHAIRMAN FLANDERS asked if there was anyone in the audience that wanted to pull any of the items that had just been read. There was no response.

A. DVR05-0013 COOPER PARK

WITHDRAWN, a request for rezoning from Planned Area Development (PAD) Commercial to Planned Area Development (PAD) Mixed Use with Preliminary Development Plan (PDP) approval for the construction of a mixed-use development consisting of residential and commercial land uses on approximately 15.34 acres located at the northwest corner of Chandler Boulevard and Cooper Road.

C. PDP04-0029 PAD 1 AT THE PROVINCES

APPROVED, a request for Preliminary Development Plan approval to construct a 10,200 square foot retail building on a 1.82-acre pad within an existing 18.9-acre shopping center at the northeast corner of McQueen Road and Ray Road. The property is zoned Planned Area Development (PAD).

1. Compliance with the original stipulations adopted by City Council as Ordinance No. 1377, in case Z84-49 THE PROVINCES, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council in case PL98-0006 SAFEWAY AT THE PROVINCES, except as modified by condition herein.
3. Development shall be in substantial conformance with Exhibit A, Development Booklet entitled "Pad 1 at The Provinces" kept on file in the City of Chandler Current Planning Division, in file No. PDP04-0029, except as modified by condition herein.
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. All mechanical equipment and appurtenances shall be concealed and screened from view. Solid parapets are acceptable for screening, provided the height shall be equal to or higher than, the highest point on the mechanical equipment.
6. The total of all signs for each tenant shall not exceed two square feet for each linear foot of suite frontage.
7. Any missing or dead landscaping along the McQueen Road and Orchid Lane street frontages will be replaced with this development.
8. All screen walls, including both the parking and drive through screen walls, are to match the existing parking screen walls used throughout the center.
9. If the initial tenant will not utilize the exhibited drive through, the building may be constructed without a drive through with landscaping in its place as per the attached exhibit.
10. A maximum of 3,000 square feet of the shops building may be used for restaurant uses.
11. **No illuminated signage shall be permitted adjacent to residential property.**

D. DVR05-0004 GILA SPRINGS BUSINESS PARK

APPROVED, a request for Preliminary Development Plan approval for an office development located on approximately 20 acres at the northeast corner of Gila Springs and Chandler Boulevards.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Midway Corporate Center", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0004, except as modified by condition herein.
2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).

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. 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.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
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. All common area landscaping shall be owned and maintained by a Property Owners Association.
8. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
9. A maximum amount of turf (10% of the total landscape area) with berming and entry monuments/features shall be installed along Chandler Boulevard.
10. Landscaping shall be in compliance with current Commercial Design Standards.
11. The landscape palette shall include more traditional plant materials to match the surrounding landscape.
12. Building A shall have a minimum 50’ setback along Chandler Boulevard.
13. Additional landscape treatments will be provided along Chandler Boulevard in front of Buildings E and F to mitigate the parking lot visibility such as denser tree plantings and enhanced parking screen wall treatments.
14. The developer shall be required to contribute 43% of the cost of a traffic signal at the intersection of Gila Springs Boulevard and Chandler Boulevard.
15. A deceleration lane shall be required for the driveway located off of westbound Chandler Boulevard.
16. The parking lot canopy design shall incorporate the contemporary design features and materials utilized on the buildings.
17. All pedestrian circulation routes shall have a textured colored paving treatment at all crosswalk connections in the parking lot driveways.
18. A comprehensive sign package shall be reviewed and approved under a separate PDP application.
19. **The applicant shall work with Staff to provide specific art features and pedestrian features throughout the development. These features include water features with cascading or splash effects at buildings I and J and the courtyard between buildings E, F, G, and H, and significant freestanding art sculptures at building A and between buildings C and D and the boulevard terminus. Concrete benches, ash urns, and trash receptacles shall be provided at all pedestrian feature areas.**

E. UP05-0030 BOURGEOIS SALON

APPROVED, a request for Use Permit approval to operate a beauty salon within an existing professional office building in a Multiple-Family Residential District (MF-2). The subject property is located at 505 W. Ray Road Suite #3.

1. Modification or expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other store location.
3. No more than two employees will be permitted to work in this suite simultaneously.

F. UP05-0025 ACHEN GARDNER

APPROVED, a request for Use Permit approval to install a 10,000-gallon above ground fuel storage tank within a Planned Industrial District (I-1). The subject property is located at 550 S. 79th Street.

1. Development shall be in substantial conformance with exhibits submitted as part of this application and shall be kept on file in the City of Chandler Planning Services Division, in File No. UP05-0025 ACHEN GARDNER.
2. The fuel tank shall be painted to match the existing screen wall
3. Fuel containment shall be in accordance with all State and Federal laws.

G. UP05-0022 98 SOUTH WINE BAR & KITCHEN

APPROVED, a request for Use Permit extension approval to sell liquor (Series 12 Restaurant License and Series 7 Beer and Wine Bar License) at a new restaurant. The property is located in downtown Chandler at 98 South San Marcos Place.

1. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 12 and Series 7 license only, and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other store locations.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.

I. PPT05-0011 LAKESHORE AT ANDERSEN SPRINGS CONDOMINIUMS

APPROVED, a request for Preliminary Plat approval for a condominium residential subdivision located at the southwest corner of Ray Road and Andersen Springs Boulevard.

J. PPT05-0012 GOLD CANYON CANDLE

APPROVED, a request for Preliminary Plat approval for a commercial subdivision located at the south of the southeast corner of Arizona Avenue and Riggs Road.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER ANDERSEN, to approve the Consent Agenda with the additional stipulations as read into the record. Motion was approved 6-0.

ACTION:

B. DVR04-0063 RAVENNIA

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a single-family residential development with Preliminary Development Plan (PDP) approval for subdivision layout and housing products on approximately 2 net acres. The property is located approximately a quarter-mile east of North Evergreen Street on the north side of West El Monte Place, which is north of Warner Road.

JODIE NOVAK, PLANNER II, stated that this is a development project proposed on property that is north of Warner Road and one-quarter mile east of Evergreen Street on a street named West El Monte Place. The piece of property is currently vacant land that is located west of an existing subdivision called Arborlane and in between single-family residential to the north and south, and an apartment complex to the west. The applicant is requesting to rezone the property from agricultural zoning (AG-1) to Planned Area Development specifically for a detached single-family subdivision. The property is approximately 2 acres in size and encompasses 15 individual single-family lots. The net density is approximately 5.5 dwelling units per acre. This is an infill parcel in that the property

surrounding it has been developed. The development includes three housing products, with one elevation per product. There is Plan A, B, and C. The lots vary from approximately 3,800 square feet to just over 8,000 sq. ft. in size. The average is about 5,000 sq. ft. There are two single-story housing plans and one 2-story housing plan. As a part of the proposal, the developer is requesting some setbacks that may be less than what would be typical in a larger subdivision in Chandler where the side setbacks are typically 5' and 10', or larger. This particular development has just a few lots that are at 5' and 4', depending on the plan that is located on the lot. There are lots that exceed the 5' and 5' with the one-story homes in which they have 5' and 7', sometimes 10' setbacks as well. The development has a mixture of the one- and two-story homes though it is predominately two stories that are able to be located on a majority of the lots if not all of them within the subdivision. The developer is asking for waivers from the typical setback standards, as well the typical practice to limit two-story homes within the development and on corner lots.

Planning staff has worked with the developer to come up with a design on the project that includes the right-of-way dedications to El Monte Place and the relocation of an existing SRP waterline that is on the property, coming up with a subdivision layout that includes a private street system, a loop street that is not gated. Staff also worked with the developer to provide a centrally located recreation/ramada area, which is also used for retention as a part of it, making sure that there is a theme wall along El Monte Place as well as some landscape tracts to coincide with the landscaping on El Monte Place as it exists. There was a neighborhood meeting. Residents were supportive of the development. They were excited to see this parcel coming in with a development proposal for single-family homes. Ms. Novak stated that she had not received any correspondence from residents that were opposed to the development.

MIKE MACCHIAROLI, 2920 E. CAMELBACK, SUITE 200, stated that he would answer any questions that Commission had about the project.

COMMISSIONER IRBY asked the applicant if he had attended the Study Session prior to the meeting. Mr. Macchiaroli stated that he had attended most of the Study Session. He went on to say that it was his understanding that the biggest issue was the setback issue.

COMMISSIONER IRBY commented that the applicant brought in a product that was tightly packed on the site, showing 4' setbacks. He said that the requirement is a minimum of 5', which meant that some of the properties would get shrunk down by 1-2 feet of building area. He said that he didn't know how Commission could approve a product that would have to be brought back and be dramatically modified.

MR. MACCHIAROLI stated that they were proposing setbacks of 5' and 4' on lots 2 through 4 and on lot 13. He said that in talking with his design team, shaving off 6" from each floor plan would not be an issue so achieving 5' and 5' would be doable.

COMMISSIONER IRBY asked if the applicant intended to change the lot lines. Mr. Macchiaroli stated that he would change the floor plans of the models. The actual product had not been designed, so by taking 6" off each side of the unit, they should be able to achieve 5' and 5' setback.

COMMISSIONER IRBY commented that the one lot that stood out in his mind was lot 13. It showed the smallest footprint with a 4' setback on both sides. In order to make the home fit there would need to be one to two feet chopped off. He went on to say that he didn't want to see all two-story homes fronting along the street. He said that lot 1 showed a single-story home, but if he was to approve the project lot 14 would have to be a single-story as well. He also commented that all the plans show just one exterior elevation for each floor plan. He said that one of the stipulations is that there couldn't be the same elevation side by side. Mr. Macchiaroli asked if flipping the elevation could be considered as a second elevation. Commissioner Irby responded that mirror imaging didn't

qualify as being a second elevation. He said that he had a problem with that aspect of the project. Commissioner Irby said that he liked to see infill projects happen, but didn't want to support something that wasn't creative. Commissioner Irby said that he was going to recommend that the applicant either work with staff, or to go to design review to work out some of the issues in order to come back to Commission with a plan that had at least two minimum exterior elevation options. There could be the same floor plan next to each other, but have a different street view. Mr. Macchiaroli said that that would be fine.

CHAIRMAN FLANDERS asked the applicant if he had looked at different types of building configurations, such as a common party wall like a duplex/townhome that would provide some additional setback on at least one side. Mr. Macchiaroli stated that in looking at the history on the parcel it was his understanding that previous applicants had proposed different densities, i.e. casitas, patio homes, duplexes, attached units, and apartments. He said that it was his understanding that those proposals were shot down immediately and that the only thing that the City of Chandler was really interested in was single-family homes on this parcel. He said that that was why they focused their attention on single units. They had looked at the possibility of z-lot configurations, such as Arborlane to the east. However, with the depth of the lot, it didn't seem doable to slide the garage to the rear of the property. He felt that a straight-line configuration on the lot would be more marketable for the area.

VICE CHAIRMAN HEUMANN said that he heard from staff that the applicant wasn't real excited about the difference in the front elevations; however, it was a stipulation, as well as a stipulation for limiting two-story homes. He asked how many two-story homes could end up being built. Ms. Novak stated that that was a standard zoning condition. Staff felt that if for some reason the applicant sold lots 8 through 13 as all 'C' plans there would be an exact same plan all in a row. With the stipulation it allows the ability to vary from a 'B' to a 'C'. There would be variation and relief with a one-story to a two-story product for those lots. Ms. Novak said there was a potential of half or more than half two-story homes.

VICE CHAIRMAN HEUMANN stated that he agreed with Commissioner Irby that this project should go to design review. He said that he was concerned that there was the potential of ten out of 15 homes that could be two-story. He was concerned with the massing that would come of it.

CHAIRMAN FLANDERS asked Ms. Novak if staff had asked for additional building elevations on this product line. Ms. Novak stated that in working with the developer staff had asked to have at least a certain number of plans instead of just one or two plans; staff had asked for at least three plans knowing that staff would want them varied throughout the development. That plan was just a single elevation so there weren't any additional elevations that staff was looking for other than the variety of having three different housing plans that could be mixed up within the 15-lot subdivision.

CHAIRMAN FLANDERS asked if Code required applicants to have varied elevations or more than just one elevation. Ms. Novak said that there are some architectural design standards per the residential diversity standards in which the applicant can pick as an option that they have at least three elevations per plan. Ms. Novak stated that staff tends to be more lenient when it comes to infill projects in terms of the number of plans and depending on the number of lots and how they are designing it with the area. She said that is not a necessary requirement that the applicant come in with three distinct plans with four distinct features, etc.

CHAIRMAN FLANDERS asked if the applicant for Arborlane came in with additional elevations or if staff had asked for them. Ms. Novak said that the developer had come in with standard plans with multiple elevations that they had built elsewhere.

CHAIRMAN FLANDERS said that the other developments around this project were also infill developments that had come in with a variety of elevations. He felt in this case it would be appropriate to have more than one elevation for these models. He was in agreement with Commissioner Irby with regards to a design review.

MR. MACCHIAROLI asked how many two-story homes would be acceptable for this project. Vice Chairman Heumann said that out of 15 units no more than 6 or 7.

COMMISSIONER IRBY said it would be a good idea for the applicant to come to design review with a proposal of which lots would be two-story. He said that depending on how the homes are arranged in the subdivision, it might exceed 6 lots.

CHAIRMAN FLANDERS asked if anyone in the audience wished to speak. There was no response from the audience.

MOTION BY COMMISSIONER IRBY, SECONDED BY VICE CHAIRMAN HEUMANN, to recommend DVR04-0063 Ravennia to a design review meeting and continue the case to the July 20, 2005, Planning and Zoning Commission hearing. Motion was approved (6-0).

MS. NOVAK stated that staff would schedule the design review meeting as soon as possible.

CHAIRMAN FLANDERS advised the applicant to get a head start on the meeting by thinking about other options such as building configurations or revised elevations so that when he goes to the meeting he'll have that enhanced.

H. UP05-0012 ZIPPS SPORTS GRILL

Request Use Permit approval to sell liquor (Series 12 Restaurant License) at a new restaurant within Windmill Square's commercial center. The property is located at the northeast corner of Ray Road and McClintock Drive.

JODIE NOVAK, PLANNER II stated that this was a request for a Series 12 liquor license to be located within the Windmills Square commercial shopping center located at the northeast corner of Ray Road and McClintock Drive. This case went before Commission on May 18th in which the applicant had requested a continuance to the June 1st hearing to allow them more time to address Commission's concerns with the intensity, parking, size of the restaurant, and some of the concerns from the adjacent residential homeowners. The applicant went back before Commission on June 1st in which another continuance was requested to the June 15th meeting, again to further address some of the concerns with regard to the intensity for this use on the property as far as traffic circulation, pedestrian circulation, number of parking spaces, size of the tenant space, and location within the project. The applicant at the last meeting provided a parking analysis that was submitted to the Planning Commission. Following the last meeting, the applicant, the developer, and the restaurant owner were going back to re-evaluate any of the parking concerns. Ms. Novak stated that she had not received any information as to what the applicant was going to present to Commission at the present meeting.

MS. NOVAK stated that staff had reviewed the request at length with the developer. She commented that when the applicant first went in to the City with the liquor use request, one of the first questions staff had was with the large outdoor patio. She said that the State was going to require the patio to be cordoned off with some sort of railing. Adjacent to the building is a common outdoor pedestrian area, which was a commercial design requirement as part of the original Preliminary Development Plan for the shopping center. Staff felt the patio that the developer was proposing was very large, encompassing a large portion of the common patio area. It is expected that this patio area would have

some form of outdoor dining, whether it be small tables with a few chairs, or outdoor dining for either a coffee shop or restaurant, regardless of their size. However, once there's liquor on the patio, it needs to be cordoned off from the rest of the common area. She stated that staff had worked with the applicant to come up with a design that was a smaller outdoor dining area that would be consistent with how other restaurants with outdoor dining areas had been reviewed, still leaving ample space for the common pedestrian plaza that is there and allowing ample space for the pedestrian thoroughfare that would go thru into the pedestrian gate that goes into the adjacent single-family subdivision. Ms. Novak said staff felt that the number of tables with the chairs that are out there was small and intimate and wasn't anything that was too intense for this area. Staff decided that as a part of the Use Permit process the patio would be considered as well versus having to amend the Preliminary Development Plan to evaluate a whole redesign of the common area. Planning staff has been in support of the liquor use and the outdoor dining. As of the last meeting staff added an additional stipulation to further address concerns of the residents and Commission, which is stipulation no. 8, to be read into the record as follows, **"The outdoor patio hours of operation shall cease operation by 10:00 p.m. daily."** Ms. Novak said she was not aware if the applicant was in agreement with the added stipulation, but staff had added the stipulation for Commission's consideration.

1. 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.
2. Expansion, modification, or relocation beyond the approved exhibits shall void the Use Permit and require new Use Permit re-application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
4. The Use Permit is granted for a Series 12 license only and any change of licenses shall require re-application and new Use Permit approval.
5. The Use Permit is non-transferable to other store locations.
6. Televisions, speakers, and music are prohibited outside of the restaurant. Flat screen monitors are permitted on the outdoor patio.
7. The applicant shall work with Staff to incorporate a solid, decorative masonry wall along the eastern and northeastern portion of the outdoor dining patio, closest to the single-family residential. The wall shall be a minimum of 5-feet in height, stepping down in height as the enclosure terminates to the main outdoor pedestrian plaza.
8. **The outdoor patio hours of operation shall cease operation by 10:00 p.m. daily.**

JASON MORRIS, WITHEY ANDERSON & MORRIS, 2525 E. ARIZONA BILTMORE CIRCLE, stated he was speaking on behalf of the applicant. He said that because he was involved in the General Plan Amendment and the zoning case, which resulted in the shopping center and the residential component, he wanted to spend time speaking of the history and the intent of what was before Commission. He said that this was a much broader presentation than was otherwise expected. It had turned into more of a zoning presentation/zoning case than a Use Permit. Mr. Morris stated they believe that in terms of the Use Permit standards that had been laid out by staff in the staff report and verbally in previous hearings, they are confident that they meet and exceed all the Use Permit standards. He said that they wanted to look at the overall situation on what was being created land use wise, as they believed that it bolstered the application. Mr. Morris said that the original site, both the commercial portion and the residential portion, was intended as a grocery anchored shopping center site of 15+ acres that was to serve the small master planned community. It was originally platted and zoned in the 1980s. The thought process was that there would be a major anchor with the traditional shop space adjacent to both the apartment community and the single-family residential. He said that the entire parcel was commercial and most likely there would have been shop space backing up to the existing residential that was already built or planned. That changed by virtue of the land use around there, it changed by virtue of the consolidation of grocers over the period that followed, and most

recently, the development of the Albertson's center immediately across the street of a similar size and intensity. Looking at the site, the landowner decided to try an alternative plan, which really was a village concept that melded both the commercial and residential aspects. Knowing that, ultimately the sale of the residential parcels would be to people that understood that they were part of a commercial plan. In fact, when looking at the design of the community, both of the access points to the residential is through the commercial center, so there was no doubt that anyone who purchased in the community understood the relationship between the commercial and the residential. It was never intended as a secluded residential community isolated from the commercial. It was just the opposite. It was always intended to be a symbiotic relationship between the residential and the commercial. There would be a linkage.

Mr. Morris went on to say that it was always intended that there would be these types of uses such as this use. That was why they had requested that type of zoning, and that was why the building configuration was approved in the manner that it was. It was always intended, including the patio use, that these uses would be for food service and that there would be an outdoor use as a component of that because of the climate that we live in and because of the design of the community. Pedestrian linkage was also a very strong part of the ultimate plan. All of that resulted in the plan that was approved and that is under construction today, including the anchors that are in place and the existing buildings.

Mr. Morris said that as the developer moved forward with tenants for the building known as Parcel 4, a retail building adjacent to and behind the CVS Pharmacy and in proximity to the residential, they looked at users that would be appropriate, seeking out restaurant uses because of the design with the patio that was already approved. The user that was selected and has moved forward is Zipps. They are a family-owned business, not a national chain. In looking at their operation, it's important to consider that they are a neighborhood use. This is not a regional draw; it's a restaurant that is intended to serve people who live within this area, a one- to two-mile radius. They will be serving the families in the neighborhood. It is a family-oriented restaurant that includes a children's menu; not an adult-oriented restaurant.

The other component that was important to the landowner and to the applicant was that parking and access, both pedestrian and vehicular, was adequate on site. The developer did their calculations based upon real world studies. Mr. Morris stated that often is the time that during the planning stage there will be a traffic engineer, hired by the applicant, stand up and talk about what the International Traffic Engineer (ITE) study would say about this type of use. He said that this applicant has the benefit of real world studies because they have other restaurants in suburban settings in exactly the same type of shopping center adjacent to residential. As an applicant they can tell when people are visiting the restaurant, when the peak hours are, what the ratio of tables being used would be, and what the corresponding parking calculation would be. That's important to Zipps because they cannot go into a space, spending the kind of capital that's required in order to improve the space, without knowing that they're going to have adequate parking for their customers. The landlord, Armstrong, is just as concerned that they aren't putting a user in there that takes up parking from their other tenants and makes those other uses unviable.

Mr. Morris further stated he personally went to one of the applicant's other restaurants during the peak lunch hour to take a look at what the lunchtime demand was. The setting was almost identical to this site in that their next-door neighbor is a bank, Washington Mutual, very similar to this use being next to a Bank One. The parking lot was not full. There were 25 cars, which Mr. Morris said he felt in part were Washington Mutual customers. He said there was the ability to pull up in front of the building at 12:40 in the afternoon.

MR. MORRIS went on to say that in terms of counts and point of sale information being taken, the counts were taken during the Suns playoff week so that the applicant could be certain that the

numbers weren't conservative figures or somehow out of sync with what their regular business would be.

MR. MORRIS stated that this is a multi-tenant retail building. The building with Zipps as a tenant still has two other bays for other retail uses. He said that a concern that had been raised earlier regarding delivery or use at the back of the building, which is closer to the residential community, would be exacerbated due to the size of the restaurant. Mr. Morris stated that just the converse is true. Because of the fact that this retail building will only have two or three users, it limits the number of deliveries that will take place and limits the amount of traffic at the service end of the building versus having eight individual users within the retail building. The applicant believes that to be a positive. Mr. Morris went on to note that, unlike other commercial centers that back up to rear residential yards, this site is atypical in that it fronts onto residential rather than backing up to someone's rear yard. In this situation there are the commercial buildings, a service drive behind the commercial buildings, a landscape buffer and wall, and then there's a residential street, and a front yard situation so that there is an additional buffer. The back yards of a community are not being mixed with whatever occurs on the commercial side. Mr. Morris commented that he felt that was a benefit and goes into the whole analysis of how the Commission evaluates Use Permits and what impact it might have on the adjacent community.

He said that it was also worth noting that Zipps had been granted a Use Permit by the City of Scottsdale with the exact footprint, in closer proximity to homes, along Frank Lloyd Wright Boulevard, that was virtually approved by unanimous consent and with neighborhood support. Because of Zipps reputation and the fact that there are other locations within the City of Scottsdale, the people were very comfortable with Zipps as a neighborhood user.

Mr. Morris stated that with any zoning case, if the applicant meets with neighborhood opposition, the applicant tries to determine what the basis of the neighborhood opposition or staff concern is all about. In this instance, they were told that a concern was with the noise coming from the patio late at night. The applicant has agreed with the stipulation added by staff ***(stipulation no. 8 regarding outdoor patio hours of operation),*** as well as with the other stipulations. Mr. Morris stated to Commission that all of the stipulations taken together gave Commission tremendous control over the Use Permit. Specific to the timing, it's limited to 10:00 at night; specific to the noise, there are no speakers, no amplified music, no live music within the facility, but on the patio with virtually no noise other than the ambient sounds from Ray and McClintock; there will be screens or monitors, but that would be the extent of what would be on the patio for entertainment purposes.

Another concern with the neighborhood and staff was the type of wall or type of buffer before you get to the perimeter wall on the other side of the service drive. As a stipulation there is a 5' solid decorative wall that will buffer and enclose the patio, which was agreed to by the applicant. The size of the patio was reduced so that the number of tables were limited, and also because it opened up the pedestrian corridor.

Mr. Morris stated that his applicant is placing a tremendous investment into the improvement of this building for the sake of their restaurant. They are doing so knowing that Commission is giving them 365 days in order to prove that they are a compatible use. Mr. Morris said that was a tremendous weight that the Planning Commission holds. The applicant has agreed to the stipulations, which should satisfy the neighborhood, staff, and the Planning Commission that they are serious about their commitment and belief that this is a compatible use, both from a parking perspective and a neighborhood perspective. If it is not, they are putting themselves in jeopardy.

Mr. Morris pointed out that there is ample parking. By design there is not a large field of parking in front of the building. Parking is being offered in proximity to the building. There are 60 spaces in this

parcel, and with the surrounding parking there could easily be 100 spaces. He said that the applicant is satisfied that parking would not be a concern.

COMMISSIONER ANDERSON asked to see a copy of the original plan showing the location of the patio. Mr. Morris responded by producing a copy of the original PAD booklet showing the building and patio locations, along with the narrative.

VICE CHAIRMAN HEUMANN asked staff if Zipps were to be sold at a later time, and if it were to remain with a series 12 license, would it have to go back before Commission. Ms. Novak stated that it would not have to go before Commission under those circumstances. The Use Permit stays with the land, not with the owner. If a new restaurant were to come in and matched the same representation as this restaurant in terms of the number of employees, the number of tables, the seating, the outdoor patio, the hours of operation, etc. and if they match this Use Permit, then they would be able to go in under the same series liquor license.

VICE CHAIRMAN HEUMANN said there would be no protection for the neighborhood if a new restaurant were to go in that wasn't a neighborhood-friendly restaurant. He asked if there was any recourse. Ms. Novak stated that as long as the new restaurant was consistent with the representations of this application they would be permitted to be there. She went on to state that if the use or noise became too intense, it would not necessarily be something that could be controlled.

VICE CHAIRMAN HEUMANN asked Glenn Brockman, Asst. City Attorney, with regard to stipulation no. 2, which states, "Expansion, modification, or relocation beyond the approved exhibits shall void the Use Permit and require new Use Permit re-application and approval." Vice Chairman asked if someone were to go in and change around the bar, etc., if that would make it go back for a new Use Permit? Mr. Brockman stated that it would if the new owner were to do any remodeling and change the site layout.

MR. MORRIS stated that with the change in ownership, it would require an application to the State for transfer of the liquor license, which would trigger a recommendation by the City before it could be transferred. Should that occur, it would be back in front of the City prior to the transfer taking place.

COMMISSIONER ANDERSON commented that he had reviewed the Development Booklet and saw that there had been a patio proposed in the same location, which was actually larger than what was currently being proposed.

COMMISSIONER GULSVIG commented that there had been discussion at the last meeting with regard to placing parking signs in the back alley, and that it had been omitted. Ms. Novak said that it would be added. Commissioner Gulsvig went on to say that he had previously asked about the intersection between the CVS prescription pick-up area and a tight corner. He said that someone was going to look at the traffic pattern and bring it back to this meeting.

MR. MORRIS stated that they had looked at the situation and had their traffic engineer visit the site to make sure that there would not be a conflict point. The traffic engineer indicated there was sufficient stacking distance and site distance and that it would not be a problem. Commissioner Gulsvig said that in viewing the plan it looked at though it could be a problem.

COMMISSIONER POLVANI asked Ms. Novak what the distance was to the front property line of the homes from the restaurant. Ms. Novak said that it varied because the building is on an angle, but on average it is approximately 80' to 85' from the building's real wall to the front property line of the nearest lot. Commissioner Polvani asked how that compared to other commercial that had been previously approved by Commission for other cases in which there were back yards which backed up

to commercial. Ms. Novak stated that in other circumstances there is usually at least a 50' setback because of the building height and the standard requirements for setbacks from residential. Ms. Novak stated that at Laguna Village Shops at the southeast corner of Ray Road and Kyrene Road, for example, the rear of the buildings vary in depth, so from some of the restaurant users there may only be 50' to 60' where others may be 60' to 75' because the rear of the building does not extend as far back near the drive area.

COMMISSIONER POLVANI asked Ms. Novak what kind of information she would gather to bring back to Commission for evaluation if in fact they (Commission) were to approve the Use Permit with a one-year time stipulation. Ms. Novak responded that she would look into any telephone calls that had been received from residents, if they were to her or to the police department. She would look as well into any issues or concerns that had been raised by the public or any that staff may have viewed upon visiting the site or driving by the property. She said they rely a lot upon the public.

COMMISSIONER POLVANI asked if Zipps would have to stop operation if the Use Permit were not approved, or if after one year it was found that the use was not compatible. Ms. Novak stated the site is zoned to allow a restaurant use, so if Zipps chose to stay there without the permission to have alcohol, they would be allowed to continue as a restaurant use on the property. They would have the opportunity to come back with the Use Permit to ask for an extension.

MR. MORRIS pointed out the shops space in the Albertson's shopping center across the street. He said there is a drive isle and a back yard on the immediate other side of the property line, which was actually closer than the situation with Zipps.

Mr. Morris went on to say that the zoning permits any restaurant that wants to operate within the shopping center to operate without any of the stipulations that have been placed due to the alcohol use.

CHAIRMAN FLANDERS asked Ms. Novak what the square footage was of the restaurant and the patio. Ms. Novak stated that the square footage of the restaurant itself was 6,174 sq. ft., and the patio was 832 sq. ft.

CHAIRMAN FLANDERS asked if staff knew what the dimension was from the back of the building to the property line. Ms. Novak stated from the back of the building to the property line that is shared between the commercial and residential is 41 ft. From the commercial property line to the front property line of the nearest lot is approximately 45 ft. Chairman Flanders said that there was a potential 7,000 sq. ft. restaurant with the bar that would be approximately 86 ft. from the residential. Ms. Novak said that was correct; that would be from the back of the building wall to the front property line of the nearest residential.

MR. MORRIS said that was actually to the front property line, not including the setback. The building would be an additional 10 ft. or 18 ft. beyond the property line on the residential because of the setback, so it would be closer to 100 ft.

CHAIRMAN FLANDERS said that he had gone to the site earlier in the day. He stated that the subdivision was coming along very nicely. He said that he had looked at the setback from the house that was under construction adjacent to the play area/open area. He ran a tape and found it to be approximately 44' or 45' from the property line to the face of the building. He said there was some landscape area adjacent to the wall, but felt there should have been a lot more landscaping than was there. He felt there might have been some movement during construction. He went on to say that from building to building it was less than 100'.

MR. MORRIS said that if one were to take out the kitchen and those areas that are needed for storage or restrooms, the restaurant seating area was approximately 2,700 sq. ft. inside with an additional 800 ft. outside. In terms of useable space for seating, there's approximately 3,500 sq. ft.

VICE CHAIRMAN HEUMANN asked if there was eating in the bar area of the restaurant. Mr. Morris stated that there was. Mr. Heumann said that the bar area should be incorporated plus the restaurant as part of the total square footage. He asked how much square footage there would be if the kitchen area was taken out, but including the bar area where there would be a lot people. Mr. Morris stated that there was an approximate 4,300 sq. ft. of space that was non-selling space.

VICE CHAIRMAN HEUMANN pointed out that regarding the Albertson's center across the street, there had been a secondary wall plus a row of trees installed as a buffer.

VICE CHAIRMAN HEUMANN stated that when he looked at the original plan to the subject center (NEC Ray/McClintock), there was a patio; however, it looked more like a courtyard with incidental seating with buffering. He commented that he had a concern with that.

MR. MORRIS said that the open space and courtyard were always intended to be used by the end cap user. He pointed out that courtyards in and of themselves are really not used unless they have a function, which was why this area was designed to operate as a patio and seating area. Vice Chairman Heumann noted that it appeared to be tunneled out so that the patio is screened more from the residents.

VICE CHAIRMAN HEUMANN said that there had been earlier testimony from a speaker who stated that they had driven to the Zipps restaurants in Scottsdale. He also noted that Mr. Morris had stated that this restaurant would draw from one- to two-miles out. He questioned Mr. Morris if he believed residents from Gilbert or Ahwatukee might not come to this restaurant.

MR. MORRIS stated that any restaurant operator would love to believe that they've got such a reputation that they would be drawing people from all areas. But the reality is, Zipps is a neighborhood center and a neighborhood use. Ninety-eight percent of their customers would come from within a two-mile radius because, despite the fact that Zipps is a superior user, the reality is, within the restaurant niche, there are several other opportunities in Gilbert and other municipalities. While there are people that are loyal patrons who would go that far, that's not going to be the norm.

VICE CHAIRMAN HEUMANN asked why 220 seats were needed at a peak hour when the maximum hour patronage was only 63 customers. Mr. Morris stated that in his observation of the restaurant there would be booths which sat 4-6 people, but with only one or two people sitting at that booth. So it was not a surprise to him that there would be excess seating not being utilized even at the peak hours.

COMMISSIONER IRBY said that it was his understanding that what Commission was trying to do was to approve a Use Permit to sell liquor. He said what would impact his vote would be related to adequate parking and the impact to the residential with the additional use of liquor. Commissioner Irby said that his first concern with the project was with the parking and if there was enough nearby parking. In addition, he questioned whether the customers would park so much around the building that the bank then would not have parking for their customer. He went on to say that he saw this project as a very nice looking project with a nice blending of residential and commercial uses. He commented that he felt that everyone was over-analyzing the project and that Commission had to get down to just evaluating the impact on the adjacent uses. Commissioner Irby stated that anyone buying in there would know that there are commercial uses, knows there would be restaurant uses, and that some of it would sell alcohol. He felt they needed to determine if this was going to be a hardship to the residences if Zipps were to sell liquor. He said that he personally did not see that big of an impact.

He went on to say that there was adequate parking to deal with 85 – 95 percent of the day-to-day use. He said that he would be voting in favor of the project.

COMMISSIONER GULSVIG said that he was still concerned with regard to the traffic study. He stated that he wanted the traffic study evaluation be given in writing to staff so that it was on record. Mr. Morris said that they were prepared to do that.

CHAIRMAN FLANDERS asked if the applicant had contacted any of the neighbors since the last meeting. Mr. Morris stated that was something the applicant had done subsequent to both hearings. He said that they had made an outreach effort to try to bring supporters to the hearing. Chairman Flanders pointed out that a petition had been given to staff at the previous meeting of those not in favor of the project.

VICE CHAIRMAN HEUMANN commented that at the last meeting Commission had asked the applicant to go out and contact the neighbors. He asked if anyone had approached the neighbors to get dialogue going and perhaps allay some of their fears. Mr. Morris said the reason he was there accepting all of the stipulations, which address the concerns that had been raised (the hours of operation, the one-year review, no amplification on the patio, and the solid wall) is the result of the applicant meeting again with the neighbors and asking what it would take to gain their support. He said that they believed that those were things they had done to gain their support.

MIKE PERRY, 34384 N. GOLDMINE GULCH TRAIL, QUEEN CREEK, AZ 85242, thanked Commission for the opportunity to speak. He wanted everyone to know that he was not there due to the specifics of the liquor use. Instead he was there as the architect of the original project and to reaffirm the design intent. He said it was important to reiterate that this site was originally approved as a neighborhood commercial center. It was for years a 'passed over' site. He said it was a benefit to the City in being a 'passed over' site in that it had become a much better development than what would have occurred under the original zoning. He said that the concept of putting single family residential behind a commercial center within one project was unique. The term that they used when brought before Commission and Council was called a 'suburban infill site'. He said they were fortunate to have a single-family owner and developer that was willing to do a single-family product that had no visibility to major arterial, and that had a site that drove through commercial to get to it. Mr. Perry stated that this has been an extremely successful site and that there was a long waiting list before there was even a trailer on site. It is completely sold out.

He went on to say that it's very easy to design a center that has parallel buildings and double rows of parking in front, and that is what you'll see all over town. He said that many times Commission had seen before them Use Permits where there was no place to put the patio except in the front walkway; in some instances, walking into the parking lot to get around the patio. He said that when he designed this site, it was based on many of the conversations that he'd had in Planning Commission. This was created in smaller building clusters with an outdoor patio; it was always envisioned to have restaurants on the end caps. He said there are pedestrian areas all over the site that are in front, behind, and beside the buildings. Mr. Perry said the parking is broken up all over the site so there are not large expanses of parking. He said the site was designed to so that one could get from all the parking areas to all the commercial pads. It was designed to address the typical problems of commercial centers. Mr. Perry recapped by stating that he was in attendance to reaffirm the original design intent and to bring out the pedestrian connections throughout the site.

CHAIRMAN FLANDERS asked Mr. Perry if it was his intent to provide a 'village concept'? Mr. Perry responded that the intent was to provide a pedestrian friendly center. The uses are uses that serve the neighborhood. He said the village concept was created by the offsets/setbacks where one building is in a landscape setting with no parking in front of it; another building that is set back at an angle and is substantially away from the arterial corner with a large landscape area in front of it.

VICE CHAIRMAN HEUMANN said he wanted to commend Mr. Perry on the center. He said that the center had turned out very nice. He said that the issue isn't the center or the layout, but instead the intensity and size of one parcel going in the center. Mr. Perry responded that the parking was spread out over the site and intended for cross-access and intended to have pedestrian access to get to parking spaces without having to go too far.

ANTHONY CHAMPY, 3923 W. ROUNDABOUT CIRCLE, said that he lived on Lot 37. He said that he respectfully disagreed with Mr. Irby. He felt liquor was an intense use considering the proximity to the properties. (Mr. Champy exhibited pictures of the property for the Commission.) He went on to say that there would be intensities from the use in terms of the parking and the issues with noise coming from the patio. He stated that they were explained to regarding the commercial use and that this would be a multi-use building in terms of smaller uses instead of one great use. He said they were never given the impression that it would be more of a bar instead of a Subway or a coffee shop, etc. Mr. Champy said that he was not certain the applicant had addressed the questions regarding the traffic flow. He stated that his concerns were with the hours of operation until 2 a.m., serving liquor, closeness to a playground, serving liquor until 10 p.m., and the intensity of the use in close proximity to the gate. He said that he did not see that Zipps was a family use, rather a bar business.

CHAIRMAN FLANDERS thanked Mr. Champy for his comments. He asked if anyone in the audience wanted to speak or comment on the item. There was no response from the audience.

MR. MORRIS stated that in terms of intensity and proximity, those are zoning issues. He said that the case had departed from the Use Permit standards in that there had been discussion with regard to the intensities, the driving directions, the circulation, etc. He said that they were talking about a site that was approved for restaurant use. It's a liquor license that triggers the Use Permit, which doesn't talk about hours of operation or about hours of operation for the patio. Mr. Morris reiterated that the stipulations they had agreed to were not stipulations suggested by the applicant, but rather stipulations that were brought up by the neighbors at the neighborhood meeting or by staff as ways to ameliorate the concerns that were raised. He said they now agree with the stipulations. He stated that he did not know what more they could do and still have the ability to run the restaurant at the site. With regard to contact with Mr. Champy, Mr. Morris stated it was his understanding that at the end of the neighborhood meeting Mr. Champy threatened litigation if the applicant moved forward. He said that in terms of direct contact with that individual, there had not been any since that time.

VICE CHAIRMAN HEUMANN asked Mr. Morris if the applicant had talked to the neighbors since the last meeting. Mr. Morris said that there had not been a second neighborhood meeting subsequent to the last meeting to address the entire neighborhood. He stated that they had talked to supporters to elicit their more active support. He also said that they had not been able to change the minds of those that were not in support.

COMMISSIONER IRBY stated that he liked to see patios used. He said that there was a stipulation that activity on the patio ceases at 10 p.m., not 2 a.m. He said that after a year if there were a lot of problems then they would need to sit down and address what the problems had been. One of the conditions one year from now could be to eliminate the patio completely. He went on to say that one of the concerns was with the see-through gate where children could be playing. Commissioner Irby said that if that becomes a problem after one year, then perhaps the gate becomes a solid gate versus one that could be seen through. He said the restaurant is not going to have that big of an impact on the adjacent neighbors and that he was more concerned with the proximity of the parking and how it would affect the bank and some of the other future uses that would come in. He said that he saw it as a thriving and good neighbor.

COMMISSIONER POLVANI stated that she would also support the project. She said that the one-year time stipulation is critical and puts Zipps on notice.

VICE CHAIRMAN HEUMANN stated that he had wrestled with this case for several weeks. He was glad to see that the applicant was agreeable to stipulation no. 8. He said that the one-year stip really helped. What did bother him was the fact that Commission had asked the applicant to speak with the neighbors and it hadn't gotten done. Vice Chairman Heumann said that he would support the project, but wanted the applicant to work with the neighbors. A liaison needed to be set up so that if there was a problem, the neighbors would not get blown off. He said that if they get blown off and the case comes back in one year, he would never support it again. He felt that being a good neighbor and working with the neighborhood was going to be important. Vice Chairman Heumann said that what Chandler prided themselves on was the neighborhood kind of approach. He said that he knew Zipps ran a good place as he had checked them out.

COMMISSIONER ANDERSON said that he would support the project. He said that the site plan and the building are what they are as they were already built. He said it was a very nice site and a very nice building and felt it was a good contribution to the city of Chandler. He stated that the patio looked as though it intended to be there and was an integral part of the architecture and the site. He felt that the patios needed to be used well and used to its fullest ability. He stated that he would be support of the project.

COMMISSIONER GULSVIG said that he had always been concerned with the parking and traffic flow. He said that the Use Permit for liquor raised questions in terms of parking and flow. Commissioner Gulsvig said that he would support the project.

CHAIRMAN FLANDERS said that he had looked at how the Use Permit impacts the residential and the site itself. He said when he first saw the request there was a combined restaurant and patio square foot area of over 7,000 square feet. He said that he thought it was too intense, which lead into the other concerns with building setbacks and parking circulation. Chairman Flanders said there were issues with the exiting of the drive-thru at the CVS. He stated that this was too intense a use in proximity to the residential and said that he did not feel comfortable with the application. Chairman Flanders stated that he would not support the application.

MOTION BY COMMISSIONER POLVANI, SECONDED BY COMMISSIONER IRBY, to approve UP05-0012 ZIPPS SPORTS GRILL subject to stipulations 1-8. Motion was approved 5-1, with Chairman Flanders voting against the motion.

MR. MORRIS thanked the Commission and said that they had given a tremendous amount of time and feedback. He said that they hadn't minced any words. He said that they understand what they had to do over the next 365 days and that they would do it.

6. DIRECTOR'S REPORT

There was no report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is July 6, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, July 20, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:31 p.m.

2. Pledge of Allegiance led by Chairman Michael Flanders.

3. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commissioner Jeanette Polvani
   Commissioner Brett Anderson
   Commissioner Mark Irby
   Commissioner Dick Gulsvig

   Also Present:

   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Mr. Kevin Mayo, Planner
   Ms. Jodie Novak, Planner II
   Mr. Joshua Cook, Planner
   Mr. Bill Dermody, Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   Before the minutes were approved, Vice Chairman Heumann stated that he needed clarification on two paragraphs found on Page 10 of the June 15, 2005 minutes, (*referring to UP05-0012 Zipps Sports Grill)*, wherein it was stated that, "The applicant has agreed to the stipulations, which should satisfy the neighborhood, staff, and the Planning Commission that they are serious about their commitment and belief that this is a compatible use." Vice Chairman Heumann said he wanted it on public record, based on what happened later on, that this was the actual statement that was made. He asked if Jason Morris could clarify that and if that was what had been stated.

   Mr. Morris stated that he believed also the precise statement made by the applicant who he had asked that question of prior to the hearing, that they were satisfied with the stipulations and that in turn became a major part of Mr. Morris' presentation.

   Vice Chairman Heumann thanked Mr. Morris. He went on to say that when the case had gone on to Council, there had been some questions about the stipulations and concerns that things had gotten changed.

   MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER ANDERSON to approve the minutes of the June 15, 2005 meeting. Motion was approved (6-0) with one abstention from Commissioner Ryan due to his absence on June 15th.

5. CONSENT AGENDA ITEMS

   CHAIRMAN FLANDERS stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the Consent agenda. He went on to say that if anyone in the audience wanted to pull any of the items to the Action Agenda to raise their hand. Chairman

Flanders stated that he had received a speaker card for item 'I' and asked Mr. Jeff Kurtz to read the Consent items into the record.

MR. JEFF KURTZ, CURRENT PLANNING MANAGER read into the record the following items which were being considered for the Consent Agenda: Items A, C, D, E, F, G, H, and J.

Item B, Ravennia, and Item I, CVS Pharmacy at Dobson and Germann, were scheduled for the Action Agenda.

CHAIRMAN FLANDERS asked the Commission members if they had any questions about any of the items as read. **Commissioner Ryan stated that, for the record, he would be abstaining from voting on Item C, Stonegate Village Condominiums, as he had worked as a consultant on the original apartment project.**

CHAIRMAN FLANDERS asked if there was anyone in the audience who wished to pull any of the items that had been read. He stated that items B and I were both Action items. There was no response from the audience.

A. DVR05-0011 CHANDLER HEIGHTS MARKETPLACE PHASE II

CONTINUED TO THE AUGUST 3, 2005 PLANNING COMMISSION MEETING, a request for rezoning from Planned Area Development (PAD) Office to Planned Area Development (PAD) Commercial with Preliminary Development Plan (PDP) approval on approximately 5.1-acres for the construction of a Day Care Facility and Retail Shops located north of the northwest corner of Gilbert and Chandler Heights Roads.

C. PPT05-0016 STONEGATE VILLAGE CONDOMINIUMS

APPROVED a request for Preliminary Plat approval for a condominium subdivision located at the southeast corner of Frye Road and 94th Street.

D. UP04-0061 ADULT SENIOR DAYCARE FACILITY (HEALING HANDS)

APPROVED a request for Use Permit extension for office use within a residential home located at 420 W. Chandler Boulevard.

1. Any expansion or modification beyond the approved Floor Plan shall void the Use Permit and require a new Use Permit application.
2. The number of employees occupying the residential conversion shall not exceed four (4).
3. The Use Permit shall be extended for three years, after which reapplication will be required.

E. UP05-0029 EL DIAMANTE DINING & DANCING

CONTINUED TO THE AUGUST 17, 2005 PLANNING COMMISSION MEETING, a request for Use Permit extension to sell liquor for on-premise consumption only within an existing restaurant (Series 12 Restaurant License). The subject property is located at 1964 N. Alma School Road, Suite 1.

F. UP05-0037 NEW HORIZON YOUTH HOMES, INC.

CONTINUED TO THE AUGUST 3, 2005 PLANNING COMMISSION MEETING a request for Use Permit extension for a juvenile group home currently providing service for up to seven male teenagers within a single-family residence. The subject property is located at 795 W. Park Avenue.

G. UP05-0033 THE VILLAGE AT OCOTILLO

APPROVED a request for Use Permit approval to sell liquor (Series 12 Restaurant License) within the restaurant, as part of The Village at Ocotillo senior living facility, located at 990 W. Ocotillo Road. The restaurant is provided for the residents and their guests only, and is not open to the general public.

1. Expansion, modification, or relocation beyond the approved exhibits shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 12 license only and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other senior living facility locations.

H. UP05-0034 CVS PHARMACY (RAY & MCQUEEN)

CONTINUED TO SEPTEMBER 7, 2005 PLANNING COMMISSION MEETING a request for Use Permit approval to sell liquor (beer & wine) for off-premise consumption only (Series 10 License) at a retail store currently under construction within the Cobblestone Square retail development. The subject property is located at 1015 E. Ray Road.

J. PPT05-0019 YEN-LI CHEN BALLET SCHOOL

APPROVED a request for Preliminary Plat approval for a commercial subdivision located at the northeast corner of Alma School Road and Fairview Street.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER GULSVIG, to approve the Consent Agenda as read by Staff. Motion was approved (6-0) with Commissioner Ryan abstaining from the vote due to his work as a consultant on the original apartment project. There were no additional stipulations to the Consent Agenda.

ACTION

B. DVR04-0063 RAVENNIA

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a single-family residential development with Preliminary Development Plan (PDP) approval for subdivision layout and housing products on approximately 2 net acres. The property is located approximately a quarter-mile east of North Evergreen Street on the north side of West El Monte Place, which is north of Warner Road.

MS. JODIE NOVAK, PLANNER II, stated that this was a project on approximately 2 acres. It's an infill development requesting to provide a 15-lot single-family detached residential with a density of approximately 5.5 dwelling units per acre. The property is located one-quarter mile east of N. Evergreen Street on the north side of W. El Monte Place, basically near the Arbor Lane subdivision near Warner Road and Arizona Avenue. Ms. Novak said that the application had gone before the Planning Commission on June 15th. At the meeting the Planning Commission forwarded the case to the Design Review Committee meeting, which was held on June 27, 2005. The Design Review Committee meeting was held to address the Planning Commission's concerns with the project. Some of the items noted at the meeting about the proposal included the number of 2-story homes that were proposed, the use of a shingle tile on the roof instead of a flatter, barrel concrete tile, providing additional articulation on the one-story plans, providing additional brackets or enhancing the front entrances to the homes, and including a second building elevation to the three plans that were proposed initially. At the meeting the Planning Commission wanted the applicant to address the

design of the homes as well as the limits on the two-story homes, as well as concerns about setbacks on a few of the lots in the development.

The project was revised and the developer is now providing a minimum of 5-ft. and 5-ft. side yard setbacks. Ms. Novak noted that the plot plan for Lot 1 in the Development Booklet was in error; it should indicate a 5-ft. setback on the north side of the lot. Lot 13 on El Monte Place originally had about a 3-ft. setback on the south side of the property; that was corrected to provide at least an 8 ½-ft. side yard setback to the actual property line. A wrought iron fence borders the lot, which is okay with SRP along the easement. The developer has also provided a secondary solid privacy wall adjacent to the patio, and a gate, so that it is still a usable side yard for the homeowner.

In terms of modifying the housing and the architectural designs to it, there wasn't much change from the last exhibits that were presented to the Planning Commission. The applicant conveyed that they didn't want the one-story homes to look identical to the two-story homes. Since the two-story homes are more visible, the applicant wanted that plan to have more articulation than the one-story homes.

The applicant now agrees to restrict only three lots with one-story homes, which would be lot 14 on El Monte Place, lot 1 on El Monte Place, and the center lot (lot 15) would definitely be one-story. They are leaving the option open for the number of two-story homes that could occur on the rest of the lots. Staff added additional stipulations to address some the Planning Commission's concern expressed at the Design Review meeting, basically addressing where one- and two-story homes would be represented.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Ravennia – Macc Homes", kept on file in the City of Chandler Planning Services Division, in File No. DVR04-0063, 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, as required per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
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. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
9. The same elevation shall not be built side-by-side or directly across the street from one another.
10. No more than two, two-story homes shall be built side-by-side **and only a maximum of five total lots may be two-story.**
11. All homes built on corner lots within the residential subdivision shall be single-story.
12. Lots along El Monte Place shall be single-story homes, except for Lot 13.
13. Lot 15 shall be limited to a one-story home.

14. For all lots, the minimum side yard building setbacks shall be 5 feet on each side for a total of 10 feet, except for Lot 13.
15. Roofing material shall be concrete tile.
16. A minimum of two trees shall be planted in all front yards.
17. **The applicant shall work with staff on colors not limited to but including reversing the darker colors to the lower level of the homes and also to make the colors more harmonious with the existing neighborhoods.**

CHAIRMAN FLANDERS asked the applicant to come forward.

JERRY COOK, COOK ASSOCIATES ARCHITECTS, 777 E. THOMAS ROAD, SUITE 150, PHOENIX, AZ. asked if the Commission had any questions or if they wanted him to respond to the report.

COMMISSIONER IRBY asked the applicant to respond to some of the comments that had been made and to explain what had been done to the building elevations.

MR. COOK said in terms of the comment, they fully intended to comply with the 5 and 5 on the one lot, and that there had been an error made. The issue with lot 13 was a definition between side yard between the property line and an easement. The original setback they showed on lot 13 was actually to the SRP easement and that there still was a 3-ft. dimension, but it was to the easement. The privacy wall was intended to satisfy an issue regarding wrought iron at the street. The easement will be landscaped and is part of the landscaping easement.

COMMISSIONER IRBY asked if the north setback on lot 13 would be 5-ft. as well. Mr. Cook responded that it would be.

MR. COOK explained that with regard to the issue with the elevations, they had gone back and removed pop-outs that were inconsistent with the palette. Mr. Cook stated that they routinely use sill coursing as opposed to a palette. He said that in terms of color, the color band around the windows is a recess design. The windows are designed to be recessed 2” into the wall and is a simple framing detail to provide a bit of a shadow line, much in context with the historic surface style. The applicant went on to explain that they had used stone across the three elevations (new elevations), as well as a capstone across the top, maintaining a thread of continuity across the top of the three elevations. It was also on the two-story. They do not have corbelling on the two-story of the second elevation. The stone helps to reduce its scale.

MR. COOK stated that on the original elevations submitted, they had looked at the continuity of the venting, the sill coursing, and they still believed that the two-story elevation with the heavy corbels is intended to create a sense of delicateness to the two-story.

MR. COOK asked Commission what the concern was regarding the colors. He said that he had understood that the concern was with the green. Mr. Cook explained that in the sun the green would not be as dark as was being shown drawn by pencil.

COMMISSIONER IRBY stated that he personally didn’t have a problem with the green color. He did wonder though if it was too dark or overpowering. He felt that it should be a more washed out green.

MR. COOK said that they were open to that and that color was not something that they wanted to quibble about. They said that they could cut the paint in half; however, they felt that the green palette worked well mixing with the other warm tones.

CHAIRMAN FLANDERS stated that with regard to the color palette, he said he was curious as to how they had determined the color, what color goes where, and in what combination. He asked if Mr. Cook had worked this out with the owner?

MR. COOK stated that they had worked with the owner regarding the color palette. He explained that one of the things that they did was to establish a color palette that would work with all three. They didn't try to create a color palette that was strikingly different. The tones across the three palettes were designed to be compatible. He said that there were three-color palettes for the project. They had used some accent colors. The doors have a more intense color to brighten the entry. They used coarse colors on the bump outs and the surround around the windows, intending to highlight the shadow lines.

CHAIRMAN FLANDERS asked if the amount of colors and the combinations were something they had seen on other existing housing. Mr. Cook responded that they had used this on other subdivisions, especially with two-story homes. They split the upper and lower floors to break the massing down and that it helped define it and give it finesse. Chairman Flanders asked if this had been done locally. Mr. Cook responded that it had been done locally, but wasn't sure if it had been this particular color palette.

