



2017 Planning & Zoning Commission Minutes

Regular Meetings

January 18, 2017

February 1, 2017

February 15, 2017

March 1, 2017 Cancelled

March 15, 2017

April 5, 2017

April 19, 2017

May 3, 2017 Cancelled

May 17, 2017

June 7, 2017

June 21, 2017

July 5, 2017 Cancelled

July 19, 2017

August 2, 2017

August 16, 2017 Cancelled

September 6, 2017

September 20, 2017 Cancelled

October 4, 2017

October 18, 2017 Cancelled

November 1, 2017

November 15, 2017

December 6, 2017

December 20, 2017 Cancelled

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 18, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Devan Wastchak
Commissioner David Rose
Commissioner Robert Klob

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER DONALDSON, seconded by **COMMISSIONER ROSE** to approve the minutes of the December 7, 2016, Planning Commission Hearing. The motion passed 4-0. (Vice Chairman Baron, Commissioner Cunningham and Wastchak, abstained as they were absent.)
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. PDP16-0010 GILBERT AND OCOTILLO

Approved.

Request Preliminary Development Plan approval for site layout and building architecture for a commercial shopping center. The approximate 7.5-acre site is located south of the southeast corner of Gilbert and Ocotillo roads.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Gilbert and Ocotillo" and kept on file in the City of Chandler Planning Division, in File No. PDP16-0010, modified by such conditions included at the time the Booklet was approved by

- the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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 commercial development standards shall be in accordance with the requirements of the Southeast Chandler Area Plan.
 4. Landscaping shall be in compliance with current Commercial Design Standards.
 5. Raceway signage shall be prohibited within the development.
 6. The site shall be maintained in a clean and orderly manner.
 7. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
 8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
 9. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
 10. Light shields shall be installed on all light poles located in the rear (east side) of the shopping center.
 11. The applicant shall work with Planning Staff to provide mechanical screening through the use of building massing and raising parapet heights.

B. LUP16-0033 LA FAMILIA NEW MARKET

Approved.

Request Liquor Use Permit approval to continue to sell beer and wine for off-premise consumption as permitted under a Series 10 Beer and Wine Store License. The existing business is located at 545 N. Arizona Avenue, north of the northeast corner of Arizona Avenue and Chandler Boulevard.

1. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 10 Beer & Wine Store license, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.

C. LUP16-0037 HANGAR 9 BAR & GRILLE

Approved.

Request Liquor Use Permit approval to continue to sell and serve all types of spirituous liquors for on-premise consumption indoors and within an existing patio as permitted under a Series 12 Restaurant License. The request includes adding live entertainment, indoors only. The existing restaurant is located at 980 E. Pecos Road, Suite 5, the northwest corner of McQueen and Pecos roads.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 Restaurant License, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
6. No noise shall be emitted from outdoor speakers or acoustical musicians so that it exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
7. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
8. The establishment shall provide a contact phone number of a responsible person (bar owner and/or manager) to interested neighbors to resolve noise complaints quickly and direct.
9. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

D. LUP16-0041 MOON CHINA CHINESE BISTRO

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption as permitted under a Series 12 Restaurant License within an existing restaurant located at 3165 S. Alma School Road, Suite 16, southeast corner of Alma School and Queen Creek roads.

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

E. LUP16-0044 LA HACIENDA

Approved

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption and within an outdoor patio as permitted under a Series 12 Restaurant License within a new restaurant located at 2051 W. Chandler Boulevard, Suite 1, southwest corner of Chandler Boulevard and Dobson Road.

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

F. PPT16-0019 ALLRED CAZ5

Approved.

Request Preliminary Plat approval for a portion of the Allred Park Place business park development located at the southwest corner of Price and Willis roads.

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

CHAIRMAN PRIDEMORE asked the audience if anyone had any questions on the consent agenda or would like an item pulled for a full presentation. There were none.

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

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, had nothing to report.

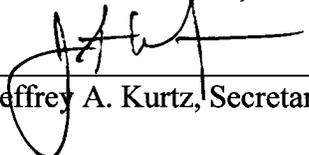
7. CHAIRMAN'S ANNOUNCEMENTS

Chairman Pridemore stated the next regular meeting is February 1, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:39 p.m.


Matthew Pridemore, Chairman


Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 1, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Devan Wastchak
Commissioner David Rose
Commissioner Robert Klob

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER CUNNINGHAM** to approve the minutes of the January 18, 2017, Planning Commission Hearing. The motion passed 7-0.
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. DVR16-0029 TURBO RESOURCES

Approved.

Request rezoning from Planned Area Development (PAD) Regional Commercial to PAD (Light Industrial) with a Mid-Rise Overlay for building height up to 52 feet, along with Preliminary Development Plan (PDP) approval for site layout and building design for a light industrial development on approximately 18 acres located at the northeast corner of Arizona Avenue and Palomino Drive; south of Elliot Road.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "TURBO RESOURCES" and kept on file in the City of Chandler Planning Division, in File No. DVR16-0029, modified by such conditions included at the time the Booklet was

- approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
 3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
 4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
 5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
 6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
 7. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
 8. **Building heights shall be limited to a maximum of fifty-five (55) feet in height.**

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "TURBO RESOURCES" and kept on file in the City of Chandler Planning Division, in File No. DVR16-0029, 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 shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Raceway signage shall be prohibited within the development.
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.

B. PDP16-0011 SEVRAR-CHANDLER AIRPORT CENTER

Approved.

Request Preliminary Development Plan approval for site layout and building architecture for an office building located north of the northeast corner of Germann Road and Northrop Boulevard.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "SEVRAR – Chandler Airport Center" and kept on file in the City of Chandler Planning Division, in File No. PDP16-0011, 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. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
7. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping
8. **The applicant shall work with Planning Staff to provide additional contrast on the elevations by use of additional materials and color.**

C. LUP16-0039 THE REEF RESTAURANT & BAR

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquors for on-premise consumption indoors and within a new outdoor patio as permitted under a Series 6 Bar License. The request includes live entertainment, indoors only. The new restaurant is located at 2041 N. Arizona Avenue, north of the northeast corner of Arizona Avenue and Warner Road.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 6 Bar license, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
6. No noise shall be emitted from outdoor speakers, televisions, or live entertainment so that it exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
7. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.

8. The establishment shall provide a contact phone number of a responsible person (bar owner and/or manager) to interested neighbors to resolve noise complaints quickly and direct.
9. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

D. LUP16-0046 ZOE'S KITCHEN

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption and within a new outdoor patio as permitted under a Series 12 Restaurant License within a new restaurant located at 2985 S. Alma School Road, northeast corner of Alma School and Queen Creek roads.

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

E. ZUP16-0008 TOWER STORAGE

Approved

Request Use Permit approval to allow propane dispensing equipment within a Planned Industrial District with a Planned Area Development overlay (I-1/PAD), within a new recreational vehicle self-storage facility located at 5205 S. Arizona Avenue, south of the southeast corner of Arizona Avenue and Chandler Heights Road.

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

F. ZUP16-0023 COURAGE HONOR STRENGTH BRAZILIAN JIU-JITSU

Approved.

Request Use Permit approval for a personal trainer/recreational business within a Planned Industrial District with a Planned Area Development overlay (I-1/PAD). The site is located at 3155 N. Nevada Street, Suite 1, east of the southeast corner of Nevada and Colorado streets.

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

2. The site shall be maintained in a clean and orderly manner.
3. The Use Permit shall remain in effect for two (2) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

G. ZCA16-0002 CITY OF CHANDLER / SIGN CODE AMENDMENT

Approved. CONTINUED TO THE APRIL 19, 2017, PLANNING COMMISSION HEARING)

City initiative to amend Chapter 39 (Sign Code) of the Chandler City Code by adopting a revised Chapter 39 in its entirety. **(REQUEST CONTINUANCE TO THE APRIL 19, 2017, PLANNING COMMISSION HEARING)**

H. PPT16-0020 ARTESIAN PLACE

Approved.

Request Preliminary Plat approval for a 4-lot single-family residential subdivision located south of the southeast corner of Ocotillo Road and Norman Way, west of Gilbert Road.

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

CHAIRMAN PRIDEMORE asked the audience if anyone had any questions on the consent agenda or would like an item pulled for a full presentation. There were none.

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

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, had nothing to report.

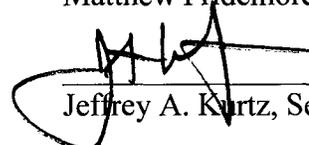
7. CHAIRMAN'S ANNOUNCEMENTS

Chairman Pridemore stated the next regular meeting is February 1, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

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


Matthew Pridemore, Chairman


Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 15, 2017 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Pridemore called the meeting to order at 5:39 p.m.
2. Pledge of Allegiance led by Commissioner Wastchak.
3. The following Commissioners answered Roll Call:

Chairman Matthew Pridemore
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Devan Wastchak
Commissioner David Rose
Commissioner Robert Klob

Absent and Excused:

Vice Chairman Andrew Baron

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CUNNINGHAM, seconded by **COMMISSIONER DONALDSON** to approve the minutes of the February 1, 2017, Planning Commission Hearing. The motion passed 6-0. (Vice Chairman Baron, absent)
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. DVR17-0002 DOWNTOWN CHANDLER

Approved.

Request rezoning from City Center District (CCD) and Planned Area Development (PAD) for commercial office and retail, to PAD for commercial office and retail, with Preliminary Development Plan approval for site layout and building architecture. The approximate 4.3-acre subject site is generally located west and south of the southwest corner of Arizona Avenue and Chandler Boulevard, and includes the sites commonly known as Sites 1, 2, and 3.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Downtown Chandler" and kept on file in the City of Chandler Planning Division, in File

No. DVR17-0002, 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. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Downtown Chandler" and kept on file in the City of Chandler Planning Division, in File No. DVR17-0002, 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 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. Raceway signage shall be prohibited within the development, with the exception of how the signage is presented within the development and that no raceways shall be visible.
7. Landscaping shall be in compliance with current Commercial Design Standards.
8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
9. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
10. The applicant shall continue to work with Planning Staff on landscaping and signage design standards.

B. PDP16-0015 CHANDLER CORPORATE CENTER LOTS 13 & 14

Approved.

Request Preliminary Development Plan approval to modify development standards of Parcel D within the Chandler Corporate Center development. The approximate 9-acre site is located north and west of the northwest corner of Chandler Boulevard and McClintock Drive.

Preliminary Development Plan

1. Development shall be in substantial conformance with exhibits and representations entitled "Chandler Corporate Center Lots 13 & 14" and kept on file in the City of Chandler Planning Division, in File No. PDP16-0015, modified by such conditions included at the time the exhibits and representations were approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Compliance with the original stipulations adopted by the City Council as Ordinance No. 1968, in case Z88-018 CHANDLER CORPORATE CENTER, except as modified by condition herein.
3. Compliance with the original stipulations adopted by the City Council as case PDP05-0009 CHANDLER CORPORATE CENTER, except as modified by condition herein.
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.

C. LUP17-0001 DOWNTOWN CHANDLER

Approved.

Request Liquor Use Permit approval for a comprehensive permit to allow the sale and service of all types of spirituous liquor for on-premise consumption and within outdoor patios, with live entertainment. The site includes approximately 2.10 acres commonly known as Site 3, and is generally located at the southwest corner of Arizona Avenue and Chandler Boulevard, extending south to Buffalo Street.

1. Liquor 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 Liquor Use Permit shall apply.
2. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. persons with disabilities shall have direct access to all indoor and outdoor pedestrian spaces).
3. The site shall be maintained in a clean and orderly manner.
4. No noise shall be emitted from outdoor speakers or acoustical musicians on the patios so that it exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
5. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.

D. LUP16-0045 CURRY BOWL INDIA CUISINE

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquors for on-premise consumption indoors and within an outdoor patio as permitted under a Series 12 Restaurant license. The request includes live entertainment, indoors only. The restaurant is located at 955 W. Chandler Heights Road, Suites 1 and 2, at the southeast corner of Alma School and Chandler Heights roads.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 Restaurant license, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
6. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
7. Music shall occur indoors only.
8. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

E. LUP16-0047 SENOR PANCHO VILLA

Approved

Request Liquor Use Permit approval to sell and serve all types of spirituous liquors for on-premise consumption indoors and within an outdoor patio as permitted under a Series 12 Restaurant license. The request includes live entertainment, indoors only. The restaurant is located at 825 N. 54th Street, in the Chandler Pavilions commercial shopping center.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 Restaurant license, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
6. No noise shall be emitted from outdoor speakers, televisions, or live entertainment so that it exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
7. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
8. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

G. ZUP16-0019 VIEN MINH BUDDHIST TEMPLE

Approved.

Request Use Permit approval to continue to allow a place of worship in a home zoned Single-Family (SF-8.5) Zoning District. The subject property is located at 285 N. Comanche Drive, west of Alma School Road and north of Chandler Boulevard.

1. Expansion or modification beyond the approved exhibits (Site Plan/Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. In accordance with the Building Code's maximum occupancy load, there shall be no more than 49 persons on-site at any time.
3. Parking for gatherings such as worship services, celebrations/events, and the like shall not occur on-site. Parking shall occur off-site at an appropriate location in accordance with Zoning Code.
4. Worship services shall occur only within the single-family residence and cannot occur outside.
5. The outside area, the backyard, may be accessed during worship services pending compliance with all building codes, permits, and lot coverage requirements.
6. The site shall be maintained in a clean and orderly manner.

H. ZUP16-0020 INVISION AUTO BODY

Approved.

Request Use Permit approval to continue to operate an auto body repair business in a Planned Industrial (I-1) Zoning District. The subject property is located at 7021 W. Oakland Street, west of the southwest corner of 56th and Oakland streets.

1. Expansion or modification beyond the approved exhibits and representations shall void the Use Permit and require new Use Permit application and approval.
2. The subject business will abide by all building, fire, and other applicable city regulations including those that pertain to auto repair as a condition of occupancy.
3. The site shall be maintained in a clean and orderly manner.
4. All vehicle storage shall occur inside the gated area.
5. All vehicle work shall occur inside the building.

I. CANCELLATION OF THE MARCH 1, 2017 PLANNING COMMISSION HEARING.

Approved.

CHAIRMAN PRIDEMORE asked the audience if anyone had any questions on the consent agenda or would like an item pulled for a full presentation. There were none and turned it over to the dais for questions and concerns regarding Item A.

COMMISSIONER WASTCHAK stated he'd like to put on record a couple comments relating to the parking garage. He'd like Council to understand that they would like the design to be cohesive with the new design that's coming through. It doesn't have to match exactly but it should be a good transition from the residential which has more of a Mediterranean look and as Commissioner Cunningham stated there's a brick façade. Another thing relating to parking structure, he would like to see the design of the structure to be very cognizant of the residential next to it especially if it's going to be taller. He doesn't know if extra screening that can happen. His understanding is that parking structure can have a complete covered one side and still meet ventilation. He can see late movies getting out and people being in there making noise. People who bought the condos are going to be calling the city. The other thing he wanted to mention and have staff aware of is a couple of comments that were made at study session about the graphic panels in the corner. He loves that idea and thinks it's great to bring that look to downtown. However, he doesn't think they should be moving because it's distracting. One of the things he would like to be considered for the screens is that there should be some kind of limitation on the

brightness. The big Pylon sign for the auto dealership on the freeway that you can see 5 miles away, it's obnoxious, he mentioned. There should be a limit on how bright is going to be. He asked staff if there can be a limitation on advertising. He knows graphics for the theatre will be up but how will it be limited is his concern.

MR. KEVIN MAYO, PLANNING MANAGER stated once a sign is designated to an area they cannot control what goes on that sign. If they try to regulate it becomes a regulation of content and freedom of speech. It is entirely up to them what they put on it as they are not able to control who, what and when.

COMMISSIONER WASTCHAK asked staff if it's a billboard and could they regulate the brightness.

MR. MAYO stated it is a billboard and they can regulate the brightness.

CHAIRMAN PRIDEMORE asked staff if they can regulate the hours of operation.

MR. MAYO stated what they want from Planning Commission is to highlight concerns and direction of how to potentially address those concerns and also the end goal. The end goal is visible but not intrusive. That is the direction staff is looking from Planning Commission. Controlling the brightness to an appropriate level would be the direction to pass forward to City Council. A statement of controlling it to specifics would be difficult to have that answer by the time they get to Council.

CHAIRMAN PRIDEMORE thinks it is safe to say that brightness is a concern. In terms of nuisance he doesn't personally see why it should operate 24/7. He thinks brightness and hours of operation in terms of avoiding it being an eye sore and nuisance.

COMMISSIONER CUNNINGHAM stated she doesn't think the screens need to have motion at all. A moving marquee is one thing but if it's pictorial, she doesn't think it's appropriate at Chandler Blvd and Arizona Ave because there are enough traffic issues and there is no need to add more distractions it. The building encompasses an existing building; it doesn't build around it, over but is adjacent to it. It is extremely different from what's there and thinks its fine for Arizona Ave. and Chandler Blvd. but it needs to tone down a bit as it rounds the corner on Buffalo St. to be a little more cohesive. Both restaurants have different façades and its fine but it's really modern compared to what's already there. It looks like the brick façades that's been preserved is going away and thinks it was preserved for a reason and perhaps it could be incorporated into the new building as part of the original along Buffalo St.

MR. MAYO he believes the desire of Commission is to ensure a transition from buildings that isn't representative in the book along Buffalo St.

CHAIRMAN PRIDEMORE wanted to add several comments that were said during study session in terms of architecture and discussed both north and south side of the theater building. There are quite of few elevations they don't see anything for so he wants appoint staff to put some emphasize on working with the applicant on the architecture, material and color choice. Also, wants to make sure staff is aware of the east/west alley and the probable work that can be done to mitigate the vehicular traffic and pedestrian traffic and how the alley will be used.

COMMISSIONER DONALDSON stated he wants to express that he agrees with the comments that have been made. Without repeating what other Commissioners said he also has concerns with each one of those things. Also, he understands that the parking garage that goes along with the project won't go before planning Commission; it would be more of a public process more administrative within the city. So he recommends involvement of the multi-residential adjacent to the project through the process associated to the parking garage being built.

COMMISSIONER KLOB stated he'd like to second on Commissioner Cunningham's comment about the red brick. He mentioned during study session there's a lot of brick in the downtown area and the elevation illustrate grey on grey pallet. Maybe the lower level could bring that red brick back in as an accent to help tie the new building with the old building. The narrative mentioned they are intending to incorporate the red so maybe that suggestion helps. Regarding the garage, he thinks some type of vertical screening is important to help block noise, alarms, and car lights as one leaves the movies. Also, some additional care needs to be put in the alley as far as how it should be used and when so it doesn't become a hazard.

CHAIRMAN PRIDEMORE stated he and several other commissioners are uncomfortable with the level of detail and certainly taking a leap of faith on this project. He hopes that staff is comfortable with the comments provided by commissioners.

MR. MAYO stated he understood that it is very different but it is exactly what Council was hoping to gather through this process and thanked commissioners for their comments.

MOVED BY COMMISSIONER DONALDSON, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed 6-0. (Vice Chairman Baron, Absent).

ACTION:

F. ZUP16-0018 CASA DE MONTESSORI

Approved.

Request Use Permit approval to operate a residential child care for a maximum of 10 children in an existing single-family residence located at 410 N. Vine Street, north and east of the northeast corner of Chandler Boulevard and Alma School Road.

1. The residential childcare home shall have no more than ten (10) children for compensation, at any time.
2. Should the applicant sell the property, this Use Permit to operate a childcare home shall be null and void.
3. The site shall be maintained in a clean and orderly manner.
4. **The Use Permit shall remain in effect for one (1) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.**

MS. SUZIE EVENSTAD, 349 N. VINE ST. stated she lives on the south side of Erie St. and the school is in the cul-de-sac north of her home. She stated she would be speaking on behalf of neighbors that couldn't make the meeting. Their concern is the traffic especially since Chandler Blvd. is under construction and parking. She suggested if they want to pursue this as a

Montessori school, they'd look into the Nazarene church. They are set up with classrooms, playground and equipment. It would be ideal for a Montessori school. Another concern is if it's being run as a business or a Montessori school. Things tend to domino and if the neighborhood they live in allows a house run a business another will want to come in and it will keep going and they like the neighborhood the way it is now.

CHAIRMAN PRIDEMORE asked staff if they've received any complaints in regards to traffic.

MS. SUSAN FIALA, CITY PLANNER stated they have not received any complaints but if the Use permit is permitted they will address and look at that. They do have specific drop-offs and pick-up times in the morning and it is half day. The cars do not stay there and they are allowed up to 10 children per the use permit and for compensation.

CHAIRMAN PRIDEMORE asked staff why they are asking for a two year time extension and not one year to see if they are being good neighbors.

MS. FIALA stated there is currently a license that has been operating since June 2016 and good for two years. To coincide with their state issued license they are requesting a two year extension. However, it can be modified if commission decides a one year.

COMMISSIONER CUNNINGHAM asked Ms. Evanstad if she was aware that the school was already operating.

MS. EVENSTAD stated she did not know. She noticed cars coming and going and when she received the card in the mail she figured they were already doing some type of childcare.

COMMISSIONER CUNNINGHAM asked if things had been obnoxious or noisy that disturbed neighbors and traffic.

MS. EVENSTAD stated no she just sees the cars coming and going. She mentioned that her neighbor said they have been working with 5 children and now they want to increase it to 10 children. She thinks it's not a big lot or house.

COMMISSIONER CUNNINGHAM asked staff to clarify the increase from 5 to 10 children.

MS. FIALA stated that this was brought forward to allow up to 10 but is not aware of the current number. Where there are 5 children at the home it is determined as a daycare but they wanted more and the applicant is here to clarify.

COMMISSIONER ROSE asked the applicant if she lived on the north side of Erie St. or South.

MS. EVENSTAD stated on the south side of Erie St.

MS. MARY BARCENA, 410 N. VINE ST. stated that 10 children is what her license allows. She mentioned it is a 1 to 5 ratio. She provides a very intimate and safe environment. There hasn't been any exterior changes made to the home, however beautiful improvements to the property since they purchased it almost 4 years ago. She considers herself a great neighbor and she hopes to continue to keep the property beautiful. There are only 5 neighbors in the cul-de-sac and they are all aware of the business that she is operating. One of her neighbors close to her

home is pregnant and she says she can't wait to bring her child over when the time comes. She hasn't had any complaints from her immediate neighbors. She believes it is great that they have a cul-de-sac so they can pull in and not block Erie St and traffic. It is very busy because Chandler High is only a block away. The hours are set and only 4 hours a day 4 days a week with a set drop off at 8:30 a.m. Chandler High School starts school an hour earlier so the parents are not arriving when Chandler High traffic is going on and they end at 12:30 p.m. whereas Chandler High is not out. They love the neighborhood and they are very conscious neighbor and want to make sure everyone is happy. She believes it is an asset to the neighborhood because she is helping bring citizens to Chandler Arizona. She mentioned she is a qualified certified Montessori teacher with over eight years of experience working as a Montessori teacher. She has a college degree and her cliental the parents that trust their children to her are dentists and lawyers in the area. Because she is conducting the business out of her home it becomes more personal and she is very careful who she allows into the program.

CHAIRMAN PRIDEMORE stated it is very important when businesses operate within a neighborhood that they should look and still function as a house. It shouldn't be obvious and it sounds like that's the case and what he wanted to hear.

COMMISSIONER WASTCHAK asked the applicant if all of her neighbors are aware that her students will double the number of students.

MS. BARCENA stated she never doubled it and it has always been 10 and the license from the State of Arizona was issued for 10. She also mentioned that not every parent arrives at 8:30 a.m. so not all 10 cars are lined up. The parents have been spoken to as well to be very conscious and respectful of her neighbors. Erie St. also has speed bumps so cars drive slowly.

CHAIRMAN PRIDEMORE his understanding is that she is trying to catch up with the city so that she is legal from that point of view. Also asked if when the kids are outside in the backyard are they are supervised?

MS. BARCENA stated there are always two teachers outside with the children.

COMMISSIONER DONALDSON asked the applicant if she's received any other complaints from other neighbors besides the 5 in the cul-de-sac.

MS. BARCENA said no and when she held a neighborhood meeting; one neighbor arrived but wanted more information and wished her well.

CHAIRMAN PRIDEMORE stated he would be more comfortable with a one year stipulation. Sounds like the business has been operating great with no concerns and hopes it continues that way. Given that she has already been operating into two years he would rather want to go down to one year.

MS. BARCENA stated she follows an academic calendar so they don't operate over the summer.

COMMISSIONER DONALDSON he is in favor of the application with the one year stipulation.

CHAIRMAN PRIDEMORE asked the audience if anyone had any questions on the consent agenda or would like an item pulled for a full presentation. There was one.

MS. CLACINE HILE 348 N. VINE ST. Stated that the applicant stated had a neighborhood meeting but she first was aware of it when she got the card from the City and was never aware of a neighborhood meeting she had. Her main concern is that she's lived in the neighborhood for 50 years and it is a very nice neighborhood. She believes that if the City allows a business in the neighborhood another business will come in and could possibly be a rehab center. She stated she feels better with a one year but they have to be careful to keep the neighborhoods up. She mentioned she drove down the street and seemed like the neighborhood is going south. A lot of the new neighborhoods have HOA's that limit things but for those that live in older neighborhoods the City have to be careful what it allows. She just wants the neighborhood kept up. She doesn't see the kids running around which is good but wants the City to limit businesses in neighborhoods.

CHAIRMAN PRIDEMORE asked Ms. Barcena if she had anything else to say. He mentioned she did not have anything to say.

COMMISSIONER DONALDSON mentioned that the second speaker talked about a neighborhood meeting that she didn't know about. That card should have been the notification to that meeting. He mentioned he is a neighborhood person himself and understand the importance of notifications. He also mentioned they do pay attention to when those businesses come and how many come in.

MOVED BY COMMISSIONER CUNNINGHAM, seconded by **COMMISSIONER DONALDSON** to approve Item F ZUP16-0018 CASA DE MONTESSORI with a modification to Stipulation No. 4 as a one year as read in by Staff. The Consent Agenda passed 6-0. (Vice Chairman Baron, Absent)

CHAIRMAN PRIDEMORE informed the audience that Planning Commission is only a recommending body and the cases still have to go through City Council on March 9th.

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, thanked Commission for being understanding and for the efforts that were put on Item A.

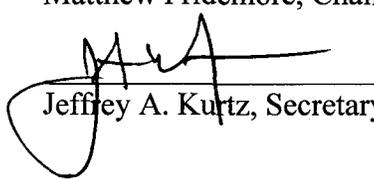
7. CHAIRMAN'S ANNOUNCEMENTS

Chairman Pridemore stated the next regular meeting is March 15, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 6:21 p.m.


Matthew Pridemore, Chairman


Jeffrey A. Kutz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, March 15, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Devan Wastchak
Commissioner David Rose
Commissioner Robert Klob

Absent and Excused:

Vice Chairman Andrew Baron

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER DONALDSON, seconded by **COMMISSIONER WASTCHAK** to approve the minutes of the February 15, 2017, Planning Commission Hearing. The motion passed 6-0. (Vice Chairman Baron, absent)
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. LUP17-0004 MERIDIEM KITCHEN & LOUNGE

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption indoors and within an outdoor patio as permitted under a Series 12 Restaurant License. The request includes live music indoors and within an outdoor patio at a new restaurant located at 1245 S. Price Road, Suite 1, northeast corner of Price Road and Spectrum Boulevard.

1. The Liquor Use Permit is granted for a Series 12 Restaurant License only, and any change of license shall require reapplication and new Liquor Use Permit approval.

CHAIRMAN PRIDEMORE asked the audience if anyone had any questions on the consent agenda or would like an item pulled for a full presentation. There were none.

MOVED BY COMMISSIONER CUNNINGHAM, seconded by **COMMISSIONER DONALDSON** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed 6-0. (Vice Chairman Baron, Absent).

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, stated staff tries to coordinate the timing of the agenda. The agenda was very light due to some cases that need to go to council. He appreciates their service on planning commission. He also mentioned, David, Principle Planner pushed out the Sign code a month of head of time to Planning Commission to give enough time for review. It is on the Planning Commission meeting for April 19th.

7. CHAIRMAN'S ANNOUNCEMENTS

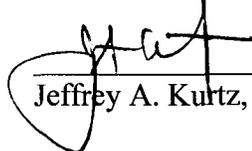
Chairman Pridemore stated the next regular meeting is April 5, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

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



Matthew Pridemore, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 5, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner David Rose
Commissioner Robert Klob

Absent and Excused:

Commissioner Devan Wastchak

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CUNNINGHAM, seconded by **COMMISSIONER DONALDSON** to approve the minutes of the March 15, 2017, Planning Commission Hearing. The motion passed 6-0. (Commissioner Wastchak, absent)
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

B. LUP17-0002 JIMMY T'S HOLY CRAB

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption and within a new outdoor patio as permitted under a Series 12 Restaurant License and request live music indoors at a restaurant located at 1050 W. Ray Road, northwest corner of Ray and Alma School roads.

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

4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.

E. ZUP17-0005 CONTINUUM – LOT 5

Approved.

Request Use Permit approval to allow a temporary parking lot within a property located at the southeast corner of Price Road and Innovation Street.

1. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. The Use Permit shall remain in effect for eight (8) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

F. ZUP16-0001 VERIZON AT TEMPE KOREAN PRESBYTERIAN CHURCH

Approved.

Request Use Permit approval to install a monopalm wireless communication facility at 1150 South Dobson Road, northwest corner of Dobson Road and the Loop 202 Santan Freeway.

1. Development shall be in substantial conformance with approved exhibits. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
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 three 25 foot tall live palms shall be maintained at a level consistent with or better than at the time of planting.

