

Meeting Minutes

Planning and Zoning Commission

Study Session: Zoning Code Amendments

November 15, 2023 | 3:00 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 3:05 p.m.

Roll Call

Commission Attendance

Chairman Rick Heumann
Vice Chair Sherri Koshiol
Commissioner Michael Quinn
Commissioner Jeff Velasquez
Commissioner Kyle Barichello

Absent

Commissioner Rene Lopez
Commissioner Erik Morgan

Staff Attendance

Kevin Mayo, Planning Administrator
Lauren Schumann, Principal Planner
Alisa Petterson, Senior Planner
Harley Mehlhorn, City Planner
Darsy Omer, Associate Planner
Thomas Allen, Assistant City Attorney
Julie San Miguel, Clerk

Scheduled/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. **PLH23-0026 City Code Amendments related to Zoning, Property Maintenance, & Garbage**

An Addendum Memo was presented to the Commission, Planning staff revised portions of the draft text after receiving additional feedback and comments.

CHAIRMAN HEUMANN welcomed everyone to the meeting and acknowledged that while some Zoning Code Amendments will be straightforward, others might require further discussion and potential modifications before the Regular Meeting. He advised if any members of the Commission felt the need to discuss certain items more extensively it could be addressed during the Regular Meeting.

KEVIN MAYO, PLANNING ADMINISTRATOR expressed gratitude for the feedback received, noting that it continually improved the proposed zoning code amendments. He discussed the intention to use this time of year annually for code updates to avoid such a heavy load in the future.

LAUREN SCHUMANN, PRINCIPAL PLANNER introduced the item and acknowledged the significant amount of zoning code amendments. She expressed gratitude for the Commission's extensive review and staff for their assistance in drafting the amendments. She explained the presentation of the zoning code amendments are divided into two: economic vitality, focusing on non-residential and commercial uses, and neighborhoods. She specified that the Planning and Zoning Commission's role was to review items under Chapter 35 (Land Use and Zoning) and Chapter 39 (Sign Code), with additional code cleanups for code enforcement under Chapter 30 (Property Maintenance) and a word change in Chapter 44 (Garbage and Refuse). She clarified a conversion from alley trash pickup to curbside, noting that the word "wishes" in the code was being changed to "vote" emphasizing neighborhood involvement. She explained that the proposed code amendments aligned with the council's strategic framework and these amendments are aimed to facilitate infill redevelopment and the rejuvenation of old commercial centers while enhancing the quality of life in neighborhoods. She detailed the process leading to the revisions, including stakeholder meetings with the Economic Development Advisory Board, Multi Housing Association, the Downtown Chandler Community Partnership, and public feedback. She stated there were concerns about parking calculations and there was opposition on certain multifamily parking requirements. She mentioned receiving mixed responses from the public, with some supporting proposals like accessory dwelling units and open-air remodels. She explained how the agenda items were grouped within the presentation and stated each slide addressed a specific motion and began the presentation.

A. Move Planning and Zoning Commission recommend approval of proposed text amendments to section 35-200 Definitions of the Zoning Code relating to mid-rise development, bar, and other updates, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to section 35-200 Definitions of the Zoning Code relating to mid-rise development, bar, and other updates, as recommended by Planning staff.

COMMISSIONER BARICHELLO asked whether the number of stories mattered or if it was just about the 55-foot height.

KEVIN MAYO, PLANNING ADMINISTRATOR responded the current code did not specify a number of stories and focuses on height.

CHAIRMAN HEUMANN presented concerns regarding neighborhood notification and asked if a 55-foot structure in a neighborhood would change the public notification requirements.

LAUREN SCHUMANN, PRINCIPAL PLANNER responded through the entitlement process for buildings that exceed a certain height and requesting a mid-rise development expands the notification radius from 600 feet to a quarter mile, and for all registered neighborhood organizations, it extends from a quarter mile to a half mile.

CHAIRMAN HEUMANN pointed out the notification radius for buildings 45 feet or below, is just 600 feet and asked if it would be possible to keep the larger notification radius for transparency, even if a building is allowed by right. He presented concerns regarding notification of HOAs and neighborhoods for proposed infill projects.

KEVIN MAYO, PLANNING ADMINISTRATOR confirmed that the notification would remain the same for mid-rise developments, but the expanded notification process would apply to structures 55 feet and above.

