

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, February 14, 2013 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

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

Also in attendance:

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

INVOCATION: Pastor Thomas Wiggins – Mount Olive Baptist Church

PLEDGE OF ALLEGIANCE: Boy Scout Carl Whitesel led the Pledge of Allegiance.

UNSCHEDULED PUBLIC APPEARANCES:

Mr. Carl Whitesel stated he was a Boy Scout with Troop 379 and attends Arizona Erie College Prep and reported that his school has run out of printer paper and does not have any on budget until a few weeks.

The Mayor thanked Carl for his comments.

CONSENT:

MOVED BY COUNCILMEMBER HARTKE, SECONDED BY VICE MAYOR SELLERS, TO APPROVE THE CONSENT AGENDA AS PRESENTED. MAYOR TIBSHRAENY DECLARED A CONFLICT OF INTEREST ON ITEM 15.

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED the Chandler City Council Regular Meeting Minutes of January 24, 2013.

2. ANNEXATION: NWC Lindsay and Riggs Roads

Ord. #4420

ADOPTED Ordinance No. 4420, annexation of approximately 12.25 acres located west of the NWC of Lindsay and Riggs roads.

3. ANNEXATION: SEC of McQueen and Willis Roads Ord. #4421

ADOPTED Ordinance No. 4421, annexation of approximately 1.6 acres located east of the SEC of McQueen and Willis roads.

4. ANNEXATION: Arizona Avenue and Riggs Road Ord. #4422

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4422, annexation of approximately 2.1 acres east of the SEC of Arizona Avenue and Riggs Road. (Applicant: David Cisiewski; David Cisiewski, PLLC.)

#### BACKGROUND

The subject site is approximately 2.1 acres located at the southeast corner of Arizona Avenue and Riggs roads. The Chandler Land Use Element of the General Plan and the Southeast Chandler Area Plan both designate the area for commercial and/or employment type uses.

The subject site is located at the immediate corner and is currently zoned Commercial (C-1) and Industrial (IND-2) in the County. An existing electric company is adjacent to the east and vacant land to the south; both properties are within the jurisdiction of the County and zoned IND-2. West, across Arizona Avenue, is a commercial center within the jurisdiction of the County. North of Riggs Road is vacant land within the jurisdiction of Chandler currently zoned I-2.

Council held a public hearing for the subject site at their December 13, 2012 meeting. The request has been processed in compliance with State Statutes governing annexations. Staff has received the signed petition from the property owner and recommends approval of this annexation request.

#### UTILITY SERVICES

Existing municipal services are located in Arizona Avenue and Riggs Road and include sewer, water and reclaimed water services.

#### STAFF COMMENTS

Staff circulated this request among City departments and received no negative comments relative to the property's annexation; however, Staff has heard from the Sun Lakes Fire District (SLFD) regarding the annexation of the property due to the site being located within the SLFD. The SLFD believes that the site does not meet State requirements for annexation. City legal staff reviewed the annexation and has determined that the site does meet the State requirements. The SLFD opposes the annexation, but will not challenge the annexation. The SLFD and the City of Chandler have executed the required intergovernmental agreement (IGA).

5. POWER EASEMENT: Salt River Project Ord. #4423

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4423 granting a no-cost power easement to Salt River Project (SRP) for the brine reduction facility at the SEC of Price and Appleby roads.

#### BACKGROUND/DISCUSSION

As part of the improvements to the City's brine reduction facility at the SEC of Price and Appleby roads, it is necessary to provide an additional feeder line. As a result, SRP requires a power distribution easement at this location. The easement will be at no cost as it was required by a City project and benefits the public.

6. REZONING/PRELIMINARY DEVELOPMENT PLAN: Circle K Ord. #4426

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4426, DVR11-0037 Circle K (SEC Arizona Avenue & Riggs Road), rezoning from initial City zoning of Neighborhood Commercial (C-1) and General Industrial (I-2) to Planned Area Development (PAD) for a gas station with convenience store. (Applicant: David Cisiewski, Esq., MD Partners, LLC.)

APPROVED a Preliminary Development Plan (PDP) for a gas station with convenience store on property located at the SEC of Arizona Avenue and Riggs Road. (Applicant: David Cisiewski, Esq., MD Partners, LLC.)

BACKGROUND

This property has been under Maricopa County's jurisdiction with C-1 commercial and IND-2 industrial zoning. Parcels to the east and south are also zoned in the County with IND-2 and C-1 zoning respectively. Abutting the east side is an existing industrial business, Stewart Electric & Communications and abutting the south side is undeveloped commercial land. Further south are two existing industrial companies, Gold Canyon Candle Company in Chandler and Maax Spas Industries in the County. The northwest and southwest corners of the Arizona Avenue and Riggs Road intersection are developed in the County with a gas station and storage facility on the northwest corner and a fast-food restaurant and vacant retail strip center on the southwest corner. The subject parcel is in the annexation process with initial City zoning of C-1 and I-2. The proposed development requests rezoning to Planned Area Development (PAD) to allow an approximate 4,450 square foot retail convenience store, gas service with 8 fuel pumps and a 4,648 square foot canopy cover over the gas service area. A Preliminary Development Plan (PDP) includes the site and building design component.

The convenience store and fuel dispensing uses are placed behind a landscaped intersection corner. The convenience store is located on the easternmost property line with the gas dispensing area in the site's middle. Building locations allow for required ingress/egress, right-of-way dedications/improvements, internal vehicular access and streetscape landscaping while maintaining an aesthetic presence at the intersection. The site provides sufficient parking with 18 parking spaces.

Pedestrian routes from the intersection corner and within the site provide convenient access to the store. Future vehicular and pedestrian cross access with land to the south is also proposed. There are no median breaks proposed with this development, instead two right-in and right-out only driveways from each street frontage.

The intersection corner is decorated with several Date Palm trees as well as shade trees highlighting a pedestrian pathway. Landscaping is provided through a palette that features Desert Museum, Chilean Mesquite, Sonoran Palo Verde, and Texas Ebony along the street frontages including north and south of the retail store. Decorative screen walls border the interior edge of streetscape landscaping with materials and colors matching building architecture.

The project's architecture incorporates various building materials, southwest earth-tone paint colors, varied rooflines and plane changes, and vertical and horizontal wall plane elements. The retail store features split face brick CMU veneer, stucco, concrete roof tile and stone veneer. The

fuel canopy carries over the convenience store architecture through similar stepped parapet forms, southwest and earth-tone paint color schemes on the stucco exterior and stone veneer on columns.

