

Meeting Minutes

Planning and Zoning Commission

Regular Meeting

March 2, 2022 | 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 5:30 p.m.

Roll Call

Commission Attendance

Chairman Rick Heumann

Vice Chairman David Rose

Commissioner Erik Morgan

Commissioner Sherri Koshiol

Commissioner Michael Quinn

Commissioner Jeff Velasquez

Staff Attendance

Kevin Mayo, Planning Administrator

David de la Torre, Planning Manager

Lauren Schumann, Senior City Planner

Kristine Gay, Senior City Planner

Ben Cereceres, City Planner

Thomas Allen, Assistant City Attorney

Julie San Miguel, Clerk

Pledge of Allegiance

The Pledge of Allegiance was led by Vice Chairman Rose.

Scheduled and Unscheduled Public Appearances

Members of the audience may address any item not on the agenda. State Statute prohibits the Board or Commission from discussing an item that is not on the agenda, but the Board or Commission does listen to your concerns and has staff follow up on any questions you raise.

CHAIRMAN HEUMAN explained for the Action Agenda, Staff and the Applicant will present, then there will be an opportunity for members of the audience to speak. He further explained, individual audience members will have three minutes to speak or if one person is speaking on behalf of the group, that person may speak up to ten minutes.

JEANNINE DINGES, 1960 EAST SPRINGFIELD PLACE confirmed she would like to speak to the Planning and Zoning Commission regarding Action Item No 5.

TIM MERRITT, 1950 EAST SPRINGFIELD PLACE confirmed he would like to present statements to the Planning and Zoning Commission regarding Action Item No 5.

MARIE DOYLE, 2140 EAST FLINTLOCK WAY confirmed that she would like Joseph Russo to speak on her behalf.

FRANK FARIA, 2056 EAST BROWNING PLACE confirmed that he would like Joseph Russo to speak on his behalf.

BAMBI FARIA, 2056 EAST BROWNING PLACE confirmed that she would like Joseph Russo to speak on her behalf.

JOSEPH RUSSO, 2090 EAST FLINTLOCK WAY confirmed he has a presentation for the Planning and Zoning Commission regarding Action Item No 5.

Consent Agenda and Discussion

1. January 19, 2022, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of January 19, 2022, and Regular Meeting of January 19, 2022.

2. PLH21-0050/PLT21-0033 MAGNOLIA

Rezoning

Move Planning and Zoning Commission recommend approval of Rezoning PLH21-0050, Rezoning from AG-1 to PAD for single-family residential, subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH21-0050 Magnolia for subdivision layout, subject to the conditions as recommended by Planning staff.

Preliminary Plat

Move Planning and Zoning Commission recommend approval of Preliminary Plat, PLT21-0033, subject to the condition as recommended by Planning staff.

Rezoning

Planning staff recommends Planning and Zoning Commission move to recommend approval of Rezoning from AG-1 to PAD for single-family residential, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled, "Magnolia" and kept on file in the City of Chandler Planning Division, in File No. PLH21-0050, 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. 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. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. If the landscaping already exists within such median(s) the developer shall be required to upgrade such landscaping to meet current City Standards.
6. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
7. A separate Preliminary Development Plan application shall be required for approval of the housing product.
8. Minimum setbacks shall be as provided below and further detailed in the development booklet:

Front	14 ft. to livable or side entry garage, 20 ft. to forward facing garage
Side Yards	Sides- 5 ft. and 10 ft., ***Lots 66 & 79 shall have an eastern side yard setback of 21 ft. and 5 ft. on west side
Rear	20 ft., Accessory buildings 10 ft.

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 "Magnolia" and kept on file in the City of Chandler Planning Division, in File No. PLH21-0055, 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. All lots along the west and east perimeter shall be constructed with single-story homes.
3. The site shall be maintained in a clean and orderly manner.
4. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.

Note: Stipulation No. 5A was modified as a result of the Planning and Zoning Commission's discussion during the Study Session:

5. The following enhanced landscape standards shall apply to the common open space and retention area along Riggs Road:
 - a. Fifty percent of the trees planted along the arterial streets shall be a minimum of 36-inch box and be a minimum of 12-feet in height at the time of planting.
 - b. A minimum of one (1) tree and six (6) shrubs per twenty-five (25) lineal feet of frontage on arterial or collector street rights-of-way.
6. The covenants, conditions, and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
7. 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

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 advised a stipulation was modified during the Study Session prior to the Regular Meeting. He requested Staff present the modified stipulation to the Commission and audience.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY asked Staff to clarify the Stipulation number that was modified.

