MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 17, 2012 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Rivers called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance led by Commissioner Pridemore.

3. The following Commissioners answered Roll Call:

   Chairman Leigh Rivers
   Vice Chairman Stephen Veitch
   Commissioner Andrew Baron
   Commissioner Katy Cunningham
   Commissioner Matthew Pridemore
   Commissioner Bill Donaldson
   Commissioner Phil Ryan

   Also present:

   Mr. Kevin Mayo, Planning Manager
   Ms. Jodie Novak, 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 RYAN, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the September 19, 2012 Planning Commission Hearing. The motion passed unanimously 7-0.

   MOVED BY COMMISSIONER RYAN, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the October 3, 2012 Planning Commission Hearing. The motion passed unanimously 7-0.

5. ACTION AGENDA ITEMS

   CHAIRMAN RIVERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. Items B, C and D were pulled to action.

A. DVR12-0002 FRY'S FUELING CENTER

Approved to continue to the November 7, 2012 Planning Commission Hearing.

Request rezoning from Planned Area Development (PAD) to PAD Amended to eliminate conditions prohibiting a fuel station and 24-hour uses, along with Preliminary Development Plan approval for site layout and building architecture. The subject site is located at the southwest corner of Alma School and Germann roads. (**REQUEST CONTINUANCE TO THE NOVEMBER 7, 2012 PLANNING COMMISSION HEARING).**

E. ZUP12-0022 WAGAROUND

Approved to withdraw.

Request Use Permit approval to allow a dog boarding facility on property zoned Planned Area Development (PAD) for light industrial type uses and automotive customization uses.The property is located at 2440 East Germann Road, Suites 15, 17, and 19, east of the northeast corner of Cooper and Germann Roads. **(APPLICANT REQUESTS WITHDRAWAL.)**

F. ZUP12-0024 UFP CHANDLER, LLC

Approved.

Request Use Permit approval to allow a bulk fuel storage tank greater than 500 gallons on property zoned I-1/PAD (Planned Industrial District with a Planned Area Development zoning overlay). The property is located at 6878 West Chandler Boulevard, east of the northeast corner of 56th Street and Chandler Boulevard.

1. Development shall be in substantial conformance with narrative, site plan, exhibits, and associated conditions of approval.
2. The tank shall be constructed to comply with all City of Chandler Building and Fire Codes.
3. Fuel containment shall be in accordance with all State and Federal laws.
4. A Spill Prevention Plan shall be kept on file with the Fire Marshall.

G. ZUP12-0025 BRENNTAG PACIFIC, INC.

Approved.

Request Use Permit approval to allow for additional storage tanks within an existing outdoor storage tank yard. The subject site is located at 6750 W. Boston Street.

1. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other locations.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site shall be maintained in a clean and orderly manner.
5. Compliance with the City of Chandler's Fire Department provisions with regard to the Hazardous Material Management Plan.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER PRIDEMORE** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 7-0.

ACTION:

D. ZUP12-0003 SDA FILIPINO CHURCH

Approved.

Request Use Permit approval to locate a church within a single-family residential zoning district (SF-8.5) located at 801 W. Frye Road, east of the southeast corner of Alma School and Frye roads.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, Elevations and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
3. The site shall be maintained in a clean and orderly manner.
4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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.
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. **If congregant counts exceeds maximum allowed by provided parking calculation for a prolonged timeframe, so as to create a nuisance, a new Use Permit shall be required.**

MR. ERIK SWANSON, CITY PLANNER, stated this request is to allow a church to locate within an existing single-family home in an SF-8.5 zoning district located at 801 W. Frye Road, just east of the southeast corner of Frye and Alma School roads. The site has served as a single-family residence for a number of years. It operated as a single-family home prior to annexation in 1983. In the late 1980's, after annexation, it was granted a zoning designation of SF-7, which Chandler no longer has. In the early 1990's, SF-7 was replaced with SF-8.5 automatically changing the subject site to its current zoning designation of SF-8.5. The current request is for a Use Permit to operate a church within a single-family residence. Churches usually locate within residential subdivisions so it makes sense to allow the use with a Use Permit. The applicant is

requesting conversion of the home into a church. As part of Phase I they'll be doing all the off-site improvements and on-site improvements for parking, etc. There will also be a minor building expansion. They anticipate a Phase II in the future for a larger expansion of the church. Ultimately, the church is anticipating approximately 100 congregants which equates to around 25 parking stalls. It's a relatively small church compared to what's been brought forward in the last few years.

A neighborhood meeting was held with a few neighbors in attendance. In general, they were supportive of the use. There were a few questions and concerns. Following the neighborhood meeting, staff received a number of phone calls from nearby residents. Two of them were in opposition to the request and one was in support. The residents in opposition were concerned with traffic circulation, development of the site, and what will happen when the church expands. In general, they felt a single-family home was better-suited for the site. Staff had some discussions with the applicant and church leadership regarding the neighborhood concerns. A lot of the concerns were with traffic and parking. In response to those concerns the church approached San Marcos Elementary, which is just east of the church site, and now have an agreement with the school for additional parking when needed. It's important to note that the site directly fronts Frye Road; it's not buried in a residential subdivision. Some of the traffic issues will stem from the fact that Frye Road is a minor arterial; its purpose is to accommodate traffic. Additionally, Staff doesn't anticipate any issues with parking, but if there is they have the ability to utilize the San Marcos Elementary parking lot. Staff feels the land use concerns have been adequately addressed and recommend approval.

CHAIRMAN RIVERS called for questions from the Commission. There being none, called for the applicant's presentation. The applicant chose not to give a formal presentation.

CHAIRMAN RIVERS called for audience comment.

MS. ROSEMARY OLIVA, 775 S. EVERGREEN ST., CHANDLER, submitted a speaker card but did not wish to speak. She is opposed to this item. Her comment was: 'Not conducive to a residential area – 2 housing complexes on either side of this property.'

MR. K. L. SIU, 405 S. CAMELLIA DR., CHANDLER, stated he would like to have more information about the church because he lives right next door.

MR. SWANSON responded the Use Permit request is for development of the church. In Phase I they will have to do all the off-site improvements and right-of-way dedications. They also have to do all their on-site improvements; a parking lot and landscaping along all sides. They will also be doing a tenant improvement inside to make it operational for a church. Additionally, they will be expanding the north side of the home slightly for church activities. They are proposing some additional building height with the northern expansion. The building height will be around 20 feet, roughly the same height as a two-story home. With full development of the site they are proposing a Phase II which would make the total building size around 9,000 square feet. In Phase II, they are proposing a building height of around 30 feet with a religious embellishment on a flag. That height would be an additional 9 feet. It basically equates to a two-story home. There won't be any windows that look out into the neighborhood. They aren't

going to be expanding to the south, which is the side Mr. Siu is on, but they will be adding landscaping on that side to screen the property.

MR. SIU asked if it was correct that a Pastor's apartment is also being requested. Mr. Swanson responded that was correct. They are requesting conversion of one of the bedrooms into a room that would primarily serve visiting speakers. The intent is not to have it occupied full-time serving as an apartment. The Zoning Code allows for consideration of residential accommodations for churches because there are instances where a pastor or clergy resides on the site. **MR. SIU** asked if there was a possibility that more bedrooms could be added in the future. Mr. Swanson responded if the applicant requested more bedrooms at some point, it would have to go back through the public hearing process and the neighborhood would receive notice of the request.

MR. PATRICK KEC, 444 S. CAMELLIA DR., CHANDLER, stated he is the current HOA President for the Campo Verde development located just east of the proposed site. He wanted to convey some concerns he's received from the community with regard to traffic and parking. Frye Road has no on-street parking and their major concern is that they're going to get a lot of the overflow traffic in their subdivision when the congregation meets. They have very narrow streets and if they start seeing a lot of overflow traffic it's going to be problematic and have an impact on safety. He'd like to get some feedback from the Commission, as well as more information on the applicant's proposal, to find out how they plan on policing the parking. Even though they have a verbal agreement with the school, he doesn't see anything in writing that will guarantee the congregation will park at the school rather than the closest neighborhood, which happens to be his.

MR. SWANSON responded that although the possibility exists that someone could enter the Campo Verde subdivision and park on Folley Street, they would actually have to walk farther than if they parked at the school. The applicant has indicated the congregants would go to San Marcos School if additional parking was needed and it's more beneficial for them to go there rather than park in the subdivision. They also have the ability to park on public streets adjacent to the park located east of the site, but with the number of congregants the applicant anticipates, they actually have 25% more parking than the Code requires. While parking is a legitimate concern, with the small size of this church and the agreement they have with the school, staff feels this issue has been addressed. If parking and traffic circulation do become a problem, off-duty police officers can be utilized to help guide traffic.

MR. KEC stated that addresses his concern for the short-term, but his concern isn't short-term; it's more long-term. It doesn't seem like staff has a good idea of the expansion size of the church; 100 congregants was mentioned. The agreement with the school is short-term with no long-term promise in case the church expands more and at a faster rate than the original projections. Mr. Swanson responded the 100 congregants is taking Phase I and Phase II into consideration. Phase II is the ultimate build-out with their financial capital. The proposed parking is based on the full build-out of Phase II which would be with 100 congregants. If they get more than that, staff would work with the church on increasing the number of service times; possibly going from one service to two or three services to help alleviate the issues. They would also have to work with the school. Ultimately, if the school said 'no,' they still have the ability

to park east of the site by the park, which is something staff would encourage them to do. Staff is here to listen to neighborhood concerns. As the church expands, if the number of congregants explodes and creates issues, staff has the ability to go back to church leadership and remind them of their original representations. If it doesn't get resolved, there may be some type of enforcement necessary. There's always an avenue for concerns to be expressed and issues to be resolved.

MR. KEC stated that unlike the church on Alma School that has 2 or 3 lanes of traffic in each direction, Frye is a narrow street and goes down to one lane in each direction just past the church. He doesn't see that as being conducive to high volume church traffic, especially as the number of congregant's increases. He thinks it will have an impact on the entrance to their community. He just wants to voice his concerns and disapproval of the site.

COMMISSIONER RYAN stated he sides very strongly with staff because this is a Use Permit, not a rezoning. We all try and work together and be good neighbors, but if the congregation becomes 300 or 400 people and there are traffic and parking issues, it's staff's responsibility to call the development back to the Commission and City Council for a compliance review. The probability of it exceeding the anticipated congregants by more than 50%, or 150 congregants, is next to none. But if it does happen the neighbors will see it and staff will hear about it.

MR. KEC asked if it was unreasonable to request the agreement with the school be in writing to ensure any overflow vehicles are parked at the school. **COMMISSIONER RYAN** responded it's written into the record as presented by staff.

CHAIRMAN RIVERS closed the floor for Commission discussion.

VICE CHAIRMAN VEITCH stated the applicant's narrative indicates that the sanctuary seating capacity of Phase I is 100, which is what determines the 25 required parking spaces, which they are exceeding by 40% from the beginning. He asked what the seating capacity of Phase II will be. Mr. Swanson responded when they move into Phase II, the Phase I sanctuary will be eliminated and turned into a multi-purpose room and those seats will move to the Phase II. Basically they will be moving 100 congregants from one part of the building to another part of the building. **VICE CHAIRMAN VEITCH** confirmed with Mr. Swanson that the proposed 35 parking stalls would accommodate a congregation of 140 people.

COMMISSIONER CUNNINGHAM asked if it would be appropriate to add a stipulation that the congregants can't park in the adjacent neighborhoods. **GLENN BROCKMAN, ASST. CITY ATTORNEY,** responded the roads in the adjacent neighborhoods are public and therefore available to all members of the public.

COMMISSIONER PRIDEMORE asked for clarification on the parking agreement with the school. It's his understanding the church has approached the school and the school is okay with it. There is nothing in writing, but as far as anyone knows there's nothing in the way of it becoming a written agreement. Mr. Swanson responded that is correct. He hasn't seen anything in writing about them wanting to enter into a parking agreement because they don't know if there's a parking issue yet. **COMMISSIONER PRIDEMORE** asked Staff to confirm that there

is no way to enter the site except from Frye Road, vehicular or pedestrian. Mr. Swanson responded that was correct.

