

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers, 88 E. Chicago Street, on Thursday, December 15, 2011, at 7:05 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

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

Also in attendance:

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

INVOCATION: Warren Phelps – Chandler Christian Church

PLEDGE OF ALLEGIANCE: Boy Scout 280

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

COUNCILMEMBER HEUMANN asked that Item No. 36 (Purchase of Office supplies from OfficeMax) be moved to the Action Agenda.

COUNCILMEMBER WENINGER noted he would be voting nay on Item No. 19 (Transfer of Park Name – Nozomi) and Item No. 27 (Agreement with ECotality North America).

COUNCILMEMBER HEUMANN noted he would be voting nay on Item No. 41 (Liquor License for Carniceria El Herradero LLC).

COUNCILMEMBER HARTKE noted he would not be voting on Item No. 28 (Agreement with Devau Human Resources) as he had a conflict of interest.

MOVED BY VICE-MAYOR DONOVAN, SECONDED BY COUNCILMEMBER ORLANDO, TO APPROVE THE CONSENT AGENDA WITH ITEM NO. 36 (PURCHASE OF OFFICE SUPPLIES FROM OFFICEMAX) MOVING TO THE ACTION AGENDA.

MOTION CARRIED UNANIMOUSLY (7-0) WITH THE EXCEPTIONS NOTED.

1. ANNEXATION: SEC Lindsay and Ocotillo Roads Ord. #4331

ADOPTED Ordinance No. 4331, Annexation East of the SEC of Lindsay and Ocotillo Roads, approving the annexation of approximately 23.8 acres located east of the SEC of Lindsay and Ocotillo roads.

2. DEDICATION IN FEE: SWC Gilbert and Ocotillo Roads Ord. #4327

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4327 authorizing the dedication in fee of portions of City-owned Municipal Utilities Property for public roadway located at the SEC of Gilbert and Ocotillo roads.

The acquisition of property rights for the Gilbert Road Improvement Project ST-0809 from Queen Creek Road to Hunt Highway, was previously approved by Council at its February 26, 2009, meeting by Resolution 4246. As part of the next phase of construction, it is necessary to acquire a portion of property owned by the City's Municipal Utilities Department (MUD) for roadway purposes.

By way of a separate instrument in the form of a deed, the City will grant to the public in trust the road right-of-way. The document will be in a form approved by the City Attorney and will correct Maricopa County records.

3. IRRIGATION EASEMENTS: Roosevelt Water Conservation District Ord. #4332

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4332 granting no-cost irrigation easements to the Roosevelt Water Conservation District (RWCD) at the Appleby Road crossing of Gilbert Road for the Gilbert Road Improvement Project from Queen Creek Road to Hunt Highway.

As part of the Gilbert Road Improvement Project from Queen Creek Road to Hunt Highway, it is necessary to relocate existing irrigation facilities that cross Gilbert Road at the Appleby Road alignment. The new facilities will be installed just north of the Appleby Road alignment. Staff has confirmed that the RWCD has prior rights in this area.

4. INITIAL CITY ZONING: SEC Ocotillo and Lindsay Roads Ord. #4333

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4333, DVR11-0036 East of the SEC of Ocotillo and Lindsay Roads, establishing initial City zoning of AG-1 on approximately 23.8 acres located east of the SEC of Ocotillo and Lindsay roads. (Applicant: City of Chandler.)

The subject site is currently zoned R-43 within the County. Directly north, across Ocotillo Road, is vacant land and single-family homes, both within the jurisdiction of the Town of Gilbert. East of the site is a partially developed subdivision that had started construction in the County, but has since ceased. South is vacant land in the County zoned R-43. West is vacant land zoned PAD for a single-family residential subdivision.

This request, initiated by Staff, serves to establish the site with a zoning designation of AG-1. Consistent with State Statutes, when a property is annexed into a municipality's jurisdiction, the municipality must grant a zoning designation equivalent to the zoning designation in the County; the AG-1 zoning designation meets this requirement. The approval of this zoning action ensures

that any future development on the site shall occur in conformance with City standards. A Rezoning and Preliminary Development Plan application for single-family residential subdivision has been filed with the City and is currently under review.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Staff has received one telephone call from a resident in the subdivision north of Ocotillo Road (Town of Gilbert) expressing support of the request.

Upon finding consistency with the General Plan and the SECAP, the Planning Commission and Staff recommend approval.

5. GRANT AGREEMENT: Arizona Department of Transportation Res. #4551

ADOPTED Resolution No. 4551 authorizing administrative action be taken on behalf of the City to enter into a Grant Agreement with the Arizona Department of Transportation (ADOT) to accept Grant Number E2F89 in the amount of \$1,974.00 as the state's matching share to a federal grant for the design of the Airport Weather Observing System (AWOS) replacement.

The City received notification of a state grant offer (ADOT Grant Number E1F89) in the amount of \$1,974.00 as the state's share to the design of the Airport Weather Observing System (AWOS) Replacement. This grant was anticipated with the approval of a Federal Aviation Administration (FAA) grant presented to City Council earlier this year.

The project will design the replacement of the aging and antiquated weather monitoring system that is currently being used by aircraft that fly into and out of the airport. Replacement parts are unavailable and routine maintenance for this system makes it cost effective for its replacement.

The design for this project is in the current 5-year Capital Improvement Program (CIP). Federal grants represent 95% of total project costs. The ADOT grant is for 2.5% (\$1,973.00) of the project costs. Staff has identified the remaining 2.5% (\$1,973.00) local matching share in the Airport Operating Fund.

6. ACTION PLAN AMENDMENT: HUD Res. #4549

ADOPTED Resolution No. 4549 amending the 2011-2012 Action Plan and submitting Amendment 2 to the U.S. Department of Housing and Urban Development for its consideration in order to amend funding under the Homelessness Prevention and Rapid Re-Housing Program and authorizing the Neighborhood Resources Division Director to implement the Homeless Prevention and Rapid Re-Housing Program including the reallocation of funds.

In 2009, the City of Chandler received \$575,271.00 from the U.S. Department of Housing and Urban Development (HUD) in Homelessness Prevention and Rapid Re-Housing Program (HPRP) funds. HPRP funds are a one-time federal grant that was passed as part of the 2009 American Recovery and Reinvestment Act. A Substantial Amendment to the City's Action Plan for the Community Development Block Grant (CDBG) Program was submitted to HUD in August 2009 to establish the program to be funded with HPRP dollars. One hundred percent (100%) expenditure is required by August 4, 2012.

There are two types of program categories under which state and local governments could utilize HPRP funds: Homelessness Prevention and Rapid Re-Housing. The primary difference between the two is that Rapid Re-Housing assists homeless individuals and families while

Homeless Prevention programs assist families who are currently housed but would become homeless without the assistance. There are several activities associated with each category including the following:

- Financial Assistance includes short and medium-term rental assistance, security deposits, utility deposits, utility payments, moving cost assistance and motel or hotel vouchers.
- Housing Relocation/Stabilization includes case management, outreach, housing search and placement, legal services, mediation and credit repair.
- Data Collection & Evaluation includes costs associated with operating HUD-approved homeless management information systems for purposes of collecting unduplicated counts of homeless persons and analyzing patterns of use of HPRP funds.
- Administrative Costs up to 5% of allocation.

As of October 31, 2011, \$518,189.00 had been expended under this program which represents 90% of Chandler’s total HPRP allocation. These expenditures have assisted 721 clients to date. To meet 100% expenditure by the August 4, 2012, deadline, Staff conducted a second evaluation and review based on performance and expenditures relative to contract goals. This resulted in contract amendments being issued to all agencies with outstanding balances. The review resulted in \$19,626.92 in HPRP funds being available for reallocation.

A Request for Proposals (RFP) to existing HPRP sub-recipients was issued in October 2011. Staff indicated a preference would be given to providers who propose to provide Rapid Re-Housing services to assist homeless individuals and families. Staff received responses from the following agencies:

- A New Leaf – EMPOWER Program – To provide Rapid Re-Housing
- Community Services of Arizona – To provide Homeless Prevention
- Save the Family – To provide Rapid Re-Housing

A variety of elements were considered during Staff’s proposal review and scoring including agency capacity, expenditure performance, proposed program delivery response, ability to serve Chandler’ homeless street population and the project budget. All respondents were asked to state their interest if additional funds should become available in the future. Based on the review, the agencies were scored as follows:

<u>Agency</u>	<u>Activity</u>	<u>Score (max. 100 pts.)</u>
A New Leaf – EMPOWER Program	Rapid Re-Housing	75
Community Services of Arizona	Homeless Prevention	67
Save the Family	Rapid Re-Housing	85

Save the Family produced the most comprehensive proposal and overall ability to meet the terms of the RFP by demonstrating the following strengths:

- 1) Providing services to a population considered homeless, including those living in a homeless shelter;
- 2) Significant Rapid Re-Housing experience;
- 3) Ability to quickly expend City of Chandler HPRP funds;
- 4) An established current client wait list; and
- 5) Strong partnerships.

Staff and the HHSC recommend the entire \$19,626.92, currently available for reallocation, be awarded to Save the Family.

Staff is also requesting that the Neighborhood Resources Director be authorized to implement the HPRP program including reallocating any remaining funds after the current nonprofits' contract deadlines occur on March 31, 2012. This will allow for the reallocation of any program funds that are unexpended after the March 31, 2012, deadline and before the end of the grant. Only a New Leaf EMPOWER Program, Community Services of Arizona and Save the Family would be eligible to receive reallocated funds as they indicated an interest in receiving reallocated funds in the October 2011 RFP.