CHAIRMAN PRIDEMORE asked the audience if anyone had any questions on the consent agenda or would like an item pulled for a full presentation. There were none.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER KLOB** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed 6-0. (Commissioner Wastchak, Absent).

A. LUP16-0043 THE PERCH

Approved.

Request Liquor Use Permit approval to extend the hours of live entertainment and continue to sell and serve all types of spirituous liquors as permitted under a Series 6 Bar License and continue operation of the microbrewery as permitted under a Series 3 Domestic Microbrewery License. The business is located at 232 S. Wall Street, north and west of the northwest corner of Arizona Avenue and Frye Road.

MS. FIALA stated the 24 hour business operation is not part of the liquor use permit. It is part of a late hour business policy that has been in effect and because the zoning was already present on the property and not requesting a new zoning it already is permitted to have that.

COMMISSIONER ROSE asked staff if there are other existing restaurants and bars in the entertainment district that provide live entertainment and music till 2 a.m.

MS. FIALA stated that she is aware of a location on Arizona Ave and Boston St. La Bocca and Modern Margarita. They provide a Dj until 2 a.m. however they are not adjacent to residential and located in the entertainment district.

COMMISSIONER KLOB asked staff if there is any type of buffer zone between the two allowing or disallowing certain decibel for music venues to keep that peace.

KEVIN MAYO, PLANNING MANAGER explained the concept of entertainment. It is the underlined hard zoning that permits 24 hour use so the restaurant could be open 24 hours and have entertainment 24 hours. Outside the liquor use permit is the noise section of the code which is very nuisance and is different for every single resident. So if the liquor use permit wasn't present, the entertainment is permitted by right and regulated by the fact of whether the adjacent land uses find it to be too loud. When the liquor use permit is added, they get a little more say as to when, how loud and how to get immediate point of resolution through the neighborhood. What can be taken away is the permission to sell liquor. From a land use compatibility stand point it is found when liquor and live entertainment go together, the noise activity goes up than just live entertainment. It can be related and they can regulate through the liquor use permit however, if it goes away, they can still have live entertainment.

COMMISSIONER CUNNINGHAM in her recollection with Regal Beagle, they the output of the bass and subwoofers were limited. She asked if that is possible in an area that is directly adjacent to residential.

MR. MAYO stated anything is possible and ultimately the city strives for compliance. He mentioned the restaurant will continue to do what they do until they hear it needs to become less or stop. He hopes that the property owner of the single family home north east and within the entertainment district calls either the neighborhood liaison or Police to get immediate resolution. Regal beagle was very rigorous process that ultimately didn't get to a good resolution but it got very detailed to the point they stacked woofers. Maybe that's a path they need to go on.

CHAIRMAN PRIDEMORE asked if it has only been one year since they saw the case last.

MR. MAYO said yes.

COMMISSIONER DONALDSON mentioned he was going to explain an analogy because it's difficult to explain. He stated he was on the Mayor's Parking Task Force a few years ago. One of their motivations was; how difficult would it be to get a parking ticket in Chandler. They did that to try to get enforcement ability. The question he asked staff was; would the police have the ability to ticket the business for one of two out of the five complaints if it's reoccurring based on the complaints that occurred and are on record by the one neighbor? Or is it always the mentality of "it is allowed as they are in the entertainment district and hands are tide". Regal Beagle didn't get a ticket for it but came back to Planning and it was addressed to lower things down so that

the liquor use licensing agent but has been with The Perch since its inception and certainly can speak on their behalf as an authority. They have done as much as they can to work with the closest neighbor; the person who attended the neighborhood meeting. He took notes and is certainly willing to work with the neighbor so much to the point that the owner has offered him above market value for his property and his understanding is that the City of Chandler has also offered to relocate him. Sounds like that wasn't received well by the owner and he has every right to stay there but it's difficult for The Perch not to move forward with the use permit. He also finds it difficult for the commission to make a decision when there's truly no documentation to back the concerns.

CHAIRMAN PRIDEMORE asked the applicant to address what time does the music start on weekdays and weekends.

MR. REPINSKI depending on the day, bookings, and what they are trying to advertise. He mentioned the 8 a.m. was his idea. He mentioned that he charges for every filing so instead of coming back, they ask for more so he suggested the 8 a.m. which is more than they need. However, the owner is flexible but does need the 2 a.m. end due to other establishments having their music on until 2 a.m. and losing their patrons.

CHAIRMAN PRIDEMORE asked the applicant on average over the past month what time the music started at The Perch.

MR. REPINSKI stated 8 p.m.

CHAIRMAN PRIDEMORE turned it over to the Commission for discussion.

COMMISSIONER DONALDSON asked the applicant how would he describe the residential neighbor's complaint to The Perch at the meeting compared to the Police's saying it's ok.

MR. REPINSKI stated one of the things he and the owner of The Perch discussed after the neighborhood meeting was the possible concessions available to be able to accommodate. The resident's major concern seemed to be with the 55 Chicago portion of The Perch. The area where there's probably 30 ft. which is Wall Street that goes in between one of his walls and the restaurant portion. The restaurant as a whole just that portion. There may be a concession that can be made in that area. The current owner is looking at possibilities in leasing or selling that portion off and only being operated solely as a restaurant and no live entertainment. However, it would be up to that business owner but he mentioned that if there's a significant restriction on the property people are not going to want to buy it. However, there can be concessions made in that area to satisfy the residential owner.

COMMISSIONER DONALDSON stated that one of the stipulations in all live music use permits is associated with a direct contact person, manager and cell phone number. He recalls Regal Beagle's situation and believes that if they would have actually turned it down, they would have been better off. He asked the applicant if there is an option at some point to appease by turning it down or will that never happen because they have the right?

MR. REPINSKI his understanding is that it does occur. Mr. Clyed and the management team have had an open line of communication. He's been given several phone numbers and they work with him and turn it down when he requests. He mentioned it would appear not always to his satisfaction but there's that balance of The Perch has to take consideration of its people enjoying

COMMISSIONER CUNNINGHAM stated one person has continued to fight the battle because the rest have given up. The fact that something can be done doesn't make it the right thing to do. Because they are not willing to be a good neighbor is a concern to her. She has seen the business grow and is very proud of it but would hate to see it die because of not being a good neighbor.

MR. REPINSKI thanked Commissioner Cunningham for the information that was given to her by a certain neighbor but wants to know why that neighbor hasn't communicated those concerns with The Perch.

COMMISSIONER CUNNINGHAM asked Mr. Repinski if that were to be his house next to the restaurant what would he do? She mentioned she does not need to communicate with the neighbor in order to know that the music is going to run until 2 a.m. and infringe on those properties.

MR. REPINSKI stated that the restaurant is primarily outdoors and doesn't think that it's a possibility to make it indoors based on floor plans. The indoor portion, 55 Chicago is the greatest problem for the neighbor to the northeast but it would be difficult to accommodate those requests because of the nature of it. He understands the points of just because one can do it doesn't mean it's the right thing to do. The intent of the business is not to disrupt the neighbor but to be a reason to come down town Chandler.

VICE CHAIRMAN BARON stated in his perspective he can see what everyone is talking about but the fact of the matter is that it is an entertainment district but there are adjacent neighbors. While looking at the history of the use permits that have come forth for The Perch; first was a 10 p.m. request then 11 p.m. He mentioned maybe moving it to midnight to see if that works for everyone. The challenge is going from a limitation of 8 a.m. 11 p.m. to 8 a.m. to 2 a.m. that is a huge range. He stated based on the history of the business and the popularity, he doesn't think that limiting the music for another year to see if they can continue to be a good neighbor will be unreasonable. He's suggesting to gradually increase the times to see if they can continue to be a good neighbor. He also mentioned that the stipulation certainly gives them parameters to enforce that "no noise shall be emitted from the live entertainment and music occurring outdoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent business and residential areas." He mentioned it the 12 a.m. time seems reasonable and as long a contact phone number for those residents to call.

MR. REPINSKI asked the Vice Chair Baron since he was able to point out the gradual increase in times of the various use permits that have come forward and having no citations given or anything on record besides Mr. Amos that has phoned the liaison or complaints and for the most part received positive feedback from law enforcements. The 2 a.m. is a reasonable request.

VICE CHAIRMAN BARON stated the challenge is that the establishment is adjacent to the neighborhood. Unless those homes are picked up and moved things are not going to change. The challenge is the significant jump from 11 p.m. to 2 a.m. He believes adding another hour is very reason would still benefit the business and also being able to work with the neighbors.

MR. REPINSKI stated doesn't think it's an unreasonable change; all he means is that they haven't had any complaints for this case.

because if they were only going by the one neighbor. He would have been harder press to accept it but hearing that there are other neighbors in the area that are living with the same on-going music issues; commission has the duty to see if it can be fixed or at least put a process in place.

He mentioned one thing he heard that bothered him and that was the Police Department. He asked staff if police can be informed that there are actual ordinances that seem as being violated and so if in the future a call is made that the reply of "it's allowed" is not made. He disagrees with that that response and stated most commissioners also can agree with that.

MR. MAYO stated he can't confirm that ordinances are being violated. The reason he can't confirm is because he doesn't know what the complaints are. Is it too loud? Or are they beyond the hours as to what they agreed to? If they go beyond the hours they agreed to they are not in violation of the ordinance but violation of the use permit. It is really up to the officer to make that determination. City Council looks to Planning Commission, staff, and the applicant and figures out what that comprise is. He mentioned his guess is that immediately next week they will be sitting down with the applicant and the property owner to package something for council. Maybe they will need a different approach to the public outreach processes whether it may be staff or even Kim Moyers as she has different relationships with downtown. Maybe it is not ready to move forwards because it is different.

CHAIRMAN PRIDEMORE stated he is going to put three options out to move forward. Continuing the case would be an option. Also the language could be changed as to when music will start and end with recommending an approval and lastly the one that he would be leaning towards is recommending denial to send a message to not only the applicant but also City Council in regards serious reservations about what is currently going on. He understands that there's only been one official complaint and that's because it was a special event but in reality he thinks everyone knows there are issues. It is scheduled to go to council on April 27th so it will give staff a couple of weeks to work with the applicant and the property owner to come up with something for council. He mentioned that no one wants to see The Perch go down however, stay and improve but denying it would at least send a message to council that something needs to be done because it is going to come up again and not necessarily with The Perch but because it is an entertainment district and there's homes within it. He also wanted to point out in terms of motions, he would be in support of all three but in if he were to make the motion he would recommend denial and once it's seconded they will vote on the motion. If it passes they cannot consider another one so he asked commission to be thoughtful.

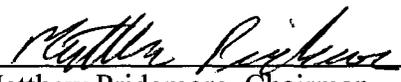
COMMISSIONER CUNNINGHAM asked if the applicant would consider a continuance with further discussion.

MR. REPINSKI responded yes.

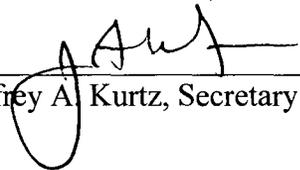
VICE CHAIRMAN BARON he agrees with Chairman Pridmore's motions except for the denial. He doesn't think it would send a message. A continuance allows staff to work with the applicant. He believes it's an education process. It is easy for them to say there's a bar going in next to a park and light music, no problem because there isn't an existing condition that creates a compatibility issue and they are looking at land use compatibilities. It's because the development hasn't caught up with it yet. He would agree with Kevin with a continuance that could possibly take up to two months to be able to meet with the neighbors and applicants. He mentioned the applicant is unfortunately the guinea pig to find a system that works for both parties and that is the challenge; to be able to create a successful transition into compatibility problems.

8. ADJOURNMENT

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



Matthew Pridemore, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 19, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Devan Wastchak
Commissioner Robert Klob

Absent and Excused:

Commissioner David Rose

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. David de la Torre, Principle Planner
Ms. Jodie Novak, Senior City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER DONALDSON** to approve the minutes of the April 5, 2017, Planning Commission Hearing. The motion passed 5-0. (Commissioner Wastchak abstained as he was absent April 5, 2017, Commissioner Rose absent)
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. DVR17-0003 SAINT MATTHEW'S EPISCOPAL CHURCH

Approved. REMOVED STIPULATION NO. 7 AND RENUMBERED

Request rezoning from Single-Family District (SF-8.5) to Planned Area Development (PAD) for a church along with Preliminary Development Plan (PDP) approval for site layout and building design for a new church building. The property is located at 901 W. Erie Street, east of Alma School Road and north of Chandler Boulevard.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Saint Matthew's Episcopal Church", kept on file in the City of Chandler Planning Division, in File No. DVR17-0003, except as modified by condition herein.

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. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. The site shall be maintained in a clean and orderly manner.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

B. PDP16-0012 EOS FITNESS

Approved.

Request Preliminary Development Plan (PDP) approval for site layout and building design for a fitness center located north of the northwest corner of Ray and Cooper roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "EOS Fitness", kept on file in the City of Chandler Planning Division, in File No. PDP16-0012, except as modified by condition herein.
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. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. The site shall be maintained in a clean and orderly manner.
7. Traffic calming shall be provided along the rear service drive aisle.
8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

D. CANCELLATION OF THE MAY 3, 2017 PLANNING COMMISSION HEARING

Approved.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER WASTCHAK** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed 6-0. (Commissioner Rose, Absent).

ACTION:

C. ZCA16-0002 CITY OF CHANDLER / SIGN CODE AMENDMENT

Approved.

City initiative to amend Chapter 39 (Sign Code) of the Chandler City Code by adopting a revised Chapter 39 in its entirety.

DAVID DE LA TORRE, PRINCIPAL PLANNER stated it is a city initiative to amend chapter 39 of the Chandler City Sign Code by adopting a revised chapter 39 in its entirety. It is in response to a decision by the U.S. Supreme Court, which first occurred in the Town of Gilbert in 2015. The Supreme Court stated that sign regulations that treat signs differently based on content of each sign violates the first amendment, which protect the right to freedom of speech. That is the primary goal of the amendments to remove all content base regulations from the City of Chandler sign code. Secondary he explained that it also gives an opportunity to clean up the code. Pieces of the code have been revised over the years but since the sign code was adopted in 1976, it has not gone through a comprehensive update.

The intent behind the update is not to completely rewrite the sign code rather to fix the areas that need to be updated to meet the two goals to remove content base regulation and align the code with current administrative practices and update terms. Much of the existing sign code has worked well with staff and city and does not need to be changed. The proposed changes also seem to reach a balance between getting businesses the opportunity to provide signage and also protect the aesthetic quality of the city as a whole. Throughout the presentation, commission will find that the proposed revisions are fairly liberal and responsive to the feedback that staff has been getting through the process. The sign code can be divided into three general parts, general regulations that apply to all signs, permanent and temporary signs. Most of the changes that are proposed are in the temporary sign section. All of the existing temporary sign sections are all content based so the entire section is being replaced with new language and most of the presentation will focus on the temporary sign section. He pointed out a few changes on the permanent section.

The proposed draft identifies three new sections, subdivision entrance signs, as when you drive into a neighborhood, the sign is usually on a wall or landscape wall. Most of the subdivisions that are built, the sign gets approved through the Preliminary Development Plan (PDP) that's approved by council. However, there are lot of older areas in the City of Chandler that have not had that opportunity and there are no current provisions in the code to allow them to put up signs like that so they can improve their neighborhood; so staff is proposing a section to give them an opportunity to identify and improve their neighborhoods. Flags are another section that sign code is currently silent on and staff is proposing to simply have a basic rule for flags because there are currently no rules. They looked at other cities and what they are proposing is very similar to other cities, in fact, more lenient than others. They are not proposing a limit on the number of flags displayed however, proposing no more than three flag poles on each property. If a new company would come into Chandler and want more than three flags, it could be consider through a PDP or PAD application. Digital sign section is a new sign section that addresses technical standards. The standards that are proposed in the code are industry accepted standards and from the international sign association. It does not change the city's policy of only allowing digital signs in public and institutional zoning districts. The restriction will continue only allowing digital signs in school properties, church properties and etc. The current code only allows

billboards to be considered through use permit applications that have to go through Planning Commission and Council for approval. They are only allowed on properties that are zoned C-3 and only C-3 properties that are located along Arizona Ave. and Chandler Blvd. That exemplifies how old the sign code is because back in the day those two cross streets were the major streets. Since the freeways have been built, there's been a demand for regional offsite signage. The policy from council has not been to allow more billboards along those freeways. Staff has proposed to remove the current billboard section completely and add billboards as prohibited type of sign in the sign code.

Lastly, staff is proposing to add more flexibility to monument signs. Currently, the existing code requires the spacing of 300 ft. between permanent monument signs. Staff is adding language that would allow the Zoning Administrator to reduce the 300 ft. separations if the need for that reduction is not self-imposed. An example might be if there's a driveway where the 300 ft. might be located or several utility boxes that are in the way. The Zoning Administrator will look at that case by case and reduce that 300 ft. spacing up to a maximum of 30 ft. which is 10 percent of the required spacing. Staff's also proposing to increase the number of panels in monument signs. The current codes caps the total number of panels to four for each sign and the draft code would allow up to a maximum of five panels.

He referred to the presentation and displayed the current temporary sign types that are listed and based on the title they are all content based. The proposed sign code has re-categorized the sign types and based them on the physical characteristics as opposed to the content. The Open House signage in the existing code is the only instance where A-frames are allowed. It also states no more than four A-frames for open houses and cannot be placed in the right-of-way and no permit required. The proposed draft would allow single-family lots; model homes and quasi-public institutional uses to place one A-frame sign each on the property and one at each turning beginning from the property up to a mile away and no more than ten signs. They will only be allowed to be displayed when the property is open to the public and would be allowed in the right-of-way, behind the sidewalk or five feet from the curb if there is no side walk. The current sign codes states no sign in the right-of-way. Staff has received major feedback from real estate agents and met with council and changed the direction to allow it. The existing code does not allow non-residential properties or multi-family properties to display A-frames. Staff proposes to allow each business and multi-family development to place one within the building envelope; 20 ft. from the front of the building. Only businesses and buildings that front and abut the public right-of-way are allowed to place in them on the public side walk and it would be mainly in the CCD district downtown, as long as they leave 5 ft. minimum clearance for pedestrians. Staff is proposing to allow an unlimited number of A-frames and T-frames signs within an outside display area which identifies specific land uses that are permitted to have outside display areas such as auto dealership, nurseries etc.

CHAIRMAN PRIDMORE asked David if the unlimited display signs have to go up and down during business hours.

MR. DE LA TORRE stated the signs will have to be displayed during business hours.

MR. DE LA TORRE explained the next group of temporary signs is; grand opening signs, open during construction signs and significant event signs. They have been re-categorized as banners, air activated and feather signs. He mentioned that in the existing code it allows an unlimited number of significant event signs, 21 cumulative days within a 6 month calendar period and a significant event sign permit is required to track the days of display and not allowed in the right-

of-way. In the proposed draft, one banner, two air activated signs and two feather signs would be allowed a maximum 30 cumulative days within a 6 months calendar period which is an increase of days. The increase of days is because currently the grand opening signs are allowed up to 30 days, so everything could be the same. Temporary sign permit will still be required to track the timing and still not be allowed in the right-of-way. The draft allows an unlimited number of vertical banners which are attached to the parking lighting in approved outside display areas and not along street frontage or right-of-way.

COMMISSIONER WASTCHAK asked if the limitation applies for the entire retail center or is it one sign per each tenant within a retail center.

MR. DE LA TORRE stated it would be for each tenant to have the opportunity to put those signs up.

MR. DE LA TORRE explained that the next groups of signs displayed on the PowerPoint all show the same physical characteristics such as the rigid sign face and one or more poles that support the rigid sign face. They all have been re-categorized into one category called the Temporary Free Standing signs. Within that category they are divided into three different sizes. He illustrated examples of existing sign types such as development signs, subdivision directional signs and real-estate signs. The existing code allows two development signs, one per street frontage. Two real-estate signs and unlimited number of subdivision directional signs, one contractor sign and one model home sign per parcel. Theatrically, each parcel can have all of these signs at the same time as the property goes from being vacant to under construction. None of the signs are allowed in the right-of-way. In the proposed code they have been broken out into three categories and the first two categories are the large up to 160 sq. ft. and midsize are up to 16 sq. ft. They have extracted the sizes from the existing code and have tried to maintain the same standards. The proposed code will allow one large sign per ever 300 ft. of street frontage and that would be for the agriculture properties, vacant properties, non-residential developments and properties under construction. The setback would be a minimum of 15 ft. from the right-of-way which is the same as what the existing code requires and the permit would only be required when the sign is greater than 32 sq. ft. or taller than 8 ft. in height. That would ensure structural safety. The midsize are typically the real-estate signs that are placed for both residential and non-residential properties. The proposed code will allow a minimum of one sign per parcel. If it is a corner parcel it would be one per street frontage so a minimum of two. In addition the proposed code will allow one sign for every 300 ft. of street frontage. The proposed setback is 10 ft. from the curb to the sign post and there could be a 2 ft. overhang from the sign face. The intent is to avoid underground damage that is in the right-of-way. It is a significant departure from the existing code and it was in response to feedback that they received from various stakeholders. No permit would be required to post the signs except when the signs are over 8 ft. in height and Blue Stake would be required before the signs are posted.

He mentioned the proposed code allows an exception for model homes and explained that a Home Builders Association stakeholder were involved in the process requested to place an unlimited number of the midsize temporary free standing signs along their model homes. He explained that typically in a model home cluster there are several signs in between the homes and parking lots. Staff is proposing to allow an unlimited number of the signs as long as they are not visible from an arterial street or collector and Blue Stake would be required. He mentioned that yard signs are the smallest of the temporary free standing signs and illustrated a couple of yard and garage sale signs in the PowerPoint and also model home signs that home builders like to use for weekend directional signs. Staff is proposing the same regulations that staff is proposing

for the A-frame signs. Each single-family lot, each model home and each quasi-public or institutional use for a church or a school can place one of these on a subject property and one additional sign at each turning movements beginning from the property up to a mile away not to exceed 10 signs total. The signs will only be displayed while the subject property is open to the public and would be allowed in the right-of-way behind the sidewalk or 5 ft. from the curb and no permit required. The last type of sign in the existing code is the political signs. Language is being replaced that provides for signs that are authorized or protected by state law. He mentioned regarding code enforcement, the existing code only allows for the sign code to be enforced through pressing criminal misdemeanor charges and is the only option in the books now. The proposed code would improve the situation by adding the option for a civil citation instead of a criminal misdemeanor. That aligns with city wide policies to work with the business owners and citizens and try to achieve voluntary compliance.

He mentioned that recently it has been a point of contention from certain businesses. Staff believes by removing the ability to press criminal charges would not be prudent for the City of Chandler or for any other municipality. The criminal aspect would rarely be used and it has been the only option since 1976 and staff cannot think of any time when that was used. However, even though it's the only option, they think it would still be prudent to keep it in the sign code. There are conceivable situations and maybe extreme but can occur and maybe necessary to press criminal charges. An example would be a habitual offender that would rather continue to pay fines for illegal signs rather than removing them. The fines would get rolled into the cost of doing business and without that criminal aspect the city would not have any remedy to completely resolve that situation. Another extreme hypothetical situation would be if someone decides to build their own billboard on their own property in order to sell space and make money. Say the billboard which that someone did not get a permit for or go through the plan review to make sure the structural integrity of the billboard was sound; it ends up being blown over by the monsoon unto a neighbor's property creating significant damages or harming people. The situation might be extreme but conceivable. The city would need an option to enforce and more than just a civil citation. Staff hopes that the city would never have to press criminal charges for sign related regulations and thinks it would be prudent to keep that criminal ability. Another note he mentioned it is not unusual for the city to have both options to press criminal charges and or move forward with a civil citation. Staff has surveyed eight cities before Planning Commission and found that every single city that got surveyed had both abilities. The sign code is part of the zoning code through state law and it makes sense that there is an enforcement option to go civil or criminal.

He mentioned staff has gone through extensive public outreach and has sent electronic messages directly to certain organizations to reach different stake holders such as Valley Partnership, South East Valley Regional Association of Realtors, Home Builders Association and International Sign Association. They received a lot of feedback from those organizations and staff has also held briefings and meetings with the Chamber of Commerce, Downtown Chandler Community Partnership and Goldwater Institute. Staff has also met three times with Council to receive direction. Since November 2016, Staff has posted the draft on the city's website and has had an online survey available on the same website so stakeholders can review the draft and send comments through the website. He mentioned his email has also been available on the website. The city also used social media to get the word out. All of the comments that were received have been tracked and recorded in the comment matrix which is attached to the staff reports. To summarize their comments, some residential real-estate agents like the increase number of A-frames signs from 4 to 10, they also like that placing signs on right-of-way is allowed. Matt Ortega, the Government Affairs Directors for the South East Valley Regional Association of

Realtors planned on being present at the meeting but called and mentioned something else came up with a different city. However, they have verbally expressed their support in Chandler's sign code draft and proposal.

He mentioned that the Home Builders Association also liked that the draft does not take away any current provisions and would like to continue to place small directional signs within the right-of-way, which the draft is proposing and to place multiple freestanding signs around model homes. What was mentioned from business owners was that the code is too restricted and unfair to businesses. Small businesses need more signage along roadways, vehicle sign rules are over regulations and some have said that they would like the same signage rights as political signs. To contrast those comments, residents have said that there are too many signs everywhere. Very distracting and would like to limit more temporary signage on residential front yards and limit the size and number of political signs. They would also like to see strict enforcement of removal of road signs. Staff has really worked hard to reach a balance between allowing businesses to display their signs but at the same time to protect the aesthetic qualities of the city. The initial version that was sent to commission was on March 13th. Some revisions that have been made to the March 13th draft since it was provided were; the clarification that the 10 ft. setback for the midsize temporary sign is measured from the curb to a sign post not to the sign face. The sign face can extend or encroach 2 ft. into that 10 ft. setback. Staff also added language to clarify that the Zoning Administrator has the authority to reduce the 300 ft. separation between temporary freestanding signs which is also the same language proposed for the permanent monument signs. Also, clarification was added that each parcel has the right to have a minimum one midsize temporary sign or 2 if it's a corner lot and in addition, more signs if they have 300 ft. of up street frontage. An important note on that is that if there's a shopping center with different properties, each parcel can have one temporary sign even if those temporary signs are less than 300 ft. apart from each other, if they are on different parcels each one can have a minimum of one.

He mentioned that they also clarified that the height of those temporary signs are measured from the sidewalk to the highest point of the sign which is consistent with how they measure other signs. Finally, they revised the definition for business frontage. One situation that was brought to their attention which they agreed to was if there's a shopping center and it's an L-shape building, sometimes that interior corner has very minimal business frontage and the sign calculations are based on that business frontage. If the space behind that minimal frontage is pretty big it didn't seem fair so staff agreed and proposed to revise that definition to allow the length of the space not just the business frontage but space that's parallel to the nearest street to be counted as a business frontage as opposed to just the exterior business frontage. He mentioned if Planning Commission plans to take action this would go to City Council May 11th for the introduction of ordinance and then to Council again for final adoption on May 25th. Staff recommends approval and asked if anyone had any questions.

CHAIRMAN PRIDEMORE thanked David and gave him kudos for putting it all together. The document is a huge improvement over what the city had before and appreciates the time and effort. He mentioned he had a couple of speaker cards and in no particular order he would announce them. He then stated that he wants the audience to understand the main reason why they are there. The Grove Water Institute and Michael Pollack sued the City of Chandler and through that case it has led to the revision to the sign code presented. He mentioned it doesn't mean that the city wouldn't have revised the code without that; it just has forced it to occur quicker than it was already occurring. He mentioned that the city's attorney representative may jump in at certain times because there may be certain things that are not supposed to be discussed and that is understandable. He thinks it is important that everyone understands the reason why

they are discussing sign code. There are quite a few speaker cards and wants to make sure everyone is heard. He asked everyone to be concise and to the point. He mentioned this has been available for comments since November 2016; there can't be too many items that are pressing as there has been more than enough opportunity to give those comments. He also asked future speakers to try not to state the same item over and over.

RALPH PEW, 1744 S. VAL VISTA DR., STE 217 stated he is speaking on behalf of Michael Pollack but is not there to talk about the lawsuit or constitutional issues. He has 4 or 5 specific issues he'd like to address concerning the sign ordinance. He thanked the city attorneys for the time they spend on the phone with them. He also thanked David for his efforts. The first issue has to do with the criminal sanctions that accompany a sign ordinance. They agree completely with staff that it is extremely rare that criminal prosecution is used. However, it's available and it hasn't been used in 41 years. What he asks commission to consider at least to their recommendation to council is to carve out an exception from that prosecution for third party violators who are not connected to the owner of the property. He stated that the language has to be clear that if someone owns a shopping center like Mr. Pollack does, 11 million sq. ft. of land and over a 1000 tenants in his portfolio, you can't possibly be criminally responsible for the conduct of a tenant who abuses the sign ordinance and who habitually violates it. If there is a way to consider exempting an owner for the conduct of a tenant that the owner can't control because the criminal sanctions are serious, a class one misdemeanor, \$2,500 fine, and six months of jail time. Probation is what the code provides for in the general provisions. He asked for staff to be careful with that and think about exempting the owner.

