

Planning and Zoning Commission Study Session

July 17, 2024

4:30 p.m. Briefing

5:00 p.m. Consent Agenda

Chandler City Council Chambers

88 E. Chicago Street, Chandler AZ



Commission Members

Chair Rick Heumann

Vice Chair Sherri Koshiol

Commissioner Mike Quinn

Commissioner Kyle Barichello

Commissioner Rene Lopez

Commissioner Charlotte Golla

Pursuant to Resolution No. 4464 of the City of Chandler and to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a STUDY SESSION open to the public on Wednesday, July 17, 2024, at City Council Chambers, 88 E. Chicago Street, Chandler, AZ. A Briefing will be presented at 4:30 p.m. and the Consent Agenda will begin at 5:00 p.m., one or more members of the Commission may attend this meeting by telephone.

Persons with disabilities may request a reasonable modification or communication aids and services by contacting the City Clerk's office at 480-782-2181 (711 via AZRS). Please make requests in advance as it affords the City time to accommodate the request.

Agendas are available in the Office of the City Clerk, 175 S. Arizona Avenue.

Planning and Zoning Commission Study Session Agenda - July 17, 2024

Call to Order/Roll Call

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.

4:30 p.m. Briefing

1. Presentation on the Chandler Downtown Region Area Plan Update.

5:00 p.m. Consent Agenda

Items listed on the Consent Agenda may be enacted by one motion and one vote. If a discussion is required by members of the Board or Commission, the item will be removed from the Consent Agenda for discussion and determination will be made if the item will be considered separately.

2. **June 5, 2024, Planning and Zoning Commission Meeting Minutes**
Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of June 5, 2024, and Regular Meeting of June 5, 2024.
3. **Entertainment Use Permit, PLH22-0056 Topsy Egg & The Uncommon, 1 E Boston Street, generally located ¼ mile south of the southeast corner of Arizona Avenue and Chandler Boulevard**
Move Planning and Zoning Commission recommend approval of Entertainment Use Permit PLH22-0056 Topsy Egg & The Uncommon, to continue to allow for live indoor and outdoor entertainment, subject to the conditions as recommended by Planning staff.
4. **Use Permit, PLH24-0006 Ponderosa - Dispensary, 318 S. Bracken Lane, generally located 1/2 mile south of Chandler Boulevard and 1/4 mile east of Price Road**
Move Planning and Zoning Commission recommend approval of Use Permit PLH24-0006 Ponderosa Dispensary, to continue to allow the co-location of an ancillary Medical Marijuana Facility in conjunction with its affiliated onsite Medical Marijuana Cultivation Site and Medical Marijuana Infusion Food Establishment, subject to the conditions as recommended by Planning staff.
5. **Entertainment Use Permit, PLH24-0007 Sawtooth Bar and Grill, 4929 W Ray Road, generally located at the southeast corner of Ray and Rural roads**

Move Planning and Zoning Commission recommend approval of Entertainment Use Permit PLH24-0007 Sawtooth Bar and Grill, to continue to allow for live indoor entertainment, speakers and tv screens, subject to the conditions as recommended by Planning staff.

- 6. **Use Permit, PLH24-0008 Fun Fusion Learning Center, 4640 E Peach Tree Drive, generally located 1/4 mile north and west of Hunt Highway and Val Vista Drive**
Move Planning and Zoning Commission recommend approval of Use Permit PLH24-0008 Fun Fusion Learning Center for a residential child care facility for up to 10 children in an existing single-family home zoned Planned Area Development (PAD), subject to the conditions as recommended by Planning staff.

- 7. **Entertainment Use Permit PLH24-0013 Showcase Legends Bar & Grill, 2386 N Alma School Road, generally located north of the northwest corner of Alma School and Warner Roads**
Move Planning and Zoning Commission recommend approval of Entertainment Use Permit PLH24-0013 Legends Showcase Bar & Grill, to allow for live indoor entertainment, speakers and tv screens, subject to the conditions as recommended by Planning staff.

- 8. **Entertainment Use Permit, PLH24-0014 Celoni Hospitality, LLC DbA Recreo Cantina, 28 S San Marcos Place, generally located 1/4 mile south of the southwest corner of Arizona Avenue and Chandler Boulevard**
Move Planning and Zoning Commission recommend approval of Entertainment Use Permit PLH24-0014 Celoni Hospitality, LLC DbA Recreo Cantina, to continue to allow for live indoor and outdoor entertainment, subject to the conditions as recommended by Planning staff.

- 9. **Notice of Cancellation of August 7, 2024, Planning and Zoning Commission Hearing**
Move Planning and Zoning cancel the August 7, 2024, Planning and Zoning Commission Hearing.

Discussion

Member Comments/Announcements

Calendar

- 10. The next Study Session will be held before the Regular Meeting on Wednesday, August 21, 2024, in the Chandler City Council Chambers, 88 E. Chicago Street, Chandler, Arizona.

Adjourn



**Planning & Zoning Commission
24-044**

Development Services Memo No. PZ

Date: 07/17/2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
From: Julie San Miguel, Senior Administrative Assistant
Subject: June 5, 2024, Planning and Zoning Commission Meeting Minutes

Proposed Motion:

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of June 5, 2024, and Regular Meeting of June 5, 2024.

Attachments

- June 5, 2024 Study Session Minutes
- June 5, 2024 Regular Meeting Minutes

Meeting Minutes

Planning and Zoning Commission

Study Session

June 5, 2024 | 5:00 p.m.
Chandler City Council Chambers
88 E. Chicago Street, Chandler, AZ



Call to Order

The meeting was called to order by Chairman Heumann at 5:04 p.m.

Roll Call

Commission Attendance

Chairman Rick Heumann
Vice Chair Sherri Koshiol
Commissioner Michael Quinn
Commissioner Rene Lopez
Commissioner Charlotte Golla (Telephonic Appearance)

Staff Attendance

David de la Torre, Planning Manager
Alisa Petterson, Senior Planner
Ben Cereceres, City Planner
Thomas Allen, Assistant City Attorney
Michelle Reeder, Clerk

Absent

Commissioner Kyle Barichello - Excused

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. May 15, 2024, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of May 15, 2024, and Regular Meeting of May 15, 2024.

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

2. PLH23-0063 CBREIM Frye

ALISA PETTERSON, SENIOR PLANNER presented details regarding request Rezoning from Planned Industrial (I-1) District to Planned Area Development (PAD) for a data center uses with Mid-Rise Overlay to allow building heights up to 95 feet and Preliminary Development Plan approval to expand an existing data center facility. The subject site is located at 2500 W. Frye Road, generally located ½ mile south and east of Chandler Boulevard and Price Road.

CHAIRMAN HEUMANN sought clarification on the landscaping stipulation. He requested staff present the image from Frye Road and asked if the Applicant planned to remove the entire basin.

ALISA PETTERSON, SENIOR PLANNER stated an earlier version of the design called for existing landscape materials within the basin to be maintained; however, during the review process, the design was revised so that the existing landscape materials along Frye Road would be removed and replaced with new landscaping. She further stated staff recommends a stipulation that all new landscaping be 36-inch boxes and trees twelve-foot high upon planting, considering the height of the proposed extension.

COMMISSIONER KOSHIOL asked about the potential for salvaging the existing trees, noting that across the valley, there are some builders who will nursery trees while under construction and replant. She asked if this was considered and discussed with the Applicant.

ALISA PETTERSON, SENIOR PLANNER confirmed that discussions were held regarding the idea of salvaging the existing trees as much as possible and this could be an option. She stated a stipulation would need to be added to allow staff to understand which trees were viable for salvaging. She further stated the Applicant was potentially open to the idea, however it would take on-site surveying to understand the condition of the existing landscape materials.

COMMISSIONER KOSHIOL expressed that it would be beneficial for staff to work with the Applicant to evaluate the best options. She stated if the Applicant could work with staff on this, it could be advantageous as it is difficult to find high-quality trees in nurseries, depending on the time of year.

CHAIRMAN HEUMANN suggested a compromise, proposing that 75% of the trees should either be salvageable or twelve-foot trees upon planting because that would help buffer the building, which was quite large. He noted that the architecture and design were acceptable, but the building's size warranted additional buffering.

COMMISSIONER KOSHIOL suggested the placement of taller trees closer to the roadway could provide more immediate buffering. He suggested this could be discussed with the applicant.

ALISA PETTERSON, SENIOR PLANNER stated this is a good idea and confirmed staff would discuss this with the Applicant.

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

3. PLH24-0003 EL OASIS

BEN CERECERES, CITY PLANNER presented details regarding request Use Permit time extension for a one-story community center and community gardens on approximately 1.9 acres on a property zoned Multiple-Family Residential District (MF-2). The subject property is located at 482 E. Erie Street, approximately one quarter of a mile north of the northwest corner of Chandler Boulevard and Hamilton Street.

CHAIRMAN HEUMANN asked if this proposal is for a Use Permit time extension.

BENJAMIN CERECERES, CITY PLANNER clarified the previous approval included a time limitation and stated this request does not include a time limitation due to the stipulations in place. He further stated noise should not be an issue, but should a problem arise, the Applicant has contact information available for neighbors to contact the organization.

CHAIRMAN HEUMANN pointed out the number of parking spaces and asked if parking was a concern.

BENJAMIN CERECERES, CITY PLANNER stated there is a stipulation that requires all parking be on-site and parking is not allowed to overflow into the surrounding community.

CHAIRMAN HEUMANN asked if the City will have recourse if the property is sold. He mentioned this is a great use, but wanted to ensure the stipulations protect against a different user coming in.

BENJAMIN CERECERES, CITY PLANNER stated if a new user comes in, staff will review their request and determine how to accommodate parking needs.


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

Calendar

The next Study Session will be held before the Regular Meeting on Wednesday, July 17, 2024, in the Chandler City Council Chambers, 88 E. Chicago Street, Chandler, Arizona.

Adjourn

The meeting was adjourned at 5:25 p.m.



Kevin Mayo, Secretary

Rick Heumann, Chairman

Meeting Minutes

Planning and Zoning Commission

Regular Meeting

June 5, 2024 | 5:30 p.m.

Chandler City Council Chambers

88 E. Chicago Street, 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 Chair Sherri Koshiol

Commissioner Michael Quinn

Commissioner Rene Lopez

Commissioner Charlotte Golla (Telephonic Appearance)

Staff Attendance

David de la Torre, Planning Manager

Alisa Petterson, Senior Planner

Ben Cereceres, City Planner

Thomas Allen, Assistant City Attorney

Michelle Reeder, Clerk

Absent

Commissioner Kyle Barichello - Excused

Pledge of Allegiance

The Pledge of Allegiance was led by Chair Heumann.

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. **May 15, 2024, Planning and Zoning Commission Meeting Minutes**

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of May 15, 2024, and Regular Meeting of May 15, 2024.

2. **PLH23-0063 CBREIM Frye**

Request Rezoning from Planned Industrial (I-1) District to Planned Area Development (PAD) for a data center uses with Mid-Rise Overlay to allow building heights up to 95 feet and Preliminary Development Plan approval to expand an existing data center facility. The subject site is located at 2500 W. Frye Road, generally located ½ mile south and east of Chandler Boulevard and Price Road.

CHAIRMAN HEUMANN asked staff to present the modified stipulation to the Commission and audience.

ALISA PETERSON, SENIOR PLANNER read aloud modified Preliminary Development Plan stipulation No 8.

Proposed Motion:

Rezoning

Move Planning and Zoning Commission recommend approval of PLH23-0063 CBREIM Frye, Rezoning from Planned Industrial District (I-1) to PAD for data center uses with Mid-Rise Overlay for building heights up to 95 feet, subject to conditions as recommended by Planning staff.

Preliminary Development Plan

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH23-0063 CBREIM Frye for site layout and building architecture for the expansion of an existing data center on approximately 14.5 acres, subject to conditions as recommended by Planning staff.

Rezoning

Planning staff recommends Planning and Zoning Commission move to recommend approval of Rezoning from I-1 Light Industrial District to PAD for data center uses, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "CBRE Data Center Expansion" and kept on file in the City of Chandler Planning Division, in File No. PLH23-0063 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. Allowed uses include data centers and all uses permitted in I-1 Planned Industrial District provided that parking requirements are met pursuant to Article XVIII Parking and Loading Regulations of the Chandler City Code.
3. The Midrise Overlay applies only to the new building addition and shall be limited to a maximum height of ninety-five (95) feet. All other buildings shall be subject to a maximum height of forty-five (45) feet.
4. All water-based cooling systems operating on the property to cool electrical equipment must be removed before the City will issue a certificate of occupancy (including temporary certificate of occupancy) for the proposed data center expansion area south of the existing data center and such water-based cooling systems may not be used on the property at any time following the issuance of such certificate of occupancy. For purposes of this ordinance, "water-based cooling systems" means cooling systems that rejects heat from the refrigeration process to the atmosphere by means of water evaporation or other water-based methods that use and discard water as part of the process of transferring heat away from equipment that generates heat on the property.
5. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
7. Completion of the construction of all required off-site street improvements, including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements, and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
9. The landscaping in all open-spaces shall be maintained by the adjacent property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
10. Development standards shall comply with I-1 Planned Industrial District standards, except as modified by conditions here within.

11. Minimum building setbacks shall be as provided below and further detailed in the development booklet.

Property Line	Building Setback
North	25 feet
South	50 feet
West	30 feet
East	30 feet

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 "CBRE Data Center Expansion" and kept on file in the City of Chandler Planning Division, in File No. PLH23-0063 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. All signage shall be reviewed under a separate permit.
3. The site shall be maintained in a clean and orderly manner.
4. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
5. Raceway signage shall be prohibited within the development.
6. Sign packages, including free-standing signs as well as wall-mounted 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.
7. All mechanical equipment, including HVAC, utility meters, etc. shall be screened from view by material(s) that are architecturally integrated and consistent with the proposed buildings.

Note: Stipulation No. 8 was modified as a result of the Planning and Zoning's discussion during the Study Session:

8. 75% of all trees along Frye Road and Ellis Street shall be either salvaged from the site, a minimum of 36 inch box and a min of 12 feet in height at the time of planting, or an existing mature tree.
9. 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.

3. PLH24-0003 EL OASIS

Request Use Permit time extension for a one-story community center and community gardens on approximately 1.9 acres on a property zoned Multiple-Family Residential District (MF-2). The subject property is located at 482 E. Erie Street, approximately one quarter of a mile north of the northwest corner of Chandler Boulevard and Hamilton Street.

Proposed Motion:

Move Planning and Zoning Commission recommend approval of Use Permit PLH24-0003 El Oasis for the time extension of a one-story community center and community gardens, 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 Use Permit, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "The Oasis/El Oasis" and kept on file in the City of Chandler Planning Division, in File No. PLH20-0057 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 landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. Use permit 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 Use Permit shall apply.
4. The site shall be maintained in a clean and orderly manner.
5. All mechanical equipment, including HVAC, utility meters, etc. shall be screened from view by material(s) that are architecturally integrated and consistent with the proposed building.

6. Sign packages, including free-standing signs as well as wall-mounted 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.
7. The Use Permit is non-transferable to other locations.
8. Parking for any event held on the subject property shall be limited to on-site parking only,
9. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured from the subject sites' property line.
10. The organization /operator shall provide a contact number of a responsible person to interested neighbors to resolve parking and/or noise complaints.

Consent Agenda Motion and Vote

COMMISSIONER LOPEZ moved to approve the Consent Agenda of the June 6, 2024, Regular Planning and Zoning Commission Meeting with stipulations presented by staff and modified stipulation No. 8 on Item No. 2; Seconded by COMMISSIONER QUINN.

Motion carried unanimously (5-0).

Member Comments/Announcements

COMMISSIONER QUINN advised he will not be present at the next Planning and Zoning Hearing on July 17, 2024.

CHAIRMAN HEUMANN wished all a happy and safe upcoming Father's Day.

Calendar

The next regular meeting will be held on Wednesday, July 17, 2024, in the Chandler City Council Chambers, 88 E. Chicago Street, Chandler, Arizona.

Adjourn

The meeting was adjourned at 5:34 p.m.



Kevin Mayo, Secretary

Rick Heumann, Chairman



Planning & Zoning Commission Memorandum Development Services
Memo No. 24-039

Date: 07/17/2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
 David de la Torre, Planning Manager
From: Mikayela Liburd, Associate Planner
Subject: PLH22-0056 Topsy Egg & The Uncommon
Request: Entertainment Use Permit time extension to continue to allow live indoor and outdoor entertainment
Location: 1 E Boston Street, generally located ¼ mile south of the southwest corner of Arizona Avenue and Chandler Boulevard.
Applicant: Niels Kreipke

Proposed Motion:

Move Planning and Zoning Commission recommend approval of Entertainment Use Permit PLH22-0056 Topsy Egg & The Uncommon, to continue to allow for live indoor and outdoor entertainment, subject to the conditions as recommended by Planning staff.

Background Data:

- Zoned City Center District (CCD)
- Zoning Code requires Entertainment Use Permit approval for live indoor entertainment within 600 feet of the nearest residentially zoned property and for live outdoor entertainment and speakers within 1,320 feet of a residentially zoned property.
- The initial Entertainment Use Permit (PLH19-0045 Topsy Egg/The Uncommon) approval was issued in 2019 with a one (1) year time condition.

Surrounding Land Use Data:

North	Office	South	Commercial (Currently vacant)
East	Commercial	West	Commercial

Proposed Business Operations (for Use Permit) or Proposed Development (for PDP)

Building Square Footage	9,000 Sq.ft.
Number of Employees	35 Full-time 20 Part-time
Tipsy Egg	
Hours of Operation	7:00am to 2:30pm daily
Patio	425 Sq.ft
The Uncommon	
Hours of Operation	11:00am to 2:00am daily
Patio	1,000 Sq.ft
Hours of entertainment (Both restaurants)	Sunday-Thursday 11:00am to 11:00pm Fridays and Saturdays 9:00am to 12:00am

Review and Recommendation:

The dual restaurant concept of Topsy Egg and The Uncommon offers a variety of entertainment activities, which include background music as well as indoor and outdoor live performances. An Entertainment Use Permit (EUP) in the City Center District (CCD) is required for entertainment activities provided outdoors with the property being located within 1,320 feet of a residentially zoned property and if there is entertainment provided indoors with the property being located 600 feet or less from a residentially zoned property. The nearest residentially zoned property is approximately 715 feet from Topsy Egg and The Uncommon.

The initial Entertainment Use Permit approval included a one (1) year time condition to evaluate the compatibility of live entertainment with the surrounding residential and business developments. There have been no reports of disturbances.

Planning staff has reviewed the request and finds consistency with the General Plan and CCD zoning and recommends approval with no additional time condition.

Public / Neighborhood Notification

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting sign was posted on the site and on social media via NextDoor.
- A neighborhood meeting was held on May 28, 2024. No one attended other than the applicant.
- As of the writing of this memo, Planning staff is not aware of any opposition to the request.

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 (Floor Plan, Site Plan and Narrative) shall void the Entertainment Use Permit and require new Entertainment Use Permit application and approval.
2. The Entertainment Use Permit is non-transferable to any other location.
3. The site shall be maintained in a clean and orderly manner.
4. All roof mounted equipment shall be screened.
5. The hours of live entertainment shall be limited to the following days and times:

Sunday-Thursday	11:00am to 11:00pm
Friday and Saturday	9:00am to 12:00am

6. Entertainment uses shall be controlled so as to not unreasonably disturb area residents.
7. The establishment shall provide a contact phone number for a responsible person (i.e bar owner and/or manager) to any interested neighbors or property owners to resolve noise complaints quickly and directly.

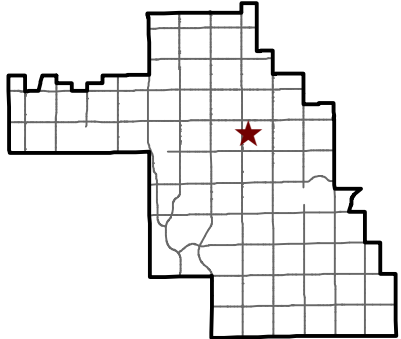
Attachments

- Vicinity Maps
- Narrative
- Site Plan
- Floor Plan



 **PLH22-0056 Topsy Egg & The Uncommon** 

Proposed Project Details
 1 E. Boston St.
 Entertainment Use Permit time extension to continue
 to allow live indoor and outdoor entertainment

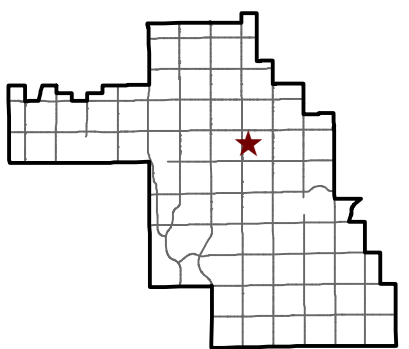


City of Chandler Planning Division
chandleraz.gov/planning
 For more information visit:
<https://gis.chandleraz.gov/planning>



 **PLH22-0056 Topsy Egg & The Uncommon**

Proposed Project Details
 1 E. Boston St.
 Entertainment Use Permit time extension to continue
 to allow live indoor and outdoor entertainment



City of Chandler Planning Division
chandleraz.gov/planning
 For more information visit:
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PLH22-0056 Topsy Egg & The Uncommon Narrative

The Topsy Egg and The Uncommon are located at 1 East Boston Street, at the corner of Arizona Avenue and Boston Street in Downtown Chandler, AZ 85225. This request is for an Entertainment use permit to allow live entertainment including live musical performances.

