MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, January 18, 2012 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 Vice Chairman Rivers.

3. The following Commissioners answered Roll Call:

   Chairman Michael Cason
   Vice Chairman Leigh Rivers
   Commissioner Matthew Pridemore
   Commissioner Andrew Baron
   Commissioner Katy Cunningham
   Commissioner Bill Donaldson

   Absent and excused:

   Commissioner Stephen Veitch

   Also present:

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

4. APPROVAL OF MINUTES
   MOVED BY COMMISSIONER PRIDEMORE, seconded by **COMMISSIONER DONALDSON** to approve the minutes of the January 4, 2012 Planning Commission Hearing. The motion passed 3-0 with 3 abstentions (Vice Chairman Rivers, Commissioners Baron and Cunningham were not at the meeting – Commissioner Veitch was absent at this 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. Item F was pulled for action.

A. APL11-0003/DVR11-0035/PPT11-0006 WATERS AT OCOTILLO – PARCELS 1 & 4

Approved to continue to the February 1, 2012 Planning Commission Hearing.
This application requests an amendment to the Ocotillo Area Plan from Multi-Family Residential to Single-Family Residential and Rezoning from Planned Area Development (PAD) zoning for multi-family uses to PAD Amended zoning for single-family uses along with Preliminary Development Plan (PDP) and Preliminary Plat approval for two single-family residential subdivisions. The properties are located near the intersection of Market Place and Jacaranda Parkway, northeast of the intersection of Dobson and Price Roads. **(REQUEST CONTINUANCE TO THE FEBRUARY 1, 2012 PLANNING COMMISSION HEARING.)**

B. DVR11-0032 WARNER BUSINESS CENTER

Approved.
Request rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) Amended to expand the list of permitted uses and Preliminary Development Plan (PDP) approval for modified parking layout within a 7-acre business park located at 430-480 E. Warner Road, approximately ½ mile east of the northeast corner of Warner Road and Arizona Avenue.

Rezoning
Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of rezoning in case DVR11-0032 WARNER BUSINESS CENTER subject to the following conditions:

1. Allowed uses shall be in substantial conformance with the application materials (Narrative), except as modified by conditions herein.
2. Compliance with the conditions adopted by City Council through Ordinance No. 2858, in case PL98-020 Westech PAD, except as modified by the subject application and conditions herein.

Preliminary Development Plan
Planning Commission and Staff, upon finding consistency with the General Plan, recommends PDP approval in case DVR11-0032 WARNER BUSINESS CENTER subject to the following condition:

1. Development shall be in substantial conformance with previous PDP approvals, except as modified by the subject application and conditions herein.

C. DVR11-0043 AIR PRODUCTS AND CHEMICALS, INC.

Approved.
Request rezoning from Planned Industrial District (I-1) to Planned Area Development (PAD) for underlying I-1 uses, with Preliminary Development Plan (PDP) approval for the expansion of an

ultra-high purity gaseous production facility that includes necessary mechanical structures exceeding 100-feet in height on approximately 13 acres located at the northeast corner of Price and Frye roads.

Rezoning

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval of DVR11-0043 AIR PRODUCTS AND CHEMICALS, INC. zoning amendment from Planned Industrial District (I-1) to Planned Area Development (PAD) for underlying I-1 uses, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Air Products and Chemicals, Inc." and kept on file in the City of Chandler Planning Division, in File No. DVR11-0043, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 804, in case Z79-26 AIR PRODUCTS AND CHEMICALS, INC., except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. 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.
5. 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.

Preliminary Development Plan

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval of DVR11-0043 AIR PRODUCTS AND CHEMICALS, INC. Preliminary Development Plan (PDP) approval for the expansion of an ultra-high purity gaseous production facility that includes necessary mechanical structures exceeding 100-feet in height, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Air Products and Chemicals, Inc.", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0043, except as modified by condition herein.
2. The site shall be maintained in a clean and orderly manner.
3. Approval by the Director of Transportation and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.

4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
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. Business signage shall not be placed upon the mechanical structures.

D. DVR11-0046 THE GATES

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 zoning district of Agricultural (AG-1). The existing PAD zoning designation is for a commercial retail development on an approximate 18-acre site and is located at the southeast corner of Gilbert and Ocotillo roads.

Planning Commission and Staff, upon finding consistency with the General Plan and the Southeast Chandler Area Plan, recommends approval of extending the timing condition for case DVR11-0046 THE GATES, for an additional three (3) years, with all of the conditions in the original approval remaining in effect until December 2014, with all of the conditions in the original approval remaining in effect.

E. PDP11-0013 CHANDLER CHRISTIAN CHURCH SIGNAGE

Approved.

Request Preliminary Development Plan (PDP) approval for a new monument sign and building signage associated with The Bridge youth recreation center located east of the northeast corner of Germann and Alma School Roads.

1. Development shall be in substantial conformance with the approved exhibits (Narrative, Site Plan, Sign Details), except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance No. 4117 in case DVR08-0017 CHANDLER CHRISTIAN CHURCH, except as modified by condition herein.
3. The illumination of the monument sign shall be reduced to no greater than 1,000 nits (candela per square meter) from 10 p.m. to 6 a.m.
4. The monument sign shall utilize photocell technology to sense ambient light levels and adjust the sign brightness accordingly so as to reduce the visual impact on residential neighbors during times of lesser daylight.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER BARON** to approve the Consent Agenda with additional conditions as read into the record by Staff. The Consent Agenda passed unanimously 6-0. (Commissioner Veitch was absent.)

ACTION:

F. ZUP11-0012 CHATEAU DE VIE

Denied.

Request Use Permit approval to allow an event facility with a bed & breakfast and a bistro on property zoned AG-1 (Agricultural District) with an existing single-family dwelling. The property is located at 1220 North Kyrene Road, approximately ¼ mile north of Ray Road on the on the west side of Kyrene Road.

MS. JODIE NOVAK, SENIOR CITY PLANNER, said she wanted to clarify that this item was posted on their website for Planning and Zoning Commission. They were aware that some people had issues opening it in their PDF reader on their computers and they have done their best to get them copies of it. There was also a page that they were made aware of this morning that wasn't showing up in that PDF either which they did resolve. In case some of them in the audience had some issues, they are aware of that and did their best to get it corrected.

The item before them this evening is zoning case no. ZUP11-0012 and it is entitled Chateau De Vie. This is a Use Permit zoning application and it is a request to allow an event facility that would have a Bed and Breakfast and a bistro restaurant on the property. The property is currently zoned AG-1 which is an agricultural zoning district and there is an existing single-family dwelling unit on the property today. The property address is 1220 N. Kyrene Road. This is approximately a ¼ mile north of Ray Road and it is on the west side of Kyrene in the City of Chandler. The property is approximately 10 acres in size. It has been used for single-family residential purposes for many, many years. As she has mentioned the property currently has a large home on it about 13,000 square feet plus. There are ancillary buildings on the property that have been used in conjunction with the residence. Related to their pond there is a little boat house or a little family room type building at the very north end. There is a garage that is attached to the home as well and that accommodates large vehicles such as RVs, limousines and regular personal vehicles. The house itself is multi-story and has numerous types of rooms including bedrooms and meeting areas and like a TV room, a gaming room for entertainment and so forth. It is typical to a single-family residential use in terms of how that property is functioned.

The Use Permit request would not be rezoning this property. The property would stay zoned AG-1 for the residential zoning district but the Use Permit is asking to allow uses that the zoning code doesn't outright allow without the City Council granting this particular Use Permit.

Surrounding this particular property is single-family residential. The majority of it is within the City of Chandler's jurisdiction but there are some residential single-family to the east of Kyrene Road that is within the City of Tempe. The property to the south is Trovita which is a gated single-family residential subdivision. Residential immediately abutting the site to the west still has agricultural zoning on it and has 2 single-family residential homes and the subdivision to the west of the canal is Ray Ranch Estates within the City of Chandler. East of Kyrene Road you have the Warner Ranch Crossing and Warner Ranch Meadows II and Warner Ranch Crossings 4. All of this is really just considered a part of Warner Ranch. As noted on the plan on the monitor, from the southern boundary of the site in question north is all Tempe. South of that is Chandler which she tried to indicate on the aerial map for them. There is a vast amount of single-family residential in the area. If you go up a little bit further to the north end of this site there is another agricultural property with a home on it that is in Chandler and once you get north of Knox Road there is an industrial business park in the City of Tempe. There are some homes that are cut off at the southern end of Trovita with this particular map but they know there are homes along the south end of Trovita Place. There is another subdivision called Tuscany. When you get to the intersection of Kyrene and Ray Road, it is single-family on all 3 corners except the 4th corner - the southeast corner is the Laguna Village Retail Center which has retail commercial uses within that location.

The property as she had mentioned has always been residential. It was annexed into the City of Chandler as part of a much larger western annexation of Chandler in 1974. This property was owned by the Owens family. It had a tremendous amount of land within this area. It was in the City of Tempe. As indicated in her report, it has been sold over several years. There is one owner that she recently learned that she didn't indicate in the report as she wasn't aware of it, prior to the Soraya family owning it in 2007 there was another family, Cabel Rosenberg had owned the property for a short while. He was the person that actually bought it from the Erickson family.

The proposal as she mentioned is primarily to have events. They would have events that might be a wedding receptionist, charitable events, parties, birthdays or holidays, corporate seminars or corporate parties. That is generally the scope. The development booklet in the narrative attached to the report really goes into detail as to a lot of the different kinds of uses that the applicant thinks they could accommodate on this particular property. Are there some uses maybe not lifted, yes, but uses that would be similar to the intent of the uses listed is what is being requested. There primary uses would be to have those wedding reception type facilities. Obviously, if there aren't any weddings going on and they have available dates, a lot of these other uses could occur. Some of these uses may occur in conjunction with other types of events. They think that it is pretty thorough in terms of lifting what the intent of the overall use is of the event portion. The second part of it would be to have a Bed and Breakfast and the third part is a restaurant. Right now the property has been maintained with landscaping. There aren't any new additions of buildings or structures as of today. What is being proposed with uses would require site improvements as well as building improvements. Building improvements primarily are intended to meet all sort of building codes like safety standards including putting fire sprinklers in every building which requires running fire riser lines out to the water systems and so forth.

Other buildings would be converted or portions of the building being converted to accommodate office space for the business, the Bed and Breakfast suites, maybe Bride and Groom suites, meeting and event space inside of the house if they wanted to have a dinner party or a corporation wanted to have a meeting inside of there, having a commercial kitchen installed. Secondly, there are some outside improvements that would occur. They have a tennis court that would be converted into an English Garden which gives a secondary area where people might want to have an event or have their wedding at. There is ancillary building to the north on the west side of the pond which would be converted to be able have events or meeting space along with it being a restaurant. Then they would do an addition of adding a patio so they would have outdoor dining related to it as well.

The property as she mentioned has all sorts of landscaping. There may be some minor landscaping that would be added but for the most part the landscaping would be maintained the way that it is today. The property is fully cordoned off on the north, the west and the south sides. There is existing block walls. There are trees, a mix of orchard trees and other trees that line those perimeter walls. The eastern boundary of the property has a perimeter wall that has a low amount brick or stone and then wrought iron and then decorative brick columns as well.

There is currently an entrance gate that was intended for the single-family residential use. It is very narrow in nature. With this proposed use it would need to meet commercial standards so they have another gate that would have to be installed and developed towards the north end of the property that would be both ingress and egress – so entering the property and exiting the property. The existing gate would be an exit only. There is currently an easement on the south side of this property. The easement is owned by the Ganem family which owns the property west of this site. Through recorded deeds it gives easement rights to the subject site to use. Currently, that road is used in part to access this property. There are 2 rolling gates on the south side of this easement which they call Orchid Lane but just to clarify it is not a city street or a private street. She thinks for fire purposes they had a street name in case there is an emergency somebody can get to the Ganem's or this site as well. It is really just an easement and the gates as they are what is being proposed is those have become solid gates so you wouldn't be able to see into the property but this easement would not be used for any purposes for this facility. It would not be used for any of the service vehicles coming into there or any of the parking by employee staff or guests coming to the site. That was part of a discussion that they had much earlier on with the adjacent homeowners to really limit that so the new gate on the north end off of Kyrene would be where all that access would be taking place for all sorts of vehicles, personal and/or commercial vehicles into the property. What is proposed along that easement currently all residential trash, recycle and regular is rolled out to that easement. The cans are there, the trash truck comes down there, the trash truck comes down to go to the Ganem site and that is where everything is picked up today. They would be building within their own site and an actual containment area for more of a commercial trash containment bin and the trash company would come down that same route today to remove the trash.

Furthermore, with this particular proposal there has been a lot of discussion and looking at what types of ancillary uses would be happening. There is a big pond, a lake stocked and it is stocked

with fish. There is wildlife on the property, duck and geese and so forth that have resided here for many years and they want to keep that so called natural environment. With some of the events or parties or weddings that could occur here they would want to potentially have the ability to have gondola rides, paddle boats, opportunity to fish in the pond, have maybe horse drawn carriage rides. Looking at a map it is hard to gage the size of this property. When you are there, it is very vast. It is 10 acres and extends pretty far to the north so you could see how some of these uses potentially could work on this particular property. Another component of this is that there hours of business and music and that has been some factors that she will get into with some of the discussions they have had with area homeowners. They don't know yet exactly what hours will be occurring but as represented there business hours would vary depending on a use and event. They anticipate obviously outdoor activities to take advantage of the ambience of the particular property and they would occur between 8:00 a.m. and 12:00 a.m., Monday through Sunday. For the uses of buildings it states that they would occur on a 24 hour basis, 7 days a week and the reason for that is if you have a Bed and Breakfast you need staff there. If people are leaving and somebody else is coming, you would need to have staff all night long. Also the restaurant may go later into the evening and you may have people come early to prep for food or people late at night that are still cleaning out the restaurant. They may have site maintenance workers that are working on cleaning up the property and so forth. The development booklet does indicate that the restaurants that they are planning to operate initially as breakfast and lunch. It doesn't say they will have dinner but that is potentially they would want to do in the future. Regularly now it is breakfast and lunch 7:00 a.m. to 3:00 p.m. 7 day week. If there is an event on the property and a wedding that is taking a place, that restaurant would not be open to the general public as they intend. It would be closed because there are events on the property. An event may be making use of that particular restaurant at the same time.

Furthermore, the question about outdoor entertainment as with any event there is that potential that they would have outdoor entertainment on this particular property and they have indicated in their development booklet request where some of this outdoor entertainment may occur; along the pond, there is a pool that currently has no water in it but they would be filling that in and it would just be concrete over it and be an outdoor gathering area west of the mansion. That is where they intend to have gatherings and they might have some music out there as well. They have talked about having music by the English Garden so there is some discussion that she will brief them as well about the music they are intending to have. There is a potential they have music inside of a building as well but primarily it would be outdoors because they are intending to have most of the uses more or less outside with some of these weddings. Secondly, there is a question about liquor. This application for a use permit is not a request to have any liquor on the property. If liquor were to be requested by the property owner/business owner and they wanted to be licensed to have liquor on this site, they would have to go through a separate Liquor Use Permit application process. She said they might have questions about that and she could answer them later as well.

As far as the site improvements, she has gone over pretty much the major improvements that would be occurring with the building but another major improvement would be the addition of parking lots. Initially, the applicant wanted to consider not having an asphalt parking lot parking

only on the grass to keep the ambiance of the site. But in order to run a commercial land use and to meet City standards, they have to have a paved surface. Therefore, you accommodate all that and the site plan does indicate the locations of where they are going to be putting the parking areas; primarily at the north end of the property and on the west end of the property. Their development booklet represents their parking as valet only. If you are a guest, you can't come in and park yourself. There is an existing paved drive off of Kyrene that leads over to the mansion. In order for that drive to be used for commercial purposes for personal vehicles and/or any delivery truck vehicles as well as requirements to meet with their fire department because of the change of use requesting a commercial use. That road would have to be improved and widened. The bridges would have to be structurally engineered to meet City standards in order for it to be used. If it is not meeting those standards, it won't be used at all – it will be cordoned off. The parking areas will still be used for the valet they just wouldn't be able to use the paved road that is there today. Their full intent is to make that useable and make those improvements.

There isn't any signage proposed with this request. They don't know exactly what kind of signage they would or would not have. The signage would have to conform to sign code. If they don't conform to sign code, there would be a separate application that would have to come back through the process to review what kind of signage they would want on this particular property.

As a part of this request, as with many cases although not every case, they ask for a traffic analysis and/or noise study. The applicant submitted both of those documents to us for City Staff. She said she has summarized that information and included what they have provided us and as they can tell from some of the attachments, they review it, they ask questions, they make comments and they may go back weeks later and think about it and ask more questions. Therefore, the applicant has to keep giving us responses to kind of connect the dots and truly understand what is going on. From their professional opinion and their familiarity reviewing noise studies and parking studies even though they aren't parking engineers or noise engineers but knowing that they have to have an array of knowledge with all sorts of things related to development, they feel they have done a good job providing studies that show that they feel there isn't going to be any impact. Through this the Kyrene Road is under the City of Tempe's jurisdiction. It is an arterial street as they classify it. It is about 110 feet in width so there jurisdiction goes right up to the frontage of where there wall is so the entrance gate and the call box for fire, whether it is Tempe or Chandler Fire coming to the property, it is being designed to accommodate both jurisdictions. Tempe was made aware of this project, their traffic, their site. They didn't have any issue with this use and didn't have any issue with the traffic because Kyrene being an arterial road it is already intended to accommodate a lot of vehicle trips per day and it is not at capacity so they are not going to be requiring them to put any right turn deceleration lanes and so forth. They just have to put some streetlights on the west side of the road to kind of further illuminate the sidewalk area and so forth.

The noise study looked into as well noise levels in regards to where live entertainment would be occurring and how much of a disturbance it would be to neighbors. The noise study did conclude that they felt there wouldn't be any generous externalities that would be created by it. Could somebody still hear it? Everybody is a little bit different with what they may or may not

hear from noise. That is always a possibility but the noise is where they intend to locate it and the distances for it. This study concluded they didn't think there would be a great negative externality with that. Another component with the analysis of the noise and the traffic was parking the number of cars coming in and out. Obviously, vehicles or doors shutting, vehicle lights could act as a nuisance as well, lighting up of the parking lot could potentially be a nuisance, how many cars coming in and out and how much traffic would be a nuisance. They looked at all those factors as well and there not putting there typical parking lot light poles within this property. Instead they are going to do low level small type lights that are just enough for people to have some visual sight and feel safe. They are not putting in the typical light poles at all. In terms of the parking as outlined, the parking analysis was looking at a use and trying to understand how much parking would be needed based on what activities they would be having and looking at other similar facilities in the east valley, it was concluded that they estimate they would have about 3.5 people per vehicle coming to that site and they would have parking accommodating 220 spaces to accommodate everybody including staff and employees and guests. Everything on the site was being used together. They approximated that they would have potentially 770 people being on that property as a maximum but that doesn't mean 770 cars because most of these types of facilities and events there is always a lot of carpooling that takes place. With that they have added a zoning condition that caps it at 770 so if they want to put a 1000 people on there that is not what they are stipulating as a condition from Planning Staff's recommendation. Based on the math and based on the study that 770 would be the max which relates exactly to the 220 spaces and 3.5 persons per vehicle. There isn't an exact site like this in Chandler. They do have another wedding reception event facility in an industrial corporate area. They have had to look at parking and analysis and try to look what works and what they think is appropriate for the property and they feel from a Planning Staff recommendation what they represented is appropriate giving how they have done this study in looking at other facilities that actually would have more people coming to the property. They happen to have less parking.