LAUREN SCHUMANN, SENIOR CITY PLANNER presented the modified Stipulation reflected under Agenda Item No. 2, Preliminary Development Plan, Stipulation No. 5A.

3. PLH21-0052 BANK OF AMERICA – WIND PROJECT

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH21-0052 Bank of America - Wind Project to allow the installation of compact wind turbines on a parking garage, subject to the conditions as recommended by Planning staff.

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

1. Wind turbine installation shall be in substantial conformance with Exhibit A.
2. Wind turbines shall be painted to match the parking garage.
3. Signage shall be prohibited on or near the wind turbines, except for any required safety signage.

4. PLH21-0096 I10 PREMIER AUTO SALES

Move Planning and Zoning Commission recommend approval of Use Permit PLH21-0096 I10 Premier Auto Sales, 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 site shall be maintained in a clean and orderly manner.
3. On-site advertising of vehicles for-sale is prohibited.
4. All storage of vehicle shall occur only within the building or within the fully-screened outdoor vehicle storage area.

Note: Stipulation No. 5 was added as a result of the Planning and Zoning Commission's discussion during the study session:

5. Automotive services and repairs are prohibited on-site.

CHAIRMAN HEUMANN advised that an additional stipulation was added during the Study Session prior to the Regular Meeting. He requested Staff present the additional stipulation to the Commission and audience.

BEN CERECERES, CITY PLANNER presented the additional stipulation reflected under condition No. 9.

Consent Agenda Motion and Vote

CHAIRMAN HEUMANN asked if any members of the audience would like to discuss or hear any items on the Consent Agenda.

VICE CHAIRMAN ROSE moved to approve the Consent Agenda of the March 2, 2022, Regular Planning and Zoning Commission Meeting, with modified PDP Stipulation on No. 5A of Consent Agenda Item No. 2 and added Stipulation No. 5 on Consent Agenda Item No. 4; Seconded by COMMISSIONER MORGAN.

Motion carried unanimously (6-0).

Action Agenda Item No. 5 and Discussion

5. PLH21-0071 KERRY'S CAR CARE

KRISTINE GAY, SENIOR CITY PLANNER presented details regarding the request for Preliminary Development Plan approval for site layout and building architecture on an approximately 1.1-acre site, generally located south of the southeast corner of Cooper and Pecos roads.

A letter was presented to the Commission as Planning Staff received correspondence from the Applicant regarding the sound study.

CHAIRMAN HEUMANN clarified this request is not regarding zoning and the request is for Preliminary Development Plan approval only. He asked what else could go in according to the zoning?

KRISTINE GAY, SENIOR CITY PLANNER stated that C-2 commercial uses are all permitted, therefore a variety of uses including: restaurant, gym, office, personal service facilities, dry cleaners, manufactures, indoor recreational clubs, assembly halls etc.

CHAIRMAN HEUMANN pointed out, not all these other uses are totally quiet either.

COMMISSIONER VELASQUEZ asked how long has the existing landscape has been on the south property line against the homes and suggested in working with the residents, if a percentage of the trees could be 48-inch box, to provide larger screening materials in that zone.

CHAIRMAN HEUMANN stated that question can be addressed with the Applicant and advised Commissioner Velasquez that a Stipulation can be added to the Motion. He suggested that if a 48-inch box requirement is added that a size upon planting be added on as well.

