2012 Planning & Zoning Commission Minutes

Regular Meetings

January 4, 2012

January 18, 2012

February 1, 2012

February 15, 2012 Cancelled

March 7, 2012

March 21, 2012

April 4, 2012

April 18, 2012 Cancelled

May 2, 2012

May 16, 2012

June 6, 2012

June 20, 2012

July 18, 2012

August 1, 2012

August 15, 2012

September 5, 2012

September 19, 2012

October 3, 2012

October 17, 2012

November 7, 2012

November 21, 2012

December 5, 2012 Cancelled

December 19, 2012

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, January 4, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Pridemore.

3. The following Commissioners answered Roll Call:

   Chairman Michael Cason
   Commissioner Stephen Veitch
   Commissioner Matthew Pridemore
   Commissioner Bill Donaldson

   Absent and excused:

   Vice Chairman Leigh Rivers
   Commissioner Andrew Baron
   Commissioner Katy Cunningham

   Also present:

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

4. APPROVAL OF MINUTES
   MOVED BY COMMISSIONER PRIDEMORE, seconded by **COMMISSIONER DONALDSON** to approve the minutes of the December 7, 2011 Planning Commission Hearing. The motion passed 3-0 with one abstention (Commissioner Veitch abstained as he was not at the meeting). (Vice Chairman Rivers and Commissioners Baron and Cunningham were absent at this meeting.)

5. ACTION AGENDA ITEMS
   CHAIRMAN CASON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. Item E was pulled for action.

A. APL11-0001/DVR10-0023/PPT10-0005 HAMILTON HEIGHTS

Approved.

Request Area Plan Amendment of the Section 16 Area Plan from multi-family residential development to allow for single-family residential development, along with Rezoning from Planned Area Development for multi-family residential to Planned Area Development for single-family residential along with Preliminary Development Plan and Preliminary Plat approval for a 44 lot single-family residential subdivision on an approximate 11.5 acre site. The subject site is located west of the southwest corner of Arizona Avenue and Queen Creek Road.

1. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
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. 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 Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
9. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
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 Hamilton Heights development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

Preliminary Development Plan

Staff, upon finding consistency with the General Plan, recommends approval of DVR10-0023 HAMILTON HEIGHT, Preliminary Development Plan for subdivision layout and housing product, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit No. 8, Development Booklet, entitled "Hamilton Heights", and kept on file in the City of Chandler Planning Division, in File No. APL11-0001/DVR10-0023, except as modified by condition herein.
2. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
3. The same elevation shall not be built side-by-side or directly across the street from one another.

4. All homes built on corner lots within the residential subdivision shall be single-story.
5. For lots adjacent to an arterial street, two-story homes are limited to every third lot, with no more than two, two-story homes built side-by-side.

Preliminary Plat

Staff recommends approval of Preliminary Plat PPT10-0005 HAMILTON HEIGHTS, subject to the following condition:

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

B. DVR11-0024 GREYWOOD PROFESSIONAL OFFICES

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three year schedule for development or to cause the property to revert to the former Agriculture District (AG-1) zoning. The existing PAD zoning is for an office building on approximately 2 acres located south of the southwest corner of Frye Road and Gilbert Road, north of Pecos Road.

Planning Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years in which the zoning would be in effect until September 13, 2014, and with all of the conditions in the original approval remaining in effect.

C. DVR11-0030 LIGHT OF CHRIST LUTHERAN CHURCH

Approved to continue to the February 1, 2012 Planning Commission Hearing.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of PAD for multi-family development. The existing PAD zoning is for a church. The subject site is located at 1500 N.W. Jacaranda Parkway on approximately 6.3 acres. **(REQUEST CONTINUANCE TO THE FEBRUARY 1, 2012 PLANNING COMMISSION HEARING.)**

D. DVR11-0031 CHANDLER AIRPARK BUSINESS CENTER

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of Agricultural (AG-1). The existing PAD zoning designation is for a business park development with aviation-related uses on an approximate 19.2-acre site, and is located at the northwest corner of Cooper and Queen Creek roads.

Staff, upon finding consistency with the General Plan and Chandler Airpark Area Plan, recommends approval of extending the timing condition for case DVR11-0031 CHANDLER AIRPARK BUSINESS CENTER for an additional three (3) years in which the zoning would be in effect until October 2014, with all of the conditions in the original approval remaining in effect.

F. DVR11-0049 FINISTERRA – CITY INITIAL ZONING

Approved.

Request the establishment of initial City zoning of Single-Family residential (SF-18) on an approximate 40-acre site located at the southwest corner of Ocotillo Road and the future 148th Street alignment.

Upon finding consistency with the General Plan and the SECAP, Staff recommends approval of the establishment of initial city zoning of SF-18 on an approximate 40.8-acre site located at the southwest corner of Ocotillo Road and 148th Street.

G. ZUP11-0019 JAY PAGES JIU-JITSU & MMA, LLC.

Approved.

Request Use Permit time extension approval to allow a mixed martial arts training facility within the I-1/PAD (Planned Industrial District with a Planned Area Development overlay) zoning. The subject site is located at 114 S. Southgate Dr., Suite 1, south of Chandler Boulevard and west of 54th Street.

1. Expansion or modification beyond the approved exhibits (floor plan, narrative, parking plan) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The use shall be in substantial conformance with exhibits and representations.
4. The property shall be maintained in a clean and orderly manner.

H. ZUP11-0025 APEX TINT LLC.

Approved.

Request Use Permit approval to allow a window tinting business with on-site automotive tinting within the I-1 (Planned Industrial District) zoning. The subject site is located at 500 N. 56th Street, Suite 8, north of Chandler Boulevard.

1. Expansion or modification beyond the approved exhibits (site plan, floor plan, narrative, parking plan) shall void the Use Permit and require new Use Permit application and approval.

2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The use shall be in substantial conformance with exhibits and representations.
4. The property shall be maintained in a clean and orderly manner.
5. **Overnight outdoor storage of vehicles is prohibited.**

I. ZUP11-0036 ICEV PARKING LOT

Approved.

Request Use Permit approval to allow for a temporary parking lot on an approximate .75- acre site. The subject site is located at the northwest corner of Erie Street and Pleasant Drive.

1. The Use Permit shall remain in effect for two (2) years from the effective date of City Council approval. Continuation of the use of such parking lot beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. The temporary parking lot shall be surfaced with gravel or other suitable material and type of dust palliative in accordance with current Maricopa County regulations. The parking lot shall be maintained at all times in a dust-free and weed-free manner.
3. The expansion or modification beyond the approved site plan shall void the Use Permit and require new Use Permit application and approval.

MOVED BY COMMISSIONER PRIDEMORE, seconded by **COMMISSIONER VEITCH** to approve the Consent Agenda with additional conditions as read into the record by Staff. The Consent Agenda passed unanimously 4-0 (Vice Chairman Rivers, Commissioners Baron and Cunningham were absent).

ACTION:

E. DVR11-0041 WESTERN STATE BANK

Approved.

Request amendment of Planned Area Development (PAD) zoning with Preliminary Development Plan (PDP) approval for modified signage on a new bank building at the northeast corner of Chandler Boulevard and Alma School Road.

Upon finding consistency with the General Plan, Staff recommends approval of the rezoning request to eliminate the zoning condition, Condition No. 11 in ordinance No. 4088, requiring building signage to be reverse pan-channel.

and

Also, Staff recommends approval of the PDP request to amend approved building signage, subject to the following condition:

1. Substantial conformance with application materials kept on file in the City of Chandler Planning Division, in File No. DVR11-0041, except as modified by condition herein.

MR. BILL DERMODY, SENIOR CITY PLANNER, stated the applicant was present to answer any questions. The basics of this case is that previously Western State Bank at the northeast corner of Alma School and Chandler Boulevard was stipulated to modify their signage to make it reverse pan channel rather than pan channel letters as originally presented. A couple of years later they have taken a closer look at it and they would really like to go back to what they have originally proposed, the pan channel letters with a day/night black/white lettering. What they see on the front of the bank façade, it would look the same no matter whether it is reverse pan channel or pan channel during the day either way it is going to be a black lettering. The question is whether they can instead of having a halo around each of the letters, which was the previous condition, can they just have it shine white right out front of the letters through the perforations on the vinyl covering. They had a number of questions during Study Session but he said he would turn it over to the Chairman for any questions.

CHAIRMAN CASON said they just had some questions for the applicant regarding general sign questions so that they have an understanding of what they are looking at.

COMMISSIONER PRIDEMORE asked Staff if he could just walk them through the process and terms of approval when this signage package or any other that would come through the city. What set of eyes are actually looking at the signage to see that what was built matches what was on the plan. Mr. Dermody said they have Staff in the Planning Division that actually looks at that. The Transportation & Development department reviews the sign against the zoning conditions and against the zoning representations and PDP representations. **COMMISSIONER PRIDEMORE** said the other question along those lines is would that Staff member be looking at how bright or potentially glaring any sign would be? Mr. Dermody said no, they don't have anything in their code about sign brightness right now. It is a very rare zoning condition. He can only think of 2 cases of where they have ever addressed brightness and that was when there was a video board sign out in front of a church.

CHAIRMAN CASON asked so when a City inspector inspects a sign to make sure it matches what was presented, they never go out at night to see if the sign looks like how it was presented? Mr. Dermody said it is not a typical part of the inspection to go out at night. However, our inspectors can tell by looking at a sign how it will appear at night. Just by the way it is constructed you can predict that. If they ever got a tip that it was somehow being lit otherwise, it would be to indirectly light it and add something later or modify it after the fact, then they would go back out there and check it.

CHAIRMAN CASON called up the applicant. He said the reason they are asking him up is because this is a new type of sign for them so they had questions that they wanted to ask about the sign.

COMMISSIONER PRIDEMORE asked regarding the vinyl that is applied to the clear acrylic or white acrylic, which side is it going on. Is it interior or is it exposed to the elements?

GLEN ZWICK, 4801 W. NORTH LANE, GLENDALE, said it is interior. It is a black vinyl perforation overlaid on white acrylic. When that thing illuminates, it is going to go very soft because black is an opaque color. He does produce some that he ships out of the United States which is a translucent blue. They just shipped one to El Paso before he went out and looked at it. It powered down quite a bit. This is going to be down quite a bit. It is going to be soft.

COMMISSIONER PRIDEMORE said one of the concerns was just how it was going to hold up not knowing what layer of the vinyl it was occurring on, if it was exposed to the elements or not. Mr. Zwick replied it would hold up great. They hold up very, very well. They use the best in the world. They have been using this stuff for 30 years and he has never had a problem. The perforated vinyl is made out of the same vinyl as it is manufactured but has minute holes in it.

CHAIRMAN CASON asked so it is the same material? Mr. Zwick replied yes. **CHAIRMAN CASON** said his packet didn't have anything in it showing what they were going to be presenting other than of course the actual design. They are only a recommending body and he doesn't know whether the City Council is even going to want to talk about this but he asked Mr. Zwick when he comes back before the City Council to bring an example of the sign or of a sign lit at night using this technology with the standard amount of lighting they would expect in it. He thinks they would want to see the context of an entire sign photographed at night so they could see how it looks insofar as the brightness is concerned with items that are around it, the reflection of it on the building, those types of issues. On the example that Staff showed to them earlier where they have the rubber band ball all lit up, in the case of the family is that a different color than the color of the type? Mr. Zwick said no sir they are all the same, all uniform. **CHAIRMAN CASON** said so during the day it's all black and at night the family will be white as well. Mr. Zwick said that is correct. **CHAIRMAN CASON** said it is illuminated as well as the same color as the lettering. Mr. Zwick replied yes.

CHAIRMAN CASON said when they asked Staff about being able to control the brightness of it Staff indicated to him that they weren't aware of any situations where it had been dimmed before. Mr. Zwick said no sir and in the time period between he called one of the experts here on LED's and they talked about putting a dimmer on it and it cannot be done. That is a 12-volt system – they are going to blow that if they start burning up those modules. **CHAIRMAN CASON** said so it is not like a standard LED light bulb where they can go buy one at a Home Dept. that they can put on a dimmer. Mr. Zwick said no sir. He said some of these things get down to where they are about a ½ inch square. They are very, very tiny. **CHAIRMAN CASON** said so each LED is a circuit in of itself. Is the back pan of these signs nothing but LED's glued into a panel or how does that work? Mr. Zwick said you take a standard pan channel letter and

take the backside off (it is a 5" deep letter like any standard style) and you follow the configuration of the letter and that is pretty much it. **CHAIRMAN CASON** said take the 'W' from Western for example, do the LED lights fit the entire base of the pan or is their one strip that follows the 'W'? Mr. Zwick said in this case it should go right down through the center, one line not a double line. **CHAIRMAN CASON** said so in the case of the man of this family group here, he would have one strip going all of the way from the top of his head all the way down to one of his legs or both legs or how does that work? Mr. Zwick said for the guy that puts this together it is going to drive him crazy. **CHAIRMAN CASON** said so if he were to describe it in a way that maybe he could understand it, it kind of behaves like a neon tube insofar as not how it broadcasts lighter but its actual physical design within the pan. In other words, it is a straight tube of light that is meant to emit in a wide pattern. That is one of his big concerns is that the back of the pan is not full of lights. It is not just like hundreds and hundreds of lights back there. There are just as many lights as can fit in a straight line in those channels. Mr. Zwick said what they try to do is make sure they hit the floor and get in all of the corners so there are no dead spots. It is like he says, it follows the configuration of whatever it may be. **CHAIRMAN CASON** asked Mr. Zwick if he could supply to Staff some detailed specifications, books, examples of this type of lighting. Mr. Zwick said he could go to the manufacturer in China and have them send them something. **CHAIRMAN CASON** said that would be nice because that then gives them an opportunity to kind of understand the technology before the next one comes up.

CHAIRMAN CASON said let's say by chance that his sign is up and lit and they go by or anybody goes by and the thing is so ridiculously luminous that they could see it and if it were up higher, you could see it for miles away. He knows he is probably exaggerating. If it is ridiculously bright, so bright that someone would lodge a complaint against it, what options are available through him as a sign manufacturer to dim those lights. He doesn't mean physically dim them by voltage change - how would he better control that? Mr. Zwick said it is his belief that it won't be but you would basically have to replace them with another type of LED. They are trying very hard to stay with this one type. They spent a year researching many, many manufacturers and they landed on this one type because it is cost efficient and it holds up very, very well. It is very uniform. They started out with lights that wouldn't last and then they went yellow. Over the last 5, 6 years they have improved on them to the point now they have a decent product. It is good for the customer. **CHAIRMAN CASON** said so basically you couldn't take the vinyl and put less holes in it. Mr. Zwick said the vinyl comes off of a roll and is manufactured with a pattern. They are very small holes but there are thousands of them. It really pins this thing down and being black is an opaque color and opaque is not going to emit light, it will only come through those holes but it gives you an illusion at night of turning white. **CHAIRMAN CASON** said so you couldn't change the intensity of the LED's either, right? That would be too expensive to actually pull each one of those modules and put another one in. Mr. Zwick said that is a very expensive proposition once it is in place up on the wall, yes. **CHAIRMAN CASON** said he went from a white to a yellow. How were they able to determine the proper luminescence of the LED? Did they do it scientifically or anecdotally, how did that all happen? Mr. Zwick said they stacked up several different manufacturers and looked at them. **CHAIRMAN CASON** said you did? Mr. Zwick replied it was his boss. **CHAIRMAN**

CASON said so this is before any of them were around or are some signs already up and he was trying to duplicate somebody else's manufacturing? Mr. Zwick said they had many different representatives and manufacturers come in and bring their product and they would set it up and light it up inside his office. You could actually see a difference between different manufacturer's and the color of white. You would think white would be white but it is not. You have a yellow white, a blue white, and a white-white. It graduates – this being one of the better ones that they have ever seen. **CHAIRMAN CASON** asked if one of the LED lights burns out or a strip of them where it impacts the coloring of the letter where it doesn't look right, how do they repair that? Mr. Zwick replied by section. **CHAIRMAN CASON** asked how big is each LED section? Mr. Zwick said they are in 5" increments. They have 'x' number in the unit. They just cut those wires, put in new ones and tie them together. **CHAIRMAN CASON** said so when they put the 5 strips together, do they snap together, are they soldered in a board, do they glue them to the back? Mr. Zwick replied they come in a wire carrier. They have a module, 2 wires. **CHAIRMAN CASON** asked if they just glue it into the back of the channel. Mr. Zwick says the manufacturer says glue them in. They glue them and they also fasten them from the back side because of the heat here over a period of years; they are afraid the glue isn't going to hold. It probably won't and it will start coming loose. They don't want that. So they mechanically fasten. **CHAIRMAN CASON** asked if there was a transformer for each letter or is there a single transformer for the whole sign? There is a single transformer for x number of feet. In this case, he would have to go back and look at his numbers. The power supplies are 60 watt and this particular LED is 45 to 50 linear feet. So a sign like this will probably have 2 or 3 power supplies.

COMMISSIONER PRIDEMORE asked on the vinyl product is there only one density of holes. Obviously the density of the holes effects how much light is coming through. Mr. Zwick replied that it only comes with one set of holes. **COMMISSIONER PRIDEMORE** said so they can't go back and get the same product with a different set. Mr. Zwick stated that if they want to go back to the manufacturer and buy huge rolls, which are thousands and thousands of yards, you can probably get what you want. **COMMISSIONER PRIDEMORE** said but the reality is right now off of the shelf there is only one product with one density. In listening to how the LED's are being put into each of the letters again, hypothetically if the thing was too bright could they literally just remove some of the LED's? Mr. Zwick said you would probably wind up with dead spots. It is his opinion that it is not going to be too bright because of that vinyl overlay - very simply. He has been in this business 55 years. He was brought up on neon. You take a neon tube, 13 ml., that increases the brilliance. This is comparable to a neon tube but less because of the overlays. **COMMISSIONER PRIDEMORE** asked if he has ever used this particular brand of LED before? The LED's that he is proposing for this signage, has he ever used them before? Mr. Zwick said yes. He ships them out of state. One just went to El Paso and other locations. **COMMISSIONER PRIDEMORE** said he is asking because he was given the impression that the physical LED's that he is proposing for these lights is a new product that he has not used in the past. Mr. Zwick replied they are relatively new but they have been using them. They used them on T-Mobile throughout the United States; a lot at the University of Phoenix. **COMMISSIONER PRIDEMORE** asked if there were any in Chandler? Mr. Zwick said he didn't know. **COMMISSIONER PRIDEMORE** said it was more curiosity than

anything else. Mr. Zwick said he would have to talk to people in the company to see who has done what and where. He has a hard enough time keeping up with his own projects. **COMMISSIONER PRIDEMORE** said for him that would be another bit of information to get to Staff when he gets a chance just so that they can go out and take a look at them.

CHAIRMAN CASON said let's say that Western State Bank wanted to be all red during the day and then red at night, could they produce a sign that would do that? Mr. Zwick said yes. **CHAIRMAN CASON** said so it would have the red vinyl with the pinholes and then they would put in red LED's. Mr. Zwick replies yes. The thing you have to be careful with is if you do this over white acrylic, white and red turns pink. So you can get a pinkish color. **CHAIRMAN CASON** said whatever he decided to do it would have to mesh with white or he would have to make sure all the coloring or their logo colors would be compatible with blending white in with that color. It has to be white acrylic, it can't be any other color? Mr. Zwick replied no, not in this case. **CHAIRMAN CASON** asked if it were red could it be clear? Mr. Zwick said it could. The problem with that is you can see through and they are going to see these LED's stacked up. They are going to notice there is a light behind there. It is not going to be uniform and it is not going to be a glow. **CHAIRMAN CASON** said so they would have to have the diffusion in the light to make the light work and the white acrylic makes that diffusion complete. Mr. Zwick said yes.

CHAIRMAN CASON thanked him for the lesson as he said he is always intrigued by new stuff like this and he thinks it is good for them to know how these things operate so when they come before them then they don't always have to ask the questions all of the time. He said he appreciated his contribution and also being able to deliver to Staff those items that they mentioned up there. He said as a formality he has to go to the audience and ask if anyone in the audience would like to speak on this. There was none. He closed the floor and thanked the applicant for his time. He looked for a motion. There were to be 2 motions.

MOVED BY COMMISSIONER VEITCH, seconded by **COMMISSIONER DONALDSON** to approve the rezoning from PAD to PAD Amended in case DVR11-0041 WESTERN STATE BANK in order to alleviate the requirement for building signage to be reverse pan channel as recommended by Staff. The item passed unanimously 4-0 (Vice Chairman Rivers, Commissioners Baron and Cunningham were absent).

and

MOVED BY COMMISSIONER VEITCH, seconded by **COMMISSIONER DONALDSON** to approve the PDP in case DVR11-0041 WESTERN STATE BANK subject to the conditions recommended by Staff. The item passed unanimously 4-0 (Vice Chairman Rivers, Commissioner Baron and Cunningham were absent).

6. DIRECTOR'S REPORT
Ms. Novak said there was nothing specific to report and said she wished everybody had a fun and nice New Year and welcome to 2012.

7. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN CASON announced that the next regular meeting is January 18, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT
The meeting was adjourned at 6:03 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, January 18, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Vice Chairman Rivers.

3. The following Commissioners answered Roll Call:

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

   Absent and excused:

   Commissioner Stephen Veitch

   Also present:

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

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

5. ACTION AGENDA ITEMS
   CHAIRMAN CASON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. Item F was pulled for action.

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

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

B. DVR11-0032 WARNER BUSINESS CENTER

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

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

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

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

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

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

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

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

Rezoning

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

1. Development shall be in substantial conformance with the Development Booklet, entitled "Air Products and Chemicals, Inc." and kept on file in the City of Chandler Planning Division, in File No. DVR11-0043, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 804, in case Z79-26 AIR PRODUCTS AND CHEMICALS, INC., except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

Preliminary Development Plan

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

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

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

D. DVR11-0046 THE GATES

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of Agricultural (AG-1). The existing PAD zoning designation is for a commercial retail development on an approximate 18-acre site and is located at the southeast corner of Gilbert and Ocotillo roads.

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

E. PDP11-0013 CHANDLER CHRISTIAN CHURCH SIGNAGE

Approved.

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

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

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

ACTION:

F. ZUP11-0012 CHATEAU DE VIE

Denied.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RALPH PEW, 1744 S. VAL VISTA DRIVE, SUITE 217, MESA, stated he was there this evening on behalf of Nick and Shelley Goodman who are the owners of the property. Mr. Goodman is a native of Chandler, grew up here and went to Chandler High School. He currently functions as the CEO for the state's largest OBGYN practice – Goodman & Partridge. Shelley is

a native of Tempe. She also has experience in the wedding reception business and is very interested in this project and frankly on behalf of both the Goodman's, they did not expect to be here this evening with the amount of controversy that has appeared. They did not intend this for their neighbors. That was not the purpose of buying this property and their comments tonight with respect to this case are meant with respect and deference to their neighbors. They understand their position. They know where they live, they surround the property and they have a very vested interest in this process. However, it is important to note that the application tonight is for a use permit and he would like to discuss that very briefly before they get to the site.

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

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

Most use permits that they see in the city typically like small restaurants or other uses that do not nearly approach the investment that the Goodman's are going to put into this property. The acquisition cost for this property alone plus what they expect to be more than a million dollars in

improving the building, widening the road to get into the Chateau itself, the drainage that has to be accommodated and all electrical, sprinkler systems and upgrades are monumental for a use permit. He would like to ask everybody in the audience tonight to please think about that and ask yourself if you were investing that kind of money in this property, would you run it in a way that would be contrary to the use permit or inimical to your owners, your neighbors. You wouldn't because your pocketbook is going to be empty. The minute their neighbors come in and start complaining because they aren't operating right, all of that investment of the Goodman's dissipates and is gone potentially. They don't want that. They want it run right. That is the benefit of the use permit. With all due respect that is why they are doing a use permit, not some other shifty maneuver under the zoning code.

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

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

think the real market is for a single property owner to come in and spend what it would cost today to buy the mansion and 10 acres, fix it because it has been vandalized and ravaged, and then live in it and maintain it like the Erickson family did. Frankly Commissioners their opinion of that is those days are gone. The number of people who could qualify with that kind of money to do that is infinitesimally small. Those who can would very likely choose other places than Kyrene Road. They would choose other more exclusive locations in the valley or outside of Arizona. They don't think that is a good possibility. It is not going to continue very likely as a single-family residence. Next choice is it could remain abandoned for a while. If the Goodman's don't do anything with it and if it gets defaulted back to the lender, it remains abandoned and then it does become a haven for vandalism and crime. Frankly, the Goodman's have rehabilitated much of the property already with landscaping, the grounds are well maintained and the trees have been brought back to normal vigor. It looks much better than it did when they purchased it which takes him to an overriding question that they have read in many of the e-mails from the neighbors.

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

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

before someone is just going to buy it. You can't take all 10-acres and subdivide into residential. You could take some, fill in the lake, do the north side and have a house on the south. That is possible. What that leaves them with is another residential community in Chandler and it destroys the chance for this one of a kind project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SANDRA BLAIN
491 W. COURTNEY LANE, TEMPE

Absolutely not-a disruption to neighborhoods off of Kyrene.

ANTHONY YOUNG
6100 W. POST ROAD, CHANDLER

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

TOM KOHL
6063 W. KENT DRIVE, CHANDLER

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

ELAINE OLSON
450 W. COURTNEY LANE, TEMPE

She is opposed to this item..

KEITH MADY
6143 W. KENT DR., CHANDLER

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

RUSS DUPPER
6133 W. VICTORIA PL., CHANDLER

He is opposed to this item.

JAY OLSON
450 W. COURTNEY LANE, TEMPE

He is opposed to this item.

CRAIG BROWN
6135 W. TROVITA PL., CHANDLER

He is opposed to this item.

SHERI ERSKINE
6463 W. JASPER DR., CHANDLER

She is opposed to this item.

MARIE LEFAEU
1258 N. JUSTIN LN, CHANDLER

She is opposed to this item.

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

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

HELEN CROTHERS
6012 W. VICTORIA PL., CHANDLER

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

PATTI DUPPER
6133 W. VICTORIA PL., CHANDLER

She is opposed to this item.

SOPHIA FONG
6195 W. TROVITA PL., CHANDLER

She is opposed to this item.

DEB MERTES
6343 W. JASPER DRIVE, CHANDLER

She is opposed to this item.

DENNY CHITTICK
6132 W. VICTORIA PL., CHANDLER

Does not wish to have a business in his backyard.

NANCY SWIRTZ
6054 W. TROVITA PL., CHANDLER

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

MARLENE RAUSCH
6303 W. KENT DR., CHANDLER

She is opposed to this item.

JIM SCOTT
6094 W. TROVITA PL., CHANDLER

He is opposed to this item.

ASHOK NARAYAN
444 WEST COURTNEY LN, TEMPE

Not in our backyard.

PAULA WEBER
6163 W, KENT DR., CHANDLER

Not in the best interest of homeowners.

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

They are opposed to this item.

MUHAMMAD ZUBAIR
455 WEST COURTNEY LN., TEMPE

Is opposed to commercial usage of this property.

K. BANERJEE
6175 W. TROVITA PL., CHANDLER

It opposed to this item.

BILL GOODMAN
485 W. COURTNEY LN., TEMPE

He is opposed to this item.

MEENA VENNGOPAL
444 WEST COURTNEY LN., TEMPE

She is opposed to this item.

PAUL OLESON
6114 W. TROVITA PL., CHANDLER

Not in the best interest of area.

JEFFREY WILSON
6055 W. TROVITA PL., CHANDLER

He is opposed to this item.

MEENA VENUOTOPIA
444 WEST COURTNEY LN, TEMPE

She opposes the commercial use of said property.

MICHAEL FLORES
6202 W. KENT DR., CHANDLER

He is opposed to this item.

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

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

DEIRDRE ANDREWS
6142 W. KENT DR., CHANDLER

Is opposed to this item.

JEAN STUK
6120 W. POST RD., CHANDLER

Is opposed to this item.

KEN STUK
6120 W. POST RD., CHANDLER

Is opposed to this item.

CINDY ALLEN
6033 W. KENT DR., CHANDLER

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

MS. LAPPIN
1191 N. DUSTIN LN., CHANDLER

Is opposed to this item.

STEVEN LAPPIN
1191 N. DUSTIN LN., CHANDLER

Is opposed to this item.

CORTLAND SILVER
6112 W. VICTORIA PL., CHANDLER

Is opposed to this item.

RICHARD DOUGLAS
525 N. FOUNTAIN CIRCLE CHANDLER

Is opposed to this item.

MICHAEL GUGGEMOS
6182 W. KENT DRIVE., CHANDLER

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

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

CAROLYN TOMAN
1137 E. TONTO DR., CHANDLER

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

LINDA WILCOX
6120 S. WJHITE PL., CHANDLER

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

LISA VIDAURE
1140 W. CHICAGO ST., CHANDLER

Is in favor of this item.

ERIC VIDAURE
1140 W. CHICAGO ST., CHANDLER

More jobs for Chandler.

LAURA SISK
216 W. GAIL DR., CHANDLER

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

NADINA GOODMAN
602 N. BULLMOOSE DR., CHANDLER

Is in favor of this item.

MARVIN HAMMOND
2702 W. HIGHLAND, CHANDLER

Allows jobs and allows Nick to make the business successful.

MADLINE HAMMOND
2702 W. HIGHLAND, CHANDLER

Is in favor of this item.

DAVID TOLMAN
1187 E. TONTO DR., CHANDLER

Is in favor of this item.

HOLLY GRANILLO
1542 E. MORELOS, CHANDLER

Good opportunity and revenue for City.

JENNIFER PEARCE
2561 E. LOS ALAMOS ST., CHANDLER

Is in favor of this item.

STEVE TARABORI
419 W. STACEY LN, CHANDLER

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

QUINN GOODMAN
1842 E. EBONY PLACE, CHANDLER

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

MICHELE CAREY
4850 S. HUDSON PL., CHANDLER

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

BARBARA ELLSWORTH
2111 W. GALVESTON ST., CHANDLER

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

ROBERT GOODMAN
509 N. SALIDA DEL SOL, CHANDLER

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

DESIREE TARABORI
419 W. STACEY LANE, TEMPE

Is in favor of this item.

PETE
1842 E. EBONY, CHANDLER

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

VALERIE SHUMWAY
11446 E. RUTLEDGE AVE., MESA

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

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

Is in favor of this item.

JEFFREY JONES
1 N. BULLMOOSE DR.

Is in favor of this item.

DEAN ELLSWORTH
2111 W. GALVESTON, CHANDLER

Is in favor of this item.

MARIE OWENS
703 N. BULLMOOSE DR., CHANDLER

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

KEVIN MCCLELLAN
1646 N. SALEM CIRCLE

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

KARA GUZMAN
819 W. SPARROW PL., CHANDLER

Thinks it will be a great asset to the community.

CARSON BROWN
1411 E. YELLOWSTONE PL., CHANDLER

We need something like this in the city.

SARA GOODMAN
1842 E. EBONY PL., CHANDLER

Will increase revenue for city.

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

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

DEBBIE MCCLELLAN
1646 N. SALEM CIRCLE

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

ROMMIE MOJAHED
3987 E. BEECHNUT, CHANDLER

Is in favor of this item.

GRAYSON GUZMAN
819 W. SPARROW PL., CHANDLER

Do not want to see potential histories and properties destroyed.

CHRIS STEADMAN
3175 N. PRICE ROAD #2223, CHANDLER

Chandler residents would greatly benefit from something like this.

ROB CAHOUN
1187 E. TONTO DR., CHANDLER

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

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

Is in favor of this item.

JOHN SISK
1610 W. BROOKS ST., CHANDLER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN CASON thanked Mr. Pew for his comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. CHAIRMAN'S ANNOUNCEMENTS
   CHAIRMAN CASON announced that the next regular meeting is February 1, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT
   The meeting was adjourned at 10:05 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 1, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Pridemore.

3. The following Commissioners answered Roll Call:

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

Absent and excused:

Commissioner Stephen Veitch

Also present:

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

4. ACTION AGENDA ITEMS

CHAIRMAN CASON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for discussion.

A. DVR11-0030 LIGHT OF CHRIST LUTHERAN CHURCH

Approved to withdraw for the purpose of re-advertising.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of PAD for multi-family development. The existing PAD zoning is for a church. The subject site is

located at 1500 N.W. Jacaranda Parkway on approximately 6.3 acres. **(REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)**

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

Approved.
This application requests an amendment to the Ocotillo Area Plan from Multi-Family Residential to Single-Family Residential and Rezoning from Planned Area Development (PAD) zoning for multi-family uses to PAD Amended zoning for single-family uses along with Preliminary Development Plan (PDP) and Preliminary Plat approval for two single-family residential subdivisions. The properties are located near the intersection of Market Place and Jacaranda Parkway, northeast of the intersection of Dobson and Price Roads.

Area Plan
Staff, upon finding consistency with the General Plan, recommends approval of the area plan amendment to change the subject site's designation from Multi-Family to Single-Family in case APL11-0003 WATERS AT OCOTILLO – PARCELS 1 & 4.

Rezoning
Staff, upon finding consistency with the General Plan, recommends approval of the rezoning from PAD to PAD Amended in case DVR11-0035 WATERS AT OCOTILLO – PARCELS 1 & 4 subject to the following condition:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Waters at Ocotillo – Parcels 1 & 4" and kept on file in the City of Chandler Planning Division, in File No. APL 11-0003/DVR11-0035, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3890 in case DVR06-0052 THE WATERS AT OCOTILLO, except as modified by condition herein.

Preliminary Development Plan
Staff, upon finding consistency with the General Plan, recommends approval of PDP in case APL11-0003/DVR11-0035/PPT11-0006 WATERS AT OCOTILLO – PARCELS 1 & 4 subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Waters at Ocotillo – Parcels 1 & 4", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0035, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3890 in case DVR06-0052 THE WATERS AT OCOTILLO, except as modified by condition herein.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.

4. The applicant will work with staff to provide an additional floor plan and elevation for the 4000 Series product that is of an equal or greater quality level to the other 4000 Series products presented in the development booklet.

Preliminary Plat
Staff recommends approval of the Preliminary Plat subject to the following condition:
1. Approval by the City Engineer and Director of Transportation & Development with regard to the details of all submittals required by code or condition.

C. DVR11-0038/PPT11-0008 FINISTERRA

Approved.
Request rezoning from Single-Family Residential (SF-18) to Planned Area Development (PAD), along with Preliminary Development Plan and Preliminary Plat approval for a 133-lot single-family residential subdivision on an approximate 40.8-acre site located at the southwest corner of Ocotillo Road and the future 148th Street alignment.
1. Development shall be in substantial conformance with the Development Booklet, entitled "Finisterra" and kept on file in the City of Chandler Planning Division, in File No. DVR11-0038, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. 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.
8. 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.

9. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
10. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.

Preliminary Development Plan
Staff, upon finding consistency with the General Plan, recommends approval of DVR11-0038 FINISTERRA, Preliminary Development Plan for subdivision layout, subject to the following conditions:
1. Preliminary Development Plan approval is for subdivision layout only.
2. Development shall be in substantial conformance with Exhibit No. 7, Development Booklet, entitled "Finisterra", and kept on file in the City of Chandler Planning Division, in File No. DVR11-0038, except as modified by condition herein.

Preliminary Plat
Staff recommends approval of the Preliminary Plat PPT11-0008 FINISTERRA, subject to the following condition.
1. Approval by the City Engineer and Director of Transportation & Development with regard to the details of all submittals required by code or condition.

D. DVR11-0039 PROJECT GREEN BOX

Approved.
Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former Agricultural District (AG-1) zoning for approximately 22 acres north and east of the northeast corner of Germann and Price Roads. The existing PAD zoning allows office and light industrial uses. Also, request Preliminary Development Plan (PDP) approval for a data center with an open-air equipment courtyard on approximately 8 acres in the site's southeast portion (the northwest corner of Germann Road and Ellis Street).

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

Preliminary Development Plan
Planning Commission and Staff, upon finding consistency with the General Plan and existing PAD zoning, recommend approval of the PDP in case DVR11-0039 PROJECT GREEN BOX subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Project Green Box", kept on file in the City of Chandler Planning Division, in File No. DVR11-0039, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 4015 in case DVR07-0040 SSB PRICE ROAD, except as modified by condition herein.
3. Landscaping tree sizes and numbers shall be in accordance with the Commercial Design Standards.
4. **The decorative square metal accents shown on the south and east elevations shall be added to the west building elevation.**

E. DVR11-0047 CHANDLER AIRPARK VILLAGE

Approved.
Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former Agricultural District (AG-1) zoning. The existing PAD zoning is for a mixed-use development consisting of retail, medical/general office, and multi-family residential uses located on approximately 30-acres at the southwest corner of Germann Road and the Consolidated Canal (1/4 mile east of McQueen Road).

Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years in which the zoning would be in effect until February 7, 2015, and with all of the conditions in the original approval remaining in effect.

F. DVR11-0048 CHANDLER CENTER COMMONS

Approved.
Request rezoning from Planned Area Development (PAD) to PAD Amended zoning to allow additional uses within the Chandler Center Commons development at 5500-5590 W. Chandler Boulevard.

1. Substantial conformance with application materials kept on file in the City of Chandler Planning Division, in File No. DVR11-0048, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 4316 in case DVR11-0014 CHANDLER CENTER COMMONS, except as modified by the subject application and conditions herein.
3. Prior to any medical office occupancy, the property owner shall specify to Planning Staff which of the site's suites are eligible for medical office uses. Such suites' square footage shall be limited by the Zoning Code-required parking provision.

G. LUP11-0021 JERSEY D'S TAVERN & GRILL

Approved

Request Liquor Use Permit approval to sell liquor as permitted under a Series 6 Bar License for on-premise consumption indoors and within an outdoor patio area and live entertainment indoors at an existing bar/restaurant. The property is located at 5945 W. Ray Road, Suite 13, southeast corner of Ray and Kyrene Roads.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new liquor Use Permit re-application and approval.
2. The liquor Use Permit is granted for a Series 6 Bar License only, and any change of licenses shall require re-application and new liquor Use Permit approval.
3. The liquor Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.
5. The patio shall be maintained in a clean and orderly manner.
6. Music, including live music and speakers, are prohibited on the outdoor patio.
7. Live music and entertainment as represented shall occur indoors only and shall be controlled so as to not unreasonably disturb area residences or adjacent businesses and shall not exceed the ambient noise level as measured at the commercial property line.

H. ZUP11-0028 PRO EDGE PERFORMANCE TRAINING LLC

Approved.

Request Use Permit approval to operate a personal training fitness business within the I-1 (Planned Industrial District) zoning. The subject site is located at 500 N. 56th Street, Suites 1 & 2, north of Chandler Boulevard.

1. Expansion or modification beyond the approved exhibits (site plan, floor plan, narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit shall remain in effect for **five (5) years** from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The use shall be in substantial conformance with exhibits and representations.
4. The property shall be maintained in a clean and orderly manner.
5. All personal training and classes shall occur indoors only.

I. MOTION TO CANCEL THE FEBRUARY 15, 2012 PLANNING COMMISSION HEARING.

Approved.

CHAIRMAN CASON stated he would be voting 'no' on Item E. He voted no on Item E when it originally came through for its zoning 3 years ago. There has been no change on the item in

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, March 7, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Cunningham.

3. The following Commissioners answered Roll Call:

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

   Also present:

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

4. APPROVAL OF MINUTES

   MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER BARON** to approve the minutes of the January 18, 2012 Planning Commission Hearing. The motion passed 6-0 with one abstention (Commissioner Veitch abstained as he was not present at the meeting).

   MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER CUNNINGHAM** to approve the minutes of the February 1, 2012 Planning Commissioner Hearing. The motion passed 6-0 with one abstention (Commissioner Veitch abstained as he was not present at the meeting).

5. ACTION AGENDA ITEMS

   CHAIRMAN CASON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for discussion.

A. DVR11-0016 THE PRESIDIO

Approved.

Request rezoning from Planned Area Development (PAD) to PAD Amended to increase the allowed percentage of Medical Office, with Preliminary Development Plan (PDP) approval utilizing an off-site shared parking model for an approximately 6.35-acre business park located south of the southwest corner of Pecos and Dobson roads.

Rezoning

Upon finding consistency with the General Plan, Staff recommends approval of DVR11-0016 THE PRESIDIO zoning amendment from PAD to PAD Amended to increase the allowed percentage of Medical Office by eliminating Condition No. 10 of Ordinance No. 3760 limiting Medical Office to 20%.

Preliminary Development Plan

Upon finding consistency with the General Plan, Staff recommends approval of DVR11-0016 THE PRESIDIO Preliminary Development Plan (PDP) approval utilizing an off-site shared parking model, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "The Presidio", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0016, except as modified by condition herein.
2. The General Office vs. Medical Office percentages will be based upon a demonstrated amount of available parking through a recorded Reciprocal Easement Agreement for Parking, or other similar instrument.
3. All new off-site parking shall be constructed to City standards.

B. DVR11-0045 COVO CAFÉ

Approved.

Request rezoning from Community Commercial with a Planned Area Development overlay (C-2/PAD) to PAD and Preliminary Development Plan (PDP) approval for a new restaurant at 55 W. Chicago Street, located approximately 200 feet west of Arizona Avenue at the southwest corner of Chicago and Wall Streets.

Rezoning

Planning Commission and Staff, upon finding consistency with the General Plan and the South Arizona Avenue Corridor Area Plan, recommend approval of the rezoning from C-2/PAD to PAD in case DVR11-0045 COVO CAFÉ subject to the following condition:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Covo Cafe" and kept on file in the City of Chandler Planning Division, in File No. DVR11-0045, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

Preliminary Development Plan
Planning Commission and Staff, upon finding consistency with the General Plan and the South Arizona Avenue Corridor Area Plan, recommend approval of the PDP in case DVR11-0045 COVO CAFÉ subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Covo Cafe", kept on file in the City of Chandler Planning Division, in File No. DVR11-0045, except as modified by condition herein.
2. Any portion of the screen wall or other improvements in the right-of-way shall require an encroachment permit and shall abide by the requirements of said permit, including those pertaining to screen wall materials.
3. The subject development shall allow for an 8' separation between the screen wall and the existing curb.
4. The subject development shall allow for a 6'-wide pedestrian path in the right-of-way that is unencumbered by landscaping.

C. PDP11-0015 TEMPE KOREAN PRESBYTERIAN CHURCH

Approved.
Request Preliminary Development Plan (PDP) approval for the construction of a shade ramada in conjunction with outdoor fellowship and playground space on an approximate 11.5-acre church campus located at the northwest corner of Dobson Road and the Loop 202 Santan Freeway.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Tempe Korean Presbyterian Church", kept on file in the City of Chandler Planning Services Division, in File No. PDP11-0015, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3384, case DVR02-0011 WELLSPRING CHURCH ON DOBSON, except as modified by condition herein.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The canvas shade structures shall be maintained in a manner similar to that at the time of installation.

D. LUP11-0026 IRISH REPUBLIC PUBLIC HOUSE

Approved.
Request Use Permit approval to sell and serve all spirituous liquor within a restaurant and pub that includes an outdoor patio (Series 6 Liquor License) at 58 S. San Marcos Place in Historic Downtown Chandler.

1. The Use Permit granted is for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Narrative, Floor Plans) shall void the Use Permit and require new Use Permit application and approval.

3. The Use Permit shall be in substantial conformance with previous Use Permit approvals (LUP10-0027 & UP08-0042) except as modified by condition herein.
4. **Music shall be controlled so as to not unreasonably disturb area residences.**

E. LUP12-0004 CIRCLE K STORE

Approved.

Request Use Permit approval to sell wine and beer for off-premise consumption only (Series 10 Wine & Beer Store License) from a new convenience store at the southwest corner of Arizona Avenue and Elliot Road.

1. The Use Permit granted is for a Series 10 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion beyond the approved Floor Plan and Narrative shall void the Use Permit and require new Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.

F. ZUP12-0002 CIRCLE K STORE

Approved.

Request Use Permit approval to allow a new fuel station and convenience store to operate as a "late hour business" at the southwest corner of Arizona Avenue and Elliot Road.

1. Expansion beyond the approved Narrative shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. Site maintenance activities such as trash pickup, parking lot sweeping, and landscape maintenance shall not occur between the hours of 12 a.m. and 6 a.m.

COMMISSIONER BARON said he would be abstaining from voting on Item B DVR11-0045 COVO CAFÉ as he is working on that project.

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

6. PARKING CODE AMENDMENT - BRIEFING

Briefing to discuss potential amendments to Article XVIII Parking and Loading Regulations of the Land Use and Zoning Code.

Mr. David de la Torre, Principal Planner, presented his briefing on Parking Code Amendments to the Commissioners. He said there was no action required tonight but they would like to receive feedback from Commission on the proposed amendments. He

stated that after tonight Staff plans to come back to Commission two more times with the same agenda item. The second time would be to hear input from stakeholders and the third time would be to request approval by the Planning Commission. After that the proposed amendments would be taken forward to the City Council for their review and approval. In 2010 the City hired a Consultant to interview developers and other professionals involved in the development process in Chandler. One of the comments that came out of that report was that Chandler's requirements for number of parking spaces was too high which hurts Chandler from a competitive standpoint and parking standards need to be reduced.

He went on to discuss the Code Amendment process and the Proposed Parking Code Amendments. He discussed in detail the parking ratio reductions with examples for multi-family, indoor recreation, medical office vs. general office, vehicle service stations, manufacturing & warehousing and hotels and lodgings. He noted that on indoor recreation uses the ratio would not apply to uses that have tournaments or exhibitions. Those would be calculated at the 1 per 200 ratio because they bring in more people.

Mr. De la Torre had further discussion about potential new categories which included day care centers, recreational vehicle parks, recreation community centers, libraries, museums, call centers, convention centers, car washes and motor vehicle sales and leasing. He talked about why we should establish maximum parking limits. Valley cities with maximum parking ratios include Avondale, Glendale, Mesa, Phoenix, Surprise, and Tempe. Chandler is proposing a combination of Mesa, Tempe and Phoenix.

Next Mr. De la Torre discussed the Shared Parking Model along with Parking Demand Studies which may be submitted to justify parking reductions due to several factors such as shared parking with other uses, reduced parking demand generated by unique land use, off-site parking and transit accessibility.

Mr. De la Torre finished up his presentation by discussing the Parking Overlay/Districts, On-Street Parking Credits, and Tandem and Parallel parking. He summarized the proposed parking code amendments as follows:

- Decrease certain parking ratios
- Establish maximum parking limits
- Allow parking reductions through:
  - Shared parking
  - Parking Demand Studies
  - Parking Overlay/Districts & In-lieu fees
- Provide credit for on-street parking
- Allow tandem parking

Mr. De la Torre stated the proposed amendments that Staff is proposing to the Parking Code they believe will help Staff and the City be more responsive to developments and

particularly the varying parking needs they present to them on a day to day basis. He answered questions from the Commission and discussed with them any general concerns they might have.

QUESTIONS AND CONCERNS FROM COMMISSIONERS

CHAIRMAN CASON asked about any statistics that the TechSolve Report provided specifically about what competition they lose if the parking standard needs to be reduced. He is not convinced that Chandler hurts from a competitive standpoint. He also asked when it is time to sell the property and another user wanted to come into it but they actually need more parking spaces, then how much more difficult would it be for them to promote the property being resold in the condition now that they allow fewer parking spots because of the original tenant. Does that encumber their ability to be able to turn that property over on behalf of the City? The way this is proposed and the way they read it leaves all of the tools in their tool belt they need to perform their task. Ms. Christine Mackey, Economic Development Director, said they are looking for that flexibility. As they read the report, they were very pleased with what they saw giving them the opportunity to be flexible, be responsible and be respectful for the use of that building.

VICE CHAIRMAN RIVERS said from past experience he has had very bad experiences with parking and consultants and developers who tell you that they have enough parking when in reality they don't. It disturbs him that they want to now take their word that they can reduce our parking requirements up to 40% without any kind of action on the part of the Staff other than to say go ahead. It bothers him that what he is hearing is that they are considering making the Chandler City Code dependent upon a developer who says they don't need that many parking places and years later parking is spilling over into the neighborhoods and the neighbors have to take it upon themselves to police this action because the developer obviously provided bad information or had no intention of honoring their commitments. It's up to the neighbors to be the police department for that and then there is all kinds of other problems that are arising from it even as it is today and can they tell them what they are going to be able to do to avoid that in the future with these new lower requirements.

CHAIRMAN CASON said if you take the Vice Chairman's comments and look at them from the 30,000 foot level he thinks what he is saying is that perhaps in the presentation they can protect them from under parking and then wanting to over park needs to be further emphasized so that they understand they are looking at this. This is a conscious decision and this is the process they go through.

COMMISSIONER VEITCH said this is what one respondent from TechSolve's outreach had to say; it is not a conclusion that TechSolve came to. Correct? With all due respect to what Chris had to say and he believes it and regardless how they might feel about the

individual suggestion, this is not a declaration of an earth shattering problem as much as it is that they need to take a look at this stuff.

CHAIRMAN CASON asked if the consultant offered any opinions on electrical vehicle parking requirements. What is their opinion as to whether electric vehicles would drive more traffic or less traffic? In other words, will more people use up more parking spaces as they evolve to electric vehicles than not? Is there any kind of survey or data out there that shows a trend of how people would utilize that new technology so they don't blow the whole process based around a carbon automobile when in fact somebody may be able to produce some sort of data to at least be able to examine as whether there is some sort of impact with the change the way vehicles operate and whether that will impact either to decrease our parking or will it increase the parking? He would like Carl Walker to be asked that question.

CHAIRMAN CASON asked if they had done any examination with older apartment complexes to see some of the 30 year old complexes and what is their occupancy rate, how much of their parking is used up, what kind of ratio does it match? Does it match the original ratio that they forced upon them or are they parking less? Are they parking substantially less because just by casual observation the older apartment complexes probably park quite a bit less than newer apartment complexes do so do they really need to take that into account even though they change their multi-family parking when in fact they still may be over parking it on a long term basis. He thinks being able to know that information might actually make them feel more comfortable about the numbers because they know it will be the worse that they will ever be. He thinks that would be a good thing to know.

COMMISSIONER PRIDEMORE asked about the indoor recreation. In regards to how they exclude that ratio for tournaments or exhibitions, to him Chandler wants to have the competitions here. They want the people coming in and spending their money and their time in the city. He is thinking of a facility that may host a tournament once every 10 years and all of a sudden getting dinged. When they come through they may not have anything to do with it but they grow and change over time where they get the privilege or honor to host something like that and then now all of sudden there is an issue. To him the exception seems odd like the fencing school that came through here where they could demonstrate most of the time that these events are happening off hours or on weekends. He just hates to see that exception right out of the gate and especially then language for people that are changing over time and how that would be handled.

CHAIRMAN CASON asked if people come through and they have limited parking where there isn't shared parking available, have they thought about requiring a use permit for having a competitive event so that they have an opportunity to know whether there is parking available or what their parking plan is for the people that are expected to come in and is that even feasible to do? He asked the question because he doesn't recall any type of these uses coming through here saying if they are going to have a tournament and they

are going to exceed their parking allowance that they need a special use permit in order to do that especially an event permit. That could be because they just never had that circumstance come up where there hasn't been some sort of shared parking opportunity available to go ahead and take care of the situation. But should something happen in the future where somebody is limited on that and there isn't another way to solve that temporary parking situation, then they would expect the applicant to submit an application that shows that if they do have an event they will submit a special use permit if they do not have another way to park for the events.

CHAIRMAN CASON asked if the one space for 150 square feet is just based on where the personnel sit. In other words, if this was a Call Center that was also a Data Center under one roof and they were operated by the same people, would it be like a regular medical and dental office in the same building that the square footage that is dedicated to the Call Center staff would be parked at one ratio and then the other which requires virtually no staff but uses up a heck of a lot of square footage, that would be done at a different ratio?

When they compared our parking ratio with the rest of the cities, do all of the other cities also park at the gross? Would that change the data in the presentation? Would the ratio that the other cities are providing, are they true orange to orange, apple to apple numbers or would there numbers be different if they were grossed out rather than net out? It is important to know if the data they are presenting is that they are both gross or they are both net but they have to be the same based statistic.

COMMISSIONER DONALDSON said in regards to the indoor recreational facilities, Chandler seems to be attracting them which is a good thing. There seems to be more than one experience with indoor recreation over the last few years. He remembered David saying that they are using one parking study from one applicant as kind of the model bringing it from 200 to 300. He thinks these facilities like the fencing facility they aspire for tournaments. Once they get the attraction and the attention, they want these things. It is the best marketing tool they could ever get. As they evolve and they establish their business that is something that needs to be considered in the experiences they have had with these facilities and a little more studies associated with those as opposed to just one applicant, one parking study.

COMMISSIONER PRIDEMORE said on the Vehicle Service Station on the example he provided, if he is doing the math right this is going to be over parked no matter which method they use. He personally doesn't know that he has ever done a project that wasn't over parked. That is just the reality. This is just pointing out that more people would come up against it than not. Using the Quick Trip as an example he can't imagine any Quick Trip owner not wanting to provide as much parking as they could absolutely do and obviously this is going to lead to how can they do it. He knows they are providing some examples later on of how they can exceed it but he is thinking they may need more of that. His example here is pointing out that this is the reality. How can they help

mitigate that as opposed to these hard caps that he thinks is going to scare off more people than not.

In response to Staff's response, he said that it is the pessimist in him that is always 'I can get a report that can say anything I need it to say'. The burden is going to be on Staff now to go through these reports because he has seen it first-hand. If an owner wants it to happen, they will find a way. To him those reports can get very wordy, very technical and that burden is now falling on them. You are going to get a Parking Demand Study that shows exactly what they need to see.

CHAIRMAN CASON asked if they could run Cobblestone Auto Spa through this slide and make sure that whatever they put in there that they have captured what they did wrong there and if they did anything wrong. It sure looks like they did something wrong. It sounds like they have captured the details of those functions that allow you to say well wait a minute they have seen something like this before and so they know they are going to have to park this a little bit more than just that square footage. By that being able to make an argument to the applicant as to why they need more parking spots.

COMMISSIONER CUNNINGHAM said they mentioned that paving material that could be used to keep the heat zone lower. What was that material? What is going to be done with the excess land where they are not going to require so many parking spaces? Are they then going to require more landscaping or are they going to allow more building. If they allow more building you have to have more parking. Is there a Catch 22 in that? She said she was thinking about the impact on the multiple housing situation and if they took 139 parking spaces away, how many residences would be added?

COMMISSIONER BARON, regarding Staff's proposal to allow parking to exceed a maximum limit, said 10% in the whole scheme of things based on the standard code that Chandler has really isn't that much. He said that is one of his biggest pet peeves is the little diamonds in the parking lots. He would rather see an actual parking island. He suggested they require more open space as opposed to just shade trees. He thinks that would translate to real substantial impact on that heat island effect. It is a balance between open space and maybe larger trees because the other challenge is that the developer because they don't want to have to maintain it, they will plant a 24" box olive tree that won't provide any shade at all for 15 years. That is the other issue. Let's be realistic about what they are trying to say. Phoenix has done a real good job. For them to have to do a project in Phoenix and have parking it is real complicated and he understands if Staff wants to try and simplify that process. When they are talking about light reflective and heat islands, carbon offsets and adding trees, all of those things speak to being green. In these developments even though on the surface it looks like a real beautiful project, it is really just a lot of asphalt. They could have done a better job at requiring some other landscape elements to be put in place.

With respect to the covered parking, he would say he could achieve that through landscaping. He would say that is something they would want to clarify. What is the covered parking material if it is physically a hard surface? Does it have to have an LRV value that also offsets the heat island effect? He would be specific. It has to have an LRV of 69 or 67 or something like that so they are setting some metrics that have to be met. He suggested Staff look at the LEEDS standards for what has to be implemented for them to accomplish or receive points to be certified or meet any of those criteria for green building standards. Allow the creativity to happen but flexibility for different types of materials.

COMMISSIONER PRIDEMORE asked on the Shared Parking, Shared Parking would be counted within 600 feet as measured from? What are they measuring from?

CHAIRMAN CASON asked what happens when the Shared Parking Agreement fails or goes into default and the businesses are already established, they already have the parking spots used and stuff like that and then the other property holder says they are done, they are not doing this any longer. Now they have businesses in building x that needed parking spaces from building y and now they are under parked. How do they deal with that situation?

COMMISSIONER VEITCH asked on the On-Street Parking Credit if that was intended to be for any use anywhere or would it be specifically negotiated through development plans? You can imagine for example the townhomes in the downtown area where some visitor parking spaces might be credited, but with on-street alcoves that are constructed for that purpose and that is fine. There are a lot of areas where on-street parking might not be desired and shouldn't be credited. Public streets aren't met for the permanent storage of vehicles, etc. These would be addressed on a development by development basis?

He asked about the parallel parking slide on page 14 of the presentation. What is the distinction between that and what they were just talking about?

VICE CHAIRMAN RIVERS asked when they allowed the on-street parking to be counted as parking spaces, would it not be a good idea to have them make their created street a little bit wider to allow room for the parking rather than just deciding because they created a street that it would be o.k. to park on the edge of it? Your bigger streets and your residential streets have a certain width that is required of them. They just need to make sure the street is wide enough to support parallel parking on both sides.

CHAIRMAN CASON asked in regards to Tandem Parking he thinks there should be some allowance in there for staffing. If you have a situation where they have so many parking spots reserved for staff, perhaps staff parking could be tandem as well. It is listed here certainly for office development but he doesn't know whether that is restricted to where valet is required. That might be another option for that type of parking.

COMMISSIONER PRIDEMORE said on the Tandem Parking based on his experience he has never come across a situation even when he was doing multi-family that this would really help him. The resident living in a multi-family project, the Tandem spaces are just going to be used - more of a burden is not going to be pushed onto the landlord or the entity. He sees that Tandem parking, that front space having a car sitting in it forever. It may look fine. He doesn't have an issue with the other proposed locations for its potential use. He seriously on various levels has an issue with it being used in multi-family. He is trying to avoid somebody jumping to that solution right away. In certain cases he doesn't have an issue with it being there and there may be a situation where they absolutely have to have it. His concern would be is people jumping to it right out of the gate. Maybe there are some other criteria that needs to be met before they can do that. How did this come into the mix? Was it the Parking Consultant that said this is what progressive cities are doing now? Where is this coming in? They have come across this themselves in terms of people coming up as opposed to a consultant saying this is what they want.

COMMISSIONER VEITCH asked about the anticipated time table for coming back with the draft ordinance.

7. DIRECTOR'S REPORT
Mr. Mayo said there was nothing to report.

8. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN CASON announced that the next regular meeting is March 21, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT
The meeting was adjourned at 7:27 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary

the area or the economy that would prompt him to vote any different this time around. Once again, on Item E he will be voting no.

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

6. DIRECTOR'S REPORT
Mr. Mayo said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN CASON announced that the next regular meeting is March 7, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT
The meeting was adjourned at 5:37 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, March 21, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Veitch.

3. The following Commissioners answered Roll Call:

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

   Absent and Excused:

   Commissioner Andrew Baron
   Commissioner Bill Donaldson

   Also present:

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

4. APPROVAL OF MINUTES
   MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER VEITCH** to approve the minutes of the March 7, 2012 Planning Commission Hearing. The motion passed 5-0 (Commissioners Baron and Donaldson were absent).

5. ACTION AGENDA ITEMS
   CHAIRMAN CASON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for discussion.

A. DVR11-0007 STAYBRIDGE SUITES AND HOLIDAY INN EXPRESS & SUITES

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of Agricultural (AG-1). The existing PAD zoning designation is for two hotels and commercial retail development on an approximate 14.5-acre site. The subject site is located at the northeast corner of McClintock Drive and Chandler Boulevard.

Staff, upon finding consistency with the General Plan, recommends approval of extending the timing condition for case DVR11-0007 STAYBRIDGE SUITES AND HOLIDAY INN EXPRESS & SUITES, for an additional three (3) years, with all of the conditions in the original approval remaining in effect.

B. LUP12-0001 BOSTON STREET RESTAURANT

Approved.

Request Liquor Use Permit approval to sell liquor as permitted under a Series 12 Restaurant license for on-premise consumption indoors and within an outdoor patio area at a new restaurant. The property is located at 11 W. Boston Street, Suite 1, which is located west of the southwest corner of Arizona Avenue and Boston Street.

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. The site and outdoor patio shall be maintained in a clean and orderly manner.
5. Music shall be controlled so as to not unreasonably disturb area residences.

C. LUP12-0002 SZECHUAN GARDEN

Approved.

Request Liquor Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors at an existing restaurant. The property is located at 5055 W. Ray Road, Suite 1, which is located at the southwest corner of Rural and Ray roads.

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

D. ZUP11-0027 VIEN MINH BUDDHIST TEMPLE

Approved.

Request approval of a time extension for a Use Permit to allow a place of worship in a single-family home zoned SF-8.5 (Single-Family District). The property is located at 285 North Comanche Drive, west of Alma School Road and north of Chandler Boulevard.

1. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
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. In accordance with the Building Code's maximum occupancy load, there shall be no more than 49 persons on-site at any time.
4. Parking for gatherings such as worship services, celebrations/events, and the like shall not occur on-site. Parking shall occur off-site at an appropriate location in accordance with Zoning Code.
5. Worship services shall occur only within the single-family residence and cannot occur outside.
6. The outside area, the backyard, may be accessed during worship services pending compliance with all building codes, permits, and lot coverage requirements.
7. The site shall be maintained in a clean and orderly manner.

E. ZUP11-0031 STEPPING STONES PEDIATRIC THERAPY

Approved.

Request Use Permit extension approval to continue operation of a commercial business within a residential home. The subject site is located at 1505 N. Alma School Road, north of the northeast corner of Alma School and Knox roads.

1. Any expansion or modification beyond the approved Site Plan shall void the Use Permit and require a new Use Permit application.
2. The screen wall that is located in the right-of-way shall be completely removed within six months of Council approval.
3. The Use Permit shall be effective for a period of three (3) years from the date of Council approval. Operation of the business beyond that date shall require re-application and approval of a new Use Permit.
4. The site shall be maintained in a clean and orderly manner.
5. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER VEITCH** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 5-0 (Commissioners Baron and Donaldson were absent).

6. DIRECTOR'S REPORT

Mr. Mayo said there was nothing to report. VICE CHAIRMAN RIVERS wished his wife a happy birthday this weekend.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN CASON announced that the next regular meeting is April 4, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:38 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 4, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Chairman Cason.

3. The following Commissioners answered Roll Call:

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

   Also present:

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

4. APPROVAL OF MINUTES
   MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER VEITCH** to approve the minutes of the March 21, 2012 Planning Commission Hearing. The motion passed 5-0 with 2 abstentions (Commissioners Baron and Donaldson abstained as they were not present at the meeting).