CHAIRMAN RIVERS referred to the site plan and stated if the smaller sanctuary will comfortably accommodate 100 people, then the larger sanctuary looks like it would hold 250 people. Mr. Swanson responded the exhibit is for representation purposes. Their hope is to get a congregation of 100 now, but ideally that's more of a build-out number. **CHAIRMAN RIVERS** confirmed with staff that if they went to 200 or 250 people, they wouldn't have enough parking spaces. His concern is that the school is ¼ mile away and he can't imagine that anyone is going to walk from the school parking lot down Frye Road to the church, in August. Unless the church has a shuttle service, people aren't going to be happy about having to walk ¼ mile each way to go to their church. He thinks there needs to be something more concrete in place. Mr. Swanson responded that potential exists. The church indicated they have talked about carpooling and also having a bus transport people back and forth. Mr. Swanson asked **CHAIRMAN RIVERS** if he was looking to have more of a formal parking agreement in place before moving forward to City Council. **CHAIRMAN RIVERS** responded he would like to see some legitimate avenue to make sure this agreement will really happen. Additionally, he asked staff if it was intentional to not have a time limit condition on this Use Permit. Mr. Swanson responded it's not typical to have a time limit with churches, although it has been done inadvertently in the past. This is more of a use issue, not a timing concern.

COMMISSIONER PRIDEMORE asked if a time limit condition were placed on this Use Permit, could it be handled at a Staff level when the time was up or would it have to come back through the whole process. Mr. Swanson responded if a timing condition is placed on the Use Permit approval, it would have to come back through the process. There have been cases in the past where the Commission is updated a year after the approval to see if there are any issues.

MR. BROCKMAN stated if there is a time frame set and the time expires, it does need to come back to Commission. If there's a nuisance that occurs as a result of the operation of the site or if there's something else contrary to the conditions of the Use Permit, staff can take action without having to wait for a time period to expire.

VICE CHAIRMAN VEITCH stated they need to remember that where churches are concerned, they're operating in a legal environment where basically any regulation placed on the church needs to be in response to a compelling public purpose. That needs to be taken into consideration if the Commission is considering adding conditions to the Use Permit.

MR. BROCKMAN stated one of his concerns is that Mr. Swanson has indicated time conditions aren't placed on an approval as a matter of practice now, so what would be the legitimate basis for doing it on this Use Permit. The issue of parking seems to arise with every church that becomes popular and heavily used, and yet time periods weren't placed on their approvals.

CHAIRMAN RIVERS asked if it would be allowable to continue this item until the next meeting so the parking agreement could be put in writing. If the church is pursuing a congregation of above 200 people, judging by the size of their building, and they're only parked

for 140 people, then they're going to have to show a contingent parking arrangement at some point.

MR. BROCKMAN responded unless there's some time constraint with the case, it is possible to continue if there are concerns about moving forward with it. It seems to him the main concern is about overflow parking that won't be needed initially. The Commission could also require a written agreement with the school as a condition of approval rather than continuing the case.

MS. CUBES ANDERSON, SDA FILIPINO, 6442 W. JASPER DRIVE, CHANDLER, stated she is the one who spoke to the school about the parking arrangement. The school told her they can't put it in writing because they would need specific dates. It can't be just one week or one month, it has to be a period of a year because it would be a contract. That's why they weren't able to get the agreement in writing. In regards to their membership, their mother church is Chandler SDA Church on Galveston Street. They left that church because of the size; it's grown to around 250 members. Their group believes in staying small. Right now they have 60 to 70 members which includes children. 100 members is their maximum which they would be happy to put in writing. They want to keep their congregation small. They also don't want to create any problems for the neighbors.

COMMISSIONER RYAN moved to approve ZUP12-0003 SDA FILIPINO CHURCH subject to the submitted attachments and the conditions recommended by staff and adding a condition to read: 'The building load will not exceed 140 people. If it does exceed that amount it must come back before the Commission and Council for re-approval.' Seconded by **COMMISSIONER BARON.**

COMMISSIONER PRIDEMORE stated he doesn't know how they can restrict the number of congregants for any church, as the added condition would do. By adding the condition, they're restricting the ability of the church to operate even though ideally they would like to keep it at 100 members. He's uncomfortable supporting the motion with that type of a restriction. He's not sure it's within the Commissions' purview to do so.

MR. BROCKMAN responded that he doesn't look at it like they're telling the church that on any one given day they can't have 150 people. What they're saying is that if they're going to exceed the 140 maximum on a regular basis, they just have to come back to Planning Commission and Council to see if there's a way to address and resolve the issue. The applicant is representing that it's going to be relatively small for the near future. The motion is legally permissible.

VICE CHAIRMAN VEITCH stated he has the same doubts as Commissioner Pridemore in terms of whether the stipulation was taking them into an area that deals with religious freedom statutes. If the attorney is comfortable with it, he feels better. An alternative might be if they regularly surpass a given occupancy they would be required to procure a formal overflow parking agreement.

COMMISSIONER RYAN responded it's really up to the neighborhood to police this situation. He just added the condition to try and appease everyone. The applicant stated they're not going

to exceed 100 to 120 people anyway. He doesn't want to define something to the point where it's going to be a problem.

The motion passed by majority 6-1 (Commissioner Pridemore opposed).

COMMISSIONER PRIDEMORE stated for the record he's not opposed to the church use, his opposition is to the added stipulation.

ACTION:

B. GPA12-0002 ALLRED BOARDWALK GENERAL PLAN AMENDMENT

Approved.

Request Minor General Plan text amendment approval by modifying the language of the South Price Road Employment Corridor for approximately 69-acres located at the southwest and southeast corners of Price and Willis roads.

Staff recommends approval of the proposed Minor General Plan text amendment modifying the language of the South Price Road Employment Corridor, as identified in case GPA12-0002 ALLRED BOARDWALK.

KEVIN MAYO, PLANNING MANAGER stated this is a request for a Minor General Plan Text Amendment that modifies the language of the South Price Road Employment Corridor known as SPREC. It applies to about 69-acres located at the southwest and southeast corners of Price and Willis roads. He said he was going to get them graphically oriented to the subject site and then they are going to step back and take more of a holistic approach to Price Road.

The subject 69-acres encompass land on the west side of Price Road. He showed on the overhead where it is. As they are looking to making a Minor General Plan Text Amendment to the language that basically defines what South Price Road Corridor is, they need to take a step back and really look at what is the language, what does that language say. The language as it reads today is:

This area is recognized as the City's premier employment corridor, which is reserved for single employment users such as high-tech manufacturing, corporate office, and knowledge intensive users in campus-like settings on parcels generally not less than 15 acres. Parcels less than 15 acres may be considered when they are part of a larger innovation zone as described in the Growth Area Element. General industrial parks and subdivisions, warehousing, distributorships and uses that fall outside the description of knowledge-intensive employers, large office developments, or advance business services do not fit this category.

As they look at that, they think to themselves what is that, what does that apply to? He showed another graphic – a future land use plan of the General Plan. This shows the entire city and all of the different land use categories identified on the right hand side. He showed the subject site. The Price Road Corridor area is the bubble shaped area generally encompassing the land going from the 202 southbound to what is the Chandler Heights Road alignment at the southern edge of the Intel property. They will notice on the plan that the entire corridor even going north to the 202 falls in that kind of purple color known as employment. It allows all the things that they are accustomed to understanding what the employment allows. The South Price Road Corridor, the blue oval kind of goes even further and it really starts to try to define and promote what is identified as Chandler's Premier Employment Corridor-what that is. So what does that language mean and how has it been applied in the past? If they break it down in to pieces and just figure out what each one of these pieces means. When they start that, they read this area is recognized as the City's Premier Employment Corridor. It is a pretty bold statement and a pretty bold vision that has been in place for about 2 decades.

As they look further into that, they see that it reads for single-employment users. That is a pretty specific statement. It could be argued that statement is more specific than what really belongs in a General Plan but that is the language that they have in their South Price Road Employment Corridor. That is what they have been dealing with for about 20 years. It goes further and keeps defining what the uniqueness is and trying to evoke through words what this corridor is to become. It is reserved for single-employment users such as high-tech manufacturing, corporate offices and knowledge-intensive employers. It is really trying to say that this is not a general industrial business park area; it is for those high-tech manufacturers such as Intel, Orbital, Motorola and places like that; corporate offices such as the Wells Fargo campus as well as knowledge-intensive employers such as Iridium and all of those other businesses that are on the Price Road Corridor. It is really trying to evoke a sense of what this is through descriptive language to kind of just describing what those users are. As they keep going and it keeps trying to chisel down and define what the uniqueness and create that uniqueness on the Price Road Corridor, it goes in and says that those users are to be set in a campus like setting on parcels generally not less than 15 acres. It is saying that single user of that honed list of employment users has to be in a campus like setting on a parcel generally not less than 15 acres. There is some flexibility that should be in the General Plan where it says generally not less than 15 acres but still the specificity that is in the General Plan is really centered around that word single.

They keep going through there and it starts to talk about the Innovation Zone which is the subject of this evening but it then threw in additional descriptive language and tries to describe again reconfirming what the Price Road Corridor is not. It goes further and he read it as:

General Industrial Parks, subdivisions, warehousing distributorships and other uses that fall outside that description of knowledge-intensive employers, large office developments don't fit the category. The language tries to describe what it is – that honed list of users that tries to describe what it isn't and how they are to develop single users in a campus like setting on parcels generally not less than 15 acres. That is the language of this South Price Road Employment Corridor. As they look at it, they have to take a step even further back and really see the history of Price Road; how has it been implemented, what are the successes and what are the challenges that they need to look at improving upon.

He showed a map on the overhead. Everything they see in this map that is color is what they consider Price Road today and it is very parcel specific even though the General Plan is supposed to be general and then there is language in there that says it is not parcel specific. This is the parcel specific property that the Price Road language practically applies to in certain sets. They will see at Willis Road that everything south of Willis Road is colored and it goes all the way down to the Chandler Heights Road Alignment.

They will notice that the oval that is defined as the South Price Road Employment Corridor does reach all the way up to the 202 and then it comes all the way down to the Chandler Heights Road Alignment. Practically speaking as they have applied this language over the past 2 decades they have historically said that Price Road Corridor starts south of Willis because the property that is north of Willis was zoned and entitled prior to the implementation and creation of that SPREC language. They said they were zoned prior to it therefore you're not applicable to be governed by it. They say today south of Willis Road is Price Road. What does the graphic representation mean to you? Everything in red that they see on this graphic has had a zoning case approved for it and their development completed on that property within Price Road. Everything they see in that dark blue is still zoned AG-1 and has never had a zoning case approved for that property. They are looking at a total acreage encompassing everything they see here of about 1440 acres. That is quite a bit of land and so when they look at the blue, it actually encompasses 218 acres. The question might be asked they have 1448 acres and only 218 left, it seems to be working. They are doing the right things and they have to drill down further into that to really see what has developed on Price Road and what the real drive behind it is and what has been left over.

He moved to the next exhibit and again he said he hopes this shows up well. They will see that they are still encompassing the entire 1440 acres and they still see the dark blue pieces. These two pieces at the northern end are the subject 69 acres that they are talking about as well as about 10 acres that shows up right here separately owned and not a part of this request but also in that dark blue that is still zoned AG-1 and never had a zoning case on it. They will still see those 3 areas of 218 acres but you will also see is a hatched area (he showed where) that is a parcel that had a zoning case on it, had a PDP approved but never developed for various reasons. As they head further south you get into a double-crossed hatched area. This area is all vacant land but all owned by one property owner, Intel. This vacant land is all owned by Intel and is seen as a future expansion for Intel. Historically, the property down here will always remain vacant because it is just used as a good buffer for Sun Lakes – that is the southern edge of Intel. So as they look to this and they start to say they have all of this vacant land, how does it actually apply to it? Historically, they have said that north of Willis is not applicable because it was zoned prior to the implementation of the SPREC language. They really need to take out Intel as well because it goes way back into the 80's and the acquisition of it and the original zoning of it. They really need to take out of what is the applicable property that the SPREC language applies to as well because of the Intel property and other high tech users on Price. This entire property right here and this other property are entirely owned by the City of Chandler. It is the City of Chandler's water treatment facility and a fire training facility. So it is a little unfair to throw that land into the equation of what are they talking about in terms of Price Road. They need to pull all of that out and chisel down to what is the applicable property that this SPREC language applies to.