The next item he'd like to discuss a few deals with is the right-of-way and midsize freestanding signs. The new codes states that you could place a freestanding typical realtor sign which is 16 sq. ft. or smaller 10 ft. behind the curb but what he'd like to suggest to commission and staff is that be changed so that one can put the sign a foot behind the sidewalk. He mentioned that there is the issue that Mr. De la Torre mentioned about the possibility of utilities being behind the sidewalk. So there's the curb then side walk and another 4 or 5 ft. that are still in the right-of-way. The ordinance would say "put the sign clear over 10 ft. away from a curb". He mentioned that there is no reason those signs cannot be within a foot of the sidewalk because the code requires the applicant and the user of the sign to go through Blue Stake anyway. If a utility line is hit which rarely happens; one are responsible for it. He doesn't see the reason to move that sign 10 ft. away from where the street frontage is and when people can see the sign. He thinks it's also possible under staff's and commission's design criteria that they are very particular about screen walls for parking. He asked them to imagine a screen wall that is within an 8 ft. of the curb. Now the sign has to be placed beyond the screen wall and try to hang it over where the screen wall is. It would be a simple thing to put it behind the sidewalk. Also, there are meandering sidewalks that also create a difficulty. The 10 ft. distance would be fine if there is no sidewalk and makes sense but if there's a measure and there's a sidewalk and public using it, a foot away would be a wonderful thing to do and would be more meaningful to the business community.

The third concern or question has to do with temporary signs that are for sale or for lease. For example, he sat in his office and looked out the parking lot and there was a freestanding building with the vitamin shop. If the vitamin shop goes out of business and Cathy's bakery comes in and they get a temporary banner advertising her business. They go through the sign process and get a sign built and replace old sign. It makes good sense to limit that to 30 days in a six month period. What makes no sense is to categorize a "for lease" or "for sale" banner that would cover the existing wall mounted authorized sign to 30 days in a six month time period. The business world

does not work that way as you cannot generally sell or lease a property in that 30 day time period. That would preclude property owners from effectively advertising their building for lease or for sale. He mentioned staff can carve that out because he thinks it is very important that there be a distinction between for lease and for sale versus a temporary sign advertising a business. He thinks it is very critical for the industry and critical to Michael Pollack and his business that there may be some flexibility for that. Otherwise, they will go through the permit process, pay for a permit, put a 30 day sign up, don't get a tenant or buyer then have to take the sign down and wait five months, go back and pay for another permit and put a sign back up and hope they get a buyer or tenant. He hopes there is some language added to the sign code to deal with that issue.

Another question and concern would be abandon signs. He has often wondered in reading zoning codes what it really means to have an abandon sign. What he thinks they should say is there's an abandoned use that an existing sign advertises. The sign is not abandoned it's the use that isn't there anymore. Especially in monument signs, he doesn't want that part of the code to be interpreted but because the tenants that are advertised on the monument are no longer in business that the monuments sign can't exist. He mentioned that he hasn't read every word of every paragraph so their maybe language that protects that but he'd like to just take it easy, clarify that and make sure that's not what's intended because it doesn't benefit anybody.

He thanked staff for clarifying the 300 ft. separation issued to parcels and thinks it makes sense. He stated another issue is if you have a monument sign and there are five panels on it and the third tenant on the panel goes out of business; the sign has to be taken down. New tenant comes in and under the ordinance the owner or the tenant has to go pay for a permit again to put a panel sign for a previous permit that had already been paid for. He thinks it's like a revolving permit process. He believes there is no reason for that. If they know the sign has to be a certain height and has to fit, why go to the city and pay for another permit to put it in there? He thinks it's going to be a constant permit for a sign structure that is already in place and the panel is already there.

He mentioned the last concern/question is the 25% coverage on a window sign. If there is a window in a store front and one wants to advertise something only using up to 25% of the window. That ends up being really small, especially if it's an inline tenant and the tenant leaves. The owner would want to make that space known that's its available but 25 % of that window is very small. He suggested 35% in the conversations with staff but was not agreeable to them and kept it at 25% in the ordinance. He mentioned many of the items that have been discussed with staff have been resolved but the ones mentioned at the meeting are the ones they believe need more attention and thought on how to incorporate it into the final ordinance. He thanked staff and commission and asked if anyone had any questions. There were none.

CHAIRMAN PRIDEMORE thanked the speaker and mentioned the next speaker card.

ADI DYNAR, GOLDWATER INSTITUTE, he stated he is not there to talk about the lawsuit rather than talk and address some of the outstanding concerns that are in the proposed revision. He expressed that the city has diligently worked to putting a proposed draft in an amount of time that they had so he commended them. He mentioned the biggest issue with the proposed draft is the criminality aspect. The reason why he believes it is problematic is because in one of the provisions it says; that both the owner of the signs as well as the owner of the premise is responsible for insuring that the signs are in compliance with the sign code. When you couple that with the criminality provisions in the sign code; it creates a huge liability on property owners who may or may not have anything to do with the signage. If the criminal provisions are being

applied to the property owners and if the sign owners abuse of the right-of-ways or what have you then they think it creates an unreasonable chilling effect on speech. He mentioned that it is all about balancing like Mr. De la Torre mentioned and the proper balance is to delete those criminal misdemeanor provisions from the proposed sign code. One of the examples that was mentioned was about third parties putting up signs in right-of-ways; that is a reason why criminal provisions do not make sense if applied to the property owners as well as the owners of the sign. Another reason why that provision doesn't make sense is because essentially it is saying that the city has unlimited authority to plea bargain with someone to force them and threaten them to bring their properties into compliance as to what the city thinks is the proper way to do it. He thinks it has a tremendous chilling effect on speech. Several courts have said that is not the direction that city's should be taking.

He stated that it was mentioned that others cities have criminality involved but he can say that other cities are slowly moving in the direction of civil citations only. Ultimately, if the purpose of the sign code is to deal with aesthetics of beautification then it makes total sense to have some kind of civil remedies available to the city for like removing signs or having some civil cost of removing the signs, then those kinds of things. For habitual or repeated offenders it makes sense to have some civil injunction that stops them from putting up signs because ultimately that's what the city wants. Cities do not want visual clutter so why would they need a criminal provision on top of that. There is sufficient deterrence that is inherent in any kind of civil remedies and civil injunctions that can be obtained against those that there is no need for the criminal sanction. The only thing that it does is that it gives the administrators authority to plea bargain and threaten residents of the city. He asked if anyone had any questions.

COMMISSIONER CUNNINGHAM stated she related both Mr. Dynar's and Mr. Pew's comments together. In the past, she's had an opportunity to read a couple of commercial leases and terms. Those documents required the tenant to follow all civil and community laws and the landlord has legal rights to evict or penalize the tenant for those violations. She asked if it's correct that those terms are listed in the lease. Therefore, the landlord does have recourse against the tenant if the tenant continues to violate something that the city is giving the landlord notice.

MR. DYNAR thanked Commissioner Cunningham for her question. He mentioned that there's a point of clarification that he would like to make. The short answer is yes, the CCNR do have some kind of contractual provisions in them that regulate the conduct between the landlord and tenant. However, what the criminal provision does is that it imposes this threat of criminal sanctions on the landlord and there is nothing in the CCNR's that deals with that because the criminal misdemeanor conviction stays on your record as a person. So there is nothing in the CCNR that is going to shift that liability or penalty onto the tenant. That is why the criminal aspect is problematic.

JACK STEIN, 2833 N. 48TH ST. stated he is a commercial real-estate broker and owns a commercial real-estate company and has done a lot of business in Chandler over the years. He stated he wanted to address some of the things that are listed in the code. His primary focus as far as the code amendment is related to temporary real estate signs. He doesn't think that anyone is going to argue that the sign code isn't important. He mentioned that he loves going to Las Vegas and the entire building is a sign. One of the things that make Arizona so beautiful is that there is a sign ordinance and when you drive through the suburban cities, they look good. How David said, the sign ordinance has not been changed since the 70's so it's time to do it. There are some things that require more focus, one, is the idea of criminal charges for signs. He can't imagine a scenario where society is going to criminally penalize people for signs. He thinks that fines,

citations and notices are fine but to even suggest that the criminal justice system would somehow be involved in a sign regulation is out of hand, in his opinion. One of the areas that people have spoken about that they definitely have to deal with is in addition to selling or leasing properties there is a significant amount of signs that end up on properties that have nothing to do with the property owner. Some people come along and tag their signs up onto their sign pole; however, the owner doesn't know that as they don't drive by the property that often. Often times, people will put signs on their property advertising other things. He thinks there should be some mechanism where any sort of fines, violation or notices related to sign should somehow go back to the person who put the sign up as oppose to the property owner. If the sign shouldn't be there, there should be a provision where you notice the property owner so the property owner can remove it. He believes there should be some mechanism to separate the person that owns the sign and the person who owns the property.

He believes it is going to be difficult to shape an ordinance that is going to be applicable to every property because there are definitely differences in properties and can't all be the same. He mentioned that the 30 day banner provision on a for lease commercial property is not going to work in his opinion. Those commercial spaces do not lease in 30 days. In the worse times, it would be years before they are leased or purchased. He believes it is too restrictive and the reason he mentions that is because not all properties have the ability to put them on a pole sign out by the street. There are properties where you can't get a sign up because they are paved and there's right-of-way or driveways. He thinks there should be some exceptions that does allows for that. The 10 ft. back from the street is not going to work in a lot of properties because a lot of shopping centers have the screening walls closer than 10 ft. of the side walk. So it ends up wasting a parking space by having to dig a hole in the parking lot. David mentioned Blue Stake. He thinks that Blue Stake doesn't have the time to run around and do all of them but what he would suggest is to modify that as if the sign pole is not going to go more than 15 inches below the surface than Blue Stake is not required since utilities is the concern for that. He doesn't think that there are utilities that are within 15 inches of surface and believes code requires them to be deeper than that. One of the things he didn't see but would like to see addressed is on condo projects. He was involved in a project at the northeast corner of Alma School Rd. and Chandler Blvd. in those series of commercial building all owned by different individuals. The signs out there were way out of control. What happened was that they were differently owned building and the different owners were hiring the same brokerage company but different agents within the company. The signs were lined one after another. He believes on condo projects there's got to be a solution and thinks there is. He also mentioned if staff can make accommodations for the commercial real-estate people because not all the properties can get a sign and sometimes they need banners and 30 days is not going to work. The Blue Stake situation, if something can be stated anything greater than a certain depth that will allow a comfort level to protect the utilities and his biggest concern would be the criminality aspect of it.

CHAIRMAN PRIDEMORE asked Mr. Stein if he had to put another number instead of 30 days when he has a vacant building what would it be.

MR. STEIN stated what he thinks would be an alternative would be perhaps the banner and the pole sign can somehow be tied together. Until the space is leased and as long as the banner remains in good condition and the banner is not advertising the business. The buildings have to get leased and sometimes you can get a sign on a pole and in front of the property.

BRENNAN RAY, 702 E. OSBORN RD stated he was speaking on behalf of Bashas Cooperation. He mentioned they are very appreciative of the work and built in effort of staff and

various stakeholder groups that have put into the sign code. He believes there are some additional polishing that needs to be done to make sure some of the provisions that staff has put into the update are clear. He had an opportunity to meet with Mr. Kurtz and Mr. Mayo to talk about some the issues but for purposes of representing Bashas he will express it in a public form. He believes there needs to be some clarity on the criminal and civil matter. It is important as far as the timing of the application and the sequence in which those sanctions are imposed or the potential for them to be impose. He believes there is room for improvement for the noticing requirement such as who gets noticed. How that notice is provided and what steps need to be taken. From Bashas perspective, he doesn't think it's making significant changes to what has been presented but thinks a little bit of clarity is needed and a better way to find a middle ground from what staff wants and Bashas wants. He asked if anyone had any questions. There were none.

JOSEPH HERBERT, 1148 W. BASELINE RD stated he was not representing any specific client as he represents a lot of clients and businesses in Arizona. He mentioned he was there to make some comment and no disrespect to Mr. De la Torre, he was on the north Arizona Ave Committee and he is not unknown to the City of Chandler. He has concerns about the vetting of the sign code. Fairly large stakeholders that some he represents brought up concerns and have indicated that are just looking at documents. He mentioned he is there on behalf of midsize owners that are saying that they didn't even know they were in the middle of this process. One of his particular concerns is that Mr. De la Torre mentioned several times that it was revised to say that it's ok to have two signs per corner but he has read every word of it and those words are not in the document. It does not say two signs per corner. The wording of it says that you get signs on frontage and you can imply from that if you were in a corner and had two frontages and perhaps the argument is that there be entitlement of two signs. There is also conflict in language elsewhere in the document that could be used to argue that you couldn't have two signs if you have a corner property and large enough and they were 300 ft. apart. There's a lot of mechanics to the whole thing. He stated it feels as though they walked into a middle of a two person fight. He knows there's a lawsuit and other things going on but he would like to point that the very first paragraph of the document went from "The purpose of this chapter is to regulate signs" to "signs can obstruct view, distract motorist, obstruct pedestrian and or vehicular travel flow, create a safety hazard, create aesthetic blight and visual clutter and pose other problems that legitimately call for regulation".

He mentioned he doesn't think anybody is arguing that there is a need for regulation. He asked when have signs become the bad guys. He mentioned that the whole document is written as if they have a monster that they have to attack. He asks for them to slow down and not let a two person thing squash all the little guys. Everyone has to understand the commercial real-estate business and the goal is to bring business into Chandler but if they are going to be told that they can't put up a for lease sign in their center or if they can for 30 days. He mentioned part of his job is litigation and he works with lease enforcement and sometimes he can't get tenants to pay rent. It is not realistic to assume that the landlord can have the ability to go out there and make them take down a sign. They try to do the best they can but can't stop them. Criminality is not his issue but he wanted to let Commission know that as a lease enforcement attorney and has been doing it for 30 years he tries to do what he can. He thanked Mr. De la Torre for his efforts and asked if anyone had any questions. There were none.

ADAM BAUGH, 2525 E. ARIZONA BILTMORE CIR., A-212 stated he is representing Mr. Dorito. Mr. Dorito has owned a number of shopping centers in Chandler such as Casas Palomas, Auto mall and Atresia. He mentioned that brick and mortar struggle every day and the hard part

is the evolution of online shopping that makes it even more difficult than to drive and attract new tenants. He remembers when he had some discussions with the city last year about food truck ordinance. The sign code is very important to everyone. However, his approach is a little different. He had a chance to work with the city attorney at the very beginning of the process and he understands the exact emphasis of it and that it's been in court. He understands that it's an old code that is being updated and cleaned up. He believes that staff has done a great job of being responsive to a number of things. In particular, the most recent that was just released on Friday has addressed some big items that on behalf of Mr. Dorito were considering so he applause staff and city attorney for balancing those needs.

He mentioned he has three minor concerns with the code. One being visible signs in the street is a key to attracting leases and tenants. The idea of signage in that right-of-way is to be visible and as long as they can be behind the sidewalk and not impact the pedestrian movement along that way, he doesn't see why it wouldn't be appropriate to have it close to the street beyond the sidewalk rather than 10 ft. back. The second thing is banner signs. When the tenant leaves the center, it is really important especially with a big anchor and hard to fill to put a banner on there for longer than 30 days. Vacancies last much longer than that and around the holiday season it absorbs that time. The ability to take what would otherwise be considered permanent signage if it was an Office Max that's now gone dark and put in a for sale or for lease in that same square foot area equal to what the permit sign should be allowed already, seems of a more reasonable approach. The third final thing is more of a comment. He mentioned it does seem a little redundant to come in and pay a permit when it is just a one tenant panel that is being replaced on an existing monument structure. It's already been approved and part of an existing sign package so why have the tenant come in and pay a fee and get a permit when they are just replacing the same sign panel. He gave kudos to staff and asked if anyone had any questions. There were none.

TERRI KIMBLE, 25 S. ARIZONA PL stated she is the president and CEO of the Chandler Chamber of Commerce and also a resident of Chandler. She thanked staff for the long process and for addressing their public policy back in November. They've had links in their newsletters and magazines to the city's website at least on four different occasions. She mentioned that the Chandler Chamber of Commerce is the third largest chamber in the State of Arizona. They represent over 170,000 employees in Chandler. They have done their best not that she agrees with everything that was originally in the document and staff knows she's had very candid conversations on many of the items but won't rehash what people have already mentioned.

One of the things she would like to see and has addressed with staff is on the sign application. If one are leasing from somebody. You have to check on there and get their approval for that sign to be able to go forward. When it comes to the enforcement component; 9 times out of 10 they can hopefully work one-on-one with the business to be able to get those violations taken care before any criminal repercussion happens. However, she would like to see a trigger point and staff was very amendable to that. The landlord signs the original permit application. For abandon signs, they know after when a landlord or property owner takes over or have to lock a tenant out. Everything in that building becomes theirs and it is their responsibility. The clarifications of the days, she doesn't think that people realize when you say 30 days is really means 30 calendar days. Of course she wanted them to do business days but especially with holidays she thinks that is important and they talked about clarifying that in the actual definition. She mentioned she still wants pictures from Jeff Kurtz to give some samples to people. Another thing she would like to see taken out is on page 27 or 28; the sign boards made of six solid redwood. Redwood is probably very affordable but what is that going to say down the road? There is a provision in the last sentence that says other materials. She thinks as technology improves and materials improve

they need to be open to new ideas because the redwood could be an additional cost for businesses. Also the license sign contractor is referred to in several points through the document and she spoke to staff about it and can see the safety issues that they be consulted but hiring a license sign contractor to be able to submit a bid on what the replacement cost would be and may charge for the bid. She asked if that is creating an additional undue burden upon business? She thanked commission and staff and asked if anyone had any questions. There were none.

MICHAEL POLLACK, 1136 W. BASELINE RD congratulated the staff on a job that is very difficult and he understands it as well as anybody. He stated he might be a little repetitious but wants to explain as a property owner and in the real-estate business for more than 44 years; he has been in a position where he's seen tenants that unfortunately go rogue. When a tenant goes rogue and they put up a sign, they can send them all kinds of notices and tell them they can't do it and threaten to cancel the lease. Under the practical stand points of the lease it's not quite so easy to cancel a lease. When they deal with national tenants they don't let them put certain things in the lease as they'd like to. His big concern is and for the record so everyone can understand what really happened is the way the old ordinance was written, criminal aspect. It goes back to January of 2016 and it is not something that just came up. He received citation that he could have been held criminally liable for. He mentioned he has been in business for 44 years and doesn't even have a parking ticket or has had a criminal background in his life. The real problem is that they can be held according to the ordinance that is now drafted; responsible for the action of another party. For example, if someone comes in on a Friday night and puts an advertising sign up and the city came by and maybe not like that particular owner stating that it could happen and say that the sign is illegal, there's strike one. He mentions that one can have more than 30 tenants or more in a shopping center and can't be there all the time. In the draft, there is what they call in their business self-help. The draft contains a provision where the city can come in at the expense of the owner and remove the sign if it's illegally placed.

He mentioned so why would they be arguing about criminality on the issue when they have the right to charge the owner according to the ordinance so why the need to make it criminal. He is also concerned that it is going to discourage big businesses wanting to deal in Chandler. It could be any major company such as Google or Apple employees that can go rogue and decide to put up a sign that says big pot luck dinner on Friday. The city sees it and they tag it. The code has about 944 pages and when you actually look at what the section says that talks about the criminal portion. He was told that he can't really serve imprisonment but it specifically says that the city can charge and add 6 months of imprisonment. The way it's written stating and or three years of probations. Some of the property owners could be like him and have LLC's different type of corporations but there are property owners that can't speak for themselves. They don't understand what the process means. He mentioned he has better things to do than to have been involved in having to sue the City of Chandler because he received citations on January the 2nd of 2016. He stated he has all the respect in the world for Jeff Kurtz and called him and presented his concerns with the criminal portion. He mentioned that all of the other speakers did an incredible job stating sentiments that he too share with them. He stated that Arizona is open for business and especially in Chandler Arizona they don't want to send a message to the rest of the country that they are thinking about putting handcuffs and putting somebody in jail for what a third party did. He mentioned they had a meeting with David and they did make some changes to the document. He asked if anyone had any questions. There were none.

CHAIRMAN PRIDEMORE asked the audience if anyone had any questions. There were none.

CHAIRMAN PRIDEMORE thanked the speakers for all the information provided and also thanked them for being concise. He asked the dais if they had any additional questions or concerns for staff

VICE CHAIRMAN BARON stated that the criminal aspects are significant and thinks it is important that the city has it's tool kit and ability to enforce some sort level of code and thinks it occurs through zoning ordinarily. Regarding civil aspects, he thinks the city's concern being somebody who continually violates the codes and has perhaps has the pockets that can keep doing that. They need some other ability to make an action occur. The criminal language is heavy but it has been in the code and that's the part that he's baffled about because that code has existed and it hasn't been something that the city's enforced but has always been there. They are adding in the civil portion and it seems to him that's how they've dealt with it in the past. Without being said he would agree that it is not fair for the city to have the ability to levy some criminal action against the third party.

CHAIRMAN PRIDEMORE stated he thinks it's important that those opinions are stated in the record and maybe give staff some direction on what to focus. He is ok with the direction the code is now looking to take. While he thinks that staff does need to look at the criminality portion of it and add some more qualifiers to protect property owners from certain cases but wouldn't want to see it go away entirely. He also thinks the placement behind the sidewalk is reasonable because 10 ft. might be too much.

VICE CHAIRMAN BARON mentioned that they can possibly resolve the abandon sign comment by adding a definition.

MR. DE LA TORRE stated that there is a definition under sign comma abandoned.

VICE CHAIRMAN BARON thinks maybe the definition might need clarification. His practice deals with signage and there are times when they move and it's not that it's been vacated but going through a transition period of some sort. Maybe if there's clarification. He mentioned panel signs. He understands why they want permanents because they want to ensure that it still meets the intent of the PDP. It's a Chandler process. Other city's generally do it once and then the sign manufacture continues to swap panels out. He asked staff if there is another way to go about the permit process.

KEVIN MAYO, PLANNING MANAGER stated they reached out to Joe the city's sign inspector about when the applications come in what is the average costis? He was working on one today and they were replacing two panels it was about \$20. He mentioned it is for the benefit of the tenant. So many of the centers have been approved through PDP's and comprehensive sign packages; but each one has unique requirements for tenant panels. Some of them require 1 inch thick pushed through letter and some others ¾ inch. The permit is really to help the new tenant ensure that the money they are spending on the panel is accurate. It is a quick process of making sure it is compliant with the requirements of the center.

VICE CHAIRMAN BARON stated he understands that. He would be afraid of somebody going out and using Mr. Pollack's word going "rogue" and putting up just a white panel when it's a beautiful sign. He understands it's an inconvenience for folks but that process might just have to stay and it's not a big cost. He mentioned he is not a big fan of banners and hates to say that but those banners unfortunately become permanent signs at times and thinks they are aesthetically not a great thing to look at but he understands that a space cannot be leased in 30

days. However, the way he reads the code is that there are other sign options but doesn't recommend to change the 30 days. He also agrees that if they are going to allow signs to be in right-of-way which is rare in most municipalities, he thinks having a setback from the sidewalk does make sense. The Blue Stake he does not agree to the 15 inch depth. There has been lot of projects where sign guys go out and drill right through things. He mentioned that there are other materials that are equal to redwood because materials do change over time.

COMMISSIONER KLOB stated he also has some challenges with some of the criminal aspects of it based on some of the comments that were made and understands the city's position. He believes that the property owner does have some responsibility to monitor and regulate their tenants. However, he doesn't know who does that and thinks a tough situation but it has been in the books since the sign ordinance was originally written. As Mr. De la Torre stated there hasn't been a situation where it's come up. So if it' hasn't been in issue why would it become an issue all of the sudden. Also, as far as a criminal aspect it would have to get to an extreme situation before that would come into play. Maybe there needs to be some language that does set forth some of that so a building owner understand that they have to notified x number of times before they step in and do something. He would hope that the property owners would have better control of their tenants before it got to that point. One of the speakers brought up a good point for existing properties where they have side walls and have different architectural aspects that are in right-of-way or within 5 ft. of a right-of-way and so on; he thinks it would be difficult to come in and put up a sign where they have those existing conditions. He would like to see maybe a zoning official have some authority to allow special consideration for when that happens. He believes it would be very rare but maybe needs to give a little bit of flexibility to give those property owners without having to lose parking spaces. He mentioned he works with a lot of building owners and property management companies and understands the challenge of the for lease aspect. After the recession seeing vacant properties is a challenge and how can a business owner advertise that space to try to make their space or enticing than another. He would like to see maybe along the lines a provision where they allow a standard 30 days but in certain situations an extension to that for a space that they are trying to lease but just not able to but it will be almost a case by case basis. He sees the challenges both from the city and property owner side.

COMMISSIONER WASTCHAK stated all of the comments were valid. His question is directed to staff if there is a specific timing that is supposed to be done on the draft or can it continue with discussion before it gets to council.

CHAIRMAN PRIDEMORE stated that is a question that the city attorney could probably answer as the timing of the code could be tied to the law suit.

ROSEMARIE HORVATH, ASSISTANT CITY ATTORNEY stated yes as they are bound by litigation but have been told by the opposing parties they will extend the time if necessary.

CHAIRMAN PRIDEMORE stated this is still going to the scheduled for council but thinks staff preference would be to have it move forward from tonight. However, additional work can be done prior to council in May.

COMMISSIONER WASTCHAK stated he is also an owner of real estate specifically in retail in the City of Chandler and he shares some of the concerns that have been brought up. He would like to see if there is a criminal aspect that it is narrowed so that it is very specific. He too, is concerned that somebody does something and goes rogue he will be liable for it. He's not sure

specifically what it is but someone had suggested if something goes to the third party or maybe a limitation can be added. However, he understands where there's going to be specific cases where an owner blatantly is violating it and not the third party so the tools would have to be there to address it but would like to see that narrowed so that there is specific control on it. As far as changing out tenant panels, he understands what Kevin is saying but they handle it when they have a PDP and there's a sign code there they provide the sign code to the tenant and the tenant has to follow that. If they don't follow that and the city comes out then that's their responsibility. He mentioned for tenant panels there is something specifically in the document that says when a tenant is not there they need to put a blank panel up to cover which is what is done. However, he can see a case where a one or two tenants and both tenants are not there; that shouldn't be considered abandon so he asks for staff to clarify that.

COMMISSIONER DONALDSON stated that Vice Chair summarized a lot of the comments he had related to. He stated he is not a banner fan and thinks the reality of other types of temporary signs for longer term. He also believes that the landlords should have the ability to advertise their properties for a continuous time until they can get them rented. The biggest thing for him is the criminality aspect. He believes that the city needs the ability for criminal action as it's been in the books and adding civil gives the ability to do enforcement and specific actions associated with it rather than have it open. He would also say that if he re-read it word by word that it needs to make sure that it is the extreme case. Last things he wanted to talk about was the timing, notwithstanding the lawsuit. In his opinion what he's seen in the city since they've stopped enforcing sign is issues and they need to be able to get back in and enforce and also solve some of the issues such as signs in the middle of sidewalks and hold people accountable for the things that are important to keep the city as great as it is. For a timing stand point all the work and time that it's taken to do it and the public involvement; he thinks they need to get some sign code back into the system.

COMMISSIONER CUNNINGHAM thanked everyone for their comments. She also thanked David for helping her sleep at night when he couldn't sleep when she got up and read the document. She agrees that the city has to have some kind of enforcement and it has to be used with compassion and will common sense. The criminality has been in the sign code for 41 years and the fact is that it hasn't had to be used. Chandler does not arrest anybody for no reason so she trusts that staff is going to continue working on some of the issues that there's some perfecting to do.

CHAIRMAN PRIDEMORE stated they can end up continuing the item which he highly not recommends and that would also work against the city's ongoing lawsuit. It could be a recommendation for denial which still move it forward or recommendation for approval which also moves it forward to council. However, once a motion is a made and a second on the floor there is no turning back.

MOVED BY COMMISSIONER CUNNINGHAM, seconded by **VICE CHAIRMAN BARON** to approve Item C ZCA16-0002 CITY OF CHANDLER / SIGN CODE AMENDMENT as read in by Staff and knowing it is going to be continued to be revised with some of the concerns that were stated. The Item C passed 6-0. (Commissioner Rose, Absent).

MR. DE LA TORRE provided the website information www.chandleraz.gov/planning for the record.

Mr. Kevin Mayo, Planning Manager, stated that the meeting was a significant night not only because sign code was discussed but because it is the final meeting for two of the Planning Commissions members; Chairman Pridemore and Commissioner Donaldson. He thanked them both for their years of service. He knows that they will think back and think of different projects they have worked on and have left a thumbprint in Chandler. He thanked them for the professional friendship they've been able to build and hopes to maintain.

COMMISSIONER DONALDSON thanked everybody on dais and also thanked prior commission members he's served with over the last six years. He thanked staff and mentioned it is not the last time he will see them and has tremendous respect for the friendships he's made.

CHAIRMAN PRIDEMORE thanked current and prior Mayor and Council for their shows of support in the last few years. What really makes the commission run successfully is the staff and they would say it's the dais but he would put it back to staff. As he became Vice Chair and now Chairman, he realized that there's a lot of stuff that goes on prior to commission and the hard work that staff puts in is amazing and they don't get a lot of credit for it. He mentioned he would like to provide one comment to whoever becomes chairman. One of things he's always tried to do is make sure that the hearings are as welcoming as they can be. He mentioned he's been on both sides of the dais and has been through municipalities around the west where the environment was very antagonistic and did not feel welcomed. He would ask for patience and try to continue to be respectful and understanding of everyone.