5. ACTION AGENDA ITEMS
   CHAIRMAN CASON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for discussion.

A. DVR11-0040 ARCHSTONE VILLAGE CROSSING AT CHANDLER

Approved.

Request rezoning from AG-1 (Agricultural District) and C-3 (Regional Commercial District) to Planned Area Development (PAD) zoning for multi-family residential and Conceptual PAD for commercial/office/business park with Preliminary Development Plan (PDP) for the multi-family residential project. The property is located at the northeast corner of Arizona Avenue and Queen Creek Road.

Rezoning

Planning Staff, upon finding consistency with the General Plan and Airpark Area Plan, recommends approval of the Rezoning request subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Archstone Village Crossing at Chandler", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0040, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. 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.
8. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water

provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

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

9. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and/or in relation to limits established in FAA determined Terminal Procedures (TERPS). All construction cranes shall be installed and operated in accordance with FAA rules and regulations including notification through the filing of FAA Form 7460-1, Notice of Proposed Construction or Alteration.
10. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
11. All apartment buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
12. The developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
13. In the event the residential component is platted to allow unit ownership, the following stipulations shall be the responsibilities of the sub-divider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
    a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorder's Office upon sale of the property.

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

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

Preliminary Development Plan

Planning Staff, upon finding consistency with the General Plan and Airpark Area Plan, recommends approval of the Preliminary Development Plan request subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Archstone Village Crossing at Chandler", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0040, except as modified by condition herein.
2. The future commercial/office/business park component shall be reviewed and approved by a separate Preliminary Development Plan zoning case.
3. The future commercial/office/business park development shall be designed with an urban form using architectural materials, forms, colors, and character elements as represented for the multi-family residential project.

4. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
7. 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.
8. Lettering for the multi-family residential project's monument signs shall be reverse pan channel or individual mounted with halo-illumination.
9. **The application shall work with Staff to provide additional trees along the main boulevard entrance drive off of Arizona Avenue.**
10. **Landscaping throughout the multi-family project to be in conformance with zoning code.**

B. DVR11-0044 PECOS VILLAGE CENTER

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former Agricultural District (AG-1) zoning classification. The existing PAD zoning is for an office and retail development on approximately 15 acres. The property is located at the northwest corner of Pecos and Cooper Roads.

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

C. DVR12-0004 PALMS RESORT RETIREMENT COMMUNITY

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former Agricultural District (AG-1) zoning. The existing PAD zoning allows for assisted living/retirement uses on approximately 6.4 acres at the northwest corner of Pecos Road and Pennington Drive, approximately 670 feet east of Dobson Road.

Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

D. LUP11-0025 TONIC

Approved.

Request a time extension of the Liquor Use Permit allowing the sale of liquor (Series 6 Bar License) for on-premise consumption indoors and within an outdoor patio, and live music indoors at an existing lounge/bar. The property is located at 3400 W. Chandler Blvd., Suite 5, west of the Loop 101 Price Freeway and north of Chandler Boulevard.

1. The Use Permit is granted for a Series 6 Bar License only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, Narrative, and Neighborhood Meeting Notification Letter) shall void the Use Permit and require new Use Permit re-application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment or sporting game related uses shall require re-application and approval of the Use Permit.
4. The Use Permit is non-transferable to other restaurant locations.
5. The site shall be maintained in a clean and orderly manner.
6. The patio shall be maintained in a clean and orderly manner.
7. The rear door to this business shall remain closed and not propped open during business hours and shall not be used as a customer entrance or exit.
8. Noise shall not exceed the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
9. Amplified or non-amplified live music is prohibited on the outdoor patio and shall only occur indoors.

E. LUP12-0003 CAN'T STOP SMOKIN' BBQ

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for a new restaurant. The property is located at 7250 W. Chandler Boulevard, northeast corner of 54th Street 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 liquor Use Permit re-application and approval.
2. The liquor Use Permit is granted for a Series 12 (Restaurant License) only, and any change of licenses shall require re-application and new liquor Use Permit approval.
3. The liquor Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.

F. ZUP12-0001 BORNS OFFICES

Approved

Request Use Permit approval for a time extension on the residential conversion for office use. The subject site is located at 348 W. Chandler Blvd., north side of Chandler Boulevard and west of Chandler High School.

1. The Use Permit shall be effective for three (3) years from the date of Council approval. Use Permit extensions, for similar or greater time periods, shall be subject to re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (site plan, floor plan, building elevations) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other property.
4. Increases in on-site employment over that represented (7), or the expansion of the home to provide additional office space, shall require a new Use Permit application and approval by the City of Chandler.
5. The property shall be maintained in a clean and orderly manner.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting in accordance with City approved construction plans.

G. ZUP11-0038 HAMILTON HIGH WIRELESS FACILITY – VERIZON

Approved.

Request Use Permit approval to install a wireless communication facility on a ballfield light pole at Hamilton High School, located at the northwest corner of Ocotillo Road and Arizona Avenue.

1. Development shall be in substantial conformance with approved exhibits except as modified by condition herein. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.

H. ZUP12-0006 CROWN CASTLE WIRELESS FACILITY

Approved to withdraw for the purpose of re-advertising.

Request Use Permit approval to install a second wireless communication facility on an existing tower located at the southeast corner of Chandler Heights Road and Arizona Avenue. **(STAFF REQUESTS WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)**

I. MOTION TO CANCEL THE APRIL 18, 2012 PLANNING COMMISSION HEARING.

Approved.

VICE CHAIRMAN RIVERS said he wanted to commend the developers of Item A. He thinks it is a beautiful project. It is multi-family and something that apparently they are short of around the airport. Though it is a beautiful project, when the project is near an existing airport, any conflicts must be considered. This project seems to create none. It is 3 stories at the highest and it is over a mile from the airport's main runway. They have the approval of the Airport Commission and it does not interfere with flight operations and its location is not in the take-off or landing pad areas. He said it is wonderful and fits the area and he commends the developers.

CHAIRMAN CASON stated he had comments on Items A as well. Over the years he has usually found objections to anything that goes along the railroad tracks in Chandler because of his fervent belief that those lands need to be preserved for future employment in the city. In this particular case the design is so overwhelmingly approvable and he can't remember the term they use to describe themselves in the narrative but he is pretty happy with the design and the fact that it moves up to the railroad tracks on the east side, and given the fact that the way that node is going to look and the uses of the land on the east side of Arizona Avenue between the railroads north from there, all kind of tie in to this type of residential use. However, he always wants to put in his two cents worth to remember to save the railroad tracks because the way things are going they might find that railroad is back in fashion.

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

6. DIRECTOR'S REPORT
Mr. Mayo said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN CASON announced that this would be his last meeting. He has been on Commission for six years and said it is time to pass the gavel if you will. He wanted to thank Staff especially because of the insight that they have been able to provide. He said sitting up there is so much more than just looking at plans; it is actually learning things that make the City operate. He has been very honored and very thankful for having the opportunity to serve the City in this fashion.

CHAIRMAN CASON announced that the next regular meeting is May 2, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT
The meeting was adjourned at 5:39 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 2, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Donaldson.

3. The following Commissioners answered Roll Call:

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

   Absent and Excused:

   Commissioner Stephen Veitch

   Also present:

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

4. INTRODUCTION OF NEW COMMISSIONER
   Vice Chairman Rivers introduced the new Commissioner Phil Ryan.

5. APPROVAL OF MINUTES
   MOVED BY COMMISSIONER PRIDEMORE, seconded by **COMMISSIONER BARON** to approve the minutes of the April 4, 2012 Planning Commission Hearing. The motion passed 6-0 (Commissioner Veitch was absent).

6. ANNUAL PLANNING COMMISSION BUSINESS MEETING
   Election of Officers:
   A. Chairman
   B. Vice Chairman

   COMMISSIONER DONALDSON nominated Leigh Rivers for Chairman. Leigh Rivers was voted in as Chairman unanimously 6-0 (Stephen Veitch was absent.)

COMMISSIONER PRIDEMORE nominated Stephen Veitch for Vice Chairman. Stephen Veitch was voted in as Vice Chairman unanimously 6-0 (Stephen Veitch was absent.)

7. ACTION AGENDA ITEMS

CHAIRMAN RIVERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for discussion.

A. APL12-0001/DVR12-0001 STONEFIELD LUXURY APARTMENTS

Approved.

Request Area Plan Amendment of the Clemente Ranch Area Plan from Commercial to Multi-Family Residential, along with rezoning from Planned Area Development (PAD) for a commercial shopping center to PAD for multi-family residential development and Preliminary Development Plan approval for a multi-family residential development on approximately 10.8 acres. The subject site is located at the southeast corner of Dobson and Germann roads.

Area Plan Amendment

Staff, upon finding consistency with the General Plan, recommends the approval of APL12-0001 STONEFIELD LUXURY APARTMENTS, Area Plan amendment of the Clemente Ranch Area Plan, amending the plan from commercial development to allow for multi-family residential development.

Rezoning

Staff, upon finding consistency with the General Plan recommends approval of DVR12-0001 STONEFIELD LUXURY APARTMENTS, Rezoning from PAD for commercial development to PAD for multi-family residential, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit 7, Development Booklet, entitled "STONEFIELD", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0001, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

4. 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. 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.
8. 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 STONEFIELD LUXURY APARTMENTS shall use treated effluent to maintain open space, common areas, and landscape tracts.

Preliminary Development Plan

Staff, upon finding consistency with the General Plan, recommends approval of DVR12-0001 STONEFIELD LUXURY APARTMENTS, Preliminary Development Plan for site layout and building architecture for a multi-family development, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit 7, Development Booklet, entitled "STONEFIELD", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0001, except as modified by condition herein.
2. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
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.

B. PDP10-0019 /PPT12-0003 CALABRIA

Approved.

Request Preliminary Development Plan (PDP) approval for a new single-family residential subdivision located on approximately 30 acres at the southwest corner of Cooper Road and Brooks Farm Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Calabria", kept on file in the City of Chandler Planning Services Division, in File No. PDP10-0019, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3401 in case DVR02-0028 CALABRIA, except as modified by condition herein.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.

Staff recommends approval of the Preliminary Plat subject to the following condition.

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

C. LUP12-0008 SOMEBURROS MEXICAN FOOD

Approved.

Request Use Permit approval to sell liquor for on-premise consumption only within a restaurant that includes an outdoor patio (Series 12 Restaurant License) at 3461 W. Frye Road, west of the Loop 101 Price Freeway and south of the Chandler Fashion Center.

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

4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
5. The outdoor patio shall be maintained in a clean and orderly manner.

D. ZUP12-0004 LEISURE LIVING HOME

Approved.

Request Use Permit extension approval for the continued operation of an assisted living home for the elderly within a single-family residential home. The subject site is located at 507 N. Nantucket Ct., north and east of the northeast corner of Chandler Boulevard and McQueen Road.

1. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The assisted living home shall have no more than eight (8) residents at any time.
3. Should the applicant sell the property, this Use Permit to operate an assisted living home shall be null and void.
4. This Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

E. PPT12-0002 ARIZONA-ELLIOT COMMERCE CENTER

Request Preliminary Plat approval for a new commercial development that includes a fuel station located at the southwest corner of Elliot Road and Arizona Ave.

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

COMMISSIONER CUNNINGHAM stated she had concerns about Item B and she will be opposed to this item. She said she would be voting no on it. She is not convinced that the increased density and the decreased lot size is good for the community around it. She is also not convinced that you can put a quality product on a 60 foot lot with 15 foot side distances and a 30 foot garage. They are going to have a very small community with a lot of garages. It's all you will see. It will look like a storage facility. She is convinced that will not benefit the surrounding communities and the surrounding subdivisions. It will be a detriment to the value of the surrounding subdivisions.

COMMISSIONER BARON stated he will be abstaining from voting on Item A, APL12-001/DVR12-001 STONEFIELD LUXURY APARTMENTS as his firm is involved with the design of the project.

MOVED BY COMMISSIONER PRIDEMORE, seconded by **COMMISSIONER RYAN** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 6-0 with exceptions noted. (Newly elected Vice Chairman Veitch was absent).

8. DIRECTOR'S REPORT

Mr. Mayo congratulated the new Chairman and the new Vice Chairman on their appointments. He also welcomed Mr. Ryan back to Planning Commission. He said he enjoyed working with him in the past and was looking forward to working with him in the future.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY introduced Kate Bigelow who is a new Assistant City Attorney with Chandler and said we would be seeing her from time to time.

9. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS announced that the next regular meeting is May 16, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

10. ADJOURNMENT

The meeting was adjourned at 5:38 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 16, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Baron.

3. The following Commissioners answered Roll Call:

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

   Also present:

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

4. APPROVAL OF MINUTES
   MOVED BY COMMISSIONER PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to approve the minutes of the May 2, 2012 Planning Commission Hearing. The motion passed 6-0 with 1 abstention. (Vice Chairman Veitch was not present at the meeting).

5. ACTION AGENDA ITEMS
   CHAIRMAN RIVERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for discussion.

A. DVR12-0011 EPICENTER CHURCH – WESTECH

Approved.

Request rezoning from PAD to PAD amending the permitted land uses within Westech Corporate Center to allow a place of worship/church use in Building 9. The property is located at the southeast corner of Arizona Avenue and Palomino Drive, north of Warner Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Epicenter Church - Westech" kept on file in the City of Chandler Current Planning Division, in file number DVR12-0011 except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3812 in case DVR06-0005, except as modified by condition herein.
3. A church or place of worship use shall occur only within Building 9 of Westech Corporate Center Lot 34. Building 10 is no longer permitted to have a church use. Parking related to this church shall occur in accordance with the representations in the Development Booklet.
4. There shall be no drop-off/pick-up type childcare use Monday through Friday. "Support childcare" for church members, as indicated in the Development Booklet and on the floor plan, in conjunction with scheduled church activities, meetings, and services is permitted any day.

B. DVR12-0012 E OF THE NEC QUEEN CREEK & GILBERT ROADS

Approved.

Request the establishment of initial City zoning of Agricultural (AG-1) on an approximate 2.3-acre site located east of the northeast corner of Queen Creek and Gilbert roads.

Upon finding consistency with the General Plan, Staff recommends approval of the establishment of initial city zoning of AG-1 on an approximate 2.3-acre site located east of the northeast corner of Queen Creek and Gilbert roads.

C. LUP12-0007 YUMMY BUFFET LLC

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for a new restaurant. The property is located at 2100 South Gilbert Road, Suite 1.

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

D. ZUP12-0005 BALDWIN BROTHERS AUTOMOTIVE, LLC

Approved.

Request Use Permit approval to allow automotive repair within Planned Industrial District (I-1) with a Planned Area Development (PAD) overlay, I-1/PAD zoning. The property is located at 305 East Comstock Drive, Suite 7, east of Arizona Avenue and south of Elliot Road.

1. The Use Permit shall be effective for one (1) year from the date of Council approval. Use Permit extensions, for similar or greater time periods, shall be subject to re-application to and approval by the City of Chandler.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3984 in DVR07-0043, except as modified by condition herein.
3. Expansion or modification beyond the approved exhibits (site plans, floor plan, narrative) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
4. The Use Permit is non-transferable to any other property.
5. The property shall be maintained in a clean and orderly manner.

E. ZUP12-0007 DESERT SPRING ADULT CARE

Approved.

Request Use Permit approval to continue to operate an adult care home within a single-family residence for up to five (5) adults. The subject property is located at 1641 E. Yellowstone Place, south and west of Cooper and Ocotillo roads.

1. The Use Permit shall be granted for a period of five (5) years, at which time re-application shall be required. The five-year time period shall begin from the date of City Council approval.
2. Compliance with city provisions regarding the operation of adult care homes.
3. The maximum number of residents receiving care shall be five (5).

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

6. BRIEFING: ZCA12-0001 PARKING AND LOADING REGULATIONS
Briefing to discuss proposed amendments to Article XVIII Parking and Loading Regulations of the City of Chandler Zoning Code.

MR. DAVID DE LA TORRE, PRINCIPAL PLANNER, stated that Staff briefed Commission on March 7 regarding several initial concepts for amending the Parking and Loading Regulation Section of the Zoning Code. At that time, Staff received feedback from the Commission and prior to that on February 29th they had briefed the Council Subcommittee and received feedback from them. Staff took the feedback from Council Subcommittee and Planning Commission and used it to refine their concepts and to the text amendments that are before them tonight. He said

tonight Staff is not requesting any action from the Commission; no voting action is requested. They simply want their feedback regarding the proposed text amendments that they have before them. Staff plans on coming back on June 20 with a final draft for their approval at that time and then they would go to the City Council on July 26 for their approval at that time.

In preparation for tonight's meeting, Staff mailed postcards and sent e-mails to more than 150 Stakeholder's. These were land use attorneys, developers, architects, contractors who have been associated with a new development with Chandler within the last couple of years. The notices included links to a City website where they could download the text and then print it out. They also sent notices to a number of professional organizations including the Downtown Chandler Community Partnership, Chandler Chamber of Commerce, Valley Partnership, Arizona Multi-Housing Association, The Homebuilders of Central Arizona and the Arizona Chapter of the Commercial Real Estate Development Association. These notices were mailed two weeks in advance prior to tonight's meeting.

To date, Staff has received three responses from Stakeholders. Two of them provided constructive feedback and Staff has made revisions using that feedback to the text amendments. One of them was general comments in favor of the direction that Staff has headed. He said that before he goes into the draft he would like to very quickly review the reason why they are proposing these amendments. As they may recall in 2010, the City hired a Consultant to interview developers and assess the development process in Chandler and one of the comments that came out from the report which is a textile report was that Chandler's requirements for the number of parking spaces were too high and hurts Chandler from a competitive standpoint and parking ratios need to be reduced. Other potential negative effects of high parking ratios include reduced development feasibility, particularly for small in-fill projects and retrofits, discouragement of mixed-use developments and reduced densities in areas where they want to see more densities such as in downtown, reduced streetscape quality and negative environmental effects such as contribution to the heat island effects and storm water runoff.

More recently, the Mayor convened a Committee of more than 20 business professionals. They represented a spectrum of business industries including the development industry. Their task was to look at aging commercial centers and come up with recommendations for revitalizing these areas. These exerts here that he has on the screen are exerts from the final report which was issued about one month ago. They read: Current City parking ratios are a challenge to redevelopment. Development should not have to park for future use. Parking should be based on the needs of the center today. The City needs to incorporate more of the shared parking model and the process to change parking requirements is a hindrance to both new development and redevelopment and Staff should have additional flexibility to determine parking requirements without Council approval. Using the comments from these reports and from these two Committees Staff extracted these two primary goals which are in support of their purpose of amending the parking code. The first goal is to reduce parking ratios that are too high and the second goal is to enable flexibility at the Staff level – again, to be more responsive to developments that have varying parking needs.

At this point he said what he would like to do is stop the presentation and go through the draft page by page and he can point out some highlights and get their comments and questions for each page and they can go through it that way.

They should have a draft in front of them dated May 10, 2012 on the top right corner of the page. These revisions contain the latest revisions except for one revision which he has distributed to Commission and that is for page 7, so when they get there he'll talk about those revisions but otherwise these are the latest revisions.

On the first page Staff elaborated quite a bit on the purpose and he pointed out number 1 and 2. Number 1 reads 'ensure that adequate parking is provided to meet the typical parking needs of the uses'. What he would like to emphasize is the word typical. What they are really shooting for is the average parking ratios not for the anomalies. They don't want to try to plan for the anomaly that required too much parking or that doesn't require a whole lot of parking. If they shoot for the higher parking ratios, then they run the risk of those negative effects that he talked about earlier. If they shoot for the low parking ratios, then they run the risk of creating a whole new set of issues such as illegal parking on neighboring properties, over parking on public streets and potentially creating traffic safety issues. What they are really shooting for is the average parking ratio and how do they know what the average is? They use a number of sources. They had a consultant from Carl Walker to help them compare their parking ratios with a number of different sources which includes the National Planning Association, Urban Lands Institute, The Institute for Transportation Engineer. Those are national organizations, professional organizations that study parking needs across the nation and they come up with averages and recommendations for a city to adopt. They have those at their disposal and they also look at other cities in the area and compare our ratios with theirs. Lastly, they also look at Parking Studies that have been done for specific uses that are in the area as well. They have extracted from all of these different sources and have taken a look at every single parking ratio in the City of Chandler to determine if they are high or not high. So number 1 again is shooting for the average parking ratio. Number 2 says it acknowledges those anomalies. They also want to be flexible to be able to respond to the atypical parking through allowances for reductions or increases to the number of required parking spaces. On one hand they want to shoot for the average but on the other hand they also want to be flexible and provide Staff with additional tools to be able to respond to those anomalies. Number 3, the purpose is to encourage higher densities, mixed use developments, in-fill developments and adaptive reuse of existing buildings and areas as set forth by the General Plan by allowing parking reductions for uses sharing parking. This purpose really identifies or speaks to the comments they received from the Mayor's Four Corner Retail Committee.

Mr. De la Torre went to the 2nd page of the Draft Parking Code Amendment. He said the top half of the page has a lot of red but it is really just housekeeping. They are adding a lot of language to make sure that it is consistent with the language that they have further down in the Draft. If you park your vehicle on a different property, they need to make sure that there is an agreement recorded with the County Assessor's office and filed with the City prior to issuing a building permit. On the bottom of the page it addresses parallel parking. It identifies the dimensions as 8

x 22 feet. This is what they were using on Arizona Avenue and this is what many cities in the valley are using for their dimensions. It also requires a 3-foot wide unobstructed path on each side of the parallel parking space. If there is anything higher than 6-inches within that 3-foot wide space next to the parking space, then an additional 2 feet will be required on the width of that parking dimension.

Moving on to page 3 he said they address alternative permeable paving materials. The will clarify that Council can adopt other time periods as they have done in the past through Use Permits. On number 11 the explicitly state that parallel parking spaces may be counted towards required parking and multi-family and any non-residential districts. Then number 16 previously the tandem parking was not allowed to qualify for required parking spaces and now they are changing that so that it is allowed and may be counted towards required parking in multi-family developments where tandem spaces are assigned to the same dwelling units and non-residential developments where valet or a parking attendant is on-duty at all times.

COMMISSIONER PRIDEMORE asked if a tandem space is for only 2 cars or can it be more than 2 cars if it can fit in a tandem space. Mr. De la Torre said that was a good question but they don't specify that in their language. It is assumed that it is only a 1 deep space but it is not stated that way. **COMMISSIONER PRIDEMORE** said that is what he was leading to. If they are measuring it by standard space, 9 x 19, so if they can start doing multiples of 19 can they count each one of those?

KEVIN MAYO, PLANNING MANAGER, said in a situation where say multi-family where it is a 2 bedroom unit and the 2 bedrooms have their tandem spaces, he could see a situation which you wouldn't want to get 3, 4 cars deep and have to move 3 or 4 cars to get to the last one. **COMMISSIONER PRIDEMORE** said what if he is trying to squeeze it in. He needs a couple extra spaces. Mr. Mayo said he could see it in a convention venue or something where they do have valet parking like at the Met with that project out at the mall. It was valet parking for the entire restaurant that was there. Having valet attendants, he can see the ability to go 3 or 4 cars deep in the event that they end up being kind of a pull through, pull out and they just stack them in deep. He thinks moving forward he would like the flexibility to be able to consider that for entertainment venues and things like that. Everybody comes at once and leaves at once and so they had not really thought about that question-it is a really good question. **COMMISSIONER PRIDEMORE** said say he is sitting there trying to meet his parking calc. and he is squeezing things in and if a space is defined as 9 x 19 and he realized you are only going to get 2 deep but if he has the room and the layout works and he can get 19 x 3 times, could he count it? He is putting that on the table because it wasn't clear to him what he was looking at. Mr. Mayo said as their code is currently proposed, there is nothing that says you can't count it and so it allows them to look at it on a cases-by-case basis. **COMMISSIONER PRIDEMORE** said it came down to the definition of a tandem space. Is it defined to the point that it is only saying 2 cars or is it saying 2 or more cars in a line? Mr. Mayo said that is a good comment and they will take that back and figure out whether or not they should define it or maybe clarify in here that the flexibility exists for extenuating circumstances like event facilities or something like that.

CHAIRMAN RIVERS said if you are going to make the parking space usable for 3 or 4 or 5 cars, can you still call it a tandem space since tandem normally means two or would it then be a multi parking space? Mr. De la Torre said it could be considered tandem. If they are directly in front of each other those are considered tandem spaces. Tandem does not restrict it solely to one space in front of another. **CHAIRMAN RIVERS** said so Tandem doesn't mean 2 in this case? Mr. De la Torre replied correct.

Moving on to Page 4 they begin with the parking schedule and the first land use category that they are proposing to revise the parking ratio for is multi-family. He had mentioned in a previous briefing that this land use, multi-family, is one that they have heard from different applicants in the past that they felt our parking ratio is too high. This is one they took a really good hard look at. What they are doing is separating efficiency from 1 bedroom. Currently efficiency and 1 bedroom are grouped together and the code requires 1.5 spaces per unit. They are separating them and they are requiring less for efficiency rooms and they are keeping the 1 bedroom at 1.5 spaces per unit and then they are also separating the 2 bedroom and additional bedrooms. Currently those are grouped at 2 spaces per unit but keeping the 2 bedroom rooms at 2 spaces per unit and for each additional bedroom that would be an extra quarter of a space. In addition they are also eliminating the provision for 1 guest space for each 4 multi-family units. The real goal here is to make sure that there is enough parking for both guests and residents. They want to get out of the business of prescribing how many guest parking spaces each multi-family development has to have. As long as they have enough parking spaces for both guests and residents, that meets the City's goal and it would be up to each developer to decide how many of those spaces they would want to reserve for the residents and how many they would want to keep open to be shared among the residents and guests.

They are proposing 2 new categories for Library and Museum and those parking ratios come from the National Parking Association but they are also consistent with what they have been doing here in Chandler. The Sunset Library is a good example where that is located within a commercial shopping area and they applied the same retail parking ratio for them which is 1 space per 250.

COMMISSIONER PRIDEMORE said he had a comment on the formatting. He wanted to know if they could get the word 'Plus' indented in the schedule and/or the line between the category and the word 'Plus' removed and then the word 'Plus' removed. Right now they are all reading at the same level and at a quick glance he thinks they could potentially miss that they're just taking the very first one. It's not just the one space per classroom on the Elementary and Jr. High you have something else you need to do-he understands that most people are going to catch that. People that work on site layouts understand what they are doing. At a quick glance it doesn't read right in his mind. Mr. De la Torre said he agrees 100% and they will make that change.

Moving on to Page 5, the top portion of the page addresses recreational centers. If they look at the 3rd row down from the top that starts with the words 'Dance Halls' and the last use on that list is 'Recreational Centers'. There are so many different types of recreational centers that it starts to

become difficult for them to plan the same parking ratio, 1 per 200, for all of them. So what they did was sub-categorize or re-categorize them into the categories they see here. Gymnasiums, fitness centers; those are recreational centers with multiple amenities such as swimming pools, ball courts and weight lifting. These are the private institutions like the LA Fitness and so on. The next category down, recreational community center, these are also recreational centers with multiple amenities but these are the public and non-profit organizations like the YMCA or the Boys and Girls Club. So those are kept at 1 per 200 square feet and then the recreational assembly uses are not multiple uses. These are single recreational uses such as the amusement centers, skating rinks, bounce gyms, party places and so on. The difference here is that they had a Parking Study done. It was a very thorough Parking Study that looked at a number of single recreational uses that included cheerleading training, bounce gyms. Kevin Mayo, Planning Manager said it also included gymnastics, dance, bounce and an indoor soccer facility. Mr. De la Torre said it was a pretty broad list of single recreational uses. It was a very well done Parking Study that came out to 1 per 300 so that is what they are basing it on. If you see at the very end of that category it also says 'not hosting tournaments, exhibitions or other similar events'. The intent here is not to try to capture and provide for those tournaments which may draw more of a greater parking need. The intent here is to provide for the daily training facilities. If they do want to have tournament space or exhibitions, they are not saying they can't do that but what they are saying is they need to get them a parking study so that they can determine what the appropriate number of parking spaces would be for that. The tournaments and exhibitions may vary by type of use. Fencing tournaments may require a different number of parking spaces than the gymnastic exhibition or whatever it may be. They want to really look at those individually and determine the parking need for each of those individually, if they were to have those tournaments.

COMMISSIONER PRIDEMORE said he knows they brought this up the last time but he wanted to use the fencing studio as an example again. He said so he is a new company coming into Chandler to open a fencing studio. As of right now, he does not host tournaments and he doesn't have any intention of hosting tournaments and he comes into the City based on now 1 to 300. Two years down the road, he has the opportunity he never saw coming to host a tournament. Now is it just handled as a Special Use Permit to come in for that event? How is that dealt with? This is where he was confused last time. He doesn't know coming in what he is going to need. Right now he is this so he falls into a particular category. How do you handle that? Mr. David de la Torre replied the way he sees it is they would have 2 options. The first option would be to submit a Parking Study to the City to see if the existing location can handle a tournament for their use. The second option would be to find another location to have their tournament. They could continue to train and practice there but they could find another venue for the actual tournament itself.

KEVIN MAYO, PLANNING MANAGER stated that currently today what they are looking to make sure they do with this parking code is to give Staff additional tools necessary to enforce the underlying intent of the parking code; to ensure that all uses provide on-site parking. Today if they came in by right because they truly don't have a number, they would say they fall into the dance halls, recreation centers and things like that at 1 to 200. That would probably be over

parked for the day to day use of a fencing school. In terms of a tournament - probably not going to cover it. The 1 in 200 would probably be eclipsed by what truly is getting out to that center. Let's just say that happened and they started parking all over on either neighboring properties, dirt, out on the street, blocking public streets and things like that. Our code currently has the tools necessary to enforce that they provide parking or move. What their proposed code does is have a few more administrative tools that will allow Staff to work with that property owner to say, 'listen, you can maintain your day to day needs all day long'. It's those couple times a year that their tournaments either they are unknown or they are just really kind of outrageous. They are looking to get some additional tools that they can work with administratively to secure off-site parking agreements, adjacent parking agreements with an adjacent property owner or nearby property owner to deal with that so they don't build huge parking lots like Crossroads Town Center that gets used once or twice a year. Currently, their code does have teeth that are sometimes at a bureaucratic speed to deal with those types of anomalies. In this instance they are looking to kind of nail down what the average parking is and then like David said if they want tournaments, they need to talk and figure out where realistically it is going to be and that is something that becomes a 'do it' and let's make sure it works. That is kind of what they are looking to get. It's going to be a lot more Staff intensive than what was previous but he thinks it is going to allow them to build what is appropriate and then find ways to make the infrequent things work. Let's say they are doing tournaments every weekend and that starts to become part of your business model, then you are sited to carry that parking but it does allow Staff some flexibility in terms of how they provide it.

COMMISSIONER PRIDEMORE said again going back to his example he comes in and he's a new fencing school. He doesn't believe he is going to be holding tournaments but he honestly doesn't know. What do they hold him to? Mr. Mayo, Planning Manager, said they would hold him to the 1 to 300. Then in the event he starts having tournaments, they would either find out that the applicant wants to approach them and says they are looking to do this so what does he do. We would work with them or they are going to get a call from neighboring property owners or citizens saying this stuff is all into their neighborhood now and our code today would be further strengthened with this code amendment, which has the tools necessary to get you back to making sure that their impact stays on their land and/or a designated other piece of land.

COMMISSIONER DONALDSON said he knows what a swimming center is and a martial arts center but what is an amusement center? Can they give him an example of something they have in the City that would be considered amusement? In general, it looks to him like that would be multiple opportunities in one location. What would be an amusement center?

MR. MAYO, PLANNING MANAGER, said it falls under the single use like an amusement arcade although it is a bunch of different kinds of arcade games, places like the skate place that went in at Pecos and McQueen, there are a few different types of recreational amusement things that are in there and that one probably gets into the grey area of are you a duck or are you a goose. The amusements are really those types of places. He wouldn't say that it is a Dave & Buster type thing because they start getting even more things wrapped into them like Food and other things like that, amusement arcades or a laser tag indoor facility or something like that.

COMMISSIONER DONALDSON said those are all specifically stated like laser tag, arcade and those are all individual types of amusements. Again, he was thinking of the combination effect of amusement. There was a park back in the Midwest called 'Amazement Park' and it had a lot of different things going on so he just thinks of an amusement center being multiple. It's just his thought. Mr. Mayo replied that it is really intended to be a center that is more of a focused amusement definition – almost putting a place holder for a definition that they don't know because if they went back 40 years and someone said laser tag they would have said laser what? There are things that they may not even know that someone might try to do from an amusement standpoint that would be more of a focused thing and they are just trying to put that all into one – having multiple ideas for one category.

MR. DE LA TORRE, PRINCIPAL PLANNER, said perhaps what they could do is make it clearer and where it says recreational assembly uses they could make the title of that category single recreational use. Add the word single to that title and then up where it says gymnasium and recreational community centers, add the words multiple uses to that title so that it is clear that these are multiple, these are single - so that it is really clear. The intent of that amusement center is for a single use and not for a multiple use so maybe that would clarify that.

CHAIRMAN RIVERS said going back to the fencing school. If the fencing school has their tournament that they weren't planning on a weekend and the parking jams up everything, they mentioned that there are tools in here to deal with that. How would you deal with complaints from the neighbors on Monday? If the neighbors complain on Monday and tell you that they couldn't pass on their neighborhood streets on Sunday because of the overflow parking from this facility, what teeth are in this to deal with that? Mr. Mayo replied the teeth are currently listed in their code elsewhere in that they can't do that and they would either go out there and sign the street - it would either be signed or it would get signed 'No Parking' and then you have a municipal code that the police can enforce. What the teeth that this starts to get to is the long term solution for how you provide parking for what is going to happen because of that use. More than likely in the terms of fencing schools because they don't generate any parking until there is a tournament. They will have more Staff flexibility in terms at looking at off-site parking agreements, shared parking models. Maybe there is an office center that is next to this thing that people aren't parking there but that fencing school could approach the office development and ask if they can broker out a deal that they can use their parking for tournaments and then they can end up creating signage that says where the parking is for the fencing tournament. Whatever that may be, currently our code doesn't allow us that tool administratively. It would have to come back through Council for approval of some type of share parking model. The new code will allow them that flexibility to be able to respond to it much quicker.

MR. DE LA TORRE said they are keeping medical and dental office at 1 per 150. They have discussed that at the previous briefing. For general offices they are proposing to reduce the parking ratio from 1 per 200 to 1 per 250 and they are excluding call centers because they are also adding a call center right below that at 1 per 150 again due to the nature of the more number of people in call centers and the greater need for parking. For hotels they are proposing to reduce the parking ratio from 1 and 1/3 spaces per room to 1 space per room and then they are

also adding 1 per 100 parking ratio for meeting space, banquet space, restaurants space that are not intended solely for the hotel guests and for staff; the idea being that if there is going to be weddings or receptions or parties that those need to be parked accordingly as well.

Moving on to Page 6 they are adding several new categories such as childcare or child daycare at 1 per 300. That parking ratio comes from another detailed parking study that was done for childcare uses in the area. For motor vehicle repair they are adding a requirement for 3 and ½ spaces per vehicle. The service bay is actually formalizing a practice that Staff has been implementing for many years it just hasn't been on the books until now. For motor vehicle sales and rental is consistent with their retail and office requirements and then for 'Plus' they will make sure to indent that. That would be an addition that wouldn't require 3-1/2 spaces per vehicle service bay being consistent with the motor vehicle repair requirement. Moving down to manufacturing and warehousing, currently the code groups them together. They are proposing to separate them into 2 different categories. Manufacturing would be reduced from 1 per 500 to 1 per 1000 square feet and then in addition to that the office would need to be parked separately. Warehousing they are proposing 1 per 500 square feet for the first 10,000 square feet and then after the 10,000 square feet any remaining area would be parked at 1 per 5,000 square feet. A larger warehouse would require less parking. In addition, any office space would be parked separately.

Moving on to Page 7 this is the new page that he distributed to the Commissioners at tonight's meeting due to a last minute revision. The revision was made after receiving a comment from a Stakeholder in downtown. The new revision proposes for Number 5 City Center District is they are referencing a separate section in the zoning code because currently there are 2 different sections that address parking in the City Center District. This one right here and then there is another section within the City Center District zoning section that addresses parking as well. To eliminate confusion they figured it would be a better idea to only talk about it in one area and to reference it here to the other area. The City Center District is really unique in that it has additional requirements that other zoning districts don't have within their section like signage and parking. It addresses all of that within its own section. It's better to reference this to the City Center District and any amendments can be done within the City Center District if needed.

No. 6 is really a place holder for parking districts and if the City ever wants to create a parking district in the future such as for downtown although it could be anywhere else, it doesn't limit it to downtown, the City would be able to create such a district and determine details at that time such as what determines if a use is participating in the district and where the boundaries of the district are. All of those details would be determined at the time when the parking district is created. The City has no intention of creating a parking district at this time or any time in the near future but they did want to add a place holder in there for the future.

Moving on to No. 8 maximum parking spaces, the City is proposing to establish a maximum parking percentage of 125% and they list a number of exceptions right below it. He said he wouldn't go through all of them but he did want to point out 8e which has changed since their last briefing. They have said if they want to provide parking at more than 125%, they can do that

if they have a Parking Demand Study that justifies their need for more parking and you cover your parking area with at least 50% of any one or combination of the following options. The options include paving materials that have a solar reflectance index as required by the latest edition of the International Green Construction Code. It could be shaded by architectural structures, open trellis or by trees or they could use open grid pavers or other permeable paving materials. All of these options actually are derived from the Leeds Standards as well as from the International Green Construction Code. Both of them require the same standards for it addressing the Urban Heat Island effect. That is where these standards come from.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, asked if the International Green Construction Code is something that the City has adopted. Mr. De la Torre replied no the Green Construction Code has not been adopted by the City.

Mr. De la Torre moved on to Parking Reductions, Section 1807 the first part of which is shared parking. He stated they are pretty excited about this new provision. It basically allows 2 or more Uses to reduce their parking by following the table that is provided in paragraph d. A Use may come to the City and say their business or use doesn't really match any of the uses in the table. They could provide a parking study to give them additional data so that they know what their peak parking times are and what their distribution is and so on. They would have to show us that their peak times do not conflict with the other peak times of the other uses that they area sharing parking with. There is an opportunity if they don't fit into this table nicely you can still submit a parking study to see how they could share parking. On the flip side to that if there is a use that says their use matches these time of use distribution in the table but for some reason the Zoning Administrator has a reason to believe otherwise that his use does not match that they are claiming to follow, the Zoning Administrator would have the authority based on what they are proposing to require additional data such as a parking study to prove and justify that they indeed have off peak times when compared to the other uses that they are sharing parking with.

Moving on to the Parking Demand Studies, Mr. De la Torre said they are also very excited about this. This gives Staff an additional tool to be flexible and to be more responsive to any development that would like to increase or reduce their parking and could submit a parking study to justify their request. It would have to be quantitative analysis. They couldn't just provide any data they would have to have it done by a professional consultant to use information from the Urban Land Institute or the Institute for Transportation Engineers to qualify and justify their request. It is not really a free for all. There are limitations that they are proposing. Staff would have authority to reduce up to 40% of the parking required. Anything over 40% would have to go to Council for approval.

KEVIN MAYO, PLANNING MANAGER, said he had a quick note in terms of these Parking Demand Studies. When they start to read through it, it can be read as a free for all. While Staff is really excited about this kind of flexibility, it is one of those things that they are going to take extremely seriously for the reason being that if they get it wrong, they then have to go into enforcement mode and nobody ever wants to be there. All this language they see in here really helps set the stage and gives them teeth and gives them direction on how they are going to

implement these Parking Demand Studies to make sure that they are putting the time and energy necessary to make sure they get it right.

MR. DE LA TORRE stated the last section is just allowing credit for on street parking spaces as they discussed in the previous briefing. If the builder builds on street parking spaces as part of that development, they would be able to reduce or include that as part of their parking requirement. He said that concludes their proposed text amendments.

CHAIRMAN RIVERS said he had one question about the credit for on street parking spaces. Is it assumed that such spaces would be marked? Mr. De la Torre replied that Staff would keep track of which development would have that credit and that would be kept in a zoning file or a development file of some sort. **CHAIRMAN RIVERS** said they might not necessarily be marked but they would be documented. Mr. De la Torre replied they would be documented.

COMMISSIONER BARON asked if this would occur on arterials as well. Mr. De la Torre said it would be allowed only where on street parking is allowed. Arizona Avenue is considered an arterial and they have on street parking but not all arterials allow on street parking. It would have to pass by the technical street details. Some streets allow them some don't so they would have to follow that. **COMMISSIONER BARON** said so there is something that says it can't happen on Germann just because they have frontage there. Mr. de la Torre replied that they have Standard Details that dictate where you can have on street parking.

KEVIN MAYO, PLANNING MANAGER, thanked the Commission for their efforts this evening. They are really excited about this Parking Code Amendment. It is something that as they are starting to come out of this economy, their office is getting very busy. They are getting inquiries and the development activity is just really picking up with a decent surge. The funny thing is that most of them are not typical things. Everybody is coming out and they are either a round peg trying to fit into a square hole or what have you. They are really excited about some of the tools that this gives them to more quickly respond to todays and tomorrows development needs. He thanked them for their efforts this evening and some of their questions and guidance and they will be bringing this back to them as David said at the upcoming June meeting.

7. DIRECTOR'S REPORT

Mr. Mayo said there was nothing to report.

8. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS wished Chandler a happy 100th birthday. The Centennial celebration is scheduled for this Thursday the 17th in the City Hall Plaza. They will be having different events from 4:30 p.m. to 7:00 p.m. On Friday in Dr. A. J. Chandler Park in downtown Chandler from 4:00 p.m. to 10:00 p.m. and then Saturday at Tumbleweed Park there will be many activities starting from 4:00 p.m. and ending with fireworks at 9:00 p.m. For more information on the Chandler Centennial events including full descriptions of all activities and entertainment you can visit www.chandler100th.com.

CHAIRMAN RIVERS announced that the next regular meeting is June 6, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 6:23 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 6, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Vice Chairman Veitch.

3. The following Commissioners answered Roll Call:

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

   Absent and Excused:

   Commissioner Andrew Baron
   Commissioner Bill Donaldson

   Also present:

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

4. APPROVAL OF MINUTES
   MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER CUNNINGHAM** to approve the minutes of the May 16, 2012 Planning Commission Hearing. The motion passed unanimously 5-0 (Commissioners Baron and Donaldson were absent).

5. ACTION AGENDA ITEMS
   CHAIRMAN RIVERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for discussion.

A. DVR11-0028 CHANDLER PLAZA

Approved.

Request rezoning from C-2 to C-2/PAD to allow additional freestanding monument signage on property located at the northwest corner of Chandler Boulevard and Alma School Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Plaza", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0028, except as modified by condition herein.
2. All signage shall be consistent with the signage contained within the attached exhibits with regards to sign type, quality, and quantity.
3. Tenant panel names and logos in addition to the center identification name shall be push-through routed-out lettering.

B. PDP12-0006 OASIS AT AUTUMN PARK

Approved.

Request Preliminary Development Plan approval of housing product for an 87-lot single-family residential subdivision. The subject site is located at the southwest corner of Riggs Road and 116th Street.

1. Development shall be in substantial conformance with Attachment No. 8, Development Booklet, entitled "OASIS AT AUTUMN PARK", kept on file in the City of Chandler Transportation & Development Services Department, Planning Division, in File No. PDP12-0006 OASIS AT AUTUMN PARK, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3995 in case DVR07-0032 GALILEO PIAZZA, except as modified by condition.
3. Compliance with original conditions adopted by City Council as Ordinance No. 4318 in case DVR11-0010 AUTUMN PARK, except as modified by condition.

C. LUP12-0005 STADIUM CLUB

Approved.

Request Liquor Use Permit extension approval to sell liquor as permitted under a Series 6 Bar License for on-premise consumption indoors and within an outdoor patio area at an existing restaurant. The property is located at 940 N. Alma School Road, Suite 109, the southwest corner of Alma School and Ray roads.

1. Expansion or modification beyond the approved exhibits (Site and Floor plans) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other store locations.
3. The site and outdoor patio shall be maintained in a clean and orderly manner.
4. The Use Permit is granted for a Series 6 license only; any change of license shall require reapplication and new Use Permit approval.
5. Music shall be controlled so as to not unreasonably disturb area **residents.**
6. **Live music shall be prohibited on the outdoor patio.**

D. PPT11-0003 CHANDLER AIRPARK PROFESSIONAL VILLAGE

Approved.

Request Preliminary Plat approval for the multi-family component of a mixed-use development located at the southwest corner of Germann Road and the Consolidated Canal (1/4 mile east of McQueen Road).

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

E. PPT12-0006 ARCHSTONE VILLAGE CROSSING AT CHANDLER

Approved.

Request Preliminary Plat approval for two lots, Lot 1 for the multi-family residential development and Lot 2 for the future commercial/office/business park parcel located at the northeast corner of Arizona Avenue and Queen Creek Road.

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

COMMISSIONER RYAN said he would be abstaining from voting on Item E as he is a consultant to the owner on that item.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER PRIDEMORE** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 5-0 (Commissioners Baron and Donaldson were absent).

6. DIRECTOR'S REPORT

Mr. Mayo said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS announced that the next regular meeting is June 20, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:35 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 20, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Pridemore.

3. The following Commissioners answered Roll Call:

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

   Also present:

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

4. APPROVAL OF MINUTES

   MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER PRIDEMORE** to approve the minutes of the June 6, 2012 Planning Commission Hearing. The motion passed unanimously 5-0 with 2 abstentions (Commissioners Baron and Donaldson were not present at that meeting).

5. ACTION AGENDA ITEMS

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

B. DVR12-0014 STELLAR BUSINESS CENTER

Approved.

Request rezoning from Planned Area Development (PAD) for a business park to PAD Amended for additional uses within an existing 12-acre business park. The subject site is located west of the northwest corner of Chandler Boulevard and Juniper Drive.

1. Compliance with original conditions adopted by the City Council as Ordinance Nos. 3301 and 3761in cases DVR01-0021 STELLAR BUSINESS PARK and DVR05-0049 STELLAR BUSINESS PARK, except as modified by condition herein.
2. **Drive-thru bank operations shall be prohibited.**
3. Large-scale gymnasiums shall be prohibited.
4. Fitness activities shall be restricted to indoors only.

C. LUP12-0010 SPEAK EASY SALOON & GRILL

Approved.

Request Use Permit approval to sell liquor for on-premise consumption only within a restaurant that includes a new outdoor patio and live music (Series 12 Restaurant License) at 7450 W. Chandler Boulevard.

5. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
6. The Use Permit is non-transferable to any other location.
7. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plans, and Narrative) shall void the Use Permit and require new Use Permit application and approval.
8. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
9. The site shall be maintained in a clean and orderly manner.
10. No alcohol shall be carried beyond the indoor or outdoor serving areas into the parking lot or off-premises.
11. Music shall be controlled so as to not unreasonably disturb area properties.
12. The patio fence design shall be commensurate with the building's architectural quality.
13. There shall be no live music on the outdoor patio.

E. LUP12-0012 SZECHWAN PALACE

Approved.

Request Use Permit approval to sell liquor for on-premise consumption only within a restaurant (Series 12 Restaurant License) at 2386 N. Alma School Road, approximately 1,800 feet north of Warner Road.

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

4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.

F. GPA12-0001 AGGREGATE SOURCES GENERAL PLAN AMENDMENT-
Approved.
City initiative to amend the Land Use Element of the General Plan to address aggregate sources as required by Arizona Revised Statutes.

Staff recommends approval of the proposed text amendment that addresses a new requirement in Arizona Revised Statutes regarding aggregate sources.

G. ZCA12-0001 PARKING AND LOADING REGULATIONS
Approved.
City initiative to amend Article XVIII Parking and Loading Regulations of Chapter 35 (Zoning Code) of the Chandler City Code.

There was a recommended deletion of Section 35-1807.2b3 and 35-1807.3d3 to remove wording regarding the procedure to appeal the Zoning Administrator's decision which is currently provided for elsewhere in the Zoning Code.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda with additional and amended stipulations and text changes as read into the record by Staff. The Consent Agenda passed unanimously 7-0.

ACTION:

A. DVR12-0010/PPT12-0005 ALMERIA AT OCOTILLO
Request amended Planned Area Development (PAD) zoning with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for a multi-family residential development on approximately 27 acres northeast of the intersection of Dobson and Price Roads.
Rezoning
Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of the rezoning from PAD to PAD Amended in case DVR12-0010 ALMERIA AT OCOTILLO subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Almeria at Ocotillo" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0010, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

2. Compliance with original conditions adopted by the City Council as Ordinance No. 3890 in case DVR06-0052 THE WATERS AT OCOTILLO, except as modified by condition herein.

Preliminary Development Plan

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of PDP in case DVR12-0010 ALMERIA AT OCOTILLO subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Almeria at Ocotillo", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0010, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3890 in case DVR06-0052 THE WATERS AT OCOTILLO, except as modified by condition herein.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.

Preliminary Plat

Planning Commission and Staff recommend approval of the Preliminary Plat PPT12-0005 ALMERIA AT OCOTILLO subject to the following condition:

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

BILL DERMODY, SENIOR CITY PLANNER stated this is 2 lots within the Waters at Ocotillo development that was approved in 2007. Waters at Ocotillo encompassed most of the vacant dirt you see on this aerial photograph. These 2 lots were zoned and received PDP approval for multi-family at that time. They are coming back now for a couple of reasons with regard to the zoning. They need to amend the approved conditions to eliminate 2 specifically. They were previously tied to having for sale housing, basically condos. They would like to remove that stipulation so they can have rental apartments on this site. Secondly, there was a stipulation that tied them to bridges across the lake system with the other parcels here going to single-family. There is no longer a use for a bridge system. The entire multi-family development is now contained on these 2 parcels and they have a connection underneath the vehicular bridge so there is no reason for pedestrian bridges any longer. In addition to those zoning condition changes they are also getting there PDP approval for a somewhat modified architecture and site layout. Changes are not major. They are going from 358 to 389 units on this site. They were 2 and 3 story buildings before. They are 2 and 3 story buildings now. He said he would go through the site layout. He showed the 2 near Dobson and Price intersection. There are 2 separate parcels. The access for both of them is off of Market Place. He showed a median break. They have community amenities in the center of the northern parcel and a larger clubhouse amenity in the southeastern portion. These clubhouse amenities as well as many of the buildings and a pedestrian pathway are taking advantage of the lakes to the extent possible. They have view areas and pedestrian connections and then a large pool and fire pit, sort of a deluxe luxury clubhouse to take advantage of that peninsula. He showed a picture of the building architecture – modified Santa Barbara style of architecture with the stucco and the barrel tile roofs, lots of arches, tile iron work and that sort of thing. They have worked

extensively with them. Staff has to make sure even the 3 story buildings are effectively broke enough so it is not large masses viewed by people either living there or passing by. Overall, changes aren't major from what they saw before. Staff does recommend approval of both the zoning and the PDP as well as the Plat that goes with it. Mr. Dermody said he would be glad to answer any questions or go into more detail at their request.

MR. ED BULL, 702 E. OSBORN RD., PHOENIX, stated he was there with Mike Perry and Christine Naiman from Whitneybell Perry but also with Mike Truman from PB Bell. The builder has worked closely with Staff and with the folks at Ocotillo and with Pulte to their east to design what he believes is an extraordinary project. The rendering and the elevations in the booklet speak volumes for themselves. As they know, they are putting multi-family on a site that is zoned for multi-family. They have 2 and 3 story buildings on a site that is zoned for 2 and 3 story buildings and they have done the kind of things that Staff and Ocotillo and their neighboring property to the east asked them to do with respect to building orientation and landscaping and pedestrian amenities and other kinds of things which help make this an extraordinary development.

They are there to seek their approval in accordance with Staff's recommendation. They are completely comfortable with Staff's stipulations. If they have questions, they will be happy to answer them. Mr. Bull said if they need a full presentation, they would be happy to provide that but if they are comfortable with Staff's recommendation and stipulations, they are too.

CHAIRMAN RIVERS asked if there were any questions for the applicant. There were none. He asked if there was anybody in the audience that wishes to discuss this item. He asked because he did not have any speaker cards for this item. There were people that said they wished to speak.

DEANN HOOP, 2222 S. DOBSON ROAD, CHANDLER, stated she is opposed because PB Bell just got approved on a location at Germann and Dobson for 192 units. This is a mile and a half down the road for another 394 units. She lives in the vicinity and she feels that Chandler is a little bit landlocked and they are not thinking of the future with the Intel and the job growth. She had a map that she showed. She said in a 3-1/2 mile radius there are 28 existing apartment communities. Those are the ones in red. The four that are in green were the ones that were approved in the last year so they have added 4 more apartment communities and that would make it 32 and then this one would be another 33. What she sees on Price Road the big companies like your E-Bay and Pay Pals and the Motorola building that is being turned over. Those people want houses or condos to buy; they don't need another apartment community. These were supposed to be condos to be sold originally. **CHAIRMAN RIVERS** said they were to be condominiums originally - correct. Ms. Hoop asked where the people are going to move. They are going to move to Gilbert so there are no other homes. She has talked to a realtor and he can't find anything in Chandler in their zip code area for purchase. She has talked to a lot of apartment managers that are here today to also voice their concern that they have enough occupancy but if they get more and more apartment communities, they are not going to be at the occupancy that they are used to performing at. It kind of hurts that 32 of them are going to have

to fill these vacancies when they keep adding more and more. They are landlocked because if you look at Intel and the Airpark and the Indian Reservation there is not a lot of land for building homes. She thinks the condos. are very important to have for sale if you look to the future. Also, they have been looking at the ugly concrete 5-story monstrosity by the Chandler Mall for years which was supposed to be condos. or apartments and it is zoned for multi-family and it is just sitting. That would be nice if that got taken down to dirt level where it would be enticing for someone to build there where they are pretty much landlocked. We like Ocotillo as an upscale community so she thinks with the traffic even from Dobson Road there is not an exit off of the freeway. They would have to go Alma School and they just built another community on Alma School. Her kids go to Hamilton High School and it's full so where are you going to build another High School or another elementary school. They don't have a lot of land. She has driven the area and there are not a lot of openings. She just feels very strongly on this.

KAYLEE PERU, 2222 S. DOBSON ROAD AT THE CHUPAROSA APARTMENTS, CHANDLER, stated while she does know a lot about the area, there are no nearby gas stations that you have to go to for when you are heading downtown or when you are heading to Tempe. She would like to personally too see more businesses in the area rather than more apartments just because there are so many around and especially the 3-story buildings because she thinks they would block the view because they have a wonderful view of the sunset over the mountains. Three story buildings would also hinder that even if the other homes or condominiums were built there so she would like to oppose at least the height of the building.

NICHOLAS HECKEL, 2050 W. HAYDEN PEAK DRIVE, SAN TAN VALLEY, stated he works in the area as an Apartment Manager and when he learned of this along with the other apartment communities that they have going up currently, it reminded him a lot of the West Valley. When they learned that the Coyotes and the Cardinals were going to go out there they massively built up. What he sees now in a lot of reports is that they have the lowest occupancy rate in the Phoenix Metro area. A lot of that is because people have many, many places to go. He knows that we have Intel along with the other businesses that area coming in soon but they are seeing a good growth from that. The only thing he is concerned about is if they have another one come in, they don't even know the impact of the three that are currently being built. If they add another one on top of that, they don't know if it is going to further take people away from them who are currently making decent money for Chandler. He is afraid that if they have too much competition, it is going to lower the prices which in turn can lower the quality of the people that they approve for apartments.

COMMISSIONER PRIDEMORE said he would be curious to know if he has spoken out about any of the other 32 apartment complexes and obviously there are several that have come through here recently. He is curious as to why this one is the tipping point. Mr. Heckle replied that this is the tipping point just because they are experiencing so many coming up. In driving around they see they are being built. When you work in a business and have competition, it generally can be a good thing. One thing that is paramount in their business is their own ability to sell. That is kind of what they pride themselves on. So there is a certain amount of growth they can handle. When it comes to this one, they don't know the impact of the 3 that are being

built currently so he would like to see what the impact of that is and see if they and the other apartment communities can handle it before they add another 400 plus units.

CHAIRMAN RIVERS asked the applicant to see what information he can give them on what they talked about.

MR. BULL said he was pleased to say with respect to Staff's review of this application, Staff recognizes that not only is this site already zoned for multi-family and their density is almost the same as what's under the already approved plan and the heights are virtually the same. In fact, the 3-story buildings on the previously approved plan are a little taller building than what the 3-stories are on here. In addition to the Planning Staff's recommendation for approval which is based upon land use and quality and design and all of the kinds of things that you deal with all of the time, Economic Development has been involved in some oversight of whether this makes good sense in context of commercial development that is located immediately to the west of this site. That commercial developer is very supportive of this development and looking forward to additional residents looking and living next to his commercial development and economic development.

Their Director recognized the importance of this land use in this location as well. In addition to being within Ocotillo, in fact Waters at Ocotillo right next to Downtown Ocotillo they are very in tuned with the people who have for many years been integrally involved in Ocotillo from a land use perspective and design review perspective because they go through not only the City's systems but Ocotillo's design review systems as well. PB Bell along with Mike Perry's office has worked hand and glove with the Ocotillo folks. In addition to that this type of land use in this type of area, while it wasn't a poster child of the Mayor's 4-Corner Commercial Committee, it could have been as an example of the type of place that certainly does not need additional commercial development-it needs additional multi-family development in order to help some commercial in the area some of which is challenged because of reduced population numbers in the area. So they have a multi-family zoned site that is approved for 2 and 3 story buildings, they have support of Planning Staff, support of Economic Development Staff, support of the neighbors to the east and to the west, and they have support from folks who have been integrally involved with the development and design of Ocotillo for many years.

Behind this development of course is PB Bell who has been in the business for many, many years and they are very comfortable with the marketplace. They are teamed up with Gilbane who has been in the business for many, many years and who is very comfortable with this land use on this site. In addition to that Gilbane is the one who with Mike and I and others were here years ago dealing with the zoning on Waters at Ocotillo beforehand recognizing at that time Ocotillo and area probably made sense for condominiums. It doesn't today; they are not financeable and not marketable and he anticipates the City Attorney's office would say that the old 'for sale' stipulation is not legally enforceable because the City doesn't get into forms of ownership. So they have an excellent development that is in the right use with the right design in the right location that when built will be supportive of area businesses not only those that are immediately next door to the west but to those nearby be it at the intersection of Alma School or

along Arizona Avenue. While he respects the concerns that were expressed, the vast weight of the opinion of Staff and others and PB Bell and Gilbane who have been involved in the business for many, many years, with the right views, right design, right location, it will be an asset for Ocotillo and the City and the area and it is one they would request be approved as presented to them by Staff this evening.

CHAIRMAN RIVERS asked if there were any questions for the applicant. He said he had two questions. He asked Mr. Bull if he could give some information regarding the impact on local schools of this project. Mr. Bull replied that is a two-fold answer. To begin with Mike's office in conjunction with working the application up initially, of course, contacted the school district as they were asked to do and he can't off the top of his head give him capacity versus enrollment numbers but the school district was fine. Generally speaking his experience while there will be some school age children in a development like this because of the overall character of the development, the rental structure and that type of thing, the number of school age children in a very high end multi-family development is typically very low. So the school impact as far as children are concerned is low, benefits to schools through increased valuations and that type of thing is good. Each school was consulted early on in the processes. **CHAIRMAN RIVERS** said he believes he heard him say that the 3-story buildings in this development are actually shorter than they were when they were to be condominiums. Is that correct? Mr. Bull replied yes and that he and Mike Perry were looking at that earlier today. He thinks that these buildings are on average about 4 to 5 feet shorter than the 3 story buildings that were approved several years ago. The locations of these 3-story buildings are very consistent with where 3-story versus 2-story were approved several years ago.

CHAIRMAN RIVERS asked if there were any more questions for the applicant. Seeing none he closed the floor for discussion and possible motion.

VICE CHAIRMAN VEITCH said they had to consider 3 separate motions on this.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER RYAN** to approve the rezoning of case DVR12-0010 ALMERIA AT OCOTILLO as recommended by Staff. The motion passed unanimously 7-0.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER CUNNINGHAM** to approve the Preliminary Development Plan in case DVR12-0010 ALMERIA AT OCOTILLO subject to the conditions as recommended by Staff. The motion passed unanimously 7-0.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER RYAN** to approve the Preliminary Plat case PPT12-0005 ALMERIA AT OCOTILLO subject to the condition recommended by Staff. The motion passed unanimously 7-0.

ACTION:

D. LUP12-0011 SIDELINES GRILL & TAVERN

Request Use Permit approval to continue selling liquor for on-premise consumption only within a restaurant that includes an outdoor patio and live music (Series 12 Restaurant License) at 2980 S. Alma School Road, Suite 2.

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.
4. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
5. The Use Permit is non-transferable to any other store location.
6. The patio and area adjacent to the restaurant entrance shall be maintained in a clean and orderly manner.
7. **The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.**
8. Outdoor music shall not utilize bass speakers or sub-woofers.
9. The maximum diameter of speakers used in conjunction with outdoor music shall be 12".
10. **Music shall not be played after 10 p.m. on evenings with music. Music shall not be played before 9 a.m. on any day.**
11. Music shall be limited to Thursday through Sunday.
12. Music shall be controlled so as to not unreasonably disturb area residences and shall not exceed the ambient noise level as measured at the commercial property line.
13. The restaurant shall provide contact information for a responsible person (restaurant owner and/or manager) to interested neighbors that allows music complaints to be resolved quickly and directly.

MR. BILL DERMODY, SENIOR CITY PLANNER, stated this is a Use Permit request to continue selling liquor for on-premise consumption only in conjunction with a Series 12 Restaurant License. Significantly, that includes the right to do outdoor music on their patio. This particular site has been a restaurant for quite a while. They had approval in 2002 for liquor service indoor and outdoor and then they came back a few years ago and got approval for an expanded patio and then last year they modified that to have the ability to have live music specifically on the outdoor patio which was a right they didn't have previously. There were a number of conditions with that including that it was limited to one year which basically was a trial basis and also that it does not unreasonably disturb the area residences and that the noise

level not exceed the ambient noise level at the property level which essentially in this case means don't be louder than the general traffic noise at Queen Creek Road.