This now shows the 1440 acres. Everything that is colored is not Intel, is not the City of Chandler but is in the area that is governed by the SPREC language. It encompasses about 650 acres. From the 1442 they are down to about 655 and they are starting to chisel down into the meat of what is Price Road and how do they develop and encourage it. As they look at it, everything in red accounts for about 40% of the 655 acres. Yes, they still have the never zoned property, the hatched parcels that are zoned and have a PDP approved for them but are still not developed and the Motorola building. So as they look at that 655 it is really kind of the subject of the SPREC language as they look to the future to keep building out Price Road, encouraging users to fill this property; the SPREC language practically applies to this 655. Then they look at that 655 and see how that is SPRECKLING which has been applied and what are the successes of it, what has it done well? As you look at the SPREC language, it is very specific in kind of describing what it isn't. You are going to see a handling distribution facility down on Price Road, you are not going to see general warehousing type facilities and the SPREC language has done a great job of protecting the corridor from that type of use. It has done a great job through its single user and employment corporate offices evoking that sense of big, large things on generally not less than 15 acres. It has done a great job at keeping out the multi-user, 10 to 15 rollup doors with individual users and the smaller industrial parks that they see elsewhere in Chandler in their other business parks. It has done a great job at protecting the corridor and protecting this land for future development of the knowledge intensive users that they seek.

The problem that they have had is that there has been very little flexibility in that language mostly as it applies to that single word-single. As they look at kind of what they consider red, considered developed for Price Road, they will see the Orbital Science facility down here, the Wells Fargo portion of their campus, the Motorola building, digital realty trust, AmeriCredit, and the Kovach building. As they look at these things, what has happened over the last 2 decades, this building that is built and it is considered red, it is 500,000 square feet of vacant space. Meanwhile, the Continuum project has come through. The Wells Fargo campus is a good example as they look to kind of what would you want it to be, single-user, big campus, corporate headquarters. The Wells Fargo is probably there most recent true success of getting that type of user in here. As they look at that, the zoning occurred prior to 2004; this development occurred in 2004 and then their original development including 6 buildings that per their phasing plan when it went through zoning would have been done. All 6 buildings would have been done by 2012. At this point they have no indication that Wells Fargo has any intention to finish off that campus which is why you see this property here still vacant. As they drove further into it, they look at the AmeriCredit building at the northeast corner of Germann and Price Road. That is a building of about 155,000 square feet. AmeriCredit went in and built their building, started to use it and they like every business does, either grows or shrinks; they retracted some. They are occupying about 85,000 square feet that is vacant today. They can't put a user in it because their language is very specific. It says a single user. As they look to the AMCOR site, same situation. They still have AMCOR out on the eastern half of it. The western half in the back building currently is vacant. It is very tailored made for that type of use but it is quite a big building. They can't put another user back there because of the language that is in it. It has been a challenge.

As they look further north, they see the Kovach building. He showed where Kovach No. 2 is. It is important to note that this entire property is actually hard zoned I-1 and the Kovach 2 building and Iridium developed as an exception to the Price Road language because they were not 15 acres; they were smaller than that but because of the I-1 zoning they were allowed to develop. They look at what is their most recent successes for Price Road and without wanting to sound negative in any sense, Item C, their most recent successes and development really has been data centers. They have seen the Digital Realty Trust building that just came through. They might remember their PDP that came through for the expansion of that data center on the east side that is the development that is occurring. Then once Continuum came through they have had the Cyrus One Data Center which is about 500,000 square feet coming in on this piece here. That is under construction today and you can see that out there. East of AmeriCredit they have this parcel which was termed Project Green Box which was the next data center as well. Anywhere else they look on the corridor they are looking at either portions of empty buildings ~~or~~ whole empty buildings and campuses that may have been a grand plan back in the day but just were never able to come to fruition. If they want to take a step far enough back in time and look at the Motorola campus that took this entire thing, it went through its entire life cycle only building one quarter of itself. It was supposed to be 2,000,000 square feet out there and it only built one quarter of it. 500,000 square feet went through its entire life cycle through and then shrunk and ultimately left the property. As they talk about the language, they need to study Price Road and see how it has been applied and if there are challenges to it and they can identify some, what are things they should look at changing and which should they look at keeping. They have done that and they have worked closely with this applicant on this General Plan Amendment. Again, it only applies to the northern 69 acres.

They have looked at making sure that in the event it is always best to look at the General Plan text amendments holistically. It would be best to apply this to the entire corridor but the City is not in a position to do that at this time and the applicants design to go forward and so they have filed this General Plan Text Amendment. They have worked closely with them to really insure that the language that comes out of this could be used as a model for other places in the corridor. Again, keeping it broken down into pieces, what does the proposed language say and what does it do. They will see in their packet the proposed language basically strikes one word-single. He read what the new language is:

This area is recognized as the City's premier employment corridor, which is ***generally*** *(new word) reserved for ~~single~~ (strike thru) and adding the words* ***large/significant size*** *(new words) employment users such as high-tech manufacturing, corporate offices, and knowledge intensive employers in campus-like settings on parcels generally not less than 15 acres. Parcels less than 15 acres may be considered when they are part of a larger innovation zone as described in the Growth Area Element. General industrial parks and subdivisions, warehousing, distributorships and other uses that fall outside the description of knowledge-intensive employers, large office developments, or advance business services do not fit this category.*

Mr. Mayo said so what does the required language do? It provides a small degree of flexibility. Chris Mackey is here this evening to kind of further embellish his upcoming statement. As they look to why the language hasn't worked today and why it seems like it has almost slowed to a stop, times are changing. The business needs are changing as they knew it before they even went

into this. This economic downturn and ultimately some call it a recovery, some don't. As they are climbing out of it, business needs have evolved. They knew it back when Mary Jo Wade submitted the next Study to Council in March of 2007 and it was a study and a series of recommendations not just about Price Road but Price Road was mentioned in there to better position Chandler for the next 20 years of our growth. They knew they were coming to the end of a suburban kind of growth pattern and transitioning to an urban and Price Road was the focus. Ultimately, out of that next 20 then transition into the General Plan Update of 2008, the creation of the Innovation Zone and the concept that they need to look at allowing flexible spaces for smaller users. The Innovation Zone kind of started to home down that list of permitted uses even greater but they knew that back in 2007. As they are evolving today in 2012 and approaching 2013, they know that businesses are doing more with less.

They know that the number of users that are 15 acres single-users is pretty small. It doesn't mean that it's not out there but it is a really small net. They are looking to create a little bit of flexibility on these 69 acres again without throwing out the intention of Price Road. What it does do is remove that word single and adds the words large/significant size. This is still a big employer. This is not your State Farm agent; this is still big employment users that just generally don't need 15 full acres. What it does not do it does not alter at all the hones list of users; those high-tech manufacturing corporate offices and such. It does not remove the intent for a campus. Ultimately, this GP Amendment is partnered with a PAD request that they are going to see in an upcoming hearing. It does not remove the intent of a campus nor does it remove the requirement that development occurs in the minimum of 15 acres. They have 69 acres and there will be ultimately a PAD campus brought before them for the 69 but the proposed language still does not remove that requirement that campuses with at least 15 acres need to come in nor does it remove the descriptive language that says the warehouses, the distributorships and things like that.

As they went through the process, they did have a neighborhood meeting in the interest of not having to drag neighbors out for a General Plan Amendment and then also a zoning case. They did conduct the General Plan neighborhood meeting as well as the zoning case neighborhood meeting in one shot. They described the merits of the General Plan case as well as the zoning case. Through that he is not aware of any opposition to necessarily the General Plan Amendment request but they did request receive neighborhood opposition mostly centered on traffic.

In terms of traffic the underlying land use of Price Road in this piece here has always been employment and has been for decades and this piece has always been a part of this direct language. This GP doesn't change the underlying land use of employment, the intent to have large scale employers on this property. This GP doesn't do that nor or they looking to change that in the upcoming zoning case. What it does do is just allow that flexibility in terms of the number of users on this property. As they go through it, he believes the neighbors are here to speak about traffic in terms of Willis Road and what it is going to do. Unfortunately, those discussions are really more appropriate at the time of zoning when they are looking at buildings and square footages. Right now they are just talking about General Plan language but he would love to hear what their concerns are so they can go back and keep working on it with the applicant. The applicants at the neighborhood did hear the concern and indicated that since they are not changing the General Plan Land Use designation in going from the AG-1 zoning to a

PAD for employment uses. The rezoning request is not changing any of the build-out of the South Price Corridor. The Transportation Master Plan Update that was completed in 2010 stills stands true in terms of how big Price Road needs to be and how big Willis Road needs to be and what those traffic patterns look like. As part of the zoning case, when they look at doing a pre-tech and seeing the technical site plan review for these upcoming zoning cases, they looked at a quick traffic impact analysis making sure that the number of drivers are appropriate, their locations are appropriate, the decel lanes have appropriate lengths and those type of things for development specific. The applicant did hear the concern by the neighbors about traffic and what is it going to do to Willis Road and what is it going to do to Price Road. Are they going to come into their neighborhood, it is going to overload Willis. Willis Road was really the focus and some on Ellis as well.

The applicant has conducted a full blown traffic study. They heard the concern and they want to go back and insure that the Transportation Master Plan Update findings are still accurate. They just submitted that to Staff as part of the zoning case which will be coming before them November 20. They did submit that traffic study to our Traffic Engineering Department which is under review right now. He is confident it is going to say the same thing but the Transportation Master Plan Update of 2010 is accurate. He just wanted to put that on record so the neighbors heard that this is underway.

The request before them this evening is just a Minor Text Amendment to the General Plan, SPRECKLING as it applies to the 69 subject acres of the northern corridor and Staff does recommend approval of it.

CHAIRMAN RIVERS asked if there were any questions for Staff on this item.

VICE CHAIRMAN VEITCH asked if Mr. Mayo could explain one more time why the case that is before them is only for the 69 acres and not generally applicable at this point in time for the entire corridor. Mr. Mayo, Planning Manager, replied that when you look at doing a text amendment it would always have been Staff's preference to do this on the entire corridor. As you do that on the entire corridor there is a stakeholders group that you need to evoke and all the property owners on Price Road and it is a much more involved process then just focusing on one parcel. The subject property owner did not want to wait for that entire process to get under way and maybe unintended consequences could come out of it. They wanted to go forward and just look at their parcel. So what is before them this evening is that General Plan Text Amendment as it applies only to the 69 subject acres.

COMMISSIONER PRIDEMORE asked if there had been any other modifications on any other properties along the corridor prior to this one not even the same or similar change. Have there been any other changes along the corridor? Mr. Mayo replied no. In terms of the SPREC language it has remained steady for about 2 decades. What has happened over the corridor with a lot of the development that they see has happened through exceptions to that because they had historically zoning that was approved prior to that such as the Kovach piece and the Iridium building hard zoned I-1. This parcel here you have the Mobile Gas Station at the corner. Its zoning pre-dated the SPREC language and they may remember the Park Ocotillo development that came before Planning Commission about 2 years ago. That one even though he keeps it in

the SPREC language its zoning and PDP in place allows just pure multi-tenant development. It pre-dated it so a lot of the things that have occurred outside of the SPREC language are because they had some exception to them but the actual language has never been amended.

COMMISSIONER CUNNINGHAM said they are not actually approving the Allred project today. Correct? Mr. Mayo replied correct. He has explained that they have several other vacant office buildings in the area and this is just a pre-cursor to changing those or it is just for this one? She said he heard him say it was just for this one but how does that affect the future ones? Mr. Mayo said ultimately Council could direct Staff that the solution that has been derived upon for this piece is a good one and it is appropriate to apply it to the whole corridor. They may direct Staff to start the process of amending this SPRECKLING but that is a much more involved process and getting all of those property owners who would be involved in that case. It could but nothing has been set into place yet.