The application proposes monument, building and fuel canopy signage that meets the Commercial Design Standards for signage. Two 6'-high, single-tenant panel monument signs are proposed, one along each street frontage. The signs include an aluminum parapet cap and CMU base with brick veneer that mimics the convenience store parapet. The signs feature internal illumination with routed out letters, digital numbers for the fuel prices and product display.

Building signage is located on the north and west elevations and consists of a 5-foot high logo wall sign. The gas canopy includes three logos at 3'6" high on the west, south and north facades. The signage is internally illuminated.

The application requests relief from the Zoning Code requirement that the landscape intersection setback be 50 feet deep x 250 feet in length along both street frontages. The request is to reduce the depth along Arizona Avenue due to the site's limited depth. Instead, additional landscaping is provided along both street frontages. Planning Staff supports this request for relief.

Due to the parcel's small size and location at an arterial street intersection, integration of site design, landscaping and development code standards typical for a larger commercial retail development is not necessary. The application meets the intent of the Commercial Design Standards. Due to the site's small size, not all required and optional items are met. An itemized list of the accomplished Commercial Design Standards can be found in the Development Booklet.

#### GENERAL PLAN CONFORMANCE

The property is designated on the General Plan's Land Use Plan as employment and a commercial node. The General Plan also designates this property as part of the more specific Southeast Chandler Area Plan, which designates this site for the same uses. The proposed commercial uses are consistent with the Southeast Chandler Area Plan and General Plan.

#### DISCUSSION

The application represents a well-designed development that is compatible with the surrounding area. The rezoning to allow a fuel station and convenience store uses does not negatively affect the surrounding properties, which remain under County jurisdiction with industrial and commercial zoning. Annexing and developing the subject site in Chandler allows for greater design implementation and streetscape appearance.

#### PUBLIC /NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood meeting was held on July 11, 2012 with only one person in attendance. An employee of Stewart Electric on County property to the east attended inquiring about the building's east elevation design and fencing along the east property line.

Staff received correspondence from a property owner of a newly constructed gas station with a convenience store and car wash at the southwest corner of Arizona Avenue and Chandler Heights Road, an ARCO AM/PM development. This owner does not want another gas station built within one mile of his site. Staff is not aware of any other opposition or concerns with this request.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 6-0 with Commissioner Veitch absent.

## RECOMMENDATIONS

### **Rezoning**

Upon finding consistency with the General Plan and Southeast Chandler Area 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 and Southeast Chandler Area 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 "CIRCLE K STORE", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0037, 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 property owners' association.
4. The site shall be maintained in a clean and orderly manner.
5. 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.
6. Raceway signage shall be prohibited within the development.
7. Fuel tank venting shall be fully screened in a manner to be architecturally integrated with the development as represented in the Development Booklet.

7. REZONING: Chandler Business Center

Ord. #4427

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4427, DVR12-0028 Chandler Business Center, rezoning from Planned Area Development (PAD) light industrial with ancillary showroom uses in Buildings A/B and retail/office in Building C to PAD light industrial, showroom, place of worship/church and Community Commercial (C-2) zoning district uses permitted by right in Buildings A/B and C with the exception of no restaurant uses in Buildings A/B located at the NWC of Chandler Boulevard and Kyrene Road. (Applicant: Jay Jolley, K&I Architects & Interiors; Mike Withey, Withey Morris PLC.)

## BACKGROUND

The subject property is located at the northwest corner of Chandler Boulevard and Kyrene Road. West of the site is an existing U-Haul moving and storage facility and surrounded on the north and northwest by an industrial business park. Directly north of the development is a church, industrial manufacturer, general office and a gymnasium. A hotel, fast-food restaurant, City fire station and a carwash are located east of the site across Kyrene Road. South of the site, across Chandler Boulevard, is an existing shopping center. The immediate corner parcel abutting the subject site is under separate ownership with C-2 zoning and developed separately with a retail shops building.

The application requests rezoning Buildings A/B and C to allow additional uses to what is currently permitted. Building D is under different ownership, thus not a part of this request and uses will remain the same. The property owner of Buildings A/B and C wants to market Buildings

A/B for commercial type uses due to recent inquiries by a retail store, fitness business, church and medical office. A church has leased space in Buildings A/B and would like to expand, thus this application would make church uses permitted. Commercial uses permitted by right in the C-2 zoning district would occupy Buildings A/B and C such as retailers, general/medical/dental offices, personal services, fitness uses, assembly uses and churches/places of worship in addition to the currently allowed light industrial and showroom uses in Buildings A/B only. Exceptions include no restaurant uses in Buildings A/B and no light industrial uses in Building C.

In April 2001, the commercial property was granted rezoning approval to Planned Area Development (PAD) for a mix of retail, light industrial and general office development with Preliminary Development Plan (PDP) which designated individual uses for each building. In September 2002, the PAD zoning was amended to allow showroom uses in addition to the light industrial warehousing in Buildings A/B. In March 2003, a separate PDP was approved for a comprehensive sign package.

The existing PAD zoning with PDP limits the uses occurring in the three buildings zoned and developed as part of Chandler Business Center, Buildings A/B, C and D. Building A/B is the northernmost and largest building allowing light industrial uses with ancillary general office and showroom. Showroom uses would include, for example, tile, plumbing and fixture, home entertainment, custom cabinetry and closets, custom kitchen design, furniture showroom, or fabric showroom companies. Office and showroom is limited to a maximum of 25% and warehouse/light industrial limited to a maximum of 50%. Building C at the site's southwest corner off of Chandler Boulevard allows retail and general office uses with a maximum of 40% general office and 60% retail. Building D along Chandler Boulevard allows retail at 100% which also includes restaurant uses.

The addition of C-2 type uses in Buildings A/B and C, as noted above, is contingent upon the site having enough parking spaces. A parking analysis was reviewed to determine if the site provides sufficient parking for the additional uses. While not a part of this rezoning case for uses, Building D is part of the overall shared parking and vehicular access with Buildings A/B and C as originally zoned and developed. The overall development was required to have 430 parking spaces and 596 spaces were provided, which is an excess of 166 parking spaces. For Buildings A/B and C, which are approximately 130,750 square feet, 491 parking spaces exist today. The addition of commercial uses to Buildings A/B requires a total of 479 parking spaces based on current parking regulations. The site provides appropriate parking to accommodate commercial uses in Building A/B while maintaining light industrial and showroom uses, as well as commercial uses in Building C and the existing commercial uses in Building D. Planning Staff supports the addition of commercial type uses as proposed.