CHAIRMAN FLANDERS said that looking at the color elevations as compared to the chips, there were some that he didn't have a problem with; however, some of them were rather startling. He said that that was the reason for the questions on the colors.

COMMISSIONER IRBY asked if the applicant had done the darker color on the top band. He said he typically had seen the darker color on the lower side (first floor) and a lighter color on the second floor. He said that it came across as being too top heavy.

MR. COOK stated that could be a factor of looking at the color in terms of a rendering. He said that the colors would wash out, and that green would wash out a bit more. He said that historically the darker colors were used on the lower level because they literally got muddy. He said it was a palette that they deal with on historic homes. He said that they would work with staff to lighten the color.

VICE CHAIRMAN HEUMANNN asked what the color palette was of the surrounding neighborhood. Mr. Cook said that it was washed out and muted. The adjacent property to the south had dark brown tones, but the older subdivisions were a washed out white.

VICE CHAIRMAN HEUMANN said that this was an infill project with 15 homes surrounded by other things and trying to get it to meld a little better was one of his concerns. He said that he would like to see no more than 5 two-story homes, which would be 1/3 of the homes. He said that he would like to see this neighborhood try to blend with the rest of the neighborhood, so that there's not a 2-acre parcel that stands by itself. He said he would like to see the applicant work with staff to get more into the family of what is there now so that it's more harmonious.

MR. COOK said that they would be willing to do that. He commented that they would like to make sure that they could have some spark on the doors. The other consideration would be the number of two-story units, which would affect the discussion with staff.

COMMISSIONER IRBY suggested that he would feel more comfortable if the greens on both "B" and "C" were on the first floor, more or less flipping the base colors. He said that he didn't have a problem with having more punch to the colors; however, it couldn't be like night and day compared to the surrounding neighborhoods. He reiterated that the greens on the top level seemed to make the home look too top heavy. He felt that might be a solution. Chairman Flanders commented that he agreed with flipping the colors and that it might help overall on the two-stories.

CHAIRMAN FLANDERS asked if anyone in the audience wished to speak. There was no response.

COMMISSIONER IRBY wanted clarification on the limitation of two-story homes. He said that lots 1, 14, and 15 were going to be single story.

MS. NOVAK stated that staff recommended the stipulation that there be no more than two, two-story homes be built side by side to each other, as well as the stipulation limiting certain lots to one-story homes, which those along El Monte Place as well as lot 15. Ms. Novak noted that Planning Commission at the Design Review Committee meeting had gone back and forth with limiting two-story homes to every second or third lot. She said that most of the lots, with the exception of lots 1, 14, and 15 are being shown with the option of having a two-story home on them.

COMMISSIONER IRBY said that out of 15 lots it appeared that there was a possibility of a maximum of 8 lots with two-story homes, according to the stipulation allowing two lots that are two-stories next to each other.

VICE CHAIRMAN HEUMANN responded that if the stipulation is left the way it was worded, there was a potential of eight two-story homes in the subdivision. He said if it was limited to one-third of the properties and no more than two next to each other, it would be up to the developer to do what he wants. Limiting the number to five would help to blend in better.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER IRBY, TO APPROVE <u>DVR04-0063 RAVENNIA</u>, revising Condition No. 10 to read, "No more than two, two-story homes shall be built side by side and only a maximum of five total lots may be two story." Condition No. 17 was added which will read, "The applicant shall work with staff on colors not limited to but including reversing the darker colors to the lower level of the homes and also to make the colors more harmonious with the existing neighborhoods." When the vote was taken, **MOTION WAS APPROVED (7-0).**

I. UP05-0035 CVS PHARMACY (DOBSON & GERMANN)

Request Use Permit approval to sell liquor (beer & wine) for off-premise consumption only (Series 10 License) at a retail store currently under construction within the Chuparosas development. The subject property is located at 2010 S. Dobson Road.

MR. JOSHUA COOK, PLANNER, stated that CVS Pharmacy is requesting a Series 10 liquor Use Permit, which would allow them to sell beer and wine only for off-site consumption on a property that is south of Germann Road and west of Dobson Road, and is part of the Chuparosas mixed-use development. The CVS Pharmacy is currently under construction and is planning on opening within the next few months. The store will be open between 8 a.m. and 10 p.m. The store is proposing approximately 1,000 sq. ft. of liquor storage, which is located in the southeast corner of the store. Staff received an e-mail from the president of The Vineyards HOA, which states that the applicant, Mr. Morris, had made comments during a July 24, 2003 City Council meeting in which the applicant stated that alcohol sales would be restricted. Mr. Cook stated that staff was not clear what restrictions the author of the e-mail was referring to. There had been no conditions included as stipulations on the approval and there are no additional comments within the minutes of that meeting. Mr. Cook stated that both Mr. Morris and the author of the e-mail were in the audience and might be able to provide better clarification on this point. Mr. Cook stated that staff was not aware of any land use conflicts and that they met the 300-ft. radius required for liquor Use Permits to satisfy State requirements. Staff recommended approval.

1. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 10 license only and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other store locations.
4. Alcohol displays shall be prohibited at checkout lanes.

CHAIRMAN FLANDERS asked how far the CVS was from the residential across the street. He wondered if it would be beyond the 300 feet. Mr. Cook stated that he would need to check the map.

COMMISSIONER IRBY said that it was his understanding that there was a limit of 300-ft. from a church to the sale of alcohol. He said that the only limits on the property would be with the retail shops, not so much the pharmacy.

MR. COOK stated that his understanding was correct. The church was 600 feet from the pharmacy.

MR. JASON MORRIS, WITHEY ANDERSON & MORRIS, 2525 E. ARIZONA BILTMORE CIRCLE, on behalf of the applicant stated that this was his day for minutes of hearings past. He said that in this particular case they intended to share this parcel with the major user, and the major user is the church campus on the site. There were several restrictions in doing so. Mr. Morris said that, although they were talking about the State law on separation between liquor licensees and any churches or schools, that law states clearly that the dimension is measured from existing buildings. Right now, should CVS be granted a liquor license and at some point in the future the church be developed within 100 ft., that would have no impact on the liquor license that had already been granted. It's only for existing uses, and as it stands now, it's just a planned future church; no development has occurred on that site. He said that it was important for the Commission to be aware of.

Mr. Morris added, in terms of the restrictions that were noted during the original Council meeting, they referred to an agreement with the Church user and the seminary as to the types of users that would be occupying the commercial space within the retail section of the center. There are specific CC&Rs and a development agreement that exists that the multi-family, the church, and the retail user are all a party to as to what can occur on site and what the obligations of each user would be. The church parcel was very specific as to what they would allow in terms of commercial in order to be a part of the overall master plan. That restricted liquor store sales, hard liquor sales, stand alone liquor stores, and he believed there was a reference to bars or anyone not having a restaurant license and trying to sell liquor at this location. That was the reference that was made at the original Council hearing. It was always intended for the CVS to file for a Use Permit during construction and he didn't believe anything was ever contemplated to the contrary, although they are restricted to just beer and wine. He went on to say that some CVS sites have a full liquor license.

MR. MIKE GAMMON, 1493 W. THOMPSON WAY, stated that he represented The Vineyards Homeowners' Association located near the northeast corner of Dobson and Germann. Mr. Gammon stated that they wished to express their opposition to the granting of the license. They opposed granting the license due to the proximity of the applicant to the Tri City Baptist Foundation Church campus, which prohibits liquor sales. Furthermore, the applicant's representatives themselves acknowledged the site would restrict alcohol sales in the original PDP application before the City Council. He said that there were other issues, which were in his e-mail, but because the Commission had a copy of that, he would not go through that again. He said that the relevant point was that they felt a project was developed including a church, apartments, and retail, and was put together so that it was very desirable overall and now it seemed as though they were backsliding by allowing types of uses that they would have objected to if they had known where it was ultimately heading. Mr. Gammon said that to have the applicant's representative say that because the church is currently not

built, to go ahead and have it approved with the idea that the church is a part of the project, and then to say that it's not relevant because they haven't started building it yet, leads them to believe that they've built the CVS first so that they could get the liquor application, and then they wouldn't have to worry about the rest of it. He said that it was a matter of how far they were going to push the original application and change the nature of the entire project. This is very close to the homeowners across the street as well as to Dugan Dairy, which is child oriented, and also Chuparosas Park, which is also very kids friendly. Mr. Gammon noted that there were four liquor sales available one mile east at any of the four corners at Alma School and Germann. Mr. Gammon stated that for those reasons they requested that the liquor request be denied.

VICE CHAIRMAN HEUMANN asked Mr. Gammon if his HOA would object to every liquor license, such as at a restaurant. Mr. Gammon stated that they would. Vice Chairman Heumann stated that this was not for on-site consumption, but only to be taken home. He said he was trying to get a feel for the opposition.

MR. GAMMON stated that it was because of the number of liquor licenses that were already in the area. He said that the applicant, at the time of the original approval, had stressed how pedestrian oriented the complex would be. They would be able to walk from the apartments to the Baptist campus, walk to the pharmacy or to any of the retail outlets. He stated that that was not to that the particular population purchasing liquor at the CVS would present a problem. It's just that it had been represented as a complex that would be very family friendly. Mr. Gammon said that, although alcohol sales were going to be restricted, there's now going to be a liquor license with the only stipulation being that if there were a new owner, the new owner would have to apply for a new liquor license. Mr. Gammon said that they wanted to stop it here.

CHAIRMAN FLANDERS asked staff if any building permits had been issued for the church. Mr. Cook stated that to their knowledge none had been issued.

CHAIRMAN FLANDERS asked staff, with regards to drugstores, had Commission ever not approved a liquor Use Permit in the City of Chandler? Mr. Cook stated that they were not aware of any. Chairman Flanders asked then if all the drugstores in Chandler had some type of beer and wine sales? Mr. Kurtz stated that not all have them, but several of them do.

VICE CHAIRMAN HEUMANN stated that this was an integrated plan when it came through. The fact that the church doesn't have a building up as yet was irrelevant, because it was presented to Commission and Council as a package with the church being a part of this. He asked if the church had been notified of the liquor Use Permit request. Mr. Cook said that the Church had been notified and that staff had not received comments in opposition until the e-mail received that day. Vice Chairman Heumann wanted to know how the church had been notified. Mr. Cook stated that the church property was within the 600-ft. range and they had been sent a letter.

COMMISSIONER IRBY asked if all the other buildings in the site were to be built prior to the church, if it was possible that liquor could go into any of the buildings, or was it part of the original approval that there would be, based on the site plan, a 300-ft. limitation from the church facilities.

MR. COOK stated that there were no stipulations in the previous approval restricting alcohol liquor sales. He said that staff did not measure from the other shops or buildings, but instead from the CVS Pharmacy. The State requirement is 300-ft., so even if the church were constructed and built, they would still meet the 300-ft. requirement. The church is approximately 540-ft. away.

COMMISSIONER IRBY stated that he understood that and personally didn't have a problem with the pharmacy part. He said the structure in the middle of the retail would fall within 300-ft. of the church facility if it were built according to the plan. He said that Shops F would be 300-ft. from the church, but further back into the property, Retail D and the whole structure would be within 300-ft.

MR. COOK responded that he believed that the retail shops (L-shaped structure) would be within 300-ft. of the church.

COMMISSIONER IRBY clarified that staff said that there was no stipulation in the original approval restricting these shops from having liquor if they were built before the church. Mr. Cook said that that was correct.

CHAIRMAN FLANDERS pointed out that as future applications come across for Use Permits, Commission at that time would have a chance to review that part of it as far as the distance from the church.

VICE CHAIRMAN HEUMANN commented that on a project like this where its been approved and there's a site layout, the church, when given the proper notification, would learn of any future liquor requests.

MR. JASON MORRIS stated that the State would not process a license for either of the Shops space buildings if the church should develop first. They do an independent verification based on their records. They would stop the process and notify the applicant to withdraw the request. He said it was not something that could be varied or challenged. He pointed out that if the buildings are built first, it would be incumbent upon the staff or the Planning Commission to point out that, had the church been built first, State law would prohibit those from being built. He said that he did not foresee a problem with that occurring because he is aware of some restrictions in the site development agreement that limit the types of uses that would occur. He said that he knew the church was notified of this application. He said that the church brought 22 people to the original Council meeting when they wanted to ensure that it got approved. He said they could bring 2,200 if they were unhappy with something. He said that the church had been a very active part of this application.

CHAIRMAN FLANDERS said that in looking at the meeting minutes from the City Council meeting in which it states, 'that due to the church component contained in the project, alcohol sales will be restricted as well as adult material.' Chairman Flanders wondered exactly what that referred to.

MR. MORRIS said that that included all of the retail component in terms of bars and any adult uses or adult materials within i.e., novelty stores. The church was very specific what they would be a party to.

CHAIRMAN FLANDERS asked if this was for the rest of the retail development even though they may occur outside the 300-ft. Mr. Morris said yes. The church was comfortable knowing that there would be restaurants, which may offer as part of their restaurant license beer and wine sales, but they were uncomfortable with a stand alone liquor establishment that did not have a food component. That would be restricted. The church was also concerned with pure off-site sales of both spirituous liquor and beer and wine, so the restriction is placed on that. Those restrictions included both the CVS and the Shops space that was part of the retail.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER ANDERSON, TO APPROVE <u>UP05-0035 CVS PHARMACY (DOBSON & GERMANN)</u> with no additional stipulations.

Before the vote was taken, **VICE CHAIRMAN HEUMANN** commented that he would vote for the Use Permit request. He said that the applicant had stated that there would be no bars in this location. He added that he had no problem with application due to the nature of the off-site consumption only.

WHEN THE VOTE WAS TAKEN, THE MOTION PASSED UNANIMOUSLY (7-0).

6. DIRECTOR'S REPORT

There was no report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is August 3, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 6:20 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 3, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Vice Chairman Heumann called the meeting to order at 5:32 p.m.

2. Pledge of Allegiance led by Commissioner Gulsvig.

3. The following Commissioners answered Roll Call:

   Vice Chairman Rick Heumann
   Commissioner Phil Ryan
   Commissioner Jeanette Polvani
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig
   Commissioner Mark Irby

   Absent: Chairman Flanders

   Also Present:

   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Mr. Kevin Mayo, Planner
   Mr. Joshua Cook, Planner
   Mr. Bill Dermody, Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER ANDERSON to approve the minutes of the July 20, 2005 meeting. Motion was approved (5-0). *(Note: Commissioner Irby was not available for the vote at this time.)*

5. CONSENT AGENDA ITEMS

   VICE CHAIRMAN HEUMANN stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the Consent agenda. He went on to say that all of the items were on Consent, with the exception of item 'C'. Vice Chairman Heumann asked staff to review the items.

   JEFF KURTZ, CURRENT PLANNING MANAGER, stated that the Consent agenda included: Item 'A'- Abart Investment Corporation (the applicant requested that the case be withdrawn); Item 'B'-Vina Solana Phase II (the applicant requested a withdrawal on this case; the case will be re-advertised with additional property and going back to Commission in November or December of this year); Item 'D'-New Horizons Youth Home; Item 'E'-S5 Electronics (staff recommended condition changes):

   2. **Deleted**
   3. **Any expansion or modification beyond the approved site plan, expansion of the use, or transfer of ownership shall void the Use Permit and require a new Use Permit application.**

   Mr. Kurtz stated that the applicant is in agreement with the stipulation's modifications. Mr. Kurtz continued that Items 'F', 'G', 'H', and 'I', which were Preliminary Plats, were all on the Consent Agenda.

VICE CHAIRMAN HEUMANN explained to the audience that the Commission would make one motion on the items that had been read in by staff. He asked that if anyone in the audience wished to address any of the items to step forward. There was no response.

A. DVR04-0021 ABART INVESTMENT CORP.

WITHDRAWN, a request for rezoning from Industrial (I-1) to Planned Area Development (PAD) for a mixed-use development of office, retail, and storage. The property is located on approximately 10 acres east of the southeast corner of Riggs Road and Arizona Avenue.

B. DVR05-0015/PPT05-0007 VINA SOLANA – PHASE II

WITHDRAWN, a request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a 9-lot custom single-family residential subdivision with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and development standards on approximately 5-acres located south of the southeast corner of Cooper Road and Alamosa Drive.

D. UP05-0037 NEW HORIZON YOUTH HOMES, INC.

APPROVED, a request for Use Permit extension for a juvenile group home currently providing service for up to seven male teenagers within a single-family residence. The subject property is located at 795 W. Park Avenue.

1. The Group Home shall have no more than seven (7) residents at any time.
2. Should the applicant sell the property, this Use Permit to operate a Group Home shall be null and void.
3. The applicant shall not permit known sexual offenders to become residents or staff in this Group Home.
4. The Use Permit shall be extended for three years, at which time re-application shall be required. The three-year time period shall begin from the date of City Council approval.

E. UP04-0032 S-5 ELECTRONICS

APPROVED, a request for Use Permit approval to operate an Electronics Research and Development business within an Agricultural (AG-1) zoned district on approximately 2.31-acres located at 1625 E. Twin Acres Dr.

1. All work shall occur within the 3,000 square-foot accessory building.
2. **DELETED**
3. Any expansion or modification beyond the approved Site Plan, **expansion of the use or transfer of ownership** shall void the Use Permit and require a new Use Permit application.
4. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
5. The Use Permit is effective for a period of ten (10) years from the date of City Council approval. Operation of the business beyond the ten-year time period shall require re-application to and approval by the City.

F. PPT05-0015 FULTON RANCH MARKETPLACE

APPROVED, a request for Preliminary Plat approval for a commercial center located at the northwest corner of Arizona Avenue and Chandler Heights Road.

G. PPT05-0017 CHANDLER MIDWAY CORPORATE CENTER

APPROVED, a request for Preliminary Plat approval for a commercial office development located at the northeast corner of Chandler Boulevard and Gila Springs Boulevard.

H. PPT05-0022 CARINO VILLAS

APPROVED, a request for Preliminary Plat approval for a townhome development located west of the northwest corner of Arizona Avenue and Queen Creek Road.

I. PPT05-0023 ARIZONA & KNOX APARTMENTS

APPROVED, a request for Preliminary Plat approval for a multi-family condominium development located north of the northwest corner of Arizona Avenue and Knox Road.

COMMISSIONER RYAN stated that he would abstain from voting on Item 'H', as he was a consultant to the applicant.

MOTION BY ANDERSON, SECONDED BY COMMISSIONER GULSVIG, to approve the Consent Agenda as read by Staff. Motion was approved (6-0), with Commissioner Ryan abstaining from the vote for Item 'H'.

ACTION

C. DVR05-0011 CHANDLER HEIGHTS MARKETPLACE PHASE II

Request rezoning from Planned Area Development (PAD) Office to Planned Area Development (PAD) Commercial with Preliminary Development Plan (PDP) approval on approximately 5.1-acres for the construction of a Day Care Facility and Retail Shops located north of the northwest corner of Gilbert and Chandler Heights Roads.

KEVIN MAYO, PLANNER, stated this was a request for rezoning from PAD Office to PAD Commercial with a Preliminary Development Plan for a child daycare center, as well as retail shops, on approximately 5.1 acres located north of the northwest corner of Chandler Heights and Gilbert roads. Staff recommended denial.

Mr. Mayo noted that approximately one year ago the site received original Conceptual Office PAD zoning for the 5 acres as part of the larger approximately 22-acre Chandler Heights Marketplace development. It received conceptual zoning, which required a future PDP. The request is to now rezone the property to PAD Commercial for the childcare center as well as the retail shops.

The commercial design standards limit the number of pads that can occur within a retail development. With this being changed to a retail use, staff views the entire 22 acres as one development instead of two separate developments and would therefore evaluate the 5 acres as part of the 22-acre whole for consistency with the commercial design standards. The previous zoning case had approval of three pads. While the commercial design standards would approve two pads, the applicant had done some things through a trellis-covered walkway to provide an implied connection between two pads to earn a third (pad). The Tutor Time would, in theory, be the fourth pad and inconsistent with the commercial design standards. Staff did not find warrant to deviate from the commercial design standards for that reason.

The application also requested approval of a fifth monument sign. Through the commercial design standards, one 14-ft. monument sign and three 6-ft. monument signs are allowed, which Phase I received approval for. The monument sign in front of the Tutor Time would represent the fifth monument sign, which is inconsistent with the commercial design standards. Staff does not find warrant for the request.

Mr. Mayo stated that staff did not feel that a child daycare should be placed adjacent to an arterial street, with the playground right at the intersection of an arterial street and a main drive entrance into a commercial center, and felt it was potentially dangerous. Mr. Mayo said that, although the applicant was showing a three-foot masonry wall with a wrought iron fencing around the playground, staff did not feel that this was where the playground belonged.

Mr. Mayo commented that the Development Booklet did not provide illustrations of the Tutor Time, nor examples of the screen wall around the playground. It also did not include a sign package that was being requested by the applicant.

Based on those reasons, Mr. Mayo stated that staff was recommending denial.

MR. CHARLES HUELLMANTEL, 2525 E. ARIZONA BILTMORE CIRCLE, stated that they disagreed with staff on this case. He said that there had been some discussion on the case during pre-session as to whether or not the case would be denied, continued, or sent to DR (design review). Mr. Huellmantel said that they understood that the application booklet was not fully complete and did not contain the elevations. He said that they understood that the elevations were a fundamental part of the meeting, and apologized for not having that part of the book. He went on to say that they did now have the elevations, which they would be able to show. Mr. Huellmantel said that he knew Commission was not prepared to make a decision. He asked that Commission send the application to design review.

Mr. Huellmantel explained that this request was for an addition to an already approved center, which he felt that everyone would agree was a well done center. The developer had gone far above and beyond what would normally be accepted on a corner. He said that part of that reason was because they had built in Chandler, which meant additional infrastructure and providing a quality of product that met a certain standard. He said that they were okay and excited with that.

Part of the request was to place a Tutor Time at this location. Mr. Huellmantel commented that anytime a playground goes near a major arterial intersection, there would be criticism. They did not criticize staff for raising that point. He said that he felt that there were ways to address that point. Specifically, the safety issue was the overriding concern, and said that that was appropriate. Mr. Huellmantel stated that they felt that it would be a simple thing to address.

Mr. Huellmantel went on to describe the site plan. He pointed out the metal fencing and a 3-ft. masonry wall. He said that they could do with the wall what federal buildings across the country are now doing. He said that the wall could be fortified. The fear is that someone might try to make a turn, not make it, and then end up with the vehicle in the playground. However, he stated that it was a concern that could be legitimately addressed.

Mr. Huellmantel stated that if the project would go to design review, they would meet with Mr. Mayo to discuss the project prior to design review. He stated that one specific thing they would agree to do would be to core the wall out, which means adding lots of steel, cement, and a deeper foundation requirement. He pointed out that that was what was being done across the country, rather than placing large cement barriers. He said the design would then be fortified, and one would be hard-pressed to drive a vehicle through it.

Mr. Huellmantel went on to say that they were prepared to further discuss the case, but that it seemed to him from the pre-session that Commission's goal was to decide to continue the case or to send it to design review.

VICE CHAIRMAN HEUMANN said that one of his concerns was getting exhibits at 5:30 p.m. on the day of Commission. He said that he had talked about continuing the case, but felt that rather than sending the case to design review, without having a chance to see a Development Booklet, it was not his choice in handling this matter.

COMMISSIONER GULSVIG stated that he had a concern about the location, as well as staff's recommendation for denial based upon the use of the plot. He felt that he would rather see the case go back to staff to have the applicant work out the differences. He pointed out that normally Commission gets the information and they normally get a position from the staff that was fairly positive. He said that staff was recommending denial on the use and wanted the case to go back to staff until there was a resolution.

MR. HUELLMANTEL commented that he understood Commissioner Gulsvig's reluctance without further staff input. He stated that even if Commission sent the case to design review, it would be the applicant's goal to meet with staff prior to design review. Specifically, one of the reasons that the use is not appropriate is that it is not seen as an economically viable use. Mr. Huellmantel explained that Phase I of the center contains a Bashas'. Ninety percent of the center is committed for retail use. The applicant feels that this was an appropriate location for a Tutor Time. He stated that they would be able to work with staff to come to some agreements as to how to make this a Tutor Time fit into the center. He pointed out that there are certain requirements for the City, but there were certain requirements for Tutor Time.

Ace Hardware and one other applicant will be taking up space at the rear portion of the site. Phase I is 90% spoken for and Phase II is 80% spoken for as designed. In terms of whether or not it is economically viable, the applicant, based on their market experience for this site, felt this is an appropriate site for retail based on its economic viability. Mr. Huellmantel stated that it was their position that some of the issues with retail had to do with visibility.

Mr. Huellmantel stated that it was their desire to go directly to design review, as it would be helpful in terms of timing.

COMMISSIONER GULSVIG commented that he appreciated Mr. Huellmantel's argument, but felt that until the use was resolved with staff, the design review would not help.

MR. HUELLMANTEL asked if staff would be comfortable with going straight to design review.

VICE CHAIRMAN HEUMANN said that it was Commission's job to decide those issues.

COMMISSIONER ANDERSON stated that design review is used as a tool for when they see details that need to be worked out. He said that he did not see enough details to even start to comment on. He pointed that that they had received Tutor Time late, which was still lacking details. Commissioner Anderson went on to say that if Tutor Time is requiring a frontage onto an arterial or collector street, then there might be ways to look at that. He said that there were not enough details on how the playground was set up to comment, there wasn't a landscape plan, as well as no plan views of the building. Shops C and D were hidden behind the site with a large field of parking behind. He said that one would have to go through the corridor to get to the shops. The question was why there was so much parking in the rear. He said that the rest of the center had a small parking lot. He felt it was intended as employee parking and noted that there was quite a bit of parking behind shops C and D. He said that there was not enough detail to send the project to design review.

MR. HUELLMANTEL stated that the parking behind the shops would become a working yard for Ace Hardware. The remainder would be used for employee parking.

VICE CHAIRMAN HEUMANN stated that he did not want to get into semantics. He said that what he was hearing from two Commissioners was that there was not enough information, and that he did not want to sit and argue the case.

COMMISSIONER RYAN said that since they had gotten the perspective and elevations, that he had looked at them and made comparisons to the major Bashas' store. He said that he takes the stand many times that you can put anything anywhere if it is planned right. He would not close the door on Tutor Time being out along the street, which was a big opposition for staff. However, what he saw in the elevations and perspective was that it did not blend with Bashas'. He felt it had more of a Contemporary look than a Southwest ranch-style look. He said that the playground needed to be played down from a visible standpoint. It took away the flavor of the commercial. He said that they needed to take a look at decorative screen walls, raised planter walls in front, and setting back the walls in order to give more landscaping. Commission Ryan said that what it would really come down to was how good a job the building and playground can be designed and incorporated into the center.

COMMISSIONER IRBY apologized for coming in late to the meeting. He stated that he sided closer to Commissioner Ryan in that he always tried to keep an open mind in terms of uses and functions. He said that he had an issue with the playground area being right at the street frontage and an entry area. He thought that it might look better if the playground and Tutor Time were flipped, with the playground pushed back away from the major street. Commissioner Irby commented that his biggest heartburn was with the architecture. He said that a couple of the Bashas' elements had used, but then the rest became too commercial and contemporary as compared to the center itself.

Commissioner Irby suggested that the case be continued for thirty days to give the applicant time to work with staff. It was his hopes that at that time Commission would not have to recommend design review, but that it would be something that could be discussed and voted upon.

MR. HUELLMANTEL said that the concern with moving the playground was that it created a visibility problem with the Bashas' supermarket that was already planned.

COMMISSIONER IRBY stated that the visibility to the Bashas' would remain the same, whether the playground was to the north or south.

MR. HUELLMANTEL said that the lease was already restricted and is not an option. He also stated that they were mindful that they were in Chandler.

COMMISSIONER IRBY went on to say that he had looked at the parking and noted that they were over-parked in terms of the requirement. The parking issue in the back was not a big deal to him.

MR. HUELLMANTEL stated that they are only very slightly over-parked and that would be something that they could address. He noted that the city requires 4 per thousand spaces, but the Bashas' lease required 5 per thousand. He said that that was what they had tried to accomplish.

COMMISSIONER IRY said that the project data that he was looking at was only for Phase II. Mr. Huellmantel stated that Phase II under the Bashas' lease was considered a part of the project, and so they were required under the Bashas' agreement to keep the cars at 5 per thousand. He also said that they would work to address the concerns, and that it was helpful for Commission to articulate the concerns.

COMMISSIONER POLVANI stated that she was uncomfortable with the placement of the playground. She felt that there would be a perception that it wasn't safe. She stated that she thought it would be a good idea for the applicant to get back with staff to relocate the playground on this site.

MR. HUELLMANTEL asked if the concern was that someone would drive into the playground?

COMMISSIONER POLVANI responded that Commission's responsibility is to ensure that the projects are good. She stated that she was concerned about moving forward a project that appeared to her had not been planned appropriately for the center to have an appearance of being safe for kids. She said that she could not envision 45 kids on a playground out on Gilbert Road. She said that she didn't have a problem with Tutor Time, but thought that there should be a more appropriate location for the playground. She agreed that the applicant needed to get back with staff for further assistance. She stated that the project was not something she would support under the current plan.

COMMISSIONER IRBY asked if the applicant had looked at the possibility of placing the playground on the west side of Tutor Time?

MR. HUELLMANTEL stated that they had looked at that. He said that one of the things that they had tried to respect was what staff originally requested in terms of traffic flow, which was to continue the flow of traffic through the entrance feature.

COMMISSIONER IRBY asked what the restrictions were with regard to Bashas'. Mr. Huellmantel said that there was a site line, although he did not have the diagram with him at the time. He said that the applicant had agreed to not place a building in that site line location.

COMMISSIONER IRBY suggested that Tutor Time be placed on an angle similar to pad A or pad C, and then wrapping the playground along the north and west. He also suggested that the retention area be left by the entry area and bring some of the parking where the playground was currently being shown. It would be more parking for Tutor Time versus the shops.

MR. HUELLMANTEL stated that he was told that that was something that was restricted in the Bashas' lease, but was something that they could re-examine.

VICE CHAIRMAN HEUMANN asked if there was anyone in the audience that wished to speak. There was no response.

VICE CHAIRMAN HEUMANN stated that he did not have a problem with Tutor Time. He said his issue was the lack of information. He felt that the applicant needed to go back to staff and listen to their concerns.

COMMISSIONER ANDERSON stated that it was hard to make a decision with so little information. He said that he had an issue with the parking behind shops C and D.

VICE CHAIRMAN HEUMANN asked if anyone wanted to make a motion.

MOVED BY COMMISSIONER GULSVIG to send the project back to staff for further work to resolve the issue with the design standards as to how there is merit to having a fourth pad.

His motion did not include a time stipulation as to when the case would go back to the Commission.

VICE CHAIRMAN HEUMANN asked for a second to the motion.

COMMISSIONER RYAN seconded the motion, but also stated that he felt there needed to be a date certain for going back to Commission.

MR. JEFF KURTZ stated that if there were no date specific it would cause staff to re-advertise the case when it was ready for a hearing. He went on to say that it was always staff's advise to Commission to continue to a date specific to keep the current advertising track open and available for those that are participating and following the public hearing. He said it was Commission's preference.

COMMISSIONER GULSVIG then stated that he would add thirty days to his motion.

VICE CHAIRMAN HEUMANN stated that the date then would be September 7th. Commissioner Ryan stated that the second concurred. When the vote was taken, the motion passed 6-0.

6. DIRECTOR'S REPORT

There was no report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is August 17, 2005 at 5:30 p.m.

8. ADJOURNMENT

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

_____
Rick Heumann, Vice Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 17, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:38 p.m.

2. Pledge of Allegiance led by Commissioner Anderson.

3. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commissioner Phil Ryan
   Commissioner Jeanette Polvani
   Commissioner Mark Irby
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Also Present:

   Mr. Glen Van Nimwegen, Assistant Planning & Development Director
   Mr. Bob Weworski, Principal Planner
   Mr. Kevin Mayo, Planner
   Ms. Kim Clark, Planner
   Ms. Jodie Novak, Planner II
   Mr. Joshua Cook, Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER RYAN to approve the minutes of the August 3, 2005 meeting. Motion was approved (6-0). Chairman Flanders stated that he would abstain from voting, as he did not attend the August 3rd meeting.

5. CONSENT AGENDA ITEMS
   Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He stated to the audience that those items on the Consent Agenda would be approved with one single motion.

   MR. BOB WEWORSKI, PRINCIPAL PLANNER stated that the items on the Consent Agenda were items "A"-El Diamante (staff was recommending withdrawal of the item); item "B"-Southshore Village; item "C"-Westech Corporate Center Phase 1, Lot 2; item "D"-The Barn; item "E"-Chen Architects; item "G" Fibber Magees; item "H"-Nozzleheads Grille and Pub; and item "I"-Fulton Ranch Promenade (preliminary plat).

   There were additional stipulations for:

   B. AP03-0003/DVR04-0058/PPT05-0028 Southshore Village – Maracay Homes
   18. Applicant to work with Staff to provide additional window and design elements at front second-story area at loft and stairway on Plan 3022, to be similar to Plans 3052 and 3082.
   19. Homebuilder shall advise all prospective homebuyers of future light rail system along adjacent railroad line.

20. The applicant shall enhance the bathhouse pool building to be more architecturally compatible with housing plans and sample elevation presented at meeting.
21. The applicant shall work with Staff on enhancing the residential subdivision's perimeter wall design, split rail fencing, and the proximity of amenities next to residential lots.
22. Provide the maximum allowable queuing distance, 150' if possible, from right-of-way to key pad and meet City standards for gated entries at both gated entrances.

C. <u>PDP05-0005 Westech Corporate Center Phase 1, Lot 2</u>

11. Applicant shall work with Staff to add design elements to buildings two and three to be compatible with the elements represented on building one.

E. <u>UP05-0009 Chen Architects</u>

5. The proposed parking canopies at the rear of the site shall be eliminated.
6. Parking shall occur at the rear of the site. Additional pavement shall be added to the front to only facilitate safe vehicular movement.
7. Screen trees shall be provided or planted at the rear of the site along the east property line.

G. <u>UP05-0038 Fibber Magees</u>

6. The Use Permit shall remain in effect for one year 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.

A. <u>UP05-0029 EL DIAMANTE DINING & DANCING</u>

WITHDRAWN, a request for Use Permit extension to sell liquor for on-premise consumption only within an existing restaurant (Series 12 Restaurant License). The subject property is located at 1964 N. Alma School Road, Suite 1.

B. <u>AP03-0003/DVR04-0058/PPT05-0028 SOUTHSHORE VILLAGE – MARACAY HOMES</u>

APPROVED, a request for Area Plan amendment from Multi-Family Residential, Light Industrial, and Commercial to Single-Family Residential and Commercial, and Rezoning from Planned Area Development (PAD) Multi-Family Residential, Light Industrial, and Commercial to PAD to allow single-family residential and commercial with Preliminary Development Plan (PDP) and Preliminary Plat approval for a single-family residential subdivision on approximately 45 acres located north and east of the northeast corner of Arizona Avenue and Chandler Heights Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Southshore Village", kept on file in the City of Chandler Planning Services Division, in File No's. AP03-0003 and DVR04-0058 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 for arterial and collector streets, 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 landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a property owners' association.
9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
10. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

    a. In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Southshore Village development shall use treated effluent to maintain open space, common areas, and landscape tracts.
11. The approximately 17-acre commercial site is approved on a conceptual PAD status only and shall require separate Preliminary Development Plan application and approval.
12. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
13. All homes built on corner lots within the residential subdivision shall be single-story or a combination of one- and two-story with the one-story portion on the street side.
14. The same elevation shall not be built side-by-side or directly across the street from one another.

15. For lots adjacent to arterial and collector streets, two-story homes are limited to every third lot.
16. A minimum of two trees shall be planted in all front yards.
17. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.
18. **Applicant to work with Staff to provide additional window and design elements at front second-story area at loft and stairway on Plan 3022, to be similar to Plans 3052 and 3082.**
19. **Homebuilder shall advise all prospective homebuyers of future light rail system along adjacent railroad line.**
20. **The applicant shall enhance the bathhouse pool building to be more architecturally compatible with housing plans and sample elevation presented at meeting.**
21. **The applicant shall work with Staff on enhancing the residential subdivision's perimeter wall design, split rail fencing, and the proximity of amenities next to residential lots.**
22. **Provide the maximum allowable queuing distance, 150' if possible, from right-of-way to key pad and meet City standards for gated entries at both gated entrances.**

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

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

C. PDP05-0005 WESTECH CORPORATE CENTER PHASE 1, LOT 2

APPROVED, a request for Preliminary Development Plan approval to construct three (3) 10,000 square foot industrial office/warehouse buildings on a 2.6 net acre site at lot 2 of Westech Corporate Center. The buildings are addressed 2105, 2115, and 2125 North Nevada Street. The property is zoned Planned Area Development (PAD) for industrial uses.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2858, in case PL98-0020 WESTECH PAD.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Technology Center West" kept on file in the City of Chandler Current Planning Division, in file number PDP05-0005 WESTECH CORPORATE CENTER PHASE 1, LOT 2, 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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. No outside storage or display of any kind will be permitted for any business outside of the fenced yards behind buildings two and three. Such storage shall not be taller than the perimeter fence and shall not reduce the amount of available parking spaces as required by Chandler Zoning Code.
7. Building signage shall be limited to reverse pan channel, non-illuminated letters.
8. The monument sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
9. The monument sign shall be allowed a maximum of two tenant panels per sign face.
10. The service yard gates shall be solid material.
11. **Applicant shall work with Staff to add design elements to buildings two and three to be compatible with the elements represented on building one.**

D. UP05-0001 THE BARN

APPROVED, a request for Use Permit approval to board up to 33 horses in a horse boarding facility from a single-family residence within the Agricultural (AG-1) zoning district. The property is located at 3221 South Eagle Drive, south of Queen Creek Road and west of Cooper Road.

1. 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.
2. The maximum number of horses allowed for boarding is thirty-three (33).
3. Any expansion or significant modification to the facility requires an amendment to the Use Permit, and shall be subject to approval by City Council.
4. The property shall be maintained in a clean and orderly manner.

E. UP05-0009 CHEN ARCHITECTS

APPROVED, a request for Use Permit approval to operate a professional office within a Single-Family (SF-8.5) zoning district for property located at 877 N. Alma School Road (South of the southeast corner of Ray and Alma School Roads).

1. Any expansion or modification beyond the approved Site Plan and Floor Plan shall void the Use Permit and require a new Use Permit application.
2. The number of employees occupying the residential conversion shall not exceed one full-time and two part-time employees.
3. The landscaping shall be improved per the attached Site Plan.
4. The Use Permit is effective for a period of one (1) year from the date of City Council approval. Operation of the business beyond the one-year time period shall require re-application to and approval by the City.
5. **The proposed parking canopies at the rear of the site shall be eliminated.**
6. **Parking shall occur at the rear of the site. Additional pavement shall be added to the front to only facilitate safe vehicular movement.**
7. **Screen trees shall be provided or planted at the rear of the site along the east property line.**

G. UP05-0038 FIBBER MAGEES

APPROVED, a request for Use Permit approval to sell liquor (Series 6 Bar License; all spirituous liquor) at an existing restaurant located at 1989 W. Elliot Road Suites 19 and 20.

1. The Use Permit is for a Series 6 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.
4. The Use Permit is non-transferable to any other store location.
5. Decibel levels of recorded or live music shall be controlled so as not to present a nuisance to residential properties beyond the boundaries of the Elliot Square shopping center.
6. **The Use Permit shall remain in effect for one year 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.**

H. UP05-0041 NOZZLEHEADS GRILLE AND PUB

APPROVED, a request for Use Permit approval to sell liquor (Series 12 Restaurant License) at a restaurant located at 4920 S. Gilbert Road Suite A-1.

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.
4. The Use Permit is non-transferable to any other store location.
5. The proposed patio must meet all applicable building and zoning codes and receive approval with the tenant improvement permit.

I. PPT05-0006 FULTON RANCH PROMENADE

APPROVED, a request for Preliminary Plat approval for a commercial retail and office development located at the northeast corner of Alma School Road and Chandler Heights Road.

MOTION BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER IRBY to approve the Consent Agenda as read by Staff. Motion was approved unanimously.

ACTION:

F. UP05-0014 1 SOURCE SIGNATURE GLASSWARE INC.

Request Use Permit approval to allow an office with a design studio and collection of glassware, ceramics, and Chinese antique furniture within the Multiple-Family Residential zoning district (MF-2). The property is located at 381 South Colorado Street, south of Frye Road and west of Delaware Street.

MS. JODIE NOVAK, PLANNER II, stated that the request was for a Use Permit to allow an office use within a multiple family residential zoning district (MF-2). The applicant has had an office within the residence for some time, which is an administrative office, and houses some of the materials to meet clients for the glassware business. The applicant, Mr. Sciacca and his wife, are owners of the company and are in the process of opening up a glassware business in downtown Chandler. This building was purchased in 1999 by the current property owners. It was an existing single-family residence.

As background, Ms. Novak explained that this area is one of the oldest residential areas in Chandler. It was platted in 1946 for a single-family subdivision. Subsequently, had a multi-family zoning was adopted by the Town of Chandler prior to any zoning code being created by the City. It was rezoned in order to make compliant bootlegged duplexes and secondary houses that were put on the single-family lots, and also to promote more people to move into the downtown area and increasing the population for this community. This area now has a lot of vacant properties, as well as a mix of existing single-family houses and some multiple family properties within the vicinity of the subject property.

The applicant remodeled the building to accommodate living facilities (kitchen, bathroom, and bedroom), but the main living room area has been converted to an office area. It is not being used for any residential purposes, but strictly as an administrative office at this time.

Planning staff worked with the applicant for some time with regard to the use of the property and the need to have the Use Permit application filed. It was noted by the Neighborhood Services division that there was a business operating at this site. The applicant was unsure if he conformed to the home

business occupation standards. He didn't because no one lived at the residence. Thus, a Use Permit application was filed.
The property also had metal containers that housed a lot of the merchandise that will go into the new store in the downtown area, as well as some other items in the rear yard of the property. The building on this property was remodeled, the front yard was upgraded to new desert landscaping, and new plumbing and electrical was installed. Ms. Novak stated that at the time the memo was prepared, there was a lot of material that was in the rear yard. She stated that since that time, the applicant had cleaned up the rear yard and was being maintained.

Ms. Novak continued that the area is within a redevelopment area the city. The goal is to promote infill single-family residential or multi-family residential, such as duplexes or townhomes. Staff is of the opinion that, even though this is a low key, low intense use, having a commercial based use was not consistent with the redevelopment plan for the area or the surrounding area. There are no other commercial-related businesses permitted by Use Permit on any of the other residential properties. The commercial use does not further the goals for this area. Staff believes that, although the home was remodeled and was done well, the architecture is not consistent with the historic architecture of the existing homes.

Ms. Novak stated that the applicant is asking for a one-year approval of the Use Permit in order to give them the time to transition to their retail store. Staff recommended denial as they felt that the property over time had not been well maintained and that the use was in non-compliance with the zoning nor in keeping with the redevelopment goals.

VICE CHAIRMAN HEUMANN inquired as to when the pictures of the backyard disarray had been taken and asked when the yard had been cleaned up. Ms. Novak stated that the pictures had been taken within the last three weeks. She stated that the property had been cleaned up on Wednesday and Thursday of the week prior to the Commission meeting (Aug. 10th or 11th). The property had had all the material since late 2004 when Neighborhood Services had noticed the large metal storage containers on the property. It was at that point that they determined that the home was being used as an office use.

VICE CHAIRMAN HEUMANN asked when the application had been filed. Ms. Novak stated that the applicant had filed for a Use Permit in February 2005.

VICE CHAIRMAN HEUMANN also asked about the permitting process for the remodel of the home. Ms. Novak stated that with regard to the architectural quality of the home, if one were using this home as an office, staff would want there to be more of a residential character that would be similar to the area. Through the city's goals of redeveloping the area, staff would want some consistency with the architecture of the adjacent homes in the area. Ms. Novak stated that this home was quite distinct and different from the home that was next door, especially if it is being maintained as more of an office use than a residential use.

VICE CHAIRMAN HEUMANN asked Ms. Novak if the applicant intended to continue using this site for storage after the retail business opens in the downtown area. Ms. Novak said that the metal storage containers that were being used for the glassware had been moved from the premises. She was unaware what would be the disposition of other vehicles and vehicle frames. Ms. Novak noted that the storage containers had been moved onto vacant property to the east that the applicant owns. She said that the applicant had been advised that that was not allowed. Ms. Novak stated that staff had been working with the applicant for some time to bring them into compliance, as well as working with them and understanding that they were trying to get the business going downtown.

CHAIRMAN FLANDERS questioned if there were any other redevelopment occurring in this area, such as Habitat for Humanity. Ms. Novak stated that in addition to this property there were two other Use Permit applications filed by a gentleman who wants to build single-family homes. She said that if one wanted to do single-family homes within the multi-family zoning that it would require a Use Permit and that it would be consistent with the redevelopment and goals for this area. She said that there was no large redevelopment project taking place at this time.

Ms. Novak noted that the Long Range Planning division for the city had been doing some very preliminary initial work with the downtown area and that it would be ongoing. She said that this would definitely be part of the downtown community that they would be evaluating as to the redevelopment and growth potential for the area.

CHAIRMAN FLANDERS commented that he knew that there were funds that the city provided for redevelopment areas and wondered if this area would fall within that funding. Ms. Novak stated that there were different programs, but did not know if there would be funding for an individual lot for an individual home. She said typically it was more for commercial type development.

CHAIRMAN FLANDERS then questioned if there was shipment of product out of the facility (due to the amount of Styrofoam packaging material that was on the property). Ms. Novak said that she had been advised that there were no shipments coming to or from the facility. She was unaware where the material had come from, but was advised that it was from a mutual friend of the owner. Ms. Novak stated that any packages that had been shipped from overseas were already in the metal storage bins that were in the neighborhood waiting to into the new store downtown.

CHAIRMAN FLANDERS asked what the city's position was with regard to the storage containers that were being kept in the neighborhood. Ms Novak stated that the containers were not permitted on the residential or commercially zoned property. Any kind of outdoor storage containers or materials would have to be in an industrial zoning district and comply with the site development standards for that. Staff has advised the applicant that the containers need to be moved. Ms. Novak commented that she was advised that the containers would go away after the opening of the new store.

MR. NIELS KREIPKE said that he was a downtown property owner. He said that with regard to the Styrofoam and other items stored on the property, they had been his building materials from the Thomas building downtown. He said that Peter Sciacca and his wife had bought the Rowena Theatre from him and had been working to create a specialty shop. During the process there had been old building materials from the theatre that had to be taken out for the new remodel process. Those materials had been taken to Mr. Sciacca's property. He stated that the materials really didn't belong to Mr. Sciacca, he was only trying to be helpful, and that the materials had only been on the property since June. He said that it was always their goal to remove the materials in a timely goal, and that the property had been cleaned up two weeks prior.

Mr. Kreipke went on to comment that he didn't believe that the design or elevation of the home had a significant impact on the discussion for the Use Permit. He said that this was the first and only renovation in this area for the last 6-7 years and that Mr. Sciacca ought to be commended for investing in the neighborhood. He also pointed out that Mr. Sciacca and his wife were significant investors in the downtown now. They purchased the Rowena Theatre for their glassware business and to create a unique shop. They had also purchased the Gospel for Life building. He felt that the Sciacca's' were a good partner for the city.

MR. PETER SCIACCA, 381 S. COLORADO STREET, CHANDLER, stated that there hadn't been any metal containers on the property for a year. It was last November when they had been cited. He said that the other property that they own in the area is a staging ground for the new inventory for the new store that they had bought from Desert Viking. Mr. Sciacca said that they had never done

retail over the last fourteen years of their business, only wholesale. He stated that they have no walk-in customers, signage, nor do any customers ever come to Arizona. It's a very "mom and pop" operation, but it's a very big business.

Mr. Sciacca gave a brief history on the founding of their business and how it had grown. The business had grown to a point where people were calling and wanting to buy retail. Mr. Sciacca said it was then that they decided to go into a store in downtown Chandler and contacted Desert Viking.

Mr. Sciacca stated that they had purchased the subject home in July 1999, where one month prior (to the purchase) an 82-year old gentleman had been shot and killed. This home is in a black neighborhood with a bad reputation often referred to as South Chandler. He said that he did not care about that, that what he wanted was a space that he did not have to pay rent for storage. Mr. Sciacca displayed pictures of the before and after pictures from the remodel of 381 S. Colorado, as well as pictures of the rear of the building where the yard had been cleaned up.

Mr. Sciacca explained that he didn't come to the city prior because he felt he met the requirements for a home-based business because of the fact that there were no walk-in customers, signage, or employees. He felt that the only thing that they didn't comply with was the fact that they didn't live there. He went on to say that the property had been cleaned up the week prior and that he had contacted Ms. Novak about that.

He went on to say that he was before Commission because of the staging of materials on Delaware Street. He said that they own property at 388 S. Delaware and 380 S. Delaware. There are no metal containers at 381 S. Colorado Street, and that they hadn't for one year. At the time of the violation there were no metal containers. Mr. Sciacca explained that at the time Neighborhood Services was driving by, they were in the process of unloading products for the store. He said he needed a place to store them temporarily. After doing parcel searches, they found out that the owners of the Delaware parcels was the same owner as 381 S. Colorado.

Mr. Sciacca stated that he had no plans after one year to use the property for business. He had already applied for a business license to be at 81 W. Boston Street. He would not be able to get into the store, though, until he is issued a Certificate of Occupancy.

COMMISSIONER RYAN asked Mr. Sciacca what his plans were with the property after one year. Mr. Sciacca stated that he had no intention of selling the property because he owned most of the property in the area. He said that he had slowly been trying to assemble parcels in the area to do a cool infill. He felt that the area where Dun Del Re was and the area across the street was going to change and felt that there was some investment potential. He wants to do in-fill or condominiums, but not necessarily low-income housing. He stated that it would be easy to get federal money and go after doing some Habitat for Humanity or other good low-income housing. Mr. Sciacca also owns a C-3 parcel at Frye and Delaware, the parcel behind Mr. Wall's construction property. His intention is to break ground and have a library there if there wasn't enough room at 81 Boston Street. The C-3 parcel is approximately 400' from his present property.

Mr. Sciacca went on to say that probably what he would do with his property at 381 S. Colorado would be to put a renter in there. The renter is someone nearby that is willing to sell him her property, and he would put her in the space until he could find her substitute housing. He stated that he would slowly but surely do some in-fill projects in the area.

COMMISSIONER RYAN asked the applicant if he owned all the parcels surrounding this parcel. Mr. Sciacca stated that the three parcels behind the project site were his. (There were other parcels that he pointed out on a map.) He stated that assembling parcels was not an easy thing to do. He

commented that there are other exciting things to do aside from glass, and he wanted to diversify from glass and retail and be a proud property owner in Chandler.

COMMISSIONER RYAN asked the applicant if he had fully kept Mrs. Folley and other neighbors in the loop of his intentions. Mr. Sciacca stated that he absolutely had. He stated that he had helped the neighbors around him in various ways and had tried to be a good neighbor.

COMMISSIONER GULSVIG asked the applicant if he had ever lived in the home. Mr. Sciacca stated that he had not. Commissioner Gulsvig then asked if it had been Mr. Sciacca's intention to make the home into a facility to house the design studio. Mr. Sciacca replied that he had a dual design intent. He stated that he had watched his business grow over the last 14 years, so he knew this was going to be a stepping-stone. Commissioner Gulsvig stated that he had a concern with the use issue and asked the applicant why he was just now applying for a Use Permit. Mr. Sciacca said that he really thought that a home based business was one that could be operated out of the home. He didn't realize that there was a condition that you had to live in the home.

COMMISSIONER GULSVIG stated that he found that a person that was so knowledgeable about acquiring land that Mr. Sciacca would imply that he was ignorant about what the use requirements were. He stated that it was obvious that Mr. Sciacca had done his research very well before buying the property. It appeared that the applicant had some intent to try to get moved to the point where he was at this time. He said that it appeared that there had been some taken advantage of here.

MR. SCIACCA stated that he respectfully disagreed with Commissioner Gulsvig. He said that he had bought the property six years ago as a remedy to working in a garage eight hours a day. What he knew then and what he knows now is very different. He stated that he had learned a lot within the last two years. He said that he had spent six years learning more about Chandler and wanted to do more.

VICE CHAIRMAN HEUMANN said that he agreed with what Commissioner Gulsvig had previously stated. He asked Ms. Novak to exhibit the rear yard pictures and those of the alley. Ms. Novak explained that there were photos taken by Neighborhood Services back in October 2004 where there were similar materials there.

VICE CHAIRMAN HEUMANN stated to the applicant that a home based business was a business that had very little impact on a neighborhood. He said that his concern was what had gone on for the last two to four years since he had owned the property. Most people who are going to open up a retail location are either using a storage facility until it's ready versus throwing things in their back yard and disturbing the neighborhood. He said that he applauded the applicant for buying land on speculation. He stated that he had a concern with the violation of the intent of the law, what had gone on for the last year or two, and what is going to happen in the future.

MR. SCIACCA explained that a lot of the materials came from being a good neighbor and partially from being lazy. A lot of the materials have now been taken to the dump. The bricks in the alley were not his. The Thomas building materials have been donated to the Boys and Girls Club. He apologized for allowing neighbors to use his back yard for storage and for not keeping it maintained.

VICE CHAIRMAN HEUMANN said that that still did not excuse the fact that it had to come to Commission to get it cleaned up. He went on to ask where Mr. Sciacca would be storing his large shipments of merchandise. Mr. Sciacca stated that they have zero large shipments and that they do millions of glassware that goes directly from China to their customers. The storage that exists now on other properties is only staging ground. He stated that there would be enough storage at the bottom of the displays and sales counters to keep glass. He went on to say that he may have to find a place to keep glass and furniture, which was one of the reasons he had bought the C-3 parcel. He said that he might be able to renovate the rear of the Gospel for Life building to store merchandise, or perhaps an

outlet store. Mr. Sciacca stated that he didn't get a violation in November because his back yard was messy. He said that he had been in the location for six years with no complaints from the neighbors.