COMMISSIONER BARON said on the Motorola campus, the Continuum site now, that previously was a single user and the PAD he is assuming modified it to allow it to have multiple tenants there. Mr. Mayo replied that the Continuum project that encompassed the entire Motorola property had a couple series of things that allowed it to happen. It allowed the development of SPRECK users in terms of that honed list of users on 15 acres single use buildings. It allowed because of the Motorola building having theatre, cafeteria; some things they would look for in a hub and it allowed them consideration of an innovation zone that further defines the General Plan. It did allow for that so that they could have multi-tenant buildings. The only kind of true exception to the SPRECKLING was to the existing building mostly because it was 500,000 square feet and was seen as the center of that hub. It was given permission to have multi-tenants and it didn't get into large scale significant size, it just said you couldn't do that. By all practicality being based on the bones of that building and the scale of the building it isn't going to develop out with 500,000 square foot State Farm agents. It is really the only aspect of that Continuum project that was granted some type of exception to it.

MICHAEL CURLEY, 3101 N. CENTRAL, said he will try not to cover all the material that Kevin just did and hit some other points in the interest of time. He is here representing Douglas Allred Company. The Allred Company is generally regarded as one of the premier office and business park developers not only in Arizona but in the southwest. They have an extremely development resume in southern California but also have a real substantial presence here in the valley. In the City of Phoenix he has covered this and some of the materials that have been sent to them. In the City of Phoenix they have developed over 3 million square foot exclusively class A office and business parks. In the City of Phoenix the 2 most prestigious business parks is the Cotton Center over between Broadway and 48th Street and Southbank on I-10 and 32nd Street. The Cotton Center constitutes about a million square feet on about 90 acres and Southbank he thinks is over 2 million square feet. They also have a significant presence in Chandler. Interestingly, Christine will tell you that the City of Chandler met the Allred Company because the City of Chandler was competing for a number of users that had narrowed down their choice to the Cotton Center in Phoenix and Chandler and for reasons he will explain in a moment the Cotton Center won a lot of these battles and so Christine realizing they were a good user and they built the type of quality that Chandler wanted, invited them over here.

He showed some existing product that Allred did not build but basically have purchased in the last couple of years. It is just north of the airport and south of the 202. Both of these projects constitute over 300,000 square feet of space. They were essentially vacant when all their company bought this. This site here had about 10% occupancy. It is now 90% occupied. The Allred Company engaged in Park Place. This is the site that they are dealing with right here. Park Place is immediately to the north. This is actually an older area. The building is almost complete. It is Infusionsoft. Some of you may have read about this software company that relocated from Gilbert to this location. This building will be the 4th building. The building permits have been pulled for the 5th building and is under construction. Infusionsoft by the way is going to have 600 employees on 7 acres; it is about a 90,000 square foot building. He said he wanted to tell you a little about the Allred Company and what they have done because he thinks it is very relevant to what Kevin just covered in connection with the Price Road Plan. They have a philosophy of building and building quality. They are not speculators. They are in fact the exact opposite of speculators. They have been successful in landing Infusionsoft because they are one of the very few builders in the marketplace that actually goes and build speculative buildings before the tenants are there. The reason why they are able to do it because number one they are self-financed which is a very desirable situation. Secondly, they have designed a developmental footprint for their buildings for office buildings, business park buildings which accommodate virtually all of the larger office business park users that are looking to locate. By them building specs. based for corporations that are looking to locate in a particular area, when a corporation comes and they are looking at Scottsdale and Tempe or Chandler, they need to be in there yesterday. One of the real competitive advantages that Allred brings to the table is by building spec. buildings, they have a year jump on the competition in terms of being able to immediately accommodate that corporations need and that in fact is exactly what happened with Infusionsoft. That is the reason why they are here because the building that is almost complete right now was available for the use immediately.

Allred's plan on this particular site is he thinks a pretty impressive one. When they look at the Price Road Corridor and the inactivity that has occurred for a number of years, in fact Kevin said 1984 was the last real development that they have seen of a campus type user. What Allred's plan is to do the following: He showed Price Road as it exists right now and the Keiper Dairy is on the eastern parcel. They are going to be immediately upon closing on the property closing down the dairy. They are going to be remediating the dairy; that is about a 3.5 million dollar cost. They then are going to be putting in all the improvements along Price Road, all of the infrastructure and 100 feet of landscaping on both sides of Price Road. He doesn't to want forage into some of the zoning aspects and the site plan details. The entry fees are going to be placed and the infrastructure and the total of those two investments are going to be about a 7 and a half million dollar investment and then they will start construction on one of the buildings which will be in the neighborhood of a 20 million dollar building.

The other interesting aspect of this is when you look at the pace of development on the other Allred properties. If you look at the Cotton Center which is roughly 90 acres and 1,000,000 square feet , that was built out in 7 and a half years. Southbank at over 2,000,000 square feet developed in about 8 years. Park Place constitutes about 500,000 square feet and built out in five and a half years in one of the most devastating economies that they have had to go through. The Allred Company has continued to build during this period; one of the only builders in this

particular area. When you take that pace of development that they are going to build in advance and having users there and you take that pace of development of what happened on the Cotton Center, Southbank and Park Place, they are estimating that this property will be developed out in roughly a 7 and a half to 8 year period. That is a pretty extraordinary pace of development when you consider what has happened on the Price Road Corridor during the past 15 years.

The reason why he has gone through all of this is because as they listen to Kevin and when you look at the history of the Price Road plan and they look at what the City's goals were and what the desires were, the Allred Company in his opinion is the perfect storm. You have a developer with an unparalleled track record who is coming in and making a major investment in the property and he is doing exactly what the City of Chandler wants. He thinks it is extremely important to remember what Kevin says; that they are not changing the concept of this being a campus environment. Price Road has always been envisioned to be a campus environment and this is going to continue to be a campus environment. They are going to be having the only instance in the entire City of Chandler where they have a developer who has both sides of Price Road putting in unified landscaping, unified entry treatments, putting in unified architecture, putting in a holistic approach to circulation and pedestrian activity, it is a really unique situation. The only thing they are seeking is the ability to take some of these large buildings and having the ability to have 2, 3 or 4 users for building. That is all they are talking about modifying from the Price Road plan. They are not attacking what he thinks is the very essence and integrity of the plan and that is requiring a campus user. He thinks what they will find in terms of having the flexibility to do multiple buildings or multiple users of the building are essential because as Kevin has just said to them. If they take the 15 acre single user requirement what that extrapolates to is about 180,000 square foot building. There is a very, very finite number of users in the marketplace that are going to take 180,000 square foot building and that is going to be the only use that they are going to have. They find if they talk to the Economic Development Department and if they talk to any of the brokers who are actively involved in this area, they will tell you that 99.9% of the users are going to be who you would want to locate in this area. They are the Infusionsoft's of the world. Infusionsoft, again, the exact type of use that the City of Chandler wants at this site but it could locate south of Willis if they originally enforced this single user 15 acre requirement because even though they are extremely employee intensive, they are only 7 acres. It is almost self-defeating for the City to have this maintained here because the vast majority of users, 99% of the users are in the market place. They actually have conducted a survey for the last 10 years and 99% of the users are in this small 7 acre 50 to 100,000 square foot range.

Kevin touched upon to some degree why the plan in their view needs to be changed. The plan of the single user 15 acre requirement might have had its place during the day but as Kevin touched upon the business model in the business environment has changed as a result of automation, as a result of computerization, less space is needed and again the Infusionsoft is the perfect example where 15 to 20 years ago the typical employee or the typical employment situation where individual offices are a thing of the past. They now have cubicles, some businesses operating in 2 shifts and there is a need for less space then there was in the past and that is why they don't think they are going to see very many of these 15 acres single users.

In his opinion and the marketplace opinion and if they talk to the Economic Development Department, they will agree with this. If this restriction is not lifted or changed, Chandler is going to lose because there are just are not very many users out there that can fit this and it is no secret but they are going to be going somewhere. Where are they going is going to be Tempe, Phoenix and Scottsdale. Scottsdale has got a significant amount of business parks off of the 101. City of Phoenix has a significant amount of the business park and then just for example in Tempe this is a couple of examples; Priest and the 202, a new industrial park which constitutes about 110 acres. It is closer to the airport which gives it somewhat of an advantage because of the location and proximity to the airport is important. They don't have this operational restriction. Tempe does not have this operational restriction of the single user requirement. SRP's headquarters is another area where it is approximately 70 acres, roughly the same size with what they are dealing with right here. Again, closer to the airport and no restrictions. There are several other examples but the point is that these users are going to locate and they are users the City wants and in his view this has not changed the City is going to be losing out.

They have had some discussions about is the General Plan Amendment even necessary because there is language in the General Plan which talks about allowing some flexibility. They decided not to go through a General Plan Amendment for the entire corridor because when they first started talking to Staff, they were talking about that being an extraordinarily lengthy process that wouldn't accommodate the purchase of this particular property by Allred. He said the business environment is clearly changed, the business model has changed and their Economic Development department is going to tell you that the users that they want to locate here and the type of users the City wants and if the General Plan doesn't change with the business environment, it becomes a ball and chain around the City's ankles. He thinks when the case comes through to them from a zoning perspective, they are going to be very pleased in terms that it meets all the Price Road Corridor plans and goals and aspirations. They think they have the right developer and this is a unique opportunity and they would ask for their support.

CHAIRMAN RIVERS said on the wonderful picture he had of this campus, how many jobs would there be in that 69 acres when it is finished in 8 years. Mr. Curley replied that was a very good question. It is a little bit of a crystal ball because they don't have the users but taking the same amount of building footprint and ratios that exist in Cotton Center and Park Place, they are estimating about 6000 employees.

TZUHSIN LU, 1441 S. CARRIAGE LANE, said they are opposed to this item but doesn't wish to speak.

YI CHIEH HUANG, 1441 S. CARRIAGE LANE said they are opposed to this item and does not wish to speak.

MICHAEL ADAMS, 1401 S. CARRIAGE LANE said he lives in Vintage Villas which is going to be kitty corner from this development. He said he is up there to figure out full disclosure and transparency, to figure out what is going on because initially when they were given the opportunity to meet with Kevin and the other gentleman, it was a little all-encompassing and a lot to take in. In the interim he has come up with a few hodge podge notes. He said he thinks they have somebody on Staff that goes out and finds these people that they

want to put on this property. Is that how this came about? Mr. Mayo, Planning Manager, said actually the property owners find us. Mr. Adams asked so Allred came to the City of Chandler? Mr. Mayo replied yes. Mr. Adams asked if they know if Allred is being compensated or subsidized with this project. Mr. Mayo replied they are not. Mr. Adams asked if this project could still take place in 2013. What is the urgency that they are going through all these hoops at such a breakneck speed? When he sat in the meeting and asked specific questions, like will this building change a little bit and he doesn't know how many parking exactly parking spots and things of that nature and he asked for an impact study and was told there was one and then he talk to him on the phone and subsequently found out it was a quick study but now after he has voiced his concern, he guesses one in the interim has come forward that somebody incurred the cost of. Why is this going at such a breakneck speed?

Mr. Mayo said this is normal development speed in terms of the language of the General Plan Amendment and the zoning case. This is normal speed and when they reach out to the neighbors it is to show the development plan and what concerns are raised. It seemed like the biggest one at the time was traffic. They look at the width of how big should Price Road be, how big should Willis Road, Germann Road and all of those things and they do that at the time that they do their Transportation Master Plan Updates. It uses the General Plan as the ultimate build-out and at build-out what do those roads need to be so that as they are building them today they are building them not for today but for the future. The Transportation Master Plan Update most recently was updated in 2010 and it included all of the lands that he showed on the aerials for Price Road being employment. That really then dictated how big Price Road was going to be, how big Willis, Germann and all of the other streets that end up feeding into and touch Price Road as well as what the interchange looks like up at the freeway. As the development comes in, they first look to see if it is consistent with the land use that has been planned for that area. When they looked at the pre-tech which is the site plan they saw, it is not a subject of this evenings request it is just the General Plan language. When they looked at that conceptual site plan, they first evaluated it is the same land use that the General Plan called for. The simple answer is yes, with the exception of that language change in terms of single versus large scale significant size, it is still employment land use. They do not have them do a full blown traffic study to say they are changing the land use and what does that do to the street. Is the street big enough to handle it? What they do is their own site specific traffic measurement study that says how many driveways do they need and where do they need to be located. Are they located in line with any other driveway or streets that are adjacent to the property? That is what they did at the time of pre-tech. When the neighbors voiced their concern at the neighborhood meeting, they weren't convinced that Willis is going to be able to handle it. The applicant was the one that went back and decided to do for the benefit of the neighbors to show them they have done an updated study that still shows that the streets are going to be able to handle that traffic. They have gone back and done a full blown traffic study for this project. That is just what got submitted to our Transportation folks to look at.

