

Meeting Minutes

Planning and Zoning Commission

Regular Meeting

October 19, 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 5:40 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
Commissioner Kyle Barichello

Staff Attendance

Derek Horn, Development Services Director
Kevin Mayo, Planning Administrator
David de la Torre, Planning Manager
Lauren Schumann, Senior City Planner
Alisa Petterson, Senior City Planner
Harley Mehlhorn, City Planner
Tulili Tuiteleleapaga – Howard, Planning Intern
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 HEUMANN announced the Consent Agenda would be voted on by one motion and confirmed there were no questions or comments regarding said agenda. He further announced the Action Agenda would be heard following the vote of the Consent Agenda.

Consent Agenda and Discussion

1. September 7, 2022, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of September 7, 2022, and Regular Meeting of September 7, 2022.

2. PLH22-0053 Data Centers

City of Chandler initiative amending the city zoning code by adding a section regulating data centers. Proposed amendments include clarifying permitted use, regulations for sound attenuation and acoustic testing, as well as regulations for backup power generation.

Move Planning and Zoning Commission recommend approval of an amendment to Chapter 35 - Land Use and Zoning for PLH22-0053 Data Centers, by adding a section regulating Data Centers.

3. PLH21-0089 MCQUEEN LIVE WORK

Request Rezoning from Planned Area Development (PAD) for commercial uses to Planned Area Development (PAD) for a mixed-use development and Preliminary Development Plan approval for site layout and building architecture on approximate 1.5-acre site, located north of the northwest corner of McQueen and Warner Roads.

Move Planning and Zoning Commission recommend approval of PLH21-0089 McQueen Live Work, Rezoning from Planned Area Development (PAD) for commercial uses to Planned Area Development (PAD) for a mixed-use development, subject to the conditions as recommended by Planning staff.

Planning staff recommends Planning and Zoning Commission move to recommend approval of Rezoning from Planned Area Development (PAD) for commercial uses to Planned Area Development (PAD) for a mixed-use development, subject to the following conditions:

Rezoning

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. PLH21-0089, 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. Permitted uses include Medium Density Residential and Neighborhood Commercial subject to the following:

- A. Medium Density Residential shall not exceed a density of eight (8) dwelling units per acre.
- B. Permitted commercial uses shall be those permitted in the Neighborhood Commercial District except:
 - i. Restaurants or cafés shall not exceed two hundred and fifty (250) square feet of serving area.
 - ii. The following commercial uses shall be prohibited: Dental offices, medical offices, excluding psychiatry and counseling services, medical clinics including veterinarians, bars, cocktail lounges, automotive repair services, animal daycare, recreational assembly, entertainment activities, childcare, preschools, educational facilities offering any grades from kindergarten to 12th grade, churches and other places of worship, gymnasiums, fitness centers, martial arts studios, laundromats, drive-through uses, and music or dancing conservatories or schools.
- 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.
- 4. 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.
- 5. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.

Preliminary Development Plan

- 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. PLH21-0089, 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. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.

3. 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.
4. All mechanical equipment shall be fully screened on all sides. Said screening shall be architecturally integrated with the building.
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.

Note: Stipulation No. 6 was added as a result of the Planning and Zoning Commission's discussion during the Study Session:

6. Fifty percent of the trees planted along McQueen Road shall be a minimum of 36-inch box and a minimum 12-feet in height at the time of planting and fifty percent of trees planted along McQueen Road shall be a minimum of 48-inch box at the time of planting.

CHAIRMAN HEUMANN asked staff to read aloud the added stipulation.

HARLEY MEHLHORN, CITY PLANNER read aloud added stipulation No. 6 reflected under the Preliminary Development Plan stipulations.

