



DATE: December 8, 2011

TO: Mayor & Council

FROM: City Clerk's Office

SUBJECT: Item No. 46 - USE PERMIT, ZUP11-0021 WEE BLESSINGS
PRESCHOOL & ACADEMY

Pages 2-19 of this file consist of the staff memo. Emails / correspondence received from citizens begin on page 20.

46

DEC 15 2011

Chandler



Chandler - Arizona
Where Values Make The Difference

MEMORANDUM Transportation & Development – CC Memo No. 11-098c

DATE: NOVEMBER 21, 2011

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
 PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *PM*
 R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*
 JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
 KEVIN MAYO, PLANNING MANAGER *KM*

FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: ZUP11-0021 WEE BLESSINGS PRESCHOOL & ACADEMY

Request: Use Permit approval to operate a preschool and tutoring business within an office development

Location: 1751 E. Queen Creek Road, approximately ¼ mile west of Cooper Road

**Applicant/
Property
Owner:** FNBN UTAZ, LLC

Zoning: Planned Area Development (PAD) for medical/general office uses, within the Airport Impact Overlay District (AIO)

On November 14, City Council voted to reconsider this request after having voted to deny it on October 27. The memo below is the same as presented for the October 27 meeting.

PLANNING COMMISSION RECOMMENDATION

Planning Commission, finding inconsistency with the General Plan, recommends denial of the request.

STAFF RECOMMENDATION

Staff, finding consistency with the General Plan, recommends approval for three (3) years subject to conditions.

BACKGROUND

The application requests Use Permit approval to operate a preschool and tutoring business within a partially constructed office development located west of the southwest corner of Cooper and Queen Creek roads. Specifically, the use will be located in "Building 3" and its adjacent parking lot in the northwestern portion of the site. The larger development of 8.1 acres was zoned PAD in 2006 to allow medical/general office uses. Only four (4) of the development's 12 approved buildings have been constructed, though the drive aisles and parking spaces are all installed. To the west are large-lot rural residential properties (Twin Acres), to the north across Queen Creek Road is vacant land zoned for industrial and airport-related uses, to the east is vacant land zoned PAD for commercial uses, and to the south is vacant land zoned for custom homes.

The subject business will occupy the entirety of a 5,300 square foot building. In order to accommodate the state-mandated outdoor playground, they will remove four (4) parking spaces west of the building as well as some landscaping. The playground design will be reviewed administratively in accordance with Zoning Code standards. The playground will be located approximately 45' from the western property line and 225' from the nearest house.

The subject business will generally be open from 8 a.m. to 6 p.m. weekdays, with occasional special events on weekends during the same hours. Programming includes typical pre-school activities, as well as tutoring and after-school activities (karate, computers, etc.) for older children. There will be approximately 12 to 15 employees.

The development's other buildings contain several medical uses, including a children's speech-language clinic that operates a special-needs preschool on-site. That use is deemed "medical office" rather than "preschool" because it is medically related and not open to the general public. Also, classes are run by speech therapists rather than typical teachers.

The subject building and parking area fall within Airport Noise Overlay One (ANO-1) of the AIO district. ANO-1 corresponds to the area between the Chandler Municipal Airport's 55 DNL and 60 DNL noise contours. ANO-1 allows preschools, day cares, and other educational facilities so long as they provide indoor sound attenuation in accordance with Zoning Code requirements. The subject building was already required to meet these sound attenuation levels through the approved PAD zoning conditions.

Staff has analyzed the application's Zoning Code conformity based on the existing noise contours. Notably, updated noise contours have been approved by City Council and are currently under review by the FAA. However, until the new noise contours are approved by the FAA, the older noise contours remain in force. The new noise contours would shift the subject site from ANO-1 to ANO-2 (60 to 70 DNL). ANO-2 does not allow educational facilities.

The Airpark Area Plan designates the property for Rural Residential within a Transitional Overlay Zone. The 2006 rezoning to PAD that established the office uses met the Transitional Overlay Zone's requirements for transition to non-residential uses. The Airpark Area Plan also has several policies that could potentially pertain to the subject application and its relation to the nearby airport. Most significantly, Policy 5.2 states:

The City shall prohibit the development of noise-sensitive institutions, such as day-care facilities, schools and churches, within arrival and departure flight tracks, touch-and-go patterns and within the 55 DNL noise contour.

Staff notes that area plans, like the Airpark Area Plan, are policy documents intended to guide land use decisions. However, unlike the Zoning Code, area plans are not intended to be legal documents that either prohibit or allow by-right any uses. In Staff's opinion, Policy 5.2 highlights uses that require special attention with regard to their noise-sensitivity. The Zoning Code's AIO district provides this special attention through its insulation requirements and use regulations dependent on which noise contours overlay the site.

Staff notes that the Arizona Department of Health Services (ADHS) may require that operators of day care centers, including preschools, provide written waivers from agricultural land owners located within ¼ mile regarding their pesticide use. Some of the rural residential property owners to the west regularly apply fly spray to their horses. It will be up to the preschool operators to meet the state legal requirements to the satisfaction of ADHS.

DISCUSSION

Staff recommends approval of the request, finding that a preschool use fits well in the existing zoning and will not present land use conflicts with the surrounding uses. The use is adequately buffered from the residential neighbors to the west by distance and landscaping. As indicated by the ANO-1 regulations in the Zoning Code, the use is appropriate at this distance from the airport if adequate sound attenuation is provided. Also, the use is complementary to the medical office uses in the development and, in fact, has a lower parking requirement that will free up parking spaces in the long-run. Noise effects from children playing on the outdoor playground are of little concern adjacent to Queen Creek Road and near the airport, which both produce measurable amounts of noise.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held August 30, 2011 at the Chandler Municipal Airport. Four rural residential neighbors attended. The neighbors expressed concern that the subject use should not prevent them from applying fly spray to their horses, nor result in any related legal liability. Other concerns regarded visibility to/from the outdoor play area to their back yards. Neighbors complained of the wall being too short (less than 6'-high) and dead trees not being replaced. Staff has determined that the wall was built to the correct height, but that four (4) trees need to be replaced. The neighbors also noted that a fence section farther south on the property was missing. The applicant is working to remedy the missing wall section and dead trees.
- Besides the neighbors in attendance at the neighborhood meeting, Staff has not received any other citizen input on the request.

PLANNING COMMISSION VOTE REPORT

Motion to deny:

In Favor: 4 Opposed: 3 (Cason, Veitch, Baron)

This was the second time Planning Commission heard the item, due to it being referred back to them by City Council. The vote for the second hearing was the same as for the first hearing.

During the first hearing, a rural residential neighbor to the west spoke in opposition, primarily citing pesticide-related concerns. He reiterated that he does not wish to change how he tends his horses or his land. He also stated concerns related to airport noise compatibility.

Commission raised concerns during both hearings regarding the safety of pesticides used by neighboring properties to the west, the safety of aircraft flown by experienced and student pilots based at the airport, and conformance to noise contour regulations (both in the Zoning Code and Airpark Area Plan). It was noted that with the future noise contours, approved by City Council and currently under review by the FAA, in place the Zoning Code would prohibit the use due to the zoning overlay changing from ANO-1 to ANO-2. ANO-2 does not allow educational uses. One Commissioner stated that Policy 5.2 in the Airpark Area Plan was inserted for a reason and that the responsible board's logic should be respected. Though it was acknowledged that pesticide safety is addressed by the state via their licensing process, several Commissioners were uncomfortable with the school's proximity to known pesticide use (horse spray).

PLANNING COMMISSION RECOMMENDED ACTION

Planning Commission, upon finding inconsistency with the General Plan, recommends denial of ZUP11-0021 WEE BLESSINGS PRESCHOOL & ACADEMY.

STAFF RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan, recommends approval of ZUP11-0021 WEE BLESSINGS PRESCHOOL & ACADEMY subject to the following conditions:

1. Development shall be in substantial conformance with the submitted application documents (Narrative, Site Plan, Floor Plan) except as modified by condition herein.
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. In order for the Use Permit to be valid, a signed and completed Agreement For Waiver of Claim form under A.R.S. §12-1134 shall be provided to Transportation & Development Department's Planning Division Staff within three (3) weeks of City Council approval.

PLANNING COMMISSION PROPOSED MOTION

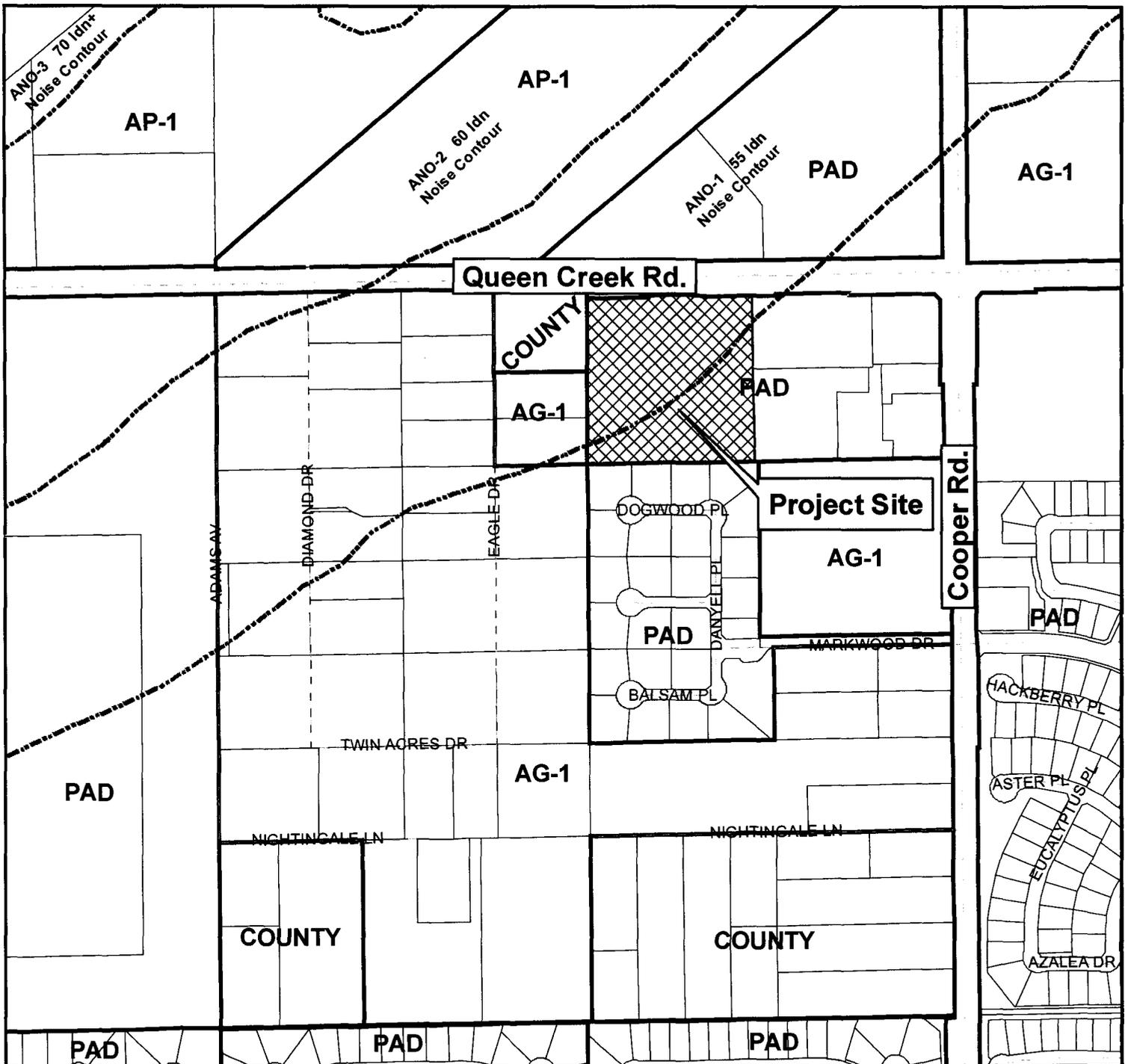
Move to deny ZUP11-0021 WEE BLESSINGS PRESCHOOL & ACADEMY Use Permit for a preschool and tutoring business.