They heard from a lot of neighbors, many opposed, many in support of this request last year. Most of the subdivision to the southwest along the golf course was involved, in reality less than half, many of them signed petitions and many came to the hearings. We will hear from them tonight as well. In the past year they had not heard anything in the Planning dept. until April. To their knowledge there has been music going on all year about once or twice a week on average. They received complaints on 2 dates that he is sure they will talk about more. On April 7 and April 20 there were apparently noise issues. April 7 was a special situation. They had received a 'Special Events Permit" to have a festival basically in the parking lot with live music, games for the kids, etc. They had special permission for that event it really doesn't fall under the strict guidelines of Liquor Use Permit. April 20 was not a special event it was just a Friday night with music. Apparently on that night, the music bothered one of the neighbors to the southwest and they had called the restaurant and the noise level was not reduced which would be in violation of the previously approved conditions so therefore a concern of Staff. Generally over the past year in evaluating this it appears that music can occur on the patio and not disturb the neighbors because most of the time that appears to be what happened. They would emphasize that the conditions be abided by and if they are not, there can be a revocation process in which case this Use Permit would be revoked. Of course there is a due process and they can have a hearing and so forth. They might have the right to outdoor music taken away and have to abide by the previous liquor use permit on the site. Of course, they don't want to go down that path. The recommendation from Staff is for approval. If these conditions are abided by, which they can be there is not a land use conflict with any adjacent land users including those residential neighbors to the southwest. His recommendation is for an additional 3 years and said he would be glad to answer any questions.

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

VICE CHAIRMAN VEITCH asked Mr. Dermody if this Use Permit was to be revoked the only privilege that is lost is the outdoor music. Mr. Dermody replied that is correct in this case. It's not always in other cases but in this one they have multiple Use Permit approvals over the years including one that is essentially the same as this minus live music. They could fall back on that. **VICE CHAIRMAN VEITCH** said his understanding is that there is a vested Use Permit approval for service in the restaurant and on the patio and just the music is what is on the table tonight. Mr. Dermody replied that was correct.

COMMISSIONER RYAN said he thought the case was to allow a Use Permit for liquor inside and outside? Mr. Dermody said it is for both. Mr. Dermody said at its heart this is a Liquor Use Permit. **COMMISSIONER RYAN** said last year they gave them a Liquor Permit to allow outdoor music with a one year stipulation. Mr. Dermody replied that technically that was a Liquor Use Permit. In the City of Chandler we do not have a Use Permit specifically for music. For liquor servicing establishments we tend to handle that through a Liquor Use Permit. We previously had conditions that included all activities on the side essentially must be in

conjunction with the representations. Since music and live entertainment was never represented they had to come back and ask for that specifically. Even though this is a Liquor Use Permit he thinks they will spend most of their time talking about this condition having to do with music or these conditions. **COMMISSIONER RYAN** asked Mr. Brockman if it was o.k. then to discuss the outdoor music part of it and hinge that with the Liquor Use Permit. **GLENN BROCKMAN, ASSISTANT CITY ATTORNEY**, replied that was correct.

AMY NATIONS, AZ LIQUOR INDUSTRY CONSULTANTS, 1811 S. ALMA SCHOOL ROAD, MESA, stated she had been hired by Sidelines Grill to help them obtain their Use Permit. She said this is a Mom and Pop restaurant just trying to survive in these times. Right now they are the anchor in the shopping center. The shopping center is dying and they are doing everything they can to stay alive. The live entertainment was added to bring more people into the restaurant – which it has. They were here last year to get their Use Permit for the live entertainment. They have abided by all of the rules and regulations and were even asked to send out a neighborhood mailer with the owners telephone numbers on it and the restaurant number so if the music ever got out of hand, they could call and have it turned down. Most of the time they shut down the music before the time stipulated on the Use Permit. The police called for their 10-year anniversary which they had a 'Special Event' application in to have a dunk tank out front and a bouncy house and live entertainment. That doesn't really fall under this Use Permit. The second time the police were called they had been called because of the music. The police had shown up and the police couldn't hear the live entertainment of the singer from the parking lot. There was no amplified music that night. He was playing on the patio but he did not have his amp plugged in and this person called one of the owners at home and screamed and yelled at her and told her she would not get her Use Permit renewed. They haven't had a complaint all year until these 2 separate instances. They are just hoping to continue and try to survive like everybody else right now and this is helping them and she said any consideration would be appreciated.

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

COMMISSIONER PRIDEMORE said putting aside the 'Special Use Permit Events' and in looking at the April 20 event from people in the audience, from her point of view once the owner of the establishment was called was any other call made. Ms. Nations said the first time the business was called she said she guesses they didn't respond to it quick enough. When the complainant called the owner at her house, she called the restaurant to have the music turned down and they had already done it by that time. The police did come before they turned down the music at 8:25 p.m. and said they couldn't hear it in the parking lot. **COMMISSIONER PRIDEMORE** asked to the best of her knowledge did she know that all of the employees at the establishment were aware of the stipulations that are in place regarding noise. Ms. Nations replied yes they are aware that if there was a problem in the time frame. Ms. Nations said they know this is very, very important to the business. She would have been talked to about that but like she said by the time the owner was aware of it she called down there and it had already been done.

CHAIRMAN RIVERS said he had several speaker cards and he said he was going to go through the ones that are not marked that they desire to speak. If that is incorrect and they do wish to speak, please just let him know.

KRISTINA GRAKO, 1641 S. EMERSON PLACE, stated she was the owner of Sidelines. They were here last year. There are a lot of concerns to her. She is a small business owner. Anybody knows the shopping center on Alma School and Queen Creek is dying. She is the anchor there. She has several businesses next to her that say they wouldn't be there if it weren't for her. When she has live music and all of these things, she floods Cold Stone and Water N' Ice. She floods these things because there are parents on the patio and the kids go over there. She does whatever she needs to do to survive. She told them last year that even if it brings an extra $300 or $400 a night that adds up tremendously. You do whatever you have to do. She has not had a complaint in an entire year. She has done everything she needs to do. Yes, they did have the complaint on the anniversary party. She had music from 12:00 p.m. to 9:00 p.m. Her permit said she could have that until 11:00 p.m. We stopped at 9:00 p.m. She got an extremely upsetting phone call at her home when she was home with a very sick child at 8:45 p.m. There is such a thing as Caller I.D. They had told her last year when anyone calls they have to call the restaurant first and let the manager on duty know and then call the owners cell phone number. She never received a call on her cell phone. She said can she have their name and number and don't worry about this. They knew the dates of when her renewal was up. They knew things she didn't even know which obviously concerned her because why was a homeowner calling her at her home and harassing her. So she went down to the restaurant because an officer had called right after that and asked if she could come down there and show him her Use Permit. She said it wasn't even worth it and let's shut it down. She did have a permit to 11:00 p.m. and it was 8:45 p.m. She has the report number and the officer's number and everything. That is kind of null and void because that was their 10 year anniversary party. Hopefully, she will have another 10 year anniversary party.

The other one was April 7. She got another phone call from the exact same person. It was the exact same number that called on the first noise complaint. They called and spoke with her manager, Jessica Love, and said they were instructed to turn her music down. Jessica got her name and address and phone number so that they could put this in the record. She did that and called her. She met the police officer and he said it was ridiculous because he can't even hear the music in the parking. She has his name and received the police report. She did talk to him yesterday. He was working so he couldn't come today. She showed a picture of Allan who plays for her every Friday if not every other Friday. She even has a recording of him and you can't hear Allan in the parking lot. On four different occasions she recorded the noise with a decibel meter. She went over to the person that had called her and made these complaints, put them on the backyard and it doesn't even register. She has Nancy and another girlfriend that couldn't come tonight as a witness that it didn't even register. You could barely hear the street traffic going by. They even walked all the way over to a pony wall right behind Keagan's and placed the meter on that – you could not hear a peep. She understands you could probably hear it on the Special Use Permit because that was a full band. She had music from 12:00 p.m. to 10:00 p.m. and stopped it at 9:00 p.m. She got a phone call at 8:45 p.m. Why didn't she get the phone

call the entire day? She doesn't get it. She feels like somebody is out to get her and it is very stressful. This is costing her $2500 every time she has to do this which anybody knows as a small business owner that is a lot of money. She is up to $5000 now and they have no traffic in their shopping center. She said she was nice enough to give out her phone number and has had no complaints the entire year up until the week before it was going to be expired and she started getting harassing phone calls. This one person has gone door to door, neighbor to neighbor, and they have all called and told her. They were at the neighborhood meeting and some of them said they would come again. Ms. Grako said here we go again, there is one person out to get her and it is just unfortunate that one person can ruin it for everybody. She said she has a one or two man guy singing acoustics and that is it. It has never ever registered. A normal talking conversation is 45 and it registered less than 5 every time. Sometimes it didn't even read. There are 4 or 5 different meter readings.

COMMISSIONER PRIDEMORE said putting that particular performer aside, how often would she say she has music a week? Either a week or a month, he just needed an idea. Ms. Grako replied 3 or 4 times a month. She said every time she was putting that they were having live music on Facebook or on her website that was when they would get the phone calls. The second she stopped putting it on, the phone calls stopped. When they had their neighborhood meeting, she told her liquor rep. that something was fishy and she felt that when she put this on Facebook she gets the phone calls. She stopped putting it in the website; the phone calls stopped. When they were at the neighborhood meeting, the same lady that had been harassing her asked why she didn't have music anymore. She said it is not on her website anymore. Ms. Grako replied that it was because she figured her out a long time ago and the phone calls just went away. She is just trying to stay alive. She has been there 10 years and is very, very blessed. They have to do whatever they have to do to keep that shopping center going. She doesn't ask for much – just one or two guys with a guitar. She has had no complaints up until the week before, so something is weird.

CHAIRMAN RIVERS asked if she could put her picture back up. He asked regarding the speakers that are visible in this picture, what are they used for? Ms. Grako replied the speakers are used for his voice. When they go on break, they plug in and then they will put a little soft music on as background music. **CHAIRMAN RIVERS** asked so there is not an electric guitar? Ms. Grako said no this is it.

COMMISSIONER CUNNINGHAM asked if that was a cord coming out of the guitar. Ms. Grako replied yes. **KEVIN MAYO, PLANNING MANAGER**, said he has been around guitars his entire life so he would like to answer that. He either has a thin line pick up that sits underneath the saddle which is basically underneath his right hand. It is an amplified acoustic guitar so there are pick- ups in it and it just amplifies the sound of the acoustic guitar. That cord is going over to either the PA that is sitting on a table or whatever it is that is sitting next to him on his left. **CHAIRMAN RIVERS** asked so the guitar is amplified then? Mr. Mayo replied it is. Ms. Grako said when the police officer came out that night it was 'Desert Dixie' and they don't use anything. One has a female vocalist and then one guy with a guitar but no speakers, nothing when they play. That was the night they received a phone call.

MARY MARKS GIBBS, 1321 W. HONEYSUCKLE, said she lived along the golf course in the neighborhood. She showed where she lived on the map. When they talked about the mall dying, in the San Tan paper there was a big article on this whole mall being dead. That picture of Allan with 2 speakers, they face toward the building they don't face out. They are coming in towards the building. She volunteers for an Animal Shelter at 5:30 in the morning. She is an avid walker and she doesn't walk in the morning anymore but she comes home and walks in the evening. She hears nothing at all. She has mailed a few letters to a few of the Commissioners stating how important it is for their economy and for their home and resale value. She is concerned about the Alma School and Queen Creek area dying. It hurts all of them as far as home values. That is a big concern for herself as well as a lot of the community. Last year she was the one who did the petitions and passed them around. The majority of the people are against Sidelines closing. She just didn't want to do it again but in talking to people they do not want it to close.

NANCY BENEDAL said she is in favor this item but does not wish to speak.

JULIE ALLEN, 3160 S. VISTA DRIVE, showed where home was on the map. She said first of all she is not opposed to Sidelines. They want business to be thriving in the Ocotillo area. What she is opposed to is having their entertainment out on the patio. You can't hear it every night but you can hear it on some nights and it is loud. It doesn't always get shut off early. She doesn't know how often the owner monitors her business but she can tell her that her staff is not following her guidelines because she lives on the block that is closest to that restaurant and there are times when they are sitting on their patio and they can clearly hear their music. It is plugged into some time of an amplifier or you wouldn't hear it across the street. There is traffic that goes up and down Queen Creek all the time. For them to hear their music over that traffic it has to be fairly loud. The other thing is they passed out information to the homeowners giving them a contact number. They have never gotten that by mail, at their door or any other way. Nobody has dropped off anything, mailed them anything, etc. If she had a number, she would be calling and they can mark it down from today going forward, she will look up their number and every time the music is loud she is going to call both them and the police because obviously they go by how many phone calls they get. If she knew that, she would have been calling all year. She thinks people have the right to go out to eat and enjoy music. They love music not necessarily their kind of music, but they like music. The thing that they are not considering is not everybody stays up late. They get up at 5:00 a.m. When the music goes late at night, it is disturbing their sleep. They like to sleep with the windows open when the weather is cool. They can't do that and sleep because they are hearing the music. She is just asking for consideration for other people and not just what they want and their time schedule. She would also like it limited to one year versus a 3-year permit because she believes they have already violated it once and if they had documented how many times it was violated, it would have been more than once. Let them prove for the next 12 months that they will abide by their liquor license and they will be considerate of the neighbors that live closest to them, not the ones that live over on the golf course which is by far more than 600 feet away; then come back a year from now and they will see what the toll is. If they manage their business, music and entertainment, she is all for it-no

problem. It has not been managed well and the attitude is kind of a rude "I'll do whatever she has to do to keep her business open". Her husband owns his business. You still have to be considerate of other people. It's not just about you and your business. There are other people and other considerations and she would like it limited because of that to one year and she would like them to send out to their entire neighborhood their contact numbers so that when it is too loud, they can call them. She hates to involve the police, it is so petty to take their police officers and send them over to a restaurant when they can make a call to the manager at the restaurant and ask them to turn down the music. They can have it to 10:00 p.m. but don't blare it into their neighborhood. She said those were her concerns.

CHAIRMAN RIVERS said he is a little confused because he is hearing information that isn't the same. He asked how often she thinks they have music that is too loud for her. Ms. Allen replied at least one time a month. She has mentioned she has music until 9:00 p.m. She said if you get home from work at 6:00 p.m. you are not going to be calling her about music that is going on. It tends to amp up at night. She doesn't know if that is because there is less noise in the area and not as much traffic going on at night as you do during the day with school, deliveries and traffic going back and forth for businesses. She personally knows that there have been at least 6 or 8 times when she and her husband have been extremely annoyed where they have been outside trying to enjoy their patio with a cup of coffee. Their anniversary party was over the top and as a homeowner there, they deserve the courtesy of being notified that there is going to be a 10-year anniversary party that doesn't have to comply with their liquor license. They were not aware of that. That was extremely annoying. She doesn't tend to pick up the phone and call the police every time she is annoyed but that doesn't mean she doesn't have the right to come there and tell them that there are more incidences that she is alluding to. **CHAIRMAN RIVERS** said so what she wrote on her speaker card was she would be content if their music was limited to 10:00 p.m. Ms. Allen replied that she thought that was reasonable for people who have to get up early or for people who have small children that sleep, etc. Ten at night is plenty late and you can tone it down and you can still have music, it just doesn't have to be loud. Have it insider versus outside and then you don't have to deal with irritating anybody in the area. **CHAIRMAN RIVERS** said she stated she heard the music once a month. Ms. Allen replied she can't say that it is every 30 days but several times. **CHAIRMAN RIVERS** asked if it was 12 times during the year? Ms. Allen replied it was 10 or 12 times.

COMMISSIONER RYAN said first off this lady has a very reasonable request. Secondly, she is right. The night air is much thinner and sound travels about 3 times further at night than during the day. He said the other thing is he probably wouldn't have really favored her side of it but he was driving down Queen Creek about 2 months ago and he had the windows rolled up in the car and the music was so loud when he went by there. He didn't even realize there was a bar there and he turned around trying to found out where the noise was from. It was quite loud and this was at 8:00 p.m. at night and fairly early. He thinks her request is reasonable to terminate it at 10:00 p.m. and take it inside and be done with it. He doesn't care if it is one night a month or one time a year, he thinks her request is reasonable. If she hears it, obviously others hear it. Maybe they just don't feel like they can do anything about it. She experienced the same thing at his house when he lived out in the southeast valley. Three miles away there is a restaurant and

when they turned the patio music on, he could hear it. He knows what she is talking about. If they are sleeping with the windows open, it is a nuisance. He is in favor of what she is saying. Ms. Allen said she would also like to point out that building is stucco so when you turn the speakers toward a stucco building, it does not deaden the sound it just blasts it out. You are hitting a hard surface and it is bouncing back out. It is not absorbing that sound. Maybe it would be louder if it was turned outward but it is loud enough for them to hear in their home with the windows open. Twice they have had to turn the TV up so they could hear the TV.

RICHARD ALLEN was the next speaker card. He is opposed to this item but does not wish to speak.

SHARON JOYCE, 1221 W. HONEYSUCKLE LANE, showed where her house on the map is. She said she is not opposed to the restaurant, their liquor license or music. However, she is opposed to having to hear the music in the neighborhood. She has 3 dates written down where she called to have them deal with the music. One was on the 10th of November in 2011. She could hear the music clearly at 10:30 p.m. with the doors and windows closed. She didn't call anyone on that day because she didn't want to bother anybody. In February on the 23rd of 2012 she called. She thinks she spoke with Heather and she said that would have it turned down. It was at 9:23 p.m. and the music was in fact turned down. The fact is she could hear it over the ambient noise level of the road. On the 8th of March in 2012 she called because the music was too loud. It was at 9:02 p.m. She thinks she spoke with Elisa. She also has an Ashley written down. The music wasn't turned down and she called the police after that. The music was turned down after that. It took some time for the police to get there. She just wanted to add that there were some more dates. She also added that she is away on a lot of weekends so there could have been other weekends where it was loud and she didn't hear it. These are 3 she wrote down and she just wanted to present those. Once again, she is not opposed to the music. She is not opposed to the liquor license and she is certainly happy for them that there business is there and doing well but she doesn't think the music should be played in such a way that it can be heard by the neighborhood at all. That is the way it is written into the Staff Report. It wouldn't be over the ambient noise level of the road which means you wouldn't hear it over the road noise. If that can be done, she is fine that but there have been some times when it hasn't been.

PAUL GRAKO, 1641 S. EMERSON PLACE, stated Kristine is his wife and they have owned the restaurant for 10 years. They don't want to upset people. They have been there a long time and want to get along with the neighbors. They want to do what is right for them and us in terms of what is it going to take for them to survive. They want to make sure that nobody misinterprets in what they are going to do and what it takes to survive. This income even though some nights it's $200, $300 or $400 additional helps them on the slow days. Some days are good, some days aren't. They are trying to make every day the best they can and then supplement their income so they can stay in business and keep the doors open. Unfortunately, the shopping center is done with Target, Bashas and Big 5 being gone. It is down to them in terms of who is the biggest draw in there right now. They want to continue to be that way. The part for him that is frustrating when he looks at it they have had music 50 times and they haven't had one call. That is the part he looks at. All they had to do is just call down there and the girls will turn the music down. He

knows this for a fact that they are going to make that happen as far as the calls go. They have called twice in a year and he looks at that and thinks that is pretty good. One is because they had a 10-year anniversary which he is very proud of and is disappointed that she said she didn't know about it because he sent out about this to San Tan News, etc. He wants them to be part of the neighborhood, part of what it takes to be successful. They are not there to upset anybody and they want to live within their means in terms of they agree to have the music turned off at 10:00 p.m. He knows for a fact it is done at 10:00 p.m. They monitor that and they are gold citizens from that standpoint.

He thought tonight would be an easy situation and did not realize there would be so much grief in terms of people saying they can hear the music and yet with the decibel meter he went across the street and went by Keagan's and went further and further and it did not register a blip. What's frustrating is everybody looks at it from the standpoint that Kristina is right in that if a situation comes up and she puts in on the website, it is kind of ironic that the police got called right away. When the police did show up he looked at them and said this is a waste of his time. That is frustrating for him as a citizen because he could be doing better things than coming down there and bothering us - when they have music going and a neighbor says they can hear and they are 2500 feet away. It still comes down to what they are going to do as a group to make them happy and to make us happy too. It's got to be a win win for everybody. He is hoping they can come to that resolution tonight. When they talk about doing this a year from now, this costs them a lot of money in terms of sending mailers out and everybody gets notified. Obviously, she is involved through their agency they utilize to help us do things like this. He was going to ask for a 5-year because he looks at it that until a month ago they abided by everything you people ask for. It's frustrating because again they are down here and now they have to fight a battle. If he needs to talk to anybody, he will give his cell phone number and he will do what he has to do to make sure that when people leave here tonight they are on the same page and they walk away with a good feeling.

COMMISSIONER CUNNINGHAM asked Mr. Grako if it is possible that his Staff is not aware of just how important it is to turn the music down if a phone call comes in and that they log it. Mr. Grako said when a person calls in they are supposed to get that person's name and number. No one has ever left a name and number that he knows of that had called in. He thought there was just one call and now he is hearing that she said she has called in. She didn't leave her name and number because they would respond. It is to their advantage to make that person happy. What was the situation, what is it going to take to resolve it; we'll resolve it and let's move on. He is shocked that it is at this point when they are trying to renew and they are hearing all these negative things. He is frustrated from that standpoint. **COMMISSIONER CUNNINGMAN** stated she agrees that it feels like they were just doing this. **MRS. GRAKO** said she wanted to say one thing that they are wrong on. She was given the permit last year to play to 11:30 p.m. Once in a blue moon she plays to 10:30 p.m. He said they stop every night at 10:00 p.m. Once in a while they have played to 10:30 p.m. but they don't play until 11:30 p.m. so that wasn't correct. There was no police report that the last lady was saying. They have only the one police report.

CHAIRMAN RIVERS asked Mr. Grako if he would be content with the 10:00 p.m. upper limit on this music playing. Mr. Grako responded yes but on Thursday night, Friday and Saturday he would like to keep it at 11:00 p.m.

STUART FANKHAUSER, 3121 S. VISTA DRIVE, showed where his house on the map is. He said that businesses are important to Chandler. They all recognize that. That corner is drying up. They don't want them to leave, they want them to stay. What they need to do is continue to foster a relationship with the community. He is opposed to the 3 years because he would like to see it renewed on an annual basis with respect to the music on the patio. He is fine with the liquor license. He would like to have the music on the patio reviewed on an annual basis for this very purpose. There are a couple of additional things that he would like. Commissioner Ryan pointed out that in the evening sound travels much further than it does in the day time. There are a lot of reasons why that is. He is an engineer not a physicist. The other thing is the placement of the speakers. If they could try some different placements because currently they are pointed right at the walls which creates what is called reflection. It is almost as if they are pointing out into the neighborhood because that sound hits a hard surface and bounces back. Sometimes it is even amplified depending on the materials of the walls. As part of that, if there is an option for them to explore different sound attenuating materials that could be placed on the exterior of the wall where the speakers are pointed to absorb some of it but will still allow the necessary and appropriate amplification of music for the seating area within the patio. They don't want to see them go away. There have been times where he has heard it in his backyard. He read the letter from the other owner. He has the benefit of having quite a high wall; the rest of them do not. He thinks that probably helps attenuate a lot of the noise coming off of the street. In his backyard he can't hear the music but the times he has heard it he has not called. He promises that he will be very professional and work with them. They just retire to the inside of the house. It is important that they support them. They don't want to see them go away they would just like a little bit better community reaction. He thanked them for their time.

CARLOS BARRERAS, 3120 S. VISTA DRIVE, stated there is no structure to block the noise. They don't have the traffic at night. They are in the line of fire with the music and he has heard it until 11:00 p.m. He lives right on the corner and is the closest one to it. He has grandchildren that spend the night at times because his daughter lives 4 houses down and it wakes them up at times. Even inside the house they hear the music – not only outside but inside the house. He turns up his big TV so he doesn't hear it. It still is noisy so they go to the bedroom. This is something that they don't like to live with. They are all for Sidelines and it is a good establishment and they put out a good service with good food and all. The music is the only complaint he has. It is very annoying and he would like to see it until 10:00 p.m.

JOAN MALOOF, 3140 S. VISTA DRIVE, pointed out where she lives on the map. She lives next door to Carlos. She thanked them for receiving the input from the neighborhood. She was feeling at the neighborhood meeting like she was the only one that had heard and complained about the music. She is finding out now there were many others as well. She would also like to say probably in the last year and a half they have had some major storms that have taken out some trees that did provide somewhat of a buffer between their home and some of the neighbors'

homes that kind of deadened the music. They do have a lower wall than the gentleman who wrote the letter who says he has never heard a thing. From the direction of his property there is a bank of buildings at the Falls and there are also several large trees so if he didn't hear the music she thinks that would be the reason why. She is somewhat of a newcomer to this. She didn't even realize the music was going on at the establishment until recently and it started with the anniversary party which they didn't know about ahead of time. When it happened, they were really surprised about the volume of the noise and it was that night that she called the management. She actually went on line to find out what had transpired between Sidelines and the Chandler City Council. Because it is all public record she was able to read the minutes of that meeting and the decision by the Council to allow the live music. She also read the conditions and the conditions were 'that the music should be controlled as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured up at the commercial property line'.

The second condition is that the restaurant shall provide contact information for a responsible person, restaurant owner and/or manager to interested neighbors to allow music complaints to be resolved quickly and directly. When she had that information, she did call the establishment and was told the music was within limits and she wasn't told by that manager that it was a special occasion. She did pick up the phone and call the owner that night to complain about the volume of the music and that is when she explained to me that there had been a special permit issued by the City and that they were allowed to have the music. It probably would have been helpful to know ahead of time because what she and her husband concluded was that was going to become the norm for this establishment and then 2 weeks later they heard the music again. She is not opposed to the music and Sidelines conducting business and having a liquor license. What she is opposed to is them not following the conditions. They have been given conditions to follow and then the homeowners have criteria to follow if they are in fact disturbed by the music.

When they had the neighborhood meeting a couple of weeks ago, she and her husband were the only ones that showed up in opposition. The conclusion was that they were the only people over the last year that had heard the music that were disturbed by it in any way. She is hearing otherwise tonight. What she was really surprised about was the tone and the manner in which her complaint was handled. At the meeting she was called a crazy woman and was implied that she and her husband were liars because there hadn't been any other complaints and in fact with all of the meters measuring the sound levels nobody could hear any music except her and her husband. She was kind of surprised that they wouldn't have been a little more courteous to those who do have a complaint and really try to resolve that which is what this says. There is supposed to be someone right there on the property to help them resolve that. When the music wasn't turned down she did not call the owner again but they did call the police. Again, she doesn't object to them having live music at any time. She would prefer it to be indoors but if it is outdoors she would really hope they would comply with the conditions that were set out. She does think maybe an extension of 1 year would be preferable to 3 years. When they moved to the area in 1997 they were assured that any businesses that were developed in the area would be held to strict zoning regulations so as to not disturb the peace of the residents of the area. Until this happened it was pretty peaceful around there. If they just considered 1 year and then revisit

it. She would love to work with the owners but when they respond with hostility it makes it really tough. She doesn't want to file a formal police complaint. She doesn't want to go there. She was just hoping that she would be met with this responsible approach when she did complain. She hasn't been involved in this. She wasn't at the meeting last year and she doesn't know what went on at that meeting. It was implied that she was running around collecting signatures and that is just not the case. She heard music and she looked up what the residents were supposed to do if they did. She did that but the response she got was pretty rough. She thanked them for allowing them to have their input into this and she hopes that she would really consider what it is doing to the residential neighborhood just south of this business. The music does exceed the street noise by far and she has not looked up on the internet to see when they are having music and making up these dates. She didn't even know she put them on her website until after she made her 2nd call to the establishment so that is just not the case.

COMMISSIONER PRIDEMORE said in putting aside the 2 times she did call the establishment was there any other days throughout the year that she heard the music? Ms. Maloof replied in all honesty she has not. She goes to bed early and she turns the TV on and the radio on and that pretty much blocks it. Her husband stays up much later and watching TV and he has heard it on numerous occasions with the doors and windows closed. They are second in line and their back patio and their family room is in direct line with Sidelines. They can see the Sidelines sign from their backyard and there is nothing to block it.

CHAIRMAN RIVERS said he had no more speaker cards and asked if anyone else in the audience wished to address the Commission on this matter. Seeing none he said he would go back to the applicant but he had a question first for Staff. He asked Mr. Dermody if he could tell them what happens to this Use Permit if this establishment gets a lot of complaints during the year. Does that affect their Use Permit in any way or not? Mr. Dermody said a complaint in itself is reason for Staff to investigate whether the stipulations are abided by if this were to be approved. Any failure to abide by the approved conditions could be grounds for revocation of the Use Permit. It is up to the Zoning Administrator to start those proceedings.

COMMISSIONER RYAN said he has been thinking about this. He is sympathetic to both parties because he knows it is a struggle to stay in business with your competition that can open their patios to any time at night and so forth. This is not the greatest location in town to be doing that. He was thinking they should continue this to maybe the second meeting in October which is a pretty substantial amount of time and let the homeowners and the shop owner try and work things through and let's see where it goes from there. If they continue bothering the neighborhood, then it would be his feeling to revoke the Use Permit which is going to kill the bar. If they don't, maybe they can work something out with the owner. That is his feeling on this.

CHAIRMAN RIVERS invited the applicant back up.

MS. GRAKO said she doesn't want to be negative with any of the homeowners. That is why last year she gave them her personal cell phone. She hasn't had one phone call since last year. Not

one. She said Mr. Dermody was there at the meeting and she thinks people were frustrated but nobody was called crazy. Another couple went to them and asked them to Sidelines with them and listen to it. They tried to invite everybody. She knows even last time their main Chairman came by and said this was a cool place. They put a $100,000 patio on it 2 years ago. Having the live music is kind of paying back their loan. Their landlords have really been good with them in working with that. She doesn't care if they have her cell phone number. She does have a problem when somebody calls her house and goes crazy on me that night. Like she said she was home with a very sick child. Call her cell phone or call her husband's cell phone. The 2 documented phone calls were to Jessica Love who has been her manager for 4 years. Her Friday night crew is her A team. They know the drill, they have a log right by the phone, get somebody's name/phone number. Just because of last year they wanted to make sure that it wasn't one person and abusing the policy. Their next door neighbors did write a letter in favor for us. They said they are the closest house next to Sidelines and they can't hear anything. She doesn't want it to be about whether you can hear her dogs barking or you can hear Sidelines. It is not that. She wants everybody to be happy.

She lives right next door to Cornerstone. It is so incredibly loud but it's not something that is affecting her life. Sometimes it bugs me but it is a church. If she really has a problem, she will talk to them about it but call her or her husband's number. She doesn't go out, she is never there. She is always home as she has 3 little kids. She is always just like them. She is in bed by 9:30, 10:00 p.m. They have the Use Permit to play until 11:30 p.m. 90% of the time they shut down at 10:00 or 10:30 p.m. just because she doesn't want to even risk the phone calls. It's not worth it. If somebody says to turn down the speakers or maybe go to one speaker, she doesn't know. Does one speaker balance it out? She doesn't know how all that goes. Somebody had mentioned that it bounces off of the stucco. There is no stucco. Their whole patio is completely wide open so it doesn't bounce off. She will do whatever she has to do. Her girls are awesome. They call her the second a phone call comes in-'hey, we just had a noise complaint. We turned it down but she wants her to know there are no speakers tonight so she doesn't know what they are getting a call about. That is the only reason why she wanted it monitored because she did last year feel like she was getting attacked by one person and this year the only phone call she has gotten is from one person. So all of these people are saying they can hear this all these nights, why are they just hearing about it now?

COMMISSIONER RYAN said a lot of it could be that some people don't know they can complain about it. They don't know their recourses. Like he said he was driving by one night and he heard a lot of music and it looked like a big party. He was looking for the party because he wanted to go to the party. They are in a residential area so they have to work with these people. Those are the choices. Ms. Grako said she does and that is what she wants. Her concern also is on all of these occasions when she put that decibel reader they all tried so hard to hear everything because she wants to be sympathetic. She would be upset to. Why couldn't they hear these on 4 or 5 different occasions? It didn't even read on it and they put it on all their back fences, even the Keagan's fence. **COMMISSIONER RYAN** said he understands but it's at night and he doesn't know what it is, but it is the night air and it is the way the music travels. A decibel reader won't pick it up but you can pick it up. It's like a subconscious noise but not a

real irritating noise. Ms. Grako tried it just so her friends could tell her she is crazy. She said she couldn't hear anything. On that kind of a thing, just call her or call the restaurant. The same girl has been there and in both of the complaints, Jessica Love, she wrote everything down and called her right away and by that time that is when the police officer came. He was in the parking lot and said he couldn't hear anything and said they are wasting his time. Somebody also said they didn't know they could make a police report. Somebody did call a detective in the City of Chandler and launched this big complaint and the officer seemed pretty upset and he did call her and said he needed to know what was going on here. Never heard noise, never heard any noise complaints and she never heard anything. Why was this put on his desk? Somebody did and that was from that resident.

CHAIRMAN RIVERS asked her if she would be willing to put a 10:00 p.m. limit on her music. Ms. Grako said she would like to do Friday night at 10:30 p.m. Normally what happens on a Friday night is you have your dinner crowd until 8:00 p.m. and then to get people to stay longer like an extra 2 hours it's huge for them. Everybody is closing everywhere you go. **CHAIRMAN RIVERS** asked if she wouldn't be happy with 10:00 p.m. Ms. Grako said she would be happier with 10:30 p.m. if anything at all. The Commission gave her the 11:30 p.m. last year and she has been good with 90% closing at 10:00 or 10:30 p.m. but they have never gone past 10:30 p.m. **CHAIRMAN RIVERS** said in thinking as a neighbor, if they could count on it going to quit right here, if it is too loud before then, I call. That would give him some piece of mind.

COMMISSIONER PRIDEMORE said just to try to get a handle on this, to her knowledge over the past year, how many calls have there been to their establishment, not to herself but to the business itself to turn the business down. Ms. Grako said 2 times, the 7th and the 20th. **COMMISSIONER PRIDEMORE** asked to her knowledge there was no other calls ever made undocumented to turn the music down? Ms. Grako said they have caller ID at the restaurant and there is a log right next to the phone.

CHAIRMAN RIVERS said he was going to close the floor and look to the Commission for discussion and possible motion.

COMMISSIONER PRIDEMORE said having heard both sides he can understand that he would lean towards some of the suggestions that have been made already limiting it to 10:00 p.m. on any night. He would also be in favor of a 1-year instead of 3 so that again they can take a look at this. He understands the cost involved in that but he also knows that it costs money to run a business. This falls under that. They have had several instances over the past several years of dealing with the noise with an establishment. They started trying to get a phone number out there to the community that they can use. Personally, he doesn't want to be the police. It would have to be really annoying for me to start making calls. He appreciates when the owner of the establishment is willing to give those numbers out and he is glad to hear that there are neighbors that are willing to use those numbers. Personally, I don't like to do that because he doesn't want to be the police but he also doesn't want to be annoyed. He is still struggling with that and he has struggled with that in the past in terms of he thinks it is a good policy. To him it should be a policy that you never have to use. He knows they have talked about the 10th anniversary and

how it really doesn't affect this. He also has an issue with a Special Permit being an excuse to make more noise especially when everybody involved with this is already aware of the tender nature of the noise issue here. Putting that one aside, they still have one other. Again, one is still too many. It also sounds like from hearing some of the speakers there seems to be a disconnect on how many times people have actually called the establishment. That bothers him as well. So again he would be in favor of a 1 year to keep an eye on this because it does seem like they have issues. He is in favor of providing that number. They may have a disconnect in terms of how did that information get to the public so that is something they may need to look at. Again, he would be in favor of limiting it to 10:00 p.m. on any day.

MOVED BY COMMISSIONER RYAN, seconded by **COMMISSIONER BARON** to approve case LUP12-0011 SIDELINES GRILL & TAVERN, in accordance with the stipulations read into record by Staff with revisions to Stipulation No. 7 that they change that to 1 year instead of 3 and Stipulation No. 10 that reads music shall not be played after 10:00 p.m.

CHAIRMAN RIVERS said he wanted to make a comment before they vote. He actually was leaning toward agreeing with Commission Ryan in his continuance into September but he hesitates to do this again in 1 year based on 1 complaint. **COMMISSIONER RYAN** said he liked the continuance but he didn't think he had the support so he went along with the Commissioner. He thinks they really have to look at it again in 1 year because now the neighborhood is cognizant about what their rights are and you are going to have more than 1 or 2 or 3 if the shop isn't doing their thing. If he hadn't been by this shop at one time and didn't hear that music, he probably wouldn't have listened so intently to these neighbors but he thinks they have the right. This is a nice single-family development and needs to be heard again in 1 year and either denied or approved and extended for 3 years at that time. He thinks because of the amount of controversy they have they need to go 1 year.

COMMISSIONER DONALDSON said his comment is more about the disconnect between the calls and reports and he doesn't see any police comments or how many reports there were versus how many complaints there were versus how many calls there were made to the establishment or cell phones. He asked Staff to work with the applicant on the best way to notify the interested parties. He thinks they probably need some work on that overall. Now that folks do know that they have a voice in this he would be in support of the 1 year.

COMMISSIONER BARON said he remembered this last year. They had a discussion and there were a lot of neighbors who came that evening as well. There was a lot of dialogue about the exact same topic. His concern is that nothing really seems to have improved to the point where he hears that they are working with the neighbors and they are trying to resolve these things and they want to be part of the community. He kind of feels like there should be a little bit more effort to be able to go and work with the neighbor's one on one. If they are really complaining and they can hear it at 10:00 at night at their house, he would be knocking on their door if he was a business owner in their position saying 'can I hear'. Can I call my establishment and have them turn it up and let me see if I can hear this. What can I do to make it better? If you are really going to have a place in the community and work with these neighbors so that next

year when they approve this for a 3 year Use Permit rather than continuing it every year or ultimately denying it, he thinks there is going to have to be some extra effort put in.

COMMISSIONER CUNNINGHAM said she also found it interesting that this evening they heard quite a bit from the neighbors that are closest to the establishment whereas a year ago they were hearing more from neighbors closest to the golf course and the people closest to the establishment couldn't hear it. This year they are hearing that it is there so there is obviously a disconnect on keeping the decibel level down. She agrees that they need to limit the time and she is glad that they will revisit this in a year and she hopes in a year there are no neighbors here to complain but rather to support the establishment. She said she has been to the establishment. She went after last year's meeting and took her whole family. She had a great time and enjoyed it. It's a nice place to go if you neighbors haven't been there. It's a good place to go have dinner. There is a friendly atmosphere. There's your commercial.

CHAIRMAN RIVERS called for the vote. The motion passed unanimously 7-0.

6. DIRECTOR'S REPORT
Mr. Mayo said for the neighbors and everybody involved with this case this will go to City Council on July 26 on Thursday night at 7:00 p.m. for this Use Permit.

7. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN RIVERS announced that the next regular meeting is July 18, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT
The meeting was adjourned at 7:21 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, July 18, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Ryan.

3. The following Commissioners answered Roll Call:

   Chairman Leigh Rivers
   Vice Chairman Stephen Veitch
   Commissioner Matthew Pridemore
   Commissioner Phil Ryan

   Absent and excused:

   Commissioner Andrew Baron
   Commissioner Katy Cunningham
   Commissioner Bill Donaldson

   Also present:

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

4. APPROVAL OF MINUTES
   MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER PRIDEMORE** to approve the minutes of the June 20, 2012 Planning Commission Hearing. The motion passed unanimously 4-0 with 3 Commissioners being absent (Commissioners Baron, Cunningham and Donaldson).

5. ACTION AGENDA ITEMS
   CHAIRMAN RIVERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for action.

A. APL12-0002/DVR12-0008 BANNER HEALTH CENTER – CHANDLER

Approved.

Request an Area Plan amendment from Commercial/Retail/Office and Live/Work to Commercial/Retail/Office, and Rezoning from PAD (Commercial/Retail/Office and Live/Work) to PAD (Medical Office and Commercial) with a Mid-Rise Overlay and Preliminary Development Plan (PDP) for medical office use. The property is located at the northeast corner of Alma School and Willis Roads, immediately south of the Loop 202 Santan Freeway.

Area Plan

Planning Staff, upon finding consistency with the General Plan, recommends approval of the Area Plan amendment.

Rezoning

Planning Staff, upon finding consistency with the General Plan, recommends approval of the Rezoning request subject to the following conditions:

1. 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.
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. 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. Phases 1 and 2 allow Medical Office and Commercial uses as defined in the Development Booklet. Phase 3, the future Commercial/Office/Retail with a Mid-Rise Overlay allows uses permitted by right in Community Commercial (C-2) zoning including additional medical office use if Banner Health were to expand.
8. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total

landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

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

Preliminary Development Plan

Planning Staff, upon finding consistency with the General Plan, recommends approval of the Preliminary Development Plan request subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Banner Health Center", kept on file in the City of Chandler Planning Division, in File No's. APL12-0002 & DVR12-0008 except as modified by condition herein.
2. Phase Three requires a separate Preliminary Development Plan application for site layout, building design, and signage.
3. This approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Rezoning with Preliminary Development Plan shall apply.
4. Approval by the Director Transportation & Development Department of plans for landscaping (open spaces and rights-of-way), perimeter walls, and for arterial street median landscaping.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
6. Landscaping shall be in compliance with current Commercial Design Standards.
7. 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.
8. Trees on the east side of the development shall be a minimum of 12 feet in height at time of planting.
9. 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.

10. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
11. All raceway signage shall be prohibited within the development.
12. Parking space canopies to incorporate building materials, forms, and colors to match the development.
13. **Tenant panel names and logos shall utilize push through routed-out lettering.**

B. DVR12-0020 NW & W OF THE SWC APPLEBY & GILBERT ROADS

Approved to withdraw for the purpose of re-advertising.

Request the establishment of initial City zoning of Agricultural (AG-1) on an approximate 33.8-acre site located northwest and west of the southwest corner of Appleby and Gilbert roads.

(STAFF REQUESTS WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)

C. LUP12-0009 SEKSUN SUSHI GOAROUND

Approved.

Request Use Permit approval to sell liquor for on-premise consumption only within a restaurant (Series 12 Restaurant License) at 1175 W. Ray Road, Suite 1, west of the intersection of Ray and Alma School Roads.

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.

D. LUP12-0013 OCOTILLO GRILL, LLC

Approved.

Request Use Permit approval to sell liquor for on-premise consumption only within a restaurant (Series 12 Restaurant License) and outdoor patio located at 2625 W. Queen Creek Road, Ste. 1, west of the southwest corner of Queen Creek and Dobson Roads.

1. Expansion or modification beyond the approved exhibits (Site and Floor plans) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other store locations.
3. Use Permit approval does not constitute Final Development Plan approval. Compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site shall be maintained in a clean and orderly manner.

5. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.

E. LUP12-0015 YOGI'S GRILL

Approved.

Request Use Permit approval to sell liquor for on-premise consumption only within a restaurant (Series 12 Restaurant License) at 6050 W. Chandler Boulevard, Suite 3, the northwest corner of Kyrene Road and Chandler Boulevard.

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.

F. LUP12-0016 COVO CAFÉ

Approved.

Request Use Permit approval to sell liquor for on-premise and off-premise consumption (Series 12 Restaurant License & Series 7 Liquor License) at a new café that includes live music located at 55 W. Chicago Street, approximately 200 feet west of Arizona Avenue at the southwest corner of Chicago and Wall Streets.

1. The Use Permit granted is for a Series 12 license and a Series 7 license only, and any change of licenses, including removal of the Series 12 license, shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. The outdoor patio and areas adjacent to the entrances shall be maintained in a clean and orderly manner.
5. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
6. Music shall be controlled so as to not unreasonably disturb area residences.
7. The restaurant shall provide contact information for a responsible person (restaurant owner and/or manager) to interested neighbors that allows music complaints to be resolved quickly and directly.

G. ZUP12-0008 NEW HORIZON YOUTH HOMES, INC.

Approved.

Request Use Permit extension approval for the continued operation of a behavioral health group home for up to seven residents within a single-family residential home. The subject site is located at 760 E. Stottler Place, south and west of the southwest corner of McQueen and Warner roads.

1. 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.
2. The Use Permit is non-transferable to any other location.
3. The group home shall have no more than seven (7) residents at any time.
4. The Use Permit to operate an assisted living home is specific to the existing property owner, and if the property should be sold in the future the Use Permit shall be null and void.
5. This Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
6. The site shall be maintained in a clean and orderly manner.

H. ZUP12-0010 MORGAN'S HOME CHILD CARE

Approved.

Request Use Permit approval for residential child care for up to seven children within an existing single-family residential home. The subject site is located at 923 N. Dakota Street, south and west of the southwest corner of Arizona Avenue and Ray Road. **(STAFF REQUESTS WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING).**

I. ZUP12-0013 CHAMBERLAIN DEVELOPMENT

Approved.

Request Use Permit approval to allow automobile sales in a Planned Area Development (PAD) zoning district. The property is located at 6948 W. Chandler Boulevard, north of the northeast corner of Chandler Boulevard and 56th Street.

1. Expansion or modification beyond the approved exhibits and representations shall void the Use Permit and require new Use Permit application and approval.
2. Signage for advertising shall be in conformance with City of Chandler's Zoning and Sign Codes except as specifically modified through case DVR08-0006 AAMCO PLAZA.

NANCY RYAN, 1064 W. ENFIELD PLACE, CHANDLER stated the address is just southwest of their application A, Banner Health Center. She said she was here in support of this change from a commercial retail center to a medical office clinic. She is really pleased with this change in that it will add more jobs to the area. She had 3 additional comments and said she is happy to work with Staff on these and that by no means does this change her support for the project. She thought they had a missed opportunity to look for a walkway connection through the parking lot not just at the entrances to Alma School and especially if there is the opportunity for future transit connections such as the bus stop. Maybe that is something that could be

covered under a future condition as opposed to something that they have to build now. She understands that the bus stop would be subject to funding through the region. Also, to insure that the trees that are placed along the sidewalk are close enough to provide future shade for a comfortable walking environment. She said she was really pleased with this application and the project and she knows they don't get to hear positive things very often so she wanted to be sure to show up.

CHAIRMAN RIVERS thanked her for coming and asked if anybody had any questions of the speaker. He asked Staff if her concerns were something that they would need to look at now.

MS. NOVAK, Senior City Planner said that all of her concerns were already being done so they are on the plan. She said Ms. Ryan just has a plan that is extremely blurry. There is a note that says 'future bus bay' and where it's going in the future. There is a sidewalk connection coming through the landscaping on Alma School Road. It is just hard to see on the landscape plan on her copy. There are trees abutting right on the backside of the sidewalk and they will certainly provide enough shade along that pathway along Alma School as well as the one on Willis if she wanted to take that route into the development. Ms. Novak said she would meet with her afterwards and show her the plan so she can see it in more detail.

CHAIRMAN RIVERS thanked her and said to Ms. Ryan that she couldn't have answers any quicker than that.

MOVED BY COMMISSIONER RYAN, seconded by **VICE CHAIRMAN VEITCH** to approve the Consent Agenda with additional stipulations as read into the record by Staff. The Consent Agenda passed unanimously 4-0 with 3 Commissioners absent (Commissioners Baron, Cunningham and Donaldson).

6. DIRECTOR'S REPORT
Mr. Mayo said he had nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN RIVERS wished his son a happy birthday. CHAIRMAN RIVERS announced that the next regular meeting is August 1, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:43 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 1, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Cunningham.

3. The following Commissioners answered Roll Call:

   Chairman Leigh Rivers
   Commissioner Andrew Baron
   Commissioner Katy Cunningham
   Commissioner Bill Donaldson
   Commissioner Phil Ryan

   Absent and excused:

   Commissioner Matthew Pridemore
   Vice Chairman Stephen Veitch

   Also present:

   Mr. Kevin Mayo, Planning Manager
   Ms. Jodie Novak, Senior City Planner
   Mr. Erik Swanson, City Planner
   Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER RYAN, seconded by **CHAIRMAN RIVERS** to approve the minutes of the July 18, 2012 Planning Commission Hearing. The motion passed unanimously 2-0 with 3 abstentions. (Commissioners Baron, Cunningham and Donaldson). Vice Chairman Veitch and Commissioner Pridemore were absent.

5. ACTION AGENDA ITEMS

   CHAIRMAN RIVERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for action.

A. DVR12-0003/PPT12-0001 THE ENCLAVE

Approved.

Request rezoning from Conceptual Planned Area Development (PAD) for commercial with a transit-oriented multi-family residential overlay to PAD (Multi-Family Residential) with Preliminary Development Plan (PDP) for an apartment development and Preliminary Plat approval. The property is located at the southeast corner of Arizona Avenue and Chandler Heights Road.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "The Enclave", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0003, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. 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.
8. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or

allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

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

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "The Enclave", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0003, except as modified by condition herein.
2. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
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. The parking space canopies shall incorporate building materials, forms, and colors to match the development as represented in the Development Booklet.

Preliminary Plat

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

B. DVR12-0016/PPT12-0009 BELMONT ESTATES

Approved to continue to the September 5, 2012 Planning Commission hearing.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) along with Preliminary Development Plan and Preliminary Plat approval for a single-family residential subdivision on approximately 33.8 acres. The subject site is located at the northwest corner and west of the southwest corner of Appleby and Gilbert roads. **(STAFF REQUESTS CONTINUANCE TO THE SEPTEMBER 5, 2012 PLANNING COMMISSION HEARING.)**

C. ZUP12-0010 MORGAN'S HOME CHILD CARE

Approved.

Request Use Permit approval for residential child care for up to ten children within an existing single-family residential home. The subject site is located at 923 N. Dakota Street, south and west of the southwest corner of Arizona Avenue and Ray Road.

1. The residential childcare home shall have no more than ten (10) children for compensation, at any time.
2. Should the applicant sell the property, this Use Permit to operate a childcare home shall be null and void.
3. This Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to an approval by the City of Chandler.

D. ZUP12-0012 ELDERCARE @ WESTERN

Approved.

Request Use Permit extension approval for the continued operation of an assisted living home for the elderly within a single-family home. The subject site is located at 2004 W. Western Drive, north of the northwest corner of Elliot and Dobson roads.

1. The assisted living home shall have no more than eight (8) residents at any time.
2. Should the applicant sell the property, this Use Permit to operate an assisted living home shall be null and void.
3. This Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

E. ZUP12-0018 STELLAR AUTOPLEX SALES AND LEASING LLC

Approved.

Request Use Permit extension approval for the continued operation of automotive sales within an I-1 Planned Industrial zoning district. The subject site is located at 4041 W. Milky Way, the southeast corner of Milky Way and 79th Street.

1. The Use Permit shall be extended for a period of five (5) years, at which time re-application shall be required. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
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. On street parking is prohibited. All vehicles must be parked within designated parking spaces inside the paved parking lot, fenced yard, or inside the building.
4. The site shall be maintained in a clean and orderly manner.

MOVED BY COMMISSIONER RYAN, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 5-0 with 2 Commissioners absent (Vice Chairman Veitch and Commissioner Pridemore).

6. DIRECTOR'S REPORT
Mr. Mayo said he had nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN RIVERS announced that the next regular meeting is August 15, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT
The meeting was adjourned at 5:38 p.m.

for Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 15, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Ryan.

3. The following Commissioners answered Roll Call:

   Vice Chairman Stephen Veitch
   Commissioner Andrew Baron
   Commissioner Katy Cunningham
   Commissioner Matthew Pridemore
   Commissioner Phil Ryan

   Absent and excused:

   Chairman Leigh Rivers
   Commissioner Bill Donaldson

   Also present:

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

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER CUNNINGHAM to approve the minutes of the August 1, 2012 Planning Commission Hearing. The motion passed unanimously 3-0 with 2 abstentions (Vice Chairman Veitch and Commissioner Pridemore). Also, Chairman Rivers and Commissioner Donaldson were not present for this meeting.

5. ACTION AGENDA ITEMS

   VICE CHAIRMAN VEITCH 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 were no items pulled for action.

A. PDP12-0007 AERO-ZONE SOLAR PARKING COVER

Approved.

Request Preliminary Development Plan (PDP) approval to allow a parking canopy cover within the building setback for property located at 2200 S. Stearman Drive, southwest corner of Cessna Drive and Stearman Drive.

1. Development shall be in substantial conformance with the representations and exhibits presented by the applicant.
2. The parking canopy cover shall be designed with paint colors and materials to be architecturally compatible with the existing building.

B. LUP12-0014 SANTAN BREWING COMPANY

Approved.

Request Use Permit approval to use several suites dedicated to alcohol production and packaging(Series 3 Domestic Microbrewery License) adjacent to an existing restaurant at 8 South San Marcos Place.

1. The Use Permit granted is for a Series 3 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. 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.
4. The area adjacent to the establishment shall be maintained in a clean and orderly manner.
5. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

C. ZUP12-0009 CROOKS CHIROPRACTIC

Approved.

Request Use Permit extension approval for the continued operation of a Chiropractic office within a single-family residential home. The subject site is located at 100 S. Cooper Road, south of the southwest corner of Chandler Boulevard and Cooper Road.

1. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
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 site shall be maintained in a clean and orderly manner.

D. ZUP12-0014 VISTA STAR VACANT LOT

Approved.

Request Use Permit approval to allow storage in a Medium-Density (MF-1) zoning district. The property is a vacant lot located west of (in the rear of) the duplex at 516 N. Washington Street, south and east of Galveston Street and Arizona Avenue.

1. Expansion or modification beyond the approved exhibits and representations shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. One of the smaller storage sheds shall be removed.
4. All necessary building permits shall be obtained within six (6) months of City Council approval.
5. The site shall be maintained free of weeds or nuisance-inducing materials.
6. Storage materials shall not exceed the height of the property walls.
7. A 6'-high block fence and slatted-fence gate shall be installed along the property line adjacent to the alley within six (6) months of City Council approval.

E. ZUP12-0021 ALLRED CAC II

Approved.

Request Use Permit approval for an athletic training facility within a Planned Area Development (PAD) zoned district. The subject site is located at 2150 E. Germann Road, east of the northeast corner of Cooper and Germann roads.

1. 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.
2. The Use Permit is non-transferable to other locations.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. **The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.**
5. The site shall be maintained in a clean and orderly manner.
6. Fitness activities shall be restricted to indoors only.

MOVED BY COMMISSIONER PRIDEMORE, seconded by **COMMISSIONER BARON** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 5-0 (Chairman Rivers and Commissioner Donaldson were not present at the meeting).

6. DIRECTOR'S REPORT
Mr. Mayo said he had nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS
VICE CHAIRMAN VEITCH announced that the next regular meeting is September 5, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT
The meeting was adjourned at 5:43 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, September 5, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Donaldson.

3. The following Commissioners answered Roll Call:

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

   Also present:

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

4. APPROVAL OF MINUTES

   MOVED BY VICE CHAIRMAN VEITCH, SECONDED BY COMMISSIONER PRIDEMORE to approve the minutes of the August 15, 2012 Planning Commission Hearing. The motion passed unanimously 5-0 with 2 abstentions (Chairman Rivers and Commissioner Donaldson were not present at that meeting).

5. ACTION AGENDA ITEMS

   CHAIRMAN RIVERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. He said they had withheld Item A from the Consent Agenda but they were given the indication that they want to put that back on to the Consent Agenda. There were no objections from the Commissioners on this so Item A was put back on the Consent Agenda and there were no other items pulled for action.

   The Chairman also said that he did have one speaker card and that person did not wish to speak. He said Gary Hays is opposed to the multi-tenant use of Item A.

A. DVR12-0006 PRICE ROAD COMMERCE CENTER

Approved.

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

Rezoning

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "PRICE ROAD COMMERCE CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0006, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals or as otherwise approved in a development agreement.
5. Unless otherwise included as part of the City's Capital Improvement Program, the developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and

quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

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

7. Landscaping shall be in compliance with current Commercial Design Standards.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
10. Approval by the Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
11. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

Preliminary Development Plan

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

B. <u>DVR12-0015/PPT12-0008 LAYTON LAKES PARCELS 24, 26 & 27</u>

Approved.

Request rezoning from Planned Area Development (PAD) for Single-Family and High-Density Residential to PAD amended for Single-Family Residential, with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and housing product on approximately 95 acres located south and east of the southeast corner of Gilbert and Queen Creek roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Layton Lakes Parcel 24, 26 & 27 PAD & PDP Amendment" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0015, modified by such conditions included

at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

2. Compliance with the original stipulations adopted by the City Council as Ordinance 3250, case DVR00-0025 LAYTON LAKES, except as modified by condition herein.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. 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.
8. 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.
9. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
10. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
11. 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 Layton Lakes Parcels 24, 26 & 27 development shall use treated effluent to maintain open space, common areas, and landscape tracts.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Layton Lakes Parcel 24, 26 & 27 PAD & PDP Amendment" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0015, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as case PDP03-0038 LAYTON LAKES, except as modified by condition herein.
3. The same elevation shall not be built side-by-side or directly across the street from one another.
4. All homes built on corner lots within the residential subdivision shall be single-story.
5. Window mullion patterns shall remain consistent on all sides of the homes.
6. For lots backing onto an arterial street, two-story homes are limited to every third lot.

Preliminary Plat

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

C. DVR12-0020 NW & W OF THE SWC APPLEBY & GILBERT ROADS

Approved.

Request the establishment of initial City zoning of Agricultural (AG-1) on an approximate 33.8-acre site located northwest and west of the southwest corner of Appleby and Gilbert roads.

Upon finding consistency with the General Plan, Staff recommends approval of the establishment of initial city zoning of AG-1 on an approximate 33.8-acre site located northwest and west of the southwest corner of Appleby and Gilbert roads.

D. DVR12-0016/PPT12-0009 BELMONT ESTATES

Approved to continue to the September 19, 2012 Planning Commission Hearing.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) along with Preliminary Development Plan and Preliminary Plat approval for a single-family residential subdivision on approximately 33.8 acres. The subject site is located at the northwest corner and

west of the southwest corner of Appleby and Gilbert roads. **(REQUEST CONTINUANCE TO THE SEPTEMBER 19, 2012 PLANNING COMMISSION HEARING.)**

E. DVR12-0017 SAN HACIENDA II

Approved.

Request rezoning from AG-1 (Agricultural District) and C-3 (Regional Commercial District) to PAD (Planned Area Development) to allow multi-family residential with Preliminary Delopment Plan (PDP) for multi-family residential on approximately 3.5 acres located south of the southwest corner of Warner Road and Arizona Avenue adjacent to the existing San Hacienda apartment community.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "San Hacienda Expansion", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0017, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. 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.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "San Hacienda Expansion", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0017, except as modified by condition herein.
2. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.

3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
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. The parking space canopies shall be consistent in design with existing parking space canopies throughout the development.

Preliminary Plat

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

F. DVR12-0024 COMSTOCK OFFICE WAREHOUSE

Approved.

Request rezoning from Planned Industrial District (I-1) with a Planned Area Development (PAD) overlay, I-1/PAD zoning, to I-1/PAD amending the ordinance and allowed uses for property located at 305 East Comstock Drive, east of Arizona Avenue and south of Elliot Road.

1. Development shall be in substantial conformance with existing zoning and PDP approvals except as modified by the application materials of this request (narrative and site plan) and associated conditions of approval.
2. Automotive repair shop, a body and fender shop, an auto broker, car rental, vehicle maintenance, and the like shall be allowed as represented by the application materials.
3. All work shall be conducted indoors.
4. There shall be no outdoor storage of parts.
5. Any overnight storage of vehicles will be stored in the gated area.

G. PDP12-0010 BANK OF AMERICA ATM

Approved.

Request Preliminary Development Plan (PDP) approval for a drive-up ATM in the shopping center parking lot at the northeast corner of Ray and Rural Roads.

1. Development shall be in substantial conformance with application materials (site plan, elevations, narrative), except as modified by condition herein.
2. Compliance with previous site approvals, except as modified by condition herein.
3. The adjacent existing tree shall be maintained and trimmed in a natural manner.

H. PDP12-0017 AVIAN MEADOWS

Approved.

Request Preliminary Development Plan approval for housing product for a single-family residential subdivision located north of the northwest corner of Chandler Heights and Lindsay roads.

1. Development shall be in substantial conformance with Attachment No.7, Development Booklet, entitled "AVIAN MEADOWS", kept on file in the City of Chandler Transportation & Development Services Department, Planning Division, in File No. PDP12-0017 AVIAN MEADOWS, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 4202 in case DVR09-0002 AVIAN MEADOWS, except as modified by condition.

I. LUP12-0017 NANDO'S MEXICAN CAFÉ

Approved.

Request approval of a Use Permit to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within an outdoor patio at a new restaurant within The Shops at Pecos Ranch development. The property is located at the northeast corner of Dobson and Germann Roads.

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

J. ZUP12-0019 APEX TINT LLC

Approved.

Request Use Permit approval to allow automotive detailing, windshield/window repair and replacement, and automotive window tinting within the I-1 (Planned Industrial District) zoning. The subject site is located at 500 N. 56th Street, Suites 8 and 19, north of Chandler Boulevard.

1. Expansion or modification beyond the approved exhibits (site plan, floor plan, narrative, parking plan) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The use shall be in substantial conformance with exhibits and representations.
4. The property shall be maintained in a clean and orderly manner.
5. All vehicle work shall occur indoors only.
6. There shall be no washing of vehicles outside or indoors creating running water on the property.

K. ZUP12-0023 LEADING EDGE AUTO FINISHES

Approved.

Request extension of Use Permit approval to operate an auto body repair business in the Planned Industrial (I-1) Zoning District. The subject property is located at 7021 W. Oakland Street, north and west of Chandler Boulevard and 56th Street.

1. Expansion or modification beyond the approved exhibits and representations shall void the Use Permit and require new Use Permit application and approval.
2. The subject business will abide by all building, fire, and other applicable city regulations including those that pertain to auto repair as a condition of occupancy.
3. The site shall be maintained in a clean and orderly manner.
4. All vehicle storage shall occur inside the gated area.
5. All vehicle work shall occur inside the building.
6. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

L. ZUP12-0026 ARIZONA NATURAL MEDICAL CENTER

Approved.

Request Use Permit approval to operate a medical office in a converted residence at 821 W. Warner Road, east of the southeast corner of Warner and Alma School Roads.

1. Expansion or modification beyond the approved exhibits and representations shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The site shall be maintained in a clean and orderly manner.

KEVIN MAYO, PLANNING MANAGER, stated that on the agenda they had inadvertently left off on Item E, San Hacienda II the Preliminary Plat number PPT12-0014, which is also a part of that request this evening. He said it is attached with the memo but didn't make it on to the agenda.

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

6. DIRECTOR'S REPORT

Mr. Mayo said he had nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS announced that the next regular meeting is September 19, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 5:42 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, September 19, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Baron.

3. The following Commissioners answered Roll Call:

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

   Also present:

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

4. APPROVAL OF MINUTES
   MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER CUNNINGHAM** to approve the minutes of the September 5, 2012 Planning Commission Hearing. The motion passed unanimously 7-0.

5. ACTION AGENDA ITEMS
   CHAIRMAN RIVERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. Item A was pulled to action.

B. DVR12-0016/PPT12-0009 BELMONT ESTATES

Approved.