CHAIRMAN HEUMANN asked why there is not one standardize the notification radius for all structures, regardless of height, to ensure transparency and avoid community concerns about not being notified. He asked if it could be added a proposed Zoning Code Amendment.

KEVIN MAYO, PLANNING ADMINISTRATOR acknowledged this was a good suggestion and could be considered in future code updates, especially regarding citywide notification requirements; however, notifications is not part of the current code amendment. He further stated that it could not be added because it is found in a separate area of the code and there was no legal public advertisement/notification.

CHAIRMAN HEUMANN asked that be added to the notes for consideration in the next year's updates, emphasizing the need for a clear and standardized notification process.

LAUREN SCHUMANN added that during the last code amendment in 2020, they reviewed neighborhood notification processes and expanded them to include posting large wooden signs at the site and incorporating social media postings. She also mentioned that the city uploads neighborhood meeting information to the City's website.

CHAIRMAN HEUMANN recalled changes made around 2012 or 2014 to expand notification distance and suggested that a standard radius for all notification would be cleaner.

B. Move Planning and Zoning Commission recommend approval of proposed text amendments to section 35-305 Use Permit, relating to renewal enforcement, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to section 35-305 Use Permit, relating to renewal enforcement, as recommended by Planning staff.

CHAIRMAN HEUMANN stated this topic had been under discussion for many years and noted situations where someone requests a time extension after a permit had already expired by many years. He asked if there was an improved system in place to notify Applicants when a use permit was due to expire. He further asked if the responsibility was on the applicants to file the necessary paperwork.

LAUREN SCHUMANN, PRINCIPAL PLANNER clarified staff maintains a running list and sends out notifications when use permits were about to expire. She stated this approach has resulted in a significant number of Applicants filing the required paperwork and explained the need for this proposed amendment rose when an Applicant received one of these letters and was uncertain about whether they needed to cease operations or what the implications would be, as they could not find relevant information in the City Code.

CHAIRMAN HEUMANN stated if someone is sending notification that is great and presented statements regarding past challenges with Applicants filing a year after expiration.

C. Move Planning and Zoning Commission recommend approval of proposed text amendments to articles IV. AG-1-Agricultural District, V. SF-33-Single Family District, VI. SF-18-Single Family District, VI.1. SF-10 Single Family District, VIII. MF-1-Medium Density Residential District, IX. MF-2-Multiple Family Residential District, and X. MF-3-High Density Residential District of Chapter 35 Land Use and Zoning, cleaning up language and permitting single family homes on parcels zoned multifamily residential that are less than 12,000 square feet, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to articles IV. AG-1-Agricultural District, V. SF-33-Single Family District, VI. SF-18-Single Family District, VI.1. SF-10 Single Family District, VIII. MF-1-Medium Density Residential District, IX. MF-2-Multiple Family Residential District, and X. MF-3-High Density Residential District of Chapter 35 Land Use and Zoning, cleaning up language and permitting single family homes on parcels zoned multifamily residential that are less than 12,000 square feet, as recommended by Planning staff.

CHAIRMAN HEUMANN pointed out this will eliminate half of the meetings we have had this year and confirmed there were no questions or comments from the Commission Members.

D. Move Planning and Zoning Commission recommend approval of proposed text amendments to sections 35-1203, 35-1503, 35-1703, and 35-1902.4, granting authority to the Planning Administrator to reduce front yard setbacks within the Infill Incentive District, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to sections 35-1203, 35-1503, 35-1703, and 35-1902.4, granting authority to the Planning Administrator to reduce front yard setbacks within the Infill Incentive District, as recommended by Planning staff.

COMMISSIONER VELASQUEZ inquired about the definition of greater material diversity, particularly in the context of using different materials like steel.

LAUREN SCHUMANN, PRINCIPAL PLANNER informed the commission that within the code contains language specifying that no more than 65% of one material should be used and stated staff had deliberately not defined this to maintain flexibility. She mentioned the code's language about the building's movement and clarified they had not established a minimum number for diversity of materials.

