

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers, 88 E. Chicago Street, on Thursday, June 23, 2011, at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

Jay Tibshraeny	Mayor
Trinity Donovan	Vice-Mayor
Kevin Hartke	Councilmember
Rick Heumann	Councilmember
Matt Orlando	Councilmember*
Jack Sellers	Councilmember
Jeff Weninger	Councilmember

*Councilmember Orlando participated in the meeting via telephone.

Also in attendance:

Rich Dlugas	City Manager
Pat McDermott	Assistant City Manager
Mary Wade	City Attorney
Marla Paddock	City Clerk

INVOCATION: Susan Stevens-Clarke, Chandler Bahai Faith

PLEDGE OF ALLEGIANCE: Mayor Tibshraeny

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

MOVED BY COUNCILMEMBER HEUMANN, SECONDED BY COUNCILMEMBER HARTKE, TO APPROVE THE CONSENT AGENDA AS PRESENTED.

COUNCILMEMBER HEUMANN noted that there was an additional condition (Condition No. 19) added to Item No. 12 (Area Plan Amendment/Rezoning: Southshore).

MAYOR TIBSHRAENY declared a conflict of interest on Item No. 11 (Ord. #4315, DVR11-0018 Arizona Blue Stake, Inc.).

MOTION CARRIED UNANIMOUSLY (7-0) with exception noted.

1. MINUTES:

APPROVED, as presented, Minutes of the Council Regular and Special Meetings of June 9, 2011.

2. ZONING CODE AMENDMENT: Chapter 39

Ord. #4288

ADOPTED Ordinance No. 4288, Zoning Code Amendment, ZCA11-0001, City of Chandler/Temporary Signage, Chapter 39 Section 39-10 of the City Code amending/adding language within this section pertaining to certain types of temporary signage.

3. ZONING CODE AMENDMENT: Chapter 35 Ord. #4302

ADOPTED Ordinance No. 4302, Zoning Code Amendment, ZCA11-0002 City of Chandler/Solar Energy Systems, amending Chapter 35 of the City Code, by adding Section 35-2210 establishing definitions and standards for solar energy systems.

- 4 ZONING OVERLAY: Site 8 Parking Ord. #4310

ADOPTED Ordinance No. 4310, DVR11-0002 Site 8 Parking, City-initiated PAD zoning overlay concerning parking requirements for land bounded by Chicago Street, Arizona Avenue, Frye Road and Oregon Street.

5. ZONING CODE AMENDMENT: Chapter 35 Ord. #4311

ADOPTED Ordinance No. 4311, Zoning Code Amendment, ZCA11-0003, City of Chandler/Table of Permitted Uses, City-initiative amending Chapter 35, Section 35-2100 of the City Code pertaining to the table of permitted uses for nonresidential districts.

6. REZONING: Red Rock Business Plaza Ord. #4312

ADOPTED Ordinance No. 4312, DVR11-0004 Red Rock Business Plaza, rezoning from PAD to PAD Amended to expand the list of permitted uses within a 14-acre business park located at the NEC of Wright Drive and Germann Road approximately ¼ mile east of the NEC of Cooper and Germann roads.

7. IRRIGATION EASEMENT: Roosevelt Water Conservation District Ord. #4293

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4293 granting a no-cost, non-exclusive irrigation easement to the Roosevelt Water Conservation District (RWCD) to relocate irrigation facilities along the north side of Queen Creek Road at Emmett Road and from Gilbert Road eastward.

Previously, the Chandler City Council approved the Gilbert Road from Germann Road to Queen Creek Road Improvement Project ST-0625. The project has been completed. As part of the project, it was necessary to relocate irrigation facilities owned by RWCD. The City agreed to grant a new non-exclusive irrigation easement to RWCD to replace the original RWCD easement in this area.

8. 2011-12 PROPERTY TAX LEVY Ord. #4304

ADOPTED Ordinance No. 4304 adopting the 2011-12 Property Tax Levy.

State law requires that the tax levy necessary for funding the adopted budget be established by ordinance and be adopted fourteen (14) days following the public hearing and the final adoption of the budget but before the third Monday in August (8/15/11). As this tax levy ordinance is an administrative method of setting apart funds necessary for use and maintenance, it does not

require an extraordinary (3/4) vote to make it effective immediately. This determination is based on a Supreme Court decision and is fully explained in the Municipal Budget and Financial Manual provided by the Arizona League of Cities and Towns.

Ordinance No. 4304 follows the prescribed form recommended for adoption and establishes a tax levy of an estimated \$31,802,100 set forth in the 2011-12 Budget. In this ordinance, the Chandler City Council directs the County of Maricopa to levy the amount allowed by law. The total tax rate will be \$1.2714 per \$100 of assessed valuation. Property value estimates have been received from the County Assessor's office and are available for public inspection in the City of Chandler office of the City Clerk and the Management Services Department.

9. CITY CODE AMENDMENT: Chapter 28

Ord. #4308

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4308 amending Chapter 28 of the Code of the City of Chandler adopting the 2009 International Fire Code, as amended, to maintain the Fire Department's accreditation through the Commission on Fire Accreditation International.

The International Fire and Building Codes have become the standard for design and construction. The Transportation and Development Department has already requested adoption of the 2009 International Building Code through another ordinance. The International Codes are a set of comprehensive, coordinated national model codes for fire safety and construction. The amendments to the 2009 International Fire Code set forth in Ordinance No. 4308 are consistent with those amendments to the 2006 International Fire Code previously adopted by Council in Ordinances 4074 and 4135. Ordinance No. 4308 restates those amendments previously adopted with minor modifications to clarify and re-align the amended sections with the 2009 International Fire Code. A specific change in the recommended ordinance details requirements for radio communications coverage inside commercial buildings for public safety radio systems. Both the Fire and Police Departments have moved to the 800 MHz Regional Wireless Cooperative radio system necessitating the review and recommended updates to this section of the 2009 International Fire Code.

10. REZONING: Arizona Avenue & Warner Road

Ord. 4314

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4314, DVR11-0011 Arizona Ave & Warner Rd, rezoning from Community Commercial District (C-2) to PAD with PDP in order to increase the number of monument sign panels for an existing development at the NEC of Arizona Avenue and Warner Road. (Applicant/Owner: Koon-Boen, Inc.)

