



2019 Planning & Zoning Commission Minutes

Regular Meetings

January 16, 2019

February 20, 2019

March 6, 2019

April 3, 2019

April 17 2019

May 1, 2019 Cancelled

May 15 2019

June 5, 2019

June 19, 2019

July 3, 2019 Cancelled

July 17, 2019

August 7, 2019 Cancelled

August 21, 2019

September 4, 2019

October 2, 2019

October 16, 2019

November 20, 2019

December 4 2019 (not available yet)

December 18, 2019 (not available yet)

These minutes are fully searchable within this year by using the "Find Feature".

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, January 16, 2019, held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Devan Wastchak
Commissioner Robert Klob
Commissioner George Kimble
Commissioner David Rose
Commissioner Gregg Pekau
Commissioner Matt Eberle

Vice Chairman Rick Heumann was absent.

Also present:

Mr. Kevin Mayo, Planning Administrator
Mr. David de la Torre, Planning Manager
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, Sr. Planner
Ms. Kristine Gay, Sr. Planner
Ms. Jenny Winkler, City Attorney
Ms. Cathy Flores, Clerk

4. **APPROVAL OF MINUTES**
MOVED BY COMMISSIONER PEKAU, seconded by **COMMISSIONER EBERLE** to approve the minutes of the December 5, 2018 Planning Commission Hearing. The motion passed 4-0. Both **COMMISSIONER KIMBLE** and **COMMISSIONER PEKAU** were absent at the December 5, 2018 Planning and Commission Hearing and abstained from the vote.
5. **ACTION ITEMS:**
CHAIRMAN WASTCHAK informed the audience prior to the meeting, Commission and Staff met in an open Study Session to discuss each of the items on the consent agenda. He stated all Items would be read into the record and voted on in a single motion.

A. PDP18-0011 ORCHARD HEIGHTS

CONTINUED TO FEBRUARY 20, 2019 COMMISSION HEARING AND FEBRUARY 28, 2019 COUNCIL MEETING

Request Preliminary Development Plan (PDP) approval for the housing product for a single-family residential subdivision on approximately 19-acres located at the SEC of McQueen and Chandler Heights roads.

BACKGROUND FROM MEMO:

- Zoned PAD Single-Family Residential; approved on February 22, 2018
- Preliminary Development Plan for subdivision layout approved on February 22, 2018
- 19-net acres
- 60-lot single-family subdivision
- Lot sizes: 60 x 120 (7,200 sq. ft.) and 75 x 125 (9,375 sq. ft.)
- 3.15 dwelling units per acre

SURROUNDING LAND USE DATA

- North Chandler Heights Road, Single Family Residential
- South Rural Residential (County)
- East Rural Residential (County)
- West McQueen Road, Single-Family Residential

PROPOSED HOUSING PRODUCT DATA

- # Of Floor Plans 4 - # Of Elevations per plan 3
- Home size 1,768 sq./ft. – 2,500 sq./ft. # of Stories 1
- Architectural
- Theme
- Contemporary

PUBLIC / NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood meeting was held on July 17, 2018. One neighboring property owner attended. Asking general questions. As of writing this memo, Planning staff is unaware of any concerns or opposition to the request.

RECOMMENDED ACTION

Preliminary Development Plan

Planning staff recommends Planning Commission motion to recommend approval of the housing product for the Orchard Heights subdivision, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Orchard Heights" and kept on file in the City of Chandler Planning Division, in File No. PDP18-0011, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Preliminary Development Plan approval does not constitute Final Development Plan approval.
3. Compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
4. The same floor plan/elevation shall not be built side-by-side or directly across the street from one another.
5. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.

B. PDP18-0012 CHANDLER REGIONAL MEDICAL CENTER – TOWER D

Approved

Request Preliminary Development Plan (PDP) approval for a new patient tower to be connected directly to the existing hospital. The subject site is located at the southeast corner of Dobson and Frye roads.

BACKGROUND FROM MEMO

The approximately 35-acre Chandler Regional Medical Center's campus is located at the southeast corner of Dobson and Frye roads. Medical offices, retail, assisted living, and a school district facility surround the hospital campus. The nearest residential properties are located to the northwest and southeast across the intersections of Dobson and Frye roads and Fairview Street and Pennington Drive respectively.

Last July, the City Council approved a rezoning request to extend the 90-foot maximum building height Mid-Rise Overlay over the entire hospital campus. The City Council also approved a PDP for a 5-level parking garage that is currently under construction at the southeast corner of the campus. The approved PDP identifies Phase 3 - Proposed Tower D as a future phase that requires a separate PDP application submittal, which is the subject of this request.

The following are provided as key details regarding the new tower proposal:

- There will be one basement and five levels above grade matching the existing five-story tower.
- The highest point will be 89 feet and 9 inches to the top of the mechanical screening. The highest point of the existing tower is 85 feet.
- It will be 79 feet and 8 inches to the top of the building parapet, approximately the same as the existing tower.
- The tower will contain approximately 215,000 square feet.
- Initially there will be 96 new patient beds.
- The first and fifth levels will have space for 60 additional patient beds totaling 156 beds at build out.
- A new pharmacy will be in the basement.
- The main level will include the new main hospital entrance and lobby, patient admitting, cardiac rehabilitation, gift shop and a chapel.
- The proposed exterior design consists of Exterior Insulation and Finish System (EIFS), metal panels, curtain wall glazing and colors that match the finishes and styles of the existing campus.
- The parking garage will be completed before construction on the new tower begins and will provide more parking than code requires.

PUBLIC / NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood meeting was held on December 10, 2018. Representatives from Dignity Health, McCarthy, Devenney, and staff attended. No neighbors or nearby business/property owners attended. As of the writing of this memo, Planning staff has not been contacted by any neighbors or nearby business/property owners and is not aware of any opposition to the request.

RECOMMENDED ACTIONS

Planning staff recommends Planning Commission motion to recommend approval of PDP18-0012 CHANDLER REGIONAL MEDICAL CENTER – TOWER D, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled “Chandler Regional Medical Center New Tower D” and kept on file in the City of Chandler Planning Division, in File No. PDP18-0012, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. The Planning Administrator shall approve landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls.
7. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
8. Conceptual approval is granted for future additions that match the building architecture, materials, and colors of the existing campus and this Preliminary Development Plan. Such future additions may be reviewed and approved administratively by staff upon finding compliance with all City Code requirements.

C. PDP18-0015 LASER COMPONENTS

Approved

Request Preliminary Development Plan (PDP) approval for site layout and building design of a new office, laboratory, and light industrial building. The site is Lot 6 of the Westech Corporate Center, located north and east of the northeast corner of Arizona Avenue and Warner Road.

BACKGROUND FROM MEMO:

The subject site is Lot 6 of the Westech Corporate Center, located north and east of the northeast corner of Arizona Avenue and Warner Road. Westech Corporate Center received conceptual zoning in 1985. The conceptual zoning included industrial (105.1 acres), commercial (46.4 acres), and multi-family (33.3 acres). Industrially zoned properties exist to the north, east, and south of the site. A multi-family residential development is located to the west, across Nevada Street.

The proposed development is a single story office, laboratory, and light industrial building of approximately 20,170 square feet on 1.87 acres. Building modulation is created with alternating vertical planes of materials and glazing. The building design consists of a blend of masonry walls, metal louvers, and architectural exposed steel. A covered steel canopy accents the main building entry. Architectural louvers vary in spacing to create a dynamic rhythm to the façade. The louvers are dark grey accented with red louvers at select locations such as the main entry and employee patio. Additionally, similar louvers are placed at glazed areas along both street facing elevations to provide continuity.

The site layout and building design is commensurate to the surrounding properties within the Westech Corporate Center. The building design meets the design standards, including a mix of materials, colors, and architectural elements.

PUBLIC / NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A notification letter was sent in lieu of a neighborhood meeting due to the minimal amount of residential in the area. As of the writing of this memo, Planning staff is not aware of any concerns or opposition to the request.

RECOMMENDED ACTIONS

Planning staff recommends Planning Commission motion to recommend approval of PDP18-0015 LASER COMPONENTS, subject to the following conditions:

1. Development shall be in substantial conformance with the Attachments as represented by the applicant in case PDP18-0015 LASER COMPONENTS, except as modified by conditions herein.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Public Works & Utilities Director for arterial street median landscaping.
7. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

D. PDP18-0016 CHANDLER AIRPORT LOGISTICS CENTER

Approved.

Request Preliminary Development Plan approval for a light industrial development located east of the southeast corner of Cooper and Germann roads.

The vote included a revised site plan given to the Commission at the Study Session. During the study session, a new condition was set. Condition 8: The width of the yellow accent steel canopy located above the entry shall be enlarged from 12 inches to 18 inches and the steel accent located above the entry wall pop out from 8 inches to 12 inches.

BACKGROUND FROM MEMO:

The subject site is part of the 134-acre Chandler Airport Center Master Plan that originally received conceptual zoning approval in 2005 and was subsequently amended in 2009. The proposed development of light industrial and warehouse is consistent with the PAD zoning for the approximately 15-acre subject site (shown as parcel 18 in the attached master plan), which allows office, light industrial, hangars and showroom uses.

The proposed development consists of two single-story industrial shell buildings of approximately 91,000 square feet and 133,000 square feet. Both buildings will be constructed of tilt-up concrete with varying scoring lines and alternating colors to break up the mass and length of the buildings. The north elevation of the smaller building fronting Germann Road contains a higher level of architectural detail including, aviation themed canopies over the building entrances, bigger variation in parapet heights and subtly angled walls and parapets.

The applicant met with the Airport Administrator several times to ensure that the proposed development does not conflict with airplane departure and approach surfaces. Because of these meetings, a notch was cut out of the southeast corner of the southern building to avoid conflict with the existing 40:1 departure surface boundary, noted on the site plan.

PUBLIC / NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A notification letter was sent in lieu of a neighborhood meeting due to the lack of residential in the area. As of the writing of this memo, Planning staff is not aware of any concerns or opposition to the request.

RECOMMENDED ACTIONS

Planning staff recommends Planning Commission motion to recommend approval of PDP18-0016 CHANDLER AIRPORT LOGISTICS CENTER, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Chandler Airport Logistics Center" and kept on file in the City of Chandler Planning Division, in File No. PDP18-0016, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. The Planning Administrator shall approve landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls.
7. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

CHAIRMAN WASTCHAK asked if there were any questions. There were none.

MOVED BY COMMISSIONER ROSE seconded by **COMMISSIONER PEKAU** to approve the items read in on the consent agenda with the additional design items. The motion passed unanimously 6-0.

6. DIRECTOR'S REPORT

KEVIN MAYO, Planning Administrator updated the Council that the Planning Department is working towards creating a digital department. The previous year the Building and Civil Engineering Department took the first step into becoming digital and it has been working well. Around 80% of permitting is done electronically and Planning is the next phase. **MR. MAYO** stated that David de la Torre, Planning Manager, has been working on reducing the number of files types to make it a more intuitive process for both the employees and the public. The electronic infrastructure is continuing to be built and more changes should be seen within the next few months. Moving forward the Commission should receive digital booklets instead of hardcopies regarding the agenda items.

MOVED BY COMMISSIONER EBERLE seconded by **COMMISSIONER KLOB** to confirm the digital planning packets.

MR. MAYO stated the first step is to get all of the record types condensed down. IT is working on preparing the developer access side of the process which is currently in the testing process. As February approaches, Mr. Mayo will keep the Council updated on what to expect in preparation for the next meeting.

COMMISSIONER KLOB stated he is supportive and excited because he knows how much money is spent on printing books for projects.

COMMISSIONER PEKAU stated with his background in the I.T. industry he is supportive of the department's goal of becoming electronic.

MS. WINKLER stated that she wanted to make sure that it is clear and on record, that the vote that was took did not include Item A, since it was continued.

CHAIRMAN WASTCHAK did confirm that item A was continued and was not included on the vote took on the consent Agenda.

7. CHAIRMAN'S ANNOUNCEMENT

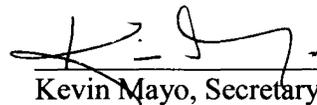
Next regular meeting is February 6, 2019 at 5:30 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

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



Devan Wastchak, Chairman



Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 20, 2019, held in the City Council Chambers, 88 E. Chicago Street.

1. Vice Chairman Heumann called the meeting to order at 5:31 p.m.
2. Pledge of Allegiance led by Commissioner Rose.
3. The following Commissioners answered Roll Call:

Commissioner Robert Klob
Commissioner George Kimble
Commissioner David Rose
Commissioner Gregg Pekau
Commissioner Matt Eberle
Vice Chairman Rick Heumann

Chairman Devan Wastchak was absent and excused.

Also, present:

Mr. Kevin Mayo, Planning Administrator
Mr. David de la Torre, Planning Manager
Ms. Susan Fiala, City Planner
Ms. Jenny Winkler, City Attorney
Ms. Cathy Flores, Clerk

4. **APPROVAL OF MINUTES**
MOVED BY COMMISSIONER KIMBLE, seconded by **COMMISSIONER ROSE** to approve the minutes of the January 16, 2019, Planning Commission Hearing. The motion passed 6-0.
5. **ACTION ITEMS:**
VICE CHAIRMAN HEUMANN informed the audience prior to the meeting, Commission and Staff met in an open Study Session to discuss each of the items on the consent agenda. He stated all Items with the additional stipulations would be read into the record and voted on in a single motion.

A. APL18-0004/DVR18-0016/PLT18-0050 ENCLAVE AT PINELAKE

Request Area Plan Amendment to the Southshore Area Plan from multi-family residential to medium density residential, with rezoning from Planned Area Development (PAD) for multi-family residential to PAD for single-family residential, along with Preliminary Development Plan approval for subdivision layout and housing product, and Preliminary Plat approval for a 57 lot single-family residential subdivision. The approximate 16.2-acre site is located at the SEC of Pinelake Way and Ocotillo Road.

BACKGROUND FROM MEMO:

- Approximately 16.2-acres zoned PAD for multi-family residential, Falcon Pointe at Pinelake (176 units, 12.9 dwelling units per acre); approved in 2011

SURROUNDING LAND USE DATA:

- North: Ocotillo Road, then Centre Pointe Business Park, vacant and undeveloped properties
- South: Salt River Project Schrader Receiving Station and Substation
- East: Consolidated Canal
- West: Pinelake Condominiums across Pinelake Way

GENERAL PLAN AND AREA PLAN DESIGNATIONS:

	<u>Existing</u>	<u>Proposed</u>
General Plan	Neighborhoods	N/A
Southeast Chandler Area Plan (SECAP)	Traditional Suburban Character	N/A
Southshore Area Plan	Multi-Family Residential	Medium Density Residential

PROPOSED PROJECT DATA:

- Development Standards: Proposed PAD
- # of Lots: 57
- Density: 3.5 dwelling units per acre
- Minimum Lot Area (square feet): 5,044

PROPOSED HOUSING PRODUCT DATA:

- # of Floor Plans: 4
- Home sizes: 1,810 - 2,914 square feet
- # of Elevations per plan: 3
- # of Stories: 1 and 2
- Architectural Themes: Spanish, Craftsman, Ranch

REVIEW AND RECOMMENDATION:

Planning staff has reviewed the request finding consistency with the General Plan, SECAP, and Southshore Area Plan, as amended. The proposed single-family residential subdivision complies with applicable development standards and residential design guidelines. Planning staff recommends the Planning and Zoning Commission approve the Enclave at Pinelake subdivision subject to conditions.

PUBLIC / NEIGHBORHOOD NOTIFICATION:

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood meeting was held on November 14, 2018. Two neighboring property owners attended to obtain information on the proposal. Both attendees supported the request. As of writing this memo, Planning staff is unaware of any concerns or opposition to the request.

RECOMMENDED ACTIONS:

Area Plan Amendment

Planning staff recommends Planning and Zoning Commission motion to recommend approval of APL18-0004 SOUTHSORE AREA PLAN AMENDMENT from multi-family residential to medium density residential.

Rezoning:

Planning staff recommends Planning and Zoning Commission motion to recommend approval of DVR18-0016 ENCLAVE AT PINELAKE, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Enclave at Pinelake" and kept on file in the City of Chandler Planning Division, in File No. DVR18-0016, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/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 existing Salt River Project electrical power facility and SRP easements along the Consolidated Canal that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an existing Salt River Project electrical facility, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

9. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing industrial property and industrial businesses that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby existing industrial property and industrial businesses, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
10. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing railroad tracks and railroad right-of-way that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an existing railroad track and railroad right-of-way, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
11. At the time of sale, the homebuilder/lot 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 developed as a multi-trail system for use by the general public.
12. Building setbacks shall be a minimum of the following: 10 feet for front yard porches and livable space/storage, 20 feet for front yard for forward facing garages; side yard setbacks of 5 feet on each side; 20 ft. rear yard setback for two-story homes; 10 feet rear yard setback for one-story homes; and rear patios may encroach up to 3 feet into the rear yard setback.
13. The developer shall contribute 25% of the total cost (design and construction) of a traffic signal at the intersection of Pinelake Way and Ocotillo Road. The developer shall enter into a lump sum cash deferral agreement for their portion of the cost.

Preliminary Development Plan:

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the subdivision layout and housing product for the Enclave at Pinelake subdivision, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Enclave at Pinelake" and kept on file in the City of Chandler Planning Division, in File No. DVR18-0016, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
3. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Development Services Director for arterial street median landscaping.
4. The landscaping in all open-spaces shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. All homes built on corner lots within the residential subdivision shall be single-story.
7. The same elevation style and color scheme combination shall not be built adjacent to or directly across the street from one another.
8. **No more than two two-story homes shall be built side by side for no more than five of the lots adjacent to Pinelake Way.**

Preliminary Plat:

Planning staff recommends Planning and Zoning Commission motion to recommend approval of PLT18-0050 ENCLAVE AT PINELAKE, subject to the following condition:

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

B. APL18-0006/DVR18-0022 OCOTILLO PATIO VILLAS

Request Area Plan Amendment to the Downtown Ocotillo Area Plan from Commercial to Multi-Family Residential, with rezoning from Planned Area Development (PAD) Commercial Retail to PAD Multi-family, along with Preliminary Development Plan approval for site layout and housing product for a gated residential condominium community. The approximate 5.6-acre site is located east of the SEC of Queen Creek and Price roads.

BACKGROUND FROM MEMO:

- Approximately 5.6 acres
- Downtown Ocotillo Area Plan designates site as Commercial; approved in 2007
- Zoned PAD for commercial; approved in 2007.
- Downtown Ocotillo includes a mix of uses including retail, restaurant, a 4-story residential condominium, and a 4-story hotel

SURROUNDING LAND USE DATA:

North: 37-acre parcel zoned AG-1 (Agricultural) across Queen Creek Road
South: Commercial (Residence Inn by Marriott)
East: Commercial retail
West: Ocotillo water feature extending from the corner of Price and Queen Creek roads

GENERAL PLAN AND AREA PLAN DESIGNATIONS:

	<u>Existing</u>	<u>Proposed</u>
General Plan	Employment	N/A
Downtown Ocotillo	Commercial	Multi-Family Residential

PROPOSED HOUSING PRODUCT DATA:

of Units: 32
Density: 5.7 dwelling units per acre
Home sizes: 1,700 sq/ft – 2,290 sq/ft
of Stories: 1
Architectural Theme: Santa Barbara
of Floor Plans: 5

REVIEW AND RECOMMENDATION:

Planning staff has reviewed the request and finds consistency with the General Plan and the Downtown Ocotillo Area Plan. The subject site's location within Downtown Ocotillo, allows residential to be considered within the South Price Road Corridor, an area that is otherwise reserved for high-value employment by the General Plan. The proposed development complies with applicable development standards. Planning staff recommends the Planning and Zoning Commission approve Ocotillo Patio Villas subject to conditions.

PUBLIC / NEIGHBORHOOD NOTIFICATION:

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood meeting was held on December 4, 2018. Four neighbors attended; three own office condos to the west beyond the lake and the other owns a residential condo to the east in The Cays. Attendees were interested to learn about the proposal and the timing of the development and did not state opposition. As of the writing of this memo, Planning staff is not aware of any opposition to the request.

RECOMMENDED ACTIONS:

Area Plan Amendment

Planning staff recommends the Planning and Zoning Commission motion to recommend approval of APL18-0006 DOWNTOWN OCOTILLO AREA PLAN AMENDMENT from commercial to multi-family residential.

Rezoning:

Planning staff recommends Planning and Zoning Commission motion to recommend approval of DVR18-0022 OCOTILLO PATIO VILLAS, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled
2. "Ocotillo Patio Villas" and kept on file in the City of Chandler Planning Division, in File No.

3. DVR18-0022, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
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. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing industrial property and industrial businesses that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby existing industrial property and industrial businesses, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan:

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the preliminary development plan for Ocotillo Patio Villas, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Ocotillo Patio Villas" and kept on file in the City of Chandler Planning Division, in File No. DVR18-0022, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The site shall be maintained in a clean and orderly manner.
3. The landscaping in all open-spaces shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
6. **Amended: A pedestrian path shall be provided from the subject site to the east and south where shared guest parking spaces are located.**

7. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

C. PDP18-0011 ORCHARD HEIGHTS

Request Preliminary Development Plan (PDP) approval for the housing product for a single-family residential subdivision on approximately 19-acres located at the SEC of McQueen and Chandler Heights roads.

BACKGROUND FROM MEMO:

- Zoned PAD Single-Family Residential; approved on February 22, 2018
- Preliminary Development Plan for subdivision layout approved on February 22, 2018
- 19-net acres
- 60-lot single family subdivision
- Lot sizes: 60 x 120 (7,200 sq. ft.) and 75 x 125 (9,375 sq. ft.)
- 3.15 dwelling units per acre

SURROUNDING LAND USE DATA:

North: Chandler Heights Road, Single-Family Residential

South: Rural Residential (County)

East: Rural Residential (County)

West: McQueen Road, Single-Family Residential

PROPOSED HOUSING PRODUCT DATA:

of Floor Plans: 4

of Elevations per plan: 3

Home size: 1,768 sq./ft. – 2,500 sq./ft.

of Stories: 1

Architectural Theme: Contemporary

REVIEW AND RECOMMENDATION:

The Planning and Zoning Commission continued the request to the February 20, 2019, hearing to provide the applicant additional time to update the housing product and color palettes based upon Commission feedback. The attached housing product incorporates the revisions. Planning staff has reviewed the request finding consistency with the General Plan and Planned Area Development (PAD) zoning. Planning and Zoning Commission and Planning staff recommend the City Council approve the PDP subject to conditions.

PUBLIC / NEIGHBORHOOD NOTIFICATION:

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood meeting was held on July 17, 2018. One neighboring property owner attended

asking general questions. As of writing this memo, Planning staff is unaware of any concerns or opposition to the request.

Preliminary Development Plan:

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the Preliminary Development Plan for housing product for the Orchard Heights subdivision, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Orchard Heights" and kept on file in the City of Chandler Planning Division, in File No. PDP18-0011, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
3. The same floor plan/elevation shall not be built side-by-side or directly across the street from one another.
4. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.

VICE CHAIR HEUMANN asked if there were any questions. There were none.

MOVED BY COMMISSIONER ROSE seconded by **COMMISSIONER KLOB** to approve the items read in on the consent agenda with the additional design items. The motion passed unanimously 6-0 with stipulations on Item A and Item B.

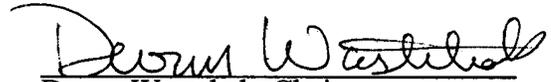
6. DIRECTOR'S REPORT

MR. MAYO stated nothing paper was sent out to the Commission and they are getting their processes in place so that the development booklets come in digitally. The last missing piece is the ability for applicants to submit entirely online and they are currently in the testing phase and should be expected to go live soon. Mr. Mayo said they are working with IT to create a minimum access point so that the Planning Commission can log into the computer for a paperless meeting.

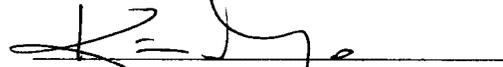
7. CHAIRMAN'S ANNOUNCEMENT

Next regular meeting is March 6, 2019 at 5:30 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona.

8. **ADJOURNMENT**
The meeting was adjourned at 5:40 p.m.



Devan Wastchak, Chairman



Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, March 6, 2019, held in the City Council Chambers, 88 E. Chicago Street.

1. Vice Chairman Heumann called the meeting to order at 5:31 p.m.
2. Pledge of Allegiance led by Commissioner Rose.
3. The following Commissioners answered Roll Call:

Chairman Devan Wastchak
Commissioner Robert Klob
Commissioner George Kimble
Commissioner David Rose
Commissioner Gregg Pekau
Commissioner Matt Eberle
Vice Chairman Rick Heumann

Also, present:

Mr. Kevin Mayo, Planning Administrator
Mr. David de la Torre, Planning Manager
Ms. Lauren Schumann, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Jenny Winkler, City Attorney
Ms. Cathy Flores, Clerk

4. **APPROVAL OF MINUTES**
MOVED BY COMMISSIONER EBERLE, seconded by **COMMISSIONER KLOB** to approve the minutes of the February 20, 2019, Planning Commission Hearing. The motion passed 7-0.
5. **ACTION ITEMS:**
CHAIRMAN WASTCHAK informed the audience prior to the meeting, Commission and Staff met in an open Study Session to discuss each of the items on the consent agenda. He stated all items with the additional stipulations would be read into the record and voted on in a single motion. He asked if there was anyone in the audience who would like to speak. There was one.

A. DVR18-0026 DULVICK FAMILY HOME

Request Rezoning from Agricultural (AG-1) district to Single-Family Residential/ Planned Area Development (SF-33/PAD) and Preliminary Development Plan for site layout of two single-family homes. The 1.92-acre lot is located at 1994 S. Tumbleweed Lane, the northwest corner of Germann Road and Tumbleweed Lane.

Rezoning and Preliminary Development Plan

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Division, in File No. DVR18-0026 DULVICK FAMILY HOME, modified by such conditions included at the time the exhibits were approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The rear yard building setbacks shall be reduced from forty (40) feet to thirty (30) feet.

DAVID HOFFMAN, 1990 S. TUMBLEWEED stated they had neighborhood meeting and the only concern many of the neighbors had was how the rezoning would affect their animals and mini farms. He mentioned he is in favor of the project and it will be an asset to the community.

CHAIRMAN WASTCHAK stated he appreciated MR HOFFMAN coming out to speak and the staff has worked hard to keep the ranchette designation. He asked if there was anyone else who would like to speak on Item A. There was none.

B. PLH19-0003 ARIZONA LABOR FORCE

Request Use Permit approval for a transient service facility within a property zoned Regional Commercial (C-3) district. The existing day labor hiring office will relocate to 355 S. Arizona Avenue, south of the southeast corner of Arizona and Frye Road.

1. Substantial expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
3. The site shall be maintained in a clean and orderly manner.
4. **The fence and gate located along the alley shall be approximately six feet in height minimum.**

C. ZUP18-0014 TRILOGY VETERINARY MEDICAL CENTER

Request Use Permit approval to allow an outdoor dog area to operate with a veterinary medical center. The new business is located at 2801 E. Ocotillo Road, Suite 5, west of the southwest corner of Gilbert and Ocotillo roads.

1. Substantial expansion or modification beyond the approved attachments (Site Plan, Floor Plans, Elevations, and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other property.
3. The site shall be maintained in a clean and orderly manner.
4. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
5. **No day care or overnight boarding shall be allowed.**
6. **All pets brought into the outdoor area shall be on a leash and accompanied by staff.**

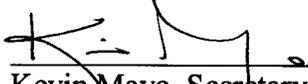
MOVED BY COMMISSIONER KLOB seconded by **VICE CHAIRMAN HEUMANN** to approve the items read in on the consent agenda with the additional design items. The motion passed unanimously 6-0 with added stipulations on Item B and Item C.

6. **DIRECTOR'S REPORT**

7. **CHAIRMAN'S ANNOUNCEMENT** APRIL 3
Next regular meeting is ~~March 6~~, 2019 at 5:30 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona.

8. **ADJOURNMENT**
The meeting was adjourned at 5:40 p.m.


Devan Waschak, Chairman


Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 3, 2019, held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Wastchak called the meeting to order at 5:31 p.m.
2. Pledge of Allegiance led by Commissioner Eberle.
3. The following Commissioners answered Roll Call:

Chairman Devan Wastchak
Commissioner Robert Klob
Commissioner George Kimble
Commissioner David Rose
Commissioner Gregg Pekau
Commissioner Matt Eberle
Vice Chairman Rick Heumann

Also, present:

Mr. Kevin Mayo, Planning Administrator
Mr. David de la Torre, Planning Manager
Ms. Kristine Gay, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Jenny Winkler, City Attorney
Ms. Cathy Flores, Clerk
Ms. Maritza Garrity, Clerk

4. **APPROVAL OF MINUTES**
MOVED BY COMMISSIONER PEKAU, seconded by **COMMISSIONER EBERLE** to approve the minutes of the March 6, 2019, Planning Commission Hearing. The motion passed 7-0. Adjustment to the date on page 3 of the "Chairman's Announcements".

5. **ACTION ITEMS:**

A. PDP18-0017 BERGE RANCH

APPROVED WITH STIPULATION

1. Chairman Westchak requested stipulation to Condition Number 5; the applicant shall work with staff to break up the right elevation of plan 40-4.

Request Preliminary Development Plan (PDP) approval for the housing product for a single-family residential subdivision on approximately 78-acres located south of the southeast corner of Lindsay and Ocotillo Roads.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on January 17, 2019. Seven (7) neighboring property owner attended asking general questions.
- As of writing this memo, Planning staff is unaware of any concerns or opposition to the request.

RECOMMENDED ACTION

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the housing product for the Berge Ranch subdivision, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Berge Ranch" and kept on file in the City of Chandler Planning Division, in File No. PDP18-0017, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
3. The same floor plan/elevation shall not be built side-by-side or directly across the street room one another.
4. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.

PROPOSED MOTION

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of the housing product in case PDP18-0017 BERGE 80, subject to the conditions as recommended by Planning staff.

CHAIRMAN WASTCHAK DISCUSSION: on page 81 elevation of plane 40-4c, concerned with right elevation color change without a plane change. Requested to include stipulation.

B. DVR18-0023 BELLA ROSE INN

APPROVED

Request action on the existing Planned Area Development (PAD) zoning for the hotel to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former Planned Area Development (PAD) zoning for office. The PAD zoning which the extension is requested for is a hotel located west of the northwest corner of South Price Road and West Willis Road.

REVIEW AND RECOMMENDATION

Planning staff finds that a PAD zoning time extension for five years is consistent with the General Plan and the hotel use is still appropriate; staff therefore recommends approval.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A letter was sent to adjacent property owners and registered neighborhood organizations notifying them of the requested time extension. No responses were received by staff.

RECOMMENDED ACTION

Rezoning Time Extension

Planning staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for five (5) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

Rezoning Time Extension

Motion to recommend approval of extending the timing condition for case DVR18-0023 BELLA ROSE INN for an additional five (5) years, in which the zoning would be in effect until September 11, 2022, and with all of the conditions in the original approval remaining in effect.

C. ZUP18-0013 VERIZON – NORTHEAST CORNER OF RUAL AND RAY THIS CASE IS WITHDRAWN

APPROVED

Request Use Permit approval to install a wireless communication facility on a parking lot light pole located at 1015 N. Rural Road, at the northeast corner of Rural and Ray Roads.

BACKGROUND FROM MEMO

The applicant requests the Use Permit be withdrawn due to the proposal being in compliance with Zoning Code regulations for wireless communication facilities. Therefore, a Use Permit is no longer necessary. Planning staff recommends Planning and Zoning Commission withdraw the case.

PROPOSED MOTION

Motion Planning and Zoning Commission to withdraw Use Permit case ZUP18-0013 VERIZON – NORTHEAST CORNER OF RURAL AND RAY, as recommended by Planning staff.

D. PLT19-0007 CUSD CENTRAL TRANSPORTATION FACILITY

APPROVED

Request preliminary plat approval for Chandler Unified School District's Central Transportation facility located at the northwest corner of Ocotillo Roads and Centre Pointe Parkway.

BACKGROUND FROM MEMO

- Approximately 19.39 Acres
- Zoned Planned Area Development (PAD) for self-storage facility; zoning and preliminary development plans approved in 2005
- Plat creates the lots and tracts, establishes the necessary easements, and dedicates the required right-of-way

RECOMMENDED ACTION

Planning staff recommends Planning and Zoning Commission motion to recommend approval of PLT19-0007 CUSD CENTRAL TRANSPORTATION FACILITY, subject to the following condition:

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

PROPOSED MOTION

Motion Planning and Zoning Commission to recommend approval of Preliminary Plat PLT19-0007 CUSD CENTRAL TRANSPORTATION FACILITY, per Planning staff recommendation.

MOVED BY VICE CHAIR HEUMANN seconded by **COMMISSIONER KIMBLE** to approve the items read in on the consent agenda with the additional stipulations. The motion passed unanimously 7-0.

6. **DIRECTOR'S REPORT**

7. **CHAIRMAN'S ANNOUNCEMENT**

Next regular meeting is April 17, 2019 at 5:30 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona.

8. **ADJOURNMENT**

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


Devan Wastchak, Chairman


Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 17, 2019, held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Wastchak called the meeting to order at 5:43 p.m.
2. Pledge of Allegiance led by Vice Chairman Heumann.
3. The following Commissioners answered Roll Call:

Chairman Devan Wastchak
Commissioner Robert Klob
Commissioner George Kimble
Commissioner David Rose
Commissioner Matt Eberle
Vice Chairman Rick Heumann

Also, present:

Mr. Kevin Mayo, Planning Administrator
Mr. David de la Torre, Planning Manager
Ms. Lauren Schumann, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Jenny Winkler, City Attorney
Ms. Cathy Flores, Clerk
Ms. Maritza Garrity, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER KLOB, seconded by **COMMISSIONER KIMBLE** to approve the minutes of the April 3, 2019, Planning Commission Hearing. The motion passed 6-0.
5. ACTION ITEMS:

A. APL18-0005/DVR18-0013/PLT18-0046 LA COSTERA LANDING

Approved with stipulation

Request Area Plan Amendment to the Chandler Airpark Area Plan from Commercial/Office/Business Park to Low-Medium Density Residential, with rezoning from Planned Area Development (PAD) for church uses to PAD for single family residential, along with Preliminary Development Plan approval for subdivision layout and housing product, and Preliminary Plat approval for a 137 lot single-family residential subdivision. The approximate 19.3-acre site is located east of the northeast corner of Arizona Avenue and Appleby Road.

REVIEW AND RECOMMENDATION

Planning staff has reviewed the request finding consistency with the General Plan and CAAP, as amended. Since the subject site is a remnant parcel from the church campus with frontage along Appleby Road, the viability of the site developing as a business park as intended under the CAAP is low due to lack of visibility from Arizona Avenue. In addition, low to medium density single-family residential subdivisions have been approved and built to the north and south of the subject site. Due to the infill nature of the site, the Residential Development Standards (RDS) for subdivision layout are not applicable. However, the RDS guidelines remain applicable to the architectural design of the homes. The proposed single-family residential subdivision meets the

intent of development standards and residential design guidelines. Planning staff recommends the Planning and Zoning Commission approve La Costera Landing subdivision subject to conditions.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on December 4, 2018. Five neighboring property owners attended to obtain information on the proposal and construction timelines.
- As of writing this memo, Planning staff has received one phone call in support of the proposal and is unaware of any concerns or opposition to the request.

AIRPORT COMMISSION CONFLICT EVALUATION

The Airport Commission reviewed the request in accordance with the Airport Conflicts Evaluation Process at their April 10, 2019, meeting. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission determined that the proposed development does constitute a conflict with existing or planned airport uses. While a nonresidential use is preferred, various physical and administrative corrective actions were recommended for mitigation. Physical corrective actions included noise attenuation construction within the homes, a roadway style sign indicating the presence of aircrafts, and incorporation of „Chandler Airpark“ into the development’s name. Administrative corrective actions included the requirement of disclosure statements to be signed by prospective homebuyers indicating the proximity to the airport, heliport, and the potential impact from aviation noise and vibrations. Additionally, an aviation easement shall be dedicated to the City of Chandler. Finally, a large map shall be displayed within the sales office identifying the proximity of the subdivision to the airport including the noise contours, and over flight patterns. As discussed at the meeting, the goal was to create a physical and administrative „net“ to catch prospective home buyers that may not want to necessarily live near an active airport, acknowledging that certain home buyers do enjoy living in that environment. A copy of the Airport Manager’s report detailing the Airport Commission’s finding is attached to this memo and the applicant is in agreement with the mitigation request.

RECOMMENDED ACTIONS

Area Plan Amendment

Planning staff recommends Planning and Zoning Commission motion to recommend approval of APL18-0005 CHANDLER AIRPARK AREA PLAN AMENDMENT from Commercial/Office/Business Park to Low-Medium density residential.

Rezoning

Motion Planning and Zoning Commission to recommend approval of Rezoning DVR18-0013 LA COSTERA LANDING, from PAD for church uses to PAD single-family residential, subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan DVR18-0013 LA COSTERA LANDING for subdivision layout and housing product subject to the conditions as recommended by Planning staff.

Preliminary Plat

Motion Planning and Zoning Commission to recommend approval of Preliminary Plat, PLT18-0046 LA COSTERA LANDING, subject to the condition as recommended by Planning staff.

B. PDP18-0019 WATCHTOWER CARWASH AND OFFICES

CONTINUED TO JUNE 5, 2019 P&Z COMMISSION AND JUNE 27, 2019 COUNCIL MEETING.

Request Preliminary Development Plan approval for site layout and building architecture for a carwash and offices. The approximate 4.45-acre site is located east of the southeast corner of Chandler Boulevard and McQueen Road.

REVIEW AND RECOMMENDATION

Planning staff has reviewed the request finding consistency with the General Plan and PAD zoning. The proposal complies with site development and commercial design standards. Planning staff recommends the Planning and Zoning Commission approve the PDP for site layout and architecture subject to conditions.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on March 4, 2018. No one attended other than the applicant and Planning staff.
- As of writing this memo, Planning staff has received two phone calls and four emails in opposition of the proposal, see attached emails. Concerns focused on the amount of carwashes in the area and requests for restaurants or housing to be built instead. Existing carwashes in this area include full detail service and self-service but no quick service carwashes. The use of a carwash and offices are permitted under the current zoning. No comments were received pertaining to the PDP for site layout or architecture.

RECOMMENDED ACTION

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the site layout and architecture for Watch Tower Carwash and Offices, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Watch Tower Carwash and Offices" and kept on file in the City of Chandler Planning Division, in File No. PDP18-0019, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.

6. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
7. The landscaping in all open-spaces shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
8. Perimeter landscaping around the entire site, including Phase II, shall be installed in Phase I.
9. Building mounted signage facing east and south 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. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

C. PLH19-0008 THE PET CLUB

Approved.

Request Use Permit approval to allow an outdoor pet area to operate with a doggy daycare and overnight boarding in a new pet supply and services store. The property is located at 2000 W. Ray Road, at the northwest corner of Ray and Dobson roads.

REVIEW AND RECOMMENDATION

Planning staff has reviewed the request finding consistency with the General Plan and Planned Area Development (PAD) zoning. The proposed outdoor pet dog run area is located and designed in a manner not to interfere with building exiting and service utilities. A six-foot high decorative block wall with three feet of wrought iron placed on top of the block wall encloses the outdoor area. Materials and colors will match existing palette of the business. Pet waste will be picked up immediately and then will be washed down with a hose. A French drain will be installed to further address drainage and odor control. Overnight boarding and pet day care will be provided. Planning staff recommends the Planning and Zoning Commission approve the Use Permit subject to conditions.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on April 11, 2019. No one attended other than the applicant team.
- As of writing this memo, Planning staff is unaware of any concerns or opposition to the request.

RECOMMENDED ACTION

Planning staff recommends Planning and Zoning Commission motion to recommend approval of PLH19-0008 THE PET CLUB, subject to the following conditions:

1. Substantial expansion or modification beyond the approved attachments (Site Plan, Floor Plan, Elevations, and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other property.
3. The site shall be maintained in a clean and orderly manner.

2. The Use Permit is non-transferable to any other property.
3. The site shall be maintained in a clean and orderly manner.
4. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.

D. CANCELLATION OF THE MAY 1, 2019, PLANNING AND ZONING COMMISSIONS MEETING

Approved.

1. **MOVED BY VICE CHAIR HEUMANN** seconded by **COMMISSION KLOB** to approve the items read in on the consent agenda with the additional change on Item A. The motion passed unanimously 7-0.
6. **DIRECTOR'S REPORT**
Kevin Mayo spoke about and gave recognition to Chairman Wastchak for his service to the Planning and Zoning Commission for the past 6 years.
Vice Chairman Heumann also gave recognition to Chairman Wastchak.
7. **CHAIRMAN'S ANNOUNCEMENT**
Next regular meeting is May 15, 2019 at 5:30 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona.
8. **ADJOURNMENT**
The meeting was adjourned at 5:51 p.m.



Rick Heumann, Vice Chairman



Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 15, 2019, in the City Council Chambers, 88 E. Chicago Street.

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

Commissioner George Kimble
Commissioner David Rose
Commissioner Gregg Pekau
Commissioner Michael Flanders
Vice Chairman Rick Heumann

Absent/Excused:

Commissioner Robert Klob
Commissioner Matt Eberle

Also, present:

Mr. Kevin Mayo, Planning Administrator
Mr. David de la Torre, Planning Manager
Ms. Lauren Schumann, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Jenny Winkler, City Attorney
Ms. Cathy Flores, Clerk
Ms. Elisa Thompson, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER ROSE, seconded by **COMMISSIONER KIMBLE** to approve the minutes of the April 17, 2019, Planning Commission Hearing. **ABSTAINED** by **COMMISSIONER FLANDERS**. The motion passed 4-0.

5. ANNUAL PLANNING COMMISSION BUSINESS MEETING

Election of Officers:

- A. Chairman
- B. Vice Chairman

COMMISSIONER ROSE motioned to elect **VICE CHAIRMAN HEUMANN** to **CHAIRMAN** for Planning and Zoning Commission, second by **COMMISSIONER PEKAU**. The motion passed 5 – 0.

CHAIRMAN HEUMANN motioned to elect **COMMISSIONER ROSE** to **VICE CHAIRMAN** for Planning and Zoning Commission, second by **COMMISSIONER KIMBLE**. The motion passed 5 – 0.

6. ACTION ITEMS:

CHAIRMAN HEUMANN informed the audience prior to the meeting, Commission and Staff met in an open Study Session to discuss each of the items on the agenda.

A. DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES

Continued to July 17, 2019, P&Z Commission with the purpose to meet with Design Review Committee (DRC) beforehand.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential with Preliminary Development Plan (PDP) approval for subdivision layout along with Preliminary Plat (PLT) approval for 21 lots on approximately 8 acres. The subject site is located east of the northeast corner of Lindsay and Riggs roads. Subject site is located over two parcels located in the county. They are zoned rural 43 in the county. Staff has received annexation request to annex these properties. Staff is currently processing those requests, the annexation and the initial city zoning of PADs 1 will proceed this request for rezoning PDP and PLT on the June 13, 2019, Council Agenda.

On the north side of the subject site is the Falcon Estates neighborhood and on the east side is the Vasaro neighborhood originally called the Citrus Preserve and on the south side is the Sun Groves master planned development and immediately to the west are more parcels that are located in the county that are zoned rural residential (rural 43).

General plan identifies the sites as neighborhoods, which allows a range of different residential densities. The southeast Chandler area plan identifies the sites as rural agrarian character, which allows rural residential, one dwelling unit per acre and allows a traditional suburban density, which is identified in area plan as being around 2.5 dwelling units per acre and it allows them to go as high as 3.5 dwelling units per acre.

PRESENTATION: ITEM A - DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES provided by DAVID DE LA TORRE, PLANNING MANAGER

Basics of the proposed development includes 17 lots, the net acreage is 7.29 acres, and that comes up to a density of 2.33 dwelling units per acre, which again is under the 2.5 traditional suburban density allowed by the Southeast Chandler Area Plan. Lots 1-7 border the north side of the property and those are just over 11,000 square feet in size and then lots 8-17 are right in the middle of the subdivision and those are 8,450 square feet in size and the smaller lots are located 74 feet from the eastern property line and the western property line. Within 74 feet is a 14-foot landscape tract next to the property line and there is a 50-foot right-of-way and on the other side of the right-of-way is a 10-foot landscape tract. It is 74 feet from the east property line and the west property line to the smaller lots. From the south side there is 136 feet from the Riggs Road right-of-way to the southern lots. It includes an 86-foot wide-open space directly adjacent to Riggs Road and then a 50-foot right-of-way next to the lots. The subdivision has been designed with a very open view, which meets the intent of the southeast Chandler guidelines to provide larger setbacks along arterial streets to create a very open atmosphere that is reminiscent of the rural heritage. In the middle of the smaller lots is a 60-foot wide landscape tract with a play structure and a Ramada, which aligns with the entrance into the subdivision. The last point I would like to make is that the applicant has agreed to limit all the homes in the subdivision to single story only.

The PDP that is requested for approval today does not include housing product, so staff is adding a stipulation proposed in the zoning ordinance that would limit the homes to a single story homes. In the future, when the PDP application is submitted for the housing product they would have to

abide to the single story only with respect to setbacks. The setbacks proposed are very typical for a subdivision with the lot ranges of 8,000 to 11,000 square feet with an exception to the rear yard setback on lots 1-7. The rear yard setback is 40 feet and that is twice the length of a typical setback, which is normally 20 feet. The 40 feet would apply to the house or to the home. The covered patio would be able to extend a maximum of 10 feet into the 40-foot setback. Additionally, Casitas, Ramadas, and accessory structures would be limited to 20 feet from the rear yard property line along lots 1-7 and the normal setback would be 10 feet in this case and it is 5 feet for the smaller lots (8-17).

