

Meeting Minutes

City Council Work Session

November 4, 2021 | 5:00 p.m.
Council Chambers Conference Room
88 E. Chicago St., Chandler, AZ



Call to Order

The meeting was called to order by Mayor Kevin Hartke at 5:00 p.m.

Roll Call

Council Attendance

Mayor Kevin Hartke
Vice Mayor Mark Stewart
Councilmember OD Harris
Councilmember Terry Roe
Councilmember René Lopez
Councilmember Christine Ellis
Councilmember Orlando

Appointee Attendance

Josh Wright, Acting City Manager
Debra Stapleton, Assistant City Manager
Dawn Lang, Deputy City Manager/CFO
Kelly Schwab, City Attorney
Dana DeLong, City Clerk

Staff in Attendance

Kevin Mayor, Planning Administrator
Thomas Allen, Assistant City Attorney
Derek Horn, Development Services Director
David Del la Torre, Planning Manager
Ryan Peters, Strategic Initiatives Director
Cori Harris, Mayor and Council Communications Manager

Discussion

1. Proposed amendments to Chapter 35 Land Use and Zoning of the City Code to add provisions that promote sustainable development relating to:
 1. Data Centers
 2. Electric vehicle charging stations

MAYOR HARTKE called for a staff presentation.

JOSHUA WRIGHT, City Manager, introduced the discussion item and said the presentation would be on a sustainability ordinance that reflects the Strategic Framework and will focus on electric charging stations and data centers.

KEVIN MAYO, Planning Administrator, noted that the discussion would be on sustainability and that this was the first draft concept of the of the process. He stated that based on the direction and feedback from the council, draft language would be developed and then stakeholder outreach would begin.

KEVIN MAYO presented the following presentation.

Data Centers

*As a primary use

- Remaining zoned sites:
 - NWC Germann and Ellis (1)
 - SEC Price and Germann (2)
 - Continuum (3, 4 & 5)

MAYOR HARTKE asked if they could switch their model to a different model.

KEVIN MAYO answered no because it is highly controlled through the PDP design

MR. MAYO continued with the presentation

- Sustainability concerns:
 - Require significant cooling
 - Water
 - Electric
 - Noise
 - Multiple backup generators
 - Minimal employees –
 - inconsistent with General Plan
 - Employment Designation
- Proposed Amendment:
 - For new data centers
 - Table of Permitted Uses – PROHIBITED
 - Does not remove existing brights
- Proposed Amendment:
 - For existing data centers
 - Require neighborhood outreach/meetings – notice ½-mile

- Require noise study before/after construction
- Provide sound mitigation for mechanical equipment chillers, backup generators
- Provide neighborhood liaison
- Proposed Amendment:
 - New data centers

COUNCILMEMBER LOPEZ said by adding data centers into the list of possible permitted uses, but not listing a data center amongst all the zoning categories then if it is not listed then it is prohibited.

MR. MAYO said it has not been challenged, but it could be, and would need to be acted on by the Board of Adjustment. This clarifies it and cleans it up.

MR. MAYO continued with the presentation.

- Existing data centers

MAYOR HARTKE said for example, when we require bars to have a neighborhood liaison, as the zoning piece so that if there is loud music, neighbors have a recourse. He asked what happens if noise from the backup generators is tunnelling into the neighborhoods and they are not picking up the calls from neighborhoods.

MR. MAYO said for the existing data centers that are already built, they cannot do anything. For the new ones they would be in violation of the zoning.

MAYOR HARTKE asked if this applied to someone who is going through the process but has not started to build yet.

KELLY SCHWAB, City Attorney said that is something that we would be working through in the process if this is the direction that the Council wants to go, we do not want to have code provisions that do not have teeth. We will look at how we can do that.

MAYOR HARTKE said it is not too late for someone who is on the radar.

MS. SCHWAB said it is something that would be worked out.

MAYOR HARTKE said if they agree to all of this and put it in writing then it has contractual teeth.

MS. SCHWAB agreed.

COUNCILMEMBER ORLANDO thought primary use was subjective and asked hypothetically, if he built a one-story office complex and built up from it, is this possible to do.

MR. MAYO responded that it would depend on what the primary use of the building is, in this case if the office supports the data center.

COUNCILMEMBER ORLANDO wanted to reiterate the idea of being able to enforce this.

COUNCILMEMBER LOPEZ talked about the primary use and wanted to make sure we define that. There are a lot of data centers in Chandler that say they are offices because of people working from home. He talked about warehousing, and how they act as a data center for a corporation. He thought they needed to define a data center to others. What we want to target, is a third-party hosting data center.

MR. MAYO said they will work out a solid definition, and the metrics including percentages.

COUNCILMEMBER HARRIS echoed his concern on primary usage and talked about corporations in the protective corridor that have data center or data components. He did not want to send the wrong message to data centers that are already in place. He stated that communication needs to happen with companies like Intel and Wells Fargo to protect the relationships.

MAYOR HARTKE stated that the others will be happy that the City is doing this.

COUNCILMEMBER ORLANDO asked about the 1/2-mile distance study from Price Road to the residents.

MR. MAYO said the 1/2 mile was identified for a couple of reasons; the current Zoning Code requires a 1/2-mile notification for a larger area like an area plan amendment. Looking specifically on Price Road where the Dobson Noise coalition was, that 1/2-mile covers it but that number is up for input.

COUNCILMEMBER ORLANDO said the objective is to notify neighbors. He thought they should tighten that language.

MR. MAYO said they would study that area in detail.

VICE MAYOR STEWART said this is about being friendly to our neighbors. He thought we need to the Dobson Noise Coalition and talk to the neighborhoods and not get too wrapped up around the number.

COUNCILMEMBER LOPEZ thought the entire neighborhood should be notified.

MR. MAYO talked about notification, homeowners and business owners are notified and generally double those notifications. We do trigger the HOAs.

- Questions

CITY COUNCIL was agreed with the proposal for the Data Centers.

KEVIN MAYO, presented the following presentation.

Electric Vehicle Charging

- Definitions
- Things to consider
- Valley comparison
- Draft methodology
- Draft concepts
- Definitions:
 - Charger types:
 - Level 1: 120 V AC plug (house)
 - Level 2: 240 V (Res.) 208 V (Comm.)
 - Level 3: DC Fast Charge 480+ V
 - EV Capable: Panel capacity, dedicated branch, raceway
 - EV Ready: + Conduit, junction box
 - EV Installed: + Level 2 charging stations
- Things to consider
 - Wide range of predictions
 - EV infrastructure costs significantly less than retrofitting
 - Design: Aesthetics, safety, interface with pedestrians
 - Where is the EV for extended periods of time?
 - Regional system limitations – outside of Zoning Code
- Valley Comparison:
 - Zoning Code: Avondale (recently adopted)
 - Building Code: 6 yes, 5 no
- Nationally
 - Excellent case studies
 - Blanket percentage vs. targeted
- Draft Methodology:
 - Take a targeted approach vs. standard percentage
 - Concentrate on EV Capable and EV Ready
 - Maintain Design Aesthetic expectations
 - Signage
- Draft concepts:
 - Level 2 chargers - Residential and Employment Areas
 - Level 3 fast chargers – Downtown, Regional Commercial (Level 3 can be a destination)
 - Charging station locations

- Retractable cords, do not obstruct sidewalk (safety)

Land Use	EV Ready	EV Installed
Single Family	100% off street parking	0%
Multi Family	20% parking spaces EV ready	2%, installed for all developments > 25 spaces
Multi Family Duplex/Triplex/Townhomes (Assigned covered parking)	1 Ready per unit	0%
Commercial	15% EV ready	2%, installed for all developments > 25 spaces
Office	20% EV ready	2%, installed for all developments > 25 spaces
Hotels	20% EV ready	2%, installed for all developments > 25 spaces
Entertainment	15% EV ready	2%, installed for all developments > 25 spaces
Industrial	15% EV ready	2%, installed for all developments > 25 spaces

- Council feedback/direction

MAYOR HARTKE thought it was a good plan and is forward thinking. He liked that we were planning for the need.