The request is for rezoning from Community Commercial (C-2) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval to increase the number of monument sign tenant panels from two to three per sign face on two existing freestanding monument signs. The rezoning to PAD is necessary to allow consideration of more than two sign panels per sign face, which is the maximum allowed per Sign Code C-2 zoning. No changes to the allowed uses, site plan, architecture, landscaping or building signage are requested by the application. The monument signs will not change in size or overall appearance; the third tenant panel will fit within the existing sign area by splitting a larger tenant panel into two side-by-side panels.

The subject site is surrounded to the north and east by the Chandler Mercado shopping center (zoned PAD). There is vehicular cross-access between each site. To the west, across Arizona Avenue, is the East Valley Mall zoned Regional Commercial (C-3). There is a bus shelter along

the subject site's frontage on Arizona Avenue. Chandler Mercado has four freestanding monument signs with two along each arterial street having four tenant panels each. Chandler Mercado was also approved for a fifth monument sign with two tenant panels if a pad building were to be constructed along Warner Road. Chandler Mercado's signage was approved in conjunction with a rezoning to PAD approved in 2007.

The subject site was occupied by a fuel station from the late 1980s through 2007. In 2007, the site was redeveloped for multi-tenant retail with WaMu bank taking most of the 5-suite building. The new retail building's design reflects the Chandler Mercado redesign that was also underway in 2007. The two 6'-high, 2-tenant monument signs existing along the street frontages are designed to match the retail building architecture. The signs are internally illuminated with routed-out lettering. The site's current tenants, Dunkin Donuts and T-Mobile, each occupy two suites. One suite is currently vacant.

In the course of the 2007 redevelopment, two 2-panel monument signs were permitted for the project in accordance with the Sign Code, one along each street frontage. These signs included panels for two tenants: a large panel for WaMu and a small panel for T-mobile. When Dunkin Donuts replaced WaMu in 2010, they opted to take up only half of WaMu's allotted tenant panel on each monument sign. The resulting monument sign appearance, still in place today, leaves half of the Dunkin Donuts panel vacant, which is an obvious location for a third tenant name.

The Planning Commission and Staff support the request to add a third tenant panel to the two existing monument signs. The signs' design and size will remain, which are both typical for modern developments. The signs' quality exceeds the minimum Sign Code requirements with their routed-out letters, stacked stone bases and decorative parapets that were designed to blend with the building architecture. The third tenant panel on each sign does not significantly detract from their appearance nor visually clutter the roadway. The addition of a third tenant panel is appropriate for this site given its location off of Arizona Avenue and adjacency to a large shopping center.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. In lieu of a neighborhood meeting, the applicant sent a letter describing the project to those in the notification area and invited them to call with any questions or concerns. No calls were received. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval subject to the conditions listed in the ordinance.

11. REZONING: Arizona Blue Stake, Inc. Ord. #4315

INTRODUCED AND TENTATIVELY APPROVED (6-0) Ordinance No. 4315, DVR11-0018 Arizona Blue Stake, Inc., rezoning from PAD for light industrial to PAD for light industrial and general office to allow a general office use on property located at 2200 S. Stearman Drive, north of Ryan Road and west of Gilbert Road within the Chandler Airport Business Park. (Applicant: Sandra Holmes – Arizona Blue Stake, Inc.)

The request is for rezoning from Planned Area Development (PAD) allowing light industrial as permitted in the I-1 zoning district to PAD for light industrial and general office uses. The request adds general office use in addition to the already permitted light industrial use. General office use is proposed in conjunction with a user for the property. Arizona Blue Stake, Inc. will open a communication call center.

The property is a part of the larger Chandler Airport Business Park (CABP) master planned PAD zoning. The CABP was zoned in 2000 with a specific plan designating parcels for light industrial, airport related, business park and neighborhood commercial uses. The land uses established for each parcel are in conformance with the Chandler Airpark Area Plan, which designates this area of the airport for commercial/office/business park land use. One other parcel within CABP has been rezoned for a general office use in addition to light industrial but has yet to develop. The property is south of the southwest corner of Germann Road and Stearman Drive. The subject site is surrounded by vacant, undeveloped parcels to the north, west and northwest. South of the site is Cardinal Health's distribution center. East, across Stearman Drive, is the Versante at Chandler Airpark (a.k.a. Watermark).

The existing building was built in 2007 but was never occupied. The building is approximately 30,385 square feet. Arizona Blue Stake intends to occupy half of the building, 15,192 square feet, which is enough space to accommodate future staff expansion. The other half of the building will be leased to a light industrial tenant. Another office tenant could not occupy the remainder of the building as the site would not provide enough parking spaces.

The proposed general office use will have approximately 31 employees. The call center's hours of operation are Monday through Friday, 6 a.m. to 5 p.m. There will be no utility location/marketing services for field employees located at this site. Employees work staggered full-time hours. Existing parking and any added parking will be in conformance with Zoning Code.

The Airport Commission reviewed the zoning request in accordance with the Airport Conflicts Evaluation Process. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found the proposed land use change does not constitute a conflict with existing or planned airport uses.

The Planning Commission and Planning Staff recommend the addition of general office use to occupy approximately half of this existing light industrial building. The site is parked appropriately to accommodate both a general office and light industrial use. The office use is in conformance with the Chandler Airpark Area Plan and would be compatible with existing office and light industrial businesses in the airpark area.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held June 2, 2011. There were no area property owners in attendance. Staff has received no correspondence in opposition to this request; however, an adjacent property owner called wanting to ensure that the site can meet parking requirements for an office use and that employees would not be parking along the streets in CABP affecting other properties.

Upon finding consistency with the General Plan and Chandler Airpark Area Plan, the Planning Commission and Planning Staff recommend approval subject to conditions listed in the ordinance.

12. AREA PLAN AMENDMENT/REZONING: Southshore Area Plan and Fulton Ranch II Res. #4512 and Ord. #4313

This condition was added to the amended ordinance presented to the City Council.

19. 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 railroad tracks and railroad right-of-way 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 an existing railroad track and railroad right-of-way, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. 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

ADOPTED Resolution No. 4521, Area Plan Amendment APL11-0002 Southshore Area Plan Amendment, from a mixed-use project of Office, Commercial Retail/Restaurant, Hotel and Multi-Family Residential to Single-Family Residential.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4313, with 19 conditions, DVR11-0008/PPT11-0001 Fulton Ranch II, rezoning from PAD zoning for a mixed-use project of Office, Commercial Retail/Restaurant, Hotel and Multi-Family residential with a mid-rise overlay to PAD for Single-Family Residential along with PDP and Preliminary Plat for the single-family residential development on approximately 43 acres located approximately one-half mile south of the SEC of Ocotillo Road and Arizona Avenue. (Applicants: Ed Bull, Burch & Cracchiolo, P.A.)

