

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 6, 2007 held in the City Council Chambers, 22 S. Delaware Street.

1. Acting Chairman Flanders called the meeting to order at 5:33 p.m.
2. Pledge of Allegiance led by Commissioner Gulsvig.
3. The following Commissioners answered Roll Call:

Acting Chairman Michael Flanders
Commissioner Dick Gulsvig
Commissioner Angela Creedon
Commissioner Michael Cason
Commissioner Leigh Rivers

Absent and Excused: Vice Chairman Mark Irby
Commissioner Brett Anderson

Also Present:

Mr. Bob Weworski, Planning Manager
Ms. Jodie Novak, Senior City Planner
Mr. Kevin Mayo, Senior City Planner
Mr. Eric Swanson, Planner
Mr. Bill Dermody, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk
Mr. Robert Bortfeld, Senior Engineer/Traffic Engineering

4. **ACTING CHAIRMAN FLANDERS** introduced the new Planning Commissioner, Leigh Rivers.
5. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CREEDON, seconded by **COMMISSIONER GULSVIG**, to approve the minutes of the May 16, 2007 Planning Commissioner Hearing with a change in the second sentence in the last paragraph on Page 11 (adding the word “not”). The sentence should read, “He said he agreed with staff that the addition of the two homes would **not** warrant a major change along Warner Road.”
6. CONSENT AGENDA ITEMS
ACTING CHAIRMAN FLANDERS explained to the audience that prior to the Commission meeting, Planning Commission members and Staff met in a study session to discuss each of the items on the agenda. There is one action item, item G. He further stated that Staff would read the consent agenda for the record. At

the conclusion of the reading, Commission would be voting on the Consent Agenda items with one motion. Consent items on the agenda are highlighted by an asterisk. The audience will have the opportunity to pull any of the items for discussion.

MR. BOB WEWORSKI, PLANNING MANAGER stated the following items are for consent agenda approval along with any additional stipulations:

A. DVR06-0045 STEVENS OFF ROAD

CONTINUED TO THE JULY 18, 2007 PLANNING COMMISSION HEARING.

Request amendment of existing Planned Industrial District with Planned Area Development Overlay (I-1/PAD) zoning to allow certain auto service and customization, including for sand rails. The property is located at 3210 N. Delaware Street, north and east of Elliot Road and Arizona Avenue.

B. DVR06-0048 POLLACK DOBSON PLAZA

APPROVED.

Request amendment of existing Planned Area Development (PAD) zoning to allow a car rental use. The site is approximately 8.5 acres and located at the northwest corner of Dobson and Elliot Roads.

1. Development shall be in substantial conformance with the exhibits and representations.
2. No more than 10 rental vehicles may be parked on-site at any time.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.

C. DVR07-0021 SOUTHWEST CORNER OF APPLEBY ROAD AND THE CONSOLIDATED CANAL

APPROVED.

Request the establishment of initial City zoning of AG-1 (Agricultural District) on an approximate 35-acre site located at the southwest corner of Appleby Road and the Consolidated Canal.

D. PDP07-0006 ADVANTAGE BUSINESS PARK

CONTINUED TO THE JULY 18, 2007 PLANNING COMMISSION HEARING IN ORDR THAT A DESIGN REVIEW MEETING CAN BE HELD.

Request Preliminary Development Plan (PDP) approval to construct an office and retail development on an approximate 13-acre site. The property is located at the southeast corner of Alma School and Pecos Roads.

E. PDP07-0012 CHANDLER MIDWAY CORPORATE CENTER

APPROVED.

Request Preliminary Development Plan (PDP) approval of a comprehensive sign package for an office development on approximately 20-acres located at the northeast corner of Chandler Boulevard and Gila Springs Boulevard (1/4 mile east of Kyrene Road).

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Midway Corporate Center" kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0012, except as modified by condition herein.
2. 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.
3. Any future freestanding monument signs will require separate Preliminary Development Plan approval.
4. All raceway signage shall be prohibited within the development.

F. UP06-0090 REMUDA RANCH

APPROVED.

Request Use Permit extension to allow for the use of a gravel parking lot for staff members. The subject site is located at 111 S. Hearthstone Way.

1. *The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the use of such gravel parking lot beyond the expiration date shall require re-application to and approval by the City of Chandler.*
2. The temporary parking lot shall be surfaced with gravel or other suitable material and type of dust palliative. The subject parking lot shall be maintained at all times in a dust-free and weed-free manner.
3. The entrance/exit to the temporary gravel parking lot shall be restricted to Los Feliz Drive.
4. Signage to restrict and/or designate appropriate parking areas and pedestrian pathways shall be installed subject to Staff approval.
5. *The applicant shall apply additional gravel to the existing parking lot to mitigate dust.*

H. UP06-0089 84 LUMBER COMPANY

WITHDRAWAL APPROVED.

Request Use Permit approval to have a 1,000-gallon fuel storage tank on an industrial site at 275 E. Willis Road, approximately ¼ mile east of the southeast corner of Willis Road and Arizona Avenue.

I. UP07-0010 T.W. STEEL CORPORATION ADDITION

APPROVED.

Request Use Permit approval for additional building structures beyond what was approved with the original site plan. The subject site is located at 1100 N. Hamilton Street.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. 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.

J. UP07-0030 THE OLIVE GARDEN

APPROVED.

Request Use Permit approval for liquor license (Series 12 Restaurant) for on-premise consumption within a new restaurant. The subject property is located at 2930 E. Germann Road, within the Crossroads Towne Center.

1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to other store locations.

K. UP07-0033 BENIHANA

APPROVED.

Request Use Permit approval for liquor license (Series 12 Restaurant) for on-premise consumption within a new restaurant. The subject property is located at 3025 W. Chandler Boulevard, within the Chandler Fashion Mall shopping center.

1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to other store locations.

L. UP07-0034 FRESH & EASY NEIGHBORHOOD MARKET

APPROVED.

Request Use Permit approval for a Series 10 (beer and wine only) liquor license for off-premise consumption only for a new grocery store. The subject site is located at 3000 N. Alma School Road.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is granted for a Series 10 license only, and any change of license shall require reapplication and new Use Permit approval.
3. The Use Permit is non-transferable to other store locations.

M. UP07-0038 REGAL BEAGLE

APPROVED.

Request Use Permit approval to sell alcohol (Series 6 Bar License; all spiritous liquor) within an existing restaurant located at 6045 W. Chandler Blvd., Suite #7, within the Kyrene Village Shopping Center.

1. The Use Permit granted is for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. No alcohol shall be carried outside of the building into the parking lot or off-premises. Sales of "to-go" liquor shall be prohibited.
5. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
6. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
7. The Use Permit shall remain in effect for one (1) years from the effective 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.
8. There shall be no music outside. Indoor music shall not disturb area residences.
9. Transfer of ownership shall require a new Use Permit.
10. The applicant shall provide security on the weekends, if necessary.
11. The applicant shall maintain a liaison program with the adjacent neighborhood that allows neighbors to directly contact a representative of the establishment with their concerns.
12. The applicant shall work to mitigate litter issues resulting from the use.

N. PPT07-0014 LOT 1 OF PALOMA KYRENE BUSINESS COMMUNITY

APPROVED.

Request preliminary condominium plat approval for an office and industrial development, which includes medical offices, industrial and retail uses located south of the southwest corner of Kyrene Road and Chandler Boulevard.

O. PPT06-0031 CHANDLER AIRPORT COMMERCE PARK

APPROVED.

Request preliminary plat approval for an industrial business park development with office and showroom retail uses located south of the southeast corner of McQueen and Queen Creek Roads.

P. PPT07-0018 SANTAN CROSSING PROFESSIONAL PLAZA

APPROVED.

