

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 7, 2008 held in the City Council Chambers, 22 S. Delaware Street.

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

Chairman Michael Flanders
Vice Chairman Mark Irby
Commissioner Angela Creedon
Commissioner Michael Cason
Commissioner Leigh Rivers
Commissioner Kristian Kelley

Also present:

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

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN IRBY, seconded by **COMMISSIONER RIVERS** to approve the minutes of the April 16, 2008 Planning Commission Hearing. Minutes were approved 4-0. (Commissioners Creedon and Kelley abstained as they were not present at the meeting.)
5. ANNUAL PLANNING COMMISSION BUSINESS MEETING
Continued the election of officers to the next Planning Commission Hearing.
6. ACTION AGENDA ITEMS
CHAIRMAN FLANDERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There was one action item – item C.

MR. KEVIN MAYO, ACTING PLANNING MANAGER, stated the following items for the consent agenda approval along with any additional stipulations.

A. AP07-0003 NORTHEAST CORNER MCQUEEN & QUEEN CREEK
ROADS

APPROVED.

Request amendment to the Chandler Airpark Area Plan, re-designating an approximate 25-acre site from Parks and Open Space to Light Industrial. The subject site is located at the northeast corner of McQueen Road and Queen Creek Road.

B. DVR07-0053 COPPERTREE VILLAGE

APPROVED.

Request rezoning from Regional Commercial (C-3) and Agricultural (AG-1) to Planned Area Development (PAD) along with Preliminary Development Plan (PDP) approval for commercial retail, general/medical office, and flex warehousing on an approximate 11.48-acre site. The subject site is located north of the northeast corner of Germann Road and Arizona Avenue.

1. Development shall be in substantial conformance with Exhibit 'G', Development Booklet, entitled "COPPERTREE VILLAGE" kept on file in the City of Chandler Current Planning Division, in file number DVR07-0053, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. 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.
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. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar

appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

9. The 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 COPPERTREE VILLAGE development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. All raceway signage shall be prohibited within the development.
11. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
12. The landscaping shall meet current Commercial Design Standards.
13. The two monument signs shall be limited to ten-feet and six-feet in height.
14. The monument signs shall be limited to four tenant panels per sign.
15. The monument signs and tenant panels shall utilize routed push-through lettering.
16. The building mounted signage shall meet current Sign Code requirements.
- 17. The applicant shall work with Staff to enhance the perimeter screen wall by integrating additional horizontal banding through the use of materials found included in the building architecture.**
- 18. Decorative paving shall be provided at the entrance of the site, and shall be utilized for the length of the landscaped median.**

19. The applicant shall work with Staff to provide foundation landscaping along the rear elevation of building type 'A'.

D. DVR08-0005 EXECUTIVE TOY STORAGE
APPROVED.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a mixed-use project incorporating recreational vehicle storage, a fuel station, and retail on approximately 9 acres at the northwest corner of Germann and McQueen Roads.

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Executive Toy Storage", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0005, except as modified by condition herein.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
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. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
7. 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.
8. Approval by the Director of Planning and Development of plans for landscaping and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. **Signage shall be approved under a separate PDP application.**
10. 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 subject development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
12. There shall be a maximum of six (6) bays in the auto retail building.
13. The "rose gray" squares and/or surface-mounted square, white lighting fixtures found on the columns of the retail and office buildings shall be incorporated into the convenience store architecture.
14. Fuel station venting must be fully screened.
15. The four (4) parking spaces south of the convenience store shall be eliminated as shown on the revised site plan.
- 16. Building G, if developed as auto retail, shall have its overhead doors fully screened from street view by screen walls and additional landscaping. Details to be worked out with staff.**
- 17. Date Palms and canopy trees shall be placed in alternating fashion at the intersection corner and adjacent to the three retail entrances.**
- 18. If Building G is developed as general retail, the trash enclosure adjacent to the building shall be relocated to the northwest portion of the retail site.**
- 19. All entrances to the recreational vehicle storage component of the site shall be flanked by decorative stone on both sides.**
- 20. All four-site entrances shall include full decorative paving features.**

- 21. The applicant shall work with Staff to adjust the wainscot higher on the office building to reduce the building's apparent scale.**
- 22. At least one Mulga Acacia shall be added south of the recreational vehicle storage facility. Details to be worked out with Staff.**

E. DVR08-0013 CHANDLER AIRPORT CENTER (OTTAWA)

APPROVED.

Request rezoning from Planned Area Development (PAD) for office to PAD amended to allow office and an adult educational institution within an existing office development located west of the northwest corner of Cooper Road and Northrop Boulevard, which is north of Germann Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Airport Center", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0013, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3673, in case DVR04-0037 Chandler Airport Center, except as modified by condition herein.
3. Only an adult educational institution as represented in this request is permitted. Other school/educational institution uses such as public or private grade schools or other non-adult programs are not permitted. An adult educational institution that does not conform to this request will require an amendment to the zoning and/or a PDP amendment.

F. UP08-0007 PITTA SOUVLI

APPROVED.

Request Use Permit approval for a Series 12 (Restaurant) liquor license for on-premise consumption only within an existing restaurant. The subject site is located at 1940 S. Alma School Road, Suite 5, at the northwest corner of Alma School and Germann Roads.

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

G. UP08-0014 CVS PHARMACY (PORTICO PLACE)

APPROVED.

Request Use Permit approval to allow liquor sales as permitted under a Series 9 Liquor Store license for the sale of all spirituous liquor for off-premise consumption. The property is located at the southwest corner of Dobson Road and Chandler Boulevard.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan shall require new Use Permit re-application and approval.
3. The Liquor Use Permit is granted for a Series 9 license only, and any change of licenses shall require re-application and new Use Permit approval.
4. The Use Permit is non-transferable to other store locations.
5. The site shall be maintained in a clean and orderly manner.

H. UP08-0017 EL RANCHO MARKET
APPROVED.

Request Use Permit approval to continue outdoor grilling adjacent to an existing grocery store. The store is located at 1076 North Arizona Avenue, within the Pollack North Park Plaza at the northwest corner of Ray Road and Arizona Avenue.

1. Substantial conformance with approved exhibits (Site Plan, Narrative) except as modified by condition herein. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other location.
3. Food may not be paid for nor picked up outdoors. All transactions must occur inside the store.

I. PPT08-0009 MARKETPLACE COMMONS AT FULTON RANCH
APPROVED.

Request Preliminary Plat approval for an office condominium development consisting of 8 buildings. The property is located west of the northwest corner of Arizona Avenue and Chandler Heights Road.

ACTION:

C. DVR07-0058 RED ROCK BUSINESS PLAZA

Request rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) Amended to expand the list of permitted uses within a 14-acre business park located at the northeast corner of Wright Drive and Germann Road (approximately ¼ mile east of the northeast corner of Cooper and Germann Roads).

1. Development shall be in substantial conformance with the application materials, except as modified by conditions herein.

2. Compliance with the original conditions adopted by City Council through Ordinance No. 3673, in case DVR04-0037 Chandler Airport Center, except as modified by the subject application and conditions herein.
3. "Family recreational" uses such as bounce facilities, gymnastics, rock climbing, cheerleading, toddler gyms, and similar uses shall be allowed. Other public assembly uses such as theaters and schools shall not be allowed.
4. The amount of "family recreational" uses shall be limited to no more than 25% of each building.
5. No "family recreational" uses shall have their entrance on the endcap suites adjacent to the truck aisles.
6. Several parking spaces in front of the "family recreational" entrances shall be reserved and signed for pick-up/drop-off.
7. There shall be no competitions held Monday through Friday.

