

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 17, 2013 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 Cunningham.
3. The following Commissioners answered Roll Call:

Chairman Leigh Rivers
Vice Chairman Stephen Veitch
Commissioner Katy Cunningham
Commissioner Phil Ryan

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. David de la Torre, Principal Planner
Mr. Erik Swanson, City Planner
Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

Absent and excused:

Commissioner Matthew Pridemore
Commissioner Andrew Baron
Commissioner Bill Donaldson

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN VEITCH, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the April 3, 2013 Planning Commission Hearing. The motion passed unanimously 4-0 (Commissioners Pridemore, Baron and Donaldson were absent).
5. ACTION AGENDA ITEMS
CHAIRMAN RIVERS informed the audience that there were no items on the Consent Agenda to be read in for the Study Session. The two items, A and B on the agenda, were pulled for action.

ACTION:

A. DVR13-0007 FRY'S 69 FUEL CENTER

Denied.

Request rezoning from Planned Area Development (PAD) Commercial to PAD Amended to allow for a fuel station, with Preliminary Development Plan approval for site layout and building architecture for the fuel station. The subject site is located at the southwest corner of Alma School and Germann roads.

MR. ERIK SWANSON, CITY PLANNER stated this is a request for rezoning from PAD for Commercial to PAD Amended to allow for a fuel station along with Preliminary Development Plan approval for site layout and architecture for that fuel station. The subject site is located at the southwest corner of Alma School and Germann roads. At this particular intersection there are 4 corners of commercial. West of the site and west of the shopping center is single-family residential subdivision additionally that wraps around to the south. The subject site was conceptually zoned in 1993 and then formally zoned to commercial in 1994. It went through a couple of extensions for zoning and ultimately in 2001 a PDP was approved for the layout and architecture of the Fry's center as it exists. In 2006 the bank came through on that site through a separate PDP.

At that initial approval process in 2001, the applicants at that point in time based on some neighborhood opposition, agreed to prohibit fuel stations at that site. When that was initially submitted, a fuel station was proposed at the immediate intersection corner but again through discussions with the neighborhood they decided to remove that and then also provide a condition. It should be noted that ultimately with the approval of that PDP, the intersection corner was always anticipated to allow for some sort of future commercial pad. It never came to fruition. Ultimately, Fry's decided to go ahead and pave it, put some additional parking on there. If they drive out there, they will notice that it is all striped in blue stripes. That is primarily where they encourage employees to park but again it has always been slated for future commercial development. The request for tonight is for the canopy kiosk, fuel dispensers, drive aisles, architecture, etc. Ultimately, when they are looking at the site, those improvements will displace 3 parking rows; that's one double and then one single-3 total. That is going to eliminate 46 parking stalls.

The request has gone through a number of processes and is kind of an interesting path, one that has been a little bit difficult. When they initially submitted in 2012, they were told that they needed a rezoning. After further investigation they realized that the proper course was to really go through the Preliminary Development Plan process and the Use Permit process because with the original approval in 2001, it was done under a PDP. Because it was done under a PDP the

conditions were not part of an ordinance and so rezoning the property to remove a condition that wasn't part of an ordinance they felt wasn't the proper way to go. So they withdrew that and submitted a PDP and Use Permit. Ultimately based on some conversations, it was determined that really the best course for clarity would be to go up through that rezoning process. Again, they worked through those and resubmitted under the new rezoning which is the case before them now.

It is important to note that throughout the process there was a neighborhood meeting held with each one of those applications, with the initial rezoning with the PDP and the Use Permit and then also with this current request. None of the sites architecture has changed since that initial submittal. It has remained the same. Again, there were those 3 neighborhood meetings. A number of residents attended all of those and as indicated in the Staff memo, the 3rd neighborhood meeting had not been held. It has been held and approximately 14 neighbors attended. At those neighborhood meetings a number of the concerns that came up were also reiterated from the 1st and 2nd meetings. Those primarily deal with concerns about how they already have 2 fuel stations, have concerns about the parking that is out there now, and then also traffic patterns along Germann and Alma School road and how having that fuel station might contribute to those as well. Additionally, there were some comments that people just did not want fuel stations. What he failed to incorporate into the Staff memo is that he has heard from a couple of residents that were also in support of it but those were just real general, they support the fuel station comments.

Addressing some of those concerns, while it is uncommon that they have 3 fuel stations at an intersection, when you take a look at the larger overall area and more specifically south of the 202, this part of Chandler is largely under served. He had a map showing where they have current locations and then proposed that he could show it if the Commission was interested or would like to look at that further. Addressing some of the circulation and traffic patterns, in speaking with their traffic department, Alma School Road does have a considerable amount of traffic. However, it is not at capacity. The amount of traffic generally falls around the time that people leave to go to work and then also return from work. As part of that, he did ask their traffic department that what is being proposed is a fuel station, how do they look at these based on number of trips generated and things like that. Really what the response was is fuel stations rarely cause their own trips. What people will do is they will either stop at the gas station on the way home from work or they will stop at the gas station on the way to work. Rarely does somebody leave just to go to the gas station. Again, looking at some of the circulation and traffic counts in speaking with Frye's they have also indicated that the number of users that use their typical fuel stations, about 60% and more will actually go to the fuel station at the same visit that they are doing their grocery shopping. There are really not many new trips as part of that. Based on that information and also based on reviewing the site for the architecture and layout, Staff does believe that it meets the intent of our commercial design standards and they are recommending approval. Although the fuel station is a little bit muted compared to other recently approved fuel stations, they have done a good job of blending it in with the existing architecture and design that is currently out there on the site.

Staff has heard from a number of residents. Additionally, they have heard from a representative of the Cobblestone Fuel Station to the east as outlined in the Staff report. He would be happy to go into any further details that they would have about this and answer any questions.

CHAIRMAN RIVERS asked if there were any questions for Staff.

VICE CHAIRMAN VEITCH asked regarding the original approval there was a stipulation added that said there would be no fuel stations on this site. Correct? Mr. Swanson replied correct. While initially they agreed to that, there is nothing that prohibits them from going back through the process to have that removed which is ultimately why they are here. **VICE CHAIRMAN VEITCH** said that is what he was seeking; to verify that is not an assurance that will never happen, it was just a withdrawal without prejudice to asking for it again. Mr. Swanson said correct. In this particular case it is a very interesting zoning case but looking at some of those original conditions of approval, they also stipulated that no bars or taverns can locate in the shopping center there. There were restrictions on fryers in restaurants, restrictions on the size of the restaurant so it is really kind of a novelty when you are looking at it from an approval process. He also wanted to bring up that as part of the approval there was a condition that restricted parking on the back side. What ultimately came of it was that Fry's was required to put gates on both the west end of the development and on the south which really was meant to restrict truck traffic and things like that. Specific hours of operation would be put on that so the gates would be closed from 6 p.m. to 6 a.m. You wouldn't have that traffic. Additionally, the neighbors requested that pedestrian access be restricted for that as well. That is on there too, which again is kind of an anomaly that is not typical. Again, trying addressing that and going back to that, Staff did also receive a letter from the representative of Cobblestone drawing attention to concerns with the parking calculations. If they want to bring that up, they can discuss that at a later point in time. He didn't want to drop information on them if they weren't interested.

KEVIN MAYO, PLANNING MANAGER, said in terms of that stip. that was on the 2001 PDP, it is a questionable stip. in the event that it was restricting the land use that was not otherwise previously approved. With the original zoning, when Clemente Ranch was zoned and established its conceptual zoning, the Zoning Administrator has always interpreted that conceptual commercial zoning C-2. If you look to their code, fuel stations are not permitted by right in C-2. They will take the Use Permit in C-2 or an amendment to the PAD. When they came through for their design of that center, it showed a gas station. Going through that process, the neighborhood involvement ultimately arrived at, o.k. fine we are not going to ask for a gas station, but there was a stip. that was placed on a PDP. The PDP really just organizes the land uses that are otherwise permitted under the PAD. That PDP had a stip. on it that said no gas stations and prohibited the use that was not otherwise approved under the original zoning nor were they seeking at the time a zoning amendment to consider the permission of that use. The stip. that was in 2001 it is murky as to how it got there and the validity becomes almost in question. Whether or not that stip. wasn't there, did they ultimately have underlying rights to fuel sales which weren't called out in the original zoning under Clemente Ranch. Today what is before them is a zoning request to seek the fuel sales and design.

CHAIRMAN RIVERS asked if they knew if this was going to need a super majority to rule on this at Council. Mr. Swanson, City Planner, replied that based on the opposition to the east it does require the $\frac{3}{4}$ vote. There is a legal protest.

CHAIRMAN RIVERS asked the applicant if he wished to speak. He did and came up to the podium.

