

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 6, 2011 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Cason called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Chairman Cason.
3. The following Commissioners answered Roll Call:

Chairman Michael Cason
Vice Chairman Leigh Rivers
Commissioner Michael Flanders
Commissioner Stephen Veitch
Commissioner Matthew Pridemore
Commissioner Andrew Baron
Commissioner Katy Cunningham

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Bill Dermody, Senior City Planner
Ms. Jodie Novak, Senior City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER PRIDEMORE** to approve the minutes of the March 16, 2011 Planning Commission Hearing. The motion passed 6-0 with 1 abstention (Commissioner Baron was not present at that meeting).
5. ACTION AGENDA ITEMS
CHAIRMAN CASON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. Items E and G were pulled for action.

A. DVR11-0002 SITE 8 PARKING

Approved.

City-initiated Planned Area Development (PAD) zoning overlay concerning parking requirements for land bounded by Chicago Street, Arizona Avenue, Frye Road and Oregon Street.

1. The PAD overlay shall adopt Paragraph F of City Code Chapter 35, Section 3204 (City Center District Site Development Standards) as the parking regulations for Site 8.

B. DVR11-0003 ICAN YOUTH FACILITY

Approved.

Request rezoning from Planned Area Development (PAD) to PAD Amended to expand the list of permitted uses, with Preliminary Development Plan (PDP) approval for the construction of a youth facility that includes recreational, educational, social programs, and other youth services on approximately 2.77 acres located at the northeast corner of Hamilton and Morelos streets (approximately ¼ mile north of the northeast corner of Pecos Road and Hamilton Street).

1. Compliance with the original stipulations adopted by the City Council as Ordinance 1897, in case Z87-141 BOGLE BUSINESS PARK, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 2014, in case Z88-094 BOGLE BUSINESS PARK, except as modified by condition herein.
3. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "ICAN Youth Facility Campus", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0003, except as modified by condition herein.
4. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
5. Approval by the Director of Transportation and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
7. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
9. The site shall be maintained in a clean and orderly manner.

C. DVR11-0006 LAYTON LAKES PARCEL 18

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former PAD zoning for attached town homes. The existing PAD zoning is for a medium-density detached single-family residential subdivision located on approximately 12 acres within the Layton Lakes Master Plan at the southwest corner of Lindsay and Queen Creek roads.

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

D. PDP10-0018/PPT10-0007 LAYTON LAKES PARCEL 16

Approved.

Request Preliminary Development Plan (PDP) approval for housing product and amendment to the subdivision layout with Preliminary Plat (PPT) approval on approximately 25.75 acres located south of the southwest corner of Queen Creek and Lindsay roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "LAYTON LAKES PARCEL 16" kept on file in the City of Chandler Planning Services Division, in File No. PDP10-0018, except as modified by condition herein
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3250, case DVR00-0025 LAYTON LAKES, except as modified by condition herein.
3. Compliance with the original stipulations adopted by the City Council as case PDP03-0038 LAYTON LAKES, except as modified by condition herein.
4. All homes built on corner lots within the residential subdivision shall be single-story.
5. The same elevation shall not be built side-by-side or directly across the street from one another.
6. For lots adjacent to an arterial street, two-story homes are limited to every third lot.

Planning Commission and Staff recommend approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Transportation & Development with regard to the details of all submittals required by code or condition.

F. MUP11-0001 ARIZONA ORGANIX (NEVADA STREET)

Approved to withdraw.

Request Use Permit approval to allow a medical marijuana cultivation site within Planned Industrial District (I-1) with a Planned Area Development (PAD) overlay, I-1/PAD zoning. The

property is located at 3265 N. Nevada Street, Suite 1, east of Arizona Avenue and north of Elliot Road. **(REQUEST WITHDRAWAL.)**

H. MUP11-0003 ARIZONA ORGANIX (CHICAGO STREET)

Approved.

Request Use Permit approval to allow a medical marijuana cultivation site within I-2 (General Industrial District) zoning. The property is located at 6730 W. Chicago Street, Suites 2 and 3, south of Chandler Boulevard and east of 56th Street.

1. This Use Permit is for a cultivation site only and is not transferable to any other location or premises, nor is it valid for any other use or business associated with a medical marijuana dispensary that is not specifically identified in the Use Permit.
2. Any expansion or modification beyond the approved Site Plan and Floor Plan shall void the Use Permit and require a new Use Permit application and approval by City Council.
3. The Use Permit is effective for a period of 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 Council.
4. The property's landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
6. The site shall be maintained in a clean and orderly manner.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER VEITCH** to approve the Consent Agenda as read in by Staff including the additional stipulation. The Consent Agenda passed unanimously 7-0.

ACTION:

E. LUP11-0002 SIDELINES GRILL AND TAVERN

Request Use Permit approval to allow the addition of live music on an outdoor patio at an existing restaurant in conjunction with a Series 12 (Restaurant) liquor license located at 2980 S. Alma School Road, northwest corner of Queen Creek and Alma School Roads.

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

6. The patio and area adjacent to the restaurant entrance shall be maintained in a clean and orderly manner.
7. The Use Permit shall remain in effect for one (1) year 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. Outdoor music shall not utilize bass speakers or sub-woofers.
9. The maximum diameter of speakers used in conjunction with outdoor music shall be 12”.
10. Music shall not be played after 10 p.m. on Thursdays and Sundays or after 11:30 p.m. on Fridays and Saturdays. Music shall not be played before 9 a.m. on any day.
11. Music shall be limited to Thursday through Sunday.
12. Music shall be controlled so as to not unreasonably disturb area residences and shall not exceed the ambient noise level as measured at the commercial property line.
13. The restaurant shall provide contact information for a responsible person (restaurant owner and/or manager) to interested neighbors that allows music complaints to be resolved quickly and directly.

BILL DERMODY, SENIOR CITY PLANNER, stated this is a request for a modification to an existing Use Permit to sell alcohol under a Series 12 restaurant license at the Sidelines Bar and Grill at the northwest corner of Alma School Road and Queen Creek Road. The only change being made is that they would like to have live music a few nights a week on the outdoor patio. The existing Use Permit approval does not allow live music of any kind. It would be located on the patio towards the southern portion of the patio and is where the one and two man bands would set up and play with two speakers directed towards the restaurant to the north. They have had quite a bit of neighbor input on this both positive and negative. With the Staff packets you have a petition of opposition. They also had a neighborhood meeting where most folks were in favor of this request and some folks either had questions or were opposed. The issue of course with regard to land use compatibility is how loud the music is and whether it is disturbing area residences. They have heard testimony that about 1400 feet away to the southwest across Queen Creek Road you can hear the music indoors at night. The music was going on in violation of the permit for a few months. They do have a little bit of history on this and they have since stopped. They also have heard testimony that during that time you couldn't hear it about 600 or 700 feet away. He said he is sure they will be hearing more testimony from the neighbors on that this evening. Staff does recommend approval of the request that live music be able to be added to the patio for this Use Permit however, with a number of conditions aimed to control the music and avoid disturbing the neighbors. One of those is that this be limited to one year to allow quick re-evaluation to see how it is going. That bass speakers and sub woofers not be used on the patio. They haven't been so far. That wouldn't actually be changed. The music would not occur after the hour of 10:30 and a combination of stipulations that they have used on other sites that 'music shall be controlled so as to not unreasonably disturb area residences and shall not exceed the ambient noise levels as measured from commercial property line'. In other words this most likely means don't be louder than the traffic on Queen Creek Road. They also are recommending a liaison program be set up so that any interested neighbors have a number to call if the music is bothering them and the restaurant can address that immediately by turning down the volume. Again, Staff does recommend approval of the request at the Sidelines Grill and Tavern at Queen

Creek and Alma School Road and he would be happy to answer any questions from Commission.

COMMISSIONER PRIDEMORE asked about the stipulation where the hours that the music would be allowed and it was no later than 10:30. In the write up earlier it says 10:00. He wasn't sure how that discrepancy might affect them. Related to that and also in the write up it says with flexibility to occasionally change the days and times. That kind of threw him. If they are looking it to be Thursday thru Sunday no later than a certain time, are they actually providing that flexibility because that kind of defeats the purpose of setting days and times? Mr. Dermody replied that they have requested that flexibility but in their evaluation they felt that there should be some expectations in the neighborhood as to when the music is going to occur. By stipulation they are suggesting limiting it from Thursday through Sunday night and cutting it off at 10:30 p.m. They had heard verbally from the restaurant that when they did have music it often ran to 10:00 p.m. but then sometimes to 11:00 and 11:30 p.m. They'd like that flexibility but they thought it was appropriate to put some end time on that just for the neighbor's protection. **COMMISSIONER PRIDEMORE** asked if they were going to run into any issues with that other language in the write up? Mr. Dermody said the conditions would override anything that is in the narrative.

COMMISSIONER FLANDERS asked Mr. Dermody if this was circulated to the police department as far as their comments or a number of calls as a result of this establishment? Mr. Dermody said this has been routed to the police department. They did review the application and they don't have concerns that they have noted to them. They have not pulled a full police report or a number of calls or any of that sort of research for this particular area. **COMMISSIONER FLANDERS** asked if he was aware of anything as far as calls go? Mr. Dermody said they know that there were at least a couple of calls by neighbors that led to this coming in as a Use Permit and neighbors complaining about the music. They have researched that and found out they weren't supposed to have music and soon after that this process started. **COMMISSIONER FLANDERS** said but as far as any other activity, they are not aware of it. Mr. Dermody replied they are not aware of it.

COMMISSIONER CUNNINGHAM said he indicated this is going through Sunday night. Mr. Dermody replied Thursday through Sunday night. **COMMISSIONER CUNNINGHAM** said so 4 nights a week there would be music. Mr. Dermody said up to, yes. **COMMISSIONER CUNNINGHAM** asked if it would be amplified but no sub woofers or bass? Mr. Dermody replied that was correct, those are the conditions recommended. **COMMISSIONER CUNNINGHAM** said she doesn't suppose they are playing Beethoven or Bach? Mr. Dermody said no in their narrative they list some of the typical music, country, oldies and rock.

VICE CHAIRMAN RIVERS said to Mr. Dermody that when he talked to him yesterday about the previous music on the patio with no permits, it says in the description it started in late 2010. He is just curious about why they were having music with no permits. Mr. Dermody said they just didn't know. They didn't know what the regulations were on their previous Use Permit. They didn't think that music was addressed one way or another so they thought they had the right to do that. **VICE CHAIRMAN RIVERS** said that sounds very familiar to those of them up there that had to deal with the Regal Beagle because they had the same kind of issue with

them and same kind of excuse given. He is concerned about the location of this establishment and the noise level.

CHAIRMAN CASON asked Mr. Dermody if Regal Beagle was his case? Mr. Dermody replied yes. He asked if he could share some of the history that came with the Regal Beagle. As he understands it now, things are working a lot better. What procedures did they put in place to try to facilitate a better relationship with their neighborhood? Mr. Dermody said that Regal Beagle started playing music on their outdoor patio 3 or 4 or 5 years ago. It became a problem almost right away with the neighbors. They had it 2 or 3 nights a week to a later hour than this place. It was 11:30 or later. They had eventually worked it out with the neighbors and the owners of the bar. That was a full out bar more than a restaurant like this one and with a number of conditions very similar to what they are recommending here; limitation on the size of the speakers and the one that really helped in that case was having the liaison program with the neighborhood where they could call whenever they had a problem. Once that was implemented, the number of problems went way down. When the neighbors could call and the volume would be turned down immediately, things started to get better. Ultimately on that site what made the problems go away altogether was getting rid of a problem band and only allowing bands to play who weren't causing a problem in the neighborhood. **CHAIRMAN CASON** said so it was a matter of better management and communication with the management from the neighborhood. Mr. Dermody replied yes. **CHAIRMAN CASON** asked if some of those items that were included on Regal Beagle were also included in this application? Mr. Dermody replied yes.

CHAIRMAN CASON asked if there were any other questions of Staff on this item. There were none. He thanked Mr. Dermody and then asked the applicant to come up.