BILL DERMODY, SENIOR PLANNER, stated this was continued from the previous meeting to have a parking study conducted and analyzed by Staff. They have distributed the actual study and it is summarized in the Staff memo as well. Again, the Red Rock Business Plaza is part of the 245 acre Master Planned Chandler Airport Center development at the intersection of Cooper and Germann Roads south of the 202 Freeway. This particular site is about 14 acres located at about ¼ mile east of Cooper. As is most of the park, the uses currently for Red Rock include industrial office and showroom. They are requesting rezoning to add to the list of uses and allow family recreational in addition. To summarize the new information they have they conducted a parking study that was one of Staff's concerns. How does the parking work here, especially at peak hours with the parking that's by the office that is their all day? They went on weekdays and weekends to five different types of uses elsewhere in the east valley; gymnastics, rock climbing, cheerleading, toddler gyms and bounce facilities. Those types of uses fall under the family recreational that they are targeting for this site. Bounce Jungle is probably going to be the first user in there. They found for the rock climbing gym that the parking utilization was a little under five spaces per thousand - that's our office-parking ratio. All of the other uses fell between 1.2 and 3.8 spaces per thousand - considerably under that five per thousand. With the findings of this study they have no concerns about the overall capacity of this parking to take of this use in addition to what's there already. That situation is taken care of even accounting for a reasonable amount of pick up/drop off parking.

However, as you will recall, Staff does recommend denial of the application. They still find a fundamental land use conflict here. There are industrial uses that will be in close proximity to assembly uses with children. The industrial uses could have hazmat - hazardous materials, they will have truck traffic - perhaps not 18-wheelers but still u-haul size trucks are likely there. That is not compatible with the situation where you could have kids running out from the facilities of various ages. They understand the applicant has a recommended stipulation that would help with that problem; bring these type

assembly uses off of the truck aisles at least the entrances to them. They feel that helps, it doesn't eliminate the problem but it certainly helps.

They also have a concern with the parking. As he mentioned, the overall parking concern has been alleviated by this parking study. However, there is still a drop off / pick up situation. What they found in the parking study observing these issues is that there was very little pick up / drop off for certain types. The Bounce facilities where the parents always bring their kid inside or the rock climbing gym where it's generally not kids it's older people who drive themselves, but some of the older kid oriented uses like the gymnastics will have some pick up and drop off and that will have to be carefully managed. They would like to avoid a situation where the cars are backed up and blocking the office parking spaces or potentially going out onto a road or crossing a drive aisle. The applicant has an idea for dealing with that. There would be designated certain spaces for pick up / drop off directing the parents to park in there rather than lining up outside. They feel that helps the situation but doesn't solve it. It is hard to tell people what to do. If they are going to back up into the aisles, they are going to do it regardless of signage. Those are the major concerns of Staff. They do recommend denial.

CHAIRMAN FLANDERS asked if there were any questions of Staff on this.

STEVEN EARL OF EARL, CURLEY & LAGARDE, 3101 N. CENTRAL AVENUE, PHOENIX, stated he was there on behalf of the owners of Red Rock Plaza, Paul Cate and Pat Jones of Mark IV Capital as well as the first user that prompted this whole thing, which is the 'Sunshine's' who live in Chandler and would like to have a Bounce facility in this project.

As Staff has indicated to you they had a thorough discussion a month ago at the end of which it was determined to continue the case to allow more time for a more thorough parking study. Also, to examine the other issues that Staff had. They had turned in a parking study that had primarily focused on Bounce facilities around the valley and that was a lot of their discussion last time. They said if they are going to have this kind of use it could have other uses so you need to study those other uses as well. They had felt the original study had come in on a time when it could have been affected by spring break, which could have reduced the numbers. So they asked them to look at other days that would not be affected by holidays. They did do that. They conducted and Staff has indicated a very thorough study on weekdays, weekends throughout the valley in numerous locations near Deer Valley Airport in a business park, near Scottsdale Airpark in a business park, near Falcon Field in a business park and in Tempe. All in upper scale business park environments and in buildings like the buildings they are talking about here in a variety of uses as has been indicated. One major conclusion that came out of the study is that the parking for these uses is considerably lower than they think. Obviously, considerably lower than Staff had originally thought. When Staff indicates that the Bounce facility had upwards of three spaces per thousand was only on a weekend. When the business park had no other users in the park, they had free reign of all the spaces and the rock climbing only reached a peak at 6:50 at night when again, very few tenants were

in their spaces. There was very low utilization in the 1-2 spaces per thousand so they have more than sufficient parking. They did this hour by hour and went to the various business parks and sat there and watched the characteristics of these uses which is important because of Staff's other concerns about compatibility. One of the issues was about this truck driving. They spent a lot of time talking about that last time too as not 18-wheelers because this facility doesn't have any dock high loading. You could have the other kinds of trucks coming into the center court area so you have the ends of the buildings. What the traffic engineer observed and she is here tonight (Dawn Cartier with CivTech and her team) was that almost predominately those delivery trucks came in the morning and a little bit into the early afternoon when none of these uses have anybody utilizing it. There is a direct dispersion between trucks coming into the use area and these uses beginning in the late afternoons and on weekends when really there were no trucks to deliver. There really was not that conflict. Notwithstanding that, they suggested a stipulation that essentially those end tenant spaces that are right where the drive aisles come into the center area would not have a public main entrance. They would move that to at least one off that end cap tenant space so children would not be near any place where there would be a truck driving.

The second thing that was observed which is also important to this same issue was they didn't have a single instance in all of the days they studied, which was numerous days and numerous parks and numerous uses of this type, a single case where there was a child seen outside of the actual facility. The reason for that was because whether it's a teenage facility like cheer or gymnastics or younger like toddlers, they are coming to this facility because that's what they want to do. There is no other attractive use like in a commercial center where you would run down to the music store or run down to a dress store, they are there. They simply don't leave the space until the time is up and then they either leave in their own car or they leave with their parents. That turned out not to be nearly the extent of the problem. However, they get to the third issue, which was the notion of parents coming and dropping off and lining up and potentially queuing out into streets. Again, the traffic engineer did not see any of that occur. In fact, when people would come in and drop off their children, they counted that as a person that parked in the space. They didn't count a drop off as something different. If they came in and moved into a space that was a space taken for parking even if they left ten minutes later. So these parking numbers that are so low, they counted all those people who came in and dropped off. Again, if the Commission felt that was something they had to deal with more specifically even though there are plenty of spaces here, they could have a couple of spaces right in front of the main door that would be labeled ten minute parking only for drop offs. They didn't have any queuing of that simply because the nature of the use and they are coming many per car and they are parking and coming in.

He hoped they now get beyond those to a couple of the more fundamental issues that Staff had, which was the notion of the incompatibility of the uses. First of all to that he said he wanted to talk about hazardous materials. They called the Fire Marshall on this because they wanted to find out how significant this problem really was from the Fire Department standpoint. The Fire Marshall said they would be more worried about this if

this was in a true industrial area, but what you are talking about is a high-end business park, which tends to be more office orientated. This particular one has a lot of glass and stone on it. They are attracting some of the high-end user and they are not attracting the major manufacturer. Beyond that the Fire Marshall said they deal with them tenant by tenant. If they have any of those kinds of chemicals, they are required to meet their code requirements they require. They did not see a general conflict there. Mr. Earl said why is it these uses want to be in this environment – that's the fundamental question. Staff has indicated to them that they would kind of prefer them to go into a retail environment. It sort of sounds like maybe that's where they belong. One of the things they determined in studying these around the valley is that they are almost predominately all going in this very environment – a high-end business park near an airport. He didn't think the airport is particularly significant but there are a lot of business parks near airports. The reason they are going there is about three fold. One, they need in most cases, eighteen feet and even twenty feet clear heights. Those are generally not provided in a normal retail environment. Two, the rents in a retail environment tend to be significantly higher. At least a \$1.00 more per square foot and so they simply can't afford the rents. Three, they actually like this kind of environment because their use characteristics are so different than the other uses in the business park they are peaking on weekends normally when there is no one there. They simply don't have a conflict whereas if they are in a regular shopping center, the peaking of that shopping center is coming exactly the same time they are there. There are all sorts of attractive things for the kids to be running to and a lot of demand on the same parking places in front of that tenant space.