JEFF GUYETTE, FRY'S FOOD & DRUGSTORE, said when this fuel center was originally proposed when they developed this shopping center Fry's had only constructed one fuel center in the entire valley so the concept of having a small fuel center with an employee manned kiosk to service the customers was something probably that people weren't familiar with. Thinking about a fuel center you think about a large Circle K or Quick Trip style or a large Chevron with a convenience store. That isn't what their concept is and that is not what they are proposing today. That may have been a reason back then why there was a lot of opposition for the fuel center. Their concept is different than a typical convenience store/gas station. They don't have a large walk-in convenience store to sell soda drinks, coffee drinks or a significant amount of snacks like other locations. As far as traffic, our current data shows 65.2% of their fuel sales are generated within the same trip of the grocery stores. So 34.8% of the sales could be attributed to either other people shopping within the center or some street traffic passing by. He said he would be happy to answer any questions they might have.

CHAIRMAN RIVERS asked if there were any questions for the applicant. He said he had one. He said he has heard from two different sources this evening that people do not go to the Fry's gas station as a single trip and he will dispute that because he goes to the Fry's Gas Station as a single trip on the last day of the month. When he does that, he finds a crowd of people in the gas station doing exactly what he is doing which is taking all of his Fry's foods and turning them into lower priced gas. He does that on the last day of each month and the crowds that he encounters eventually will be on a first named basis with each other as they all tend to show up at the same time of day. There are single trips and it is not just shoppers and so forth. He has read both in the newspaper, The Republic, and on-line that it is the intention of Fry's Grocery store to close all their locations that have no fuel stations within the next 3 years. Is that true? Mr. Guyette from Fry's said he cannot answer that question. **CHAIRMAN RIVERS** asked because he has no knowledge or because he is prohibited from answering? Mr. Guyette said they can't give that information publicly. Fry's is looking at all of its shopping centers long term. Fry's is looking at the viability of all of their shopping centers. He can't say their goal is to have a fuel center at every one of their locations.

CHAIRMAN RIVERS said he has quite a few speaker cards. Once he gets through all of the speakers cards, he will invite the applicant back up to speak to us again to answer any questions or concerns. He started with the speaker cards who did not wish to speak. He read those into the record.

PARMDIT SBADWAL, 2564 E. HONEYSUCKLE PLACE, is opposed to this item.

TEJVIR SARAN, 2472 W. SPRUCE DR., is opposed to this item.

NIRMALS NAGKA, 3102 S. COTTONWOOD ST., is opposed to this item.

SATPAL SAREN, 2472 W. SPRUCE DR., is opposed to this item.

MIKE PETTEBONE, 1057 W. SWAN DR., is opposed to this item.

BEVERLY CANFIELD, 411 N. KYRENE RD., is opposed to this item.

SANDEEP SINGH, 3093 E. ORIOLE WAY, is opposed to this item.

A. SAEED, 855 N. DOBSON ROAD, is opposed to this item.

NOEMI HERNANDEZ, 2400 N. AZ AVE., is opposed to this item.

AHMAD KHAN, 855 N. DOBSON ROAD, is opposed to this item.

ROBERT MINSON, 2021 S. ALMA SCHOOL ROAD, is opposed to this item.

ELISA VILLELA, 2255 W. PLATA AVE., MESA, is opposed to this item.

JOSEPH MCMORRIS, 6836 E. AVALON DR., SCOTTSDALE, is opposed to this item.

JAMES LEE, 2811 E. LACOSTA DR., is opposed to this item.

NICK BAUER, 5151 EAST GUADALUPE RD., PHOENIX, is opposed to this item.

ANDREW ELONDANAT, 2910 S. GREENFIELD RD., GILBERT, is opposed to this item.

JASON DYER, 3770 E. KINGBIRD PL., is opposed to this item.

JENN HORVATA, 41841 W. COLBY DR., is opposed to this item.

CHAIRMAN RIVERS said all of the above people are opposed and either do not wish to speak or are yielding their time.

MICHELLE VOLK, 11811 W. PELICAN CT., CHANDLER, stated she attended all of those meetings Mr. Swanson referred to with the planning of Fry's back in 2000. She has gone to every single one of them and Fry's agreed to at that time to not build a gas station because they wanted to keep the neighborhoods as pristine as possible. They also knew there was an issue with the parking lot numbers and they expected some of their employees to park behind. Well there is a 3rd gate that if you have Fry's employees parking behind there, they will have to walk

all the way around by the UPS store, all the way around and back up to Frye's because that gate is to remain locked at all times. It is never opened from 6 to 6. There is one on the east side and one on the north side and those open from 6 a.m. to 6 p.m. That is why there is no thoroughfare of traffic. They asked Fry's to do that so that there wouldn't be things going on behind Fry's which has happened at other grocery stores. That is why that is there. They appreciated the integrity of Fry's at the time stating that they would not push the issue of installing a gas station knowing that the other corners were available for that option. As far as them mentioning that you redeem your gas points, she asked at Fry's where the next nearest gas station is, where they can redeem their gas points. He said 10 minutes away at Riggs Road. To her, everyone who lives within a 10 minute drive is going to come into that Fry's gas station. She thinks if they were to sit and watch traffic, she lives right on Germann and Comanche, trying to get out and turn left going west is very difficult.

Last summer she contacted the traffic office and they said they had done a study before and it does not warrant a traffic light because that would slow the traffic going north and south. She agrees if there is no traffic there. It is very difficult to make a west turn on Germann Road; also, even going towards the east because everyone is doing U-turns right there at Germann past Alma School Road. It is a very congested area for people who live north and who live south on Germann at Comanche. She thinks the people who live passed the 600 foot radius that had to receive one of the little cards about this meeting, she doesn't think they comprehend the potential of difficulty they will have getting out of Comanche on to Germann with the gas station drawing so much more traffic for their gas prices. Also, with the 300 apartment building complex going on down at Dobson, that is going to bring even more traffic. It is a very dangerous corner. She knows there has only been 1 traffic accident but there are people honking there, you sit and wait and wait and many times it is not just rush hour traffic.

She also wanted to say that Mr. Swanson indicated they haven't changed their design. She doesn't think they originally had a gas station price. She doesn't know what they call it on the outside street and she thinks they added that. That tells her they are trying to draw traffic from people other than those shopping in your Fry's grocery store. She thinks it will generate a lot of traffic on Germann Road. You can't access that unless you make that U-turn there. You can't access it very well at all if you are going down Germann road.

LESLIE PITTS, 1057 W. SWAN DR., CHANDLER said she is also a neighbor that lives within the 600 foot radius. She lives within Clemente Ranch right behind Fry's. In conjunction with what Michelle had to say, they have 2 egresses. They are sort of trapped within that shopping center. At the Comanche and Germann intersection so to speak, it is sort of a "T"; it traps them particularly during the morning and afternoon rush hours. She asked for a traffic study and was told that there are certain things that warrant an official traffic study. They conducted their own study of the number of times that they leave and making a left hand turn out of that neighborhood is near impossible during certain times of the day. Just to make a right hand turn so that they can get out and into Fry's or getting on the 202 is hard – just as they think it is safe to make a right hand turn someone is quick making a U-turn and they are always making them so they can get into the Fry's shopping center. It was anywhere from 1 to 4 times.

Every 1 to 4 times right now they are trying to get out of their complex and someone is quickly making the U-turn to get in there. She contacted the Chandler police and found out in the last 3 years there have been 3 reported car accidents. One was an injury. So that is happening right now. Mr. Swanson noted that when he talked to Fry's that 60% of the customers get their gas while they are at the store. There is till 40%. That is almost half of the people that are going to be driving from everywhere to come get their gas. That is going to be during these times of day whether it is after work or before work and it is still getting out to the freeway.

This nice community that they have chosen to live in is going to be an amazing headache and if the average is one accident per year that is one too many as it is. It is always because someone is trying to get out of their complex. The second thing she would like to be able to say is that Chandler is always saying to the residents to shop in Chandler, keep the tax base in Chandler, do whatever you can for the City of Chandler and she knows that the Cobblestone Car Wash was assured that another gas station would not be built within that intersection. A lot of the residents that she has spoken to within Clemente Ranch have been very disappointed to hear that there is a possibility that a local business would be affected because the assurance they were given that a fuel center would not be put at that intersection. Fry's is a big conglomerate. They are a Cincinnati based company and it's upsetting to a lot of residents who couldn't be here right now because of the time of day that this could be happening to one of their local businesses.

