

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers, 88 E. Chicago Street, on Thursday, December 13, 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
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: Councilmember Hartke

PLEDGE OF ALLEGIANCE: Mayor Tibshraeny led the Pledge of Allegiance.

UNSCHEDULED PUBLIC APPEARANCES:

None.

Mayor Tibshraeny noted that there has been a request for continuance on Items 72 and 73 to the January 24, 2013 City Council meeting, as there are parts of the MOU that were not ready.

CONSENT:

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER HEUMANN, TO APPROVE THE REGULAR MEETING AGENDA AS PUBLISHED WHICH INCLUDES MOVING ITEMS 72 AND 73 TO THE CONSENT AGENDA AND NOTING THE CONTINUATION OF THOSE TWO ITEMS TO THE JANUARY 24<sup>TH</sup> COUNCIL MEETING.

VICE-MAYOR WENINGER DECLARED HIS NAY VOTE ON ITEMS 36, 37, and 38 (SolarCity).

He thanked staff for their work on Item 7 (Zoning Code Amendment) as a recommendation from the 4-Corner Retail Committee. He noted this allows businesses in shopping centers to advertise more. He expressed his happiness with the progress made and suggested revisiting the application for the permits.

COUNCILMEMBER HEUMANN DECLARED HIS NAY VOTE ON ITEM 17 (PDP AZ 202) AND ITEM 24 (Settlement).

Councilmember Heumann noted the development in Items 8 and 9 (Aerie) presents a new housing product in Chandler as a great component for diversification of housing product in Chandler.

MAYOR TIBSHRAENY DECLARED HIS NAY VOTE ON ITEMS 36, 37, AND 38. (SolarCity)  
MAYOR TIBSHRAENY DECLARED A CONFLICT OF INTEREST ON ITEM 12 AND ITEM 20.

MOTION CARRIED UNANIMOUSLY (7-0).

1. CITY CODE AMENDMENT: Chapter 2 Ord. #4415

ADOPTED Ordinance No. 4415 amending Chapter 2 of the Chandler City Code, adding Section 16; creating the City of Chandler Worker's Compensation and Employer Liability Trust Fund and creating the City of Chandler Worker's Compensation and Employer Liability Trust Board to administer the fund.

2. CITY CODE AMENDMENT: Chapter 8 Ord. #4419

ADOPTED Ordinance No. 4419 amending Chapter 8 of the Chandler City Code to clarify administrative responsibility with respect to airport operations and to amend provisions of the "Chandler Municipal Airport Rules and Regulations, 2006", previously adopted and made part of Chapter 8 by reference.

3. CITY CODE AMENDMENT: Chapter 62 Ord. #4376

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4376 amending Chapter 62 of the Chandler City Code, Sections 62-410, 62-422 and 62-445 and Regulation 62-415.3, and establishing the effective dates thereof, relating to conforming changes to the Chandler Tax code.

### BACKGROUND

Arizona allows incorporated cities and towns to have a separate tax base for their transaction privilege and use taxes, more commonly referred to as the City's sales and use tax. Arizona's Model City Tax Code (MCTC) is the document that standardizes the taxes a municipality can choose to levy; however, the State does preempt cities and towns from taxing certain activities and transactions.

The MCTC was created in response to concerns about differences in local transaction privilege tax codes and the resulting compliance difficulties. The MCTC provides uniformity while at the same time retaining the right of each municipality to choose the activities that are taxed and the exemptions that are granted, thereby leaving the determination of the local sales tax base up to the individual city council. While some city charters require a vote of the citizens to establish a city's tax rates, Chandler's transaction privilege and use tax rates are set by a simple majority vote of the Mayor and Council for all classifications, except Real Property Rental.

Each city chooses which activities are taxable under the MCTC; however, if they choose to tax a particular activity, it must be done in accordance with the MCTC. The code itself consists of standard language, referred to as "model" language, along with Local Options and Model Options. The options provide alternatives for a particular code section that any city or town can choose to incorporate in place of model language. Generally, Local Options add or substitute

language in a given section, while Model Options remove model language. These options are the means by which the city can fine-tune its tax code to match its economic environment.

The final piece of the MCTC is a collection of city-based exceptions that are commonly referred to as “green page” items. A green page item replaces the standard model or option code language with alternative language that applies only to that specific city. Although common when the MCTC was first created, there has been considerable pressure by taxpayer advocates and the Legislature to eliminate these differences whenever possible, and to discourage the creation of any new green page exceptions.

All changes to the MCTC require the prior approval of the Municipal Tax Code Commission (Commission), and all municipalities that have adopted the code must adopt all changes approved by the Commission. The Commission is comprised of nine mayors or city council members appointed by the Governor, Senate President and Speaker of the House, along with the Director of the Department of Revenue, as an ex-officio member.

Following each legislative session, Arizona cities and towns, acting collectively through the Unified Audit Committee (UAC), review new laws to determine those areas of the MCTC that require adjustment to maintain or achieve conformity with State law. The UAC also meets with taxpayer advocates and business representatives to draft tax code changes, which are then forwarded to the Commission for approval. Any changes to the MCTC that are approved by the Commission must be adopted by the City Council, unless the change is a Local Option or Model Option, which the Council may choose to select or reject as they see fit.

## DISCUSSION

In addition to three miscellaneous technical corrections to the Amusements classification, Jet Fuel Classification and Regulations, there is one substantive tax code change in this action – the addition of a new preemption in the Real Property Rental classification. For ease of incorporation, all of these changes are effective from and after July 20, 2011, to coincide with the effective date of the new State preemption under Section 445.

### 62-410 – Amusements, exhibitions, and similar activities

Section I of the ordinance corrects an inadvertent error that left out two lines from the MCTC in subsection (a). This error had no substantive impact, as the MCTC is governing whenever there is an unauthorized difference between the MCTC and a city tax code. This section also corrects two minor typographical errors.

### 62-422 – Jet fuel sales

Section II of the ordinance eliminates an obsolete reference to a code section that was repealed several years ago. The former Section 567 dealt with determining which city had priority when two or more cities could claim sufficient nexus to tax a particular transaction. That section was eliminated several years ago when its concepts were incorporated elsewhere in the MCTC, most notably through the addition of subsection 460(e) under Retail.

### 62-445 – Rental, leasing, and licensing for use of real property

Section III of the ordinance adds new subsection 445(t) to incorporate a legislative preemption, A.R.S. §42-6004(A)(12). This preemption allows an exemption from the tax when both the Landlord Corporation and the Tenant Corporation are owned by the same shareholders in a third party entity, regardless of which type of legal entity the third party owner is. This allows an individual or LLC to own both the Landlord Corporation and the Tenant Corporation and have the rents paid between the entities be exempt from the tax. Note that subsection (s) is almost

identical to this exemption except that the third party owner must also be a Corporation. This change does not allow an exemption if either the Landlord or the Tenant are an LLC because an LLC is a form of partnership rather than a corporation. Also in this section of the ordinance, subsection (s) is being clarified by adding the phrase "is exempt".

62-415.3 – Construction contracting: tax rate effective date

Section IV of the ordinance replaces a portion of the existing language with the correct final wording that was actually approved and adopted by the Municipal Tax Code Commission. This is merely an aesthetic change being made to conform to the official version of the Model Code. This alteration has no effect on the substance of the Regulation or its implementation.

FINANCIAL IMPLICATIONS

There are no financial impacts related to the technical corrections in Sections I, II and IV of the ordinance. The impact of Section III related to the new exemption for commercial leases between related corporations is deemed negligible because the number of qualifying entities is very limited.

4. DEDICATION IN FEE: NEC of Alma School and Ray Roads Ord. #4398

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4398 authorizing the dedication in fee of a portion of City-owned property for road right-of-way purposes located at the NEC of Alma School and Ray roads and at the intersection of Alma School Road and Shannon Street.

BACKGROUND/DISCUSSION

In accordance with Resolution No. 4135 adopted by the Chandler City Council at its May 22, 2008 meeting, and Resolution No. 4248 adopted by the Chandler City Council at its March 12, 2009 meeting, the City acquired various properties for the Alma School Road and Ray Road Improvement Project ST-0704. It was necessary to acquire five (5) parcels in full. Three (3) are located at the northeast corner of Alma School and Ray roads and two (2) are located at the intersection of Alma School Road and Shannon Street. Portions of these parcels must be dedicated to the public in trust to be used for road right-of-way purposes. This will be accomplished by way of a separate instrument in the form of a deed approved by the City Attorney.

5. POWER DISTRIBUTION EASEMENT: SRP Ord. #4409

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4409 granting a no-cost power distribution easement to Salt River Project (SRP) for the Appleby Well Site at the northeast corner of the Pinaleno Drive and the Appleby Road alignment.

6. DEDICATION OF PUBLIC UTILITY EASEMENT: City of Chandler Ord. #4410

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4410 authorizing the dedication of a Public Utility Easement to the City of Chandler, in trust for the public, on a portion of City-owned property located at the NEC of Alma School and Ray roads and at the intersection of Alma School Road.

BACKGROUND

In accordance with Resolution No. 4135, adopted by the Chandler City Council at its May 22, 2008 meeting, and Resolution No. 4248, adopted by the Chandler City Council at its March 12, 2009 meeting, the City acquired various properties for the Alma School and Ray Road

Improvement Project ST-0704. It was necessary to acquire three (3) parcels in full at the northeast corner of the intersection. A portion of these parcels must be dedicated to the public in trust to be used for a Public Utility Easement. This will be accomplished by way of a separate Public Utility Easement in a form approved by the City Attorney.

7. CITY CODE AMENDMENT: Chapter 39, Zoning Code Ord. #4411

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4411, Zoning Code Amendment ZCA12-0003 Monument Sign Tenant Panels, amending Chapter 39 Section 9.16 of the Chandler City Code relating to shopping center monument sign tenant panels.

### BACKGROUND

Earlier this year, the Mayor's 4-Corner Retail Committee examined aging commercial areas and made several recommendations for revitalizing those areas. Recommendation #5 from the Committee's final report stated that the City should examine its sign code and look for potential revisions in the City's designated redevelopment areas that will assist in helping current tenants to survive and/or to obtain new tenants. Included in the recommendation were the following comments:

- There should be more flexibility for projects in targeted redevelopment areas, including an increase in the allowable number of tenant panels on monument signage.
- Allowing additional monument signage and/or panels may be a better long-term solution than temporary banners and/or the A-frame signs that tend to be prevalent in these areas.
- Currently, a request to increase the number of tenant panels on a monument sign requires a PAD amendment process. The Committee recommends more staff flexibility to make these decisions.

In response to these recommendations, Staff has prepared a City Code amendment that will allow administrative approval for up to four tenant panels on existing shopping center monument signs. This is an increase from a maximum of two tenant panels that are currently allowed by City Code. The proposed code amendment would be applicable to any existing shopping center monument sign, regardless of underlying zoning (e.g. C-1, C-2, C-3 or PAD).

As proposed, the increase in tenant panels would only be allowed when the existing monument sign is enhanced with a higher level of design. A higher level of design could include, but is not limited to, the following:

- Increasing architectural integration with buildings in the center
- Adding tenant panel names with individual three-dimensional letters
- Enhancing landscaped setting around the sign
- Upgrading quality materials
- Eliminating cabinet panels

The maximum height of monument signs would be increased from 6 feet to 8 feet, allowing 1 additional foot in height per tenant panel. The only exception to the increased height would be for service (gas) station price signs, which typically do not contain multiple tenant panels.

New shopping centers that have not yet received Preliminary Development Plan approval and shopping centers that request more than four tenant panels on monument signs, may continue to seek approval through Planned Area Development (PAD) zoning and/or Preliminary Development

Plan (PDP) applications to be reviewed by the Planning Commission and approved by City Council.

As stated by the Mayor's 4-Corner Retail Committee, Staff believes that the increased number of tenant panels will help aging shopping centers be more successful by retaining and attracting tenants. At the same time, the higher level of design will help improve the aesthetic quality of those shopping centers, which are consistent with the following objectives from the General Plan:

- Encourage small, local neighborhood businesses to reinvest in image improvements (p. 58)
- Focus on neighborhood beautification, landscape themes (p. 58)
- Consider infill and neighborhood revitalization as priorities for central Chandler growth, particularly in downtown and in the Arizona Avenue Corridor (p. 48)
- Support neighborhood revitalization through development incentives and techniques (p. 52.)

#### PUBLIC NOTIFICATION

- The request was noticed in accordance with Arizona Revised Statutes; hearing dates for the Planning Commission and City Council, as well as the complete text of the draft Code amendment have been published in an eight-page newspaper ad at least fifteen days prior to the first required public hearing.
- Notices containing a website link to view and print the proposed amendment were mailed to approximately 150 stakeholders consisting of current PDP sign amendment applicants, developers, zoning attorneys, architects and contractors that have been associated with developments in Chandler within the last two years.
- Electronic notices were sent to the following professional organizations for review and comment: Chandler Chamber of Commerce, Downtown Chandler Community Partnership, Valley Partnership, and the Arizona Chapter of the NAIOP Commercial Real Estate Association.
- To date, Staff has received three responses from stakeholders, all of which have been in support of the proposed amendment.

#### PLANNING COMMISSION VOTE REPORT

Motion to approve passed unanimously.