She has the discussion section in the report but the longest section is obviously the public neighborhood notification. It is not required for an applicant to talk or meet with residents until they file a zoning case but they strongly advise that they should be. They know how this is a very well established neighborhood with homeowners that have been here for many years. There was a previous use permit request in 2010 to do a group home. Group homes are permitted with 5 or less but once you want 6 or 10 they need a use permit. That application did get filed and the property was bank owned at the time and they had some discussions about it and they heard a lot of concern from area property owners. The Goodman's who own the site now that came in with this application were looking to buy the property and they were negotiating with the bank as well. They had some pre-meetings with some of the area residents so well before this use permit got filed the public was aware this would potentially be coming down the line if in fact the Goodman's bought the property, they would have to come through a case.

She said she has done her best as much as she can keeping in touch with homeowners that were involved when the group home application was in and anybody that has called her in trying to keep all that information. When the use permit officially got filed, she made sure that any information she had from people that had contacted her that they made sure they were getting

noticed. They did their standard notice which is everyone within 600 feet, registered neighborhood groups within ¼ of a mile. She made sure as she mentioned to include persons that may not even live in those notification radiuses as would be standard protocol and make sure that they are included if they had their information. There was a couple of homes in Trovita to the south that didn't fall within the 600 feet and it was just logical to include them- just a few lots and make sure everyone homeowner there was noticed as well. The applicant will obviously get into some of their due diligence they have done. They did have a really early on neighborhood meeting that occurred in April. There were about 40 people that came to that meeting and heard a presentation and got to see the property. They were able to do a walk thru through the whole site. It at least gives everybody a perspective of what was being talked about, what was being discussed. Once their permit got filed they had to have their "official" neighborhood meeting which did occur in October and at that meeting 13 people attended. There have been a handful of homeowners that have regularly been in touch with her and she appreciates that just trying to keep people in the loop and helping them understand this process and how they look at it from a Planning Staff and how the boards are going to look at it as well.

The majority of the residents their biggest concern is noise that would be emanated from any of the uses including music from the property. Another thing would be traffic. Yes, there is rush hour northbound and southbound already on Kyrene because it is the last exit off the Loop 202 otherwise you wind up looping to the I-10 freeway. The biggest concern is the impact of a single event and how many cars are coming to it and how many are leaving, is everybody coming at the same time or not. Also, the challenges with the way Tempe has designed the road, whether there is dual left turn lane in the middle, people queuing up trying to get in and out of this site while homeowners may be trying to get in and out of their subdivision today as well. Obviously, parking – a lot of folks feel that maybe there isn't enough parking on this particular property and disagree with the parking analysis. A lot of them disagree with the noise analysis as well, concern if this site does come in and wants to have liquor through a liquor use permit but secondly if they don't have a liquor use permit, caterers, vendors, if somebody wants to have a wedding and they go to a retail store and buy their own liquor and bring it to the property. There does not need to be a use permit for liquor on the site because their off-site vendors and they are being licensed through wherever their business is licensed through a local jurisdiction and solely licensed through the state. So whether this landlord of this property business owner gets their own liquor use permit there is that understanding from homeowners that there still is going to be liquor brought to the property irregardless. That is a concern for them from the safety standpoint as well as some times that could induce more noise once people have some liquor in their system. Secondly, management of the property – who is ultimately managing this, who is running the business, what if there are issues with it being managed and who do they contact. The applicant expressed to the homeowners they would give the property owner's number out. They would be more than welcome to call them – call me or call somebody else within the city. The question came up what happens on the weekends. The police department through our normal city codes addresses noise. Any noise that goes beyond the boundaries of the property and is considered disturbing to other people, the police get called and they go out there and they have their own policies and procedures on how they deal with that. So they tried to be open with the residents to try and let them know about that but they still have a concern.

Furthermore, there was a concern about any kind of signage that would be on the property and would it be lit up and facing their backyard and so forth but as she mentioned earlier, there isn't a request right now for signage to be different than what sign code would allow which being an agriculturally zoned property, they could get very minimal signage on this site. They could potentially have some directional signage to help people know this is the entrance, this one is not but as far as full advertising it is very minimal – just like if you have your home today and you want to put a big placard out with your last name or a ranch property or something like that, there is just minimal signage that can occur.

There are several petitions that are attached. The homeowners have been very active in working with their neighbors to go around and take time to talk to residents and get them to sign petitions and she has included them. She did get some additional e-mails just today and up until she left to come here there is about 9 or 10 of them that she has laid out at the dais for each of them that came in this afternoon.

As far as the zoning conditions, they have their typical standard ones being in conformance with the development booklet as well as if they are not in conformance with this use permit and they want to change anything that is a major change it triggers a new use permit. The application is requesting a five year approval. Typically use permits go on a 1 year and then come back and maybe get 3 years and then come back and maybe get 5. Because of the amount of on-site improvements of construction, building improvements, they know when a new site comes in and wants to develop in the city it could take them a year going through construction plan review, the actual construction and final inspection before their use actually occurs. The applicant feels they want those 5 years; they want that ability to maybe take up to 2 years or more to do all that work. Obviously, the faster they get it done the better for them because they can start their business. However, they want the ability to have that additional time for the business to operate so that way the neighbors could see how things are operating and when it does come back through this forum through Commission and Council with a brand new use permit, there is evidence of how it has been operating. Planning Staff though is conditioning 3 years. They feel 3 years for an initial use permit if this were to be approved is an appropriate time for them to get their construction plans in, get those improvements underway immediately which will probably take 12 months or a little bit more and then maybe 1-1/2 years or 2 years of actually functioning and maybe not every use may start at the same time. Maybe the restaurant doesn't happen initially but they feel that is plenty of time to kind of leave the residents hanging to see what things happen even for the city – let's just bring it back to the forum as quick as possible to make that determination if this is still compatible or not so they have a stip. for 3 years. They have a stip. about liquor that is a separate process if in fact a liquor use permit is warranted. There is a stipulation about noise typically per as city code should it emanate beyond the boundaries of the property and then a stipulation about any kind of amplified music which is detailed in the booklet with some limitations on where that can occur and then as she mentioned the on-site capacity of 770.

She said she thinks she has all the bases covered but excuse her if she is forgetting something that may be major or minor at this point. She said she has some maps and can certainly answer any questions they may have but hopefully she has given a good summary of everything that they have. As they know, there are a lot of residents here that do want to speak this evening.

CHAIRMAN CASON asked her if she could give them an understanding of a Use Permit versus a zoning change so they can have an understanding of the options that could potentially be available if that is a direction the owner wanted to go in.

MS. NOVAK replied the application is a Use Permit and they have had questions even from some residents about how come this isn't a rezoning. The applicant had the choice. They could have filed either one. Planning Staff recommended to them to file a Use Permit. The reason they did because it allows the City to monitor it and allows if it were to be approved the Use Permit to keep coming back through the hearing process so the people have input; the citizens have input. They have the ability to let them know what is going on, complain about anything, for them to go check out things, monitor stuff and kind of gather the evidence so to speak if there is something not correct going on and when it comes back before Planning Commission and Mayor and Council, they have that ability to address that with them and make different decisions if necessary. If they rezone the property, they are asking to permanently get rid of that AG-1 zoning district and create a zoning district that is solely for this use and only this use as represented. If that rezoning ordinance does get approved and gets finally adopted, it is permanent until somebody comes in and buys this property or the property owner wants to rezone to add different uses or changes uses it is never going to becoming back through the public hearing process. Unfortunately, the citizens won't have as much as a say. They certainly can still contact the City but once the zoning is in place and that permanent use is changed, they can't do anything at that point. Clearly, if they were doing a use that is not allowed, they would certainly address that and they would have to come back rezone to add a use that was never approved. The Use Permit just allows the monitoring process so to speak and allows the public to keep coming back and voicing their opinion and keeping an eye on it to really see if this compatible or not compatible. The fundamental reason or the differences between the two; did the applicant have an opportunity to say they want to just permanently rezone it. They did but they didn't choose that. Could they in the future come back and say they do want to permanently rezone it, they certainly can but again it is a public forum, neighborhood meeting process, City Staff review, Planning Commission and back to City Council again. So nothing is done administratively with that. They would still have to involve everybody.

CHAIRMAN CASON asked if there were any additional questions for Staff. There were none. He went to the applicant and asked him to speak.

RALPH PEW, 1744 S. VAL VISTA DRIVE, SUITE 217, MESA, stated he was there this evening on behalf of Nick and Shelley Goodman who are the owners of the property. Mr. Goodman is a native of Chandler grew up here and went to Chandler High School. He currently functions as the CEO for the state's largest OBGYN practice – Goodman & Partridge. Shelley is a native of Tempe. She also has experience in the wedding reception business and is very interested in this project and frankly on behalf of both the Goodman's, they did not expect to be

here this evening with the amount of controversy that has appeared. They did not intend this for their neighbors. That was not the purpose of buying this property and their comments tonight with respect to this case are meant with respect and deference to their neighbors. They understand their position. They know where they live, they surround the property and they have a very vested interest in this process. However, it is important to note that the application tonight is for a use permit and he would like to discuss that very briefly before they get to the site.

He thinks they would agree as the applicant that if this site were operated with total abandon or unbridled restrictions on what could be done and every horror that their neighbors could possibly think of came to pass, then this permit should be denied. There is no question about that. He thinks unfortunately not all but a part, a small part perhaps of the concern that our surrounding property owners have focuses on a very bad experience they had in 2009 with an auction on the property. One of many things that could have happened but certainly that was an example of uncontrolled, unregulated use of property that spilled over into the neighborhood in a terribly inconvenient way. For that the neighbors are skeptical and concerned about what they do here tonight and what they are asking for.

Mr. and Mrs. Goodman chose to elect to apply for a use permit for the very reasons that Ms. Novak just expressed. It is because the use is temporary. It is not permanent. There are key words that are associated with the use permit – renewable and revocable. Other key words are time limits and investments. He thinks when you take all of those concepts together with what they are proposing tonight, it should be clear to all of us, the Commission and the surrounding property owners, they are not in this for ad hoc, unregulated events just because they want to do them. They are subject to the regulations of the City of Chandler and everything they said in the narrative booklet which puts a tremendous burden on Mr. and Mrs. Goodman to operate this property consistent with what they said they would do because why not. If they don't, then what is going to happen? Their neighbors are going to either a. hear them and be inconvenienced by that or b. there will be traffic congestion that they can't tolerate and be inconvenienced by it. They and the City will together be focused on this and will be back on their doorstep. When they come seeking a chance to renew it and there comments are going to be no, this doesn't work for these reasons. Frankly, that could even occur before the 3 years. Mr. and Mrs. Goodman could be operating this project and within the first 6 months something goes crazy that the neighbors don't like and doesn't sit well with them. They need to let the City know and Mr. Goodman know so he can operate it the way he promises to do. From that perspective they recognize the genuine concerns of their neighbors but they are here to say they are bound what it is said in the narrative, what is said in the stipulations and what is provided in the city code. If they don't comply with that, the City can revoke their permit. That is easy to say when the cost of the permit is small.

Most use permits that they see in the city typically like small restaurants or other uses that do not nearly approach the investment that the Goodman's are going to put into this property. The acquisition cost for this property alone plus what they expect to be more than a million dollars in improving the building, widening the road to get into the Chateau itself, the drainage that has to be accommodated and all electrical, sprinkler systems and upgrades are monumental for a use permit. He would like to ask everybody in the audience tonight to please think about that and

ask yourself if you were investing that kind of money in this property, would you run it in a way that would be contrary to the use permit or inimical to your owners, your neighbors. You wouldn't because your pocketbook is going to be empty. The minute their neighbors come in and start complaining because they aren't operating right, all of that investment of the Goodman's dissipates and is gone potentially. They don't want that. They want it run right. That is the benefit of the use permit. With all due respect that is why they are doing a use permit, not some other shifty maneuver under the zoning code.

Another thought to keep in mind is the property is a 10.4 acre site. Admittedly, it is surrounded by neighborhoods, residential development. There is an industrial park to the north of them in Tempe but predominantly residential and a very nice community of Ray Ranch, Warner Ranch, Trovita – very beautiful. This property is not nestled in the middle of a residential community. It is on a major arterial. Very seldom do you see a property of this size with this much buffer and this much mature landscaping on an arterial. They have no vehicle penetrations into the residential neighborhood - none. They have no pedestrian penetrations into the neighborhood. The real focus is what's going to happen on their site and how will it affect the surrounding property owners.

When they first met with the Staff and with due credit to the Staff, their comment to them was they had better decide if they can modify this mansion and the buildings that are attended to it in a way that can accommodate human occupancy beyond a single-family house. That question may or may not have struck the Goodman's when they first thought about this as a reception and event center but it sure did all of us as consultants when they got involved in the case. Countless hours and tens of thousands of dollars have been spent already on building code issues, engineering issues, electrical issues, fire safety issues and all that has to be done so that when they came to them and to their neighbors they could say they can modify the building with retrofitted sprinkler systems, elevator systems, with ADA compliance, with drainage and with fire protection in a way that it can accommodate human occupancy for an event. That took over a year to do so set that aside for a moment because they can do that and they have worked with all departments of the City to determine that. The issue for tonight is should the Planning Commission recommend to Council approval or denial of a use permit for an event center. The other issues are way behind us. The findings necessary are: is the plan consistent with the General Plan. Your Staff report addresses that very clearly and they agree with it. The second issue is: is it compatible with or does it cause a detriment or inimical to surrounding property owners. That perhaps is the biggest issue that they are here to talk about tonight. The third one is: will the use comply with Chandler's code and with the self-imposed stipulations in the narrative and the externally imposed stipulations from the Commission and Staff. Their answer to all of those questions is yes, they do comply. He will explain why they believe they are consistent and compatible with the neighborhood. Let's first ask them this question however. If this case were denied eventually, what would the uses of the property be? What would be reasonable to assume would happen there? Let's ask ourselves that. What do any of us tonight think the real market is for a single property owner to come in and spend what it would cost today to buy the mansion and 10 acres, fix it because it has been vandalized and ravaged, and then live in it and maintain it like the Erickson family did. Frankly Commissioners their opinion

of that is those days are gone. The number of people who could qualify with that kind of money to do that is infinitesimally small. Those who can would very likely choose other places than Kyrene Road. They would choose other more exclusive locations in the valley or outside of Arizona. They don't think that is a good possibility. It is not going to continue very likely as a single-family residence. Next choice is it could remain abandoned for a while. If the Goodman's don't do anything with it and if it gets defaulted back to the lender, it remains abandoned and then it does become a haven for vandalism and crime. Frankly, the Goodman's have rehabilitated much of the property already with landscaping, the grounds are well maintained and the trees have been brought back to normal vigor. It looks much better than it did when they purchased it which takes him to an overriding question that they have read in many of the e-mails from the neighbors.

Many of the neighbors have asked a generally fair question. What is the benefit of this proposal to the neighbors in Warner, Ray and Trovita and the benefit to the City of Chandler? Their answer to that is very, very simple. The benefit to our surrounding property owners is they keep a beautiful, one of a kind exceptional property in the midst of their residential community that will be well maintained and operated in a businesslike manner in a way that will not adversely affect them. If their neighbors will believe that and trust that Mr. Goodman will do what he says, it would be a beautiful arrangement and a real historic site in Chandler will be maintained and it will be available for corporate events and wedding receptions and things of that nature. It would add an amenity to the beautiful City of Chandler. That is the answer to it and that is why it is good for everybody so as you think about those reuses please consider that as they go through how the site flows. It is not going to be used for agriculture. They are not here tonight to say if this case gets denied, they are going to run an agricultural farm there. Once you can do in the AG-1 zoning in the Chandler is very, very minimal. So that is not happening. Would it get rezoned for offices or commercial uses, highly unlikely. It is in the middle of a block. It doesn't lend itself to that very well.

This particular use permit is an ideal reuse of the property and there will be some who will say to them tonight, why don't they just do to these 10 acres what happened to the Wolfswinkel estate and which ultimately turned into Trovita, which is on their south side. He said he wanted to give them a quick answer to that. Mr. Wolfswinkel many of them will remember in the 80's lost all he had pretty much of real estate holdings to the RTC. Many of them will remember the Resolution Trust Corporation. This asset was one of them. The property, the 18-acres he owned south of this project tonight was taken over by the RTC. It doesn't take much to figure out. What it was sold for eventually and how the buyer of that could then afford to develop it into the beautiful community of Trovita. Doing that on the Erickson property is going to be extremely difficult. The price of the property number one makes it almost prohibitive to develop and resell and the location of the mansion is so far located on the southwest corner of the property that all of the accoutrements that go with it, the nice road over the streams, the setbacks, the views, the lake, all of that, you have to keep some of that with the mansion to make it a viable property before someone is just going to buy it. You can't take all 10-acres and subdivide into residential. You could take some, fill in the lake, do the north side and have a house on the south. That is

possible. What that leaves them with is another residential community in Chandler and it destroys the chance for this one of a kind project.

He said they would take a quick look at the site plan. He said he wanted to start with the uses on the property and he realizes for many in the audience it may be difficult to read a site plan of this nature if they are not used to it. The map orients to the north with the south ending here. He showed where Trovita, Warner Ranch and Ray Ranch are and the Ganem property on this side. The site is designed with a completely new entrance consistent with the City of Tempe's regulations because Tempe controls Kyrene Road at this spot. The entrance occurs here. This entrance was the subject of months and months of conversation with Tempe and Chandler. It has now been designed to meet the standards required by both communities. It has a sufficient throat for vehicles turning off of Kyrene. It has a safety turn around so if you find yourself here and you didn't want to be here, you can turn around and exit. An entirely new entrance will be built at this location. The existing entrance is here. This location will not be used for access to the site. It will only be open for people exiting the project after an event.

This location down here is a little unusual as Ms. Novak indicated. This lane is called Orchid Lane. It is a private easement between the Goodman property and the Ganem property. Please recognize Commissioners that they have done all they can do to preserve that lane in its existing condition. They have had many discussions with the Ganem family next door; many proposals about doing this or that. They finally concluded that the best thing they could do is design the south side of the property so that it would be consistent with what is there today. What will happen on the south side at this point on the boundary there are 3 wrought iron gates. At the end of the day this gate within this general area will be moved up to this location. Why, because this is solely a security gate for emergency vehicles. If there was a fire or a rescue and the fire trucks could not get in otherwise, that is the sole purpose for that gate. It will be a solid gate; it will be closed unless an emergency vehicle needs it. For the benefit of their Trovita neighbors there will be no vendors, suppliers, no providers at any event where they will bring their vehicles along this southern boundary. All providers to events will enter the northern portion of the property well before the event occurs, drive down, come around and enter here, deliver what they have and then exit the property the same way. Again, in an effort to be courteous and accommodating to our neighbors to the south, the wrought iron gate that exists there today will become a solid gate. It will be there and only used by emergency vehicles or solid waste receptacle. He showed where the solid waste containers are. How best do they circulate vehicles to pick up the solid waste with having minimal impact on their neighbors, the same way that it's done today. Today the waste is picked up (he showed where), the trucks continue on to the Ganem property, turn around in the cul-de-sac and come back out. What they are proposing is that they pick up the solid waste at this location, enter this gate, drive up here where there is another container for solid waste and then exit the property on the north. Solid waste will not be a problem to their neighbors. They contract for that with commercial providers, they come at normal business hours; this isn't the middle of the night operation and so they truly do not want to disturb anybody in that regard and they are not going to have solid waste picked up then.

The other question that comes up is what happens with parking and how do they circulate vehicles and people on this site. When it comes to events, wedding receptions and things of that nature and weddings, every vehicle will be valet parked. What will happen is all vehicles will enter here. There will then be directional signage. If by chance there happens to be 2 events at one night, one would be in the mansion which is here, the other would be in the English Garden. Many of the neighbors have seen the tennis court that is there. The tennis court will be refurbished and would become an outdoor garden area where they could have ceremonies. If you come to this location and you have an invitation that says the event is at the English Garden, they will be directed to drive their vehicle down to this turn-a-round at this location. You will valet your vehicle. You will get out of your car and walk over to the English Garden and the valet attendants will park their car here. (he showed where). If you have an invitation that says the event is at the mansion or at the Chateau, they will enter here and be directed to drive here (he showed where), cross the stream, follow this meandering road and come to this turn around right in front of the mansion. There they will valet their vehicle. They will enter the mansion, go to the event and the valet attendants will take their vehicle, not going out on Orchid Lane but coming internal to the site going around and the valet will then park the vehicles here. For events all parking is valet.