Fry's has talked to them at their neighborhood meeting about the fact there are 3 gas stations. They don't need 3 gas stations at one intersection. There are lots of other gas stations. There is one 2 blocks further down on Arizona and Germann. It is a Circle K or some type of gas station like that. There are others north on Dobson. She has never waited whether she has gotten gas at Chevron and has never once had to wait in line to get gas and when they were told there was another like intersection where Fry's was located and there were 2 other gas stations, he referred her to an intersection at 43rd and McDowell. She went to take a look there and it is strictly commercial; it is not a neighborhood. They would like to keep Clemente Ranch a neighborhood; that is why they all moved into that neighborhood because of the schools. There are a lot of new families, young families moving in there because of the new Intel facility. There are a lot of kids on bikes and on skateboards and they don't want to be a 43rd and McDowell. They would like to keep it the way that it is. They do feel very strongly that this fueling station will make a significant change into their community. She said she appreciated the time they allowed her to speak.

J. D. SARAN, 1990 S. ALMA SCHOOL ROAD, CHANDLER said he owned the Chevron. He bought it in 2004. Moved from Oregon where there was Kroger's. They were building the gas stations left and right. Those days gas price was about \$1.99. Then when they opened, they put it at .99 cents. A lot of small gas station owners left Oregon at that time and Washington as well. They searched City of Chandler, beautiful schools and good community and then they picked this corner and got a realtor who did all the due diligence and there was a gas station. They spend a lot of money on that site and everything is going fine and now these days Fry's are opening left and right. Everybody wants to save money. If he didn't have a gas station, he would too because of gas prices. Everybody does go all over. He went to 3 different places and

he sits and waits for 30 to 45 minutes. There is always back up everywhere. They do shop at Fry's and they know how crowded it is. When they build a gas station, it is going to be more crowded. They are not scared of the competition; they did not oppose it one bit on Arizona Ave/Germann, the Quick Trip. He doesn't think this one is the right place. They do have some data. If there is one fire, 3 gas stations close. They have all of the pictures if they want to see, he can show them. They need to keep the neighborhood safe; the local community, owners, members and residents instead of building this big corporation and making them richer and kick them out.

MIKE CAHILL, 3739 E. BELL ROAD, PHOENIX, stated he is the Principal of Cobblestone Auto Spa. They are a locally owned business and have been in the valley since 1997. They initially came to their site at Alma School and Germann in 2001. They went through a 2 year process, a very arduous process but one they are happy they did to build the site they did build. They employ 75 people and 450 people valley wide. He said he thinks they are a good community citizen in Chandler. From what they hear people are happy they are there and they do a pretty good job. One of their major decision points when they decided to build this 7 million dollar site in 2001 was the fact that there were only going to be 2 gas stations on that corner. They took to the bank the fact that gas was prohibited for the Fry site across the street in February of 2001, which was recorded in November. They pretty well assumed that was going to be the case and as a result they built their site. They are very happy they are there. Here they are 8 years later and here comes Fry's deciding that as a result of the evolution of grocery store marketing, they are going to sell gasoline and provide that as an outlook to redeem reward points. They like to do that themselves as to other brands of which Shell is one. So they redeem Fry's points by the boatloads themselves because they are a Shell outlet and they are right across the street. Nevertheless, they are strongly opposed to this application for the very reason that it was stipulated in 2001 and that there was not going to be any more gasoline at that corner other than the Chevron and themselves.

They feel there is no need for additional gasoline. There is a Quick Trip which was built down the street a 1 ½ years ago at Arizona and Germann. There is a Circle K catty-corner from that. There is the Chevron and themselves at Alma School and Germann. They have capacity to pump more gasoline and maybe Mr. Saran does himself. They are by no means built out as far as their gasoline capacity is concerned. They are not afraid of competition in anyway shape or form and the Quick Trip was proposed at Arizona and Germann and they had no problem whatsoever. Would they prefer they weren't there? They understand the Planning and Zoning and the approval process and competition is part of what makes the world go round. So Quick Trip does a good job and they couldn't be happier. It is just the way competition works and that is certainly fine with them. Once again this was stipulated for no gasoline and the basis of their opposition.

As far as architecture goes, he said they were held to a high standard and he thinks Chandler is a great community and everything looks ideal as a result of the high standards. In fact, they received an award in 2003 when they opened from the City as being one of the best looking retail outfit in town for their architecture. He is a little disappointed that Staff has approved the

architecture of this Price Fueling Center. To him it is bland and certainly not to the standards that Chandler is known for. That doesn't bely the fact that they are opposed to the full concept in the first place. At the end of day Fry's is a 90 billion dollar corporation that is in this solely as a marketing tool to help sell groceries. It is not a needed service for the city and they have plenty of gasoline and it is just a marketing tool for them. For all those reasons they are very much opposed.

CHAIRMAN RIVERS asked Mr. Cahill since he had Shell gas at his location do they redeem Fry points as well? Mr. Cahill replied that he did. **CHAIRMAN RIVERS** said if he goes to Circle K with his Fry's points the most he can get is .10 cents off a gallon. Is that the same case where he is? Mr. Cahill said yes. **CHAIRMAN RIVERS** said if this is built, he can come to their station and get .10 cents off a gallon or he can go across the street and get a \$1.00 off a gallon. Mr. Cahill said that was right.

TUCK BETTIN, 3739 E. BELL ROAD, PHOENIX, stated he was one of the Principals, General Manager and resident in the Chandler area. His focus this evening is not about the competition. His partner already stated that they welcome competition. They have been on both ends of that spectrum and they have thrived. It has made them better and it makes the country better and those who do a good job, take care of their customers and work hard are rewarded. They think they are the beneficiaries of all that since they have located in this Chandler area in 2003. They worked hard to be here, they worked hard since the day they opened and they receive plenty of accolades even though they are not perfect every day of the week as they try to serve the community. What he would like to focus on is not competition and they definitely don't want to be misconstrued as claiming that is not fair because they are o.k. with that.

He wanted to share a study that they did themselves and spent quite a bit of time focusing on what has gone on since the reported Fry's gasoline market in the 2000's and it's titled Negative Effects but really it is grocery marketing and it is using gasoline to do so. He said members of the Commission have copies of this that they can read later if they want to in more detail. They basically have a large 90 billion dollar corporation leveraging gas as a marketing program not really to better serve customers. The aggressive expansion of gas stations is really outpacing the market demand and needs from a supply/demand relationship. In many cases it is merely trading gas nozzles from one corner to another throughout the valley. Many locally owned small businesses are unable to survive with the over saturation and are disappearing from the marketplace. The corporate profits don't even stay here locally. Unfortunately, this is one of the shared concerns they have as well as the City of Chandler. Often times this leaves blighted premises left vacant and often times in prominent community corners in communities that once had thriving local business don't. Often times this is called the Walmart effect of big corporate business pushing out the local. He would refer to Chandler's 2010 Study that was finalized in 2012 on vacant businesses including areas right around this area down near the Queen Creek corridor where 33% of retail businesses were left vacant and part of the City's conclusion was there was just too much retail developed by the business and by the City and it left later that challenge.

He showed a map that depicts the Fry's logos as the local Fry's gas stations, not the groceries but the groceries with gas that have been developed around the Phoenix metropolitan area. Black x's are typically local gas station operators or gas facilities that have been closed. He is not in any way, shape or form dictating that one equals the other but he would merely indicate that the map somewhat speaks for itself. There are a large number of Fry's fueling facilities developed in this area in less than 10 years and of those 38 sites in the Phoenix/Metro area there are somewhere around 35 closed gas stations in the same proximity.

He showed a close up look in the north area of Phoenix of Fry's gas grocery stores along with closed gas stations; east valley Fry's and closed gas stations. Two of the neighborhood meetings that he personally attended with the Fry's representative claim there is this peaceful co-existence of Fry's gas stations going into communities and everyone else is doing just fine. In Fry's corporate words this location of McDowell Road and 43rd Avenue there is a Fry's and 4 gas stations and everybody is surviving and doing just fine. They have heard that at 2 different neighborhood meetings as this is their model and this is how it works everywhere else. At that intersection there are not 4 gas stations, there is now 3; one of them has closed. He doesn't know why they would use that as an example in the first place but he does think it speaks for itself.

Some of the pictures point out unfortunately what some of these communities are not only left with from a business standpoint but also what it looks like from the intersection; fences put up and boarded up buildings. These are all locations within very close proximity to Fry's gas. In conclusion and closing, they respectively ask for their denial of this application whether or not it goes to City Council. This is a denial request based upon really what the City cares about as much as they do; the right development for the right area at the right time. This is further backed up by the fact that Fry's themselves on multiple occasions has agreed to not put in gas in a location that has led to several other people, residents moving in and businesses locating for the right reasons, that was not going to happen.