The applicant has met with the neighborhood several times. The two neighborhood meetings were in March and June of last year. Following the neighborhood meetings, they met with residents from Falcon Estates, who live immediately adjacent to the north side of the site and they did a height simulation using poles.

Staff has received letters in opposition, twelve to be exact. Twelve letters or emails on opposition to the proposal and staff has also received a legal protest which does not apply to the Planning and Zoning Commission, but it would affect the City Council votes, which requires a three quarters vote from City Council in order to pass the re-zoning that is requested. The properties outlined in red on the map are the properties signed in opposition in legal protest. They will pass the requirement for 20% of any one side to trigger the legal protest. In addition, after the staff memo was prepared and after the presentation was prepared staff also received more signatures from the Vasaro neighborhood. There was 153 signatures in the petition in opposition. Staff has not verified those signatures, but they are not applicable to the legal protest. Staff noted that multiple signatures did use the same address. I do not know how many properties that accounts for. I will not go into the details of the summary of the concerns as the Planning and Zoning Commission will hear directly from the residents, but in general staff heard concerns that the proposal will block views of the San Tan Mountains, it will diminish their property values and that the lots are too small. The lots should be bigger in size and more akin to the lot sizes in their subdivisions.

Through the neighborhood input process the applicant made several modifications to their plans. The applicant for instance, reduced the number of lots from 22 to 17 lots. This reduced the density that was proposed from three dwelling units per acre to 2.3 dwelling units per acre. The original site plan submitted to the City with this application included lots that were backing on to Riggs Road. The applicant removed those lots and now there is a very open feel and view into that subdivision. Finally, as I mentioned before the applicant has agreed to limit all the homes to single story. The resulting plan is one that staff finds in conformance with the general plan and in conformance with the Southeast Chandler Area Plan. In a few minutes, the Planning and Zoning Commission will hear from the applicant and from the neighbors and the representative hired by one of the neighbors. Staff is asking the Planning and Zoning Commission to keep a couple things in mind from the opposition. First, the guidelines are not ordinance requirements and are not standards that are required. They are guidelines with the intent and vision for southeast Chandler. Staff agrees, not all guideline standards have been met. However, staff finds all the modifications have been made to the subdivision to meet the intent of the Southeast Chandler Area Plan and addresses the neighborhood concerns from the residents with staff recommending approval.

CHAIRMAN HEUMANN inquired if the lot is currently in the county. What could be built if somebody did not want to annex into the city?

DAVID DE LA TORRE replied that it is zoned Rule 43, in the county. Rule 43, allows one dwelling unit per acre, which is 7.29 acres, allowing seven homes. The homes could be two-story, have livestock, barns, silos and agricultural structures on property.

COMMISSIONER KIMBLE needed clarification on two items. First, the developer has agreed to build single-story vs. two-story homes.

DAVID DE LA TORRE confirmed the developer would be single-story homes.

COMMISSIONER KIMBLE, Second, with 17 lots at 2.3 acres, do the other residents have 2.5?

DAVID DE LA TORRE responded, the proposed density is 2.3 dwelling per acre, Falcon Estates to the north has 1.9 dwelling per acre and Vasaro has 1.8 per acre. They are larger lots, Falcon Estates has lot sizes that are 18,500 sq. ft. and Vasaro has lot sizes that are 22,000 sq. ft.

CHAIRMAN HEUMANN then turns the floor over to the applicant, **SETH KEELER**.

APPLICANT, SETH KEELER is located at **1121 West Warner Road, Suite 109, Tempe, AZ 85284**. Exhibit shows general location of the project located at Riggs and Lindsay roads. A snapshot of the neighborhood shows Falcon Estates to the north at 1.9 per acre; Vasaro 1.8; west of the project is Shadow Ridge 3.5 per acre; and south of Riggs Road density is seen at Lone Tree having 4.8 per acre; Sun Groves at seven per acre. Applicant is only requesting 2.3 dwell per acre.

The original application included an Annexation, PAD and PRELIMINARY PLAT. The project started with lots of 60 x 120, 7,200 sq. ft.; 27 lots with 3.25 units per acre. In the first neighborhood meeting, neighbors saw the original first presentation of project. They had concerns about the lot sizes and height restrictions on views. Plans were then modified. The lots to the north grew to 70 x 120, 8,400 sq. ft.; lots along Riggs Road got bigger to 65 x 120 and the lots in the interior stayed the same, down to 21 lots at 2.8 units per acre. There is now open space by Riggs Road. Neighbors also had concerns about the density. They wanted larger lots around the northern perimeter.

We came back with another plan. This is a third rendition. The lot sizes to the north are now 74 x 150 or 11,100 sq. ft. The lot sizes in the interior are 65 x 130 or 8,450 sq. ft. The 17 lots bring it to 2.33 units per acre. The plan now shows we have 22.92% open space. Along, Riggs Road there is an 86-foot wide landscaping tract. You drive up to open space and the park has the following amenities: shaded area, BBQ grill, picnic tables, and a Ramada that is open. The presentation shows the color, material palette, the entry and theme wall, which coincide with the area. We also added a 10-foot tract on the east side on Lot 7 so neighbors could continue to get to the irrigation gate on an ATV. The irrigation easement remains on the north.

This vision plan shows that we are within the rural agrarian character of the plan. The text of rural agrarian character talks about emphasizing these design elements. The second paragraph says, "It is possible that some of the areas located within this area as depicted by the vision plan character map could be considered for traditional suburban densities". The question we asked ourselves was, "are we the first to ask for traditional densities in the rural agrarian character?" and we discovered that we are not. These several properties have been recently approved. They are within the rural agrarian character and they represent traditional suburban densities. I put it on this map just to help

the visual context. Each square that you see here is a square mile and up in the top corner are the approvals.

1. Orchard Heights has lots that are 7,200 sq. ft., plotted in 2018.
2. Chandler Heights has 10,400, plotted in 2016.
3. Whispering Heights has 9,000 sq. ft. lots, plotted in 2006.
4. Lucinda runs along Riggs Road and has lots as low as 7,014, plotted in 2018.
5. Windermere Ranch is just under 10,000 sq. ft. lots, plotted in 2018.
6. Pescara and Jacaranda are plotted in different years but they both have the same lot sizes.

Some of these areas can be traditional suburban densities within the rural agrarian character. Neighborhood outreach started on March 20, 2018. Then on, June 12, then again on September 18 and 26, 2018. We have pictures of meeting with the neighbors. One picture shows a ladder in the background, we are going over the wall. We set-up a tripod so it could help illustrate distances with proposed setback, distances for height and what it would look like for the neighbors as they look at their backyards. The other picture shows us in one of neighbor's backyards looking towards the mountain. You can see the tripod that was set to a 40 ft. height, which is not what we are proposing, but we wanted to illustrate what that would look like. As staff mentioned, there has been concessions made. We dropped the lots to 17 and increased our lot sizes across the board. Our density is now 2.33 units per acre. We willingly agreed to a 40 ft. setback for our rear yard, due to the neighbor's specific request. The neighbors in their zoning case have 25 ft. We voluntarily restricted our homes to 25 ft. high and to single story homes. The neighbor zoning case allows them for a 35 ft. home on two stories. This is the plan we are proposing.

One of the concerns we heard was what our homes would look like and how expensive they would be. If on lots 1-7, we built a 4,000 sq. ft. home and it sold for \$200 per sq. ft. the value would be around \$800,000.

On the topic of property values, one of the concerns was the property values plummeting. I did a little research and on the exhibit you see those properties that are within the rural agrarian section, #6 is Pescara and was plotted in 2016, with lot sizes 10,400. Bella Flor was plotted in 2005 with lot sizes twice as big and over 20,000 sq. ft. This project was built before Pescara. The lot highlighted shows in 2014, a home sold for \$785,000. The home on the south sold in 2015 for almost the same price, \$779,500. In 2018, in the same subdivision, a house sold for \$983,000 and another for \$1,079,000. This was two years after Pescara was plotted and built. This helps illustrate that values still go up even after development. We are confident what we are proposing will be a nice development. We have listened to the neighbors, and have heard their concerns. We have made considerable concessions to our plan. We still think that it fits within the intentions of the guidelines that we have to follow.

CHAIRMAN HEUMANN has a couple of questions. Why is there no housing product being brought forth?

APPLICANT, SETH KEELER responded, due to the opposition in this case they do not have a builder at this time until it has been approved.

CHAIRMAN HEUMANN next question is directed to staff. If this is approved by the Planning Commission and Council, will this have to come back to through for housing product?

DAVID DE LA TORRE confirmed they would need to submit a new preliminary development plan (PDP) application for the housing product.

CHAIRMAN HEUMANN asked what the restrictions would be if it gets to that point?

DAVID DE LA TORRE informed the commissioners that they have the ability to add stipulations. It would affect the future preliminary development plan (PDP) submittal for the housing product. Staff has proposed stipulations such as all homes be single story, setbacks to be identified, wider side yards to be grouped together and maximum height of 15 ft. to accessory structures.

CHAIRMAN HEUMANN clarified that commission has the prerogative to be able to make changes for the future and when the applicant goes to sell this to a builder, they would know what the restrictions are going to be and the only way it can be changed would be to come back and redo the (PAD).

DAVID DE LA TORRE concurred.

CHAIRMAN HEUMANN turned floor over to the audience, starting with **JESSICA SARKISSIAN**, who was allotted time to speak for the majority of the homeowners.

JESSICA SARKISSIAN is with Upfront Planning and Entitlements located at **2733 North Power Road Suite 102 in Mesa AZ 85215**. She is here on behalf of many of the homeowners in the audience. She stated the first site plan presented by applicant was 27 lots that they reduced it due to the removal of a parcel that was not purchased. They had to drop 10 lots because they did not have the parcel and they had to put a street in. The second plan with 21 lots did not meet City's requirements. In order to meet the retention requirements of the Southeast Chandler Area Plan and provide that open space that is adequate, they had to remove all the lots along that road.

The map presented is the Mountain View Estates PAD with the surrounding red signatures for the three quarters of opposition. The list of signatures of opposition was provided from neighboring community such as Vasaro and the surrounding area. This site does not fit the Southeast Chandler Area Plan due to size and location. This is the reason the neighbors are frustrated with the plan that is currently being proposed.

The proposed developments that the applicant mentioned such as Orchard Heights has some of the smaller lots in that area and are similar to what is being proposed. It is next to a county large lot with agricultural uses. It is not residential on that side, it is agricultural and farming. It is also a gated community.

The applicant presented Whispering Heights, a county large lot gated community that has transition. The smallest lot there is 75 feet wide, which is larger than what is currently being proposed. The lots there go to 140 and 156.

The applicant also mentioned Lucinda. Lucinda is a gated community. It is surrounded by county industrial uses with self-storage and is why this is smaller. It has no opposition, no neighbors to buffer; it is in the middle of an industrial spot and a county island.

Then you have Pescara, which is also a gated a community. The lots here are at 80 feet wide.

I also have Bellazia, which is out of the Southeast Chandler Area Plan and it meets the requirements. When meeting with staff about adjacent property to the Southeast Chandler Area Plan, you are often asked to comply and get as close to the requirements to provide that transition. Despite not being part of the Southeast Chandler Area Plan, it has large lots and is gated with 85 x 130 lots and 90 x 120.

Mission Estates is part of the Southeast Chandler Area Plan in the traditional category. It is also a larger gated lot community with 85 x 150-lot size, which is larger lot size than what is being proposed.

What these exemplify is they are all in the rural category, they all are large lots and are larger than what is being proposed here.

Then you have the comparable non-PDA development standards that the current proposal does not meet the standard zoning requirements. It is not keeping with the Southeast Chandler Area Plan and is why the neighbors are upset. The concern is when putting the height at 22 ft. you are getting lofts. Technically, it is not a second story because it lacks the windows. Even though they are grouping the larger sides together> It will leave the smaller lots together on the other side leaving only about 10 ft. between homes. For an area of this size, it leaves a very narrow space between homes, giving it a more wall effect for the back of the homes. The plan lot coverage does not exceed 20% for parcels less than 2 acres. If you have more than 2 acres, it is 10%. The site proposed is 55%, which is 15% higher than traditional, which is only at 40%. It reads, "No rezoning of land use of permit and entitlement should be authorized in southeast Chandler unless a finding has been met with the proposed project and is in substantial compliance with the applicable provisions of the area plan, zoning code and general plan." Substantial compliance does not mean two out of five, it means four out of five and we feel the proposed plan currently is closer to 5 out of 10. It also says, we feel the project is in conflict with the vision and intent of the Southeast Chandler Area Plan and detrimental to the existing properties and home values. We request that the commission respect that and continue to uphold those portions of it.

Requirements in the Southeast Chandler area plan:

- 45 ft. wide setbacks from curve this assumes a fence line; not met.
- The proposed plan has no fence, no separation from Riggs Road.
- Minimum 10 ft. side yards, 20 ft. separation; not met.

Requirements in Chandler for all PADs: vehicular access to rear yards must be screened with a 6ft. fence. The retention basins are rectangular and need to be screened from the street with visual setbacks and staggers. These are not met. The proposed plan has no fence.

There are 21 element options to choose from and the requirement is to provide 10. The applicant provided seven and only two were practically feasible...

The landscape open spaces must be visible from arterial street and residential street view.

The continual landscape tract needs to be half the total frontage, along the arterial with the depth of the lot average. It is actually 86-feet; it does not meet that requirement although it is large.

Minimum 25 ft. landscape along fences are not met. Then there are the general subdivision feature.

Out of 18 required points, residential development standards only seven are met with the optional required. The plan is being pushed in as a PAD with smaller lot sizes, which does not fit the requirements of the area plan. Only one out of the five southeast Chandler requirements meets the vision and intent. We feel this is not substantial conformance to suit the requirements to put a traditional project lots size in the rural agrarian character area. It needs to be proposed with developmental standards able to accommodate a vision of the Southeast Chandler Area Plan and the intent of the regional development standards to maintain the development design integrity in Chandler. We intend to get better character, design and development. That is why these policies were put in place to have that happen. I am also able to provide aerial shots of the properties mentioned.

CHAIRMAN HEUMANN requested to see the aerial shots.

AUDIENCE, JESSICA SARKISSIAN presented the aerial shots, with examples of larger lot sizes in and next to the Southeast Chandler Area Plan. Starting with Orchard Heights next to the county on the south. Then on the east is county; that is why, there is the allowance of 60 ft. wide with nothing to buffer. Next is Lucinda, it is next to some trailers. Then there is Whispering Heights, you can see the transitional going from 75 and on the borders on the east you have 166 ft. wide lots next to the larger 165 and on the south they actually went all the way up to 140 next to those. Mission Estates is 185 ft., and is 120 ft. on north side and on the county. Pescara is 180 ft. x 130, 80 x 130 and 125 x 185, these are larger and a gated community as well. The northern lots are 85 x 130 are deeper. Although it is not part of the Southeast Chandler Area Plan, it meets the intent.

CHAIRMAN HEUMANN asked if there were any further questions for the audience speaker.

VICE CHAIRMAN ROSE expressed they would like to see a housing product showing what is included and price point. He also asked, if this was going to be a gated community?

AUDIENCE, JESSICA SARKISSIAN answered that it was not proposed as one right now.

COMMISSIONER PEKAU stated his frustration with the proposal. It is not just rezoning. It is annexation. The City has to see the value of how it is going to fit into the design of the neighborhood that is surrounding it. He felt there was a right to concern due to the compelling evidence of the density of housing budding to the surrounding communities. He felt they are not adhering to what that looks like, when looking at density per unit while crossing major roads such as Lindsay and Riggs roads. He asked, if there was any other options? He stated if they were a PAD before PDP, they could do a design review. He asked if there are any other design option reviews for this. He felt it does not meet the design intent of what the square mile is.

CHAIRMAN HEUMANN wanted confirmation that the P&Z Commission has the capability to place stipulations.

KEVIN MAYO responded yes, but that there is more to it. He said, that tonight they are looking at subdivision layout and landscape design, which are design elements. He said that if the commission was not comfortable making a decision it could be submitted to the DRC to study.

COMMISSIONER PEKAU then asked if they could stipulate the density per acre, if it was to be approved tonight and if they could stipulate it to be 1.8 or 1.9 to match the surrounding area.

KEVIN MAYO replied that to do that it would require dropping the number of lots.

COMMISSIONER PEKAU clarified that it was not the number of lots but the density of the surrounding neighborhoods.

KEVIN MAYO responded, the density is calculated by the number units per acre and not a lot size calculation, you can stipulate a minimum lot size calculation which would have the effect on density. He added that it would be better and more efficient for the applicant and citizens to have the design go for a more focused review of the design that would result in larger lots.

COMMISSIONER FLANDERS had a question for staff. He asked if the intent for the Southeast Area Plan was to provide a mix of different dwelling unit sizes. Everything he has seen provides a good blend of density and when he first saw this plan, he did not have an issue with it because it fell below the minimum for the southeast area plan. Was the intent for the area plan?

DAVID DE LA TORRE responded it was correct. He said the general intent for the Southeast Chandler Area Plan was to provide diverse options for housing products while at the same time creating a low-density area with open spaces that are visible from the arterial street and to retain the agricultural heritage of the area. The idea was to keep it low density but to allow diverse products and different lot sizes within that low density generalization.

CHAIRMAN HEUMANN turned it over to the first speaker card.

STEVE PETTIGREW – was observing.

IN FAVOR of ITEM A: DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES
ROMMIE MOJAHED

IN FAVOR of ITEM A: DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES
LEONARD DAVIS, 24012 S 150th STREET states he lives on five acres, neighbors are on varied acreage of properties. Leonard is in support of this project and does believe the variety and sizes of properties/homes is a good thing.

OPPOSED – DID NOT SPEAK - ITEM A: DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES
TERRI K. LOVELL, ERIC HERRMAN, PHIL JOSSI, CAROLYN JOSSI, DEIDRE RUSSELL, PAMELA HERRMAN, KALONA NEWCOMB, AUBREY DEMOTF, KALINA, GUNJAN GOEL, LORI SMITH, THOMAS SMITH, TERI JACOBSON, SHIRLEY DAHMEN-GERK, JERRY GERK

OPPOSED – YIELD TIME TO JESSICA - ITEM A: DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES

SHUOLN LINDY, MAROUN ISHAC, FLORA FONG, MONIQUE CLOUTIER-ISHAE, RICHARD HILDEBRANT, DEANNE HILDEBRANT, TIM SMITH, MARYANN MAKKA, THEODORE MAKKA, AL STEYER, LYNN STEYER, JUSTIN JACOBSON, ROBERT LENZ, MADISON PETTER, GRACE PETTER, MAKENZEE PETTER, ARLNOD PETTER, JIANGKAI ZUO

OPPOSED –ITEM A: DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES

ROBERT O’HARA, 4321 E TAURUS PL stated he is the President of his homeowners association and a Chairman of the design review committee of Vasaro. He said he sympathizes with their dilemma of dealing with codes, policies and guidelines; he has to do the same in regards to CC&R’s, which are the equivalent of our codes and our design guidelines. The City has done many things of which he is proud and they have gotten many awards over the past many years. He added that much of that is due to the work that is done right here by you on this commission. He said the board of directors voted unanimously to oppose this particular development plan because of the many reasons stated previously. He said they do support the annexation of the county land and the development of it. It should be in the same character as the surrounding communities. In his opinion, the current plan being proposed would slow the appreciation of the surrounding areas and communities and would have a direct effect on the property taxes assessed and collected. He urges the commission tonight to support what they have done in the past in the development of that Southeast Chandler Area Plan.

LAURA NEWCOMB, 5900 S GEMSTONE DRIVE stated she is a resident and business owner in Chandler and moved from Gilbert two years ago. She loves the community and the lots in Vasaro are highly sought after. Ms. Newcomb opposes the development presented. She said the applicant came out and brought a pole to measure the heights. She did not know when this happened and was unaware of any follow up. She is most concerned with the setbacks on the side yard, since it backs up to her wall. She states she lives in Chandler on purpose. She loves the community and her business is in Chandler.

REID JACOBSON, 4133 E SCORPIO PL he stated the plan presented did not include all the variations. Mr. Jacobson said he spoke to a predecessor of **MR DE LA TORRE** and he mentioned there was no way they were going to approve 21 houses. This is the reason why we wound up with the plan discussed.

We suggested putting up a pole to see how high this would be from our yards. The applicant contacted the President of the community, Arnold Patter a week later and mentioned they were willing to come out and do that. The applicant came out and measured Arnold’s house and then they measured the home next to Arnold’s. When they measured his home, it was 40 ft. up the common fence and 65 ft. up the common fence. At the second meeting, we asked if they could do more, they surely could do that with a 150-foot deep lot, which certainly is enough for a house. We never heard back until a week later when Arnold received an email from Seth, with the applicant stating they are going with the 40 ft. There was no further discussion, or compromises. We would have love to discuss the setbacks and lighting, but no effort was made to listen to our community. Now we are hear with a product that is being presented today.

There has been discussion that our property is 1.98 per acre that is not the case; they looked at recorder's office, listed measurements on plat plan states bigger than half acre. They have a retention pond that is next to a play area that is almost an acre.

He looked at Orchid Heights; there was one meeting for the neighbors and one person showed up. There was no opposition due to the fact there is one house on 30 acres. With respect to \$800,000 homes. Who is going to move in on a quarter of an acre with 4,000 sq. ft. house and spend that money? He opposes this product in their area.

CARYOLYN BRACE 4320 E TAURUS PL, moved 10 months ago from North Carolina to Chandler, due to the uniqueness to the properties and opposes the project

APPLICANT WITH CLOSING REMARKS, Wanted to clarify points on the guidelines that Jessica presented. When the builders come to start project those items would be addressed. With the neighborhood meeting, REID mentioned to get some polling done. I met with ARNOLD and used the polling as reference points. Seth apologized to Mr. Jacobson for the chuckle. That was not his intentions to make fun. When they reached out to neighbors they heard their concerns, however, there would be still an obstruction to the view whether it is 7 or 4 lots. The property they control is the narrow one. Pat Vessels lived there when Falcon Estates was being built. His complaint was that Falcon Estates was taking away his views. He understands the concerns from the neighbors. Through his research, they feel they have addressed many of those concerns.

COMMISSIONER PEKAU was concerned how many lots on the north side were obstructing the view, and the concern was its density. Lots 5, 6, 7 will back up to comparison to one of those houses. There is legitimate concerns and suggested taking the case to Design Review.

CHAIRMAN HEUMANN stated the last meeting was June 12, 2018, eleven months ago. Was there a reason why it came to commission then to council without any recent neighborhood outreach/meeting?

APPLICANT, SETH KEELER stated that after they set up poles, he did reach back out to that particular group. He tried calling and emailing the group. Jessica informed him they had hired her to represent the neighborhood. They did not want to meet again. Then they decided to meet with P&Z Commission and City Council, since they were not getting any feedback from neighbors.

COMMISSIONER KIMBLE mentioned it looks like both parties have done a lot of work and effort to bring this to fruition. Perhaps, since they have worked with different groups, maybe a committee can be formed so they can come up with a plan that everyone can agree.

COMMISSIONER PEKAU stated he has no problem with the density, but has concerns with the setbacks between houses and lot coverage. Does not like the 55% coverage but does like the shape of the lots. Suggests a Design Review committee will help clear up any concerns.

VICE CHAIRMAN ROSE stated this could be a special subdivision in his opinion. Down the road on Riggs; there is timeless architecture; expensive homes. Since commission is the recommending body to council, he suggests working with neighbors and developers.

COMMISSIONER KIMBLE inquired if they are looking at three different proposals. Plan Area Development from AG to PAD as one, then from a PDP as another. Are these combined or separate motions?

DAVID DE LA TORRE confirmed they are three separate motions that are being requested tonight. Commission has the prerogative to decide whether to act the same on all three or treat each on differently.

CHAIRMAN HEUMANN appreciates all comments from audience and commission. Stated concerns about project, big believer in communicating. Density is an issue, agrees with **VICE CHAIRMAN ROSE** in terms without housing product. Things need to be stipulated very carefully. Does not like to continue items but agrees with **COMMISSIONER PEKAU** this should go to a Design Review Committee. Suggests Planning & Zoning Commission date of July 17, 2019, to give time to work with applicant; if that is not enough time can extend to later date.

CHAIRMAN PEKAU MOTION to move DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES, to **Design Review** then to Planning and Zoning Commission on July 17, 2019, second by **COMMISSIONER FLANDERS**. The motioned pass 5 – 0.

B. PLH19-0007 SANTAN OFFICE CAMPUS

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former PAD for commercial retail and hotel zoning. The existing zoning is PAD for office park with ancillary retail and restaurant uses, including a Mid-Rise Overlay for building height up to 75 feet and located at the southwest corner of Alma School and Pecos roads.

REVIEW AND RECOMMENDATION

Planning staff finds that a PAD zoning time extension for three years is consistent with the General Plan and the office park use is still appropriate; staff therefore recommends approval.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning code.
- A neighborhood meeting was held on March 28, 2019. No one attended other than the applicant.
- As of writing this memo, Planning staff is unaware of any concerns or opposition to the request.

RECOMMENDED ACTION

Planning and Zoning Commission and Planning staff recommend the City Council approve the request to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

VICE CHAIRMAN ROSE inquired about how long the lot will be vacant.

MS. LAUREN SCHUMANN stated they would be following the phasing timeline.

COMMISSIONER PEKAU inquired if there were any pushback on the 75ft height; any impact on the flight plan/path for the banner project that is on the opposite corner.

COMMISSIONER PEKAU also expressed concern on road expansion due to traffic on other projects.

C. PLH19-0010 NATES NEXT GEN AUTO CARE LLC

Approved.

The request is for Use Permit approval to continue operation of an auto repair facility within the Planned Industrial District (I-1) zoning district. The existing business is located at 4043 W. Kitty Hawk, Suite 5, south of Chandler Boulevard and west of McClintock Drive.

REVIEW AND RECOMMENDATION

Planning staff has reviewed the request finding consistency with the General Plan and Planned Industrial District (I-1) zoning with Use Permit approval. An auto repair facility is a compatible use with the industrial park development. Use Permits have been approved in the same industrial park for automotive sales, vehicle repair, and customization businesses. The business has limited hours of operation and stores vehicles within a warehouse not affecting on-site parking. All repair work takes place indoors and typically by appointment only.

The Planning and Zoning Commission and Planning staff recommend the City Council approve the Use Permit subject to conditions. No further time condition is recommended.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood/property owner notification letter was mailed out in lieu of a meeting due to the lack of residential in close proximity.
- Planning staff received one phone call stating opposition to the request due to safety along the block, specifics were not provided about safety. Staff was unable to make a return call to address their issue since the caller left no phone number, address, or name.

RECOMMENDED ACTION

Planning and Zoning Commission and Planning staff recommend the City Council approve PLH19-0010 NATE'S NEXT GEN AUTO CARE LLC, subject to the following conditions:

1. Substantial expansion or modification beyond the approved attachments (Site Plan, Floor Plan, Elevations, and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. All vehicle repair/servicing/upgrades shall occur only within the building. Overnight storage of vehicles waiting for servicing shall occur only in the gated rear yard service area. No work or storage of vehicles to be performed outside of the gated rear yard area.

3. The Use Permit is non-transferable to any other property.
4. The site shall be maintained in a clean and orderly manner.

MOVED BY COMMISSIONER PEKAU seconded by **COMMISSIONER KIMBLE** to approve **Items B PLH19-0007 SANTAN OFFICE CAMPUS** and **Items C PLH19-0010 NATES NEXT GEN AUTO CARE LLC** read in on the consent agenda.

The motion passed 5 – 0

6. DIRECTOR'S REPORT

KEVIN MAYO clarified that item A Mountain View Estates, listed on May 15, 2019, Planning & Zoning Commission agenda will be on the June 13, 2019, City Council agenda as a continuance item; It is not going before council for approval. It will go before the Planning & Zoning Commission on July 17, 2019, and presented on the August 8, 2019, City Council. They have to formally continue the item on the agenda.

7. CHAIRMAN'S ANNOUNCEMENT

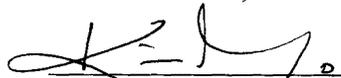
Next regular meeting is June 5, 2019 at 5:30 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 7:06 p.m.



Rick Heumann, Chairman



Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 5, 2019, held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Heumann called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Commissioner Klob.
3. The following Commissioners answered Roll Call:
Chairman Rick Heumann
Vice Chairman David Rose
Commissioner Robert Klob
Commissioner Michael Flanders

Absent/Excused:

Commissioner Matt Eberle
Commissioner Gregg Pekau
Commissioner George Kimble

Also, present:

Mr. Kevin Mayo, Planning Administrator
Mr. David de la Torre, Planning Manager
Ms. Lauren Schumann, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Stephanie Watney, City Planner
Mr. Michael Gildenstern, City Planner
Mr. Zachary Werdean, Planning Technician
Ms. Jenny Winkler, City Attorney
Mr. Thomas Allen, Assistant City Attorney
Ms. Cathy Flores, Clerk
Ms. Elisa Thompson, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIR ROSE, seconded by **COMMISSIONER FLANDERS** to approve the minutes of the May 15, 2019, Planning Commission Hearing. The motion passed 3-0. **COMMISSIONER KLOB** was absent at the May 15, 2019 Planning and Commission Hearing and **ABSTAINED** from the vote.
5. ACTION ITEMS:
CHAIRMAN HEUMANN informed the audience prior to the meeting, Commission and Staff met in an open Study Session to discuss each of the items on the agenda. He stated all Items will be read into the record and voted on in a single motion, other than the Mariposa Project, Item A.

A. DVR18-0008/PLT18-0031 MARIPOSA

Continued to June 19, 2019 P&Z Commission and July 11, 2019 Council Meeting.

Request rezoning of approximately 5 acres from Agricultural District (AG-1) and approximately 19.2 acres from Planned Area Development (PAD) for multi-family to PAD for single-family residential with Preliminary Development Plan (PDP) for subdivision layout and housing product and Preliminary Plat (PLT) approval. The site is located at the northwest corner of Queen Creek

and Alma School roads.

The Design Review Committee (DRC) reviewed the subdivision layout and housing product at their May 8, 2019 meeting. The discussion focused primarily on building architecture with several comments on the layout. Several concerns expressed for the applicant's team to evaluate and modify related to the housing product included: rooflines, building materials placement, use of architectural design elements, massing of homes along Queen Creek road, windows, to name a few. Modifications to the elevations have occurred based on these comments provided by the DRC. Guest parking availability near cluster and paired homes, use of site features to memorialize history of Dobson Farm, and access to the subdivision were voiced.

REVIEW AND RECOMMENDATION

Planning staff has reviewed the request finding consistency with the General Plan. Due to the infill nature of the site, the Residential Development Standards (RDS) for subdivision layout are not applicable. However, the RDS guidelines remain applicable to the architectural design of the homes. The proposed single family residential subdivision meets the intent of development standards and residential design guidelines. Given the irregularly shaped site, three housing products are proposed to provide diversity and a transition from existing single family homes and to the existing commercial shopping center. Planning staff recommends the Planning and Zoning Commission recommend approval subject to conditions.

PUBLIC/ NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- Two neighborhood meetings were held on April 17, 2018 and February 26, 2019. Residents in attendance were from the Clemente Ranch single family subdivision. They expressed opposition to the proposed development due to the smaller sized lots, the perceived 'substandard' homes, density, to name a few. One resident called Planning staff to state their strong opposition to the development and prefers the original multi-family development to occur. Applicant sent an email response to questions generated from the two meetings. No further inquiries comments have been received.
- Public hearing notices were sent out on May 6, 2019. Staff has not received further comments, concerns or opposition to date of the writing of this memo.

RECOMMENDED ACTION

Planning staff recommends Planning and Zoning Commission motion to recommend approval of DVR18-0008 MARIPOSA, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Mariposa" and kept on file in the City of Chandler Planning Division, in File No. DVR18-0008, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Future median openings shall be located and designed in compliance with City adopted design standards.
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. 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 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. 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.

CHAIRMAN HEUMANN turned the floor to the applicant, **RALPH PEW**.

APPLICANT, RALPH PEW is located in **Mesa, AZ**. Introduced his staff in attendance: representatives of The New Home Company: Chris Katy and Connie Dean, and planners with CBL, Chris Lindell and Kurt Johnson. The applicant requested that the commission start with the speakers first.

CHAIRMAN HEUMANN stated he had a couple of speaker cards. Two of which shared the same name and address, **NEIL AND MAUREEN MCAFFREY**.

IN FAVOR of ITEM A: DVR18-0008/PLT18-0031 MARIPOSA

NEIL AND MAUREEN MCAFFREY, 13999 N RIM TRAIL confirmed they were both in favor and did not wish to speak.

CHAIRMAN HEUMANN turned it over to the next speaker card.

OPPOSED of ITEM A: DVR18-0008/PLT18-0031 MARIPOSA

ALICE MOORE, 2941 S SEAN DRIVE stated she lived three houses in from Queen Creek down the street from Bogle Junior High School. A big concern for her is the traffic situation. She works from home and every day she hears tires screeching on the corner of Sean Drive and Queen Creek. She sees people trying to make right and left hand turns; mothers and fathers trying to pick up their kids. They park in her neighborhood due to lack of parking at the school. She said they come in and they drive through her neighborhood and park along to pick up their kids. She stated sometimes there are 10 to 15 cars lined up trying to get out of the neighborhood. Her concern is that the traffic situation once these homes go in will add another two to three hundred cars, trying to get out. She states there is a very small window on which you can make left hand turns now. Her fear is that window will be gone and her other fear is that they won't even be able to make right hand turns anymore. Especially on the busier parts of the day which, she states is really when parents come to pick up their kids from school, that is a big concern for her. She was told by city staff, that they don't need another light there as there is one right down the street. She stated that the light does not help the area that she is at and that is a huge safety concern as well as a convenience concern, being able to just get out of her driveway. The other concern she has with the subdivision plan is the one street that goes along the green belt is named, Sean as well and she already has a hard time getting her mail as it is. The final concern she has, pertains to her fencing. She has 180 feet of fence that runs along the parameter of a subdivision line and she is dealing with some litigation right now that is turning out to be very costly, any damaging to the foundations is a concern and she would also like to know what kind of screening they are going to do as far as landscaping behind her home. Her understanding is there are going to be planting deciduous trees. She was hoping for evergreen, as she is not that thrilled about the product that they are putting in. She states they are all two story homes without variation in height, it will look too institutional and that will be her view from her backyard every day.

CHAIRMAN HEUMANN asked if there were any further comments.

ALICE MOORE added that there was also a drainage situation as well behind homes, 71 through 80. Approximately 4 months ago they experienced two rains in a row and they had 8 feet of water there. Getting enough drainage in that area is another concern for her.

CHAIRMAN HEUMANN asked if there were any further comments or questions for the speaker. He wanted to make sure there wasn't anyone else that wished to speak regarding Item A before they move over to the applicant. **CHAIRMAN HEUMANN** then turned the floor to the applicant, **RALPH PEW**.

APPLICANT, RALPH PEW stated they had several neighborhood meetings and thanked her for her participation in those meetings as well. He would like to start with addressing her concerns. First, in regards to traffic predominately on Queen Creek Road, he stated that it is a concern that exists today in the San Clemente neighborhood and he said it was important to recognize the really unusual shaped property it is the remnants of the Adoption Ranch Headquarters. Right now he stated it can be developed with good product and good designed for 354 multi-family apartments, which is what it was approved for in 1995. Instead of this high number it is going to a significantly less traffic impact number with 199 homes going in instead of the higher number of apartments. There is also no interconnectivity between the neighborhood and San Clemente Ranch. Queen Creek Road will have more traffic not matter what is being belt there. He certainly doesn't feel it will cause a traffic problem. In respect to construction they did respond to the neighbors questions and sent an email with answers. When the construction work begins on the site or any site in the City of Chandler they must comply with the time frames of work to be completed. They have spoken to the neighbors about that and fully intend to have our contractors comply within those time requirements. Landscaping is an important issue as he showed on his presentation the setbacks distances from the western most property. It is lots 71 through 80 that **MS MOORE** was concerned about on the far west side. He stated the separation in the existing wall of the single family homes and the back wall of our single family homes is 67 feet in that location. It will be designed to handle drainage, it will landscaped according to the detailed landscape plan that they have presented and as they have stated on their neighborhood meetings they have to comply with the civil engineers and they have to design for the standards and requirements for the city. They do not intend to cause a drainage problem here, they intend to design it correctly as Chandler would require them to. The other comment made in regards to Sean Drive, shown on the current presentation/plan has been changed. The far western road that runs north and south has been changed to, South Navajo Way.

The issue today, is that the case comes forward with the recommendation of approval. They have been working on design solutions for a year for a very complicated site. The design has led to the lots in the presentation shown in yellow. They are the typical detached single family homes. They fit with the square area and fit well closer to the single family residential homes to the west and to the north. Then the question became what could they do with whatever space they had left. It was very difficult. The parent home concept, the homes seen in orange, 98 to 199 on the northern part of the property. Those are the parent home concept that the New Home Company uses. They were asked many questions regarding the location of the cluster homes during the study session. There is only approximately 38 out of 199 homes that are cluster homes in the project. They are able to fit within the most unusual spots.

In regards to the feedback they have received on the stone from **COMMISSIONER FLANDERS** they do agree with this request and would comply with the stipulation. The other issue raised during the study session was by **COMMISSIONER KLOB**. They can also comply with the request for changes on the side elevations he was concerned about. The most difficult aspect of the comments at the study session deal with the cluster home parking. He stated that it was important to note that the overall project exceeds the parking requirements from the city standard and code. They have looked at this and visited with their consultants during the break and tried to look at this and see how can they reconfigure this and have not found a way they can reconfigure the parking in a way that it would be significant enough to satisfy the request made during the study. He shared that **CHRIS KATY's** experience as the head of the New Home Company in Arizona has showed that it does generally work. He stated that the way it is designed here with only two units in each of those six groupings, having no apron to park on since there is no drive way area. It is manageable and it works, you do have to cooperate with your neighbor. He stated there is no other standard for them to try to implement. They have put the parking where it needs to be, they have designed the streets widths to what the city standards are, curb to curb distances are correct and they exceed the overall parking necessary for the project. He requested that the commissioners move this project forward to the city council with the recommendation for approval. If the

commission felt inclined to state their concerns about the parking, they do not have the solutions for it. He stated it was a very standard arrangement for parking and they have designed it to meet those requirements. He added that it was a good transition mix between single-family and shopping in Clemente Ranch and felt it was a better use of the land than a multi-family apartment project at this location. They particularly have spent time at the Alma School frontage on how to get access there, how to cooperate with the commercial site to our self, to provide shared access, to widen it out a bit so the residents can get in and the trucks can get in. They are working on resolving this issue with Queen Creek Road.

CHAIRMAN HEUMANN asked if they had any questions.

COMMISSIONER FLANDERS asked a question directed to staff regarding the parking and traffic concerns. He asked if the fire department had looked at the right of way which curbs along Queen Creek Road with areas that are 24 feet, as far as getting access with a chance of someone parking in that no parking area. He asked if they knew what they did and if there were any comments made related to that.

KEVIN MAYO responded that the depth is something that is dictated by the fire codes simply because the fire department will not pull a truck down there. They will stage at the end and pull the hose down. The 24 feet is driven by two traffic requirements and not the fire department width inside a cluster or six pack.

COMMISSIONER FLANDERS thanked **KEVIN MAYO** for answering his question.

CHAIRMAN HEUMANN asked if there were further question.

COMMISSIONER KLOB stated that one of his major concerns was the challenges with the single family cluster design in the middle lot and what he is trying to avoid is creating a stipulation, that there is a 24 foot driveway allocated for those middle lots and create a project redesign for those units. If there is no other way to get the parking that is the way he is starting to lean. He stated there is more thought that needs to be put in to create a more workable situation and to give the homes similar features that their neighbors have as well.

APPLICANT, RALPH PEW asked for clarification. He asked in regards to not having any way to design and configure parking the stipulation would say to the affect that, the middle units with clusters of six must provide an apron of parking 20 feet in length or somewhere near that.

COMMISSIONER KLOB confirmed that is the stipulation he is leaning towards. He stated that the units on the north are more challenging because of the long runs with minimal guest parking, he sees a lot of challenges with parking on this site as he mentioned during study session: he likes the concept, the overall design and for the most part the homes. He also clarified that as previously applicant, **RALPH PEW** mentioned during his presentation the feedback received by the commissioner was not only for the side elevations but for the front elevations as well and he felt the parking situation needed to be looked at a little bit harder.

VICE CHAIR ROSE asked applicant, **RALPH PEW** if he was going to address the drainage concern brought up on the 67 feet that speaker, **ALICE MOORE** home backs to. He asked if he was going to talk to her and let her know what they would do to ensure that there is no floods or pools back there.

RALPH PEW stated he would see if one of his consultants could help understand how it is been designed but added the 67 feet included drainage and landscaping. He stated he is not able to describe the slope, width or depth but he had spent significant time with city staff and with engineering especially on this topic. He didn't know if his consultants had a better answer as it has been through the process and engineering has looked at this.

VICE CHAIR ROSE asked if one of the consultants could speak to the resident directly and explain the drainage in further detail. He stated he likes the project. He also likes the professionally run HOA who he felt would need to police the parking, if there is nothing that can be changed.

CHAIRMAN HEUMANN stated he had a couple of comments. He stated that fixing the site elevations, stone and the trees along Queen Creek Road are easy to do. He added that in regards to the trees he would like to see live oak on not trees that lose all their leaves. He stated that the parking is really an issue. He asked staff if this

would need to be continued to allow time to take a look at the parking and come up with alternatives. He stated that the dais would not be able to come up with a stipulation that would work for the staff as it would be too ambiguous. He then asked **KEVIN MAYO** for his input.

KEVIN MAYO responded that they have worked on drainage, architecture and it was not to say that everything was perfect but to state that they have spent a lot of energy looking particularly at guest parking. He added that while the applicant does indicate an internal staff policy. It was written by previous city engineer that dictated a percentage of parking per guest spaces, per unit depending upon different configurations which they met the minimum for. Then he added there is the subjective layer of even distribution which then becomes a judgement call. In terms of this plan, it has evolved. This last year the perimeter road was moved to the northwest to use as a buffer for the subdivision from Clemente Ranch. It ended up cascading into the effect on where the units ended up going and how the circulation went and have been working with the applicant on this. The concern might not be accurately graphically represented of having adequate even distribution of guest parking through the subdivision, what the walking distances are and the like. He asked the commission, if they are working on looking to increase the number and/or looking to provide adequate distribution. If it is the case of proximity to guest parking per units since there is no direction in code and each case that has been done is different from the next. The parcel he added is one of the most irregularly shaped parcels that they have worked on in a really long time. A maximum distance from a unit to a guest parking space would be the commission's direction to see if they could work with the applicant on. Without that level of direction he would not be able to guide the applicant into working on the parking and asked the commission for what the end goal would be.

CHAIRMAN HEUMANN then asked **COMMISSIONER KLOB** for what his thoughts were.

COMMISSIONER KLOB responded that distribution was the biggest challenge he saw outside of the cluster issues. He looked at Lots 130, 149, the nine houses between them and the road to where the nearest guest parking would be in July when it is 120 degrees. He said it was a long walk and asked if there could be guest parking along the road between 113 and 130 or something along those lines. He reiterated that the distribution was his challenge and stated he did not have a number but no one would want to walk that far in July and asked that if it could be spread out a little bit. He also brought up the question asked during the study by **CHAIRMAN HEUMANN** if maybe they had tried to pack too much into this property and therefore cannot allocate parking that they might need and that would be for the applicant to decide. He would say no more than 4-5 lots would be a reasonable number but did not know what the distance might be to the nearest guest parking.

CHAIRMAN HEUMANN agreed that one of the challenges was the long runs. He indicated that in lots 130, 149 and even 166 you have to go a long way to get to guest parking. One of his concerns is in how much they are trying to get into this parcel with a very unique shape. He added that making these type of changes with the dais it never is successful.

APPLICANT, RALPH PEW responded that it was clear that the residential development standards are generally not completely applicable in a purely in field parcel. He added that if they were looking at this piece and saying why is it tight and why can't it feel a little bit better: it is all due to configuration, unusual location, the way it surrounds the shopping center and above single family. It is a bypass in field property no matter how the terms were defined. He continued so consequently the residential development standards are not clear to respect to parking but the standards in general could be changed in recognition of the nature to the property. He asked that they would think the same way in regards to the parking. He added that Chandler did a really good job of looking at something and if it feels right, it looks right, it is good and you like it - moving forward. He asked to give the property some leeway because of the configuration and its location. He asked to allow to bring these products into the market, at this location. He requested that they weigh this into their analysis. He added that it was a completely different situation than a nice square or rectangle piece of property and that was something to consider.

CHAIRMAN HEUMANN stated that as he had mentioned earlier, they were trying to get too much stuff in there to get it approved and moved to council. He added he was not trying to knock the builder for trying to get as much stuff on there and understood the more units they sell the RI is better. He mentioned **COMMISSIONER KLOB's** concern was that in lots 113, 130, 149 and 166 have such a long run. He then asked if the units are necessary or, are able to put parking down there so it is not so spread out. He stated he

had asked staff if there was a way to add parking on the southeast section of the property because that was really the concern. He turned to **COMMISSIONER KLOB** to confirm it is the long runs.

COMMISSIONER KLOB agreed; outside of the clusters.

CHAIRMAN HEUMANN turned the floor to staff.