COMMISSIONER BARICHELLO asked if there were any examples of where there is an undeveloped corner at the intersection of an arterial with three sides not meeting the 25-foot setback. He expressed concern about the comparative impact when a new development is allowed a reduced setback, and it still stands out from the surrounding area due to a greater setback. He commented on the minimal difference between setbacks of 15 and 25 feet when the surrounding area has setbacks of around 10 feet.

KEVIN MAYO, PLANNING ADMINISTRATOR responded that they were open to suggestions and had received varied feedback expressing concern about whether future teams.

COMMISSIONER BARICHELLO agreed and expressed he favored lower setback limits.

COMMISSIONER QUINN mentioned it will be hard to get people to meet all these requirements and still only use half of the offset when the purpose of this is to get properties occupied.

KEVIN MAYO, PLANNING ADMINISTRATOR expressed openness to feedback and stated staff initially started with zero a setback, but it was revised after consideration.

CHAIRMAN HEUMANN emphasized the importance of considering future implications of their decisions, mentioning a point system used in the southeast area plan. He expressed concern about the ambiguity in the current language, particularly in terms of material diversity, creative design, and urged for clearer definitions.

KEVIN MAYO, PLANNING ADMINISTRATOR recounted their experience with the point system in the southeast Chandler area, noting that it often led to homogenized designs as developers chose the path of least resistance. He discussed the intent behind their current approach, focusing on goal-based criteria rather than prescriptive measures as the point system approach did not get yield the results ultimately wanted.

CHAIRMAN HEUMANN stressed the need for better definitions to ensure consistent application of rules, particularly after the current staff's departure. He suggested using examples of quality design as a guideline, therefore builders do not just follow the easiest path.

KEVIN MAYO, PLANNING ADMINISTRATOR welcomed specific feedback for improving clarity in their criteria. He mentioned recent tweaks to the guidelines and the importance of meeting the community's expectations.

COMMISSIONER BARICHELLO suggested a reverse approach where more line items in the criteria which could lead to an increased number of setbacks.

COMMISSIONER QUINN asked if any of the items mentioned, specifically one through six, are defined in other parts of the guidelines pertaining to greater material density. He referenced that there is a stipulation for at least 30% of a different material or texture to be used in the construction and suggested that exceeding this percentage should be more substantial. He proposed an increase not just to 31%, but to a higher figure like 40% to ensure significant material diversity.

KEVIN MAYO, PLANNING ADMINISTRATOR acknowledged the current approach's limitations and presented statements regarding challenges in achieving the intended outcomes with existing guidelines.

CHAIRMAN HEUMANN highlighted the importance of clear definitions to avoid future ambiguities and ensure the implementation of creative design.

COMMISSIONER VASQUEZ asked about the definition of "greater material diversity" and whether it was defined elsewhere in the code.

KEVIN MAYO, PLANNING ADMINISTRATOR pointed out an example is Price Road and discussed challenges in defining material diversity and its application in different architectural contexts.

CHAIRMAN HEUMANN mentioned the evolution of materials over time and the importance of flexibility in their guidelines to accommodate future developments.

COMMISSIONER QUINN pointed out that overly restrictive guidelines could hinder sensible design decisions and used an example where a regulation demands 50% glazing for all street-facing

elevations, including south-facing ones, which could lead to impractical designs due to limited space and excessive heat, necessitating excessive HVAC usage.

CHAIRMAN HEUMANN presented statements regarding the evolving nature of building materials, sharing his experience of touring Kodak and seeing innovative materials. He suggested that material diversity in the future could include new undiscovered materials.

COMMISSIONER QUINN stated he agreed that some aspects of the guidelines should be open to negotiation, allowing developers to present sensible plans that could include innovative insulation and material use without needing constant oversight.

CHAIRMAN HEUMANN his struggle with defining material diversity in a way that does not overly constrain developers. He mentioned hearing concerns from developers about planners changing requirements after projects had begun, emphasizing the need for clear yet flexible guidelines.

KEVIN MAYO, PLANNING ADMINISTRATOR suggested the possibility of including language in the code indicating that guidelines are additional to existing codes, to provide clarity at the baseline. He stated staff is open to tweaking the guidelines as needed.

CHAIRMAN HEUMANN asked how to define material diversity percentages meaningfully, rather than just incrementally increasing them by small amounts like 1%.

COMMISSIONER QUINN asked how many properties north of the 202 freeway are applying for infill permits annually.