The subject site is approximately 43 acres and located approximately one-half mile south of the southeast corner of Ocotillo Road and Arizona Avenue. West of the site is Arizona Avenue and the Fulton Ranch master planned community. The Union Pacific Railroad tracks are east of the site. North of the site is an existing church, Desert Palms Presbyterian Church, and a Home Depot anchored commercial retail development. South of the property is land zoned and planned for a single-family residential medium density development, Southshore Village.

This application request includes an Area Plan amendment, Rezoning, Preliminary Development Plan and Preliminary Plat as follows:

- First, proposed amendment to the Southshore Area Plan changing approximately 43 acres from mixed-use including office, commercial retail/restaurant, hotel and multi-family residential townhomes to single-family residential medium density.
- Secondly, proposed rezoning of approximately 43 acres from Planned Area Development (PAD) office, commercial retail/restaurant, hotel and multi-family residential townhomes with a mid-rise overlay to PAD for single-family residential medium density.
- Thirdly, proposed Preliminary Development Plan (PDP) and Preliminary Plat approval for the 43-acre residential project.

In December 2008, an Area Plan amendment, Rezoning and PDP was approved for a mixed-use project named South Shore. The approval changed the site's land uses from office/showroom and light industrial to office, commercial retail/restaurant, hotel and multi-family residential townhomes uses with a mid-rise overlay. The project was a mix of 28 acres of office, commercial and residential lofts, and 15 acres of multi-family residential townhomes with approximately 376,000 square feet of office/commercial building area. The residential component included 126 total residential units made up of 41 residential lofts, 64 townhomes, and 21 live/work townhomes. The overall density was approximately 6 du/ac. The Mid-Rise Overlay was approved for a hotel, office buildings, and retail buildings with residential lofts. This project never commenced and the zoning is still effective until January 2012 pending a new rezoning approval.

The Fulton Ranch II (a.k.a. Reserve at Fulton Ranch) project includes 218 single-family residential lots developed as a medium density subdivision. The subdivision is gated with a tree-lined boulevard to the main gated entry serving as a prominent focal feature. Approximately 20% open space is included throughout the subdivision with the use of usable active open spaces, landscape tracts and a landscaped street frontage and entry boulevard.

A tree-lined boulevard entrance at Lake Drive creates a prominent sense-of-arrival as similarly designed at the existing Fulton Ranch entrance off of Lake Drive directly across Arizona Avenue. The primary access to and from the development is off of Arizona Avenue at Lake Drive, which is a signalized intersection that also provides access to Fulton Ranch and is the primary entrance and exit for the community.

The 218 lot residential subdivision provides for a medium density community at 5.1 du/ac. The single-family lots are individual, detached homes that provide an opportunity for homeowners to be a part of the larger Fulton Ranch master planned development.

The six housing products include three one-story plans ranging from 1,563 to 1,847 square feet and three two-story plans ranging from 2,128 to 2,611 square feet. Housing plans are designed with several architectural styles including Spanish Colonial, Traditional Cottage and Territorial Ranch. Each housing plan includes three elevation styles providing a total of 18 housing plan options. The housing products design complies with the Residential Development Standards architectural diversity elements. The homes meet all 9 required elements and provide 8 of the minimum required 7 optional elements.

The Residential Development standards allow for lots less than 7,000 square feet in size either in a single parcel or within any unit of a multi-parcel PAD zoned development as long as all the diversity guidelines are met for the entire project. The Residential Development Standards in conjunction with PAD zoning are intended to achieve greater diversity within new residential developments relative to lot sizes, subdivision layout and single-family architecture, and to insure that departures from conventional zoning standards are truly warranted by virtue of creativity, amenity and diversity.

The subdivision design complies with most of the Residential Development Standards subdivision diversity elements. However, the development proposal includes requests for waivers from some of the subdivision diversity elements. The subdivision layout meets 6 of the 8 required elements and provides 7 of the 10 minimum required optional elements. There are two required elements that are not provided including vehicular access to rear yards and deeper rear yard setbacks of 30 feet for two-story homes. These two elements cannot be accommodated due to the size of the proposed lots. The subdivision is short three optional elements, which are typically found in subdivisions with lots greater than 7,000 square feet in size. Lot size, lot layout and street configurations make it difficult to provide a true curvilinear street system, cul-de-sacs with a special feature and wider side yards. Adding these features is not conducive to lots less than 7,000 square feet as curvilinear streets and cul-de-sacs create lots with greater depth or width which is not the intent of this development.

However, the subdivision does comply with an optional element which is rarely met; providing a subdivision feature that is not listed but which meets the intent for diversity. In this case, a unique, long boulevard entrance design including streetscape theming leading up to the subdivision gates creates a prominent sense of arrival. And, the streetscape theme, signage

elements, and entry/wall designs and materials continue the Fulton Ranch master planned identification, which creates a sense of inclusiveness for this parcel to the existing Fulton Ranch.

Planning Staff supports the proposed implementation of Residential Development Standards. The development incorporates a meandering, looped street system, 15-foot wide landscape tracts at ends of streets adjacent to corner lots, various open spaces and amenities supporting a pedestrian-friendly and active community, clustering of lots with shortened street lengths providing for better neighborhood interaction, and avoiding homes backing up along Arizona Avenue and along the railroad right-of-way as part of a smaller lot housing community.

The proposed minimum building setbacks are designed specifically to accommodate the smaller lot sizes while maintaining several standards found on standard size single-family lots. The front yard setbacks range from a minimum of 10 feet for side-entry garages, porches, or livable space, and 18 feet for forward-facing garages measured to the face of the garage door. Rear yard setbacks are a minimum of 10 feet. The minimum side yard setbacks are 5 feet and 7 feet. While this is less than the traditional 5 feet and 10 feet, the setbacks are greater than that provided in nearby subdivisions. The approved but yet to develop Southshore Village and existing Pinelake Village to the south and southeast respectively, include 4,230 square foot lots with a z-lot configuration using use and benefit easements which create functional side yards that are 8 feet, 5 feet or 10 feet wide. Architectural projections are permitted to encroach up to 12 inches in the front and side yard setbacks.

