

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, March 28, 2013.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY at 7:13 p.m.

The following members answered roll call:

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

Also in attendance:

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

INVOCATION: Pastor John MacKinney – Chandler Bible Church

PLEDGE OF ALLEGIANCE: Vice Mayor Sellers

MAYOR TIBSHRAENY asked for a moment of silence to remember the passing of Eddie Basha.

SCHEDULED PUBLIC APPEARANCES:

Mayor Tibshraeny congratulated the Si Se Puede -Chandler High School robotics team for placing second in the Phoenix Regional FIRST Robotics Competition held last week at Hamilton High School. He also congratulated Alberto Esparza, the founder of Si Se Puede. The team will now compete in the National Competition in St. Louis next month.

Team Manager Sam Alexander said they have partnered with Si Se Puede for the last 8 years. Team members Kyle Huntsman, Jazmyne Bartee, and Kelsey Pendley spoke on the recent competition. They explained they received an award - Engineering Inspiration Award – for the team effort to inspire younger generations to be involved in robotics and to gain leadership skills. Mr. Alexander said the team is now fundraising through Si Se Puede for their National Competition.

COUNCILMEMBER HEUMANN commended the team and encouraged the community to help support them.

VICE MAYOR SELLERS said he was involved with the FIRST Robotics Team and attended a National Competition. He noted the founder, Dean Kamen, calls this the “Olympics of the mind”. Vice Mayor said it is one of the most impressive avenues of encouraging young people to go into technical fields.

COUNCILMEMBER DONOVAN said she attended the practice rounds in February. She asked what the fundraising goal was. Mr. Alexander replied that for everyone to attend it would be

about \$15,000. She asked if school tax credit would be applicable. Mr. Alexander said because of timing issues that was not possible. He noted that Alberto Esparza would also be soliciting corporate sponsors.

COUNCILMEMBER HARTKE voiced his support in contributing to the team.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

COUNCILMEMBER HEUMANN proposed an additional stipulation on Item 8 (Ord. 4442 SOUTHSORE VILLAGE).

CITY ATTORNEY WADE told the Council that if this amendment passes, the ordinance must be re-introduced at the next Council meeting along with its companion items.

COUNCILMEMBER HEUMANN explained there is a current process for siting of high transmission lines by SRP. He stated this area has been designated as a potential site. He stated this would ensure transparency as homes are sold. He read the proposed stipulation:

Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby Salt River Project (SRP) electrical power pole lines along the railroad tracks that may cause adverse noise and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby SRP electrical power pole lines, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely including any future expansion of such utilities. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

COUNCILMEMBER WENINGER asked if the power line stipulation was used on other projects. MS. JODIE NOVAK, SENIOR PLANNER stated that this would be the first time to address power poles specifically, even though there have been similar stipulations regarding dairies, railroads, and the airport.

MOVED BY COUNCILMEMBER HEUMANN TO APPROVE THE CONSENT AGENDA WITH THE AMENDMENT TO ITEM 8; AND THE CONTINUATION OF ITEM 8 TO THE FIRST MEETING IN APRIL. SECONDED BY COUNCILMEMBER DONOVAN.

VICE MAYOR SELLERS asked if the poles already exist. Ms. Novak said poles do currently exist. Ms. Novak said she believes the intent of this was to cover the expansion of the existing lines. Vice Mayor said that as this is the first time he has seen it he needs more time and will be voting no.

COUNCILMEMBER HEUMANN clarified that the existing poles are Kv lines that are about 66'. The potential for this corridor is for lines that could be 130' high. He noted there was not a Study Session on Monday night, so there was not an opportunity to talk about this.

COUNCILMEMBER WENINGER said he didn't want to vote against a project, but would like to talk about this more.

MAYOR TIBSHRAENY asked the motion maker and second to withdraw their motion so the item may be moved to Action agenda. Councilmember Heumann and Councilmember Donovan agreed to the withdrawal.

MOVED BY COUNCILMEMBER HEUMANN TO APPROVE THE CONSENT AGENDA WITH ITEM 8 BEING PLACED ON THE ACTION AGENDA, SECONDED BY COUNCILMEMBER DONOVAN.

MAYOR TIBSHRAENY DECLARED A CONFLICT OF INTEREST ON ITEM 3.

