

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, November 8, 2012 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

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

Also in attendance:

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

INVOCATION: Councilmember Hartke

PLEDGE OF ALLEGIANCE: Boy Scout Troop 280 and Pack 584

UNSCHEDULED PUBLIC APPEARANCES: None

CONSENT:

Mayor Tibshraeny noted that Items 26 and 27 had an amended action requesting continuance to the December 13, 2012 City Council meeting and asked they be included in the motion for the Consent Agenda.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER HARTKE, TO APPROVE THE CONSENT AGENDA AS PUBLISHED TO INCLUDE ITEMS 26 AND 27 WITH THE AMENDED ACTION FOR CONTINUANCE TO THE DECEMBER 13, 2012 MEETING.

MAYOR TIBSHRAENY asked the City Attorney that the Memorandum of Understanding in relation to Item 27 be brought forward at the next meeting to coincide with the continuance.

In regards to Item 2 (Spectrum Senior Living), COUNCILMEMBER ORLANDO asked about the entrances to the property. PLANNER ERIK SWANSON replied there is an access point off of Pennington and one off of Queen Creek. As the neighborhood review process developed and with input of the HOA, it became clear the residents did not want direct access off of Jacaranda Parkway. COUNCILMEMBER ORLANDO asked if the School District was in support. Mr.

Swanson said the applicant was notified of the need to work with the school district as there was some parking being done on the site and those parking spaces would be lost upon development.

MAYOR TIBSHRAENY referenced Items 26 and 27 and noted they are within the Price Road Corridor. He said there has been discussion regarding the Price Road Corridor and the policies and plans that are in place. It's a premier location. The vision is that much of it would be preserved for larger users who created significant numbers of jobs. Mayor said that while it is a time of changing economies, businesses also work differently than when this vision was first developed. There are now developments that want to locate within the Corridor that may not necessarily meet the intent of the Policy. As the requests increase, the Mayor said he is concerned that decisions will be made more on an "ad-hoc" basis. He expressed his desire to relook at the Corridor and reestablish what the corridor should be. He asked the City Manager to engage a consultant to review the vision for the Corridor and to bring recommendations for the future.

Councilmember Orlando stated his support of the recommendation and hoped additional building height would be looked at.

Vice Mayor Weninger said that public participation would be crucial. He said extra efforts should be made to communicate any proposed changes to the public and stakeholders.

Vice Mayor Weninger asked about the cost of the consultant contract and if Council action would be necessary. City Manager Dlugas stated he could look at keeping it under \$30,000 which would not require Council approval.

COUNCILMEMBER HEUMANN said that despite the price of the consultant, this is the largest employment zone and it is important that this is done right and time is taken to review this. He encouraged the City manager to search for the right consultant and he urged the stakeholders to participate.

Vice Mayor referred to Item 9 (Tumbleweed Park Field Lighting) and said he made this amendment as part of the budget and the council was very supportive. This will provide lighting to the big fields at Tumbleweed Park in order to provide additional park usage.

Mayor Tibshraeny noted the expansion work as part of Item 10 to the I.T. data center in order to provide a much needed remodel to the building. He state the Council has been supportive of technology. He acknowledged key staff involved: Patrick Hait, Andy Sandoval, Debbie Dulanski Garcia, and Johsua Plumb.

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

1. RIGHT-OF-WAY ANNEXATION: Chandler Heights Road Ord. #4395

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4395, Right-Of-Way Annexation of certain County Rights-of-Way of approximately 0.39 acres on Chandler Heights Road between the Consolidated Canal and Crossbow Way.

BACKGROUND/DISCUSSION

Within the City of Chandler Municipal Planning Area (MPA), boundary remnant county islands exist. Some of these islands are within improved roadway right-of-way (R.O.W.) or roadways

slated for improvement. In certain cases, annexation benefits the City by alleviating the county plan review and permitting process. This particular annexation will accommodate pedestrian and roadway improvements related to a new signalized intersection at Crossbow Way.

Currently, along Chandler Heights Road between the Consolidated Canal and Crossbow Way, there is a strip of R.O.W. under the jurisdiction of Maricopa County. A.R.S. § 9-471.02 allows for County R.O.W. with no taxable real property to be annexed to an adjacent city by mutual consent of the city's governing body and the County's Board of Supervisors.