KEVIN MAYO, PLANNING ADMINISTRATOR clarified that not all properties were permanently filled and approximately 50 permits are filed a year.

COMMISSIONER QUINN suggested observing over the next year to assess the effectiveness of the rules and identify potential areas for improvement. He pointed out that 50 cases are a good sample to use the framework as a basis for evaluation and allowing them to identify and address any issues.

CHAIRMAN HEUMANN remembered reviewing Downtown Redevelopment Plan and they were shown various development examples in Phoenix, Scottsdale, and Tempe; he asked in showing such examples could this guide developers to understanding the quality and diversity sought by the city.

KEVIN MAYO, PLANNING ADMINISTRATOR stated adding images to the implementation packet as examples of the desired quality is a way to clarify goals without making the guidelines overly restrictive, but he did not feel it necessary to codify images.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY stated he worked with staff on the language of the guidelines and advocated for more discretion to be given to staff. He emphasized the importance of flexibility in design and the ability to adjust to the changing objectives of City Council. He explained there is a level of subjectivity that should be trusted to professionals and from a legal perspective it was intentionally written to be broad and discretionary.

CHAIRMAN HEUMANN expressed concern about the Council's understanding of planning complexities and suggested providing image examples of quality developments to set expectations.

COMMISSIONER QUINN advised that City of Phoenix's approach to infill is having a separate division where planners had enough freedom to negotiate sensible solutions with developers. He emphasized the efficiency in their approach to handling infill projects.

KEVIN MAYO, PLANNING ADMINISTRATOR presented statements regarding the negotiation process with developers. He stated the proposed change will allow staff to reach a compromise that would be acceptable to both the commission and the council, while acknowledging the potential changes in staff and guidelines over time.

CHAIRMAN HEUMANN presented concerns about inconsistency in planning approvals, stressing the need for a process that accelerates approvals when developers meet specified requirements.

COMMISSIONER QUINN suggested reviewing the guidelines annually to assess their effectiveness and adapt as necessary.

CHAIRMAN HEUMANN agreed with the idea to review this annually to work out any issues.

KEVIN MAYO, PLANNING ADMINISTRATOR stated staff is open to feedback.

E. Move Planning and Zoning Commission recommend approval of proposed text amendments to sections 35-1802 General Requirements and 35-1804 Parking Schedule, relating to parking requirements, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to sections 35-1802 General Requirements and 35-1804 Parking Schedule, relating to parking requirements, as recommended by Planning staff.

CHAIRMAN HEUMANN presented statements regarding the need for more parking spaces and developers accommodating.

KEVIN MAYO, PLANNING ADMINISTRATOR shared staff is receiving significant pushback from industrial developers who preferred parking ratios of 1.19 to 1.13. He noted that these developers

are dismissive of users who required more parking, leading to a mismatch between developer expectations and City desired users. He mentioned that efforts to reach a parking ratio of two per 1,000 had been challenging, especially since Amazon's entry into the market, which had shifted their focus to parking and desirable types of building users.

CHAIRMAN HEUMANN emphasized the importance of serving the City's needs and Council's objectives.

KEVIN MAYO, PLANNING ADMINISTRATOR explained that buildings are being constructed with a cost structure that would attract desired users and parking availability.

CHAIRMAN HEUMANN asked if this creates a massive concrete front.

LAUREN SCHUMANN, PRINCIPAL PLANNER responded with the use of landscape, hopefully not and stated for multifamily parking requirements, staff compared the City's standards to those of other cities and adjusted guest parking spaces to 0.2 per unit in response to feedback from various stakeholders. She highlighted the parking issues with current apartment developments, where residents often do not park within the complex and often times are parking on public streets instead.

CHAIRMAN HEUMANN presented statements about the changing dynamics of infill projects and the impact of increased rents on parking needs, stressing the importance of adequate parking to prevent overflow into neighborhoods. He stated due to rent increases it is common for 4 people to live in a 2-bedroom apartment and pointed out the original parking ratio proposed was 2.25 and stated that he had no issues with that number.

LAUREN SCHUMANN, PRINCIPAL PLANNER stated part of the proposal would prohibit multifamily developers from charging separate fees for parking, as this practice often led to residents parking on streets to avoid additional costs. She further stated any additional fees would need to be included in the rent.