4. PLH22-0035 THE DISTRICT DOWNTOWN

Request Rezoning from Planned Area Development (PAD) for office, retail, and hotel to PAD for mixed used development including multi-family, office, commercial uses as permitted under Community Commercial (C-2) type uses a with Mid-Rise Overlay allowing for heights up to 120 feet, as well as Preliminary Development Plan (PDP) approval for site layout and conceptual building architecture for approximately 44.7 acres located at the northwest corner of Arizona Avenue and the SanTan 202 Freeway.

Rezoning

Move Planning and Zoning Commission recommend approval of Rezoning PLH22-0035 The District Downtown, Rezoning from Planned Area Development (PAD) for office, retail, and hotel to PAD for mixed used development including multi-family, office, and commercial uses as permitted under Community Commercial (C-2) type uses a with Mid-Rise Overlay allowing for building heights up to 120 feet, subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH22-0035 The District Downtown for site layout and conceptual building architecture, subject to the conditions as recommended by Planning staff.

Planning staff recommends Planning and Zoning Commission move to recommend approval of Rezoning from PAD for office, retail, and hotel to PAD for mixed used development including multi-family, office, and commercial uses as permitted under Community Commercial (C-2) type uses with Mid-Rise Overlay allowing for building heights up to 120 feet, subject to the following conditions:

Rezoning

1. Development shall be in substantial conformance with the conceptual plans included in the Development Booklet, entitled, "The District Downtown" and kept on file in the City of Chandler Planning Division, in File No. PLH22-0035, 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. Building heights shall not exceed 120 (one hundred and twenty) feet in height as measured to the top of parapet of the building façade.
3. Commercial development must occur prior to any multi-family use under Phase I.
4. Residential density shall be permitted up to a maximum density of forty-five (45) dwelling units per acre for Parcel 5 and fifty-two (52) dwelling units per acre for Parcel 4.
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting, to achieve conformance with City codes, standard details, and design manuals.
6. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s) the developer shall be required to upgrade such landscaping to meet current City Standards.
8. 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.

9. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.

10. Minimum building setbacks shall be as follows:

Property Line Location	Minimum Building Setback
Arizona Avenue	30 feet
Pecos Road	30 feet
West	20 feet
South	10 feet

Note: Stipulation No. 11 was added as a result of the Planning and Zoning Commission's discussion during the Study Session:

11. Commercial development must occur adjacent to Arizona Avenue in Parcels 1 and 2, excluding any mixed-use building, prior to any multi-family use on Parcel 4, as depicted within the development booklet on the site plan.

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

Preliminary Development Plan

1. Development shall be in substantial conformance with the conceptual plans included in the Development Booklet, entitled, "The District Downtown" and kept on file in the City of Chandler Planning Division, in File No. PLH22-0035, 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. As part of the Administrative Design Review process, where staff determines the proposed site improvements do not achieve a high-quality interconnected mixed-use development, the request may be reverted to Council for approval of a revised Preliminary Development Plan.

Note: Stipulation No. 3 was modified as a result of the Planning and Zoning Commission's discussion during the Study Session:

3. As part of the Administrative Design Review process, where staff determines that the proposed building design does not achieve a high-quality architectural design as rendered in exhibits within the Development Booklet, the request shall require an amended Preliminary Development Plan.
4. Phase 1 shall include all off-site improvements and landscaping along Arizona Avenue and Pecos Road.

5. The developer shall provide tree-lined sidewalks connecting all uses within the development.
6. The developer shall provide at a minimum a passenger loading area for each multi-family parcel, office, and one for each commercial parcel (1 & 2).
7. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
8. Fifty percent of the trees planted along Arizona Avenue and Pecos Road shall be a minimum of 36-inch box and 12-feet in height at the time of planting.
9. Except as shown in the Development Booklet, all signs shall comply with Chapter 39, Sign Code, of the Chandler City Code.
10. 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. Building signage shall be architecturally coordinated with the respective façade.
11. All roof-mounted mechanical equipment shall be fully screened on all sides. Said screening shall be architecturally integrated with the building.
12. 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.
13. The mesquite tree species shall be replaced with another species from the City approved low-water use plant list.
14. Electric vehicle charging stations shall be provided in each parcel.