VICE CHAIRMAN HEUMANN asked Mr. Sciacca where he planned to store his extra product for Christmas. Mr. Sciacca said that he would cross that bridge next year when he gets there. For now, he has five mobile mini containers full of product, which are not at 381 S. Colorado. He said for this Christmas he would be fine. He has one year to build something or find inexpensive warehousing.

COMMISSIONER GULSVIG stated to Mr. Sciacca that he was quite a salesman. He said that he had a problem trying to reconcile his request with other people who had been in the same position. He stated that approximately six months before there was an individual who was a landscaper that applied for a Use Permit. They did not live in the facility, but were providing a lot of outreach to young kids for church. Commissioner Gulsvig explained that they denied the Use Permit because the applicant was violating the use of what it was intended (residential). He went on to say that if Mr. Sciacca was not going to live in the home it would fall under the same category. He stated that all citizens have to be treated the same. He said that it was his opinion that a Use Permit to conduct business out of one's home was simply that and it appeared that the applicant was not planning to live in the home. He stated that he would have to go along with staff recommendation for denial.

MR. SCIACCA stated that he attended the City Council meeting that Commissioner Gulsvig had recited. He said that you couldn't put things into cookie cutter form. Mr. Sciacca stated that not everyone buys a home, spends $100,000 renovating it to make it a rental or to sell it one day, just to make it an interim office. He said that there was no significant traffic and that his neighbors had come in support of that. He stated that the only people that were there every day were he and his wife. He stated that he had walked around the neighborhood and got signatures from neighbors that were in support.

COMMISSIONER RYAN stated that they should go to the speaker cards and hear from the audience to get their side of the story.

MR. SCIACCA stated that he would like the privilege to use the property for one more year and to comply with the conditions.

CHAIRMAN FLANDERS asked if Mary Joe Hart wished to speak.

MARY JOE HART, 401 S. COLORADO STREET, stated that there had never been a problem with Mr. Sciacca and his business. She said that he had never heard anyone say anything and that she was in favor of the project. She said she lived on the Elgin Street. She said that Mr. Sciacca had done a lot of good for the neighborhood and helping people in that area.

PEARLIE WOODS, 240 E. ELGIN said that Mr. Sciacca had been an asset to the community and was in support. She said that about six years prior there had been a gambling house where Mr. Sciacca had built his home. She said there were gunshots in the area as well. Ms. Woods said that Mr. Sciacca treated everyone like a neighbor and that they were good people. She stated that she had lived in the area for nearly all her life and that the City of Chandler had built her home.

COMMISSIONER RYAN stated that, looking at the request at face value, it would have to be denied. He said that the fact was that the applicant had done some good in the community. He said that it sounded as though this place was a place where a lot of villains had hung out and had been a thorn in the neighborhood. Commissioner Ryan stated that the applicant was only requesting to use the property for one more year. He said that the Use Permit could be non-renewable and stated that he thought they should give the applicant the benefit of the doubt. He said that the applicant was buying

property in a depressed area and was helping out the neighborhood, as well as opening up a new business in downtown Chandler, which was welcomed.

VICE CHAIRMAN HEUMANN asked the applicant what his plans were for this property. Mr. Sciacca stated that he was going to get a tenant in that was willing to sell him her property. He said that he wanted to accumulate property in the area, but there was one person that he wanted to move into the home so that he could buy her property. He said that her property used to be a hamburger stand at the corner of Delaware and Folley. He said that the property now is ready to fall down and felt he would put her into something newer if she would sell him her property. He said that it was his intention to use it as a tool to relocate someone so that he could finish a whole half block. He said that he has three pieces and he was missing the corner.

VICE CHAIRMAN HEUMANN wanted to know what the applicant's long term plan was for the property. Mr. Sciacca said that the property would be a rental; however, in five years it would probably be gone and replaced with a clubhouse if he was able to do condos in the area.

VICE CHAIRMAN HEUMANN confirmed that by the end of this year Mr. Sciacca would be out of the house and into the business in downtown. Mr. Sciacca replied that he may be out as soon as one month.

VICE CHAIRMAN HEUMANN commented that Commission could do a Use Permit until December 31st. Mr. Sciacca replied that he had learned that building was a difficult feat, so he would prefer one year to give him some cushion.

COMMISSIONER RYAN asked if the applicant needed the property at 381 S. Colorado as a retail store. Mr. Sciacca stated that they had never done retail to date and never would. He said that he just needed to be able to keep his merchandise where he could get his hands on it.

COMMISSIONER RYAN stated that it was not his intention to bind Mr. Sciacca's hands to where he couldn't have a client come in for a meeting. He said that he would place a condition on the approval that the property would not be used for retail.

COMMISSIONER IRBY asked Mr. Sciacca at what stage they were at with the new store. Mr. Sciacca stated that they had called for fire and sprinkler inspection, which had passed. The rough inspection would be the following day. It was his hopes to start sheet rocking within the week. The storefront was also being built. He felt the store was about four weeks out.

COMMISSIONER IRBY said that he initially felt that the applicant was not a good neighbor and had zero sympathy for the applicant. However, he said that he would only support a six-month Use Permit. He said that if the property had been maintained and didn't have so many problems ahead of time, he would have given him a one-year Use Permit. He said that he understood what the applicant was trying to do and where he was trying to go, and that he admired him for his achievements.

MOTION BY VICE CHAIRMAN HEUMANN to approve the Use Permit until **DECEMBER 31, 2005** with the stipulation that the property be kept neat, clean, and well maintained. **CHAIRMAN FLANDERS** closed the floor. He stated that he was excited to see the facility when it went through the Architectural Review Committee. He said that there was a lot of discussion about the outside design and the historical nature. He went on to say that when he had seen this request he viewed it in the strict sense of the Use Permit. Looking at it based on the staff report, there is a General Plan and it didn't fit that, it's a commercial use in a residential area, and it's a commercial use in a redevelopment area. There's also the fact of being consistent. Chairman Flanders stated that the neighbors had stated that there was no impact with the use and that the applicant had helped out in the

area. He felt that a limited Use Permit to enable the applicant to get his merchandise out of the property would be a good idea. He said that he would support a Use Permit until December 31st.

GLENN BROCKMAN, INTERIM CITY ATTORNEY, stated that according to the rules there must be second before any discussion.

COMMISSIONER RYAN stated that he would second the motion.

COMMISSIONER ANDERSON said that he was in favor of some approval. He felt that the applicant would need more time than four months and felt that six months would serve him better.

CHAIRMAN FLANDERS asked the motion maker if he would amend the motion to six months.

VICE CHAIRMAN HEUMANN stated that he would not. He said that he had come to the meeting with the plan of voting against the request. He said that the reason he was trying to work out a compromise was to give the applicant the ability to get the business going.

CHAIRMAN FLANDERS stated that there was a motion and a second on the floor. He asked Ms. Novak to read the stipulations.

MS. NOVAK read into the record the following stipulation:

"The Use Permit shall remain in effect until December 31st, 2005. The site must be kept clean and no outside storage."

MOTION WAS APPROVED (5-2) with Commissioners Gulsvig and Polvani opposing the motion.

6. DIRECTOR'S REPORT

There was no report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is September 7, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 7:05 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, September 7, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:32 p.m.

2. Pledge of Allegiance led by Commissioner Phil Ryan.

3. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commissioner Phil Ryan
   Commissioner Jeanette Polvani
   Commissioner Mark Irby
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Also Present:

   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Mr. Kevin Mayo, Planner
   Ms. Kim Clark, Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER DICK GULSVIG, SECONDED BY COMMISSIONER BRETT ANDERSON to approve the minutes of the August 17, 2005 meeting. Motion was approved (7-0).

5. CONSENT AGENDA ITEMS

   Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He stated to the audience that those items on the Consent Agenda, Items "A", "B", "C", "D", "G", "H", "I", "J", "K", "L", and "M", would be approved with one single motion.

   MR. JEFF KURTZ, CURRENT PLANNING MANAGER, entered into the record the following additional stipulations as a follow-up to the Study Session.

   A. PDP04-0025 QUAIL SPRINGS

   3. ***Additional architectural features, such as plane changes, windows, stucco projections, and decorative elements, shall be provided on the side elevations of Plans 3024, 4042, and 3801.***
   4. ***A minimum of two trees with a 2" caliper shall be planted in all front yards.***
   5. ***The applicant shall work with staff to provide more substantial gabled vent design features on the Santa Barbara style elevations.***
   6. ***The color paint scheme "L" shall* be eliminated from the color palette.**

C. PDP05-0010 EAGLE GLEN

1. A minimum of two trees of a 2-inch caliper shall be planted in all front yards.

(**CHAIRMAN FLANDERS** asked if item A also included the stipulation pertaining to trees. Mr. Kurtz stated it did and that he had not read that particular stipulation into the record for item A, as it had been provided in a memorandum. Stipulation no. 4 covered this point in item A.)

H. UP05-0018 THE WHITE HOUSE

6. The applicant shall coordinate monument signage maintenance and improvements with staff. Improvements are to include repainting. Monument signs shall remain the same size and conform with City sign codes.

I. UP05-0042 LIVING BY THE WORD FAMILY CHURCH

8. ***A management plan shall be provided outlining the drop off and pick up times for students.***

A. PDP04-0025 QUAIL SPRINGS

APPROVED, a request for Preliminary Development Plan (PDP) approval for housing product for a residential subdivision located on approximately 60 acres at the southwest corner of Ocotillo Road and Mustang Drive.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3277, in case PDP04-0025 QUAIL SPRINGS, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Quail Springs" kept on file in the City of Chandler Current Planning Division, in file no. PDP04-0025, except as modified by condition herein.
3. **Additional architectural features, such as plane changes, windows, stucco projections, and decorative elements, shall be provided on the side elevations of Plans 3024, 4042, and 3801.**
4. **A minimum of two trees with a 2" caliper shall be planted in all front yards.**
5. **The applicant shall work with staff to provide more substantial gabled vent design features on the Santa Barbara style elevations.**
6. **The color paint scheme "L" shall be eliminated from the color palette.**

B. PDP05-0008 PARAMOUNT POOL AND SPA SYSTEMS

APPROVED, a request for Preliminary Development Plan (PDP) approval for site layout and building architecture for an industrial building that includes office, manufacturing, and warehouse space. The subject property is located on approximately five acres at the southeast corner of Corporate Drive and Nevada Street.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2858, in case PL98-0020 WESTECH PAD.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "PARAMOUNT POOL & SPA SYSTEMS" kept on file in the City of Chandler Current Planning Division, in file number DVR05-0008, 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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. Completion of the construction, where applicable, 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. Building signage shall be limited to reverse pan channel, non-illuminated letters.

C. PDP05-0010 EAGLE GLEN

APPROVED, a request for Preliminary Development Plan (PDP) approval for housing product for the Eagle Glen I subdivision. The subject property is located on approximately 39 acres south of the southwest corner of Germann and Lindsay roads.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3595, in case DVR04-0015 EAGLE GLEN I, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "EAGLE GLEN" kept on file in the City of Chandler Current Planning Division, in file no. PDP05-0010, except as modified by condition herein.
3. **A minimum of two trees of a 2-inch caliper shall be planted in all front yards.**

D. DVR05-0011 CHANDLER HEIGHTS MARKETPLACE PHASE II

CONTINUED TO OCTOBER 5, 2005 PLANNING AND ZONING COMMISSION AGENDA, a request for rezoning from Planned Area Development (PAD) Office to Planned Area Development (PAD) Commercial with Preliminary Development Plan (PDP) approval on approximately 5.1-acres for the construction of a Day Care Facility and Retail Shops located north of the northwest corner of Gilbert and Chandler Heights Roads.

G. UP05-0034 CVS PHARMACY (RAY & MCQUEEN)

WITHDRAWN, a request for Use Permit approval to sell liquor (beer & wine) for off-premise consumption only (Series 10 License) at a retail store currently under construction within the Cobblestone Square retail development. The subject property is located at 1015 E. Ray Road.

H. UP05-0018 THE WHITE HOUSE

APPROVED, a request for extension without expiration of a Use Permit for office use within a Single Family (SF 8.5) Zoning District in accordance with the City of Chandler's Residential Conversion Policy. This use has been allowed by Use Permit since 1993 at its current location of 600 W. Chandler Boulevard.

1. Substantial conformance with the Site Plan and Floor Plan exhibits as submitted. This approval is limited to the first floor area depicted on the Floor plan and does not grant approval to enclose the screened porch area or use the basement and detached storage building for tenant space.
2. Any expansion or modifications beyond the approved exhibits shall void the Use Permit.
3. The total number of employees that work on site shall not exceed seven.
4. The total number of tenant businesses shall not exceed three.
5. The existing sign may not have more than three tenant panels as per the sign's original approval.
6. **The applicant shall coordinate monument signage maintenance and improvements with staff. Improvements are to include repainting. Monument sign shall remain the same size and conform with City sign codes.**

I. UP05-0042 LIVING BY THE WORD FAMILY CHURCH

APPROVED, a request for Use Permit extension to operate a charter school within a Regional Commercial District (C-3) located at 670 N. Arizona Avenue Suite #11.

1. The Use Permit shall be approved for a period of one year, at which time re-application shall be required.
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. Before and after school day care services provided by the school are restricted to those students who regularly attend the school. If the school were to expand the day care service for children beyond the school enrollment, it would be necessary to submit an application to amend the Use Permit.
4. The Use Permit is non-transferable to other locations.
5. Playground area is subject to the approval of the Zoning Administrator.
6. No loud speakers shall be allowed at the rear of building.
7. Perimeter landscaping shall be brought into current Code compliance.
8. **A management plan shall be provided outlining the drop off and pick up times for students.**

J. UP05-0043 HENRY'S FARMERS MARKET

APPROVED, a request for Use Permit approval to sell beer and wine (Series 10 beer and wine store) at a Henry's Farmers Market located at the northeast corner of Alma School Road and Queen Creek Road, 2855 S. Alma School Road.

1. The Use Permit is for a Series 10 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

K. DVR05-0025 OLD STONE RANCH

APPROVED, a request for rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) amended to eliminate a zoning condition requiring copper supply plumbing for a residential subdivision located on approximately 246 acres at the southwest corner of Ocotillo Road and Lindsay Road. **Planning Commission and Staff recommend approval to eliminate the zoning stipulation (Condition No. 12) requiring copper plumbing water supply plumbing for houses.**

L. DVR05-0026 DOBSON CROSSING

APPROVED, a request for rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) amended to eliminate a zoning condition requiring copper supply plumbing for a residential subdivision located on approximately 158 acres at the southwest corner of Queen Creek Road and Arizona Avenue. (**Planning Commission and Staff recommended approval to eliminate the zoning stipulation (Condition No. 12) requiring copper plumbing water supply plumbing for houses.)**

M. PPT05-0032 DESERT PALMS CHURCH

APPROVED, a request for Preliminary Plat approval for a Church development located south of the southeast corner of Arizona Avenue and Ocotillo Road.

With regard to the Living By The Word additional stipulation as suggested by Mr. Kurtz, **VICE CHAIRMAN HEUMANN** stated that the stipulation was only a management plan and drop off/pick up plan. He wanted a stipulation that was more of a traffic plan with drop-off areas, drop-off and pick-up time, and a circulation plan. He asked that Mr. Kurtz re-word the stipulation.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER HEUMANN, to approve the Consent Agenda with the additional stipulations as read in by Staff. Motion was approved unanimously (7-0).

ACTION AGENDA:

E. DVR05-0023 THE ELEVATION CHANDLER

Rezoning from PAD to PAD Amended for a residential and office condominium development. The site is approximately 10 acres and located southwest of the Price Freeway (Loop 101) and Frye Road intersection.

JEFF KURTZ, CURRENT PLANNING MANAGER, stated that the request was a rezoning application for a project called The Elevation Chandler. It is a rezoning to amend the existing PAD zoning to allow office and residential condominium tower as part of a larger master plan, which was known as Parcel G at the Chandler Fashion Mall. The particular property is located at the southwest corner of Frye Road and Price Freeway (Loop 101). It is part of a larger project known as the Renaissance ClubSport Hotel. Mr. Kurtz went on to say that the building would be 212 feet tall overall. It is 192 ft. to the top of the roof, but the mechanical equipment above that brings the overall height to 212 feet.

Mr. Kurtz explained that when Parcel G was originally zoned, it was not allowed to have residential uses as a primary component. This application seeks to amend the zoning to allow the residential condominium tower. He said that Parcel G was planned as a part of the Regional Mall to be one of the more intensive development areas throughout the 320-acre master plan. Parcel G was expected to have more building intensities with the ability to achieve a F.A.R. of up to .6. It was also anticipated to be an area where taller building heights would be placed. The PAD zoning granted the ability to achieve up to 200 feet tall.

This is a 15-story building. The first four floors of the building will be office condominium use. The building floor plate for the four floors are approximately 7,000 sq. ft. They could be divided into one, two, or three different office suites. The top eleven floors of the building are residential condominiums. Maximum division would be up to 102 dwelling units. The top two floors are penthouse units, with two dwelling units on each of the floors. It is a mixed-use project that will be developed in combination with the Club Renaissance Hotel. People that own or live in the condominiums will have the opportunity to use the facilities at the hotel including the fitness club. Part of the application included a three-story four-floor parking garage with a bit less than 700 parking spaces.

Mr. Kurtz stated that this is a very exciting project and puts Chandler on the map. He said that it shows Chandler's maturity to be considering structures such as this throughout the community.

From an overall site plan design as it relates to the previously approved ClubSport Hotel, there are no substantial changes. It is taking what was a parking lot, recreates that with a parking structure, and adds the condominium tower to it. The rest of the site, as well as access points, remain the same. Mr. Kurtz stated that the architecture is very stylistic and very meritorious for such a building height.

There were two neighborhood meetings for this application and were attended by residents of the Hearthstone Core Group. The community group felt that the building was too tall.

Mr. Kurtz stated that staff had taken a look at the parking for the facility. It is understood that the mall has some parking issues, at least with the distribution standpoint as opposed to an overall availability of parking. This portion of the whole mall area receives more parking demand because of the relationship to restaurants and food court. Mr. Kurtz went on to say that this application self parks

itself in terms of any additional square footage building usage that is being added to the site. It keeps the same parking that was approved for the hotel and adds new parking in the parking garage based upon the current code standards for multiple family and office development. It meets the code requirement for the minimum amount of parking that is necessary, in fact exceeds the code requirement by a few spaces.

Mr. Kurtz stated that staff recommends approval.

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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
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 Exhibit A, Development Booklet, entitled "Elevation Chandler", kept on file in the City of Chandler Current Planning Division, in File No. DVR05-0023 The Elevation Chandler, except as modified by condition herein.
6. The landscaping in all open spaces and rights-of-way shall be maintained by the property owner.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for street median landscaping.
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.

COMMISSIONER IRBY asked if the parking stalls were supposed to be 9- or 10-feet wide. Mr. Kurtz stated that the stalls were supposed to be 9' x 19'.

VICE CHAIRMAN HEUMANN asked if the issues that he had been concerned with (regards to lights on the building and outside storage) been addressed or talked over with the applicant. Mr. Kurtz stated that staff had prepared stipulations to address the issues. He said that he wasn't sure about the lighting, but if the FAA required lighting, then there would be lighting. Mr. Kurtz said that he did not know if that was a requirement.

COMMISSIONER GULSVIG said that there was a limitation of 200 feet for a building height. He said that this building exceeded the limitation and wondered how staff reconciled that. Mr. Kurtz said that this was a rezoning application so anything could be considered. He said that usually the mechanical equipment on top of the roof is not included in the building height. The building height in this instance is 192 ft. To the top of the mechanical equipment is 212 feet.

COMMISSIONER RYAN said that he noted that during both of the neighborhood meetings there was concern with the height of the building. He asked if it was the 12 feet of height above the building that was a concern, or was it the general height of the structure overall. Mr. Kurtz stated that it was his impression that the concern was with the overall height.

CHAIRMAN FLANDERS asked what the distance was between where the sight line studies were taken from to the actual building. Mr. Kurtz explained that the studies were analyzed from three different points in the Hearthstone neighborhood. It is nearly one-half mile, approximately 1,800 feet, in the short dimension and over one-half mile in the longer dimension.

CHAIRMAN FLANDERS commented that no matter what the neighbors would see a little bit of the building, even if the building were to be moved closer to the freeway. Mr. Kurtz stated that that was one of the requests from the neighborhood. The applicant studied what impact of height and visibility would exist if the building were to move from the west side of the site to the east side of the site. He said that those exhibits were provided for the Commission. Mr. Kurtz said there was very immeasurable change, although there was some change in percentage of building that could be seen in the concept of a sight line, which is a very geometric, abstract type of analysis from one particular point without anything blocking the visibility.

CHAIRMAN FLANDERS commented that there was a landscape buffer that buffers the neighborhood to the mall that included trees. He asked if staff knew how long the trees had been there and how tall the trees would get at maturity. Mr. Kurtz said that the trees had been there for a little over three years. Commissioner Ryan stated that he believed that the trees that were planted were desert trees and would get up to 25 to 30-feet tall.

VICE CHAIRMAN HEUMANN asked about overflow parking. Mr. Kurtz said that there was plenty of parking available over the 320 acres of the mall. Whether it would close parking to this was not a fair way to look at the matter. He said that there would naturally be peak times where there would be more parking than other times of the year. From a parking quantity standpoint, as it relates to the residential and office, it is parked according to Code. Chandler has on the high end requirement of the amount of parking spaces for multiple family developments. It is parked at one and one-half space for every one-bedroom unit and two spaces for every two-bedroom unit and above. There is also a one-quarter space provided for each unit for guest spaces. Historically there is a much lesser parking need. This is also a unique type of project. Some people may not have cars that live here; there may be only one car for a one-bedroom unit. Mr. Kurtz stated that there was enough parking for this development. He said that in a worst case scenario there might be some overflow that happens. From a Code standpoint, it meets the requirement. Mr. Kurtz then went on to explain that the applicant had looked at national standards. The national standards for these types of facilities would require 200 less parking spaces than what is being provided on this site. It was staff's conclusion that there might not be parking right at the door, but there was ample parking for this use.

VICE CHAIRMAN HEUMANN said that the Code says that the mall was parked correctly, yet at peak times, such as in December, there's not enough parking. He said that it had even gone before Council to try and find a solution.

Vice Chairman Heumann went on to ask if Staff had looked at what would be happening next, with respect to building height in other areas of the City. He asked if there were any guidelines going on to address this situation. Mr. Kurtz said that staff needed to address an issue of a particular development's building height based upon the particular situation of that site. He said that this was a great example of a piece of property located at the interchange of two freeways, almost if not more than one-quarter mile away from any residential area. He said that impacts were lessened in building heights of this setting. He said that each case is evaluated upon the particulars of that case.

Vice Chairman Heumann asked staff if they felt comfortable that if Council approved this particular case it would not be setting a precedent. Mr. Kurtz said that they were.

MR. JEFF CLINE, 2040 S. ALMA SCHOOL ROAD, CHANDLER, AZ said that he felt that this was a great opportunity for the Chandler market place. Mr. Cline stated that they found that there was a demand for this type of urban mid-rise housing within the Chandler market. There are over a dozen mid-rise projects under construction throughout the Valley. He said that the benefits for mid-rise housing of this quality type for the City of Chandler and the surrounding neighbors are many. Higher density population and locations that provide adequate infrastructure near the intersection of the 101 and the 202 is a great product at a great location. Mid-rise housing provides an opportunity for residents to live, work, and play within the same area without driving an automobile. This site provides shopping, dining, movies, and fitness club as well. Mid-rise housing provides local citizens presence in a commercial area, which may reduce crime in the area. It may provide a stabilizer and increase property values within the adjacent residential areas. Mr. Cline stated that they had performed a study of the surrounding areas and found that there had not been any examples of reduced values due to mid-rise housing being in the area. He went on to say that mid-rise housing provides a housing option for newly relocated residents to the City of Chandler.

Mr. Cline stated that the required notification for the site was 600 feet; however he notified the neighbors that were 1,000 feet past the Westcor fence and 1,000 feet north of Chandler Boulevard. He said that he felt that they had done an extra effort to notify the neighbors of this project. He said that there had been three neighbors who had attended the meeting, and it was his interpretation from the meeting that the neighbors were more concerned with the location of the building on the site. Mr. Cline said that the site is over 700 feet long from the westerly edge to the easterly edge. After the initial meeting they went back and performed the sight line studies and took photographs. He said during the study they moved the building from 100 to 350 feet from the very westerly edge of the property to the mid-center of the site and found, from a percentage standpoint and from a real world visual standpoint, the impact did not change much. Mr. Cline stated that during the neighborhood meetings the neighbors were asked for current and future recommendations; the applicant had not received any input since the meetings. He said that the Planning staff and the design team has done a great job on this quality project and noted that they expended extra effort on both the interior and exterior of the building. Compared to most if not all of the other mid-rise housing projects within the greater Phoenix marketplace, they are not going to find the size or number of balconies that are included in this design or the architectural element. Mr. Cline thanked the Commissioners for their design of the concept and said he would be willing to respond to any questions.

COMMISSIONER IRBY said that he is sure that the applicant heard the Commissioner's discussion during the Study Session and asked Mr. Cline what his feeling was about the south elevation, as far as being able to aesthetically upgrade the area with green walls.

Mr. Cline responded that he concurs that green wall accents throughout that area is a good idea but said that at this point in time it is too early to tell what is going to happen on the remaining 25 or 26-acre parcel. He said that they are in a primary location in the City of Chandler and believe it is crucial that they do a good job to make it look good as they have done on the north side. Because of fire lane and landscaping requirements, they are adding an additional 30 feet to accommodate the landscape belt.

COMMISSIONER IRBY asked whether the applicant had looked into the possibility of spanning the access drive to the north and tie it into the rest of the project so people would not have to walk on grade.

Mr. Cline asked whether he was referring to the drive-cut on Galleria (west side) and Commissioner Irby said he was talking about tying the parking garage into the sports facility. Mr. Cline advised that it would be difficult since the sports facility is not a public facility; it is a private membership club. There is a 6600 square foot kid's room within the club and they try to keep the club fairly secure.

Currently, there are only two entry points designed within the club for the local Chandler private members of the club to access the building as well as hotel guests. He confirmed that there is a pedestrian connection between the hotel and the sports facility. Commissioner Irby asked whether they could "flow" into each other so that all three structures had a connection and Mr. Cline advised that primary parking for the hotel and club will be the surface parking around those buildings. He said that realistically the local members would be the ones using the parking structure spaces; they are coming into the club to work out so there shouldn't be an issue. He stated that the Commissioner's idea is a good one but would require another security management access point, which is important in today's world. Mr. Cline advised that realistically speaking, it is only approximately 60 feet from building to building so there would not be much of a walk involved. Chairman Irby explained that he was looking at it from a convenience point of view and being able to avoid vehicle circulation.

VICE CHAIRMAN HEUMANN stated that although the club is a private facility, people would still be coming from surrounding areas to use it. He asked where those people would park their vehicles.

Mr. Cline responded that there are approximately 350 to 400 surface parking spaces surrounding the club and the hotel, which operate as one separate business, and those patrons would utilize those parking spaces. Vice Chairman Heumann noted that potentially some of the members will park in the garage and said that to provide access right into the facility, rather than have to go down and then walk around is a valid point. He asked where the overflow parking would be located and pointed out that the mall is a very busy place.

Mr. Cline said that he can understand the Vice Mayor's concern and reported that the parking requirements are actually more stringent through the Marriot franchise program and added that Marriot International is the largest hotel company in the world. He advised that they have conducted many parking and traffic studies, which is a critical component of achieving development approval with the Marriot system. He said that the parking as it is currently designed on the hotel parcel, to accommodate the hotel and the club is considered by Marriot to be operating at an optimum operation 365 days a year. The considered, when evaluating the parking requirements for the facility, that the facility, meeting room space and the club will be full 365 days a year. He added that they are very conservative in making their parking calculations. He noted that they anticipate that the meeting room space will be booked 90% of the time. The parking will occur on a day in/day out 24/7 basis. He also referred to national standards and noted that the spaces they are providing are actually about 24% over the ITE requirements (164 spaces). He added that they are currently 25 spaces over the Chandler requirements and about 76 spaces over the Marriott parking space requirements. He stated that they are very confident that they are in good shape regarding parking.

Mr. Cline pointed out that on Parcel G, the original zoning for the 2.5-acre parcel currently allows office use, which has approximately 75% higher parking requirements than residential (5 spaces per 1,000 feet on average). By allowing this project to go forward, they are actually reducing the traffic as it was originally designed for Parcel G, south of Frye Road. He added that residential, unlike retail, will not result in additional residential parking in the building during Christmas time. He noted that there would be guests.

VICE CHAIRMAN HEUMANN said that he sees what happens at the mall and despite all of the studies he still has serious parking concerns, particularly during the holiday season.

Mr. Cline stated that overflow parking, in the future, could be on the adjoining 25 acres, which would probably accommodate another 1,000 to 3,000 spaces depending upon what is approved for the parcel. The Vice Chairman commented that they still do not know what is going to occur on that parcel and said that they have to look at what is going on right now.

COMMISSIONER ANDERSEN asked what the "modified track and field paving" referred to as shown on the front of the building and Mr. Cline replied that it is simply a pedestrian mark. He added that it would consist of an upgraded specialty concrete or brick paver materials. He said that he would have to check on the details if specific information is necessary.

There were no additional questions at this time from the members of the Commission and **CHAIRMAN FLANDERS** said that at this time he would like to call on the audience members who have submitted requests to speak on the item. He requested that they approach the podium when their names are called.

Josephina Martinez, 124 W. Goldfinch Way

Ms. Martinez stated that she has enjoyed the positive impacts of living in a growing city and is very particular about the schools her children attend and the community she lives in. She added that when she originally moved to Chandler, she was not very thrilled because the City did not appear to offer many options but advised that she is now proud to be a Chandler resident. Her home has drastically increased in value, partly because of all of the new projects that have come on line and added that the City is thriving because of development, which is creating jobs and increasing the money flow into the City. Ms. Martinez further stated that Chandler has become a desirable place to live and work in and said that she believes in City growth. She expressed the opinion that The Elevation Chandler will be another great addition to the City and an asset that will increase revenues and offer Chandler and its citizens a variety of desirable options. She spoke in support of living/working in the same building and freeing up already congested roads and said that she believes the project is a "win-win" situation for everyone and urged the Commission to approve the case.

Lindsay Hicks, Resident of Phoenix

Ms. Hicks stated that she did not wish to speak at this time but does support the project.

Bill Donaldson, 3725 W. Geronimo

Mr. Donaldson addressed the Commission and advised that he lives in the Hearthstone neighborhood, just west of the proposed property. He added that he would be in the sight line of the building if it were approved. He said that he was there to discuss Chandler's elevation, not just the project, the overall elevation of the City and what they decide to do with it. He noted that earlier this year Mr. Cline received approval for a 10-story, 150-foot hotel and residential project and due to immediate and intense demand; he is requesting 5 additional stories and over 50 additional feet. He referred to the Bank of America building that is located in Mesa and pointed out that it is 226 feet in height and the proposal before them at the current time would be 212 feet high and would definitely put Chandler on the map. He expressed the opinion that the new part of the project looks like an afterthought to him and added that it as supposed to be a parking lot and he believes that the Commissioners should take a very good look at the parking issue. He stated that the overflow parking will obviously be in the front end of the hotel and noted that during the holiday season traffic currently overflows into the Target parking area. He said that he spent 4.5 hours a month ago with Mr. Cline in meetings and at an on-site visit and advised that there are concerns that go beyond just the height issue. He indicated that most of their concerns have to do with height, the abruptness of the building compared to the surrounding area and in relation to the current hotel project; it just does not flow into the project. He added that when they originally talked about the height and placement of the building, they asked how much of an impact there would be if the building was placed towards the east end of the property. He noted that they were surprised, as was Mr. Cline, to learn that moving this large a building 350 feet does not result in a huge impact, the building itself makes a huge impact.

Mr. Donaldson commented that a precedent would be set, which many cities around the State are currently fighting. He pointed out the projects in the Biltmore area are being reconsidered because of height issues. He said that at the neighborhood meetings, Mr. Cline mentioned that the Scottsdale Kierland area is considering some mid-rise projects and pointed out that they are planned to be 6 to 10 stories, not 15, and not 212 feet high. He stated that while other cities are considering project such as this, Chandler should not be the first one on the map to approve this tall a building. He discussed the significant amount of consulting work that the applicant had done on this project and said that the project is obviously a profitable one considering the demand for residential properties. He requested that the Commissioners vote not to change Chandler's elevation to this drastic a degree.

Tony Capaci, 1564 W. Havasu Court

Mr. Capaci said that he lives in the Ocotillo area and is a business consultant who develops strategic plans and feasibility studies primarily for telecommunications projects. He stated that he has not looked at the proposal in any specific detail other than the fact that he has read information in the newspapers and has had discussions with the people developing and promoting the project. He has primarily looked at it from an economic standpoint. He is in favor of the project and believes there are a lot of benefits to be gained. The business compliments the Price Business Corridor and it appears to him that adding commercial office space is beneficial to the area since it appears that as though that is the original plan for the area. He believes that the housing is ideal, particularly for corporate executives who travel a lot and are frequently out of town because they won't have to worry about their property and it is ideally located with great access to other businesses, the freeways and airports. It is also a good location for neighbors from his perspective. He lives a couple of miles past that location but drives through there on is way to the airport and downtown as well as other areas and it appears to be an ideal location for this type of project. Another benefit is that high-value condos increase property values in the area and typically attracts high-paying jobs, which helps to promote the economy and subsequently keeps crime in check.

CHAIRMAN FLANDERS asked whether this high a building is considered mid-rise or high-rise and Mr. Kurtz responded that mid-rise buildings tend to be over three stories and he is not sure when they start to classify as high-rise buildings. He added that mid-rise is probably the best terminology for this project. The Chairman said he believes that at the Price Corridor to the south of this location there is an overlay district for mid-rise as well and Mr. Kurtz advised that mid-rises are usually dealt with on an individual basis based upon a particular zoning case and there are no broad area designations in the community; issues are dealt with at the time of rezoning. The property immediately south of the Santan on Price Road on the east side has, through their zoning, been designated for mid-rise so staff anticipates a collection of taller buildings at the freeway interchange.

VICE CHAIRMAN HEUMANN referred to the PUD overlays that were done south of that with mid-rise and said it was his understanding that mid-rise is 45 feet high in the City of Chandler. Mr. Kurtz confirmed that any building over 45 feet in height has to comply with the mid-rise development policies. As far as the property to the south of the Santan, zoning allows the Commission to consider taller buildings but does not obligate them to approve them.

STEPHEN GARNER, 2221 Marlin Drive

Mr. Garner said that he supports the project and he and his wife moved from Scottsdale to Chandler at a time when people thought they were crazy for leaving Scottsdale. He stated that they were looking to live in a "community" and added that they love Chandler and believe that the people really care. When he wants to go out and have a good time he has to go to Scottsdale but he personally believes that this project will give the citizens of Chandler something to be proud of. They are witnessing history in Arizona as far as the fact that New York and Los Angeles are already built up and eventually Arizona is going to run out of space and build up as well. He cannot think of any better

location for this type of project than the Price Corridor. There is also the opportunity to develop small office areas and they bring jobs and tax revenue. South Chandler has become a very affluent area and they are going to require more such as this type of project.

LEIGH RIVERS, 3737 W. Geronimo Street

Mr. Rivers advised that he lives in the Hearthstone neighborhood and his home is within the sight line of this building. The diagram that the neighbors were shown of the site line from three points in their neighborhood (over the wall, over the trees and over existing buildings) showed about the top 20 to 30- feet of this building to the neighboring residents. The questions that came to his mind, which he discussed with the developer at the meetings, had to do with the hotel part of this project that was originally planned to be 120-feet tall and it has now been amended to 150-feet tall in order to allow for the two floors of condominiums. They have now sacrificed a significant portion of the original parking area to build a three-floor parking structure to service the 200-foot tall condominium tower on top of the parking structure. Now they are talking about going 212-feet high and this makes the neighborhood wonder what is coming next. He questioned why the project's height has gone from 150 feet to 212 feet. The neighbors at the meetings recommended several changes having to do with the lowering and possible widening of the building, which would allow it to have the same square footage inside to accommodate the same number of condominiums, yet it would not present the obelisk look to the neighborhood and the rest of the City. He questioned whether the "step ladder effect" of buildings getting bigger and bigger as they go south will continue unabated, not only on this project, but into the possible Westcor project to the south. Westcor has already expressed an interest in building their own condominium towers. He referred to the Vice Chairman's comment regarding precedent being set and said that he can imagine Westcor asking why their 250-foot building is too big when the Elevation Tower at 212, 50 yards north of them, was not. He asked whether they were going to allow a forest of big buildings to be located next to their neighborhoods or whether they were going to place some kind of limit on just how tall enough is. He also agrees that parking will be an issue.

DEB LASCH, 2464 West Ivanhoe Street

Ms. Lasch commended the members of the Commission and the hard work they carry out to protect her family and the entire community. She cautioned them against being afraid of moving forward. She spoke in high regard for Chandler but noted the lack of projects such as this and said that people are going somewhere else to get what they cannot get in Chandler. She expressed the opinion that the proposal represents a perfect combination; something for the economy and something for growth. She said that she could appreciate the concerns that have been expressed regarding the project's height but pointed out that the Commission looks at each project on an individual basis and requested that they continue to do that.

CHAIRMAN FLANDERS thanked all of the speakers for their comments and asked whether the applicant would like to respond to any of the comments at this time.

MR. CLINE thanked Bill and Leigh for using their personal time to speak with him and at the meeting this evening because they really care about the neighborhood and the City of Chandler.

CHAIRMAN FLANDERS closed the floor and opened the issue up to discussion among the members.

COMMISSIONER RYAN commented that he has some concerns with the details, the nuts and bolts of the project, and although they are not major, they need to be tweaked and may require a different forum such as going through the Design Review process. He has had a chance to look at the landscaping and the project is a little deceiving; it is a small site but the development is massive and

they need to look at the landscaping in detail and perhaps increase the height of the palm trees. The size of the plant material in general, 24-inch box trees and 15-gallon plants, are minimal and he doesn't believe that anything less than 36-inch box trees should be used in this case because of the size and scale of the project. In addition, he believes there should be double rows of trees rather than single rows. He said that he is not looking to redesign the project would he would like to see some refinement occur. He spoke in favor of forwarding the case onto Design Review and added that he hopes this could happen quickly so it will not result in delays and presenting this case to the Council as planned.

MR. KURTZ advised that this case is supposed to go before the Council on September 29th. **COMMISSIONER RYAN** said that they would then have to delay the case for another two weeks. He noted that the project will "set the bar" for mid-rise and high-rise developments and added that for the most part it is a very elegant building but he believes there are things that can be done better.

CHAIRMAN FLANDERS agreed that additional refinement should occur and stressed the importance of taking a better look at the matter.

VICE CHAIRMAN HEUMANN thanked the members of the audience for their input this evening, on both sides, and agreed that the case should be forwarded to Design Review for a better look at issues such as parking, site-lines, garage elevations, etc. He added that a lot of people live in the City of Chandler because it is not Los Angeles or Chicago, and concurred that setting the bar is going to be very important for this project.

COMMISSIONER ANDERSEN said that he too believes that some of the details should be looked at a little more closely so they can gain a clearer understanding of the project. He noted that there were details that he did not see reflected on the plan this evening, such as some of the landscapes and site development, circulation issues at the entry for pedestrians and vehicles, both sides of the parking garage, green screens, etc.

CHAIRMAN FLANDERS concurred with forwarding the case to Design Review and said that the elevations of the garage need to be looked at as well as the second floor bridge over the driveway. He stated that one of the reasons he brought that up was for convenience sake and security purposes. In addition, the landscape should be further addressed and the circulation on Galleria Way as far as fire access and trash pick-up. He said that the architect should discuss the form of architecture; what led them to this style as far as shapes, materials, etc. so that they can obtain a clearer picture of the entire project.

MOTION BY COMMISSIONER RYAN, SECONDED BY VICE CHAIRMAN HEUMANN, that **DVR05-0023, THE ELEVATION CHANDLER**, be continued to the October 5th meeting to allow the case to go before Design Review.

Commissioner Ryan advised that staff will schedule a time for the applicant to participate in the Design Review process and will notify him of the arrangements.

The motion was approved unanimously (7-0).

(Chairman Flanders declared a brief 10-minute recess after which the meeting reconvened.)

F. DVR03-0047/PPT03-0023 CENTRE POINT BUSINESS PARK

COMMISSIONER RYAN advised that he would abstain from discussion/consideration on this case since he is the landscape architect for the applicant.

MR. KURTZ addressed the Commissioners and said that the case is a rezoning along with a Preliminary Development plan for three of the parcels and a Preliminary Plat. He stated that the application before them included PAD zoning from its current Agricultural Zoning for an almost 30-acre parcel (29.8) that is being proposed to be divided into 11 individual lots. It is a business park because it is a collection of lots that is featured with uniform landscaping, a commonality in the monument signage and building architectural style and colors. The whole approach from the applicant is to create an individualized development, a business park called Centre Point Business Park. What is being proposed is to allow I-1 uses and also that two of the lots (1 and 2) be allowed to be developed with medical and professional use offices. The property is located in south Chandler and is part of the Chandler Airpark Area Plan planning area, which identifies the property as being within Light Industrial. The definition of Light Industrial, under the area plan, is as follows: ***"Light Industrial*** *denotes uses for small manufacturing, warehousing and distribution, back office space and high tech uses. Site and facility design should balance function with aesthetics and amenities. The FAR is less than 0.32."*

MR. KURTZ noted that part of the Chandler Airpark Area Plan also allows the consideration (on an inter-changeable basis) of the Commercial/Office/Business Park land use designation within areas designated as Light Industrial. He added that the Commercial/Office/Business Park definition is as follows, ***"Commercial/Office/Business Park*** *denotes major, campus-like employment centers. Permitted uses include retail services, research and development or office/showroom development."* He said that one of the issues being brought forward, as evidenced by Stipulation #1, is the applicant has included within the development plan a request for two the parcels to be developed as commercial/office/professional office/medical office/business park and noted that staff opposes this request. He advised that the proposal represents a well planned business park with a well coordinated master landscape plan that unifies the streetscape of the various individual developments and will project a quality image for the business park. He added that the Commissioners have also been provided a copy of the applicant's comprehensive master sign package.

MR. KURTZ discussed the proposed medical office and said that there are three Preliminary Development Plans as part of the application. The first one is a medical/professional office and right on the frontage, at the main entrance to the site, is a 5.25-acre parcel that is a collection of small individual buildings; something they typically have seen a lot of throughout the community. Small buildings, condominiums, can be owned by the individual businesses in the park. The single-level buildings are typically 4,500 square feet I size totaling 42,000 square feet overall. There is a mixture of professional office/medical office. The site is parked at a ratio to allow up to 70% medical office and 30% professional office. The buildings are well designed but do not conform to the City's Commercial Design Standards in terms of the types of materials. He discussed staff's opposition to the land use for this particular development and reiterated that the Chandler Airpark Area Plan identifies the property for Light Industrial. He stressed the importance of the preservation of the City's industrial areas in order to provide long-term sustainability to the community by providing a good foundation for jobs. The development request as a medical/professional office is much more appropriate for the City's low-density residential areas. He said that staff would not recommend this type of land use as a part of the Light Industrial parts of the community because those areas are particularly set aside for Light Industrial and you cannot do Light Industrial and Low Density Residential areas. He added that a key planning element is to provide that segregation of land uses in order to protect the Light Industrial areas for Light Industrial uses.

MR. KURTZ noted that the second Preliminary Development Plan has to do with a mini-storage located along the east side of the side, adjacent to the Paseo Park and the Consolidated Canal. It is a quality looking development; a fairly typical mini-storage with parcels surrounded by a tall wall and interior to the site are small single-story buildings where the actual storage occurs. The southern most portion of the parcel has a two-story controlled climate indoor storage building with access from the inside of the site.

MR. KURTZ advised that the third property with a Preliminary Development Plan is an office/warehouse parcel located at the north end of the development and is a collection of three different buildings. He said that the structure is typical of this type of project with the front half of the tenant space is office and the back half is warehouse and is consistent with the Light Industrial designation within the Area Plan. Mr. Kurtz discussed neighborhood input that has been received, including correspondence from Bob Curley that was received short before the publishing of the Staff Report. He added that they were also provided this evening with a written response from the applicant and said that he has not yet had a chance to read the document since it arrived just prior to the meeting. He advised that the concerns expressed by the neighbors have to do with the location and planned location of roadways located within the area. The application represents the third rezoning case in this immediate area. Prior to Commission and Council consideration of the first rezoning case in the area, the property owners and the applicant were directed to get together and come up with some roadway designs and locations in the area that would serve their properties and the general area in accordance with the City's general planning principles. He said that staff had thought that this was accomplished through the meetings that were held and added that this is the third rezoning case that is in perfect concert with the planned roadway system. He advised that staff is more than willing to sit down with all of the property owners in the area if they would like to reassess the planned roadways. He pointed out that the way the roadways are planned to occur in the area is suitable, services the properties within the area, is in accordance with the City's planning principles and represents an equitable solution to the road systems in the area. He added that staff is always willing, however, to take another look at the area.

MR. KURTZ advised that the Commissioners have been provided with a series of stipulations and said that the first one is really the main issue this evening and explained that it says, *"Lots 1 and 2 (medical and professional office) shall be designated for I-1 uses only and the medical and professional office uses shall be deleted."* He noted that if the Commission agrees with the applicant's request, they would want to eliminate this stipulation. He added that starting with Stipulation #15, staff has also provided a series of stipulations related to the development standards of the mini-storage area with the pedestrian circulation area and the possible professional office area as well as some details that staff felt were necessary in the office/warehouse buildings. He noted that the applicant concurs with those stipulations. He indicated his willingness to respond to questions and provide any necessary clarifications.

MR. KURTZ advised that staff recommends approval subject to:

1. Lots 1 and 2 (medical and professional office) shall be designated for I-1 uses only and the medical and professional office uses shall be deleted. A Preliminary Development Plan shall be resubmitted for review and approval in conformance with the I-1 uses.
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. 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 Services Division, in File No. DVR03-0047, except as modified by condition herein.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or an association.
10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
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 source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

    In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.
13. The following stipulations shall be the responsibilities of the 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 buyers 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 overflight activity. This document signed by the buyer shall be recorded with Maricopa County Recorders Office upon sale of the property.

b) 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.
c) 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.
d) 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 overflight activity, and is encumbered by an avigational easement to the City of Chandler."

14. At the time of sale, the developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the canal right-of-way together with the adjoining easements dedicated to the City of Chandler, is to be developed as a multi-trail system for use by the general public.
15. Within the mini-storage development area:
    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.
    d) A 10-ft. landscape planter shall be added along the eastern property line within the parking lot.
    e) All building elevations visible from street view shall be enhanced with additional materials and pop-outs.
    f) The western elevation of building no. 1 shall be submitted with elevation enhancements consistent with the design of the perimeter wall.
16. The applicant shall work with Staff to further enhance the pedestrian circulation system within the medical and professional office parcel (if approved) to connect all buildings and provide further enhance plazas and courtyards within the development.
17. The office/warehouse building elevations adjacent to the street shall be further enhanced with additional architectural materials, forms, or details.

PRELIMINARY PLAT:

Staff recommends approval subject to:

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

COMMISSIONER ANDERSEN asked whether the project is on the side with the path (by the Consolidate Canal) or whether the path is on the other side of the canal. Mr. Kurtz replied that the paths provided in this area are going to be off the canal bank, so there is not a big retention area and all the surfaces are up at the canal. He clarified that it is on the other side and added that there will be a horse path on the west side.

CHAIRMAN FLANDERS requested additional information regarding the neighbors' concerns. Mr. Kurtz referred to an exhibit showing the mini-storage facility that has already been zoned on the property and referred to the planned roadways systems within the area. He noted that the neighbors

want to eliminate the east/west connection that bisects the property and they want to extend the road that was to terminate at a certain point and tie it back into the east/west Pinelake Way road. The focus is around the east/west road.

CHAIRMAN FLANDERS questioned whether most if it is off-site stuff that may not have anything to do with the application and Mr. Kurtz commented that the application further cements the expectations that there be an east/west road but it is somewhat tangential to the application for them.

In response to a request for clarification from **VICE CHAIRMAN HEUMANN**, Mr. Kurtz advised that the documentation and the letter that is in the report requests that the road be eliminated and instead that the Centre Point development be required to extend the road north with the presumption that when the development comes in and seeks rezoning, they will extend it further north and tie it in with Pinelake Way.

VICE CHAIRMAN HEUMANN asked whether the applicant wants to change something that has already been approved and Mr. Kurtz responded that the applicant does not want to make any changes; the adjoining property owner would like the current development to include a road that extends to the north that would allow them the opportunity to come back and seek zoning changes on their property to eliminate the other roadway.

There being no additional questions from the members of the Commission, the Chairman requested that the applicant come forward at this time.

DAVID GIERCZYK, OWNER OF GIERCZYK, INC.

Mr. Gierczyk provided the Commission with some background information regarding his company and said that he has been developing real estate since the late 1970's in Illinois, Indiana, Michigan, Wisconsin and Arizona and is proud to be part of this development that he has been working on for four years. He said in terms of the history regarding the street entrance, it was supposed to be an intimate development for them, no different from the business parks they have developed in other areas. He commented that the area can be beautified softly and noted that there are separate individual lots. He added by following the traffic plan that was provided to them by the City over the course of time, the roadway has changed three times and the third time has it winding up on the property line between their property and the property that was zoned last month. He said that they followed the traffic engineering plan and said that they designed the road so that there would be an option, according to the traffic plan, for someone to veer west from their land and reach a point at Applebee Road. He stated that during the course of the four years this project has been in the making, the initial idea to allow the parcel to have a 21-lot subdivision changed and they are now left with 11 lots. He advised that there are five components to the development, the road that is in question now by the adjacent neighbor, the medical office condos that they strongly support and believe are a necessity for the area, a mini-storage that has been in planning for over two years and which would work with the medical office complex because it is a fully air-cooled mini-storage, with over 70,000 square feet, the industrial condos on the north end of the property that would allow for small users (20% office and the remainder industrial/warehouse space), which is consistent with the Land Use Plan as is the mini-storage, and the "out lots" that would also be consistent with the Use Plan and be reviewed at a later date.

MR. GIERCZYK said that he did not know that they were going to be discussing the history of the road improvement this evening and advised that he has documentation that was provided to the members that was supported by the Traffic Engineer and said that their intention was to maintain the intimate feel of the business park. He noted that the Civil Engineer worked with the traffic plan and they created an actual road easement that was signed off on by the adjacent neighbors over a year ago. He added that they were well aware of the road that was going to run west off of their property. He

stated that the road was approved and now he is confused why the issue is being raised. He also discussed the medical/office complex and stated the opinion that it will work for the City, particularly with its soft looks and aesthetics. Further to the west, the mini-storage that has been planned for the property is out of sight and they do not typically place any monument signage out on the street that would be obstructive. He expressed the opinion that the complex would be benefit to the neighborhood.

There being no questions at this time from the Commissioners, the Chairman said that he would now like the citizens who have submitted speaker cards to present their comments as their names are called.

BOB KERLEY, 44566 West Venture Lane

Mr. Kerley addressed the Commission and provided a copy of his remarks to the recording Secretary Linda Porter for the file.

CHAIRMAN FLANDERS advised Mr. Kerley that he has made some comments to the Planning Commissioners that are not part of the record and said that if he would like them to be part of the record, he should restate them at this time.