JASON MORRIS, WITHEY MORRIS PLC pointed out there is a lot of neighborhood interest in this case and because of their input this proposed project is better. He explained, oftentimes Applicants cannot think of every aspect of what can occur, and the Applicant has benefited from the comments and feedback. He stated it is important for Kerry's Car Care to be a good neighbor because these neighbors are their clients and future cliental. He provided information regarding Kerry's Car Care's six locations across the valley and stated this site is for neighborhood use and is not a massive facility. He mentioned the surrounding uses are typical for an arterial with offices, traditional retail, and a gas station on the corner, he stated they do recognize there are homes to the west and the south. He emphasized in 2016 zoning and uses for this site was decided and this case is only a request for Preliminary Development Plan (PDP) approval. He presented an image of the General Plan and pointed out that commercial C-2 uses on this site are appropriate. He presented the proposed project to the Commission and stated because this is a request for PDP approval there is a focus on the site plan itself, the architectural layout, and the landscaping. He stated the car care center is not intended for fleet care and is scaled at a neighborhood size. He presented statements regarding the sound study and advised that it was conducted assuming that all eight car lifts were in use. He stated the proposed will use less than 20% coverage although 55% lot coverage is approved, he stated they are not maximizing the lot coverage for use of the site and that allows for open space and pointed out the generous landscape buffer. He presented aerial images of the proposed project to show the distance and landscaping buffer. He pointed out the neighbor to the south are homes, to the east is office, and to the north is an existing gas station facility. He stated the neighborhood initial meeting drew attention to what needed to be done in terms of additional trees, landscaping , and to bring in an acoustic study, so there could get a sense of the concerns and if there were any ameliorating factors they could be addressed. He stated the letter presented to the Commission this date is regarding the Applicant's

commitment and what they have agreed to do operationally beyond the stipulations of the case because of concerns brought up by neighbors at the meeting. He further stated the Applicant has agreed to rebuild and raise the common wall between the two properties. He mentioned the neighbors filed a petition and upon review the concerns listed within the petition were use based. He stated since the request is not for zoning and the use itself is already approved along with a host of other uses, the goal was to make this use the most compatible from a site plan and landscape standpoint. He stated at the second neighborhood meeting the noise study was discussed and he presented an image of the buffer to the south to show what the 40 extra feet looks like graphically. He presented the elevations and site plan of the proposed and what was previously approved. He explained the layout of the site plan, colors, materials, building height, and noise study. He further explained the noise study talks about the existing noise and the existing condition on Pecos and Cooper and what the impact would be overall adjacent to the neighbors and the conclusion is that there is no impact. He further stated it would not be noticeable change and the conditions that were studied do not consider the additional stipulations for noise control measures. He also mentioned the sound study contemplated all eight bays being utilized at once. He stated the Applicant investigated existing case studies and collected voluntary statements from neighbors near some similar facilities in adjacent residential areas to get a sense of what impacted if any occurred and to improve upon it at this site. He stated one of the neighbors stated parking was an issue and pointed out that the proposed has ample parking. He concluded that the proposed is for approval of a PDP and the proposed presented this date has a much better design, buffer, and landscape than what was approved in 2016. He thanked the commission and asked if there were any questions.

CHAIRMAN HEUMANN asked if there are any doors on the south elevation

JASON MORRIS, WITHEY MORRIS PLC responded there are no doors on the south side.

CHAIRMAN HEUMANN stated Jeannine Dinges and Tim Merritt will have three minutes to present statements to the Commission and Joseph Russo will have six minutes to present. He asked before speaking on the item to state your name and address for the record.

JEANNINE DINGES, 1960 EAST SPRINGFIELD PLACE stated that she and her husband moved out of Phoenix is to get away from their type of neighborhood setups and they chose this neighborhood in Canyon Oaks because it was very quiet, and it was not surrounded by commercial. She understood the corner was zoned for commercial in 2016, but she was under the impression that it was going to be the same type of business that were already existing in the area. She explained when Circle K popped up, a lot of things changed in the neighborhood since the business is 24/7. She stated there is the vehicle aspect, the lights are very bright, and there are always people coming and going. She presented concerns of having an additional vehicle type business next to Circle K, with more cars coming going during the day.

She stated it is already difficult for us to open our windows where we are located because it is very noisy and there is a problem on Cooper Road with drag racing going on. She explained her concerns are an additional car business escalating the existing issues with vehicles. She presented statements regarding the sound study and stated that she would be surprised if they kept the front door shut at all times, but her main concern is that a car type business will escalate the current issues as she witnessed a change in the area and does not wish to have another car type business in that location. She feels like a lot of people moved to this area for the same reason and now the area is changing because of the Circle K and bringing in another car type business would escalate the issues they are currently facing. She thanked the Commission for allowing her to present statements.

CHAIRMAN HEUMANN thanked Jeannine Dinges for her comments and confirmed there were no questions from the Commission.