The annexation process per A.R.S. § 9-471.02 requires that the City adopt an "ordinance of intent" to annex the right-of-way. If approved by the City, a request for annexation, together with a copy of the ordinance, will appear as a published agenda item at a regular meeting of the Maricopa County Board of Supervisors. If the County approves the annexation, the R.O.W. parcels will be annexed into the City.

2. REZONING/PRELIMINARY DEVELOPMENT PLAN: Spectrum Senior Living at Ocotillo
Ord. #4405

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4405, DVR12-0025 Spectrum Senior Living At Ocotillo, rezoning from Planned Area Development (PAD) for a church to Planned Area Development (PAD) for an assisted living care center.

APPROVED Preliminary Development Plan (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.)

BACKGROUND

The subject site is located approximately ½ mile west of the SWC of Queen Creek and Alma School roads and is within the Ocotillo Master Planned Community. North, across Queen Creek Road, is Bogle Junior High School. West, across Pennington Drive, is the City of Chandler Fire Station No. 5. South, across Jacaranda Parkway, are the Jacobson Elementary School and the single-family subdivisions of Cottonwood Springs and The Legends.

In 1985, the Chandler City Council approved PAD zoning for the Ocotillo Master Planned Community with Conceptual Plan approval. The PAD approval designated the subject site for multi-family development with the intention of providing a transition zone between the schools and single-family residences. In 1999, Council approved a zoning amendment for a church with temporary approval of a modular building for office use by the pastor and his staff with a two (2) year time limit. In 2001, due to lack of construction, City Council approved an extension in zoning and use of the modular building for an additional five (5) years. In 2006, another extension was granted for an additional five years. An application was submitted to extend the Rezoning; however, has been withdrawn due to the sale of the property.

SITE LAYOUT/BUILDING ARCHITECTURE

The 6.3-acre parcel is uniquely shaped and has various street frontages surrounding the entire site. Due to the unique layout of the site, development will occur on the western portion. Two access points are provided: a right-in right-out along Queen Creek Road, and a right-in right-out along Pennington Drive. Primary access to the site is off of Queen Creek Road that terminates at a porte-cochere. An emergency access point will be provided off of Jacaranda Parkway.

The building is designed as a series of wings serving to break-up building massing from the street frontages. The building is approximately 136,749 sq. ft. and provides 147 units that can

accommodate 162 residents. Units provided include 24 memory care units, 55 assisted living units and 58 independent living units. Units can both be private or semi-private and include bathrooms, closet space and furniture to create a residential atmosphere. In addition, a fitness center, theater, library, beauty salon and two dining rooms are provided. A small greenhouse is provided on the secondary story that will overlook the outdoor courtyard. Various one- two-, and three-story elements are provided to break-up the building massing. Additionally, in an effort to be sensitive to the single-family homes in the vicinity, the design team has planned the building so as to locate the three-story elements on the east side of the building furthest away from residential homes.

Meandering sidewalks are provided adjacent to the street frontages with additional walking paths for the residents on the site's south and east sides; an outdoor seating area in a landscape setting is provided on the site's east side. A large open courtyard and ramada, and enclosed outdoor pool area is provided on the south side of the building. A separate enclosed outdoor courtyard area is provided for memory care patients.

Although the building has three-story elements, the design team has included a number of design treatments to break-up both the building massing and scale. Score lines, recessed windows, unit balconies, single-level covered walkways, window mullions and stacked stone elements eliminate any concerns of providing an institutional feel. The request has been reviewed by the Ocotillo Design Review Board with approval.

A single monument sign is provided at the intersection corner and will be integrated into the parking screen wall. Reverse pan-channel lettering will be utilized.

The Planning Commission and Staff are supportive of the request citing that the development makes good use of and provides a strong design to what could be considered a difficult site to develop. Additionally, the design team has been sympathetic to the needs of the surrounding community by locating any three-story elements away from single-family development. Furthermore, at the request of the Ocotillo Design Review Board and residents in the area, access will not be provided along Jacaranda Parkway.

As part of the proposal, a number of minor deviations from the Zoning Code are requested. The deviations are listed within the Development Booklet narrative and primarily are concerned with the height and location of screen walls within the setback area. Some of the deviations are requested simply for the safety of the residents, others are requested at the direction of the Ocotillo Design Review Board. The Planning Commission and Staff are supportive of the deviations as the site is severely constrained due to the size and shape of the parcel, and the requests are relatively minor in nature.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held July 12, 2012. There were five neighbors in attendance in overall support of the project. Staff has received one telephone call regarding the request. The caller had general questions and was in support of the requests. No correspondence in opposition to the request has been received.

PLANNING COMMISSION VOTE REPORT

Motion to approve was approved unanimously.

RECOMMENDED ACTIONS

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 Exhibit No. 4, Development Booklet, entitled "SPECTRUM SENIOR LIVING OCOTILLO", and kept on file in the City of Chandler Planning Division, in File No. DVR12-0025, 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. The site shall be maintained in a clean and orderly manner.

3. REZONING: Maplewood Court Ord. #4402

ADOPTED Ordinance No. 4402, DVR12-0023 Maplewood Court, rezoning from PAD to PAD Amended for housing product for a 32-lot single-family residential subdivision located at the SWC of Maplewood and Vine streets.

4. CONTINUED ZONING & PRELIMINARY DEVELOPMENT PLAN: Fry's Fueling Center

CONTINUED TO DECEMBER 13, 2012, Zoning DVR12-0002 Fry's Fueling Center, rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) amended to eliminate conditions prohibiting a fuel station and 24-hour uses.

CONTINUED TO DECEMBER 13, 2012, Preliminary Development Plan (PDP) for site layout and building architecture located at the SWC of Alma School and Germann roads.

Continuance is requested due to a conflict in scheduling by the applicant.

5. BOARD AND COMMISSION APPOINTMENT

APPROVED the following Board/Commission appointment:

Transportation Commission
Sean McCaffrey

6. AGREEMENT: Painting Services

APPROVED Agreement #BF3-910-3153 with A&H Painting, Inc., Ghaster Painting & Coatings, Inc., and Hernandez Companies for painting and related services in an amount not to exceed \$150,000.00 per year for two years with the option to renew for one additional two-year period.

7. AGREEMENT: Fertilizers, Herbicides and Pesticides

APPROVED Agreement #CS3-967-3164 with Crop Production Services, Inc., Helena Chemical Company, and Red River Specialties, Inc., for fertilizers, herbicides and pesticides in the amount of \$200,000.00 for one year with the option to renew for two additional one-year periods.

8. CONTRACT: Profound Systems, Inc.

APPROVED Contract #PR1202-401 with Profound Systems, Inc., for Dobson Park Basketball Court replacement in an amount not to exceed \$82,000.00.

9. CONTRACT: AJP Electric, Inc.

APPROVED Contract #PR1204-401 with AJP Electric, Inc., for Tumbleweed Park Sports Field Lighting in an amount not to exceed \$231,550.00. During the 2012/2013 budget process, Council approved \$200,000.00 for the installation of additional sports field lighting at Tumbleweed Park.

10. CONTRACT: Shasta Industries

APPROVED Contract #PR1301-401 with Shasta Industries for Hamilton Aquatic Facility Safety Improvements in an amount not to exceed \$180,100.00.

Hamilton Aquatic Center was constructed in 2001 and has year-round use. To maintain the pool in accordance with Maricopa County Swimming Pool Regulations Chapter VI and to bring the pool into compliance with the September 2010 Title II of the Americans with Disabilities Act (ADA), Section 35, improvements are necessary. Construction is planned to have the least amount of impact on the school district's use and scheduled aquatic program at this facility. This project is the first phase for completing the upgrades identified in the ADA Aquatics audit required by the Department of Justice's recent inclusion of Aquatics facilities in the 2010 ADA legislation.

11. AGREEMENT: Caliente Construction

APPROVED Agreement #IT100-411 with Caliente Construction for design/build contract construction services for the IT Building Data Center Cooling Renovation/Expansion in an amount not to exceed \$794,433.80.

The City's existing Data Center is approximately 580 square feet and is located in the former garage bay of the original Fire Station No. 1. The space was converted into Data Center space in 1991 and a used cooling system was moved to the building to provide cooling. This system is estimated to be 25 years old and difficult to maintain due to lack of parts. The City's Data Center needs have also expanded over time requiring additional cooling assistance devices, including the installation of 7 wall pack and 3 under floor AC units just to meet the summertime cooling requirements. These temporary solutions are very inefficient and put the City's entire technology infrastructure at risk for failure and downtime. In addition, the City has outgrown the space set aside for this Data Center and needs to expand the floor space in order to keep up with the computing requirements of all City departments.

