

# Meeting Minutes

## Planning and Zoning Commission

### Regular Meeting

July 20, 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  
Commissioner Kyle Barichello

#### Staff Attendance

David de la Torre, Planning Manager  
Lauren Schumann, Principal Planner  
Ben Cereceres, City Planner  
Harley Mehlhorn, City Planner  
Thomas Allen, Assistant City Attorney  
Julie San Miguel, Clerk

### Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Velasquez.

### 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 there is a speaker card in opposition for Agenda Item No. 5 PLH22-0014 Crossroads Nazarene Church Sports Fields. He stated he would like to hear a brief statement from the speaker before determining whether to move Agenda Item No. 5 to the Action Agenda.

NATE DIGIAMBATISTA, 2880 W. PARK AVENUE expressed his opposition to the project as it could be a detriment to the surrounding community based on their history with their existing sport facilities.

CHAIRMAN HEUMANN asked the resident what kinds of problems have they had in the past.

NATE DIGIAMBATISTA, 2880 W. PARK AVENUE explained due to the existing outdoor basketball court there have been multiple issues with lights, generators, and noise. He stated there are times when people are playing basketball at 1:00 a.m. and the police are called. He further stated he attempted to contact the church regarding the problems but could not get further than the front desk with the issues. He stressed that the additional sport complex and open-air concert venue would not benefit the community and mentioned they already have existing sports fields within walking distance.

CHAIRMAN HEUMANN asked if the people playing basketball are from the church or just members of the community.

NATE DIGIAMBATISTA, 2880 W. PARK AVENUE responded the people playing are from the community, as the basketball court is open air court located outside along the boarder of the neighborhood. He stated children do not do well with the sound of people bouncing basketballs and screaming.

CHAIRMAN HEUMANN asked if the people were playing in the dark.

NATE DIGIAMBATISTA, 2880 W. PARK AVENUE stated the court has lights they can turn on.

VICE CHAIRMAN ROSE asked how frequent is this issue happening.

NATE DIGIAMBATISTA, 2880 W. PARK AVENUE replied this is an ongoing issue. He explained, the noise is a weekly disruption and typically people will go home at 10:00 p.m. or 10:30 p.m. He stated approximately once a month they will yell over the wall at 1:00 a.m. and if people do not respond they call law enforcement.

CHAIRMAN HEUMANN asked if the Applicant was receptive to the residents noise complaints.

NATE DIGIAMBATISTA, 2880 W. PARK AVENUE stated when contacting the Applicant regarding the issue, the front office states they will pass the message along and that is all that happens.

CHAIRMAN HEUMANN announced Agenda Item No. 5 will be pulled to the Action Agenda and be given a hearing. He thanked the Mr. DiGiambatista for his comments. He confirmed there were no further comments or questions from the Commission and audience on the remaining Consent Agenda Items.

# **Consent Agenda and Discussion**

## **1. June 15, 2022, Planning and Zoning Commission Meeting Minutes**

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of June 15, 2022, and Regular Meeting of June 15, 2022.

## **2. PLH21-0095 BRAKE MASTERS AT MESQUITE GROVE**

Request rezoning from Planned Area Development (PAD) for Neighborhood Commercial (C-1) uses to PAD for C-1 uses and motor vehicle repairs and Preliminary Development Plan for site layout and building architecture for an automotive repair shop on an approximate 1-acre site, generally located at the northeast corner of Riggs and Gilbert roads.

Move Planning and Zoning Commission continue Rezoning and Preliminary Development Plan PLH21-0095, Brake Masters at Mesquite Groves to the September 7, 2022, Planning and Zoning Commission hearing, as requested by the applicant.

## **3. PLH22-0003 CHANDLER MIDWAY CORPORATE OFFICES SIGNAGE**

Request Preliminary Development Plan approval for a comprehensive sign plan for an existing office development. The subject site is located at 5670 & 5710 W Chandler Boulevard, generally located ¼ mile east of the northeast corner of Chandler Boulevard and Kyrene Road.