7. CHAIRMAN'S ANNOUNCEMENTS

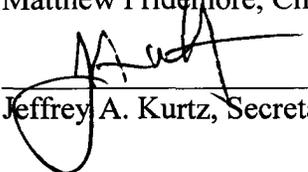
Chairman Pridemore stated the next regular meeting is May 17, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

ANDY BARNER FOR 

Matthew Pridemore, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 17, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Devan Wastchak
Commissioner David Rose
Commissioner George Kimble
Commissioner Rick Heumann

Absent and Excused:
Commissioner Robert Klob

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CUNNINGHAM, seconded by **COMMISSIONER WASTCHAK** to approve the minutes of the April 19, 2017, Planning Commission Hearing. The motion passed 5-0. (Per Assistant City Attorney RoseMarie, it is ok to obtain a vote from the new commission as Chairman Pridemore and Commissioner Donaldson are no longer apart of the Commission. (Commissioner Rose abstained as he was not present at the April 19th meeting, Commissioner Klob, absent)
5. ANNUAL PLANNING COMMISSION BUSINESS MEETING
Election of Officers:
 - A. Chairman
 - B. Vice Chairman

VICE CHAIRMAN BARON informed the audience there is an annual business meeting where Commissioners elect a new Chairman and Vice Chairman. He also announced two new Commissioners that have joined Planning and Zoning Commission. Commissioner George Kimble stated it is a pleasure to represent the Planning and Zoning Commission and looks forward to work on new things. Commissioner Rick Heumann thanked Commission and is happy to be back to his roots as he served for Planning Commission several years ago before he served for Council. He is happy to get to work with staff and commission. Vice Chairman Baron stated that Commissioner Heumann, formal Council

Member is the one who elected him to serve for Planning and Zoning so it felt a bit odd to have him on sit to the right of him.

Vice Chairman Baron asked the dais to vote on a new Chairman. **COMMISSIONER WASTCHAK** elected Vice Chairman Andrew Baron for Chair, seconded by **COMMISSIONER HEUMANN**. (Motion passed 6-0, Klob absent). **COMMISSIONER WASTCHAK** nominated Commissioner Cunningham for Vice Chair, seconded by **COMMISSIONER KIMBLE** (Motion Passed 6-0, Klob absent)

6. ACTION AGENDA ITEMS

CHAIRMAN BARON 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. DVR17-0004/PLT17-0002 WINDERMERE RANCH

Approved.

Request rezoning from Planned Area Development (PAD) for Single-Family Residential and Commercial to PAD (Single-Family Residential) along with Preliminary Development Plan (PDP) approval for site layout for a new single-family residential subdivision, and Preliminary Plat approval on approximately 36 acres. The property is located at the northeast corner of Cooper and Riggs roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Windermere Ranch" and kept on file in the City of Chandler Planning Division, in File No. DVR17-0004, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
 9. Prior to the time of making any lot reservations or subsequent sales agreements, the 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 ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the 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 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 aircraft engine testing facility and an airplane aerobatic training area that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an aircraft engine testing facility and an airplane aerobatic training area, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the subdivider/homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
 11. Prior to the time of making any lot reservations or subsequent sales agreements, the 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 Salt River Project electrical facility property 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.
 12. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Windermere Ranch" and kept on file in the City of Chandler Planning Division, in File No. DVR17-0004, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
3. Preliminary Development Plan approval is for subdivision layout only. Housing product approval shall require separate Preliminary Development Plan submittal and approval.
4. All homes within the development shall be single-story.
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

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

B. PDP17-0003 CHANDLER CSO OFFICE BUILDING

Approved.

Request Preliminary Development Plan (PDP) approval for site layout and building design for an office building on approximately 2.9 acres located south of the southeast corner of Queen Creek and Gilbert roads.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler CSO Office Building", kept on file in the City of Chandler Planning Division, in File No. PDP17-0003, except as modified by condition herein.
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. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. The site shall be maintained in a clean and orderly manner.
7. There shall be no illuminated wall-mounted building signage on the building's east and southeast sides in proximity to single-family residential.
8. Freestanding monument signs shall be reviewed through a separate PDP application.

C. PDP17-0007 ELITE FITNESS & TRAINING CENTER

Approved.

Request Preliminary Development Plan (PDP) approval for site layout and building design for a fitness center on approximately 1.7 acres located west of the northwest corner of Chandler Blvd. and Terrace Rd., east of Rural Rd.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Elite Fitness & Training Center", kept on file in the City of Chandler Planning Division, in File No. PDP17-0007, except as modified by condition herein.
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. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. The site shall be maintained in a clean and orderly manner.
7. Raceway signage shall be prohibited within the development.
8. There shall be no illuminated signage on the building's north side in proximity to single-family residential.
9. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

D. PDP17-0006 PESCARA

Approved.

Request Preliminary Development Plan approval for housing product for an existing 46 lot single-family residential subdivision located approximately a half-mile east of the northeast corner of Gilbert and Riggs roads.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Pescara" and kept on file in the City of Chandler Planning Division, in File No. PDP17-0006, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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 elevation shall not be built side-by-side or directly across the street from one another.
4. All homes built on corner lots within the residential subdivision shall be single-story.
5. Lots 21, 22, and 46 shall be restricted to single-story homes.
6. No more than two two-story homes shall be built side-by-side for lots 39-46.
7. **For lots adjacent to an arterial, two-story homes are limited to every third lot.**

E. LUP17-0006 FULLER'S BAR & GRILL

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on- and off-premise consumption as permitted under a Series 6 Bar License. The request includes live music indoors. The existing business is located at 4929 W. Ray Road, Suite 3, southeast corner of Ray and Rural roads.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 6 Bar License, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.

5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
6. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
7. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

F. LUP17-0007 PURO CIGAR BAR

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquors for on-premise consumption indoors and within outdoor patios, including live entertainment, as permitted under a Series 6 Bar License. The new business is located at 111 W. Boston Street, west of the southwest corner of Arizona Avenue and Boston Street.

1. Expansion or modification beyond the approved exhibits (Floor Plans and Narrative) shall void the Liquor Use Permit and require a new Liquor Use Permit application and approval.
2. The Liquor Use Permit granted is for a Series 6 Bar License and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. Music and live entertainment shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
5. **No noise shall be emitted from the live entertainment and music occurring indoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.**
6. The site shall be maintained in a clean and orderly manner.
7. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

G. LUP17-0008 B SQUARED BURGERS AND BREWS

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption and within a new outdoor patio as permitted under a Series 12 Restaurant License. The request includes live music indoors only. The restaurant is located at 393 W. Warner Road, Suites 121-123, southeast corner of Warner Road and Hartford Street.

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

6. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
7. **Live music shall occur indoors only.**
8. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

H. ZUP16-0010 REZAMP LLC/SHOW APPEAL REALTY

Approved.

Request Use Permit approval to allow an office use within a residential conversion on property zoned Single-Family District (SF-8.5). The subject site is located at 500 W. Chandler Blvd., northwest corner of Chandler Blvd. and Iowa St.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. 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. There shall be no more than seven (7) employees.
5. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

I. ZUP16-0013 THE ACADEMY OF ANGELS LEARNING CENTER

Approved.

Request Use Permit approval to operate a residential child care for a maximum of ten children in an existing single-family residence, located at 420 W. Chandler Boulevard, west of the northwest corner of Arizona Avenue and Chandler Boulevard.

1. The residential childcare home shall have no more than ten (10) children for compensation, at any time.
2. Should the applicant sell the property, this Use Permit to operate a childcare home shall be null and void.
3. The site shall be maintained in a clean and orderly manner.
4. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

J. ZUP16-0022 SOLUTIONS SHUTTERS & BLINDS

Approved.

Request Use Permit approval to allow an office with showroom and sales within a suite zoned Planned Area Development (PAD) for general and medical offices. The new business is located at 1815 E. Queen Creek Road, Suite 3, west of the southwest corner of Queen Creek and Cooper roads.

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

3. 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.

K. ZUP17-0002 EXPRESS AUTO SPOT

Approved.

Request Use Permit approval to allow an automobile sales business to operate within a Planned Industrial District (I-1) zoning district. The new business is located at 4159 W. Milky Way, south of Chandler Boulevard and west of McClintock Drive.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. All vehicle storage shall occur only within the building. No work or storage of vehicles is to be performed outside of the gated yard area.
4. The Use Permit shall remain in effect for three (3) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

L. ZUP17-0003 DESERT FREERUNNING, INC.

Approved.

Request Use Permit approval to allow a sports training facility to operate within a Planned Area Development (PAD) zoning district. The new business is located at 221 E. Willis Road, Suite 7, east of the southeast corner of Arizona Avenue and Willis Road.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. 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.
4. The Use Permit shall remain in effect for three (3) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

CHAIRMAN BARON asked the audience if anyone had any questions on the consent agenda or would like an item pulled for a full presentation. There were none.

MOVED BY COMMISSIONER WASTCHAK, seconded by **VICE CHAIRMAN CUNNINGHAM** to approve the Consent Agenda along with the additional stipulation to item D and amended stipulations to item F and G as read in by Staff. The Consent Agenda passed 6-0. (Commissioner Klob, Absent).

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager congratulated the two new commissioners and looks forward working with them.

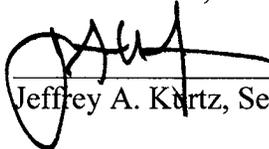
7. CHAIRMAN'S ANNOUNCEMENTS

Chairman Pridemore stated the next regular meeting is June 7, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:43 p.m.

Kathleen Cunningham Vice Chair
in absence of Chair Andrew Baron
Andrew Baron, Chairman


Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 7, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Vice Chair Katy Cunningham
Commissioner Devan Wastchak
Commissioner David Rose
Commissioner Robert Klob
Commissioner Rick Heumann

Absent and Excused:

Chairman Andrew Baron
Commissioner George Kimble

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER WASTCHAK, seconded by **COMMISSIONER HEUMANN** to approve the minutes of the May 17, 2017, Planning Commission Hearing with a small correction to section no. 6. The motion passed 5-0 (Chairman Baron and Commissioner Kimble, absent)
5. ACTION AGENDA ITEMS
VICE CHAIR CUNNINGHAM 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. DVR16-0026 CHANDLER 87

Approved.

Request rezoning from Community Commercial (C-2) and Multi-Family (MF-3) to Planned Area Development for office, retail, and a parking garage, along with Mid-Rise overlay for building heights up to 115 feet, and Preliminary Development Plan approval for site layout and building architecture. The approximate 5-acre site is located at the northwest corner of Arizona Avenue and Chicago Street.

Rezoning

Planning Commission and Planning Staff recommend City Council approve the Rezoning from Community Commercial (C-2) and Multi-Family (MF-3) to Planned Area Development (PAD) for office, retail, and a parking garage, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Chandler 87" and kept on file in the City of Chandler Planning Division, in File No. DVR16-0026, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
6. Building heights shall be limited to a maximum of 115-feet in height.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Chandler 87" and kept on file in the City of Chandler Planning Division, in File No. DVR16-0026, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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 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. Raceway signage shall be prohibited within the development, with the exception of how the signage is presented within the development and that no raceways shall be visible.
7. Landscaping shall be in compliance with current Commercial Design Standards.
8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

9. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
10. All signage shall comply with the Sign Code.

B. DVR16-0030/PLT16-0014 CLARENDALE OF CHANDLER

Approved.

Request rezoning from Planned Area Development (PAD) for Commercial to PAD for an assisted living facility, along with Preliminary Development Plan and Preliminary Plat approval for site layout and building architecture. The approximate 20-acre site is located at the northwest corner of Gilbert and Riggs roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Clarendale of Chandler" and kept on file in the City of Chandler Planning Division, in File No. DVR16-0030, 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. 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. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
9. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Clarendale of Chandler" and kept on file in the City of Chandler Planning Division, in File

No. DVR16-0030, 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. 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 parking space canopies shall incorporate building materials, forms, and colors to match the development.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. **The applicant shall work with Planning Staff to incorporate additional stone, architectural elements, and or landscaping at the ends of the building in areas of predominance.**
6. **The applicant shall work with Planning Staff to incorporate additional architectural elements to the villas to ensure that architectural design is consistent with the main building.**

Preliminary Plat

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

E. LUP17-0009 PHO GIA DINH, LLC

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption indoors and within a new outdoor patio as permitted under a Series 12 Restaurant License. The restaurant is located at 3002 N. Arizona Avenue, Suite 1, northwest corner of Arizona Avenue and Elliot Road.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 Restaurant license only, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other store location.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
5. The site and patio shall be maintained in a clean and orderly manner.
6. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.

F. LUP17-0010 HOP CULTURE KITCHEN

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquors for on-premise consumption indoors and within outdoor patios, as permitted under a Series 12 Restaurant License. The new restaurant is located at 3405 W. Chandler Boulevard, west of the southwest corner of Chandler Boulevard and Price Road.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require a new Liquor Use Permit application and approval.
2. The Liquor Use Permit granted is for a Series 12 Restaurant License, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.

G. ZUP17-0004 GRAVITY EXTREME ZONE

Approved.

Request Use Permit approval to allow recreational assembly uses within a suite zoned Planned Area Development (PAD) for Planned Industrial (I-1) uses. The subject site is located at 190 S. Kyrene Road, Suite 9, northwest corner of Kyrene and Frye roads.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. 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.
4. The Use Permit shall remain in effect for three (3) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

H. ZUP17-0006 INVISION AUTO BODY

Approved.

Request Use Permit approval to allow an auto body repair business and offices within a property zoned Planned Area Development (PAD) for Planned Industrial (I-1) uses. The subject property is located at the southwest corner of Douglas and Cessna drives.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. 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 subject business will abide by all building, fire, and other applicable city regulations including those that pertain to auto repair as a condition of occupancy.
5. All vehicle storage shall occur inside the gated area.
6. All vehicle work shall occur inside the building.

I. PLT17-0023 AZ 202 COMMERCE

Approved.

Request Preliminary Plat approval for an approximately 15-acre industrial and office development located east of the southeast corner of Willis Road and Arizona Avenue.

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

COMMISSIONER HEUMANN asked for item D, The Perch be pulled to action for a full presentation based on comments and to get a chance to speak to the applicant.

MOVED BY COMMISSIONER WASTCHAK, seconded by **COMMISSIONER KLOB** to approve the Consent Agenda along with the modified and additional stipulation to item B as read in by Staff. The Consent Agenda passed 6-0. (Chairman Baron and Commissioner Kimble, absent).

ACTION:

D. LUP16-0043 THE PERCH

Approved.

Request Liquor Use Permit approval to extend the hours of live entertainment and continue to sell and serve all types of spirituous liquors as permitted under a Series 6 Bar License and continue operation of the microbrewery as permitted under a Series 3 Domestic Microbrewery License. The business is located at 232 S. Wall Street, north and west of the northwest corner of Arizona Avenue and Frye Road.

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

AMOS VANCE, 210 S. ARIZONA AVE stated he was there opposed to the extended hours of live music at The Perch. He mentioned it does not abide by the current use permit. The bass is

played very loud and over powers his television. The manager does not answer phone calls and when he does answer, nothing is done. Residents on Oregon Street feel the same way and he trusts that Commission will do the right thing for the neighborhood.

SUSAN FIALA, CITY PLANNER stated it was a request for approval of liquor use permit to extend the hours of live entertainment and continue to sell and serve all type of spirituous liquor as permitted under a serious 6 bar license and continue operation of a microbrewery under a serious 3, domestic microbrewery license. The property is located 232 S. Wall St. The request was continued to the April 5th, Planning Commission to allow Planning staff and applicant to continue additional public outreach. The Perch is an existing restaurant and bar that has outdoor courtyards, patios and rooftop areas. There have been several previous liquor use permits that have modified the premise area and extended the hours of live entertainment. The current permit is to extend the hours of live entertainment to conclude at midnight, Sunday through Thursday and 2 a.m., Friday and Saturday. At the April 5th meeting, the item was moved to action for a presentation and discussion because of concerns related to loud music, noise and to reach further out to those residents that are most impacted by the business in the entertainment district of downtown. A second neighborhood meeting was held May 15th, at the Chandler Housing conference room. Those who attended the meeting were Planning Staff, applicant, owner team, and downtown redevelopment management. There were no resident or property owner's presents. To advertise the second neighborhood meeting, 150 letters were sent out to property owners and resident and tenants who reside in the area. The letter was also provided in Spanish. No one attended or contacted staff or applicant during the additional public outreach. Phone numbers, emails and letters were options but nothing was received. The only opposition received was during the first neighborhood meeting and that was one resident that is located on the east side of The Perch and he spoke on the matter earlier. She mentioned she wanted on the record from the April 5th meeting, the premise area has been reduced. 55 Chicago has been removed as they will be pursuing a different type of liquor license and will be heard before commission later. Staff is recommending approval with the standards stipulations related to music control as well as the establishment providing a contact phone number and have a time limit of one year from council approval to come back and see if it is still compatible with the surrounding neighborhood.

COMMISSIONER HEUMANN asked Susan which businesses in the area have outside music until 2 a.m.

MS. FIALA stated both Modern Margarita and La Boca have Dj's and provided music indoors; however, they do have the west side of the facility that people can walk out.

COMMISSIONER HEUMANN asked if there are other restaurants that have music outside the facility.

MS. FIALA stated not that she is aware of.

COMMISSIONER HEUMANN stated in the staff report it talked about a police report. He asked what was the police filed complaint for.

MS. FIALA since March 2015, there has been 14 noise complaints and of those, there were 4 reports that wanted a police report. The last complaint of noise disturbance was filed in February 16, 2017; however, that information is not detailed within the call list.

COMMISSIONER HEUMANN stated the staff report stated only one complaint was reported and she mentioned 4 calls. He asked for clarification.

MS. FIALA since 2015, there were 4 reports and one within the last year.

COMMISSIONER HEUMANN asked of the complaints that were filed, were they all filed by the same person or multiple people.

MS. FIALA stated that information is not provided within the records.

COMMISSIONER HEUMANN stated he'd like to hear from the applicant to ask where the music will be played, the type music, and curious to know in the report it stated to be competitive with other restaurants, thus why the music request until 2 a.m.

VICE CHAIR CUNNINGHAM asked the applicant to come forward.

JERED REPINSKI, 3612 W. HARRISON ST., stated as far as police reports, the last report in question was filed in February by Yoli's, which is the neighbor and the complaint was specific to the birds. There was one bird that was having a problem during the day and had nothing to do with the music. He mentioned from what he found in his records through public records request, there were 12 total noise complaints since the duration The Perch has been in business. 6 of which have been generated through Mr. Vance. One, through Yoli's Café and the remaining 5 were anonymous. Of those 12, 3 have in writing specifically in where Police spoke to Rebecca and music ended before 11 p.m. that was back on March 27, 2015. Another one on May 3, 2015, the music was asked to be shut down because it appeared to be too loud. On November 21, 2015, another situation where police entered and asked to work with the manager and the manager at that time was Tim McGovern and the music was eventually turned down. Other than that, the rest of the complaints were inconclusive. Police reported no loud music was heard as well as music was at a respectable level. He mentioned unsounded was another term that was used in a report. What he found out when gathering reports from local police is that not everything resolves in an official report. However, what they have is a CAD response which is a way of closing a case. In his research, there have only been three substantiating noise complaints in the three plus years The Perch has been in business.

MICHAEL HUGHS, 826 E. GERONIMO CT., stated he has been employed as the manager with the restaurant for a month and would be glad to give Mr. Amos his contact information as he mentioned he couldn't contact the manager. As far as music, it is mostly acoustic up to three people playing instruments. They always go outside and check the levels of music. Since he's been there, he mentioned music levels have been his priority and will continue to be a priority.

COMMISSIONER HEUMANN asked why play music until 2 a.m.

MR. HUGHS stated from what he's observed around midnight until 2 a.m. it tends to get slow. He was employed with Bourbon Jacks before The Perch where they also had live music and they are always busy around those times. So as a business they want to extend because they are open until 2 a.m. The music will possibly run until 1:30 a.m., as they need to get equipment down.

VICE CHAIR CUNNINGHAM asked why start music at 8 a.m.

MR. REPINSKI stated on the revised narrative it states 9 a.m., not that it makes it any better but no longer requesting 8 a.m.

VICE CHAIR CUNNINGHAM stated that Commissioner Heumann made a comment and finds to agree with that very few places have the need for broadcasting loud music at 8 or 9 a.m. She mentioned that the restaurant is adjacent to residential dwelling, not only Mr. Vance on the east but homes on the south and west. She also stated there's another approval process through a special use permit if the restaurant has a special event where they want to have music. She sees no need to have a blanket approval of music starting at 9 a.m.

MR. REPINSKI stated as they have demonstrated through law enforcement and neighborhood outreach, he believes that they've shown that The Perch has been a good neighbor to the residents and will continue to work within parameters. He understands Commission's concern over loud music but thinks they have not done that. Even though the hours are being extended whether early or later, they wouldn't change anything to become bad neighbors.

COMMISSIONER HEUMANN asked Mr. Vance if his home was right next to The Perch.

MR. VANCE stated his home is 28 ft. from the Chicago 55 bar.

COMMISSIONER HEUMANN asked Mr. Vance how long ago he tried contacting the restaurant.

MR. VANCE stated he called about a month or two ago for a whole weekend about six straight times and never got an answer. The message machine picked up. He mentioned before that instead of calling the police he called The Perch directly every weekend to turn down the bass because it comes over my television of his home. The rest of the music is ok; it's only that bass that's doing it.

COMMISSIONER HEUMANN asked Mr. Vance if they turned it down.

MR. VANCE stated some people said it wouldn't do any good to tell them to turn it down because the musicians won't turn it down. He mentioned he went to Circle K once to get a newspaper. He could hear the music from there, Frye Rd. and Arizona Ave.

COMMISSIONER HEUMANN stated that the applicant has been in business for three years and it seems like there were a lot of complaints. He mentioned to staff he has concerns about the 2 a.m. but there is a one-year time stipulation so if there are any issues what would the administrative process be to revoke the permit before one year.

KEVIN MAYO, PLANNING MANAGER stated it is a process that they have not to utilize to date, even on the Regal Beagle. He mentioned as most of familiar when they are not in the business of enforcement but in the business of compliance. The process, although not written or formalized is really to go straight to the manager and figure out how to get voluntary compliance. It has been successful except for the Regal Beagle. He stated revoking the use permit is a very specific process from the Zoning Administrator issuing a notice of violation versus working with them to figure out how to be a good neighbor. He mentioned they don't have a live entertainment use permit so the live entertainment aspect from these businesses get regulated through the regular liquor use permits. In this matter they would want to exhaust every possibility of voluntary compliance.

COMMISSIONER HEUMANN asked if there are any other restaurants in the City that currently plays music at 8 or 9 a.m.

MR. MAYO responded with no there aren't that many. However, it would be remotely appropriate would be in the regional commercial areas that are far from residential areas or in an entertainment district in downtown. Most of time it's not on a weekly basis, it happens to coincide with Cinco de Mayo. It may get handled through a special events permit that's an administrative action not needed to come through Commission or Council, but those are specific approvals that recognize a high level of intensity for a certain time.

COMMISSIONER HEUMANN stated his concerns about music starting at 9 a.m. and would like to place a motion to approve the case with a modification to stipulation 8. that states "No live entertainment or music shall occur from midnight to 11 a.m., on Sunday through Thursday, and not from 2 a.m. to 11 a.m., on Friday and Saturday."

MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER WASTCHAK** to approve Item D, LUP16-0043 THE PERCH along with the modification to stipulation no. 8 as read in by Staff. Item D passed 5-0. (Chairman Baron and Commissioner Kimble, Absent).

C. PDP17-0004 TOWNEPLACE AT THE MET

Approved.

Request Preliminary Development Plan (PDP) approval amending the site layout and building design for a commercial development located at the southeast corner of Chandler Boulevard and Hearthstone Way.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Towneplace at The Met", kept on file in the City of Chandler Planning Division, in File No. PDP17-0004, except as modified by condition herein.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
4. **The applicant shall maintain drive-through queuing on-site.**
5. **The applicant shall work with Staff to modify the coffee shop building design to incorporate additional parapet roofline elements and wood or other materials to greater reflect the building design approved in the 2015 PDP case.**

JODIE NOVAK, SENIOR CITY PLANNER stated the request is specifically a Preliminary Development Plan (PDP) focused solely on the site layout and building architecture of a proposed commercial development. The project is located at the southeast corner of Chandler Blvd. and Heartstone Way. The property is approximately 4.9 acres and what is proposed is an amendment to a pre-approved site plan that had come before Commission and Council a couple of years ago. One of the inline shops building is being requested to be modified and what would exclude is a 700 sq. ft. coffee shop building that would have a drive-thru and walk-up window as well as a 3,700 sq. ft. building next to that, which would be for a credit union. In 2013, the 4.9-acre property did receive zoning for PAD and it allowed a mixed of uses and included mid-rise

overlay which allows buildings over a height of 45 ft. and have the ability to be build with commercial and or multi-family residential. She mentioned commercial means it could be a mix of retail, restaurant or office related. There was also a 300 unit multi-family apartment building on the southern 7 acres of Townplace at the Met. They are open and called The Met. Over all the 12-acre commercial corner portion of is developed and the 5 acres is currently under construction. What is first being developed was approved as part of the 2015 PDP was a Marriot TownPlace Suites hotel building and in front of that two inline retail shop building. She stated as part of the 2015 PDP case, the uses were addressed from the 2013 case and included two inline retail shop buildings both in 9,000 sq. ft. They would flank Chandler Blvd. and primary entrance into the development off of Chandler and enter south down to the front of the hotel. The request is specifically modifying a component of that site plan on the west side. The eastern and western building PAD are being development as a part of the hotel's projects. They are just getting the dirt land ready and building around it as part of that larger development such as the landscaping, driveways. The eastern building is not a part of the request as it's already been through a construction plan review. For the western building they're requesting to instead reduce the square footage that was originally approved and do two separate buildings that would be clustered together and connected by a common outdoor seating, dining area and pedestrian walk way area; A 700 sq. ft. building and a 3,700 sq. ft. building for a credit union use.

The proposed development has been designed and reviewed to ensure that it is clustering those two buildings together as required by the design standards and the architecture of the building is being commensurate to the architecture that was pre-established in 2015, zoning case. Which would be representative on the hotel as well as the inline shop building east as part of the master plan commercial site. She mentioned they focused the PDP to onsite requirements and looking at how it fits into the context of the overall development and how onsite circulation for pedestrian completed. How is the landscaping done? Nothing is substantially changing other than the actual previously approved 9,000 sq. ft. building PAD is not shrinking in terms of only have 700 sq. ft. building next to a smaller building of 3,700 sq. ft. In addition, they are adding a drive-thru to accommodate the 700 sq. ft. building which is proposed for a coffee shop tenant. The city has pretty stringent standards in the zoning code. Some communities in the valley don't have requirements for a minimum distances from the time one enters the drive-thru lane to the time one gets to the menu board. The development is actually exceeding those requirements which are representative in the development booklet with an exhibit that shows to accommodate additional queuing of vehicles.

The development did have a PDP in 2015 which included a sign package. The signage that would be going on the building would comply with the currently sign code. A reverse pan channel or pan channel type of lettering and logo with halo illumination which was approved previously for both the hotel and inline shop buildings and being consistent with that. What was pre-approved in the prior case will be built by the master developer, which is part of the hotel development.

Staff has reviewed and has found that both from an architectural standpoint and site development standpoint that the proposed modification to the western inline shops building is consistent with the overall commercial center as previously approved. Back to 2007, all of the land originally had zoning approval for a very urban high density development that had 4 and 5 story office building and had a lot more retail and restaurant square footage. She mentioned it also had several more units that would be part of a condominium development. That project never developed because of the recession. Prior in 2013, there was a zoning amendment that relooked at the uses on the property and less intensified it. She mentioned they have worked with the

applicant and go through their neighborhood process and 8 persons attended and staff is aware of several concerns that have been expressed by residents through phone calls and email. Residents live in the Hearthstone community that is to the southwest of the area. Along Hearthstone there is vacant land that is currently zoned and planned for industrial west of the property in question and south is a gym. She stated over the years there's been a concern about the traffic that generates the cars that park on the street but there's been a lot of growth in the development with the mall. The city has always envisioned the area to be a growth zone for the mall area and also down by Chandler and McClintock. There has been additional traffic that has accumulated on Hearthstone Way as it is a road that a lot of resident use to get in and out.

She mentioned the case is not a land use case as it's already entitled for commercial. Zoning does not regulate who the user is. There has been a long history with the property and it gets very intense as staff collaborates with many professional for months, even up to a year. Subsequently, through the amendments that have less intensified the development, there hasn't been a need for a new traffic analysis or need to go back and change Hearthstone Way. That's been a determination of the City's traffic engineering staff as they reviewed the case and feel the road was built originally to accommodate that type of development. Staff is recommending approval of both site layout and building design.

WENDY RIDDELL, 6750 E. CAMELBACK RD stated she is there to speak on behalf of the developer and some from Dutch Brothers. She wanted to touch basis on a couple of things. It is one of the city's areas that everyone is going to see that type of growth and economic development. What is being proposed is consistent with the entitlement that already permits retail, restaurant and office. They are requesting to also amend the PDP to reduce the overall square footage in half, 9,000 sq. ft. to 4,400 sq. ft. and to permit Dutch Brothers and a Credit Union. Which she believes are center district uses. She mentioned that Dutch Brothers is a brand new prototype. Other municipalities do not have dual standards when it comes to queuing. Other Dutch Brothers have a single lane where cars back up. She understands concerns and has met with Mr. Donaldson and Mr. Maverick and believes they have a good solution. It is a brand new prototype for them where there is dual queuing, two lanes and significantly more capacity than other Dutch Brothers throughout the valley. The queuing lane is 396 ft. for only 150 ft. is required. They have exceeded the requirement by 164%. They recognize that in the event the queuing is not sufficient however; believe strongly that it will be. They have the ability to wrap vehicles around to the north. They have the ability through signage to ensure that cars don't lead out to Hearthstone and have the ability to come up north, therefore, Hearthstone will not be impacted. They also understand that grand openings might be a concern and they have taken that into consideration and they will produce multiple signs directing traffic and double their staff so people can have a good experience at Dutch Brothers and also off duty police will be hired to ensure everything goes smoothly.