KEVIN MAYO responded that he would start with addressing the northeastern leg with lots 130, 149 and those kind of long runs before you can get to guest parking before discussing the driveway. He began to describe the two horseshoe loops that wrap around lots 114, 129, 150 and 165. There are landscape tracks out along the main drive as he continued that wraps the entire northern edge and landscape tracks at the ends of those runs lots 114, 129, 150 and 165. He stated that there is probably some ability to steal a little a bit of area on those tracks and slide the units to where the end of the horseshoe; the southern ends against shopping center. They might be able to get the additional 5 feet wider to be able to get to 29 feet wide to curb to curb to allow for parallel guest parking spaces on one side all along the southern edge up against the shopping center. He said they could probably pick up to 5 guest parking spaces, maybe more at each end and they also would have a bank for the southern and northern half. He stated that if they could get clear direction from this, they would be able to craft a stipulation and move forward. He added that the only way he could come up with a driveway was if the applicant was agreeable to a redesign of the housing products of the center lots by moving the garages to the rear of the lot and have a normal driveway on the front of the garage. He added it would be to add driveway to two of the six that do not have driveways but it would take a redesign of the housing product. He said it would be something they could do administratively with a clear direction of what the mission is.

APPLICANT, RALPH PEW concurred with the staff that the units in the horseshoe shape could be moved to create parallel parking and that it was a reasonable approach to that issue. He confirmed with his own staff that the issue with respect to the middle units in the cluster would require a significant amount of: re-architecture, re-design and re-floor plan. He stated they were intentionally done this way, to provide the feel for the cluster that is there and is unable to just say yes, due to it being a lot more complicated.

CHAIRMAN HEUMANN asked applicant, **RALPH PEW** if the lots on 113 that **KEVIN MAYO** had mentioned, could indeed be moved to allow for parking along Roadrunner Drive.

APPLICANT, RALPH PEW confirmed with his own staff that it was totally doable.

CHAIRMAN HEUMANN turned the floor to **COMMISSIONER KLOB**.

COMMISSIONER KLOB stated his only concern on this was that there was very little landscaping in that grouping of all those homes being attached product. He asked that if they took more of the landscaping away what kind of effect it would have on the visual aspect of the space.

CHAIRMAN HEUMANN stated that he was looking at it backing into a shopping center and he wanted to come up with something without continuing the case.

KEVIN MAYO responded that they would be just seeking 5 feet total on the southeastern side and would be taking 2 ½ feet on either side of the banks/landscaping. He said it was far in excess of 10 feet right now on each side of them. They still would have enough landscaping width to have a solid planter for trees and things like that. He added that visually they would not even notice and would be pretty achievable.

CHAIRMAN HEUMANN asked **KEVIN MAYO** if he would be able to work with a stipulation on those lots to say move it an X amount to get parking on Roadrunner and stipulation on terms of the clusters down on the south side from **COMMISSIONER KLOB** to be able to work with staff to come up with something.

KEVIN MAYO confirmed that they would be able to and they would not need a specific foot of movement they just needed to add the two road names and the lots asking to work with staff to add parallel guest parking spaces to.

CHAIRMAN HEUMANN stated they would be able to do that. He said the big question now is coming up with a stipulation for the clusters.

COMMISSIONER KLOB asked if there was a stipulation that guest parking was no more than 100 feet away from any unit if that could then apply to the cluster as well. He said if this would be a solution as every unit would have the same stipulation whether it's a single family that is attached or otherwise was that an easier way for staff to move forward. He stated he was open to ideas and suggestions as well.

KEVIN MAYO responded he was looking for a range number and he appreciated the number. His fear with a hard number is that they could hit 105 feet and immediately say we are not consistent with the stipulation. A range would be easier to implement, as each piece has a different dimension all over the place. The cluster conversation in regards to parking, doesn't seem to be a proximity to the guest parking spaces. He asked if it is, he would like to see if there is any space around the parameter street that they could add additional guest parking spaces. To add to step 2 without identifying or isolating it to the cluster could significantly have a consequence to the site.

CHAIRMAN HEUMANN stated that they had solved the problem on the one side, providing a stipulation on stone and some of those things are easy and they could come up with that. He stated the cluster is the biggest challenge and he wasn't sure what the solution would be.

APPLICANT, RALPH PEW clarified that on the clusters that back up to Queen Creek Road, he took lot 22 as an example. It is about 150 feet from there up to the top lots 20 and 19 where you would have parking. He stated none of those units would be able to work with that at 100 feet to achieve that standard. He said he understood their concern but it works and they had done this before, communities govern themselves and at the end of the day it is 38 units out of 200 and was not significant.

CHAIRMAN HEUMANN said he understood that but HOA's have had a lot of teeth taken away from them by the legislature. He asked how they work with CCR's for enforcing the parking, people blocking the streets and all those kind of things. He stated they could fine but could not do lots of other things. He asked how this would be written. He said what they have had happen and doesn't want is the neighbors start calling the city wondering what is going on and then the city gets in the middle of an HOA fight.

APPLICANT, RALPH PEW stated he doesn't want city staff to be embroiled in a middle of an HOA fight but unfortunately they do get phone calls. They can't govern that but the legislature has made changes in restrictive covenant, deed restrictions and CCRs on property. He stated that in respect to these by and large is self-governance, it's the people who live there. They govern themselves, they generally do a very good job of it, it's not to say that they don't get a rub here and there, a little conflict. He said he doesn't think it is as significant as they may assume. He said they know and they are respectful of it, they realize where they live and how it works. He stated they can't solve it 100 percent even if they provided adequate parking. The neighbors are still going to have a squabble here and there but by and large he said it wasn't an issue, it just hasn't been.

CHAIRMAN HEUMANN asked if there were any other questions for the applicant.

COMMISSIONER KLOB stated that as far as guest parking for the cluster units the applicant, **RALPH PEW** had referenced unit 22. He added that it has a 24 foot driveway so it had its own site guest parking spaces as does 20; in the same row, whereas 15 did not. He recognized that if they stipulate that they must have a 24 foot drive at all cluster units it would put a different design in but where it possibly helps is that it takes away issues of guest parking on those streets or next to it. He said that would be the easiest and cleanest way was to create a stipulation that a cluster lot must maintain a 24 foot driveway.

APPLICANT, RALPH PEW asked that maybe adding that cluster units that do not have guest parking must have it within so many feet on the lot. He proceeded to ask the commission for clarification.

CHAIRMAN HEUMANN asked if there were any more questions for the applicant before he closed the floor. He said that number one the commission is a recommending body to council and stipulation on the clusters in

terms of insuring parking and changing that, they would be able to make that stipulation. He said that the stipulation would then go to council and if they wanted to get rid of it, they could get rid of it. He said that would help move things along and there is quite a few stipulations that need to be added to try to make a motion. He said they had a stipulation about the stone and **COMMISSIONER FLANDERS** had a couple to add. **COMMISSIONER FLANDERS** said that related to the stone, he wanted to make sure that all the housing product had the ability to have that material used on them and not restrictive to a certain product.

CHAIRMAN HEUMANN stated that they would just draft a stipulation that would work for that and then asked **COMMISSIONER FLANDERS** if he had any further stipulations to add to this project.

COMMISSIONER FLANDERS confirmed he did not.

CHAIRMAN HEUMANN asked **COMMISSIONER KLOB** what would be his stipulation on the clusters in round terms.

COMMISSIONER KLOB stated the stipulation on the clusters would require a 24 foot driveway on each unit.

CHAIRMAN HEUMANN stated that the stipulation for staff would be to develop additional parking on the peer homes on the lots that were talked about earlier with **KEVIN MAYO** and he would like to make sure that the trees along Queen Creek Road because there are two different pictures that they have 48" box trees in front of the homes; 15 foot on center, 15 foot of planting to ensure that the hard tree scape is broken up. He talked to the applicant for a little bit regarding the booklet being deceiving as picture shows it and the other does not and confirmed they had two different pictures. He then turned to staff and asked if they were okay with the stipulations.

KEVIN MAYO added there was another stipulation regarding the side and front elevations.

CHAIRMAN HEUMANN confirmed that would be another stipulation to be included.

KEVIN MAYO stated that when it came to the 24 foot stipulation, if the applicant decided to raise the issue to council they would be returned to the commission to be worked out as they do not engage into design or detail level discussions. He added that agreement needs to be ironed out to where it is in agreement with the applicant before sending it forward to city council.

CHAIRMAN HEUMANN asked when it was going to council.

KEVIN MAYO confirmed it was the 27 of June.

CHAIRMAN HEUMANN asked if June 27 was enough time for the applicant to attempt those changes or plead their case to council.

KEVIN MAYO responded it was not. He recommended that the applicant ask for a continuance here and comeback to planning with a solid solution. Instead of sending it forward with a stipulation, trying to work a solution and potentially modify a stipulation, between now and council. He stated that they are either good with that stipulation and they march forward or continue it and address this concern, would be his recommendation.

CHAIRMAN HEUMANN asked the applicant, **RALPH PEW** if he would like to address this.

APPLICANT, RALPH PEW requested that they continue this case to the next agenda for the 19th of June. It would give them a little bit of time to work with the staff and move forward.

MOVED BY COMMISSIONER KLOB to move **DVR18-0008/PLT18-0031 MARIPOSA** to be continued to Planning and Zoning Commission on June 19, 2019, seconded by **COMMISSIONER FLANDERS**.

Chairman Heumann – In Favor

Commissioner Klob – In Favor

Vice Chair Rose – In Favor

Commissioner Flanders – In Favor

The motioned passed 4 - 0.

B. PDP18-0019 WATCH TOWER CARWASH AND OFFICES

Approved with stipulation.

Request Preliminary Development Plan approval for site layout and building architecture for a carwash and offices. The approximate 4.45-acre site is located east of the southeast corner of Chandler Boulevard and McQueen Road.

REVIEW AND RECOMMENDATION

Planning staff has reviewed the request finding consistency with the General Plan and PAD zoning. The proposal complies with site development and commercial design standards. At both the Planning and Zoning Commission hearing and Design Review Committee, Commissioners stated Phase 1 should include Building 1 to establish commercial frontage along Chandler Boulevard and ensure the eastern portion develops concurrently with the carwash. Planning staff supports Commission's decision to add a stipulation if desired. The current proposed phasing plan meets site development standards with regards to required square footage to develop within Phase 1. Planning staff recommends the Planning and Zoning Commission approve the PDP for site layout and architecture subject to conditions.

PUBLIC/ NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on March 4, 2018. No one attended other than the applicant and Planning staff.
- As of writing this memo, Planning staff has received two phone calls and four emails in opposition of the proposal, see attached emails. Concerns focused on the amount of carwashes in the area and requests for restaurants or housing to be built instead. Existing carwashes in this area include full detail service and self-service but no quick service carwashes. The use of a carwash and offices are permitted under the current zoning. No comments were received pertaining to the PDP for site layout or architecture.

RECOMMENDED ACTION

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the site layout and architecture for PDP18-0019 WATCH TOWER CARWASH AND OFFICES, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Watch Tower Carwash and Offices" and kept on file in the City of Chandler Planning Division, in File No. PDP18-0019, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

5. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
7. The landscaping in all open-spaces shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
8. Perimeter landscaping around the entire site, including Phase II, shall be installed in Phase I.
9. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
10. A comprehensive sign package shall be reviewed and approved through a separate Preliminary Development Plan application.
11. Building 1 shall be constructed as part of Phase One, in lieu of Building 4. Building 1 shall be reviewed administratively and total square footage of Building 1 shall not be less than 5,000 square feet.

SPEAKER DID NOT LEAVE SPEAKER CARD OR SAY NAME AND ADDRESS INTO THE RECORD came up to speak regarding Item B. He came up long after the item had been approved and moved to council.

CHAIRMAN HUEMANN informed the **SPEAKER** that the item had been on consent. There were no comment cards submitted for this item and he had already turned to the audience if there was anyone wishing to oppose or comment, and no one responded. He confirmed with planning staff the date of the council hearing and let the **SPEAKER** know that on June 27, 2019 he could come back and attend the council meeting and would need to fill out the yellow comment card and let the council know that he wishes to speak. He confirmed with the **CITY ATTORNEY** that at this point, this item has already been approved and moved to the council hearing. He also directed the **SPEAKER** on where he could find the current records of this item online through the City of Chandler website.

SPEAKER stated his and a number of his community members were concerned about all the traffic the carwash would bring.

CHAIRMAN HUEMANN informed the that the carwash has a legal right under C2 Zoning to be there and the item submitted for approval was not regarding whether or not the carwash had a legal right to be there.

DAVID DE LA TORRE stated that staff would be happy to meet with the speaker and give him any information that he wants and answer any questions.

C. ZUP18-0011 CENTRO EVANGELICO FUENTE DE VIDA

Approved.

Use Permit approval to continue operation of a place of worship/church within a Planned Industrial District with a Planned Area Development Overlay (I-1/PAD) zoning district. The

existing business is located at 3260 N. Colorado Street, north and east of the northeast corner of Arizona Avenue and Elliot Road.

REVIEW AND RECOMMENDATION

Planning staff finds the continued operation of a church use to be compatible with the mix of uses operating in the business park. Churches have proven compatible in industrial business parks throughout Chandler whether in a multi-building development or on a single parcel. The church is located in a development with adequate access and parking as well as conducting services and activities during days and times which typically occur during non-business hours.

Planning staff has reviewed the request finding consistency with the General Plan and the I-I/PAD zoning with Use Permit approval. Planning staff recommends the Planning and Zoning Commission approve the Use Permit subject to conditions. No further time condition is recommended.

PUBLIC/ NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood/property owner notification letter was mailed out in lieu of a meeting due to the lack of residential in proximity.
- As of writing this memo, Planning staff is unaware of any concerns or opposition to the request.

RECOMMENDED ACTION

Planning staff recommends Planning and Zoning Commission motion to recommend approval of ZUP18-0011 CENTRO EVANGELICO FUENTE DE VIDA, subject to the following conditions:

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

MOVED BY COMMISSIONER KLOB seconded by **COMMISSIONER FLANDERS** to approve **Item B PDP18-0019 WATCH TOWER CARWASH AND OFFICES** and **Item C ZUP18-0011 CENTRO EVANGELICO FUENTE DE VIDA** read in on the consent agenda.

Chairman Heumann – In Favor
Commissioner Klob – In Favor

Vice Chair Rose – In Favor
Commissioner Flanders – In Favor

The motion passed 4 - 0

6. DIRECTOR'S REPORT

Kevin Mayo shared that the City eCouncil had a strategic meeting and planning session. One of the items that came up was a funny recognition. That the city is not equipped to standards and policies necessary to handle in redevelopment properties. A part of a goal for the next start of the fiscal year is going to be presenting policies and code recommendations to city council. As a kick off to this, they are planning a joint City

eCouncil and planning commission meeting. To start the discussion with all being on the same page and directing staff at: guest parking, drive way widths, all the things that we were talking on tonight are will be what we are going to be working on. The two dates that are being targeted right now are: Thursday, August 15th and Thursday, August 29th. Those are not normally planning commission meeting weeks so they are off from our normal planning week. The preferred day at this point is August 15th, it would be at 4:00 pm. It's going to be some level of facilitated discussion with commission and council. Kevin Mayo anticipated about 2 hours so from 4:00p.m. to 6:00p.m. August 15th being the preferred date and if the schedules don't align August 29th. Kevin Mayo said they would coordinate by email and wanted to make sure their calendars were clear for this. He was excited to kick this off from the staff's stand point and would be really good to get direction from council and commission as accumulated body. Chairman Heumann, Vice Chair Rose, Commissioner Flanders and Commissioner Klob agreed the August 15th date would work with their schedule.

7. CHAIRMAN'S ANNOUNCEMENT

Next regular meeting is June 19, 2019 at 5:30 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona

8. ADJOURNMENT

The meeting was adjourned at 6:36 p.m.


Rick Heumann, Chairman


Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 19, 2019, held in the City Council Chambers, 88 E. Chicago Street.

1. Vice Chairman Rose called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance led by Commissioner Eberle.

3. The following Commissioners answered Roll Call:

Vice Chairman David Rose
Commissioner Robert Klob
Commissioner George Kimble
Commissioner Gregg Pekau
Commissioner Matt Eberle
Commissioner Michael Flanders

Absent/Excused:

Chairman Heumann (attended study session only via phone)

Also, present:

Mr. David de la Torre, Planning Manager
Ms. Lauren Schumann, Senior City Planner
Ms. Kristine Gay, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Michael Gildenstern, City Planner
Ms. Kelly Schwab, City Attorney
Mr. Thomas Allen, Assistant City Attorney
Ms. Elisa Thompson, Clerk

4. APPROVAL OF MINUTES

MOVED BY COMMISSIONER KLOB, seconded by **COMMISSIONER FLANDERS** to approve the minutes of the June 5, 2019, Planning Commission Hearing. The motion passed 3-0. **COMMISSIONER PEKAU, COMMISSIONER KIMBLE and COMMISSIONER EBERLE** were absent at the June 5, 2019 Planning and Commission Hearing and **ABSTAINED** from the vote.

5. ACTION ITEMS:

VICE CHAIR ROSE informed the audience prior to the meeting, Commission and Staff met in an open Study Session to discuss each of the items on the consent agenda in detail. He stated all Items will be read into the record and voted on in a single motion and asked if anyone wished to remove any Items from the consent agenda. **DAVID DE LA TORRE** stated Item A has been pulled for action and is not on the consent agenda.

B. DVR18-0025 CHANDLER 101

Approved with added stipulation.

Rezone from Planned Area Development (PAD) to PAD amended with a Mid-Rise Overlay for a mixed-use office park with commercial land uses, a potential hotel, and future multi-family. Preliminary Development Plan (PDP) approval for conceptual site plan, building elevations, and sign guidelines for the mixed-use office park and commercial phase. The subject site is located at southeast corner of Price Road and Chandler Boulevard.

The vote included an additional stipulation given to the Commission at the Study Session. Planning staff recommended adding a stipulation to the recommended rezoning stipulations. Condition 9: The rezoning request does not include a specified timing condition. This includes relief of the 1-year timing condition from the effective date of the ordinance as specified in the City Code section 35-2603.B.

C. PLH19-0005 REZAMP LLC

Approved with amended stipulation.

Use Permit approval to allow general office uses within a single family residence on property zoned Single-Family District (SF-8.5) located at 484 W. Chandler Boulevard, east of the northeast corner of Chandler Boulevard and Iowa Street.

D. PLH19-0006 REZAMP LLC

Approved with amended stipulation.

Use Permit approval to allow general office uses within a single family residence on property zoned Single-Family District (SF-8.5) located at 456 W. Chandler Boulevard, east of the northeast corner of Chandler Boulevard and Iowa Street.

E. PLH19-0012 HEALING HAND BY HANNAH

Approved.

Use Permit approval to continue to allow a therapeutic massage business within a Planned Industrial District with a Planned Area Development overlay (I-1/PAD) located at 3130 N. Arizona Avenue, Suite 108, west of Arizona Avenue and north of Elliot Road.

F. CANCELLATION OF THE JULY 3, 2019, PLANNING AND ZONING COMMISSION MEETING

Approved.

VICE CHAIR ROSE asked if there was anybody that wished to speak on the consent agenda. He stated there was one speaker card received IN FAVOR for Item D and did not wish to speak. He confirmed there was no one else that wished to speak and closed the floor. He confirmed with **DAVID DE LA TORRE** that for Items C and D the verbiage “onsite” has been added to the stipulation.

DAVID DE LA TORRE confirmed that for both Items C and D, the stipulation number 5 will read, “The maximum number of onsite employees shall not exceed six.”

VICE CHAIR ROSE stated that for Item B in the narrative, **CHAIRMAN HEUMANN** noticed a correction during the study session. He said it was regarding the midrise overlay height to be 160ft. He confirmed with **DAVID DE LA TORRE** that it would be revised.

MOVED BY COMMISSIONER EBERLE seconded by **COMMISSIONER FLANDERS** to approve the Items read in on the consent agenda.

Vice Chair Rose – In Favor
Commissioner Klob – In Favor
Commissioner Eberle – In Favor

Commissioner Kimble – In Favor
Commissioner Flanders – In Favor
Commissioner Pekau – In Favor

The motioned passed 6 - 0.

ACTION:

A. DVR18-0008/PLT18-0031 MARIPOSA

Approved with added stipulation.

Rezoning of approximately 5 acres from Agricultural District (AG-1) and approximately 19.2 acres from Planned Area Development (PAD) for multi-family to PAD for single-family residential. Preliminary Development Plan (PDP) for subdivision layout and housing product. Preliminary Plat for a 199 lot single family residential subdivision located on the northwest corner of Queen Creek and Alma School roads.

REVIEW AND RECOMMENDATION

Planning staff has reviewed the request finding consistency with the General Plan. Due to the infill nature of the site, the Residential Development Standards (RDS) for subdivision layout are not applicable. However, the RDS guidelines remain applicable to the architectural design of the homes. The proposed single family residential subdivision meets the intent of development standards and residential design guidelines. Given the irregularly shaped site, three housing products are proposed to provide diversity and a transition from existing single family homes and to the existing commercial shopping center. Planning staff recommends the Planning and Zoning Commission recommend approval subject to conditions.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- Two neighborhood meetings were held on April 17, 2018 and February 26, 2019. Residents in attendance were from the Clemente Ranch single family subdivision. They expressed opposition to the proposed development due to the smaller sized lots, the perceived „substandard“ homes, density, to name a few. One resident called Planning staff to state their strong opposition to the development and prefers the original multi-family development to occur. Applicant sent an email response to questions generated from the two meetings. No further inquiries comments have been received.
- Public hearing notices were sent out on May 6, 2019. Staff has not received further comments, concerns or opposition to date of the writing of this memo

RECOMMENDED ACTION

Rezoning

Planning staff recommends Planning and Zoning Commission motion to recommend approval of DVR18-0008 MARIPOSA, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled “Mariposa” and kept on file in the City of Chandler Planning Division, in File No. DVR18-0008, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City’s adopted design and engineering standards. The aboveground utility

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

4. Future median openings shall be located and designed in compliance with City adopted design standards.

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. 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 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. 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.

VICE CHAIR ROSE opened up the floor to the applicant, **RALPH PEW**.

APPLICANT, RALPH PEW is located in **Mesa, AZ**. He introduced his staff from The New Home Company, Chris Katy, Jeff Zimmerman, Connie Dean and Vanessa McDonald. He said the case had already been heard by the commission at some length during the DRC meeting. It was also discussed during the study session today and the June 5, 2019 Planning and Zoning Commission. He said the issue boils down to a question on the elevation of the paired home units. He hasn't heard any concerns that have not been resolved. He stated it was a unique piece of property, it is the last of the Dobson Ranch properties. It is the headquarters of Dwayne Dobson on Queen Creek and Alma School Road. He said it is very oddly shaped, in-field/bypass piece of property. He added that The New Home Company has done the best they can and have done a really great job with their designers and architects to create three different product types with open space. He said it really fits this neighborhood and this area. He urges the commissioners to recommend approval case to the city council. He said they did revise and take care of the parking issues and have created more parking. He said they used creative use of benefit easement technique in one location and in the other they created spaces on the end of the U shaped drive areas in the paired homes. He mentioned to **COMMISSIONER KLOB** during the break that the issue in respects to parking and the garbage cans is really handled through the declaration of conditions and restrictions for the project. He said there are some important enforcement issues to respect to that. He said that gives the HOA the power to tow vehicles that don't comply with allowing the garbage can containers to be picked up on the right spot on the right days. There is a real piece to that they use as an effective tool. He said they are very proud of the design of the project, proud of the architecture and they know there might be a question on the paired homes elevations with respects to each side of the home. He said he urges the commission to look at it as a whole, the totality of those homes. He said they market that property as if you are looking at the streetscape and although those homes are separately owned, they do think

that the look of them as they are put together is not a sameness and there is a lot of movement in those paired homes. There is a lot of things there that make them interesting. He said he urges their support and if questions do come up he would be happy to address them.

VICE CHAIR ROSE asked if there were any questions to the applicant.

COMMISSIONER KLOB said his questions are for the staff. He asked if there was a way to split the housing product architecture from the site planning aspect or even pull the paired units housing out of the equation to allow to develop it a little more but allow the project to keep moving forward.

DAVID DE LA TORRE responded that they have split the housing product PDP request from the subdivision PDP request on other projects in the past. He is hesitant to split specific housing types or housing products within the housing product PDP request. He said for example, he would be hesitant to say the paired homes are not approved but everything else is approved within the housing product. He said because it can get a little bit messy. He said what would be the next step after that, is they would have to come back for a separate PDP approval for specifically that product. He said their preference would be to split all the housing products from the subdivision.

VICE CHAIR ROSE added that like **COMMISSIONER KLOB** said they really don't want to hold this back and would like to get it moving. He asked if anyone else had input on the architecture, elevation or would like to see it split as proposed by **COMMISSIONER KLOB**.

COMMISSIONER PEKAU stated that he loved the development, the site and the in-field use. He said there is a valid concern that **COMMISSIONER KLOB** has brought forward. He asked how significant of an impact would it be to the development if they were to split out the PDP from the plat element versus the home element.

APPLICANT, RAPLH PEW responded that it was a difficult time for them to split them out like that what is critical for us is the timing in the transaction. He said this case has been studied, revised and worked almost more than any he has ever seen. He said they are running into severe deadlines that if they separated out, they would not know if they could go forward and close. He said not knowing if ultimately the paired homes would be approved. He said they have listened carefully both at the DRC and two weeks ago. He said they have done all that they can do. He added that the people that want to live there would be very proud as it relates to the elevations. He stated they are not detrimental, they are high quality and that is their view. He said this case should move forward with a positive recommendation for approval. He said they quite frankly don't know what to add in addition to what they have done.

COMMISSIONER FLANDERS stated he could understand for the applicant the risk and anxiety of separating housing product from the land and everything else. He knows they do not like to do the design review on the dais but maybe they could be specific with a series of stipulations. He said at least give staff clear direction on specific units that are being questioned.

COMMISSIONER KLOB stated he had no problem with creating a clear stipulation. He said his primary concern as he expressed during the study session is with the Spanish elevation of the paired units. He said creating an autonomous feel for each of the homes. He said it would be a vague stipulation to give to staff as to what is an autonomous feel. He said what he has pushed back directly to the applicant and through staff is for each home architecturally from a curb appeal; hold up on its own. He said if each one was a single family home to have that design as an independent home. He said that is what is missing the mark when he compares it to other attached projects that come through that have met that standard. He doesn't know if this is keeping that same level going forward. He said overall it's a great project; the homes and the use of the site. He said what the applicant has done with

the parking is commendable. He said as he told the applicant during the break, if they were looking at a 100% scale they are at 95%. He said they just need to get that extra little 5% and be there. He has a hard time supporting going forward from an architecture standpoint knowing that they are so close. He thinks it can be achieved and knowing the design team the applicant is using and their abilities. He said that he knows that they can take it to that next level as well. He said he is not necessarily opposed to the stipulation but believes it would be a hard one to write, that gives staff enough information to go forward with. He thinks it's really something that the design team needs to come back and say here's how we addressed this concern with the Spanish elevation holding up independently on each side on its own. He said with that he would absolutely approve to move forward but it puts a lot on staff shoulders to try to make some assumptions in addition to their regular work load that is his hesitation there but is open to suggestions.

COMMISSIONER EBERLE said he looks at this project from a different perspective, of economic development. He said the spot of the development is needed and doesn't think there is a better use of the plat. He said that there is a shopping center there that used to be a Bashas; which left about a decade ago. He said it is rebuilding from the time of the recession. In his opinion what this development does is ensure prosperity for that corner of Queen Creek and Alma School Road. He said they will likely have new entity to take the spot of the commercial space where Bashas left. He said it is all empty, it will revitalize that piece. He said there is a design in this profile that he does not like, it is not his taste. He thinks overall there is a positive impact. His biggest concern was the traffic flow and he has been told that they have completed studies and understand the flow. He said the saving grace in that is that they have two entrance and exits points. He said one on Alma School and Queen Creek that is these owners of the properties will find morning or evening which way to exit the properties, it will be a little busy. He said but overall he is looking at it from an economic perspective all things considered.

COMMISSIONER FLANDERS said that he has experienced this in the past, in his early beginnings with the planning commission. He said what he would like to do is propose a couple of design features. He said he thinks the parapet walls need to be thickened to match the higher parapet. He said there is a larger element that can be used on the gable end of the roof. He said looking at the front and the sides maybe there is a wainscoting that can be thickened at the bottom to create a heavier base for the building to kind of anchor it. He said the window features work well but maybe there is a wrought iron element on the large window. He said maybe the light fixture can be changed to match the elevation. He said there is a low wall gate that adds to it but maybe there is some color change that provides a little more movement with the building. He said at least this is a start and it is a lot of information for a stipulation but maybe it's a stipulation, for applicant to work with staff on the Spanish style housing elevation based on the items mentioned.

DAVID DE LA TORRE said staff is looking for specific direction if that is the direction that the planning commission wishes to go. He asked if all the items mentioned would apply or just some. He said he would like as specific direction as possible so they understand what the stipulation means.

COMMISSIONER FLANDERS responded that all of it would be to the benefit of the applicant and his design staff. He said for them to go ahead and start looking at it again. He said maybe it's just a little bit or maybe it's a lot more. He added some of it might inspire something else to change. He said it's just about beefing out the elevation a little bit with some of the additional items.

COMMISSIONER KLOB said to add to **COMMISSIONER FLANDERS** there is one glaring item that he himself missed until this moment but thinks is an easy fix is the Spanish barrel tile not the flat tile that the elevations are showing. He added that it would help carry some of theme. He said if staff is open and comfortable with a stipulation along the lines of adding true architectural theming to it and creating a true autonomous standalone design for each paired unit. He said it is primarily the

Spanish elevation units that are his biggest challenge with this product line. He asked if staff is acceptable to that then he would be open to allow it to go forward. He asked staff if that was enough of what they need.

SUSAN FIALA responded that to clarify because judgement can be very subjective as to what is to be on there, everyone has a bit of a different idea here. She asked if there are wall plane changes, if that is what is missing. She has heard the parapet, is it the amount of sinistration on there. She stated each unit has three windows and they have different sizes, she asked if that is what makes it visually unappealing. She asked how much wrought iron would be enough. She said those are the types of things that are very judgmental on every ones part but yes you can have a stipulation but again how far. She said it just needs to be better defined since the applicant is here. She said since they are on action items maybe they can address it a little bit further as to how they can accommodate that as well with guidance.

COMMISSIONER KLOB said that was his challenge as well it is to open ended for this to go forward. He asked if there was maybe some solutions that the applicant has.

APPLICANT, RALPH PEW said they certainly support the idea to add an additional stipulation that would allow staff to view their changes in such a way so they create an autonomous feeling as the commissioner is indicating through some combination of suggestions mentioned by **COMMISSIONER FLANDERS**. He asked for the commission to create a stipulation to move them forward and let the staff resolve it with some combination of items that **COMMISSIONER FLANDERS** mentioned. He said he doesn't think the expectation is to do all eight. He said he doesn't think that is what he was meaning but to add something to create that autonomous feeling or he said the best case scenario would be for the commission to say to themselves this is a really nice project and they have done a great job, move forward. He asked to be moved forward with some condition that the staff can work through.

COMMISSIONER PEKAU said that through all the various meetings that they have been very impressed with the design, speed and felt they have been very complimentary. He added that it is a recommending body and that when one of the design architects is having some serious concerns they take note of that and have to, he added that it was not his trade. He said he has not heard a specific stipulation but he knows that they don't want to design from the dais. He asked if someone could come up with a stipulation or he was going to make a motion to approve.

COMMISSIONER FLANDERS said he would like to add a stipulation that, the applicant will work with staff to modify elevations of the Spanish style paired residences with items mentioned during the meeting. He asked the staff if that is something that they could work with.

DAVID DE LA TORRE confirmed that what he had is that the applicant shall work with staff to modify the elevations of the Spanish style paired residences with items mentioned during the public hearing. He said that knowing that they don't have to do all the items that were mentioned. That they can pick and choose what was mentioned during the public hearing and work with the applicant. He confirmed that from staff point that is something that they can work with. He said he would prefer it to be more specific but not having a specific solution and not being able to design from the dais, that is something that they can live with and work with.

COMMISSIONER FLANDERS said if the applicant is comfortable with that, they don't need to use them all but provide a competent design that takes care of everyone's concerns. He understands that they would prefer to get it approved but he said at least they have information that everybody has heard. He said that on some of the elements there is stipulations to work with staff on that but what this does is to get out of this arena and get them moving.

COMMISSIONER KLOB said he would like to add the following option items: additional gables, additional roof lines, breaking up the roof elements in a traditional Spanish architectural style. He said possibly even arched windows, just a few more options to pick and choose from.

DAVID DE LA TORRE confirmed the stipulation would read, "The applicant shall work with staff to modify the elevations of the Spanish style paired residences with the items mentioned during this public hearing."

MOVED BY COMMISSIONER PEKAU to move **Item A DVR18-0008/PLT18-0031 MARIPOSA** to be approved with the added stipulation, seconded by **COMMISSIONER EBERLE**.

Vice Chair Rose – In Favor

Commissioner Klob – In Favor

Commissioner Eberle – In Favor

Commissioner Kimble – In Favor

Commissioner Flanders – In Favor

Commissioner Pekau – In Favor

The motioned passed 6 - 0.

6. DIRECTOR'S REPORT

Mr. David de la Torre, Planning Manager stated there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENT

Next regular meeting is July 17, 2019 at 5:30 P.M. in the Chandler City Council Chambers, 88 E. Chicago Street, Chandler, Arizona

8. ADJOURNMENT

The meeting was adjourned at 6:09 p.m.



Rick Heumann, Chairman



Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, July 17, 2019, held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Heumann called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance led by Commissioner Eberle.

3. The following Commissioners answered Roll Call:

Chairman Rick Heumann
Vice Chairman David Rose
Commissioner George Kimble
Commissioner Matt Eberle
Commissioner Gregg Pekau
Commissioner Michael Flanders

Absent/Excused:

Commissioner Robert Klob

Also, present:

Mr. Kevin Mayo, Planning Administrator
Mr. David de la Torre, Planning Manager
Ms. Stephanie Watney, City Planner
Mr. Michael Gildenstern, City Planner
Ms. Jenny Winkler, Assistant City Attorney
Mr. Thomas Allen, Assistant City Attorney
Ms. Elisa Thompson, Clerk

4. APPROVAL OF MINUTES

MOVED BY COMMISSIONER EBERLE, seconded by **COMMISSIONER KIMBLE** to approve the minutes of the June 19, 2019, Planning Commission Hearing. The motion passed unanimously 6-0.

5. ACTION ITEMS:

CHAIRMAN HEUMANN informed the audience prior to the meeting, Commission and Staff met in an open Study Session to discuss each of the items on the agenda. He asked if there were any questions from the audience on any of the Items presented. He stated all Items would be read into the record and voted on in a single motion.

A. DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES

Continued to the August 21, 2019, Planning Commission Meeting.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential with Preliminary Development Plan (PDP) approval for subdivision layout along with Preliminary Plat (PLT) approval for 17 lots on approximately 8 acres. The subject site is located east of the northeast corner of Riggs and Lindsay Roads.

PROPOSED MOTION

Motion Planning and Zoning Commission to continue DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES, to the August 21, 2019, Planning and Zoning Commission meeting as recommended by Planning staff.

B. PLH19-0019 LITTLE LAMBS

Approved.

Request Use Permit approval to operate a residential childcare for up to ten (10) children in an existing single-family residence located at 1693 W. Lark Drive, north of Queen Creek Road and east of Earl Boulevard.

BACKGROUND DATA

- Subject site is approximately .22 acres within Parcel 15 of the Clemente Ranch Subdivision
- Zoned Planned Area Development (PAD) for single-family residential uses; approved 1993
- Zoning Code requires Use Permit approval for residential child care home providing care for five (5) to ten (10) children

REVIEW AND RECOMMENDATION

Planning staff has reviewed the request and finds the proposed residential child care is a compatible use within the existing single-family home, subject to compliance with all fire and building codes. The applicant has sought to address the fire and building codes by limiting no more than five (5) children to occupy the residential child care at any time.

The site provides adequate parking and the applicant has proposed staggering pick-up and drop-offs to mitigate impacts of additional traffic. Planning staff recommends a one-year time condition to re-evaluate the compatibility of the residential child care with surrounding residential uses.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on June 26, 2019. Three (3) members of the public attended the neighborhood meeting. An immediate neighbor attended the neighborhood meeting and expressed support for the request.
- As of the writing of this memo, Planning staff received one (1) telephone call from a citizen in an adjacent subdivision who expressed a general concern regarding businesses in neighborhoods. However, Planning staff is unaware of any opposition to this request.

RECOMMENDED ACTION

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the Use Permit subject to the following conditions:

1. The site shall be in substantial conformance to the narrative and site plan dated July 5, 2019. Significant deviation beyond the narrative and site plan shall void the Use Permit and require a new Use Permit application and approval.
2. The site shall comply with all of the applicable codes of the City of Chandler.
3. The site shall be maintained in a clean and orderly manner.
4. Should the applicant sell the property, this Use Permit shall be null and void.
5. The Use Permit shall be valid for a period of one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

PROPOSED MOTION

Motion Planning and Zoning Commission to recommend approval of Use Permit case PLH19-0019 LITTLE LAMBS, subject to the conditions as recommended by Planning staff.

C. PLT17-0065 MISSION CROSSING AT CHANDLER RANCH

Approved.

Request preliminary plat approval for Mission Crossing at Chandler Ranch located at northeast corner of Pecos Road and Canal Drive.

BACKGROUND

- Approximately 5.7 acres
- Zoned Planned Area Development (PAD) for a 32 lot subdivision; zoning and preliminary development plans were approved in 2018
- The plat creates the lots and tracts, establishes the necessary easements, and dedicates the required rights-of-way

RECOMMENDED ACTION

Planning staff recommends Planning and Zoning Commission motion to recommend approval of Preliminary Plat, subject to the following condition:

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

PROPOSED MOTION

Motion Planning Commission to recommend approval of Preliminary Plat PLT17-0065 MISSION CROSSING AT CHANDLER RANCH, subject to the condition as recommended by Planning staff.

D. CANCELLATION OF THE AUGUST 7, 2019, PLANNING AND ZONING COMMISSION MEETING

Approved.

CHAIRMAN HEUMANN wished the applicant for Little Lambs the best success. He added that childcare is a plus for families and wished them a lot of luck in their business.

MOVED BY COMMISSIONER PEKAU seconded by **COMMISSIONER FLANDERS** to approve the Items read in on the consent agenda.

Chairman Heumann – In Favor	Vice Chair Rose – In Favor
Commissioner Kimble – In Favor	Commissioner Pekau – In Favor
Commissioner Eberle – In Favor	Commissioner Flanders – In Favor

The motion passed unanimously 6 - 0

6. DIRECTOR'S REPORT

Kevin Mayo said the commission should have received an email invitation for the joint City Council and Planning Commission Meeting. It is happening on August 15, 2019, at 5:30 p.m. He shared it has been quite some time since they had a meeting like this. He said City Council through previous meetings adopted some strategic framework for the next series of years. One of the aspects of that was addressing infill and redevelopment. The Mayor has asked to bring the Planning Commission and Council together for a brainstorming session. David De La Torre is currently working on a presentation to present the statistics of Chandler, such as: where we've been, where we are, how we got there, and where we think we are going. The bulk of the meeting is a targeted discussion on some

topics that will be presented at the meeting. It will be on the 2nd floor at City Hall, in the HR Training Room. The physical address is provided on the email invite. He said they would check-in at the front desk at City Hall before heading out to the 2nd floor, and there will be people there to guide everyone up. The meeting will be at least 2 hours long, if not more; depending on the amount of response received during the discussions.

Kevin Mayo shared it was Stephanie Watney and Michael Gildenstern's first time on the dais, they both just started in April. He added that it has been almost 20 years for himself, and David De La Torre recently celebrated 20 years. He said you normally would not see a new hire for at least a year in a public hearing. David De La Torre has been working really hard condensing the learning curve, as much as possible, since they have so many new hires; to have them all be on the same starting page. He wanted to share his excitement with the commission with all the new changes. Chairman Heumann welcomed the new planners and appreciated them being here.

7. CHAIRMAN'S ANNOUNCEMENT

Next regular meeting is August 21, 2019, at 5:30 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona

8. ADJOURNMENT

The meeting was adjourned at 5:37 p.m.



Rick Heumann, Chairman



Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 21, 2019, held in the City Council Chambers, 88 E. Chicago Street.

1. **CALL TO ORDER / ROLL CALL**

CHAIRMAN HEUMANN called the meeting to order at 5:30 p.m.

The following Commissioners answered Roll Call:

Chairman Rick Heumann
Vice Chairman David Rose
Commissioner George Kimble
Commissioner Matt Eberle
Commissioner Gregg Pekau
Commissioner Michael Flanders
Commissioner Robert Klob

Also, present:

Mr. Kevin Mayo, Planning Administrator
Mr. David de la Torre, Planning Manager
Ms. Stephanie Watney, City Planner
Ms. Kristine Gay, Senior City Planner
Ms. Lauren Schumann, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Jenny Winkler, Assistant City Attorney
Mr. Thomas Allen, Assistant City Attorney
Ms. Elisa Thompson, Clerk

2. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance led by COMMISSIONER PEKAU.

3. **APPROVAL OF MINUTES**

MOVED BY VICE CHAIR ROSE, seconded by COMMISSIONER KIMBLE to approve the minutes of the July 17, 2019, Planning Commission Hearing. The motion passed unanimously 6-0. COMMISSIONER KLOB was absent on July 17, 2019, Planning and Commission Hearing and ABSTAINED from the vote.

4. **ACTION AGENDA:**

CHAIRMAN HEUMANN informed the audience prior to the meeting, Commission and Staff met in an open Study Session to discuss each of the items on the agenda. He asked if there were any questions from the audience on any of the Items presented. He stated all Items would be read into the record and voted on in a single motion with the exception of Item e. Item e. PLT19-0021 DOGTOPIA has been pulled for action and is not on the consent agenda.

a. DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES

Continued to the September 4, 2019, Planning Commission Meeting.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential with Preliminary Development Plan (PDP) approval for subdivision layout along with Preliminary Plat (PLT) approval for 16 lots on approximately 8 acres. The subject site is located east of the northeast corner of Riggs and Lindsay Roads.

PROPOSED MOTION

Motion Planning and Zoning Commission to continue DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES, to the September 4, 2019 Planning and Zoning Commission meeting as recommended by Planning staff.

b. PLH19-0018 INNOVATION SQUARE

Approved.

Request is to extend Planned Area Development (PAD) zoning conditional schedule for development of an employment business park campus, including a Mid-Rise Overlay for building height up to 150 feet, located on the northwest corner of Price and Queen Creek roads.

BACKGROUND DATA

- 14.89 net acres
- Property rezoned from PAD for office and data center uses to PAD for an employment business park campus with employment, office, service retail, and hotel uses with a Mid Rise
- Overlay for building height up to 150 feet under an Innovation Zone; approved on August 8, 2016
- Approved with three year time condition; expired on August 8, 2019
- Applicant requests additional three year extension
- The City may extend or eliminate time condition, or revert to former zoning classification
- If the City approves time condition extension, all other conditions in original approval remain in effect

REVIEW AND RECOMMENDATION

Planning staff finds that a PAD zoning time extension for three years is consistent with the General Plan, the South Price Road Employment Corridor, and the Innovation Zone for an employment business park with a Mid-Rise Overlay is still appropriate; staff recommends approval.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A notification letter was sent in lieu of a neighborhood meeting.
- As of the writing of this memo, Planning staff is unaware of any concerns or opposition to the request.

RECOMMENDED ACTION

Planning staff, upon finding consistency with the General Plan and the South Price Road Employment Corridor, recommends approval to extend the time condition for three (3) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

Motion Planning and Zoning Commission to recommend approval of extending the time

condition for case PLH19-0018 INNOVATION SQUARE for an additional three (3) years, in which the zoning would be effect until August 8, 2022, and with all of the conditions in the original approval remaining in effect.

c. PLH19-0035 ASHER POINTE

Continued to the September 4, 2019, Planning Commission Meeting.

Request Preliminary Development Plan (PDP) approval for housing product of single-family homes. The 99-acre site is located at the northeast corner of Riggs Road and Arizona Avenue.

PROPOSED MOTION

Move Planning and Zoning Commission continue PLH19-0035 ASHER POINTE to the September 4, 2019, Planning and Zoning Commission meeting.

d. PLH19-0001/PLH19-0040 NEVADA STREET AND COMMONWEALTH MULTIFAMILY

Approved with added stipulations.

Request Area Plan Amendment to the Downtown-South Arizona Avenue Corridor Area Plan from Business Park/Light Industrial to High Density Residential, with rezoning from General Industrial (I-2) to Planned Area Development (PAD) for Multi-Family Residential including a Mid-Rise Overlay for building height up to fifty-six feet, along with Preliminary Development Plan approval for site layout and building architecture. The 5.58-acre site is located at the southeast corner of Nevada Street and Commonwealth Avenue.

The vote included two additional stipulations that were agreed to be added during the study session prior to the regular meeting. The stipulations will be added to the Preliminary Development Plan conditions. The first new stipulation would be stipulation, 10. The applicant shall work with staff to reduce the perceived mass of the proposed buildings A and B as shown in the preliminary site plan and concept views titled Nevada Street and Commonwealth as prepared by the LGE Design Group dated August 21, 2019. The second stipulation to be added is stipulation, 11. Mexican Fan Palms shall be replaced with Date Palms.

BACKGROUND DATA

- In 1973, the site was annexed into the city and rezoned from RI-43 to I-2 Industrial to accommodate a mobile home manufacturing plant.
- Site is still zoned I-2 today which permits uses such as a plastics manufacturing, recycle collection facilities, tobacco manufacturing, and sheet metal fabrication.

REVIEW AND RECOMMENDATION

The proposed rezoning and area plan amendment from Business Park/Light Industrial to High Density Residential will result in a land use that is consistent with the surrounding recommended land uses and will contribute to achieving a job/housing balance that is recommended by the plan. Planning staff has reviewed the request finding consistency with the General Plan and recommends the Planning and Zoning Commission approve the requests subject to conditions.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code. The applicant hosted two separate community meetings. No members of the public attended the first meeting.
- Three residents of the historic Silk Stocking District attended the second meeting

where they shared concerns and interests regarding the preservation of their neighborhood character, providing historical reference as part of the project, reducing crime and vandalism, and ensuring a mixture of housing costs or lease rates within the immediate vicinity of the site.

