

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, January 12, 2012 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

*Councilmember Heumann participated in the meeting via telephone.

Also in attendance:

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

INVOCATION: Councilmember Hartke

PLEDGE OF ALLEGIANCE: Councilmember Orlando

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER HARTKE, to approve the Consent Agenda as presented with the noted changes to Item Nos. 6, 7, and 23.

MAYOR TIBSHRAENY noted that there were additional conditions (Condition No. 23 and 24) added to Item No. 6 (Ord. No. 4336, DVR11-0033 NORTON'S CROSSING).

Condition no. 23: The applicant shall work with staff to provide landscaping at the intersection corner and within the landscapable area of the Chandler Boulevard right-of-way, located between the primary entrance drive along Chandler Boulevard and the adjacent apartments to the west.

Condition no. 24: Compliance with the original conditions adopted by the City Council as Ordinance no. 4053 in case DVR07-0042 NORTON'S CROSSING, except as modified by condition herein.

It was noted on Item No. 7 (Pastorino Dairy) The legal protest has been withdrawn.

Council discussed Item No. 23 (Neighborhood Signage Grant Program) during the Study Session. At the request of Councilmember Heumann, staff proposed a revision to the eligibility requirements to include Traditional Neighborhoods only.

COUNCILMEMBER WENINGER asked if in the instance that there is low participation by the neighborhoods, using only a small portion of the funding, would Council re-evaluate this program next year?

MS. JENNIFER MORRISON, Neighborhood Resources Division Director, advised that the money has been allocated through the end of this fiscal year, June 30, 2012. She stated that staff could identify participation rates following this fiscal year and produce a report for Council.

COUNCILMEMBER HEUMANN noted that he would be voting nay on Item No. 35 (Use Permit ZUP10-0032, San Marcos Golf Resort) as he does not support a 3-year time extension on the property.

MAYOR TIBSHRAENY noted that he would be voting nay on Item No. 6 (Ord. No. 4336, DVR11-0033 NORTON'S CROSSING).

MOTION CARRIED UNANIMOUSLY (7-0) with the exceptions noted.

1. MINUTES:

APPROVED Minutes of the City Council Regular Meetings of December 12 & 15, 2011, and the City Council Special Meetings of December 15 & 21, 2011.

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

ADOPTED Ordinance No. 4327 authorizing the dedication in fee of portions of City-owned Municipal Utilities Property for public roadway located at the SWC of Gilbert and Ocotillo roads.

3. NO-COST IRRIGATION EASEMENTS: RWCD Ord. #4332

ADOPTED 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.

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

ADOPTED Ordinance No. 4333, DVR11-0036 East of the SEC Ocotillo and Lindsay Roads, establishing initial City zoning of AG-1 on approximately 23.8 acres.

5. REZONING: Arizona-Elliot Commerce Center Ord. #4335

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4335, DVR11-0017 Arizona-Elliot Commerce Center, rezoning from AG-1 to PAD with PDP for a new commercial development that includes a fuel station on 6.6 acres located at the SWC of Elliot Road and Arizona Avenue. (Applicant: MD Partners LLC; Owner: Arizona Elliot Holdings, LLC.)

The development will include the entire 6.6-acre vacant corner parcel. To the west are townhomes; to the southwest is an apartment complex and to the south, along Arizona Avenue, is

a truck rental facility. The intersection's other corners are either existing commercial (northwest corner) or planned commercial uses (northeast and southeast corners). The Elliot Road/Arizona Avenue intersection is the gateway corner to Chandler for southbound traffic on Arizona Avenue and westbound traffic on Elliot Road.

The site has been zoned Agricultural District (AG-1) since its 1981 annexation. In 1990, a rezoning request to allow a furniture sales use was denied by City Council. In 1996, a rezoning request to allow a corner gas station was withdrawn under Staff opposition. In 2000, a rezoning request to allow a mixed-use development with gas station, retail, office and fast-food uses was withdrawn under Staff opposition. In 2008, a rezoning request to allow a fuel station, offices and assisted living was denied by City Council.

There are eight (8) fuel stations within one mile of the subject site, including four that are one mile to the north, two that are one mile to the east, one that is one mile to the south, and one that is one mile to the west. Only two of these nearby fuel stations are in Chandler. There is also a Circle K convenience store (without a fuel station) on the northwest corner of the subject intersection.

The application proposes a fuel station and convenience store on the corner, a car wash to the south along Arizona Avenue, two fast-food pads in the site's northwest portion, and self-storage in the site's southwest portion. Two points of vehicular access are provided from Elliot Road and one from Arizona Avenue. Neither Elliot Road nor Arizona Avenue has raised medians, so all driveways are effectively full-access. The buildings, including the self-storage facility, all abide by the minimum dissimilar land use setbacks from neighboring residential properties of 25 feet plus 1 foot for every 1 foot of building height. Pedestrian connections are provided between all of the buildings and to the existing bus stop along Arizona Avenue.

The site provides sufficient pedestrian features including three shaded seating areas and pedestrian oriented artwork. The fast-food pads also provide a small pedestrian seating area and generous space for potential patio dining.

The application requests relief from the maximum of one pad building per arterial frontage for this development. Given that the site is too small for a traditionally designed shopping center, the application essentially pursues five separate pad buildings to be linked through site design and common architecture. The two fast-food pads are effectively connected via an irregular drive-through design that makes the pads appear as one single pad. The combined fast-food pads, the fuel station/convenience store and the car wash therefore act as three pads along the street frontages, with the self-storage facility being completely removed from the streets in the site's rear portion. Notably, the self-storage facility does not need much exposure and so the issue of pad buildings blocking visibility is a lesser concern at this location.

The development will be constructed in multiple phases. Phase One includes the fuel station/convenience store, the car wash, associated site improvements and landscaping along the entirety of both street frontages. The remainder of the site (the fast-food pads and the self-storage) will be built as future demand warrants. The application's phasing plan represents a request for relief from the following Zoning Code standard for minimum Phase One square footage:

Any pad buildings 25,000 square feet or less in building area, located within any commercial site that is less than 10 acres in size, shall be constructed concurrently or

subsequently with at least 12,000 square feet of additional building area in the commercial center.

The development provides sufficient parking with 145 spaces. There are 11 spaces allocated to the self-storage facility, which is anticipated to generate little to no parking demand. There are 134 spaces allocated to the site's other uses, compared to a Zoning Code requirement of approximately 107 spaces for those uses. Phase One provides 51 spaces compared to the Zoning Code requirement of 39 spaces.

The building architecture and pedestrian amenities use a "Craftsman Style" theme with multi-tone stucco finishes, intermittent crosshatching of the stucco, angular footprints and rooflines, stepped parapets, pitched clay tile roofs highlighting the entrances and brick/stone highlights on the building bases. Clerestory windows are used on several façades to provide visual interest on the higher portions of the walls, including notably on the long southern wall of the car wash. The fuel canopy uses many of the same elements including 8'-high brick column treatments, three raised flat parapet sections and a raised pitched roof element. The car wash parking spaces are covered by angular metal-frame canopies with red cloth for shade.

No signage is requested by the application. Project identification, building and fuel canopy signage are shown in the Development Booklet for illustration purposes only. Signage will have to be approved through a separate PDP allocation.

The application does not request late hour businesses as defined by the Late Hour Business Policy. All of the site's buildings could fall under the policy due to their proximity to residential uses. A recommended condition clarifies that future late hour business operation would first require separate Use Permit review and public hearings as set forth by the policy prior to commencing such late hour operation.

Staff finds the subject development to be a well-designed solution for a difficult vacant corner that would be difficult to develop for most other uses. The variety of uses proposed for the site has been effectively integrated through site planning and architecture.

Staff supports relief from the maximum of one pad building per street frontage given the site design that minimizes conflicts and the presents of a self-storage facility in the property's rear that needs less visual exposure than many other uses.

Staff supports the requested relief from the minimum square footage requirement. In order to ensure proper visual screening from adjacent residential properties through all development phases, it is recommended that landscaping along the west and south property boundaries also be added to Phase One. Relief is appropriate on this relatively small infill parcel with limited realistic development possibilities for its western half. Due to the location at an arterial street intersection and the forbidding retail economics of the subarea, it is highly unlikely that this parcel could be developed as an apartment complex, general retail center, or office complex in the foreseeable future. Since the site's western half will most likely only ever be suitable for the requested uses or perhaps a small office development, the relief from the Phase One requirements will not damage the developability of the site.

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 no citizens in attendance. A neighboring commercial property owner has contacted Staff with concerns about the project's

sustainability, including that it does not meet the Zoning Code minimum for Phase One square footage and that there may be too many fuel stations/convenience stores in the area already.

The Planning Commission added Conditions No. 13 & 14 to address pedestrian connections to the convenience store and curbing near the fast-food pad buildings. Commissioners were concerned that certain thin strips of curbing near the fast-food would be frequently damaged by vehicles unless widened by several feet. Several options for creating room for the wider curbs were discussed, with the details to be worked out with Staff.

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

6. REZONING: Norton's Crossing

Ord. #4336

INTRODUCED AND TENTATIVELY APPROVED (6-1) Ordinance No. 4336, DVR11-0033 Norton's Crossing, rezoning from PAD for office, retail and multi-family development to PAD, to eliminate a zoning condition requiring the development of the 8.3-acre commercial component as the first phase of development located at the NWC of Chandler Boulevard and Gilbert Road. (Applicant: Mike Curley; Earl, Curley & Lagarde.)