Council approved the first phase of the Design/Build contract for design and preconstruction services contract with Caliente Construction on January 26, 2012. The second phase of the contract is for construction services for an existing 580 square foot computer room plus a 350 square foot expansion of the Data Center.

12. CONTRACT: Morex Investments LLC, dba Arizona Beeman Drilling

APPROVED Contract #WA1302-401 with Morex Investments LLC, dba Arizona Beeman Drilling for Railroad Well Drilling in an amount not to exceed \$822,770.00.

The 2008 Water, Wastewater, Reclaimed Water Master Plan recommends 74.5 million gallons per day (MGD) of 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 capacity, new wells and rehabilitation of existing wells is needed. This project will abandon an existing well and replace it with a well at the Railroad Well site.

13. PURCHASE: Enterprise Network Solutions

APPROVED the purchase of network security equipment and services from Enterprise Network Solutions (ENC), utilizing State Contract #ADSP012-024653, in an amount not to exceed \$204,770.00.

The City utilizes several security solutions including firewalls to provide citywide secure external access to primary eGovernment web services. Web services such as Chandleraz.gov, Vendor Registration, Sales Tax and other systems used by citizens and staff for City Business are high security priorities. Many departments and external information technology users require access to the information within these resources to meet City goals and business objectives. Web applications are vulnerable to attacks from malicious individuals or groups on the internet.

The systems currently employed by the City are at the end of useful life and must be replaced in order to maintain high security levels and availability. This solution will provide a secure pathway to web services and has the ability to meet current and future Citywide eBusiness needs for external facing applications such as Chandleraz.gov, Utility Billing, Sales Tax Collection and Citizen Service Requests. It will increase City application defenses and provide fast secured web traffic encryption/decryption while providing threat detection. This solution offers the ability to position and deliver secure citywide web services quickly.

This purchase consolidates network intrusion prevention and web filtering services. The future goals, as the product matures, will encompass consolidation of services such as remote access services via VPN, intrusion prevention detection and mobile device security threat prevention.

14. PURCHASE: Vision Business Products

APPROVED the purchase of laser printer cartridges, OEM/Remanufactured from Vision Business Products, utilizing the State of Arizona Contact #EPSO80088-4-A-1, in an amount not to exceed \$60,000.00.

15. PURCHASE: Grainger

APPROVED the purchase of maintenance, repair and operational supplies from Grainger, utilizing the National Intergovernmental Purchasing Alliance Company Contract #090188, in an amount not to exceed \$350,000.00.

16. On action.

17. WITHDREW USE PERMIT: Wagaround

WITHDREW Use Permit ZUP12-0022 Wagaround, to allow a dog boarding facility on property zoned PAD for light industrial type uses and automotive customization uses located at 2440 E. Germann Road, Suites 15, 17 and 19, east of the NEC of Cooper and Germann roads. The applicant has requested withdrawal as the project is being terminated and no longer proposed.

18. USE PERMIT: UFP Chandler LLC

APPROVED Use Permit ZUP12-0024 UFP Chandler, LLC, to allow a bulk fuel storage tank greater than 500 gallons on property-zoned I-1/PAD (Planned Industrial District with a Planned Area Development zoning overlay) located at 6878 W. Chandler Boulevard, east of the NEC of 56th Street and Chandler Boulevard. (Applicant: Robert Carochi, Union Distributing & Donnie MacDonald, UFP Chandler, LLC.)

BACKGROUND

The request is to allow an aboveground fuel tank greater than 500 gallons on-site to provide fuel to Universal Forest Products (UFP) equipment and trucks. The proposed tank is 1,000 gallons and replaces existing underground fuel tanks.

The subject site is located east of 56th Street on the north side of Chandler Boulevard adjacent to the railroad tracks. The property is zoned I-1/PAD for light industrial uses. North of the site is Ergon Asphalt and northwest of the site is Crafcoc, which are both light industrial companies.

UFP is requesting to allow one 1,000-gallon fuel tank for use by the company's own vehicles and equipment. The tank is within a concrete vault. For 20 years there have been underground tanks which will be removed and replaced with the aboveground tank. The tank will be located north of the existing gated access to the yard on the property's west side.