AMY NATION, ARIZONA LIQUOR INDUSTRY CONSULTANTS, said she was hired by Paul and Kristina Grako to handle their Use Permit for them. She said she has a lot of answers to the questions that they are requesting of Bill. She wanted to give them a little background. Sidelines has been in business since 2002 and owned by Paul and Kristine Grako who are also Chandler residents and live in the neighborhood across the street from Sidelines. They are a restaurant. They are required to have a minimum food requirement – 40% food sales. These are audited by the department of liquor and Sidelines was just audited a year ago this month and found to be very well and in compliance with that. This is a family restaurant. They did start having the live entertainment and they are requesting it now because their business is struggling just like any business in Chandler or anywhere else for that matter. They are trying to bring in customers because the major anchors in their shopping center are going away and it has become increasingly hard to get people in the door. Basha's left the premise and now Target is leaving the premise, which is causing them some issues of getting people in the door. They were not aware that there was a problem with the live entertainment and that it needed to be added to their Use Permit. Once they were made aware of this they stopped immediately and contacted her to help them with their Use Permit.

During the time they were having the live entertainment and prior to them applying for the Use Permit, the police were called on 3 separate occasions. The first occasion was on December 11 reporting loud noise and disturbance. She went to the Police department, to the records department and pulled the police reports. They were listed as a Disposition 17. What a 17 is and

what she was told by the records clerk at the Police Dept. is that they went out and found that there was no disturbance that they could find anywhere. They didn't even contact the complainant and they left. The second time the police were called was on January 20. The police came out again and couldn't find any disturbance and dismissed it as a Disposition 17 again. The third time the police were called was on February 10 and the reporting person advised that the bar was not supposed to be playing outside without a permit and subjects were contacted by the Planning and Zoning department later and told that they had to apply.

CHAIRMAN CASON stated that she said at the first complaint that the complainant was notified that there was no noise or was not notified. Ms. Nations said they were not contacted by the police department on any of the first two occasions because there was no disturbance found by the Police Dept. They could hear the music from this person's residence. **CHAIRMAN CASON** said so the police dept. did not talk to the complainant. Ms. Nations said they felt no reason to so there was no report written. She has a report from the Police Dept. showing they couldn't justify any noise.

MS. NATIONS said there has been a huge negative campaign against Sidelines – misinformation basically. It has been primarily one person who has been putting these up in the neighborhood – Sidelines Bar. Sidelines is not a bar. Sidelines is a neighborhood restaurant. They support local youth teams. They have a lot of children. Paul and Christine Grako have 3 children of their own that are often in there. Many of the neighbors told us that with the petitions that were being circulated they felt intimidated into signing these because this person would follow them into their driveways and into local businesses, like the bank and another restaurant in the same shopping center. It led one of her neighbors to write a letter stating that they wanted her to leave them alone because this has been such an issue with being constantly pestered about signing these petitions. There was also a letter that went out to the homeowners association with all their e-mails as well as the City Council telling them that they needed to protest this request. Not only that but each of the people that signed the petition were also told they needed to contact 15 other people to have them protest as well. He thinks that the information is not correct. What is being told – this is not a bar, this is a restaurant. The live entertainment has been going on. Most of the neighbors were not even aware of it. Some of them that were that came to the neighborhood meeting, they had one strongly opposed. The other neighbors said that as long as they gave them contact information to contact any of the owners or the managers, so if there was a problem with the music, they would turn it down. They had no problem with that. Once that was rectified there was no problem as far as she was aware of. They have 127 signatures on their petition supporting them. She believes they turned in one with 30 signatures on it. This is not going to be bad for the neighborhood; it is not going to be bad for the neighborhood values. What is going to be bad is when they start putting businesses out of a shopping center that is already dying. Empty buildings create property value losses.

CHAIRMAN CASON asked if they agree to the stipulations? Ms. Nations said that now the winter visitors are gone, their dinner runs later until about 8:30 in the evening. They don't do this every week and it is only a couple times a month, but they would like to request to operate the live entertainment until 11:30 at night on the nights they do have it. If they are approved at this point, they will have 2 or 3 live entertainments in May. It's not every night and it is not every week. **CHAIRMAN CASON** said so when she says live entertainment dates these are

inclusive of what they have asked for in this application. Ms. Nations replied that is correct. **CHAIRMAN CASON** said but 10:30 p.m. isn't a deal breaker for her is it? Ms. Nations replied no, they would prefer the 11:30 but they will do what they can do.

COMMISSIONER FLANDERS asked Ms. Nations why she doesn't put the music inside? Ms. Nations said because they are bringing more people in on the nights that there is live entertainment they don't want to move tables out because the place is not very big. Moving tables out when they are bringing more people in, they need places for them to sit and it kind of defeats the person if they have to move tables out of the way to set up someone for the live entertainment when the seats they need to fill are gone. **COMMISSIONER FLANDERS** said they have seen a lot of different applications for entertainment and everything else and through the years that they have been on Planning Commission a lot of places have done that – moving tables and everything else. Is it an option for them to do that? Ms. Nations said the owners who are to speak as well may be able to answer that more plainly. The way they set up is to have the live entertainment facing the door outside and the speakers and the musicians facing inward so basically the patio is like a stage for the live entertainment. **COMMISSIONER FLANDERS** said so they open up all the doors and everything is being pointed back. Ms. Nations said it is pointed directly into the restaurant. **COMMISSIONER FLANDERS** stated when he saw this case and the distances, it is a clear shot to the neighborhood across by Queen Creek and the commercial there even has a separation of buildings that allows the sound to kind of go - with the amount of people in the neighborhood that have signed the petition and was amazed that the music was traveling that way. He is a little amazed and wonders what is it doing – is it bouncing off of the building and going back into the neighborhood or what. Ms. Nations said with the police reports, people are saying they are being disturbed and the police get out there and can't find a disturbance. Some people that are closer than this person have said they can't hear it. Some of the other people say they can hear it outside but not inside. The police are the middle factor here. They don't care one way or the other. They had nothing to gain by saying they couldn't hear anything out there. **COMMISSIONER FLANDERS** said his next question was related to the question he asked Staff regarding the Police Dept. In her research at the Police Dept. were there any other calls to that establishment other than the noise? Ms. Nations replied no and actually it wasn't a call to the establishment itself, it was a call to a resident in the neighborhood next door. **COMMISSIONER FLANDERS** asked were there any other calls that she came across for incidents either at the bar or in the parking lot? Ms. Nations said no and actually her father Randy Nations, is an agent on the liquor license for Sidelines. They handle all their liquor licensing for them and they haven't had a problem. The worst thing that has happened to them is they have been audited by the department of liquor to make sure their numbers were in check and that is something the department of liquor does regularly to make sure that restaurants are restaurants.

VICE CHAIRMAN RIVERS asked if she is going to open all the doors of the restaurant and have the music face into the restaurant? Ms. Nations said they open the patio doors from the patio into the restaurant. **VICE CHAIRMAN RIVERS** asked if there was some method of cooling this patio in July and August? Ms. Nations replied they have misters.

CHAIRMAN CASON asked if the owners would like to speak at this time. He said they will have an opportunity to come back and speak again after the audience.

MR. DERMODY said he forgot to recognize during his presentation that he did hand out a letter of support and the petition that Amy was mentioning.

PAUL AND KRISTINA GRAKO, 1641 S. EMERSON PL., stated they are the owners of the restaurant. She deals with everything day to day. She did start up the neighborhood meeting last week and the first thing she did was apologize. She doesn't have a business degree. She is an elementary school teacher. He is the business guy. The first thing she did was apologize because she didn't know that she needed a permit. She doesn't remember the guy who came in that told her she needed to have her permit. The first thing she said was tell her what she needs to do. She called Amy right away. She started her meeting by saying she was sorry. Unfortunately, she apologized that they had to deal with that with Regal Beagle but she tries to say she is a lot higher class than Regal Beagle. She loves families and that is what she gears towards. If you have ever been in Sidelines, she has high school and all sorts of kid's memorabilia all over the place. Their average age is probably 40 to 65 at Sidelines. When she asks for bands, it is coffee house bands. There was a gentleman last week that came in and played that has a guitar and it's like one skinny bose speaker or one little box speaker and that's it. It is not boom boxes, it is not rock bands, were not asking for ACDC to come on a Friday night. It's just for people to come out on the patio and relax. Yes, they do want in the summertime to move them inside if they need to because there is not going to be anybody in town. So if it is 125 degrees, they will probably have to move them inside because nobody is going to be there anyway. What they have now is you get your dinner rush from 4:00 to 7:30 p.m., 4:00 to 8:30 p.m. It gets slammed in there. You don't pay bills in the restaurant industry in the summertime. She is looking for anything she has to do to pay the bills in the summertime. When they get somebody in there at 8:00 p.m. to play music and even if it only brings in \$250, it brings in \$250 extra and it adds up. Next month she has 2 people playing. That's it - a one man guy with a guitar. She is not asking for rock bands, she's not asking for anything. She is asking for people to back her up. She is a mom and pop shop. 47% of the sales tax goes back into the economy. She is not asking for people to do this and do that but she has a lot of regulars that come, she has customers here that live in that neighborhood that will support me and say that they have never heard anything. On St. Patrick's Day they granted her one night that she could have music. Several of them called her that night and said they thought she had music tonight. It was loud, it was packed and they had the entire patio thing in Frank Sinatra. Not one person called. On the 3 nights the lady called the Police Dept., not one time did the police ever walk in her restaurant because she was there. They never called. They never walked in her restaurant, they never did anything. She never knew they had noise complaints. They are trying to do whatever she has to do. She would like 11:00 p.m. 11:00 p.m. is better than 10:00 p.m. but 10:00 p.m. is kind of like on a Friday night who wants to go home at 10:00 p.m.

CHAIRMAN CASON said she was saying in the summertime she thinks she might be able to pull the band in. Ms. Grako said they would probably have to. Who is going to sit on a patio when it is 120 degrees out? **CHAIRMAN CASON** said presumably they would be closing the patio doors at the same time. Ms. Grako said the whole patio is open but normally they don't set the whole patio up because nobody is going to go out there anyway. She just has one guy with a guitar playing in the middle of May and one at the end of May. Depending on if it is real hot they can just sit in the corner and play the guitar inside just like if they go to Jazz. **CHAIRMAN**

CASON said in that case then it might be possible to perhaps suggest the hours could be more flexible in a condition where they have their doors closed - the time allowance perhaps. In the wintertime when they have their doors open and they have more customers during the 'we love Arizona months', then perhaps a 10:30 p.m. time would be amenable. Ms. Grako said there are 2 times in Arizona that you can make money in the restaurant industry. You can make money during football season and right now when the weather is nice. The patio is crowded. This is the perfect opportunity for a restaurant to make money. Everyone wants to sit on the patio. Right now after dinner rush is over at 7:30 p.m. everybody goes outside and sits on the patio. They just want to relax, have a glass of wine. When you have somebody that wants to go home at 7:30 p.m. but they have a guy sitting out there with a guitar, they are going to stay an extra 2 hours and hang out and listen. They might have just came to watch a game but they are going to end up watching the band or whatever and stay for a couple extra hours. That keeps them because the weather is nice. When the weather is nice, they want to stay outside. They don't want to stay inside and watch it. That is what keeps them staying outside. **CHAIRMAN CASON** said so being able to stay open later is important to her no matter what time of year it is. Ms. Grako said that on Thursday night it is not important. Thursday night they sponsor a lot of softball teams Monday through Friday night. Thursday night they have a ton of softball teams. The softball teams like this one man band. Thursday night is not a problem from 7:00 to 10:00 p.m. She respects the neighborhood 100% because she goes to bed at 10:00 p.m. On a Friday and Saturday when everybody wants to go out for the weekend, she does want to ask if they could extend it a little bit later because everyone wants to hang out later after that. **CHAIRMAN CASON** asked by a little bit later she means? Ms. Grako replied in an ideal world she would like to say 11:30 p.m. That would be perfect for her. The most she has ever had a band is 4 times a month on a Friday and Saturday night. That is the most times she has ever had it. Then this petition went around and it says she is applying for nightly outdoor music. That is totally false.

VICE CHAIRMAN RIVERS said he was going to ask the question that she just answered. Would she be amenable to an earlier time on Thursday at 10:00 if on Friday and Saturday they went later? Also, would she be willing to do the earlier time on Sunday night? Ms. Grako said she doesn't do music on Sunday so just doesn't know where that came from. They close early on Sunday. **VICE CHAIRMAN RIVERS** said so they can take Sunday off the stipulation list? Ms. Grako said absolutely. Ms. Grako said the only way she would ever do Sunday is if they are doing an anniversary party in the afternoon. She does a lot of fund raisers for school and she gives 25% back to the school. If it is a day thing, maybe that is what they got by the Sunday thing but she never does night music on Sundays.