Mr. Earl said it is to them a lot safer environment and finally, this particular one has terrific access. It has access to the north, which is Yeager that goes off to Cooper to a signal. It has access along Cooper and along both sides. Because of its nature it is such a beautiful set up they give great credit to Mark IV Capital for building this kind of project. They are excited about going into this environment. They have a little bit lower rent, they have the clear heights they need, they have a roll up door in the back if they need it and they have oodles of parking. They finally get to the question that if you allow these things in this business park you are going to push out the kind of real business park users. Mr. Earl said he talked to Chris Mackey and asked if they have a significant issue of pushing out some of the other users? This could be a potential concern. He said Chris told him there is something in the order of 26 million square feet in this greater business park environment. Even if you take a fraction of that number for true business park environment and even if you had a number of these uses, they can't find a single place where there are more than seven or eight of them even altogether in all of the business parks like in Scottsdale Airpark. That is less than 1% of even twelve million square feet of business park environment. They have such a large amount of this opportunity to be able to put a small sprinkling of these uses in this particular use. This is a particularly great fit for a few of these uses here and it won't be more than a few. Mr. Earl put up an aerial on the Elmo. He showed the use and surrounding neighborhoods to the east, west north and south, all being able to get to this facility coming up Cooper and along German or the freeway. It creates a wonderful environment for them to be able to get to and to such a beautiful building. That is the reason why the 'Sunshine's' want to be here and

frankly don't want to be anywhere else and why they think a few of these uses in this specific environment does not have a parking problem, doesn't have a delivery truck problem, doesn't have a queuing problem and really won't have an issue of kids running around to the detriment of the business park users. They think it will fit very well as it has in every other environment where it has been tried. Phoenix allows them in business parks, Scottsdale does, Tempe does and Mesa does. They all have found they work very well in those environments. He hopes that by taking the extra time, the extra month and the extra effort to really study empirically the issues that came up in the Staff report that while it may not be appropriate in a lot of environments, they think it is appropriate in this single environment in the Red Rock Plaza project. They hope Commission agrees.

CHAIRMAN FLANDERS asked if there were any questions of the applicant.

COMMISSIONER RIVERS asked if he could tell him in the use that they are designating how many customers they would have in this facility at one time? Mr. Earl said in the Bounce facility they have indicated they have the parties staggering, so you have one party coming in and then they go into a different environment where there would be a room for cake and ice cream. Their parking study looked at this use as generally across the valley and looked at how they operate during the week and how they operate on the weekends. They have much higher utilization on a weekend environment where you could have two parties going on simultaneously in the same facility and that would be the peak. As they said in their materials each party could have 35 participants and you could have two going on in the two rooms. In a peak period on Saturday they could theoretically have up to 70 people in the space. There are three tenant spaces that they are talking about in a little under 10,000 square feet and then you have employees in addition to that. **COMMISSIONER RIVERS** asked if they have 70 vehicles picking up and dropping off for each pair of parties? Mr. Earl said no because the use characteristics isn't like that. They don't come one child per car. Normally what happens is that one parent will bring several from a neighborhood and either they drop them off or they bring several per car. **COMMISSIONER RIVERS** said he is not concerned with how many people are parked; he is concerned with how many cars are coming and going in what period of time. Mr. Earl said again, they counted not only the cars that were parking for an extended period of time but also the cars that were parking and dropping off. They were counted as if they were staying. You can see from these studies in the back of their materials that they are looking at upward of 40 or 50 cars in those peak periods. **COMMISSIONER RIVERS** asked when they come in with one group of 35 and then they are going to move them on to the next zone and then they are going to bring in the second party, how long are all those people there? Is it a two-hour turn around or a three-hour turn around or what? Mr. Earl said it would generally be about a two-hour turn around. They have an hour to play in the bounce area and then they have a party area. There is an opportunity to move in into the second area with the same number of children. **COMMISSIONER RIVERS** asked so the capacity on a Saturday would be eight parties? Mr. Earl brought up Denise Sunshine to answer this.

DENISE SUNSHINE, 2088 E. POWELL PLACE, CHANDLER, said that is correct in their statement - eight to ten. She stated that the bounce rooms are going to have adjoining rooms so when the children move from a half an hour in one they will move to the next party. This party room (the first one) is not going to be filled immediately. It needs to be cleaned and sanitized. There is another half an hour gap of time. That party will move to the party room where cake and ice cream and gifts will be done. The party rooms need to be cleaned appropriately and getting ready for the next party. So it's not going to be this herd them in over herd them out type of thing. They are going to come in, clean and move. You can't have twenty parties in a day. They want a clean, safe, party environment for kids.

COMMISSIONER RIVERS said so she might be talking in an eight-hour period of time the arrival and departure of 250 to 300 vehicles. Ms. Sunshine said she would love that, yes. She said you would only have that on Friday and Saturday. Monday, Wednesday and Thursday (they are closed on Tuesdays) there is only going to be certain gaps of time when Birthday parties would actually be scheduled. They will have some open periods of time where parents would make reservations to bring their children, bounce for 90 minutes. If they want to have a snack, they could offer things like that. It wouldn't be that way every day of the week. Friday and Saturday will be their biggest days. Sunday they will only be open 10:00 a.m. until 3:00 p.m. **COMMISSIONER RIVERS** said during the summertime when school is out you may have parties during the week as well. You may rival their Saturdays as an occupancy rate during the week in the summertime. Ms. Sunshine said no because she doesn't have that time period blocked off. From 9-11 a.m. and 2-4 p.m. during the week on those three days those are for open bounce reservation scheduling not birthday parties. **COMMISSIONER RIVERS** said he is still trying to figure out how many pick-ups and drop offs they are going to be dealing with. If you have ten parties on a Saturday and if you have 35 at each party and they come three to a vehicle, that would be a 100 pick ups and drop offs. Ms. Sunshine said the 35 includes the parents as well. It's not going to be that many cars because they are going to have parents involved in that total quantity. **COMMISSIONER RIVERS** said he went to this place yesterday and he found it very hazardous when he was there and the only other people or vehicles in this area behind the building were construction vehicles and there weren't very many of them. Having never been there before (he is not an employee of this place and if he was and was used to going there every day he probably wouldn't have had the problem that he had). He wasn't exactly sure where he was going and was looking at his map and actually parked in the correct place. If you have people coming into this place who have never been there before and they are now searching out the location, the place to park if they are dropping off or staying, they are going to be battling u-haul size trucks or fed-ex size trucks in this narrow little area between buildings. He finds this to be a traffic hazard.