They also have a proposal for a small bistro. This room was 1500 square feet of exercise room. It is a beautiful structure and it can be converted into a small bistro with outdoor seating on a patio that overlooks the lake; a very beautiful setting. What they intend to do there is offer bistro services from 7:00 a.m. to 3:00 in the afternoon-breakfast and lunch predominantly. That will not be valet parked. If they come there on a Thursday morning and want to have breakfast, you simply enter, come around here and park and walk over to the bistro.

In regards to the Bed and Breakfast, the traffic study and the parking calculations are based upon 6 rooms, on the 2nd and some on the 3rd floor of the mansion for Bed and Breakfast. That is the maximum number of rooms that could be used. Frankly, it may actually end up being 4. The Goodman's are looking at the plan, trying to decide whether rooms should be grooms rooms and bride's rooms and other things of that nature but at least there is a possibility of 6 rooms that could be Bed and Breakfast. They think that is a very unique feature to this project. People who are attending an event from out of town and would like a convenient place to stay, the wedding couple themselves could stay there or if they come in from out of town and want to go to some spring training games and spend some time there, it is a beautiful, beautiful setting for a small Bed and Breakfast facility. On the hours of operation, they have received some criticism from their surrounding property owners that this is going to operate all day long, there is going to be noise in the middle of the night and it is going to be a huge problem. Frankly, think about it for just a minute. What hours of operation would they have in a facility that has corporate events? They could have a corporate retreat here or work session by a local company; they would typically do that in the morning and typically have receptions in the afternoon and evening. Events on site could be from 8:00 a.m. to midnight. The reason they had to put 24/7 on the application is obviously because of the Bed and Breakfast rooms. They are not going to have outdoor events here after midnight. They are just not going to do it. If their neighbors find them

doing that, then get a hold of Mr. Goodman, report it immediately and they are going to stop it because they want this to function right so those are the hours of operation.

Lighting; they are adding no new pole lighting to this site. All of the lighting in the parking lot which is all on the north and northwest end will be low bollard lighting. The structures are 3 to 4 foot pedestals and they are there for safety purposes so they have no light penetration on to their neighboring properties and if you want to add a stipulation about penetration of light on the neighboring properties, they are fine with that. He thinks the city already has a code requirement that they are willing to comply with. They intend to put no new lighting that would cause that kind of problem.

Finally, he said let's talk about music. There have been again claims from the surrounding property owners that they are going to have all kinds of irrationally and unreasonably loud music on this site. That is not happening. Their agreement as put forth in the narrative is that all amplified groups of music will occur inside the building; either the mansion or the building next to it which would be an assembly room. Outdoor music will be limited to acoustical instruments; that means strings and wind instruments. There may be, as they indicated when you see stipulation no. 7 in their stipulations, it is important if you have a wedding going on at the English Garden and there is a quartet of stringed instruments, sometimes it is critical for the sound to balance one or two of those instruments with the others. They have these small microphones that attach to those acoustical instruments that are solely for the purpose of balance. They are not used in a group. They are going to take all the performers, funnel their sound to an amplifier and then distribute it to the crowd. They are not doing that anywhere outside on site under any circumstances. The 3 potential places for outdoor music would be in the outdoor English Garden, there may be an occasion to have music on the lakeside though they think that would be rare, and there may be an occasion to have outdoor acoustical music just outside the mansion on the west side where services and ceremonies could occur. That is what they are doing with music. So they say to their neighbors tonight, if this case is approved by the Council which they hope it ultimately is and recommended by them, if they have amplified music outside then get after them, report it, stay on it because they are not going to let it happen. It is up to Mr. and Mrs. Goodman to make sure it doesn't. That is how they are promising to operate this place.

With respect to alcohol, alcohol is always an interesting subject. They are always afraid of serving alcohol in someone else's place but they will take all they want to their own home. Don't they think about that sometimes? They are not applying for an alcohol liquor license tonight or a use permit. That is not part of this request either for the mansion or for the bistro. Ms. Novak is absolutely correct. Events that are catered by caterers, the bride and groom and the family planning the event want to serve alcoholic beverages, they can purchase their own beverages but they cannot sell them to guests and Mr. and Mrs. Goodman are going to demand from those purveyors of alcohol that they have adequate insurance and they have adequate training for those who provide it. This is isn't something where they bring in what they want to and let anybody serve it. The Goodman's have too much personally at risk, both reputation and financially to let that happen. That is how alcohol will be handled on site.

He said he wanted to briefly highlight neighborhood concerns. They have already talked about compatibility. They think with the sound study and the traffic study with the sound being mitigated the way it has been designed, they are a compatible site. He finds it hard to believe frankly that anyone would honestly legitimately stand up here and say that Kyrene Road which supports 35,000 vehicles in a day, can say 220 vehicles entering or leaving the site within a ½ hour or 45 minutes of each other, they can't possible valet that many cars in a half an hour. But let's assume they all left within ½ hour, the traffic study said it is absolutely negligible on Kyrene Road, especially at the time of day when the events occur. They have talked about hours of operation, they have talked about noise. Here is another good one. The last thing they want to do is develop this project in a way that brings crime to the neighborhood. He is a little bit interested in trying to figure out how someone can articulate exactly how the enhancement improvement investment security and events at this site are going to create crime in the neighborhood. First of all, the wall is 6-foot plus around the whole site and with mature trees. If you are a criminal and you come to one of their wedding receptions and you want to scope out your neighbor's property, good luck. They are not going to be able to see into it. Nor will the neighbors be able to see into their property. Secondly, really ask yourselves if this is a location where people are going to come for this purpose of committing more crime. They would submit to them tonight and to their neighbors to think about. What would really bring more crime to this site in the neighborhood, an abandoned property with nobody there or a nicely run even center that is run according to the standards they have indicated today. In addition, the police dept. reviewed this report and this application and made no adverse comments about it. There is always a comment about property values; that is a very difficult topic. First of all the mansion would never be used as a comparable for other properties in the vicinity. They all know that. It is not anywhere close to the same nature and style as the beautiful homes of their neighbors. So comparables – that's not it. It may be perception. There may be those here tonight who think that if this is a wedding reception and an event center, someone coming to look at their house isn't going to buy it. He finds that one hard to believe too. Quite frankly, he thinks it would be an amenity to the area. It's well maintained, beautifully landscaped, well operated. It would help the value of the area. It is not going to be harmful to it and again it won't be used as a comparable.

Finally, the stipulations. They agreed to all the conditions outlined in the Staff report. They agree with Staff's conclusion, the Staff having read everything recommends approval to them. He wants to read for the benefit of all of their neighbors here tonight condition no. 6 less they think there will be again unbridled rampant use of this property.

6. *Noise shall not exceed the general level of noise emitted by uses outside the premises of a subject site and further will not disturb adjacent residential uses.*

That is a pretty strict standard. They have opened the communication with all of their surrounding property owners. Anyone who wants Mr. Goodman's phone number can call him if they have a problem with that stipulation. If an event causes you that problem, they invite neighbors to call and open that dialogue directly with him.

Mr. Pew thanked the Commission and said they have been very patient with them tonight. They think this project is worthy of their recommendation and urge their support. It is a good use of the property and he would be happy to answer any questions. They can reserve time for rebuttal.

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

VICE CHAIRMAN RIVERS said in talking about outdoor music hours, if the English Garden and the area around where the pool is currently in over by the lake, that music is going to be acoustic and it's going to happen during the wedding ceremonies rather than reception entertainment. Is that what he said? Mr. Pew replied no typically they will occur during the ceremony. Could there be a group that wants to have music while they mingle and visit? Yes, it could go on beyond the actual ceremony itself. **VICE CHAIRMAN RIVERS** said while they mingle not so much dance music. Mr. Pew said theoretically have could have dancing but again let's all think about that. Dancing to acoustical music can be done yes but it is not as common as the other that they would have inside. They could have some dancing with acoustical guitar or harps or violins. They could but it would just be a little different. **VICE CHAIRMAN RIVERS** asked if he was telling them that there will be limited hours for this outdoor music and if so, what would those hours be? Mr. Pew said if he could have a minute during the course of discussion to discuss that with the Goodman's that may be something to consider. They hadn't focused on setting a time limit for outdoor music because they felt that stipulation no. 6 covered that. Let him visit with them a little bit while neighbors speak tonight and he can answer that later. **VICE CHAIRMAN RIVERS** said in earlier discussions that he had with him and the Goodman's they discussed there being no bands outside at all and he thinks whether it is an acoustic band or a non-acoustic band, they have now crossed into yes, there are going to be bands outside and he is just trying to nail down what hours those would be.

COMMISSIONER CUNNINGHAM asked what type of security is planned during events and after events. If they are going to have such beautiful grounds used by people in the Bed and Breakfast part of this, what type of security will be there that would prevent someone from coming in that shouldn't be there and prevent someone who is there from acting in such a situation that the neighbors would find a problem with it? Mr. Pew said the answer to that question would depend on the nature of the event and the size of the event but there will be security on site during events that demand it. If you have a relatively small compact wedding, it may not require additional security. It will also depend upon the nature and size of the event and if there is no one there overnight at the Bed and Breakfast, they have automated security throughout the premises. They don't at the moment intend to have someone 24/7 on site but if they have guests on sites and events on site, there will be security.

COMMISSIONER PRIDEMORE asked where the employees would park on this site. Mr. Pew replied the answer to where employees will park on the site is typically most of the employees would parking in the area on the south side. They are going to try and focus on the area up here for the valet. **COMMISSIONER PRIDEMORE** asked how many employees would he envision. Mr. Pew said he would have to look at his study and said he will get an answer for him on that also. **COMMISSIONER PRIDEMORE** said he is looking at the size

of that lot to the south. He understands that he is segregating patron parking to the north but also is there a gate off of that turn-a-round just north of the bistro? Mr. Pew replied there is a gate that he failed to mention. At this location at this turn-a-round there is a gate here that will prevent guests from driving their vehicles down that road. That gate would be used by emergency vehicles, solid waste and by their own valet parkers prior to and after the event. **COMMISSIONER PRIDEMORE** said in going back to an earlier comment, are the Goodman's maintaining this property currently. Are there landscapers that come through regularly or is that a one-time shot? Mr. Pew said he was out there with the Goodman's on Saturday and it looks spectacular. The grounds are green and fresh, the trees are maintained and trimmed. Many trees were lost before the Goodman's took over and right after but they have spent the money and the time to maintain it now and it looks much better. **COMMISSIONER PRIDEMORE** said unfortunately he had to see it from the other side of the wall, so he didn't get as good a view as he did.

CHAIRMAN CASON asked Mr. Pew on the south side of the property on Orchid Lane he said they were going to take the existing fences and modify them so they would no longer be see through or any noise emitting from the north side of the fence would be mitigated by those fences. Is he correct in making that presumption? Mr. Pew replied that currently on the north side of what is known as Orchid Lane there are 3 spots where this is wrought iron not solid block. With this site plan those will all be removed. The middle one will become a solid block wall, the 2 end ones will become solid gates. There will no longer be any wrought iron at that location. **CHAIRMAN CASON** asked Mr. Pew help him to understand why he has his dumpsters or garbage area on Orchid Lane and the garbage area near the boat house instead of having all the garbage area by the boat house. Can he share the rationale behind that? Mr. Pew said the answer to that question is two-fold. First of all, on the south side is where it is today. The location on the south is where dumpsters exist today. Their thought however for the operation of the site was that the trash generated by the mansion and the garage next to it could be easily handled very closely by this one on the south. The trash generated by the bistro and the English Garden could be taken to this one. Would it be impossible to move this dumpster and put it up here with this one where it is further away from everything - that is possible to design on the site plan they just have to have a little bit better logistics with their staff on getting it out there and how they will get there and how they will take out and that type of thing. That was their rationale. **CHAIRMAN CASON** said his concern with having the set of dumpsters on the south side is not so much when they have the machines come by to dump them because they are going to do that during normal business hours but he thinks the bigger concern is when they put stuff in the trash. If they have an event that goes to 10:00 at night and people start now using the dumpster and putting stuff in it, then they have a lot of clanking going on and stuff like that late at night. By bringing that into the property those sounds are restrained within the property in a better case than being right there on Orchid Lane which really subjects the folks here on the south side of Orchid Lane to dumpster noises late at night. That was why he was asking if it could be moved. Mr. Pew replied that was certainly something they could work out on the site plan. **CHAIRMAN CASON** said so that is something they could discuss while they are listening to the folks. He said on the east side of the property he is sure some people would have concerns about the fact that even though the fences are 6-foot high they aren't 6-foot high all in

block. They are 4-foot with the wrought iron above them and clearly driving by and understanding the beauty and the scope of the property, you wouldn't necessarily want to hide that. The nature of the way the fruit trees have been distributed around the west of the property is very thoughtful in the fact that they have a much higher way to be able to keep that noise indoors other than just the height of the fence. On the east side they don't have that opportunity because that site mostly has been left open. Was there any consideration in the sound report as to having a variance of sound that would emit from the Kyrene Road side of the property versus any of the other sides of the property that are fully enclosed. Mr. Pew said he would go back and look at the Sound Study but his recollection that the ambient noise created by Kyrene Road that affects the property owners immediately east of it in Warner Ranch is more than will exist from their site. That noise in it of itself is a big enough problem to the neighbors to the east that their use does not change. He said he would look at it again carefully but he doesn't think there was a measurable difference between an event here and noise from their site penetrating across the already noisy Kyrene Road into the neighborhood to the east. **CHAIRMAN CASON** said on the Sound Study rather than the Noise Study did it take into account the sound of the music and those types of things. Did it take into account the normal ambient noise of voices? Mr. Pew replied yes. **CHAIRMAN CASON** said he would imagine if he had 500 people on the site that amount of people speaking especially if 400 of them were outside would primarily drown out any of the music and the biggest noise would be people speaking. Does your Sound Study address that? Mr. Pew thanked him for that question. He said he learned a lot about Sound Studies in this process and the assumptions made by their consultant are on page 5 of the Sound Study. He didn't realize the different level based on the number of people talking that would exist. For example, at the bistro which really would have at a full capacity you might achieve 100 people there. That would be pretty tight to squeeze that many in so his assumption was 75 people, 25 of them talking constantly and soft background music. Those are the elements he used in the model to formulate the noise calculations. At this location outside the Chateau where there would be gathering areas he assumed 150 people with 50 people constantly talking. Again, that was just a good estimate as you could imagine if you are at a wedding or a reception and you have 150 people. Not all 150 are talking. You are standing in a group of 3 or 4 or 5 or whatever and one person is talking at a time so it is not always everybody and those were the assumptions that were made and he based his calculations on that. **CHAIRMAN CASON** said when he was speaking about alcohol earlier and the catering companies for a wedding, would they be hired by the Chateau or would they be hired by the party that the event is for? Mr. Pew replied that it can happen either way and he is not sure if the Goodman's have decided that yet but they will either control who the caterers are given an approved list to individuals who want to book an event or they will approve an outlier from that list. If they have a caterer and you want to use them, they will retain the approval authority over who that is. **CHAIRMAN CASON** said since caterers hold their own liquor licenses, which is what allows them to dispense liquor at their events, will all of the caterers that are allowed to work on their property should be alcohol be consumed or provided for that particular event be required to have liquor licenses? Mr. Pew said he doesn't know the answer to that question. He doesn't know the exact functionality of the liquor laws with respect to the licensing. They either have to be licensed or from the Goodman's point of view if they are not licensed, he certainly is going to want the type of coverage's he indicated earlier. He thinks it is really a function of sale of alcohol, not distribution of it. That is the same

reason why he can go buy alcohol and give it to anyone you want at your home. It is not regulated. The same theory to a certain extent here and that is why the Goodman's have to keep a tight control on how those caterers do that. He didn't know the technical answer to the licensing question. **CHAIRMAN CASON** said the only reason he asked is because somebody is buying the liquor whether the act of the individual who puts it in their hand and consumes it he doesn't know if that is relevant but he is sure he will figure that out and maybe that is something he can look at by the time they go before Council. Mr. Pew said that is a very good question and they need to know the answer.

MS. NOVAK, SENIOR CITY PLANNER, asked if the Chairman could restate that question because if she has the information she can look it up herself. **CHAIRMAN CASON** stated if the caterers supplying were to be hired and part of their function would be to supply liquor at the event that they would have to have a liquor license themselves to be able to cater liquor. Ms. Novak said that is correct. She spoke with the Senior Inspector investigator with the State Department of Liquor License and any kind of a caterer or vendor that wants to bring alcohol to an event venue such as this, they are the ones that have to be licensed. They would typically be getting Series 6 or 7 licenses because it allows them to bring off-site alcohol and the rule of thumb though is when they bring it onto an event site, it has to be just distributed and given to person for absolutely free. They cannot sell it and they cannot make money off of it. So that are the 2 restrictions with the licensing from the State but those vendors and caterers will be getting a license themselves from the State of Arizona.

VICE CHAIRMAN RIVERS said he has gone through and counted parking places at the south end of this property as well as the little groupings of parking places that seem to be around the circle drive and hidden in the back amongst the pine trees and he going to say close to 66 parking spaces exist on the south side and in these little pockets of parking. Are those going to be used for valet parking as well or are they going to limit the valet parking to 154 spaces? Mr. Pew said the answer to that will depend on the nature and size of the crowd and the number of staff necessary for the crowd. Staffing events in facilities of this nature is not a static number – it changes with the size. If they need 10 staff people there will be more parking here and it could be used for valet. If you have 20 staff people or 25, they are going to use many of these spaces and they would have to get most of the valet up here. It will be a complete function of staff on site for a particular event.

COMMISSIONER PRIDEMORE said to Ms. Novak in looking at the fact that the entire Kyrene Road is in the City of Tempe, he assumes there would be some permitting in the city because of the driveways, the right-of-way for the new entrance up at the northeast corner. He is envisioning a scenario where maybe there is backup for cars trying to enter or exit off of Kyrene. Obviously a neighbor could call the City of Chandler and the City of Chandler official may say Kyrene Road is not in the City of Chandler call the City of Tempe. The resident calls the City of Tempe and the City of Tempe says they really only looked at the driveway. He is afraid that this is falling into a limbo in-between. Does he know of the process or how it is set up? He could see Tempe washing their hands of it as well and where can neighbors go if there would in fact be a problem? Mr. Novak said he was correct. Kyrene Road is within the City of Tempe's

jurisdiction. In terms of the improvements for the gated entrance that had to go through the City of Tempe because part of their right-of-way goes up to kind of where their wrought iron gate is now and the rest of it would have to meet City of Chandler standards. The City of Tempe did look at this from a land use standpoint and a traffic impact standpoint which is why when they originally designed it, they actually had to provide even more queuing on the interior of their site. Outside is the City of Tempe's right-of-way to ensure that a car would not be hanging outside of a gate if the gate were closed in the actual right-of-way lane of Kyrene. So in terms of logistics of the design and accessing getting in and out of their property, Tempe controls that component of it and they would be going through Tempe's development services dept. to get those permits for that as well as the light poles that would be installed and energized. In regards to traffic queuing or back up onto the road it is really two-fold to be honest. The use and the traffic that is emanating from the property is in Chandler but Tempe controls that street. When it comes to traffic maintenance and/or police coordination, the cities work together with one another. They can control and manage the traffic signal at Ray and Kyrene although it used a lot by the City of Tempe residents and people going in and out of Tempe. They have a coordination effort working with their department in regards to traffic and the trips and the timing of the lights and those kinds of things that occur there as well. To get to his main point, if a citizen wanted to call somebody to complain about cars being backed up who would they call. They should really call Tempe because they manage that road and it would be their police and their staff going out there if there was like a safety issue with things blocking. They have other properties that their schools are in City of Chandler but part of the road is in the Town of Gilbert and they are backing up on that other jurisdiction's road and it goes to that other jurisdiction. They seem kind of in that gray area. She had to contact the City of Tempe and if this Use Permit were to be approved by the City Council, she is going to be letting them know either way what the action was on it and therefore they would have that on-going communication with their peers and that jurisdiction as well.