COMMISSIONER CUNNINGHAM stated it is not easy being in business today and they do appreciate the business owners of their community. They want to support that but they also respect the private residents and they are their patrons. It concerns her greatly the negative feel between some of the residents and the business community because they are all citizens of Chandler. They all want to live in a great community and she as a business owner is part of that with her contributions through the youth programs but so are the neighbors. It concerns her that the neighbors would hear any sound from this. When they go home at 5:00 or 6:00 or 10:00 p.m. at night and they close their door and if they hear anything from this music, it concerns her that their privacy is being invaded. She thinks she would be a little upset if you finally got home

from work and you had your privacy invaded in anyway. She thinks that the lack of respect between residential neighbors to residential neighbors and residential neighbors to the business or the business to the residential neighbors needs to stop. She thinks there has to be a way that she as a responsible business owner should know if the sound is too loud. There are other businesses across the street that will be affected by this. They don't want to hurt them either and you don't want them to resent your presence or your success. She wishes her success but she thinks she has to tone it down. Nothing on Sunday is great. She goes to bed at 9:00 p.m. and gets up very early at 4:00 a.m. Someone who works those hours (She also works Saturday and Sunday) doesn't want music heard. She keeps her windows open in the summer. If a neighbor could possibly hear it, it is a problem but it hurts your business also. There has to be a happy solution. When their crowd size goes down, isn't there a chance they could move their music inside. Isn't there a time of the evening Friday or Saturday or Thursday that the crowd does diminish somewhat to where there is room inside to take the music inside? Ms. Grako said yes. When she does softball, it is 100% crowded on Thursday nights and softball starts next week. That is her busiest night. There is no room. They are completely packed until 11:30 p.m. On Thursday nights she couldn't. There is just no way but they only play 7:00 to 10:00 p.m. She understands 100% what she is saying. She lives right next to Cornerstone. On Tuesday night they have 'kaboom' right next door and they have all the children's ministry so loud. It is what it is – it's one night a week. She deals with it. It is the church next store. She is not going to call and complain – its church. If it gets to be a problem, she will call and deal with it with them. Regarding the opposition last week, there was one gentleman who was so nice. He came to me and he said he thinks he kind of heard it. He asked if she would have a problem if he ever called and asked her to turn it down? She said absolutely not. She wants them to come in and she wants them to relax. She will give them her personal cell phone if she needs to. Some of the neighbors are here that say they live closer than the one lady that complained 3 times. If it was so loud on all of these nights that she had it, why is there only 1 person that has made 3 complaints and why when the police were dispatched 3 times did the police officer say he can't hear anything and they cancelled it. That is her whole concern. **COMMISSIONER CUNNINGHAM** said she is not a scientist but she does remember her basic science, and sound bounces off walls and it goes up and then deposits. It really could be somebody across the street closer did not hear it but someone else did. Again, people are more sensitive to bass, so if there was a bass some people are sensitive to it and some people are not. You can't discount someone saying they heard it. The fact is they say they heard it. Ms. Grako says she understands that. It has just gone too far. She doesn't want it to be my personal vendetta or her personal vendetta. That is not what it is about. She wants to do whatever she wants to do to succeed in this business in this economy because she is dying. She has been there 9 years in September and she has outlived corporate places. Look at all the corporate places on all 4 corners. She doesn't know how by the grace of God she is still there, but she is. She counts her blessings every day. She is thankful that he has a company that makes her stay alive through the summers. She couldn't do it without him.

COMMISSIONER BARON said he wanted to ask Mr. Dermody some questions about basic fundamental questions about land use, separation, compatibility and distance. Obviously, the zoning he assumes is C-2? Mr. Dermody said it is PAD for C-2 uses. **COMMISSIONER BARON** asked what is the closest distance to the nearest residence from this facility? Mr. Dermody said it is about 500 feet give or take a little bit. **COMMISSIONER BARON** asked

what is the right-of-way at Queen Creek Road? Mr. Dermody said probably 130 feet all the way across for the most part. **COMMISSIONER BARON** asked if the 'Falls' is on the southwest corner? Mr. Dermody replied that is correct. That is the shopping center. **COMMISSIONER BARON** said the structure is 25 or 30 feet tall? Mr. Dermody replied it is in that range. **COMMISSIONER BARON** said there is a fair amount of structure between there. He understands what everybody is saying but he thinks his challenge with this is that there really isn't a consideration for the fact through land use planning and zoning as they have planned cities, municipalities and any type of development, they have to consider buffer zones, transition space and everything else to make sure that the usage that is planned or that could occur on that site is compatible with the adjacent land use. With that consideration or thought in mind, it is no different than living next door to a high school or park where there might be a game going on or a band playing. He lives in a very close proximity to Snedigar Park and he very rarely calls the Police Dept. because he hears whistles, bands and music playing because there is activity going on. Sometimes they go on until 10:00 p.m. at night. The lights reflect and he can see them. It is just part of living in that area. He is a little bit challenged with the fact that there are so many problems. The complaints are unfortunate, he gets it. At the same time at least from a land use compatibility standpoint, it seems to make sense to him because there is plenty of distance. He understands circumstances that on a cold night that maybe the sound can travel further. It happens but he thinks they should be able to call to facilitate that. It makes a lot of sense. This is more of a commentary than anything else. In terms of the music when they do have music, do they advertise that they are having music? Is that something that the neighbors would be aware of. Ms. Grako said they advertise in the Savvy Shopper all the time and sometimes in the San Tan News. It just says live music, call for details. They never know. She has one or two bands and she has this date available and that date available. **COMMISSIONER BARON** asked in terms of the quantity per month, is there a concession perhaps to limit the number of times it occurs per month? Ms. Grako said it depends on if you can pay your bills or not. She said next month it is hot. Everybody is gone for the summertime. She has 2 guys that have called her for next month, May 14 and one day at the end of May and that is all she has for the whole month. She told them everything is riding on April 28. She said she doesn't really know. She has had to cancel everybody for this month. **COMMISSIONER BARON** asked how high is her patio wall? Do they know off the top of their head? Mr. Grako replied it is concrete and then it has wrought iron railing. It is about 4 feet.

CHAIRMAN CASON said he really appreciates the fact that they have come up there and spoken about the propriety of their business and the benefits of their business rather than siting or using that as a representation of why they want this to go through rather than the arguments they are having with their neighbors. He appreciates the fact that they are minimizing that because in this case they are actually trying to decide the land use. The fact that neighbors are miscommunicating and there are a lot of tensions, even though they might have concerns and they are here to listen to those concerns, the fact that there is a lack of communication or maybe more aggressive communication than some might like, is really not an issue for them. While they definitely need to support where they can better communicate with one another, certainly the fact that there is a miscommunication is not an issue at this dais. They are there simply to discuss land issue and compatibility land issues. That doesn't mean to suggest that there is any outcome that he is predicting at this moment because they certainly need to hear from a lot of people out in the audience both for and against. He just wanted to let her know that he

appreciates her taking that position and highlighting the benefits rather than talking about all of the negative things that have been going on. He thanked her for that. He said he wanted to add to Ms. Nations as well that he is going to invite the audience to come up and speak and she will have an opportunity to rebut if she so chooses after that happens.

CHAIRMAN CASON said he will be asking those who want to speak on the matter to come up. He also had a lot of people that wanted to just let them know if they are opposed or for the item. He will discuss those names after they have had an opportunity to speak to the folks that would like to speak. He talked about some of the ground rules for speaking. He said he would like them to come up and take about 3 minutes. They aren't going to start the timer or anything else but he would like them to be considerate of the other people that would like to speak. He asked them not to be too redundant. If somebody makes a point, please come up and make your own point or acknowledge the point the other person made but try not to rehash the same evidentiary matter. Probably most importantly understand that when they come up and speak, they are only allowed to come up and speak one time. They don't want to create a debate between the dais and those out. They are certainly welcome to come up and speak their mind, but they are only allowed to come up and speak once.

SHARON JOYCE, 1221 W. HONEYSUCKLE LANE, said she has lived in that house for the last six years. She had a petition to submit because there are additional signatures other than what they have in their packet. She said she doesn't intend to say very much tonight. She'll let her neighbors speak if they wish. She appreciates the Commission's time and consideration and some of the questions that were asked. She hopes they give this a good consideration. That the neighborhood is interested in making sure they do not have to hear the music when they do get home from work. If that can be taken care of that's fine. She turned the petition into the clerk. She originally had a presentation but she will not be making it tonight and will reserve comment.

CHAIRMAN CASON said she had an opportunity to hear some of the stipulations that have been placed on here. Does she have any comments to those and does she think those will help alleviate the concerns they have about the applicant starting or continuing to have music as the case might be. Ms. Joyce replied whatever works. If it works, it's fine. She thinks if the music can be contained on the premises, she thinks ideally the best situation is to have it indoors. If the music can be contained on the premises so it doesn't rise above the ambient noise level of Queen Creek Road, she thinks that is great. She does think that putting the neighbors in a position of being enforcers is awkward at the least. Especially given some of the experiences she has had at this point. She won't go into any of that. She thinks if the stipulations work, that would be fine. She is not sure how it would be enforced. **CHAIRMAN CASON** asked if she had the applicant's phone number so that she could communicate with her personally. Ms. Joyce said she does not. **CHAIRMAN CASON** asked if that was something she would encourage having. Ms. Joyce said that is an awkward situation. Given historical circumstances she doesn't think it's anything but an awkward situation. If it works, she thinks it is great.

VICE CHAIRMAN RIVERS asked if she could point to the map and show him where her house is. Ms. Joyce said she had another map. **VICE CHAIRMAN RIVERS** said that particular map will not help him. Ms. Joyce went back to the other map. She showed her house.

JEFF LEVER, 3062 S. MARIGOLD PLACE, thanked them for letting him speak. He showed where he lived on the map. He said he wishes he was in one of the custom homes but he is one street over. He is actually at the turn in the cul-de-sac. If you stood in his backyard and looked over his wall, you would see Keegan's, Sidelines and down that way. He is one of the closer neighbors. He looks down on everyone. They used all of the dirt from the lakes to build his place. Anyway, he has lived there 17 years. When Sidelines opened he was very happy about it. He supports them and they are a good group of people. He has raised money for service dogs and he went in and they are the first ones to write him a check. Just like that. At night, he and his wife have a nice fireplace and a place to sit and they go out there. Not once have they heard any music from Sidelines. He thinks if any house would hear it, it would be in his neighborhood because of the way they sit. He also would like to comment on their house values. He got the letter calling it a bar. It's a Grill and a Tavern. To him a bar is a place where you go and drink and fight. He doesn't know. A Tavern and Grill is more of a family atmosphere which Sidelines is. He is the one that is 65 that goes in there but he is a little bit younger than that. He has always enjoyed himself in there. He has never ever seen any trouble. He has never seen any policemen in there. He has never seen anyone call. He has never heard the music, doors open, doors closed, outside or inside. He has gone over there when they had music and it is not that loud. He asked Mr. Dermody that the decibel that the guy played out was 83? Mr. Dermody said he is talking about a particular artist that plays there and he said at the neighborhood meeting that he plays at 80 decibels. Mr. Lever said to begin with a normal conversation at 3 to 5 feet is 60 to 70 decibels. The dial tone on your phone is 80 decibels. City traffic which is Queen Creek is 85. A truck going by on Queen Creek is 90. We don't have a subway yet but that would be 95. Anything over 100 would be a lawnmower, a motorcycle, a power saw. A live rock concert is 125. He is just trying to make a point that they don't hear it in their neighborhood. The way the economy is right now if his house values go down and he has been there 17 years, he would be the first one to complain about that situation is in that mall. They are losing Target, they have lost Basha's and they are losing individual pads like Pizza Hut. These people are trying to make a living. They are trying to keep the place open and he applauds them for it. They employ people that need a job and they don't have to be on unemployment. They are paying sales tax to our city which is helping him so his taxes don't go up. They are doing what they can and the bands they are having it's not the Rolling Stones, it is just comfortable music. It is crazy to even try to move them inside but do what you want to do to them. All he is saying is it doesn't bother their neighborhood. He has never heard any complaints from any of their neighbors, left, right, 2 houses out or 3 houses down. He is in support of them and he is in support of keeping their place open and keeping our community busy. It is their job as Council people to make sure they have places. He said thank you.