KEVIN MAYO, PLANNING ADMINISTRATOR explained that developers have contested stating that the City cannot prohibit them from charging fees for parking, but the City has maintained that while developers could charge for parking, however, should not be a separate fee from the unit's rent.

COMMISSIONER QUINN shared personal experiences of his son's parking issues in residential areas due to insufficient apartment parking.

COMMISSIONER BARICHELLO sought clarification on the proposal to prohibit separate parking fees, inquiring about the possibility of itemizing such fees within the rent.

CHAIRMAN HEUMANN stated it would lock them in so renters could not opt out of parking.

VICE CHAIR KOSHIOL clarified that the parking fees included in rent is only for the required number of parking spaces. She confirmed that apartments could still charge fees for garages as they go beyond the required parking number.

CHAIRMAN HEUMANN stated that proposals for rentals with garages have come through where it had to be confirmed that the garages would be used for parking and not storage.

VICE CHAIR KOSHIOL stated she was comfortable changing the parking ratio to the higher number contained in the original proposal.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented the changes in guest parking requirements based on the number of units, comparing the previous and proposed standards.

CHAIRMAN HEUMANN commented on the parking challenges in various developments and the need for sensible solutions and asked if any other Commission Members felt the ratio should be higher.

COMMISSIONER QUINN clarified that the increased would require 1 guest parking space per 2 units.

VICE CHAIR KOSHIOL pointed out that 1 guest parking space per 5 units is the standard from what she has observed.

KEVIN MAYO, PLANNING ADMINISTRATOR pointed out that the proposal could be increased to 2.25 the City can see if this has an affect on the parking overflow issue.

COMMISSIONER BARICHELLO asked what kind of feedback was given by stakeholders and if it was based on developer feedback that the number was lowered to 2.0.

KEVIN MAYO, PLANNING ADMINISTRATOR stated that the feedback staff received was that other cities are lowering their parking requirement.

CHAIRMAN HEUMANN pointed out those who reduce their parking ratio will have negative consequences unless they are along the light rail.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY suggested in the Commission's motion regarding this item note their recommendation and the specific item number/letter.

COMMISSIONER QUINN pointed out the necessity of the proposed additional parking spaces due to increased prices and the need for roommates to help with the financial burden. He stated it is not out of the ordinary for as many as 4 people to live in a two-bedroom apartment.

LAUREN SCHUMANN, PRINCIPAL PLANNER stated the proposed zoning code amendment also includes guest parking requirements for developments other than apartments that staff currently follows as a policy. She explained the long-standing policy written by the transportation city engineer states that developments that do not have on-street parking spaces, should be required to have guest parking spaces at .25 per lot and .5 if there are no driveways and they should be evenly dispersed throughout the development.

KEVIN MAYO, PLANNING ADMINISTRATOR expressed the need for the policy to be included in the code, mentioning difficulties in its enforcement due to the lack of codification.

Note: Motion E was amended as a result of the Planning and Zoning's discussion during the Zoning Code Amendment Study Session. The modification requires guest parking spaces to .25 per unit.

F. Move Planning and Zoning Commission recommend approval of proposed text amendments to section 35-1902.8(c) Site Development Plan, allowing the Planning Administrator to administratively approve more than two free-standing pads, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to section 35-1902.8(c) Site Development Plan, allowing the Planning Administrator to administratively approve more than two free-standing pads, as recommended by Planning staff.

COMMISSIONER BARICHELLO inquired if two specific fast-food outlets desired to be adjacent, whether they would need to undergo the design process.

CHAIRMAN HEUMANN presented statements about the implications of allowing a small drive-thru next to a high-turnover use. He asked what prevents the small drive thru from becoming a high-turnover use in the future and what about the impact on adjacent properties.

KEVIN MAYO, PLANNING ADMINISTRATOR explained that drive thrus for different types of businesses, such as a dry cleaner, would be designed differently than for high-turnover restaurants. He clarified that even if a high-turnover restaurant replaced a low-turnover drive-thru, they could not be situated side by side due to the menu board and other elements.

CHAIRMAN HEUMANN expressed concerns about different types of businesses with drive thrus, coming in if one goes out of business and is replaced by another.