The development restricts corner lots to one-story homes or combination one- and two-story homes with the one-story element on the street side, restricts the same front elevation from being built side-by-side or directly across the street from one another and no more than two identical side-by-side roof slopes will be constructed along arterial streets. There are no homes that backup to Arizona Avenue thus no need to limit the number of two-story homes along the arterial street.

While the property is within the Southeast Chandler Area Plan, it does not require conformance with that plan given this land is a part of the earlier adopted Southshore Area Plan. However, the development does incorporate rural themed elements by ranch style logos, wrought-iron fencing, stone accents and a turf streetscape and boulevard entry design.

The Southeast Chandler Area Plan designates the property for Employment/Mixed Use development. This land use is based on the General Plan Land Use Element which defines this property as Employment and as a "large growth tract area". The employment and mixed-use designations provide for a variety of employment center uses including office, retail, residential, and light industry. The Arizona Avenue corridor is identified in the Southeast Chandler Area Plan as the most intense land use in Southeast Chandler. This corridor is intended to accommodate the land uses as defined in the General Plan which include a variety of light industrial, campus-like business parks and employment uses including a compatible mix of higher density housing, commercial support uses, corporate offices and related uses. The request is consistent with the General Plan and Southeast Chandler Area Plan.

The approximate 43-acre site is part of the larger Southshore Area Plan bounded by Arizona Avenue, Ocotillo Road, Chandler Heights Road and the Consolidated Canal. In March 1988, the Southshore Area Plan was established and defined specific land uses with PAD zoning. This plan supersedes the Southeast Chandler Area Plan. There have been several amendments to the Area Plan including a General Plan amendment in 1997 for the Pinelake Estates and Pinelake Village single-family home subdivisions. The General Plan amendment allowed for a

single-family residential development east of the railroad tracks instead of employment, business park, and multi-family uses. Land use amendments and rezoning requests have occurred over the years allowing for the development of Southshore Town Center, Southshore Town Center Phase II, Desert Palms Presbyterian Church and Chandler United Methodist Church. A PDP for commercial development was approved on the northeast corner of Arizona Avenue and Chandler Heights Road.

The proposed Southshore Area Plan amendment retains the medium density single-family residential land use that was approved as part of the previously approved South Shore mixed-use development. In conformance with the General Plan, the original Southshore Area Plan had established higher density residential housing along the Arizona Avenue corridor and as a part of the Employment/Mixed Use land use designation. The Area Plan included a mix of higher density residential multi-family parcels, light industrial and commercial uses.

The proposed medium-density single-family residential development's density is less dense than other types of multi-family residential that could be considered for this property. The proposed density of 5.1 du/ac is compatible with nearby single-family residential developments. The proposed single-family residential medium density development serves as a transition to Pinelake Estates and Pinelake Village as well as Fulton Ranch.

The Southshore Plan has been amended over time for other residential uses including Pinelake Village which was originally planned for multi-family residential up to 15 du/ac. This property was rezoned for medium density single-family residential at approximately 5.3 du/ac. Pinelake Estates was rezoned from light industrial, office and multi-family residential to low density single-family residential at approximately 1.68 du/ac.

Development of property along Arizona Avenue between Ocotillo Road and Chandler Heights Road furthers the goals and planned land uses within the General Plan, Southeast Chandler Area Plan and Southshore Area Plan by incorporating a residential use within a mix of existing commercial and residential uses as well as employment uses located further south along Arizona Avenue and to the north and east within the Airpark Area Plan. The subject site adds to the mix of uses by providing a residential housing option for the area.

The subdivision abuts the Union Pacific Railroad right-of-way and is designed to mitigate any negative impacts. There will be no residential buildings located within a 100-foot distance from the railroad tracks, a 6-foot high block wall along the east side and homes are constructed with sound attenuation measures.

Staff is of the opinion that the single-family residential medium density subdivision furthers the City's goal to promote new development in growth areas and supports the existing residential use in the area. The residential development provides housing in close proximity to shopping, schools, office and employment within Fulton Ranch, the Price Road Corridor and the Chandler Airpark while achieving a good transition between the existing Fulton Ranch master planned community.

The development meets the intent of the Residential Standards including architecture, site design and landscaping, while incorporating specific features defined by a specific architectural style for the overall Fulton Ranch community. The proposed smaller lots and side yard setbacks are appropriate as it offers a different product as part of Fulton Ranch while providing a quality and amenity filled neighborhood.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 31, 2011. There were 13 area property owners in attendance. At the time of this meeting, the development request included an office component with 188 homes. Residents from the area asked questions regarding home prices, elevations, location of trees, if there were any two-story home restrictions on corner lots, and height of office buildings. However, the request changed and no longer includes an office component.

An update letter was mailed in May 2011 to all persons in the required notification area that the plan had been modified and no longer includes the office components. Staff is not aware of any concerns or opposition to this change. The applicant received comments from area property owners, including homeowners and commercial site owners, supporting the removal of office to add more residential lots. Staff has received no correspondence in opposition to the request.

The two Planning Commissioners opposed to this request conveyed that they did not want to eliminate property currently planned for uses that generate tax revenue and avoid developing residential homes along the railroad which will, at some time in the future, be affected by more residential built along it. The overall concern was the proposed land use and a desire to keep this property available for future employment/business park use.

Upon finding consistency with the General Plan and Southeast Chandler Area Plan, the Planning Commission and Planning Staff recommend approval subject to conditions listed in the ordinance.

The Planning Commission and Planning Staff recommend 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.

13. PERSONNEL RULE AMENDMENT: Rules 15 & 16 Res. #4519

ADOPTED Resolution No. 4519 amending Personnel Rule 15, Section 4, Vacation Leave Accrual; Section 6, Reporting Vacation Leave and Section 20, Payment of Sick Leave at Retirement or Death; Personnel Rule 16, Section 10, Holidays and Section 6 Overtime.

The changes stated in this resolution are mutually agreed by several union groups during recent negotiations and will provide City-wide consistency in the administration of benefits and pay practices for the general, non-represented employees as well.

Personnel Rule 15, Section 4 - Vacation Accrual:

On August 19, 2010, the City Council approved a Memorandum of Understanding with SEIU Local 5. SEIU represents a majority of the non-sworn, non-exempt employees with the City. One provision of the SEIU contract included an increase to their existing vacation accrual over 3 years of their contract.