TIM MERRITT, 1950 EAST SPRINGFIELD PLACE stated he in opposition of the Kerry's Car Care Auto Repair Shop and presented statements regarding the noise study and how it notates the sound study was on December 6, 2021, according to page 4, then within the study gave data on the date of November 19, 2021. He presented concerns as the report was not clear as to the date and that it was only done for one hour on one day . He stated he thought the baseline for sound would be taken throughout the day and was not sure if only an hour is appropriate to determine a baseline for sound. He is concerned with the additional noise the auto repair shop will cause and explained there are many homes within 100 yards of this place and inconceivable that that you would not be able to hear some of the things listed in the report such as car lifts and rachets. He stated the report notates those distinctive noises could be occasionally auditable when background traffic noise is quieter. He further stated there are going to be 900 cars a month coming through this facility, and it opens at 7:00 a.m., so on the weekends when we are trying to enjoy our backwards and its quiet, we are going to hear their noise. He explained the zoning allows for a variety of different types and would like the Commission to consider other types of appropriate tenants for this location. He stated Staff has done a great job on the Price Corridor and around the airport and stressed that this location is important to the neighbors, and he is concerned with the addition of projects that don't fit. He stated that he has lived here for 21 years and asked the Commission, how would you feel if somebody was going to put an auto repair shop next to your house. He stated that no one would want an auto repair shop next to their house over something else that is more neighborhood friendly and appropriate. He stated when viewing the aerial, you can see how close the homes are and he has never seen an auto repair shop butted up against homes like this as there is usually a larger building as a buffer to break up the harshness of the sound. He requested the Commission not approve this project and asked the Commission to understand the importance. He stated we need to find something fits this area better and pointed out that 100 neighbors have signed a petition in opposition to the auto repair shop because they do not feel it is appropriate and hopes the Commission considers this.

CHAIRMAN HEUMANN thanked Tim Merritt for his comments and confirmed there were no questions from the Commission. He stated Joseph Russo will be given six minutes as he is speaking on behalf of a group.

JOSEPH RUSSO, 2090 EAST FLINTLOCK WAY stated the assumption that this issue only deals with noise is totally misleading, it has to do with where automotive service garages should be located. He mentioned no one wants to live near an automotive repair garage with hazardous waste being introduced into the neighborhood and stated he wanted to focus on how the placement of the business in the middle of a highly concentrated single family home location is not out of character with other automotive service garages throughout Chandler and the surrounding region. He stated at the February 2, 2022, teleconference, the Applicant stated they had two examples of tire facilities, built in similar populated areas: 1350 South Riggs Road and 5975 South Gilbert Road. He explained the Applicant describe these automotive service garages near neighborhoods, one surrounded by 20 homes and the other 40 homes, but the aerial images provided by the Applicant were not true aerial views of the locations. He further explained all Kerry's Car Care locations and all sixty-three automotive service garages in Chandler are in major commercial areas and none are surrounded by homes. He stated he was not able to find any examples where automotive service garages were built in the center of such dense single family home developments as auto service garages are in predominantly major commercial development areas. He further stated, there are 518 single family homes surrounding this site and there are no examples where zoning has previously approved an auto garage being built in such a highly concentrated residential area. He pointed out the original site plan was for a 14-foot-tall residential retail store and this proposal is for a 30-foot-tall facility. He explained the business does not benefit the residential neighborhood and will not blend in with the surroundings as claimed by the developer. He stated the Applicant advised they could not find a more appropriate business due to the current economic conditions and explained that is not a valid reason to allow this type of business to be in an unacceptable location. He presented concerns as the Applicant was selective in how they presented aerial views. He stated aerial views of Kerry's Car Care was submitted to show they were predominantly in commercial areas with other automotive or other commercial. He explained the petition provided had aerial photographs that showed the 518 homes surrounding this proposed site and that when you look at aerial shots that are not selectively cropped, you see that they are in predominantly commercial areas.

CHAIRMAN HEUMANN asked Staff to show an aerial image.