RECOMMENDED ACTION

Area Plan Amendment

Planning staff recommends the Planning and Zoning Commission motion to recommend approval of PLH19-0040 DOWNTOWN-SOUTH ARIZONA AVENUE CORRIDOR PLAN AMENDMENT from business park/light industrial to high density residential.

Rezoning

Planning staff recommends Planning and Zoning Commission motion to recommend approval of PLH19-0001 NEVADA ST AND COMMONWEALTH MULTIFAMILY, subject to the following conditions:

1. Site development shall be in substantial conformance with the Development Booklet, entitled "NEVADA STREET & COMMONWEALTH AVENUE," as prepared by LGE and Huellmantel Affiliates as modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council. A copy of the Booklet shall be kept on file in the City of Chandler Planning Division, in File No. PLH19-0001 and PLH19-0040.
2. The permitted land use for the subject site shall be limited to multi-family dwelling units of a density no less than thirty units per acre. Accessory land uses typically associated with multi-family dwellings such as outdoor amenities to serve the residents and guests shall also be permitted.
3. The Mid-Rise Overlay shall permit a building height of fifty feet, as measured to the top of parapet. Additional architectural features, such as but not limited to, towers, architecturally integrated mechanical screening, and enhanced decorative parapet heights, substantially as shown in the proposed elevations and renderings, shall also be permitted.
4. As determined at site plan review, relocation and/or undergrounding shall be required of all overhead electric (less than 69kv), communication, and television lines located on the site or within adjacent rights-of-way 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 not interfere with the use and enjoyment of the site and adjacent rights-of-way and shall be located outside of the ultimate rights-of-way and within a specific utility easement.
5. Completion of the construction of all required off-site 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.

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the proposed Preliminary Development Plan (PDP) for Nevada St and Commonwealth Multifamily, subject to the following conditions:

1. Site development shall be in substantial conformance with the Development Booklet, entitled "NEVADA STREET & COMMONWEALTH AVENUE," as prepared by LGE and Huellmantel Affiliates as modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council. A copy of the Booklet shall be kept on file in the City of Chandler Planning Division, in File No. PLH19-0001 and PLH19-0040.
2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
3. As proposed, to accommodate the use of on-street parking and activate the streetscape, the ground floor units that are adjacent to the public rights-of-way shall be accessible by the residents from the sidewalk and shall be fully securable from the exterior as well as interior of the unit.
4. Prior to submitting for development plan review, if reduced parking is requested by the applicant, a parking analysis shall be submitted to the Planning Administrator for review as provided for by the Zoning Code.
5. Lighting
 - a. Lighting shall meet or exceed all applicable standards such that a safe and comfortable environment is provided for the residents & guests and users of the adjacent public rights-of-way within the vicinity of the site.
 - b. Light sources shall be screened from being directly visible from the public sidewalk where possible.
 - c. Site and architectural lighting may spill over onto the adjacent public sidewalks and on-street parking to enhance safety at night.
 - d. No lighting shall spill over onto or negatively impact surrounding properties or neighborhoods. Lighting for any proposed parapet-top signage shall be carefully reviewed and approved by the Planning Administrator.
6. Signage
 - a. Signage shall be designed in coordination and in-scale with building elevations and landscape plans, so as not to detract from the quality design of the site or buildings, create problems with sign visibility, or prompt the removal of required or proposed landscape materials.
 - b. Any proposed free standing signage shall be integrated into site features and shall be modest in scale such that it provides wayfinding and does not draw excessive attention to the site.
 - c. To further enhance the level of permanence and commitment conveyed through the development, raceway signage is not permitted.
 - d. Neon lighting, electronic message centers, and cabinet signs shall not be permitted.
 - e. The conceptually shown signage appears to meet the signage stipulations above and shall further be regulated by the applicable sign criteria of the Chandler City Code.
7. The quality and quantity of landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
8. Parapets shall be perceived as continuous as viewed from the public right-of-way.

9. All mechanical equipment shall be fully screened from view from adjacent rights-of-way and private properties. Said screening shall be architecturally integrated where it is located on or near any proposed building. Free standing mechanical equipment and trash facilities shall be screened from view at all times with quality materials and integrated into the landscaping as much as possible.

PROPOSED MOTION

Area Plan Amendment

Motion Planning and Zoning Commission to recommend approval of Area Plan Amendment PLH19-0040 DOWNTOWN-SOUTH ARIZONA AVENUE CORRIDOR AREA PLAN from Business Park/Light Industrial to High Density Residential as recommended by Planning staff.

Rezoning

Motion Planning and Zoning Commission to recommend approval of Rezoning PLH19-0001 NEVADA STREET AND COMMONWEALTH MULTIFAMILY, from I-2 to PAD subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan PLH19-0001 NEVADA STREET AND COMMONWEALTH MULTIFAMILY, for conceptual site and building design exhibits, subject to the conditions as recommended by Planning staff.

f. PLT19-0030 THE STEEL YARD

Approved.

Request Preliminary Plat approval for commercial development located at the southeast corner of Gilbert and Chandler Heights roads.

BACKGROUND DATA

- Approximately 4 net acres
- Zoned Planned Area Development (PAD) for commercial; approved November 8, 2018
- The plat creates the lots and tracts, establishes the necessary easements, and dedicates the required rights-of-way

RECOMMENDED ACTION

Planning staff recommends Planning and Zoning Commission motion to recommend approval of

Preliminary Plat, subject to the following condition:

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

PROPOSED MOTION

Motion Planning Commission to recommend approval of Preliminary Plat PLT19-0030 THE STEEL YARD, per Planning staff recommendation.

COMMISSIONER FLANDERS wished to thank the applicant for Item d. PLH19-

0001/PLH19-0040 NEVADA STREET AND COMMONWEALTH MULTIFAMILY as they turned around some information to the commission during the study session that really helped their cause.

CHAIRMAN HEUMANN also thanked the applicant's Attorney and Architect for Item d. PLH19-0001/PLH19-0040 NEVADA STREET AND COMMONWEALTH MULTIFAMILY. He said that setting up the tone for Nevada Street was super important and this was the first real development going on down there and setting the standard is super important and he appreciated that.

MOVED BY COMMISSIONER FLANDERS seconded by **COMMISSIONER KLOB** to approve the Items read in on the consent agenda.

Chairman Heumann – In Favor	Vice Chair Rose – In Favor
Commissioner Kimble – In Favor	Commissioner Pekau – In Favor
Commissioner Eberle – In Favor	Commissioner Flanders – In Favor
Commissioner Klob – In Favor	

The motion passed unanimously 7 – 0

ACTION:

e. PLH19-0021 DOGTOPIA

Continued to the October 2, 2019, Planning Commission Meeting.

Request Use Permit approval for an outdoor animal play area as an accessory use to an animal daycare for dogs with overnight boarding. The property is located at 4901 S. Arizona Avenue, Suite 7, at the northeast corner of Arizona Avenue and Chandler Heights Road.

PROPOSED MOTION

Motion Planning and Zoning Commission to recommend approval of Use Permit case PLH19-0021 DOGTOPIA, subject to the conditions as recommended by Planning staff.

A PowerPoint presentation was shown to the commission and audience during the regular meeting by staff.

CHAIRMAN HEUMANN opened the floor for questions to staff.

COMMISSIONER PEKAU asked what the total expected dog occupancy indoors would be.

STEPHANIE WATNEY responded that it is 119 total dog occupancy.

COMMISSIONER PEKAU asked what was driving the amount of 39 small breed dogs or 30 large breed dogs to be at any given time in the outdoor area. He said that it seemed like an extremely large number of dogs running around at any one time. He said that anyone that has visited a local dog park knows that many dogs will create noise. He asked why wouldn't they have two to a smaller amount of dogs at any one time and rotate more often as they have seen in similar dog play areas.

STEPHANIE WATNEY responded that it is determined by the interior rotation and the categorization of the dogs indoors as noted during the presentation. She referred to the applicant for the reason behind that exact number. She added that her understanding is that it is due to their staffing it's proposed to be in line with what they provide indoors. She added that the number of dogs hasn't really come up before from reviewing previous requests for

outdoor play areas but she ultimately refers back to the applicant.

CHAIRMAN HEUMANN said that there was a case that in the staff report they limited to 2-3 dogs at a time, it was very limited what they proposed.

COMMISSIONER PEKAU asked for clarity for the staff to dog ratio. He asked if there were 39 dogs outside would there be 2 staff and is it 21+ gets an extra one. He asked for an explanation of the math. He wanted to know how 2 people could watch close to 40 dogs playing and control that.

STEPHANIE WATNEY said she would refer that question to the applicant but it was her understanding that it would be 1 staff member per 20 dogs. If they exceed that they would have another trainer out there.

COMMISSIONER EBERLE confirmed that what they are approving today is the outside play area.

CHAIRMAN HEUMANN responded that the use for the indoor is by right so what is being asked for today is the outdoor fenced area. The indoor use is permitted in the PAD.

COMMISSIONER KIMBLE said he wanted to commend the applicant that they had made a really nice job of addressing a lot of the issues. He said he did have some concerns starting with the hours. The hours seem to be compatible with restaurant people and that would interfere with people dining with the hours of 9 am -12 pm, 3 pm - 6 pm, and with Sundays being shorter. He said he felt they did a nice job in trying to eliminate the noise effect with the fence, taking the steps to eliminate odor as stated on the proposal, as well as having trained staff with the dogs outside. He also commended those that attended the meeting in opposition to this proposal and voicing their opinion as this is what it is all about.

CHAIRMAN HEUMANN opened up the floor to the applicant.

APPLICANT, SUSAN AND MICHAEL PERLMAN, 4901 SOUTH ARIZONA AVENUE she said they are the owners and operators of Dogtopia of South Chandler. Located at Chandler Heights Road and South Arizona Avenue. She continued that she loves talking to the community and pet owners about what Dogtopia offers and brings to the community by bringing about trust in regards to safety, design, training, operational excellence and support. She said they are passionate about creating a place to educate, exercise, and socialize dogs so they can become good canine citizens. She said their mission is to enhance the joy of dog parenthood and enable dogs to positively change their world. She said at Dogtopia dogs can play all day with their staff, get pampered in the spa, and go home dog tired. She said they are a locally owned community-centered business with the benefit of a sophisticated franchise support office and they committed to providing the best customer service experience in the industry for parent parents and dogs while also maintaining their brand's reputation for being excellent tenants. She added that they have significant certifications that they have to meet. She said they provide pet parents peace of mind. She said they have transparency while their dogs are in open play, they can view their dogs in activities via a webcam. She said they have proven pet safe cleaning protocols that can be used while the dogs are in active play. She said they also have the expertise canine behavior and health to address any questions that might come up. She said they are also a dedicated neighbor. She said they have odor control and waste management procedure from very stringent protocols that they follow. She said noise control is managed throughout the

day with the canine coaches in active play with dogs at all times and through their training. She added that they also have additional support from their corporate team.

She said as a good neighbor in the community they can be counted on. They have a consistent record of community and business support with no issues in over 17 years, Dogtopia has been in operation since 2002. She said local businesses appreciate their responsible approach to daycare. She said their business has brought new jobs to the community. She said they are also family-owned businesses and they will be onsite running the business. She said they also believe that the more socialization a dog gets the better canine citizens they will be in the community. She said they have very high safety standards and added that if Dogtopia had a middle name it would be, safety. She continued that they take safety of the dog in their care and the staff very seriously, it remains the number one priority at Dogtopia.

She drew attention to two specific items on their 10 commandments on safety presentation that they follow. She said specifically to address the noise concerns that have been raised. She said their certified canine coaches training that is provided for them is a custom curriculum that is designed by their registered canine behaviorist. She said it has been independently approved by both the International Association of Animal Behavior Consultants and the Certification Council for Professional Dog Trainers. She said that it includes extensive training in playroom management and engaging the dogs in active play to stimulate their minds during daycare. She also drew attention to the room assignments by size and temperament. She continued that dogs are separated into two playrooms based on both their size and their temperament. She added that it is not uncommon for a pup to start in one playroom and move to another as they grow and mature or as the dogs play preference changes. She said they know that and they can identify that and communicate that with the pet parent that they are observing these things. She said that they then consult with them as they make those changes as appropriate. She said the room assignments allow them to manage play within each playroom and they proactively address any behavior and socialization issues like excessive barking.

APPLICANT, MICHAEL PERLMAN began to speak on the design of the building. He presented the front of the building. He added that as you walk into the lobby of the facility you will get a clear sense of the concept. He said that they offer a fresh modern facility where they prioritize the safety of the dogs and staff. He added that their commitment to their customers is echoed through the facility, their branding communications, charitable involvement, and certifications. He presented an image of the outdoor play area they are proposing with the 8ft high solid fencing with pet-safe hypoallergenic canine turf. He added that the outdoor play area would also include shade sail coverage and a misting system. He continued that the fencing would be designed to be complementary with the existing aesthetic of the shopping center.

He presented an aerial view of the shopping center that showed the proximity of other businesses and residential areas. He said the closest resident is approximately 160ft from the proposed fencing. He also showed an image of how the fencing would be constructed. He added that outdoor playtime in Dogtopia is generally a short period of time dictated by the weather but no more than 30 minutes per pay room, twice daily. He continued that it is facilitated by a canine coach who will engage the dogs with pack activities with the same attentiveness that they do inside. He said that this means that there is special attention to the group's dynamics to ensure the dogs are displaying safe levels of energy including noise levels. He said that dogs that have heightened energy or barking are addressed by redirection. He added that should the behavior continue the dog would be brought inside. He

said that there would be no more than one playroom outside at one given time. He said they would rotate playrooms outside during the day. He said the dogs would be supervised by their highly trained canine coaches at all times and they manage the level of play. He said their plans are designed to give large dogs 30ft per dog in a play area, there is a potential of 30 large dogs in the outdoor play area at any one time. He said this would be if they would be operating at max capacity. He said in order to ensure that the potential of outdoor noise would not be a nuisance to their neighbors they commissioned an Environmental Noise Impact Study that was completed in August to estimate the noise impact from Dogtopia outdoor play area to nearby neighbors. He said summary findings were that the noise levels are 51 decibels or less. The study was based upon 5 to 10 dogs barking at the same time with no pause in between; no stagger at all. He said that the predicted noise levels are generally 51 decibels or less in exposed areas. The predicted noise levels did not include the 6ft CMU fences for those residences including those that are facing the Dogtopia in the non-fenced area, essentially in the backyard. He said you would be in the front yard area looking at Dogtopia that is where the 51 decibels would come into play he added. He demonstrated a heat map to show how that sound is radiated. The next slide he demonstrated was the noise impact. He demonstrated that the outside arterial traffic noise is louder than the maximum sounds levels of the barks from nearby residences by at least 7 to 8 decibels. He demonstrated an additional map that showed Chandler Heights and Arizona Avenue with the ambient noise coming off the street at any given time. He said that you could see the play area where it starts a little bit red but moves to green. He added that is again with the assumption that 10 dogs are barking at the same time concurrently. He said that the conclusion based from the Board Certified Acoustics Expert is that from the analysis the traffic noise from State Highway 87 South Arizona Avenue and East Chandler Heights Road based on traffic counts and speed limit will be 7 decibels higher than the maximum dog bark to the façade to the nearest residences. He said traffic noise will be the most dominant and constant sound source for these residents. He said that he understands that there are continued concerns from the residents that are opposing them. He said he revisited with the sound engineer to take a look at other options that they can offer to make it even more effective. He said doubling the number of dogs barking simultaneously would only increase the sound by 3 decibels. He said reducing the number of dogs at play at any given time would have negligible effect in its entirety. Changing the vinyl fencing to CMU would have a negligible effect as dogs bark no more than 3ft off the ground and the emission of the sound is based on the sound refraction over the barrio not under and some minor refractions off the east side of the façade of the building. He said they could install a 1" thick sound absorptive exterior sound wall panels for the east-facing exterior façade of the building within the new outdoor play area if that is something that is desired. He said that they would consider that but however they would need to get landlord approval as well if that was something that would help the situation.

APPLICANT, SUSAN PERLMAN said that she wanted to touch a little bit more on their operational excellence. She continued that she wanted to touch on specifically the training that they do. She said that upon hiring a new training coach, they are introduced to a formal learning path that focuses on dog behavior, playroom safety, and canine health concerns. She said that their canine coaches are nationally certified by the two associations she had mentioned earlier the IAABC and the CCPDT. She said career development is possible within the canine coaches earning continuing education units and having access to education courses to become a canine coach trainer. She said that is to say that they are not just hiring a minimum wage employee. She said these are people that she would like to build a relationship with and help them advance in their careers. She said most of their employees have chosen this job because it is their desire to have a career in the veterinary, pet services, or canine services field. She said, in addition, their staff continues to go through continued

education on a weekly and monthly basis to ensure that they are always prepared for any situation and they are continuing to improve to make the best canine citizens possible. She said there are 3 levels of canine coach training. She said level 1 focuses on the basics: dog body language, commands, operations, and brain stimulation games. She said level 2 dives in a little deeper focuses: on how dogs learn, playroom management, commands, and incident prevention. She said again they dive deeper on level 3: dog personalities, more playroom management, and teaching the staff about the important development of puppies. She said their strict requirements of canine coach training is unmatched in the industry. She said Dogtopia uses hand on training, educational videos, video footage from our webcams on what is happening in their own stores, and highlighting important techniques to work on in the playroom. She said cleaning protocols are integrated into the training to ensure the health and safety of the dogs in their care. She said their Certified Canine Behaviorist has designed all the training materials and have even included the most common playroom questions and answers for all the coaches across the entire franchise network to learn from. She said they regularly review their health and safety protocols with the entire staff during those weekly and monthly meetings. She said specifically to noise control there are several things that they do, she said starting with a meet and greet. She said every dog in their facility must go through a meet and greet, the purpose of that is to ensure that the dog is a good fit for daycare, not every dog is a good fit for daycare. She said especially at Dogtopia, they conduct a 30-40 minute evaluation of each dog to gauge its readiness for their open play environment. She added that the first interview the pet parent. She said by asking them detailed behavioral questions. She said next they take the dog to a quiet evaluation room and perform a touch test to see the dogs comfort with a non-pet parent checking its collar, paws, snout, etc. She said that they observe their comfort with being in a crate and they introduce dogs with different energy levels to determine their readiness for open play. She said they then finally introduce them into the playroom and stay with them until they determine their readiness for open play. She said not all dogs are ready for their style of daycare and although some dogs would start off ready their behavior may change and they may need to be dismissed from daycare for their safety and safety of others in the facility. She said the canine coach is actively managing the playroom by using tools such as redirection, command training, games like follow the leader, and the use of agility equipment in the playrooms to engage the dogs throughout the day and they work consistently to reinforce the positive behavior and reinforce the undesirable behavior. She shared that in order to become a canine coach their staff must be able to identify and address dog behaviors such as stress signals, body language, vocalization, positive playing, negative play and etc. so they can best manage the dogs in the daycare. She continued that only those that have successfully completed training are allowed to be the playroom. She said they also get an observational exam so they do online, hands-on and they get an assessment after 30 days of being in the playroom to see if they are ready. She added that all these factors contribute to their high standards in providing a safe and healthy environment for better dog socialization.

CHAIRMAN HEAUMANN opened the floor for questions to the applicant.

COMMISSIONER PEKAU asked if the sound engineer mention what the drop in decibels would be or if it would be negligible if they would apply the acoustic panel.

APPLICANT, MICHAEL PERLMAN responded that he did and estimated it would decrease for about 3 decibels.

COMMISSIONER EBERLE said he was curious about the process as they have quite a few neighbors in opposition. He said he knows they have had at least a meeting but wanted to know if they have spoken to the neighbors in opposition. He asked if they have reached

out to them with this presentation or what has happened there.

APPLICANT, MICHAEL PERLMAN responded that they had the neighborhood meeting and they felt going through the meeting they had a really good strong dialogue with the neighbors. He felt they were on the same page when talking about different options as they went forward including the creation of the facility and having an open dialogue once it was open and in use for any adjustments having to be made if there needed to be any adjustments.

APPLICANT, SUSAN PERLMAN said that many of the slides that have been shown were shared at the neighborhood meeting. She said they probably went into even more details. She said especially on the cleaning protocols and things like that because they had more time than here today. She said they also invited them to come, take a tour and see the facility.

CHAIRMAN HEUMANN asked if they were open already.

APPLICANT, SUSAN PERLMAN responded that they were not open yet and that they had a public open house on Saturday and they would start taking dogs in on Monday.

CHAIRMAN HEUMANN asked if they had owned one of the properties before or if this was their first. He said the corporate dialogue read made it appear they had done this before.

APPLICANT, MICHAEL PERLMAN responded that was their first.

APPLICANT, SUSAN PERLMAN shared her background is in marketing.

CHAIRMAN HEUMANN asked what is the training used for their employees before they can work with the dogs. He asked if on the first day they are out working with the dogs in the back or how does it work.

APPLICANT, SUSAN PERLMAN responded that it was over 6 hours of training with 9 modules. She said it covers everything she had described from recognizing dog behavior, dog body language, health conditions (like what is contagious, what is not contagious, what do those things look like, how do you care for them, ... they do a nose to tail evaluation of every dog; especially when they come in to play). She said if they brought their dog in, she would go to the evaluation room. She would go past her meet and greet as she is already a daycare dog but she would be examined nose to tail. She said if they see anything like puppy warts, which would be identified immediately and would not be allowed into active play. She said they would then contact the pet parent. She continued that those kinds of protocols are all within the training. She said they also go through feeding, health conditions; what breeds get certain conditions, how is it treated, and what is the danger. She said they cover all of this and it's very detail training.

APPLICANT, MICHAEL PERLMAN responded that the 6 hours is the beginning portion of the training. He also shared that they had a couple of people present that are helping them through the process. He continued that the canine coaches then go into the playroom with professionals who understand canine behavior and they work with the dogs and they see the different things that are happening to be able to determine, what is good play and bad play. He continued that certain dogs play rough and they need to be able to determine that is okay and that they are working together and that there is not a third dog coming in that could create a danger for the dog or for the canine coach. He said it's a constant movement of

training and people. He said those same canine coaches will never be by themselves until they pass very stringent requirements to be able to identify canine care and canine behavior.

CHAIRMAN HEAUMANN asked about 5-10 dogs mentioned in their sound study. He said that was fine for 5-10 dogs but in the report provided to the commission, it is 39 small dogs or 30 big dogs. He said that their sound engineer may have given them some good information but he didn't say 30-39 dogs. He asked what the decibels of the sound would be if they had 30 dogs in the back with two people in the yard. He shared he has been around dogs all his life and loves them but he knows it can happen.

APPLICANT, MICHAEL PERLMAN responded that the study was to have 5-10 dogs barking at the exact same time with no breaks in between. He added that it would be quite unusual for this to occur especially in outdoor play but for argument sake to say that they did and they doubled that again with another 10 dogs. He said for each additional 10 dogs is estimated to increase by 3 decibels of noise, assuming that they all hit that mark at the same time. He said once it travels off and the dog barks it's over, it's already on its way. He said they would have to be simultaneously be barking. He added that even if they got up to 30, it would be another 6 decibels over the original levels according to the sound engineer.

COMMISSIONER PEAKU said that the dissipation of noise in an industrial space really has no break-up. He continued that there is concrete that it will bounce off of and hit the tops of homes and keep traveling. He said while it may not penetrate the walls of every single home any neighbor that they have within 500 yards could be hearing dogs bark non-stop. He said it might not be 10 at a time but literally the noise itself, if they are outside trying to have a BBQ on Saturday, the bark, bark, bark... is the noise they get to hear.

APPLICANT, MICHAEL PERLMAN said he respectfully disagreed according to the dog study. He continued that the study is specifically for that site and the way the absorption happens, they would not hear the sound of noise and that is not to say there wouldn't be occasional dog noises. He added that it dissipates with the barriers in between starting at a 3ft level. He said it's going to bounce back through the concrete up and out and by the time it dissipates to any of the proposed houses there, it would dissipate to that level.

CHAIRMAN HEUMANN asked if their sound engineer was present here today.

APPLICANT, SUSAN PERLMAN responded that he was not.

CHAIRMAN HEUMANN asked why they had Sunday hours.

APPLICANT, SUSAN PERLMAN responded that they do have requests from pet parents for Sunday hours. She continued that the traditional Monday – Friday work week doesn't exist and so they do have pet parents that need daycare for their pets during the weekend and also if perhaps somebody is having an activity at their house and they would like to their pet to go someplace.

APPLICANT, MICHAEL PERLMAN said, in addition, the board dogs as well and as part of their boarding environment, they offer full-day open play.

CHAIRMAN HEUMANN said they had approved a project before where they had 2 dogs outside at a time to let them go out and things like that. He said that the reason he brought up Sunday is that there is some expectation of privacy and peace during the weekends. He said

traditionally people work Monday – Friday and he knows people work different hours. He said he was just curious why the weekend hours.

COMMISSIONER PEKAU asked if they reached out to their commercial neighbors Alamo and Basis, and what was their feedback.

APPLICANT, MICHAEL PERLMAN responded that they had received recommendation letters that they submitted from both of them. He said the entire shopping center has been more than supportive.

CHAIRMAN HEUMANN opened the floor to the audience.

IN FAVOR of Item e. PLH19-0021 DOGTOPIA

KIM BEARS, 13755 N 103RD WAY, SCOTTSDALE said she was just in support of the item and to answer any questions.

KATHY HALTER, 4901 E FAIRMONT AVE, PHOENIX, VP of Development, Dogtopia Support Office said they have operated Dogtopias here in the past 3 years and they have 107 locations across the U.S. She said about 60% of the locations have an outdoor play. She said they do have issues with sound attenuation or sound issues with neighbors. She said they do a great job at designing the sound environment and in teaching their canine coaches to deal with escalation if there is any outside. She said they do not have complaints from their neighbors and when they have anyone that has concerns we always offer for them to come and see the site to see and hear how the outdoor play happens out behind the location. She said this locations outdoor play is located in the back of the center and there will not be a lot of traffic nor will there be a lot of people walking back there. She said it is more of a service area and that is very conducive to outdoor play because there is less disruption outside the wall. She said the Gilbert location is very different, it opened with outdoor play in the front of the facility and it took over 4 parking spaces right in the front and on the adjacent wall is full glass so there is no that noise can come and travel easier. She said it also has traffic of cars and people walking by regularly. She said they have not had complaints of neighbors there however it is a little bit noisier because it is in the front and dogs have a very strong sense of smell so when they see or hear somebody that is out in front especially if they are wondering around talking, looking at, or potentially filming this space, they can smell that and hear those people wandering through and around that area. She said that the space that **MICHAEL AND SUSAN PERLMAN** will have will be behind they do not have anyone walking outside of that fence line. She said they will have some delivery trucks that come back there, the children that are playing over at the Basis school, and the people driving in the front. She said as Michael and Susan have shared the traffic will be the overriding piece here. She said about 65% of their 107 locations have outdoor play. She said they all use the same training protocol, the same square footage ratio for dogs, canine coach to dog ratio. She said do not have any more incidents outside or inside because it's a similar environment. She said when Susan was talking about all the steps that they take to train their canine coaches those are equally as applicable as it is on the outdoor play. She continued all of the techniques all of those things our canine coaches learn are out into play out in the back as well when they are in the outdoor play environment. She said they are also outdoor for 30 minutes at a time so it is a very short period of time and they come back in. She said the don't have the class of dogs go out and spend that full time from 9 am to 12 pm, they will come back in, they will settle back down, play and take their nap and they will go back out for another 30 minutes. She said they have 3 classrooms which they will use for a 30-minute time frame in the morning and the afternoon so it's not an all-day event. She said they really enjoy the time out there and do not bark in larger groups. She said they are not going to go

back there and hear a lot of loud barking happening routinely. She said as Michael mentioned if there is any dog barking, they will pull that dog out of active play and the dog will go back inside with another canine coach. She said they have staff to be able to do that and that dog will be removed from that environment at that moment. She said she wanted them to know that they have 107 stores across the U.S. and it's a great thing for Michael and Susan and all the franchises here as the corporate support office is right here and **KIM BEARS** who was mentioned earlier is here to start boot camp this week with all of her staff. She said shared that **KIM BEARS** and her colleagues will be spending a full week with **MICHAEL** and **SUSAN PERLMAN**, and all of their staff to train them on all of the protocols. **KIM BEARS** will be there all day from morning to night training with the dogs and the training coaches and she will always be back with support as needed.

CHAIRMAN HEUMANN asked how many of the stores that have outdoor play areas are within 150ft of neighbors.

KATHY HALTER responded that the most applicable one with a shorter distance is a local store in Arcadia. She said the Arcadia store is very similar to **MICHAEL** and **SUSAN PERLMAN**'s store, it has a rear outdoor play area, it has a very small service area behind it, there are homes right behind it, about 100ft. She said they have not had any complaints and that store has been open for 1 ½ year, about any noise. She said they have about the same play area and number of dogs that are allowed out, at that location.

COMMISSIONER KIMBLE asked if they had ever turned-on any other cities Planning and Zoning, City Councils, or any proposals in other cities that surround Chandler.

KATHY HALTER responded that they have not. They have only applied in Gilbert, Scottsdale, Arcadia, and they are hoping to have the same opportunity here. She said all three of them have outdoor play and they all went the same process and 1 has an outdoor play in front of the building, 1 has outdoor play behind which is the Arcadia location, and 1 has it to the side of the building. She said they do not have any complaints from neighbors, they are very good neighbors, and she feels that they bring a really good added service to the community.

OPPOSED to Item e. PLH19-0021 DOGTOPIA

BRUCE WELLETTE, 229 E POWELL WAY did not wish to speak.

HEATHER SKIPWORTH, 230 SAN CARLOS WAY donated her speaking time to **KYLE SKIPWORTH**.

SPEAKER, KYLE SKIPWORTH, 230 SAN CARLOS WAY thanked the staff and stated he had submitted information last minute. He said he wanted to start off by saying it was not a crusade against Dogtopia in any capacity. He commended the applicants and wished them well. He said he was against the accessory use that he felt was not beneficial to their neighborhood. He quoted city code 30-11, "Disturbing the peace is prohibited and classified as barking dog offenses as a violation of city code. First two citations are civil infractions that involve a fine, the third offense is classified as a class 1 misdemeanor." He said it was very simple, black and white that barking dogs are made a nuisance. He also cited Section 2 of Chapter 30 of Article 11, "Keeping, harboring, or having custody within the city any dog which barks, howls, or makes noises by day or night and disturbs the peace and quiet of any person or family in the

neighborhood". He said, unfortunately, that is very straight forward on how adjacent or how close and adjacent the properties are, within approximately 150ft which he said he had it at around 139ft. He said, unfortunately, it would maybe opening "Pandora's Box" to issues that involve homeowners, the tenants, and possibly if it ever got to that point with Chandler PD, based on noise infractions. He said if it even gets to that point which he highly doubts it will since the **MICHAEL** and **SUSAN PERLMAN** have been phenomenal to work with but these are concerns.

He said regarding the accessory use, the exterior dog play area is an accessory use. He said it should have no bearing on their long term business plan as **KATHY HALTER** stated 40% do not have outdoor play yards. He said he is going to disagree with **KATHY HALTER** on one point is that the Arcadia location is fully enclosed by a commercial based on the satellite map of it. He said you can see the wind sail, he said the closest thing to them is apartments that are due west of them. He said there is no home in proximity unless the satellite view is inaccurate which maybe as he shared he did not personally see the Arcadia location. He said the Scottsdale location is fully enclosed by commercial and the Gilbert location which in his opinion is the closest that replicates Chandler's prospective location is directly adjacent to homes. He said to mitigate that problem they changed the exterior play area to what would be the eastward facing side to the westward facing side which they eluded to being in the front parking lot, instant mitigation by a full commercial building.

He continued that successful business do not do anything that would not benefit them, He said the outdoor play yard is for canine enjoyment but also an additional selling point for their business but unfortunately businesses and corporate corporations that offer franchises don't do it if they are not successful, they are doing it because they are successful and it's another way he thinks it's going to be disadvantages to his neighborhood.

He said they have touched on that canine coaches receive and that is on what is on the internet website that they get 6 hours of video basic training plus additional which they did mention the details on that.

He presented a couple of videos that he had taken. He said three that were taken on the Gilbert location and one that was pseudo experiment on perspective Chandler location. He said he had sent them over this morning and they were taken with iPhone. The first video was from the Gilbert Dogtopia location taken at approximately 175ft away and walking towards the Dogtopia. He stated the noise was noticeable and the other video was taken on a separate day at about 85ft away at the Gilbert location and the last one was very close in proximity. He said as they had eluded to that dogs have an increased sense of smell and that is soothing he wanted to address as possible canine agitation. In the last vide he said you could hear a canine coach attempting to redirect. He also showed a video of his experiment done the evening prior to the meeting. The video he shared was of a single dog barking from the location of the proposed outdoor play area without the additional proposed perimeter vinyl fencing. He said the video was taken from the most adjacent home owner's backyard. He said it was of one single dog bark.

He said regarding the sound site study, he contacted Eric Miller from A3 Acoustics. He said he had admitted that the site study was not sited specifically instead he took assumptions and ran it through a computer model based on prior locations so he said it was truly not site specific. He said they admitted they were not on site for it, he ran it through a computer model. He said that he did say it was very accurate but there are

discrepancies with it also A3 Acoustics said they have done dozens of projects for corporate Dogtopia before which he said may possibly lead to questioning objectivity but he said was phenomenal to work with on the phone. He said the current actual ambient noise level for their particular neighborhood was truly not measured to see if there is a difference in possible noise.

He said regarding the smell, on paper, it is mitigated extremely well based on the corporate presentation they have “crossed all the T’s” and “doted all the I’s” regarding smell. He said, unfortunately, things on paper don’t transfer well in real life and this where one of the biggest concerns they have is that there is no true drainage. He said when a dog goes “number 2” and it’s washed down that still continues to seep even with the bio-enzymatic to break all that down, it could be an issue especially when baked in with the Arizona sun for years on years... He added that if anybody has astroturf at home they know that smell can get really bad and this without an enzymatic but sometimes it’s just 1-5 dogs if you have that many.

He said one of the biggest things that the neighborhood as a whole is worried about is home resale value. He said a lot of these things he is discussing are concerns about what may happen. He said they are not concrete we do not know for sure. He said regarding the home resale value in regards to the site and the sound (demonstrated on the video) could possibly hurt some neighboring homes, home value. He said three of the neighboring homes are three of the most popular models in his neighborhood so he said if conservatively saying that they lost \$5,000 almost 40 of the homes in the neighborhood would collectively lose over \$200,000 inequitable value in their neighborhood. He said if those three adjacent homes lost value which is going to be highly assumed when you can see that exterior dog play area.

He said regarding the Basis activities for the high school. He said the high school has approximately 900 students currently and it continues to grow year after year. He said the rear thoroughfare is used for a lot of students pick up and drop off. He said although that won’t concern morning hours for the dogs when they are prospectively out there from 9 am to 12 pm but it probably will impact afternoon pick up. He said there is also afternoon band practice that goes on sporadic days. He said high pitched instruments may create some irritability as well to those dogs.

He just wanted to clarify the hours regarding **COMMISSIONER PEKAU** briefly talked about. He said regarding the Saturday hours if he was conservatively saying that dogs would be outside 3-5 hours per day just on the weekends. He said just to say a 10-year increment, as he shared both he and his wife are planning on staying a long time. He said they knew that they bought into a home that was next to commercial property but what he didn’t know is that it would have an accessory use to exterior outside projects. He said it would be roughly 6-10 per weekend for 10 years would be 3,120 and 5,200 hours which equates to 130 to 216 days of consecutive possible noise. He said he enjoys his backyard and enjoys watching college football in his backyard almost every Saturday & Sunday that he can. He said one of the last things is that it may affect shift workers that live in the neighboring homes that sleep on the odd hours, they work through the night and wake up in the morning or they come home from work the next day. He stated their night time is during the day time. He said those individual sleep on the most westward facing windows on these properties. He said and to just circle up with this is, he really wanted to say this was not a crusade against Dogtopia. He shared he is an avid dog lover, he doesn’t have any children but hopes to one day and he treats his dog like his child. He said he wished them much success but he felt he needed to

fight for what is best for himself and his neighbors. He said, unfortunately, he felt he would be possibly very hurtful to them moving as it is all a possibility. He said they are just afraid of the unknown and he asked if the city stipulations of condensing hours are true stipulations or not. He said that the tentative stipulation of a 1-year review is well worth it, because if it is conditional stated approval, it may be a tough question that needs to be answered later on. He asked if the staff had any question for him as concerned homeowner speaking on the behalf of his community, South Shore Village.

CHAIRMAN HEAUMANN opened up the floor for staff that may have questions for the **SPEAKER**.

COMMISSIONER KLOB said he had a couple of questions. He said that the challenge he has with homeowners is that they are going to lose value in their homes. He said he understands where it is coming from but it's the easiest one to say and the hardest one to prove. He asked what evidence he had that he would lose value and prove that there would be value lost with dogs barking.

KYLE SKIPWORTH responded that it would be assumed and that he spoke with a close friend of his and others who are realtors in the area and they said that assumption would hurt him. He said that if there are two houses for sale in the same area, at the very same time, that are the exact same model, with same interior; they are going to choose option B, over option A that is close to that. He continued that in his opinion would be a loss inequitable value. He said there isn't, unfortunately, any hard-line facts to prove any. He said he is currently doing a refi and he knows what the current appraisal of his property is and he would be willing to bet if that appraisal happened in 6 weeks where the exterior play yard is going, his appraisal is going to go down but to answer the question he is not able to give any hard-line facts, it is all based on assumptions.

COMMISSIONER KLOB said that he had also included 40 residents losing \$5,000 each and bringing numbers into the equation.

KYLE SKIPWORTH said it was all based on comparable pricing. He added that any realtor that does his due diligence does comp pricing. He stated he was going to use his refi as an example. He said currently up until 6 weeks ago no home in their neighborhood sold for his particular model, which is the most popular model in his neighborhood. He said he had sold for over \$516 but about six weeks ago, they had one sell for \$532. He said he just did his refi and his home came in at \$525. He said without that home selling at \$532 his home value would not have been anywhere close to \$525. He said but conversely, if they continue to run comps over time, over time average if the market stays equal they will never know as in real estate, never does it equal. He said he understands where he is going with that but he strongly believes that using comp prices as if those 3 homes were to sell, that would negatively hurt the neighborhood. He understands it might be a stretch of numbers for throwing, a large number out there. He agrees it may be but when you have a corporate-backed PowerPoint that is also a stretch of the truth. He said as well, probably because you have millions on millions of dollars of financial backing to really make and sell something so he said that is kind of the flip side of a single homeowner's argument of a large corporation. He said that to circle back the answer to the question he does not have any hard-line facts and cannot give him a hard answer for that.

COMMISSIONER KLOB thanked him for that, as it is a challenge he runs into.

KYLE SKIPWORTH said that every homeowner truly believes that. He said he didn't mean to sound negative but every home is a man's castle so when anything negatively affects that castle, you are worried about it. He said so if it affects his castle it could negatively affect his, his neighbor's castle, and the neighbor's three streets over their castle.

COMMISSIONER KLOB said so could if you have granite countertops and someone else has laminate.

KYLE SKIPWORTH said that was true but that was interior versus exterior.

COMMISSIONER KLOB asked what is the difference between this use and having potentially 20-30 in enclosed space versus five neighbors having 4 dogs a piece in their backyard.

KYLE SKIPWORTH responded that all they had to do is go back to the city ordinance and it simply states, there is no difference if its 30, 50, 70, or 100 dogs or 1 that is a constant nuisance. He said states in the City Code that if it is a nuisance it is unacceptable. He said that in lies the difference. He said they live in an incredibly peaceful, quiet community and he added that the three most adjacent homes all have dogs that are incredibly well behaved. He said he can say that he sleeps on the westward windows and he never hears the dogs bark currently and he has lived there for 4 years. He also said he could count on two hands the number of dogs barking while walking by the street, walking to the greenbelt, and walking to the community neighborhood. He said to answer the question, there really isn't a difference. He said because it's all under the same City Code as you cannot harbor barking dogs that cause a nuisance and disturb the peace.

COMMISSIONER KLOB asked staff that under the code, was there a decibel level that must be reached. He said he knows he has addressed this in bars, in zoning but he doesn't know if it has been addressed with barking dogs; as long that he has been on the dais. He said where it is an actionable offense if the Chandler Police would be called.

KEVIN MAYO responded that it falls under the same measurement as bar music or something to that effect. He said it's simply a nuisance code-based and not a decibel based. He said the officers that come out do not come out with a decibel meter and measure kind of ambient, then measure barking and say, you are too far above a certain threshold. He said it is simply, if your neighbor had a dog that was constantly barking and you call the cops, they are going to come out. He continued that if they hear the dog barking; they are going to get a notice.

KYLE SKIPWORTH said you go into owning a home with certain assumptions just like you go into buying a home next to commercial with certain assumptions. He said there is going to be a commercial within four walls. He said however he said this a situation, where they are openly putting forth situation that is probably not going to be conducive to keeping the peace.

COMMISSIONER KLOB said one of the four things that are going in the stipulation is to have a 1-year review. He said we are dealing with assumptions, the 1-year review would deal with the facts.

KYLE SKIPWORTH agreed.

COMMISSIONER KLOB asked if he would be opposed to allowing them the 1 year so they could have facts that they are talking about next summer versus what they are talking about today with assumptions.

KYLE SKIPWORTH responded that he had two answers to that. He said in a perfect world, no. He continued but in a possibly realistic world, he felt it would be a best-case scenario. He said however playing on a very personal opinion doing what he feels is best for himself and those closest around him, it's no. He said because he thinks they would mitigate that fact before it ever happens. He said however he knows there is what they want and what truly happens in life. He said there is a difference between wants and needs. He said speaking regarding the 1-year review he said it is something that has to happen "if" this moves forward. He said he thought it was a very valid use for both parties, "if" this does move forward.

COMMISSIONER KLOB said it was clearly stated as a stipulation so that would stay if this was to move forward.

COMMISSIONER EBERLE asked how he put the petition together stated, as Exhibit E.

KYLE SKIPWORTH said his neighbor **KIRAN DOOPADAHALLI** went door to door. He said, unfortunately, there was one street that was missed. He said that he had been out of town the last 7 days and he was not able to even sign his own petition but **KIRAN DOOPADAHALLI** had gone door to door to get that petition signed and had about 47 signatures. He said he never had his true hands on it, as it was emailed to him while he was out of town over the weekend and then he forwarded it to staff. He confirmed he had about 8 or 9 neighbors missed. He also said that the notice was sent out to neighbors only about 600 feet. He added that it wasn't until they had their HOA Company send out that notice via email, which unfortunately he said it was sent out late. He said the notice was sent out Friday and a majority of the community would not have known about this.

COMMISSIONER EBERLE asked what the tone was when speaking with the neighbors, as they went door to door collecting the signatures.

KYLE SKIPWORTH responded that he would have to direct those questions to **KIRAN DOOPADAHALLI**.

KIRAN DOOPADAHALLI, 238 E POWER WAY responded that he went door to door as **KYLE SKIPWORTH** was not in town. He said most of them were supportive of this the only concern was the outdoor facility of this, the noise, the smell, and everything that **KYLE SKIPWORTH** talked about.

COMMISSIONER EBERLE asked when he went door to door if everyone was aware of this if they had seen the HOA notice of this at that point.

KIRAN DOOPADAHALLI responded that people saw the HOA email but few people were aware of this at all. He said when he went they asked him for the details so he was

able to explain what was coming up. He said there was also 1 or 2 people say to him that this doesn't bother them.

VICE CHAIR ROSE asked if they could point out on the map where their house is located as a reference.

KYLE SKIPWORTH pointed out his home and stated it was the most adjacent home to this.

VICE CHAIR ROSE said it was important for him that he did as he had some valid points. He said he knew the area very well and shared that he works in the real estate industry himself. He said he didn't think an appraiser would take any noise into consideration very often. He said that the number he had mentioned is a "who knows" it could be higher, it could be lower. He said that one thing he knows about potential buyers is that he has sold a few homes with dogs that are barking and he likes most dogs. He said that the business plan is a much-needed service in the community and they have approved some recent dog daycare centers here in Chandler just recently but they didn't happen to back into homes 150-160ft. He said the wind shift can make things louder, you might not hear or smell things, but it is another variable to look at. He said he also advised staff to take note of the notification process as they normally do not get 47 signatures come back to them.

COMMISSIONER KLOB said to build upon **VICE CHAIR ROSE** points he could understand from a home value perspective if the 5-10 closest neighbors feel that the quality of life is so bad and they all sold their homes for sale at the same time. He said they would see a drop in homes in that area. He said that is the math of what happens in real estate. He shared that he has a real estate license so he isn't speaking "off the cuff" on this. He wanted to thank the speaker and to those who give up their time to articulate their concerns without making clear projected future statements and he said that is always appreciated. He wanted to commend the neighbors for taking the time and getting those signatures as that really helps them understand the impact and what people really feel.

CHAIRMAN HEUMANN asked if there was anyone else that wished to speak.