KEVIN MAYO, PLANNING ADMINISTRATOR reiterated that the code differentiated between high and low turnover uses, ensuring that a high turnover use could not replace a low turnover use by right.

CHAIRMAN HEUMANN raised concerns about traffic impacts, particularly on smaller streets, and the implications of allowing multiple pads in such areas, especially if a user like Chick-fil-a came in.

KEVIN MAYO, PLANNING ADMINISTRATOR assured that any new development would undergo a standard building permit process, including traffic impact assessments, to ensure compatibility with existing infrastructure. He stated if it could not go through administratively, it would be subject to the public hearing process.

COMMISSIONER QUINN noted that the proposal aimed at infill on existing lots and improving them with additional pads while considering the existing road capacity.

KEVIN MAYO, PLANNING ADMINISTRATOR gave the example of the northwest corner of Alma School and Queen Creek where a commercial center parking lot integrated additional pads through a PDP public hearing process when it could have been done administratively.

CHAIRMAN HEUMANN expressed concerns about the proposal, particularly the risk of clustering too many high turnovers use in one area, which could deter customers from visiting the entire shopping center. He suggested the wording reflect that no more than one high turnover use on a site.

KEVIN MAYO, PLANNING ADMINISTRATOR responded that for the past 15 years, there had been no limit on the number of drive-thrus in a development, and they had worked to integrate these establishments effectively, based on the intensity of the arterial street. He pointed out that when a PDP is drafted staff is not aware of the user.

CHAIRMAN HEUMANN mentioned a trend in the restaurant industry towards more drive-thrus and fewer dine-in options, stressing the need for careful planning to avoid negative impacts on shopping centers.

KEVIN MAYO, PLANNING ADMINISTRATOR acknowledged the societal shift towards car-centric facilities, underscoring the challenge for planners to adapt to these changes while maintaining quality urban design.

CHAIRMAN HEUMANN referred to efforts in Mesa to limit the number of certain types of drive-thrus, questioning if similar measures should be considered in Chandler.

KEVIN MAYO, PLANNING ADMINISTRATOR stated they are trying to limit the number of high turnover drive-thrus with micro buildings, like Dutch Bros.

CHAIRMAN HEUMANN asked if any Commission Members had issues with adding wording that prohibits more than one high turnover use on the street but allowing more pads.

COMMISSIONER BARICHELLO emphasized the importance of maintaining administrative flexibility in the approval process for high-turnover uses.

CHAIRMAN HEUMANN clarified if they wanted more than one high turnover use, they would not be allowed administratively and would need to go through the public hearing process.

COMMISSIONER QUINN pointed out that the wording would need to mention that the high turnover use could not be side by side.

KEVIN MAYO, PLANNING ADMINISTRATOR sought clarification from the Commission and stated, the number of pads would be irrelevant, there would be one high turnover use per street, and any additional would need to go through a public hearing process.

CHAIRMAN HEUMANN pointed out that too many high turnover drive-thrus could impact shopping centers negatively.

COMMISSIONER BARICHELLO pointed out the image in the presentation and asked what else could go in this sea of a parking lot area other than a high turnover use.

CHAIRMAN HEUMANN stated he is not against pads; he is concerned with too many high turnover uses in a shopping center and suggested the need for careful consideration in the approval process.

KEVIN MAYO, PLANNING ADMINISTRATOR asked if it was the Commission's recommendation that the wording be amended to reflect, "...and not more than one high turnover use per street frontage."

COMMISSIONER QUINN pointed out the Paseo Lindo shopping center who has Chick-fil-a and Wendy's separated by a Verizon store and advised that he considers both to be high turnover and they are on the same street. He stated he has never felt like the parking lot was too crowded or that this has affected the shopping center negatively. He further stated the way it is written, if applied correctly, a developer could not fit in another high turnover use, unless it was appropriate.

CHAIRMAN HEUMANN stated he was okay with the proposed zoning code amendment, but he would like a note added that prohibited more than one high turnover use on a street frontage.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY asked staff to clarify the wording.

LAUREN SCHUMANN, PRINCIPAL PLANNER clarified that the wording shall be amended to the following: No more than one high turnover use allowed per street frontage.