STAFF PROPOSED MOTION

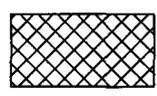
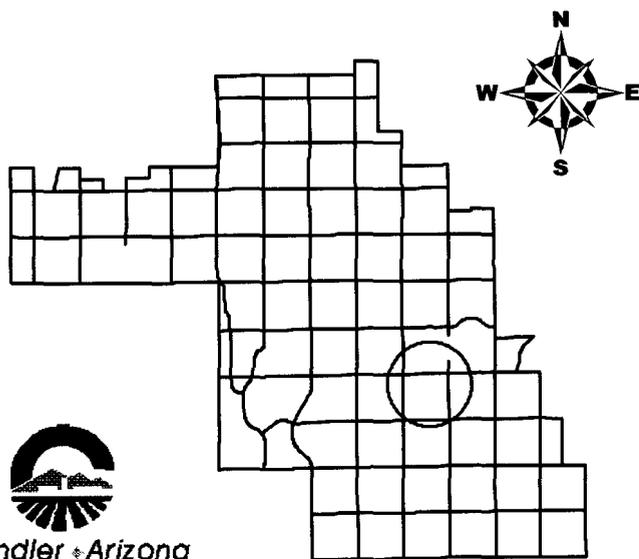
Move to approve ZUP11-0021 WEE BLESSINGS PRESCHOOL & ACADEMY Use Permit for a preschool and tutoring business subject to the conditions recommended by Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Floor Plan
4. Narrative
5. Ordinance No. 3789 (from 2006 PAD zoning)
6. Airpark Area Plan Map

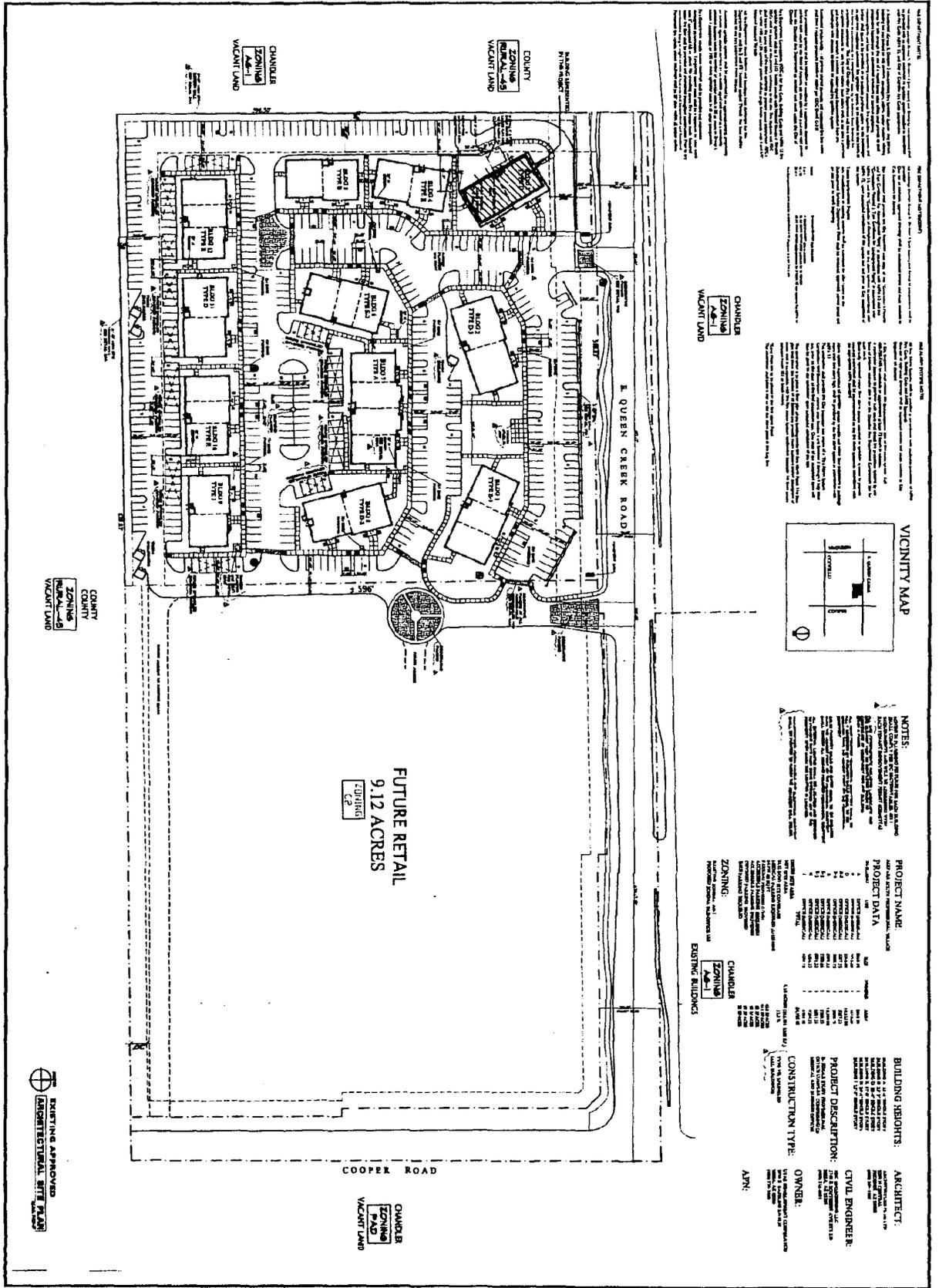


Vicinity Map



ZUP11-0021

Wee Blessings Preschool & Academy



NOTES:

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHANDLER AND THE ARIZONA DEPARTMENT OF TRANSPORTATION.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION.
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10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION.

PROJECT NAME: FUTURE RETAIL
PROJECT DATA:

OWNER:	WEE BLESSINGS PRESCHOOL & ACADEMY
ARCHITECT:	ARCHITECT
CIVIL ENGINEER:	CIVIL ENGINEER
DATE:	DATE
SCALE:	SCALE
TITLE:	TITLE

BUILDING FOOTPRINTS:

NO.	AREA (SQ. FT.)	TYPE
1	10,000	RETAIL
2	5,000	RETAIL
3	3,000	RETAIL
4	2,000	RETAIL
5	1,500	RETAIL
6	1,000	RETAIL
7	800	RETAIL
8	600	RETAIL
9	400	RETAIL
10	300	RETAIL
11	200	RETAIL
12	150	RETAIL
13	100	RETAIL
14	80	RETAIL
15	60	RETAIL
16	40	RETAIL
17	30	RETAIL
18	20	RETAIL
19	15	RETAIL
20	10	RETAIL
21	8	RETAIL
22	6	RETAIL
23	4	RETAIL
24	3	RETAIL
25	2	RETAIL
26	1.5	RETAIL
27	1	RETAIL
28	0.8	RETAIL
29	0.6	RETAIL
30	0.4	RETAIL
31	0.3	RETAIL
32	0.2	RETAIL
33	0.15	RETAIL
34	0.1	RETAIL
35	0.08	RETAIL
36	0.06	RETAIL
37	0.04	RETAIL
38	0.03	RETAIL
39	0.02	RETAIL
40	0.01	RETAIL

CONSTRUCTION TYPE:

TYPE:	TYPE
FOUNDATION:	FOUNDATION
WALLS:	WALLS
FLOORING:	FLOORING
ROOFING:	ROOFING
MECHANICAL:	MECHANICAL
ELECTRICAL:	ELECTRICAL
PLUMBING:	PLUMBING
PAINTING:	PAINTING
LANDSCAPING:	LANDSCAPING
OTHER:	OTHER

OWNER:
 WEE BLESSINGS PRESCHOOL & ACADEMY
 11111 N. GILBERT ROAD
 CHANDLER, ARIZONA 85226
 APN: APN

EXISTING BUILDINGS:

NO.	AREA (SQ. FT.)	TYPE
1	10,000	RETAIL
2	5,000	RETAIL
3	3,000	RETAIL
4	2,000	RETAIL
5	1,500	RETAIL
6	1,000	RETAIL
7	800	RETAIL
8	600	RETAIL
9	400	RETAIL
10	300	RETAIL
11	200	RETAIL
12	150	RETAIL
13	100	RETAIL
14	80	RETAIL
15	60	RETAIL
16	40	RETAIL
17	30	RETAIL
18	20	RETAIL
19	15	RETAIL
20	10	RETAIL
21	8	RETAIL
22	6	RETAIL
23	4	RETAIL
24	3	RETAIL
25	2	RETAIL
26	1.5	RETAIL
27	1	RETAIL
28	0.8	RETAIL
29	0.6	RETAIL
30	0.4	RETAIL
31	0.3	RETAIL
32	0.2	RETAIL
33	0.15	RETAIL
34	0.1	RETAIL
35	0.08	RETAIL
36	0.06	RETAIL
37	0.04	RETAIL
38	0.03	RETAIL
39	0.02	RETAIL
40	0.01	RETAIL

PLANNING DEPARTMENT:

DATE: DATE
 BY: BY
 TITLE: TITLE

PLANNING DEPARTMENT:

DATE: DATE
 BY: BY
 TITLE: TITLE

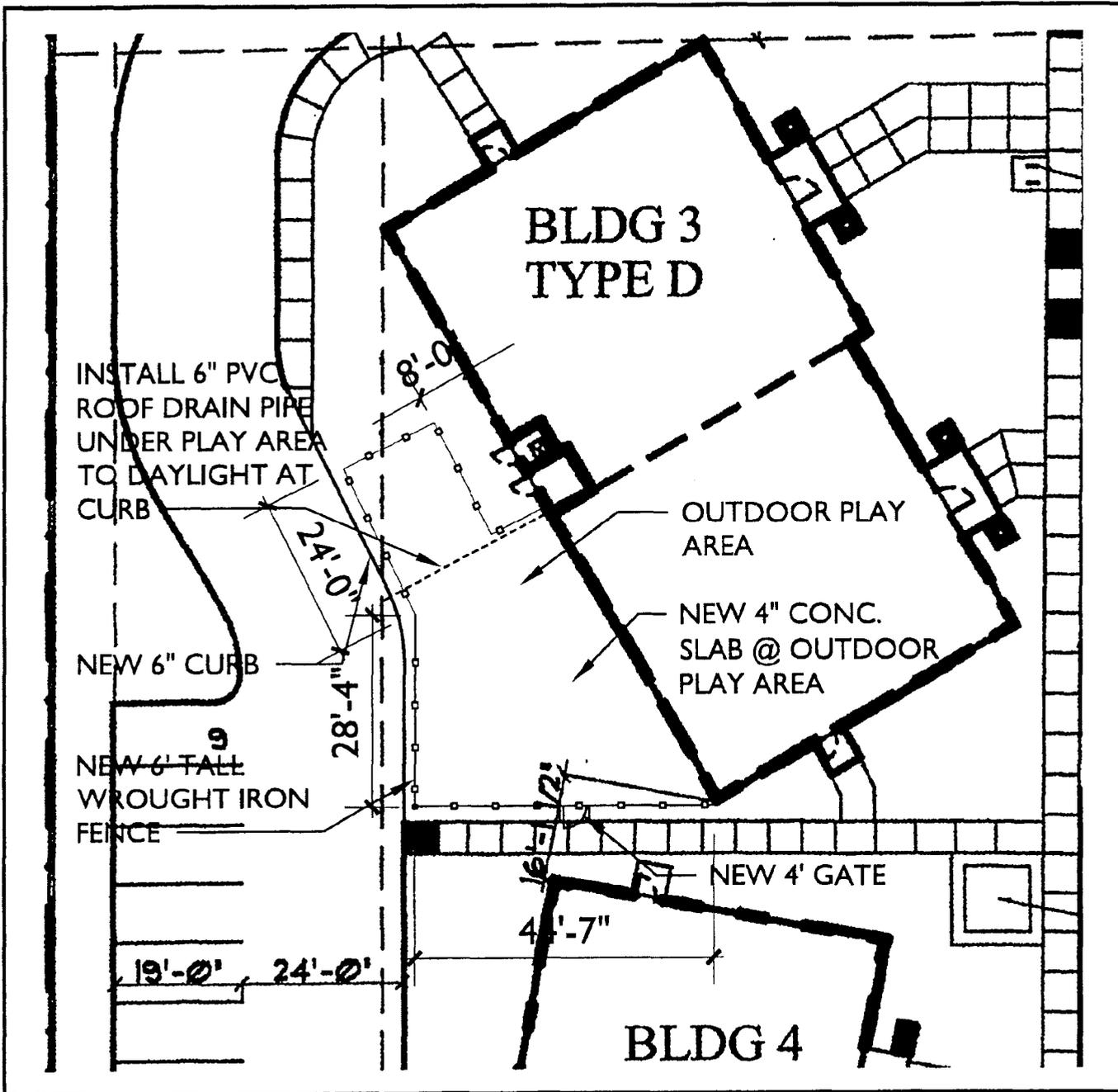
WEE BLESSINGS PRESCHOOL & ACADEMY
 TENANT IMPROVEMENT FOR BUILDING 3
 QUEEN CREEK AND COOPER RD.
 CHANDLER, ARIZONA 85286



GENE L. LARSEN
 CITY MANAGER
 11111 N. GILBERT ROAD
 CHANDLER, ARIZONA 85226

PROJECT NO. 1111
 DATE: 11/11/11
 DRAWN BY: [NAME]
 CHECKED BY: [NAME]
 APPROVED BY: [NAME]
 TITLE: [TITLE]