The Housing and Human Services Commission held a public hearing on the proposed Action Plan Amendment during their November 16, 2011, meeting. The Commission discussed the proposed amendment and unanimously approved a motion recommending Council approval of Resolution 4549 and authorizing the Neighborhood Resources Director to implement the HPRP program including reallocating funds.

All funding associated with the federal Homelessness Prevention and Rapid Re-Housing Program funds will be paid by the federal government and do not require repayment on the part of the City of Chandler.

7. PERSONNEL RULE AMENDMENT: Rule 6 Res. #4554

ADOPTED Resolution No. 4554 amending Personnel Rule 6, Section 4E, Return to City Employment.

On July 29, 2010, the City Council adopted a change to the provision for the return to City Employment under Personnel Rule 6, Section 4. That revision allowed the City to add a provision that extended the timeframe in which employees, who have applied and have been approved under the existing voluntary separation program, and *will perform work specifically funded by the in-house capital fund*, on a temporary basis in either a full-time or part-time basis to continue to work no later than December 31, 2011, or the completion date of their project, whichever occurs earlier.

One Public Works Inspector has continued on a full-time basis and will be actively engaged in project work until the December 31, 2011 deadline. The Project Support Assistant will also be actively engaged in project work until December 31, 2011.

Over the past year, staff reductions have been phased in and remaining staff has been moved into available positions. Staff has been gearing their efforts towards the new CIP requirements. The budget process for 2010-2020 indicated that there was a definite down-swing in the total amount of construction that the City of Chandler would be completing.

Exiting staffing levels should be sufficient to meet the on-going CIP and development needs. However, there was an unexpected announcement by Intel in Q1 of 2011 for an expansion that affects both on-site infrastructure as well as off-site infrastructure. Staff originally identified the use of outside consultants to meet this additional inspection demand and requested funds for this purpose.

The on-site contractor that is completing the significant infrastructure improvements has requested that the current on-site inspector be available for the duration of their construction. This inspector happens to be the one that is limited by the December 31, 2011 deadline. The Q1 announcement by Intel initially would have resulted in the on-site work being completed around

the December 31, 2011 deadline, but the amount of work has grown to include both on-site construction and off-site construction that will increase the inspection demands rather than having them continue to decline.

Staff is requesting a revision to this provision that would extend the ability to allow this inspector and the assistant for project support to stay on the Intel project until completion or December 31, 2013, whichever occurs earlier.

8. IGA AMENDMENT: One-Stop Career Center Res. #4555

ADOPTED Resolution No. 4555 authorizing the first amendment to the Intergovernmental Agreement (IGA) with Maricopa County, administered by its Human Services Department, extending the term of the agreement for the One-Stop Career Center located at the City of Chandler Public Library, 22 S. Delaware Street, from December 31, 2011, through December 30, 2013.

Resolution No. 4555, approved by City Council on August 19, 2010, initiated the creation of a One-Stop Career Center at the City of Chandler Public Library, 22 S. Delaware Street. The One-Stop Career Center Program is provided and operated through Maricopa Workforce Connections under the Workforce Investment Act of 1998. The One-Stop Career Centers provide an integrated one-stop service delivery for employers, job seekers and individuals seeking career advancement in Maricopa County. Since its inception, the Career Center has had more than 1,500 logged visits by job seekers in the community. The success of the job search services in assisting job seekers write résumés, research specific occupations, search newly-released job postings, fill out on-line applications, and brush up on interviewing skills, is instrumental in providing local access to employment resources that would otherwise not be readily available to Chandler residents. The first Amendment extends the existing IGA for a two-year period in accordance with Section 10 of the IGA.

9. No item.

10. IGA: Arizona State Library, Archives and Public Records Res. #4557

ADOPTED Resolution No. 4557 authorizing an Intergovernmental Agreement (IGA) with Arizona State Library, Archives and Public Records (ASLAPR) to provide funding to support the implementation and tasks specified in the Broadband Technology Opportunities Program Round 2 (BTOP II) Grant in an amount not to exceed \$36,527.00.

The City of Chandler has been awarded a Broadband Technology Opportunities Program Round 2 (BTOP II) Grant through Arizona State Library, Archives and Public Records. One of the components of the BTOP II implementation is a Job Help Hub (JHH). The JHH is a portable computer lab dedicated to assisting job seekers with skill assessments, skill development and adult education. A JHH lab will be located at the Chandler Public Library, 22 S. Delaware Street and is intended to provide face-to-face training and re-training to job seekers in order for them to attain additional skills that will be of assistance in their job search. The grant provides reimbursement funds for the City to hire an instructor to help with resumes, job searches, employment applications, starting a business and continuing education opportunities.

The grant provides that the Chandler Public Library be reimbursed at a rate of \$24.40 per hour of which the instructor is to be compensated at a rate of \$20.68 per hour. Reimbursement to the Chandler Public Library for contracted services cannot exceed \$1,992.00 in any one month and

cannot exceed \$36,527.00 for the entire contract without prior written permission from the ASLAPR. The term of the IGA is from December 15, 2011 to June 14, 2013.

11. CONTINUED AREA PLAN AMENDMENT/ZONING: Hamilton Heights

CONTINUED TO JANUARY 12, 2012, Area Plan Amendment APL11-0001 Hamilton Heights, amendment to the Section 16 Area Plan from multi-family residential development to allow for single-family residential development.

CONTINUED TO JANUARY 12, 2012, Zoning DVR10-0023/PPT10-0005 Hamilton Heights, rezoning from PAD for multi-family residential to PAD single-family residential along with PDP and PPT for a 44-lot single-family residential subdivision on approximately 11.5 acres located west of the SWC of Arizona Avenue and Queen Creek Road.

A continuance is requested by the applicant to have additional time to finalize the design of the subdivision, provide housing product details and to be reviewed by the Planning Commission. The Planning Commission and Staff recommend approval of a continuance.

12. CONTINUED AREA PLAN AMENDMENT/ZONING: Waters at Ocotillo Parcels 1 & 4

CONTINUED TO FEBRUARY 9, 2012, APL11-0003 Waters at Ocotillo – Parcels 1 & 4, an amendment to the Ocotillo Area Plan from Multi-Family Residential to Single-Family Residential.

CONTINUED TO FEBRUARY 9, 2012, Zoning DVR11-0035/PPT11-0006 Waters at Ocotillo – Parcels 1 & 4, rezoning from PAD zoning for multi-family uses to PAD Amended zoning for single-family uses along with PDP and PPT for two single-family residential subdivisions located near the intersection of Market Place and Jacaranda Parkway, northeast of the intersection of Dobson and Price roads.

The Planning Commission continued this item to their January 18, 2012 hearing to allow additional exhibit revisions in coordination with Staff. The Planning Commission and Staff recommend approval of a continuance.

13. PRELIMINARY DEVELOPMENT PLAN: Waters at Ocotillo – Parcels 5 & 6

APPROVED Preliminary Development Plan PDP11-0012/PPT11-0007 Waters at Ocotillo – Parcels 5 & 6, for site layout, community landscaping and housing product for single-family uses along with PPT on approximately 11 acres near the intersection of Market Place and Jacaranda Parkway, east of the intersection of Dobson and Price roads. (Applicant: Burch & Cracchiolo, P.A.; Owner: GP Chandler, LLC (Gilbane Properties)).

The currently vacant parcels are located at the intersection of Market Place and Jacaranda Parkway on the south end of the Market Place “loop” east of Dobson Road. To the east and south are existing single-family homes in the Ocotillo master planned community. To the north and northwest are parcels zoned for multi-family uses. West of Parcel 6, at the southeast corner of Dobson and Price roads, is a parcel zoned for commercial/office uses.

An existing lake system surrounds much of the subject parcels providing a significant community amenity. A small park (Blue Heron), with playground equipment, is located between the parcels and there are also two smaller amenity areas along the lake nearby. Stormwater is directed to the lakes, so there is no need for on-site retention for the subject development.

The subject site is part of the 2,700-acre Ocotillo Area Plan originally adopted in 1983. The subject parcels received PAD zoning and area plan amendment approval for single-family uses

as part of the 74-acre Waters at Ocotillo development in 2007. The 2007 approval included a PDP that established a strong community identity for the 8 parcels included in The Waters at Ocotillo, with bridges over the lake and common connections to a central community center that was to service the whole area. That approval also presented a "single-family condominium" concept for Parcels 5 & 6 with community-owned yards surrounding all the houses, continuous and unseparated by walls. Most of the rest of The Waters was designated for multi-family uses. The subject application essentially does away with the bridges concept for The Waters, though there are still pedestrian connections along Market Street that will provide indirect access to the community center planned to occur on Parcel 3.

The proposed site layout for both parcels consists of a looped road with single-family lots around the exterior, most with rear yard lake access. Parcel 5 also has six (6) lots on the loop interior surrounding a small open space. Parcel 5 provides other amenities in the form of a pathway for direct pedestrian access westward to Blue Heron Park and, on its east side, a pedestrian gathering mode with shaded benches near the lake. Parcel 6 has a single point of access before the road splits and loops around a larger open space with shaded seating amenities. Parcel 6 also has a gathering area along the lake in its northern portion that is designed to be directly across the water from planned open space in Parcel 3 and anticipated open space in Parcel 4, thus forming a sort of community connection at this point where the three parcels come together.