Request preliminary condominium plat approval for an office development consisting of eleven office buildings located east of the southeast corner of Cooper and Pecos Roads.

Q. PPT07-0020 ARTISAN VILLAGE AT GILA SPRINGS

APPROVED.

Request preliminary condominium plat approval for a mixed-use commercial and residential condominium development located north and west of the northwest corner of Chandler Boulevard and Gila Springs Boulevard.

R. PPT07-0011 PORTICO PLACE

APPROVED.

Request preliminary plat approval for a planned commercial retail and office development located on a former industrial manufacturing facility at the southwest corner of Chandler Boulevard and Dobson Road.

S. PPT07-0017 ALMA-ELLIOT BUSINESS CENTER

APPROVED.

Request preliminary condominium plat approval to divide the ownership of an existing commercial building into separate units located at the northwest corner of Elliot and Alma School Roads.

ACTING CHAIRMAN FLANDERS asked if there was anybody in the audience that wanted to pull any of the items from the Consent Agenda for a full presentation. He also stated that he has a conflict of interest on item L, so he will be abstaining from that item. He then entertained a motion.

A motion was made by **COMMISSIONER GULSVIG** to approve the Consent items as read in by Staff with added stipulations, seconded by **COMMISSIONER CREEDON**. **COMMISSIONER CASON** stated that he would be voting No on item F. Motion to approve passed unanimously 5-0.

ACTION:

G. UP06-0087 SVK RELIGIOUS & CULTURAL CENTER

Request Use Permit approval to allow a place of worship within the AG-1 (Agricultural) zoning district. The property is located at 590 North Dobson Road, the southwest corner of Dobson Road and Galveston Street.

MS. JODIE NOVAK, SR. CITY PLANNER, stated that the application request was for approval to allow a place of worship within a single-family residential property zoned Agricultural (AG-1) located at 590 N. Dobson (SWC Dobson & Galveston).

The site is approximately 1.8 acres. The proposal is to develop a place of worship that is 7,500 sq. ft. in size. There's currently a single-family residence on the property. The intent is to demolish the site and construct a new building for a place of worship. The property is located within an area that is surrounded by single-family residential on the west and north. Properties on the west are of the same lot size or greater as the subject property, as they were formally a large lot agricultural development years before the property was annexed into the city of Chandler. The development on the north side is a single-family gated custom home subdivision. Further down Galveston Street are larger lot homes.

This site is located at the intersection of a residential collector road as well as an arterial street. There is another church facility on the northeast corner and newer offices on the southeast corner of this intersection.

The property will include a 7,500 sq. ft. building that has a main prayer hall within it that is approximately 2,500 sq. ft. There will be an initial 5,000 sq. ft. of adjoining facility that include items such as a kitchen, a dining hall, classrooms, and some living quarters for a priest that attends to the facility. The building is a one-story building that is just over 20-ft. in height. The building has architectural embellishments, which are towers (garoopas) that extend up to 40-42 ft. in height. The main building entrance faces Dobson Road, which is the main pedestrian entrance. The site has been designed to accommodate more than the required amount of parking that is needed for this facility.

There are two driveways on the property. The main ingress/egress is off Dobson Road, which is a full movement access so that vehicles can go either north or south on Dobson Road. There is a right-out eastbound exit only driveway onto Galveston to allow vehicles to have safe turning movements by accessing the existing traffic signal. The applicant provided a traffic analysis study, which was evaluated by planning staff as well as other city staff, to ensure that the appropriate driveways are provided for both ingress and egress.

The development is in conformance with the city's development standards. Although the property has residential zoning, the developer has complied with the Commercial Design Standards, which are more stringent and require additional building setbacks and additional landscape buffering when next to residential land uses.

Ms. Novak explained that the project is a Hindu temple. The developer has outlined what kind of activities will take place on the property, as well as the hours of operation. The main prayer occurs typically from 10:00 a.m. to 1:00 p.m. and again from 6:00 p.m. to 9:00 p.m., each day of the year. The facility will accommodate four (4) devotees who will live at the center. The Pontiff will stay at the facility during visits.

The applicant had an initial neighborhood meeting in April, which was attended by approximately 80 people. Ms. Novak noted that the Commission staff report included the sign-in sheet from the neighborhood meeting, comment cards, e-mails that had been received by staff, and a summary of the meeting. The majority of the people were very concerned about the project. One concern was with having this use next to a residential area. The neighbors feel that this place of worship is incompatible next to the existing large lot single-family residential area. Another main comment was regarding the building's architecture, which is very drastic and different than the architectural look of the custom homes, as well as the other homes in the neighborhood. The neighbors feel it doesn't fit in well with the current character and design where they live. One other concern was with the additional traffic impact on Galveston and Dobson roads. Another concern was that by allowing this commercial use on this corner it could create a precedent for other commercial uses to come in. The neighbors want to maintain this property as residential.

There was a second neighborhood meeting held the end of May to address the main concerns, as well as access and building height. Approximately 34 people attended the second meeting. As a result of the second meeting, the applicant reduced the building height to a one-story building and reduced the height of the architectural features. The access on Galveston was changed to 'exit only' instead of full movement.

There has been further correspondence from the neighbors since the May neighborhood meeting. Ms. Novak stated that she had included the latest correspondence and e-mails for the Commission's review. She noted that most of the correspondence was in support. She also noted that just before the meeting staff had received correspondence from property owners in the Clemens Place subdivision, a large lot subdivision on the south side of Galveston Street. It was a letter signed by some of the residents, as well as a copy of the deed restrictions, which are private restrictions that the homeowners have between themselves for the use of their property.

Ms. Novak stated that staff recommends approval of the request. Staff finds that it is in conformance with the general neighborhood planning policies of the General Plan. She said that it was not unusual to have churches and schools as an integrated part of a larger

single-family residential area. Staff finds that historically the city has promoted integrating churches and schools as part of residential areas. That's where families are. It is definitely something that lies within the center of a subdivision or on the perimeter of a subdivision. This subject site is on the perimeter of a single-family area. Staff does not feel that the proposal will have any negative impacts. It is less impacted in terms of setbacks and lot coverage than if someone were to develop this property with a large custom home. Ms. Novak also stated that the project has standard zoning stipulations that staff is recommending. There are three additional stipulations as a result of Commission study session, which would read:

- 8. The property shall be maintained in a clean weed-free and orderly manner.**
(Ms. Novak noted that includes maintaining the property as it is right now and even as it goes through construction and beyond just to make sure that it is being maintained well.)
- 9. The site shall be solely used as a place of residence until the new building for a place of worship is constructed and occupancy is permitted.**
(Ms. Novak noted that the Use Permit was for the approval of a new facility for a place of worship. It is not giving permission if approved to allow a place of worship in the existing single-family home that is there. That is to be used as a residence only. This stipulation was added for clarification.)
- 10. Applicant will create a liaison program with the adjacent neighborhood.**
(Ms. Novak noted that as a liaison program the neighbors would be advised of any upcoming special events.)

Ms. Novak stated that the applicant was in agreement with the conditions.

COMMISSIONER CASON asked if the existing streetlight at the deceleration lane on Dobson would be replaced and moved further back onto the property?

MS. NOVAK replied that the streetlight would have to be removed due to the bus bay being turned into a decel lane for the entrance area. However, the streetlight will be replaced as required by the city.

COMMISSIONER GULSVIG asked if this design was typical for this type of religious facility?

MS. NOVAK said that she had spoken with the applicant regarding the design. This is more of a traditional Hindu temple design; however, she learned that the applicant was willing to work with staff and be flexible. Some of the designs don't necessarily have to be there, and the applicant can massage some things. The applicant has made efforts by reducing the building from a two-story to a one-story building and by reducing the architectural features and steeples. They could further reduce them or change the design per Commission's desires. Ms. Novak stated that the applicant would be willing to do that. There was nothing static that would prevent them from making certain changes.