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED the following minutes:

- 1a. Chandler City Council Special Meeting (Budget Connect) of March 4, 2013
- 1b. Chandler City Council Regular Meeting of March 14, 2013

2. AGREEMENT: Level 3 Communications, LLC Ord. #4388

ADOPTED Ordinance No. 4388 authorizing an agreement with Level 3 Communications, LLC, for the use of facilities in the city's rights-of-way and public places to establish a Class 4 and 5 Communication System.

3. ANNEXATION: SWC Chandler Heights and Gilbert Roads Ord. #4436

MAYOR TIBSHRAENY DECLARED A CONFLICT OF INTEREST ON THIS ITEM.

ADOPTED (6-0) Ordinance No. 4436 annexing approximately 25 acres located west of the SWC of Chandler Heights and Gilbert roads.

4. REZONING: Mammoth Professional Building Ord. #4440

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4440, DVR12-0005, Mammoth Professional Building, rezoning from Planned Area Development (PAD) general office to PAD general office and medical office for an existing building on approximately 4 acres located at the NWC of Price and Willis roads. (Applicant/Owner: Chris Swanson, V.P. for GLOBAL CRES.)

BACKGROUND

The subject property is zoned Planned Area Development (PAD) for general office. The property is located along the South Price Road Employment Corridor. Parcels west, south and east of the subject site are vacant and undeveloped. North of the property is the former Ashley Manor wedding and event reception facility which is no longer operating. North of that site is The Castle

at Ashley Manor, another wedding and event reception facility. Property west of the subject site was zoned for a general office development in 2001; however, the zoning has expired.

The request seeks approval to allow medical office use in addition to general office. Ten tenants are operating medical office businesses in the building although the PAD zoning does not allow medical office use. The request to rezone is to make legal the current medical office users, which occupy 3,800 square feet of building area. The property was zoned PAD in March 2006 for a general office building allowing only general office uses; medical and dental uses were specifically excluded. A Preliminary Development Plan (PDP) was approved for a 3-story, multi-tenant office building at approximately 59,638 square feet. In 2006, the General Plan did not designate this property as part of the South Price Road Campus Employment Corridor overlay, thus allowing this building to be a multi-tenant office building. The building intended to provide professional general office suites ranging in size from approximately 480 square feet to 2,400 square feet. Typical office hours of operation were represented as Monday through Friday from 8 a.m. to 5 p.m. Current tenants are mostly administrative corporation offices, law firms, accountants, real estate professionals, software developers and financial advisors.

In September 2011, City Staff became aware of use and building violations. A personal service salon providing hair, nail, massage, facials, laser hair removal and waxing services had filed a Certificate of Occupancy (C of O) application. The business had already completed tenant improvements; however, building permits were never filed whereby the City would have denied this use. City Staff issued a cease and desist due to no building permits and a use violation. C of O's are reviewed by Staff for zoning and building compliance. Staff contacted the property owner and learned there were other businesses in violation; a hair growth business and several medical offices in the building. None of these businesses had building permits, C of O's, and/or business licenses with the City. These businesses are not permitted under the PAD zoning.

The personal service salon vacated the space in February 2012. During this time, the property owner advised the City that other tenants had done improvements such as adding sinks/plumbing and moved walls without City permits. This raised a concern with City building officials learning that no tenant had City approval to occupy space; no C of O and/or building permit and more than half had no business license. The hair growth personal service business vacated the property in September 2012 and a naturopathic medical physician vacated the property in October 2012.

Currently, there are 10 medical office users in the building which include a psychiatrist, two psychologists and seven counselors/therapists. They occupy approximately a total of 3,800 square feet of building area which is about 6.5% of the building. The application request is to allow medical offices limited only to psychiatrists, psychologists and counselors/therapists at a maximum total of 23,800 square feet in building area. Medical office uses such as an osteopathic or medical doctor, naturopathic physician, chiropractor, pediatrician, other specialist doctors, surgical center, urgent care, hospital and the like are not requested or permitted.

The addition of medical office uses triggers a parking analysis to ensure the site has appropriate parking for both general office and the proposed medical office users. The development was parked to accommodate only general office use with a reduction in parking. At that time, the Zoning Code required general offices to park at 1 parking space per 200 square feet of building area. The 59,638 square foot building was required to provide 298 parking spaces. The zoning case requested a parking waiver, reducing the required parking by approximately 10%. The development provided 269 parking spaces, which was a reduction in parking by 29 parking spaces from the Zoning Code requirement of 298 parking spaces. The building was constructed at approximately 58,476 square feet requiring almost 6 spaces less.