JOSEPH RUSSO, 2090 EAST FLINTLOCK WAY stated this is the image the Applicant used to show the existing site was surrounded by 20 to 40 homes and pointed out that there is commercial on all four corners. He stated he viewed the aerial of 63 automotive locations in Chandler and all of them are in major commercial areas and nothing like our neighborhood. He explained when the aerial is not selectively cropped, you can see all the 518 nearby homes and he pointed out the petition had 10 signatures from the professional buildings alongside the site. He mentioned the

examples given by the Applicant are not true and their presentation has images that are cropped to look like there are not a lot of homes.

CHAIRMAN HEUMANN thanked Joseph Russo for his presentation and confirmed there was no questions from the Commission. He asked if there is anyone else in the audience who would like to speak on this item.

FRANK FARIA, 2056 EAST BROWNING PLACE stated he would like present statements. He asked the Commission if they would spend \$600,000 for a home with an auto repair shop behind it. He explained when his home was purchased two years ago, the realtor said the vacant space would be use for a small development like offices, beauty parlor, or nail salon. He explained if there was an appraisal on his home it would be worth over \$670,000 and asked, who is going to cover the difference in that equity when it drops by \$40,000 or \$50,000 because of the auto repair shop. He stated that he does not think its fair in today's world because everything else is going on to put an auto repair shop in a neighborhood where there are high valued homes. He stated after working all week he likes to enjoy his backyard on the weekend and does not want to hear an auto repair shop. He presented concerns regarding the hours operation and stated even if they are closed by 7:00 p.m. they might still be working on car inside and having service techs coming after hours to remove hazardous waste because they cannot do it during normal working hours. He thanked the Commission for their time and asked them to consider what would happen if this was your home.

CHAIRMAN HEUMANN thanked Frank Faria for his comments and confirmed there were no questions from the Commission. He asked if there was anyone else from the audience who would like to speak on this item.

JOSEPH RUSSO, 2090 EAST FLINTLOCK WAY asked if he could present further statements.

CHAIRMAN HEUMANN stated Joseph Russo can have one more minute and that he would need to speak at the microphone for the record.

JOSEPH RUSSO, 2090 EAST FLINTLOCK WAY gave an example of wind chimes in his backward and how they sound nice when the wind blows, but if he had to hear them all day long, he would take them down because it would be adding another layer of noise. He presented statements regarding the sound of traffic not being constant and the added layer of noise the auto repair shop will add. He stated the Applicant has never built an automotive repair shop this close to homes and its not appropriate. He further stated he has no issue on a retail store or other types of businesses, but auto repair is out of character.

CHAIRMAN HEUMANN asked the Applicant for final comments.

JASON MORRIS, WITHEY MORRIS PLC thanked the Commission and stated all the speakers from the neighborhood have a degree of validity and if this were a zoning case, much the statements

would be incredibly appropriate in terms of uses and the proximity of uses. He stated the issues raised regarding additional vehicles and activity are associated with land use and activity that is already approved. He pointed out that what is currently approved is a significantly larger commercial multitenant building without restrictions, so when discussing what occurs on the weekends or at night, there are currently no restrictions and a variety of uses could go in, even things that are active for 24 hours or later in the evening than 5:00 p.m. He mentioned in terms of overall traffic, there is less traffic associated with this application than the existing PDP, as this is an appointment-based business, and they take up to 30 appointments a day. He explained in the existing PDP there is less control and a significantly less buffer. He explained the sound study collected samples two separate days and that is why both of those days are referenced. He presented concerns regarding Joseph Russo's statements as the veracity of what we put out is incredibly important to us. He pointed out, one of the comments was "they are telling you that these things are next to homes, and they are not", he stated the Kerry's Car Care location in Phoenix which was included in the presentation is directly adjacent to residential. He further explained that it is directly adjacent in an historic neighborhood, Pearson Place, and it is a desirable place to live. He presented Mr. Russo's aerials showing the location in Glendale and pointed out the adjacent residential homes and presented further images from Mr. Russo of Kerry's Car Care locations and pointed out the nearby homes. He stated that Kerry's Car Care is for neighborhood use and it is sized for that use and meant to provide service to the neighborhood. He assured the Commission this is not a bait and switch and the letters from residents are from those who live next to the existing facilities. He stated the request is for PDP approval and based upon the side-by-side comparison, the uses, the directional buffer, the lack of traffic, additional buffer, decrease in size of the building, and the design of the building, makes this a superior plan than what is approved for PDP today. He recognized the neighborhood's concerns and stated many of the concerns that they raised made this a better plan.