MARY MARKS GIBBS, 1321 W. HONEYSUCKLE LANE, stated she is about 10 houses from the other side of the complainant. When she heard about this, she was very upset. She supports small business. Living in that neighborhood for 6 to 8 years, they have set with their windows open at night; they sleep with all their bedroom windows open, they sit on their patio and enjoy their pool. They do not watch television outside, so they do not have noise. Never once have they heard any music coming from Sidelines. So upon hearing this she only thought it was fair to take it to her other neighbors, not just hearing one voice state their opinion – see if other people had a problem with it. She went to the left, went to the right and went as far as kitty corner from her house in two areas. She went across the street where the patio backs up closer to

Sidelines than where she lives. She lives on the golf course, so does she. Of the 19 people, she had 2 people state they could kind of hear it but it wasn't an annoyance. The petition that she passed they were given 3 choices. She showed the choices. There basically was; 1) when she is in her yard or inside my house I do not hear music coming from the local establishment. 2) Any music I hear is of such a low audio that it is not bothersome. 3) The music I hear is excessively loud and should be stopped. That was a very fair statement. In fact, one of the neighbors is an attorney and his wife had signed and hearing upon it, he came out and insisted on signing. He said it was ludicrous. His yard backs up closer to Sidelines than hers. Again, they are on the golf course side. She is on the same side she (Ms. Gibbs) is on. Comparing eggs to apples it doesn't add up that one person has a problem and stated that she was going to sleep and had the windows and doors closed and she could hear music. They sleep with everything open and they do not hear it. On St. Patrick's Day she was told they were having a party. They did not go as her husband had hip surgery. She purposely tried to hear it because she knew they were given a right to have music and she heard that it was going to be loud. Let's be fair and see if she can hear it. She sat in her back patio and could not hear it. She walked to the front of the house and stood on Honeysuckle and could not hear it. She walked to where her mailbox is on Marigold and could not hear it. She said believe her, she tried to hear it. Fair is fair. This whole petition wouldn't have been fair if she wasn't going to be fair with herself along with all of the other neighbors.

CHAIRMAN CASON asked if she could give him the numbers that were in each of the 3 petitions. Ms. Gibbs said of the 19, only 2 stated 'any music I hear is of such a low audio that it is not bothersome'. The other one states 'either in their yard or inside their house I do not hear any music emanating from the local establishment'. **CHAIRMAN CASON** said so it is 17 - 2 and 0. Ms. Gibbs said even the 2 said one of the neighbors had the radio on. They did not realize it was the music. The music is acoustic guitar. **CHAIRMAN CASON** asked if anybody checked off the last choice. Ms. Gibbs said none. **CHAIRMAN CASON** said so they are looking at 17 in her non-scientific survey but one that is probably a lot better than most they see he added. It was 17 - 2 and 0.

JANE SCANLIN, 1242 W. HONEYSUCKLE LANE showed where she lives. She said she is not a public speaker either. She appreciates all the comments. It has helped her because she is open to gathering facts. She has been listening to all of the research done and she appreciates all that. She actually just from what she has heard in the last ½ hour listening to how many yes' and how many nos. They want Sidelines to be a thriving organization for Chandler. She thinks they all want that. She is trying to be a good neighbor as well. She doesn't think it is a matter of always 19 'I never hear anything' to the 2 nos. It is more that they need to work together, they want Sidelines to succeed. At one point something was said about their business failing. They don't want that to happen and yet the next sentence or two they say that it is so crowded with sports coming up. She knows there is probably a wave of influxes one month, incomes high when packed and maybe the next month it's not. Sadly, that goes with a business of a restaurant. Her thought is it sounds like they are proposing that they keep the volume down. She doesn't know so much as to what historically has happened. It seems to be that many people are coming up to say they haven't heard the noise. To her it is almost a matter of so they can avoid in the future that there could be potential loud music. She doesn't know if they should focus on that there hasn't been or there has been. Neighbors have said stuff. They could focus on potentially

what could happen. It sounds like they are willing to work with this and these new stipulations. She thinks that's fine. If they want to know what the future holds, look at the past. Her only thought and comment, if the permit originally stated that Sidelines was not to have music outside, then why did they. She wants to understand that. As far as playing music in violation of the permit and then building the patio without permit, those are sort of the big things that she would like to know about and makes her wonder and at least question the future. That is her main comment regardless of who is hearing what noise or they stated they live by the church and they don't always hear music. They do hear it occasionally and don't comment and that is fine but for others it does bug them. She said if they don't want to say anything that is their choice others may not. That is kind of her point. She is willing to work with what potentially could be if they are going to bring bands out every day or every so often and that they have already broken some rules and she wanted to know how those have been addressed. **CHAIRMAN CASON** asked Mr. Dermody to please comment on the speakers' questions.

MR. DERMODY stated they had played music this past winter in violation of their Use Permit. What they have said is that they weren't aware that they weren't allowed to do the music. Ms. Scanlin asked if that is in their permit they sign? Mr. Dermody said they don't sign the permits but it was in the results, it wasn't a stipulation but it was in some of the other documents. It wasn't in an obvious place but it was there if they had looked for it. With regard to the patio having a permit, they do have a building permit for their patio and they also got a Liquor Use Permit to expand that patio when they did that a year or two ago. At one point they had a shade structure out there that wasn't permitted, but they took care of that through the same process when they got that patio extended. To their knowledge they are current and legal on their building permits for this site.

CHAIRMAN CASON asked Ms. Scanlin if she is comfortable with the stipulations she has heard tonight? Does she think they will provide a level of comfort for her that she thinks will help mitigate the issues that they might have seen in the past? Ms. Scanlin thinks it is very helpful. She thinks it is a good place to start and she feels comfortable that those things can be met and they are working together. Maybe there has been some tension, that is what brings things here today. If those things work, it's fine. **CHAIRMAN CASON** asked if she would be willing to share phone numbers with the owner of the bar to help them monitor those types of things? Ms. Scanlin asked if they mean is that being a good neighbor to the business to tell them or do they pay our police and enforcements to do that. If they are avoiding anybody calling the police by and them taking a step before that is that the intent for them to work with Sidelines. **CHAIRMAN CASON** said you would expect the owner would be busy and not notice that the knob was turned up a notch or something like that. By having the input from the neighborhood then they have an opportunity to build an auditory alarm. Through that communication they are able to develop really what is the best volume. It appears that they might already be there, he doesn't know. Certainly with these stipulations it might help us. She is under no obligation to do so, he just asked the question to see if that was something that would help. Ms. Scanlin said it was a good question and she is not totally opposed to it. She could see herself calling Sidelines as they have their number because they have flyers. She doesn't think she would necessarily want them to call her. She wouldn't have any problem with that instead of going to a policeman. When it is initiated by her she wouldn't have a problem particularly calling them directly.

VICE CHAIRMAN RIVERS said if he is hearing what she is saying correctly when she filled out her speaker card, she was opposed to this Use Permit. He is gathering from what she is saying that she is not opposed to it. Ms. Scanlin said she didn't know about the stipulations until she came. When she walked in, she didn't know there were stipulations unless they were in place on here and she was not aware of it. That could be her fault. Regarding these new stipulations that they have to play certain days and up to certain times, she was not aware of that until she walked in. She is willing to work with these potential stipulations. **VICE CHAIRMAN RIVERS** said right and now that she is aware of them and she is feeling a little more comfortable, she is ready to say she is in favor of this. Ms. Scanlin said she would change it to she is willing to work with it.

COMMISSIONER FLANDERS asked Mr. Dermody regarding one other place they have referenced here tonight is the Regal Beagle. They have a similar situation where they have neighbor contact - somebody from the bar to the resident. Is that the homeowners having the phone number to call or is there somebody special within the neighborhood? Mr. Dermody replied the cell phone number and the bar number were distributed to all the interested residents and they just called directly whenever they had a problem. Then the bar turns down the volume. Maybe that is something they can do here and provide it to the neighbors that are concerned if there is an issue with sound. A phone call to the owner of the establishment could remedy the problem a little bit quicker and easier.

Ms. Scanlin said Sidelines wouldn't be calling one of them in Ocotillo if their television was up. So she wouldn't want to give her number to them but when she has a problem she would be calling them. Mr. Dermody said the intent is for this to be one-way. Ms. Scanlin said that would make more sense than giving our numbers out to them.

CHAIRMAN CASON said he is sorry that they got caught up in that. He didn't mean to imply that we would have to trade them. It kind of came out that way. He apologized for the confusion. He asked Mr. Dermody if we know how many times that once the latest application with Regal Beagle came into place and the association was set up between the homeowners being able to call the bar when problems arose. Do they have a count as to how many times that was required after Regal Beagle understood the concerns of the neighborhood? Mr. Dermody said he didn't have exact counts but roughly in the 1st year a handful of incidences, 4, 5, or 6. In this past year they only had one incidence. **CHAIRMAN CASON** asked so when he says the first year was that the year before they established the conditions in which they could have outdoor music? Mr. Dermody stated that is after when they set up the liaison program where the phone number was given out to the neighbors. **CHAIRMAN CASON** asked if they have been able to diminish the issues? Mr. Dermody replied absolutely.

CHAIRMAN CASON said the rest of the speaker cards he has are people that chose not to speak but he was going to go ahead and read their names for the record and also any notes they might have put on their comment card. If any of them would like to speak when he mentions their name, be sure to say so.

CHRISTINA ORTIZ, 1183 W. LANTANA, was in favor of this item and chose to speak. She said she is one of the closest homes and showed where the home is where her parents currently

reside. She showed the home she lives in as well. She said she thinks she would be in favor if they talk a little more about the restrictions. What is loud to her and not to someone else is really a gray area. She could hear the music inside 3120 S. Vista. Her dad is a little older and couldn't hear it. The stipulations where it is not louder than is acceptable is really gray. Like she said she can hear it inside, he cannot. In her yard where she is a little further away, she can't hear it inside. She is less concerned about that but there was some back and forth on the time restrictions and that is really where more of her concern is. They have small kids and 11:30 p.m. does seem late. She is more concerned with what the time restriction is going to be. She thinks 10:00 p.m. is something she could live with, but 10:30 p.m. seems late. **CHAIRMAN CASON** asked even if it only occurs on Friday and Saturday? Ms. Ortiz replied yes. She said she has kids and they go to bed early no matter what night. She said it's loud to her; it's loud to someone else. That is a real hard thing and it would be self-policing. She is more concerned with the time restriction.

VICE CHAIRMAN RIVERS said if he heard what she said she can't hear the music but she wants a time restriction. Ms. Ortiz said she can't hear it inside her house but she can hear it in the yard. She can hear it inside the other home which is where her parents live. She owns 2 homes. She may rent it out in the future so it is a concern to her.

DOROTHY VINCENT, 1211 W. HONEYSUCKLE LN. is opposed to this item and doesn't wish to speak. Her comments are that the indoor music is very acceptable but she is worried that outdoor music sets a precedence.

JOHN VINCENT, didn't mark whether he was in favor or opposed. His concern was what days and hours will the band be playing. **CHAIRMAN CASON** said they have had an opportunity to discuss that. It's looking now like it will just be Fridays and Saturdays and the hours are yet to be determined. Mr. Vincent also asked if a permit will set a precedence for other places to do outside bands. He asked Mr. Dermody to discuss that. **MR. DERMODY** said this permit applies to this property only and doesn't necessarily constitute precedent of any kind anywhere else. If somebody else wanted to have live music and sell alcohol, they would have to come in and get their Use Permit amended separately with a full notification process. **CHAIRMAN CASON** said commonly when applications come in to them that's one of the things they look at right in the beginning is whether they are going to have music, what they are going to do outdoors, any type of amplification and all of those kinds of details. So people would be coming in after the fact primarily to do this unless they find out immediately before they even started their first permit. Mr. Dermody said yes it's more often existing businesses that come back and ask for the music later.

NANCIE BENO, 1717 W. LARK, was in favor of this item but had no comments.