The City's recent parking code changes for general office from a ratio of 1/200 to 1/250 requires less parking on the site. The 58,476 square-foot building requires 234 parking spaces. This is 64 spaces less than originally required and the site is now over-parked by 35 spaces. Medical office parking requirements remain the same at 1/150. The building's ten medical office users, occupying a total of 3,800 square feet, require 25 parking spaces. Based on the parking analysis, the property can accommodate the parking necessary for general offices and the medical office users.

The medical office users occupy suites ranging from 237 to 1,043 square feet. Appointments are typically scheduled for one patient per hour. Most of the medical offices operate four days a week with some 2 ½ days per week, 3 days per week and 5 days per week.

GENERAL PLAN

The General Plan designates this property as Employment within the South Price Road Employment Corridor overlay (SPREC). The Employment designation generally allows for a variety of employment uses ranging from major employers to industrial/business parks and industrial support uses. Staff has historically acknowledged SPREC being property south of Willis Road; therefore, this property is solely governed by the Employment designation which allows multi-tenant uses. Properties south of Willis Road develop under the large campus-like single-user developments. Mammoth Professional Building is consistent with the General Plan allowing corporate offices with multi-tenants as was permitted in 2006.

DISCUSSION

The minor amount of medical office users is incidental and does not change the intent of this building being a corporate office. The existing parking spaces on the site provide appropriate parking to accommodate both general office users and the 3,800 square feet of medical offices. If additional medical office users are proposed at a later time, there would need to be a parking analysis update to ensure there is enough on-site parking.

Upon an approval of this request, City Staff will continue to work with the property owner to bring tenants into compliance with required building permits, occupancies and licensing.

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 9, 2013. There were no neighbors in attendance. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 5-0 with Commissioners Baron and Cunningham absent.

RECOMMENDED ACTION

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

5. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: San Valencia Ord. #4441

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4441, DVR12-0034, San Valencia, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) multi-

family residential for a multi-family apartment community. (Applicant: Burch & Cracchiolo, P.C. Ed Bull.)

APPROVED Preliminary Development Plan (PDP), San Valencia, for site and building design on approximately 32 acres located at the NEC of Germann Road and Oxford Lane, east of McQueen Road and west of the Consolidated Paseo Canal.

APPROVED Preliminary Plat (PPT), PPT12-0019, San Valencia, for site and building design on approximately 2 acres located at the NEC of Germann Road and Oxford Lane, east of McQueen Road and west of the Consolidated Paseo Canal.

BACKGROUND

The proposed multi-family residential development encompasses a 30.99 net acre site located along the Consolidated Paseo Canal on the north side of Germann Road, east of McQueen Road. The property is bounded on the north by the Loop 202 Santan Freeway, on the west by La Paloma, a medium-density single-family residential development, on the east by the Consolidated Paseo Canal and undeveloped land, and on the south by Germann Road and undeveloped land.

The property is currently zoned Agricultural (AG-1) and being farmed. The development requests rezoning to Planned Area Development (PAD) for a gated, multi-family residential apartment development. A Preliminary Development Plan (PDP) includes the site and building design component along with a Preliminary Plat. The development includes 556 multi-family units with a mix of 1, 2 and 3 bedrooms ranging in size from approximately 779 to 1,402 livable square feet in 2-story and 3-story buildings. The upside down L-shaped parcel and adjacency to the canal, lends itself to curvilinear drives, angled buildings and buildings grouped around open space/recreation areas. The majority of buildings are centralized within the site with several buildings adjacent to the canal and a few along the street frontage.

Building designs and site layout create view corridors and access to green open spaces. San Valencia is accessed off of Germann Road at Oxford Lane, which is an existing access into the La Paloma subdivision. The new project will complete off-site improvements to Oxford Lane including a right turn decel lane on Germann Road. Future access to Germann and/or McQueen Road is provided at the community's west end along the Armstrong Street alignment. Until future road improvements occur in this area, secondary emergency access is provided through the existing La Paloma subdivision.

The gated entrance is designed off of Oxford Lane. Entry into the development leads to the community clubhouse and office. A sense of arrival is created with decorative walls, porte-cochères, gates and landscaping including a Date Palm tree-lined entrance drive. The development's perimeter is lined with trees providing a landscape buffer to the adjacent residential subdivision. There are three main open space areas located at the north, middle and south ends of the community. There are two community swimming pool areas, recreation amenities and a playground. Pedestrian circulation via sidewalks is located throughout the community. The site's eastern boundary provides a landscape tract adjacent to the Paseo Canal including an additional 10-foot landscape easement for more landscaping as a part of the canal system. There are two pedestrian connections from the community for canal access. The connections are located at the northeast and southeast ends of the site between buildings 29 and 30 and east of buildings 7 and 8.