Mr. Adams said he apologizes as he never has been through this process before but he is ignorant of o.k. we have a plan and the building is going to change and they don't about the parking lots and they did an impact study but it was a quick one and now they are doing one. They are kind of getting the cart before the horse in his view.

CHAIRMAN RIVERS said this evening what they are considering is the language of the General Plan. As far as the specifics of how this development will come to fruition is a totally different matter. Mr. Adams said the gentleman before him spoke that there is an urgency to get these buildings built but from his viewpoint he is building stuff with no tenants, no anchor tenants. There are no assurances that these buildings are going to be occupied. They have several buildings in the immediate area that have vacancies signs, they have property adjacent to his Park Place that is for sale but he doesn't want to purchase that. So on that property he can do what he wants to propose but he wants to buy the property across the street. He is at a loss on that. So they want to build a property with no tenants but they have history on their side from the standpoint of he drives around the City of Chandler and they have a big elephant that sits on the corner up there by Cosco that is a 6 story building that never got built out. They gave them assurances there was going to be a full tenant. He knows it is a different story. They have one on Chandler Blvd. and Arizona Avenue just down the street the strip center that never got built up. They have a medical building facility on Frye and El Dorado that got bulldozed. So you want us to believe that this is going to be another 6 building cookie cutter set up but they don't have an anchor so they are taking away from the adjoining neighborhoods because if he gets an Intel or Avnet and they come in and purchase the building or the property, they could put in something that is desirable like Kovach has a nice beautiful building. What they are giving him here is 6 more cookie cutter buildings that have no uniqueness to them other than you can stick a lot of people in them. The potential plan for this long term was to get uniqueness in there and not just more of the same. If they want more of the same, just go north of Willis. That was one point. In the plan it is stating it wants an innovation zone and they are just giving them 6 generic buildings. He doesn't see that as being innovative. It is going to fill a void eventually but just eventually now takes away from the value of this property adjacent to it. Just to stick in a bunch of people so they can give more of a tax base doesn't benefit him immediately. It might benefit the City but it doesn't benefit him. Again, there is nothing in concrete with the proposed design, where the building sits, the parking structures (do they have them or don't they). Kevin used the word earlier fair. Is it fair to whom? He is pushing this to the City and to the board on whose behalf. Is it the bottom line of potential tax revenue, is it the bottom line to get their proposed Price Corridor built out or is it so that he has another notch on his repertoire to get this taken care of because they went out and procured Allred and Allred is going to do this and now he gets his promotion. He doesn't know what the incentive is and why he is so fixated on getting this and then they don't want to take in the rest of the corridor for rezoning because it doesn't pertain to this (he is kind of gray on why) and it has to be done right now and only to this. Then they have adjacent to this a parcel that is still going to be AG-1 and is not going to get the improvement from the standpoint of new sewer, taking down of the power lines. There is just a lot of gray area that they have no assurances that any of this is every going to happen. They are just giving a privately owned company the right to do whatever they want with no anchor tenant in place. So that is his main concern at this point.

JORDAN MARSH, 2343 W. REMINGTON DR., VINTAGE VILLAS SUBDIVISION, stated he is currently opposed to this specific change to the wording because it only applies to one developer not the entire corridor. Without a further study he is concerned that they are benefiting one developer rather than looking at what are the conditions and the changes that are going to occur over the entire corridor. He is for development and he thinks they are going to

end up having buildings there and he doesn't have a problem with that. His concern is the focus on the one developer. Kevin Mayo said they are looking at half buildings on Price. Why do they think a multi-tenant building built by Allred would be any different? Currently on the northwest corner of Willis and Price it says for lease. There is still property left north of Willis. There is still to develop a 6th building at the Allred Park Place. This would add an additional 6. From his knowledge he doesn't know of a tenant and a tenant wasn't identified for the building 5 only for the building 4 which is Infusionsoft. At the community meeting that was held the developer's attorney represented that this could take 10 years to find people to fill in this building. At the time he didn't know how many parking spaces there were but he had the full site plan along with his architect there. They have now learned it is 6000. One of the things that is very important to him is large companies on that corridor. He bought into the property that he is in based upon his due diligence to look at what the plan was knowing there was a dairy and he is o.k. with the smell and the flies which was something they proposed to move out, but large companies build roots in the community. Large companies like Intel, Orbital, Wells Fargo they sponsor local charities, they sponsor local football teams. There employees are just as much a part of a community as that company. Why are they that way? Because they own the property, they have a stake in the community, they pay the taxes directly to the City, they are not a tenant of another property owner and they don't have short term leases. They are in there planning to be in that property for more than 5 or 10 years. Many of these tenants that are going into these multi-tenant use buildings may only be signing 2 to 5 year leases. What are their roots, what are their stakes in there? As a California based developer, he would like to know what roots has Douglas Allred made in Chandler? His firm currently owns several properties here. What improvement has been offered back to the community?

COMMISSIONER RYAN stated this is really a Planning and Zoning Commission. Let's leave it to that and not get into the politics of who is donating what and whose got the money to do this or that. They are looking at simply do they want to reduce the size of the users on Price Road. It is as simple as that. You don't want to complicate this issue. If he wanted to run for Council and get into the politics of it, he'll do it but he didn't get on this board to listen to that. He thinks there needs to be some direction on where they are going.

CHAIRMAN RIVERS said the speaker has come tonight and he is entitled to his say. When they get done with that they will go to the next one but he is entitled to speak to the Commission. He asked if Miss Mackay would like to clarify what he is looking for and answer his question. That would be helpful.

CHRIS MACKAY, ECONOMIC DEVELOPMENT DIRECTOR, said as they have worked with the Douglas Allred Company and looked at Price Corridor there are a couple things she would like to comment on some of the questions that have been asked up here this evening. As they look at developing Price Corridor, he doesn't think anyone has fought harder than Planning Development and Economic Development to protect the corridor. To turn it into something that is those large users, it is the significant users that have those companies that are truly vested in the community but he doesn't think you can judge a company investing in a community by its size. You have a number of small State Farm Insurance Companies who donate more time and more effort to a little league team than a large company in the community. She would like to be

clear that she doesn't think you can judge what an investment in a community is based on the size of the company.

She would like to point out as they look at that corridor's developing what she finds interesting as she worked through and developed that corridor for about 15 years now, is that on the properties where there is some flexibility that's allowed, they have developed with those large single tenants. She finds it interesting that north of Willis Road where the flexibility is allowed or south of Queen Creek where there is additional flexibility, they have had single tenant buildings that have developed. It is because of the developers have the ability to get financing and to go in to build the speculative buildings in reference to Mr. Adams. The companies they work with and she is the one that went out to find Douglas Allred and find Rockefeller's and Mark IV's and work with Mr. Deutsch and any number of entities that come into that corridor or into Chandler, where those developers have some flexibility they do see those large tenants coming. If you look at the E-Bay Pay Pal building that is a full multi-tenant building, 190,000 square feet but it is a single-tenant building. E-Bay controls the entire 190,000 square feet and currently has about 1600 employees that will grow to 2000. Their hope is that they will build another tower on that site and continue that tendency and get to somewhere near 3000 employees. If you look at Mr. Allred's properties to the north, he does have multi-tenant opportunities. They see single tenant large buildings for the most part. They see International Rectifiers and they see Health Ways, they see EDMC, and Infusionsoft. Everyone keeps talking about Infusionsoft so let's use that as their example. It is a 92,000 square foot tenant. They have been working with Infusionsoft for about 3 years to locate them here in Chandler. They are in market in another building today in another community in a much smaller space. About 300 employees exist there today. Their plan is to grow to 1000. They couldn't find a location that worked well for them. They kept meeting with them and trying to get them into the corridor. They looked at Continuum, they looked at that existing space but they were looking for a unique model. These are high end software design jobs. They are exactly what they are looking for in the corridor. They were interested in a very unique model building. If you go into their building there in today, there is a football field in the middle of their building because there employees need the entertainment decompression, distressing ability.

They worked with several landlords here in the market and Allred was the one who stepped to the plate and gave them what they needed. So that will be a multi-tenant building but it will be a single tenant building at 92,000 square feet and they will be in that property. So as they look at the additional property developing Boardwalk and she has worked with the Keiper family for about 15 years on looking for tenants for that property, over the years they have had a number of single 15 acre users that have come along. They didn't want the restriction on an exit strategy on having to be able to build a building that fit that guideline. So if they built a 250,000 square foot building when they went to sell they would have to find another 250,000 square foot user. It is very challenging for a large corporation when they go before their board and they have to present their exit strategy. That is a real challenge for these companies to do. They talk about AmeriCredit. When she worked with AmeriCredit, she was the one that brought them into the market; 150,000 square foot building and 84,000 square feet is vacant today. The efficiencies have changed and the market has changed. The ability to do those large tenants has really shifted and that is really moving into why they consider this as a good opportunity. She thinks this gentleman made a very good point. Why are they doing this for a single developer? She thinks

Planning can speak to this. They have been talking for years about the ability to allow some flexibility in Price Corridor. At a Staff level and as Kevin Mayo mentioned, not throwing the baby out with the bath water. She would fall on her sword to protect Price Corridor. She would fall on her sword to protect those large campus type users. They just need some flexibility to encourage and allow that corridor to develop. As an example, the 190,000 square foot E-Bay building, 2000 employees they all agree that is a significant user and a large user and a single-building user and can't develop south of Willis Road. There parking structure in their building is on 6.97 acres and couldn't develop south of Willis Road because it is represented in a vertical model as opposed to a horizontal model. As they have looked at the corridor and they have represented it over these decades, they are really looking for the opportunity to squeak it and modify it just a little bit to take in to the next 20 years to allow it to be flexible. Her hope is that at Council's direction to them would be to look at the rest of the corridor to allow this slight flexibility. They aren't talking about true multi-tenant opportunities just several significant users in one building.

They are working with a company right now that is a 200,000 square foot user. They need a 150,000 square feet to start but their building has to be expandable to 200,000 square feet or they won't consider the opportunity. They are in strong competition with 5 other states. They want them in Price Corridor. These are $70,000 a year jobs and there is a lot of them and they want this company and they are only interested in Price Corridor. If they have a landlord that comes in and agrees, they have won and this is outstanding and they are bringing this tenant in, the developer has to be able to build a 200,000 square foot building. They have a 5 year model to expand into the full 200,000 square feet. They will be in 150,000 square feet to start. They would have to ask the developer to let 50,000 square feet sit vacant and not put another tenant in that 50,000 square feet while this tenant grows into this particular space. It is not in Chandler's best interest; not in our employer's best interest or employee's best interest. They have citizen's looking for jobs. It is her job to go out and find those companies, find those large entities and bring them back into this market. It is not good for the corridor to have that space sit vacant when they could have jobs, high paying large entity, large scale jobs into the market.