The elevations conform very much to what has already been approved in the area such as the urban style and contemporary architecture. The most exciting thing is that Chandler's Dutch Brothers will be the first one to conform to Chandler's architectural guidelines. They are usually blue and anyone can differentiate. Dutch Brothers is designing it with an urban contemporary style which is very unique for the facility.

LEIGH RIVERS, 3737 W. GERONIMO ST., stated he has lived in his property for 28 years and is very familiar with the neighborhood. He referred to a rendering displayed of what was going to be built on the project in 2007. Dutch Brothers is unfortunately the latest idea to be

presented for the land originally slated to become The Met in Chandler. The original applicant for the project, 10 years ago met with Hearthstone neighborhood committee to discuss a mixed use project that would include 335 residential units and 74,000 sq. ft. of retail spread over 14 acres bounded by Chandler Blvd., Chandler Village Dr. and residential street, one lane in each direction of Hearthstone Way. The main entrance was to be located on Chandler Blvd. while another off of Chandler Village Dr. where there was to be no access from the two lane residential on the west border with the exception of a right in right out access for a bank. After many alterations, there are some retail, a large apartment building and two hotels. He mentioned with those two entrances open the traffic on his two lane neighborhood entry road has increased dramatically. He and the residents at the time were ensured to have the neighborhood entrance moved from Chandler Village Dr. and a traffic signal dedicated for the new road Hearthstone Way and would remain a residential entrance road. The traffic has already built up from all the new additions at The Met. He mentioned with the addition to Dutch Brothers, they fear that the lineup for the coffee stand will be back up and block traffic as there is no way around stopped traffic on that road without crossing the center line. The developer has designed the project to use the Hearthstone Way entrance for the coffee stand. He mentioned the developer has said that they anticipate people turning off of Chandler Blvd. unto Hearthstone Way to make a left turn into the project. He asked the developer for comparisons to other locations and found that there are no other Dutch Brothers locations like the one proposed. They were shown location that bordered major thoroughfare such as Scottsdale Rd., Indian School Rd., and 32nd St. Each location is also capable of holding within the center's own parking lot any overflow to their drive-thru line which is handled by employees using chains and or traffic cones to re-route their patrons. The applicant has stated the capacity is 80 cars per hour but the lineup numbers are not the same.

He mentioned the graph he was provided shows one location capacity as 12 vehicles and exceeded twice within one hour. If that happens in Chandler, the roadway traffic will only be blocked a few times each morning. However, one time is too many. One observer from his neighborhood went to the Dutch Brothers on Rural Rd. and Guadalupe and observed 47 cars in 30 minutes between 7:09 a.m. and 7:39 a.m. There were up to 19 cars in line at once. The Chandler location capacity is 13 cars. He mentioned, despite what the memo says the parcel involved for the credit union and coffee stand is not 4.9 acres because 3.2 are already spoken for projects under construction that already completed. He asked Commission to please not allow 1.7 acre parcel to house a business that can block the only northbound exit from his neighborhood every morning and restrict the ability of several hundred residents to get to work or school. He mentioned, Commission would like that where they lived. There are many places in Chandler with parking lots large enough to accommodate the overflow from that business; However, the proposed location is not one of them. He asked Commission to vote no on the PDP.

VICE CHAIR CUNNINGHAM asked if anyone had any questions for the speaker. There were none. She announced the next speaker card.

TOM NELSON, 316 W. MONTABELLO., stated he is a part of the developer of The Met apartments and currently under construction with the TownPlace Suites Hotel. He is there to represent the business interest of the hotel and the apartment that are most impacted by any traffic that might occur. They are completely in favor of it. He explained where he lives there is a Dutch Brothers that was not very well planned on Camelback and Central; which currently has serious parking problems. It seems like Dutch Brothers have figured out how to manage the traffic. He believes there will be more than enough supply for queuing and believes it is a nice

amenity for the entire area. He mentioned for the record, they do not have any shared interest with Thompson Thrift as they own the property. He is only speaking on the impact to his client.

COMMISSIONER HEUMANN asked Jodie if she could display an exhibit to show the placement of the development. He drives by some Dutch Brothers buildings and is curious if it does have a capacity for 19 cars.

MS. NOVAK displayed an exhibit which explained where the particular property will be located and entrances. She stated the minimum requirement for a single lane to get to the menu board needs to be able to queue six cars which is 120 ft. From the entrance of the lane to the time where they actually get to pick up window would have to be 150 ft. They are exceeding that and adding a second drive-thru lane. It becomes an onsite management between all the business and owners but the city can only make sure it meets the requirements. There are no rules or regulations that direct a driver how to pull in and out of the project. Some of the concerns such as mitigating grand openings, the applicant has been taking measures for that concern.

COMMISSIONER HEUMANN asked if there are any mitigating measures that will occur after the grand opening so there is no back up going onto Hearthstone Way.

MS. NOVAK stated staff spoke to the developer on that topic and they don't really know ultimately how things will occur once the business opens and how traffic will be. She mentioned it is really up to the onsite management to determine if they need addition striping or directional signage.

MS. RIDDELL stated they have a vested interest making sure it is not a problem for their customer. She mentioned she is happy to commit to a stipulation that in the unlikely event that the queuing capacity is exceeded, they would actually direct traffic back around the center. To ensure there is no traffic overflow into Hearthstone and have signage, staff and physical barriers to also ensure traffic circulation towards the north.

COMMISSIONER HEUMANN stated that the In and Out restaurant does a great job and has tremendous queuing. He asked if they can commit to a stipulation to have somebody out there directing. His concern is backing up the Hearthstone Way and the additional traffic. He asked if there was a left hand turn lane.

MS. NOVAK stated if one is going northbound on Hearthstone Way, there is one lane that's a through lane and/or a right turn lane. However, not a specific dedicated right turn lane to go east on Chandler Blvd. There is a dedicated left turn lane to go west on Chandler Blvd. Southbound on Hearthstone Way, there is no left turn lane to turn into that drive way. Every driver has different preferences. They don't ultimately know what is going to happen when it opens.

COMMISSIONER HEUMANN asked if there is a turn signal to make a left turn going westbound on Chandler Blvd.

MS. NOVAK stated there is no actual separate left turn signal.

COMMISSIONER HEUMANN directed staff to have the traffic department take a look at adding a dedicated left hand turn signal and maybe adding a stipulation.

MS. RIDDELL agreed to add a stipulation.

MS. NOVAK asked if Commission is asking staff to add a zoning condition to the request or something that they would just agree upon themselves.

COMMISSIONER HEUMANN stated maybe the attorney representative can clarify if it is legal to put a stipulation in there for a situation if there's an overflow they will work with mitigating the backup on Hearthstone Way.

MS. NOVAK stated they are not able to stipulate something that specific as they can't regulate how their employees are or have them manage what traffic is on the public road. However, they can look at a zoning condition to add to the PDP request that would state something along the lines that they would be required to maintain all queuing traffic onsite.

COMMISSIONER HEUMANN stated a stipulation to that effect would be great if the applicant is ok with that.

MS. RIDDELL agreed to the additional stipulation.

COMMISSIONER WASTCHAK stated the additional two lanes for queuing is great as well as the added stipulation. However, as he was reviewing the case there wasn't a drive-thru lane on building B from prior site plans and now the new site plan does have one. He asked what the need for that was and if there's another restaurant user going on that end cap.

MS. NOVAK the current request is not including that. However, when the development originally was brought forward in 2015, they mentioned they have the inline shop and possibly get a tenant that might want their own drive-thru. Staff worked with them and through administrative changes they are able to work with them.

COMMISSIONER WASTCHAK asked if anyone has leased that end.

MS. NOVAK stated they have some interested restaurants that staff has been working with.

COMMISSIONER WASTCHAK stated he appreciated the clarification because if there's already a drive-thru on the other side, another drive-thru could have been done on the opposite side.

MS. NOVAK stated it was not based on who the user was. The other building was approved for whatever tenants that could have wanted a drive-up window. Down later was when they were being approached through the marketing of their development that a Dutch Brothers were interested to develop on the property.

COMMISSIONER WASTCHAK mentioned he had a comment on the elevation and he compared it to what was originally approved which appreciates that is was included. They varied from that significantly. It was a nice elevation that had stone, a larger mass and silver canopy over the top with the store front and wood slats above the canopies. What is being brought forward is a square building with stone. He believes it is way too stark compared to what was previously approved. He also thinks it's too much of a variation from what was originally done and thinks they can do better on the design than what currently shown. He appreciates Commissioner Heumann's thoughts and comments and the applicant's agreement to stipulate. His issue is with the design.

MS. NOVAK stated staff worked with the developer on the architecture of the development and the transition from the stone to stucco is what they are maintaining. The perspective from the eastern building to the western building would be that continuity from what the original theme was. There can be various things done to the smaller building for the particular coffee shop. It was a big departure from somebody coming in wanting to incorporate any form of corporate style branding. There was some intent on how they were looking at the however, with the larger building they did incorporate varied rooflines, metal canopy awnings and between the two they had the solid wood element canopy to provide shade for that pickup window. She mentioned they can work with the applicant to apply some of that upper parapet roofline metal element.

COMMISSIONER WASTCHAK stated the main building does a pretty good job of staying consistent with what was previously shown. He would like to see some kind of parapet cap and wood element incorporated into the stone above the canopy that similar to what was approved previously. He asked staff if signage is going to be a secondary review that will be brought forward later.

MS. NOVAK stated signage was predetermined in the original 2015 zoning case. On any of the three retail buildings, the sign will conform to what the new sign code standards are. The freestanding monument signs were already designed for in the original case and the larger developer is responsible for installing those.

COMMISSIONER WASTCHAK asked staff how will staff address his design concerns.

MS. NOVAK stated she will be adding a zoning condition no. 5.

VICE CHAIR CUNNINGHAM asked staff if U-turns are allowed on Chandler Blvd. and Heartstone.

AUDIENCE MEMBER stated U-turns are common.

COMMISSIONER KLOB shared the same feelings as Commission Wastchak on the starkness of the building. He states it almost has the effect of a two-story building. He thinks if the parapet line was dropped down 6 or 8 ft. to make it look wider in visual appearance. He mentioned he doesn't think the whole building needs to be stone, maybe having some breakup of the stucco or wood to make more conducive to the credit union building. With a little creativity it could be a good looking building in his opinion. He mentioned most of his feelings have already been said regarding the traffic. He thinks the applicant did a great job in providing more than adequate space for queuing.

MS. RIDDELL stated lowering the building would cause functionality stress but is confident to work with staff to use creativity and improve the elevations. Regarding the driveway, when one looks across the board of tenant uses they are bringing in. They are a very good tenant mix and they all differ and she believes they have a good strategy to manage it.

COMMISSIONER KLOB asked Ms. Riddell to explain what she means by functionality stress by lowering the building.

MS. RIDDELL stated typical commercial buildings are at the 24 ft. and has been a part of the plan and what they included and part of the functionality of the building. However, she believes they can still address concerns by working with staff.

COMMISSIONER KLOB stated there are several feet of unnecessary vertical elements of the structure and because it is very compact, it doesn't lead itself well to having that vertical aspect.

MS. RIDDELL they can for sure take a look at that and if there is something they can do that does not impact functionality in a significant way, they can do that.

COMMISSIONER HEUMANN stated Chandler has always had higher standards and thinks staff has a stipulation that the applicant is willing to work with to make things work.

COMMISSIONER HEUMANN stated he wanted to make a comment to staff. He met with an applicant that is looking at a parcel to the west and believes it's important for staff to work with the traffic department on Hearthstone Way and that left hand turn. It is going to be very crucial in the next two years.

MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER WASTCHAK** to approve Item C, PDP17-0004 TOWNPLACE AT THE MET with the additional stipulations 4 and 5 as read in by Staff. Item C passed 5-0. (Chairman Baron and Commissioner Kimble, Absent).

6. DIRECTOR'S REPORT

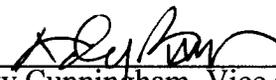
Mr. Kevin Mayo, Planning Manager stated there will be a Design Review Committee scheduled prior to the Planning Commission, June 21st. that requires a quorum.

7. CHAIRMAN'S ANNOUNCEMENTS

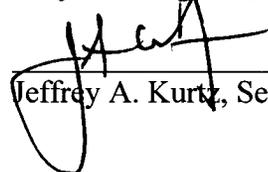
Vice Chair Cunningham stated the next regular meeting is June 21, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 7:07 p.m.



Katy Cunningham, Vice Chair



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 21, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Andrew Baron
Commissioner Devan Wastchak
Commissioner David Rose
Commissioner Robert Klob
Commissioner George Kimble

Absent and Excused:

Vice Chair Katy Cunningham
Commissioner Rick Heumann

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Erik Swanson, Senior City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER WASTCHAK, seconded by **COMMISSIONER ROSE** to approve the minutes of the June 7, 2017, Planning Commission Hearing. The motion passed 3-0 (Chairman Baron and Commissioner Kimble, abstained as they were not present at the June 7, 2017, meeting.)
5. ACTION AGENDA ITEMS
CHAIRMAN BARON 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. DVR16-0005 PREMIER CARDIOVASCULAR CENTER

Approved.

Request rezoning from Planned Area Development (PAD) for a medical office to PAD amended to eliminate a zoning condition pertaining to signage requirements. The approximate 2-acre site is located at the northeast corner of Dobson Road and Boston Street.

Rezoning

1. Compliance with original conditions adopted by the City Council as Ordinance No. 3898 in case DVR06-0026 MAGNUM MEDICAL, except as modified by condition herein.

2. Condition No. 14 of Ordinance No. 3898 is deleted.

C. PDP17-0011 THE GROVE

Approved.

Request Preliminary Development Plan approval for a Comprehensive Sign Package for a new monument sign to be located on the north side of Queen Creek Road approximately one-quarter mile east of Gilbert Road.

Preliminary Development Plan

1. 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.
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.

D. LUP17-0012 TOWNEPLACE SUITES

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption and within an outdoor patio/pool area as permitted under a Series 11 Hotel License within a new hotel located at 3635 W. Chandler Boulevard, south of the southeast corner of Chandler Boulevard and Hearthstone Way.

1. The Liquor Use Permit is granted for a Series 11 Hotel License only, and any change of license shall require reapplication and new Liquor Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
5. The site shall be maintained in a clean and orderly manner.

E. LUP17-0014 SCRAMBLE A BREAKFAST JOINT

Approved. CONTINUED TO THE JULY 19, 2017, PLANNING COMMISSION HEARING.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption and within a new outdoor patio as permitted under a Series 12 Restaurant License. The new restaurant is located at 7131 W. Ray Road, Suite 42, southwest corner of Ray Road and 56th Street. **(REQUEST CONTINUANCE TO THE JULY 19, 2017, PLANNING COMMISSION HEARING)**

F. MUP17-0001 THE HEIGHTS CO.

Approved. CONTINUED TO THE OCTOBER 4, 2017, PLANNING COMMISSION HEARING.

Request Use Permit approval to allow a medical marijuana facility within Planned Area Development (PAD) zoning allowing C-2 commercial retail uses, on approximately 4.33 acres located at 7200 W. Chandler Boulevard, within Suite 7 and a portion of Suite 8. **(REQUEST CONTINUANCE TO THE OCTOBER 4, 2017, PLANNING COMMISSION HEARING)**

G. CANCELLATION OF THE JULY 5, 2017 PLANNING COMMISSION HEARING.

Approved.

CHAIRMAN BARON asked the audience if anyone had any questions on the consent agenda or would like an item pulled for a full presentation. There were none.

MOVED BY COMMISSIONER WASTCHAK, seconded by **COMMISSIONER KLOB** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed 5-0. (Vice Chair Cunningham and Commissioner Heumann, absent).

ACTION:

B. DVR17-0005/PLT17-0013 RIATA

Approved.

Request rezoning from Planned Industrial (I-1)/Planned Area Development (PAD) to PAD for a 300-unit multi-family residential development, along with Mid-Rise overlay for building heights up to 55 feet, and Preliminary Development Plan and Preliminary Plat approval for site layout and building architecture. The approximate 8-acre site is located at the southwest corner of Chandler Boulevard and Hearthstone Way.

MR. ERIK SWANSON, SENIOR CITY PLANNER stated the site is located at the southwest corner of Chandler Blvd. and Hearthstone Way. The site itself is little over 8 acres and what is being proposed is a 300-unit multi-family residential development with an overall density of 34.8 dueling units per acre. The site has three street frontages; Chandler Blvd. to the north, Hearthstone Way. runs east and Commonwealth Ave., which is the cul-del-sac on the south side. To the west there's an SRP facility and another street called Avenida Tercera. The site itself has a long history going back to the late 70's from a zoning standpoint with initial zoning of industrial and office. He mentioned zoning came back through in the late 80's that expanded those uses. The site within the General Plan (GP) falls under the neighborhoods category which is the broadest section. It falls under the category of the medical and regional retail growth area. Some of the language allows for different types of densities as well as support for the retail component of the city as well as the medical. The support is jobs, residential units and getting more people in there. The site also falls within the high capacity transit corridor which will be discussed in detail later on. The entirety of Chandler Blvd., a portion of Arizona Ave., and portion of Rural Rd. are within the high capacity transit. What that designation allows is the

ability to look for higher densities. The particular site is part of both, a growth area and high capacity transit corridor.

When looking at the site plan, it is an odd site for development but their design considered the building massing. The developer has done a good job of pulling it away from residential areas. They've also put them on an access where there's not a huge mass that looks out unto the residential to the west. The two story carriage building units closest to the residential provide a buffer from a visual standpoint. Because it's an urban development, a number of deviations were requested and outlined in the development booklet. The main building along Chandler Blvd. encroached into the standard 50 ft. building setback. The design team has looked at landscaping to make a more formalized design. Visually, it follows the building footprint. The applicant also incorporated date palms that give more vertically to the area. The request includes a midrise overlay, where two neighborhood meetings took place and expanded the notification to the area. Of those meetings, a handful of people attended in support. He has not received any objections to the land use or design other than concerns expressed for traffic. The development team conducted a traffic impact analysis. As the result, there weren't any capacity issues for Chandler Blvd. or Hearthstone. The analysis was forwarded to the city traffic folks for their review and they were in agreement with the impact analysis and had no concerns. He mentioned it is important to note there are two access points. Main one is off of Hearthstone and second access point is down off of Commonwealth Ave., which is only for residents. He asked commission if anyone had any questions.

CHAIRMAN BARON asked if commission had any questions for the speaker.

COMMISSIONER KIMBLE asked if there was direct access on Chandler Blvd.

MR. SWANSON stated there is no direct access unto Chandler Blvd.

DARIN SENDER, 464 S. FARMER AVE., stated he represents the developer and wanted to thank Erik for all the work he's done as it has been great collaborate effort. They have been working on addressing issues as they come up and Erik presented the case very well. The site is located in the regional area that's located next to a major employment area next to the mall. It is within the transportation area like Erik mentioned. She displayed an exhibit that illustrated the residential, commercial and other facilities nearby. Explained how the GP defines the site and requires more people around to support the employment area.

BRAD KNOLLE, 1020 NE LOOP 410 #700 SAN ANTONIO, TEXAS stated he is the Senior Vice President of Embrey Partners, a family owned company started by Walter Embrey in 1974. They have been developing residential, commercial and retail properties since 1974. They have done almost 190 projects all around the country. They are currently in the major markets in Texas and operate in Nashville TN, Phoenix Metro area and Denver. Currently, they have about 12 projects under construction and close to a billion dollars of construction so it is a much capitalized company. They have a full construction and contractor team and Embrey management service manages their portfolio. Riata is a luxurious urban housing that is made up of 300 units. He stated they conducted a detailed market study on the supply and demand in the types of units that are needed in Chandler. As a result to the market study was the need for studio units, which are small one bedroom units. Units will be priced under \$1000 dollars which there's nothing like that in the current market. Seventy-four percent is a mixture of one bedroom and studios and twenty-six percent of two bedrooms. Four-story elevator shared buildings with garages. They added a detached clubhouse and amenity buildings, mostly to provide a variety of architecture. They collaborated with Erik's and Council members about the visions for the area.

He mentioned they don't repeat any product design around the country, therefore they are very unique. The style is very contemporary. They added a lot of rooflines, used glass, vertical and horizontally angulations for the building. They reduced setbacks for landscape request along Chandler Blvd. The landscaping will be a definite improvement to the area. The request is rezone from PAD to multi-family. They have the midrise overlay simply because the buildings are four-stories high. They had two neighborhood meeting and displayed most of the renderings from the current presentation. One of his favorite comments was a lady that lived in the neighbor that stated she is excited to see the nursery go because she had a bug problem due to that. He mentioned that they followed staffs lead since the pre-application process. The main entrance aligns with the commercial to the east so they have a gated entrance for the full roundabout on Hearthstone Way. The pool is in the middle and it will feel like a resort style cabana oasis. They focused on the access into, throughout and out of the site. He mentioned they designed their carriage buildings with minimal penetration on the back side to avoid any potential residents looking down onto the backyard of the houses.

He mentioned in that neighborhood meeting, neighbors requested a building to be shaped as an L and brought back to get it off of Hearthstone Way. He displayed the landscape area in an exhibit and explained the setbacks and the types of plants they'll use. He mentioned they added date palms to the edge of the property line to break up the massing with soft scape. They added glass and 10 ft. plates to some of the building to add vertical massing. They also added trusses on top of the building to create an eyebrow effect of vertical column of stone. Earth stone paint colors were used and plan to have dark windows throughout the development. They designed a rooftop deck that is covered patio that wraps around the backside of the club house. He mentioned the fitness center has a 14 ft. plate height and will include a yoga studio and offices for maintenance personnel. They want to get creative with the perimeter fencing so they made a stucco base with vertical metal elements so there isn't just a solid screen wall but also not a standard picket fence that are in some developments. They focused on a nice layout for management personnel to guide a potential resident on a nice tour and show case the entire property. They did a detailed shade study to show how the palm trees need to be pulled away from the building to achieve maximum sunlight and added decorate paving. He displayed an aerial exhibit. He asked if anyone had questions. There were none.

MS. SENDER thanked commission and stated that they are very happy with the recommendation from staff for approval and are ok with the stipulations that are proposed for all.

COMMISSIONER KLOB commended the applicant for the nice project as it fits the corner architecturally, all the different elements used and projections and colors. One of his favorite parts of the development is the club house area. He loves the idea of hammocks. A challenge he came across in reviewing the packet is the inside design of floor plans. There are two one bedroom floor plans. They have an internal bedroom that has no direct egress to the outside. He's done a lot of his own research and realizes that there are some aspects on how the code will allow for that. However, should something happen; everyone is aware of the fire that happened in London. A lot people died because they couldn't get out of their units. He mentioned as a member of commission he would have a difficult time knowing if something were to happen. He would like staff to work with the applicants on the two unit plans but overall likes the project.

COMMISSIONER KIMBLE complimented the applicant for the nice looking plan and mentioned he has driven by the site numerous of times. He asked if there are environmental concerns with pesticides or the soil that been there for year from the nursery.

MR. KNOLLE stated they did a full phase one and triggered a limited phase two and wasn't due to anything in the soil but the use of barrels of fertilizer and pesticides. It's been cleaned up and now have a clean phase two.

CHAIRMAN BARON stated he had three speaker cards and in no particular order he'd call them up.

LEIGH RIVERS, 3737 W. GERONIMO ST., stated he has lived in the Hearthstone neighborhood for almost 30 years. He mentioned Riata might indeed be nice to look at however, for the hundreds of residents in the Hearthstone community, if it blocks the only northbound exit from the neighborhood, it would be impossible to live with. He mentioned that he stated the same thing at the previous Planning Commission meeting. Over a decade ago when Westcore paid to have the neighborhood entrance moved from Chandler Village Dr. and a new road created along with a traffic signal dedicated for the new Hearthstone Way. The residents were given multiple assurances that it would remain a residential entrance road. The traffic build up from the new additions to The Met can be daunting, but not to mention whatever traffic builds from the new Thomson Thrift project. Apartment complex's, Retail, and hotel already floods Hearthstone Way with vehicles in a stretch of less than ¼ mile with only one lane in each direction.

In the staff memo, it states that the development is in an appropriate location being adjacent to an arterial, which is Chandler Blvd. and designated as a high capacity transit corridor. His question is will the entrance be proposed be on that arterial street? He doesn't believe so. He mentioned they want all residents form Riata to turn unto Hearthstone Way to access Riata's entrance. Meaning, everyone living or working at Riata must try to cram their vehicles into a very much smaller roadway. He believes that anyone who tries to turn left out of Riata might find it impossible as the north driveway location maybe too close to the left turn lane approaching Chandler Blvd or due to traffic coming from other driveways of other developments. He is confused by the fact they were told that it was not right across from the same entrance as the north entrance of The Met. If Riata does not turn left from either driveway, they will be forced to drive through the neighborhood and would create safety issues. It is a stretch of the imagination to think a project that size is a good fit for the property at all; to force all the additional traffic unto a neighborhood residential roadway when a "high capacity arterial" borders the property. He mentioned is it ridiculous. While a dedicated right turn lane for the property could be built along the northern boundary off Chandler Blvd., someone seems to think it makes sense to create a right turn only lane and force all the traffic unto Hearthstone Way. It will overburden the smaller road allowing profits for the developer while causing problems for their own residents as well as residents that live in Hearthstone. He mentioned commission wouldn't like that amount of traffic forced into their neighborhood so please vote no on item B and deny the rezoning.

CHAIRMAN BARON asked Erik regarding the classification of Hearthstone Way.

MR. SWANSON stated it operates as a collector street.

CHAIRMAN BARON asked if traffic staff agrees with that.

MR. SWANSON mentioned that traffic was part of the review process.

CHAIRMAN BARON asked if the TIA studied just that intersection.

MR. SWANSON his understanding is that it was just that one intersection.

BILL DONALDSON, 3725 W. GERONIMO ST., stated that he built his home 28 years ago on the south end of Hearthstone neighborhood. He mentioned that his neighborhood has had its share of impacts in the last 15 years with the San Tan freeway, mall and all of the development towards the north end of the neighborhood. Faces have change for commission and council but it took a lot of hard work, time and energy to get commitments from city and developers to give back the neighborhood entrance. As Leigh mentioned, that road was attributed to the Hearthstone neighborhood and the reason why it was renamed. It's rapidly becoming a commercial and high traffic road. It's become difficult to navigate to and from the north and it feels as its being taken away from them. One of the concerns he has is the saturation of multi-family units. He had asked the applicant early on for market data such as vacancy rates associated with the demand for the number of apartment units that have been planned, constructed or already built. He was provided with a 2013 study; which is pretty good for development. Having sat behind the dais, he knows that commission has approved thousands of units of multi-family within the last three to five years. He is concerned of the viability of the city's older and newer apartment units. He is in opposition of the multi-family unit. He believes the city has reached the saturation point which in his opinion is not good for the city. He mentioned he was never provided with the traffic study, however, had a copy of an old one. He doesn't know which one was relied on or if a new one was created but traffic is currently real heavy in his area and he feels it every day. Neighbors have expressed concerns about the traffic at the neighborhood meetings. People are proposing a left turn lane but there is no room for turn lanes. His concern is that commission hasn't taken the time to see how this project is going to do; therefore, he would recommend denial. He mentioned that none of the aerial maps show both entrances of the commercial and multi-family proposed. He asked commission and staff if entrances are aligned or if they have even thought of those access points.

CHAIRMAN BARON asked staff to show an exhibit or explain how they all align.

MR. SWANSON mentioned that he originally had mentioned to Mr. Donaldson that it was not aligned however, they are both aligned and will work design team to get an exhibit that shows that.

MR. DONALDSON stated he recommends viewing Chandler as an access point if the projected is approved. He appreciates Embreys product and working with neighbors well in advance. He just believes the impact is too large therefore, he is opposed.

CHAIRMAN BARON mentioned that he's quite sure there are a few collector connections that penetrate to the west so Hearthstone is not the only way out.

MR. DONALDSON stated that is correct but the 101 is the link to the valley as well as San Tan to the south. However, that is the best access to the 101 and a lot of traffic goes north.

CHAIRMAN BARON stated they can still go east or west to perceive conflict and make a right turn at the intersection of McClintock and Chandler to head to the 101. He's just curious because it's not that big of a cul-de-sac. His point being is that if that road was a collector and always intended to be more of a circulation route for alternate uses.

MR. DONALDSON stated that he avoids that intersection around the holidays because the traffic does back up to McClintock and beyond. He can say that forty percent of his travel is to the north 101 freeway. He asked staff when this case will be presented to council.

MR. SWANSON stated July 13, 2017.

MR. DONALDSON announced the last speaker card.

TOM NELSON, 316 W. MONTEBELLO AVE., he stated he represents HCW. He developed The Met and now developing TownPlace Suites. He is against the proposed request. For a long term use the multi-family development is probably a good idea as it fits in well with the direction of things that have taken over the years. He thinks that the applicant has shown sensitivity to important difficulties in developing something in light of historical development and better situations around there. Two things he is concerned about are access and health of the market. Access is a big problem in the area and because of the freeway, there's a lot of natural access points that would have provided different flow to the residents but are closed to the south and east. There's an unusual amount of burden on Hearthstone Way. He's also concerned because the traffic will flow to the corner from TownPlate Suites and The Met. Because of the anomalies of the area a traffic study done by someone who does a lot and not be queued to specifics might be misleading. He strongly recommends requiring some kind of access on Chandler Blvd. to make it more viable and reduce the burden of cars. His other concern is the health of the market. He mentioned that there's a lot of product built in north Scottsdale and north Central Phoenix. The occupancies when they initially opened were very high then vacancies increase and occupancies dropped. The Met leased up pretty well and right now sitting at 81 percent occupancy. Regardless of whatever market studies that has been, if they are not current, they are going to have a similar effect of those apartment communities that have opened up since and have faced difficulty opening. He mentioned it is a wonderful product and use but it needs to take into consideration what's happened on the site that has made a burden to Hearthstone Way and also the situation with the market.