CHAIRMAN HEUMANN asked staff to read aloud the added and modified stipulation.

LAUREN SCHUMANN, PRINCIPAL PLANNER read aloud added Zoning stipulation No. 11 and modified stipulation No. 3 of the Preliminary Development Plan.

5. PLT22-0013 CHANDLER AIRPORT BUSINESS CENTER

Request Preliminary Plat approval for a new industrial development located at the northwest corner of Queen Creek and Cooper roads.

Move Planning Commission recommend approval of Preliminary Plat PLT22-0013 Chandler Airport Business Center, as recommended by Planning staff.

6. Cancellation of the November 2, 2022, Planning and Zoning Commission Hearing

Move Planning and Zoning Commission cancel November 2, 2022, Planning and Zoning Commission Hearing.

Consent Agenda Motion and Vote

Vice Chairman Rose moved to approve the Consent Agenda of the October 19, 2022, Regular Planning and Zoning Commission Meeting, with added stipulation No. 6 on Consent Agenda Item No. 3 and added Zoning stipulation No. 11 and modified stipulation No. 3 of the Preliminary Development Plan on Consent Agenda Item No. 4; Seconded by Commissioner Morgan.

Motion carried unanimously (7-0).

Action Agenda

7. PLH21-0063 BACKYARD CHICKENS

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding City of Chandler initiative amending the city code to allow chickens to be kept on single-family residential lots. Proposed amendments include adding the definition of a chicken coop to Chapter 35-Land Use and Zoning and modifying Chapter 14-Animals to regulate the keeping of chickens in residential backyards.

CHAIRMAN HEUMANN clarified the purview of the Planning and Zoning Commission regarding Action Agenda Item No. 7 is the definition of a chicken coop and the fact of having chickens or not having chickens will be the purview of Mayor and Council on November 10, 2022. He asked the Assistant City Attorney for further clarification.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY stated the Action Agenda Item No. 7 is simply a vote on the definition of a chicken coop that is going in Chapter 35 of the City Code. He explained the public will have a chance to address the City Council on November 10, 2022, when the actual vote is about allowing chickens or not. He reiterated tonight is to discuss the definition of a chicken coop.

CHAIRMAN HEUMANN asked of the one-hundred eighty-five people who were vocal online in favor of chickens, how many live within a homeowners association (HOA).

LAUREN SCHUMANN, PRINCIPAL PLANNER stated that information is unknown at this time but she would get it.

CHAIRMAN HEUMANN asked staff to have that number when this is presented to Council as this doesn't pertain to those who live in HOAs, as they are likely to have their own rules regarding chickens.

COMMISSIONER BARICHELLO thanked staff for the presentation. He pointed out if someone were to have a one hundred twenty square foot chicken coop, they could not build an accessory building. He asked if people with larger lots would have to choose between a chicken coop and an accessory building or if they could have both. He asked if staff had any suggestions for people who could want both.

LAUREN SCHUMANN, PRINCIPAL PLANNER explained if the structure is one hundred twenty square feet and not taller than seven feet, then it is considered a chicken coop and when it goes larger than one hundred twenty square feet or taller than seven feet then it becomes an accessory building. She further explained, an accessory building must meet setbacks and maximum lot coverage and could have a chicken coop attached to it as part of the building.

COMMISSIONER QUINN asked if the coop is larger than one hundred twenty square feet, would it take place of your accessory building or it could be built in conjunction with an accessory building. He further asked if it is below one hundred twenty square feet if it replaces a storage shed.

LAUREN SCHUMANN, PRINCIPAL PLANNER clarified one will be able to have one storage shed and one chicken coop.