Mr. Pew said he could confirm what Jodie is saying and that their planning consultant along with their engineer met with Tempe, worked on that issue and because of the minimal amount of traffic that is coming to this site, they did not require a deceleration lane and they felt that the queuing was adequate. They looked at it carefully. **COMMISSIONER PRIDEMORE** said so the car design does reflect City of Tempe review and comment. Mr. Pew replied yes.

CHAIRMAN CASON said he had a lot of speaker cards. The ones that are opposed and the ones that are in favor that wish to speak he said he was going to shuffle all of those together. He said he would first read the names of those opposed and of those in favor but do not wish to speak. He said if at the time he mentions their name and they then choose to speak, to please just let him know. The first speaker was:

RON KRYSTOFIK, 6052 W. VICTORA PLACE IN TROVITA, CHANDLER said he is Lot 1 directly south of the mansion. **CHAIRMAN CASON** asked him to point out where that is. He said he has learned a lot of good things about what they are planning on doing but his concern is that he is there right now. There are 2 garbage trucks currently coming for the garbage on Monday mornings and Wednesdays. He can see a lot more activity picking up waste

from that place. Besides the noise factor that bothers him he feels this is really going to devalue his property big time. He thinks right now he has one of the best lots in Chandler siding up to the Wolfswinkel mansion and backing up to the Erickson mansion. He doesn't think so any longer if this goes through. **CHAIRMAN CASON** said so now they pick up garbage maybe once or twice a week. If he understands him correctly, his concerns are that if it were to become an active site, they might be picking up garbage every day. Mr. Krystofik said they probably would be. With all these people there and events going on, it's not going to be just twice a week. That is a dirt road and a lot of dust comes up. It really affects his view out there.

JOHN WARREN, 1291 N. DUSTIN LANE, CHANDLER, stated he is opposed to the development because the Goodman's are great people and have good intentions to do something with this property, but he has seen this property change hands several times. Regardless of what their proposals are in 2 years someone else could have this property and he has no assurances what is going to happen to it. He thinks adding a business in a residential neighborhood is probably not good for their property values and he just can't see the business in a residential neighborhood when they are completely surrounded by residents. There are homes all around this and it just doesn't seem appropriate.

CHAIRMAN CASON asked Ms. Novak that most use permits do not allow them to be transferred so if the property were to be sold, what happens to the use permit? Ms. Novak replied that the use permit stays with the land not persons. If this property was to be sold and somebody else wanted to operate the same facility under the same representation, they certainly can under that existing use permit. **CHAIRMAN CASON** said but they would also have to follow the rules of the use permit in so far as the timing and the expiration dates. Correct? Ms. Novak said that is correct. If it does come up for expiration, they would be notifying whoever the current property owner is that they would need to come back and renew that use permit. **CHAIRMAN CASON** said if they purchase that property and started to do something different than what the use permit allows that would also be in violation of the use permit. Correct? Ms. Novak said that would be correct and a new use permit would be required in order to evaluate the new use or added uses or whatever may be requested at that time to come back through the Commission and City Council.

DIEGO GETTLER, 412 E. MEAD DRIVE, CHANDLER said he is not on the map but he is coming and lending his support in favor of the project and also in his recommendation that he also recommends the project to Council. It is a unique gem, a unique property and it is stunning and he just wanted to come here tonight and give his support.

MARK WEBER, 6163 W. KENT DRIVE, CHANDLER, stated he is located about 180 feet just west, northwest of the site. He requested a few extra minutes for his presentation as he is representing a number of homeowners within Ray Ranch Estates. First of all while he is concerned with the noise and the traffic and the alcohol and the property values within the site that he is sure many people would mention tonight, his issues are a tad bit different that he has with the site.

First off he thinks it is an inconsistent use of this property. The general compatibility of the proposed use with the adjacent properties is really not consistent with the intended use as a residential home. The property being proposed for a wedding and an event facility, he is not sure how that's considered as consistent with the use of the property. Not only is it inconsistent with the surrounding area or the existing home, it is inconsistent with other uses in the city of the same type of purpose venue. He had a list of a couple of venues. What they have is the property Chateau in the upper left and the castle and Noah's place. There are two other wedding event facilities located in the City of Chandler. As they can see on the map, the first one here is the Castle which is located on a major arterial just south of the 202 freeway off of Price Road which that area is really designated as employment/industrial zoning type area. He showed a close up of that view. Clearly south of the freeway, far away from any residential housing, really out by itself in an employment designated area. The other property called Noah's Place, which is in Chandler, is located off the 202 just south of the 202 off of Cooper Road on the southeast corner. Again, this is very much of an industrial park really not consistent with putting a facility like this within a residential neighborhood. Finally, in looking at the Chateau it is clearly surrounded by a number of residential homes in the area. There are a couple of sites in their report. As they know, Noah's and the Castle was documented in their report in the Parking Study that was done. There were a couple of other ones mentioned which is Via Sienna which is located at the northwest corner of Elliot and Cooper. That is actually in Gilbert. That is located on the hard commercial corner of that site and then they also have a location in Mesa called Stonebridge which is located on the northwest corner of McDowell and Greenfield which is located in an industrial park. It is far away from any residential homes.

His other concern with this site is that the use is not in conformance with the General Plan. It is outside of all the commercial nodes that are identified within the General Plan. The General Plan allows commercial uses or states that the commercial uses are to be located at the corners of the arterial streets. If you look at this map, the hatched out area as identified on the land use plan within the General Plan is identified as the commercial node. So this location would be north of that commercial node area that would eligible or approved for such uses such as what they are requesting. Again, it falls outside of the General Plan.

Another point that has been discussed this evening is the on-going compatibility. Planning Staff found that the on-going compatibility will be determined by the day to day on-site management and their ability to quickly remedy any possible issues. They have had a lot of discussion about that this evening and while that may be wonderful and Ralph pointed a few things, they are going to have even Mr. and Mrs. Goodman's phone number he has been an original owner within Ray Ranch Estates for 14 years. In his surrounding neighborhood of just 3 or 4 homeowners, they had a total of 15 kids. They are all working parents, lots of kids and lots of activities. He doesn't think it is our responsibility as homeowners within the surrounding area to put on their police hat every night, every day when there is a traffic issue, when there is a late party and when there are multiple weddings at the event. He doesn't think it is his responsibility to do that and if this use permit is granted, that will force them if there is concerns they will have to be on the phone calling the City of Chandler police. There has been discussion whether they should be

calling Tempe or Chandler. Do they call the wrong facility if there is a backup on Kyrene versus if there is a late party? He would disagree that the compatibility makes sense.

Finally, regarding the proposed use he doesn't meet one of the findings of facts which states that the proposed use would not unreasonably interfere with the use and adjoining of nearby properties. He thinks based on what they have discussed this evening he doesn't believe the applicant can guarantee that would happen. He believes that they don't pass that test of a finding of fact. Clearly, when a property is filled up with 770 people with activities being outdoors, they have all been to company events and weddings and he knows what potentially happens at those especially when there is free alcohol. It is impossible to predict or control human behavior in those types of events other than them being the police and contacting the police to come out and address the issues which he thinks would just be a nuisance for them.

The applicant argues that the use of the home as a single-family residence is not feasible. He is an executive in the home building industry and has been for the last 20 years and he can tell them absolutely that he would disagree with that. This site could absolutely be used and developed into a single-family residential community. Clearly, it happened to the south with Trovita and he feels while the market is depressed right now from housing values, he has already looked at and done site plans for that site, done estimates and development costs. This site could clearly be utilized as a single-family development and have it be economically feasible for a developer. He wanted to disagree with the applicant that there at risk of erosion of the property or decay of the property would be a detriment to the city and the community. He thanked them for their time and he recommended that they reject the use permit application this evening.

BRIDGETTE PALMES, 5742 W. ROSS DRIVE, CHANDLER stated she is less than ¼ of a mile from the site. She is just south of the map. She is speaking on behalf of the Chateau to approve it. She has a unique experience as she is a wedding photographer. She also has a background in corporate events and staging and sound. She has done 2 weddings in the backyards of houses in Trovita so she has been in the Trovita neighborhood when there is a wedding reception going on and she knows how the sound travels. She said April of last year she had a wedding in a back yard of Trovita, 2 streets south of the border of the Chateau because it is a very small community. It is 2 houses down from 1 of the 3 empty lots. The party went until midnight. She had to park down the street because she did not park valet which they had valet rolling through the streets. They probably had 100 to 120 guests coming to the neighborhood and 2 houses she couldn't hear the music. She had to walk to her car to get equipment and then walking back. She could not hear the music. There was a DJ outside and it was loud. The only reason she is addressing this is because one of the major concerns is a Friday or Saturday night wedding and although Mr. Pew has addressed that there will be no outside dance music or things of that sort, she is talking of an extreme case of being in that particular neighborhood and being at a wedding reception. Being a small business owner in Chandler, being a resident of Tempe her entire life and now living in Chandler, her kids going to school in the Kyrene district, she passes this house 3, 4 or 5 times day. She used to work at a staging company directly on the other side of this canal for 5 years. She has been in this small pocket for a long time. This is a very, very unique property to not only the wedding industry but to an event

industry if they were just talking the business aspect of it; if they are just talking about why they want to do this. There are some similar properties throughout town. Mesa has the Wright House, South Mountain has the property on 32nd and Southern. It's a 10-acre property and they do 3 weddings at a time and they cannot hear each other – same size property. She is just speaking to them on behalf of somebody that is in the middle of those kinds of events to late hours of the night. She believes this is a beautiful property and is a gorgeous asset. They have done tremendous things with it. If you do pass this area at all, in the last 2 years those trees have gone from dead to green. It is a gorgeous facility to drive passed. It's been pretty run down for a little bit now. As a Chandler resident and as somebody working in the industry and as somebody that would be affected by that traffic, she still thinks this is a great thing for our community and she wholeheartedly believes based on her experience that the noise is not going to be an affect – maybe the trash truck which she can't speak for but as far as the reception venue this is a very high end facility. Any clientele that might be coming here it would surprise her if it didn't do anything but better the community and bring more revenue into our area.

JACQUE GANEM, 6240 AND 6250 W. ORCHID LANE, CHANDLER, showed where on the map. Orchid Lane is her driveway and they live on the whole west side of the property. Her husband wishes he could be here but he had to work today. She can only speak for herself on not anyone else but being on the western border of this property, they are completely and vehemently totally opposed to this wedding venue and bistro at this property. This is a business venture that will completely disrupt the quiet and quality of their neighborhood.

The biggest issue to her is the noise and they can have all the studies they want to have, they can say anything they want to say, but they can hear them and they can us. She doesn't want the responsibility on her. They like to measure from the back of the house to the corner of their house and say how many feet it is. If they are having a party and they are all in the area where the pool is now and they are having a conversation, that is like you having a conversation up here and she is sitting on her porch maybe in the middle row here. She can hear everything they say. When the neighbors would have barbecues, she can smell their barbecue and they can smell her barbecue. She can hear them, they can hear her. If they have a wedding and she is getting ready to mow the lawn, what does she do? Does she mow her lawn? It takes her 3 hours to mow her lawn? Does she mow her lawn or does she respect them and try not to ruin a brides wedding. She doesn't think they have really considered the neighbors at all and what they are doing. She is happy to see on Orchid Land they are talking about just doing garbage now. Now they are talking about bringing the employees along that back wall which is right next to their house. Their house isn't very far. They talked about how the mansion is set back. It is set back and their house is not very far from the wall that divides the 2 properties. All their employees are now coming across the back there.

They talk about trusting the Goodman's and if there is any kind of a problem, they can just call them and they will work it all out. Orchid Land is full of oranges and orange leaves and is a mess and they try to keep the rock smoothed out and the potholes downs, but all the oranges are from their trees. Everyone who has owned that property before the Goodman's has kept that road clean. They never had to clean that road. Since they have owned that property they are the only

ones who clean it. It's all their oranges, it's all their leaves and they clean it. One time they finally got fed up and they went to them and asked them to reimburse them for what it cost them and they did but they never clean the road. They are trying to get the hang of the irrigation and they have flooded their back property 3 times now because they haven't got the hang of the irrigation. They talk about trusting the Goodman's but she thinks the burden is going to fall on the neighbors like the other gentleman said. They are supposed to be policing them. If she has her kids and grandkids over and they want to jump on the trampoline, they can't do it if they are having a party there. They have filmed a lot of movies there. One time they were filming a movie and her grandkids were running around on those little battery quads because they have 5 acres. The movie people came over to her house and asked her to keep her grandkids quiet because they were making too much noise. When they say there noise isn't going to affect them that is not true because her noise upsets them, their noise is going to affect them. She really hopes that they won't grant this use permit.

When they first talked about doing this they were kind of on the fence. They thought maybe it would be a good use for the property and maybe this would be o.k. if they raised the wall and did some things. Then they sat out on their back porch which is not very far from their wall and from the pool and then they thought if there are people on that back patio they can hear them. They can hear them and they can hear us. They can do all of the sound studies they want but they will hear everything that goes on. She can hear their lawnmowers and blowers. She just doesn't understand how they can have brides and corporate events and expect people to be happy with the circumstances that they are going to find there and she respectively asks them to not give them this permit.

VICE CHAIRMAN RIVERS asked Ms. Ganem on what day of the week does she mow her lawn? Ms. Ganem said it completely varies because in the summertime when it's hot she may mow it in the evening when certain parts of her yard get shady. She starts in those areas or she might go out in the morning. It takes a long time to mow it so it completely varies. She doesn't like having the burden put upon her. If she wants to go out and mow her lawn, she should be able to mow it. Now she is going to think 'o.k. have they set the tablecloths out for the wedding'. If she mows her lawn, is she going to dust their tablecloths and she doesn't think that is fair. **VICE CHAIRMAN RIVERS** said he understands and read her e-mail. He is just curious to know if they have weddings only on Saturday and Sunday, are those the days she mows her lawn. Does she mow her lawn during the week? Ms. Ganem said it really does vary. When they say it won't be noisy, but her husband has a motorcycle group and they usually come over on Thursday night. She can guarantee that when they start their motorcycles up at 10:00 at night, all these people can hear their motorcycles. If they can hear that, they are going to hear a band, strings, and talking. **VICE CHAIRMAN RIVERS** said everyone on the dais appreciates her points. It is important for her to enjoy her home as she always has and they will have to take those things into consideration as well.

TOM AXELSEN, 6095 W. TROVITA PLACE, CHANDLER, stated he is in the Trovita subdivision directly south. As a preliminary matter, he wanted to point out that the Trovita homeowners did file a written petition in opposition to the use permit. His signature appears on

that petition. He would urge them to review it if they haven't done it already. It is included in the packet that is in front of them. It is not just a collection of signatures. It sets out in detail the position of the Trovita homeowners and his position and he wholeheartedly agree with everything that is in that position.

This property indisputably is residential on all sides and has been for decades. It is not on a major intersection. He does not believe it is consistent with the Chandler General Plan because it is not on a major intersection. The proposed use is commercial and is not just limited to weddings and a Bed and Breakfast. If they look at the application and the development booklet that accompanies it, they will see that it includes corporate events, corporate retreats, alcohol service in connection with events, bachelor parties, bachelorette parties, charity concerts, live music, fund raising events, charity balls, poker and gaming tournaments, barbeques and auctions. These are extremely broad commercial uses. He doesn't think they are talking about events that are going to be limited to 25 people speaking in hushed tones in a backyard.

There is discussion about whether there is going to be a license on-site or people bring alcohol from other sites or services by caterers. In his mind that is non-issue. The issue is there is going to be increased alcohol consumption on this site. It doesn't matter how it got there or who is selling it or who is distributing it. There will be increased alcohol consumption on that site and that is what is unacceptable. It is going to increase the noise generated by potentially large numbers of people. You are talking about over 700 people on the property directly in their back yard consuming alcohol. They are talking about increased vandalism to surrounding properties and homes. When you have that many people coming onto a property from all over town consuming alcohol, it is just human nature that there is going to be a small percentage of those people that are going to cause mischief and do things they are not supposed to do. It will cause an increased number of impaired motorists on Kyrene in the vicinity of the only access point to Trovita. Trovita is a subdivision directly south and has only one entrance; only one way to get in and out and it is on the same street where they are proposing to have essentially party or event site with people consuming elevated levels of alcohol and certainly more than they are consuming now. It is just not acceptable. They have families. He has a 16 year old son. These are risks they choose not to assume; to live next to a party center where alcohol is being served and it will be served. He has spoken directly with Mr. Goodman at the very first meeting and confirmed that the plan was to have alcohol on this property in one way or another and the project would not be viable if there was no alcohol.

There has been some discussion about where the commercial trash collection center is going to be on the southern boundary. A comment was made by Mr. Pew that is where the trash collection center already is, so that is not much of a change. There is a change. They are talking about a dramatic increase in trash. They are going to have restaurant trash. There is going to be a bistro on this property. There are going to be commercial uses; large events, large quantities of people and dramatic increase in the amount of trash. Restaurant food and trash generates a foul odor. There are going to be large dumpsters, large quantities of food trash and odor. It's going to be a nuisance and it's going to not only generate the odor but will have noise associated with garbage trucks picking it up, but with the people using it continuously.

People like to attach a Noise Study and say well if there is a study that is the way it must be. If they look closely at this study, just like most studies it is based on some assumptions. He thinks they should carefully review what the assumptions are here because they are totally unreasonable and unrealistic for the uses they are talking about. First assumption, indoor music occurring continuously at a high level with doors and windows closed. Number one, the development packet and the report prepared by Ms. Novak acknowledges that the majority of the events on this property are going to be taken place outside. Is it reasonable to assume the doors and windows will always be closed? He would submit to them it is not. In the meeting room, they assume there is going to be indoor music occurring continuously at a high level with doors and windows closed. Is it reasonable that the doors and windows are always going to be closed? He submits it is not. There is going to be noise; doors are open, people come and go. This is an event facility.

Valet parking and parking lot, the assumption is that 3 cars are continuously driving in and out. That is unrealistic. You are talking about an event facility. Has anybody ever heard of a wedding that didn't have a specific start time and specific stop time? Everybody is going to be attempting to come at precisely the same time and leave at the same time. It is unrealistic to assume that there is going to be a steady flow of 3 cars. Is it reasonable to assume that there is going to be 3.5 people in each car and then they are only going to need 200 parking spaces? He would submit no. Just because they assume it doesn't mean that it is.

Talking about the outdoor gambling area, they assume that there will be conversation with 150 people in attendance and only 50 of them talking. Let's start with the 150 people. They are talking about an event facility to accommodate more than 700. Why have we assumed for purposes in the noise study that there is only going to be 150 people outside and then they narrow that even further and assume that only 1/3 of them, 50, are going to be talking . That is an unreasonable assumption. This whole Noise Study is based on invalid assumptions. Are they going to assume that these people are all talking moderately in hushed tones, no raised voices, and no people trying to talk over one another, no applause or celebratory activity going on. There is going to be alcohol served at these events. It is simply unreasonable in light of the proposed uses of this property. The assumptions in this Noise Study are totally invalid.

As a homeowner he has been there. He has experienced events on the subject property. They can hear them loud and clear. He thinks they have heard that from some of the homeowners that are here tonight. His point to them is this Noise Study is meaningless and based on invalid assumptions.