MR. KERLEY advised that in February 2004, he met with Tom Ritz who was a planner at the time with the City. He said that Mr. Ritz showed him the road alignment that was proposed through the middle of the same parcel that he recently put under contract. He asked at that time whether any landowners had seen the road alignment because it would have a serious impact on several parcels. He was told that no one other than the City and the applicant had seen it and Mr. Ritz said that he had not heard from the applicant in months and was not sure where the project stood. Because of the disapproval of the roadway going through the middle of the property they had under contract, they contacted Christine Mackey with the City and asked her to discuss a straight north/south alignment with Mike Mah and Jeff Kurtz. Subsequently, they had a meeting on March 11, 2004 with Mike Mah, Ashley Bailey and Christine Mackey to discuss the roadway alignment. Christine brought Jeff Kurtz into the meeting briefly to meet with them and afterwards she told them that the City of Chandler would accept the north/south alignment and they should proceed with a site plan that showed their self storage and road alignment going north. He also called Ms. Mackey on April 5th and she confirmed that Mr. Kurtz would support a north/south street alignment. On April 12th, they had a pre-application meeting with Ms. Mackey and Ms. Bailey, their planner, and their architect and builder were also in attendance. He said that at that meeting they again confirmed that a north/south Centre Point parkway would be supported all the way to the north end of the property. On April 20th, he and Dan Jones met with David Gierczyk about the road construction and easement agreement that he just referred to and said they needed it immediately so they could start construction of the Centre Point Industrial Park next door. He advised that Mr. Gierczyk made them feel that they were done with the approval process as far as the City of Chandler went and wanted to start construction of the Centre Point Parkway immediately. He noted that at the meeting, he pointed out to Mr. Gierczyk that the exhibits attached to the document that he so desperately wanted them to sign showed a future street going through the curvy parcel that he had in escrow. He added that he told him they would not entertain any road parcel that divided the parcel they were buying essentially in half. Mr. Gierczyk called Sarah Kristoffersen at Valtec Engineering and put her on the speakerphone. He asked him to get the exhibits changed so that no future street going east and west was shown on the exhibits. After that, Ms. Kristoffersen told them that Karrie Mowry with the City of Chandler Public Works Department just sent over their comments on the plans that Valtec had submitted. Public Work's comments on their drawings stated that they were going to have to show the entire Centre Point parkway to the north point of their property and Ms. Kristoffersen pointed out to Mr. Gierczyk over the speakerphone that they would be required to move their retention area further to the east and when she said this, Mr. Gierczyk became angry and ended the conference call by telling us that he would

get the exhibits changed as requested. On April 21st, he called Ms. Kristoffersen and confirmed that the comments received from the Public Work's Department regarding the north extension of the Centre Point Parkway all the way to the north. Today he spoke with Karrie Mowry because they are in the process of getting their road construction drawings finished and she brought up the file and again confirmed that those comments were given to the developer, the applicant, back in April of 2004, that the road needed to go straight north. At the end of April, feeling comfortable with that the City of Chandler would support a fair road alignment, their investment group went non-refundable with $60,000 to the seller. In May and June they spent several thousand dollars designing and laying out their RV and self-storage facility and in mid-July submitted their plans to the City of Chandler showing only a road going north and south, a copy of which he provided to the Commissioners. On August 13th, when they picked up their plans at the City of Chandler and saw that there was a comment that stated, "*A conceptual collector roadway alignment has already been approved by the City and the Association of the Centre Point Business Park, a portion of which the collector roadway system cuts through the proposed development.*" He stated that the comment made them feel betrayed and very frustrated with the communications they had had with the City in the recent past. He added that his partner, Dan Jones, called Christine Mackey and made her aware of the comment from the City and he suggested that a local landowner meet with all the neighbors to see the road alignment proposed by the Centre Point project. That had never been doing in the past and now they were in August of 2004. On August 31, a meeting was held with all of the adjacent landowners represented, except Mr. Gierczyk who decided not to come. Also in attendance were Mike Mah, Paul Young, Phil Ryan, Tom Granillo and Christine Mackey. Although Phil Ryan was there to represent their project, he was also there as a representative for Gierczyk. None of the attendees liked the alignment proposed by the Centre Point applicant and stressed that to Mr. Young, Mr. Maw and Ms. Mackey. At the end of the meeting, Phil Ryan, Tom Granillo, Tom and Bill Davis who are present this evening, Dan Jones and himself discussed a north/south road alignment that Phil was going to discuss with Jim and David Gierczyk. On September 11th, Mr. Gierczyk called his partner and told him he had scheduled a meeting with Mike Mah and Paul Young to discuss the roadway alignment. On September 13th, the meeting was held at the City and he said that when he got there he realized that no other landowners had been invited. Mr. Gierczyk did not take long to get his point across – either accept the proposed alignment we have submitted or he would sue the City. He said that Mr. Gierczyk walked out of the meeting and was unwilling to discuss another alignment. This left him and his partners and Phil Ryan, who was there to help us, wondering what to do. Phil told them that the Davis family was not in a position to financially support a change in the proposed alignment at that time. He asked them to keep in mind that this took place on September 13, 2004. He said that they are here tonight and finally having a public hearing to consider a zoning application for a project that Mr. Gierczyk represented to them and a lot of other people in the spring and summer of 2004 was approved and that they were only 30 days away from construction of their infrastructure. He stated that it was a total misrepresentation of the facts and he also had Public Works working on this project even though the project was not annexed and was not approved by the City Council. He added that in the July of this summer (and this was why he was present) a perspective buyer for the Davis family parcel contacted him and asked him if he would support a north/south road alignment that would go directly north into the Davis family parcel. He said he told them they would support it if it could be done as fast as possible for his project and the Gierczyk project. He displayed a map for the benefit of the Commissioners and audience and pointed to a project that was approved in January but has been put on hold, the owners are not going forward with the project at this point in time. He advised that he has been unable to even get them to work on the SRP canal that is out front. He noted that their part of that road all the way back to their property has been placed on hold. When the buyer approached the Davis family about the back, he basically was looking at a piece of property, the Davis family, which was totally landlocked. He said that if the owners decide to hold off on building the road, there is no way to it.

CHAIRMAN FLANDERS said that he was a little confused since they are talking about roadways off of the applicant's site and he was trying to understand what that has to do with this particular project. He noted that they are looking at an application that is for Light Industrial/Office/Mini-Storage/Industrial and asked what this has to do with the roadway off of the property.

MR. KERLEY responded that the roadway is really not off of the property and what they are proposing on the blue alignment is that they build half of the road on their property up to the north end of their property and the applicant would build his half of the road from the last cul-de-sac up to the north of his property and then it could go into the Davis parcel, which is presently landlocked. He stated that they are trying to be fair and half the road would go on his parcel and half would go on their project parcel. The way it is now, if it goes on the yellow alignment it is going to dead end at the west end of their property and the project to the west of them is not going to start right away and the people behind them are basically landlocked until the other developments get built.

CHAIRMAN FLANDERS asked whether the City is requiring this applicant before them tonight to put in the roadway to the north. **MR. KURTZ** responded that the Centre Point Business Park would be required to build the east half of Centre Point Parkway along with both of the east/west cul-de-sacs that are a part of the subdivision. The Chairman asked whether they would be required to go from the last cul-de-sac at the north all the way up to the southern property line of the Davis parcel. Mr. Kurtz replied that the City is not requiring them to do that; it is not a part of the development plan and the development plan for the Centre Point Business Park matches the planned roadway system in the area. There is not a plan to extend that road north at that point into the Davis property.

CHAIRMAN FLANDERS said that it appeared to be something that the owners of the property need to sit down and talk about, along with the City in an effort to arrive at a workable solution.

MR. KERLEY said that they had a meeting with Mr. Gierczyk in August of last year and tried to come up with a plan and he did not attend the meeting. He then scheduled his own meeting with Mike Maw and Paul Young and basically said "you are going to take this plan; I'm not listening to my neighbors, this is what we are going to do or I'm suing the City." Now there is a developer that wants to develop the piece owned by the Davis family. He said that they are willing to put the road in straight north, half on their parcel and get the road up to the Davis piece, which would service that parcel.

COMMISSIONER GULSVIG said that they are holding the meeting to obtain public opinion regarding the case that is being presented to them at this time and said that he would like to ask the applicant to come up at this time. He stated that their view right now is to vote and take action against the application, so he would like to hear from both parties and then continue on from there.

MR. KERLEY advised that in July of this summer a prospective buyer for the Davis family parcel contacted him and asked if they would support a north/south road alignment that would go directly north into the Davis family parcel. He asked that because he had already done due diligence on the Pinelake Way, which is deadlocked. The prospective buyer called Jeff Kurtz and expressed his desire for a road alignment going north and Jeff asked Mr. Gierczyk and he has refused. He said that his investment group purchased the property on July 20, 2005 and found out in early August that the applicant had a neighborhood meeting on July 27th, which we were never notified of. He stated that if he had known about the meeting, he would have attended and expressed his displeasure regarding the applicant's total disregard of any other landowners' wishes or desires. He added that he also called Mr. Gierczyk in early August and requested a reduced package of the PDP before this meeting and he has never received anything from him. He said that tonight is the first time he has been able to see what he is actually planning to do. He commented on his discussions with Phil Ryan and said that the rest of the project is a beautiful one and he totally supports it; it is just the road alignment that a few

of them are opposed to because it has not been fair and there has not been neighborhood input. He further stated that he is there in support of a change in the road alignment as previously discussed.

COMMISSIONER IRBY referred to the exhibit that Mr. Kerley had been referring to and asked where it came from. Mr. Kerley responded that Tom Granillo, their Civil Engineer, prepared it for him after he was contacted by the Davis family.

Discussion ensued relative to the site plan and the fact that it shows Centre Point Parkway dead ending on Phase II of the development and the applicant's response that they were forced to go along with that because they were facing a lawsuit from Mr. Gierczyk that would have resulted in an 8 or 9 month delay; and the fact that the applicant will have to put all of the road infrastructure in during Phase I of the project; it cannot be phased.

In response to a question from **VICE CHAIRMAN HEUMANN**, Mr. Kurtz advised that Pinelake Way, as it extends from Ocotillo north to Applebee Road, would be built as development occurs in the area.

VICE CHAIRMAN HEUMANN said that the plan that was approved four or five months ago showed that the road dead-ended. He added that what he is hearing is that the Davis family parcel is land locked, other than Applebee Road, because Pinelake Way will not be built right away. He asked if his summation was correct. **MR. KERLEY** said that he was correct. The Vice Chairman commented that he has other issues with this project but Mr. Kerley is asking the applicant tonight to help somebody out because somebody else is not going to build right away. Mr. Kerley commented that they have to come back and amend their plan in Phase III and do away with the road and have the road go straight north so that places a burden on them. The Vice Chairman replied that when Mr. Kerley came to obtain approval, his request was to go up to a certain point and the road was not going to go any further. There was a road that was going to be built by somebody else that would go up to Applebee to the Davis property. He said that it appears to him that they are trying to hold up an applicant at this time over something that he has no control over that was approved previously. He added that if there is a situation that calls for the road to be built versus putting the onus on him to do it, perhaps the Davis property or Mr. Kerley can work out a solution and build the road. The Vice Chairman stated the opinion that what is occurring at this time is not fair to the applicant. Mr. Kerley commented that there were no neighborhood meetings and/or input on the roadway system until they asked for one and they were basically told to "take it or leave it."

CHAIRMAN FLANDERS clarified that the City is not requiring the applicant to develop the road north of his last cul-de-sac. He reiterated that this is an issue that should be addressed by the landowners and said that he would like to concentrate on the application before them at this time. He thanked Mr. Kerley for his comments.

TOM BILLINGS, 1043 N. Poinciana Road, Gilbert

MR. BILLINGS addressed the Commissioners and said he worked with the Davis family and examined the feasibility of developing their property as an industrial subdivision and park, similar to other projects they have completed in Chandler in the past. He said that he was not previously involved in the case and did not know any of the parties involved. He added that he was not representing the Davis family or any other property owner, he was just asked by Mr. Kerley to discuss what he has discovered. He said that he would like to shed some light on some of the advantages that may be realized should they decide to approve the new road alignment. He added that he could completely understand where Mr. Gierczyk is coming from as a developer once something is planned and approved. He noted that Mr. Kerley believes that the process was not an appropriate one since it did not include public input. He advised that the Davis property is located between the dump and the treatment plant and is a very challenging piece of property to develop with canals on three sides. He

added that there would also be a trail system that the developers will need to install along the canal. In addition, it is currently not land locked; there is legal access off of Applebee Road. He explained that Applebee Road is a dirt road that is about ¾ of a mile from Arizona Avenue. He said that although there is a church being built there, he was not able to discover any other property owners who were prepared to move ahead with development between Arizona Avenue and the Davis piece of property. He stated that they understand that if they developed the Davis parcel, they would have to improve all of the roads, which would include Pinelake Way on the west side and Applebee Road, adjacent to the property and, at this point, if the new Centre Point alignment was approved, it would also include the Centre Point parkway. He advised that based on that, they would be more than willing to simply improve Applebee Road but it is not economically feasible and he is not sure whether it is legally possible either considering there are private property owners up and down the road.

MR. BILLINGS said that when he became involved in the project, he went to Mr. Kerley and asked him why he had a road that divided the storage in half. He stated that Mr. Kerley then explained the whole story to him and it appears that the most logical way to go is to allow the road to extend straight north. He advised that they are willing, prepared and ready to develop 600,000 feet of badly needed industrial space. He discussed the fact that they have worked with Economic Development staff and Christine Mackey in the past and the outcomes have been very positive. He confirmed that part of the road is in limbo, as Mr. Kerley previously stated, because one of the owners does not want to proceed at this time. He added that no one has been able to come to an agreement and with that theory there will not be any roads anywhere. He noted that they were prepared to submit the rezoning application immediately and the development plan and come forward with a nice development plan for the Davis piece of property if that little 600-foot stretch of land could be completed. The City would then gain an additional 600,000 feet of industrial space almost immediately on the Davis property. He noted that Mr. Maw, who is not opposed to the proposed road alignment, explained to him that their concern was to get the road to Applebee and they were willing to submit a plan and construct the road, not only through the Davis property to Centre Point, but also the section of Pinelake Way, adjacent to the Davis property and the section of Applebee, even though it is a dead road and we were told that it will never go over the canal to McQueen. He commented that although he can respect the opinions that have been expressed questioning why the Commission should impose anything on the current applicant, from a practical standpoint he believes that the Commission should consider their offer, which he believes is both equitable and appropriate. He confirmed that the Davis property is not land locked and does have legal access along Applebee Road. He added that in order to develop it, there must be paved access, water and sewer. He stated that they may be willing to participate in some of those costs and said that he believes Mr. Kerley's point is that once this is completely approved, the road will never get built no matter who pays for it.

In response to a request from **VICE CHAIRMAN HEUMANN**, **MR. MIKE MAW** came forward and clarified that Pinelake Way was previously approved to go up to Applebee. He said that Ocotillo and Pinelake Way is going to be the likely location for a traffic signal in the future and staff wanted to make sure that all of the properties had access to Pinelake Way, not necessarily to Applebee. He stated that he believes that the JKM Development has gone through Planning and Zoning. He added that it is his understanding that what has already been approved and what they have signed off on is for Pinelake Way will be the way people will access all of the back properties.

COMMISSIONER IRBY commented that what is in dispute here is what is located north of the yellow line, curving into Pinelake Way Lake. He asked whether staff would have a problem with continuing the Park Centre parkway north but fell to the west of the Gierczyk property, making a "kink." **MR. MAW** responded that staff would prefer that the road curve into Pinelake Way and said that the 90 degree bend was a suggestion that was brought up by some of the owners initially, but for better traffic flow, staff would prefer the curve. Commissioner Irby pointed out that many industrial

parks have 90-degree turns because of the lack of traffic and Mr. Maw concurred and said that many alignments were discussed at the time but staff prefers a curve rather than a "kink."

BILL DAVIS, 576 West Yale Drive, Tempe

Mr. Davis said that he is the owner of the property located directly to the north of the proposed development. He stated that his family's position is only what his family states their position to be and not what was presented by some of the speakers this evening. He advised that their sole concern is the value and marketability of their property. He added that he would like the entire area to develop because that can only increase their values. He stated that his family has attended the meetings and this is really their first opportunity to voice an objection. He commented that besides that, they oppose it because if it affects the value and marketability of their parcel by eliminating utilities then the bottom line is they do not support it. He added that they would like to work with everybody involved to come up with an amicable solution, whether that be dedicating a roadway through their property, so be it.

VICE CHAIRMAN HEUMANN asked whether Mr. Davis was okay with the approval on Pinelake Way from Ocotillo to his property and he responded that they were. He reiterated that he has concerns about the ultimate value and marketability of their parcel and wants to make sure that the right decision is made in this regard.

In response to a question from **COMMISSIONER ANDERSEN,** Mr. Davis advised that the road curves up into Pinelake Way, cuts through his property and leaves approximately 3.3 acres; the land is still a usable parcel.

MR. GIERCZYK asked Mr. Kerley when he closed on his piece of property and he responded that it was in July of this summer. Mr. Gierczyk commented that he has owned the land for four years and the plan has been in stone and he worked in concert with the City to make sure that he would not have to make changes and expend additional costs. He added that this is a drain on everything he has been putting together over the last two years. He stated that he would like to move forward with his development, which has cost him an astronomical amount of money. He noted that he never avoided Mr. Kerley and in fact he helped him by providing information he needed. He said he was in Chicago when Mr. Kerley's meeting was held. He added that all he wants to do is move the project along and if there was a problem, he would like to know why Mr. Kerley signed the easement agreement and why did it come up this evening. He commented that the issue has gone from support for his project to support for moving a road that was approved last month. He expressed the opinion that his project is appropriate and will also help the area and emphasized that he does not want to go back and change his plan at this point in time. He noted that he would no longer have the intimate business park he was planning on and said that he wants to help his neighbors but to bring this issue up at the 11th hour is inappropriate and unfair. He added that if they want to talk to him about moving the road north, they could discuss that on their own time. He said that there are obviously monetary benefits for Mr. Kerley and said his goal is to move forward and he would like the Commission to support his request.

VICE CHAIRMAN HEUMANN noted that staff has said that Light Industrial areas are very precious in the City and they do not have many of them. He added that medical does not fit in there. He pointed out that Stipulation #1 is for denial of the medical portion and asked whether Mr. Gierczyk was okay with that.

MR. GIERCZYK responded that the development is almost 30 acres in size and out of that, all he is requesting is 42,000 square feet of office building and out of that 70%, if they allow 70%, would be medical/office. He said he would have to discuss with his partner whether they could live with Stipulation #1 in place. He added that he is being asked to make a decision that he should confer with

his partner about and unfortunately he is recuperating from a heart attack at this time and could not be present at the meeting. He asked for the opportunity to discuss the issue with his partner.

VICE CHAIRMAN HEUMANN also commented on the mini-storage being located along a major recreational area of the City (Paseo Park). He stated that he would like to see that "beefed up" a little bit in terms of that and some of the architecture as well. He suggested that they continue this case so that the issues can be pursued.

CHAIRMAN FLANDERS suggested that they close the floor and open up discussion among the Commissioners on the application before them. He said that he would like to avoid discussing the adjacent roads because they are not part of this project.

COMMISSIONER IRBY commented that they should not have been discussing the roads at all under this agenda item. He said that if the applicant to the west of the property wants to realign the road onto his property and head it north (eliminating the "shunt"), he needs to come back to Planning & Zoning to discuss it. He added that he personally does not have a problem with the medical component if it is limited percentage wise. He stated the opinion that it would make a nice transition to the industrial uses in the back. He noted that he would have preferred to only see lots 1 and 2 built. He discussed the rear architecture and said that he would like to see some differences in this area, i.e. different paint, textures, etc. He commented on the mini-storage and stated that that needs some more "tweaking" as well, including more aesthetics from the public street area.

MR. KURTZ responded to a question from the Chairman and clarified the intent of Stipulation #15 and #17

Discussion ensued regarding increasing the aesthetic appearance of portions of the project and specifically stipulating the Commission's direction.

CHAIRMAN FLANDERS said that he does not support any medical use in this project.

COMMISSIONER POLVANI also spoke in support of protecting the industrial use and indicated opposition to allowing the medical use.

VICE CHAIRMAN HEUMANN concurred with the importance of the Light Industrial use and urged the applicant to discuss Stipulation #1 with his partner.

MR. KURTZ commented that staff felt comfortable that they would be able to work with the applicant to "tweak" some of the issues that have been raised (architectural enhancements, improved aesthetics, etc.).

THE VICE CHAIRMAN urged the property owners to try to work with the applicant regarding their road issues and said that it would be unfair to delay this application because of those issues. He requested that staff develop an additional stipulation that the applicant work with staff with regards to the architectural enhancements to the mini-storage and industrial parts of the project.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER IRBY, to continue DVR03-0047/PPT03-0023 CENTRE POINT BUSINESS PARK for 30 days (to the Commission's October 5th meeting) to allow the applicant an opportunity to confer with his partner regarding the medical component.

Discussion ensued relative to the fact that the applicant could actually address the City Council regarding the medical component.

MR. BROCKMAN stated that even though Stipulation #1 is listed, it is really not a condition and what they are deciding is whether they want to approve it as proposed or without the medical component. In that context, it's not whether the applicant's partner agrees to abide by its removal or not; it is up to the Commission to decide how they want to proceed with the medical office portion. He added that a continuance may be more of a burden on the applicant and emphasized that the applicant will have an opportunity at the Council meeting to present arguments in support of the medical component. He confirmed that they can approve the case with the additional stipulations and Stipulation #1 will remain a legal stipulation that the applicant can then discuss with the Council if he chooses to do so.

VICE CHAIRMAN HEUMANN WITHDREW HIS MOTION in terms of the continuance.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER IRBY, to approve DVR03-0047/PPT03-0023 CENTRE POINT BUSINESS PARK with the additional stipulations discussed by the Commission. (Including Stipulation #1.)

The motion was approved unanimously by those voting (6-1).

6. DIRECTOR'S REPORT

There was no report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is September 21, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, September 21, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:33 p.m.

2. Pledge of Allegiance led by Commissioner Dick Gulsvig.

3. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commissioner Phil Ryan
   Commissioner Jeanette Polvani
   Commissioner Mark Irby
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Also Present:

   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Ms. Jodie Novak, Senior Planner
   Mr. Kevin Mayo, City Planner
   Ms. Kim Clark, City Planner
   Mr. Bill Dermody, City Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER PHIL RYAN, SECONDED BY COMMISSIONER MARK IRBY to approve the minutes of the September 7, 2005 meeting. Motion was approved (7-0).

5. CONSENT AGENDA ITEMS

   Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He stated to the audience that those items on the Consent Agenda, Items A, B, C, E, F, G, and H would be approved with one single motion.

   MR. JEFF KURTZ, CURRENT PLANNING MANAGER, entered into the record the following additional stipulations as a follow-up to the Study Session.

   B. DVR05-0021/UP05-0036 SETON CATHOLIC HIGH SCHOOL EXPANSION

   12. The exit only driveway on Dobson Road shall be limited to right-out access only, during school let-out times.

   13. The applicant shall construct a right turn deceleration lane on Dobson Road at the northern driveway within the existing right-of-way upon enrollment reaching 800 students.

   14. ***A six-foot wrought iron fencing shall be installed along Carriage Lane and along Ray Road during Phase I.***

A. DVR05-0007/PPT05-0013 CHANDLER AIRPORT BUSINESS PARK

Request an amendment to the Planned Area Development (PAD) zoning to modify a zoning condition for building height to allow a light industrial business park along with Preliminary Plat approval. The site is approximately 54 acres and located on the southwest corner of Germann Road and Stearman Drive.

1. Compliance with the zoning conditions contained in Ordinance No. 2996, except as modified herein.
2. Stipulation No. 16 of Ordinance No. 2996 is amended to allow a maximum building height of 45 feet and as follows, no television, communication towers, or stand-alone antennas shall be constructed on the property. All structures and appurtenances on buildings shall be limited to 45 feet above the surrounding grade or less. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and detailed in the Airport Layout Plans.

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

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

B. DVR05-0021/UP05-0036 SETON CATHOLIC HIGH SCHOOL EXPANSION

Request rezoning from Planned Area Development (PAD) for commercial to Agricultural (AG-1) and Use Permit approval to allow a school located north and west of the northwest corner of Ray and Dobson Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Seton Catholic High School", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0021 and UP05-0036, 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. Compliance with Ray Road Streetscape Policy to include landscaping, streetscape, provision of staggered and decorative walls and planters.
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 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.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
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.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
10. Landscaping shall be in compliance with current Commercial Design Standards.
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 exit only driveway on Dobson Road shall be limited to right-out access only, during school let-out times.**
13. **The applicant shall construct a right turn deceleration lane on Dobson Road at the northern driveway within the existing right-of-way upon enrollment reaching 800 students.**
14. **A six-foot wrought iron fencing shall be installed along Carriage Lane and along Ray Road during Phase I.**

C. DVR05-0028 GREEN HILLS PARK SENIOR LIVING COMMUNITY

Request an amendment to the Planned Area Development (PAD) zoning to modify a zoning condition for roof tile to allow concrete roof tile along with Preliminary Development Plan on approximately 3.4 acres. The property is located at the southwest corner of Alma School and Frye Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Green Hills Park Senior Living Community", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0028, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. Landscaping shall be in compliance with current Commercial Design Standards.

E. PDP05-0016 WARNER BUSINESS CENTER

Request Preliminary Development Plan (PDP) approval for site layout and building architecture for six industrial office/warehouse buildings on an approximate seven acre site located at the northeast corner of Warner Road and Nevada Street.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2858, in case PL98-0020 WESTECH PAD.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "WARNER BUSINESS CENTER" kept on file in the City of Chandler Current Planning Division, in file number PDP05-0016 WARNER BUSINESS CENTER, 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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.

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 and will require a separate Preliminary Development Plan.
6. Completion of the construction, where applicable, 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. 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.
8. The developer shall be required to install landscaping in the arterial street median 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.
9. Applicant shall work with Staff to reconfigure the easternmost drive, landscape strip, and access easement. The drive is to be narrowed to provide adequate access to the water tank and sufficient room for landscaping.
10. The existing landscaping and Westech Corporate Center signage at the site's southwest corner shall remain and be integrated into the proposed landscaping.

F. DVR04-0054 CHANDLER 202 AUTO PARK – PHASE II

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) on approximately 16 acres located at the northwest corner of Pecos and Gilbert Roads, for the development of an automobile dealership complex. **(REQUEST CONTINUANCE TO MARCH 15, 2006, PLANNING & ZONING COMMISSION MEETING AGENDA)**

G. UP05-0048 GANDOLFO'S DELI

Request Use Permit approval to sell liquor for on-premise consumption only within a restaurant (Series 12 Restaurant License). The subject property is located at 4980 W. Ray Road, Suite 10.

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. No alcohol shall be carried outside of the building into the parking lot or off-premises.
4. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

At the conclusion of the reading, **CHAIRMAN FLANDERS** went back to the audience and asked if anyone wanted to pull any of the items from the Consent agenda. A member of the audience asked that Item H – Copper Canyon Grill & Brew Pub be pulled from the Consent Agenda.

MOTION BY COMMISSIONER GULSVIG, SECONDED BY COMMISSIONER RYAN, to approve the Consent Agenda with the additional stipulations as read in by Staff. Motion was approved unanimously (7-0).

ACTION AGENDA:

(Chairman Flanders abstained from the following item stating that he had a conflict due to living in the same neighborhood.)

D. PDP05-0014 TUTOR TIME - LEARNING CENTER

Request Preliminary Development Plan (PDP) approval for site layout and building architecture for a child day care facility on an approximate four acre site located at the southeast corner of Ray Road and McClintock Road.

MR. KEVIN MAYO, CITY PLANNER, stated that this was a request for Preliminary Development Plan approval for a Tutor Time daycare and learning center facility on approximately 4 acres located at the southeast corner of Ray and McClintock roads. It wraps around an existing Mobil gas station. The site received its original PAD commercial zoning in 1987 as part of Phase 2 of the McRay Plaza commercial shopping center. The development never occurred. The PDP request is for a 20,000-square foot single story daycare facility with an accompanying 20,000 square foot playground and outdoor activity area.

The applicant has attempted to integrate a new building in the existing center architecturally and through site planning. Architecturally it is integrating new materials, but utilizing existing architectural styles, forms, and columns. Staff feels that the applicant has done a good job with integration on this site.

Mr. Mayo stated that the request asks for a parking waiver. Per code, the 20,000 square foot building requires 81 parking spaces. The site provides 49. The applicant has a parking study that supports the request, and staff is in support of that. The applicant has an alternative parking plan that can be implemented at the discretion of the Zoning Administrator, which could provide an additional 49 spaces in the event of a determined parking deficiency or a building re-use.

The site plan and landscape plan conform to the Commercial Design Standards. The landscaping will be upgraded along McClintock and the window along Ray Road to conform with the Commercial Design Standards.

Mr. Mayo stated that there was an issue with the sign package. Overall, the signage is in conformance with the code. Along McClintock there are two existing single tenant monument signs. The applicant is requesting to take the southernmost sign that has a Ace Hardware sign, remove it, and rebuild the one further south with the Ace Hardware and Tutor Time as a two-tenant monument sign that is consistent with code. Along Ray Road there is an existing single tenant Mobil gas station sign. About 540 feet east of that there is a 14-foot two-tenant sign, and east of that is a 6-foot single tenant sign for the indoor secured storage. The request is to provide a sign on the applicant's small window along Ray Road, which would represent a fourth sign and would not be in conformance with the sign code. Staff feels it's not warranted and feels there are other ways to get the signage on the street frontage without going against code. For instance, the Mobil monument sign is a single tenant sign, which could be reconstructed to a two-tenant sign.

With regard to traffic issues, Mr. Mayo said that there is an existing raised median all the way up McClintock to Ray Road, as well as a no u-turn sign. He stated there is the potential of removing the driveway on the northern portion of the property, on McClintock, and constructing it further south to line up with the magic 660 mark. The applicant is willing to work with that in support of making the changes, but the details would have to be worked out with securing access easements from the Jewish Synagogue.

Overall staff is in support of the application and feels it's a good fit in the center, with the exception of the signage on Ray Road. Mr. Mayo stated that staff was recommending approval, minus the sign on Ray Road.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 1909, in case Z87-156 RAY & MCCLINTOCK.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Tutor Time Child Care and Learning Center" kept on file in the City of Chandler Current Planning Division, in file number PDP05-0014 TUTOR TIME LEARNING CENTER, 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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. At the discretion and by written notice of the Zoning Administrator, the applicant shall implement the contingency parking plan 'optional site plan' as outlined in the attached Development Booklet.
7. The proposed freestanding monument sign along Ray Road shall be removed.
8. The monument sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.

PETER MCQUAID, FOCUS GROUP DEVELOPMENT COMPANY, 2719 E. CARSON, PHOENIX, AZ 85042 exhibited their signage for the Planning Commission members.

SCOTT OLSON, ARIZONA COMMERCIAL SIGNS, 4018 E. WINSLOW, PHOENIX, AZ, asked if Commission had looked at the color package of what they were planning on doing as far as removing the signs and reconstructing. He said that what they were proposing was to remove the sign along McClintock Drive, which was on top of a block wall and not aesthetically pleasing. He said they were proposing a completely new design for the sign, adding the Ace Hardware and Tutor Time. Along Ray Road, they proposed a new monument sign for Tutor Time. Mr. Olson said that there was approximately 40,000 to 60,000-traffic count along Ray Road, and that it was important to have as much signage on each arterial street as possible.

He went on to explain that with the existing signs they intend to re-route out the existing Lexan faces so there would no longer be the "light pollution". He explained that the background on the new signage was aluminum so that no light would go through. The only thing that would light up would be the letters. He said that the new sign would not cast out so much light. He added that, as a rule, when there is a gas station on a corner at a shopping center, the gas station is on it's own separate pad and thus the signage is not counted against the overall square footage for monument signs such as the shopping center. He said they were requesting to get the extra monument sign, and that it would benefit everyone.

VICE CHAIRMAN HEUMANN asked if it was the applicant's intention to change the existing 14-ft. 2 panel sign. The applicant responded that it was their intention.

VICE CHAIRMAN HEUMANN said that he understood during Study Session that this was not a part of this proposal, but now understands that the applicant is going to re-do the 14-ft. sign. Mr. Mayo stated that that was correct. The sign was not on their property and that the applicant would have to get approval to do that from the current tenants.

VICE CHAIRMAN HEUMANN then asked if it was correct that the city's code limited signage to no more that three monument signs on a street frontage. Mr. Mayo stated that the code limited

signage to two monument signs with two tenants each side of each monument signs. Mr. Mayo stated that are currently three monument signs existing on this site.

COMMISSIONER ANDERSON commented that he had not seen a picture of the monument signage for the mini storage. Mr. Olson stated that he did not have a picture of that signage, as he was unaware that the signage was integrated into the entire project. He said that the mini storage was more to the east and should fall under its own parcel and should have its own 'to code' monument sign.

VICE CHAIRMAN HEUMANN stated that during Study Session there had been other issues: traffic flows, drop off and pick up for the kids, some of the architecture for the building, and wondered if the applicant had any comments to address these concerns.

Mr. McQuaid responded that they had spoken with Mr. Mayo and would be willing to work with him on the comments, especially dealing with the drop offs. He said that one thing he wanted everyone to know was that it wasn't really a drop off. The parents are required to park, take the children into the facility, and sign the children in. The children do not cross the parking lot by themselves. He also added that the drop off is usually from 7 to 9 a.m. and usually only 5 or 6 cars at any one time. He said that with their parking studies they've performed there's never any one time when there would be 35 or 40 people dropping off the children at the same time causing congestion.

VICE CHAIRMAN HEUMANN asked the applicant if he felt there was an over-saturation of daycares due to the fact that there was already a Tutor Time at Dobson and Ray, Rural and Ray, in addition to other daycares close by. The applicant stated that this site would be a replacement for the Rural and Ray center, as the Rural/Ray center's lease is nearly up, and Tutor Time wanted to find a freestanding location for the new model they had been using over the past several years.

COMMISSIONER GULSVIG stated that he was concerned with the traffic pattern because the traffic coming from the Mobil car wash currently turned to the right and egresses through this area onto McClintock, and it didn't appear there was going to be any change made to the flow. Also, there's an ingress coming in to the Ace Hardware area. He said that he would be very interested to see the applicant's traffic pattern analysis they had done to integrate with Tutor Time.

Mr. McQuaid stated that that was something that they could provide to the Commission. He said they had earlier discussed closing off the ingress/egress that is closest to Mobil that goes right into the access into Ace Hardware, and working with the synagogue to open up where they had added the driveway to the south, as well as perhaps doing a median cut. He said they would be more than willing at looking at both of the options, as well as working with staff and the synagogue to help alleviate the problem.

COMMISSIONER GULSVIG stated that he wanted to see a stipulation added to ensure that the traffic pattern optimizes safety.

COMMISSIONER IRBY stated he felt that the site had an odd layout of driveways. He said he was not sure if Ace Hardware would like having the driveway relocated. He went on to say that he thought it might be an idea to continue the case while the applicant tries to solve the issues.

COMMISSIONER ANDERSON said that he was still stuck on the signage and stated that he was in agreement with staff with regard to the additional signage. This would be the fourth different sign along McClintock and would break down the idea of the shopping center being unified. He said there were more issues that could be solved with stipulations.

VICE CHAIRMAN HEUMANN added that it was a valid concern. He said that this was one of the few centers that change out the secondary panel on a rotating basis. Signage is one of the lifebloods for small businesses. He agreed with the other Commissioners that the issues needed to be worked out with a continuance.

Mr. McQuaid stated that the weeds were supposed to be cleaned up by Thursday. He said that the wrong parcel had been cleaned up instead of their parcel.

MARY HARRIS, 860 N. VALENCIA DRIVE stated that her house backs up where the daycare center was being proposed. She said that she was not pleased with having another daycare center, as there were already at least six other daycares in the area. She said that she had noticed a sign on the Tutor Time located at the northeast corner of Rural and Ray, and the sign said 'now enrolling, now hiring, coming soon'. She also stated that there is a daycare center at the southeast corner of Rural and Ray Road, one on the northeast corner of Ray and McClintock, one on the southeast corner of Ray and McClintock, one on the corner of Warner and McClintock, one on the corner of Ray and Dobson, and also one at the Crossroads Church at Ray and Price roads. She said that currently there was a daycare right behind her home. She said that there's already a lot of noise from that. She said she was not looking forward to rotten diapers in her backyard, not looking forward to the food that comes from the daycare and the rodents that would try to get to it, or the smell. She added that the north-south traffic is already bad there and felt that the median cut would not be able to accommodate all the cars that would be turning into the center. She added that the Jewish center would also have their own daycare. She had a concern with the lighting in her back yard. She stated she was not in support of this daycare.

Mr. McQuaid said Ms. Harris had some valid concerns. With regard to the Rural and Ray location where the 'now hiring' signs are located, Mr. McQuaid responded that the Tutor Time put up the signs due to the amount of new stores in Maricopa County and Arizona that are opening up, and they were always looking for good people to hire and new enrollment.

With regard to the signs, Mr. Olson said that the signs would use halo illumination and there shouldn't be any lighting going into the back yards. The lighting would be pointing towards all retail outlets and major right-of-ways. He felt it would be beneficial to the homeowner.

VICE CHAIRMAN HEUMANN asked if there was enough landscaping in the back to deflect some of the concern from the neighborhood.

COMMISSIONER ANDERSON asked if there was (along the south side) a height requirement for trees for differing land uses. Mr. Mayo stated that there was when there is a dissimilar land use buffer. It is 24-inch box trees planted every 20 feet on center. He said that the south property line is not considered a true dissimilar land use because the property south of it that is vacant is currently zoned conceptual commercial. There is no landscaping at the southeast corner of this property because the drive aisle goes down the back of the Tutor Time and physically turns east to go behind the other daycare and Ace Hardware to service the back of those businesses.

VICE CHAIRMAN HEUMANN commented that the landscaping looked pretty thin on the landscape plan.

COMMISSIONER RYAN stated that the landscape requirement along the south side would be trees, 12-ft. in height, and 20-ft. on center to buffer the residential, which the landscape plan did not reflect. He said that normally there is a stipulation in the construction drawings that would be submitted and they would have to conform to the code. It is a code item. He said that he would not be too concerned. Just looking at this plan they were not going to get the right size trees and the quantities. He said that he generally doesn't make any comments during the meetings if he sees

deficiencies because there is a boilerplate that states that the landscape must meet or exceed the code requirement, or as approved by the Planning Director.

COMMISSIONER IRBY recommended that the case be continued while the applicant solves some issues. He said he felt that the site needed to be reworked, perhaps eliminating the driveway on the south, including the parking in the front, and the building be pulled closer to McClintock Drive and more south. He felt that would help the existing drive be reconfigured to make a cleaner and smoother flow into the shopping center. He also had a concern with the signage. He felt there were too many signs along McClintock Drive, as well as with too many varieties of sign architectures that would end up along Ray Road. Commissioner Irby said that he couldn't see the applicant going before the Commission asking for approval when the applicant did not have approval from the other tenants that would have to participate in the remodeling of the signage.

COMMISSIONER IRBY asked staff if there was a limit on the number or square footage of signs on the Tutor Time. Mr. Mayo responded that there was a limit to the amount of square footage of signage that can occur on a building, and that it was measured off the building's street frontage. It can be placed on the building as the applicant desires. Any signage that may face the residential homes must be non-illuminated. Mr. Mayo stated that the building as it sat was in conformance with the sign code for the amount of sign square footage.

COMMISSIONER IRBY commented that it seemed as though there were quite a lot of signage on the building and felt that with that much signage on the building, there wouldn't need to be a monument sign on McClintock. He said that he could see signage along Ray Road, if it really was considered a part of the center.

COMMISSIONER IRBY stated that those were his concerns and that he personally wanted to see the case continued so that the applicant could solve the issues. He said that he personally felt that the site plan needed to be redone.

Mr. McQuaid responded to the issue of removing the south driveway. He stated that it was actually an easement, which was in the Title Report. He said they would have to go to all the different parcel owners to get their approval to have the easement removed. Mr. McQuaid stated that it was a 40' access agreement, and it doesn't exist today. He said that what they had been told was that the overall center put in the drive to the north as a temporary drive. He commented that they had been trying to work with what was there and what is required to be there.

COMMISSIONER IRBY stated that he thought the applicant would be better off approaching the other property owners and having the easement removed. He said that it was obvious that there had to be traffic behind the building and back behind the center for trash pick up. McQuaid said that they would be willing to look at that issue.

VICE CHAIRMAN HEUMANN asked why the trellis-work on the building had not been also added to the south side.

MR. MICHAEL KENYON, BOLLINGER CARDENAS ARCHITECTS, stated that the reason they didn't have the trellis-work on the south was because there was not enough space due to a water easement behind the building.

COMMISSIONER IRBY commented that he wasn't worried about the south elevation as he was hoping that the driveway would go away. He said that if the building could be moved to the south it would function much better.

VICE CHAIRMAN HEUMANN then asked about the parking and the fact that the daycare was underparked. He asked where the extra parking would be picked up if the daycare ever moved from this site.

MR. MICHAEL KENYON stated that there was an option for additional parking. He stated that there would be parking along both sides of the retention basin. He said that they would have 116 parking spaces where only 110 were required, with a parking ratio of 5.5 per 1,000.

VICE CHAIRMAN HEUMANN then asked if there were plans to improve the asphalt in the proposed area. (Mr. McQuaid nodded in the affirmative.)

VICE CHAIRMAN HEUMANN closed the floor from any further comment. He said that it sounded as though there were some issues that needed to be worked through.

COMMISSIONER IRBY responded that he would recommend that the applicant work with staff to try and solve the issues. He commented that if the plan went back to Commission with issues, he would recommend at that time that the case go to design review.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER IRBY to continue case PDP05-0014 Tutor Time - Learning Center to the October 19, 2005 Planning and Zoning Commission agenda. Motion was approved 6-0 with Chairman Flanders abstaining from the vote due to conflict.

H. UP05-0047 COPPER CANYON GRILL & BREW PUB

Request Use Permit approval to sell liquor (Series 6 Bar License) at an existing restaurant within the Laguna Village commercial center. The property is located at the southeast corner of Ray and Kyrene Roads at 5945 W. Ray Road, Suite 13.

1. 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.
2. The Use Permit is for a Series 6 license only, and any change in type of license shall require reapplication and new Use Permit approval.
3. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Site Plan) shall void the Use Permit and require new Use Permit re-application and approval.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
5. Substantial conformance with attached exhibits and representations.
6. The Use Permit is non-transferable to any other store location.

CHAIRMAN FLANDERS stated he had spoken to the member of the audience that wanted to pull this item from the Consent agenda.

MS. JODIE NOVAK, PLANNER II, stated that this was a request for a liquor license from Copper Canyon Brewery, which is an existing restaurant near Ray and Kyrene Roads. She stated that the original zoning case had a stipulation that if the ownership changed, the new owner would be required to apply for a new Use Permit approval so that the hearing boards could review the request to ensure that the new business owners would be in compliance with what had been occurring on the property. Ms. Novak went on to explain that Amy Nations represented the new business owners. The owners were concerned about the standard one-year stipulation and wasn't sure how or why this stipulation would affect the business. Ms. Novak explained to Ms. Nations that the one-year stipulation was

typical. If there were no problems with the Use Permit during the one-year time period, staff would re-address the stipulation, whether to extend for an additional 1-year or 3-year time period. Ms. Novak stated that that seemed to satisfy the applicant's request and that the applicant did not wish to speak.

VICE CHAIRMAN HEUMANN explained that the one-year time stipulation was normal practice, especially for a Series 6, which was a full bar license. He said that it was for the protection of the neighborhood. A Series 12 liquor license does not always get a time stipulation.

CHAIRMAN FLANDERS asked Ms. Nations if she wanted to speak. Ms. Nations declined.

MOTION BY COMMISSIONER RYAN, SECONDED BY VICE CHAIRMAN HEUMANN to approve UP05-0047 Copper Canyon Grill & Brew Pub. Motion was approved (7-0).

6. DIRECTOR'S REPORT

There was no report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is October 5, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 6:23 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 5, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:34 p.m.

2. Pledge of Allegiance led by Commissioner Phil Ryan.

3. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commissioner Phil Ryan
   Commissioner Jeanette Polvani
   Commissioner Mark Irby
   Commissioner Dick Gulsvig

   Absent: Commissioner Brett Anderson

   Also Present:

   Mr. Doug Ballard, Planning & Development Director
   Mr. Glen Van Nimwegen, Asst. Planning & Development Director
   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Ms. Jodie Novak, Senior Planner
   Mr. Kevin Mayo, City Planner
   Ms. Kim Clark, City Planner
   Mr. Bill Dermody, City Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER MARK IRBY, SECONDED BY COMMISSIONER PHIL RYAN to approve the minutes of the September 21, 2005 meeting. Motion was approved (6-0).

5. CONSENT AGENDA ITEMS

   Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He explained that the Consent Items were marked by an asterisk on the agenda and would be approved with one single motion. The Consent items were: A, B, C, H, I, and K.

   MR. JEFF KURTZ, CURRENT PLANNING MANAGER, entered into the record the following additional stipulations as a follow-up to the Study Session.

   B. *DVR05-0042 Countrywide Corporate Center*

   8. Adequate parking may be exhibited by means of implementing a trip reduction plan in accordance with Maricopa County regulations. At the discretion of the Zoning Administrator, should the amount of employees significantly increase, additional parking may be required to provide adequate parking for employees.

   9. A traffic study will be performed by the applicant to determine if a deceleration lane is warranted at the Frye Road entrance. If the need is determined, a deceleration lane shall be provided at this location by the applicant.

C. *PDP05-0011 Chandler Freeway Crossing*

8. *The applicant shall work with Staff to enhance the 14-ft. tall freestanding monument signs along Ellis Street by architecturally integrating the sign into the landscaping and utilizing indirectly lit pin-mounted metal letters of a uniform color. Details to be worked out with Staff.*
9. *The monument signs sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.*
10. *Parking for future phases shall be located within close proximity to the future buildings.*
11. *The parking fields in future phases shall be designed to minimize the overall size and incorporate visual breaks such additional landscaping.*

A. DVR05-0018 RYAN OFFICE DEVELOPMENT

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for an office building on a 1.62 net acre site with Preliminary Development Plan approval (PDP). The property is located at the northwest corner of Arizona Avenue and Ryan Road (2450 S. Arizona Avenue).

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Ryan Office Development" kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0018 Ryan Office Development, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for adjacent streets, 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. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
8. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per

capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Ryan Office Development shall use treated effluent to maintain open space, common areas, and landscape tracts.

9. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance, the applicant shall post a 4' x 8' sign for property zoned for commercial and/or multi-family use, conspicuous to the (existing or prospective) single-family subdivision that adjoins this site, advising the following: "This property has been zoned for other than single-family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, (480) 782-3000". Sign shall have white background and black lettering.
10. Landscaping shall be in compliance with current Commercial Design Standards.
11. Any signage adjacent to residential property lines must be non-illuminated.
12. A maximum of 2,648 square feet may be used for medical office uses.
13. The "x grid openings" on the building's east elevation shall be opaque to completely screen the mechanical equipment.
14. The landscaped berms along both street frontages are to be a minimum of 24" above the top of curb elevation in order to comply with the Commercial Design Standards.
15. A perpetual maintenance agreement shall be established and recorded to ensure the retention of storm water in the basin to the north identified as "Tract G" on the final plat of Ryan Estates Unit I.

B. <u>DVR05-0042 COUNTRYWIDE CORPORATE CENTER</u>

Request rezoning from Planned Industrial District (I-1) to Planned Area Development (PAD) and Preliminary Development Plan approval for general office use on 24.4 net acres located at 2710 W. Frye Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Countrywide Corporate Center" kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0042, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for adjacent streets, 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. 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. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.

6. Landscaping shall be in compliance with current Commercial Design Standards including the replacement of any missing or dead plant material.
7. All signage shall conform to the City of Chandler sign codes.
8. **Adequate parking may be exhibited by means of implementing a trip reduction plan in accordance with Maricopa County regulations. At the discretion of the Zoning Administrator, should the amount of employees significantly increase, additional parking may be required to provide adequate parking for employees.**
9. **A traffic study will be performed by the applicant to determine if a deceleration lane is warranted at the Frye Road entrance. If the need is determined, a deceleration lane shall be provided at this location by the applicant.**

C. <u>PDP05-0011 CHANDLER FREEWAY CROSSING</u>

Request Preliminary Development Plan (PDP) approval for a Business Park development consisting of a mixture of office, manufacturing and industrial uses on approximately 39.55-acres located at the northwest corner of Pecos Road and Ellis Street, just north of the Loop 202 Santan Freeway.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "CHANDLER FREEWAY CROSSING" kept on file in the City of Chandler Current Planning Division, in file number PDP05-0011, 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 property owners association.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. Completion of the construction, where applicable, 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. 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.
7. The applicant shall work with Staff to redesign the Freeway Monument Sign to remove the individual tenant panels and identify the business park development only.
8. ***The applicant shall work with Staff to enhance the 14-ft. tall freestanding monument signs along Ellis Street by architecturally integrating the sign into the landscaping and utilizing indirectly lit pin-mounted metal letters of a uniform color. Details to be worked out with Staff.***
9. ***The monument signs sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.***
10. ***Parking for future phases shall be located within close proximity to the future buildings.***
11. ***The parking fields in future phases shall be designed to minimize the overall size and incorporate visual breaks such additional landscaping.***

H. UP05-0056 GUEDO'S TACO SHOP

Request Use Permit approval for a Series 12 liquor license for an expansion of an existing restaurant located at 71 E. Chandler Boulevard.

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Site Plan) shall void the Use Permit and require new Use Permit re-application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
4. Substantial conformance with attached exhibits and representations.

I. UP05-0054 BISTRO AT KOKOPELLI WINERY

Request Use Permit approval for a Series 7 Beer and Wine Bar License at an existing restaurant within historic downtown Chandler. The property is located at 35 West Boston Street.

1. The Use Permit granted is for a Series 7 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. No beer shall be sold for consumption off-premises.
4. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

K. DVR05-0038 EAGLE GLEN

Request rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) amended to eliminate a zoning condition requiring copper supply plumbing for a residential subdivision located on approximately 38 acres at the northwest corner of the Ryan Road alignment and the Eastern Canal.

(APPROVED TO ELIMINATE CONDITION NO. 9 REQUIRING COPPER PLUMBING WATER SUPPLY FOR HOUSES.)

Prior to the vote for the Consent Agenda, Commissioner Ryan stated that he would abstain from voting on Item A, DVR05-0018 Ryan Office Development, as he was a consultant to the applicant.

MOTION BY COMMISSIONER DICK GULSVIG, SECONDED BY COMMISSIONER MARK IRBY, to approve the Consent Agenda with the additional stipulations as read in by Staff. Motion was approved by those in attendance (6-0).

ACTION AGENDA:

D. PDP05-0019 WELLS FARGO AT MCQUEEN VILLAGE SQUARE

Request Preliminary Development Plan (PDP) approval for a freestanding bank pad within the McQueen Village Square commercial center. The site is located west of the southwest corner of Ocotillo and McQueen Roads.

MS. JODIE NOVAK, SENIOR CITY PLANNER, stated that the request was for a Wells Fargo bank at McQueen Village Square, a 5-acre commercial retail center located at the southwest corner of McQueen and Ocotillo roads. The project is anchored by a Walgreen's drug store at the intersection corner and there is a retail shops building south of the Walgreen's along McQueen Road. When the case received rezoning approval in 2003, it included a future bank pad with a drive-thru facing Ocotillo Road at the west side of the project. It was stipulated to come back as a separate Preliminary

Development Plan for review of the site layout and architecture. Ms. Novak stated that Wells Fargo Bank intended to build a bank that would also offer drive-thru services for their customers. The bank is located within the site matching the original site plan. Staff reviewed the architecture and found that it was in compliance with the Commercial Design Standards. She said the site incorporated the same paint colors and building materials that had been approved for the other two buildings at this location, maintaining a rural theme as part of the Southeast Chandler character.

Ms. Novak went on to say that the applicant indicated that the bank was a pre-fab building that would be constructed on-site, similar to the Wells Fargo that had been constructed at the Chandler Fashion Mall. She noted that she discussed with the applicant some of the concerns expressed by Commission during Study Session. There were issues regarding the rural theming on the building and incorporating some of the design features that were on the Walgreen's and retail shops building. She indicated that the applicant would speak to Commission regarding these concerns.

MR. CHUCK BREITENBUCHER, WELLS FARGO BANK, PHOENIX, AZ, stated that it had always been the intent of Wells Fargo at this particular property for the architectural theme to match the existing center. He said they felt that what they presented achieved that, but realized in the eyes of the Commission that it had not. Mr. Breitenbucher stated that they were anxious to get specifics from Commission on what they could do to the building to make it more compatible with the existing center. He stated that time was of the essence and that they were anxious to get the building open.

COMMISSIONER IRBY stated that his concerns dealt with the drive-thru structure. He said that it seemed that there was a missing support on the canopy structure. Commissioner Irby continued that when looking at Walgreen's, there were a series of columns supporting a roof structure, which were thick and massive; however, the columns on the Wells Fargo seemed very thin. He also pointed out that it might be appropriate to use green wall materials to soften up the elevation in the area where there was a separation between the passing lane and the drive-thrus. Lastly, Commissioner Irby stated that there should be an open truss or gable at the end of the drive thru roof to mimic the structure of the other buildings. He felt it would serve to make it more compatible with the rest of the center.

COMMISSIONER GULSVIG noted that during Study Session they had discussed the wall at the drive thru entrance and the fact that, because of it, it wasn't allowing enough room for a proper turn. Commissioner Gulsvig requested that the wall could be brought back further in so that it didn't line up to the back of the parking area.

MR. BREITENBUCHER stated that they would study that matter and make a revision to that element.

CHAIRMAN FLANDERS stated that he was the one that had requested this case be pulled from the Consent Agenda. He continued that he recalled when the project had gone through originally there had been a lot of discussion about the village theme which led them to the shops and Walgreen's connecting to the structure. At that meeting he had asked for a better integration of the bank pad with the rest of the development. He stated that he had not seen it on this project before them. The building seemed stark with blank walls, and Chairman Flanders said that it needed to be broken up with some of the elements that were done on the rest of the center, perhaps use of green screen to break up the walls. The drive-thru canopy was something that was foreign to this site. He felt the use of heavier materials as far as columns, beams, open-end truss, or gable-end truss was what he was looking for. He said that he had suggested a design review meeting during Study Session and felt that that type of meeting would be a more intimate and place to sit down and discuss specific items, such as the site and buildings.

MR. BREITENBUCHER replied that they were anxious to do whatever process would expedite the delivery of the property, whether it was design review or going back through another session with Commission. He said that they understood what Commission was looking for and was ready to address those items.

VICE CHAIRMAN HEUMANN stated that he wanted to reiterate what the other Commissioners were saying; however, he wanted the applicant to know that Commission were not singling out Wells Fargo. He said that they were striving to raise the bar and felt that by going to design review and working out some of the issues would help raise the standards for the city. He felt the applicant would be more prouder of the project than they already are.

MR. BREITENBUCHER commented that there had been a concern on the modular building aspect He explained that the product was a modular; it was a unique construction done by a specialty company that is built with the same quality and has the same flexibility architecturally as conventional construction. He added that architecturally, they would be able to do whatever they needed to do with it.

CHAIRMAN FLANDERS said that it was more curiosity on his part as he had worked for a pre-fab homebuilder and was very familiar with the concept. It was a savings for the owner in terms of time and getting the building open. He said in his opinion it was a creative way of making sure the building had a lot of quality as well as getting the building open for the customers.

MR. BREITENBUCHER stated that that was precisely why they bring them forward.

CHAIRMAN FLANDERS asked if there was anyone in the audience that wished to speak in regards to this item. There was no response.

COMMISSIONER IRBY commented that this item could be continued if the applicant had an understanding of what Commission was looking for and wanted achieved. He said if the applicant didn't then there was the option of a design review where they meet with the designers and architects to discuss the issues. He felt the site was close enough if the applicant could achieve the changes that he had suggested.

MR. BREITENBUCHER stated that they were in favor of anything that would help Commission approve their product; whatever was the most expeditious process was what they were in favor of.

VICE CHAIRMAN HEUMANN stated that if the case went to design review it could go back to Commission within 30 days and be on its way. He feared that if there were a continuance, and if there were any problems at that time, it would be further delayed. Vice Chairman Heumann said that a design review could be scheduled within the next week and the case could be before them on the November 2nd agenda.

MR. BREITENBUCHER stated that that would be fine.

CHAIRMAN FLANDERS asked if there were any additional comments or questions.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER GULSVIG, to recommend the case to design review and continue the case to the November 2, 2005 Planning and Zoning Commission meeting. Motion was approved by those in attendance (6-0).

E. DVR05-0011 CHANDLER HEIGHTS MARKETPLACE PHASE II

Request rezoning from Planned Area Development (PAD) Office to Planned Area Development (PAD) Commercial with Preliminary Development Plan (PDP) approval on approximately 5.1-acres for the construction of a Retail development located north of the northwest corner of Gilbert and Chandler Heights Roads.

