

STUDY SESSION MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA March 3, 2021, held in the City Council Chambers, 88 E. Chicago Street.

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

CHAIRMAN HEUMANN called the study session to order at 4:35 p.m.

The following Commissioners answered Roll Call:

Chairman Rick Heumann

Vice Chairman David Rose

Commissioner Robert Klob

Commissioner Matt Eberle

Commissioner Michael Flanders

Commissioner Gregg Pekau

Absent and Excused: Commissioner George Kimble

Also, present:

Mr. Kevin Mayo, Planning Administrator

Mr. David de la Torre, Planning Manager

Ms. Susan Fiala, Senior City Planner

Mr. Harley Mehlhorn, Junior Planner

Mr. Thomas Allen, Assistant City Attorney

Ms. Catherine Flores, Clerk

Ms. Julie San Miguel, Clerk

2. **AGENDA ITEMS:**

A. PLH20-0023, PLT20-0037 PECOS AND MCQUEEN RETAIL

Request to Rezone from Agricultural District (AG-1) to Planned Area Development (PAD) for Neighborhood Commercial (C-1) uses, Preliminary Development Plan and Preliminary Plat approval for a neighborhood commercial center on approximately 3.5 acres located at the southwest corner of Pecos and McQueen Roads.

Update

Revisions to the site layout were completed by the applicant to address the Design Review Committee's guidance and include the following:

- Pad A shifted closer to the corner
- Pedestrian sidewalk in front of Pad A building entrance widened
- Phasing plan provided (Exhibit 4 in Development Booklet)
- Driveway turning radius increased adjacent to Pad B drive thru lane

- Perimeter wall height increased to 48 inches along both frontages to screen drive thru lanes
- Number of parking spaces proposed increased from 101 to 112 total spaces
- Speed humps and traffic directional signage proposed

Several exhibits contained in the Development Booklet do not reflect the above site plan modifications. The applicant will update the following exhibits prior to Council meeting:

- Landscape Plan
- Site Block Wall Plan
- Preliminary Grading & Drainage Plan
- Preliminary Plat

Background

- Site is approximately 3.5 acres
- The applicant is currently working with the City to acquire an approximate 2,660 sq. ft. City of Chandler-owned parcel located at the immediate corner of the intersection
- Site is currently vacant
- At the January 20, 2021 Planning and Zoning Commission meeting, the case was continued to conduct a Design Review Committee (DRC). On February 3, 2021, the DRC provided the applicant suggestions on revising the site plan, which include shifting Pad sites A and B further away from residential and the proposed daycare. The applicant requested further continuance to the March 3, 2021 Planning and Zoning Commission meeting to allow additional time to address the DRC's guidance.

Surrounding Land Use Data

North	Commercial	South	Single-family residential
East	McQueen Rd., then vacant land and single-family residential	West	Single-family residential

General Plan and Chandler Airpark Area Plan

	Existing	Proposed
General Plan	Neighborhoods	No change
Chandler Airpark Area Plan	Neighborhood Commercial	No change

Proposed Development

Site area	3.5 acres plus future acquisition of approximate 2,660 sq. ft. city parcel
Building Area	Pad A: 2,306 sq. ft. (restaurant) Pad B: 2,800 sq. ft. (restaurant) Pad C: 13,000 sq. ft. (daycare) Total : 18,106 sq. ft. total
Building Height (max.)	22 ft.
Building Setbacks	Required: Arterial landscaped intersection 50 ft. by 250 ft. Proposed: 35 ft. min. by 223 ft. along Pecos Rd. 23 ft. min. by 250 ft. along McQueen Rd. West: 20ft. Accessory structure 50 ft. Main building South: 50 ft.
Parking Required	101 spaces total
Parking Provided	112 spaces total
Building Architecture	Contemporary with stucco, brick veneer, metal railings and steel
Comprehensive Sign Program	One development sign, two monument signs, wall mounted signs

Review and Recommendation

Planning staff finds the proposal is consistent with the General Plan designation of Neighborhoods and the Chandler Airpark Area Plan designation of Neighborhood Commercial. The General Plan land use designation allows Neighborhood Commercial uses within developments located at arterial intersections to serve commercial needs of low-density residential communities.