Both concepts will be serving craft beer, wines, spirits, coffee drinks, mimosas, and Bloody Mary's to pair with our menus. We currently hold a series 12 liquor license with the State of Arizona to serve such drinks as stated along with other house specialty drinks. Alcoholic substances will be served during operating hours at both concepts including on their patios. We have approximately 55 staff members with 35 employees being full-time and 20 being part-time. Topsy Egg will have approximately 124 indoor and 30 outdoor seats outside. Topsy Egg's Patio is approximately 425 square feet. The Uncommon's patio is approximately 1,000 square feet.

Topsy Egg is currently open Daily from 7:00 am till 2:30 pm. The Uncommon is currently on a different schedule, closed on Tuesdays and open the remainder of the week at variable hours. However, we anticipate being open 11:00 am to 2 am seven days a week. The Uncommon pairs a sports bar with TV screens with a nostalgic experience with our retro arcade games such as Pinball, Pacman, Gallaga etc. We diversify our games by rotating them periodically to elevate our guest's experience. The Uncommon also offers table games for different preferences such as skeeball, Shuffleboards, pool table, etc. Topsy Egg offers a unique boozy brunch experience by providing a diversified menu to our guests. We anticipate having live music and amplified deejay music scheduled daily within the hours of 11 am to 11 pm (Sunday through Thursday) and 9 am to midnight (Friday and Saturdays), both indoors and outdoors on our patios. However, business demands change them our operations team will take the necessary precautions to notify City of Chandler. We have a house speaker system that will play background music throughout the building and patios when live music isn't available.

Both patios are fenced and accessed from the inside, through garage doors and/or siding glass doors, with outward swinging gates for emergencies only, we have 4 Outdoor speakers playing background music on each concept's patio. Smoking is NOT permitted on either patio, inside or anywhere on the premises. Behind The Uncommon outdoor stage, we have a built pivot privacy screen that closes off the patio during live music performances and opens when not in use.

Both restaurants are open and operating. Music programming is a key component to the concepts and will help them grow into the thriving businesses that we have envisioned. The music programming will complement the vibrant downtown music entertainment scene and we anticipate helping downtown Chandler grow into an even busier destination. If there are any questions or concerns, please contact me at 480-999-4935.



Niels Kreipke
Manager,
Topsy Egg and The Uncommon

PLH22-0056 Tippy Egg & The Uncommon

PROJECT ADDRESS:
1 EAST BOSTON STREET
CHANDLER, ARIZONA 85225

PROJECT NAMES:
TIPPY EGG
UNCOMMON

GROSS AREA:
INTERIOR = 9,000sf TOTAL
5,983sf (PREVIOUS RESTAURANT) EXISTING
3,017sf (PREVIOUS RESTAURANT DINING AREA)

EXTERIOR = 1,418sf TOTAL
1,000sf NORTH PATIO
418sf WEST PATIO

OCCUPANCY LOAD:
INTERIOR:
TIPPY EGG (TE) = (124 OCC)
MAIN DINING 71 SEATS
PRIVATE DINING 32 SEATS
BAR 12 SEATS

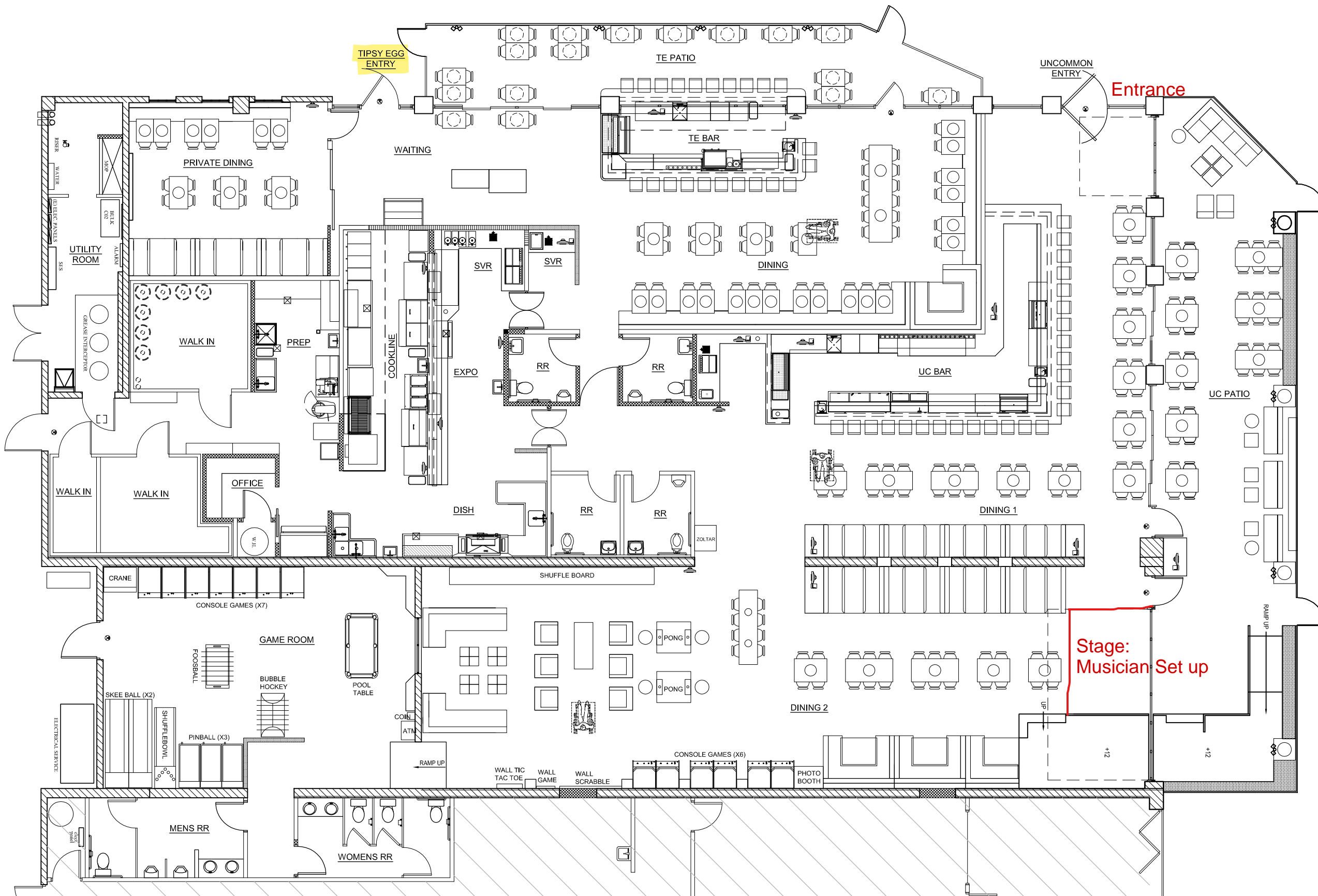
UNCOMMON (UC): (254 OCC)
MAIN DINING 1 58 SEATS
MAIN DINING 2 101 SEATS
BAR 25 SEATS
GAME ROOM 692sf / 15 = 46 OCC
WAITING 166sf / 15 = 11 OCC
STAGE 198sf / 15 = 13 OCC

SERVICE: (12 OCC)
KITCHEN (SERVICE) (1,626 SF / 200) = 7
BAR (TE) (227 SF / 200) = 1
BAR + SERVICE (UC) (478 SF / 200) = 3
UTILITY (250 SF / 300) = 1

TOTAL OCCUPANT LOAD = 390 INTERIOR

EXTERIOR: (79 OCC)
TE PATIO (WEST) 30 SEATS
UC PATIO (NORTH) 49 SEATS

TOTAL OCCUPANT LOAD = 79 EXTERIOR



FLOOR PLAN

SCALE: 3/32" = 1'-0"



Planning & Zoning Commission Memorandum Development Services
Memo No. 24-042

Date: 07/17/2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
David de la Torre, Planning Manager

From: Darsy Omer, Associate Planner
Subject: PLH24-0006 Ponderosa - Dispensary
Request: Use Permit time extension to continue to allow for the co-location of an ancillary Medical Marijuana Facility in conjunction with its affiliated onsite Medical Marijuana Cultivation Site and Medical Marijuana Infusion Food Establishment.

Location: 318 S. Bracken Lane, generally located 1/2 mile south of Chandler Boulevard and 1/4 mile east of Price Road

Applicant: Michelle Santoro, Gammage & Burnham

Proposed Motion:

Move Planning and Zoning Commission recommend approval of Use Permit PLH24-0006 Ponderosa Dispensary, to continue to allow the co-location of an ancillary Medical Marijuana Facility in conjunction with its affiliated onsite Medical Marijuana Cultivation Site and Medical Marijuana Infusion Food Establishment, subject to the conditions as recommended by Planning staff.

Background Data:

- Zoned Planned Industrial District I-1
- Property is part of a larger area zoned for Planned Industrial District I-1 uses rezoned in October 1979
- A city-wide Zoning Code Amendment regarding Medical Marijuana was approved in February 2023. The amendments included expanding hours of operation, increasing square-footage size limitations, and permitting the collocation 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.

- A Use permit was approved in April 2023. The use permit was to allow for the co-location of an ancillary Medical Marijuana Facility in conjunction with its affiliated onsite Medical Marijuana Cultivation Site and Medical Marijuana Infusion Food Establishment
- Per the Zoning Code, the Use Permit is valid for a period of one year, and may be renewed for another year by filing a Use Permit application.

Surrounding Land Use Data:

North	Planned Industrial District I-1	South	Planned Industrial District I-1
East	Planned Industrial District I-1	West	Planned Industrial District I-1

Proposed Business Operations (for Use Permit) or Proposed Development (for PDP)

Proposed Development

Hours of Operation	Facility (Dispensary)	Cultivation	Infusion Food Establishment
Monday through Sunday 7 a.m. to 10 p.m.	~2,500 SF	~4,983 SF	~4,911 SF

Review and Recommendation:

This Use Permit request is to continue to allow the co-location of an ancillary Medical Marijuana Facility in conjunction with its affiliated onsite Medical Marijuana Cultivation Site and Medical Marijuana Infusion Food Establishment. The subject site is currently operating the Medical Marijuana Cultivation use and Medical Marijuana Infusion Food Establishment use under approved Zoning Clearances consistent with the Zoning Code.

Planning staff has reviewed the request and found the site in compliance with the recently adopted Zoning Code amendment permitting this type of request through a Use Permit. The site complies with the location criteria in terms of zoning designation as well as maximum 1,320-foot distance from an arterial roadway. The building complies with the maximum square-footage allowances of 5,000 SF for Cultivation, 5,000 SF for Infusion Food Establishments, and 2,500 SF for Ancillary Facility (Dispensary). The property is compliant with sufficient parking for the three uses, as well as provides direct access to the public roadway Bracken Lane. Finally, the request complies with the permitted hours of operation 7 a.m. to 10 p.m. Monday through Sunday.

Additional details can be found in the attached Narrative Booklet and Floor Plan.

Public / Neighborhood Notification

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A virtual neighborhood meeting was held on March 28, 2024. No neighboring property owners or citizens logged into/attended the meeting other than the applicant and staff.
- As of the writing of this memo, Planning staff is not aware of any concerns or opposition to this request.

Recommended Conditions of Approval

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

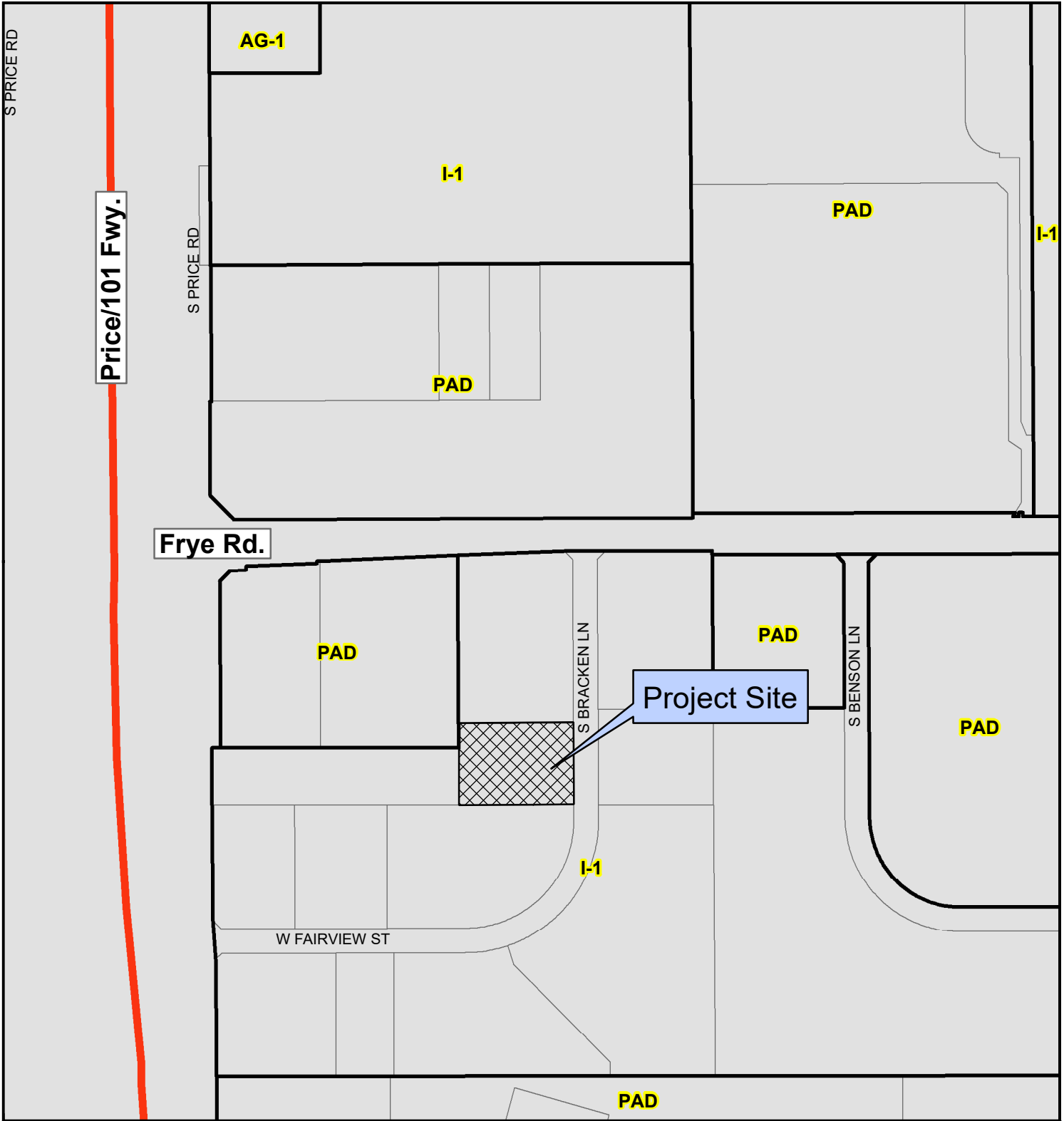
1. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
2. The site shall be maintained in a clean and orderly manner.
3. Drive through and/or take out windows are prohibited.
4. Consumption of Medical Marijuana on the premises is prohibited.
5. Hours of operation are limited to not earlier than 7:00 a.m. and not later than 10:00 p.m.
6. The ancillary medical marijuana facility shall not be larger than two thousand five hundred (2,500) gross square feet or twenty-five percent (25%) of the gross building square-footage, whichever is less.
7. The Use Permit shall remain in effect for one (1) year 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.

Attachments

Vicinity Maps

Narrative Booklet

Floor Plan

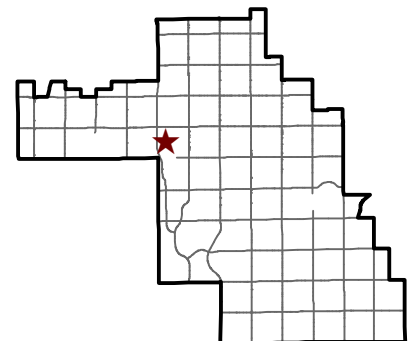


PLH24-0006 Ponderosa Dispensary



Project Details

Use Permit time extension to continue to allow for the colocation of an ancillary Medical Marijuana Facility in conjunction with its affiliated onsite Medical Marijuana Cultivation Site and Medical Marijuana Infusion Food Establishment



City of Chandler Planning Division
chandleraz.gov/planning
 For more information visit:
<https://gis.chandleraz.gov/planning>

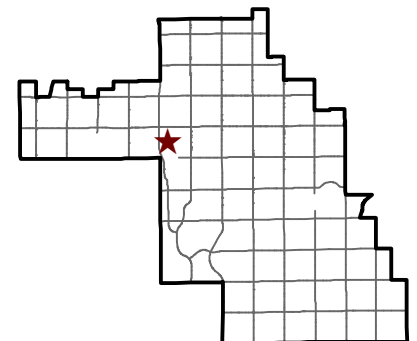


PLH24-0006 Ponderosa Dispensary



Project Details

Use Permit time extension to continue to allow for the colocation of an ancillary Medical Marijuana Facility in conjunction with its affiliated onsite Medical Marijuana Cultivation Site and Medical Marijuana Infusion Food Establishment



City of Chandler Planning Division
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 For more information visit:
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Ponderosa
318 South Bracken Lane
Chandler, AZ 85224
Conditional Use Permit Project Narrative



Prepared for:

PITCHFORK



Prepared by:

Gammage & Burnham, PLC

February 14, 2024

PLH24-0006 Ponderosa Dispensary

INTRODUCTION

In April 2023 a Conditional Use Permit was approved for an approximately 1.28-acre property located at 318 South Bracken Lane (the "Property") to allow for the addition of a dispensary or "medical marijuana facility" to an existing marijuana cultivation and infusion facility located on the Property. The Conditional Use Permit was approved for one (1) year. This request is to simply extend that approval. The dispensary has operated for several months, without incident and has been greatly beneficial to the existing cultivation and infusion facility. The Property is known as Maricopa County Assessor parcel number 303-24-150 and is shown below, outlined in red.



PROPERTY DESCRIPTION

The Property is located on Bracken Lane, just south of Frye Road, and east of the 101 Freeway. The previous use of the Property was for a nail polish manufacturing and retail operation. The building on the property is 12,394 square feet and is currently comprised of cultivation/infusion facilities, a dispensary, a small office and employee restrooms and

breakrooms. There is ample parking on the site and a landscaped area at the front of the site as shown on the cover of this narrative.

Existing Zoning and Land Use Designations

As shown in the table below, the Property is zoned I-1, and is designated in the City of Chandler General Plan for Employment Uses. These same designations are applicable to the properties on all four sides of the Property, each of which is occupied by an industrial user.

Direction	Current Zoning	General Plan Designation	Growth Area	Existing Use
North	I-1	Employment	Medical/Regional Retail	Pilgrim Aerospace Fasteners
South	I-1	Employment	Medical/Regional Retail	Aztech Controls/Technipure/Invatech Engineering
East	I-1	Employment	Medical/Regional Retail	Warehousing/Storage
West	I-1	Employment	Medical/Regional Retail	Cell Tower/Legends Brand Cleaning Equipment
Project Site	I-1	Employment	Medical/Regional Retail	Marijuana Dispensary, Cultivation, and Infusion

A discussion about how this site conforms to the General Plan and Growth Area is included in the *Evaluation of Use Permit Criteria* section later in this document.

Prior Approvals

As previously mentioned, the Property is currently in use as a medical marijuana dispensary, cultivation site and infusion establishment by the Applicant. This is simply a renewal of the April 2023 Conditional Use Permit that allowed the dispensary. The Property has received Zoning Clearance for all uses as provided for in the City of Chandler Medical Marijuana Regulations (Chapter 35, Section 2213 of the Chandler City Code). As shown below, the Code was amended to allow for co-location of a medical marijuana facility in I-1 zoning district as an ancillary use to an existing cultivation site upon the approval of a Conditional Use Permit with enhanced evaluation criteria.

Date	Case	Action
September 28, 2021	PLA21-0339	Zoning Clearance approval for the operation of a medical marijuana cultivation site
December 20, 2021	PLA21-0483	Zoning clearance approval for the operation of a medical marijuana infusion food establishment.
February 9, 2023	PLH22-0060 (ord. No. 5044)	Approval of citywide zoning code text amendment allowing for co-location of a medical marijuana facility in the I-1 zoning district as an ancillary use to an existing cultivation site upon the approval of a CUP and additional performance standards.

PROJECT SUMMARY AND REQUEST

The Applicant is seeking to renew the Conditional Use Permit that allows for a portion of the Property for a Medical Marijuana Facility.

Following is the specific request to the City of Chandler:

1. Approval of a Conditional Use Permit to allow a Medical Marijuana Facility within a medical marijuana cultivation site in the I-1 zoning district.

Approval of this Conditional Use Permit request will be in conformance with the Chandler City Code and will provide for the use of the Property within the many rules and regulations promulgated by Arizona Department of Health Services (AZDHS).

SITE DETAILS

As shown on the site plan provided with the application materials, the 12,394 square foot building is on a 1.28-acre parcel. The building sits in the center of the Property, encircled

by a drive aisle with parking spaces. There are two entry points to the Property along Bracken Lane, and the site has been designed to meet the required landscaping, parking and retention requirements.

A floor plan has been submitted in conjunction with this application. This floor plan is conceptual in nature and can be modified with approval from the Planning Director with the proper building permit submittal. With such action the Conditional Use Permit does not require modification as the use is not changing.