CHAIRMAN HEUMANN pointed out the image on the presentation has a very nice chicken coop, but, he has seen homemade chicken coops that are made of chicken wire, plywood, and painted many colors. He pointed out there was an example of a twenty-seven hundred square foot lot on the presentation and presented concerns for smaller lots. He asked where the chicken coop could go on a smaller lot.

LAUREN SCHUMANN, PRINCIPAL PLANNER stated the setback is used to create a buffer from the adjacent neighbors. She explained the ones she looked at were pretty tight and five feet would almost seem impossible for them to get chickens as they would not be able to put them in a coop.

CHAIRMAN HEUMANN pointed out numerous other cities were mentioned in the presentation and stated, although we would like to compare, Chandler is on a different level than other cities. He confirmed there were no further questions or comments from the commission for staff.

CHAIRMAN HEUMANN stated the individual speakers will be given three minutes and called up the first speaker.

DAVID DELGADO, 2160 E HALET DR stated he was not for or against chickens, but he has several questions and asked if a permit would be required or would chickens just be allowed. He presented concerns regarding lost and abandoned dogs and cats and asked how the city is going to deal with lost or abandoned chickens. He suggested the chickens be micro-chipped and tracked; therefore, code enforcement can scan them to find the owner. He mentioned the presentation contained a list of cities that allow chickens and he asked how long those ordinances have been in effect. He further suggested if the chickens do not require permits, that there be inspections to ensure upkeep. He stated there should be a height requirement on fences from neighbor to neighbor and asked if a chicken run would count towards the measurements of the chicken coop and what the ground would be like inside the chicken run. He asked if somebody has an existing shed a couple of feet from a wall and they want to have chickens, would they have to attach the chicken coop to the shed and does that five-foot requirement now kicking in. He asked how the chickens were going to be fed and if it was in a confined area like the coop as the food could attract other birds and lead to issues with wild birds waiting on roof tops for pet chickens to be fed.

CHAIRMAN HEUMANN asked staff to address David Delgado's questions.

LAUREN SCHUMANN, PRINCIPAL PLANNER explained staff discussed a permit requirement with City Council during work session meetings, but ultimately it was turned down, therefore no chicken permit would be required. She further explained there would be too much red tape with verify signatures for a permit requirement and was not sure how micro-chipping chickens would work. She clarified the chicken run would be considered part of the chicken coop, therefore, it could not be separate and would need to be attached to the coop. she further clarified there are no regulations regarding the ground material for the chicken run. She explained if somebody had an existing shed, which does not require a building setback, and they were to attach a chicken coop to it; it would need to meet the setback, because then it would be considered a chicken coop.

CHAIRMAN HEUMANN stated he has several speaker cards asking for Leslie Minkus to speak on their behalf and pointed out there were several more speaker cards than people present. He announced that Leslie Minkus would be given fifteen minutes and reminded the audience that the Commission's purview is regarding chicken coops. He stated the following cards were presented this date indicating that they would like Leslie Minkus to speak on their behalf:

Miriam Jones, 2734 E Birchwood Place - Oppose
Phyllis Minkus, 3372 E Gemini Court - Oppose
Brian Fox, 1871 W Longhorn Drive - Neutral
Linda Sawyer, 1158 W Linda Lane - Oppose
Robert Sawyer, 1158 W Linda Lane - Oppose
Caroyn Arkins, 1180 W Linda Lane - Oppose
Debbie Oehler, 1180 W Linda Lane - Oppose
Wayne Oehler, 1180 W Linda Lane - Oppose
Darlene Ankle, 750 N Karen Drive - Oppose

Robert Stevens, 740 N Karen Drive - Oppose
Richard Yanno, 780 N Karen Drive - Oppose
Mary Yanno, 780 N Karen Drive - Oppose
Mary Smith, 875 N Apache Drive - Oppose
Joanne Noble, 1101 W Ivanhoe - Oppose
Dalton Smith, 875 N Apache Drive - Oppose
Loretta Miller, 800 N Alma School Road - Oppose
Craig Davis, 780 N Chippewa Drive - Not Indicated

CHAIRMAN HEUMANN asked the clerk to set the timer at fifteen minutes and reminded the audience that the Commission is not voting on whether chickens are allowed or not and that is Mayor and Councils purview.