There was discussion about the parking area that is going to be at the southern end of the site. What they haven't talked about too much is the noise that is going to be generated by that parking lot. There is no discussion in this Noise Study about that. The fact of the matter is even if that is just limited to employees and people working there, they are going to be arriving early, slamming car doors. Some vehicle themselves are extremely loud. He is continuously amazed at the volumes that some vehicles generate today. The hours of operation are 8:00 a.m. to midnight. People who work there are probably going to get there before 8:00 a.m. and probably

leaving after midnight. That additional noise is simply unacceptable. It is discussed nowhere in this Noise Study.

He agrees with a couple of the concerns that were about this is going to be very difficult for the homeowners to police. There is going to be uncertainty as to who to call whether it is the City of Chandler or the City of Tempe and it is nice to think that they could rely on Mr. Goodman but as another homeowner pointed out, the Goodman's could easily convey this property a week after the permit is granted and then they are dealing with somebody entirely different. To the extent they are basing this permit on Mr. Goodman's assumptions, he thinks that is a mistake.

Mr. Pew made a comment that this is strictly a temporary Use Permit. It is not permanent. That may be true in a way but he would beg to differ on the fact that it is not permanent. The Goodman's are proposing to permanently change the character of this property. They are going to install a large parking lot, driveway, new commercial tenant improvements, new Ramada's and gazebos, a complete new commercial kitchen, outdoor patios, they are going to remove the swimming pool area so although the Goodman's call this a temporary use permit, it is not temporary. It will permanently change the character of this property. He believes it is detrimental to the entire community, especially Trovita and he urged the Commission to deny the application.

VICE CHAIRMAN RIVERS asked Mr. Axelsen from his yard which is about 2 blocks away, he can hear events on this property from 2 blocks away. Mr. Axelsen replied absolutely and it has happened in the past.

STEVE WOLF, 6483 W. JASPER DRIVE, CHANDLER, stated he would be just repeating what other people have said but said he is opposed to it.

MARY AXELSEN, 6095 W. TROVITA PLACE, CHANDLER, stated she just wanted to express her concern as a resident. She originally lived at 5742 W. Orchid Lane for 17 years prior to moving to Trovita. She loves this area. She was so excited when they made the Wolfswinkel development into a subdivision. She and her husband were ready to purchase a lot in there so they could continue to raise their family and live in this corridor for the past 20 years. She thinks the proposed property is beautiful and appreciates the fact that the Goodman's have maintained it, they have done a lovely job. They are wonderful people. She just doesn't want it in her backyard. The property was designed to be a residence and she hopes that it remains that way. She would just ask them as the Commission if they were one of these homes backed up to this subdivision that when they are making their decision, they will consider that. She would disagree with the Traffic Study on Kyrene Road. She lives to walk Kyrene on Saturday and Sunday because there is no traffic. They take their dogs out on those mornings because they feel safe. During the week it is crazy but Saturday and Sunday they can walk across Kyrene over into Warner Ranch. With the venue that is proposed out of those events will be taking place on Saturday and Sunday so Kyrene will be like Kyrene on Monday through Friday. It will continue to be that on Saturday and Sunday. To her that is sad.

CATHY AMES, 1251 N. DUSTIN LANE IN RAY RANCH, CHANDLER, stated she is just across the canal and across the greenbelt from the property. She and her husband are opposed to do this. She appreciates their time and the presentation by Mr. Pew was very thorough and did actually address quite a few of her concerns, however, she is very concerned about the noise level. She is no sound engineer so she asked them to forgive her if she is misreading this. She said if you look at the Sound Solution Study, page 9, table 4. It shows a large dog barking which comes in at 50, the sound pressure level. That would be not classified as a very faint or moderate but loud. If you look at page 4 of the Sound Study it shows an outdoor gathering of ceremony or dinner comes in at 65 for the sound pressure level. That she would assume is a dinner not after the dinner or after the alcohol. She doesn't care how the alcohol gets to the property, she doesn't care if it costs the patrons money or not, but she thinks they all can agree that when alcohol is involved and she isn't against alcohol, it amps up the noise level. She has a feeling that this sound pressure level at 65 would actually be louder after the dinner and ceremony. Even 50 or 100 people clinking up their glasses and then cheering as they toast, that is loud. When they are in their backyard they can often hear when somebody at Trovita is having an outdoor party. The sound just travels right across the greenbelt to their yard and she is sure they get that from them as well. When they enjoy their time, it is Friday, Saturday and Sunday night on the weekends when their family has time to be outside and those are the same times that they would be having their ceremonies and many of their parties. While it was very generous to offer Mr. Goodman's phone number in case they have any issues, she is sure after a long night of work he isn't going to want to get called at 10:00 or 11:00 or 12:00 at night without complaining about the noise level. She thinks they have done a beautiful job presenting and planning but even though many of her issues were addressed, it only takes one major issue to destroy their quality of life in their backyard with their family and their neighbors. While they have done a great job in planning, she is concerned about the noise level.

CHAIRMAN CASON stated he was going to go through the cards and mention the people that are opposed but do not want to speak. He will check to see if anyone raises their hands and wishes to speak. The people in opposition are:

SANDRA BLAIN
491 W. COURTNEY LANE, TEMPE

Absolutely not-a disruption to neighborhoods off of Kyrene.

ANTHONY YOUNG
6100 W. POST ROAD, CHANDLER

Please do not allow an event facility to be developed. Noise would be a problem and there are small children in the area to be concerned with.

TOM KOHL
6063 W. KENT DRIVE, CHANDLER

Will ruin the residential area. Noise, liquor, traffic, hours of operation

ELAINE OLSON
450 W. COURTNEY LANE, TEMPE

She is opposed to this item..

KEITH MADY
6143 W. KENT DR., CHANDLER

This will negatively impact our property values and compromise our quality of life.

RUSS DUPPER
6133 W. VICTORIA PL., CHANDLER

He is opposed to this item.

JAY OLSON
450 W. COURTNEY LANE, TEMPE

He is opposed to this item.

CRAIG BROWN
6135 W. TROVITA PL., CHANDLER

He is opposed to this item.

SHERI ERSKINE
6463 W. JASPER DR., CHANDLER

She is opposed to this item.

MARIE LEFAEU
1258 N. JUSTIN LN, CHANDLER

She is opposed to this item.

LESLIE SHAMP-BEAVER
6075 W. TROVITA PL., CHANDLER

This a residential area. Her concerns are traffic, alcohol and noise.

HELEN CROTHERS
6012 W. VICTORIA PL., CHANDLER

Our home borders the property and she is opposed because of noise and traffic.

PATTI DUPPER
6133 W. VICTORIA PL., CHANDLER

She is opposed to this item.

SOPHIA FONG
6195 W. TROVITA PL., CHANDLER

She is opposed to this item.

DEB MERTES
6343 W. JASPER DRIVE, CHANDLER

She is opposed to this item.

DENNY CHITTICK
6132 W. VICTORIA PL., CHANDLER

Does not wish to have a business in his backyard.

NANCY SWIRTZ
6054 W. TROVITA PL., CHANDLER

Her concerns are noise, alcohol, traffic, and parking all so close to her residential neighborhood.

MARLENE RAUSCH
6303 W. KENT DR., CHANDLER

She is opposed to this item.

JIM SCOTT
6094 W. TROVITA PL., CHANDLER

He is opposed to this item.

ASHOK NARAYAN
444 WEST COURTNEY LN, TEMPE

Not in our backyard.

PAULA WEBER
6163 W, KENT DR., CHANDLER

Not in the best interest of homeowners.

MR. AND MRS. BURZOS
1188 N. AUSTIN DR., CHANDLER

They are opposed to this item.

MUHAMMAD ZUBAIR
455 WEST COURTNEY LN., TEMPE

Is opposed to commercial usage of this property.

K. BANERJEE
6175 W. TROVITA PL., CHANDLER

It opposed to this item.

BILL GOODMAN
485 W. COURTNEY LN., TEMPE

He is opposed to this item.

MEENA VENNGOPAL
444 WEST COURTNEY LN., TEMPE

She is opposed to this item.

PAUL OLESON
6114 W. TROVITA PL., CHANDLER

Not in the best interest of area.

JEFFREY WILSON
6055 W. TROVITA PL., CHANDLER

He is opposed to this item.

MEENA VENUOTOPIA
444 WEST COURTNEY LN, TEMPE

She opposes the commercial use of said property.

MICHAEL FLORES
6202 W. KENT DR., CHANDLER

He is opposed to this item.

TRACY SOTO, 1271 NB. DUSTIN LN, CHANDLER wanted to speak and stated she has met the Goodman's and it is a beautiful property. They appreciate their fixing it up and getting it into better shape than it had been but she doesn't think it is in the right place for the use that they are requesting. Her concern has always been the noise and as she heard from all of the other people and the noise studies and sound studies, she thinks there are a couple of things that have not been taken into consideration. Along the area they were going to put the parking there are trees there right now and she doesn't know if those trees are going to have to be removed to put the parking area in. The trees that go along Kyrene have had great distress due to the lack of maintenance while they were in limbo with the mortgage before they bought it and have dropped a ton of their leaves and the sounds come through. This is Orchid and she can hear the noise literally coming down into here because the trees have lost so much of their foliage. If the trees are being taken out to put in the parking area whether the ornamental orchard in this area where they have some

citrus trees or the pine trees that are along the wall, that is going to take out a whole buffer area and that is going to increase the travel of the sound throughout all of their neighborhoods in the area. She now finds that the party that was in Trovita was a wedding but she did hear it – she was inside her home behind closed doors/windows and it was very loud. It was just a one-time party; you could tell people were having fun and that's great and wonderful one time. Neighbors have parties but if it is going to be 2, 3 times on a weekend it is going to be a great concern for all of them living in that area to not be able to enjoy their own patios. The cars and the fumes from the cars in the parking of 150 vehicles and as the gentleman said about the slamming of the doors, they are also going to have all of the fumes as the people are starting their vehicles up, their getting ready to move, the idling of the vehicles, they are waiting in line to get out of the gate, to get out onto Kyrene. There are going to be a lot of fumes that have come down and they have had that problem from the industrial area to the north of them as well to the point where Tempe had to pass ordinances not to allow tractor trailers to idle their vehicles in that area so that the fumes would not come down into their area and set off smoke alarms. It was setting off smoke alarms in homes that were along that area. She does not believe that all of the cars coming in off Kyrene are going to be able to egress into the area without their being a line of cars all the way up probably to Knox and that is going to create a traffic nightmare for the people coming down, the screeching of tires, just the inconvenience to the people that have to swerve around to get around that area as they come down Kyrene. She appreciates the Goodman's for wanting to have this but she asks Commission to say no.

DEIRDRE ANDREWS
6142 W. KENT DR., CHANDLER

Is opposed to this item.

JEAN STUK
6120 W. POST RD., CHANDLER

Is opposed to this item.

KEN STUK
6120 W. POST RD., CHANDLER

Is opposed to this item.

CINDY ALLEN
6033 W. KENT DR., CHANDLER

She asked hypothetically if they would like music until 12:00 midnight in their backyard. Their sound testing was done during the day not at night.

MS. LAPPIN
1191 N. DUSTIN LN., CHANDLER

Is opposed to this item.

STEVEN LAPPIN
1191 N. DUSTIN LN., CHANDLER

Is opposed to this item.

CORTLAND SILVER
6112 W. VICTORIA PL.,
CHANDLER

Is opposed to this item.

RICHARD DOUGLAS
525 N. FOUNTAIN CIRCLE
CHANDLER

Is opposed to this item.

MICHAEL GUGGEMOS
6182 W. KENT DRIVE., CHANDLER

He believes the business expansion within a residential area is inappropriate. Zoning is the real discussion.

CHAIRMAN CASON said that before they get to additional people in the audience he wanted to get through the speaker cards for those people in favor but did not wish to speak. They were as follows:

CAROLYN TOMAN
1137 E. TONTO DR., CHANDLER

Chandler is trying to restore and preserve Downtown Chandler which shows to me buildings of historic value such as this would be an asset to this City.

LINDA WILCOX
6120 S. WJHITE PL., CHANDLER

This facility will be an asset to the community and Chandler in general.

LISA VIDAURE
1140 W. CHICAGO ST., CHANDLER

Is in favor of this item.

ERIC VIDAURE
1140 W. CHICAGO ST., CHANDLER

More jobs for Chandler.

LAURA SISK
216 W. GAIL DR., CHANDLER

It is greatly improved over what was there. This presents no interference with the neighbors as it sits on 10 plus acres. Has no common roads or access.

NADINA GOODMAN
602 N. BULLMOOSE DR., CHANDLER

Is in favor of this item.

MARVIN HAMMOND
2702 W. HIGHLAND, CHANDLER

Allows jobs and allow Nick to make the Business successful.

MADLINE HAMMOND
2702 W. HIGHLAND, CHANDLER

Is in favor of this item.

DAVID TOLMAN
1187 E. TONTO DR., CHANDLER

Is in favor of this item.

HOLLY GRANILLO
1542 E. MORELOS, CHANDLER

Good opportunity and revenue for City.

JENNIFER PEARCE
2561 E. LOS ALAMOS ST., CHANDLER

Is in favor of this item.

STEVE TARABORI
419 W. STACEY LN, CHANDLER

For now it is a temporary zoning change for 3 years max.

QUINN GOODMAN
1842 E. EBONY PLACE, CHANDLER

Thinks it is a beautiful property that needs to stay in good repair. It would be terrible if it were torn down.

MICHELE CAREY
4850 S. HUDSON PL., CHANDLER

Chateau de Vie's use as an event facility would be an asset to the community.

BARBARA ELLSWORTH
2111 W. GALVESTON ST., CHANDLER

Doesn't think there will be a traffic problem. Believes there employment availability, revenue for the City of Chandler. 10.5 acres = no noise.

ROBERT GOODMAN
509 N. SALIDA DEL SOL, CHANDLER

Chandler is in need of great destinations and a project like this can benefit the whole city.

DESIREE TARABORI
419 W. STACEY LANE, TEMPE

Is in favor of this item.

PETE
1842 E. EBONY, CHANDLER

Doesn't want it to fall in disrepair and be taken over by drugs and gangs.

VALERIE SHUMWAY
11446 E. RUTLEDGE AVE., MESA

She grew up in Chandler and currently work in Chandler. This project is a positive move forward and it would bring prestige and revenue to Chandler.

LYNN AND KATHY JONES
1 N. BULLMOOSE DR., CHANDLER

Is in favor of this item.

JEFFREY JONES
1 N. BULLMOOSE DR.

Is in favor of this item.

DEAN ELLSWORTH
2111 W. GALVESTON, CHANDLER

Is in favor of this item.

MARIE OWENS
703 N. BULLMOOSE DR., CHANDLER

What is the big deal about a wedding reception center or a B&B. She would like to see that in our community. Could be something much worse.

KEVIN MCCLELLAN
1646 N. SALEM CIRCLE

He believes this will be an asset to the community and will provide needed jobs.

KARA GUZMAN
819 W. SPARROW PL., CHANDLER

Thinks it will be a great asset to the community.

CARSON BROWN
1411 E. YELLOWSTONE PL., CHANDLER

We need something like this in the city.

SARA GOODMAN
1842 E. EBONY PL., CHANDLER

Will increase revenue for city.

CLIFFORD J. GOODMAN
602 N. BULLMOOSE DR., CHANDLER

The property will become different if no one is allowed to use it. Too expensive to do anything else with.

DEBBIE MCCLELLAN
1646 N. SALEM CIRCLE

Was born and raised in Chandler and believes the Chateau reception center will be an asset to the community. It will provide jobs.

ROMMIE MOJAHED
3987 E. BEECHNUT, CHANDLER

Is in favor of this item.

GRAYSON GUZMAN
819 W. SPARROW PL., CHANDLER

Do not want to see potential histories and properties destroyed.

CHRIS STEADMAN
3175 N. PRICE ROAD #2223, CHANDLER

Chandler residents would greatly benefit from something like this.

ROB CAHOUN
1187 E. TONTO DR., CHANDLER

I fully support the approval of use permit for Chateau De Vie.

ROBERT J. SISK, JR.
216 W. GAIL DRIVE, CHANDLER

Is in favor of this item.

JOHN SISK
1610 W. BROOKS ST., CHANDLER

Has lived in Chandler his entire life and saw that house built. Turning it into a wedding center or other business to preserve that property brings more value to the community.

CHAIRMAN CASON said he doesn't know how many of the people that are for the item actually live in their neighborhoods.

VICE CHAIRMAN RIVERS addressed the audience. Talking to those people who favor this item whose house is on the jumbo tron above them, please raise their hands. Those who oppose this item whose houses are on that jumbo tron, please raise your hands.

CHAIRMAN CASON said they have gone through all of the speaker cards. He said if there were additional people who wanted to speak, he would ask them up. He asked everyone to remember the points that have already been made. Although they may be in opposition or in favor of it, try not to dwell on points that have already been made.

DEBBIE WEST, 4637 S. MARION PLACE, CHANDLER, stated she has a home that backs onto a Palm Tree forest and they bought it purposely because it backs onto a palm tree forests knowing that it would eventually be houses. If she had this home in the palm tree forest she would welcome it rather than to have 40 more homes put in her neighborhood with the noise of 40 more families, 40 more motorcycles or cars or teenagers or kids and parties in the backyards and every home having a 3 or 4 garage with all 3 or 4 cars parked in the driveway not in the garage. She would rather have a beautiful mansion such as this also used as a reception center. That is just her personal opinion. Pick it up and move it to her neighborhood and she would welcome it. The other thing is she doubts the Goodman's even in their wildest dreams would have a party there every night. That would be a great business if they could but she really doesn't think that is going to happen and she doesn't think any of the Goodman's asked anybody to change their routine; that if their kids want to jump on the trampoline in their yard they should be able to do anything you want. She doesn't think they would come over to your house and say they are having a wedding, put you kids in the house. It just doesn't seem reasonable that a business would do that and if they had that experience from a movie set on this property before, she would have told them to go jump in the lake-her kids are going to stay on the trampoline and

no they aren't going to be quiet. She is in favor of this. She thinks it is a wonderful, beautiful property and she would welcome it in her backyard.

VICE CHAIRMAN RIVERS asked if her home was on the map. Ms. West said no it is not.

WILLIAM SWIRTZ, 6054 W. TROVITA PL., stated that a lot of the items that he was going to talk about have already been discussed and he won't rehash those. Just as a background he is the president of the Swirtz Realty Advisors. He has been in commercial real estate and brokerage here in the valley for over 30 years and he would welcome an open debate about the economic development opportunities for this property but he doesn't think that is the intent of this discussion this evening.

Something that jumps out at him being in development and commercial brokerage, he doesn't understand why somebody would buy this property, invest the amount of money that they have invested in this and as stated they never want to live in it. They bought it for a business. They acquired the property without having the zoning in place, the use permit in place or any other zoning stipulations in place when they acquired it for their intended use. To him he finds that a little awkward unless there was already some pre-committed, pre-discussed action that may have assured them that this would go through. Obviously, this development clearly is not in the General Plan and it is not a compatible use. The noise level they talked about they beat that up all night long, the alcohol is a problem. The applicant talked about traffic and he shouldn't be concerned about traffic coming out at night because all of the cars are valet'd. He was kind of scratching his head and said if they are being valet'd coming out aren't they valet'd coming in? How quickly can they all get in at the same time? The same reason they can't exit at the same time. Where are they going to stack up all arriving at the same time to get into an event? He didn't understand that. There are not a lot of things that he is entitled to but he is entitled to quiet enjoyment. His quiet enjoyment doesn't have a 24/7 time clock. His quiet enjoyment doesn't have a 3 or 5 year window and he hopes that they will protect all of their quiet enjoyment in this beautiful residential neighborhood.

They talked about the property south that was acquired in the RTC days. Yes, it was. This property was acquired from the bank in a foreclosure – very similar situation. As you know, Trovita was developed in a very successful neighborhood. He is not there to tell the applicant what to do with the property; he is there to tell them what not to do with their property.