When you look at Mr. Allred and his investment into the community, she thinks what is important to note and Mr. Adam made some good points on some property that are standing vacant. She thinks those are unique properties that are standing vacant. They look at Elevation Chandler and that was supposed to be a hotel with condos. on the top. They know what happened to the market there. Their hope is they will be working with a landlord in the near future to take that property and turn it into something very viable. They have some retail establishments that are standing vacant but their office vacancy rate is right at 5% in Chandler's municipal planning area. If they are to continue winning these large projects, they need those investments that developers are willing to make and willing to take the risk with them. The Infusionsoft building is a perfect example. Mr. Allred made an investment in the community that no other developer was willing to do at that time. He came out of the ground speculative with a 92,000 square foot building. If that building hadn't been out of the ground with a 5 month deliverable Infusionsoft would be sitting in Tempe on Tempe Town Lake right now. They wouldn't have up to 1000 new jobs in the corridor. So his investment and his investment into this community has been capital investment. It has been giving back. He is tremendously dedicated to the Boys and Girl Club and to any number of other charities and has given over the

years long before this project, long before these opportunities has given to any number of charities with this community to support them but the one she knows very specifically is the Boys and Girls Club. So he does participate in the community even though his home base is in San Diego he is a dedicated and supportive entity for the community of Chandler. They are very fortunate. Quite a number of their developers participate with them that way.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, said Commissioner Ryan is correct; this is a Planning and Zoning Commission meeting. They don't do Planning and Zoning based upon a particular user in the property. They will consider the General Plan change and eventually consider the zoning of this property not because of a particular user but because the land use is right. The change in the plan will be beneficial from a land use standpoint for the City and you can go beyond with these discussions and questioning and go beyond the scope of the reasons why they are here. The fact that there may be a very good developer coming along isn't really the issue. The issue before them is whether or not the change as proposed is a beneficial one long term for the City as part of the land use planning. When the zoning comes forward, the issue isn't going to be whether or not that is good for that developer, it is because that developer may or may not be the one that actually builds. They are going to have look from the standpoint of land use and he is afraid that all of this talk about marketing and economics is making us lose sight of what the Planning and Zoning Commission's purpose really is.

Mr. Marsh replied that if it is only focusing on the planning please consider that you are setting precedence for the rest of the corridor without due diligence on revealing what would happen with the changes to the rest of the corridor. While this developer may have urgency for his particular project, what is the precedent being set?

CHARLES BARON, 2342 W. REMINGTON DR., VINTAGE VILLAS, thanked Glenn for his comments. He is here to talk specifically about the language and the General Plan. He also agrees with many of the points that Jordan shared with Planning Commission. The reason he bought and the reason he lives in Chandler is because of the two Intel's and he wanted to buy right between the two Intel's. In reading the General Plan and doing his due diligence reading about the South Price Road Employment Corridor, he is a big fan of it. He sees the vision and he thinks it is a bold vision. He wants to see more campuses and he wants to see development happen in that area. His concern is that not only are we changing the language but they are changing the language in a vague way. He may not have all of the technical stuff of doing Planning and Zoning but when he reads something that is real specific as single employment users in campus type settings changed to generally reserved large/significant size there is nothing in there that really quantifies that for him. The bold vision that he imagine as corridors eventually will come with additional campus large employers, high-paying jobs moving into this corridor, it concerns him that might not come to fruition in the way the city is planned for a long time. So if they look at the large campuses they have today, Intel moved in and had a campus and built buildings over time. The development they are seeing today wouldn't have happened if there hadn't been land available to do that kind of development. If they come in and build in a bunch of multi-tenant buildings and a large employer wants to come in and build a campus and that campus isn't just jobs, they need labs and they need to co-locate those labs in order to be next to those folks that are working in cubicles. That kind of purpose built campus, a lot of times these multi-tenant buildings that were built on spec. don't necessarily allow for that

opportunity to occur where there are specific needs of the high-tech employers that are coming into the City. His last concern is if there needs to be a change and he heard some decent arguments about the challenges that the City is facing and what they want to do to have that change happen, they should be looking at it holistically. So you have a General Plan, you have a change that is being requested for that General Plan; why just for one tiny parcel. Why not look at what is the vision for this corridor and what is the change that wants to be made and do it in a way that leaves a little more specificity. Instead of going from something that is real quantifiable to something that is very vague. He is opposed to this change being done in this way at this time. He thinks they need to look at the whole plan and all of the other different parcels that are impacted by the plan and all of the different parcels that are impacted by the plan. Do it in a way where it is really being thought out and doing it in a way that's more quantifiable than the vague language that is going to change here.

GARRY HAYS, 1702 E. HIGHLAND, PHOENIX, stated he is here tonight on behalf of the Delta Corporations and with him is one of the principals, Michael Deutsch who is a Chandler area resident and owns several buildings in the area including the E-Bay Pay Pal and the SafeLite building.

Several speakers both for and against have talked about a holistic approach. They did a holistic approach in 2008. Vice Chairman Veitch served on the General Plan Committee with himself. Chairman Rivers was on the P & Z Committee at that time as well. With all due respect to what Kevin had said earlier, the Mary Jo Waits 'Next Twenty' Study is what drove our discussion in the General Plan. He is not going to speak for the Vice Chairman but he thinks he will remember probably every meeting they discussed Mary Jo Waits in some form or fashion. They understood what was going on. As a matter of fact, if they looked at the language that was read to them, the SPREC is what Kevin called it, was actually changed in 2008. Before 2008 there was no innovation zone. They made an innovation zone which he will talk about on the next case, but they kept in single employment users. He doesn't know how many of them are familiar with what happens with a General Plan. It is a pretty intense process as he thinks the two members of the panel who were involved in it will tell you. They have 12 or 15 meetings. They had public input. After they voted on it, it goes to P & Z. P & Z talks about it, votes on it and it goes to Council. It was voted on by Council but what has to happen the citizens of Chandler have to ratify it. Mayor Dunn and the Chairman of the General Planning Commission who is now Mayor Tibshraeny asked him to serve as the Chairman of the campaign committee. It was his job to go out and talk to voters, citizens and say here is what is going on guys; this is what they are doing with the General Plan. He talked a lot about Price Road. Clearly, citizens of Chandler are concerned about Price Road and almost everybody he talked to wants to know what they are doing on Price Road. They are doing single tenant users with an innovation zone like the Motorola site, which is the example that they used and is included in the General Plan.

The General Plan passed with about 65% of the vote. That is pretty significant when they think about last year. Scottsdale's General Plan got voted down. The citizens of Chandler said you know what Chandler you are doing right; you are doing the right thing. 65% of them voted yes and said they want the General Plan the way it is. That was less than 4 years ago. Any attempt to change it now is going against the will of the Chandler voters that just voted on this and it doesn't make any sense. If there is an attempt to do a holistic approach, well they probably need

to get all the stakeholders together. They do need to go talk to the citizens and they don't need to do it parcel by parcel by parcel. It is interesting to note that their second two action items are both about Price Road. People are now for lack of a better term, there is blood in the water and the sharks are circling. If one of these goes through, they will have one after the other of people coming in and saying I want the same thing they have. It will destroy the Price Road that they currently know. It is not appropriate; it is not something that should happen especially for speculative builders. They are talking about people who said they don't have a tenant yet. We want you to change everything that has been 20 years. Gerry Brooks when he was Mayor figured out how to change Price Road so that they could have this crown jewel. He appreciates Chris' dissertation on what is going on in Economic Development. He is on the Economic Development Committee so he appreciates when she gets to say those things but Mr. Brockman is correct, let's talk about P & Z and let's talk about whether it is appropriate to change the General Plan to allow this to occur. He would suggest it is not.

He does think in his point of view traffic is a concern as it relates to the General Plan. Before Glenn stops him he will give his reason as to why that is. Mr. Curley said here and he said it at the neighborhood meeting which he attended, people don't want 180,000 square foot buildings for single tenant users. They want to build 180,000 square foot building. If they all the General Plan Amendment to go through, they will build a building that single tenant users aren't looking for but multi-tenants can put more people in. So by the voting of this General Plan Amendment through put more traffic on the roads around the neighbors' houses. According to Mr. Curley, his own statement is single tenant users don't want 180,000 square feet. Mr. Curley also said Chandler will lose if they don't do this. It is his assertion that Chandler will lose if they change Price Road corridor. They have plenty of land at the Airpark; they have plenty of empty buildings in West Chandler. This single tenant Price Road Corridor has distinguished them for 20-25 years and he doesn't think they should do anything to change that. He said he is available if they have any questions.

CHAIRMAN RIVERS asked if there was anybody else in the audience that wished to speak on this item. Seeing none he asked Mr. Curley back up to answer questions.

COMMISSIONER RYAN asked Mr. Mayo that prior to 2008 what was the area plan there? During 2008 it was the Committee's decision, then P & Z and Council and then obviously the community. Mr. Mayo asked if he meant what was the SPRECLING prior to 2008? It just did not include the concept of the innovation zone. That was the addition to the SPRECLING.

MR. CURLEY said he was going to try to address several of the issues that were brought up. The first speaker, Mr. Adams, talked a little bit about traffic and just to clarify, they have been involved in this zoning process for about 1 year, actually it has been over a year. It has been about 15 or 16 months. There is nothing rushed about this process at all. In terms of the traffic Kevin described the process in terms of a traffic evaluation very well. What he may not have known is that their traffic engineer and the City's engineer, Paul Young, have met several times. The traffic study which they have conducted was a full blown traffic study. There has been extensive on-going discussions regarding the traffic and the traffic analysis does what every traffic analysis does and that is a full analysis not only the site but going far east, far west. Analyzing the intersections all the way up to the 202, a mile to the east, a mile to the west, the

volumes, the mitigation and the decel lanes that are going to be required. That is a discussion that will be taking place in connection with the zoning but he doesn't want anyone here to leave with the impression that traffic hasn't been addressed because it has been significantly addressed.

Kevin talked about the Master Plan assumptions. That is true. When they analyze from a traffic standpoint, the City had assumptions in the Master Plan in terms of when they were planning out the width of the streets, what the intersection would be and what the capacities would be and the lot coverage that they are going to see coming before them is about a 26-27% lot coverage when in fact the City's lot coverage can go up to 35%. The relevancy of that is that their lot coverage that is going to come before them in connection with the zoning case is far less than what the assumptions were in connection with the Master Plan. Again, from Mr. Adams comments about the architecture being somewhat bland, he is glad that Wes Balmer their architect wasn't here. In fact our buildings have been award winning buildings like Cotton Center and he would stand to defend those buildings against any other industrial buildings that have been built in the valley.

The criticism against Kevin is ridiculous. There have been dozens of times over the past 20 years when his client and he want to reach across the table and strangle Kevin because of his attention to detail and his demands for quality and design are unparalleled. He is a very intense Planner and any criticism against him is unjustified. Mr. Adams talked about what sort of guarantees that they have. There are no guarantees in development but he would submit that the track record of the Allred Company of building over 3,750,000 square feet is about as successful track record as it exists in this entire state and what Chris talked about in terms of investment. The investment in the Infusionsoft building, it is $10,000,000 worth of tenant improvements that we are making in the Infusionsoft building and that lease is going to be a 10-year lease.

He disagrees a little bit with Glenn. Some of the background discussions with the specific user here are relevant because to him the threshold question that they are analyzing here is the Price Road Corridor, the policies and principals, the aspirations going to be met in connection with this General Plan Amendment and then with the subsequent PAD. He thinks to answer that question it is relevant to look at who is asking for it because they are going to be doing individual analysis on this General Plan just like they do on every other General Plan that comes before them and the individual analysis in terms of whether or not the Price Road Plan is being advanced. He thinks in looking at the track record of the developer is a relevant question.

In regards to several of the residents, he respects the right to have an opinion but when he heard that there should be an adherence to this single user 15-acre. He heard that mantra expressed several times by several of the speakers but he didn't really hear any compelling rationales as to why that means that you are going to have a more stable or vibrant Price Road than you would Price Road similar to how Price Road is developed north of Willis Road. There is no logic to him in terms of having 2 or 3 users in the building as opposed to a single user. How does that result in more of a plus for the area than having a multi-tenant building? The language is very specific that they are asking for. They are not asking for the ability to have the 5000 square foot Allstate type of office here. They are still talking about large users that will be anywhere from 20 to 40,000 square feet. He would just reply that any of the residents that came up here and spoke about a concern of the Price Road devaluing property values. He would defy them to say

that any of the development that has taken place north of Willis has somehow had an effect on the property values. They want to have the same right as what has taken place north of Willis.

He has no qualms with Mr. Hays and they have known each other for a long time. The fact of the matter is his client's developer is not subject to the single user 15-acre requirement. He is north of Willis Road and the only reason that he can see that he is here in opposition of the case because obviously to the extent that single-user 15-acre requirement doesn't apply south of Willis he is at a competitive advantage. He has the right to his opinion and he has a right to try to guard his limited monopoly in terms of multi-tenant buildings but his motivation is self-oriented as is ours. He would just submit to them when they are analyzing this is he is keeping the single user 15-acre requirement, is that really in the best interest of the City of Chandler. That is really what he thinks is the best question or really the threshold question of what they are dealing with here. He would submit as Christine very eloquently just talked about that it is not in the best interest, it is not in keeping with the changing business model and changing in terms of keeping consistent with the emerging business model. He has a list of about 30 users that have been looking to locate in this area but can't because of this requirement. That's is why he stands fast and believes that relaxation of this requirement, the tweaking of this requirement, is in keeping with what's happening in the business environment and is in the best interest of the City.

