

Meeting Minutes

Planning and Zoning Commission

Regular Meeting

November 17, 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 5:33 p.m.

Roll Call

Commission Attendance

Chairman Rick Heumann
Vice Chairman David Rose
Commissioner George Kimble
Commissioner Erik Morgan
Commissioner Sherri Koshiol
Commissioner Michael Quinn

Staff Attendance

Kevin Mayo, Planning Administrator
David de la Torre, Planning Manager
Dana Alvidrez, City Transportation Engineer
Lauren Schumann, Senior City Planner
Benjamin Cereceres, City Planner
Zachary Werdean, City Planner
Harley Mehlhorn, Associate Planner
Thomas Allen, Assistant City Attorney
Michelle Reeder, Clerk
Julie San Miguel, Clerk

Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Kimble.

Consent Agenda and Discussion

1. October 20, 2021, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of October 20, 2021, and Regular Meeting of October 20, 2021.

2. PLH21-0005/PLT21-0004 THE VILLAGE AT HAMILTON LANDING

Rezoning

Move Planning and Zoning Commission to recommend approval of PLH21-0005 The Village at Hamilton Landing rezoning from Agricultural District (AG-1) to Planned Area Development for single-family attached residential, subject to conditions as recommended by Planning staff.

Preliminary Development Plan

Move Planning and Zoning Commission to recommend approval of Preliminary Development Plan, PLH21-0005 The Village at Hamilton Landing, subject to conditions as recommended by Planning staff. Preliminary Plat

Move Planning and Zoning Commission to recommend approval of Preliminary Plat, PLT21-0004 The Village at Hamilton Landing, subject to the condition as recommended by Planning staff.

Planning Staff recommends Planning and Zoning Commission move to recommend approval subject to the following conditions:

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "The Village at Hamilton Landing" and kept on file in the City of Chandler Planning Division, in File No. PLH21-0005, 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. Low to medium density residential shall be permitted up to a maximum density of seven (7) dwelling units per acre.
3. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements, and street lighting to achieve conformance with City codes, standard details, and design manuals, except for modifications approved by the City Engineer.
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. Minimum housing product setbacks shall be as provided below and further detailed in the development booklet:

Front Building Setback (min.)	39 ft. to garage / 5 ft. to livable
Side Yard Setback (min.)	0 ft./ 0 ft.

Rear Yard Setback (min.)	5 ft.
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6. 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.
7. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
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 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 a heliport at the Chandler Municipal Airport 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 a heliport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the subdivider/homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
10. The development shall provide sound attenuation measures in accordance with ADOT standard details and requirements excepting any decibel reductions or sound attenuation credits for the use of a rubberized asphalt paving surface. Any noise mitigation, if required, is the responsibility of the development.
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 a City of Chandler wastewater treatment facility 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 a wastewater treatment facility, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for

notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

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.
13. 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 the Development Booklet, entitled "The Village at Hamilton Landing" and kept on file in the City of Chandler Planning Division, in File No. PLH21-0005, 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. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
4. All signs 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.
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.
6. Roadway-style signs shall be installed at each driveway entrance identifying the presence of low flying aircraft.

Preliminary Plat

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

3. PLH21-0078 POLLACK BUSINESS PARK NORTH 1 & 2

Move Planning and Zoning Commission to recommend approval of PLH21-0078 Pollack Business Park North 1 & 2 requesting an amendment to the Planed Area Development zoning by removing a limitation on sign colors as recommended by Planning staff.

Planning Staff recommends Planning and Zoning Commission move to recommend approval subject to the following conditions:

Approval of amending Planned Area Development zoning by replacing stipulation number 10 in Ordinance No. 3420 with the following stipulation:

10. All exterior building signage facing Arizona Avenue, Chilton Drive, and Washington Street shall be individually mounted letters only and not be mounted to a raceway.

4. PLH21-0065 AIRSTREAM OF CHANDLER

Move Planning and Zoning Commission recommend approval of Rezoning case PLH21-0065 Airstream of Chandler, Rezoning from Planned Area Development (PAD) zoning for Community Commercial (C-2) uses to Planned Area Development (PAD) for Community Commercial Uses with motor vehicle sales, outdoor screened storage, indoor motor vehicle repair including body work, and limited short term overnight stays for recreational vehicles, subject to the conditions as recommended by Planning staff.

Planning Staff recommends Planning and Zoning Commission move to recommend approval subject to the following conditions:

1. Development and use 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. PLH21-0065, 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. Overnight stays shall be limited to the area labeled "Short Term Overnight Parking/Stays for Airstream (Caravans/R.V.'s) Users" within Exhibit C of the Development Booklet of File No. PLH21-0065.

3. Overnight stays shall be limited to customers receiving service from the primary business onsite.
4. Overnight stays shall be limited to a maximum of five (5) consecutive days per customer.
5. No dump station for sewage shall be constructed within the area identified as "Short Term Overnight Parking/Stays for Airstream (Caravans/R.V.'s) Users" or within any publicly accessible parking areas identified in Exhibit C of the Development Booklet of File No. PLH21-0065.
6. The primary business on site shall provide a contact phone number of a responsible person (i.e., manager/landowner) to interested neighbors to resolve any complaints regarding overnight stays quickly and directly.
7. The propane tanks shall be constructed to comply with all City of Chandler Building and Fire Codes.
8. The location of the proposed propane tanks shall be fully screened from the Right-of-Way and in a location approved by the Zoning Administrator.