COMMISSION GULSVIG stated that he would like to see more of a Contemporary design as opposed to a Traditional design. That would be more in conformance with the neighborhood, if approved.

MS. NOVAK commented that if Commission's desires were to further work on the architecture, Commission could recommend a continuance of the application so that the applicant and staff could continue to work on the architectural design.

MR. ZAMIR HASAN, stated that he was the architect for the project as well as the applicant. He said that traditional Indian temples have high towers. He said that they had tried to make it as Contemporary as possible. The Hindu architectural elements have been kept at a minimum along the west elevation. Most of the architectural elements face Dobson Road. He said that it is a very simple construction. Mr. Hasan stated that they had tried their best to increase the amount of parking and noted that they were more than happy to work on any concerns. Mr. Hasan noted that at the first neighborhood meeting there had been a concern about the height of the tower and design, as well as the entry from Galveston Street. He said he believed they had addressed those concerns, as well as ingress/egress concerns. Entry will be from Dobson Road.

ACTING CHAIRMAN FLANDERS asked Ms. Novak if the building height met the height requirements for the district.

MS. NOVAK stated that the zoning is Agricultural; however, staff had the applicant apply the Commercial Design Standards. She stated that in terms of height, in an Agricultural zoning district the minimum height of a single-family residence would be 25-ft., but could go up to 35-ft. in height. However, in the Commercial Design Standards, the code allows up to 45-ft. That does not include architectural embellishments, such as architectural features, towers, and elevator equipment areas. In an AG zoning district there are provisions in the Zoning Code to do silos, windmills, or barns that could go even higher than 35-ft in typical AG-1 zoning. She pointed out that there could be heights higher than what is being proposed under the Commercial Design Standards.

ACTING CHAIRMAN FLANDERS stated that the roof elements were a feature, which would not fall under those requirements. Ms. Novak stated that that was correct.

COMMISSIONER GULSVIG asked the applicant if he would be willing to work with staff to have a more Contemporary design.

The applicant stated that he would be willing. He said that they wanted to maintain some Indian element due to the fact that it is a Hindu temple.

COMMISSIONER GULSVIG said that he understood that, but a building was being placed in a residential area. He knew there was commercial across the street, but this site

would be more closely aligned to residential. He said that he had a concern that the building looked too much like a barn and felt it should be a better presentation for the city.

ACTING CHAIRMAN FLANDERS asked the applicant when the peak times would occur at the facility, such as days of the week and times.

MR. KRISHNA ANANTUNI, 1661 S. KAREN DRIVE, CHANDLER, stated that he was the traffic engineer that did the traffic impact study that was submitted to staff. There will be two services during the day starting at 10 a.m. and ending at 1 p.m., then again a service from 6 to 8 p.m. They feel the peak hours would be at 1 p.m. and 8 p.m. The peak hours for the temple will not coincide with the adjacent streets' peak hours. Mr. Anantuni said they felt it would not adversely affect the traffic around the project site.

ACTING CHAIRMAN FLANDERS asked if there would be adequate parking on site at peak hours?

MR. ANANTUNI stated they felt there would be adequate parking. He said that they had done several calculations to estimate how much parking was needed, and the estimates came in less than the actual parking they are providing. He went on to say that more people would go to the temple on weekends than on the weekdays.

ACTING CHAIRMAN FLANDERS asked if any kind of provision was made for overflow parking during special events. He asked how the events would impact the neighborhood.

MR. ANANTUNI stated that they are planning to hold celebrations at a different location if it appears the parking would exceed what they have allowed for.

COMMISSIONER GULSVIG asked if the applicant had done a 5- to 10-year forecast with regard to traffic. He asked if the congregation would grow to a point where it would have an impact?

MR. ANANTUNI stated they felt there was enough parking for the next 5 to 10 years. He said that their limitation would be regulated by their occupancy requirements, per Fire Code, in the prayer hall. He said that they had estimated how many families would come to pray at this site. They also used some national studies for churches as a comparison. The findings show an estimate of 88 trips generated during the peak hour. They feel that would not adversely affect traffic around the site.

MR. ANANTUNI explained that most of the temples around the Valley were only temporary facilities. There is now one under construction in Phoenix that will be a permanent facility.

COMMISSIONER GULSVIG asked Ms. Novak if staff reviewed the traffic study?

MS. NOVAK responded that planning staff and the traffic department staff had reviewed the study. The building will have a maximum capacity of approximately 218 persons. There is the possibility of added traffic if a third session is added; however, churches tend to relocate over a period of time once the congregation reaches a certain point.

COMMISSIONER RIVERS asked if the applicant was familiar with the Hindu temple in Scottsdale? He said that he visited that one, which is in a commercial area along Hayden Road. He asked if it was a temporary structure or a permanent building.

MR. ANANTUNI responded that from what he knew this building used to be a church, but is now a temple.

COMMISSIONER RIVERS stated that not only is it on a major commercial street, it's in a commercial neighborhood. He said that he had driven around the building and found it to be in terrible disrepair. A wall had been knocked down and the parking was full of old concrete or building materials. He did not see anyone around the facility.

MR. ANANTUNI said that like all temporary facilities, he felt that they were probably trying to obtain the funding to build a permanent structure elsewhere. He said that he could not speak as to why the Scottsdale facility was in the condition that Commissioner Rivers had seen it to be in.

COMMISSIONER RIVERS said that this request was coming forward as a Use Permit as opposed to a zoning change request. He asked if Commission was looking to grant the applicant usage of this land to build a permanent structure?

MS. NOVAK explained that the applicant had the option to do either a Use Permit or a rezoning. The premise is very similar for both. It is the exact same process, materials must be submitted, and both are approving a use. Both of them would be approving this property as retaining the underlying AG-1 zoning district. That would always stay on the property as the underlying zoning for a single-family residential use or farming. This Use Permit gives them the provision to keep the zoning for future, but now being able to build a place of worship on the property. As long as it is built, that Use Permit would stay in effect until that Use commenced. If someone else came in and wanted to do something different, the property would revert back to AG-1 zoning where someone could convert it back to residential property or they could apply for a new Use Permit or perhaps rezone it later.

ACTING CHAIRMAN FLANDERS asked if there were any other questions. There were none.

ACTING CHAIRMAN FLANDERS stated that there were several speakers from the audience that wished to speak. He asked that the speakers keep their comments to three minutes.

MS. HILDA ROY, 2401 W. HARRISON STREET, CHANDLER stated that it was difficult to stand and oppose a place of faith. She stated that this was a residential area, as well as a historical area for Chandler. She said it was not an issue with race or faith, but an issue of a residential area that wanted to stay residential. She felt this project would increase traffic and the area would never be the same. She said that she was strongly opposed to the request.

MS. SHERRIE SOMMER, 2406 W. HARRISON STREET, CHANDLER said that there are children riding bikes in their neighborhood and people walking their dogs at all hours of the night. She had a concern with the additional traffic that would be generated from this facility. She felt that the worshippers would come from the temporary facilities to this permanent facility. Ms. Sommer had a concern that this building did not blend in with the surrounding neighbor, and gave for an example the LDS church across the street, which blends in with that surrounding neighborhood.