LESLIE MINKUS, 3372 E GEMINI COURT stated nine years ago, he argued the same situation as the city and the voters did not have the interest in having backyard chickens and it was defeated at that time. He explained the city has grown substantially population-wise to about 280,000 people and commercially/business-wise and although the presentation listed off cities that allow chickens, not all of them are cities. He further explained, Gilbert is not a city and that is why it has a town council. He stated the characteristics of a city is there is more non-agricultural activity than agricultural activity. He further stated there was a number presented indicating if people were yay or nay and he did not believe staff extended out communication as hard as they should had to figure the number of residents in Chandler that really want an amendment to the ordinance that would allow chickens. He presented concerns regarding the nuisance that can occur on smaller properties for neighbors. He presented further concerns regarding the City Clerk's Office losing a petition containing three hundred signatures of Chandler residents that are opposed to backyard chickens and losing his presentation for tonight that he turned in the day prior. He stated fortunately he had his presentation with him tonight and they were able to upload it again; however, it is wrong that the City Clerk's Office cannot find things provided to them that is in opposition to backyard chickens. He presented images of code and alley violations and stated there are several violations throughout the community going on for years without being corrected. He further stated when asked about chickens code enforcement stated they anticipate most complaints being noise and smell and that these kinds of complaints are hard to measure and enforce. He further stated code enforcement typically works during regular business hours 8:00 a.m. - 5:00 p.m. Monday through Friday; therefore, if one wanted to report something outside those hours or on the weekend, they would have to wait until the next business day. He explained there are various health issues such as upper respiratory diseases and asthma and furthermore, a study that was conducted, September 22 of 2022 by the CDC that showed 40,700,000 birds, including backyard chickens and commercial chicken, were infected by H5N1. He further explained this is happening mostly in other states, but infected bird could fly over and leave droppings in a backyard and infect chickens and other birds. He presented concerns with the banding and slaughtering of chickens for meat and due to the danger of viruses being transmitted to humans. He presented slides illustrating how chickens are able to escape their backyards and

enclosures and stated these issues would have to be enforced by code enforcement; however, they are not allowed to enter somebody's backyard without a warrant or court order, so they can only enforce what they can see from the periphery of the property. He stated while HOAs have CCNRs to protect their members from having farm animals in their properties, they cannot enforce this rule on therapy pets, and chickens can be used as a therapy animal. He further stated even if a HOA does not allow chickens, they could still be a nuisance to those who live bordering areas without HOAs. He further stated they could get chickens in their yard who have escaped, noise, and feathers due to molting. He explained that chickens can attract predators such as raccoons, coyotes, and hawks. He further explained these predators could be lured into neighborhoods by the chickens, but then attack dogs, cats, and children. He mentioned PETA could have issues with the mistreatment of chickens due to the heat exposure chickens would have to endure during the summer. In concluding his presentation, he showed images of predators, a study conducted by the CDC, and Next-Door posts in opposition to backyard chickens.

CHAIRMAN HEUMANN confirmed the Commission did not have any questions and thanked the speaker.

COMMISSIONER MORGAN asked if there are any kind of stipulations that can be added regarding how the coops have to be made or amenities to ensure the safety of the chickens.

KEVIN MAYO, PLANNING ADMINISTRATOR stated all aspects of the regulation of chickens, if approved will be in Chapter 14 and the only thing regarding chickens in Chapter 35 is the definition of a coop, in the definition section of the zoning code. He explained we do not regulate through definitions, as we regulate through various sections within the zoning code, but nothing about chickens is going to be in the zoning code. He stated it would not be appropriate to regulate how it is constructed or that it must be locked at night or secure. He further stated all regulation would be in Chapter 14.