#### RECOMMENDED ACTION:

Upon finding consistency with the General Plan and the recommendations from the Mayor's 4-Corner Retail Committee, the Planning Commission and Planning Staff recommend approval.

8. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Ord. #4412  
Aerie At Alma & Pecos West

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4412, DVR12-0030 Aerie At Alma & Pecos West, rezoning from Planned Area Development (PAD) Commercial to PAD (Multi-Family Residential).

APPROVED Preliminary Development Plan, Aerie at Alma & Pecos West, for a multi-family resident development located at the NWC of Alma School and Pecos roads.

APPROVED Preliminary Plat PPT12-0015 Aerie at Alma & Pecos West, for a multi-family residential development located at the NWC of Alma School and Pecos roads. (Applicant: Ed Bull, Burch & Cracchiolo, P.A.)

## BACKGROUND

The subject site is approximately 12 acres and located on the northwest corner of Alma School and Pecos roads. This property is located at the intersection of four vacant parcels all zoned Planned Area Development (PAD) for commercial. The southwest and southeast corners have approved Preliminary Development Plans (PDP) for commercial development. The subject site is surrounded on the west and north by the single-family residential subdivision Blakeman Ranch Unit 1. There is an apartment complex southwest of the site and the Fairview Meadows single-family subdivision northeast of the site.

The request is to rezone the site to PAD for multi-family residential use along with a PDP for site layout and building design and a Preliminary Plat establishes the necessary easements and dedicates the required rights-of-way. In February 1993, the property was zoned for conceptual commercial as part of the Pylman Ranch (currently named Blakeman Ranch) single-family residential development. A development plan was not included in the proposal, which required a separate PDP for site layout and building design. A PDP was never filed and the site has remained undeveloped.

Aerie at Alma School & Pecos West, referred to as 'Aerie West', is an inimitable community that is the first of its kind in Chandler. While this is a gated multi-family residential development, it is far from traditional. There are no multi-story buildings. The development includes 150 individual units that are all one-story and detached except for 30 units that are a two-pack, two units attached. Building placement, adjacency to arterial streets, and use of open space represents an urban lifestyle. Common open spaces are predominantly provided along street frontages with an interior community pool and play area as well as yard space for each unit. The primary entry is off of Alma School Road, which is enhanced with Date Palm trees. This is a full-movement access. An exit only access is located off of Pecos Road.

The 150 unit multi-family development provides for a high-density residential community at 12.40 du/ac. The individual, multi-family, single-story units provide an opportunity for lessees to be a part of an urban residential setting with a single-family style and feel.

## ARCHITECTURE AND SITE DESIGN

There are three building/unit types based on the number of bedrooms. Unit sizes range from approximately 636 square feet to 1,664 square feet in building area. Each unit has a private yard space in lieu of private open space such as patios. Building Type 1 is a 1-bedroom unit; however, there are two units attached side-by-side. Each unit is approximately 636 square feet with 232 square feet of yard space. Building Type 2 is a 2-bedroom unit approximately 966 square feet with 338 square feet of yard space. Building Type 3 is a 3-bedroom unit approximately 1,244 square feet with 420 square feet of yard space. The private yard area is approximately 8-feet deep and cordoned-off by a 5-foot 4-inch masonry wall typically the width of the unit itself.

Buildings are designed with a "Desert Modern" style with desert earth tone paint colors and modern, geometric elements. Building accents include recessed front entries, metal and composite siding, and metal/stucco awnings. Building façades vary in height and depth incorporating pop-out elements such as horizontal wall planes. Paint colors enhance wall planes creating sections and defining shapes. Each unit has a flat roof with parapets used for mechanical equipment screening and scuppers for roof drainage.

The units are sited in groups that create pedestrian circulation and courtyards. In a couple of locations, decorative seat walls are provided along walkways. The rear yard spaces abut one another on interior units and back up to street frontages and the site's perimeter.

The perimeter landscaping includes non-deciduous trees planted 20 feet on center as a buffer from single-family homes to the west and north. Gravel and turf landscaping is provided along street frontages. The intersection landscape area is defined by a corner project identification sign with tiered walls, landscape planters and decorative plant pots. Turf areas undulate along buildings that backup to street frontages. A similar monument sign feature with planters is provided at the main entrance. Landscaping is provided throughout all pedestrian walkways leading to each unit and courtyards. (Note courtyard perspective drawing in the Development Booklet's Tab G.)

Amenities include a community swimming pool with a shade ramada, restrooms and a spa. There is a playground area which includes a tot-lot, shade ramada and seating as well as a practice putting green.

Parking is provided by a mix of garage buildings, covered parking spaces and uncovered parking spaces. A looped drive with two interior drives provides accessibility to all units and amenities. A total of 320 parking spaces are provided which are 22 spaces over parking code requirements.

To better accommodate usability and access into trash containers, the project provides recessed trash bins. These bins are partially below grade creating a depressed containment area, which is easier to access and discard waste as well as more attractive along the interior drives.

### WAIVERS

The development's unique layout and urban lifestyle theme lends itself to request waivers from site development standards that typically apply to standard multi-family apartment site layouts. Several waivers from Zoning Code and the Multi-Family Residential Development Standards are requested and include the following as specified in the Development Booklet:

1. Allow buildings/units and rear yard spaces to encroach into building setbacks and the landscape intersection setback along Alma School and Pecos roads. Required building setback is 50 feet with a 50-foot by 250-foot landscape intersection setback. Several buildings encroach into the landscape intersection setback 7 feet while others encroach into the building setback up to 19 feet providing approximately a 30-foot building setback. The encroachment is requested to create a more urban streetscape setting and provide additional building setbacks along the west and north property lines from existing single-family residences.
2. Allow the project theme wall and view fencing along Alma School and Pecos roads to be 6-feet high within the building and landscape setbacks. The encroachment of decorative walls and fences is similar to recent apartment projects granted encroachments as part of a gated community. A difference with this development is fencing and walls will be closer to right-of-way due to the requested building encroachments; however, this creates the urban streetscape intended with this project.
3. In regards to signage, the application requests to allow the intersection corner project identification sign to exceed maximum height of 2-feet, 6-inches, providing an 8-foot high sign. The increased height of the sign is requested as a component of a larger intersection design feature with decorative walls and planters as well as providing screening of rear yard spaces for the adjacent building backing up to the intersection. Allow the main entrance monument sign to exceed the maximum height of 6 feet,

providing an 8-foot high sign. This sign is also integrated with a tiered wall and planter feature. And, allow the total sign face area of the intersection corner sign and main entrance sign to exceed 60 feet, providing 84 square feet of sign face area.

4. Allow rear yard spaces enclosed with walls instead of required 12-foot in diameter private open spaces typically offered as a patio or balcony on multi-story buildings.
5. Allow a reduction in the total common useable public open space area to be less than the required 150-square feet per bedroom, providing more than half of what is required due to the intended urban setting of this project, less useable open space is provided.
6. Allow a reduced separation between buildings than the required separation by a distance equal to the building height. While these buildings are 15-feet 6-inches high, the separation between buildings is reduced by the use of abutting rear yard spaces.

The Planning Commission and Planning Staff support the requested waivers as the project site layout and building type provide a creative environment for an apartment community. The project includes detached units, courtyards, private rear yard spaces that abut other rear yards similar to single-family lots and offers an urban environment lifestyle that does not lend itself to typical building setbacks, open space and signage.

#### GENERAL PLAN CONFORMANCE

The General Plan designates this property under the Residential category which allows a range of residential densities from low to high density. The proposed 12.40 du/net acre falls within the lower end of the High Density Residential category, 12 to 18 du/ac. High density residential is considerable adjacent to arterial streets.

This corner was initially zoned for a neighborhood service commercial development as part of a growing single-family residential area in the 1990s. The Residential category also allows consideration for commercial at arterial street intersections. The arterial street intersection of Alma School and Pecos roads has historically been zoned PAD for commercial with some PDP approvals. None of the corner commercial parcels have yet to develop. This is a classic four corner commercial intersection in Chandler which warrants evaluation as to the need to maintain all four corners for commercial development. City Staff has discussed this property and determined it is in the best interest of the City to move forward with a residential land use. There is a sister project, Aeire East, on the northeast corner of this intersection with this same residential development request. The City supports these two corners on the north side of Pecos Road and opposite parcels abutting the Loop 202 Santan Freeway for residential use designated under the General Plan. The residential land uses serve as a transitional use to existing single-family homes. The proposed buildings are all 1-story flat roof buildings which provide minimal visual impact next to established residential homes.

The Planning Commission and Planning Staff are of the opinion that the multi-family residential development furthers the City's goal to promote new development, alternative forms of housing, urban forms, creative and unique developments, and compatible land uses adjacent to existing single-family residential. The residential project provides housing in close proximity to freeway access and retail/restaurant developments. The development meets the intent of the Multi-Family Residential Development Standards including architecture, site design and landscaping, while incorporating attractive site wall and entry monument features. The proposed detached apartment units with private rear yard spaces and pedestrian scale courtyards are appropriate as it offers a different product type for Chandler.

#### 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 two area property owners in attendance in support of the project. Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously with 6 voting in favor, 0 in opposition and one abstention (Ryan). The Commission requested the addition of Condition No. 5 for additional useable open space within the project that provides pedestrian connections to amenities.

#### RECOMMENDED ACTIONS

##### **Rezoning**

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

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AERIE AT ALMA & PECOS WEST", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0030, 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 landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or association.
4. 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. The developer shall work with Staff to incorporate a north to south paseo linking open spaces.

##### **Preliminary Plat**

The Planning Commission and Planning 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.
9. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Aerie At Alma & Pecos East Ord. #4413

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4413, DVR12-0031 Aerie at Alma & Pecos East, rezoning from Planned Area Development (PAD) Commercial to PAD (Multi-Family Residential).

APPROVED Preliminary Development Plan, Aerie at Alma & Pecos East, for a multi-family resident development located at the NEC of Alma School and Pecos roads.

APPROVED Preliminary Plat PPT12-0016 Aerie at Alma & Pecos East, for a multi-family residential development located at the NEC of Alma School and Pecos roads. (Applicant: Ed Bull, Burch & Cracchiolo, P.A.)

## BACKGROUND

The subject site is approximately 9.6 acres and located on the northeast corner of Alma School and Pecos roads. This property is located at the intersection of four vacant parcels all zoned Planned Area Development (PAD) for commercial. The southwest and southeast corners have approved Preliminary Development Plans (PDP) for commercial development. The subject site is surrounded on the east and north by the single-family residential subdivision Fairview Meadows. There is an apartment complex southeast of the site and the Blakeman Ranch Unit 1 single-family subdivision northwest of the site.

The request is to rezone the site to PAD for multi-family residential use along with a PDP for site layout and building design and a Preliminary Plat that establishes the necessary easements and dedicates the required rights-of-way. In May 1994, the property was zoned for conceptual neighborhood service commercial as part of the Fairview Meadows single-family residential development. A development plan was not included in the proposal, which required a separate PDP for site layout and building design. In 2001, a PDP was approved for an Osco Drug retailer as part of a larger commercial retail center. The project never developed and the site has remained vacant.

Aerie at Alma School & Pecos East, referred to as 'Aerie East', is an inimitable community that is the first of its kind in Chandler. While this is a gated multi-family residential development, it is far from traditional. There are no multi-story buildings. The development includes 115 individual units that are all one-story and detached except for 22 units that are a two-pack, two units attached. Building placement, adjacency to arterial streets, and use of open space represents an urban lifestyle. Common open spaces are predominantly provided along street frontages with an interior community pool and play area as well as yard space for each unit. The primary entry is off of Alma School Road, which is enhanced with Date Palm trees. This is a full-movement access. An exit only access is located off of Pecos Road.

The 115 unit multi-family development provides for a high density residential community at 9.6 du/ac. The individual, multi-family, single-story units provide an opportunity for lessees to be a part of an urban residential setting with a single-family style and feel.

## ARCHITECTURE AND SITE DESIGN

There are three building/unit types based on the number of bedrooms. Unit sizes range from approximately 636 square feet to 1,664 square feet in building area. Each unit has a private yard space in lieu of private open space such as patios. Building Type 1 is a 1-bedroom unit; however, there are two units attached side-by-side. Each unit is approximately 636 square feet with 232 square feet of yard space. Building Type 2 is a 2-bedroom unit approximately 966 square feet with 338 square feet of yard space. Building Type 3 is a 3-bedroom unit approximately 1,244 square feet with 420 square feet of yard space. The private yard area is approximately 8-feet deep and cordoned-off by a 5-foot 4-inch masonry wall typically the width of the unit itself.

Buildings are designed with a "Desert Modern" style with desert earth tone paint colors and modern, geometric elements. Building accents include recessed front entries, metal and composite siding, and metal/stucco awnings. Building façades vary in height and depth incorporating pop-out elements such as horizontal wall planes. Paint colors enhance wall planes creating sections and defining shapes. Each unit has a flat roof with parapets used for mechanical equipment screening and scuppers for roof drainage.

The units are sited in groups that create pedestrian circulation and courtyards. In a couple of locations, decorative seat walls are provided along walkways. The rear yard spaces abut one another on interior units and back up to street frontages and the site's perimeter.