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH22-0003 Chandler Midway Corporate Offices Signage for a comprehensive sign plan for an existing office development located at 5670 & 5710 W Chandler Boulevard, generally located ¼ mile east of the northeast corner of Chandler Boulevard and Kyrene Road, 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 for a comprehensive sign plan, subject to the following conditions:

1. Signage shall be in substantial conformance with the Comprehensive Sign Plan kept on file in the City of Chandler Planning Division, File No. PLH22-0003, modified by such conditions included at the time the exhibit was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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.

#### **4. PLH22-0011 MCKINLEY GLENN**

Request Preliminary Development Plan approval for housing product. The approximate 9-acre single-family subdivision is located east of the southeast corner of Chandler Heights and Cooper roads.

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH22-0011 McKinley Glenn for housing product, 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 "McKinley Glenn" and kept on file in the City of Chandler Planning Division, in File No. PLH22-0011, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The site shall be maintained in a clean and orderly manner.
3. The same elevation shall not be built side-by-side or directly across the street from one another.
4. Each garage shall be pre-wired to provide 240V electrical capacity necessary to accommodate future electric vehicle charging equipment.
5. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

#### **6. PLH22-0020 QUEEN CREEK COMMERCE CENTER MONUMENT SIGNAGE**

Request Preliminary Development Plan approval for freestanding monument signs located at 555 E Queen Creek Road, at the southeast corner of Queen Creek Road and the Southern Pacific Railroad.

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH22-0020 Queen Creek Commerce Center Monument Signage for freestanding monument signage, 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. Signage shall be in substantial conformance with the Comprehensive Sign Plan kept on file in the City of Chandler Planning Division, File No. PLH22-0020, modified by such conditions included at the time the exhibit was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. 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.
3. All signage except freestanding monuments signs shall conform to sign code standards.

## **7. PLH22-0021 & PLH22-0022 SANTAN BREWING COMPANY**

Request Preliminary Development Plan approval to allow an outdoor stage and shade structures to encroach into the building setbacks and Entertainment Use Permit approval to allow live entertainment on the stage. The subject site is located at 495 E Warner Road, at the southwest corner of Warner Road and the Southern Pacific Railroad.

### **Preliminary Development Plan**

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH22-0022 allowing an outdoor stage and shade structures to encroach into the building setbacks, subject to the conditions recommended by Planning staff.

### **Entertainment Use Permit**

Move Planning and Zoning Commission recommend approval of Entertainment Use Permit PLH22-0021 allowing outdoor speakers and live entertainment outdoors, subject to the conditions recommended by Planning staff.

### **Preliminary Development Plan**

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

1. Development of the overall site shall be in substantial conformance with the exhibits kept on file in the City of Chandler Planning Division, in File No. PLH21-0073, modified by such conditions included at the time the exhibits were approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by Chandler City Council.



2. 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.

#### Entertainment Use Permit

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Entertainment 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 Entertainment Use Permit and require new Entertainment Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. The hours of live entertainment shall be limited to 3:00 p.m. to 9:00 p.m. Monday through Thursday, between 11:00 a.m. and 10:00 p.m. on Saturday, and between the hours of 11:00 a.m. and 9:00 p.m. on Sunday.
4. No noise shall be emitted from external speakers in such a manner that exceeds the general level of noise emitted by uses outside the premises of the business and disturbs adjacent businesses and residential areas.
5. The establishment shall provide a contact phone number for a responsible person (i.e., brewery owner and/or manager) to any interested neighbors and property owners to resolve noise complaints quickly and directly.
6. The Entertainment Use Permit shall remain in effect for three (3) year from the date of City Council approval. Continuation of the Entertainment Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

#### **8. PLH22-0015 VISTA STAR OFFICES**

Request Use Permit approval to continue to allow an office within a residential conversion on a property zoned Single-Family District (SF- 8.5). The property is located at 442 West Chandler Boulevard, generally located ¼ mile west of the northwest corner of Chandler Boulevard and Arizona Avenue.

Move Planning and Zoning Commission recommend approval of Use Permit PLH22-0015 Vista Star Offices to continue to allow an office within a residential conversion on a property zoned Single-Family District (SF- 8.5), 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. Expansion or modification beyond the approved exhibits (site plan, floor plan, narrative) shall void the Use Permit and require a new Use Permit.
2. The site shall be maintained in a clean and orderly manner.

## **9. Cancellation of the August 3, 2022, Planning and Zoning Commission Hearing**

Move Planning and Zoning Commission cancel August 3, 2022, Planning and Zoning Commission Hearing.