JOHN VINCENT, 1211 W. HONEYSUCKLE LN., said he wanted to speak. He said he lives next door to Sharon Joyce. He hasn't heard the music and he is still questionable whether he is opposed or not. He loves music. The way he understood it when he first came in Thursday was one of the days. Now they just mentioned that it wasn't. He thought it was Thursday, Friday and Saturday. **CHAIRMAN CASON** said it was one of the days and he didn't mean to refer that it wasn't. That is up for negotiation. Mr. Vincent said the only problem he has with

Thursday is the time which is 10:30 p.m. True, some can hear it, some can't. It is quite a bit away. Their bedroom is in the back so they haven't heard it. He would suggest Thursday should be an earlier time than 10:30 p.m. He doesn't know if they want to consider that or not. It also sounded to him that Thursday night is softball night. He played slow pitch softball and he knows what all the softball players do when they get through playing. That's fine. They drink a lot of beer and have a lot of fun. He is not sure that a band has to be outside but if they are going to approve it that is fine. Also, he was kind of worried about the center because they have lost Albertson's and then Target is moving out. Some of the smaller businesses are going to go out of business and his only thought was maybe somebody was considering leasing a place in there might be opposed to the music and wouldn't lease because of it. He doesn't know. Like he said earlier it sounded to him that being inside was not an impossibility. He would rather have it inside. He loves music and he will probably go over there and have a couple beers and enjoy it if it is inside or outside.

VICE CHAIRMAN RIVERS asked Mr. Vincent to point on the map where his house is.

ARDITH DUBUC, 471 W. LOCUST DR., is in favor of this item and did not wish to speak.

KAREN NADEAU, 2980 S. ALMA SCHOOL, is in favor of this item and did not wish to speak.

PAUL GRAKO, 1641 S. EMERSON PL., stated they have been there for 8 years and they look at it like they have always been a good neighbor. They have in terms of what they have to do in the neighborhood to be successful to continue on. The antagonism and negativity has really never come from them. He can't say what happens in that neighborhood. It has brought a lot of negativity out in the neighborhood. From the Sidelines they take care of themselves and their customers and they try to be good neighbors. The Regal Beagle is like comparing Chandler to Florence. They are a lot better than they are. He is sorry but he had to say that. They have a lot of pride in what they have there. If you have been in there you will know that is the level that they are at. As far as the patio, Chandler does one good thing as far as when it comes to permit time, they got the permit legally and they worked through with the City and they made sure they did everything from an architect to a structural engineer to a civil engineer. He was amazed at what they had to do to build that patio but they did it and it worked out. It is great. When the gentleman talked earlier about softball nights, he wish there was softball every night but there is not. It goes in cycles. It goes in 9 week cycles and it is off for a few weeks and then it starts again. They look at how they can increase their revenue at any given time and whether it is at noon for lunch or whether it is at night, Saturday, Sunday or whatever, they have to look at it as to how do they bring people in the door. This music was his wife's idea and it was great. Again, bad on him on the application. He read through it, he signed it but he didn't read where you can't have music. It doesn't say 'don't have music', you have to check the box if they are going to have music. He said he will take responsibility on the music. As far as the shopping center, even though they are small they are one of the biggest tenants left and they are a good draw during Football season. The March Madness was good. Unfortunately, the Suns didn't get in the playoffs and that stinks for them. The Diamondbacks are going to be in for a long year. That is not going to be a big draw for them. They look at this band as one source of revenue for them to bring in. It is not a crazy rock and roll but a very low key fun atmosphere. People in his age

group just go down there and hang out and have a good time. That is the atmosphere they have always had and they always will. The concerns with the police reports he could tell them in 8 years no problems. None. They have zero tolerance for that. If anybody starts getting out of hand and start acting up, he doesn't care – don't come back here, go across the street. They are not welcome at their place. They want to be a good neighbor.

They can call us any time if the music is too loud. He will personally drive down there and turn it down if he is not there. He will make sure. Again, things have gotten off track as far as some of the calls. The police don't even come because there is not enough noise. He is not going to be the go between. He just wants to be the guy if they call, they will turn it down and if that doesn't suffice, call the police and have them come out. He only asks when somebody does call, he wants to know who it is and if they live here and they can hear the music. He doesn't want nuisance calls like 'hey, you are too loud, turn it down' and then hangs the phone up. He doesn't think that is fair to them if they arbitrarily start getting phone calls to turn the music down. He doesn't know if that is something they could talk about too. He would like them to leave their name and number. He thinks that would be fair. They are not going to harass anybody. He'll probably tell them to come down and spend some money and help them out but for the most part, they are the good neighbor. They spend thousands of dollars on sponsorship for little league, softball, Hamilton High School and Chandler High School. If it comes down to signatures, they will do what they have to do too. Their petition they put out is very unbiased. That is one of the best they have seen. The one that got circulated originally, he took that personally how she wrote that and how it was stated that they are a bar and they are going to bring down the value of the neighborhoods. That is ludicrous. They have to look at it rationally. They are there and they want to be there another 8 years and they want to keep going. They need another revenue stream to help keep them going. **CHAIRMAN CASON** asked if they could work on the stipulations and get that ironed out before they go on. He is sorry if he misspoke earlier but Thursday, Friday and Saturday are still on but Sunday is off. Mr. Grako said he knows it won't be Sunday nights but Sunday afternoons they might do something. He would like to leave that open. Mrs. Grako, his wife, said it will never be a Sunday night. It might be a once in a blue moon thing if they have a Sunday barbeque fest or a 5 year anniversary special. She has no plans to ever do a Sunday day thing. For Thursdays is when softball is so busy for them and it brings in extra crowds and they do stay late. Like her husband said it is an 8 week term and then it stops for 9 weeks and then it is 8 weeks again. It is two 8 week segments per year and that is it. **CHAIRMAN CASON** asked her if she was o.k. with the speaker sizes and the not having subwoofers? Mr. and Mrs. Grako said absolutely. **CHAIRMAN CASON** asked if their hours were 11:30 p.m. Mrs. Grako said Thursday nights she has no problems doing 7 to 10:00 p.m. She knows some of the comments that were made that they couldn't hear it inside. In the real world she would love to have it at 11:30 p.m. on a Friday and Saturday night. It is 2 or 3 times a month at the most. If anybody has a problem, she doesn't want Sharon or anybody to feel uncomfortable calling her. She a managers on duty. They can call. If they are uncomfortable, they can have her cell phone number. She doesn't want these guys to ever feel uncomfortable because they are a small knit community. She lives right across the street too. She doesn't want anybody to feel uncomfortable. **CHAIRMAN CASON** said so on Sunday they would entertain a stipulation to 'not after 8:00 p.m.' or something like that. Mrs. Grako said if they did, it would be like a 1 to 5:00 p.m. like for an afternoon barbeque thing.

VICE CHAIRMAN RIVERS stated he was going to discuss the time stipulation with him as well. Again, from what he is hearing he jotted down 'music shall not be played between the hours of 10 p.m. and 9 a.m. on Thursday or Sunday. If sounds like they are willing to give it up at 8:00 p.m. anyway. On Friday and Saturday, 11:30 p.m. to 9:00 a.m. Would that work well for them? Mr. and Mrs. Grako replied yes. **VICE CHAIRMAN RIVERS** stated that is what he will support. He does want to agree with him from his point of view that there are very few similarities between their business and the Regal Beagle. The first one being that the owners have come to the Planning and Zoning Commission meeting on their business. He appreciates them being there, he appreciates what he considers a sincere attitude of being a good neighbor to those around them. He thanked them. Mrs. Grako stated that in the strip mall right next to them, Water 'N' Ice and the Coldstone Creamery are all in favor. She has been an emotional wreck the last couple of days. She does have a written letter that they all love her music. They are all closed usually by the time that she does have the music but they love the music. They usually come over and sit on the patio. They are scared to death she will go because half of the tenants are leaving.

COMMISSIONER CUNNINGHAM said she would like to request that they send her an e-mail letting them know when their music is coming in if they approve it so they can all plan on visiting her establishment. Mrs. Grako said she like to hear that. Mr. Grako said good for her. Mrs. Grako said the first round is on her if they approve this.

CHAIRMAN CASON said he was going to go ahead and close the floor for a motion and further discussion from the dais.

VICE CHAIRMAN RIVERS asked if they can draft or re-draft stipulations 10 and 11. What he did was he wrote into stipulation no. 10 'music shall not be played between the hours of 10:00 p.m. and 9:00 a.m. on Thursday or Sunday' and then maybe change the wording so that 'music shall not be played between the hours of 11:30 p.m. and 9:00 a.m. on Friday and Saturday. That could be no. 11. He thinks this business is a good neighbor. He won't go into the fact that sound travels differently in different parts of the neighborhood because he lives next to a freeway wall and whereas he can't hear the freeway, his neighbors 2 blocks over can. He thinks debating who can hear it, who can't hear it, what level you can hear it and so forth isn't nearly as important as the fact that the owner of the business is willing to have anybody in this neighborhood call them at any time and they will take care of the problem. The liaison idea that they have seen before only works when the business owner really wants it to and he thinks these owners do. The bottom line here is that they have a 1 year permit and if there are issues in that year, they are going to hear about it a year from today or darn close. He thinks they should look positively forward to that. He said if Mr. Dermody has that stipulation ready he'd make a motion to approve.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER VEITCH** to approve Use Permit LUP11-0002 SIDELINES GRILL AND TAVERN subject to the conditions recommended by Staff.

Mr. Dermody said suggested amended no. 10 shall read:

Music shall not be played after 10:00 p.m. on Thursdays and Sundays or after 11:30 p.m. on Fridays and Saturdays. Music shall not be played before 9:00 a.m. on any day.

COMMISSIONER PRIDEMORE said he is sorry to hear that there is some animosity between the neighbors and Sidelines. They are obviously looking at the zoning case here, the Use Permit, which has clear ordinances that they can look at and that is what they are really looking at. He would like to think that they could work out their differences. He said you can ask 100 people and if you just had 1 person that had a different opinion, they are welcome to that opinion. They have a process here that they go through. Sidelines has come through and made a reasonable request with the stipulations that they have here. He is comfortable going to the 11:30 p.m. If they didn't have the stipulations and if the applicant wasn't so willing to work with the public, then he would probably be in favor of 10:00 p.m. Since they are willing to work with everybody and they have a very positive attitude towards it, he would be in favor of the stipulations as we have amended.

COMMISSIONER FLANDERS said to the applicant he was a little hesitant about this as a result of some of the stuff he was seeing like the Regal Beagle. He has been through every Use Permit hearing on that particular project over the years. He is guilty of thinking they were going down the same path here. He was glad to hear that the owners are willing to work with the residents. He would suggest to the owners that they probably do a flier and pass it out to all the neighbors on their doors just so they have the telephone numbers and everything else so they are easy to contact. As an architect, he is sitting here looking at exactly where their establishment is located and he sees an opening between the 2 buildings across the street. It's like a funnel that goes out from their place and it is covering the major part of the people that have complained or that have signed the petition against it. It is funny that the noise has traveled along that path. It is interesting to see that.

The Commission voted on the item. The item passed unanimously 7-0.

CHAIRMAN CASON said for the people that are here tonight this case goes before the City Council April 28, 2011 and they are more than welcome to visit the City Council and share their comments with them as well.

G. MUP11-0002 DOBSON CENTER (MED-ASSIST)

Request Use Permit approval to allow a medical marijuana facility within Planned Area Development (PAD) zoning allowing C-2 commercial retail and office uses. The property is located at 2095 W. Frye Road, Suite 1, southwest corner of Dobson and Frye Roads.

7. This Use Permit is for a medical marijuana facility only and is not transferable to any other location or premises, nor is it valid for any other use or business associated with a medical marijuana dispensary that is not specifically identified in the Use Permit.
8. Any expansion or modification beyond the approved Site Plan and Floor Plan shall void the Use Permit and require a new Use Permit application and approval by City Council.

9. The Use Permit is effective for a period of 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 Council.
10. The property's landscaping shall be maintained at a level consistent with or better than at the time of planting.
11. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
12. The site shall be maintained in a clean and orderly manner.