LESLIE MINKUS, 3372 E GEMINI COURT stated he would like to point out the Council vote is being pushed through December 2022. He further stated, the new Council members are going to be sworn in January 2023 and there is no reason for this item to be pushed through until the new Council members come on. He explained the Council members who are leaving will not have any responsibility or obligation to the community and there is no reason why they cannot wait until January when the new Council members come in.

CHAIRMAN HEUMANN thanked Mr. Minkus for bringing up those points and explained it would be up to the Council to make that decision. He stated the Planning and Zoning Commission is a recommending body to Council and tonight the Commission's purview is on the definition of chicken coops. He thanks Mr. Minkus again and stated many of the points he brought up were valid, but he would want to direct them more towards City Council.

RUTH JONES, 2734 EAST BIRCHWOOD PLACE thanked the Commission as she was once a Planning and Zoning Commissioner and appreciates their service. She presented concern as she felt the presentation tonight was disingenuous as it was about allowing chickens, although the Commission is only voting on the definition of chicken coops. She stated an individual who notated their opposition did not show on the list of opposing voices and there are many people who are not being heard. She presented further concerns for materials and standards of the chicken coop and asked for the code to be clearer regarding the definition. She explained only listing the measurement requirements is not sufficient and asked if the structure will be required to match the building as all other cities that have this in their code. She stated other cities also require coops to match the building and be aesthetically pleasing. She further explained most cities that allow chickens also include a requirement for a chicken run that must be enclosed, and the chickens must remain for the purpose of the animal's safety. She echoed the statements of Mr. Minkus regarding predators and stated if the definition for the structure does not create protection than the Commission is allowing a menace into our community. She asked before approval that the code have a clearer definition regarding the appearance of the structure, materials, percentage of chicken wire to building etc. She urged the Commission to have staff write a definition that is more complete and works for the city. She stated chickens are going to be decided by the Council and asked for the Commission not to approve the definition until it is properly written.

CHAIRMAN HEUMANN confirmed the Commission did not have any questions and thanked the speaker. He further confirmed there were no members of the audience who would like to speak on this item and closed the floor. He asked the Assistant City Attorney to clarify if chicken coop quality is under the purview of the Commission, as he does not wish to have a requirement regarding the amount of chicken wire to building, but this is Chandler and we have great quality here.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY stated the item on the agenda tonight is for the definition of a coop and to the extent the Commission wishes to tie in any additional recommendations to Council to that definition. He stated how the Commission wants to word that is up to them and they have the ability to make recommendations to Council as they see fit; therefore, the Commission can add recommendations as are related to a chicken coop.

CHAIRMAN HEUMANN presented concerns regarding the sight of chicken coops in traditional neighborhoods and stated he would like to see the wording change that the coop cannot be above the fence line from the property line as some fences could be five or six feet. He asked how the wording could be changed to address quality and the concerns brought up by Commissioner Morgan and Ruth Jones.

COMMISSIONER QUINN stated staff has made a good gesture, as the coops are to be no larger than one hundred twenty square feet. He explained the city is not managing sheds until it hits over one hundred twenty square feet or over seven feet tall, then one must go through the building permit process. He further explained once the structure is over that amount, then it is a

more substantial structure that will have to go through full plan review that verifies the structure and foundation and the measurements in the definition will lead most to go purchase a coop from a retail store. He stated the definition leads us to a level of the quality.

COMMISSIONER BARICHELLO stated he is hesitant to add too much in the definition would like to avoid it becoming a long-convoluted definition. He explained the comments and input received by the city is not going unnoticed. He stated if there is a need for review of quality of design, perhaps the square footage or height should be lower.

COMMISSIONER KOSHIOL presented concerns regarding the structural integrity of makeshift coops made of pallets and chicken wire versus something more structurally sound, regardless of whether it is more or less than one hundred twenty feet. She stated she would like there to be further definition requirements regarding safety to ensure the structure is safe from the inside out.