## **Consent Agenda Motion and Vote**

VICE CHAIRMAN ROSE moved to approve the Consent Agenda of the July 20, 2022, Regular Planning and Zoning Commission Meeting, excluding Item No. 5, which has been moved to the Action Agenda; Seconded by COMMISSIONER VELASQUEZ.

Motion carried (5-0) on Consent Agenda Item No. 1 as Vice Chairman Rose and Commissioner Barichello abstained. Motion carried unanimously (7-0) on Consent Agenda Items No. 2, 3, 4, 6, 7, 8, and 9.

## **Action Agenda Item No. 5 and Discussion**

### **5. PLH22-0014 CROSSROADS NAZARENE CHURCH SPORTS FIELDS**

Request Preliminary Development Plan approval for multi-use sports fields at an existing church. The church site is approximately 16.5 acres and located at the northeast corner of Ray and Price roads.

CHAIRMAN HEUMANN asked Staff to address the concerns of Mr. DiGiambatista. He pointed out there are Stipulations for the lights and stated there needs to be a contact number. He presented concerns with the ongoing situation where the neighborhood has been disturbed by people using the basketball court. He asked if Staff could add more Stipulations to remedy the issue.

LAUREN SCHUMANN, PRINCIPAL PLANNER responded she is unaware of an existing basketball court as it is not depicted on any of the site plans. She asked if the Applicant or a Representative on behalf of the Applicant could speak on the basketball court and lights.

SERGIO OLIVA, REPRESENTATIVE CROSSROADS NAZARENE CHURCH stated on the east side of the gymnasium there is asphalt paving and noncovered parking spots with basketball hoops for

members of the church and community to play. He further stated, recently they have repaved the area to make it as smooth as possible for people to enjoy playing. He explained they are more than happy to meet with the resident and resolved the issue because they were not aware of the problem.

CHAIRMAN HEUMANN mentioned he loves that the community is using it, but there might be situations where after certain hours people should not play. He stated he understands what its like to be near a park and perhaps after 9:00 p.m. no basketball can be played.

SERGIO OLIVA, REPRESENTATIVE CROSSROADS NAZARENE CHURCH stated the basketball court does not have its own lights, the lighting people are using are from the parking lot.

CHAIRMAN HEUMANN confirmed there were no further questions for the Applicant from the Commission Members. He asked Staff to add a Stipulation with the requirement that a phone number be provided in the event there are noise issues. He mentioned since the parking lights are used it is hard to control the light issue as vandalism or a crime could occur if the lights were turned off. He asked Staff what is the best way to address the light issue.

DAVID DE LA TORRE, PLANNING MANAGER stated there are several Stipulations proposed in the Staff Report, one being the Applicant will provide a contact number for issues. He explained, the contact information will be available for residents to address any issues quickly and on the spot, whether it be light, noise, or any issue. He further stated the idea is for the problem to be resolved quickly and on the spot, therefore residents do not have to wait for the office to open or any other delay. He stated the best path is to continue to require the Stipulation for the contact information and to keep the Stipulations regarding lighting. He stated there is a Stipulation for the lighting to be turned off at nine o'clock and if the Applicant enforces the area cannot be used after the lights are off, that could help.

CHAIRMAN HEUMANN recommended the addition of "No Trespassing" or "No Use of Facilities After 9:00 p.m." signs, therefore, law enforcement will be able to act in the event that someone will not leave. He mentioned its hard for police to do anything if noting is posted and he would like to find a solution for the neighborhood on this issue.

DAVID DE LA TORRE, PLANNING MANAGER stated the Applicant should be able to contact the nearby residents and provide a phone number to call when they have issues.

CHAIRMAN HEUMANN pointed out there are times when you call law enforcement, and they are not able to do anything. He stated he believes the Applicant is a good neighbor and it can be challenging if there are people playing at night. He explained that he would like to find a solution, but if Staff feels the current Stipulations are fine than he is satisfied.



DAVID DE LA TORRE, PLANNING MANAGER confirmed Staff is comfortable with the current Stipulations.

COMMISSIONER KOSHIOL asked the Applicant if they could give the Commission details regarding the basketball court and show where it is located on the site plan. She pointed out there is a lot of asphalt on this site and asked if it was a viable option to move the court away from the Park Avenue residences.