MS. JODIE NOVAK, SENIOR CITY PLANNER, stated that what is before them is addressing a property that is located at 2095 W. Frye Road, Suite 1. It is the southwest corner of Dobson and Frye Roads. This particular request is a Use Permit for medical marijuana and the specific type of medical marijuana is a facility. In other words, this would be the retail facility that would dispense actual medical marijuana. The property is zoned Planned Area Development (PAD) zoning and it does allow C-2 Community Commercial Uses that include retail and medical office uses throughout this commercial center. The application is requesting one suite to be granted to have the medical marijuana facility. This particular site was zoned back in 1990 and it was a part of a larger area with the hospital district in an area called the Gateway Area Plan. It was intended to be zoned as a commercial center that would have a mix of hospital related support services. At this time, they only have 3 tenants in the development. There is the Sonora Quest Laboratory, which is medical related. There is a Quizno's sandwich shop and there is Life Uniform that has all the medical uniforms as well.

This particular tenant space that is proposed is in a building that has no tenants in it at this time. What is proposed under our City of Chandler ordinance is a request to do the medical marijuana facility for the dispensary. It meets most of the criteria and the City Council adopted ordinance which occurred back in February. The one item that this request does not meet is the separation requirements. In addition to meeting any kind of state statute requirements to do a medical marijuana retail facility. There are ordinance requirements that they require that a medical marijuana facility be located 1 mile from any other kind of a medical marijuana use whether it is another facility, a cultivation site or an Infusion Food Establishment.

They also require that it be ¼ mile away from a list of protected uses. Those would include public and private day care center, public or private park, place of worship, charter schools, public schools or private schools, residential zoning district boundary, public library and public or private hospitals. With this particular request they have formulated the measurement as per the ordinance on how to do that and this particular request does not meet that ¼ mile separation from a public hospital which is located directly to the east. It doesn't meet the distance separations from a single family residential boundary to the north across Frye Road or to a multi-family residential district boundary which happens to be to the west of this particular property. It does meet all the other criteria requirements. Our ordinance for a retail facility does state that you have to locate in a permanent building, which this is. It cannot be any greater than 2500 gross square feet, which this is less than that. It has to have a secure storage area inside that does not exceed 500 square feet. This is definitely less than that as well. They are proposing a space that is approximately 1500 gross square feet. It also could include a secure storage area that is

around 144 square feet. Furthermore, with the ordinance there are restrictions on hours of operation for the general public to be coming in and out, which states that it cannot open any earlier than 9:00 a.m. and cannot have the public coming there any later than 7:00 p.m. They are representing that they will comply with that. They have listed their hours of operation in the application as well. It will not be like a traditional retail or restaurant use that cannot have any kind of a drive up or drive thru type of element, which it does not. It will not be providing any off-site deliveries of any Medical Marijuana to a cardholder which comes straight from the State Statute requirements. It also will not allow any consumption of medical marijuana on the premises and it will not be able to have any form of outdoor seating on the premises which comes from the City of Chandler ordinance.

It will not be associated with any kind of a cultivation use on the property. Those have to be in completely separate zoning districts and on a separate property. So this facility will just be the medical dispensary by itself. The application request did include a very detailed floor plan. They don't have a specific security plan in requiring having set parameters with what they have to have. They just asked them to represent what they intend to have. The state statute does require additional requirements for security measures but they are representing security measures that will be taking place with their interior security walls, secured doors, entrances and exits, their safe area, security alarm system, lighting, cameras and those kinds of things. It is a benefit to the public let alone a benefit to the person that will be operating this facility as well. This is more of an in-line retail shop space so it does have store front windows, several sides on the north side, east side and on the south side and they will be blocking those out with a blackout form of a tint or other material. From the east and the south you won't be able to view or look into there because those are the areas where you will have the medical doctor meeting with patients or you will have the actual pharmacy part of it where they will be doing the product that they happen to have on site. They are requesting although on the store front and the front part of it that they won't be blacking out what is on the north side of it because that is more like a lobby area for people to be waiting and you can't see anything that is going on in there from that particular location.

Their main entrance will be from the north side of the building which is where all the main entrances are to the store front for this particular building so when you come out into property off of Frye Road the entrance will be right there within the main parking area. They have ample parking spaces that are located on all sides of the building as a part of the project so there isn't any form of a parking deficiency.

As a part of this request to Staff, they look at all these parameters they she has mentioned as they have been adopted in the ordinance by City Council. To make a determination whether they are in full conformance or not in full conformance with all those criteria because they do not meet those separation standards that have been outlined and set forth in the ordinance, they have to recommend denial of this particular request. That is up to the prevue of the Planning and Zoning Commission as well as the City Council to make the determination if they want to have a minor deviation from those standards. They look at them at a case by case basis. From a Staff standpoint, they look at it 'does it meet or does it not meet' that criteria and that is how they have made the finding to recommend denial because of that one parameter.

A Use Permit will be only valid for one year and it will come back. They will file a brand new Use Permit and go back through the neighborhood meeting process and back through the advertising process, the hearing sign posting and will come back through Planning Commission and City Council again for them to review it. There are additional criteria that she has outlined in her report. They have to make use of this Use Permit within a 9 month period so if somebody wanted to sit on it for like a year or two years, they couldn't. It would automatically just void and expire. Furthermore, the Use Permit does outline that this is not transferable to another location. They do the same with liquor Use Permits. It is for that specific address for that tenant space. If they wanted to expand to another tenant space, they will be coming back through this process with a whole new Use Permit. Furthermore as well, when they reviewed this they kind of look at the area and she has outlined in the discussion of the report that there are different circumstances that a board can look at to make a determination that this is an appropriate location. Should they deviate from some of the separation standards or not. There is a hospital use that is to the east. There are the residential district boundaries on the north and to the west. To the south are 2 individual medical office complexes. The northeast corner of this intersection has medical office complexes as well. There are medical office complexes that surround the hospital. One may look at this and feel that there is a lot of medical use already in the area and this is by nature the definition in the State of Arizona a Medical Marijuana law that was adopted for the state and it is a Medical Marijuana ordinance. There are some reasons where someone might think that the area is kind of medical in nature and it's surrounded by other medical so that might be a considerable location for that. That was the level of thinking from the applicant which they can further elaborate which is why they chose to come in on this location.

As you may be aware, when the ordinance was adopted, they had provided concept maps showing areas in the city where medical marijuana retail facilities would meet all the eligible criteria. It was limited. It limited it to 3 commercial centers in the City of Chandler. They have been advised through many citizens and interested parties that have contacted their office, they have contacted those shopping centers and those landlords are not willing to consider leasing to someone for a medical marijuana retail facility. So the majority of people that they have communicated with are looking at sites that will not meet the separation standards. Case in point, this application. They have realized there really aren't any eligible sites that meet the criteria so therefore they would have to file a Use Permit asking for some form of a deviation which is what they are specifically asking for on this particular location.

Through the process they did have a neighborhood meeting. There was one individual who attended who represents the apartment complex to the west, which were originally condos. There are a handful of people that do own their units in there and the rest is just owned by a company for lease. They did get 3 telephone calls from homeowners that live in the neighborhood immediately across the street to the north of Frye. They did vocalize their serious concerns about this use. They feel it is inappropriate to have it near children, have it in the neighborhood. Some of them feel it could create other additional crime related things that might be related to it and they wouldn't want anybody that might be under the influence of marijuana being able to come to this facility and be driving into this particular area. Other than that they haven't had any other opposition or any other concerns voiced about this particular application. Also, to clarify with our notification with the medical marijuana it was the determination that they have them post a 4 foot by 8 foot type wooden sign so it offers a little bit more public notice

versus a small little placard which may not necessarily be as visible. But even with that there were very limited responses on this particular request at this location.

She does have some maps that she included in the packet so they can kind of see the distance standards around it. She has another map that she has a color version for where you can kind of see this particular area doesn't meet those eligibility criteria for the distances but she can show them something in more of a colored version.

This particular applicant has included a narrative that really details out their intention. A lot of that detail is necessary for them to go through the state process. With any of these Use Permits for medical marijuana that come through, she would venture to advise that there are state statutes and there was a state statute that required some rules and regulations that was just finalized. It did push out the time frame for anybody wanting to file with the state for a dispensary license. The timing has become an issue with a lot of the applicants coming through jurisdiction to get their use permits and at the same time trying to get through the state process that does require proof of city approval of a zoning. Also proof of getting any kind of tenant improvement or certificate of occupancy type of a permit. If the City were to recommend and ultimately Council approves any of these applicants for medical marijuana they still won't be operating unless they get chosen by the Arizona Department of Health Services to actually be a facility that operates. They have to be selected through the application process and then there is a second round of where they randomly select those approvable applications and determine who gets the actual dispensary license. They have to have a dedicated site somewhere in the state of Arizona to have a retail facility and then they can also operate a separate cultivation site if they want. This particular applicant is requesting from us just to do a retail facility. They don't have an application in with us to do cultivation in our jurisdiction. They may be considering it somewhere else, she doesn't know. She just wanted to give you that background. She doesn't know the state standards super well but she has read it enough to be able to answer maybe basic questions if they did have anything related to that. Ms. Novak said if they had any additional questions, she would be happy to answer them.

CHAIRMAN CASON asked Ms. Novak if she could show them the Chandler color map that shows what land use options that they have left. While Ms. Novak was doing that he asked Mr. Kevin Mayo, Planning Manager, to share with them the concerns that the police department had when they were first examining where to place these and some of the concerns that they had that led to the way that the ordinance was put together.

KEVIN MAYO, PLANNING MANAGER, stated that as they were aware before it got to the ordinance and got to Planning Commission it went through Council Subcommittee first to be formerly drafted. As it went through that process, there were really 2 schools of thought when it came to where to put these various different types of medical marijuana dispensaries, whether you were a facility, infusion or cultivation. As they looked at it, part of the initial gut reaction and initial comments were put them in the industrial areas, get them kind of buried, and get them out of site so the public doesn't have to see them. One of the comments that were raised by the police department at that time was while they are looking to protect the general public from the concept of marijuana in itself, as it is a medical use of that product and cardholders and all the state regs. that were still in concept at the time, they needed to protect the people that were

legally going there to get that product to go use it for whatever ailment that they have been registered for. So the cautionary comment that the police department offered was while the cultivation and infusion senders don't have that customer traffic coming in with money to buy the product and then walk out, the retail facilities do and the City really needs to make sure they are protected as well. The police department offered that they don't protect those people by burying them in the back of an industrial complex and having an individual consumer go buy the product from that place where it is buried in the back where they have less eyes, less traffic and they really offered that the retail facilities should be in a retail setting where there are people, where there eyes and activity so they have less of a chance of being mugged or robbed. As the ordinance was drafted, it was intentionally separated. They were one of the few cities that did separate the concept of retail facility and industrial cultivation and/or infusion and to where they had the production site and the industrial aspect of this throughout the process that it belongs in our industrial business parks in Chandler and the retail site really belongs in our retail commercial centers. Ultimately, that is how our ordinance came to be with that type of thinking.

CHAIRMAN CASON asked Jodie to show them the eligible areas. Ms. Novak said she is going to show them a few maps because this map does not have an aerial. This is their best estimate of researching everything in the entire city through all of our GIS databases as to where all those "protected land uses" are. What we do is generate that quarter mile buffer, that 1320 foot distance, and they see what is left over and where things can go. The baby blue that they see means those are not eligible locations. Nothing in those baby blue areas meets that 1320 foot buffering from protected land uses. They knock out the majority of the whole City of Chandler. What is remaining is near I-10 and Ray Road, there is an area south of Ray and east of I-10; some of the retail buildings in the Chandler Pavilions and just a handful of in-line retail shops in the Casa Paloma shopping center. Those are owned by 2 different landlords. That scenario where you could meet the retail facility requirement to have that 1320 foot buffer met. She said she will show them a detailed map in a moment. The other area is the Chandler Fashion Center Mall. The majority of that site, not all of it, but which is owned by a landlord that has stated that they wouldn't want to have anything in there that was medical marijuana. The third location is over in the east side off of Gilbert and Germann on the Crossroads Town Center development on the Chandler side. That would be another retail shopping center. Again, they have been hearing that nobody would lease into that area. She said they will see other spots and slashes of burgundy. However, it is vacant land and nothing has developed so they can't come in with a Use Permit because you would certainly need at least a PDP to develop and come in with development plans for the site and build buildings on the site in order for this to come in. Someone couldn't just find a spot zone or come in and build one individual 2000 square foot tenant space to locate it. As far as existing built locations, those are the three. She showed them at a larger scale the I-10 and Ray Road area. This map in the burgundy shows the eligible area for the medical marijuana facility. The green shows the cultivation site or infusion food. What is kind of ghosted out in this area, anything that has a white ghost around it, is that ¼ mile buffer where it can't go. They can see some buildings in this particular area within the black and white dotted line and the cultivation, so anything in this area is what fell within that particular area of the city. There is one little spot on the south side of Chandler Boulevard that also could be eligible for a medical marijuana facility and meet the criteria as well as some additional area for cultivation. The majority of this west part of the Chandler area does not have that eligibility.