ALL



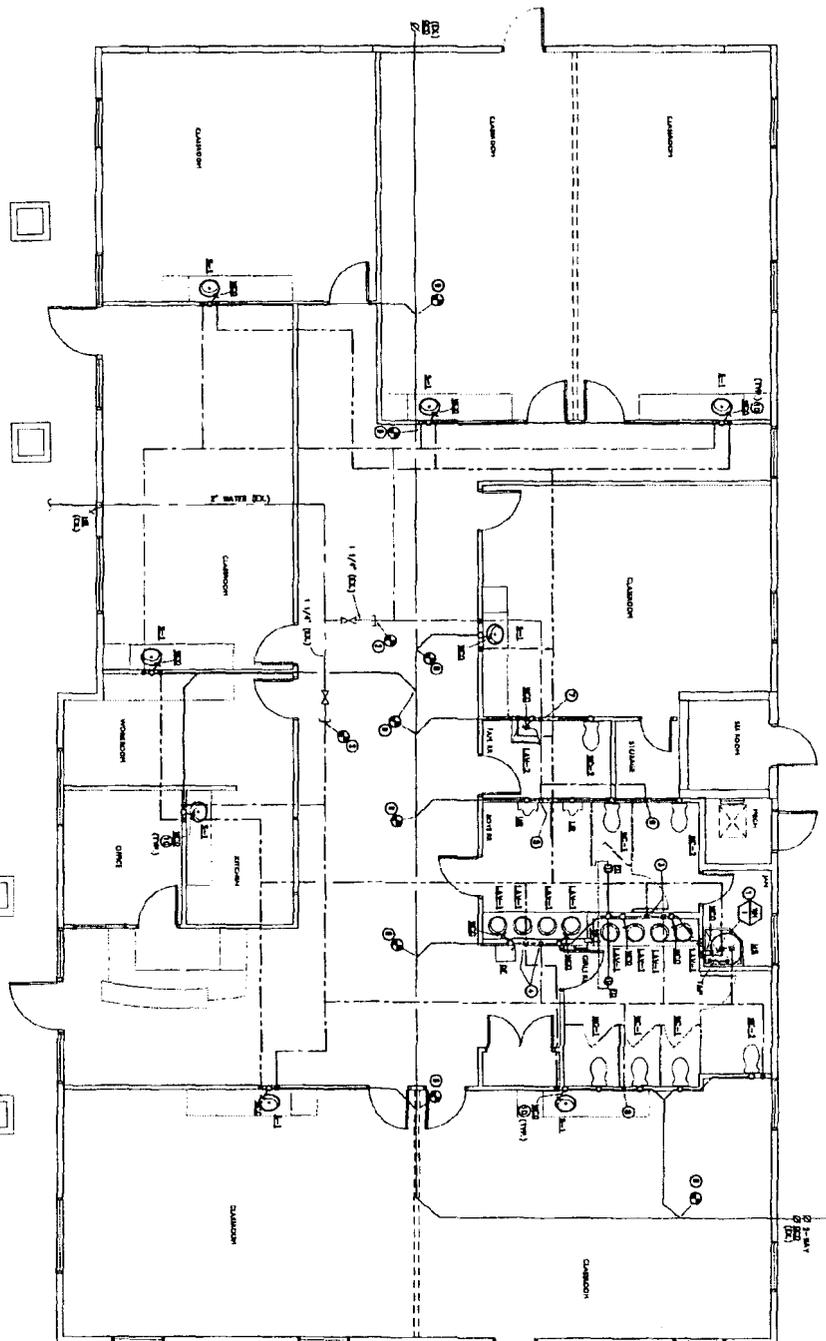
WEE BLESSINGS PRESCHOOL & ACADEMY
 CHANDLER, ARIZONA

GEORGE BAKER ARCHITECT
 GLENDALE, ARIZONA 85302
 802-679-1456

PROJECT NO.:
 0000
 DATE:
 07/26/11
 DESIGNED BY:
 CO
 DRAWN BY:
 CO

REV. # |
 SHEET MODIFIED
 X-X0.0
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 A2.1

PLUMBING FLOOR PLAN
SCALE: 1/8" = 1'-0"



KEYED NOTES:

1. PLUMBING WATER HEATING LOCATION FOR INSTALLATION REFER TO THE 2ND FLOOR PLAN TO SEE THE WATER HEATER LOCATION.
2. PROVIDE 1/2" DIA. WATER MAIN TO EACH WATER HEATER.
3. PROVIDE 1/2" DIA. WATER MAIN TO EACH WATER HEATER.
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10. PROVIDE 1/2" DIA. WATER MAIN TO EACH WATER HEATER.

GENERAL NOTES:

1. THE OWNER SHALL PROVIDE ALL WATER MAINS TO THE BUILDING FROM THE STREET. THE CONTRACTOR SHALL PROVIDE ALL WATER MAINS FROM THE STREET TO THE BUILDING.
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10. THE CONTRACTOR SHALL PROVIDE ALL WATER MAINS FROM THE STREET TO THE BUILDING.

REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT
2	ISSUED FOR PERMIT
3	ISSUED FOR PERMIT
4	ISSUED FOR PERMIT
5	ISSUED FOR PERMIT
6	ISSUED FOR PERMIT
7	ISSUED FOR PERMIT
8	ISSUED FOR PERMIT
9	ISSUED FOR PERMIT
10	ISSUED FOR PERMIT

DATE: 10/15/2010
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]
 SHEET NO.: [Number]



WEE BLESSINGS PRESCHOOL & ACADEMY
 TENANT IMPROVEMENT FOR BUILDING 3
 QUEEN CREEL AND COOPER RD.
 CHANDLER, ARIZONA 85286

CONTRACT NO. 1000000000
 SHEET NO. 1000000000
 DATE: 10/15/2010
 DRAWN BY: [Name]
 CHECKED BY: [Name]

Wee Blessings Preschool & Academy

Narrative

Airpark South Professional Village
1751 E. Queen Creek Road
Chandler, AZ 85286

Total Building Area: 5,300 +/- SF

Use: Academic & Christian-based pre-school program with after school activities such as (karate, Sportball, Spanish, dance, computers, tutoring, homework club and various other classes).

Hours of Operation: **M-F (8:00 - 6:00)** with some special event evening programming
Sat (8:00 - 6:00) optional birthday programs with some special event evening programming
Sun (8:00 - 6:00) optional birthday programs with some special event programming

Number of Employees: 12-15 at any given time

This school will greatly benefit the surrounding residential areas because of the need for high end preschools in that area. Because of the economic conditions more and more families are forced to have both parents work causing much stress and worry about how to best fulfill their children's needs. Wee Blessing Preschool and Academy has been a proven success in their current location and plan on bringing that success with them in this new location.

ORDINANCE NO. 3789

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) (DVR05-0037 AIRPARK SOUTH PROFESSIONAL VILLAGE) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Legal Description of Property:

SEE ATTACHMENT 'A'

Said parcel is hereby rezoned from AG-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Airpark South Professional Village", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0037 AIRPARK SOUTH PROFESSIONAL VILLAGE, except as modified by condition herein.
2. 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.
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.
4. Right-of-way dedications to achieve full half-widths for both Queen Creek Road and Cooper Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
 5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
 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 landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or an association.
 8. Approval by the Director of Planning 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.
 9. 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 for the full frontage of both Queen Creek Road and Cooper Road.
 10. 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.
 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 Airpark South Professional Village development shall use treated effluent to maintain open space, common areas, and landscape tracts.

12. Oleander trees and shrubs, Red Maple, Black Locust, Yew, St. John's Wort, White Oak (acorns), Cherry Trees, and Black Walnut plants are prohibited within the development.
13. All 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.
14. 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."
15. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
16. All lettering on the monument sign, including tenant panels, shall be halo illuminated individual letters.
17. Landscaping shall be in compliance with current Commercial Design Standards.
18. All raceway signage shall be prohibited within the development.
19. The retail/C-2 land use is conceptual only. A separate Preliminary Development Plan is required for this portion of development.
20. Berming along the street frontages must be a minimum of 24" measured from the top of curb elevation along at least 50% of the arterial streetscape frontages. Berms are to be located out of the right of way and shall maintain a 4:1 slope as per compliance with the Commercial Design Standards.
21. The trash enclosures shown on the south property line behind building 12 shall be relocated approximately 200' to the east, locating behind building 10.
22. The easternmost break in the Queen Creek Road median, proposed for the future retail use, shall be eliminated per the requirements of the Traffic Engineering Department.

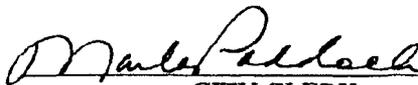
23. Prior to the time of making any office reservations or subsequent sales agreements, the builder/developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the office development is located adjacent to existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual 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 property owner. This disclosure shall appear on all property deeds and perpetually carry with the land.
24. Applicant to work with Staff to increase the amount of pedestrian features such including pedestrian oriented art and water features.
25. The applicant shall work with Staff on the covered parking canopies to introduce building forms, materials, and colors used on the office building.
26. Applicant to work with Staff to remove the stone material from the parking screen wall and develop a decorative wall that will compliment the building architecture.

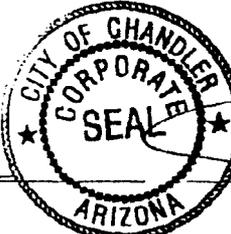
SECTION II. Except where provided, nothing contained herein shall be construed to be and abridgment of any other ordinance of the City of Chandler.

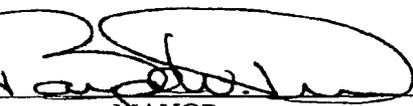
SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 27th day of April 2006.

ATTEST:


CITY CLERK


ARIZONA


MAYOR

PASSED AND ADOPTED by the City Council this 11th day of May 2006.

ATTEST:

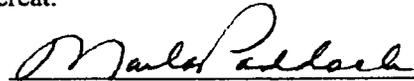

CITY CLERK


ARIZONA


MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3789 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 11th day of May 2006, and that a quorum was present thereat.



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

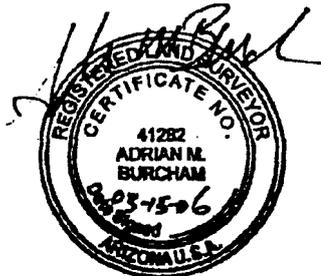
Published in the Arizona Republic on May 24 & 31, 2006.

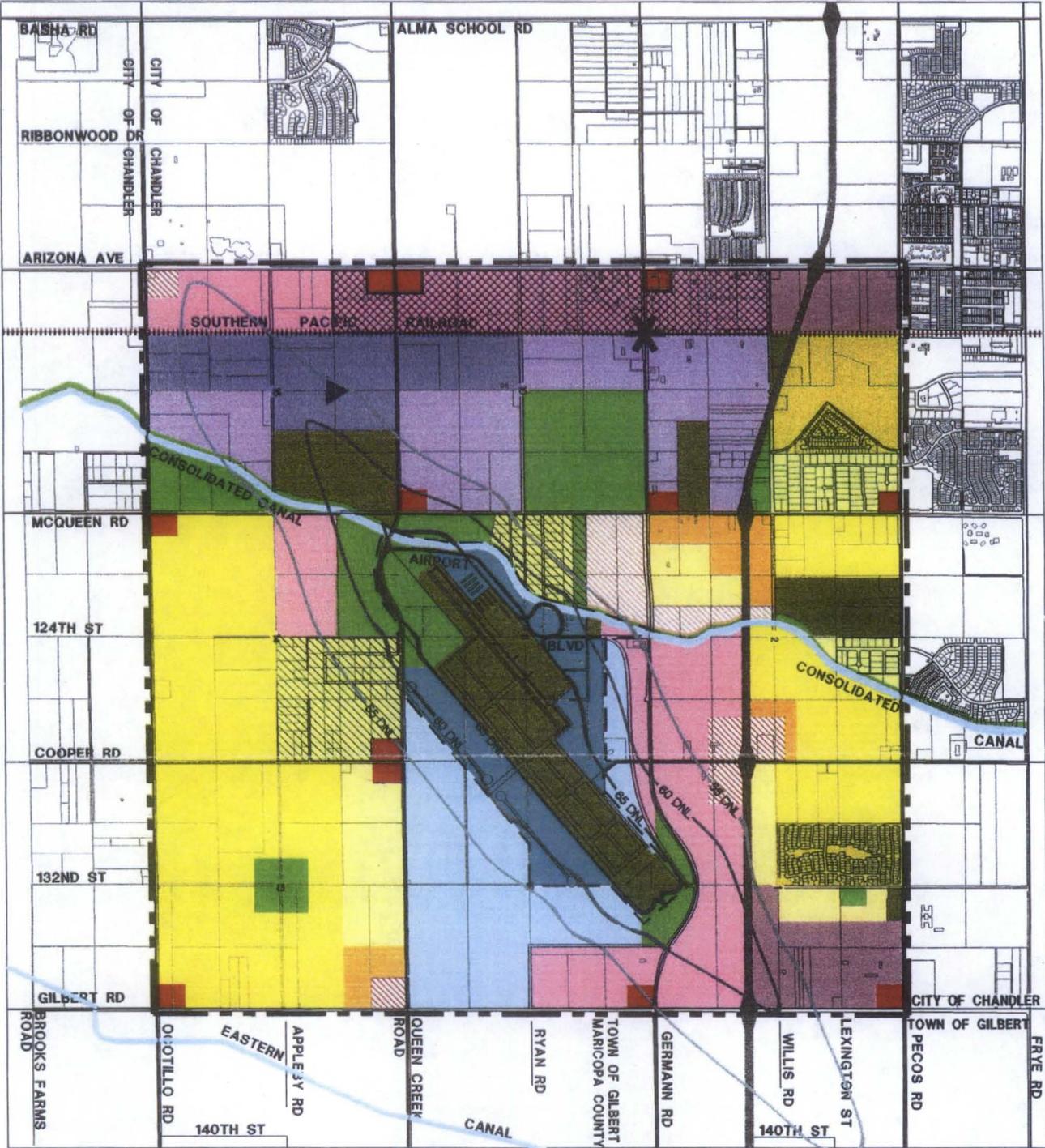
EXHIBIT A
LEGAL DESCRIPTION
PARCELS A & B
(APN #303-42-002)

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST
QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA
AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA,

EXCEPT THE NORTH AND EAST 33 FEET; THEREOF.