KEVIN MAYO, SENIOR CITY PLANNER, stated this was a request for rezoning from PAD Office to PAD Commercial with PDP approval for a commercial shopping center on 5 acres located north of the northwest corner of Chandler Heights and Gilbert roads. Mr. Mayo said that this case had been heard previously on August 3, 2005. At that time the project included a Tutor Time daycare and learning facility, which was located along Gilbert Road with subsequent shops west of that at the back of the site. The case was continued at that time. There were concerns raised during the hearing regarding the overall fit and integration of the Tutor Time into the center, viability of the shops, and issues with the signage. Since that time Tutor Time elected not to go on this site. Ace Hardware came on board and proposed the current site plan.

Mr. Mayo went on to say that overall staff felt it was a well-designed addition to the shopping center and provides a finishing cap for Phase I that was approved in 2004, currently under construction. Mr. Mayo feels that Ace Hardware serves as a good end cap, is well designed and fits in architecturally with Phase I, which has the rural unique theming materials. Mr. Mayo stated that staff was in support of the project, with the exception of the proposed monument sign along Gilbert Road.

Mr. Mayo explained that staff views this site as part of the larger commercial center and would treat it as a part of one large center for the whole 20 acres. When Phase I went in, it was approved for the maximum allowable signage. In fact, it was approved for additional tenant panels and additional height in their signs. This current application proposed the fifth monument sign on the arterial roads. It is approximately 10-ft. tall with a 3-tenant panel and was a mirror image of what was approved with Phase I. Mr. Mayo explained that staff felt that, being a part of the larger center, that the signage is already accounted for. Based on being inconsistent with the Sign Code, staff recommended the project be approved, eliminating the proposed sign. Mr. Mayo noted that discussions had occurred with regard to making two of the tenant panels rotational, and stated that it would be discussed during the meeting with the applicant.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Heights Marketplace – Phase II" kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0011, except as modified by condition herein.
2. Right-of-way dedications to achieve full half width for Gilbert Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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. The developer shall be required to install landscaping in the arterial street median 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.
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. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4 foot by 8 foot sign identifying what is being built and the estimated date of completion for the specified project. This information may be incorporated with the contractor's sign or the "Coming Soon" sign on the subject site.
9. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

   In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Hope Covenant Church development shall use treated effluent to maintain open space, common areas, and landscape tracts.
10. All perimeter landscaping shall be installed as a part of Phase I.
11. The applicant shall work with Staff to create a dedicated pedestrian link between the Ace Hardware and Shops C and D.
12. **The freestanding monument sign along Gilbert Road will have the anchor tenant be a permanent fixture and the bottom two signs will be on a rotational basis for the smaller retailers in the center.**

CHAIRMAN FLANDERS asked if there were any questions for staff. There was no response.

CHARLES HUELLMANTEL stated that he represented the applicant. He went on to say that when they had last met with Commission this site contained a Tutor Time. It was very apparent from Commission that the site ought to be different. Mr. Huellmantel said that they had come back with an entirely different project. It is designed as a second phase of what they thought was one of the nicest retail developments in Chandler and that they were very proud of what they had been able to accomplish. He went on to say that in working with Mr. Mayo they had met almost every request of the city. The city asked for additional shaded pathways; they have provided them. They had designed and redesigned buildings. He felt that all of that had brought about a better center.

Mr. Huellmantel stated that they were there specifically to remove condition no. 12. The condition removed their request for additional signage. The applicant wanted an additional sign in front of Phase II. He said that they disagreed with staff on the sole issue of the signage. They felt providing signage was a very important part of business. Future tenants felt it was a critical part of renting space. He understood about the rotating panels as suggested by Commission earlier; however, they

felt it was important to control and use the signage as part of the lease agreements and to have tenants, who need signs, to have them. He said that they concerned with the maintenance and the practical effect of having rotational signage.

VICE CHAIRMAN HEUMANN stated that to add a third additional monument sign on the street frontage, there needed to be a reason for it, whether it was exemplary architecture or special needs. He explained that advertising is an important part of business. Rotational signs have been done successfully in other parts of Chandler and around the country. It enables the smaller independent businessperson a chance to have his name out on the street frontage. Vice Chairman Heumann said that, to him, gives it a reason to have another sign. It eliminates the need for banner signs hanging from buildings and A-frame signs all over the place. He was hoping that, as a compromise, Commission would give the opportunity for the smaller business to be out front. He stated that it's difficult to get the word out to the customer and felt it was a great opportunity to do something different in the center so that the small tenant has a chance. Vice Chairman Heumann commented that adding another sign, which was not in the code, was the reason for the compromise and hoped that the applicant would appreciate where it was coming from.

MR. HUELLMANTEL replied that they appreciated where it came from and did not question the Vice Chairman's motives. However, their feeling was that with the additional sign and the additional ability to put signs on the street, they would have the ability to do what Vice Chairman Heumann spoke of. He said that where they differed was that the applicant wanted to have the additional sign space. They felt that by building the retail center and having the ability to control the signs gave them the ability to work with the tenants, who felt that the signs were valuable for their business. Mr. Huellmantel stated that they knew that there wouldn't be unlimited signage and that they were asking for more than what code would otherwise allow. They felt they provided an exceptional design, and that they had gone above and beyond. He said that they had provided pedestrian amenities and a high-end development. Mr. Huellmantel stressed that a retail store can be built in any number of ways, but it couldn't be done in Chandler because Chandler is wisely restrictive on what could be built. He said that they had gone significantly above what other locations in Chandler have done at times.

Mr. Huellmantel went on to say that they were in an unusual location. They are surrounded by conservation district land and felt they were an island unto themselves. They are bordered by a major intersection with two major streets and a conservation district. He said that they felt strongly that their project was of a quality that not only would additional signage be helpful, but that they had earned the ability to have the additional sign. Mr. Huellmantel pointed out that it doesn't mean they have the right to additional sign, it meant they have earned the ability to the sign if Commission chose to do so.

He explained that this is part of a Bashas' center, but it had benefits and drawbacks being a part of the center. There are parking requirements that have to be dealt with, as well as certain view issues to deal with, and they felt that they had dealt with those issues quite adequately. He said that the site is bordered by land that will probably never be used, as it was important conservation land. He said that they felt they had demonstrated that they had gone above and beyond and that the big issue was with signage. Signage was a critical part of the center and having the ability to control the signs area a very important part of lease agreements.

Mr. Huellmantel demonstrated that with rotational signs, the public may see the sign up one time, but come back and see the sign removed, being replaced by another sign, that they could assume that that tenant was no longer in the center. He said that was a major concern and that it was important to have consistent signage.

VICE CHAIRMAN HEUMANN stated that they would agree to disagree. He felt it actually drove more of the public in to the center and felt it was good for leasing purposes.

COMMISSIONER IRBY asked staff about the wear and tear on the signs that are rotating.

MR. MAYO, stated that there was a 14-foot tall rotational sign at McRay Plaza, located at Ray and McClintock roads. He said it's a cabinet sign within a center that was approved in the mid- to late 80's. Ace Hardware is the main tenant and the bottom rotates. He did not know if there were other rotational signs in the area.

COMMISSIONER IRBY that when he drives by centers he tries to look for consistency. He said that he would not support all the signs, but could support the bottom two signs as rotational with the major tenant at the top, which would not rotate.

MR. HUELLMANTEL stated that he had conferred with his client and wanted to point out two important points. He said that the project was heavily dependent on having Ace Hardware. A tenant such as Ace Hardware would not accept a rotating sign. He pointed out that he understood it was not Commission's plan to have that part of the sign rotate, but the others. He said that they felt that the center would not happen without the additional monument signs. Also, they do respectfully disagree and requested that Commission not rotate the signs. He said that they agree to disagree, but they had not changed their position and had significant concerns with the practice of rotating signs.

VICE CHAIRMAN HEUMANN clarified with Mr. Huellmantel that he understood that the Acre Hardware sign would not rotate, but that the other two would rotate. Mr. Huellmantel said that they understood and still had a problem with that.

CHAIRMAN FLANDERS spoke to the applicant on history of this parcel. This five-acre parcel originally was designated as future office. He wondered why the applicant had gone from an office use to a retail use. He said that one of the things that he remembered about this site when he first saw it was that it had a lot of variety to it as far as the streetscape goes, there were different angles of parking, the buildings were rotated and in a landscape setting. Chairman Flanders said he was disappointed when he saw the current plan and wondered why there couldn't be more of a mixed-use development here.

MR. HUELLMANTEL said that Kitchell's review of this parcel was that this site would work as a retail center and would be problematic as an office center. They decided to move forward with a retail model. He said that they understood that there are always office needs and that they were always looking for projects to fill office needs. He said they felt this site was best and wisest for a retail center.

CHAIRMAN FLANDERS asked staff if they were in favor of the retail center.

MR. MAYO stated initially when Tutor Time had gone forward, they were not necessarily opposed to the land use change. It was a commercial land use (the difference between office and retail); it was still a similar type of land use. He said that they didn't have an issue eliminating the office and going into retail. On the Tutor Time site plan, it was more "it doesn't fit". It did not practically make sense the way it was laid out, which was why staff recommended denial of the Tutor Time piece.

CHAIRMAN FLANDERS said that from his point of view, the retail and the office would have provided a little more variety in the area.

MR. HUELLMANTEL commented that it was their concern that they wouldn't be able to lease office space, and if they couldn't lease it, they couldn't build it. They did not feel the market was such that they could build office at this location at the moment, and that it would have to be retail or it just wouldn't happen.

COMMISSIONER IRBY said that he thought it was a nice looking project and did not have a problem supporting the additional monument sign. He asked staff if there hadn't already been a variance for additional signage at this location.

MR. MAYO stated there was an approval for additional height and number of tenant panels for the monument signs, based on the extraordinary design and overall merit of the center. The 14-ft. signs (2) received 4 tenant panels in lieu of two by code, and the 6-ft signs were increased to 10 feet and received 3 tenant panels.

COMMISSIONER IRBY stated that he didn't have a problem with it, but preferred to see the two bottom signs rotate out.

CHAIRMAN FLANDERS asked if anyone in the audience wanted to speak regarding the case. There was no response from the audience. Chairman Flanders closed the floor and opened the meeting up for discussion.

VICE CHAIRMAN HEUMANN commented that he had hoped to work out a compromise on the signage and that at least one other commissioner would support his idea. He said that this center already had additional signage and that he and the applicant agreed to disagree on the issue.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER POLVANI, to approve **DVR05-0011 CHANDLER HEIGHTS MARKETPLACE PHASE II** with the deletion of stipulation no. 12, and changing it to, "The freestanding monument sign along Gilbert Road will have the anchor tenant be a permanent fixture and the bottom two signs will be on a rotational basis for the smaller retailers in the center."

Before the vote was taken, **COMMISSIONER GULSVIG** asked about the other monument sign and if it was open to the other small businesses as well (referring to the Bashas' strip).

MR. MAYO said that of the other four monument signs that were on Phase I, the two 14-ft. signs received 4 tenant panels so most likely Bashas' was the major and then 3 panels for whatever small tenants were at that site. And for the two 10-ft. three tenant panel signs, Bashas' would be the major with two panels for smaller tenants.

COMMISSIONER GULSVIG said that he was concerned that if the one signage that was already approved doesn't accommodate the rest of the tenants that were there, then would Commission be giving separate consideration to the tenants that would be potentially be moving into this space?

VICE CHAIRMAN HEUMANN explained that the new sign is not just for the new section and that it was his understanding that staff was considering this for the whole center, not just for the small section. Under contractual agreements, generally the signs are contracted out to the larger tenants and the small independent tenant never has a chance for those. It's generally dictated by square footage.

For clarification, **COMMISSIONER GULSVIG** stated that what was being proposed was that all tenants in the area would have an opportunity to rotate through the bottom two. Vice Chairman Heumann said that was correct (on the bottom sign).

When the vote was taken, the motion was approved (6-0).

F. DVR05-0023 THE ELEVATION CHANDLER

Rezoning from PAD to PAD Amended for a residential and office condominium development. The site is approximately 10 acres and located southwest of the Price Freeway (Loop 101) and Frye Road intersection.

MR. JEFF KURTZ, CURRENT PLANNING MANAGER, stated that this was a request for rezoning to allow a multiple family development as a part of the Parcel G at the Chandler Fashion Center. He stated that at the last Planning Commission meeting, the case had been forwarded to the Design Review Committee, which had met. There were now revised drawings, revised elevations, site plans, and landscape plans in an attempt to respond to issues with design items brought up through the Design Review Committee.

The staff memorandum identified 11 different items that were modified on the plans.

1. *The parking garage is modified by reconfiguring the eastern end creating a varied footprint, a greater setback, and additional landscapable area. This allows for an additional twenty feet of landscape buffer between the west face of the tower building and the parking lot. The twenty-foot wide area creates additional landscapable space adjacent to the tower building. Landscape plantings establish a two-tier planting pattern to establish a foreground for the tower building.*
2. *The automobile roundabout at the main entrance does not have a central raised curb planter area and does implement a paved pattern area with more than one color pavers. The on-site driveway aisle way is being evaluated by Staff and the project architect.*
3. *The Galleria Way curb cut has been widened to three lanes with a single inbound lane and a dedicated left and right turn lane exit.*
4. *A shade element canopy has been added that connects the Elevation tower to the ClubSport building. The building element creates a shaded and defined pedestrian crossing area. The shade connection creates a portal entry way and a formal entrance for the hotel. This added design feature was not rendered correctly on the multiple exhibits within the Development Booklet. A single sheet exhibit is provided that highlights the design of this building element.*
5. *A green screen feature has been added to the south elevation of the parking garage. The green screen covers approximately one-third of the elevation adding proportionality and variety to the elevation view.*
6. *Covered parking is added to approximately one-third of the parking spaces on the top deck. The covered parking structures are integrally designed with the garage's architecture, replicating the rectangular form and steel material of the vertical green screens.*
7. *The 20-foot wide fire lane and associated landscape buffer is accurately shown on the plans.*
8. *The trash enclosure has been relocated to a less visible location.*
9. *The building will not include any aerial hazard lighting on the roof unless required by the FAA as part of their review.*
10. *The site landscaping plant sizes have been upgraded at critical locations across the site. Palm heights are rendered correctly on the elevation drawings at an approximate 50-foot height range depending upon nursery availability.*
11. *The pedestrian paving feature from the tower building to Galleria Way has been correctly detailed on all drawings.*

Mr. Kurtz stated that from a design change standpoint, there was design changes made to the parking garage. There was a significant interest and discussion by the Design Review Committee. Those changes included changing the easternmost end of the building, reducing the footprint and changing the configuration increasing the opportunities for landscaping at that portion of the site. Those changes also introduced the ability to increase landscaping at the western end of the site. That relates to the concept that was discussed at the Design Review Committee about providing additional foreground landscape planting for the taller of the building in order to minimize the scale and increase the overall pedestrian friendliness. Those changes were made.

Changes were also made to the automobile roundabout located at the Galleria Drive entryway. Those changes also now reflect the comments by our Traffic Department. Galleria driveway itself was changed in response to the ability to take unrestricted right- or left-hand turns out of the driveway entrance. It has widened to allow three different lanes coming out of the driveway.

There were exhibits provided addressing the shade canopy, connecting the Elevation tower with the ClubSport building. Green screens (green walls) were added on the south elevation of the parking garage for approximately one-third of the garage. The effect is to introduce more variety into the south design of the parking garage. It also introduces some proportionality that didn't exist before and some of the massings.

Covered parking was added to the top of the parking deck. Approximately one-third of the parking spaces are now covered on top. The covering itself is an architecturally integrated element and not a custom standardized off-the-shelf parking deck. They are specifically designed by the architectural team to relate to the architecture of the building.

The landscaping along the south side of the parking garage has been detailed accurately. The trash enclosure was relocated. There will not be any lighting on top of the building with regard to aerial hazard. It has now been confirmed it will not require any of the red lighting to protect Stellar Airpark.

Landscaping has been upgraded throughout the site at key critical locations. The palm trees will be in the 50- to 60-foot range, depending on availability. They are exhibited on the drawings in that fashion, contrary to the actual landscape plan, which did not catch that detail. Mr. Kurtz asked that Commission refer to the elevations for the plant height of the palm trees.

Lastly, the pedestrian feature along Galleria Way connecting the buildings had been detailed appropriately.

Mr. Kurtz stated that staff was bringing the project forward with a recommendation of approval. An additional stipulation was added with regard to outdoor storage on the balconies of the condominium units.

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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
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 Exhibit A, Development Booklet, entitled "Elevation Chandler", kept on file in the City of Chandler Current Planning Division, in File No. DVR05-0023 The Elevation Chandler, except as modified by condition herein.
6. The landscaping in all open spaces and rights-of-way shall be maintained by the property owner.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for street median landscaping.
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. Outdoor storage on balconies shall be prohibited and be made a requirement to enforce by the property manager as a part of the development's CC&Rs.
10. **The overhead pedestrian structure (*shall)* be integrated and conjoined to the condominium project and to the SportsClub building and that the applicant work with staff on that detail.**

CHAIRMAN FLANDERS said that on the site plan it looked as though some pavement had been deleted. Mr. Kurtz stated that he had spoken to the project architect and that they do intend to have decorative concrete at the crosswalks, but had not been picked up with the drawings.

COMMISSIONER GULSVIG said that the relocation of the trash area was very favorable and that it was enclosed. He had a concern as to how the residents would have access to the enclosure as there were only two large doors on the west end. Mr. Kurtz stated that he would need to have the applicant clarify how they plan to manage that.

VICE CHAIRMAN HEUMANN said that he had had a chance to spend some time on the traffic study that was done. He asked if the city's Traffic Department had a chance to look at the study. He stated that he had some concerns with the intensity of the project. One concern was with The Elevation condos (102 units with one- and two-bedrooms, with approximately 1½ working people per unit) but yet the study showed that there were only 30 trips out in the morning and 25 trips back in the evening. Vice Chairman Heumann was curious how little traffic would be generated during peak times and asked again if the Traffic Dept. had reviewed the study.

MR. KURTZ stated that this was a unique project that may have some unique characteristics to it that didn't exist in other multiple family projects. He asked that Commission keep in mind, when thinking in terms of peak hours, that with this type of lifestyle there would be a different spread throughout the day of how people come and go as compared to single-family homes where they tend to come and go at the same time. In that perspective it is characteristic of these types of developments to see these kinds of numbers. Mr. Kurtz added that it met the city's traffic analysis for these type projects.

VICE CHAIRMAN HEUMANN asked for examples of projects such as this. Mr. Kurtz gave as an example multi-family projects in contrast to single-family projects. They have a different characteristic in their peaking to single-family. Mr. Kurtz explained that what staff looks at from a parking standpoint is just a quantity, from an overall volume of when people are leaving. He said that projects are not designed based over peak; driveways are designed over peak, as well as the adjacent roads around the area. For parking on site, staff looks at a per unit basis, not how often those spaces are used or not used.

VICE CHAIRMAN HEUMANN stated that he was not approaching this on a parking basis, but rather an intensity basis of a mall situation that already is stressed and getting worse. This is the largest single retail generator for the city. Vice Chairman Heumann said that one of the complaints he hears from residents is that they're not going to the mall or avoiding the mall. He said that he was trying to challenge the peak hours; he wasn't challenging the parking issue (he felt that was still a concern and felt it isn't parked to what it needs to be). Vice Chairman Heumann stated that what he was trying to do was to verify that the traffic study had been verified by the city's traffic engineers, or was it something staff was taking from the applicant at face value.

MR. KURTZ replied that staff verified the study.

CHAIRMAN FLANDERS asked the applicant to come forward.

MR. JEFF CLINE, 2040 S. ALMA SCHOOL ROAD, CHANDLER, AZ, 85248 thanked the Commission for the opportunity to come back to revisit the project. He said that it was the third review of the project, including the design review meeting on September 12th. He felt that from an applicant point of view that they had done a great job in identifying and making changes as they had agreed at the meeting on September 12th. Mr. Cline said that with all the various concerns and ideas that Commission members had during that meeting turned out to be terrific ideas. The applicant was able to incorporate 100% of the changes in one way or another within the project.

Mr. Cline stated that it should be taken into consideration with regard to number of trips, it was different with multi-family. Secondly, it would be different in this particular location, although that was not taken into consideration in the trip analysis in that it is anticipated that a certain percentage of the residents of the building will actually be working within the proximity of the mall and of the proposed adjacent office building project. He said it would truly be a situation where people will live, work, and play in the building and don't get into their cars, maybe for a day, two days, or one week at a time. Trips are certainly reduced as a result of this life style.

Mr. Cline stated that the other element in trip traffic to take into consideration is that on this particular 2½-acre parcel, it is currently zoned office, which is about 70-75% additional trips, additional parking, or additional traffic. If this site was developed as an office building, it would create 70-75% more parking, more traffic, more pollution, and more congestion within the Chandler Fashion Center mall area. Mr. Cline said that this particular application for residential use on this site was an actual reduction of trips, traffic, and congestion within the mall. He said that he was someone who visited the mall on a regular basis and that he concurred with the concerns regarding traffic, parking, and congestion as he had experienced that himself on a weekly basis. Mr. Cline stated that this should be more of a solution than a problem, as compared to the originally designated office.

COMMISSIONER IRBY said that he wanted to compliment the applicant and that he was glad that the project had gone to design review. He also complimented the applicant on implementing a great majority of the comments and felt that the project was even nicer. The south elevation and overall the project was more integrated with the center and looked good. He said that he still had concerns with the trash/truck movement. He commented that he would not make an issue of it, but felt the applicant needed to pay more attention to that concern and meet with the trash provider to see how the movement would work. It seemed to Commissioner Irby that it was rather cumbersome for the truck backing up and getting out of the site.

COMMISSIONER IRBY also noted that he felt the applicant fell short on was the connecting unit (the shade structure that goes between the ClubSport and the subject facility). He saw it as almost physically attached to both structures as opposed to looking like it was just thrown in between and a kind of archway that goes through. He felt it would look better, and tied into both buildings, if it were physically connected to each other. Aside from that, Commissioner Irby felt that overall the project was very nice looking. As an aside Commissioner Irby noted that if the shade structure were connected from one building to the other, it would be nice to have the shade goes all the way from one building to the other because people walk from one building to the other, and it would be more comfortable during the summer.

MR. CLINE stated that one thing they had determined after the September 12th meeting when they commenced to design the shade structure between the ClubSport and the Elevation buildings and after close analyzation, was that this was on the north side of the building, and actually the building itself will shade the pedestrian area very effectively. They thought it would be a good idea to go ahead with the canopy because they felt it would create a good aesthetic entrance into the property as well as some additional shade protection.

Mr. Cline went on to say that the shade structure could very easily be attached to one building or the other, but the benefits of not having it attached to both buildings would be that if there were different settlement within the two structures there could possibly be a future structural problem, so it should be unattached for that reason. Secondly, in regards to the CC&Rs and the Associations between the two properties and because this structure actually goes over the boundary lines of two different properties, this could open up a potential conflict. It would, however, not be a problem to attach the structure to one building or the other.

COMMISSIONER IRBY said they might be able to get it where it almost touches the other building to where it would look more integrated. **MR. CLINE** responded that cosmetically it would look attached.

MR. CLINE stated that in regards to the additional landscaping that was provided on the west end or the front entry of the building (as a result of Commission's ideas) turned out to be terrific because the reconfiguration on the east end of the parking garage allowed them the opportunity to move the building 20 feet to the east, which opened up some great landscaping opportunities at the front entrance of the property. He thanked the Planning Commission for that idea.

VICE CHAIRMAN HEUMANN stated that the architecture of the facility was nice, but they may disagree on where it belonged. He went on to say that the applicant had made a comment that the people who are going to be living here would work in this area, and asked the applicant to tell him where someone who would be able to afford this type of project would work at the mall.

MR. CLINE stated that the bulk of any employees within the immediate walking distance area would be mid- to upper level management employees of the retail establishments, as well as the adjacent 25 to 26 acres that is currently zoned Class A office, which could accommodate several hundred employees right next door to the property. He also noted that there was the Countrywide and adjacent business that are 5 minutes or less away.

VICE CHAIRMAN HEUMANN commented that generally people don't walk in Arizona when its 105 degrees out. It said it was a great concept in the wintertime.

CHAIRMAN FLANDERS asked Mr. Kurtz with regard to the remaining property to the south and if there was any attempt on this development to integrate as far as connection other than the street?

MR. KURTZ replied that the common street frontage would certainly tie the two properties together. He asked Commission to note the small parking lot in front of the condo tower. There is the expectation that the parking lot would connect with the property to the south and it was expected to be fully integrated.

MR. CLINE also noted that there was currently a recorded easement to make sure that that does in fact happen once the parking lot to the south is developed. That has already been provided for from a legal standpoint.

CHAIRMAN FLANDERS asked if the parcel to the south was office? Mr. Kurtz replied that it was about a 25-acre parcel that was under the same zoning premise as the subject property and that it is zoned PAD for commercial uses, so not necessarily office, but most likely the way the market is looking right now, but there may be other commercial uses occur on that site.

CHAIRMAN FLANDERS stated there was one Speaker Card from the audience.

BILL DONALDSON, 3725 W. GERONIMO STREET, CHANDLER, stated that he lived in the Hearthstone neighborhood just to the west of the project and west of the mall. He asked that Commission take a step back from this particular individual project and really concentrate, as the staff is currently concentrating on a more comprehensive plan for the city for taller buildings. He said that he knew it was underway and felt that they may be missing an opportunity to have that plan be completed by staff. He said that maybe they needed to add more resources to that, but if there was a rush to get this started, then he felt we should do it that way than by individual project by project.

He went on that Phoenix was struggling with the height of buildings right now; Tempe was struggling with the height of buildings right now on an individual project basis. He felt Chandler should not fall into that trap.

Mr. Donaldson noted that one specific thing, in addition to the height overall and how that affects the trend in the city, was the parking and congestion issues. No matter what the statistics say, it's not a neighborhood issue to him, but a patron issue of the mall. Every patron of the mall has a parking and congestion problem to the extent that Best Buy and Famous Dave's Bar-B-Que puts up physical barriers. Both of those retail establishments are directly across the street from this project. Mr. Donaldson said he felt they may be bypassing an opportunity to help solve the parking problem rather than add to the parking problem. He stated that time had been spent on that at the last meeting, as well as during the design review meeting. He stated that more time needed to be spent on that issue for this particular project. He asked Commission to take a step back and consider allowing staff to complete a plan that was citywide, comprehensive, and would give the developers guidelines for the long-term future.

CHAIRMAN FLANDERS asked there was anyone else in the audience that wished to speak on this item. There was no response.

VICE CHAIRMAN HEUMANN asked Mr. Kurtz when this project first came to staff for the first time and if it was on a fast track versus a normal track.

MR. KURTZ replied that so much comes in and out, but believed that it had been early summer when staff first starting talking about it. Mr. Kurtz stated that it wasn't on a fast track and that projects don't have a particular track. When projects are submitted staff facilitates them as quick as any project can go.

VICE CHAIRMAN HEUMANN stated he did not mean it that way. He said that usually there's a "tire kicking" phase, a "talk to staff" phase, and then a "submit" phase.

MR. KURTZ replied that projects move at the speed they move, depending on many factors: the complexity of the project, the responsiveness of the design professionals turning things in. This was a project that significant amounts of design done to it by the first time staff saw the project. It is brought forward by design consultants that are incredibly responsive. Mr. Kurtz said that they had witnessed that at the design review. Within a couple of weeks, boom, you've got new drawings back with significant changes. Mr. Kurtz went on to say that a lot of the factors of how long cases take are unrelated to how fast staff could move. It's the whole process. Mr. Kurtz added that this has been a very normal process. It hasn't been quick; staff had done projects three times as quick as this one and other projects that took three times as long. It was a very ordinary process.

CHAIRMAN FLANDERS made reference to the speaker earlier and his reference to the Mid Rise Policy. Chairman Flanders asked if this area was designated for mid-rise area as part of the study.

MR. KURTZ stated that staff was working on a redo of the current Mid Rise Policy. He stated that the Policy was broad and would address the entire community about where building heights are appropriate, what kind of building heights, and where you look for them. Where this property falls out is really even a little bit more historical. This property is already zoned to consider these building heights, so it's really not an issue of whether or not this was an appropriate location or not. That decision was already when the property was zoned in 2000/2001. From a locational standpoint, this is an appropriate location that can consider building heights and as a policy standpoint, it's very pragmatic to consider building heights at freeway interchanges of which this property is. Staff will most likely be presenting other freeway locations similar to this as appropriate for consideration of additional building heights.

CHAIRMAN FLANDERS asked what building height this property was approved for and what was the height of this building?

MR. KURTZ said that the zoning for this property was a part of the overall regional mall, Parcel G, of which this was a part of the regional mall allowed the consideration for building heights up to 200 feet. This building is 194 feet *(Mr. Kurtz noted he may be misquoting that)* to the top of the roof deck. That was the consistent way to measure building heights. To the tippy-top of the building, to the top of the mechanical penthouse, to the top of the elevator penthouse was 212 feet. From a code standpoint and from a consistency standpoint, whenever staff brings forward to Commission numbers of how tall this building is they'll always be phrased to the roof deck, not including any mechanical or architectural embellishments on top of the building. The short answer – 194.

CHAIRMAN FLANDERS asked if this project then fell within the approved height and that it was also in an area that was being considered for the mid rise development?

MR. KURTZ responded that it did fall within the approved height. The characteristics of this property around freeway interchanges to limited access was a classic place where additional height can make more sense.

VICE CHAIRMAN HEUMANN stated that zoning calls for 200 feet based upon the issues. He asked for the height of the hotel.

MR. KURTZ responded that the hotel was 135 feet tall.

VICE CHAIRMAN HEUMANN then stated that generally when considering planning and zoning issues the intensity of the overall use is taken into consideration as well. The hotel is a fairly intense use for traffic and other things as well. So when taking an overall look at that, then every parcel along there could be up to 200 feet, but you would have to consider the intensity of what was going to happen within that area. He asked Mr. Kurtz if that was correct.

MR. KURTZ replied, "Absolutely."

VICE CHAIRMAN HEUMANN observed that there was already a fairly heavy duty, quality project going in, which was the Renaissance Hotel and something that the city needed. He stated that he was also considering the intensity of that as well.

CHAIRMAN FLANDERS asked the applicant if there were any other comments he wanted to make.

MR. CLINE said that he wanted to make one point, which was economic impact on the City of Chandler, which hadn't been an issue through the approval process. He said that it was amazing as they went through and collectively totaled the fees and sales tax revenue that will be created by the collective project over the course of the next 2-3 years from a construction standpoint and then over the 25-35 years from an operating standpoint on the hotel actually total about $40- to $50,000,000 of revenue for the City of Chandler. He added that this was substantial for a relatively small project as compared to a bigger square footage project like the mall. He stated that that was broken down during the construction process to about $2,000,000 in impact fees, $2,000,000 of construction city sales tax, and then annually about $1,200,000 of sales tax.

Mr. Cline went on to say that this was a major private development that has not received any economic development funding from the City of Chandler, but yet has the opportunity to create some incredibly large revenue tax dollars back to the city. He thanked the Commission for their consideration.

VICE CHAIRMAN HEUMANN stated that he wanted to clarify some things. He asked the applicant if the tax revenue coming from the Elevation project or from the hotel?

MR. CLINE said that was collective through the Hotel ClubSport and meeting room space.

VICE CHAIRMAN HEUMANN stated that condo projects or residential does not generate sales tax income to the city. He noted that when the applicant used that statement 'collectively', it's the hotel that's already been approved and was not the subject of the night's conversation. The hotel would generate the income. Vice Chairman Heumann stated that he was sold on the hotel and thought it was a great addition to the city, but he wanted to clarify to the public that the number that the applicant was throwing out was really coming from the hotel.

MR. CLINE stated that was correct; the operating numbers were from the hotel. That was in response to the summary, which referred to a 10-acre parcel, which was the Elevation and hotel.

CHAIRMAN FLANDERS closed the floor at this time.

COMMISSIONER RYAN said that he thought the project was a good project. They had labored on the project for a couple of sessions and had everything they could to make it look better for the community. He stated that his only problem was the parking situation, which was more of a larger scale problem at the mall. However, he felt that was only temporary due to other malls coming into the Valley. He felt that they were seeing the worst-case scenario at the moment at the mall. Commissioner Ryan said he was ready to get on with the case and give it an approval.

VICE CHAIRMAN HEUMANN stated that he had wrestled with the project. The quality of the project is excellent, but felt it was in the wrong place. He said that he had lived in Chandler for 22 years. When he moved to Chandler he liked the open space. The Southeast Chandler Area Plan enables the open space. Every development has open space. Vice Chairman Heumann noted that with regard to Commissioner Ryan's point that eventually the parking at the mall would ease up when Gilbert opens up their regional mall, but at the same time he saw Fiesta Mall and other regional malls suffer from it when too much is thrown in there. Vice Chairman Heumann said that with the hotel going in, the intensity is already there and to throw on more intensity in a project in this site is going to overwhelm what is going on.

Vice Chairman Heumann said that one of the things that people move to Chandler for was the open space and for the open look. He said he agreed with the speaker earlier. The city does not have a proper plan for mid-rise/high-rise in the city. He brought this up 2 years ago when there was the same

situation at Ray and Price. Vice Chairman Heumann said that he would be voting no on the project. He did not feel this was the right place for it due to the intensity.

CHAIRMAN FLANDERS said that this type of project is needed in the City of Chandler. There are a lot of other areas in the Valley that are developing the mid-rise buildings. It is within the area as far as the mid-rise overlay. It is within the approved zoning height. The quality of architecture and style is totally unique and would provide an icon symbol for this area of Chandler. This is the starting point, which goes into the Price Corridor, an important employment part of Chandler.
Chairman Flanders stated that he liked Chandler when he first moved here because it was rural, but he had grown with the changes in Chandler. He said that it was time for Chandler to grow up. He felt that developments of this type were important and that it was a high quality designed project.

MOTION BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER IRBY to approve DVR05-0023 THE ELEVATION CHANDLER subject to the conditions recommended by staff. In addition, Commissioner Ryan added condition no. 10, "**The overhead pedestrian structure be integrated and conjoined to the condominium project and to the SportsClub building and that the applicant work with staff on that detail."** The motion was approved (5-1) with Vice Chairman voting in opposition to the motion.

At this time Chairman Flanders called for a ten minute recess.

G. DVR05-0002 PALOMA KYRENE BUSINESS COMMUNITY

Request rezoning from Agriculture (AG-1) to Planned Area Development (PAD) and Preliminary Development Plan for a mixed-use development. The project includes 63,000 square feet of general office, medical office, and retail uses, 111,800 square feet of industrial uses, and conceptual zoning for a mini storage. The subject property is approximately 21 net acres and is located south of the southwest corner of Kyrene Road and Chandler Boulevard in the 100 block of South Kyrene.

MS. KIM CLARK, CITY PLANNER stated that the request to rezone from AG-1 to PAD zoning with Preliminary Development Plan for a mixed-use development. The development would include general and medical office uses, industrial, retail, and mini-storage uses. It is a 21-acre site located at the 100 block of S. Kyrene Road, and the General Plan designates the site as Employment. This designation is intended to accommodate a variety of light industrial business parks in campus-like settings that may include commercial support uses, corporate offices and high-tech uses.

Twelve buildings totaling 63,000 sq. ft. are dispersed along the site's frontage. A majority will be used for general office; however, a small amount will be used for medical uses, not to exceed 10,000 sq. ft. Support retail is planned to provide a small sandwich and coffee shop and an office supply store not to exceed a combined total of 4,000 sq. ft. Parallel to Kyrene Road behind the office buildings are two industrial buildings. The buildings back up to each other to allow loading and truck traffic to be separated from the less intense uses and further separate the office use from the proposed mini-storage facility at the property's rear.

The developer intends to extend Gila Springs Boulevard across the southern border to provide access to all portions of this development. The developer also intends to install a traffic signal at this intersection.

Architecturally all buildings are similar in material and form utilizing split face block, stucco, and steel awnings for material variation. The buildings are all designed in a Southwest Contemporary style while incorporating elevation changes and building orientation for diversity. Construction will occur in one phase for offsite improvements. That includes the 12 office buildings, 2 industrial

buildings, perimeter landscaping, and all offsite improvements. The mini-storage is a proposed conceptual use that will return at a later date for Preliminary Development Plan consideration.

The applicant coordinated the project with the neighborhood. Those in attendance at the neighborhood meeting expressed support of the project. The applicant is in agreement with all the recommended stipulations for approval, with the exception of Condition No. 12, which limits the number of tenant panels on each monument sign to two.

The proposed signage for the site includes four monument signs with two located on Kyrene Road and two located on the Gila Springs Boulevard extension. Each sign is proposed at 6-ft. tall and will include center identification at the top with tenant panels underneath. The applicant has proposed six tenant panels on each side of all signs, while staff is recommending that no more than two tenant panels exist on each sign according to the Sign Code. Relief from the Sign Code requirements can be considered related to the proposed monument signage when additional merit in design is provided. Staff does not feel that a significant increase quality in design had been reached and that six tenant panels on each sign is excessive despite the size of the development.

Staff recommended a stipulation of approval that limits the amount of tenant panels to two on each side of each sign.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Paloma Kyrene Business Community", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0002, 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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
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. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance, the applicant shall post a 4' x 8' sign for property zoned for commercial and/or multi-family use,

conspicuous to the (existing or prospective) single-family subdivision that adjoins this site, advising the following: "This property has been zoned for other than single-family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, (480) 782-3000". Sign shall have white background and black lettering.

11. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
12. A maximum of **six** tenant identification panels shall be allowed on each side of each monument sign **and two tenant panels on the signs along Gila Springs Road**.
13. All landscaping shall be in compliance with current Commercial Design Standards and Zoning Codes including all quantity and size restrictions.
14. Applicant shall work with Staff to distribute the landscaping throughout the property to lessen the concentration of planting in the rights of way and reduce linear tree lines.
15. The mini storage land use is conceptual only. A separate Preliminary Development Plan is required for this portion of development.
16. The developer shall be required to design and construct a traffic signal at the intersection of Kyrene Road and Gila Springs Boulevard. The developer shall contribute 50% of the total cost for this traffic signal. The developer will be reimbursed for 25% of this cost when the property to the south develops pursuant to the conditions of a development agreement.
17. Applicant shall coordinate all cross access and roadway easements with the adjacent property owner in order to develop a residential collector boulevard per City of Chandler Standards along the property's southern border as represented in the Development Booklet.
18. Retention basins shall be a maximum of three (3) feet in depth from the high water line to the bottom of the basin.
19. A maximum of 20% of the street frontage landscape area along both streets may be used for storm water retention purposes as per compliance with the Commercial Design Standards.
20. Berming along the street frontages must be a minimum of 24" measured from the top of curb elevation along at least 50% of the arterial streetscape frontages. Berms are to be located out of the right of way and shall maintain a 4:1 slope as per compliance with the Commercial Design Standards.
21. Mezzanines will only be permitted if the parking ratio is proven to meet Zoning Code standards to accommodate the additional square footage.
22. Applicant shall add four (4) pedestrian oriented special features for compliance with the Zoning Code Site Plan Design Standards.
23. The distribution and location of uses (general office, medical, retail) shall not exceed the square footages represented in the Development Booklet.
24. Lighting shall be in substantial conformance with Development Booklet representations with all site and building lighting adjacent to Kyrene Road shielded so as to not to trespass across residential property lines. Globe lights and spotlights shall be prohibited.
25. **Buildings 'M' and 'N' shall allow I-1 uses as per the zoning code, with the exclusion of H occupancies.**
26. **The applicant shall work with staff to enhance the signage to better match the building architecture.**
27. **The applicant shall work with staff to break up the long appearance of building 'M'.**

VICE CHAIRMAN HEUMANN asked how many monument signs were proposed for the Chandler Heights Marketplace project that had been discussed earlier.

MR. KURTZ stated that there were two 14-ft. signs with five tenant panels each. Additional monument signs would be along the street as a part of the individual lot development.

VICE CHAIRMAN HEUMANN said that this subject project was asking for just 7-ft. signs with a lot of panel names, and was wondering if that was the concern. Ms. Clark stated that was correct, four, 6-ft. tall signs. Their separation met all codes, but the only thing that didn't meet the code was the six tenant panels on each sign.

VICE CHAIRMAN HEUMANN asked what material the signs were made of. Ms. Clark stated that the signs would have routed panels.

COMMISSIONER GULSVIG asked what the average size was of the buildings in the back. Ms. Clark stated that the buildings would be an average of 100 ft. long by 46 ft. wide.

COMMISSIONER GULSVIG went on to inquire if there was a chance that the buildings could contain a manufacturing facility. Ms. Clark said that there was a table of permitted uses. She said that she would assume that staff would not want to see any kind of manufacturing done within the suites. They were more for manufacturer's representatives, research and development, and lighter industrial uses. That was what had been represented through the Development Booklet.

COMMISSIONER GULSVIG stated that he was concerned about the space between the two buildings if it should become anything more than that.

CHAIRMAN FLANDERS asked how long the building was just to the west of the office portion. Ms. Clark stated that Building 'N' was 533 ft. (the shorter of two industrial buildings), and Building 'M' was 580 ft. long.

CHAIRMAN FLANDERS stated that the overall development was laid out very nice. However, the industrial buildings were kind of a long stretch. He wondered if there had been any discussions with the applicant about breaking the buildings up or providing an area between them to scale down the buildings. Ms. Clark said that there had been discussion about breaking up the buildings; however, the applicant chose to design the site in the present manner and to keep the industrial traffic away from the office uses.

CHAIRMAN FLANDERS commented that a separation with some type of pedestrian or landscaping area would provide some relief and would be appropriate.

COMMISSIONER GULSVIG said that Commissioner Irby had commented that there ought to be some prohibited uses such as metal fabrication and any kind of industrial area that could be brought in there. It was Commissioner Gulsvig observation that the walls could be knocked down between two suites and end up with a large area. He felt the complex was tight and wanted to see a stipulation added to prohibit fabrication type facilities going in this site.

MS. CLARK replied that if the applicant were in agreement with the stipulation, staff would be happy to support that.

STEVE STOKES, 281 N. ROOSEVELT AVENUE, CHANDLER, thanked the staff for the extreme amount of help they provided. He continued that he had been running a business in Chandler for over 11 years, but this was his first development. He stated that there were a number of reasons why they were requesting the additional signage. He said they were trying to stay with the same metal that was used on the EFIS inn the project; all the letters would be backlit, so there wouldn't be a lot of lighting coming out of the sign. He pointed out that they were well within the design standards of the City of Chandler. They have the availability of a 6-ft. high by 16-ft. long sign that, as long as they stay within 300-ft. of each other, that was what the code allows. Mr. Stokes stated that they are 6-ft by 10-ft.

He said that the property was a quarter-mile deep. They have tried to integrate many different uses into the property; one being a mini-storage, which is under a separate conceptual zoning. The mini-storage is at the back of the property. There is heavy industrial behind the Gila ditch at the back, so they wanted a buffer zone. He said that the industrial folks don't really see the heavier industrial across the ditch. He said that they had given the mini-storage one band as they were trying to draw the traffic back in Gila Springs Boulevard, which is nearly 1,000 feet long, (giving Commission an idea of the depth of the project).

Mr. Stokes commented that they have the opportunity for 43 individual tenants in the complex. The average size of the industrial spaces is approximately 4,000 sq. ft. The end caps are approximately 4,600 sq. ft. and one that is 5,300 sq. ft. The intended use is light industrial in the back and office condominium type uses in the front. He said that because they have 43 tenants, they wanted to give everyone ample opportunity to be able to have signage.

He went on to say that they have two sign monuments going down Gila Springs Boulevard, but did not consider placing six on those individual sign bands because they weren't that big of a use and is off the main thoroughfare. Mr. Stokes stated that what he was requesting was the six sign bands on Kyrene Road and because of the depth and size of the project; he felt that six was warranted. He wanted to give the individual users their own sign, which would draw the public in to the site.

COMMISSIONER RYAN said that most of the issue was about these signs. He said that at the present time, the applicant was showing two sign monuments on Kyrene Road, and two sign monuments on Gila Springs Boulevard. He asked if the applicant wanted to put the other two signs out on Kyrene to have a total of four signs?

MR. STOKES replied no, he didn't want four signs on Kyrene, but rather the two monument signs, which were within the code requirement. What he was asking for was, that on the two sign bands that are on Kyrene Road, he wanted six sign bands on each sign. Mr. Stokes went on to say that the name of the business is Paloma Kyrene Business Community and not too many business had that long of a name. Just by sheer aesthetics, it would look better with six sign bands versus two or three very long signs.

COMMISSIONER RYAN commented that by the nature of the site that the applicant was developing and with the lack of street frontage, it was a reasonable request.

MR. STOKES stated that this was his first go-around at the sign and that he had tried to put together a sign that was well within code. He said that he was willing to change the architecture of the sign and bring in more masonry and different things. It was really the six sign bands that he needed and was willing to make the signs more architecturally pleasing to the City of Chandler and that he was willing to work with Staff in order to facilitate that.

CHAIRMAN FLANDERS asked staff what code allows. Ms. Clark responded that the Sign Code allowed two tenant panels on each side of each sign. The applicant was asking for an additional four tenant panels on two signs on Kyrene Road.

CHAIRMAN FLANDERS confirmed that there would be two signs on Kyrene, six per sign, which would then be a total of 12 signs. Ms. Clark stated that along Gila Springs it was not clear in the Development Booklet how many sign panels the applicant was requesting; only one sign drawing was submitted.

CHAIRMAN FLANDERS inquired if what the applicant was asking for along Gila Springs was within code. Ms. Clark replied that she was also under the impression that the applicant was requesting six tenant panels on each sign along Gila Springs Boulevard.

MR. STOKES stated that that was his error in not clarifying that. He said that if Chandler would allow him, he would accept six sign bands on all four signs on Gila Springs and Kyrene, but that he was before them requesting the six sign bands only on the two signs along Kyrene Road due to the overall depth of the project. He said that he would be more than happy with two sign bands, or three sign bands if he were allowed, *(along Gila Springs Boulevard)*. He said that he could redesign that and go back to staff to better explain that, as he had not done that.

COMMISSIONER IRBY stated that this was a unique project. He said that he wouldn't be able to support such a huge number of sign panels if the project was fronting onto Chandler Boulevard. He stated that he didn't have a problem with what the applicant was trying to achieve along Kyrene Road. He said that if the project were approved, he wanted to stipulate that the architecture of the signs, especially along Kyrene Road, were redesigned to architecturally blend more closely to the buildings in shape and form. The signs to him seemed to say, "Oops, here we are." He felt the applicant could design something that architecturally blends into the project and has more character and be a true monument sign to the development. He said that if the project were designed correctly there wouldn't even need to be tenant panel signs. They could be calling it a 'Center' with just signage on the buildings, which would pull the public in. Commissioner Irby stated that he was in support of the number of sign panels, but along Gila Springs Boulevard, go back to the two panel signs. He said that he wanted to see some variation in the architecture of what signs look like on the two different streets. Perhaps the signs on Gila Springs are smaller with some different architectural character to them by themselves, but yet look like they're part of the same package. He wished the applicant good luck and felt they were in good shape.

VICE CHAIRMAN HEUMANN said that Kyrene Road was heavily traveled due to the freeway access. He asked what type of tenants the applicant was expecting in the center. He said that he was trying to get an idea on the tenant mix.

MR. STOKES stated that they have one general practitioner that wanted to go in, an attorney, a number of different office uses, and a telephone type business. Those would go in the office condos. As far as the industrial uses, there would be a mechanical and plumbing contractor and a t-shirt business.

VICE CHAIRMAN HEUMANN asked if the type of tenant that would be going in the center needed street signage? He also asked if the applicant was looking at panel signs with routed out letters, or individual pin letters? He said he'd like to see the sign upgraded with an upscale look. He added that he felt this was a nice project with great frontage to Kyrene Road. Industrial is in the back so that it couldn't be seen. He stated that with the present sign it took something away from the center. He felt the applicant should go back and work with staff to come up with a new sign package that looked more like the project and cleaner with pin letters. It was his observation that a doctor didn't need a routed out panel sign, but overall he said he was happy with the project.

CHAIRMAN FLANDERS asked staff what type of pedestrian amenities was provided on the development? Ms. Clark stated that there was a pedestrian path that traveled through the office complex that connected most of the uses. There are benches and seating areas that can be used by anyone working or visiting the development.

CHAIRMAN FLANDERS asked if there were any other amenities other than benches. He said that Commission is starting to ask more features within the congregating areas, such as fountains. Ms. Clark stated that there are none shown in the Development Booklet; however, staff had added a

stipulation that four pedestrian art features be added. The applicant has agreed to the stipulation and agreed to work with staff on that detail.

CHAIRMAN FLANDERS stated that Building 'M' is 580 ft. long and had a problem with that long of a run on the building. He said that he felt it was appropriate to break the long building up into two different buildings and provide additional landscape and screening area.

MR. STOKES said that he had tried to address that matter by the architecture that they had done on the building. He stated that the elevation popped out in different segments and that they had tried to bring the office architecture features into the industrial building. He said that he had spent quite a bit of money to ensure that there was diversity in the industrial building to diminish the overall length. He said that he realized that it was a long building, but felt if they opened up the center of it there would be more truck traffic and actually diminished the overall look. He said that they were hoping to have the building as a backdrop to the office buildings. He stated that the office buildings were 22- 28- and 34-ft. tall.

CHAIRMAN FLANDERS said that if the applicant was worrying about truck traffic, screen walls in conjunction with landscaping could help. He was looking for some way to break up the building due to the height of the building. He asked the applicant to break the building up into two buildings to give it some relief by using landscaping and vegetation.

MR. STOKES pointed out that there were buildings within Stellar Airpark that were very long, but didn't have near the architecture that he had tried to put into his project. He said that the overall landscape and elevations warranted the length of the building. He didn't feel that opening up would enhance the look. It would enhance the noise and traffic that comes from behind.

COMMISSIONER GULSVIG asked the applicant to comment on the stipulation that he had made earlier with regard to eliminating fabrication type manufacturing.

MR. STOKES stated that he had mechanical and plumbing subcontractors and possibly a fire sprinkler contractor as tenants. He said that he himself was a general contractor. He said he wasn't sure if that was light manufacturing. He commented that they would manufacture ductwork and there would be piping, but it would be mostly in the confines of their shops. It was only building 'N' that would be a medium industrial use.

COMMISSIONER GULSVIG stated that someone could very easily put in a small sheet metal or welding shop in one of those buildings of that size with today's technology. He said that he was concerned with the volume of truck traffic that could be generated, bringing in raw materials and taking out finished goods. It commented that it was a tight area in back in between the buildings.

MR. STOKES stated there was about 62 feet between the outside storage and the back of the one building that allowed trucks to go in and out with little or no problem. He went on to say that he wanted to know how Commissioner Gulsvig defined heavy uses.

COMMISSIONER GULSVIG said that, for example, a sheet metal fabricator could knock down a wall between two suites and then have a shop that would produce quite a bit of volume, especially if there were automated technology doing the fabricating, which would lead to more truck traffic. He pointed out that there were residents to the east.

MR. STOKES noted that that was why they wanted a traffic light installed at Gila Springs. He stated he would be willing to pay for the signal, with help from the City of Chandler. He said that he is paying for the public roadway that goes back to there to enable the trucks to go back and forth.

COMMISSIONER RYAN said that he was excited about the multi-use facility. He said that Commission had to be careful about the types of uses that would be working together. Any time there is a large scale manufacturing or working with toxic fluids, it wasn't compatible with a medical or professional office project, especially the way this site was laid out in close proximity. He said he understood the applicant wanting to close the door on all manufacturing, as he felt there was some simplified manufacturing that would be appropriate at this site.

Commissioner Ryan also noted that he didn't think they wanted to singly approve every manufacturing use going into the center. He asked if staff could come up with any suggestions as to how to approach the concern.

COMMISSIONER IRBY said that he felt the same. One thought was to limit certain manufacturing to a square footage, although he didn't know what that square footage would be.

MS. CLARK stated that staff would be happy to limit the use to I-1 uses, which for manufacturing use would require a Use Permit as per the zoning ordinance.

COMMISSIONER RYAN said an initial stipulation would be that any manufacturing would require a Use Permit to lease space in the center. Ms. Clark stated that that was correct, staff would agree to that. Also, a stipulation with regard to size had been mentioned by Commissioner Irby, and staff would agree to that if the applicant was in agreement.

VICE CHAIRMAN HEUMANN said that he didn't want to pigeonhole an applicant with what they all thought was a good project, but also understood the concern with hazardous materials, etc.

MR. KURTZ said that the I-1 zoning district in Chandler is a light industrial zoning district. It allows light manufacturing, it doesn't allow manufacturing uses that are obnoxious, noisy, or pollutant. He said that a t-shirt manufacturer is a light manufacturing. Steel working, where a raw product is brought in and turned into something else, is not light manufacturing and would be considered heavy manufacturing. H occupancies would not be allowed, which are the hazardous occupancies as defined in the building code.

COMMISSIONER RYAN AND COMMISSIONER GULSVIG stated they were fine with that.

VICE CHAIRMAN HEUMANN asked the applicant if he was fine with that, and the applicant replied that he was.

COMMISSIONER IRBY said that he wasn't sure that breaking up the long building was really necessary. He did suggest to the applicant that the architecture be changed on Building 'M' to make an appearance of two buildings, such as changing the architecture to be taller. It would give the appearance of two buildings without there actually being two buildings. He said he wouldn't mind adding a stipulation that the applicant work with staff to work on the architecture on building 'M' to create a unique element that breaks the buildings into two or accents the boulevard.

MR. STOKES said that there was a rendering showing thirty-six 40-ft. high palm trees along the boulevard, which end at the center of building 'M'. He said that had tried to put some very interesting and elaborate pop outs to the buildings.

COMMISSIONER IRBY commented that maybe the building could project out farther. He wasn't sure if the building needed to be taller or pulled out towards the east, staying with the same architecture.