Mr. Earl said Commissioner Rivers was starting to extrapolate just like Staff did. That is why they sent Dawn Cartier out to actually study these facilities. They studied them during a spring break week, which theoretically could have parties throughout the week and what they discovered was that there were three cars at peak periods, three cars per

thousand square feet. The Sunshine's are talking about having 9000 square feet. Nine times three is roughly thirty cars that were coming to that facility in a peak period. There are not hundreds of cars. There are thirty to forty cars maximum at any one time that are coming. They don't drop off at a bounce facility as they indicated with Staff. They all have to be checked in. The people park, they come in and they check their children in and if they are going to leave and sometimes they do, they would leave. They counted every one of those cars as a car parking in a space. There is not a pull through the parking lot and then drop someone off and then go on. They have to actually pull in and come in and check their children in. It is not a significant drop off problem and again, they asked her to count all the trucks and determine if there was a significant conflict between when the trucks were coming or other business users in this environment coming into the inner court. Again, those are coming primarily in the morning hours and primarily during the week. She studied both during spring break, during regular week hours, during weekends and not just during some hours but also during every single hour of the day. Again, on weekends there was quite a bit of increase in the number of vehicles but there was no one there. There was no delivery of vehicles because on the weekends the other users in the park were not there. That is why they like this environment. It is not hundred of cars and that's why they did our study and that's why they have the charts in the back because every one of these charts indicates the exact number of cars coming in. You can actually show that we have a number of vehicles that were parked in any one of these hours and you can see the highest number was thirty-nine. They really did try to study this carefully so they would not simply extrapolate. **COMMISSIONER RIVERS** said going back to what he just said they are counting on thirty parked vehicles generated by this facility basically all day. Mr. Earl said no, they are counting that number of vehicles at a peak period. If you look at the study the peak which was three per thousand was on a Saturday. During the week, the bounce facilities including on Fridays was more like two per thousand or even under that. At some hours of the day it was less than one per thousand. In the morning hours and early afternoon hours, there simply wasn't that kind of traffic in these facilities but on Friday afternoon it was higher. In summer hours there will probably be slightly more utilization during the week, but not significantly more than these numbers. It's just not primarily a weekday use. There are some in the afternoon hours. Again, whether you are in a summer environment or a non-summer environment you still have to deal with the children's parents. The children's parents are still working. If parents are involved, then you are still dealing in the late afternoon or early evening or weekend hours.

COMMISSIONER RIVERS said having been in this parking lot and having been parked in front of this place, he has a hard time imagining whether the people are going to come in and park their car and get out and walk inside with their child and then walk back out into this parking lot and get into their car, back out and drive out. If you have a certain number of people doing that while the other traffic from the other tenants are in that parking lot, he found the whole thing to be very small. Again, he was only there for a very short time and he was dealing with two or three trucks. He can't imagine children and adults wandering around in this parking lot in front of this place. He didn't know where you would park thirty people for this one suite or twenty people. There are eight

parking places along the one side and there are ten or twelve up front. Again, it's not so much with him an issue of the parking situation as it is with the traffic; the vehicle traffic, the truck traffic and the foot traffic all being in this one little corner area of this one building that concerns him. Mr. Earl said you have all of the spaces in front of the building plus all other spaces and anybody employed by this space would be parking in the back. All of the parking in the back is for employees associated with this use. The parking in the front has demonstrated to be more than sufficient in a normal environment. **COMMISSIONER RIVERS** said again he counts twenty. He stated that was his concern and he thanked Mr. Earl for his time.

CHAIRMAN FLANDERS asked if there were any other questions to the applicant.

COMMISSIONER CASON stated that while the parking issue is certainly interesting he would like to discuss the conflict in uses. He asked if their client entertained not having any industrial use there and just having these family oriented and office uses so that there won't be any conflicts with chemicals? Mr. Earl said they don't believe that there will be any users in this that will have significant chemical issues because of the nature of their project. It doesn't mean that they couldn't have somebody that does manufacturing like cabinetry that has some type of chemical in their use. In a shopping center you may have a pool supply facility next door to a music store and what they learned in terms of chemicals is that you have these kinds of chemicals you are required to put them inside of a specific room in order to comply with the fire code. The fire people want the tenant improvements to be such that they won't harm anyone in the next tenant space whether it's children or adults. When they asked the Fire Marshall he said it was a non-issue. He said they would deal with this tenant by tenant and require the tenant to comply with their code to make it safe for their own employees let alone the people in the space next to them. They didn't see this as a significant issue because the nature of this project not being a industrial project where you would expect to see a number of manufacturers locating. This has more of an upscale office environment. Theoretically, in the back you could have some things being done but they didn't see this as a significant issue and then when they talked to the Fire Marshall he said they wouldn't let it happen. Mr. Earl said in the tenant improvement requirements for the city they have a specific obligation to prepare and file their hazardous material inventory and from that they are required by the Fire Marshall to build specific facilities inside their tenant space to comply with folks. That is why they didn't see it as an issue.

COMMISSIONER CASON asked if they specifically rendered an opinion of their use against the other uses that would be allowed by zoning right? Mr. Earl said yes they put the question to the Fire Marshall that if they had a recreational style use like this where they would have children coming (like a toddler gym class or bounce facility) in one tenant space (in this case 3 on an end cap) and then in the next space over you had someone who had chemicals, how would you deal with that? They said that second tenant that came in would be required to hold their chemicals in a way that would not be hazardous to their people or to the tenant through the wall. Of course, in their situation they were putting a special sound wall between this facility and the next tenant space

over. When they spoke to them they did not see this as an issue because they would require the next tenant to deal specifically with their chemicals in a way that complies with code. **COMMISSIONER CASON** asked then specifically their evaluation was based on another tenant moving in after this particular tenant that would be using hazardous chemicals for lack of a better term? Mr. Earl replied in this case they were pointing out to them that their first tenant is a bounce facility and so the next tenant would theoretically be someone who has chemicals. Their point was they require them to give a listing of all the chemicals and then to have a plan for how to care for those in compliance with the ordinance. They are assuming that because this is hazardous it is hazardous to the next tenant over. Their point is they want to protect who ever the tenant is next to them. The next tenant over may or may not have chemicals. It may be complete office or office with some storage. Their whole point is they require everybody to deal respectfully in accordance to the code. He stated he didn't know if the sequence was important and didn't go into depth on the sequence of who came first. **COMMISSIONER CASON** asked if a couple of years from now you have tenants on both end caps of one of their buildings that use chemicals and you wanted to lease a suite out in between those (like a dance school) would you require any special consideration for that new tenant that doesn't have an industrial use because of the fact that the sequence happened so that there wasn't any consideration of that particular use in that space when the first users came in on the ends? Mr. Earl answered that he thinks the answer to that question is they wouldn't allow the family recreational use to go into the next space over.

PAUL CATE, OWNER, SANTA ANNA, CALIFORNIA, said to clarify their conversation with the Fire Marshall was such that he said their current regulations he felt comfortable with and he saw no conflict between their use and any light industrial that was allowed to go into their currently. Any tenant could go next door to any other tenant and is current regulations were enough to take care of any issues that were there. It wouldn't require them to figure out who goes first or second of where they go. Any tenant could go anywhere as long as they were built per code and they followed the code appropriately. Of course, as a landlord they would make sure that they did.

CHAIRMAN FLANDERS said he had a couple of questions for the applicant but first he wanted to ask Staff that as far as hazardous materials go in a light industrial, they are restricted by certain hazardous materials by the code. Is he correct in that? Mr. Dermody said that was correct. Certain hazardous materials are restricted by the building code. **CHAIRMAN FLANDERS** said then if they start getting into the heavier hazardous materials they wouldn't be allowed in there. That is probably why the Fire Marshall felt there wasn't any conflict or problem because it is a light industrial and they are restricted by the chemical use. Mr. Dermody replied said there could be some chemicals that he might consider heavy that could be allowed in there. If the bounce facility comes in first, anything that comes within a certain distance (1000 feet), the Fire Marshall has the ability to restrict that and manage that in some way. If the bounce facility comes in first, he believes that means the entire park would come under the First Marshall's jurisdiction to require the special above and beyond containment. He has also commented in the past

with some other use permits they have had in industrial parks that most of these hazardous uses can be managed. It's possible that one could come in where they would have to not have part of their operation but usually could be managed in some way through underground vaults or extra walls and so forth.

