

Meeting Minutes

Planning and Zoning Commission

Regular Meeting

December 7, 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 5:38 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, Principal Planner
Harkey Mehlhorn, City Planner
Darsy Olmer, Associate Planner
Thomas Allen, Assistant City Attorney
Julie San Miguel, Clerk

Absent

Commissioner Kyle Barichello

Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Erik Morgan.

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.

Consent Agenda and Discussion

1. November 16, 2022, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of November 16, 2022, and Regular Meeting of November 16, 2022.

2. PLH22-0060 MEDICAL MARIJUANA CODE AMENDMENT

A citizen initiative amending the city zoning code by amending ARTICLE II.-DEFINITIONS, ARTICLE XXI.-TABLE OF PERMITTED USES FOR NONRESIDENTIAL DISTRICTS, and ARTICLE XXII.- ADDITIONAL HEIGHT AND AREA REGULATIONS as they relate to regulating medical marijuana facilities, medical marijuana cultivation sites, and medical marijuana infusion food establishments. Proposed amendments include expanding hours of operation, increasing square-footage size limitations, and permitting the colocation of a medical marijuana facility with its affiliated onsite medical marijuana cultivation site and/or medical marijuana infusion food establishment when approved through a Conditional Use Permit.

Proposed Motion:

Move Planning and Zoning Commission recommend approval of a citizen initiative Zoning Code amendment to ARTICLE II.-DEFINITIONS, ARTICLE XXI.-TABLE OF PERMITTED USES FOR NONRESIDENTIAL DISTRICTS, and ARTICLE XXII.-ADDITIONAL HEIGHT AND AREA REGULATIONS as they relate to regulating medical marijuana facilities, medical marijuana cultivation sites, and medical marijuana infusion food establishments. Proposed amendments include expanding hours of operation, increasing square-footage size limitations, and permitting the colocation of an ancillary medical marijuana facility with its affiliated onsite medical marijuana cultivation site and/or medical marijuana infusion food establishment when approved through a Conditional Use Permit.

3. PLH22-0054 & PLH22-0059 GAME SHOW BATTLE ROOMS

Request for Rezoning from Planned Area Development (PAD) for C-1-Neighborhood Commercial uses to PAD for C-2-Community Commercial uses within an existing commercial center located at 6909 W. Ray Road, generally located at the southeast corner of Ray Road and 56th Street and Use Permit approval for a Series 7 Beer and Wine Bar license for Suite 29 located within the same commercial center.

Proposed Motions:

Move Planning and Zoning Commission recommend approval of Rezoning from Planned Area Development (PAD) for Neighborhood Commercial (C-1) uses to PAD for Community Commercial (C-2) uses within an existing commercial center.

Move Planning and Zoning Commission recommend approval of a Use Permit for a Series 7 Beer and Wine Bar license located within the same commercial center.

Recommended Conditions of Approval:

Move Planning and Zoning Commission recommend approval of Rezoning from Planned Area Development (PAD) for Neighborhood Commercial (C-1) uses to PAD for Community Commercial (C-2) uses subject to the following conditions:

Rezoning

1. Uses permitted shall be those permitted in the Community Commercial (C-2) zoning district.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping in all open-spaces shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.

Move Planning and Zoning Commission recommend approval of Use Permit for a Series 7 Beer and Wine Bar license subject to the following conditions:

Use Permit

1. Substantial expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other location or any new owner.
3. The site shall be maintained in a clean and orderly manner.
4. This Use Permit approval is solely for a Series 7 Beer and Wine Bar license.
5. The Use Permit shall remain in effect for two (2) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler

4. PLH22-0039 MOUNTAIN VIEW ESTATES

Request for Preliminary Development Plan approval for housing product design to be constructed on a 16-lot single-family subdivision located on the north side of Riggs Road approximately ¼ mile east of Lindsay Road.

Proposed Motion:

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH22-0039 Mountain View Estates for housing product design to be constructed on a 16-lot single family subdivision, subject to the conditions as recommended by Planning staff.