MR. JERRY PLANK said that he was the architect of the project. He stated that the project was 750 ft. deep in front of the building. Originally they had a boulevard that went all the way to the front of the building. As they had worked with staff trying to create more campus and more connection, they ended up moving some buildings so there was no visibility through the project. They made the buildings shorter out on Kyrene, stepping them up and using the building as a backdrop. A concern was the truck traffic and keeping them from the front parking lot. That was basically how the building became one big building. They broke up the boulevard to break the sight line and then also creating a pedestrian plaza in the middle between the 9,500 sq. ft. buildings. He felt that the chance of seeing the buildings from Kyrene was slim to none.

CHAIRMAN FLANDERS said he was looking for something that would further break up the building; more of what actually had been done. There needed to be a relief to the front of the building, whether it was pulling it out, pushing it back, or raising it.

MR. PLANK said that they might take the center large element and make it larger or pull it out to break up the sequencing on the front of the building. He said they would be happy to work with staff to achieve that.

CHAIRMAN FLANDERS inquired if there was anyone in the audience that wanted to speak on the item. There was no response.

MR. STOKES stated that he did not mind addressing that one section of the building, but wanted to be a stipulation of that one area, either in height or a different look. He said that he did not want to redesign the entire building.

COMMISSIONER IRBY stated that the applicant work with staff on that spot to help break up the long continuous building. Mr. Stokes stated that that would be fine.

CHAIRMAN FLANDERS closed the floor.

MS. CLARK stated that a traffic signal would be installed at Gila Springs and Kyrene.

MS. CLARK stated the following stipulations:

28. Buildings ‘M’ and ‘N’ shall allow I-1 uses as per the zoning code, with the exclusion of H occupancies.
29. The applicant shall work with staff to enhance the signage to better match the building architecture.
30. The applicant shall work with staff to break up the long appearance of building ‘M’.

Also, stipulation no. 12 shall be altered to allow six tenant panels on Kyrene Road and two tenant panels on the signs along Gila Springs Road.

VICE CHAIRMAN HEUMANN stated that he didn’t have a problem with the six panels if they could come up with better architecture and the use of pin letters.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER GULSVIG, to approve DVR05-0002 PALOMA KYRENE BUSINESS COMMUNITY with the additional stipulations as read by staff, along with the revision to condition no. 12.

Before the vote was taken **COMMISSIONER RYAN** wanted to clarify that the applicant understood the additional stipulations.

MR. STOKES said that he wanted to confirm that they were only changing the architecture at the center of that building. Commissioner Ryan said that was on record and staff also understood that as well.

When the vote was taken, the motion was approved (6-0).

J. UP05-0049 MARISCOS MI LINDO MAZATLAN #2

Request Use Permit approval to sell liquor (wine & beer) by individual portions for on-premise consumption or in the original container for off-premise consumption (Series 7 License) in a restaurant located at 1964 North Alma School Road, within the Pollack Warner Plaza.

MR. BILL DERMODY stated that this was a restaurant located within the Pollack Warner Plaza at the southwest corner of Alma School and Warner roads, at the southern end of the retail strip. The proposal is to sell alcohol with the Use Permit to allow sales through a Series 7 license. A Series 7 license allows wine and beer for on-premise or off-premise consumption. Staff recommended a stipulation prohibiting alcohol outside of the doors. The restaurant will serve seafood from 9 a.m. to 11 p.m. Monday thru Thursday, and on the weekends, Friday thru Sunday, the restaurant will be open from 9 a.m. to 2 a.m. After dinner dancing will also be a part of the restaurant. There is a bar area and dance floor; there is no outdoor seating. Seating capacity is about 200 people. The site has been occupied by a number of restaurants and bars since 1982. Most of them were for a Series 12 restaurant license or a Series 6 bar license. This is a new tenant and they have not occupied the building. Seeing no land use conflicts, Staff recommends approval of this Use Permit for one year with stipulations.

1. The Use Permit granted is for a Series 7 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. No alcohol shall be carried outside of the building into the parking lot or off-premises. Also, the sale of “To Go” packaged liquor is prohibited.
5. 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.
6. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
7. Decibel levels of music shall be controlled so as not to present a nuisance to residential properties beyond the boundaries of the Warner Plaza shopping center.
8. Customer access into the restaurant from the rear (alley side), or south (Stottler Street side) shall be prohibited.

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

KAREN ARREDONDO, 7702 S. TERRACE ROAD, TEMPE, AZ, 85284, stated that she was the representative for Mr. Jose Vieja who was the owner of Mariscos Mi Lindo Mazatlan.

COMMISSIONER IRBY said that his concern was with the track record for this site. He said the neighborhood had always been concerned with the noise issue.

MS. ARREDONDO stated that the owners owned another facility in west Phoenix, which had a good track record and was very successful. She said that she understood the concerns of past performance with the previous tenants in this space. She stated that they were not the previous tenants and did not know who they were. It is their intent to be a responsible member of the community by providing a fine dining seafood restaurant in this southeast area. She said that they saw the need for a restaurant, which would provide fine dining in hours that would accommodate those people that arts center and would want a dinner afterwards.

She continued that they are family oriented during the day and in the evening they provide a dining and dinner dancing experience. She said they would be serving wine and beer. There would be no hard alcoholic spirits served at all. They have a comprehensive security plan, which is also in place in their business in the west side. The whole focus of the plan is to ensure that there is not the kind of activity that had occurred at this facility in the past.

COMMISSIONER IRBY asked the applicant if they had dancing and live music in the existing facility. Ms. Arredondo responded that they do and that it mostly occurs on the weekends. The band would consist of mariachis.

COMMISSIONER IRBY said that there had also been previous problems with trash debris. Ms. Arredondo responded that was entirely possible. She said they would be happy to work with staff to ensure that there would be no debris left around. She said there had been a comment from a neighbor about bottles being thrown in the parking lot. Ms. Arredondo stated that they are going to see that security provides enough coverage that no one will be allowed to take bottles or cans into the parking lot. She said they would work closely with the city to ensure that.

COMMISSIONER IRBY said that he did not have a problem with the use and that they should not be penalized for the previous tenants. He said that he did want to put them on alert as to the previous problems and that after one year, if this became a problem, the applicant would have a problem getting the Use Permit renewed.

MS. ARREDONDO stated that they understood that Commission had their eye on the facility and that they would live up to their expectations and what she hoped was Commission's expectations to provide a responsible eating environment. She said that they had read all the stipulations and would adhere to all the stipulations.

VICE CHAIRMAN HEUMANN spoke to the applicant to clarify a Series 7 license. He asked the applicant if there were plans to have a DJ. Ms. Arredondo said that there was a possibility they could have a DJ or a small combo, but it would be mostly Latin music.

VICE CHAIRMAN HEUMANN said that this site was very close to neighbors. He restated what Commissioner Irby had said earlier. If there were problems with the neighbors during the year, they would have a hard time getting a renewal on the Use Permit. He stated that 2 a.m. might not be the right time that close to homes.

VICE CHAIRMAN HEUMANN asked the applicant to explain the 13 calls for service at the other location. Ms. Arredondo asked the Planner to review this with Commission.

MR. DERMODY stated that he had spoken to the security personnel about this matter. He said that out of the 10 burglary alarms, 8 or 9 of them were false alarms. Of the others, the shots fired did not occur in the building, but occurred in the street by passersby.

VICE CHAIRMAN HEUMANN told the applicant that there was always a great need for good restaurants in the city. Ms. Arredondo said that she appreciated the confidence that Commission had expressed and that they would live up to their confidence.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER GULSVIG to approve UP05-0049 MARISCOS MI LINDO MAZATLAN #2, subject to stipulations as recommended by staff.

6. DIRECTOR'S REPORT

A discussion ensued regarding the Department Picnic on October 18, 2005.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is October 19, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 8:23 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 19, 2005, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:32 p.m.

2. Pledge of Allegiance led by Vice Chairman Heumann.

3. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commissioner Phil Ryan
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Absent: Commissioner Mark Irby, Commissioner Jeanette Polvani

   Also Present:

   Mr. Doug Ballard, Planning & Development Director
   Mr. Jeff Kurtz, Current Planning Manager
   Ms. Jodie Novak, Senior Planner
   Mr. Kevin Mayo, City Planner
   Ms. Kim Clark, City Planner
   Mr. Bill Dermody, City Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER RYAN to approve the minutes of the October 5, 2005 meeting. Motion was approved (4-0), with Commissioner Anderson abstaining due to his absence at the previous meeting.

5. CONSENT AGENDA ITEMS

   Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He explained that the Consent Items were marked by an asterisk on the agenda and would be approved with one single motion. The Consent items were: A, B, C, D, and E.

   MR. JEFF KURTZ, CURRENT PLANNING MANAGER, read into the record each agenda item.

   CHAIRMAN FLANDERS asked if there was anyone in the audience that wished to have any of the Consent agenda items pulled for discussion. There was no response from the audience.

   COMMISSIONER RYAN stated for the record that his Consent vote would not include item "E" – PPT05-0040 JKM Self Storage, as he had been a consultant to the applicant.

   A. AP04-0004 / DVR03-0035 / PPT05-0027 STONEFIELD (MARACAY HOMES) (WITHDRAWN FOR THE PURPOSE OF RE-ADVERTISING TO THE NOVEMBER 2, 2005 PLANNING AND ZONING COMMISSION MEETING AGENDA.) Area Plan amendment from multi-family residential, single-family residential, and commercial to medium-density single-family residential, single-family residential, and commercial, and Rezoning from Planned Area Development (PAD) zoning for multi-family residential, single-family residential, and commercial to PAD for

medium-density single-family residential, single-family residential, and commercial with Preliminary Development Plan (PDP) and Preliminary Plat approval for the residential portion. The property is located east of the southeast corner of Germann and Dobson Roads.

B. PDP05-0013 WESTECH INDUSTRIAL

APPROVED, a request for Preliminary Development Plan approval to construct two 13,120 square foot office/warehouse buildings on a 1.6-acre site zoned Planned Area Development. The property is located at 160 and 170 E. Corporate Place, lots 17 and 18 at Westech Corporate Center.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2858, in case PL98-0020 WESTECH PAD.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Technology Center West" kept on file in the City of Chandler Current Planning Division, in file number PDP05-13 TWO BUILDING PROJECT, WESTECH, 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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. All future signage shall conform to the City of Chandler Sign Codes. Any deviations from such codes require Preliminary Development Plan approval.
7. No outside storage or display of any kind will be permitted for any business outside of the fenced yards behind buildings. Such storage shall not be taller than the perimeter fence and shall not reduce the amount of available parking spaces as required by Chandler Zoning Code.
8. The service yard gates shall be solid material.
9. All building signage shall be halo illuminated.
10. A metal accent header shall be added above the three windows on the street side elevation on both buildings, details to be coordinated with Staff.

C. PDP05-0014 TUTOR TIME - LEARNING CENTER

(CONTINUED TO THE NOVEMBER 2, 2005, PLANNING AND ZONING COMMISSION MEETING AGENDA) Request Preliminary Development Plan (PDP) approval for site layout and building architecture for a child day care facility on an approximate four acre site located at the southeast corner of Ray Road and McClintock Road.

D. UP05-0050 JOHNNY CARINO'S

APPROVED, a request for Use Permit approval to sell liquor for on-premise consumption only within a restaurant (Series 12 Restaurant License). The subject property is located at 4060 South Arizona Avenue on the southwest corner of Ocotillo Road & 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 is non-transferable to any other location.
3. No alcohol shall be carried outside of the building into the parking lot or off-premises, with the single exception of the patio.
4. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

E. PPT05-0040 JKM SELF STORAGE

APPROVED a request for Preliminary Plat approval for a self-storage development located east of the northeast corner of Arizona Avenue and Ocotillo Road.

(Of note for the record, Chairman Flanders stated during Study Session that he would abstain from voting for item "C"- Tutor Time Learning Center, as he had a conflict on that item.)

MOTION BY COMMISSIONER GULSVIG, SECONDED BY COMMISSIONER ANDERSON to approve the Consent Agenda with the stipulations as read in by Staff. Motion was approved by those in attendance (4-0) with Chairman Flanders abstaining from voting on item "C" and Commissioner Ryan abstaining from the vote on item "E".

6. DIRECTOR'S REPORT

There was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is November 2, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 5:37 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 2, 2005 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:32 p.m.

2. Pledge of Allegiance led by Commissioner Polvani.

3. The following Commissioners answered Roll Call:

   Chairman Flanders
   Vice Chairman Heumann
   Commissioner Ryan
   Commission Polvani
   Commissioner Gulsvig

   Absent and Excused: Commissioners Irby and Anderson

   Also Present:

   Ms. Kim Clark, Planner
   Mr. Bill Dermody, Planner
   Mr. Kevin Mayo, Planner
   Ms. Jodie Novak, Senior Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER GULSVIG to approve the minutes of the October 19, 2005 meeting. Motion was approved unanimously (5-0).

5. CONSENT AGENDA ITEMS

   Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He explained that the Consent Items were marked by an asterisk on the agenda and would be approved with one single motion.

   CURRENT PLANNING MANAGER JEFF KURTZ advised that the Consent items were: B, D, E, F, H, I, J and K.

   MR. KURTZ advised that staff is recommending that Agenda Item "B" – DVR05-0030 Jacaranda Pla*ce,* be **CONTINUED** to the December 7, 2005 agenda.

   He added that the applicant has requested that Agenda Item "D" – *Lynn Haven Estates,* be **CONTINUED** to the December 7, 2005 agenda.

   KEVIN MAYO, PLANNER, read the full additional stipulations that are being recommended for Agenda Item "E" – *Dobson Village, as follows:* ***"Stipulation #15 – Pedestrian seating areas with water and art features shall be provided at the building areas. Details to be worked out with staff. Stipulation #16 – Textured paving shall be provided at all driveway entrances. Stipulation #17 – Pedestrian pathways shall be provided from the adjacent streets to the buildings across all drive aisles. Details to be worked out with staff. Stipulation #18 – The applicant shall work with staff to add additional architectural features and materials to further define the individual buildings from one another."***

MR. KURTZ advised that a request has been received to **CONTINUE** Agenda Item "F" – Wells Fargo at McQueen Village Square to the December 7, 2005 agenda. He added that staff is recommending that four additional stipulations that the applicant agrees with to Agenda Item "H," T-SYS Western Operations Center, as follows: ***"Stipulation #12 – The north driveway shall be centered on the property line coinciding with the existing median break to be shared with the existing proposed development to the north. Stipulation #13 – The south driveway shall have a continuous deceleration lane as an extension of the existing deceleration lane for the Wells Fargo driveway to the south. Stipulation #14 – Pedestrian seating areas with interest features shall be provided in the open space. Stipulation #15 – Paving features shall be provided at the entry driveways and the pedestrian walkway areas in the parking lot."***

MR. KURTZ advised that regarding Agenda Item "I" – La Familia Market, Inc., staff is recommending approval with a revision to Stipulation #5 ***"To limit the Use Permit to one year."*** He added that the applicant agrees with the proposed revision. He added that the next Consent Agenda Item, "J – Chipotle Mexican Grill is a request for a Use Permit for liquor sales at Alma School and Queen Creek. He advised that the Commission is being requested to **CONTINUE** the last Consent Agenda Item, "K" – Waterfront Grill to the December 7, 2005 agenda.

B. DVR05-0003/PPT05-0020 JACARANDA PLACE

WITHDRAWN FOR THE PURPOSE OF RE-ADVERTISING TO THE 12/07/05 PLANNING AND ZONING COMMISSION MEETING AGENDA, a request for Rezoning from Agriculture (AG-1) to Planned Area Development (PAD) and Preliminary Plat approval for a 24 lot single-family subdivision. Rezoning request is for an approximate 15-acre lot located at 14040 E. Riggs Road (approximately ½ mile west of Lindsay Road).

D. DVR04-0062/PPT05-0002 LYNN HAVEN ESTATES

CONTINUED TO DECEMBER 7, 2005, a request for rezoning from Planned Area Development (PAD) for Commercial uses to Planned Area Development (PAD) Amended for a 49-lot residential subdivision with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and housing product on approximately 10-acres located at the northeast corner of McClintock Drive and the Loop 202 Santan Freeway.

E. DVR04-0023/PPT05-0036 DOBSON VILLAGE

APPROVED a request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) and Preliminary Plat approval on approximately 11.4-acres for the construction of a Medical/General Office development located on the northeast corner of Dobson and Frye Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Dobson Village" kept on file in the City of Chandler Planning Services Division, in File No. DVR04-0023, except as modified by condition herein.
2. Right-of-way dedications to achieve full half width for Dobson and Frye Roads, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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. The developer shall be required to install landscaping in the arterial street median 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.
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. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4 foot by 8 foot sign identifying what is being built and the estimated date of completion for the specified project. This information may be incorporated with the contractor's sign or the "Coming Soon" sign on the subject site.
9. 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.
10. All perimeter landscaping shall be installed as a part of Phase I.
11. The sidewalks along the streets shall be extended to connect to the sidewalks within the development.
12. The landscaping shall comply with the Commercial Design Standards.
13. The monument signs sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
14. Medical Office uses shall be limited to a maximum of 80% of the building square-footage.
15. **Pedestrian seating areas with water and art features shall be provided at the building areas. Details to be worked out with staff.**
16. **Textured paving shall be provided at all driveway entrances.**
17. **Pedestrian pathways shall be provided from the adjacent streets to the buildings across all drive aisles. Details to be worked out with staff.**
18. **The applicant shall work with staff to add additional architectural features and materials to further define the individual buildings from one another.**

Staff recommends approval of the Preliminary Plat subject to:

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

F. PDP05-0019 WELLS FARGO AT MCQUEEN VILLAGE SQUARE

CONTINUED TO THE 12/07/05 PLANNING & ZONING COMMISSION MEETING AGENDA, a request for Preliminary Development Plan (PDP) approval for a freestanding bank pad within the McQueen Village Square commercial center. The site is located west of the southwest corner of Ocotillo and McQueen Roads.

H. DVR05-0036 T-SYS WESTERN OPERATIONS CENTER

APPROVED a request for rezoning from Agricultural (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan for an industrial development including a data center and an office building on approximately 15.6 acres located on the west side of Price Road one half mile north of Queen Creek Road.

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 Exhibit A, Development Booklet, entitled "T-SYS Western Operations Center", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0036, except as modified by condition herein.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
10. 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.
11. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas. In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.
12. **The north driveway shall be centered on the property line coinciding with the existing median break to be shared with the existing proposed development to the north.**
13. **The south driveway shall have a continuous deceleration lane as an extension of the existing deceleration lane for the Wells Fargo driveway to the south.**
14. **Pedestrian seating areas with interest features shall be provided in the open space.**

15. **Paving features shall be provided at the entry driveways and the pedestrian walkway areas in the parking lot.**

I. UP05-0059 LA FAMILIA MARKET, INC.

APPROVED a request for Use Permit approval to sell wine and beer for off-premise consumption only (Series 10 Wine & Beer Store License) at a convenience store located at 545 North Arizona Avenue.

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 beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
4. Changes to the hours of operation shall require new Use Permit application and approval.
5. 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.

J. UP05-0057 CHIPOTLE MEXICAN GRILL

APPROVED a request for Use Permit to sell liquor (Series 12 Restaurant License) at a restaurant located at 2895 S. Alma School Road Suite 1.

1. The Use Permit is for a Series 12 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
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 Use Permit is non-transferable to any other store location.

K. UP05-0062 WATERFRONT GRILL

CONTINUED TO THE 12/07/05 PLANNING & ZONING COMMISSION MEETING AGENDA, a request for Use Permit to sell liquor (Series 6 Bar License; all spirituous liquor) at an existing restaurant located at 1949 W. Ray Road Suites 11, 12, and 13.

CHAIRMAN FLANDERS asked whether any citizen wished to pull any of the items from the Consent Agenda for a full presentation. There were no requests.

VICE CHAIRMAN HEUMANN referred to Agenda Item H and welcomed Total System Services to the City of Chandler. He noted that the new project represents new employment opportunities. He said that he looks forward to working with them on future projects.

MOVED BY VICE CHAIRMAN HEUMANN, SECONDED BY CHAIRMAN RYAN, to approve the Consent Agenda Items, with additional stipulations, as read into the record. The motion was approved (5-0).

ACTION AGENDA:

A. AP04-0004/DVR03-0035/PPT05-0027 STONEFIELD (MARACAY HOMES)

Area Plan amendment from multi-family residential, single-family residential, and commercial to medium-density single-family residential, single-family residential, and commercial. Rezoning from Agricultural (AG-1) zoning to PAD for medium-density single-family residential, single-family residential, and commercial with Preliminary Development Plan (PDP) and Preliminary Plat approval for the residential portion. The property is located east of the southeast corner of Germann and Dobson Roads.

JODIE NOVAK, PLANNER II, advised that the item before the Commission is an Area Plan Amendment, a Rezoning Request and a Preliminary Plat for a single-family subdivision by Maracay Homes. The project is called Stonefield and is located east of the southeast corner of Germann and Dobson Roads near the Clemente Ranch area of the City. The project includes two different single-family residential components. A portion of the development includes 114 single-family lots, which are called a z-lot configuration and the other portion of the project includes 85 standard single-family residential lots. The proposal includes a variety of different housing products throughout the subdivision – green belts, open spaces, community recreation facilities including a community swimming pool and is consistent with the single-family residential development within the area adjacent to it on the northeast and south sides. The property is currently area planned to include a multi-family component and the applicant is requesting that the multi-family land-use designation be changed to a single-family designation in conjunction with the other portion of the development that already is single family. She advised that Planning staff feels that the development is in conformance with the City's Residential Development Standards, the Subdivision Diversity Standards and the Architectural Diversity Standards for the product. Staff has met with the neighborhood on two occasions and two different neighborhood meetings were held over a six-month period of time. Staff is not aware of any opposition and everyone seems supportive of the development of single-family land use coming into the area. She added that there is one resident who lives in the Clemente Ranch subdivision who has concerns about the smaller lot development within the community, which averages approximately 4230 square foot sized lots (the z-lots). She noted that she and the applicant have spoken with the resident regarding the concerns and indicated that the citizen intends to address the Commissioners this evening. **MS. NOVAK** advised that staff recommends approval of the Area Plan Amendment as well as the Rezoning and Preliminary Plat for Maracay Homes subject to the following stipulations:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Southshore Village", kept on file in the City of Chandler Planning Services Division, in File No's. AP03-0003 and DVR04-0058 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 for arterial and collector streets, 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 landscaping in all open-spaces and rights-of-way shall be maintained by the homeowners' association.

9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
10. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.
    In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Southshore Village development shall use treated effluent to maintain open space, common areas, and landscape tracts.
11. The approximately 13-acre commercial site is approved on a conceptual PAD status only and shall require separate Preliminary Development Plan application and approval.
12. No more than two identical side-by-side roof slopes should be constructed along arterial streets or public open space.
13. All homes built on corner lots within the residential subdivision shall be single-story or a combination of one- and two-story with the one-story portion on the street side.
14. The same elevation shall not be built side-by-side or directly across the street from one another.
15. For lots adjacent to the arterial street, two-story homes are limited to every third lot.
16. A minimum of two trees shall be planted in all front yards.
17. Rear yard covered patios shall be provided for all housing plans.
18. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.

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

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

CHAIRMAN FLANDERS referred to the z-lot configuration and asked what number of units per acre were being proposed. **MS. NOVAK** responded that the applicant is requesting that the z-lot portion contain 5.92 dwelling units per acre. She advised that if the multi-family component was approved, the applicant would be able to request up to 18 dwelling units per acre and much would depend on the type of product and layout, but it would be a much higher density. The average density of apartment complexes in the area would average about 15 to 18 dwelling units per acre.

MR. ED BULL, BURCH & CRACCHIOLO, representing the applicant, noted that the property under discussion is the Dennis Dugan Dairy on Germann Road. He stated that staff and the Commission have had the opportunity to review and discuss the case and they are fully supportive of staff's recommendations, including additional Stipulation #19, which was discussed at the Study Session. Two neighborhood meetings were held and positive comments were received. He requested that he be allowed to readdress the Commission after Mr. Coltman, the resident who has some concerns, has presented his remarks.

MR. DON COLTMAN, 1404 W. ORIOLE WAY, expressed the opinion that the z-lots are way too small and not consistent with their subdivision; there is not one lot in the San Clemente subdivision that is 4200 square feet in size, the smallest one he could find is approximately 5400 square feet. He added that he lives in a larger section where the lots are approximately 10,000 square feet in size and said that the standard homes will be on 7200 square-foot lots and will back up to homes that have approximately 8400 square feet. He stated that he has no problem with those and if the lots were 6,000 square feet and larger, he would not be at the meeting. A few years ago, Trend Homes tried to put homes on some very small lots saying that some people want high-end houses with smaller yards. Homestead Homes is currently building homes at that site that he believes are 5,500 to 6,000 square feet in size. He understands that the builder would like to get as many units as possible (almost six per acre) and said the formation of a HOA would be great but he does not believe that an HOA can really manage that as well as it could manage an apartment complex. Mr. Coltman stated that he is not really supportive of apartments either but is not convinced that the small lots are better than apartments. He suggested to Mr. Bull and staff that they consider developing duplex-type homes on this segment to provide more open space. He reported that the homes will have five-feet side yard setbacks and believes the setback is 20 feet in the front. He discussed the fact that people bought homes in a development similar to the proposal 12 or 13 years ago and paid $70,000 for them but emphasized that now most of the homes are rentals. He acknowledged that Maracay Homes has an 18-month moratorium on renting and/or turning the homes over and said he supports this concept. He spoke in opposition to what he calls "ticky/tacky little lots" and their potential on surrounding neighborhoods and property values. He stated that the project is not consistent with Clemente Ranch and requested that Maracay Homes develop larger lots and more open space (minimum of 6,000 square foot lots). He noted that he missed the first meeting and was traveling when the second meeting was held. There are 1700 homes in Clemente Ranch and the notifications were sent out to a selected group based on radius to the project. A minimal number of attendees were at the meetings and expressed the opinion that the Clemente Homes' HOA knew nothing about the meetings.

CHAIRMAN FLANDERS thanked Mr. Coltman for his remarks.

In response to a question from the Chairman regarding subdivisions containing z-lots, **MS. NOVAK** advised that there are two existing z-lot configuration subdivisions within this area of Chandler. South of Chandler Heights Road and west of Arizona Avenue (behind the post office) is another Maracay development and a portion of it contains z-lot development along with standard homes. The subdivision is gated and very successful, well maintained, and has its own HOA. East of Arizona Avenue on the north side of Chandler Heights, McGee Homes has built another project containing z-lots as part of the Pinelake Estates community. It is sold out, is being well managed and meets City standards. There are others in the northern part of the City that are infill projects, part of larger developments that included a commercial component. Another project is located near Ray & McClintock and one off of Dobson Road that has been sold out. She stated that the projects offer diversity with different types and sizes of lots to meet certain lifestyles and offers a variety and diversity of housing product for various individuals who may want to live in Chandler.

Discussion ensued relative to the fact that the project would have its own HOA; the meeting notification process that was followed and the fact that San Clemente's Property Management Company was notified

of the meetings and they typically send the notices on to the HOA Boards and the fact that staff has not received any notification from the Board regarding complaints and/or opposition to the proposal.

In response to a request for clarification from **VICE CHAIRMAN HEUMANN, MS. NOVAK** confirmed that all property owners located within a 600-foot radius of the property receive notification. In addition, when there is an area plan involved, it triggers a requirement that the notice be sent to owners within a quarter of a mile radius. This project had a quarter of a mile, 1320-foot radius notice because the area plan was a component of that. The Chairman noted that all registered neighborhoods in the City (Congress Neighborhoods) were automatically notified as well according to policy.

MS. NOVAK informed **COMMISSIONER RYAN** that the pool area/tot lot will be located on a high, dry, usable open space area according to set City standards.

In response to a question from **COMMISSIONER GULSVIG**, **MR. KURTZ** advised that z-lot configurations have been around for quite some time, they are not new just "re-branded." A large portion of Twelve Oaks developed z-lots approximately 20 years ago as well as other well-known developments.

COMMISSIONER GULSVIG stated that his initial concerns had to do with the 5-foot side yard setbacks but said that after additional research, he has found that the configuration is more compatible than he initially thought. **MS. NOVAK** advised that she has not witnessed any deterioration in neighborhoods where z-lots were developed.

VICE CHAIRMAN HEUMANN said that the five-foot side yard setback might be somewhat deceiving since some of them have rear garages, side loader garages, etc. He referred to the project at McClintock & Ray (approximately 60 homes that rapidly sold out) and said that the homes are nice and prices began at $180,000 and up. He requested that staff display the site plan to better show the dimension and element the project brings to the City.

MS. NOVAK explained the workings of the z-lot configurations/setbacks as they pertain this particular project for the benefit of the audience and discussed the positive aspects of the proposal.

There were no additional citizens wishing to speak on this agenda item.

MR. BULL readdressed the members of the Commission and said that neither he nor the applicant is anti-apartment or anti-duplex/condo, but that is not Maracay's product on this site. He noted that they are talking about conventional homes and z-lots, which have already been proven successful. He added that they put more money into the homes themselves rather than larger lots and it is all about diversity and quality. He said that this is an opportunity for people who choose to live in this type of home to buy this type of home and live in a very safe and secure area with abundant open spaces, which are maintained by a HOA. He stated that the location is appropriate for this type of development and estimated that compared to the old area plan approximately 485 dwelling units could be built on this property opposed to 199 that they are proposing this evening. He discussed the quality of the project and surrounding development and noted that the residents who attended the meetings were very supportive of the project. He requested the Commission's approval in accordance with staff's recommendation.

In response to a question from the Vice Chairman, **MR. BULL** advised that this same product is now starting in Queen Creek, 12 miles to the east, at about $250,000.

COMMISSIONER RYAN noted that the project began in 2003 and has been updated several times. He asked why the delays had taken place. **MR. BULL** responded that time was spent determining how much space was to be needed and added that there were technical issues associated with street connections that

they also had to address. He added that they also had some engineering issues that took some time to work through and Maracay has been "raising the bar" on the z-lots.

MOVED BY COMMISSIONER GULSVIG, SECONDED BY COMMISSIONER POLVANI, to approve AP04-0004/DVR03-0035/PPT-0027 STONEFIELD (MARACAY HOMES) subject to staff's stipulations.

MS. NOVAK noted that additional Stipulation #19, "*Applicant will work with staff on plans 3042 through 3082 to provide additional windows, wall features and/or decorative soffit vents at gable roof, where necessary, to enhance the second story site elevation.*"

THE MOTION CARRIED UNANIMOUSLY (5-0).

C. DVR05-0024/PPT05-0034 SAN MARCOS COMMONS

Request rezoning from Neighborhood Commercial (C-1), Community Commercial (C-2), Regional Commercial (C-3), Multiple-Family Residential (MF-2), City Center District (CCD), and Planned Area Development (PAD) to Planned Area Development for a mixed use commercial, office, and townhome development located on approximately 13 acres at the southwest corner of Arizona Avenue and Chandler Boulevard. Request PAD overlay for additional building height for an approximate 1-acre parcel in City Center District (CCD) zoning located at the northwest corner of Arizona Avenue and Buffalo Street. Request Preliminary Development Plan (PDP) approval for an approximate 79-unit townhome development located on approximately 5.4 acres at the northeast corner of Buffalo and Dakota Streets.

CHAIRMAN FLANDERS declared a conflict of interest and said that he would turn the discussion over to the Vice Chairman.

JODIE NOVAK addressed the Commissioners regarding this agenda item and noted that the case is a Rezoning request as well as a Preliminary Plat request. She added that this is an exciting mixed-use project in Chandler's downtown and is located along Chandler Boulevard on the south side west of Arizona Avenue. It extends south to Buffalo Street and west to Dakota street. She noted that some of the properties in that area have become vacant over the last year or so and the developer is Desert Viking Downtown Ventures, which has done a lot of redevelopment projects within the downtown area and have conferred with the City to rezone several parcels for a mixed-use development that contains a town house component, as well as a commercial/retail and restaurant and office component. The project includes several zonings on the properties, a variety of commercial zoning districts, multi-family districts, City Center District and they are requesting to rezone several parcels about 13 acres to PAD zoning for the project as proposed. They are asking for Development Plan approval at this time only for the town house component, which includes approximately 79 town house units. The development will be phased, with the first phase being the townhouse development. The project will then phase into the commercial component. There is a parcel of land at the northwest corner of Arizona Avenue and Buffalo Street that has City Center District zoning and that will be a separate phase as well. It will come through the Downtown Architectural Review Committee.

MS. NOVAK commented that the projects offers a unique, urban development concept in an environment that relates very well to the historic downtown area. The architecture ties in very well with the original Spanish Mission revival style of architecture that you would see around the San Marcos Hotel and along the colonnades of the downtown square. She discussed the town house component and said that it will consist of 15 individual buildings with 5 to 6 units per building and all of the buildings have front doors that orient towards the street. There is ample open space, pedestrian walkway areas, and a common swimming pool area for the community as well as direct pedestrian access to a future parking garage in this area and commercial/retail/office/restaurants (live, work and

play environment). The developer is also asking, as part of the zoning, an overlay for height on one of the parcels, a CCD parcel at the northwest corner of Arizona & Buffalo. They want to have the ability to develop two additional commercial buildings and work on an existing commercial building and be able to go up to 45-feet in height. Right now 30 feet is the allowable height. She stated that Planning staff is recommending approval of the development with conditions. A neighborhood meeting was held and there was support for the project. Staff is not aware of any opposition and believe that the parcel definitely establishes some consistency and complements the historic downtown area as well as the surrounding areas along Arizona Avenue and Chandler Boulevard. The town house project offers some unique architecture that is complimentary as well and meets a lot of the City's architectural standards. She added that there are obviously some variances to some of the natural established City guidelines for commercial/residential development because of its unique context in the downtown area. In the downtown, buildings are allowed to be built right at property line, not necessarily to have the 50-foot setbacks that are typically seen in other parts of the community. She noted that staff has developed some specific conditions to clarify that the town house portion is coming before the Commission today for approval and the rest of the development will come back through separate Preliminary Development Plan applications. She indicated her willingness to respond to questions and advised that staff recommends approval subject to the following stipulations.

VICE CHAIRMAN HEUMANN questioned whether another stipulation has been added having to do with Parcel 4 and dust control.

MR. BULL advised that the applicant would be willing to include that as an additional stipulation if the Commissioners so desire but noted that it is a standard Code requirement.

The stipulations are as follows:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "San Marcos Commons and Villas at San Marcos Commons", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0024, 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. 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. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. A homeowners' association shall maintain the townhome development landscaping including all open-spaces and rights-of-way. For the commercial development, the adjacent property owner shall maintain landscaping including all open-spaces and rights-of-way.
10. All streetlights, common area lighting, and building lights shall be the "Sternberg Prairie" style or equivalent quality and appearance.
11. All transformer boxes, meter panels and electric equipment, back-flow valves and any other utility equipment shall be painted to match the building color.
12. The townhome development shall install the townhome subdivision name monument sign and the Buffalo Street monument sign exhibited in the Development Booklet.
13. A comprehensive sign package shall be required under a separate Preliminary Development Plan for the commercial retail and office development.
14. 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.
15. The commercial retail and office development shall be reviewed and approved through a separate Preliminary Development Plan.
16. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.

Upon finding the consistency with the General Plan and downtown Redevelopment Plans, Staff recommends approval of the Preliminary Plat subject to the following stipulation:

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

In response to a question from **COMMISSIONER RYAN, MS. NOVAK** replied that the new part of the San Marcos Hotel's height is approximately a four-story structure (west side of the hotel property) so in the 50 to 55-foot range. The main part of the hotel is a little lower.

VICE CHAIRMAN HEUMANN commented that this is a project that the City is really excited about. The case would typically have been placed on the Consent Agenda but the Commissioners felt it was important for the audience and viewers at home had the opportunity to see one of the next phases that is going to occur in downtown Chandler.

MR. BULL, representing Desert Viking, said that it has been a real pleasure to work with everyone on this project. It is a very high-quality, mixed-use downtown redevelopment site on a vacant in-fill piece of land. He discussed the architecture and integrated components and places some exhibits on view for the benefit of the audience and discussed the site plan of the project. He emphasized all of the work that has gone into the development and urged the members of the Commission to support this high-quality project.

COMMISSIONER GULSVIG questioned the integration of the existing Qwest Building into the total are and was advised that it will stay in place as well as their parking along the north side. **MR. BULL** advised that the existing building will be nicely integrated into the overall development and noted that some enhancements were done to the building a few years ago and it is their hope that through things they are planning to do (pedestrian orientations, landscaping, etc.) that it will be compatible with the overall project. He stated the opinion that it is serves as a "switching building"

and that the associated traffic will come to and from Chandler Boulevard and there will be opportunities to get in and out without creating any problems.

ERNIE SERRANO, 599 W. TOLEDO STREET, representing the Downtown Chandler Community Partnership, spoke in support of the project and discussed the high quality redevelopment efforts in the downtown area that have been the direct result of the applicant in this case. He spoke in high regard of their work product and said that the Partnership supports moving forward. He said that the Serrano family is also excited about what is happening in the downtown area and commented on the benefits of the up-scale, mixed-use project in the area.

BECKY JACKSON, 25 S. Arizona Avenue, representing the Chandler Chamber of Commerce, spoke in strong support for the proposed development. She noted that the Chamber has forwarded a letter of support to the Commission and emphasized that the applicants have been good community partners in the past and they anticipate this continuing in the future. She added that they will bring much needed quality into the downtown area and the housing will fill an important void and help the business owners as well. She commented on the project's location (entrance to downtown) and emphasized the importance of developing a quality project on this site.

DOROTHY WOODS RUOFF, 245 N. WASHINGTON, representing the Silk Stocking Neighborhood, also spoke in support of the project and expressed the opinion that it represents an excellent development at an ideal location. She said that they are the closest neighborhood to the project and they want to see it go forward. She advised that the neighborhood is in the process of seeking historic designation and the area runs from Arizona Avenue to Delaware and from Chandler Boulevard on the south to Erie on the north. She added that this project will make their area that much better and said that they have reviewed the plan and approve.

PETER DI SCIACCA, 381 S. COLORADO STREET, a downtown property and business owner, expressed his excitement and support for the project. He noted that any downtown is the heart and soul of a community and said that this project will enhance the quality of life for the entire City. He urged the Commissioners to vote in support of the proposal.

VICE CHAIRMAN HEUMANN thanked the speakers for their input.

MR. BULL advised that the town house portion of the project, Phase I, and if approved will be under construction in the Spring of 2006. The CCD parcel is Phase II (or Phase Ia) could move as well. He emphasized that the developer wants to move forward as quickly as possible.

MOVED BY COMMISSIONER GULSVIG, SECONDED BY COMMISSIONER POLVANI, that DVR05-0024/PPT05-0034 SAN MARCOS COMMONS be approved subject to staff's stipulations.

THE MOTION CARRIED UNANIMOUSLY (4-0) with **CHAIRMAN FLANDERS** abstaining.

MOVED BY COMMISSIONER GULSVIG, SECONDED BY COMMISSIONER RYAN, to also approve the Preliminary Plat.

THE MOTION CARRIED UNANIMOUSLY (4-0) with **CHAIRMAN FLANDERS** abstaining.

G. PDP05-0014 TUTOR TIME - LEARNING CENTER

Request Preliminary Development Plan (PDP) approval for site layout and building architecture for a child day care facility on an approximate four acre site located at the southeast corner of Ray Road and McClintock Road.

CHAIRMAN FLANDERS declared a potential conflict of interest and turned the issue over to the Vice Chairman.

KEVIN MAYO, SENIOR CITY PLANNER, addressed the Commissioners regarding this agenda item and stated that this is a request for Preliminary Development Plan approval for site layout and building architecture for a child day care facility located south of the southeast corner of Ray and McClintock Roads. He noted that the site is approximately 4 acres in size. He advised that the case was continued from the September 21st meeting to give the applicant additional time to work out issues raised by the Planning Commission, staff, and a neighbor who attended the hearing. He briefly outlined the issues that were raised and how the applicant has chosen to address them. He said that a concerns were raised related to the overall traffic pattern throughout the entire development, (relating to Tutor Time and the balance of McRay Plaza); an issue was raised about the vicinity of immediate parking for the patrons of Tutor Time; a free-standing monument sign was proposed on Ray Road that would have been a Code deviation; a neighbor who attended the neighborhood meeting discussed her concerns regarding the saturation of day care facilities in the area; the location of a trash enclosure; improper landscaping; screening from residential homes south and east, and general noise generated by the children at play.

MR. MAYO said that the site plan has been amended and there used to be vehicular access all around the building. The building has now been pulled south and the access drive along the south has been removed and landscaping has been installed allowing for screening trees to be placed all the way down the south side of the building and east side as well. The removal of the drive aisle also prevents full traffic circulation around the building and provides for a "dead end" drive aisle for the patrols of Tutor Time. They also created seven new additional spaces right within the vicinity of the entrance to the facility. An idea had been suggested regarding cutting off the drive aisle that currently exists at the Tutor Time site and moving it further south to align closely with the 660 mark from the intersection to provide a median cut along McClintock Road. The applicant as well as the property owner to the south looked into this and based on the cost, determined not to pursue that endeavor and the drive aisle now remains as is. The trash enclosures were moved to the very northwest corner of the site (as far away as possible from residential homes) and the playground still remains on the north side of the building to allow the building to physically screen the noise from the neighbors. Staff initially had concerns about the additional monument sign on Ray Road. The applicants looked at the signage for the overall center and proposed removing a 14-foot sign on the Mc Ray Plaza site and rebuilding it/updating it and adding a third tenant panel. Staff received a telephone call today from one of the property owners at McRay Plaza stating that that has not been agreed upon and discussions will most likely occur tonight. Staff's recommendation goes forward as approval without any additional signage on Ray Road with stipulations as follows:

Compliance with original stipulations adopted by the City Council as Ordinance No. 1909, in case Z87-156 RAY & MCCLINTOCK.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Tutor Time Child Care and Learning Center" kept on file in the City of Chandler Current Planning Division, in file number PDP05-0014 TUTOR TIME LEARNING CENTER, 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 property owners association.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. At the discretion and by written notice of the Zoning Administrator, the applicant shall implement the contingency parking plan 'optional site plan' as outlined in the attached Development Booklet.
6. The monument sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.

MR. MAYO advised that yesterday staff received a letter and petition from residents in opposition to the proposal (distributed at the meeting) and reiterated that staff recommends approval; it is a PDP and the commercial land use, zoned back in 1987 as part of the larger McRay Plaza. The Tutor Time day care facility is consistent with current commercial zoning designation.

In response to a request from **VICE CHAIRMAN HEUMANN, MR. MAYO** displayed aerial photographs and maps depicting the items referred to above.

Discussion ensued relative to landscaping in the median and the fact that a stipulation would need to be added; concerns regarding the fact that playground will actually be the focus of the commercial development; the fact that most previously approved day care centers were located back in the corner, more concealed from the street; the fact that another Tutor Time exists east of it on the north side of Ray Road; an example exists at Dobson and Elliot; comments regarding poor planning practices in this particular situation; the median cut situation and traffic situation as explained by Traffic Engineer Mike Mah; concerns regarding the fact that there is no way to head south; the fact that the typical distance from a major intersection is roughly in the range of 550 feet and they can go as close as that to maintain a left-turn base in the two different directions (in this case it would eliminate the possibility of the Jewish Center making use of a left turn and staff preference to have a median break that is shared on the property line between Tutor Time and the Jewish Center); and safety factors and costs regarding median cuts.

PAUL GILBERT, 4800 N. SCOTTSDALE ROAD, representing The Focus Group and Tutor Time, commented that the requested use is a permitted use that is consistent with the General Plan. He noted that the issue is the site plan and not the use. He added that a Use Permit is not needed and staff has made a finding that the request is consistent with the General Plan and PAD Zoning. He commented that the case was continued to provide the applicant time to address a number of issues and noted that nine (9) changes have been made to the plan in order to address expressed concerns. He reiterated the proposed changes as outlined above, stated that they support staff's stipulations and will work with them regarding landscaping, and requested that the Commissioner's approve the applicant's request.

VICE CHAIRMAN HEUMANN asked whether the playground on the north side would only be accessed through the project itself. The project's architect, Boris, addressed the Commissioners and explained that as far as access, they would have to go into the building first, enter a corridor and follow a corridor to the playground. The Vice Chairman noted that the meeting was continued approximately 6 to 7 weeks ago and asked whether a neighborhood meeting has been held since the last meeting to work out some issues.

MR. PETER MCQUAID, REPRESENTING THE FOCUS GROUP, 719 E. PARSON ROAD, PHOENIX, said that the original meeting was held before the continuance and said that no neighbors showed up. Since the last meeting there have not been any additional neighborhood meetings; the applicant has been working with staff regarding the neighbor's comments. He said that they believed they could address that neighbor's concern and there was no need to hold another neighborhood meeting.

Discussion ensued relative to the easement and the fact that the major tenant at the center has indicated no interest in participating in a median cut to benefit the entire center or changing the access.

KEVIN CROWL, COMMERCIAL MANAGEMENT, the property management company, speaking on behalf of the owners of McRay Plaza and on behalf of himself as a future residential property owner in the area, expressed concerns regarding retail properties in that area. He said he has several concerns with Tutor Time moving into the area, namely the usage of the monument sign (another daycare center is currently located at that location and concerns exist about oncoming competition at the same site). He said that whoever uses that site should bring additional customers and business to existing tenants, not take away the business of existing tenants. He requested that the Commissioners deny the request.

MARY HOWARD HARRIS, 860 N. VALENCIA DRIVE, also spoke in opposition to the request, said that her property backs up to the proposed business. She said that she drew up a petition with 90 signatures against the project going forward (versus the 35 turned in yesterday). She said that the petition included homeowners, businesses in the Plaza and businesses doing business with existing businesses at the Plaza. She noted that the playground has increased in size and the residents have parking concerns as well. She said that she visited some of the Tutor Time facilities and the one on Rural Road holds 175 children and the director was going to move from that facility to the proposed one. She then went to the one at Dobson and Ray and was told that the one on Dobson holds 310 children. She was advised that the one of McClintock would be double the size of the one at Dobson. She discussed a number of additional concerns, regarding traffic, and urged the Commissioners not to approve the request.

VICKI PEARSON, 3875 W. RAY, said that she is the owner of an existing daycare center at that location (Tree of Knowledge) and spoke in strong opposition to approving the applicant's request. She said that the plan is a good one but believes it would be detrimental to her business. She discussed the fact that she had not received any notification and is locked into a 10-year lease. She referred to a plan that depicted her location versus the proposed Tutor Time location and asked the Commissioners to protect her business and her livelihood and deny the request.

Discussion ensued relative to the fact that several accidents have occurred at the location because people make U-turns onto McClintock; the fact that the median does work because they can only go one way; staff parking (on north side); the fact that the facility at Dobson at Ray is just over 15,000 square feet and the proposed facility would be one-third bigger; enrollment and the fact that 260-300 children would be enrolled with a 175-200 daily average.

Mr. Gilbert commented on the monument sign and stated that either the applicant will be able to "hook onto" the monument sign or not but they have dropped their request for a separate free-standing monument sign. They will either add their name to the existing sign as a third tenant or not have any sign. He discussed the competition issue and said that competition is not a valid consideration in approving or disapproving the site plan. He said that the proposal is an allowable use. He noted that the increase to the playground (3,000 square feet) is a positive move and the Rural facility will close down as soon as the new facility is open for business. He said whether the site plan works is the issue before them this evening. He discussed the changes that have been made in response to concerns and asked the Commissioners to approve staff's recommendation.

COMMISSIONER RYAN said that he is prepared to make a motion for denial and expressed the opinion that the main focus of the building and the way it sits (orientated to the street frontage) will make the playground the focus of the commercial shopping center and he does not feel this is right. He added that the person who already owns a day care facility at the center has a good point – when you look at adding 200 students to her clientele, you are talking about a lot of traffic generated in a

short period of time, mornings and afternoons. He added that a commercial center should not have that much traffic, particularly involving children. He said that the proximity of the project to the residential development is also a major concern. He noted however that in many situations, Tutor Time is a good neighbor but in this situation, he does not believe approving the request would be appropriate.

COMMISSIONER GULSVIG expressed concerns regarding the overall traffic that would result and said that he has been uncomfortable with this plan since day one.

COMMISSIONER POLVANI concurred with the Commissioner's comments and added that the use is too intense for this location.

VICE CHAIRMAN HEUMANN expressed concerns regarding the size and intensity of the project as well as traffic issues. He said that the neighborhood issues also concern him and noted that many of the issues remain outstanding. He added that he is not sure he wants to go as far as denial at this point as much as potentially allowing the applicant to go back to work with the neighborhood or going through the Design Review Committee to work out some of the issues (size of the building, intensities, etc.) He said that they may not be able to be addressed and the final outcome may be denial. He added that to be fair to the neighborhood and to the applicant perhaps they should be given the opportunity to work out some of the issues or maybe not. He emphasized that his major concern is the intensity of the use for the area and the traffic. He added that he is not sure that the numbers they are being given are accurate and perhaps before a final decision is made they should be clarified. He asked what the pleasure of the Commissioners is at this point.

Discussion ensued relative to the fact that sending the case back to the Design Review Committee would not really address the main concerns and a recommendation to send the case on to the City Council with a recommendation for denial unless the applicant is willing to substantially downsize the project.

MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER GULSVIG, that the request for a Preliminary Development Plan for PDP05-0014 TUTOR TIME – LEARNING CENTER, be denied. **MOTION CARRIED UNANIMOUSLY (4-0)** with **CHAIRMAN FLANDERS** abstaining.

6. DIRECTOR'S REPORT

There was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is November 16, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 7:46 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 16, 2005 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:34 p.m.

2. Pledge of Allegiance led by Commissioner Gulsvig.

3. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commission Jeanette Polvani
   Commissioner Mark Irby
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig

   Absent and Excused: Commissioner Phil Ryan

   Also Present:

   Mr. Doug Ballard, Planning & Development Director
   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Mr. Bill Dermody, Planner
   Mr. Kevin Mayo, Planner
   Ms. Jodie Novak, Senior Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER POLVANI to approve the minutes of the November 2, 2005 meeting. Motion was approved (4-0) with Commissioners Irby and Anderson abstaining due to their absence at the previous meeting.

5. CONSENT AGENDA ITEMS

   Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He explained that the Consent Items were marked by an asterisk on the agenda and would be approved with one single motion.

   CURRENT PLANNING MANAGER JEFF KURTZ advised Item D (Chandler Corporate Center) was scheduled for the Action agenda and that the Consent items were: A, B, C, E, F, G, H, I, J, K, and L.

   Item C – Raintree Ranch Center had additional stipulations:

   18. The applicant shall work with Staff on Anchor A west elevation to incorporate a trellis and other architectural features found on north elevation main entrance with the addition of green screens to break up wall plane. For Shops A southeast elevation, raise the wall height at certain locations to provide a varied roofline.
   19. Provide landscape areas including planters or planter pots with trees to provide vertical relief along Anchor A and Major A's north side.
   20. Provide a six-foot screen wall within the landscape median between the two drives along Linda Lane.

21. ***Relocate some shade trees on perimeter of the Ray Road and Coronado Street pedestrian plaza area to the plaza's interior.***

Item E – EVDI Medical Imaging was revised to have a two-year time limitation instead of a three-year time limitation.

Item G – Commercial Painting, Inc. had an additional stipulation added:

6. The paint booth shall comply with all requirements within the Building Code and EPA standards in regards to air quality.

Chairman Flanders asked if anyone in the audience wanted to pull any of the Consent agenda items. There was no response from the audience.

With regard to Item C – Raintree Ranch, Vice Chairman Heumann welcomed Whole Foods to Chandler. He stated that he wanted to send a message to Council in that the applicant was spending millions of dollars on doing a good center for the city with some new anchors. He pointed out that there is a lift station on the corner of Price and Ray road that the city owns and wanted to see the city do something to upgrade the landscaping when the applicant starts breaking ground on the new development.

A. DVR05-0031 CANYON ROCK MARKETPLACE AT SANTAN

CONTINUED TO DECEMBER 7, 2005 PLANNING AND ZONING COMMISSION MEETING AGENDA, a request for rezoning from Planned Area Development (PAD) for commercial retail uses to PAD Amended for a commercial retail and hotel development with Preliminary Development Plan (PDP) approval on approximately 20.4 acres located at the southwest corner of Alma School and Pecos Roads.

B. DVR05-0035 ARBOLEDA ESTATES

CONTINUED TO DECEMBER 7, 2005 PLANNING AND ZONING COMMISSION MEETING AGENDA, a request for rezoning from Agricultural (AG-1) zoning to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for 6 single family homes on approximately 4 acres. The property is located west of the southwest corner of Alma School and Germann Roads. **(REQUEST CONTINUANCE TO THE DECEMBER 7, 2005 PLANNING AND ZONING COMMISSION MEETING AGENDA.)**

C. DVR05-0041 RAINTREE RANCH CENTER

APPROVED a request for rezoning from Planned Area Development (PAD) zoning with a mid-rise overlay for a business hotel to PAD for commercial retail on approximately 3.5 acres of an approximate 17-acre site with Preliminary Development Plan (PDP) approval on the entire 17 acres for a commercial retail shopping center. The property is located at the southeast corner of Price Road (Loop 101 Freeway) and Ray Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Raintree Ranch Center", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0041, 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. The developer shall be required to design and construct a traffic signal at the intersection of Ray Road and Coronado Street. The developer shall contribute 92% of the total cost for this traffic signal.
5. Compliance with Ray Road Streetscape Standards to include landscaping, streetscape, provision of staggered and decorative walls and planters.
6. 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.
7. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. 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.
10. 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.
11. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
12. Landscaping shall be in compliance with current Commercial Design Standards and Zoning Codes including all quantity and size restrictions.
13. 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.
14. Freestanding pads A, B, and C shall be reviewed and approved through a separate Preliminary Development Plan. The freestanding pads shall carry an architectural level of detail similar to front facades of main buildings within the commercial center, architectural designs set forth in the Development Booklet, and in accordance with the Commercial Design Standards.
15. Freestanding tenant identification monument signs shall be at least 150 feet from the street corner.
16. Freestanding tenant identification monument signs are not permitted along Linda Lane and Coronado Street.
17. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
18. **The applicant shall work with Staff on Anchor A west elevation to incorporate a trellis and other architectural features found on north elevation main entrance with the addition of green screens to break up wall plane. For Shops A southeast elevation, raise the wall height at certain locations to provide a varied roofline.**
19. **Provide landscape areas including planters or planter pots with trees to provide vertical relief along Anchor A and Major A's north side.**
20. **Provide a six-foot screen wall within the landscape median between the two drives along Linda Lane.**
21. **Relocate some shade trees on perimeter of the Ray Road and Coronado Street pedestrian plaza area to the plaza's interior.**

E. UP05-0051 EVDI MEDICAL IMAGING

APPROVED FOR A TWO-YEAR USE PERMIT TIMING EXTENSION, a request for Use Permit extension for a mobile Positron Emission Tomography (P.E.T.) Scanner unit to be parked outside of EVDI Medical Imaging within a commercial center located at the northwest corner of Alma School Road and Chandler Boulevard (1076 W. Chandler Blvd.)