#### GENERAL PLAN CONFORMANCE

The General Plan Land Use Element designates this property for Employment land uses, promoting the development of general or light industrial uses and industrial support uses. Commercial office and general services including retail and restaurant uses are a component of major employment areas and are in conformance with the General Plan.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood notice was sent to area property owners in lieu of a neighborhood meeting due to no surrounding residential. Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7-0.

### RECOMMENDATION

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

### 8. REZONING/PRELIMINARY DEVELOPMENT PLAN: Orthopedic Group Ord. #4428

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4428, DVR12-0038 Orthopedic Group, rezoning from Planned Area Development (PAD) light industrial, general office, commercial, airport uses, adult vocational education uses with a mid-rise overlay to an amended PAD zoning adding medical office and athletic field to the permitted uses.

APPROVED a Preliminary Development Plan (PDP) for a medical office with athletic field located east of the SEC of the Loop 202 Santan Freeway and Cooper Road. (Applicant: Cawley Architects, Paul Devers.)

### BACKGROUND

The application requests approval to allow the addition of medical office and an athletic field to the Chandler Airport Center's permitted uses specifically for an approximate 5-acre property located east of Cooper Road and south of the Loop 202 Santan Freeway off of Yeager Drive. Chandler Airport Center (CAC) is a master planned mixed-use business park supporting the Chandler Municipal Airport area. The subject site has yet to develop and is bounded on the north by the Santan Freeway, commercial office, recreation/fitness and industrial development to the south and undeveloped commercial and industrial properties to the west and east.

While the CAC permits general office uses, medical office use and athletic fields are not permitted. The development proposal includes a medical office facility specializing in the diagnosis, treatment and rehabilitation of sports related injuries. The orthopedic facility offers orthopedic diagnosis, surgery, physical therapy, and sports performance training. The one-story building is approximately 18,742 square feet with 12,418 square feet of medical office and a 6,324 square foot surgery center. The orthopedic center has approximately 20 employees and 100 patients a day. The office is open Monday through Friday from 7 a.m. to 6 p.m.

An approximately 2-acre athletic field abuts the medical facility. The field is large enough for football and soccer use. An integral part of the facility's rehabilitation program is use of the field by patients during business hours. Sport performance training, rehabilitation and exercise will occur. After office hours from 6 p.m. to 10 p.m. and on weekends, the field is available to local sports clubs for practice and games. The field includes light poles not to exceed 50 feet high, a lighted scoreboard, bleachers, goal posts and nets. Lights will be shielded to prevent light shining off the property. Lights will turn off by 10:30 p.m. Bleachers accommodate up to 34 people. There may be up to approximately 70 people at the field for a game. The field is artificial turf. The maintenance and operation of the field is taken care of by the Orthopedic Group ownership. Adjacent to the office is a half-court basketball area for patient and staff use only.

The building and site design meet the Commercial Design Standards as appropriate for a medical office site with a sports field. Architectural character is modern with custom design features to enhance building façades. The building's design adds character to the CAC area. Construction materials include concrete masonry units (CMU), synthetic stucco, glazing, and exposed steel elements. Elevations vary with vertical and horizontal plane changes, materials, texture and paint colors. The building's main entrance is on the south side and flanked with two large masonry piers. The entry is covered and shaded by a steel shade canopy. The front façade is enhanced

with clerestory windows and a storefront system varying in height. There's a second entrance for surgical patients that is designed similar to the main entrance area. On the north and east elevations, smooth face CMU façades are broken up with rectangular steel panels mounted with metal standoffs to be approximately 10 inches from the building wall. Windows are specifically placed to offer interior lighting. Four-sided architecture occurs with enhanced wall planes on all sides.

The site's frontage is angled along a curvilinear street creating a triangular landscape area ranging from approximately 30 feet to over 100 feet in depth. There are two entrance/exits on either side of the landscape area leading to the building's front. Pedestrian access is also provided from the street. The western drive leads to the main parking area and access to parking in front of the building's entrance. Additional parking is provided on the building's east side. The building is located midway within the parcel accented by building foundation landscaping and an outdoor seating area. There is a landscaped area with barrel cactus and deer grass located between the entries to the building with benches and artwork for patients, families and medical staff.

The project's artwork is provided in two manners. The building incorporates a series of rectangular steel panels along the east and west building elevations designed in a rhythmic pattern. Street panel constructed flags matching the rhythmic pattern are provided in the outdoor seating area varying in height from 4 to 6 feet.

Landscaping around the parcel's perimeter is designed with Sissoo trees and shrubs. The site has existing turf and trees along the street frontage. Additional landscaping is provided on the site's interior. Decorative screen walls are provided along parking areas and equipment. A parking shade canopy is provided on the building's east side.

The development provides sufficient parking for the medical facility and activities of the athletic field during office hours and on weekends when the office is closed.

Building and monument signage is not included with this application and shall meet the requirements for CAC and Sign Code.

#### GENERAL PLAN CONFORMANCE

The General Plan Land Use Element designates this property for Employment land uses, promoting the development of general or light industrial uses and industrial support uses and as a part of the more specific Airpark Area Plan. The Airpark Area Plan designates this site for Commercial/Office/Business Park for which it is currently zoned. The addition of a medical office and an athletic field on the subject site are compatible uses to existing general office, educational institutions and recreational/instructional sports uses in the immediate vicinity of CAC.

#### AIRPORT RECOMMENDATION

The Airport Commission reviewed the zoning amendment request in accordance with the Airport Conflicts Evaluation Process. The Airport's Economic Development Specialist/Airport Administrator has issued a conflicts evaluation report indicating that the Airport Commission determined the proposed uses do not constitute a conflict with existing or planned airport uses.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 5, 2012. There was one property owner in attendance to learn about the proposal. Staff has received no correspondence in opposition.

### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7-0. One Commissioner asked if the light bulbs would be visible from resident's backyards over 400 feet away on the north side of the Loop 202 freeway. Staff conveyed the light bulbs are also required to be shielded and aimed downward as best as possible and that the particular type of pole and light will be determined during construction plan review.

### RECOMMENDATIONS

#### **Rezoning**

Upon finding consistency with the General Plan and Airpark Area 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 and Airpark Area 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 "Orthopedic Group", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0038, except as modified by condition herein.
2. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
5. 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.