The subject site is approximately 23.5 acres with 8.3 acres designated as commercial development primarily focused along the arterial frontages, with the remaining 15.2 acres as multi-family development. The subject site initially received zoning in 1993 as part of the 230-acre Dobson Place master planned community. As that time, the site was zoned PAD for multi-family and commercial development. In 1995, the site was rezoned to PAD strictly for commercial uses, eliminating the multi-family designation. With the development of the Dobson Place single-family residential neighborhood, the zoning was vested for the site. In 2008, the site was rezoned to allow for the office, retail and multi-family development. A three-year extension of the zoning was granted earlier this year.

Directly north and west of the subject site is the Dobson Place single-family residential neighborhood. East, across Gilbert Road at the intersection corner, is a CVS Pharmacy located within the Town of Gilbert. South, across Chandler Boulevard, is a Circle K gas station, vacant land and an automotive shop, all located in a county island. In addition, there is a small trailer park and the Colonia Coronita single-family residential subdivision, both located within the City of Chandler.

At the time of the 2008 approval, Staff had concerns with granting the approval without the stipulation requiring the commercial component to develop as Phase One. This concern was based on the viability of the commercial development without the construction of the multi-family development. Since the 2008 approval, Staff has reviewed the viability of the commercial without the multi-family development and determined that due to market volatility, it is not necessary to prevent the development of the multi-family portion of the site due to a down turn in the commercial development sector. Staff believes that the commercial land use is still viable; however, believes that the multi-family development may help to spur the existing commercial in the area and therefore does not believe that having the condition to require commercial development as Phase One is necessary. In the event that commercial is not viable in the future and a different land-use is requested, the remaining portion of the site would need to receive Rezoning and Preliminary Development Plan approval.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 1, 2011. There were no neighbors in attendance. Staff has heard from one resident opposed expressing concern with the overall approval of the multi-family development. The resident did not express concerns with the current request. The resident lives in the adjacent neighborhood, approximately 2,200 feet from the subject site. Staff has also received two emails from the applicant sent by residents with general questions. A speaker card was submitted at the Planning Commission hearing in opposition to the multi-family designation. Opposition to the removal of the condition has not been expressed.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and Staff recommend approval of eliminating condition no. 22 reading:

22. All retail shall be developed as part of Phase One excluding the grocer pad and the bank pad.

MAYOR TIBSHRAENY noted that there were additional conditions (Condition No. 23 and 24) added to Item No. 6 (Ord. No. 4336, DVR11-0033 NORTON'S CROSSING).

Condition no. 23: The applicant shall work with staff to provide landscaping at the intersection corner and within the landscapable area of the Chandler Boulevard right-of-way, located between the primary entrance drive along Chandler Boulevard and the adjacent apartments to the west.

Condition no. 24: Compliance with the original conditions adopted by the City Council as Ordinance no. 4053 in case DVR07-0042 NORTON'S CROSSING, except as modified by condition herein.

7. REZONING: Pastorino Dairy

Ord. #4337

The legal protest was withdrawn.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4337, DVR11-0029/PPT11-0005 Pastorino Dairy, rezoning from AG-1 to PAD with PDP and PPT for a 74-lot single-family residential subdivision on approximately 23.8 acres currently being used as a dairy farm located east of the SEC of Lindsay and Ocotillo roads. (Applicant: Brennan Ray; Burch & Cracchiolo, PC.)

Directly north of the site, 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 where construction had started in the County; however, has since ceased. South is vacant land in the County zoned R-43. West is vacant land zoned PAD for a large lot single-family residential subdivision.

The subject site recently went through the annexation and City initial zoning processes, establishing the zoning as AG-1. Based on the General Plan, the subject site is located within the SECAP, and designated as supporting Traditional Suburban Character type neighborhoods. The SECAP allows for residential density to be 2.5 dwelling units per acre and provides provision for up to 3.5 dwelling units per acre, based upon amenities provided to the subdivision. The subdivision provides a density of 3.23 dwelling units per acre based on the net acreage of the subdivision.

SUBDIVISION LAYOUT

The subdivision is rectangular in design and is laid out in a rectilinear fashion. The primary entrance is provided off of Ocotillo Road, with an emergency secondary point of access provided on the southwest portion of the site. The secondary point of access will be improved with the development of the property to the west. A landscaped median is provided at the entry which terminates into one of the outdoor amenity areas.

The design team has done extensive work to provide a highly amenitized subdivision. The main open space area is designed to provide age appropriate amenities. At the northern end of the outdoor area, a formally designed rose garden is provided, along with two smaller turf areas, a ramada with furniture, and storage areas for bocce ball and other sports equipment. The intent of the two smaller turf areas is to provide a space to play bocce ball and for yoga and tai-chi. As part of the storage area, directions will be provided on how to do the various activities. The central portion of the open space area is a large turf area where the intent is to provide a more passive area where various activities can occur. The southern portion of the open space area is designed specifically with children in mind. A number of play structures are provided that are not typical to recently reviewed subdivisions. One of particular interest that Staff is not aware of being provided in other subdivisions is an outdoor stage and chalkboard. A second open space area is provided at the southern end of the subdivision that includes outdoor seating and various outdoor exercise stations.

In addition to the open space areas, a citrus grove is provided at the northeastern portion of the subdivision long with a small seating area with desert botanical plantings. A second seating node is provided at the northwest portion of the site at the end of the cul-de-sac.

As part of the review, the subdivision needs to meet a number of the standards as outlined in the Residential Development Standards and SECAP. The subdivision is providing a density of 3.23 dwelling units per acre, requiring at least four optional points as outlined in the SECAP. Details for the optional elements are included in the development booklet; however, some of the elements include providing the orchard area, providing a small loop drive around the outdoor amenity area and providing a substantial amount of tree-lined boulevards.

In addition to the SECAP requirements, the subdivision must also meet requirements as outlined in the Residential Development Standards (RDS). The RDS requires that all eight required elements and ten optional elements be provided. Details pertaining to the elements that are being met are provided in the Development Book.

HOUSING PRODUCT

In addition to the PDP for subdivision layout, housing product approval is also requested. In addition to meeting elements in the RDS for subdivision diversity, the housing product also needs to meet a number of elements required in the RDS. Required architectural elements as outlined in the RDS include providing at least three different architectural style differences, prohibiting the same elevation adjacent to and across the street from each other, and providing four-sided architectural elements. Staff believes that additional four-sided architectural detailing should be enhanced and is requesting the ability to work with the applicant on an administrative level in order to achieve the additional elements. Additional elements may include shutter details, recessed and/or arched windows and iron detailing, depending on the architectural style of the home.

Architectural styles include Spanish, Mission Revival and Hacienda influences. Stacked stone is a standard element on the Hacienda plans. Of the six plans currently provided, five are garage

forward facing and one provides a side loaded garage element. All forward facing garage plans either provide a recessed garage face or courtyard element. The two-story home provides a number of one-story elements, eliminating any box-on-box design concerns.

As proposed, the homebuilder is providing six floor plans; five single-story plans and one two-story plan. The homebuilder is in the process of developing three additional floor plans with the intent that a number of them will be two-story, adding to the architectural diversity of the subdivision. The additional product stems from the need to provide more diversity in the front elevations, addressing the garage dominance of the streetscape. The applicant would like the option of an administrative approval process for the additional plans. Staff is comfortable with the request, citing that the plans, as represented, are quality in nature and that the additional plans will be consistent with what has been presented. In the instance that the additional homes are two-story, Staff will ensure that the additional plans will include a number of one-story elements consistent with what has been represented.

The Planning Commission and Staff support the request citing that the subdivision represents another quality addition to Chandler's housing stock. The orchard element and highly amenitized outdoor areas provide attractive elements not typically found in other subdivisions. Additionally, the housing product, as stipulated, carries a level of quality that complements the area.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 29, 2011. The adjacent property owner to the west attended the meeting and did not express any concerns. No other neighbors were in attendance. Staff has received three telephone calls. One call was from a neighbor located north of the site, within the Town of Gilbert. The neighbor expressed support of the request. The other two calls came from the adjacent property management team to the west of the site. Concerns were expressed by the adjacent property owner about historic water rights.

PLANNING COMMISSION VOTE REPORT

The Planning Commission 5-0 for approval of the request. The adjacent property owner to the west expressed concern regarding the project, which ultimately led to the item being pulled to the action agenda at the Commission hearing. The concerns were not directed towards the requested zoning or development plan, but rather due to historic water rights that served the adjacent property through the subject site. It was explained at the hearing that the issue was a civil matter and had no bearing on the granting of the zoning; however, if modifications to the site plan are necessary, the modifications can be handled on an administrative level. Due to the expressed opposition, a legal protest was triggered.

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

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.

8. CITY CODE AMENDMENT: Chapter 43

Ord. #4338

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4338 adopting updated versions of existing construction standards and drainage policies and amending Chapter 43, Section 43-5,

Subsections 43-5.1, 43-5.2, 43-5.4, 43-5.5, 43-5.7, 43-5.8 and 43-5.10, Code of the City of Chandler

The City maintains and publishes Standard Details and Specifications and Technical Design Manuals which have been developed to guide developers and City Staff on the design and construction of the City's infrastructure. These documents are adopted by City Council.

The Engineering Design Standards Committee, with cross-departmental representation, reviews proposed changes to the design standards and makes recommendations for yearly updates. This process also involves reviewing the Maricopa Association of Governments (MAG) Specifications and Standards and their yearly-proposed revisions and, when possible, removing City standards in favor of MAG standards.

This ordinance would amend the following editions of the design standards:

- January 2011 Standard Details and Specifications Manual,
- January 2011 Technical Design Manual #1 & 2, Water & Wastewater System Design,
- January 2011 Technical Design Manual #3, Storm Drainage System Design,
- January 2007 Technical Design Manual #5, Traffic Signal Design,
- January 2011 Technical Design Manual #6, Streetlight Design,
- January 2010 Technical Design Manual #7, Traffic Barricade Design.
- In addition, this ordinance would adopt the 2012 MAG Uniform Standard Specifications and Details with certain modifications.