CHAIRMAN CASON asked on that particular map the red area down there south of Chandler Boulevard, by virtue of Item H that area is no longer eligible is it? Should Item H be fully approved? Ms. Novak said that the ordinance states that can't have another use within a mile. It could be more than a mile away. This is certainly more than a mile away. If they wanted to do retail here, they could. Ms. Novak asked if he meant the cultivation site one? **CHAIRMAN CASON** said it is the red eligible area. Should Item H develop then that one would no longer be eligible. Correct? Ms. Novak said she doesn't know that answer. She doesn't know if this is more than a mile away. It's definitely more than a mile away because right here is Kyrene Road and our applicant tonight is on Dobson so that is several miles away. She asked if he was referring to the cultivation site. **CHAIRMAN CASON** said yes. Ms. Novak said correct, the cultivation site that they reviewed tonight is to the south a little bit. It is less than one mile so he is correct. **CHAIRMAN CASON** said so basically as they head other places, it kind of eliminates other places as well because of the changes. Ms. Novak replied that is correct because of the other 1 mile distance requirement as well. She said she won't put every map of all the areas where everything is eligible. She is just going to point out just right now the retail part of it so that this is the other 2nd site for the retail which happens to be a portion of the Chandler Fashion Center mall. Not the whole thing but there are portions of it that could meet the eligibility criteria so this shows them that and to the east obviously there are some areas that could be eligible for cultivation. The burgundies here are part of the zoning cases that showed future retail but they are not developed. The third one is in east Chandler which is the Crossroad Towne Center retail development and the majority of the center can meet the eligibility criteria and there is also a little bit in the Opus Development right on the other south side of the road. The burgundy that is right at this intersection is land that was zoned as part of the Chandler Airport Center to be able to have retail but none of that has developed to have anything built there at all at this time. As far as the 3 key retail areas, those were the three.

CHAIRMAN CASON asked regarding the Opus Center in the Chandler Airpark what are the 2 that are west of Cooper? Ms. Novak showed the 2 Opus buildings. **CHAIRMAN CASON** said one of those is a school. Does that make the property within a half a mile of that ineligible? Ms. Novak replied no because this is grade out and so it's ¼ mile buffer. It is actually a University, adult education; it is not a children's school or kindergarten school or high school so it doesn't count. It is actually an adult education college. It is for use. That is why you could be within ¼ mile of that particular location. **CHAIRMAN CASON** asked what about Bounce and Dance and all of things that are happening in the Red Rock Business Park. Ms. Novak said there is Red Rock Business Park and there is Panattoni that is over there as well. Those are not considered schools. They are zoned for instructional recreational type uses. Children assembly type uses, children recreational uses, various terms they have used in zoning cases and so those aren't part of the protected uses list. They are not day care centers and they are not schools of any form. They are o.k. to be within a close proximity of any of these other medical marijuana uses. **CHAIRMAN CASON** asked if she has gotten any input from not necessarily the owners of this property but people that are looking to acquire space on these properties as to their acceptability of this use on properties that they own? Ms. Novak said no she has not gotten calls from landlords about their properties on that and for the sites like Westcor, Vestar, Tate Development and Casa Paloma, which are the 4 owners of the 3 sites that they have mentioned for retail. They have not contacted the city directly. She is just getting numerous phone calls from people that have made efforts, have contacted them or their leasing agents or their brokers or if they see a

tenant space for lease, they contact who is representing that space for lease. The feedback she is getting is they can't go there and they are turning everybody down. They don't even want to consider it. The only thing she does get calls from is a lot of retail brokers or commercial land brokers that have shopping centers in the city that do call and say hi I've got a site, will you check an address. Is this site eligible to have this and they are shopping centers that have a lot of vacancies. They don't have tenants in them and she advises them that it doesn't meet the criteria. Granted if you don't meet the criteria they can certainly file a Use Permit and come through this process just like somebody that does meet the criteria but they have to ask for that waiver that they don't meet those separation standards, and most of the people that she hears from don't want to go that route. They feel it would be a challenge coming through the process. They are unsure whether the city would grant that deviation and they say that they would rather look at another location in maybe another city where it may be a little bit easier for them to go through. She is also hearing that it is getting very difficult in other cities at this point as well even though they have a little bit less strict separation standards. Other things are coming into play and if they have to have a variance to a deviation, they actually go through a full blown variance public hearing process where we just deal with it all through the use permit.

VICE CHAIRMAN RIVERS asked if they are in any danger at this point relative to the police department concern that they may have people that live in Chandler that are 25 miles from one of these facilities and therefore they are permitted to grow their own? Ms. Novak replied that they have not had any discussion or any feedback with City Council or the Police Dept. since the adoption of the ordinance. In terms of any related current concerns about the new Arizona Dept. of Health Services final rules and regulations or their concerns about not having facilities. They haven't had any feedback. However, they have looked at a map and Kevin looked at this map as well with our Staff and they determined that within a 25 mile area there are areas outside our city boundaries. Given the distance of our city the 25 miles goes outside of our city boundaries, so if someone lives in our city they have the ability to go get marijuana or grow marijuana within a 25 mile radius but it wouldn't be in our city.

KEVIN MAYO, PLANNING MANAGER, stated they studied through GIS what is our worst case scenario if nothing locates in Chandler. What is the area defined - that if one lands, it covers Chandler entirely. It isn't entirely Gilbert; it isn't the majority of Mesa. If one locates in Gilbert, Chandler is covered from the 25 mile spacing. They basically picked the corners of Chandler and went 25 miles in the opposite direction so that you kind of have the worst case distance scenario - the majority of Mesa, a good chunk of Tempe, some of Phoenix. There are a lot of eligible areas in other cities that if one lands in those eligible areas, just one and it covers Chandler. With that being said just from the way the State regs. right now read in the way that the issuance of cards and the issuance of dispensary certificates are going, it is almost guaranteed that for one year you are going to have 'home grow' permitted all over the valley, and then as soon as these things start landing and just like our Use Permit is renewable every year, so is the home grow card to where they will then re-evaluate where these things land. The goal of not having any home grow he doesn't think that will work for any city at least on this first year go around. After that Chandler as long as Mesa gets one and if all of Gilbert gets one, they are covered from that 25 mile.

VICE CHAIRMAN RIVERS said so if this particular project got approved, that would cover us against home grown immediately. Correct? Mr. Mayo said he guarantees that if anything locates anywhere in Chandler, it covers out entire city and actually covers a lot of other cities too.

CHAIRMAN CASON asked the applicant to come up and state their name and address for the record.

ANITA MCCLINTOCK, 3445 E. LYONS, PHOENIX, stated she is one of the owners of Med-Assist.

DARRELL TANNATT, 2502 E. SAN MIGUEL AVENUE, PHOENIX, also one of the owners.

Ms. McClintock thanked Commission for taking the time to hear their request tonight. She said Jodie did an amazing job in presenting their case. She said she knows it is a lot of material to go over and they have been here a long time so they are going to keep it quick and just ask you questions. They are going to give them a little bit of information about them. She didn't know if they had an opportunity to look at their resumes which they did attach with their application, but the 4 owners which is Daryl and his wife, Vicki, her husband Jay and herself, have more than 100 years of medical experience between the 4 of them. Currently, she and Daryl are working with a medical distribution company which he used to own which supplies patient care to hospice patients. They service Hospice of the Valley – one of their customers. They service patients in your area of Chandler right now. They also service hospitals. Their concern and their reason for picking this site just seemed like a natural addition to the services that they provide now. They felt that it was important for their location to be on a medical campus because it truly is about the patient. She doesn't think it is fair to the patient to have to go to some area when they are close to a medical facility right now. She knows they have Ironwood Cancer Center, they have a pain clinic, the hospital. She is not sure how many medical offices are in that area but there are many and probably patients that would benefit from the medical treatment. That is kind of their reasoning for picking this area. They did have the challenge of not being able to find a site that met all the criteria. This she thinks that is the important criteria and if you have any questions, they will be glad to answer them.

Mr. Tannatt added that they have a willing landlord which is difficult for them to find and the other point they would make is that these 2 probably have done more homework than anyone he knows on this medical marijuana thing. If they did not have one here and one located in Gilbert or Mesa, that would cover them but it would also take away the revenues that the City of Chandler might get from this.

CHAIRMAN CASON said he has a question that they probably wouldn't expect. What is their sign going to look like? Ms. McClintock said she hasn't gotten to that point yet. **CHAIRMAN CASON** asked if it was going to be their logo? Mr. Tannatt replied that it will be the same sign he used in his business and it will not be obtrusive at all. It is going to be no bigger than the Chandler Arizona sign they have right back there. **CHAIRMAN CASON** said as a body they really can't restrict what you would put on the sign, just how the sign looks. He is just asking out of curiosity if their sign going to say 'Marijuana' or is it going to have a logo? Mr. Tannatt

said they won't get any business through advertising so it is just simply going to be Med-Assist and people will identify that through their Use Permit or through doctors. That is all there is to it.

CHAIRMAN CASON asked if there were any questions for the applicant.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, said for the record could he explain to him how they believe your application meets the separation requirement of the new ordinance? Mr. Tannatt replied it doesn't. He said this facility is closer to residential than is part of the regulation and is closer to the hospital than part of the regulation. Mr. Brockman asked if he is arguing that their failure to meet that requirement is a minor deviation? Mr. Tannatt said he thinks it is an ideal location because this is not going to be a pot shop. It is going to be like a doctor's office or a pharmacy. It is going to have locked doors. Only one person can come in at a time and they think if they have to locate in an area that was described by Mr. Mayo that is kind of isolated and perhaps more prone to crime, they would not go there. They don't want to do it in a place like that. They want this to be an upscale place like the State of Arizona and the voters have charged the responsibility of. They are asking for that deviation and they will have to look at it and decide. He doesn't think the hospital has come out against it. They have a big street in between the residential area and the apartments that came to the meeting only came to write their homeowners policy off of what was going to be allowed by state regulations.

CHAIRMAN CASON proceeded to call up people on the speaker cards.

BILL MEYER, 20 E. BETHANY HOME, PHOENIX, thanked them for letting him speak and he thanked Jodie and her Staff for the kindness, consideration and efforts that they put forth in assisting them to look for sites. For the record, they have a cultivation site that is in the Use Permit process that will pass to Council on the 28th. Once they did the demographics of where they want to locate for medical purposes, Chandler was clearly one of the markets that they isolated and thought would be in their best interest and have a city that they could provide some decent service to. They saw Jodie and her group and picked up the maps that were displayed. Our group has spent and traversed this city and stood on every major street corner for a better part of 3 weeks. There is no exaggeration there. They have made an excess of 200 phone calls and they have talked to all of the major tenants like Westcor and so forth, and the people down at Red Rocks wouldn't do the use. They have found not one site on one street that would allow a dispensary operation. They are not sure that they saw one site outside of the 3 or 4 major brand new pavilions, the Red Rock, etc. that qualify. There were certainly some people that decided they didn't want to do the use and that is their prerogative but they registered 2 sites in the City of Chandler, started the Use Permit process, they abandoned one a few days ago and the reason they did that is they really thought they would really find through diligent effort a dispensary site. They also hung to the hope that they might allow wholesale cultivation and that those sites might be valuable. Now they know they have one site in the City of Chandler that meets all the setbacks and separation requirements that they were going to hold on to because they may use that associated with the site or two that we have in another city or two. The reason he is here tonight is to let them know exactly what he knows about the people that are applying for the Use Permit. He has met a lot of people in this industry that have chosen to go forward and generally believe that this group is in it for the right reasons as they are. He hopes all applicants are in all

of the cities but as they all know that is probably not the case. The non-profit possibility as Daryl says is going to give the city some sales tax. The non-profit organization mandated by the state is also going to have money coming back into your community in terms of donation to the local charities that these people or if they are lucky enough to find a dispensary in the next few days, there will be money coming back to their community. He doesn't know how much that is going to be initially but over time it is going to grow. They are going to continue to look here. As far as the usage, it is a medical usage. He has been to the hospital. He looked that site over. It clearly doesn't meet the setbacks. They chose as a group to not apply for anything that didn't meet the setbacks just because they didn't want to go through the issues. If they were going to make an exception that would probably be a likely exception, if he was sitting on that panel that he might consider. He would also like to reach out to them a little bit further and say that he has 2 licenses that could be issued to the City of Chandler. If those licenses aren't issued, they are going back to the state and they will be re-issued next year and reassigned to some other unless the rules change. They could go back to Phoenix, they could go back anywhere. They have to make the decision as a City do they really want a medical marijuana dispensary in Chandler, Arizona. If they do, they are going to have to approve this Use Permit application, Council needs to lighten up the restrictions a little bit and allow some people like them or other candidates to take a run at finding a site that might work. If they are not going to change anything, please consider the strength of the candidates, the quality of the candidates, financial capability of the candidates through here and what they are going to provide to your community.