9. CITY CODE AMENDMENT: Chapter 43

Ord. #4429

INTRODUCED AND TENTATIVELY APPROVED Ordinance No 4429 adopting updated versions of existing design and construction standards and amending Chapter 43, Section 43-5 Subsections 43-4.5.A, 43-4.5.B, 43-4.5.C, 43-4.5.E and 43-4.5.I of the Chandler City Code.

### BACKGROUND/DISCUSSION

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

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

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

- February 2012 Standard Details and Specifications Manual
- February 2012 Technical Design Manuals #1 & 2, Water & Wastewater System Design
- February 2012 Technical Design Manual #3, Storm Drainage System Design
- February 2012 Technical Design Manual #5, Traffic Signal Design
- In addition, this Ordinance would adopt the 2013 revisions to the MAG Uniform Standard Specifications and Details with certain modifications.

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

10. INITIAL CITY ZONING: Lindsay and Riggs Road Ord. #4430

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4430, DVR12-0047 West of the NWC of Lindsay and Riggs Roads, the establishment of initial City zoning of Agricultural (AG-1) on an approximately 12.25 acres located west of the NWC of Lindsay and Riggs roads. (Applicant: City of Chandler.)

#### BACKGROUND

The request is to establish the initial City zoning of A-1 on an approximate 12.25-acre site located west of the northwest corner of Lindsay and Riggs roads. The Chandler Land Use Element of the General Plan designates the site as Residential; the Southeast Chandler Area Plan designates the area for Rural/Agrarian, supporting low-density residential development.

The subject site is generally located within a larger low-density residential area with a developed subdivision within the jurisdiction of Chandler to the east, vacant land designated for single-family residential to the west, agricultural properties located within the County to the north and a vacant future City well site and SRP substation directly south.

Consistent with State Statutes, when a property is annexed into a municipality's jurisdiction, the municipality must grant a zoning designation equivalent to the zoning designation in the County; the AG-1 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 passed unanimously 7-0.

#### RECOMMENDED ACTION

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

11. INITIAL CITY ZONING: McQueen and Willis Roads Ord. #4431

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4431, DVR12-0048 East of the SEC of McQueen and Willis Roads, the establishment of the initial City zoning of Agricultural (AG-1) on approximately 1.6 acres located east of the SEC of McQueen and Willis roads. (Applicant: City of Chandler.)

#### BACKGROUND

The request is to establish the initial City zoning of AG-1 on approximately 1.6 acres located east of the southeast corner of McQueen and Willis roads. The Chandler Land Use Element of the General Plan designates the site as Residential; the Chandler Airpark Area Plan designates the area for High-Density Residential (12-18 dwelling units per acre).

The subject site is currently vacant; however, was previously used as a staging area for the Arizona Department of Transportation during the construction of the Loop 202. East is vacant land planned for multi-family development; north, agricultural land within the County; west, a substation within the jurisdiction of the County and the Loop 202 directly south of the site.

Consistent with State Statutes, when a property is annexed into a municipality's jurisdiction, the municipality must grant a zoning designation equivalent to the zoning designation in the County; the AG-1 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 townhome development 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 passed unanimously 7-0.

#### RECOMMENDED ACTION

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

12. INITIAL CITY ZONING: Arizona Avenue and Riggs Road Ord. #4432

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4432, DVR12-0046 SEC of Arizona Avenue and Riggs Road, the establishment of initial City zoning of Neighborhood Commercial (C-1) and General Industrial (I-2) on approximately 2.1 acres located at the SEC of Arizona Avenue and Riggs Road. (Applicant: City of Chandler.)

#### BACKGROUND

The request is to establish initial City zoning of C-1 and I-2 on approximately 2.1 acres located at the southeast corner of Arizona Avenue and Riggs Road. The Chandler Land Use Element of the General Plan and the Southeast Chandler Area Plan both designate the area for Commercial and/or Employment type uses.

The subject site is located at the immediate corner with an electric company to the east and vacant land to the south. Both properties are within the jurisdiction of the County and zoned IND-2. West, across Arizona Avenue, is a commercial center within the jurisdiction of the County. North of Riggs Road is vacant land within the jurisdiction of Chandler currently zoned I-2.

Consistent with State Statutes, when a property is annexed into a municipality's jurisdiction, the municipality must grant a zoning designation equivalent to the zoning designation in the County; the C-1 and I-2 zoning designations meet 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 fueling station 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 passed unanimously 7-0.

#### RECOMMENDED ACTION

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

13. REZONING: Chandler Freeway Crossing

Ord. #4433

INTRODUCED AND TENTATIVELY APPROVED Ord. #4433, DVR13-0003 Chandler Freeway Crossing, rezoning from Planned Area Development (PAD) for business park uses consisting of a mixture of office, manufacturing and industrial uses, to Planned Area Development (PAD) Amended to include a Mid-Rise Overlay for buildings exceeding 45-feet in height on approximately 40 acres located at the NWC of Pecos Road and Ellis Street just north of the Loop 202 Santan Freeway. (Applicant: Wes Balmer, Balmer Architectural Group, Inc.)

#### BACKGROUND

The subject site is located on the northeast side of the Santan Loop 22 and Price 101 freeway interchange in west Chandler. The property is surrounded to the north by an industrial (Business Park) area that includes vacant land as well as existing industrial buildings. West of the Price Freeway is the southern end of the Chandler Fashion Center. East of the site is a mixed-use area that includes a concentration of multi-family residential, industrial and commercial uses. South of the Loop 202 Santan Freeway is the balance of the Gateway Park development.

The subject site received PAD zoning in 1989 as part of the larger 156-acre Gateway Park master plan. The larger Gateway Park master plan included a Mid-Rise Overlay, located just south of the freeway interchange, for buildings up to 85-feet in height. The PAD zoning, most recently revised in 2001 and extended in June of 2005, identified the subject 40-acre site for a Business Park development. Permitted uses included all standard industrial and employment uses including, but not limited to, general office, wholesaling, light manufacturing, assembly, distribution and/or warehousing, and packaging. In October 2005, the site received Preliminary Development Plan (PDP) approval for the site layout and building architecture for a multi-building business park. To date, two buildings have been constructed on approximately 10 acres of the 40-acre site.

The subject 40-acre site did not include a Mid-Rise Overlay as part of the larger Gateway Park master plan; therefore, buildings are restricted to maximum 45-feet in height. The request is for rezoning from PAD for business park uses to PAD Amended to include a Mid-Rise Overlay for buildings up to 150-feet in height.