770 people – are they kidding him? Really? In this neighborhood? Please don't do that to us. He doesn't know how long a lot of people here have lived in the valley but do they all remember the Beach Boy party? It was a heck of a shindig. Don't let this become a Beach Boy party place.

The applicant talked about that if this wasn't approved, they couldn't afford to maintain the property. Somewhere along he heard him say that it is going to take them 2 years before they will be up and running. What are they going to do for the next 2 years? That is 2 years of the 2-year Use Permit that leaves them 1 year to run a business. Somebody do the math for him, he

kind of missed that. That doesn't make any sense. He doesn't think the residents in this area want to become the Goodman's test pilot. He has not heard them talk about any prior experience with this type of operation, he doesn't know what their background is, and all he heard was that they were a doctor. It is not like it's a national operator, he doesn't know, he doesn't know what the other history would be with the operations, but please don't burden them with having to police this property when there is a problem. It shouldn't be the burden of the surrounding residential neighborhood.

MOHAMED ZUBAIR, 455 W. COURTNEY LANE, TEMPE, stated his home is roughly 120 feet from this property. He thanked them for their service to the City and the public. He served himself on a Commission for 8 years in Tempe. Kyrene Road is going to rubberized asphalt in the next 4 years. All major roads in the City of Tempe are going to rubberized asphalt. He is mentioning that because that will bring the noise level down on Kyrene Road. They are very excited about it. A few weeks back he again check with the City Transportation Dept. and they said they cannot give him a schedule but within 4 years. It is already approved, it is already funded – all City of Tempe major roads will be rubberized asphalt including Kyrene Road wherever it ends. So the baseline noise will be going down. The reason he is talking about this baseline noise is that he owns a 2-story home that he and his wife built in Meadows II in 1997. They have 3 children at very young ages; 6, 12, 14 and they all go to school. He can tell them that a second story home with bedrooms up there once or twice there is some activity happening in Ray Ranch where Mark Weber and these folks live and somebody has a party going on. He can hear them in his backyard and in his bedroom. As a gentleman mentioned, they had a party (a concert) in this facility a long time back and they couldn't sleep all night in their bedrooms. His concern here that he wants them to take into consideration when they are making this decision that is what is he going to do with his children. There is music going on and they have to do homework in the evening, 8:00, 8:30, 9:00, 10:00 p.m. His son has exams as he is in high school. His daughter is in middle school. If you own a second story home, noise travels really fast. He looked at this study and no way is it what the real thing is. I wish he could invite them to his home. He would go and make a noise and ask them can they hear him. Not a loud noise, but a moderate noise. That is his concern. Everybody else has articulated all of their points; he just wanted to bring this to his attention.

There is also confusion in Tempe at least. He talked to a couple of neighbors and they said there was a beautiful wedding place happening. In 2010 this thing was just a wedding center and moved to other things. In 2010 he received a letter that this would be a wedding reception center. People have that. Not a lot of people opened the mail and follow up on what exactly happened. People don't comprehend today on the Tempe side. Now it is an event center, there is a bistro there and a lot of things going on. He showed the 2010 model and he highlighted 1 and 2 and then 2011 they have one of the top attorneys from the valley in the State of Arizona processing this case against people like him. They just want to make a living and raise children – just to give them an average chance at life. He is asking them for courage. It is the people who are sitting in Tempe and Chandler thinking it is something very beautiful, very bright and handsome grooms are going to come there. He is asking them to please consider his children.

JENNIFER PEARCE, 2561 E. LOS ALAMOS ST., said she is not on the map though she works just down the street. She came to support this project because she thinks it is amazing. She went on the site when it was first acquired by the Goodman's and saw the disrepair that was there and then has seen the magic that they have worked there and the beautiful work they have done restoring the yards, the gardens and also the interior of the home but that is not why she chose to speak. She would like to clarify something with her professional opinion. She is a professional musician and she wanted to address a couple of things that have been said particularly Vice Chairman Rivers when he asked a question about whether there would be bands playing. The answer to that is no because the definition of acoustic instruments that will be performing is impossible to be as loud as a band. It is impossible for string instruments because of the way that you play them – you pluck the strings. They are incapable of making the same noise as a band so technically that is not a possibility. As far as the Beach Boy concert which she understood took place there, she wants people to understand that without amplifying sound those neighbors will not be able to hear a string quartet that is playing for a wedding, a harp that is playing for a wedding and an acoustic guitar that is playing for a corporate event. It is technically impossible for those things to be heard without an incredible amount of amplification so she just wanted to share her professional opinion as a musician and clarify those points.

MIKE FONG, 6195 W. TROVITA PL., CHANDLER stated he was in opposition and would like to bring up a couple of different points and perspectives. First, he wanted to acknowledge that Mr. Pew is a very passionate, articulate and persuasive speaker. As he listened to him, he couldn't help but say wow because the guy really believes in it. However, he thinks there is a lot of spin and misinformation in what he has presented and before he comes back up to rebut what has been said and to close up with what will be a very compelling, well-articulated argument about why they should approve it. He would like to point out just a few of the inconsistencies in what he shared and show that a lot of the things that they puts up don't stand up to rigorous scrutiny and fact.

First, he gave some grand and noble reasons about why they are applying for a use permit as opposed to a zoning change and he thinks there is a much simpler reason and as they know, it is a lot easier to get a use permit than to get a zoning change. She would like to think that they were grand and noble and things don't work out and if they don't operate the business the way they promise to, they would graciously walk away. Somehow he doesn't think that is going to happen. They know they applied for a zoning change it probably wouldn't have happened.

The second thing is that there is so much detail that is being given, he thinks the fundamental big picture is what is missing in Mr. Pew's argument and it is smart of him to present it in such a way. He is fundamentally asking the approval of putting a business in a residential area. At the end of the day that is the bottom line of what is being requested. He made notes. He specifically said he is justifying that because look at the investment that is being made, a million dollars. There is going to be no impact to the neighbors, so on and so forth. He doesn't care if you build a soundproof bubble around someone's house and build either a shack or put a zillion dollars into a Taj Mahal, who the heck would want to live next to a business right next to your house. He thinks a lot of the spin around this whole thing is it takes away from what really is important.

Are you going to approve a business in a residential area and whether they have an impact on the neighbors or not, which I know they will, it just doesn't matter. He also says to look at the benefit. The big benefit is that they keep this single benefit-a nice property. It doesn't affect the neighbors and the alternatives are all of these negatives, vandalism, disrepair, etc. He discounts a lot of the other possible uses.

What they should know is that the bank who owned the property at foreclosure actually had a written offer to turn that property into a multi-lot residential development area. It just so happens that the Goodman's over bid that and of course, the bank is going to take the highest bid. So 100% about saving the economy and it will be a long time and it will never happen again, patently false. He was asked to be an investor in that proposal and call the developer on the way here this afternoon. He confirmed with his partner that they had a written proposal into the bank to do this.

Of course, Trovita is a great example of how wonderful and positive that would be and the amount of investment it would take to do that dwarfs the amount of investment that the Goodman's are talking about putting into the property. He also says about property values and whether they would be degraded by something like this. He could tell them sadly he bought his house in Trovita a little over 3 years ago and why he didn't pay quite as much as the Goodman's paid for their property, he paid in the ballpark. Per acreage basis, he paid many multiples of what he paid for that property and there is no question that if they allow this use permit to be approved, he would never have bought in this community of if he had, he never would have paid as much as he did. He bought at the bubble and he isn't going to come in here asking for a use permit to allow him to turn his house into a business.

He also says the people who can afford to buy this type of property have so many choices they wouldn't want to be here. He totally disagrees. He and his wife looked at over 50 homes around the valley, Paradise Valley, Scottsdale, everywhere and they fell in love with this community and what it has to offer. The peace, quiet, the sense of community and everything else and putting a business in there will irrevocably change the nature of that community. There are people who see the value of what exists there and would be willing to live and don't want to live in some of the other places where they possibly could.

He talked about security. There is a 7 foot wall and who is going to jump over that and get into your neighborhood. Sadly, on New Year's Eve and 2 weeks ago, someone jumped over the wall from the canal and broke into the neighbor across the streets home and robbed their home. Their freshman daughter was in the home alone by herself and he scared the heck out of her and walked her around the house. A horrible situation. Luckily she wasn't hurt and injured. The police determined he went back out and hopped over the wall again and left through the canal area probably parked somewhere in an industrial area. He has watched his nephew who is in high school run the 8-foot portion of the wall on his property and climb the top of the wall and pull himself up. It is such a gross over simplification to say they don't have to worry about it there is a wall. On the parking side it has been beat death. They talked about when there are going to be a lot of people they are going to overflow valet to the south lot. He thinks it is

common sense and if they really think about this of course everything gets queued up, 3 cars at a time and a big back log going out. The same thing for going in and there aren't 200 parking lots on Kyrene Road to wait for people to valet park this and what isn't even mentioned is if there is overflow, you had better find a lot of marathon runners to be your valet parkers. Because that is a big property and you have to park and run all the way back. Over and over again, if you really vigorously look at what is being presented as the rationale to justify approval of this use permit, it falls apart over and over again. He can see why Mr. Goodman hired Mr. Pew. He is very good, passionate and he can articulate a very good argument. Please look past that and look to the facts and think about how this is really going to affect the homeowners in the community and vote against approving this.

RHONDA CLARK, 6180 W. POST RD., CHANDLER which is closer to the industrial area to the north of the facility so she doesn't live as close to the mansion as some of the other folks do. **CHAIRMAN CASON** asked if she was on that map. Ms. Clark said she guesses so. She said the reason she was there is she is not only a resident at Ray Ranch but she is also an ICU pharmacist. Her good friends Paula and Mark Weber informed her of this meeting tonight. The main thing she is worried about is in the increase incidents of alcohol related accidents. As an ICU pharmacist she sees this every day and it is not pretty. She too has young children and she is worried about their safety as they do like to walk along Kyrene Road. Kids like to ride their bikes. She opposes the commercial use of this property.

MARLENE RAUSCH, 6303 N. KENT DR., CHANDLER said she lives in Ray Ranch Estates and she agrees with everything her neighbors have said but she said she needed to say something so important to them. She has lived there for 15 years but about 8 years ago she was diagnosed with a fatal heart condition and she has heart failure and if they approve this and everything it is going to disturb the peace and tranquility of not only Ray Ranch Estates but also Trovita. Do they understand that? What she has is fatal and she wants to have the rest of her life in peace. She sent them an e-mail. Her neighbors are very nice and very protective and they have little children in their neighborhood and they don't want them to be hurt. She had her son there when he was 5 years old. She doesn't want to call the police up and say people are disturbing the peace. She doesn't want that. It is so important that it is quiet there and peaceful for all of their neighbors. It is not just the site that is important, it is all of them. They are in the majority here and not the Goodman's. It's them. They bought that house because it is a housing development and it is not a commercial property. That is so important. She doesn't wish the Goodman's any ill will. She grew up in Mesa and is an Arizona girl. She owns commercial property and she isn't going to put a house next to it. She seriously begs them to not approve that application.

MICHAEL GUGGEMOS, 6182 W. KENT DR., CHANDER showed where he lives on the map. From a subjective point this is a community, these are their neighbors and some of them get along very well and some of them don't. Some of them have parties together, some of them are estranged. That is because of the dynamics of interactions of living in a close community. The Goodman's he is sure are wonderful people and they have done a great deal of work on that property-it's obvious. It does not change the fact that they are in a middle of a residential community. He won't try to re-articulate what Mike did so well and this is at the end of this

discussion it comes down to granting a commercial license to a business to operate in an area that is not zoned for that.

CHAIRMAN CASON asked if there was anyone else in the audience that would like to speak on this matter. There was no one else. He closed the floor for further discussion and invited the applicant back to speak.

MR. PEW thanked them for letting him to respond to some of the comments. He certainly won't take time to respond to all of them nor will I attempt to dissuade them from the genuineness of those comments. Clearly, there are heartfelt feelings about this this evening and their position tonight in making a recommendation to the City Council is an important one.

They think that the issue for them to consider tonight is not whether or not this site is good for a use permit for an event center as contemplated, thought about or perceived by their adjoining property owners. That is not the issue. In regards to what the gentlemen who talked about the Beach Boys concert, that is exactly what this use permit will prevent. So the question is, is it a fair use of this property to grant the use permit to operate the way the applicant has presented the case because to assume otherwise is to assume that the applicant is going to ignore everything you said, every condition of the Staff, every requirement of this stipulations specifically the noise and it is just going to operate the way they want. If that is the assumption that is being made, then clearly this case gets denied. They urge them not to make that assumption. For a lack of a better word, they heard a parade of 'horribles' here tonight. Nothing but bad can occur from this. This is an important site for Chandler. It is an easy decision to say let it stay the way it is, let it get sold for almost nothing so it could be redeveloped for single-family homes. That is what ought to happen here.

In fairness to his friend and colleague in the homebuilding business, Mark Weber, he is absolutely right the 10-acres could be developed. If the land was basically given away and the home was demolished, sure you could develop homes on it. Is that what they want to do? Is that what is in the best interest of Chandler in this location and this unique property? They see it as an opportunity Commissioners to open the possibility to let the Goodman's run this in a way they say they will and be good compatible neighbors. With respect to the issue of the General Plan with all due respect to the comments made by the neighbors, he would defer to Staff's recommendation on that. In his years of dealing with land use issues, the Staff evaluates cases and determines the consistency with the General Plan. If it is not consistent with the General Plan, then the General Plan Amendment is needed and in this case it is not recommended and it is not needed. So it is consistent. If operated this way, it would be consistent with the General Plan, why, because it has frontage on an arterial street and it can be made to be compatible. Also, he thinks this whole concept of putting the burden on their good neighbors to police this issue, which is not what they meant when they talked about this. The purpose of this comment about giving Mr. Goodman's phone number and indicated this is a revocable use permit; this is for the very point that this is not an irrevocable decision tonight. It is a decision that allows this project to move forward subject to compliance and adherence with all of the conditions including the noise condition that apparently none of their neighbors want to read or understand. It is very

clear what those noise conditions are and that takes him to a question that Vice Chair Rivers asked someone. The question with all due respect was 'could you hear from 2 blocks away something that occurred on the site'. He couldn't remember what the something was but certainly the answer is yes you can hear that. I can McKellips Road from his house almost ½ mile away. That is not the question. The question is 'is what you can hear an intolerable noise'? Does it rise to the level that it is an irritant? Sure they can hear things in our neighborhood, they hear them all the time but is it a high level of irritant which takes him to the nice lady who talked about the barking dog. Unfortunately, she misunderstood the Sound Study. She was referring to Table 2 which simply sets the standard. It was a marker for distances and noise levels. The barking dog was up in the 60 to 70 range. Her property in Ray Ranch compared to the bistro when you read the correct table in the Staff Report, the activities at the bistro would yield a 42 db at her site which is well below with what she was concerned about and well below tolerable and acceptable levels in normal communities.

The 770 number is compelled number based upon vehicles. They have to state what could be the total maximum number of human beings in a worse-case scenario on the site. That is what it would be. They doubt that it would get to that point. It will be a rare occasion where you have 2 full events completely occupied going at the same time with that number of people. They use that number simply to set a bench mark to know what would be the maximum occupancy just like you would if you had a structure and based on square footages and occupancies, there is a maximum limit. The other question about removing trees was a good one. This site is very unique. They have designed it so that only 1 tree is going to have to be removed and that is a tree up on Kyrene Road where the new entrance is. All of the trees around the western side of the property and along the border will stay. None of the design of the parking or the circulation will affect that.

Just to clarify for one of the cards the Chairman read who said the Sound Study was done in the daytime. This is absolutely not correct. In fairness again to the neighbors, their Sound consultant took a Sound Study at the time that could possibly be the most quiet possible. It was a Saturday evening from 8:00 a.m. to midnight on a Memorial Day weekend. Think of that for a moment. Could there have been a party going on? Probably, but generally most people that weekend are out of town or certainly not making all kinds of noise it is not like other typical parties you would have outside. That was a good night to take noise studies and it set the ambient level that exists throughout the community and that is what that Sound Study is about. It evaluates sound beyond that generating from our site.

In answer to a couple of questions that the Chairman raised earlier, the total number of employees on the site from the Chateau, the bistro and office uses could be 41. There are 41 parking spaces attributable to those uses. Will they all be used at the same time? High unlikely - that includes the bed and breakfast. Someone was asking him where they would park if they didn't do all the valet parking on the north side. There would be room for some valet on the south based on those numbers. With respect to the good question raised by Vice Chair Rivers about the amplified music, the answer to that question is what they have agreed to. There will be no amplified music outside but there could be an acoustical band as the young lady expressed

tonight that could perform during the operating hours. He hopes he didn't miscommunicate that there would be no music during those hours. There could be acoustical music outside up until midnight. Again, whether folks want to believe it or not, the Sound Study clearly indicates that the noise from that penetrating and trespassing for lack of a better word into adjoining properties, it does not rise to a level of a problem and that is all he could say but he can't describe it any better than the professional did.

With respect to the location of the dumpsters, he has chatted with Mr. Goodman about that. They could both be moved to the northern, middle area here on the property if that is a more convenient and better location. That can work and the functionality will still be operated on the site. The other question about the valet and the queuing, it is very important to note that when they worked with Tempe, Tempe did not require a deceleration land on Kyrene. Deceleration lanes are based on traffic demands and whether again anyone in this entire auditorium wants to recognize it or not, 220 parking spaces is not a large traffic demand on a street like Kyrene and for that reason there was no decal lane here. In addition, there is plenty of room in these aisles as they can see for queuing for valet. They don't envision any problems with vehicles backing up and queuing out into Kyrene. The gentlemen who raised the question about the use permit, they did not apply for a rezoning change here for the very reasons he indicated. He is absolutely right. They don't want to change the zoning permanently here. They think a use permit is a much better vehicle to use. If he uses the word temporary he certainly should have used the word conditional because that what use permits are. It is like giving somebody a probationary period to see how you operate and that is what they are asking for tonight. Give them a chance to operate this the way they have indicated that they would.

Again, with respect to the overall benefit to the City they believe that it is a marquee location. It would be a great spot for corporate events, especially businesses within Chandler who could go to Chandler, be very proud of this location, have retreat, have a meal, enjoy the ambience of it; this would be an ideal spot to do that. He urged their support of this case tonight. They urge them to recommend approval. They recognize there is a room full of neighbors who would rather see it remain residential but that is the choice in front of them tonight -not will it operate the way they suggested it will or the way they are afraid that it will. The better question is it a good use if it functions subject to all the conditions that have been outlined here. Their Staff recommends it for approval based on all those conditions. He urged their vote for approval and recommendation to the City Council. He thanked the Chairman and members of Commission.

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

VICE CHAIRMAN RIVERS said he had many questions. Starting with the valet parking, he has looked at this and he looked at it after he met with him earlier in the week and studied their diagram and he has having a real hard time with valet parking. It would seem to him that perhaps a better alternative would be to have as they explained to him when the people enter the property in their vehicles they are going to have their invitations looked at to make sure they do indeed belong on the property. It would make much more sense to him to have them park their own cars and put them into some kind of electric tram which would take them from the parking

lot down to the mansion rather than having all of the vehicles making that trip down there and making that trip back away from the mansion twice for each event. To have as someone already mentioned, marathon runners running back and forth being the valet parking folks. He was told earlier by one of the City employees that would be fine for 18 years old but they are not going to do that themselves. He truly believes that less vehicle flow on this property would be the way to go. In talking about the garbage and more particularly the recycling, if they have 2 weddings and again worse-case scenario until the end of midnight, they have staff cleaning up until 12:30 or 1:00 a.m. and then they are going out to a medal dumpster and chucking 200 champagne bottles into it at 1:00 a.m. that is not acceptable. Some contingency would have to be made for that.