OPERATIONAL DETAIL

There will be approximately 20 employees on the premises at any given time. These employees will be involved in the cultivation functions, infusion of marijuana extracts into food products, dispensary sales and general operational management.

Hours for the medical marijuana facility are shown below:

Day	Open	Close
Monday through Sunday	7:00 AM	10:00 PM

SECURITY DETAIL

In compliance with Arizona State Law (A.R.S. §36-2804(B)(1)(C)), the Applicant has filed a security plan with the State of Arizona. The security plan includes:

- Surveillance cameras covering all exterior and interior areas of the Property, and all portions of the building used for cultivation, infusion and dispensary uses with a minimum backup storage of thirty (30) days;
- 24-hour independently monitored security alarm system (with backup cellular communication capability, audible alarms, motion detectors, panic buttons, yard signs and window stickers);
- Controlled and gated access to parking and loading areas;
- Trackable and controlled keycard access to the building and all portions used for cultivation, infusion and dispensary purposes (with employees only given keycard access to areas where they work); and

- Secure and controlled access to all areas where marijuana products are stored or displayed.

PARKING

As shown on the Site Plan, there is visitor/employee parking on both the north and south sides of the Property. 28 parking spaces are provided in front of the security gates and accessible at all times for both customers and employees. There are 13 additional parking spaces behind the security gates that are for employees only.

The graphic below demonstrates how the Property will be compliant with Section 35-1802 of the Chandler City Code.

318 Bracken Lane; Parking Analysis			
Use	Parking Requirement	Required Parking Spaces	Provided Parking Spaces
Retail Dispensary	1/250 sq. ft.	10	14
Cultivation and Infusion	1/1,000 sq. ft.	10	14
Office	1/250 sq. ft.	1	13
Total		21 Spaces	41 Spaces

Though not required for compliance with the Chandler City Code, there is also on-street parking along both sides of Bracken Lane that provides convenient access to the front entrance of the building.

EVALUATION OF USE PERMIT CRITERIA

Section 35-305.1.A of the Chandler City Code requires a review of the following factors when considering a Use Permit. The City Council must find that each criterion has been addressed prior to rendering any approval of decision of a Conditional Use Permit. Each criterion is shown below, followed by the applicant's response in bold text.

1. Consistency with the General Plan.

Response: As previously noted in this narrative, the land use designation for this property is "Employment". This land use designation focuses attention on the City's economic base. Major employers, knowledge-based industries

and industrial/business parks are allowed within areas designated as Employment. The industrial park in which the Ponderosa Dispensary will be located, the Price Road Industrial Park, offers employment prospects in manufacturing, wholesaling, hospitality, and incidental retail uses. The use of the Property as a Medical Marijuana Facility will provide a mix of employment opportunities on the Property.

The Property is also located in Growth Area #5, which is a node within the Employment designation that features regional retail and medical services. The Ponderosa facility will dispense marijuana products to its patients and customers and will be convenient to patients being treated at the nearby medical, nursing home and hospitality businesses.

-
2. Ingress and egress to the property and proposed structures, pedestrian and vehicular circulation with particular reference to fire protection.

Response: There are two access points to the Property from Bracken Lane. A drive aisle completely encircles the single-story building, providing for easy access for emergency vehicles. There is a fire hydrant conveniently located approximately 20-feet south of the Property.

-
-
3. Off-street parking and loading.

Response: As previously discussed, there is ample parking on the Property, and the site is in full compliance with the requirements contained in Section 35-1802 of the Chandler City Code.

-
-
-
4. General compatibility of use with adjacent property and property in the district.

Response: Ponderosa will be compatible with the uses of the neighboring properties. The prior use of the building was as a manufacturing facility with an ancillary retail showroom. The proposed use of the Property will be similar in nature, and the addition of the use as a medical marijuana facility will not be discernible to adjacent properties.

-
-
-
-
5. Impact on public services, including schools, recreation and utilities.

Response: There will be no impact to public services by this proposed Medical Marijuana Facility.

6. Screening and buffering of uses.

Response: The Property is surrounded by a generous landscape buffer and boundary and screen walls of various heights. While the surrounding structures and uses are also manufacturing/warehouse uses, it is still important to maintain a respectful distance and ensure that all activities on the site are conducted in a professional, orderly, and courteous manner.

7. Signage.

Response: The current signage is minimal, tasteful, and in compliance with Section 39-9.8 of the Chandler Municipal Sign Code.

8. Exterior lighting with reference to adjacent properties.

Response: Lighting on the Property consists of building mounted lighting required to meet building safety requirements. There is a City of Chandler streetlight at the front of the Property that provides ample lighting at the entry to the site.

9. Stormwater retention and landscaping.

Response: There is a retention basin at the rear of the Property and a recessed landscape area at the front of the building for the capture and retention of stormwater runoff from Bracken Lane. Landscaping is provided in the form of landscape buffers on the northern and eastern boundaries of the site, with a small amount of landscaping along the southern boundary and within landscape islands in the parking areas. With the implementation of the proposed use, there will be no change to the previously approved grading and drainage plan.

10. Site and building design for conformance with the General Plan and policies and City standards.

Response: As previously discussed, the General Plan land use designation for this property is "Employment". This designation is characterized by a mix of land uses including industrial, commercial, institutional, recreation, neighborhoods, and a range of residential densities. Price Road Industrial Park has been designed as an attractive industrial setting with a unique mix of businesses. The Ponderosa Medical Marijuana Facility will be consistent with the Employment designation in that it provides employment

opportunities and a valuable commercial service to residents of Chandler that may live or work in the area.

Enhanced Criteria Established through Text Amendment dated February 9, 2023

On February 9, 2023 the Chandler City Council approved Ordinance No. 5044, a citywide text amendment allowing a Medical Marijuana Facility in the I-1 Zoning District, with the satisfaction of additional criteria. Shown below are the additional criteria and how this application meets them.

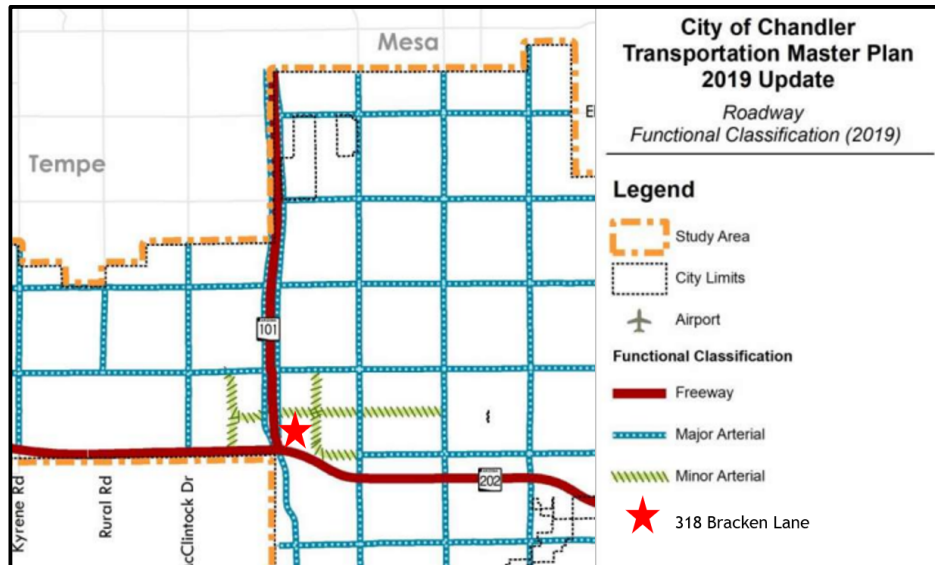
A Medical Marijuana Facility:

- 1) Must be incidental to an existing cultivation site and/or infusion food establishment.

RESPONSE: As previously noted, 318 Bracken Lane is the site of an existing marijuana cultivation site and infusion food establishment authorized by AZDHS and the City of Chandler Zoning Clearance process. (Cases PLA21-0339 and PLA21-0483). The Medical Marijuana Facility requested within this application will be incidental to those uses.

- 2) Shall be located within 1,320 feet of an arterial roadway, measured in a straight line from the closest exterior wall of the cultivation site and/or infusion food establishment to the center of the arterial roadway;

RESPONSE: The Property is located approximately 535-feet from Frye Road. Frye Road is designated in the City of Chandler Transportation Master Plan as a Minor Arterial as shown in the graphic on the next page. Additionally, the western property line of the Property is located approximately 615-feet east of the South Price Road Major Arterial Roadway.



- 3) Shall be within 500 feet of the C-2 or C-3 zoning district, or a PAD district where C-2 or C-3 commercial uses are allowed, and

RESPONSE: As shown on the next page, the Property is located approximately 57-feet from the Chandler Hilton PAD property. The Development Booklet approved on September 4, 2006 (DVR06-0012), includes the following language: "Permitted uses on the Commercial Site shall include any use or similar use allowed in a C-2 District as indicated in the Chandler Zoning District...). Accordingly, this request meets the criteria for the required distance from a commercially zoned district.



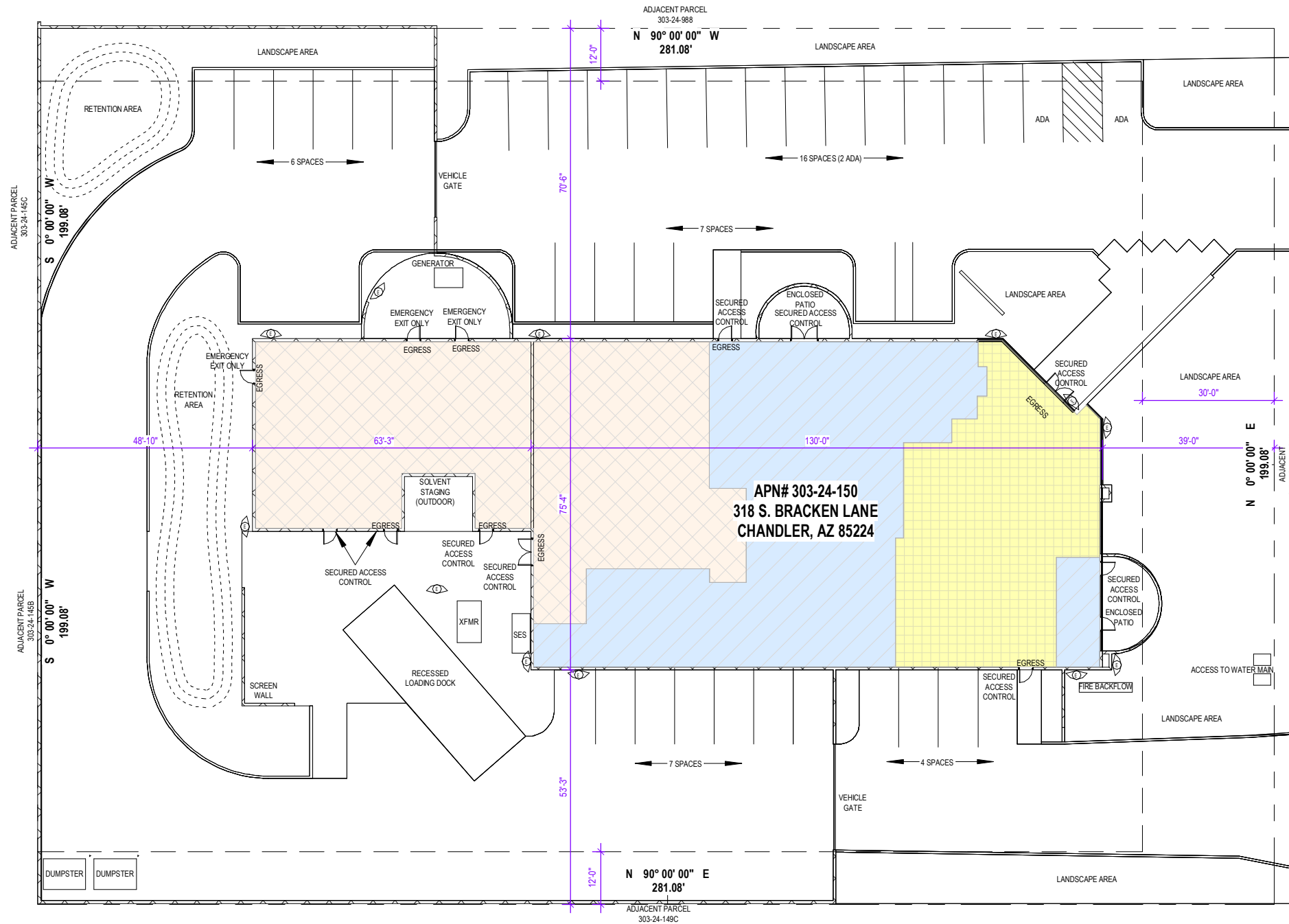
- 4) Shall have frontage and access from public right-of-way.

RESPONSE: The Property has frontage on Bracken Lane. As previously noted, the Property is within Lot 6, of Price Road Industrial Park Unit 1, a subdivision platted in 1980 (Recorded at Instrument No. 1980-0298021, Book 226, Page 19). Language on the Plat “dedicates to the public for use as such the streets and the use of easements...). Moreover, Bracken Lane is maintained by the City of Chandler.

CONCLUSION

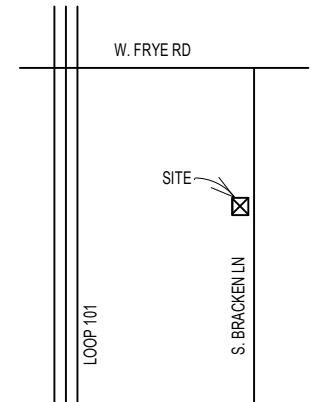
Ponderosa is a unique and successful business in the City of Chandler. Again, this application is simply to renew an approved Conditional Use Permit to allow for a dispensary in conjunction with the existing cultivation site and infusion establishment that has operated for over two years and are allowed to exist by right. They have operated in an orderly fashion, without complaint, and in a manner respectful of the surrounding properties. This application is to allow for the continued use of a dispensary or “Medical Marijuana Facility” in conjunction with those existing uses and will operate within the many rules and regulations established by AZDHS and the City of Chandler. Approval of this Conditional Use Permit will allow the Property Owner to create jobs and produce sales and subsequent tax revenue for the City while using the Property in a manner that is compatible with surrounding structures and uses.

PLH24-0006 Ponderosa Dispensary



USE	REQUIREMENT	REQUIRED SPACES	PROVIDED SPACES
RETAIL DISPENSARY	1 SPACE / 250 SF	10	14
CULTIVATION & INFUSION	1 SPACE / 1000 SF	10	14
OFFICE	1 SPACE / 250 SF	1	12
TOTAL		21 SPACES	40 SPACES

VICINITY MAP



ROCA VERDE DESIGN BUILD
 2105 N. NEVADA ST
 CHANDLER, AZ 85225
 OFFICE: 480-539-0111
 FAX: 480-632-7594

THESE PLANS, DRAWINGS, AND DESIGNS ARE THE PROPERTY OF ROCA VERDE DESIGN BUILD. ALL RIGHTS RESERVED AND SHALL NOT BE REPRODUCED OR COPIED.

CUSTOMER INFORMATION

PONDEROSA BOTANICAL CARE, INC.
 318 S. BRACKEN LN.
 CHANDLER, AZ 85224

MEDICAL MARIJUANA SITE REVIEW KEY

- DIAGONAL HATCH REPRESENTS MEDICAL MARIJUANA DISPENSARY
- CROSS HATCH REPRESENTS MEDICAL MARIJUANA CULTIVATION/EXTRACTION
- BLUE AREA REPRESENTS MEDICAL MARIJUANA INFUSION AREA
- EXTERIOR WALL
- INTERIOR WALL
- WIDE ANGLE EXTERIOR CAMERA

PROJECT DATA

APN: 303-24-150
 ZONING: I-1
 ADDRESS: 318 S. BRACKEN LANE
 CHANDLER, AZ 85224

LEGAL DESCRIPTION: PRICE ROAD INDUSTRIAL PARK
 UNIT NO 1 MCR 226-19

OWNER: BRACKEN PROPERTY HOLDINGS LLC
 2055 E. 5TH STREET
 TEMPE, AZ 85281
 MICHAEL O'BRIEN - 480-213-1402

ENGINEER/DESIGN: ROCA VERDE DESIGN BUILD
 TOM LASSEN, P.E.
 480-267-5163
 EMAIL: TOML@ROCA-VERDE.COM

PROPERTY AREA: 56000 SF
 TOTAL FLOOR AREA: 12394 SF
 LOT COVERAGE: 22.1%
 OCCUPANCY: MIXED B, S, H-3
 CONSTRUCTION TYPE: TYPE V (SPRINKLERED)

PONDEROSA EAST



REVISION HISTORY

DATE	DESCRIPTION

DESIGNED: TL
 APPROVED: MO

NOT FOR CONSTRUCTION

SITE PLAN

A1.1

MEDICAL MARIJUANA AREA TABLE				
Number	Name	Area	OCC	USE
C-101	MEDICAL MARIJUANA CULTIVATION/EXTRACTION	850 SF		
C-102	MEDICAL MARIJUANA CULTIVATION/EXTRACTION	781 SF		
C-103	MEDICAL MARIJUANA CULTIVATION/EXTRACTION	777 SF		
C-104	MEDICAL MARIJUANA CULTIVATION/EXTRACTION	2062 SF		
C-105	MEDICAL MARIJUANA CULTIVATION/EXTRACTION	169 SF		
C-106	MEDICAL MARIJUANA CULTIVATION/EXTRACTION	144 SF		
C-MISC	MISC SPACE (UNDERWALLS)	Not Placed		
D-101	MEDICAL MARIJUANA DISPENSARY	2103 SF		
D-102	MEDICAL MARIJUANA DISPENSARY	167 SF		
D-103	MEDICAL MARIJUANA DISPENSARY	192 SF		
D-MISC	MISC SPACE (UNDERWALLS)	Not Placed		
I-101	RESTROOM	92 SF		
I-102	MEDICAL MARIJUANA INFUSION	618 SF		
I-103	MEDICAL MARIJUANA INFUSION	864 SF		
I-104	MEDICAL MARIJUANA INFUSION	1059 SF		
I-105	HALL	297 SF		
I-106	BREAKROOM	463 SF		
I-107	MENS RESTROOM	176 SF		
I-108	WOMENS RESTROOM	181 SF		
I-109	HALL	139 SF		
I-110	OFFICE SPACE (INFUSION)	226 SF		
I-MISC	MISC SPACE (UNDERWALLS)	Not Placed		

MEDICAL MARIJUANA CULTIVATION/EXTRACTION	4983 SF
MEDICAL MARIJUANA DISPENSARY	2500 SF
MEDICAL MARIJUANA INFUSION & MISC SPACE	4911 SF

PROJECT DATA
 APN: 303-24-150
 ZONING: I-1
 ADDRESS: 318 S. BRACKEN LANE
 CHANDLER, AZ 85224

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 PRICE ROAD INDUSTRIAL PARK
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 480-267-5163
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PHONE:
EMAIL:

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TOTAL FLOOR AREA: 12394 SF
LOT COVERAGE: 22.1%
OCCUPANCY: MIXED B / H-2
CONSTRUCTION TYPE: TYPE V (SPRINKLERED)



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CUSTOMER INFORMATION

PONDEROSA BOTANICAL
 CARE, INC.
 318 S. BRACKEN LN.
 CHANDLER, AZ 85224

MEDICAL MARIJUANA SITE REVIEW KEY

XXX	EXTERIOR WALL
---	INTERIOR WALL
DC	DIRECTIONAL CAMERA LOCATION
FC	360 CAMERA LOCATION
A	ALARM PANEL LOCATION
M	MOTION SENSOR
P	PANIC BUTTON

PONDEROSA EAST
**PONDEROSA
 DISPENSARY**

REVISION HISTORY

DATE	DESCRIPTION

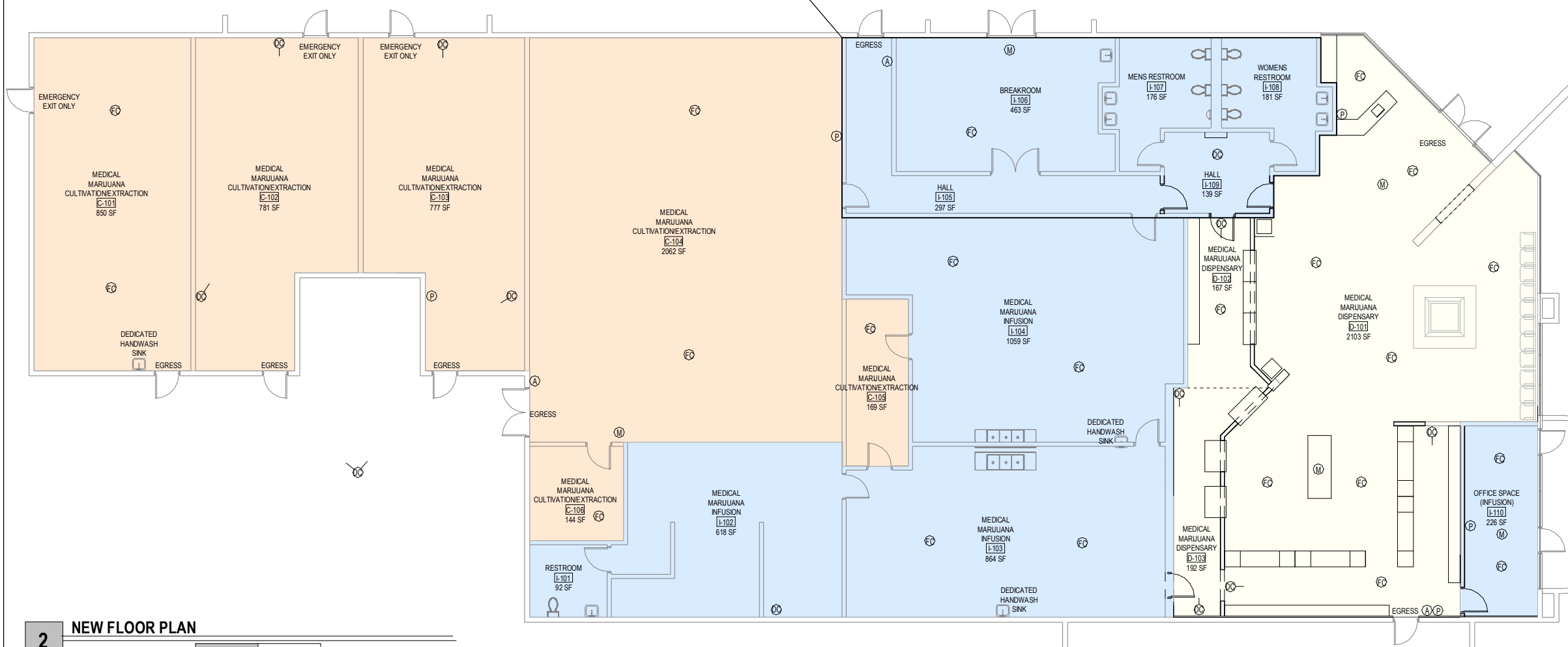
DESIGNED TL
 APPROVED MO

NOT FOR CONSTRUCTION

FLOOR PLAN

A1.2

EMPLOYEE FACILITIES
 1385 SF



2 NEW FLOOR PLAN
 1/16" = 1'-0"
 0" 1/2" 1"
 SCALE FORMAT: 11"X17"



Planning & Zoning Commission Memorandum Development Services
Memo No. 24-041

Date: 07/17/2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
 David de la Torre, Planning Manager
From: Mikayela Liburd, Associate Planner
Subject: PLH24-0007 Sawtooth Bar and Grill
Request: Entertainment Use Permit time extension to continue to allow live indoor entertainment and entertainment, speakers and tv screens
Location: 4929 W Ray Road, generally located at the southeast corner of Ray and Rural roads.
Applicant: Shelley Eich

Proposed Motion:

Move Planning and Zoning Commission recommend approval of Entertainment Use Permit PLH24-0007 Sawtooth Bar and Grill, to continue to allow for live indoor entertainment, speakers and tv screens, subject to the conditions as recommended by Planning staff.