CHAIRMAN FLANDERS asked the applicant what the leasing activity is as far as industrial, office or recreational activities? How is that going? Mr. Earl said he would be happy to let the owner speak to that. They are the ones that are doing the leasing operations right now. It is his understanding that the bounce facility is first. There are no other tenants that have been signed up. They have had conversations with other business office users but no one has yet come to the actual leasing line except for the bounce folks. **CHAIRMAN FLANDERS** asked if there were other family assembly type uses available, is that something that they would look at putting into other buildings in this development? Mr. Earl replied that yes, they have indicated a desire to have potential for a couple of others here because the parking works, and where they have seen these in other locations, specifically up in the McDowell Mountain Ranch Park, there were several of them within the park. He showed an aerial of the Scottsdale Airpark showing the runway and they can see in the McDowell Mountain Business Park, My Gym, Ice Den, 2 bounce facilities and Arizona Rock all within the larger business context. He said that is out of a significantly large park so there are a number of other uses but that is the highest concentration of these uses they found in the valley. Every other place they found there were not more than 2 or 3 in a location. **CHAIRMAN FLANDERS** said one of the reasons why he was asking this is the potential of interfering with the office, the industrial and the employment type use. He believes right now they have a 50/50 split between the two uses. He stated that he didn't want to see a lot of this stuff coming into a specific area that would jeopardize the ability or take away from that employment and industrial type activity. Mr. Earl said as far as they can tell at this point in time they don't see more than maybe 3 of them coming into this facility. This particular one could up to 9,000 square feet. The whole park is 140,000 square feet so if there were 3 of them that could be potentially be as much as 25,000 to 30,000 square feet out of 130,000. They don't see it as a significant percentage of the park. **CHAIRMAN FLANDERS** said also he is looking at maybe restricting the amount of activities, say 20% of the total building area could be limited to this. Mr. Earl said at the last hearing they talked about 25% of the total might be limited to this. When they looked at that they thought that was more of a concern about parking becoming overwhelming. When they looked at the parking, it was actually underwhelming. The office use takes quite a bit more parking than these uses do. They didn't see it as a parking problem but if you see it as a crowding out of business tenants that is why he tried to look at the larger context because to the east and west there are also these same business parks. They are aware of the Houston Group having no desire these uses in their park, but again their park has dock high loading in some of the buildings. Their park is a little different. They are more inclined to light industrial to the business upper scale users. It is up to the Commission. They have one user and they really want to get that user in and they think it works. They hated to exclude themselves from having another one who might also find one of the other end caps appropriate. If the Commission were willing to approve this but wanted a certain

limitation then that would be something you could address. They tried to address the issue of having some reserve spaces to avoid a potential conflict with drop offs as a question and they also wanted to eliminate the use of the main doors on the end cap so they wouldn't have the door close to where the drive aisles were on the sides. They offered up a stipulation that would say those end cap spaces would not have main public entrances if this was the use.

VICE CHAIRMAN IRBY complimented them on their presentation. It helped him personally understand this particular users demand on this facility and he doesn't really see this as being a big problem. But he said they are not just looking at this particular tenant. They are also looking at other uses like marshal arts and dance studios. They may not have the same kind of habits that this particular one would. Some of the concerns you alleviated with this particular tenant he feels good about but he is thinking of all these other uses in which the problems could come back. Mr. Earl said the only point he would make on that is this particular tenant that they are looking at needs a clear height of 18 feet that the bounce facilities specifically need. So the gym facility and cheer facilities. The ones he is speaking about which are dance class or marshal art they don't need that clear height distinction. They don't tent to locate in these facilities. **VICE CHAIRMAN IRBY** said but it's some of the uses that could in they approve this. Mr. Earl said theoretically they could but their desire to have a beautiful facility and they have a couple of these issues that they think might go in there. They have on for sure. They are not interested in filling this with dance classes and karate classes. The reason that people come here is because of the clear height. While he agrees that they are not saying no to the classes, they just are not tenants that would normally come in this environment. They tried to study that environment in all these other business parks and those users are not typical in business parks for the reasons they have sited. **VICE CHAIRMAN IRBY** asked him if they would have a problem excluding those types? He thought of typical business parks where you could have wood shops, cabinet shops and where you have dust particles that are explosive or a metal shop which sounds like this isn't the type of function they would have in these types of facilities. He saw that as a big conflict. Personally, he doesn't have a big problem with this particular user in this park but he is really concerned about some of the other possibilities that could come in there. Once they get the approval, it's a blank slate and they don't come back and talk to them. He still has that concern. Mr. Earl said Chairman Flanders was talking about a percentage and if that made him feel more comfortable so that he is not having this entire facility becoming that, they could deal with it that way and if they wanted to limit to those they are not comfortable with. He doesn't think they are interested in those anyways. **VICE CHAIRMAN IRBY** said there are probably more out there that aren't really listed but would fall into that category that they haven't thought about. You never know until they show up. Mr. Earl said they tried to study the ones that are going into business park environments and those are the ones which are in the Scottsdale Airpark and in the Mesa/Tempe facilities and out in Deer Valley. They are all in business park environments virtually identical. He has photographs of all the buildings that are virtually identical to these and they are allowed in those business park environments. They have not had significant problems. He understand that they can foresee the

potential for problems but in the environments where they are going the users that are going there tend to go there because they have a clear height they need and because their use characteristics are compatible. **VICE CHAIRMAN IRBY** said part of the solution if they approve this would be to stipulate it to where they are not concentrating all these types of uses in one particular building. Trying to spread it out maybe as a solution or it might end up becoming a problem, he didn't know. He said he is still having problems with the additional uses that have kind of come into here. He likes the idea of not allowing entrances on the end caps. That will help them out a little bit with some of this concerns of trucks trying to get into the center of this facility which is where the majority of deliveries will happen.

COMMISSIONER CREEDON stated at the last hearing she shared with him that she had a personal experience with a sports and agility training that is in a business park setting and while she doesn't think the parking there is necessarily optimal, it works very, very well. She does think they find that you don't see this influx of traffic even though she has been there at peak times. It actually flows fairly nicely even though they didn't design it for that purpose. She doesn't want to go too far in restricting that because she thinks those marshal arts she can see better in a retail center more so than she can see in a business park.

VICE CHAIRMAN IRBY said not listed here could be a performing arts theatre like they had one time awhile back. All of sudden you are getting not only them coming in to practice but then you have shows. Could that be something allowed in here under this definition? Mr. Dermody said maybe the applicant could confirm this but it is his understanding that theatres and churches aren't what they are look for. They are looking for active recreational types of uses. **VICE CHAIRMAN IRBY** said but if they approve this, would that fall into the category of family children's recreational facilities? Mr. Dermody replied that if this were approved, conditions might be helpful but they would interpret it based on exactly what the applicant has asked for. They have told them they don't want churches and those types of uses. There might be some that they can't think of there in a gray area but the way they have asked for it they would have to conform to that – no theatres and no churches. **VICE CHAIRMAN IRBY** said that was his concern because all of a sudden they get somebody coming in here that isn't really in their radar sights right now and it creates a problem. Mr. Earl said they are not looking to expand the use to things that might be analogous. They are looking for these very specific uses not for performing arts.

COMMISSIONER KELLEY stated he had a question for Staff. He remembered from his report that uses like this would be better suited in retail environments. He asked them to help him understand the difference between a retail environment and this environment considering a Home Depot for instance or a pool equipment supplier could have hazardous materials as well? Mr. Dermody said that even in a retail environment there would be some conflicts between traffic and the children coming in and out. However, in that environment they are generally dealing with smaller vehicles with a center design for quite a bit of traffic coming in and out and therefore, often pick up/drop off areas, parking

spaces located in ways they cross the drive aisles safely with crosswalks and textured paving. People know what to expect in that sort of environment. In contrast, in this sort of environment you are dealing with ill-defined pick up/ drop off areas and there is a little bit more chaos. It's not where you expect to see children as opposed to a retail site. Those are some of the differences that they see and while they feel that retail is a little bit safer. **COMMISSIONER KELLEY** asked in terms of hazardous materials is there not much of a difference? Mr. Dermody said there are more hazardous materials generally in an industrial park. You do see them in retail like ammonia or cleaning supplies, which are going to be found at your local grocery store although generally in smaller quantities. **COMMISSIONER KELLEY** stated he would like to address a question to Ms. Sunshine. He said he was curious when somebody might drop a child off to this facility, is there any sort of mechanism that they will have to make sure that the parent is the person who takes the child away from this facility?