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) along with Preliminary Development Plan and Preliminary Plat approval for a single-family residential subdivision on approximately 33.8 acres. The subject site is located at the northwest corner and west of the southwest corner of Appleby and Gilbert roads.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "BELMONT ESTATES" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0016, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. 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.
8. 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.
9. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
10. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
11. 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 Belmont Estates development shall use treated effluent to maintain open space, common areas, and landscape tracts.

12. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
13. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby a heliport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

The following stipulations shall be the responsibilities of the sub-divider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:

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

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

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit No. 7, Development Booklet, entitled "BELMONT ESTATES", and kept on file in the City of Chandler Planning Division, in File No. DVR12-0016, except as modified by condition herein.
2. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
3. The same elevation shall not be built side-by-side or directly across the street from one another.
4. All homes built on corner lots within the residential subdivision shall be single-story.
5. No more than two, two-story homes shall built side-by-side for lots 16-27.
6. Lots along the southern property line shall be limited to single-story homes.

Preliminary Plat

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

C. DVR12-0023 MAPLEWOOD COURT

Approved to continue to the October 3, 2012 Planning Commission Hearing.

Request rezoning from Planned Area Development (PAD) to PAD Amended along with Preliminary Development Plan approval for housing product for a 32-lot single-family residential subdivision located at the southwest corner of Maplewood and Vine streets. **(REQUEST CONTINUANCE TO THE OCTOBER 3, 2012 PLANNING COMMISSION HEARING.)**

D. DVR12-0025 SPECTRUM SENIOR LIVING AT OCOTILLO

Approved.

Request rezoning from Planned Area Development (PAD) for a church to PAD for an assisted living care center along with Preliminary Development Plan approval for building architecture and site layout. The subject site is located at 1500 NW Jacaranda Parkway, the southeast corner of Pennington Drive and Queen Creek Road.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "SPECTRUM SENIOR LIVING AT OCOTILLO", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0025, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. 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.

4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. Approval by the Director of Transportation and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
6. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
7. 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.
8. 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.
9. 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.
10. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
11. 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 SPECTRUM SENIOR LIVING AT OCOTILLO development shall use treated effluent to maintain open space, common areas, and landscape tracts.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit No. 4, Development Booklet, entitled "SPECTRUM SENIOR LIVING AT OCOTILLO", and kept on file in the City of Chandler Planning Division, in File No. DVR12-0025, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The site shall be maintained in a clean and orderly manner.

E. DVR12-0029/PPT12-0013 JACKSON PLACE

Approved.

Request rezoning from Planned Area Development (PAD) Commercial to PAD Single-Family Residential with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval on approximately 6.5 acres at the southeast corner of Ray Road and Jackson Street, 450 feet west of McQueen Road.

Rezoning

1. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
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. 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).
   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.
5. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. 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. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
8. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit No. 8, Development Booklet, entitled "Jackson Place", and kept on file in the City of Chandler Planning Division, in File No. DVR12-0029, except as modified by condition herein.
2. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
3. The same elevation shall not be built side-by-side or directly across the street from one another.
4. All homes built on corner lots within the residential subdivision shall be single-story.
5. For lots adjacent to an arterial street, two-story homes are limited to every third lot, with no more than two, two-story homes built side-by-side.
6. Window mullions, consistent with the architectural style of the home, shall be provided throughout all elevations.
7. Stone elements shall be standard on one elevation of every floor plan.
8. Exterior lighting, consistent with the architectural style of the home, shall be provided.

Preliminary Plat

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

F. LUP12-0019 WAL-MART NEIGHBORHOOD MARKET

Approved.

Request Use Permit approval to allow the sale of beer, wine and all spirituous liquor under a Series 9 liquor license for off-premise consumption. The approval is requested for a Walmart Neighborhood Market that will be constructed at the northwest corner of Chandler Boulevard and Cooper Road.

1. The Use Permit is for a Series 9 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall oid the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.

G. LUP12-0020 BAY LEAF CAFÉ

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License to sell and serve liquor for on-site consumption indoors and on an outside patio at an existing restaurant. The property is located at 955 W. Chandler Heights Road, Suite 1.

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

COMMISSIONER RYAN stated that he provided consulting services on Item D and his consent vote will not include that project.

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

ACTION:

A. DVR12-0007 NUVO

Request rezoning from Planned Area Development (PAD) Commercial to PAD Multi-Family/Commercial with Preliminary Development Plan (PDP) approval on approximately 9 acres at the southwest corner of Erie Street and McClintock Drive.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "NUVO", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0007, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be

located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. 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.
8. The multi-family apartment manager shall display, in a conspicuous place within the rental office, a map illustrating the location of the NUVO Multi-Family Apartments in the context of Stellar Airpark. Such map or aerial photo shall be a minimum size of 24" x 36". Compliance with this condition shall be demonstrated by the property owner or multi-family apartment manager by submittal to the Zoning Administrator of a signed affidavit and photograph that acknowledges such map is on display prior to beginning any rental activity.
9. Prior to execution of any lease, prospective apartment tenants shall be given written disclosure in their lease and in a separately signed disclosure statement acknowledging that this apartment community is located proximate to the Stellar Airpark, that an avigational easement exists on the property, and that the property is subject to aircraft noise and overflight activity. The requirement for such disclosures shall be confirmed in an Avigation Notice Covenant that runs with the land and is recorded with the Maricopa County Recorder prior to issuance of the first Building Permit for this development.
10. All apartment buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are in conformance with this condition.
11. The developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
12. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
13. In the event the development is proposed to be subdivided to allow individual condo unit ownership, the proposed condos shall be processed in accordance with City of Chandler plat requirements which includes public hearings and, if such Condo Plat is approved and Recorded, the following stipulations shall be the responsibilities of the sub-divider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
    a) Prior to any condo unit reservation or purchase agreement, any and all prospective condo buyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies proximate to the Stellar Airpark and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight

activity. This document signed by the condo buyer shall be recorded with the Maricopa County Recorder's Office upon sale of the condo to such buyer.

b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the condo sales office, a map illustrating the location of the Condo Plat in the context of Stellar Airpark. Such map or aerial photo shall be a minimum size of 24" x 36". Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal to the Zoning Administrator of a signed affidavit and photograph that acknowledges this map is on display prior to beginning any sales activity.

c) The Condo Plat shall contain the following statement on the cover sheet in a prominent location and in large text:
"This property is located within or adjacent to the Stellar Airpark and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler."

d) The aircraft noise, overflight activity and avigational easement information referenced above in "a" and "c" shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona law.

14. Prior to the execution of any lease, prospective apartment tenants shall be given a written disclosure statement acknowledging that the apartments are located adjacent to or nearby existing and future industrial uses that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Lease/Purchase Contracts", CC&R's, and individual rental contracts shall state such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/apartment builder/developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

15. All leases at the NUVO multi-family apartments shall provide that all questions, concerns or complaints any tenant may have about Stellar Airpark of the operation of aircraft landing at, taking off from or operating at or on Stellar Airpark shall be directed solely to the manager of NUVO and not to the Stellar Airpark, the City of Chandler, the FAA, any aircraft owner or any pilot. All leases shall also provide that it shall be within the sole and absolute discretion of the Manager of NUVO (and not the tenant) to determine (after the Manager's due consideration of all Stellar-related acknowledgements and disclosures that are required by these Zoning Stipulations and consideration of all information known to NUVO's Manager) whether or not, when and how to communicate any tenant's question, concern or complaint to the manager of the Stellar Runway Utilizers Association or elsewhere. This requirement shall be confirmed in a Stellar-related Communications Covenant that runs with the NUVO land and is Recorded with the Maricopa County Recorder prior to issuance of the first building permit for this development.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "NUVO", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0007, except as modified by condition herein.

2. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
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. The parking space canopies shall incorporate building materials, forms, and colors to match the development.

CHAIRMAN RIVERS stated that Staff will be giving a presentation, the developer will be giving a presentation and they will move to audience participation. He has been given approximately 146 speaker cards for this item. In the interest of time, for the 144 speaker cards that are opposed to this item he is going to allow an hour and a half to speak. How they speak, how many speak and how long they speak is up to them but they are going to limit this to an hour and a half. They will have their turn to speak after the first 2 presentations are given.

MS. JODIE NOVAK, SENIOR PLANNER, stated this is a rezoning application in which the property owner and developer has filed an application with the City of Chandler to request changing the land use on the property. Along with that land use change they have a Preliminary Development Plan which is a very detailed oriented development plan including site design, landscape design, building design, grading design, amenity design, etc. As a part of this application, they have submitted a development booklet which they have which is a very detailed development proposal for their review.

The property has been a part of a larger master planned industrial business park. In 2009, this property was rezoned and approved by our City Council as part of a 26-acre project. The project at the time had a mix of office uses and commercial uses. The subject site in question is 9 acres of that larger 26 and at that time of what is still allowed to be built today if the property owner wanted to develop it, is a 9 acre project that included retail. It had several in-line shop buildings for retailers and merchants. It had 3 free standing retail restaurant pads and it also had a four-story high hotel building that was also approved. As you know, the property never did develop with those uses but those are the uses currently approved for the property.

The application before them is a request to build a multi-family residential development. This project would include 222 multi-family apartment units. The development booklet includes the siting of the buildings, the orientation of the building, its' relationship with the landscaping, parking as well as access to and from this particular property. This property is located in an area of this larger master planned industrial business park which has yet to be completed and

developed. They don't know ultimately how it will develop. They know what the current land uses are but as you know zoning can change in the future. The property is surrounded on all sides by roads. They are City owned public streets. Some of them are collector streets and some of them are arterial streets. It is right along McClintock Drive. It is north of Chandler Boulevard. It has Erie Street on the north and Juniper Drive on the west.

This particular project from the detailed exhibits they have been able to review is a very distinctive urban oriented modern design project. They have one other similar type of a project already approved by their City Council to develop in another part of the City of Chandler that would deemed more of a modern urban type of a scene. This would be the second one coming in for the city. This project is not their traditional looking apartment community. It is very unique in how the buildings are oriented, access into the unit, access into the building, how the parking is established and so forth. It is intended to be urban in nature and more compact. A little bit more dense and really geared to a specific life style people that would be locating within this particular residential community. This project is in conformance with the City's adopted Plan. City Council adopted the General Plan which went to a citizen vote several years ago. It is in conformance with all of our zoning codes, site development standards except for the developmental waivers that are included in the development booklet for your review. It does meet and exceed the City's quality expectations for design when it comes to the building architecture and the layout and so forth.

This project is a part of the Stellar Airpark area in terms of an Airport Impact Overly (AIO) district. This AIO is specifically described in the City Council adopted Zoning Code manual and the Zoning Code does establish boundaries of where this Airport Impact Overly District is. It runs north to Ray Road, south past the existing Loop 202 Freeway. It is surrounded by Kyrene Road on the west and is bounded by McClintock Drive on the east. It is within that overlay area, however, it does not have any noise contours directly on this particular piece of property per the City's adopted noise contours and our Zoning Code as well as our zoning maps. That is explained a little bit in detail in the Staff report that they have.

As a part of meeting all of the City's design requirements as well as conformance with our General Plan, all of our adopted land use documents and our zoning code allowances. The Planning Staff is of the opinion that they feel this is a very supportable project that meets all of the requirements that they would have typically looked for. The applicant and developer has taken lots of time to speak with individual homeowners or property owners and business owners, they have had multiple neighborhood meetings as well. They have even had a neighborhood meeting just recently. There are individuals that do support this project and there are individuals that don't support this project. The reasoning's are outlined in a general summary in the Staff Report. She is sure individuals will speak to it in more details this evening. There are our standard zoning conditions for both the rezoning component as well as the Preliminary Development Plan component and their motion is that they support and approve both the rezoning request as well as the Preliminary Development Plan that is before them this evening. She said she would be very happy to answer any questions they have keeping this brief because they do have a lot of the material before them as well.

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

COMMISSIONER CUNNINGHAM said that Ms. Novak mentioned that the General Plan was adopted in 2008 and she brought the book with her today because she studied it and reviewed it and it appears on the land use map that this area is to be used for employment. How many people will this project employ? Ms. Novak replied that the category designated over this land is employment. That is not the use that is necessarily allowed. Under the employment category the General Plan specifically describes and defines all uses that are permitted in an employment category. High-density residential is one of those listed allowed uses so employment throughout the City of Chandler they have in west Chandler and I-10 and Ray, in this location, in South Chandler along Price Road, and in north Chandler. It's a broad category and the General Plan further defines what uses are allowed. Secondarily to that it also is in what's called a growth expansion node. That section of the General Plan explicitly states the northwest corner of Chandler Blvd. and McClintock is allowed to have high-density residential. So it's in 2 locations of their General Plan. It is not required that this property has to be a business that hires employees and pays them. That is not how that employment category has ever been defined in the City under any of their General Plan. **COMMISSIONER CUNNINGHAM** said she questioned in the book that it specifically states that the General Plan, the build out and beyond from 2008 that the City was trying to become a Work/Home environment and she asked how many people Creative Leather factory employees? The City only has 7.8% of the City's land for employment and they are running out of space and she wants to know how many people at this point will it going to employ. Ms. Novak said the apartment complex itself will have employees, how many she didn't know. They have maintenance staff, management staff, leasing staff. That is all part of any residential community. They do have staff that will work on that property. As far as the other businesses in that area, she doesn't have how many employees that they have hired, how many are working there currently and what their future expectation for that number is. **COMMISSIONER CUNNINGHAM** asked if she had any idea how many people are employed at Creative Leather. Ms. Novak said she does not know. She didn't know if their Economic Development office has that information for this evening but she didn't.

CHRIS MACKEY, ECONOMIC DEVELOPMENT DIRECTOR, stated they regularly visit with their companies. Most recently in visiting with Creative Leather, they are right around 30 employees at that particular location. There are multiple businesses in that location. They do share their space.

CHAIRMAN RIVERS asked the developer to come up and speak.

ED BULL, 702 E. OSBORN ROAD, PHOENIX, said he is here representing BUTTE. He has several people here with him which he will introduce in a moment in case they have questions for them. They appreciate Staff's recommendation for approval. They accept all of Staff's recommended stipulations and will do their best to focus the presentation on the site and area and the plans that are before them and so on. He anticipates there will be other issues and will be asked to address through rebuttal. So with their permission he would like to reserve some time

for rebuttal after other speakers have spoken. Some of those questions he may be able to answer or for other questions he may asked for the answer from Ed Lewis who is the head of Butte Development or by Anthony Jaurigue who is their architect or Tony Sola who is the acoustical consultant for about 25 years or by Ray Friedlobe who is a lawyer who has dealt with FAA issues for about 30 years. Between the group of them it is his hope they can answer most questions that they have.

NUVO for all the reasons that are shown in the project booklet and also touched on by Jodie and detailed more so in her Staff report, is an absolutely wonderful development that just shines with quality. It does the kinds of things that Chandler has asked happen not only on multi-family but other kinds of developments as well. He said he will get into more detail but at the end of this presentation he will ask that this Commission recommend approval in accordance with Staff's recommendation.

He showed the land use map out of the City's General Plan which is attached to their Staff Report. He showed where they were located and as was discussed a few moments ago, said this is designated as a growth node. When they look at definitions in the land use plan and language in the General Plan that talks about various things and the growth node including high-density multi-family and then when they look under employment, it once again recognizes that residential multi-family is appropriate in locations like this particularly in a growth node where mixed use including a residential component is encouraged.

As Jodie mentioned, the site is surrounded on 3 sides by streets; an arterial on the east and collector's on the north and west. In addition to that the site is surrounded by 69kv power lines and light poles. The tall 69kv power lines are 56 to 57 feet tall. Looking at the exhibit in addition to being surrounded by the 3 streets, the red dots shown designate engineering determined 69kv power pole heights that run all along McClintock. As they may be able to tell, they are between 56 and 57 feet tall. Along both Erie and Juniper, there are light poles. The yellow dots designate the light pole height. They are running 34 to 36 feet tall. So in many respects not only surrounded by streets but fenced in by power poles and by light poles on 3 sides. As they look at the area in the context of the City's adopted No Build area which is shown, this is the area that the City long ago identified as a No Build zone to offer protection to planes coming to or leaving from Stellar. As they look at the development that is approved on the property today and as Jodie mentioned, this exhibit shows the existing zoning approvals that are out there on the approximately 25 or 26 acres. With the NUVO site surrounded with a variety of retail and a 4 story hotel; a 4 story hotel that is not as tall as the 69kv power lines along McClintock but is very close to the tallest building that is centralized on their site plan. The difference is that the hotel is further to the west where they are providing 3 story buildings where the hotel was 4-story.

As they look at the City's official adopted noise contours, which are a product of City approvals and have been on the City zoning maps and are officially on the City zoning maps, the NUVO site is located here and as Jodie mentioned in her opening presentation, the NUVO site is located within the 6-mile Stellar Airport Overlay Impact zone - a 6 square mile zone that has hundreds if

not thousands of homes and other residential uses in it, they are also in that overlay but they are outside any of the noise contours that in anyway restrict residential development. In addition to that they had Tony Sola do, in the field noise studies, taking in the field noise measurements and he knows there can be argument over whether or not they were taken on the right days and right times and that type of thing. They were in the field measurements and importantly, those 3 noise studies which he believes are on their dais, did various things but also focused on the fact that in the field studies were very consistent with what Tony expected the noise studies would show per these adopted contours. In other words, there was consistency there. Secondly, he was picking up noise off of McClintock that was typically higher than noise coming from airplane over flights and thirdly, the noise he was picking up was in compliance with all Federal criteria, both interior and exterior. If they have questions of Tony, he can get into more detail on it but importantly, it is not even close as far as the Federal criteria coming anywhere close to being what would be appropriate for residential on this site.

The site plan they know from the project booklet; tremendous layout, tremendous landscaping package. If they are looking at this particular exhibit, these buildings along McClintock are 2 stories. This building on the corner is one, the building by the pool is one. There are some 1 story enclosed garages that occur. These buildings are over to the west that he mentioned in part is where the 4 story hotel is approved. Ours are 3 story and the buildings centered in the middle are 4 story. The elevations from the book and as Jodie touched on show extraordinary urban architecture and tremendous use of materials. The architectural conditions that are occurring on this building, which is the corner building, is something that includes a great deal of architectural and glass and natural light. It also provides something that rather than just being a clubhouse that's available to residents typically is the center on the site, is a clubhouse where the intention is there will also be a publicly acceptable coffee bar and wine bar for use by other people whether they are living or residing or working in the area. Something that in talking with some neighbors to the east and north, most neighbors found to be a very pleasing kind of opportunity and something that many of them would likely use whether by walking or by bicycling to it. Again, the architecture of the corner building they think is extraordinary. These are the 2-story buildings along McClintock. He showed the 3-story buildings along the western most edge of the property. Again, architectural movement and style being carried throughout. He showed the 4-story buildings but again they are centralized in the middle of the site.

The last drawing that has to do with elevations and so on is a drawing that again goes back to talking about these power poles and streetlights. This drawing shows the 56 to 57 foot tall power poles along McClintock and it shows the light poles that are in the 35 to 36 foot range occurring on the other collector streets and shows how it is that these power poles are the tallest item on the site by far and all buildings are under that. The 3 story buildings that are over where the 4-story hotel was are very close to being the same as the heights of the streetlights that are on both Juniper and Erie.

Again, they believe that when they look at this site based upon as Staff stresses in their report, the City's officially adopted ANO's-they are outside of them; in accordance with the City's officially adopted noise contours that are on the zoning map. Noise contours that in some

circumstances restrict residential development-they are outside of them and field studies verified the consistency between measurements being taken on the field and measurements on those noise studies. Again, circling back as well to this particular exhibit which shows without showing the noise contours but shows the no build zone or the clear zone-importantly, that is substantially to their west and while they recognize some flights take off to the north (most typically take off to the south) flights often come in from the north. They need to get to this location but once aligned with the runway that is the area they should be in for their safety and the safety of others and it is substantially west of the western most part of their development.

This overall area as they can tell from the aerial, has been pretty much skipped over for many years now. They believe it is time-it's this areas turn and something that this kind of development because of the mixed use aspect in providing opportunities for employers to have employees and to have first class opportunities, is what they believe to be an A+ quality development. It is a real opportunity to help jump start development in this overall area and bring some real excitement to the area. When Ed Lewis first came to him with this idea and concept, they started by having preliminary meetings with Staff. Those meetings were encouraging. It was clear that quality was important. He then embarked on getting consultants on board who could work with him on quality and deal with these plans. They did it and it is something he believes that Staff has been at least as complimentary of this architectural plan as any that he has had the opportunity to work with Staff on over the past 25 years or so. At the end of the day as he is sure they are aware Chandler is in a position where they have the 3rd highest household income in the valley, second to Gilbert and Scottsdale. The 3rd highest percentage of college degrees and again second to Scottsdale and Gilbert. They have very educated high wage earning employees in Chandler. Some choose to live here in single-family homes, some choose to live here in multi-family. Some of them though choose to live in other cities because they are not today getting the A+ quality that they may want to have. This development is elevator served to a development that has about 75% enclosed garages built into the buildings and into a development that has good sized units, high rents and about twice as many amenities as required and tremendous opportunities for people to live in a very safe, secure first class facility.

Jodie mentioned neighborhood outreach and they did have 2 neighborhood meetings. One in April and one in September, a week ago. We had a couple of meetings with the Stellar Airpark Board. There was some discussion with some single-family neighbors as well. A lot of stuff was generated, a lot of opposition was generated. They know that many people have received this development very well except for folks that are associated with Stellar and they respect their positions but in many ways they simply disagree with some of the perceptions that they have articulated to them through the board meetings and the neighborhood meetings. They know that many at Stellar simply do not want this development here. We get that. They simply disagree with them and they believe that on this site, which has been skipped over in this area, needs a shot in the arm. This is exactly the kind of development in the right location. Each issue that has been raised to us and they respect the people that have expressed these concerns, they just haven't pushed back saying you're right and you're wrong. Each issue whether it has to do with noise or FAA concerns or other kinds of concerns, they have either dealt with City approvals, FAA approvals or independent studies and independent analysis to deal with them. For example,

with respect to noise and they may or may not agree but they do not see this as an airport noise case. They are outside the City's officially adopted map for noise contours. The noise studies show that they are consistent in the context of not only airport noise but McClintock noise that was in accordance with Federal criteria. It is a scenario where they understand that there is a concern with noise; it is not born out on the City's officially adopted maps which are ones that they rely on and it is not born out in the field studies. Even if the amount of air traffic were increased as the numbers in his studies would show, Tony Sola would talk with you about how decibels or ldm's would go up some but it is a minimal increase compared to what they think it might be on air traffic or other issues.

They were asked to look at it from a safety perspective. The entity they turned to for that in part is the FAA. Again, in addition to the fact that they have power lines that he was talking about, the streetlights, the approved 4-story hotel, they also went to the FAA or submitted to the FAA asking them to analyze whether or not this development to the highest point on their tallest building could be a hazard to air and navigation. The FAA's official determination based upon the information they gave which was measuring to 50 feet to slightly above the top of the tallest building, came back with the determination that it is no hazard to air navigation per the FAA's official approval which they have a copy of at their dais. They also heard concerns with the FAA in general like would the FAA shut down Stellar Airpark. Would the FAA do this, would the FAA do that? He thinks it is important to keep in mind that aircraft while in flight are subject to FAA review. That is true irrespective of whether NUVO is developed, not developed or how it is developed. FAA monitoring of aircraft is what it is.

In the context of being asked to determine whether or not the FAA could shut down Stellar Airpark they retained a gentleman who is here this evening, Ray Friedlobe, a lawyer who has been involved in various aspects of FAA related issues be it for Denver International, for the FAA or for other developments over the years both in the Denver area and here in the valley. Ray put together his letter which they have on the dais based upon various information such as the FAA does not have jurisdiction over Stellar Airpark and cannot close Stellar Airpark even if it wanted to. The FAA is in the business of keeping planes in the air and airports and in this case an airpark open, not closed. The FAA believes most people acknowledge it has no jurisdiction over Stellar. Stellar Airpark came into the city as a legal non-conforming use out of the County. It is beyond his imagination that the City could or would ever entertain the possibility of closing Stellar. He can't imagine the folks who live at Stellar would close it either. There just really isn't an issue or concern once they studied it where the FAA would close Stellar. They were also asked to deal with a hazardous issue and again, that is the FAA letter plus other aspects of it that they have already touched on. They have been told that if residents make noise complaints, the FAA will step in and close an airport. Again, the FAA has no jurisdiction over Stellar Airpark but in addition to that they have been advised that while he recognizes that there have been airports closed around the country, he has been advised that there has never been an airport closed by the FAA based upon noise complaints and that too is in Ray's letter. Ray's letter goes on to discuss other kinds of issues, some of which you may have questions for him about, some of which you may not, but it is a very genuine attempt that Ed Lewis wanted us to make whether the issue had to do with noise, perceptions of hazardous conditions or whether it had to do with

perceptions of FAA closures. For each of those and other issues, they didn't just push back and say no, they are right and you're wrong. They studied and they went to the City's officially adopted plans and they went to FAA approvals and to a noise consultant in the business for 25 years or more and FAA consultant business for 30 years or more. Having said that from their perspective and while they appreciate that there are perceptions of concerns with noise and safety and so on, they have lined up against each one of those perceptions objective studies and objective data and confirmed approvals which they believe are very important. We hope their Commission believes they are very important because they are dealing with private property and private property rights. They have some people at a private airpark that are asking the City to engage and encumbering or controlling the use or other private property. It is very different than issues perhaps by a municipal airport because here they are dealing with a private airpark but be that as it may, municipal or private, they did their very best to square up on each issue, study it, look at the approvals and go to a Federal agency that has control over it and get the answers. He is hoping that they are important to their Commission.

In addition to doing all of those things, they worked with Staff on the stipulations that are a part of their Staff report and are a part of what they think is very important in a case like this where they know that people are concerned that somebody may move in and they would say they didn't know Stellar was there. In all of the stipulations that they have in their Staff report, several of them which they worked with Staff on have to do with acknowledgements and disclosures. For example, in a stipulation they are talking about having at least a 24 x 36 inch aerial or map of the area that is right in the rental office itself. In addition to that they talk about having a signed acknowledgement that they intentionally put on the aerial showing and labeling Stellar, showing the subject site, labeling the streets, the 202 and McClintock and so on and in the verbiage putting in all kinds of disclosure about Stellar Airpark and over flights and noise. They also expressly requested that it would be signed by both the landlord and the tenant and that a copy of this disclosure document would be kept in the file and if requested by either Stellar Airpark or requested by the Zoning Administrator, a copy of this would be produced upon request. Point being absolutely no one could take the position that they had become a tenant at NUVO with no knowledge of Stellar and no knowledge of over flights. They were then asked to put something to create a document that they recorded that would require the signature on this kind of a disclosure document. This is at recordation or what will be the recordation of an Avigation Noise Covenant. It requires that they include this in every lease package and that this be signed and does the things he just talked about.

In addition to that the City typically requires an Avigation Easement and that is in the stipulations as well. An Avigation Easement gets recorded on a plat or re-plat or a map of dedication. The City has a standard form Avigation Easement. It is basically fill in the blanks. This is it and they agree completely with it. It too discloses the airpark and discloses over flights. They have also talked with Staff about a couple other possible disclosures and waivers they can get into later if they want but it is very clear from the get go Ed Lewis and Butte have considered Stellar to be an asset, not a problem neighbor. They have welcomed the opportunity to be a neighbor in this mixed use master plan. They have welcomed the opportunity to tell every tenant that Stellar is there, that there are over flights, noise and so on. It is something they

believe the tenants will appreciate and certainly would not be in a position to say they didn't know anything about it or have any basis to complain about it. He said again, they can discuss as much as they want the stipulations, disclosures or other possible disclosures but the collective package with respect to land use from the get go through discussions with Planning Staff and Economic Development Staff, knew that under the City's adopted plans this was to be mixed use in this growth node and high-density multi-family was an important part of that mixed-use. It is something they could provide and provide in a very exciting way. They also knew that they would need to make sure it is very high quality. He thinks the exhibits are second to none in that regard.

They also knew they would need to reach to their neighbors, which they have done. They had no hesitancy whatsoever to provide the disclosures, to provide the recordation of documents which to his knowledge isn't typically provided and he thinks Staff can confirm that. At the end of the day NUVO is an outstanding development that is consistent with the General Plan, consistent with the City's Stellar Airpark related approvals and it will be a shot in the arm for this northwest quadrant that is identified as a growth node. They have addressed the issues in every specific way that they knew. They have accepted Staff's stipulations. They appreciate Staff's recommendation for approval and they request the Commission's recommendation in accordance with Staff's recommendation for approval and stipulations.

CHAIRMAN RIVERS asked if there were any questions for the developer. He asked Mr. Bull if he could display the map of the development that was already approved. He had a map that showed the old development and also where the NUVO project is. He asked Mr. Bull where this development that was originally approved was; it looks like a hotel and five different commercial pads or retail pads. Now all those things have been replaced by one apartment complex. Is that correct? Mr. Bull replied that was correct. With one apartment complex that in this area also includes a combination of residential and commercial with the wine bar and coffee bar. **CHAIRMAN RIVERS** said so a lot of the retail part of this area is being wiped away for apartments? Mr. Bull said this whole area has been zoned for various types of retail for upwards to 25 years and it's gone through various amendments over the years. The most recent is this plan and PDP included retail and a hotel. The 25-26 acres of retail has never come out of the ground and through various discussions with the 4-Corners Commercial Committee discussions and so on and he would anticipate Chris Mackey may better address retail needs and sustainability needs. Part of what they were advised of early on in discussions with Economic Development and Staff is that the last thing the City needs in this location is 25 acres of retail. What they need is additional very high-quality multi-family residential to support the mall and other uses and to support employers in the area and other very high-end employers with high end employees. He is correct in that there is a multi-family development that is replacing these buildings that are here on paper but with respect to the benefits that arise from it, the anticipation at least is getting high-end residential should help jump start other commercial development here and helps support other commercial development elsewhere. **CHAIRMAN RIVERS** said to the point Commissioner Cunningham was making earlier, they are running out of retail space in Chandler and they are taking up a good chunk of it right here with this one development. Mr. Bull said he doesn't think they are running out of retail space in Chandler. He believes our

Economic Development Director can more specifically address it. He and many other people were involved in 4-Corners Committee several months ago and there is a much higher percentage of retail land in Chandler than is typical throughout the state or throughout the country. We are dealing with whether or not we are better off as a City to support high quality retail we have or is top notch locations as opposed to just hanging on to retail land that is undeveloped. He may want to ask the Economic Development Director for more specifics. He doesn't see this as being a situation where they have a shortage of retail land. He thinks that is the exact opposite of the scenario. Here they are helping to support retail that exists or can exist in prime locations. **CHAIRMAN RIVERS** said in regards to item no. 12 under the rezoning recommendation it says "prior to building permit issuance for any structure the developer shall provide a Determination of No Hazard to Aviation approval as issued by the FAA". Have they received that yet? Mr. Bull replied the letter which is at the dais which was one of the pass outs right before the hearing called 'Determination of No Hazard to Air and Avigation' which Staff concurs satisfies that stipulation. **CHAIRMAN RIVERS** asked if this project is built and if the worst happens and there is a plane crash in this apartment complex, is Chandler liable for changing the zoning and allowing this to be constructed in a flight path? Does he need to ask the Asst. City Attorney?

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated the City is not liable because this is a decision being made and so essentially a legislative decision of the Council. Having said that a plaintiff in that type of situation can makes all sorts of claims and allegations but in general he doesn't think there is a liability issue of any significant magnitude for the City.

COMMISSIONER DONALDSON asked in the 'no build zone' which is the red area, is that a part of recommendations or requirements or is that the only item-it's a 'no build zone' and it's a specific zone? Mr. Bull said under the City's airport overlay which is included in the City's overall zoning ordinance and then is also mapped on the City's zoning maps, this is simply the City's zoning map north of Chandler Blvd. That 'no build zone' was mapped by the City per the City's adopted zoning ordinance that has to do with the airport or in this case airpark overlay. This 'no build zone' which is putting an encumbrance on this private property says essentially you can't building anything higher than the surface parking lots. He does not know if anybody was compensated for that or people doing title searches to try to understand this better and not finding any evidence but the underlying property owner was ever compensated for that or for that matter compensated for the noise contours that were put into place. The 'no build zone' is one of those City approvals that are per the City Ordinance and City zoning map. **COMMISSIONER DONALDSON** said when he as a neighbor was involved with the Stellar Business Park development, he was invited and attended a neighborhood meeting and made comments and voiced approval for that project, he remembers hearing there were only certain uses available for the adjacent property. Maybe that red zone was only for parking but he couldn't remember whether there was anything that was recommended not to be built there – schools, preschools, and daycare. He is just trying to figure out whether there is a different zone other than just the red one which is the 'no build zone'.

KEVIN MAYO, PLANNING MANAGER, stated the clear zone is a defined area and mapped out on the map and adopted back in 1985 or 1986. Outside of that the ANO's that start to dictate noise sensitive uses and where they can and can't go is depending on that kind of 'graphical gradation' of noise impact around the airport. The ANO's through the original zoning case that established that business park, the discussion didn't involve yes this use, no this use. It was simply it was consistent with Employment Designation in the General Plan and then following anything the ANO's would have had but ultimately the only ones that reach this at this point were the ANO-1 and ANO-2 and it allows for almost all types of uses within reason. Once you get into residential in the ANO-1 there is noise. Any of the business uses can fall into those zones. It wasn't part of the zoning case that went through with this business park except for that clear zone. The clear zone really doesn't have anything to do with it because it is a map thing on our zoning map.

Mr. Bull said if he didn't answer it completely, he believes Kevin did and all he was reaching to grab was part of the airport related definitions or in this case airpark related because the definition of clear zone and it more or less describes the area. It is very height restrictive as to what can go in there under the City's current zoning ordinance. Those restrictions do not apply outside of the red 'no build zone'. He said he mentioned earlier that there are some possible additional disclosures that could be made. Part of that is also the possibility if there were complaints, who would they be voiced to such as their manager and in addition to other disclosures having to deal with certain waivers as well. Again, it is probably better that they talk about that later but it is not that they have turned a deaf ear to any request or any suggestions that have been made.

CHAIRMAN RIVERS asked Chris Mackey to come up and let them know about retail land.

CHRIS MACKEY, ECONOMIC DEVELOPMENT DIRECTOR, stated it is especially kind of pertinent to them now as they just finished the Mayor's 4-Corner Retail Study. It has been published in the newspaper and they are working on implementing the recommendations that came out of there. As you look at Chandler as a whole, they currently by their own admission are completely out of whack on their retail development. To give them some statistics that have been quoted most recently and they have done their research and validated, in any other given city in the southeast valley there is 43 square feet per capita of retail space that exists in any city. If they look at it on a national average, it is 47 square feet per capita and exists across the country in their larger cities. In Chandler they have 71 square feet per capita. They are heavily over retailed. What they have found is you will see as they are driving along Arizona Avenue, Alma School and Dobson, especially north Chandler, you see large vacant retail boxes. Even by their own admission and by our traffic engineer she doesn't believe they realized in the old days they had arterial streets and that is how people moved through Chandler on the grid system. As they went home, they exited the 60 and they were on Alma School, Dobson or some other street. But as they brought the 101 in and the 202 so much traffic has fled the arterial streets and gone for the freeways. They see a lot more of the traffic that used to have a drive by opportunity for these retail establishments now moving to the freeways.

Secondly, most people want to shop in newer, prettier, more exciting vibrant centers. When the mall came in, they implemented a program. There used to be a Mervyn's at Alma School and Elliot roads. It's long gone. That was their greatest fear at the time that the Mervyn's would be challenged when the mall came in. They were adding 1.3 million square feet of retail under roof and were afraid that it was going to affect that older establishment. It didn't in the beginning but as the neighborhoods really found the 101 and moved in those directions, the Mervyn's went through a bankruptcy nationwide but that Mervyn's had started to struggle. As they do visits with their industrial companies, they also visit with their retail companies and they have struggled greatly in those areas. What they have been looking at as opportunities and several of the people in the audience sat on the Mayor's 4-Corner Retail Committee, was looking at those opportunities not only where they have existing buildings that will never be retail again. Some good examples are putting the Chandler Preparatory Academy on Alma School and Warner, the old Smitty's and then Bankfirst but still had the underlying retail zoning on it. They have a number of other things across the city where they have switched the zoning like the Jewish Community Center which was once the former Osco on Ray and Alma School and so forth and so on. They were even looking more bold than looking at existing buildings that will never be retail again. They need to be office or medical office or an entertainment use for families or compatible uses to draw people back into those centers. They really took a look at the remaining land in the city and said there may be some strategic corners in the far southeast portion of Chandler that they probably want to keep their own retail sales tax from fleeing to Gilbert or a bordering community but where they would simply be pillaging ourselves in dividing the pie up smaller without adding back to the pie. As Staff, they even looked at opportunities of land that had been by their General Plan and by even zoning regulations planned for decades to be retail. Let's look at Banner Health going in at Alma School and the 202. That was area planned for office but predominantly retail. From a retail standpoint they really feel in that market they really are at a tipping point. If they add much more retail in that area, unless it's true vaccination retail that will bring dollars from outside the market into the market, they are really just cannibalizing the existing retail and jeopardizing their success. They visit with them and they really feel the same way, including Westcor.

Ms. Mackey said she would like to answer a question that Commissioner Cunningham had earlier with an excellent point she made about employment and kind of looking at those retail establishments and what employment are they giving up in that area. The way that Economic Development looks at it is they look at it not only as employment and they all know how hard she fights for employment, but they also look at it from a residential opportunity. They look at it from an economic impact model and they say by bringing this new development in whether it is office industrial, whether it streets, residential, medical or whatever it is, what economic impact does that really provide for the market. How does that benefit the surrounding areas? So as they looked at this project and they looked at the retail that was planned there, they grew more and more concerned especially in that area as they dumped more retail in. Let's pretend there are 220 people and if they look at the number of units provided approximately 220 people could move into that area. Typically as most people look at their pocketbooks about 1/3 of their income is dedicated to their residential living environment whether it's your rent or mortgage. Typically, about 30% of their income is dedicated to your home cost. So they took that and put

that into their model. They looked at the average rental opportunity in that particular subdivision. If their average rental cost per unit is approximately $1300- about 30%. You come up with the monthly wage and then you apply a disposable income to that and they can show what money those 220 people will be spending close to where they live. As they attract jobs into the market, they know that about 25% of the people will live in Chandler. We know what their spending habits are based on their housing costs and their average wage and since they don't know the employee's wages here they have to hypothesize based on what the rental cost would be. We know that they are missing a key component where it comes to high-density residential to really attract those executives that come in for the Intel's and Microchips - kind of that higher end that right now they are losing to Gilbert and Scottsdale because it is some product that they have. They kind of put that all in and they look at it. So unlike a business where 25% of the people would live in the market and spend their disposable income in that market, in a residential opportunity 100% of the people live in the market and they tend to shop where they live. So they are able to apply that model to 100% of those 220 people as opposed to jobs that would have gone in retail jobs which would have been a little smaller. She said she hopes that provides them a little clarity on their thinking.

CHAIRMAN RIVERS asked if there were any questions for Ms. Mackey. There were none. He said they would be taking a 10 minute break.

CHAIRMAN RIVERS recalled to order the Planning and Zoning Commission meeting. He said he had 139 speaker cards from people who do not wish to speak. They only wish to go on record as being opposed to this item. The reasons given on these cards are safety issues, noise issues and incompatible land use issues. He also had 4 speaker cards who favor the item who wish to speak and 10 speaker cards from those opposed who wish to speak. He asked the audience if they live in the City of Chandler or own land in the City of Chandler and they oppose this item, please stand up. If they live in the City of Chandler or own land in the City of Chandler and are in favor of this item, please stand up.

SPEAKER CARDS OF PEOPLE OPPOSED TO THE PROJECT BUT DID NOT WISH TO SPEAK:

Tom Errickson
9390 S. Rural Rd.
Tempe, AZ 85284

Brian Kotarski
400 & 450 S. 79th Street
Chandler, AZ 85226

Diego Tambriz
318 N. Nevada St.
Chandler, AZ 85225

Leo Perez
(No address)

Ruben Velduzco
3649 W. Ruth Ave.
Phoenix, AZ 85051

John Prescott
4129 W. Milky Way
Chandler, AZ
(not good use of land)

Douglas Fulton
4291 W. Folley Place
Chandler, AZ 895226
(hazardous bldg.. within Stellar flight path)

Jane Fulton
4291 W. Folley Pl.
Chandler, AZ 85226
(high density family under flight path)

Joanne Osiol
4306 W. Saturn Way
Chandler, AZ
(incompatible land use)

Lisa Perry
4304 W. Mercury Way
Chandler, Arizona
(incompatible land use)

Peggy Perkins
4300 W. Jupiter Way
Stellar Airpark
(against multi-family or Residential development)

Gary Bennett
375 Enterprise
Chandler, AZ
(safety-dangerous)

James H. Stone
4303 W. Mercury Way
Chandler, AZ 85226
(safety & noise big issues)

Diane Kottke
4257 W. Rickenbacker Way
(not a place for an apartment bldg.-very dangerous)

Angela Hanson
4307 Jupiter Way
Chandler, AZ 85226

Bob Hanson
4307 Jupiter Way
Chandler, AZ 85226

Milo Beck
4302 W. Venus Way
Chandler, AZ

Sue Beck
4302 W. Venus Way
Chandler, AZ

Kim Buher
4492 W. Kitty Hawk

William Miller
2112 W. Harrison St.

Bambi Gillette
4256 W. Rickenbacker Way
Chandler, AZ 85226

T. Randy Gillette
4256 W. Rickenbacker Way
Chandler, AZ 85226
(has seen this situation at other airports and seen disastrous results)

Mack Dobkins
4303 W. Venus Way
Chandler, AZ

Issac Arzt
4376 W. Rickenbacker Way
Chandler, AZ 85226

Kathleen Gearhart
4437 W. Rickenbacker Way
Chandler, AZ 85226
(wants safety first-protect
our investment in Chandler)

Pamela Gottlieb
209 S. Stellar Pkwy.
Chandler, AZ 85226

James Dickey
1932 E. Kentucky Ln.
Tempe, AZ 85284

Nick Azmann
4301 W. Saturn Way
Chandler, AZ

David Purcell
4306 W. Venus Way
Chandler, AZ

Dan Lane
4546 W. Harrison St.
Chandler, AZ 85226

Susan Lane
4546 W. Harrison Street
Chandler, AZ 85226

Sally lane
4413 W. Kitty Hawk
Chandler, AZ 85226

Robert Garrett
4476 W. Rickenbacker Way
Chandler, AZ 8522

Barbara Garrett
4476 W. Rickenbacker Way
Chandler, AZ 85226

Michael Lane
4413 W. Kitty Hawk
Chandler, AZ 85226

Barbara Smith
4304 W. Jupiter Way
Chandler, AZ

Robert Watts
4350 W. Earhart Way
Chandler, AZ 85226
(apts. under a final turn
makes no sense)

Tim Brexler
6293 W. Megan St.
Chandler, AZ 85226

Pam Brexler
6293 W. Megan St.
Chandler, AZ 85226

S. Steve
503 S. Stellar
Chandler, AZ

Joseph M. Smith
12014 Hacienda Dr.
Sun City, AZ

Jeannette Baugh
21241 Boegle Road
Redding, CA 96003

Mike Jennings
209 W. Secretariat Dr.
Tempe, AZ 85284

Cassie Walker
4336 W. Rickenbacker Way
Chandler, AZ

Allan Tellam
4294 W. Lindbergh Way
Chandler, AZ

Steve Smith
4304 W. Jupiter Way
Chandler, AZ
(too much misinformation-all
facts need clarification)

Bonnie Berlanol
4293 W. Kitty Hawk
Chandler, AZ

Denise Latim
4417 W. Rickenbacker Way
Chandler, AZ

May Hsieh
16210 S. 34th Way
Phoenix, AZ 85048

Cyndie Gaines
1844 E. Calle de Arcos
Tempe, AZ 85284

Ann Preston
5505 W. Del Rio Ct.
Chandler, AZ 85226

Clayton Saffell
4309 W. Saturn Way
Chandler, AZ

Chris Sands
4336 W. Rickenbacker Way
Chandler, AZ

Wallace Campbell
3851 W. Sheffield Ave.
Chandler, AZ 85226

Kimberly Gearhart
4437 W. Rickenbacker Way
Chandler, AZ

Craig Berlanol
4293 W. Kitty Hawk
Chandler, AZ

Todd Lasher
2433 W. Enfield Way
Chandler, AZ 85286

Lynn Smith
4307 W. Saturn Way
Chandler, AZ

George Hsieh
16210 S. 35th Way
Phoenix, AZ 85048

Richard Roderick
1844 Calle de Arcos
Tempe, AZ 85284

Billie Saffell
4309 W. Saturn Way
Chandler, AZ

Larry Preston
5505 W. Del Rio Ct.
Chandler, AZ 85226

Al Roberts
4139 W. Venus Way
Chandler, AZ

Ronald Bates
4308 W. Jupiter Way
Chandler, AZ
(unfair, unnecessary & unwarranted)

Lori Sottile
4305 W. Venus Way
Chandler, AZ

Carol Brower
1233 N. Alder Dr.
Chandler, AZ 85226

Mike Broegger
3317 E. McDowell Rd.
Mesa, AZ 85213
(when will it end?)

Michele Dustman
4147 W. Venus Way
Chandler, AZ 85226

Jim Moore
14 S. Stellar Pkwy.
Chandler, AZ

Tyler Slesman
4451 W. Folley Place
Chandler, AZ

Ted Dearing
112 S. Stellar Pkwy.
Chandler, AZ
(who would want to live under airplanes on 2 sides & a few hundred ft. over their house?)

Rosemary Bates
4308 W. Jupiter Way
Chandler, AZ
(unfair, unnecessary & unwarranted)

Joe Sottile
4305 W. Venus Way
Chandler, AZ

Bob Gottlieb
209 S. Stellar Pkwy.
Chandler, AZ 85226

Stan Brower
1233 N. Alder Dr.
Chandler, AZ 85226

Dennis Kottke
4257 W. Rickenbacker Way
Chandler, AZ

Larry Dustman
4306 W. Mercury Way
Chandler, AZ 85226

Melissa Holper
4451 W. Folley Place
Chandler, AZ

Christi Moore
14 S. Stellar Pkwy.
Chandler, AZ

Ronald Smith
3938 E. White Aster St.
Phoenix, AZ

Amy Dicky
1932 S. Kentucky Ln.
Tempe, AZ 85284

Cheryl Walker
4558 E. La Mirada
Phoenix, AZ 85044

Trent Bowman
2 Stellar Parkway
Chandler, AZ

Christina Arsenis
3631 W. Butler St.
Chandler, AZ 85226

Doug Thaxton
4111 W. Venus Way
Chandler, AZ 85226

Thomas W. Warner
4455 W. Lindbergh Way
Chandler, AZ 85226

Douglas Davies
887 W. Rockrose Way
Chandler, AZ 85248

Jean Brown
4255 W. Lindbergh Way
Chandler, AZ 85226

VA Ferguson
106 S. Stellar Pkwy.
Chandler, AZ 85226

Fred Ferguson
106 S. Stellar Pkwy.
Chandler, AZ 85226

Jeanelle Graham
4317 W. Rickenbacker Way
Chandler, AZ 85226

William Arsenis
3631 W. Butler St.
Chandler, AZ 85226

Mary Stone
4303 W. Mercury Way
Chandler, AZ

Scott Williamson
162105 34th Way
Phoenix, AZ 85048

Suzanne B. Warner
4455 W. Lindbergh Way
Chandler, AZ 85226

Susan Davies
887 W. Rockrose Way
Chandler, AZ 85248

Ronald Brown
4255 W. Lindbergh Way
Chandler, AZ 85226

L. N. Bangs
4375 W. Lindbergh Way
Chandler, AZ 85226

Kay Bangs
4375 W. Lindbergh Way
Chandler, AZ 85226
(housing complexes near airport result in years of complaints from residents)

William Wilt
13627 S. Canyon Dr.
Phoenix, AZ

Billy Walker
4558 E. La Mirada Way
Phoenix, AZ

George F. Raiser
4292 W. Kitty Hawk
Chandler, AZ 85226

Charlayn Griffin
4477 W. Rickenbacker Way
Chandler, AZ 85226

Marco Di Prima
4417 W. Rickenbacker Way
Chandler, AZ 85226

Skip Schipper
103 S. Stellar Parkway
Chandler, AZ 85226

Sharon Young
4356 W. Rickenbacker Way
Chandler, AZ 85226

Joyce "Gail" Ferrantelli
4411 W. Folley Place
Chandler, AZ 85226

Linda Smith
4307 W. Saturn Way
Chandler, AZ

John Coffman
4497 W. Rickenbacker Way
Chandler, AZ 85226

Marlo Bender
4309 W. Jupiter Way
Chandler, AZ 85226

Andrew Black
4436 W. Rickenbacker Way
Chandler, AZ 85226

Adriana Gonzales
4111 W. Venus Way
Chandler, AZ 85226

Tiffany C.C. Raiser
4292 W. Kitty Hawk
Chandler, AZ 85226

Andrea Di Prima
4417 W. Rickenbacker Way
Chandler, AZ 85226

Andy Di Prima
4417 W. Rickenbacker Way
Chandler, AZ 85226

Julie Anderson
4300 W. Saturn Way
Chandler, AZ 85226

Bob Garrett
4476 W. Rickenbacker Way
Chandler, AZ 85226

Dan Harned
4301 W. Mercury Way
Chandler, AZ

Rose Osiol
4306 W. Saturn Way
Chandler, AZ

Jan Banka Coffman
4497 W. Rickenbacker Way
Chandler, AZ 85226

Tracy Cliff
5191 W. Kesler Ln.

Bryan Sailors
4303 W. Jupiter Way
Chandler, AZ

Jenelyn Sailors
4303 W. Jupiter Way
Chandler, AZ

Jason Sarell
4147 W. Venus Way
Chandler, AZ

Naomi Labanow
6745 S. Poplar St.
Tempe, AZ

Lois Westphal
4412 W. Kitty Hawk
Chandler, AZ 85226

Mark Romero
4451 Folley Place
Chandler, AZ 85226

Brian Kozarsel
400 S. 79th Street
Chandler, AZ

Bob Notswom
5585 W. Geronimo
Chandler, AZ

Lance Winter
4147 W. Venus Way
Chandler, AZ

LaVerne Kempinen
4303 W. Venus Way
Chandler, AZ 85226

D. Ronald Boice
4251 W. Farmers Way
Chandler, AZ

Rose Osiol
4306 W. Saturn Way
Chandler, AZ

Denise Latim
4417 W. Rickenbacker Way
Chandler, AZ 85226

Robert J. Nachtman
4477 W. Rickenbacker Way
Chandler,AZ

JOE MARTIN, 4306 W. JUPITER WAY, said he is a resident of Stellar Airpark for over 15 years. He also served on the Airport Master Plan on the advisory committee. He is President of the Stellar Runway Utilizer's Association known as SRUA. SRUA governs the airport and its operations and in fact the airport is privately owned but open to the public. Stellar Runway Utilizer's Association represents over 200 residential and commercial properties and businesses. He said he is starting out with an overview tonight on what they were going to be presented by the people after him. They will give them a detailed presentation.

He started out with a brief history of Stellar and what makes up Stellar. Then they will talk about why NUVO is incompatible with the current standard airport zoning practices. Why NUVO is incompatible with the City's General Plan which was approved by the voters on 2 separate occasions. How NUVO would expose the potential residents and families to undo danger and they will also tell them why NUVO will generate a barrage of needless noise and complaint calls to the City, to the FAA and Stellar as well. Furthermore, how NUVO will increase the potential for lawsuits, liability and needless expense and finally why NUVO is a

threat to their very existence at Stellar. Why this request should be turned down especially when promises were made to Stellar from the City. Keep in mind the data and related information that is presented here tonight are from reliable sources and the information they present is from credible professionals and expert witnesses.

One of the first points he wanted to share with them was a little bit of history about Stellar. He showed Stellar Airpark around 1975. It was platted in 1969 as a live with your plane residential development. It was zoned as an airport in Maricopa County. It was totally compatible. There was no encroachment. There were no safety issues and there were noise issues at that time. As they can see, it was surrounded by 100% farmland. He showed Stellar today. It has changed a lot. He showed the new entrance, the airpark which is distinctly different from what they saw a few slides ago. Now within Stellar Airpark today there is 154 residential lots on the west side of the airpark. On the east side of the airpark there are 67 commercial lots including 30 businesses on the field. Back on the entire airpark there are approximately 180 aircraft based here full time plus in the mid-field there is parking, fuel and maintenance available there. On the airport itself designated as P1-9 by the FAA has approximately 50,000 annual operations. Now that is down substantially since about 2006 because of the economy, the price of fuel, the temperature, even at this time of the year. This is the slowest they have seen it in years. Once the economy comes back and fuel prices drop, that number could go right back up to 80,000 in the late months of the year and early spring. That is the best time to fly because of the lack of the heat. Once the airpark is built out they expect the number to go past the 80,000 number substantially.

In talking about Stellar Airpark in general, it is a place that aviation enthusiasts join together in their business with their families with a common interest towards aviation. It is a great place to live. He said he would ask the big question and he said he was going to share a quote right out of Chandler's own Airpark Area Plan. It states the two major goals of the plan are 1) the protection of the municipal airport from residential encroachment 2) an aggressive economic development of the airpark area. They have the same airpark area designed for employment-same as Chandler. Why are they any different than Chandler municipal? That is their question. He said if there were any questions, he would be happy to do it.

COMMISSIONER PRIDEMORE stated at the end of this statement he was comparing the airpark to Chandler Municipal Airport. He interprets Stellar Airpark as a private facility. By being a private facility it brings its own set of things both positive and negative. He doesn't see that comparison yet. Can he enlighten him to that? Mr. Martin said Stellar Airpark is residential and commercial as in Chandler Municipal. It is all privately owned. The residential and the commercial property is privately owned but the runway is privately owned also. **COMMISSIONER PRIDEMORE** said earlier tonight Mr. Bull put up a visual showing the exclusion zone north of the runway and on that it showed the businesses that are currently north of Chandler Blvd. Are any of those properties that were shown north of Chandler Blvd., have they ever spoken out against any of those projects that have already been developed? Mr. Martin said they realized that the property was designed to be commercial property or retail. When those properties were built, Stellar supported them because they felt they made a good fit and they wanted to be accommodating. If fact, the picture they saw of the hotel and some PADS,

that was not the proper zoning for that but because the property had not been moving, they felt it was close enough and safe enough to go ahead and write a letter recommending that they go ahead and support that kind of a development. There will be some discussion about that in one of the presentations that is coming. **COMMISSIONER PRIDEMORE** said he is trying to get a handle on why is this the tipping point. Why when there has been other developments that have been constructed, there are businesses open, and there have been plans that have come through that have not been built that showed hotels so he is trying to get a handle on why did they not hear this outcry for any of those but they are hearing it tonight for this particular project. What makes it different? Mr. Martin said they are going to answer that. It's a multi-family, ultra high density housing and none of the property up there is that. They are going to go into a lot of detail about that which he is sure will answer his question.

CHAIRMAN RIVERS said he had two questions. Furthering what Commissioner Pridemore was asking, there actually was a project not too long ago involving houses up there. If he remembered correctly, the Stellar folks spoke against those houses. They were going to build houses between Desert Breeze Blvd. and Chandler Blvd. or at least a good chunk of the way up. Stellar was against that residential development were they not? Mr. Martin replied that was correct. There were actually two developers that were trying to put in homes-some very high end homes and low end homes. He believes it was Hancock. Before his time he thought there was even an apartment developer that tried to develop there and every time Stellar was against what they consider to be dangerous high density residential. **CHAIRMAN RIVERS** said his other question was simply clarification. He said that Mr. Martin stated that Stellar Airpark is privately owned but it is a public airport. Is that correct? Mr. Martin replied yes, it is open to the public so anybody can use it. **CHAIRMAN RIVERS** said so on that level it is akin to Chandler Municipal? Mr. Martin replied yes it is. They are actually a reliever for Sky Harbor Airport and because of that planes that go into Sky Harbor if they can't get in there because of weather, they can use Stellar to fly into so they can land. In case they are low on fuel they could land on Stellar. It is free of charge. We don't charge anything at Stellar for people to come in to land. There are no fees at all. It is totally funded by the people at Stellar. Everybody can use it. It is open to anybody that wants to use it. He turned in a petition with 289 signatures against this project. He turned to the Planning Commission Clerk.

DAN PERRY, 4303 W. MERCURY WAY, said he has resided at Stellar Airpark since 1991. He served on the Board of Directors of the Stellar Runway Utilizers Association and as its President for eight years. He said that tonight he would like to present information on the zoning history of the parcel at issue and how it fits into Chandler's General Plan. We want the Zoning Commission to understand that it is no accident that this property has been zoned as it has for almost 50 years. In 1969 before the City even annexed this area the airstrip that would become Chandler Airpark or Stellar Airpark was recognized in Chandler's General Plan and the parcel to the north was designated for industrial park and major employment. Throughout the 70's the major employment area designation was maintained including once again in the 1976 General Plan. In 1979 Stellar Airpark and its surrounding areas were annexed into the city. In order to receive the signatures from Stellar residents that were necessary for the annexation, Stellar was given assurances that the parcels to the north would never be rezoned for any residential purpose.

In 1982 the CLUE plan which was an acronym for circulation and land use element once again reserved this property for major employment. Major employment is not retail. In fact, it was the CLUE plan that entitled the construction of the Intel plant just to the west of the site they are referring to. In 1984 zoning was approved as PAD Commercial for Williams Field Property Associates who had purchased 83 acres there in 1983. In 1986 the current Airport Noise Study was ratified by the Council and today 27 years later is still in use. It has never been updated and it is totally obsolete and inaccurate. In 1990 the CLUE plan was updated and the major employment designation was once again maintained. In 1998 and 2000 the city again reserved this property for employment. In 1998 the city even discouraged developer's from building a large warehouse project here because it was not consistent with zoning in an employment zone. In 2002 Chandler's General Plan was ratified by Chandler voters and this site again remains designated as a major employment area. In 2003, Maracay Homes filed and then withdrew an application to build single-family residences on 83 acres. Maracay withdrew their application after failing to receive support from the City or surrounding property owners. In a hearing on this application Mr. Hank Pluster who was the former Chandler Long Term Planning Director stated that the Maracay project did not make the fiscal impacts desired in an employment zone or ensure that the city could sustain itself and prosper in the future. Mr. Pluster also stated that the noise contours and Airport Noise Overlay Study was prepared in 1985 and at 18 years old at that time was outdated and obsolete. In December of 2003 Sooner Land purchased the site with the full knowledge of decades of zoning history and its designation of a major employment center. Sooner named the property Chandler Corporate Center. From 2003 to 2005 Sooner Land sold off most of their land in the Chandler Corporate Center. Since then, two corporate buildings have been constructed; one for Garmin, one for Rockefeller, the police stations and fire stations are built, Creative Leather is built, Stellar Business Center is built, Garage Town is built. Chandler Corporate Center is becoming exactly what Chandler Planners envisioned. It is becoming a major employment zone. In 2008, after over a year of study that included the current Mayor, four sitting Council members and many, many others, the General Plan is placed on the ballet and once again ratified by the City's voters.

The parcel remained reserved as a major employment zone. Again, it is no accident that this property is zoned as it is. It is the result of 33 years of careful land planning by the city. It is a result of thousands and thousands of hours of study by Commission after Commission by Board after Board that were made up of hundreds of local leaders. It is also the result of the promises and the guarantees made by all of the Mayors, Council and Zoning Commissions in all the years preceding this application. Promises that were made to protect Stellar Airpark from residential encroachment which is universally recognized as the greatest killer of general aviation airports.

Why are employment zones so critical to the city? The General Plan states economic considerations are more than important than ever. The city has less available land. As Commissioner Cunningham pointed out, as of mid-2008, less than 8% of the land designated in Chandler for employment remains available for development. Stated specifically in the plan is the goal of creating a fiscally sustainable city by refraining from changing the designation of employment zone land reserves to housing. That is a quote right out of the plan. The plan says on page 20 despite pressure like they are hearing tonight from developers for more dwelling

units, the General Plan recommends continuing to reserve land for non-residential development purposes. Also stated specifically are the objectives of seeking well-paying job opportunities for the local work force and encouraging revenue producing business. He quoted from page 20 that Chandler has grown rapidly but according to plan. Now with less available land it is time for evaluating existing conditions to make the best possible future decisions. About the employment category, the plan states that Chandler's strong base will continue to rely on attracting a diverse base of high paying industries. The plan states the strategic use of the city's remaining land supply presents the best opportunity to develop a self-sustaining city.

What about growth expansion nodes? They have heard that growth expansion nodes are appropriate for high-density multi-family development. That is just not in keeping with the plans goals and objectives. In fact, there are five growth expansion nodes identified in the General Plan. Two of these nodes, the Chandler Fashion Mall and the Chandler Regional Hospital vicinity are mentioned as being appropriate for residential development. Two others, the Price and San Tan Freeway and the I-10 and Ray Road nodes as described in the plan as being strategic locations for specialized commercial employment. They are also mentioned as opportunities for urban residential densities but only because they are located at major transportation junctions. The northwest corner of Chandler Blvd. and McClintock not being located at a major transportation junction is only mentioned in the growth node plan as being appropriate for innovation zoned businesses. There are no apartments, multi-family or residential listed there. Read it for yourselves. The plan states innovation zones are considered to be in the employment zone category. Once again, right out of the General Plan from the City of Chandler. The node that they are discussing here tonight is not recommended for multi-family residents. He doesn't know where that came from but that is not the case.

Stated goals and objectives of the General Plan for employment zone in growth area nodes are to attract well-paying jobs, to gain maximum long-term advantage from Chandler's remaining land resources and to generate sufficient revenue from non-residential land to help sustain Chandler's fiscal strength. The City's own studies verified again from the General Plan that a common principal of municipal finance that residential uses cause more disservice than the return in revenue while business and good paying jobs bring a positive return to the city. Even stated specifically in the growth area plan is the objective of protecting the flight corridor approaching and departing Chandler Municipal Airport from high-density development. They would not approve this project at Stellar Airport if it was located in a similar area at Chandler Municipal. They would reject it out of hand because of the City's zoning requirements. The overall message of the General Plan is that the sustainability cycle of Chandler depends on its employment base which in turn creates demand for housing. It doesn't go the other way around. In other words, they don't kill the golden goose especially when killing the golden goose endangers one of the oldest and best assets of the city, Stellar Airpark. He said tonight they ask this Commission stay the course of so many years and allow this property to be developed as it was always intended. Approving this application would be short-sided for Chandler and put into jeopardy the very existence of Stellar Airpark. Please don't force a round peg into a square hole. He said thank you.

There was applauding. **CHAIRMAN RIVERS** asked that they avoid outbursts and out of politeness to everybody who speaks to just avoid the outbursts. There were no questions for the speaker.