CHAIRMAN RIVERS asked Mr. Bettin to put his slides back on the screen. He asked why he didn't show the Fry's gas station that is at Ray and Rural on this map. Mr. Betting said probably an oversight. **CHAIRMAN RIVERS** said he seemed to remember one that is not there anymore as well. Mr. Bettin said they didn't pay a consultant \$10,000 to try to do this. They had one of their marketing team members do this and he spent quite a bit of time trying to help us understand what's going on in this metro area.

EDDIE BROWN, 3823 W. ELGIN ST., CHANDLER said he is a store manager at Cobblestone Auto Spa in Germann and Alma School. From a personal standpoint as a person that lives in the community, he rides his bike to work often times and in the afternoons it is very difficult for him to get out of work. He has to constantly look at the traffic that is already there and he hears all these stats. about accidents and he sits in his store every day and he sees the crazy congestion that goes on up and down Alma School Road with traffic backing up all the way beyond where he can see it. He has seen several accidents himself in the last year right in front of his store. To him it is kind of dangerous. He tries to ride his bike and it is sometimes difficult to get across the street as it is because people don't really pay attention as it is. From

another personal standpoint and as the manager of the store, the Quick Trip that went in already has kind of affected him financially because they have taken a little bit of hit on his gas sales. Not tremendous, but a little bit. Part of how he makes his money is based on his sales and such. His fear from that standpoint is that when the Fry's comes in people have an opportunity to come to him and redeem their points for their .10 cents off a gallon as opposed to going across the street to Fry's. Like the one lady said, it is 40 percent, almost 50% of people that are going to come there just to do that. Again, that is going to have an effect on his gas sales which he is responsible for and again, his income and his ability to support his family. This gentleman was talking about the stipulation in the original request when they wanted to build the Fry's in the first place and it being murky. To him that doesn't make any sense because when Cobblestone came in and when the gentleman that has the Chevron came in, they didn't see it as murky they just saw it as it was there. They made their decisions based on the fact that was there whether it was murky or not. It was still there. They decided to build in that area based on those stipulations and he doesn't see how it's right that a large corporation can come in and just change their mind and go against those stipulations that cause somebody to build a 7 million dollar facility and set up business in the city based on those stipulations for the most part. They are talking about the saturation of gas; there is a Quick Trip now, a Circle K, there is Cobblestone and Chevron. That is 4 stations right in that area and just based on the fact that he doesn't pump gas as he used to tells him they are not starving people for gasoline. It is not like they need another gas station in that area nor do they need the traffic.

STEPHEN ANDERSON, 2 N. CENTRAL AVE., 15TH FLOOR, PHOENIX, said he is there on behalf of Cobblestone which is located at the southeast corner of Alma School and Germann directly across the street. He represents Tuck Bettin and Mike Cahill and their employees. They are opposed to this application that is before them this evening.

In the beginning his PowerPoint presentation is going to be a little bit quick because a lot of these points have already been touched on. As has been indicated before, while they are obviously concerned about the competition, Cobblestone is not opposed to competition. They already have competition from Chevron cattycorner and from the Quick Trip down the street along Germann. They do think that competition when it occurs should be fair, equal and honest. The fundamental time the competition should figure into land use decisions and now they are talking about their job, is when the potential exists for empty corners. This is him or Cobblestone talking, this is the Mayor's 4-corner Retail Committee. This final committee report was issued in March 2011 and this excerpt from the report shows that vacancies are the primary concern of the report. As they can see from the next page in the document which they have in their hard copy, the work vacancy is highlighted on the page in that document and that shows them that the purpose of their report was to guard against excessive commercial vacancies within the city.

The neighbors told them that they are afraid if the Fry's gas station opens, either Cobblestone or Chevron is going to go away and they will be the ones who have to bear the cost to their community of the vacant, boarded up corner and Tuck has already spoken to them about the details of those risks in his presentation.

The next issue he wanted to talk about was aesthetics. He indicated earlier that they think competition should be fair when it occurs. He wanted to talk about the idea of the fairness being tied to the level of aesthetics at the various businesses. What is happening here is the City is putting a thumb on the scale that no one is talking about. That is really what happens when the City sets a different aesthetic standard for businesses that should otherwise be the same. Now when Cobblestone came through when the City entitlement process was more than a decade ago, the City had set a very high aesthetic bar for Cobblestone. Cobblestone erected 3 architectural towers on the site of different heights (he showed pictures on the overhead). In addition, Cobblestone lushly landscaped the site. As Tuck and Mike indicated, when Cobblestone was done with their site, City of Chandler gave them a design review award. This is the city saying you have done a great job with your project. This is the reward that they received from the City at the time of their reward and conclusion of business.

Some of the things that Cobblestone did at their business was to re-orient their pumps in a diagonal direction. That was something that was done at the suggestion of the city. Cobblestone provided a pedestrian seating area. That was done at the suggestion of the City. These are all things that they did at their site. They spent money on these investments at their site. They continue to spend a lot of money to maintain all of these features as well. These represent capital investments that were made at the time of initial construction. They also represent investments that are on-going at the site. Across the intersection, their competitors at Chevron have also set a high aesthetic bar. At the Chevron, what has occurred is they have constructed their building which they see here in this slide so that it faces into the interior of the shopping center. The front of the Chevron is actually the back of the building so you don't see any of the gas operations at the Chevron and in addition they put landscaping out in front of the building on the street frontage. They also were stuck by the City with an expensive initial investment that requires on-going capital costs. Now, here comes the final corner of the intersection; the last business in. One would think that the City would hold them to the same high standards or even perhaps a higher standard that had already been set for the other 2 existing businesses that are at the intersection. Instead, at this juncture they are now getting a simple gas canopy with some architectural embellishment. They are getting no additional landscaping on this site whatsoever. The aesthetics of it all are bad, enough just to analyze on their own but what you have to do is step beyond that and think about the financial impact on the businesses. Remember, they are talking about business here, gasoline, where you have to post your price right out on the corner for everybody to see and all they have to do is cross the street if they is a couple pennies difference between business A and business B. When business B doesn't have to do what business A did, you have given them the financial advantage and so the competition becomes unfair because of the lack in aesthetic improvements on the site. They think it is odd that they get a design award from the City but Fry's gets to get away with a less expensive capital investment in the community.

The main thing he wanted to talk about was the promise that Fry's made when they came into the community. He said he was going to follow the PowerPoint presentation documents that they had in hard copy because the screen is not displaying all of the slides that they have. This is the most important part of their presentation and he wanted to make sure they get through it all

completely and accurately. He showed the first slide. He said this was a comment that was already addressed during the remarks by Eddie just a moment ago. They talked about the murkiness versus the clarity of the promise that was made in February of 2001. This was the promise that was made in February of 2001 by Fry's which was the applicant in that case, stipulation no. 30. 'A gas station shall be prohibited on the subject parcel'. That doesn't seem to be very murky language to him. It seems to be very clear language. What he thinks Staff was talking about when they said the language was murky was whether they needed a zoning case or a use permit application, which is why the Staff originally routed the applicant into the use permit process subsequent to them triggering a $\frac{3}{4}$ vote. He told the Chairman that he asked the right question of the Staff, which is there a $\frac{3}{4}$ vote on this case. The answer is yes. The reason for that clear answer of yes is because when Staff routed this case into a use permit situation, they took away the $\frac{3}{4}$ vote. They went to the City Attorney's office and said no they needed a $\frac{3}{4}$ vote because this is a rezoning application. The City Attorney's office agreed with their position which is why this case is subject to a $\frac{3}{4}$ vote.

He wanted to talk about the origin of the promises because it pre-dates Cobblestone and Chevron's involvement in the site. The promise that Fry's made was made to the community and then to the City. This is the Staff Report from February 2001. It read: Phase 3 was originally intended to include a Fry's gas station at the corner. However, due to neighborhood opposition the gas station was removed. Further neighborhoods request the applicant agree to a stipulation 30 which prohibits the gas station on the site. That is the promise Fry's made in February of 2001. When Cobblestone opened their business, they got their zoning approval later that Fall on the basis of this promise that was made by Fry's. What is really interesting is what Fry's was up to at the very same time that they made the promise to the neighborhood. He showed the Fry's CC&R's and they were recorded in November of 2001. They were done by Fry's itself. This is section 2.3 which are the restricted uses for Fry's on the site. This is what the language says, 'gasoline stations or other vehicle fueling or recharging facilities except on Lot 3' (the corner site). So at the very same time, within a matter of months that Fry's had made the promise to the City and the community that they would not put a gas station on this site, they were recording a CC&R that expressly allowed for a gas station at the corner of the site. That is in 2001.