The perimeter landscaping includes non-deciduous trees planted 20 feet on center as a buffer from single-family homes to the west and north. Gravel and turf landscaping is provided along street frontages. The intersection landscape area is defined by a corner project identification sign with tiered walls, landscape planters and decorative plant pots. Turf areas undulate along buildings that backup to street frontages. A similar monument sign feature with planters is provided at the main entrance. Landscaping is provided throughout all pedestrian walkways leading to each unit and courtyards. (Note courtyard perspective drawing in the Development Booklet's Tab G.)

Amenities include a community swimming pool with a shade ramada, restrooms and a spa. There is a playground area which includes a tot-lot, shade ramada and seating as well as a practice putting green.

Parking is provided by a mix of garage buildings, covered parking spaces and uncovered parking spaces. A looped drive with two interior drives provides accessibility to all units and amenities. A total of 320 parking spaces are provided which are 22 spaces over parking code requirements.

To better accommodate usability and access into trash containers, the project provides recessed trash bins. These bins are partially below grade creating a depressed containment area, which is easier to access and discard waste as well as more attractive along the interior drives.

### WAIVERS

The development's unique layout and urban lifestyle theme lends itself to request waivers from site development standards that typically apply to standard multi-family apartment site layouts. Several waivers from Zoning Code and the Multi-Family Residential Development Standards are requested and include the following as specified in the Development Booklet:

1. Allow buildings/units and rear yard spaces to encroach into building setbacks and the landscape intersection setback along Alma School and Pecos roads. Required building setback is 50 feet with a 50-foot by 250-foot landscape intersection setback. Several buildings encroach into the landscape intersection setback 7 feet while others encroach into the building setback up to 20 feet providing approximately a 30-foot building setback. The encroachment is requested to create a more urban streetscape setting and provide additional building setbacks along the west and north property lines from existing single-family residences.
2. Allow the project theme wall and view fencing along Alma School and Pecos roads to be 6-feet high within the building and landscape setbacks. The encroachment of decorative walls and fences is similar to recent apartment projects granted encroachments as part of a gated community. A difference with this development is fencing and walls will be closer to right-of-way due to the requested building encroachments; however, this creates the urban streetscape intended with this project.
3. In regards to signage, the application requests to allow the intersection corner project identification sign to exceed maximum height of 2-feet, 6-inches, providing an 8-foot high sign. The increased height of the sign is requested as a component of a larger intersection design feature with decorative walls and planters as well as providing screening of rear yard spaces for the adjacent building backing up to the intersection. Allow the main entrance monument sign to exceed the maximum height of 6 feet,

providing an 8-foot high sign. This sign is also integrated with a tiered wall and planter feature. And, allow the total sign face area of the intersection corner sign and main entrance sign to exceed 60 feet, providing 84 square feet of sign face area.

4. Allow rear yard spaces enclosed with walls instead of required 12-foot in diameter private open spaces typically offered as a patio or balcony on multi-story buildings.
5. Allow a reduction in the total common useable public open space area to be less than the required 150-square feet per bedroom, providing more than half of what is required due to the intended urban setting of this project, less useable open space is provided.
6. Allow a reduced separation between buildings than the required separation by a distance equal to the building height. While these buildings are 15-feet 6-inches high, the separation between buildings is reduced by the use of abutting rear yard spaces.

The Planning Commission and Planning Staff support the requested waivers as the project site layout and building type provide a creative environment for an apartment community. The project includes detached units, courtyards, private rear yard spaces that abut other rear yards similar to single-family lots and offers an urban environment lifestyle that does not lend itself to typical building setbacks, open space and signage.

#### GENERAL PLAN CONFORMANCE

The General Plan designates this property under the Residential category, which allows a range of residential densities from low to high density. The proposed 9.6 du/net acre falls within the Medium Density Residential category, 3.5 to 12 du/ac. Medium density residential is considerable adjacent to arterial streets.

This corner was initially zoned for a commercial development as part of a growing single-family residential area in the 1990s. The Residential category also allows consideration for commercial at arterial street intersections. The arterial street intersection of Alma School and Pecos roads has historically been zoned PAD for commercial with some PDP approvals. None of the corner commercial parcels have yet to develop. This is a classic four-corner commercial intersection in Chandler which warrants evaluation as to the need to maintain all four corners for commercial development. City Staff has discussed this property and determined it is in the best interest of the City to move forward with a residential land use. There is a sister project, Aerie West, on the northwest corner of this intersection with this same residential development request. The City supports these two corners on the north side of Pecos Road and opposite parcels abutting the Loop 202 Santan Freeway for residential use designated under the General Plan. The residential land uses serve as a transitional use to existing single-family homes. The proposed buildings are all 2-story flat roof buildings which provide minimal visual impact next to established residential homes.

The Planning Commission and Planning Staff are of the opinion that the multi-family residential development furthers the City's goal to promote new development, alternative forms of housing, urban forms, creative and unique developments, and compatible land uses adjacent to existing single-family residential. The residential project provides housing in close proximity to freeway access and retail/restaurant developments. The development meets the intent of the Multi-Family Residential Development Standards including architecture, site design and landscaping, while incorporating attractive site wall and entry monument features. The proposed detached apartment units with private rear yard spaces and pedestrian scale courtyards are appropriate as it offers a different product type for Chandler.

#### 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 two area property owners in attendance in support of the project. Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously with 6 voting in favor, 0 in opposition and one abstention (Ryan). The Commission requested the addition of Condition No. 5 for additional useable open space within the project that provides pedestrian connections to amenities.

#### RECOMMENDED ACTIONS

##### **Rezoning**

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

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AERIE AT ALMA & PECOS EAST", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0031, 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 landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or association.
4. 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. The developer shall work with Staff to incorporate a north to south paseo linking open spaces.

##### **Preliminary Plat**

The Planning Commission and Planning 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.

10. RIGHT-OF-WAY ANNEXATION: Ocotillo Road

Ord. #4414

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4414 Right-Of-Way Annexation of Certain County Rights-of-Way of approximately 2.22 acres on Ocotillo Road between McQueen Road and Arizona Avenue.

#### BACKGROUND

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 (ROW) 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 allow City design requirements to be used for planned roadway improvement. A subsequent annexation will be required in the future for the fully acquired and dedicated ROW.

Currently, along Ocotillo Road between McQueen Road and Arizona Avenue, there are two strips of ROW under the jurisdiction of Maricopa County. The Annexation Map attached to the ordinance depicts the entire area to be annexed.

A.R.S. §9-471.02 allows for County ROW 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 ROW parcels will be annexed into the City.

11. CITY CODE AMENDMENT: Chapter 3 Ord. #4416

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4416 amending Chapter 3 of the Chandler City Code, adding Section 3-17 relating to debarment and suspension of City contracts.

#### BACKGROUND

Staff is recommending new City Code provisions to provide for rules and procedures that allow the City Manager or designee to debar or suspend any person from contracting with the City. In past experience, City Staff have discovered information about contractors or had experiences with contractors which call into question a contractor's fitness to be awarded contracts with the City. City Staff have sometimes found difficulty in dealing with these situations because there is currently no formal mechanism for addressing misconduct by contractors or potential contractors with the City. The addition of debarment and suspension rules and procedures will guide the City in responding to misconduct by contractors.

For this guidance, the proposed additions identify what the causes for debarment or suspension may include (i.e. serious violations of contract provisions including knowingly failing without good cause to perform), who would be impacted, length of time, specific effects debarment or suspension impact, and the notification, appeal and reinstatement process. The proposed additions also provide contractors and potential contractors with notice that the City is prepared to respond to misconduct and thus promote integrity and fairness in both the procurement and contract management functions of the City.

The provisions of this ordinance are retroactive and apply to all contracts in existence at the time of final adoption of this ordinance.

12. INITIAL CITY ZONING: West of the SWC of Chandler Heights & Gilbert Roads  
Ord. #4417

MAYOR TIBSHRAENY indicated he had a Conflict of Interest on this item.

INTRODUCED AND TENTATIVELY APPROVED (6-0) Ordinance No. 4417, DVR12-0039 West of the SWC of Chandler Heights & Gilbert Roads, the establishment of initial City zoning of Agricultural on approximately 25 acres located west of the SWC of Chandler Heights and Gilbert roads. (Applicant: City of Chandler.)

#### BACKGROUND

The request is to establish the initial City zoning of AG-1 on an approximate 24.98-acre site located west of the southwest corner of Chandler Heights and Gilbert roads. The Chandler Land Use Element of the General Plan and the Southeast Chandler Area Plan designate the area for Low Density Residential (single-family).

The subject site is surrounded by residential development. Acreage and farmed land are adjacent to the site's west side. South and east of the site is the Circle G at Riggs Ranch custom, single-family residential subdivision.

This request, initiated by Staff, simply 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

The motion to approve was approved unanimously.

#### RECOMMENDED ACTION

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

13. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: The Plaza Ord. #4418

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4418, DVR12-0032 The Plaza, rezoning from Planned Area Development (PAD) for a residential condominium development to PAD.

APPROVED Preliminary Development Plan, The Plaza, for a 65-lot single-family attached residential subdivision located west of the NWC of 56<sup>th</sup> and Harrison streets.

APPROVED Preliminary Plat PPT12-0017 The Plaza, for a 65-lot single-family attached residential subdivision located west of the NWC of 56<sup>th</sup> and Harrison streets. (Applicant: Troy Peterson; bowman Consulting Group, Ltd.)

#### BACKGROUND

The subject site is located west of the northwest corner of 56<sup>th</sup> and Harrison streets. The subject site is a vacant lot that is a remnant piece of the Casa Paloma regional shopping center. The commercial center abuts the site's west, north and eastern property boundaries; south, across Harrison Street, is vacant land zoned Planned Industrial (I-1).

The subject site was rezoned in early 2006 for a 100-unit residential condominium development. With the downturn in the residential condominium market, the site was never developed. The current request is to rezone the property from PAD for condominiums to PAD for townhomes. A single, gated point of access is provided along Harrison Street at the site's western end; a secondary emergency access drive is provided at the eastern end. Due to the constrained site size, the development utilizes a loop road to maximize the number of lots for a density of 9.9 dwelling units per acre (du/ac). A centralized outdoor amenity area is provided with various pedestrian access points leading to the area.

Due to the location of the site and its relatively unique layout, the property is considered as an infill piece and, while the site is correlative to both single-family residential development and multi-family residential development, Staff is cognizant that development standards of either single-family or multi-family should not be directly applied and rather the intent of the design standards should be met to create an attractive, unique development. The Planning Commission and Staff believe that what is presented meets the intent of the Residential Development Standards for infill pieces.

#### HOUSING PRODUCT

The development is presented as a two-, three-, and four-pack product type with the dominant being four-pack development. Each home will provide a two-car garage, separate entry point, outdoor area and covered outdoor areas. The product is designed so that within each pack, two of the entry points are adjacent to each other. This is done for a couple of reasons: 1) to break-up monotonous wall planes and to provide architectural variation and 2) so that in the instances where two entryways are adjacent to each other, enough room is created adjacent to the street that a car can park on the street if necessary. On-street parking will be restricted to one side of the street.

Each unit will be three-stories. The first floor will include the garage, laundry room, and bonus room/office area. The second floor includes kitchen, living and dining areas, and two bedrooms. The third floor is the master bedroom. Each floor contains an outdoor area. The idea behind the layout is to provide living areas equivalent to a typical single-family home. Each home is 2,376 square feet, with a lot size of 30'x60'; corner lots will be an additional 10-feet wide to provide access/drainage easements.

Architectural design of the homes is Spanish in style to complement the adjacent commercial center. Various elements highlighting the Spanish design include various arched elements, recessed windows, shutters and barrel tile elements. The paint palette further complements the architectural style. Architectural elements are incorporated on all visible elevations, creating strong architectural theming.

The Planning Commission and Staff support the request citing the development team has created an attractive development that addresses a housing need while being located within close proximity to urban elements and resolves design issues with a remnant piece of infill property. It is noted in the narrative of the Development Booklet that lot coverage allows for accessory structures. The developer was contemplating the allowance of ramadas; however, following the printing of the booklet, decided to prohibit accessory structures due to the reduced rear yard setback.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 11, 2012. There were no neighbors in

attendance. Staff has received a couple of phone calls from the adjacent property owners seeking general information but did not offer any opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 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 the Development Booklet entitled 'THE PLAZA', and kept on file in the City of Chandler Planning Division, in File No. DVR12-0032, except as modified by condition herein.
2. The applicant shall work with Staff to ensure that the landscape areas between the entrances of the homes provide a non-invasive tree species.
3. The color scheme of the wall shall be consistent with the surrounding area.

##### **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.

#### 14. CONDEMNATION: Water Well Site – Alma School and Pecos Roads Res. #4598

ADOPTED Resolution No. 4598 authorizing condemnation needed to acquire property for the purpose of expanding and re-drilling an existing water well site located south and east of the intersection of Alma School and Pecos roads and to obtain immediate possession thereof.

#### BACKGROUND

The Municipal Utilities Department (MUD) determined a critical existing domestic water well site has collapsed, is unusable and in need of re-drilling. In order to accomplish this, a new hole must be drilled and it is necessary to purchase additional property immediately adjacent to the existing well site. The site is east and south of the intersection of Alma School and Pecos roads. MUD has proposed acquiring title to additional land abutting on the north of the well site for the expansion, together with acquiring a waterline easement running from the expanded well site to Pecos Road and a temporary construction easement for the period of the well improvement project. Using this existing infrastructure will save the City approximately \$500,000.00.