JOHN MORRIS, 4300 W. SATURN WAY, stated he first moved to Stellar Airpark in 1998 and has operated aircraft every year since that time up to and including a corporate turbo prop and jet aircraft. He has been employed as an airline pilot for the past 9 years and is also a SRUA board member.

He said he wanted to discuss accidents and incidents occurring within the City of Chandler. Those accidents date from 1973 to 2011. He showed an overview for those who might not be familiar with the area showing the three airports within the general plan here.

There have been 152 accidents within the City of Chandler, 86 of those occurring at the Chandler Municipal Airport, 29 at Stellar Airpark and 37 other places within the City of Chandler. Additionally, there have been 113 incidents, 50 of those occurring at the Chandler Municipal Airport, 22 at Stellar Airpark and 41 elsewhere within the City of Chandler. An accident is simply a crash that involves and injury or fatality or results in substantial damage to the aircraft. An incident would be any other event that could affect safety of operations.

He showed on the overview the accidents and incidents that have occurred in closest proximity to Stellar Airpark. They can see the north end of the runway again represented in the green area and there are 4 accidents and 1 incident within the view of this slide and they can see the dates of those occurrences as well. He showed the proposed NUVO site relative to the north end of the runway and those accidents. He showed a caricature represents where you might likely see aircraft approaching to land on runway 17 at Stellar Airpark and that would be a southbound landing aircraft. He showed some of the national statistics. If they examine all of the national statistics and their locations relative to the runways and safety zones, their primary resources are California Airport Land Use Planning handbook. It is dated October 2011. Why would they use the California Airport Land Use Planning handbook? Simply stated Arizona does not have one. There are several states that do. Many of them however refer directly to the California handbook.

California was really the first state to begin addressing zoning issues surrounding airports as far back as 1953. They were also the first state to plot geographical accident data in 1992. It is the most comprehensive of all the state planning handbooks at 455 pages in length. The California Handbook is clearly referenced in the FAA Advisory 150-5300-13 for the protection of aircraft as well as people and property on the ground. The data that is contained in the California Handbook was compiled by the University of California Berkley. Exhibits E1 and E2 plot airport vicinity accidents and if they are taken individually, E-1 plots arrival accidents to runways. He showed on the overview accidents represented as both X's and O's. The O's are from the 2002 handbook and the X's are from the 2011 handbook. They are all national accidents plotted against the baseline at the arrival end of the runway. For illustration and clarity purposes, if they turn this over it will be much easier to illustrate. This would be for runway 17

arrivals for aircraft landing southbound at Stellar Airpark. The runways are represented by the green ribbon, the NUVO site is represented in the yellow and red area. If you look closely, there are 3 accidents within the confines of the proposed site. This represents accidents specific to Stellar Airpark and they will notice that pattern closely resembles that which the California Handbook has outlined in this illustration. Their typical traffic pattern would reside within this rectangle. There is no requirement for the traffic to reside there but that would be the typical place that you would see traffic when runway 17 was in use.

Exhibit E2 would cover departure accidents and if they zoom in the same illustrations here, the X' s and O's, represent national data. They illustrate Stellar's Runway in the green band and if you look closely there are 3 accidents within the confines of that site as well. These are the 2 accidents specific to Stellar Airpark that he was able to definitively attribute to operations from runway 35 and again, that is northbound departures from Stellar Airpark. This is where you typically see the traffic pattern. Again, no requirement for the aircraft to occupy that space but this is the typical pattern for runway 35. The only deviation from that which is mandated by the FAA would be a takeoff from runway 35 during times of high winds, low visibility and the weather where an aircraft was operating under that set of guidelines. In doing so the aircraft departing to the north are required to make a right turn as listed in the red box. That would require a right turn off runway 35 to proceed southbound. There is no discussion about that. That is a requirement. As they can see in all likelihood this would be aircraft taking off at high power settings in low attitudes and he said he couldn't help but believe that would include an over flight over the proposed NUVO site.

If you go back into the California Planning handbook Chapter 3 discussions, Building and Airport Land Use Compatibility Plan, page 3-17. There are 3 examples and example 2 is really the most relevant for our operation based on runway. 3-20 discusses adjusting generic safety zones to individual airports. The most important elements from this paragraph are as follows:

Runway length is the primary consideration, however the type of aircraft that you use on the runway can also be considered. A short runway using more demanding types of aircraft may warrant starting a larger set of safety zones. The question is do high performance airplanes operate at Stellar Airpark? Absolutely yes. This is not an exhausted list. These are just 2 of the aircraft that operate or are based at their airport-also jet and turban powered aircraft and helicopters as well. We used example 2 to construct an illustration of the Stellar Airpark runway listed in the green band. The first zone is safety zone 1 defined as the runway protection zone for the clear zone. Its name is very clear to define what it is supposed to do. The nature of the risks are numerous. The most important element here however is that the risk level is considered very high for an accident. The percentage of near runway accidents occurring in mid-zone is 20 to 21%. The basic compatibility policies right out of the California Handbook is to prohibit all new structures and residential land uses.

In Safety Zone number 2, which is defined and titled 'The Inner Approach and Departure Zone'. The nature of the risks are listed here out of the California Planning Handbook. The risk level is

high with the percentage of near runway accidents occurring mid zone slightly higher than zone 1 and up to 22%. The compatibility policies are listed as follows:

To prohibit theatres, meeting halls, office buildings greater than 3 stories, children schools, etc.

Perhaps the most important zone that they should discuss this evening is safety zone 3 defined as the inner turning zone. Why, because the proposed site is squarely inside of the inner turning zone. From the California Handbook the common types of aircraft accidents that would occur for arrivals would be stalls, spins and uncontrolled crashes. For departures it would be mechanical failures on takeoff where the pilot has few options. The risk level is still moderate to high within safety zone 3 and the percentage of near runway accidents is 4 to 8%. If you look at the compatibility policies in the handbook, they request that you limit residential uses to very low densities. Avoid any structures with 3 above ground habitable floors and prohibit major shopping centers; theatres, meeting halls, schools, large daycare centers, hospitals and stadiums. What do all of these facilities have in common? They are all high density uses and that is what they are talking about with the proposed NUVO site.

To recap limit residential uses to very low densities, avoid buildings with more than 3 habitable floors and the risk level remains moderate to high with runway accidents occurring at 4 to 8%. Our statistics to date and as he mentioned earlier, 22 incidents and 29 accidents at Stellar Airpark. Over the 44 years that means one incident every 2 years and one accident every year and a half. They have had one fatal accident in 44 years and that is something they are extraordinarily proud of. Shortly after that one fatal accident occurred, this article appeared in the Arizona Republic and it has a couple of notable quotes that he is going to read:

'Because the runway is oriented north to south the City has banned residential zoning immediately north or south of the airport that would keep houses out of the flight path said Planning Director Jeff Kurtz.' Homes have been built in the flight path but they aren't right next door to the airport. Later it was quoted as saying in a vacuum things like an airport is probably best without anything around them anywhere but in terms of doing conscious planning, efforts and care has been taken to assure that there are compatible uses around the airport. He can only imagine that he may have been referring to City of Chandler Ordinance 1583 at the time which states 'whereas special protective measures are also necessary to protect activity at Stellar Airpark from incompatible land uses and to protect the health, safety and welfare of existing and future residences and businesses in the vicinity of Stellar Airpark'.

Just last year there was a Planning and Zoning Commission meeting on September 7, 2011. There was a proposed daycare center that he believes was 'Wee Blessings' near the Chandler Airport and Kevin Mayo, Planning Manager, was quoted during that meeting to say the majority of airplanes don't crash when they are in a glide path. They crash on takeoff, landing and turning. He can't disagree with Mr. Mayo's assessment at all as an aviation professional. He concurs whole heartedly with that and he submits to them that any aircraft that might crash at the Chandler Airport is no different or no more or less susceptible to any accident that might occur at Stellar Airpark. Here are the facts that he presented this evening. This apartment will reside

squarely within safety zone 3 where a risk of accidents is deemed to be moderate to high. Data driven statistics show accident potential at the proposed site to be 4 to 8%. Any new question considered within safety zone 3 should be limited to low intensities and very low densities. Any structures with more than 3 habitable floors should be avoided within safety zone 3. In conclusion, based on reliable safety data there is no compelling reason to deviate from the General Plan and grant any residential zoning to the property in question.

CHAIRMAN RIVERS asked Mr. Morris if he was a pilot. He answered that he was. **CHAIRMAN RIVERS** asked what kind of aircraft he flies. Mr. Morris replied that he currently flies an Airbus A-320. **CHAIRMAN RIVERS** said he meant out at Stellar Airpark. He thinks he would have seen that. Mr. Morris replied he currently owns a Piper Comanche which is a single engine aircraft.

KURT GEARHART, 4437 W. RICKENBACKER WAY, stated he is going to talk about compatible airport land use. He has been a Stellar resident since 2003 and after graduating from the Air Force Academy he became a pilot and so became an instructor in the T37 and eventually the F16. While flying F16's he was sent to the University of Southern California and became an aircraft investigator for the Air Force. He is currently a flight instructor certified by the FAA and a pilot working for a major airline.

Clear zones were the original terminology for airport safety zones. In 1952, the Presidential Commission to Airports, President Truman was worried about runway encroachment and protection and peace of mind with people having moving closer and closer to our nation's airports. Runway protection zones were what they were renamed in 1981 as defined in Part 150 of the Title 14. Their size was determined by airplane type and/or port use and airport size also. There are 6 standard zones that are the common practice now days in airport safety zones and each of them is defined by different areas depending on where their location is around the airport. Today they are concerned with inner zone turning 3 which has already been mentioned by John. What do they have for documents to use for current standard resources for Airport Land Use Planning? He said they had been mentioned before but he would go over them briefly. The Arizona Title 28 Chapter 25 Article 7 Airport Zoning and Regulation which encourages cities and municipalities to incorporate compatible land use around the state's public use airports. They have Part 150 Noise Compatibility Planning, the FAA Airport Compatibility Guide Book which recommends the California Airport Land Use Planning Handbook which was seen just a minute ago and lastly the Airport Cooperative Research Program Report 44 which documents the reasons for closures of public use airports over the past few decades. This is the standard. It is approved by FAA and recommended by the FAA in addition to several other states and closer to home they see the Prescott Airport which they used to create their Airport Master Plan in 2009.

State law governing creation of Airport Land Use Commissions applies to every County in California having an airport operate for the benefit of the general public. Airport Land Use Commissions have been granted statutory authority to repair an Airport Land Use Compatibility Plan and to review local government, general and specific plans for consistency against the Airport Land Use Compatibility Plan. The government code goes further on to state that a

County or City's General Plan as well as any applicable specific plan shall be consistent with an Airport Land Use Compatibility Plan and the City must amend to keep them consistent. Why? Incompatible land use by responsible zoning agencies has led to encroachment, safety compliance issues to the tune of airport closures at a rate of 1.5 per month in the United States. Since 1969 25% of the public use airports have closed.

According to the Airport Cooperative Research Program, their guidebook, Preservation for the Public Use of Airports, their data suggests that in 1970 there were 2847 privately owned public use airports in the United States. Move forward to 2007, there are only 933 privately owned public use airports remaining. Only 33% of them remain. They give 16 reasons for closures. If they eliminate the economic problems, they have the community and environmental reasons. When a community doesn't share their economic vision or share their environmental concerns about updating an outdated noise study or even accepting their own Part 150 Study, then it attempts to rezone adjacent property to incompatible land use, we realize the community environment leading to unfavorable flying and living conditions at Stellar. Their resources begin to diminish as fewer people want to buy and reside in the airport and then the economic and infrastructure issues soon to begin to take over. Do they feel threatened at Stellar? You bet they feel threatened.

Public use airports under private ownership have a significantly higher risk of potential closure than public use airports under public ownership and that is from Report 44 that he just quoted. NUVO threatens their existence. Stellar has 4000 feet of runway available for takeoff and landing, over 180 general aviation aircraft, 22 plus turban aircraft, and about 10 helicopters. They have an instrument approach when the weather is less than optimum. They will grow in size as has been mentioned earlier. They are 81% built out. Most of all they require no public funding. They just need the consideration to retain compatible zoning so it remains a viable public use airport - a gem in the City of Chandler.

Stellar's patterns are determined by a wide variety of aircraft, aircraft type, pilot skill, winds and others will determine where the airplanes fly. 60 to 70% of the time you will see the airplanes fly in the blue or yellow zone directly over the proposed NUVO property or very close to it. What altitude will the airplanes fly directly over the NUVO property? If they use the FAA standard 3 degree glide slope with about 318 feet loss per nautical mile, we will see that the traffic will fly over that proposed property at less than 95 feet. Less than 40 feet over those buildings is what you are going to see the airplanes doing. The airplanes flying the yellow might be a little bit higher because they are not in a straight path and they have a little more to accomplish to line up with the runway. What does that look like if you are sitting on the NUVO property? If they are looking out to the east, this is what you are going to see every day - a normal traffic pattern at Stellar Airpark of an airplane coming in just trying to make his way over to runway 17 at Stellar. The guys on the 4th floor of the proposed complex are going to get a great view. While don't they just fly a little bit higher? He said the reason they don't is the same reason you don't put a kid in a wagon, put him at the top of the hill and let him go downhill. The odds of them making it to the bottom of the hill safely are not very good. If he was to fly over that pattern of higher altitude, he would be diving at the runway and by the time he got to the

point where he needed to touch down, his speed would be so great there would be either damage to his aircraft or he would go off into the runway. That is considered an unstable approach, unsafe in the FAA's eyes and you must go around. Planes must remain in the yellow pattern dictated there. No wonder with airplanes flying this low over property in the inner turning zone they limit residential to very low densities. Additionally, any building above 3 floors they are going to have planes flying really close over the top of it.

He said let's look at another state to see how they do the airport land use planning. They picked Florida. Take the runway lane and put 4000 feet in there for Stellar and divide that in half and you have a 2000 foot radius that they say to draw around your airport. Within that radius they say no residential or education. Does NUVO fall within that? Of course it does. It is only a ¼ of a mile away. He said let's go to Idaho. They use yet another methodology to determine their airport traffic pattern. They use the performance of the airplane. We have category A, B, and C aircraft at Stellar C being the most critical and fastest air pattern. It's probably the largest. When you look at the table, they need to put 2.25 miles around Stellar for safety purposes and of course, being ¼ of a mile way, NUVO falls well within that. If they go to Idaho's matrix as to what can fall in there residential wise; they have C1, 3 and 6 as warnings. Warning 3 says limit residential density to a maximum of 1 dwelling per 5 acres. Again, not compatible with high-density like NUVO. He said let's move closer to home and look at Prescott Airport. In 2009 they updated their Airport Master Plan. Let's look at the resources use – the same ones they were discussing today. They added the Washington State Airport Land Use Compatibility Program. He showed the Airport Land Use Plan coming from the FAA and California Handbooks. They have drawn their zones. Every runway has its down diagram off the end based on the handbooks and the guidance. We look at zone 3 – yes, around the end of every runway there is a zone 3. Their zone 3 does not allow single-family residential, multi-family residential, mobile home parks, group homes, convalescing homes, nursing homes, secondary residence 1200 square feet or less. They do allow care taker units 1200 square feet or less and you will also find there are other pages of what is compatible in zone 3.

In fact, they would love to see the proposed property properly developed north of Stellar but it needs to be done correctly with commonly accepted Airport Compatibility Zoning. He showed 4 pages of zoning uses from the Washington State Airport Land Use Guide. Most of them are compatible with zone 3. From a pilot's perspective and because of his flying and safety experience he felt it was necessary and try to show from a pilot's perspective what it's like to fly over the NUVO property (will show a video clip). He showed the plane that they were going to fly-low wing, single-engine aircraft which is typical of what they have at Stellar. He showed a map of the area. He pointed out Chandler Blvd. and McClintock labeled to help get them orientated. Stellar Airpark is circled in yellow and they are going to fly the airplane in the normal pattern for runway 17 right over the proposed property. He said the video is going to start halfway through the final turn about 750 feet. Notice how fast things happen and how quickly they descend. They are now down around 500 feet, 400 feet, approaching McClintock they are less than 300 feet over the property, less than 200 feet, turning final and trying to finalize and make that sweet landing every pilot tries to make. A lot of concentration is involved. Notice how fast things happen. He said let's look at it from the reverse view. They

are over McClintock at 300 feet, there's the apartment complex down around 200 or less and he is trying to make sure he is not too fast or too slow that he stalls.

No Federal or State Airport Land Use Guide support high-density residential like NUVO. It is incompatible with all current land use zoning guides for this location near an airport. History has shown since 1969 that only 33% of privately owned public use airports remain with encroachment and incompatible land use being a major factor. Some residents have decided their sound proof dwellings may not hear or see every aircraft that goes by like when outside on their patios or in their pools but the shadows flying by their windows is going to keep them praying that those planes safely make it to the runway every day.

COMMISSIONER RYAN stated that in the last 3 or 4 presentations they have referred to a lot of guidelines and so forth. He asked if every pilot follows the same course into the airport. Mr. Gearhart replied that no, they don't. It depends on the type of aircraft, the pilot skill, the winds, number of airplanes in the pattern. There are lots of things that determine exactly where the pilot is going to fly. **COMMISSIONER RYAN** said actually they are flying over residential on the east side of McClintock. Mr. Gearhart said at a higher altitude-they are not flying 40 feet over tops of buildings. **COMMISSIONER RYAN** asked what it would take to readjust that flight pattern to make a little longer loop out further north. Mr. Gearhart replied that airspace is owned by the Federal government. Access is granted to the people in the airplanes in order to land at Stellar. If they don't want airplanes flying over that property, then they need to move the property out of zone 3 which is the inner turning zone as specified by the FAA. **COMMISSIONER RYAN** said they are looking at the zoning residential but yet they are saying put a restaurant there or ten restaurants there and that's fine. Mr. Gearhart said it has to deal with being at night and living in a place of high-density where they going to have to deal with it every night and worry about it. **COMMISSIONER RYAN** said you basically want to leave the ground empty and void of any development. He doesn't get what he is saying. If you put restaurants or employment or any type of use there, you could have at least as high a density as people as you would with this residential development. Mr. Gearhart said they are going by what is standardly used by the FAA and the most widely recognized source, The California Land Use Handbook, which states these are the items which are compatible use and inner turning zone 3. Again, if you look at Washington State Program for Airport Compatibility Land Use, there are plenty of uses there specifically many uses that would help with the economic and job growth output. **COMMISSIONER RYAN** said he just doesn't agree with what he is saying. The uses that he is saying that are fine to put there, in his mind, they are just as big a problem as the residential use. If you had a fatal attack at any point during the day time, you may have as many fatalities in a restaurant or in employment or in a commercial retail, maybe even more as you would a residential project. He's not the one presenting it and he's not saying that it's right to put this development there. He is just asking why are they picking and choosing uses that really have the same risk. Mr. Gearhart said they did not make that decision. They are looking to the guidance provided by the FAA and the most recently accepted compatibility uses around. It was not their decision. They just said this is what is standard for airport use in the United States today.

CHAIRMAN RIVERS asked if he owned an aircraft other than the one he showed them? Mr. Gearhart replied it's half finished.

RUSS OSIOL, 4306 W. SATURN WAY, stated he is a Stellar Airpark resident and a board member at Stellar Airpark. He is an airline pilot and airline pilot instructor, certificated, flight instructor by the FAA and a 30 year resident in Arizona.

He has two topics. The first topic will be the noise contours depicted in the current zoning charts are outdated. New noise charts would clearly depict that the buildings would be exposed to high noise levels not allowed by city ordinances and intolerable by the residents. The second topic will be city ordinances and city zoning codes.

He started his video presentation with a satellite view of Chandler Municipal Airpark only because this is where they started all of the zoning rules. In 1985 and in conjunction with the roadway expansion, the city needed to learn in order to get the money from the FAA how to define the airport overlay districts. To do that they had to come up with sound charts. This is the original sound contour for Chandler Airpark. If this chart would have been submitted to the FAA in its present condition today, it would be laughable and they would turn it down. It doesn't have any of the necessary wording there; the numbers aren't on there-it's just laughable. It is completely outdated just do to the software version in itself. The Arizona Republic noted that money exchanged hands about $360,000 worth for them to come up with these newer contours. Newer contours were clearly defined what was right for Chandler. They have had several revisions of their contours while they at Stellar Airpark haven't had any. This is just one of them. They got a little more compact and a little bit wider. He showed another version where it is the same kind of thing. Their airport usage has increased but nothing like the string bean design that they still show over at Stellar Airpark. These outdated noise contours both the original ones in 1985 done for Chandler and also for Stellar were originally produced in 1985 in accordance with the ordinance no. 1583.

All eligible parties including city planners now admit to their obsolescence. In 2011, Kevin Mayo stated that contours produced in the 90's were outdated. He also said that every time the FAA updates their software, the contour lines change. In 2003, Long Range Planning Manager, Hank Pluster stated that the map was 18 years old at that time. As the late Planning Commissioner Mark Irby expressed, he would like Staff to pursue the issue regarding an update and this was never done. He showed Stellar's old, outdated 1985 noise contour chart that is still in use today. This was produced in 1985 by Kaufman & Assoc. and he has the pleasure of talking with Dave Fitz, who is now the Principal of Kaufman & Associates. He has a letter from Dave Fitz saying this is outdated. He asked him what he used to come up with this stuff. How did they come up with this contour? They are all confident that when they did this in 1985 it was probably a good contour at that time. It is not relevant now though. He asked what they did. He told him that when this was made they used software that used punch cards. He calls this the hanging chad chart. There is no way for them to describe how this contour came to be. They talked in length and detail about how it got this curb. There is no other contour that is done in any of his research that has got these kinds of wavy turns. Their best guess is that this was done

with an old outdated software version to come up with an old outdated chart. What they might have done was come up with single event level matrix would commonly depict this. Everybody knows this isn't accurate today. They probably did this because they had 40 homes. They know they had about 50 airplanes around that time. They had no neighbors. The significance of not having any neighbors is they didn't have a good neighbor policy at that time. They are very proud of the fact that they have very low noise complaints. If they had a lot of noise complaints, they wouldn't be here today because they would have updated our noise contour chart. They would have been forced to in order to stop the noise complaints. They don't have noise complaints because they have a good neighbor policy. The good neighbor policy forces us to fly right over that unoccupied land. That is where they fly. There are no residents there and no business there and they fly right over that land and that keeps everybody else in that area happy.

The runway is half the size it was today. The significance of it being half the size is that they didn't have high performance airplanes coming in back then. They didn't have any jets, helicopters or high performance airplanes were in use at Stellar at that time. Any one of these instances would make the sound contours invalid beside the fact that they were done in 1985 with punch cards.

This is the same contour that is depicted on the zoning chart. Note, it is not a FAA noise contour chart. It is a zoning chart that they took this old outdated noise contour and slapped it on top of there. He thinks he is the only one that has this kind of version because he had to go the zoning charts and grab one version of it and another version of it, photo shop them together and make them look pretty so they can see this string bean design that is in existence for Stellar Airpark. The problem is this depicted zoning chart with this old chart depicted on a good zoning chart with all of those residences around there, it almost looks like a current chart. It is not a current chart; it is the old outdated chart on top of your current zoning chart. He put color on this thing. It looks even better now but it is still an old outdated chart until now.

City ordinances are directly tied to noise overlay districts. The only way you can define those noise overlay districts is to have current charts. The original city ordinance of 1433 provided for periodic updating. They all know that was never done. 1433 has been amended and the periodic update thing got dropped. Stellar Airpark has taken on the task to develop current charts that are accurate and also depict the noise contours. How do they go about doing this? You have to use the FAA approved software. You can't use architectural field guys in the parking lot holding meters. That is not what the FAA uses. There is only one thing that is approved to come up with a noise contour. It is a FAA approved software. It is called The Integrated Noise Mileage software (INM Version 7.0). They update this stuff on a regular basis. This is the current version. What do you do with it? You have to reference FAA Appendix 150 Part Noise Disclosure Maps. He makes his living and several of the people over here following procedures by the FAA. As a flight instructor, he enforces procedures in FAA. As a former airman, he was tasked with regulating procedures of the FAA. He knows how to follow FAA procedures. In the FAA procedures it also says that if after submission of a map, if there is any substantial change meaning airplanes doubled, runways doubled, flight path changes, any of these things, it says the airport operator shall prepare and submit a revised noise exposure map. They were bad on the

promptly thing. They never had this thing come up so they were bad on the promptly thing but the operator has now come up with a map for them. How did they go about making this map? They had to get data. They don't have punch cards anymore; they have really good software now. They petitioned the FAA. They said to show them the radar tracks. He said they would notice in the center of this map there is a yellow circle. That is the property. They will also notice there are no hooks going out here; no hooks off to the left. They don't fly that way. All of their patterns are done in a left have pattern most of the time. Sometimes they fly in left hand patterns, sometimes they take off to the north and sometimes they are required to take off to the north and fly directly over the building. This is just a sample of partial air traffic display of radar traffic. There are a lot of air planes that aren't even on here because they only pick up the radar traffic when they are higher up in the altitude. As the airplane starts descending, they lose their radar signature. Also, there are a lot of airplanes that are flying in and out their airpark that don't have what they call a transponder. A transponder is a thing that gives the signature to the radar. It picks it up and identifies it. If you don't have a transponder, it is not going to be recognized on this map. It was good enough to do the test for them.

What else do they have to do? They have to find out what kind of airplanes they fly. The original software only had jet airplanes. The original software was designed for places like Phoenix Sky Harbor or Chicago O'Hare. They get jet airplanes. They didn't have the modeling software designed for specific aircraft let alone specific general aviation aircraft. They also have to put in the expected traffic pattern use. You tell the program that most of the time they take off to the south, most of the time they are making left traffic on 17. Most of their patterns are going to be flown in this direction. Sometimes they take off to the north. You punch all this stuff in there and analyze it over time and it gives you a current chart. What are they going to get out of this thing? They are going to get this thing that they refer to as a dnl. So what is a dnl? A dnl is an average. How do they come up with the average? They come up with a decibel. He wants to make sure they aren't confused with a decibel versus a dnl. A decibel is just a unit of measure per sound. If they set up a meter right here, he would be talking at 65 decibels. As he gets a little more excited, he is probably talking at 70 decibels. It's about 65 decibels in normal conversation. Why is that significant? Because later on he will be talking about 85 decibels. Why is 85 decibels significant? Because 85 decibels is when you start getting hearing loss. They take these decibel levels and they come up with averages. At Stellar Airpark they don't have a whole lot of airport operations like Chandler Municipal. They have a lot airport operations compared for their airport but there is a lot of down time; a lot of time between 2:00 and 4:30 a.m. when they don't fly. The average of 0 decibels versus 85 or 120 is really what gets you the 65 decibels; the stuff that really starts bothering people.

Back in 1973 the EPA came up with this dnl. It is just a metric for coming up with an average and a way for them to define what is really going to bother the people. It is just an average. It is used to define what they refer to as the noise annoyance relationship. They have charts and they can figure out how many people were going to get mad. It just represents the need for community activity and also airplanes making noise and they have to find out how they can make this balance. It is really just devised as a threshold of tolerable noise complaints. He showed a chart that came out of the National Academy of Science, a committee on hearing and

biometrics. It shows dnl on the right highlighted at 65. That is the normal dnl number that people are looking for in their contours. They have heard a lot about California. California average was cutting edge there as well; 65 California - it really is about the same thing for their smaller airport with the amount of operations that they have. Either way it is going to show them that 14 to 23% is the percentage of people that are highly annoyed. They have 300 to 400 possible new residents in this apartment complex. That means 42 to 92 highly annoyed people.

The dnl contours are not represented of the actual noise; it is just an average - the average of the overall expected tolerance. The actual noise can be depicted by other metrics. There is single event metrics. He showed a single event metric chart. This is one airplane on one day. So coming from the bottom right side corner this is how they normally approach our field. They approach the airport at a 45 degree angle; that is the standard pattern. Make a U-turn and come around and land. Obviously, sometime before they land they have to take off and that is what is depicted over here.

He showed the glowing yellow area in the lower left hand corner is the area of the subject property. So what they see off of the upper right hand corner it is 55 decibels. That is not too bad, that is quieter than him now. The light purple is 65 decibels; that is noise about what he is talking right now. 70 decibels it gets a little bad further on in. The blue in the center is 85 decibel noise contour. That is the part where hearing loss occurs. That is the part where most of the complex is at. The single event sound bar gives them a prediction that they might get 85 decibels of noise on that property location.

In difference to the applicant's noise study, he said that the road noise is going to be louder than the airplane noise. A couple of weeks ago, they had Vice Mayor Weninger to visit and no less than 3 times during the short visit, they had to stop their conversation because they couldn't continue talking because they couldn't hear each other. He showed a short video about what they were doing out there at that time. They had a little sound meter off to the right. The sound meter is reading low and there is an airplane taking off to the north. He showed the meter shows it peaked up below 86 decibels. It pretty much validates what they found out. They got this latest greatest offer from the FAA. They put in the good information. It says they got 85 and it comes up at 86. He showed Stellar Airparks latest sound contour on the right. On the left is the old outdated hanging chad. They had 40 homes with the old one and now they have 200 homes and businesses. They had 50 airplanes with the old one. Now they have approximately 100 airplanes; not only 100 airplanes but now they have helicopters and jets. Helicopters are the number 1 single biggest source of complaint for Chandler Municipal Airport. In 2007 the Chandler Master Plan states Stellar Airpark had an average of 45,800 operations. Everything they have done in their study has been on the low side. Everything has been conservative. All of their numbers have grown since then and like Joe first said in the beginning they really expect that everything is going to turn around and we are going to have higher operations in the future.

He showed a blow up of the sound contours, which is also going to depict the airport noise overlay districts. There is a contour of 55 on the right (the lighter green shading) and the first purple shading is what comprises the airport noise overlay district of two. The other one which

is 70 decibels and above that is the noise overlay district of three. That is all out of the Chandler code. A further blow up of it shows that half of the property is going to be in the noise overlay district of 2 with a current chart. The other half might be in the overlay district of 1 but they have guidance that says that if half of it is in there, it's all in it. Out of the Chandler code, what do you do if you are located in the airport noise over districts which they found out today that this property is in the airport noise over district? They have now defined which airport noise overlay segment they need to apply. Up in the left hand corner it shows anything in the grey area, the uses in this category are not permitted; residential, single-family, duplex, multi-family or manufactured housing is not permitted. It is just not permitted.

Noise contours presented today have been developed using standard practices in accordance with the guidelines suggested by the FAA and the software developer. The SRUA Board of Directors has approved this map as an accurate representation of the noise generated by their airport. The copy of this map has been presented to the City Planners and a copy has also been filed at the County Recorder's office as a matter of public record in accordance with Arizona revised Statutes Title 28. Our duty as airport operators has been to inform the surrounding property owners and the city regarding the noise generated by our airport. They also stress that higher noise levels will occur at frequent levels. The levels depicted on the map will occur at frequent levels. The levels depicted on the map are 24 hour weighted averages that they talked about. The actual noise levels in this building are going to be much higher.

It is up to them to hold to the intent of the city ordinances and deny the applicant due to incompatible land use. He wanted to gift them which he has already presented to the city planners, a copy of the new Noise Contours Chart.

COMMISSIONER PRIDEMORE said to Mr. Osiol that he said it was recorded. He sees him carrying a copy of this at this meeting but things are getting late. Mr. Osiol responded that 2 weeks ago it was presented to the City Planners. The fact is that this is a private airpark. They pay the money to upkeep it. With that comes certain burdens and looking at his presentation right now, one of those burdens is making sure that the noise contours are up-to-date. The question is why wasn't this looked at prior to this particular catalyst of the NUVO? Mr. Osiol replied the only way he could explain is that they had so many promises from City that said residents weren't going to build there and then also it wasn't that long ago that they got assurances from the City that they were going to look into updating these noise contours. They were the ones that originally came up with them. They had provisions in the city ordinances that they were supposed to update them so the standard was made for them to make them and to update them. Now is has gone on too far. He wasted so much time of his life and all of the people over here in the last 2 months just trying to prepare this. They were promised before this wasn't going to happen so they trusted them that they didn't have to do this stuff. Money was exchanged hands and he is sure the City paid a good portion of it-$230,000 for a noise study. That is a lot of money for their airport to come up with a noise plan. He understands that they probably shouldn't have trusted the City 10 years ago when they promised them they were going to do it but they had. **COMMISSIONER PRIDEMORE** asked if he knew how many noise complaints they get a year. Mr. Osiol said he would have to defer the question to Joe Martin,

their President. He is the one that actually has the cell phone that he carries with him all of the time and takes care of the complaints. At every one of their annual meetings, they have a good policy. They do everything they can to avoid bothering other people. The fact that their noise complaints are low should not be relevant because if they weren't doing things the right way they would have a lot of complaints. **COMMISSIONER PRIDEMORE** said by that same argument if you have a good neighbor policy so now you have 200 new neighbors, how does it change? He understands he can talk volume, 20 calls versus 1 call. Mr. Osiol said the only reason they can sustain the low level of complaints right now is because they have the property that nobody is at. They tell all of their people to fly over that property. When that building is over there, they have to fly around it; most of the time they won't be able to fly around it first of all. But if they have to fly around it they are going inconveniencing the other people. Then the noise complaints are going to start. Noise is going to happen. **COMMISSIONER PRIDEMORE** said as an observation even with the noise contours that he is now presenting, quite a few homes obviously fall within the 85 decibels not even counting theirs. There is obviously a subdivision directly west of Stellar that has been there since the early 80's and obviously there are other subdivisions on each of the corners. Mr. Osiol showed that the new properties further to the east are not in the higher decibel levels. Those are in the ANO-2 district. The brand new properties just to the east are in the new district. Half of the properties that are in Stellar are within the ANO-2 district where residents are allowed. There are some properties that are right next to the runway and those are in the ANO-3 district. Those are the loud ones. Still those aren't as loud as it's going to be at the apartment complex because the noise is pressure so the noise is coming across those houses. That noise is going to be directed right towards the apartment complex.

COMMISSIONER CUNNINGHAM said to Mr. Osiol that he mentioned 220 homes and businesses. Is there a figure of how many businesses rely on Stellar being there? Mr. Osiol said he would have to refer the question.

MR. JOE MARTIN said he would have to say he doesn't know that exactly right now but he would be happy to give her that. He said it is probably at least half of the businesses. **COMMISSIONER CUNNINGHAM** asked how many is half? Mr. Martin replied there are probably 30. Twenty of the businesses have aircraft that they fly in and out on a regular basis. **COMMISSIONER CUNNINGHAM** asked if he had any idea of any of the businesses at Stellar Industrial Park that also rely on Stellar. It is a public use field. Does he know if any of the businesses at Stellar Industrial Park directly across Chandler Boulevard rely on Stellar being there? Do they fly in and out to support their business? This is on the north side of Chandler Boulevard. Mr. Martin replied he didn't know the answer to that.

COMMISSIONER PRIDEMORE said NUVO goes away and other businesses are put in there and he is a business owner and one of those properties and he calls with a noise complaint. What is he going to do? What can you do for him? His business is there and whether his complaint is valid or not because that is another issue. The reality is people are always going to complain no matter what you do on just about anything; they are going to find somebody that is not happy. Whether it is justified or not that is part another discussion. In this scenario, he is a property owner and a business owner and I'm within your 85 decibel contour. He would think that he

wouldn't get to that point without knowing of their existence. So he consciously made the decision to put his business there. Somebody flies over his business and it is 86 decibels and he calls to complain. What are they going to do? Mr. Osiol replied that like he said there isn't anything they could do but they have heard the term airport encroachment. That is the problem. Airports keep getting encroached on and they have run out of options and they can't do anything to prevent it. If in fact Stellar Airpark did own that property, the FAA would prevent them from building out there. They would say you just can't do it. Further, Mr. Osial said that's what everybody trusts them for. This is what the zoning thing is about. This land was there and these guys bought and they know the airport is there. There is some land that really shouldn't be built on. There are compatible land issues for it but when it gets that close to an airport, it really might not be safe to put people there. Like he mentioned earlier it might not be safe to put businesses there. It is an unsafe place and that is why the FAA has come up with those turning zones. They say it is not a good place to put people there. If somebody really, really wants to do it, there are taking that risk but they trust these guys to protect the safety and welfare of the people. That is what it says in that code. People will do dumb things if you let them. Your job is to stop people from doing dumb things. **COMMISSIONER PRIDEMORE** said he just made the statement that if you own the land, the FAA would not allow you to build anything there. Yet, they have a document in their possession that is from the FAA that says there is no hazard. Mr. Osiol said this is a balancing act that they are all going to have to work on. They have two meetings; this one with them and the Council meeting. **COMMISSIONER PRIDEMORE** said he understands. They are a recommending body and he applauds everybody for taking the time to put their presentations together. They very seldom see this level of commitment and of preparedness. He thinks it is a good test ground. Obviously, they have to come through this body before you get to Council. Council is the one they have to convince in the end. They are doing very well on how they are making their arguments. It's that balancing act. He understands both sides of it. Again, he makes the comment that the FAA wouldn't allow it yet he has a document that says the FAA looked at it and they are o.k. with it. How do they reconcile that? Mr. Osiol replied that it is stated in the memo that the document really doesn't matter. That letter he has is only a preliminary finding. 10 days prior they have to put the other one in. That letter he has there he is not sure if it is the most accurate one because they have found holes in all those letters. They really have the most accurate letter. **COMMISSIONER PRIDEMORE** said he has the most accurate letter. What letter is that?

COMMISSIONER RYAN said this whole thing is kind of confusing for them. They have to understand this is their business, these fly zones, etc. and they have a lot of self-interest for this airport the City wants to have, but on the other hand we want to develop the rest of that property that has been sitting out there vacant for 30 years too. It is a real balancing act for them. They look at what Staff presents to them as gospel; not what these guys present to them. They appreciate what they have done and the hard work. It needs to go through Staff and Staff needs to digest it and then come to them with a recommendation. They can't really say for certain that in all of this stuff and he has heard and he sat on this Commission 10 or 15 years ago, and it was just as confusing then. The thing is they have a great looking project in front of them. They would like to approve it and recommend it to Council to approve it. All of you show up and now they are really confused. It's a flip of the coin for them. He is not really sure what they need to

do at this point and maybe a continuance to get this thing digested a little bit further with Staff. He doesn't think it is right to bring all this information up in front of the Commission like this without having Staff privy to it. That's how he feels.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated he didn't remember which Commissioner referenced the letter of Determination and No Hazard to Air Navigation. The document indicates that it appears to have been issued on July 5 and that determination becomes final on July 15, 2012 and that it is effective until the end of this year. That is what he is reading. You never know with the Federal Government but that looks like the dates that are correct. Also, in response to Commissioner Ryan all the information they are providing today is usable information to the City or if Council was engaging in considering an amendment or change to the zoning code; that portion that deals with the noise overlays and so forth. As several of these people have indicated, that isn't the case. Back in 1986 the airport was different and decisions were made to create those noise overlays. There is nothing that suggests that was unreasonable at the time given the nature of the airport and the uses that were there at the time. Those are still the rules that they operate under and are part of our zoning code. Those are the rules that they provide and inform developers when they are coming in; that these are the zones we have created and recognized. Whether it ought to be changed or not isn't really the issue before this body tonight but what do the current rules allow and provide for.

COMMMISSIONER RYAN said he doesn't feel like they are hearing the whole story directly. He feels like this is politics and they are hearing what one party wants for their interest and another party wants for their interest. He doesn't feel like they are getting the information correctly enough to really make the decision to approve this project or not. That is the concern that he has. It is very, very confusing. He sees one graph that shows a flight pattern coming in from the west landing. They talked all night coming in counterclockwise. The information is all confusing. When he looked at this project, he though it is out of the way of the direct approach to the airport. What does he know about flying-nothing. That is what he saw. There is no reason why this couldn't go. This project is a good looking project but the way they explain their approach and video with the airplane coming over 30 feet over the top of the building, who is going to vote for this? That is pretty crazy. So is this information really correct or is this just kind of drafted up a little bit?

CHAIRMAN RIVERS said that Commissioner Ryan makes valid points and as always he has keen insight, however, he said he was a little bit early. He wants to get through the rest of the speakers and then they can talk among themselves.

MS. JODIE NOVAK, SENIOR CITY PLANNER, stated she wanted to clarify something. Commissioner Ryan made the comment that City Staff was not aware of any of this information. A lot of this information, no. She said Mr. Osiol wanted to come in and talk with them recently. On his own personal time decided he was going to figure out what the new noise contours would be but they were very clear and explicit with them that is not something that is a part of this zoning case action process. The zoning case action process is not a discussion to look at 'is the zoning code correct'? Is the zoning code's ANO's correct? Are the noise contours lines on a

City Council official adopted zoning map book correct? That has nothing to do with this zoning case. As with any zoning cases that comes before Commission and Council, they are based on the City's adopted General Plan. Any other specific area plans, any other development plans and policies as well as what the current zoning is in the current zoning code. They have explained that and while they may feel that the noise contour lines are not correct and while they may have made comments stating that yes, there is that possibility that they may not be current today, they are not saying that is incorrect. There are separate processes that you have to go through the City of Chandler's jurisdiction to approach and coming through and asking the City Council to redo our zoning code book, re-evaluate how we define land issues and ANO's and look at redoing all of our zoning maps. They have had zoning cases that have come through in and around our Chandler Municipal Airport and they have never had these types of discussions at our Planning Commission or City Council because they had an understanding that if somebody didn't agree with our zoning code or the zoning maps, those are separate processes aside from this. Obviously, Board members and Council members can take in that information and that at the end if they feel maybe there should be those other processes, then that is their determination as part of how they vote on the particular zoning case. A zoning case typically isn't held off or continued to educate Planning Staff and City officials on how an airport really runs or doesn't run or whether the FAA agrees to doesn't agree on how flights go or noise contours work. That is not really a juncture of a point of contention with a particular zoning case. You make your findings off of what's adopted and whether what is proposed for a land use is consistent or not consistent with the adopted land plans and appropriate for that particular location. They had that discussion with them and advised them but the City has not taken those plans to process a zoning code amendment or an update to our zoning map. That is not something they submitted to the City Clerk or City Council for them to look at as a separate process for the municipality at this time. They haven't agreed to those contours, the City hasn't recorded them and they haven't signed off nor have any of the property owners, homeowners, subdivisions, commercial or industrial. In the new contours they have no idea about this new overlay over their properties, which cause problems for them every time somebody has to pull a title report now. Property owners have no idea that this airport is infringing on them with additional noise contours that were historically never a part of this property. That is a legal issue separate from the zoning case that they will have to address through the processes. She said she just wanted to clarify that for the record so there is no confusion. She respects where they are coming from and maybe their attorney can add to that if needed, it wasn't that they were blindsided. She doesn't want them to feel that they blindsided us. They have been pretty open with us this whole time.

COMMISSIONER RYAN and **CHAIRMAN RIVERS** thanked her.

MR. OSIOL said he still had his 2nd topic. Topic number 2 is addressing the city ordinances and the city zoning codes. Straight out of the city zoning code it says the principal purpose of the airport in the overlay district is to protect the public safety and general welfare in the vicinity of the Chandler Municipal Airport and Stellar Airpark by minimizing exposure to high noise levels, accidents generated by airport operations to encourage future developments which is compatible with continued operations of the airport.

He said he would like to address within that section of the zoning code, there is an avigational easement and a release of city liability. This avigation easement which was talked about already has to be signed and what it limits is the City of Chandler from liability for any claims of damages originating from dust, noise, vibrations, fumes, fuel particles and so on. This standard avigation easement contains within it a normal 350 foot over flight as contained within the language. What that means is from the ground up to 350 feet it is owned by the people that own the building. They have demonstrated that they are not going to be able to fly 350 feet over that building. They are going to be flying at levels much lower than the 350 over the building. So that standard language is going to have to be amended. Airplanes will definitely have to fly lower in order to safely land. Any time you have to change that standard, a red flag should really rise. This is not the standard; this is something different, this is something wrong. The language in the city ordinance may provide the City with some comfort that they are covered. There is no way that the City of Chandler will not become liable litigation if an accident were to occur. The facts have been provided from the FAA. The NTSB which is the National Transportation Safety Board can review the aviation experts, City Staff members and City Planners. Numerous state planning guides said it is incumbent upon the City of Chandler to avoid incompatible land uses and avoid liability. They also will have trust in them to hold the process of common sense, checks and balances and that this request should be denied.

MICHAEL WOLF, 4411 W. FOLLEY PLACE, stated he is a homeowner in Stellar Airpark and he is new to the Stellar Board. He first got his license at Stellar Airpark in 1980. In those days, it was half the strip it is today surrounded by cotton fields and lots of desert. Obviously, things have changed. His presentation is going into summarizing their entire position and he isn't going to talk about ANO's and he is going to keep it very simple and very understandable.

He said before he jumped into his presentation he would like to address one item. The idea of the hotel, a 4-story hotel which has been brought up several times. Mr. Bull has used that thing and said the Commission approved a 4-story hotel, what's the deal with a 4-story apartment complex. It is confusing and looks strange. The first time Mr. Bull presented a neighborhood meeting, half of them fell off of their chairs when he said there was a 4-story hotel approved on the property. They said that is not possible, how could that be? They went back through their records and they wrote a letter to the developer. They went through all of this plans and he was putting a 2-story hotel on that property. They said they don't like a hotel but it's 2-stories and they approved it in a formal letter that property for the 2-story hotel. After 5 or 6 continuances in April of 2009, a 4-story hotel was approved on that property. They didn't know that was approved and if you look around this room, he thinks there would have been a lot of people at that meeting. How many Stellar people were at the meeting in April. Zero. Nobody knew about it. That is their fault but they would never have approved a 4-story hotel on that property.

He said he wanted to get to his conclusions on what they have seen tonight. First, the NUVO project is inconsistent with over 30 years of zoning protection. The NUVO project land is identified in the General Plan as part of a growth expansion node. He is sure most of them don't know what a growth expansion node is. He looked it up. A growth expansion node is defined as a strategic location for placing specialized commercial and employment. He doesn't read multi-

family into that. In fact zoning to support jobs and income generation for that particular property has been around before Stellar was even annexed into the City of Chandler in 1979. Multi-family housing in this location is inconsistent with 30 years of rezoning. The City has always protected Stellar against improper encroachment. Stellar Airpark has consistently supported all of the efforts. They have supported new development in that area. They don't want dirt out there. They understand they can't keep dirt out there. They want property that is commercial and is relatively low density with a few number of people; not hotels, it is not 400 people in an apartment complex. It is usage patterns where they fly in the mornings and on the weekends and these people are going to be in their houses on the weekend. They are going to be out by their pools on the weekends. They have supported all the major changes and rezoning for that particular property with the exception of anything that was residential. They are not nimby's. He said he had to learn what nimby meant; not our backyard. They are not saying not in our backyard. They are saying put the proper buildings out there; businesses that generate revenue and businesses that are jobs that fit the General Plan. The NUVO project is incompatible with the General Plan and as they talked about earlier, it eliminates that 7.8% of remaining land that is left in Chandler. It eliminates that valuable limited land that they need for jobs and income generation.

The NUVO project exposes its residents and their families to well documented, unnecessary danger and the City's potential litigation. They aren't trying to scare people and say people are going to die and these planes are going to come raining out of the sky. They are talking about real danger with real examples that have occurred over the last 3 or 4 years. They aren't making this up. They have real documentation. This project is being placed at a location where the land is cheap. That is why they are here today. That land is cheap. You can stand on that dirt and look at three other parcels that would be much more compatible and much safer across on the east side of McClintock and south side of Chandler Blvd. Much more logical. You can bet that at that particular location where it is at today, it wasn't picked by Mr. Lewis because it had a beautiful unobstructed at the end of Stellar Airpark with airplanes coming straight at the building. Unfortunately, NUVO is proposed to be built right squarely in the 3rd most dangerous location that you can put a building; the inner turning zone. It's where the risk of the accidents is considered by all accounts moderate to high. Both U.S. and California data show that this is a location where accidents not only historically but statistically are going to happen. Forget the statistics. At Stellar their accidents and incidences occur in exact places where they are predicted to have occurred. That is a dangerous place to be putting apartments.

The FAA clearly stated to us at Stellar Airpark that if they owned the dirt that NUVO wants to build on, the FAA would prohibit them from building on that property. They don't control the space so they don't have anything to say about that but if they owned the property the FAA would not let us build on that property. It is his belief that ultimately the forms and hazards of navigation, he thinks they are going to see some changes in that document. All he can do is predict but they know there are some issues with that document.

This site disrupts departures where they are under the control of air traffic control and you do exactly what they tell you. You don't make up where you fly. If you are a standard flight, you

can turn to the right over that building every single time if you want to but when you are on an IFR flight, you only fly it one way and that is the way air traffic control tells you. As demonstrated earlier, they show exactly where they must fly to the right directly over the building.

He asked how many of the people in the room would be anxious to move your families to the apartment complex that he is describing with the kinds of hazards that exist on that particular property. He doubts that Mr. Bull and Mr. Lewis are going to be moving there any time soon so they aren't worried about that. This is a dangerous place to be putting an apartment complex.

The NUVO project will expose the City of Chandler, the FAA and Stellar Airpark to a never ending series of noise complaints. This site will regularly experience 85 decibels. They have flown planes over it and have taken the decibel meters and actually measure it. The Vice Mayor stood there with us as they looked at planes coming over. They measured them. They are not making it up that there are going to be 85 decibels regardless of where the ANO's lines are. Those decibels by the way are ground level and not at the upper levels. Those numbers will be higher. There will be planes regularly flying over the top at 50 feet or less and it is not going to be uncommon for certain planes, some WWII planes have smoke on them. So they will be coming into your complex with smoke billowing and the residents are going to look up and think the plane is on fire and about to crash into their apartment but in fact, that is a standard approach for these planes.

Noise and fear are going to become a constant event. Phone calls, the FAA and the City of Chandler are going to skyrocket. Remember, you can mitigate the noise but you can't mitigate safety. They have seen a tremendous amount of very detailed and complex information tonight and he is sure a bunch of these terms were very foreign and some of the charts were pretty darn detailed. He suspects some of it was pretty confusing. He said let's ignore all that complexity for just a second and think about this in very basic levels. What reasonable person would think that it is smart to build a 4-story apartment complex housing several hundred families in the known departure and approach path to an airport less than 1300 feet away. What reasonable person would think that it is smart to build apartments where planes are going to come down less than 50 feet over the roof. Finally, what reasonable person would think that it is smart to build high end luxury A+ apartments close to airplanes that are going to produce engine noise up in excess of 85 decibels. Does that sound like a luxury environment and experience to them. Every single person he has exposed to this plan and he is not talking about the pilots and the folks in the room, he is talking about average people on the street all see the exact same thing. This is crazy. What are they doing? What could they possibly be thinking? Yesterday, a former high level INTEL executive put it in a way that he didn't think it was particularly appropriate. The owner of one of the adjoining properties thought it was crazy that they were even considering it. The project absolutely fails the reasonable person test.

Finally, he would argue the NUVO project threatens the very existence of Stellar Airpark. As they showed earlier, nothing kills airports more effectively than residential encroachment. 1.4

airports get closed in the US every month. In California alone, there have been 25 closures in the last 10 years.
Let's imagine for a minute that the proposed apartment project was already built. Let's say it existed first and Stellar didn't exist and there was nothing to the south. Let's imagine that Mr. Bull works for them and they want to put in a brand new airport to the south. Let's imagine that they are going to put this airport within 1300 feet and they are going to bring it in front of the Council. What's the likelihood that he could come to them tonight and you would vote yes to a brand new airport in front of an existing apartment complex with 400 people in it. He doesn't think so. Yet, tonight they are standing here considering that exact same scenario with that exact same horrible repercussion. Well guess what, the apartments weren't there first. Stellar was there first by almost 44 years. In closing, they come to them tonight and only ask that they respect the hundreds of millions of dollars that the private citizens of Chandler have all collectively invested and creating one of the finest airparks in the United States. That airpark is a freely shared public use airport as they discussed earlier. It generates revenue for the City of Chandler, yet it is no cost to the taxpayers. Chandler should be proud of Stellar, Chandler should do everything it can to protect it. He implores them to do the right thing tonight. Do the right thing and reject the NUVO rezoning request.

CHAIRMAN RIVERS said he had other speaker cards. These people could not stay at the meeting. They were:

Edgar P. Van Cleve
4171 W. Linda Ln.
Is in favor of this item.

Wesley Van Cleve
4066 W. Monterey St.
Is in favor of this item.

Jeri Henry
3838 W. Laredo St.
Is in favor of this item.

CHAIRMAN RIVERS called up the next speaker to the podium.

MICHAEL MYRIC said he actually lives in Tempe but lives about a mile from the proposed site. He is here on a mutual basis. He is not a pilot and he is not Mr. Lewis' commercial real estate broker although he has been involved in commercial real estate and development along with his family for the last 40 years. He has done a number of commercial transactions in that corridor and is there sort of waving the peace flag to the Commission to give them a perspective from the development community and the commercial real estate community in general.

He attended the last meeting and was very vocal. He raised his hand and asked the tough questions from height to density to sound contours to traffic counts to all the demographics and

things of that nature and really didn't get the answers that he was looking for. He took it on his own initiative to set up a meeting and meet personally with Mr. Lewis. He thinks he is one of the very few that have done that. They had a great meeting and he walked away from that meeting finding someone who he feels personally is committed to the city, to the project and to the community.

He has heard a lot of interesting statements here tonight. He thinks this is somewhat of a sacred cow argument. You have a group of pilots whose passion is their sacred cow and you have a developer who wants to move with a project that is obviously their sacred cow. He thinks in life they will find we live in a world of mostly gray and it's not black and white. He understood earlier there were a 139 people that opposed the project. I wish there was 139 people to add comment to find a happy medium to this project. One of the things he has heard over and over again which annoys him personally, is recommendations and case studies of here is what California does, what Idaho does but the fact is this is Chandler, Arizona. That being said if they want use case studies in California, San Diego International Airport is a great case study. There is tons of multi-family that have 737 airplanes flying 50 feet over their house every single night. He knows he used to live in one of them. He also used to live in the City of Chandler. He lived in an apartment complex at Warner and Price Roads prior to the 101 being built. When the 101 was being built and traffic was terrible, he moved.

A lot of the pilots here talk about how they are going to have all these noise complaints. He thinks the reality is they are going to have tenants, if they don't like it they will leave at the end of their lease. In this down economy they look at a lot of options and best uses and the things the troubles him is one of the gentleman came up here and said they fought this last time. He thinks it doesn't matter if it is an apartment complex or a retail center because no matter what is going on here it's going to be opposed by this aviation community rather than trying to find a happy medium. He hopes the Commission will find a happy medium in this gray area and recommend a comparable solution that both parties can agree with.

NICOLLE HOOD, GENERAL COUNSEL FOR THE GROUP OF COMPANIES THAT OWN THE CREATIVE LEATHER BUILDING, 450 N. MCCLINTOCK DRIVE, stated she did not mark whether they directly oppose or support the project. There were some questions about the number of employees. There building is directly north of the proposed project. They would share Erie, the collector road there as their main entrance. The Creative Leather building as it has been referred to in this meeting actually houses several businesses. Half of the building is occupied by Creative Leather and then there are several smaller users in the building and then they would say roughly the second largest user is southwest bakery group which is all owner occupied. Southwest Bakery Group also has about 30 plus employees, bakeries and workers and then the second level of the building is all administrative staff for all of the companies which include First Cup Arizona which is the largest Dunkin Donuts franchisee on west coast, Zoyo which is a yogurt shop and several of the other related land holding and real estate kind of companies held by the same principal of Creative Leather and First Cup. All in all, they have in the peak season they are a restaurant user for the most part of the First Cup side. They have just fewer than 900 employees. They have five Dunkin Donut stores in Chandler and

two Zoyo stores in Chandler. That gives them a little bit of background on this center. They don't directly oppose or support this building. They would not support this building and they would oppose it if some of their concerns are not adequately addressed.

They have been in contact with Mr. Bull and Mr. Lewis and these are items that they are hoping they can work out with them but they are some items that she would like to put of record and to make sure that the City would be working in conjunction with the developers to help them make sure these items are properly addressed.

They are light industrial and the bakery has trucks going out at all hours of the night. All of their runs are to all of the Dunkin Donut stores and then in the next months they expect those runs will at least triple. They are talking about 20 trucks going out at 3:00 a.m. in the morning. Many more trucks would be coming in during the day. They could be seeing about 100 trucks in and out on any given day. There is also on the Creative Leather side, their furniture is actually manufactured directly in the back half of one-half of the building. So there is noise, sawdust and lots of things that you would expect with light industrial use. That is what they are concerned with. They are concerned with residents coming in and having complaints regarding the smells, the look, the traffic, and anything else that you would anticipate with light industrial. They would like to see a stipulation that would require not just disclosure but also acknowledgement like is being proposed for the aviation issues where the residents of the building would directly acknowledge them as well as the landlord. They would like something recorded as well that would suggest this is an industrial property that is right next door and you have to know what they are coming to. That is the first item they would like addressed in some fashion in stipulations by the developer and by the City.

The second is Erie Street. They have voiced concern to the developer. They understand that the only access point in terms of entrance will be off of Erie. That is also the street that they use to run all of their trucks through. If you can imagine Erie running east/west and if you entered on Erie, all of the trucks go to the back of the building through that direction and most of their trucks can't even come through the front entrance due to size. They can but it would not be their preference. All of their deliveries and everything else definitely comes through the back through Erie. They have proposed a traffic study. Mr. Lewis offered to do a traffic study and they would be interested in the results of what high density residential would do to the use of Erie. As they can anticipate, retail would have a different flow of traffic throughout the day on Erie Street if that was used for commercial or other retail developed as opposed to the peak hours of use. There will be people leaving at a certain time and people coming home at a certain time. What they want to make sure is that there are proper queue areas for cars turning in. She has lived in 2 apartment complexes. Anytime she was lucky enough to get off of a work between 5 and 5:30 p.m. and try to get home, she waited in a turn line with other traffic uses because you can only have 2 or 3 cars stacked to get in. There is somebody at the front who is not a resident who's punching the key code trying to get in and there are cars that start to stack. They can't really afford that loss of time when they are on specific runs to get any type of bakery product to a customer whether the truck is coming in to the store to pick up product or whether the truck is leaving the store to deliver product. Make sure that there is adequate queue space.

They also asked the developer and meeting with Ms. Mackey if it was possible to consider another entrance way. She knows Juniper is being used as an exit. Is it possible to consider another collector street or another collector street on the opposite side of the project? These are things they would like addressed. They want to make sure their concern regarding traffic on Erie Street is well researched before they can make an educated decision about how they feel about this user coming in.

Finally, the last item was their view corridor. They do not have a monument sign. Their signage is on the top of their building for the Creative Leather showroom. It is also a showroom and factory in the back. When they bought and developed the building, they anticipated that they would have the traffic from other retail and commercial and have a monument or a pylon sign out if front was not really the biggest concern because they figured that traffic would be coming to us. It would be a commercial area. If that goes away and they have a residential development right next to them and this residential development is slightly different than what they thought commercial looked like at the property. Mr. Bull has pointed out that they are not entitled. It is not necessarily given that the view corridor that they have would remain no matter who bought it but the truth is they are faced with the loss of both their view from Chandler of their signage and they are also losing out on that retail traffic. Their concern is that they are both losing out on all visibility and the traffic that would be associated with retail. They are losing that synergy and they want to be sure that they receive some kind of protection to make sure that they are at least able to place the signs and not on their property. To place the sign that gives them visibility they believe that they should have with this change coming into place.

Those were really the 3 items that they are most concerned with that we would like addressed and said she would be happy to answer any questions.

CHAIRMAN RIVERS said he is going to defer to Glenn Brockman, Asst. City Attorney on this. Is this something for Planning Commission? Ms. Novak, Senior Plan said she could answer that as these are not legal questions.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, said these are issues to consider in connection with the approval or non-approval of this application because essentially she is asking for conditions to be put on to the zoning that is being applied for.

MS. NOVAK, SENIOR CITY PLANNER said her first point about having a special condition is kind of an awareness condition. They have done that where single-family subdivisions are building next to agricultural dairy farms or horse properties and they have had a long zoning condition that basically states any perspective home buyer etc. they are made aware of if they are near an airport or they are near horse privilege properties or whatever it may be. If they are near the railroad tracks and those uses will be there indefinitely, here is a stipulation on record and then it would be part of any kind of recorded document. They could draft up a really general one this evening. The real specific language she doesn't have with her. It is very long and something they could definitely do for Council. That wouldn't be an issue to add something on

there that really takes into account her concern about making sure everyone who does go in there is aware that there is an industrial business park around them and it will be there indefinitely. That could be something that could get documented and signed by each leasee similar to some of the other conditions.

The other concern was Erie and dealing with truck traffic and queuing. All of that has been addressed. Traffic count, the amount of traffic they generate for multi-family use is the City's owned and managed and maintained roads in the Juniper area in McClintock and Chandler Blvd. It's already in place and wide enough and big enough to handle apartments and vehicles in apartments, existing industrial that already have regular vehicles and truck traffic, and future industrial. They don't design these roads to then have an afterthought later and think 18-wheelers aren't going to work on here and they just approved an industrial business park for this area or commercial retail and hotel going in here and they don't know where their driveways are going to go. That had all been thought through from the previous case in 2009 but even with this case the City goes through a very thorough technical review with their traffic engineering staff. This meets all of their code requirements. There is nothing incorrect with how it has been designed. It doesn't affect how their trucks come in out of the road because the road is staying the way that it is. There is nothing that affects the traffic on McClintock, an arterial street; same with Chandler Blvd. This has little impact on the overall traffic counts, volumes, trips per day, driveway locations are appropriate. There is no need for them to have a secondary entrance. The traffic that would even occur from this is minimal and doesn't warrant that. From that standpoint they have already done that review. There is not a necessary process, secondary to the months and time that has taken to design this project with the City to rehash and go back over the traffic because it has already been appropriately done with the developer to make sure they follows city codes and requirements from a transportation standpoint. The other comment was about view corridors. This zoning case has no legal authority to give rights to somebody else's property on whether they should or shouldn't or can or can't have a freestanding monument sign. If any business in the City of Chandler wants to inquire with the City with what their sign code allowances are, if they can't have a monument sign, where that monument sign can be located, what of the heights and number of panels is a whole separate sign permit process with our Planning Division but it wouldn't be something related to this particular project to assure them that they have a right to get a sign. They can't put that on somebody else's property. That is not tied to this zoning case. That summarizes what they are. They only thing they can do this evening is either insure that they will come up with that specific stipulation, give her a copy of that so she knows exactly in which that will be forwarded over to Council. If she drafts something up, it is very general today and she is going to have to change it for the Council report anyway.

Ms. Hood said she thinks based on that if it is being suggested that nothing would be done for either the view corridor issue that they bring or the street issues to be sure there is another traffic study done or something else, they would not support the development.