The lot sizes range from 6,480 to 12,177 square feet in Parcel 5 and from 9,239 to 16,732 square feet in Parcel 6. Parcel 5 lots are at least 52' wide and Parcel 6 lots are at least 67' wide. Lots backing to the lake are deeper than internal lots in order to account for the water's edge being some distance into the back yards. The minimum setbacks for both parcels are 5' and 7' on the sides, 15' in the rear, and varied (from 10' to 20') in the front. The maximum lot coverage is 60%.

The application requests relief from the standard street widths for public streets. Internal streets are shown at 42' ROW rather than the standard 50' ROW. Staff supports this relief.

The subject parcels' community landscaping features Mondel Pine and Chitalpa trees along Market Street, which is in keeping with the established Mondel Pines in this area. The parcels' interiors use Chitalpa and Sissoo trees with the fast-growing Sissoos particularly used to provide shade to the pedestrian seating features.

Theme walls are provided along with both parcels' Market Street frontage and Parcel 5's interior open space in the form of a 6'-high white stucco-finish block wall capped with brick and featuring intermittent clay pipe accents. The parcels' entry signs will be a similar motif with the subdivision name and logo placed upon a shorter, two-tier wall.

The housing product includes two categories of homes, the 4000 Series and the 5500 Series, that feature a Santa Barbara-style of architecture with distinctive elements such as light stucco exteriors, red barrel tile roofs, arched windows and doors, recessed windows, ornamental iron (both upon the facades and courtyard entrances), brick accents, chimneys, roof finials and stucco eaves and corbels. The 4000 Series homes are all two-story. The 5500 Series offers two one-story homes and three two-story homes. The application presents 3 floor plans for the 40'-wide 4000 Series and 5 floor plans for the 44'-wide 5500 Series. In pursuit of a strong Santa Barbara character through both parcels, each floor plan is available in only a Santa Barbara elevation. Parcel 5 will offer the 4000 Series on its 15 smaller lots and the 5500 Series on its 5 larger lots. Parcel 6 will offer the 5500 Series on all 11 of its lots. Streetscape variety is a concern on Parcel 5 leading the Planning Commission and Staff to recommend that an additional 4000 Series elevation be developed.

RESIDENTIAL DEVELOPMENT STANDARDS

The application fulfills the intent of the Residential Development Standards (RDS) by providing a high-quality product and a strong Santa Barbara style within subdivisions that avoid monotonous layouts and provide sufficient amenities, overcoming the small, irregular parcels already established by the Ocotillo lake system. In Staff's analysis, the application conforms to 6 of the 8 required subdivision diversity elements, 11 of the applicable 20 "optional" subdivision diversity elements, 8 of the 9 required architectural diversity elements, and 7 of the minimum 7 optional architectural diversity elements. Notably, because some of the lots are less than 7,000 square feet in size, all of the "optional" subdivision diversity elements are actually required for this project. The RDS elements are guidelines that need not be abided by strictly if deviation is warranted by project uniqueness, overall excellence, difficulty of parcel size/shape, or other similar factors.

Due to small lot size, the project is evaluated under all 28 subdivision diversity elements in the RDS. The application requests relief from the required number of elements because the project is said to achieve the fundamental purposes of the RDS (e.g. diversity, creativity, quality, sustainability). The application also requests relief from several of the elements specifically. Relief from required subdivision element #3 (vehicular access to rear yards) is requested because the Ocotillo Community Association prohibits rear yard storage of vehicles that are visible from neighboring properties or the lake. Relief from required subdivision element #4 (minimum 30' rear yard setback for 2-story houses) is requested because of the four-sided architecture provided and the landscape tract along Market Place that provides increased separation in that direction. Relief from "optional" subdivision elements #4, 5, 8, 14, 17, 18, 19 and 20 is requested because these elements are impractical to achieve at the density proposed on these small, irregularly shaped parcels.

The application requests relief from required architectural diversity element #4 ("Provide single-story or combination one- and two-story homes on all corner lots"). Lots 1, 15 and 16 of Parcel 5 are close enough to Market Place (~10') that they should be considered corner lots. The application notes that the four-sided architecture lessens the aesthetic concern as viewed from Market Place.

DISCUSSION

The Planning Commission and Staff find the requested site layout and housing products to be of a high quality and appropriate for the area. One of the objectives of the RDS is to encourage larger lots, and many of the diversity elements not attained by this application are pursuant of that objective. However, a somewhat more dense development is appropriate at this location as a natural transition between established Ocotillo subdivisions to the east (which are of similar density), and the planned multi-family uses to the west. As such, some relief from the RDS is warranted because it allows for a more compatible development in the broader context.

The strong Santa Barbara architecture will be a positive presence adjacent to the predominantly Santa Barbara style housing to the east and the Santa Barbara commercial style used in Downtown Ocotillo to the northwest. The strong architecture in a particular style warrants relief from some of the RDS architectural diversity standards in order to create a clear neighborhood identity. In order to enhance the street scene diversity within Parcel 5, Staff recommends a condition that would require an additional 4000 Series floor plan and elevation be provided of an equal or greater quality level to those presented in the development booklet. The application indicates that such a floor plan has already been conceptualized.

It is noted that Lot 15 of Parcel 5 is a "lonely lot" with no neighbors in either side – a situation that is generally not conducive to the neighborhood concept. However, Lot 15 does have neighbors behind it and across the street (Ivy Street). Also, a similar situation exists directly across Market Place in the established residential development, making it part of the area character.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held October 19, 2011. There were approximately 40 neighbors in attendance with none expressing opposition. Staff has received no correspondence in opposition to the request.

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

1. Development shall be in substantial conformance with the Development Booklet entitled "Waters at Ocotillo – Parcels 5 & 6", kept on file in the City of Chandler Planning Services Division, in File No. PDP11-0012, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3890 in Case DVR06-0052 THE WATERS AT OCOTILLO, except as modified by condition herein.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owners or homeowners' association.
4. The applicant will work with Staff to provide an additional floor plan and elevation for the 4000 Series product that is of an equal or greater quality level to the other 4000 Series products presented in the development booklet.

The Planning Commission and Staff recommend approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Transportation & Development with regard to the details of all submittals required by code or condition.
14. PRELIMINARY DEVELOPMENT PLAN: Raintree Ranch Center

APPROVED Preliminary Development Plan PDP11-0007 Raintree Ranch Center, to allow a freestanding 65-foot high, 5-tenant name panels freeway monument sign for an existing commercial shopping center on 17 acres located at the SEC of Ray Road and the Loop 101 Price Freeway. (Applicant: Bootz & Duke Signs Co. on behalf of Weingarten Realty.)

The property is located at the southeast corner of Ray Road and the Loop 101 Price Freeway. The freeway monument sign is proposed along the northbound Price Freeway frontage road within the commercial center's property. The property received PAD zoning that was amended in 1986 and 1993. The 1993 zoning amendment approved a single-family subdivision on 40 acres along with a 23-acre commercial retail and office parcel allowing C-2 (Community Commercial) uses. In 2005, a rezoning was approved for approximately 3.5 acres from PAD Business Hotel with a mid-rise overlay to PAD for C-2 uses along with a PDP for the 17-acre shopping center. Following this zoning approval, three separate PDP requests were approved for three pads along Ray Road with approximately 144,317 square feet of retail space including a grocery store anchor major/minor tenants, inline retail shops, freestanding retail shops and pads. The Raintree Ranch Center developed with retail, restaurant, and some office uses. The shopping center is anchored by a Whole Foods grocery store.

The property is adjacent to Ray Road and Price Road (Loop 101) as well as two collector streets, Linda Lane and Coronado Street. The northeast corner of the freeway intersection is Crossroads Church of the Nazarene and Sterling House Assisted Living. At the northwest corner of the intersection is San Tan Corporate Center. The southwest corner of the intersection is Park at San Tan with offices, restaurants, and retail. Immediately south of the site is a charter school. The site is bordered by existing single-family residential to the east and southeast.

The development's PDP included a comprehensive sign package which requested waivers from Sign Code. The development was granted the waivers which included increased height for three signs, a second 14-foot high sign in lieu of providing four additional 6-foot high signs along Coronado Street and Linda Lane as permitted by Sign Code and additional tenant panels on the monument signs.

Along both Ray and Price roads, there are 14-foot high signs and 8-foot high signs. The 14-foot high sign along Ray Road includes 6 tenant panels. The second 14-foot high sign along Price Road includes 4 tenant panels. The 8-foot high signs have 3 tenant panels each.

The proposal is to remove the existing 8-foot high sign with 3 tenant panels from the Price Road frontage and replace it with a new freestanding 65-foot high, 5 tenant panel freeway monument sign. The 14-foot high sign with 4 tenant panels along Price Road would remain. The proposed freeway sign is approximately 190 feet south of Ray Road along the northbound Price Freeway frontage road. This is measured from the site's property line to the sign. The Development Booklet incorrectly measures the distance within ADOT right-of-way which is 20 feet north of the property line. The sign would be located on the south side of an existing stormwater retention basin. The existing 14-foot high sign is located further south near the Whole Foods building. Any landscaping displaced by the proposed sign is required to be replaced elsewhere in the immediate landscape area.