They didn't talk very much about the bistro. He knows when they were out on the site that mention was made of ablated hours, had talked about breakfast and lunch and the last time he heard him mention hours it was up until 3:00 p.m. They also discussed that the bistro would not be open on days when there were events and he doesn't know what that would do to their ability to run a restaurant if they could have it be closed whenever there was another event. Are they going to have limited hours on their bistro or is it going to quit at noon, will it be there until 3:00 p. m. and how are they going to manage the issue of it may not be open today? Mr. Pew responded that is a very fair and good question that Mr. and Mrs. Goodman are going to have to grapple with as they operate this, but the one thing for sure is if there is an event in the English Garden that event could possibly and will normal use the bistro for various purposes and so the bistro will be closed at that time. How to notify potential clientele of a closure or a schedule or a calendar, he is sure all of those things are going to evolve. The point of it was, they know for their operational purposes that they are not going to function together. How they notify their customers who want to eat there on a certain morning or afternoon, they will have to figure that out.

VICE CHAIRMAN RIVERS stated the next question has to do with the potential for impaired drivers leaving your site. Have they made any provision for having taxi cabs available for these folks or any other contingency plans at all? Mr. Pew replied that there are a couple of approaches to that. It is very common for those caterers who provide alcoholic beverages to make arrangements for that very thing for phone numbers, taxis available, ride sharing, and all those things. That is a very common practice and they would attempt to implement that. However, they also believe that with respect to the valet parking one of the benefits to valet parking is that the valet controls the keys – the manager of the valet system controls that. Again, that is a judgment call but clearly if some inebriated sole comes forward to drive a vehicle home there will be some initial control at that point also. Both of those mechanisms will work and can be implemented on site if indeed the valet proceeds. They do like the valet idea. They heard your comment about the tram. They haven't thought about that so he can't formulate a response to them on that tonight accurately because they don't know if they thought about doing that; he doesn't believe they have. Those are the 2 mechanisms that would work on the impaired driver. **VICE CHAIRMAN RIVERS** asked if he could compare the viability of this business to the Castle and Noah's also in Chandler and let them know if there is some difference in this business that it should not be located as those other 2 are. Mr. Pew replied that was a very interesting

comment by Mr. Weber. That is an easy thing to do. That is an easy thing to say – where are these other locations and to point them out because those locations originated there along Price Road where there are no other uses around it. The other one is probably a General Assembly Permit of some type near the airport which again was not generally envisioned for that site to begin with. This is different and he is absolutely right; this is in a residential area. They can't deny that fact and they don't deny it. However, the Noah's from what he has been told is a rustic bar. There may be more to it and it probably is so he doesn't want to make a misrepresentation at this podium tonight. It certainly is not what they are talking about at the Chateau. This one is in a residential area. Why? Because it is a beautiful property that was lived in for 20 some years or more as a residence. It has outlived that purpose. He is absolutely right. Those locations are in isolated spots but there are plenty of other examples if they go throughout other communities of wedding reception centers adjacent to residential-much, much closer than this is. They are talking about hundreds of feet separation here. There are examples in Mesa at the Wright House that are immediately adjoining residences. It can function and it can work correctly.

VICE CHAIRMAN RIVERS asked comparing to the Wright House now, he has been there once and he is doing his best to remember what it looked like, however he believes the entrance to the Wright House involves driving off of a major street into a parking lot and walking to the door. There was no valet parking; there was no inside the site movement of hundreds of cars. It was just more or less you drive in and park and go in and when you get ready to leave, it is the same process. Is that true? Mr. Pew replied that was absolutely true. He is totally correct and the reason for that is because the Wright House today is a reception center and event center comprised of two single-family residences that faced on to the arterial road University Drive in Mesa. Those residences including an area in between them, which was either a yard or smaller building that was demolished, have been converted into this wedding reception center. They are on extremely small lots and frankly the parking for it was picked up when they did an adverse possession claim for land in a drainage area behind it for the parking. That's how that all worked. It is very, very tight there and very close to the neighbors-right next to it.

VICE CHAIRMAN RIVERS said if there are people spending the night there and they are expecting breakfast when they get up, they are going to have to have several staff on site for 24 hours including someone on the level of a front desk person and also on the level of a cook/waiter. Have provision been made for that. Mr. Pew said the answer is yes and again that would depend of those. They don't expect the Bed and Breakfast to be occupied all of the time so when it is occupied they will have the necessary personnel to do exactly what they say. They have to be prepared for that. **VICE CHAIRMAN RIVERS** asked if at that time would there also be security personnel on the property or what is the schedule for that? Mr. Pew replied that the security personnel are going to depend on the nature of that. His guess is and he doesn't think the Goodman's have decided the answer to this for sure but with a few individuals and a few rooms occupied it may not necessarily demand full time security. That is an operational issue they just haven't addressed yet and they will have to deal with it because he doesn't have an answer tonight.

COMMISSIONER PRIDEMORE asked if Orchid Lane is staying with the surface it has right now. It is not intended to be resurfaced or to be paved? Mr. Pew replied they were absolutely right. They intended to leave Orchid Lane the way it is today in relation to their neighbor to the west. **COMMISSIONER PRIDEMORE** asked if there was any reason for not asphalting it like they were doing with the rest of the parking? Mr. Pew replied that it takes them to unfortunately the nature of the personal conversation that Mrs. Ganem said tonight. There have been conversations between the Goodman's and their neighbors. There were discussions about what could or couldn't be done to make this improvement or increase this or that. Those conversations happened but they never materialized into a formal arrangement and consequently the Goodman's decided they would be better off to simply proceed with the application leaving Orchid Lane or the private easement the way that it is and not put any traffic from the Chateau de Vie event center on Orchid Lane. **COMMISSIONER PRIDEMORE** said he understands but right now he is representing that trash trucks at least will be using Orchid Lane to access the enclosure he is showing on the south side and also to proceed on to the main part of the property. Was it not considered to pave that to help reduce some of the dust that would be thrown up just with the trash truck use? Mr. Pew replied that yes paving that lane would indeed mitigate dust factors but the Goodman's view of that was that is how it functions today. They are not changing. That is where the trash collection occurs today. **COMMISSIONER PRIDEMORE** said he understands but he guesses he is curious as to why he couldn't improve upon what is there today. Mr. Pew said they could. If the Commission feels that it is important to have a stipulation about that they could do it. They just viewed it in the context of a resolution of issues with their neighbors that didn't involve. They never got back to that issue because it is really off-site. It is not part of their site plan technically, it is off-site. **COMMISSIONER PRIDEMORE** asked so Orchid Lane is not part of this property? Mr. Pew said it is an easement that the Ganem's have a right to on this property, that is correct. They have to accommodate that. They can't disrupt it, they can't modify it and they can't adversely impact it. **COMMISSIONER PRIDEMORE** said he guesses he is reading their site plan then in error because he is seeing a property line along the south side of Orchid Lane. Is he not seeing that correctly? Mr. Pew said he is seeing that correctly. He is telling him the way they have envisioned leaving it alone. They didn't envision it as part of their operational facilities. Is it technically on their property? Yes, but the Ganem's have an easement right over it. They could pave it if necessary. They cannot change it. **COMMISSIONER PRIDEMORE** said he understands they have to allow access off it. He understands the concept and the nature of the easement. What he was trying to get at is would he be willing to pave Orchid Lane which falls on his property. One of the comments he heard was the trash trucks that are coming through right now twice a week but would be coming more often if this facility came to what the Goodman's envisioned it to be. Would he be open to paving Orchid Lane? Mr. Pew said now he understands what he is asking and the answer to that is yes, they could pave Orchid Lane. The reason they didn't address it and what he was trying to say before is because they viewed in the context of resolving issues with their neighbor. They didn't look at it as a site plan issue but he is right it should be and could be looked at to see if they could pave it. **COMMISSIONER PRIDEMORE** said he does appreciate that Mr. Goodman has offered up his phone number. He does appreciate his putting that forward as a token of respect and what it was intended for. He wanted to get that out in the open and say that for everybody's benefit. He brought up the

lighting before that they were adding no new pole lights at least associated with the parking. Obviously if a wedding is occurring at 8:00 at night, he is sure the videographer and the photographer are going to want some lights out there. Has any consideration been given to the light pollution that could be generated from an event occurring in the English Garden? Mr. Pew said they have thought about that although they have not come to a conclusion as to how to do it. The one thing that the Commission and the neighbors can be comfortable with is that whatever lighting is out there has to comply with the City's ordinance and they can't trespass. The light cannot trespass onto their neighbors so they haven't decided yet exactly how the configuration would be especially in an area where a ceremony would occur. Will it be small ground mounted lighting pointing up. They are certainly are not going to have lights on the back of the mansion pointing toward the Ganem's house. They are not going to do that. Will they have small lights out where the ceremony is behind the mansion? Probably. They haven't designed that yet. Whatever it is they can't trespass onto their neighbor with that. They know that. **COMMISSIONER PRIDEMORE** said obviously noise has been brought up by a few people tonight. He was curious if the Goodman's have considered the noise that is being generated from the neighborhood. Obviously, not that the people in this room would do this, but a coordinated mowing of lawns on a Saturday night when an event is taking place he could see disrupting this business and he feels for the bride and groom that may be there that evening that have no clue of the past history that occurred here. They have talked about the noise from the Goodman's property going out, what about noise coming in? Mr. Pew replied that he has not had that conversation with the Goodman's about that topic but he is sure they have thought about it. It points to two things. One, more important than ever is the relationship between the Goodman's and the neighbors and to improve and enhance that relationship for that very reason. The more important reason about sound that might be escaping all of us here is the person that is most interested in the sound emanating from this sight is the Goodman's because they have 2 different venues. The last thing they want is noise pollution on their own property between 2 different events which is another indicator of their ability they are going to have focus on and therefore mitigate the impact on the neighbors. If they don't want to affect themselves, it certainly not going to go beyond the borders of the property. **COMMISSIONER PRIDEMORE** said again his point is and he commends the Goodman's for looking at noise being generated on the site that permeate into the neighborhood, but the reality is the residents around this property are living their lives 24/7 which includes barking dogs, mowing of lawns, and the odd wedding or party in backyards. He is curious how the facility would handle such occurrences which are going to taking place every day know matter what. Any wedding planner worth their salt, obviously if a crying bride comes up to them and says her wedding is being ruined because of that barking dog, they are going to try to take care of it. He has heard the neighbors and the burden that they see being put on them and how they can run their lives with the facility in their backyard as well. Again, has any thought been given to the noise coming from the neighborhood? Mr. Pew responded that as he has indicated before they certainly understand that and recognize that and the best and accurate answer he can give them tonight is that is a risk they are going to have to take and it is going to eventually require good communication between the Goodman's and the neighbors. It is just a risk that is out there that can be mitigated by good human relationships and their hope is to evolve that way.

COMMISSIONER CUNNINGHAM said in reading through the material before this meeting tonight, she had read a letter from the Ganem's and she just wanted to clarify something. She believes that the Ganem's actually own Orchid Lane and the Goodman's have a right of ingress and egress based on upon the letter that Mr. and Mrs. Ganem presented. She just wanted to clarify that. She asked Mrs. Ganem if her lot is a slag lot? Mrs. Ganem nodded yes. **COMMISSIONER CUNNINGHAM** said if it were to be paved, they would have to consent to that.

MR. PEW said they don't intend to get into a debate tonight upon surveys and titles. Their view of it is much different. Their view of it is and that is why their site plan as Commissioner Pridemore correctly indicated goes to the south side of the easement. It is their understanding that they own to the south side of that property and they enjoy the full use and benefit of the easement. The point is they don't want to get into that. The point tonight is they are not going to disrupt the Ganem's access.

COMMISSIONER DONALDSON said he is going to talk about flow and traffic and parking. The small driveway from the main entrance to the main home now is a narrow road that would need improvement in order to be used for business purposes. In their packet it says that it is not necessary for the use permit but if it is not used, then it is basically closed off to personnel traffic and emergency vehicles. When you look at the flow there is a lot of tight access, there is a lot of choke points, there is a lot of real challenges associated with the flow around the way the property is set up anyway. One; is he correct that it is not required by the user permit to have this road and the second question, if it is not a road, then what is their plan? Mr. Pew said he would like to answer that. They have agreed to widen that so the technical answer to their question is it required as part of the use permit? No, it is required if they want to use that road for vehicles. They must widen it so that a fire truck can go across the road and across those bridges. If they left the road the way it is today and did not widen it, then they would have to block it off to vehicular traffic and they don't want to do that. They will widen it and they will enhance the bridge crossings as necessary. **COMMISSIONER DONALDSON** said one of his main concerns is about the inside music, the inside amplified music and thinking about parties and events and wedding receptions and things like that. During his visit in which he appreciated the hospitality, in looking over the property was currently the garage area of about 4000 square feet of space. It seems to him it would be the largest indoor hall on the property. The fireplace room is pretty big but it is not the size of the current garage area which is kind of indicated as commercial kitchen/meeting room/event room, which is also a pretty dark room because it is originally a garage. Are there any improvements? He didn't see any improvements to that area? There are big garage doors that would possibly in an event remain open to allow the outside in. Those garage doors face Trovita. Inside music coming outside would create a problem and create something that is not allowed in the use permit. Explain to him how that area is going to be used efficiently and disciplined. Mr. Pew replied he is absolutely right. That is a large space and it takes retrofitting. The structure itself needs work to make it usable for an assembly area. With respect to the doors being open or closed and the windows opened or closed, they are not going to have amplified in that structure with those roll up doors open and bother their neighbors. If they did, they would be violating the use permit. The other point is other than

tonight and the few months they are in right now when it is really beautiful, most of the time they run their air conditioning units and keep the doors shut. That is what will happen in that room. On beautiful nights like this could those doors be open? If they are, they are not going to amplify music and irritate their neighbors. The first thing they would be doing to violate condition no. 6 of the stipulation, which they can't do. **COMMISSIONER DONALDSON** asked if there are any windows on the north side of the garages? Mr. Pew and Mario and Nick and was told not on the north side but the other sides yes. **COMMISSIONER DONALDSON** said there is nothing on the south side because that is all garage doors? Mr. Pew asked and was told there are currently and there will be more. **COMMISSIONER DONALDSON** said one of the neighborhood speakers talked about the evolution of the project. In his packet he doesn't have letters from the applicant that preceded this application. Can somebody bring him and the rest of the Commission up to speed on the evolution that they were talking about or was there an evolution? Mr. Pew said he is not familiar with the evolution of this site other than he is aware or has been told that there was discussion with the Staff about either a use permit or some land use entitlement vehicle for either a group home or rehab facility or something of that nature that might have been considered or talked about. He doesn't know anything about how far it got or what the history of that is. Staff would have to help us.

MS. NOVAK, SENIOR CITY PLANNER stated in 2010 the property was zoned by a bank at that time and there was a group home that would be more than 5 because by their code they can have a group for 5 or less in a residential zoning. The group home would be like a rehabilitation center for individuals. They were in escrow with the bank, they had contracts signed with the bank because basically when the banks had the property, the property sold fairly quickly and they were looking to do this group home. They had to file a use permit. They actually had a neighborhood meeting scheduled. During that process, the Goodman's started having communications with the bank. She doesn't know all the details with that but they did on their own send out notices to residents in the area and to members of City Staff without their knowledge and that is what the resident was submitting to her to show the Chairman earlier which they've had copies of that and was trying to get some feedback from area residents. Would they rather have a wedding reception facility or would they rather have a group home that was a rehabilitation center. That at the time riled up citizens in that area. The citizens had contacted the City and conveyed that they certainly wouldn't want that type of group home that was proposed. Her understanding is the day of the neighborhood meeting the bank decided not to go through with the escrow agreement that they had with the group home business partners and within 2 days her understanding was that the Goodman's paid fully outright and bought the property so it didn't take very long for them to purchase it. The bank sold it. In prior years the property with prior property owners had been for sale. It was not banked owned and when it was just for sale and somebody owned the site, there were people looking at the property to buy it and they did have verbal inquiries from people coming into the City asking how do they go about it if they want to do a wedding reception use or what do they need to do if they want to do residential. There were some homebuilders that came to their front counter and talked about how they would be able to try to design it, do private streets, public streets, large lots, small lots, all sorts of things but for whatever reason that property owner, it wasn't a bank, chose not to sell it to any of them or the deal never went through. The property basically just stayed owned by them

for quite a while until it eventually went under bank ownership because the last family that owned it had a requirement under their deed that they had to pay off their mortgage within 4 or 5 years which came up around 2010. Clearly, they weren't able to pay it off with the mortgage with the economy going down so the bank ended up taking it over. That is the history she is personally aware of from her research**. COMMISSIONER DONALDSON** said that clarified it for him that the letter going out about would they rather have a wedding reception area or a group home. That was what he was confused by. **COMMISSIONER DONALDSON** said to Mr. Pew that he had mentioned only one tree was going to be removed. He is looking at the north end of the property where the new entrance is. By visually being on the property there is a row of vegetation or trees that line Kyrene which would be a pretty good buffer. Some of those trees are pretty unhealthy. For that entrance what needs to be removed and opened up? He is thinking about the gentleman who lives right across the street in Warner Ranch. What are they opening up there for the entrance from a vegetation standpoint? Mr. Pew replied that his comment about the removal of the tree has to do with the fact that there is a tree where the entrance feature will be. That tree will be removed but based upon where the trees are and the way their plan lays out, they don't intent to remove any others. They intend to replace many of the trees along Kyrene. He doesn't know the exact number but it is a big number. He can clarify for him the south side of the building now that he has talked to Mr. Goodman for a minute that the south side of the garage building has 2 garage doors and 1 RV door today. One of the more garage type doors will stay for delivery purposes; the other 2 will be removed and the façade will be made to look like the rest of the building with windows there.

COMMISSIONER BARON said he had a question for Staff. Ignoring geography if this use were to occur anywhere else in Chandler buffering residential, what would the setback requirements be? Ms. Novak replied that if this were a commercial use going on a property, how the zoning code works is that when you have commercial zoning on commercial land there is a minimum 25 foot building setback and then you add to that how high the nearest building wall is. So if you have a 25 foot high building wall near residential zoning plus 25 you would have a minimum 50 foot building setback. That would be from the interior property line. From Kyrene Road there would be a minimum 50 foot building setback. This site clearly exceeds that. The closest point of the nearest building on the south side to the nearest residential lot line to the south is over 100 feet and goes well beyond that to the west, north, northwest and obviously to the east. If this site was already zoned commercial and they wanted do it they would have to meet the residential buffering building setbacks, it would clearly meet that. It also meets it by having all of the perimeter landscaping on the interior already today which they would normally require. Sometimes they require more landscaping depending on the use. In this circumstance they likely would not because there is a minimum 50 foot wide canal ditch on the west side and then there is another 125 or 130 feet of retention basin platted for Ray Ranch so there wouldn't be any additional landscaping. They would have to look at circumstances with existing landscaping on the property to the west. If there would be any more needed, she clearly doesn't foresee that. On the perimeter even with the parking lot going in it would stay. That is part of their requirement to keep that interior buffer. **COMMISSIONER BARON** asked with respect to wall heights what is the maximum wall height allowed in this residential district? Ms. Novak said under their zoning code under residential zoning district, you can have perimeter walls on

their side and rear property lines not within the front yard of your property up to 7 feet in height. Anything over 6 feet 0 inches does trigger the building permit. This property has grandfathered walls that have been there from when they had annexed it so clearly there are walls in the front yard along Kyrene. Maybe Kyrene wasn't even actually considered a front yard because the road wasn't fully improved at all back in the day when you look at some of the old historical photographs. It was accessed from the south farmstead of the Owens family estate. Naturally, if this property had zero walls today they would be limited only to a 3 foot high wall within the front yard area off of Kyrene. They would have to have that 50 foot building setback.