CHAIRMAN RIVERS asked Ms. Novak if she wanted to go ahead and put the stipulation in and forward that on to Council in any case. Ms. Novak replied that she could try to create

something that is similar to the one on here. She may modify it to give to her - that is more of the exact ones that they have done on every other kind of disclosure stipulation that we have on record because there may be some language she would be missing that would be more pertinent to have in it. She can get to that as they get toward the end when there is a motion.

COMMISSIONER CUNNINGHAM said she stated that there were approximately 900 employees related to the businesses in this location. How many specifically are there daily in this building? Ms. Hood said in this building there is probably about 30 + Creative Leather, 30 + in the factory and another 15 administrative staff in the upstairs just related to their companies. Related to the 3rd party tenant she does not have an accurate count but she doesn't think it would exceed 10 on a daily basis. **COMMISSIONER CUNNINGHAM** asked if the bakery had 30. Ms. Hood replied yes about 30.

JIM ORMSBY, 3131 E. HORSHOE DRIVE, said the comments about the noise and all the numbers have been fascinating but from his perspective and in listening to Chandler's Municipal Airport problems over the past few years, it is not the numbers that people call about. The aviation community does not oppose everything and anything that happens near an airport even in apartments. The Chandler Municipal community has recently supported two apartment communities; one fairly small and fairly close to the airport but it is off to the side and not off of the ends and another one is over by Arizona Avenue and it is large and very nice. It is about a mile and a half to 2 miles away so there were some concerns and some protections were put in and most of them eagerly supported that project and cautiously supported the small 2 building 2 story project that was much closer to the airport. They aren't knee jerking on just about everything that is going to go on but this airport compared to everything else they have seen is too close to the airstrip and too tall. It is a beautiful and wonderful place and he has seen the drawings but it is in the wrong place. The aircraft will nearly circle the building when they are trying to land and that is going to be too close. It is completely predictable that the City will get many complaints from the residents who see aircraft some hundreds of feet instead of a thousand feet away from their back porch.

Two years ago in the San Tan Sun there was a letter to the editor from a resident who lived about a mile away from Chandler's airport. He complained about aircraft noise and invited the City Council to come out and have a cup of coffee with him in the morning at about 6:30 a.m. when this noisy fleet of aircraft was supposedly coming over him so that he couldn't even hear himself talk with his neighbors inside his garage. He has no idea whether the City Council members followed up on that but he did. On a good morning when there was going to be all the traffic going to the north he parked his pickup truck a block away from his house, set his lawn chair up in the back of the pickup truck, poured himself a cup of coffee and started counting airplanes and listened to the noise. He said he was giving the complainer one point right off of the bat. There was a twin engine that was flying way too low. That kind of thing should stop but that is only one airplane. He counted about 60 airplanes each morning and he never had to worry about having a conversation with anybody in the pickup truck if they had been there. Normal tone of voice and much quieter than what he is talking now when he is nervous would have been sufficient. People don't pay attention to 85 db or 65 db. They don't know what a db is. What

they hear is something they don't like; something unusual. The City doesn't get complaints very often about somebody with a Harley Davidson motorcycle next door. But let somebody who doesn't like airplanes and airports for whatever reason, hear one going overhead and the City website has a place for if you have a complaint about the noise. The actually solicit the complaints. Park residents don't complain much, they tend to move. That is true. They have 220 apartments there and the airplanes are going to be very close. He thinks it is easily predictable that they will have a lot of complaints and these things are preventable and they are incompatible.

Residential use is a special concern because people are more protective of their homes than they are of businesses. He doesn't hear very many complaints about people going into K-Mart or Target and saying they heard an airplane on the way in. Residences are very special because people have an investment in time and money in them.

RUSS WESTPHAL, 4412 W. KITTYHAWK, stated he has been a resident of Stellar Airpark for 4 years. He currently owns and flies 3 aircraft off of that airport two of which are high performance aircraft. His point here tonight and a lot of the things he was going to say have been covered.

His business for the last 40 years has been as a commercial real estate developer and he has built hundreds of apartments. In addition to that he is an 8 to 9000 hr. commercial pilot that has flown all types of high performance aircraft including helicopters. He said he thinks he is going to bring a perspective to this that maybe they haven't heard. His theory is this. He has had to be in a position of Mr. Bull's client to make a decision about a site for an apartment complex. In all of the 40 years that he has done this after looking at this site and hearing the information he heard tonight he would not consider this site in any shape or form. It is unsafe for all the reasons they have heard. He can tell them from a personal standpoint when he gets into one of his high performance aircraft, take off on runway 35 and make that right turn, if he has an engine failure in those two aircraft, he is going to hit that building. He has been in this situation and that is a normal access route for them on 35. One of his aircraft is a high performance warbird in excellent condition. If he thought it was going to fail, he wouldn't be flying. Things happen in life and sometimes life is not fair. He thinks the number is way too low from his experience in apartments. You could have as many as 600 people in that building based on the number of units and the bedroom count. People are doubling up today. You are not getting one or two people in those units. You could have as many as four or five. When he is in the airplane and he is departing that 35 route, he is putting all those people at risk. That is not a fair risk. It is unreasonable and as an apartment builder would not be willing to take that risk and put those families at risk.

CHAIRMAN RIVERS asked what two aircraft does he fly. Mr. Westphal said he flies a Citation 525 twin engine jet and a North American NA-50 P-64 light World War II fighter. **CHAIRMAN RIVERS** said so specifically talking about your jet how fast are they going when they take off? Mr. Westphal replied his rotation speed subject to weight and temperature and can be anywhere from 85 knots to 108 knots-lift off. By the time he lifts off he is about halfway

down that runway. If he were to have an engine failure within the next 5 to 6 seconds, he would not have enough altitude to miss that building.

MIKE TRAGARZ, 1043 W. IRIS DR., said he is a resident of Gilbert. He is not going to talk a lot about noise. He is with one of the major airlines and flight operations and he is a graduate of the FAA TERPS School of the FAA out in Oklahoma City and has been actively involved. TERPS is the standard terminal instrument procedures development and the criteria of surrounding the application for airports and procedures. That is what he wants to talk about because it has much more impact than even noise. Noise is a nebulous thing to him but these are the numbers and he wants to share them with you. He said he would breeze through these slides.

He was the designer and the major contributor for the Phoenix Area Northwest 2000 Airspace Redesign here in Phoenix. He participated in the hazard assessment team for the City of Tempe stadium move. As a matter of fact, this particular building has many of the same characteristics of that building. You will notice that building was not put in Tempe but now as it resides in Glendale for the very same reason he is going to share with them today.

Las Vegas and Los Angeles are now redesigned due to an implementation team. He is a member of that. For the last 10 years he has been on numerous implementation and design teams around the world. He is going through these slides because they have seen and identified area 3 which is where this particular project is proposed to be built. The risk level is moderate to high by the FAA standards and by the criteria. He wanted to get to the application of this particular letter that has so much weight on it that says this building is not hazardous. This is exactly the same point that Tempe found itself in because of the application of what a hazard actually is in relationship. They have heard the proponents to this project tell them that letter does state that it is a non-hazard. Well that is not the entire story and it is not the entire story in the letter but that wasn't share with them and he wants to make sure they do share that with them so they have all of the information. This is the location of the building that was provided to the FAA to do their assessment. He pointed to where exactly the location by latitude and longitude and they have identified the height of the building and they used a nominal 50 feet. Why did they do that? Well, if you look at the guidance that establishes a hazard to navigation, it is really simple. If it not over 50 feet it is not considered a hazard. Does that mean it is not a hazard to aviation? That is not at all true but for the purposes of this guidance and the lighting the top of the building, it is not considered a hazard but that is not the entire story. Right out of these letters because there were three projects there and the FAA has some specific guidance on what they have to tell people. They can see based on the evaluation it doesn't have to be lit because it is not a hazard to aviation. It does go on to say in the letter that the structure is considered under the Study in proximity to the airport and the occupants will be subject to noise from aircraft operating to and from the airport. Once again, any height above 50 feet is not considered a hazard but what are the effects on aviation? They say no effect on arrival and departing aircraft under visual flight rule. They go on to say specifically and they will note they misidentify the airport. This letter was written for an airport in Texas. What the developer's failed to bring to their attention is that the FAA in this letter identifies specifically that this building penetrates the obstacle assessment zone or slope for the protection of the aircraft and against the obstacles by the Terminal

Instrument Criteria for developing airport procedures and instrument procedures. It does do that. They identify it in this letter.

There are three advisories that they are supposed to and do that often. In fact, some of the other identified obstacles in that particular area were given as advisory. This structure will fall within the runway protection zone of the airpark. Structures will result in the congregation of people within the area are strongly discouraged and in the cases where the airport exercises no such control advisory, recommendations are issued to inform the sponsor of the inadvisability of the project from the standpoint of safety to personnel and property. That is in these letters that was not shared with them.

This is the guidance and TERPS is the guidance. This is the bible for the FAA to create procedures. It is what guides them. It is what guides the airport here for the approach and the departure. In this particular case what is applicable to the departure end of this runway they already saw they have identified in the non-hazard letter that this building will penetrate the obstacle assessed area. They all can agree on what thing and that is it is always best to operate the aircraft in normal conditions. When you start operating aircraft non-normally, that is when you begin running into exposures. You increase the exposure and you increase the level of hazard to unacceptable levels and you have to do something beyond that. Paragraph 203 of these special criteria directly relates to this particular departure into the runway where you have a sloping obstacle clearance surface. It basically says that when climbing on a departure or a missed approach, in this case it's a departure, the concept of providing the obstacle clearance in the climb segment in and instrument procedure is based on the aircraft maintaining a minimum climb gradient. That minimum climb gradient is 200 feet per nautical mile. This is right out of the guide. Where the obstruction penetrates the OCS or the obstacle clearance surface, you have to apply a non-standard climb gradient to that. In their letter they correctly identify in the case of an instrument departure. They must re-evaluate the procedures which means once that building goes up the procedures are no longer valid and they must publish a non-standard climb gradient for aircraft departing that area. It really doesn't much matter whether they are IFR (under instrument flight rules) or VFR (visual flight rules). They are talking about performance of aircraft. Can the aircraft climb above that building to a proper height that guarantees the safety of both the aviator and the persons and property on the ground. This guidance mandates that they apply their climb gradient. Their letter fails to identify that and take the 35 feet at the end of the runway improperly.

Under extraordinary circumstances they just heard a gentleman stand up and talk to you about engine failures. The FAA does not apply TERPS or instrument procedures to engine failure procedures. So they have multi-engine airplanes flying out of that particular airport and each one of the operators is responsible for their own assessment and finding a path out of there. As this relates to the stadium issue, this is exactly the issue that got the stadium moved to Glendale. It is was impossible to get out of Sky Harbor without having the wings of the airplane on a single-engine or engine failure be less than 40 feet below the top of the building that was going to be there. This is exactly the same issue they have here except one. There is no other place to go. They can't take the airplane on an engine failure any other place so that building is absolutely in

direct line of a performance base-it's all math and has nothing to do with noise and all that other stuff. They may or may not be able to make it over the top of that building and if they don't it is not detected by the procedure and it must be accommodated by each individual operator.

The last thing is the flight tracks. As they heard, these flight tracks don't reflect all of the aircraft that are there because many of the aircraft (he showed the radar data from Phoenix Tracon) they indicate the air flights that they were able to continually get on radar but there are many more that fall below the altitude on the arrival that they just don't see. They see many more aircraft then are even depicted here.

He said he wanted to finish up with one last item and that is something that they have heard many times in this presentation about this being over the building a certain height. He said he wanted to show them the map on exactly how the FAA and TERPS criteria address this. He said he would it to them exactly. The basis for the flight path calculations is a 3 degree flight path angle which is a nominal flight path angle by the FAA. Anything exceeding 3.1 is considered to be a steep approach and they have gone away in the recent times from this dive and drive issue to prevent the flight into terrain and buildings for that matter by having high rates of descent. So 3 degrees is the flight path that they plan for and they calculate to. That equals 318 feet of nautical mile, a stabilized descent rate which they talked about and a nautical mile of course is 6076 feet approximately. This gives that particular building of 1395 feet from the runway at 50 feet you come up with a height of 73.14 feet above the ground which if you remove that 50 feet puts that plane on 3 degree flight path angle at 23.14 feet above that whole area there. The end result is do you really want to see airplanes there? The FAA and the visual segment-it is not a problem. With engine failures on single-engine airplanes there will be no place to go except into that building. That is why they make clear areas and that is why they produce procedures and that is why compatible land use comes into play. It prevents high-density at least. They asked a very good question. What is the difference? You have a lot of restaurants there or whatever. The EPA decides this. They make a decision that says for arbitrarily or otherwise, they make a decision that says that a high-density residential district has more weight than a restaurant district or a commercial district or school or a church has higher rated for whatever reason they do. That is what they decide. They make the rules on what is compatible land use and this just doesn't meet it. So here they see this airplane at the end of the day less than 25 feet above it on approach.

In conclusion, the hazard determined specifically addresses the need to light the obstacle. Although it would be considered a hazard navigation their result would be that they would light it on top and then they would post it. The FAA recommends the use of the California book. It's clear that the construction and in habiting this project, will put the occupants at a high risk and significant noise footprint as outline in the Hazard Evaluation that the FAA did provide. The height does not exceed 50 feet and thereby does not constitute a hazard to navigation. However, they do correctly identify the obstacle in their guidance to them by finding a non-hazard they specifically identify that it does penetrate the departure path of their departure protected area of the current procedure as it exists. What it doesn't do and it will never do because the FAA doesn't do that, is take into account the non-normal engine failure on a multi-engine (3 or 4

engine and above). One engine inoperative performance characteristic, the FAA does not do that. It is up to the individual operator. Every operator is required to find a way out. This building blocks all the operators from finding anyway out of there because of the proximity to the runway.

The last thing it does is have an adverse effect on the airport and it does shut down immediately when that building goes up. It will shut down that procedure, the instrument procedure out of Stellar and it will cause the FAA to go back and revisit and redo the procedures which will trigger because somebody asked why don't you just move the traffic – just move them downwind? You can't do that because Part 150 doesn't allow you to do that. You can't just say they don't want the traffic here I am going to put it over by those guys. You can't do that without doing a full blown Part 150 Study which they are all familiar with and the City of Phoenix for Sky Harbor and the Northwest 2000 spent millions of dollars doing a Part 150 Study with the new procedures here. That is exactly what will be triggered to the extent both the City, the airport operator and the local people that the instrument for departure will be shut down and a complete review and a new development of the new procedure will have to be made. Remember, you can't go straight out of that airport because it interferes with Phoenix Sky Harbor traffic inbound and Phoenix Tracon will never allow it. That is why you have a right turn.

CHAIRMAN RIVERS asked when he said they would be shut down, who would shut it down? Mr. Tracarz said once it was triggered so that a climb gradient would have to be published, that would require a review of the TERPS procedure and the FAA would shut down that procedure because of a known obstacle that has not been evaluated. In order to get over that obstacle, there are only 2 options based on the criteria and this is Federal law which has nothing to do with if Chandler likes this or Phoenix likes this, it is Federal law. They will have to produce a non-standard climb gradient to open that thing back up again. If they are lucky with the government and the FAA, they would do that. However, it is going to cause the operators to have to perform a non-normal departure every single time. That means they are operating the aircraft not outside the perimeters of aircraft but certainly any time you apply non-normal procedures, you start raising that risk. Somebody not doing it. It happens. They would have to produce a non-normal climb gradient and have it published. That should today trigger a new procedure for FAA for them to publish and that will cause them to have to do a re-evaluation of the departures procedures at Stellar and if in fact they have to move the traffic that will trigger a Part 150 Study. There can be no new procedures today going anywhere new other than where the flight tracks already are today without triggering a full Part 150 Study. That is not this noise thing that they are talking about although that is a component. It will take 5 years to do guaranteed. That is how long it took Sky Harbor to do or Phoenix to do a full blown Part 150 Study in order to get this air space redesigned. **CHAIRMAN RIVERS** said they have been told that the FAA can't shut down the airport. Mr. Tragarz said they won't shut down the airport. They will shut down the procedures. When they do have a situation where the aircraft departing that require that procedure, they won't be able to use that procedure. That procedure will be closed. You can still go and come at the airport and you can take your Cessna 172 or some of these other aircrafts and you can access in and out with no problem. You still have the same problem but you are not

limited because the proceduret is not published. Like all of the aircraft that are transitioning into the air traffic system will be shut off. They will not be able to use that procedure. Plain and simple. It's really the facts of the case. All of this noise stuff; this is where these airplanes will be. That building because of the way aircraft actually operate, the performance characteristics of aircraft, the turn radiuses, the speeds. When you start adding those things up and start to look at them from a mathematical standpoint, when you look at the criteria you find out they don't have anywhere to go. Airplanes can't go straight up, they have to turn. They have a bank angle, they have a turning radius based on wind and temperature and based on speed. All of that stuff gets played into this criteria that he has shared with them today, the TERPS.

They have heard all about the noise, the compatible land uses. This TERPS is the bottom line. It is the bible for the FAA. That hazard letter is misleading. It tells you just like it did for the stadium in Tempe that yes, you don't have to light it but it further says in that letter that this building penetrate and is a non-frangible obstacle by the way which differentiates from those lights out there.

COMMISSIONER RYAN asked what about departing and arriving from the south. Mr. Tragarz said first off the instrument procedure for that runway which is published right now does not allow that because of descent angle. It does not allow arriving on runway 35. You have to make your approach from the south and circle in that pattern that they have showing you to the left or on the right side of the airport if you will. Depending on your category of aircraft, you have to stay within a certain distance from the runway and make your approach to 17. That is the way the procedures are written by the FAA. There is no let's just land on 35. It is specifically not allowed to land on 35 based on the procedures and what is required with the obstacle requirements that they have for the procedure and air space issues.

CHAIRMAN RIVERS said for those of them up there who are non-pilots, when they talk about runway 35 what he is really talking about is the only runway at that airport and it just happens to be northbound. There is physically one slab of concrete out there and it is a single-runway going northbound which are 35, 350 degrees and the other way is 17, 170 degrees. When the prevailing winds come out of the south, the aircraft lands on 17 southbound. That is why they see that pattern and you see all the traffic over there because that is the predominant runway for that airport. You can't even extend the traffic further down to the north because of Sky Harbor traffic. It would conflict with Tracon Airspace and they won't allow that. They have produced these procedures to stay within a certain distance of that airport and land on runway 17. That is the way that airport has always been. Once again, you trigger all of those things he told them about before. If you want to cancel that procedure and go back and build a procedure for runway 35, it would require a complete Part 150 Study and a complete redesign. He said he likes it but they don't.

COMMISSIONER BARON said in his packet he has Conditional Use Rules for aircraft from Stellar Airpark and he is a little confused because it appears that the rules for the airport states that departures from runway 35 that you maintain runway heading until you reach 500 and past Chandler Blvd. Mr. Tragarz replied 500 feet AGL. If you look at another airport in a local area

like Mesa Gateway, they have a procedure exactly like that. It says you will take off and you will fly and make a right hand turn staying south of these power lines, which are about a mile off the end of the runway. That is called their fly friendly procedure. It's what they ask their VFR pilots to do under visual flight rules. We ask them to do that. The FAA on the other hand dictates instrument flight rules and traffic rules. Those rules are different. Those are right turn immediately to intercept that radial and go southbound and get out of their airspace as quick as you can and to prevent conflicts. So what he is looking at is what people have asked these guys to do to make it fly friendly, to keep the noise down, go straight out before you make any turns but that still doesn't resolve the problem with mechanical failures and the TERPS. It still doesn't guarantee you obstacle clearance. All they are doing is asking to go out to 500 feet before you make any turns because that is going to get you up and out because aircraft reduce their rate of climb in a turn because they have to, they lose lift. As that airplane starts through that turn, it is not climbing as fast as it would if it would go straight out to 500 feet; so getting up and away as fast as they can. That is a great procedure but it is not mandatory. **COMMISSIONER BARON** said these rules don't necessarily apply that he is telling him. Mr. Tragarz said they apply until they are usurped by the FAA.

CHAIRMAN RIVERS called a recess for 10 minutes.

At 10:06 p.m. **CHAIRMAN RIVERS** called to order the meeting. He thanked everyone who came out this evening to support or oppose this motion. It is probably quite a bit later than they thought it would be and they all deserve an award for hanging on to the bitter end. He invited Mr. Bull back to the podium to give them his rebuttal.

MR. BULL he wants to re-emphasize what they all know to be true and this zoning application being heard in the City of Chandler needs to be considered under Chandler's adopted plans and Chandler's zoning ordinance and Chandler's rules and regulations. In that context there is no question what the noise contour that show up on the City's zoning map whether people agree with them or disagree with them, those are the noise contour s that the City adopted and they are the noise contours that effect private property rights on not only the NUVO site but all other sites in that area as well.

Noise contours are adopted not just in overall zoning code but on the zoning map itself. There has been considerable discussion about the General Plan. There is no doubt that the General Plan has been adopted. There is no doubt that whether people agree or disagree or how it is proved, the development that is on the property includes a 4 story hotel. There is no doubt that the City's adopted zoning ordinance and zoning map includes ANO's and there is no doubt that this NUVO site has never been within an ANO which precludes residential development. In fact, pursuant to one of the charts that was put on your screen earlier, the ANO's expressly provide the opportunity for residential development in a site that is designated as our site is designated which allows multi-family. In any event, they are within the area that expressly under the adopted zoning ordinance and zoning district that applies to us allows residential including multi-family under Chandler's adopted rules that apply to the NUVO site and other properties around this.

With respect to the General Plan there has been considerable discussion about the General Plan about what it does and doesn't authorize with respect to uses within the growth node and uses within this particular property. Importantly, he believes is that their Staff Report at the get go confirms that this application is in accordance with Chandler's adopted General Plan and is in accordance with Chandler's regulations and guidelines. As they are looking at the General Plan and as they remember the map shown up here earlier that shows the growth node and so on, then you go to the General Plan that talks about growth areas and in particular you go to page 50 of the General Plan under growth nodes. He is not the one who wrote a Staff's Report so he won't pretend to speak for them, but he anticipates this page and other things under growth nodes was important to Staff in making their determination that were in accordance with the General Plan and no General Plan limits required. A gentleman mentioned that there are multiple growth nodes. Yes there are. He thinks there were quotes being taken from different places. That is fine. One quote is not in the right place. The one that applies to this site is down here being one of the other growth expansion nodes; a major transportation junction and so on and so forth. The General Plan expressly states even though they are designated employment, it is also appropriate for additional opportunities for high urban residential densities in mixed-use developments.

As they know, Chandler has historically capped multi-family at 18 units per acres except in certain locations, this being one of them where it has been identified as being appropriate for not only multi-family but multi-family at high urban residential densities. On Pages 1 Staff indicated that it is consistent with the General Plan then also at Page 4 of the Staff Report, Staff talks considerably about residential densities, opportunities for high to urban residential densities, insuring a variety of housing choices and on and on and on in part because they are not only in this growth node but they are also at the intersection of what the City considers to be a high capacity transit corridor. It is the right place for high quality high density multi-family under the City of Chandler's adopted General Plan and it in no way violates the City's adopted City's ordinance or the City's zoning map including the ANO's. This hearing body and Council typically rely on these City's approvals as a heart of the cornerstones that they base their decisions on.

One of the things they also typically rely on are stipulations one of which in this case is the stipulation that calling for an FAA No Hazard Letter. He doesn't want to read too much or too little into some of the comments about the FAA No Hazard Letter and he can assure that they made this submittal in accordance with what their consultants were told to do. The letter came back signed and approved by the FAA's Manager of the Obstruction Evaluation Group. It seems to be somebody fairly high in the chain of command who signed off on this letter. In dealing with letters like this anywhere near an airport, he believes it is a standard stipulation for the City to call for stipulation 12 that they provide to the City a Determination of No Hazard of Aviation letter. This is that letter. On page 1 it says in the opening paragraph 'No substantial Adverse Effect' on the safe and efficient utilization of navigable air space. Down here it says this building which they said would not exceed 50 feet doesn't even require lighting. Down here it points out because they are around an airport there may be some noise. No doubt about that. At the neighborhood meeting the other night and some tonight, there was discussion about how he

failed to point out the sentence that talks about how height exceeding 50 feet would be a hazard. That is irrelevant in the context of NUVO because the consultant who submitted the application knew that the absolute maximum to the top of the peak of the highest thing would certainly be no more than 50 feet and is in fact, slightly less than that. There was no reason to apply for 55 feet or 60 or 65 feet on this building. They knew it was a building slightly under 50 feet. The fact that over 50 feet would be considered a hazard is irrelevant. They keep going through the letter and at the bottom of page 2 it says the study disclosed that the described structure would have no substantial adverse effect on air and navigation. Page 3 is where the Manager of the Obstruction Evaluation Group signed off. Page 4 indicates that this building does not exceed 14Cfr Part 77 Obstruction Standards. The effect on VFR's – none. It talks about northbound departures from everything they have been told and observed are rare. They happen but they are rare. The northbound departures would have a 15 feet penetration under certain situations. Importantly though if you go on down to the bottom of the letter where it explains the basis for the decision and it explains that although this 15 foot penetration may occur, it does not increase the instrument departure gradient or have any other adverse effect on instrument approach or departure procedures. Right above that it expressly states that it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient use in navigable air space by aircraft. There is nothing in this letter that to his knowledge would suggest to Staff or anyone else that there is a FAA identified hazard on this site This is the type of letter that Staff relies on all the time in issuing building permits for projects that get letters like this approximate to wither Chandler Municipal or Stellar Airpark. There is nothing in this letter that suggests that Stellar needs to create a new departure procedure. Be that as it may this again under Chandler rules that they have followed for as long as he can remember, is what a developer of private property is supposed to do. Private property owners along with the City rely on FAA issued letters like this in determining whether or not they have FAA clearance to proceed.

He didn't know much if you want to talk about noise. There was a considerable discussion about it before. Then a gentleman said noise really isn't an issue in his mind. Clearly, just as Asst. City Attorney Glenn Brockman stated this is not time or place to be changing rules on private property that has to do with a pending zoning case operating under the City's occurring rules or abiding by those rules. The City Map is what it is whether people agree with it or like it or not, it is the City's official map. He is very curious about the proposed new contours and who created them and the fact that they got recorded and seemingly recorded over other people's private property which Jodie indicated may offer some other challenges for those folks. He doesn't know if it will or won't. He finds it kind of interesting that those contours which we don't agree with and don't see what applicability they have here this evening, go way north and go over existing residential neighborhoods and so on and so forth but be that as it may, the City's rules are adopted and on a map and those are what should be judged by. They are not a threat to Stellar according to the FAA and according to everybody here. He believes the FAA is recognized as not having jurisdiction over Stellar. There is no way in being any kind of threat to Stellar Airport. They have agreed to various disclosures that are already in there stipulations. He suggested earlier and provided a draft copy to Staff that they would also agree to a further disclosure that indicates that if there are questions or concerns wanting to be expressed by one of

their residents that they should be told that those should be expressed to their manager not to the City, not to Stellar, not to the FAA and that is expressly stated in the lease and they would record something requiring that be part of the lease. They are willing to do that because they can understand that there may be concerns with 229 dwelling units. Maybe there is someone who is just odd and no matter how many things they sign, no matter how many photographs they saw, they are just unhappy at the world, they will channel those calls and complaints and deal with them in that matter. Ed Lewis has even authorized for them to say if there is just a problem child, he will find them a new place to live. That is how serious he is about believing that this is an excellent development in the right place and is not going to in any way endanger Stellar Airpark or the pilots that use it.

It is also interesting when they talk about some of the uses. This is a follow up to some of the questions that were asked by some Commissioners. They could get into all kinds of discussions about how many people are in an apartment building versus how many people are in an office building versus how many are in a restaurant or a restaurant with a playground. They believe on average they are going to have in apartments two people more or less per 1000 square feet, 5 people or less probably in a 1000 square feet of office, 6 or 8 hotel rooms in a 1000 square feet. Certainly strong arguments can be made that there is less occupancy per square foot in an apartment building than there would be in some of the other uses that some people would suggest be more appropriate even though they haven't been built and there is no indication in this economy that they will be. As Chris Mackey indicated, there are lots of reasons why that type of development shouldn't be continued to be held on to on this site.

They also find it interesting as they were look at different displays that at least from where he was sitting there was lots of noise tracks coming back into the airport on the landing route. There are lots of tracks going to the north and lots of tracks going to the west of the NUVO site. He couldn't tell for sure but it looked like 3 coming across the NUVO site. He could tell them that when Tony Sola was in the field he wasn't seeing traffic going over the site. He thinks he had 1 or 2 that went over the site when he was out there in the course of 3 days. He is not about to say that there aren't planes going over the site, there are, but it's not like the flights that are lining up where they are supposed to be in the context of the no build zone indicating that if planes are there they are operating in a safe corridor and they are west of this property. He said he found it very interesting that a couple people said that if Stellar owned this private land that Stellar could not develop anything on it. He doesn't know what that means other than here is private land. Yes, somebody is thinking it shouldn't be developed at all and in fact one person said that some land just shouldn't be built on. That's not private property rights in Chandler or the State of Arizona or in the United States of America. This is private land and they do not have the no-build zone encumbering this land. They do not have adopted noise contours encumbering this land. This land is privately owned and is appropriate for development and it should not be banned or effectively taken from the opportunity to develop for any purpose be it a City purpose or a purpose of Stellar Airpark.

It was a suggestion that the only reason Ed Lewis is working on this property is because the land is cheap. That isn't the case. For a whole lot of reasons he picked this land and it isn't cheap but

he had opportunities in various pieces in conjunction with discussions with Staff including Economic Development. They knew that this was to be mixed use, they knew that this was a growth node and they knew it was an excellent opportunity to provide what they believe to be A+ product in a site which has employment all throughout this region of Chandler and more employment coming in a location where they want to make sure and Economic Development and Planning wants to make sure that they are providing absolute expensive top notch multi-family. Here is the opportunity to do it rather than working here and going home to Scottsdale and spending their money in Scottsdale.

With respect to Creative Leather they will continue to work with them. There was a meeting with Creative Leather several months ago that included representatives, Chris Mackey, Ed Lewis and himself. Since then there were discussions of varying levels between Ed Lewis and one of the people at Creative Leather. Ed was of the impression that issues were resolved. He got a call this afternoon from Ms. Hood indicating that they still had more things to talk about including the three she mentioned tonight. He told her then and will say again now that they are willing to make disclosures concerning the industrial use and so on. That was never an issue. She saw a few minutes ago during the break a draft of the disclosure stipulation that Jodie worked up. She is not sure if it is o.k. with Creative Leather or not but it is certainly o.k. with them. He agrees with what Jodie said with respect to traffic as far as Erie as a collector. It is supposed to collect interior traffic. They went through review by the City's traffic reviewers and everything passed muster and everything is just fine. He also understands that there are additional questions and a request was made that they do some kind of traffic study looking at average daily trips and peak hour trips and distributions. Ed Lewis told Ms. Hood and one of her clients this afternoon that he would engage someone to do that. On one hand they could say that shouldn't be necessary because they passed muster. Between now and the Council Hearing they will do that and see if they can resolve that issue. With respect to view corridors, it doesn't make any difference what gets built on this site Creative Leather is not going to have an open and unobstructed view corridor from Chandler Blvd. They were asked if they had a problem with Creative Leather having a monument sign and as was discussed here whether or not Creative Leather currently qualifies or can qualify for a monument sign, it isn't what is advertised for this hearing tonight. He will say as they said this afternoon during a conference call shortly before this Study Session, Ed Lewis and Butte do not have a problem with Creative Leather having a monument sign. It is really between Creative Leather and Staff. His gut tells him it qualifies for a monument sign on McClintock if they want one but that is not his decision. It is certainly something Creative Leather would need to explore no matter what occurs on this site unless as some have suggested it was to stay vacant forever.

Circling back where they started they appreciate Staff's recommendation for approval which is based upon Chandler's plans and Chandler's rules. They accept the stipulations including the additional stipulation and they are willing to agree to the additional stipulations that he alluded to. It talks about any questions or concerns be voiced to their manager rather than Stellar or others. They also mention that they could expand some of the disclosure to include some waiver language. They are to the best of this knowledge willing to step up higher than any one he knows of to make the disclosures and to be a good neighbor. That is exactly what they believe

will be because as everyone seems to recognize this is an outstanding design and a tremendously high quality development. It is in a location where they are putting some land to work. It is not only the right thing to do for the underlying property owner and for Butte but it is the right thing to do for the City and this area; to recharge this site, to recharge this area and bring in residents that can support some of the other uses. If they have questions, they will do their best to answer them and again particularly if it has do with noise, Tony Sola is here. If it has to do with FAA issues, Ray Friedlob is here and he and Ed Lewis will do their best to answer any questions they may have. Otherwise, they request their approval in accordance with Staff's recommendation and stipulations.

VICE CHAIRMAN VEITCH said it is getting late and his eyes might be playing tricks on him but he thought that one of the previous speakers, perhaps the one just before he began his rebuttal, put up on the screen another version of a 'no hazard letter'. The reason he thought it was different he just realized it had a different date on the top of it but he didn't see the rest of the content that clearly. Mr. Bull said to his knowledge there are three FAA approval letters that exist today on what he calls the greater 25 or 26 acres. Two of the letters were processed by the underlying property owner Sooner. After Sooner obtained their zoning approval for the retail, hotel and so on they applied for the FAA No Hazard letters. As was indicated, the FAA No Hazard letters have a clock ticking on how long their valid. So a part of what Sooner did is effectively renew those prior FAA approval letters one of which was for 30 foot tall predominately retail buildings down approximate to Chandler Blvd. That letter points out that a part of that building he thinks has some encroachment into the No Build zone. That letter and that comment have nothing to do with the NUVO site. A second letter that was also processed by Sooner has to do with approval of their hotel site. Again, he thinks this is effectively a renewal of a prior approval of their hotel site. That letter was also issued by the FAA. The one and only letter they submitted and was issued and approved, is the one that he had up there earlier with the blue highlights on it that has to do with their maximum 50 feet or less kind of building. **VICE CHAIRMAN VEITCH** asked if that was the one dated June 5th of this year? Mr. Bull replied that their letter is dated June 5.

COMMISSIONER DONALDSON said on page 4 of the same letter, can he explain to him 'runway 35 penetrates the initial climb area 40 to 1 slope by 15 feet requiring a take-off minimum and obstacle departure procedures' note. What is that 'penetrates the initial climb area by 15 feet' mean? Mr. Bull replied he would like to ask Ray Friedlob to address that because where he would go with that is yes, they say that and that at the very bottom of this same letter is when they explain that it doesn't increase this and that. They make their determination and then they explain their determination but he is going to defer to Ray to comment further on this.

RAY FRIEDLOB, ARIZONA OFFICE AT 60 RIO SOLADO, SUITE 900; COLORADO OFFICE, 950 17TH STREET, SUITE 2400, DENVER, said in issuing these No Hazard' letters there are many cases where there are slight encroachments under the FAA reg. This is one of them. However, they have determined on this letter and others even where there are slight encroachments they are not a hazard to air navigation. He can get into the history of all this and the whys and wherefores but too make a long story short, the reason is with development and the

improvement in aircraft machinery today and techniques they do not consider it a hazard to navigation. If they did, they would not issue the letter or they would turn down the application.

COMMISSIONER DONALDSON asked is that because the pilot or the aircraft is expected to avoid it? Mr. Friedlob replied that under the standard procedures the pilot's follow, they are expected to be able to deal with it. For instance, look at Sun Devil Stadium and Tempe Butte. For years people have said that is a hazard because pilots landing and taking off from Sky Harbor would be distracted or there will be birds eating the leftover hot dogs and they will fly up and will get into the engines and things like that. Just because of natural occurrences and development, look at Los Angeles LAX, you see buildings and everything lining the runway. With the advent of air travel today and increased efficiency and design of aircraft equipment the FAA makes a continuing determination on these and has determined that it is not a hazard to navigation so when they issue a letter like this, it is with all of those considerations. He even went so far to ask a team member of his who was with the FAA for 40 years and was the Acting head of the FAA under President H. W. Bush 41 whether he has ever heard of them pulling these back and he said he heard of one instance but he wasn't sure that it was ever done. They are very careful about these. If things change, they would amend the letter but these are things that the aircraft pilots face every day. **COMMISSIONER DONALDSON** said his comment about the expectation of the pilot and aircraft were related to some of the vintage aircraft, warbirds, WWII planes, etc. that fly in and out of Stellar and how these are either adjusted for those or how they consider them or if they don't because the technology isn't there in that particular aircraft. Mr. Friedlob thanked him for that question. Mr. Friedlob replied that the pilot has the responsibility of judging the performance of their equipment in a given airport.

CHAIRMAN RIVERS said he is concerned about the reference to 350 feet. It was in one of the letters. It was in an avigation agreement and something about folks going to be allowed to fly 350 feet above their project up to infinity. What if they need to fly below 350 feet? Mr. Bull replied the 350 feet is straight out of the City's standard form avigation easement. It is the avigation easement that provided and per title searches he believes is the same avigation easement that has been recorded on a variety of other private properties even including the storage facility a few hundred feet north of Chandler Blvd. He doesn't know why the City originally picked 350 feet versus some other number. He knows simply that it is the number that is in the City's standard form avigation easement. He thinks it is one that is actually attached to one of the earlier airport overlay districts going back into 1985 or 1986 if he remembers correctly. He is not saying that there are never any flights that go over the NUVO site just like there are never flights that ever go over Creative Leather or any flights that go over this neighborhood or that neighborhood, they are going somewhere. At least at the time when Tony Sola was there two flights actually went over the site on the edge and most of them were several hundred feet to the west which candidly is very consistent with the no build zone, the red triangle he was talking about. Obviously you are aligned if you are departing on a rare occasion to the north but also aligning with as you are approaching to land from the north. It is consistent with other contours that they have seen as well. He knows that pilots in taking off obviously are from 0 up to whatever altitude they are going to, at least under the Stellar transient rules that are published on line if they are taking off to the north you are going to be at 500 feet altitude before

they turn. He can't tell you whether they are or aren't, he can only read what their own internal rules say and he has been told by a pilot who is also a flight instructor that it is also good practice and recommended practice to be at 500 feet before they turn or take-off but he can't tell them it is a per say requirement. **CHAIRMAN RIVERS** said the video they saw was actually the pilot landing and he was at 200 feet over the property, so what he is asking is what happens when an aircraft flies across the property below 350 feet? He is being told from one side of the room that they are probably going to fly under 350 feet and he is being told on the other side of the room that the regulation is 350 feet. It didn't help him to know that. Mr. Bull said the avigation easement says 350 feet. He doesn't know that the avigation easement prevents somebody flying at an altitude lower than that in a landing pattern. He is not trying to evade his question. He knows what the avigation easement says and he knows it is the City's standard form. **CHAIRMAN RIVERS** said so he is telling him that there won't be an issue with the property owner if the flights are lower than 350 feet? Mr. Bull said that he and Ed Lewis presume that underlying his question is that they have a pilot who is operating in a reasonable and prudent manner that is respectful of other people and their private properties. Ed Lewis understands that and doesn't have a problem with that. In the disclosures they provided other than the avigation easement, they didn't put in 350 feet. They put in their flights and so on and so forth. The City's own document says 350. If he is asking me do they recognize there may be some people flying under 350, it looks like from what they saw here today that on occasion there may be or that there will be. That's not what Tony Sola observed as far as their particular sites are concerned when he was out there but he also hasn't had him out there from sunup to sundown 365 days. They understand there may be some flights less than 350 and they anticipate with flights going both ways that is not problematic.

CHAIRMAN RIVERS asked when the folks in the apartments complain to the manager, what will the manager do with the complaints? Mr. Bull replied what the draft language says is that all leases would provide that all questions, concerns or complaints any tenant may have about the operation of aircraft landing at, taking off from or operating at or on Stellar Airpark shall be directed solely to the manager of NUVO and not to the Stellar Airpark, City of Chandler, the FAA or any aircraft owner or pilot. All leases shall also provide that it shall be within the sole and absolute discretion of the manager of NUVO and not the tenant to determine after the manager's due consideration of all Stellar related acknowledgements and disclosures that are required by these zoning stipulations and consideration of all information known to the NUVO manager. That manager will determine whether or not, when and how to communicate any tenants question, concerns or complaints to the manager of the Stellar Runway Users Association or elsewhere. As he mentioned before, this requirement shall be confirmed in a Stellar related communications covenant that runs with the land. In other words it gets recorded so that it is something that runs through land that will apply not only to NUVO but any successor to NUVO so that this requirement is there. In specific answer to his question, if a tenant called to the manager and said he is surprised that there are planes flying around out here, he is sure that the manager would pull out various disclosures and point to various things and various signatures which they talked about earlier and explain that of course there are planes flying around here and as a part of your agreement to lease an apartment here voluntarily, you recognized and acknowledged that would occur. He does believe that the manager would deal with it and that

probably would be the end of the discussion. They also have other things that they may do in that context that is in a different kind of stipulation but here the idea is talk to the manager, the manager will talk with you and decide if any other communication should occur with Stellar or anyone else. They are happy to offer this stipulation if it is something that the Commission is interested in. It is something that Staff hasn't had much time to look at it.

COMMISSIONER CUNNINGHAM said he brought up a good point on this avigation easement, the language specifically. As she understands it, they obtained a sample of a previous avigation easement that the City has. Is that correct? Mr. Bull replied yes and that he knew that an avigation easement would be required. He asked for a current copy that the City uses. He was provided that. He had been asked a question earlier in the process about the 350 feet versus something else. He specifically asked if the 350 feet is the City's standard language and he was reassured that yes it is. When he was looking at the 1985 or 1986 ordinances that created the ANO's initially, one of them attached the standard form avigation easement to it and that is what continues more or less to be used today. **COMMISSIONER CUNNINGHAM** said if she is reading it correctly, then this avigation easement allows for flights from 350 feet above the surface to an infinite height but not 350 feet to below. Who would determine what is reasonable and prudent when the pilots have specifically said they fly anywhere from 200 feet to down as low as 50 feet to make the turn over this property? She is thinking that this avigation easement is possibly not going to do what the City might want it to do although she is not an attorney or a title expert. Mr. Bull said with apologies for repeating himself here is what he believes to be true. What he believes to be true is that this is what has been represented to me and this is the City's standard form avigation easement and the 350 feet is the height that goes into these easements. From other title search work that was done from at least other avigation easements that he has seen, contain the same 350 feet language. Also, know that under some circumstances he suspects that particularly straight off of the runway, there are situations where planes are considerably less than 350 feet. What this does is releases the City from various things and so on and so forth. He doesn't know that this prohibits somebody from flying less than that height. As people are coming and going from the north, they obviously need to stay above streetlights and Chandler Blvd. which involves considerable clearances but he doesn't know that this per say prohibits somebody from flying below 350 feet. It just is a situation where a private property owner grants to the City an easement of 350 feet up.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated he was going to use his best recollection because to a large extent the 350 feet has been on the forms for a long time but the original concept was based on the fact that most of the properties that they have had to secure these from were not properties that we were going to develop with structures of significant height. They are mostly residential structures and single-family. The 350 was kind of a measure of what would be the outside useable height of the property by the landowner who might want to put a structure on that. They didn't want the easements to be lower than that because then they would get into an issue about if they were taking their airspace is that a taking of property and do they have to compensate for that and so forth. From 350 and above for most properties anyway it is not issue, it's not useable space. They may have rights going indefinitely upward but if they can't use them that is kind of where they came up with the 350. He doesn't know if they varied

from that in any individual sites or not. The idea was simply to establish that there wouldn't be a complaint by a landowner who saw a plane flying above this property that was over a certain height basically.

Mr. Bull said he re-read the document and the context of some of the questions and Glenn's response. He said that makes sense to him because what the City is doing in part is protecting itself from a claim as Glenn indicated. The government through a regulatory taking or otherwise taking of somebody's private property rights is different than a private pilot flying. A private pilot is not a governmental body engaged in a regulatory taking.

CHAIRMAN RIVERS closed the floor and looked to the Commissioners for discussion and possible motion.

COMMISSIONER PRIDEMORE said to bear with him. He is going to be making a motion and obviously that doesn't preclude other discussions here on the dais but he also needs to qualify it so that they understand how he has gotten there. In the end we are looking at the land use of this particular use and piece of dirt and based on the information that is currently approved by the City of Chandler he believes this meets those criteria. However, from all of the discussion that they have seen tonight he now believes very strongly that the information that they are using to base that on is flawed. What he is relying on is the process that they are going through and that process obviously is the Commission here tonight, which is a recommending body, and City Council can kind of take in some of these intangibles which he thinks are part of a compelling argument. Part of the arguments that they have heard tonight and he will share his opinion of them is that he personally doesn't see the benefit of the argument to show that while there is statistically there is going to be problems, incidents and accidents. With those obviously there could be deaths and injuries. To him by pointing that out it makes him think he doesn't want your facilities there at all. It is a danger. He also knows the reality that they have been there for quite a long time. In his mind it is a unique development.

When his family first came to even look at moving to Arizona and his father worked for Intel; they were in California. They came down in 1981 to look at potentially moving to Arizona and a friend of his father who had worked with him in California had actually already moved down. He happened to live in this subdivision directly west of Stellar. His first trip here he saw Stellar and he thought it was the most amazing thing that you could have a garage for an airplane that is attached to your office. He thought that was cool. They have obviously lived in harmony for the most part. He is relying on the aviation professionals in this room that you take care of your business and that they are good at what they do. He goes on that faith every time he flies and he isn't the one driving. He is a control freak and it bugs the crap out of him but he is willing to take that leap of faith. He thinks no matter what goes here that they will be good neighbors and they will continue your good neighbor policy. He also doesn't understand and Commissioner Ryan tried to bring this up, he doesn't see the difference between 200 people getting hurt by an incident or 1 person getting hurt by an incident. That doesn't compute for him. In his opinion you can't live life through fear like that. You have to live life. Statistically, there are going to be problems with their facility. They have accepted that. You continue to use it and continue to

love to do it. The reality is that there are problems. He just doesn't see whether it's this development or another project; that argument doesn't work for him. That is his opinion. All that being said, he thinks the property owner is do their due process. They have gone through more hoops than most projects he has seen that have come through the City.

With that he moved to approve this item based on the land use they have in front of them. He would ask that at least 2 stipulations be added. One is one that Staff mentioned earlier about bearing near an industrial zone and the second would be the one that Mr. Bull put up about how issues brought to the management of this facility. That being said he is putting that out there and we'll see if it gets a second and if it is voted on. He is being open in this room to say that if that doesn't pass and somebody made a counter motion to recommend denial of this, he would support that as well and unfortunately they are passing the buck to Council to say that they have quite a task ahead of them and he doesn't envy them. Again, this hasn't been stated by both City Attorney and by Planning Staff they need to base our decision on the approved ordinances that they already have. Based on that, he couldn't see denying it. He think the information that they are basing it on is flawed. It will lead to future discussions and issues for future items that need to be resolved. Again, based on what they are seeing now he is going to make that motion because the developer and landowner is due that opportunity to see how it will go and if doesn't pass, they will get another motion and go from there. He said he doesn't mean to be wishy washy as this one has really confused him. He doesn't think it is this body's prevue to get into some of those discussions even though they are relevant to the overall approval or denial of the project. He thinks that where they are going to need to focus and they are going to need to make compelling arguments which they have made some tonight. He also thinks they have some flaws that they can try to address but he leaves that up to them.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated there are two motions required. One is for the zoning and one is for the PDP. He thinks they should treat this one as to the zoning which is the use issue.

COMMISSIONER PRIDEMORE said in that case both of these added stipulations would be part of the zoning.

MOVED BY COMMISSIONER PRIDEMORE, seconded by **COMMISSIONER RYAN** to recommend approval for DVR12-0007 NUVO from PAD Commercial to PAD Multi-Family Commercial subject to conditions as recommended by Staff with the added two additional conditions. The motion passed 4-3.

COMMISSIONER PRIDEMORE re-iterated that this has been very difficult and he would like to think that he always keeps an open mind but they need to separate what this body is looking at and the information that they need to base that on and again Council has the ability to take in those other intangibles.

MS. JODIE NOVAK, SENIOR CITY PLANNER, read in the two additional stipulations which read as follows:

14. Prior to the execution of any lease, prospective apartment tenants shall be given a written disclosure statement acknowledging that the apartments are located adjacent to or nearby existing and future industrial uses that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Lease/Purchase Contracts", CC&R's, and individual rental contracts shall state such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/apartment builder/developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
15. All leases at the NUVO multi-family apartments shall provide that all questions, concerns or complaints any tenant may have about Stellar Airpark of the operation of aircraft landing at, taking off from or operating at or on Stellar Airpark shall be directed solely to the manager of NUVO and not to the Stellar Airpark, the City of Chandler, the FAA, any aircraft owner or any pilot. All leases shall also provide that it shall be within the sole and absolute discretion of the Manager of NUVO (and not the tenant) to determine (after the Manager's due consideration of all Stellar-related acknowledgements and disclosures that are required by these Zoning Stipulations and consideration of all information known to NUVO's Manager) whether or not, when and how to communicate any tenant's question, concern or complaint to the manager of the Stellar Runway Utilizers Association or elsewhere. This requirement shall be confirmed in a Stellar-related Communications Covenant that runs with the NUVO land and is Recorded with the Maricopa County Recorder prior to issuance of the first building permit for this development.

COMMISSIONER CUNNINGHAM stated the fact is they are being asked to change zoning on a property. It is not a slam dunk. If it was, they wouldn't have had to sit there tonight. The fact is there are a lot of issues here. The City of Chandler needs this kind of property, needs this kind of development but she doesn't know if she is convinced that it needs it on this lot. The discretionary income that it would bring to our City is remarkable but it also might chase away some of the industrial that they might be able to attract to the area. It might also chase away some of the industrial that they already have in that area. If it doesn't adversely affect the ability to Stellar to function, there are 15 businesses at Stellar that will be gone. If Creative Leather decided they don't want to work at that location anymore because they don't have the items they have requested, they can move to another community. A lot of adverse things can happen by passing this. Economically, to gain 229 tenants and possibly about 20 jobs that are mostly part-time jobs without benefited employees is not as great a gain if it costs the loss of 105 on-site employees at Creative Leather, if it costs approximately each business at Stellar (15 with approx. 2 employees ea.) another 30 people, they are losing those full time jobs. For that reason she will be opposed to this motion and will introduce a different motion.

COMMISSIONER DONALDSON, said to bear with him because it's late and his notes are a little scratchy. He took a little bit of a different perspective here. He is a very close neighbor to Stellar Airport and Airpark and built his house in 1989 23 years ago just to the east of

McClintock at now what is the border of the San Tan Freeway. He is very immediate to Stellar. Over the years he has supported the businesses that have gone in north of Chandler Blvd. and have been vocal and present at the neighborhood meetings that he was invited to. He opposed the single-family residential development that was proposed there. Residential encroachment has been mentioned a few times tonight. That is a danger to their very good neighbor at Stellar. He lives on the very south end of the Hearthstone Neighborhood and planes going into Stellar northbound and making their U-turn fly over his property by the counts hundreds of times a day. His dogs chase them up and down their yard and they are 1000 feet above his property at that point. He can read the numbers on the bottom of the wings. Until he learned otherwise, it felt like they were 100 feet over his property. Very close. It didn't necessarily bother him. It bothered his dogs and probably bothered his neighbors more by his dogs barking. Anyway, that is his perspective and again the motive of the commercial businesses major employment district that is north of Stellar Airpark is they need that light industrial in a commercial property. They need to not scare away as Commissioner Cunningham mentioned potential light industrial commercial properties or developers from going into that area. One of the quotes was 'they need to make a conscious planning effort' and he thinks that is why they are here. A little bit contrary to the process maybe but he thinks to put residential multi-family or single-family residential in this area is irresponsible and unconscionable.

He promotes the 4-Corner Retail Study that the Mayor has been taken by the City. He thinks there are a lot of corners that could use a product like this. They recently approved an apartment product at Germann and Dobson, the southeast corner. That fits the 4-Corner Retail Study and the needs that they have for that and there are needs for multi-family residential in Chandler. He has stood in the field that would be this property and watched the planes go over and they feel very, very close at that point. He has flown overhead on that approach and recommend that everybody who has that opportunity to do that to do it. It is a great experience but everything up there goes really, really fast. That is why he asked about the bi-plane approach and the adjustments for things because everything feels very fast whenever you are there and you are trying to make those changes and he commends the pilots for being able to do that. It is amazing. His fear would be that they would have complaints from the residents of this property and then the operations would have to be moved further to the north and then the Park Promenade residents may feel that their rights have now been encroached upon. Complaints will ensue. As Commissioner Cunningham already mentioned, he has a fear that the industrial park that is associated with the airpark could and would be significantly impacted. Both the residents who have hangars and the industrial businesses there that rely on the airport would move away and then they would have negative employment consequences as opposed to having major employment on that site from businesses.

In closing, as development increases and it will and as Mr. Bull mentioned, they need a shot in the arm but they need to be very careful, conscious and responsible. Just because something wants to go there, it doesn't belong there and that is why he won't be supporting a motion to approve this.

VICE CHAIRMAN VEITCH stated that in a very long career in local government, planning and management he has spent a large number of evenings just like this and he believes the issues that are properly before them and he believes they have been articulated vigorously by Ms. Novak and Mr. Brockman and Mr. Bull. He does not believe that this development would be a threat to Stellar Airpark which he agrees is an asset to the city.

COMMISSIONER BARON said obviously there has been a lot of information shared tonight, some of which he understands and a lot of which he doesn't. He looks at it from the standpoint of the need for commercial on this site he would find very questionable just because the saturation of commercial to the east which has a much larger transportation corridor and access to it. With the addition of this property in the practice that he does for a living, they look at projects like this as Mr. Bull stated, a shot in the arm because the reality of it is this is the beginnings of creating a true mixed-use development which would actually create jobs, create additional money to be spent within the city. He understands there are some concerns about flight path and access and how it is going to impact the airpark and he actually doesn't think any of those were really substantiated. Having this apartment complex will help create additional developments in this area. To the extent that they say commercial is o.k. and he thinks Commissioner Ryan mentioned this, he guesses they have a hard time understanding or differentiating between a 4-story hotel and 3-story apartment building versus a large big box commercial user or an office complex; they are all kind of indifferent especially when you are talking about true mixed-use development. So with that being said he feels like this is a good project in a good location and will actually lead to additional development in the area.

CHAIRMAN RIVERS stated that for 23 years they have lived three-quarters of a mile from Stellar Airport runway; 3 times farther than the proposed apartment building and the planes fly higher over their house but the noise is still quite noticeable. The proposed location is just apparently 1300 feet from the end of the runway. Not only will the residents be subject to aircraft noise, all of the pilots will face an additional major hazard with each northbound take-off or southbound landing. Some may argue that this proposal is no different than the hotel already approved but it is. When someone stays in a hotel and is bothered by noise, the next time they come to town they choose a different hotel. When it is your home, you complain. If this project changes from apartments to condominium, that will only get worse. They heard talk about disclosures and the disclosures if mandated and used correctly are fine. Stellar and its residents have been there for years, for decades and so were the Chandler dairies that used to be all over our city but those are mostly all gone now.

He thinks the residents of this project when they have a notice of complaint, will call the FAA. He thinks they will give them the aircraft code number and the FAA won't care about disclosures and this may result in action being taken against the pilots or the aircraft or the airport or all of them. They have been told how quiet it will be inside these homes with additional insulation and such but what if you want your window open. What about patio noise or noise around the pool. He suspects that folks in the penthouse won't happily accept the turbo jet flying by 20 yards above their patio while entertaining or the bi-planes flying by. Like the residents around Chateau de Vie, the people of Stellar built their homes and businesses relying on Chandler to maintain

current zoning and to keep the City's promise of protecting them against unreasonable encroachment that will destroy their lives and damage their property value. Unlike the Chateau and most other developments that they look at, this one threatens more than just the bordering property owners. This one threatens every single one of them with more than 200 residents living and working at Stellar. In his opinion the only thing worse than giving an o.k. to this project would be the precedent it could set for the next one.

MOVED BY COMMISSIONER PRIDEMORE, seconded by **COMMISIONER RYAN** to recommend approval for the Preliminary Development Plan for DVR12-0007 NUVO for the multi-family residential project. The motion passed 4 to 3.

COMMISSIONER PRIDEMORE asked Jodie when this would go to City Council. Ms. Novak said this will be going to the City Council on October 25, 2012. City Council only has one meeting in the month of October so there is a little bit of extended delay getting to that meeting from tonight.

CHAIRMAN RIVERS said to the audience that this is going to the City Council and is their next opportunity to voice their opinions on this matter. Again, as they just said it is October 25, 2012.

6. DIRECTOR'S REPORT

Mr. Mayo said he is going to be sending out an e-mail at the tail end of this week. They are running into scheduling crunch issues. They basically have four Council hearings from here on out for the rest of the year; September 27, October 25, November 8 and December 13. Getting everything scheduled at P & Z and then tracking to one of those four is becoming slightly problematic. They know that in November they have currently on their schedule two Planning Commission hearings; one on November 7 and then one on Wednesday, November 21, the day before Thanksgiving. Knowing that he is going to probably have a real hard time reaching quorum but needing to have two Planning Commission hearings that month, he is going to be sending out an e-mail taking a poll to see who is available to move that day one day forward and move it to Tuesday, November 20. They have already reserved this room and it is available. He will be probably sending out that e-mail probably tomorrow or Friday just polling you to make sure that they can get a quorum. If they can, then at the November 7 hearing we will make the note that the next regular hearing will be Tuesday, November 20 and not on Wednesday, November 21, 2012.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS announced that the next regular meeting is October 3, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 11:30 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, October 3, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Vice Chairman Veitch.

3. The following Commissioners answered Roll Call:

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

   Also present:

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

4. ACTION AGENDA ITEMS

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

A. DVR12-0018 PECOS & DOBSON APARTMENTS

Approved.

Request rezoning from Planned Area Development (PAD) Townhomes to PAD Apartments with Preliminary Development Plan (PDP) approval for approximately 163 units on 6.8 acres at 2300 W. Pecos Road, ¼ mile west of Dobson Road.

Rezoning

1. Development shall be in substantial conformance with the Development Booklet, entitled "Pecos & Dobson Apartments" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0018, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. 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.
8. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "Pecos & Dobson Apartments" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0018, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. 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.

C. <u>DVR12-0033 ALLRED CHANDLER AIRPORT CENTER II</u>

Approved.

Request rezoning from Planned Area Development (PAD) to PAD Amended to allow for the additional uses of athletic training facilities and family recreational/instructional uses. The subject site is located at 2150 E. Germann Road, east of the northeast corner of Cooper and Germann roads.

1. Development shall be in substantial conformance with Exhibit 7, Project Narrative, entitled "Allred Chandler Airport Center II", and kept on file in the City of Chandler Planning Division, in File No. DVR12-0033, except as modified by condition herein.

2. Compliance with conditions adopted by the City Council as Ordinance No.3673 in case DVR04-0037 CHANDLER AIRPORT CENTER and with cases PDP10-0011, and PDP06-0057, except as modified by condition.
3. The site shall be maintained in a clean and orderly manner.
4. All fitness, family recreational, and instructional activities shall be restricted to indoors only.

D. PDP12-0001 BOARDWALK AT ANDERSON SPRINGS

Approved.

Request Preliminary Development Plan approval for additional tenant panels on new monument signs. The subject site is located at the southeast corner of Dobson and Ray roads.

1. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. Monument 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.
4. The monument signs shall be in substantial conformance with the attached site plan and sign elevation exhibits, kept on file in the City of Chandler Current Planning Division, in File PDP12-0001 BOARDWALK AT ANDERSON SPRINGS, except as modified by condition herein.

E. PDP12-0009 THE PROMENADE AT FULTON RANCH FARMERS MARKET

Approved.

Request Preliminary Development Plan (PDP) approval to allow an outdoor farmers market within a parking area of an existing retail shopping center to occur on a permanent basis located at the northeast corner of Alma School Road and Chandler Heights Road.

1. Development shall be in substantial conformance with application materials (site plan, narrative), except as modified by condition herein.
2. **Live entertainment special events or seasonal events may require separate temporary special event permit approval through the Neighborhood Resources Department.**

F. LUP12-0006 MAMA'S HOUSE

Approved.

Request Use Permit approval to sell liquor as permitted under a Series 6 Bar License for on-premise consumption only and within an existing outdoor patio. The subject site is located at 2394 N. Alma School Road.

1. The Use Permit is granted for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

3. Expansion or modification beyond the approved exhibits (Floor Plan and Patio Plan) shall void the Use Permit and require new Use Permit application and approval.
4. The Use Permit is non-transferable to other store locations.
5. The site shall be maintained in a clean and orderly manner.
6. **No noise shall be emitted from outdoor speakers on the patios or from music occurring indoors, that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and area residents.**

G. LUP12-0022 FLORIDINO'S PIZZA & PASTA

Approved.

Request Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption within an additional dining area of an existing restaurant. The subject site is located at 590 N. Alma School Road.

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Floor Plan) shall void the Use Permit and require new Use Permit application and approval.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
5. The area adjacent to the establishment shall be maintained in a clean and orderly manner.

H. ZUP12-0025 BRENNTAG PACIFIC, INC.

Approved to continue to the October 17, 2012 Planning Commission Hearing.

Request Use Permit approval to allow for additional storage tanks within an existing outdoor storage tank yard. The subject site is located at 6750 W. Boston Street. **(STAFF REQUESTS CONTINUANCE TO THE OCTOBER 17, 2012 PLANNING COMMISSION HEARING.)**

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

ACTION:

B. DVR12-0023 MAPLEWOOD COURT

Request rezoning from Planned Area Development (PAD) to PAD Amended along with Preliminary Development Plan approval for housing product for a 32-lot single-family residential subdivision located at the southwest corner of Maplewood and Vine streets.

1. Development shall be in substantial conformance with the Development Booklet, entitled "MAPLEWOOD COURT" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0023, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3764 case DVR05-0009 MAPLEWOOD COURT, except as modified by condition herein.
3. 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.

MR. ERIK SWANSON, CITY PLANNER, stated this is rezoning from Planned Area Development (PAD) for a single family residential subdivision to Planned Area Development (PAD) along with an amended Preliminary Development Plan (PDP) for a single-family residential development.

The primary reason behind the rezoning is that with the initial approval in 2005 a condition requiring it to be custom homes. The request tonight is to eliminate that condition and then allow for the development of production homes. The subject site is a 32 lot subdivision and it was originally zoned in 2006 as part of that development for the custom homes and extension was granted in 2009 and the current request is to extend that for an additional 3 years as well.

They had a neighborhood meeting where a number of residents came out to discuss the project with some general questions. At that point in time they were unaware of any neighborhood opposition. Following the Study Session some residents to the east of the subject site came and they were discussing that there were some concerns with primarily what appears to be Lots 22 through 26 and a condition to get that limited to single story homes. Rather than going through a full detail of what is being proposed with housing products they will kind of just address that if that is alright and answer any questions.

