

Meeting Minutes

Planning and Zoning Commission

Work Session

February 16, 2022 | 4:30 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 4:31 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
Harley Mehlhorn, City Planner
Ben Cereceres, City Planner
Thomas Allen, Assistant City Attorney
Dhaky Mullangi, Law Department Intern
Julie San Miguel, Clerk

Scheduled and Unscheduled Public Appearances

CHAIRMAN HEUMANN stated, 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.

Briefing

1. Training for Planning and Zoning Commission Members

City staff will instruct the Commission on topics related to service as Commissioners. There will be no formal Commission business conducted at this meeting.

The following topics will be discussed:

- Introduction by Chairman Heumann
- Introduction to Planning Team
- Legal Basics
- Planning Basics
- Planning and Zoning Commission Role
- Future Challenges

CHAIRMAN HEUMANN welcomed everyone to the Work Session and stated there will be a presentation on legal basics by the legal team and presentations regarding Chandler planning and Zoning by Planning Administrator, Kevin Mayo, and Planning Manager, David de la Torre. He stated this Commission is unlike others in the city as it has unique capabilities and statutory responsibilities. He asked all the Commission Members to introduce themselves and started the introductions by stating he has been a Chandler resident since 1982 and has been Chairman of this Commission for several years, from 2000 to 2007 then back on again in 2016, he stated he has also served on City Council for eight years.

COMMISSIONER QUINN stated he has been a Chandler resident since 1998 and he is an architect who owns a firm in Phoenix and his wife focuses on sustainability.

COMMISSIONER KOSHIOL stated she has been a Chandler resident since 1997 and this is her second commission as she was on Airport Commission. She further stated she is a civil engineer who been doing work in Chandler since 1998 and currently she is work with the Empire Group in Scottsdale.

COMMISSIONER MORGAN stated he graduated from Hamilton High School in Chandler, and he is an engineer of instrumentation and controls. He mentioned that he is pursuing his professional engineering license and should have it by the end of the year.

VICE CHAIR ROSE stated he manages a residential land real estate business throughout the east valley, and he has been a resident of Chandler his whole life and went to Chandler High School and Arizona State University. He explained the City has grown immensely over the years and he has helped on various boards and commissions prior to serving on Planning and Zoning.

COMMISSIONER VELASQUEZ stated he is a landscape architect and principal with J2 Engineering and Environmental Design in Phoenix and has been a Chandler resident since 2004. He further stated he has done a lot of work in planning and redevelopment with municipalities throughout Arizona and he is currently a serving on the on the Historic Preservation Commission.

CHAIRMAN HEUMANN thanked everyone for introducing themselves and wanted to mention for work he runs a manufactures rep group, and he is responsible for the western region of the United States, and they do a lot of home furnishings and deal with a lot of independent retailers.

KEVIN MAYO, PLANNING ADMINISTRATOR introduced himself to the Commission and stated he has been working for the city for twenty-one years. He explained the presentations will start with an introduction to our planning team, then to legal for legal basics, next to Planning Manager, David de la Torre, for a tutorial on the general plan, area plan, and zoning, then back to him with final thoughts and future challenges. He stated that the planning division works for the Development Services Department for the City and most everything that comes to the Planning and Zoning Commission will come through our division. He presented an organization chart for the Development Services Department and explained that everything built in Chandler is examined through three lenses: planning, civil, and a building. He stated there is also a telecommunication utilities division, in Development Service and they are responsible for private and public utilities and communications. He explained his role as Planning Administrator oversees the planning division which is broken into three groups and explained a brief synopsis of each of the groups: Planning, Site Development, and Geographic Information System (GIS). He further explained the collaboration amongst the Planning Division on projects and described the structure and staff of the planning team. He mentioned the Planning Team is currently recruiting as there is one vacancy and Senior Planner, Susan Fiala, is retiring in March. He explained the Planning Team for Chandler is one of the smallest teams in the valley in proportion to population, square miles, and development area.