ARCHITECTURE AND SITE DESIGN

The overall architectural style is represented as Spanish Colonial with buildings painted beige. Buildings include clay color concrete roof tiles, exposed rafter tails, high and low-hipped gable rooflines, decorative balcony railing/walls, arch shaped windows, arch building entries, vertical

and horizontal building elements, four-sided architecture, undulating wall planes, cornice details, exposed rafter tails, decorative brackets and clay tile vents.

The number of units per building varies in the 2-story and 3-story buildings. Two-story buildings are 8 and 16 units, and the 3-story buildings are 12 and 24 units. The 24-unit, 3-story and 16-unit, 2-story buildings are the largest building types designed to appear as two smaller buildings connected by breezeways which include staircases. The other building types are a smaller scale and provide a central entry feature for the stairwell.

Due to limited arterial street frontage of approximately 565 feet, there are only four buildings along Germann Road. These buildings are 2-story. Two-story buildings are located along the perimeter adjacent to the existing single-family subdivision which has a mix of 1- and 2-story homes. Three-story buildings are located adjacent to the canal system, on the northern end, and on the site's interior around open spaces. Each open space is surrounded by several buildings. The open spaces offer ample room for outdoor recreation and a pedestrian friendly environment.

The development meets required parking for each unit and guests. With the new parking code amendment approved, this project applies the new multi-family residential parking requirements. The development meets parking code and provides 68 additional parking spaces which will accommodate resident and guest parking. There are covered parking spaces and garages available.

Perimeter fence walls include a combination masonry wall with wrought-iron or solid masonry wall. A new wall will occur on the far northwest and north property lines at 7-feet high. Just north of landscaping along La Paloma, there will be a new 8-foot high CMU wall. There is an existing 7-foot high CMU shared between La Paloma and the west side of the apartment site. Along the canal system side, there will be a new 7-foot high perimeter wall with wrought-iron that tapers into a solid masonry wall at the last building. An 8-foot high combination masonry wall with wrought-iron is along the Germann Road frontage. Some fencing elements such as decorative columns are up to 9 feet in height.

A noise abatement policy study was provided to Staff evaluating whether or not a sound wall along the freeway is needed. The study determined that a sound wall is not needed along the freeway. The development will be constructing a 7-foot high masonry wall along the north property line. There is over a 160-foot deep ADOT landscape tract adjacent to the site before the 165-foot wide freeway occurs. The distance to the freeway and the distance buildings are setback from the north property line, create a large buffer from any noise impacts.

There are two individual freestanding monument signs. One at the intersection of Germann Road and Oxford Lane and one at the project entrance landscape median. The project's name and decorative wall is integrated with the entrance features.

As a part of this development, elimination of an existing paved half street is planned. Armstrong Way is a paved half street with street lights that was built when La Paloma was built. The street was intended to be extended to the west and east providing a looped connection to McQueen and Germann roads. However, when the Loop 202 Santan Freeway was constructed, the ability to have a full-movement median break on McQueen Road was eliminated and adjacent property owners have not come to an agreement on future circulation patterns. As a result, Armstrong Way has remained an unused "stand alone" roadway that serves no purpose. City Staff has determined there is no need to keep this roadway. The applicant and developer have met with City Staff and La Paloma HOA representatives. A determination to eliminate this roadway and

replace it with an additional landscape separation and fencing is perhaps unsettled with the La Paloma HOA.

WAIVERS

Fencing along Germann Road encroaches into the 50-foot building setback, which is typical of gated multi-family communities. Planning Staff supports the proposed setback encroachment and the proposed fencing heights. Three buildings along Germann Road encroach into the 50-foot building setback; the closest building is approximately 34 feet from the property line. Planning Staff supports the proposed encroachment which provides an enhanced streetscape with building staggering and surrounding by a large open space area at the intersection.