The City of Chandler adopted a Mid-Rise Development Policy in 1985 intended to guide the location and design considerations for the development of buildings greater than 45-feet in height. The policy was updated and re-adopted in 2006 in response to the considerable growth the City experienced following 1985. The policy update took into consideration, for example, the City's two new freeway corridors (101 & 202), as well as the development of the Chandler Fashion Center regional mall and South Price Road Employment Corridor. Chandler's 2008 General Plan update highlighted the fact that as the City approaches build-out, recognition that the land resource for business development is limited and diminishing is vital. A General Plan Goal to 'permit increased development intensity in select locations' would be achieved by encouraging 'building heights greater than forty-five feet at select locations in accordance with the Mid-Rise Development Policy'. The subject site's freeway-interchange adjacency and absence of single-family residential land uses within 300-feet make the subject site a premier Mid-Rise Overlay candidate eligible under the policy.

The Development Booklet contains exhibits for a proposed 3-story office building at approximately 5-feet in height. Architecturally, the building continues the clean, simple yet majestic architectural style established by the 2005 PDP approval and the existing two buildings. Careful placement of the glazing helps reduce the visual massing and provide a timeless design. While the proposed building is shown at only 55-feet, the application requests approval for buildings up to 150-feet to provide the site viability for 6-8-story office development as encouraged by the General Plan and Mid-Rise Development Policy. Staff will continue to utilize the 2005 PDP approval's design guidelines to administer development within the balance of the subject site. No other changes are proposed for the approved PDP design guidelines with the exception of permitted building height.

#### DISCUSSION

Staff supports the request. Based upon the General Plan's increased intensity goals and the Mid-Rise Development Policy's locational criteria, the subject site is ideal for consideration of increased building heights. The subject site sits at the northeast corner of a freeway interchange that includes elevated interchange ramps that are approximately 45-feet high in relation to the subject site. These existing adjacencies will further provide future buildings a sense of scale and place. Finally, with existing and/or planned single-family residential significantly further than 300-feet from the subject site, concerns regarding proximity are non-existent.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed according to the provisions of the City of Chandler Zoning Code. Neighborhood meetings were held on January 28 and 29, 2013. There were no neighbors in attendance. Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 6-0 with Commissioner Veitch absent.

#### RECOMMENDED ACTION

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

14. INTERGOVERNMENTAL AGREEMENT: Sun Lakes Fire Department Res. #4668

ADOPTED Resolution No. 4668 authorizing an Intergovernmental Agreement (IGA) with the Sun Lakes Fire Department (SLFD) for the transfer of fire protection services from the SLFD to the City of Chandler for property located at the SEC of Arizona Avenue and Riggs Road.

## BACKGROUND

The subject site is approximately 2.1 acres located at the southeast corner of Arizona Avenue and Riggs Road and is currently in the process of being annexed into the jurisdiction of Chandler. Due to the site being located within the Sun Lakes Fire District, and in accordance with State Statutes, when annexed territories are incorporated into a municipal jurisdiction, an IGA is required when transferring fire protection services.

15. WITHDREW ZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT:  
Chandler Heights

MAYOR TIBSHRAENY DECLARED A CONFLICT OF INTEREST ON THIS ITEM.

WITHDREW for the purpose of re-advertising, Zoning DVR12-0022 Chandler Heights, rezoning from Agricultural (AG-1) to Planned Area Development (PAD).

WITHDREW for the purpose of re-advertising, Preliminary Development Plan (PDP) for a 68-lot single-family residential subdivision located west of the SWC of Chandler Heights and Gilbert roads.

WITHDREW for the purpose of re-advertising, Preliminary Plat, PPT12-0011 for a 68-lot single-family residential subdivision located west of the SWC of Chandler Heights and Gilbert roads.

Due to a number of concerns expressed at the November 7, 2012 Planning Commission hearing, the applicant is in the process of reviewing alternative design elements for the development and is currently uncertain as to when the redesign will be complete.

16. AGREEMENT CHANGE ORDER: Chasse Building Team, Inc.

APPROVED Agreement #GG1203-402, Chandler Order No. 1, with Chasse Building Team, Inc., for construction services for ASU Downtown Offsite Improvements, pursuant to JOC1202-40, in the amount of \$37,671.67 for a revised contract price of \$154,357.26, and conditioned upon the Notice to Proceed not being issued until ASU has selected the Guaranteed Maximum Price (GMP).

On February 23, 2012, Council approved the Arizona State University lease for the Chicago Yard and authorization for improvements. The former Public Works yard is a 33,000 square foot industrial building that is ideal for the uses of the ASU College of Technology and Innovation. ASU has proposed three programs to operate in the facility, expanding from the Polytechnic campus and will partner with TechShop for joint use of the facility. The building will function as classroom and shop space together with TechShop's fabrication studio and will initially house approximately 100 students and faculty, expanding over the next three years to house approximately 1,000 students and faculty.

ASU will be reconstructing the site to replace a crumbling parking lot, as well as to modify the drainage on site that now ponds at the rear of the building. In conjunction with the site work, the Delaware Street frontage is being upgraded as a part of ongoing downtown improvements.

17. AGREEMENT: City of Tempe and City of Scottsdale

APPROVED an Agreement with the City of Tempe and the City of Scottsdale for the purpose of a "tri-city" firefighter recruitment and written testing process and sharing the cost of such process.

### BACKGROUND/DISCUSSION

The current firefighter recruitment process is that each city recruits and administers written tests for firefighter applicants. Generally, the applicant pool for the process in each city was the same group of people. In addition, each city would purchase validated written tests from testing companies to ensure compliance for the testing process. Each city would independently bare the cost of marketing, providing registration forms and issuing the written examination. This IGA will formalize the process of jointly recruiting and administering the validated written test. After the recruitment and written test, each city will conduct hiring interviews on their own in order to determine qualities important to that city. The IGA includes a provision to allow other jurisdictions the opportunity to join, reducing the costs even further.

### FINANCIAL IMPLICATIONS

The IGA is written that the costs for marketing, registration, test purchase and test administration will be shared equally by the parties involved. The aggregate cost for all phases is estimated to be \$48,000.00. The City share will be approximately \$16,000.00.

#### 18. AGREEMENTS: Laboratory Testing Services

APPROVED Agreements #MU3-962-3169 with TestAmerica Laboratories, Inc., Trans West Analytical Services, LLC dba Xenco Laboratories, Legend Technical Services of Arizona, Inc., and Eurofins Eaton Analytical, Inc., for laboratory testing services for two years in a combined total amount not to exceed \$905,000.00, with provisions to extend for four additional one-year periods.