The recommended revisions have been reviewed and approved by the Engineering Design Standards Committee consisting of Engineering, Offsite Inspection, Transportation, Water/Wastewater and Planning divisions. The revisions were provided to members of the industry including the Homebuilders Association, Multihousing Association and engineering design consultants. Comments received were incorporated into these revisions where appropriate.

9. ANNEXATION: SWC of Ocotillo Road and 148th Street

Ord. #4339

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4339 annexing approximately 40.83 acres located at the SWC of Ocotillo Road and 148th Street. (Applicant: Mari Flynn; Silver Fern Management, LLC.)

The subject site is located at the southwest corner of Ocotillo Road and 148th Street and is currently zoned R-18. The adjacent site to the west was recently annexed into the City. The Chandler Land Use Element of the General Plan designates the area for Low Density (single-family) Residential. Furthermore, the subject site is located within the Southeast Chandler Area Plan and is designated as Residential for Traditional Suburban Character, allowing for single-family residential development to be considered. The Council held a public hearing on this item at the December 15, 2011, City Council meeting. Staff has received the signed petition from the property owners in time for the introduction of the annexation ordinance. The request has been processed in compliance with the State Statutes governing annexations.

The subject site was approved in the County for development as a large lot single-family home subdivision. Due to the turn in the economy, the subdivision has since ceased development operations. The site had a number of improvements made to it prior to the ceasing of operations

including: grading of the site, grading of the street system, construction of the perimeter walls and entry feature, undergrounding of utilities in the street system, and the partial construction of a home. North and east are properties within the jurisdiction of the Town of Gilbert. South of the subject site is property within the jurisdiction of the County.

Upon the successful completion of the annexation, the property will also come before the City Council for the granting of a City equivalent zoning designation and then a request for Rezoning along with Preliminary Development Plan (PDP) approval for subdivision layout. The application for Rezoning and PDP has been submitted and is currently under review.

The site is served with a 12" water line, 12" reclaimed water line and an 8" sewer line, all located in Ocotillo Road; however, design of the lines has not been finally accepted by the City Engineer and additional work will need to occur by the developer.

10. EASEMENT/DEDICATION: Continuum Project Ord. #4341

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4341 authorizing the grant of a landscape easement to CCI-B Chandler LLC, at no cost, and the dedication of public sidewalk, electrical and water easement from City-owned property located east of Price Road on Continuum Street to accommodate the development of the Continuum project.

The City of Chandler owns a site located east of Price Road on the north side of Continuum Street that is used for water storage. The Final Plat for Continuum platted over a portion of the City-owned parcel. In order to correct this oversight and to accommodate the maintenance of landscaping on the City's property by the developer CCI-B Chandler II, LLC, it is necessary to grant them a Landscape Easement over approximately 1,686 square feet of the subject parcel.

Additionally, and for the same platting issue, it is necessary to dedicate a Sidewalk, Electrical and Water Easement (S.E.W.) to the Public containing approximately 35 square feet at this location.

11. HOUSING REHABILITATION PROGRAM Res. #4550

ADOPTED Resolution No. 4550 authorizing the renaming of the Housing Rehabilitation Program to the Moderate Rehabilitation Program; authorizing amended guidelines for the City of Chandler Moderate Rehabilitation Program, Exterior Improvement Loan Program and Home Modification Program for Persons with Disabilities as revised; and authorizing the City's Neighborhood Resources Director to sign program documents and implement these programs on behalf of the City.

The City of Chandler's Housing Rehabilitation Programs provide low and moderate income homeowners with the assistance necessary to improve their living conditions by providing funds for construction of key improvements to insure their home meets suitable quality standards. These programs are funded through the City's Community Development Block Grant (CDBG) and HOME Investment Partnership programs. Chandler's housing rehabilitation program has been in existence in various forms since 1996. It has assisted over 600 low and moderate income homeowners with a variety of rehabilitation needs for their owner occupied single-family homes. The current guidelines for the Housing Rehabilitation program were approved by Council on January 28, 2010, and the guidelines for the Exterior Improvement Loan and Home Modification Program for Persons with Disabilities were approved by Council on August 19, 2010.

Over the past six months, Community Development Staff evaluated the existing program guidelines for the City's three housing rehabilitation programs. Program requirements were reviewed within and across these programs to respond to client needs in the current housing market and improve program effectiveness.

Staff has worked to provide a full spectrum of home repair programs that are accessible to eligible Chandler homeowners. In addition to the rehabilitation programs, City Council has approved funding for the Chandler Emergency Home Repair Program that assists eligible homeowners with emergency repairs such as a roof leak or broken heating or cooling system. Staff has also requested applications for a 2012-2013 Housing Replacement program that would provide a housing reconstruction program for applicants with a home that requires more than \$50,000.00 in rehabilitation work.

All costs associated with the City's housing rehabilitation programs are paid by the U.S. Department of Housing and Urban Development (HUD) and do not require repayment on the part of the City of Chandler.

12. IGA'S: Kingman & Wickenburg Police Depts. Res. #4558

ADOPTED Resolution No. 4558 authorizing intergovernmental agreements (IGA) with the Kingman and Wickenburg Police Departments for police officer(s) to attend the Chandler Police motorcycle training course, at no charge, and authorizing the Chandler Police Chief to administer, execute and submit all documents and any other necessary instruments in connection with said programs. Each agency accepts sole liability under its worker's compensation insurance for any injury that may occur to its officer(s) during this training.

13. REALLOCATION: CDBG Funds Res. #4564

ADOPTED Resolution No. 4564 authorizing \$139,060.00 in 2011-2012 in Community Development Block Grant (CDBG) Capital Program funds previously allocated to A New Leaf, La Mesita Shelter, be retained by the City of Chandler and be made available for reallocation as part of the upcoming 2012-2013 Community Development Block Grant Program allocations process.

A New Leaf submitted an application requesting \$150,000.00 in 2011-2012 Community Development Block Grant (CDBG) funds to pay for costs associated with indoor plumbing rehabilitation for the La Mesita Family Shelter. The Housing and Human Services Commission (HHSC) recommended, and City Council approved, \$139,060.00 in 2011-2012 CDBG funds for the project. In the fall of 2011, A New Leaf staff approached the City requesting that the funds awarded for plumbing renovations be reallocated to assist in the funding of a new facility to replace the existing La Mesita Shelter. Upon the direction of City Staff, A New Leaf completed a revised application which Staff forwarded to the HHSC for their review. Staff facilitated a review and ranking procedure with the HHSC, following the same protocol as applications reviewed and ranked during the annual funding process.

At their November 16, 2011 meeting, the HHSC identified additional questions for A New Leaf regarding their new application. During the December 14, 2011 HHSC meeting, members of the Commission discussed and scored La Mesita's revised application. Based on the discussion and scoring, the HHSC agreed to recommend to City Council that the \$139,060.00 in 2011-2012 funds allocated to La Mesita be retained by the City and made available for reallocation in the upcoming 2012-2013 allocations process. The key reason for the HHSC denial of the request is

the lack of secured funding from identified funding sources critical to the project including the City of Mesa and the State of Arizona Housing Tax Credit Program.

All costs associated with A New Leaf's revised funding request will be paid by the U.S. Department of Housing and Urban Development (HUD) and do not require repayment on the part of the City of Chandler.

14. No item.

15. No item.

16. No item.

17. No item.

18. AGREEMENT: Reliance Standard Life Insurance Company Res. #4570

ADOPTED Resolution No. 4570 authorizing an agreement with Reliance Standard Life Insurance Company for Short Term Disability Administration Services in an annual amount of \$35,000.00 for a three-year period for a total amount not to exceed \$105,000.00 and approving assignment of agreement to Matrix Absence Management, Inc.

In June of 2011, the City conducted a Request for Proposal (RFP) to include the City's life insurance benefit and short-term disability benefit services respectively. Vendors were invited to submit a proposal for either one or both services. The City maintained the right to award the life insurance benefit and short-term disability benefit services to one vendor or two separate vendors.

The City's short-term disability benefit (STD) coverage provides income benefits to replace a portion of lost earnings for regular employees who are unable to work as a result of non-work related disability. The benefit was established in order to help ease income concerns caused by a period of total disability (a medical condition that prevents the employee from performing the essential duties of the employee's job classification with or without a reasonable accommodation). The STD benefit is 66 2/3% of the employee's bi-weekly earnings.

The Human Resources Division oversees the STD self-funded account and currently handles all evaluative and administrative functions associated with the benefit to include, but not limited to, providing information and notification to eligible employees, coordination of paperwork and communication with employee's attending physician, coordination with attending physician and employee to determine earliest return to work date.

There has been a substantial increase in the City's exposure of liability due to the amended Health Insurance Portability and Accountability Act (HIPPA) privacy and security rules. With the changes has come an increase in the level of complexity regarding each case. In addition to the changes in HIPPA, there have been recent changes concerning the American's With Disabilities Act (ADA), thus creating even more exposure and liability for the City to ensure that the clinical assessments being made are in line with medical protocols. Human Resources has effectively managed the program; however, with the recent changes in the federal laws governing the security and assessment of medical information provided by the employee and his/her attending physician, it is the recommendation of Human Resources to have the decisions regarding whether or not to pay a claim be determined by medical professionals.

Human Resources will continue to handle the overall process to ensure that the claims are processed in a timely manner; questions, concerns and/or issues are addressed; information and coordination with the supervisors continues; and that the earliest return to work occurs in the best interest of the employee and, in effect, the organization. Matrix will handle the intake and coordination of medical information and provide the City with advice regarding the duration of the benefit. The ultimate decision regarding the benefit will continue to be held by the City.