DENISE SUNSHINE said first of all the parents will have to come in because waivers will have to be signed. Children will be wearing wristbands like you would get at the fair or something. On those will be stickers with the name and the parent's name. So if it is a drop off situation, which they don't encourage because they want the parents to engage with their kids and jump and play. She is going to encourage parents to stay. If it is a drop off situation, the parents will need to come in and she will need to I.D. before the band is cut off and they leave through the designated exit door. She is going to have a door in and a door out. Nobody is going to be sneaking out one door and coming in another. There will be I.D. that will be required and matching up with the sticker.

COMMISSIONER KELLEY said so in most instances when a child is leaving this facility, he/she is leaving with a parent/guardian – not running into the parking lot willy-nilly. Ms. Sunshine said no the children wouldn't be able to leave the door. Everyone needs to be I.D.'d unless they are with their parents. They will exit with the designated adult. But if it is a drop off situation, the children need to stay inside for the parent to come in, obtain them, cut the wristband and then they may exit.

CHAIRMAN FLANDERS asked if there were any other questions.

COMMISSIONER CASON had a question for Staff. He just wants to make sure that he understands that because the applicant says that they are not going to pursue Theatre or dance that if they came back and wanted to use those purposes or allow those uses on the property, they would have some time of restriction over that? Mr. Dermody said that is correct. That is not what they are asking for to add to the list of uses so it wouldn't be an allowed use. **COMMISSIONER CASON** asked if they sell the property then does this use go away? Does this use stay with the property? Mr. Dermody said the use does stay with the property and so they would draw the lines on what uses are allowed in the same places whether this was zoned by someone else or not. **COMMISSIONER CASON** asked if the property was turned over then the new property owner would be under the same restrictions in so far as what family uses they allow to go in there which in this case is a jump facility and no other family uses would be allowed? Mr. Dermody

said that is not exactly correct. Originally, they were asking for a rezoning for only the bounce facility. However, they have broadened it to include other uses such as potentially a rock climbing gym, gymnastics, and toddler gyms - those types of uses. That entire group of uses would be allowed under this rezoning. **COMMISSIONER CASON** asked how do we qualify those uses? What do we call those uses so that in this change they are trying to make we have identified what they are and that they are part of the record? Mr. Dermody said they have attempted to do that through examples. The applicant has been calling these family recreational uses. They have, of course, do not have an equivalent in the zoning code to go off of. They are relying on examples. Family recreational as they are defining for this property is going to be something like those examples he listed and it will certainly not include the larger assembly types of uses like a theatre.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated in looking at the Staff report, the Staff seems to set this up with the term Public Assembly and the issue being what's the scope of that term for the purposes of this zoning. If they have concerns about the breadth or the scope of these new Public Assemblies or Recreational Uses they might try listing in general categories like the one listed on the bottom of the first page of the Staff memo; gymnastics, rock climbing, cheerleading and bounce facility. List the specifics select Public Assembly uses that they are going to allow and that's it. If there are any others that might come up at a later date like the marshal arts or dance studios, then the applicant or the owner at the time would have to come back and get an amendment to the zoning to add those. That should alleviate the concern.

VICE CHAIRMAN IRBY stated that was the problem he was having. He didn't see where it was really specifying certain things and there are too many other things that could be slipping through the cracks here and then all of a sudden they have a problem.

COMMISSIONER CASON asked how the change in this particular property affects their abilities to manage other properties similarly zoned? If more uses want to come in and the particular use and they don't have any more space here, then do they see other locations wanting to do the same thing for this particular type of client? Is that a fear that they hold that registers in the recommendation they are making?

KEVIN MAYO, ACTING PLANNING MANAGER, said their recommendations on one requested PAD is not based on a fear of what it might set a precedence for. They are strictly dealing with land use conflicts. That is where Staff's recommendation is coming from. Is there the possibility that it is limited to x percentage and they maximum out that percentage and now it seems that there are other business parks in the immediate area that seem attractive to go there as well, there is that possibility. He doesn't know how many of these things are out there that are looking to locate in this specific area, but again Staff's recommendation is not based on a fear of there 200 of these in the wings waiting and we can only accommodate 3 here.

COMMISSIONER CASON asked if we had any circumstance where they have had this type of issue and we have removed the industrial availability on the property and limited it to office and these types of assembly uses? Mr. Mayo replied that again getting back to the specific use if we take away this application and we look at what the property was zoned for it allows as Mr. Dermody indicated office, industrial and the showroom uses. You then look to the PDP to look at exactly how it is designed and whenever this PDP came forward, the amount of parking really dictated what percentage of uses could occur in each building. Because it's not done as a condo each building is basically parked a certain way. The amount of parking that was provided was about a 50/50 breakdown. 50% of each building can be office and 50% has to be this industrial warehouse manufacturing storage space. To take those uses away from it, they will then be so far below even though parking studies indicate that certain ones they studied didn't quite reach that 5 per thousand. Our parking code is based more or less a worse case scenario. You have office. Do all offices park at 5 per thousand? No, but some of them do and some even park more. For 50% of this project that parking is provided at 5 per thousand. For the other 50% it's only parked 2 per thousand based on the warehouse and storage parking. To take away that land use, they would then have a project that is not designed to accommodate all office or all uses like that.

COMMISSIONER CASON asked then if the economy drives a certain particular tenant in there, the parking limits the type of tenant that they can have? They more or less have to have a 50/50 breakout of those types of tenant in order for the parking to work. It will not work if there were the bounce and then everything else was showroom? Mr. Mayo said that is correct. It wouldn't be permitted under that PDP, as it did not accommodate enough parking to allow for the bounce and office for instance. **COMMISSIONER CASON** asked how do they watch over that, how do they patrol that? Mr. Mayo said they do that when they come in for tenant improvements for each space, they basically keep a running total of who is in the building and how much space is being used for what use. It's a nightmare to keep track of frankly, but that is how they do it. **COMMISSIONER CASON** said so if somebody came in with a permit application for a tenant improvement and the facility now had too much showroom then you would just deny the permit application? Mr. Mayo replied that was correct and they would not issue a building permit for that tenant improvement because they have already exhausted their amount of office retail space.

CHAIRMAN FLANDERS asked Chris Mackey to come up and give them her take on this as far as the use in the industrial office area.

CHRIS MACKEY, SR. ECONOMIC DEVELOPMENT SPECIALIST, stated that from an economic development standpoint as they talked about the time before when they heard this item, they feel it's a very positive move. They see a lot of these uses that they have no opportunity in this city in which to put them. They don't reach the clear heights in retail centers they need or the rents are a little bit greater than what they can afford to go with. Also, the areas where the retail centers tend to put them in there, they tend to be older failing retail centers. They aren't necessarily places where parents want