Fast forward now to 2006. You have a real estate market that is booming, you have a commercial shopping center at the southwest corner of this intersection and you have a vacant corner. It is very interesting that you have a vacant corner in 2006. So Fry's gets approached at that point by a bank, First National Bank. The bank said they would like to build on their site. But you will notice that the bank gets built away from the corner. He doesn't need to tell all of them that there are banks on every corner of every commercial intersection in our valley. This bank isn't on the corner. Why isn't it on the corner? What happened in 2006 to get this bank to move south of the intersection and away from the corner? This is what happened in 2006 when Fry's had the opportunity to sell some property to a bank. The City Planning Department Staff sends an e-mail to Fry's. It says, 'the proposed First Bank is to be located further south and away from that corner'. Staff will only support the approval of one pad on this site. So if Fry's still plans to develop a PAD at the immediate intersection corner, it would have to pursue City

Council approval without Staff's report if the First Bank Pad were to be approved first. He would let them decide if they want to ask the Staff about this comment to Fry's in 2006 that says they are going to recommend opposition in 2013 if you come in with something on the corner. What is really important to watch is the answer from Fry's. This is what Fry's says in 2006 when they want to sell property to the bank. 'Fry's had in fact had to forego installing a fuel center at this location'. This was driven mostly by competitive pressure with 2 other gas stations at the same intersection. So in 2006 when Fry's needs to sell the land to the bank, they once again renew their public promise that they made in 2001 to the City and say 'they will not put a gas station on this corner'.

His question to them is this and he thinks it is rooted into one of the neighbor's intuitions. The neighbors told them that they were concerned about parking. They said they were not sure there is enough parking at this site. The interesting thing about the parking at this site is when Fry's came in with this application, they recorded they had a surplus of parking, in excess of 40 spaces. They have actually identified an error in the Fry's calculations. The Staff he believes has verified that error that is in the Staff calculations. It is a 25 parking space gap in the error so the number of excess parking spaces actually drops below 20 spaces and as they already heard there are some parking spaces behind the closed gate that gets locked every night. There are 50 spaces behind that closed gate that gets locked every night. So when the neighbors come to you and tell you they have an intuition that the parking here is going to be too much, what you have to do is scratch your head and say what else could they put on this corner. The fact of the matter is that functionally speaking they couldn't put anything else on this corner at all. The one use they could put on this corner is a gas station because how many spaces does a gas station require? One. It has one employee, it requires one space. If they were to put a McDonald's here, they couldn't do it, they couldn't park it. Not possible. So the fact of the matter is it appears that Fry's has always held this site out for a gas station use. So despite the public promise they made in 2001 and the promise that they made to Staff in 2006, here they are asking for a gas station. The key thing to remember is that deed restriction from 2001 which kind of tells you what may actually be happening here which is that when Fry's needed its approval to build their shopping center, they promised everybody they wouldn't build a gas station. In 2006 when they need the bank, they promised they wouldn't build a gas station. And now everything else is built and all the money has been put in pocket and there is nothing left to be done except the corner and now they are ready to build the gas station. I don't think that is fair and that is their primary concern. He said he would be happy to answer any questions.

CHAIRMAN RIVERS asked if there were any questions of the speaker. There were none. He asked if there was anyone else who would like to speak on this item. There was none so he closed the floor and invited the applicant back up for any other remarks.

JEFF GUYETTE OF FRY'S showed a site plan that depicts a fast food restaurant on the location. A fast food restaurant or other uses could actually be developed on this location today so the comment about traffic or creating additional trips to the shopping center with the Fry's Fuel Center when they capture most of their on-site traffic, he doesn't believe is a valid argument. The 65% that he mentioned, someone said that leaves 40%. No, that is 65% that they

have documented who use their Fry's VIP card to swipe in the store and at the fuel center on the same trip. So there may be other people who don't use the Fry's VIP card in the store or at the pumps who get gas on the same trip. That number could be significantly higher; it could be that number but that number is a statistic that they do have.

He wanted to point out from the Chevron owner which he didn't mention is that Chevron is going to be partnering with Safeway to offer fuel discounts on fuel in May so this is a business where grocery retailers are recognizing the importance of a one stop shop type business. They don't offer a donut shop, they don't offer a carwash, they don't offer a lot of the services that the other businesses offer. They are requesting to build a 3400 square foot canopy on their property which is commercially zoned. One of the things that was presented this evening was a bunch of closed gas stations which kind of shocks him because if it is not about competition, why is there a map that shows supposedly Fry's closing a bunch of locations. There wasn't any Quick Trips or documentation of how many Quick Trips have opened, how many Shells, Chevrons or Circle K's have opened or how many Safeway's have opened gas stations. It just feels like an attack on Fry's when in fact there are many businesses that may have closed because they have decided to sell to make some additional profit and get out of the fuel business or someone found that property was extremely valuable and wanted to go in there and buy that corner. A lot of stations used to be developed on hard corners, which they have seen through the boom that banks have gone and bought up a lot of the gas stations from the Mom and Pop shop or what not on the corners and developed those into aesthetically community pleasing banks. So that is not all true that Fry's is closing all the gas stations.

As far as the aesthetics they worked with Staff and did probably 7 different renderings to meet the Staff concerns and match the aesthetics of their shopping center. A comment was made that while Shell has diagonal pumps because that was an aesthetic design. No, that design is because they don't have stacking for their customers and it is unsafe for their customers to get into their site. He actually frequents that location sometimes when he is coming from the south valley and he stops there to get gas or get a car wash. One of his project managers is on a first name basis with the rental car company because they rent cars from there. They are not looking to put anyone out of business. The site they developed on, they showed the CC&R's that don't allow for Fry's to develop a gas station. Fry's is the sole declarant of the CC&R's for the shopping center and what they didn't show is immediately after that declaration there was an amendment that was recorded that allows for the development of a fuel station if in the future Fry's ever decided to develop a fuel center. Also, when the First Bank went in the site was re-platted to allow for a use to be developed on the corner PAD which could be retail shops, a fast food center and many other uses that could be developed there today.

The Fry's fuel center is a canopy and an employee kiosk that they are asking to be allowed to develop as part of their plan because their fuel stations are as important to them as a meat department, a dairy department and any department going forward. It is imperative for them in their development and it is in their business plan. He knows that when Shell developed, they said that they built this very aesthetically pleasing site and received an award for it. Absolutely, that's correct but they also had to ask for variances and approvals and went through an extremely

long process because they didn't meet all the findings as well. To come forth and say this isn't about competition but it is, but it's not, they know it is about competition. They offer many services they don't; they are not trying to put them out of business. A comment was made that there is so much traffic that it is scary and there are many accidents. Then a comment was made that Chevron and Shell aren't getting the amount of gallons that they think they could be doing. Well it is one or the other. As they have mentioned, if they are servicing your customers and you are providing good customer service, you shouldn't have to worry about competition. Another thing, there are medians that meet in-bound the Chevron and there is a median in front of the Shell as well. A fuel center on this corner to allow customers the convenience and safety to be able to pull into the Fry's center instead of having to make a U-turn which the customers complained about would be a benefit to the community so there isn't this crisscrossing, driving across 3 lanes, jumping across intersections. He respectfully asks the Commission this evening to approve the Fry's Fuel Center and he appreciated their time and would be more than happy to answer any questions.

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

COMMISSIONER CUNNINGHAM said the Chairman indicated that Fry's has a greater discount available to their patrons on the gasoline than the Shell station across the street. Is that correct? Mr. Guyette replied that they do not have a greater discount. It is a program where they can redeem awards points at the Fry's station. **COMMISSIONER CUNNINGHAM** asked if it is the same redemption value as the Shell across the street. Mr. Guyette replied no. They can do a .10 cent at the Shell or at Fry's but at the Fry's fueling centers if you have more reward points, you can use them all at once. You could use them all at the Shell station as well but they would be taken in increments of .10 cents.

VICE CHAIRMAN VEITCH asked what has changed since the correspondence from Fry's to City Staff in 2006 indicating that Fry's had decided to forego developing the fuel center at this location? Mr. Guyette replied he was not with Fry's in 2006 and when he started in the real estate department Kroger Company had looked across the nation and at the developing competition and the need for a one-stop shop in all of their shopping centers and fuel centers. It has been their directive that they are to look at the viability of centers long term and try to develop a fuel center at each and every one of our grocery store locations.