CHAIRMAN HEUMANN pointed out that the Applicant presented a letter from someone on Riggs Road regarding an automotive business in south Chandler. He asked the Applicant to present the letter once again.

JASON MORRIS, WITHEY MORRIS PLC stated he presented excerpts of letters, but he has the whole letter if the Commission would like to see them.

CHAIRMAN HEUMANN stated he was curious of where that was in Chandler.

JASON MORRIS, WITHEY MORRIS PLC stated the location is at the southeast corner of Riggs and 116th Street and stated this is not a Kerry's location, this letter was from a resident from a property close to Tom's Auto.

CHAIRMAN HEUMANN asked if this letter is from a resident the same distance away.

JASON MORRIS, WITHEY MORRIS PLC stated this resident is a but further, but wanted to show feedback from someone in proximity to an auto repair shop.

COMMISSIONER VELASQUEZ asked if the door on the main bay door that gets you into the deep Bay service area is a stipulation or is that just a good faith element. He presented concerns regarding somebody else taking over and not following through.

JASON MORRIS, WITHEY MORRIS PLC stated it is a stipulation associated with this case and the PDP itself that the door be only be opened at times of ingress and closed at all other times.

COMMISSIONER QUINN asked what kind of HVAC systems are going to be used.

JASON MORRIS, WITHEY MORRIS PLC stated I believe roof mounted and screened.

COMMISSIONER QUINN asked if there was going to be air-conditioning.

JASON MORRIS, WITHEY MORRIS PLC confirmed there would be air-conditioning in the building.

COMMISSIONER QUINN pointed out that the door would be shut due to that aspect.

CHAIRMAN HEUMANN confirmed there were no further additional questions from the Commission and closed the floor for discussion. He asked if the Commission would like to make any comments regarding this item.

COMMISSIONER MORGAN stated the Applicant has put sufficient effort to mitigate the issues of the neighborhood and he understands the concerns coming from the residents. He explained after seeing the examples and looking up auto care centers, there are numerous locations near neighborhoods. He stated if that is the main issue compared to the noise; he does not see an automotive care garage as an issue.

COMMISSIONER QUINN stated the noise is very insignificant in these kinds of buildings and explained that this one of his specializations as he has worked on several public works facilities for municipalities. He further stated he has done many sound studies for much bigger facilities and considering the inverse square law, that has to do with the dissipation of sound over distance, and the modern version of vehicle maintenance shops where you pull into them instead of having lots of bays with the doors the noise from this facility will be insignificant.

VICE CHAIRMAN ROSE stated he was on this Commission when the Circle K came in and watched the neighborhood develop. He presented statements regarding the challenge with infill projects and stated when residents come out its great. He stated with the increased setbacks, increased landscape buffer, and raised fence; he is okay with making a recommendation of approval and for this to go to City Council.

CHAIRMAN HEUMANN explained as Applicant and Staff stated, this is not a rezoning case and since it a PDP basically only architecture approval is request. He remembered when this project came through the first time when he was on City Council and stated this is a better project because it is further away from homes. He stated due to the zoning this could be approved for all kinds of uses like a restaurant that is open until one in the morning. He further stated the parking lot was designed to be up against the neighborhood and the Applicant has done a lot for sound mitigation by adding extra trees and raising the block wall to be raised. He stated the use is permitted by right as this is not a zoning case and the only thing that we are deciding on is the architecture.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY reminded the Commission of the possible added Stipulation on this item.

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH21-0071 Kerry's Car Care for site layout and building architecture, subject to the conditions as recommended by Planning staff.

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 "PLH21-0071 Kerry's Car Care" and kept on file in the City of Chandler Planning Division, in File No. PLH21-0071 or the Development Booklet referenced in Ordinance No. 4711, 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. 4711 in case DVR15-0034 except as modified by condition herein.
3. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
4. Landscaping shall be in compliance with current Commercial Design Standards.
5. Raceway signage shall be prohibited within the development.
6. The air compressor shall be shielded with a minimum 6-ft high concrete masonry unit (CMU) walled enclosure with a solid rooftop constructed from minimum 5/8" thick tongue and groove plywood with built-up roofing or other material with similar thickness and sound proofing qualities. The access door shall be a solid core wood or metal panel door to form a continuous barrier to prevent sound transmission.