MS. VICKI DONOVAN, 700 N. DOBSON ROAD, said that it was a wonderful opportunity for Chandler to be one of the few cities in the state to have a Hindu temple. She said that what had always appealed to her about Chandler was the diversity. She said, however, that she was opposed to the location for where this facility is being considered. It is on a lot that is zoned residential. She said that they did not want to stand in their front yard and view a 40-ft tower on an architectural eyesore. Her neighborhood, La Glorieta, had maintained strict guidelines for the architecture of every home built in their community. Ms. Donovan said that if the request is approved, there still needed to be some very serious consideration given to the building height. Another concern was with the added volume of traffic at this intersection. She felt that there would be parking along residential streets during those times of a special event at the temple. Ms. Donovan said that there were several places where the temple could be built where there was not so much traffic. Also, there are several places that are sitting vacant that would make a great location for this temple.

Ms. Donovan said that she had concerns with conflicting information from the meetings she had attended. In the first meeting she asked if the applicant expected the congregation to grow. The applicant quickly responded with a 'no' and then went on to other questions. Ms. Donovan stated, "If you build it, they will come." She asked if anyone had ever heard of a congregation that did not grow. She said that they are being told that it is being built for 30 families, even though there are 70 parking spaces. The building will hold over 200 people.

Ms. Donovan said that at the first meeting they had been told this development would be good neighbors; however, they have left large amounts of trash all over the property over

the past one and a half years. This was taken care of after violations were mentioned during the first meeting.

MS. BARBARA BUTCHER, 21 N. BULLMOOSE CIRCLE, stated that she lives in The Homestead subdivision and that the side of her property is on Galveston. She is not part of the Clemens Place subdivision. She said that the traffic had increased even though speed bumps had been installed and restrictions placed on commercial vehicular traffic. She stated she was concerned with safety for pedestrians and bicycles. Ms. Butcher said she was also concerned with the building remaining after the congregation moves on. She said that she did not like the precedent that was being set.

MR. JOHN MAKARCHUK, 2281 W. GALVESTON STREET, stated that he had lived at this address since 2001. When he purchased his home he accepted, as part of the purchase, the land restrictions that went with the property. The land restrictions are for all of Clemens Place. Clemens Place is the applicant's property along with all the properties on the south side of Galveston Street. Mr. Makarchuk stated that the applicant is asking them to void the land restrictions and for the neighbors to support the cultural center. He stated that he was adamantly opposed to the center for several reasons. The proposal is in direct conflict to the land restrictions, the use, design, and the architectural elements of the land restrictions. Any development that is not low density residential is going to flood the streets with more traffic than anyone could put up with. Mr. Makarchuk pointed out that the other speakers had concerns with the traffic impact as well. He went on to say that the people along Galveston were very concerned that if a Use Permit were granted for this parcel it would open up Pandora's box for redevelopment all the way down Galveston. He said that if the Use Permit were granted, the traffic would turn Galveston into a major arterial street.

ACTING CHAIRMAN FLANDERS asked Ms. Novak if it could be possible that the residential area going down Galveston Street to the west could become a redevelopment area without a full rezoning?

MS. NOVAK stated that if there were proposals other than doing one single-family home on one acre per the zoning in the Clemens Place lots, that would require a rezoning and/or a Use Permit, depending on the proposal. It would take some form of zoning action and go back before Commission and Council for review and approval. As far as commercial is concerned, Ms. Novak stated that this area is planned for low density single-family residential; however, that category also allows provisions for other neighborhood uses such as churches, places of worship, school, low key offices, and higher density residential. Ms. Novak noted that would be on a case-by-case basis.

MS. LAURA WOLFE, 2318 W. GALVESTON STREET, said that she had lived at this address for nearly 22 years, back when the roads were dirt and they had sheep as traffic. She said that she had watched Chandler grow into a great place to live and to raise their families. By 2001, their once quiet street had become a busy street. In 2001, their

neighborhood, which includes Homestead, La Glorietta, Grand Reserve, and Caley Manor, asked the city for speed bumps. A traffic study was performed in May 2001, which showed that 2,400 cars per day use Galveston Street. At this time the mall was not yet open. Ms. Wolfe stated that the city considers 900 cars per day as a high traffic street. The study also showed that 56% of the traffic was 10+ miles over the 25 mph speed limit. After the mall opened and prior to the installation of the speed bumps, the city traffic officers frequently did speed traps in an attempt to control traffic on their street. The beat officer said that 70% of the ticketed people did not live in their area. They were cutting through on Galveston to access the 101 freeway or heading to the shopping. She pointed out that Galveston is a short cut to somewhere else. She went on to say that the speed bumps were installed in 2003, which had helped. However, in the four years since their installation traffic had increased dramatically. Ms. Wolfe stated that she, as well as others in her neighborhood, think they basically ignore the speed bumps. The city also installed signs to prohibit commercial traffic, which helped. She asked that the city perform another traffic study, as she felt the traffic had doubled or tripled since 2001. Ms. Wolfe said that they are a residential neighborhood, and they're very proud of their neighborhood. Many homes face Galveston Street. She felt that approving the Use Permit for this development would have a major impact on their neighborhood and on the street.

A copy of the traffic study was left with the Clerk.

MR. THOMAS HORNYAN, 2191 W. GALVESTON, stated that he was one of the eight people in Clemens Place and that his home was on Galveston Street. He said that the integrity of the neighborhood was the issue. He said that he bought into the neighborhood knowing full well that there were deed restrictions, covenants and stipulations on the property that dictated it to be a residential area – not a commercial area. He stated that those documents are recorded with Maricopa County. He said that as a current owner of that property he was within the boundaries of that document. He signed his ownership with full knowledge of those restrictions and with the intent to abide by those restrictions, enforce them, and enjoy the privileges that they grant them. He said that the owners at 590 N. Dobson must be held at the same standards as the rest of them. Affording the applicants a permit that violates the legal document constitutes preferential treatment that smacks against all the values that he stands for and support, that of equal treatment. Mr. Hornyman said that the approval of the permit breaches the trust that the citizens have empowered the Commission with.

ACTING CHAIRMAN FLANDERS asked Counsel if the CC&R's were beyond the scope of the Commission.

MR. GLENN BROCKMAN, ASST. CITY ATTORNEY, stated that zoning regulations and private deed restrictions are separate land use controls. Zoning and the zoning regulations do not relieve the land from the private restrictive covenants. Each regulation or restriction (the public regulation and the private restrictions) are separate and are separately enforceable. The persons who own land that affected by deed

restrictions can enforce those deed restrictions through the courts or however else they deem appropriate. The deed restrictions are separate from what the city regulations are. A landowner, such as the applicant, usually has to ensure that he or she has complied with both sets of regulations. Mr. Brockman said that the city's regulations are separate and do not supercede the private restrictions, but neither do the private restrictions impact the city. The city has certain standards that have to be met in order to get a Use Permit. Even if a Use Permit were granted, if there are private deed restrictions, then the applicant is going to have to deal with the surrounding neighborhood.

COMMISSIONER RIVERS asked Mr. Brockman if the City of Chandler expose itself to litigation by getting involved in this situation?

MR. BROCKMAN stated that insofar as the deed restriction issue, the answer was no. What the city decides with respect to public regulations and restrictions on the land would not expose the city to a liability due to the deed restrictions that are associated with that property. The deed restrictions affect the owner of that property. There is nothing in the deed restrictions that says that the city can't regulate according to its own set of rules as reflected in the Zoning Code.