Background Data:

- Zoned Planned Area Development (PAD) for Commercial Uses
- Zoning Code requires Entertainment Use Permit approval for live indoor entertainment within 600 feet of the nearest residentially zoned property.
- The initial Use Permit (LUP17-0006 Fullers Bar & Grill) was issued in 2017 with a one (1) year time limit, the most recent approval (PLH19-0044 Sawtooth Bar and Grill) was issued in 2019 with a three (3) year time limit. To date the property has been issued two (2) Entertainment Use Permits.

Surrounding Land Use Data:

North	Ray Road then Commercial	South	Commercial
East	Single-Family Residential	West	Commercial

Proposed Business Operations (for Use Permit) or Proposed Development (for PDP)

Suite Square Footage	2,065 Square Feet
Number of Employees	5 Employees
Hours of Operation	Monday and Tuesday: 2:00pm to 12:00am Wednesday - Saturday: 2:00pm to 2:00am Sunday: 12:00pm to 12:00am (10:00am to 12:00am during Football Season)
Hours of Entertainment	Monday: 8:00pm to 12:00am Wednesday - Saturday: 9:00am - 1:00am

Review and Recommendation:

The Sawtooth Bar and Grill provides indoor entertainment that consists of karaoke, which uses two (2) speakers and twelve (12) tv screens, all of which are provided indoors. No entertainment components are provided outdoors. An Entertainment Use Permit is required for entertainment provided indoors, with the property being located 600 feet or less from a residentially zoned property. The nearest residentially zoned property is approximately 55 feet from Sawtooth Bar and Grill. The initial Entertainment Use Permit approval included a one (1) year time condition and the most recent approval included a three (3) year time condition. These time conditions were stipulated to evaluate the compatibility of live entertainment with the surrounding residential and business developments. There have been no reports of disturbances related to music or loud noises. Planning staff has reviewed the request and finds consistency with the General Plan and recommends approval with no further time condition.

Public / Neighborhood Notification

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting sign was posted on the site and on social media via NextDoor.
- A neighborhood meeting was held on June 3, 2024. No one attended other than the applicant.
- As of the writing of this memo, Planning staff is not aware of any opposition to the request.

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 (Floor Plan, Site Plan and Narrative) shall void the Entertainment Use Permit and require new Entertainment Use Permit application and approval.
2. The Entertainment Use Permit is non-transferable to any other location.
3. The site shall be maintained in a clean and orderly manner.
4. The hours of live entertainment shall be limited to the following days and times:

Hours of Entertainment	Monday: 8:00pm to 12:00am Wednesday - Saturday: 9:00am to 1:00am
------------------------	---

5. Entertainment uses shall be controlled so as to not unreasonably disturb area residents.
6. The establishment shall provide a contact phone number for a responsible person (i.e bar owner and/or manager) to any interested neighbors or property owners to resolve noise complaints quickly and directly.

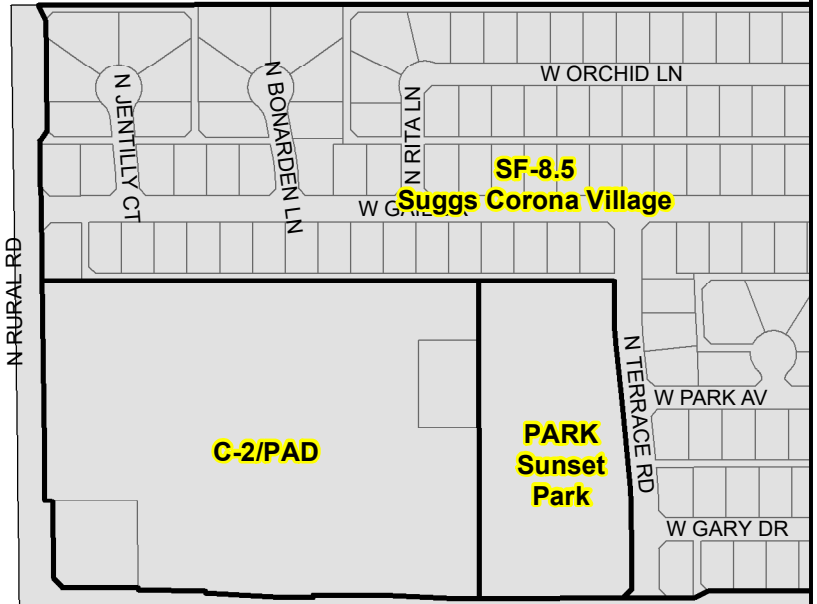
Attachments

Vicinity Maps

Narrative

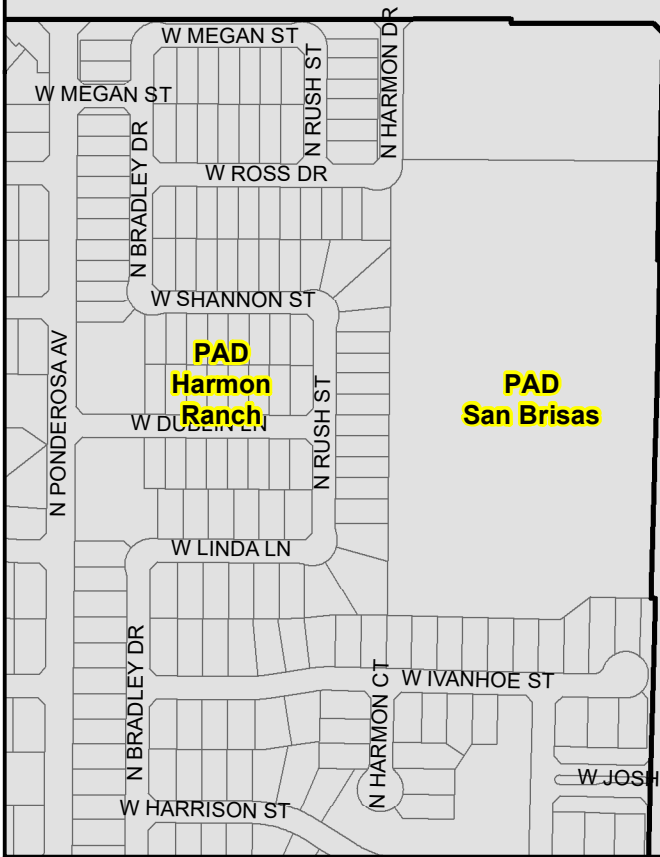
Site and Floor Plan

City of Tempe

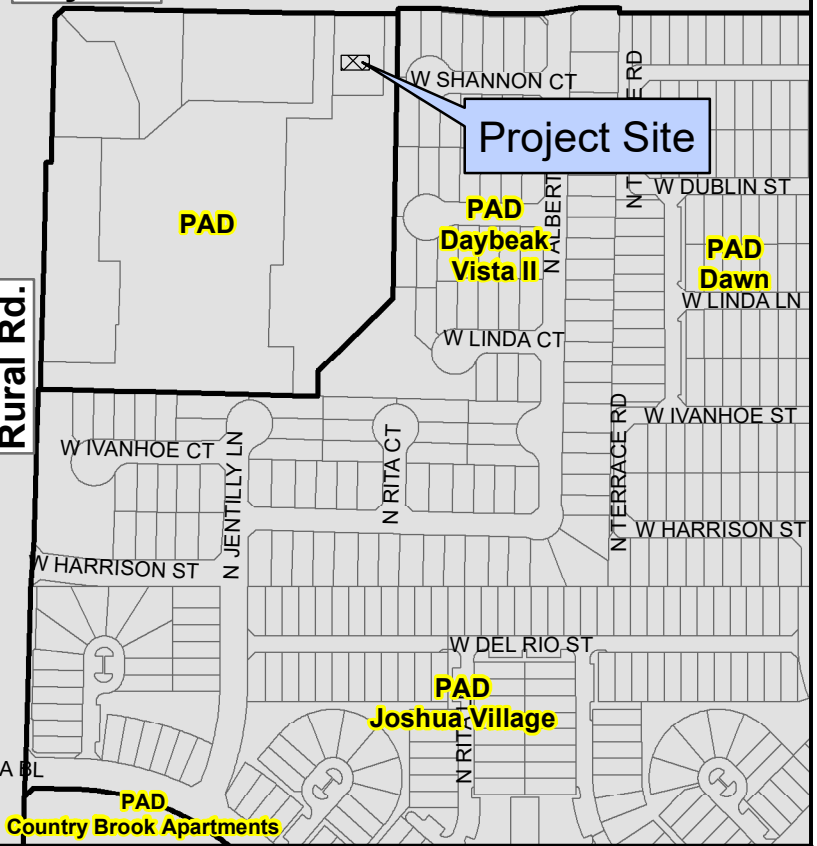


City of Tempe

Ray Rd.



Rural Rd.



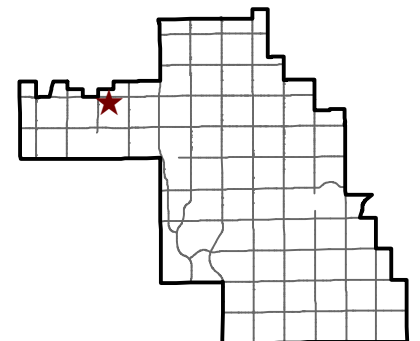
PLH24-0007 Sawtooth Bar and Grill



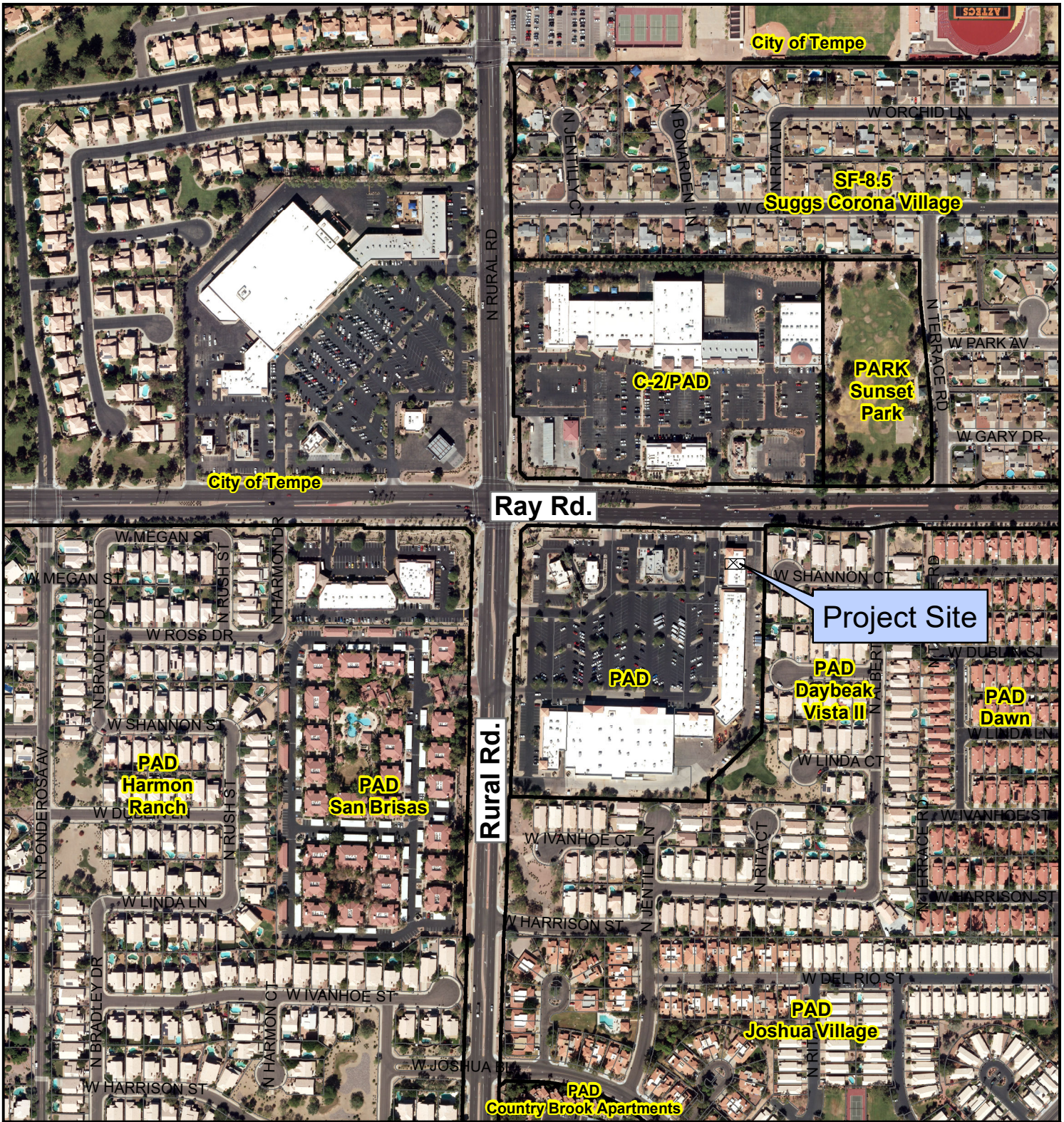
Proposed Project Details

4929 W. Ray Rd.

Entertainment Use Permit time extension to continue to allow for live indoor entertainment, speakers and TV screens



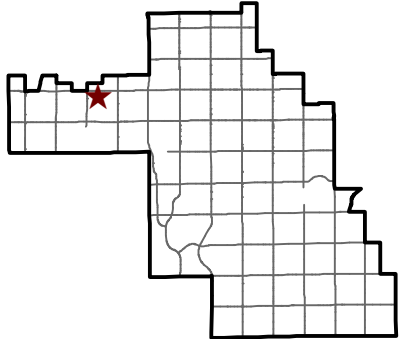
City of Chandler Planning Division
chandleraz.gov/planning
 For more information visit:
<https://gis.chandleraz.gov/planning>



PLH24-007 Sawtooth Bar and Grill



Proposed Project Details
 4929 W. Ray Rd.
 Entertainment Use Permit time extension to continue
 to allow for live indoor entertainment, speakers and
 TV screens



City of Chandler Planning Division
chandleraz.gov/planning
 For more information visit:
<https://gis.chandleraz.gov/planning>

PLH24-0007 Sawtooth Bar and Grill

To whom this may concern:

This is a request for and Entertainment Use Permit (EUP) for the property located at 4929 W Ray Road Suite 3 Chandler, Arizona 85226. The property is located within the Corona Del Sol Plaza, which is in the heart of Chandler. The name of the establishment is Sawtooth Bar and Grill. The current owner took ownership on February 22, 2013 and has had no noise complaints from residential neighbors during the time of ownership. The EUP is required due to indoor entertainment being proposed within 600 feet of residentially zoned property.

The business operating hours is as follows:

Monday 2 PM - Midnight

Tuesday 2 PM - Midnight

Wednesday 2 PM - 2 AM

Thursday 2 PM – 2 AM

Friday 2 PM - 2 AM

Saturday 2 PM - 2 AM / Football Season NOON/College Gameday

Sunday Noon – Midnight / Football Season 10 AM/NFL

The business is open seven days a week and 364 days a year, it is closed on Christmas day. The business employ's five people, there is a small, but very educated staff, with extensive experience.

The type of indoor entertainment that is provided is karaoke which uses two 15-inch speakers as well as 12 televisions with a surround sound system. We also have a vendor juke box that is programmed to Country Music, if it is not being played by customers. There is a small dance floor, which is used (i.e. Friday or Saturday night) for line dancing. A few customers may country swing on occasion, and slow dance however, the primary use is not a dance venue.

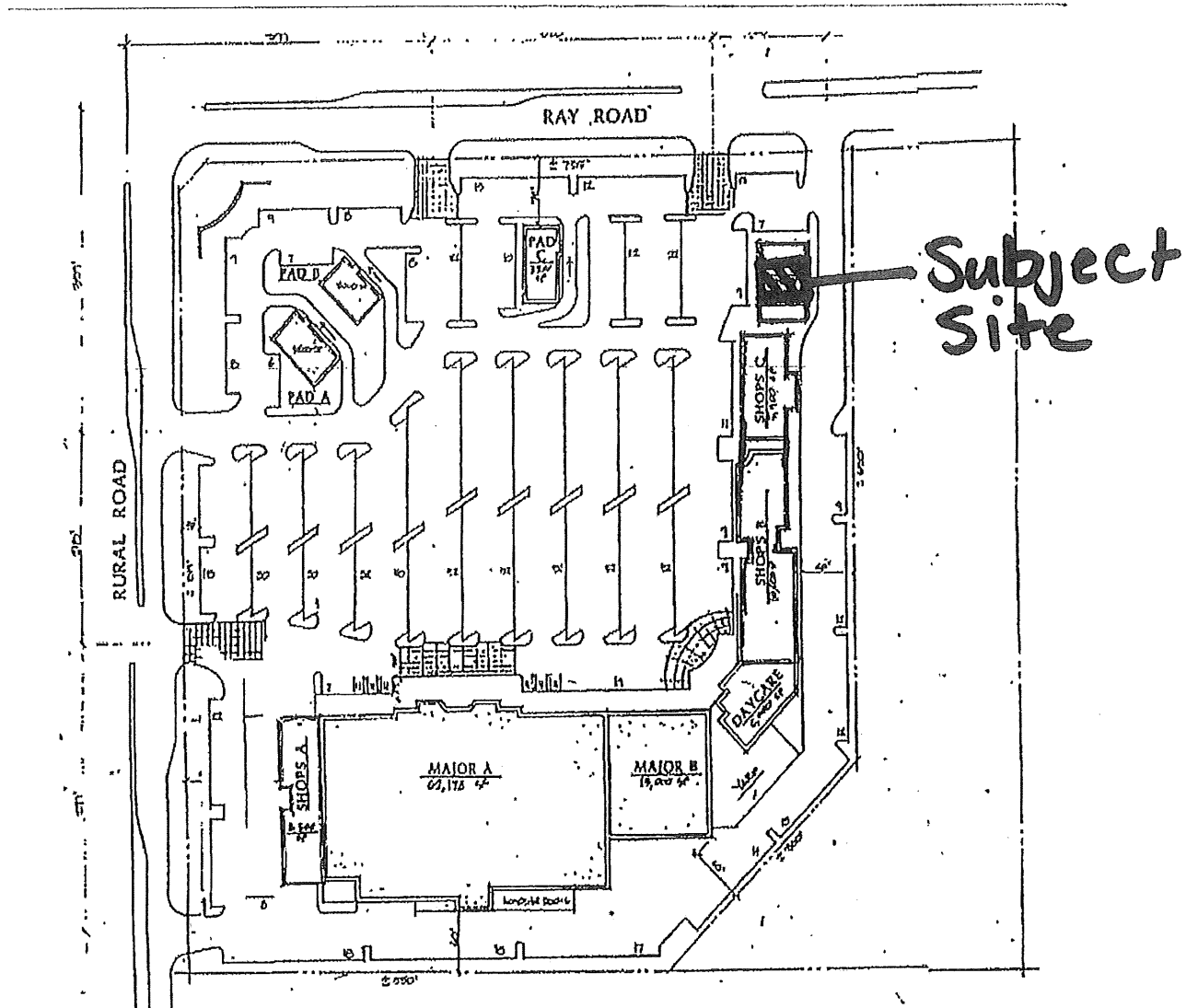
The suite is approximately 2,065 square feet and there is no outdoor patio or seating is available. The total number of seats inside allows us to accommodate up to 60 guests.

As of now absolutely no changes will occur to the business beyond what was approved in the prior LUP that was approved via Case No: LUP17-0006.

One main sign is available on the front of the business entrance.

This is a technical request due to the proximity to residential.

PLH24-0007 Sawtooth Bar and Grill
Site Plan and Floor Plan

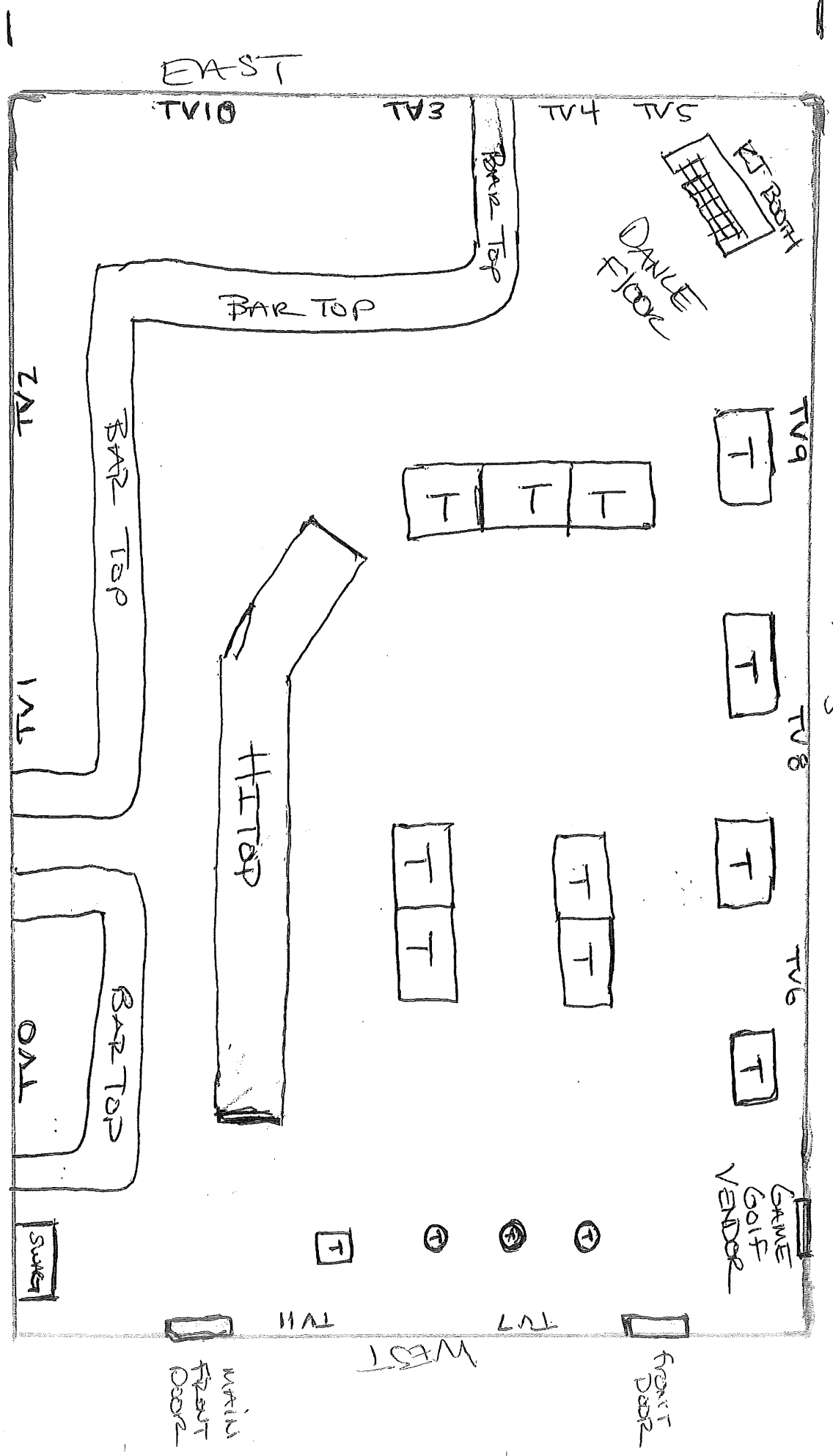


SITE PLAN
SCALE: 1" = 60'-0"

CORONA DEL SOL PLAZA

FLOOR PLAN

NORTH

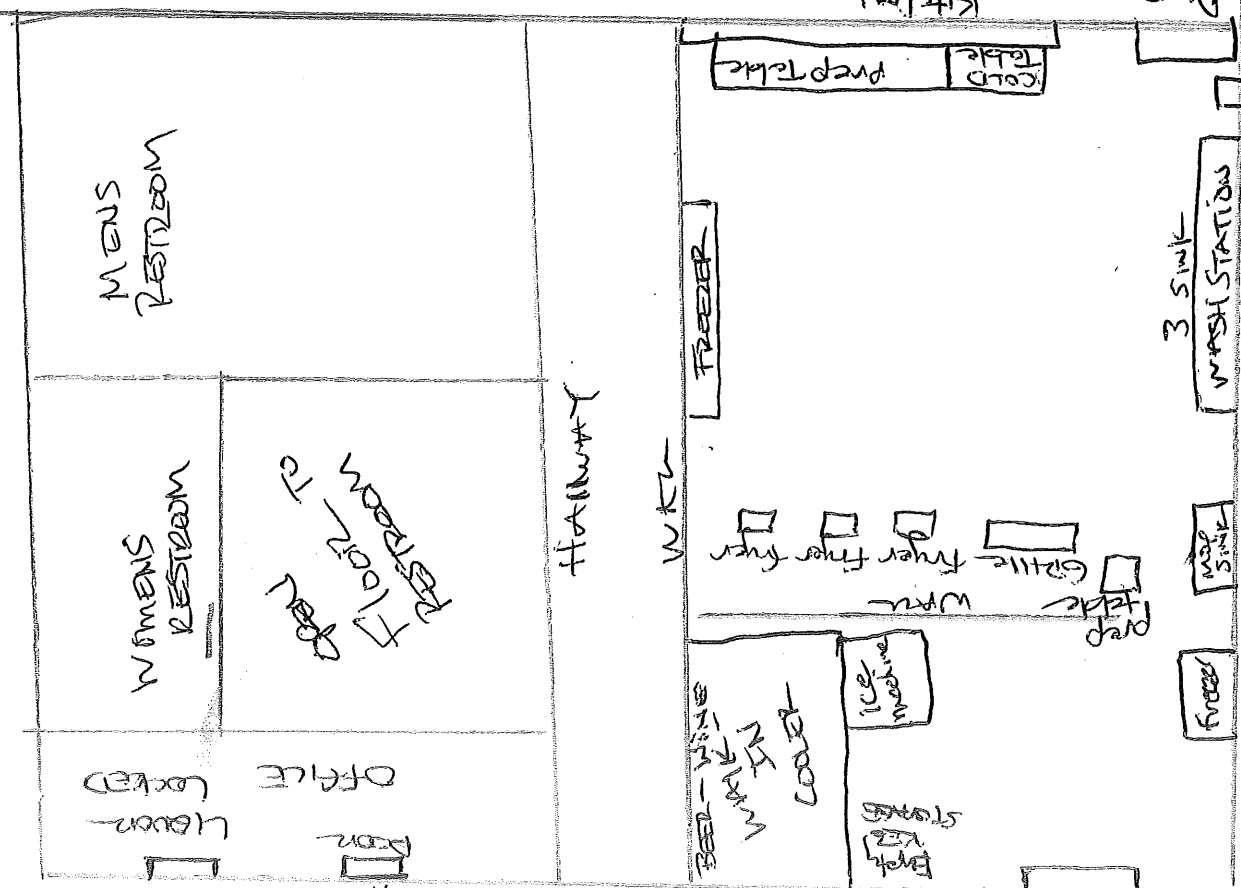


South



10 FEET

Personnel only - Key card
EXIT - OFFICES ONLY





Planning & Zoning Commission Memorandum Development Services
Memo No. 24-043

Date: 07/17/2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
 David de la Torre, Planning Manager
From: Darsy Omer, Associate Planner
Subject: PLH24-0008 Fun Fusion Learning Center
Request: Use Permit approval to allow residential child care for up to 10 children in an existing single-family home zoned Planned Area Development (PAD)
Location: 4640 E Peach Tree Drive, generally located 1/4 mile north and west of Hunt Highway and Val Vista Drive
Applicant: Jodie Haynes, Fun Fusion Learning Center

Proposed Motion:

Move Planning and Zoning Commission recommend approval of Use Permit PLH24-0008 Fun Fusion Learning Center for a residential child care facility for up to 10 children in an existing single-family home zoned Planned Area Development (PAD), subject to the conditions as recommended by Planning staff.

Background Data:

- The subject site is zoned PAD for single-family homes
- The Zoning Code requires a Use Permit for residential child care in a single family home providing care for 5 - 10 children

Surrounding Land Use Data:

North	PAD for single-family homes	South	PAD for single-family homes
East	PAD for single-family homes	West	PAD for single-family homes

Proposed Business Operations (for Use Permit) or Proposed Development (for PDP)

Days of Operation	Monday - Friday
Hours of Operation	6:30 am - 6:00 pm
Number of Kids Requested	10
Drop-off Times	2 designated drop-off times will be assigned between 6:30 am - 7:45 am in 15 minute increments.
Pick-Up Times	2 designated drop-off times will be assigned between 4:45 pm - 6:00 pm in 15 minute increments.

Review and Recommendation:

The applicant has taken proactive steps to operate a residential child care home with minimal disruption to traffic flow and on-street parking in the neighborhood by assigning incremental drop-off and pick-up times and by designating on-site parking spaces. Two parking spaces are designated for the drop-off and pick-up of children and a time will be assigned to the parents between the times 6:30 am - 7:45 am and 4:45 pm - 6:00 pm in 15 minute increments on the drive-way to avoid adding additional traffic and congestion on Peach Tree Drive. The lot is approximately 9,378 sq ft, with an approximately 2,660 sq ft home. All parents are required to walk the child in and sign them in and out. A portion of the rear yard is used as an outdoor activity area and is fenced off. The proposed residential care facility will operate year-round, Monday - Friday, from 6:30 am - 6 pm. The children will be between the ages of 1 to 6 years old. Child daycare activities include playtime, learning, eating, cleaning, and nap time. In addition to the applicant, there is one additional staff member that will be helping out with the daycare.

Planning staff finds that the proposed residential child care complies with Use Permit Criteria in Section 35-305(3)(d) of the Zoning Code as shown in the attached exhibit "Use Permit Criteria". For this reason, Planning staff is recommending approval with a one-year time limit to evaluate the compatibility of the residential child care facility in the single-family neighborhood.

Public / Neighborhood Notification

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting sign was posted on the site and on social media via NextDoor.
- A neighborhood meeting was held on May 13th, 2024. There was one person that attended the meeting with questions for the applicant to ensure that all the correct measures are being taken to apply for the state license.
- As of the writing of this memo, Planning staff is aware of five people in opposition to the request having concerns about the applicant's ability to operate the childcare. Per Zoning Code section 35-305(3), Use Permit criteria focuses on land use considerations. Factors relating to the quality of the program to be provided or the applicant's qualifications to provide such a program are excluded from staff's purview. Such qualifications are reviewed by and licensed by the Arizona Department of Health Services.

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. The residential childcare home shall have no more than ten (10) children for compensation, at any time.
2. This Use Permit to operate a childcare home shall be null and void in the event that the property ceases to be the applicant's primary home.
3. The site shall be maintained in a clean and orderly manner.
4. Two on-site parking spaces shall be designated for drop-off and pick-up as shown in the site plan and shall be reserved for such use during the appointed drop-off and pick-up time periods.
5. Children shall be assigned a drop-off and pick-up time to prevent more than two drop-offs or pick-ups at any given time.
6. The Use Permit shall remain in effect for one (1) year 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.

Attachments

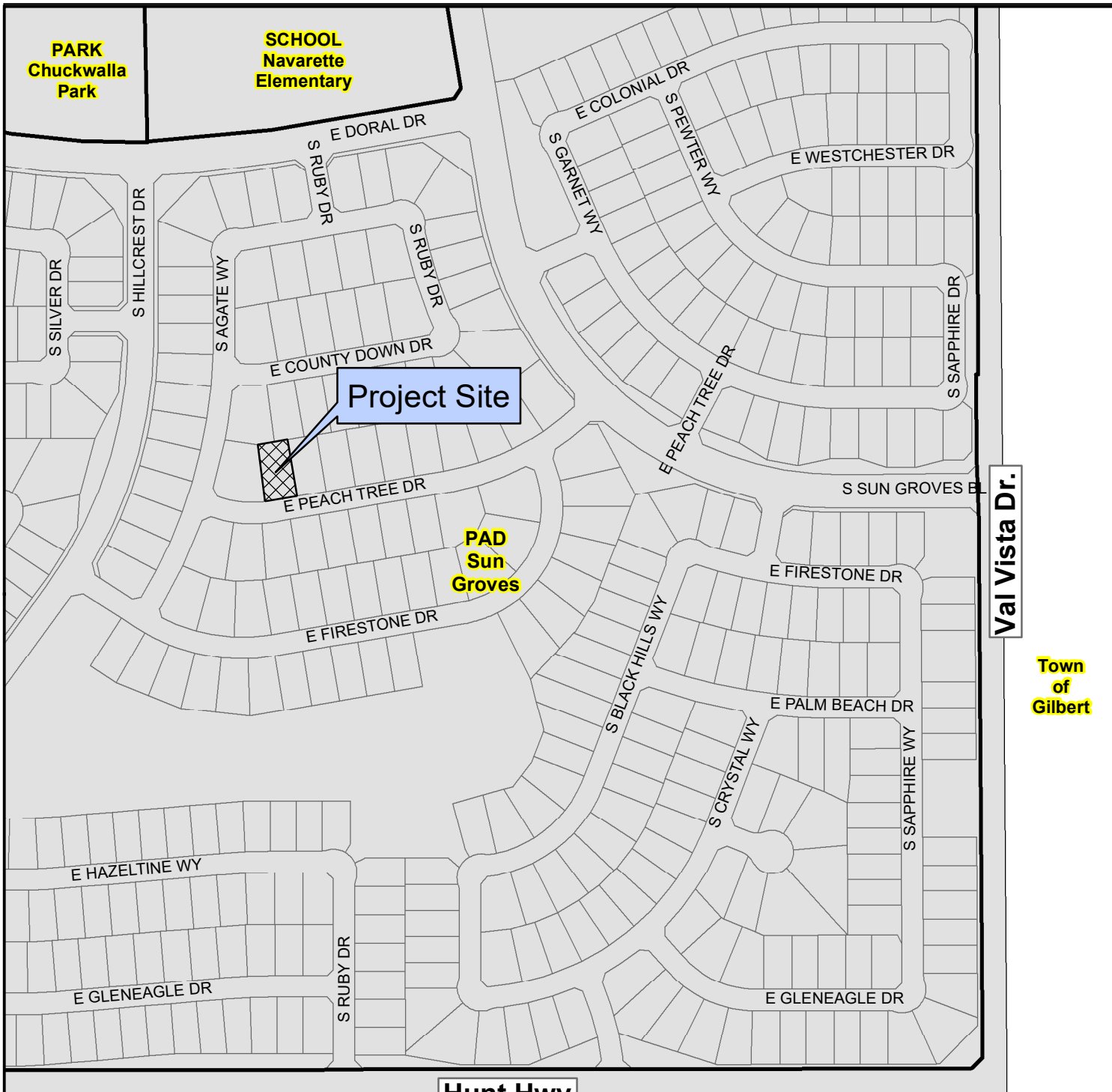
Vicinity Maps

Floor Plan

Narrative

Opposition

Use Permit Criteria

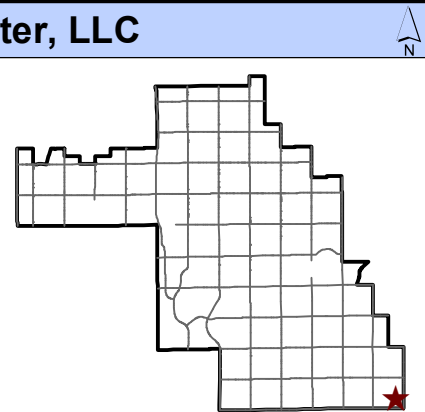


Hunt Hwy.

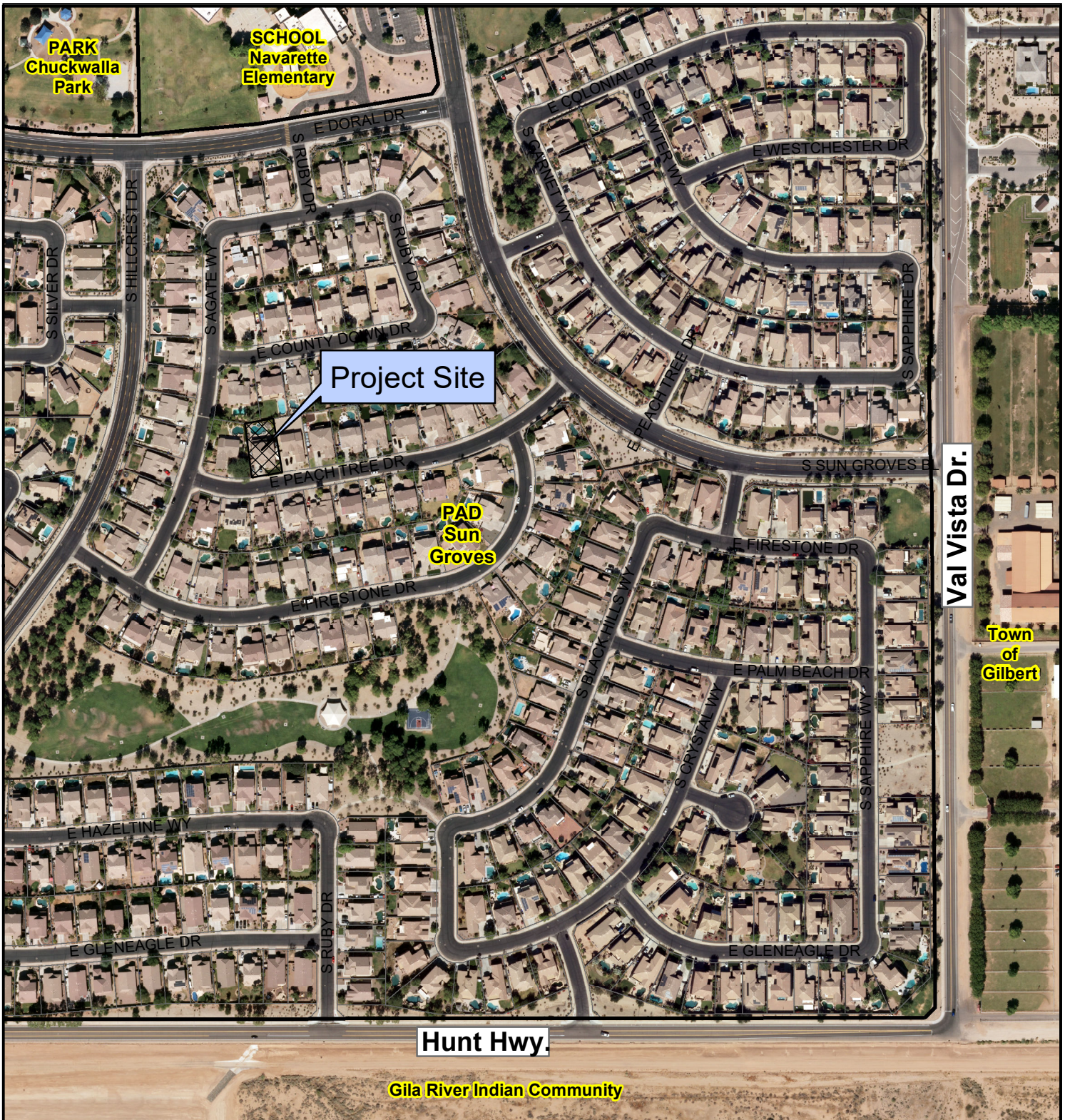
Gila River Indian Community


 **PLH24-0008 Fun Fusion Learning Center, LLC**

Project Details
 Request Use Permit approval to allow residential child care for up to 10 children in an existing single-family home zoned Planned Area Development (PAD)



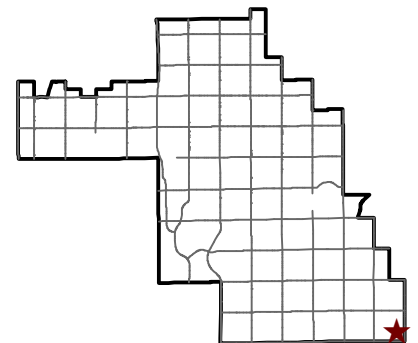
City of Chandler Planning Division
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PLH24-0008 Fun Fusion Learning Center, LLC
N

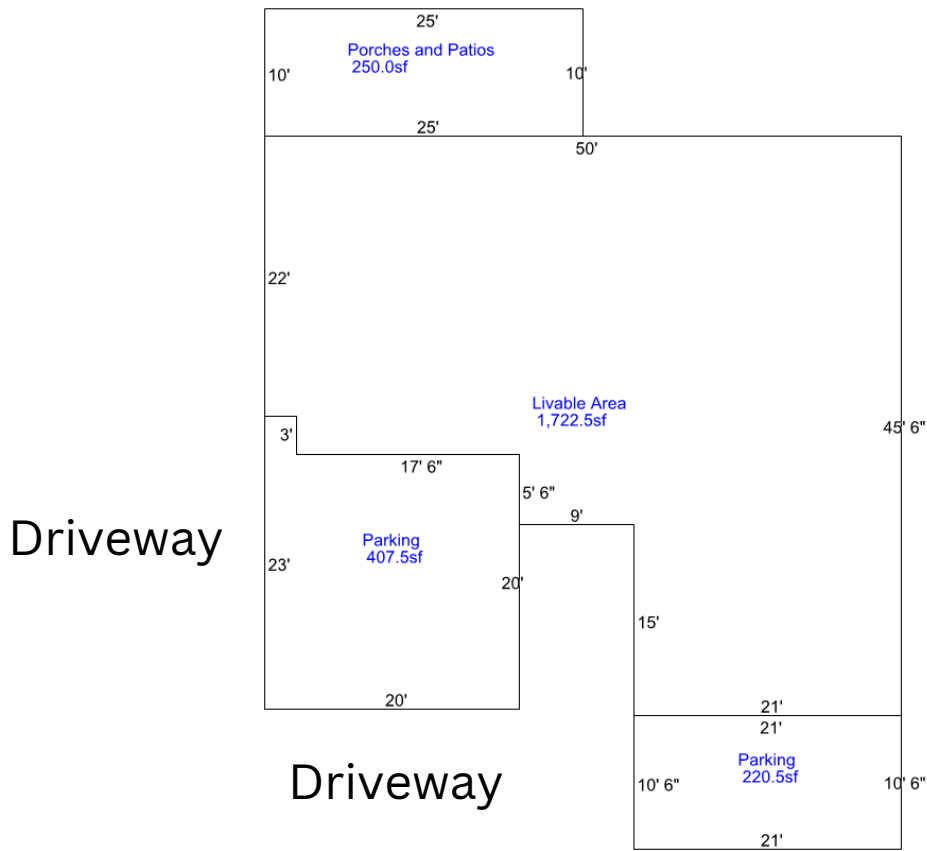
Project Details

Request Use Permit approval to allow residential child care for up to 10 children in an existing single-family home zoned Planned Area Development (PAD)



City of Chandler Planning Division
chandleraz.gov/planning
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PLH24-0008 Fun Fusion Learning Center, LLC

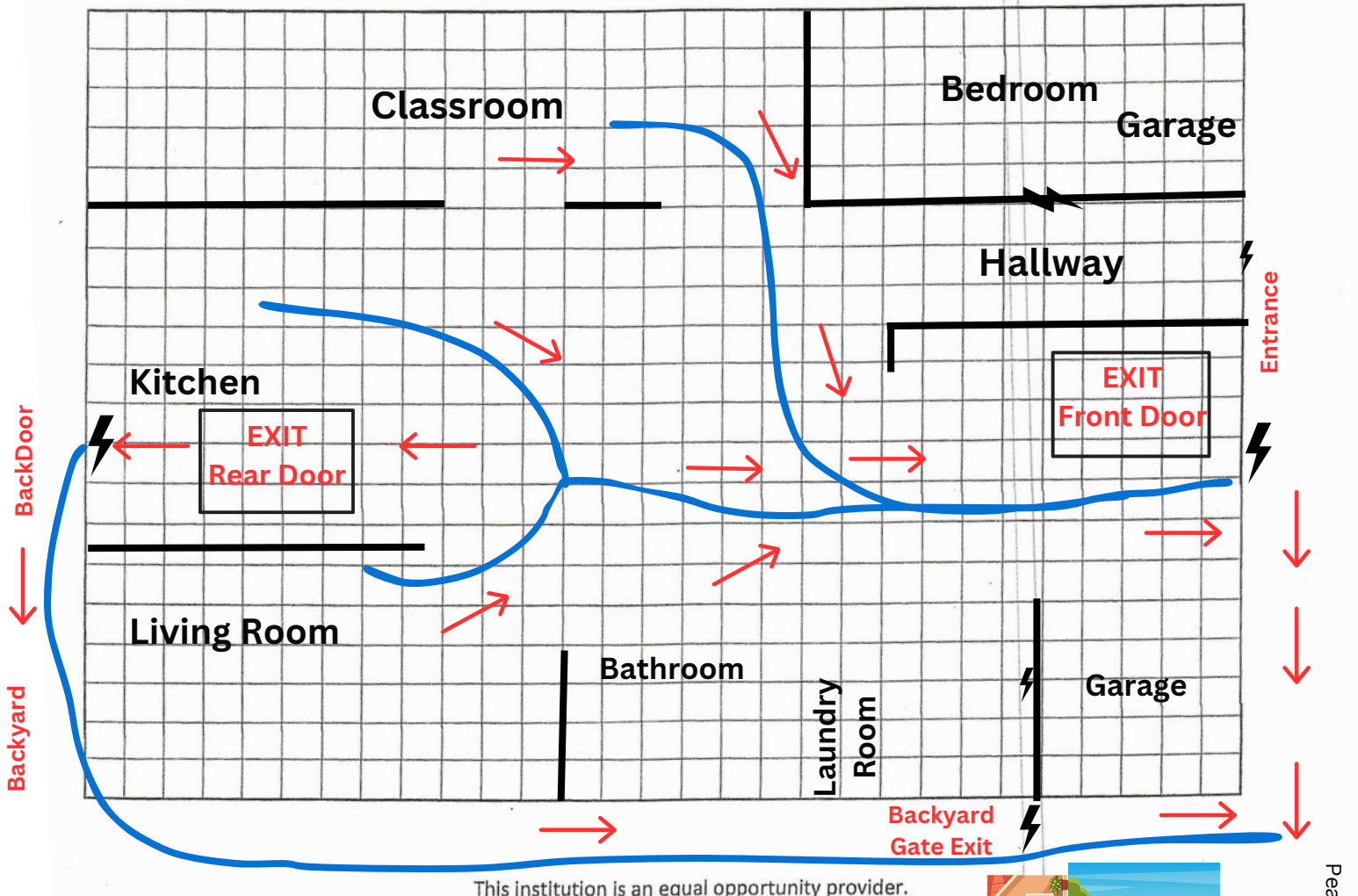
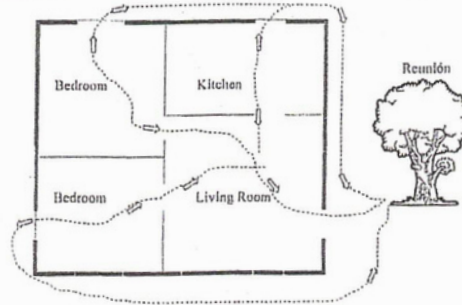


Street Frontage

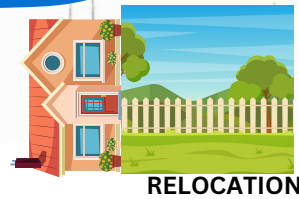
4640 E Peach Tree Drive
Site Plan

Family Escape Plan

Provider's Name **Fun Fusion Learning Center, LLC**
 Address **4640 E Peach Tree Drive**
 City **Chandler** State **Arizona** Zip **85249**



This institution is an equal opportunity provider.



South Agate

Peach Tree Drive

PLH24-0008 Fun Fusion Learning Center, LLC



4640 E. Peach Tree Drive
Chandler, AZ 85249
480-264-0040

February 28, 2024

Revised May 20, 2023

Childcare Group Home Narrative

Fun Fusion Learning Center, LLC is seeking clearance to run a childcare group Home for up to 10 children ages 1 to 6 years old. The hours of care will be Monday through Friday, 6:30 am to 6:00 pm. These hours allow the parents to drop off their children before and after residents and children head to and from work and school. With this, we should not cause any additional traffic or congestion in our community.

There are 2 designated drop off and pick up spots on the property in our driveway. Each parent will be assigned a time for drop off and pick up at admission. Currently our drop-off time is from 6:30 am to 7:45 am and our pick-up time is from 4:45 pm to 6:00 pm. Each time will be broken into 5, 15-minute increments with a total of 10 slots in the morning and 10 slots in the evening. The drop of and Pick times are as follows:

Morning- 6:30 am to 6:45 am, 6:45 am to 7:00 am, 7:00 am to 7:15 am 7:15 am to 7:30 am and 7:30 am 7:45 am

Evening – 4:45 pm to 5:00 pm, 5:00 pm to 5:15 pm, 5:15 pm to 5:30 pm, 5:30 pm to 5:45 pm and 5:45 pm to 6:00 pm

Currently, there are two permanent owners/staff and one adult child living in the home temporarily, and none are receiving care, there are no other staff members, as both owners will be active in the business, no outside help is required. All residents can drive, and there is only one location. The one adult child has a full-time job outside of the home and enrolled in school. Our typical schedule is learning, playing, eating, and cleaning (Please

see Activity Schedule Below). Fun Fusion Learning Center, LLC will comply with the following standards by:

1. **Capacity.** We are currently requesting clearance and Use Permit to obtain a state license with DHS to increase us to capacity to 10 children.

2. **Location.** Per the Planning Activity map dated 02/28/24. It does not appear that I am within 1200 feet (about 365.76 m) of another Group home, but I am 0.4 miles from Navarrette Elementary School. (Please see snippets below) Please confirm.

3. **Signage.** Fun Fusion Learning Center, LLC will have no identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted under Chapter 39, section 39-9 of the Chandler Sign Code.

4. **Code compliance.** Fun Fusion Learning Center, LLC will remain in compliance with all applicable city codes, including building codes, fire safety regulations, zoning, and subdivision codes. By having yearly inspections and complying with any notifications if received.

5. **Parking.** Fun Fusion Learning Center, LLC has ample parking for 7 cars. and will comply with requirements set forth in Article XVII Parking and Loading Regulations.

6. **Maintenance.** Fun Fusion Learning Center, LLC will maintain the exterior of the dwelling and yards and will be kept in a condition that is consistent with the neighborhood pursuant to Chapter 30, Neighborhood Preservation of the City Code. With scheduled cleaning service.

7. **Exclusive use.** All administrative activities, including staffing, counseling, and other visitations, shall serve only the residents of Fun Fusion Learning Center, LLC.

Daily Activity Schedule

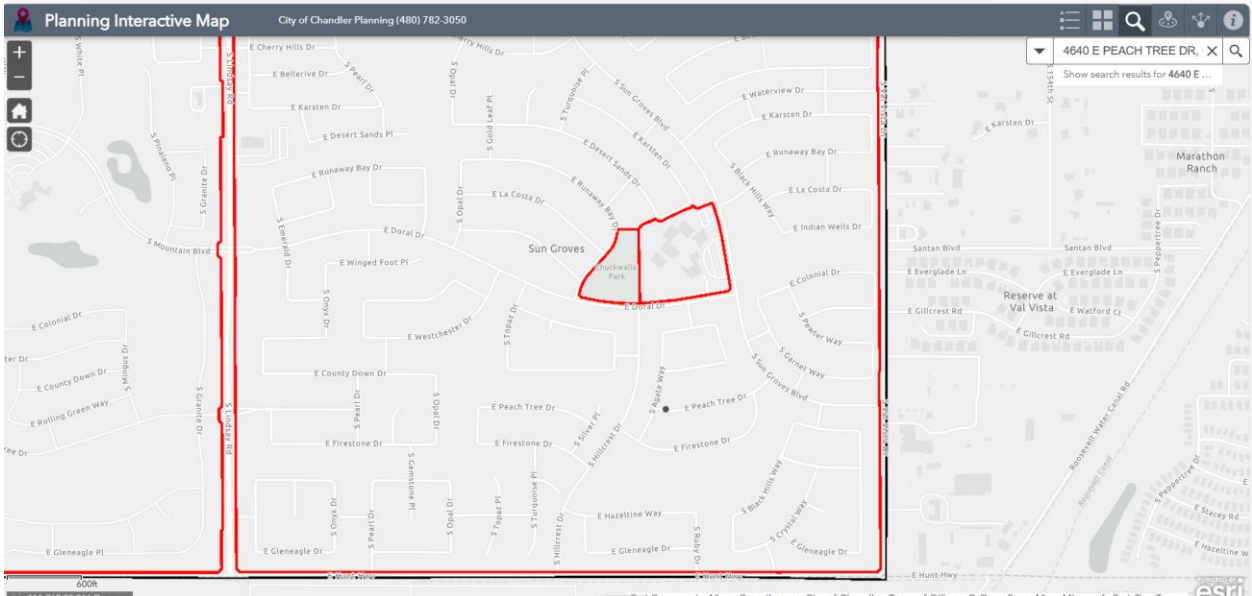
06:30 AM – 07:45 AM Arrival, Bathroom and Handwashing
07:45 AM – 08:15 Breakfast
08:15 AM – 08:45 Morning Circle Time
08:45 AM – 09:45 AM Lesson Plans
09:45 AM – 10:00 AM Bathroom Break and Handwashing
10:00 AM – 10:30 AM- AM Snack
10:30 AM – 10:45 AM Bathroom Break and Handwashing
10:45 AM – 11:15 Center Time and One on One
11:15 AM – 11:30 AM Bathroom Break and Handwashing
11:30 AM – 12:30 PM Lunch
12:30 PM – 01:00 PM Outside Activity
01:00 PM – 01:15 PM Bathroom Break and Handwashing
01:15 PM – 03:15 PM Nap Time
03:15 PM – 03:30 PM Bathroom Break and Handwashing
03:30 PM – 04:00 PM- PM Snack
04:00 PM – 04:45 Outside Activity
04:45 PM – 06:00 PM Parent Pick-Up / Bathroom Break and Handwashing
Free Play / Clean Up /Close

Please feel free to contact me if anything else is needed.

Thank you,

Jodie Haynes

480-264-0040



4640 E Peach Tree Dr, Chandler, AZ 85...

Options

4640 E Peach Tree Dr, Chandler, AZ 85249

Navarrete Elementary School

Add destination

Leave now

Go

Print selected route

	0.4 miles Via E Peach Tree Dr, S Sun Groves Blvd	7 min
	0.4 miles Light traffic Via E Peach Tree Dr, S Sun Groves Blvd · Local roads	2 min

Parking and
Dropp Off
Locations

Fun Fusion Learning Center
4640 East Peach Tree Drive
Chandler, AZ 85249

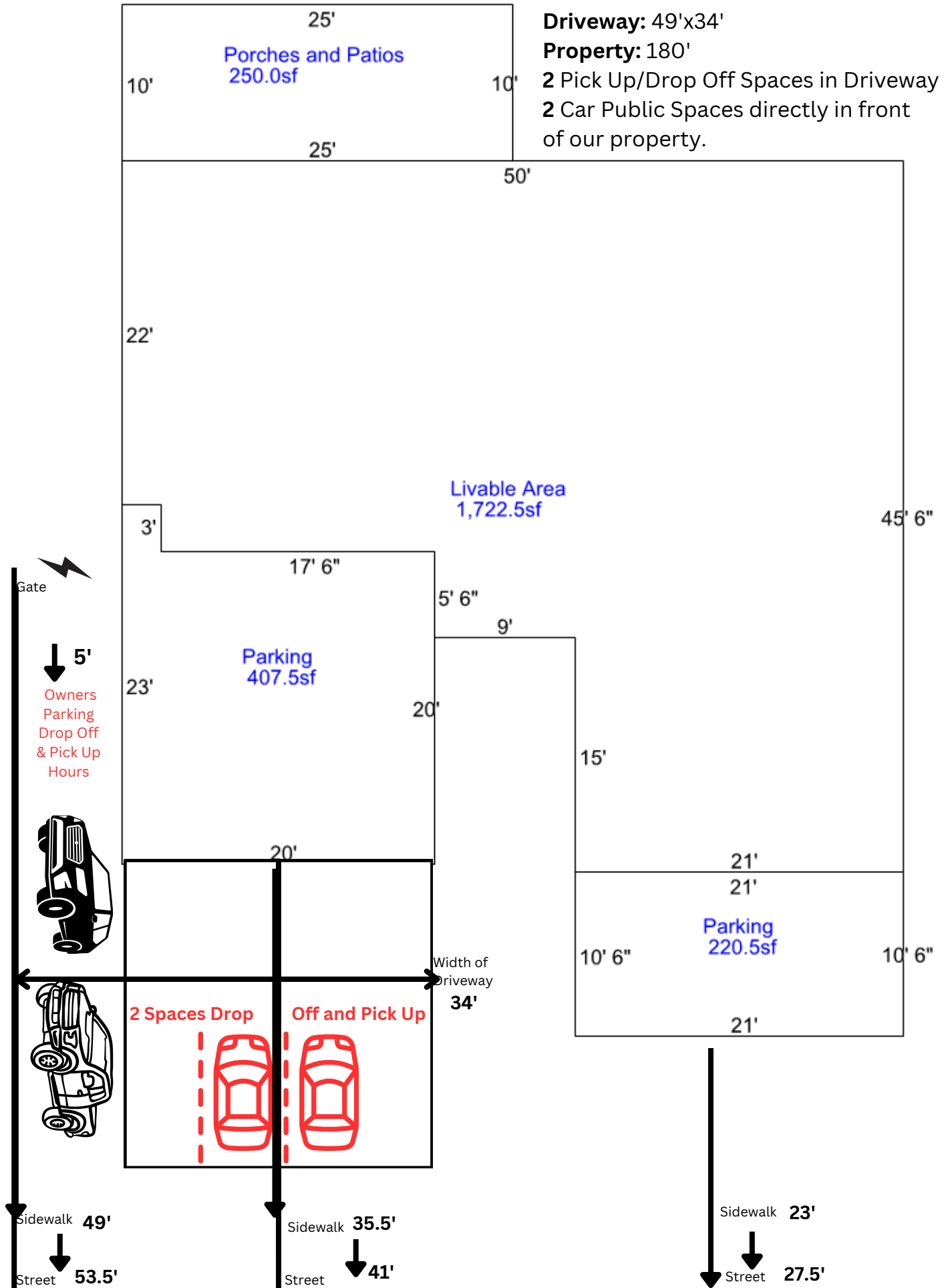
Lot Size: 9,378 SqFt

Setbacks: 4.5'

Driveway: 49'x34'

Property: 180'

2 Pick Up/Drop Off Spaces in Driveway and
2 Car Public Spaces directly in front
of our property.



Darsy Omer

From: [REDACTED]
Sent: Friday, May 3, 2024 8:37 AM
To: Darsy Omer
Subject: Opposition to the proposed Fun Fusion Learning Center at 4640 E Peach Tree Drive.

Follow Up Flag: Follow up
Flag Status: Flagged

Darsy,

This is my letter of opposition to the proposed Fun Fusion Learning Center at 4640 E Peach Tree Drive. I did NOT receive any notice via mail like other neighbors did, despite living in close proximity to 4640. I noticed the sign in the yard and a neighbor shared the notice they received in the mail with me after I spoke with them.

We have lived on Peach Tree Drive since 2004. Lack of maintenance and other issues have been a problem at 4640 for years. I personally have reported them twice for a green pool. There have been instances of trash and dead appliances left on the front porch visible from the sidewalk for months at a time.

While the yard currently looks ok, I know the HOA has fined them multiple times over various violations. The police have been called to their house at least once that I personally observed. I listened to Eric yell at the officer and then after the officer left he turned up his vulgar music LOUDER to continue annoying the neighbors. Some dogs, or possibly feral cats had defecated in their front yard. Eric swept the feces onto the sidewalk in front of his house and left it there. Neighborhood kids had to walk through it to get to school. Neighbors had to walk around it to get their mail. It was disgusting.

The claim that they have parking for seven cars is simply untrue. When friends come over to visit them they park in front of the neighbor's house across the street, or the house next door. I have received parking tickets from the HOA in the mail for their cars, and their friends cars. I'm then required to explain to the HOA that those are not my cars parked in front of my house over night. There is room for one to two cars max in front of 4640.

The most disturbing issue is the almost constant verbal abuse happening in their house. We have listened to Eric scream and yell for 8+ years now. We have debated calling the police to report it on multiple occasions. Sometimes it's so loud we can hear it inside our house. It is incredibly frustrating to not be able to enjoy your own yard due to the verbal abuse happening next door, but the thought of small children in that environment daily is beyond belief.

I've smelled and seen them smoking pot on the patio multiple times. There was a large water pipe/bong on the patio for quite some time. Drugs seem to be an integral part of their lives. Again, not a positive environment for young children.

They also appear to possibly be hoarders. The times I've seen the garage doors open I was astounded by the sheer volume of stuff piled all the way to the ceilings. It seems to be quite the fire hazard. There appears to be a huge storage on the East side of the house up against the block fence. You can see ladders and other items stored on top of it from the sidewalk. I can't begin to imagine what's inside given the amount of stuff crammed in both garages.