Bulk storage fuel tanks greater than 500 gallons require approval of a Use Permit. In all instances, fuel tanks need to receive building permit approval, which includes Fire Department review and approval. The fuel tank will also need to meet all other applicable State and Federal laws. The proposed tanks will be aboveground and located near the existing tanks.

Planning Staff supports the request for the fuel storage tanks as an ancillary use for the direct operation and services provided by the UFP business.

PUBLIC/NEIGHBORHOOD NOTIFICATION

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 12, 2012. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

PLANNING COMMISSION VOTE REPORT

Motion to approve was approved unanimously.

RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with Narrative, Site Plan, exhibits and associated conditions of approval.
2. The tank shall be constructed to comply with all City of Chandler Building and Fire Codes.
3. Fuel containment shall be in accordance with all State and Federal laws.
4. A Spill Prevention Plan shall be kept on file with the Fire Marshall.

19. SPECIAL EVENT LIQUOR LICENSE: Suns Nite Hoops, Inc.

APPROVED a Special Event Liquor License for Suns Nite Hoops, Inc., for the Brewfest on November 16, 17 & 18, 2012, at 7200 W. Ray Road. 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.

20. LIQUOR LICENSE: NOSH

APPROVED a Series 12 Restaurant Liquor License (Chandler #143679 L12) for Stacey Diane Carson, Agent, Hugo Vino, Inc., dba NOSH, 4080 W. Ray Road, Suite 26. A recommendation for approval of State Liquor License #12079269 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. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Bongo's Grill.

21. LIQUOR LICENSE: Pitta Souvli

APPROVED a Series 12 Restaurant Liquor License (Chandler #143670 L12) for Frank R. Flores, Agent, Vanmar LLC, dba Pitta Souvli, 1940 S. Alma School Road, Suite 5. A recommendation for approval of State Liquor License #12079270 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. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Pitta Souvli.

22. CONTINUED LIQUOR LICENSE: San Tan Brewing Company

CONTINUED TO DECEMBER 13, 2012, a Series 1 Liquor License for Anthony Canecchia, Agent, San Tan Brewing Company, Inc., dba San Tan Brewing Company, 495 E. Warner Road, to allow the applicant time to complete the requirements for a new Use Permit.

23. CONTINUED LIQUOR LICENSE: Zammi's Grill

CONTINUED TO DECEMBER 13, 2012, a Series 6 Bar Liquor License for Danette Jo St. Vincent, Agent, Zammi II LLC, dba Zammi's Grill, 4040 S. Arizona Avenue, Suite 7, to allow the applicant time to complete the requirements for a new Use Permit.

24. CONTINUED LIQUOR LICENSE: Pho Van

CONTINUED TO DECEMBER 13, 2012, a Series 12 Restaurant Liquor License for Michael Lawrence Schall, Agent, Pho Van LLC, dba Pho Van, 2095 N. Dobson Road, Suite 3, to allow the applicant time to complete the requirements for a new Use Permit.

25. CONTINUED LIQUOR LICENSE: NOSH

CONTINUED TO DECEMBER 13, 2012, a Series 13 Domestic Farm Winery Liquor License for Stacey Diane Carson, Agent, Hugo Vino, Inc., dba NOSH, 4080 W. Ray Road, Suite 26, to allow the applicant time to complete the requirements for a new Use Permit.

26. GENERAL PLAN AMENDMENT: Allred Boardwalk Res. #4651

CONTINUED TO DECEMBER 13, 2012 - Resolution No. 4651, General Plan Amendment GPA12-0002 Allred Boardwalk, Minor General Plan text amendment by modifying the language of the South Price Road Employment Corridor for approximately 64.5 acres located at the SWC and SEC of Price and Willis roads. (Applicant: Michael Curley; Early, Curley & Lagarde, P.C.)

27. REZONING/PRELIMINARY DEVELOPMENT PLAN: Price Road Commerce Center
Ord. #4392

CONTINUED TO DECEMBER 13, 2012 - Ordinance No. 4392, DVR12-0006 Price Road Commerce Center, rezoning from Agricultural (AG-1) to Planned Area Development (PAD). Preliminary Development Plan (PDP) for a business park on approximately 38 acres located south of the SWC of Germann and Price roads. (Applicant: Mike Withey; Withey Morris, PLC.)