With the original approval in 2005 and 2006 there was a lot of neighborhood discussion with the development. What resulted from that were some development conditions restricting lots 1 through 21 to single-story homes and basically what that equates to is all the lots on the west side adjacent to Eden Estates and all of the lots on the south side that are adjacent to more of our rural

agrarian homes. In addition to that there was a condition that was approved that restricted lots 22 through 32 which would be all the lots on the east and all of the lots on the north to have deeper rear yard setbacks for single-story homes and 2 story homes. Additionally, there was a condition that restricted any rear facing balconies on Lot 22. Again, at that point in time it was all approved. The developer was o.k. with it with the understanding that at that point in time the homes would be custom homes and could be easily accommodated. With this particular request part of that PDP is for production homes with a homebuilder. He said he would be happy to go into detail with anything further on the project and would be happy to answer any questions.

CHAIRMAN RIVERS asked if there were any questions for Staff.

VICE CHAIRMAN VEITCH said it was his understanding that the custom home provision was not a condition exactly it was for a representation imbedded in the narrative. Mr. Swanson replied it was a condition that was in the development booklet and Staff memo but not by an actual ordinance condition.

MARIO MANGIAMELE, IPLAN CONSULTING, CHANDLER, stated he was there on behalf of Taylor Morrison homes with is the entity that is purchasing this subdivision from the developer.

He said he didn't have a very detailed presentation to give them. Staff has done a very thorough and detailed job with providing you with the overview of the reason why they are here tonight with respect to the PAD Amendment as well as PDP (Preliminary Development Plan) for the architectural product. In going through the public participation part of the primary development process they did hold one neighborhood meeting as Staff had indicated. There were a number of neighbors that did show up and a lot of the discussions were for the most part, are you going to hold your word to what was previously approved that being with respect to their concerns of wall height as well as concerns with the existing stipulations concerning the building height for the overall development. Staff has indicated that the previous zoning entitlements for this project did limit the building heights for a considerable number of lots around the development. His client doesn't have any problem with those limitations whatsoever. In fact, in addition to the ones Staff has stated Chandler's policy as well as the policy of his client is to limit the building height on corner lots. So in addition to the ones discussed along the south end, west of the project's boundary there are the corner lots throughout the project where the walls are to be limited to one story in height. He said that will conclude is very brief presentation but he will be available for any questions or be able to respond to any comments or concerns that the neighbors might have on the project.

CHAIRMAN RIVERS said so he is saying that Lot 26 is going to have a single-story house on it anyway. Mr. Mangiamele replied that is absolutely correct, Lot 26 will have a single-story home on it. **CHAIRMAN RIVERS** thanked him and said he would invite him back up after the audience has spoken in case he wants to give them more information.

CHRIS PLATT, 740 W. MAPLEWOOD STREET, said he just really has one question. He just wanted to make sure that some trees were put along Maplewood Street. Mr. Swanson, City Planner, said he was pulling up his landscape plan but generally speaking that is a requirement along Maplewood to provide that landscaping within that area. He said there will be number of trees there. It will actually line that whole southern part of Maplewood for the length of the subdivision as well as down Vine Street.

ROBERT CUTLIP, 1747 S. VINE STREET, said he lives by the eastern part of the subdivision that they are proposing. Five years ago when they had their meetings, he thought during the meetings they had stipulated no 2 stories would be along Vine Street which would be the corner lots now. He is stipulating that they will not be 2 story but the interior lots which are 22 through 26 could possibly be 2-story. They problem he has is their front door faces that subdivision. They have several hundred thousand dollar homes along there. There are 3 of them. When they talked originally, they were going to do an eight foot wall that was going to be landscaped and there would be no 2-stories. They don't want to look out their front door and look at somebody's back of their house. It would be different if they would have turned the houses and faced them toward Vine Street but that is not the way the subdivision is laid out. They were going to make the lots bigger and deeper. At the neighborhood meeting a couple of the neighbors came to him and stipulated that they said they would possibly do some 2-stories right there so they oppose that. Every one of the neighbors that are here tonight and every one of his neighbors that live on the road oppose the 2-stories there. There are some conditions that they had talked to Erik about and he said they could address them in a separate meeting as far as road alignment, the height of the wall that was never discussed, and whether there would be a sidewalk. They have never seen a finished plan on the proposed project at all. They have had several conversations with Morey Tanner's representative but nothing has ever come out of it. They are kind of up in the air about the project. They don't know what they are getting and what is going to be in front of them. They are opposed to the 2-stories for sure.

COMMISSIONER RYAN asked Mr. Cutlip if he didn't get a request to attend the neighborhood meeting. Mr. Cutlip replied he missed it and he didn't know it was there. He is the sole supporter of his family so he works and was unable to be there. **COMMISSIONER RYAN** said he hasn't seen his home or the other homes that are next to him but are they 2 stories as well? Mr. Cutlip replied no they are all single-story. He said he is on three and a third acres and he has about a 3600 square foot livable home. His neighbor is on an acre and a half and he has a 5400 square foot livable home and the neighbor to the north of him is on approximately three acres and he has about 3700 square foot livable. They are custom homes. Obviously, they know it is going to be built on. They thought originally they were going to be nice custom homes. **COMMISSIONER RYAN** said these are very upscale homes. They are on some pretty large lots too. He asked Mr. Cutlip if he is in the County. Mr. Cutlip replied no they were annexed in 1976 into the city. They have buried the irrigation ditches; they have put in their own water lines and paid for it out of their own pockets. They take a lot of pride in their neighborhood. They just want to make sure that things are done right. He doesn't want to look out his front door and see a 2-story in front of him. **COMMISSIONER RYAN** said there is quite a large landscape tract along Vine Street on the west side that the developer is going to

install. The trees he is providing there will provide a pretty dense screen and you probably in five or six years wouldn't see the building. Mr. Cutlip said unfortunately they have to live there now. They have a view of the mountain and he understands why they are not putting them on adjacent Eden Estates but their homes are just as nice as Eden Estates. They eliminated them from Eden Estates which backs their backyards. All of those houses their backyards face that wall. Their front doors face that wall.

MR. SWANSON, CITY PLANNER, said there is also a condition with the original approval that restricted no more than two 2-story homes built next to each year. Virtually, with the exclusion of Lot 26 as a single-story, they are basically having three 2-story homes along there depending on how it is done.

COMMISSIONER DONALDSON said these are fairly large lots. Is lot size changing from the custom home development that was approved compared to these production homes? Mr. Swanson replied no, they are all the same lot size.

VICE CHAIRMAN VEITCH had a question for Mr. Swanson. When Vine Street becomes a fully dedicated right-of-way, if it isn't already, its width will be what? Mr. Swanson said the half street of Vine Street on the west side will be 21 feet. Ultimately right now unless development comes along these folks' properties, that right-of-way is at 15; that would be 42 because they would require that additional. Right now they have what's needed to be dedicated. Vine Street at this point in time only serves these property owners so it is not going to be a through thoroughfare. **VICE CHAIRMAN VEITCH** said so in terms of separation between structures they have the extra deep rear yards in Maplewood, a street right-of-way and whatever the front yard setbacks are on the east side of Vine. Mr. Swanson said if you do kind of a rough measurement from the front of Mr. Cutlip's home basically with the additional deeper rear setbacks as conditions, they are looking at a distance of 140 to 150 feet from the front of his home to the back of a house. **VICE CHAIRMAN VEITCH** said so it is structure to structure he is talking about. Mr. Swanson said that was correct. **VICE CHAIRMAN VEITCH** said on the Eden Estates side, the west side, structure to structure would be a much smaller distance. Mr. Swanson said correct.

CHAIRMAN RIVERS asked the developer if he wanted to come back and say a few more words.

MR. MANGIAMELE said in response to two comments they heard tonight he believes the first question by the gentleman was with respect to the trees being planted along Maplewood Street. Although Taylor Morrison is not developing the property, Mr. Tanner is going to be developing this property. The approved landscape plans for this project do identify 24" boxes which are fairly sizeable trees, Chinese Elm, to be planted all along Maplewood Street as well as all along Vine Street adjacent to their development. In addition to those large box trees, there will also be a minimum 6 foot high theme wall surrounding the development both adjacent to Maplewood as well as Vine Street.

While he fully respects the neighbor's comments, he is not quite sure he understands what their concerns are with respect to the 2 story. As they look at the development now and what was actually imposed on this development back when it was approved back in 2006, there were quite a few limitations imposed on the 2 story as it now. He was not privy at that time and not involved with the project and he was not privy to whatever discussions or communications that took place but as Council approved it again there are a considerable number of limitations with respect to 1 story versus 2 stories. In fact in doing some calculations, the limitations are imposed now along with Chandler's policy and Taylor Morrison's policy on limiting single story to the corner lot, they are probably looking at about maybe 35% to 37% of the remaining lots can be developed as 2 story. Another thing they might want to realize here is the reality of where the current housing market is and where it has been and that 2 stories for the most part just are not selling. They are a very small percentage of what is selling for a lot of the homebuilders that they represent across the valley.

As Staff had indicated and he and Staff had previously discussed this, the closest house along on the east side of Vine Street structure to structure considering that they go by 2 story setbacks on the rear yards of Lots 22 through 26 on the east side, does not include Ramada's, casitas or gazebos in some of the backyards but actual house to house. They are looking at about 145 foot distance. You are also separated with Vine Street and a six foot high wall as well as the landscaping that is going to be installed. Without talking to the neighbors he just doesn't fully grasp or understand their concerns with respect to the two stories.

COMMISSIONER RYAN asked Mr. Mangiamele if he could summarize what the limitations of the two stories are. He knows it backs up to Eden Estates on the west side. Correct? Mr. Mangiamele replied that Los 1 through 21 are limited to a single story development only. Lot 22 is limited to no two story elements or balconies. If they further look at Chandler's policy as well as his client's policy, no two story homes on corner lots. Lots 12, 17, 19, 26, 27 and 32 are going to contain single story homes only as well. **COMMISSIONER RYAN** asked how he ended up with the limitation on the south side. Is that through his neighborhood meeting? Mr. Mangiamele said that was actually through their due diligence that they did on the existing zoning ordinance for the property back when Council approved this in 2006. Obviously, they want to honor all of Council's previous Commissions and approvals. **COMMISSIONER RYAN** said this is a new case so they can do what they want to do. He is all for spreading the two stories out instead of clumping all in one area.

KEVIN MAYO, PLANNING MANAGER, said that question was intended for them to look at the potential for spreading out the two stories around lots 1 through 11 and 20 and 21. There are neighbors that were involved in the original zoning and then they would have had the opportunity to see this request and if they saw this request, indicated an acknowledgement to honor the previously approved conditions for two stories.

COMMISSIONER PRIDEMORE asked Staff if there was anything in the prior approval on the screen wall along Vine for its height. Was is always six feet? Mr. Swanson replied it is six feet. There was a condition and agreement between the previous development and the property

owners to the south. They have basically what is an 8 foot wall on the inside of this development which roughly equates to about a 10 foot wall on the south side. A neighbor wanted that. The developer at that time was agreeable to it. So that on the south side in the vicinity of Lot 6, 7 and 8 is going to be a higher wall but the remaining perimeter walls are going to be 6 feet on the east and north. **COMMISSIONER PRIDEMORE** said his other question is for the applicant. He asked if he said that two story houses don't sell very well in this market. Mr. Mangiamele replied that based on their experience over probably the last year and half when the market started turning a little north for most of their clients and homebuilders, what they have been experiencing and hearing from the homebuilding community is that two story home sales are a very small portion of their sales right now. They are finding that the buyers are leaning more towards single-story homes. That is the way it has been for probably the last year or so with respect to the clients they do represent. **COMMISSIONER PRIDEMORE** said taking that statement then he doesn't see the issue with making Lots 22 through 25 restricted to single-story as well given the comment that he just made. Mr. Mangiamele said the reality is and if he overheard Staff correctly, there is a stipulation for no two two-stories in a row or adjacent to each other. Mr. Swanson said it is 'no more than two two-story homes adjacent to each other'. Virtually what you end up with is if 26 is a single story by condition, then 25 would be a two story and you could possibly do to 24 as a two-story. Then you have to skip one. The max they are looking at is 3 lots with two-story homes along Vine Street. **COMMISSIONER PRIDEMORE** said to him they are talking about the potential of 3 two-story homes along Vine. He understands the residents to the east of Vine. Their concerns given the nature of how their houses are oriented and hearing his comments about two-story houses don't sell as well as single-story, he would say make 23 through 25 single-story and be done with it. Mr. Mangiamele replied that he would support that. Mr. Mangiamele said he wanted to respond to one last comment he heard from the neighbors. There appeared to be some concerns with respect to transparency. They weren't quite aware of what was going on or how the development was going to look. He said he would like to go on record that they would be more than willing to meet with the neighbors and/or City Staff at the same time to go over what plans had been approved for this project. As he indicated about why he is representing the homebuilder that is purchasing this property from the developer, the property owner is going through the City process with their improvement plans. He is not sure what review they are in but they are very close. They would be very open and very willing to meet with the neighbors if there are concerns of what this is going to look like. They have never tried to hide anything. The can e-mail documents or they can meet one on one to make sure the neighbors do have a certain comfort level or at least they are aware of what is being proposed with this project.

CHAIRMAN RIVERS suggested then that right after this meeting he might want to talk to the folks and see what they can work out. He asked if he had an objection to a stipulation limiting to one story for Lots 22 to 25. Mr. Mangiamele replied that in not seeing his client here, he would represent that yes they would have a concern with limiting any additional two stories in this development.

CHAIRMAN RIVERS closed the floor and turn to the Commissioners for discussion and possible motion.

COMMISSIONER PRIDEMORE asked Staff if there is an additional stipulation regarding single story houses, where would it go? Mr. Swanson said if he was asking if it is under the Rezoning or the Preliminary Development Plan, he is inclined to say that they go ahead and put it underneath the Preliminary Development Plan.

COMMISSIONER PRIDEMORE said he would move to approve DVR12-0023 MAPLEWOOD COURT Rezoning as recommended by Staff and then on the PDP in addition to the lots that are already indicated on the site plan as being single story, to add lots 22 through 25 to being restricted to single story as well.

COMMISSIONER PRIDEMORE moved to approve DVR12-0023 as recommended by Staff, and was seconded by **COMMISSIONER CUNNINGHAM.**

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY said he needed a clarification on what that motion is. They have a motion for a rezoning and they are not adding an additional condition to that? **COMMISSIONER PRIDEMORE** said no, not to the rezoning. Mr. Brockman said what is the original zoning? Mr. Swanson said the addition of condition no. 3 which is addressing the 3 year timing condition. Mr. Brockman said the original zoning that he is trying to incorporate here bringing and amending it and making reference to it being continued with the conditions that are in the original zoning, that is where it is spelling out what is single-story. He thinks if Commissioner Pridemore is going to make the type of amendment that he wants to do, he needs to make it in the zoning because you are essentially trying to modify what is currently going to be carried forward with the original proposed motion that Staff put down here. Mr. Swanson stated with condition no. 2 of the Preliminary Development Plan recommendation that also addresses the original ordinance except there is that provision that says 'acceptance modified by condition herein'. They are simply dealing with the design aspect of it not necessarily a land use component. Mr. Brockman said the problem he have is they have essentially the same motion, same set of conditions. One and two are essentially repetitive of each other. What he is looking at is in both of them he is saying he is going to comply with the original zoning conditions that are spelled out in Ordinance 3764. It is not just a design issue, it is a real use. He is essentially saying that he can't have a second floor. You can't use property to construct a two-story building. Mr. Swanson said so would your recommendation be to add condition no. 4 under the rezoning. Mr. Brockman said his recommendation to Commissioner Pridemore that if he wants to modify the conditions that were originally approved in the original zoning. Just modify it in both motions. They will take care of it. He said his recommendation to Mr. Swanson is that when they bring the new ordinance for him to review he wants him to spell out all of the stipulated conditions that are going to be in effect without having to make a reference back to the previous ordinance 3764. It's too hard to flip through two ordinances and two different booklets to try to figure out exactly what they have done in terms of an amendment. Just clarify that in the ordinance that goes to Council.

COMMISSIONER PRIDEMORE said he would modify the motion to say for the rezoning that he would like to add stipulation no. 4 restricting lots 22 through 25 to single-story.

CHAIRMAN RIVERS said the motion had been changed. He asked if the Commissioner that seconded the first motion wished to change as well or if that was o.k. Commissioner Cunningham said she did not want to second the motion.

CHAIRMAN RIVERS stated that seeing there was no second the motion died for the lack of a second. He looked for another motion as far as the rezoning.

COMMISSIONER CUNNINGHAM said she has driven through a lot of neighborhoods and she understands that when you walk outside you don't necessarily want to see the back of a house. She has reviewed this builder's plans thoroughly and it is not just a block wall or a stucco wall, these are really extraordinarily nice back walls. Additionally, the subdivision walls are very lovely and nicely designed. When you are driving down a street into your front yard and you look across the street, you most likely will see your neighbor's front yard with trees. In this case you are going to see lots of Chinese Elms, which are a nice substantial tree. Not a whole lot different than probably the front yards that you have except they have quite a bit larger lots. They are not likely to see much of your neighbor's house. If they have a RV barn or any of their neighbors do, you are going to see those. If they have a barn, it is going to be taller than one-story. She doesn't see that 2-story houses, two or three on this one block are an issue when you have such large properties on their side and then so many trees and such lovely construction on the other side. He commend for the plans that he has here. The architectural design is quite lovely.

COMMISSIONER CUNNINGHAM moved to approve DVR12-0023 MAPLEWOOD COURT with the stipulations that exist (rezoning), seconded by **COMMISSIONER RYAN**.

VICE CHAIRMAN VEITCH asked if this is the motion to approve the rezoning as recommended by Staff with the addition of stipulation 3 which is the 3-year time stipulation? **CHAIRMAN RIVERS** said yes and called for a vote.

The motion passed unanimously 7-0. **CHAIRMAN RIVERS** looked for a motion for the PDP.

COMMISSIONER RYAN moved to recommend approval of the Preliminary Development Plan for the housing product subject to conditions stated by Staff, seconded by **COMMISSIONER BARON**. The motion passed unanimously 7-0.

CHAIRMAN RIVERS said they are a recommending body to the City Council. This item will be on their agenda on October 25, 2012 and they are welcome to go and express their concerns to them at that time.

5. DIRECTOR'S REPORT
Mr. Mayo said he had nothing to report.

6. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN RIVERS announced that the next regular meeting is October 17, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

7. ADJOURNMENT
The meeting was adjourned at 6:18 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

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

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

2. Pledge of Allegiance led by Commissioner Pridemore.

3. The following Commissioners answered Roll Call:

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

   Also present:

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

4. APPROVAL OF MINUTES

   MOVED BY COMMISSIONER RYAN, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the September 19, 2012 Planning Commission Hearing. The motion passed unanimously 7-0.

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

5. ACTION AGENDA ITEMS

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

A. DVR12-0002 FRY'S FUELING CENTER

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

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

E. ZUP12-0022 WAGAROUND

Approved to withdraw.

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

F. ZUP12-0024 UFP CHANDLER, LLC

Approved.

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

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

G. ZUP12-0025 BRENNTAG PACIFIC, INC.

Approved.

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

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

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

ACTION:

D. ZUP12-0003 SDA FILIPINO CHURCH

Approved.

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

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, Elevations and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
3. The site shall be maintained in a clean and orderly manner.
4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. **If congregant counts exceeds maximum allowed by provided parking calculation for a prolonged timeframe, so as to create a nuisance, a new Use Permit shall be required.**

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

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

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

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

CHAIRMAN RIVERS called for audience comment.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN RIVERS closed the floor for Commission discussion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTION:

B. GPA12-0002 ALLRED BOARDWALK GENERAL PLAN AMENDMENT

Approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN RIVERS called up people wishing to speak as shown on the speaker cards.

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

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

MICHAEL ADAMS, 1401 S. CARRIAGE LANE said he lives in Vintage Villas which is going to be kitty corner from this development. He said he is up there to figure out full disclosure and transparency, to figure out what is going on because initially when they were given the opportunity to meet with Kevin and the other gentleman, it was a little all-

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

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

Mr. Adams said he apologizes as he never has been through this process before but he is ignorant of it and said o.k. we have a plan and the building is going to change and they don't know about

the parking lots and they did an impact study but it was a quick one and now they are doing one. They are kind of getting the cart before the horse in his view.

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

JORDAN MARSH, 2343 W. REMINGTON DR., VINTAGE VILLAS SUBDIVISION, stated he is currently opposed to this specific change to the wording because it only applies to

one developer not the entire corridor. Without a further study he is concerned that they are benefiting one developer rather than looking at what are the conditions and the changes that are going to occur over the entire corridor. He is for development and he thinks they are going to end up having buildings there and he doesn't have a problem with that. His concern is the focus on the one developer. Kevin Mayo said they are looking at half buildings on Price. Why do they think a multi-tenant building built by Allred would be any different? Currently on the northwest corner of Willis and Price it says for lease. There is still property left north of Willis. There is still to develop a 6th building at the Allred Park Place. This would add an additional 6. From his knowledge he doesn't know of a tenant and a tenant wasn't identified for the building 5 only for the building 4 which is Infusionsoft. At the community meeting that was held the developer's attorney represented that this could take 10 years to find people to fill in this building. At the time he didn't know how many parking spaces there were but he had the full site plan along with his architect there. They have now learned it is 6000. One of the things that is very important to him is large companies on that corridor. He bought into the property that he is in based upon his due diligence to look at what the plan was knowing there was a dairy and he is o.k. with the smell and the flies which was something they proposed to move out, but large companies build roots in the community. Large companies like Intel, Orbital, Wells Fargo they sponsor local charities, they sponsor local football teams. There employees are just as much a part of a community as that company. Why are they that way? Because they own the property, they have a stake in the community, they pay the taxes directly to the City, they are not a tenant of another property owner and they don't have short term leases. They are in there planning to be in that property for more than 5 or 10 years. Many of these tenants that are going into these multi-tenant use buildings may only be signing 2 to 5 year leases. What are their roots, what are their stakes in there? As a California based developer, he would like to know what roots has Douglas Allred made in Chandler? His firm currently owns several properties here. What improvement has been offered back to the community?

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

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

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

size. You have a number of small State Farm Insurance Companies who donate more time and more effort to a little league team than a large company in the community. She would like to be clear that she doesn't think you can judge what an investment in a community is based on the size of the company.

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

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

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

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

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

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

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

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

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

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

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

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

The General Plan passed with about 65% of the vote. That is pretty significant when they think about last year. Scottsdale's General Plan got voted down. The citizens of Chandler said you know what Chandler you are doing right; you are doing the right thing. 65% of them voted yes and said they want the General Plan the way it is. That was less than 4 years ago. Any attempt

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

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

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

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

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

traffic analysis does and that is a full analysis not only the site but going far east, far west. Analyzing the intersections all the way up to the 202, a mile to the east, a mile to the west, the volumes, the mitigation and the decel lanes that are going to be required. That is a discussion that will be taking place in connection with the zoning but he doesn't want anyone here to leave with the impression that traffic hasn't been addressed because it has been significantly addressed.

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

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

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

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

spoke about a concern of the Price Road devaluing property values. He would defy them to say that any of the development that has taken place north of Willis has somehow had an effect on the property values. They want to have the same right as what has taken place north of Willis.

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

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

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

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

40,000 square feet. He doesn't really like the idea and he likes the way it is building out now but he didn't show them the plan. They had a peak at this plan and the plan is a nice campus plan and it does make sense that things do change and maybe the users that serve these larger users need to be on this campus near the larger users. The whole thing is starting to make a little sense to him but he wouldn't have gone along with this at all if he wouldn't have seen that plan. He is kind of surprised he didn't throw that plan in and maybe there are good valid reasons between him and Staff. He knows that plan is going to be brought before them at some later date for a Preliminary Development Plan approval and review. The idea of let's just take the whole Price Road and give everybody the allowance to go 20,000 square feet, he doesn't know if he likes that idea. A lot of it is built around the plan and what he is seeing there. That is what he likes and what he saw tonight. Without seeing that he probably would have denied the case but seeing it he leans toward approving it.

Mr. Curley responded that it had been his and Kevin's intent from day one to run the zoning case and the General Plan case concurrently because from just an efficiency standpoint and also would allow some analysis of the specific site plan. They had every intention of doing that. In fact, the zoning case will be before them next month. The reason why they had to divide the two is because of a very obscure provision in the application form on the General Plan. When they amended their General Plan there was a provision inserted that he and Kevin were unaware of until they were literally were submitting both the zoning case and the General Plan. It didn't give rise to an ordinance, it didn't give rise to statute but there was a statement on there that said the zoning case shouldn't be heard until City Council had disposed of the General Plan so because of that provision and in an abundance of caution they didn't want somebody to say your defying your own standard here or your own regulations. He and Kevin decided that even though they could have filed it and tried to run concurrently, they decided to bipartite it so as not to violate that procedure. That is the reason why the zoning case isn't here before you but they obviously have gone to an enormous of expense to get the zoning case filed and Staff is doing their analysis. The site plan he saw is the site plan that is going to be submitted to them which has been analyzed and has been revised in accordance with Staff's comments. **COMMISSIONER RYAN** said he only made the comment because he thinks Price Road is a little different than west Chandler and the airport and some of those other areas because they are just singular buildings and they are not campus, they are just buildings on smaller lots and he doesn't envision that every occurring on Price Road. Once he saw your plan he is starting to buy into the whole thing. Mr. Curley replied that they clearly recognize the difference between the airport and as he showed you the 300,000 square feet of buildings that they own around the airport and the one building that was 90% is full now; it was 10%. Those buildings are populated with very small uses that would absolutely not be appropriate here. They wouldn't consider them for Price Road so they agree with him and there is a major distinction between Price Road and some of the other industrial areas.

MR. KEVIN MAYO, PLANNING MANAGER said it is intentional in the General Plan that the zoning process is held whole and separate from the whole and separate General Plan process. When you go through and you start doing the General Plan Update and they go through and are looking at what areas they are going to keep designated as residential. They don't step back and say well how nice are the homes going to be before he says this is a residential land use designation in the General Plan. You have design guidelines and other documents that really

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

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

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

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

He thinks this language amendment that is before them does really very little. It keeps the desirability, the encouragement of the larger tracks and of the campus like environments and design. He thinks that is fine. It replaces the single-user requirement which in his view doesn't

belong in a General Plan, with an encouragement for large and significant size employment users. He thinks it begins to respond to here is the flexibility that Staff was talking about and begins to respond to changes in the way businesses use space. There have been significant changes in that since 2008. He agrees with everybody who says that it ought to be applied to the entire corridor and he hopes they will get around to doing that in the near future. He thinks the single user requirement which would be relieved through this amendment to the language is inappropriate for a General Plan document. It is unrealistic in the market today and ultimately probably unenforceable. He intends to support the amendment although with the reservation that he wishes it was being discussed in the context of the entire corridor at this time.

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

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

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

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

CHAIRMAN RIVERS called for a 5 minute break.

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

C. DVR12-0006 PRICE ROAD COMMERCE CENTER

Approved.

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

Rezoning

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "PRICE ROAD COMMERCE CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0006, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals or as otherwise approved in a development agreement.
5. Unless otherwise included as part of the City's Capital Improvement Program, the developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be

made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

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

7. Landscaping shall be in compliance with current Commercial Design Standards.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
10. Approval by the Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
11. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
12. **Notwithstanding any provision of the Development Booklet or of any other conditions of the Rezoning, no data center use of any type, unless ancillary and secondary to a primary use, shall be a use permitted for the property that is the subject of this Rezoning.**

Preliminary Development Plan

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

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

The case was referred back to the Planning Commission from the City Council. The reason why that was done is at the time of presentation to Planning Commission there was discussion on the

Table of Permitted Uses where they allowed users for the site. At that point in time it was approved to allow for those types of developments allowed in the innovation zone and then also in the South Price Road Employment Corridor. Following the Planning Commission meeting there were a number of discussions with the applicant and also some concerns in house regarding the allowance of data centers and whether or not it is still a good user in the area. Following the Planning Commission meeting there was kind of a joint agreement that should be stricken from the Table of Permitted Uses and ultimately it was and the development booklets were updated to reflect that. Council when they received it realized there was that modification and felt that Planning Commission really should provide their input and therefore referred it back to tonight's meeting so that there could be that discussion as to whether or not Planning Commission thinks that is good or not and so that is really why it has come back.

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

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

As part of the request, they did have a neighborhood meeting. No neighbors attended that. However, following the meeting he heard from a representative a nearby property owner and they expressed some concerns with Staff's interpretation of the innovation zone. While they had their discussion they agreed to disagree. Staff believes that this meets the intent of the innovation zone. The representative does not. Additionally, they have also received a couple of letters expressing concern and those letters were from participants and members of the General Plan Committee that helped bring forth the innovation zone. One was part of the committee, once was the Vice Mayor at the time of the approval of the General Plan. In those letters and they received those with the initial Planning Commission meeting, the intent of the innovation zone was for Continuum and the Motorola site. The other letter was concerned with multi-users etc. Looking at that and having the conversations with the representative that had concerns while they understand the point where he is coming from and can agree to disagree, they really took a hard look at with the updated General Plan and the innovation zone they are missing the boat on this. As they read through the language, they really believe that the innovation zone really can be considered on this site.

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

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

VICE CHAIRMAN VEITCH said this was answered for him before but he doesn't remember the answer, at least not all of it. To the extent that the property followed the Innovation Zone

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

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

GARRY HAYS, 1702 E. HIGHLAND ON BEHALF OF DELTA CORPORATION, showed a page out of the General Plan and said Mr. Veitch asked an excellent question and one that he thinks needs to be explored a little further today. As Mr. Brockman pointed out earlier, they are Planning and Zoning Commission. One of their jobs is to look at projects, buildings and to look at what is going to be on there. This is out of the General Plan and is a key component of an Innovation Zone that is a centrally featured campus hub that contains common amenities that

directly support businesses and the campus such as conference center, etc., etc. Mr. Mayo said earlier they did the Motorola site, it had a theatre, it had meeting spaces, it had exactly what they were looking for. He would suggest that if Planning Commission were to look at the layout of the buildings that are in front of them today, it looks like a circle of water in it. He is not exactly sure but he is sure the applicant can help with that but he doesn't think that is an appropriate key component of an Innovation Zone that goes in front of the Planning Commission; a circle drawn on a map with water in it. His question is similar to Mr. Veitch's, is there an opportunity for himself, members of the public, members of the Planning Commission to have a chance to figure out what that hub is to make sure that it meets a key component of the Innovation Zone as referred to in the General Plan. He told Mr. Withey he would be truncated and short so that is all he has and he is available if they have any questions.

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

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

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

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

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

other areas. They did request a change to the policy. His client for whatever reason decided that they would go ahead and work to comply with it. He think he has really gone the extra mile. Again, they are here with Staff support and he doesn't know what else an applicant can do but more importantly they feel like at least on these particular issues, it has already been heard and it is the exact same case so there is no reason for a different result. He said he is happy to answer any questions.

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

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

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

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

6. DIRECTOR'S REPORT

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

7. CHAIRMAN'S ANNOUNCEMENT

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

8. ADJOURNMENT

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

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 7, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Cunningham.

3. The following Commissioners answered Roll Call:

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

   Also present:

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

4. APPROVAL OF MINUTES
   MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER PRIDEMORE** to approve the minutes of the October 17, 2012 Planning Commission Hearing. The motion passed 7-0.

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

S

A. DVR12-0002 FRY'S FUELING CENTER

Approved to withdraw.

Request rezoning from Planned Area Development (PAD) to PAD Amended to eliminate conditions prohibiting a fuel station and 24-hour uses, along with Preliminary Development Plan approval for site layout and building architecture. The subject site is located at the southwest corner of Alma School and Germann roads. **(APPLICANT REQUESTS WITHDRAWAL.)**

B. DVR12-0039 WEST OF THE SWC CHANDLER HEIGHTS & GILBERT ROADS

Approved.

Request the establishment of initial City zoning of Agricultural on an approximate 25-acre site located west of the southwest corner of Chandler Heights and Gilbert roads.

Upon finding consistency with the General Plan, Staff recommends approval of the establishment of initial city zoning of AG-1 on an approximate 24.98-acre site located west of the southwest corner of Chandler Heights and Gilbert roads.

D. DVR12-0030/PPT12-0015 AERIE AT ALMA & PECOS WEST

Approved.

Request rezoning from Planned Area Development (PAD) Commercial to PAD (Multi-Family Residential) with Preliminary Development Plan and Preliminary Plat for a multi-family residential development located at the northwest corner of Alma School and Pecos Roads.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AERIE AT ALMA & PECOS WEST", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0030, except as modified by condition herein.
2. Construction shall commence above foundation walls within eighteen (18) months of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. 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.
8. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AERIE AT ALMA & PECOS WEST", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0030, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. **The developer shall work with Staff to incorporate a north to south paseo linking open spaces.**

Preliminary Plat

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

E. DVR12-0031/PPT12-0016 AERIE AT ALMA & PECOS **EAST**

Approved.

Request rezoning from Planned Area Development (PAD) Commercial to PAD (Multi-Family Residential) with Preliminary Development Plan and Preliminary Plat for a multi- family residential development located at the northeast corner of Alma School and Pecos Roads.

Rezoning

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AERIE AT ALMA & PECOS EAST", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0031, except as modified by condition herein.
2. Construction shall commence above foundation walls within eighteen (18) months of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. 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.
8. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AERIE AT ALMA & PECOS EAST", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0031, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. **The developer shall work with Staff to incorporate a north to south pedestrian paseo linking open spaces.**

Preliminary Plat

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

F. DVR12-0032/PPT12-0017 THE PLAZA

Approved.

Request rezoning from Planned Area Development (PAD) for a residential condominium development to PAD along with Preliminary Development Plan and Preliminary Plat approval for a 65-lot single-family attached residential subdivision. The subject site is located west of the northwest corner of 56th and Harrison streets.

1. Development shall be in substantial conformance with the Development Booklet, entitled "THE PLAZA" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0032, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. 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 Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
9. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.

Preliminary Development Plan

1. Development shall be in substantial conformance with the Development Booklet, entitled "THE PLAZA", and kept on file in the City of Chandler Planning Division, in File No. DVR12-0032, except as modified by condition herein.
2. **The applicant shall work with Staff to ensure that landscaped areas between the entrances of the homes provide a non-evasive tree species.**
3. **The color scheme of the wall shall be consistent with the surrounding area.**

Preliminary Plat

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

G. DVR12-0035 POLLACK BUSINESS PARK NORTH PHASE 2

Approved to continue to the November 20, 2012 Planning Commission Hearing.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of I-1/PAD. The existing PAD zoning designation is for commercial retail/office/showroom and light

industrial uses on an approximate 10-acre site. The subject site is located at the northeast corner of Arizona Avenue and Elliot Road. **(REQUEST CONTINUANCE TO THE NOVEMBER 20, 2012 PLANNING COMMISSION HEARING.)**

H. DVR12-0036 POLLACK BUSINESS PARK SOUTH

Approved to continue to the November 20, 2012 Planning Commission Hearing.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of I-1/PAD. The existing PAD zoning designation is for commercial retail/office/showroom and light industrial uses on an approximate 16-acre site. The subject site is located at the southeast corner of Arizona Avenue and Elliot Road. **(REQUEST CONTINUANCE TO THE NOVEMBER 20, 2012 PLANNING COMMISSION HEARING.)**

I. PDP12-0013 AZ 202

Approved.

Request Preliminary Development Plan amendment approval for site layout and building architecture for a retail, office, and hotel development on an approximate 45-acre site. The subject site is located at the southwest corner of Arizona Avenue and Pecos Road.

1. Development shall be in substantial conformance with the Development Booklet, entitled "AZ 202", kept on file in the City of Chandler Planning Division, in File No. PDP12-0013, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3951 in case DVR07-0009 ARIZONA 202, except as modified by condition herein.
3. The applicant shall work with Staff to incorporate additional architectural elements for the hotel in order that the hotel provides a stronger architectural tie to the larger development.

J. LUP12-0021 I SUSHI

Approved.

Request Use Permit approval for a Series 12 (Restaurant) liquor license for a restaurant and outdoor patio. The subject site is located at 4939 W. Ray Road, Suites 1 & 2, which is located at the southeast corner of Ray and Rural roads.

1. 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.
2. The Use Permit is non-transferable to other store locations.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site and outdoor patio shall be maintained in a clean and orderly manner.
5. Televisions, speakers, and music are prohibited outside of the restaurant.
6. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.

K. ZUP12-0027 HARVEST FOR HUMANITY

Approved to continue to the November 20, 2012 Planning Commission Hearing.
Request Use Permit approval to operate a community garden on a vacant lot. The subject site is located at the northwest corner of Chicago and Dakota streets. **(REQUEST CONTINUANCE TO THE NOVEMBER 20, 2012 PLANNING COMMISSION HEARING.)**

L. ZUP12-0028 PRESIDIO WIRELESS

Approved.
Request Use Permit approval to allow a monopalm wireless communication facility in the Presidio Executive Center, located at 1120 S. Dobson Road, at the southwest corner of Pecos and Dobson Roads.

1. Development shall be in substantial conformance with the approved exhibits except as modified by conditions herein. Expansion or modification of the use beyond the approved exhibits shall require a new Use Permit application and approval.
2. The monopalm shall provide long enough palm fronds so as to extend beyond the antennas to provide adequate camouflage.
3. Further screening shall be required along with the wrought iron fencing to visually conceal the equipment inside.

M. MOTION TO RESCHEDULE THE WEDNESDAY, NOVEMBER 21, 2012 PLANNING COMMISSION HEARING TO TUESDAY, NOVEMBER 20, 2012.

Approved.

COMMISSIONER RYAN said for the record he will be abstaining from voting on Items D and E because he was a consultant on those projects.

COMMISSIONER BARON said he wanted to explain and comment on the additional stipulations on Items D and E on the Consent Agenda. Those comments really came from reviewing the site plan and evaluating all the quality of life and circulation within the project itself trying to find discernible pathways to allow residents to be able to migrate from the southern to the northern end of the property and to utilize the active open space element. He think the stipulations as read in by Staff working with the applicant to find ways to mitigate that through manipulation of buildings, creating some width of open space area that could be landscaped again and provide connectivity. That is the goal of that stipulation.

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

ACTION:

C. DVR12-0022/PPT12-0011 CHANDLER HEIGHTS

Approved to continue to the January 16, 2013 Planning Commission Hearing.

Request rezoning from Agricultural to Planned Area Development along with Preliminary Development Plan and Preliminary Plat approval for a 68-lot single-family residential subdivision. The subject site is located west of the southwest corner of Chandler Heights and Gilbert Roads.

MR. ERIK SWANSON, CITY PLANNER, stated this is a rezoning from AG-1 to Planned Area Development for a single-family residential development as currently provided in the development booklet and then also the Staff memo. It is a 68-lot subdivision that has modified to be reduced to 67 lots. He said he will address that when they get to that later in the memo. The subject site is located west of the southwest corner of Chandler Heights and Gilbert roads and is directly on the south side of Chandler Heights. It is kind of an odd conglomeration of 7 or so parcels that really makes up a unique site. In total 25 acres of almost a larger 40 acre section. It is currently vacant with some structures scattered throughout. It has a history of being farmed. Within the general vicinity there is County land at the northeast section of the site; there are County properties directly west of it and also northwest of it. There is the Circle G at Riggs Ranch custom single family home subdivision to the east and south and there is also a custom subdivision to the southwest-Terra Vista.

The site is very odd shaped and is not a traditional layout from anything they have seen. The proposal again is 68 lots and is located in the Southeast Chandler Area Plan. When they look at these subdivisions they have to meet a couple of standards. First, our residential development standards and second the standards as outlined in the Southeast Chandler Area Plan. There are a number of provisions that are provided in both of those documents that developments have to meet and those are outlined in both the development booklet and in his memo. It should be noted that with the Southeast Chandler Area Plan there is a density cap ranging from 0 dwelling units per acres up to typically 2.5 dwellings per acre. There is provisions provided that allow a density to be increased up to 3.5 dwellings per acre based on amenities being provided; open spaces areas, various landscaping themes, etc. Those are outlined both in the memo and then in the appendix of the development booklet.

It does meet the density incentives to allow for what is being proposed in the development booklet and 2.78 dwelling units per acre but again when he gets further into the presentation that has actually been reduced. The typical lot layout is 70 x 110 for an average lot size of 7700 square feet. However, the minimum lot size is 7700 square feet; the average lot size is just above 9400 square feet with a maximum lot size being about 17,400 square feet. There are a good range of sizes in that. Setbacks are provided with this layout and they are typical to what they have seen recently. This request is strictly for subdivision layout only and future housing product will come through in a future Preliminary Development Plan submittal. Overall Staff

does support the request. They understand that this is a rather unique layout and really requires some creative kind of design with some street systems and lot layouts. It does create a unique development. The lots are laid out in a cluster of facts where you have different areas where more lots are located. There is also a wide range of lot depth and lot sized due to the unique conglomeration of these parcels. Also, as they were looking at this and as they look at the site plan they will notice there are some exception pieces outlined on the site plan. It they look at the overall site, it is kind of a large square and in the center of that square you will see an exception piece and at the lower left hand corner of what would be the southwest, you see some large exception pieces. Those pieces, all the ones labeled as exceptions are currently in the County, will remain so until they annex into the City. There has been really no discussion on the development of those.

As they look at the development in this subdivision, they wanted to make sure that future development of those properties was something that was considered and a viable option. Although it is not included in the development booklet, the development team has provided some layouts that potentially allow it to work either as one full development of those remaining parcels or if they were to come in as a worst case scenario, piecemealed. They believe it is a development that can occur.

There were nine neighbors at the meeting. He has received a number of phone calls regarding it. At that neighborhood meeting it was general questions primarily. Staff is unaware of any opposition being strongly expressed at that meeting. However, following the meeting he received a number of phone calls from nearby property owners. He has also received one letter in opposition and he received the attached letter of opposition and signed petition addressing some of the concerns. With the initial opposition letter it was given to us in enough time that they were able to have the property owner also work with the developer on some of the concerns. Some of those concerns have been addressed. Some of those were relating to the location of lots, the alignment of Via de Palmas, and the development of Via de Palmas which is the street that is on the south side of the property. Other concerns were lighting issues and streetlights and the flooding of those into backyard properties and the irrigation canal. A number of those things they have been able to work with and resolve. They will see in the addendum memo that there is an updated site plan and an updated wall plan. Those are primarily done to address the concerns by the initial letter of opposition. If you look on the very south end, the first thing you will notice is that Lot 41 has been kind of re-designated. It is now in tract H and all of those lots have been renumbered. In essence they have lost a lot; where they had 68 before they have now gone down to 67. This does affect the overall residential, the density of the sites, where it was outlined in the initial memo and development booklet with it being 2.78. With the elimination of that additional lot, it is now down to 2.74.

Additionally, addressing some circulation concerns and trash pickup and emergency vehicles, they will notice that it is called out down by Lot 41 that there is now a cul-de-sac there that allows for that circulation. On the west side at the south end of Ashley Drive there is a temporary turn around that will actually be by easement to allow for that. So those are some of the things that have been updated. Additionally on Via de Palmas, there have been concerns both with the initial letter of opposition and then the addendum one. As it currently operates now, Via de Palmas runs along the south side of the property and there is a 33 foot wide access

and irrigation easement that runs along Via de Palmas and then heads north along the properties eastern line. That accessing easement will remain intact as there is an exception parcel at the southeast corner of the site that requires access to the access easement. One of the concerns is whether or not this disappears or not. It will not disappear and that access easement will remain intact so that property owner can access their property. However, the development team has provided an access point at the south end of Danielson Way, the cul-de-sac. It is shown as Lot 49 in the updated site plan and 50 in the development booklet. Those are a number of the concerns that have been expressed. Again, with the Letter of Opposition it is the property owners primarily from the Circle G at Riggs Ranch residential subdivision to the east and south. There is also some opposition and some petition signatures from the Terra Linda subdivision to the southwest. Due to the opposition it triggers what is a legal protest. A legal protest is triggered when there is 20% of one side of the property in opposition and certainly based on the two letters of opposition that he has received and also some of the phone calls that he has received that legal protest is triggered. He has not had an opportunity to design a map because of the late notice of the opposition petition but suffice it to say it is covered. That doesn't directly affect the vote of Commission however it will require a three quarters vote from the City Council.

In addition to that and a final vote in the conditions of approval under the PDP there is condition no. 4 – 'no more than two 2-story homes shall be built side by side' that was inadvertently included and they are requested the recommending of that condition be struck from the conditions of approval. He said with that he would be more than happy to try and answer any questions.

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

VICE CHAIRMAN VEITCH said his question concerns the density. He said Mr. Swanson talked about the SECAP 2.5 per acre threshold and the 3.5 acre maximum and they were at the 2.78 and with the revision it is now 2.74, but in the broader context of the General Plan which designates the area for low density, where is the upper end of what is considered low density? Mr. Swanson replied with the General Plan it covers a wide variety and what they really have to look at is the focus of the Southeast Chandler Area Plan and that really dictates densities to a more specific nature. In this particular location it is actually designated up to 0 to 1.5 and the reason why that 1.5 is there because a number of these properties at the time of the development of the SECAP were agrarian properties in the County and so it was really an effort to still maintain homage to that agrarian lifestyle. However, with that being said the SECAP does say that they can do up to 2.5 and then 3.5. That is really the cap. For an average of the area it is hard to say. The Circle G at Riggs Ranch average lot size was just under 20,000 and to the southwest similar lot size ranging between 12 and 17,000. There are some smaller lots that are typical to what this development is proposing. Southeast of this in the Riggs Ranch Meadow subdivision to the east side of the canal, there is a section of that which is adjacent to Gilbert Road that is consistent with this type of development and those densities. For the larger area the density that is being proposed is not out of context but in a more specified scope with the immediate area these are a little bit smaller lots but not out of the ordinary. **VICE CHAIRMAN VEITCH** said there is another subdivision that they have considered in the last year on the northeast corner of Riggs and Cooper. Does he recall the density on that one? Mr. Swanson

believes that at that point in time that density was right up at 2.5. Through some modifications it was reduced. He thinks those lot sizes were around 70 to 80 foot wide. It was kind of a unique layout but he believes it was around 2.5.

COMMISSIONER PRIDEMORE said in looking at the new site plan with the exception piece smack dab in the middle of this site, that piece is accessed from the southwest. Correct? He is surprised that he is not seeing some kind of fencing along the northeast and the remainder of this southeast corner of that exception piece unless there is an existing fence there that he doesn't know about or see in the aerial. Mr. Swanson replied that there access is right on the southeast portion of their property so there is no wall there. The development team has agreed to provide access to that and additionally to provide access to this person off their cul-de-sac. Access to these properties would be off Via de Palmas. **COMMISSIONER PRIDEMORE** said so what about the north and the east of that piece-fence wise? Mr. Swanson showed where there would be a wall. He said basically it would be a perimeter wall around it. **COMMISSIONER PRIDEMORE** said that is not what he is seeing. Mr. Swanson said there is a wall on the west and for a portion on the south. **COMMISSIONER PRIDEMORE** said on that exception piece on the north side of it running along the south side of Nolan, what is there and what is on the east of the exception piece? Mr. Swanson said there is no wall on the east just landscaping.

COMMISSIONER BARON said he was looking at the layout and he typically doesn't prefer coming in on front doors off of 131st Street, it is sort of an old school way of doing Planning. Those people get a lot of cars driving by their houses. Is there any consideration given to some different geometry there? Mr. Swanson said they have looked at a number of variations of this plan and it is one of those things that at one point in time had access points, multiple ones out to Chandler Heights. They had variations drives around and really this one made the most sense because if you come in and head east or west you run into the same situation as to immediately coming in and having lights flash onto homes. This is kind of making the best as the most difficult site layout. It is something they looked at and is a concern. They have plans where there are other lots located where the retention areas are that they really tried to be cognizant of traffic coming off and people pulling right in. It is something they looked at albeit it is not the best situation, but it is the best they could make of it. **COMMISSIONER BARON** asked how far does he think it is set back then for the first lot? About 80 feet maybe? Mr. Swanson said it is about 80 feet. **COMMISSIONER BARON** said he is looking at the graphics and he has a series of questions. He wasn't sure if he should let the applicant go through it after comments. Most of the stuff he has is about the walls and not understanding what a subdivision wall is. It is not shown in this document. There are lots of conditions throughout the site that don't have like on the back side of Lot 61, it doesn't say what kind of wall that is on Chandler Heights. Mr. Swanson replied would this be referring to the updated wall plan? **COMMISSIONER BARON** said that is the one that you handed out. Mr. Swanson said generally speaking the ones where the situation of 31, 35, those are going to be the typical subdivision wall. They did not provide all of those details because they more or less clutter up the plan. It would be the design wall – a perimeter theme wall. In those particular areas, those are just the roadways. In between the homes it would be the dooley wall. **COMMISSIONER BARON** said that is a significant difference. That is something that should be shown on here. The theme wall the way they have it shown is split faced and has some patterns. He was just curious. Mr. Swanson said he would double check with the development team. **COMMISSIONER BARON** said some of the

sidewalks when he looks at the civil plans versus the landscape plan there is definitely disconnect. They show some north/south sidewalk connections behind lots 1 through 3 from Chandler Heights down to Cherrywood but there are basins there-fully depressed retention basins. He is not sure how those sidewalks work. Same comment on Tract F which is lots 42, 43 and 49. They just want to make sure that if they are showing capacity for retention that there is also room for sidewalks if that is what they are intending on doing. Mr. Swanson said absolutely. When they look at that, it is something that would be provided. Down by Tract F is a little bit different situation. Generally speaking they require sidewalks on both sides. What would be the future of Via de Palmas. In speaking to neighbors to the south some of their concerns would be foot traffic right behind their property. They have been working with both the development team and also the City Engineer to see upon future development of Via de Palmas if it makes sense to just do it on the north side. It is certainly our intention to make sure that access is provided in all areas. That is something that we would require either way. **COMMISSIONER BARON** said the Ramada shown or pedestrian gateway portals shown off of Chandler Heights is a shade structure and it has some scale but he doesn't know that the placement of it really makes sense because it is not something that people are going to go to out on Chandler Heights Road. He sees there is one on Cherrywood that has a play area and so on. It doesn't make sense that they are going to put a Ramada in a larger open space area in the internal part of the project that would actually make it be used. That is more of an observation. Maybe the applicant should consider that. He said the other question he had was the entry feature itself. He is having a hard time understanding the scale-no dimensions, not sure what the treatment is, is it small or large, etc. Mr. Swanson replied to go back to the Ramada concern, is he referencing right at the end of the cul-de-sac? He is looking at Tab 4. **COMMISSIONER BARON** said it is at Lot 60. I guess it is 61 in the old plan-Tract A. Mr. Swanson said it would be behind that and it is to just provide more of a seating area similar to what they did at Pastorino Dairy in one of their cul-de-sacs. The intent is not to create a large scale gathering. That is not the intent and it will be more or less a seating node and what they have done is to really provide the main focus for gathering kind of as you enter off of 131st Street in that main central open space area. **COMMISSIONER BARON** said he understands the point but he feels like if you are going to spend the money to put shade out there, put it internal where somebody is going to use it. He doesn't think it is going to get used out on Chandler Heights Road. If that is the desire, he supposes it is more of a function that was aesthetic than it is function. Mr. Swanson said regarding scale of the entry monumentation that is behind Tab 7. He received clarification that the water cistern is going to be roughly about 8 feet. All though there is no scale on here that would make the sign roughly about 6 feet and the wall dimension is 1 and 8. **COMMISSIONER BARON** said he had one comment that was a personal opinion. The stone veneer doesn't finish out very well especially when you trim things trying to cap it; it always looks kind of artificial. If it is an option to consider some other application, he would certainly encourage it. He is not asking for a stip. or anything, he is just not a big fan of it.

CHAIRMAN RIVERS asked Mr. Swanson to please clarify why they are not going to go with stipulation no. 4. Mr. Swanson replied that the condition they used to have in play and generally speaking they have not used that for the past number of residential developments. He said he would make a caveat of Belmont Estates which they saw at last Planning Commission Hearing. That condition was put in there for that because there were a lot of neighborhood concerns with the way that the south side was reduced to single story and the north side wanted that condition

as well. To address those concerns they put that condition that no more than two 2-story homes be there. With this particular subdivision it is something that when they are dealing with these larger subdivisions, they don't historically do that. They will make that condition or a modification of it to prevent that out along arterial streets or adjacent to open spaces but in this particular case they don't have any homes that back up to the arterial. It was kind of one of those conditions that was inadvertently put on there. **CHAIRMAN RIVERS** said they are going to keep the idea that they are not going to have 2-stories on the corners. Right? Mr. Swanson said that was correct. All corner lots will be restricted to one story homes.

VICE CHAIRMAN VEITCH said he had a follow up to Chairman Rivers' question. Doesn't that stipulation about the 'no more than two 2-stories homes side by side' since they are not considering housing product, does that enter into the presence or absence of this stipulation? Mr. Swanson said that was a good question and it is one they struggle with. They have come to the conclusion at this point in time as this subdivision is developed, it is better for us to put that condition on there. As future developers come in, they are aware of concerns and conditions similar to the fact that they have already addressed the setbacks and things like that. That way a future home builder knows what they have to work with rather than kind of a carte blanche-anything goes. They try not to get to specific that restricts development but they do want to put those on there just to insure that future development is aware of concerns. **VICE CHAIRMAN VEITCH** asked if they want to give future developers or home builders notice as to what the concerns are about replacement of one story versus two story homes; wouldn't it be better to put that stipulation in at this stage rather than waiting? Mr. Swanson said they believe they are addressing that with the one story condition on the corner lots. **VICE CHAIRMAN VEITCH** said so you are recommending that they stick with 3 and drop 4? Mr. Swanson replied that was correct. He said they are keeping the 'corner lots are single story' and dropping 'no more than two 2-story homes'. **VICE CHAIRMAN VEITCH** asked because they simply don't think that is an issue in this subdivision? Mr. Swanson said correct.

CHAIRMAN RIVERS invited the applicant up to speak.

BRENNAN RAY, 702 E. OSBORN RD., PHOENIX, stated he was here on behalf of the applicant. As Erik expressed tonight, the request before them is for a PAD single-family residential zoning, PDP for subdivision layout and for Preliminary Plat approval. As has been touched on briefly, this is a very challenging site. It is a very odd fill and from their perspective is an infill site although they might not traditionally think of that in this location. It is very much an infill site that is an assemblage of multiple parcels. As was addressed in Study Session, this property is in the County and is in the process of being annexed into the City and giving the initial designation of AG-1. Historically, it was designated Rural 43 in the County. They believe that certainly the land use for residential housing is appropriate and compatible with the area and certainly consistent with the General Plan and SECAP. They believe that the proposed layout is also appropriate certainly for the site and the surrounding area so they are committing the challenges on this odd shape infill site. As was touched on in Staff's presentation, they do provide opportunities and there are ways with which the out parcels that are shown on this site can develop so that in the end when all the patches are filled on the patchwork quilt, you have the appearance of a very cohesive development. They have worked hand in glove with a variety of City departments including Planning, Traffic, Engineering and others to create this plan. They

think as they get into this they can address those concerns of the neighbors again on this touch, challenging site. They are certainly appreciative of Staff's recommendation for approval. They are o.k. with the stips. and are in agreement with the deletion of PDP stipulation no. 4 and would express this body's approval in accordance with Staff's recommendation.

He would like to highlight a few points tonight. He is going to be working off the revised site plan that was submitted. The plan he is going to show them now is not one that they have and they need to give them copies. This plan deals with the condition that Erik discussed down here on the south side. The subdivision is almost 25 acres; 24.9 acres. He mentioned that it was Rural 43 in the County. He didn't know if he needs to belabor the point of the General Plan and the SECAP other than to say that this proposed project is consistent with that plan and certainly consistent with the ability to achieve a higher density. The density cap has been discussed and they are at the lowest density bump up that you can have provided that certain incentives are met and he can go through the details of those.

The site before them is 67 lots. He showed where it is. It is the site of the old Riggs family property. The Riggs family is a long time Chandler family that has been around in this area for quite a while. As Erik mentioned, they are approximately a minimum 70 foot wide lots. There are a wide range of lot sizes in there; 70 is the minimum. There is 75 and 80 within the subdivision as well which gives them an average lot size of approximately 9400 square feet. When you look at it the density what does is gives them a density of 2.74 which is in the first tier of the density percentage that you can get. The first tier being 2.5 to 2.75 so they are in that first tier.

He said he wanted to touch on concerns Via de Palmas. As they see on the plan right now, they see Halsted Street running north and south and continuing on the Via de Palmas. Going back to when they initially filed this application the discussions they had with the City preliminarily was that the City wanted to see Via de Palmas continue east from its current position. If you look farther over here (he showed on overhead), this Via de Palmas heading out to Cooper is improved. It is a 30 foot half street improvement presuming that the property to the north someday eventually develops in the City and then they would be required to construct the half street improvements on the north side. The discussion at the time with the City was that Via de Palmas would be a fully improved street (curb, gutter, and sidewalk) that would continue all the way to the east and the discussion at that time is that it would punch through this wall over here into Riggs Ranch Road. Because they had concerns about that and they knew the neighbors in Circle G would have concerns about that. They worked very hard and very diligently with Staff to come up with a solution that they believe adequately addresses the City concerns as well as trying to minimize the impact of that on the neighbors to the south. The condition is that this is to be emergency access only. There will be a crash gate located along the south side. That crash gate will run east/west. As the Commission is aware, the City does require them to make their improvements at the time of development. They have had discussions with the City Engineer and the City Engineer has agreed that they can enter into a deferral agreement to defer those improvements down there which would include the sidewalk and the streetlight. The triggering mechanism for that will be that if this property farther to the west were to develop that would then trigger our requirements to develop.

He said the other thing he wanted to focus on is the theming. They have paid close attention to the agricultural heritage and theming of the area. That is reflected in a variety of exhibits that they see in the development booklet in the entry monument, evident in the landscaping. It is also reflective in the fencing and the split rail accents that they are providing in key locations. If you look at the amenities and certainly Commissioner Baron touched on a few of them and when you look at the central area and you look at what is being provided there of having this Ramada and as illustrated in the book that is a Ramada that has a rusted corrugated metal roof which gives the appearance of a barn. In addition if you look at the other amenities they are providing there, if this farmland play concept which is not a traditional tot lot. It is designed and intended to reflect the theming of the area. When you look at that, consistent with the SECAP's desire to provide an agrarian feel to it they certainly are doing that through the theming from the entry monument that Commissioner Baron talked about with the corrugated steel, silo structure on there, the ranch style monument sign reminiscent of something you might see over an old ranch homestead property with the name hanging down. All of those things they think do a good job of maintaining and promoting agrarian heritage of the area.

Erik touch briefly on the SECAP and what is required as well as Appendix A in the booklet which identifies those. Based on the revisions to the site plan which eliminated that Lot 41 they satisfied the two required elements and the five optional requirements under SECAP for the density incentives. For the increment one, they are only required to meet three under that incentive. Nevertheless, they are providing five in such things as locating parks and open space in close proximity to the residents, providing 17% open space which is 7% greater than what would otherwise be required under it. They are also providing tree lined streets and he thinks those are all good positive things certainly ones that satisfy SECAP and the additional ones that allow them to achieve this density of 2.74.

When you look at the subdivision diversity standards, they satisfied the 8 required and the 10 optional points. He said if it is alright with the Commission he would like to speak about some of the neighborhood concerns they heard coming out of the neighborhood meeting, subsequent conversations they have had with the neighbors and the adjustment and changes to the plan they have made.

CHAIRMAN RIVERS said if he would like to do that now to please do so. Mr. Ray said he would like to.

Mr. Ray said at the October neighborhood meeting there were 9 neighbors in attendance, there were general questions and concerns expressed relative to the development of this project. They became aware of the concerns raised by Mr. Chris Leason in his letter that was sent last week. They have actually met with him and worked hard to address his concerns. They recently before coming to this meeting tonight became aware of the written opposition of the HOA and their concerns. He did have a very brief conversation with the representative of the HOA on Monday but due to schedules they weren't able to have any substantive conversation at that time. The bottom line is the result is that changes have been made and they have listened to the neighbors and tried to address some of their concerns as best they could on this very challenging infill site.

One of the things they heard was about wall heights. They distributed to the Commission this updated preliminary wall plan. When they went to the neighborhood meeting back in October the majority of perimeter walls were six feet high. There were concerns expressed by the neighbors along here to the east and north about the wall height. What is reflected on the plan today is this wall here that has been raised from 6 feet to 8 feet. This wall along here again was raised from 6 feet to 8 feet. Those are all good positive things. One of the things they also heard was on restrictions on one and two stories and he is appreciative of Vice Chairman Veitch's comments on restrictions. At the time of the neighborhood meeting and from their perspective, they believe and feel that it is more appropriate to address those types of restrictions when the housing product comes through because there is an unknown of what that housing product is whether it is all single stories or whether it is a combination of ones and twos as you would anticipate. They believe that is a more appropriate time when that separate application is processed for the housing products.

Notwithstanding that they did do some additional considerations and deliberation and what he could tell them is that he believes it is a new stipulation they would offer to the Commission. He doesn't know if it is a new stipulation no. 6 or if it is number 5 but in terms of a new stipulation it would be to provide that these lots 6 and 5 be limited to single story and Lot 41 on the revised plan be limited to single story. The reason for that is again these neighbors were in a relative close proximity. This condition for there was as a result of their conversations with Mr. Leason. That is one of the things that they are willing to offer and to discuss tonight. The other thing he mentioned was Via de Palmas. He knows that some of the concerns with Via de Palmas were streetlights and they were certainly open and be agreeable to an additional stipulation that would say that any streetlights they install on their property be shielded, a downward shield so as to prevent the lights from spilling over.

As he mentioned in his initial presentation, they have an agreement with the City Engineer for a deferral agreement that would defer the improvements along there. The other thing that he would tell you is that one of the concerns that they heard about dealt with the location of the sidewalk. There was some concern that the location of the sidewalk on the south side would give greater opportunity for people to look into the backyards of the Circle G residents. Through the preliminary discussions that they had with the City they were told that sidewalk needed to be on the south side but through a conversation that he just had today with the City Engineer she has said it is preliminarily o.k. that they locate sidewalk on the north side. He needs to work out the details with her and they need to see how that is going to play out but she has at least indicated on their property that they can put that sidewalk on the north side.

Erik mentioned that they eliminated Lot 41. One of the things they were working with Staff on were concerns about providing a turn-around for garbage trucks down in this area here. They had met with Mr. Leason and he had concerns about Lot 40 and so rather than shoving this cul-de-sac and making it go over here which he thinks makes sense to a lot of people, the developer agreed to eliminate Lot 41 and provide that turn-around there, provide this tract that will be landscaped. He said he could show those details on the landscape plan if they need to. The bottom line is Lot 41 has been eliminated and that from his perspective is a permanent condition.