to take their children and drop them off and bring them back. They were trying to create an experience in which parents bring their kids into a new area and a vibrant generating area close to Crossroads Town Center, which is a very significant retail project just to the east of this area. From a general standpoint they completely agree with Planning & Development, kids uses do not belong buried in industrial parks. There are conflicts there and they absolutely wholeheartedly support that and agree. This is just a unique situation in this area where it has frontage on roads on all three sides of the project. Three being the fact that the one road curbs around the backside with frontage on Germann. It was designed not for that general industrial project that they talked about. The rents on this property are about a \$1.35. From an economic development standpoint do they worry that there are thousands of these uses out here and are they going to overrun this area or take up our great industrial space. They feel there is a good market but they don't in their investigation the market is not that big. It's not significant in that arena. We talked about are we worried that another group will come in and say 'Red Rock' did this, now they would like to be able to go after some of those tenants. From an economic development standpoint, they would rather be able to cluster them into one area. If it's a certain portion of Red Rock that the Commission decides is a good place to put them, they would rather have them in a cluster than maybe over in Panotoni and one in Houston and two in Red Rock. They would rather see them in a general area where it almost creates that synergy. It is interesting the timing of this. She had an experience yesterday to go to the dedication of the Warner Commerce building in North Chandler, which is a Via West project that is east of the southeast corner of Arizona Avenue and Warner. It was designed originally similar to this. It was industrial/showroom in the beginning and they found a few tenants and they worked with Kevin and came up with modifications and came back through to allow some of those recreational sporting opportunities to go in. Tito Fuentes Batting cage is in there and when she was speaking with his wife yesterday morning and when she went back into the area there is only one of three in the entire state - it's a high speed-pitching machine that the professional players come in and use to practice pitching. In the warehouse area they have created an outfield and Tito actually trains little league teams in the outfield in that area. When she was speaking with Mrs. Fuentes, she said they couldn't go in the standard retail space because the batting cages are so high they need 20-foot clearance and to be able to throw the balls and to get the kids to have that full training opportunity. They need those experiences. Next to them is a personal trainer where they bring in athletes and train them one on one. There is a third recreational sporting opportunity that is in for tenant improvement permits right now. So in that eight building project that's three users and that space will be full. They are kind of married in with those general industrial users, EcoWater is in there, a commercial printer, and Franklin Plumbing with their trucks coming and going. She has heard it a lot from people and she has seen it a couple of times, but yesterday morning she got to experience it herself. It seemed to work well with those kind of users and she really saw first hand from an economic development standpoint and the reason why these users cannot go into the retail space. She suggested you see the baseball academy because it is really cool.

VICE CHAIRMAN IRBY stated he will agree that business and products change. This one is not your typical lower end light industrial facility. He asked if they were to restrict these uses in this building, he is not sure if all these uses should be clustered into one building. He doesn't know what is the right way if they allow this to actually function. The last time they talked about the fact they wouldn't go along the main street frontage because those are even higher rents. Mr. Earl said that was correct. The Germann frontage will have higher rents. Those rents are higher than these users would normally pay. It doesn't mean they couldn't go there but it's unlikely. Mr. Cate the owner said they had a scuba use that needed an indoor dive area and they were going train people to scuba dive so then when they went off on vacation they would be certified. They were interested in something more up front but they have since disappeared so they don't have an opportunity to talk to them. It is a good example of how we can't always imagine. They might think they won't go up front. They think most of them will go in the back building where their rents are considerably cheaper. One other variable besides price that can influence that is the size of the units and their units in building 3 go down to 1800 feet in size. When you get to Germann, most of the units there are 2300 feet or so. When you get back to building 1 those units are in the 3300-foot range. You could have a tenant that said well I'm going to pay more for rent but I'm also getting a much small unit and I can afford that. **VICE CHAIRMAN IRBY** said he is just now wrestling with the problem where future ones need to be. His first gut feeling was to spread it out in the project so that you don't have kids in one space and redistribute the parking issue. Now he's thinking that building 1 is where we should restrict a lot of these issues just because now you are going to have kids intermingling with trucks and things like that. Building 1 allows them to be in one spot instead of popping up all over but he wasn't sure if that is the correct answer. Mr. Cate would appreciate the ability to put them where they want to go and they have worked with Staff. They have talked about safety issues and they did mutually come up with a stipulation that they thought addressed those issues. They think that having the flexibility to put them in the balance of the units would be really helpful to them because tenants often have their own ideas and they are going to tell them where they want to go and they would like to be able accommodate them. **VICE CHAIRMAN IRBY** said he can understand his point of view. Mr. Earl said getting into the middle area there is only really two ways to get into there. In the issue of conflict, they couldn't have that public entrance on the end cap tenant space - those would be the places the trucks would be passing through between buildings. **VICE CHAIRMAN IRBY** asked Staff what is their feeling on distributing it evenly or throughout the site or concentrate them on one location? Mr. Dermody answered that if Commission is inclined to recommend approval, they would certainly suggest limiting the amount of this type of use per building for the reason of parking. This facility is parked as Kevin mentioned so that half of each building is industrial, half is something else whether it's office or retail or now these certain public assembly uses. If they were limited to all one building, you would have quite a bit of parking away from there drawing to it. People parking over in front of the predominantly industrial buildings. That wouldn't be as efficient or as safe. **VICE CHAIRMAN IRBY** said he kind of came to that conclusion when he was counting parking spaces for just this bounce facility. There are only 46 spaces between those two drives to begin with and you have 35 cars coming for a party and then you have

another 35 coming for something else. He said he can see the pros and cons either way. If they were designing this from scratch, they would obviously lay out the parking lot differently to accommodate this type of use.

CHAIRMAN FLANDERS asked if there was anybody in the audience that would care to speak in regards to this item. He asked the applicant if he needed to address any of the issues.

Mr. Earl said he is happy to answer any questions that have come up. He understands the parking issue and really did try to study that as carefully as they could. That is why the study was so extensive in so many different uses and so many different locations. It really does not have the parking characteristics that they think it will have. He understands if you have a big party you think there is going to be a lot of cars, but somehow in some mystical way the cars do not come in the numbers that you think they will come in for the varied kind of facilities they are talking about. Having said that they understand Staffs issue here which is certain buildings are designated for certain limitations on warehouse versus office. If you want to distribute you could but maybe needs to let Dawn Cartier speak to this because she is the one that did this study and he has been trying to summarize her work.

DAWN CARTIER, 8590 E. SHEA BOULEVARD, SCOTTSDALE, stated she just wanted to clarify a statement. She keeps hearing the number of people equated to the number of vehicles arriving. Those are two very different things. The number of people in a facility isn't the number of cars coming to the facility. Thirty five people does not equate to 35 vehicles and in their count the highest number of cars parked at any given time was 55 vehicles. It was at a facility larger than the one going in. It was a 12,500 square foot facility. She is trying to provide some economy of scale to the people versus vehicles. In general terms, the 35 people aren't 35 children. It's parents and children. They are usually coming at least 2 in a vehicle. It's why those parking rates come out so favorably is that they are not arriving individually in each car.

VICE CHAIRMAN IRBY stated he thought that way too until he saw her study. Her study is very thorough and convinced him otherwise.

COMMISSIONER RIVERS said he had a question for the applicant. In going with Mr. Brockman's suggestion or offer of opportunity if we were to take this list of suggested uses and pair that down, would he have an issue with that? Mr. Earl said he needed to understand what the list is that he was pairing down. **COMMISSIONER RIVERS** said the list he is looking at says gymnastics, rock climbing, cheerleading, and toddler gym and balance facility. He asked if those the only uses they are pursuing here? Mr. Earl said it is. He said they heard his client mention that there was a scuba use who came. They are trying to put together the uses that have the same parking characteristic. Obviously, a theatre group has a significantly different parking characteristic. A church or a school, which would be declared public assembly, has a significantly different parking characteristic. These family recreational uses that they have talked about and the