Note: Motion F was amended as a result of the Planning and Zoning's discussion during the Zoning Code Amendment Study Session. The modification adds the following: "No more than one high turnover user per street frontage".

G. Move Planning and Zoning Commission recommend approval of proposed text amendments to section 35-1902 Site Development Plan, relating to drive-through requirements, use of shipping containers, and screening of roof-mounted equipment, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to section 35-1902 Site Development Plan, relating to drive-through requirements, use of shipping containers, and screening of roof-mounted equipment, as recommended by Planning staff.

CHAIRMAN HEUMANN presented statements regarding a Wells Fargo located at the southeast corner of Ray and Rural, mentioning its use of mobile units. He confirmed that roof mounted equipment near residential areas would require sound screening.

H. Move Planning and Zoning Commission recommend approval of proposed text amendments to section 35-2100 Table of Permitted Uses for Nonresidential Districts, modifying the layout, adding new previously unlisted uses, clarifying ancillary use provisions, and other related changes, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to section 35-2100 Table of Permitted Uses for Nonresidential Districts, modifying the layout, adding new previously unlisted uses, clarifying ancillary use provisions, and other related changes, as recommended by Planning staff.

CHAIRMAN HEUMANN confirmed there were no questions or comments from the Commission Members.

I. Move Planning and Zoning Commission recommend approval of proposed text amendments to section 35-2202 Accessory Buildings and Guest Quarters, permitting accessory dwelling units within single-family lots, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to section 35-2202 Accessory Buildings and Guest Quarters, permitting accessory dwelling units within single-family lots, as recommended by Planning staff.

CHAIRMAN HEUMANN asked for a definition of short-term rental.

KEVIN MAYO, PLANNING ADMINISTRATOR responded that the City uses the State's definition for short-term rental.

CHAIRMAN HEUMANN asked if this would affect HOAs.

KEVIN MAYO, PLANNING ADMINISTRATOR mentioned that HOAs would have the ability to set their own rules.

CHAIRMAN HEUMANN confirmed if an HOA has its own CCNRs and this would not necessarily override them.

J. Move Planning and Zoning Commission recommend approval of proposed text amendments to section 35-2204 General, relating to perimeter wall requirements, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to section 35-2204 General, relating to perimeter wall requirements, as recommended by Planning staff.

CHAIRMAN HEUMANN asked what is the separation allowed in situations involving walls in building subdivisions and asked for staff's thoughts on the separation between walls and whether there would be a gap to prevent a "dead man zone."

KEVIN MAYO, PLANNING ADMINISTRATOR explained from his experience wall disputes in most cases are resolved by working with neighbors. He gave an example where developers had to engage with each neighbor to obtain temporary construction easements, eventually leading to the replacement of an old wall with a new one. He stated that a waiver was included for cases where engineering issues made compliance impractical.

CHAIRMAN HEUMANN questioned whether the criteria for Zoning Administrator waivers should be more specifically defined to encompass only engineering impossibilities.

KEVIN MAYO, PLANNING ADMINISTRATOR responded that currently, the code does not specify detailed criteria for such waivers.

CHAIRMAN HEUMANN sought clarification on what circumstances would allow the Zoning Administrator to grant a waiver.

KEVIN MAYO, PLANNING ADMINISTRATOR explained no example comes to mind and historically staff has upheld their position in nearly all cases, except for two instances where the decision went through the Commission and Council.

CHAIRMAN HEUMANN asked for examples for waiver criteria and if there was none, then why have it.

VICE CHAIR KOSHIAL clarified that the waiver is a necessity for flexibility where real-world issues arise and this rule could be problematic for landowner.

CHAIRMAN HEUMANN asked if the developers would have to present their efforts to the Zoning Administrator, particularly in cases where they had made significant attempts to negotiate with neighbors.

KEVIN MAYO, PLANNING ADMINISTRATOR explained there have been instances where sites had to be reengineered to maintain existing wall heights and that developers often had to find creative solutions to complex challenges.

COMMISSIONER BARICHELLO stated that he is in favor of the Zoning Administrator waiver as instances could arise where it is needed.

CHAIRMAN HEUMANN stressed the importance of identifying issues early in the development process to avoid disputes later.

KEVIN MAYO, PLANNING ADMINISTRATOR explained that during pretech before a case is filed that Applicants are forewarned about staff's expectations for walls and this would facilitate easier resolutions.