Note: Stipulation #9 was added on the Addendum Memo presented to Planning and Zoning Commission this date:

9. No outdoor camping or entertainment of any type shall be allowed onsite and customers staying overnight must vacate the area within 24-hours after service is completed.

CHAIRMAN HEUMANN read aloud the additional stipulation reflected under stipulation #9.

5. PLH21-0041 TREELAND BY TRI POINTE HOMES

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH21-0041 Treeland by Tri Pointe Homes for housing product, subject to the conditions as recommended by Planning staff.

Planning Staff recommends Planning and Zoning Commission move to recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Treeland by Tri Pointe Homes" and kept on file in the City of Chandler Planning Division, in File No. PLH21-0041, 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. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
4. The same elevation shall not be built side-by-side or directly across the street from one another.
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.

6. PLH21-0035 VERIZON PHO TWELVE OAKS

Move Planning and Zoning Commission continue PLH21-0035 Verizon Pho Twelve Oaks, to the December 15, 2021, regular meeting as recommended by Planning staff.

7. PLH21-0054 GOOD TIME CHARLI'S

Move Planning and Zoning Commission recommend approval of Use Permit case PLH21-0054 Good Time Charli's for live entertainment indoors and live acoustic music on the patio, subject to the conditions as recommended by Planning staff.

Planning Staff recommends Planning and Zoning Commission move to recommend approval subject to the following conditions:

1. Expansion or modification beyond the approved attachments (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. 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. 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 establishment shall provide a contact phone number for a responsible person (i.e. bar owner and/or manager) to any interested neighbors or property owners to resolve noise complaints quickly and directly.
7. Live music on the patio may occur Friday through Sunday, no later than 8:00 pm, and shall be limited to acoustic and non-amplified instruments. When percussive instruments are used, they shall be limited to cajons, small box drums and the like. Drum kits and steel drums shall be prohibited.
8. The eastern door facing Kyrene Road shall remain closed and shall be used for an emergency exit only. Said door shall have an automatic door closer installed.
9. The Entertainment Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of Entertainment Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

CHAIRMAN HEUMANN thanked the Applicant for working with Staff. He wanted the Applicant to know, due to the history of this area, the neighbors will be watching, and the intent of the stipulations will need to be followed.

8. PLH21-0074 THIRD BASE

Move Planning and Zoning Commission recommend approval of Use Permit case PLH21-0074 Third Base for a Series 6 bar liquor license and Entertainment Use Permit approval to allow indoor live acoustic music and speakers on the outdoor patio for background music, subject to the conditions as recommended by Planning staff.

Planning Staff recommends Planning and Zoning Commission move to recommend approval subject to the following conditions:

1. Expansion or modification beyond the approved attachments (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. 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. The establishment shall provide a contact phone number for a responsible person (i.e. bar owner and/or manager) to any interested neighbors or property owners to resolve noise complaints quickly and directly.
6. The Entertainment Use Permit shall remain in effect for two (2) years from the date of City Council approval. Continuation of Entertainment Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
7. Use Permit for a bar shall remain in effect for two (2) years from the date of City Council approval. Continuation of Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
8. There shall be no live entertainment outdoors including acoustic groups, bands, and the like.
9. Televisions and small patio speakers for background music is only permitted on the patio.
10. Indoor live entertainment shall be limited to acoustic instruments only.
11. Use Permit does not override any state liquor licensing requirements. The applicant must comply with all regulations that pertain to the liquor license.

9. PLH21-0066 BOTTLE AND BEAN

Move Planning and Zoning Commission recommend approval of Use Permit case PLH21-0066 Bottle and Bean for a Series 7 Beer and Wine bar license, subject to the conditions as recommended by Planning staff.

Planning Staff recommends Planning and Zoning Commission move to recommend approval 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. This Use Permit approval is solely for a Series 7 Beer and Wine Bar license

Note: Stipulation #5 was revised as a result of the Planning and Zoning Commission's discussion during the study session:

5. The Use Permit shall remain in effect for three (3) 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.

HARLEY MEHLHORN, ASSOCIATE PLANNER presented the additional stipulation reflected under stipulation #5.

10. Cancellation of the December 1, 2021, Planning and Zoning Commission Meeting

Move Planning and Zoning Commission cancel December 1, 2021, Planning and Zoning Commission Hearing.

Consent Agenda Motion and Vote

VICE CHAIRMAN ROSE moved to approve the Consent Agenda of the November 17, 2021, Regular Planning and Zoning Commission Meeting, with added stipulation on Item No. 4, continuance on Item No. 6, and revised stipulation on Item No. 9 ; Seconded by COMMISSIONER KIMBLE.

Motion carried unanimously. Commissioner Morgan and Commissioner Quinn abstained on Item No. 1.

Member Comments/Announcements

CHAIRMAN HEUMANN pointed out Veterans Day was last week and thanked all the veterans currently serving and those who have served in the past. He also wished everyone a Happy Thanksgiving.

Calendar

The next regular meeting will be held on Wednesday, December 15, 2021, in the Chandler City Council Chambers, 88 E. Chicago Street.

Adjourn

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


Kevin Mayo, Secretary
Rick Heumann, Chairman