OPPOSED to Item e. PLH19-0021 DOGTOPIA

ANTHONY BUSTOS, 231 E SAN CARLOS WAY stated his home is the one that this just across from where **KYLE SKIPWORTH** lives which would be the second closest. He stated his comments are around the business as he is a pro-business person. He said he appreciates the risk-taking that the business is doing to continue to make Chandler a better neighborhood and place to live. He said he personally doesn't think the business has done enough in terms of the noise abatement design. He said a 4-6ft fence isn't enough. He shared that he a dog owner and owns a small 20lb Dotson that he works very hard to keep that noise level down for his surrounding neighbors. He said his impression of this area, is it surrounded by commercial property. He said it's actually an echo chamber so the noise bounces around so much that whether you are 175ft away or 600ft or you are going to hear quite a bit of noise. He said his request is that they ask the business to go back and at least come back with additional proposals specifically targeting the noise abatement. He said with everything he has heard about the operations. He said it's clear that they love what they do and they plan to run a successful business. He said he doesn't feel we are talking today about the business and

repeated he is pro-business. He said but it was particularly about the play area and more specifically on how they can abate that noise.

GUVINDA CHALUVADI, 246 E LYNX PLACE stated he lives across the project site. He said his main concern is that most of his friends live around the neighborhood and most of them bought their houses because of the Basis School and also Hamilton High School so those are the two things important to his neighbors that live here. He directed the attention to the green area on the project site and he said that is where most of the Basis kids come and play during their lunchtime. He stated that it's less than 50ft from where the proposed project site is. He said if the kids come and play the dogs are going to be barking. He said his other concern is that they mentioned about 30 minutes and they are going to have 119 dogs so it would be about 4 hours that they are going to be outside within morning and evening; every 30 minutes each time with kids playing outside.

CHAIRMAN HEAUMANN opened the floor back up for the applicant.

APPLICANT, MICHAEL PERLMAN said he appreciated the passion and feelings from the neighbors but wanted to talk about at least one of the specific points with what they are looking at which are facts. He said that the study that was done – yes, it was done by a remote operation. He said that the sound study was done specifically for their facility and their location so the notion, the thought, and the emotions behind that, he understood. He said that the thought that a dog is going to create a nuisance or multiple dogs is going to create a nuisance for them. He said that they are working with ambiguity at best, just as the argument that the potential of loss of home values. He said that the professional that put together the sound study had a Ph.D. in Acoustical Studies and he has been out to these facilities amongst others. He added that this is not a “fly by night” operation. He is staking his reputation on this. He said they have come out after the fact and taken sound studies based on their model and they have proved 95% accurate. He added that they are talking about a nuisance that is probably not a nuisance, is not a nuisance but we are operating out of concern. He would like to be considered as they are looking at this. He continued that they are looking at all the factors; when they are looking at their location, it is completely different. He said it is completely different from these other operations when we are dealing with the acoustical issues. He said that he would maintain that the concerns of the neighbors will be proven to be wrong and they will coexist with one another. He thinks that the stipulation of a year review is going to help to bear that out.

CHAIRMAN HEUMANN said he had a question regarding the comment on the remote sound study. He confirmed with the applicant that the sound engineer had not come out to the property. He stated that KATHY had mentioned the Arcadia project was close to homes but he google earthed it and he was curious where the homes are next to the Arcadia project.

KATHY HALTER responded that there was an apartment that was there and homes that circle around behind it and she said she had stated it was 100ft from the apartments that are there and she did not know how many feet it was from the homes that were there.

COMMISSIONER KLOB said he had a question that might be more of a landlord question. He asked if there were any opportunities to plant vegetation that could be

planted along the existing landscape strip along the back of the building to help mitigate some of that sound.

APPLICANT, SUSAN PERLMAN responded that they would have to defer back to the landlord.

APPLICANT, MICHAEL PERLMAN said that based on the information that he has received from the acoustical side he didn't think it would make a measurable difference but he didn't know. He said that before going further down the path he would have to bring back the acoustical engineer and see how that would actually affect it.

COMMISSIONER PEAKU said after hearing everything he said it reminded him of a situation that happened a while back about. He continued where they took a piece of land and turned it into a dog park, Shawnee Dog Park. He continued that it had homes that existed all around it and it had faced legal suit and continued legal complaints of odor and sound. He said that is why he keeps struggling with the question, this is what he keeps thinking of. He stated he loves dogs and he takes his dog to the dog park 5 days a week. He said but it is nonstop sound and there are not 40 dogs, most of the time. He said he doesn't want to speculate on Shawnee and what they learned because this is Commercial versus City Property but that is what he is reminded of. He said this was more of a comment.

CHAIRMAN HEUMANN said he had questions for staff. He said one of the speakers had made a comment about looking at the sound. He said to add to **COMMISSIONER KLOB's** point that he had been a part of the commission for a long time and landscaping does make a difference. He said you could do things with trees and really buffer and put them really tight together in certain sizes. He said they absorb a lot of noise and they have seen it done in a lot of places around the city. He said he was a little concerned about the Arcadia project as it is not right next to homes as he was reading through that a little bit. He asked what the staff felt about a continuance. He said he heard a lot of changes like the wall for example that was a possibility of the landlord approved the wall or if the landlord would approve additional landscaping. He said the Sunday hours are also bothering him and he thinks the 1-year stipulation is great because it does allow that if there is a problem it will come back and if there have been problems the permit goes away. He asked if in staff's opening there could be things that they could be worked on between the applicant, the neighbors, the landlord, and the sound engineer to find out if there are other mitigating things that they could do to help in that 1-year time frame. He said if they are good corporate citizens great and the use permits get extended for a couple of more years and move on from there.

KEVIN MAYO responded that to move forward from a sound standpoint there are two things that would need to happen. He said one would be, that the site engineer would have to come down to the site and physically measure the site and the neighborhood; so there isn't any question about the validity of the numbers. He said and a continuance would allow the time for the sound engineer to do that. He said it would also allow them time to consult their landlord and find out what kind of options do they have to apply things on the building. He added that they can get the sound engineer give a more concrete answer about the products so they can remove any of the question marks. He said outside of that, adding additional landscape like trees and things would either go in as a large tree and have them planted tight and pray that they don't grow or it's going to need some time for the trees to come in and let the canopies grow together. He said planting them to close together would eventually hurt the trees and one tree is going to

win and one is going to lose. He stated that personally, as a staff's standpoint he wouldn't want to rely solely on landscaping to do that. He continued as it would be more of long-term plan than an immediate solution. He said that the timing would be more to get concrete facts and come back to the Planning commission and at that point it's going to have to be a leap of faith. He said that based on their management practices and the 1-year time frame would be able to review. He does feel that the time will allow the applicant to come back with crystal clear facts and get facts from the landlord and come back to the commission.

COMMISSIONER PEAKU said that there is an opportunity for the applicant now that they have seen how much resistance they have from the neighborhood. He continued that maybe another outreach meeting would be in order and give them an opportunity to maybe sway some of the 47 people that signed. He said maybe there is a concern or there are better ways around this after the one and two are addressed.

COMMISSIONER KLOB said he was not opposed to a continuance but his concern is that it is a brand new business that is trying to open up and we are talking about substantial costs that could potentially be incurred. He said to get the sound engineer to come out and the potential of landscape and trees, so on. He said what he doesn't want to do is to set-up this business up to fail before they even get a chance to open. He said because they are imposing a lot of costs and stipulations on them were as he thinks the 1-year stipulation upon approval. He said would allow them to come back in a year and if there are issues or problems; and they kind of know what the dais feels about this. He said if there are complaints they will also know that in a year's time frame, that at that point they either come in knowing that they had some issues and some challenges. He continued to say: here is data that you want at this point - this is what we are doing to address these issues or whatever the case might be. He said it's another 1-year extension or if they are completely negligent on everything then they would shut it down at that point. He said he was just concerned about adding thousands of dollars in expenses as they are trying to open the doors.

CHAIRMAN HEAUMANN said that the year would help the business get up and running but the problem is that you have a year. In 12 months you have someone who is entitled to the peace and quiet of the neighborhood potentially having to put up with it for a year. He said the fact is the landlord has not approved additional sound mitigation on the wall or the landscape, which would be a long term plan that would help as well. He said he also bothered that when they asked about some examples: the Arcadia property is not near any homes, it is near some apartments; where people rent short term. He said the Gilbert property has the outdoor play area in the front and the Scottsdale location is in a commercial center location. He said he wants to make sure they do this right and there might not be a lot of expenses. He added to

COMMISSIONER PEKAU's point in working with the neighbors and saying, "Hey, here are the concerns..." He said he had asked about the Sunday hours and how many dogs go out at the same time. He said there are lots of things as part of this and there aren't necessarily additional costs. He said having a sound engineer come out and look at the property and give it a really valid situation. He said he has seen this in situations where for example architects can draw up designs and you come and build it and it doesn't work. He said he has seen funny projects come out like that when talking to engineers on projects. He said he doesn't want to delay things but he said this is also this is something different. He said that they are looking at 30 or 39 dogs and they could talk about sound noise and everything else but that is his concern and he would rather do it right and it is up to the commission. He said there are lots of different options: deny it,

continue it, and add lots of stipulations on it but you got a 1-year stipulation of then potentially... no different in home values which he agrees with. He said it's not a proven fact on certain things but if 8 homes sell at the same time, it affects stuff. He said those are just some different options.

COMMISSIONER PEKAU responded to **COMMISSIONER KLOB's** response and said that he understood where he was coming from. He doesn't want the applicant to spend thousands upon thousands of dollars that might hinder their abilities to stay open and be successful. He said that is the last thing anyone wants to do. He said that he is also realistic that they have franchised a business with to having the zoning approved from the beginning and 40% of the businesses as designed don't have this option and they will have 3 play areas by design already and there are many dog services that have successful dog businesses don't have to have an outside area. He said he does thing the 1-year stipulation is wonderful in the sense they have a chance to correct if something goes wrong but at this time they need to address the lack of understanding on the sound and have to address the neighbors coming forward in unison, a very strong unison. He added that they also need to make sure the landlord is on point with some of these recommendations. He said because they do want them to be set up for success and if this is continued and it's something that you need to work over 6 months, they should be able to tell potential customers that it is something that you are still working on and that is not a negative. He said that shows that you are being a good citizen and working through the process and it could be a service that you offer. He said as **CHAIRMAN HEUMANN** mentioned he doesn't want to create a bad situation for a lot of people for a year that has had property already.

A discussion followed between the commission and staff regarding what would be a reasonable amount of time to continue the item to and changing the stipulation from 1 year to 6 months. The commission also made several recommendations that they would like the applicant to do such as talking with the neighbors again and with the landlord. They also recommended having the sound engineer come out and do the study on-site.

MOVED BY COMMISSIONER KIMBLE, seconded by **COMMISSIONER KLOB** to approve the outdoor animal play area with a (1) year stipulation.

Chairman Heumann – Opposed	Vice Chair Rose – Opposed
Commissioner Kimble – In Favor	Commissioner Pekau – Opposed
Commissioner Eberle – Opposed	Commissioner Flanders – In Favor
Commissioner Klob – In Favor	

The motion to approve failed 3 - 4.

MOVED BY COMMISSIONER PEKAU, seconded by **COMMISSIONER EBERLE** to continue Item e. PLH19-0021 DOGTOPIA to October 2, 2019, Planning Commission Meeting.

Chairman Heumann – In Favor	Vice Chair Rose – Opposed
Commissioner Kimble – Opposed	Commissioner Pekau – In Favor
Commissioner Eberle – In Favor	Commissioner Flanders – Opposed
Commissioner Klob – In Favor	

The motion to continue passed 4 – 3.

5. **MEMBERS COMMENTS/ANNOUNCEMENTS**

Kevin Mayo wanted to sincerely thank the commission for their participation in the Special Joint Meeting with City Council held on August 15, 2019, He said they had not had one in over a decade. He said it was extremely valuable to get their feedback. He said each member participated in a meaningful way and hoped it would continue.

Chairman Heumann responded that he remembered Commissioner Flanders and he, had participated in the last one many years ago. He said he felt the meeting was very valid and there was some really great discussion with both groups participating.

6. **CALENDAR**

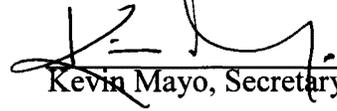
Next regular meeting is September 4, 2019, at 5:30 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona

7. **ADJOURNMENT**

The meeting was adjourned at 7:22 p.m.



Rick Heumann, Chairman



Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, September 4, 2019, held in the City Council Chambers, 88 E. Chicago Street.

1. **CALL TO ORDER / ROLL CALL**

CHAIRMAN HEUMANN called the meeting to order at 5:48 p.m.

The following Commissioners answered Roll Call:

Chairman Rick Heumann
Commissioner George Kimble
Commissioner Matt Eberle
Commissioner Gregg Pekau
Commissioner Michael Flanders
Commissioner Robert Klob

Absent/Excused:
Vice Chairman David Rose

Also, present:

Mr. Kevin Mayo, Planning Administrator
Mr. David de la Torre, Planning Manager
Ms. Michael Gildenstern, City Planner
Ms. Kristine Gay, Senior City Planner
Ms. Lauren Schumann, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Derek Horn, Development Services Director
Ms. Jenny Winkler, Assistant City Attorney
Mr. Thomas Allen, Assistant City Attorney
Ms. Elisa Thompson, Clerk

2. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance led by COMMISSIONER KLOB.

3. **APPROVAL OF MINUTES**

MOVED BY COMMISSIONER KLOB, seconded by COMMISSIONER KIMBLE to approve the minutes of August 21, 2019, Planning Commission Hearing. The motion passed unanimously 6-0.

4. **ACTION AGENDA:**

CHAIRMAN HEUMANN informed the audience prior to the meeting, Commission and Staff met in an open Study Session to discuss each of the items on the consent agenda. He stated all Items would be read into the record and voted on in a single motion. He asked if there was anyone in the audience who would like to speak. There were three speaker cards submitted for Item b. DVR18-0014/PLT18-0047 LA VALENCIA.

a. DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES

Continued to the October 2, 2019, P&Z Commission Meeting.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential with Preliminary Development Plan (PDP) approval for subdivision layout along with Preliminary Plat (PLT) approval for 16 lots on approximately 8 acres. The subject site is located east of the northeast corner of Riggs and Lindsay Roads.

PROPOSED MOTION

Motion Planning and Zoning Commission to continue DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES, to the October 2, 2019 Planning and Zoning Commission meeting as recommended by Planning staff.

b. DVR18-0014/PLT18-0047 LA VALENCIA

Approved.

Request Rezoning from Planned Area Development (PAD) for Community Commercial (C-2) uses with fuel station to PAD for Single-Family Residential, along with Preliminary Development Plan approval for subdivision layout and housing product, and Preliminary Plat approval for a 65 lot single-family residential subdivision. The approximate 13.36-acre site is located at the southeast corner of Riggs and Lindsay roads.

BACKGROUND DATA

- Subject site zoned PAD for C-2 uses within Sun Groves master-planned community including 1,698 single-family lots, 170 medium-density homes, a church, school and well site within 640 gross acres; February 1999
- Southeast Chandler Area Plan (SECAP) approved and adopted, encouraging maximizing density at 3.5 du/ac; September 1999
- Zoning amended to allow fuel station with PDP for approximately 86,500 square feet of commercial development; 2006
- Sun Groves Community contains 19 residential subdivisions with varying lot sizes and densities: 15 of these subdivisions developed with densities over 3.5 units per acre
- The aggregate overall density for Sun Groves is 3.17 du/ac
- The proposal would change the aggregate overall density for Sun Groves to 3.28 du/ac

REVIEW AND RECOMMENDATION

Planning staff has reviewed the request finding consistency with the General Plan and the intent of the SECAP. Planning staff supports the request citing the property has been entitled for commercial development for twenty years and has yet to develop due to insufficient traffic/population counts. Hunt Highway is approximately one mile to the south, which is the City's jurisdiction boarder, with vacant reservation land beyond. Aggregate density can be considered if part of a larger master-planned development, and although La Valencia is not connected internally by streets, it's replacing an underutilized commercial zoned property with residential within a master planned community. The density is compatible as medium-density residential (3.5-12) can be considered for infill parcels located adjacent to arterial streets and is used between land uses of different intensities. The subdivision directly to the south was zoned medium-density residential and developed at 5.94 du/ac; the single-family subdivision to the east was developed at 4.05 du/ac.

Since the site is within the SECAP, design elements are required in order to achieve a density greater than 2.5 du/ac. The request is for a density of 4.88 du/ac with overall proposed aggregate density of Sun Groves totaling 3.28 du/ac. When the SECAP was adopted the design requirements provided options, such as common area lakes that were intended for larger residential developments. As development has occurred since the implementation of the SECAP, remaining areas of land for subdivision assemblage has become more difficult, resulting in smaller subdivisions. As a result of having smaller subdivisions application of some of the density incentives has become more challenging, resulting in staff reviewing development proposals and ensuring that the intent of the SECAP is provided. The request meets the requirements of the SECAP.

Due to the infill nature of the site, the Residential Development Standards (RDS) for subdivision layout are not applicable. However, the RDS guidelines remain applicable to the architectural design of the homes. The proposed single family residential subdivision meets the intent of development standards, residential design guidelines, and the SECAP. Planning staff recommends the Planning and Zoning Commission approve La Valencia subdivision subject to conditions.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The first neighborhood meeting was held on November 29, 2018. Approximately 25 residents and Sun Grove Homeowners' Association (HOA) members attended. Concerns included fears of the development becoming apartments, parking, amenities for the new subdivision, and connection to the existing Sun Groves Community. The developer addressed issues through second submittal, but were unable to incorporate in the existing HOA as two-thirds vote is required by existing residents to ratify the CC&Rs.
- A second neighborhood meeting was held July 9, 2019, and approximately twenty-five residents attended. Concerns included traffic from Riggs Road, type of homeowners, and clarifying how the proposal is meeting the rules of the SECAP. Traffic has stated the amount of lots does not warrant a deceleration lane from Riggs Road into the subdivision. Overall, attendees were appreciative of the revised plans reducing amount of lots and eliminating the smaller lot product.
- As of the writing of this memo, Planning staff has received two letters in opposition from the president of both the Falcon Estates and Vasaro HOAs, stating issues regarding density and lot size. Staff has also received a letter of support from a property owner directly abutting the proposal to the south. All letters have been attached.

RECOMMENDED ACTION

Rezoning

Planning staff recommends Planning and Zoning Commission motion to recommend approval of Rezoning from PAD for Community Commercial (C-2) uses with fuel station to PAD for single-family residential, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "La Valencia" and kept on file in the City of Chandler Planning Division, in File No. DVR18-0014, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The above ground 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.

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. 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 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 property owner or property owners' association shall maintain landscaping in adjacent rights-of-way and common open-space tracks.

PROPOSED MOTION

Rezoning

Motion Planning and Zoning Commission to recommend approval of Rezoning DVR18-0014 LA VALENCIA, Rezoning from PAD for Community Commercial (C-2) uses with fuel station to PAD for single-family residential, subject to the conditions as recommended by Planning staff.

CHAIRMAN HEUMANN opened the floor to the first speaker.

OPPOSED to Item b. DVR18-0014/PLT18-0047 LA VALENCIA **GREG**

WOMATUPOLIS, 4770 E. RUNAWAY BAY DR stated he did not think this is a great place to cram homes on a small property. He said he understands if it was zoned for that. He said he knows it has been a while since it has been vacant however he said it has been a short time since the economy has grown where people can spend more on commercial property. He said he much rather give this property a chance for that. He said that there is really no commercial property in that area other than a gas station by the high school and a grocery store further west. He said he has looked at other areas and he almost bought a home with a smaller lot in Gilbert but he decided to move out here because they did not have that type of home.

IN FAVOR of Item b. DVR18-0014/PLT18-0047 LA VALENCIA **KRISTA BILSTEN,**

3021 S BIG HORN DR stated that she was actually hired by the developer to conduct community outreach in advance of the P&Z meeting and specifically to reach out to the 26 homes that are adjacent to the property on the south and east. She said she had made four different attempts over the last week and a half, at different times to reach neighbors there. She said what she found interesting about this project is that she had not found any opposition. She shared that there were two that had house sitters and one that was a group home but she said every other home that answered had not only known about this project but had read the materials that were sent in the mail to them which she said is unique. She said she had found two ladies that were in opposition at the beginning of the project when they had the first neighborhood meetings quite a while ago but were in full support now that the density had been reduced. She said that they might have already seen the letters of support

and they now have said that they would like them to build as fast as they can. She said that was some of the things that she actually heard when knocking on people's front doors. She just wanted to give them that "two cents" because she said they wanted them to take their letters of support as their full support, as they are very happy that it is not going to be commercial or a gas station behind them. She said they are in fact very happy about the buffer, that they are not sharing a backyard wall. She said that they are excited that the developer will be planting trees.

DAVID KING, 4181 E WINGED FOOT PL stated that the only comment that he had was to add a deceleration lane on Riggs Road. He said that he was just informed that they did have that under consideration. He said that Riggs Road is a very fast road. He said people travel in excess of the speed limit. He said he didn't believe any traffic study had been done for this project but he said that they would probably find that it would be faster than usual traveled arterial streets. He continued that without a decel lane on Riggs Road, they would have an increased risk for auto accidents. He said that intersection seems to be plagued with numerous auto accidents. He said the lives in that vicinity. He said that from Riggs Road to Lindsey there is no stoplight or stop sign. He said so people driving home to San Tan or Queen Creek area really go quite fast. He said he does know that there are fewer homes that traffic would require a decel lane for but he would challenge that it was done from a "one size fits all" model would be his guess. He said that he would treat Riggs Road like any arterial road whether there would be one vehicle per hour versus 100 vehicles per hour. He said he would appreciate if they would consider requiring the applicant to build a decel lane.

COMMISSIONER PEKAU asked staff and the commission if there was an agreement of a stipulation being added about adding a deceleration lane.

COMMISSIONER KLOB said that during the study session he had brought up the idea of adding a decel lane. He said it was brought up by concerns he had heard not just from the speaker but others he had heard during the neighborhood hearing. He said that he understands that there are some challenges with some easements that are currently there that may be problematic from a city standpoint and also from a development standpoint with regards to some water easements. He said he wanted the applicant to continue to work with staff to examine the feasibility of building a decel lane along Riggs Road. He did not want to add it as a stipulation in case there was an issue with the organization that has the entitlement of the water rights easement. He said that if they don't grant it then he doesn't want the applicant to have to come back to amend the application. He said he just wanted the applicant to continue to work with staff on the feasibility of that.

CHAIRMAN HEUMANN confirmed with staff that it was okay.

c. PLH19-0035 ASHER POINTE

Approved.

Request Preliminary Development Plan (PDP) approval for housing product of single-family homes. The 99-acre site is located at the northeast corner of Riggs Road and Arizona Avenue.

BACKGROUND DATA

- On February 8, 2018, the 92.5-acre site was rezoned to PAD for 310 single-family lots with a density of 3.34 du/ac. As part of that approval, it was stipulated that the housing product would be reviewed under a separate PDP.

- This PDP will set the standards for the design of the home elevations and plans and does not propose any changes to the site design, lot sizes, circulation, or any other components approved as part of the 2018 rezoning (Ordinance No. 4790).

REVIEW AND RECOMMENDATION

The applicant is proposing seven distinct architectural styles as well as three substantially different building widths to accommodate the three different lot sizes approved by Council in 2018. To convey a high level of quality, accent materials and features like, sills, lintels, reveals, arches, and window sashes & molding are used on each façade. To provide a great level of variation and a natural staggering throughout the community, a number of substantially differing rooflines, elevation designs, and front & side loaded garages are also proposed. These design choices align with and support the goals of the South East Chandler Area Plan and are consistent with the approved PAD of from 2018. For these reasons, Planning staff recommends the request be approved.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- Staff received a few telephone inquiries after the orange signs were posted; however, upon explaining the request, no residents shared concerns about the home designs.

RECOMMENDED ACTION

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the proposed Preliminary Development Plan (PDP) for PLH19-0035 Asher Pointe, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled “Asher Point, Housing Design” and kept on file in the City of Chandler Planning Division, in File No. PLH19-0035, as modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council. Approval of the proposed Preliminary Development Plan shall not be construed as to replace or alter any stipulations approved by Council as part of the review of Case DVR17-0007 ARIZONA AVE & RIGGS RD.
2. The façade of any front-loading garage shall be setback no fewer than 20 feet from the front property line.
3. Homes that are 55 feet wide must be setback no fewer than 15 feet from the front property line. Homes that are 50 feet or 49 feet wide must be setback no fewer than 10 feet from the front property line.
4. No more than two 55-foot wide homes may be located side by side on adjacent lots. This stipulation shall not be construed to limit the ability for 55-foot wide homes to be located across a street or rear lot line from one another.
5. The 67-foot wide lots adjacent to Riggs Road shall have side yard setbacks no less than 5 and 10 feet. All remaining lots shall have side yard setbacks no less than 5 and 7 feet.
6. Homes located on 67-foot wide lots shall be limited to being no more than one-story in height.

7. The same plan may not be used more than twice in a row (side by side) on adjacent lots. This stipulation shall not be construed to limit the ability for the same plan to be located across a street or rear lot line from one another.
8. The same elevation may not be used on adjacent lots or on lots located across a street from one another. This stipulation shall not be construed to limit the ability for the same elevation to be located across a rear lot line, or where front property lines are located across a street from side property lines.
9. No lot shall be developed to exceed more than fifty percent lot coverage, as defined by Chapter 35 of The Code of the City of Chandler.
10. Where accessory structures are desired by future residents and where they will not exceed the maximum lot coverage, said structures may be located as close as 5 feet from rear and side property lines.
11. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

PROPOSED MOTION

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan PLH19-0035 ASHER POINTE, for conceptual building design and plot plan exhibits, subject to the conditions as recommended by Planning staff.

d. PLH19-0020 MULTI-TENANT RETAIL CENTER ON DOBSON RD & GERMAN RD

Continued to October 16, 2019 P&Z Commission with the purpose to meet with Design Review Committee (DRC) beforehand.

Request Preliminary Development Plan (PDP) approval amending site layout and building architecture for a multi-tenant retail pad. The approximate 1.65-acre site is located on the northeast corner of Dobson and Germann roads.

BACKGROUND DATA

- Preliminary Develop Plan (PDP) for a Planned Area Development (PAD) for Community Commercial (C-2) uses; 2006
- Preliminary Development Plan (PDP) for an amendment to the Comprehensive Sign Package; 2009, amended in 2010
- Last remaining approximate 1.65-acre parcel in an existing commercial center that currently contains roughly 88,329 square feet of retail and restaurants, on an approximate 12-acre site.

REVIEW AND RECOMMENDATION

The proposed project incorporates the design elements from the existing center and completes the commercial corner at the northeast corner of Dobson and Germann roads originally zoned in Case Z86-026. The proposal complies with site development standards (through the benefit of an encroachment into the required 50' setback on the west side of the site) and commercial design standards. In summary, Planning staff finds the proposal to be consistent with the General Plan and the commercial design standards and recommends the

Planning and Zoning Commission approve the PDP for site layout and architecture subject to conditions.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on July 11, 2019; no citizens were in attendance.
- Planning staff has received one phone call regarding concerns focused on delivery trucks properly accessing the plaza from either Dobson Road or Germann Road, instead of Gatling Way. Signage is currently onsite prohibiting delivery trucks from accessing the plaza from Gatling Way. No comments were received pertaining to the PDP for site layout or architecture.

RECOMMENDED ACTION

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission motion to recommend approval of PLH19-0020 MULTI-TENANT RETAIL CENTER ON DOBSON RD. & GERMANN RD subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Multi-Tenant Retail Center on Dobson Rd. & Germann Rd." and kept on file in the City of Chandler Planning Division, in File No. PLH19-0020, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
3. The landscaping in all open-spaces shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
4. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
5. Signage
 - a. Signage shall substantially conform with the Preliminary Development Plan PDP10-0001 approved by Chandler City Council on September 30, 2010. Said PDP amended the signage requirements applied to the whole site.
 - b. The menu board shall substantially conform to the exhibit titled "Architectural Details" as prepared by Adaptive Architects and dated August 6, 2019. Said menu board shall not exceed the height of the screening wall and shall be screened from view from the adjacent public right-of-way at all times.

PROPOSED MOTION

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan PLH19-0020, for site layout and architecture subject to the conditions as recommended by Planning staff.

e. PLH19-0030 AIR PRODUCTS-EXPANSION

Approved.

Request Preliminary Development Plan (PDP) approval amending allowable heights permitted for necessary mechanical structures.

BACKGROUND DATA

- Approximate 16 acre site
- 1st phase Air Products zoned Planned Industrial (I-1) District; 1979
- Zoning Code limits necessary mechanical structures such as water tanks, silos, and cooling towers to 100-feet in height by right
- Site rezoned to Planned Area Development (PAD) to deviate from Zoning Code height limitations allowing for heights up to 150 feet through PDP; 2012
- Air Products provides ultra-high purity gases (argon, nitrogen, & oxygen) to high-tech businesses throughout the Phoenix region, including Intel
- Demand of high-quality gases requires additional height to create purer gases; request heights up 225 feet
- Current request, two cooling towers painted white to match existing towers, measuring 210' and 217', but not exceeding 225'

REVIEW AND RECOMMENDATION

Planning staff supports the request to increase allowable height for mechanical structures within the subject site finding the existing structures demonstrate a lack of neither visual dominance nor an impediment to the surroundings area's growth and evolution. The area was isolated when the site first developed in 1979, and Air Products has maintained compatibility as surrounding areas developed including a mall, business park, and mixed used development. Air Products has operated at this site for approximately forty years and continues to be a significant partner in Chandler's high-tech industrial success.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on January 28, 2019. No one attended other than the applicant's team.
- As of the writing of this memo, Planning staff is not aware of any concerns or opposition to the request.

RECOMMENDED ACTION

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the Preliminary Development Plan, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Air Products" and kept on file in the City of Chandler Planning Division, in File No. PLH19-0030, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The site shall be maintained in a clean and orderly manner.
3. The landscaping in all open-spaces shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.

4. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. Signage visible from the right-of-way or adjacent properties shall not be placed upon the mechanical structures.
6. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

PROPOSED MOTION

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan, PLH19-0030 AIR PRODUCTS-EXPANSION amending allowable heights permitted for necessary mechanical structures, subject to the conditions as recommended by Planning staff.

f. PLH19-0041 RANCHO BERNARDO

Approved.

Request is to extend Planned Area Development (PAD) zoning conditional schedule for development of retail, located on the southwest corner of 56th Street and Chandler Boulevard.

BACKGROUND DATA

- Approximately 0.7 acres
- Property rezoned from Agricultural District (AG-1) to PAD for retail; approved on June 22, 2002
- Approved with several three-year time condition extensions; most recent expired on June 22, 2019
- Applicant requests additional three year extension
- The City may extend or eliminate time condition, or revert to former zoning classification
- If the City approves time condition extension, all other conditions in original approval remain in effect

REVIEW AND RECOMMENDATION

Planning staff finds that a PAD zoning time extension for three years is consistent with the General Plan. By stipulation, the allowable uses are limited to retail only prohibiting restaurants, offices, and all high turnover commercial uses which remain appropriate; staff recommends approval.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A notification letter was sent in lieu of a neighborhood meeting.
- As of the writing of this memo, Planning staff is unaware of any concerns or opposition to the request.

RECOMMENDED ACTION

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

PROPOSED MOTION

Motion Planning and Zoning Commission to recommend approval of extending the time condition for case PLH19-0041 RANCHO BERNARDO for an additional three (3) years, in which the zoning would be effect until June 22, 2022, and with all of the conditions in the original approval remaining in effect.

g. PLH19-0045 TIPSY EGG/THE UNCOMMON

Approved.

Request Entertainment Use Permit approval to allow live musical performances, karaoke, and external speakers. The new restaurants are located at 1 E. Boston Street, on the southeast corner of Arizona Avenue and Boston Street in Downtown Chandler.

BACKGROUND DATA

- Zoned as City Center District (CCD); October 26, 2000
- Zoning Code requires Entertainment Use Permit approval for entertainment activities
- Located within the Downtown Entertainment District
- Approved for façade renovation and signage by the Architectural Review Committee (ARC); May 30, 2019
- Liquor Use Permits approved in 2010 and 2016 for previous tenants (Coach & Willies and La Bocca/Modern Margarita)

REVIEW AND RECOMMENDATION

Planning staff reviewed the request and finds consistency with the General Plan and CCD zoning. Topsy Egg and The Uncommon dual restaurant concept will offer a variety of entertainment activities that will enhance and attract pedestrians to the east side of the Arizona Avenue corridor.

An Entertainment Use Permit (EUP) in the CCD is required for Entertainment activities as defined in the Zoning Code. Four external speakers are proposed to play background music for each concept. Indoor and outdoor live musical performances, i.e. acoustic and jazz, on the stage will span the patio and dining areas. The Uncommon concept will have arcade games, including pinball machines, a six-foot Scrabble board game, and two live-action pong tables. A projection screen will show short clips of commercials, movies, and TV shows from the 70s, 80s, and 90s is also proposed.

Planning staff recommends a one (1) year time condition to re-evaluate the compatibility of the live entertainment with surrounding residential and business developments. Staff has also added conditions to address any potential noise concerns.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood notification letter was mailed in lieu of a meeting due to the location in a predominantly commercial area.
- As of the writing of this memo, Planning staff is unaware of opposition to the request.

RECOMMENDED ACTION

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the Entertainment Use Permit, subject to the following conditions:

1. Substantial expansion or modification beyond the approved attachments (Site Plan, Floor Plan and Narrative) shall void the Entertainment Use Permit and require new Entertainment Use Permit application and approval.

2. The Entertainment Use Permit is non-transferable to any other location.
3. The site shall be maintained in a clean and orderly manner.
4. No noise shall be emitted from external speakers or live entertainment in such a manner that exceeds the general level of noise emitted by uses outside the premises of the business and disturbs adjacent businesses and/or residential areas.
5. The establishment shall provide a contact phone number of a responsible person (i.e., bar owner and/or manager) to interested neighbors and property owners to resolve noise complaints quickly and directly.
6. Entertainment Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Entertainment Use Permit shall apply.
7. The Entertainment Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Entertainment Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

PROPOSED MOTION

Motion Planning and Zoning Commission to recommend approval of Entertainment Use Permit case, PLH19-0045 TIPSY EGG/THE UNCOMMON, subject to the conditions recommended by Planning staff.

MOVED BY COMMISSIONER EBERLE seconded by **COMMISSIONER KLOB** to approve all the Items read in on the consent agenda.

Chairman Heumann – In Favor Commissioner Klob – In Favor
Commissioner Kimble – In Favor Commissioner Pekau – In Favor
Commissioner Eberle – In Favor Commissioner Flanders – In Favor

The motion passed unanimously 6 – 0

5. **MEMBERS COMMENTS/ANNOUNCEMENTS**

None

6. **CALENDAR**

Next regular meeting is October 2, 2019, at 5:30 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona

7. **ADJOURNMENT**

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



Rick Heumann, Chairman



Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 2, 2019, held in the City Council Chambers, 88 E. Chicago Street.

1. **CALL TO ORDER / ROLL CALL**

CHAIRMAN HEUMANN called the meeting to order at 5:30 p.m.

The following Commissioners answered Roll Call:

Chairman Rick Heumann

Vice Chairman David Rose

Commissioner George Kimble

Commissioner Gregg Pekau (arrived after Item b had been voted on the consent agenda)

Commissioner Matt Eberle

Commissioner Michael Flanders

Commissioner Robert Klob

Absent/Excused:

Also, present:

Mr. Kevin Mayo, Planning Administrator

Mr. David de la Torre, Planning Manager

Ms. Stephanie Watney, City Planner

Mr. Derek Horn, Development Services Director

Ms. Jenny Winkler, Assistant City Attorney

Mr. Thomas Allen, Assistant City Attorney

Ms. Catherine Flores, Clerk

2. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance led by COMMISSIONER EBERLE.

3. **APPROVAL OF MINUTES**

MOVED BY COMMISSIONER KLOB, seconded by COMMISSIONER KIMBLE to approve the minutes of September 4, 2019, Planning Commission Hearing. The motion passed unanimously 6-0.

4. **ACTION AGENDA:**

CHAIRMAN HEUMANN stated that there are two Items on the agenda. Item a. DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES is an Action Item and would be heard in a full hearing. Item b. PLH19-0021 DOGTOPIA would be a request for continuation and would be read into the record and voted on in a single motion. He asked if there was anyone in the audience who would like to speak and said he had received several speaker cards for Item a. DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES and would go to the audience for a response after the applicant had spoken.

b. PLH19-0021 DOGTOPIA

Continued to the November 20, 2019, P&Z Commission Meeting.

Request Use Permit approval for an outdoor animal play area as an accessory use to an animal daycare for dogs with overnight boarding. The property is located at 4901 S. Arizona Avenue, Suite 7, at the northeast corner of Arizona Avenue and Chandler Heights Road.

PROPOSED MOTION

Move Planning and Zoning Commission to continue PLH19-0021 DOGTOPIA, to the November 20, 2019 Planning and Zoning Commission meeting, as recommended by Planning staff.

MOVED BY COMMISSIONER KLOB seconded by **VICE CHAIRMAN ROSE** to approve Item b. PLH19-0021 DOGTOPIA read in on the consent agenda.

Chairman Heumann – In Favor	Vice Chairman Rose – In Favor
Commissioner Kimble – In Favor	Commissioner Klob – In Favor
Commissioner Eberle – In Favor	Commissioner Flanders – In Favor

The motion passed unanimously 6 – 0

ACTION:

a. DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES

Approved with Stipulations.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential with Preliminary Development Plan (PDP) approval for subdivision layout along with Preliminary Plat (PLT) approval for 16 lots on approximately 8 acres. The subject site is located east of the northeast corner of Riggs and Lindsay Roads.

BACKGROUND DATA

- Approximately 7.29 net acres
- Subject site is located within an unincorporated island and is currently zoned Rural-43 (one acre per dwelling unit) in Maricopa County
- Annexation request is in process and will precede this request on the same Council agenda
- Annexation ordinance, if adopted, will grant initial City zoning of AG-1 (Agricultural), which allows same density as Rural-43

NEIGHBORHOOD OUTREACH AND INPUT

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- Two neighborhood meetings were held on March 20, 2018 and June 12, 2018. Residents in attendance were from Falcon Estates and Vasaro subdivisions and expressed opposition to the proposed development due to the smaller sized lots and the potential obstruction of their views of Santan Mountain.
- After the 2nd neighborhood meeting, the applicant met with residents immediately north of the site to show the what the height of a 25 ft. home located 40 ft. away from the property line would look like (see attached Neighborhood Outreach memo from the applicant).
- As of the time of this writing, Planning staff has received several letters/emails in opposition, and a petition in opposition signed by a majority of the property owners from Falcon Estates and Vasaro. All letters received as of the time this writing are attached.
- On May 9, 2019, Reid Jacobson, an adjacent resident/property owner and designated representative of Falcon Estates and Vasaro neighborhoods, and Jessica Sarkissian, UpFront Planning & Entitlements, LLC, met with Planning staff and submitted a petition in protest against the proposed rezoning. The petition contains 25 signatures representing 18 properties that surround the subject site. The attached Protest Map identifies the location of the properties in opposition. Per City Code, the protest requires a $\frac{3}{4}$ vote from the City Council in order to approve the rezoning. The $\frac{3}{4}$ vote does not apply to the Planning and Zoning Commission.

- Following the June 19th Design Review Committee, the applicant met with Mr. Jacobson on four separate occasions resulting in the applicant offering some concessions noted in Attachment A. Mr. Jacobson and the adjacent neighborhoods remain opposed primarily due to the number and size of the lots proposed.

RECOMMENDATION

Staff finds that the proposed lot sizes are consistent with recently approved subdivisions in other Rural/Agrarian areas within SECAP and create a methodical transition in lot sizes from Riggs Road to the existing subdivisions north of the site. The applicant has worked with staff and met with neighbors in opposition as identified above, both of which have resulted in revisions that have improved the proposed development.

Planning staff finds the request meets the intent of the residential development standards and SECAP guidelines. Planning staff recommends the Planning and Zoning Commission recommend approval subject to conditions.

PROPOSED MOTION

Rezoning

Motion Planning and Zoning Commission to recommend approval of Rezoning DVR17-0034 MOUNTAIN VIEW ESTATES, from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential, subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan DVR17-0034 MOUNTAIN VIEW ESTATES for subdivision layout subject to the conditions as recommended by Planning staff.

Preliminary Plat

Motion Planning and Zoning Commission to recommend approval of Preliminary Plat, PLT17-0067 MOUNTAIN VIEW ESTATES, subject to the condition as recommended by Planning staff.

A PowerPoint presentation was shown to the commission and audience by staff.

CHAIRMAN HEUMANN opened the floor for questions to staff.

CHAIRMAN HEUMANN asked about the packet that was received by the committee that included: all the different subdivisions around the area, how they were zoned, lot sizes, whether there was any opposition. He said it did not include Shadow Ridge and asked if it was built before Vasaro and Falcon Estates; when was it was built.

DAVID DE LA TORRE responded that the packet was provided by the neighbors in opposition. He said the zoning for Shadow Ridge was approved by the council in the year 2000 and he did not recall if there was any opposition. He said that Vasaro and Falcon Estates came in after in 2001. He added those are the dates that the council approved the zoning and preliminary plans.

CHAIRMAN HEUMANN opened up the floor to the applicant.

APPLICANT, SETH KEELER, 1121 W WARNER ROAD, SUITE 109, TEMPE

presented a PowerPoint presentation. The initial slide showed the original application request that was submitted for 60' wide x 120' depth lots or 7,200 sf. The next slide shown was with the revision on the north lots, they went to 65' x 120' or 7,800 sf and the lots adjacent to Riggs Road went to 60' x 117' or 7,000 sf. He said this plan had 21 lots. He continued with the following slide that showed the next plan that was presented on May 15 and also in the Design Review meeting that took place on June 2019. The plan shown on the slide shows 7 lots total on the north side which are 74' x 150' or 11,100 sf and the middle tier went to 65' x 130' or 8,450 sf with a total of 17 lots. He presented the next slide with the neighborhood outreach dates of when they met with the neighbors. He added that the first two dates, March 20, 2018 and June 12, 2018 were neighborhood meetings and the second two dates, September 18, 2018 and September 26, 2018 is when they met with the neighbors and they did a presentation on the height using tripods and tape with string. He continued that at the time they had made changes to the plan and presented a slide with the concessions. He said they reduced to 17 lots and increased the lot sizes with a density that is 2.33 dwelling units per acre, they committed to a 40' setback for the rear yards of the northern lots 1-7, they committed to 25' height limitation on their homes, and they committed to single story. He continued that they had a Design Review Board meeting on June 19, 2019 were they were encouraged to go back and continue to work with the residents. He said he worked directly with **REID JACOBSON** who lives just north of them at Falcon Estates. He continued that he had an in-person meeting with him on June 26th, July 1st, July 22nd, and August 23rd. He said, in addition, there was an email or a phone call back and forth. He said he also worked with **RICHARD HILDEBRANDT**. He shared that he is the neighbor to the west of them.

He said that **DAVID DE LA TORRE** had mentioned the situation with the irrigation ditch. He said he never met **RICHARD HILDEBRANDT** in person but he did communicate with him via email and phone call. He said since the Design Review Committee meeting that took place on June 19, 2019, they dropped one more lot on the north so they have gone from 7 to 6. He said that their lot sizes are now 87' x 150' or 13,050 sf and their density came down to 2.19 du/ac; their total lots are now 16 for the entire subdivision. He continued that as staff had mentioned their side yard setbacks are now 5' and 12' with a total of 17' are the side yard setback for the northern lots and they have committed to no lofts, livable attic space, balconies or roof decks on the north 6 lots. He said accessory structures limiting to 20' if the rear wall for the northern 6 lots. He said they also changed the landscaping condition on the east side of Pearl Drive committing to citrus trees or bushes only. He said it was done as **DAVID DE LA TORRE** had mentioned it was to prevent spillage to the north neighbors' rear yards. He said another concern was street lights so they have committed to creating shielding on the street lights so that the light doesn't spill over to the northern neighbors' lots. He said that he did explain to **REID JACOBSON** that they don't actually own the street light that they are owned by the city and that there is only so much that he could commit to on the city street lights. He said to that extent they are able to create shielding which they are going to do. He said that they have also committed to leaving the open irrigation ditch on the north side of subdivision. He said the next slide showed the layout for the 16 lots. He presented the next slide that he said was zoomed in to the northeast side of the subdivision that showed the 10' easement and the open irrigation ditch with a picture of a quad to illustrate that they could drive back in there and work on the gate if they needed to. He said that there is also a picture of a view fence on each of the rear of lots 1-6. He said at the last Design Review meeting there was a suggestion that they take a look at doing gates in this community. He continued that they actually do not want to do gates. He said it was also not supported when he talked to staff. He said that it also creates an economic disadvantage for them. He said that according to MLS, HOA monthly fees for Vasaro are \$160 and Falcon Estates is \$190. He said talking to their homebuilder their estimates due to it being a small community, the private street obligation for each lot to put into the fund would be around \$300 per month for an HOA due. He said

that instead of doing the gates they dropped another lot on the north side and made an additional concession to the neighbors. He said that they are a small 7.29-acre community with 16 lots. He went through slides that showed the open space, the parks, and the amenities that they are planning for in this subdivision.

He said that as staff had mentioned this is in the Southeast Chandler Area Plan and in the Design Review hearing they had talked about, the rural agrarian character that their property falls into and within that sphere you are allowed for "Traditional Suburban Densities". He presented slides he said to show a quick example of approved and recently platted in 2018. He said that Orchard Heights has 60 units on 18 acres with 3.3 density. He said that the smallest lot sizes in that community are 7,200 sf, it has a 55% lot coverage, with 5 and 10 side yard setbacks and 15 rear yard setbacks. He said the next one is the Lucinda project which is down the street from them on Riggs Road. He said that this has 41 units on 13 acres, 3.2 density, 7,000 sf minimum lot size, has 60% lot coverage, 5 and 10 side yard setbacks and if you are on Riggs Road then they comply with the Southeast Chandler Area Plan requiring 10 and 10 side yard setbacks, and he added they have 20' in their rear yards. He said the last one was Windemere with 91 units on 36 acres, 2.5 density, with 10,000 sf minimum lot size, 60% lot coverage, 5 and 10 side yard setbacks, and 20 rear yard setbacks.

