

Meeting Minutes

Planning and Zoning Commission

Regular Meeting

October 20, 2021 | 5:30 p.m.
Chandler City Council Chambers
88 E. Chicago St., Chandler, AZ



Call to Order

The meeting was called to order by Chairman Heumann at 5:31 p.m.

Roll Call

Commission Attendance

Chairman Rick Heumann
Vice Chairman David Rose
Commissioner Matt Eberle
Commissioner George Kimble
Commissioner Sherri Koshiol

Staff Attendance

Kevin Mayo, Planning Administrator
David de la Torre, Planning Manager
Susan Fiala, Senior City Planner
Kristine Gay, Senior City Planner
Zachary Werdean, City Planner
Harley Mehlhorn, Associate Planner
Thomas Allen, Assistant City Attorney
Julie San Miguel, Clerk
Michelle Reeder, Clerk

Absent

Commissioner Erik Morgan

Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Eberle.

Consent Agenda and Discussion

1. September 15, 2021, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of September 15, 2021, and Regular Meeting of September 15, 2021.

2. PLH21-0039/PLT21-0043 THE MARCO

Rezoning

Move Planning and Zoning Commission recommend approval of PLH21-0039, The Marco, Rezoning from SF-8.5 to PAD for medium density residential subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH21-0039, The Marco, for site layout and building design, subject to the conditions as recommended by Planning staff.

Preliminary Plat

Move Planning and Zoning Commission recommend approval of Preliminary Plat, PLH21-0043, The Marco, subject to the condition as recommended by Planning staff.

Rezoning

Planning staff recommends Planning and Zoning Commission move to recommend approval of Rezoning from SF-8.5 to PAD for medium density residential subject to the following conditions:

1. Development of the overall site shall be in substantial conformance with the Development Booklet kept on file in the City of Chandler Planning Division, in File No. PLH21-0039, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by 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. Residential dwelling units shall be permitted with a maximum density of 12 dwelling units per acre.
5. Building setbacks shall be 25 (twenty-five) feet from all property lines.
6. The private and shared portions of the site shall be maintained in a clean and orderly manner. The buildings shall be maintained in a clean and orderly manner. Yards and

balconies shall not be used for outdoor storage of residential items beyond furniture intended for outdoor use.

7. The landscaping and all other improvements in all open-spaces shall be maintained by the property owner or property owners' association and shall be maintained at a level consistent with or better than at the time of planting.
8. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.

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 of the overall site shall be in substantial conformance with the Development Booklet kept on file in the City of Chandler Planning Division, in File No. PLH21-0039, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by Chandler City Council.
2. Except for ancillary decorative extensions, opaque patio walls shall be limited to a height of three feet.
3. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
4. Signage shall be designed in coordination with landscape plans, planting materials, storm water basins, site contours, utility pedestals, and other site appurtenances or features so as not to create problems with sign visibility or prompt the removal of required or proposed landscaping.
5. All mechanical equipment shall be fully screened on all sides. Said screening shall be architecturally integrated with the building.
6. The developer shall work with adjoining property owners to ensure there are no double walls/fences resulting from the proposed perimeter wall.
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.

Note: Stipulations #8 was added on the Addendum Memo presented to Planning and Zoning Commission this date:

8. The applicant shall work with staff to revise the side and rear elevations to reduce the amount of blank façade area.

Preliminary Plat

Planning staff recommends the 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.

CHAIRMAN HEUMANN requested Staff present the additional stipulation to the Commission and audience.

KRISTINE GAY, SENIOR CITY PLANNER read aloud the additional stipulation reflected under #8 of the Preliminary Development Plan.

3. PLH21-0049 BARNES FAMILY SERVICES

Move Planning and Zoning Commission recommend approval of Use Permit PLH21-0049 Barnes Family Services, for the continued operation of a day treatment program for adults with special needs, subject to the conditions as recommended by Planning staff.

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

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

4. PLH21-0019 VODOO PERFORMANCE LLC

Move Planning and Zoning Commission recommend approval of Use Permit PLH21-0019 Voodoo Performance LLC for an auto repair facility on property zoned General Industrial District (I-2) subject to the conditions as recommended by Planning staff.

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

1. Substantial expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, Elevations and Narrative), as kept on file in Case No. PLH21-0019, shall void the Use Permit and require new Use Permit application and approval, unless otherwise amended via conditions herein.
2. This Use Permit allows for motor vehicle repair uses within the buildings located at 6509 W. Frye Road contingent upon compliance with parking requirements prescribed in the Chandler Zoning Code.
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 site shall be maintained in a clean and orderly manner
5. The applicant will abide by all building, fire, and other applicable city regulations including those that pertain to auto repair as a condition of occupancy.
6. All motor vehicle repair shall be conducted completely indoors.
7. All motor vehicle or motor vehicle part storage shall be completely indoors.

5. PLH21-0035 VERIZON PHO TWELVE OAKS

Move Planning and Zoning Commission to continue Use Permit case PLH21-0035 Verizon Pho Twelve Oaks to the November 17, 2021, Planning and Zoning Commission Meeting.