CHAIRMAN RIVERS asked the effort for Fry's is to create a one-stop shop for people who want to buy groceries and gasoline? Mr. Guyette replied yes. **CHAIRMAN RIVERS** said that is not a new idea. Circle K came up with that idea probably 40 years ago and that is imbedded in his brain because 40 years ago he had a neighbor who was a manager of a Circle K and he was lamenting the idea of having to sell gas at his Circle K. Anyway, so this is not a new idea. He was just wondering what took Fry's so long to jump on board with this. Does he have any idea? Mr. Guyette replied he didn't. **CHAIRMAN RIVERS** said he was discussing the slide from one of the neighbors about gas stations closing near Fry's Gas Station openings and Mr. Guyette said that it would be good if he could supply us with the number of gas stations that have opened in that same time frame. Does he have information about gas stations opening during that time

frame? Mr. Guyette said he took a look real quickly through what they have presented. He used to work for Quick Trip Corporation and a lot of the locations in here and he actually attended one of their neighborhood meetings when they were showing some slides of stations closed directly adjacent to a Quick Trip station but presenting it as Fry's that had closed the station when they opened. In fact, there are a couple of locations in here that they show a closed Shell on Apache Trail. That had been closed for many, many years and a Quick Trip developed on the other side of the street and then it shows a closed Circle K. So there is a Quick Trip that came in 7 years after the Fry's that originally developed. So the Fry's had already been there for years before the Quick Trip ever developed, who was the last one in as they would say. The closed Shell on Power and Guadalupe – that is not a closed gas station. It sold to another owner who re-imaged that location and it is an open business with the car wash today so the information is invalid because somebody put the fence up because they may remodel or maybe selling to someone else because they want to retire and get out of the business. It doesn't mean that it is a closed location or it was closed by a Fry's Fuel Center. **CHAIRMAN RIVERS** asked if he had any statistics as to how many gas stations have opened. Mr. Guyette replied not over all Chevron/Shell; they don't track those. **CHAIRMAN RIVERS** asked how many years ago did Fry's decide that they wanted to go into the gasoline business? Mr. Guyette said that Fry's started developing fuel in 2001 and 2002. Fry's/Kroger put a hold on the fuel program rollout while they were reviewing their program, their partnership, liabilities, and locations. In about 2003 to 2005 they started developing more fuel centers. In 2007 to 2008 it became a priority for the Kroger Company. **CHAIRMAN RIVERS** asked when the first one opened in Arizona. Mr. Guyette said that first one opened in 2001. **CHAIRMAN RIVERS** asked where in Arizona that was. Mr. Guyette said that was Old West Highway in Apache Junction at 203 W. Apache Trail on February 14, 2001. **CHAIRMAN RIVERS** said he has been shopping at Fry's forever and he was unaware of the gas until the one opened in Chandler. He certainly wouldn't drive to Apache Junction to get his gas though. He said he was sorry he couldn't talk more about the idea that Fry's is going to close all locations that don't have fuel stations but they covered that already.

CHAIRMAN RIVERS asked if there were any more questions for the applicant. There were none. He closed the floor and looked to the dais for discussion and possible motion.

COMMISSIONER RYAN said he thinks they need to be careful as a Board not to get too involved with corporate business plans and what they do and how they change and so forth. They have all seen a lot of large businesses come and go and they end up with a lot of big shells around town but that's the way life is. He doesn't think they can get involved with the business plan of what Fry's is bringing to them. He thinks they need to look at this as a gas station on a 4-commercial corner. The 4-commercial corner has been there for a long time. So this is not new. They are not developing and not bringing in the 4-corner to the commercial. Let's not get to side-tracked with that. This is kind of an ancillary business to Fry's. The way he looks at it is he doesn't think it is going to have an impact to the vehicular circulation in the area. He does want to see a much more up-scale building and landscape in that intersection. He thinks they labored the point with Chevron and Cobblestone. In fact he was on that Commission during those times. All the variances that were given out and they are not being lenient to Fry's. Everybody has paid

the piper and they have given out a lot of different things to both Chevron and Cobblestone in return for some of the things they have done. To put things in perspective he doesn't want to get involved with the competition of it. That is not their business. It just comes down to a gas station canopy, a design and how they are going to mold that into this corner. He is assuming the parking still works. He wouldn't approve it the way it stands tonight because he doesn't think the building is very attractive. He would either send it to Design Review or back to the Staff to work out a better design both from a landscape and from an elevation standpoint. Other than that he is actually in favor of the proposal.

VICE CHAIRMAN VEITCH doesn't disagree with anything that Commissioner Ryan just said and he has no objection to taking whatever action is appropriate to bring it back to us in a different form. He is real interested in this notion of a single commercial pad being part of the concept and the idea suggested here tonight that single pad slid south and is now the bank. Now we are talking about a second pad at the corner.

COMMISSIONER RYAN said by right if he is not wrong they have the ability to do 2 pads, 1 per arterial and that has been the norm forever and ever.

KEVIN MAYO, PLANNING MANAGER, said that is sort of correct. It is not a by right necessarily. If they had it by-right they could do 2 pads and they could build this gas station without any approval. The commercial design standards limit the commercial shopping center to have 1 pad per arterial; 2 arterials equals 2 pads but it still requires design approval through Commission. When Staff went back and forth on this one with the elevations of this canopy, keep in mind when they do a gas station, any gas station that they have done throughout the city they don't design the canopy and then go design the "c" store. It is in reverse. Just like Cobblestone did, it went through the ringer and then they pull architectural elements off of that to create the canopy. If they are going to make a motion to go to DRC, he encourages the Commission to go out and really study the Fry's shopping center and figure out what architectural queues other than what are shown on the plans now, that they would want to pull from without introducing a whole new architectural style on a canopy that doesn't relate back to the center. They will find when they go out there that the Fry's Shopping Center is a very muted simple design unlike the Cobblestone which is much more ornate with all sorts of accents and embellishments. The Fry's Shopping Center just simply doesn't have that.

VICE CHAIRMAN VEITCH said in light of that he is still interested in hearing about the position on the record from the City that it would only support one pad at the corner and if the bank was developed there, would Staff support at any rate for a 2nd pad in affect at the immediate corner.

MR. MAYO said that is a hard thing to answer since the employee that wrote that is no longer with the City. They would never oppose something that is considerable under the Commercial Design Standards. If this was coming in asking for say a third pad, there are already 2 and they would ask for a 3rd they would look for that give and take. What are they getting in return for a variance to the code? He is not sure why that e-mail was written the way it was written because

even the original Fry's Shopping Center showed the future concept pad at that corner. That didn't flat out prohibit them from ever having a 2nd pad it would just come back through this process. He is not sure and he can't ask the person who wrote it since they are no longer employed with the City.

VICE CHAIRMAN VEITCH said they do have this suggestion that 2 pads are not supportable and then they have Fry's accepting that determination which to him calls in to question the viability of developing fuel at this site which is Fry's and its parent are assessed with doing; determining the viability. It is looking to him like the viability is not strong at this location.

COMMISSIONER CUNNINGHAM said she agrees with both Vice Chairman Veitch and Commissioner Ryan on the design. Yes, the Fry's is a fairly non-descript building however there are other things that could be done to enhance this site than just a canopy with uprights. A few stones around it still is not much architectural to detail. Additionally, it concerns her that in 2006 the City assured a bank and Fry's assured a bank that there would not be a service station on that corner. She is very curious as to what the bank thinks although if they had any concerns they should be here. Why would the bank look for assurance in 2006 that there not be a service station there and then now they are going to put one there.

ERIK SWANSON, CITY PLANNER, said maybe he misunderstood the e-mail but he doesn't think that was an assurance except to the bank but more dialogue between and Staff about their business plans. There is still that flexibility in there that although at the time they weren't interested in that again being 2006. He doesn't necessarily think that prohibits them from considering it further down the road. He likens it to other commercial centers looking at doing additional pads that maybe at one point in time they don't want to do it but again with the ability of going back through that public hearing process. They went through almost 3 times with those 3 neighborhood meetings. It exposes what their request is sufficiently to the neighborhood to say 'look they would like to reconsider this'. They came to us and said they would like to reconsider this. Staff didn't provide them any special favor by saying this wall is conceptually done at this point in time, no problem but rather go back through the process and get the correct input. He can't say for sure that there was an assurance made to the bank but he hasn't heard from the bank. He can't say they are in support or oppose it. He thinks if they were opposed, they would have said something.

COMMISSIONER CUNNINGHAM said again she thinks there needs to be more landscaping and there needs to be more aesthetics involved other than just a flat plan. Perhaps different levels over it would be far more attractive than one long flat canopy. There are just not a whole lot of changes in this.

CHAIRMAN RIVERS said he has several concerns about this property. The first being whether it is a legal merry-go-round or whatever is. Assurances were given by the City and by Fry's that there would not be a gas station on this corner; not only once but more than once. He is also concerned about the traffic issues brought up by many of the neighbors. He said he was going to make a motion and see where that goes.

MOVED BY CHAIRMAN RIVERS, seconded by **COMMISSIONER CUNNINGHAM** to deny DVR13-0007 FRY'S 69 FUEL CENTER. The item was denied 3 to 1 (Ryan opposed the denial). Commissioners Pridemore, Baron and Donaldson were absent.