28. WITHDREW REZONING AND PRELIMINARY DEVELOPMENT PLAN: NUVO
Ord. #4406

WITHDREW Introduction of Ordinance No. 4406, DVR12-0-007, NUVO, rezoning from Planned Area Development (PAD) Commercial to Planned Area Development (PAD) Multi-Family/Commercial.

WITHDREW Preliminary Development Plan (PDP) on approximately 9 acres at the SEC of Erie Street and McClintock Drive.

ACTION

16. USE PERMIT: SDA Filipino Church

APPROVED Use Permit ZUP12-0003 SDA Filipino Church, to locate a church within a single-family residential zoning district (SF-8.5) located at 801 W. Frye Road, east of the SEC of Alma School and Frye roads. (Applicant: Rick Gutierrez; Desert Land Engineering.)

PLANNER ERIK SWANSON highlighted the information provided in the memo to Council.

BACKGROUND

The subject site is located east of the SEC of Alma School and Frye roads and is an approximately one-acre site. The site is a stand-alone property with single-family residential homes surrounding the site to the east, south and west. Frye Road is adjacent to the site's north side.

The subject site was annexed in 1983 and was given a zoning designation of SF-7 shortly thereafter. In the late 80s and early 90s, the subdivision to the east of the site was developed. In April of 1995, the SF-7 zoning designation was replaced with the SF-8.5 zoning designation

automatically changing the subject site to its current zoning designation of SF-8.5. The subdivision to the south and west was developed in 2004/05.

The request is to allow the conversion of an existing single-family home into a church. Currently, the site is improved only with the house. Phase I improvements will include all off-site improvements (right-of-way dedication), drive aisles, the parking lot, perimeter landscaping as part of the dissimilar land use buffer, and tenant improvements to the existing structure. As part of the improvements for the structure, a Pastor's apartment is indicated on the floor plan. Per the Zoning Code, residential accommodations are considerable for clergy. Church leadership is anticipating that the apartment will be used for visiting speakers and not on a continual basis.

As part of the Phase I improvements, a vacant pad located north of the existing structure will remain undeveloped for a future Phase II. The pad will have a layer of decomposed granite to prevent any dust issues. Phase I will meet parking requirements. As anticipated, based on congregant projections, the church will need 25 parking stalls with Phase II build out; 35 stalls will be provided as part of Phase I. In the event additional parking is needed, the church has a verbal agreement with San Marcos Elementary School to the east.

Phase II development is anticipated to occur within the next three to five years and will include a new narthex, nave and sanctuary; upon completion of Phase II, the nave (proposed as part of Phase I) will be converted to a multi-purpose room. Phase II will be just under 2,900 square feet.

While complete consistency of architectural design between Phase I and II is difficult, the design team has tried to make the transition between the phases relatively seamless. Conversion of the existing home into the church will require upgrades to current building codes; treatments to the exterior are relatively minor. As Phase II is developed, its expansion area will be connected to the existing structure. Roof lines will be incorporated to create the appearance of continuity. Strong roof slopes will be utilized, consistent with smaller scale historic church design. Upon completion of Phase II, the existing home will be relatively screened from street view. Second story windows are provided on both the east and west elevations, however, are only for providing day light into the nave and are not for second story occupiable areas. As presented, the maximum building height is 30 feet, with the denominational feature extending an additional 9 feet above the roof ridge line. Maximum building height allowed is 35 feet.

A single monument sign is requested along the Frye Road frontage. The sign is roughly six and one-half feet tall by eight feet wide. A relatively small electronic reader is requested and will be utilized primarily to inform of service times and upcoming events. The front elevation and rendering differ slightly in design; the exhibit simply establishes the anticipated level of quality and final design will be consistent with the exhibit that is presented.

The SF-8.5 zoning district allows for the consideration of a church with a Use Permit. The Planning Commission and Staff consider this as an appropriate use at this location for a number of reasons: the site fronts along a minor arterial, the site is large enough to accommodate a small church use while meeting development requirements, the design of the church has maintained a relatively pedestrian scale, and the proposed use is considerable with a Use Permit. While some concerns have been expressed as discussed in the Neighborhood Notification section, the Planning Commission and Staff believe these concerns have been resolved and that overall small-scale churches, such as the proposed, are compatible with the surrounding neighborhoods due to their small-scale nature.