CONTAINING 18.6137 ACRES OR 810,815 SQUARE FEET, MORE OR LESS.





CHANDLER AIRPARK Area Plan

FINAL LAND USE PLAN

[Yellow Box]	RR (0-14 DU PER ACRE)
[Light Yellow Box]	LR (16-34 DU PER ACRE)
[Light Green Box]	LR (36-8 DU PER ACRE)
[Light Blue Box]	LR (81-2 DU PER ACRE)
[Light Purple Box]	HR (121-8 DU PER ACRE)
[Light Orange Box]	NEIGHBORHOOD COMMERCIAL
[Light Red Box]	COMMUNITY COMMERCIAL
[Light Brown Box]	REGIONAL COMMERCIAL
[Light Grey Box]	SPECIAL USE COMMERCIAL
[Light Blue Box]	COMMERCIAL OFFICE/BUSINESS PARK
[Light Purple Box]	INDUSTRIAL
[Light Green Box]	COMMERCIAL OFFICE/BUSINESS PARK (TYPICAL ACCESS)
[Light Blue Box]	AEROSPACE INDUSTRY (FBO)
[Light Purple Box]	PUBLIC / SEMI-PUBLIC FACILITIES
[Light Green Box]	PARKS AND OPEN SPACE
[Light Blue Box]	TRANSITIONAL OVERLAY ZONE (TO ANY COMMERCIAL USE)
[Light Green Box]	PARK AND OPEN SPACE (POTENTIAL)
[Light Blue Box]	FUTURE TRANSIT CENTER
[Light Green Box]	POTENTIAL FUTURE TRANSIT RAIL YARD
[Light Blue Box]	LOOP 202 SANTAN FREEMAY TENTATIVE ALIGNMENT
[Light Green Box]	NOISE CONTOUR 55
[Light Blue Box]	NOISE CONTOUR 60
[Light Green Box]	NOISE CONTOUR 65 OR GREATER
[Light Blue Box]	AIRPORT BOUNDARY
[Light Green Box]	STUDY AREA BOUNDARY AND AIRPORT OVERLAY DISTRICT

NOTES: DNL IS THE AVERAGE DAYTIME NOISE LEVEL. 2000 LEVELS. SOUNDING LEVEL 90dB

GRAPHIC SCALE
 0 500 1000 2000
 1 inch = 2000 ft.

This map is only one portion of the complete and final Chandler Airpark Area Plan produced by BRW and adopted by the Chandler City Council on November 5, 1998. This map is not exclusive information regarding Chandler's Airpark Area Plan and should not be viewed as such. The complete Chandler Airpark Area Plan document contains detailed information and descriptions of each land use category as well as more information about the land use, transportation, infrastructure and economic development elements planned for this area.



Pre-School Emails
Melanie Sala-Friedrichs to: CityClerkAgenda

11/14/2011 11:55 AM

From: John Leslie <azpromotions@gmail.com>
To: mayor&council@chandleraz.gov
Date: 11/12/2011 11:30 AM
Subject: day care

Just like the chandler airport trying to stop others - I do not think that airport in chandler needs jets - they are fighting this business only to fulfill this dream

--

IRS Circular 230 Disclosure. New IRS rules impose requirements concerning any written federal tax advice from attorneys, accountants, and consultants. To ensure compliance with those rules, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under federal tax laws, specifically including the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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Thank you.

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 11:50 AM -----

From: ljvertimeout@aol.com
To: mayor&council@chandleraz.gov
Date: 11/12/2011 11:38 AM
Subject: Preschool and the airport

Dear Sirs:

We should, and you should, remain firm about denying the permit to put the preschool so close to Chandler Airport. As pilots, we know the most dangerous part of flight is take-off when an engine could fail and the plane go down.

I work in PHX at Ann Ott School/Rio Salado College, and we are located on the

take-off end of Sky Harbor. When Phoenix Elementary School District built this school, they built it underground for safety and especially noise. It is quiet in the school, but a noise nightmare outside. Now there are no children at this school--only adult education programs.

Sooner or later, that preschool would regret building the school near the airport, and who knows what they would ask pilots to do for noise and safety? Just tell them NO, and they can go somewhere else.

Sincerely,

Linda J. Bird, pilot N3386T

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 11:50 AM -----

From: brian werle <n42082@yahoo.com>
To: "mayor&council@chandleraz.gov" <mayor&council@chandleraz.gov>
Date: 11/12/2011 12:54 PM
Subject: DONT PUT A PRESCHOOL NEAR AIRPORT

CONSIDERING ALL OF THE TAX BENEFITS OF HAVING A
PRESCHOOL
AS WELL AS A TOWN IMPROVEMENT
PLEASE
NEVER VOTE A FUTURE CONFLICT OF USE.
PLUS CONSIDER AN AIRPORT IS UNDENIABLY, ADHERENTLY A
DANGEROUS PLACE.
PLEASE JUST CONTINUE TO BUFFER AS REQD AND
APPROIATELY.
JUST DONT PUT OUR KIDS NEAR HARM ,CONCIEVED OR REAL.
AND VOTE TO STOP PRESCHOOL.
BUT SEE IF WE CAN HELP THE DEVELOPER,ETC AND PRESERVE
A GOOD BUISNESS FOR CHANDLER LIKE A MODERN PRESCHOOL
THXS
BRIAN
A NIEGHBOR TO THE AIRPORT
AND ALSO A RESIDENT OF THE AIRPORT
KEEP UP THE GOOD WORK

Brian Werle
Accu fab Inc

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 11:50 AM -----

From: LEE BOLSTER <leebolster@hotmail.com>
To: <mayor&council@chandleraz.gov>
Date: 11/12/2011 05:07 PM
Subject: Pre-School Revisited

Dear Jay and Council: I had e-mailed you prior to your consideration of the pre-schools application to locate in a dangerously close vicinity the KCHD's South Runway. I breathed a sigh of relief when the proposal was defeated 4-3. I am amazed to find that the proposal is once again before the council on the 11/14/2011 agenda for reconsideration. While I may not understand how a defeated application can appear on the very next agenda for reconsideration, I'd guess that the rules somehow allow it or it wouldn't be there. I would very much like for each of you to ask yourself, "what's changed?". Has the inherent danger disappeared? Could it be that the unspeakable accident will never happen, guaranteed? The talent and safety awareness of the pilot are not the issue. Airplanes can and do fail mechanically through no fault of the pilot or the maintenance folks. One thing is absolutely true: if it is a man-made machine, it can fail at some point. With all the available commercial space available, why in the world would anyone want to locate a pre-school so very close to a busy airport. Please, Ladies and Gentlemen of our Council, stand your ground. Do not give in to any sort of political pressure. I urge you all to dismiss this invitation to tragedy.

Lee Bolster
25 yr Chandler resident
Frequent user of the airport.

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 11:50 AM -----

From: "Kevin Sandler" <ksandler@exhibitone.com>
To: <Mayor&Council@chandleraz.gov>
Date: 11/13/2011 01:26 PM
Subject: Day School Near Chandler Airport

Dear Honorable Mayor and Council Members,

I am a 20 year airport tenant as well as a local business owner. A few weeks ago, I emailed a note of thanks for your support of the Planning and Zoning committee's denial of a variance for a proposed day school south of our airport. At that time, although a close vote, it seemed that logic and long-term thinking prevailed that day.

I now understand that the developers of the proposed day school are once again attempting to obtain permission to build on that same site.

I implore you to, once again, recognize the positive impact of our airport on the community and the potential long term threat that placing a school so close to this critical facility will create. Please do not allow short-term gain to override the greater long-term benefits of a thriving (and protected) transportation and commerce hub that Chandler Municipal Airport represents.

In addition, ignoring the results of the recent sound study only sets the stage for future unhappy neighbors and possible litigation. While the yet-to-be-accepted sound study places the school *inside* the 55db line, it is currently only 300-400 feet *outside* that line. It would be complete folly to follow the developer's reasoning that the *current* distance from this 55db boundary provides the Council logic and a "safety net" for overriding Planning and Zoning's initial decision. While

this line of thinking *might* be marginally acceptable if there was no new acoustic data, it is insane, knowing that the official sound study will place this school inside the boundary.

I strongly urge each of you to study this matter and stand by your initial decision to protect one of our community's biggest assets.

Thank you,

Kevin Sandler, CEO & President

ExhibitOne Corporation

480.763.1002 x111

Fax 480.763.1003

www.ExhibitOne.com

Designing, engineering and integrating commercial audio/visual systems since 1997.

One Vision. One Source. One Team

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 11:50 AM -----

From: hheint@earthlink.net
To: mayor&council@chandleraz.gov
Cc: chdairforce@chdairport.net
Date: 11/13/2011 01:49 PM
Subject: Pre School Use Permit - Chandler Municipal Airport

Mayor & City Council -

Please continue to deny the use permit for the proposed preschool and tutoring academy 1/4 mile south of the south runway at Chandler Municipal Airport.

There is no need to place such a facility in that proximity to the departing and arriving air traffic using the airport. If the academy is allowed to be located

that close to the South runway there will be no end to complaints from the academy of low flying aircraft, along with their associated unavoidable noise, and the ever present danger of

an unfortunate accident. No need to place children, the academy staff, and the City of Chandler at unnecessary risk.

There are plenty of vacant properties within the Chandler city limits that the academy could choose for its site.

Please consider the safety and well being of the students, staff, and the users of the Chandler Municipal Airport when making your decision regarding the use permit.

Harry Heintz

Chandler Airport Authority Board Member

480.215.1500

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 11:50 AM -----

From: Jim Ormsby <jormsby@qwest.net>
To: mayor&council@chandleraz.gov
Date: 11/13/2011 01:49 PM
Subject: RE: ZUP11-0021 WEE BLESSINGS PRESCHOOL & ACADEMY

RE: ZUP11-0021 WEE BLESSINGS PRESCHOOL & ACADEMY

Dear Mayor and Council

Imagine that today the Wee Belssings school already existed in the proposed location, and somebody came to you and said "We'd like to put in an airport across the street from the school."

Wouldn't you expect the school proponents to be in front of you, saying that the school was here first and the two establishments are not compatible, and that therefore the airport should not be built? They'd be correct. And I would likely agree.

The fact that they are likely incompatible doesn't change just because it's an *airport* that has been here for decades.

The school operators are good people, nice people, and I've heard only good things about their business.

But I think they are asking you to put two cats in one sack. I expect that at some time someone's going to kick the sack. There will be lots of screaming and scratching, and it will all have been avoidable.

I believe you should still disapprove the location of the Academy across the street from the airport.

Thank you,
Jim Ormsby
3131 East Horseshoe Drive
Chandler Az

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 11:50 AM -----

From: "Bill Trent" <bwtrrent@cox.net>
To: <Mayor&Council@chandleraz.gov>
Date: 11/13/2011 05:19 PM
Subject: Chandler Airport / Preschool

Dear Mayor Lewis,

I think there is has to be another place to locate the pre-school facility. Common sense would surely fall on the side of keeping our airport open and unrestricted to commerce. There is also an additional concern for the safety of our children... Looks to me like the best judgment call is to keep the school away from the noise and airport activity.

I am very interested in your position on this matter. Would you confirm your position to me regarding this matter?

Thank you so much for the invitation to ask questions.