REVEREND KYRA BAEHR, 5351 W. SARAGOSA STREET, CHANDLER, AZ stated that she was a resident in Chandler and a minister for a church in the Chandler area. She stated that she was in favor of the cultural center at this location. She felt that it was an important part of the community, both in Chandler and the nation, to invite churches, cultural centers, and different types of faith organizations to be in the residential neighborhoods; it's a part of the cultural make up. She said that she had found that churches are allowed to go into different zoning situations. She said that she had spent three years looking for a location for her church in Chandler, which was quite challenging. Reverend Baehr said that she understood the needs of a residential area and felt it was important to honor all the needs of protecting the children and the rights of the citizens to have a safe neighborhood. She didn't feel that the traffic issues that were happening were just as a result of this particular center. Measures had been taken so that the traffic would be on Dobson versus on Galveston. Most churches are on intersections. She said it was her experience with her own church that it was very seldom there is an event that takes traffic outside of what was allowed or allotted for within the city codes. When there is a need, they can negotiate with different parking lots to accommodate. The reverend said that she would love to see this center in the community to honor the progressiveness of who we are as a city and as a leader in the nation as a city that is growing and very diverse.

MR. LAREE DUDDING, 2041 W. GALVESTON said that she lived for 32 years just west of the subject property. She said that she enjoyed the country lifestyle. Her grandparents and parents before her had owned the property. The lots are one acre or larger, allowing them to have animals due to the AG-1 zoning. With the proposed building there would be added noise from the church members coming and going at all

times of the day, as well as added traffic. She wanted nothing on Galveston at all. Ms. Dudding said that on festival days the applicant anticipates 150 to 200 families would attend, which means there will be 450 to 600 people, using the applicant's formula of three people per family. She questioned that the property would be large enough to hold all the activities that were planned for the cultural center and still be within the city guidelines. It was her opinion that the value on her property would go down considerably. Her property consists of almost 2 acres in size. She said that anyone that lived in an AG-1 property would not want that much activity next door. She said that her area is quiet, friendly, and has known many of the people living there for many years. She said that the neighborhood was unique in that it was a rural setting within the city of Chandler. She went on to say that the center's architectural design was not within compliance with the rest of the homes along Galveston Street, which was a residential neighborhood. The nature of the use and enjoyment had been established and the parcel is subject to covenants, restrictions and regulations as to the use and enjoyment. She said that it was her opinion that this building would be better built in an area that would enhance its architectural design and property that would give them adequate parking and room for all of their various activities. She said that she did not agree with the issuance of a permit to the owner of the property at 590 N. Dobson Rd. for public use within an AG-1 residential neighborhood.

MR. JAMES MOWBRY, 700 N. DOBSON, CHANDLER, said that he had owned property here since 1996. He said that there had been some inconsistencies in the information he had heard at the neighborhood meetings. At the first meeting they were told that Hindu services were different from a traditional church service in that people would come and go throughout the entire day; however, he was now hearing that there was a service in the morning and another service in the evening. They were also told at the first meeting that the city of Chandler would not permit any ingress/egress from Dobson Road, and that the entrance had to be on Galveston; however, at the second meeting that was different. Mr. Mowbry said that they were also told that there would be a maximum of four people living at the center. He said that he had not seen the floor plan before that evening, but noted that the food preparation and dining hall were 2,500 sq. ft., which seemed rather excessive for four people. Mr. Mowbry had an issue with the height of 43-ft., which seemed out of character with the area. He also noted that the property had not been well maintained over the last several years. He said also that if had known that the property was for sale, he would have made an honest attempt to obtain the property. He said that his other issues had already been addressed by other speakers.

MS. CHRISTY QUICK, 2402 W. GALVESTON STREET, said that there was an overall feeling that the story changed at every meeting. She said that they had been told that traffic would not be impacted, that there would be ingress and egress of Dobson, yet the existing church at the opposite corner does not have any exits onto Dobson Road. She felt that, because of the bus lane in front of the property, there couldn't possibility be an ingress and egress off Dobson Road. In addition, they had been told that the services would be primarily on Sunday; however, when she researched this on the website it

indicated that there were services every day of the week. Ms. Quick was concerned that the center would have members coming from other parts of the Valley to attend the worship center. She said that it wasn't just a cultural center for residents in Chandler to attend, and for those people who come from Phoenix, they would have to travel west, and that would be on Galveston Street. She said she wanted to reiterate the traffic impact. She said that she was a realtor and knew that the perception of fronting a busy street, property values go down. Historically there was no benefit to her to have the subject project at this location. Ms. Quick stated that they do not want parking lots in their neighborhood. They are a neighborhood, they've been enclosed and encapsulated, and it had been that way for generations. She said that she opposed the project and asked the Commission to decline the request.

ANANTH KRISHNAN, 429 W. SECRETARIAT DRIVE, TEMPE, AZ stated that this was a project that all members of the Hindu community in the greater Phoenix area looked forward to. They do not have a formal place to go to do their worship. He said that he had heard all the different viewpoints and felt that most of it was based on the lack of information about the Hindu religion. He said that their services are held at specific times, although they are not required to be there at that time. Typically, at any Hindu temple, people come in and out constantly. He said that as a member of the Hindu community they had been trying to be very understanding and accommodating because they also live in residential neighborhoods. They would like to do as much as they can to help the neighbors and they would also like to be good neighbors. He noted that there had been some comments about the property's upkeep. Mr. Krishnan said there was no one living there; however, once the priests are on the premises it would be very well maintained.

MR. SCOTT TAYLOR, 2171 W. GALVESTON stated that he had dropped off packets to the Commission at 4:30 showing the deed restrictions and a letter by all the people in Clemens Place. Mr. Taylor stated that he had moved to this address about eight months prior and paid \$1.1 million for his home. He said that he was concerned for the safety of his two little boys, as well as for the property values of the neighborhood. Mr. Taylor stated that he had consulted an attorney and had been told that the Clemens Place residents would have the right to file an injunction under the deed restrictions if the project was approved. He said that they had been told there was 30,000 Hindus in Arizona. No one was trying to say that they didn't want to have a Hindu temple in Chandler. The question was where it should be located. If this had been AG-1 for 100+ years and there are 300 different residents with that impression, he felt it was doing the people a huge disservice when there are empty lots along Arizona Avenue and Alma School Road. It didn't make any sense to place the cultural center on Galveston Street. He felt that the east side of Maricopa County would want to come to this temple, which was right in their back yard. He felt that was the wrong place for the temple. Another concern was the proposed total budget for the project. He was concerned that they would not have the budget to complete the project. He stated that he strongly opposed the project and would file an injunction if necessary.

MR. HARI KANDADAI 2109 W. WILDHORSE DRIVE, CHANDLER, AZ said that he wanted to address some of the objections. He stated that there would be services twice per day in the afternoon and evening. Services will not increase as congregation grows. There will only be two sessions. He said that they shall abide by occupancy limit that has been set by the city of Chandler. They would not exceed the limit. Mr. Kandadai went on to say they would see to it that they didn't overflow; they would not have overflow traffic locks. He also stated that during times of special events they would not put their overflow parking in another parking lot; instead they would move the event to a much larger facility in north Phoenix. Regarding the number of people attending the services, Mr. Kandadai stated that in the afternoons there would be very few worshippers at the center because most people would be working or going to school. At the most there would be 10 people. There will not be many people at the center in the evenings, Monday through Friday, based on what they had experienced so far at other temples. He estimated there would be approximately 60 cars in the parking lot. They would ensure that no one parks on Galveston Street or Dobson Road. He said that they would ensure the premises are kept clean. He said that they ensure that the site is in conformance with the local guidelines that are there. Mr. Kandadai said that the (Hindu) community would ensure that the project would be successful.