SERGIO OLIVA, REPRESENTATIVE CROSSROADS NAZARENE CHURCH presented an aerial view of the site and pointed out the area where the basketball court is located.

COMMISSIONER BARICHELLO mentioned the Stipulations are great, but when thinking through the course of actions, he does not believe that a representative will answer the phone at 11:00 p.m. He asked what is the next course of action, to put someone out there at night or ask police to drive by to see if someone is playing basketball. He further stated this issue can be worked out between the Applicant and the surrounding neighborhood but would like everyone to think about the next step if this continues to be a reoccurring issue.

CHAIRMAN HEUMANN suggested to post hours and stated for parks 6:00 a.m. to 10:00 p.m. is posted; therefore, if the police are contacted, they have the ability to do more. He stated maybe that is something the Applicant can work on with staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER stated the Applicant stated they would be able to post a "No Trespassing After 9:00 p.m." sign.

CHAIRMAN HEUMANN stated the signs will help neighbors in the event law enforcement is contacted.

NATE DIGIAMBATISTA, 2880 W. PARK AVENUE stated they do not wish to contact law enforcement over petty issues and asked where the Applicant will have the number posted for someone to call with an issue.

LAUREN SCHUMANN, PRINCIPAL PLANNER stated the number will be provided by the Applicant and stated during the neighborhood meeting a number was given out and told that the phone is always on and available.

NATE DIGIAMBATISTA, 2880 W. PARK AVENUE stated his main concern is the amplified noise,

CHAIRMAN HEUMANN responded there is a Stipulation that does not allow anything after 9:00 p.m.

NATE DIGIAMBATISTA, 2880 W. PARK AVENUE asked if they could have noise during the day.

CHAIRMAN HEUMANN clarified the Stipulation is for ambient noise only and the sound level should not be different than what is in the area. He confirmed there were no further questions from the Commission or Audience, then asked Staff to read aloud the added stipulation.

LAUREN SCHUMANN, PRINCIPAL PLANNER read aloud added Stipulation No. 12 of Agenda Item No. 5.

## **Action Agenda Item No. 5 Motion and Vote**

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH22-0014 Crossroads Nazarene Church Sports Fields for multi-use sports fields, subject to the conditions as recommended by Planning staff.

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

1. Development shall be in substantial conformance with the Development Booklet, entitled "Crossroad Nazarene Church Sports Fields" and kept on file in the City of Chandler Planning Division, in File No. PLH22-0014, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The site shall be maintained in a clean and orderly manner.
3. The landscaping 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. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
6. 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.
7. Live entertainment is permitted from 8 a.m. to 8 p.m. for special events.
8. All sports field lighting shall be prohibited after 9 p.m.

9. The church shall provide a contact phone number of a responsible person to interested neighbors to resolve complaints quickly and directly.
10. Future gymnasium will be reviewed by staff through an Administrative Design Review.
11. 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. 12 was added as a result of the Planning and Zoning Commission's discussion during the Regular Meeting:*

12. No noise shall be emitted from outdoor speakers or live entertainment on the stage area in such a manner that exceeds the general level of noise emitted by uses outside the premises of the church and disturbs adjacent businesses and/or residential areas.

VICE CHAIRMAN ROSE moved to approve Action Agenda Item No. 5 of the July 20, 2022, Planning and Zoning Commission Meeting with added Stipulation No. 12; Seconded by COMMISSIONER BARICHELLO.

Motion carried (6-0), Commissioner Velasquez abstaining.

## **Member Comments/Announcements**

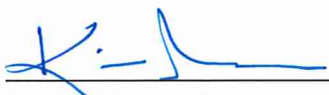
CHAIRMAN HEUMANN announced Election Day is August 2, 2022 and there is in person voting at Chandler City Hall. He stated there is Proposition 470, three City Council seats, and the Mayor race on this ballot.

## **Calendar**

The next regular meeting will be held on Wednesday, August 17, 2022, in the Chandler City Council Chambers, 88 E. Chicago Street.

## **Adjourn**

The meeting was adjourned at 5:59 p.m.



Kevin Mayo, Secretary



Rick Heumann, Chairman