CHAIRMAN CASON asked Mr. Pew if he will stipulate to moving the dumpsters from Orchid Lane up to the northwest corner of the property or in that general area? Mr. Pew replied yes, in the general area where the existing storage facility is. **CHAIRMAN CASON** asked if he would also stipulate that when the enclosed buildings are playing amplified music that the windows and doors will be closed? Mr. Pew replied yes. **CHAIRMAN CASON** asked when he says they have 41 employees does that include their caterers? Mr. Pew said the 41 number is parking spaces that they have dedicated for those purposes for employees in the Chateau, Bed and Breakfast, the office element of it and based on the parking code they need 41 spaces. **CHAIRMAN CASON** said then he must have misunderstood his reply to the Vice Chairman when he asked how many employees did he think would be on site. **VICE CHAIRMAN RIVERS** said the question he asked had to do with the Bed and Breakfast and how many employees were going to be on site for that. Mr. Pew said the answer to that question is depending on the demand of the Bed and Breakfast on an as needed basis. He doesn't know if he can tell them its 3 or 4 it just depends on how many people are there and how much service needs to be rendered. **CHAIRMAN CASON** said then he did misunderstand his reply. He asked him if he could go over two more things for his benefit. One of them is again explain how the valet system is going to work, where the valet occurs, what happens at the entrance to the property so they can clarify that issue. Mr. Pew said the entrance to the property is on the north end. When vehicles comes to the site, the occupants of those vehicles should know if they are going to an event at the mansion or an event at the English Garden because their invitation will say that depending on where the venue is that the event is occurring. If the event is at the English Garden, there will be directional signage here on site that will direct the driver to drive this way and come down here and come in to this round-a-bout (he showed on the map). They will then leave their vehicle there and will be picked up by the valet and the valet will then park the vehicle along these parking spaces. They will then walk to the event. When the event is back over, they will come back here and they will get their car and leave. When individuals come to the mansion or the Chateau there will be directional signage at this point that will direct them south and they will come down here, come across, go through the round-a-bout and at that point the valet will pick up the car and enter the venue. The valet will then take the car, park it and come and get it when the event is over. That is how the valet circulation will work. **CHAIRMAN CASON** so when they discussed the entrance that they chose and the City of Tempe approved, that was the methodology on which they were not going to back up traffic onto Kyrene? Mr. Pew replied that the methodology for not backing up traffic onto Kyrene, he believes the issue for them was the stacking distance in the throat and the availability of easing stacking distance here but he was not a part of those conversations – his engineer was. All he

can tell him this particular design has been approved by the City of Tempe for this use and this site plan. **CHAIRMAN CASON** asked how long is that throat? Mr. Pew asked Mario for help on this. Ms. Novak said it is on the site plan and it is 60 feet and just to clarify with Tempe, just that City of Chandler standard detail is for a gate. A queuing has to do with a gate closed and if someone has to put in a call box number or has to wait for the gate to open; you cannot have cars backing onto the road. There has to be enough room just like Trovita has a gate and Tuscany. It took many, many years for Tuscany down the street to become a gated subdivision because the issue is you can't just put gates right off the street and then have people waiting to get in. The practice isn't necessarily about how many cars, it is just a matter of the gate has to be set further enough into the property to meet a standard detail. If the gates were closed and people needed to wait for the gate to open and come in, obviously when there is an event the gates are going to be open the whole entire time for people to be able to come in and then be able to go out so that doesn't really cause that issue of that backing up. That is the kind of the discussion she had with the traffic engineers in Tempe. **CHAIRMAN CASON** said he knows this will probably evolve but their signage in the beginning will it identify the Chateau and the Garden or will it identify the party? Mr. Pew said certainly that will evolve he is sure as to naming the event or the names of the individuals involved in the wedding or the corporate retreat or the dinner or whatever it is to a sign about that too. **CHAIRMAN CASON** asked him again to explain the owners experience with this type of venue. Mr. Pew said as he indicated before, Mr. Goodman's experience is in managing as the CEO of a large medical practice. He is not a doctor but he is the CEO of that company. His wife has some experience in that and he would have to turn to them to know the detail but to stand here tonight and say that have years and years of experience in operating these facilities is not a true statement. They are interested in this, they have some background but they are experienced operators today. **CHAIRMAN CASON** said he had said earlier that the applicant's wife had done this before. Would that be just participating? Mr. Pew said just participating and being involved in it. He doesn't believe Nick is an owner. Mr. Pew said for the record that Nick indicated that Shelley has been involved in wedding planning and decorating for years and was a part of a company that did that.

VICE CHAIRMAN RIVERS asked Mr. Pew if he could open his diagram and as a recap the people will enter at the top of this map and they will be directed to one of the other unloading spots. For the people that go to the Chateau they will follow the newly restructured, reinforced road to the south that loops into the turn-a-round up there. From that point can he refresh their memory as to where the valet parkers then take their vehicles? What happens is the vehicle parks here (he showed where on the diagram), the valet picks up the vehicle here and then the vehicle is then taken down here, through here, back and up and parked so that they don't have conflicting traffic movements out front with the lane. Human beings will leave their cars at this point and they will walk into the Chateau, enjoy an event in this general vicinity. Their car will be taken by the valet parker and will come around and over and up and park. **VICE CHAIRMAN RIVERS** said and the number of people that will attend an event in the Chateau will be 150 or 200. Mr. Pew replied that the Chateau does not accommodate a huge crowd. He said the Vice Chairman is right. They are not sure of the exact numbers. There will be an occupancy number once they get building permits finalized but it's not a big number in the Chateau inside. There could be some outside and there could be an event there but inside it is

relatively small for the main hall where an event would occur. **VICE CHAIRMAN RIVERS** asked if he thought 150 was a good number? Mr. Pew said when they were there for the neighborhood meeting, they probably had 40 or 50 people and he didn't think they could have gotten a whole lot more in that main hall. He doesn't think it is going to be 150. **VICE CHAIRMAN RIVERS** said he was just trying to determine how many cars they were going to unload in that turn-a-round? Mr. Pew said that will depend on the nature of the event. They could have a ceremony outside and then people could either be served food outside or inside depending on what the arrangements are. It is hard to say the exact number because it is not based on just the structure and the outside area. **VICE CHAIRMAN RIVERS** asked if it is possible on a given Saturday afternoon, they would unload 50 cars at that point? Mr. Pew replied yes. **VICE CHAIRMAN RIVERS** said so they would have 50 cars being driven south across the southern boundary of this property and up to the north along the fence that borders the Ganem's property. Mr. Pew said yes. **VICE CHAIRMAN RIVERS** said this actually could be done twice on a Saturday. Mr. Pew replied yes.

CHAIRMAN CASON thanked Mr. Pew for his comments.

COMMISSIONER CUNNINGHAM said her compliments to Mr. Pew and to the Goodman's for their presentation and this plan. Her first thought when she looked at it was what a beautiful facility. This is someplace she would like to go; she would like to participate in something there. She thought about the fact that they should add some security to the area because 10 acres of vacant property with a building that is vacant that will allow squatters. When its bank owned, it is not particularly patrolled well. It would give the neighbors some kind of security. She also likes the fact that the land was being preserved as best as possible. She was concerned about the traffic. She still has some reservations on it except that most of the weddings do take place on weekends and they have heard neighbors say that Kyrene is pretty awesome on weekends. She wasn't real concerned about the noise because she thinks that can be controlled and they have experience here in Chandler with businesses controlling it. She was a little concerned that they don't have someone residing on the property and actually living there and being a good neighbor. Instead of a residence they have a business and it will be a permanent business. The changes to it are commercial changes which will give rid of the lovely residence that was there. She knows that those days are past. She knows the land use that would use this site and preserve as much of this site as is possible but she has some reservations regarding the fact that it is placing a business, a commercial entity, in the very heart of private residences. She is a firm believer in private property rights and the right of every individual to enjoy the peace of their home and they do not believe that the people who purchased homes in that area would have purchased them if they had buying right next to a business such as this. She whole heartedly would love to see this property preserved. She would love to see it used perhaps as a personal residence with a small bed and breakfast operation which would give it some commercial use and help pay for it but not the venue that has been suggested. She cannot support it. It is not about the noise, it is more about the use and the compatibility with the surrounding neighbors. For this reason she will be voting no on this proposal.

CHAIRMAN CASON said he could understand everybody clapping earlier but he would like to ask everyone not to clap now because they are going to be debating up here and they don't want to have work with supported and unsupported conversation so if they could do that he would appreciate it.

COMMISSIONER PRIDEMORE thanked everyone for coming out. Obviously, this is very personal to a lot of the people in this room tonight and a lot of people that aren't here tonight as well. He congratulated everybody on how they presented themselves. They don't always have to agree on the subject. Obviously, there are people in this room that do not agree and that is fine. He does appreciate the respect that they have shown each other and he hopes that will continue no matter how this plays out here and through Council in the next step.

When he was first looking at this as his colleague up here had said on the surface it looks like it is a good solution. He does commend the Goodman's for trying to think outside the box and what this property could become. In an ideal world, yes, it would still remain a residence and things could return the way they were. He does appreciate them for thinking outside the box to see what else this could become. As he brought up earlier, he does appreciate Mr. Goodman offering up his phone number and that personal touch that if there is a problem he would be there. The questions he would have is down the road and Mr. Goodman sold the property or moved on would the next operator/owner be willing to do the same. He would like to think so but he thinks it is rare in this day and age that someone would offer that up.

The other point he had brought up earlier was the noise. The reality is that those that live in this neighborhood that are in this room live their lives in this neighborhood every day and he would hate to see them have to change the way they were living their life to accommodate something that came in after the fact. He would not want to be a policeman in this case not that the Goodman's wouldn't run a tight ship. He would hope that they could do that if it came to pass but he does have some concerns rightfully so not only from noise or whatever it is coming off of this site, but he does think the reality is that there are noises being generated by the neighbors. They have the right to generate that noise as long as it is not disruptive to somebody else. Again, he would hope someone else would call the City or call the police if he was causing a disturbance in the neighborhood. With that all being said he appreciates the thinking outside of the box. He appreciates the comments either way. He thinks there are some issues still to work out especially with the parking. Again, some people have brought up the fact that these valets are going to be marathon runners. The layout they are seeing here today is very good for what they are working with but he thinks it also shows some of the limitations for what can be done once they start looking at the property as a commercial piece of property. Obviously, it was not envisioned as that when the house was built back in the day but once you start looking at turning into a commercial operation, they needs things like paved parking lots; you need quite a few parking spaces and those driveways and that circulation has to occur somewhere. He thinks it could end up being a nuisance especially for the people that are directly west of the people and directly south with the cars and the movement that would be occurring there.

He has to say he was bit torn. Initially, looking at it on the surface it seems to work and it seems like a good idea but once you starting digging into the details of it, while they would hope everything would run smoothly and he knows the applicant would love the opportunity to prove everybody wrong, he does have reservations about its use this close to residences. The biggest thing for him is he wouldn't want to be a policeman. Right now he doesn't see himself supporting it.

VICE CHAIRMAN RIVERS thanked everybody that came out to speak this evening and even those who came out that didn't speak and that they are still there at almost 10:00 p.m. is pretty amazing. He thanked the Goodman's for their hospitality and inviting him to their property to show them around so that he could understand better this whole application. He thanked Mr. Axelsen for reminding them that this is not a temporary 3-year change in this property and that it would be permanent. Three years from now if they have to reconsider this application, they would be looking at somebody who has spent hundreds of hundreds of thousands of dollars to change their property permanently and what would be the alternatives at that time with parking lots already built and all of this money already spent. He thinks the property if it were approved, he thinks it would change the life of everyone in this room who lives in that neighborhood and it wouldn't be a temporary change.

He is concerned about the Noise Study, he is concerned about the noise not so much the crowds or the bands playing or the acoustical instruments, he is concerned about traffic noise and he is concerned about traffic noise within this property. He can't imagine living on the other side of the fence from 50 cars going by possibly twice a day and 2 days on the weekend, not only the noise but the exhaust fumes from that traffic. He is concerned about the hours when things will be happening and especially the taking out of the trash after midnight, 1:00 a.m. in the morning. Is it not going to be quiet and when the employees leave or when the caterers leave at that time of night, it is not going to be quiet. He doesn't think this is a compatible use for the neighborhood and doesn't believe it is a correct use for this land. He will not be supporting the application.

COMMISSIONER BARON said this is definitely a tough one. Everybody is truly passionate about it on both side of the fence and you can certainly hear both opinions and appreciate those opinions. That being said they are a recommending body that is supposed to be looking at land use and zoning. He is an Arizona native and grew up in Chandler and has lived here his whole life and is very familiar with the property and he looks at it from the standpoint that are there other examples of things of this nature that exist within the metro Phoenix area and the answer is yes. There are some good examples that exist in downtown Phoenix, the Arcadia area for example where there are very, very high property values adjacent to commercial or semi-commercial uses that have operated 20, 30 and 40 years with success – much more intense uses in terms of setbacks and access and traffic. He is a professional consultant and he also does this for a living. You look at traffic counts per day on Kyrene Road, you look at the impact of a couple hundred cars, it is going to be negligible when you are talking about 5000 or 6000 trips at 12:00 in the afternoon on Tuesday or even 1500 trips on a Saturday at 3:00 p.m. – 200 cars extra he would challenge them to notice the difference. From the noise, obviously a use permit has a

lot of control within that area and he does believe the applicant has done a very good job of agreeing to those stipulations not to mention the applicant was willing to do it and if there was a motion to approve this which he is thinking it is probably going to be difficult, there may be some opportunities to provide for additional noise mitigation through some taller walls or something of that nature, hours of operation of music and such. There are definitely things that can happen but the reality of it is it is no different than having this facility on a corner or having to live within this neighborhood. It is still on a residential scale. It is an estate; it still is going to look like a house, it is still home, a very manicured home. It is really no different than anything else that you might find within a Paradise Valley or North Scottsdale that might be adjacent to a residential use. There are a lot of ranches that have been converted to commercial properties that are existing within residential neighborhoods. He doesn't think this is a far-fetched idea. He actually thinks it is a really great idea. Without going into too much more detail, he said he would be voting for the case assuming they can get a motion forward.

COMMISSIONER DONALDSON said he really appreciate the neighbors coming out, the organization of the neighborhoods. He also appreciates Staff reaching out to the registered neighborhoods. He has some background with the neighborhood advisory committee in the neighborhood registration program so that seems to have reached a few more people than it may have in the past with just the number of feet that are required to be notified. He appreciates that and he appreciates the turn out and he appreciates being able to mark on the map where most of those speakers live so he appreciates all of that very much. He also appreciates the package that the Goodman's put together and Mr. Pew's presentation.

He also appreciates the ability to observe the property; it is a fantastic property, a tremendous property. From the street he probably never appreciated what was behind that wall of vegetation. He really came to appreciate it while he was visiting it. One of the things that strikes him is the permanence of the changes that will occur if this use permit goes through or if another use of this property occurs. He watched a gaggle of geese run down the grassy hill towards the lake. Probably a memory that is etched in his mind about the property and the comments that was to be hopefully preserved in some way by the Goodman's. It certainly wouldn't be preserved by putting 150 black top parking spaces on the top of that hill. Some of the other concerns that he had that helped him make the decision, he is very confused about the ability to have caterers bring in alcohol to a property that doesn't have a liquor permit at any point in time just because it is not the property owner who has the liquor permit or providing the alcohol for free or for charge. He thinks that aspect of the commercialization of the property he thinks the items that have been listed in the use some of them are pretty extreme; auctions, gaming tournaments, concerts and include but not limited to. He thinks those really strike him in a neighborhood setting. He believes the Goodman's have the discipline and the intention of controlling those things but it is a commercial venue and the customer is always right and the fathers of the brides are always right – so whatever they want they get. With those things in mind and again appreciating all of the input and the great package that was put together, he does not plan on supporting the item.

CHAIRMAN CASON stated he pretty much a pragmatist kind of person. Down the road maybe a mile or two you folks have probably heard about a bar down there called the Regal Beagle. The Regal Beagle came before this group and City Council because they wanted to have music outside. They asked for a use permit and their use permit expired and there was no support for them because they didn't do what they said they would do. That use permit was revoked and now they can no longer have music on the outside. The power of the use permit is actually the most preferred way to manage any type of property change in there because the City retains the most control. They will retain the most control. Whenever a property changes zoning, you can never take that back. In fact, there are state laws that say that once you have presented it that way you can't move back. The use permit in this particular case is the best way to be able to manage the property.

The use of the property is managed by the market. What he means by that is if the market could sustain a buyer to buy the property and turn it into a home that is what would have happened. If the market could sustain somebody buying the property, demolishing the house and build 10 1 acre properties, then that is what would happen. He said he could tell them from experience sitting at this very dais that home builders are coming to them for the last year or more to tell them they want to downsize their properties. They don't want to build big houses because there is no market for it. They are making all their properties into really small properties so if somebody came and bought this property and wanted to turn it into single-family homes, there would be 35 of them here. He didn't know how much you could calculate whether a business that performs services for weddings and those types of things how that would generate a loss in value in your neighborhood. He thinks they can all see that putting 35 homes where there isn't that kind of density anywhere around it wouldn't even be worse and given the fact that 35 homes is a 3.5 homes per acre density, you could see that it could even get more than that so that if somebody wanted to make it viable, they could tear everything down and try to come to them and try to get apartments.

Any of those types of changes couldn't be done with the use permit because those would be zoning changes but the point he is trying to express is that they have a landowner that has a piece of property and they are very limited to what they can do with it. If they can't do anything with it, it will become a dump because only the bank will own it, they won't be able to sell it to anybody because there is nothing they can to with it because quite frankly you won't allow anybody to do anything with it that is financially viable. You have to weigh those 2 things. You can't say and you can't wish that there is going to be somebody move in there because if that were the case, it would happen; it would be happening now and they would never, ever bought their property. The fact of the matter is that the property has to have some viability. When somebody purchases property, they have a right to try to do something with it. The unfortunate thing is what they want to do with it isn't necessarily what you agree to. As they can hear on the dais, there are quite a few people that believe how they are thinking and that is a wonderful thing. He thinks that the use is viable. In his opinion that the noise and the other issues that will be happening on the property are worse than they will actually be and he knows that they have a card up their sleeve, if you will, because if it is disturbing, if it is as bad as they expect it to be, they can yank and not continue their use permit. What is their incentive? They aren't the Regal

Beagle where the guy built a patio out front and hires a band to come by every weekend or once a month, these people are investing a million dollars in this piece of property. If they don't get a renewal on the use permit, they will have not only taken a risk of buying the property but they would be taking a further risk by throwing away the investment.

He thinks they have to take into consideration the fact that somebody is going to invest several million dollars on a piece of property and try to make you all happy at the same time. That is going to be quite a balancing act. If they don't do it and if you are not happy, they lose. If you are happy, they win. They have everything to lose and you have one year of noise to live through. He can't ask them to sacrifice one year of their life, but what he can do is ask them to consider other people's investments as well and to know that they have a couple of million dollars on the line to make sure that you are happy. He thinks that somebody that puts several million dollars on the line to keep a group of people happy deserves a chance. He would support a motion to allow the use.

CHAIRMAN CASON asked someone on the dais to make a motion.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER CUNNINGHAM** to recommend denial of Use Permit Case ZUP11-0012 CHATEAU DE VIE. The item passed in favor of the denial 4 to 2. (Commissioner Veitch was absent).

CHAIRMAN CASON told the audience that they are just a recommending body and the decision to go forward will be made by the City Council on February 9, 2012. He wished all of them good luck with this item.

6. DIRECTOR'S REPORT
   Mr. Mayo replied that there was nothing this evening.

7. CHAIRMAN'S ANNOUNCEMENTS
   CHAIRMAN CASON announced that the next regular meeting is February 1, 2012 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 10:05 p.m.

_____
Michael Cason, Chairman

_____
Jeffrey A. Kurtz, Secretary