ILENE JOSEPH, 900 S. 94TH STREET, CHANDLER, is opposed to the item but does not wish to speak. Ms. Joseph wrote that the applied location is too close to homes and the hospital. She says there are too many facilities and they don't need a lot of people wacked out on drugs all the time. He thinks that is a big concern for many people. Also, no drug driving.

DANIEL JACOBS, 900 S. 94TH STREET, CHANDLER is opposed to this item. His comments are that medical marijuana is illegal under Federal law and other businesses won't want to be located close by.

CHAIRMAN CASON asked if there was anyone else in the audience that would like to speak on this matter. There were none. The owner of the property came up to speak.

BILL KASTRIVAS, 8560 N. SENDERO TRES, PARADISE VALLEY, said with respect to the question that was asked they are currently working with a client that is actually going to make an offer on the space right next to this potential facility. It is for a medical use and they met last evening at the site. In fact, they discussed the dispensary as a potential neighbor. It is an endocrinology group and they didn't have any problem with it. In fact, they are starting on a space plan for their space. They don't have a contract yet but they are going through the first steps of the process. They own the full project and they feel the use is consistent with the medical aspects that they have elsewhere and as far as from our ownership opinion, they would find them to be a good use for our property.

MR. TANNATT said in closing he said he would like to thank everybody and especially the team over here that helped them through this thing and getting to at least to this point. The concerns that you read there, they are real concerns. He doesn't think anybody at this point

understands what the real intention of this is. This is not going to be a pot shop. There isn't going to be a line of people waiting to get in. He almost wishes there was. But that won't be the case. They are only going to allow one person in at a time and then they have to go through the cycle and then out. There is not going to be any smoking of pot around the place. They have to have a certificate for the state to buy this stuff. It is going to be very well controlled and to your point the security will exceed state expectations and any city requirements they might have. They all have a misconception about marijuana. Everybody thinks it is kind of like what we had while we were in college. Not him. It is different for the medical end of things. For example, he has a very good friend whose wife has arthritis and she hasn't been out to dinner for at least 5 years because she is in pain all the time and she is now on medical marijuana and has been on it for 4 weeks. After 4 days, she asked her husband to take her out for dinner. Her arthritis isn't any better, but her pain is gone. They probably know there is marijuana for pain, for nausea, and for sleeping. It is a real benefit. They have been doing business in Chandler for 40 years in the medical community. They know the doctors and the hospital, the nursing homes, the extended care facilities so they have been here a long time. It seems to him it is a lot better place to do business than that busy Phoenix and you may see where some of those are being located – next to strip joints and so on. They don't want to be there. That is why there application is here and why they have asked for these variances to be considered.

MS. MCCLINTOCK said to end on that note it is medical marijuana and they are a part of the medical community and they think this is just one more tool that doctors can use for their patients. It doesn't mean that the patients have to do it but sometimes patients that have trouble controlling their pain or managing their symptoms, this is an option. It is an option for them; it is a safe option and they are offering it as medication and nothing beyond that.

VICE CHAIRMAN RIVERS said to Mr. Tannatt that earlier he made reference to a revenue stream. He was curious to know what he feels the potential revenue stream is for this business? Mr. Tannatt said he has heard all kinds of numbers and very honestly he couldn't answer that for him. He doesn't know. They have been to Colorado, California and have heard numbers that frankly are unbelievable to them. In Colorado they can get 2.5 ounces of marijuana per day and that is going to make a big revenue stream and then Arizona's could be 2.5 ounces every 2 weeks.

CHAIRMAN CASON closed the floor and offered some debate time up on the dais.

VICE CHAIRMAN RIVERS asked Jodie how far inside the limits for the hospital and homes this business is proposing to be? Ms. Novak said the eastern exterior wall of this proposed medical marijuana facility to the parcel line of the hospital's property is about 521 feet versus the 1320 feet that would have been required. For the homes, from the northern side of this tenant space/exterior wall to the nearest residential boundary line on the north side of Frye Road is approximately 191 feet versus having to be 1320 feet and to the west from the western side of this tenant space to the nearest boundary line is about 210 feet to the multi-family apartments versus having to be 1320 feet.

CHAIRMAN CASON said when they first met on this ordinance they actually had what they felt was a reasonable compromise to offer to the writers of the ordinance and the citizens of

Chandler that would need this medication. They felt that compromise was a good one. In that compromise was areas around hospitals and homes so that there would be the opportunity to exist somewhere in the city knowing that what they had so far really didn't give the folks wanting to start this business too much opportunity to interact with the folks that would be using the medication. When it went to City Council, they decided they would like to have the most restrictive ordinance, the one that originally came in, and though he can't speak specifically as to their rationale he could certainly understand that they wanted to make sure that as sites came through, they were completed vetted. They had an opportunity to hear from all sides as to the feasibility of a particular site even though in virtually 80% of the opportunity it would not meet ordinance. He thinks personally that being around the hospital is probably the most advantageous places for this type of opportunity to exist. He completely supports the police departments wish to have the facilities be in an area that was busy and that will allow for eyes to be on the location whether it's for the protection for the people that using it and even as well for the folks that are worrying about people abusing it in their neighborhood streets and areas around that location. She knows that it doesn't meet ordinance. As we have seen tonight and as more growing places come in, they are probably going to see the area shrink even more. He thinks they should take the opportunity to get one in around the hospital because it makes the most sense because it is a medical use and that it accomplishes the task of making sure that no areas of the city would be available for personal growing after this Fall. It's generally centrally located. He can't think of a better place in town to put it. He was very encouraged hearing about the signage. He knows he was terribly nervous in the beginning of the ordinance about the circus nature of most of the facilities that he had done research on especially in California where everything was all bright. A mom goes by with her child and the child is asking her what is that, let's go in. It is so bright and exciting looking. That was a big fear of his. He is very, very encouraged. Although they have no legal obligation to do so that they are really toning down the presentation to make it what it is and that is a medical facility. He is not certain at all that if anyone else were to come before them, they would feel the same obligation and concern for the community to try to keep their business low key. He thinks that is a very, very positive sign as well. He asked if anyone else had if they have any additional comments to either amplify or offer some different thoughts on that.

COMMISSIONER FLANDERS said he wanted to echo a lot of what he said in relationship to the ordinance as Staff had presented to Planning Commission. He agreed with the setbacks and the variations based on what the subcommittee had come forth with. He didn't agree with City Council's little harder line with the distance and everything else. The ordinance is the ordinance even though he agrees with the Chairman's position on the location. He thinks it is a good location for medical marijuana. He is still hung up on the setbacks based on the ordinance and everything else. He was glad to see the applicant and Mr. Meyer who is looking at getting involved with that quality of owners and their experience is extremely important. Based on that and not meeting the qualifications of the ordinance he is not in favor of this tonight.

VICE CHAIRMAN RIVERS said he remembers the night that he sat and discussed with Jeff Kurtz the ordinance and the setbacks. Do they want a place in Chandler where this place would locate ideally and where it would have a chance to thrive and he too believes the area around the hospital is key. This is a medical dispensary. There are medical dispensaries around the hospital already. As far as the residents, there are more dangerous drugs in his opinion being dispensed

around the hospital then medical marijuana would be. Regardless, the State of Arizona is obligated to provide places for this businesses to exist and the decision for the Council would be does Chandler want to have one of these and is there a better place in our City than next to our hospital and he doesn't think that there is. Should this go through and be approved there are probably stipulations to be added.

KEVIN MAYO, PLANNING MANAGER, said he would be happy to more or less carbon copy the stipulations off of Item H and they could read them in right now, tailoring them to reflect this case.

MS. JODIE NOVAK, SENIOR CITY PLANNER, read the stipulations as follows:

1. This Use Permit is for a medical marijuana facility only and is not transferable to any other location or premises, nor is it valid for any other use or business associated with a medical marijuana dispensary that is not specifically identified in the Use Permit.
2. Any expansion or modification beyond the approved Site Plan and Floor Plan shall void the Use Permit and require a new Use Permit application and approval by City Council.
3. The Use Permit is effective for a period of 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 Council.
4. The property's landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
6. The site shall be maintained in a clean and orderly manner.

The actual specific hand writing of that will be given to the clerk to be put into the record.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER VEITCH**, to recommend approval of Use Permit MUP11-0002 DOBSON CENTER (MED-ASSIST) with the stipulations as read in by Staff.

COMMISSIONER CUNNINGHAM stated she wasn't in the previous meeting and they mentioned the sign and she is appreciative of the way they have presented themselves as extremely professional, extremely medically oriented and is there any way to put a restriction that the physical appearance of the business itself must maintain a medical appearance. **CHAIRMAN CASON** said he will let Staff discuss that in so far as the signage issues and all those types of things that are tied to the property.

MS. NOVAK said the reason signage is not a part of this specific Use Permit because the sign criteria was granted as a sign package that came through when the site was first rezoned a PAD and as part of their PDP for the overall design of where the building could be located, architecture, site layout and so forth. There is specific criteria that is equal for every type of tenant irregardless of who they are and what kind of signs they can have. Where they can be on the building, what size they can be, the letter height or the letter type or the form of illumination. That comes through a separate sign permit process. Through that there is not an ability to restrict whether it looks more medical or not medical. It is very subjective and the criteria for the sign ordinances never get that specific with a sign package. It just focuses on the text or the font, the height, the illumination and the location of where they would be. There is usually a percentage limitation on the size of the logo. But exactly the words or the modifiers they used or what their business name is, they don't restrict that.

COMMISSIONER VEITCH said he came into the meeting conflicted. He had to confess when he first read the report and saw the extent of the deviations being requested he said what is this doing here. He also remembers that when this Commission recommended the terms of the ordinance, he believes the separation requirements from residential zoning and from hospitals were both zero. He agrees with those who observe that near the hospital campus and in his opinion, on the hospital campus. It would be a sensible location for a medical marijuana facility. Like many of us he is impressed by the quality of this application and the applicant's themselves and makes note of the fact that establishing a facility within Chandler will serve the community and the City's interest well in terms of growing activity. There are arguments on both sides but the balance in his mind is tipping toward supporting the motion.

COMMISSIONER PRIDEMORE said he is also in support of the motion on the floor for the reasons that when this Commission did make its recommendations to the Council, they had different separation suggestions than what was approved. By supporting the site before them it's again supporting those initial recommendations to Council. He would be in favor of the motion but he actually doesn't have high hopes – he thinks they will have the same result they had before with their recommendations to Council. So be it - that is what they are here for. He would be in favor of it because it strengthens what they suggested before but didn't happen. Maybe this time.

COMMISSIONER BARON stated that one thing to point out is that the proximity adjacency to the hospital makes a lot of sense. It is a highly traveled intersection. From a security standpoint there is always traffic there. It is a hospital. Police are going to be present. There are a lot of things that are going on here that are actually beneficial for it. To reiterate, their recommendations were previously zero and unfortunately, he hopes that Council would maybe take another look at this and consider that this is a pretty complimentary land use opportunity in Chandler for a facility that could actually be beneficial for the area. He too is in favor.

CHAIRMAN CASON thanked everyone for their comments. They had a motion and a second. The item passed 6-1 (Commissioner Flanders opposed).

6. DIRECTOR'S REPORT

Mr. Mayo said there was nothing to report this evening.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN CASON announced that the next regular meeting is April 20, 2011 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary