

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, October 25, 2012 at 7:10 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

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

Also in attendance:

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

INVOCATION: Associate Pastor Victor Hardy - Congressional Church of the Valley

PLEDGE OF ALLEGIANCE: Cub Scout Troop #285, Dens 4 and 5 led the Pledge of Allegiance.

The Mayor acknowledged Boy Scout Troop #896 in the audience.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

Margie Delarosa, 955 N. Layman St., Chandler, spoke on Item 6 rezoning of Jackson Place. (Discussion listed under Item 6)

Erik Swanson, Planner, gave an update regarding an amended Condition on Item 5, Maplewood Court. (Discussion listed under Item 5).

MOVED BY COUNCILMEMBER DONOVAN, SECONDED BY COUNCILMEMBER ORLANDO, TO APPROVE THE CONSENT AGENDA AS PRESENTED WITH THE AMENDMENT TO CONDITION NO. 11 IN ITEM 5.

VICE-MAYOR WENINGER declared a conflict on Items 41 and 42.

COUNCILMEMBER ORLANDO voted nay on Item 39.

COUNCILMEMBER HEUMANN voted nay on 39 and 40.

MAYOR TIBSHRAENY declared a conflict on Items 1 and 2.

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

1. ANNEXATION: Appleby and Gilbert Roads Ord. #4380

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4380, Annexation – Northwest and West of the SWC of Appleby and Gilbert roads of approximately 33.8 acres. (Applicant: Jeremy Ramsdell; Ashton Woods Homes.)

BACKGROUND

The subject site is located at the NWC and west of the SWC of Appleby and Gilbert roads and is currently zoned RU-43 in the County. The Chandler Land Use Element of the General Plan designates the area for Low Density (single-family) Residential and further locates the area within the Chandler Airpark Area Plan and is similarly designated as Low-Density Residential.

EXISTING CONDITIONS

The subject site is currently zoned RU-43 within the County and is surrounded by residential development. North are the Santana Ridge Condominiums and the Abralee Meadows single-family residential subdivision; west are the Markwood North and South single-family residential subdivisions; south is the Whitewing at Krueger custom-home subdivision; east is Gilbert Road. A Roosevelt Walter Conservation District irrigation line bisects the property from east to west.

Council held a public hearing for the subject site at their June 28, 2012 meeting. The request has been processed in compliance with the State Statutes governing annexations. Staff has received the signed petition from the property owner and recommends approval of this request.

2. INITIAL CITY ZONING: Appleby and Gilbert Roads Ord. #4381

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4381, DVR12-0020 Northwest and West of the SWC of Appleby and Gilbert Roads, the establishment of initial City zoning of AG-1 on approximately 33.8 acres. (Applicant: City of Chandler.)

BACKGROUND

The request is to establish the initial City zoning of AG-1 on an approximate 33.8-acre site located northwest and west of the SEC of Appleby and Gilbert roads. The Chandler Land Use Element of the General Plan designates the area for Low Density Residential (single-family).

The subject site is surrounded by residential development. North are the Santana Ridge Condominiums and the Abralee Meadows single-family residential subdivision; west are the Markwood North and South single-family residential subdivisions; south is the Whitewing at Krueger custom-home subdivision; east is Gilbert Road. A Roosevelt Water Conservation District irrigation line bisects the property from east to west.

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

A Rezoning and Preliminary Development Plan application for a single-family residential subdivision has been submitted and is currently in review.

PUBLIC NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

PLANNING COMMISSION VOTE REPORT

Motion to approve carried unanimously.

RECOMMENDED ACTION

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

3. POWER DISTRIBUTION EASEMENT: SRP

Ord. # 4399

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4399 granting a no-cost power distribution easement to Salt River Project (SRP) for the expansion of the OWRF/AWRF (Ocotillo Water Reclamation Facility/Airport Water Reclamation Facility) Lift Station located east of the Old Price Road and south of Queen Creek Road.

BACKGROUND/DISCUSSION

Pursuant to Ordinance No. 2972, the City Council granted an easement at no cost to Salt River Project (SRP) to provide power to the OWRF/AWRF facilities. The facility expansion necessitates the addition of a transformer pad to the easement. The current easement is 8' wide. In order to install the pad, it is necessary to grant SRP an additional easement area that is 2.8 feet wide by 10.0 feet long. This pad site will be located approximately 117.55 feet south of the north property line of the Lift Station.

Staff has reviewed and confirms that SRP has prior rights at this location. Staff has also reviewed and approved the legal description for the requested easement.

4. REZONING: Pecos and Dobson Apartments

Ord. #4400

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4400, DVR12-0018 Pecos & Dobson Apartments, rezoning from PAD Townhomes to PAD Apartments with PDP for approximately 163 units on 6.8 acres at 2300 W. Pecos Road, ¼ mile west of Dobson Road. (Applicant: Jason O'Clair, Vendura Residential.)

BACKGROUND

The subject site is located approximately ¼ mile west of Dobson Road on the north side of Pecos Road. The property is surrounded to the north and east by the Via De Cielo residential condominium development. To the west, is the existing Stone Oaks Apartments development. The property is bordered to the south by Pecos Road with the Cantera apartment development located on the south side of Pecos Road. The General Plan identifies the subject site as located within a Growth Expansion Node straddling the area bound by the Chandler Fashion Center Mall and the Chandler Regional Hospital. Language within the General Plan allows for the consideration of High to Urban Residential densities intended to compliment the commercial and employment uses within the growth area. The proposed Multi-Family apartment development is consistent with the General Plan Growth Expansion Node. Additionally, the subject site falls within the Gateway Area Plan. The Gateway Area Plan designates the site for Office, Multi-Family Residential and Assisted Living. The request is consistent with the Gateway Area Plan.

The subject site was zoned in April 2005 for the 60-lot Toscana Townhomes residential development. Construction never commenced. The request is to rezone the 6.8-acre site from Planned Area Development (PAD) Townhomes to PAD Multi-Family Residential with Preliminary Development Plan (PDP) approval for the site layout, landscape design and building architecture. The proposal includes 163 apartment units on the 6.2 net-acre site for a density of approximately 26.29 du/net acre. Primary vehicular access is located central to the site along Pecos Road with a secondary emergency access point at the site's southeast corner. The gated entry way leads to a circular perimeter drive aisle that encompasses the majority of apartment buildings clustered centrally within the site. Two carriage-unit buildings are provided, one each along the east and west sides, as well as two apartment buildings set in landscaped settings along Pecos Road. The majority of buildings are 3-stories tall with the carriage-unit buildings at 2 stories in height. Although the subject site is surrounded by multi-family developments that include 3-story buildings, the site's design concentrates the proposed intensity internally acknowledging the existing neighbors.

The landscape plan has been designed to complement the adjacent communities as well as provide resort-style amenities including a 3,330 square-foot club house with a fitness center, lounge area and gourmet kitchen area. The central courtyard is framed by the surrounding 3-story building elements and includes amenities such as a ramada with barbeques and a heated spa. The proposal includes a requested code deviation in terms of the required amount of open space, 33,150 square-feet required vs. 26,537 square-feet provided. Staff supports this request finding the site's small 6-acre size and infill nature warrants the deviation. A significant number of parking spaces provide architecturally integrated shade canopies. Exhibits are included in the Development Booklet.

The architectural theme is intended to evoke the feel of a traditional Mediterranean village utilizing iron metal accent railing, stacked stone veneer, decorative wall lights and architectural detailing. The design team has done a great job of breaking up the building massing utilizing plane changes, stucco pop-outs and accent colors, as well as one and two-story elements including roof plane changes. The overall design will complement the existing surrounding residential communities.

Staff supports the request. The General Plan encourages this type of urban residential development within the Growth Expansion Node. The design team has done a good job in accomplishing that goal of higher density while maintaining compatibility with the existing surrounding residential neighbors. The proposal provides an attractive design solution to a relatively small infill parcel. The requested minor code deviations are warranted citing the proposal's overall level of quality and the intended urban nature of the General Plan's Growth Expansion Node.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on July 10, 2012. The HOA president for the adjacent Via De Cielo residential community attended the meeting with general questions. Staff has received no correspondence in opposition to this request.

PLANNING COMMISSION VOTE REPORT

Motion to approve passed unanimously.

RECOMMENDED ACTION

Rezoning

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

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the Development Booklet entitled "Pecos & Dobson Apartments" and kept on file in the City of Chandler Planning Division in File No. DVR12-0018 except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

5. REZONING: Maplewood Court

Ord. #4402

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4402, DVR12-0023 Maplewood Court, rezoning from PAD to PAD Amended along with PDP for housing product for a 32-lot single-family residential subdivision located at the SWC of Maplewood and Vine streets. (Applicant: Greg Davis; Iplan Consulting.)

DISCUSSION

City Planner, Erik Swanson, came forward to provide an overview of this item.

MR. SWANSON advised that staff is recommending a modification to condition number 11 with the approval of the applicant and the surrounding property owners.

MR. SWANSON said that the current condition reads:

All homes built on corner lots within the residential subdivision shall be single story.

MR. SWANSON said that staff is proposing that the modified condition read:

"All homes built on corner lots within the residential subdivision shall be single story except for lots 12, 17, and 19."

MR. SWANSON displayed maps with the lot numbers as a point of reference. He noted that lots 12, 17, and 19 are internal lots. MR. SWANSON said that the applicant and homeowners are in agreement with the modification.

MR. SWANSON said there is a concern with two-story lots along Vine Street.

BACKGROUND

The subject site is located at the SWC of Maplewood and Vine streets, which is east of the SEC of Alma School and Willis roads. North is a portion of the Cornerstone Christian Church campus, a single-family home and a vacant lot that is currently in the process of being cleared of debris.

Single-family homes surround the site's east, south and west sides. The General Plan designates the site as Low-Density Residential.

The subject site received zoning and PDP approval in early 2006 for a custom, 32-lot single-family residential home subdivision; the zoning was extended for an additional three years in 2009. The zoning technically expired in late August; however, due to the application on file, the request to rezone the property and the request moving forward without delay, any enforcement action has been stayed. Housing product was not approved with the initial case due to the development requiring all homes to be custom. The request seeks to remove the custom home requirement and desires Preliminary Development Plan approval for housing products. The number of lots, subdivision layout and design treatments, and previous conditions of approval will remain the same (notwithstanding eliminating the custom home requirement). The site is approximately 15-acres and provides 32 single-family lots. Typical lot size is 90'x140', with a minimum lot size of 12,430 sq. ft. The subdivision will be developed as a single phase.

HOUSING PRODUCT

Due to the fact that all lots are 10,000 sq. ft. or greater, with a minimum lot size of 12,430 sq. ft., the Residential Development Standards (RDS) for housing product do not apply; however, a number of the elements will be provided. Seven floor plans are provided with a square footage range of 2,800 to 4,600 sq. ft. Five single-story and two two-story homes are provided with an option for a second story on Plan 6011.

Architectural styles include Spanish, Ranch, Tuscan/Mediterranean, Craftsman, and Farmhouse; not all elevation types are provided for each home. Various architectural elements highlighting the prescribed style include window pop-outs, garage and front door detailing, window mullions, shutters, stone detailing, wing walls and siding elements. The RDS require that at least one elevation provide stone elements; the home builder is providing stone on four of the five elevations; Ranch, Tuscan/Mediterranean Craftsman and Farmhouse. Additionally, to address architectural style, various elements complementing the architecture are included in the design, such as; window mullions, front door treatments, garage doors consistent with the architecture of the home, arched windows, window pop-outs, etc.

Setbacks for the housing product were incorporated in the Initial Rezoning and PDP request for subdivision layout. Setbacks are typical of other subdivisions except that a rear-yard setback of 15-feet is provided; however, rear setbacks for all perimeter lots have been increased to 25 feet. Due to the large lot sizes, it is anticipated that homeowners may want the option for casitas. Casitas will meet all required building setbacks and lot coverage ratios, as well as be architecturally consistent with the design of the home.

The Planning Commission and Staff support the request citing that the housing product represents another quality addition to Chandler's housing stock. Furthermore, the Planning Commission and Staff are pleased with the strong design characteristics of the housing product, the variety of elevations provided and the larger lot sizes provided.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 16, 2012. Ten neighbors were in attendance and generally supported the request. Staff has received no correspondence in opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to approve was unanimously approved.

The request was pulled to Action at the Planning Commission hearing due to some concerns expressed by the property owners directly east of the site. The neighbors were concerned with the potential of two-story homes looking into their front yards. The neighbors alluded that the homes were to be restricted to single-story homes as part of an agreement with the initial approval in 2005; Staff is unaware of any agreement. The concern was discussed by the Commission with the request being approved unanimously due to existing conditions already placed on the development. With the initial approval, the five lots on the east side were restricted based on the following conditions: the northern most lot will be restricted to a single-story (Condition No. 11 of Ord. 3764); the five lots will have deeper rear yard setbacks (Condition No. 14 of Ord. 3764); and two-story homes are restricted to no more than two in a row (Condition No. 13 of Ord. 3764), which would mean that of the five lots, three can be two-story homes.

RECOMMENDED ACTIONS

Rezoning

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

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the Development Booklet entitled "Maplewood Court", kept on file in the City of Chandler Transportation & Development Services Department, Planning Division, in File No. DVR12-0023, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3764, case DVR05-0009 Maplewood Court, except as modified by condition herein.

6. REZONING: Jackson Place

Ord. #4403

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4403, DVR12-0029/PPT12-0013 Jackson Place, rezoning from PAD Commercial to PAD Single-Family Residential with PDP on approximately 6.5 acres at the SEC of Ray Road and Jackson Street, west of McQueen Road. (Applicant: Troy Peterson; Bowman Consulting.)

DISCUSSION

MS. MARGIE DELAROSA, 955 N. Layman Street, Chandler said that she is concerned about the new development being proposed near her home. She said that the street behind her home is going to be the single entrance to the new Jackson Place development.

MS. DELAROSA said that this key entrance will add to an already highly congested area in her neighborhood. She also noted a high incidence of speeding vehicles and accidents that often occur at the intersection of Ray Road and Jackson Street. She said the accidents frequently result in the vehicles ending up in the retention basin.

MS. DELAROSA said that another concern she has is that the entrance road into the new community is approximately 22 feet wide. She believes this will create additional traffic

congestion as vehicles enter. MS. DELAROSA said she would like to see the developer create a wider space at the entrance and move the current public walkway further into the community.

MS. DELAROSA would also like to see some adjustments made to the retention basin at Ray and Jackson. Additionally, MS. DELAROSA said she would like the corner lots to be built single story.

CITY PLANNER, ERIK SWANSON, came forward to address some of MS. DELAROSA'S concerns.

MR. SWANSON confirmed that there is already a condition in place for single story houses to be built on corner lots to address Ms. Delarosa's concern.

MR. SWANSON said the site is challenging and noted the history of rezoning from commercial to residential. MR. SWANSON said that staff looked at the design and met with the applicant and engineering to try to develop the best solution for the site. MR. SWANSON said that placing multiple points of access leading out to Ray Road tends to be more dangerous. He said from a vehicular circulation and safety standpoint it is often safer to go from a local residential street, to a collector street before proceeding to an arterial street.

COUNCILMEMBER HARTKE asked MR. SWANSON how many houses are in this development.

MR. SWANSON said there are 28 homes.

COUNCILMEMBER HARTKE asked Mr. Swanson to point out Ms. Delarosa's home on the map.

MR. SWANSON said it is important to note that this piece is currently zoned for commercial development. He said if commercial development were realized on this property it would likely have an access point onto Jackson. MR. SWANSON said from traffic counts from commercial to residential there will be fewer vehicles with residential than commercial development.

COUNCILMEMBER HEUMANN asked if there was a traffic study done for this project.

MR. SWANSON said that there was not a traffic study done due to the small number of homes. He said if 28 vehicles left the neighborhood at once it would still be significantly less than the number of vehicles traveling if the property were commercially developed.

COUNCILMEMBER HEUMANN said this is a good use of a challenged site. He believes it will be a low intensity use. COUNCILMEMBER HEUMANN asked Mr. Swanson to work with the concerned neighbor and the Traffic Division for a traffic study to see if that intersection warrants a traffic signal.

VICE-MAYOR WENINGER asked if there is just one lane as you exit the neighborhood on Jackson Street.

MR. SWANSON said there is a left turn lane and a through lane that can also operate as a right turn lane.

BACKGROUND

The subject site is located at the SEC of Ray Road and Jackson Street, approximately 450 feet west of McQueen Road. Ray Road is adjacent to the site's north property boundary, single-family

residential and Fire Station No. 6. South is the Townhomes at Newcastle development and east is a small neighborhood commercial center.

The subject site received conceptual commercial zoning with the initial Provinces Master Plan in 1983. In 1996, the site received PDP approval as part of the larger commercial development located east of the site. With the commercial development of the northeast and southeast corners of the Ray and McQueen roads intersection, interest in the site has waned, thus prompting the current request.

SUBDIVISION LAYOUT

The site presents itself as an infill parcel meeting the requirements as outlined in the Residential Development Standards (RDS) for infill development. A single point of access is provided off of Jackson Street with a 20' emergency access easement being provided at the site's northeast corner. Due to the restricted size of the site, the layout of the subdivision is very rectilinear. A large retention basin is located at the northwest corner of the site. The basin has an existing recorded easement requiring the general design and size to remain as presented; however, the basin will be improved to include turf and additional landscaping. An additional open space/retention area is provided at the southwest corner of the site that includes a ramada, picnic tables and tot lot.

As part of the review for single-family residential development, subdivisions requesting a designation of PAD have to meet a number of design elements as outlined in the RDS. Depending on the size of the residential lots, a certain number of points need to be obtained. In this case, since all of the lots are 7,000 square feet or less, all of the development standards for subdivision diversity need to be met (eight required), along with meeting all of the 21 optional subdivision diversity elements. Additionally, in the event that any lots are less than 7,000 square feet, the same number of lots shall be required to be at least 10,000 square feet. When the RDS was initially envisioned, the standards were designed more towards larger subdivision development, where large amounts of land allowed for design creativity; however, language is provided within the RDS that allows City Council to grant relief of the development standards in situations where remnant parcels qualify as infill development, which this site meets.

The proposal is for a 28-lot single-family residential subdivision with an overall density of 6.46 dwelling units per acre (du/ac). The average lot size is 4,995 sq. ft., with a minimum lot size of 4,575 sq. ft. and maximum lot size of 6,314 sq. ft. Typical lot dimensions are 47' x 95'. Building setbacks are reduced from typical standards; however are consistent with previous infill developments. Front setbacks allow for 15-feet to livable area or side entry garages, with a required 18' setback to the face of the garage; side setbacks are 5' and 7'; the rear setback is 15'. Lot coverage is 60%.

While the proposal does not need to meet the RDS in full, the design team has incorporated some elements of the standards such as creating a sense of arrival, continuing the New England theme in the perimeter wall design, and providing access to open space from the cul-de-sac linking the cul-de-sac to the tot lot area by means of a pedestrian walkway.

HOUSING PRODUCT

Six floor plans are proposed with four single-story and two two-story homes being provided; three elevations are provided per floor plan. Housing product ranges in square footage from 1,475 sq. ft. to 2,195 sq. ft. In addition to the RDS for subdivision layout, architectural elements are also required. While the constraint in lot size makes variation in wall planes and garage orientation difficult, the design team has incorporated various architectural elements to bring diversity to the

elevations. Various shutter, pop-out, ventilation details, wainscot elements, and garage door detailing per elevation are provided. Stone elements will be required on one elevation per floor plan as required by the RDS (as currently depicted stone is optional). The Planning Commission and Staff are recommending providing window mullions throughout and incorporation of exterior lighting consistent with the architectural theme of the home as conditions of approval.

The subject site represents a unique opportunity for single-family residential development. The Planning Commission and Staff find that the development team has done a good job providing a unique subdivision that incorporates a number of the development standards, has produced an attractive product line and has presented a successful resolution to a difficult infill parcel.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 30, 2012. Four neighbors were in attendance and generally supported the request. Staff has received no correspondence in opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to approve passed unanimously.

RECOMMENDED ACTIONS

Rezoning

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

Preliminary Plat

The Planning Commission and Staff recommend approval 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.

7. **REZONING:** Allred Chandler Airport Center II Ord. #4404

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4404, DVR12-0033 Allred Chandler Airport Center II, rezoning from PAD to PAD Amended to allow for the additional uses of athletic training facilities and family recreational/instructional uses located at 2150 E. Germann Road, east of the NEC of Cooper and Germann roads. (Applicant: Mike Curley; Earl, Curley & Lagarde, P.A.)

BACKGROUND

The subject site recently received approval for a Use Permit to allow the use within a single suite of the building; however, after further discussions between Staff and the applicant, the applicant is requesting the ability to allow the use, as well as family recreational/instructional uses, throughout the entire building; it was determined that rezoning was the appropriate method.

The subject site is located east of the NEC of Cooper and Germann roads, within the Allred Chandler Airport Center II (Allred CAC II) development (previously known as Panattoni). The request is to expand the allowed uses within the entire western building. The building is approximately 45,314 square feet and is currently unoccupied. Adjacent to the site's west is a vacant site planned for commercial retail development. East of the subject site is Wright Drive, with the Red Rock development located east of Wright Drive.

The subject site is part of a 245-acre master planned employment center, Chandler Airport Center, which flanks both sides of Cooper Road south of the Loop 202 Santan Freeway. The master plan established the land along Cooper Road for hotel, office, service retail and freeway-related retail uses. The 11-acre Allred CAC II site allows office, showroom, adult education and light industrial uses, including call center offices. The eastern building is fully occupied with an educational related call center.

In recent months, Staff has seen an increased interest in providing specialized sport/athletic training facilities. Historically, Staff has opposed these types of uses when located in larger industrial business parks where concerns in incorporating commercial type operations within industrial operations exist such as traffic and land use conflicts. In this particular situation, Staff is comfortable with the request, citing that the industrial business park operates largely like a commercial business park allowing for showroom/warehousing and office uses; office uses being the predominant use of the site. Due to the nature of the business park, parking is addressed and can accommodate the additional uses; however, if parking is an issue in the future, a Preliminary Development Plan was approved in 2010 for a parking lot expansion area to the north of the subject suite.

The Planning Commission and Staff support the request citing that previous experiences with specialized sport/athletic training facilities, as well as family recreational/instructional uses, have operated effectively without negative impacts when land use conflicts have been addressed. Additionally, Staff is comfortable with the request citing that one of the major concerns has been conflict between on-site traffic patterns and underserved parking. As the site has been developed, on-site truck traffic is non-existent. If the subject building were to be completely occupied by the proposed uses, 151 parking stalls would be required. The site currently provides 451 parking stalls with the potential to expand the parking to include an additional 192 parking stalls. Further, typical operational hours of family recreational/instructional uses generally operate during evening hours and on weekends when typical office related businesses are closed.

AIRPORT COMMISSION

The Airport Commission reviewed the zoning amendment request in accordance with the Airport Conflicts Evaluation Process at their September 12, 2012 meeting. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found that the development request to allow additional uses does not constitute a conflict with the existing or planned airport uses.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 6, 2012. There were no neighbors in attendance. Staff has received no correspondence in opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to approve passed unanimously.