The landowner was presented with an offer for the property to be acquired. The offer was based upon an appraisal and made subject to Council approval. Negotiations have resulted in the landowner requiring certain conditions unacceptable to the City, including: (i) landowner approval of the well site improvements design; (ii) removal of most of the Seller's representations and warranties from the City's purchase agreement form; and (iii) required changes to other documents not acceptable to the City. Accordingly, the property needs to be acquired through eminent domain.

Improvement of the well site is necessary in order to regain water production and capacity. The conditions required by the landowner are unacceptable because they limit and delay the City's ability to re-drill the well as needed. In the absence of agreement between the parties, condemnation is necessary in order to meet the well site online schedule.

15. WITHDREW GENERAL PLAN AMENDMENT: Allred Boardwalk Res. #4651

WITHDREW Resolution No. 4651, General Plan Amendment, GPA12-0002, Allred Boardwalk General Plan Amendment, Minor General Plan text amendment by modifying the language of the South Price Road Employment Corridor for approximately 64.5 acres located at the SW and SEC of Price and Willis roads. The applicant requests withdrawal for the purpose of a future re-advertisement.

16. PERSONNEL RULE AMENDMENT: Rule 12 Res. #4661

ADOPTED Resolution No. 4661 amending Personnel Rule 12, Sections 1B and 1D – Period of Probation.

#### BACKGROUND

Human Resources and the Police Department conducted several recruitments over the past two years for Detention Officers to fill their vacancies. The current job description requires a minimum of two years working as a handler of prisoners in a jail facility. It has been difficult to find a candidate that meets both the minimum requirements and who meets Chandler's Detention methodology of handling prisoners in a more communicative manner while ensuring the safety of all involved. As a result of these recruitment difficulties, the Police Department is requesting that Human Resources create a Detention Officer Trainee classification.

The Trainee classification would require at least one year customer service experience communicating with the public as a minimum qualification for the position. Once an applicant is hired in the Trainee classification, they would undergo a process similar to that of a Police Officer Recruit. The candidate would be required to obtain their Commercial Driver's License Class C with Passenger Endorsement within sixteen (16) weeks of hire, attend and successfully complete a Corrections/Detention Officer Academy as approved by the City and become Fire Arms certified within their first six (6) months with the City. In addition, within the first year of employment, the candidates would have on-the-job-training with a current Detention Officer and/or Detention Officer Supervisor to learn Chandler's Detention policies, procedures and methodologies.

Human Resources supports this approach and recommends that the Detention Officer Trainee be subject to a one-year probationary status similar to Sworn Police and Fire and Dispatch and Communication personnel. The Police Department agrees that one-year probation for the newly created Detention Officer Trainee position is appropriate given the training plan.

17. PRELIMINARY DEVELOPMENT PLAN: AZ 202

COUNCILMEMBER HEUMANN VOTED NAY.

APPROVED (6-1) Preliminary Development Plan PDP12-0013 AZ 202 for site layout and building architecture for a retail, office and hotel development on approximately 45 acres located at the SWC of Arizona Avenue and Pecos Road. (Applicant: Mike Withey; Withey Morris PLC.)

## BACKGROUND

The subject site is located at the southwest corner of Arizona Avenue and Pecos Road and is the last undeveloped quadrant of the Loop 202/Arizona Avenue interchange. The site is bounded by Arizona Avenue, Pecos Road, the Loop 202 San Tan Freeway and the existing Stonebridge Ranch Apartment Complex, and is currently farmed, agricultural land. The other three interchange quadrants have been developed as retail power centers anchored by Wal-Mart, Sam's Club and Kohl's. To the north, across Pecos Road, is an apartment complex along Arizona Avenue with single-family homes to the west. The northeast corner of Arizona Avenue and Pecos Road is occupied by the Pecos Lounge bar. East is a Wal-Mart-anchored commercial center.

The subject site received PAD zoning for office, retail, and hotel uses in 1987 as part of a larger master plan that included the adjacent Stonebridge Ranch Apartment Complex. The zoning was extended in 1989 and was vested when the apartments were constructed in 2000. The site's zoning was amended in 2007 to allow a mid-rise overlay with heights up to 120'. No changes to the uses were requested; however, a PDP was also approved with the proposal. An extension was granted in 2011 for the development.

With the zoning and Preliminary Development Plan approval in 2007, site layout, building architecture and phasing of construction were approved. The current request is to modify site layout and phasing requirements, as well as approve the hotel building architecture. Elevations of the hotel have not been previously reviewed. Site layout is slightly modified by relocating the proposed hotel from a central location to a more southeastern location. Additionally, the proposed parking garage will be relocated from the southwest to be centrally located on the site.

The second request is for development phasing. The 2007 approval included three different phases. Phase I included five buildings on the site's eastern end: the four-story office building, Retail Shops A, Pad F, and Retail Shops C and D. Phase II included the six-story office building, Retail Shops B, Pads A-E, G and H and the parking garage. Phase III included the hotel and commercial parcels, which will require separate PDP approval.

The proposed Phase I will include a minimum of 12,000 square feet with future phasing to be restricted to no more than four pads being constructed prior to an office building or the hotel, and no more than six pads being constructed before the second office building or hotel is built. Staff is supportive of the request due to the fact that the proposed phasing meets the requirements as outlined in the Zoning Code's Commercial Design Standards. All Arizona Avenue and a portion of Pecos Road off-sites will be completed as part of Phase I.

Lastly, with the 2007 approval, representation was made as to how the overall architectural motif of the buildings was to be provided with the requirement that the hotel and individual commercial parcels requiring separate Preliminary Development Plan approval.

The proposed hotel integrates a number of the dominant architectural features of the previous approval including large expansive glass areas, horizontal eyebrow elements, stone wainscot, and metallic entryway. As represented, the hotel architecture sets the level of expectation, and once a hotel user is identified, administrative review will be provided. Staff is recommending that modifications to the plan be made in an effort to make the architectural design more correlative with the remainder of the site, and therefore is recommending the addition of Condition No. 3 requiring the applicant to work with Staff to incorporate additional architectural elements as found on the remainder of the site. All other buildings will architecturally remain the same as how was previously approved.

The Planning Commission and Staff are supportive of the Preliminary Development Plan amendment for the site layout modification, phasing plan and architecture of the hotel. The Planning Commission and Staff support the phasing plan, as the current request takes a more calculated approach at development of the site while maintaining consistency with requirements outlined in the Zoning Code. Additionally, the Planning Commission and Staff are supportive of the architectural design of the hotel, with the added condition addressing the requirement for additional elements.

#### 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 18, 2012. There were two neighbors in attendance with general questions. Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously.

#### RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with the Development Booklet entitled "AZ 202", kept on file in the City of Chandler Planning Division, in File No. PDP12-0013, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3951 in case DVR07-0009 ARIZONA 202, except as modified by condition herein.
3. The applicant shall work with Staff to incorporate additional architectural elements for the hotel in order that the hotel provides a stronger architectural tie to the larger development.

#### 18. WITHDREW REZONING/PRELIMINARY DEVELOPMENT PLAN: Fry's Fueling Center

WITHDREW Zoning DVR12-0002 Fry's Fueling Center, rezoning from Planned Area Development (PAD) to PAD Amended to eliminate conditions prohibiting a fuel station and 24-hour uses.

WITHDREW Preliminary Development Plan for site layout and building architecture located at the SWC of Alma School and Germann roads.

#### 19. CONTINUED REZONING: Allred Boardwalk

CONTINUED TO JANUARY 24, 2013, Zoning DVR12-0009 Allred Boardwalk, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) for a business park on approximately 65 acres located at the SW and SEC of Price and Willis roads.

The companion Minor General Plan Amendment request was continued from the November 8, 2012 City Council meeting to the December 13, 2012 meeting. The Planning Commission and Staff recommend this rezoning request be continued to allow City Council time to hear the preceding General Plan amendment request.

#### 20. CONTINUED REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Chandler Heights

MAYOR TIBSHRAENY indicated he had a Conflict of Interest on this item.

CONTINUED TO FEBRUARY 14, 2013 Zoning DVR12-0022 Chandler Heights, rezoning from Agricultural to Planned Area Development (PAD).

CONTINUED TO FEBRUARY 14, 2013 Preliminary Development Plan, Chandler Heights, for a 68-lot single-family residential subdivision located west of the SWC of Chandler Heights and Gilbert roads.

CONTINUED TO FEBRUARY 14, 2013 Preliminary Plat PPT12-0011 Chandler Heights, for a 68-lot single-family residential subdivision located west of the SWC of Chandler Heights and Gilbert roads.

The request was continued at the November 7, 2012 Planning Commission hearing due to concerns expressed by the surrounding property owners and to allow for additional dialog to occur between the development team and the surrounding property owners. The request will be heard at the January 16, 2013 Planning Commission hearing which will track to the February 14, 2013 City Council meeting.

21. ZONING EXTENSION: Pollack Business Park North Phase 2

APPROVED a three-year timing extension on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for commercial retail/office/showroom and light industrial uses on approximately 16 acres located at the SEC of Arizona Avenue and Elliot Road. (Applicant: Dave Gibson; Robert Kubicek Architects & Associates.)

EXTENSION OF THE TIMING CONDITION

The request is for action on the existing 10-acre parcel located at the northeast corner of Arizona Avenue and Elliot Road. In 1981, the site, as part of a larger industrial development, received zoning approval for an I-1/PAD zoning designation; the zoning was vested due to construction occurring within the larger development. In early 2006, the site received zoning and Preliminary Development Plan approval to include retail uses. The zoning was conditioned to start construction within three (3) years of Council approval, causing the expiration to occur on April 23, 2009. The site received an extension of the zoning in 2009 causing expiration to occur in 2012. The current request is to extend the zoning for a second time for an additional three years. The proposed three-year time extension would be in effect until April 23, 2015 as the time limit is calculated from the previous zoning approval's expiration.

BACKGROUND

The site received its PAD zoning in 2006 in order to allow a mix of retail, light industrial, and showroom uses. Previously, it was zoned Planned Industrial (I-1)/PAD as part of the larger Arizona Corporate Park that flanks both sides of Elliot Road on the east side of Arizona Avenue that is designated for Employment by the General Plan. The rezoning to PAD allowed a logical transition from retail uses that would be more viable along the street frontages to the pure warehouse/industrial uses in the heart of the corporate park, while still maintaining the employment focus. A Preliminary Development Plan was processed concurrently with the 2006 rezoning that provided for the site layout, architecture, landscaping and signage.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Due to the location of the subject site and its surrounding users, a neighborhood meeting was not

held. In lieu of the neighborhood meeting, a letter notifying the surrounding property owners of the request was sent. Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously.

#### RECOMMENDED ACTION

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval for a period of three (3) years with all of the conditions in the original approval remaining in effect.

#### 22. ZONING EXTENSION: Pollack Business Park South

APPROVED a three-year timing extension on the existing Planned Area Development (PAD) zoning to extend the conditional schedule on the existing PAD zoning designation for commercial retail/office/showroom and light industrial uses on approximately 16 acres located at the SEC of Arizona Avenue and Elliot road. (Applicant: Dave Gibson; Robert Kubicek Architects & Associates.)

#### EXTENSION OF THE TIMING CONDITION

The request is for action on the existing 16-acre parcel located at the southeast corner of Arizona Avenue and Elliot Road. In 1981, the site, as part of a larger industrial development, received zoning approval for an I-1/PAD zoning designation; the zoning was vested due to construction occurring within the larger development. In early 2006, the site received zoning and Preliminary Development Plan approval to include retail uses. The zoning was conditioned to start construction within three (3) years of Council approval, causing the expiration to occur on April 23, 2009. The site received an extension of the zoning in 2009 causing expiration to occur in 2012. The current request is to extend the zoning for a second time for an additional three years. The proposed three-year time extension would be in effect until April 23, 2015, as the time limit is calculated from the previous zoning approval's expiration.

#### BACKGROUND

The site received its PAD zoning in 2006 in order to allow a mix of retail, light industrial, and showroom uses. Previously, it was zoned Planned Industrial (I-1)/PAD as part of the larger Arizona Corporate Park that flanks both sides of Elliot Road on the east side of Arizona Avenue that is designated for Employment by the General Plan. The rezoning to PAD allowed a logical transition from retail uses that would be more viable along the street frontages to the pure warehouse/industrial uses in the heart of the corporate park, while still maintaining the employment focus. A Preliminary Development Plan was processed concurrently with the 2006 rezoning that provided for the site layout, architecture, landscaping and signage.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Due to the location of the subject site and its surrounding users, a neighborhood meeting was not held. In lieu of the neighborhood meeting, a letter notifying the surrounding property owners of the request was sent. Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously.

#### RECOMMENDED ACTION

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval for a period of three (3) years with all of the conditions in the original approval remaining in effect.

23. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following Board/Commission appointments:

Public Safety Personnel Retirement Board (Fire)

Mayor's Designee/Chairperson Marian Norris

Public Safety Personnel Retirement Board (Police)

Mayor's Designee/Chairperson Marian Norris

24. SETTLEMENT: Greater Phoenix Chinese Christian Church

COUNCILMEMBER HEUMANN VOTED NAY.