1. The Use Permit shall be granted for a period of two (2) years, at which time re-application shall be required. The two-year time period shall begin from the date of City Council approval.
2. Substantial expansion, modification beyond the approved exhibits, or increase in number of days the temporary unit is on site shall void the Use Permit and require a new Use Permit application and approval.

F. UP05-0052 TAILOR MADE TRAINING

APPROVED a request for Use Permit extension to board up to 20 horses on a single-family property located at 3056 S. Diamond Drive.

1. Substantial expansion, modification beyond the approved exhibits, or increase in number of horses on site shall void the Use Permit and require a new Use Permit application and approval.
2. All external lighting shall be so located and designed to prevent lighting rays from being directed off of the property upon which the lighting is located.
3. The property must be maintained in a clean and orderly manner.
4. The Use Permit shall be granted for a period of five (5) years, at which time re-application shall be required. The five-year time period shall begin from the date of City Council approval.

G. UP05-0053 COMMERCIAL PAINTING, INC.

APPROVED a request for Use Permit extension to continue the operation of a motor vehicle and equipment, paint and bodywork business within an I-2 zoned district for property located at 400 E. Ray Road.

1. All vehicle and equipment, paint and bodywork, shall occur within the building.
2. All signage, whose text shall be limited to business name identification only, shall be in conformance with the Chandler Sign Code.
3. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
4. The Use Permit is effective for a period of three (3) years from the date of City Council approval. Operation of the business beyond the three-year time period shall require re-application to and approval by the City.
5. The landscaping along Ray Road shall be upgraded to meet current Code.
6. **The paint booth shall comply with all requirements within the Building Code and EPA standards in regards to air quality.**

H. UP05-0073 RED KILT GRILL & PUB

APPROVED a request for Use Permit approval to sell liquor for on-premise consumption only within a restaurant (Series 12 Restaurant License). The subject property is located at 3163 W. Chandler Boulevard within the Chandler Fashion 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 new Use Permit application and approval.

I. PPT05-0045 CORNERSTONE CHRISTIAN FELLOWSHIP TWO

APPROVED a request for Preliminary Plat approval for a church parcel located at the southeast corner of Alma School Road and Willis Road.

J. PPT05-0031 TSYS WESTERN OPERATIONS CENTER

APPROVED a request for Preliminary Plat approval for an industrial subdivision located on the west side of Price Road one-half mile north of Queen Creek Road.

K. PPT05-0037 SANTANA RIDGE CONDOMINIUMS

APPROVED a request for Preliminary Plat approval for a condominium development located at the southwest corner of Markwood Drive (south of Queen Creek Road) and Gilbert Road.

L. PPT05-0018 ELLIOT & 101 PROFESSIONAL VILLAGE

APPROVED a request for Preliminary Plat approval for an office development located at the southeast corner of Elliot Road and the Loop 101 Price Freeway.

MOVED BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER IRBY, to approve the Consent Agenda Items, with additional stipulations, as read into the record. The motion was approved (6-0) with Chairman Flanders abstaining (employed by the Architect of record) on item C, and Commissioner Anderson abstaining (worked as a Consultant) on item I.

ACTION AGENDA:

D. PDP05-0009 CHANDLER CORPORATE CENTER

Request Preliminary Development Plan approval to construct a mixed use development that includes industrial, warehouse, and office uses on approximately 75 acres. The subject property is zoned Planned Area Development (PAD) and is located north of the northwest corner of McClintock Drive and Chandler Boulevard.

MR. JEFF KURTZ, CURRENT PLANNING MANAGER, stated that the development would be located at the northwest corner of McClintock Dr. and Chandler Blvd. and would consist of approximately 75 acres and was a multiple building development with up to 24 different buildings on the 75 acres with a total of 1.2 million square feet of building area. He stated that there was a rich history on the zoning for the property. The request is a Preliminary Development Plan to review the architectural details of the proposal, as well as landscaping and signage details.

The zoning started back in 1981 when the property was zoned for commercial and industrial land uses. In 2000, a development went forward and was approved by Council for a Preliminary Development Plan that included the site layout. At that time there was a great deal of community input on the aspects of that development and a lot of the things that were talked about were the uses that were allowed, uses that were being considered, and uses that were being proposed. Mr. Kurtz stated that one aspect that staff focused on was the warehousing aspect of the development. Preceding Council's approval, the development plan submitted by the applicant included a great deal of distribution warehousing type facilities. That was not permitted in 2000, nor is it a part of the current application to use warehousing distribution buildings as a part of it. Any warehousing that will be done as a part of this development will be a part of otherwise allowed uses, a use that would have a storeroom in the back, as opposed to a distribution facility (such as Bashas' food distribution in west Chandler).

In 2000, Council approved the site layout for the overall master plan finding conformance with the 1981 plans in terms of what this represents as a business park as opposed to an industrial subdivision.

The current plan has a minimum of at least 18 different buildings. There are seven different parcels with specific development guidelines represented in the graphic presentation of what the buildings look like, as well as in the text of the development booklet that explain the development quality of the master plan. There is a coordinated master landscape palette throughout the development, a coordinated lighting plan and a coordinated signage plan with the goal of presenting this as a business park, a unified entity.

The first phase that will be developed on the property will be the MediServe building and will be built in two different phases, the northernmost portion in the first phase. It is located at the northwestern side of the master plan adjacent to Desert Breeze Park. It incorporates all of the aspects that were important to the community at the time of the 2000 plan, including the 50-ft. wide City park landscape strip located along the south side of Desert Breeze Boulevard. No access is provided from this development to Desert Breeze Boulevard.

There are a variety of different development parcels. Along the northern side adjacent to Park Promenade subdivision are parcels B & C. The uses within that development are limited to light industrial office warehouse uses. They are not distribution facilities like you might find within an industrial park. Parcel B (flex office), the westernmost parcel, is limited to single story buildings. They are set back from Desert Breeze Boulevard by the 50-ft. wide park and also separated by the parking lot for those facilities. Parcel C is located at the eastern end of the site, also on Desert Breeze Boulevard, is planned for office condominiums and small individual buildings. Parcels D and E are the interior parcels located along McClintock and located interior to the site. Those are planned for general office, general industrial, and also warehousing as a part of an otherwise permitted use. Those would be allowed to have I-1 uses and office uses. There may be two-story buildings as a part of that development. Lastly, a part of the master plan, but not a part of the application, are parcels F and G, located at the intersection of Chandler Boulevard and McClintock Drive. They will be required to return to Commission and Council for their own specific development plans for any future development on that site.

The proposed plan implements the already approved land uses that were of a concern in 2000. The plan represents the land uses as well as the layout. What is being brought forward is the implementation of the expectations that the Council placed on the property when it was zoned in 2000. The unified signage plan is comprehensive throughout the development, as well as the landscape plans, which meet the City's Commercial Design Standards.

Mr. Kurtz noted that the neighborhood was notified of the development and a neighborhood meeting was held on October 17th.

Mr. Kurtz stated that an additional memorandum was passed out to the Commission, which included four additional stipulations for their consideration. With that and the stipulations contained in the staff report, Staff recommended approval.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Corporate Center", kept on file in the City of Chandler Planning Services Division, in File No. PDP05-0009 CHANDLER CORPORATE CENTER, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinance No. 1968, in case Z88-018 CHANDLER CORPORATE CENTER.

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.
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. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
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 entire site shall be in compliance with current Commercial Design Standards including landscaping, signage, building design, and additional quality standards.
9. Landscaping in all open spaces and rights of way shall be maintained by the adjacent property owner.
10. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4' x 8' sign identifying what is being built and its estimated date of completion (this information may be incorporated with the contractor's sign or the "Coming Soon" sign.
11. A traffic signal is to be installed by the developer at the intersection of McClintock Drive and Erie Street.
12. Building architecture for all buildings must be 4-sided and in substantial conformance with the buildings represented in the development booklet.
13. All signage along Desert Breeze Boulevard shall be non-illuminated.
14. All monument signs are limited to two tenant panels.
15. Compliance with all Airport Noise Overlay and Clear Zone conditions as defined by the Zoning Ordinance.
16. Any roof access ladders shall be located inside the building.
17. All roof drainage shall be interior roof drains.
18. All buildings shall be set back a minimum of 50 feet from Desert Breeze Boulevard.
19. A 50' wide minimum landscape strip is required on the south side of Desert Breeze Boulevard. Trees within this landscape strip shall be at least 12' tall at the time of planting, provided at a ratio of 1 tree per 20 linear feet.
20. All building mounted lighting shall be shielded from adjacent residences.
21. Parcels F and G require a separate Preliminary Development Plan.
22. All ground-mounted equipment to be painted to match adjacent project and screened from public view.
23. All buildings on Parcels B & C adjacent to residential homes to provide pitch roof multi level feature with 4' deep overhangs as shown in the Development Booklet; details to be worked out with Staff.
24. Applicant to work with Staff to provide pedestrian sitting and feature areas with water and/or art features at buildings within Parcels A-E.
25. Building mounted signage to be reverse pan channel type signs.

CHAIRMAN FLANDERS questioned if the applicant was in agreement with the additional stipulations.

MR. KURTZ responded that the applicant was concerned with stipulation no. 23.

CHAIRMAN FLANDERS stated that in 2000 there had been some discussion about purchasing land for Desert Breeze Park and some dedication, as well as the 50-ft. wide lineal park that went along Desert Breeze, and questioned if all of that had been completed. Mr. Kurtz responded that it had been completed.

VICE CHAIRMAN HEUMANN asked if the buildings along Desert Breeze Boulevard would be single story. Mr. Kurtz responded that there were no longer two-stories along the Boulevard.

CHAIRMAN FLANDERS asked the applicant to come forward and state his name and address for the record.

MR. MIKE WITHEY, stated that he was representing the applicant and property owner. He stated that he wanted to clarify that this was not a rezoning case. The rezoning and uses that were established on the property were not changing. This was a substitution of one plan for another. He said that the current plan in place was well received from day one, but the neighborhood said that they didn't want the really big buildings. The proposed plan has less square footage than the 2000 plan with smaller buildings.

He went on to elaborate on the history of the property. Mr. Withey said that in the early 1980s the original plan proposed employment, industrial, office and commercial. In 1988 the property was zoned conceptual PAD with no Preliminary Development Plan; the plan showed the two access points on Desert Breeze with a mix of buildings. The zoning has not changed from that time. Subsequently, there was a Map of Dedication approved. The Map of Dedication was for Erie and Juniper Streets, which were built. In 1999 another applicant and property owner brought forward a distribution warehouse plan, which brought significant opposition from all the three surrounding property owners, the associations, and the Desert Breeze Coalition. Eventually that proposal with withdrawn.

Mr. Withey said that that was when he entered the picture with Dermody Properties and when they worked with the Desert Breeze Coalition, Park Promenade, other associations that ultimately led to the approval of the 2000 Plan, which is the plan that is currently approved. The plan was unanimously approved by the City Council and there was no opposition. Subsequently, there were some proposals to do residential, the prior property owner was in support of that, but Staff recommended denial. There was significant opposition from Stellar Airpark. Ultimately the homebuilders that they were in contract with at the time decided not to pursue the matter. Mr. Withey commented that the property was finally in the property owners' hands that saw what the folks had envisioned for the property. The property owners believe that what they're doing is taking a good plan and making it better by doing the smaller buildings and the smaller product. Mr. Withey stated that this is not a large warehouse facility; they may have a small warehouse component behind an office (such as the flex office space). There are no 18-wheelers or loading docks on the buildings. The key features remain the same, which is the no access to Desert Breeze and the 50-ft. lineal park. He also stated that the transaction that Chairman Flanders had asked about had taken place regarding the park expansion.

Mr. Withey stated that the first phase of the development would be MediServe, who is a software company currently located in Tempe. MediServe will kick off the development by doing a two-story class A office project. He felt that it would set the tone and the standards for the rest of the project. The 50-ft. lineal park will also be started. All the buildings along the south side of Desert Breeze will be one story.

CHAIRMAN FLANDERS asked the Commission members if there were any questions of the applicant. There were none at that time.

He then stated to the audience that he would turn to the speaker cards.

Michael Stevenson was in favor of the item, but did not wish to speak.

Bruce Mortensen was in favor of the item, but did not wish to speak.

Zach Mortensen was in favor of the item, but did not wish to speak.

Salomon Lichtenberg was in favor of the item, but did not wish to speak.

Ronnie Rowe, 722 N. Butte Avenue, said that he was involved with the earlier plans. He felt that the proposed plan would be very popular with the neighborhood and welcomed.

Vlado Kovacevic stated that he was against the item.

Senka Kovacevic was opposed to the item.

VICE CHAIRMAN HEUMANN stated to the Kovacevics' that they were welcome to go up and express their concerns and put them on public record. He advised that the Commission was a recommending body to the City Council.

MUHAMMED MAVAL stated that he was a resident of Park Promenade and was in favor of the plan as long as there were no 18-wheelers or loading docks. He wanted to know what the construction schedule was for the development and how long the construction would take. He also had a concern with regard to dust control.

GREG PATTON stated that he was a resident of Park Promenade and was in favor of the development. He stated that he did not receive any of the notification until about one week earlier. He felt something had broken down in the communication process and should be investigated.

CHAIRMAN FLANDERS asked Staff how many neighborhood meetings had been held regarding this development.

MR. KURTZ said that he was aware of one neighborhood meeting, although there may have been other meetings besides. Notices are provided to property owners within 600-feet of the site.

VICE CHAIRMAN HEUMANN stated that it was 600-ft. The Board had been notified, but there was also a meeting last April where the Park Promenade homeowners' association had notified through their process and at the annual meeting.

MR. WITHEY said that the ordinance required a neighborhood meeting, but in addition they had met with some of the surrounding homeowner associations and the Board of Directors. They made a presentation to the Park Promenade HOA annual meeting. Mr. Withey stated that he would be happy to meet with Mr. Patton after the meeting and provide him any information he may need.

He continued that the plan is to start construction as quickly as possible for MediServe and was anticipating that it would be the second quarter of 2006. They were hoping to get MediServe in by the first quarter of 2007.

Mr. Withey went on to say that the first phase would include the street infrastructure. Erie and Juniper Streets will have to be re-done, as well as other streets that access the site. In addition the 50-ft lineal park is being established as a buffer for the neighbors. The buildings will be built as the development progresses and the individual users come in.

Mr. Withey stated that the original stipulations, as well as the additional four stipulations, they were in agreement with; however, he needed to talk about stipulation no. 23 relating to the pitch roof elements. He said that it wasn't a money issue with them, but a design issue. And asked the architect to speak with regard to this issue.

MR. PATRICK HAYES, PATRICK HAYES ARCHITECTURE, 15842 N. 71ST STREET, SCOTTSDALE, AZ. stated that in this specific context he was not in favor of supporting the appropriateness of stipulation no. 23. Mr. Hayes stated that there were three different levels of building setbacks across Desert Breeze. He pointed out that there was a landscaped 50' linear park, site walls, and a non-access point. This was the result of comments from the neighborhoods, which was for separation, and Mr. Hayes pointed out that that was what they had done. He went on to say that if they put sloped roofs on some of the buildings it would create a bigger issue relating to the buildings in the park. They felt the park had its own buildings and needed to relate unto themselves.

CHAIRMAN FLANDERS asked why it wasn't appropriate to carry some of the architectural character of the neighborhood with pitched roofs over to the commercial? The development was adjacent to the neighborhood and felt that the applicant should show a profile that blended with the neighborhood.

MR. HAYES stated that many times they do try to relate projects together. However, they felt they didn't want the buildings to take on a residential appearance. He said that there were a quite a few buildings where that would be appropriate, such as office condominiums. They wanted the buildings to relate to each of the other buildings in this case.

MR. WITHEY stated they had designed a larger park and felt that it would be best if the buildings tied together versus tying into Park Promenade. He noted that the business park was not immediately adjacent to the neighborhood due to the street, the 50' lineal park and other setbacks, and felt that it wasn't necessary to tie in with the residential neighborhood.

COMMISSIONER IRBY said that in the beginning he felt the pitched roof was really not necessary. It is a park unto itself and is adjacent to residential. He said that the sloped roof would be nice on the smaller scale garden office buildings and would be a nice feature. He did not believe that the flex office buildings needed to have the pitch roof. He commented that it would be a nice development and liked the idea that there would be some smaller buildings as part of the development.

VICE CHAIRMAN HEUMANN said that he liked Commissioner Irby's suggestion regarding pitched roofs on the garden office buildings. He suggested that the stipulation be revised with regard to the garden offices.

CHAIRMAN FLANDERS stated that the stipulation was for both Parcels B & C, which was everything adjacent to the residential. The reason for the stipulation was to give a single- and two-story look along the streetscape adjacent to the residential.

Chairman Flanders noticed a member of the audience had raised her hand and indicated she wished to speak.

KIM CLAUSSEN, 4196 W. LAREDO, said that her main concern was with the children passing so close to the office park on their way to school. She said that the children would feel better and safer if they could see something other than warehouses. She also noted her concern with the two-story building overlooking into her back yard.

MR. WITHEY stated that on the proposed plan the only two-story building was located east of the park and south of the school. All of the buildings on the south side of Desert Breeze are one story. Secondly, the idea of the lineal park was to create a larger landscape area because there wasn't much landscaping on the north side of Desert Breeze. The applicants had agreed to do additional landscaping on the south side to create a walkway. It is actually a lineal park to connect McClintock Drive to the park and the school. This would be dedicated to the city. He said that the intent was to create a safe and comfortable environment.

VICE CHAIRMAN HEUMANN asked for the status of a traffic signal at Desert Breeze or Galveston.

MR. WITHEY stated that when conditions warrant, there would be a signal at Erie Street. He said that there might be the potential of a signal at Desert Breeze in the future, although it would not have anything to do with their development as they have no connection to it.

VICE CHAIRMAN HEUMANN noted that there had been some inquiries from residents on the other side of McClintock with regard to signalization on McClintock.

PAUL YOUNG, SENIOR ENGINEER/TRANSPORTATION, stated that as a part of this development the traffic department had stipulated that a signal be placed at McClintock and Erie. The idea was to serve both this proposed development and a future development near the Mobil station.

MIKE MAH, TRANSPORATION ENGINEER, stated that they had evaluated the intersection of Desert Breeze and McClintock and found it not to be currently warranted.

Chairman Flanders stated that there was another member in the audience who wished to speak.

CHUCK TONNI, 4185 W. LAREDO stated that it was a great project. He felt that due to the traffic that would be generated from the business park, a signal was warranted at Desert Breeze Boulevard and McClintock due to number of left hand turns being made, in addition to the number of children who cross McClintock Drive from the east side to the west side. He wanted to have another traffic study done now that the center was being developed to help prevent accidents and injuries.

CHAIRMAN FLANDERS asked if this was the appropriate time to ask about the possibility of another traffic study at this subject intersection.

MR. MAH said that the development did not have access to Desert Breeze so the traffic signal at Galveston and McClintock were two separate issues. He said, though, that they could go back and do another re-evaluation. He commented that he would obtain the particulars from the prior speaker and advise him of the results. Mr. Mah stated that their department would also perform an 8-hour manual traffic count as well, as a pedestrian count. He went on to say that they should be able to do the count over the next few weeks and have the results within the next month. Mr. Mah said that they would try to have the results by the City Council meeting on December 15, 2005.

VICE CHAIRMAN HEUMANN assured the neighborhood that he would work with Staff to push this along and make sure that the warrants are there. He said that he had several people call with concerns about this area.

VICE CHAIRMAN HEUMANN went on to comment that this development was a long time coming. He felt that the project added a lot of things that they had hoped for a long time. There had been hope for residential, but it didn't fit the plan. Employment would be a very good use; they had asked for the acreage to be sold and dedicated, and that was done; there is going to be Class A office versus B, C, and D office that they were going to get prior to this; Chandler is getting MediServe (sorry Tempe, welcome to Chandler); the 50' lineal strip dedicated to the park; the City plans to spend over $500,000 over the next two years upgrading Desert Breeze Park, this is just an addition to that; there is no access to Desert Breeze Boulevard; there are no two-stories on the corners; this is going to raise home values; people will be able to walk to work. Vice Chairman stated he was in support of the project.

COMMISSIONER ANDERSON asked that the landscaping be enhanced around some of the buildings, especially at the backside of the MediServe towards the park. He asked that a stipulation be added to address the issue.

MOVED BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER ANDERSON, to approve PDP05-0009 Chandler Corporate Center with added conditions: ***22. All ground-mounted equipment to be painted to match adjacent project and screened from public view. 23. All buildings on Parcels B & C adjacent to residential homes to provide pitch roof multi-level feature with 4' deep overhangs as shown in the Development Booklet; details to be worked out with Staff. 24. Applicant to work with Staff to provide pedestrian sitting and feature areas with water and/or art features at buildings within Parcels A-E. 25. Building mounted signage to be reverse pan channel type signs. 26. Applicant to work with Staff to enhance landscaping, including additional palm trees, in the area adjacent to the western elevation of the building on Parcel A.*** When the vote was taken, **MOTION CARRIED UNANIMOUSLY (6-0)**.

6. DIRECTOR'S REPORT

There was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is December 7, 2005 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 6:37 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, December 7, 2005 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:35 p.m.

2. Pledge of Allegiance led by Chairman Flanders.

3. Introduction of new Commissioner, Angela Creedon.

4. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commissioner Mark Irby
   Commissioner Brett Anderson
   Commissioner Dick Gulsvig
   Commissioner Angela Creedon

   Absent and Excused:

   Also Present:

   Mr. Doug Ballard, Planning & Development Director
   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Mr. Bill Dermody, Planner
   Mr. Kevin Mayo, Planner
   Ms. Jodie Novak, Senior Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Linda Porter, Clerk

5. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER IRBY to approve the minutes of the November 16, 2005 meeting. Motion was approved (6-0) with Commissioner Creedon abstaining due to her absence at the previous meeting.

6. CONSENT AGENDA ITEMS

   Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He explained that the Consent Items were marked by an asterisk on the agenda and would be approved with one single motion.

   CURRENT PLANNING MANAGER JEFF KURTZ advised Items A, B, D, E, F, G, H, J, K, N, O, P, and Q.

   Additional stipulations were added to item B – DVR05-0019/PPT05-0021 Chandler Pavilion Condominiums:

   11. The homebuilder shall provide notice to future homeowners that the adjacent properties are zoned for uses other than residential.
   12. The perimeter wall height shall be raised to 7 feet.
   13. Perimeter trees shall be Sisso trees, 12 feet high at the time of planting.

Additional stipulations were added to item G – DVR05-0003/PPT05-0020 Jacaranda Place. Stipulation no. 8 was amended to read, "***A minimum of two trees sized at a minimum of 2" caliper shall be placed in all front yards."***

20. Landscape quantities in the retention basins are required at the ratio of one tree and six shrubs per 1,000 sq. ft. consistent with the ratios required from the Zoning Code. The details are to be coordinated with Staff.

21. Decorative caps are to be added to the entry sign and theme walls.

Additional condition no. 4 was added to item H – PDP05-0019 Wells Fargo at McQueen Village Square:

4. The development shall comply with the Commercial Design Standards for landscaping.

Additional stipulations were added to item K – DVR05-0031 Canyon Rock Marketplace at Santan:

16. All ground mounted equipment to be painted to match buildings and screened from public view.

17. The individual tenant space sizes shall not be substantially increased beyond what is represented on the site plan.

18. The applicant shall work with Staff to enhance the streetscape landscaping at the intersection, driveway entrances, and freeway with additional date palms, large box trees, and pedestrian oriented features.

A. DVR04-0039 CHANDLER BAPTIST CHURCH

WITHDRAWN, a request for action on the existing 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 AG-1 (Agricultural) zoning classification. The existing PAD (Planned Area Development) zoning allows the construction of a church on an approximately 4.5 acre property located at 222 S. McQueen Road (west side of McQueen Road, approximately 300 feet north of Frye Road).

B. DVR05-0019/PPT05-0021 CHANDLER PAVILION CONDOMINIUMS

APPROVED, a request for rezoning from Planned Area Development (PAD) Commercial to Planned Area Development (PAD) Residential with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval on approximately 6.7-acres for the construction of a 100-unit residential condominium development located west of the northwest corner of Harrison and 56th Streets.

1. Right-of-way dedication to achieve full half width for Harrison Street including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
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, where applicable, 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. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. 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.
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 Exhibit A, Development Booklet, entitled "Chandler Pavilion Condominiums" kept on file in the City of Chandler Current Planning Division, in file no. DVR05-0019, except as modified by condition herein.
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. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
10. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
11. **The homebuilder shall provide notice to future homeowners that the adjacent properties are zoned for uses other than residential.**
12. **The perimeter wall height shall be raised to 7 feet.**
13. **Perimeter trees shall be Sisso trees, 12 feet high at the time of planting.**

Staff recommends approval of the Preliminary Plat subject to:

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

D. DVR05-0043 RAY ROAD INDUSTRIAL CENTER

EXTENDED FOR AN ADDITIONAL 3 YEARS, a request for extension of existing Planned Industrial District (I-1) zoning with a Planned Area Development (PAD) overlay for office/warehouse on 7.04 acres. The property is located at the northwest corner of Ray Road and the Union Pacific Railroad, approximately 765-ft. east of Arizona Avenue.

E. PDP05-0027 WELLS FARGO OCOTILLO CORPORATE CENTER, PHASE 2

CONTINUED TO THE DECEMBER 21, 2005 PLANNING AND ZONING COMMISSION MEETING AGENDA, a request for Preliminary Development Plan (PDP) approval for a 205,000 square foot commercial office building located on approximately 63 acres at the northwest corner of Price and Queen Creek Roads.

F. PDP05-0029 DOBSON TOWN PLACE

CONTINUED TO THE DECEMBER 21, 2005 PLANNING AND ZONING COMMISSION MEETING AGENDA, a request for Preliminary Development Plan (PDP) approval for a commercial office development located on approximately 5.6 acres north of the northeast corner of Alma School and Queen Creek Roads.

G. DVR05-0003/PPT05-0020 JACARANDA PLACE

APPROVED, a request for rezoning from Agriculture (AG-1) to Planned Area Development (PAD) for a 24 lot single-family subdivision with Preliminary Development Plan (PDP) approval for subdivision layout and housing product and Preliminary Plat (PPT) approval for an approximate 15-acre lot located at 14040 E. Riggs Road (approximately ½ mile west of Lindsay Road on Riggs Road).

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

2. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
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, where applicable, 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. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. 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.
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 Exhibit A, Development Booklet, entitled "Jacaranda Place" kept on file in the City of Chandler Current Planning Division, in file no. DVR05-0003, except as modified by condition herein.
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. ***A minimum of two trees sized at a minimum of 2" caliper shall be placed in all front yards.***
9. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
10. All lots shall be at least 16,500 square feet in size.
11. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
12. 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.
13. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State if Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality, which meets the requirements of the Arizona Department of Environmental Quality for the purposes, intended available to the property to support. In the event the owner sells or otherwise transfers the development to another person or entity; the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the

development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.

14. The "Public Subdivision Report", "Purchase Contracts", and CC&R's 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.
15. All homes shall be single story.
16. No more than two adjacent homes along Riggs Road shall have identical roof ridgelines.
17. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
18. 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", and CC&R's 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.
19. All homes require the installation of a fire sprinkling system.
20. ***Landscape quantities in the retention basins are required at the ratio of one tree and six shrubs per 1,000 sq. ft. consistent with the ratios from the Zoning Code. The details are to be coordinated with Staff.***
21. ***Decorative caps are to be added to the entry sign and theme walls.***

Staff recommends approval of the Preliminary Plat subject to:

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

H. PDP05-0019 WELLS FARGO AT MCQUEEN VILLAGE SQUARE

APPROVED, a request for Preliminary Development Plan (PDP) approval for a freestanding bank pad within the McQueen Village Square commercial center. The site is located west of the southwest corner of Ocotillo and McQueen Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Wells Fargo at McQueen Village Square", kept on file in the City of Chandler Planning Services Division, in File No. PDP05-0019, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3433, case DVR02-0035 McQueen Village Square, except as modified in condition herein.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
4. ***The development shall comply with the Commercial Design Standards for landscaping.***

J. UP05-0062 WATERFRONT GRILL

WITHDRAWN, a request for Use Permit to sell liquor (Series 6 Bar License; all spirituous liquor) at an existing restaurant located at 1949 W. Ray Road Suites 11, 12, and 13.

K. DVR05-0031 CANYON ROCK MARKETPLACE AT SANTAN

APPROVED, a request for rezoning from Planned Area Development (PAD) for commercial retail uses to PAD Amended for a commercial retail and hotel development with Preliminary Development Plan (PDP) approval on approximately 20.4 acres located at the southwest corner of Alma School and Pecos Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Canyon Rock, Marketplace at Santan", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0031, except as modified by condition herein.
2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
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. 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.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
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. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
8. Landscaping, for plant sizes and quantities, shall be in compliance with current Commercial Design Standards.
9. A minimum 10' wide landscape area shall be provided between the internal pedestrian sidewalk and buildings.
10. The center identification monument signage shall be a maximum 36" in height and located only at the intersection corner of Alma School and Pecos Roads.
11. All signage facing the adjacent residential development at buildings along the west property line (J,K,L,M,N,P, and A) shall be non-illuminated.
12. Exposed neon signage shall be prohibited.
13. The monument sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
14. The interior boulevard drive aisle pavement widths shall be reduced to allow for additional landscaping on both sides.
15. The applicant shall work with Staff to enhance the building facades along Alma School and Pecos Roads to provide a more diverse variety of building materials.
16. ***All ground mounted equipment to be painted to match buildings and screened from public view.***
17. ***The individual tenant space sizes shall not be substantially increased beyond what is represented on the site plan.***
18. ***The applicant shall work with Staff to enhance the streetscape landscaping at the intersection, driveway entrances, and freeway with additional date palms, large box trees, and pedestrian oriented features.***

N. UP05-0064 DEVLIN'S MARKET PLACE

APPROVED, a request for Use Permit approval to sell liquor (Series 7 Beer and Wine Bar License) at a new retail store within Historic Downtown Chandler. The property is located at 58 S. San Marcos Place.

1. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 7 license only, and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other store locations.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.

O. PPT05-0010 CHANDLER CORPORATE CENTER

APPROVED, a request for Preliminary Plat approval for a mixed-use development located north of the northwest corner of Chandler Boulevard and McClintock Drive.

P. PPT05-0009 CHANDLER AIRPORT CENTER

APPROVED, a request for Preliminary Plat approval for a mixed-use development located at the northwest, northeast, and southeast corners of Germann and Cooper roads.

Q. DVR04-0054 CHANDLER 202 AUTOPARK – PHASE II

WITHDRAWN, a request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) Auto Park with Preliminary Development Plan (PDP) approval for an automobile dealership complex on approximately 16-acres located at the northwest corner of Pecos and Gilbert Roads.

MOVED BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER RYAN, to approve the Consent Agenda Items, with additional stipulations, as read into the record.

COMMISSIONER RYAN stated for the record that he had a conflict of interest on item I – DVR04-0062/PPT05-0002 Lynn Haven Estates, as the applicant was a client.

ACTION AGENDA:

C. DVR05-0033/PPT05-0026 NICHOLAS POINT

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a 95-lot residential subdivision with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and housing product on approximately 19.07 acres located south of the southwest corner of Ray and McQueen Roads.

KEVIN MAYO, SENIOR CITY PLANNER, stated that the request was for rezoning from Agricultural District to PAD, along with Preliminary Development Plan and Preliminary Plat approval, for a 95-lot subdivision located south of the southwest corner of Ray and McQueen Roads. The subject site previously was a riding academy of approximately 19 acres. It's an infill parcel. The proposed housing product is the Magee Homes 700 Series, which has been seen and approved in various other subdivisions within the City. Mr. Mayo stated that it has been a good example of how to design a house to mitigate concerns when there's a high density homes. The garages are either side loaded or at the rear of the home, providing a very nice street scene. The subdivision is gated with two access points, one off McQueen Road and one off Jackson Street and provides a good amount of open space.

Mr. Mayo noted that one of the homeowners for the existing three agricultural properties along McQueen that are to remain wanted to discuss the exact interface with the proposed project and their backyard. Mr. Mayo stated that Staff recommended approval with the addition of condition no. 12, which would read, "The applicant shall work with Staff to diminish the box-on-box nature of the optional rear elevation of plan 703 through the use of additional architectural materials and features."

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "NICHOLAS POINT" kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0033, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for McQueen Road and Jackson Street 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. 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 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. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
8. 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.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
10. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
11. Corner lots shall be limited to one-story homes only.
12. **The applicant shall work with Staff to diminish the box-on-box nature of the optional rear elevation of plan 703 through the use of additional architectural materials and features.**

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

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

MIKE PERRY, 34384 N. GOLDMINE GULCH TRAIL, QUEEN CREEK, AZ stated he was present in behalf of Magee Homes. Mr. Perry said that this was the eighth time that this housing product had been approved in the city. He noted that this particular subdivision has oversized lots, 50'x110' on the perimeter and 50'x100' on the inside of the subdivision. He said that this had helped on the separations between the buildings.

Mr. Perry stated that they had addressed some of the concerns from the neighbors at the neighborhood meeting. He said that the tot lot had been moved from the neighbors, as well as making lot 95 a single story building. Magee Homes agreed to work with a concerned homeowner with regard to landscaping, tree trimming, and access concerns.

MR. DANA PETERSON, 720 N. MCQUEEN ROAD stated that he had a concern with southbound traffic turning into the entrance of Nicholas Point. He asked if there was any chance that they could get a northbound entrance into the neighborhood from McQueen Road. He said that he understood there had been a traffic analysis done, but wanted to see it revisited to see if there was any chance of limiting traffic into the neighborhood. He stated that his driveway was onto McQueen Road and was just before the entranceway. He felt it was a big liability for him going into and out of his property.

Mr. Peterson said that in addition, they have a pool area next to lot 95. He stated that they wanted to see all the homes in this area be limited to single story homes, so as to protect their privacy. He also asked that the lighting height in this area be limited. He said that he would continue the conversation with Magee Homes with regard to the landscaping.

CHAIRMAN FLANDERS asked Mr. Peterson if his concerns, then, were with the lighting in the retention area and single story homes on lots 93, 94, and 95. Mr. Peterson said that was correct, as well as the access issue off McQueen Road into the neighborhood. He said that he wanted to see a northbound entrance.

CHAIRMAN FLANDERS noted that there was a median break just north of the site. He asked staff if it fell within the parameters allowed by the City.

MR. MAYO stated that during the conceptual review meeting, the notion of a median cut was discussed. He said that he preferred to defer the question to Paul Young for the exact geometrics of 'does it fit' with the adjacent decel lane, which is north of it, and then the light, which is just to the south.

PAUL YOUNG, said that he had looked at the geometrics for a median cut at the proposed access on McQueen. A median cut could fit in as far as a northbound left-turn lane. The only concern was with a previously approved site on the east side of McQueen, and the question was whether that accesses would line up this access if a median break was allowed. He asked Mr. Mayo if he knew that status of the approved development on the east side of McQueen.

MR. MAYO stated that there were four agricultural properties on the east side of McQueen. The two southern properties were combined and received rezoning approval last year for the Cedar Medical Building. Its exit point is approximately at the middle of their property and would not line up with the proposed development; it would be staggered.

CHAIRMAN FLANDERS asked what the status was of the office building to the east. Mr. Mayo stated that it was approved, although he had not seen any improvement plans as yet.

CHAIRMAN FLANDERS asked Mr. Young who would pay for the median break. Mr. Young responded that Nicholas Point would bear the cost of the northbound left-turn lane. If the southbound left-turn could be accommodated, Cedar Medical would bear the cost.

CHAIRMAN FLANDERS asked if Cedar Medical had ever asked for a median break for their application. Mr. Mayo responded that the applicant was aware of the raised median and had not requested any other movement other than right-in, right-out.

VICE CHAIRMAN HEUMANN asked how someone would get into the development if they were coming from the south. Mr. Young stated that there is an east-west collector street to the south that could be used to wind their way through a neighborhood and come into the subdivision through a secondary access. Otherwise, they would have to make a u-turn at Ivanhoe.

VICE CHAIRMAN HEUMANN asked if there were 2 or 3 lanes on McQueen at this point. Mr. Young responded that McQueen Road was 4 lanes, two lanes going each way (North and South). Mr. Young stated that a u-turn would be difficult.

CHAIRMAN FLANDERS asked if anyone in the audience cared to speak on this item. There was no response.

MR. PERRY stated that this development was an infill project. The City of Chandler has a program to encourage infill developments (for which this site qualifies) but the applicant had decided not to go after the money for numerous reasons. He said that when they had first gone into the pre-app meeting there was a full turn median break and was told that they could not have it. He said that if they could get a left-turn into the development, it would be something that they would consider. Mr. Perry went on to explain that Jackson Street, which is their northern access off Harrison Street, was originally designed to be a cul-de-sac. It was designed improperly and right of way was not dedicated. The City of Chandler asked the applicant to work with New Castle townhomes to work out an agreement to complete Jackson Street and rededicate right of way. Mr. Perry stated that they've agreed to do that.

He went on to say that there is access from the north by coming in from other streets. He stated that if the city engineering could come up with a way to make a left-turn lane in to the subdivision, they didn't have a problem with that. It's an additional cost, and the applicant feels that it's not needed. Mr. Perry stated that this is a gated subdivision and people figure out how to get into their subdivisions.

Mr. Perry stated that as far as the lighting issue, they didn't have a problem with limiting the height of the lights in the retention area. He noted that they had taken care to buffer the homeowner with open space and set back (*the development)* considerably off McQueen to maintain the character of the existing homes along McQueen. The applicant has agreed to make lot 95 a one-story. Lot 92 is already stipulated as a one-story as it is a corner lot. Lots 93 and 94 are part of the model complex, as well as lots 92 and 95, and the applicant didn't wish to change lots 93 and 94 to one story. These models are needed for the two-story plans. The house in question (from the gentleman that spoke) is a two-story house. The applicant believes that with the landscape buffer, and the agreement to drop lot 95 to a single-story, that they had addressed the homeowner's concerns.

Mr. Perry said in closing that city engineering had told them all along that they could not have a left turn in and that they couldn't have a full median break, which they had come in with originally. He said they would be happy to take a look at the idea if it would work from an engineering standpoint. He said that he would not want it stipulated though, because if it doesn't work then that would be a stipulation that they wouldn't be able to meet and that they wouldn't want to come back for that.

Mr. Perry stated that it has been a very successful project. It definitely fits in with the neighborhood. It's a difficult infill site, and the applicant felt that that needed to be taken into consideration. He reiterated that there wasn't a problem with lots 92 and 95 being one story, but there was a problem with lots 93 and 94 going to one story; they wanted to leave those as two story.

COMMISSIONER IRBY said that he felt this was a nice plan and that it fits nicely in the neighborhood. He said that he has a pet peeve with long straight streets where all the houses have the same setback. He said that he wanted to see some variation where the house on every third lot is set back to break up the row housing look. He noted that it appeared that there was enough room in the back yard that it would

stop someone from being able to put in a pool. He stated that it help the streetscape if it could be broken up.

MR. PERRY stated that this was an infill site and was difficult to deal with. They had looked at a lot of different road configurations and tried to keep the setback along McQueen with Tract B. They put a squeeze point in Nicholas Street. He said that there is an appearance of very different streetscape due to the variation that is created by the one- and two-stories, along with the garages in the front and rear. It doesn't have any linear look to it. There are no garages that face the street whatsoever. This is what lends itself to diversity along the streetscape. You don't get the feel that it's a small lot subdivision when driving through. Mr. Perry said that they would be opposed to the request; however, they would be willing to work with Staff to come up with some stipulation or additional movement. He stated that they had been excited about providing more back yard space.

COMMISSIONER IRBY said that he felt back yard space was important. He stated that he had not been down any of the projects after they were built. He agreed that where you have second floors and where you don't can change the streetscape dramatically.

COMMISSIONER RYAN stated that the project that he was most familiar with was the one that is just north of Warner Road, which was one of the first developed by this applicant. He said that it's actually not as upscale as the one that was being reviewed at the meeting. Mr. Ryan said that the massing and street views are quite nice for this density. He said that in looking at the individual houses, there's not a lot of individualistic interest to them. He felt, though, that the project as a whole seems to work well. He said that he hadn't scrutinized this project because he was pleased with the other project. He said that one trip down a street will convince you that the streetscape works well. He said that he didn't know if it was the way the developer laid out the one-story and two-story repetition, and he felt the side approach drives help as well.

MR. PERRY commented that the project that Commissioner Ryan was referring to was one of the first developments, which has a zero lot line, 3-foot side yards, and 45-foot wide lots. He said that as this product evolved, they went away from the zero lot line and came up with a larger lot and larger setbacks. He said that he felt that it was the rear garage that gives the variety and the streetscape. The garages are all one story when they're on the front. It creates a very nice streetscape.

VICE CHAIRMAN HEUMANN stated that Windmill was built by Magee and has a streetscape. He felt the tree lines that the developer is doing makes a nice touch and with the rear garages it doesn't get the massing. He stated he didn't have a problem with it.

Vice Chairman Heumann asked for lots 93 and 94 in Tract B, if there would be any way of doing larger planting trees to address the homeowner's concerns. Mr. Perry said that he'd be happy to work with Staff on that request.

COMMISSIONER ANDERSON stated that he was having a problem with the landscape plans with regard to wall types. It wasn't specific which walls were theme walls and which were secondary theme walls.

MR. PERRY stated that he believed the 4-inch dooly wall occurs between the units and the 8-inch decorative wall is at the perimeter. Commissioner Anderson noted that it wasn't clear on the plans. It appeared that the dooly block was along lots 92-95 and felt it should be a theme wall as that was the wall that seen coming into the subdivision as well as when driving down McQueen Road. Mr. Perry responded that lot 95 and lot 1 as they face McQueen are showing a secondary theme wall and along the back, along Tract B, a secondary theme wall. From McQueen standpoint, there's no problem on the east sides of lot 95 and lot 1 going with the primary theme wall.

COMMISSIONER ANDERSON asked if along the backsides of lots 92-95 was a secondary theme. Mr. Perry responded that it was the secondary theme wall with a split face cmu cap and single score cmu.

VICE CHAIRMAN HEUMANN asked if the left-turn into the subdivision was something that could be accomplished. Mr. Mayo stated that what had been rejected by engineering was the full movement median cut for access out of the subdivision heading northbound because of the office project across the street. However, if engineering says there's a detail that works for a left turn northbound into this project only, it is something that could be done if Commission felt a stipulation was necessary.

CHAIRMAN FLANDERS stated that he had been through Windmill subdivision and found it to be an intimate type streetscape where everything is up to the street with the landscaping and the garages are either side entry or front entry. He said that the one thing he liked about this subdivision was the larger back yard. He commented that this was a nice product.

CHAIRMAN FLANDERS asked if anyone in the audience wished to speak regarding the development. There was no response.

COMMISSIONER GULSVIG commented that he was still concerned with the traffic entering the subdivision from McQueen going southbound. He asked how many cars would queue up into the gate. He also asked if the gate could be moved further into the subdivision to allow more cars in the queue.

MR. MAYO stated that there is a detail for gated entries, and this plan meets the detail. **MR. PERRY** stated that it was a standard detail that comes from the subdivision ordinance. It looked as though it would stack approximately 6 cars. There is a turnaround provided as well.

COMMISSIONER GULSVIG responded that he understood that it was a standard detail, but the point had been raised about southbound traffic increasing the flow going into the subdivision. He felt if the gate impedes the traffic moving into the housing area, it could cause some backup traffic southbound on McQueen Road.

MR. PERRY stated that the traffic study didn't indicate that there would be any backup, otherwise they would have asked for a deceleration lane.

CHAIRMAN FLANDERS commented that the standards for the gated communities the stacking depth is based on how many homes were in the development.

MR. MAYO stated that there are various details and it's based on the number of units, and once you get above a certain number there is a certain detail. This detail that is proposed is in conformance with the size of the subdivision.

VICE CHAIRMAN HEUMANN asked the traffic engineer Paul Young if it was feasible to have a northbound left-turn. Mr. Young stated that a left in could be accommodated at a minimum.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER RYAN to approve DVR05-0033/PPT05-0026 Nicholas Point with additional stipulation 12 regarding the box-on-box nature of the 703 plan, stipulation 13 regarding additional trees in Tract B behind lots 93 and 94, and stipulation no. 14 regarding left-turn only northbound, pending decision by Traffic Engineering.

COMMISSIONER RYAN asked if there needed to be a second motion for the plat. Mr. Glenn Brockman, Asst. City Attorney, stated Vice Chairman Heumann had stated it in his motion, and if everyone agreed with the motion, then it would be fine. A second motion would not be needed for the plat.

COMMISSIONER ANDERSON asked that another stipulation be added to the motion with regard to entry monumentation gates and pilasters that are missing on the details at this point. Vice Chairman Heumann said that he did not have a problem adding the stipulation.

When the vote was taken, the motion was approved 7-0.

I. DVR04-0062/PPT05-0002 LYNN HAVEN ESTATES

Request rezoning from Planned Area Development (PAD) for Commercial uses to Planned Area Development (PAD) Amended for a 49-lot residential subdivision with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and housing product on approximately 10-acres located at the northeast corner of McClintock Drive and the Loop 202 Santan Freeway.

MR. KEVIN MAYO, SENIOR CITY PLANNER, stated it is a request for rezoning from Planned Area Development for Commercial uses to Planned Area Development for Residential, for a 49-lot subdivision with Preliminary Development Plan and Preliminary Plat approval on approximately 10 acres located at the northeast corner of McClintock Drive and Loop 202. Based upon finding the request to be inconsistent with the General Plan, the Residential Development Standards, as well as the site's current vested zoning for commercial uses, Staff recommends denial of the request.

Mr. Mayo said that the property had originally been platted as part of the Hearthstone residential subdivision and was approved in 1987 conceptual for commercial uses. That Preliminary Development Plan for a neighborhood shopping center was approved in 1989, but was never constructed. Subsequent to that, in 1992, a portion of the lot along the northern and eastern property lines was approved for rezoning to create what is now Hearthstone Unit 7. Subsequent to the construction of Unit 7, the 202 came in; ADOT acquired some of the land along the south portion and constructed a pump station.

The site includes two parcels, the parcel to the north (Phase 1) is owned by the applicant, and the second parcel is still owned by ADOT. Staff received a letter from ADOT stating that they would not oppose a rezoning on the applicant's portion or their portion as well. This is being brought forward as a whole for the rezoning and Preliminary Development Plan on the northern portion for Phase I. A plat for the ADOT will come forward once the applicant has obtained the ADOT portion.

Mr. Mayo continued that staff's recommendation for denial is twofold. It is based on the big picture of land use decision. The parcel is currently zoned for Commercial C-2 uses. Mr. Mayo said that Commission would hear from the applicant that the retail viability from the site had come and gone, it is now located further north and east by the mall and other such areas. Staff feels however that being at the intersection of a major arterial and a freeway, the site still has good commercial office viability. Staff recommends maintaining the land use.

Mr. Mayo further stated that the site as proposed has deficiencies that are prescribed in the Residential Development Standards (RDS). They are smaller lots and do not provide the 5 and 10 setbacks as prescribed in the RDS.

When Hearthstone Unit 7 was rezoned and platted, that portion of the property had already been developed and graded for commercial as one unit. This site is required to retain the water from the homes on the east. Homes along the north in Hearthstone Unit 7 drain to Morelos Street, which is conveyed to the south. The residential homes on the east physically drain onto this property. Based on that, lots on this site cannot be backed up to that. The applicant's solution is to provide a 15-foot drainage easeway along the east property line. There is an existing wall on the existing Hearthstone lots. The applicant would then create their wall. They are proposing a 2-foot block and a 4-foot rail, so there would be view fencing for security purposes with gates located where the tot lot and turf area are located. The landscaping company

and HOA would be the only ones that would have access to the gates. Staff still feels this creates a no man's land.

MR. MIKE CURLEY, 3101 N. CENTRAL stated that he represented the owner of the property who is also the developer of the property. Mr. Curley stated that the case had been continued a number of times due to an issue with ADOT and a remnant parcel. Staff had indicated that they could not support the case unless the ADOT parcel was part of the overall solution. Mr. Curley said that they had met with ADOT over a matter of months to resolve the issue and ADOT is now ready to sell the site, which will be purchased within the next thirty days.

Mr. Curley further stated that Staff had several design issues. One was the McClintock frontage and how the stagger was going to occur. Mr. Curley stated that they now have a solution, which they think is acceptable in terms of having a stagger for each one of the walls. In addition, they have increased the landscaping areas at some of the focal points and added wall details.

Mr. Curley said that there were other issues dealing with trying to make the open space more useable and architectural issues with the project's two-story element. Mr. Curley said that they believe they've eliminated the concerns with open space and addressed the architectural concerns that Staff had with the project. The applicant has agreed to stipulate the perimeter of the site adjacent to the existing family as single story. He stated that the staff report indicated that the applicant had one meeting with the neighbors, but actually they had had three meetings and scores of one on one meetings.

Mr. Curley stated that this is a difficult parcel and they felt that the best solution would be to rezone to single family. They felt that the retail on this site would probably never happen for a number of reasons and that the site's office viability was very limited. If the PAD zoning remains, office would be of a marginal quality. He said that they had serious concerns whether the entire 10 acres could legitimately be built out for offices due to the visibility issues, as well as severe access restrictions from McClintock.

A number of things have happened on this site since it's zoning in 1989. The property was originally zoned commercial and was a much larger site, approximately 14 acres. After the zoning, the freeway was constructed. One of the things that happened (post zoning) a sound wall was constructed, which is approximately 10-17 feet in height. The net effect is that when you're on the freeway, you cannot see this site. From a viability and retail/office standpoint, they think the wall seriously diminishes the property, particularly because the freeway is depressed at this particular location. Secondly, after the zoning took place, a median was placed along McClintock. Therefore, you would not be able to take left-ins or left-outs because of the median. There is additionally an access restriction from ADOT because of the interchange at McClintock and the 202. Mr. Curley commented that they had looked at whether there could be a median cut is feasible at this location, but the problem is that there isn't enough north-south dimension here to accommodate a median to allow the type of traffic that would occur if this entire 10 acres were to be developed out as office.

Mr. Curley went on to say that, assuming the site was going to be developed out as office, a 20% lot coverage for an office development would work out to an approximately 100,00 sq. ft. of office. He said that because of the severe access restrictions, he had doubts that a 100,000 sq. ft. office could ever be built at this location. He stated that if the access to the site would have to be off Morales Street, which would create a traffic concern for the neighbors because the trip generation, depending upon the size of the square footage of the development, would be 1,500 to 2,000 cars coming in and out at peak hours. Co-mingling the commercial and residential traffic is not a good idea. Mr. Curley also pointed out that, even though it's a freeway site, due to a frontage road it's difficult to access the site when coming from the north and east.

MR. RYAN WHALEN, 3933 W. COMMONWEALTH AVENUE stated that he lived just north of the property and that he had resided there for approximately 4 ½ to 5 years. He said that he'd seen all the development go in around him and felt that there was a ton of traffic already. Mr. Whalen said he'd like to see the property as residential houses. He felt a traffic signal needed to be installed on Morales if commercial were to be developed at this site and commented that he didn't see how commercial could survive here at this site. He stated that there is a parcel to the east and north of his community that was zoned commercial and nothing had done on that piece of land for five years.

SHERYL LESSARD, 6071 W. LINDA LN. CHANDLER, stated that she was familiar with the area and felt that the site was suitable be residential. She said it would support the retail that already in the area. She was concerned with the number of vacant commercial properties and preferred to see residential in lieu of vacant commercial.

VICE CHAIRMAN HEUMANN asked what the required lot size would be if the site were zoned residential.

MR. MAYO stated that the General Plan shows the parcel as low-density residential going north. There is language in the General Plan that says commercial uses can be considered at the intersection of arterial streets and freeways. The property is consistent with the General Plan and has vested commercial C-2 zoning.

VICE CHAIRMAN HEUMANN commented that he was referring rather to the proposed lot sizes of the residential.

MR. MAYO said that in the Residential Development Standards there are requirements for certain size lots. Below 7,000 sq. ft. certain conditions have to be met, which this proposal physically cannot do. Some of the requirements the developer couldn't meet were sideyard setbacks, being able to provide rear yard access, and vehicular access.

COMMISSIONER IRBY asked what the zoning was to the north and east.

MR. MAYO stated that Hearthstone was zoned PAD and that the lots were approximately 7,000 sq. ft. The lot size for the proposed residential is 4,500 sq. ft.

COMMISSIONER IRBY said that he didn't have a problem with a residential use at this location, but he would prefer the property be used as a garden office development (he noted that probably was a long way off). He said he felt the density was too high, the lots were too small, and was not impressed with the drainage solutions. He didn't like to see no man's land landscape strips that wouldn't be maintained. Commissioner Irby stated that the architecture of the homes was boring. He said that he would be voting against the request unless Commission wanted to send the case to Design Review to resolve some of the issues. He felt the site was too dense, but would support a residential zoning.

COMMISSIONER ANDERSON asked Staff if there had ever been any interest on this piece of land and what Staff's opinion was for the viability of commercial or office at this site.

MR. MAYO stated that the parcel was adjacent to an arterial street and a freeway; it has a more restricted access than what is normally seen; however, there are different types of office. There's a destination office that doesn't require strong visibility and high street access. It's more employees and less customer contact. Mr. Mayo stated Staff felt this site has viability for that. On top of that, based on the drainage issues and being adjacent to ADOT pump station, there are issues with this site specifically that are more easily mitigated upon an office development.

COMMISSIONER ANDERSON asked about the range in size of garden offices that had been recently approved.