The site layout provides three pad sites including two proposed restaurants and a daycare. Pad site A is proposed as a Starbucks drive-through. Pad site B is proposed as a future restaurant/drive-through and a daycare. Building architecture is contemporary. Building and site layout comply with the intent of the Commercial Design Standards.

Late hour business policy defines any restaurant that opens its doors to the public one or more hours between midnight and 6 a.m., one or more days a week. In addition, the policy is applicable when commercial is within 300 ft. of existing

residential zoning. The proposed Starbucks anticipates business hours from 4:30 a.m. to 10 p.m., daily. These hours and building distance of approximately 206 ft. to the west, residentially zoned parcels require approval of the proposed businesses hours from 4:30 a.m. to 6 a.m., Mitigation proposed includes an 8 ft. tall solid wall along the entire site perimeter and several landscaped areas.

The applicant requests relief from the Zoning Code requirement that initial construction include a minimum of 12,000 sq. ft. of building area in Phase One. The request is to allow the flexibility to construct Pads B and C in future phases. Exhibit 4 (see attached) identifies improvements that will be completed during phase one, which includes Pad A and all site improvements including landscaping, driveways, and parking except for Pad B building area on the south and Pad C and associated parking area to the north of Pad C. Pad sites B and C would be covered with decomposed granite until market conditions allow development.

The second request is to reduce the 50 ft. by 250 ft. landscape intersection along both Pecos and McQueen roads. The reduced landscaped intersection allows the two drive-through pad sites additional distance from existing residential and the proposed daycare. The applicant is currently working with the City's Real Estate division to purchase the City owned parcel of approximately 2,660 sq. ft. located at the immediate corner of the site.

Staff supports the requested waivers due to the infill nature of the site, site acreage and driveway location constraints. Staff finds the proposal to be consistent with the goals of the General Plan and recommends approval subject to conditions.

Traffic Analysis

A Traffic Impact Analysis was prepared to analyze existing conditions and traffic with the proposed development. Based on the analysis, traffic impacts of the proposed development could be mitigated by making adjustments to the existing traffic signal timing at the McQueen Road/Pecos Road intersection to maintain acceptable levels of service. Additionally, the Transportation Engineering Division will continue to work with the applicant to establish a circulation plan for the Day Care/Pre-K. This is being done in an effort to document pick-up/drop-off procedures and minimize potential implications to the adjacent public roadways that have occurred with similar land uses. Staff recommends a stipulation to address the future daycare's drop off/pick up circulation plan.

Public / Neighborhood Outreach

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A virtual neighborhood meeting was held on July 21, 2020. Ten residents attended virtually to obtain project information. Questions and concerns voiced relate to traffic, construction timing, existing irrigation ditch, drive through locations, vehicle exhaust, land uses, and children's safety (daycare). No opposition to the request was stated.
- Planning staff received letters from residents in opposition to the proposed Starbucks stating they would rather support local businesses.

Recommended Actions

Rezoning

Planning staff recommends Planning and Zoning Commission move to recommend approval of rezoning from Agricultural District (AG-1) to PAD for Neighborhood Commercial (C-1) uses, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Pecos and McQueen Retail" and kept on file in the City of Chandler Planning Division, in File No. PLH20-0023, 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. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Late hour businesses shall not be open to the public from 10 p.m. to 4:30 a.m., seven days a week.

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the Development Booklet, entitled "Pecos and McQueen Retail" and kept on file in the City of Chandler Planning Division, in File No. PLH20-0023, 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. The site shall be maintained in a clean and orderly manner.
3. The landscaping in all open-spaces shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
6. Solid walls no less than 48 inches in height shall be constructed to screen all drive-through lanes.
7. Prior to issuance of a building permit, a circulation plan shall be approved by the City's Traffic Engineering Division for a daycare/Pre-K business.
8. No more than two drive-through pad sites shall be permitted.
9. Phase 1 on-site improvements shall at a minimum include the following:
 - a. Construction of Pad A building, associated parking and landscaping
 - b. All perimeter landscaping
 - c. Driveways to Pads A and B and landscaping along said driveways
 - d. Parking areas for Pad B and landscaping within said parking areas.
 - e. Landscape and parking north and east of Pad C.
10. Sign packages, including freestanding signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
11. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

Preliminary Plat

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

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

Proposed Motions

Rezoning

Move Planning and Zoning Commission recommend approval of PLH20-0023 Pecos and McQueen Retail rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Neighborhood Commercial (C-1) uses, subject to conditions as recommended by Planning staff.