The freeway sign is being requested to gain signage visibility for southbound Loop 101 traffic and also provide a more visible sign for northbound traffic exiting the frontage road up to Ray Road. The request conveys that due to the design of the freeway being recessed near Ray Road, there is limited visibility to see the shopping center prior to and after exiting at Ray Road. Furthermore, the development believes that lack of visibility has resulted in lower than expected sales for tenants and higher turnover. As of November 2011, the shopping center is mostly occupied with tenants with only three tenant spaces available for lease. The freeway monument sign's primary tenant name Whole Foods is the top panel. The shopping center's name is at the bottom of the four smaller tenant panels. The maximum number of tenant name panels requested is five.

The freeway monument sign design includes aluminum tube accents, an arch, cornice cap and stone veneer base. The tube design creates air spaces on the sides and six-inch reveals create groups of sign panels. The freeway sign is constructed with materials, paint colors and textures to match the existing signs and building architecture as approved with the development's PDPs. The sign's total height, including architectural features, is 65 feet. The sign's support columns and base are approximately 24-feet high from grade to the shopping center and developer name identification. The lettering for the identification is constructed with flat cut out letters, flush mounted to the stucco fascia. These letters are not illuminated. The five tenant panels are constructed with painted and textured aluminum. Each panel is internally illuminated. The lettering is routed then backed with a clear acrylic push-thru and backed with a white acrylic panel and translucent vinyl overlay. Tenant names and logos will be per corporate tenant specifications for design and colors.

The top tenant panel, shown with Whole Foods Market, represents up to three lines of copy while all other tenant panels are limited to two lines of copy. A four-inch clearance from edge of tenant panels is required and in no case shall a name and/or logo exceed 80% of the overall area of the tenant panel itself.

There are no freeway monument signs at the Ray Road and Price Road freeway interchange intersection. All four corners have typical freestanding monument signage for a commercial retail, office and church site. The nearest freeway monument sign is one mile away at the northeast corner of Price Road and Chandler Boulevard freeway interchange intersection as part of a regional commercial power-center development near the mall area.

Estimated building heights for the other three Ray Road and Loop 101 Price Freeway corners include 30-feet for the church site at the northeast corner, 60-feet for San Tan Corporate Center center at the northwest corner and 70-feet for Park at San Tan at the southwest corner. Along Ray Road, the three SRP power poles west and east of the freeway intersection are approximately 75-feet tall. Other poles are 65-feet tall with the second pole east of the freeway intersection at 80-feet tall.

DISCUSSION

This freeway sign will be the first in Chandler as part of a neighborhood or community commercial shopping center. Existing freeway monument signs in Chandler are in association with regional commercial centers and employment centers such as a power center, a mall, an auto complex, and industrial business parks located along a freeway. For example, Chandler Fashion Center Mall area, Crossroads Towne Center, Santan Gateway, Chandler Festival, Chandler Pavilions, Southeast Valley Auto Mall, Chandler Auto Mall, Ryan Chandler Business Park and the recently approved Chandler freeway Crossing which the sign has yet to be built. The nearest freeway signs are one mile south at the Chandler Boulevard and Loop 101 interchange as part of the Chandler Fashion Center mall area and the Chandler Festival power center.

The Planning Commission and Planning Staff recommend approval of the request for a freestanding freeway monument sign based on two key factors. One is that this is the only existing neighborhood or community commercial shopping center located immediately at a freeway interchange intersection in Chandler. Secondly, this community commercial shopping center only has one arterial street frontage, whereas most centers of this type are along two arterial street frontages. The shopping center's location in relation to the existing freeway is subject to visibility constraints.

These constraints are due to the interchange at Ray Road with the freeway recessing below in both north and southbound directions. The monument signage of 14-feet and 8-feet tall is not clearly visible from the northbound freeway south of Ray Road due to the width of the freeway right-of-way, sign building setback within the property and the design of the off-ramp with frontage road. Southbound freeway traffic does not see the shopping center until already exited and turning west onto Ray Road. The freeway sign will provide additional visibility for traffic along the Loop 101 Price Freeway.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 3, 2011. There were no neighbors in attendance. One area resident contacted the property owner to express their support for the request. Planning Staff received correspondence from an area resident with concerns regarding the sign's

proximity to residential areas and increased traffic caused by the freeway sign and is opposed to the sign.

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

1. Development shall be in substantial conformance with the Development Booklet entitled "Raintree Ranch Center", kept on file in the City of Chandler Planning Division, in File No. PDP11-0007, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3744 in Case DVR05-0041, except as modified by condition herein.
3. The sign height shall be a maximum of 65 feet to top of all architectural elements measured from grade.
4. The sign shall have a maximum of five (5) tenant panels as represented in the Development Booklet.

15. CONTINUED ZONING: Light of Christ Lutheran Church

CONTINUED TO JANUARY 26, 2012, Zoning DVR11-0030 Light of Christ Lutheran Church, request action on the existing PAD zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of PAD for multi-family development. The existing PAD zoning is for a church. The subject site is located at 1500 N.W. Jacaranda Parkway on approximately 6.3 acres. The applicant requests a continuance due to a conflict of schedules and to be heard by the Planning Commission.

16. CONTINUED ZONING: North East Cooper and Riggs

CONTINUED TO JANUARY 12, 2012, Zoning DVR10-0014/PPT10-0002 North East Cooper and Riggs, rezoning from AG-1 to PAD along with PDP and PPT for an 84-lot single-family residential subdivision on 32 acres and PAD zoning for commercial development on 7.5 acres located at the NEC of Cooper and Riggs roads. The applicant requests a continuance in order to finalize some of the design details associated with the development booklet.

17. REPORT TO COUNCIL: Emergency Repairs

APPROVED a Report to Council for emergency City Manager approval in an amount not to exceed \$40,000.00 to SDB, Inc., for repairs at the Ocotillo Water Reclamation Facility.

On November 10, 2011, the Ocotillo Water Reclamation Facility experienced a problem at the on-site pump station. The 24" pipeline exiting the pump station decoupled and spilled. The pump station was shut down within 13 minutes of the break. This shutdown affected wastewater flows in the force main between the Ocotillo and Airport Water Reclamation Facilities. Staff does not have the equipment to excavate and repair a large main at the pump station. Staff negotiated with SDB and they mobilized resources for repair and clean up. The repair work is complete and the force main is operating. All regulatory agencies were notified of the spill and the resulting repair.

Under Arizona Revised Statute §34-604, the City can procure emergency services if a situation exists that threatens public health or safety. Under City Code Section 3-1 3.3, the City Manager may authorize emergency procurement of services if a situation exists that makes it contrary to

the public's interest to utilize normal procurement procedures and approval of the City Council. Due to the location of the wastewater leak, it is a potential threat to treating the City's wastewater, as well as a public safety issue.

18. AGREEMENT: CEM-TEC

APPROVED Agreement #TE2-550-2975, adding CEM-TEC as an additional vendor for Traffic Signal Poles & Misc. Hardware along with the four vendors as approved on September 8, 2011, so that all five contracts will not exceed \$100,000.00, with options to renew for up to three additional one-year terms.

On September 8, 2011, Council approved an Agreement for Traffic Signal Poles & Misc. Hardware at various locations within the City with four (4) vendors – Valmont Industries, Inc., Southwest Fabrication LLC, Leotek Electronics USA Corp and Phoenix Highway Products, Inc. The City inadvertently left out a vendor that should have been included, Cem-Tec. The Agreements entered into between the City and the 4 vendors do not lock the City into purchases or specific dollar amounts with any one vendor.

19. PARK RENAMING: West Chandler Park

AUTHORIZED (6-1) transferring the name Nozomi Park to West Chandler Park

COUNCILMEMBER WENINGER voted nay on this item.

West Chandler Park is a 20-acre park located within the square mile bounded by Chandler Boulevard, 56th Street, Pecos Road and Kyrene Road. This park was constructed in two phases. The aquatic facility, which encompasses approximately 6 acres, was constructed and opened to the public in 1999. The remaining 14 acres were developed in 2003. This is a community park and offers the following amenities: dog park, baseball fields, multi-purpose field, aquatic facility, picnic ramada, lighted walking paths, parking, restroom and open turf space.

In 2004, the Parks and Recreation Board and City Council adopted a set of guidelines for the naming and re-naming of parks. In 2005, the City Council approved names for 13 parks. Included in this approval was the naming of the 68-acre park site located at the southeast corner of Queen Creek and McQueen roads to Nozomi Park.

Several months ago, Mr. Bill Staples submitted a proposal to Staff requesting that West Chandler Park be re-named to Nozomi Park. Staff feels that Mr. Staples has provided the necessary information that shows support by the community for the park name transfer according to the naming guidelines adopted by Council. Upon approval of the change, park and aquatic signage will be changed which will cost approximately \$3,000.00.

The transferring of the Nozomi Park name will require going through the park naming process to select a new name for the park site currently identified as Nozomi Park.

At their November 2, 2011 meeting, the Parks and Recreation Board approved the recommendation.

20. AGREEMENT: M. R. Tanner Development & Construction, Inc.

APPROVED Agreement #ST2-745-3066 with M. R. Tanner Development & Construction, Inc. for street replacement and asphalt mill and inlay maintenance in an amount not to exceed \$1,795,000.00 for a period of one year with options to renew up to two (2) additional terms of one-year each.

21. AGREEMENT: Cactus Asphalt

APPROVED Agreement #ST2-745-3051 with Cactus Asphalt, a division of Cactus Transport, Inc., for alley rehabilitation and maintenance in an amount not to exceed \$921,675.00.