CHAIRMAN RIVERS said before they get into Item B he called for a 5 minute recess. **CHAIRMAN RIVERS** opened the meeting again and started the discussion on Item B.

B. DVR12-0042/PPT13-0003 MUMTAZ GATED COMMUNITY

Approved.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a townhome development on an approximate 6-acre site, along with Preliminary Development Plan and Preliminary Plat approval for a 69-lot subdivision. The subject site is located east of the southeast corner of McQueen and Willis roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "MUMTAZ GATED COMMUNITY" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0042, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. 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.
6. 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.
7. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.

8. 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 Mumtaz Gated Community development shall use treated effluent to maintain open space, common areas, and landscape tracts.

9. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
10. The following stipulations shall be the responsibilities of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District,

as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property.

- b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled Chandler Municipal Airport, F. A. R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area), as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
- c) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
- d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
- e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
- f) All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
- g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:

“This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler.”

- 11. The development shall provide sound attenuation measures in accordance with ADOT standard details and requirements excepting any decibel reductions or sound attenuation credits for the use of a rubberized asphalt paving surface. Any noise mitigation, if required, is the responsibility of the development.**

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit 9, Development Booklet, entitled "MUMTAZ GATED COMMUNITY", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0042, except as modified by condition herein.
2. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. 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.

Preliminary Plat

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

MR. ERIK SWANSON, CITY PLANNER said because he didn't see the residents that were coming out to speak he said he would make his presentation relatively short and then answer any direct questions that they may have. The request is rezoning from AG-1 to Planned Area Development along with Preliminary Development Plan and Preliminary Plat approval for a 69 unit townhome development. The subject site recently underwent annexation and city initial zoning. It is located east of the southeast corner of McQueen and Willis Roads. Directly west of the site is an ADOT sub station. South is the 202 Freeway. East is vacant land zoned for future multi-family development and north is various agricultural land with homes on them that they are all located within the County.

The proposal is for a 69-unit townhome development. There are 23 buildings with 3 units per building. It is kind of an interesting site layout because of the design limitations. It presents itself as kind of a loop subdivision where a main entry provides a focal point with the community center and then there is a circular interior drive around it. There are the 3 units and the square footages range from 1800 up to just under 1900; all 2 stories and with a community center upon entering the subdivision.

They had a neighborhood meeting. There were a number of neighbors that came out. All of the neighbors were the property owners to the north and their primary concerns were not so much the request. They were actually o.k. with the request for the townhomes. Their concerns were traffic on Willis Road, what future development may mean to them, improvements to Willis Road and whether or not the City requires annexation and tying in utilities, etc. Following that they had the Airport Commission. The Airport Commission did an evaluations report and saw that there were no conflicts. Following the neighborhood there has been some dialogue with the neighbors. Again, reiterating some of their concerns with traffic, stacking at McQueen and Willis, improvements. There is also an exposed irrigation ditch on the north side of Willis which serves the property to the north. General concerns about that; all issues that would generally be

taken care of when those northern properties come in for development. When those properties come in, that irrigation ditch would be tiled or basically made an underground canal. Improvements would be made to Willis Road to make sure that it meets standards. Those are just natural design standards as annexations and developments occur.

They also passed out an addendum for the item. It addresses the sound attenuation measures due to the site being adjacent to the Loop 202. They want to make sure that noise does not become an issue. The applicant did have a Sound Study Commission. He has the results of that and can speak to it better than he. Again, as an extra measure they added this condition just to make sure that any of those noise concerns would be addressed if in fact that it found that there are noise issues. They do recommend approval and said he would be happy to answer any questions.

CHAIRMAN RIVERS asked if there were any questions for Staff on Item B.

VICE CHAIRMAN VEITCH said his questions were from page 2 of the memo. One has to do with building type 3 and a demising wall in the garage. He said this is the multi-generation unit. The garage has a wall down the center and that is to come out? Mr. Swanson replied that is correct. It would be a 2-car garage for the multi-generation unit. **VICE CHAIRMAN VEITCH** said the phrase 'each unit is required to provide 2 covered parking stalls' is a looking confusing to him in that context. **VICE CHAIRMAN VEITCH** said the other question had to do with the very small setbacks which don't provide for room to park on the driveway for guests and that seems to be substituted with the tracks down by the Community Center which he thinks has 17 parking spaces. Ratio wise it's about .25 per unit. Is that consistent with what they would be looking for? It struck him as first as being a little bit light. Mr. Swanson replied that is a good question and one that they really scratched their heads on. When you look at townhome development, they really treat them like single family so they don't necessarily look at their guest space as being provided like they would with condominiums or apartments like that. They have that kind of hesitation but really looking at it they believe that the parking provided by that Community Center solves that issue if in fact there is the issue. Really the idea that these are residents that live there, this is where they go. They will not be driving to the Community Center. That Community Center is strictly for that development and so it is not like they are going to be getting off-site visitors as well. Really, it is a matter of that servicing that area. They do believe that satisfies any concerns. **VICE CHAIRMAN VEITCH** said it is a trek from that parking area down to the east end of the development. On the other hand it's their own inconvenience that they are talking about.

COMMISSIONER RYAN said he only had one concern and that's really when this Willis Road develops out. There is only one way out and that is to McQueen Road. Would being the proximity to the San Tan Freeway preclude the City of ever having ever to put a stoplight there? Mr. Swanson said that is an excellent question and one they looked at and spoke with the Transportation Department. In short, yes, but because the traffic concerns were such a large issue raised in speaking with the Traffic Department they now control the lighted intersections where there is the freeway interchange. They have the ability if it is an issue to stage those lights so they don't have a green and a green right-of-way but there could be pauses to let those

residents out. Additionally, the Traffic Dept. looked at those capacity levels and really when they looked at it they didn't see any sort of issues even as they approach capacity for those levels heading north on McQueen. When they look at it, it seems to be more of a perceived issue albeit within reason since there is just a dead end but they don't perceive that issue right now. If it does become an issue, by all means they have the ability to look at it to see what kind of things we can do.

COMMISSIONER CUNNINGHAM said looking at the design for the Community Center it would appear that this is not just a Community Center to be used. It appears to her that it is a mosque. Is she correct? Mr. Swanson replied it is not directly a mosque per say. They have the element of a prayer hall but it is not the fully functional mosque like there is up on North Alma School at the Islamic Center of the East Valley; roughly Alma School and Erie for a location. They do have that option for prayers and things like that. **COMMISSIONER CUNNINGHAM** said assuming people buy in there, not everyone is to be a member of that religion. Would this facility be available for all of the property owners to use? Mr. Swanson said as he understands it and maybe the City Attorney can address it a little bit better when it comes to that Fair Housing, he doesn't think they have the ability to prohibit use of that Community Center if it is part of the overall development.

CHAIRMAN RIVERS said if read the Addendum correctly and going from his conversation with Mr. Mayo earlier, there is no freeway wall planned for this property. Correct? Mr. Swanson said not a freeway wall like one you would see up and down the freeway like the 16 foot, those large walls. There is going to be a perimeter wall but not necessarily one designed in that matter. By adding this, what that does is forces them to go back out, re-evaluate that and then if one is necessary they would then build it.

KEVIN MAYO, PLANNING MANAGER, said adding on to that, the condition really takes the liability off the City in the event that the neighbors come back and say it is loud and they have done their Study. It is the developer that is required to put in that sound wall. They also concurrently, which they did in this case, have that Sound Study conducted and submitted to them for review but still that condition has been on almost every residential anything up and down their freeways. They just inadvertently forgot to put that stip. in.

CHAIRMAN RIVERS said he is also concerned about the interesting colors that have been selected for this. He doesn't think that they would ever approve a color scheme like this for anything that is visible in the City of Chandler and then the big to do when the car wash on Chandler Boulevard near the Home Depot at Alma School had seemingly overnight painted itself orange and blue and there wasn't anything the City could do about that. He doesn't know if he would want to consciously approve this color palette but he will listen to see if anybody else has an opinion on that. While they are waiting he asked if the applicant is present. He was, so he asked if he would come up and address the Commission.

JALIL AHMAD, 2652 E. SCORPIO PLACE, CHANDLER said the Noise Study was done by an independent company and also they have the exemption letter from ADOT for that piece of

property. ADOT does not think they need to have any kind of a wall or barrier. The Study shows that if they adopt the standard then they don't have to do anything. On the other hand, if the City is not going to give a credit for rubberized asphalt on the 202, then they have to have a 7 or 8 feet high block fence wall at the back of this property. That would be fine with them. He repeated that ADOT has said they are exempted and they have a letter they don't have to do anything but the Study shows that if the City is not willing to give credit for rubberized asphalt, then they have to have a 7 or 8 foot fence.