CHAIRMAN HEUMANN complimented the planning team on their efficiency.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY thanked the members of the commission for their service as Planning and Zoning Commission is an important part of growth and development in the City and it is his pleasure to be a part of the group. He stated he has been with the City of Chandler for three years and before he was at the City of Surprise and the Attorney General's office. He mentioned his colleague, Law Department Intern, Dhaky Mullangi, will also be presenting to the Commission tonight as part of the Legal Basics presentation. He explained, Open Meeting Law is a statutory requirement by Arizona State Legislature that says business of public body of government needs to be open, so the public can view what government is doing. He states as members of the Commission you are not to conduct business unless it is at a public meeting. He explained the requirements of the agenda and how it must be posted publicly for at least 24 hours before a meeting and there must be a quorum to conduct business. He mentioned the commission should keep the Open Meeting Laws in mind when discussing Commission business or meeting together outside of posted meetings. He stated a "meeting" under Arizona law is anytime a quorum of the public body discusses proposals or takes legal action, he further stated this can be a traditional meeting like the one we have today, but it can also happen outside of this context. He mentioned the Commission should not discuss anything not posted on an agenda and pointed out the announcement at the beginning of the meeting

about how the public has an opportunity to come and present matters of interest for them, but there is an important caveat made stating the Commission cannot discuss things are not on the agenda. He noted that normally in our meetings this is not an issue.

CHAIRMAN HEUMANN gave an example regarding zoning extensions. He stated the Commission would hold discussion whether to extend time only, not the architectural details and what they thought about the project itself not on the agenda. He warned the Commission needs to be careful about where discussion wander at times.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY stated the law allows for certain discussion on matters not on the agenda under actual emergency situations, but that is not likely to come up with this Commission. He stated Open Meeting Law does not allow serial meetings or a series of gatherings or discussions talking about an item. He warned if a Commission Member wanted to discuss something with another Commission Member and that same discussion went on to two more Commission Members and it was about an item that could be before the Commission, that could create a quorum. He mentioned it is important to remember that these chains of conversation can easily run afoul. He also warned the Commission to never "reply all" to an email and that it is better to call someone individually or send an individual email. He stated talking about business on social media can run afoul as a Commission Member could be discussing items that have not been posted to a public meeting. He warned to be mindful and to not create a quorum together at social gatherings or ceremonies where other Commissioners might be present. He explained if there is a violation of Open Meeting Law, State law asserts actions taken under a non-posted meeting will be null and void. He explained the Attorney General's Office has jurisdiction to investigate Open Meeting issues and the public can file a civil complaint against members of the commission and if found in violation there could be civil penalties and other costs. He stated public money cannot be used in defense to a violation and urged Commission Members to ask when in doubt and Staff will be happy to help.

DHAKY MULLANGI, LAW DEPARTMENT INTERN introduced himself and stated he will be presenting on the issue of conflicts of interest. He explained having a pecuniary interest means someone or their relatives stand to gain something of value for making a particular decision. He clarified that it does not necessarily mean just blood relatives and it could be anyone that falls within the category of a family member, including step relatives or spouses. He stated if there is pecuniary interest, one should avoid influencing the discussion, as even simply appearing to influence the discussion is punishable. He recommended to file proper paperwork and disclose any conflicts, so legal action is not taken. He presented a slide of the steps one would take if a conflict of interest exists and warned of the different possible punishments with the most serious being a class one misdemeanor or class six felony.

CHAIRMAN HEUMANN thanked Dhaky Mullangi for his presentation and stated he will make a great lawyer. He asked about the disclosure forms and asked if it was necessary to fill the form or if it was enough to make an announcement on the dais.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY stated the law requires public disclosure, so stating it on the record and it being noted in the minutes would be part of that. He further stated the form may be a procedural city requirement and he will investigate and report back to the Commission regarding this.

CHAIRMAN HEUMANN mentioned over the years Commission Members have declared conflict by announcing on record.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY stated the general recommendation is to have the forms filled out and he will investigate the form requirement. He further stated there are times when Commission Members will make an announcement out of an abundance of caution and ask to recuse themselves, although technically there is no conflict of interest as only certain relationships are a conflict of interest under State Law. He recommended to error on the side of caution when in doubt and feel free to talk to Law or Planning Staff.

CHAIRMAN HEUMANN stated if anyone is having any doubts regarding conflicts of interest to ask Law Staff or recuse themselves so there is nothing to worry about in the future.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY reminded the Commission Members to talk to Staff if in doubt and to do the "Headline Test", meaning and if there is a connection to a project that you would not want to be published as headline news article that is an indicator to disclose and recuse. He stated the Commission would need to preserve documents in the event of a public request for record and mentioned all documents created by the Commission are public records and that includes communications and emails.

COMMISSIONER QUINN asked if someone called us a head of time and we recognized that he was calling other Commission Members, would that constitute a serial meeting.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY replied no, because the person is speaking to Commission Members individually. He explained the problem would be if that person had spoken with one Commissioner and then that Commissioner when to speak to another Commissioner and another and the members themselves had discussions on a project.