Preliminary Development Plan

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan, PLH20-0023 Pecos and McQueen Retail, subject to conditions as recommended by Planning staff.

Preliminary Plat

Move Planning and Zoning Commission recommend approval of Preliminary Plat, PLT20-0037 Pecos and McQueen Retail, as recommended by Planning staff.

COMMISSIONER KLOB is partial to the landscaping plan but is concerned with phasing due to vacancies on other two pads for an unknown amount of time. He asked if the City of Chandler is able to ensure development within a specified amount of years on remaining vacant pads.

SUSAN FIALA, SENIOR CITY PLANNER does not believe the City has the authority to ensure development on the other two pads within a specific time-period.

DAVID DE LA TORRE, PLANNING MANAGER confirmed the City cannot force development as it depends on the market and other factors, however, the City can encourage development with incentives.

COMMISSIONER KLOB gave examples of other areas of the city that are not developed and does not want this area to be the same. Commissioner asked if the

applicant was still anticipating a lube stop or oil change facility for one of the vacant pads.

SUSAN FIALA, SENIOR CITY PLANNER advised said business type is not appropriate zoning for neighborhood commercial use and would require a new application if the applicant wished to go forward with that type of business.

COMMISSIONER PEKAU stated his preference is to have all three pads developed, rather than in phases with one pad occupied. He presented concerns of approval without having all three pads developed.

CHAIRMAN HEUMANN advised of discussions held during Design Review Commission regarding the issues presented by commissioners. Chairman Heumann stated an option is to have phase two future sections in place with all landscaping done; therefore, it would appear to be a completed project from the view of the street. All that would remain is the development of two basic pads and it would alleviate the issue of having an unfinished look. He further stated he would like to only put through the best project possible due risk of having unused pads.

VICE CHAIR ROSE agreed with Chairman Heumann and wants the best product possible. He is not bothered with the phasing plan, so long as, the suggested landscaping is completed by the applicant.

CHAIRMAN HEUMANN reviewed the proposed landscaping with the commissioners.

COMMISSIONER EBERLE agreed regarding the landscaping, as it will enhance the visual appearance of the unused areas.

COMMISSIONER FLANDERS stated that he has no issue with requiring landscaping from the applicant and asked staff how other municipalities handle issues with vacancies and potential vacancies on pads.

DAVID DE LA TORRE, PLANNING MANAGER advised that he will research and report back.

COMMISSIONER KLOB confirmed details of the proposal and his support.

COMMISSIONER PEKAU stated his concerns and gave example of East Valley Mall on Arizona Avenue and Warner Road; at this location, there are unsightly vacant pads with no indication of development. He also used the example of the QT (Quick Trip)

on Arizona Avenue and Germann Road, as nothing has developed around it. Commissioner believes it will look unattractive and landscaping will not alleviate the issue. He asked why give a variance without plans?

CHAIRMAN HEUMANN advised that the Arizona Avenue and Germann Road area is mostly dirt.

COMMISSIONER PEKAU mentioned that further developments never happened in the area.

VICE CHAIR ROSE indicated he has no issue with phasing as this is a small parcel and discussions have been held in Design Review Commission. He believes that Starbucks will take the first pad and the other pads will not be vacant for long.

COMMISSIONER PEKAU reminded that the commission does not choose who occupies the pad and although the plan is for Starbucks to take Pad A, the capacity of which the commission decides is to approve 2300 sq. ft. pad. Anything under (C-1) can be developed in the 2300 sq. ft. pad, while the other two pads are waiting to be built.

SUSAN FIALA, SENIOR CITY PLANNER clarified for the applicant as to the landscaping and parking for Pad C.

CHAIRMAN HEUMANN advised he does support the plan and the areas being developed except for the two pads. He further advised with landscaping the area will look better than a dirt lot.

DAVID DE LA TORRE, PLANNING MANAGER informed the commission that the applicant mentioned that Chandler is the only city in their experience who requires a minimum square footage during phase one.