The RFP Committee awarded the life insurance benefit to RealiaStar Life Insurance Company and the short-term disability benefit to Reliance Standard Life Insurance.

Matrix Absence Management, Inc. is an affiliate of Reliance Standard Life Insurance and both companies are wholly owned subsidiaries of Delphi Financial Group, Inc. Matrix Absence Management, Inc. will be responsible for carrying out the terms and conditions outlined in the City's Agreement No. HRI-953-988 for Short-Term Disability Benefits Administration with Reliance Standard Life Insurance Company.

19. CHANDLER HEALTH CARE BENEFITS TRUST DOCUMENT AMENDMENT Res. #4571

ADOPTED Resolution #4571 authorizing the amendment of the Chandler Health Care Benefits Trust document.

On August 16, 2010, the Mayor and Council approved Resolution No. 4447 – Health Care Benefits Trust Agreement, which ensured legal compliance with State and Federal laws, the health and sustainability of the Trust Fund, Council direction regarding “Premium Subsidy and Premium Holiday” for employees, responsibilities and powers of the trustees and contributions and distribution of funds from the Trust.

December 31, 2011, completed the first year of the City's fully self-funded health care program. At the closing of year end, a review of the Health Care Benefits Trust Agreement was conducted. The review brought to light that several housekeeping items, along with the “Restricted-Plus-Six Reserve”, needed to be addressed and evaluated in consultation with the City's benefits actuary, the City's benefits consultant and members of the Chandler Health Care Trust Board as noted in Resolution No. 4571.

The housekeeping items such as correctly defining the City's “plan year” from fiscal to calendar will better clarify the terms and intent of the trust agreement. The issue of more concern was the “Restricted-Plus-Six Reserve”. The initial six months of reserve were based upon a very conservative position presented by outside counsel that was hired to craft the City's adopted trust agreement. The City's benefits actuary provided the most compelling reasoning for the “Restricted-Plus-Six Reserve” to be changed to “Restricted-Plus-One Reserve”. The actuary has stated that it does not make fiscal sense for the City to establish such an overly restrictive position regarding the reserves (there is currently \$11 million in assets). It should be the position of the City to have incurred but not yet reported (IBNR) costs plus one month in reserves for this is what we used for investments. The Trust Agreement, as it stands today, is restricting the City's ability to provide for a premium holiday especially using any monies that have come into the reserve other than the planned deposits from Employee/Employer contributions. Any additional monies cannot be used now because of the “Restricted-Plus-Six” requirement in the Trust Agreement. Such additional monies would be the funds received from the Federal government's Early Retiree Reinsurance Program. These funds can only be used in the City's case to offset increases in the plan sponsor's health benefit premiums, such as a “Premium Holiday”. To

complicate matters, the Federal government has indicated that entities receiving program funds must utilize those funds in a timely manner or they are subject to be returned. At the time that the Trust Agreement was crafted, the City could not have been aware of the Federal government's intent to provide for the Early Retiree Reinsurance Program.

20. CONTINUED AREA PLAN AMENDMENT/ZONING: Hamilton Heights

CONTINUED TO JANUARY 26, 2012, Area Plan Amendment APL11-0001 Hamilton Heights, to amend the Section 16 Area Plan from multi-family residential development to allow for single-family residential development to allow additional time for the applicant to finalize the design of the subdivision, provide housing product details and to be reviewed by the Planning Commission. CONTINUED TO JANUARY 26, 2012, DVR10-0023/PPT10-0005 Hamilton Heights, rezoning from PAD for multi-family residential to PAD for 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.

21. CONTINUED REZONING: North East Cooper and Riggs

CONTINUED TO JANUARY 26, 2012, Zoning, DVR10-0014 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 to allow the applicant to finalize some of the design details associated with the development booklet.

22. ZONING EXTENSION: Executive Property

APPROVED a three-year timing extension for PAD zoning for Zoning, DVR11-0027 Executive Property, to allow for RV storage, a fuel station and retail uses on approximately 9 acres at the NWC of Germann and McQueen roads. (Applicant: Executive Property Development, LLC.)

The Planned Area Development (PAD) zoning approval was granted for a period of three (3) years, which expired on July 12, 2011. The three-year extension would be calculated to begin from the previous approval's expiration date resulting in an extension to July 2014.

The property is mostly vacant, except for an auto repair business in its southwest portion and an excavation business east of that, both of which will be removed a part of this project. Also, there is a cell tower along the northern property line that will remain. To the north is a City of Chandler vehicle service yard; to the west is an agricultural parcel designated by the Airpark Area Plan for light industrial uses; to the east, across McQueen Road, is agricultural land designated for high-density residential and to the south across Germann Road, is Tumbleweed Park.

No changes are requested to the development plans that were approved by Council in 2008. The development's approved Preliminary Development Plan (PDP) calls for a fuel station on the corner with associated convenience store and car wash, a retail/auto service building farther north along McQueen Road and a recreational vehicle storage facility taking up the majority of the site in the rear. The project is to be constructed in two phases.

The request was noticed in accordance with the requirements of the Chandler Zoning Code. In lieu of a neighborhood meeting, the applicant mailed letters to property owners in the notice area that described the request and made the applicant available to answer any questions. Staff has received no correspondence in opposition to the request.

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

23. CHANDLER NEIGHBORHOOD SIGNAGE GRANT PROGRAM: Sign Toppers

AUTHORIZED the City of Chandler Neighborhood Signage Grant Program to provide sign toppers for qualifying traditional neighborhoods.

In response to one of Council's 2011-2012 Strategic Policy and Priorities for the development of programs to facilitate "neighborhood identity", Neighborhood Programs Staff worked with the City's Traffic Engineering Division to develop requirements for a Sign Grant Program for qualifying neighborhoods. The purpose of the Sign Grant Program is to improve the livability and character of Chandler neighborhoods and to foster a sense of pride and belonging. Following the development of the Sign Grant Program, Staff placed the proposed program requirements on the December 12, 2011, NAC meeting agenda for discussion.

The requirements of the Sign Grant Program outline the process by which neighborhood groups can apply and qualify. Neighborhood groups interested in the program must be active in the City's Neighborhood Registration Program. To qualify, neighborhood groups must agree to engage their neighborhood, prior to or within six months of the grant award, in one of the following ways:

1. by conducting a Block Watch meeting in the neighborhood,
2. by participating in the annual Getting Arizona Involved in Neighborhoods (G.A.I.N) event;
3. by attending one of the Neighborhood Program academies;
4. by conducting a neighborhood survey;
5. by holding an event in their neighborhood that will promote public safety.

Applicants for the Sign Grant Program must complete an application and submit a map identifying the location of the signs, the font type for the neighborhood name and a logo designed by the neighborhood group. Sign toppers can only be located at major neighborhood entry points. The City's Traffic Engineering Division will review applications for sign placement, legibility and visibility. Applications approved by Traffic Engineering will be forwarded to the NAC for approval. Staff will provide regular updates to the Mayor and City Council regarding neighborhood participation in the program.

At the NAC meeting of December 12, 2011, the Committee discussed which types of neighborhoods (traditional, HOA) would be eligible for the program. The consensus of the NAC was to make the Sign Grant Program available to both traditional and HOA neighborhoods. It was agreed that HOA neighborhoods should only be considered for the program where clear neighborhood identification does not already exist.

Staff estimates costs associated with the Sign Grant Program will not exceed \$10,000.00 in fiscal year 2011-2012. This estimate is based on a cost analysis performed by Traffic Engineering utilizing current costs for sign creation and installation. In addition, Staff has preliminarily identified ten traditional (non-HOA) neighborhoods anticipated to utilize the program if approved. Funding for this program currently exists in the Neighborhood Resources program budget.

Council discussed Item No. 23 (Neighborhood Signage Grant Program) during the Study Session. At the request of Councilmember Heumann, staff proposed a revision to the eligibility requirements to include Traditional Neighborhoods only.

24. CLAIMS REPORT

APPROVED the Claims Report for the quarter ended December 31, 2011.

25. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following Board and Commission appointments:

Architectural Excellence Committee:
Phil Ryan

Chandler Health Care Benefits Trust Board:
Alexandra Crayton

Domestic Violence Commission:
Margaret Dudinyak

Housing and Human Services Commission:
Tammy Clow-Kennedy

Mayor's Committee on the Aging:
Heidi Ross

26. No item.

27. AGREEMENT: Achen-Gardner Construction, LLC

APPROVED Agreement #WW1105-251 with Achen-Gardner Construction, LLC, for pre-construction services for the Ocotillo water transmission main and wastewater force main in an amount not to exceed \$303,055.70, contingent upon written notification from Intel and appropriate funding.

28. No item.

29. PURCHASE: Façade Easement

APPROVED the purchase of a façade easement for 39% of eligible project expenses for an amount not to exceed \$148,370.00 for the purpose of restoring the façade at 55 W. Chicago Street and 212 S. Wall Street.

The City has set aside funding for Downtown Redevelopment for the purpose of restoring commercial buildings with cultural or historic significance in the Downtown. In return for City funds, the owner of the property grants the City a Conservation Easement. In this exchange, the property owner receives funding to renovate the façade of the structure and the City has an assurance that the structure will be maintained in its culturally significant and renovated state for a 20-year period.

The intent of the project is to do a complete renovation and restoration of the façade of the World War II era former welding shop. The existing structure will be converted into a new restaurant. As part of the project, the footprint of the building will be maintained with the character enhanced. The original tin roof and concrete beams will be highlighted. New stucco, doors and windows will help the building function more effectively.