RECOMMENDED ACTION

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

CONTINUED TO NOVEMBER 8, 2012, THE INTRODUCTION AND TENTATIVE APPROVAL of Ordinance No. 4405, DVR12-0025, Spectrum Senior Living at Ocotillo, rezoning from PAD for a church to PAD for an assisted living care center with PDP for building architecture and site layout located at 1500 NW Jacaranda Parkway, the SEC of Pennington Drive and Queen Creek Road. (Applicant: Mike Perry; Whitneybell Perry, Inc.)

Due to finalizing some contractual obligations for the transaction of the property, the applicant is requesting continuance.

9. ISSUANCE AND SALE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS
Res. #4645

ADOPTED Resolution No. 4645 authorizing the issuance and sale of Industrial Development Revenue Bonds by the Chandler Industrial Development Authority for the Tri-City Baptist Church in an amount not to exceed \$10,000,000.00.

The Chandler Industrial Development Authority received an application from Tri-City Baptist Church requesting that the Authority issue tax-exempt bonds in an amount not to exceed \$10,000,000.00. The proceeds of the bonds will be used to refinance all of the outstanding Adjustable Rate Demand Revenue Bonds, Series 2007 and Series 2010. The application was considered and granted final approval at the Authority's Board meeting on October 9, 2012, with the provision that the City Council of the City of Chandler, Arizona, approve the issuance of the bonds.

In 2007, Council approved the issuance of Adjustable Rate Demand Revenue Bonds in the amount of \$5,200,000.00 for the Tri-City Baptist Church. In 2010, Council approved a second issuance of Adjustable Rate Demand Revenue Bonds in the amount of \$5,000,000.00. The proceeds were used to finance the acquisition, construction, improvement and equipping of a student dormitory, a maintenance building and related infrastructure in connection with the property located at 2211 W. Germann Road in Chandler. The refinancing is being done to change from a Letter of Credit, renewed every three to five years, to a Direct Bond Purchase, renewed every ten years. This will minimize Tri-City Baptist Church's renewal expense as well as annual administrative costs thereby making the refinance of the bonds financially beneficial.

The bonds will be issued for the purpose of refinancing the Authority's Adjustable Rate Demand Revenue Bonds, Series 2007 and Series 2010, and pay certain costs related to the issuance of the bonds being refinanced. The Bonds will be adjustable rate demand revenue bonds of the Authority and will not constitute a debt or pledge of the faith and credit of the Authority, the City of Chandler or the State of Arizona.

10. CENTRAL BUSINESS DISTRICT Res. #4646

ADOPTED Resolution No. 4646 creating a Central Business District.

BACKGROUND/DISCUSSION

State law has added the requirement that for the use of the abatement option under the Government Property Lease Excise Tax Program ("GPLET"), that the Council declare by resolution a Central Business District (CBD). Previously, the past Redevelopment Elements and Plans were considered sufficient to qualify Downtown as a CBD. By declaring a CBD, Council then has the option to award up to an 8-year abatement of property taxes for any lessee of a real

property parcel and its government property improvement(s), as part of a larger development agreement. All properties not in the CBD would still qualify for the GPLET rates, but not the 8-year abatement.

The legislation also calls out specific requirements for the CBD. First, only one CBD can be designated per city. Second, it must be compact and geographically contiguous. Third, the CBD cannot be larger than 5% of the total land area within the exterior boundaries of Chandler OR 640 acres, whichever is greater. Fourth, the CBD must be within a redevelopment area where slum and blight has been declared. Chandler's Downtown Redevelopment Area has been properly declared as a slum and blighted area. Fifth, once the authorizing resolution is approved, there is a one-year waiting period before the City can approve or enter into a GPLET development agreement or lease within the CBD.

Staff is proposing that the Central Business District boundaries mirror those of the South Arizona Avenue Area Pan, which has been the primary focus of redevelopment activity. This constitutes less than 295 acres, far below the limits allowed by statute. This will serve as an effective tool to help bring new development to this key corridor. The CBD boundaries may be altered in the future to include additional land.

FINANCIAL IMPLICATIONS

There are no immediate or direct financial implications for creation of a Central Business District. This is simply a step that enables the Council to enter into future development agreements and leases, and offer the abatement at Council discretion. Each development agreement and lease requires Council action on its proposed terms.

11. DEVELOPMENT AGREEMENT AMENDMENT: San Marcos Commons Res. #4647

ADOPTED Resolution No. 4647 authorizing Amendment No. 1 to the San Marcos Commons Phase II Development Agreement.

BACKGROUND/DISCUSSION

On May 27, 2010, Council authorized Staff to negotiate and execute the San Marcos Commons Phase II Development Agreement and related leases through Resolution No. 4422. The agreement and related leases were executed and recorded in January 2011. The Development Agreement called for vertical construction to commence effective September 1, 2011.

Due to economic conditions, the developer, Desert Viking, was unable to affect this. In order to allow the developer to bring the project to fruition, Council would need to authorize an 18-month extension to the Development Agreement from the day of Council approval. Additionally, three new milestones would be created so that the new date for vertical construction is met. The proposed new milestones, agreed to by the developer, are all measured from the date of Council approval and not to exceed the months outlined below:

- | | | |
|-----|---|-----------|
| (1) | PDP Submittal | 9 months |
| (2) | PDP Approval by Planning and Zoning and Council | 13 months |
| (3) | Construction Drawings Submitted | 17 months |

All other deal terms are to remain the same.

The developer has assured Staff that they will move expeditiously to finalizing a site plan, signing tenants, securing financing and beginning construction. Completion of the project represents a

key element of the Downtown Redevelopment strategy and the implementation of the South Arizona Avenue Corridor Area Plan.

12. REAL PROPERTY ACQUISITION: Ocotillo Wastewater Force Main Res. #4649

ADOPTED Resolution No. 4649 authorizing the acquisition of real property needed for the Ocotillo Wastewater force main, Project WW1105, authorizing condemnation proceedings as needed to acquire said real property and obtain immediate possession thereof.

BACKGROUND/DISCUSSION

The City of Chandler is constructing a sewer forcemain to transfer wastewater flows from the Ocotillo Water Reclamation Facility to the Airport Water Reclamation Facility (AWRF) for treatment. The majority of this construction will take place in existing road right-of-way in Dobson and Ocotillo roads. The forcemain section between Ocotillo Road and Appleby Road and the AWRF will require acquisition of right-of-way for construction and future maintenance of the facility.

The alignment, which will be just west of the Consolidated Canal, will cross parcels owned by two different owners on the extreme eastern edge of their property. The City will request a 26-foot strip for the forcemain and a 25-foot strip for a temporary construction easement. A portion of the 26-foot strip for the forcemain will be used to add to the alignment for the 10-foot trail along the west side of the Consolidated Canal.

This resolution authorizes acquisition of the real property and other property rights at fair market value either by purchase or by condemnation. A reasonable negotiation period will be allowed for purchase of the required real property and other property rights, after which condemnation proceedings will be initiated as needed to acquire the real property and obtain immediate possession. There is no relocation planned in this project.

13. DISTRIBUTION OF LIBRARY DISTRICT TAXES Res. #4650

ADOPTED Resolution No. 4650 urging the Maricopa County Board of Supervisors and administration of the Maricopa County Library District to work with the City of Chandler and other incorporated municipalities in the county that are providing their own library services, to develop a formula that ensures a more equitable and fair distribution of library district taxes.

14. PRELIMINARY DEVELOPMENT PLAN: Boardwalk At Anderson Springs

APPROVED Preliminary Development Plan PDP12-0001 Boardwalk at Anderson Springs, for additional tenant panels on new monument signs located at the SEC of Dobson and Ray roads. (Applicant: Ray Murchison; Royal Sign Company.)

BACKGROUND

The subject site is located at the SEC of Dobson and Ray roads and includes the entire Boardwalk at Anderson Springs commercial shopping center; the Arco at the intersection corner is not included in the request. Developed commercial corners are located north and northwest of the site. West, across Dobson Road, is the Capriana single-family residential subdivision.

The site was originally zoned and received Preliminary Development Plan (PDP) approval for the majority of the center in 1987; a second PDP was approved in early 1997 for the pad building

located east of the fuel station. At the time of approval, monument signage was approved consistent with Zoning Code. As designed, two monument signs were provided; one along each arterial. Each sign provides the name of the shopping center and a single tenant; two tenant panels are allowed, however, one tenant panel is utilized to state "Restaurants and Specialty Shops".

The request is to modify the monument signs to allow for a total of four tenant panels per sign. In order to accommodate the additional tenant panels, the monument signs will be increased from a height of 8 feet to 14 feet for the monument sign along Ray Road and from a height of 8 feet to 10 feet along Dobson Road. As part of the design, the signs will be reduced in width from 15 feet to 10 feet and will stay in the same general location as they are currently. The signs will be slightly modified in design to incorporate more of the architectural motifs of the site (specifically the metal tubing and cross-hatched wiring) to highlight the development name. As part of the review, Staff has to determine that the request for additional signage is consistent with intent of the additional quality standards for signage. As proposed, the signage meets the requirements. The new monument signs will utilize routed with ½-inch push-through lettering. Additional landscaping will also be provided at the base of the signs.

DISCUSSION

The Planning Commission and Staff support the request for additional tenant panels, citing that the proposed design complements the center and is improved over the existing design, that the request is consistent with development in the area, and the proposal is consistent with the additional quality standards.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 10, 2012. One neighbor from a nearby HOA attended and was in general support of the request. Staff has received no correspondence in opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to approve passed unanimously.

RECOMMENDED ACTION

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

1. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
 2. Landscaping shall be in compliance with current Commercial Design Standards.
 3. Monument signs shall be designed in coordination with landscape plans, planning materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility for prompt the removal of required landscape materials. The monument signs shall be in substantial conformance with the site plan and sign elevation exhibits, kept on file in the City of Chandler Current Planning Division, in File PDP12-0001 BOARDWALK AT ANDERSON SPRINGS, except as modified by condition herein.
15. PRELIMINARY DEVELOPMENT PLAN: The Promenade At Fulton Ranch Farmers Market

APPROVED Preliminary Development Plan PDP12-0009 The Promenade at Fulton Ranch Farmers Market, to allow an outdoor farmers market to occur on a permanent basis within the parking area of an existing retail shopping center located at the NEC of Alma School and Chandler Heights roads. (Applicant: Josh Hendricks, RED Development.)

BACKGROUND

The application requests PDP approval to allow an outdoor farmers' market within an existing parking area at an existing retail shopping center, The Promenade at Fulton Ranch. The farmers' market has been operating under a Temporary Special Events Permit for a few months. This shopping center is bounded on the north by offices and to the east by residential condominiums. To the west, across Alma School Road, is a commercial shopping center and to the south is a commercial and office development.

A PDP is requested to modify the site plan for this commercial center which was approved in the 2004 Fulton Ranch zoning case. The farmers' market use is a permitted use indoors only; outdoor uses are subject to zoning approval. In this case, with Planned Area Development (PAD) zoning on the property, a PDP request is necessary to review and approve the location and design of the outdoor market.

The outdoor farmers' market is located within a larger parking area that serves the whole center. There are a couple of surrounding buildings including a bank and an inline shops building. The farmers' market includes approximately 49 parking spaces. There are approximately 15 to 25 vendors in the summer and 35 to 49 vendors in the cooler months. Each vendor sets up tables, booths, tents and the like to market food, produce and products occupying approximately one parking space each or larger as approved by the farmers' market coordinator. Currently, operation hours for the farmers' market are every Saturday from approximately 7 a.m. to 11 a.m. in the summer and 8 a.m. to 1 p.m. in the cooler months. However, the farmers' market intends to change these hours, possibly starting in the afternoon and extending into the evening when other businesses are still open. Hours may vary to allow for setup and take down of the market each day as well as changes due to weather. The shopping center has more parking spaces than required by Zoning Code, thus the farmers' market occupying about 50 parking spaces does not impact required parking.

The farmer's market may include additional uses or activities such as food truck dining events, charitable events and fundraisers and the like. The applicant is exploring opportunities for local school or non-profits to promote their causes and/or fundraising at the farmers' market. For one time events with live entertainment, music, bands and the like, as well as additional tents for events, may require a separate Temporary Special Events Permit. Outdoor cooking by vendors or food trucks may require additional approval through a Temporary Special Events Permit. These types of events are to be coordinated with the City's Neighborhood Resources Department.

DISCUSSION

Farmer's markets are becoming more popular in the East Valley and this is the first one that has been operating in a retail shopping center in Chandler. Farmers' markets offer small businesses and online businesses an opportunity to sell retail goods and food products. Most farmers' markets in the Phoenix area are held outdoors with each business setting up their tent area, tables and displays. The location within The Promenade at Fulton Ranch is appropriate and does not conflict with parking for other tenants or cause vehicular access issues.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A notification letter in lieu of a meeting was mailed to area property owners advising of this request since the farmers' market has already been operating and Planning Staff is not aware of any complaints or concerns. Staff has received no correspondence in opposition to this request.

PLANNING COMMISSION VOTE REPORT

Motion for approval was passed unanimously. The Commission requested the addition of Condition No. 2 regarding special and seasonal events.

RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with application materials (Site Plan and Narrative), except as modified by condition herein.
2. Live entertainment, special events or seasonal events may require separate Temporary Special Event Permit approval through the City's Neighborhood Resources Department.

16. CONTINUED REZONING: Nuvo

CONTINUED TO NOVEMBER 8, 2012, Zoning DVR12-0007 Nuvo, rezoning from PAD Commercial to PAD Multi-Family/Commercial with PDP on approximately 9 acres at the SWC of Erie Street and McClintock Drive. (Applicant: Ed Bull with Burch & Cracchiolo, P.A.)

The applicant requests a continuance for the purposes of additional neighborhood work and reviewing information presented during the Planning & Zoning Commission hearing.

17. CLAIMS REPORT

APPROVED the Claims Report for the Accounts Payable payments for the quarter ended September 30, 2012.

18. AGREEMENTS: Arizona Department of Homeland Security

AUTHORIZED State Homeland Security Grant Agreements with the Arizona Department of Homeland Security (AZDOHS) for emergency preparedness in a total amount of \$145,120.00 for the following grant projects:

- Enhance Rapid Response Teams – Police RRT \$ 66,560
- UASI Assessment Teams-Terrorism Liaison Officers (Chandler Police) \$ 4,000
- Chandler CERT Training \$ 4,000
- Enhance Rapid Response Teams – Fire RRT \$ 66,560
- UASI Assessment Teams-Terrorism Liaison Officers (Chandler Fire) \$ 4,000

BACKGROUND/DISCUSSION

The City of Chandler has established a Fire/Police Rapid Response Team, Fire/Police Terrorism Liaison Officers and a Community Emergency Response Team (CERT) program with federal funding from the State Homeland Security Grant program. Each of these programs ensures that Fire and Police personnel are prepared and equipped to respond to large scale emergencies, terrorist events and natural and/or man-made disasters. The above listed awards are being

made under the 2012 State Homeland Security Grant Program. The purpose of the awards is to provide equipment and training to sustain these emergency preparedness programs.

FINANCIAL IMPLICATIONS

These grants have no match requirements and the Fire Department has the appropriations allocation in the FY 2012/13 Budget.

MAYOR TIBSHRAENY thanked Scott Wall and Rob McLeod from the Fire Department and Jason Zdilla and Doug Scholz from the Police Department for their work on these grant agreements.

19. SUBORDINATION: 599 N. Comanche Drive

APPROVED the subordination of the Moderate Rehabilitation Program Lien on Project No. RH-7-0006 located at 599 N. Comanche Drive in the amount of \$74,670.55. (Hughes)

BACKGROUND/DISCUSSION

In 2007, the owner of a home at 599 N. Comanche Drive received a \$74,670.55 loan through the City's Moderate Rehabilitation Program. The City's lien against the property is for \$74,670.55. The City loan is a 15-year forgivable loan secured by a Deed of Trust recorded as a lien against the home. The balance is slated to be forgiven in 2022.

The owner is requesting a refinance of her home to lower the interest rate. The new loan for \$94,627.00 reduces the interest rate, lowers the mortgage payment and the owner will receive no cash out as required by the City's refinancing policy. In order to obtain the loan, a subordination of the City's lien is required by the lending institution and the City lien will remain in the same position.

FINANCIAL IMPLICATIONS

The City's lien is currently in second position and will remain in second position after the refinancing is complete. The City's lien will not be released until the term of affordability expires in 2022.

20. AGREEMENT EXTENSION: FIA Card Services, N.A.

APPROVED Agreement #MS0-946-2777 extension with FIA Card Services, N.A., (Bank of America) for Procurement Card Services for a two-year period with options to renew for three additional two-year periods.

Procurement cards are presently used by approximately 669 cardholders throughout the City with an annual volume spent through this program of approximately \$8.9 million, with an additional \$8 million in e-payables. The City's program has expanded in the past three years from nine other agencies utilizing Chandler's agreement to a current use by 21 statewide agencies/organizations, thereby increasing the annual overall statewide spend under Chandler's program to approximately \$59 million in 2011.

In December 2009, Council approved an Agreement for Procurement Card Services with FIA Card Services, a subsidiary of Bank of America. At the time this Agreement was awarded, the City had 640 cardholders and the average annual spend was approximately \$2.6 million. Through the use of ghost cards, as well as the e-payables program, total annual spend has increased to almost \$17 million. The no-cost program with Bank of America provides the City

with technology which improves efficient and cost effectiveness in processing payments, easy reporting tools, on-line review and approval of transactions which helps control maverick spending, automated interface with the City's General Ledger, additional functionality and enhanced rebate opportunities. With this renewal, Bank of America is increasing the rebate basis points (bps). The City will get an additional 5 bps on spend for 2012. (1 basis point (pbs) = .01%. For the incremental growth portion, if the City's 2013 (Jan – Dec) spend is \$5 million more than 2012's (Jan – Dec), the City would receive an additional 10 bps on the growth. If spend were to grow \$10 million, the City would receive an additional 20 bps on the growth; if the City's program grew \$20 million over the previous year, the City would receive an additional 30 bps on the growth.

21. AUTHORIZING LEASE AMENDMENTS: San Marcos Commons Phase II Ord. 4408

INTRODUCED AND TENTATIVELY APPROVED ORDINANCE NO. 4408. Concurrent with Item No. 11, Resolution No. 4647 San Marcos Commons Phase II Development Agreement Amendment, City Charter requires long term leases and amendments be authorized by ordinance. Approval of this Ordinance No. 4408 will allow compliance with the Charter requirement and is consistent with the changes to be made as a result of the adoption of Resolution No. 4647.

22. AGREEMENT: McCarthy Building Companies, Inc.

APPROVED Agreement #WW1013-401 with McCarthy Building Companies, Inc., for the Airport Water Reclamation Facility (AWRF) expansion to 22 MGD in an amount not to exceed \$7,334,868.00 for a revised total contract amount not to exceed \$42,892,599.00, contingent upon written notification from Intel and appropriate funding.

The AWRF is located on Queen Creek Road, west of McQueen Road. Design and construction of new wastewater treatment capacity will accommodate Intel's plant expansion on Dobson Road. A public information meeting was held with residents neighboring the facility to discuss the expansion project and the measures taken to mitigate impact to the surrounding community. The expansion project began in June 2012 and will be completed in the summer of 2014. The facility's treatment capacity will increase from 15 MGD to 22 MGD. The overall project will be released for construction in phases with each phase of the project requiring Council approval.

23. AGREEMENT: CH2M Hill Engineers, Inc.

APPROVED Agreement #WW1304-101 with CH2M Hill Engineers, Inc., for Reclaimed Water System Demand and Infrastructure Assessment, pursuant to annual contract #EN1003-104, in an amount not to exceed \$270,138.00.

The Integrated Waster, Wastewater and Reclaimed Water System Master Plan was updated in 2008. The Master Plans govern "build-out and build-up" expansion of the City's water, wastewater and reclaimed water system infrastructure. Since the 2008 Integrated Master Plan was completed, the City has experienced an unanticipated expansion of the wastewater treatment and collection systems. The Airport Water Reclamation Facility (AWRF) is currently being expanded, along with significant lift station and forcemain improvements. Reassessing the Reclaimed Water system demand and infrastructure to incorporate these modifications is important to maintain adequate service levels to current and future customers.

24. AGREEMENT: Plumbing Services

APPROVED Agreement #MU3-914-3022 for plumbing services with Hoffman Southwest dba Roto-Rooter Service and Plumbing Company, Cartright's Drain Service, Inc., Reddi Services, and TALIS Construction Company in a total amount not to exceed \$400,000.00 per year for two years, with the option to renew for one additional two-year term.

Wastewater Collection is responsible for maintenance and repair of all City owned sewer mains. Collection is also accountable for repairing crushed or damaged sewer laterals from the main through the public right-of-way. Wastewater Collection, on average, performs 72 sewer service repairs per year.

As a result of liability for confined space and landscaping restoration, it was determined the most cost effective way to repair lateral and main lines is to engage a plumbing contractor. Within 48 hours of notification, the plumbing contractor excavates the area, repairs the damaged line and restores the landscaping to its original status.

25. AGREEMENT AMENDMENT: Collection of Usable Items

APPROVED Agreement #SW0-926-2873, Amendment No. 2, for collection of usable items with Stardust Building Supplies, Swift Charities for Children, Catholic Charities Community Services, and Big Brothers Big Sisters of Central Arizona.

In 2007, a comprehensive waste characterization study identified materials in the solid waste stream with recycling and reuse value. The information for the study was used to improve and achieve the City's goal of reducing waste through recycling and reuse.

Staff looked at ways to divert goods self-hauled by residents to the Recycling-Solid Waste Collection Center. The reusable goods include gently used items of clothing, furniture, toys, small working appliances, exercise equipment, and household decorative items.

In 2010, the City contracted with five non-profit organizations that assist those in need with varying services. The City increased diversion of usable items by 15 tons, keeping reusable goods out of the landfill and reducing costs associated with disposal. Although no additional charitable organizations are partnered with the City at this time, this program remains opportunistic to include other non-profit organizations who are interested in this program in the future.

26. PROJECT AGREEMENT: Southwest Ground-water Consultants, Inc.

APPROVED Project Agreement #WA1302-451 with Southwest Ground-water Consultants, Inc., for Railroad Well construction management (CM) services in an amount not to exceed \$94,571.00.

The 2008 Water, Wastewater, Reclaimed Water Master Plan recommends 74.5 million gallons per day (MGD) build-out capacity for groundwater wells. As the City's groundwater wells age, it is anticipated well production may decrease by up to three percent per year. To maintain the required 74.5 MGD capacity, new wells and rehabilitation of existing wells is needed. This project will abandon the existing well and replace it with a well at the Railroad Well site.

27. AGREEMENT AMENDMENT: Southwest Slurry Seal, Inc.

APPROVED Agreement #ST2-745-3068, Amendment No. 3, with Southwest Slurry Seal, Inc., for slurry seal and micro seal materials in an amount not to exceed \$1,030,000.00 for one year with the option to renew for one additional one-year term.

28. AGREEMENT AMENDMENT: CPC construction, Inc.

APPROVED Agreement #ST0-745-2801, Amendment No. 3, with CPC Construction, Inc. for asphalt rubber crack sealing in an amount not to exceed \$300,000.00 for one year with the option to renew for up to two additional one-year terms.

29. AGREEMENT AMENDMENT: Agave Environmental Contracting, Inc.

APPROVED Agreement #ST2-988-2996, Amendment No. 2, with Agave Environmental Contracting, Inc., for Landscape Maintenance – Area 4 amending the term to expire March 31, 2013, in an amount not to exceed \$130,000.00.

30. AGREEMENT AMENDMENT: Somerset Landscape & Maintenance, Inc.

APPROVED Agreement #ST2-988-3050, Amendment No. 1, with Somerset Landscape & Maintenance, Inc., for Landscape Maintenance – Area 1-2-3, extending the contract for four months in an amount not to exceed \$230,000.00 with no price increase, and amending the term to expire March 31, 2013.

31. AGREEMENT EXTENSION: Stantec Consulting Services, Inc.

APPROVED Agreement #ST12-3041 extension with Stantec Consulting Services, Inc., sole source, for data collection, analysis, processing, training, and updated version services for the City's pavement management system, Stantec RoadMatrix, from October 25, 2012, through October 24, 2013. As Stantec RoadMatrix is a Stantec Consulting Services, Inc. product, they are the only vendor that can work within this proprietary software.

32. CONTRACT: Sand Dollar Construction

APPROVED Contract #A11204-201 with Sand Dollar Construction to construct a new Airport Automated Weather Observation System (AWOS) in an amount not to exceed \$186,820.00.

Chandler Municipal Airport currently has an aging AWOS III that is no longer supported by the manufacturer. The current system was constructed in 1992 with Federal Aviation Administration Airport Improvement Funds. This project installs a new AWOS III-PT system.

This project is in the current 5-year Capital Improvement program (CIP). A Federal grant represents 91.06% of total project costs. An ADOT grant is anticipated for 4.47% of the project costs. Staff has identified the remaining 4.47% local matching share in the Airport Capital Fund.

33. PURCHASE: Home Depot and HD Supply Facilities

APPROVED the purchase of wholesale maintenance, repair and operating (MRO) commodities and related services from Home Depot and HD Supply Facilities, utilizing the U.S. Communities Contract No. 11019-RFP, in an amount not to exceed \$250,000.00.

34. PURCHASE: Aire Filter Products, Inc.

APPROVED the purchase of HVAC filters from Aire Filter Products, Inc., utilizing the State of Arizona Contract #ADSPO11-003779, in an amount not to exceed \$75,000.00.

35. USE PERMIT: Chamberlain Development

APPROVED Use Permit ZUP12-0013 Chamberlain Development, to allow automobile sales in a PAD zoning district located at 6948 W. Chandler Boulevard, north of the NEC of Chandler Boulevard and 56th Street. (Applicant: Mike Frost with Sun State Builders; Owners: James Chamberlain with Chamberlain Holdings/Sun State Builders, Inc. & Carol Lindsay with Auto Shop Holdings, LLC.)

Planning Staff requested an additional continuance from the September 23, 2012 City Council meeting to allow further discussion with the property owners in regards to their tenant's concerns with the proposed Use Permit including site management issues relating to vehicles and parking. As a result of the concerns raised at the City Council meeting, Planning Staff began random site inspections and was made aware of several Zoning Code violations occurring by tenants. The property owners have been working diligently with their tenants and taking action to bring the site into compliance. Staff continues to work with the property owners on the violations and long-term site management. To date, violations have been corrected.

BACKGROUND

The application requests Use Permit approval to allow automobile sales in an existing 22,700 square foot building. The development is zoned to allow uses including light industrial, warehouse, showroom, automotive repair and automotive accessory sales. Current tenants are all auto-related including auto window tinting/glass repair, auto repair, auto dent repair and one auto/truck sales business. The Use Permit is intended to make legal an existing automobile and truck sales tenant with outside storage and display of inventory and allow automobile and truck sales with outside storage and display as a permitted use for the entire building.

The multi-tenant building has customer entrances on its south side and overhead warehouse doors on the north side. The abutting parcels to the south are commercial uses including an automotive repair business and a gas station with convenience store. To the east is a 60-foot wide underground gas pipeline easement that separates the subject site from Universal Forest Products and the access drive for Ergon Asphalt. North of the site is a City owned retention basin and CrafcO.

The subject site has had its allowed uses adjusted several times over the years. This property was zoned PAD (Planned Area Development) for commercial uses, a hotel and restaurant since 1998. After a couple of zoning extensions and no development interest for hotel development, the property owners requested the PAD zoning be reverted back to the original I-1 (Planned Industrial District). The I-1 zoning was approved in 2006. I-1 zoning allows light industrial manufacturing, warehousing, distribution type uses.

In 2007, a Use Permit was approved allowing automotive repair and automotive accessory sales. In 2008, the site was rezoned to PAD specifically for freestanding monument signage that exceeded Sign Code regulations. In 2009, a Use Permit was approved to remove a maximum percentage of showroom use in the building, thus showroom use is now only limited by parking availability. The existing automobile sales tenant includes a showroom use. In 2010, the City approved a building permit for "CanAm-Intellifilm". The approved plans represented interior building work for two tenant spaces, Suites 1 and 2. Suite 1 included a window tinting business

with a product display showroom, an installation area and an office area. The other tenant space represented an administrative office, showroom and indoor vehicle storage.

The proposed uses were in conformance with the site's Use Permit approval allowing showroom use and the PAD zoning allowing I-1 uses such as warehousing and indoor storage. A business with a showroom could have products and merchandise displayed indoors with inventory stored in the warehouse. This could include, for example, a 4x4 truck customization business or a tire and wheels business with a showroom and the warehouse has servicing and installation. A light industrial use that primarily warehouses, distributes, and/or manufactures can have a showroom such as a home/business alarm system company, plumbing contractor/fixture business, and a spa manufacturer. The current use of the property as an auto dealership with outdoor activity is not permitted.

Auto and truck sales businesses vary in business style and intensity. The State licenses different types of auto sales including "broker", "new motor vehicle dealer", and "used motor vehicle dealer". Typically, Use Permits have been granted for "brokers" and they have less than a dozen vehicles on site. Brokers are defined as persons helping others find and purchase a car for a fee or commission and are not a new or used motor vehicle dealer. They tend to be small operations based solely on internet websites, acquire vehicles from auctions or operate as personal shoppers for prospective vehicle owners.

CanAm is a State licensed "used motor vehicle dealer" which is defined as "a person, other than a new motor vehicle dealer, who buys, sells, auctions, exchanges or offers or attempts to negotiate a sale or exchange of any interest in, or who is engaged in the business of selling, four or more used motor vehicles in a continuous 12 month period...with sufficient space to display two or more vehicles. The established place of business must be devoted principally to the business of a dealer".

CanAm specializes in Audi, BMW, Land Rover and Mercedes-Benz models and offers broker services in other makes and models. Recently, there was an inventory of several Cadillac Escalades, Chevy Tahoes and Chevy Camaros. CanAm conveyed to Staff that they are an auto dealership; they need outdoor vehicle storage and display to handle the inventory they maintain for their customers, and they are also renting two warehouses off-site to accommodate additional inventory. Their customers come to the site to look at and test drive vehicles, and the sales contracts are completed on site. The business has a website and lists the current inventory online. At the subject site, Staff has seen 10 or more vehicles displayed in the warehouse and 15 or more vehicles displayed outside. Vehicles do not have sales stickers or price tags, no flags or signs are used to advertise sales. There are currently no other auto sales businesses in operation at the site; however, an existing tenant is interested in operating an auto sales use as well, if this Use permit is granted for the entire building.

PARKING

The request to allow automobile sales, including trucks, for the entire building raised concerns and questions as to whether or not the site has enough parking to accommodate this use. The site currently has 89 parking spaces. The site was originally parked per Zoning Code based off of 3.5 parking spaces per service bay plus 1 space for each 200 square feet of office/customer waiting area, which yielded a required 86 parking spaces. The addition of showroom uses requires parking at 1 space per each 250 square feet of building area. The Zoning Code's parking regulations does not specify the amount of on-site inventory allowed by an auto dealership. Typically, existing parking delineates the number of vehicles stored and displayed on the lot. Most auto dealerships in Chandler are on their own parcel with no other uses. This

request is unique in that an auto dealership is operating with a mix of other commercial and light industrial uses on the same property.

The property owner has agreed to assign the existing parking spaces to each tenant space, which limits the number of vehicles the automobile sales uses can display and store on the site. The spaces are used by employees, customer's vehicles, or automobiles sales businesses' outdoor display and storage of vehicles. If a tenant is not using their designated spaces, they can allow another tenant to use them. For example, CanAm is assigned 15 parking spaces. Adjacent to CanAm's suite are 10 parking spaces for use by two other tenant spaces. However, they are allowing CanAm to use these spaces to display and store vehicles.

The use and allocation of tenant's parking spaces for this building is the responsibility of the property owners. The building itself and its allowed uses, meet Zoning Code for the required number of parking spaces delineated on the property. Zoning Code does not regulate how many parking spaces a car dealership can have; it is based on available parking.

DISCUSSION

This application was continued from the August 16, 2012, City Council meeting to the September 13, 2012 Council meeting in order to allow the applicant time to address parking concerns from one of the tenants who spoke at the Council meeting. The property owner worked with each tenant creating a parking allocation plan prior to the September meeting. This plan was signed by all of the tenants including the concerned tenant. The plan represents the allocated number of parking spaces for each tenant with business names painted on each parking space. However, the tenant who spoke at the hearing still had concerns with site management and parking enforcement as well as auto sales businesses further expanding on this site. Following discussions with the tenant and property owner, Planning Staff began site visits and random inspections to observe firsthand any violations. Staff observed several violations occurring by each tenant, thus Planning Staff requested a continuance of this case from the September 13th meeting to the October 25th meeting to address these issues.

Planning Staff issued written notices of violation to each tenant including the two property owners. Staff met with one of the property owners, who also represents the other owner, regarding the violations and assured Staff the site would be managed and violations removed. However, upon continued random inspections, violations were observed and continuing. The violations included:

1. Vehicle for sale parked over a landscape tract adjacent to the building.
2. Vehicle for sale parked over a landscape planter island in between parking spaces.
3. Employee vehicles parking on unimproved dirt areas which include a City-owned retention parcel.
4. Parking in fire lanes/drive aisles; vehicles parking along building's north side block signed fire lane, vehicles being repaired in signed fire lane.
5. Abandoned/inoperable vehicles not in designated parking spaces in fire lane/drive aisle on building's north side.
6. Employee vehicles not parked in parking spaces but on an angle into fire lane.
7. An inoperable vehicle unable to safely be operated with two flat tires stored in a parking space for several months or more.
8. A-frame sign in City right-of-way along Chandler Boulevard.

Planning Staff contacted the Fire Marshall to assist in the fire lane violations. Fire Prevention Staff inspected the site and issued notice to tenants and approved additional fire lane signage and demarcations which were recently installed.

The property owners had their tenants sign an agreement for the parking allocation plan and abiding by parking and site regulations. The Planning Commission and Planning Staff find the proposed automobile sales use on this property to be compatible and complementary with the existing uses as long as there is property owner on-site management, enforcement and an agreement with existing and future tenants to specified parking spaces related to their tenant space. If other tenants want to share parking with each other, that is managed solely by the property owners. The violations on the property took some time to correct, requiring the property owners to speak with their tenants and explain that these violations cannot occur at any time. The property owners conveyed that tenants were taking advantage of the site and seemed unconcerned about the violations until the City issued individual violation notices and contacted the property owners to further enforce these matters with each tenant.

Additional parking spaces can be provided where there are existing gravel landscape tracts. These tracts cannot be landscaped due to utility easement restrictions. There can be approximately 5 more spaces added. The site plan was modified slightly during construction plan review and an area of parking spaces north of the Firestone/Bridgestone building were not installed in order to meet fire access requirements. The parking allocation plan exhibits the current parking.

While the site seems to be clear of violations as of this memo, time will tell if the property owners and tenants ensure on-going compliance. Planning Staff is recommending a one (1) year time limit to allow on-going site inspections and ensure the addition of automobile sales with outside display and storage is compatible long term.

Planning Staff is recommending additional and modified zoning conditions beyond what was recommended by the Planning & Zoning Commission. Planning Staff learned that the proposed use was more intense than represented by Staff and the applicant after the Planning Commission hearing. The underlying proposed use of automobile sales on the entire property remains the same; however, due to more information and analysis on what is occurring on the property, Planning Staff recommends conditions to address site management and updated representations by the applicant.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on June 28, 2012. There were no neighbors in attendance. The site's AAMCO tenant spoke at the August 16, 2012, City Council meeting with parking concerns. This tenant has since expressed he is not opposed to this Use Permit and appreciates the recent enforcement and efforts to get the site into compliance including his own violations.

PLANNING COMMISSION VOTE REPORT

Motion to approve passed unanimously. Commissioners Baron, Cunningham and Donaldson were absent.

RECOMMENDED ACTION

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

1. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

2. Compliance with all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
3. Expansion or modification beyond the approved exhibits and representations (Narrative, Letters dated 9/20/12 & 10/11/12, Site Plan, Parking Allocation Plan and Tenant Parking Agreement) shall void the Use Permit and require new Use Permit application and approval.
4. Signage shall be in conformance with the City of Chandler's Zoning and Sign Codes except as specifically modified through case DVR08-0006 AAMCO PLAZA, except as modified by condition herein.
5. There shall be no business advertising, sales stickers, pricing, banners, flags or the like on vehicles. Sale of commercial trucks and trailers is prohibited.
6. There shall be no outside vehicle servicing, repair, detailing, washing, cleaning, or the like, which can occur only indoors.
7. The Use Permit is non-transferable to other site locations.
8. The site shall be maintained in a clean and orderly manner.

36. USE PERMIT: Brenntag Pacific, Inc.

APPROVED Use Permit ZUP12-0025 Brenntag Pacific, Inc., to allow for additional storage tanks within an existing outdoor storage tank yard located at 6750 W. Boston Street. (Applicant: Ward Hollon; Hollon Design Associates, LLC.)

BACKGROUND

The subject site is located south and west of the SWC of Chandler Boulevard and Beck Avenue. The subject site is located in a predominantly industrial zoned area with General Industrial (I-2) zoned properties to the east, south and southwest. West, adjacent to the site, is the Southern Pacific Railroad. North is an automotive repair facility. The site includes two warehouse/distribution buildings. Outdoor chemical storage is only conducted adjacent to the site's western building and adjacent to the rail spur.

The subject site received Use Permit approvals in 1989 and 2003, all for chemical bulk storage and chemical re-drumming and distribution. The previous approvals were specific to the number of chemical containers, storage of materials, and site layout. The current request is to remove the existing eight storage tanks and replace them with eight larger storage tanks. The existing eight tanks total 62,000 gallons and range in size from 500-20,000 gallons and will be replaced with eight tanks totaling 125,500 gallons also ranging in size from 500-20,000 gallons. No changes to the types of chemicals being stored, or to the site is proposed. Additionally, heights of the proposed storage tanks are not increasing from what currently exists.

Typical hours of operation are normal business hours from 6:30 a.m. to 5 p.m., Monday through Friday, with occasional work being done on the weekends. Adjacent to the site's west side is a railroad spur that Brenntag Pacific uses as part of their operations. Brenntag has a rail spur on their property that is completely enclosed and screened that can accommodate up to four tanker cars. Southern Pacific has access to the rail cars for the loading and unloading of the tankers from the rail line. Under no circumstances does Brenntag Pacific store their tankers outside of their property.

DISCUSSION

The Planning Commission and Staff support the request citing that the user, as well as previous users, has operated at the subject site successfully without cause for concern, and the storage yard has been well integrated into the site with visibility of the tanks only along the railroad tracks.

Additionally, the proposed modifications to the storage tanks are consistent with what is currently existing (location, height, chemicals).

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Due to the proximity of the site and its larger surroundings, a neighborhood meeting was not held, but notification of the request was sent to all property owners within a 600-foot radius. Staff has received no correspondence in opposition to this request.

RECOMMENDED ACTION

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 and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other locations.
3. Use Permit approval does not constitute final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site shall be maintained in a clean and orderly manner.
5. Compliance with the City of Chandler's Fire Department provisions with regard to the hazardous Material Management Plan.

37. USE PERMIT: Mama's House

APPROVED Use Permit LUP12-0006 Mama's House, Series 6 Bar License, to sell liquor as permitted for on-premise consumption only and within an existing outdoor patio located at 2394 N. Alma School Road. (Applicant: Mike Vachon; Owner/Manager.)

BACKGROUND

The subject site is located approximately ½ mile north of the NWC of Alma School and Warner roads, and occupies the old vacated Garcia's restaurant. The site is part of a larger commercial shopping center and is surrounded by commercial businesses to the west and south. North, across Mesquite Street, is a realty office. East, across Alma School Road, is the Mastercraft East single-family subdivision.

The subject site received Use Permit approval to serve alcohol in conjunction with a Series 12 liquor license in 2009 as Kiley's Grill; however, the Use Permit only allowed the serving of alcohol within the restaurant. In 2011, the restaurant received Use Permit approval in order to sell alcohol within an enclosed outdoor patio, with a one-year timing condition. Shortly after the approval, the restaurant changed its name to Mama's House. At the end of the year, in conjunction with the Use Permit requirements, the applicant submitted an application for Use Permit extension. During the Use Permit extension process, the applicant was able to acquire a Series 6 Bar Liquor License. The acquisition was due to concerns with meeting the food to alcohol ratio required for the operation of the restaurant with a Series 12; Series 12 licenses require that 40% of sales is based on food sales, Series 6 licenses have no percentage requirements. The restaurant is not changing any of the operational aspects of the business, but simply changing the license type. The current request seeks Use Permit approval to sell alcohol both within the restaurant and outdoor patio as permitted with a Series 6 liquor license.

The restaurant is approximately 8,052 square feet and can accommodate up to 252 patrons. The bar area is approximately 300 square feet, the dining areas are approximately 3,193 square feet, and the kitchen preparation area is approximately 2,000 square feet. The restaurant is open Sunday through Wednesday from 7 a.m. to 12 a.m., and Thursday through Saturday from 7 a.m. to 2 a.m. The restaurant employs approximately 32 people. The patio is approximately 1,560 square feet and provides seating for roughly 75-100 patrons.

With the previous application, live entertainment indoors and piped music on the patio were approved; live entertainment on the patio was prohibited. A condition addressing any potential noise concerns remains part of the recommendation of approval.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 11, 2012. There were two neighbors in attendance with general questions. The Police Department was notified of the request and responded without concern. At the time of this writing, Staff has received one telephone call from a nearby resident that was concerned with the sale of alcohol, drinking and driving, interaction with patrons and the adjacent subdivision to the west the potential for problematic behavior. Staff was unable to reach the concerned resident as the resident did not leave a means of contacting them.

PLANNING COMMISSION VOTE REPORT

Motion to approve passed unanimously.

RECOMMENDED ACTION

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

1. The Use Permit is granted for a Series 6 Bar License only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
3. Expansion or modification beyond the approved exhibits (Floor Plan and Patio Plan) shall void the Use Permit and require new Use Permit application and approval.
4. The Use Permit is non-transferable to other store locations.
5. The site shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from outdoor speakers on the patios or from music occurring indoors, that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and area residents.

38. LIQUOR LICENSE: Mama's House

APPROVED a Series 6 Bar Liquor License (Chandler #138857 L6) for Michael D. Vachon, Agent, Sun Valley Bistros LLC, dba Mama's House, 2394 N. Alma School Road. A recommendation for approval of State Liquor License #06070392 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

39. USE PERMIT: Wal-Mart Neighborhood Market

APPROVED Use Permit LUP12-0019 Wal-Mart Neighborhood Market, Series 9 Liquor License, to allow the sale of beer, wine and all spirituous liquor for off-premise consumption for a Wal-mart Neighborhood Market that will be constructed at the NWC of Chandler Boulevard and Cooper Road. (Applicant: Sean Lake, Pew & Lake, PLC.)

BACKGROUND

The Use Permit request is for an approximately 42,000 square foot Wal-Mart Neighborhood Market that will be constructed at the NWC of Chandler Boulevard and Cooper Road. The NWC, approximately 15 acres, was zoned PAD for commercial uses in 1987 and received Preliminary Development Plan (PDP) approval for a retail and office development in 2006. In 2011, Basis Chandler, a public charter school, was constructed on the western most 5 acres of the corner. According to the applicant, the Wal-Mart Neighborhood Market is anticipated to begin construction in 2013.

The store received Use Permit approval to sell beer and wine only (Series 10 Liquor License) in 2008. The current request is for a Series 9 Liquor License which would allow the retailer to sell all types of spirituous liquor only in the original unbroken package to be taken away from the premises and consumed off the premises. When constructed, the store will be located just over 300 feet from the Basis Chandler school, thus complying with separation requirements from a school as required by state statutes.

As stated in the narrative, Wal-Mart is currently evaluating the market demand and the hours of operation for the store which could potentially be open 24-hours a day, seven days a week. The Late Hour Business Compatibility Policy was established after the PAD zoning and therefore does not apply to the subject property. Further, the sale of liquor is exempted from the Late Hour Business Compatibility Policy as the City cannot adopt regulations in conflict with state provisions pertaining to hours of liquor sales.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 30, 2012. There were no neighbors in attendance. The Police Department has been informed of the application and has responded with no issues or concerns. Notices were mailed to all property owners within a 600 foot radius and all Registered Neighborhood Organizations (RNOs) within ¼ mile. Staff received 2 telephone calls from residents in the adjacent neighborhood who expressed concerns about the proximity to the school and potential increase in traffic.

PLANNING COMMISSION VOTE REPORT

Motion to approve passed unanimously.

RECOMMENDED ACTION

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

1. The Use Permit is for a Series 9 Liquor License only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (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 any other location.

40. LIQUOR LICENSE: Wal-Mart Market #4324

APPROVED a Series 9 Liquor Store Liquor License (Chandler #140641 L9) for Clare Hollie Abel, Agent, Wal-Mart Stores, Inc., dba Wal-Mart market #4324, 1900 E. Chandler Boulevard. A recommendation for approval of State Liquor License #09070050 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

41. USE PERMIT: Floridino's Pizza & Pasta

APPROVED Use Permit LUP12-0022 Floridino's Pizza & Pasta, Series 12 Restaurant License, to sell liquor as permitted for on-premise consumption within an additional dining area of an existing restaurant located at 590 N. Alma School Road. (Applicant: Shaun Kelley.)

BACKGROUND

The subject site is located at 590 N. Alma School Road, which is approximately 50 feet south of Galveston Street. The restaurant is located within a larger Neighborhood Commercial (C-1) zoned center. East of the site is Alma School Road, with religious institutions east of the arterial. South is the Arizona College Preparatory school; west, single-family homes within the Central Estates subdivision.

The majority of the subject space has been a restaurant with a Series 12 Restaurant License since 1991, with the current business occupying the space since 1996. A new Use Permit was granted for an expanded dining area in 2008. The restaurant is currently in the process of expanding into the neighboring suite to the west in order to provide additional dining space. The existing restaurant is approximately 6,150 square feet; the expansion area is 300 square feet. The subject request would allow alcohol sales to be extended to the new service area.

The restaurant's hours of operation are Sunday through Thursday 11 a.m. to 9 p.m. and Friday and Saturday 11 a.m. to 10 p.m. There is no live entertainment. The existing restaurant space contains a bar; however, it is not being expanded.

A Series 12 Restaurant License allows the on-site sale of beer, wine and spirits for on-premise consumption. Under a typical Series 12 license, the establishment must derive at least 40 percent of its gross revenue from the sale of food and non-alcoholic beverages.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Due to the minimal nature of the request and no prior known opposition, a neighborhood meeting was not held; however, a letter notifying the surrounding property owners of the request was sent. Staff has received no correspondence in opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion for approval was passed unanimously.