As far as the as the color is concerned, they would like to point out one thing. At Chandler Boulevard and Arizona Avenue are townhomes called the San Marcos. They have the same kind of color pallet if they recall. On the other hand if color is going to be an issue, there is no reason for them not to adjust it or make a change if needed. If they have to change the color scheme, they will be able to go ahead and do it instead of using these colors. He is just saying there are buildings in Chandler that have a similar color scheme.

CHAIRMAN RIVERS said yes the townhomes he is referring to are very close to the post office on Chandler Boulevard. The remarks from the Planning Department when those went up with those colors were that they couldn't believe that those were the colors that were approved because the colors that were presented for approval were not the colors on the building. It is just kind of an interesting situation with that particular property and yes they are painted that color and he for one would have preferred something else.

MR. AHMAD said they could see the color chart and they have several colors shown so they can use any of those colors for these buildings. The architect, Nasreen Molla, pointed out the printer actually did not print well. She printed on her own printer and it comes out better and they could take a look at it.

MR. SWANSON said because there is a number of color pallets provided, if there are some that are more presentable, what he would recommend is pulling off some of those.

NESREEN MOLLA, ARCHITECT said the color came out much lighter on her printer. She showed them on the overhead.

CHAIRMAN RIVERS agreed it looked a lot different. He asked where on her color pallet is Coral Island, 6332 Sherwyn Williams? She showed it and there was a huge difference. He said there was a huge difference. In the development book it looks Persimmon and very vivid; he prefers the other one.

CHAIRMAN RIVERS asked if there were any members of the audience that would like to speak to the Commission on this item. There were none. He asked the applicant if there was anything else that he wanted to tell them before they start discussing and voting.

JALIL AHMAD said this is going to be a great project for that piece of land. They have discussed this with the City and have dealt with some of the concerns here. He thinks this is the best use of this land.

CHAIRMAN RIVERS thanked him and then closed the floor and moved to the dais for discussion and possible motion.

VICE CHAIRMAN VEITCH said that now that they have clarified that the color pallet will be less loud than their copies indicated and that the other Commissioners questions have been answered, they have 3 motions that they need to do.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER CUNNINGHAM**, to approve DVR12-0042 MUMTAZ GATED COMMUNITY rezoning from AG-1 to PAD for single-family residential townhome development subject to the conditions and the additional stipulation no. 11 as recommended by Staff.

CHAIRMAN RIVERS asked Mr. Swanson if the City is going to control the traffic which will allow this intersection at Willis and willing to be able to turn left out of this community at that point. Mr. Swanson replied he may have been unclear about it but no they would not allow a left turn out because of its proximity to the freeway interchange. It would be a right out only but what they do have the ability to do is stage that light so as people are getting off of the freeway, people heading north on McQueen would have a red light and so there would be a time delay there if there is stacking on Willis Road; through the process of controlling the red light it would allow flow out on McQueen to head north. For them to head south on McQueen they would have to head north first and then do a U-turn.

KEVIN MAYO, PLANNING MANAGER, stated the City does not control the access at the intersection of Willis and McQueen. ADOT has full control. What ADOT has relinquished control over is the timing and control of the signals only. Even if the City of Chandler would like to put in a left turn here, ADOT has full control over that; at Cooper the same deal. It is not under City control for that.

CHAIRMAN RIVERS said continuing on Willis Road, there is no other exit from this Community on Willis Road than to go to McQueen. Correct? Mr. Swanson replied correct. **CHAIRMAN RIVERS** said so everybody who lives in this community will be required through their lifetime of living in this community, if they want to leave the community they have to go north on McQueen Road. Mr. Swanson replied that until future development comes in that they can take a look at other circulation patterns, correct. **CHAIRMAN RIVERS** said the next issue that he is concerned with is he has experience with living in a residential subdivision next to a freeway and had he in their subdivision and those neighboring his subdivision allowed ADOT to decide what the noise attenuation would be for his subdivision, he would have a five foot tall dirt berm out back of his house to this day. If it weren't for great community involvement and the involvement of the City of Chandler and the Mayor of the City of Chandler, they would not have the 19 foot freeway wall they now have. For anybody to say that there is no sound wall needed

for the south side of this subdivision, they are undereducated as to the realities of this freeway being this close to where they live. The fact that there is no ADOT wall planned, no indication that there will be an ADOT wall or any kind of a wall about 7 or 8 feet as the applicant stated, this development makes no sense to me. They are asking for trouble. They are putting a community which he is assuming values its quiet time into an area that will never be quiet until there is some kind of sound attenuation created for this community. That with this terrible traffic problem that is going to exist for everybody in this community, it is just a matter of are they once again trying to shoehorn something into an area when there are many other areas suited for. No sound attenuation; they have to do right-in and right-out of their own neighborhood for the entire time that they live here. He will be opposing this item. It may pass right along and that is fine but he thinks it is important to take those things into consideration.

KEVIN MAYO, PLANNING MANAGER stated that he wanted to add some clarity into the ADOT sound wall for the Hearthstone neighborhood. ADOT is an interesting animal in that they have their requirements. It is ADOT sound noise requirements that dictate wall heights, wall locations and all of that. Those requirements are heavily enforced when it is not on ADOT's nickel. When it is a developer, they'll do something. Those requirements are followed tightly. When it is ADOT's nickel and the 202 came in, he was here at the City and he remembered it, it was an existing condition that they were becoming a part of. When a new neighborhood builds next to the freeway, they have to do all those things. It takes the neighborhood when a freeway is going adjacent to it, to get involved and prompt the construction of that wall. While it would have felt from that side that ADOT has no sound requirements because they didn't want to build anything or saying that they don't have to building anything, they have their sound requirements and they enforce when there is something new coming in next to their freeway. **CHAIRMAN RIVERS** said their sound requirements aren't always in tune with what they should be. The sound requirement for their neighborhood was a 5-foot dirt berm and that is not even close. With the 19-foot wall and the depressed freeway roadway and the rubberized asphalt, it's fine. Without those items, it wouldn't be fine. When you have one entity talking to another entity and one entity is o.k. with things that are not acceptable to most people, then that is where you run into the problem. Until there is a wall promised or under construction, he doesn't feel confident putting a residential neighborhood next to the freeway.

The motion was voted on. The item passed 3-1 (Rivers opposed.)

CHAIRMAN RIVERS called for the next motion.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER CUNNINGHAM** to approve DVR12-0042 MUMTAZ GATED COMMUNITY Preliminary Development Plan for a 69 unit single-family residential townhome development subject to the conditions recommended by Staff. The item passed 3-1 (Rivers opposed).

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER CUNNINGHAM** to approve PPT13-0003 MUMTAZ GATED COMMUNITY Preliminary Plat for a 69 unit single-family residential townhome development subject to the condition recommended by Staff. The item passed 3-1 (Rivers opposed).

6. DIRECTOR'S REPORT

Mr. Mayo, Planning Manager said they have a level of uncertainty if this was the Chairman's last meeting although it seems more likely than not. He said he wanted to take this opportunity to thank him for his service. He knows the old saying of time flies when you are having fun. He said he wasn't sure whether they were necessarily having fun or not but he's not sure where 6 years went. He has been here six years and has been a valuable service to Chandler and he wanted to thank him for it. It has been a pleasure. CHAIRMAN RIVERS thanked him for saying that.

COMMISSIONER CUNNINGHAM said she wanted to thank him for his service and told him it has been a pleasure working with him.

VICE CHAIRMAN VEITCH said he echoes that and it has been an honor to serve with him and he will leave a legacy for the issues that he has raised in the time that he has served with him and has amended his thinking more than once.

CHAIRMAN RIVERS thanked them for saying that.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS thanked all of the people on the Planning and Zoning Commission for the last 6 years for helping him. He said he would start with Angela Creedon who was on the Planning Commission 6 years ago when he arrived and it is all her fault. She taught him how to turn on his microphone and was very helpful through his first series of meetings so that he would know when not to interrupt. Six years ago our meetings were held on the 2nd floor of the Chandler Downtown Library and to go from that venue to this one is like night and day. This is a beautiful facility and it's so much improved over the digs they had above the library. Six years does go by quickly. He was telling Mr. Brockman earlier that 6 years ago his son went into the navy and until he got out of the navy at the first of last month, he had not seen this facility or him sitting up here in front of them all. It was easy for him to track the 6 years going by because he was excited to see him come home. Again, if Commissioner Pridemore was here he would thank him for helping him along with Commissioner Donaldson and Commissioner Baron, everybody he served with and everybody he has had the experience of talking to on Staff; Bill Dermody and many, many other people and of course, Joyce and Glenn-thank you very much. He won't disappear, they will probably see him again.

CHAIRMAN RIVERS said the next regular meeting is May 1, 2013 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT
The meeting was adjourned at 7:43 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary