

# Meeting Minutes

## Planning and Zoning Commission

### Regular Meeting

August 21, 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  
Commissioner Michael Quinn  
Commissioner Rene Lopez  
Commissioner Charlotte Golla  
Commissioner Ryan Schwarzer

#### Absent

Vice Chair Sherri Koshiol - Excused  
Commissioner Kyle Barichello - Excused

#### Staff Attendance

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

### 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. 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.

## **2. July 23, 2024 Design Review Committee Regular Meeting Minutes**

Move Planning and Zoning Commission approve Design Review Committee meeting minutes of the Regular Meeting of July 23, 2024.

## **3. PLH22-0056 TIPSY EGG & THE UNCOMMON**

Request for Entertainment Use Permit time extension to continue to allow live indoor and outdoor entertainment, at 1 E Boston Street, generally located ¼ mile south of the southeast corner of Arizona Avenue and Chandler Boulevard.

### **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.

### **Recommended Conditions of Approval**

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	11:00 am to 11:00 pm
Friday and Saturday	9:00 am to 12:00 am

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.

## **4. PLH23-0065 MAGNOLIA**

Request for Preliminary Development Plan approval for single-family housing product to be constructed in a new subdivision that is generally located ¼ mile east of the northeast corner of Cooper Road and Riggs Road.

An Addendum Memorandum was presented to the Planning and Zoning Commission with a revised stipulation per the Applicant's request.

CHAIRMAN HEUMANN announced he received one speaker card for PLH24 Magnolia. He asked if the speaker could present their comments, then the Commission will decide if this item will remain on the Consent Agenda or be moved to the Action Agenda.

MARY ANN EASTERDAY, 2194 E. GEMINI PLACE stated that she lives next to the development and mentioned different contractors have been working on the development and that she has had called for dust control several times. She noted that the contractors were becoming lax with watering before construction leading to significant dust issues and presented a photo on her phone. She pointed out that she only saw single story homes in the images and asked if the interior would be one or two stories, as none of the pictures she saw showed two-story houses.

CHAIRMAN HEUMANN thanked the speaker for bringing up the dust control issues and confirmed that the Applicant had stipulated all the homes would be single-story.

MARY ANN EASTERDAY, 2194 E. GEMINI PLACE thanked the Commission Members.

CHAIRMAN HEUMANN asked the Applicant to come forward and address the concerns of the speaker.

BRENNAN RAY, APPLICANT acknowledged the concerns raised and explained that dust control is regulated by Maricopa County and that the developers are required to have a dust control permit displayed, which includes a number for the county in case of non-compliance. He thanked the neighbor for bringing it to the Applicant's attention as they not heard of any issues. He assured the Applicant would review the situation to ensure compliance with the county's regulations.

CHAIRMAN HEUMANN encouraged the Applicant to ensure regulations are followed and suggested someone from Shea Homes provide their phone number to the speaker for quick resolution of any future concerns.

MARY ANN EASTERDAY, 2194 E. GEMINI PLACE confirmed that there is a sign with a contact number.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY pointed out there is an addendum memorandum on the dais with a revised stipulation that needed to be read into the record.

CHAIRMAN HEUMANN read aloud the revised stipulation reflected under no. 5:

The same elevation shall not be built side-by-side or directly across the street from one another, with the exception of lots 55-65, where the elevations can occur directly across the street.

#### Proposed Motion

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH23-0065 for single-family housing product to be constructed in a new subdivision, subject to the conditions as recommended by Planning staff.

#### Recommended Conditions of Approval

1. Development shall be in substantial conformance with the Development Booklet, entitled "PLH23-0065 Magnolia Development Booklet" and kept on file in the City of Chandler Planning Division, in File No. PLH23-0065 Magnolia, 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. Compliance with original conditions adopted by the City Council as Ordinance No. 5006 in case PLH21-0050 Magnolia, except as modified by condition herein.
3. All lots shall be single story, including any accessory dwelling units.
4. The site shall be maintained in a clean and orderly manner.

Note: Stipulation #5 was revised on the Addendum Memorandum presented to Planning and Zoning Commission this date

5. The same elevation shall not be built side-by-side or directly across the street from one another, with the exception of lots 55-65, where the elevations can occur directly across the street.
6. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

#### **5. PLH24-0006 PONDEROSA DISPENSARY**

Request for 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 located at 318 S. Bracken Lane.



### 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.

### Recommended Conditions of Approval

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.

### **6. PLH24-0007 SAWTOOTH BAR AND GRILL**

Request for Entertainment Use Permit time extension to continue to allow for live indoor entertainment, speakers and tv screens, at 4929 W Ray Road, generally located at the southeast corner Ray and Rural roads.

### 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.

### Recommended Conditions of Approval

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 8:00 pm to 12:00 am
	Wednesday - Saturday: 9:00 am to 1:00 am

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.

#### **7. PLH24-0008 FUN FUSION LEARNING CENTER**

Move Planning and Zoning Commission withdraw PLH24-0008 Fun Fusion Learning Center, Use Permit to allow residential childcare for up to 10 children in an existing single-family home as requested by the applicant. (APPLICANT REQUESTS WITHDRAWAL)

#### **8. PLH24-0013 LEGENDS SHOWCASE BAR & GRILL**

Request for Entertainment Use Permit approval to allow for indoor live entertainment, speakers and tv screens at 2386 N Alma School Road, generally located north of the northwest corner of Alma School and Warner roads.

#### **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.

#### **Recommended Conditions of Approval**

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.

**9. PLH24-0014 CELONI HOSPITALITY, LLC DBA RECREO CANTINA**

Request for Entertainment Use Permit time extension to continue to allow live indoor and outdoor entertainment, at 28 S San Marcos Place, generally located ¼ mile south of the southwest corner of Arizona Avenue and Chandler Boulevard.

**Recommended Conditions of Approval**

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	11:00 am to 10:00 pm
Friday and Saturday	11:00 am to 12:00 am

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.

**10. Notice of Cancellation of the September 4, 2024, Planning and Zoning Commission Hearing**

Move Planning and Zoning Commission cancel the September 4, 2024 Planning and Zoning Commission Hearing.

## Consent Agenda Motion and Vote

COMMISSIONER LOPEZ moved to approve the Consent Agenda of the August 21, 2024, Regular Planning and Zoning Commission Meeting with stipulations presented by staff, modified stipulation no. 5 on Item no. 4, and noting that Item no. 7 is withdrawn; Seconded by COMMISSIONER QUINN.

Motion carried unanimously (5-0).

## Action Agenda Item No. 11 and Discussion

### 11. PLH24-0009 CHANDLER AND COOPER RETAIL/ SHOPS A

DASRY OMER, ASSOCIATE PLANNER presented details regarding the request for Preliminary Development Plan approval for a new drive-through building located at the northwest corner of Cooper Road and Chandler Boulevard.

CHAIRMAN HEUMANN acknowledged staff's concerns about pedestrian access from Cooper Road and stated that he does not have an issue with the drive-thru, but he would like to focus on ensuring safety. He mentioned that the Applicant and staff had worked together on a stipulation to address this issue and asked that it be read into the record.

DASRY OMER, ASSOCIATE PLANNER read aloud the proposed stipulation:

The applicant shall work with staff to incorporate a raised speed table at the drive-through exit and incorporate textured paving adjacent to all pedestrian crossings.

CHAIRMAN HEUMANN mentioned there were discussions about widening pedestrian pathways and requested that this be added to the stipulation.

DASRY OMER, ASSOCIATE PLANNER agreed to make the addition.

BRENNAN RAY, APPLICANT agreed to the stipulation regarding the speed table and textured paving. He emphasized that this is an infill site that has been zoned for a long time and although next to Walmart has not developed. He explained that the Applicant has worked with staff on the design of the building, architecture, and traffic mitigation to ensure that if recommended for approval by the Commission that it will fit in within the area. He further explained that pedestrian pathways would be enhanced with paving approximately wider than five feet, although he does not know what the measurement would be. He reiterated that the design and architecture of the building had been carefully planned and suggested that additional stipulation reflect that enhanced paving or textured paving must be used, therefore the outcome is above and beyond what has been shown in the plans as the Applicant is agreeable to that.

CHAIRMAN HEUMANN thanked the Applicant and sought clarification on the widening of the pedestrian crossings.

BRENNAN RAY, APPLICANT clarified that the width of the pedestrian crossing in question is approximately eight to nine feet and not the five feet that is showing.

KEVIN MAYO, PLANNING ADMINISTRATOR confirmed that the pedestrian crossings would be widened to around nine feet to ensure proper spacing.

CHAIRMAN HEUMANN asked if this could be added to the stipulation.

COMMISSIONER LOPEZ sought clarification on what the textured pavement would be.

BRENNAN RAY, APPLICANT stated the Applicant is not completely sure what the textured payment will be and assured the Commission that the Applicant will be working closely with staff on this.

KEVIN MAYO, PLANNING ADMINISTRATOR stated the center as a whole has textured paving at different pedestrian crossings. He mentioned that he was the original Planner for this site over twenty years ago and believed the textured paving was accomplished with pavers. He stated there are details approved in the original development for the type of paver that was used and staff would want it to be matched to something that closely resembles it. He further stated the intent is it matches and provides a physical audible awareness that your crossing something other than just a drive aisle.

CHAIRMAN HEUMANN asked staff to read aloud the amended stipulation.

DASRY OMER, ASSOCIATE PLANNER read aloud stipulation no. 8:

The applicant shall work with staff to incorporate a raised speed table at the drive-through exit and incorporate 9-foot-wide textured paving adjacent to all pedestrian crossings.

## **Action Agenda Item No. 11 Motion and Vote**

### **Alternative Motion**

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan, PLH24-0009 Chandler and Cooper Retail - Shops A for a new drive-through building, subject to the conditions as recommended by Planning staff.

### **Recommended Conditions of Approval**

1. Development shall be in substantial conformance with the Development Booklet, entitled "PLH24-0009 Development Booklet" and kept on file in the City of Chandler Planning Division, in File No. PLH24-0009 Chandler and Cooper Retail - Shops A, 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. Two canopies shall be provided over the drive-through lane between the existing Walmart and the proposed building as shown in the site plan and shall match the architectural theme of the center.
3. Decorative paving and pedestrian crossing signs shall be provided at each of the two drive-through and sidewalk intersections.
4. The site shall be maintained in a clean and orderly manner.
5. All signage shall be reviewed under a separate permit and comply with the City of Chandler's Sign Code.
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, deceleration lanes, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

Note: Stipulation no. 8 was added as a result of discussions held at the Planning and Zoning Commission Hearing this date:

8. The Applicant shall work with staff to incorporate a raised speed table at the drive-through exit and incorporate 9-foot wide textured paving adjacent to all pedestrian crossings.

COMMISSIONER LOPEZ moved to approve Action Agenda Item no. 11 of the August 21, 2024, Regular Planning and Zoning Commission Meeting with stipulations presented by staff, including added stipulation no. 8; Seconded by COMMISSIONER GOLLA.

Motion carried unanimously (5-0).



## Member Comments/Announcements

LAUREN SCHUMANN, PRINCIPAL PLANNER stated with the end of August approaching, staff is considering canceling one of the two Planning and Zoning Commission meetings every month as Council meets only one week for each of the remaining months for the year. She advised the Commission to be on the lookout for an email listing the dates we plan on anticipating having for the last four months of the year.

KEVIN MAYO, PLANNING ADMINISTRATOR stated that staff will start taking a different approach to Planning and Zoning Commission as he will now be off the dais and in the audience or absent. He emphasized the importance of training the next generation of planners and explained the purpose is to train and transition his duties to David, Lauren, and other staff members. He thanked the Commission and stated that they will see him fading off Planning and Zoning Meetings and focusing more on City Council.

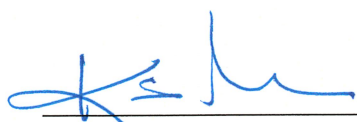
CHAIRMAN HEUMANN wished everyone a safe and happy Labor Day. He thanked the Planning Administrator and assured the Commission would be kind to staff as they transitioned into new responsibilities.

## Calendar

The next regular meeting will be held on Wednesday, September 18, 2024, in the Chandler City Council Chambers, 88 E. Chicago Street, Chandler, Arizona.


## Adjourn

The meeting was adjourned at 5:50 p.m.



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Kevin Mayo, Secretary



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Rick Heumann, Chairman