B. PLH20-0042 ROCK LOBSTER DINING ROOM EXPANSION

Request Entertainment Use Permit approval for existing outdoor patio speakers for background music only. The existing business is located at 2475 W. Queen Creek Road at the southwest corner of Queen Creek and Dobson roads.

Background

- Zoned as Planned Area Development (PAD) for office, retail, residential and hotel uses.

- Zoning Code requires Entertainment Use Permit approval when outdoor speakers and/or live entertainment is provided and the establishment is located within 1,320 feet of residential property. The subject site is located approximately 150 feet north of a multi-family residential development.
- A Liquor Use Permit (LUP) allowing liquor sales and live, acoustic, indoor music was approved in 2017 and had no effective time limit stipulation.
- Rock Lobster ownership was unaware of Entertainment Use Permit Requirement at the time of speaker installation.
- The need for this Entertainment Use Permit came to Staff's attention after Rock Lobster requested a Liquor License Extension of Premise.

Surrounding Land Uses

North	Queen Creek Road, then a hotel	South	The Cays (Multi-Family, part of the same zoning case)
East	Commercial (restaurant, retail, office)	West	Commercial (restaurant, retail, office)

Proposed Business Operations

Building/Suite Area	4,000 building sq. ft. & 500 patio sq. ft.
# of employees	25 employees
Hours of Operation	Sunday through Thursday 11am-9pm Friday and Saturday 11am-10pm
Hours of Entertainment	Patio speakers provide ambient background music during business hours. No live entertainment is provided.

Review and Recommendation

The existing patio speakers have been in operation for as long as the business, over ten years. During that time, no noise complaints have been filled against Rock Lobster with the Chandler Police Department, nor with Rock Lobster management. At the time of installation, the owners of the subject site were not aware that additional approval was needed to permit outdoor patio speakers, as a Liquor Use Permit allowing for live acoustic performances was granted in 2017 with no effective time limit. Planning staff has reviewed the request and finds that it is consistent with the General Plan.

Public / Neighborhood Notification

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on February 17, 2021. There were two attendees, both inquired with general questions and were not in opposition of this request.
- Four residents of The Cays reached out to Planning staff to express initial opposition as the residents thought this request to be adding additional volume or hours of operation; however, upon learning that this request does not permit anything in excess of what is currently existing, they appeared to no longer oppose the request. One additional resident reached out in opposition of this request, expressing that there is no need for additional music. Staff reached out to them to provide information. As of the writing of this memo staff has not received a response.

Recommended Action

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

1. Expansion or modification beyond the approved attachments (Floor Plan and Narrative) shall void the Entertainment Use Permit and require new Entertainment Use Permit application and approval.
2. The Entertainment Use Permit is non-transferable to any other location.
3. No noise shall be emitted from external speakers in such a manner that exceeds the general level of noise emitted by uses outside the premises of the business and disturbs adjacent businesses and residential areas.
4. The establishment shall provide a contact phone number for a responsible person (i.e., bar owner and/or manager) to any interested neighbors and property owners to resolve noise complaints quickly and directly.

COMMISSIONER PEKAU advised that he has been to this establishment and the volume level was appropriate and has had positive dining experience.

Proposed Motion

Motion Planning and Zoning Commission to recommend approval of Entertainment Use Permit case, PLH20-0042 Rock Lobster Dining Room Expansion, subject to the conditions as recommended by Planning staff.

3. **BRIEFING ITEMS:**

None

4. **MEMEBERS COMMENTS/ANNOUNCEMENTS**

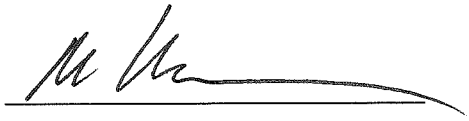
None

5. **CALENDAR**

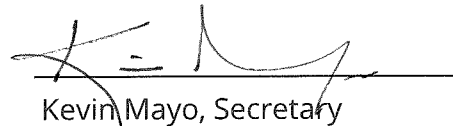
The next study session will be held before the regular meeting on Wednesday, March 17, 2021, in the Chandler City Council Chambers, 88 E. Chicago Street.

6. **ADJOURNMENT**

The study session was adjourned at 5:01 p.m.

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

Rick Heumann, Chairman

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

Kevin Mayo, Secretary