VICE MAYOR STEWART asked for clarity on multi-family and single family. He stated that we needed to have some flexibility, work with individual builders and that having strict requirements might not be good for single family.

MR. MAYO said this was the first draft and that there is stakeholder outreach to be done. He stated that Homeowners Associations would have input as well.

MAYOR HARTKE thought it would be a great amenity to offer for a new home.

COUNCILMEMBER LOPEZ thought it would be a buyer decision.

COUNCILMEMBER ROE asked how much Level 3 Chandler had and asked about the benefits for utilities. He asked if there a way for us to incentivize for someone to put in a Level 3.

COUNCILMEMBER ELLIS was okay with what they presented. She thought it was built into the price once the builder puts it in. She expressed that she liked that we are ahead of it.

COUNCILMEMBER ORLANDO was good with what was presented. He stated that retrofitting is expensive and there have been folks that retrofit their garages. He agreed that it is an amenity.

He thought they should put it out there. He talked about the chargers and how some are more successful like the ones at retail centers, because it does take 40 minutes to recharge the battery. He said the more we can incentivize retailers, especially downtown, the more people will go there.

COUNCILMEMBER LOPEZ was split on this one. He believed this was an amenity and desirable. He did not know if we should codify this in an ordinance and require it. He said that this should be worked out between the consumer and the seller and that there are a lot of people already doing this and did not know if codification in an ordinance is necessary. He did not think we needed to be involved.

MAYOR HARTKE asked if there was a benefit we see from this, that we can give. He would be interested in exploring a way to do more than just ask if people are considering this for encouragement.

COUNCILMEMBER LOPEZ thought something similar what Council did with the changing of the parking spaces because of the Uber and Lift drop offs. He believes it is a good amenity to have but that is for the builder and consumer to decide since they know their clientele. He liked the idea of incentivizing them.

COUNCILMEMBER ROE thought it went back to the Gold Seal Project and energy efficient.

VICE MAYOR STEWART said this is like anything that happens in relation to development. He asked what the home builders are saying and if it is on their radar. He said the market will dictate where this is going but if we can incentivize in addition to the Gold Star theory, we'd be way ahead of the game and helping the entire community.

COUNCILMEMBER HARRIS loved the idea of what they are trying to implement. He believed that we are moving closer due to car studies, it makes sense, but if we can find a way to encourage that as we have in the past. Builders have been on the same page. He was not in agreement with incentivizing. He thought we minimally have a policy instead of an ordinance. He said we are doing infill at this point, and it did not make any sense to have an ordinance.

MAYOR HARTKE asked if builders were already putting chargers in the new builds.

MR. MAYO said they were getting the numbers and some builders are focusing on it more to carve their niche. He stated that some national builders are building in states and cities where it is already codified. They are tailoring what they are doing here because of what our regulations are or are not.

MAYOR HARTKE said there is still some questions, proceed, and get feedback. They thought a policy would be appropriate and not an ordinance.

COUNCILMEMBER LOPEZ said now that they are seeing more electric vehicles, they are being utilized. He asked if we need to make more investments in retrofitting the ones we have in existence and asked where the super chargers are located in Chandler.

- Next Steps
 - Stakeholder outreach
 - Fall/Winter 2021
 - Finalize draft
 - Winter 2021/Spring 2022
 - Public notification
 - Spring 2022
 - Public hearings
 - Summer 2022

Adjourn

The meeting was adjourned at 5:56 p.m.

ATTEST: *Dana R. DeLong* *Kevin Harbke*
City Clerk Mayor

Approval Date of Minutes: December 6, 2021

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the City Council of Chandler, Arizona, held on the 4th day of November 2021. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 6th day of December 2021.

Dana R. DeLong
City Clerk