#### 19. AGREEMENT AMENDMENT: Carbon Activated Corporation

APPROVED Agreement #MU2-885-3042, Amendment No. 2, with Carbon Activated Corporation for additional filter media and installation services in the amount of \$56,983.00 for a total contract amount of \$661,069.00.

#### 20. CONTRACT AMENDMENT: Consultant Engineering, Inc.

APPROVED Contract #EN1202-101, Amendment No. 1, with Consultant Engineering, Inc., for On-call Offsite/Onsite Inspection services increasing the annual limit by \$80,000.00 for a revised annual limit not to exceed \$275,000.00, and AUTHORIZED Project Agreement #EN1202-102 with Consultant Engineering, Inc., for On-call Offsite/Onsite Inspection services in an amount not to exceed \$275,000.00.

### BACKGROUND/DISCUSSION

Recently, private development and utility permit issuance has increased to the point that warrants additional City inspection services. There is a 12% increase in encroachment permits issued when compared to this time last year. Some of these permits involve large projects that require extra attention and inspection. The number of Capital Improvement Projects has also increased.

#### 21. CONTRACT: AJP Electric, Inc.

APPROVED Contract #ST1202-401 to AJP Electric, Inc., for Queen Creek Road and Bush Way Traffic Signals Installation Improvements in an amount not to exceed \$221,432.51.

### BACKGROUND/DISCUSSION

Traffic Engineering has received a number of requests for a full traffic signal at the intersection of Queen Creek Road and Bush Way. A traffic study has determined that this intersection meets the federal warrants for a traffic signal at this location which will service residential traffic on Hartford Street to the north and Bush Way to the south. Underground duct work for the signal was constructed several years ago as part of the Queen Creek Road widening project. This project scope includes the installation of a traffic signal and new Americans With Disabilities Act accessible ramps.

22. CONTRACT EXTENSION: Ritoch-Powell & Associates

APPROVED Contract #EN1002-101 extension with Ritoch-Powell & Associates for one year to the existing Annual Civil Design and Platting Services contract in an amount not to exceed \$250,000.00.

BACKGROUND/DISCUSSION

City Staff selected Ritoch-Powell & Associates in anticipation of the need for a number of sites currently held by the City to be converted to plat subdivisions for the U.S. Department of Housing and Urban Development (HUD). The City also has at least three additional lot areas that have been purchased and would like to ultimately subdivide, plat and sell in order to establish future subdivisions. The City has also made use of the annual contract for minor land divisions and general civil engineering services on an as-needed basis.

Under this contract, individual project agreements will be prepared for execution and approval for each specific project. Project agreements over \$30,000.00 will be submitted for Council approval up to the annual aggregate of \$250,000.00. This action will result in saving the cost of the selection process and the time to bring individual projects forward.

23. CONTRACT EXTENSION: Sunrise Engineering

APPROVED Contract Extension #EN1004-101 with Sunrise Engineering for one year to the existing Annual Civil Design and Platting Services contract in an amount not to exceed \$150,000.00.

BACKGROUND/DISCUSSION

City Staff selected Sunrise Engineering in anticipation of the need for a number of sites currently held by the City to be converted to plat subdivisions for the U.S. Department of Housing and Urban Development (HUD). The City also has at least three additional lot areas that have been purchased and would like to ultimately subdivide, plat and sell in order to establish future subdivisions. The City has also made use of the annual contract for minor land divisions and general civil engineering services on an as-needed basis.

Under this contract, individual project agreements will be prepared for execution and approval for each specific project. Project agreements over \$30,000.00 will be submitted for Council approval up to the annual aggregate of \$150,000.00. This action will result in saving the cost of the selection process and the time to bring individual projects forward.

24. PURCHASE: Tires

APPROVED the purchase of tires from various vendors for City-owned equipment and vehicles, utilizing the State of Arizona contract, in an amount not to exceed \$300,000.00.

25. USE PERMIT: Sibley's West

APPROVED Use Permit LUP12-0034 Sibley's West, Series 10 Beer & Wine Store License, extension to allow liquor sales as permitted for off-premise consumption only, located at 72 S. San Marcos Place, west of Arizona Avenue and south of Buffalo Street in Historic Downtown Chandler. (Applicant: John Wolfe, Sibley's West.)

BACKGROUND

The request is for Use Permit approval to sell alcohol for off-premise consumption in conjunction with a Series 10 Wine & Beer Store License. The suite is located within Chandler's Historic Downtown Square. The 2,000-square foot subject business is open Monday through Thursday 11 a.m. to 7 p.m., Fridays and Saturdays from 10 a.m. to 9 p.m. and Sundays from 11 a.m. to 4 p.m. A variety of retail tenants occupy the other suites. The applicant proposes to showcase local Arizona bottled wines and sell the wines in addition to the other gifts available.

Last year, a liquor use permit was approved for this site and business under LUP11-0017, with a one (1) year time constraint for continued Staff evaluation. After correspondence with the Police Department and hearing no objections, Staff recommends approval of the request with the removal of the time constraint.

DISCUSSION

The Planning Commission and Staff support the request finding that the store is appropriate at this location and that the use has operated for the past year without incident.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on December 12, 2012. There were no citizens in attendance. The Police Department has been informed of the application and has responded with no objections.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7-0.

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 10 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 beyond the approved Floor Plan and Narrative shall void the Use Permit and require new Use Permit application and approval.

26. USE PERMIT: Desert Viking Office

APPROVED Use Permit ZUP12-0030 Desert Viking Office, to allow for the conversion of a residential home into a commercial business, a general office use, located at 542 W. Chandler Boulevard. (Applicant: Niels Kreipke, AOK Property Assets, LLC.)

BACKGROUND

The subject site is located on the north side of Chandler Boulevard east of Hartford Street. The property is surrounded by single-family residential homes to the north, west and east. South, across Chandler Boulevard, is the Focus Corporate Plaza office development. The house immediately to the west has Use Permit approval for an insurance office. In addition, along Chandler Boulevard there are several other residential homes that were converted to commercial businesses with Use Permits.

The property has been used as a single-family residence since approximately 1950. The property is 18,720 square feet with the home developed over two lots, which are being consolidated into one lot. The residential conversion is for an approximate 2,613 livable square foot home. The proposed use is for a general office specializing in a full service real estate development firm that focuses on redevelopment, urban infill, construction, brokerage agency and property management under a single company, which operates as two separate entities, Desert Viking and Venture REI (the real estate agency).