APPROVED (6-1) settlement in *City of Chandler v. Greater Phoenix Chinese Christian Church* in the amount of \$203,250.00, plus statutory interest.

BACKGROUND

The Greater Phoenix Chinese Christian Church (GPCCC) owns two properties at the northeast corner of Ray Road and Pleasant Drive. The City of Chandler submitted an offer to purchase right-of-way and a temporary construction easement (TE) for the Alma School Road and Ray Road Intersection Improvement Project ST-0704 to GPCCC in October of 2009 in the amount of \$85,885.00. GPCCC was not responsive and due to project timing, it became necessary to file an eminent domain action. The City was granted an Order of Immediate Possession. During the interim, City Staff and engineers met with representatives of GPCCC to discuss and work out GPCCC concerns. Both sides supported their respective positions with appraisals and engineering reports from reputable and experienced appraisers and engineering firms.

Subject to Council approval, a settlement has been reached for the additional sum of \$117,365.00, for a total of \$203,250.00 plus accrued statutory interest on the entire amount. Staff recommends the settlement as a fair and reasonable compromise.

25. AUTHORIZE PAYMENT: City of Phoenix

AUTHORIZED the payment of operations and maintenance costs for FY 12/13 to the City of Phoenix as part of the Regional Wireless Cooperative in the amount of \$547,863.19.

BACKGROUND

On October 22, 2009, Council approved the agreement for participation in the Regional Wireless Cooperative Governance (RWC) with the City of Phoenix and Motorola Solutions, Inc. This regional based radio network provides seamless interoperable radio communications for multiple public safety and government agencies operating within the greater Phoenix metropolitan area. There is an annual operations and maintenance fee as part of the cooperative membership which includes maintenance of approximately 1,000 City of Chandler portable and vehicle radios, to include police, fire and municipal departments. Payments will be made quarterly to the City of Phoenix in the amount of \$107,543.55 and an annual system upgrade assessment of \$117,688.99 for an annual amount not to exceed \$547,863.19.

26. AGREEMENT: Dibble Engineering

APPROVED Agreement #AI1301-201 with Dibble Engineering for the design and construction administration services for Airport Terminal Area Parking Lot, pursuant to annual contract #EN1005-101, in an amount not to exceed \$71,946.00. The City received notification of a State grant offer (ADOT Grant Number E2S2H) to design and construct an automobile parking lot that is associated with the northwest apron development.

27. AGREEMENT AMENDMENT: Regional Pavement Maintenance of AZ, Inc.

APPROVED Agreement #ST2-745-3067, Amendment No. 1, with Regional Pavement Maintenance of AZ, Inc., for the purchase of Recycled Tire Rubber Modified Surface Seal (TRMSS) in an amount not to exceed \$380,000.00.

BACKGROUND

Recycled Tire Rubber Modified Surface Seal (TRMSS) is a surface treatment that is used to maintain City streets. TRMSS is used to garner the benefits of the tire rubber added to the sealant. The City of Chandler and neighboring cities have used TRMSS with excellent results and success. By utilizing discarded tires in the asphalt sealant, the streets retain their appearance and longevity. By recycling this rubber material, the City is maintaining its streets using a "green" technology. TRMSS seals smaller cracks and puts a thin layer of asphalt, tire rubber and polymers on the pavement to protect the pavement from deterioration and help to lengthen the life of the pavement. Informational door hangers are used to notify citizens and businesses when work is to be completed. City streets will not be closed as only half a street will be sealed at a time.

28. AGREEMENT: Sand Dollar Construction, Inc.

APPROVED Agreement #ST3-914-3175 with Sand Dollar Construction, Inc., for Wall Repair and Replacement – Commonwealth Avenue and Alma School Road in an amount not to exceed \$266,309.00.

BACKGROUND

This contract is to remove and replace two existing walls in poor condition. The first is a 380-foot wall section which separates an alley from the City's retention basin at Alma School Road and Highland Street. An adjacent wall which separates Fire Station No. 2 from the drainage basin will also be repaired and painted. The second wall is a 980-foot section and is located on the north side of Commonwealth Avenue currently under construction from Hamilton Street to Ithica Place including the small portions on the side streets at the corner lots.

29. AGREEMENT: Cemex Construction Materials south, LLC

APPROVED Agreement #ST3-745-3186 with Cemex Construction Materials South, LLC (Cemex) for Hot Mix Asphalt Materials in an amount not to exceed \$231,693.00 for one year with options to renew for two additional one-year periods.

30. AGREEMENT: SDB, Inc.

APPROVED Agreement #FI1302-401 with SDB, Inc. for Fire Station Fuel Tank Dispensing Systems, pursuant to #JOC1201-401, in an amount not to exceed \$66,801.00.

31. AGREEMENT: Ritoch-Powell & Associates

APPROVED Agreement #F11301-201 with Ritoch-Powell & Associates for Fire Pump Test Facility Design in an amount not to exceed \$43,204.00.

BACKGROUND

City of Chandler Fire Apparatus Pump Testing is required on an annual basis as well as after pump component repair or replacement. The purpose of the test is to ensure fire pumps meet Insurance Services Office ratings, comply with National Fire Protection Association requirements and provide performance data to determine reliability.

Fire apparatus pump test pits must be designed and constructed to allow for fire pump evaluation at full rated capacity while avoiding high water temperatures, water turbulence, and water aeration which can cause premature cavitation in the pump. The key to design of any pump test pit is to provide an adequate source of temperature consistent water free from entrained air and turbulence.

Currently, the City's fire pump test facility is located at Fire Station No. 1. The aging facility is inadequate and has deteriorated causing several issues affecting its longevity, fire pump performance and test results. It also has and continues to damage the surrounding parking lot as well as landscaping. Fire is requesting approval for design of a new pump test facility to be located at the City's McQueen Road Yard.

32. AGREEMENT AMENDMENT: Original Equipment Manufacturer Parts and Service

APPROVED Agreement #FS0-060-2752, Amendment No. 2, with Balar Equipment, Earnhardt Ford Sales Company, Earnhardt Chrysler Jeep Dodge, Earnhardt Toyota Scion, PSS/First In, H and E Equipment, RWC International and Norwood Equipment for Original Equipment Manufacturer (OEM) parts and service in an amount not to exceed \$250,000.00.

33. AGREEMENT: Philips Healthcare

APPROVED an agreement with Philips Healthcare for cardiac monitor maintenance services, sole source, in a total amount not to exceed \$83,528.00 for five years.

BACKGROUND

The Fire Department currently uses 15 Philips cardiac monitor/defibrillators to provide 12-lead cardiac monitoring and electrical therapy, including end tidal CO2 and blood pressure monitoring capabilities on all front line responding Fire apparatus. These monitors were initially purchased in 2007 with a one-year manufacturer's warranty which was followed with a four-year "Gold" level service and repair warranty that will expire on 12/28/2012. The new agreement with Philips Healthcare includes five years of annual service and calibration for \$14,175.00 per year and five years of performance assurance (on-site repairs, including loaner monitors when needed) for \$5,250.00 per year. Philips offers a 14% multi-year discount with the five-year agreement that amounts to a discount of \$13,597.00, bringing the total five-year agreement cost to \$83,528.00. This agreement mirrors the "Gold" level agreement and is scheduled to begin 12/29/2012 and run to 12/28/2017 which will give the Fire Department uninterrupted service protection through 2017.

34. AGREEMENT: ABC Asphalt, LLC

APPROVED Agreement #CM3-745-3183 with ABC Asphalt, LLC for Fire Station No. 2 concrete and asphalt repairs in an amount not to exceed \$93,428.06.

35. AGREEMENT: Asphalt and Concrete Repairs

APPROVED Agreement #BF3-745-3115 with Ace Asphalt of Arizona, Inc., Cactus Asphalt, Regional Pavement Maintenance of Arizona, Inc., and W.L. Emshoff for asphalt and concrete repairs in an amount not to exceed \$425,000.00 for one year.

36. AGREEMENT AMENDMENT NO. 2: SolarCity

MAYOR TIBSHRAENY AND VICE MAYOR WENINGER VOTED NAY.

APPROVED (5-2) Agreement Amendment No. 2 to the Performance Guarantee Agreement and Agreement No. CM2-290-3024 with SolarCity to provide solar arrays to the City Hall parking garage for twenty years in a pre-paid amount of \$296,101.00 and applicable taxes of \$29,758.00 for a total amount of \$325,859.00.

BACKGROUND

On February 23, 2012, City Council approved the Performance Guarantee Agreement and Agreement No. CM2-290-30274 with SolarCity for the purchase of solar power. On August 16, 2012, City Council approved the First Amendment and Performance Guarantee Agreement. In February and August, the City and SolarCity applied to APS for their Production Based Incentive. In both cases, the City did not receive the Production Based Incentive from APS. In meetings with APS, they recommended the City apply for Production Based Incentives under APS's medium size installations (up to 200 kW ac) with funding divided into six bi-monthly allocation periods. The City applied for PBIs in October and received an Incentive of 0.05.

The agreement with SolarCity is to purchase the solar power upfront for a specified cost per kWh. By purchasing the solar power up front, the City is locking in the cost per kWh today. The winter kWh rate is \$.03650 and the summer kWh rate is \$.05145.

The Second Amendment guarantees a minimum kWh production of 7,537,625 over the course of the 20-year agreement and translates into a per kWh price of \$.03928. This price is based on a Production Based Incentive of \$0.05 and has already been approved by APS.

The Second Amendment also changes the size and configuration of the solar array on the parking structure. This is a smaller system size which will be mounted on carports that will be installed on the roof of the City Hall Parking Structure.

Major components of the agreement include:

Guaranteed Annual kWh: 7,537,625 kWh

Cost per kWh: \$.03928

Estimated savings over life of agreement: \$192,220.00

Solar production over the guaranteed minimum amount: no additional cost to the City

37. AGREEMENT AMENDMENT: SolarCity

MAYOR TIBSHRAENY AND VICE MAYOR WENINGER VOTED NAY.

APPROVED (5-2) Agreement #CM2-290-3024, Amendment No. 2, to the Performance Guarantee Agreement with SolarCity to provide solar arrays to the parking lot at the Police/Courts building for twenty years in a pre-paid amount of \$279,213.00 and applicable taxes of \$28,061.00 for a total amount of \$307,274.00.

#### BACKGROUND

On February 23, 2012, City Council approved the Performance Guarantee Agreement and Agreement No. CM2-290-30274 with SolarCity for the purchase of solar power. On August 16, 2012, City Council approved the First Amendment and Performance Guarantee Agreement. In February and August, the City and SolarCity applied with APS for their Production Based Incentive and in both cases, the City did not receive the Production Based Incentive from APS. In meetings with APS, they recommended the City apply for Production Based Incentives under APS's medium size installations (up to 200 kW ac) with funding divided into six bi-monthly allocation periods. The City applied for PBIs in October and received an Incentive of 0.05.

The agreement with SolarCity is to purchase the solar power upfront for a specified cost per kWh. By purchasing the solar power up front, the City is locking in the cost per kWh today. The winter kWh rate is \$.03650 and the summer kWh rate is \$.05145.

The Second Amendment guarantees a minimum kWh production of 7,587,971 over the course of the 20-year agreement, and translates into a per kWh price of \$.037. The price is based on a Production Based Incentive of \$0.05 per kWh and has been approved by APS. The solar array will be installed in the parking lot in front of the Police/Courts building.

Major components of the Second Amendment include:

Guaranteed Annual kWh: 7,587,971 kWh

Cost per kWh: \$.03679

Estimated savings over life of agreement: \$221,770.57

Solar production over the guaranteed minimum amount: no additional cost to the City

38. AGREEMENT: SolarCity

MAYOR TIBSHRAENY AND VICE MAYOR WENINGER VOTED NAY.

APPROVED (5-2) Agreement #CM-290-3024 Phase 2 Performance Guarantee Agreement and Solar Services Agreement with SolarCity to provide solar arrays to the parking lot at the Courts building as well as the roof of the Police building for twenty years in a pre-paid amount of \$302,704.00 and applicable taxes of \$30,422.00 for a total amount of \$333,126.00.

#### BACKGROUND

On February 23, 2012, City Council approved the Performance Guarantee Agreement and Agreement No. CM2-290-30274 with SolarCity for the purchase of solar power. On August 16, 2012, City Council approved the First Amendment and Performance Guarantee Agreement. In February and August, the City and SolarCity applied with APS for their Production Based Incentive (PBI) for large installations and in both cases, the City did not receive the Production Based Incentive from APS.

The agreement with SolarCity is to purchase the solar power upfront for a specified cost per kWh. By purchasing the solar power up front, the City is locking in the cost per kWh today. The winter kWh rate is \$.03650 and the summer kWh rate is \$.05145.

In meetings with APS, they recommended the City apply for PBI under APS's medium size installations (up to 200 kW ac) with funding divided into six bi-monthly periods. In October, the City received an Incentive of 0.05 for a solar array in the parking lot at the Police Courts Building. There is a December funding cycle with APS and the City is proposing to submit an expansion of the solar array at the Police Courts Building to include carport-covered parking behind Courts and a roof mounted array on top of the Police Building. This is an additional guaranteed kWh of 7,721,331 at a price of \$.0392 per kWh for a total of \$302,704.00. It is anticipated that the APS PBI will be \$0.05. The price per kWh is slightly higher for the Phase 2 because of increased labor costs for the roof installation plus additional wire runs. The kWh production is increased because the panels on the roof can be at a higher angle (10%) versus the angle on the carports (5%).