COMMISSIONER QUINN mentioned he is uncomfortable when he receives phone calls at work about an agenda items that will be presented to the Commission.

CHAIRMAN HEUMANN explained zoning attorneys will call different Commission and Council Members to get a feel for what is going on. He further explained, if a Commission Member is

uncomfortable with talking to someone, let them know you do not wish to speak about the case or if a Commission Members wants to talk to get a feel for the case, they can do that too.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY stated the Commission can always say "I would be happy to answer your questions at the public hearing". He continued with the presentation and explained, State Legislature passed law creating Planning and Zoning Commissions and if City Council does not want to serve as that role, they can adopt code to create a commission. He explained the Chandler City Code has requirements regarding the number and length of terms, the size of the Commission, etc. He further explained the topics the Planning and Zoning Commission addresses and stated the Commission could adopt its own procedure and rules. He mentioned at the end of every presentation staff will often say "Staff finds that this project is in conformance with the General Plan" and the reason for that is because it's a finding required by statute as the City can't change zoning that is not in conformance with the General Plan. He stated that is an example of one of the things that we always want to consider in zoning and rezoning cases. He explained in the early 2000s, there was a voter initiative to create the Private Property Rights Protection Act, which was voted into law, and it basically says a City cannot adopt zoning changes that will reduce the value of property without compensation. He stated most of the zoning cases we have are the property owners asking to rezone and would not apply and this becomes more relevant when amending the zoning code.

CHAIRMAN HEUMANN Thanked the Law Department for their presentation.

DAVID DE LA TORRE, PLANNING MANAGER began the "Introduction to Planning" presentation and stated it is a requirement for a City to have a General Plan and the planning hierarchy starts with the General Plan on top. He described the General Plan as a very broad policy document and further stated that Area Plans are more specific with the three largest in Chandler being the Southeast Chandler Area Plan, the Chandler Airpark Area Plan, and the Downtown Area Plan. He stated there are more than forty Area Plans for the City of Chandler and most are usually a square mile. He explained in the 1980s, 1990s and early 2000s when the city was growing quickly, the first developer to build in a square mile was told make an area plan for that square mile, so there are a lot of square miles out there with these area plans. He stated that it is Staff's plan to look through these Area Plans and investigate if they are still needed and if not, how we can sunset those plans. He explained, zoning code is the law and identifies what property owners can do or cannot do on their property and the General Plan and Area plans do not have that strength of law. He explained that all zoning decisions per State law must be consistent with the General Plan and by extension, the Area Plans as well. He further explained the General Plan is required to include seventeen different elements which includes water resources, public safety, public services, etc. He stated when Staff makes a recommendation it is based on all those elements, although Staff tends to focus more on land use and growth areas directly related towards development. He explained, every ten years, by State Law, the City is required to update the General Plan and that gives the City an opportunity to look at development trends. He stated the last two times the General Plan was updated the big issue was reaching build out

and what to do with the remaining land. He further stated both times, it was decided to hold on to our land that is plan for employment and industry and not give in to pressure to convert that into more housing, because a variety of jobs are needed for the City to be sustainable.

CHAIRMAN HEUMANN mentioned Price Road as an example where nothing should be built except for industrial and commercial. He further mentioned, we have had many home builders make runs for Price Road and the City Council and Planning and Zoning Commission have stuck to their guns for years. He warned when the land is gone, the lands gone and some home builders have tried to come through and they have the right too, but we protect that that quarter.