The Residential Conversion Policy allows for one tenant/company for each 1,000 square feet of floor area with a maximum of three users. Based on the size of the home, 2.6 tenants are permitted. There is one tenant operating as two entities as discussed above. There are four offices, two conference rooms, a file room, reception area and lobby. There is no residential component. The office includes 7 employees with some working off-site.

The Residential Conversion Policy requires one parking space for each employee plus one parking space for each 500 square feet of floor area. Seven employees and a 2,613 square foot home (5 parking spaces) require a total of 12 parking spaces. The development provides 10 parking spaces including the two-car carport. The Use Permit requests a waiver to allow 10 parking spaces since some staff work off-site. Planning Staff supports the waiver understanding that employees may come and go from the office during the workday or not be on-site at all. The new parking area will be located on the north side of the home.

Access to the parking area will be provided from the conversion of the garage to an open carport area. The office does not intend to use the alley for vehicular access other than for emergency purposes. There are no proposed changes to existing landscaping or perimeter walls. Trash containment will remain a residential type pickup.

The home's interior will be modified in accordance with building codes and building permits necessary to convert to a general office use. The home's exterior will mostly stay the same with possible window and/or door additions/upgrades if needed.

One freestanding monument sign or "project identification" is permitted under the conversion policy, such as a project name or primary tenant name, not to exceed 3-feet in height and 5-feet in width upon finding that the freestanding sign does not detract from the residential scale of the conversion and instead contributes to the overall quality of the project. The sign shall be setback a minimum of 10 feet from the public right-of-way. The request includes a waiver to the allowed signage proposing a larger sign at 5-feet high and 8-feet wide and includes two tenant names on each side of the sign. The two tenant names represent the two entities operated by the same company. The sign is constructed with a masonry block and sand finish stucco base, galvanized metal sign panels with raised plastic letters, paint to match the home and illuminated only by ground lights shining onto the sign. The property address is located on the left side of the sign.

The sign is uniquely designed with asymmetrical tenant panels detached from one another and projecting off the sign's side. In recent years, signage has been typically granted for conversions

with only a project name or single company name. One of the first signs approved under a residential conversion is for the White House Offices property in which Council approved a sign with three tenant names per side. A recent approval for the Borns Office allowed two tenant names per side. The Planning Commission and Planning Staff support the increased size and additional tenant name. The proposed sign is in keeping with the intent to maintain a residential scale within the existing neighborhood and consistent with other residential conversion signage.

#### DISCUSSION

The Residential Conversion Policy was established in 1989 to allow single-family homes the opportunity to allow small commercial businesses to operate within a residential zoning district with the approval of a Use Permit. Such homes must have direct frontage or access to an arterial street, and propose a business compatible with the existing neighborhood. Within this policy, criteria were established to accommodate the conversion of homes into professional offices or like businesses. Such criteria includes the requirement of an improved parking lot preservation of front yard landscaping for the aesthetic streetscape setting of the home and buffering from adjacent residences. The request meets the requirements of the Residential Conversion Policy in regards to maintaining a residential home appearance and no changes to exterior landscaping.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on January 14, 2013. There were no neighbors in attendance; however, the applicant received a call from a nearby property owner supporting the request. Staff has received one call from a property owner immediately to the north of the site expressing concerns with vehicles using the alley, keeping existing shade trees on the rear of the lot and not having commercial trash pickup. Staff is not aware of any other concerns or opposition.

#### RECOMMENDED ACTION

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

1. The Use Permit shall be effective for one (1) year from the date of Council approval. Use Permit extensions, for similar or greater time periods, shall be subject to reapplication to and approval by the City of Chandler.
2. Expansion or modification beyond the approved Development Booklet shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other property.
4. Increases in on-site employment over that represented, seven (7), or the expansion of the home to provide additional office space, shall require a new Use Permit application and approval by the City of Chandler.
5. The property shall be maintained in a clean and orderly manner.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting in accordance with City-approved construction plans.

#### 27. USE PERMIT: Crown Castle Wireless Facility

APPROVED Use Permit ZUP12-0031 Crown Castle Wireless Facility, to allow a co-location of nine (9) antennas and a ten-foot height addition to an existing Wireless Communication Facility on property zoned Planned Area Development (PAD) located east of the SEC of Chandler Heights Road and Arizona Avenue. (Applicant: Tim Burmer, FM Group, Inc.)

## BACKGROUND

The application requests Use Permit approval to add an additional 10 feet onto the existing 68' tall wireless facility within a 24' x 30' lease area just east of Arizona Avenue and south of Chandler Heights 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 or that exceed the previously approved maximum antenna height. This request is for an existing wireless facility within an existing residential Planned Area Development. The approximately 25-acre residential complex site is bordered to the north and west by Commercial Planned Area Developments and to the south and east by agricultural land within the County. The residential complex contains nineteen (19) buildings and two large amenities for the residents. The parking lot for the community is a mixture of covered and uncovered spaces spread throughout.

The facility is located at the southeast corner of the community within a landscaped area within the complex parking lot. The tower is setback approximately 600' from Chandler Heights Road ROW and approximately 1,130' from Arizona Avenue ROW. The nearest residential building is proposed to be 65' from the existing tower facilities.

Within the immediate area, there are no suitable alternatives for co-location on existing poles or for new towers. According to the information provided by the applicant and AT&T, as required by the Zoning Code, there were five (5) verticalities of a height similar to the proposed facility. To the southwest of the site is a flag pole, an existing Crown Castle monopole and a water tower. Also nearby is a 45'-tall building and existing SRP power poles directly to the south. The applicant has analyzed these co-locations and other site possibilities and found them implausible because of a variety of reasons including: the sites could not support additional facilities, the antennas could not be mounted high enough to provide the needed coverage, one had several zoning violations, one owner was unresponsive, local opposition and the others were located outside the needed coverage area to fill in their service gaps.

## DISCUSSION

The Planning Commission and Staff find the proposed location to be appropriate for a wireless facility in the form of a 78'-high wireless tower. The facility is seeking to co-locate on an existing wireless facility.

## 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 December 18, 2012. There were no citizens in attendance. One citizen contacted Staff, but was not opposed. Staff has received no correspondence in opposition.

## PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7-0.

## 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. Further screening shall be required to visually conceal the equipment inside.