RECOMMENDED ACTION

Upon finding consistency with the General Plan and C-1 zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. The Use Permit granted is for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Floor Plan) shall void the Use Permit and require new Use Permit application and approval.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
5. The area adjacent to the establishment shall be maintained in a clean and orderly manner.

42. PERMANENT EXTENSION OF PREMISES: Floridino's Pizza & Pasta

APPROVED a Permanent Extension of Premises for a Series 12 Restaurant Liquor License (Chandler #26559 L17) held by Arizona Sandwich Shops Inc., dba Floridino's Pizza & Pasta, 590 N. Alma School Road, Suite 35. A recommendation for approval of a Permanent Extension of Premises for State Liquor License #12073219 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to the permanent extension of premises. All fees have been paid and the business is in compliance with the City's Tax Code.

43. SPECIAL EVENT LIQUOR LICENSE: Chandler Compadres

APPROVED a Special Event Liquor License for the Chandler Compadres for the 80's Rock the Cause for the Kids Fundraiser on November 10, 2012 at 450 N. 54th Street. 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. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

44. CONTINUED LIQUOR LICENSE: El Zacatecano

CONTINUED TO DECEMBER 13, 2012, Liquor License, Series 7, for Noelia Ortiz, Agent, Restaurant El Zacatecano located at 474 W. Ray Road, to allow the applicant time to complete the requirements for a new Use Permit.

ACTION

MAYOR TIBSHRAENY declared a conflict on Item 45 and turned the meeting over to Vice-Mayor Weninger before leaving the dais.

45. REZONING: Belmont Estates Ord. #4401

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4401, DVR12-0012/PPT12-0009 Belmont Estates, rezoning from AG-1 to PAD along with PDP and PPT for a single-family residential subdivision on approximately 33.8 acres located at the NWC and west of the SWC of Appleby and Gilbert roads. (Applicant: Brennan Ray; Burch & Cracchiolo, P.A.)

DISCUSSION

MR. ERIK SWANSON, CITY PLANNER, noted that Items number 1 and 2 on the Consent Agenda are associated with this rezoning. The two items pertain to the annexation ordinance and the City initial zoning ordinance.

MR. SWANSON said that this 91 lot subdivision is a very difficult and unique property. MR. SWANSON displayed a map of the site. He noted that the RWCD irrigation ditch bisects the entire length of the property. He said there is single-family residential to the north and to the west in addition to a future park site. There is also single-family residential to the south (Whitewing at Krueger, a custom single-family subdivision). MR. SWANSON also noted some exception properties that are currently in Maricopa County jurisdiction. He said that both staff and the developer tried to work with the property owners to get them involved in this project but were not able to reach an agreement.

MR. SWANSON said that the request is for the rezoning for the approval of the subdivision layout and architecture. He said that the property is currently in the County and is in the process of bringing it into the City.

MR. SWANSON said this property formerly operated as a dairy and is considered an infill piece. He said while there is some flexibility with infill properties, staff compares them to the City's residential development standards and tries to apply those same standards as much as possible.

MR. SWANSON commented that the developer did a nice job in working to meet those requirements.

MR. SWANSON said that the City is working with a developer to acquire the final quadrant of Centennial Park. He said that the site plan and the development booklet have a view of what the site would look like if Centennial Park is not developed. This would allow six additional lots

MR. SWANSON said that this request is for a housing product with three one-story and three two-story homes. He said there is a mix of garage orientations and a number of architectural elevations that are not typical to other Chandler subdivisions. There are six different elevations designs.

MR. SWANSON said that staff believes that the developer is offering an attractive and beneficial housing development to this area.

MR. SWANSON said that this item went before the Airport Commission and there were no conflicts. He said there were also two neighborhood meetings held for this project. During the first meeting a number of residents attended. Some of the primary concerns from residents involved the location of two-story homes and setbacks. He said he is unaware of any opposition to the design.

MR. SWANSON noted that some of the concerns from the Whitewing at Krueger neighborhood to the south is associated with when the previous Artisian Ranch neighborhood was developed. At that time the Whitewing residents asked that there be a restriction added to the north property line of Artisian, which is the south property line of Whitewing at Krueger. MR. SWANSON said that the Whitewing residents would now like the same restriction granted to the Belmont Estates subdivision.

MR. SWANSON said that Planning Commission and staff believe architecturally this is a great project.

VICE-MAYOR WENINGER invited the applicant to speak on this project.

MR. BRENNAN RAY, 702 E. Osborn, Phoenix, AZ came forward to speak on behalf of the applicant Ashton Woods. He said this infill site has quite a bit of constraints and he believes that the developer and team worked with four parcel owners to bring the property under contract. He said it is a long, narrow site with limited frontage to Gilbert Road. MR. RAY also said that it is a true infill site.

MR. RAY said that the property is consistent with the General Plan and the Airpark Area Plan and he is appreciative of the recommendation by City staff, the Airport Commission, and the Planning and Zoning Commission.

MR. RAY provided a summary of the history of the site. He said when the application was originally filed there were 97 lots in the subdivision. The park site was ghosted in at the time as preliminary discussions about the acquisition of the land for the park. There were no restrictions throughout the development as it relates to the number of one and two-story homes and a variety of other things. At the neighborhood meeting, there were residents from the Whitewing who expressed concern about the number of one and two-story homes that border their properties.

MR. RAY said following the neighborhood meeting, revisions were made and were reflected on the plan brought forward tonight. He said they increased lot depth. The minimum lot size is 70 by 125 feet for a typical lot. The lots to the south were increased to 130 feet. The lots on the northern perimeter were also increased to 130 feet deep as well. MR. RAY said that the rear yard setback was also increased to push the single story homes further from the property lines. In areas where the typical rear yard setback is 20 feet will increase to 25 feet.

MR. RAY noted that they have agreed to build single-story homes on lots 52 through 75 to accommodate the concerns of neighboring residents.

MR. RAY said that the PDP stipulation number 5 for lots 16 through 27 shall have no more than 2 two-stories built side by side.

MR. RAY said that 14 neighbors attended the first meeting and 5 neighbors attended the second meeting. He believes their concerns have been addressed as best as possible based on this challenging infill site.

MR. RAY requested Council's approval in accordance with the recommendation of City staff, Airport Commission, and Planning and Zoning Commission.

COUNCILMEMBER ORLANDO asked if this development is outside the Airport noise contours.

MR. RAY said he believes it is outside of the contour. He said this property would be at the farthest point of the Airpark Area Plan. He said if any area falls within the contour it would be the corner of the park.

COUNCILMEMBER ORLANDO asked Mr. Ray how many homes are along the northern border and asked Mr. Ray what the mix of homes between single and two story homes.

MR. RAY displayed a map. He said immediately adjacent there are 17 homes, 9 are two stories and 8 are single stories.

COUNCILMEMBER ORLANDO asked if there would be two stories as you continue east beyond lots 16 to 27.

MR. RAY said that the condition would not apply to the lots to the east of lots 16 to 27.

COUNCILMEMBER ORLANDO asked since there is no condition could each of the homes be two stories.

MR. RAY stated in theory yes.

COUNCILMEMBER ORLANDO asked how many homes are east of the greenbelt.

MR. RAY said there are 15 houses east of the greenbelt.

COUNCILMEMBER ORLANDO stated with that being the case there could be approximately 24 two story homes out of 32 lots. He said that is a higher ratio and questioned its compatibility to the neighborhood.

MR. RAY said it is very much compatible. The condition that you see with ones and twos backing up to each other appears at numerous locations throughout the surrounding development.

COUNCILMEMBER ORLANDO stated that he wanted to focus on the border of the northern property. He wants to be equitable to the neighbors to the south with a two-story to one-story to the north. He questioned the compatibility.

MR. RAY said that the compatibility exists because of similar lot sizes. He explained that had this property developed as one 33.96 acre subdivision, the condition that we see in terms of the ones and twos backing up to each other is a similar condition that you see elsewhere. There are similar conditions: similar lot sizes with no restrictions on the number of one and two stories. In terms of compatibility and in terms of lot size and types of housing, the north traditional single-family homes - Whitewing is a little different. We looked at it from that perspective. Had this developed as one large subdivision there would be no restriction on that lot line. we have agreed to the stipulation that is before the Council.

COUNCILMEMBER HARTKE asked for clarification on stipulation number 4 stating that corner lots all homes built on the corner lots within residential subdivision shall be single story. – how does that relate to the northern edge does that mean 27 and 1 and also 16 and 15?

MR. RAY confirmed that stipulation number 4 would apply to lot 27. He does not believe that 16 and 15 would be considered corner lots because they are adjacent to open space and are not bordered by a street on at least two sides.

MR. SWANSON confirmed that lots 15 and 16 would not apply the one story requirement and they could advising that there would the one story requirement is not typically required.

COUNCILMEMBER HEUMANN asked how this was zoned in the County.

MR. RAY said he believes it was zoned Agriculture. MR. SWANSON confirmed that the overlay was R43.

COUNCILMEMBER HEUMANN asked about lots number 1 through 8 said they are not in play because they back up to a condo development. Those lots are sepearte because they don't back any homes.

MR. RAY confirmed and said it primarily lots 16 through 27 (those are the lost that the stipuation was agreed upon) that were of concern from the neighbors. He further stated that there were no concerns noted for the lots east of the greenbelt.

COUNCILMEMBER HEUMANN asked about the lot between 68 and 69 if it was a County infill.

MR. RAY said yes that is a home acquired by the current owners out of foreclosure. There were discussions but there was no agreement.

COUNCILMEMBER HEUMANN asked about the egress and ingress.

MR. RAY said that there is access through Indigo Drive.

Mr. Travis Schraeder, 3380 S. Roger Court, Chandler, came forward to speak on this issue.

MR. SCHRAEDER said that he owns a home to the north of the proposed development. He said he went to the first meeting on July 11, 2012. Mr. Schraeder said that his concern was that he owns a home to the north. He said he lives in a culdesac that has total of six larger lots. The width compatible size wise it's pretty obvious it shows the width compatible to Whitewing.

At the first meeting on July 11 it was said that they have agreed to keep the homes at single level homes to the south for Whitewing. MR. SCHRAEDER said he paid for a premium lot with a home close to 4,000 square feet. He said he does not oppose development, he just opposes two-story homes behind his lot. MR. SCHRAEDER said he should have the same treatment as Whitewing. MR. SCHRAEDER said there is a potential of three two-story homes being built behind his home with lots 24, 23, 22. Would ask that no two-stories be built behind any of the premium lots.

Mr. Mark Josupait, 3370 S. Roger Ct. Chandler, came forward to speak on this issue.

MR. JOSUPAIT said that he is asking for fair and equal treatment like the Whitewing subdivision is receiving. He said his home does not have custom features but they are relatively the same in that the homes are relatively the same size. He said his home is approximately 4,000 square feet with approximately one-half acre lot. He said his concern is that he will have three properties backing his wall. MR. JOSUPAIT said that a two-story home behind his home will lower his property value because of the level of privacy that will be lost. Another concern is additional traffic condition to his neighborhood with the use of Nash Way.

COUNCILMEMBER HEUMANN asked Mr. Josupait what his expectation was for what would be built behind his home.

MR. JOSUPAIT said that at the time he purchased his home it was expected that a nursery would be located behind his home and eventually it would be developed. He said lot size and privacy were two key factors in the purchase of his home.

COUNCILMEMBER HEUMANN asked how far Mr. Josupait's home is from the back wall.

MR. JOSUPAIT said the home is approximately 100 feet from the wall.

VICE-MAYOR WENINGER read two comment cards:

Donna Devoe, 1661 W. Bartlett Way: Please make lot 51 a single story home. It negatively impacts my home currently under construction.