ones in that list and ones that are like them have a similar low parking characteristic. **COMMISSIONER RIVERS** said also in the discussion part of the application it goes on to talk about dance studios. Are they interested in dance studios? Mr. Cate said they would be interested in a dance studio. They look at that as something very similar to a gymnastic studio. Perhaps the way you best address it would be to come up with things that things they can exclude. They have talked with Staff about excluding schools and they had a meeting of the mind excluding schools and churches and they we're in 100% agreement. They don't want those tenants to start with. They don't look at it as a good mix of tenants, which is essential for the park that they are looking for. **COMMISSIONER RIVERS** said the issue he has is with parking and traffic and he said that if you put a gymnastic facility in their park they would have more parking problems than you can possibly imagine. They had one open in their neighborhood because it was close to a neighborhood and everything was going to be wonderful and the parking was going to be contained within the parking lot. That was o.k. for a while and then the parking began to spill out of the parking lot and it went out into the cul-de-sac next door and they had a competition about a month ago and they had 300 cars parked half of them on the street, in vacant lots and dirt fields. He said he could tell him this for a fact because he counted them. Dance studios are the same way. When you are having your dance lessons that's fine. The people come and have their dance instruction. That's all well and good but when they have a competition, your parking data will be horribly skewed and he doesn't know if this facility or any other facility like it is prepared for the amount of parking that is required for competition in either dance or gymnastics. That is why he asked the question if they would object to having those uses paired from your list. He doesn't have a problem with the rock climbing place or a scuba facility or a toddler gym or cheerleading practice or any of that stuff. But any of the items that can open themselves up to competition, these are things he would have a terrible problem o.k.ing for this center. Mr. Cates stated that most industrial parks that have these types of uses do not have the same parking ratio that they do. They have purposely parked this park at 3.8 per thousand parked. He would venture to guess that the building he is referring to is probably parked at 2.5 to 1. With respect to your concern on having a competition, he would suggest they be open to a stip. to only allow competitions on weekends when they have shared parking. Their parking study shows that they would have over 300 available parking spots on the weekend based on their shared parking agreement. In spite of that, they don't expect there would be any competitions to take place. In talking to a couple of tenants and people that are involved with those tenants, they say the competition is for the cheerleaders and the gymnastics are typically taking place elsewhere. **COMMISSIONER RIVERS** said he didn't know about cheerleaders but he wouldn't be prepared to even suspect that the gymnastic school if there was one would object to holding competitions in their facility if it were large enough. He asked if they would be amenable to having the gymnastic and dance facilities removed from you list of possible uses. Mr. Earl said they would hope that the Commission would not do that. He said they would have leases that will specify the amount of spaces that they are permitted. For example, this particular user is being given essentially 3 spaces per thousand. It would be in violation of their lease to do anything like what he is discussing unless on a weekend they specifically receive permission. If they had a use that had some sort of

higher assemblage of people on a weekend they have to have specific permission to have more spaces than there 3 per thousand. They would hope to control the issue you are talking about by the lease not allowing them more than a certain amount of spaces per thousand for their use. Their study indicates they can do that and fit them in so the times when they may need more spaces on a given specific, they can deal with that because it would be a weekend when the facility would have more than sufficient spaces. He said he has done the best he can to list and study these issues and to give the parameters that they thought would address all the issues. If they have one they haven't addressed and you feel strongly about it, he can tell they are probably going to take some action on it.

CHAIRMAN FLANDERS said he was going to close the floor for further discussion and a possible motion.

COMMISSIONER CREEDON stressed she really appreciates their spending so much time explaining this to them tonight and she agrees that they need the flexibility to manage their business. She doesn't believe that if they had these concerns that they would have any tenants. She stated it's unbelievable that we've gone to this length tonight.

COMMISSIONER CREEDON moved to approve DVR07-0058 RED ROCK BUSINESS PLAZA, seconded by **COMMISSIONER KELLEY**.

COMMISSIONER CASON asked Staff if this property were to be all of these assembly uses would there be enough parking then? Mr. Dermody said no there would not be. This is parked for half industrial, which is 2 per thousand ratio.

VICE CHAIRMAN IRBY said he doesn't have a problem with this particular use and is still a little confused in terms with a open slate of what uses could go in there.

CHAIRMAN FLANDERS said probably what they need to do is to create a list of stipulations specific to this.

VICE CHAIRMAN IRBY said that is his feeling but they already have a motion.

CHAIRMAN FLANDERS said they have a second so they can go ahead and talk about it and the stipulations.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated they have a motion and a second so he doesn't know if there are any stipulations other than what Staff already has. If you want to modify that motion in some manner, someone would have to move to amend it and then they would deal with the amendment first and then they would go back to the main motion.

VICE CHAIRMAN IRBY said the way it is presented right now he couldn't vote for it but he could vote for it if we could get to a better type of uses, restricted or something. It

doesn't have to be down to six items. Somehow kind of control what goes in here. He said he know 50% of this facility could be used for this. He would like to see it limited based on other conversations they had earlier. Building 1 is limited to 20%, Building 2 and 3 is 15% each so it gets more evenly distributed in the project. His two concerns are distribution and the allowed uses. Mr. Dermody said he actually has seven possible stipulations written up. If it pleases the Commission he said he could read those. They can pick and choose amongst them and modify.

GLENN BROCKMAN said he is not sure what the intent of the motion make was on that one. He asked Commissioner Creedon if she wanted any stipulations at all?

COMMISSIONER CREEDON said she did not want any stipulations.

GLENN BROCKMAN stated to Chairman Flanders that he either has to vote on the motion as is or someone who would like to add stipulations will have to move to amend the motion to add whatever those stips. might be.

CHAIRMAN FLANDERS stated he would like to amend the motion to provide additional stipulations. Staff can read those in.

BILL DERMODY, SR. PLANNER, said potential stipulations include the following seven. The first two are standard stipulations.

1. *Development shall be in conformance with the application materials except as modified by condition herein.*
2. *Compliance with the original conditions adopted by City Council through Ordinance 3673 in case DVR04-0037 CHANDLER AIRPORT CENTER except as modified by the subject application and conditions herein.*
3. *"Family recreational" use such as bounce facilities, gymnastics, rock climbing, cheerleading, toddler gyms and similar uses shall be allowed. Other public assembly uses such as theatres and schools shall not be allowed.*
4. *The amount of "family recreational" uses shall be limited to no more than 25% of each building.*
5. *No "family recreational" uses shall have their entrance on the end caps suites adjacent to the truck aisles.*
6. *Several parking spaces in front of the "family recreational" entrances shall be reserved and signed for pick-up/drop-off.*
7. *There shall be no competitions held Monday through Friday.*

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated that was their motion with those stipulations. You will need a second for that motion to amend that.

The motion was seconded by **COMMISSIONER RIVERS**. The motion to amend passed 4-2.

COMMISSIONER CASON stated he would like to comment first before the final vote to approve as amended. He stated he is still conflicted with the use and that is only because of the fact that we have found out because of the parking and the way the whole property was designed it forces a mix of 50% industrial and those types of uses on the property. He said we don't know exactly where those uses are going to be in relationship to the assembly uses that would be on the property. He is not so much concerned with this particular use. This particular use is great for it. He is worried about what is going to happen ten years from now when the property is pretty much leased out to industrial uses and then somebody wants to come in and put something in a vacant space that meets all of the conditions of this motion. It's right next to where somebody is using some type of volatile chemicals. He thinks there is a conflict here and if they wanted to utilize this type of use or had a desire to use this kind of use then they should have designed the building accordingly to allow it and that includes proper amount of parking and the building layout to support that. He stated he would not be in support of this motion.

COMMISSIONER CREEDON stated she will be voting in favor of it and she wanted the applicant to understand that she felt like some of the stipulations were inappropriate and she is a little concerned about competition and how you define that. She thinks it's a little too broad and she understands the intent of the Commissioner. She hopes Staff when looking at this will be a little bit understanding because that can be too broad for her definition.

CHAIRMAN FLANDERS said they have a motion. The motion passed 5-1.

7. DIRECTOR'S REPORT

Mr. Mayo said there was nothing to report.

Chairman Flanders stated he would like Staff to get together with the Planning Commissioners so they can sit down and brainstorm on how this process is going and how they can all work better together and understand where Staff is coming from and vice versus. Also, what City Council is looking for as well. Mr. Mayo said they would be happy to that. He asked if they would prefer to wait until the new appointments come in and then they will be happy to set up a retreat between Staff and Planning Commission. Chairman Flanders said that would be great.

8. CHAIRMAN'S ANNOUNCEMENT

Chairman Flanders announced that the next regular meeting is May 21, 2008 at 5:30 p.m. in the Council Chambers, 22 S. Delaware Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting adjourned at 7:14 p.m.