DAVID DE LA TORRE, PLANNING MANAGER explained the Land Use Plan and the General Plan is broad as it was created to be strategic and flexible. He presented a map and noted there are only four different colors on there to show neighborhoods, regional commercial, employment and open space and recreation. He stated, other cities are not like this, for example Town of Gilbert has a very specific land use on each parcel. He further stated the issue with that is they are constantly having to amend the General Plan because developers change their minds and property owners want to do something different. He explained in Chandler's General Plan, there is a variety of different land uses allowed to be considered within each broad category. He used an example in the neighborhoods category, as the text of the General Plan specifies if your site is located within the intersection of two arterial streets, you can build single family or you can also build office or public institutional uses or even multifamily. He stated there are a variety of different options based on the specific location within that broader category. He explained the text of the General Plan plays an important role as it is very strategic, flexible, and the intent is to not constantly amend the General Plan. He presented a slide of the Airpark Area Plan, which was recently updated and approved by Council, he pointed out the purple on the left is converted to more specific, Innovation Zone and industrial zones. He mentioned that it is just a progression of very broad to more specific land use guidance from the General Plan to a specific Area Plan. He explained that zoning must be in conformance with both the Area Plan and the General Plans. He stated many times there are Area Plan Amendments that come together as part of a package, for example, a request to rezone and amend the Area Plan. He explained both the Area Plan and the zoning must be in conformance with the General Plan. He presented a slide listing the types of applications reviewed by Planning staff and notated the case types that must be reviewed by Planning and Zoning Commission. He stated Staff also handles a lot of Administrative Design Review Applications, which are a request to do minor modifications to a development that was previously approved for zoning. He explained, Staff reviews the application and if the changes are minor, we can approve administratively and if the modifications are significant and not in substantial conformance with the approved plans, then the Applicant would need a new Preliminary Development Plan (PDP). He further explained Staff will also review zoning clearances for group homes, medical marijuana applications, zoning verifications, and plot plan reviews. He explained when a new subdivision comes in for review, the home builder will submit standard plans to the City and the Planner assigned to that case

will review the standard to make sure they match what was presented to Planning and Zoning Commission and City Council. He further explained, once the standard plans are approved, then the home builder will need to submit a Plot Plan for Planning Staff review for each individual lot before they build a home on it. He stated the purpose of the review is to ensure compliance with stipulations in the zoning and PDP, as there could numerous stipulations attached to the PDP and zoning, such as setbacks, building heights, and other restrictions. He stated another administrative application is for home-based businesses with the biggest concern being customer traffic creating a negative impact to the neighborhoods. He further stated that Planners will also review applications for Historic Preservation Commission, formally known as Architectural Review Committee, he stated these applications are required for all modifications to the exterior of the buildings in the City Center District and these cases do not come through Planning and Zoning Commission as the Historic Preservation Commission has authority to approve or deny projects. He explained the City adopted Historic Preservation Ordinance for the opportunity to designate properties with historic landmarks, conservation districts, Historic Preservation districts. He further explained, none of those designations have been approved yet and Staff has not received any formal applications, but there are some neighborhoods who are meeting and are interested in forming a historic preservation district over the neighborhood. He stated Planning Staff also reviews variances, which go to the Board of Adjustment for review, and most of those cases are requests to vary from setbacks. He went over the basic zoning process with the first step being a Preliminary Technical Site Plan Review Application, he explained this application prompts a team to review the proposed project from different disciplines, which include: civil engineering, Municipal Utilities, traffic engineering, right away utilities, and fire department. He stated developers can submit their site plan and their building elevations and get comments back, to determine if they should move forward before, they invest in that development or the entitlement process. He explained the next step is if its meets zoning, to check if there is an existing Preliminary Development Plan (PDP) and is it in substantial conformance with that PDP, if they're asking for modifications, then Staff can review that through an Administrative Design Review, if it is in substantial conformance then can go straight to building permit submittal. He stated if it does not meet the zoning, then a rezoning application would be required. He explained the rezoning, PDP, and use permits all follow the same basic process, first step is the application, next a Planner is assigned, and they review if the proposed project has addressed the Preliminary Technical Site Plan Review comments, if not the Planner will work with the Applicant to address the comments and architecture issues. He further explained the next steps are for the Applicant to host a neighborhood meeting, then go through Airport Commission or Historic Preservation if its applicable, then the case would go before the Planning and Zoning Commission, and that vote becomes a recommendation for the City Council. He presented an image to illustrate how public notification is accomplished for neighborhood meetings, the different Commissions, and City Council. He then presented the City's Interactive map (Chandler.az.gov/planning map) and stated, this is where the City keeps track of all the cases that go to Planning Commission and City Council for approval, he explained this site also has information about the neighborhood meeting, the link to the invitation,

Planning and Zoning Commission meeting dates, a link to the Staff Memo, and the City Council meeting dates.