COMMISSIONER ROSE asked for an estimation of how many residents they currently have.

MR. NELSON stated he just started in April and his role is the coordinator of the development of TownPlace Suites. He knows that the occupancy stands at 81 percent so roughly about 60 units that are not occupied.

CHAIRMAN BARON turned it over to the applicant.

MR. KNOLLE thanked the speakers. He met with Mr. Donaldson quite some time before and Mr. Donaldson requested some supply and demand analysis. His team pulled information by using several national firms to track supply and demand. They reached out to their brokers and other entities that track multi-family use. They put together a five year study from 2012 to 2017. What it showed was historically there had been 1,000 to 1,200 units approved per year on average. The demand also supported that. They took the analysis a bit further to just look at that site specifically. One of the questions was will be the competitions of new construction and lease up when the site delivers. From the same information they gathered, there is not going to be another development in 2019 within a 5-mile radius from the site. That's not to say commission can approve someone else. However, that's the information they've pulled and think they've done a great job balancing supply and demand. He wanted to mention as well that this site has its history. The owner before wanted him to speak with city staff to make sure this site was even an

option. Mr. Kurtz developed a preliminary package on the site produced by HCW without the landowner's consent that showed 280 units. Currently what are proposed are 300 but the number of bedrooms they initially proposed was 376 and currently they have 377 bedrooms because of the heavy ones. The Met is a beautiful project and it is one of the reasons why they looked at that site. Regarding the health of the market, he feels that it is very strong. Their equity investors also feel it's very strong. It will create lots of jobs as it is very close to the Price Corridor that has Intel and other major companies. He mentioned they have very high tech units to cater to that market. He stated from a traffic stand point, staff did not want the driveway access off of Chandler Blvd. They wanted it aligning with the commercial to the east. That is what drove them to create the drive on Hearthstone Way. It was a collaborate effort. Initially they were not required a TIA study but they went ahead and did it.

CHAIRMAN BARON asked staff if they can explain why that was an unwanted access point.

MR. SWANSON stated it was through the pre-tech process. It gets the developer to design a site layout full scale and submit a handful of copies to staff from different departments such as Fire, Civil and Site Review. They review the design layout and come up with things that could potentially be a problem if project were to develop. He mentioned he doesn't have a specific reason for a no but they do locate that with the intention for the best location for it. He mentioned the access point that's already there, at the eastern end is where that access lane unto Hearthstone starts. Issues have come up such as what happens to that deceleration lane.

ANDREW S. SOUTHWEST TRAFFIC ENGINEER stated he was hired to follow City of Chandler guidelines to provide the traffic impact analysis for the site. He mentioned Hearthstone is a collector street. Those streets collect street from the adjacent system and then take it to an arterial road which is Chandler Blvd. He mentioned most collector streets can handle 10 to 15k vehicles a day. Based on the counts that he took based on peak hours, there are only five to six thousand vehicles a day using Hearthstone. They took turning movement counts at three intersections during peak hours. Chandler, Hearthstone and Commonwealth are operating at an adequate level of service so they work fine. The reason why Chandler Blvd works is because of the traffic signal. What they did next is grow that into the future for a couple of years. They added the traffic from The Met into the analysis. All three intersections are expected to operate an adequate level of service. The next step was to add the traffic from the apartment complex and it continued to operate fine. The biggest reason is because of the traffic signal.

CHAIRMAN BARON asked Mr. Andrew if the analysis discusses wait times at peak hours.

MR. ANDREW stated the overall intersection wait time in 2018 in the am peak is going to operate at a 9.6 second delay; which is pretty good. And the pm peak the overall intersection is going to operate 23.2 seconds of delay; which is fantastic.

COMMISSIONER KLOB asked if in their studies they looked at the development of the coffee shop that went before them in the last hearing.

MR. ANDREW stated they did not look at their specific internal circulation.

COMMISSIONER KLOB has concerns with the traffic of the two entrances kind of aligning with the each other and the use of those two.

MR. ANDREW stated they have done work with The Dutch Brothers and he knows that they have aligned them in a way that they try not to impact the adjacent street the queue.

CHAIRMAN BARON he reminded everyone that they are talking about the apartment case and not the adjacent commercial.

MR. SWANSON stated that their standard queuing lane is somewhere between six to seven vehicles and so it's about 150 ft. For the Dutch Brothers proposal is a double queue lane and can accommodate 17 vehicles; which is well above what they require. The traffic folks indicated if the flow out onto Hearthstone becomes an issue, there will be ability to sign Hearthstone as no sitting traffic. So traffic can flow without delays. There were also concerns to add a potential left turn actual arrow heading westbound from Hearthstone onto Chandler Blvd. and prohibit U-turns for westbound traffic. The traffic team is aware and could potentially do that. The developer has always been willing to continue to work on things.

COMMISSIONER KLOB thanked staff for the explanation.

CHAIRMAN BARON stated it is safe to assume that the Dutch Brothers be built and operating before this project is complete.

CHAIRMAN BARON asked if there were any questions for the applicant. There were none and turned it over to dais.

COMMISSIONER WASTCHAK stated he met with the applicant and thinks they did an excellent job with the design and layout. He believes the demand is going to be met overtime and thinks it's a good site and can't be denied zoning just because the demand is not there. Another thing is that people want to be by the mall, so eventually the demand will be there in the future. His concerns were similar to Mr. Donaldson about the traffic but can only trust that the traffic team has looked at it. If the traffic study states it is going to handle the traffic, he can only trust in that. He would like the applicant to work with staff on considering a turning signal as he thinks it would help. He also thinks the drive should be on Chandler Blvd. although it does make sense that there's a right hand turn so that deceleration lane makes it difficult. However, thinks it would be a big relieve to all the traffic unto Hearthstone. He thinks there will be conflict with the two entrances if they pick the one on the north versus the south. He mentioned another thing that he'd consider to release some of the traffic is a possible secondary access onto the Avenida Tercera as they have a ton of access to get out. Overall, he believes it's a great project and is in support.

MR. SWANSON stated that the secondary access is something they had not discussed before. He believes it's something worthwhile to look at but not sure what the end result will be.

CHAIRMAN BARON asked staff if that is a stipulation that needs to be added or something they can work with the applicant on.

MR. SWANSON stated he prefers not to put it as a stipulation because if it doesn't work they will be stuck with an issue. He will work with the applicant.

CHAIRMAN BARON stated the project is really nice and thinks traffic from an apartment complex is usually far less than a traditional single-family detach. He mentioned he would consider an entrance on Chandler Blvd. but with the separation from the Avenida Tercera

intersection, he doesn't think that is even possible. He thinks the applicant did a fantastic job and agreed to Commissioner Wastchaks' recommendation of a potential secondary access.

MOVED BY COMMISSIONER WASTCHAK, seconded by **COMMISSIONER ROSE** to approve Item B, DVR17-0005/PLT17-0017 RIATA as read in by Staff. Item B passed 5-0. (Vice Chair Cunningham and Commissioner Heumann, Absent)

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager had nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

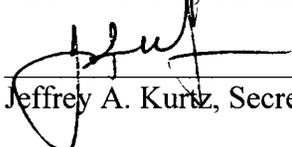
Chairman Baron stated the next regular meeting is July 19, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

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



Andrew Baron, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, July 19, 2017 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Baron 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 Andrew Baron
Commissioner David Rose
Commissioner Robert Klob
Commissioner George Kimble
Commissioner Rick Heumann

Absent and Excused:

Vice Chair Katy Cunningham
Commissioner Devan Wastchak

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER ROSE, seconded by **COMMISSIONER KLOB** to approve the minutes of the June 21, 2017, Planning Commission Hearing. The motion passed 4-0 (Commissioner Heumann abstained as he was not present at the June 21, 2017, meeting. Vice Chair Cunningham and Commissioner Wastchak, absent)
5. ACTION AGENDA ITEMS
CHAIRMAN BARON 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 and will be approved by a single vote. He mentioned he did not participate in the first couple of case discussions as he provided consulting services. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. APL16-0005 ALMA SCHOOL & WILLIS AREA PLAN
AMENDMENT/DVR16-0024/ PPT16-0016 HAVEN

Approved WITH AMENDED MOTIONS.

Request amendment to the Alma School & Willis Area Plan from Office, Medium-Density Residential, and Water Facility to Residential. Rezoning from Planned Area Development (PAD)

for Office, Medium-Density Residential, and Water Facility to PAD (Residential) with Preliminary Development Plan (PDP) approval for subdivision layout and housing product, and Preliminary Plat approval on approximately 37.29 acres located on the southwest corner of Pecos Road and Hartford Street, east of Alma School Road.

Area Plan

Planning Staff recommends Planning Commission motion to recommend approval of APL16-0005 ALMA SCHOOL & WILLIS AREA PLAN AMENDMENT.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "HAVEN, kept on file in the City of Chandler Planning Division, in File No. DVR16-0024, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
6. 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. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
8. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals or as otherwise approved in a development agreement.
9. Unless otherwise included as part of the City's Capital Improvement Program, the developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
10. 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.
11. Homebuilder will advise all prospective homebuyers of the information on future City of Chandler 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.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "HAVEN", kept on file in the City of Chandler Planning Division, in File No. DVR16-0024, except as modified by condition herein.
2. For the detached single-family homes, no more than two identical side-by-side roof slopes should be constructed along arterial streets or public open space.
3. For the detached single-family homes, the same floor plan and elevation shall not be built side-by-side or directly across the street from one another.
4. For the optional duplex homes, the same elevation shall not be built side-by-side or directly across the street from one another.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
8. 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

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

B. APL16-0007 CHANDLER AIRPARK AREA PLAN AMENDMENT/DVR16-0027/PLT16-0009 AVIER EAST

Approved WITH AMENDED MOTIONS.

Request Area Plan Amendment to the Chandler Airpark Area Plan from Neighborhood Commercial to Low-Medium Density Residential, and rezoning from Planned Area Development (PAD) for commercial uses to PAD for single-family residential, with Preliminary Development Plan approval for subdivision layout and housing product, and Preliminary Plat approval for an approximate 12.6-acre, 55-lot single-family residential development. The subject site is located at the southeast corner of Queen Creek and Cooper roads.

Area Plan Amendment

Planning Staff recommends Planning Commission motion to recommend approval of APL16-0007 CHANDLER AIRPARK AREA PLAN AMENDMENT.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Avier East", kept on file in the City of Chandler Planning Division, in File No. DVR16-0027, except as modified by condition herein.

2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
7. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
8. The following stipulations shall be the responsibilities of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorder's Office upon sale of the property.
 - b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled Chandler Municipal Airport, F. A. R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area), as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
 - c) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.

- d) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
- e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
- f) All homes and buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are in conformance with this condition.
- g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:
"This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler."
9. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
10. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.
11. Prior to the time of making any lot reservations or subsequent sales agreements, the 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 ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the homebuilder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Avier East", kept on file in the City of Chandler Planning Division, in File No. DVR16-0027, except as modified by condition herein.
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. Lots 9, 10, and 12 shall be constructed with single story homes only.
4. The same elevation shall not be built side-by-side or directly across the street from one another.
5. For lots 4-12 the rear yard setback for homes shall be 20-feet.
6. **For lots with a rear elevation facing an arterial street, two-story homes are limited to no more than five on each arterial street, with no more than two, two-story homes being built side-by-side.**

Preliminary Plat

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

C. APL16-0008 CHANDLER AIRPARK AREA PLAN AMENDMENT/DVR16-0028/PLT16-0010 AVIER WEST

Approved. (REQUEST CONTINUANCE TO THE AUGUST 2, 2017, PLANNING COMMISSION HEARING)

Request Area Plan Amendment to the Chandler Airpark Area Plan from Neighborhood Commercial to Low-Medium Density Residential, and rezoning from Planned Area Development (PAD) for commercial uses to PAD for single-family residential, with Preliminary Development Plan approval for subdivision layout and housing product, and Preliminary Plat approval for an approximate 9.09-acre, 52-lot residential duplex subdivision. The subject site is located at the southwest corner of Queen Creek and Cooper roads. **(REQUEST CONTINUANCE TO THE AUGUST 2, 2017, PLANNING COMMISSION HEARING)**

Motion Planning Commission to recommend continuance of APL16-0008 CHANDLER AIRPARK AREA PLAN/DVR16-0028/PLT16-0010 AVIER WEST, Area Plan Amendment to the CAAP from Neighborhood Commercial to Low-Medium Density Residential, and rezoning from PAD for commercial uses to PAD for single-family residential, with PDP approval for subdivision layout and housing product, and PLT approval for an approximate 9.09-acre, 52-lot residential duplex subdivision, to the August 2, 2017, Planning Commission hearing as recommended by Planning Staff.

D. DVR17-0012 ALLRED PARK PLACE CAZ 7

Approved.

Request rezoning from Planned Area Development (PAD) for service retail uses, to Planned Area Development (PAD) for service retail uses including a drive-through, with Preliminary Development Plan (PDP) approval amending the site layout and building architecture for a service retail building on approximately 2.2 acres of a larger 68.7-acre business park campus located at the southeast corner of Price and Willis roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "PARK PLACE" and kept on file in the City of Chandler Planning Division, in File No. DVR17-0012, 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. Compliance with the original stipulations adopted by the City Council as Ordinance 4704, in case DVR15-0037 ALLRED PARK PLACE, except as modified by condition herein.
3. Drive-throughs in conjunction with high turnover uses, such as fast food establishments, shall be permitted based on PDP approval.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "PARK PLACE" and kept on file in the City of Chandler Planning Division, in File No. DVR17-0012, 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. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

E. LUP17-0011 THE LOCAL CHANDLER

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption indoors and within outdoor patios, including indoor and outdoor live entertainment, as permitted under a Series 12 Restaurant License. The business is located at 55 W. Chicago Street, west of the southwest corner of Arizona Avenue and Chicago Street.

1. Expansion or modification beyond the approved exhibits (Site/Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 Restaurant license, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
6. No noise shall be emitted from outdoor speakers, televisions, or live entertainment so that it exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
7. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
8. The establishment shall provide a contact phone number of a responsible person (owner and/or manager) to interested neighbors to resolve noise complaints quickly and direct.
9. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

F. LUP17-0014 SCRAMBLE A BREAKFAST JOINT.

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption and within a new outdoor patio as permitted under a Series 12 Restaurant License. The new restaurant is located at 7131 W. Ray Road, Suite 42, southwest corner of Ray Road and 56th Street. **(APPLICANT REQUESTS WITHDRAWAL)**

Motion Planning Commission to recommend withdrawal of Liquor Use Permit case LUP17-0014 SCRAMBLE A BREAKFAST JOINT, as recommended by Planning Staff.

CHAIRMAN BARON stated he had a speaker card for Mr. Amos Vance that wished to speak.

AMOS VANCE, 210 S. ARIZONA AVE., stated he sometimes does not get his mail and that is the reason why he was not at the neighborhood meeting. He stated is protesting the proposed use

permit at Chicago 55. His house is only 28 ft. from the bar. He would like a review of impact of the music because his main concern is the drums and bass that is heard in his house. He mentioned he would appreciate if commission shared his concern. He just received another mailing that another bar will be going in next to his house so within 150 ft. there will be three bars with music.

CHAIRMAN BARON stated that the downtown district has been under development for quite some time and knows that a lot of those facilities have been in existence for some time now. He asked staff if there are records of complaints from police.

MS. SUSAN FIALA, CITY PLANNER stated she pulled the police records when the business was under The Perch premise area and there were four noise complaints since 2012, and most made by the Mr. Amos and one unknown resident in the area. According to the police records they have always been resolved.

CHAIRMAN BARON asked Mr. Amos if he's been able to work with the owner of the business to make sure the noise levels are appropriate.

MR. AMOS stated they have been cooperating recently. However, when Chicago 55 was in operation they had a bass dj. It was really loud that even the Chevron gas station could hear it.

CHAIRMAN BARON asked Mr. Amos if that occurred just one time.

MR. AMOS stated it happened a lot but he couldn't call the police because they would say they didn't understand the use permit when he'd give them the paper.

MR. KEVIN MAYO, PLANNING MANAGER stated there has been previous management that has operated business in the same building. He mentioned that Mr. Amos stated the new management team has been working with them and hopes to be able to build on that as there is a one year stipulation. He hopes that the restaurant works with the neighbors.

COMMISSIONER HEUMANN stated he wanted to comment that both The Perch and the new restaurant going in need to be sensitive to immediate neighbors. He mentioned they don't want a Regal Beagle situation. He is fine with a one year stipulation and hopes the applicant understands and works close with the neighbors.

CHAIRMAN BARON asked the audience if anyone had any questions on the consent agenda or would like an item pulled for a full presentation. There were none.

MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER KLOB** to approve the Consent Agenda and additional stipulations and amendments read in by Staff. The Consent Agenda passed 5-0. (Chairman Baron abstained from voting on items A, B, C and D as he provided consulting services. Vice Chair Cunningham and Commissioner Wastchak, absent).

6. DIRECTOR'S REPORT

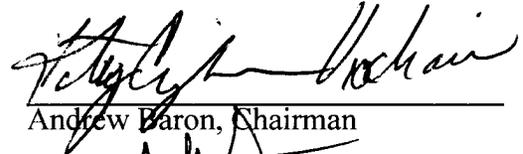
Mr. Kevin Mayo, Planning Manager stated that he anticipates to have the Design Review meeting scheduled for August 2nd, as Planning Commission is more likely to be cancelled on August 16th due to work in Council Chambers.

7. CHAIRMAN'S ANNOUNCEMENTS

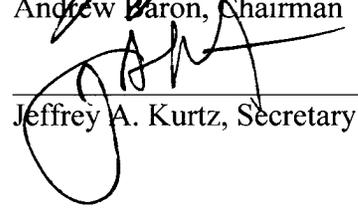
Chairman Baron stated the next regular meeting is August 2, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

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



Andrew Baron, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 2, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Vice Chair Katy Cunningham
Commissioner Devan Wastchak
Commissioner David Rose
Commissioner Robert Klob
Commissioner George Kimble

Absent and Excused:

Chairman Andrew Baron
Commissioner Rick Heumann

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER ROSE, seconded by **COMMISSIONER KLOB** to approve the minutes of the July 19, 2017, Planning Commission Hearing. The motion passed 4-0 (Commissioner Wastchak abstained as he was not present at the July 19, 2017, meeting. Chairman Baron and Commissioner Heumann, absent)
5. ACTION AGENDA ITEMS
VICE CHAIR CUNNINGHAM 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.
 - A. APL16-0008 CHANDLER AIRPARK AREA PLAN AMENDMENT/DVR16-0028/PLT16-0010 AVIER WEST

Approved.

Request Area Plan Amendment to the Chandler Airpark Area Plan from Neighborhood Commercial to Low-Medium Density Residential, and rezoning from Planned Area Development (PAD) for commercial uses to PAD for single-family residential, with Preliminary Development Plan approval for subdivision layout and housing product, and Preliminary Plat approval for an approximate 9.09-acre, 52-lot residential duplex subdivision. The subject site is located at the southwest corner of Queen Creek and Cooper roads.

Area Plan Amendment

Planning Staff recommends Planning Commission motion to recommend approval of APL16-0008 CHANDLER AIRPARK AREA PLAN AMENDMENT.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Avier West", kept on file in the City of Chandler Planning Division, in File No. DVR16-0028, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
7. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
8. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
9. The following stipulations shall be the responsibilities of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorder's Office upon sale of the property.
 - b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled Chandler Municipal Airport, F. A. R.

- Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area), as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
- c) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
 - d) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
 - e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
 - f) All homes and buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are in conformance with this condition.
 - g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:
"This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler."
10. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
 11. 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.
 12. Prior to the time of making any lot reservations or subsequent sales agreements, the 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 ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the homebuilder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Avier West", kept on file in the City of Chandler Planning Division, in File No. DVR16-0028, except as modified by condition herein.

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 elevation shall not be built side-by-side or directly across the street from one another.
4. **No more than two, two-story duplexes shall be built side-by-side for lots adjacent to the arterials.**

Preliminary Plat

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

B. LUP17-0013 LIVING ROOM WINE CAFÉ & LOUNGE/LA SALA

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption indoors, and within existing and new outdoor patios, as permitted under a Series 12 Restaurant License, and continue indoor live entertainment. The restaurants are located at 2475 W. Queen Creek Road, Suite 1, west of the southwest corner of Dobson and Queen Creek roads.

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

C. LUP17-0016 MALANI WORLD MERCATO

Approved.

Request Liquor Use Permit approval to sell beer and wine for off-premise consumption as permitted under a Series 10 Beer and Wine Store License within a new store located at 3111 W. Chandler Boulevard, Suite 1148, within Chandler Fashion Center mall, southwest corner of Chandler Boulevard and Price Road.

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

D. ZCA17-0001 CITY OF CHANDLER / MEDICAL MARIJUANA CODE AMENDMENT

Approved.

City initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code regarding medical marijuana facilities, cultivation sites and infusion food establishments.

Planning Staff recommends Planning Commission motion to recommend approval of ZCA17-0001 CITY OF CHANDLER / MEDICAL MARIJUANA CODE AMENDMENT, amending Chapter 35 (Zoning Code) of the Chandler City Code regarding medical marijuana facilities, cultivation sites and infusion food establishments.

E. CANCELLATION OF THE AUGUST 16, 2017 PLANNING COMMISSION HEARING.

Approved.

MOVED BY COMMISSIONER WASTCHAK, seconded by **COMMISSIONER ROSE** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed 5-0. (Chairman Baron and Commissioner Heumann, absent).

6. DIRECTOR'S REPORT

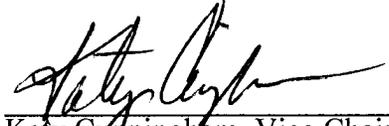
Mr. Kevin Mayo, Planning Manager had nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

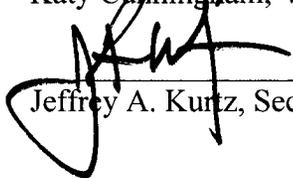
Vice Chair Cunningham stated the next regular meeting is September 6, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

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



Katy Cunningham, Vice Chair



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, September 6, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Vice Chair Katy Cunningham
Commissioner Devan Wastchak
Commissioner David Rose
Commissioner Robert Klob
Commissioner George Kimble
Commissioner Rick Heumann

Absent and Excused:

Chairman Andrew Baron

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER WASTCHAK, seconded by **COMMISSIONER ROSE** to approve the minutes of the August 2, 2017, Planning Commission Hearing. The motion passed 4-0 (Commissioner Heumann abstained as he was not present at the August 2, 2017, meeting. Chairman Baron, absent)
5. ACTION AGENDA ITEMS
VICE CHAIR CUNNINGHAM 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. DVR16-0024 HAVEN

Approved.

Request Preliminary Development Plan (PDP) approval for the detached single-family housing product on approximately 37.29 acres located on the southwest corner of Pecos Road and Hartford Street, east of Alma School Road

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "HAVEN", kept on file in the City of Chandler Planning Division, in File No. DVR16-0024, except as modified by condition herein.
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.

B. DVR16-0027 AVIER EAST

Approved.

Request Preliminary Development Plan (PDP) approval for housing product for an approximate 12.6-acre, 55 lot single-family residential development located at the southeast corner of Queen Creek and Cooper roads.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Avier East", kept on file in the City of Chandler Planning Division, in File No. DVR16-0027, except as modified by condition herein.
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.

C. DVR17-0001/PLT17-0001 PARKVIEW PLACE PHASE 2

Approved.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential with Preliminary Development Plan (PDP) approval for subdivision layout and housing product, and Preliminary Plat (PLT) approval for a 43-lot single-family residential subdivision on approximately 8.10 acres located approximately one-half mile south of the southeast corner of Ocotillo and Basha roads.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Parkview Place Phase 2", kept on file in the City of Chandler Planning Division, in File No. DVR17-0001, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
7. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
8. Prior to the time of making any lot reservations or subsequent sales agreements, the 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 ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the homebuilder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
9. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Parkview Place Phase 2", kept on file in the City of Chandler Planning Division, in File No. DVR17-0001, except as modified by condition herein.
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 elevation shall not be built side-by-side or directly across the street from one another.
4. The perimeter wall along the north property boundary shall be painted to be consistent with the color scheme of the community.
5. The applicant shall work with Planning Staff to provide additional pavement enhancements along the drive corridors between the residential blocks.
6. Lots 55-60 and 80-83 shall be restricted to single-story homes.
7. Window muntins shall be provided on all windows on all elevations.
8. Lots 51-54 shall have a minimum rear setback of 10-feet, lots 55-59 shall have a minimum rear setback of 25-feet, and lots 80-83 shall have a minimum rear setback of 20-feet.

Preliminary Plat

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

D. DVR17-0009 PALM COURT CENTER

Approved.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Palm Court Center" and kept on file in the City of Chandler Planning Division, in File No. DVR17-0009, 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. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Palm Court Center" and kept on file in the City of Chandler Planning Division, in File No. DVR17-0009, 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. Landscaping shall be in compliance with current Commercial Design Standards.
4. Raceway signage shall be prohibited within the development
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
7. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.

E. PDP17-0013 ALLRED CHANDLER AIRPORT CENTER

Approved.

Request Preliminary Development Plan approval for a parking lot expansion. The 14.6-acre subject site is located north of the intersection of Yeager and Piper drives, within the Allred Airport Center development.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Allred Chandler Airport Center" and kept on file in the City of Chandler Planning Division,

in File No. PDP17-0013, 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. 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.

F. LUP17-0017 MORENO'S MEXICAN GRILL

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption and within a new outdoor patio as permitted under a Series 12 Restaurant License within a new restaurant located at 4981 S. Arizona Avenue, Suite 6, northeast corner Arizona Avenue and Chandler Heights Road.

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

G. LUP17-0018 YOLI'S CAFÉ.

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption indoors and within outdoor patios as permitted under a Series 12 Restaurant License. The restaurant is located at 241 S. Oregon Street, west of Arizona Avenue and north of Frye Road.

1. Expansion or modification beyond the approved exhibits (Floor Plan, Patio Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 Restaurant license, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
6. No noise shall be emitted from outdoor speakers, televisions, or live entertainment so that it exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
7. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
8. The establishment shall provide a contact phone number of a responsible person (owner and/or manager) to interested neighbors to resolve noise complaints quickly and direct.

H. LUP17-0019 FIRED PIE

Approved.

Request Liquor Use Permit approval to continue to sell and serve all types of spirituous liquor for on-premise consumption indoors, and within an outdoor patio, as permitted under a Series 12 Restaurant License. The restaurant is located at 1155 W. Ocotillo Road, Suite 8, southwest corner of Ocotillo and Alma School roads.

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

I. LUP17-0021 DOWN TIME WINES, INC.

Approved.

Request Liquor Use Permit approval to sell and serve wine produced on site for on-premise and off-premise consumption as permitted under a Series 13 Domestic Farm Winery License with occasional live entertainment indoors. The existing business is located at 393 W. Warner Road, Suite 109, southeast corner of Warner Road and Hartford Street.

1. The Liquor Use Permit is granted for a Series 13 Domestic Farm Winery License only and any change of license shall require reapplication and new Liquor Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.
5. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
6. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

K. ZUP17-0009 MOVE HUMAN PERFORMANCE CENTER, LLC

Approved.

Request Use Permit approval for a sports therapy and training facility located in a Planned Light Industrial zoning district with a Planned Area Development Overlay (I-1/PAD). The business is located at 375 E. Elliot Road, Suite 7, east of the southeast corner of Arizona Avenue and Elliot Road.

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

3. The Use Permit shall remain in effect for three (3) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

L. ZUP17-0012 BARNES FAMILY SERVICES

Approved.

Request Use Permit approval for a day treatment for adults program facility located in a Planned Area Development (PAD) for a business park. The business is located at 2221 W. Pecos Rd. Suites 2 and 12, west of the southwest corner of Pecos and Dobson roads.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. 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.
4. The Use Permit shall remain in effect for three (3) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

M. PLT17-0034 QUIKTRIP STORE #0473

Approved.

N. CANCELLATION OF THE SEPTEMBER 20, 2017 PLANNING COMMISSION HEARING.

Approved.

VICE CHAIR CUNNINGHAM stated she received a speaker card from Theresa Morse for Item H, LUP17-0019. She is in favor of the item but does not wish to speak. She asked if there was anybody else in the audience that wished to speak or have any items pulled for a presentation. There were none.

MOVED BY COMMISSIONER WASTCHAK, seconded by **COMMISSIONER HEUMANN** to approve the Consent Agenda with additional stipulations read in by Staff. The Consent Agenda passed 6-0. (Chairman Baron, absent).

ACTION:

J. LUP17-0022 TRAINER'S CLUB

Approved.

Request Liquor Use permit approval to sell and serve beer and wine for on-premise consumption indoors, as permitted under a Series 7 Beer and Wine Bar License. The business is located at 6909 W. Ray Road, Suite 6, southeast corner of 56th Street and Ray Road.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 7 Beer and Wine Bar license, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.

4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.