Mr. Ray thinks that despite the challenges of this site and the fact that it is odd shaped and the fact that it is infill they have a good plan and a layout that provides additional housing choices within southeast Chandler. Their request certainly is compatible with the area and compatible with the General Plan and with SECAP. They appreciate the work that has gone into it up to this point from a variety of City departments, Planning, Traffic, Engineering and others. They have tried to be a good neighbor and to work hard to address the neighbor's concerns. They are o.k. with the stips. including the new stips. that they talked about today and certainly would request this Commission's approval in accordance with Staff's recommendation. He would be happy to answer any questions. He knows that he has some additional follow-up relative to Commissioner Pridemore's questions and Commissioner Baron's questions.

COMMISSIONER PRIDEMORE stated he had questions about the exception piece right in the middle of the site just south of Nolan. He asked if he could talk about fencing around that piece of exception. Mr. Ray said he could. He said if he understood the question it was what is going here along the north and what is going here along the east. In their discussions with the neighbor additionally he had a few concerns one of which dealt with access and the other one dealt with fencing around his property. He was concerned that they would wall his property in and create this almost impenetrable shield. Through discussions with him it was agreed that there would be no fencing along this property line and no fencing along this property line (he showed on overhead). His home faces south and so access was going to be provided off of Beechnut Way. What they anticipate doing is something to delineate the two areas because it is open space and because there are trees and plantings there. There initial plan was to provide some type of rolled curbing to delineate it. There will be if you look on the landscaping plan, there are a row of trees on that eastern side. On the updated site plan it is planned that there will be a grove type planting of trees in this area. It is not intended to be accessible necessarily to the public in terms of a true open space where they can come and go. **COMMISSIONER PRIDEMORE** said let's talk about the north side then. He understands the property owner not wanting to feel like they are in prison surrounded by walls but he is also just trying to visualize this site plan as it starts to get built out. Looking at the aerial there is really nothing on the south side of Nolan. It looks like all the landscaping that is existing is on the subject on the development's property so that is obviously all going to go away to make room for Nolan. He is really curious about what kind of buffer is going to exist there. He understands what he is doing on the east side since that is a public space and trying to delineate it but to him there is nothing on that north side. If he is standing in the middle of Nolan and he is looking south, he is going to be seeing right into that exception piece. There is no visual barrier. Correct? Mr. Ray replied that is correct. Mr. Ray said that part of the reason is to allow future development of that property should it occur. He doesn't know if the owner of that area is here. If he is here, he can certainly address it. He doesn't believe there are any current development plans for there but should he choose, the expectation would be that he could continue the pattern similar to what they have done west of his and continue lots on there. Because of that and because of what they are looking at now, they didn't feel that was a real need and again to address the neighbor's concerns, to put anything there. **COMMISSIONER PRIDEMORE** said he obviously has been dealing with that specific property owner to get to where they are and he personally doesn't understand it. He would have liked to have seen something there not necessarily a 6 foot high or an 8 foot high wall but something even if it is just landscaping, some low bushes or something to give not only a visual but a physical barrier. He is just concerned that it is going to be confusing

to people going to the site of what is this subdivision and what is private property. If he personally lived on that site, he would want some kind of delineation understanding that they don't want to live behind walls their entire life. He understands that. This site to him is so odd that they are coming across things that they normally wouldn't. They may need to think outside of the box or need to look at some condition which they don't normally have. To him this is one of them. He knows he has dealt with the property owner directly. If they were here tonight, he would love to ask them what they would like to see there. For now he will accept what he is showing but he wanted to express his concerns. Mr. Ray said they would be happy to work with the property owner to see if something can be done down there. **COMMISSIONER PRIDEMORE** said in looking at the same graphic that he has on the overhead right now he is curious about the cul-de-sac at the end of Ashley. It is not your property so they are showing something off their property that if they could have acquired that piece of property they could have put a cul-de-sac there. It is now labeled as temporary turn-a-round. He is curious how he can even show that because it is not their property. Mr. Ray said they have had extensive discussions with the neighbors further west of them and the owner of this property here. In the course of those discussions, what they have agreed to and what they are working on are easements. Easements to continue Via de Palmas heading east although there is a private easement out there to date that would allow them to do that; an easement for this temporary turn-a-round. The property owner that they are showing this property on is aware of that and knows of it and that is something that has been agreed to that temporary turn-a-round will be there until such time as his property develops. **COMMISSIONER PRIDEMORE** asked what the surface would be. Mr. Ray said whatever the City would require them to do for that type of a temporary turn-a-round.

MR. KEVIN MAYO, PLANNING MANAGER, said that it would be paved just like it would be a cul-de-sac just like every other cul-de-sac. **COMMISSIONER PRIDEMORE** said they are talking the regular cross-section pavement. They are not just talking depressed. Mr. Mayo said it is strictly to provide for City Garbage trucks turn-a-round and any other surface is going to get degraded pretty quick. **COMMISSIONER PRIDEMORE** said that was his concern but this wasn't shown earlier and it just kind of popped up. He wanted to make sure that he wasn't missing something.

CHAIRMAN RIVERS said the turn-a-round that we were just discussing is that also going to have a sidewalk? Mr. Mayo said it would end up being the City's 100 foot diameter right-of-way curb to curb cul-de-sac. There may be not a whole lot of reason to wrap the sidewalk all the way around it but where it is Ashley Drive, it is going to have sidewalk on the east and west sides coming out of the cul-de-sac. There may not be a reason to pour the sidewalk all the way to the loop. There may be a reason to do that and ultimately the City engineer will work with the development team to figure out what that needs to look like. **CHAIRMAN RIVERS** asked if that also then going to be used for drainage? Mr. Mayo replied they will end up having to retain their property and somehow the engineers will figure how to let that surface drain back to the property it is on.

COMMISSIONER PRIDEMORE said before it gets to Council know matter what happens here tonight, can they have that labeled differently then. Seeing just a dotted line with temporary turn-a-round to him is a lot different than a fully constructed City specified detail with sidewalks,

etc. To him right now he has his own preconceived notion about what temporary means. If they could clear that up before it gets to Council so that they can get a better understanding. It is much more permanent at least in the interim even though it is still temporary but he thinks that may help.

COMMISSIONER BARON said on Nolan he is looking at the street section that is a standard 50 foot right-a-way so what happens to the sidewalk past Lot 18? Does it just go away? Mr. Ray responded that is a good question and he didn't know if he had a definitive answer for him. **COMMISSIONER BARON** said that would address the landscape issue as well because it creates a 5-foot landscape area. Mr. Mayo, Planning Manager, said it is a quick answer. Nolan Place is a full cross section to where it's southern right-of-way edge be aligned with that conception parcel so you will have sidewalk, your landscaping and all of that. **COMMISSIONER BARON** said but technically it is sort of an offset center line because it is on the northern boundary so it will have landscaping. Mr. Mayo said to a degree within the right-of-way but outside of that, even though the PUE would be on the exception parcel. **COMMISSIONER BARON** said he thinks that is a major clarification. That makes a lot of sense.

Mr. Ray said Commissioner Baron had a question that dealt with the stone veneer. He said they would be happy to look at a different application. **COMMISSIONER BARON** said he thinks sometimes they work too hard to try to push this agrarian character which they like to ram down their throats and he would challenge the team to be a little bit more open minded that it doesn't necessarily have to speak loud and clear that this was a farm. That material just doesn't weather well, doesn't wear well, it is just not his favorite. **COMMISSIONER BARON** said he still has some questions on the wall stuff because he is still kind of confused on what a subdivision wall is. Mr. Ray said he knows that the theme wall that appears on what is located behind Tab 7 in the project booklet. The perimeter subdivision wall would occur along the perimeters with the 6 foot theme wall without the stone veneer on the columns. So in terms of the patterns that they see on the actual wall itself mixes a split face and standard block. That is the pattern that would appear identified as the subdivision wall. **COMMISSIONER BARON** said he recommends they add a stip. for that because this isn't clear at all. This exhibit is completely confusing. There are missed labels on there too. Lots 55 through 61 show an 8 foot tall subdivision wall but it is labeled Lot 64 through 60. There are all kinds of little nuances here and 61 is still missing a wall clarification. The only reason he is asking these questions because this is dividing a bunch of larger lot subdivision and some undeveloped property so continuity and character he thinks is important. So the fact of the matter is if they are willing to agree to that he would recommend they add a stip. to the zoning case. Mr. Ray said they would be happy to work with this but he is not sure he understands what the stipulation would be. **COMMISSIONER BARON** said now it says 'subdivision wall' but there exhibit says a wall. Mr. Ray says he appreciates that detail was left out and what he has told them tonight and again if they need a stipulation to follow up he is happy to do that but that subdivision wall although not represented here, will be the theme wall without the stone column. **COMMISSIONER BARON** said he is hearing him but he is not seeing it in a document and that is the only reason he is asking. Mr. Ray responded they would be happy to have a stipulation to the effect of what he just said.

CHAIRMAN RIVERS asked when he is talking about deferring the completion of the south end of 131st Place, he wasn't talking about deferring the crash gate construction? Mr. Ray replied that is correct. There will be no deferral of the construction and he can appreciate that Commissioner Baron's comments about some labels. On one plan they show 131st Place and another place they show Halsted Drive. Yes, that crash gate south of Lots 40 and 41 will be constructed. **CHAIRMAN RIVERS** asked where it is constructed it is just going to be sitting in the middle of the road or is it going to be connected to something? He is trying to figure what would prevent someone from just driving around it. Mr. Ray said he didn't know if he knew the details of it but the crash gate will be there and will prevent vehicular ingress and egress except in the case of emergencies. **CHAIRMAN RIVERS** asked so maybe the exterior wall needs to move farther south? What he is looking at is a diagram of a crash gate sitting in the middle of the south end of this 100 foot diameter cul-de-sac and there is nothing on either side of that except green or a grassy area. It doesn't look like it would prevent any egress or traffic. If you have a pickup truck you can just drive around it. The other thing he was concerned with and it is a suggestion. He might want to talk to the property owner in the exception piece of the middle on the south side of Nolan Place. If he doesn't want to feel like he is in a prison, maybe view fencing on the north and east side of that just to delineate the separation. If he lived in a house on 34 or 35 facing south and he is looking at the side of what appears to be a barn, that wouldn't be his first choice of a lot. He just sees a lot of problems around that area.

MR. SWANSON, CITY PLANNER, said if he may clarify the crash gate and the additional track. Basically what the modification of that lot being eliminated and now becoming a cul-de-sac and a track, that track will actually have more or less a tree grove so it wouldn't be something that is drivable where somebody could just go around it. There will be sufficient landscaping there to prevent vehicles similar to the east side. Mr. Ray replied to continue what Erik said if they look closely at the landscape plan, he pointed out where there are going to be trees. Because he believes there are neighbors here that wish to speak, he said he would like the opportunity when they are done to address concerns that they may raise.

CHAIRMAN RIVERS said he had four speaker cards. He called up the first speaker. He asked when he comes to the podium to point out on the picture where his house is

MIKE SCHUGG, 2495 E. CLOUD DR., said he is representing the HOA Board for Circle G and there on behalf of the entire Circle G. He said he is a retired dairy farmer from the Chandler area and has lived in Circle G since 2004. He has also been the HOA Treasurer for 4 years.

He said this has been a rush situation for us. He said they met with their lawyers to go over the petitions they were going to put together. The Board met and voted unanimously to go and get the homeowners involved with this subdivision going in. They are not in opposition of the subdivision they are just in opposition of the high-density and the way this one is set up. It brings a lot of threat to their neighborhood and all the homeowners are upset about it. They proposed 104 homeowners, 10 of those in Tierra Linda and 90+ some in Circle G. Not one person was for this subdivision. They could get another 300 signatures if they would like it but it takes a lot of time to go to each house.

In 1999 and 2000 this was designate as a low-density area of one acre lots and now they are proposing a high-density. He said he would like to correct Mr. Swanson on one thing. There lots are over 43,000 square feet not 20. They are over 4 times the size of the average lot that is going to be put in this neighborhood. Tierra Linda is over 20,000 square feet per home. That is over the twice the size of the lots they are proposing for this area. They would like to see 1.7 to 2 houses per acre there. That fits the area. They would like to see something built that compliments the whole community not just this 25 acres. There are people that have been there a long time for a lot of money and effort in their homes to keep them beautified and they are really upset about this kind of subdivision coming in their area.

They spoke about Riggs Ranch Meadows having close to the same density. He believes there is close to a 100 foot buffer across that canal between them and us. They also have an exterior perimeter fence that keeps them secure from coming across the canal. They have great concerns about the homeowners living right next to where this subdivision is going to be. Regarding Via de Palmas Road, he said he has used this road over the past years. That has been an access road for the people irrigating on the non-developed land. They need Via de Palmas to go all the way to the end to get their irrigation and bring it down to their farms. They are concerned that if they approve this plan, then that is going to allow these parcels here which will gradually be behind Tierra Linda and boarding all of their properties to put in the same kind of development. They are not happy about 2 story homes. He showed homes that are between 1 to 2 million dollars. These 2 story homes will be looking right into the back yard. Then if they put solar on top of that, it is going to really destroy these people's values. Building a subdivision with a high-density is going to decrease the comps. of Tierra Linda and Circle G tremendously. They are not opposed to development; they are just opposed to very high density and 2 story homes. They would like to see an average of 12-13,000 square foot lots. They would like to see no 2-story homes on the outside.

In regards to fencing, they are not proposing any fencing right here - an8-foot fence behind their homes adjoining Circle G. Put fences in here for the safety of children and not falling into these canals. You need fencing on all of the perimeters to keep these children safe. Commissioner Pridemore said to keep fencing there to keep those kids from going into that road. There are a lot of safety hazards he sees in this that concerns them tremendously. The fences behind the properties at Circle G are 5-1/2 feet. If you stand in the back you can look over them. Kids are going to be jumping and going into the swimming pools. With no fencing on the southern part of this development, those kids will be coming into these neighborhoods.

Regarding the lighting of Via de Palmas Road they have a lot of concerns about the lighting disturbing the back yard of the people. They have hot tubs and swimming pools and they like to go out there and enjoy their property without being intruded on by lighting. Two story homes – in today's world you're probably going to see someone put solar up on the back side. It is not very appropriate for a million dollar home owner to be looking at that. They would like to see a development that compliments the entire community not just this 25 acres.

The most important part that they are aware of that we are on 43,000 square feet per lot not 20. Tierra Linda is 20. He just got 10 signatures off of one street because they are very upset about this development. It is not that it is being developed. They are concerned about the density

because it is going to lower the cost of the rest of the homes in the area. They would like to see Via de Palmas developed and go all the way through now. He's not saying that the other pieces later on that they go through and develop that. Any kind of buffer at all between their community and their community is good. If they come through Circle G Ranch Road, they will see in their subdivision that they have close to 12 feet of buffer, rock gravel updating the flowers and trees. They have no trees along their perimeter block that is out there. Fencing is the most important part for the safety of the children. There is still agriculture over here and kids can go over there; they have cows and bulls. Kids will be getting into those fences if they don't secure the southern portion of that community. There are other homeowners here tonight that are going speaking from Circle G.

CHAIRMAN RIVERS asked where Tierra Linda is. Between Tierra Linda and Circle G Ranch is there a buffer? Mr. Schugg said there is a buffer. **CHAIRMAN RIVERS** asked what kind of buffer. Mr. Schugg said there is an irrigation canal that comes down and actually wraps around Circle G. Circle G is in the northwest corner. They are fenced on their side. There is a canal that comes between us and there is a fence on their side. There is a perimeter fence on Tierra Linda and on Circle G with an irrigation canal.

Mr. Mayo, Planning Manager, said if they look at the exhibits under Tab 2 in the booklets go down to the bottom where it says the word Via de Palmas. You will see the two fences with a gap between the two and that is the canal that runs down.

Mr. Schugg requested that the Planning Commission deny this application for further work to be done.

MR. ERIK SWANSON, CITY PLANNER, said he wanted to address a couple of the concerns; the first one being the canal. It is their standard and requirement that whenever there is any sort of improvement along the property to that canal it be tiled or undergrounded. They have no control nor does the developer have control for the properties to the west. In essence theirs would still be exposed until future development would come in. In addressing the perimeter wall for Lots 49 through 53, those that are basically touching the Circle G; on the back side of their lots those would have a perimeter wall. They can't take it all the way up to the Circle G property because there is that access easement. In essence they will get that wall, the easement and then the wall at Circle G. Those are two things that will be addressed. In working with the City Engineer they are discussing the options for the shielding of the lights and they do understand there is concern with a kind of flooding of those lights. That is a relatively easy thing for them to put shields on them to try to prevent the flood over the lights.

CHAIRMAN RIVERS asked Mr. Swanson how wide it is between the wall and this subdivision and the Circle G wall, how wide that easement is between the two walls? Mr. Swanson said the easement is approximately 30 feet. **CHAIRMAN RIVERS** said so it is like an alley? Mr. Swanson said it will be a little bit wider than an alley. Alleys are typically like 16 some odd feet.

CHRIS LEASON, 2410 E. CEDAR PLACE, stated his home is in Circle G. It is identified in the various documents before them as Lot 132. To give them some perspective he showed where

his home is. As indicated, they are directly south of the contemplated development and the resulting Via de Palmas Road improvement that will occur if this request is approved. His opposition letter is before them in the materials that they received this evening. To give them his perspective they moved to their current house on October 3 and the Zoning Commission notice came out the 9th of October. They were unable to attend the neighborhood meeting. They didn't receive the notice. While they don't oppose the development of this land, they recognize it is going to happen someday. They do oppose the development that is currently before the Commission and encourage either a no vote this evening or else tabling this for additional dialogue between the interested parties.

He would like to point out as well that he has met and had positive conversations with Mr. Ray, his client and Mr. Swanson and am pleased to hear of the stipulations that the developer is bringing to the table tonight many of which were set forth in his October 30 letter to the City Planner. He would also suggest that the new lot 40 even though it is not a corner lot, be considered to be a one story. Even with the cul-de-sac that is being proposed in pulling out the renumbered Lot 40 would still be approximately 120 feet from their property line which would place it roughly where the existing home is there that will be destroyed as part of this development. He would like to ask for consideration of Lot 40 being a one story home.

The proposed development is not yet right for consideration as evident from the shape of the plot plan and the number of Maricopa County exception parcels surrounding it within the plan. They heard tonight and it is in the City Planner's memo that there are five exemption parcels. In the memo to the Commission, the City Planner recognizes this describing the development as "unique in nature" but nonetheless reaches the same conclusion that he has reached. Quoting from the memo "the development of the entire 40 acres which would include these exemption parcels would be in the best interest of the community". Unfortunately the City Planner then goes on and recommends approval of the zoning request with only 25 acres.

He would like to address with the Commission his specific concerns relating to the second emergency access point and the result of Via de Palmas road improvements that will occur. They heard tonight there is going to be a deferral of some of the improvements. Nonetheless the City is mandating certain improvements to that road. He showed where his lot is and the access into the development where the improvements will occur. The current proposed plan requires a developer to make improvements at Via de Palmas to allow for emergence vehicle access through an emergency access only gate to the north of their property into the proposed development. Both the City Planner and the applicant in the materials they have before them recognize this is not the ideal situation. The best of location for this emergency gate is where the pavement ends on the improved portion of Via de Palmas to the west. They have heard a lot this evening Tierra Linda. He showed an improved road with a sidewalk on the south side of the road. This is the exception parcel. They heard tonight for the first time that there is going to be an easement to allow a cul-de-sac to be placed here. He thinks the most appropriate place for the emergence access gate should be right here because they already have an improved road in place and they aren't improving this road any further down at present which could lead to some of other privacy concerns that he will address to the Commission very shortly.

First, to accommodate emergency response vehicles the City is requiring now the improvements of Via de Palmas from Tierra Linda through to the new development from its current 12 foot width as a gravel road to a 24 foot wide all weather access road. Further as they heard tonight it is his understanding that the City is also going to require further expansion of this road to 29 feet is the exception parcels are brought in at a later date. Expansion of the road is part of the emergency access point will set in motion the City's desire for full development of the road without adequate public input and failure to address the alignment, privacy, noise, safety, lighting and property value implication of an improved road.

Further, if the exemption parcels to the west are brought into the development it is likely that the emergency access point will be moved from here to the west which is recognized by the City and the applicant at the preferred entry point since it is closer to a major road; Cooper road. This would leave an improved Via de Palmas that could easily be converted to a second public access point to the proposed development resulting in increased traffic behind their home.

Second, currently there is a 12 foot buffer between the northern walls of the Tierra Linda development and the improved portion of Via de Palmas. What you have is 8 feet which are comprised of stones, bushes and tree and then a standard City 4 foot sidewalk. This 12 foot buffer is consistent with what he currently has behind his fence before the gravel portion of Via de Palmas. There is 3 foot of direct; there is a 6 foot aboveground canal and then an additional 3 foot of dirt. As proposed, the City is permitting a mere 6 foot buffer behind his home. What they are doing is they are proposing a 24 foot all weather access road but they are taking away the above ground canal as Erik mentioned and putting it underground and reducing that bumper zone from 12 feet down to 6 feet. As proposed with its improvement in place, the City places the burden of this development and emergency access to the proposed development solely on the Circle G residences to the south reducing the buffer space from the current 12 to 6 feet instead of maintain a 12 foot buffer as is current in place behind his home and consistent with Tierra Linda.

Finally, the widening of the road could lead to parking behind their yard. Streetlights would shine on to their yard and increase traffic and perhaps parking behind their yard. Further it would lead to much reduced privacy if this proposal moves forward because there would only be a 6 foot buffer as he mentioned between the road and their backyard. No canal above ground to act as a deterrent from people coming over to their fence and somebody standing next to the fence who is 5'10" or taller is able to look into their yard or perhaps even climb over a fence to their yard. The one thing that is important that he thinks Erik mentioned as a clarification is there will be a fence here and here but there will be no fence down here except for the existing fences in Circle G here and here. This lot in Circle G is a vacant lot and there is currently no fence there which means there will be access from the community through the grassy area and either people will be able to look into the back of their yards, climb over their fences or in this case enter the community and perhaps access yards on either side. He is not concerned about crime he is concerned about public safety with people having swimming pools in the back of their yard and not planning for that contingency.

All this will occur because the developer is presenting this matter for your consideration now without obtaining the parcels to the west, engaging in dialogue which he has heard for the first time is occurring regarding easements on those parcels to the west to have those discussions

included for emergency access closer to the major artery, Cooper Road. They are having relative discussions with the relevant and effective homeowners.

To conclude, the South Chandler Area Plan states a local government should "weigh equally the needs and wants of citizens, landowners and a development community when reviewing, interpreting and making decisions on a new development". When you look at the proposed development its current configuration and the concerns that have been expressed tonight by him as well as others, the scale clearly tips in favor of denying the zoning request or at lease postponing a decision to allow for more fruitful dialogue to concur. He thanked them all for their time and consideration of his verbal comments as well as his letter in opposition and he will entertain any questions.

VICE CHAIRMAN VEITCH said in respect to Via de Palmas in terms of relocating the emergency access gate and as well as the buffer along the north side of their property and their neighbors to the west, he understood the Circle G homeowners Association to suggest that Via de Palmas should be fully improved now all the way through to Riggs Ranch Road. Mr. Leason said the point is that right now you have Via de Palmas which is improved; it continues on as a 12 foot gravel road to tie into this road here. As part of this development, they are going to have Via de Palmas currently improved behind Tierra Linda and then have it improved from 12 feet to 24 feet through to here and then stopping here in a grassy area. He thinks his fellow neighbors comments relate to this portion here in maintaining this access of Via de Palmas. **VICE CHAIRMAN VEITCH** said he doesn't think it currently accesses Riggs Ranch Road. He doesn't think it goes through. Mr. Leason said it is Riggs Lane. **VICE CHAIRMAN VEITCH** said some of their drawings call it Riggs Ranch Road. Mr. Leason said it cuts through their development but it currently runs west to east Via de Palmas and then goes north. The concern was putting in this green belt they are taking up the road surface that is currently there. **VICE CHAIRMAN VEITCH** said it is replacing that piece; that is correct.

MR. SWANSON, CITY PLANNER, said he would like to address those concerns. There is a long history with how development occurs and when they look at large swaths of vacant land and road circulation patterns. Quite some ago they considered that Via de Palmas would openly run along the south property line and then connect to Riggs Ranch Road which would be the road which is in Circle G. They have taken a look at that and realized there serves no great purpose for that and so with that being said, they have re-evaluated what that road will be and it would primarily circulate or operate as a local street for the development of this area. So with that being said one of the options at this subdivision would just have it operate as a local street for this subdivision and the development of the exception pieces and not operate as kind of a larger collector for the area. Addressing Mr. Leason's concerns about the full improvements of it, they historically unless they have the ability to condemn and get that right-of-way dedicated, they do not require the full improvements of Via de Palmas for the properties to the west which is also prompting the development teams request by the City Engineer to defer Via de Palmas because in essence they don't want an improved, unimproved, then improved, then unimproved. What they are requesting with that deferral is that it all remain unimproved until development to the west occurs which is something they typically have done in other areas. Maintaining that or extending it to the east to Riggs Lane, which was north/south on the east side of this property, access is there and has to be maintained to allow those properties along there. There will always

be some sort of movement there so whether or not it is improved or unimproved that needs to be maintained. There are some concerns with it being maintained, being an access road or not; it is something that has to be there because that easement is in place and until that easement can disappear it will remain in place.

VICE CHAIRMAN VEITCH said it is connecting to the main drive through north/south access of Circle G is not on anybody's plate. Mr. Swanson said correct. At one point in time a long time ago they considered it but really after taking a look, no it is not. **VICE CHAIRMAN VEITCH** said he was surprised to hear what sounded like a suggestion for that to be done but apparently that is not the suggestion.

Mr. Leason wanted to know if he would be able to respond to Mr. Swanson. He said it is his understanding that and it shows here that currently there is a 12 foot buffer from the Circle G fences to the current road. You had indicated that there would not be any improvements that would occur at this time. It is his understanding that the City is requiring widening of Via de Palmas from the current 12 foot to 24 feet to allow for the emergency access vehicles and as part of that the 12 foot buffer would be reduced to a 6 foot buffer north of his property. Is that not correct? Mr. Swanson replied that as part of the improvements one, they would have to underground the canal so that is going to trigger some stuff. Additionally, that access road would have to meet fire access and basically meet the standard for that secondary emergency access and so improvements would be made to widen that. It would be widened to an extent of 20 feet. It would not be full improvements like what is being proposed. That would come along when the exception parcels to the west would be developed so they would get all of Via de Palmas fully improved. In addressing his concerns about buffers, he has sat down with the City Engineer and they have looked at that. That is something that they are looking at because he did explain to various residents concerned about buffering. He doesn't have anything resolved at this point in time and he can't say that it is actually going to be just like Tierra Linda but it is understood that there is a difference between those two.

CHAIRMAN RIVERS asked about the farthest east piece of this development which shows that it goes all the way across this north/south road. Does it really go all the way across that road or does it go to the west side of that road? Mr. Swanson said for all intents and purposes they are including the easement because the easement lies with the property. They are not going to develop the easement. In essence what's going to happen is they are going to have the wall roughly along here so that 30 foot easement will be maintained. **CHAIRMAN RIVERS** said so the wall isn't going to be built right next to the adjoining property. Mr. Swanson replied correct. **CHAIRMAN RIVERS** said then on the south side of the property they have included Via de Palmas in this project because it's going to be part of the project. So that line down there on the south is in the correct place. Mr. Swanson replied basically that access easement needs to be maintained. In this area since they have homes backing up to it, a wall will be provided to separate the residential lot from that access easement. On this side basically due to that layout and some of the concerns by Mr. Leason there is going to be a retention tract area and then the homes are roughly going to start here. This easement needs to be maintained so there is not going to be a development there. **CHAIRMAN RIVERS** said on the southwest corner of that little jet out piece that is going to be paved anyway. Right? Mr. Swanson said the only place that it is going to be paved is ultimately going to be that cul-de-sac. What the applicant is

requesting through the City Engineer is that deferral of all this area be reduced. In essence they are requesting deferral to the City Engineer to not improve this as a fully improved drive.

COMMISSIONER DONALDSON said at the northwest corner of Circle G where the canal makes the turn, is that in essence a moat around Circle G or is there a break there. What he is trying to get to is Mr. Leason's comment that there will be new access to the back sides of the Circle G properties which doesn't exist today because there is a canal there. Is there a true separation today created by the canal or is there only a partial separation. Mr. Swanson showed where the canals run. For Mr. Leason's property there is his fence and a couple feet of landscaping, the canal, and then basically the gravel access easement. **COMMISSIONER DONALDSON** said he is just trying to find out if there is current access to the back side of Mr. Leason's property. Mr. Swanson said he has a wall. The property to the east of him does not because there is no home there. The potential does exist for people more or less to hop the canal.

CHARLES NELSON, 13103 E. CHANDLER HEIGHTS, OLD RIGGS RANCH, said he is not really going to get into the Circle G thing too much. He showed on the overhead where his property is. He said he has been working with the development team and they have been responsive about this wall on this side, which would be the west side. He said they are going up from 6 feet to 8 feet but from what he can see lots 54 through 61 are almost going to drive the 2 story. If they have a small lot, they are going to have to build something that justifies the square footage divided into the cost so they can get it down. His ranch is a fully functional ranch; they have tractors, chickens, pigs and horses. They also have open canals; ditches. He is concerned that density being here along this side-houses 54 through 61 and this so called easement road that runs right here (he showed where). He did some measurements today and from the APS poles up to the Circle G wall, the widest point is 18 feet 3 inches to about 20 feet. Where they are coming up with this 30 foot easement, he is at a complete loss. It is on private property. ADOT does not recognize that as a road so it is pretty much private property. When he was a kid they used to work this ranch. It was nothing more than an access road all the way down to the back part of the ranch. Back here on Via de Palmas there is a valve that they need to have access to. They used to just drive up to it, open the valve and work it. If they block that off, they still need to get to it without hiking or crossing private property. They use that to supply water up to his ranch along the south side and along the west side where there is an open ditch. He is not opposed to the development but he is not very happy about the density and really concerned about the density on his west side. The Circle G folks made a good point. There is a possibility of solar panels. He doesn't like it. His lot is 112,000 square feet. He likes the open lot structures. He knows that people are leaning towards building homes that are smaller these days. He said that is about it; density, the so called easement that everybody keeps talking about on the east, the wall to Circle G and the 30 feet. Like he said ADOT doesn't see it, he doesn't see it. The measurements he took today, unless they are going to hit APS poles from the wall to the telephone poles, 18 to 20 feet. It is on private property so he pays for the insurance on it and he has had to jack up his liability until this all settles because he doesn't know what is going to happen.

MIKE HOOVER, 12904 E. VIA DE PALMAS, said he never received anything in the mail for this development but found out about it after the first meeting. His biggest concern is the temporary cul-de-sac issue coming out of that Ashley Drive. He doesn't see how he can allow a

temporary cul-de-sac outside of the site development. Obviously, the developer wants it because he doesn't want to move a couple of lots and most likely that five acre plot to the south of the development which he thinks is owned by some dentist in Phoenix, will eventually he will sell his property to the development. He sees cars driving down into that temporary cul-de-sac and kids walking through it. It is another access point for kids to come into the farmlands that are to the west of that area. He agrees with Mr. Leason and some of the other people that this is a poorly walled development. If it is going to be developed, it should be developed where it stands on its own. Let the people come in and out through approved access points or whatever. He understands the crash gate down on Via de Palmas near that Lot 40. People have probably not considered the homeowner. Mr. Leason wanted the crash gate moved all the way down to the edge of the property there on that 5 acre plot to the west. They have a new homeowner in there and both of those occupants in there work for the City of Chandler. They have to have access to their home. They are not here tonight but he doesn't think he can move the crash gate down to the end of the gravel road. His biggest concern again like Mr. Leason is the kids coming across from 131st Place, coming across from the other cul-de-sac that doesn't have a name and just wandering across that open canal. That canal doesn't have water in there all of the time but it is about 3 feet deep when there is water in it and if you fall into it you won't get out of it very easily. The open lot next to Mr. Leason's land, if they close the canal there then there is total access to that lot. He just sees a few problems, nothing that is going to affect him farther down the road other than a lot of foot traffic and car traffic. Mr. Riggs speaks about the canal that runs behind Mr. Leason's land which is the canal that feeds his property. They drive to that; it is about ¾ a mile drive for him. If they close this all off and you can't drive to it, they would have to walk to it or take a bike which he will probably do. Riggs Lane which is that undeveloped easement to the east of the property, he doesn't know how people can use that if the Riggs' don't let them. There is some talk that they might close that easement. He doesn't know if that can be done. Then way down on that corner where that water box is, the Circle G ranch owner there wants to close the 6 foot access to that. There are a lot of questions that he would like to talk to the developer about. He said thanks for listening.

DAN HARRIS, 2577 E. BEECHNUT COURT, said this probably affects him probably more than anybody. The wall they have is for lots 49, 50, 51 and 52. Those are the lots that back up to his site. He showed where his property is. He built it for three and a half million dollars. He is not opposed to development and he is a builder. He did not receive any information about this. He is opposed to any 2 story homes on any of those lots. He is not opposed to development and he would love to see something go in there to cut down on the dust and the debris and stuff that come their way. He sees the Riggs all the time using that access road or their easement for their farm equipment and stuff like that. It is urban. They came into the subdivision in its infancy and have been there for 12 years. At that particular time the zoning is pretty much what it is now; 1 acre and now they are proposing come in with a higher density so he is completely opposed to it and the height restriction.

CHAIRMAN RIVERS asked if his house is one or two stories. Mr. Harris said he has an office that is a two story on Riggs Ranch Road. It is not to the back of the property; it is on their main road. One middle portion of the 10,000 square foot is 2-story, an office. **CHAIRMAN RIVERS** asked if the rest was one story. Mr. Harris replied yes the rest is single story. He

doesn't know where this is going to go but he for sure would like to see this tabled until there is more communication or dialogue on how this is going to move forward.

RAFE RIGGS, 13104 E. VIA DE PALMAS, said he has been in touch with Mr. Ray and said he has to apologize to him. He didn't know there was going to be 2 story houses and he didn't realize the lots were going to be so small. That first meeting they had he had an elk hunt with her daughter and couldn't get away from that. There are a lot of issues and he begged to differ with Mr. Harris because he thinks it affects him more than anybody. They built this custom home and they put their heart and soul in it and they were planning on staying there forever. The rest of his family was supposed to be building around them. One of those family things that all blew apart. They also knew that could happen. They anticipated that possibly things could change. They always figures there would be other custom homes that would come in beside us. They way that property is set up. He has this other acre next to him and they figured they could split that into two lots; two half acre lots with custom homes on them. They are offering him a road in front of his house. He is a little concerned about it if he does want to split this other acre but he doesn't like the 2-story deal and he thinks the lots are too small. He has an irrigation line that goes through their property and his gate right up here on the corner and that is how he irrigates this lot. They would have to figure out a way to get him irrigation. That irrigation comes with an easement. When he bought this property from his Aunt Cheryl, the paperwork he got from the lady who did the survey and said he has an easement off the front over to Riggs Lane and out to Riggs Lane. Mr. Ray said that is not the case but he really hasn't had time to research it. He opposes this project and would like to table it.

COMMISSIONER PRIDEMORE asked what he understood the perimeter of his property to be relative to this new development. Mr. Riggs said he didn't realize Lot 34 and 36 will have to face the south which will be looking into his backyard. This is a horse barn. Presently he has this house rented out. He had to buy another place because it was getting too congested around here. Anyway, there are horses and chickens. They would have to put some kind of landscaping. He is worried because if he was to build another house or sell this lot over here, which way would it face.

CHAIRMAN RIVERS said this is a barn with horses and chickens. Are the chickens contained within the barn or are they running loose on his land? Mr. Riggs said on the back of his property there is a pipe fence with mesh and the fence is about 6 feet tall. When he lived there, he mowed it for a backyard but right now they have it split and they have turned their animals out into half of that. **CHAIRMAN RIVERS** asked so there is some kind of fence there? Mr. Riggs said yes there is a 6 foot white pipe with wire on the fence right now.

CHAIRMAN RIVERS asked the audience if there was anyone else that would like to address the Commission on this matter. Seeing none he invited Mr. Ray back up to the podium.

COMMISSIONER RYAN said most of the speakers that came up here didn't receive their mailings and weren't aware of the advertisement on this property. He is not sure who attended the neighborhood meeting but usually when they have this many of the neighbors show up, it is a problem they have to get resolved before this meeting. It just is not good. These people aren't aware of what is going on around them. It is just going to make it tougher at the Council

meeting. He thinks this project needs to get continued and have another neighborhood meeting to get these people involved. That is his personal feeling. He knows they have worked hard but for some reason the notifications haven't been sent out correctly or these people don't live on the property or something. He is just not liking what he is hearing. That is his thought right now.

CHAIRMAN RIVERS asked if he was hearing a motion. Mr. Ryan said no he wants Brennan to go ahead. He has done a great job tonight and he appreciates what he has done. He likes the project, he really does and he would like to see it go forward. He just thinks there is too much neighborhood opposition. At the Planning and Zoning Committee they need to be good to their neighbors. When you only have one or two it is one thing. These people are coming in here at the last minute especially Mr. Riggs who is right in the middle of this thing. He is not sure of what is happening. He is just not getting a good feeling about it.

MR. RAY said he wanted to answer Commissioner Ryan's question relative to notice and then he will speak about Mr. Riggs. They provided the notices required under the City Ordinance. Notice was provided he believes within 300 feet of the site as well as to all registered neighborhood associations within a quarter mile. They pull their information the best way they know how and the best way they have been instructed to do that and that is off of the County Assessor's website. The County Assessor's if there is one thing to be certain of is these two things. One, there are mistakes made on the assessor's website or the information is not updated properly or the information has not been properly provided to the County. He can tell them that Dan would have absolutely received a notice for it. He said he would have to go back and look and check to make sure the address and information is correct but he will tell them in those circumstances where they do get a return notice back, they do their best to be able to locate a good address and then to resend it out. He can understand the concerns about the notice. He doesn't know what to tell him but that they follow the process that they were required to go through.

With respect to Mr. Riggs he is a little surprised that he would stand up here and express some of his concerns. He can tell them from the first time the neighborhood notice went out he spoke with his wife Tracey Riggs and then he has had three or four subsequent conversations with Mr. Riggs concerning his property, concerning access and so on. Some of his questions he raised tonight, he heard for the first time here. He can appreciate that is part of the process but he would have received the same plan and the same opportunity to review that plan as other neighbors.

With respect to some of the issues that have been raised by the HOA, Mr. Leason, Mr. Nelson, Mr. Hoover and Dan Harris. In going through these he thinks there is a lot of misunderstanding about what exactly currently exists today versus what they are proposing as it relates to what exists there today. The first issues he heard a lot of discussion and chatter on deals with this easement. He will tell them in this document right here, a publicly recorded Easement Agreement, dated August 19, 1996 that was between the Riggs Homestead Ranch Limited Partnership, this is where that 30 foot easement for ingress and egress appears. That easement near as they can tell from looking at the legal description attached to it runs the length of what has been referred to as Riggs Lane and it runs the length of Via de Palmas. That is a private easement. There is a provision in here that whether anyone realizes it or not, says this instrument

shall not be construed as creating any rights in the general public nor as dedicating to public use any portion of the easement property. That easement benefits all of the people in this area to the extent that there are people outside of the area of that property using it. He can't address that but with respect to this easement as it affects their site as was shown on the site plan and has been discussed. He knows there are various conversations of 18 feet, 12 feet. It is a 30 foot easement. The natural path he can't speak to that but what they are doing on their site as they will see here, they are maintaining this. This actually will be 20 feet wide. For part of the back of the lots they will still be encumbered by this 30 foo easement. They felt the 20 foot is sufficient enough room to provide access to allow the utilities to continue to go there. They are not interfering with any easement access right along Riggs Lane nor are they interfering any of the irrigation rights. As it relates to Via de Palmas that appears on the updated landscape plan is that access is being maintained for those people with lawful access through there. They can't see it but what is shown on the plan here is a 10 foot wide decomposed granite trail that is running through there to provide access; physical access for those people wishing to use it. They believe the 10 feet is sufficient enough for a vehicle to travel down there should they need to but certainly there is ample opportunities for pedestrian access to get to the water turnout that they understand is on the corner of this exception piece right here. They have had discussions with this neighbor concerning access and easement. It was her concern about continuing to maintain that access in some form down there. They are doing that. They are maintaining the access north/south along Riggs Lane. The other thing is that when this community, presuming it gets developed, this parcel will not really have the need for that access although they will continue to use it if they like, but that access is provided through here as well. So that is with respect to Via de Palmas.

In terms of the subdivisions in the area, he thinks there were some concerns expressed about this type of development being located in the area. As Erik mentioned and as Vice Chairman Veitch pointed out, within a mile if they were to take a pen and draw a mile around the site, there is one subdivision located along Riggs Road. The minimum lot width is 65. Regarding the subdivision that is south on Cooper and Riggs, the approval for that was for 65 wide lots and 75 wide lots; the subdivision at the northwest corner of Cooper and Chandler Heights, again, 75 wide lots. So when they look at it, it is certainly appropriate and consistent with what other developments that is in the area that is located next to arterial streets and consistent with good Planning purposes. It makes sense that there would be additional density when they are approaching an arterial trying to protect the larger density as a buffer and as a transition when they are heading south off of Chandler Heights. So they think it is absolutely appropriate for the area and certainly consistent and compatible with what is going on down there.

He knows that there was a question and Erik addressed these with respect to tiling. They can only control what is done on their property. The lighting he thinks they have addressed. With respect to the grading, there was a concern raised about the grading as it is today. It is their plan that grading will be per City requirements in terms of elevation and in terms of what they need. They anticipate that the finished grade for everything even one the improvements are made will be no higher than what currently exists there today. Again, they think they are doing a lot of good things that they need to be a good neighbor as Commission Ryan indicated.

With respect to one of the issues raised by Mr. Leason, there is a significant and substantial amount of buffering that is taking place. Once of the challenges when dealing with irrigation

line and he had this conversation with the City Engineer, is that the City whether it is public or private will not allow trees to be placed over and irrigation line. Because it is a private irrigation line not a public that they could put some landscaping over the top of that; maybe some bushes and some shrubs but no trees.

This is a near the cross-section of what they have going on. The first cross-section is behind Lot 41; on the new plan Lot 42. As they can see, they are providing the appropriate separation for that decomposed granite trail for those irrigation utilities to go and then there will be a row of trees. They are going to place that row of trees in that southern boundary as close as they can without interfering with the existing rights. Then they have the retention area and an additional street being located over there. Also, that is 92 feet. If you look at this 2nd exhibit with the change of the elimination of old Lot 41 there are approximately 156 feet; half a football field length away of separation between the home. There is going to be lots of landscaping and lots of buffering occurring there. One of the things that Mr. Leason raised was a stipulation for Lot 40 to be a single story. That is something they are agreeable to so one of the stipulations he asked for they would be willing to add Lot 40 to that discussion.

He knows there were some questions about streetlights. He thinks he touched on that. With respect to the location of the emergency access gate they would be happy to locate it wherever the City would allow them to. Part of the concern is that they can only control the property that they can control which is their property. They thought it was a good thing to put that emergency gate where they had placed it which was in this area right here so it was maintained with existing easement rights along Via de Palmas heading over here and still provide security to their subdivision so that they know the people aren't traipsing down there using it as a collector road. He knows there was a question asked by the HOA as it related to no parking along Via de Palmas. They are happy to agree and have discussed with the City Engineer putting a "No Parking" sign along Via de Palmas.

He would like to think he has touched on most of the issues that have been raised. To the extent that there are some he has missed that they feel need to be addressed, he would be happy to do so. They think this is an appropriate use of the site and they have heard from the neighbors that they want development here. They have heard that it is a good thing to eliminate the dust and the debris and stuff that has been out here. They would request approval in accordance with Staff's recommendation.

COMMISSIONER PRIDEMORE asked Mr. Ray if he could put up the new cross-sections again. In the cross-section C which is the one that would abut Mr. Leason's property, what is that dimension where the tree is located right next to the wall? Mr. Ray said the dimension between is 6 feet.

CHAIRMAN RIVERS said he is still really concerned about Mr. Riggs property and what is going on around that. On the south side of Nolan Place is there a sidewalk? Mr. Ray replied that is a full street improvement that will be taking place there so there will be a sidewalk but located on their property and not on Mr. Riggs property. **CHAIRMAN RIVERS** said so he is just wondering on the south side of that sidewalk you couldn't use their ranch rail fencing along there. He doesn't even know if it would keep the kids out of that property. He is concerned

about what he perceives as a white plastic fence with chicken wire running along that property. Any thoughts? Mr. Ray said as expressed earlier, they would be happy to work with Mr. Riggs to try to find some appropriate balance that doesn't infringe on him yet provide visual screening and/or separation as it relates to that northern property along Nolan Place. **CHAIRMAN RIVERS** asked so the east side of the property? Mr. Ray said he would be happy to visit with him about that. He knows per their landscape plan they are showing on that east side is a grove of trees. There are going to be a whole lot of trees there but they would certainly be happy to visit with him as well about something else there. **CHAIRMAN RIVERS** said he is a little hesitant because he has been talked to before about lots of trees and really big trees and it took 6 to 10 years for the trees to become really big and he is just thinking even if that is a grove of trees, he thinks their branch rail fence at least from the representation would be a good addition to that grove of trees. That is just his observation.

VICE CHAIRMAN VEITCH said while the floor is still open he just wanted to say that he finds the use is appropriate; he thinks they all do. Obviously, a great deal of effort has been expended by the applicant to deal with what is obviously an irregular piece of property as it is currently shaped. 2.74 units per acre in his mind it is not high-density and is not inconsistent with what is found nearby if not adjacent. But with all that said he has to agree to some extent with Mr. Leason and with Commissioner Ryan. There are a number of features of the proposal that don't seem to be quite fully baked yet. Mr. Leason said in his view that the proposal isn't ripe for consideration and he thinks to some extent he is right. They have heard claims of lack of notice and incomplete information. There are issues with identification of subdivision walls location wise and design wise and lots of comments about irrigation facilities and what happens to them or what doesn't happen to them, temporary street improvements on easements one of which apparently exists but the other apparently doesn't exist yet. There are some things having to do with fencing and landscaping particularly around Mr. Riggs property in the center. He just wanted to throw out the possibility that usually when they have these kinds of situations there options include design review or a continuance. Design review normally involves the design professionals on the Commission making suggestions and raising issues and the applicant going off and reworking some things and coming back. It seems to him that many if not most of those suggestions have already been made here in one way or another so maybe a design review isn't the most appropriate way to go but others might disagree. He is wondering how the Commission feels about a continuance and for that matter how the applicant feels about a continuance in order to try and get some of these things nailed down more completely. A good number of the exhibits they have seen tonight they don't even have, so that is another observation.

CHAIRMAN RIVERS asked Mr. Ray if he wanted to address the Vice Chairman's comments. Mr. Ray said they certainly appreciate the compliments that have been made by you as well as Commissioner Ryan and others. They appreciate that there are a lot of concerns out there. They will continue to listen and do what they can to address them the best that they can. Probably consistent with the recommendation of the Vice Chairman they would be agreeable to a continuance of this case to give them additional opportunity to go out and discuss things with the neighbors. In all likelihood he believes they will have a second neighborhood meeting where they can present some of the plans and hopefully get feedback from them. So they would request this Commission continuance and he believes the date would be January 16, 2013.

They would love it to be sooner but they run into problems with Thanksgiving and with the Christmas holiday.

COMMISSIONER CUNNINGHAM said she has concerns regarding the size of the lots. This is a Cinderella subdivision and the stepsister is trying to fit into it. It is a very hard shoe to fit and she compliments on their creative ability to put as many lots in as possible but lots that are 7700 square feet which many of the subdivisions have, lots bordering acre + lots and the largest one is 12,000 square feet and most of them are just over 9, she just doesn't see how that fits the area where the norm is acre lots. Even if you go to the west and south and get 20,000 square feet lots, 7700 doesn't cut it. She disagrees that you can take that many small properties next to all of these large ones and not expect the neighbors to a) lose value and b) lose tax dollars from the City when the values go down and c) lose friends. Your neighbors are not going to be happy and she doesn't see how she is going to make them happy with that small of lots. Her compliments on the design of the subdivision-it is beautiful but it is a smaller home subdivision putting it in the midst of very high-end housing.

COMMISSIONER DONALDSON said since the floor is open he commended the effort it takes on a conglomeration of lots to this point but he is concerned with the literal holes that exist in the development. He thinks the access points that are required because of the lots that haven't been acquired and they are not included in this acreage and he thinks there are figurative holes. He thinks he would definitely support a continuance and he recommends the neighbors come out to the neighborhood meeting and work with the developer to accomplish the needs and the questions they have.

COMMISSIONER PRIDEMORE said to Mr. Ray about the density that when he first looked at this site it is quite ugly. Kudos to the developer putting it together to get to this point. He doesn't know that he would have had that vision. When he looks at the site, he thinks they have to look at it in two ways. First, is what has been put before them tonight, which to him is an interim case until some of these exceptions would be acquired. With the acquisition of some of these exception pieces which realistically has to occur for this thing to really function in the end. It would allow the lot sizes to be increased so why he appreciates what has been put in front of them now, he also appreciates what Commissioner Cunningham said about trying to shoe horn everything in. He doesn't think that is necessarily the case here because there are so many other pieces that are going to be part of this at some point in the future. He doesn't know when. He guessed he was saying that as a hope because if it stayed like this forever that would be a tough one for him to swallow just because there are so many transparency issues that have been brought up. There are so many conditions between these open and rural parcels and what they are seeing. He wanted to make a comment to all of the citizens that have spoken and are here. He appreciates them understanding that development is going to occur. Too many times they see people come before the Commission that own property next to an undeveloped piece of land that can never understand that something is going to go there. They seem to all understand that this land is never going to be like this forever and he appreciates them understanding that and having the vision to see something down the road that is better than what it is now. He said to Mr. Ray he put that on the table to say they have to look at what this is going to be down the road. When some of these exceptions are brought in, what does that do for the development. He knows the one property owner on the northeast was already commenting on what those houses were for the

54 through 60 lots. Again, looking at it in the future and if these properties were acquired, now they are having to deal with those people in Circle G and what is that condition like. That one he can see more staying out of it, same with the northwest corner. To him for this one to really function as a useful subdivision they need some of this stuff, either Mr. Riggs property in the middle or some of the other properties to the southwest. He said he would also support a continuance but again he would also like to have the development team look at this and putting that hat on it for looking into the future. Obviously, some thought has been put in given the layout that they are looking at. How would this lay out with some of the exception pieces and in his mind with those exception pieces there then some of these lot sizes can be increased not necessarily bringing it to what they are seeing with the neighboring properties but at least something a little larger than what they are seeing here. He hoped that was looked at already but again, from the comments they are seeing here and down the road whether it is for them if it gets continued or goes forward to City Council. He would love to see a hypothetical for how the rest of this is going to lay out because unless that is shown they are going to have a lot more of these neighbors. In most cases, you wouldn't really want to show that but in this case they almost have to because this is a half-finished project. It is a good start but he thinks there could be improvements made across the board. Again, he thinks some of those improvements will come about once some of these exceptions will be acquired.

CHAIRMAN RIVERS closed the floor and looked for discussion and possible motion.

VICE CHAIRMAN VEITCH MOVED to continue DVR12-0022/PPT12-0011 CHANDLER HEIGHTS to the January 16, 2013 Planning Commission Hearing, seconded by **COMMISSIONER RYAN.** The item passed unanimously 7-0 to continue this case to January 16, 2013.

7. DIRECTOR'S REPORT
Mr. Mayo said there was nothing to report.

8. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN RIVERS announced that the next regular meeting is Tuesday. November 20, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

9. ADJOURNMENT
The meeting was adjourned at 8:14 p.m.

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, November 20, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Ryan.

3. The following Commissioners answered Roll Call:

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

Also present:

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

4. ACTION AGENDA ITEMS

CHAIRMAN RIVERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for action.

A. DVR12-0009 ALLRED BOARDWALK

Approved to continue to the December 19, 2012 Planning Commission Hearing.

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a business park on approximately 65-acres located at the southwest and southeast corners of Price and Willis roads.

(REQUEST CONTINUANCE TO THE DECEMBER 19, 2012 PLANNING COMMISSION HEARING.)

B. ZCA12-0003 MONUMENT SIGN TENANT PANELS

Approved.

City initiative to amend Section 39-9.16 (Sign Code) of the Chandler City Code.

Planning Staff, upon finding consistency with the General Plan and the recommendations from the Mayor's 4-Corner Retail Committee recommends approval of ZCA12-0003 MONUMENT SIGN TENANT PANELS.

C. DVR12-0035 POLLACK BUSINESS PARK NORTH PHASE 2

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of I-1/PAD. The existing PAD zoning designation is for commercial retail/office/showroom and light industrial uses on an approximate 10-acre site. The subject site is located at the northeast corner of Arizona Avenue and Elliot Road.

Staff, upon finding consistency with the General Plan, recommends approval of extending the timing condition for case DVR12-0035 POLLACK BUSINESS PARK NORTH PHASE 2, for an additional three (3) years, with all of the conditions in the original approval remaining in effect.

D. DVR12-0036 POLLACK BUSINESS PARK SOUTH

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of I-1/PAD. The existing PAD zoning designation is for commercial retail/office/showroom and light industrial uses on an approximate 16-acre site. The subject site is located at the southeast corner of Arizona Avenue and Elliot Road.

Staff, upon finding consistency with the General Plan, recommends approval of extending the timing condition for case DVR12-0036 POLLACK BUSINESS PARK SOUTH, for an additional three (3) years, with all of the conditions in the original approval remaining in effect.

E. LUP12-0024 ZIPPS SPORTS GRILL

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for a new restaurant. The property is located at 4060 S. Arizona Ave, southwest corner of Arizona Avenue and Ocotillo Road.

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

F. LUP12-0025 ZAMMI'S GRILL

Approved.

Request Liquor Use Permit approval to sell liquor as permitted under a Series 6 Bar License for on-premise consumption indoors at an existing restaurant. The property is located at 4040 S. Arizona Ave, #7, at the southwest corner of Arizona Avenue and Ocotillo Road, within the Fulton Ranch Towne Center.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new liquor Use Permit re-application and approval.
2. The liquor Use Permit is granted for a Series 6 (Bar License) only, and a change to any other liquor licenses shall require re-application and new liquor Use Permit approval.
3. The liquor Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean an orderly manner.

G. LUP12-0026 U.S. EGG RESTAURANT

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for a new restaurant. The property is located at 5840 W. Chandler Blvd, east of the northeast corner of Kyrene Rd. and Chandler Blvd.

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

H. LUP12-0027 NOSH

Approved.

Request Liquor Use Permit approval to allow wine production and liquor sales as permitted under a Series 13 Domestic Farm Winery License for the production, selling and serving of wine for on or off-premise consumption at a new restaurant within the Copper Point shopping center.

The property is located at 4080 W. Ray Road, Suite 26, the northwest corner of McClintock Drive and Ray Road.

1. The Use Permit granted is for a Series 13 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The addition of the Series 13 license Use Permit shall not revoke the existing Series 12 license Use Permit.
3. The Use Permit is non-transferable to any other location.
4. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

I. LUP12-0030 SANTAN BREWING COMPANY INC.

Approved.

Request Use Permit approval for a Series 1 (In-State Production) liquor license to allow for the manufacturing and production of beer, and Series 7 (Beer and Wine Bar) liquor license to allow for incidental retail sales and tastings of beer for both on- and off- premise consumption. The subject site is located at 495 E. Warner Road, east of the southeast corner of Arizona Avenue and Warner Road.

1. 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.
2. The Use Permit is non-transferable to other store locations.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site shall be maintained in a clean and orderly manner.
5. The Use Permit is granted for a Series 1 (In-State Production) and 7 (Beer and Wine Bar) license only, any change of licensure shall require reapplication and new Use Permit approval.

J. LUP12-0031 VINTAGE 95

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within an outdoor patio at an existing restaurant within Historic Downtown Chandler. The property is located at 95 W. Boston Street, the southeast corner of Boston and Oregon Streets.

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. The outdoor patios shall be maintained in a clean and orderly manner.
5. **Music shall be controlled so as to not unreasonably disturb area residences.**

6. The restaurant shall provide contact information for a responsible person (restaurant owner and/or manager) to interested neighbors that will allow music complaints to be resolved quickly and directly.

K. ZUP11-0016 CENTRO DE ALABANZA JUDA

Approved to continue to the December 19, 2012 Planning Commission Hearing.
Request Use Permit approval to allow for a temporary storage trailer to be located on-site. The subject site is located at 450 S. Hamilton Street, south of the southwest corner of Frye Road and Hamilton Street. **(REQUEST CONTINUANCE TO THE DECEMBER 19, 2012 PLANNING COMMISSION HEARING.)**

L. ZUP12-0027 HARVEST FOR HUMANITY

Approved.
Request Use Permit approval to operate a community garden on a vacant lot. The subject site is located at the northwest corner of Chicago and Dakota streets.

1. Expansion or modification beyond the approved exhibit (Site Plan) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other locations.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site shall be maintained in a clean and orderly manner.
5. The Use Permit shall coincide with any terms of the lease agreement between Harvest for Humanity and the City of Chandler.

M. MOTION TO CANCEL THE DECEMBER 5, 2012 PLANNING COMMISSION HEARING.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER BARON** to approve the Consent Agenda including the indicated modification to condition no. 5 on Item J as read into the record by Staff. The Consent Agenda passed unanimously 7-0.

5. DIRECTOR'S REPORT

Mr. Mayo wished the Planning Commission a happy Thanksgiving.

6. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN RIVERS also wished everyone a Happy Thanksgiving and announced that since they won't be here on December 5, the next regular meeting is December 19, 2012 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

7. ADJOURNMENT

The meeting was adjourned at 5:37 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, December 19, 2012 held in the City Council Chambers, 88 E. Chicago Street.

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

2. Pledge of Allegiance led by Commissioner Donaldson.

3. The following Commissioners answered Roll Call:

   Chairman Leigh Rivers
   Vice Chairman Stephen Veitch
   Commissioner Katy Cunningham
   Commissioner Matthew Pridemore
   Commissioner Bill Donaldson

   Absent and Excused:

   Commissioner Andrew Baron
   Commissioner Phil Ryan

   Also present:

   Ms. Jodie Novak, Senior City Planner
   Mr. Erik Swanson, City Planner
   Ms. Jessica Sarkissian, City Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES

   MOVED BY VICE CHAIRMAN VEITCH, seconded by COMMISSIONER PRIDEMORE to approve the minutes of the November 7, 2012 Planning Commission Hearing. The motion passed 5-0 (Commissioners Baron and Ryan were absent).

   MOVED BY VICE CHAIRMAN VEITCH, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the November 20, 2012 Planning Commission Hearing. The motion passed 5-0 (Commissioners Baron and Ryan were absent).

5. ACTION AGENDA ITEMS

   CHAIRMAN RIVERS informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. There were no items pulled for action.

A. DVR12-0009 ALLRED BOARDWALK

Approved to withdraw.

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a business park on approximately 65-acres located at the southwest and southeast corners of Price and Willis roads. **(APPLICANT REQUESTS WITHDRAWAL.)**

B. DVR12-0037 PRICE & QUEEN CREEK LLC

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former AG-1 zoning. The existing PAD zoning is for an office/data center development on approximately 15-acres located north of the northwest corner of Price and Queen Creek Roads.

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

C. LUP12-0029 EL ZACATECANO

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License for on-premise consumption indoors at an existing restaurant. The property is located at 474 W. Ray Road, on the north side of Ray Road west of Arizona Avenue.

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 and Floor Plan) 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 site shall be maintained in a clean and orderly manner.
5. No noise shall be emitted from music occurring indoors, that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residents.
6. **The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.**

D. LUP12-0032 EZ SMOKE SHOP

Approved.

Request Liquor Use Permit approval to allow liquor sales as permitted under a Series 10 Beer & Wine Store License for off-premise consumption only. The property is located at 777 N.

Arizona Avenue, Suite 8, within the DeLeon Plaza at the southeast corner of Arizona Avenue and Ivanhoe Street.

1. The Use Permit granted is for a Series 10 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion beyond the approved Floor Plan and Narrative shall void the Use Permit and require new Use Permit application and approval.
4. The area adjacent to the store shall be maintained in a clean and orderly manner.

E. PDP12-0015 CORONA DEL SOL PLAZA

Approved to continue to the January 16, 2013 to the Planning Commission Hearing.
Request Preliminary Development Plan approval to allow for additional monument signs and monument sign panels. The subject site is located at the southeast corner of Ray and Rural roads. **(REQUEST CONTINUANCE TO THE JANUARY 16, 2013 PLANNING COMMISSION HEARING.)**

F. ZUP11-0016 CENTRO DE ALABANZA JUDA

Approved.
Request Use Permit approval to allow for a temporary storage trailer to be located on-site. The subject site is located at 450 S. Hamilton Street, south of the southwest corner of Frye Road and Hamilton Street.

1. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site shall be maintained in a clean and orderly manner.

G. ZUP12-0034 MICHAELS & ASSOCIATES, INC.

Approved.
Request Use Permit extension approval for the continued operation of an office located within a single-family residential zoned district. The subject site is located at 200 N. Nebraska Street, northwest corner of Chandler Boulevard and Nebraska Street.

1. Any expansion or modifications beyond the approved exhibits shall void the Use Permit.
2. The Use Permit is non-transferable to any other location.

3. Increases in on-site employment over that represented (6), or the expansion of the home to provide additional office space, shall require Use Permit amendment and approval by the City of Chandler.

H. MOTION TO CANCEL THE JANUARY 2, 2013 PLANNING COMMISSION HEARING

Approved.

MOVED BY VICE CHAIRMAN VEITCH, seconded by **COMMISSIONER CUNNINGHAM** to approve the Consent Agenda including the added stipulation as read into the record by Staff. The Consent Agenda passed unanimously 5-0 (Commissioners Baron and Ryan were absent).

6. DIRECTOR'S REPORT
Ms. Jodie Novak, Senior City Planner, wished the Commission a happy holiday and a wonderful new year.

7. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN RIVERS wished everybody on the dais a happy holiday season and a happy New Year. He thanked everyone for all the work put in this year. COMMISSIONER CUNNINGHAM wished everyone a Merry Christmas. CHAIRMAN RIVERS said the next regular meeting is January 16, 2013 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT
The meeting was adjourned at 5:36 p.m.

Leigh Rivers, Chairman

Jeffrey A. Kurtz, Secretary