The building is within the Façade Program eligibility area; however, it is not part of the City Center District (CCD), and therefore, no Architectural Review Committee (ARC) meeting is required. A rezoning will be required through the Planning Commission as the applicant is requesting setbacks that are different than the current zoning allows. The current site plan represented in the application also requires the purchase of 5 feet of right-of-way from the City. Transportation and Development Staff have preliminarily found the right-of-way to be eligible for sale, though the details are still being finalized. The façade grant is made on the predication that the necessary zoning approvals, building permits and right-of-way purchase are all finalized.

The project budget, as submitted by the applicant, is estimated at \$380,435.00 for the eligible façade portion of the project. A total grant amount of \$156,500.00 was requested which represents 41% of the eligible project costs. After an analysis of the other façade grants awarded by the City, Staff recommends the project be awarded at the historic average of 39% of eligible project costs. This would bring the maximum grant award to \$148,370.00. The final amount will be determined based on actual construction expenses.

30. PURCHASE: Simulation Mannequin

APPROVED the purchase of a simulation mannequin from Gaumard Scientific Company in an amount not to exceed \$60,858.92.

The City of Chandler Fire Department currently employs 100 paramedics and 80 emergency medical technicians (EMT). Each one of these individuals is required by the Arizona Department of Health Services to attend a minimum of 60 hours of continuing education each two-year certification cycle. In an effort to provide the highest quality of training that is geared specifically to meet the diverse needs of the citizens of Chandler, the Chandler Fire Department EMS Division has been tasked with developing and administering all continuing education hours required for each fire department member. Currently, all continuing education takes place at the Chandler Fire Department Training Facility requiring each assigned fire department unit to go unavailable for emergency calls in their assigned area while attending training. With the purchase of a wireless simulation mannequin, the EMS division will now have the ability to deliver specific training programs to all fire department units in their respective station without compromising the quality of the training. This decentralization approach of training will ensure that units are available for emergency calls a higher percentage of the time.

31. AGREEMENT: Etherwan Systems and Orion Security Specialists, Inc.

APPROVED Agreement #TD2-204-3063 with Etherwan System's for 80 Ethernet fiber switches at fiber optic cable nodes and Orion Security Specialists, Inc., for 45 Ethernet copper switches for a total amount of \$122,454.40. This project is 100% federally funded through a Congestion Mitigation and Air Quality (CMAQ) grant and the Ethernet switches will be installed at key intersection by City staff.

32. PURCHASE: Pedestrian Countdown Signals

APPROVED the purchase of pedestrian countdown signals from Trastar, Inc., utilizing the Arizona Department of Transportation (ADOT) contract, in an amount not to exceed \$74,000.00. Funds will be provided through a Federal Highway Administration (FHWA) Highway Safety Improvement Program (HSIP) grant in the amount of \$74,000.00.

33. PURCHASE: Autoscope Traffic Signal Detection Cameras

APPROVED the purchase of Autoscope traffic signal detection cameras from Econolite, Inc., sole source, for a total not to exceed \$50,000.00. Econolite, Inc. is the exclusive vendor of Autoscope traffic signal detection cameras used by the Traffic Engineering Division. This camera is the only type compatible with the City's existing video detection system.

34. PURCHASE: Office Supplies

APPROVED the purchase of office supplies from Office Max, utilizing the City of Flagstaff extended contract, in an amount not to exceed \$220,000.00.

35. USE PERMIT: San Marcos Golf Resort

APPROVED (6-1 Heumann) a three-year extension of Use Permit ZUP10-0032 San Marcos Golf Resort, to continue golf cart storage and maintenance yard use on San Marcos Golf Course property near the SWC of Chandler Boulevard and Dakota Street, approximately one-quarter mile west of Arizona Avenue. (Applicant: Earl, Curley & Lagarde; Owner: San Marcos Capital Partners, LLP.)

This item was continued from the August 18, 2011, City Council meeting to allow an Agreement to Waiver of Claim (Prop 207 Waiver) to be completed and submitted to Staff prior to Council consideration. Due to ownership complexities related to the resort's bankruptcy, Staff has still been unable to obtain the waiver. However, given the nature of the conditions and lack of apparent negative impact on property value, Staff recommends that the item be considered even without the Prop 207 waiver.

The San Marcos Golf Resort facility is located south of Chandler Boulevard, approximately ¼ mile west of Arizona Avenue. The 18-hole PGA championship golf course is a landmark that is nearly a century old. In 1914, the course was seeded with Bermuda grass, making it the first grass golf course in Arizona. Mature cedar and tamarisk trees line the perimeter of the development and many of the fairways on the golf course. Due to financial difficulties, the resort property is currently controlled by a receivership representing the lender.

The resort area has been identified as a potential location for a conference center campus in Chandler. As part of any new development plan related to the conference center, the maintenance and golf cart storage facility would be relocated and/or redesigned to be less prominent and more attractive in a manner appropriate within the larger plan's context. Timing on the conference center, whether it is located here or somewhere else, has not been determined.

The maintenance and golf cart storage facility is located near the property's northeastern end, adjacent to Chandler Boulevard (about 150 feet south of the Chandler Boulevard right-of-way). To the east is the San Marcos Commons residential retail/office development; to the south and west are the golf course facilities and to the north, across Chandler Boulevard, are the Chandler High School athletic fields and an existing single-family neighborhood. Farther west, along Chandler Boulevard, is an office development that is surrounded by the golf course. The first two residential stages of the San Marcos Commons development are complete, including the townhomes immediately adjacent to the storage facility. The adjacent townhomes are 3-story and have outdoor patios on the 2nd floor that overlook the storage facility.

The Chandler Redevelopment Element identifies the subject site as Resort/Hotel, which prescribes uses associated with the existing hotel and resort facility. The storage yard has existed on the site since approximately 1990. During the 1982 master planned zoning for the San Marcos Hotel restoration, the subject site was part of an area zoned Planned Area Development (PAD) for the golf course. The proposed storage yard use is not allowed by right under the current PAD zoning established in 1982. In 1982, a Preliminary Development Plan (PDP) was also approved that included a destination resort near the present clubhouse, but that resort was never developed. In 1996, an application was submitted for an alternative location for the maintenance facility featuring a recessed yard 3 to 4 feet below grade along Chandler Boulevard, adjacent to the existing apartment, but was later withdrawn. In 2000, the site received its original Use Permit approval for the maintenance/storage facility with a 5-year time limit. The Use Permit was renewed in November 2006 for one year and again in August 2009 for an additional one year. The current Use Permit application has been delayed a substantial amount of time due to ownership complications related to a loan default on the property.

Aesthetic upgrades are proposed for the facility. The existing maintenance and cart storage yard is enclosed by a 6' to 10' high chain link fence with woven wire fabric surrounded by dense shrubs. The fabric has required frequent maintenance over the past years. Mature trees exist along the street frontages nearby. The applicant proposes replacing the existing fence with a taller (12' high) chain link fence along the Dakota Street frontage that has more durable plastic inserts rather than the woven wire material. The new fence will better screen the yard from view by the adjacent townhome neighbors. The fence, proposed to be a green color, resembles what might be found surrounding a tennis court or other recreational use, rather than presenting an industrial-style appearance characteristic of CMU block wall.

This site is located along an important gateway into Downtown Chandler and, as such, it should provide an attractive environment and sense of arrival to the City Center. The proposed use is appropriate only in a temporary fashion in order to maintain the golf course's functionality while a more ideal, permanent solution is formulated. It is unlikely that a permanent solution will be reached in the next couple of years because of market conditions. The applicant's willingness to complete aesthetic upgrades at this time warrants a 3-year extension of the Use Permit rather than a shorter time period as in the past.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 2, 2010. Two neighbors attended to ask about proposed screening as viewed from their townhome. The applicant also met with them later at their home for further discussion and evaluation. One neighbor expressed disfavor with the existing fence appearance, which is proposed to be upgraded through this application. The developer of San Marcos Commons requests that the Use Permit be granted for only one year rather than a longer time period in order to ensure proper fence maintenance and allow more frequent review of the changing long-term development solutions. He also requests that additional mature landscaping be added.

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

1. Expansion or modification beyond the approved exhibits (Site Plan, Narrative, and Fence Exhibits) shall void the Use Permit and require new Use Permit application and approval.
2. Use Permit approval does not constitute Final Development Plan approval. The site must conform to all applicable City regulations.

3. 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 reapplication to and approval by the City of Chandler.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
5. Storage shall be contained within the confines of the existing chain link fence. Non-compliance with this condition shall void Use Permit approval.
6. Building permits shall be obtained for any structure or assembled object used to shelter material from the elements that is placed upon the property.
7. There shall be no maintenance-related deliveries between the hours of 10:00 p.m. and 6:00 a.m.
8. In order for the Use Permit to be valid, the fence improvements shall be completed within six (6) months of City Council approval.
9. In addition to the proposed green slats, the proposed new fence shall have the chain links and other metal elements visible from Dakota Street also be of a green color.

36. USE PERMIT: Gold Trust Realty

APPROVED Use Permit ZUP11-0001 Gold Trust Realty, extension to allow for the continued use of a residential home as a commercial business located at 200 S. Dobson Road. (Applicant: Jason Zhang, Owner.)

The subject site is located north of the northwest corner of Dobson and Frye roads and is surrounded by single-family homes on the north, west and south. The subject site is a corner lot, with Chicago Street directly north and Dobson Road directly east. East, across Dobson Road, is the Dobson Village Medical Center.

The home was built in 1975 and was used as a residential home until early 2009 when the applicant purchased the home. A Use Permit was granted in 2010 for the operation of a real estate office. No changes have occurred from an operational standpoint. The home is approximately 1,271 square feet and sits on an approximately 7,500 square foot lot. The home provides a lobby area, an office, two storage areas and a meeting room. The applicant has occasional agents working at the site; however, not all of the agents will be at the site at any one time. The offices are not open to the general public.