CHAIRMAN HEUMANN stated the points made here tonight are very valid and it is important that the chickens be confined so they do not get loose in neighborhoods. He mentioned he was at the Council Work Session where there was discussion of feral chickens, and he does not believe microchipping or putting collars on chickens would work.

COMMISSIONER MORGAN presented concerns as the definition reads "a small structure that is used as a cage or housing enclosure". He stated using the word cage could allow people to put up chicken wire and posts for their coop.

VICE CHAIRMAN ROSE stated he is concerned with safety and mentioned he saw a coyote earlier today. He further mentioned what strong monsoon winds do to trampolines and would like to prevent that from happening to chicken coops. He would like to look further into this and code enforcement regarding how to regulate what is safe for the neighborhoods.

CHAIRMAN HEUMANN thanked the Commission Members for their comments. He stated he feels strongly about coops being no higher than the fence line and asked staff for their thoughts in terms of adding quality and confinement for the purpose of safety.

KEVIN MAYO, PLANNING ADMINISTRATOR stated staff can help guide the Commission through this discussion and mentioned in the recent past an amendment was added to codify the requirement that an accessory structure must carry the same architectural style as the primary structure. He presented statements regarding visibility from neighboring properties and stated most fences and walls in Chandler subdivisions are six feet tall. He stated as written if coops are greater than one hundred twenty square feet and seven feet in height, it would count as your accessory structure that must follow the architectural requirements to tie back to the primary structure. He mentioned the possibility of limiting coops to under the six feet, therefore they cannot be seen from a neighboring property and the accessory structure requirements must be

followed by anything taller. He stated that could be one way to change the definition to help regulate.

CHAIRMAN HEUMANN stated that is an interesting concept asked if wording could be added to change the height requirement to be "below the fence line" and for the chicken coop to be "secure" to prevent free roaming chickens.

KEVIN MAYO, PLANNING ADMINISTRATOR stated to regulate how a structure is used and if someone left is gate open, are they now in violation is not in definitions, but would be found in animal regulations Chapter 14. He stated the Commission could probably pass recommendations for Council to consider and staff can put that in in our notes. He further stated the Commission is looking for something that is voted on and the Commission can vote on comments to forward to Council, but those things do not belong in the definition. He explained the code definition does not have anything about the aesthetic of accessory buildings or sheds as it only describes what it is. He further explained the regulation is found elsewhere in the code and as the Planning Administrator he believes it is imperative that regulations are placed appropriately in the code what goes into the definitions.

CHAIRMAN HEUMANN asked the Assistant City Attorney if a motion was made say, the definition of a chicken coop is no higher than the fence line and we are recommending to the Council that Chapter 14 regulate coops in in such a way that they are a secure facility so chickens are not free roaming, would that suffice in terms of a motion this Commission can make.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY stated that would be appropriate and further stated the motion should be clear that the Commission is approving the definition of chicken coop as presented by staff with the recommendation that the definition be amended to the height you want in the definition. He explained to make the motion that includes height to the definition with additional recommendations to Council for items go that under Chapter 14.

CHAIRMAN HEUMANN asked if setbacks could be added.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY stated setbacks would be a recommendation for the Council to consider.

COMMISSIONER QUINN stated he rather have a clear height for the definition. He further stated the wording, "below the fence line", has the potential for homes to have different rules others. He explained if my fence is taller than your fence, I have a higher height requirement. He stated if the Commission is going to make a recommendation on height, it should be a maximum six feet tall as most walls in neighborhoods are six feet tall. He explained if the coop is under that height of six feet, it will not count as accessory building, regardless of its size.

CHAIRMAN HEUMANN stated if the definition of the height is no higher than the wall, they will have to get approval for the coop if the height is taller than the wall, no matter if the wall heights are different.