Bill Trent

Bill Trent
54 E Mary Ln
Gilbert, AZ 85295
480-297-7129

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 11:50 AM -----

From: <wavery@ITWeeklyNewsletter.com>
To: <mayor&council@chandleraz.gov>
Date: 11/13/2011 06:42 PM
Subject: Day Care close to Airport

Approving a day care academy and tutor school next of the end of the Chandler Airport shows is not the right thing to do. People buy property next to the airport and immediately set out to change the zoning laws. The airport has been there for a long time and an integral part of the growth and economic health of the area.

Don't get sidetracked about what's right...deny the application.

Warren

Warren Avery
IT Weekly Newsletter
[P] 602-463-6558
[F] 480-219-6914
WAvery@ITWeeklyNewsletter.com
www.ITWeeklyNewsletter.com
<http://www.linkedin.com/in/wavery>



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image001.png

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 11:50 AM -----

From: William Miller <wmiller@millertown.com>
To: mayor&council@chandleraz.gov
Date: 11/13/2011 08:22 PM
Subject: Monday meeting and the pre-school

To Whom It May Concern:

I see the pre-school is back on the agenda for tomorrow night. I may not have the opportunity to get there to voice my objection to this again; however, I would like you all to know that it was not a good idea before, and it is not a good idea now. The airport will bring more and more economic opportunity to the area. People flying in to do business here and business locating there because of the airport. I noticed for the first time ever 4 jets parked in

transient parking on Friday. Our airport holds fantastic potential for our city. Let's not limit it by approving a pre-school to encroach on it.

Thanks
Bill Miller
2112 W Harrison St.
Chandler, AZ 85224

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 11:50 AM -----

From: "Neil Jones - Quantum Helicopters" <neiljones@quantumhelicopters.com>
To: <mayor&council@chandleraz.gov>
Date: 11/14/2011 08:10 AM
Subject: 11/14/2011 Action Item - Preschool Use Permit

Honorable Mayor and Council,

I am grateful and have been encouraged by the recent changes in administration at the Chandler Municipal Airport. I was further encouraged by the recent Council denial for a use permit for a preschool and tutoring academy that desires to locate across the street from, and in extreme close proximity to the south runway at the airport. My understanding is that this denial is up for reconsideration at the Council meeting tonight.

The Chandler Municipal Airport has been heavily encroached upon over the last decade by development that is in large part not compatible with an airport that serves a city like Chandler. Although I have nothing against this preschool and wish them nothing but success, their proposed location will almost certainly become problematic for the airport. My fear is that the preschool operators will do as we have seen others do in the past. They will acknowledge the airport and its activities, sign all the airport disclosures and avigational easements, and then upon occupying their property, begin to complain about the airport. Again, the proposed location this preschool wishes to occupy is literally across the street from the south runway, and inside the south traffic pattern for both airplanes and helicopters.

For these reasons I respectfully ask you to uphold the denial for this preschool use permit. I understand this is short notice, but if any of your schedules permit and you would be interested in seeing how airport operations would interact with this proposed preschool from the air, I would be happy to take you up today and demonstrate the south pattern and the south departure and arrival corridors for your airport and heliport. Please let me know.

Sincerely,

Neil Jones
Quantum Helicopters
2401 S. Heliport Way
Chandler, AZ 85286
(480) 814-8118

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 11:50 AM -----

From: Jordan Jacobs <jordanj@phoenixnap.com>
To: "mayor&council@chandleraz.gov" <mayor&council@chandleraz.gov>
Date: 11/14/2011 08:46 AM
Subject: 11/14/2011 Action Item - Preschool Use Permit

Honorable Mayor and Council,

My name is Jordan Jacobs, I am a resident of Maricopa County, but make the nearly 30 mile drive to Chandler Airport 4 days a week to train with Chandler Air Service in pursuance of my Pilots License. Pilots like myself not only spend our dollars at the Airport, but (like me), drop spouses off at the Mall on the way, and have dinner and see a movie afterwards. I can attest that without the airport in Chandler, there are other malls, other dining options, and other entertainment options significantly closer to home.

I was at the most recent Council meeting and was excited to see common sense prevailed over the emotional testimony from the preschool. While I sincerely hope that the preschool can find an adequate location, it was obvious that right next to the airport was not that location.

Between my girlfriend and myself, our direct family represents over 100 years of teachers, and we hold a special place in our heart for childcare and education. I would humbly request that your economic development office works with the daycare to find a fantastic location for their business to grow.

The proposed location simply has too many negatives to be overlooked:

- 1) Size – the enclosed area is around 5000 square feet for over 100 children.
- 2) Airport Noise restrictions – While permissible by today's standards, when the new noise study that the council has already voted on is accepted by the FAA, the use permit will be unable to be renewed causing the business to relocate in 3 years.
- 3) Pesticide usage – Not only does this propose a potential safety concern for the health of our children, it limits of the economic development of these properties.

Because of the above reasons, I humbly request that you uphold the recent vote as well as direct your economic development office to assist in finding a reasonable location so that their business can grow and prosper in a location parents will feel comfortable dropping their kids off – free of noise, and chemicals.

Thank you again for your time and attention.

Jordan Jacobs
Director of Corporate Strategy
PhoenixNAP
404-862-3300 | Cell
JordanJ@PhoenixNAP.com





Wee Blessings Preschool
Rick Heumann to: CityClerkDivision
Sent by: Melanie Sala-Friedrichs

11/07/2011 04:31 PM

From: Shannon Perovich <lionqueen18@hotmail.com>
To: "rick.heumann@chandleraz.gov" <rick.heumann@chandleraz.gov>
Date: 11/01/2011 08:15 PM
Subject: Wee Blessngs preschool.

Hi council member Heumann,

My name is Shannon Perovich, I live at 4437 E Melrose st, Gilbert, Az. My son is a preschooler at the Wee Blessngs preschool and Academy. I was in attendance as well at the council meeting last Thursday night.

I have heard the report from the state in regards to pesticides and am for one confident that this will not harm my child as he learns and grows. This school has given me and my family an ability we could not do on our own. We love the directors and am confident in there choices and am pleading with you to reconsidering your vote and re vote in your November meeting.

I appreciate your zealous concern for our (my) child and their safely but please find it that this school will greatly improve your city and the lives of the children and her families.

Shannon

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: Adrienne <adrienne_kunz@yahoo.com>
To: "rick.heumann@chandleraz.gov" <rick.heumann@chandleraz.gov>
Date: 11/01/2011 08:31 PM
Subject: Wee Blessings Preschool

Council Member Heumann,

I am writing to ask that you please reconsider your recent vote against Wee Blessings Preschool moving into the building on Queen Creek and Cooper Roads and set an appeal hearing for November. I live a block from this new location and never once have I felt concerned for my children's safety either from pesticide use or airport noise. This is an absolutely amazing preschool which deserves the chance to continue on it's path. We, the parents of Wee Blessings students, have been kept abreast of all issues surrounding this location and I am satisfied with the recent findings that the pesticides being used by a nearby horse owner are not harmful to my child. I understand and appreciate your concern for keeping our children safe. I hope once you see the states findings in the pesticide report that you will change your vote and allow our preschool to move into it's new home. Thank you for your time and consideration.

-Adrienne Kunz

Wee Blessings Parent

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: Michelle Brown <brownmmkb@gmail.com>
To: rick.heumann@chandleraz.gov
Date: 11/01/2011 08:57 PM
Subject: Wee Blessing Preschool location

Dear Council Member Huemann,

I am writing to request that you reconsider your vote regarding Wee Blessings Preschool moving to a new location at Cooper and Queen Creek. I am a current parent of a Wee Blessing student. My husband and I are very familiar with the proposed new location and we both feel very comfortable sending our child there with regards to both pesticides and airport noise. Our daughter has one more year of preschool and then we plan on sending our son to Wee Blessings for three years; all at the new location. We know that your hesitation is based solely upon concern for the children's well being and as parents, we appreciate that. However, we greatly respect the administration of Wee Blessings and know that they have done their research on the location. We feel 100% confident that they would not move forward on a location that posed any risk to our children. At Wee Blessings Preschool, the children come first and we know that Debi and Phil Chavez would rather lose the preschool than cause harm to a single child.

This is an amazing school, staffed by wonderful administration and teachers, and it truly is an asset to our community. The City of Chandler should feel lucky to have such a fantastic school within its city limits. Please reconsider you vote and request an appeal in November.

Thank you very much,

Michelle and Chris Brown
3090 E Lynx Pl
Chandler, AZ 85249

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: Melissa Kuproski <missycakeskuproski@gmail.com>
To: rick.heumann@chandleraz.gov
Date: 11/01/2011 09:37 PM
Subject: Wee Blessings

Mr. Heumann,

I am writing to express my support of Wee Blessings preschool. It is my understanding that a special use permit for their new facility was voted down 4 to 3. I am hoping that this will be reconsidered as I know that Phil and Debi have the children's best interest at heart and would never put them in harm's way. I have only had positive experiences with Phil and Debi Chavez and want to see Chandler experience the benefits of this new preschool facility.

Thank you for your time!

Sincerely,

Melissa Kuproski

Music Teacher

Chandler Unified School District

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: d.mori1011@gmail.com
To: rick.heumann@chandleraz.gov
Date: 11/01/2011 10:45 PM
Subject: vote

To Council member Heumann,

I would politely like to ask you to rethink your decision on the Wee Blessings application for their new site. It would be so kind of you to reconsider your vote and request an appeal hearing for November. I understand and appreciate the concern you have for the safety of the children.

Thank you for all your hard work and dedication you've put forth towards our city.

Best regards,

Diane Mori.
1432 W. Morelos St.
Chandler 85224
City resident for over 13 years.

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: "Kim Davila" <kimdavila@cox.net>
To: <rick.heumann@chandleraz.gov>
Date: 11/02/2011 06:45 AM
Subject: Wee Blessings Preschool

Dear Council Member Rick Heumann,

I am writing you in regards to Wee Blessing Preschool and asking you kindly to reconsider your vote and set an appeal hearing. All of us parents and our children have been waiting excitingly and patiently to move over to the new location. The state did indeed research, inspect and clear the property from being harmful to our children. Unfortunately however did not provide the proper information to you. Please look into this issue on behalf of all the anxious children and families who truly believe our new location is best for everyone. Thank you!

Sincerely,

Kim Davila, Wee Blessings parent

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: "Chris Griffin" <unique-landscapes@cox.net>
To: <rick.heumann@chandleraz.gov>
Date: 11/02/2011 07:33 AM
Subject: Wee Blessings Preschool - Appeal

Council Member Heumann,

I wanted to take a brief moment to express my opinion in the Wee Blessings Preschool Zoning & approval matter. Let me start by saying that I have decent overall knowledge of the issues, but likely not in depth knowledge when it comes to some of the fine print that the City deals with on matters such as these. I am a Chandler resident, homeowner, and business owner – and my company works with city officials (building permits, zoning, etc...) on a weekly basis. I realize some of the red tape that will sometimes hinder some of the projects that we build, but the City of Chandler (unlike other cities)

still has the ability to use good old common sense when making adjustments.

I was completely puzzled when I was informed that Wee Blessings request & hearing was denied, because all of the items at hand just didn't make sense. Pesticides, in neighboring properties (over 50 yards away?) I realize the importance of making sure pesticides and chemicals are controlled (as my daughter has attended Wee Blessings for over a year, and will continue to go there for another year), but – my family lives very near this property as well. It doesn't make sense if people can use these pesticides near other families (that LIVE next door), and medical offices (for which it is currently zoned), but when it comes to having a business that involves the same kids that would be living & attending these medical offices, it is not approved? On top of that, I've heard the location in question has been cleared by the State anyways.... I have also heard arguments that it is too close to the airport, but the runway is likely a ½ mile away (I'm hoping that issue is now close, but not sure...) My thoughts on that... well, a plan flew OVER my house last week, and we didn't hunker down in fear. If any council member is using the airport as an excuse, then they are not using my original comments on "common sense" very well...

I realize that the main issue at hand is likely safety for our children, and for that we are grateful. I am merely asking you to reconsider, hoping you have the proper information on the experts opinion on exposure to chemicals/pesticides (that is what I have to rely on as a neighbor, father, and citizen). If the experts say it's safe, then please use this information and allow this INCREDIBLE preschool to develop, grow, and teach our kids.

Thank you for listening, and I'm available should you need any other info on my thoughts. I would love to have this reheard at the next meeting in November, and your reconsideration.

Finally, I should take this opportunity to express my initiative on the Cooper Road improvements (between Ocotillo & Chandler Heights) . There are VERY unsafe conditions that require residents to do U-turns, block traffic to turn into residential neighborhoods, etc.. I know this is another matter, but I'm sure you must be aware of this road, and it's potential for serious accidents. I live off this road, and drive this road, and it's only a matter of time before a tragedy...