28. USE PERMIT: Pho Van

APPROVED Use Permit LUP12-0033 Pho Van, Series 12 Restaurant License, to sell liquor as permitted for on-premise consumption indoors within an existing restaurant located at 2095 N. Dobson Road, Suite 3. (Applicant: Mike Schall.)

BACKGROUND

The request is for Use Permit approval to sell all types of alcohol for on-premise consumption under a Series 12 Restaurant License. The subject site has an existing Liquor Use Permit which was approved on June 28, 2007, and contained a one-year time limit. The only significant change from the 2007 approval is the removal of the previously stipulated one-year time limit for Staff review.

The subject site's zoning is C-2/PAD. The subject site includes an approximately 3,800 square foot building with seating for approximately 90 persons. The restaurant is open seven days a week from 10 a.m. to 10 p.m. and has no live entertainment, but will have two televisions that broadcast primarily oriental stations.

DISCUSSION

The Planning Commission and Staff support the request, finding the restaurant is appropriate at this location. The subject site has been a good neighbor to the surrounding tenants, having no complaints filed with the Police Department or opposition during the neighborhood meeting and public notification process.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on December 5, 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 7-0.

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.

29. LIQUOR LICENSE: Pho Van

APPROVED a Series 12 Restaurant Liquor License (Chandler #143756 L12) for Michael Lawrence Schall, Agent, Pho Van LLC, dba Pho Van, 20905 N. Dobson Road, Suite 3. A recommendation for approval of State Liquor License #12079272 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.

30. WITHDREW LIQUOR LICENSE: Restaurant El Zacatecano

WITHDREW a Series 7 Beer and Wine Bar Liquor License application for Noelia Ortiz, Agent Restaurant El Zacatecano, 474 W. Ray road, as requested by the applicant.

31. TEMPORARY EXTENSION OF PREMISES: Irish Republic Public House

APPROVED a Temporary Extension of Premises for a Series 6 Bar Liquor License (Chandler #120887 L6) held by Murphy's Law 58 LLC dba Irish Republic Public House, 58 S. Marcos Place, for their St. Patrick's Day Party, March 17, 2013. A recommendation for approval of a temporary extension of premises for State Liquor License #06070685 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this extension and the applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Resources.

32. TEMPORARY EXTENSION OF PREMISES: Hungry Monk

APPROVED a Temporary Extension of Premises for a Series 12 Restaurant Liquor License (Chandler #119056 L12) held by JC Restaurant Company dba Hungry Monk, 1760 W. Chandler Boulevard, Suite 2, for their Eccentric Café Event – American Heart Association, February 22, 2013. A recommendation for a temporary extension of premises for State Liquor License #12077521 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this extension and the applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Resources.

33. SPECIAL EVENT LIQUOR LICENSE: Downtown Chandler Community Foundation

APPROVED a Special Event Liquor License for the Downtown Chandler Community Foundation for the 10<sup>th</sup> Annual Chandler Classic Car and Hot Rod Show, February 23, 2013, at 52 S. San Marcos Place. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

34. SPECIAL EVENT LIQUOR LICENSE: Downtown Chandler Community Foundation

APPROVED a Special Event Liquor License for the Downtown Chandler Community Foundation for the Chandler Jazz Festival, April 5 & 6, 2013, at Dr. A.J. Chandler Park, 3 S. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

35. SPECIAL EVENT LIQUOR LICENSE: Chandler Sunbird Lions Club

APPROVED a Special Event Liquor License for the Chandler Sunbird Lions Club for the Wine and Cheese Expo, March 30, 2013, 6250 S. Sunbird Boulevard. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

36. FINAL PLAT: Layton Lakes Parcels 16 and 18

APPROVED Final Plat FPT12-0016 Layton Lakes Parcels 16 and 18 for Parcels 16 and 18 of the Layton Lakes master planned community located north of the NWC of Lindsay Road and Layton Lakes Boulevard. (Applicant: Jason Kack, Bowman Consulting.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

CURRENT EVENTS:

A. Mayor's Announcements

The Mayor reported a good turnout for the Mini HOA Academy on Tuesday. He thanked Jennifer Morrison (Neighborhood Resources Director).

Mayor announced the partnership with SRP to sponsor free swimming lessons in March at Arrowhead Pool. Registration is available through the City's website.

He noted the Sports Hall of Fame event recently held and thanked Jody Crago and Nate Meyers (Community Services) for their efforts in making that event successful.

The 10<sup>th</sup> Annual Classic Car Show and Hot Rod Show on Saturday, February 23<sup>rd</sup> in downtown Chandler.

State of the City address will be held on February 21<sup>st</sup>. A reception will be held in the Vision Gallery and at 6:00 p.m. the Address will begin.

He wished everyone a Happy Valentine's Day.

He noted Item 17 on the agenda that is an agreement with the cities of Tempe and Scottsdale for the purpose of a tri-city firefighter recruitment to gain cost savings for each.

B. Councilmembers' Announcements

COUNCILMEMBER HEUMANN announced the Science Spectacular was being held. Last night Was the first night and it will continue through the weekend with participation from many businesses and schools.

COUNCILMEMBER WENINGER announced the Annual Eat Your Art Out event on Tuesday, February 26<sup>th</sup>. He explained approximately 30 restaurants are involved and a portion of the proceeds go to the arts in Chandler. He wished a Happy Valentine's Day to his wife, Janet.

COUNCILMEMBER DONOVAN thanked Councilmember Heumann for his work with the Education Coalition that has brought the SciTech event to Chandler. She thanked Chris MacKay (Economic Development) for her work in providing the tour.

COUNCILMEMBER ELLEN said this was a great day to tell those you care about how important they are to you. She announced the Ostrich Festival Parade on March 2<sup>nd</sup> in downtown Chandler.

C. City Manager's Announcements

MR. DLUGAS announced receipt of the Catherine Connelly Award by Assistant City Manager Pat McDermott by the Arizona City Managers Association last week. He stated it was very deserving of Pat who had been in the community for 23 years.

Mr. Dlugas announced that Police Chief Kiyler recently celebrated her 40<sup>th</sup> year as a sworn police officer and noted it as an incredible accomplishment.

Mr. Dlugas stated he had made a selection on the new Assistant City Manager and it is Marsha Reed from Lubbock Texas. She will start the position on April 1.

Adjournment: The meeting was adjourned at approximately 7:20 p.m.

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

\_\_\_\_\_  
Mayor

Approved: February 28, 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 14<sup>th</sup> day of February 2013. I further certify that the meeting was duly called and held and that a quorum was present.

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

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