COMMISSIONER QUINN stated that creates different rules for the city to follow on what gets permitted. He gave an example if my fence is four feet ten inches, my chicken coop can only be at that height, but you have a six-foot fence and can have a six-foot high coop and I would have to get a permit to have the same thing.

CHAIRMAN HEUMANN asked staff to clarify the requirement for a permit.

KEVIN MAYO, PLANNING ADMINISTRATOR stated as part of the group who enforces our zoning code, it is very challenging to have something that says "no higher than the fence line" because the grades can be different on either side of the fence. He further stated there are different heights of fences some are four feet, some are ten feet, there are some people who have fourteen-foot sound walls. He explained I understand what you are trying to do with the fence height, but it will be challenging to enforce and challenging for a property owner to see somebody next door that has a six-foot coop when they can only have a four foot. He further explained it just becomes challenging to enforce.

CHAIRMAN HEUMANN stated he understood where staff is coming from and mentioned below the fence line is a clearer definition. He explained he does not want to see chicken coops and they have the right to build a taller fence.

COMMISSIONER KOSHIOL asked how staff arrived at the seven-foot height as outlined in the recommendation and asked if its commensurate with what an accessory structure.

KEVIN MAYO, PLANNING ADMINISTRATOR replied yes, with other structures already permitted the code like a storage shed or accessory structure it slotted within those. He stated if a storage shed is above seven feet, it requires a permit and we would count as an accessory structure.

COMMISSIONER KOSHIOL thanked staff and stated if there is a concern with setting a height, I would suggest we could consider six-feet instead of the seven-feet.

CHAIRMAN HEUMANN asked staff to present the definition and asked staff to add to the definition the chicken coop cannot be visible from above the wall and cannot be larger than seven feet in height. He asked staff if they could also create wording a recommendation to Council to make the structure more secure and address the comments brought up by the citizens tonight.

DAVID DE LA TORRE, PLANNING MANAGER presented statements regarding changes made to the definition and read aloud the revised definition as follows: A small structure that is secure and used as a housing enclosure for chickens. A chicken coop includes any "chicken run" or attached

enclosure in which chickens are allowed to roam. A chicken coop shall not exceed the height of the surrounding property wall. A chicken coop exceeding on hundred and twenty (120) square feet in size or seven (7) feet in height, requires a building permit and is considered an accessory building for purposes of Section 35-2202.

CHAIRMAN HEUMANN stated he liked the changes and asked the Planning Administrator if this addresses the discussion earlier regarding the changes in code.

KEVIN MAYO, PLANNING ADMINISTRATOR responded that is correct and presented statements regarding the square footage and height.

CHAIRMAN HEUMANN stated he would like to make a motion if there are no further questions or comments.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY suggested the motion be the Commission is recommending approval of the definition as amended by staff.

Action Agenda Motion and Vote

Chairman Heumann moved to approve the Action Agenda of October 19, 2022, Regular Planning and Zoning Commission Meeting; the Commission is recommending approval of the definition as amended by staff; Seconded by Commissioner Velasquez.

Motion carried (5-2), Vice Chair Rose and Commissioner Quinn dissenting.

Member Comments/Announcements

COMMISSIONER KOSHIOL stated that this Saturday, October 22, 2022, is For Our City Day. She explained For Our City Day is opportunity for citizens of Chandler help revitalize neighborhoods and spend time doing great things for those in the community. She stated it is an annual event held in October and encouraged everyone whose interested in participating to look online for volunteer opportunities on Saturday.

CHAIRMAN HEUMANN thanked Commissioner Koshiol for mentioning For Our City Day and stated hundreds of people volunteer and are sent to different areas of the city to help clean up. He stated it's a great program and thanked the Commissioner again for bringing it up.

Calendar

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

Adjourn

The meeting was adjourned at 6:58 p.m.



Kevin Mayo, Secretary



Rick Heumann, Chairman