Regards,

Chris Griffin

Unique Landscapes / Unique Custom Pools, LLC.
903 W. 1st Ave. Mesa, AZ 85210
480.720.2086 Cell
480.969.1911 Office
480.733.7912 Fax
www.unique-landscapes.com

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: "R&BELLIS" <sunbird8342@cox.net>
To: <rick.heumann@chandleraz.gov>
Date: 11/02/2011 01:57 PM
Subject: Wee Blessings preschool

Sir,

We ask that you support the Wee Blessings Preschool in their attempt to move to a new location. This school has provided an excellent pre-school education to two of our grandchildren. There are many children in the Chandler area who will benefit from the wonderful teaching and care that the pre-school provides. Trying to find a good location within Chandler has been a struggle for the school and it would be a shame for them to move out of the area. Such a business deserves support. We know that the staff has always been adamant in providing health and safety precautions for the children and will continue to do so. Thank you for your concern and we hope you will allow the pre-school to make the move.

Barbara and Roger Ellis

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: "Laurie Burke" <lbbphoto@yahoo.com>
To: <rick.heumann@chandleraz.gov>
Cc: "Josh Burke" <joshua.burke@honeywell.com>
Date: 11/02/2011 04:56 PM
Subject: Wee Blessings Preschool

Councilman Heumann,

We are writing to request that you reconsider your position on Wee Blessings Preschool's special use permit. Our oldest child was one of the original 14 students of the school 4 years ago and received such a wonderful preparation for kindergarten as well as a true love for school. Our youngest son is now enjoying his first year of preschool there and we are looking forward to him receiving the same benefits. We believe Wee Blessings is an asset to Chandler and it would be a shame to see it close its doors or move elsewhere.

We appreciate your concern for the safety of our children regarding the potential pesticides being used in the vicinity of this building. However, we do not believe it is a significant concern and it is our understanding that the state does not consider this a problem for the school or our children. Once again, we kindly request that you reconsider your position and set an appeal hearing this month.

Thank you for your time and consideration.

Joshua and Laurie Burke
1356 E. Carob Pl., Chandler 85286

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: KAREN JANSKY <kjansky8@msn.com>
To: <rick.heumann@chandleraz.gov>
Date: 11/02/2011 08:13 PM
Subject: Wee Blessing zoning

Dear Mr. Heumann

I understand you have an important job as a city council member to vote in the best interest of the people you are representing.

I have two children currently enrolled at Wee Blessings Preschool. I trust Ms. Debi and would like to see her vision for the future of her school "take flight". My husband is a commercial airline pilot and we have no reservations about sending our children to the new location.

We hope you will consider to vote in favor of Wee Blessings Preschool so they can continue their good work.

Thank you for your time and consideration.

Sincerely,

Doug and Karen Neer

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: Yuri & Lisa Hoverson <lyhoverson@cox.net>
To: rick.heumann@chandleraz.gov
Date: 11/02/2011 08:44 PM
Subject: Wee Blessings Preschool

Dear Council Member Heumann,

I am writing to you in regards to Wee Blessings Preschool & Academy. I am a teacher at the school, and I previously taught first grade for 10 years in a West Valley School District. Since beginning teaching for Debi Chavez just this past August, I have only ever seen both Debi and Phil Chavez do what is best for children. Wee Blessings is a wonderful school, always putting children in the forefront of their decisions. In just a short time I have learned that the Chavez's will always strive to meet, if not exceed, the requirements and expectations of the state licensing of preschools, and would never do anything or consider anything that would harm children.

I respectfully ask you to reconsider your vote and set an appeal hearing for this month. Wee Blessings is a wonderful preschool, striving to teach and enrich young children; helping to prepare them for their educational careers.

Thank you for your time in this matter,
Lisa Hoverson
Wee Blessings Teacher

602-790-1833

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: <mariesmith23@cox.net>
To: Rick Heumann <rick.heumann@chandleraz.gov>
Date: 11/03/2011 10:32 AM
Subject: Wee Blessings Preschool

Dear Councilman Heumann,

I am writing on behalf of Wee Blessings Preschool and Academy and the recent decision to deny their zoning application for 1751 E. Queen Creek Rd. My name is Marie Smith and I have known Debi Larkin-Chavez for over 5 years. We taught together at Ryan Elementary School and currently own a private tutoring company together. That being said, I am aware of the pesticide issue, and while I understand the reasoning behind your concerns, the area in question has been surveyed and found to be compliant.

I also believe there was a question as to the potential harm of the noise level in that area. Being that the building is near an airport, I can understand your concern. However, upon visiting the site several times, I found the noise to be no louder than a normal parking lot with drive by traffic. I do not believe you could even really hear the sound of airplanes once inside the building.

Debi is a kind and considerate person who's immediate concern is the health and well-being of her students. I know that the community would be at a great loss if her school were to close. It is my hope that you reconsider your decision and vote to appeal. Thank you for your time.

--

Best regards,

Marie Smith
Co-owner of Smart Move Tutoring
Phone: 480-215-2132
Email: mariesmith23@cox.net
Fax: 1.928-395-8892

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: "Jon Willis" <jonw@willisproperty.com>
To: <Rick.Heumann@chandleraz.gov>
Date: 11/03/2011 05:27 PM
Subject: Re: Wee Blessing Preschool

Thank you. Sorry for being so blunt in my email. I'm actually a really nice guy, haha.

Jon D. Willis
Willis Property Company, LC
3850 E. Baseline Road, Suite 118
Mesa, AZ 85206
(480) 507-6200 Office
(480) 262-6447 Cell
Sent from my iPhone

On Nov 3, 2011, at 3:47 PM, "Rick.Heumann@chandleraz.gov" <Rick.Heumann@chandleraz.gov> wrote:

Dear Jon,

Thanks for the note regarding the Wee Blessings Preschool Use Permit application.

During the hearing last Thursday evening I felt that there wasn't sufficient information to move forward and voted against the project. However, since that time, I have met with our City Attorney and other staff members to get the facts that I needed to make an informed decision.

Based on this information I am placing on the November 14 Council agenda a motion to reconsider the application. The vote that evening will be to place it back on our December 15 Council agenda.

At that time I will be supporting the application for the use permit from the City. My understanding from our legal team is that then the pre school will be responsible to gather any additional waivers regarding the pesticide issue based on state requirements.

Please feel free to contact me further on this item at the phone number below.

Rick Heumann
Chandler City Councilmember
480-961-5455

<graycol.gif>"Jon Willis" ---10/28/2011 03:22:33 PM---Mayor and Council Members,

<ecblank. <ecblank.gif>

gif> "Jon Willis" <jonw@willisproperty.com>

From:

<ecblank. <ecblank.gif>

gif> <rick.heumann@chandleraz.gov>, <kevin.hartke@chandleraz.gov>, <trinity.donovan@chandleraz.gov>, <

To: matt.orlando@chandleraz.gov>

<ecblank.

<ecblank.gif>

gif> <jay.tibshraeny@chandleraz.gov>, <jack.sellers@chandleraz.gov>, <jeff.weninger@chandleraz.gov>

Cc:

<ecblank. <ecblank.gif>

gif> 10/28/2011 03:22 PM

Date:

<ecblank. <ecblank.gif>

gif> Wee Blessing Preschool

Subject:

Mayor and Council Members,

I wanted to thank you for allowing us to present last evening, even though the vote did not go in our favor. We are appealing your decision in the hopes that one of you will change your mind and support the school in granting the use permit. We all know that this preschool will have absolutely no effect on the airport whatsoever, just like all of the other preschools, shopping centers and residences that are currently within ½ -1 mile from the airport. I think the reasoning for you decision to vote against the school

lacked common sense but was full of political protection, something that is plaguing our state. It has been well known in the commercial real estate world that the City of Chandler is one of the most difficult cities to work with on a development and zoning level, a reputation that you should consider changing. We have developed many master planned communities in Chandler over the years, our experience has been sometimes good but we've also had many nightmares, which never should occur. Our experience working with the city over the past 3 months on Wee Blessings has been nothing less than frustrating and downright ridiculous. The staff has been great, Kevin Mayo and Bill Dermody are good men who deserve whatever raise you can give them. The frustration lies with the Planning commission and last night's decision.

Wee Blessings is a great school and has done a lot for the citizens of Chandler, and last night we may have seen the end of that school. If they do not find a new location by January 1st, their license is terminated and the school is shut down completely. It was recommended that Wee Blessing work with economic development. If your economic advisor knows of any location south of the 202 that can be used as a preschool then she should quit working for the city and work in commercial real estate because I nor any other broker here in valley can find any suitable locations. I do this for a living and I'm pretty dang good at my job, if I can't find it, it doesn't exist. I think it was a slap in the face to me and to the other broker, Chuck DiRuzza, when you told Debi and Phil Chavez to work with Economic Development to find a new location. It was interpreted as saying, "your broker has no clue what he's doing, let the government help you." I think it's a joke that there is a pre-school currently in my project (Listening Ears) and since it caters to autistic kids it's 100% okay with the city to be located there even with the 55 DNL, and yet when a regular pre-school tries to locate in the same project and the city pulls out all of its arsenal to prevent it from opening, politics at its finest. Hypocrisy.

The 55 DNL is just a number on a piece of paper, realistically the airport noise will have zero effect on the pre-school because of insulation inside the building. Also, your ANO-2 is **not** approved by the FAA, it was rejected by the FAA because they felt the contour lines were too aggressive and needed to be redrawn. This airport is not large enough for gulfstream jets, nor does it have the capability to be lengthened, so I have no clue why you would increase the decibel level in the first place. You cannot vote against something based on an intention and that's exactly what you did last night. ANO-2 is not approved, it's not active and thus can't be used against us. Vice Mayor, you voted against us because of your previous vote on approving ANO-2, your previous vote doesn't matter now since the FAA rejected it and you'll have to re-vote on it again at a future date once the contour lines are redrawn. This should have been treated as if ANO-2 doesn't even exist because it doesn't.

I felt the council was beating a dead horse last night with the pesticide issue. The State regulates it, the state approved the site and the state is one who is liable, not the City of Chandler. Your attorney even told you that. The toxicity is the same level of scented hairspray, non-toxic to humans. And yet, the city treated it as if it was their

responsibility and their moral obligation to prevent the school from exposing children to a toxin and toxin strong enough to kill a fly. We were very disappointed with the Planning Commission because two of the commissioners voted against it solely on the pesticide issue, which could open the city up to a lawsuit because the planning commission has no authority in the matter (not saying that's going to happen). They were very condescending to us and their vote was based on moral opposition rather than on any legal foundation.

I felt that the council went against the will of the people with this vote. We had a petition of over 100 names of people that signed in 24 hours supporting the school and this location. And yet those people were ignored by the city council. You had 2 people who spoke in opposition, one didn't make any sense and other had a valid concern but in reality the school would not affect his business one bit.

I urge you to reconsider your vote. Unfortunately, you lost many re-election votes last night and many more with the families associated with the school, whether you care about that or not. The school staff was very frustrated and even stated last night that they should move the school to Gilbert because Gilbert was more welcoming to businesses than Chandler, don't you see how bad that is for your city? You may think that this is just some lowly little school, but this school is everything to a lot of people. They can't move their school north of the 202 because that part of Chandler is a dump, we all know it. The crime is bad and the area is poor, it will hurt their business more than help.

I love Chandler, the Willis Family has lived in Chandler since the late 1800's and last night I was very disappointed to associated with the city. Please consider our appeal and change your vote at the next council meeting, Wee Blessings doesn't deserve this and neither do the citizens of Chandler. Phil and Debi are great people, they were heartbroken last night.

Thanks for your time and sorry about the long novel email.

Jon D. Willis

Willis Property Company, LC
3850 E. Baseline Road, Suite 118
Mesa, AZ 85206
480.507.6200 (Office)
480.507.6333 (Fax)
480.262.6447 (Cell)
jonw@willisproperty.com
[Costar Listings - Loopnet Listings](#)
<http://www.willisproperty.com>

<19072896.jpg>

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----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: Kristin Taylor <rtaylor37@cox.net>
To: rick.heumann@chandleraz.gov
Date: 11/03/2011 07:40 PM
Subject: Wee Blessing Preschool

Dear Council Member Heumann,

I would like to urge you to re-consider your vote against the re-zoning issue for Wee Blessings Preschool. Although your intent was to protect children from pesticides, that threat is not credible in this case as the evidence shows. In actuality, the only harm to children in this case would be the harm in not allowing Wee Blessings to move and expand at this new site. Wee Blessings nurtures children and supports families in starting their kids off on the right track, both educationally and spiritually. Wee Blessings supports other local small businesses, participates in charitable work in the community, and promotes the City of Chandler. It takes a whole community to raise a child and Wee Blessings is an integral part of supporting Chandler families.

Please overturn your decision and vote "yes" for Wee Blessings Preschool.

Thank you,

Kris & Richard Taylor

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: "Tracie Williams" <twilliams183@cox.net>
To: <rick.heumann@chandleraz.gov>
Date: 11/03/2011 08:54 PM
Subject: Wee Blessings

Dear Councilman Heumann,

Please reconsider your vote with regards to the opening of the Wee Blessings Center. We are really hoping and praying for an appeal, and believe that it can be confirmed that the site is safe for the center.