He said that he has invited a representative of Bellagio Homes. He said that is the home builder that they have been talking to and has filled out a speaking card to address any of their questions after the residents have spoken. He said that he really believes that it is a nice community that will bring great pride to the City of Chandler. He said that he personally thanks REID for his willingness to sit with him and bring the concerns of the residents. He said that he enjoyed visiting with him and they tried really hard to listen and incorporate the things that they could. He said recognizing that there were not able to get a settlement. He said that he is aware that there are still some outstanding issues but there has been a lot of effort to try to get an understanding and incorporate as much as they could into the plan.

CHAIRMAN HEUMANN opened the floor for questions to the applicant.

COMMISSIONER KLOB asked staff and the applicant the reason why a gated community was not supported for this subdivision.

APPLICANT, SETH KEELER responded that when you have private streets there is the obligation from the community to take care of those streets moving forward. He continued that the typical HOA fee now has that extra burden. He said as he had mentioned on the Design Review presentation if you look at the street layout this is not an efficient plan. He said they struggle with the fact that they have small geometry but he said at the top where they can see Gemini Place he added that is an optimal street design for a small community because you have houses facing on both sides. He said but he has a single loaded street for Sagittarius Place and that means that the lots facing that on the north carry an extra burden and they have no loaded streets on both sides. He said that from a street perspective, they are very street heavy for something so small. He said then the burden of the 16 homes carry a lot more because of the inefficiency of the street design and also they have to pay for any future paving or any street repair that exists.

DAVID DE LA TORRE responded that the staff's concern was the long term sustainability of the streets and whether there are enough of the residents there to maintain them in the long term. He said staff felt if the fee is too high the streets will not be maintained and eventually that would become a problem.

COMMISSIONER KLOB asked if they had communities of similar size that are gated that are posing a challenge now or is this being cautious for the future.

KEVIN MAYO responded that they aren't very many communities of this size that are gated. He continued that there are four communities in west Chandler that are coming up to 20 years old that have individually approached the city to take over the streets. He continued because they are not able to maintain their streets. He said that they were from a number of units standpoint, 10 times bigger than this.

COMMISSIONER EBERLE stated that he came up with \$3,500 per month on HOA fees. He said with \$160 x 10 lots and \$190 x 6 lots, the difference between gated and non-gated is \$1,300 per month; \$15,600 per year. He stated that the \$300 fee on average would be \$4,800 per month. He asked if that was the figures approximately, \$15,600 extra per year for a gate and maintenance for the roads/streets. He said he just took the 6 larger lots and multiplied by \$190 and the 10 lots by \$160. He said that the \$300 average by 16 lots gives \$4,800. He said he wanted to know how much was needed to be reserved to maintain the streets for the future.

APPLICANT, SETH KEELER responded that he did not have an exact answer.

CHAIRMAN HEUMANN said that he felt there is a benefit to having a gated community that people who move into a gated community understand. He added that he could not speak to the people in west Chandler. He continued that have properties that maybe were not managed correctly or did not put enough reserves away to pay for it. He said and are now coming back to the city to take it over. He continued that he wanted to hear from the audience as well as he is curious about that. He said if you run an association correctly you can reserve it enough and to **COMMISSIONER EBERLE'S** point are they going to have enough to pay for the roads later down the road.

COMMISSIONER EBERLE said he wanted to know how that comes out and what the estimates are long term.

CHAIRMAN HEUMANN asked if the applicant's concern is if the HOA fee would be that much higher it would be harder to sell the properties.

APPLICANT, SETH KEELER responded that it was just a combination of having an economic disadvantage to where you have to do your mortgage and there is this \$160 fee compared to \$300, it probably affects the buyer's mentality. He continued that it was just component with the concern with gates and the other one is just the long term issues with having private streets is the other factor.

CHAIRMAN HEUMANN asked if Falcon and Vasaro are gated.

APPLICANT, SETH KEELER confirmed that they were both gated.

CHAIRMAN HEUMANN asked if there were any further questions for the applicant. He then opened up the floor **WAYNE FUNK** who is the potential builder for the project.

WAYNE FUNK, 1806 N LINDSAY ROAD said he builds in Surprise, Gold Canyon, Mesa, San Tan Valley, and Phoenix. He added that they pretty much build homes in Maricopa and Pinal County. He said they do quite a bit of gated communities and things that are associated

with it. He said that the challenge with that is when fees get above \$200; they want to know what they are paying for to substantiate that. He said, for example, he shared that he is building a personal house in a 1-acre project and they have an HOA fee that is \$300 per month. He said it has a tennis court, really nice parks, ramadas, and splash pads. He continued that people think that is a really huge HOA fee even for an acre lot. He said he does another project in the Superstition Mountains with two golf courses; Jack Nicklaus both 18. He continued that it has an Olympic sized pool with crazy amenities and their HOA fee is over \$300 per month on houses that are ranging from 2,400 to 3,500 sf and it's been harder to sell. He said that most of the buyers are cash buyers but they want to know what they are paying for and could they have their own private one if they are paying for such a fee. He said even though they are sharing there is an amenity and causes those sales to be slower. He said that the real question you have to ask if those two communities are probably their HOA fees are much bigger projects and they are probably in the hundred and something range, they usually don't go over \$200. He continued that he likes gated things but when you have a small number of lots it makes it difficult for it to pencil out for everybody, especially for the end-user.

CHAIRMAN HEUMANN asked if he normally builds custom houses or if he built more track.

WAYNE FUNK responded that they do a combination. He said that the most expensive house they have built was a \$300 million dollar home in Fire Rock, about 10 years ago. He continued that they do all the range. He said 3 of the subdivisions he is working right now are on acre lots and they do some density stuff. He said the City of Mesa likes them because they do really nice designs and details so they are actually revamping the way they require people if they are going to allow density anymore, they use them as an example. He said if they are going allow them density they are going to require nicer stuff on the product and they want it detailed. He said, for example, they offer in most of their subdivisions four elevations. He said for this he has talked about having about six elevations with 10 color schemes so it really looks like a custom neighborhood. He said because the lots are so expensive he would offer basements in a single story so they could get the square footage up so they can keep the values and make sense for everyone. He said that the developers would like to make side entry garages so it mostly looks like larger houses and they are conscious of this project and they want it to be a really nice project for Chandler. He said on their details: they use real brick trim, real Cantera stone on their Spanish colonial and Spanish Monterrey, on their ranch stuff they use really nice stone and sand finished stucco. He said they use a lot nicer details when they go to smaller lots, so they can justify charging more.

CHAIRMAN HEUMANN responded that it answered his question and if it was approved it would still have to come back for housing product approval. He said that based on the stipulations on the height of the houses he asked if the product that they normally design fit in with this.

WAYNE FUNK responded that he was told what the heights are and the preliminary things to make sure it all works. He said that he really felt that it could be a really nice project with a really nice product and it cannot exceed those height limits and be all single story. He said that when you are pushing single story with a higher echelon of pricing people mostly want single story. He added that it's a new trend that has been that way for the last few years. He said it is just smarter to do something that people want and will buy. He said that real basements will solve that and still allow for a larger product fitting on those lots.

COMMISSIONER KLOB said one of the things he has seen more throughout Phoenix is the boutique type of developments. He said knows there is one just down the street from this

development. He said his guess is 15-20 lots and it is gated in Gilbert or a County Island at Val Vista and Chandler Heights. He said he knows numerous developments in Phoenix that are in this kind of lot mix that is also gated and there is a certain value that comes to development that he was speaking about with tennis courts, swimming pools, and what have you and there is also value to a boutique type design or development. He said where you know your neighbors, you are not 1 of 200, and you are 1 of 16. He said so it is more of a closer-knit; more of a family-type feeling so there is value there that people are willing to pay premiums not just for the homes but also for the HOA fees. He said to have that smaller community feel. He asked that he was just curious about why it works there but wouldn't work here.

WAYNE FUNK responded that they have done gated in south Arcadia and they did it there because the crime was so high and they couldn't sell houses if they didn't do it. He said so there are reasons why they do it sometimes and sometimes not. He said this is a really safe and nice community. He doesn't know if having a gate on this is going to matter at all and if anybody is concerned. He added that it's in a really good part of town and it comes out as a tradeoff of having to pay an extra \$100 for this gate. He asked if you were the one buying the house, you could get a lot of extra things for your house for that or would you like a super nice bathroom with a giant shower that they see a lot of now. He said everyone could look up their website now, www.bellagohomes.com. He said that they can do the farmhouse elevation, the craftsman with real hardy siding on both and smooth. He said they just do really beautiful product. He said they were probably the nicer smaller builders that are turning really nice product.

COMMISSIONER KLOB asked if these homes are going to be more of a traditional production level home or are these going to be semi-custom.

WAYNE FUNK responded that they would be more of a semi-custom. He said if they took a look at their website they would be similar to what they would see. He said that they are probably the best-case scenario for out there and that they do a really nice job. He said it was a beautiful neighborhood but the lot prices are expensive so whoever would come in there would have to do something nice to have it make sense and that is really what they are going to need. He said that is probably why they reached out to them on this. He said it was a nice neighborhood and infill. He said they have two different lot sizes. He said as land has gotten really expensive again and the cost to develop is almost twice as much as it used to be than 10 years ago it affects everything. He added that you can still have a really nice project on this one. He said it would meet or exceed all of the Chandler building departments' design review and hopefully it ends up being them. He said that they are interested in it and they are interested in us doing it. He said they would be able to put together some really nice product together that he thinks everyone would be really happy with.

COMMISSIONER KLOB said that leaning on what he has said it lends itself to a gated community. He said by being semi-custom, being higher-end, and being higher-priced. He said these are the buyers that are going to want and expect a gated community. He said they are probably quite possibly coming from a mid-level production gated community He added like some of the gated communities we have later down the road to buy up. He said he is just having a hard time grasping this higher-end design motif but they are not getting the same level of amenities.

WAYNE FUNK responded that if they are doing a gated community they would normally have to make the streets smaller so you could offset some of the costs and if that is a road that the City of Chandler would like to see happen then that would be a road that they would have

to look at. He said that when you have a smaller lot count, you want to minimize the street parking on one side for example so there is less street. He said that it is a bit of a challenge in that it is going to cost more. He said a lot of people think that gates are not expensive. He said that he just recently did a community that sold out on Brown and the 202 Freeway in northeast Mesa; kind of by Las Haciendas. He said that they really had done some really nice gates on them and on some months when the wind is blowing that the gate people have to come out ten times in a month. He said because they get hung up from the wind blowing. He added that as much as you think there is not much to them there really is to maintain them. He said that you also have to count on every couple of years to re-seal all the streets and all the things that go along with a private community. He said he likes them but there are costs associated with them. He said when you have a small lot count; it makes it difficult; difficult to sell sometimes. He said because people can go and buy an area that does not have that higher HOA fee and they can put their money kind of where they want.

VICE CHAIR ROSE said he has reviewed a number of their homes and in Superstition Mountain recently. He said they are beautiful product.

COMMISSIONER KIMBLE said that the 6 lots on the northern side seem to be a major concern. He said that they have come down from 7 to 6. He asked what would be the average price for those lots for the homes you are going to construct on those 6 lots.

WAYNE FUNK responded that one of the hard things of that is a balance. He said that in the area when he last looked about 5 months ago, they were getting about \$200 per sf. He said that it keeps going up but they push the higher echelon pricing. He said what they do is come up with a base price with nice stuff and elevations He added that some elevations cost more than others. He said that they were getting people that would be adding about \$200,000 in options. He said in real life we offer just about anything you can find in a custom home for the most part.

COMMISSIONER KIMBLE said that what he had asked in particular was more to the regard to the concern with the neighbors to the north. He continued that the value of their homes could be decreasing because of the project that is going in there. He asked that the value of those homes that they are constructing would be equal to their home values.

WAYNE FUNK responded that if the houses ended up being a little bit smaller square footage, as he did not know the square footage of the houses to the north or the other sides. He continued that they all have kitchens, baths but if you build a smaller footprint it costs more for square footage to build. He said that if this project gets approved then you have another 6 months to get all the engineering done. He added that by the time you get houses on it, it is a year and a half later - the prices are even higher. He said but to answer his question in an easy way; every single community they have built-in has raised property values. He said that really new homes always raise property values over resales as resales are lagging. He said that is why we have a shortage of resales as they have been underselling new homes prices pretty much everywhere and they are going out of sight because the cost to build continues to go up.

CHAIRMAN HEUMANN commented about what was said about gated communities. He said it was like anything, there are buyers that want to buy 3,000 sf houses and there are some people that don't. He said that there are some people that want to live in a gated community and some who don't. He said that there is no right or wrong answer. He said if they are building high-end product, there are people who like security and the fact that they are gated. He said

he understands the math on that but there is a balance.

He said he had received many speaker cards and he had three people that wished to speak on behalf of different neighborhoods. He said he was going to read the cards of people who are opposed to the Item who don't want to speak first and that they also have people that will be yielding their time. He said he was going to set time limits for everyone respectively.

OPPOSED – DID NOT SPEAK - Item a. DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES:

DAVID MORTENSON, 4103 E SCORPIO PL,

JIANGKAI ZUO, 4130 E AQUARIUS PL,

THERESA JACOBSON, 4133 E SCORPIO PL,

JUSTIN JACOBSON, 4133 E SCORPIO PL,

KALONA NEWCOMB, 5900 S GEMSTONE DRIVE,

MICHELLE SCHARENBRUCH, 4410 E GEMINI PL,

GREG SCHARENBRUCH, 4410 E GEMINI PL,

HALEY SCHARENBRUCH. 4410 E GEMINI PL,

ROBERT O'HARA, 4331 E TAURUS PL did not wish to speak but his comments from his speaker card were read by **CHAIRMAN HEUMANN**, "all recent infill developments have been gated communities to raise the value and keep the value of neighboring communities, this should also be gated."

DARRYL HAGEN, 4142 E SCORPIO PL, and

DEIDRE RUSSELL M.D., 4193 E SCORPIO PL did not wish to speak but his comments from his speaker card were read by **CHAIRMAN HEUMANN**, "I prefer fewer lots and lower roofs to affect my property as little as possible."

CHAIRMAN HEUMANN opened up the floor to those who were opposed to the Item and wished to speak.

OPPOSED to Item a. DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES

DEANNE HILDEBRANDT, 14444 E RIGGS ROAD yielded her to time to **RICHARD HILDEBRANDT**

RICHARD HILDEBRANDT, 14444 E RIGGS ROAD said his property is on the western border of Mountain View Estates. He said as a deed closer he is a licensed real estate broker in the state of Arizona. He said he has lived there for 44 years and has received irrigation water for about 30. He said when this project came up he was told that the ditch would be put underground as per City Code. He said which was fine with him; he had no objection as long as it works. He shared that he is an ex-farmer. He has farmed in Queen Creek and Florence. He said he worked for New Magma Irrigation District delivering irrigation water to their customers. He said he has a full understanding of how irrigation water flows through pipelines and ditch systems. He said the water that he gets right now goes through an open ditch and then through a pipeline between Falcon Estates and Vasaro then it goes to an open ditch on Mountain View Estates. He said they have a quite amount of sand and settlement coming through this irrigation system. He said before this blindside of changing it back to an open ditch, his objection was "how are they going to keep the irrigation pipe clean." He said that according to **SETH KEELER** he was told they were going to put the irrigation pipe in and that it was his responsibility to keep it clean. He said he could call someone out at the cost of \$1000 a shot plus they would wash all the sand and settlement out of it, that would be about 6 times a year. He said they want him to maintain their ditch system or pipeline at his own expense because it is going through their property. He said, "it doesn't sound right doesn't it."

He said he talked to the Roosevelt Water Irrigation District and said they were pretty concerned about the situation. He said he normally orders about 200" of water but it is quite often he will receive 350" water instead. He said 200" of water is 2,200 gallons per minute and 350" of water is just shy of 3,000 gallons per minute. He said if something is plugged up or they had a restriction because of the settlement they could flood everyone upstream. He said that is his concern. He continued that the system works to a certain point right now because it is an open ditch. He said he keeps it clean but because they are pouring in a new subdivision he asked, if he is required to keep this clean and if so then I have a 10-foot easement which gives him 2 feet at maximum to drive his quad or his little tractor and trailer to clean that ditch. He asked if anyone has seen a quad drive through 2' and he answered, "No" and added that the rest of the 10' is irrigation ditch. He said he had suggested he really needed 20' to allow for the maintenance equipment. He said regardless of whether he or someone else cleaned it and he asked what they were going to do with the dirt after the maintenance had been done, would they just throw it over someone's fence into their back yard after they were done. He said they have to have room to maintain it and that is where they differ.

He said the other thing is the safety factor. He said he had proposed a block wall on the south side of the 20' easement to ward of the kids from climbing the fence and getting into the ditch. His understanding after talking to **DAVID DE LA TORRE** the other day is that they were talking about doing a picket type or rail fence. He said now they are talking about a wrought iron fence. He wanted to know how tall the fence would be. He said it would have to be at least 6' tall to keeps kids from climbing it. He said there is a lot of issues here but the big issue for him he said is that he should not be responsible to maintain this ditch. He said the pipeline that goes between Falcon Estates and Vasaro they maintain. He said they maintain the dirt that is above it. He said he had suggested if they were not going to maintain it they should at least concrete it from the north side of the boundary line of Falcon Estates to the south side of the easement. He said now they do not have obnoxious weeds and it looks clean but the developer chooses not to do that. He asked how it is going to get done. He said he had spoken to **SETH KEELER** one time about his concerns and he was told that he was going to get with a hydrologist and he would work something out if they put a pipeline in. He said a pipeline would work if it is designed right but he never got back to him and he said he doesn't believe he talked to a hydrologist. He said that if he did he never told him. He said that his plan would be a lot cleaner they could put dirt top on it and a wrought iron fence there; it's not going to bother it but that is their decision.

CHAIRMAN HEUMANN opened up the floor for questions to the **SPEAKER**.

COMMISSIONER KLOB asked what his preference would be.

RICHARD HILDEBRANDT responded that he would build a pipeline. He said he would prefer that they go to a hydrologist and design it that way it works. He said it could be self-cleaning if it is designed right. He said right now the ditch has quartz in it which is about 6" from the bottom. He said all the sand from 6" and above goes into my yard. He said eventually every year or two he has to move the sound around so he can still irrigate his yard but that is minimal but if the pipeline is designed right it would be self-cleaning. He said it won't need any maintenance and it won't be a burden on him. He said if it plugs up it will flood everyone out upstream. He said it is a very simple thing if it is done right but he said it is going to take some time and effort. He said that it was going to take a hydrologist to draw it up and make it work. He said it basically amounts to make water push and you can make water push if you design it right and when it pushes it will be self-cleaning.

CHAIRMAN HEUMANN asked who maintains the ditch now.

RICHARD HILDEBRANDT responded that he has maintained the ditch as of the last 2 years because **SETH KEELER**'s associates have bought the property that bordered Vasaro and the property next to him that they have a contract on. He said so no one maintains that ditch and he continued that if he didn't maintain it he wouldn't get any water.

CHAIRMAN HEUMANN opened up the floor to the next speaker.

OPPOSED to Item a. DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES yielded their time to **REID JACOBSON**

GRACE PETTER, 4243 E SCORPIO PL and
MAKENZEE PETTER, 4243 E SCORPIO PL

REID JACOBSON, 41336 E SCORPIO PL said that there was a discrepancy. He said that there is a letter dated from April of 2017 that was sent by City Engineer, Alan Ayers. He said it is a Pre-Tech Review that says that according to the City Code the front of the subdivision cannot have more than 50% of storm water retention. He said he just received this copy from the city. He said he had requested documents from **DAVID DE LA TORRE** before but they were not located with the April file and he was told that they were privileged. He said he had to request the documents from the Public Information Officer and he said they finally gave him about 250 MB of information. He said it took him about a week to go through and he knows that the letter exists and said there is apparently a code that requires it. He said he doesn't know how they could have an entire frontage except to the entry to the place that is retention ditch. He said that apparently the code says, "No". He said also on the ditch issue that same letter says that the code requires them to underground the pipe and that is from 2017. He said that that there was letter sent by **DAVID DE LA TORRE** in November of 2018 telling them that they had to underground the pipe. He said he had mentioned this a while ago in a letter I sent to **DAVID DE LA TORRE** because I could not get **SETH KEELER** to respond to me and that was about August/September. He said because he stopped negotiating August 13th. He said even though it has been continued beyond September 4th and beyond August 21st. which he said it didn't have to be. He said he doesn't know why all that happened if they were going to stop negotiating. He said he had sent a letter to **DAVID DE LA TORRE** he told him that he had been asked if they could work this out. He said he had not been able to get **SETH KEELER** to respond to him or **RICHARD HILDEBRANDT** after he had been told that **SETH KEELER** had been instructed to work out the private property right issue of the irrigation ditch with **SETH KEELER**. He said the city was not going to decide a private property right issue. He said that he had pointed out that nothing had happened; there was no response for 5 weeks on that issue. He said he was asking **DAVID DE LA TORRE** to reach out to **SETH KEELER** so they could talk and nothing happened on that issue.

He then presented a slide in which a copy was provided to the commission and staff by **JESSICA SARKISSIAN**. He said he had asked for the builder's information as far back as August 15th when they had first said they had found a builder. He said he had asked for that all the way through September 16th and never got a thing. He asked again for the elevations and he was told that the builder would be at the Planning and Zoning meeting on August 21st and that they would have the stuff. He said he told him that was great and if they could show it to them so they can talk about that, side yard setback and what they actually need and things like that. He said that he didn't hear another word except for okay, okay, okay... He said he thinks he might have sent him 6 emails on that and still have not got that to this day.

He said regarding the street light issue. He says he doesn't know how it came to the point that he has agreed that he is going to do anything about that. He said because he had asked him the first time if he could do something like they have done at Falcon Estates. He said he would come by and asked to take a picture. He said he would try but he can't take a picture with his mobile phone, it is not working. He said he had asked if he could come by and take a look at it at night one time, he said he would and said great. He said that then he thought that is not right. He said they took a look at the specifications. He said it's called "CCPs" its something colored temperatures and he told him exactly what those numbers were that they are looking for to make this unobtrusive. He said that his next email to him was that he didn't know it is not his street lights and that he had nothing to say about it. He said he was told it was the city street lights and he was done. He said that it became apparent that as soon they had succumbed to the number of lots to the gated community. He said he told him that they could not give it up; he said that they had suggested it. He said that they would agree to lose the gate; if they would work on that with them He said that as soon as they did that there was no more talking. He said the slide he presented to the commission and the audience shows that on the first meeting the biggest issue was the gated community. He said that the HOA fees were going to be outraged at that time, based at \$200. He said that then they said they couldn't have a gated community because they needed 30' for a turnaround, outside of the gate. He said he had asked why he needed that as they have two streets going east and west. He continued that if they lose 15' because they are private streets, he told him there is your 30'. He said his response was that maybe they could do that. He said he has spoken with **SETH KEELER** very nicely. He shared they had spent one day talking for a half-hour at a Dunkin Donuts taking about his vacation trip to New York and he said he had learned a lot about his family and he said he had gotten along just fine until he stopped talking. He said that the side yard setbacks were 5 and 14 as far as May 28th but he said that then they went to 5 and 15. He said because he was talking to a builder. He said he told him greatly if you have a builder why don't you bring out the plans bring it to the city and let's get it all done so everyone knows what is going on here. He said that never happened and he said he could only do 5 and 14, 5 and 15, and 5 and 10 because he has a 70' wide product. He said he continued to ask for those plans and he was finally given a website. He said it was the website to Bellago Homes. He continued that he went to the website and they are 6 subdivisions there and there are 15 to 20 different model homes names. He said that the price range is from \$235,000 to over \$500,000. He said that is a far cry from the \$800,000 home **SETH KEELER** had spoken about at the last Planning and Zoning meeting on May 15, when he had said he was going to put out an \$800,000 home on one of those little lots on the back. He continued that it is nothing like it is being presented. He said that the Traditional lot coverage he had mentioned is 8.5 at 40%. He said that they still want 50%. He said that the worst thing they had been done to them is that he had talked about casitas and ramadas and he said he needed that lot coverage. He said that when it boiled down to it, the accessory structures; there is a code that says 15'. He said that at one point it was in **SETH KEELER**'s report. He said the latest thing since he started recording them on July 1st which was the first one after the Design Review Committee meeting. He said that they had asked for accessory structures within 20' of their wall, not addressed. He told them they don't want them on their next proposal and it was not addressed and we told him again we don't want them. He said that finally he comes back to him and says well we are going to have them within 20' of the rear wall. He said then the accessory structures height. He said they had wanted 10' instead of 15'. He said he responded that for one reason in this presentation and on his September 16 email response where he gave him the same of what he had done on August 13 except that he wanted to put in a 22' high RV garage within 20' of the back of their lots. He asked what the point is of giving them a 40' setback. He said that it was not about the view as it is long gone. He said they had discussed their view in the first meeting and it was not an issue anymore. He said they are going to lose the view it is a wall of houses that they are trying to avoid. He said that with the help of

JESSICA SARKISSIAN they had come up with the documents provided to the commission with information about the other subdivisions. He said that they came up with it because they have not received any concessions on the number of lots whatsoever. He said that came out due to the city. He continued that they have not made any concession at all and said any representation that was made back to them about decisions being made on the number of lots, he said that they had not heard of this until the first meeting. He said so none of those concessions dealt with them. He said that when they go to maximum rough height it is the same issue. He said that they have pointed out builders that can do this with a 9' ceiling plate in 16' and a 10' ceiling plate in 18' with no problem whatsoever. He said it is not about the view. He said the view is gone it is about the wall of homes. He said if they would do what has been done with those other subdivisions that are because **SETH KEELER** eventually went to **DAVID DE LA TORRE** and they told him that there are other places where there are little lots next to big lots. He said that it was not their point. He said there is no other situation where they took and put such an encroachment next to somebody else. He said any of those houses that you see are 100', 150' 300', and 80' away when there is a road in between. He continued that there is nothing like this. He said even down to the trees. He said he had to beg them not to put something next to Vasaro that is going to mess up their pools. He said that he finally said and screws up the light coming into their backyard; he wanted to put in southern oak as of July 1st which grows to 40' according to every website known to man. He said that according to Arizona nursery website it grows up 40' with a 25' to 40' canopy. He said that now suddenly he had talked to his tree guy and he was told it would not grow that big because it's in Arizona. He said that it was great but it was, "hard to fence with a ghost." He said that he would like this to work out and they have tried and they are still willing to let this workout. He said that he could send over list of emails that he has sent him; begging for a response from him, "I'll meet you any day next week." He said giving each date a time. He said that his ranch is in Cave Creek and he said he would still come back if he had something to talk about. He said he could site him all the email and that I was not a problem. He said that **SETH KEELER** had indicated that they had a few emails back and forth. He said that they had more than a heck of a lot more than a few, he added maybe a few on his end but he had a lot more than that. He said he had a lot more that never got answered. He said there is no circumstance where a subdivision comes in so close and crowds you like that. He said where you have 3 lots backing into 1. He said that it was just bizarre and it was not the quiet enjoyment of their home anymore. He said that they talked about their setback being 25'. He said it was just what their permit said and that their average setback is well over 50', he said on those 4 houses there. He continued that the average lot sizes of those houses are over 22,000 sf. He said it is nothing like what is there. He said that in a lot of those circumstances they are not rural and they are not going to sell this for another subdivision. He said that all they want is something fair.

CHAIRMAN HEUMANN asked if there were any questions for the speaker. He then opened up the floor for the next speaker.

OPPOSED to Item a. DVR17-0034/PLT17-0067 MOUNTAIN VIEW ESTATES and yielded their time to speak to **JESSICA SARKISSIAN**
SHIRLEY DAHMEN-GERK, 5880 S GEMSTONE DR,
KALINA NEWCOMB, 5900 S GEMSTONE DR,
JERRY D GERK, 5880 S GEMSTONE DR,
ARNOLD PETTER, 4243 E SCORPIO PL,
LAURA NEWCOMB, 5900 S GEMSTONE DR,
TIM SMITH, 4073 E SCORPIO PL, and
CARALYN BRACE, 4320 E TAURUS PL

JESSICA SARKISSIAN, 2733 N POWER ROAD, MESA said they had over 150 signatures in opposition to the Mountain View Estates project. She said that 29 of the 30 lots in Falcon Estates are opposed, 82 of the 116 lots in Vasaro are opposed, 2 lots in Sun Groves are opposed, and 3 lots to the west are opposed. She said that again it is in the Southeast Chandler Area Plan in the rural category. She showed a slide that listed the 5 Standard requirements for all PADs with the reasons why they don't feel that 4 out of 5 are still not being met. She said that in the Residential Development Standards there are 5 of those standards that are not being met as well as the optional elements that are not being met. She said that they had gone through this in great detail the last time. She said that she wanted to go over what was discussed today. She said she wanted to thank the applicant for bringing the builder here. She said that it showed a good discussion and it helps them discuss what they can do to move forward on this and get to the next step to an agreement. She presented a slide of what she said was done by staff in the last meeting and she thinks they have gotten more information since that meeting. She said the slide reads Community Outreach Concessions where it reads that the lots were reduced from 22 to 17 and she said that through research in the city they found that it was not done through community outreach. She said that it happened due to technical requirements and staff comments. She said that the initial one that **SETH KEELER** had mentioned included **RICHARD HILDEBRANDT** and it certainly doesn't apply anymore. She said that in November of 2017 it had gone to 22 lots and that was the first rezone submittal and she said that during this one there was a formal staff comment. She said the comments made by staff were from January 2018 and she said the applicant's response was from February 2018 and she said that these were prior to any neighborhood meetings taking place. She read the staff comments, "Site plan and lots sizes need to be further refined. When single-family develops adjacent to large-lot residential or agricultural properties, sufficient buffering needs to be provided. This includes techniques such as deeper lots, larger lots, and landscape buffers. In this instance, the lots will need to be increased along the northern boundary. Furthermore, staff has concerns with the general layout. While we recognize there is limited area, the design of the open area is a result of eliminating and replacing with open space. Please note, per the SECAP an average depth of 45' of landscaping along the arterial street frontage needs to be provided." Then she read the applicant's response that read, "Per meeting with Erik, we lost one of the northern lots (now 21 lots) and made all of the lots at least 76' wide. We also made the middle block of lots not as deep and added that depth to the front buffer." She said that however they did not add the front landscaping at this time. She showed the slide of the plan that was shown in the neighborhood meeting back in March. She said that it is not addressing the front landscaping requirement from staff along Riggs Road which as you know if they made that change they would lose a bunch of lots there. She said that what happened once again was that the staff comments reiterating again January 22, 2018 with the second comment being the need to reduce the number of lots and increasing the lot sizes. She said and then again looking at the landscaping along Riggs Road that is required. She shared that on April 12, 2018 the applicant had responded with the following comments, "Per your comments we made the 7 lots that back to the Falcon Estates development 11,000 sf -12,000 sf. The lots are 150' deep. We then sat down with Engineering in the preliminary stages. They had stated that they wanted the irrigation pipe in the back yards so we left it there. We also added a 10' wide track on the east side of the development for the neighbor to the west to access his irrigation. We then increased the lot size of the remaining lots to 65' by 130'. The smallest lot is now 8,437 .50 sf. We put the open space at the south side of the development to provide a wide setback from Riggs Road per the SECAP requirements." She said this change was per a technical requirement by the SECAP staff comments; it was not due to the neighborhood meeting. She presented the next slide which showed the 17 lot plan. She said that this was the plan that the neighbors should have gotten for the first stage. She said because it is more in line with what staff was trying to get to and she said there was a comment on May 2, 2018 by staff, from Erik Swanson at the time. She

read his comment, "Mountain View is a step in the right direction." She continued that it is getting there but it still needs to be worked out. She said the next comment came after Erick Swanson left. She read the comment made by **DAVID DE LA TORRE** on November 13, 2018 that read, "The project site is designated as Rural/Agrarian Character by the Southeast Chandler Area Plan. While the plan states that it is possible for this area to be considered Traditional Suburban Densities, compatibility with adjacent residential properties will be critical. As proposed, the lot sizes need to be increased along the north side to be compatible with the adjacent residential properties." She presented the next slide with the plan that was presented in the hearing in May 2019 which showed no change from the comment made in November. She said and this is when everyone was getting heated as residents and staff had seen no change being done on their end. She said that they did see that the 40 lots now came down to 1-7 and a setback from lots 1-7 but everything remained the same. The next slide shows the plan presented on the hearing in September of 2019. She said that as you can see the front remained the same and as well as the middle. She said the back did lose a lot. She continued that there is no gate but the lots do have increased side yards. She went back to the May 2019 site plan and she said that as they could see the side yards were 5' and 10'. She said on the September 2019 site Plan presented they are 5' and 12'. She said by losing a lot they went from 74' wide to 87'. She said that each lot increased by 13' wide. And there was only a 2' addition in setback. She said that all along the residents have been looking for a minimum of 20' between the houses. She said if someone says that they will have a 5' and 5' which is the current setback requirements so it adds up to 10' and they prefer a 10' and 10' or 10' and 12'. She said also as **REID JACOBSON** had mentioned that they did catch for accessory units they are proposing the 22' high accessory buildings which why would you allow a 22' high accessory unit when you are requiring a 22' high max on the main building to be setback to 40'. She said it kind of negates the purpose that it had to begin with. She that the biggest thing is that they feel like they are not being heard and understood as to why and what is going. She said that the change and recommendation from staff as they made the change of approval as is and she continued that they have heard some of the comments even from Windermere.

She presented a slide that listed the subdivision examples provided by the applicant which were the following: Orchard Heights, Lucina, and Whispering Heights which were examples provided of what they said had happened before and it should happen again. She continued with a slide of Orchard Height and she said the surrounding properties again are not similar. She continued that they have a roadway and a 2-acre agricultural farm to the east. She said they have a roadway to the north, McQueen to the west, and then you have the City of Chandler County Rural lots to the south where the closest home is 150' away; it is not anywhere near it. She said that it is also a gated 60 lot community with no pool or community clubhouse. She said that she also wanted to point out that it is a standard gated community with lush landscaping and things like that. She said then there is Chandler Heights that is also a gated community with lush landscaping with tot lots and maybe a ramada but there is nothing extravagant about it. She added that this was not the list but it is an example that kept coming up. She said the next slide she presented was Whispering Heights that she said they had mentioned. She said it was the same thing there; they actually had done a significant amount of buffering on the east side. She drew attention to the right side of the arrow pointing to that is the existing larger lots and the community almost duplicated what was on the other side within the community to create that buffer. She continued that what is on the other side of the "75" that is within the community and they did that to create a further buffer. She said that you also see that in the south as well the distances between the homes is quite big. She continued that they actually have a roadway down there and another 30' buffer so she said they also feel that is not similar. She continued with the slide for Lucinda was another comparable. She said that this also not similar in that it has storage facilities all around it as well as a medical marijuana facility, car wash facility, and a vacant industrial piece. She said

so they are not impacting any neighbors, any houses. She continued that they are not impacting views with their wall of homes. She said because they do not care about wall they just and to build storage stuff there. She said that to the north the closest are 154' and 168' away. She said that the one that is closest to the north that 154' away is just an open space so there is no lot there. She continued with the next slide for Windermere Ranch she said that again this was not comparable. She said it is not comparable to the fact that there is a farm on one side, SRP Association, it has two arterials: one to the west and one to the south. She said that to the north the lots are actually pretty similar in size. She said that it is actually a duplicate of what is to the north so it's not larger versus smaller lot. She continued with the next slide for Pescara which is another gated community. She said it has green space with no clubhouse and no pool with 46 lots. She said that this also has separation distances between houses and again on the sides they have roadways that run north/south with buffering things. She continued with the next slide for Jacaranda. She said they have SRP right there but they also have separation distances and she added that it was built at the same time next to Pascara, they are very similar to what they are proposing. Her next slide was for Bellaza which is not in the SECAP area but it was noted as something somewhat comparable because of the large lots around it. She says that it also has large lots to the north but also has private roads with 100' setbacks from houses on the east with 210' setback on the south. The next slide she presents was Mission Estates which she said was a really interesting one because it is 26 lots gated and it has no other amenities than a gated entrance and some open space at the front and back. She said they have 70' of open space in the back. She said it is a double-loaded street with a single street with a cul-de-sac. She said it is obviously more efficient but it is 26 lots in a gated neighborhood with no other giant amenities. She said she just wanted to get back to the point of these not being comparable to the project that is being proposed right now. She said the proposed Mountain View Estates project has large lots existing all the way around it and it has the issue with **RICHARD HILDEBRANDT**. She said the residents feel that it needs to be more comparable to their neighborhood and have little more buffering and more accommodation to be similar to what the other communities have done to their community.

CHAIRMAN HEUMANN opened up the floor to questions to the speaker.

COMMISSIONER KLOB said the struggle for him is where it is today versus where it is going and what can be built there today and what is being proposed. He said prior to the meeting he had pulled the zoning ordinance from the county for the RV-43 zoning. He said if somebody bought this property right now and divided into 7, 1 acre lots which meet the zoning and they could have upwards of 5 buildings on each lot. He said that the setbacks would be greater but the side yard setbacks would be 30' and 40' in the rear. He said, however, the detached accessory buildings can be built within 3' of the rear property line. He continued that there are tradeoffs on how tall it can be depending on the lot coverage and rear encroachment that is. He said but again someone could put a stable that houses picked and there is nothing anybody could do about it. He said that they could do that right now without any permission. He said in that regard when you go back to all the things that are allowed in Maricopa County that fall under the RV-43: single-family homes, group homes, schools, playgrounds, corrals, guest houses, additional accessory buildings, amateur radio antennas, tennis courts within 20' to adjacent property, accessory uses of lights within 20' of any adjoining property, and you can have up to 5 horses. He said his challenge is what can be built existing without any approvals is far more liberal is what the applicant has proposed. He said that while the lots may not be the same size as the lots to the north or to the lots to the east, he said they are getting a much better deal that could be done if a developer just wanted to put 7 homes on those lots and live within the county. He asked what the position of the community members was based on the options mentioned within 5' of the property line.

JESSICA SARKISSIAN responded that a lot of that use is currently done on the property. She said that the property is actually 2 parcels and she said the parcel that is the furthest west has horse stables, a corral, and lights in the arena on the back. She said that it is currently existing and has been used as a farm and that they are fine with it. She said that also with the accessory building the concern is how it is being measured in the county. She said it could be no higher than 10' or 15' for the county either and if it is within 3' and continued that it would also be with those types of uses it could be an RV garage but not under 15'. She continued because you would have to start getting higher because you would have to put in air ducts, air conditioning, pitch and eave, and all that stuff. She said also the concern is how max heights are measured in Chandler and the difference between a pitch and eave or a flat roof. She said and if the pitch could go higher than 22' and that is their concern. She said they had also talked about getting one of the charter schools on this site. She said in regards to the 7, 1 acre lots that could go on there right now would be correct and they are also 40' away and they would also have a restriction on the height of their accessory building which would be lower than what is being presented right now. She said also because of the configuration you would probably get if you subdivided it a cul de sac coming straight down the middle and it's branching out from there. She said so you would probably have a lot fewer houses backing into the rear just because of the ability to get to the back of those lots. She said there are hundred different ways but the current uses they have horses out there, they have animals; they have stuff out there. She said that one of the properties that are actually to the west, one of their objections pieces is that they have a baseball field back there with a backstop. She said there are many uses and a radio tower; you can see through it, it is not a wall. She continued it is not 20' or 30' length of block wall, stucco, and windows looking in or back to. She said she has heard that objection for spires in churches because it is a lot narrower. She said that there is a lot of things that can go in rural and they have been on the site and they are fine with those. She continued that a lot of that stuff is also temporary and that a corral, barn, shade structure for a horse, are usually concreted in holes and they can be added on moved or changed upgrade. She said that you see houses for sale all the time that have moved into a house and they post if anyone wants to take the corral or the shade structure out - take it it's free. She said a house is a lot different or a built RV accessory structure, you are not going to be pulling that out of the ground or changing that a lot; those are a lot more permanent in their minds.

COMMISSIONER KLOB said he understands what they mean by that and he agrees. He said a lot of the cases they are. He asked if she remembers back to the Design Review Hearing he had shown two pictures one along Riggs Road and one at Val Vista/Chandler Heights of two very large RV garages. He said one was about 15' from the back wall and he said the other one appeared even closer than that. He said those were in the same zoning, the same requirement, with the same stipulations. He said those were not temporary structures that are there and they are 20' tall and could easily be done as we sit here today. He said that he knows when **REID JACOBSON** was up he said the views were not a part of it but they were part of the presentation initially and again during the hearing. He said that they are necessarily comparing "apples to apples". He said that the applicant is exceeding a lot of what Chandler would require. He said this would fall under the traditional zoning guidelines of Chandler and the applicant is exceeding the majority of those requirements.

JESSICA SARKISSIAN said her response to that is that the applicant is coming in as an annexation to the City of Chandler. She said people move into the county for lenient restrictions. She said that is why they move there. She said she has worked for Pinal County and has done projects in Maricopa County. She said that the response is always, "I have moved here to get out city rule" and their thoughts are that they do not have to do design or do quality that is their comment. She said that the applicant is coming into the city so there are certain

guidelines and certain specifications that are also followed when they come in. She said that the residents that are a part of the City of Chandler are asking for that quality to be followed. She said that they are asking if they want an RV garage in the county be 3' from the back wall and 20' tall, you are in the county but they are asking that they respect the rights of the existing residents and the neighbors that if you are going to have an RV garage which they have plenty of space on the back lots that they follow like many of those places make them do that anything a certain height must follow the main building 40' setbacks. She said that if they want to do less than that then they need to follow the accessory building standards which they can go closer up to the 20'. She said that is pretty much the standard in every jurisdiction and that is what they are asking to be upheld here is that those basic city requirements that are used throughout the city just be followed. She said that when you come into the city, you follow the standards and that is what part of the annexation agreement is that you are going to follow the city code, requirements, design standards, unless which she said happens in Pinal County that you get the junk that develops under the county and then comes into the city. She said then you have to maintain under your city limits and you are dealing with the residents surrounding it and you have that now down on your street. She said that it is a give and take with the city on what you want to have on Riggs Road and she said that would be her response. She said on the comment on what it falls under, she said it falls under SF 10 and SF 8.5. She said that it is actually smaller on square feet on those smaller lots that fall under SF 8.5 she said they are lower than the lot width of 65 but larger on the larger width than but not as large as an SF 10 which would be a 10,000 sf lot. She said the lot coverage is still maximum even at 50% it is larger than all of the other ones. She said so they are getting deviation there and on the front yard they have the 20' but they are doing 10' side entry. She said in case there is an office or a side entry garage and things like that. She said that while the density is lower and is closer to the rural, the setbacks are required are not they are not at the SF 18 or SF12. She said they are closer to the SF 10 or SF 8.5 which is the traditional zoning category of 2.5 or 3.5.

COMMISSIONER KLOB said that in all of those categories they are allowed 30' with a provision to go to 35'. He asked if someone wanted to put an RV garage on the north lot as long as they were within the building envelope setbacks that would be acceptable.

JESSICA SARKISSIAN responded that is because that would be the main building height for everything else. She said that it would essentially be the same height as the primary building being on that height 40' from that lot line.

COMMISSIONER KLOB asked that an accessory building in those setbacks would be acceptable.

JESSICA SARKISSIAN confirmed if it meant 40' it would be a yes.

CHAIRMAN HEUMANN said he is hearing the RV situation. He asked if that was pulled out where there were no accessory structures allowed within so many feet. He said that for example they could do a 10' gazebo and things like that. He said he is hearing one of the concerns is this potential RV being in the backyard. He asked if that would go away is that one of the big concerns. He said he is hearing different things such as the ditch that they haven't really talked about yet.

JESSICA SARKISSIAN said that the RV issue is a big issue now because they had not seen this come up until just now. She said that she had thought that they had already had this argument with the main building setback being put at 40'. She thought they had already

discussed this and laid it to bed and so she said that they wanted to note that it is going in reverse of where we had been in the initial hearing. She said that is what they wanted to keep that 40' for that height.

CHAIRMAN HEUMANN said that on **COMMISSIONERS KLOB**'s point on that county part of this is that something could be built and they have a reduced set back and a reduced height. He said that they could put up barns and a lot of other things. He said he was just trying to get a handle on all the different things they have been talking about tonight. He said the big issue still is the citrus trees on the east side (he said there are a lot better species of trees that they could do), the RV setback, the argument on the number of the lots, and he confirmed if the main issue is on the side yard setbacks.

JESSICA SARKISSIAN said that by removing an entire lot they only gained 2' on one side of the side yard setbacks. She said as she had mentioned before they were 5' and 10' and now they are 5' and 12'. She asked why they are not 10' and 10'.

CHAIRMAN HEUMANN said he did have a question for the homebuilder. He said that one of the questions that have come up is after eliminating a lot only gaining an additional 2' on setback. He asked if he could work with this if it came to a minimum of 20' setback whether it is 7' and 13', 5' and 15', or whatever. He asked if that would fit their product.

WAYNE FUNK responded that they could always make products fit so to speak. He wanted to add that one of his latest subdivisions the highest prices sold was \$980,000 and most of them sold for over \$700,000. He just wanted to say that they are in the price range but what he wanted to say is that he wanted to keep the values high. He continued that the minute you make the product narrower it is a little harder to get the amount of money. He said it is fairly tight. He said they are trying to do a side entry garage so you mostly see the house. He said that it can be done, anything can be done and there is no question about it. He said that he felt they had been really accommodating with agreeing with all single stories. He said he felt that they are penalized because the people behind them have a little bit bigger lot. He said that they are definitely closer to the back fence that they are and agree to do with a larger setback to the back fence which he said it was really quite nice. He said that it was nothing they had created; the previous developer that did those smaller setbacks of 25'. He said that some of them seemed really close to the back, which is existing. He said and you always know that something is coming in there but he said anything can be done. He said there is no question about that.