SUSAN FIALA, CITY PLANNER stated the request is for a Series 7 Beer and Wine Bar License. The training facility is located at 6909 W. Ray Rd. Suite 6 which is in the southeast corner of 56th street and Ray Rd. This facility is located in Chandler Crossing. The license is their first request and their business is a 24 hour fitness center. The beer and wine service hours as represented in their narrative are after the hours that most of the clients are coming to the facility approximately 5:15 p.m. to 2:00 a.m. as allowed per state regulation. The general public cannot come in and order any liquor. It is mainly for the trainers themselves and their clients however, not as a membership business. They are also providing special events as outlined in the narrative and at that time they will be providing liquor but will be contained within the suite. There was a public notification process including a neighborhood meeting conducted by the applicant. Two residents and a business owner attended the meeting to state their opposition. One of the resident, who is treasurer for the HOA is present at the meeting and wishes to speak. Those concerned are related to the assurance that it will not become a nightclub. As represented the narrative and floor plan and site plan, if there are any modifications that are not before commission the owner will have to come and request a new liquor use permit to review those modified items. Staff does recommend approval with the standard stipulations.

CABRINA MCALLISTER, 16025 S. 50TH ST. stated that this will only be for trainers. Currently, there are three trainers working and the maximum of trainers this will contain is 12. They will never be opening this out to the public. They are not going to be advertising. There are plans to host special events such as Special Olympics, fundraisers but not that often, maybe once a month or every couple of months. The trainers are planning to accommodate clients that work late hour with offering late hour classes which is one of the reasons why she moved it to 2 a.m. She doesn't plan on serving alcohol often. She stated she will be there personally to serve the alcohol from beginning to the end. She has two other employees that are currently working for her who are license. It is not going to be open for trainers to be serving each other.

Alcohol will always be monitored. As far as the inventory, she plans on just having a case of wine but if they host an event and they have left over champagne she wouldn't want to throw it out. The amount of space they have is very small and it is not set up for large entertainment and the maximum amount of trainers would be 12. The business model is to help trainers build their own business. Teach them how to do their marketing and how to grow their companies. Almost like a stepping stone for them, from trainers club to eventually open up their own business.

COMMISSIONER HEUMANN stated he is curious on the special event part. It was mentioned it is only for the trainers and their clients but then hosting a special event will open it to the public.

MS. MCALLISTER stated there are two categories for a special event. She explained one could be hosting a competition with clients that would be internal or a fundraiser that could include Special Olympics or American Diabetes foundation. They want to help raise money. She understands that there might be a special permit needed if they were to do that and would be glad to obtain one when necessary.

COMMISSIONER HEUMANN stated if a special event occurs, people from the outside would be coming in as it's a fundraiser and it would no longer be limited to her own people. He asked if there's a liquor license already then why would a special use permit needed. A special use permits are for event that don't normally serve liquor.

KEVIN MAYO, PLANNING MANAGER stated the liquor use permit and special events permit are different. Therefore, keep separate. One is a permanent land use entitlement to the property and the special events permit is not necessarily related to liquor. It is to have a special onetime event that the city has to acknowledge is it just a one-off thing that is not a continual basis. Sometimes events get catered so they bring their liquor licenses to serve food and maybe liquor but the liquor sales is not tied to that special events permit. It gets tied to whoever it is they hire. The liquor use permit is simply the onsite entitlement to sell liquor on a continual basis.

COMMISSIONER HEUMANN stated if they are not bringing in a caterer, only serving liquor in their own facility he wouldn't think they'd need a special use permit.

MR. MAYO stated he agreed because it is no different than calling a Saturday 4 a.m. boot camp. It is one of the permitted uses that are tied into that list of uses that are entitling that property.

COMMISSIONER HEUMANN thanked Kevin for the clarification and would like to hear from the neighborhood.

DALE MUKAVETZ, 6902 W. LAREDO ST. stated that everything the owner stated is great and he mostly agrees with all of that. He and some neighbors don't think that the narrative expresses what she expressed. Their concern is that the special events will become regular and every weekend and it will be entirely the owner's choice to do that. The other thing that they don't like is that a narrative was given to the homeowners before the public meeting and they understood that it was going to be a part of the requirement. However, late Friday the narrative changed reducing the restriction on alcohol inventory. He doesn't understand if the public sees something they should get that. The third things that he might be wrong on but wants to confirm is that when he reads the request, liquor will be sold off premise. He mentioned he likes everything the owner stated but doesn't believe the narrative states the same.

COMMISSIONER HEUMANN asked staff if the memo stated that the applicant will be providing liquor offsite.

MR. MAYO stated the business has a business model that only wants to add things to it. The applicant first goes to the state because the state controls the liquor licenses and they choose the appropriate license for her business. The states guides them and the one the applicant is using is a Series 7 beer and wine bar license. It is the closest thing the state has for them to use but it does not totally fit this type of business. The state regulates the primary use and all of the things in it that are permitted and regulated by the state. An example would be when liquor can be sold and how inventory is managed. He mentioned that Commissioner Heumann suggested during study session a time condition that can be used.

COMMISSIONER HEUMANN mentioned the first stipulation in the memo states something along the lines of the expansion or modifications beyond their approved exhibits shall void their liquor use permit and require a new one. He stated he threw out the time stipulation because it is

KC
September 16, 2017

unknown and it protects everybody and he also wanted Dale to get a better understanding of the liquor part as it is state regulated.

VICE CHAIR CUNNINGHAM asked staff that the narrative states that there are three trainers. However, the applicant stated her intent is to increase to 12 trainers. Should that be addressed in the memo?

MR. MAYO if she had no intention of over selling liquor, the number of trainer is not regulated by the liquor use permit. The applicant wrapped up a narrative that encompasses a business model. The number of trainers is permitted by right and can have as many as the building can occupy.

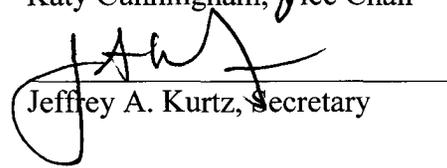
MS. MCALLISTER stated she has made a huge investment in building a fitness studio and her model is not to open up a wine bar or a place to sell beer. It is fitness and wine is just complementary. She has no plans to renovate and turn it into something else. If those were her intensions she would find something else more suited for a wine bar.

COMMISSIONER HEUMANN stated that he doesn't have a problem with the use. However, it is just the special event that throws him off and it brings some concerns forward for him and the neighborhood. He stated he doesn't have a problem approving but would like a time stipulation no. 6 added to allow for a one year use permit.

MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER WASTCHAK** to approve Item J. LUP17-0022 **TRAINER'S CLUB** and the additional stipulation no. 6 as read in by Staff. The item passed 6-0. (Chairman Baron, absent).

- 6. DIRECTOR'S REPORT
Mr. Kevin Mayo, Planning Manager stated the next time commission meets; the weather will be out of the triple digits.
- 7. CHAIRMAN'S ANNOUNCEMENTS
Vice Chair Cunningham stated the next regular meeting is October 4, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.
- 8. ADJOURNMENT
The meeting was adjourned at 6:00 p.m.


Katy Cunningham, Vice Chair


Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 4, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Andrew Baron
Vice Chair Katy Cunningham
Commissioner Devan Wastchak
Commissioner David Rose
Commissioner Robert Klob
Commissioner George Kimble
Commissioner Rick Heumann

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER ROSE** to approve the minutes of the September 6, 2017, Planning Commission Hearing. The motion passed 6-0 (Chairman Baron abstained as he was not present at the September 6, 2017, meeting)
5. ACTION AGENDA ITEMS
CHAIRMAN BARON 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. DVR17-0010/PLT17-0027 LUCINDA
CONTINUED TO THE NOVEMBER 1, 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 and housing product, along with Preliminary Plat (PLT) approval for 41 lots on approximately 14 acres. The subject site is located approximately one-half mile east of the northeast corner of Riggs and McQueen roads. **CONTINUED TO THE NOVEMBER 1, PLANNING, COMMISSION MEETING.**

B. LUP17-0023 EVEN STEVENS SANDWICHES

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption indoors and within an outdoor patio, including indoor live entertainment, as permitted under a Series 12 Restaurant License. The restaurant is located at 11 W. Boston Street, Suite 3, the southwest corner of Arizona Avenue and Boston Street.

1. Expansion or modification beyond the approved exhibits (Floor Plans and Narrative) shall void the Liquor Use Permit and require a new Liquor Use Permit application and approval.
2. The Liquor Use Permit granted is for a Series 12 Restaurant License and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
5. Music and live entertainment shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
6. No noise shall be emitted from the live entertainment and music occurring indoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
7. The site shall be maintained in a clean and orderly manner.
8. The development shall be in compliance with requirements for extension of premises in public right-of-way adopted by the City Council as Ordinance No. 3905 Extension of Liquor Premises in the City Center Zoning District (CCD).

C. LUP17-0024 WEST ALLEY BBQ

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption indoors and within outdoor patios, including indoor and outdoor live entertainment, as permitted under a Series 12 Restaurant License. The restaurant is located at 111 W. Boston Street, west of the southwest corner of Arizona Avenue and Boston Street.

1. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Liquor Use Permit and require a new Liquor Use Permit application and approval.
2. The Liquor Use Permit granted is for a Series 12 Restaurant License and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
5. Music and live entertainment shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
6. No noise shall be emitted from the live entertainment and music occurring indoors and outdoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
7. The site shall be maintained in a clean and orderly manner.

8. **Outdoor live entertainment shall conclude at 9 p.m., and indoor live entertainment shall conclude at midnight, Sunday through Thursday.**
9. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

D. LUP17-0025 HOP CENTRAL

Approved.

Request Liquor Use Permit approval to sell and serve beer and wine indoors and within a new outdoor patio as permitted under a Series 7 Beer and Wine Bar License. The subject site is located at 5055 W. Ray Road, Suite 2, southwest corner of Ray and Rural roads.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 7 Beer and Wine Bar license only, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.

E. LUP17-0026 VENICE NAIL LOUNGE

Approved.

Request Liquor Use Permit approval to sell and serve beer and wine indoors as permitted under a Series 7 Beer and Wine Bar License within a nail salon located at 900 N. 54th Street, Suite 3, south of the southwest corner of 54th Street and Ray Road.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 7 Beer and Wine Bar license only, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.

F. MUP17-0001 THE HEIGHTS CO

Approved. (APPLICANT REQUESTS WITHDRAWAL)

Request Use Permit approval to allow a medical marijuana facility within Planned Area Development (PAD) zoning allowing C-2 commercial retail uses, on approximately 4.33 acres located at 7200 W. Chandler Boulevard, within Suite 7 and a portion of Suite 8. **(APPLICANT REQUESTS WITHDRAWAL)**

G. ZUP17-0008 UNITED ACCESS

Approved.

Request Use Permit approval to allow installation of accessories, showroom, and sale of modified vehicles within a suite zoned Planned Area Development (PAD) for Business Park uses. The subject site is located at 1825 E. Germann Road, Suite 24, west of the southwest corner of Germann and Cooper roads.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. Ongoing on-site advertising of vehicles for-sale is prohibited.
4. As represented in the Narrative, the maximum number of cars allowed to be outside for sale is twelve (12).
5. The Use Permit shall be extended for a period of three (3) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

H. ZUP17-0010 DUVAL AUTO GROUP

Approved.

Request Use Permit approval to allow automobile sales within a suite zoned Planned Industrial District with a Planned Area Development overlay (I-1/PAD). The subject site is located at 284 E. Chilton Drive, Suite 6, approximately a quarter of a mile east of the northeast corner of Arizona Avenue and Chilton Drive.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. On-site advertising of vehicles for-sale is prohibited.
4. All storage of vehicles shall occur only within the building.
5. The Use Permit shall be extended for a period of three (3) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

I. CANCELLATION OF THE OCTOBER 18, 2017 PLANNING COMMISSION HEARING.

Approved.

CHAIRMAN BARON asked the audience if anyone had any questions on the consent agenda or would like an item pulled for a full presentation. There were none.

MOVED BY VICE CHAIR CUNNINGHAM, seconded by **COMMISSIONER KLOB** to approve the Consent Agenda along with the continuance of Item A and additional stipulation for Item C as read in by Staff . The Consent Agenda passed 7-0.

6. DIRECTOR'S REPORT

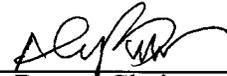
Mr. Kevin Mayo, Planning Manager stated as discussed during study session, Design Review Committee will be scheduled for October 18, 2017, in the south atrium at 215 E. Buffalo St.

7. CHAIRMAN'S ANNOUNCEMENTS

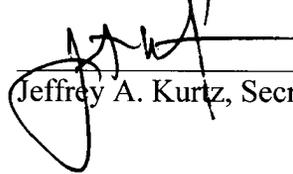
Chairman Baron stated the next regular meeting is November 1, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

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



Andrew Baron, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 1, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Chairman Andrew Baron
Commissioner David Rose
Commissioner George Kimble
Commissioner Rick Heumann

Absent and Excused:

Vice Chair Katy Cunningham
Commissioner Robert Klob
Commissioner Devan Wastchak

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER ROSE** to approve the minutes of the October 4, 2017, Planning Commission Hearing. The motion passed 4-0 (Vice Chair Cunningham, Commissioner Klob and Commissioner Wastchak, absent/excused)
5. ACTION AGENDA ITEMS
CHAIRMAN BARON 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. DVR17-0010/PLT17-0027 LUCINDA
CONTINUED TO THE NOVEMBER 15, 2017, 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 and housing product, along with Preliminary Plat (PLT) approval for 41 lots on approximately 14 acres. The subject site is located approximately one-half mile east of the northeast corner of Riggs and McQueen roads. **(REQUEST CONTINUANCE TO THE NOVEMBER 15, 2017, PLANNING COMMISSION HEARING)**

B. LUP17-0015 QUARTHAUS

Approved.

Request Liquor Use Permit approval to produce spirituous liquor as permitted under a Series 1 In-State Producer License and to sell and serve beer and wine as permitted under a Series 7 Beer and Wine Bar License. The request includes indoor and outdoor live entertainment. The new business is located at 201 S. Washington Street, north and east of the northeast corner of Arizona Avenue and Frye Road.

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

C. LUP17-0020 CASUAL PINT

CONTINUED TO THE DECEMBER 6, 2017, PLANNING COMMISSION MEETING.

Request Liquor Use Permit approval to continue to sell and serve beer and wine indoors and within an outdoor patio, as permitted under a Series 7 Beer and Wine Bar License. The request includes continuing live entertainment indoors and adding house music within the outdoor patio. The business is located at 1095 West Queen Creek Road, Suite 8, west of the southwest corner of Alma School and Queen Creek roads. **(REQUEST CONTINUANCE TO THE DECEMBER 6, 2017, PLANNING COMMISSION HEARING)**

D. LUP17-0028 HARKINS CHANDLER FASHION CENTER 20

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor, as permitted under a Series 6 Bar License. The business is located at 3159 W. Chandler Boulevard, west of the northwest corner of Price and Frye roads.

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

2. The Liquor Use Permit is granted for a Series 6 Bar License only and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
5. The site shall be maintained in a clean and orderly manner.

E. LUP17-0029 BUFFALO JUMP WINERY

Approved.

Request Liquor Use Permit approval to sell and serve wine produced on site for on-premise and off-premise consumption as permitted under a Series 13 Domestic Farm Winery License with occasional live entertainment indoors. The new business is located at 2625 W. Queen Creek Road, Suite 4, east of the southeast corner of Queen Creek and Price roads.

1. The Liquor Use Permit is granted for a Series 13 Domestic Farm Winery License only and any change of license shall require reapplication and new Liquor Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.

G. PLT17-0044 CAZ7

Approved.

For an employment business park campus on approximately 46 acres located at the southeast corner of Price and Willis roads.

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

COMMISSIONER HEUMAN provided a comment regarding Item B. He spoke to the applicant during study session and made him aware of the music to avoid issues with neighbors.

MOVED BY COMMISSIONER HEUMAN seconded by **COMMISSIONER KIMBLE** to approve the Consent Agenda read in by Staff and Item F going action. The Consent Agenda passed 4-0. (Vice Chair Cunningham, Commissioner Klob and Commissioner Wastchak, absent/excused)

ACTION:

F. ZUP17-0017 BUDGET RENT A CAR

Approved.

Request Use Permit approval to allow fuel dispensing equipment and fuel storage tank within a property zoned Regional Commercial (C-3) District. The existing business is located at 1401 N. Arizona Avenue, northeast corner of Arizona Avenue and Knox Road.

LAUREN SCHUMANN, CITY PLANNER stated it is an existing facility where people can rent cars and trucks. There's a commercial zoned property to the north used for sale of cars. East of the property is a mobile home park that is separated by an alley. Budget has entered into an agreement with Waymo self-driving cars to provide fleet service and have received a building permit to permit a canopy east of the property to store 40 to 50 self-driving cars. She mentioned also as part of the agreement was to fuel the cars. Under the current code the use of fuel dispense equipment is not allowed by right but can be considered under a use permit and fuel tanks over 500 gallons are required a use permit as well. Budget is requesting to come forward with a 6000 thousand gallon above ground fuel tank with two gas dispensers to allow for budget and Waymo employees to fill their vehicles. Planning staff has discussed the plans with the fire marshal and building and safety department and preliminarily they look ok. She mentioned as part of this request, this is just to request for the land use to allow for fuel dispensary equipment and also storage of gasoline tank over 500 gallons. All codes will be reviewed as part of the building permit through the building permit and fire code and will be following all federal and state law as well. The tank will be a 6000 gallon tank located on the east south side of the property along Knox Rd. 30 ft. back from the property line and enclosed by three masonry walls to screen the tank and dispensers. It is important to know that that the fuel dispense equipment will be used only for employees and will not be open to the public. A neighborhood notification was sent out in lieu of a meeting, due to the lack of residential. The mobile home subdivision to the east is own by one entity and were notified. She mentioned she was contacted by a tenant of the mobile home park. He has concerns about safety and the distance of the tank to his property. The measurement from his property to the tank is 175 ft. Staff, tenant and fire marshal and building department had a meeting to review the fire and building code to ensure him that through the building permit process, his concerns would be reviewed for the safety and compliance. She mentioned since writing the memo, she has been contacted by another resident within the mobile home park with concerns and questions however, not present at the meeting. In the morning she was contacted by the business owner across Arizona Avenue of the auto mart just wanting additional information and had no concerns to the request. Planning staff supports the request and are recommending approval.

CHAIRMAN BARON asked Lauren what the required set back is by code.

MS. SCHUMANN stated through the zoning code it states that all fuel dispensing equipment must be setback 20 ft. from right of way.

CHAIRMAN BARON stated they have dealt with this on propane tank and it hasn't been clear to him what that setback requirement was.

KEVIN MAYO, PLANNING MANAGER stated from a zoning stand point Lauren indicated what the setback was. Per the building code is it more of a gradation based on the size of the tank, so the bigger the tank the further it's got to be from the property line.

COMMISSIONER ROSE asked if the mobile home park to the east has natural gas.

MS. SCHUMANN stated she is unaware of that.

COMMISSIONER KIMBLE asked if the gas tank will be enclosed so it won't be visible and the block wall will be protected for fire safety.

MS. SCHUMANN stated the spring wall is one for safety to prevent anything from crashing into it and also per code the outdoor equipment must be screened by masonry wall.

CHAIRMAN BARON gave the applicant an opportunity to speak. Applicant did not wish to speak.

JOE RAK, 200 E. KNOX RD SPACE 158., stated they have lived in their home closest to budget for 27 years and personally thinks that 170 ft. to his back window and the tank is deplorable and doesn't like it. He mentioned that he had a meeting with Lauren and the fire marshal and ensured him everything was fine. However, according to ordinance 4698, everything was in compliance. He mentioned he provided a supplement ordinance that was adopted six months ago. He mentioned that it stated it had to be 1000 ft. from a residence, school or a church. In his opinion, it should supersede the other codes. He and his neighbors have been talking about it and didn't like the idea of having a tank there and the containment. He mentioned that the containment has three walls on a flat slab with a 6000 gallon tank of gas. Even though he was assured by planning staff; that it's a double wall tank and nothing can happen to it. He mentioned that airplanes crash every day and they are the safest transportation known there is. If that fuel were to leak, it's going right into the intersection of Knox and Arizona Ave. He thinks it's a dumb idea. He mentioned that the trailers do have natural gas but the U-Haul that is 500 ft. from where they plan on putting the tank is a propane dispenser. He mentioned he is against it.

CHAIRMAN BARON asked the audience if anyone had any questions for the resident. There were none.

COMMISSIONER HEUMANN asked staff and possibly the question is the City Attorney, if the ordinance the gentleman provided would be the right without any use permit.

MR. MAYO stated the use permit cannot override the building code. The safety gets rigidly regulated by the building code.

COMMISSIONER HEUMANN he wants to understand the legality on how this can be legal.

MR. MAYO stated the document the resident passed out is outdated language and the new language does permit. However, for the meeting purposes he mentioned let's just say that the language he provided reins true. The citizens concern would be upheld by it because it would no longer permit the tank to be built in a specific location.

MS. SCHUMANN stated she was present in the meeting with the fire marshal and the exhibit that the resident provided is from an older ordinance and has since been updated. However, does not have the new language with her but it eliminated that statement to follow the building code and the chart she has that states the distance as 15 ft.

COMMISSIONER HEUMANN asked if this was a double wall tank and three walls on each side. He mentioned he has full respect for the fire department and thinks they are one of the finest around the state and if they have a comfort level of doing this then he has no objection.

CHAIRMAN BARON asked the applicant if they wished to speak however, they did not. He asked commission if there were other comments or questions for staff. There were none. He opened the discussion for commissioners.

COMMISSIONER HEUMANN stated he has respect for staff and the fire department and knows the safety factors will be put into this. He mentioned there's a large investment from budget on these types of things so he's not too worried about it.

MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER ROSE** to approve Item F, ZUP17-0017 BUDGET RENT A CAR as read in by Staff. The action item passed 4-0. (Vice Chair Cunningham, Commissioner Klob and Commissioner Wastchak, absent/excused)

CHAIRMAN BARON asked staff when the item goes before council.

MR. MAYO stated it will go before council November 9, 2017, and will make sure Lauren has the current copy of the ordinance and provides it to the citizens.

MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER ROSE** to approve Item F, ZUP17-0017 BUDGET RENT A CAR as read in by Staff. The action item passed 4-0. (Vice Chair Cunningham, Commissioner Klob and Commissioner Wastchak, absent/excused)

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager had nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

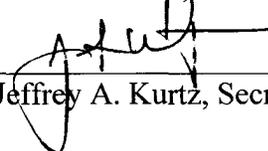
Chairman Baron stated the next regular meeting is November 15, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:52 p.m.



Andrew Baron, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 15, 2017 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Baron called the meeting to order at 5:37 p.m.
2. Pledge of Allegiance led by Commissioner Wastchak.
3. The following Commissioners answered Roll Call:

Chairman Andrew Baron
Vice Chair Katy Cunningham
Commissioner Devan Wastchak
Commissioner David Rose
Commissioner Robert Klob
Commissioner George Kimble
Commissioner Rick Heumann

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Susan Fiala, City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER KIMBLE** to approve the minutes of the November 1, 2017, Planning Commission Hearing. The motion passed 4-0 (Vice Chair Cunningham, Commissioner Klob and Commissioner Wastchak, abstained)
5. ACTION AGENDA ITEMS
CHAIRMAN BARON 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation. Items D, E and F will be pulled for action and a full presentation.

A. DVR17-0010/PLT17-0027 LUCINDA

Approved. CONTINUED TO THE DECEMBER 6, 2017, PLANNING COMMISSION HEARING.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential with Preliminary Development Plan (PDP) approval for subdivision layout and housing product, along with Preliminary Plat (PLT) approval for 41 lots on approximately 14 acres. The subject site is located approximately one-half mile east of the northeast corner of Riggs and McQueen roads. **CONTINUED TO THE DECEMBER 6, 2017, PLANNING COMMISSION HEARING.**

B. DVR17-0020 CORIA RESIDENCE

Approved.

Request rezoning from Agricultural (AG-1) to Single-Family Residential (SF-33) to allow for an addition on an existing single-family home. The approximate 0.89-acre site is located at 860 E. Willis Road, west of the northwest corner of McQueen and Willis roads.

1. Development shall be in substantial conformance with Exhibit A, Narrative and Exhibit B, Site Plan, kept on file in the City of Chandler Planning Division in File No. DVR17-0020 CORIA RESIDENCE, 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.

C. DVR17-0021 METRO CHANDLER AIRPORT CENTER

Approved.

Request rezoning from Planned Area Development (PAD) for Business Park uses to PAD to expand the list of permitted uses for buildings 1 and 2. The approximate 17-acre site is located at the southwest corner of Cooper and Germann roads.

1. Development shall be in substantial conformance with Exhibit A, Narrative, kept on file in the City of Chandler Planning Division in File No. DVR17-0021 METRO CHANDLER AIRPORT CENTER, 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. **All vehicle servicing, including the overnight storage of vehicles waiting for servicing, shall occur only within the building. No work or storage of vehicles to be performed outdoors.**
3. **Parking for completed vehicles shall be located on the south side of the building.**

G. LUP17-0027 CAMBRIA HOTEL & SUITES

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor as permitted under a Series 11 Hotel Liquor License. The new hotel is located at 3165 W. Frye Road, at the southeast corner of Frye Road and Galleria Way, within Chandler Viridian.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plans, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 11 Hotel License only and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other locations.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
5. The site shall be maintained in a clean and orderly manner.

H. LUP17-0030 PHUKET THAI

Approved.

Request Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption as permitted under a Series 12 Restaurant License within an existing restaurant located at 4040 S. Arizona Avenue, Suite 7, southwest corner of Arizona Avenue and Ocotillo Road.

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

I. ZUP17-0014 COVENANT LIFE CHRISTIAN CENTER

Approved.

Request Use Permit approval for a place of worship within a Planned Area Development (PAD) zoning district, located at 2350 E Germann Road, Suites 22 and 23, east of the northeast corner of Cooper and German roads.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. 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.
4. The Use Permit shall remain in effect for three (3) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

J. PLT17-0048 RAVENNIA

Approved.

Request Preliminary Plat approval for a 15-lot single-family residential subdivision on approximately 2 acres located west of the northwest corner of Arizona Avenue and Warner Road along El Monte Place.

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

CHAIRMAN BARON asked if anyone from the audience had any questions or concerns with the speaker or wished to speak. There were none

MOVED BY VICE CHAIR CUNNINGHAM seconded by **COMMISSIONER WASTCHAK** to approve the Consent Agenda read in by Staff and Item D, E and F going action. The Consent Agenda passed 7-0.

ACTION:

D. DVR17-0023 PRICE ROAD COMMERCE CENTER

Approved.

Request rezoning from Planned Area Development for a business park to PAD for a business park, including Mid-Rise Overlay for building heights up to 150-feet on approximately 40 acres, along with Preliminary Development Plan (PDP) approval for site layout and building architecture on approximately 55 acres. The subject site is located south of the southwest corner of Price and Germann roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Price Corporate Center" and kept on file in the City of Chandler Planning Division, in File No. DVR17-0023, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
5. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. Building heights shall be limited to a maximum of 150-feet in height.
9. The users will abide by all building, fire, and other applicable city regulations including those that pertain to industrial and manufacturing uses, as a condition of occupancy.
10. Notwithstanding any provision of the Development Booklet or of any other conditions of the Rezoning, no data center use of any type, unless ancillary and secondary to a primary use, shall be a use permitted for the property that is the subject of this Rezoning.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Price Corporate Center" and kept on file in the City of Chandler Planning Division, in File No. DVR17-0023, 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. 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. Landscaping shall be in compliance with current Commercial Design Standards.
 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 Transportation & Development Director for arterial street median landscaping.
 7. The initial tenant in any employment building shall be a minimum of 50,000 square feet in size.
 8. All employment office buildings shall be at least 3 stories and 45 feet in height.

ERIK SWANSON, SENIOR CITY PLANNER stated provided a brief update following study session. He met with the applicant and they had new site plan that shows modifications based on the conceptual concerns with the property to the south and some of the responses from the Design Review Committee (DRC) as well. He mentioned the plan was handed out to the commission and explained the item was pulled to action for open discussion. He referred to some of the things that changed. He mentioned that the office building has been rotated on a clockwise access and opens up more to Price Rd. The parking structure gets rotated from the northwest corner to along the northern boundary adjacent to the future SRP. The future office that was shown in the development booklet has been relocated to the south adjacent to Wells Fargo Campus. He explained that lastly, they tried to take into consideration with the new design was some of the truck access. They will look further into that once the site plan is completed and bring it forward to the traffic department.

COMMISSIONER WASTCHAK stated he likes the new site plan and it's a definite improvement.

COMMISSIONER HEUMANN stated he likes the site plan however; the parking structure will be visible from Price Rd. and has a comment he would like to make sure that that architecture feel of the parking structure ties with the rest. He thinks that the SRP plant to the north won't have much lot coverage so he wants that taken into consideration that he doesn't want anything taken away from the architecture. He would like staff to work with the applicant whether that means a stipulations or just comment on the record.

MR. SWANSON stated those comments are valid and will take that into consideration as the case moves forward.

CHAIRMAN BARON asked Commissioner Heumann if it's just the east elevation.

COMMISSIONER HEUMANN stated it is the east and north elevation and asked if staff thinks there should be a stipulation.

MR. SWANSON stated what they have tried to present has some flexibility to the design and is not saying that it is the hammered down site. It is something the applicant has been working on and there will probably be some adjustments. He doesn't think there needs to be a condition that specifically says east or the northern elevation of the garage needs to be better.

COMMISSIONER HEUMANN stated that at least some verbiage should be stated on the staff memo that goes to council so it's on the record.

CHAIRMAN BARON stated he had a question was the connection to the potential signal access at the Wells Fargo property line that seems to be completely removed. So if there ends up being traffic volume issues the connection is not available at all. He referred back to his comment at study session about the exit strategy from the primary access point on the north and think it needs to get worked through. He mentioned that commission's desire was to get a final or nearly final site plan that addressed all of the concerns. He asked if the applicant would like to come up and speak.