In FY 10/11, the City Council approved providing equal vacation accrual benefits between the non-represented, non-exempt employees and the SEIU non-exempt employees in order to maintain equity and fairness among the work groups. The changes in this resolution align the next two years of increases in SEIUs vacation accrual with the non-represented, non-exempt employee vacation accrual schedule.

Personnel Rule 15, Section 6 – Reporting Vacation Leave and Payout:

In FY 10/11, SEIU negotiated a vacation payout provision that allows employees to cash out a limited number of hours of vacation every fiscal year. This section was added to the Rules to document that the same provision applies to the general, non-represented employees.

Personnel Rule 15, Section 20 – Payment of Sick Leave at Retirement or Death:

The City currently provides that beneficiaries of employees who die prior to retirement be compensated for 50% of the accumulated sick leave hours at the employee's base rate of pay. A new section will be added to this Rule that provides that beneficiaries of employees who die in the line of duty be compensated for 100% of the accumulated sick leave hours.

Personnel Rule 16, Section 10 – Holidays:

The revisions included in this Rule are primarily housekeeping issues. In order to avoid confusion and maintain consistency, the Rule now references the Memorandum of Understanding for documentation of sworn, non-exempt employees' holiday pay.

Personnel Rule 16, Section 6 – Overtime:

The City currently includes all paid leave time as time worked for the purpose of calculating overtime. Compensatory time, which is time accrued in lieu of an overtime payment, can be used by employees as time off in lieu of vacation or sick leave and can be included as time worked for overtime purposes. The union groups agreed to exclude compensatory time when calculating hours worked toward overtime.

14. ENHANCED MUNICIPAL SERVICES AGREEMENT: DCCP Res. #4520

ADOPTED Resolution No. 4520 authorizing the Enhanced Municipal Services Agreement for fiscal year 2011-2012 with the Downtown Chandler Community Partnership (DCCP) in the amount of \$118,804.00.

At the City Council meetings on April 28 and May 26, 2011, the Mayor and City Council took all actions necessary to renew the Downtown Chandler Enhanced Municipal Services District (EMSD). Currently, Staff is requesting approval of an Enhanced Municipal Services Agreement with the Downtown Chandler Community Partnership (DCCP). Through this action, the DCCP is designated as the entity that will manage and operate programs in the District.

Based on negotiations with the DCCP, no substantive changes were made from the FY 10-11 agreement. The primary functions of representing district rate payers, developing the annual District budget and work plan, and monitoring the performance and provision of District services have been retained. The working committees continue and the agreement outlines the general responsibilities of each committee. The Agreement also describes a clear work program to be performed by the District for the period beginning July 1, 2011 and ending June 30, 2012. Insurance coverage the DCCP needs to carry related to District activities is delineated.

This agreement also details the City's participation in the District. From a financial perspective, \$118,804.00 represents the amount the City would pay in to the District as a property owner during the fiscal year less a budget reduction necessitated by current economic constraints. The

contract also identifies how payments will be made from the City to the DCCP, both for City funds and for funds obtained through the assessment of private property owners through the Maricopa County Assessor's Office. Finally, the agreement outlines the baseline of City provided services that will be delivered during the term of the agreement.

The DCCP participated in the development of the agreement, including providing a budget and developing a work plan for the coming year. The DCCP Executive Board has officially approved the content of this agreement and is excited about continuing as the administrator of the District.

Staff will proceed to process a check for the DCCP in order to provide them with the first \$59,402.00 payment prior to July 15, 2011 as specified by the contract.

Assessments for privately owned property in the District total \$136,647.00. Staff will forward the assessment roll to Maricopa County for inclusion in the fall property tax bills. The City's voluntary contribution of \$118,804.00 has been included in the Downtown Redevelopment budget for FY 2011-2012. The total amount of the District budget for FY 2011-2012 is \$258,451.00, a decrease of 2.5% from the prior fiscal year which is driven by falling assessed valuations.

15. AGREEMENT: Newtown Community Development Corporation Res. #4522

ADOPTED Resolution No. 4522 authorizing an Agreement with Newtown Community Development Corporation to implement a first-time homebuyer program for families in Chandler utilizing Neighborhood Stabilization Program 3 (NSP 3) funds in the amount of \$692,447.00.

On January 27, 2011, Chandler City Council approved Resolution No. 4489 authorizing submission of an amendment to the Annual Action Plan for Neighborhood Stabilization Program 3 (NSP 3) funding from the U. S. Department of Housing and Urban Development (HUD). NSP 3 funds must be targeted to specific neighborhoods most impacted by foreclosures. Chandler's NSP 3 funds will be targeted to two specific areas of Chandler totaling two square miles.

In the Action Plan approved by City Council, Newtown Community Development Corporation was approved to provide a first time homebuyer program that includes down payment assistance for 20 first time homebuyers and acquisition and rehabilitation of up to seven housing units for another seven first time homebuyers. Staff has negotiated a contract with Newtown for the provision of these services which is outlined in Resolution No. 4522 and the accompanying subrecipient agreement.

All seven of the homes to be acquired and rehabilitated and approximately 16 of the families to receive down payment assistance will be located in the 523002 Census Tract. Approximately four of the families to receive down payment assistance will be located in the 422209 Census Tract.

All costs associated with this agreement will be reimbursed by the HUD and do not require repayment on the part of the City of Chandler.

16. AGREEMENT: Affordable Rental Movement of Save the Family Res. #4523

ADOPTED Resolution No. 4523 authorizing an Agreement with the Affordable Rental Movement of Save the Family to implement a permanent affordable rental program for families in Chandler utilizing Neighborhood Stabilization Program 3 (NSP 3) funds in the amount of \$419,643.00.

On January 27, 2011, Chandler City Council approved Resolution No. 4489 authorizing submission of an amendment to the Annual Action Plan for Neighborhood Stabilization Program 3 (NSP 3) funding from the U. S. Department of Housing and Urban Development (HUD). NSP 3 funds must be targeted to specific neighborhoods most impacted by foreclosures. Chandler's NSP 3 funds will be targeted to two specific areas of Chandler totaling two square miles.

In the Action Plan approved by Council, Affordable Rental Movement (ARM) of Save the Family was approved to acquire and rehabilitate three homes that will provide affordable rental housing for working poor families. Staff has negotiated a contract with ARM of Save the Family for the provision of these services which is outlined in Resolution No. 4523 and the accompanying subrecipient agreement. All of the acquisition/rehabilitation activities are located in the 422209 Census Tract.