22. AGREEMENT: Vulcan Materials Company

APPROVED Agreement #ST2-745-3069 with Vulcan Materials Company for hot mix asphalt material for one year with options to renew up to two (2) additional one-year periods in an amount not to exceed \$207,245.00.

23. AGREEMENT: Brown Wholesale

APPROVED Agreement #CM2-285-3037 with Wesco Distribution dba Brown Wholesale for LED roadway lighting luminaries, utilizing CDBG funding, in an amount not to exceed \$175,000.00.

As part of the application for 2011-2012 Community Development Block Grant (CDBG) funds, the City's Transportation and Development Department applied for funding to upgrade residential and collector street lights in a two square mile area of central Chandler. This application was in part a response to a resident survey conducted in early 2011 by Community Development Staff to determine the infrastructure and program needs of residents living in the City's low to moderate income neighborhoods. Under the infrastructure category, this was ranked as the highest need.

In the summer of 2011, the opportunity to leverage additional funds for the project to include the four square miles of the Arizona Public Service Area in central Chandler was realized when Staff from the City Manager's office made funding available from the Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) funds. Based on the funding available, CDBG funds will provide for the purchase of approximately 685 LED street light luminaries to be installed in the CDBG eligible areas. The balance of luminaries for this project will be purchased with EECBG funds. This agreement is for the purchase of the LED luminaries only. Installation of the energy efficient fixtures will be done by in-house staff.

24. AGREEMENT: Brown Wholesale

APPROVED Agreement #CM2-285-3038 with Wesco Distribution dba Brown Wholesale for LED roadway lighting luminaries, utilizing DOE funding, in an amount not to exceed \$285,900.53.

The City of Chandler was awarded an Energy Efficiency and Conservation Block Grant (EECBG) from the Department of Energy (DOE) as a part of the American Recovery and Reinvestment Act (ARRA). The DOE approved a number of the City's energy efficiency projects, including upgrading a portion of Chandler's streetlights to LED fixtures which will improve the quality of lighting in downtown neighborhoods as well as save on future energy costs. This agreement will be supplementing the Community Development Block Grant (CDBG) funding also being requested at this Council meeting. The four square miles of residential and collector streets in the APS territory was selected to receive LED streetlight upgrades as a part of these projects. This agreement is for the purchase of the LED luminaries only. Installation of the fixtures will be done by in-house staff.

25. No item.

26. AGREEMENT: Duncan Associates, Inc.

APPROVED an Agreement with Duncan Associates, Inc., for the Impact Fee Planning Project Phase 2, in an amount not to exceed \$150,000.00, and AUTHORIZED the transfer of contingency appropriation for a total amount of \$66,760.00 from all Utility and Non-Utility Impact Funds to fund the amount needed to complete the 2nd phase of the Impact Fee Study.

According to provisions of the Chandler City Code, system development fees are to be updated annually. It has been the City's practice to have consultants review the fees every other year and make an internal adjustment in the interim years. The last update to the City's fees was a 2009 update which was performed by City Staff. Due to the requirements passed by the State Legislature in SB1525, Staff updates will no longer be allowed. In the City's history of the current system development fee program, the City has hired one firm to calculate the utility system development fees (Rick Giardina & Associates which is new part of Red Oak Consulting) and another firm to calculate the non-utility system development fees (BBC Research & Consulting who was replaced by Duncan Associates, Inc. in 2007). The City is now proposing to hire Duncan Associates, Inc., to calculate both the utility and non-utility system development fees. Duncan Associates, Inc. performed Phase I of the work required to implement changes required by SB1525 by January 2, 2012.

27. AGREEMENT: ECOtality North America

APPROVED (6-1) an Agreement with ECOtality North America (ECOtality NA) to host an electric vehicle charging station at various City facilities.

COUNCILMEMBER WENINGER voted nay on this item. He expressed concern that the company was set to receive over \$100 million dollars in stimulus funds to put electric charging stations for cars throughout the country. He noted that the company had increased employees; however, they had lost \$12 million dollars last year and \$12 million dollars in the first quarter of this year.

The US Department of Energy (DOE) has provided funding through the American Recovery and Reinvestment Act (ARRA) to deploy vehicle charging infrastructure to promote the use of electric vehicles and to reduce petroleum consumption. ECOtality NA was selected by DOE as the Project Manager for the EV Project. Charging stations are being established on private and public property to create a sufficient infrastructure to support electric vehicle owners in their daily commutes and other trips. Placement ensures that such owners will not have to worry about having an adequate charge to complete their trips.

The EV Project is a pilot program and one of the purposes of the pilot is to determine users' driving and charging habits, as well as viable payment methods and fee structures for charging facilities. ECOtality NA has worked with Maricopa Association of Governments (MAG) to establish standards for siting and building permitting and has begun to install charging stations in the Phoenix and Tucson metro areas. The agreement allows for the installation of the charging equipment on City property, with provisions for equipment removal and site restoration at the end of the pilot program, if the City so desires. The City may opt to possess the equipment after the pilot program has concluded, subject to the terms of the license agreement.

The City of Chandler is committed to the continued exploration of sustainable technologies and views this pilot program as an opportunity to support the evaluation of alternate transportation models.

There will be no cost to the City for this program.

28. AGREEMENT: Devau Human Resources

APPROVED (6-0) Agreement #CS2-964-3043 with Devau Human Resources for temporary contract employees for a two-year period in an amount not to exceed \$2,500,000.00. The City is charged a cost per hour per employee plus a markup for each employee used under the contract. The percentage is added to the cost per hour for the total number of hours the employee works. The markup percentage of 15.9%, a 2% reduction from the previous contract, covers liabilities, check distribution, application process and federal tax reporting for the temporary employees. The City determines if the hourly wage is reasonable prior to any employee being used under the contract.

COUNCILMEMBER HARTKE declared a conflict of interest on this item and abstained from voting.

29. AGREEMENT: Standard Construction Company, Inc.

APPROVED Agreement #MU2-745-3077 with Standard Construction Company, Inc., for right-of-way repairs in an amount not to exceed \$99,000.00 for one year with options to extend for up to two additional one-year periods.

30. AGREEMENT: MakPro Services, LLC

APPROVED Agreement #ST0806-101 with MakPro Services, LLC, for professional services for Chandler Boulevard and Price Loop 101 Intersection Improvements Public Relations in an amount not to exceed \$51,800.00.

The City has received federal Congestion Mitigation and Air Quality funds for design and construction of bicycle lanes and an additional left turn lane for westbound to southbound traffic movements under the Price Loop 101 Freeway at Chandler Boulevard to improve traffic circulation. This project will also include modifications to the 101 Freeway underpass bridge retaining wall, landscaping, street lighting, traffic signals and traffic signal interconnects.

This contract for professional services will include development and maintenance of a project website, 24-hour hotline, comprehensive coordination and meetings with businesses, public meeting, and regular news releases and updates through appropriate media types such as fliers, newsletters and emails.

31. CONTRACT: Contractors West

APPROVED Contract #ST1003-401 with Contractors West for construction of Arizona Avenue Fiber Optic Interconnect in an amount not to exceed \$554,749.85.

The City has received federal Congestion Mitigation and Air Quality funds for construction of the fiber optic interconnect system along Arizona Avenue between Riggs and Frye roads. The fiber

will provide high-speed communication between field controllers and the Traffic Management Center.

32. No item.

33. AGREEMENT AMENDMENT: Loper and Associates

APPROVED Agreement CIP #ST0809, Amendment No. 1, with Loper and Associates to provide professional appraisal review services for the Gilbert Road Improvements Phase 2, from Queen Creed Road to the Hunt Highway, in an amount of \$15,000.00, for a revised contract total of \$36,600.00.

34. CONTRACT: SRP

APPROVED Contract #WW1104-301 with Salt River Project (SRP) for design and construction of a 2000-3600 amperage (Amps) service section to accommodate the wastewater lift station at the Ocotillo Water Reclamation Facility (OWRF) in an amount not to exceed \$100,756.00.

35. PURCHASE AND REPAIR: Phoenix Highway Products

APPROVED the Purchase and Repair of traffic signal control equipment from Phoenix Highway Products, sole source, in the amount of \$200,000.00 for one year. A sole source purchase is recommended due to Phoenix Highway Products being the exclusive vendor for certain traffic signal control equipment used by the Traffic Engineering Division. Phoenix Highway Products also completes repairs for the same equipment. This equipment is the only type compatible with the City's central traffic computer equipment and software. Uniformity of the traffic signal control system ensures compatibility and maintenance of the standard equipment.

36. PURCHASE: OfficeMax

MOVED TO ACTION.

37. USE PERMIT: All J's Detail

APPROVED Use Permit ZUP11-0022 All J's Detail, to allow an automotive detailing business within Planned Industrial District (I-1) zoning located at 7045 W. Galveston Street, Suite 11, north of Chandler Boulevard and east of 54th Street. (Applicant: Javier Olivas, business owner.)

The subject site is developed with one light industrial warehouse building which is approximately 32,800 square feet in size. Larsen Supply Company, a plumbing and heating equipment and supplies business, occupies approximately 20,800 square feet. All J's Detail will occupy the remaining 12,000 square feet. All J's Detail is currently located a couple of miles to the east with Use Permit approval and is relocating to the Galveston Street property. The business remains unchanged; the new site is a larger location allowing for more detailing of vehicles.