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 9, 2012. There were 3 neighbors in attendance. Overall, general support was provided with some questions regarding operational aspects (service times, parking, number of congregants, etc.). Following the neighborhood meeting, Staff has heard from 3 nearby residents. Two were opposed to the Use Permit request expressing concerns with traffic, service scheduling and number of congregants. Of the two, one was concerned with potential growth of the church and how it will be accommodated. Staff has received one phone call from a resident to the southeast that offered general support of the request. Following the neighborhood meeting, church leadership reviewed options for the off-chance that additional parking may be needed and reached out to the San Marcos Elementary School east of the site. The school has agreed to a parking agreement when needed.

PLANNING COMMISSION VOTE REPORT

Motion to approve was approved 6-1 with the dissenting vote being based on the addition of condition no. 7 and not on the request for the Use Permit.

Neighbors expressed concerns primarily related to traffic along Frye Road and parking. Concerns about the Frye Road traffic stemmed from observation of other successful churches along Alma School and how traffic circulation can be impeded, and that Frye Road is reduced to one lane east of the site. It was explained that Frye Road's current designation as a minor arterial allows for the anticipated traffic generated by the church and that what currently exists is sufficient to handle the additional traffic.

A number of concerns were expressed with the potential for parking conflicts and the limited amount of parking as provided on the site plan. Per Zoning Code parking requirements, churches and other places of worship are required to provide one parking stall per four seats. As has been represented by the church, it is anticipated that there will be a maximum of 100 congregants, requiring 25 parking stalls; 35 parking stalls are provided. In addition, the church has indicated that they have a verbal agreement with San Marcos Elementary School to the east, in the event that additional parking is needed. Church leadership has indicated that they do not have a formal written agreement with the school as the school needs to know specific dates for contractual purposes. Nearby residents to the south and west shared concerns with overflow parking into the Campo Verde subdivision and how the subdivision is closer (900 feet) than San Marcos Elementary (1/4 mile). While Staff agrees with the statement, Staff reiterated that even with the parking agreement, the street system in the Campo Verde subdivision is a public street system allowing for anyone to park on the street, but that it would be more convenient for congregants to park to the east at San Marcos Park (roughly 500 feet) as it is directly east of the site and that if parking is an issue, Staff has the ability to review the Use Permit and revocation is possible if issues are not resolved. Parking is only a concern when full capacity is met; current parking demand by the church requires roughly 15 parking stalls.

Following the discussion with the residents, a recommendation was made to restrict the number of congregants to what the provided parking stalls would allow (roughly 140 congregants). Condition No. 7 was added to address the potential future parking concerns. The dissenting vote was due to concerns with limiting the number of congregants and not that the church use was inappropriate.

Following the Planning Commission hearing, Staff heard from a resident to the south of the site with concerns of parking and height of the denominational architectural embellishment that extends to 39 feet. The resident explained that with the overall height of the sanctuary and the embellishment, that their view would be obstructed.

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, Floor Plan, Elevations and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. 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.
3. The site shall be maintained in a clean and orderly manner.
4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. Undergrounding of all overhead electric (less than 69 kv), communication and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easement. Any 69 kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
7. If congregant counts exceed maximum allowed by provided parking calculation for a prolonged time frame so as to create a nuisance, a new Use Permit shall be required.

COUNCILMEMBER HARTKE asked if the church had any problems with the additional stipulation. Mr. Swanson said he believed they were agreeable to it. Staff would work with the applicant to remedy an issue. He noted it was primarily done to accommodate the requests of the neighborhood.

In response to questions from COUNCILMEMBER HEUMANN, Mr. Swanson stated there was no parking on Frye Road. He responded that he has not checked with the school district to follow up on the verbal agreement. It would be worst case scenario after full build out of Phase II.

MS. ANDERSON, applicant, 6442 W. Jasper Drive, Chandler. Ms. Anderson said she has recorded down the information on the conversation with a representative of Chandler Unified School District. Their worship day is Saturday which should not conflict.

Ms. Anderson said it was her desire not to create issues for the neighbors but to keep communications open to come up with a solution to any problems.