Three parking stalls are provided on-site via a carport with an additional three parking spaces provided on Chicago Street. The hours will vary as the owner and two other employees occasionally visit the site. General hours are between 9 a.m. and 5 p.m., Monday through Friday. Since the initial Use Permit approval, a number of enhancements have been made to the site including: the updating of landscaping, painting the structure and a paver driveway that provides access onto both Dobson Road and Chicago Street.

The RCP was established in 1989 to allow single-family homes the opportunity to allow small offices to operate within a residential zoning district with the approval of a Use Permit. Such homes must have direct frontage or access to an arterial street and propose a business compatible with the existing neighborhood. Within the Policy, criteria were established to accommodate the conversion of homes into professional offices or like businesses. Such criteria include the requirement of an improved parking lot, preservation of front yard landscaping for the aesthetic streetscape setting of the home and buffering from adjacent residences. The request meets the requirements of the RCP.

When residential homes are converted to businesses, there are a number of improvements that the conversion is to provide. In addition to meeting all applicable building code requirements, site parking and vehicular circulation is reviewed. At the time of the initial Use Permit request, concerns were expressed about how vehicles would exit the site onto Dobson Road; at that time, only a single point of ingress/egress was provided. During the permitting process, the applicant worked with Staff to have the driveway wrap around to Chicago Street, addressing the circulation concerns.

In addition, the RCP requires that parking be provided for each employee plus one space per 500 square feet of building area, thus requiring six parking stalls. The site is currently providing three on-site parking stalls and the ability to provide an additional three spaces on Chicago Street. During the initial review, concerns were expressed regarding the number of stalls provided and whether or not there were enough. Over the past year, Staff has driven past the site a number of times and does not find any issue with the current parking provided. Additionally, Staff has not heard from any residents concerned with the use.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 21, 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 Staff recommend approval subject to the following conditions:

1. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. Any expansion or modifications beyond the approved exhibits shall void the Use Permit.
3. The Use Permit is non-transferable to any other location.
4. Increases in on-site employment over that represented (3), or the expansion of the home to provide additional office space, shall require Use Permit amendment and approval by the City of Chandler.
5. The site shall be maintained in a clean and orderly manner.
6. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions for the City of Chandler and this Use Permit shall apply.

37. USE PERMIT: Andersen Springs Wireless Facility

APPROVED Use Permit ZUP11-0017 Andersen Springs Wireless Facility, to install a wireless communication facility in the Andersen Fiesta shopping center at the NEC of Chandler Boulevard and Dobson Road. (Applicant: Campbell A&Z, LLC (for Verizon Wireless); Owner: Andersen Fiesta Investors, LLC.)

The application requests a new 60' monopalm (top of antennas) wireless communications facility to be located behind the Andersen Fiesta shopping center at the northeast corner of Chandler Boulevard and Dobson Road. A monopalm is a cell tower disguised as a palm tree. The intersection's other corners also contain retail uses. To the north are an office, a school and a day care. Farther north and northeast is a single-family subdivision. To the east is a patio home development.

The proposed monopalm and associated equipment would be located in the northwestern portion of the shopping center in a service area between Basha's and the retail shops that face Dobson Road. The monopalm is set back approximately 240' from the Dobson Road ROW. The nearest residential properties are approximately 725' to the northeast. The subject site's landscape palette includes several species of palm trees, including Date Palm trees highlighting the main entrance from Chandler Boulevard. The office property directly north of the proposed facility location also has numerous Date Palm trees. Neither truck docks nor parking spaces are blocked.

Within the immediate area, there are no other suitable alternatives for co-location of the wireless communication facilities on existing poles or towers. According to information provided by the applicant as required by code, there are seven (7) verticalities of a height similar to or greater than the proposed monopalm within one (1) mile. The applicant has analyzed these co-location possibilities and found them implausible, mostly because they are outside the targeted service area, which is north of Chandler Boulevard and south of Ray Road close to Dobson Road. The one set of verticalities that fits the search area (and is the only one not shown on the tower inventory map) are the power poles along Dobson Road, which could not provide the necessary space for ground equipment. The applicant also examined an SRP substation south of Chandler Boulevard, but it was rejected by the RF Engineer as being too far from the targeted service area.

DISCUSSION

The Planning Commission and Staff find the proposed location to be appropriate for a wireless facility in the form of a 60'-high monopalm. The location, approximately 725' from the nearest residential uses and tucked behind the shopping center, is positive. The presence of Date Palm trees in the general vicinity precludes the need for additional live trees adjacent to the monopalm, given that the live trees will be visible in line with the monopalm from numerous points of view. Also, since the live Date Palm trees are used to highlight an entrance and not as clustered groves, it would not be appropriate to create a grove effect behind the buildings.

It is noted that the proposed panel antennas represent Verizon's version of 4G technology. The new technology requires substantially larger (8'-tall) antennas and more of them (6 versus the former 3). Also, the technology shift from 3G to 4G is in transition. Since many Verizon customers still use products that are only compatible with the 3G technology, Verizon must have both 3G and 4G antennas on their towers, which results in a total of 9 antennas on each tower; later, as 3G technology is phased out, it is anticipated that the 3G antennas will be removed.

The Planning Commission and Staff recommend that the monopalm fronds be extended in order to better camouflage the antennas. The applicant team has done very well in bringing the antenna arrays as close to the pole as possible, with the arm attachments being only 6" in length. However, it is the opinion of the Planning Commission and Staff that additional frond length is still necessary to provide a reasonable camouflaged appearance. A moderate extension of frond length is not anticipated to present an unnatural appearance.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on June 14, 2011. Two neighbors attended to discuss health concerns related to the antenna transmissions. The neighbors did not have issues with the location or design. The applicant informed the neighbors of the federal rulings that prohibit local governments from taking health concerns into account when making land use decisions. Staff has received no further 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 approved exhibits except as modified by condition herein. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The monopalm shall provide longer palm fronds than presented in the application materials so as to better camouflage the antennas.
3. The monopalm "pineapple" shall be adjusted so as to be readily visible in a natural manner and not be shielded from street view by antennas.

38. SPECIAL EVENT LIQUOR LICENSE: Candler Service Club

APPROVED a Special Event Liquor License for the Chandler Service Club for a "tequila and Chips" fundraising event on January 21, 2012, to be held inside Gangplank, 260 S. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. 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.

39. SPECIAL EVENT LIQUOR LICENSE: Political Campaign Event

APPROVED a Special Event Liquor License for Jesus Manuel Altamirano for a Political Campaign "Re-Elect Joe Arpaio 2012" on February 25, 2012 at 4291 W. Folley Place. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. 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 applying for a Political Party Campaign event, no sales tax license is required; however, the special event liquor fee has been paid.

ACTION:

40. USE PERMIT: Kwik Mart / U-Haul

Use Permit ZUP11-0008 Kwik Mart / U-Haul to allow motor vehicle and trailer rentals in a Neighborhood Commercial (C-1) zoning district located at 600 W. Galveston Street, the NWC of Galveston and Hartford streets. (Applicant: Nawal Aranki; Owner: Sun Garden LLC.)

The site contains a small neighborhood retail center with a convenience store, a laundromat and a beauty salon on a 33,384 square foot parcel near the corner. Northwest of the neighborhood retail center is a larger, 102,068 square foot vacant parcel that is bordered by a residential alley. The subject business would occur on both parcels, which have the same ownership. Residential uses surround the site in all directions, including mostly single-family homes, but apartments on the intersection's northeast and southwest corners. Galveston and Hartford streets are residential collector streets.

The requested business is already operating at the site and the applicant has been working with Staff on the Use Permit application since May 2011. According to the applicant, the maximum

number of trucks and trailers that would be on the site at any given time is 20. So far in 2011, the business has averaged 10 vehicles onsite. The vehicles are currently parked on the west side of the retail center in the access drive that goes around the back of the center. The rental business transactions are conducted from the convenience store's service counter.

In order to conform to the Zoning Code's site development standards, 10 new parking spaces will be constructed west of the convenience store, complete with landscaping, upon approval of the Use Permit. The new spaces will be 10' x 30' in order to accommodate either customer traffic or the rental equipment (trucks and trailers). There will also be a 2'-6" high parking screen wall surrounding the spaces on the north, west and south sides. Currently, most of the site is not landscaped, except for two small clusters of Palo Verde trees. The site currently has approximately 27 parking spaces, including five (5) behind the buildings.

Motor vehicle and trailer rentals are allowed in the Community Commercial (C-2) and Regional Commercial (C-3) zoning districts. Though the C-1 zoning district does not specify that this use can be requested through a Use Permit, C-1 does allow a Use Permit to be considered for "any other use the City Council determines is compatible and in the best interest of the community". The purpose of the C-1 zoning district is described as follows:

The uses permitted in this district are intended to primarily serve the needs of the surrounding residential neighborhood by providing goods and services that are day-to-day needs generally classed by merchants as "convenience goods and services". Businesses which tend to be a nuisance to the immediately surrounding residential area are excluded even though the goods and services offered might be in the convenience classification.

Site development standards: Some landscaping along Galveston Street, 12 new parking spaces extra deep to accommodate the U-haul types of trucks and trailers 30 feet deep, low parking screen wall 2.5 feet surrounding those spaces, as well as some plants and trees. Where there is no landscaping or parking they would provide several of those amenities if approved per our requirements.