CHAIRMAN HEUMANN asked the audience if there was anyone else that wished to speak. He then opened up the floor to the applicant.

APPLICANT, SETH KEELER said that regarding the topic of the ditch with **RICHARD HILDEBRANDT** the first that he had become aware of it was an email that he had sent to the Mayor and council with concerns about it. He said he had reached out to him and he said that he was pretty adamant that a pipe would not work because of the existing grade. He said he then contacted Bowman who is his engineer and they have an irrigation pipe designer on staff. He said he talked to them and he then made a phone call to staff. He said when he talked to the staff they said based on this email because **RICHARD HILDEBRANDT** said he would not agree to put this underground, staff then agreed that they would allow this being an open ditch. He said that in his mind he was trying to be accommodating and he said they were trying to make the open ditch work. He said that today existing, there is 10'. He said on their north lot there is a white picket fence and there is 10' from that picket fence to the wall of

their neighbors that are existing today. He said so when **RICHARD HILDEBRANDT** came back and asked for more space, he said he thought if they don't do anything there, it won't change. He said that is the footprint that he has today. He said that with regard to the meetings he had with **REID JACOBSON** he said there were a couple moments where he was sending email to him and they were not getting through so he had made a phone. He said that the perception he had was that there was a lack of communication. He said he had met with him 4 times, they were communicating. He said that what he could say is in his experience post Design Review is that he felt that his side was the only group moving towards the middle and at some point he felt the negotiations felt lopsided. He said there were no concessions made by the neighbors. He said they were not willing to come down or compromise on anything. He said that when he had a conversation with staff he said look here's what we agreed to change post Design Review Board. He said losing another lot, putting more restrictions on what we could do on those northern lots by losing balconies. He said they just don't want anybody living and looking into their lots and he was okay with that.

He said to **CHAIRMAN HEUMANN**'s concern he had looked at putting a different species of trees but he said each time he presented a different species of trees on the eastside it was not good enough or shed too much. He said even when his tree consultant had said that these other tree proposals would work. He said with the citrus it was the shortest that he could find that would work with this climate. He said he was trying to be prudent with what he was proposing on that tree pallet.

He said that the comment of staying in the county. He said that they recognize that and he said when all that is said and done if this does not work, they can build in the county. He said that he believes that they will do a better job with what they have presented today and annexed into the city. He said that they have a great builder with great ideas and great reputation. He said that they wanted quality from the very beginning. He said that to him, they have made a lot of effort to hear the concerns and try to make appropriate concessions where they can.

CHAIRMAN HEUMANN asked if anyone had any questions to the applicant and he closed the floor. He said that he had some questions for the staff.

He asked if staff could address the concerns regarding the irrigation ditch, for example, what is and isn't code.

DAVID DE LA TORRE responded that city code actually requires the irrigation ditch to be underground as part of the new development project. He said that is typically been the standard for most new developments. He said however we were informed by our law office that when the end-user of that irrigation does not agree to the improvements being done to the irrigation ditch then that irrigation cannot be touched. He said the end-user needs to be in agreement with those improvements. He said in this instance the end-user **RICHARD HILDEBRANDT** was not in agreement with what was being proposed, he wasn't satisfied then that applicant was to leave it as is. He said that as the applicant has stated currently they have a 10' wide access along the entire irrigation ditch along the north side of those lots. He said so the proposal was to provide a 10' easement which is what they have today.

CHAIRMAN HEUMANN asked if they had a total of 10' or there is an additional 10' so someone could access it.

DAVID DE LA TORRE responded that the easement included the ditch. He said he was not sure what the width of the ditch is but he said **RICHARD HILDEBRANDT** could probably

answer that question. He said that the ditch is within the 10' wide access area.

CHAIRMAN HEUMANN said that to his point that unless you are going to walk in there to clean it, you are not going to be able to drive a quad right to it. He asked unless you leave 5' to the north wall or however you do it to leave 5' correct.

DAVID DE LA TORRE responded that it was correct. He said that again the intent was to leave it as is and to not so any improvements. He said that they currently have 10' wide access.

COMMISSIONER KLOB said that on the last discussion that they had talked about another ditch that runs north/south on the east of the property line. He said that he is looking at the grading plan and saw that it is being removed. He asked what had transpired there and why was that not an issue.

DAVID DE LA TORRE responded that the ditch on the east side of the property is no longer needed and that is going to be removed and abandoned. He confirmed it is not feeding into any other properties.

CHAIRMAN HEUMANN asked staff if commission desire was to increase the set back to 20' total, to whatever that comes out to and limiting accessory buildings in the back yard; he asked if they could do that and have it stay with the deed so that the developer cannot come back later and change the CC&Rs to allow an RV storage place back there for example.

DAVID DE LA TORRE responded that the commission could add a stipulation to the zoning to increase the setbacks and limit the accessory structure of building heights. He said but his question was for the deed and not the zoning.

CHAIRMAN HEUMANN responded that they had a developer a couple of years ago say he would just add it to their CC&Rs and he was told no because the CC&R can be changed. He asked if the commission wanted to for example widen the setbacks which is one of the concerns would that go into the zoning ordinance and that could not be changed by other than coming back through for an adjustment.

DAVID DE LA TORRE confirmed that it was correct.

A discussion ensued on the dais. Commissioner Flanders's said it was one of the first cases he was involved with when he came back for commission. He said he took a look at it through three points and he felt it was a land issue as far as he was concerned. He felt it met qualifications based on what he has seen through the process for the general plan, SECAP requirements, and the city standards. He also felt that the annexation into the city benefits everyone in the area. Commissioner Klob said that he liked the project and overall he felt it fit the neighborhood. He said that he was disappointed in a lot of the emails that were part of the packet. He said it was clear that there was a hard line that was drawn and he wished the neighborhood would be a little more accommodating with the applicant during that process and he stands behind it being a gated community. He also felt that housing products should have gone along with this as it would have quelled a lot of the challenges. Chairman Heumann said he agrees with what was said by Commissioner Klob and wishes there was a little more give and take between the applicant and the neighbors. He also felt it should be gated and housing product should have been presented early on. He also said that the housing product would have to be submitted for approval and that it would be heavily scrutinized. He said that the Civil Engineers with the property owners would have to decide on the irrigation ditch on

whether this is covered or not covered and not the commission or the council's decision.

MOVED BY COMMISSIONER KLOB, seconded by **VICE CHAIR ROSE** to approve with the stipulations to make the community gated and lots 1-6 on the north property line to have a 10' and 10' minimum side yard setbacks.

The motion was amended at the request of **CHAIRMAN HEUMANN** to include accessory structures not to exceed a height of 15' within the rear yard setback.

MOVED BY COMMISSIONER KLOB, seconded by **VICE CHAIR ROSE** to approve with the stipulations to add gates to the community, lots 1-6 shall have a minimum of 10' and 10' side yard setbacks, and accessory structures should not exceed a building height of 15'.

Chairman Heumann – In Favor	Vice Chair Rose – In Favor
Commissioner Kimble – In Favor	Commissioner Pekau – Opposed
Commissioner Eberle – Opposed	Commissioner Flanders – Opposed
Commissioner Klob – In Favor	

The motion to Approve passed 4 – 3.

5. **MEMBERS COMMENTS/ANNOUNCEMENTS**
None

6. **CALENDAR**
Next regular meeting is October 16, 2019, at 5:30 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona

7. **ADJOURNMENT**
The meeting was adjourned at 7:41 p.m.



Rick Heumann, Chairman

 for KM

Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF
CHANDLER, ARIZONA, October 16, 2019, held in the City Council Chambers, 88 E. Chicago
Street.

1. **CALL TO ORDER / ROLL CALL**

CHAIRMAN HEUMANN called the meeting to order at 5:30 p.m.

The following Commissioners answered Roll Call:

Chairman Rick Heumann
Vice Chairman David Rose
Commissioner George Kimble
Commissioner Gregg Pekau
Commissioner Matt Eberle
Commissioner Michael Flanders
Commissioner Robert Klob

Also, present:

Mr. Kevin Mayo, Planning Administrator
Mr. David de la Torre, Planning Manager
Ms. Kristine Gay, Senior City Planner
Ms. Lauren Schumann, Senior City Planner
Ms. Susan Fiala, City Planner
Mr. Derek Horn, Development Services Director
Ms. Jenny Winkler, Assistant City Attorney
Mr. Thomas Allen, Assistant City Attorney
Ms. Catherine Flores, Clerk

2. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance led by COMMISSIONER FLANDERS.

3. **APPROVAL OF MINUTES**

MOVED BY VICE CHAIR ROSE, seconded by COMMISSIONER KLOB to approve the minutes of October 2, 2019, Planning Commission Hearing. The motion passed unanimously 7-0.

4. **ACTION AGENDA:**

CHAIRMAN HEUMANN stated that the consent items would be read into the record and would be voted on in a single motion. He asked the audience if they had any questions or comments. He said Item b. PLH19-0042/PLT19-0040 FERGUSON ENTERPRISES is an Action Item and would be heard in a full hearing.

a. PLH19-0020 MULTI-TENANT RETAIL CENTER ON DOBSON RD & GERMANN RD

Approved.

Request Preliminary Development Plan (PDP) approval amending site layout and building architecture for a multi-tenant retail pad. The approximate 1.65-acre site is located on the northeast corner of Dobson and Germann roads.

BACKGROUND DATA

- Site is the last undeveloped 1.65 acres of the 12-acre shopping center
- 2006 – Shopping center rezoned to Planned Area Development (PAD) with a PDP for Community Commercial (C-2)
- The 2006 PDP showed a bank on the site with 59 parking spaces

REVIEW AND RECOMMENDATION

Being the adjusted proposal aligns with the recommendations of the General Plan and appears to address the concerns of the Commission, staff recommends the Planning and Zoning Commission approve the PDP for site layout and building design subject to conditions.

NEIGHBORHOOD OUTREACH AND INPUT

- This request was noticed in accordance with the requirements of the Chandler Zoning Code. One neighborhood meeting was held on July 11, 2019; no residents attended the meeting.

RECOMMENDED ACTION

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the Preliminary Development Plan PLH19-0020 Multi-Tenant Retail Center on Dobson Road & Germann Road, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Multi-Tenant Retail Center on Dobson Rd. & Germann Rd." and kept on file in the City of Chandler Planning Division, in File No. PLH19-0020, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
3. The landscaping in all open-spaces shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
4. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
5. Signage
 - a. Signage shall substantially conform with the Preliminary Development Plan PDP10-0001 approved by Chandler City Council on September 30, 2010. Said PDP amended the signage requirements applied to the entire shopping center.
 - b. The menu board shall substantially conform to the exhibit titled "Architectural Details" as prepared by Adaptive Architects and dated August 6, 2019. Said menu board shall not exceed the height of the screening wall and shall be screened from view from the adjacent public right-of-way at all times.

PROPOSED MOTION

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan PLH19-0020 Multi-Tenant Retail Center on Dobson Road & Germann Road subject to the conditions as recommended by Planning staff.

c. PLH19-0024 CHURCH OF THE CROSS

Approved.

Request Preliminary Development Plan approval for the expansion of the church campus and amending the previously adopted master plan. The subject site is located at the northwest corner of the Santan Freeway and Dobson Road.

BACKGROUND DATA

- 10-acre parcel
Church campus occupies eastern 6 acres
No changes proposed to western undeveloped 4 acres
- 2002 - Site was rezoned to Planned Area Development (PAD) to accommodate the church.
2004 – Council approved time extension and PDP amendment for building design.
- 2004 plans proposed 3 separate buildings. Current proposal consolidates the footprints, and alters building design.

NEIGHBORHOOD OUTREACH AND INPUT

This request was noticed in accordance with the requirements of the Chandler Zoning Code. One neighborhood meeting was held at the church. No one from the public attended the meeting. At this time, staff has not received any questions or opposition to the proposal.

RECOMMENDATION

Staff finds that the proposed PDP appropriately aligns with the goals of the General Plan and the existing PAD, and is commensurate with the quality and intent of the previous approved PDP. Planning staff recommends the Planning and Zoning Commission recommend approval subject to conditions.

RECOMMENDED ACTION

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the Preliminary Development Plan PLH19-0024 Church of the Cross, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Submittal Booklet, entitled “Church of the Cross - Chandler” and kept on file in the City of Chandler Planning Division, in File No. PLH19-0024, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Plans for the future classrooms, sanctuary, and lobby may be administratively approved by the Planning Administrator upon determining said future phase meets or exceeds the quality and design of the existing building and proposed addition.
3. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator. The administrator may require that missing or existing failing or dead plants or trees be replanted or replaced with a different species to ensure better maintenance and life expectancy.
4. The landscaping in all open-spaces, shall be maintained by the property owner and shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
6. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

PROPOSED MOTION

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan PLH19-0024 Church of the Cross for site layout and building design subject to the conditions as recommended by Planning staff.

d. PLH19-0039 AMENDED DOBSON COVE

Approved.

Request to amend the Preliminary Development Plan for 27 single-family homes by revising the housing product and side yard setbacks. The subject development is generally located around the northeast corner of Dobson and Elliot Roads.

BACKGROUND DATA

- September 2018 – Site rezoned to Planned Area Development (PAD) for 27 single-family homes.
- Site is 5.84 acres
- No changes proposed to the subdivision layout

NEIGHBORHOOD OUTREACH AND INPUT

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- One neighborhood meeting was held. Three residents attended; two were in support, one had minor questions about the backyard and landscaping. The applicant clarified that the rear setbacks are remaining as 15' as approved and that landscape options will be provided for the owner to select and the developer to install.
- Staff received one comment via phone that the site seems suited for commercial; however they understand that the current request only address design components and not land use.

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning staff recommends the Planning and Zoning Commission recommend approval subject to conditions.

RECOMMENDED ACTION

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the Preliminary Development Plan PLH19-0039 Amended Dobson Cove, subject to the following conditions:

1. Building design, setbacks and individual lot layouts shall be in substantial conformance with the Development Booklet, entitled "Amended Development Plan Summary" and kept on file in the City of Chandler Planning Division, in File No. PLH19-0039, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. A minimum of 20 feet will be provided between the façade of the garage door and the back of sidewalk.
3. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
4. The same elevation shall not be built side-by-side or directly across the street from one another.
5. All homes built on corner lots within the residential subdivision shall be single-story.
6. No more than two two-story homes shall be built side-by-side on the nine lots adjacent to the eastern boundary of the site.

PROPOSED MOTION

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan PLH19-0039 Amended Dobson Cove for side yard setbacks and housing product design subject to the conditions as recommended by Planning staff.

e. PLH19-0022 MEXICO MAGICO & CANTINA

Approved with added stipulations.

Request Entertainment Use Permit approval to continue to allow indoor live entertainment. The restaurant is located at 474 W. Ray Road, east of the northeast corner of Ray Road and Iowa Street.

The vote included two additional stipulations that were agreed to be added during the study session prior to the regular meeting. Commission recommended adding two conditions, No. 6 and No. 7, to limit live entertainment hours from 5 p.m. until 10 p.m. on Sunday and to place a three-year time condition on the entertainment use permit to evaluate the ongoing compatibility of the live entertainment with the nearby residential development.

BACKGROUND DATA

- Zoned as Neighborhood Commercial (C-1)
- Zoning Code requires Entertainment Use Permit approval for entertainment activities and to comply with time conditions placed on previous Liquor Use Permits
- Liquor Use Permits approved in 2014 with a one-year time limit; then in 2015 with a three year time condition
- Three year time condition has expired for previous tenant; prompts this Entertainment Use Permit

REVIEW AND RECOMMENDATION

Planning staff reviewed the request and finds consistency with the General Plan and C-1 zoning. Live entertainment includes small trio bands and karaoke. No stage is proposed as tables would be moved to accommodate bands.

Planning staff contacted Police to obtain a record of service calls to this site for the past three years. None of the call types are related to music and/or loud noise for the previous tenant or the current tenant; thus no further time condition is recommended. Conditions related to potential noise concerns from live entertainment remain.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on August 29, 2019. One resident attended wanting general information on the request.
- As of the writing of this memo, Planning staff is unaware of opposition to the request.

RECOMMENDED ACTION

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the Entertainment Use Permit, subject to the following conditions:

1. Expansion or modification beyond the approved attachments (Floor Plan and Narrative) shall void the Entertainment Use Permit and require new Entertainment Use Permit application and approval.
2. The Entertainment Use Permit is non-transferable to any other location.

3. The site shall be maintained in a clean and orderly manner.
4. No noise shall be emitted from the live entertainment in such a manner that exceeds the general level of noise emitted by uses outside the premises of the business and disturbs adjacent businesses and residential areas.
5. The establishment shall provide a contact phone number of a responsible person (i.e., bar owner and/or manager) to interested neighbors and property owners to resolve noise complaints quickly and directly.

PROPOSED MOTION

Motion Planning and Zoning Commission to recommend approval of Entertainment Use Permit case, PLH19-0022 Mexico Magico & Cantina, subject to the conditions as recommended by Planning staff.

f. CANCELLATION OF THE NOVEMBER 6, 2019, PLANNING AND ZONING COMMISSION MEETING.

Approved.

MOVED BY VICE CHAIR ROSE seconded by **COMMISSIONER PEKAU** to approve the Items read on the consent agenda.

Chairman Heumann – In Favor	Vice Chair Rose – In Favor
Commissioner Kimble – In Favor	Commissioner Pekau – In Favor
Commissioner Eberle – In Favor	Commissioner Flanders – In Favor
Commissioner Klob – In Favor	

The motion to passed unanimously 7– 0.

ACTION:

b. PLH19-0042/PLT19-0040 FERGUSON ENTERPRISES

Approved.

Request Rezoning from Agricultural (AG-1) District to Planned Area Development (PAD) for Planned Industrial (I-1) uses with office, outdoor storage of material and equipment, and ancillary showroom/retail with a Mid-Rise Overlay for building height up to 50 feet, along with Preliminary Development Plan (PDP) approval for site layout and building architecture for an industrial development, and Preliminary Plat approval. The approximate 48.3-acre site is located west of the southwest corner of Queen Creek and McQueen roads.

BACKGROUND DATA

- Approximately 48.7 acres
- Subject site zoned AG-1 and undeveloped
- General Plan designates the site as Employment
- Chandler Airpark Area Plan (CAAP) designates the site as Industrial, which is defined as “Industrial areas have been designated for general industry, such as manufacturing, distribution, warehousing, wholesaling, and utility uses. This designation is approximately sited to eliminate potential negative impacts upon other non-business uses, and therefore promote a fairly permissive and supportive industrially oriented environment.”
- Ferguson is a national company that sells plumbing, HVAC, and building supplies to professional contractors and homeowners
- Operations at proposed site include large shipments (approximately eight a day) brought

to site then either stored or shipped to smaller Ferguson locations or to job sites by 24-foot flatbed pick-up trucks. The proposed uses also include retail area with customer counter, offices, and outdoor storage of material within a screened yard

- Project consist of two phases; Phase I proposes a building with outdoor storage yard and Phase II will include building expansion and completion of south property
- At the time of advertisement, Planning staff recommended the applicant propose General Industrial (I-2) uses to align with the CAAP designation of general industrial, however, due to neighborhood concerns, the request has been reduced to I-1(light industrial) uses with office, outdoor storage, and ancillary showroom/retail

REVIEW AND RECOMMENDATION

Planning staff has reviewed the request and supports the request citing consistency with the General Plan and CAAP. Since 1982, the City has reserved the area generally located south and west of the municipal airport for industrial uses to protect the airport from incompatible land uses and to promote economic development. The proposed site is located directly under the airport's flight path and approximately a half a mile away from the southern runway. The property also abuts a City water treatment facility and a facility for recycled solid waste to the east. Although a majority of the surrounding properties are currently undeveloped, they are envisioned as a mix of industrial users within the CAAP. The CAAP was approved in 1998 with a vision to take advantage of the last economic development opportunity in the City to guide and provide orderly, planned growth of the Airpark Area.

Planning staff also supports the request for Mid-Rise Overlay to allow for building heights up to fifty (50) feet. Ferguson requires the additional height due to the height of their racking systems used to store material inside the building. A majority of the building is forty-six (46) feet tall to top of parapet, which is used to screen roof mounted equipment and ceiling height is approximately thirty-six (36) feet. Only one portion of the building is measured to fifty (50) feet, an enhanced elevation over the front door. A Mid-Rise Overlay is require for buildings exceeding forty-five (45) feet in height. The proposed building height does not obstruct airport operations or impact departure surfaces for either runway, as confirmed by the Airport Conflict Evaluation Report.

PUBLIC/NEIGHBORHOOD OUTREACH

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- Two neighborhood meetings were required by the Mid-Rise Overlay request. The first neighborhood meeting was held on September 24, 2019. Approximately thirty residents, the applicant's team, Ferguson representatives, and assigned City Planner attended the meeting. A majority of the residents were opposed to the area developing as industrial and stated they would rather have it remain agricultural farm fields or develop as offices. They voiced concerns regarding the intensity of industrial uses, increased traffic, and were generally upset the area was being developed as an "industrial hub." The second neighborhood meeting was held the following evening on September 25, 2019, and had four attendees including Councilmember Orlando.
- Following the neighborhood meetings, Planning staff and the applicant reviewed the proposed uses, studying I-1 verse I-2 type uses. The request has been changed from I-2 to allow for I-1 uses including office, outdoor storage, and ancillary retail/showroom.
- As of the writing of this memo, Planning staff has received four phone calls from residents stating opposition to request citing industrial uses are not appropriate at this location and concerns regarding increased truck traffic. In addition, staff has received one phone call stating support for the project. Planning staff has received one email from a resident who

opposes the request, see attached email.

RECOMMENDED ACTIONS

Rezoning

Planning staff recommends Planning and Zoning Commission motion to recommend approval of Rezoning from AG-1 to PAD for I-1 uses including office, outdoor storage of material and equipment, and ancillary showroom/retail, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Ferguson Enterprises" and kept on file in the City of Chandler Planning Division, in File No. PHL19-0042, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. 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. Building heights shall be limited to a maximum of 50 feet in height.
8. The developer shall contribute 25% of the total cost (design and construction) of a traffic signal at the intersection of Queen Creek Road and Hamilton Street alignment. The developer shall enter into a lump sum cash deferral agreement for their portion of the cost.
9. Building(s) and/or appendages shall not penetrate the current and future arrival and departure slope surfaces based upon the maximum runway length identified within the 2016 Airport Layout Plan (ALP) on file with the FAA.
10. The PAD zoning permits uses that include light-industrial uses per the Planned Industrial (I-1) district, as well as office, outdoor storage of material and equipment, and ancillary showroom/retail.
11. The use of a data center as the primary use shall be prohibited.
12. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the Preliminary Development Plan, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Ferguson Enterprises" and kept on file in the City of Chandler Planning Division, in File

- No. PLH19-0042, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
 3. 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.
 4. The applicant shall work with staff to enhance the masonry wall along Hamilton Street.
 5. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

Preliminary Plat

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the Preliminary Plat, subject to the following conditions:

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

PROPOSED MOTION

Rezoning

Motion Planning and Zoning Commission to recommend approval of Rezoning PLH19-0042 Ferguson Enterprises, Rezoning from AG-1 to PAD for I-1 uses including office, outdoor storage of material and equipment, and ancillary showroom/retail, subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan PLH19-0042 Ferguson Enterprises for site layout and building architecture for industrial development, subject to the conditions as recommended by Planning staff.

Preliminary Plat

Motion Planning and Zoning Commission to recommend approval of Preliminary Plat, PLT19-0040 Ferguson Enterprises, subject to the condition as recommended by Planning staff.

A PowerPoint presentation was shown to the commission and audience by staff.

CHAIRMAN HEUMANN opened the floor to questions for staff.

COMMISSIONER KIMBLE asked about the outdoor storage. He said he envisioned the outdoor industrial storage as racks of pipes and tanks. He asked if that is what the outdoor storage would be for this usage for Ferguson.

LAUREN SCHUMANN responded that not as it has been represented but they could clarify with the applicant. She continued that the materials stored would not be on racks it would be large underground pipes that are too large to actually bring into the building.

COMMISSIONER KIMBLE asked how many employees would be employed at that facility.

LAUREN SCHUMANN responded that Ferguson is planning to have 285 employees at that facility.

CHAIRMAN HEUMANN asked if I-1 was for less intense usage.

LAUREN SCHUMANN responded that it was correct I-1 tends to be for light industrial, I-2 allows for more intense industrial uses.

CHAIRMAN HEUMANN confirmed that the land west of there was already zoned in 2013 for light industrial (I-1) as well as office, the same use the applicant is requesting.

COMMISSIONER FLANDERS asked as a follow-up question to **COMMISSIONER KIMBLE**'s question. He asked, out of the 285 employees; how many are existing and how many are new.

LAUREN SCHUMANN responded that they could direct that question to the applicant after their presentation.

COMMISSIONER PEKAU asked what the percentage was of the general plan that passed in 2016. He couldn't recall what the voter approval was.

LAUREN SCHUMANN responded that it was approved, adopted, ratified, and voted by the residents of Chandler and it had an approval of 85.6%. She said it was so high that they actually received an award for it.

CHAIRMAN HEUMANN opened the floor to the applicant.

APPLICANT, BRENNAN RAY, 702 E OSBORN said he was there on behalf of Ferguson Enterprises. He said Ferguson is the proposed developer, owner, and operator of this industrial warehouse and storage facility. He said that they are excited about the jobs that it will bring to the City, jobs that otherwise did not exist. He said that Ferguson is a national company that specializes primarily in plumbing, HVAC, waterworks, fire/fabrication, and facility supply. He said that the proposed building would have all of those divisions located within it. He said that in addition to being a national company they focus on things locally in that they provide and often participate in things to benefit the community. He said from educational outreach and participating in initiatives. He said that the other thing that they do is recruit locally. He said in terms of the people that they want to see in these types of facilities; they'll recruit people locally from local high schools, tech schools, and local colleges as well. He said in spite of their national presence, they very much believe in being part of the communities in which they are located. He said certainly this type of proposed development is the exact type of development and the use of this site. He said that it is adjacent to the City's solid waste and wastewater treatment facility. He said that he doesn't always get the opportunity to say this too often but he said this is 100% consistent with the general plan and airpark area plan. He said they have worked closely with planning staff to ensure that the design, layout, and architecture is certainly consistent in keeping with the general plan and the airpark area plan, and appropriate for this area. He said that they certainly feel that this request is consistent with the joint meeting that the planning commission and City Council had a few months ago. He said that one of the topics as employment, the need to protect employment and encourage those areas as they had envisioned. He said that they are appreciated of staff's report and their presentation with the recommendation for approval. He said that they are certainly okay with

all the stipulations contained in staff's report and would request this body's recommendation for approval.

He said there are a few things he would like to emphasize, illustrate, and talk about. He said in terms of the site as **LAUREN SCHUMANN** indicated it is 48 acres. He presented the site map and said that it was the site outlined in purple. He said that it is a unique site when you consider what is around. He said the grey areas are City-owned facilities with the airport being to the northeast, the City's wastewater treatment plant and future expansion to the east and south as well. He then directed their attention to the areas highlighted in green. He said which are the parks in the area with Paseo Vista Park to the south, Tumbleweed Park to the north, with a future park that is due east that wraps around the site. He said that when they look at the context of that area, they have a lot going on and a lot that is immediately adjacent to them that lends itself to this being the appropriate type of use for this development. He showed a close up of the site that was the general area plan for 2008. He said the star with the circle illustration is used to mark what is designated for employment. He said that staff indicated under the 2016 general area plan it was also designated employment as well. He continued that it is also consistent with the airpark area plan and he drew their attention to the gray text box which was taken straight out of the airpark area plan. He continued that has been around for over 20 years and it identifies and defines what industrial is envisioned for. He said in terms of the site and the area. He said that the key things manufacturing, distribution, and warehousing, wholesale, utility and general industry. He said it is all consistent as staff presented with what they are proposing.

He said to clarify in case it was unclear he presented, Phase 1 site plan. He said what was outlined in black would be their main building. He said that their numbers are a little different than what the staff presented. He continued that they will have 40,000 sq ft of office space as well as ultimately 15,000 sq ft of retail/counter space up in the front. He said Phase 2 is the southern half with north being to the right. He said that is where future expansion would occur. He said one of the things he wanted to highlight as staff had mentioned and he said this group is well aware is the development booklet. He said which the bible when it comes to permitted land uses. He said the section that is highlighted backstops what staff was saying in terms of what they are proposing in terms of uses.

He said he wanted to briefly talk about operations and would go into further details if there were any questions on this. He presented what the typical hours of operation would be. He said because of the nature of the clients that they serve they are open a little bit early delivering and allowing contractors to be able to pick up. He said typically 5:30 am to 5:00 pm is when this business operates. He drew attention to the fourth bullet point which listed the warehouse hours. He said as you can see the warehouse stays open a little later but he said that they are all uses as an activity that is contained within the building; it's loading the trucks for the next day delivery. He said it was important that they were closed on Sunday. He said one of the things that they discussed with staff and neighbors is the type of delivery vehicles that are used. He presented pictures of actual Ferguson trucks. He said the top one is a box truck and the sample below is their stake bed truck. He wanted to put those out there because those two types of vehicles are what makes up 90% of the deliveries that would leave this site and he said on occasion they do have pick-up trucks that would go out for hot spot deliveries and stuff like that. He said that there are semis involved in this operation but they estimate on average that they get about eight of them delivering goods to this site; it is a lot of pipes. He responded to the question that had been asked earlier. He said that storage is going to have a lot of pipes that are cast iron, plastic, or steel and it would be on rack systems that would be on the back. He added that those come in on semis. He said that they would estimate that on average they would have one semi-truck leaving the facility a day to make deliveries. He said

that there were a few things on the site that he would like to bring up that staff didn't mention. He drew attention to the blue dots noted on the site he presented and said that they are the access points. He said that they have a proposed full access movement on the east side of the site and they have secondary access points along Hamilton. He said one of the things he wanted to specifically point out to is the amount of separation that the building has from Queen Creek Road. He said that the building is setback on purpose 264ft allowing them to provide a nice landscape frontage to accommodate retention as well as their operations. He presented different perspectives of the building. He said that they thought it was important to demonstrate what it would look like from the street as people are driving by this site. He continued from a building perspective. He said that they do have secured walls in the back and in the front. He said that they are providing an 8ft wall along Hamilton and along Queen Creek Road.

He said the staff is correct in that they had two neighborhood meetings. He said as they listened to concerns and going through it, they felt a feeling of frustration over a zoning case that is south of the southeast corner of McQueen and Queen Creek Road. He said that the staff indicated then, industrial uses. He said the types of concerns were traffic and property values was the other. He said he was going to go through and respond to some of the concerns but he was aware that there are neighbors present that would be able to expand on some of these concerns. He said but in terms of the first one, it is something that they do not have any control over as they were not involved in that case but are sensitive to the residents. He said in terms of the industrial uses in the area. He said the area has been zoned for employment on the general area plan for a long time and for industrial uses; under the airpark area plan for at least 20 years. He said that while they believe there will be some concerns about this being a residential area that they would respectfully disagree. He said due to where this particular building is, what is going on in it and surrounding it. He said the other is dealing with the type of industrial uses that are permitted and he just wanted to reemphasize what staff has said in the initial conversation about I-2 uses. He said after going to the neighborhood meeting and hearing the feedback, they realized that it was not a good thing. He said I-1 uses with office, outdoor storage, retail, and ancillary retail that they could live with that so they did pair that request back. He said the next slide that was being presented was taken from a traffic report that staff had mentioned that has been reviewed and approved by the City. He said it talks about the trip generation and the traffic that is generated in the am and pm peak hours. He said that you can see that they are generating 120 trips in the am and 130 trips in the pm and 947 overall. He said a trip doesn't mean 120 or 130 vehicles, it is one moment of a vehicle. He said when they analyze what is on Queen Creek Road today and the amount that will be put on Queen Creek Road it is less than 1% of an increase in total volume. He continued that Queen Creek Road is a six-lane major arterial with a median in the middle of it. He said that they then analyzed what would be the impacts on intersections of McQueen/Queen Creek as well as Arizona Avenue/Queen Creek. He said that the traffic that would push through that intersection ranges between 1.06% and 1.2%. He said that the reason for variance in that is due to the times of day. He said that it designed and appropriate for the building and they are 100% consistent with the General Plan and Airpark Area Plan. He reiterated that they appreciate the staff's recommendation for approval and they would request recommendation for approval.

CHAIRMAN HEUMNANN opened the floor for questions to the applicant.

COMMISSIONER KLOB asked if this facility would complement the other Ferguson facilities. He added if this would be adding to their other facilities in the valley or would they be replacing some of those.

APPLICANT, BRENNAN RAY responded that it would be both. He said that the Ferguson facility has a variety of different formats in different locations. He said that there are some locations that are small retail only type, where people can come and pick up stuff. He said that there is a space in Central Phoenix that they have outgrown quickly and so that space would be vacated and then they would be moved over to this facility at an appropriate time. He said to answer a question that **COMMISSIONER FLANDERS** had asked since they are on jobs/relocating, they do not have an answer on terms of who is going to be coming over versus what is going to be a new job. He said he knows that almost all of these 285 jobs when it is at full build-out would be new jobs for the City of Chandler.

COMMISSIONER KLOB said he has been to the Ferguson facility in Scottsdale Airpark and was familiar with their operations. He asked if this would be a similar size/similar volume to that facility.

APPLICANT, BRENNAN RAY responded after confirming with the District Manager for Ferguson. He said a component of the Scottsdale location would be at this facility. He said that the Scottsdale facility is more of a retail/showroom type and this facility as the staff had indicated will have a retail type component. He said the majority type of use for this facility is the warehouse and the storage yard component. He continued that there will be that aspect of the Scottsdale building in this facility.

COMMISSIONER KLOB said what he was trying to get at is that Ferguson understands the overall use and it isn't a new thing for them regarding traffic, trips, trucks, and that kind of thing. He confirmed that this is something they have been doing for quite a while.

APPLICANT, BRENNAN RAY confirmed and stated Ferguson has been in operation for 65 years and has 1400 locations throughout the country. He said that those range from very large 1-million square foot distribution facilities. He said the closest one of that scale is in Paris, California and then they go all the way down to the small retail shops such as the one in Scottsdale.

COMMISSIONER KLOB said the only concern that he has seen with this site is truck traffic on Appleby Road. He continued that he knows that they have just approved a housing development to the west of there, off of Arizona Avenue. He said and the potential of housing products being able to come into some of that. He wants to make sure they don't have large trucks coming and going on Appleby, may or may not be able to accommodate it.

APPLICANT, BRENNAN RAY responded that he would refer back to the staff regarding what that road is designed to do. He said that staff indicated in their report that the area/corridor between Ocotillo which is on the very south and Queen Creek on the north. He continued that this corridor west of the canal has been designated for employment type uses. He said that staff had talked about that there is a desire that there be connectivity north/south with Hamilton through this development and a desire for connectivity out to Arizona Avenue through Appleby Road. He said he would defer staffing for the scope and scale of Appleby Road.

COMMISSIONER KLOB said his concern was more to the west of this property but he said he would like some feedback in regards to the overall intent and direction from the City as well.

KEVIN MAYO responded that long term any area is better served with more access options

than fewer. He said presently to the west of the subject site it's dirt up until you get to the tracks. He continued that La Costera just recently approved just west of the tracks, they will be installing the north half of Appleby Road all the way out to Arizona Avenue. He said that he doesn't anticipate that Ferguson trucks will be using the dirt road piece of Appleby that currently will have that gap. He continued that long-term that would be paved and will be a city collector roadway. He said the majority of the trucks will be going north and south to either Ocotillo or Queen Creek. He said the extension of Appleby is to better serve the west side of the tracks to have secondary bleed to get out if Arizona Avenue is backing up. He said it is more of a regional circulation concept and intent and not necessarily for a single user to head one way or the other.

CHAIRMAN HEUMANN asked regarding the 285 jobs in terms of the mix of jobs. He knows there is sales and warehouse people. He asked the applicant if he had any comment on that.

APPLICANT, BRENNAN RAY responded that in terms of the type of jobs, there is a component that is designated as an office area. He continued that there is a wide range of management; being a district area, regional, and local. He stated that there is going to be a lot of management that is going to be located there. He said there is also going to be sales associates, people who are in charge of credit, operations, outside sales, and some admin as well. He said in addition to those jobs there will be people working the retail counter, warehouse, and drivers as well. He said that it is a wide range and they believe it presents a diversification of jobs that you could have in one location.

CHAIRMAN HEUMANN opened up the floor for the audience. He said he had received six-speaker cards and he noted that not everyone had marked that they wished to speak. He called the first speaker.

IN FAVOR of Item b. PLH19-0042/PLT19-0040 FERGUSON ENTERPRISES
DEBORAH HOELLE, 3507 S NEWPORT PL did not wish to speak but had submitted a letter to the commission.

OPPOSED to Item b. PLH19-0042/PLT19-0040 FERGUSON ENTERPRISES:
RALPH FISH, 1331 E REDWOOD DR did not wish to speak.,

SALMAN SIDDIQUI, 1460 E COCONINO DR said he wanted to take a look back at what had happened last year. He said that they had 300 people that had filled the Council chambers to voice their opposition to the proposed warehouse by Ryan Companies. He continued that over 1,000 people had signed the online petition voicing their displeasure to the warehouse being built. He said that although the planning commission voted against the warehouse the planning commission allowed the site to be built with few concessions, much to the dismay of the residents nearby. He said that the same scenario is being repeated a year later. He said that they don't need another distribution that will bring nothing but big trucks, more traffic to the area, and mostly nonprofessional jobs. He continued that the shell of Ryan Companies is already up with 400 proposed docks as part of a master plan. He urged the commission to take a look at this macroscopically as opposed to microscopically. He said if you look at it macroscopically it is evident that nothing but trucks, traffic, and noise pollution is on its way. He said that the traffic study last year estimated an increase of 2,000 vehicles (mostly trucks) traveling north and southbound of McQueen Road as spreading out to nearby streets such as Queen Creek Road, Arizona Avenue, Ocotillo, Chandler Heights, Riggs Road, and all the

neighborhoods that are situated on the path of the 587 onto the I-10 and 202. He said now there is a bus depot on Ocotillo Road and the City has just purchased land to build another high school in south Chandler. He said again macroscopically; this is just bringing more traffic to the area. He said he understands that there is a plan in place that is promoting employment. He said that if it is employment what the City is after then why not bring something that would benefit the community such as other commercial/retail, or business offices. He said he would urge the City to seek alternatives such as bringing in an indoor/outdoor sports complex or high-end technology business offices such as Ruvolon in Gilbert. He said what he doesn't understand is that they have put in such beautiful communities in south Chandler with some of the highest property values in the area. He said there is little wisdom or bad planning in putting up large warehouses and distribution centers near such neighborhoods; it just doesn't make any sense. He said they have moved to Chandler to have their families live peacefully in beautiful communities with diverse neighbors that are highly educated. He said he sincerely hopes that they listen to the voices of the taxpaying citizens of Chandler and would recommend not to proceed with this rezoning request and they would work together to come up with ideas that would make better use of this land.,

CLAUDIA BLAZ, 3533 S SENATE PL said she is in the Lantana Ranch Community. She said she is opposed to the proposal by Ferguson Enterprise to rezone this agricultural parcel to either I-1 or I-2. She stated she opposes the industrial use at all. She was told a year ago that the time to be involved in having a say of what is being developed in a community is during the rezoning application process. She stated, "Here I am along with a few neighbors". She continued that after an outpouring of community support against Ryan Industrial Project and a "no" vote from the City Council members a year ago, Ryan Companies came back with the City's blessing. She said that they are now building their massive mega warehouses right next to Lantana Ranch. She said the first one has gone up and it isn't pretty. She stated that it serves as a reminder to her of how the City turned its back on the community. She continued that now they have Ferguson Enterprises proposing a warehouse distribution center close by. She said that Ferguson is trying to take two of their warehouse from already industrial areas in central Phoenix and consolidate them into a mega warehouse distribution center with outside storage in their community of southeast Chandler. She said in the City's wisdom they have planned for some of the most beautiful communities with the highest property values to be developed in southeast Chandler along McQueen and Ocotillo Roads. She said now you want to destroy that by allowing unsightly industrial warehouses to be built that will bring more trucks causing potential safety issues, along with noise, and pollution. She said that they are already seeing the effects of this type of development from the FedEx distribution center just down the street on Queen Creek. She added as well as the new bus depot on Ocotillo Road. She said that she and they know that as a general rule industrial development belongs on the outskirts of the City away from residential neighborhoods. She said she understands that the City's general plan that was adopted and approved in 2016 calls for this area around the airport to support employment or become an employment corridor. She said that she thinks when this was adopted and approved by the City/people they did not understand what it meant by employment. She said she doesn't think that they knew that it meant an industrial corridor. She said at least she didn't. She continued that although she would prefer to see other land uses she would be okay with employment use. She said employment use does not have to mean industrial development. She said that is what she felt the City seems to prefer. She added that there is other employment uses that the City could consider that would benefit the community that is already established. She said such as retail and business offices to name a few. She said in other words something other than massive industrial warehouses or distribution centers would be preferable. She asked that they please consider and deny Ferguson's request. She said to consider either alternative zoning or uses that would benefit the community here in southeast Chandler.,

PAUL MESCHER, 3276 S DIAMOND DR said he lives in the Twin Acres neighborhood just $\frac{3}{4}$ of a mile east of the area. He said that he had come ready to talk about I-2 versus I-1. He said that he is actually thrilled with the I-1 change and he said he understands the reality and has looked at the general area plan. He said he understands that industrial is part of the culture of what is trying to be built on along the railroad tracks. He said as presented the discussion of Ferguson in terms of traffic, it is actually interesting. He said in terms of low impactful and he doesn't degree with what was said. He said his concern is when they talk about industrial and the area plans but not about its mass. He said industrial can be anything from a 50,000 sq ft building to where there isn't a top-end. He said when you look at the building as proposed; eventually 500,000 sq ft under a single roof. He asked to find that in Chandler, in Phoenix, or in Mesa. He said it is in major heavy industrial areas. He said the building is - big. He said in that it invites a traffic conversation. He said the reality is that Ferguson is a business and their business could change in the next 10 years. He said and they could decide that they don't need that site and that building. He stated that they could sell it. He said that if you look at what is going to come in as a general statement; a 500,000 sq ft warehouse. He said what Ferguson is doing is not going to be a few trucks and mostly inside. He said that even though he understands their business plan and how they feel that it fits, he is very concerned that the size and mass of the building don't fit with the community that it is going into. He said that in the long run, it could draw more similar who might not have that same view. He stated that they would end up with a large industrial warehouse area. He said he is one of the people that opposed what Ryan Companies did and was frustrated that they were able to loophole it into existence. He shared that it is right outside his backyard. He added that he understands that the process allowed for it. He said that he also understands that they understood that as well. He said that they reduced the size of the buildings because they got the idea that it was too big for the community that they were going into. He said he does not dislike Ferguson or industrial. He stated that he is concerned. He asked that the size of the building be limited and not be approved in terms of how it is presented.,

and **LYNN BECKER, 3155 S DIAMOND DR** did not wish to speak.

CHAIRMAN HEUMANN turned to the audience and asked if there was anyone else that wished to speak.

OPPOSED to Item b. PLH19-0042/PLT19-0040 FERGUSON ENTERPRISES (did not submit a speaker card).

SUSAN ELLSWORTH, 3225 S DIAMOND DR said that she wanted to put it on the record that when Ryan Companies had their PDP changed, it was indeed not a bible. She stated that it can be changed. She continued that there is a lot of worries that there is a possibility that for some reason Ferguson Company decided that they do not want to be in there. She said like the last speaker had said, that they are stuck with this massive building. She continued that they can do anything with it because it is under I-1. She said that they all saw the PDP that was approved by the people in this area. She said it was approved by the Mayor and City Council. She said it was all in a book but that it is nothing close to what it is today. She stated they have to hear them. She continued that if they did not want this to be a residential area then planning should not have brought these homes in and let these residential areas be to what they are making industrial. She said that she is very passionate about this as it involves their homes. She said if they think it isn't going to impact even Arizona Avenue they are nuts. She said that they have Hamilton High School right there. She continued that they are going to take that short cut from the I-10, right up Arizona Avenue to where there are children driving to high school for the first time and have them competing with these semis. She added that they also have the elderly in Sun Lakes that are going to be competing with these big trucks too. She

said that the 285 jobs they are bringing are not created in Chandler, they are bringing them from the other existing warehouses.

CHAIRMAN HEUMANN asked staff to address what would happen to the building if Ferguson decided to vacate or not build what is being proposed to the site.

KEVIN MAYO responded that if Ferguson were to build out the entire site and their business model for some reason changed and they left the property it would remain in that condition zoned for the same PAD for the uses that the applicant had listed earlier. He said that another user could then come in that fit that list of uses and reuse that building. He said if Ferguson is approved and they do not build, then something else could come in and be proposed but it would be viewed to be as good or better from a substantial conformance lens for approval. He said that anything outside those lane lines would have to come back through this process for re-approval.

CHAIRMAN HEUMANN opened up the floor to the applicant.

APPLICANT, BRENNAN RAY said that one of the things he wanted to emphasize is that this area has grown to develop to that same vision since 1988. He said that this was certainly keeping in that plan. He said that it is the exact type of development that is a good neighbor to a wastewater treatment facility and a solid waste recycling facility. He said that he certainly understands and appreciates the comments for an office type user or retail. He restated that when they look in the context with the surrounding area and what is there now, he doesn't see a lot of offices or retail that want to be located near City facilities. He continued that retail mid-block is not very successful. He continued that it then leads to the follow-up question on traffic. He said traffic is not looked at by business-specific type things. He said when traffic engineers look at it, they look at it based on the international transportation engineers' guide that lists various categories, lists industrial warehouses, and various uses. He said it does not get into business specifics. He said that is the best guide that they have as applicants and that the City has in reviewing things to determine the impact that a development will have on any given area. He anecdotally stated that an office type development or a retail type development would generate two and maybe three times the amount of traffic that this type of development would generate. He said the short of it is, being an entire self-storage facility. He said he doesn't know of a lower use generator when you look at the spectrum of potential uses that are out there. He stated industrial is low on the use. He said that they do believe they are buffered from the adjacent area and reiterated that they are consistent with what everyone has envisioned this area to be and are requesting their recommendation for approval.