MR. KURTZ stated that the Shea property on Ray Road was 10 acres in size. He said that typically Staff sees garden office developments in 5 or 6-acre parcels, but noted that it is a reflection the market and a reflection of the parcels that are available. He said that generally the developments due to parcelization over time.

VICE CHAIRMAN HEUMANN said that in terms of retail, there is no retail viability for this site. He wasn't sure about the viability for an office development due to the 17' high freeway wall and limited access. He stated that he agreed with Commissioner Irby. He felt the product was weak on the residential, as well as issues with drainage, and said that he would like to see the case go to design review to work through some of the issues. He said that he is a big believer in protecting employment areas, but this was not a prime spot in the city.

CHAIRMAN FLANDERS stated that Mr. Curley made a good point with regard to access to the site. He said that he agreed with Commissioner Irby in his analysis regarding the density, drainage issue along the perimeter of the site, and the architecture. He felt that it would be a good idea to go to design review in order to talk about densities and rearranging lots.

MR. CURLY said that he acknowledged that there were certain difficulties with the site, and that was typical with infill sites. Architecturally they felt they had worked out most of the issues with Staff. He said they had no problem going before the design review committee to see if they could tweak the plan further.

MOTION BY COMMISSIONER IRBY, SECONDED BY VICE CHAIRMAN HEUMANN to recommend DVR04-0062/PPT05-0002 Lynn Haven Estates to design review and continue the case to February 1, 2006. Motion was approved 5-1 with Commissioner Anderson voting nay and Commissioner Ryan abstaining.

Chairman Flanders called a 5-minute break at this time.

L. DVR05-0035 ARBOLEDA ESTATES

Request rezoning from Agricultural (AG-1) zoning to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for 6 single family homes on approximately 4 acres. The property is located west of the southwest corner of Alma School and Germann roads.

MR. BILL DERMODY, CITY PLANNER, stated that this was a request for rezoning from AG-1 to PAD plus Preliminary Development Plan approval for 4 acres located on the south side of Germann Road between Dobson and Alma School Road. The applicant proposes to build six single-family custom homes on a private gated cul-de-sac. The subject parcel is currently vacant and surrounded by residential development, including Clemente Ranch to the east and south, Homestead Park to the west, and Wildrose Villlas across the street to the north. The subject site is part of a larger area that was designated conceptually for single-family residential at 3- to 3.7-dwelling units per acre by the Clemente Ranch Area Plan. It was once the subject of a church proposal. All residences in this development will have a minimum of 3,000 sq. ft. ground floor livable space and will feature Spanish, Mediterranean, Old World, and Tuscan architectural elements, including the following: rounded clay tile roofs, water-washed stone walls, wrought iron, front court yards, low theme walls, arched entries, stone columns, stone veneer, and Canterra stone trim around the windows and doors. Since these are custom homes there are no standard housing plans to present, but all homes would have to be in substantial conformance with the presented architectural features and level of quality in order to receive building permit approval. With regard to community elements, the development will

feature a stone veneer monument entry from Germann incorporated into an exterior stucco wall. The wall will have concrete caps and will include pedestrian gates topped by trellises. It will have mature landscaping including evergreen ficus trees lining the entrance and bouganvilla planted along the walls. The cul-de-sac island additionally will feature a multi-trunk ficus tree. Other landscaping will be planted adjacent to two turf covered retention areas located just inside the front walls.

Through the study session with Commissioners, two additional conditions were recommended for Commission's approval: *10. Either lot 1 or lot 6 shall be limited to single-story. 11. The applicant will work with Staff to adjust the arbors over the pedestrian gates so that they are more in scale with the pilasters.*

Summarizing, Mr. Dermody stated that Staff supports the rezoning, considering it an efficient use of a small infill parcel, complementing and enhancing the surrounding uses. The quality of the development is equal to or greater than the surrounding parcels and is seen as a benefit to the area.

1. Right-of-way dedications to achieve full half width for Germann Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent rights-of-way and/or easements in accordance with City adopted design and engineering standards.
3. 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.
4. Development shall occur in substantial conformance with Exhibit A, Development Booklet, entitled "Arboleda Estates" kept on file in the City of Chandler Current Planning Division, in file no. DVR05-0035, except as modified by condition herein.
5. 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.
6. The landscaping in all open spaces and rights-of-way, as well as all perimeter fences, shall be maintained by the adjacent property owner or homeowners' association.
7. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State if Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality, which meets the requirements of the Arizona Department of Environmental Quality for the purposes, intended available to the property to support. In the event the owner sells or otherwise transfers the development to another person or entity; the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence

shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.

8. A minimum of two 15-gallon trees shall be planted in all front yards.
9. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
10. **Either lot 1 or lot 6 shall be limited to single-story.**
11. **The applicant will work with Staff to adjust the arbors over the pedestrian gates so that they are more in scale with the pilasters.**

CHAIRMAN FLANDERS stated that Commission Irby asked that this item be pulled from the Consent agenda as he had questions about the development. He asked the applicant to step forward and state her name and address for the record.

AMANDA STEWART, 575 W. CHANDLER BOULEVARD.

COMMISSIONER IRBY said that he thought it was nice product with a lot of things going for it. He felt, though, that there was a problem with how the development abuts the parcels to the east and west and how the development is seen from Germann Road.

MS. STEWART stated that one of the challenges that Chandler has in general was with their infill sites. She said that obviously no one in the adjacent neighborhoods wanted a parking lot along Germann Road. Their challenge is to present a product that is sellable, which she thought the custom homes represented, and to stay consistent with the existing neighborhoods, which were starter homes for the most part. She said that they asked Staff to work with them in creating a wall that wasn't overdone and try to blend in with the neighborhoods, provide a lot of mature landscaping, and still allow their residents some privacy within the neighborhood.

She stated that there are two different levels of setbacks with the two communities that were adjacent to their development along Germann Road. One sits much closer to the street, while the other development sits much further back. Ms. Stewart stated that they did not have a problem with creating a diagonal with their walls. She pointed out that they would have significantly more landscaping than that on either of the communities on either side of their development. She felt that would help to minimize the different setbacks. She said they had no problem with working with Staff to create that level and had their commitment to do so.

Ms. Stewart further stated that they had created a retention area at the front of the property, instead of throughout the community, to provide a further setback for lots 1 and 6, including providing a family park-like nature for the development. They have also provided trees on the exterior and on the interior of the park area.

Ms. Stewart pointed out that at the time their plans were drawn, Barton Homes had not installed their wall at their location. She felt that they met with the eastern wall for Clemente Ranch. She said they were committed to make the development walls meet the adjacent properties.

COMMISSIONER IRBY stated that from appearances it looked as though this development had been built first and everyone else had larger setbacks and that their walls were pulled back farther. He also said that he had concerns with the wall's architecture. It appeared the walls were dooley walls that had been stuccoed.

MS. STEWART said that they had no problem going up to a 6" block, but wanted the wall to be stuccoed as they felt that was the best way for them to create a match between two very disparate looking walls on either side of their development. She said that because they were an infill site, they had a very small amount of frontage to work with and that was why they had gone with the mature landscaping. She further stated that the homes were high-end homes and would be selling for $1,000,000 +.

MR. RON TAYLOR, **846 BARKLEY, MESA** stated that he was the engineer for the project. He said that the amount of frontage for the property was approximately 337 ft, which provided very little opportunity to vary the height of the wall, although there could be some also on where the existing walls meet to the east and west. The point at which they would meet the walls was flush. The adjacent walls were actually closer or as close to Germann as their development. The setback on the west was a little further set back than on the east.

COMMISSIONER RYAN said that he agreed with Commissioner Irby. The wall to the east was almost in alignment with the north property line of lot 6. To bring the wall that far north to Germann would be a mistake. He felt that the two retention basins would most likely not be used as an activity space. The lots for the development were large with large front and rear yards. The retention/play area is outside the gates and he said he couldn't see kids out there congregating and playing. He felt that the wall closest to Germann Road be eliminated and provide the theme wall along the north property line of lots 6 and 1. It would make the most sense. Commissioner Ryan said that Germann Road is a major corridor and the development needed to be opened up as much as possible to the street. He did not feel it would negatively impact the subdivision by bringing the wall back that far.

COMMISSIONER RYAN asked Staff if they knew what the landscape setback was for the subdivision to the west.

COMMISSIONER IRBY said that if the applicant wanted to keep the area as a recreation area, maybe the wall closest to Germann should be done in wrought iron and a theme wall against lots 1 and 6. He said that he was losing perspective of how it related to the lots on either side of this development.

MS. STEWART said that it is a challenge, but was committed to making the changes. She said that there was an allowance for one that had a small setback in the front, which was Barton Homes, and one that had a larger setback, which was Clemente. She said they were stuck between the two. They want it to be as aesthetically pleasing as possible. That was why they thought if they presented a gentle diagonal with a lot of trees at the front, that it might help create the setback that Commission was wanting.

COMMISSIONER RYAN said that the strength that the developer had in the subdivision is the entry. If they didn't open it up, it wasn't going to give a sense of entry. Right now they're walling it off and isn't inviting people in. By opening it up, they would be giving it a grand sense of entry.

VICE CHAIRMAN HEUMANN stated that the case needed to either go to design review or the case needed to be continued for thirty days. He said that he agreed with Commissioners Irby and Ryan.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER RYAN to continue the case for thirty days to January 4, 2006.

Before the vote was taken, Commissioner Irby and Commissioner Anderson offered to sit down with the applicant to work through some of the issues.

When the vote was taken the motion was approved (7-0).

M. UP05-0046 BLUE SKY MANOR

Request Use Permit approval for an adult care home with 10 residents at 2202 N. Santa Anna Court.

1. Compliance with the City of Chandler's Zoning Code provisions regarding the operation of adult care homes.
2. Maximum resident capacity is ten (10).
3. The Use Permit is applicable to this address only and may not be transferred to another location.
4. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

BILL DERMODY stated that this was a request for Use Permit approval to operate a 10-bed adult care at 2202 N. Santa Anna Court. The site is located north of the northwest corner of Warner and Dobson Roads in a cul-de-sac in a residential neighborhood. The cul-de-sac is located just west of Dobson Road and immediately north of a L A Fitness Club. The home has been owned and occupied by the applicant's family for approximately two decades and was operating as a single-family residence until this year. They are currently operating as a 5-bed adult care home and intend to extend to 10 beds upon Use Permit approval. He home is 1,972 sq. ft. including the recent addition of 800 sq. ft. to accommodate the additional beds. There will be 4 full time employees at the home during the day. At night there will be 2 employees; no employees reside on-site. Mr. Dermody noted that the applicant has successfully operated another 10-bed facility east of this location. There have been no neighborhood complaints aired to Planning Staff regarding this proposal. Because of the large lot size and backing to a commercial center, Staff feels that this is an unobtrusive location and recommended approval of the Use Permit for one year.

MIKE BUTLER, 701 S. DOBSON, MESA, AZ 85202 stated that he wanted to apologize for the poorly written narrative as he had written it at 10:00 p.m. in response to six questions that he had been notified to answer. He said that he has two other care homes with 10 residents in each home with an average of 4-5 calls. For DNR (Do Not Resuscitate), if someone falls down the applicant calls 9-1-1. He said that he takes the lower income people into his homes. A lot of them do not have families. He said that he doesn't necessarily take indigents, but they were lower income people and very much elderly. At a certain point they usually go on Hospice. If a resident goes into cardiac arrest, they call Hospice. Hospice comes in and goes through a procedure and then the applicant calls for body removal after that.

The applicant stated that he had invested quite a lot of money to get the home ready. It backs up to L A Fitness. He said that he had designed the home so that there were 48" hallways and 36" doors. The other assisted living home is located at 1619 W. Colt, which is approximately 1,800 ft. from this home. He pointed out that when someone falls they call the other home for assistance. He said that when you call 9-1-1 it is a huge cost to the city.

Mr. Butler stated that he carries $1,000,000 insurance liability on the home, as he is a contracted State provider.

VICE CHAIRMAN HEUMANN stated that he asked that this item be pulled because he thought the letter was strange the way it had been worded. Mr. Butler apologized again and said it was that way as he had written at 10:00 p.m.

VICE CHAIRMAN HEUMANN asked about emergency situations. Mr. Butler stated that he calls 9-1-1 if there is a life-threatening situation, even if they are DNR. If a resident goes into cardiac arrest, and there is a DNR, the applicant calls Hospice. He said that was State law. Mr. Butler stated he has a third home at Dobson & University, which is licensed for 10. He also stated that he always has 2 employees on staff at all times. There's a minimum of 2 in the evening, and sometimes during

the day there may be more. He said that one of them might run to the grocery store, but they're always within 5 minutes of being there.

VICE CHAIRMAN HEUMANN commented that he doesn't have a concern with the use, but had a concern with regard to the letter and how it was worded.

(A member of the audience, Diane Johnson, of 6924 W. Harrison, spoke with regard to the Chandler Pavilion Condominiums stated that she had some concerns with this item, which had been approved previously on the Consent agenda. She asked whom she would speak with regarding her concerns. Chairman Flanders directed her to speak to the planner on the case, Kevin Mayo. Vice Chairman Heumann also advised the speaker that the Planning and Zoning Commission is a recommending body to the City Council, and if she had any concerns she should attend the Council meeting.)

MOTION BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER CREEDON to approve UP05-0046 BLUE SKY MANOR. Motion was approved (6-1). For the record, Commissioner Ryan stated that his 'no' vote doesn't reflect the use as he was not opposed to the use, but it reflected the number of beds. He felt it took it to a more commercial level.

7. DIRECTOR'S REPORT

There was nothing to report.

8. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is December 21, 2005 at 5:30 p.m.

9. ADJOURNMENT

The meeting was adjourned at 7:38 p.m.

_____
Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, December 21, 2005 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance led by Vice Chairman Heumann.

3. Presentation of Appreciation to Jeanette Polvani.

4. The following Commissioners answered Roll Call:

   Chairman Michael Flanders
   Vice Chairman Rick Heumann
   Commissioner Phil Ryan
   Commissioner Mark Irby
   Commissioner Dick Gulsvig
   Commissioner Angela Creedon

   Absent and Excused: Commissioner Brett Anderson

   Also Present:

   Mr. Jeff Kurtz, Current Planning Manager
   Mr. Bob Weworski, Principal Planner
   Ms. Kim Clark, City Planner
   Mr. Bill Dermody, City Planner
   Mr. Kevin Mayo, Senior Planner
   Ms. Judy Skousen, Assistant City Attorney
   Ms. Linda Porter, Clerk

5. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER GULSVIG to approve the minutes of the December 7, 2005 meeting. Motion was approved 6-0.

6. CONSENT AGENDA ITEMS

   Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He explained that the Consent Items were marked by an asterisk on the agenda and would be approved with one single motion.

   CURRENT PLANNING MANAGER JEFF KURTZ advised Item A **(PDP05-0018 San Tan Crossings)**, Item C **(DVR05-0005 Artisan Village at Gila Springs)**, Item D **(DVR05-0051 The Halsted)**, Item E **(PDP05-0023 Ocotillo & Alma School Restaurant/Retail)**, Item F **(DVR05-0030 Silagi Chandler Commerce Center)**, Item G **(DVR05-0045 Santan Executive Center)**, Item H **(PDP05-0027 Wells Fargo Ocotillo Corporate Center Phase II)**, Item I **(PDP05-0022 Santan Dobson Business Park Phase II)**, Item J **(PDP05-0029 Dobson Town Place)**, Item L **(UP05-0058 Valley Silver Bullets)**, Item M **(UP05-0074 John K. Bishop, M.C., P.C.)**, Item N **(PPT05-0052 Centro De Alabanza Juda)**, and Item O **(PPT05-0053 Laguna Villas at Ocotillo)** were on the Consent agenda. Items 'C' and 'F' were requests for continuances to the January 18, 2006 Planning and Zoning Commission agenda. The Action items were 'B' and 'K'.

Mr. Kurtz stated that there were additional stipulations added to some of the items:

Item A: ***11. All building and monument signage shall be reverse pan channel halo illuminated individual letters.***

Item E: ***7. Monument signage copy shall be halo illuminated reverse pan channel.***
8. The applicant shall work with Staff to enhance the monument signage to architecturally integrate the signage within the site.

Item G: ***13. The applicant shall work with Staff to provide pedestrian seating areas with art and/or water features.***

Item J: ***9. The applicant shall work with Staff to provide additional pedestrian features with art or water features.***

A. <u>PDP05-0018 SAN TAN CROSSINGS</u>

APPROVED, a request for Preliminary Development Plan (PDP) approval to construct 11 office condominium buildings totaling 67,788 square feet on an approximate 8-acre parcel zoned Planned Area Development (PAD). The property is located east of the southeast corner of Pecos Road and Cooper Roads.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2701, in case <u>PL98-0118 RIO DEL VERDE</u>, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "San Tan Crossings " kept on file in the City of Chandler Current Planning Division, in file number PDP05-0018, except as modified by condition herein.
3. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. Berms along 50% of arterial street frontages must be at least 24" above the top of curb elevation in order to meet the Commercial Design Standards. Berms are to be located behind the right of way and must maintain a four to one slope.
7. Trees planted along arterial frontages are to be comprised of 25%-48" box trees, 25% 36" box trees, and 50% 24" box trees as per the Commercial Design Standards.
8. All trees along the southern property line are to be 12' tall at planting, spaced at 20' on center to achieve a dissimilar land use buffer.
9. All building signage oriented toward the adjacent residential development to the south and east shall be non-illuminated.
10. A maximum of 23,725 square feet may be used for medical uses (35% of the total square footage).
11. **All building and monument signage shall be reverse pan channel halo illuminated individual letters.**

C. DVR05-0005 ARTISAN VILLAGE AT GILA SPRINGS

CONTINUED TO THE JANUARY 18, 2006 PLANNING AND ZONING COMMISSION MEETING AGENDA, a request for rezoning from Planned Area Development (PAD) Office to Planned Area Development (PAD) Mixed-Use on approximately 9.57-acres with Preliminary Development Plan (PDP) approval on approximately 6.99-acres for the construction of an 85-unit residential condominium development located north and west of the northwest corner of Chandler Boulevard and Gila Spring Boulevard.

D. DVR05-0051 THE HALSTED

APPROVED, a request for rezoning from Planned Area Development (PAD) for a wellness center to Planned Area Development (PAD) and Preliminary Development Plan (PDP) for a 30,000 square foot, two-story medical office building and hospital parking lot. The subject property is approximately 7 acres and is located at the southeast corner of Frye Road and Pennington Drive.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "The Halsted", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0051, 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. 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. The exhibits and representations submitted herein are found to be in compliance with the requirements for Conceptual Development Plan approval. However, this does not constitute approval of the PAD Final Development Plan (Site Development Plan) by the Zoning Administrator.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
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. Landscaping shall be in compliance with current Commercial Design Standards and Zoning code requirements in size and quantity.
10. The landscaping in the southern retention basin to be increased in quantity to meet the requirements of the Zoning Code.
11. A maximum of 50% of the landscaped frontage area may be used for water retention along both street frontages.
12. Access for the fire department shall be maintained in the drive aisles leading up to and designated "potential easement for YMCA fire lane".

E. PDP05-0023 OCOTILLO & ALMA SCHOOL RESTAURANT/RETAIL

APPROVED, a request for Preliminary Development Plan (PDP) approval for site layout and building architecture for a restaurant and retail building on approximately 1.8-acres located at the northwest corner of Ocotillo and Alma School Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "OCOTILLO & ALMA SCHOOL RESTAURANT/RETAIL" kept on file in the City of Chandler Current Planning Division, in file number PDP05-0023, 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 property owners association.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. Completion of the construction, where applicable of all required off-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. **Monument signage copy shall be halo illuminated reverse pan channel.**
8. **The applicant shall work with Staff to enhance the monument signage to architecturally integrate the signage within the site.**

F. DVR05-0030 SILAGI CHANDLER COMMERCE CENTER

CONTINUED TO JANUARY 18, 2006 PLANNING AND ZONING COMMISSION MEETING AGENDA, a request for rezoning from Planned Area Development (PAD) industrial to PAD office and industrial with Preliminary Development Plan (PDP) for an 11 building multi-tenant development on approximately 12 acres located on the North side of Chandler Boulevard one–half mile east of Kyrene Road.

G. DVR05-0045 SANTAN EXECUTIVE CENTER

APPROVED, a request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval on approximately 6.35-acres for the construction of a Medical/General Office development located south of the southwest corner of Pecos and Dobson Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "SANTAN EXECUTIVE CENTER" kept on file in the City of Chandler Current Planning Division, in file number DVR05-0045, except as modified by condition herein.
2. Right-of-way dedications to achieve full half width for Dobson Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. 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. Completion of the construction, where applicable, 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. 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.
9. The developer shall be required to install landscaping in the arterial street median 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.
10. Medical Office uses shall be limited to a maximum of 20% of the total building area.
11. The applicant shall work with Staff to enhance the elevation of the parking garage to include elements found upon the office buildings.
12. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

    In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the SANTAN EXECUTIVE CENTER development shall use treated effluent to maintain open space, common areas, and landscape tracts.
13. **The applicant shall work with Staff to provide pedestrian seating areas with art and/or water features.**

H. PDP05-0027 WELLS FARGO OCOTILLO CORPORATE CENTER, PHASE II

APPROVED, a request for Preliminary Development Plan (PDP) approval for a 205,000 square foot commercial office building located on approximately 63 acres at the northwest corner of Price and Queen Creek Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled Wells Fargo Ocotillo Corporate Center Phase II, kept on file in the City of Chandler Planning Services Division, in File No. PDP05-027, except as modified by condition herein.
2. Compliance with original stipulations adopted by City Council as Ordinance No. 3389, in case DVR02-0021 WELLS FARGO OCOTILLO CORPORATE CENTER, except as modified by condition herein.
3. All mechanical equipment and appurtenances shall be concealed and screened from view. Solid parapets are acceptable for screening, provided the height shall be equal to, or higher than, the highest point on the mechanical equipment.
4. Sign packages 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.

I. PDP05-0022 SANTAN DOBSON BUSINESS PARK - PHASE II

APPROVED, a request for Preliminary Development Plan (PDP) approval on approximately 5.26-acres for a business park development with commercial and industrial uses located west of the southwest corner of Pecos and Dobson Roads.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3580, in case DVR03-0050 SANTAN DOBSON BUSINESS PARK.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "SANTAN DOBSON BUSINESS PARK – PHASE II" kept on file in the City of Chandler Current Planning Division, in file number PDP05-0022, 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 Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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. Completion of the construction, where applicable, 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. 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.

J. PDP05-0029 DOBSON TOWN PLACE

APPROVED, a request for Preliminary Development Plan (PDP) approval for a commercial office development located on approximately 5.6 acres north of the northeast corner of Alma School and Queen Creek Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled Dobson Town Place kept on file in the City of Chandler Planning Services Division, in File No. PDP05-029, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinance No. 2703, in case PL96-155 CARINO ESTATES, except as modified by condition herein.
3. Sign packages 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.
4. Trees planted along Alma School Road are to be comprised of 25%-48" box trees, 25% 36" box trees, and 50% 24" box trees as per the Commercial Design Standards.
5. All trees along the north and east property line are to be 12' tall at planting, spaced at 20' on center to achieve a dissimilar land use buffer.
6. A maximum of 17,800 square feet may be used for medical uses (40% of the total square footage).
7. All building signage shall be reverse pan channel, halo illuminated.
8. All building signage oriented toward the adjacent residential development to the north and east shall be non-illuminated.
9. **The applicant shall work with Staff to provide additional pedestrian features with art or water features.**

L. UP05-0058 VALLEY SILVER BULLETS

APPROVED, a request for extension of Use Permit approval to allow up to 14 horses on-site in conjunction with a therapeutic and recreational horse-riding clinic. The subject property is located at 1991 S. Tumbleweed Lane.

1. The Use Permit is valid for three years and may be extended upon application of a new Use Permit subject to review by the Planning and Zoning Commission and approval by the City Council.
2. Expansion beyond the attached Site Plan shall void the Use Permit and require new Use Permit application and approval.
3. The number of horses kept on the subject property may not exceed 14 horses on-site at class time.
4. All parking for equestrian classes must be on-site and out of the private roadway.
5. The property shall practice dust control measures.
6. Classes are limited to Tuesdays from 6 p.m. to 8 p.m. and Thursdays from 6 p.m. to 7 p.m.

M. UP05-0074 JOHN K. BISHOP, M.C., P.C.

APPROVED, a request for a three-year extension of Use Permit to operate a counseling office in a portion of an existing residence located at 498 W. Chandler Boulevard (northeast corner of Chandler Boulevard and Iowa Street). Subject property is located within a Single Family Residential (SF8.5) Zoning District.

1. The Use Permit shall be effective for three 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. Any expansion or modifications beyond the approved exhibits shall void the Use Permit.

N. PPT05-0052 CENTRO DE ALABANZA JUDA

APPROVED, a request for Preliminary Plat approval for a Church subdivision located south of the southwest corner of Frye Road and Hamilton Street.

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

O. PPT05-0053 LAGUNA VILLAS AT OCOTILLO

APPROVED, a request for Preliminary Plat approval for a condominium development located at the northwest corner of Alma School Road and Powell Way.

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

COMMISSIONER RYAN stated for the record that he would abstain from voting on Items 'A' and 'N' as he had been a consultant on both of the items.

MOVED BY COMMISSIONER GULSVIG, SECONDED BY COMMISSIONER CREEDON, to approve the Consent Agenda Items, with additional stipulations as read into the record.

ACTION AGENDA:

B. DVR05-0009 MAPLEWOOD COURT

Request Rezoning from Agriculture (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a 32 lot single-family subdivision on an approximate 15-acre lot located at the southwest corner of Maplewood Street and Vine Street (approximately ¼ mile east of Alma School Road and ¼ mile north Germann Road).

MS. KIM CLARK, CITY PLANNER, stated that this was a proposal to rezone and grant a Preliminary Development Plan on 15 acres at the southwest corner of Vine and Maplewood Street, south of Willis Road and east of Alma School Road, for a 32-lot single-family custom home subdivision. The standard lots are planned to be 12,500 square feet with a minimum of 3,000 square feet of livable space for each home. The custom homes will be built in a variety of styles with upgraded features such as side-entry garages, decorative painting at the driveways, and required building mass changes. These homes are proposed to be a mix of one- and two-stories tall. Staff believes that this will be a high-quality subdivision and recommended Planning Commission's approval with conditions. Ms. Clark further stated that the applicant was not in agreement with condition no. 9 in regards to the amount of lots limited to one-story homes. Ms. Clark stated that the stipulation that was recommended by Staff was in line with the request of the adjacent property owner to the south, requesting that all lots adjacent to his property be limited to one story. This would include lots 6 – 11. The developer has agreed to limit lots 9 and 10 at the location of the existing home. In addition the developer has agreed to construct an 8-foot wall instead of the standard 6-foot wall, and provide a row of 24" box trees along the southern, western, and eastern property lines. The developer is also limiting lots 1 – 4 to one-story at the request of the neighbors to west.

Ms. Clark stated that Staff was recommending approval of the case with the conditions including the limitation of lots 1 – 4, 6 – 11, and all corner lots to be one-story homes.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "MAPLEWOOD COURT", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0009, 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. 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. 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. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. Lots 1 through 4 and 6 through 11 shall be constructed with single story homes only.
10. All homes built on corner lots within the residential subdivision shall be single story.
11. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
12. 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.
13. A minimum of two trees at a minimum of 2-inch caliper each shall be planted in all front yards.
14. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

    In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence

shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Maplewood Court development shall use treated effluent to maintain open space, common areas, and landscape tracts.

15. 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 existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's 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 shall 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.
16. The minimum pavement width for half street improvements on both Maplewood Street and Vine street is 24 feet.

COMMISSIONER IRBY asked to have restated those lots that were restricted to single story homes.

MS. CLARK restated that those lots were 1-4, 6-11, along with any lots that were on a corner (lots 12, 32, 27, 17, 26, 1, and 19).

MR. SEAN LAKE, 1930 E. BROWN ROAD, MESA, stated that, in working the neighbors, the developer had provided additional setbacks along the perimeter lots. If it were a single-story home along the perimeter, there would be a 25-ft. minimum rear setback; if it were a two-story home along the perimeter, there would be a 35-ft. setback. In addition, they have agreed to provide single-story homes on lots 1-6 and on 9 and 10. The reason they had done that was primarily due to the layout of the existing development that is there today. Lots 1-6 have homes on the other side of the wall where there is a lot backing up to a lot. The reason why they added lots 9 and 10 was because there is a home on the other side of lots 9 and 10. As for lots 7, 8, and 11, that Staff had recommended be single-story homes, Mr. Lake stated that there wasn't a home or anything detrimental on the other side. Once there is a two-story home that is 35-ft back with an 8-ft perimeter wall, the developer didn't feel there would be much of an impact on the adjacent pasture, barns, sheds, etc. Mr. Lake stated that they agreed to work with Staff to enhance the perimeter wall along Maplewood to provide a split-face block.

COMMISSIONER HEUMANN asked Staff if Eden Estates to the east were all single-story or if it was a mix of one- and two-story. Also, he questioned if the other custom homes that had been recently approved were mostly single-story, especially those that abut other residential.

MS. CLARK stated that Eden Estates were all one-story homes. With regard to other custom home subdivisions, there was a mix of one- and two-story homes. There had been concessions made when adjacent to existing homes.

COMMISSIONER IRBY asked why some of the lots had trees at the rear of the lots, while other lots did not. Also, he had a question about the maintenance of the trees.

MR. LAKE said that for lots 1-4 there would be landscaping at the rear of the lots, which would be installed by the homeowners of those lots. For Lot 5 and then wrapping around the edge *(lot 6)*, the developer had agreed as an additional mitigation factor to install trees as an additional buffer. He said that they had worked with the neighbors that are adjacent to lots 1-4 and agreed to single-story homes. Also there will be trees on the adjacent arterial to satisfy code. There are no requirements in code that requires landscaping inside someone's rear lot. He went on to say that the reason they have

the additional trees on lots 5 through 21 is because they had not agreed to the condition for single story homes along there, but in exchange agreed to do an 8-ft. wall and then only do only lots 9 and 10 as single stories.

COMMISSIONER IRBY asked if the trees would be eliminated if there were only a single story unit. Mr. Lake stated that they would not install the trees per the developer. The homeowner when they build their home would install their own trees, just like every other custom lot subdivision.

COMMISSIONER IRBY asked who would be responsible for maintaining the trees. Mr. Lake stated that the homeowners' association would have in the CC&Rs the right to protect and ensure that the trees are not removed, and if they died that they would be replaced.

VICE CHAIRMAN HEUMANN asked if the trees on lots 5 through 26 were on the outside or inside of the wall. Mr. Lake said that the trees on lots 6 through 21 would be on the developer's side of the wall. The developer would be installing an 8-ft. wall along the south property line, and on the developer's side of the wall they would be installing the 24" box trees. Mr. Lake stated that for further clarification the reason they had the trees and the taller wall was because they did not want to limit those homes on the south side to single story.

VICE CHAIRMAN HEUMANN asked if there would be no trees on lots 9 and 10 since it was stipulated that these were single story lots. Mr. Lake stated that they would put trees on those lots. He said that they could pull them out just to stay consistent, but they might as well put them in since they were shown on the plan.

CHAIRMAN FLANDERS stated that the exhibit showed trees in the rear yards of lots 5 through 26 and wondered if that how now changed. Mr. Lake said there would also be trees in the perimeter of lots 22 through 26 on the homeowner's side of the wall in addition to landscaping on the outside of the wall between Vine and the perimeter wall. Mr. Lake stated that there would be trees on all the lots 5 through 26, provided by the developer.

CHAIRMAN FLANDERS asked Staff how the 8-ft. wall height would be determined. Ms. Clark stated that it is taken from the higher grade. If the adjacent properties are lower than this property, the homeowner could have a 9- to 10-ft. wall.

COMMISSIONER GULSVIG asked if the CC&R's had addressed the tree lines. He felt it was going to be very difficult to enforce the replacement of trees should they die.

MR. LAKE stated that the CC&Rs had not been finalized as yet. They would be finalized before Final plats are approved. The homeowners' association would have the right, as well as the documentation and record from the Planning Commission meeting, that if an adjacent property owner had a tree die and they wanted it replaced, they could contact the homeowners' association and the HOA would replace the tree. The City would also, because it was one of the conditions, contact the HOA to have the tree replaced, just the same as if a tree died on the perimeter area in a subdivision.

COMMISSIONER GULSVIG said that this would not be the same. Normally, if it's a common area, that property is platted differently. This would be on personal property, and he believed that it would get into another whole area. He asked Staff if this would be non-enforceable.

MR. KURTZ stated that this was certainly not an ordinary condition. He said that the City would look at it from an enforcement upon the property owner who lives there; the City would not worry about the HOA. The property owner would be cited.

COMMISSIONER RYAN stated that most likely what would happen is that there would be a landscape easement, which would define who would be responsible for the trees. It should be noted upon review of the Final Plat by City Council.

VICE CHAIRMAN HEUMANN stated that if all the lots were single-story, they wouldn't be talking about the trees because there wouldn't be a need for them.

MR. JERRY CRATER, 1970 S. TUMBLEWEED LANE stated that their property is directly south and adjacent to the project. They are retired and have lived at this location for 8 years, but have owned the property for 12 years. Mr. Crater stated that when they moved to this area, they liked the rural atmosphere and noticed that there were no two-story homes nearby. Eden Estates required only single-level homes. Mr. Crater made reference to a neighborhood plan that he had come into contact with through his neighbor. The document was developed and issued by the Planning and Development department. He stated that in the document, it had two stipulations for development around their neighborhood. One stipulation was that they be allowed to maintain their lifestyle. Also, the other stipulation was that there be one-half acre lots. Mr. Crater stated that they're not asking for one-half acre lots by them, but they believed there should be a restriction on two-story homes. He went on to say that he understood that this document had never been approved by City Council; however, the neighbors had relied on the document and on the conditions that were set forth to protect their lifestyle. He felt that the Planning Commission should follow the recommendation by Staff to restrict the lots to single-story.

Mr. Crater further stated that trees are not a reliable barrier. He said that he could see now that the initiative would have to be on them to get the trees replaced should they die. He felt the only long-term solution would be for single-story homes on the lots.

Mr. Crater presented a petition to Commission signed by residents/property owners with regard to Maplewood Court who were strongly against permitting two-story homes along the south side of the project overlooking their properties.

COMMISSIONER RYAN asked if the surrounding area was in the County. Mr. Kurtz stated that it was all City; however, it was primarily developed in the County, but annexed into the City. He went on to say that the City had started working on an Area Plan to identify some policy considerations for development in this area, but it was never adopted by Council; not that Council denied it, but that it was never followed through on. What the document talked about was all of the typical compatibility type issues that Staff looks at on every project and every time it comes forward, things like single-story, lot sizes, preserving roadways in the area, etc. This document wasn't adopted, but it doesn't mean that it doesn't have merit. Mr. Kurtz stated that all of the typical compatibility issues should be looked at and should be considered on this type of case.

ROBERT DEVANE, 1975 S. TUMBLEWEED LANE, **CHANDLER**, stated that his family had resided at this residence since 1971. He asked the Planning Commission to consider expanding the one-story home limitation for the entire southern border of Maplewood Court including Mr. Crater and Mr. Rios. He said that he attended the public meeting concerning the development held at the Christian Church on Alma School Road. He believes that the two-story homes to the north of his subdivision was not the intent of the City of Chandler and the document that had been referred to earlier. He stated that he was present when representatives from the City of Chandler met in his front yard in the spring of 1983 to ask the neighbors to voice their concern with regard to the future annexation of the subdivision into the City of Chandler. After the City listened to the neighbors concerns about their community, the City developed the document. Mr. Devane stated that the language shows a clear intent to minimize the effect of future development on the perimeter of their subdivision. The intent would be violated by the construction of two-story homes so close to the property of Mr. Crater and Mr. Rios. Mr. Devane stated that as a community they are not opposed to

development in their area. To the east of their subdivision is a development built by Fulton Homes. Fulton Homes went to a great deal of trouble and expense to satisfy their requests. To the west of their subdivision is Eden Estates and the Christian Church, which was also a good experience in that both parties showed an attitude of cooperation. Mr. Devane said that had not been his experience with the development of Maplewood Court. They welcome the future development of the property, but with a stipulation that only one-story homes are built on the southern boundary of the development.

CAROLE ROTH, 1720 S. JAY PLACE said that she had just become aware of the project through the last mailing. Ms. Roth asked for clarification of which lots would be single-story.

MS. CLARK stated the development booklet stated that the applicant wished to do lots 1-4 and 9 and 10 at one-story. Staff recommended the stipulation of lots 1 - 4 and 6 – 11.

VICE CHAIRMAN HEUMANN asked why lot 5 was left out, as it backs up to a home. Ms. Clark stated that lot 5 had been left out due to the large pie shape lot. There was not a specific request that lot 5 be limited to one story.

MS. ROTH stated that her lot was lot 21 and that it backed up to lots 5 and 6. She felt there would be problems associated regarding the replacement of dead landscaping trees. She said that when she moved in, there was a promise that there would not be two-story homes behind her. She felt that with having a two-story home behind her, she would be losing her privacy, her property value, and her lifestyle. She also asked why she was being discriminated against with lots 5 and 6 because she was backed up to both lots. She was not sure why the other lots were getting preferential treatment, while she is being left out. Ms. Roth requested Planning Commission to not allow two-story homes on the perimeter lots, which would limit the privacy, property value and lifestyle of those adjacent property owners.

J. D. KIRK, 1575 S. VINE STREET, said that he lived at the northeast corner of the subject property. He said that he bought the property in 1993 and the home was finished in 2000. He said that he was never notified of the development. He asked what was being planned for Vine Street. He said that when he put in the waterline, the City said that any development would improve the road and install everything as needed and required by the City.

MS. CLARK stated that the west half of Vine Street will be developed by this developer. They will pave it to 24 feet to make sure there is enough room for two-way traffic. The developer has assured the City that they have worked with the property owners that live on Vine Street to obtain the roadway easements.

MR. KIRK stated that no one had contacted him. He said that the City had told him if installed the waterline and give it to the City, then when the development came in, the most southern part of Vine to Willis would be improved. He went on to say that the property owner had used Vine Street instead of Maplewood for hauling in rock.

CHAIRMAN FLANDERS said that from what he was hearing, the street would be developed. He asked Ms. Clark if the City would take care of the curb and gutter on the east side of the street.

MS. CLARK stated that the pavement would end at the end of 24 feet. There would be no curb and gutter unless the existing property owners decided to develop their half of the street. The City is not at this time requiring the property owners to develop the street. Unless there was a City project, it would be at the expense of the property owners.

VICE CHAIRMAN HEUMANN asked Mr. Kirk if he lived north or south of Maplewood. Mr. Kirk stated that he lived north of Maplewood. Vice Chairman pointed out that this application pertained only for Vine Street south of Maplewood.

MS. CLARK stated that the improvements she referred to were south of Maplewood. The City would like to see Vine Street north of Maplewood developed, if and when it is developed.

RON KENNEDY, 1640 S. EMERSON, asked if there were any stipulations with regard to basements. He said that from a standpoint of square footage for living space, there was nothing wrong with installing basements, such as those in Eden Estates. He wondered if this was an area that could be researched or discussed.

CHAIRMAN FLANDERS asked if the use of basements were ever discussed with the developer. Ms. Clark stated that basements were never specifically discussed. The applicant expressed that they wanted to leave all options open to the future property owners. She noted that basements were allowed without restriction on all of these lots.

MR. KENNEDY commented that basements could be an alternative to two-story homes.

CHAIRMAN FLANDERS asked Staff if Eden Estates was ever proposed with two-story home products. Ms. Clark stated that the developer came in with one-story home plans only.

MR. KURTZ commented that two-story homes were never an issue. There was no discussion about height at Eden Estates.

TIM LEFFLER stated that he lived in Eden Estates and was opposed to two-story homes at Maplewood Court as he felt it would not enhance the neighborhood. He commented that a two-story home behind Ms. Roth's home would like directly into her yard. He also felt a basement would be a good solution to a two-story home. He stated that if Eden Estates had offered two-story homes, he wouldn't have bought there.

MR. PABLO RIOS, 1971 S. TUMBLEWEED LANE, stated that he was upset that he hadn't been notified of this case. He was opposed to the two-story homes as well. He felt they would be losing their privacy. He also stated that a basement would be a good solution to the two-story.

MS. ROTH asked if there were any other forums where they could state their objections. She was informed that City Council would meet on January 12th, 2006, at 7 p.m.

VICE CHAIRMAN HEUMANN asked Staff how wide Vine Street would be. Ms. Clark stated that Vine Street when it is developed would have 24' wide pavement. The existing homes on the east side are set back quite a ways from the future right-of-way. The City does plan for Vine Street to go through to the north. She said that she was not aware of how many homes exist on the north side of Maplewood. Maplewood runs from Alma School Road to Vine Street at this point.

MR. LAKE stated that they would propose a revised condition no. 9 that would say, "No two-story homes on the west or the south side." He felt that would satisfy everyone's concerns. He said that with that, they would delete the trees, as it seemed to a whole issue unto itself. He requested that condition no. 10 be deleted so that on the internal portion they be given some flexibility for two-story homes. None of those homes would intrude into any sight lines into perimeter properties. This would include lots 1-11, and lots 20 and 21 that would be single-story.

COMMISSIONER GULSVIG stated that he would rather see that lots 1-26 become single-story on the entire perimeter and eliminate the trees. He said that he had a problem with trees so close to the property line.

MR. LAKE stated that lots 1-26 would be a lot of lots on the interior as well. Mr. Lake said that they had worked with the neighbors behind lots 22-26 and had agreed to install trees. He said what they could do though would be to move the trees to the outside of the wall, which would be easier for landscapers to get to.

COMMISSIONER IRBY stated that he felt that the trees needed to be a different species. The trees planted at 30-ft on center wouldn't provide screening. A Sissoo tree needed to be planted at 20-ft. on center to function as any kind of visual barrier. He recommended that the trees on the east side along Vine be moved out into the right-of-way by the street where they could be maintained by the association. Commissioner Irby commented that he thought the project hadn't been thought out too well. He had a problem with the perimeter wall and commented that the project needed to go to design review. He felt the applicant needed to evaluate if the project should be single-story products with basements.

COMMISSIONER CREEDON commended the applicant for listening to the neighbors and felt they had come a long way. She asked the applicant if the market would drive the lots. Mr. Lake stated that that was correct.

MR. LAKE stated that they had agreed earlier to work with Staff on the perimeter wall along Maplewood.

COMMISSIONER GULSVIG commented that he would endorse going to design review with the project.

VICE CHAIRMAN HEUMANN asked when Eden Estates was approved and if the lots were sold out. Ms. Clark said that she believed Eden Estates was approved in 1997, but wasn't aware when the lots were sold out.

COMMISSIONER IRBY said that it didn't appear that Maplewood lined up west of this property. Ms. Clark stated that Maplewood had developed incrementally. The portion in front of Eden Estates was developed by Eden Estates; the portion in front of Cornerstone Church Phase I was developed at that time. The remainder of the northern portion heading east in front of Cornerstone Church will be done during the Church's Phase III improvements, which the PDP is not yet approved. The south side of Maplewood from Eden Estates over in front of this development will be completed by this developer.

MOVED BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER GULSVIG to continue this case to the January 18, 2006 Planning Commission meeting and prior to the meeting, a design review be held to review the project.

CHAIRMAN FLANDERS asked Commissioner Irby what his concerns were with the project. Commissioner Irby stated that he was concerned about the adjacent properties having two-stories around them. He felt the project needed to be a single-story product. He wanted to discuss the perimeter wall elements as well. He wanted to see a design that integrates with the walls continuously around the property and the entry features, which seemed to be on the weak side in terms of design. He stated that if these were going to be custom homes, the subdivision should look like a custom home subdivision.

Before the vote was taken, **VICE CHAIRMAN HEUMANN** stated that it was his opinion that the project needed to be single-story based on what was around the neighborhood. He noted that he had concerns about the type of trees and on which side of the wall they should be placed. He felt that the perimeter wall issue could be worked out with Staff versus going to design review.

COMMISSIONER GULSVIG stated that if the applicant was willing to go along with that position then there would be no need to go to design review.

COMMISSIONER IRBY stated that he would amend his motion, but to continue the case to the January 18th meeting, but with the applicant coming back to the hearing with a different presentation which addressed the site perimeter designs, walls, and landscaping. He commented that design review could be skipped.

COMMISSIONER GULSVIG agreed to the amendment. When the vote was taken, motion was approved.

K. UP05-0067 IGUANA MACK'S

Request Use Permit approval to sell liquor (Series 6 Bar License) within an existing restaurant located at 1371 N. Alma School Road.

MR. KEVIN MAYO, SENIOR CITY PLANNER, stated the request was for a Use Permit to sell liquor under a Series 6 bar license within an existing restaurant located at 1371 N. Alma School Road, at the southeast corner of Knox and Alma School Roads. Mr. Mayo said that the site was originally Chops Classis Steak and Seafood Grill. Approximately three years ago the owner decided to change the theme to a modern Mexican-American restaurant named Iguana Mack's. The restaurant has operated under a Series 12 restaurant license for approximately 17 years. During the past year, the applicant decided to perform a self-audit. Under a Series 12 license, the state requires that there be a minimum 40% of sales to be in food and non-alcoholic beverages. During the self-audit, it was found that the business was operating at 43%. While that is in compliance with a Series 12, the applicant feels that it is getting close, and in lieu of a surprise audit by the state, the applicant is requesting Use Permit approval for a Series 6 bar license that does not contain any requirement for a minimum percentage in non-alcoholic beverage and food sales. Mr. Mayo stated that Staff found there were no land use impacts from going from a Series 12 to a Series 6 license and recommended approval with conditions.

Mr. Mayo noted that Staff received a letter from a neighbor to the north that owns a Chinese restaurant with concerns regarding parking. The owner felt that going to a Series 6 would compound the problem. The applicant indicated that the nature of the business would not change due to the Series 6. Staff has found the center to be parked by Code. A stipulation has been added that the Use Permit would be effective for one year, at which time it would be re-evaluated.

1. Expansion, modification, or relocation beyond the approved exhibits (Floor 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 Use Permit is non-transferable to other store locations.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.

COMMISSIONER IRBY asked if a Series 6 license was more in tune with a bar versus a restaurant. and if a Series 6 would create more of a nightclub setting and if it would create a need for more parking. Mr. Mayo stated that a Series 6 was a bar license; a Series 12 is a restaurant license. At a bar there is no requirement to sell food. He went on to say under a Series 6 if there was no stipulation to a particular floor plan and a certain pro forma for how the business was going to operate, they could convert to a full blown bar. Under this Use Permit, however, the applicant has submitted that they will not do that. They will continue on as it is now, the floor plan will not change, nor with the business change. The applicant was concerned with getting so close to the 40% minimum. As far as parking there's still the 'parking per square foot' parking, so it would still be considered serving area and be parked accordingly. Mr. Mayo pointed out that this request was stipulated to a specific floor plan.

MS. AMY NATIONS said she is employed by Arizona Liquor Industry Consultants who were hired by the applicant to process the liquor application and Use Permit request. Ms. Nations stated that a Series 6 is a quota license; the state does not issue them, they must be purchased from an existing owner. She said that when the applicant discovered he was so close to his food percentages, he decided to go forward with a Series 6 because they are sometimes hard to find. She went on to state that nothing else was being changed. Mr. Lopercio has just hired a new chef to beef up the menu to get more food business. Sixty percent of the floor plan is designated for dining area. The applicant will continue operating as a restaurant.

COMMISSIONER IRBY said that he had read the letter written by the neighbor who had concerns with the noise generated from motorcycles and concerns with broken bottles. He asked if this letter had been read by the applicant.

MR. MIKE LOPERCIO, 1605 E. CITATION LANE, TEMPE, AZ stated that he had just read the letter and was aware of it before the meeting. He was not aware that there were any problems associated with the request. Mr. Lopercio said that they do have motorcycles that pull up, but it wasn't a motorcycle gang clientele. As far as broken bottles, Mr. Lopercio said that that happens, no matter what kind of restaurant. He said that his cleaning staff sweeps the parking lot every morning to make sure there is no trash and stated that the parking lot is pretty clean. Mr. Lopercio stated that he is a restaurant owner, not a bar owner, and that his intention was to redevelop his food concept. His goal was to have the best dinner house in Chandler. He felt though that it was prudent to obtain a Series 6 license.

COMMISSIONER IRBY asked about the smoking impact. Mr. Lopercio stated that if an establishment had more than 40% alcohol sales, then the business did not have to comply with the smoking ordinance. He said that at the present time they are well within that percentage where the entire building could be smoking. They chose not to, however. He stated that there was smoking in the bar, but not in the restaurant area.

COMMISSIONER IRBY stated that he was not opposed to the request. He felt that the problem with the parking was a site design issue. The bulk of the parking was in the rear. Mr. Lopercio commented that the parking in the rear was better for his neighbor's patrons than for his.

COMMISSIONER IRBY stated that he would support the request as long as the business stayed a restaurant and the bar function didn't grow more than it already was. He asked the applicant to police the area a little better for debris.

VICE CHAIRMAN HEUMANN asked if there was live music at the present time. Mr. Lopercio stated that there was music on Saturday nights. He said that he didn't feel that they attract a certain crowd on a certain night, but seemed to be consistent throughout. He did note that the crowd got younger as the night went on. The parking lot is never full from 11 to 1 a.m.

VICE CHAIRMAN HEUMANN stated that he had requested that a one-year time stipulation be placed on the request. Mr. Lopercio stated that he did not have a problem with that stipulation.

R. KIRK DUNBAR, 1381 N. ALMA SCHOOL RD, CHANDLER, stated that he was speaking for Hung Lin, owner of Lin Chinese Dining. The restaurant first opened for business 1988 and then later opened Saigon Seafood in 1996, which is next door to Iguana Mack's. Mr. Dunbar said that the Lin family was concerned with their future profitability because of their immediate neighbor, Iguana Mack's. He said that the Lin family wanted peaceful use and enjoyment of their property.

Mr. Dunbar stated that there were problems at the present time. A few years ago when the applicant expanded with a patio, the applicant said that there wouldn't be a problem with parking. However, parking is a problem, along with broken bottles, the motorcycles, sidewalk fornication, and scratched window glass.

With regard to the Series 6 license, Mr. Dunbar stated that the applicant currently has a license to allow the serving of liquor. He said by allowing a Series 6 license there would be more liquor and less food, which could create chaos, which in turn could put the Lin family out of business. He felt Iguana Mack's was going to have to sell a lot of liquor to pay for the Series 6 investment.

COMMISSIONER GULSVIG asked if any police reports had ever been filed.

VICE CHAIRMAN HEUMANN asked Mr. Mayo if Staff had contacted the police as to any reports that may have been filed. Mr. Mayo stated that he had not, but would do that. Many times a police report doesn't identify the source of a problem, but just identifies that there was a problem.

MR. HUNG LIN, 1381 N. ALMA SCHOOL ROAD, stated that he had reported any of the incidences. He had addressed the broken bottle issues with the association, but it had never been taken care of. They had to clean the parking lot themselves almost every weekend. He felt that parking was already a problem, and that a Series 6 would exacerbate the situation.

CHAIRMAN FLANDERS asked Mr. Lin if he had ever addressed any of these concerns with the applicant. Mr. Lin responded that he had spoken to the applicant regarding the broken bottles. The other incidents he had not. He said that approval of a Series 6 license was going to create an even bigger problem.

CHAIRMAN FLANDERS commented to Mr. Lin that one of the stipulations was tying the applicant to a specific floor plan, which meant that they could not automatically take everything out of the restaurant and go to a bar.

MR. LIN responded that they wouldn't have to change the floor plan to increase the amount of sales in alcohol. He wondered how such a situation could be controlled.

CHAIRMAN FLANDERS stated that there was a one-year stipulation that this case be brought back before Commission for review. Mr. Lin pointed out that in one year's time there could be a lot of damage done.

VICE CHAIRMAN HEUMANN stated that the one-ear time limit did not necessarily mean that the City would wait one year. In three months from now, if there were three or four police reports, that would be a violation of the Use Permit. He explained to Mr. Lin how the Use Permit process worked.

COMMISSIONER IRBY stated that if this Use Permit was approved, he recommended that Mr. Lin document the incidences. He felt it would be a good idea for Mr. Lin to communicate with the applicant instead of cleaning the parking lot himself.

MR. LIN asked if he needed to wait one year if there should be further problems. Commissioner Irby restated that if the problems persist, Mr. Lin could contact the City. **MR. KURTZ** said that the City could start the process to return to the Planning Commission and Council for disposition of the issues.

MR. LOPERCIO stated that they had not done a good job of communicating in the past. I said that he would re-double his efforts that Mr. Lin had. He said that the association had not contacted him with respect to the broken bottles. He asked Mr. Lin to come to him directly and he would fix anything that needed to be fixed. He said that he would make sure to co-exist as good neighbors. They would continue to be busy, but they wanted to be a good dinner house.

COMMISSIONER IRBY stated that he felt that Commission was comfortable with what the applicant was trying to do.

CHAIRMAN FLANDERS asked how the beer bottles could be migrating to the parking lot. Mr. Lopercio said there were only two ways: customers could be carrying them out, or the customers are driving up with them. He stated that they have a doorman almost every night of the week and they weren't seeing so much of that. They have more security that is watching the front.

VICE CHAIRMAN HEUMANN said that he was comfortable with the one-year limitation. He felt policing the parking lot and working closer with the neighbor would be best for everyone.

A conversation ensued with regard to a Series 6 and ownership. Mr. Mayo stated that if the business was sold and a new owner came in and maintained Iguana Mack's exactly as it is, it would not require a re-application. A Use Permit is a land use decision and it stays with the land.

MOVED BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER CREEDON, to approve UP05-0067 Iguana Mack's with stipulations 1-5 with additional 6 that if the ownership of the property changes that the Use Permit needs to come back for re-application. Motion was approved 5-0.

CHAIRMAN FLANDERS asked Staff when this case was going before Council. Mr. Mayo stated it was going before Council on January 12, 2006.

7. DIRECTOR'S REPORT

There was nothing to report.

8. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is January 4, 2006 at 5:30 p.m.

9. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

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Michael Flanders, Chairman

_____
Douglas A. Ballard, Secretary