The Planning Commission and Staff recommend denial of the request finding the proposed use to be a neighborhood nuisance that is more appropriate in a C-2 or C-3 zoning district than in a C-1 district in such close adjacency to residences. Though the proposed landscaping would significantly upgrade the site's aesthetic appearance, it would not completely screen the rental trucks and trailers from off-site view. Such vehicle storage is not appropriate or expected in the middle of a residential neighborhood. It is noted that, though traffic generation has been low so far at this site, it is typically much higher for this type of use.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 29, 2011. There were no neighbors in attendance. One neighbor contacted Staff in opposition to the request stating that the use belongs in an industrial area and not a neighborhood where it will be an eyesore.

MAYOR TIBSHRAENY asked BILL DERMODY, Senior Planner, for clarification as to which vacant parcels are involved.

MR. DERMODY advised that only one small area of the vacant land would be improved on to accommodate 12 parking spaces and landscaping. He further stated that most of the 2.5 acres would remain vacant.

COUNCILMEMBER HARTKE asked Mr. Dermody if there is any other use like this C-1 located in the middle of a residential neighborhood in Chandler. Mr. Dermody advised that he is not aware of any, as there are very few C-1 districts in the City. Truck rental businesses tend to be in C-3, the largest, busiest, commercial district in the City.

COUNCILMEMBER HARTKE noted that there is a school within a couple hundred yards of this location and there is sometimes traffic on Galveston. He asked if the proximity of the business to a school has an impact on the decision process.

MR. DERMODY advised that it can play a part in the decision. Mr. Dermody confirmed that there are actually three schools in the vicinity of the site: Hartford Elementary School. St. Mary's Catholic School and Chandler High School.

MAYOR TIBSHRAENY asked Mr. Dermody if a neighborhood meeting was held. Mr. Dermody confirmed that a meeting was held, but nobody attended. Mr. Dermody said that staff did receive a phone call in opposition to the project from one neighbor who lives behind the site. The neighbor is opposed because of how the business will look.

Applicant, ROB ARANKI, 600 W. Galveston, Chandler, AZ 85225 came forward and advised that he proposed 20 spaces, but is currently handling between five and ten. He expressed that he is flexible to take three vehicles and three trailers. Mr. Aranki is aware that if the Use Permit is not granted he will have to get rid of the vehicles and trailers.

COUNCILMEMBER ORLANDO asked Mr. Dermody if 12 spaces would be required if hypothetically Council approves only 6 vehicles/trailers on site.

MR. DERMODY advised that it would not. It would only be necessary to accommodate the expected number of trucks/trailers, plus one to two additional spaces for customers.

COUNCILMEMBER ORLANDO asked if the vehicles could park on other areas of the site.

MR. DERMODY said that the locations currently being used for parking are unimproved surfaces and do not meet City standards. Something would need to be created that meets the standards outlined in the site plan.

COUNCILMEMBER ORLANDO asked how this would be enforced.

MR. DERMODY advised that it would be enforced through the reporting of incidents by neighbors or through the occasional visit by staff.

COUNCILMEMBER WENINGER expressed his concern that if an exception is made and this business is allowed to operate, there is a likelihood that the applicant will want to expand at this location. He asked if this is a temporary business in the downturn until a better use comes along at a later date.

MR. DERMODY advised that the question could best be answered by the applicant and reiterated that Council approval would only be for the Use Permit for what is currently being presented. Any expansion would need a separate approval by Council. He further stated that approving this item would not set a precedent. While the applicant would like approval of the Use Permit for as long as possible, traditionally, Council only grants a one-year Use Permit.

COUNCILMEMBER HEUMANN said this is an unusual C-1 zoning in the middle of a neighborhood and asked if there is anything similar in the City.

MR. DERMODY could not recall any similar situations.

COUNCILMEMBER HEUMANN asked for confirmation of the Planning and Zoning Commission vote.

MR. DERMODY advised that the Planning and Zoning Commission voted 6-0 for denial because the members felt it was out of place in the neighborhood and had the potential to be a nuisance to the surrounding neighborhood.

MAYOR TIBSHRAENY asked the applicant if he operates the other stores or serves as the landlord.

MR. ARANKI advised that he runs two stores and his father is the landlord.

COUNCILMEMBER WENINGER advised that commercial zoning at that site is very unique and asked the applicant about his long-term vision for the site.

MR. ARANKI advised that the intent is for the business to serve as a supplement to the current business. He expressed wanting to make improvements to the building to help the neighborhood look better. Mr. Aranki said that the existing vehicles are currently taking up parking spaces for the laundry mat.

COUNCILMEMBER WENINGER asked the applicant if he received any estimates for the improvements.

MR. ARANKI advised that he had not, but believes it will take about a year and half to pay off the loan.

MAYOR TIBSHRAENY asked how many neighborhood meetings took place.

MR. DERMODY advised that there was one neighborhood meeting, nobody attended. It was held at the Downtown Chandler Community Center.

MAYOR TIBSHRAENY invited any member of the audience wishing to comment on this issue to come forward. Mr. Lee Baker, area field manager for UHAUL in Chandler came forward.

MR. BAKER advised that UHAUL has been actively updating its fleet with new equipment in four states. He said that the company is working diligently to overcome its bad reputation for having outdated equipment. Mr. Baker expressed that he is anxious to move the equipment to the site as quickly as possible and advised that he has reports available to summarize the number of transactions that have taken place during the past couple of weeks if Council is interested.

COUNCILMEMBER HARTKE asked the owner about the demand for a UHAUL at that location.

MR. BAKER advised that in the last eight months the Kwik Mart / UHAUL location has averaged less than one transaction per day. UHAUL has a larger demand for smaller locations, which allows the company to provide a better service to its customers. In the last two weeks there have

been 9 transactions in 14 days encompassing trucks, trailers, towing equipment. Mr. Baker believes that six pieces of equipment, maybe less, would be adequate for this location.

COUNCILMEMBER WENINGER asked the manager if the transaction will take place in the other business or a separate suite. He also inquired about having fuel on-site or a vehicle bay, like other locations.

MR. BAKER advised that the current business counter will be used for the UHAUL transactions. There are no plans to have fuel or vehicle maintenance on-site.

COUNCILMEMBER HEUMANN expressed his appreciation of UHAUL upgrading its trucks. With that said he believes that placing a business like this in the middle of a neighborhood is not appropriate and advised he would like to make a motion.

MAYOR TIBSHRAENY asked COUNCILMEMBER HEUMANN if he could ask the applicant a question before making Councilmember Heumann makes a motion. Councilmember Heumann agreed.

MAYOR TIBSHRAENY asked the applicant if he would be willing to hold another neighborhood meeting to get feedback from individuals in the neighborhood.

COUNCILMEMBER HEUMANN supported the Mayor's request and suggested that Neighborhood Programs assist with outreach to the neighborhood groups.

COUNCILMEMBER WENINGER asked if the business can continue in the meantime.

MR. DERMODY said that the business could continue to operate until it comes back to Council, as there is no life, safety issues.

MOTION BY COUNCILMEMBER HEUMANN, SECONDED BY COUNCILMEMBER HARTKE, TO CONTINUE ITEM NO. 40 USE PERMIT ZUP11-0008 KWIK MART / UHAUL TO THE FEBRUARY 23, 2012 COUNCIL MEETING.

MOTION CARRIED UNANIMOUSLY (7-0).

MAYOR TIBSHRAENY told the Mr. Aranki that staff will work with him to help set up the neighborhood meeting.

41. USE PERMIT: P2 Performance Plus

Use Permit ZUP11-0029 P2 Performance Plus, to allow a baseball training facility to operate within a Planned Industrial (I-1) district located at 1 N. Roosevelt Avenue, south of the SEC of Chandler Boulevard and Roosevelt Avenue. (Applicant: Mike Perry, Whitneybell Perry, Inc.)

North of the subject site, and sharing an access drive, is a turf, grass, pasture and farm seed company. An automotive paint and body shop and veterinarian clinic are north beyond the site. South of the subject site is an electric company. West, across Roosevelt Avenue, are an automotive maintenance and diagnostic facility and a residential restoration facility. Directly east, adjacent to the site, is an SRP canal. The subject site is located within a predominantly industrial zoned district.

The request is to operate a baseball training facility within the northern suite of a two suite building. The suite is currently being used for overflow storage for the second suite and contains various sheet metal materials, as well as various equipment used during the installation process of the sheet metal. It is anticipated that all materials will be removed from the suite. In addition to the indoor storage, an outdoor storage area north of the building is currently being utilized to store air handlers, fan coils and the like.

The baseball training facility is a by-appointment use geared towards high school athletes and generally involves individual training sessions of 3-5 clients; however, it has been indicated that team activities may occasionally occur in which 10-12 clients may be at the site. Generally, the clients will arrive either by themselves or by parent drop-off. The proposed hours of operation are Monday through Friday from 4 p.m. to 10 p.m., and Saturday and Sunday from 7 a.m. to 10 p.m. Activities at the site will include batting cages, strength and conditioning, speed, agility, and mental strength training. A weight room is also provided. Two collapsible batting cages will be located in the larger warehouse portion of the site and, when not in use, will be collapsed and serve as the speed and agility training area.

Currently, the business that occupies the southern suite has four full-time employees. Business typically ceases at 2:30 p.m. Monday through Thursday, and about 12 p.m. on Fridays. The business is not open during the weekend. According to the site plan, 10 parking stalls are provided along the front of the site with the potential for an additional 10 stalls in the side yard. While a specific parking designation for these types of users is not provided in the Zoning Code's parking standards, Staff has generally applied a one parking stall per 300 square feet of building area.

Staff is not supportive of the request due to a number of concerns. First, the subject site is located within a larger 213 acre industrial business park that is predominantly zoned General Industrial (I-2), approximately 160 acres starting with the property just south of the subject site. Uses within the I-2 zoning designation allow for the City's most intense manufacturing, warehousing and distribution users. These users also have a natural propensity to contain more hazardous materials on-site as part of their day-to-day operations.