After seeing the Facebook page, it appears that Fun Fusion has been up and running for quite some time despite the LLC only being established in October 2023. In the review I read, Jodie replied and said she had enjoyed watching their son for the last two years - odd given the LLC was just established around seven months ago and the neighbors are just now being notified about the Fun Fusion business being run out of 4640.

While I do not want to stand in the way of a neighbor providing a needed service, or making some extra income, I can't stay silent on the idea of having small children in such an environment.

For all the above reasons and more, we are against the approval of Fun Fusion Learning Center at 4640 E Peach Tree Drive.

Anonymous Peach Tree Neighbor

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Darsy Omer

From: [REDACTED]
Sent: Wednesday, May 8, 2024 7:32 AM
To: Darsy Omer
Subject: PLH24-0008 Fun Fusion Learning Center, LLC

Follow Up Flag: Follow up
Flag Status: Completed

RE: Opposition to proposed Fun Fusion Learning Center Permit

Dear Ms. Omer,

We are strongly opposed to the permit for a business at 4640 E Peach Tree Drive for the reasons below.

- I do not agree with the availability of parking for 7 cars. There are 3 cars in the driveway belonging to the homeowner. The homeowner cannot park in their garage as it is used for storage. The garage is stacked top to bottom and front to back. We are located very close to the community elementary school, so there's already a lot of cars and kids in the area before and after school.
CUSD special needs bus transporting a child on Peach Tree makes daily stops. It can take some time for the bus to load and unload. Adding business traffic will only make add to the congested for the immediate community members.
- If we have issues or concerns with the business, I feel the homeowners are unapproachable. One of the homeowners does not show goodwill to his neighbors. The person is VERY confrontational and has publicly shown hatred to the HOA. I would never feel comfortable approaching the homeowner.
Even writing this anonymous letter has me worried about the person's actions.
- The smell of cannabis fills the air from their residence most days of the week. While I understand it's legal to smoke marijuana, the smell is very hard to tolerate. Especially for those who are allergic to it. A child should not be exposed to such toxins.

I have given this letter a lot of thought. I never want to get in the way of someone's livelihood. And childcare is very hard to find.

However, the homeowners have shown their neighbors they do not care about the community. If the homeowner is granted this childcare permit, A plea will be sent to the state for further investigation. This is not a safe place for children.

Kind regards,

Anonymous Homeowner in Sun Groves

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Darsy Omer

From: [REDACTED]
Sent: Friday, May 3, 2024 10:14 AM
To: Darsy Omer
Subject: RE: Chandler Zoning Case: PLH24-0008 FUN FUSION LEARNING CENTER
Attachments: City-of-Chandler-PLH24-0008-Fun-Fusion-Learning-Center-April-2024.pdf; IMG_0992.jpg; IMG_0993.jpg; IMG_0996.jpg; IMG_0990.jpg; IMG_0999.jpg; IMG_0991.jpg; IMG_0994.jpg; IMG_0998.jpg; IMG_0995.jpg; IMG_0997.jpg

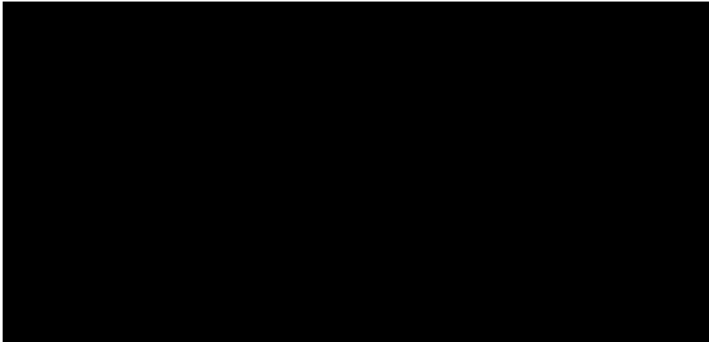
Importance: High

Follow Up Flag: Follow up

Flag Status: Completed

I am the homeowner directly behind this resident, we oppose this and would like to know how to fight it? There are zoning and fire code violations. Please see the photos as we do not believe they pulled permits for the side building they have, the pergola, or the added porch.

Best Regards,



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Darsy Omer

From: [REDACTED]
Sent: Monday, May 13, 2024 3:16 PM
To: Darsy Omer
Subject: Re: PLH24-0008 Fun Fusion Learning Center

Hello Darsy,

I'm sitting in the airport in Seattle waiting to take off. Thank you for responding.

My concerns are:

The amount of traffic on the street

The total number of children is 10 which seems high, hence my concern for the traffic

Im also concerned about a possible negative affect on property values

While I do live down the street from this home, I do support any/all of my neighbors concerns who live at that end of the block and adjacent to this property,

Thank you,

[REDACTED]

[Sent from Yahoo Mail for iPhone](#)

On Monday, May 13, 2024, 10:30 AM, Darsy Omer <Darsy.Omer@chandleraz.gov> wrote:

Good morning [REDACTED]

I got a voicemail on Friday regarding the day care facility. I am the planner assigned to this case, so if you wanted to send me an email with any questions, comments, or concerns you are more than welcome to. Or if you would like to give me a call, my phone number is below.

Thank you,

Darsy Omer

Associate Planner

Development Services Department

Planning Division

(480)782-3067

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CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

May 3, 2024

Darsy Omer
Associate Planner
City of Chandler Planning Division

As a longtime home owner in the Sun Groves Community in Chandler, Arizona, I am writing to express my concern and opinion of a resident planning on opening a Fun Fusion Learning Center out of their home. While I totally agree with entrepreneurship on behalf of anyone looking to be successful and gain monetarily, I do not see why a peaceful, residential community should be used to run and maintain a business. The additional traffic on a residential street during the hours that children are walking to and from school is a safety factor that needs to be considered.

Additional concerns are as follows...

Over the years the history of the property owners have had several issues with our H.O.A. These are well known by the neighbors and include cars parked for weeks if not months with flat tires, poorly maintained landscaping, various equipment and trailers parked in the backyard for months, and garages that cannot be used for parking cars due to the abundance of stuff being stored. There have several violations that were reported to the Maricopa Mosquito Abatement board due to improper pool maintenance. Additional storage has also been built and attached to the common wall between adjacent properties. All of which are common knowledge among the neighbors. There are others, but all carry the same lack of concern about the area and neighborhood.

The personal habits of the homeowners are well known to those that live in the general surrounding homes, and I will not go into detail, but abusive language questionable activities and habits are something I would hate to see young children hear, see, or be involved in.


I feel that the prospect of young children being around an environment that has not been in the past the cleanest, safest, quietest, or most peaceful home in the area is a mistake. My children, nor any of my neighbor's children will not be attending Fun Fusion for the reasons stated above.

Respectfully,

A concerned Sun Groves resident who
for obvious reasons will remain anonymous

PLH24-0008 Fun Fusion Learning Center

Use Permit Criteria for Residential Childcare Zoning Code Section 35-305 (3)(d)	Checkmark indicates staff verification of compliance
1. <i>Capacity.</i> The number of children being cared for, and the ratio of staff to children, shall be limited by the requirements set forth by the State of Arizona Department of Health Services, but in no event shall the number of children being cared for exceed ten (10) for compensation, nor shall the total number of children being cared for, whether or not for compensation, exceed fifteen (15).	✓
2. <i>Location.</i> No new residential childcare use not already licensed by the State of Arizona Department of Health Services and in full operation prior to the effective date of these regulations, shall be located on a lot within twelve hundred (1,200) feet, measured by a straight line in any direction, from the lot line of another residential childcare provider.	✓
3. <i>Signage.</i> The residential childcare use shall have no identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted under Chapter 39, section 39-9 of the City Sign Code.	✓
4. <i>Screening.</i> All outdoor play areas shall be completely screened and enclosed by a six-foot high solid masonry wall with solid gates.	✓
5. <i>State licensure.</i> The residential childcare use shall be subject to licensure by the State of Arizona Department of Health Services, with proof thereof from the applicant kept on file with the City of Chandler Current Planning Division.	✓
6. <i>City Code Compliance.</i> The residential childcare use shall comply with the standards and requirements of all applicable City Codes, including but not limited to, the Uniform Building Code, Uniform Fire Code, Zoning Code, Subdivision Regulations, and City Business Licensing.	✓
7. <i>Parking.</i> No existing garage, carport structure, or driveway shall be expanded, enclosed, displaced, or	✓

otherwise modified for the purpose of accommodating the Residential Childcare use.	
<p>8. <i>Building expansion and remodeling.</i> Any expansion, remodeling, or other modification of a residential dwelling, whether planned or already existing for the purpose of accommodating a residential childcare use, may be permitted, provided however, that such expansion, remodeling, or other modification is determined, either through plan review or on-site inspection, to be fully compliant with all applicable City Codes, without need for variance or relief from standard requirements.</p>	



Planning & Zoning Commission Memorandum Development Services
Memo No. 24-040

Date: 07/17/2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
 David de la Torre, Planning Manager
From: Mikayela Liburd, Associate Planner
Subject: PLH24-0013 Legends Showcase Bar & Grill
Request: Entertainment Use Permit approval to allow for indoor live entertainment, speakers and tv screens.
Location: 2386 N Alma School Road, generally located north of the northwest corner of Alma School and Warner roads.
Applicant: Sherry Chen

Proposed Motion:

Move Planning and Zoning Commission recommend approval of Entertainment Use Permit PLH24-0013 Legends Showcase Bar & Grill, to allow for live indoor entertainment, speakers and tv screens, subject to the conditions as recommended by Planning staff.

Background Data:

- Zoned Planned Area Development (PAD) for Commercial Development.
- Zoning Code requires Entertainment Use Permit Approval for live indoor entertainment within 600 feet of the nearest residentially zoned property.
- Due to the proximity to a residentially zoned area and the restaurant's desire to offer indoor entertainment options an Entertainment Use Permit is required.

Surrounding Land Use Data:

North	Commercial	South	Commercial
East	N Alma School Road, then Single-Family Residential	West	Commercial

Proposed Business Operations (for Use Permit) or Proposed Development (for PDP)

Suite Square Footage	5,400 Square Feet
Seats	160 Seats
Hours of Operation	Tuesday-Sunday: 11:00am-9:00pm
Hours of Entertainment	Tuesday-Sunday: 11:00am-9:00pm (Karaoke sessions from 5:30pm to 8:30pm)

Review and Recommendation:

Legends Showcase Bar & Grill will provide patrons with live entertainment such as musical performances, disc jockeys, and karaoke, which will use twelve (12) speakers distributed throughout the premises and 10 tv screens, all of which will be indoors. No entertainment components will be held outdoors. An Entertainment Use Permit is required for entertainment provided indoors, with the property being located 600 feet or fewer from a residentially zoned property. The nearest residentially zoned property is approximately 220 feet from Legends Showcase Bar & Grill. Planning staff has reviewed the request and finds consistency with the General Plan and recommends approval with a time condition of one (1) year to evaluate the compatibility of the live entertainment with the surrounding residential and business development.

Public / Neighborhood Notification

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting sign was posted on the site and on social media via NextDoor.
- A neighborhood meeting was held on April 29th, 2024. No one attended other than the applicant.
- As of the writing of this memo, Planning staff is not aware of any opposition to the request.

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 exhibits (Floor Plan and Narrative) shall void the Entertainment Use Permit and require new Entertainment Use Permit application and approval.
2. The Entertainment Use Permit is non-transferable to any other location.
3. The site shall be maintained in a clean and orderly manner.
4. The hours of live entertainment shall be limited to the following days and times:

Hours of Entertainment	Tuesday-Sunday: 11:00am - 9:00pm (Karaoke sessions from 5:30pm - 8:30 pm)
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5. Entertainment uses shall be controlled so as to not unreasonably disturb area residents.
6. The establishment shall provide a contact phone number for a responsible person (i.e restaurant owner and/or manager) to any interested neighbors or property owners to resolve noise complaints quickly and directly.
7. The Entertainment Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Entertainment Use Permit beyond the expiration date shall require reapplication and approval by the City of Chandler.

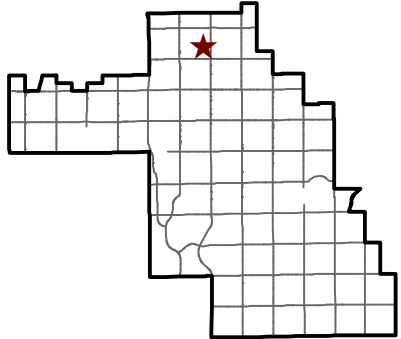
Attachments

Vicinity Maps
Narrative
Floor Plan



 **PLH24-0013 Legends Showcase Bar & Grill**

Project Details
 2386 N. Alma School Rd.
 Entertainment Use Permit to allow for
 indoor live entertainment, speakers and TV Screens

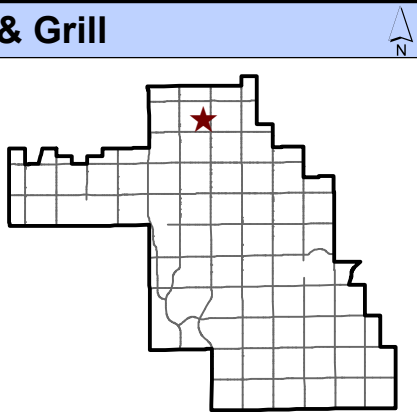


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 **PLH24-0013 Legends Showcase Bar & Grill**

Project Details
 2386 N. Alma School Rd.
 Entertainment Use Permit to allow for
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PLH24-0013

Legends Showcase Bar & Grill

Legends Showcase Bar & Grill is seeking an Entertainment Use Permit for our Series 12 (Restaurant) liquor licensed premises located at 2386 N Alma School Rd, Chandler, AZ 85224, within Alma School Shoppes II. We are pursuing this permit due to our proximity to a residentially zoned area and our intention to offer indoor entertainment options.

As Legends Showcase Bar & Grill prepares to serve the City of Chandler in the coming years, we aim to enhance our patrons' experience by introducing musical performances, disc jockeys, and karaoke among our various offerings. We believe that obtaining an Entertainment Use Permit aligns with the surrounding area.

Our proposed entertainment permit, in conjunction with our standard operating hours from 11:00 am to 9:00 pm on Tuesdays through Sundays, will also include karaoke sessions from 5:30 pm to 8:30 pm. We will provide speakers only for indoor TVs and background music, with approximately 12 speakers distributed throughout the premises and 10 indoor TVs. Our entertainment lineup will primarily feature soloists, DJs, and karaoke. Similar entertainment options at neighboring establishments have offered residents of Chandler and visitors of Downtown Chandler enjoyable and safe entertainment choices, and we aim for Legends Showcase Bar & Grill to contribute to this experience.

To address any concerns from neighboring residents, we have appointed a neighborhood liaison whose contact information will be provided. Additionally, all managers or individuals in charge will be briefed on acceptable volume levels for entertainment and trained to intervene promptly if a musical artist exceeds these levels.

our bar and dining area, where comfort meets sophistication. With a total capacity of 160 seats, our space offers ample room for you and your companions to relax and enjoy a delightful culinary experience. Spanning across 5,400 square feet, our premises are designed to provide a spacious and inviting atmosphere for all our guests. Whether you're here for a casual drink at the bar or a sumptuous meal with friends and family, our indoor area offers the perfect setting for any occasion. Legends Showcase Bar & Grill specializes in American Fusion and Steakhouse cuisine, accompanied by premium alcoholic beverages and craft beer. We seek to further enhance our offerings by introducing electrically amplified and acoustic live entertainment as another appealing aspect of Legends Showcase Bar & Grill.

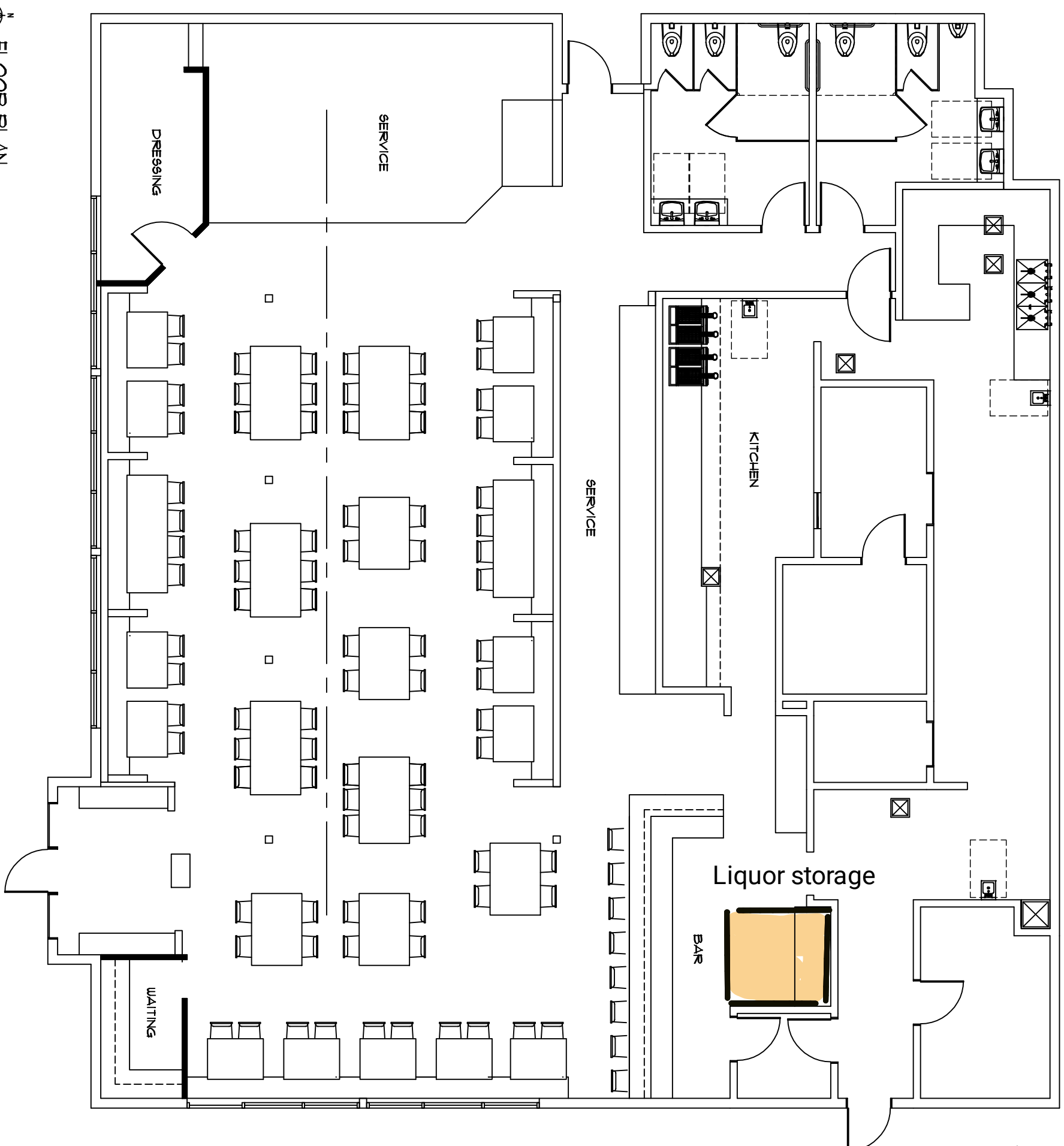
We sincerely appreciate your time and consideration in granting this Entertainment Use Permit to Legends Showcase Bar & Grill.

Legends Showcase Bar & Grill

Sherry Chen

480-777-2020 (b)

602-684-4820 (c)



FLOOR PLAN

SCALE 1/8" = 1'-0"

- EXISTING WALLS TO BE REMOVE
- EXISTING WALLS TO REMAIN
- NEW WALLS



Planning & Zoning Commission Memorandum Development Services
Memo No. 24-038

Date: 07/17/2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
 David de la Torre, Planning Manager
From: Mikayela Liburd, Associate Planner
Subject: PLH24-0014 Celoni Hospitality, LLC Dba Recreo Cantina
Request: Entertainment Use Permit time extension to continue to allow live indoor and outdoor entertainment
Location: 28 S. San Marcos Place, generally located ¼ mile south of the southwest corner of Arizona Avenue and Chandler Boulevard
Applicant: Niels Kreipke

Proposed Motion:

Move Planning and Zoning Commission recommend approval of Entertainment Use Permit PLH24-0014 Celoni Hospitality, LLC Dba Recreo Cantina, to continue to allow for live indoor and outdoor entertainment, subject to the conditions as recommended by Planning staff.

Background Data:

- Zoned City Center District (CCD)
- Zoning Code requires Entertainment Use Permit approval for live indoor entertainment within 600 feet of the nearest residentially zoned property and for live outdoor entertainment and speakers within 1,320 feet from the nearest residentially zoned property.
- The initial Entertainment Use Permit (PLH21-0092 Celoni Hospitality, DBA Recreo) was approved in 2022 and had a two (2) year time stipulation.

Surrounding Land Use Data:

North	Existing commercial building	South	Existing commercial zoned CCD
East	San Marcos Place	West	An alley, then an existing commercial building zoned CCD

Proposed Business Operations (for Use Permit) or Proposed Development (for PDP)

Hours of Operation	Sunday-Thursday: 11:00am to 10:00pm Friday and Saturday: 11:00am to 12:00am
Hours of Entertainment	Same as opening hours
Building Square Footage	3,700 Sq.ft.
Patio Square Footage	5,800 Sq.ft.
Staff	30 Full-time, 15 Part-time

Review and Recommendation:

The restaurant offers various types of entertainment, inclusive of DJ's, live amplified bands and outdoor speakers. An Entertainment Use Permit (EUP) in the City Center District (CCD) is required for entertainment activities provided outdoors with the property being located within 1,320 feet of a residentially zoned property and if there is entertainment provided indoors with the property being located 600 feet of less from a residentially zoned property. The nearest residentially zoned property is approximately 520 feet from Recreo.