VICE CHAIR KOLSHIOL stated outright prohibition seemed stringent as unforeseen challenges arise, particularly in redevelopment projects and that she is in favor of the Zoning Administrator waiver so long as the Administrator has a clear rationale for granting waivers.

CHAIRMAN HEUMANN explained that the point he was trying to make is there should be compelling, extenuating circumstances, particularly from an engineering standpoint, to justify any exceptions.

KEVIN MAYO, PLANNING ADMINISTRATOR added that even in cases where the Zoning Administrator's decision is unfavorable, developers have the option to appeal to the Board of Adjustments.

COMMISSIONER BARICHELLO expressed concern that it might not be common knowledge that developers could appeal to the Board of Adjustments.

K. Move Planning and Zoning Commission recommend approval of proposed text amendments to sections 35-2202.1, 35-2205, and 35-2208, relating to open-air ramadas, swimming pool setbacks, and satellite dish antenna requirements, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to sections 35-2202.1, 35-2205, and 35-2208, relating to open-air ramadas, swimming pool setbacks, and satellite dish antenna requirements, as recommended by Planning staff.

CHAIRMAN HEUMANN asked about Ramadas and the potential issue of a neighbor having a wall above their fence line due to the five-foot separation and seven-foot wall height.

KEVIN MAYO, PLANNING ADMINISTRATOR explained that the proposed number is in line with current code, which does not prevent building a wall within one's backyard with a maximum height of seven feet.

CHAIRMAN HEUMANN pointed out the size of typical satellite dishes from companies like Dish Network and expressed frustration over past practices of satellite companies installing dishes in visually intrusive locations, like patio roofs, rather than on the ground.

L. Move Planning and Zoning Commission recommend approval of adding section 35-2215 Home Occupation, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding adding section 35-2215 Home Occupation, as recommended by Planning staff.

CHAIRMAN HEUMANN referenced prior discussions with staff to include swim lessons as a permissible home occupation. He emphasized the importance of infant swim lessons and the potential to save lives. He also stressed the need for business-related parking regulations.

LAUREN SCHUMANN, PRINCIPAL PLANNER explained that swim schools were not included as permitted uses by right due to potential noise disturbances to neighbors and clarified that such businesses were not banned but would require a use permit.

CHAIRMAN HEUMANN expressed a strong desire to include swim lessons as a permissible home occupation, arguing that the benefits of potentially saving a child's life outweighed the inconvenience of noise to neighbors. He compared the noise from swim lessons to other activities like drum lessons and emphasized the seasonal nature of swimming lessons. He confirmed with

the other Commission Members that no one had issues with adding swim lessons to the list of permissible uses.

KEVIN MAYO, PLANNING ADMINISTRATOR stated if the Commission would like to add swim lessons to add it to the motion at the Planning and Zoning Regular Meeting.

Note: Motion L was amended as a result of the Planning and Zoning's discussion during the Zoning Code Amendment Study Session. The modification adds swim lessons to permitted uses.

M. Move Planning and Zoning Commission recommend approval of proposed text amendments to Chapter 39 Sign Code, relating to murals and temporary sign requirements, as recommended by Planning staff.

LAUREN SCHUMANN, PRINCIPAL PLANNER presented details regarding proposed text amendments to Chapter 39 Sign Code, relating to murals and temporary sign requirements, as recommended by Planning staff.

CHAIRMAN HEUMANN stated that he recently ate at Espo's, and they had a beautiful new mural.

Member Comments/Announcements

CHAIRMAN HEUMANN expressed concern about the lack of enforcement of the temporary sign code in Chandler. He presented concerns regarding ripped banners and staff not being able to address signs that are damaged or not functioning properly because the temporary sign code has not been reinstated. He pointed out that all the COVID restrictions have been lifted except the temporary sign code and emphasized the need to convey this concern to the Council. He asked for the minutes to reflect his concern.

Calendar

The next Study Session will be held before the Regular Meeting on Wednesday, November 15, 2023, in the Chandler City Council Chambers, 88 E. Chicago Street.

Adjourn

The meeting was adjourned at 4:54 p.m.



Kevin Mayo, Secretary



Rick Heumann, Chairman