Surrounding buildings to the west, east and south are zoned I-1 light industrial. Property to the north is undeveloped land zoned I-1, which is adjacent to existing developed commercial property. There are automotive repair businesses under a Use Permit in the area off of 54th Street and an auto body paint and repair shop west of the subject site.

All J's Detail specializes in complete auto detailing including exterior vehicle buffing, waxing, detailing wheels and tires and interior shampooing and detailing. All J's Detail's main customers are Enterprise Rental Car, DRC Leasing, International Leasing, ATR Leasing and independent vehicle wholesalers who bring vehicles to the site for detailing. The business is not open to the general public for personal auto detailing; only corporate accounts. All washing or detailing of vehicles occurs within the warehouse or in the rear yard of the property behind the security gates. When vehicles are complete, they are parked in front of the building awaiting pickup. If there is a need for overnight parking of vehicles, this will occur behind the building in the gated area only. There are approximately 10 to 20 vehicles per day.

The request does not represent any use of this property for vehicle maintenance and repair, auto body or mechanical engine work, tire and/or wheel shop, vehicle customization and accessories, sales, leasing, vehicle related retail sales or the like.

The business operates Monday through Friday from 8 a.m. to 5 p.m. There are approximately 6 to 8 employees. There are approximately 60 parking spaces on the property for use by both tenants. However, the front parking lot's parking space stripes have faded. Planning Staff has advised the applicant that the site's parking spaces, including the A.D.A. parking spaces, need to be striped and to coordinate with the property owner.

DISCUSSION

The I-1 zoning district does not permit automotive related uses such as sales, leasing, repair, customization, detailing and the like without approval of a Use Permit since these are considered commercial not industrial uses. It is not unusual to have automotive uses granted a Use Permit in the I-1 zoning. There are several auto businesses west of the subject site off of 54th Street, in the building next to this site, and some south of Chandler Boulevard that have been successful and compatible at their location within an industrial business park.

The Planning Commission and Planning Staff are of the opinion that the proposed automotive detailing business is compatible with the other businesses in the immediate area and the mix of uses in the industrial park area. The location provides adequate parking for the business too. The applicant understands and agrees to conditions limiting the business to what is represented as an automotive detailing use only. The Planning Commission and Planning Staff recommend several conditions including a two (2) year time limit since this business has been in operation at another location over one year and has had no issues or concerns.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 13, 2011. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

1. The Use Permit shall remain in effect for two (2) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (Floor Plan, Site Plan and Narrative) shall require reapplication and approval of a Use Permit.
3. The Use Permit is non-transferable to other store locations.

4. There shall be no vehicle maintenance and repair, auto body or mechanical engine work, tire and/or wheel shop, vehicle customization and accessories, sales, leasing, vehicle related retail sales, or the like.
5. The site shall be maintained in a clean and orderly manner.
6. There shall be no vehicle parking, storing, detailing, or the like on City streets. All vehicles shall be maintained on-site.
7. There shall be no working on vehicles in front of the building; all detailing shall occur in the building or at the rear of the property.
8. As represented by the applicant, clients are restricted to corporate accounts only; no individual, general public clients are permitted.

38. USE PERMIT: Rudy's Country Store and Bar-B-Q

APPROVED Use Permit LUP11-0022 Rudy's Country Store and Bar-B-Q, Series 7 Beer and Wine Bar License, to allow liquor sales as permitted for a new restaurant's interior dining and patio area, and as permitted under a Series 10 Beer and Wine Store license for the restaurant's retail store located at 7300 W. Chandler Boulevard. (Applicant: Amy Nations, ALIC.)

The subject was formerly developed as a Mobile/Exxon gas station with convenience store. The business closed down several years ago and has remained unoccupied. The property recently came under new ownership which includes the vacant, undeveloped lot west of the site next to the existing Denny's restaurant. A Rezoning with Preliminary Development Plan zoning case was recently approved by City Council for the restaurant's surface parking lot on the vacant lot. The new property owner is redeveloping the former gas station site including the vacant lot with this new restaurant and retail country store.

The restaurant with store is approximately 7,300 square feet which includes an approximately 770 square foot patio and 590 square foot retail country store. The patio is integrated and covered as part of the building but includes partial garage doors that open up the area to the outside.

Restaurant hours will be from 7 a.m. to 9 p.m. Sunday through Thursday, and 7 a.m. to 10 p.m. Friday and Saturday. There are approximately 210 indoor seats and 60 seats on the patio. The restaurant includes televisions and small speakers throughout.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 14, 2011. There were no neighbors in attendance. The Police Department has been informed of the application and has not responded with any concerns. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan and C-2 zoning, the Planning Commission and Planning Staff recommend approval subject to the following conditions:

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new liquor Use Permit reapplication and approval.
2. The liquor Use Permit is granted for a Series 7 (restaurant) and Series 10 (retail country store) license only and any change of licenses shall require reapplication and new liquor Use Permit approval.
3. The liquor Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.

5 The patio shall be maintained in a clean and orderly manner.

39. LIQUOR LICENSE: Rudy's "Country Store" and Bar-B-Que

APPROVED a Series 7 Beer and Wine Bar Liquor License (Chandler #137857 L7) for Randy D. Nations, Agent, Rudy's West Bar-B-Que LLC, dba Rudy's "Country Store" & Bar-B-Q, located at 7300 W. Chandler Boulevard. A recommendation for approval of State Liquor License #07070258 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

40. LIQUOR LICENSE: Rudy's "Country Store" and Bar-B-Que

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #137857 L10) for Randy D. Nations, Agent, Rudy's West Bar-B-Que LLC, dba Rudy's "Country Store" & Bar-B-Q, located at 7300 W. Chandler Boulevard. A recommendation for approval of State Liquor License #10076201 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

41. LIQUOR LICENSE: Carniceria El Herradero

APPROVED (6-1) a Series 10 Beer and Wine store Liquor License (Chandler #138068 L10) for Amanda Adams, Agent, Carniceria El Herradero LLC, dba Carniceria El Herradero, located at 492 W. Ray Road. A recommendation for approval of State Liquor License #10076213 will be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership. Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as Quick Stop. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

COUNCILMEMBER HEUMANN voted nay on this item.

42. LIQUOR LICENSE: Amalfi Pizzeria

APPROVED a Series 12 Restaurant Liquor License (Chandler #138317 L12) for Giuseppe Miele, Agent, Joser LLC, dba Amalfi Pizzeria, located at 4991 S. Alma School Road, Suite 123. A recommendation for approval of State Liquor License #12078929 will be forwarded to the State Department of Liquor Licenses and Control. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Streets of New York #34. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

43. SPECIAL EVENT LIQUOR LICENSE: East Valley Jewish Community Center

APPROVED a Special Event Liquor License for the East Valley Jewish Community Center for "Get Reel with Director Bryan Singer", a Holocaust Museum Project Fundraiser, on January 14, 2012, at the Chandler Center for the Arts, 250 N. Arizona Avenue. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

44. SPECIAL EVENT LIQUOR LICENSE: Kyrene Community Schools Foundation

APPROVED a Special Event Liquor License for Kyrene Community Schools Foundation for the Taste of Kyrene Silent Auction & Dinner on March 1, 2012, at the Castle at Ashley Manor, 1300 S. Price Road. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

ACTION:

36. PURCHASE: OfficeMax

CONTINUED TO THE JANUARY 12, 2012 COUNCIL MEETING. Purchase of office supplies from OfficeMax, utilizing the City of Flagstaff extended contract, in an amount not to exceed \$220,000.00.

Discussion:

COUNCILMEMBER HEUMANN voiced concerns regarding the contract in terms of paper products.

He stated that he had spoken to a vendor who was not compared to in terms of the paper contract. He wanted to separate the paper portion of the contract in order to talk with the different vendor. He further stated that the rebate that would be given by the vendor would be more than what would be received by OfficeMax. He added that vendor was a local business.

In response to a question from COUNCILMEMBER HEUMANN, City Attorney MARY WADE indicated that the item would need to be continued if the wish was to separate the paper from the other parts of the purchase.

MOVED BY COUNCILMEMBER HEUMANN, SECONDED BY COUNCILMEMBER WENINGER TO CONTINUE ITEM NO. 36 (PURCHASE OF OFFICE SUPPLIES) TO THE CITY COUNCIL MEETING OF JANUARY 12, 2012.

COUNCILMEMBER ORLANDO questioned if the existing contract with OfficeMax would be interrupted if the item was continued.

Management Services Director DENNIS STRACHOTA replied that the existing contract was for an extension with OfficeMax.

Purchasing & Materials Supervisor MIKE MANDT explained to the Council that the City was using the City of Flagstaff's contract with OfficeMax. He stated that the contract had already been extended by the City of Flagstaff. He added that staff was seeking approval to use the contract.

WHEN THE VOTE WAS CALLED, THE MOTION CARRIED UNANIMOUSLY (7-0).

45. USE PERMIT: AMFC/Bait Fatima

Use Permit ZUP11-0020 AMFC/Bait Fatima, for the operation of residential childcare within a single-family residence located at 1736 E. Frye Road. (Applicant: Taha Hussain.)

Background:

The 1-acre lot is one of four larger single-family properties zoned AG-1 located on the north side of Frye Road just west of the Consolidated Canal. The site backs to The Springs single-family subdivision and to the southwest is Bologna Elementary School. Canal Drive forms a "T" intersection with Frye Road directly south of the subject site's western edge. There are no intersections east of the subject site on Frye Road.