CHAIRMAN HEUMANN opened up the floor for questions to the applicant.

VICE CHAIR ROSE stated to see what the general area plan has envisioned and where Chandler has come since then. He said that he has been rather resistant himself but wants to put people's minds at ease as a recommending body. He said that he had watched what had happened last year very closely and watched it snowball. He clarified that they were not involved with what had happened. He said it was the City of Chandler's plan and felt very confident in it as he is also raising a family here. He said that it would be a really good use and they will see many large benefits as being residents of Chandler. He said that there will be retail coming down in that area. He said in terms of traffic, it would increase but that is one of the biggest roads that they have with some of the finest police and emergency crews out there that are going to be policing it. He said this growth from a real estate standpoint would only bring property values to go up. He said that he has talked to a lot of brokerages and

experts. He said with the growth through the Price corridor and the Chandler airport; these are the top job hubs in the state. He said he would just encourage the residents to hang strong and they would see a lot of amazing things still to come in the City of Chandler.

COMMISSIONER EBERLE asked if the applicant knew what the actual traffic flow numbers are estimated to be now for that area on a daily basis. He said his question was directed towards the trip generation slide that was presented earlier by the applicant.

APPLICANT, BRENNAN RAY responded that in terms of where things sit today, in terms of volume; Queen Creek Road currently operates at 16,800 trips. He said that is the current volume of traffic that occurs on Queen Creek Road today. He shared another slide that he said would illustrate the point that was asked. He said on the top box that reads “without the development” that is the capacity and level of service of people traveling on Queen Creek Road currently. He said it is roughly 16,854 trips of the total volume that represents 33.1% of the capacity that is being used with those trips. He directed everyone’s attention to the box below that read “with the development” and underneath that, it read “6 Lane Volume”. He said that number is what it would increase to with this development. He said that on the right there is a summary of those increases labeled in green depending on which way the vehicle is going.

COMMISSIONER EBERLE confirmed the 1% number was based on the max capacity number of that particular piece of Queen Creek/McQueen.

COMMISSIONER KIMBLE requested clarification and confirmation that their responsibility as a commission is that the plan that is being proposed fits the criteria with all the various components and plans that are being presented. He said he certainly appreciates all the comments from the audience and the passion. He reconfirmed that the obligation of the commission is to make sure that what is being presented fits what is the criteria.

KEVIN MAYO responded that they are charged to look at a request, secondary vet it through the general plan and any applicable area plans, and then the next step is to take it through the lens of does it comply with our development standards, current precedent, and level of expectation. He said that this is a public hearing so it is an opportunity for the public to offer input too and for the commission to go through (what we did tonight) with a dialogue of the different aspects. He said on whether its specifics about the request or it’s the neighbors that have brought attention to and then act on it. He said that he was correct, it was just a higher level of detail.

COMMISSIONER KLOB asked for clarification from staff regarding the Ryan Companies case since there was a lot of discussion regarding this case. He said if he remembers correctly this had already been approved for industrial use with several buildings and truck bays. He said then the Ryan Company came back in with a new use and design. He said it was proposed and the Council denied it, so then it reverted back to the original zoning. He said several of the comments he had heard were fearful of what happened there. He paraphrased that it was kind of a bait and switch. He said that he is also assuming that they are worried about something happening with this project. He said this project doesn’t have a fallback zoning approval as that one did. He said where they would have to worry about something bigger or larger and that they are two “different animals”.

KEVIN MAYO responded that the Ryan Companies formerly known as the Chandler Commerce Airpark’s request did not have the level of detail and the level of specifics that this

request does. He said that it was a conceptual site plan and it did not even have the specific building elevations for all the lots. He said that it was multi-lot industrial development. He continued that there was language in there that lots could be combined. He said that it showed an overall street layout within it and an overall consciousness of buffering along with certain areas and things but it did not take it down to the weeds in terms of the buildings and things like that like this case is doing. He said probably the most important part of that piece is that the 2006 Chandler Commerce Airpark approval had a strip along the front of McQueen that required any building along that area come back for PDP approval. He said that was the true meat of what came back before commission and Council for the Ryan Companies request. He said that out of full transparency they showed it in context with the entire site. He said the entire site was perceived to be one large request even though the PDP really was necessary for however foot depth off of McQueen Road for what those front lots are. He said the difference between this one and that, is this request has a really high level of detail that is being approved. He said for the Ryan Companies/Chandler Commerce Airpark without that piece, the lane lines become wider. He continued that there is far more area for interpretation of what the building architecture is going to be and what the ultimate building footprints are going to be; that is not the case here. He said because they have an exact site plan, landscape plan, and building elevations. He said it really tightens up those lane lines as there are a lot more specifics that are being approved tonight.

CHAIRMAN HEUMANN clarified that in 2006 it was zoned for PAD zoning for the entire parcel. He said that because they didn't have architecture the commission at that time told them that they wanted them to come back for anything along McQueen Road. He said that they want any of the major arterials to be the quality that is designed. He said that when that came back about a year ago to them, they only had a couple of neighbors in opposition at the time and one was concerned about the airport. He said that is why it came back because they wanted to put the plan out there so the commission and Council could see it. He said if that would have been zoned back in 2006 there would have been no stipulations. He said that could have been built without coming back to commission and Council.

VICE CHAIR ROSE said he didn't want to reflect too much on what happened last year but wanted to note just for the Council and maybe address how that whole system worked. He said especially since they have the core residents of Lantana Ranch present and there were over 300 people in that room. He said and what happened was shocking. He said that anything that we could provide to them would be beneficial.

MOVED BY COMMISSIONER PEKAU, seconded by **COMMISSIONER KIMBLE** to approve Item b. PLH19-0042/PLF19-0040 FERGUSON ENTERPRISES

Chairman Heumann – In Favor	Vice Chair Rose – In Favor
Commissioner Kimble – In Favor	Commissioner Pekau – In Favor
Commissioner Eberle – In Favor	Commissioner Flanders – In Favor
Commissioner Klob – In Favor	

The motion to passed unanimously 7 – 0.

5. MEMBERS COMMENTS/ANNOUNCEMENTS

None

6. CALENDAR

Next regular meeting is November 20, 2019, at 7:00 P.M. in the Chandler City Council

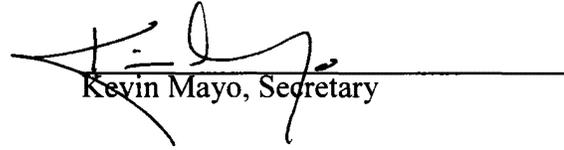
Chambers, 88 East Chicago Street, Chandler, Arizona

7. **ADJOURNMENT**

The meeting was adjourned at 7:41 p.m.



Rick Heumann, Chairman



Kevin Mayo, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 20, 2019, held in the City Council Chambers, 88 E. Chicago Street.

1. **CALL TO ORDER / ROLL CALL**

Vice CHAIRMAN Rose called the meeting to order at 5:40 p.m.

The following Commissioners answered Roll Call:

Vice Chairman David Rose
Commissioner George Kimble
Commissioner Matt Eberle
Commissioner Michael Flanders
Commissioner Robert Klob

Also, present:

Mr. David de la Torre, Planning Manager
Ms. Kristine Gay, Senior City Planner
Ms. Lauren Schumann, Senior City Planner
Ms. Stephanie Watney, City Planner
Ms. Jenny Winkler, Assistant City Attorney
Mr. Thomas Allen, Assistant City Attorney
Ms. Maritza Garrity, Clerk

2. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance led by COMMISSIONER KLOB.

3. **APPROVAL OF MINUTES**

MOVED BY COMMISSIONER EBERLE, seconded by COMMISSIONER KIMBLE to approve the minutes of October 16, 2019, Planning Commission Hearing. The motion passed unanimously 5-0.

4. **ACTION ITEMS:**

VICE CHAIRMAN ROSE stated that the consent items would be read into the record and would be voted on in a single motion. He asked the audience if they had any questions or comments. He said Item d. PLH19-0021 DOGTOPIA is an Action Item and would be heard in a full hearing.

a. PLH19-0051/PLT19-0044 LIBERTY MANOR

Approved with added stipulations.

Request Rezoning from Single-Family (SF-8.5) to Planned Area Development (PAD) for nine single family homes with Preliminary Development Plan (PDP) for site and housing product, as well as Preliminary Plat approval. The 2.38-acre site is located at the southeast corner of Dobson Road and Shawnee Drive.

The vote included three additional stipulations/conditions that were agreed to be added during the study session prior to the regular meeting. Commission recommended adding three new stipulations/conditions: No. 7 on PDP, recommending conditions to use flat concrete tiles shall be used for the roof materials. No. 8 applicant shall work with staff to work appropriately wrap stone, stucco or siting from the front to side façade on plans 1 and 4 and add clerestory windows to plan 2 and 3. And No. 9 the applicant shall work with staff to revise the neighborhood sign to better reflect the unique contemporary design of the homes.

Background Data

- Site is 2.38 acres in area
- Currently zoned SF-8.5
- Surrounding neighborhood constructed in late 1970's. Subject site remained undeveloped and part of church property to south
- Applicant proposes to fill-in this remnant vacant site with compatible land use of single-family residential

NEIGHBORHOOD OUTREACH AND INPUT

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The neighborhood meeting was held on October 8, 2019.
- Seven residents attended the meeting, below are concerns presented by the residents and italicized staff responses:
 - The visibility afforded to drivers waiting to enter Dobson Road from Shawnee Drive.
 - *The City Transportation Engineer has confirmed that the current conditions and proposed improvements meet Traffic Engineering's visibility standards.*
 - Traffic on Dobson Road, especially during school hours, and the ability to make a left on to Dobson Road from Shawnee Drive
 - *2019 segment volume counts show 26,500 vehicles per day (vpd) on Dobson Road in the vicinity of this project. This type of roadway can typically accommodate up to 37,100 vpd at an acceptable level of service.*
 - *The proposed 9 single family homes will generate less than 100 daily vehicular trips and thus will fit well within the existing excess capacity of Dobson Road.*
 - Flooding on private property approximately 12 houses to the east
 - *As part of Development Services' review of site construction drawings, the proposed development will be required to meet all Drainage Policies and Standards required by the City's Technical Design Manual.*
 - *Unfortunately, the resident who shared this complaint did not provide contact information at the meeting for staff to specifically reach out to. Staff has visited the area to ensure no apparent non-permitted improvements have been made in the right-of-way that would redirect water onto private property. There are currently no filed complaints for this area; the last complaint received by the Environmental Management Division was in September, 2018.*

REVIEW AND RECOMMENDATION

Staff finds the proposed nine single-family homes to be compatible with surrounding land uses as follows:

- The proposed lots will be above 6,000 sq. ft. in area which is relatively consistent with nearby existing lots ranging in size from 6,500 to 7,000 sq. ft. and larger. The homes will all be one-story in height and use modest rooflines to avoid over-massing the site.
- All nine homes will share the same architectural aesthetic design but there will be four home plans, two color palettes, and nine different lot sizes and shapes to produce a unique and interesting variety on-site.
- As compared to the development of large neighborhoods where home owners choose their lot, plan, and elevation, the developer will be developing the site and constructing the homes and front lawns as shown.

As such, staff finds the proposal to be consistent with the goals of the General Plan and recommends Planning and Zoning Commission recommend approval subject to conditions.

RECOMMENDED ACTION
REZONING SUBJECT TO THE FOLLOWING CONDITIONS:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Liberty Manor" and kept on file in the City of Chandler Planning Division, in File No. PLH19-0051, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Developer shall provide all required right-of-way dedications as determined by the Development Services Director at the time of construction plan review.
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. 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. 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. All homes shall be single-story.
8. Minimum setbacks shall be as follows:

Rear yard setbacks	10 ft.
Side yard setbacks	5 ft. and 8 ft.
Front yard setbacks	8 ft. and 20 ft. to forward facing garage door
Accessory structures	5 ft. from side or rear property line

9. The maximum lot coverage shall be 40%

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the subdivision layout and product design for the Liberty Manor subdivision, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Liberty Manor" and kept on file in the City of Chandler Planning Division, in File No. PLH19-0051, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. In addition to meeting the stipulated setbacks and maximum lot coverage, any proposed additions or accessory structures shall require the approval of the Planning Administrator and be designed and located such that they maintain or enhance the aesthetic and perceived quality of the neighborhood.
3. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
4. The landscaping in all open-spaces, shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

Preliminary Plat

Planning staff recommends Planning and Zoning Commission motion to recommend approval of PLT19-0044 Liberty Manor, subject to the following condition:

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

PROPOSED MOTIONS

Rezoning

Motion Planning and Zoning Commission to recommend approval of Rezoning PLH19-0051 LIBERTY MANOR, from Single-Family (SF-8.5) to Planned Area Development (PAD) single-family residential, subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan PLH19-0051 LIBERTY MANOR for subdivision layout and product design subject to the conditions as recommended by Planning staff.

Preliminary Plat

Motion Planning and Zoning Commission to recommend approval of Preliminary Plat,

PLT19-0044 LIBERTY MANOR, subject to the condition as recommended by Planning staff.

b. PLH19-0013 ANTIOCH COMMUNITY CHURCH

Approved.

Request Preliminary Development Plan approval for site layout and building architecture for a campus expansion. The subject site is located at 1125 N. Dobson, southeast corner of Dobson Road and Ironwood Drive.

BACKGROUND DATA

- Approximate 5.45 acre site
- Subject site zoned Planned Area Development (PAD) for church with PDP; 1986
- PDP approved total of four buildings within the campus
- Zoning amended allowing private school uses during the week; 2011
- Current proposal amends the PDP for the church campus including a new sanctuary building with ornamental tower and future youth building encroaching into building setbacks along Dobson Road and Ironwood Drive
- Zoning Code limits ornamental towers to 100 feet in height if complying with building setbacks

PUBLIC/NEIGHBORHOOD OUTREACH

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on September 25, 2019. Four residents, the applicant, a church representative, and Planning staff attended the meeting. Residents inquired about the campus expansion and proposed landscaping adjacent to the patio homes. All residents supported the request.
- As of the writing of this memo, Planning staff was contacted via email (attached) from an adjacent resident with concerns regarding construction noise and dust. Otherwise, staff is unaware of any concerns or opposition to the request.

RECOMMENDED ACTION

PRELIMINARY DEVELOPMENT PLAN SUBJECT TO THE FOLLOWING CONDITIONS:

1. Development shall be in substantial conformance with the Development Submittal Booklet, entitled "Antioch Community Church" and kept on file in the City of Chandler Planning Division, in File No. PLH19-0013, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Plans for the future youth center may be administratively approved by the Planning Administrator upon determining said future phase meets or exceeds the quality and design of the existing building and proposed addition.
3. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator. The administrator may require that missing or existing failing or dead plants or trees be replanted or replaced with a different species to ensure better maintenance and life expectancy.

4. The landscaping in all open-spaces, shall be maintained by the property owner and shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
6. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

PROPOSED MOTION

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan PLH19-0013 Antioch Community Church for site layout and building architecture subject to the conditions as recommended by Planning staff.

c. PLH19-0043 ARIZONA & RIGGS COMMERCIAL SIGNAGE

Approved.

Request Preliminary Development Plan (PDP) approval for a Comprehensive Sign Package for a new commercial development. The subject site is located at the northeast corner of Arizona Avenue and Riggs Rd.

Background Data

- Approximately 3.5 acres
- Subject site zoned Planned Area Development (PAD) for Neighborhood Commercial (C-1) with PDP approval; 2017
- PDP approved two commercial buildings totaling 13,830 sq. ft., however, signage was not included and required separate PDP submittal
- Two monument signs with five panels architecturally integrated with commercial buildings proposed along Arizona Avenue and Riggs Road
- Wall mounted signage is proposed, however, illuminated signs are prohibited on north and east elevation adjacent to future residential

PUBLIC/NEIGHBORHOOD OUTREACH

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood notice was in lieu of a neighborhood meeting due to lack of occupied residential properties.
- As of the writing of this memo, Planning staff is not aware of any concerns or opposition to the request.

RECOMMENDED ACTION

PRELIMINARY DEVELOPMENT PLAN SUBJECT TO THE FOLLOWING CONDITIONS:

1. All signage shall be in substantial conformance with the Booklet, entitled "Arizona & Riggs Commercial Signage" and kept on file in the City of Chandler Planning Division, in File No. PLH19-0043, modified by such conditions included at the time the Booklet

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

2. 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.
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. All signs on the north and east elevations shall not be illuminated.

PROPOSED MOTION

Preliminary Development Plan

Motion Planning and Zoning Commission to recommend approval of Preliminary Development Plan PLH19-0043 Arizona & Riggs Commercial Signage for comprehensive sign package for a new commercial development, subject to the conditions as recommended by Planning staff.

e. PLH19-0044 SAWTOOTH BAR AND GRILL

Approved.

Request Entertainment Use Permit approval to continue indoor entertainment activity. The property is located at 4929 West Ray Road, Suite 3, at the southeast corner of Rural and Ray Roads.

BACKGROUND DATA

- Zoned as Planned Area Development (PAD) for Commercial Uses
- Zoning Code requires Entertainment Use Permit approval for entertainment activities and to comply with time conditions placed on previous Liquor Use Permit
- Liquor Use Permit approved in 2017 with a one-year time limit
- One-year time condition has expired; prompts this Entertainment Use Permit

REVIEW AND RECOMMENDATION

Planning staff has reviewed the request and finds that it is consistent with the General Plan. Live entertainment includes karaoke. No stage is proposed.

Planning staff contacted the City of Chandler Police (Records) to obtain a record of service calls to this site for the past three years. None of the call types are related to music and/or loud noise for the current tenant.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on October 28, 2019. There were no attendees.
- As of the writing of this memo, Planning staff is unaware of opposition to the request.

RECOMMENDED ACTION

Planning staff recommends Planning and Zoning Commission motion to recommend approval of the Entertainment Use Permit, subject to the following conditions:

1. Expansion or modification beyond the approved attachments (Floor Plan and Narrative) shall void the Entertainment Use Permit and require new Entertainment Use Permit application and approval.
2. The Entertainment Use Permit is non-transferable to any other location.
3. The site shall be maintained in a clean and orderly manner.
4. No noise shall be emitted from the live entertainment in such a manner that exceeds ambient conditions so as to disturb adjacent businesses and residential areas.
5. The establishment shall provide a contact phone number for a responsible person (i.e., bar owner and/or manager) to any interested neighbors and property owners to resolve noise complaints quickly and directly.
6. The Entertainment Use Permit shall remain in effect for three (3) years from the date of City Council approval. Continuation of the Entertainment Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

PROPOSED MOTION

Motion Planning and Zoning Commission to recommend approval of Entertainment Use Permit case, PLH19-0044 Sawtooth Bar & Grill, subject to the conditions as recommended by Planning staff.

f. CANCELLATION OF THE DECEMBER 4, 2019, PLANNING AND ZONING COMMISSION MEETING.

Approved.

RECOMMENDATION

Due to management of cases, Planning staff is recommending cancellation of the December 4, 2019, Planning and Zoning Commission hearing.

PROPOSED MOTION

Move to cancel the December 4, 2019, Planning and Zoning Commission hearing as recommended by Planning staff.

VICE CHAIRMAN ROSE opens the floor to discuss any items that have been read in for the record. One speaker card was submitted by SCOTT D. HUDSON-DID NOT SPEAK in favor of ITEM c. PLH19-0043 ARIZONA & RIGGS COMMERCIAL SIGNAGE.

MOVED BY COMMISSIONER KLOB seconded by **COMMISSIONER FLANDERS** to approve the Items read on the consent agenda.

Vice Chairman Rose – In Favor Commissioner Klob – In Favor
Commissioner Kimble – In Favor Commissioner Eberle – In Favor
Commissioner Flanders – In Favor

The motion to passed unanimously 5– 0.

ACTION:

d. PLH19-0021 DOGTOPIA

Approved (VOTE 3-2)

Request Use Permit approval for an outdoor animal play area as an accessory use to an animal daycare for dogs with overnight boarding. The property is located at 4901 S. Arizona Avenue, Suite 7, at the northeast corner of Arizona Avenue and Chandler Heights Road.

BACKGROUND DATA

- Subject site is an approximately 5,904 square foot interior suite within the Shoppes at Chandler
- Zoned as Planned Area Development (PAD) for C-2 Community Commercial District uses; approved in March, 2008
- C-2 Community Commercial District permits indoor animal daycare uses, with or without overnight boarding
- Zoning Code requires Use Permit approval for outdoor animal play area associated with animal daycare

PROPOSED BUSINESS OPERATIONS

Size of Outdoor Animal Play Area	+/- 1,000 Square Feet
Days/Hours of Operation (Indoor)	Seven Days a Week; Monday through Friday: 7:00 a.m. to 7:00 p.m.; and, Saturday to Sunday: 10:00 a.m. to 5:00 p.m.
Days/Hours of Operation (Outdoor Animal Play Area)*	Six Days a Week; Monday through Friday: 9:00 a.m. to 10:30 a.m. and 3:30 p.m. to 5:00 p.m.; and, Saturday 10:00 a.m. to noon.; 30-Minutes per Group
Proposed Occupancy (Outdoor Animal Play Area)	Approximately Thirty-Nine (39) Small Breed Dogs; or, Thirty (30) Large Breed Dogs
Ratio of Staff Trainers to Dogs	1 Staff Member for Every Twenty (20) Dogs

REVIEW AND RECOMMENDATION

The outdoor animal play area is a proposed accessory use to a by-right animal daycare use, which opened in August, 2019. The proposed outdoor animal play area is located at the rear of the inline shops and will replace a marginal landscaping area. It will not impact site circulation or parking.

Buffering from the single-family residential neighborhood, which is approximately 150 feet to the east of the center, is provided via landscaping and a masonry perimeter screen wall. Additionally, the outdoor animal play area is proposed to be enclosed by an eight (8) foot tall opaque privacy fence. The applicant has provided a narrative that further specifies odor and sound mitigation techniques.

**Update: Since the initial Planning and Zoning Commission meeting, the applicant has further reviewed the request with concerned neighbors. In response to concerns raised by the neighbors, the applicant has filed a letter, dated November 8, 2019, to provide*

supplemental information about the request, including—among other information—an updated noise study, and nuisance-related data. Within the letter, the applicant proposes additional conditions, which have been incorporated with the staff recommended conditions as Conditions 7 to 10. These new conditions include, among others, limiting hours for the outdoor animal play area above what was previously proposed. Specifically, the request has been amended from seven days a week; Monday through Friday: 9:00 a.m. to noon, and 3:00 p.m. to 6:00 p.m.; and, Saturday through Sunday: 10:00 a.m. to noon and 3:00 p.m. to 5:00 p.m., to that which is reflected in the Proposed Business Operations Table above. The applicant also proposes installation of three (3) sound attenuation panels; letter attached.

Planning staff has reviewed the request and finds that the proposed outdoor animal play area is an appropriate use within a commercial shopping center and is consistent with the General Plan. Further, with the recommended stipulations of approval and the mitigation techniques proposed by the applicant, staff finds that the request will not be detrimental to the surrounding area or neighborhood.

Staff does recommend a one-year time condition to re-evaluate the compatibility of the use with surrounding residential uses.

PUBLIC/NEIGHBORHOOD OUTREACH

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- An initial neighborhood meeting was held by the applicant on July 9, 2019. There were four (4) attendees from the adjacent Southshore Village Subdivision. The attendees expressed concerns primarily regarding noise, odor and mitigation of any externalities from the proposed use; meeting summary is attached.
- Following the August 21, 2019 Planning and Zoning Commission meeting, a meeting was held on-site on October 16, 2019 with Dogtopia, its acoustical engineer and interested neighbors; meeting minutes are attached.
- A second neighborhood meeting was held on October 23, 2019. There were eleven (11) attendees from the adjacent Southshore Village Subdivision. Attendees expressed concerns primarily regarding noise, health concerns, and property values; meeting summary is attached.
- As of the writing of this memo, Planning staff is aware of opposition.
 - Eleven (11) letters of opposition;
 - Two (2) phone calls.
- A petition dated August, 2019, was also filed with Planning staff noting concerns regarding the proposal. Approximately 43 households from the Southshore Village Subdivision signed the petition.
- Planning staff is in receipt of nine (9) letters of support.

RECOMMENDED ACTIONS

Planning staff recommends Planning and Zoning Commission motion to recommend approval of use permit, subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, Elevations and Narrative), as kept on file in Case No. PLH19-0021, shall void the Use Permit and require new Use Permit application and approval, unless otherwise amended via conditions herein.
2. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
3. The site shall be maintained in a clean and orderly manner.
4. Sound shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
5. The establishment shall provide a contact phone number of a responsible person (i.e., owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.
6. The Use Permit shall be valid for a period of one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
7. The outdoor animal play area shall be limited to the hours of 9:00 a.m. to 10:30 a.m. and 3:30 pm to 5:00 p.m., Monday through Friday; and, 10:00 a.m. to 12:00 p.m. on Saturday.
8. There shall be no outdoor animal play within the outdoor animal play area on Sunday.
9. No dogs shall be left unattended in the outdoor animal play area and a staff member of the business shall always accompany any outdoor activity.
10. The applicant shall install three (3) sound absorption panels to the rear of the building and within the outdoor animal play area, as approved by the Development Services Department.

PROPOSED MOTION

Motion Planning and Zoning Commission to recommend approval of Use Permit case PLH19-0021 Dogtopia, subject to the conditions as recommended by Planning staff.

A PowerPoint presentation was shown to the commission and audience by STEPHANIE WATNEY, CITY PLANNER.

VICE CHARIMAN ROSE opened the floor to questions for staff.

COMMISSIONER FLANDERS how many dogs will be out to exercise per session?

STEPHANIE WATNEY responded that it would depend on which play group is out. Can but up to 39 small breed dogs or with 30 large breed dogs.

COMMISSIONER FLANDERS in that 1000 square foot area?

STEPHANIE WATNEY confirmed that is correct.

COMMISSIONER FLANDERS asked how many employees would be out there during group play?

STEPHANIE WATNEY responded the ratio the applicant has proposed was one staff trainer per every 20 dogs. If they exceed more than 20 dogs at one time, they will need to have two trainers at minimum.

A PowerPoint presentation was shown to the commission and audience by applicant, ADAM BAUGH, 2525 E. Arizona Biltmore Cir.

VICE CHARIMAN ROSE opened the floor to questions for applicant, ADAM BAUGH.

COMMISSIONER KLOB asked what is the decibel reading from the charter school that gives out when the children are out playing to the nearest house, was that recorded?

ADAM BAUGH responded he was not sure if they have done that measure, brought up Eric MILLER KLINE to confirm.

ERIC MILLER KLINE from A3 Acoustics and he did the measurements. They measured a noise level of approximately 60 to 62 decibels when the kids were out yelling and playing, as a maximum. Can look at sound over an average of time or look at it as a maximum. All the things noted in their study regards to dog barking is not averaging the gaps of a bark and then the peaks of a bark. It is only looking at the peak levels of a bark in the context of background noise in the community. In the community background noise, for instance kids playing, airplanes, was looked at as an average over the period of time that they were in that vicinity.

COMMISSIONER KLOB asked if that was one of the adjacent properties?

ERIC MILLER KLINE confirmed it was on the sidewalk adjacent to one of the properties.

VICE CHAIRMAN ROSE opened the floor to audience to speak in favor.

IN FAVOR of ITEM d. PLH19-0021 DOGTOPIA

MICAH ADAMS, 1616 W. GERMANN RD #1021 spoke on the benefits of taking his dogs to DOGTOPIA. Works long hours and enjoys the benefit of being able to take his dogs somewhere where they can socialize with other dogs and be able to be out doors, not locked up all day. Stated that he lives in apartment and having place to take his dogs so they socialize with other dogs/people and be outdoors is huge. He has been to other boarding facilities, Dogtopia is extremely clean, extremely professional. The owner cares, knows who each dog parent along with which pet belongs to them. You walk into facility and hardly hear any noises, there is very little barking and really care about what they are doing. DOGTOPIA cares about the community and cares about each pet they are charged with, which really shows. He appreciates everything they have done for his pets who are part of his family.

PAULA KLOB, 4909 E. Colonial Dr. works and lives in the City of Chandler. Has been taking her dog to DOGTOPIA ever since they have opened. Agrees that DOGTOPIA is a welcoming, fresh clean facility. The staff takes care of all the needs of the dogs, there is very

little sound when you are inside the building, dogs are two rooms away from you. The reason for little noise is due to staff guidance and redirection. If you have a dog then you know they want attention. When they bark it is because they are not getting the attention they want. Numbers being mentioned one person to 20 dogs, she can confirm of all the times they have been there since they have opened, there has not been more than 10 dogs in one room. She also watches the monitor from her office all day long. The dogs are engaged with the people who are with them. When one dog acts up or barks, which she knows she cannot hear from her monitor at the office but you can tell, the dogs are immediately redirected. There is a big difference from a constant barking and barking while they are playing. She has a home in Chandler and has barking dogs all around her home. She has no control over how long the dogs are being left outside barking, there is not a lot she can do. It is part of being in a neighborhood; DOGTOPIA is able to control that environment better, since that is their business. She has gone to the Gilbert DOGTOPIA facility; looked outside, little noise and smell. Manages an apartment community on Germann and Dobson, has both a large animal park within community 100 feet away from apartments, borders a day cared that has an outside play area. She gets more complaints monthly on the day care facility then the numerous dogs they have in the community. She is there to ask they approve the play yard for a business that is providing a safe environment for our pets when they are at work.

LEONARD BRASSON, 3451 E. LYNX PL, as a dog owner of many years and has many different experiences with other facilities DOGTOPIA has been without a doubt the most professional, clean, welcoming place they have ever been to. His biggest concern as a consumer, if he chooses to board his animal he does want the opportunity for the animal to go outside at some point. Seeing that they are going to allow three hours a day in total is enough to give him comfort that his pet can go out to stretch his legs, being a large breed. Wants to see that they have every opportunity to achieve that. Wanted to lend his support and to say as a consumer it would be a great idea for them to do this.

SURAN DOOPADAHALLI, 239 E POWELL WAY, he collected all the signatures last time for the August 21, 2019 meeting. Felt people in neighborhood were not well informed last time and that their neighborhood is not opposing the business. They had enough time to go door to door; speaking to people and explaining that they are only opposing the outdoor play area. They are not telling DOGTOPIA they don't want the business in the community. Last time they got only 40 signatures, 40 households. This time they got 148 individual signatures after they explained to those that said no previously, they are only opposing the outdoor play area; we are for the business.

SARAH HANSEN, 4825 N 82ND STREET-SCOTTSDALE, is not a Chandler resident but her children go to BASIS Charter School that is right next to DOGTOPIA. DOGTOPIA has enabled her to spend more time with all of her family, has helped her puppy become more socialized allowing her to take her puppy out safely, in Chandler and in her home. Not only is she learning to be with other dogs but is also learning from the trainers to be a better dog. She finds it interesting that the hours of operation that they can be outside is the same time of drop off and pick up at the school. Which at that time is a cluster of cars, kids screaming its incredibly loud, its three hours a day. There is also an outdoor Mexican restaurant backing up to the same neighborhood with an outdoor patio that also provides to the noise level. Her pup is part of her family and understand there is concern for the noise and general concerns. DOGTOPIA is one of the cleanest places she has walked into. When you enter the lobby, you cannot hear the puppies nor can you smell anything; it is a clean sanitized place. It smells cleaner than the high school. When you go outside, there are people that walk their dogs that provide more waste than dogs that are cared for on certified turf. That can be cleaned up regularly, does not go into the ground that is cared for by professionals.

She is in support of the outside dog play area.

IN FAVOR – DID NOT SPEAK on ITEM d. PLH19-0021 DOGTOPIA

TAYLOR HIETT, DON WORKMAN, GREG MATTEM, NOLAN BAKARES, CARLA DENHAM, DELIA ALVARADO, CARMEN ALVARADO, ROMII, SARA BRUNNER, DELIA AGUIRRE, JENNIFER STY, SANDRA LASSITER, MARTY SCHERER, KARI WORKMAN, A PERLMAN, PAM PARKINSON, TERRI MCKIBBIN, ANDY KNIGHTS, LESLIE VOGT, STEVE VOGT

A PowerPoint presentation was shown to the commission and audience by opposition, KYLE SKIPWORTH.

OPPOSED of ITEM d. PLH19-0021 DOGTOPIA

KYLE SKIPWORTH, 230 E. SAN CARLOS

OPPOSED – DID NOT SPEAK on ITEM d. PLH19-0021 DOGTOPIA

KIRAN DOOPADAHALLI, SUNDAR KASINATHAN, ANIKET JEPADYS, RAI BOOPATHY, HEATHER SKIPWORTH, CHIRANIEEUI AUNTHURU, VENKAT KANAGARAT, KRISHNT BOTTU, NICHOLAS LUND, JEGGY KRIS, HARI VENKAP, BRUCE WELLETTE, KOLBY LUND, CHRISTINE WELLETTE, JAY SHIVADI, JYOTHI CHALUVADI, GOVINDA CHALUVADI, PRIYANK GUPTA, GREG PLEASANT, BEVERLY PLEASANT, ANTHONY BUSTOS.

VICE CHARIMAN ROSE opened the floor to questions for opposition, KYLE SKIPWORTH.

COMMISSIONER KLOB, in speaking with other municipalities and outdoor facilities do any of them have added stipulations like the one the applicant is proposing with the one year time line to come back in front of the municipality?

KYLE SKIPWORTH, responds the only locations he spoke to directly to confirm were ones that did not, asked commission, meaning the municipality that do have outdoor play, correct?

COMMISSIONER KLOB responds correct

KYLE SKIPWORTH, he does not have that answer, does not know. He knows from a Houston stand point just doing some research, it is like the wild west in zoning, there is no land use stipulations its more land division. Therefore, in theory he was told and researched that you can build a skyscraper next to a home. From that aspect, it is your piece of property and your rights. Those are from a few places he reached out to, did not have time to vet and research every single facility or call every municipality, so he cannot answer the question about stipulations.

COMMISSIONER KLOB asks wouldn't you agree those challenges you showed pictures of might not be an issue had that municipality been more proactive and making sure the applicant was abiding by the stipulations they would provided?

KYLE SKIPWORTH responds your eluding to playing devil's advocate side. Well we would have a time stipulation for a review process. His answer would be they have proven to be dishonest and misleading from the very beginning. What's to say that they cannot abide

by it one year but then all of a sudden there is all these "what if's". Can go into a million different things. In the summer, it is incredibly hot in the afternoons, not safe for anyone to have his or her pet out in the afternoon. So now we start looking all the "what ifs" leading into we cannot leading to we cannot put it out there but we should still get out hour and half, put somewhere else. Now over time this will erode and proven they have been deceitful to us and deceitful to this commission. We should not be an oversite community as a community. We have followed an honest process, about being honest and upfront trying to be rational about this. Yet, why should we give them the benefit of the doubt? They have lied directly to my community about this whole thing. I do not understand why we should trust them to be good about a one year stipulation when easily anybody can hide something or containment for a year when in reality they have already proven they will lie a little bit. What about when we run over five, ten or fifteen years? That would be my rebuttal back to that Commissioner Klob.

COMMISSIONER KLOB, if we look back at case history of, this is not the only dog facility that we have ever had this kind of challenge with, commission has approved numerous. But we have done with bars with live band that back up to residential, some within blocks of where we are standing right now. With those same stipulations that the applicant has to prove, they are a good neighbor they get a little bit more and they continue to prove it they get even a little bit more, it can be easily be pulled back. It is to protect those neighbors from those type of scenarios.

KYLE SKIPWORTH, asked in your opinion base on the fact I have shown they have been misleading, have they been a good neighbor to us though?

COMMISSIONER KLOB, it is not for me to judge I was not part of the discussions on who lied to who, cannot not say one way or another. What I can do is review the facts on what data our city staff can provided to us when we make follow up reviews of these businesses.

KYLE SKIPWORTH, to finalize this answer would be this is based on a compatibility use permit. When we look at the verbiage on what is in the best interest for our community and unfortunately, when I look at an applicant who is willing to lie just to get this put in, that is not in the best interest for our community. That is how I will answer that to summarize it all in regards to the stipulation.

COMMISSIONER EBERLE, you listed several cities that denied the use of permits DOGTOPIA, frankly I would certainly hope that Chandler would be above almost every one of those if not all of them, with our exemplary staff and council members. I am curious how we went from 46 to 146 signatures, since we last met in August, can you expand on that a little bit.

KYLE SKIPWORTH, responds he did a ton of foot work himself, he was unable to on the last one. Himself and they designated a few leads in the community, had community meetings together and many of them were attendees to the meetings. They were well informed, I showed them the facts he came up with, and they simply went door to door. They did it the old fashion way, foot traffic knocked on peoples doors explained to them asked if they had any questions what so ever. We could answer the majority of all of them, if they did not feel comfortable; if they had questions, it was to be directed to Stephanie Watney with the city. It was foot traffic, door to door knocking on doors the old school way.

COMMISSIONER, asked far as you know and (I can follow up with Mr. Baugh on this), the

eleven people that attended this meeting and looks like four, five and eleven in three different meetings those were all obviously neighbors right that are in your neighborhood somewhere?

KYLE SKIPWORTH, confirms, we do not have a single signature in that opposition petition that is outside of our neighborhood. Those are all South Shore Village residents

COMMISSIONER KIMBLE, going back to the August meeting, it has been three or four months now, one of the goals or objectives is that we as Planning and Zoning and as the city is trying to bring cohesive understanding between the citizens and business. There is always a fine line, there is never a correct answer and there is probably not a right answer. The goal is to try to get your neighborhood association with the owners to try to get the issues resolved that have been presented.

KYLE SKIPWORTH, responded yes sir

COMMISSIONER KIMBLE, looks like there have been two or three meetings between the owners and neighbors with the engineer, with commissioners and it look like that from what I can see is that the applicant has made several concessions. They are going to put up new panels, new acoustical barriers, they reduced their hours to 3 hours a day, there is no Sunday hours. To me from a business standpoint that the owners have made concessions to try cope with this issue. He does not know what the neighborhood has done as far as concessions, I do not see concessions, I do not see what the neighborhood is trying to do make it applicable to make this business successful, help me understand.

KYLE SKIPWORTH, respectfully this business can and will succeed at an incredibly high rate with or without this, it has been proven through facts. So then, the idea of us making concessions, a compatible relationship is based on benefit for both parties. Unfortunately, there is no positive benefit to our community. Outside of maybe one or two people in the community who may that take their dog directly to DOGTOPIA, he ran into one when he was obtaining signatures for his petition. They do not benefit from this, none what so ever. It is a benefit for everyone who is not invested in the community. From the best of his knowledge, none of their services will change with this addition of this outdoor play space. They still offer daycare, boarding, spa services all the things people spoke about the training of the dogs and socialization of the dogs all will continue to take place. When they look at the concessions, yes there were concessions made by the business but unfortunately it will become a he said, she said. He asked them what are they willing to give up, not the other way around. He had to poach that question, in my backyard. He is the only resident that was in there. This will become a he said she said because of the minutes that were submitted indicated that they did. It was not until he poached that question, it was our sound study says this our sound study says that there would not of been concessions. As far as about reaching out to the community, there was a meeting at the Hamilton Library to discuss the sound study and the one meeting done with the sound study. No concessions were ever directly given to residents and as he eluded earlier they only tried to meet with him, personally. They did not try to reach out to anyone else there are literally 150 feet from our door. There is a lot of people that showed up and that had issue with this, they never knocked on our doors and never tried to contact us. They only contacted him because he has been the tip of the spear as far as even to see if this would be a compatible relationship or not. Due to the vetting process and fact finding sir, he does not like neighbors that lie to him. He does not trust people who lie to him, his neighbors or to miss construed to misleading facts. Because of that, he has been taken back and cannot trust any future intensions. No concessions were made known to the neighbors to discuss.

VICE CHARIMAN ROSE, calls applicant back up.

ADAM BAUGH, couple of things that are important for consideration. It has always been part of their business model to have an outdoor play. When they started the process, they never gone through the process with the City of Chandler. They did not understand what it means to go through a use permit process, it takes months and months, they had a lease to act on. So of course they commence the lease with full expectation that the outdoor use would be part of the process. Always since the beginning was the use of this in their business model. He understands the concerns raised by the neighbors and appreciates their interest in this matter. He read the petition that was submitted, understands why 142 people would sign something like this. If someone came to my door I may have signed it as well. Some of the things that were interesting that this would have potential for ground water contamination was one of the facts that were highlighted in the letter, health and sanitation, equable losses and noise pollution. But he knows is that are not fact based and the facts tell a different story. He can dispute the facts of the noise study that was conducted on the property by an acoustical engineer. He cannot ignore the fact that a train activity occurs in the area, Basis school next door that has an outdoor play and orchestra practice. These are the ambient conditions, he does believe it's a benefit to the community and just not what is listed to the north, east or west Chandler as a community does benefit from these including some residents that live in the area. There are a number of uses that can be loud and concerning in commercial shopping centers. This is the one before you today but you have experienced working with other ZUP requests as mentioned with bars outdoor patios, liquor licenses, special events and every time there is consideration regarding the actual facts are and what the mechanisms are to enforce it. He knows on occasion there may be some sites that do not have an outdoor component does not know the reasons why one does and the other does not or why one city approves it while another does not. He does appreciate why Chandler had the zoning ordinance that provides the mechanism for use like to exist. Most important a public hearing that prescribed conditions and stipulations, that is the governing part of this because if at any point they are noncompliant it is revoked even before the one year mark. He appreciates that they have gone significant direction to reduce the number of hours. What they are proposing is very reasonable, a brief moment in the morning an hour and half and in the afternoon. Respectfully only two hours over a 48-hour weekend. The outdoor play is a necessary component to what they are doing and urge support on this matter.

VICE CHAIRMAN ROSE opens floor for any additional questions.

COMMISSIONER KLOB, asks ADAM BAUGH to address some of the comments that were made by the neighbors regarding the fecal or why they feel they have been lied too. He thought there was a letter from the school in the original packet, asked for clarification.

ADAM BAUGH, responds that his involvement with this case has only been three weeks and does not know what statements have been made previously. He does know that they have had good discussions with the Basis school and positive discussions with Alamo. Until more recently because they were approached by KYLE SKIPWORTH, those organizations have decided that they want to remain neutral, in the beginning they were very supportive. If you're a business you want to maintain the relationship with the residents, does not surprise him that they want to stay neutral. There was a letter of support provided by Alamo previously. Houston has no zoning regulations and highlights some of the incompatibility of some of these uses and times. They do have cleaning and sanitization protocols, the aggregate below the turf it can percolate into the ground rather drain down into the street,

there is no storm drainage nearby so the idea that this would some how containment the ground water, never heard before. DOGTOPIA has other facilities in Scottsdale and Arcadia that have housing and apartments, still have the right to complain but have not received complaints that have been registered at least the ones they have surveyed.

COMMISSIONER EBERLE, the issue he has still is the fact they went from 40-146 that do not think it is a good idea and they are your immediate neighbors. There has to be something to be overcome before he could vote yes on it.

ADAM BAUGH, responded based on the timing when those petitions were collected and our offer to reduce the noise along with the additional absorption panels, he is assuming that most of those signature were collected before they made significant concessions. At a minimum at least the first 42 that concession was relatively new and after his involvement they needed to find ways to be more responsive.

STEPHANIE WATNEY, makes a clarification with the original packet, the memo and numbers were based on number of households. So there were 48 households that signed the petition whereas this most recent memo is based on unique individual signatures. Cannot completely verify but there appears to be 111 households that signed the most recent petition; 48 to 111.

VICE CHAIRMAN ROSE closes floor and item discussed.

COMMISSIONER KLOB, this is a symbiotic relationship where both sides have to work together. He does see where the applicant has come in try to work with neighbors by doing study's and sees that the neighbors have maintained a very hard line. Being a good neighbor is a two way street and does not see that happening in this situation. He has been taking his dogs to DOGTOPIA since they have opened, which as a resident of Chandler is able to utilize business and service as any other citizen. He has watched the owners, the care of the animals, they have cameras and has seen when the dog does use the bathroom, it is taken care of immediately. He has witness heavy playing, barking and it is dealt with immediately as it would if it was done outside. This is a good use, good business with a conscientious business owner and have confidence they would follow through and be a good neighbor. And listen to challenges that would come up, would support this and would also support the one year stipulation to come and revisit.

VICE CHAIRMAN ROSE, is still undecided to persuade him, not ready to support the outdoor permit.

COMMISSIONER FLANDERS, is in favor of the application.

MOVED BY COMMISSIONER FLANDERS, seconded by COMMISSIONER KLOB to approve Item b. PLH19-0021 DOGTOPIA

Vice Chairman Rose – opposed Commissioner Klob – In Favor
Commissioner Kimble – In Favor Commissioner Eberle – opposed
Commissioner Flanders – In Favor

The motion to passed 3 – 2

5. **MEMBERS COMMENTS/ANNOUNCEMENTS**

None

6. **CALENDAR**

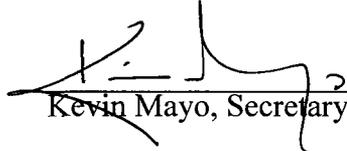
Next regular meeting is December 18, 2019, at 5:00 P.M. in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona

7. **ADJOURNMENT**

The meeting was adjourned at 7:40 p.m.



Rick Heumann, Chairman



Kevin Mayo, Secretary