MR. KEVIN ACOSTA, 425 S. Camilla Drive, Chandler said an issue that concerns the Campo Verde residents is parking. He stated he was personally against this project. His house is the first two-story directly behind the church. He believed the proposed chapel Phase II would put a height at 39'. That would obstruct his entire view. He stated the original agreement between the farmer who owned the land and the developer that there would be a one story building on either side of him which would be the west and north sides. He said based on this, he purchased his house. He understands now that the land has sold, that agreement would no longer hold true.

Mayor Tibshraeny asked Mr. Acosta what he currently looks upon now. Mr. Acosta said he looks upon a single story ranch home and a large yard.

He said in regards to parking, there is no way to tell if the church will grow. While he thinks his subdivision may be gated in the future, for now, by HOA standards, even the residents are not able to park on the streets.

COUNCILMEMBER ORLANDO reviewed the aerial photo of the site with Council. He said the entire site is walled off. There are no pedestrian access points. Access will only be along Frye Road. He noted, in the area, the maximum building height is 35 feet. They have made exception at 39' for architectural elements and things of that nature. He displayed the elevation plan and explained the top of the ridge point is 30 feet.

COUNCILMEMBER ORLANDO asked about tree placement. Mr. Swanson said as it sits currently, there is not much landscaping there. As part of the Code requirements, they will be required to put one 12-foot tree (Willow) every 20 feet on center, various shrubs, and ground cover of 50% .

COUNCILMEMBER HEUMANN asked about the height of the existing building. Mr. Swanson said he believed it was 15'-18'. Councilmember Heumann asked if a second story could be added to the building by right. Mr. Swanson said the building height could be up to 35 feet. Councilmember Heumann asked how far away the school is. Mr. Swanson said about ¼ mile from the eastern property line and noted other public parking in the area.

Councilmember Heumann emphasized that if there are serious violations of this use permit, those would be forwarded to the Council.

MOVED BY COUNCILMEMBER HEUMANN, SECONDED BY COUNCILMEMBER HARTKE TO APPROVE USE PERMIT ZUP-12-0003 SDA FILIPINO CHURCH, TO LOCATE A CHURCH WITHIN A SINGLE FAMILY RESIDENTIAL ZONING DISTRICT LOCATED AT 801 W. FRYE ROAD, EAST OF THE SOUTHEAST CORNER OF ALMA SCHOOL AND FRYE ROAD AS RECOMMENDED BY PLANNING COMMISSION AND STAFF.

Mayor Tibshraeny clarified there was not a time condition on the use.

WHEN THE VOTE WAS CALLED, THE MOTION CARRIED BY MAJORITY (6-1). MAYOR TIBSHRAENY VOTED NAY ON THE ITEM.

CURRENT EVENTS:

A. Mayor's Announcements

The Mayor thanked the Elks Lodge for making him an honorary member along with the Police and Fire Chiefs at a recent event. The Fireman and Police officer of the Year were also recognized at the event

Mayor noted Fitch has reaffirmed the City's AAA bond rating on the General Obligation Bonds.

Mayor announced the Rock the Block in Downtown Chandler on Saturday and the Chuckwagon Cookoff would be held over the weekend at Tumbleweed Park.

He congratulated Councilmember Sellers and Heumann for being reelected to the City Council.

B. Councilmembers' Announcements

Councilmember Heumann announced the Mayor's Disabilities Commission Annual Golf fundraiser this weekend. He encouraged people to donate to the local food banks especially as the holidays approach. Councilmember Heumann stated now the elections were over, he called for people to work together through differences for the betterment of the country.

Councilmember Sellers said it was a privilege to serve the city and gave thanks.

Vice Mayor Weninger congratulated Councilmember Sellers and Heumann and council-elect Nora Ellen. He said he was speaking at an event called Tech Phoenix on transparency with elected officials as well as community engagement.

Councilmember Orlando gave his congratulations to Councilmembers Sellers and Heumann. He stated it was his pleasure and honor to recently attend the Az Veterans luncheon inductee ceremony and several Chandler residents were inducted.

Councilmember Donovan also gave her congratulations to those elected to Council.

Councilmember Hartke joined in giving congratulations to those elected. He wished all a Happy Thanksgiving and gave thanks for those agencies providing meals in the community. He announced the Tumbleweed Tree Lighting and Parade on December 1.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 7:52 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: December 10, 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 8th day of November 2012. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of December, 2012.

City Clerk