Brittany Devoe, 1661 W. Bartlett Way: Our home in Whitewing backs lots 52 and 53. Lot 51 also backs, so if you could make lot 51 a single story house for our privacy in our backyard, it would be greatly appreciated.

MR. RAY came forward to address some of the resident concerns mentioned during the meeting. He said they view this as if were one subdivision. MR. RAY said they have agreed to limit the number of two stories. MR. RAY said there is quite a bit of separation and distance from the homes.

MR. RAY said he has not heard of any concerns with Nash Way. He said it was planned for that traffic to use that route.

COUNCILMEMBER HEUMANN asked if Mr. Ray could address lot number 51.

MR. RAY said that is a lot that is not adjacent to Ms. Devoe's property. The home on lot 51 is likely to be oriented to the west. That home will be from the south property line setback approximately 110 to 114 feet. A portion of lot 52 will block the view of lot 51. MR. RAY said that they could not agree to that since it does not directly impact Ms. Devoe's property.

COUNCILMEMBER ORLANDO said he is concerned about the equity between the homes to the north and the south. He said there could be potentially 8 two-stories and 4 single-stories, with a 2 to 1 ratio and up to 4 or 5 to 1 ratio. This ratio would be greater than it is today.

COUNCILMEMBER ORLANDO MOVED to amend the Preliminary Development Plan number 5 to read "Lots 16 through 27, 50 and 51, shall be limited to single story homes."

MOTION DIED DUE TO LACK OF A SECOND.

COUNCILMEMBER HARTKE asked Councilmember Orlando why number 50 was included in the motion.

COUNCILMEMBER ORLANDO said he included it to be consistent with the lot size.

COUNCILMEMBER HEUMANN MOVED TO AMEND THE PRELIMINARY DEVELOPMENT PLAN NUMBER 5 TO LIMIT THE NUMBER OF TWO-STORY HOMES ON LOTS 22 THROUGH 25 AND LOTS 16 THROUGH 21 EVERY OTHER.

VICE-MAYOR WENINGER seconded the motion and requested additional dialogue on this issue.

VICE-MAYOR WENINGER asked COUNCILMEMBER HEUMANN IF HE WOULD BE WILLING TO ELIMINATE THE RESTRICTION ON EVERY OTHER FOR LOTS 16 THROUGH 21.

VICE-MAYOR WENINGER SECONDED THE MOTION.

COUNCILMEMBER DONOVAN clarified that the 27 and 22 through 25 allows the new residents a choice for a two-story home.

MR. RAY clarified the motion and confirmed that lots 22 through 25 will be single story homes. He said they are agreeable to this stipulation.

COUNCILMEMBER ORLANDO are we keeping stipulation number 5.

COUNCILMEMBER HEUMANN said that 16 through 21 are without restrictions and lots 22 through 25 are restricted to single story homes.

MOTION CARRIED BY MAJORITY 5-1. COUNCILMEMBER ORLANDO VOTED NAY.

VICE-MAYOR WENINGER asked CITY ATTORNEY MARY WADE FOR CLARIFICATION.

MARY WADE stated that the vote was on the amendment.

MOVED BY COUNCILMEMBER HEUMANN, SECONDED BY COUNCILMEMBER HARTKE, TO INTRODUCE AND TENTATIVELY ADOPT ORDINANCE NO. 4401 AS AMENDED, DVR12-0012/PPT12-0009 BELMONT ESTATES.

MOTION CARRIED BY MAJORITY (5-1) COUNCILMEMBER ORLANDO VOTED NAY ON THIS ITEM.

BACKGROUND

The subject site is located approximately ½ mile south of the intersection of Gilbert and Queen Creek roads, at the intersection of Gilbert and Appleby roads. The Land Use Element of the General Plan designates the site for Low-Density Residential; similarly, the Chandler Airpark Area Plan designates the site as supporting low-density residential. The site consists of five parcels with three different owners for a total of 33.8 acres. Directly north of the subject site is the Abralee Meadows (also known as Sun West Trails) single-family residential subdivision and the Santana Ridge condominium development. West is the future Centennial Park site and the Markwood South single-family residential subdivision. South is the Whitewing at Krueger custom, single-family subdivision; east is Gilbert Road. A 20-foot wide Roosevelt Water Conservation District irrigation line bisects the property from east to west.

SUBDIVISION LAYOUT

The subdivision is rectangular in design and would generally be considered as an infill piece. The primary point of ingress is located at the Appleby Road alignment; three parcels on the south side of the entrance remain within the jurisdiction of the county. A secondary point of access is located along the site's west side where the future continuation of Nash Way is proposed. Currently, Nash Way operates as a temporary cul-de-sac but will operate as a residential local street upon development of the subdivision. Located at the northwest corner of the subdivision is the final quadrant of Centennial Park; the process is currently underway for the acquisition of the park site. Centrally located and on the site's southern half, is an exception parcel that will remain in the jurisdiction of the county.

Even though the site design is unique and would generally be deemed as infill, the development team has been able to meet the intent of the Residential Development Standards (RDS). The development will include cul-de-sacs with open space, wider corner lots, and varying garage

orientations. The initial design of the subdivision included a slightly curvilinear street system; however, based on adjacent neighbors desiring deeper rear setbacks, the street system was straightened. The RDS requires that subdivisions provide the eight required elements and ten optional elements. The subdivision provides the required eight elements and the ten optional elements. One of the major components of the subdivision is the dedication of the park area. Typical lot size is 70x125, with all perimeter lots being a minimum of 70x130. Setbacks are typical of the adjacent subdivisions with a 20' to the front of garage, 15' to side-loaded garage or livable area. Side setbacks are 5' and 10'. Rear setbacks are 20' for single-story (except lots 1-27 and 52-75 will be 25'), and 30' for a two-story. Provisions are provided that in the instance where a rear patio or single-story element as part of a two-story home is proposed, the rear setback would be reduced to 20'; this is a typical request of recent subdivisions.

HOUSING PRODUCT

In addition to the PDP for subdivision layout, housing product approval is also requested. Similar to the requirement of meeting 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.

Architectural styles include Spanish Colonial, Spanish Monterey, Tuscan, Ranch, Craftsman and Prairie. Various architectural elements highlighting the prescribed style include window pop-outs, garage and front door detailing, window mullions, shutters, stone detailing, wing walls and siding elements. The RDS require that at least one elevation provide stone elements; the home builder is providing stone on four of the elevations: Craftsman, Prairie, Ranch and Tuscan.

Three one-story and three two-story homes are provided. A mix of recessed, forward and side-entry, and two-car with tandem space garages are provided. Rear patios for four of the homes (all one-story and one two-story) are internally incorporated into the design of the home, meaning the patios do not have their own roof system, but rather are incorporated into the overall design of the home. Additionally, plan 5533 incorporates a side yard outdoor living space in addition to the rear outdoor living space. Housing product square footages range from 2,738 to 4,420.

The homebuilder has done an excellent job in reducing the appearance of box-on-box design of their two-story homes. Of the three two-story plans, plan 5537 provides a single-story element that extends the length of one side of the home. Rear elevations are addressed by incorporating shutter details and various box pop-outs.

The Planning Commission and Staff support the request citing that the subdivision represents another quality addition to Chandler's housing stock. Furthermore, the design team has done an excellent job addressing a site with a variety of design difficulties (infill, long and rectangular, RWCD, and final quadrant of a city park) as well as providing lot sizes that are consistent with the surrounding developments and housing product that provides strong architectural design.

AIRPORT COMMISSION

The Airport Commission found that there were no conflicts between airport operations and the proposed development but wanted to ensure that disclosure statements would be provided to future residents that there may be aircraft noise. Staff has added condition no. 13 addressing disclosure of airport operations in the vicinity.

PUBLIC/NEIGHBORHOOD NOTIFICATION

Two neighborhood meetings were held. The first meeting was held July 11, 2012, and the second on August 15, 2012. At the first meeting, 12 neighbors attended from both the Whitewing at Krueger and the Abralee Meadows single-family subdivisions. Prior to the meeting, Staff had heard from a couple of residents within the Whitewing at Krueger subdivision requesting that homes be limited to single-story adjacent to Whitewing and that a deeper rear yard setback be provided. The single-story request was made due to the fact that Artesian Ranch, located south of Whitewing, was stipulated to provide single-story homes. The applicant agreed to restrict the homes to single-story homes as well as agreed to a rear setback of 25' for those lots adjacent to the Whitewing at Krueger subdivision. A number of the residents north of the subject site, within the Abralee Meadows subdivision would like the homes to be restricted along the north to single-story homes as well as provide an increased rear setback. The applicant has agreed to provide a 25' rear yard setback for single-story homes located along the perimeter and a 30' rear yard setback for two-story homes. Additionally, the applicant has agreed to a condition restricting two-story homes to no more than two two-story homes adjacent to each other; such conditions do not apply to the Abralee Meadows subdivision. Concerns were not expressed in regards to the design of the homes. Following the first neighborhood meeting, the design team reviewed the concerns, made modifications, and held a second neighborhood meeting. Five neighbors attended the second meeting and expressed general concerns with the two-story homes being proposed on the site's north side.

PLANNING COMMISSION VOTE REPORT

Motion to approve passed unanimously.

The item was initially on the Action agenda based on representation that neighbors would be present to express concerns; however, at the start of the public hearing, the Chairman moved the item to the Consent agenda as speaker cards had not been submitted. The item was read-in as part of the Consent agenda and the audience was asked if any of the items should be pulled; no one expressed concerns and the item passed. Shortly after the Consent agenda was approved, Staff noticed two neighbors were present, but did not speak. Following the Consent agenda, Staff spoke with the residents; the residents remained in opposition and wanted to speak, but were unaware of the process. The concern expressed from the residents is that they do not want two-story homes located directly behind them.

RECOMMENDED ACTIONS

Rezoning

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

Preliminary Development Plan

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 Exhibit No. 7, Development Booklet, entitled "BELMONT ESTATES", and kept on file in the City of Chandler Planning Division, in File No. DVR12-0016, except as modified by condition herein.
2. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
3. The same elevation shall not be built side-by-side or directly across the street from one another.
4. All homes built on corner lots within the residential subdivision shall be single-story.
- ~~5. No more than two, two-story homes shall be built side-by-side for lots 16-27.~~

5. (Amended) Lots 22-25 shall be limited to single-story homes. Lots 16-20 shall have no two storied houses next to each other.
6. Lots along the southern property line shall be limited to single-story homes.

Preliminary Plat

The Planning Commission and Staff recommend approval 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.

CURRENT EVENTS:

A. Mayor's Announcements

The Mayor thanked Transportation & Development staff involved in the successful appeal of the 2010 Census numbers attributed to Chandler by the U. S. Census Bureau. The appeal that the Chandler population count was too low resulted in Chandler's population being adjusted upwards by 200 residents. This will mean Chandler will receive approximately \$800,000 of additional state and federal funds over the next decade.

The Mayor also invited the community to attend Chandler's Halloween Spooktacular on Oct. 26 from 5:30 to 8:30 p.m. in the plaza in front of the downtown Community Center, as well as the annual Mayor's Day of Play this Saturday from 9 a.m. to 1 p.m. at Tumbleweed Park.

B. Councilmembers' Announcements

Councilmember Jeff Weninger invited the community to attend an End of Construction Event celebrating the completion of construction at the Alma School/Ray intersection being held from noon to 4 p.m. on Sunday Nov. 4 near the intersection's southwest corner.

Councilmember Kevin Hartke encouraged residents to volunteer for this Saturday's For Our City event where volunteers help perform a variety of community cleanup projects. More information is available by calling (480) 782-4348.

Councilmember Trinity Donovan invited the public to attend the Chandler Service Club's annual Tequila Nights Tasting and Live Auction event being held at the Lone Tree Golf Club Nov. 3 benefiting the Club's various community programs and scholarships.

None.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 8:40 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: November 5, 2012

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 25th day of October 2012. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of November 2012.

City Clerk