The subject site contains a 1,064 (livable) square foot house placed close to Frye Road and a large back yard with a garage in the back portion of the property. A 6'-high fence surrounds the entire back yard with a large, solid gate adjacent to the house. There used to be chickens and livestock in the back yard, but they have all been removed and the yard is mostly open. There is a patio and play area adjacent to the house.

The childcare business will accommodate up to a maximum of ten (10) children for compensation. The resident/owners also have two (2) children of their own. Besides the residents, one other employee might be hired in order to meet state standards. They do not currently regularly care for any children other than their own. Pick-up/drop-off will occur in the driveway and adjacent street frontage. Hours of operation will be 6 a.m. to 6 p.m.

The application also requests approval for a job training service to be operated from the home. The service would involve one-on-one visits, by appointment only, in a room already set up as a home office. The applicant would provide free advice and training regarding computer skills, resume building and the like. There would be a maximum of two (2) appointments per day, weekdays only. The Planning Commission and Staff recommend a condition that would eliminate the job training service from this approval.

The Planning Commission and Staff recommend approval of the childcare portion of the request with a time limit of one (1) year to allow for re-evaluation after a track record has been established. The 1-acre site is sufficiently sized for this number of children and the wide lot frontage (131') along a dead-end street allows adequate space for pick-up/drop-off. Also, the type of traffic generated by this use will probably not be noticeable in such close proximity to the elementary school, which has similar peak traffic times but much higher quantities. The Planning Commission and Staff recommend a condition that would prohibit the job training service because it is not a "residential type of use" like childcare or assisted living and is only appropriate in transitional areas such as those covered by the Residential Conversion Policy (e.g. single-family lots fronting on arterial streets). It is noted that the job training service would be very difficult to monitor for compliance with any conditions, and it could easily be conducted off-site, such as the student's home or a public library, without needing a Use Permit.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 13, 2011. There were two neighbors who live south of the subject site in attendance with general questions about the request. A different neighbor who lives north of the site is opposed to the request because of a reported rooster on the site that has caused repeated noise disturbances over the past couple of years. He feels that if the City's laws against roosters are violated, then the property owner cannot be trusted to follow any conditions of the Use Permit approval. Planning Staff and Code Enforcement have investigated the rooster complaint and found no evidence that the subject site has a rooster, but rather it appears that the noise is coming from a neighboring AG-1 property.

PLANNING COMMISSION VOTE REPORT

The Planning Commission added recommended Condition No. 6 to increase the amount of paved parking area on the property:

6. The applicant shall work with Staff to provide additional paved parking spaces adjacent to Frye Road.

The concern is that without sufficient on-site parking spaces, turnaround traffic could cause a significant safety issue in such close proximity to an intersection especially one with heavy volumes during peak hours and student pedestrian crossings. It is also noted that Frye Road does not have a cul-de-sac at its dead-end to the east, so there is no natural location to turn around on the street. If vehicles cannot easily turn around farther east and they cannot easily maneuver in/out of the subject site's off-street parking spaces, then it is supposed that many of them will turn around at the intersection in order to park curbside in front of the house.

The applicant did not attend the Planning Commission hearing but later expressed that he does not wish to accept recommended Condition No. 6.

Since the hearing, Staff has investigated the issue raised by the Planning Commission and found Condition No. 6 to be unnecessary. Frye Road has a pavement width of about 45' as it crosses the subject site. In practice, Staff has found Frye Road to be of more than sufficient width at this point to allow safe U-turn movements, even with larger vehicles. Staff also believes, upon further study, that it is more natural for vehicles to make the U-turn immediately east of the subject site rather than in the intersection so as to end up curbside in front of the subject house. In summary, Staff has found Condition No. 6 to be unnecessary to address the Planning Commission's stated concerns, valid as they may be.

STAFF RECOMMENDED ACTION

Upon finding consistency with the General Plan, Staff recommends approval subject to the following conditions:

1. Use Permit approval shall be applicable only to the applicant and location identified with this application and shall not be transferable to any other person or location.
2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
3. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

4. The requested job training service shall be excluded from this approval.
5. 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.

Discussion:

Senior City Planner BILL DERMODY presented the use permit case to the Council. He told the Council that both staff and the Planning & Zoning Commission (P&Z) recommended approval; with the P&Z recommending one additional condition.

He stated that P&Z had concerns over the paving of the area. The commission was concerned that without providing additional paving, people would try to do a turnaround in the intersection when there was a lot of traffic and children crossing the street.

Mr. Dermody explained that the applicant felt their property would be too much of a commercial type of environment if their entire front yard was paved. He added that staff further investigated the issue and concluded that it would not be natural for them to have drivers do a turn around and end up in the neighbor's property.

In response to a question from COUNCILMEMBER HEUMANN, Mr. Dermody stated there was enough room in the area for traffic.

COUNCILMEMBER HEUMANN questioned if the applicant was okay with not having job training on site. MR. DERMODY indicated that the applicant was fine with that condition.

At the request of MAYOR TIBSHRAENY, Mr. Dermody explained that there was a single difference between what was being recommended by staff and by what was being recommended by P&Z. He stated that the recommendation by P&Z required an additional area in front of the house to be paved to have more parking on the site. He clarified that the use would be residential day care for up to 10 children.

MR. TAHA HUSSAIN, 1736 E. FRYE ROAD told the Council this wife would be taking care of children at the site. He stated that their application met all of the City requirements. He expressed concern over the look of the property. He stated that he wished to keep the space looking residential.

He explained that there was a dead end in the area and stressed that there was no traffic in the area. He felt that paving the area would negatively impact the area. He noted that it would be an unnecessary expense.

COUNCILMEMBER WENINGER expressed support over the use permit and concurred that the paving would be an unnecessary expense. He applauded the applicant for dropping the job training portion of the business at the site.

MR. HUSSAIN, clarified that the job training would have been more of counseling for kids.

MOVED BY VICE-MAYOR DONOVAN, SECONDED BY COUNCILMEMBER WENINGER, TO APPROVE ZUP11-0020 AMFC/BAIT FATIMA, USE PERMIT FOR RESIDENTIAL CHILDCARE SUBJECT TO THE CONDITIONS RECOMMENDED BY STAFF.

MOTION CARRIED UNANIMOUSLY (7-0).

46. USE PERMIT: Wee Blessings Preschool & Academy

Use Permit ZUP11-0021 Wee Blessings Preschool & Academy, to operate a preschool and tutoring business at 1751 E. Queen Creek Road. (Applicant/Owner: FNBN UTAZ, LLC.)

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 Airport 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 also 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.

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.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held August 30, 2011. There were four rural residential neighbors in attendance who expressed concern that the subject use should not prevent them from applying fly spray to their horses or result in any related legal liability. Other concerns regarded visibility to/from the outdoor play area to their backyards. 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

This was the second time the 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 – 4 in favor and 3 opposed.

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.

The 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 in place, approved by City Council and currently under review by the FAA, 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

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

STAFF RECOMMENDED ACTION

Upon finding consistency with the General Plan, Staff recommends approval 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.

Discussion:

Senior City Planner BILL DERMODY told the Council that this item was being brought back to Council for reconsideration after being denied at the City Council's meeting in October.

COUNCILMEMBER ORLANDO questioned if there had been any resolution to the issue of pesticides from the State.

MR. DERMODY replied that no resolution had been made in regards to the issue. He stated that the State would not conduct a full evaluation on the application until they had received a full application fee. He stated that the applicant was not going to pay the non-refundable fee until there was outcome to the Use Permit.

COUNCILMEMBER HARTKE questioned the licensing of the childcare facility that was at the site.

MR. DERMODY responded that there was a special needs school at the site. He indicated that staff had deemed that facility a medical office due to the way that it operates. He stated that a therapist ran the classes with only special needs students attending.

COUNCILMEMBER HARTKE questioned the type of classification the facility received from the State.

MR. DERMODY believed that the facility had classified as some type of preschool, though he noted it was a different type of preschool.

COUNCILMEMBER ORLANDO questioned if staff had received comments back from the FAA regarding noise contours.

Transportation & Development Director RJ ZEDER told the Council that staff was still awaiting response from the FAA. He stated that the issue was still a work in progress.

MR. JORDAN JACOBS, 2220 E. SUNLAND AVE, PHOENIX, AZ, spoke in opposition of the Use Permit. He believed that the site was inappropriate site for the specific type, negatively impact nearby property owners' ability to use pesticide and impacting their rights and property values. He urged the Council to consider what the Airport could be in the future. He urged the Council to assist Wee Blessings in finding a location where the business could thrive at.

MS. TIFFINI SORENSEN, 12539 E. QUEEN CREEK ROAD voiced her opposition of the Wee Blessings Use Permit. She stated that the Preschool's playground was 40 feet in her backyard. She stated that pesticides, compose and manure were used. She noted that mosquitoes and pests also filled the area. She did not believe the area was appropriate for the preschool.

MR. CHRIS SORENSEN, 12539 E. QUEEN CREEK ROAD voiced concern over what would happen if the Council were to approve the Use Permit. Mr. Sorensen showed pictures on the screen in the Council Chambers showcasing his fence that would border the preschool. He questioned who would be responsible if a child reached over the fence and got his or her finger bitten off by a horse. He asked the Council not to approve the Use Permit as he sprayed pesticide every hour. He stated that there was only a distance of 40 feet from his property line and the school.