Action Agenda Item No. 5 Motion and Vote

COMMISSIONER KOSHIOL moved to approve Action Agenda Item No. 5 of the March 2, 2022, Planning and Zoning Commission Meeting; Seconded by COMMISSIONER QUINN.

COMMISSIONER VELASQUEZ stated he would like to add the following stipulation: at the time of planting, 33% of the trees to the south and east of the facility shall be a minimum 48-inch box and at an appropriate height as recommended by staff.

COMMISSIONER KOSHIOL confirmed that she would like to add the stipulation from Commissioner Velasquez to her motion to approve Action Agenda Item No. 5 of the March 2, 2022, Planning and Zoning Commission Meeting; Seconded by COMMISSIONER QUINN.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY stated that it is preferred to have a motion with the stipulation with a set height.

CHAIRMAN HEUMANN stated he will accept the motion as the motion maker has confirmed on record that she would like to add the stipulation and it has been seconded.

KEVIN MAYO, PLANNING ADMINISTRATOR stated that Stipulation No. 14 and No. 15 were added and will need to be read into the record.

CHAIRMAN HEUMANN stated there is a motion on the floor, however as the Commission has not voted, Staff is able to read aloud the added stipulations.

KRISTINE GAY, SENIOR CITY PLANNER read aloud the added Stipulations reflected under Stipulations No. 14 and No. 15.

CHAIRMAN HEUMANN announced the Chairman recognizes that the vote will include the Stipulation requested by Commissioner Velasques and Stipulations No. 14 and No. 15 as read by staff.

Motion carried unanimously (6-0).

Member Comments/Announcements

CHAIRMAN HEUMANN advised the audience that the Planning and Zoning Commission is a recommending body to the City Council and Kerry's Car Care will be on the City Council agenda for March 21, 2022, Study Session and March 24, 2022, Regular Meeting. He stated if this item is on the Action Agenda it can be discussed at the March 24, 2022, Regular Meeting.

CHAIRMAN HEUMANN commented on the current events happening in the Ukraine, he hopes this this will be resolved in a peaceful manner and hearts and prayers for the people.

7. The site shall be maintained in a clean and orderly manner.
8. All mechanical equipment, including HVAC, utility meters, etc. shall be screened from view by material(s) that are architecturally integrated and consistent with the proposed buildings.
9. The building shall be limited to a maximum of one overhead vehicular service door. The location of said door shall be limited to the north facade and shall remain closed except when vehicles are moved for service, or for other necessary operational needs.
10. The final site development plan shall retain a landscape buffer along the south portion of the property in substantial conformance to the approved site plan, as kept on file in Case No. PLH21-0071.
11. Existing landscaping along the south perimeter of the property shall be protected in place or replaced in kind such that an equivalent amount of screening is provided at the time of planting. In no such case shall a tree smaller than a 36-inch box and twelve feet in height be planted.
12. An additional row of trees shall be planted along the southern property line and offset from the existing row of trees to achieve an equivalent amount of screening as approved as part of DVR15-0042.
13. All new trees required to be planted along the arterial street and south boundary of the development shall be a minimum of 36-inch box and twelve-feet in height at the time of planting. Said trees shall be maintained such that they block view of the proposed building from surrounding residential properties.

Note: Stipulations No. 14 and No. 15 were added at the Planning and Zoning Commission Hearing date:

14. As shown in the site exhibit, the location of auto repair areas shall be limited to the interior of the proposed building.
15. The applicant shall work with staff to enhance the south and east elevations.

Note: Stipulation No. 16 was added as a result of the Planning and Zoning's discussion:

16. At the time of planting, 33% of the trees planted to the south and east of the facility shall be a minimum 48-inch box. The remaining 2/3 of trees to be planted shall be a minimum 36-inch box and a minimum 12 feet in height. All trees shall be maintained such that they block view of the proposed building from surrounding residential properties.

Calendar

The next regular meeting will be held on Wednesday, March 16, 2022, in the Chandler City Council Chambers, 88 E. Chicago Street.

Adjourn

The meeting was adjourned at 6:54 p.m.



Kevin Mayo, Secretary



Rick Heumann, Chairman