His last point in terms of this notion that somehow you are doing something that is inconsistent or out of character in addressing this General Plan on this site as opposed to the whole corridor. They have a General Plan process. The General Plan process is a right that is given to a property owner to look at that General Plan and determine whether or not it is applicable and whether it is the right thing for this particular piece of property. They have a very elaborate system that allows a property owner to go back, analyze that General Plan and it allows the Planning Commission and City to evaluate this property on a property by property basis. He doesn't think there is anything out of the character or out of the ordinary of what they are doing here. He said he would be glad to answer any questions.

CHAIRMAN RIVERS said he did a traffic study for this site. Mr. Curley replied yes. **CHAIRMAN RIVERS** asked if anywhere in the traffic study did it give him an indication that traffic patterns or traffic quantity are any different with multiple users than with one. Mr. Curley said that was a very good point and he said to be honest with him he doesn't think the traffic study talked about that. He is glad that he brought it up because the notion that traffic is going to increase because they have multiple users in a building as opposed to a single user just isn't true. If they have 150,000 square foot building it is just as likely they are going to have as many employees if it is a single user versus multiple users. His point is that there is going to be an increase in traffic as a result of this and he disagrees with that.

COMMISSIONER RYAN said he had some broad comments. He just got on the Commission but he used to be on here for a lot of years but when he got back on he hasn't looked at all of the area plans. The City has a lot of them. If he drove Price Road he would have told him that price Road is zoned for either a large user like Motorola or Intel or it is a campus type design. That is what he would have zoned along Price Road. For this case to come before them and say all of a sudden they are going to take the 150,000 square foot minimum and bring it down to 20,000 or 40,000 square feet. He doesn't really like the idea and he likes the way it is building out now but

he didn't show them the plan. They had a peak at this plan and the plan is a nice campus plan and it does make sense that things do change and maybe the users that serve these larger users need to be on this campus near the larger users. The whole thing is starting to make a little sense to him but he wouldn't have gone along with this at all if he wouldn't have seen that plan. He is kind of surprised he didn't throw that plan in and maybe there are good valid reasons between him and Staff. He knows that plan is going to be brought before them at some later date for a Preliminary Development Plan approval and review. The idea of let's just take the whole Price Road and give everybody the allowance to go 20,000 square feet, he doesn't know if he likes that idea. A lot of it is built around the plan and what he is seeing there. That is what he likes and what he saw tonight. Without seeing that he probably would have denied the case but seeing it he leans toward approving it. Mr. Curley responded that it had been his and Kevin's intent from day one to run the zoning case and the General Plan case concurrently because from just an efficiency standpoint and also would allow some analysis of the specific site plan. They had every intention of doing that. In fact, the zoning case will be before them next month. The reason why they had to divide the two is because of a very obscure provision in the application form on the General Plan. When they amended their General Plan there was a provision inserted that he and Kevin were unaware of until they were literally were submitting both the zoning case and the General Plan. It didn't give rise to an ordinance, it didn't give rise to statute but there was a statement on there that said the zoning case shouldn't be heard until City Council had disposed of the General Plan so because of that provision and in an abundance of caution they didn't want somebody to say your defying your own standard here or your own regulations. He and Kevin decided that even though they could have filed it and tried to run concurrently, they decided to bipartite it so as not to violate that procedure. That is the reason why the zoning case isn't here before you but they obviously have gone to an enormous of expense to get the zoning case filed and Staff is doing their analysis. The site plan he saw is the site plan that is going to be submitted to them which has been analyzed and has been revised in accordance with Staff's comments. **COMMISSIONER RYAN** said he only made the comment because he thinks Price Road is a little different than west Chandler and the airport and some of those other areas because they are just singular buildings and they are not campus, they are just buildings on smaller lots and he doesn't envision that every occurring on Price Road. Once he saw your plan he is starting to buy into the whole thing. Mr. Curley replied that they clearly recognize the difference between the airport and as he showed you the 300,000 square feet of buildings that they own around the airport and the one building that was 90% is full now; it was 10%. Those buildings are populated with very small uses that would absolutely not be appropriate here. They wouldn't consider them for Price Road so they agree with him and there is a major distinction between Price Road and some of the other industrial areas.

MR. KEVIN MAYO, PLANNING MANAGER said it is intentional in the General Plan that the zoning process is held whole and separate from the whole and separate General Plan process. When you go through and you start doing the General Plan Update and they go through and are looking at what areas they are going to keep designated as residential. They don't step back and say well how nice are the homes going to be before he says this is a residential land use designation in the General Plan. You have design guidelines and other documents that really reinforce and guarantee that type of quality that comes with it. In terms of this piece and maybe it was appropriate for you to see that site plan. It really isn't appropriate to show it during this process because what they are really talking about right now is the language in the General Plan.

The General Plan doesn't have examples of what campus looks like. They don't have examples of what single user looks like in terms of a site plan. It is done in a verbal sense. He totally cares about the Price Road Corridor and that is why they have been working on this language. In terms of the site design the language keeps it in; they haven't touched it. Nothing has changed in terms of what the General Plan language and its requirement of a campus like setting. Nothing has changed between what was pre 2008, post 2008 and what if approved for this property only currently what that language says. It still requires that campus like setting. They have design guidelines elsewhere that say what does that campus look like and really starts to chisel down. Not only that but you have what was last approved and the bar keeps getting raised. They have been kind of running these two tracks independent but the General Plan language is really just that-general. It should not be based on a campus plan. If he happened to show a campus plan that didn't look good or it wasn't a campus that is o.k. because when he comes back under the PAD for that if it doesn't meet what the intent of the General Plan is, you can deny it because you find that it is not consistent with that General Plan because the General Plan requires a campus like setting. They are kept whole and separate for a very good reason because the General Plan is just that general. They are trying to ratchet back some of the true specific of single out of it. It really ultimately doesn't belong in a General Plan. **COMMISSIONER RYAN** said the problem is 'shame on me' he should know the area plan better for Price Road than he does. Mr. Mayo said that is really a good point because ultimately if it starts getting into more drill down specifics, Price Road really should have its own area plan and not a sub area plan contained within the General Plan.

CHAIRMAN RIVERS thanked Mr. Curley and then closed the floor and looked to the Commission for discussion and possible motion.

VICE CHAIRMAN VEITCH said he wanted to respond to Mr. Hays invitation to recollect the General Plan Update Citizens Committee. Memories came flooding back of long evenings and pretty bad deli sandwiches; actually they seemed good at the time and occasional Pledge of Allegiance to Mary Jo Waits and the 'Next Twenty' document.

With respect to the Price Road employment corridor language, he remembers that the shiny new toy was the introduction of the innovation zone concept but that the language had existed prior didn't get a lot of scrutiny just sort of a ratification of that as existing policy. They didn't spend a lot of time as he remembers scrutinizing it with respect to a couple of problems with the single-user aspect. One of those problems was that it is ultra-specific for a General Plan document. It almost reads like a zoning ordinance provision rather than a General Plan guideline. They didn't discuss it all as he remembers and the enforceability or lack thereof of such a provision. In hindsight he said he had serious doubts about the enforceability of a single user restriction even if it was in the zoning ordinance.

He thinks this language amendment that is before them does really very little. It keeps the desirability, the encouragement of the larger tracks and of the campus like environments and design. He thinks that is fine. It replaces the single-user requirement which in his view doesn't belong in a General Plan, with an encouragement for large and significant size employment users. He thinks it begins to respond to here is the flexibility that Staff was talking about and begins to respond to changes in the way businesses use space. There have been significant

changes in that since 2008. He agrees with everybody who says that it ought to be applied to the entire corridor and he hopes they will get around to doing that in the near future. He thinks the single user requirement which would be relieved through this amendment to the language is inappropriate for a General Plan document. It is unrealistic in the market today and ultimately probably unenforceable. He intends to support the amendment although with the reservation that he wishes it was being discussed in the context of the entire corridor at this time.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER RYAN** to recommend approval of GPA12-0002 ALLRED BOARDWALK as recommended by Staff.

COMMISSIONER BARON said he completely agrees with Vice Chairman Veitch. He thinks lessons learned from the previous or still somewhat recovering recession that they are dealing with has shown us in major industrialized cities that trying to create these massive anchors and they can look to Detroit if they would like to, in mass exodus of those significant anchors leaves more vacancy than they probably would have had if they had flexibility to apply rules that allow them to develop in smaller increments. He thinks something like this does allow us flexibility to bring in significant users in today's marketplace and to allow for the continuing growth of the corridor which he thinks will lead ultimately to the success of the corridor itself. There are lots of instances already that are occurring that do demonstrate north of Willis Road that can exist and can succeed and he thinks that the continuation of that unfortunately only on this side at this time. He said to Kevin that at least two of them agree that recommendation to Council to look at expanding that to the remaining pieces of the corridor are important to allow flexibility to give Staff the tools to review the application and ultimately through a zoning application, PAD's and PDP's that they can see those and make sure that it still complies with that camp setting and that it meets the intent of the corridor itself.

COMMISSIONER PRIDEMORE said he had a comment along the same lines as what they just heard from Vice Chairman Veitch and Commissioner Baron. When looking at the corridor as a whole he would also like to see the language changed. The example that he is going to point to is hearing about the AmeriCredit building that is sitting with 85,000 square feet vacant that they can't do anything with. The best word he could use to describe that is he finds that disgusting; the fact that the building is sitting that vacant when there are other users out there that could use the space. He is all in favor of the changes for just this site. He thinks it is a positive in the long run and he would voice his encouragement to Staff and to City Council to look at this change for the whole corridor as well.

CHAIRMAN RIVERS took a vote on the item. The item passed unanimously 7-0.

CHAIRMAN RIVERS called for a 5 minute break.

CHAIRMAN RIVERS called the meeting back to order and went to the next action item.

C. DVR12-0006 PRICE ROAD COMMERCE CENTER

Approved.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) along with Preliminary Development Plan (PDP) approval for a business park on approximately 38 acres located south of the southwest corner of Germann and Price roads.

Rezoning

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "PRICE ROAD COMMERCE CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0006, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. 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.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals or as otherwise approved in a development agreement.
5. Unless otherwise included as part of the City's Capital Improvement Program, the developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality

for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Price Road Commerce Center development shall use treated effluent to maintain open space, common areas, and landscape tracts.

7. Landscaping shall be in compliance with current Commercial Design Standards.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
10. Approval by the Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
11. 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.
12. **Notwithstanding any provision of the Development Booklet or of any other conditions of the Rezoning, no data center use of any type, unless ancillary and secondary to a primary use, shall be a use permitted for the property that is the subject of this Rezoning.**

Preliminary Development Plan

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "PRICE ROAD COMMERCE CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0006, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.

ERIK SWANSON, CITY PLANNER, stated he wanted to touch on the reason why it came back to Commission and then since at the initial Planning Commission hearing it was on the consent agenda. He'll probably just touch on a couple of the items in the case itself and go from there.

The case was referred back to the Planning Commission from the City Council. The reason why that was done is at the time of presentation to Planning Commission there was discussion on the Table of Permitted Uses where they allowed users for the site. At that point in time it was approved to allow for those types of developments allowed in the innovation zone and then also in the South Price Road Employment Corridor. Following the Planning Commission meeting

there were a number of discussions with the applicant and also some concerns in house regarding the allowance of data centers and whether or not it is still a good user in the area. Following the Planning Commission meeting there was kind of a joint agreement that should be stricken from the Table of Permitted Uses and ultimately it was and the development booklets were updated to reflect that. Council when they received it realized there was that modification and felt that Planning Commission really should provide their input and therefore referred it back to tonight's meeting so that there could be that discussion as to whether or not Planning Commission thinks that is good or not and so that is really why it has come back.