All costs associated with this agreement will be reimbursed by the HUD and do not require repayment on the part of the City of Chandler.

17. AMENDMENT: SEIU Local Memorandum of Understanding

AUTHORIZED an amendment to the SEIU Local 5 Memorandum of Understanding (July 1, 2010 – June 30, 2013).

The July 1, 2011 amendment outlines the following substantive changes:

- Increase pay for unit members by 2.25% or to the top of the pay range, whichever amount is lower.
- Revise tuition reimbursement to change program from fiscal to annual.
- Add fiscal crisis and reverse fiscal crisis language.
- Add definition of shift.
- Update the merit language to reflect FY 11/12.
- Provide one-time payment to employees whose current pay rate is over the top of the pay range due to the FY 09/10 reduction of .95%.

Employees that were outside the pay range as a result of the pay range reduction in FY 09/10, will not receive the full 2.25% on-going pay increase because their current pay rates are above the current pay range. The one-time payment included in the MOU represents the difference between a 2.25% pay rate increase and the actual pay increase the employee will receive to bring the employee's pay rate to the top of the new pay range. This requires the one-time use of \$137,000.00 of on-going funds that were available to SEIU this fiscal year. Both parties agreed to discuss the allocation of the \$137,000.00 as on-going funds in year three of the MOU.

18. FUNDS PAYMENT: Chandler Lions Club

AUTHORIZED the Payment of FY 2011-202 on-going funds in the amount of \$35,000.00 and one-time funds in the amount of \$15,000.00 to the Chandler Lions Club for the 4th of July Celebration.

The Chandler Lions Club, in partnership with the City of Chandler, has been organizing and producing the 4th of July Celebration over the past nine years. Initially, the event was held downtown and it is estimated that over 40,000 attendees came to see this event. Since moving the event to Tumbleweed Park, over 100,000 attendees now enjoy this spectacular free event.

The funds needed to organize and implement a large event such as this are collected from a number of various organizations. The City's contribution to this effort will once again allow the Chandler Lions Club to put on an amazing 4th of July Celebration for the community. To mirror the Chandler Lions Club efforts in organizing such a large-scale event for the community, it would cost the City over \$90,000.00 without sponsorship.

As part of the FY 2007-2008 budget amendment process, Council awarded on-going funding in the amount of \$35,000.00 for the Chandler Lions Club 4th of July Celebration. As part of the FY 2011-2012 budget process, Council awarded one-time funding in the amount of \$15,000.00 for the event.

19. AGREEMENT: Star Roofing, Inc.

APPROVED Agreement #CS1-910-2980 for roofing repair and maintenance to Star Roofing, Inc. in an amount not to exceed \$205,000.00 for an initial two-year term with the option to renew for one additional two-year term.

This contract will enable Building and Facilities to have regularly scheduled inspections performed by experts in the field of roofing as well as any maintenance and repair issues that may arise. These inspections will detect problems before they cause any damage. By having the service provider on contract, the City will be given priority status in the event of an emergency and a 15% discount pricing on materials. Under this contract, the plan will be to replace the Downtown Colonnade roof at an estimated cost of \$75,000.00, replace the roofs at Fire Station numbers 3 and 5 at an estimated cost of \$35,000.00 each and reserve \$30,000.00 each for miscellaneous repairs of other City building roofs and Municipal Utilities Department (MUD) facilities.

20. AGREEMENT: SDB, Inc.

APPROVED Agreement #WW1102-401 with SDB, Inc. for construction services for the Airport Water Reclamation Facility Filter Gates Replacement, pursuant to Job Order Contract No. JOC07-04, in an amount not to exceed \$446,714.00.

The Airport Water Reclamation Facility (AWRF) is responsible for treating commercial and public wastewater to State water quality standards to be used in the reclaimed water irrigation system and recharged into the local groundwater aquifer. The Airport Water Reclamation Facility was constructed and began operations in 1998. An assessment of AWRF's infrastructure and equipment identified several areas for replacement and repair to extend the life of the facility.

21. AGREEMENT: Wilson Engineers, LLC

APPROVED Agreement #WW1104-201 with Wilson Engineers, LLC, for design of a wastewater lift station and junction structure, pursuant to annual contract #EN1003-101, in an amount not to exceed \$845,200.00.

Staff identified the need for a lift station and sewer force main to transfer increasing volumes of wastewater flows from the Ocotillo Water Reclamation Facility (OWRF) to the Airport Water Reclamation Facility (AWRF) for treatment. The need for increased pumping capacity is the result of Intel's expansion on South Dobson Road. This new lift station will also add system redundancy to the City's smaller existing pump back and force main system. The lift station will be constructed using the Construction Manager @ Risk method and will be contracted separately.

22. AGREEMENT AMENDMENT: Wilson Engineers, LLC

APPROVED Agreement #EN1003-101, Amendment No. 1, with Wilson Engineers, LLC to increase the contract annual limit from \$750,000.00 to \$1,500,000.00.

The Municipal Utilities Department received Council's approval of the 2012 Capital Improvement Program for work related to permitting, assessment, and design of water and wastewater facilities. The City improved project delivery time and efficiency through the use of annual contracts with established design firms. This contract provides consulting services for a broad range of projects including permitting, assessment and design of water and wastewater facilities.

23. AGREEMENT AMENDMENT: Dennis L. Lopez and Associates

APPROVED Agreement #ST0810, Amendment No. 1, with Dennis L. Lopez and Associates for the McQueen Road Improvement Project from Queen Creek Road to Riggs Road in the amount of \$15,200.00, for a revised contract total of \$62,450.00.

On November 19, 2009, Council approved a contract with Dennis L. Lopez and Associates for appraisal services needed in connection with the acquisition of roadway and easements required for the McQueen Road Improvements Project from Queen Creek Road to Riggs Road. The contract awarded to Lopez provided enough funding for the preparation of 35 appraisal reports. Additional funding for appraisal services is needed in order to cover the unanticipated costs associated with performing appraisal updated (\$15,200) as the project was placed on hold due to budget constraints.

24. Action Agenda.

25. USE PERMIT: ICEV Parking Lot

APPROVED Use Permit ZUP10-0049 ICEV Parking Lot, to allow for a temporary parking lot on approximately 1.8 acres located north of the NEC of Alma School Road and Erie Street. (Applicant: David Hadley, Board of Trustees.)