The initial Entertainment Use Permit approval included a two (2) year time condition to evaluate the compatibility of live entertainment with the surrounding residential and business developments. There have been no reports of disturbances.

Planning staff has reviewed the request and finds consistency with the General Plan and CCD zoning and recommends approval with no additional time condition.

Public / Neighborhood Notification

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting sign was posted on the site and on social media via NextDoor.
- A neighborhood meeting was held on May 30, 2024. No one attended other than the applicant.

- As of the writing of this memo, Planning staff is not aware of any opposition to the request.

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:

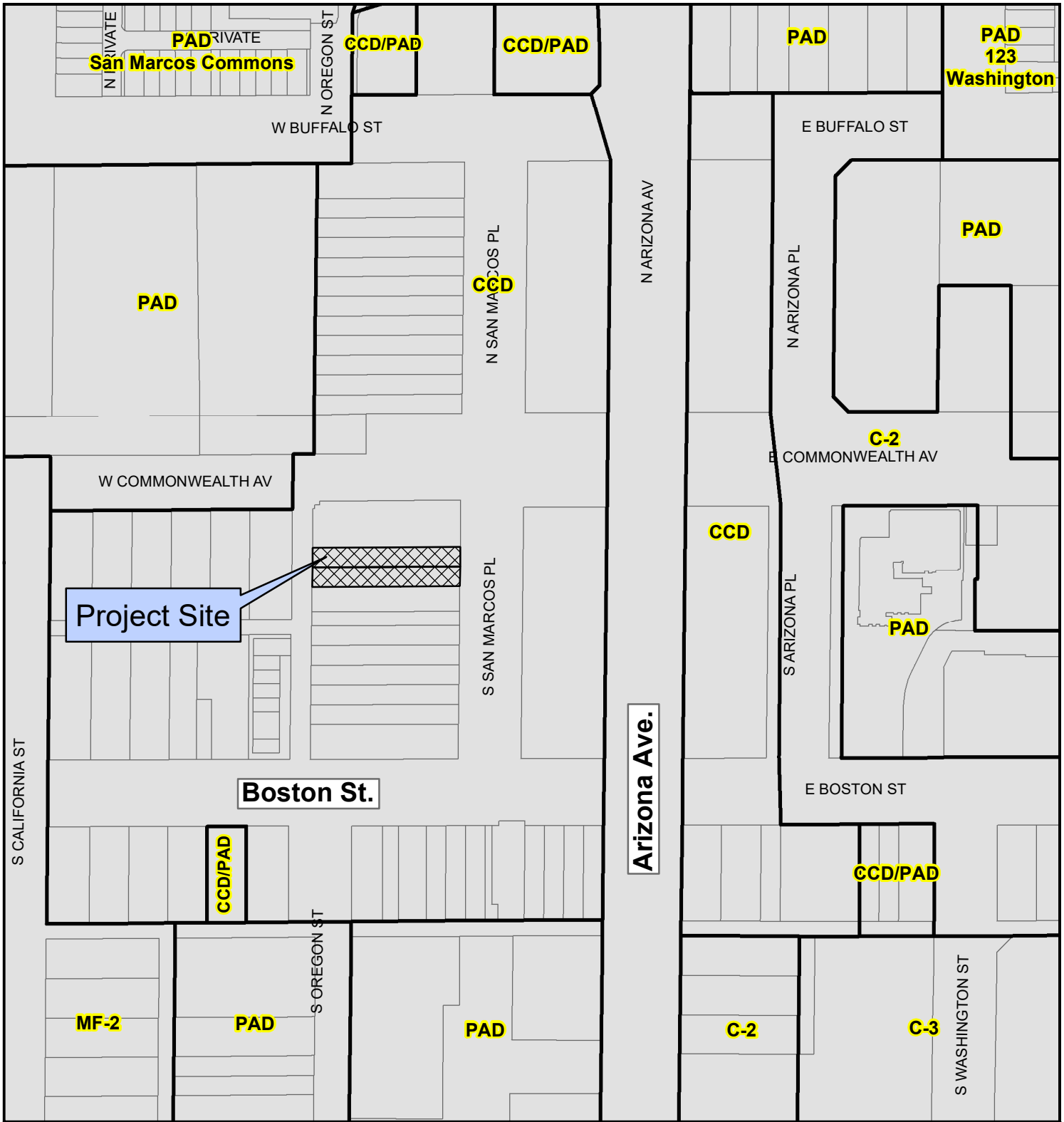
1. Substantial expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Entertainment Use Permit and require new Entertainment Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. The hours of live entertainment shall be limited to the following days and times:

Monday-Thursday	11:00am to 10:00pm
Friday and Saturday	11:00am to 12:00am

4. Entertainment uses shall be controlled so as to not unreasonably disturb area residents.
5. The establishment shall provide a contact phone number for a responsible person (i.e. bar owner and/or manager) to any interested neighbors or property owners to resolve noise complaints quickly and directly.

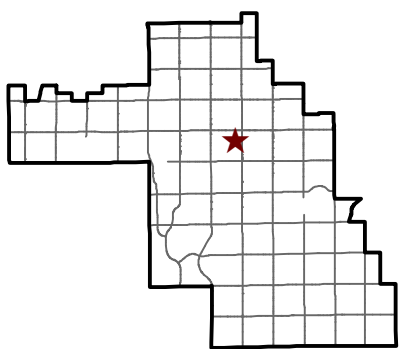
Attachments

Vicinity Maps
Narrative
Floor plan

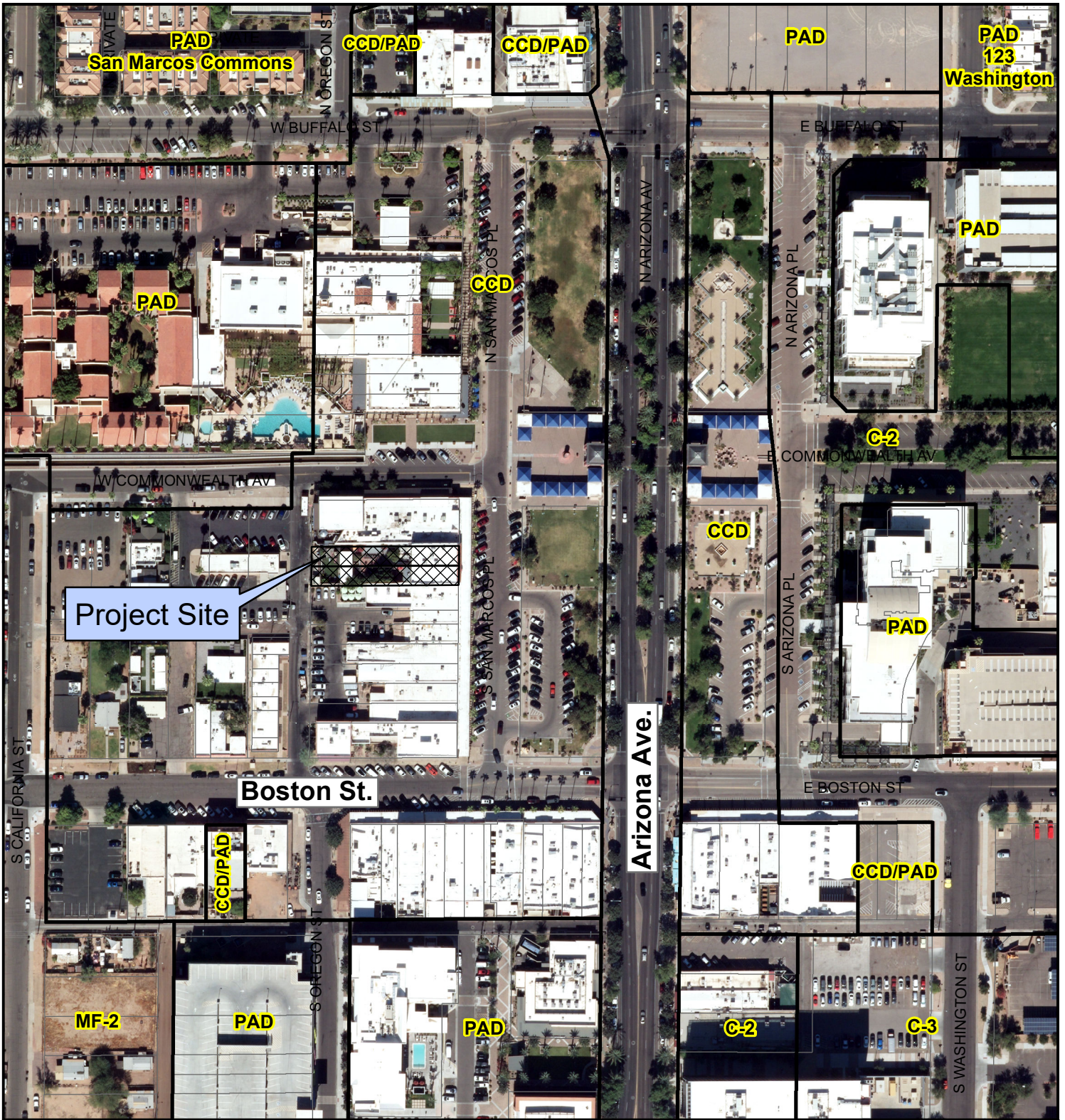


 **PLH24-0014 Celoni Hospitality, LLC Db a Recreo Cantina** 

Proposed Project Details
 28 S. San Marcos Pl.
 Entertainment Use Permit time extension to continue
 to allow live indoor and outdoor entertainment



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<https://gis.chandleraz.gov/planning>



Project Site

Boston St.

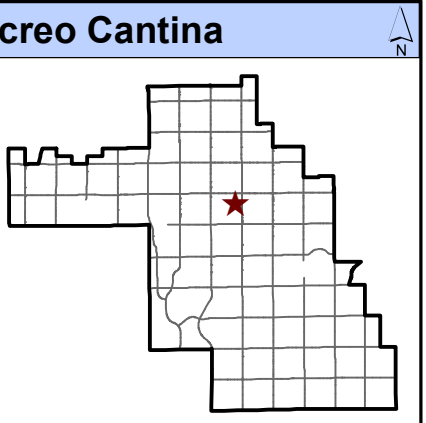
Arizona Ave.

 **PLH24-0014 Celoni Hospitality, LLC Db a Recreo Cantina**

Proposed Project Details
 28 S. San Marcos Pl.
 Entertainment Use Permit time extension to continue
 to allow live indoor and outdoor entertainment



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PLH24-0014 Celoni Hospitality, LLC DBA Recreo Entertainment Use Permit Narrative

Recreo Cantina is located at 28 S San Marcos Pl. On main cross streets Arizona Ave and Boston St. In Downtown Chandler, AZ (85225). This request is for an Entertainment Use Permit to allow live entertainment including live music performances.

Our concept will be serving craft beer, spirits, expertly mixed margaritas, and our famous scorpion shot all paired with our authentic menu. We currently hold a Series-12 liquor license with the State of Arizona to serve such drinks along with other house specialty drinks. Alcoholic substances will be served during operating hours at the restaurant, including on the patio. We have approximately 45 staff members with 30 employees being full-time and 15 being part-time. Recreo Cantina has approximately 111 seats indoor and 97 outdoor seats. The Dining room is about 3,700 Square feet, and the patio is about 5,800 square feet.

Recreo cantina is currently open from 11 am to 10 pm Sunday through Thursday and 11 am – 12 am Fridays and Saturdays. Recreo Cantina is a full-service Mexican restaurant that offers a tantalizing selection of traditional Mexican Dishes. Each dish bursting with flavor and made with fresh and locally sourced ingredients. From fajitas, tacos, and savory enchiladas, the food provides an experience that immerses you to the vibrant culture, flavors, and ambiance of Mexico. The interior design of the restaurant creates an inviting atmosphere towards our target audience. We anticipate having live music (including single person or multi-person bands) and amplified deejay music scheduled daily within the hours of 11 am – 10 pm (Sunday through Thursday) and 11 am to midnight (Friday and Saturdays), both indoor and outdoor on our patio. If business demands change, then our operations team will take the necessary precautions to notify the City of Chandler. We have a house speaker system that will play background music through the building and patio when live music isn't available.

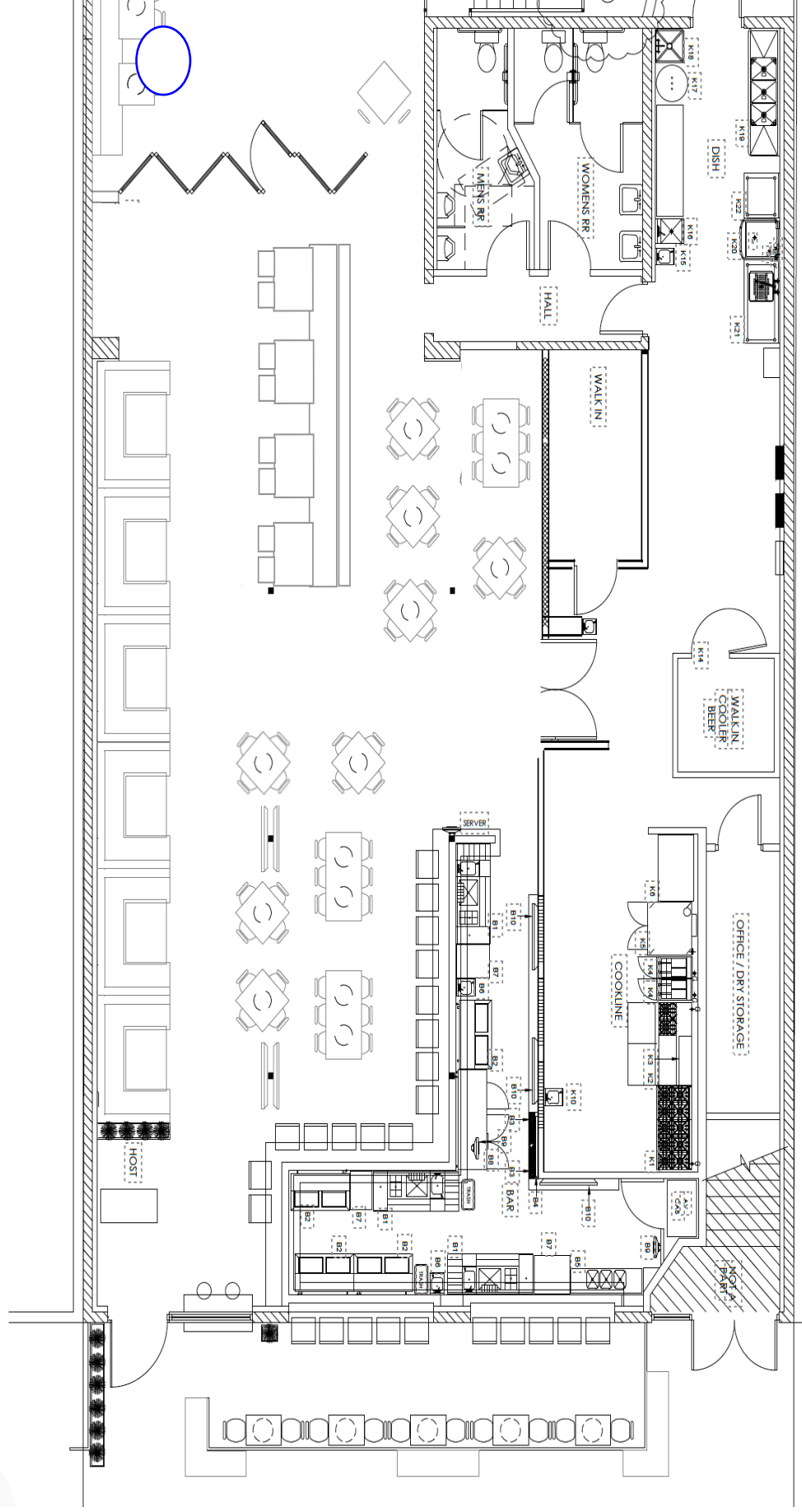
The patio is closed and is accessible from the inside through our sliding door, with an outdoor swinging door for emergencies only, we have outdoor speakers playing background music according to our concept's theme. Smoking is NOT permitted on our patio, inside or anywhere on the premises. We have a neon sign on the building façade, neon sign facing the south part of the restaurant, as well as colonnade signs and typical storefront signage.

Music programming plays a crucial role in shaping the atmosphere and overall experience of a cantina, especially an authentic Mexican restaurant like Recreo Cantina. Music will enhance the social experience and add depth and richness to the overall dining experience, making it more memorable for guests. We anticipate that it will help downtown Chandler grow into an even busier destination. If there are any questions or concerns, please contact me at 480-999-4935.

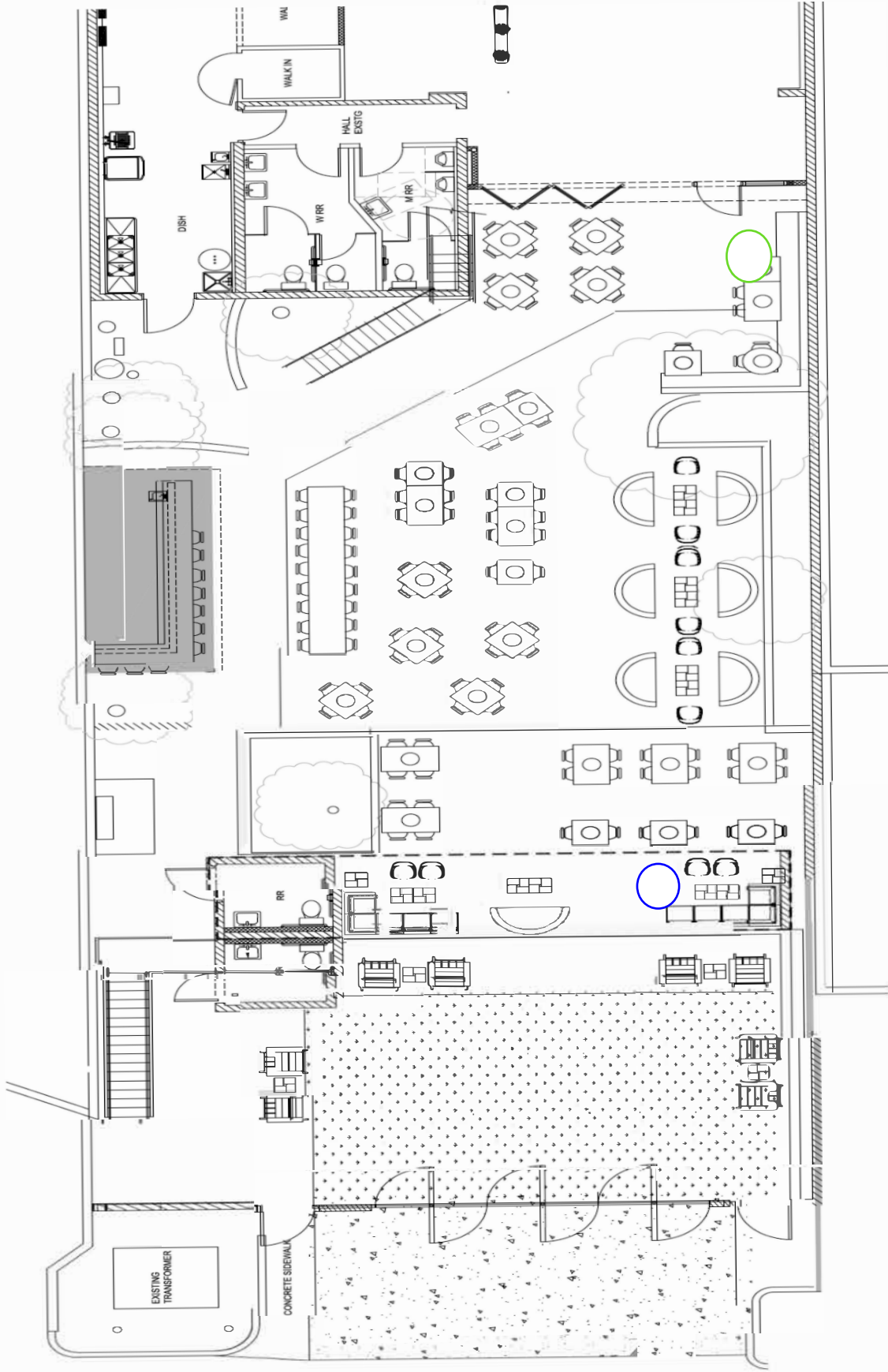


Niels Kreipke
Manager,
Recreo, Cantina

PLH24-0014 Celoni Hospitality, LLC Dba Recreo Cantina
Floor Plan



Alternative DJ Location - Inside



○ DJ Location - #1 Patio

○ Band Location --- Alternative Patio DJ Location



Planning & Zoning Commission Development Services Memo No.

Date: 07/17/2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
From: Julie San Miguel, Senior Administrative Assistant
Subject: Notice of Cancellation of August 7, 2024, Planning and Zoning Commission Hearing

Proposed Motion:

Move Planning and Zoning cancel the August 7, 2024, Planning and Zoning Commission Hearing.

Background/Discussion

Planning staff is recommending cancellation of the August 7, 2024, Planning and Zoning Commission Hearing due to the management of cases.