MR. MICHAEL PIZZI, 2404 W. GALVESTON, CHANDLER said that he lived on Galveston Street, midway between Dobson Road and Price Road. He stated that he disagreed with the comment that there would be no negative impact. He added that the church across the street, an LDS church-house, sits on a 5+ acre plot. The commercial property is also over 5-acres. They are both zoned for commercial, while this property is not. Mr. Pizzi said that with the Whole Foods coming in, it was going to maximize traffic on Galveston. Galveston is a natural route to Chandler Blvd to get onto the 101 or to get to Dobson. There are driveways on Coronado Street, which will lead traffic on to Galveston. This was a major concern and had already brought the traffic situation to its knees. There is increased traffic in the afternoons and when Whole Foods opens there would be even more traffic. Mr. Pizzi stated that the site is zoned for Agriculture (AG), but the preliminary work is using commercial standards. He felt that commercial standards were not relevant and there should have been residential standards used instead. Even though the residential standards allow tall silos or barns, Mr. Pizzi pointed out that there are no tall features on Galveston or any of the surrounding streets at this time. The standards should have been residential, but with a reasonable residential adjustment to it without silos or other tall structures. The current property is a mess and has been an eyesore. Good neighbors would not have let that happen. That should have been addressed before being mentioned in this meeting. Mr. Pizzi stated that he was opposed to the project.

MR. ALLYN BARNUM, 700 N. DOBSON, CHANDLER stated that he was a lifetime resident of Chandler. He said that La Glorietta had a 20-ft. high height restriction and was voted Chandler's best architectural desired neighborhood. This is the wrong place for the cultural center. He stated that he was strongly in opposition to the project.

A RESIDENT OF TEMPE, AZ said that most of the devotees going to the temple were responsible law abiding citizens, and some were very highly educated. They all live in extremely good neighborhoods and very conscious of keeping their neighborhoods clean and safe. She made a point that not all Hindus go to the same temple just as not all Christians go to the same church. There are approximately 500 to 800 people affiliated with this temple. It will never at one time attract 1,000 people. The resident stated that they were there to also uphold the American dream and that they were not going to do anything to betray the American dream by driving cars rashly. Also, they want their children to believe in their own faith and be able to take them to their church, just the same as any Christian. She said that she wanted her children to grow up to be good human beings.

MR. LES BARTLETT, 7 N. BULLMOOSE CIRCLE, CHANDLER said that he was speaking in behalf of the Religious and Cultural Temple. He said that he had lived at this address for the past 27 years and during that entire time he had seen nothing on the subject property facing Dobson except dirt, weeds, and political signs. He has reviewed the drawings and elevations of the proposed building and found it to be laid out nice and attractive. He said that some of the people wanted to hold out for residential, but there is never going to be a residential house built on that piece of property when there is a bus stop and a circular drive. He said that it had never happened in 27 years. He said that they needed to get realistic and look at something that would be an asset to the community, would be attractive, and a benefit to a lot of people. He felt it was the best use for the corner, as a precedent had been set with the construction of the Mormon Church on the opposite corner. Mr. Bartlett noted that the LDS church had a 35-ft. steeple and access off Galveston. He said that he had not noticed an increase in traffic. He went on to say that thousands of cars go down Dobson Road, and it was going to increase whether the temple was built or not. It was just a fact of life in the Valley of the Sun. Mr. Bartlett said that he could not in all good conscience find a valid reason to deny the Use Permit for a house of worship. He said that the church he attends has a Montessori and a kindergarten, and has activities seven days a week and sits in a residential area in Tempe. It doesn't create a problem. He said that he could not deny someone else having a separate type of church in his neighborhood. The theme of the whole discussion is "Not in my backyard". Mr. Bartlett said that he vehemently disagreed with that attitude.

MR. S. MUKKAVILLI, 1549 EAST KAIBAB DRIVE, CHANDLER said that he had lived at this location for five years. He said that currently he regularly attends the temporary temple in Chandler Crossings. On the busiest worshipping day he has not seen more than 30 cars there. He felt there would be adequate parking on site without having to park on the side streets. The proposed structure is located at the end of the road so it would be of minimal impact to the neighborhood. He said that a speaker had earlier mentioned there were approximately 2,400 vehicles on Galveston per day. The estimate of 30 cars per day represents about 1.5% increase, so it would be a minimal impact. He was in favor of the project.

MR. FRANK BURDOLSKI, 600 N. BULLMOOSE DRIVE, CHANDLER stated that he has lived at the corner of Bullmoose and Galveston for 19 years. He said that Galveston had become a speedway with the opening up of Coronado Street to the north and south. Whether it would be a minimal or a normal impact, it would still be an impact with more cars. He felt that the speed bumps didn't help much. He couldn't understand how the property could be changed with deeds and restrictions already on the property. How do they get past that?

SHAKAICHANDRA BHARGAV, 1570 W. MAGGIO WAY #2033, CHANDLER, AZ said that he was strongly in favor of the proposal. He said that the neighborhood meetings were a learning experience for them as well. He said that his Hindu community would strive to uphold the residential nature of the neighborhood should the request be approved. He said that they would enforce the traffic regulations to make sure that they are completely upheld. This is going to be an on-going process with the neighborhood. They will be working with the neighborhood to address any concerns that they might have during worship activities. He said that they strongly believe that the center will enhance the diversity of the neighborhood. He asked for approval of the project.

RAGHU, 5600 W. PARK, CHANDLER said that he acts as a project liaison for the architect. He said that the deed restrictions had been reviewed numerous times and found that they were not in violation. He read to the audience some of the restrictions from the deed. He said that they do not believe that they were in violation. He stated that they were making arrangements for the funding. He went on to say that they were attempting to hire a landscaper to maintain the premises.

RESIDENT, 2215 W. MEGAN, CHANDLER said that this project promotes diversity and felt that the center would be a showcase for the city of Chandler. It would show to the state and nation that Chandler welcomes people of all religious communities. He said that he had been brought up in the Hindu culture and wanted his child to follow the principles and ethics that his parents had taught him. He said that this place of worship would definitely go a long way in making that possible for his family as well as for many other families. He said that he was a law abiding citizen and also served on his community's HOA board. He said it was his duty to ensure that the neighborhood is kept clean and that the residents of the community follow the rules and regulations. He said that he goes out at night to serve as a vigil for his community. He felt that everyone would want to keep this site clean.

MS. BARBARA ELLSWORTH, 2111 W. GALVESTON, CHANDLER stated that she lived two houses from the proposed property. She said that the only gentlemen that she heard from the area that was in favor of the project made a statement that this property had never been a single-family residence. She stated that it had always been a single-family residence until this purchase. Ms. Ellsworth said that the neighborhood had always been a family neighborhood until this purchase. She said that they knew the

people that had lived at this site previously. She went on to state that this had nothing to do with religion or race. They want a family neighborhood, and that is why they bought there.

MR. BEN VAN DER KNOOP, 700 N. DOBSON, CHANDLER, AZ stated that he had purchased a home in La Glorietta in 1991. He is a builder/developer. He said that he had observed lots of churches that had been built around Chandler and found that they purchase lots of land to go with the church so that they can grow. This site will be too small. He said that he was totally opposed to the request. He wanted this to stay residential.

MR. DAVE HARRIS, 710 N. BULLMOOSE DRIVE, CHANDLER said that the only ingress and egress to his property was off Galveston Road. He has lived at this address since 2001. He stated that he was opposed to the project for all the reasons that everyone else had given. Mr. Harris said that Ms. Dudding had been more negatively affected by this project than she admitted. He said that the people from there had bullied her around a bit. The project is in a total state of disrepair. The development has not been good neighbors and had received several violations. Mr. Harris stated that the property owner acquired the property through a Quit Claim Deed and did not go through a title company. He believes the owners were never aware of the covenants and restrictions on the property. He said that there were a lot of stories being changed in order to sell the neighbors on the project.

ACTING CHAIRMAN FLANDERS asked if anyone else in the audience wished to speak on this item.

MR. PAUL HANSEN, RESIDENT OF CHANDLER, stated that he had requested through the Superior Court that his address be protected. His post office box is 6343, Chandler, 85246. He said that he had resided at 590 N. Dobson Road and that he appreciated the Hindu priests for allowing him to do that. He said that he was responsible for issues with regards to maintenance of the property. Those were matters that he dealt with Mr. Larry Hammock from the city police dept. He said that he was from back east where there are different aesthetic principles. Mr. Hansen said that he felt that he had been cordial with Ms. Dudding, the adjacent landowner. He said that the next neighbor, Mr. Williams, understood the religious freedom aspects of this request and understands the viewpoint of the Hindu community and the freedom to practice their religion and how important that was in accordance with the right to dispose of one's property. Mr. Hansen said that his knowledge of the Hindu community was such that they were concerned with respect for all individuals including a respect for life that goes back thousands of years. They are also respectful of other people's rights and concerns, particularly their faith practices. He said that the Hindu community was willing to come to an understanding and understanding the concerns of other people. He said that part of the issue is lack of information and perhaps not knowing how to approach neighbors. Lastly, Mr. Hansen stated that this is the United States; we are a constitutional republic. Practice of religion is

of paramount right now. He said that he understood that competing rights are entailed in this matter. He said that freedom of worship is a sacrosanct right on one's property. A close inspection of American history, including the history of this state, would uphold that. Mr. Hansen stated that at this time he was in favor of the project.

MS. LAURA WOLFE, 2318 W. GALVESTON STREET, stated that this was not about religion, nor was it about the people. Instead, it was about the appropriateness of the building that is proposed for this property. She stated that this was a residential neighborhood, and they would love to keep it a residential neighborhood. They have been there for years. Ms. Wolfe said that if this proposal was across the street, no one would have said anything about it. That would be an appropriate setting for a church.

MR. DEAN ELLSWORTH, 2111 W. GALVESTON STREET, CHANDLER stated that they had bought the property in 1973 and built their home in 1974. His main concern was with the increase in traffic. He felt this was the wrong place for the church, as it was going to grow as all churches grow. He felt also that this would increase the waiting time at the signal on Galveston and Dobson.

A member of the audience stated that they do understand that this was not about religion. She said that they would follow all the rules and regulations and maintain the residential nature of the area. They would not hamper that in any way.

The following members of the audience in **FAVOR** of the Use Permit request were present, but did not wish to speak:

Resident, 2644 E. Chester Drive, Chandler AZ – in Favor

S. Navali, 3600 W. Ray Road #2056, Chandler, AZ – in Favor

Arvind Kulkarni, 610 S. Emerson St, Chandler, AZ – in Favor

Vmashankar Jay, 4415 E. Redwood Ln, Phoenix, AZ – in Favor

Harish Bhat, 1111 E. University Drive #116, Tempe, AZ – in Favor

Janardhan Bhat, 1019 E. Lemon Street #202, Tempe, AZ – in Favor

Ananth Rao, 2419 W. Megan St, Chandler, AZ – in Favor

Raghavendra Rao, 4829 W. Erie St, Chandler, AZ – in Favor

N. V. Shamasundra, 14001 N. 24th Ave, Phoenix, AZ – in Favor

Sitaram Inguva, 4351 W. Maldonado Rd., Laveen, AZ 85339

Anitha R. Prabhu, 1111 E. University Drive, Tempe, AZ – in Favor

Vidyanath Tirumala.P., 4849 S. Darrow Dr, Tempe, AZ – in Favor

Rajani Kilari, 1144 W. Wagner Drive, Gilbert, AZ – in Favor

Srinivaskilarv, Wagner Drive, Gilbert, AZ – in Favor

Shridhar Channagivi, 73 W. Shamrock, Gilbert, AZ – in Favor

Raj Wamale, 2355 W. Chandler Blvd, Chandler, AZ – in Favor

Manatha Prauad, 839 W. Sparrow, Chandler, AZ – in Favor

Raj Bhat, 2721 W. Laredo Pl, Chandler, AZ – in Favor

Sudhi Bangalore, 2928 W. Glenhaven Drive, Phoenix, AZ – in Favor

Anuvadha, 2053 W. Megan, Chandler, AZ – in Favor

Mitesh Senghavi, 3600 W. Ray Rd, #2080, Chandler, AZ – in Favor

Balaji Seshadri, 2053 W. Megan St, Chandler, AZ – in Favor

Aheesh Bhavadway, 3600 W. Ray Rd, # 2056, Chandler, AZ – in Favor

Roopa Pandarinath, no address – in Favor

Jayanthi, no address – in Favor

The following members of the audience in **OPPOSITION** to the Use Permit request were present, but did not wish to speak:

Mr. Max Butcher, 21 N. Bullmoose Circle, Chandler, AZ - Opposed

Mr. Dennis Gauthier, 2408 W. Galveston St, Chandler, AZ - Opposed

Mr. Leonard J. Medeiros, 2144 W. Galveston St, Chandler, AZ - Opposed

Mr. Terry Biagi, 700 N. Dobson Road #42, Chandler, AZ - Opposed

Trudy Van Der Knoop, 700 N. Dobson Rd. #52, Chandler, AZ – Opposed

Mike and Barbara Smith, 1202 W. Nopal Pl, Chandler, AZ - Opposed

Sharon Pittard, 603 N. Bullmoose Drive, Chandler, AZ - Opposed

ACTING CHAIRMAN FLANDERS asked the applicant if he would like to make any statement or respond to the comments.

MR. ZAMIR HASAN stated that he felt that everything had been discussed. He stated that there is a different denomination among Hindus also. The people who go to the temple on Thomas Road and Scottsdale may not come to this temple. Not all Hindus would come to this temple.

Mr. Hasan explained that they initially planned to have the entrance off Dobson, but was told by the city plan review that the entrance would need to be off Galveston. However, by the second neighborhood meeting they were allowed to have the entrance off Dobson Road. That was why there had been some confusion with the neighbors on this matter. He said that there was no attempt to misinform anyone.

ACTING CHAIRMAN FLANDERS closed the floor for discussion at this time.

COMMISSIONER GULSVIG asked Ms. Novak how many other AG-1 areas there were in Chandler that had been allowed, and approved by the city of Chandler, to place a house of worship.

MS. NOVAK said she did not have an exact amount, but knew of at least three that were either AG-1 zoning or SF-8.5 that had Use Permits approved, not far from this area. She did say that it isn't uncommon that they are located in the center of residential or on the perimeter of residential. Single-family zoning is the base zoning on the land. Ms. Novak stated there are a lot of other places of worship within the city that are part of master planned communities. The LDS church across the street from this subject site is part of the Andersen Springs, which is zoned PAD, so there was an intention to plan for a mix of uses, which would have included the church there. She said that there are other areas where churches are located in commercial areas. There are some areas that are industrial parks that have overlay zones that allow churches and gymnasiums. She noted that some of the older churches within the community have Use Permits and some of them have rezoned the land to PAD zoning to allow them.

COMMISSIONER CASON asked if there are current capacity levels or expected capacity levels for Galveston Street in this area.

MS. NOVAK stated that the city's traffic engineer worked diligently with planning staff in response to the access to the property. Due to the concerns from the neighborhood about access in and out of only Galveston is when the city re-looked at the plan to make sure it would be safe and appropriate to put a location on Dobson. Plus, that would be the

main access with Galveston being an exit only. Staff has looked at the studies and traffic analysis on Galveston Street. Ms. Novak stated that some of the residents had made valid comments, that there is growth in the area such as the Raintree Ranch center with Whole Foods, the approved Portico Place to the south, as well as Seton Catholic High School. All that is going to add traffic as it is dispersed throughout the area. Staff understood that when they looked at the studies.

MR. BOB BORTFELD, SENIOR ENGINEER/TRAFFIC ENGINEERING, stated that Galveston was considered a collector street. It collects traffic from the neighborhood, as well as Coronado Street (a north/south collector street). Anyone in that entire square mile has a right to use that as an access-way to get out to one of the majors. In addition, several people had mentioned that traffic at the two adjacent intersections was difficult and one of the top ten intersections. He said that that was correct. In the next two years, as part of the Capital Improvement Program, Chandler will be improving the intersections of Dobson and Ray, and Dobson and Chandler. Some of the new developments coming into the area will add more traffic to Galveston than the subject parcel. He stated that the traffic department had done some traffic counts in 2001, which ran 2,400 to 2,500 vehicles per day. There have been traffic counts since then – 2004, which went down to 2,200; 2006 counts are approximately the same as those in 2001; and there are predictions that the traffic will go up to about 2,800 by 2008 – 2010. Typically collector streets in Chandler run from 1,000 vehicles per day to 12,000 vehicles per day. Frye Road, another collector street, carries 11,000 vehicles per day and is adjacent to residential areas. He said that there is quite a bit of variation on collector streets throughout the area. The traffic volumes have not gone up in this area based on the actual counts that been performed, and they've also done some predictions for a couple years out.

COMMISSIONER CASON stated that the major concerns that he heard were about traffic. He said he visited this area and sat and counted cars, and found that the numbers were not the numbers that he had been hearing at the meeting. He said he had sat there for about 4 minutes. The first minute there were 5 cars, the second minute there were 2, the third minute there were 3 and the 4th minute there were 2 cars – not anywhere near the number that he had heard tonight. Assuming one car went down Galveston every minute, which would be a ridiculous assumption, with the increase of cars that would happen because of this house of worship on a weekday, they would generate one additional car passing every 28 minutes. Looking at the people that would be there on the weekend, they would generate one extra car passing down Galveston every 14 minutes – that's if every car came and went from that house of worship on Galveston. And if they have a festival, that would mean an additional car would come down every two minutes. Commissioner Cason said that he understood everyone's concern about traffic; he thought it was more involved with what's happened in the neighborhood generally in that square mile. The impact this church would have on this neighborhood, if any, would not be traffic. Commissioner Cason stated that an increase in traffic concern was not

necessarily a legitimate claim, and that the traffic generated by this site would be minimal, if at all.

Commissioner Cason said that there had been some mention about the intensity of the design of the site. He said that he wanted to, for the record, say that he thought the site was attractive. He likes the colors, the fact that the design and site engineering on the residential side (north, west, and south) are toned down but still respect the design required by the religion itself. Commissioner Cason stated that he felt it would be a benefit to the community and a great addition.

COMMISSIONER GULSVIG said that he had listened to all the testimony by all the participants, both for and against. He said he greatly appreciated the time that staff had put into this. Commissioner Gulsvig commented that, although he had not done a traffic study, he did have a concern with traffic. He also had a concern about the rules that Commission had to evaluate this request on and make a decision by. He said that Ms. Novak had a good point that by the General Plan this is an allowed activity. Being an AG-1 allows privileges that the rest of us don't have. Unfortunately, there are also some activities that follow the AG-1 that provide certain privileges for construction. Ms. Novak has coordinated with the applicant to use the Commercial standards; they didn't have to do that, but the applicant is being very willing to step forward and abide by other rules to move forward with this particular piece of property. Commissioner Gulsvig said that he agreed that it was a nice looking facility, but he felt it should be toned down just a bit. He said that overall the concerns regarding CC&Rs need to be resolved civilly. That is something that the city does not deal with as pointed out by the attorney. Commissioner Gulsvig stated that this was a good project and agreed with staff to go forward.

COMMISSIONER RIVERS said that on the west side of Dobson Road between Ray and Chandler Blvd. there is nothing but residences, except for the shopping that faces Chandler Blvd. He said that there was almost a mile long sequence of homes and then put something like this that would stick out like a sore thumb in the middle of it, is that right or wrong? He said that he felt that the additional traffic created by this project would be minimal. He stated that he appreciated everyone that had come out to speak regarding the project; however, one of the things that he did see was that with the people that are most directly affected who live in the neighborhood, there were 19 speakers, two of which were 'for' and the others 'against'. From other places within the city of Chandler there were 20 speakers, 17 'for' and 3 'against'; other speakers coming from outside the city, such as Laveen, Gilbert, Tempe, and Phoenix, there were 13 speakers all of which were 'for'. He said he was wondering if these people were for the idea of a Hindu temple in Chandler, or are they only specifically for the idea of having it on this property. He felt that these folks were looking for a good place to worship and wondered if this was the right location. Commissioner Rivers commented that the people who had come from outside the city might very well come to this site to worship. Commissioner Rivers pointed out that this was a non-residential application being put into a residential area. He said that he did not know if he could reconcile that with himself.

COMMISSIONER CREEDON said that this was a very difficult decision. She said that she sympathized with the neighborhood that had lived there for many years. It is always difficult to see change happen. She said that she agreed with Commissioner Cason in that she did not feel that this temple would bring any more traffic problems than what the neighborhood was already experiencing. She said that she hoped the neighbors would find some resolution for the traffic in their neighborhood. In addition, she stated that she wasn't certain that this was the best site for the temple. Commissioner Creedon stated that she would be voting in favor of the project and felt they would be an asset.

ACTING CHAIRMAN FLANDERS stated that his biggest concern was with the traffic and overflow from activities. He felt that the applicant had addressed those issues. He felt that the amount of traffic from this facility would not be that intense. **ACTING CHAIRMAN FLANDERS** said he was okay with the building architecture. There is a stipulation that the applicant shall work with staff to modify the design to bring it to a more Contemporary design. He said that he had no problem with approving the project for the AG-1 area.

MOTION BY COMMISSIONER CREEDON, SECONDED BY COMMISSIONER GULSVIG, to approve UP06-0087 SVK Religious & Cultural Center.

MR. BROCKMAN asked if they should assume the motion included all the conditions previously presented plus whatever Ms. Novak wanted to read into record.

MS. NOVAK stated that the conditions were 1-7 as part of the staff report. There were additional stipulations 8, 9, and 10. She said that there was not specific wording for the architectural conditions. She said that that could be added as #11.

ACTING CHAIRMAN FLANDERS said that he thought it would be, "Applicant to work with Staff to provide a modification to the elevations for a more Contemporary look."

MS. NOVAK re-read the earlier conditions:

8. The property shall be maintained in a clean weed-free and orderly manner.
9. The site shall be solely used as a place of residence until the new building for a place of worship is constructed and occupancy is permitted.
10. The applicant shall create a liaison program with the adjacent neighborhood to advise of upcoming special events before they occur at the site, allowing neighbors to directly contact a representative at SVK with their concern.
11. Applicant shall work with Staff to provide a modification to the building elevation to achieve a more Contemporary look.

COMMISSIONER CREEDON stated that the motion was amended to include all the stipulations. **SECONDED BY COMMISSIONER GULSVIG.**

When the vote was taken, the motion passed 4-1 (Commissioner Rivers).

MS. NOVAK stated that this case would go to Council on June 28, 2007. Those dates should be posted on the public hearing notice signs that the applicant had posted on the property. She said if anyone had any questions, her number is on the public hearing sign.

7. DIRECTOR'S REPORT

There was nothing to report

8. CHAIRMAN'S ANNOUNCEMENTS

The next regular meeting is June 20, 2007 at 5:30 in the Council Chamber, 22 S. Delaware Street, Chandler, AZ.

9. ADJOURNMENT

The meeting was adjourned at 8:14 p.m.

Michael Flanders, Acting Chairman

Douglas A. Ballard, Secretary