Recommended Conditions of Approval

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 Development Booklet, entitled "Mountain View Estates PDP Submittal", dated November 7, 2022 and kept on file in the City of Chandler Planning Division, in File No. PLH22-0039, 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 covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping by either the homeowner or the Developer at the time of construction of a home on a lot, and in no event shall occur any later than 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
3. Each garage shall be pre-wired to provide 240V electrical capacity necessary to accommodate future electric vehicle charging equipment.
4. 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.

5. PLH22-0049 ELLIOT'S STEAKHOUSE

Request for Entertainment Use Permit approval for indoor live entertainment and indoor and outdoor speakers for background music. The business is located at 81 W. Boston Street, generally located at the southwest corner of Arizona Avenue and Boston Street in downtown Chandler.

Proposed Motion:

Move Planning and Zoning Commission recommend approval of Entertainment Use Permit case PLH22-0049 Elliot's Steakhouse for live indoor entertainment and indoor and outdoor speakers for background music.

Recommended Conditions of Approval

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 attachments (Floor Plan and Narrative) shall void the Entertainment Use Permit and require new Entertainment Use Permit application and approval.
2. Live piano or any other live music on the front patio shall require a new Entertainment Use Permit application and approval.
3. Entertainment activities shall only be permitted on Sunday-Thursday from 3:00 p.m. - 10:00 p.m. and on Friday-Saturday from 3:00 p.m. - 12:00 a.m.
4. The Entertainment Use Permit is non-transferable to any other location.
5. The site shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from external speakers or live entertainment in such a manner that exceeds the general level of noise by uses outside the premises of the business and disturbs adjacent businesses and residential areas.
7. The establishment shall provide a contact phone number for a responsible person (i.e., bar owner and/or manager) to any interested neighbors and property owners to resolve noise complaints quickly and directly.
8. The entertainment Use Permit shall remain in effect for two (2) years from the date of City Council approval. Continuation of the Entertainment Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

6. PLH22-0050 MAPLE HOUSE

Request for Use Permit approval for a Series 7 Beer and Wine Bar License and Entertainment Use Permit approval to allow outdoor speakers and acoustic live entertainment. The business is located at 198 W. Boston Street on the northeast corner of Boston and California streets in downtown Chandler.

Proposed Motion:

Move Planning and Zoning Commission recommend approval of Use Permit for a Series 7 Beer and Wine Bar License and Entertainment Use Permit to allow outdoor speakers and acoustic live entertainment, located at 198 W. Boston Street on the northeast corner of Boston and California streets in Downtown Chandler, subject to the conditions recommended by Planning staff.

Recommended Conditions of Approval

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

1. Substantial expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
 2. The Liquor Use Permit and Entertainment Use Permit are non-transferable to any other location.
 3. The site shall be maintained in a clean and orderly manner.
 4. All live entertainment shall be acoustic.
 5. The hours of live entertainment shall be limited to 4:00 pm – 9:00 pm Sunday through Thursday and 4:00 pm to 11:00 pm on Friday and Saturday.
 6. 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.
 7. 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.
 8. The Entertainment Use Permit shall remain in effect for two (2) 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
- 7. Cancellation of the December 21, 2022, and January 4, 2023, Planning and Zoning Commission Hearings**

Move Planning and Zoning Commission cancel December 21, 2022, and January 4, 2023, Planning and Zoning Commission Hearings.

Consent Agenda Motion and Vote

VICE CHAIRMAN ROSE moved to approve the Consent Agenda of the December 7, 2022, Regular Planning and Zoning Commission Meeting; Seconded by COMMISSIONER QUINN.

Motion carried unanimously (6-0).

Member Comments/Announcements

KEVIN MAYO, PLANNING ADMINISTRATOR announced this is the last Planning and Zoning Commission Meeting of 2022. He thanked the Commission Members, on behalf of staff and complimented the group for being supportive. He mentioned over the years this Commission has been awesome in helping professionals gain confidence in public speaking and thanked the group for their efforts in 2022. He stated staff is looking forward to 2023 and wished everyone a safe and Happy Holiday.

CHAIRMAN HEUMANN stated this has been a great commission to work and wished everyone Happy Holidays.

Calendar

The next regular meeting will be held on Wednesday, January 18, 2023, in the Chandler City Council Chambers, 88 E. Chicago Street.

Adjourn

The meeting was adjourned at 5:42 p.m.



Kevin Mayo, Secretary

Rick Heumann, Chairman