CHAIRMAN HEUMANN advised that this item will be continued to the November 17, 2021, Planning and Zoning Commission Meeting. He further advised a speaker card on this item was received from Cameron Lehman, who indicated he is here on behalf of the Applicant.

6. PLH21-0057 SIDELINES TAVERN & GRILL

Move Planning and Zoning Commission recommend approval of Entertainment Use Permit case PLH21-0057 Sidelines Tavern & Grill for live entertainment indoors and on an outdoor patio, subject to the conditions as recommended by Planning staff.

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

1. Expansion or modification beyond the approved attachments (Floor Plan and Narrative) shall void the Entertainment Use Permit and require new Entertainment Use Permit application and approval.
2. The Entertainment Use Permit is non-transferable to any other location.
3. The site shall be maintained in a clean and orderly manner.
4. No noise shall be emitted from external speakers or live entertainment in such a manner that exceeds the general level of noise by uses outside the premises of the business and disturbs adjacent businesses and residential areas.
5. All live entertainment on the outdoor patio shall be acoustic and non-amplified, utilizing no full drum kits and when percussive instruments are used they shall be limited to instruments similar to bongos, cajons, and small box drums.
6. 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.
7. The entertainment Use Permit shall remain in effect for two (2) years from the date of City Council approval. Continuation of the Entertainment Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
8. The Entertainment Use Permit does not override any state liquor licensing requirements. The applicant must comply with all regulations that pertain to the liquor license.

CHAIRMAN HEUMANN asked if the Applicant is appearing this date.

ZACHARY WERDEAN, CITY PLANNER stated the Applicant is not present.

CHAIRMAN HEUMANN mentioned his concerns with bongos and similar instruments. He would like everything to be okay, but he is unsure if an additional stipulation is needed to limit the Applicant as to the use of percussion instruments.

ZACHARY WERDEAN, CITY PLANNER asked if the Commission's concerns could be clarified.

CHAIRMAN HEUMANN is concerned when drums are used there is a different kind of noise level.

ZACHARY WERDEAN, CITY PLANNER stated Staff's intention to find a middle ground and allow the use of some drums that are reasonable. He explained Staff thought bongos would be reasonable, and if they are not, they will not be included in the request going forward to the City Council.

CHAIRMAN HEUMANN stated he is okay with that.

DAVID DE LA TORRE, PLANNING MANAGER explained it may be easier to regulate and for staff to enforce if no percussion instruments are allowed.

VICE CHAIRMAN DAVID ROSE stated he is familiar with the Applicant and they would react if there were any issues. He explained an additional stipulation to prohibit the use of percussion instruments is not appropriate as the Applicant has been there for years and they have handled issues properly. He further explained there are different way to mitigate sounds and if the neighbors reacted, the Applicant would address the issue.

CHAIRMAN HEUMANN agreed the Applicant has done a great job, but his intention is to prevent issues from happening like the situation in 2012. He thought adding a stipulation would help ahead of time versus on the back end. He asked staff to work with the Applicant to make sure they understand this use permit has a two-year time stipulation.

ZACHARY WERDEAN, CITY PLANNER confirmed that he would speak with the Applicant.

7. Cancellation of the November 3, 2021, Planning and Zoning Commission Hearing
Move Planning and Zoning Commission cancel November 3, 2021, Planning and Zoning Commission Hearing.

Consent Agenda Motion and Vote

CHAIRMAN HEUMANN informed the audience, before the Regular Meeting, Commission and Staff met in open study session to discuss the consent agenda items and opens the floor to discuss any items.

VICE CHAIRMAN ROSE moved to approve the Consent Agenda of the October 20, 2021, Planning and Zoning Commission Regular Meeting, with stipulation #8 added to the Preliminary Development Plan on Consent Agenda Item No. 2, PLH21-0039/PLT21-0043 The Marco, and continuance to the November 17, 2021, Planning and Zoning Commission Meeting, on Consent Agenda Item No. 5, PLH21-0035 Verizon Pho Twelve Oaks; Seconded by COMMISSIONER EBERLE.

Motion carried unanimously (5-0).

Member Comments/Announcements

DAVID DE LA TORRE, PLANNING MANAGER introduced Michelle Reeder, who will be the alternate Clerk for Planning and Zoning Commission Hearings.

CHAIRMAN HEUMANN welcomed the newest member of the Planning and Zoning Commission, Commissioner Koshiol. He announced the Planning and Zoning Commission Hearing this date will

be the last meeting for Commissioner Eberle as he will no longer reside in the City of Chandler. Commissioner Eberle was thanked for his years of service as he has made many contributions to Chandler and was a great addition to the Planning and Zoning Commission.

Calendar

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

Adjourn

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

A handwritten signature in blue ink, appearing to read 'K. Mayo', is written over a horizontal line.

Kevin Mayo, Secretary

A handwritten signature in blue ink, appearing to read 'R. Heumann', is written over a horizontal line.

Rick Heumann, Chairman