KEVIN MAYO, PLANNING ADMINISTRATOR stated the interactive planning map lives in real time and as soon as the case is filed, the parcel is identified and as the case progresses more information is added, for example neighborhood meeting and other dates. He explained, folks moving to Chandler can look if there is an approved project on vacant land with an approve project that has not been built and can find the exhibits and decide if they want to live next to it. He explained Chandler is different from other cities, as state statutes allow a path to consider use and custom zoning via Planned Area Development (PAD). He further explained Chandler's PAD process allows the Planning and Zoning Commission to review these development proposals with a singular goal of raising the bar of design in the City, he stated instead amending our design guidelines every six months when trends, materials, and expectations change, the PAD is used to custom for each piece. He read aloud a statement from a 1986 memo written by Hank Pluster, former Planning Administrator:

"A PAD is intended to promote innovative design for residential and non-residential uses as large as a self-contained plan community with a mixture of uses, for as small as a single parcel, which requires some flexibility in design standards or as an interface between existing dissimilar land dissimilar uses. One of its key provisions is flexibility in design, PAD is not intended to function primarily as a package of variances. Instead, its purpose is to offer some departure from strict conformance in return for greater environmental quality and innovation."

He explained, almost every rezoning that comes before Planning and Zoning Commission is going to see the subsequent code required PAD or PDP and the purpose is to attain the highest design quality and raise the bar incrementally. He further explained a PAD, is regarding land use and PDP is design. He explained a recent challenge the Planning Division is facing is our design standards as they were created in a suburban frame of mind and do not fit with infill and redevelopment. He stated there is a need to update our design guidelines for infill and redevelopment. He further explained, another challenge is continually negotiating with Applicants to elevate architectural elements in projects. He stated that Staff will hold off on bring projects before Planning and Zoning Commission until it's at the City's level, however, there are times projects are brought forward due to pressure. He further stated the major influences on projects are the unpredictable costs of material, land, and labor and the pricing of these influences' developers as they are working with tighter margins. He stated at this time most multifamily developers are buying lumber and appliances in the entitlement process before a project has been approved due to shortages and costs of materials. He explained another future challenge is an oversaturation of planned commercial land, especially in southeast Chandler. He stated the need for retail locations are shifting as Amazon type businesses and online shopping grows and the City must figure out land use solutions for those parcels. He stated the final challenge is keeping up with change in market demands, he explained, there is an increase in

the number of young professionals and retirees that do not want a yard to maintain and apartment complexes with resort style living with a gated community. He stated the lots are getting smaller, but the houses are staying the same size or slightly larger, so there are some challenges on the architectural expectations of new homes. He explained, there are homes with a zero and 10-foot side yard and there are instances where the side yard is somebody else's wall, so the homes do not have any windows on that side and staff struggles with that from an architectural quality standpoint because we do not want big boxes. He stated Staff is managing architectural difficulties through our PADs and PDP, but he does not think this is the end of the changing market demands. He mentioned changes in retail outdoor space, how every restaurant now wants an outdoor patio space with roll up doors, and live entertainment.

CHAIRMAN HEUMANN thanked all the presenters and mentioned in the early 1990's he remembered they had difficulty with builders as did not want to have tile roofs and Chandler Planning and Zoning Commission and City Council stood their ground and held builders to that higher standard or they did not build in Chandler. He mentioned there were several Design Review Committee (DRC) meetings over the last year and a half because builders would not elevate the design in their projects. He stated we want the best quality in our City even if that means the builder must go through DRC to be brought up to standards. He further stated the Planning and Zoning Commission does not have to pass a project along to City Council, the Commission can send it to DRC to work it over and make sure its build to Chandler's standards. He mentioned an example of an Applicant who had two projects go through DRC because they resisted feedback and on their next project, they had met the City's expectations. He stated there is going to be challenges with infill and remaining vacant parcels and it is going to take courage from the Planning and Zoning Commission to make sure we are building the best quality and not afraid to challenge developers. He pointed out that when the land is gone it is gone and the Commission should be looking for sustainability and what is right for the City.

VICE CHAIRMAN ROSE stated he hears words "design guidelines" all the time and asked if there was somewhere for Commissioners to review it online. He also asked if the design guideline should be updated.

KEVIN MAYO, PLANNING ADMINISTRATOR stated he will send the Commission Members a link to where to find it on the City's website.

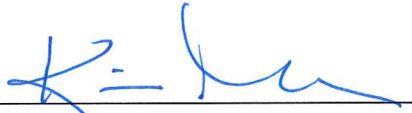
CHAIRMAN HEUMANN confirmed there were no further questions from the and thanked all the presenters.

Calendar

The next Study Session and Regular Meeting of the Planning and Zoning Commission will be held on Wednesday, March 2, 2022.

Adjourn

The meeting was adjourned at 5:36 p.m.



Kevin Mayo, Secretary

Rick Heumann, Chairman