Secondly, the business park has a total of four points of ingress/egress. Three points of access are provided along Chandler Boulevard, with two having full-movement capabilities (Roosevelt and McKemy avenues) and one providing right-in/right-out movements only; a fourth point of access is provided off of 56th Street at the southern end of the business park. The concern with the limited points of access is that with the location of the subject site, this is one of the main points of ingress and egress and allows for full-movement access for east and west bound traffic.

Lastly, recreational type facilities, which this would be considered, are allowed by right within any of the City's commercial zoning designations, of which there currently is an overabundance. However, there are a few locations that have recently been approved by Council where recreational uses have located within a more industrial developed area; however, in these instances, specific criteria has been applied to the approval. The first location that was approved was the Red Rock development located within the Chandler Airport Center business park, which is east of the northeast corner of Germann and Cooper roads. Red Rock is an approximately 11-acre site that provides six points of access for three buildings. With Council approval of the recreational uses, criteria was applied that restricted the uses by parking ratio for the site; restricted the uses from occupying the end cap suites (those closest to the truck drive aisles); and the uses were required to provide signed parking areas specifically for pick-up and drop-off.

A second approval granted by Council for recreational uses was for the western portion of the Chandler Airport Center, which is west of the northwest corner of Germann and Cooper roads. The zoning approval applied only to properties that are currently undeveloped. Support for the rezoning was given with the understanding that through the Preliminary Development Plan process, concerns with truck traffic, building design and interactive areas of the development would be mitigated, stemming a number of concerns that are currently associated with recreational uses within industrial parks.

A third example is an extension that was granted at the beginning of the year for a volleyball training facility. The facility is located within an I-1 zoned district; however, there were many circumstances that lead Staff to recommend approval of the extension. Those circumstances included: the building which houses the training facility is a stand-alone building on its own site and does not share access with any other buildings; access to the site is off of 56th Street only, without any access being provided from within the larger industrial business park in which the building is a part, thus eliminating some of the concern of mixing the athletic traffic from truck traffic; and an abundance of parking. While parking was a concern initially, the site provides over 90 parking stalls for the 20-30 athletes and, if additional parking was needed, the applicant was able to secure an agreement with an adjacent site allowing for overflow.

While a number of Staff's concerns were mitigated in the above examples, the subject site poses concerns that Staff believes cannot be as easily resolved. Due to the subject site sharing access and parking arrangements with multiple industrial users, and that the subject site is located internal to the industrial park, Staff recommends denial of the request.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 15, 2011. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request. The applicant has submitted a petition of support from some of the surrounding business owners.

PLANNING COMMISSION VOTE REPORT

The Planning Commission voted 6-0 for approval of the request with conditions. The Commission believed that the nature of the business and its location within the larger business park does not pose concerns in relation to hazardous materials in proximity to the site. Additionally, support was given due to the auto body paint shop and the veterinarian located north of the subject site, both of which are commercial users. Furthermore, due to the "by appointment only" nature, and the "after hours" operation of P2 Performance Plus, the Commission felt that traffic would not be a concern.

PLANNING COMMISSION RECOMMENDED ACTION

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

1. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond that expiration date shall require re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to another location.

4. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
5. The site shall be maintained in a clean and orderly manner.
6. The building owner shall not sublet any portion of the southern suite.

STAFF RECOMMENDED ACTION

Upon finding inconsistency with the General Plan and the I-1 zoning district, Staff recommends denial.

DISCUSSION:

MAYOR TIBSHRAENY invited the applicant, Mike Perry, 575 W. Chandler Blvd., Ste. #123, Chandler, AZ., to come forward. Mr. Perry advised that he has essentially had every business sign a letter of support of this use. Mr. Perry advised that the appointments are scheduled from 4:00 p.m. to 10:00 p.m. during the week, which is the off-peak for almost everyone in the industrial area and Saturdays 7:00 a.m. to 10 p.m. "by appointment only." Mr. Perry believes that there is adequate parking for what they anticipate and the seed company just north of the site has offered its additional four parking spaces if needed.

Mr. Perry said that the uses and impact of traffic don't coexist, as the businesses operate during different time frames.

Mr. Perry understands that there are other C-2 locations in Chandler where P2 Performance Plus would be allowed by right, but many of them don't have the ceiling height necessary for this type of use, nor are they stand alone buildings. The current site is a single building with a single owner who is interested in the business and may even become a partner. There are also no significant improvements that need to be made.

Mr. Perry is requesting a one-year Use Permit initially and if the business is successful, come back and ask for a three to five year Use Permit.

Mr. Perry let Council know that Jay Roundy from P2 Performance Plus and Dave Newgaard, owner of the building, were in the audience should Council have any questions for them.

COUNCILMEMBER HARTKE asked Mr. Perry if there was anyone in the immediate area of the site who did not sign the application.

MR. PERRY said that everyone that was contacted signed the application, in particular the area adjacent to the property. He further stated that a neighborhood meeting was held, but nobody attended.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER WENINGER TO APPROVE ZUP11-0029 P2 PERFORMANCE PLUS USE PERMIT TO OPERATE A BASEBALL TRAINING FACILITY WITHIN AN I-1 ZONED DISTRICT AS RECOMMENDED BY PLANNING AND PLANNING COMMISSION THAT INCLUDES THE CONDITIONS THAT P& Z PUT ON THIS.

COUNCILMEMBER ORLANDO commented that he believes having a City complex close to this facility will dovetail nicely. He hopes the location works out well.

COUCILMEMBER WENINGER thanked the applicant and praised the great scholastic high school baseball and football players emerging from our community.

MOTION CARRIED UNANIMOUSLY (7-0).

42. ELECTION of Vice Mayor

for a one-year term from January 13, 2012, through January 10, 2013.

MOVED BY MAYOR TIBSHRAENY, SECONDED BY VICE MAYOR DONOVAN TO NOMINATE COUNCILMEMBER JEFF WENINGER FOR THAT TERM.

MOTION CARRIED UNANIMOUSLY (7-0).

CURRENT EVENTS:

A. Mayor's Announcements

The Mayor shared the sad news of the passing of Police employee, Cassandra "Cassie" LeMere-Zeller, on December 29 following a 2.5 year battle with ovarian cancer. Cassie was a Criminalist with the Forensic Lab since 2005. Cassie is survived by her husband Ted of 24 years, and daughters 'Boo' and 'Junie'.

Mayor announced the 17th Annual Multicultural Festival on Saturday. The free event runs from noon to 4 p.m. and features two entertainment stages, with performances ranging from Japanese drums to traditional Hawaiian dance. He acknowledged the event sponsors: Intel and the Friends of the Chandler Public Library.

Prior to the festival, the Mayor stated a Naturalization Ceremony will be held at 11 a.m. where approximately 150 people will become American citizens.

The Mayor thanked residents and staff for attending the Listening Tour on Tuesday night at Goodman Elementary. He said there were approximately 45-50 residents.

The Mayor wished Management Services Director Dennis Strachota a fond farewell and presented him with a gift for his 5 years of service.

B. Councilmembers' Announcements

COUNCILMEMBER HEUMANN thanked Dennis Strachota for his service and his projections to help get Council/staff through tough economic times.

He also announced the Chandler Education Coalition is finalizing the details for the Sci-Tech Festival being held February 16, 17, and 18. Councilmember Heumann expressed his

excitement for the companies opening their doors on February 16 and also the projects and robotics demonstrations being planned by the students on February 18.

COUNCILMEMBER SELLERS extended best wishes to Dennis Strachota. Councilmember Sellers shared his thoughts on the East Valley Chamber of Commerce and East Valley Partnership Breakfast that he and the Mayor attended with the Governor that morning. He felt that the message that the governor provided was very encouraging and said that she suggested that there are plans for a much more favorable collaboration between the City and the state.

VICE MAYOR DONOVAN announced that during the Multicultural Festival there will also be a half-price book sale at the Downtown Library.

She also mentioned a Tequila and Chips event for the Chandler Service Club being held on January 21st at Gangplank.

Vice Mayor Donovan also wanted to extend her gratitude for the opportunity to be vice mayor for the past year. She said that she appreciated the service and looks forward to continuing to serve on Council with Jeff Weninger as vice mayor.

COUNCILMEMBER ORLANDO extended congratulations to Dennis Strachota and thanked him and his staff for helping with the budget process.

COUNCILMEMBER WENINGER expressed his appreciation to Dennis. He also extended kudos to the Police and Fire Departments for two recent positive encounters he had with staff. The first involved the Fire Department when they responded to someone who got hurt near his restaurant, the other to the Police Department when responding to a call for a lost child. He said staff did a phenomenal job in both instances.

Councilmember Weninger also mentioned that he had an opportunity to go to the legislature for the opening as a guest of JD Mesnard. He is looking forward to a good working relationship with them this year. He credited the Mayor with being part of the outreach toward these efforts. Councilmember Weninger also extended his appreciation to Trinity Donovan for her role as vice mayor and thanked Council for voting for him as the newly appointed vice mayor.

COUNCILMEMBER HARTKE thanked Dennis Strachota for his service and his financial expertise. He also thanked Trinity Donovan noting that it was a pleasure to have her serve as vice mayor and looks forward to working with Jeff Weninger as vice mayor.

Councilmember Hartke also expressed his appreciation of a new Habitat for Humanity house being dedicated on Saturday before the Celebration of Unity event. He appreciates the independence and prosperity that families experience with home ownership. He is grateful for the partnership with Habitat for Humanity.

COUNCILMEMBER HARTKE expressed his condolences and prayers to Phoenix City Councilmember Michael Nowakowski and his brother Martin who works for Southwest