The location is generally just west of the Continuum piece and it is south of the southwest corner of Germann and Price roads; a little bit southwest of Item B. The site is roughly 38 acres; just under 40 acres and is currently farmed agricultural and never had a zoning action on it so it would be the blue that Kevin had on his map. The request is kind of two-fold and really it is rezoning from AG-1 which is agricultural to Planned Area Development (PAD) for a business park. Where it gets a multi-request is the request is asking two things. Kevin kind of alluded to this in the previous case. With the South Price Road Employment Corridor thee is a specific type of use that is the 15-acres single campus that they really discussed tonight. The other type of use that is considerable and was updated with the 2008 General Plan is the innovation zone. What the innovation zone does it is really sought to create this development of knowledge-intensive industries and so it is very specific for things like biomedical, pharmaceutical, and aerospace. A lot of the development that has occurred on South Price Road Employment Corridor as is now but in this kind of innovation zone. What the innovation zone does is it tries to remove the restriction for 15 acres and it removes the restriction of single-user. In lieu of that and replacing that it has to provide a certain amount of things like a campus hub and it has to be all knowledge-intensive industries. That is really what this request is. It is kind of two-fold; one, to allow development to occur in South Price Road Employment Corridor so a single user generally not less than 15-acre and/or development to occur in an innovation zone. Moving forward with that it is really what the request is. As they have reviewed it, they have looked at a variety of site plans and developments and Table of Permitted Uses and you will see some of those exhibits in the plan. You will see what the site looks like with 2 buildings; what does it look like with 3 and 4. Really what that seems to do is provide some sort of conceptual and flexibility in the ultimate designs so that they can really go down either path with the South Price Road Employment Corridor or they can go down the path of the innovation zone.

This is something that is very similar to what is across the street to the east of Continuum. Granted Continuum is a much larger scale but this really kind of seeks to mimic what Continuum did. As they reviewed this, they looked at the General Plan and reviewed it and they really feel that this is in conformance with the General Plan. They believe this is considerable especially as it relates to the Innovation zone and they have really gone through that and looked at those special requirements and feel that it meets that. He doesn't want to touch too much on the site layout of the building unless Commission desires him to do so. What he would like to do is then jump to the neighborhood notification.

As part of the request, they did have a neighborhood meeting. No neighbors attended that. However, following the meeting he heard from a representative a nearby property owner and they expressed some concerns with Staff's interpretation of the innovation zone. While they had

their discussion they agreed to disagree. Staff believes that this meets the intent of the innovation zone. The representative does not. Additionally, they have also received a couple of letters expressing concern and those letters were from participants and members of the General Plan Committee that helped bring forth the innovation zone. One was part of the committee, once was the Vice Mayor at the time of the approval of the General Plan. In those letters and they received those with the initial Planning Commission meeting, the intent of the innovation zone was for Continuum and the Motorola site. The other letter was concerned with multi-users etc. Looking at that and having the conversations with the representative that had concerns while they understand the point where he is coming from and can agree to disagree, they really took a hard look at with the updated General Plan and the innovation zone they are missing the boat on this. As they read through the language, they really believe that the innovation zone really can be considered on this site.

The innovation zone as outlined in the General Plan states that innovation zones may best present themselves on large growth tract areas and growth expansion nodes. That fit very nicely with the South Price Road Employment Corridor and it fit very nicely with the Motorola site. However, it is also considerable at the Chandler Airport. It is also considerable at the northwest corner of Chandler and McClintock and there are other areas in the City that it is considerable so long as it meets the other criteria of the innovation zone which would be again knowledge-intensive industries and some design enhancements to the overall site. In look at that they really felt that the plan that is being presented meets that intent, meets it with the language and it is outlined in the Table of Permitted Uses. That is why they are moving forward with their recommendation saying yes they believe that this meets the intent of the General Plan in both the South Price Employment Corridor Development and the intent of the Innovations Zone and that is why they have this recommendation of either/or OR both/and. He said he would be happy to go into any further details with site layout, architecture but he is trying to keep it relatively short.

CHAIRMAN RIVERS said he had a question just to clarify. What they are considering tonight is the exact same thing they considered on September 5 minus the option to include a data center in this site? Mr. Swanson replied that is correct. Everything else remains absolutely the same except for data centers have now been stricken from the Table of Permitted Uses. He would like to clarify that basically any user along the Price Road Employment Corridor has some sort of data center associated with it. It's basic IT operations. What this restriction is it is not taking that right-of-way but what it is prohibiting are the larger what was formerly the Schwab which is now Digital Realty; it is prohibiting the Cyrus One that is developing over at Continuum; it is also prohibiting another development like Green Box. It is restricting data centers as a primary use; it is not restricting data centers as an ancillary use to a primary user that needs for its daily operations. **CHAIRMAN RIVERS** said otherwise as they said, it is exactly the same proposition that they had on September 5 that they passed 7-0. Mr. Swanson replied that is correct.

VICE CHAIRMAN VEITCH said this was answered for him before but he doesn't remember the answer, at least not all of it. To the extent that the property followed the Innovation Zone development pathway in whole or in part, how would the component of the campus hub be created and approved? It just wasn't entirely clear in the memo. Mr. Swanson replied that was an excellent question and one they have had multiple discussions with the gentleman in the

audience. Really what the language in the General Plan outlines is this is a gathering space somewhere where there can be exhibitions and really kind of a campus hub and a focus of the meeting of the minds. Motorola provides an excellent example but that is because it is Motorola and there was a large cafeteria in it, a movie theatre and Motorola is really the anomaly. For the Innovation Zone why it's represented in the General Plan is because that was a site they were really trying to figure out what can they do on a second generation to develop this thing and make it successful. That was really shown as the poster child of the Innovation Zone and it so happened that Motorola had these fantastic things in it. For the rest of the Price Road Employment Corridor and the other areas that can develop as an Innovation Zone, while Continuum and that Motorola site have really set the stage, the reality of it is he doesn't think they are going to get another Innovation Zone like that. He doesn't want to be negative about it but the reality is he doesn't think he is going to get that because they don't have the bones for that which Motorola building had in place. Going back to your question in a roundabout way, really what they do is look at that from an Administrative Review. That is something that he didn't touch on in the Staff memo but as this moves forward and it develops they are seeking the flexibility to do this from an Administrative Review so they are looking at building architecture, site layout, and the focus of that campus hub. What they have tried to do is provide some examples to show this is what they are anticipating. This is the level of quality that they are looking for. They certainly can go higher and be better but they have a baseline and it is not going to go lower. Things they are going to look for are gathering spaces and exhibition spaces. Maybe they can look at how you get into the really nice gathering spaces that really make this public interaction successful. He doesn't have a specific that is going to be x, y, z or 1, 2, 3 but rather it can be a wide range of these things. **VICE CHAIRMAN VEITCH** said that general approach is consistent with what was approved for Continuum and so they have certainly been comfortable with it before.

MIKE WITHEY, REPRESENTING THE APPLICANT, stated this is a first for him because it is the first time he has ever appeared in front of the Planning Commission when he is holding a Notice of Planning Commission Action on the exact same case that they are hearing right now. He said this is a little unusual. Again, they reviewed this case and it was 7-0 vote and the only reason that he is aware they were here was a Council request for a clarification on the data centers. They said they were happy to do that so they clarified the language with Staff both in the narrative and in the stipulation. In his mind if there was ever a case that deserved to be on Consent Agenda it was one that had received Staff recommendation and was in compliance to the General Plan and had already been approved by the Planning Commission. He said he would end his comments and see what comments they get from the public.

GARRY HAYS, 1702 E. HIGHLAND ON BEHALF OF DELTA CORPORATION, showed a page out of the General Plan and said Mr. Veitch asked an excellent question and one that he thinks needs to be explored a little further today. As Mr. Brockman pointed out earlier, they are Planning and Zoning Commission. One of their jobs is to look at projects, buildings and to look at what is going to be on there. This is out of the General Plan and is a key component of an Innovation Zone that is a centrally featured campus hub that contains common amenities that directly support businesses and the campus such as conference center, etc., etc. Mr. Mayo said earlier they did the Motorola site, it had a theatre, it had meeting spaces, it had exactly what they were looking for. He would suggest that if Planning Commission were to look at the layout of

the buildings that are in front of them today, it looks like a circle of water in it. He is not exactly sure but he is sure the applicant can help with that but he doesn't think that is an appropriate key component of an Innovation Zone that goes in front of the Planning Commission; a circle drawn on a map with water in it. His question is similar to Mr. Veitch's, is there an opportunity for himself, members of the public, members of the Planning Commission to have a chance to figure out what that hub is to make sure that it meets a key component of the Innovation Zone as referred to in the General Plan. He told Mr. Withey he would be truncated and short so that is all he has and he is available if they have any questions.

COMMISSIONER PRIDEMORE said this item was before them already, they voted on it and it has come back to us specifically regarding the data center language. He is curious as to where he was at that last meeting. Mr. Hays responded that was a good question. He was actually here. He and Mr. Withey spoken and they had not had a chance to speak before this Planning Commission. Mr. Withey said let's sit down and bring their clients together and see if they can work something out. He tried to do that. He put in a speaker card that said he is opposed to the multi-tenant Innovation Zone. He and Mr. Withey met with their respective clients and they were not unfortunately able to come to a meeting of the minds so to speak therefore it is a publicly noticed meeting in accordance with ARS so he thought he would take a few seconds to talk about it.

CHAIRMAN RIVERS said in looking it says a 'key component of an Innovation Zone is a centrally featured campus hub directly supporting businesses in the campus. Does that not indicate more than one business in the campus? Mr. Hays replied right.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, said just to clarify multiple uses are permitted where it is a part of an Innovation Zone.

CHAIRMAN RIVERS asked if there was anyone else in the audience who wished to speak to the Commission on this matter other than Mr. Hays. There were none.

MR. WITHEY said as to Mr. Hay's comments he thought Mr. Curley did a pretty polite job of calling a spade a spade in terms of what his comments are. He did a polite job of remarking about what he thinks. The interest of Mr. Hays and his client are clearly of an anti-competitive nature. He said he would just echo that in that Commission and Staff has been charged with looking at the best interest of the City not a particular user. That having been said he also needed to state for the record that he completely disagree with some of his comments on the Price Road Corridor and what the Committee actually agreed to that Mr. Veitch was on. He appreciated his comments on the prior case. Mr. Hays was here on September 5 and he submitted letters and he stated his position and he chose not to speak. In his mind the issue is just the clarification on the data centers today. He also wanted to say that they are here with Staff recommendation and unlike the prior case which requested some amendments to the General Plan designation policy which he totally supports by the way and echo the comments of the Commission that he thinks are necessary and would be a very good thing for the Corridor and he hopes it does expand to other areas. They did request a change to the policy. His client for whatever reason decided that they would go ahead and work to comply with it. He think he has really gone the extra mile. Again, they are here with Staff support and he doesn't know what else an applicant can do but

more importantly they feel like at least on these particular issues, it has already been heard and it is the exact same case so there is no reason for a different result. He said he is happy to answer any questions.

CHAIRMAN RIVERS closed the floor and turned to the Commission for comments and possible motion.

VICE CHAIRMAN VEITCH said he just wanted to clarify with Staff that the stipulations that they see in the memo under the rezoning recommended actions are the same as were in the previous memo with the exception of the addition of number 12. Mr. Swanson replied said that is correct. That restricts the data centers.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER RYAN** to approve DVR12-0006 PRICE ROAD COMMERCE CENTER rezoning from AG-1 to PAD subject to the conditions as recommended by Staff which included the new 12th stipulation. The item passed unanimously 7-0.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER RYAN** to approve DVR12-0006 PRICE ROAD COMMERCE CENTER Preliminary Development Plan for a business park subject to the conditions as recommended by Staff. The item passed unanimously 7-0.

6. DIRECTOR'S REPORT

Mr. Mayo thanked Planning Commission for the dedication they are putting in. They have had some good meetings in terms of long drawn out discussions but each one has been a good thing for the City of Chandler.

7. CHAIRMAN'S ANNOUNCEMENT

Next regular meeting is November 7, 2012 at 5:30 P.M. in the Council Chambers at Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 8:36 a.m.

_____
Leigh Rivers, Chairman

_____
Jeffrey A. Kurtz, Secretary