Phase 2 requires a new agreement because the City is required to apply for a new PBI from APS. In addition, should the City be successful in acquiring the PBI from APS, the Phase 2 completion date is different from the Second Amendment project.

Major components of the expansion include:

Guaranteed Annual kWh: 7,721,331 kWh

Cost per kWh: \$.0392

Estimated savings over life of agreement: \$225,668.00

Solar production over the guaranteed minimum amount: no additional cost to the City

39. AGREEMENT: Salt River Project

APPROVED an Agreement with Salt River Project (SRP) for design and construction of the Ocotillo Brine Reduction Facility enhanced electrical service in the amount of \$2,219,214.00.

BACKGROUND/DISCUSSION

The Ocotillo Brine Reduction Facility located on Old Price Road, south of Queen Creek Road, is currently undergoing an expansion to increase wastewater treatment capacity from 1.4 million gallons per day (MGD) to 2.8 MGD, accommodating Intel's plant expansion on Dobson Road. The expansion project began in August 2012 and will be completed in the fall of 2013. In order to meet regulatory requirements, redundant electrical service is required for the facility. For this project, two dedicated underground electrical duct banks will be installed from SRP's Roth Substation located on the southwest corner of Intel's Ocotillo site, north across Intel-owned property to the Ocotillo Brine Reduction Facility. As part of this contract, SRP will design the duct bank, install needed electrical equipment at the Roth Substation and furnish and install the electrical conductor within the conduits. Installation of the electrical duct bank conduits will be done by an Intel-hired contractor. This contract also includes a one-time lump sum buyout of monthly facilities charges. Intel has funded this contract.

40. AGREEMENT: Salt River Project

APPROVED an Agreement with Salt River Project (SRP) for design and construction of the Ocotillo Brine Reduction Facility enhanced electrical service in the amount of \$2,339,557.00.

BACKGROUND

The Airport Water Reclamation Facility (AWRF) located at Queen Creek Road, west of McQueen Road, is currently undergoing an expansion to increase wastewater treatment capacity from 15 million gallons per day (MGD) to 22 MGD, accommodating Intel's plant expansion on Dobson Road. The expansion project began in June 2012 and will be completed in the summer of 2014. In order to meet regulatory requirements, redundant electrical service is required for the AWRF.

A dedicated underground electrical duct bank will be installed from SRP's Pace Substation located south of Ocotillo Road along the western side of the Consolidated Canal to the AWRP property. As part of this contract, SRP will design the duct bank, install needed electrical equipment at the Pace Substation, and furnish and install the electrical conductor within conduits. Installation of the electrical duct bank conduits will be done by Achen Gardner Construction as part of Change Order #2 which is being brought forward under separate Council action. This contract also includes a one-time lump sum buyout of monthly facilities charges. Intel has funded this contract.

41. AGREEMENT: Dibble and Associates Consulting Engineers, Inc.

APPROVED Agreement #WA1303-201 with Dibble and Associates Consulting Engineers, Inc., for water valve replacement design services in an amount not to exceed \$36,810.00.

42. AGREEMENT: Southwest Ground-water Consultants

APPROVED Agreement #WW1307-101 with Southwest Ground-water Consultants for the Recharge Well Testing program pursuant to Contract #EN1203-101, in an amount not to exceed \$51,373.00.

43. CONTRACT: Redpoint Contracting

APPROVED Contract #PR1203-401 to Redpoint Contracting for Tumbleweed Ranch Irrigation Pipe Installation in an amount not to exceed \$111,438.00.

#### BACKGROUND

Tumbleweed Ranch is located in the southeast portion of Tumbleweed Park and provides opportunities to learn and recreate in a unique agricultural ecosystem. This area of the park offers visitors a chance to discover Chandler's sense of place and agricultural heritage. Throughout the year, Tumbleweed Ranch is used to host numerous student field trips and major events including the Chandler Chuckwagon Cook-off and the Ostrich Festival ostrich races.

Located within Tumbleweed Ranch is an open irrigation ditch that is used to flood-irrigate portions of Tumbleweed Park. During events, this irrigation ditch has to be fenced off to eliminate any potential safety issues. This project will replace the open irrigation ditch with an underground pipe, thus eliminating the safety concerns as well as providing additional usable space.

44. AGREEMENT AMENDMENT: Ritoch-Powell & Associates

APPROVED Agreement #FI1301-201 amendment with Ritoch-Powell & Associates to increase the annual limit for Annual Civil Design and Platting Services by \$50,000.00, pursuant to Contract #EN1002-101, for a revised annual limit not to exceed \$150,000.00.

45. PURCHASE: Sprint/Nextel

APPROVED the purchase of mobile communication services and equipment from Sprint/Nextel, utilizing the State of Arizona and Western States Contracting Alliance (WSCA) Contract #EPS070070, in an amount not to exceed \$84,000.00.

46. PURCHASE: Office Supplies

APPROVED the purchase of office supplies from Office Max, utilizing the City of Flagstaff contract, and from Wist Office Products, utilizing the City of Mesa contract, in a combined total amount not to exceed \$225,000.00.

47. USE PERMIT: Zipps Sport Grill

APPROVED Use Permit LUP12-0024 Zipps Sports Grill, Series 12 Restaurant License, to allow liquor sales as permitted for a new restaurant located at 4060 S. Arizona Avenue. (Applicant: Todd Goldman, Goldman Group XII LLC.)

BACKGROUND

Zipps Sports Grill is located within the Fulton Ranch Towne Center in a 6,400 square foot building formerly occupied by Johnny Carinos and subsequently Michael's Pasta and Steakhouse. The restaurant will be open from 11 a.m. to 2 a.m. every day, will have approximately 37 tables in the main dining area, 15 tables in the bar area, and 12 tables in the outdoor patio. There will not be any live entertainment; however, the restaurant will have multiple televisions, a pool table, shuffleboard and a children's game room.

The owner intends to build a new outdoor patio on the east side of the building facing Arizona Avenue. The new patio area will have televisions and speakers; however, Staff does not expect them to present any issues to residences because the patio is facing Arizona Avenue and the restaurant is buffered by a surrounding commercial center. The existing outdoor patio on the north side of the building is planned to be enclosed into storage and a walk-in beer/wine cooler.

PUBLIC/NEIGHBORHOOD NOTIFICATION

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 17, 2012. There was one resident in attendance in support of the request. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously.

RECOMMENDED ACTION

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

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new liquor Use Permit re-application and approval.
2. The liquor Use Permit is granted for a Series 12 Restaurant License only and any change of licenses shall require re-application and new liquor Use Permit approval.
3. The liquor Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.

48. LIQUOR LICENSE: Zipps Sports Grill

APPROVED a Series 12 Restaurant Liquor License (Chandler #14298 L12) for Harry Goldman, Agent, Goldman Group XII LLC, dba Zipps Sports Grill, 4060 S. Arizona Avenue. A recommendation for approval of State Liquor License #12079305 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.

49. USE PERMIT: Zammi's Grill

APPROVED Use Permit LUP12-0025 Zammi's Grill, Series 6 Bar License, to allow liquor sales as permitted for on-premise consumption indoors at an existing restaurant located at 4040 S. Arizona Avenue, Suite 7, within Fulton Ranch Towne Center. (Applicant: William St. Vincent, Zammi II, LLC.)

BACKGROUND

Zammi's Grill is located within the Fulton Ranch Towne Center within a multi-tenant building. The subject suite is approximately 1,500 square feet, which includes a 630 square foot dining area that can accommodate approximately 42 patrons, and approximately 265 square feet that can accommodate approximately 11 patrons. Outdoor tables are located in front of the subject suite and adjacent suites; however, the restaurant does not serve liquor or food at these tables, nor would they be permitted to serve liquor at these tables because they are not bordered by a barrier as required by the State Department of Liquor.

Zammi's Grill received Use Permit approval for a Series 12 Restaurant License in 2009. The current application requests liquor Use Permit approval to switch from a Series 12 to a Series 6 Bar License. A Series 6 Bar License allows the sale of all spirituous liquor for on-site and off-site consumption, whereas a Series 12 Restaurant License allows the sale of all spirituous liquor for on-site consumption only. A Series 6 Bar License does not require a minimum percentage of food sales as required for restaurants.

As the applicant states in the narrative, there will be no operational changes with the change in liquor license. The business will continue to remain open seven days a week from 11 a.m. to 11 p.m. The number of employees will remain the same. There will be no live entertainment, pool tables or dancing. The restaurant will continue to only serve food and liquor indoors. Everything will remain the same, except for the change in type of liquor license.

There are two reasons the applicant provides for requesting the change in liquor license. First, the cost for a Series 6 Bar License is at a ten-year low. Secondly, even though the establishment expects everything to remain the same, the removal of the minimum 40% food sales requirement would save them and the State Department of Liquor Licenses and Control the time and money spent on future audits.

PUBLIC/NEIGHBORHOOD NOTIFICATION

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 11, 2012. There were no neighbors in attendance. The Police Department has been informed of the application and responded with no concerns. Staff has received one phone call from a Fulton Ranch resident who was concerned that taking away the State's ability to hold the restaurant accountable to maintain a minimum 40% food sales might transform the establishment into a local "watering hole" with negative consequences.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously.

### RECOMMENDED ACTION

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

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new liquor Use Permit re-application and approval.
2. The liquor Use Permit is granted for a Series 6 Bar License only and any change of licenses shall require re-application and new liquor Use Permit approval.
3. The liquor Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.

#### 50. LIQUOR LICENSE: Zammi's Grill

APPROVED a Series 6 Bar License (Chandler #125781 L6) for Danette Jo St. Vincent, Agent, Zammi II LLC, dba Zammi's Grill, 4040 S. Arizona Avenue, Suite 7. A recommendation for approval of State Liquor License #06070266 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.

#### 51. USE PERMIT: U.S. Egg Restaurant

APPROVED Use Permit LUP12-0026 U.S. Egg Restaurant, for a Series 12 Restaurant License to allow liquor sales as permitted for a new restaurant at 5840 W. Chandler Boulevard. (Applicant: Theresa Morse.)

### BACKGROUND

U.S. Egg is located on the northwest corner of Chandler Blvd. and Gila Springs Blvd., east of Kyrene Road. The restaurant, which was constructed in 2010 and opened for business in 2011, only serves breakfast and lunch from 6:30 a.m. to 2:30 p.m. and is open seven days a week. The interior of the restaurant seats approximately 200 and an outdoor patio (located on the south side of the building facing Chandler Blvd.) seats approximately 25 people. The applicant has indicated that there will be no entertainment activities such as live music, outdoor music speakers or pool tables.

### PUBLIC/NEIGHBORHOOD NOTIFICATION

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 30, 2012. There was one resident in attendance in support of the project. The Police Department has been informed of the application and responded with no concerns. Planning Staff has received no correspondence in opposition.

### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously.

### RECOMMENDED ACTION

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

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new liquor Use Permit re-application and approval.
2. The liquor Use Permit is granted for a Series 12 Restaurant License only and any change of licenses shall require re-application and new liquor Use Permit approval.
3. The liquor Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.

52. LIQUOR LICENSE: U.S. Egg Restaurant

APPROVED a Series 12 Restaurant Liquor License (Chandler #136935 L12) for Theresa June Morse, Agent, U.S. Egg-Chandler, LLC, dba U.S. Egg Restaurant, 5840 W. Chandler Boulevard. A recommendation for approval of State Liquor License #12079314 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.

53. USE PERMIT: Nosh

APPROVED Use Permit LUP12-0027 Nosh, for a Series 13 Domestic Farm Winery License to allow wine production and liquor sales as permitted for the production, selling and serving of wine for on- or off-premise consumption at a new restaurant within the Copper Point shopping center, 4980 W. Ray Road, Suite 26. (Applicant: Stacey Carson.)

BACKGROUND

The site is located at the northwest corner of Ray Road and McClintock Drive within the Copper Point shopping center. The subject site's zoning is C-2 Commercial PAD, which allows for various neighborhood retail and restaurant uses. The General Plan designation for the site is Commercial Node, which is reflected in the existing commercial development of the site.

The subject site includes a 1,482 square foot building interior with restaurant and lounge seating and a bar. Seating is provided for approximately 45 patrons. They are not proposing any outdoor seating, dining or any live music or gaming on the site.

The restaurant will be open Tuesday through Thursday and then again on Sunday from 4 p.m. to 10 p.m., Friday and Saturday from 4 p.m. to 11 p.m. and will be closed on Mondays. They may also be open for lunch one day a week on Fridays. The restaurant will employ approximately 11 people.

This request is for a Liquor Use Permit approval to allow for wine productions, the selling and serving of wine for on- or off-premise consumption within a proposed restaurant under a Series 13 Domestic Farm Winery License, to be used in conjunction with the existing Series 12 Restaurant License approved under UP03-0024 on July 24, 2003, which is still in effect. They intend to use both the Series 12 Restaurant and the Series 13 Domestic Farm Winery Licenses together. These two uses are correlative to each other and the proposed restaurant.