ADAM BAUGH, 2525 E. AZ BILTMORE CIR., stated that the alternative plan that was provided is a good example the answers to commission's questions at study session such as what is administrative review mean, what does substantial component mean. The parts and components are still there but a little shuffled more so because they've had meetings with Wells Fargo since the DRC and they try to be responsive. Through the final design, those things will be polished up.

CHAIRMAN BARON asked when the item goes to Council.

MR. SWANSON stated December 4th for introduction and final adoption on December 7th.

MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER WASTCHAK** to approve Item D, DVR17-0023 PRICE ROAD COMMERCE CENTER as read in by Staff. The action item passed 7-0.

E. PDP17-0002 COOPER PLAZA

Approved.

Request Preliminary Development Plan (PDP) approval for site layout and building design for a commercial center located at the northeast corner of Pecos and Cooper roads.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Cooper Plaza", kept on file in the City of Chandler Planning Division, in File No. PDP17-0002, except as modified by condition herein.
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 landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. The site shall be maintained in a clean and orderly manner.

6. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
8. The maximum height of the two freestanding monument signs shall be ten (10) feet.
9. **The applicant shall work with Staff to break up the rear elevation trellis mesh screening by incorporating additional design elements such as breaking up the length, varying the height, adding columns, utilize a more opaque material, or other elements.**
10. **The applicant shall work with Staff to enhance the two larger grey colored areas with additional materials or elements on the south elevation.**
11. **The property shall be maintained in a clean and weed free manner up until development.**

JODIE NOVAK, SENIOR CITY PLANNER stated the property is approximately 1.8 acres in size and it is solely a preliminary development plan. The property is proposing a site layout and the building design for a commercial center. The development includes approximately 17 thousand square feet of building area accomplished by two inline retail shop buildings that are clustered together. The property has been zoned and entitled for PAD zoning allowing C-1 neighborhood commercial uses since 1997. The property was part of a larger 18-acre commercial parcel that had that same zoning when the Kempton Crossing subdivision had developed. The balance of that 18-acre was developed in 2013 and during that zoning case an existing property La Valenciana that particular parcel was a part of it. There was the determination at that time that the builder of La Valenciana was looking to buy that particular corner, however, it is still zoned C-1 and the development in coming in to do the retail. Key elements to the site design are having buildings within a landscape setting. This project has those buildings situations in a landscape setting and parking is situated on the interior. Because it is an arterial street intersection the driveways have to be as far away as possible from turning movements and medium breaks. Those driveway locations predetermine the rest of the development and site layout. They made sure they are protecting the residential zoning on both sides and homes to the east so therefore moving the building as far up long the street was more of an advantage. There has been extensive neighborhood work that has occurred with the project. A neighborhood meeting was held back in June and about ten residents attended that were from La Valenciana as well as the Kempton Crossing community. Staff, applicant and architect received vast feedback about concerns about the unsureness whether they wanted the site to have the building next to their homes or along the street as well as general concern about commercial development occurring. A second neighborhood meeting was held back in September and about 8 residents attended. Most were the same people from the prior meeting and two additional new residents. There were a few people that had concerns and even opposition to the project. However, at this point staff is only aware of one individual that has concerns about the project developing to commercial. Staff is not aware of any other concerns. Planning staff recommends approval of the case with an additional condition no. 8 ensuring both monument signs are both 10 ft. as well as an addendum memo that was handed out adding condition no. 9 that deals with the rear elevations along the street and the mesh screening.

MARWAN TAMIMI, 4501 E. GOLD POPPY WAY stated he is the architect of the property. He mentioned the design that commission looked at was the design that addressed most of the concerns and comments mainly on the east side of the property where more landscaping was

added. They moved the buildings way as much from the homes to create the landscape buffer. There were other comments from the neighbors that will be addressed and they will comply with the zoning ordinances and requirements.

COMMISSIONER KLOB stated he had a few challenges that he had with the site. However, he does have a little more understanding now of the progress the site has gone through. A personal challenge he has is rarely has he seen commercial buildings that back up to arterial streets that look good. He think it is a very industrial look, where equipment is stored, gas meters, employee biked. He doesn't think it is the best look and believes architecturally, maybe creating some angulation with some of the screening and heights to break it up. He thinks maybe creating some type of stipulation for that. Another concern he has is the screen wall and the type of screening it's going to be.

MR. TAMIMI stated when he first started designing the building it was an L shape and did not like it so he broke the building into two building and have an open space to look more attractive from both sides. He mentioned they introduced different building materials such as stucco, stone and some metal, even on the street side to make it look nice. It enhanced the design from the street site. The plans before commission don't show the vines on the screen walls and there will be lots of green landscaping. He mentioned he likes the idea of the height variations to make it look nicer.

COMMISSIONER KLOB stated he likes the architecture aspect of it. He mentioned he is just not overly excited about the radius phase. He thinks other raised roof elements would carry through more.

MR. TAMIMI referred to the exhibit and explained that there is a raised element but is trying to understand if it should be moved above.

COMMISSIONER KLOB stated if the radius of the turret can be continued up as it would be more prominent than being setback. Having the trash bin where the main entrance is not esthetically it does not look right. He would like those bins to be pulled back in the site.

MR. TAMIMI stated those bins were originally at the northeast corner of the site. However, due to the respect of comments they received from neighbors they decided to move it closer to the street.

COMMISSIONER KLOB had another comment regarding the south elevation. There is really nice articulation throughout the building, however, the gray sections are just big gray wall and have no articulation. He understands that some will get broken up with the screen wall and thinks the rest of the architecture is broken up real well; however, the two panels need more attention.

MR. TAMIMI referred to the west elevation of the exhibit that illustrated some type of shading and mentioned that will also be on the south elevation. However, agrees that they will need to come up with a good idea to treat that.

CHAIRMAN BARON asked staff if they can come up with a stipulation that states the applicant shall work with staff on architectural revisions.

MS. NOVAK stated she will work on the stipulation.

COMMISSIONER HEUMANN asked that the applicant mentioned adding some vines to the landscaping. He asked how the back area will be screened.

CHAIRMAN BARON stated he is a landscape architect and loves plants but they do die. One of the comments he had and if it's ok with Commissioner Klob, to modify the stipulation about soothing some areas that were not transparent to set requirements.

COMMISSIONER KLOB stated it was ok with him.

CHAIRMAN BARON turned it over to staff and asked if that is ok to have not a fully transparent screen but something more opaque and provides more screening.

MS. NOVAK stated there are various mesh screenings and some of very small perforated that has very small holes.

CHAIRMAN BARON stated he will leave that up to the design team but would like them to stay away from a mesh that is equally punched in spacing because it is more transparent.

MR. TAMIMI advised commission that the doors are exit doors.

CHAIRMAN BARON mentioned he understands but having looked at how the doors operate in his neighborhood, they end up with things on the outside. So he agrees with commission to find a way to screen that better.

COMMISSIONER WASTCHAK stated he has a concern with vines as well but asked if masonry is allowed in that setback.

MS. NOVAK stated is it up to the prerogative of commission. There are many options they can look at so long as it is consistent with the architecture.

MR. TAMIMI stated he had another idea that involved concrete and will discuss that will Jodie.

MS. NOVAK stated she is revamping stipulation no. 9 and will be adding stipulation no. 10.

CHAIRMAN BARON stated a speaker card was provided by Mr. Agliano.

DAVID AGLIANO, 900 S. MARIE DR., referred to an exhibit that displayed how the site looks from his home. He mentioned he is not opposed to commercial development. He realizes that the property is going to be developed and not opposed to twelve store-fronts. Although, his understanding was it was planned for only six but as long as they don't face the homes. He stated he is not the only person present at the meeting. There are several folks from Kempton Crossing and La Valenciana complex. He mentioned he lives in a deed restricted community that does not allow certain types of signs. He displayed a photo of the proximity of the project to the homes and states the project is right against the homes. He illustrated another photo illustrating the homes that will be affected. He mentioned that the homes will be looking at twelve illuminated signs at night and the building design that will block the street lamps so looks like they are going to have their own lighting in their parking lot along with awning lights, business lights and signage lights.

He mentioned the developer promised to be a good neighbor. He displayed a photo of the property and asked the applicant to clean it up because there are 700-thousand dollar homes around and wants the area clean so it can look better. He mentioned he wishes that when the project is built, they get more response from the developer than what they are getting now. He mentioned it shows a total lack of respect for the homeowners and the community in general. He stated that commissioner Klob mentioned that businesses that don't face the street never look good and he thinks the reason they don't look good is because they are not successful. There's a reason why 99.9 percent of all the strip centers in town face the street. He pulled two studies, one by the small business administration that talks about signs and showcasing businesses on the street and another one that mentions the effectiveness of signage. He believes that the current proposed project in five to seven years will depend on impulse and driving by customers. However, the homeowners will be the ones looking at them all the time. He mentioned that is it not about the declining values of home however, the reselling value. No one wants to buy a home that looks out to the barbershop or nail businesses. He mentioned that the type of businesses that the development is going to attract since it's not a global or national company will be low income and low price items. He thinks mattress, barbershop and salon businesses will be attracted to the site and that is what the neighbors are going to be looking at.

Regarding the entrances, anyone southbound on Cooper Rd. will have to make a U-turn to come into the property and anyone going eastbound on Pecos Rd. will have to make a U-turn directly in front of their community entrance at La Valenciana in order to get into the proposed property. The driveways are unacceptable and will create traffic. He mentioned there have been four accidents in the last few months with no project there. He also asked the developer about sanitary sewers and grease traps. He mentioned that they will be on the street site of the west side of the project. He finds that hard to believe because if anyone has smelled grease traps at 5 a.m. with the water running through where sludge and sewage sits there. He asked how they are going to be pumped because there is no way for the sewage truck to pull up. He mentioned the developer was going to park in the parking lot and run through the corridor and pump out the grease trap that way. He mentioned he does not buy that. He asked the commission if they want the development to consist of twelve store fronts and an L-shape building, then they all have to make concessions. He asked not to burden the homeowners with the project if they are not willing to make a concession. His concern is not when it's a brand new development however, seven to ten years when it's the second or third owner of the project and the businesses don't have the visibility of signage to draw new businesses. He asks for commission to rethink about the project and the homeowners as there are no benefits for anyone other than the developer. Who will only be bringing in a quarter of a million dollars in rent a year just so they can get twelve store fronts. He mentioned the developer spent 2.2 million dollars and will most definitely need more businesses. He mentioned they did not do a feasibility study as he asked them to therefore, he thinks they are already bad neighbors. He thinks it's a bad plan and development and the ones that will suffer are the homeowners when they try to resell their houses. He is opposed to the project and believes he has given ample evidence not to approve it.

CHAIRMAN BARON asked if anyone from the audience had any questions or concerns with the speaker or wished to speak. There were none.

MUNEER MOHSIN, 3250 S. ARIZONA AVE., stated he is the owner of the property and stated they had several meetings with the neighbors whom were are all happy with the project and the changes made. The building was moved away towards the road rather the keeping it towards the back end because like Mr. Agliano mentioned if the building were to be moved back it will be disturb the community. The trash cash was placed in the northeast corner like

commission wanted but neighbors wanted them moved out. He mentioned they did not ask for how many units they can fit. Staff provided them with a square footage and the requirements for parking therefore, the twelve units were based on that. They decided to break up the building to give it a better feature look to the entire neighborhood instead of the L-shape building. After the second neighborhood meeting, everyone was satisfied except for Mr. Agliano. He believes they are bringing in a good project. His realtor has also talk to some potential tenants but cannot give them a deadline as they project needs to move forward. His partner that is a cardiologist also has made contacts with private dentist and chiropractors who are also interested in spaces. He believes they are looking at potential businesses that can be useful for the neighborhood and also massage salons. Those potential businesses were discussed in the neighborhood meeting and everyone was fine with it. The neighbors suggested a coffee shop and they will be speaking to several for potential interest. They also considered pre-schools as they don't require outdoor activity and also discussed that with the neighbors. He mentioned is not just taking care of the neighbors but also his partners. It is an investment that they are doing and at no point it is planned in building something then walking away from it. His partner is looking at it as one of his retirement properties.

COMMISSIONER HEUMANN asked the applicant if the property is in escrow or has it already been purchased.

MR. MOHSIN stated the property has already been purchased.

COMMISSIONER HEUMANN asked the applicant about the fence that has fallen down at the property location.

MR. MOHSIN mentioned he drove by it last week and the fence was fine unless something happened recently. However, if it is still down he will take care of that fence.

COMMISSIONER HEUMANN asked the applicant how long he has owned the property and asked staff if there's a stipulation before they present before commission the property has to be clean and ready to go.

MR. MOHSIN stated it was purchased at the end of 2015 and mentioned it was all new to them and didn't realize that the design would take so long.

KEVIN MAYO, PLANNING MANAGER stated there is a stipulation that was created back in the early 2000's that is not quite sure if they have applied it to anything. However, if it's appropriate to put that on record it could be considered.

MR. MOHSIN stated if there are any requirements, he will make sure they are taken care of.

COMMISSIONER HEUMANN stated it would be good to stipulate because this may build in months or could take two years so he wants to make sure the neighborhood is protected in terms of that.

CHAIRMAN BARON asked if anyone from the audience had any questions or concerns with the speaker or wished to speak. There were none.

COMMISSIONER HEUMANN asked staff that when the parcel came through, the normal stipulation on housing development would be very clear in public reports in terms of what would be going on. Was the homebuilder required to stipulate that it was a commercial site?

MS. NOVAK stated when the case went council back in 2013; in the rezoning component there are standard conditions that state homebuilder will advise all prospective homebuyers of the information of future city facilities.

COMMISSIONER HEUMANN he remembered that was the case of potentially being developed as a commercial center and a chance of residential.

MS. NOVAK stated adopted ordinance 2699 stated it shall remain zoned PAD for neighborhood commercial C-1 uses.

COMMISSIONER HEUMANN stated he just wanted to make that clear and make sure that the project is as good looking as they can get it. He mentioned the neighbor talked about lighting and thinks there needs to be a balance and asked if there's a way to screen the lighting.

MS. NOVAK stated staff will continue to work with the applicant and site development to make sure they can get the lights as far away from residential as possible. Also, light shields will be added to them where the actual fixture might be oriented towards the residential but the fixtures can be added to all sides of them if necessary.

MR. MAYO stated the code does not allow light trespass nor does it allow the source to be visible from the adjacent property. They will go over the design packet. They have had other projects where just one light could be a bother and they do address it by getting in contact with the developer after the fact.

COMMISSIONER HEUMANN stated he just wanted that comment to be on record but thinks to address the viability of the center; there is a large investment if the property was purchased for 2.2 million dollars. He thinks the owner is going to make sure the property is taken care of. He mentioned there is not a lot of retail close by so it will be good to have those kinds of uses in there.

CHAIRMAN BARON stated that the sign code was just amended for the City of Chandler and although there are few places for signage in the proposed location does not necessarily mean they can put giant signs out there. The picture that was shown with the neon lighting sign is a reverse pan halo that is a very small light reveal that will occur. He mentioned to the neighbors to work with the applicant to find times that those lights go off. With respect with the building location, the future development is located away from the homes and is better rather than having an alley way behind the homes. He mentioned in regards to location of U-turns and driveways, there can be just as many people driving westbound and northbound as there would be going east or south so he doesn't necessarily agree with that. In regards to the restaurant, the city parking code is quite high. He stated Planning Commission is a recommending body and the zoning was already in place they just had to review the site design and architecture. The case is going to City Council December 7th.

MOVED BY COMMISSIONER WASTCHAK, seconded by **COMMISSIONER HEUMANN** to approve Item E, PDP17-0002 COOPER PLAZA with additional stipulations as read in by Staff. The action item passed 7-0.

F. PDP17-0012 QUICK QUACK CAR WASH

Approved.

Request Preliminary Development Plan (PDP) approval for the site layout and building design for a carwash located at the southwest corner of Chandler Boulevard and Southgate Drive, west of 54th Street.

Preliminary Development Plan

Planning Staff recommends Planning Commission motion to recommend approval of PDP17-0012 QUICK QUACK CAR WASH, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Quick Quack Car Wash", kept on file in the City of Chandler Planning Division, in File No. PDP17-0012, except as modified by condition herein.
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 landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. The site shall be maintained in a clean and orderly manner.
6. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
8. **The applicant shall work with Staff to address landscaping items to replace Sissoo trees, replace agave plant, add landscaping and gravel along Chandler Boulevard, and landscape the retention basin west of the building.**

MS. NOVAK gave a brief description of the site description and location. She mentioned the property is part of the Southgate business park in west chandler which is predominantly industrial and office employment center. There are hotel and other uses that do exist. The property was zoned commercial with C-2 uses back in 1986. The property was originally developed in 1987 with a Marie Calendars restaurant. The building has remained vacant for several years and the proposal is to redevelop the property with a carwash facility. Staff has worked with the applicant on site design and architecture for quite a while. The site design matches their business plan on how they operate, how they facilitate their queuing lanes and vacuum areas. The orientation of the building was specified to have more of an orientation towards Chandler Blvd. to have a view of their signage and more visibility on the property. In regards to the driveway locations, they will refer to the code as well to make sure there is compatibility with the nearby hotel. There is no residential around the area so a neighborhood meeting was not needed. However, a neighborhood letter was sent out to that area and she is not aware of any opposition or concerns with the case. She mentioned they are recommending standard zoning conditions and recommend approval.

JASON JOHNSON thanked commission for allowing him to speak on the project. He mentioned they submitted the first application twelve months ago and have been working

diligently with staff to get a layout and design that was acceptable. They are at the end of their contract and soon closing the project. They hope for approval to move forward. The main question many had was an area that is currently retention that is not landscaped. He stated he had no problem landscaping the area.

COMMISSIONER KLOB stated his issue is more with the site layout and the drive layout because there will always be cross traffic. He appreciated that the applicant widened that area but thinks that when there is a lot of traffic there is a potential for accidents. He has seen close calls for accidents in carwash areas. He would want to see something done to help separate the traffic from those coming to those going and would like to know the thought process of that traffic layout.

MR. JOHNSON stated they were able to widen that area. They went to go see a couple of examples to see similar traffic patterns, such as a Fry's a McDonald's. He mentioned it is not an uncommon layout and widening three feet makes it more approachable. They have other carwashes with the same layouts and it has not been an issue for them.

COMMISSIONER KLOB stated he understood what Mr. Johnson stated; he just has some challenges the way it's designed and doesn't think it is the best design for that.

CHAIRMAN BARON stated there is a bit of conflict as one turns around to get into the queuing lane it crosses the oncoming traffic. He asked if three queuing lanes are necessary and he has seen banks that don't have that many. He wants to know how much traffic will occur.

MR. JOHNSON stated there will be roughly 200-700 cars a day but certainly less than a gas station is going to use. He mentioned there is no need for much queuing but one of their competitive advantages is speed. The faster they can get somebody through the carwash; the better product they provide and it would move the customers through more quickly.

CHAIRMAN BARON he thinks it seems like there will be a massive volume and his hesitation is that this almost compares to the Dutch Brothers, but seems like it's not the case. He asked the applicant for the turnover.

MR. JOHNSON stated that their business and management process is 20 seconds per car leading up to 160 vehicles an hour. He mentioned it is a conveyer so the car has to be in neutral.

CHAIRMAN BARON stated he is trying to understand how the business works and feels a lot more comfortable about the way it's laid out. He agrees with Commissioner Klob and would much prefer to have another exit point on the access road way. However, traffic did not want that and commission won't be able to leverage that for the applicant. He thinks the landscape is definitely an issue and would love to see it changed to something else. Some of the plants will freeze and is not really a great choice, however working with staff on that would be good. He mentioned the retaining wall that is out on Chandler Blvd. He wants that looked at to make sure there is proper layering of landscape and the basin definitely needs to be addressed. He stated he has less of an issue with the lanes if they have that quick of a turn over.

COMMISSIONER KLOB stated he agrees with that and feels more comfortable about it now. He still does not think it's the best site design.

COMMISSIONER HEUMANN asked if the carwash takes 20 seconds.

MR. JOHNSON stated that it takes about 2 minutes and 45 seconds all the way through. However, they try to wash several cars at the same time if they go through the conveyer but they process the car every 20 seconds.

COMMISSIONER KIMBLE asked the applicant if this was their first carwash in the east valley.

MR. JOHNSON stated it would be one of the first construction projects however, several throughout the valley that are in permits.

COMMISSIONER KIMBLE asked if they are expected to be the second or third largest in the nation in 2018.

MR. JOHNSON stated they are currently the 6th largest in the country and can easily move into the top five spot.

COMMISSIONER HEUMANN asked the applicant what differentiates them from other carwashes.

MR. JOHNSON stated that was a good question and mentioned that they try to differentiate on everything such as the cleanness of the car, how dry, the speed and the employees. He thinks that often time's carwash employees scare the customer. He believes his employees treat the customers very well. They dress their employees in a dress white shirt and a tie and the process is very formal. They think very similar to Chik-fil-a and believe they can win on culture.

COMMISSIONER HEUMANN asked how long they have been doing the concept.

MR. JOHNSON stated they opened their first site in 2004.

COMMISSIONER HEUMANN stated he feels more comfortable with the project however, just adding the stipulations regarding landscape would work.

COMMISSIONER WASTCHAK stated he reflected back on past carwashes that went before commission. He mentioned to staff and the applicant he likes that the dryers are in a single tube in one area on the canopies whereas; others had them on every single post. He did want to know if there will be dangling tubs on top that come down for the dryers because that is one of the previous conversations about how do they look.

MR. JOHNSON stated another thing that differentiates them from other carwashes is that they have a metal canopies covering over the vacuum area that provide better shade and also shield. However, there will be hoses for each stall that will run along the canopy. He mentioned having solid canopies makes it more attractive. Whereas, other carwashes let their canvas type covers deteriorate after a couple of years.

COMMISSIONER WASTCHAK asked if the tubes run down each post or it is hanging from the top.

MR. JOHNSON mentioned it hangs from the top but they run the hose along the curve inside of the awning because it looks a lot better than a traditional carwash. He mentioned that they need

to close on the property as he understands that it is the last meeting before their escrow closes and hopes to move forward with the stipulation on landscaping.

MS. NOVAK read additional stipulation no. 8.

MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER WASTCHAK** to approve Item F, PDP17-0012 QUICK QUACK CAR WASH with the additional stipulation as read in by Staff. The action item passed 7-0.

6. DIRECTOR'S REPORT

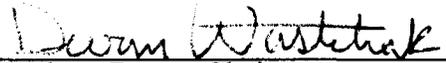
Mr. Kevin Mayo, Planning Manager stated the next and last meeting of the year will be December 6th as the 20th will be cancelled due to no advertisements. He asked commission to let staff know if there will be conflict with attendance for the next meeting. He thanked everyone for their commitment and wished everyone a happy safe holiday.

7. CHAIRMAN'S ANNOUNCEMENTS

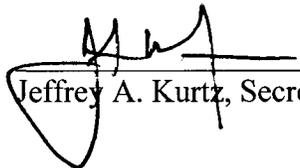
Chairman Baron stated the next regular meeting is December 6, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 7:13 p.m.



Andrew Baron, Chairman



Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, December 6, 2017 held in the City Council Chambers, 88 E. Chicago Street.

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

Commissioner Devan Wastchak
Commissioner David Rose
Commissioner Robert Klob
Commissioner George Kimble

Absent/ Excused:

Chairman Andrew Baron
Vice Chair Katy Cunningham
Commissioner Rick Heumann

Also present:

Mr. Kevin Mayo, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, Senior City Planner
Ms. Lauren Schumann, City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER KLOB, seconded by **COMMISSIONER KIMBLE** to approve the minutes of the November 15, 2017, Planning Commission Hearing. The motion passed 4-0 (Chairman Baron, Vice Chair Cunningham, Commissioner Heumann, absent)
5. ACTION AGENDA ITEMS
COMMISSION 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 and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. DVR17-0010/PLT17-0027 LUCINDA

Approved

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential with Preliminary Development Plan (PDP) approval for subdivision layout and housing product, along with Preliminary Plat (PLT) approval for 41 lots on approximately 14 acres. The subject site is located approximately one-half mile east of the northeast corner of Riggs and McQueen roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Lucinda" and kept on file in the City of Chandler Planning Division, in File No. DVR17-0010, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. 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.
9. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
10. 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.
11. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot

property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Lucinda", and kept on file in the City of Chandler Planning Division, in File No. DVR17-0010, except as modified by condition herein.
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. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
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 built side-by-side for lots 1-4.
7. Lots 1-4 shall have 10-foot side yard setbacks.
8. Lots 29-34 shall have a building setback of 20-feet to the face of the garage.

Preliminary Plat

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

B. DVR17-0011 WATCH TOWER CARWASH AND STORAGE

Approved. CONTINUED TO THE JANUARY 3, 2018, PLANNING COMMISSION HEARING.

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 Agricultural District (AG-1), Community Commercial District (C-2), and High-Density Residential District (MF-3) zoning. The existing PAD zoning is for a commercial development on approximately 10 acres. In addition, request rezoning from Planned Area Development (PAD) for Community Commercial to PAD for Community Commercial, Self-Storage Mini-Warehousing, and Recreational Vehicle Storage along with Preliminary Development Plan (PDP) for site layout and building design for a car wash, self-storage mini-warehousing establishment, and recreational vehicle storage on approximately 4.4 acres of the larger 10 acres located east of the southeast corner of Chandler Boulevard and McQueen Road. **(REQUEST CONTINUANCE TO THE JANUARY 3, 2018, PLANNING COMMISSION HEARING)**

C. DVR17-0015 CULVER'S COMMERCIAL CENTER

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 High-Density Residential District (MF-3) and Regional Commercial District (C-3) zoning, the existing PAD zoning is for a commercial development. In addition, request Preliminary Development Plan (PDP) approval for site layout and building design for a commercial center on approximately 2 acres located at the southwest corner of Arizona Avenue and Willis Road.

Rezoning Time Extension

Planning Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for six (6) years with all of the conditions in the original approval remaining in effect.

Preliminary Development Plan

1. **Development shall be in substantial conformance with the Development Booklet, entitled "Culver's Commercial Center" and kept on file in the City of Chandler Planning Division, in File No. DVR17-0015, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.**
2. Compliance with original conditions adopted by the City Council as Ordinance No. 4028 in case DVR06-0013, except as modified by condition herein.
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. Landscaping shall be in compliance with current Commercial Design Standards.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
7. The site shall be maintained in a clean and orderly manner.
8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
9. Lettering and logos on the two freestanding monument signs shall be 3/4-inch routed-out push-through.
10. **The monument signs shall be architecturally designed to match the building elevations through form, style, color, and materials.**

11. **The monument sign's tenant panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.**
12. **The monument signs shall be limited to a maximum height of eight (8) feet and a maximum number of four (4) tenant panels.**
13. **The Phase One Arizona Avenue monument sign shall be reconfigured to the Phase Two future sign, as represented in the Development Booklet, upon completion of the future inline shops building.**

D. LUP17-0020 CASUAL PINT

Approved. CONTINUED TO THE JANUARY 3, 2018, PLANNING COMMISSION HEARING.

Request Liquor Use Permit approval to continue to sell and serve beer and wine indoors and within an outdoor patio, as permitted under a Series 7 Beer and Wine Bar License. The request includes continuing live entertainment indoors and adding house music within the outdoor patio. The business is located at 1095 West Queen Creek Road, Suite 8, west of the southwest corner of Alma School and Queen Creek roads. **(REQUEST CONTINUANCE TO THE JANUARY 3, 2018, PLANNING COMMISSION HEARING)**

E. CANCELLATION OF THE DECEMBER 20, 2017 PLANNING COMMISSION HEARING.

COMMISSIONER WASTCHAK asked if anyone from the audience had any questions or concerns with the speaker or wished to speak. There was one.

ROBERT WARD, 1356 E CINDY ST stated he is opposed to a continuance at the eleventh hour of Item B (DVR17-0011 WATCH TOWER CARWASH AND STORAGE) based on an alleged scheduling conflict. He added he thinks it is inappropriate for a request this short with only a week before the hearing and a better reason for the continuance should be provided. He also wanted to go on record stating he has no objection reverting to the agriculture distinction of the property and his complaint is with the request of rezoning the property for self-storage and recreational use, which he believes to be industrial use. He stated this is an area for custom homes, lakeside and horse properties. He added there is a much better use for this property and there are better areas where warehouses, boats and recreational vehicles could be placed. He mentioned he looked forward to studying the issue further and he hopes the request will be denied.

COMMISSIONER WASTCHAK thanked Mr. Ward and stated they will not have much discussion on the record. He mentioned he appreciated Mr. Ward coming in to speak and added they have not seen the full packet yet. He stated it will be continued to the January 3rd meeting and hopes to see Mr. Ward at that time where he can ask questions and more feedback can be provided from the dais.

MR. WARD asked if it was correct that the request only came in a week ago and was because of an alleged scheduling conflict.

COMMISSIONER WASTCHAK answered yes; he believed that is what he was told.

MR. WARD stated okay and asked if they would vote on that.

COMMISSIONER WASTCHAK advised that the case is being continued and they would not be voting on anything other than the continuance.

MR. WARD asked if they had to vote on the continuance.

COMMISSIONER WASTCHAK replied yes, it is on the consented agenda at this point.

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager stated the next and last meeting of the year will be December 6th as the 20th will be cancelled due to no advertisements. He asked commission to let staff know if there will be conflict with attendance for the next meeting. He thanked everyone for their commitment and wished everyone a happy safe holiday.

7. CHAIRMAN'S ANNOUNCEMENTS

Chairman Baron stated the next regular meeting is December 6, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 7:13 p.m.



Andrew Baron, Chairman



Kevin Mayo, Acting Secretary