The subject site is located north of the northeast corner of Alma School Road and Erie Street. Directly north of the site are two places of worship, a single-family home and a vacant lot are to the east, a commercial building and apartments are to the south; and to the west is Alma School Road. The subject site is currently vacant.

The site recently went through the Rezoning and Preliminary Development Plan process to allow for the construction of an office building (Medinah Plaza). While the development team is in the process of creating construction documents and preparing the site for development, the adjacent Mosque is requesting the ability to use the vacant lot as a temporary parking lot for parishioners. The parking lot will primarily serve as additional parking on Friday afternoons and during the month of Ramadan.

The site currently has a layer of decomposed granite throughout and the Mosque will have a liquid layer of binding agent added to help mitigate dust issues. As proposed, the parking lot will provide 172 parking spaces, meeting requirements for drive aisle width and stall dimensions. Due to the temporary nature of the parking lot, Staff is not requiring typical development

standards such as landscaping, screen walls and lighting as these will be provided once development of the site occurs.

The Planning Commission and Staff are recommending approval citing that the request solves a problem with a successful resolution. While parking has been an issue in the past at this site and other sites, the Mosque recently acquired a vacant parcel of land located at the northwest corner of Erie Street and Pleasant Drive (southeast of the site) that they are in the process of designing to serve as a permanent parking lot. Additionally, the Mosque and property owner of the Medinah Plaza project (subject site) are working on a parking agreement between the two properties. At the point in time at which the permanent parking lot is developed, the temporary parking lot will no longer be used.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 15, 2011. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

There was some discussion during the Planning Commission Study Session with regards to property ownership of the subject site and the future parking lot and anticipated time of construction for the Medinah Plaza. The temporary parking lot is being requested on the future Medinah Plaza commercial center site and is under separate ownership. Medinah Plaza has undergone one review of construction documents and it is anticipated that construction will have started within the next 12-18 months. Upon completion of Medinah Plaza, the Mosque and the owner of Medinah Plaza will enter into a shared access and parking agreement. Additionally, the vacant property located at the northwest corner of Pleasant Drive and Erie Street is currently being designed for a future permanent parking lot for the Mosque. Once the parking lot is developed (anticipated submittal for review within the next couple of months) the Mosque will also include this parking lot in the shared access and parking agreement.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

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.

26. USE PERMIT: Genghis Grill

APPROVED Use Permit LUP11-0005 Genghis Grill, Series 12, for the sale of liquor for on-premise consumption indoors and with outdoor patio areas at a new restaurant located at 900 N. 54th Street, within the Chandler Pavilions development located south of the SWC of Ray Road and 54th Street. (Applicant: Amy Nations, Arizona Liquor Industry Consultants.)

The subject property is located on the south of Ray Road and west of 54th Street in the same building as the Lamps Plus store. This tenant space was formerly occupied by Barcelona restaurant, then My Big Fat Greek Restaurant which previously held a Series 12 liquor license that expired in 2006. The new restaurant, Genghis Grill, offers Mongolian stir fry. The business will occupy approximately 4,969 square feet with an additional 1,000 square feet of patio space.

There are outdoor patio dining areas on the north and east side of the building. The restaurant will be open from 11 a.m. to 10 p.m. Sunday through Thursday, and 11 a.m. to 11 p.m. Friday and Saturday. The restaurant seats approximately 244 with 84 seats being on the patios. There are no entertainment uses or activities on site; only televisions and speakers with background music.

The Planning Commission and Planning Staff are of the opinion that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use compatibility analysis is a typical retail transaction in commercial districts throughout the City.

The Planning Commission and Planning Staff recommend approval with no time limit to maintain consistency with other Series 12 liquor Use Permits approved for other restaurants in the immediate area with no time limit condition given the establishments had no outstanding concerns, opposition, or violations. Restaurants with series 12 licenses nearby include Chipotle, Ernie's, Pei Wei, Flemings, Z'Tejas, Roy's, Red Lobster, Outback Steakhouse, Carrabba's and Charleston's.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 9, 2011. There were no neighbors in attendance. The Police Department has been informed of the application and has not responded with any concerns. Staff has received no correspondence in opposition to the request.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and Planning Staff recommend approval subject to the following conditions:

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 reapplication and approval.
2. The liquor Use Permit is granted for a Series 12 license only and any change of licenses shall require reapplication 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.

27. LIQUOR LICENSE: Genghis Grill

APPROVED a Series 12 Restaurant Liquor License (Chandler #134896 L12) for Randy D. Nations, Agent, Chalak-MMT Chandler LLC, dba Genghis Grill, 900 N. 54th Street, Suite 1. A recommendation for approval of State Liquor License #12078708 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

28. USE PERMIT: Cyprus Grill

APPROVED Use Permit LUP11-0006 Cyprus Grill, Series 12, for the sale of liquor for on-premise consumption only within an existing restaurant and future outdoor patio located at 1065 W. Queen Creek Road, Suite 2, within the Falls at Ocotillo development. (Applicant: Cristos Komitis, Restaurant owner.)

The subject site is located in a central portion of the site within a section of inline shops. Commercial users are adjacent to the site on the north, west and east. On the south side of the site is an additional suite and parking lot with a residential collector street and single-family homes beyond the center.

The site has had a number of restaurant users throughout the past, none operating with liquor licenses. Cyprus Grill has been at this location for a couple of months and would like the ability to serve alcohol to their patrons. This is the second location for Cyprus Grill with their first location being in Phoenix. The restaurant is open Monday through Saturday from 11 a.m. to 9:30 p.m. and on Sundays from 11 a.m. to 3:30 p.m. The restaurant is approximately 2,092 square feet and has seating for 30 patrons. The restaurant currently employs four people.

The owners would like the ability to have a patio in the future and the existing breezeway along the suite's east side provides the ability for a small patio. The applicant does not have plans in the immediate future as the restaurant is still getting established, but would like the ability to build the patio without needing to go through the review process in the future. Staff had administratively approved a layout for a patio in the past, but it was never developed and alcohol was not being proposed at the time of approval. Final details will be worked out with Staff administratively.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 31, 2011. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request. The Police Department has been notified of the request and has no objections.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval subject to the following conditions:

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 restaurant 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 patio shall be maintained in a clean and orderly manner.
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.
7. The applicant shall work with Staff for the final design and detail of an outdoor patio.