Thank you for your consideration,

Tracie Williams



Tracie Ditmanson-Williams.vcf

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: Ray Wicoff <rwicoff@me.com>
To: "rick.heumann@chandleraz.gov" <rick.heumann@chandleraz.gov>
Date: 11/03/2011 09:13 PM
Subject: Wee blessings

Mr Heumann,

Please vote in favor of Wee Blessings proposed location.
We have grandkids who go there
and are very find of their school.
We think the pesticides are not
an issue in this case.

Thanks for your consideration

Ray and Linda Wicoff
Chandler, AZ

Sent from my iPhone

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: Michelle Brown <brownmmkb@gmail.com>
To: Rick.Heumann@chandleraz.gov
Date: 11/03/2011 09:20 PM
Subject: Re: Wee Blessing Preschool location

Thank you very, very much.

Michelle Brown

On Nov 3, 2011, at 3:50 PM, Rick.Heumann@chandleraz.gov wrote:

Dear Michelle and Chris,

Thanks for the note regarding the Wee Blessings Preschool Use Permit application.

During the hearing last Thursday evening I felt that there wasn't sufficient information to move forward and voted against the project. However, since that time, I have met with our City Attorney and other staff members to get the facts that I needed to make an informed decision.

Based on this information I am placing on the November 14 Council agenda a motion to reconsider the application. The vote that evening will be to place it back on our December 15 Council agenda.

At that time I will be supporting the application for the use permit from the City. My understanding from

our legal team is that then the pre school will be responsible to gather any additional waivers regarding the pesticide issue based on state requirements.

Please feel free to contact me further on this item at the phone number below.

Rick Heumann
Chandler City Councilmember
480-961-5455

<graycol.gif>Michelle Brown ---11/01/2011 08:57:09 PM---Dear Council Member Huemann, I am writing to request that you reconsider your vote regarding Wee Ble

<ecblank.gif> <ecblank.gif>
From: Michelle Brown <brownmmkb@gmail.com>
<ecblank.gif> <ecblank.gif>
To: rick.heumann@chandleraz.gov
<ecblank.gif> <ecblank.gif>
Date: 11/01/2011 08:57 PM
<ecblank.gif> <ecblank.gif>
Subject: Wee Blessing Preschool location

Dear Council Member Huemann,

I am writing to request that you reconsider your vote regarding Wee Blessings Preschool moving to a new location at Cooper and Queen Creek. I am a current parent of a Wee Blessing student. My husband and I are very familiar with the proposed new location and we both feel very comfortable sending our child there with regards to both pesticides and airport noise. Our daughter has one more year of preschool and then we plan on sending our son to Wee Blessings for three years; all at the new location. We know that your hesitation is based solely upon concern for the children's well being and as parents, we appreciate that. However, we greatly respect the administration of Wee Blessings and know that they have done their research on the location. We feel 100% confident that they would not move forward on a location that posed any risk to our children. At Wee Blessings Preschool, the children come first and we know that Debi and Phil Chavez would rather lose the preschool than cause harm to a single child.

This is an amazing school, staffed by wonderful administration and teachers, and it truly is an asset to our community. The City of Chandler should feel lucky to have such a fantastic school within its city limits. Please reconsider you vote and request an appeal in November.

Thank you very much,

Michelle and Chris Brown
3090 E Lynx Pl
Chandler, AZ 85249

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: Amy <awicoff@cox.net>
To: rick.heumann@chandleraz.gov
Date: 11/03/2011 09:24 PM
Subject: Wee Blessings Preschool

To Whom It May Concern:

My name is Amy Wicoff and I am writing in response to the recent vote regarding the Wee Blessings Preschool. I am a teacher at the school....but more importantly I am first a parent. My oldest daughter went to Wee Blessings for two years. It was the best experience we have ever had. She had a wonderful two years, and I believe it was the best start to her academic career. She left with such knowledge which gave her a great start for kindergarten. My husband and I were so pleased. We also felt that she was very safe there. Both in the school, and with the staff. Everyone was so loving and caring and we felt that the school was soon a part of our own family. Therefore we right away signed my youngest daughter up for the school as well, knowing that the location could change. This is her first school year. We signed her up before I was hired to work there. Even if I were not a teacher at this school, I would have my daughter there in a heart beat. I truly believe it is the best place for her to be. To us, it did not matter where the new location would be - just as long as it was Wee Blessings. We feel that this new location needs to be it's home.

Therefore I ask that you reconsider your vote for having Wee Blessings at this location. I would never work in a place that I did not feel was safe to myself or to children. More importantly, I would NEVER put my own child in a place that I felt was dangerous. I feel that the new location will be a huge asset to the Chandler community. I am not concerned about the noise of the airport or the location to it. I have been to that area many times, and regularly frequent the shopping areas around it. Never once has the noise been an issue with me or been a distraction. I believe the same will be true in the new building. I am also not worried about the pesticides. Debi and Phil Chavez care so much about their business, and more importantly about the children who come through Wee Blessings' doors. They would never consider a location that was harmful. People CHOOSE to bring their children here. I am one of them. If I in ANY way felt that this location was a danger to myself, other children, or ESPECIALLY my own daughter, I would not have her there. I am a teacher, but I am a parent first. I do not believe that this location is harmful to, or is too loud.

I ask that you reconsider your vote. This preschool is too important to the community.

Sincerely,
Amy Wicoff

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: Melissa Branting <melissa.branting@gmail.com>
To: <rick.heumann@chandleraz.gov>
Cc: <melissa.branting@gmail.com>

Date: 11/03/2011 09:31 PM
Subject: Wee Blessings Preschool

Dear Mr. Heumann,

Thank you for taking the time to read this letter. My name is Melissa Branting, I live in Gilbert but my Children go to Chandler Schools and I work in Chandler. I am currently a Preschool Teacher working at Wee Blessings. I have known Debi Chavez for the last 10 years and began working for her about 2 years ago. At the time, I thought most preschools were the same, but I soon found out I was wrong.

Debi has always had strong work ethics and is an amazing leader for this Preschool. She puts the welfare of the children first and it is truly amazing to watch and to be a part of this school. I trust her completely to find the best location for this preschool as she would never chose something that would be harmful to the children or her employees.

Living next to horses and a field that backs our home as we live on an acre property, we feel completely safe with the pesticides used on our neighbor's property as well as our own. We spray monthly for bugs and scorpions and I have 2 children. I would never, as a mother, subject my children to something that would be harmful. We are outside much more than the children will be outside at our preschool as it is only for 15 minutes a day at recess. Honesty, Debi would make sure that everything is in the best interest of the children and her employees before approaching the city for this request. She ALWAYS has her ducks in order so to speak. That is what makes her so amazing to work for.

Please reconsider your vote to allow the preschool to exist in the location that has been requested. You will not be sorry you did. Thank you for your consideration and time.

Regards,

Melissa Branting
2577 E Arrowhead trail
Gilbert, AZ 85297

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: "Kim Peters" <Kim.Peters@cox.net>
To: <rick.heumann@chandleraz.gov>
Date: 11/03/2011 09:51 PM
Subject: Vote YES for Wee Blessings Preschool

Dear Council Member Rick Heumann,

On behalf of Wee Blessings Preschool and Phil and Debi Chavez, I am requesting your support. Wee Blessings Preschool is an amazing academic preschool that allows children to begin their journey to greatness. Both of my children have attended Wee Blessings and I have found that the education and instruction have been far superior to other preschools. The site in which Phil and Debi would like to call home is a perfect fit for this journey. The location is convenient for parents who live in South Chandler. As a mother, educator, and member of the community I am asking you to please reconsider your vote and say yes on behalf of our wee blessings. Our kids

are counting on you.

Thank you,

Kim Peters
480-883-7912

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: MICHAEL S WICOFF <michaelwicoff@mac.com>
To: "rick.heumann@chandleraz.gov" <rick.heumann@chandleraz.gov>
Date: 11/04/2011 09:41 AM
Subject: Wee Blessings

Council Member Heumann,

I first off want to thank you for your concern for our daughter Madison's and all the children who would attend preschool at the proposed new location. As a parent and member of the community, we are grateful to have your level of leadership with the communities best interest in mind.

We would appreciate an appeal of the councils decision to not allow the occupancy of Wee Blessings Preschool at the proposed sight. My brother and I both attended the hearing and were appreciative of your thorough concern and requests for more information to help make the best decision for all involved. We feel that an appeal will allow us to provide you with pertinent information that will be less ambiguous regarding the states decision about the pesticides.

Thank you for your consideration of this appeal.

Michael & Kimberley Wicoff
Parents of Madison Wicoff

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: james courteau <jamescourteau@gmail.com>
To: rick.heumann@chandleraz.gov
Date: 11/04/2011 11:21 AM
Subject: Wee Blessings Pre School

Dear Council Member Rick Heumann,

My years of experience as a General Contractor, I have dealt with numerous sound issues. I was always able to comply with sound control issues. During the Tenant improvements of the proposed facility can be dealt with at the time of construction. All issues will be Code Compliant and above if required.

In regards to the pesticides, the requirement from the State was pre-approved in accordance to the EPA Environmental Protection Agency.

This existing Wee Blessings business has met all State Licensing requirements in the past and are assuring it will be continued.

Thank you for your consideration and we hope this will help to advance the Wee Blessings new location.

James Courteau

Please call with any questions.
480-570-5441
2075 East Grand Canyon Drive
Chandler, AZ 85249

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: Eric Wicoff <wicoff@mac.com>
To: "rick.heumann@chandleraz.gov" <rick.heumann@chandleraz.gov>
Date: 11/04/2011 11:26 AM
Subject: Wee Blessings Vote

Council Member Heumann,

Regarding the vote for a Use Permit for Wee Blessings on October 27th, I am writing to please ask you to reconsider your vote and to set an appeal hearing for November of this year.

As a father of a current student at Wee Blessings, I have no qualms with this new location and implore you to vote for approval with the other members of the council who did so including Mayor Tibshraeny.

Feel free to reach me with any questions and thank you for your service to Chandler.

Eric Wicoff
4872 E. Cherry Hills Dr.
Chandler AZ 85249

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: "Tracie Williams" <twilliams183@cox.net>
To: <Rick.Heumann@chandleraz.gov>
Date: 11/04/2011 06:19 PM
Subject: Re: Wee Blessings

Dear Rick,

Thank you for your consideration and timely feedback!

Best regards,
Tracie Williams

----- Original Message -----

From: Rick.Heumann@chandleraz.gov

To: [Tracie Williams](#)

Sent: Friday, November 04, 2011 1:53 PM

Subject: Re: Wee Blessings

Dear Tracie,

Thanks for the note regarding the Wee Blessings Preschool Use Permit application.

During the hearing last Thursday evening I felt that there wasn't sufficient information to move forward and voted against the project. However, since that time, I have met with our City Attorney and other staff members to get the facts that I needed to make an informed decision.

Based on this information I am placing on the November 14 Council agenda a motion to reconsider the application. The vote that evening will be to place it back on our December 15 Council agenda.

At that time I will be supporting the application for the use permit from the City. My understanding from our legal team is that then the pre school will be responsible to gather any additional waivers regarding the pesticide issue based on state requirements.

Please feel free to contact me further on this item at the phone number below.

Rick Heumann
Chandler City Councilmember
480-961-5455

☞ "Tracie Williams" ---11/03/2011 08:54:09 PM---Dear Councilman Heumann, Please reconsider your vote with regards to the opening of the Wee Blessing

From: "Tracie Williams" <twilliams183@cox.net>
To: <rick.heumann@chandleraz.gov>
Date: 11/03/2011 08:54 PM
Subject: Wee Blessings

Dear Councilman Heumann,

Please reconsider your vote with regards to the opening of the Wee Blessings Center. We are really hoping and praying for an appeal, and believe that it can be confirmed that the site is safe for the center.

Thank you for your consideration,
Tracie Williams

[attachment "Tracie Ditmanson-Williams.vcf" deleted by Melanie Sala-Friedrichs/COC]
---- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM ----

From: Erik & Amy Clinite <ecbox22@cox.net>
To: "rick.heumann@chandleraz.gov" <rick.heumann@chandleraz.gov>
Date: 11/06/2011 05:14 PM
Subject: Wee Blessings Preschool

Councilman Heumann,

Last week while taking our son to speech therapy at Foundations Developmental House at the corner of Queen Creek and Cooper I noticed the sign for the much anticipated Wee Blessings Preschool had been removed. I quickly called the school as we and other families in the area have planning and looking forward to the school's new location. I was politely directed to you and am eager to hear why the approval has been held up? The area already serves a pediatric population that we patronize for speech therapy and has a special needs preschool so I am curious why this preschool would not be welcome? Is there a specific reason or a timing issue? The office complex on that corner has sat empty for some time, it would be nice to see an already in place building used instead of an empty reminder of our bleak times.