MS. GEESJE STEVENS, 3151 S. EAGLE DRIVE also voiced her opposition to the Use Permit. She addressed the issue of pesticide spraying by indicating that she had received a letter 3 years ago from the child medical facility that was on the site asking that the homeowners not use fly spray. She told the Council that they were asked not use any sprays on their animals from the hours of 7am-6pm, because the State of Arizona would not issue them a license to operate a preschool if the homeowners did not agree to that. Ms. Stevens stated that she could not give herself certain hours to pesticide.

Ms. Stevens did not believe that the site was appropriate for Wee Blessings. She told the Council that they had a responsibility to ensure her property rights. She indicated that when the zoning had initially gone into the area, she had been told that only general offices/medical would go into the area and nothing would create a nuisance or hazard. She asked the Council to consider restrictions and regulations on the preschool if the use permit was approved. She also asked that the parents be notified of all the agriculture uses around the area to eliminate liability.

MR. JIM ORMSBY, 3131 E. HORESHOE DRIVE, expressed his opposition to the use permit. He asked the Council to consider situations reversed and they would approve an Airport being built next to a school. He questioned if the school and the parents would still want the school in the area after noise and

MR. DENNIS STEVENS, 3151 S. EAGLE DRIVE spoke against the Use Permit. He asked the Council to abide by the laws of the State as the law does not allow preschools to be in the area of agricultural property.

MR. PHILLIP CHAVEZ, 1563 W. MUSKET WAY, the applicant for the Use Permit, thanked the Council for reconsidering the item. He noted several other businesses in the area that are and would be subject to the same noise that the preschool would be. He did not consider the noise to be a factor.

Mr. Chavez noted that there was a preschool that was even closer to the helicopter pad than any other business in the area.

VICE-MAYOR DONOVAN noted that she had previously requested for Mr. Chavez to work with the City's Economic Development Director in securing a different location. She asked what came about those discussions.

MR. CHAVEZ responded that those conversations were held with his broker. He noted that they had looked at different sites, however he did not think any other site was suitable.

VICE-MAYOR DONOVAN believed that working with the Economic Development Office would further enhance the ability for Mr. Chavez to find a suitable location.

MR. CHAVEZ noted that he had looked at various sites throughout the City. He mentioned that there was a site where the Red, White and Brew restaurant was located; however, the location was too expensive. He indicated that he also approached other areas where some preschools were currently housed; however, he explained that those schools were not going to vacate their buildings anytime soon.

VICE-MAYOR DONOVAN asked Mr. Chavez if his broker had worked with the City's Economic Development Director. MR. CHAVEZ believed the two had spoken.

COUNCILMEMBER SELLERS stated that he was a supporter of the Airport and did not want to jeopardize the operations of the Airport. He questioned Mr. Chavez as to how aware he and the parents were of helicopters flying directly over the building. He asked if there could be any assurance that the City would not receive complaints over the flights or any noise.

MR. CHAVEZ responded that he had relayed questions regarding noise and pesticide to the parents of all the children of the schools. He did not see any noise issues at the school. He stated that WEE Blessings would not complain about any noise issue.

COUNCILMEMBER SELLERS asked Mr. Chavez what his comfort level was in terms of receiving a permit from the State over the pesticide issue. MR. CHAVEZ indicated that he was very confident that the State would recommend the permit.

At the request of Vice-Mayor Donovan, MR. CHUCK DEROSA introduced himself to the Council as the broker for Mr. Chavez. He told the Council that he spoke with the City's Economic Development Director some days after the last Council meeting where the item had been discussed. He indicated that other potential sites that she had mentioned where sites that already been looked at. He stated that in most cases they ran into problems over cost and separation of the road and activity of nearby vehicles.

In response to a question from COUNCILMEMBER HEUMANN, Mr. Dermody indicated that there had been recognition that the Airport use was in the area as part of the original PAD zoning of the property.

MR. JAMES COURTEAU, 2075 E. GRAND CANYON DRIVE told the Council he was concerned over the pesticides that were being sprayed in the area.

MR. CARL MCFARLAND, 394 E. ELMWOOD PLACE voiced his support over the Use Permit for Wee Blessings. He did not see any concerns over noise or pesticide issues. He believed the Council would make the appropriate decision.

MS. AMIEE VALENZUELA-ALTOMARE, 2632 E. ZION WAY also voiced her support over the Use Permit for Wee Blessings. She noted that many other schools and homes border many different farm lands. She believed that issue should be questioned further instead of the location of the preschools.

MAYOR TIBSHRAENY noted he had received many comment cards from individuals who expressed support of the Use Permit for Wee Blessings and encouraged the Council to approve the item. He read to the record speaker cards from the following individuals:

- Kim Carney
- Kris Taylor
- Marie Smith
- Susan Rombough
- Amy Wicoff
- James Courteau
- Cindy Courteau
- Diane Mori
- Joshua Burke
- Laurie Burke
- Chris & Jacqueline Griffin
- Colleen Schuh
- Jeana Brunchy
- Chris Brown
- Adrienne Kunz
- Michelle Brown
- Amiee Valenzuela-Altomane
- Monika Murphy
- Brent Murphy
- Rochell MacCoshann
- Erika Canonica
- Renee Duerksen
- Kara Eldred
- Carl McFarland

COUNCILMEMBER HEUMANN noted there were certain stipulations in place when the building was built in order for it to comply with the noise level. He added that the final plat also required to contain the following statement: "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.”

MOVED BY COUNCILMEMBER HEUMANN, SECONDED BY COUNCILMEMBER WENINGER TO APPROVE USE PERMIT, ZUP11-021, WEE BLESSINGS PRESCHOOL & ACADEMY WITH THE FOLLOWING TWO STIPULATIONS ADDED TO THE USE PERMIT:

Licensee shall acknowledge: (a) that Licensee’s preschool and tutoring services business will be operated under this Use Permit at a site which is (i) adjacent to certain private property located in Maricopa County and outside Chandler’s city limits; (ii) zoned for agrarian use; (iii) used in part for stabling, riding, and/or breeding of horses; and (iv) likely to be a source from which odor or dust normally associated horses may emanate; (b) that Licensee has or will take reasonable action to advise persons using the Licensee’s business of the aforementioned circumstances; and (c) that it is not Licensee’s intent to interfere or infringe upon any property rights held by owners of other nearby properties.

Licensee shall be in compliance with all applicable state and federal statutes, regulations or rules applicable to the operation of Licensee’s preschool and tutoring business at the site for which this Use Permit is being issued, and the granting of this Use Permit shall not be deemed to supersede any such matters.

COUNCILMEMBER ORLANDO asked Mr. Chavez he agreed with the additional stipulations.

MR. CHAVEZ stated he was fine with the additional stipulations.

VICE-MAYOR DONOVAN asked Economic Development Director CHRIS MACKAY to speak about the process and assessment of finding a suitable area for Wee Blessings.

Ms. Mackay indicated that she had handed her business card and offered her service to Mr. Chavez and his broker. She stated that she had driven the area that Wee Blessings was looking to locate at. She did not disagree that the area did not have many vacancies; however she did believe that she had found some suitable sites. Ms. Mackay added that she did not recall having any other contact with Mr. Derosa.

VICE-MAYOR DONOVAN stated that she still had concerns over the noise study that the Council had approved. She stated that she would love to see the preschool succeed; she felt it needed to be at a more suitable location.

WHEN THE VOTE WAS CALLED, THE MOTION CARRIED BY MAJORITY, WITH VICE-MAYOR DONOVAN, COUNCILMEMBER ORLANDO AND COUNCILMEMBER HARTKE VOTING NAY. (4-3).

CURRENT EVENTS:

A. Mayor's Announcements

Mayor Tibshraeny announced that entries for the official Centennial program cover design contest are due Jan. 13, 2012. The contest winner will be announced and the design presented at the Centennial 100 Day Countdown Kick-Off on February 7, 2012, at City Hall. In addition, he mentioned that Centennial shirts and ornaments were on sale at the Pages gift shop at the downtown Library.

Mayor Tibshraeny congratulated Patti Bruno, Lowell Huggins, Dave McDowell and the families of Detective Carlos Ledesma and Marty Wright as they were inducted to Chandler's Celebration Plaza.

Mayor Tibshraeny wished everyone a happy holiday and safe new year.

Mayor Tibshraeny also made the following announcements:

- Curbside Christmas Tree recycling runs through January 13th.
- City offices will be closed Dec. 26 and Jan. 2
- Trash and recycling services will not be affected through the holidays and same day pickups will remain.
- He encouraged everyone to downtown to enjoy the holiday lights and activities
- Art Walk tomorrow night from 6-10 pm

Mayor Tibshraeny thanked the Council, staff and citizens for a great first year on the job.

B. Councilmembers' Announcements

Councilmember Heumann wished everyone happy holidays. He thanked staff for their work on the science tech festival that will be held in February.

Councilmember Seller informed everyone that he had missed the Council's Monday night because he was part of a group that visited the Nogales port of entry. He mentioned that he attended as part of the Maricopa Association of Governments Economic Development Committee.

Vice-Mayor Donovan wished everyone a happy holiday and happy new year.

Councilmember Weninger also wished everyone a happy holiday. He also announced the 2012 Chandler Chamber of Commerce Legislative Reception at the Ocotillo Golf Resort. He invited the public to attend.