A Series 13 Domestic Farm Winery License allows the holder to manufacture or produce more than 200 gallons but less than 40,000 gallons of wine annually (no other spirituous liquors). The holder of this license may sell wine produced or manufactured on premises for consumption on or off the premises, may make sales and deliveries of wine to persons licensed to sell wine, and may service wine produced or manufactured on the premises for the purpose of sampling.

Wine production will occur within the kitchen area as designated on the floor plan. Prepressed grapes will be delivered in juice form to eliminate waste in the production process and only fermenting and bottling of the wine will occur onsite. The applicant does not intend to produce more than 400 gallons of wine per year onsite. Storage will occur behind the bar, in the kitchen and in designated locked cabinets.

The Planning Commission and Staff support the request, finding that a Series 13 Domestic Farm Winery License to be used in conjunction with the existing Series 12 Restaurant License is appropriate at this location.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 1, 2012. There were no neighbors in attendance. The Police Department has been informed of the application and has no issues or concerns. Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The 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 granted is for a Series 13 license only and any change of license shall require reapplication and new Use Permit approval.
2. The addition of the Series 13 License Use Permit shall not revoke the existing Series 12 License Use Permit.
3. The Use Permit is non-transferable to any other location.
4. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

#### 54. LIQUOR LICENSE: NOSH

APPROVED a Series 13 Domestic Farm Winery Liquor License (Chandler #143679 L13) for Stacey Diane Carson, Agent, Hugo Vino, Inc., dba NOSH, 4080 W. Ray Road, Suite 26. A recommendation for approval of State Liquor License #13073012 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.

#### 55. USE PERMIT: Santan Brewing Company, Inc.

APPROVED Use Permit LUP12-0030 Santan Brewing Company, Inc., for a Series 1 In-State Production Liquor License to allow for the manufacturing and production of beer, and a Series 7 Beer and Wine Bar Liquor License to allow for incidental retail sales and tastings of beer for both on-and off-premise consumption, 495 E. Warner Road. (Applicant: Anthony Canecchia, Owner.)

#### BACKGROUND

The subject is located east of the southeast corner of Arizona Avenue and Warner Road. Industrial related uses surround the site's perimeter, with the Union Pacific Railroad directly east

of the site. The site was zoned and received Preliminary Development Plan approval in 2005 for a business/industrial park that allowed for Planned Industrial (I-1) uses, as well as office and showroom uses. A Rezoning to expand the permitted uses was approved in 2007. The request is consistent with the zoning.

The subject site is approximately 35,000 square feet. The production/warehousing operations will occupy approximately 31,000 square feet. A relatively minor tasting room is proposed at the main entrance to the building and will occupy approximately 1,500 square feet; incidental office space will occupy the remaining 2,500 square feet. Additionally, a small outdoor patio is provided on the site's north side and is approximately 800 square feet. It is anticipated that the patio will provide seating for 15-20 patrons. The patio area currently exists and will only require perimeter barriers.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Due to the proximity of the subject site and the surrounding area, a neighborhood meeting was not held; however, a letter notifying adjacent property owners of the request was sent consistent with code requirements. Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The 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. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other store 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. The Use Permit is granted for a Series 1 In-State Production and Series 7 Beer and Wine Bar license only. Any change of licensure shall require reapplication and new Use Permit approval.

#### 56. LIQUOR LICENSE: San Tan Brewing Company

APPROVED a Series 1 In-state Producers Liquor License (Chandler #143771 L1) for Anthony Canecchia, Agent, San Tan Brewery Company, Inc., dba San Tan Brewing Company, 495 E. Warner Road. A recommendation for approval of State License #01073034 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.

#### 57. USE PERMIT: I Sushi

APPROVED Use Permit LUP12-0021 I Sushi, Series 12 Restaurant License to allow liquor sales for one-premise consumption indoors and within an outdoor patio, 4939 W. Ray Road, Suites 1 and 2. (Applicant: Jonathan Schuck, Owner.)

### BACKGROUND

The subject site is located east of the southeast corner of Ray and Rural roads, within the Corona del Sol Plaza. The subject site is located at the eastern portion of the site within a section of inline shops. Commercial development is adjacent to the subject site's north, west and southern boundaries; east, approximately 60 feet, is the Daybreak Vista II single-family residential subdivision.

The commercial center was initially approved in the mid-80s; zoning lapsed and was ultimately developed in the mid-90s following a Zoning and Preliminary Development Plan approval. The subject suite has had a variety of Asian restaurants with the most recent sushi restaurant operating from 2007 until earlier this year. The previous restaurant operated with a Series 12; however, did not serve alcohol on the outdoor patio. The current request is for approval to sell liquor as permitted with a Series 12 restaurant license within a new restaurant and on the outdoor patio. The outdoor patio was constructed prior to the two previous restaurants occupying the site; however, the restaurants never served alcohol on the patios. The serving of alcohol on the outdoor patio triggers the new Use Permit.

The restaurant is approximately 3,500 square feet and can accommodate 100 patrons. The outdoor patio is approximately 700 square feet and will accommodate approximately 25 patrons. The current user is maintaining the same layout as previous users, with minor modification occurring to the interior. The restaurant will be open Monday through Saturday and will be closed on Sundays. Typical hours of operation will be from 11 a.m. to 11 p.m. It is anticipated that there will be 20 employees.

### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 26, 2012. There were no neighbors in attendance. Staff has received no correspondence in opposition.

### PLANNING COMMISSION VOTE REPORT

The 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. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other store 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 and outdoor patio shall be maintained in a clean and orderly manner.
5. Televisions, speakers and music are prohibited outside of the restaurant.
6. The Use Permit is granted for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.

58. USE PERMIT: Vintage 95

APPROVED Use Permit #LUP12-0031 Vintage 95, Series 12 Restaurant License, to allow liquor sales for on-premise consumption indoors and within an outdoor patio and existing restaurant within Historic Downtown Chandler, 95. Boston Street. (Applicant: Gavin Jacobs.)

BACKGROUND

The subject site has an existing Liquor Use Permit which was approved October 27, 2011. The only significant change from the 2011 approval is the removal of the previously stipulated one-year time limit. The 2011 approval included the addition of outdoor live music to the existing approved 2010 Liquor Use Permit.

The subject site's zoning is CCD (City Center District), which is a unique district that promotes specialty retail, cultural, dining, entertainment and other storefront businesses traditional to a downtown setting. The South Arizona Avenue Corridor Area Plan (SAZACAP) designates the subject site for Urban Commercial, which is intended for certain pedestrian-oriented uses that draw from a larger market area than the immediately surrounding neighborhoods. Across the alley to the south is the Site 6 City-owned parking lot that the SAZACAP designates for Cultural/Entertainment uses which could include a range of more intense cultural, commercial, entertainment, and office uses. One block southwest of the subject site is an established residential neighborhood that the SAZACAP designates for Low Density Residential uses with a Future Growth Area overlay for possible future expansion of the Cultural Entertainment uses.

The subject site includes an approximately 2,800-square foot building interior with restaurant seating and a bar, a small front patio along Boston Street and a larger rear patio backing to the alley. The rear patio has restaurant seating, a bar and three raised square" features" (a fire pit, a water feature and a future tree) that serve as gathering points. Seating is provided for approximately 178 persons, including 100 on the interior, 20 on the front patio and 58 on the rear patio.

The site provides live music, both indoors and outdoors, on the rear patio. The music may include amplified acoustic guitar and vocals (daily), or a small 3-piece jazz band (Thursday through Saturday only). Only the jazz bands will include a bass guitar. No drums or DJs are requested. The music schedule is 5 p.m. to 10 p.m. Monday through Wednesday, 11 a.m. to 1 a.m. Thursday through Saturday and 12 p.m. to 10 p.m. on Sunday.

DISCUSSION

The Planning Commission and Staff support the request, finding that live music (outdoor and indoor) is appropriate at this location if controlled so as to not unreasonably disturb the residential neighbors. The subject site has been a good neighbor to the surrounding neighborhood and the Downtown District, having no complaints filed with the Police Department or opposition during the neighborhood meeting and public notification process. The subject site and surrounding area is of a unique and different nature than liquor uses located in shopping centers elsewhere in the City. In Downtown Chandler, the property lines are much closer to each other and there is a greater expectation for entertainment-related uses such as live music.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 2, 2012. There were no neighbors in attendance. The Police Department has been informed of the application and has no issues or concerns. Staff has received no correspondence in opposition.

### PLANNING COMMISSION VOTE REPORT

The 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 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 and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. The outdoor patios shall be maintained in a clean and orderly manner.
5. Music shall be controlled so as to not unreasonably disturb area residents.
6. The restaurant shall provide contact information for a responsible person (restaurant owner and/or manager) to interested neighbors that will allow music complaints to be resolved quickly and directly.

#### 59. CONTINUED USE PERMIT: Centro De Alabanza Juda

CONTINUED TO JANUARY 24, 2013, Use Permit ZUP11-0016 Centro De Alabanza Juda, to allow a temporary storage trailer to be located on-site located at 450 S. Hamilton Street. The applicant requests a continuance to allow additional time to notify the neighborhood of the request and to be heard by the Planning Commission.

#### 60. USE PERMIT: Harvest for Humanity

APPROVED Use Permit ZUP12-0027 Harvest for Humanity, to operate a community garden on a vacant lot at the NWC of Chicago and Dakota streets. (Applicant: Denise Phillips, Harvest for Humanity.)

### BACKGROUND

The subject site has a long history stemming back to the 1926 Building Zone Plan (zoning map), at which point it was designated for single-family residential development. At some time between the 20s and 60s, the site was rezoned to multi-family. The residential home that is adjacent to the site's western boundary was built in the mid-30s. The area is predominantly residential in nature.

In late 2011, the applicant entered into a lease agreement with the City of Chandler for two years in order to allow the development of a community garden. Prior to entering into the lease agreement, Staff, along with the applicant, held a number of neighborhood meetings to gather input from the community as to whether or not it would be a use that would be utilized and to encourage participation within the community. Three neighborhood meetings were held with overwhelming support. Staff, along with Neighborhood Resources personnel, canvassed the immediate neighborhood speaking with residents; again, support was overwhelming for the request.

The Use Permit is triggered primarily due to the fact that there is not an analogous use listed in the table of permitted uses for multi-family residentially zoned property. Because of this, it was determined that a Use Permit would be required. The garden site will be maintained and operate

by Harvest for Humanity, a non-profit organization specializing in providing fresh produce for those in need within the community. A variety of fruits, vegetables and flowers will be grown. It is anticipated that neighbors from the surrounding neighborhood will participate in the planting, maintenance and upkeep of the garden. At harvest, the fruits will be shared with participants, members of the community in need and local food banks. As part of the operations, small communal classes will be held at the site to help individuals become more sufficient in growing their own vegetables, etc. Minor modification may be made to the submitted site plan based on better layout and planting practices.

### DISCUSSION

The Planning Commission and Staff support the request citing that the re-use of the property provides a creative opportunity to address an undeveloped site located within a mature area of the downtown. Additionally, the proposed use is not only beneficial to the area, but also provides a test case for the future development of community gardens within the City.

### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Three neighborhood meetings were held throughout 2010 and 2011 regarding the development of a community garden. Additionally, notifications and surveys in both English and Spanish regarding the development of a community garden were also sent throughout the neighborhood. Based on the various meetings and notifications, a formal neighborhood meeting in regards to this request was not held as the request has not changed. Staff has received no correspondence in opposition.

### PLANNING COMMISSION VOTE REPORT

The 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. Expansion or modification beyond the approved exhibit (Site Plan) 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. The Use Permit shall coincide with any terms of the lease agreement between Harvest for Humanity and the City of Chandler.

### 61. USE PERMIT: Presidio Wireless

APPROVED Use Permit ZUP12-0028, Presidio Wireless, to allow a 65' monopalm wireless communication facility in the Presidio Executive Center, 1120 S. Dobson Road at the SWC of Pecos and Dobson roads. (Applicant: Clear Blue Services for AT&T Mobility.)

### BACKGROUND

The application requests Use Permit approval to install a new 65'-tall monopalm (62' top of antennas) wireless communications facility to be located within a 24' x 30' lease area within the Presidio Office Complex on Dobson Road just south of Pecos Road. The Zoning Code requires a

Use Permit for wireless communication facilities in non-industrial zoning districts that do not utilize existing poles or towers. This request is for a new facility within an existing Planned Area Development. The approximately 4.6-acre office complex site is bordered to the north, south and west by commercial and office Planned Area Developments. To the east, across Dobson Road, is the Silverton Ranch residential subdivision. The nearest residentially zoned property is over 660' to the west, 715' to the east, 760' to the south and 940' to the north. The office complex contains four (4) buildings and a large permanent parking lot with covered and uncovered spaces spread throughout the complex.

The monopalm is proposed to be located on the southwest corner of the complex within the parking lot. A monopalm is a cell tower disguised as a palm tree. The monopalm will be setback approximately 565' from Dobson Road ROW. One parking space will be removed to accommodate the new facility. Parking for the facility will be located within the existing parking lot for the complex. The complex has many palm trees on the site at the main building entrances and entrances into the complex.