Thank you for your time and reply,
Amy and Erik Clinite
1912 E. Zion Way, Chandler, 85249

Sent from my iPad

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

From: d.mori1011@gmail.com
To: Rick.Heumann@chandleraz.gov
Date: 11/07/2011 09:24 AM
Subject: Re: vote

To Councilman Heumann,

Thank you for your quick response. I appreciate hearing from you.

Regards,

Diane Mori.

On 11/03/2011 03:52 PM, Rick.Heumann@chandleraz.gov wrote:

Dear Diane,

Thanks for the note regarding the Wee Blessings Preschool Use Permit application.

During the hearing last Thursday evening I felt that there wasn't sufficient information to move forward and voted against the project. However, since that time, I have met with our City Attorney and other staff members to get the facts that I needed to make an informed decision.

Based on this information I am placing on the November 14 Council agenda a motion to reconsider the application. The vote that evening will be to place it back on our December 15 Council agenda.

At that time I will be supporting the application for the use permit from the City. My understanding from our legal team is that then the pre school will be responsible to gather any additional waivers regarding the pesticide issue based on state requirements.

Please feel free to contact me further on this item at the phone number below.

Rick Heumann
Chandler City Councilmember
480-961-5455

From: d.mori1011---11/01/2011 10:45:55 PM---To Council member Heumann, I would politely like to ask you to rethink your decision on the Wee

From: d.mori1011@gmail.com
To: rick.heumann@chandleraz.gov
Date: 11/01/2011 10:45 PM
Subject: vote

To Council member Heumann,

I would politely like to ask you to rethink your decision on the Wee Blessings application for their new site. It would be so kind of you to reconsider your vote and request an appeal hearing for November. I understand and appreciate the concern you have for the safety of the children.

Thank you for all your hard work and dedication you've put forth towards our city.

Best regards,

Diane Mori.
1432 W. Morelos St.
Chandler 85224
City resident for over 13 years.

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/07/2011 04:31 PM -----

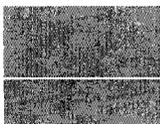
From: Maris Thomas <maristhom@aol.com>
To: Mayor&Council@chandleraz.gov
Date: 11/07/2011 02:31 PM
Subject: Wee Blessings Preschool

I was disappointed to hear that the vote not to approve the relocating of a preschool in the Chandler Municipal Airport "sound" corridor was not unanimous. This should have been an easy 100% negative vote if the Council was following the airport Master Plan. (I will remember how each member voted when I'm voting!)

Preschools are an important part of our community, and an economic contributor, but the Chandler airport cannot be moved and is considerably more important to our city.

My family has been in Chandler since 1922. My mother and I both learned to fly at Chandler Airport. I no longer am an active pilot; nor do I maintain an airplane at the airport; however, I am still 100% committed to its importance to our community. We need to be expanding the services available at the airport and lengthening the runway.....not placing preschools near the flight path!

Maris Thomas
121 N. California Street, #22
Chandler, AZ 85225



Fw: WEE BLESSINGS PRESCHOOL
Susan Moore to: CityClerkAgenda
Cc: Melanie Sala-Friedrichs

11/10/2011 05:10 PM

----- Forwarded by Susan Moore/COC on 11/10/2011 05:10 PM -----

From: "Karen Slater" <knkslater@cox.net>
To: <rick.heumann@chandleraz.gov>
Date: 11/07/2011 09:12 PM
Subject: WEE BLESSINGS PRESCHOOL

Dear City of Chandler Councilmen,

I am writing this letter to support the approval of the Wee Blessing Preschool location near Cooper and Queen Creek.

I have had the pleasure of knowing Debi Larkin for the past 10 years. She is a tremendous business woman and having this facility in the City of Chandler would be a tremendous blessing. Debi Larkin has excellent moral character and would never allow a preschool to be located in an area that could possibly harm the children that she loves so dearly. I have tremendous confidence

that Debi has done her homework regarding any pesticide or noise control issues. I have faith that the State of Arizona would not approve this type of business use without a detailed investigation.

Debi runs an A+ preschool and I ask that you reconsider your decision. Thank you for your consideration.

Karen Slater
Arizona Native
Chandler Resident



Pre-school emails

Melanie Sala-Friedrichs to: CityClerkAgenda, Robert Zeder

11/14/2011 04:53 PM

From: IDARIZII@aol.com
To: Mayor&Council@chandleraz.gov
Date: 11/14/2011 12:00 PM
Subject: WE BLESSINGS PRESCHOOL MOTION TO RECONSIDER

Dear Mayor and City Council,

We are unable to attend the regular meeting of the Chandler City Council Nov. 14, 2011.

We greatly appreciate your vote against a Use Permit for WEE BLESSINGS PRESCHOOL.

We additionally commend the Planning and Zoning Commission for denying (twice) the same use permit.

It is not compatible with the surrounding area and is not a safe environment for a Preschool.

Arizona Law stipulates NO Preschool within One Quarter Mile of agricultural property.

We are zoned AG-1 which pressurves our right to rase livestock and crops which require chemicals and pesticides.

The law was required to protect children and preserve our rights as agricultural land owners.

We strongly ask that you not change your vote denying a use permit to WEE BLESSINGS PRESCHOOL thus serving the benefit of ALL.

Respectfully submitted

Dennis H & Geesje Stevens
3151 S Eagle Dr.
Chandler, AZ. 85286
480-895-9095

----- Forwarded by Melanie Sala-Friedrichs/COC on 11/14/2011 04:52 PM -----

From: Maria Suniga-Cadavid <Maria.Suniga-Cadavid@gilbertaz.gov>
To: "Mayor&Council@chandleraz.gov" <Mayor&Council@chandleraz.gov>
Date: 11/14/2011 04:03 PM
Subject: FW: For tonight's agenda item: the Day Care saga.

From: Maria Suniga-Cadavid
Sent: Monday, November 14, 2011 8:43 AM
To: Mayor's Office
Subject: For tonight's agenda item: the Day Care saga.

Importance: High

Mayor and Town Council, during these times of economic downturn, more than ever it is necessary to do the right thing for the betterment of the community and not political interests or the interests of a mayor day care facility chain. The proposed day care will be able to find and should find a site free of encroachments (noise, possible accidents, clean environment, peaceful setting). Our zoning codes (not only ours, all of them) prescribe the bare minimum requirements; therefore, you and the Council have to raise the bar for compliance and tell the Day Care to do the right thing and not to locate in an area that barely meets the prescribed codes. On the other hand, the airport functions should not be limited by the needs of a pre-school use that later will claim the airport constitutes a nuisance for its operations. Parents, if lucky to have a job, have to work to pay for expensive child care; then, day cares should also have the responsibility provide the right environment for their operation, not just the cheapest and convenience. Let's think and act in a sustainable way all around the City's decisions. Urge you to vote to uphold your previous vote. Tell the day care owners: 'We like you, but not at this location; we'll help you through our Economic Development division to find the right site for your use' Hope things turn well for the city. We'll support your position and expect our Council to do the right thing.

Resident of Chandler
Maria Suniga-Cadavid, AICP

Under Arizona Law, email to and from public entities may be public records subject to release upon request. This message (including any attachments) contains information intended for a specific individual and purpose. If you are not the intended recipient, please notify the sender immediately by either reply email or by telephone and delete this message from your system.



Fw: Reconsideration Wee Blessings Preschool

Melanie Sala-Friedrichs to: CityClerkAgenda, Robert Zeder

11/14/2011 04:57 PM

From: Tiffini Sorensen <cdtrucking@aol.com>
To: jay.tibshraeny@chandleraz.gov
Cc: trinity.donovan@chandleraz.gov, kevin.hartke@chandleraz.gov, rick.heumann@chandleraz.gov, matt.orlando@chandleraz.gov, jack.sellers@chandleraz.gov, jeff.weninger@chandleraz.gov
Date: 11/14/2011 01:55 PM
Subject: Reconsideration Wee Blessings Preschool

Mayor and Council,

My name is Tiffini Sorensen and I reside at 12539 E. Queen Creek Rd. Chandler. I am the property owner directly west of the proposed preschool.

I would like to address some things for clarification from your last council meeting. Pesticides are used on my property at the fence line 45 feet away from the proposed playground, not 225 feet away as stated by one of the council members. Statements that we are the Twin acre Subdivision, single family (SF-33) with horse privileges is absolutely incorrect.

We are not a recorded subdivision. We are individual parcel owners of Agricultural Farm Lands. With the exception of several county farm parcels, over 40 parcels in the City of Chandler are zoned under THE AGRICULTURAL DISTRICT of AG-1, where the primary use of the land is for FARMING and the rearing of LIVESTOCK with one dwelling permitted. Four permanent use permits for the boarding of horses having already been issued by the city of Chandler in this area because of the agricultural zoning.

I personally spoke with Wayne Tolbert at the Office of Child Care Licensing who processes the licenses and I received very clear answers from him. He stated to me that Arizona State Law A.R.S. 36-882.3D and A.R.S. 365 as well as the Dept. of Public Health and Safety DOES NOT allow preschools within 1/4 mile of agriculturally zoned lands, because it is hazardous and unsafe for children! Mr Tolbert stated to me that he had spoke with staff members from the City of Chandler as well as the applicant herself and had made it very clear that if any properties within 1/4 of a mile, had agricultural zoning of the land, they MUST bring waivers and recorded restrictive covenants running with the title of the land from all owners, approx. 40 parcels. If the applicant cannot obtain these waivers then they will not be given a license and must withdraw their application.

While there have been statements that this liability would only run with the State of Arizona, I find that hard to believe. This property DOES NOT currently allow preschools because of the zoning in place, thus requiring a Special Use Permit. It is the City of Chandlers job in determining if a preschool is compatible with the surrounding agricultural parcels. The laws are in place for the protection of the children and they are clear. If the Dept. of Public Health and Safety is stating its not compatible, the City of Chandler should come to the same conclusion for the protection of the children.

I urge the Mayor and Council to DENY this request for reconsideration. This will protect the children as well as us forty property owners from litigation the day a child becomes sick or dies. While there may be an Agricultural Protection Act in place, land owners are repeatedly sued as to a challenge of the law.

I have attached copies of instructions in regards to agricultural lands that were given to the applicant by the Office of Child Care Licensing at the initial stage of their application process.

I sincerely appreciate the Mayor and councils attention to this matter. Please feel free to contact me with any questions.

Tiffini Sorensen 602-312-2678



app1.pdf



ag_land_info.pdf



Fw: Preschool
Melanie Sala-Friedrichs to: CityClerkAgenda

11/16/2011 04:43 PM

From: sjskotnicki@aol.com
To: mayor&council@chandleraz.gov, "<mayor&council"
Date: 11/16/2011 04:34 PM
Subject: Preschool

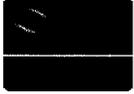
Dear Mayor Tibshraeny,

I'd like to give some support to the Chandler Municipal Airport. I learned how to fly at Chandler, and I have been flying there since 2003. I am also a teacher down the street at Chandler-Gilbert Community college, so I may be able to offer a unique perspective. When I take off and head north I almost fly right over the college, as do many other planes. When I am teaching there I see aircraft overhead all the time. They don't bother me, and I have not heard anyone else complain, although the aircraft can sure be heard. I certainly don't have anything against the preschool, but I am concerned that it is being proposed for a location so close to the airport. Someone in the future may complain about the noise. To me this seems like a conflict that can be easily avoided. I am also a geologist and used to work for the Arizona geological Survey for ten years. I love flying because I can take aerial photos to use in my classes at the college. Allowing development to encroach on the airport seems short-sighted, even if it is economically advantageous in the near-term. It would be sad if a future City Council was backed into a corner because of public pressure over airport noise and was forced to get rid of this valuable asset because of politics, especially if it was easily avoidable now.

Steve Skotnicki

Add info #46

DEC 15 2011



Fw: Preschool in Airport flight path
Rommel Cordova to: CityClerkAgenda

12/12/2011 01:36 PM

----- Forwarded by Rommel Cordova/COC on 12/12/2011 01:35 PM -----

From: Peter Cwik <pjcwik@gmail.com>
To: mayor&council@chandleraz.gov
Date: 12/12/2011 01:24 PM
Subject: Preschool in Airport flight path

Mr. Mayor and City Council,

I would like to voice my opposition to the proposed preschool adjacent to the Chandler Airport.

Any reasonable person would agree that this is not the place for such a business due to noise and potential safety concerns. Before you vote this Thursday, ask yourself this question, Would I want my children or grandchildren attending a preschool that was located at the end of an airport runway? Forget the real estate agent and their rant which is based on the commission they'll receive and think about the kids, the airport and the city.

Regards,

Peter Cwik

2401 E. Stephens Pl

Chandler, AZ 85225