29. LIQUOR LICENSE: Cyprus Grill

APPROVED a Series 12 Restaurant Liquor License (Chandler #13474 L12) for Lauren Kay Merrett, Agent, Ano LLC, dba Cyprus Grill, 1056 W. Queen Creek Road, Suite 2. A recommendation for approval of State Liquor License #12078702 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

30. USE PERMIT: Target Store (Paseo Lindo)

APPROVED Use Permit LUP11-0008 Target Store (Paseo Lindo), Series 10, for the sale of beer and wine for a new retail store located at 3777 S. Arizona Avenue within the Paseo Lindo development. (Applicant: Gutilla Murphy Anderson.)

The subject property is located at the northeast corner of Arizona Avenue and Ocotillo Road. The new Target store intends to open in July 2011. The store is approximately 135,987 square feet in size. The hours of operation will be approximately Monday through Saturday from 8 a.m. to 10 p.m. and Sunday from 8 a.m. to 9 p.m. The store will employ approximately 135 employees. The request for alcohol sales is similar to that approved at the existing store at Alma School and Queen Creek roads which will be closing. Alcohol sales account for a small part of the overall sales revenues for the store, approximately 3-5%. The store estimates potential areas for the location of alcohol which are denoted on the floor plan.

The Planning Commission and Planning Staff are of the opinion that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use compatibility analysis is a typical retail transaction in commercial districts throughout the City.

The Planning Commission and Planning Staff recommend approval with no limit to maintain consistency with other Series 9 and 10 liquor Use Permits approved for other retailers in the area with no time limit condition given the establishments had no outstanding concerns, opposition, or violations. A business with an approved Series 10 license nearby is the Fresh & Easy Neighborhood Market (yet to open). The Market at Fulton Ranch has a Series 9 Liquor Store license. There are Series 12 Restaurant licenses for nearby restaurants south of Ocotillo Road in two existing shopping centers.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 23, 2011. There were no neighbors in attendance. The Police Department has been informed of the application and has not responded with any concerns. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and Planning Staff recommend approval subject to the following conditions:

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 reapplication and approval.
2. The liquor Use Permit is granted for a Series 10 license only and any change of licenses shall require reapplication and new liquor Use Permit approval.
3. The liquor Use Permit is non-transferable to other store locations.
4. The site shall be maintained in a clean and orderly manner.

31. LIQUOR LICENSE: Target Store T-2747

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #133774 L10) for Joseph Cordovana, Agent, Target Corporation, dba Target Store T-2747, 3777 S. Arizona Avenue. A recommendation for approval of State Liquor License #10076161 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All

licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

32. LIQUOR LICENSE: Tom Ryan's Lounge

APPROVED a Series 6 Bar Liquor License (Chandler #135349L6) for Stablebum Enterprises LLC, dba Tom Ryan's Lounge, 70 W. Warner Road. A recommendation for approval of State Liquor License #06070623 will be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership. Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as Tom Ryan's Lounge. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

33. CONTINUED LIQUOR LICENSE: Hob Nob Sports Grill

CONTINUED TO JULY 28, 2011, a Series 6 Bar Liquor License for Peter Ioannis Spentzos, Agent, Soztneps LLC, dba Hob Nob Sports Grill located at 7200 W. Chandler Boulevard, to allow the applicant time to complete the requirements for a new Use Permit through Transportation and Development.

34. CONDOMINIUM PLAT: Ray Ranch Professional Plaza, Building B

APPROVED a Condominium Plat, CPT10-0004 Ray Ranch Professional Plaza, A Condominium – Amendment to Building B, creating two units within Building B, which amends the existing plat for Ray Ranch Professional Plaza. (Applicant: SIG, Inc.)

35. CONTRACT: City Clerk

APPROVED a Contract with the City Clerk in the amount of \$117,437.00 for the period July 1, 2011 through June 30, 2012.

36. CONTRACT: City Attorney

APPROVED a Contract with the City Attorney in the amount of \$161,609.00 for the period July 1, 2011 through June 30, 2012.

37. PERMANENT EXTENSION OF PREMISES: The Living Room Wine Café and Lounge

APPROVED a Permanent Extension of Premises for a Series 12 Restaurant Liquor License (Chandler #129060 L12) held by Living Room Wine Café #1 LLC, dba The Living Room Wine Café and Lounge located at 2475 W. Queen creek Road, Suite 1, to include outdoor seating. A recommendation for approval of a Permanent Extension of Premises for State Liquor License #12078313 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to the permanent extension of premises. All fees have been paid and the business is in compliance with the City's Sales and Use Tax Code.

ACTION:

24. USE PERMIT: Monami Assisted Living

Use Permit ZUP10-0047 Monami Assisted Living, to operate an assisted living home for up to seven residents within a single-family residential home located at 2120 W. Shannon Street, SWC of Ray and Dobson roads. (Applicant: Winsome Chua, Owner.)

This item was withdrawn by the applicant. The applicant cited intentions to maintain the current count of five residents allowed by code without the need of a Use Permit.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor Tibshraeny congratulated members of the Council for recent appointments on the regional level. He announced the following appointments:

- Vice-Mayor Donovan - Chair for the Budget & Finance Subcommittee of the Valley Metro Regional Transportation
- Councilmember Hartke - Vice-Chairman of the Continuum of Care Regional Committee on Homelessness for the Maricopa Association of Governments
- Councilmember Heumann - Secretary/Treasurer to the Arizona Municipal Water Users Association.

Mayor Tibshraeny wished everyone a safe and Happy 4th of July. He encouraged everyone to attend the Chandler 4th of July Firework Spectacular at Tumbleweed Park.

Mayor Tibshraeny announced that volunteers were needed for the Chandler Project Connect Homeless Event on July 21, at Chandler Christian Church. He stated that the event offered access to resources that were needed by homeless people to get back to healthy financially stable lives.

Mayor Tibshraeny noted that a groundbreaking event had taken place for the new ICAN facility. He also noted that the annual water drive was taking place. He noted he would be donating some cases of water and challenged the Council to do so by July 15.

B. Councilmembers' Announcements

Councilmember Heumann announced that one of the bike paths on the north part of the City's Western Canal had been opened. He stated that lights were installed at Dobson and Alma School roads.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 7:08 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: July 25, 2011

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 23rd day of June 2011. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of August 2011.

City Clerk