Within the immediate area, there are no suitable alternatives for co-location on existing poles or towers. According to the information provided by the applicant and AT&T as required by the Zoning Code, there are only three (3) verticalities of a height similar to or greater than the proposed monopalm within one (1) mile. They are the T-Mobile monopalm directly to the south, the Verizon Wireless tower a mile south on Germann Road and the monopalm over a mile south also along Germann. The applicant has analyzed these co-location possibilities and found them implausible because one is located outside the needed coverage area to fill in their service gaps and the two monopalms to the south do not offer the ability to collocate on their existing design. An inventory of these verticalities has been provided by the applicant.

#### DISCUSSION

The Planning Commission and Staff find the proposed location to be appropriate for a wireless facility in the form of a 65'-high monopalm (62' to top of antennas) The location is within an existing medical/office complex and over 660' from residential properties and is compatible with surrounding land uses. The existing surrounding complex and church to the south all have several existing date palm trees which further blend the monopalm into the surroundings of the immediate area and precludes the need for additional live trees adjacent to the monopalm. Also, since the date palm trees are used to highlight major complex entrance features and building entrances, it would not be appropriate to create a grove effect behind the buildings in the corner.

The Planning Commission and Staff recommend that the monopalm fronds be required to extend beyond the antennas and additional opaque screening be added to the wrought iron fencing surrounding the ground equipment to ensure adequate camouflage. The applicant has brought the antenna arrays as close to the pole as possible and any needed extension of frond length is not anticipated to present an unnatural appearance.

#### 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 October 15, 2012. There were no neighbors in attendance. One citizen contacted Staff about this project but was not opposed. Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The 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. Development shall be in substantial conformance with the approved exhibits except as modified by conditions herein. Expansion or modification of the use beyond the approved exhibits shall require a new Use Permit application and approval.
2. The monopalm shall provide long enough palm fronds so as to extend beyond the antennas to provide adequate camouflage.
3. Further screening shall be required along with the wrought iron fencing to visually conceal the equipment inside.

#### 62. LIQUOR LICENSE: Zorba's Restaurant

APPROVED a Series 12 Restaurant Liquor License (Chandler #144388 L12) for Anis Ben Harzallah, Jr., Agent, Zorba's Restaurant, 1964 N. Alma School Road, Suite 10. A recommendation for approval of State Liquor License #12079323 will be sent 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. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Zorba's Restaurant.

#### 63. LIQUOR LICENSE: Table 49 Restaurant and Wine Bar

APPROVED a Series 12 Restaurant Liquor License (Chandler #143735 L12) for Dragana Cosic, Agent, Ocotillo East LLC, dba Table 40 Restaurant and Wine Bar, 4949 S. Alma School Road. A recommendation for approval of State Liquor License #12079307 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. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Sau'tee.

#### 64. LIQUOR LICENSE: LongHorn Steakhouse #5455

APPROVED Series 12 Restaurant Liquor License (Chandler #144622 L12) for John Michael Knapp, Agent, Rare Hospitality Management, Inc., dba LongHorn Steakhouse #5455, 980 N. 54<sup>th</sup> Street. A recommendation for approval of State Liquor License #12079334 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. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as TGI Friday's.

#### 65. LIQUOR LICENSE: Bourbon Street Bar & BBQ

APPROVED a Series 12 Restaurant Liquor License (Chandler #144512 L12) for Theodore Edwin Henn, Agent, Hennsco LLC, dba Bourbon Street Bar & BBQ, 4920 S. Gilbert Road, Suite 3. A recommendation for approval of State Liquor License #12079324 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. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Tom's BBQ.

66. LIQUOR LICENSE: Eastwind

APPROVED a Series 12 Restaurant Liquor License (Chandler #144676 L12) for James Chaebung Chung, Agent, Silbo LLC, dba Eastwind, 58 W. Buffalo Street, Suite 110. A recommendation for approval of State Liquor License #12079322 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. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Sushi Eye.

67. CONTINUED LIQUOR LICENSE: Pho Van

CONTINUED TO JANUARY 24, 2013, Liquor License, Series 12, 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.

68. CONTINUED LIQUOR LICENSE: Restaurant El Zacatecano

CONTINUED TO JANUARY 24, 2013, Liquor License, Series 7, for Noelia Ortiz, Restaurant El Zacatecano, 474 W. Ray Road, to allow the applicant time to complete the requirements for a new Use Permit.

69. PRELIMINARY PLAT: Jackson Place

APPROVED Preliminary Plat PPT12-0013 Jackson Place, for a new 28-lot single-family residential subdivision on 6.4 acres located at the SEC of Ray Road and Jackson Street. (Applicant: Troy Peterson; Bowman Consulting.)

BACKGROUND

The plat creates the lots, establishes the necessary easements and dedicates the required rights-of-way.

RECOMMENDED ACTION

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

1. Approval by the City Engineer and Director of Transportation and Development with regard to the details of all submittals required by code or condition.

70. FINAL PLAT: Jackson Place

APPROVED Final Plat FPT12-0021 Jackson Place, for a new 28-lot single-family residential subdivision on 6.4 acres at the SEC of Ray Road and Jackson Street. (Applicant: Troy Peterson; Bowman Consulting.)

BACKGROUND

The plat creates the lots, establishes the necessary easements and dedicates the required rights-of-way.

71. AGREEMENT CHANGE ORDER: Achen-Gardner Construction, LLC

APPROVED Agreement #WW1105-402, Change Order No. 2, with Achen-Gardner Construction, LLC for Construction Manager at Risk for Phase II of the Ocotillo Water Transmission Main and Wastewater Forcemain in the amount of \$587,300.48, for a revised contract price of \$13,786,565.85.

72. CONTINUED DEVELOPMENT AGREEMENT: AZGL, LLC Res. #4662

CONTINUED TO JANUARY 24, 2013, Resolution No. 4662 authorizing a development agreement with AZGL, LLC for property located south of the SWC of Germann and Price roads.

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

CONTINUED TO JANUARY 24, 2013, Ordinance No. 4392, DVR12-0006 Price Road Commerce Center, rezoning from Agricultural (AG-) to Planned Area Development (PAD).  
CONTINUED TO JANUARY 24, 2013, Preliminary Development Plan (PDP) for a business park on approximately 38 acres located south of the SWC of Germann and Price roads.

This item was moved from action to the consent agenda during the meeting and continued to January 24, 2013.

PUBLIC HEARINGS:

PH1. ANNEXATION: NWC Lindsay and Riggs Roads.

ANNEXATION of approximately 12.25 acres located west of the NWC of Lindsay and Riggs roads. (Applicant: Jeremy Ramsdell; Aston Woods Homes.)

The Mayor opened the public hearing at 7:08 p.m.

MR. ERIK SWANSON, City Planner said this property is in an area designated as low-density residential by the General Plan and the Southeast Chandler Area Plan.

He said it is also important to note that the ultimate request is to connect this proposed annexed piece with the property to the west for a larger single family residential development.

BACKGROUND

The subject site is located west of the northwest corner of Lindsay and Riggs roads, and is currently zoned RU-43 within the County. The Chandler Land Use Element of the General Plan designates the area for Rural Agrarian character allowing for single-family residential development.

Directly north of the site are a number of residential properties located within the jurisdiction of the County. West is the undeveloped large-lot single-family residential subdivision Jacaranda; east is the single-family residential subdivision Shadow Ridge. South is an SRP substation with the Springfield Lakes single-family residential subdivision south of Riggs Road. The southern parcel of the annexation request is a remnant City parcel that was purchased for a future well.

Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

No action is required of the Council at this time. There were no comments from the audience.

The Mayor closed the public hearing at 7:09 p.m.

PH2. ANNEXATION: SEC McQueen and Willis Roads

ANNEXATION of approximately 1.6 acres located east of the SEC of McQueen and Willis roads. (Applicant Jalil Ahmad, Mars Enterprises.)

The Mayor opened the public hearing at 7:10 p.m.

MR. SWANSON, CITY PLANNER said according to the Land Use Element of the General Plan this area is designated as low-density residential, within the Airpark Area Plan, however, it is designated as supporting high-density residential, the surrounding properties just north are agricultural pieces within the County, west is a substation, east is agricultural land and south is PAD zoned property for multi-family development.

This piece is also in process of submitting development plans for future development of this site and the parcels to the east.

In response to a question from COUNCILMEMBER ORLANDO, MR. SWANSON said the General Plan calls for low density. In the Airpark Area Plan, it's designated as high density residential. The proposed plan is for a high-density town home development.

COUNCILMEMBER HEUMANN asked MR. SWANSON if this is a parcel that was not part of the City and everything to the east is being combined.

MR. SWANSON said that this site was a remnant ADOT piece. He said it was an odd piece that was left over. The properties to the east were previously acquired.

BACKGROUND

The subject site is located east of the southeast corner of McQueen and Willis roads and is currently zoned RU-43 within the County. The Chandler Land Use Element of the General Plan designates the area for Low-Density Residential.

Directly north of the site are a number of residential properties located within the jurisdiction of the County. West is an SRP substation. East is vacant land currently zoned Agricultural (AG-1) and with PAD zoning for multi-family development located east of the AG-1 parcel. South is the Santan 202 Freeway.

Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

No action is required of the Council at this time. There were no comments from the audience.

The Mayor closed the Public Hearing at 7:12 p.m.

PH 3. ANNEXATION: Arizona Avenue and Riggs Road

ANNEXATION of approximately 2.1 acres at the SEC of Arizona Avenue and Riggs Road. (Applicant: David Cisiewski; David Cisiewski, PLLC.)

The Mayor opened the public hearing at 7:12 p.m.

MR. ERIK SWANSON, CITY PLANNER stated the General Plan designates it for employment uses and commercial. Surrounding properties to the south and east are industrial type properties located within the County. This piece is a split zoning with a C-1 designation and an Industrial 2 within the County. Ultimately, the City will annex it in granted the initial City zoning consistent with the commercial designation. There are utilities both on Arizona and Riggs Road.

MAYOR TIBSHRAENY asked if there are any structures on this property. Mr. Swanson replied no.

MAYOR TIBSHRAENY asked if there were on either of the two previous sites. MR. SWANSON said that all three sites have no structures, they are vacant properties.

MAYOR TIBSHRAENY asked what the driving force is on the annexation of this particular property. MR. SWANSON said there is a development request in place that is currently under review by staff.

BACKGROUND

The subject site is located at the southeast corner of Arizona Avenue and Riggs Road and is currently zoned C-1 (Commercial) and IND-2 (Industrial) within the County. The Chandler Land Use Element of the General Plan designates the area for Low-Density Residential and as a Commercial Node.

Directly north of the site is Riggs Road; west is Arizona Avenue. East is property zoned IND-2 and has an existing plumbing business located on-site. South is vacant property zoned IND-2.

Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

No action is required of the Council at this time. There were no comments from the audience.

The Mayor closed the Public Hearing at 7:14 p.m.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor Tibshraeny noted an item approved on the agenda is the community garden in the downtown area that is being developed by Harvest for Humanity and supported by the Chandler Kiwanis Club and J2.

The Mayor invited the public to attend the [Celebration Plaza](#) induction ceremony on Saturday, December 15, starting at 9 a.m. at Tumbleweed Park. This year's inductees are former Mayor Jerry Brooks and posthumously Najeeby Basha. The Plaza is a permanent monument that

proudly displays plaques honoring organizations or individuals for their civic leadership, public outreach and outstanding personal service and commitment to the community.

Mayor Tibshraeny thanked Councilmember Kevin Hartke and City staff for their work on the City's 100-Hour Centennial Volunteer Challenge. Last week, the City held a Volunteer Recognition Breakfast at the Chandler Center for the Arts to honor more than 100 people who volunteered the most hours during the Challenge conducted between Jan. 1 and Oct. 31, 2012. A total of 142,894 volunteer hours were reported by 2,152 people, of which 463 individuals reached 100 hours or more.

Mayor Tibshraeny thanked the East Valley Partnership for presenting him with the organization's Dwight Patterson award for lifetime-achievement. The Mayor also thanked Angela Creedon, with Arizona State University, for submitting his nomination.

Mayor Tibshraeny closed his remarks by noting that this is the last City Council meeting of the year, and that 2012 was a phenomenal year for the community. There were several significant events, including the visit by President Obama and the City's Centennial Celebration. He recognized the years of hard work by City Council's and City staff to make Chandler what it is today.

MAYOR TIBSHRAENY announced that the next City Council meeting will be held on January 10, 2013. New and returning Councilmembers will be installed at this meeting, and there will be a public reception beginning at 5 p.m. in the Vision Gallery.

B. Councilmembers' Announcements

Councilmember Rick Heumann noted that Hanukkah, the Festival of Lights, was being celebrated in the Jewish community and he thanked the Mayor for participating in a menorah lighting ceremony the night before. Councilmember Heumann noted that the Arizona SciTech Festival will return in February, with the Chandler Science Spectacular being held Feb. 13, 15-16, 2013. Details are at [www.chandleraz.gov/science](http://www.chandleraz.gov/science). He said a new event, 48 West, will be combined with the Downtown Celebration. He also announced the Ostrich Festival and Mayor's Fun Run scheduled for March.

In their closing remarks, each of the Councilmembers praised City staff for their hard work and dedication to service on behalf of the community. They also wished everyone a safe and happy holiday and New Year.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 7:25 p.m.

ATTEST: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved: January 10, 2013

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 13<sup>th</sup> day of December 2012. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
City Clerk