GENERAL PLAN CONFORMANCE/AREA PLAN BACKGROUND

The parcel is designated in the General Plan for Residential which includes a low density to high density residential use, commercial and mixed use development where appropriate. The General Plan further designates this parcel as a part of the Chandler Airpark Area Plan. This Area Plan designates the site as Special Use Commercial which denotes where the most intense high density residential and commercial uses may take place. The Area Plan delineates this parcel as part of a larger "Urban Village" area providing a mix of medium- and high-density housing and commercial to complement the Paseo Canal system and nearby Tumbleweed Park. The Airpark Area Plan designates the general location and intensity of land uses which do not necessarily follow parcel lines. The proposed high density residential development is consistent with the Area Plan.

AIRPORT RECOMMENDATION

The Airport Commission reviewed the rezoning 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 use does not constitute a conflict with existing or planned airport uses. However, the Commission expressed their desire to educate future residents of the development on the airport and its operations.

Staff is of the opinion that the multi-family residential development furthers the City's goal to promote new development, alternative forms of housing and compatible land uses adjacent to existing single-family residential. The residential project provides housing in close proximity to freeway access and planned commercial/office/business park, commercial and other high-and medium-density parcels in the immediate area. The development meets the intent of the Multi-Family Residential Development Standards.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 1, 2012. There were 12 area property owners in attendance including owners of five homes in La Paloma. Questions were asked regarding access to the apartment development, location and height of buildings, construction, effect on property value and landscaping maintenance.

Following the neighborhood meeting, the applicant/developer continued to work with the La Paloma HOA to address the elimination of Armstrong Way on the subdivision's north end and the design of the street improvements and entrance into the apartments off of Oxford Lane.

A couple of homeowners called inquiring about the development and asked the name of the builder. One homeowner within La Paloma called with concerns regarding construction and dust

control measures as well as the economic impact on his home. Another homeowner in La Paloma rents out their home and was concerned potential tenants would not rent it due to apartments nearby, construction or request a lower rent price.

Planning Staff was first made aware of concerns/opposition from a La Paloma HOA board member at the Planning Commission hearing.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 5-0 with Commissioners Baron and Cunningham absent.

A resident La Paloma HOA board member spoke to the Commission conveying that the HOA Board does not support the project and has not agreed with eliminating Armstrong Way. The Board does not want Armstrong Way eliminated due to the extra landscape maintenance costs. The Board feels the apartment project will lower property values, does not want to share vehicular access at Oxford Lane, and was under the assumption the land owned by a church was going to be a worship facility and a school campus. The Board was okay with that plan, but is not okay with the proposed apartment plan. Planning Staff conveyed that the land never came through with an Area Plan Amendment and Rezoning process to allow a church and/or a school use.

The applicant conveyed that they contacted the board member prior to the hearing but has not recently contacted them to finalize the roadway discussions. The applicant agrees with the HOA on any option regarding this roadway disposition; however, the HOA has not recently responded. Staff will reach out to the board member and HOA contacts.

Prior to the Commission hearing, the applicant advised Staff that the scope of the HOA discussions were mutual, desiring the roadway's elimination and replacement with HOA-owned and maintained landscaping. Staff respects the testimony received at the Commission meeting that the HOA does not want Armstrong Way eliminated, reverting to the HOA, thus causing the HOA additional landscape maintenance costs. The mutual consensus solution is unclear and Staff is working to clarify the solution.

Eliminating Armstrong Way can result in the former roadway land becoming part of the apartments through a right-of-way exchange and causing the apartments to maintain the newly landscaped area. Alternatively, Armstrong Way can be eliminated by vacation causing the property to revert to the HOA, whereby the developer has agreed to landscape the area which will be maintained in perpetuity by the HOA. Both options have been studied by Staff and technically either can be implemented per the HOA's preferred solution.

Absent a clear consensus to the solution, Staff recommends that the roadway be eliminated by exchange, the development be stipulated to landscape and maintain the property thus causing no financial impact upon the HOA. Staff has added Condition No. 17 to the recommendation to effectuate this solution. Staff may not be able to reach a consensus on this solution in time for the scheduled hearing but will make best efforts prior to the hearing; however, a continuance might be necessary to account for all parties' input.

RECOMMENDATIONS

Rezoning

Upon finding consistency with the General Plan and Chandler 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, 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 "SAN VALENCIA", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0034, 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, planning 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 parking space canopies shall incorporate building materials, forms and colors to match the development.

Preliminary Plat

Upon finding consistency with the General Plan, 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.

6. GRANT AGREEMENT: Arizona Department of Transportation Res. #4669

ADOPTED Resolution No. 4669 authorizing a grant agreement with the Arizona Department of Transportation (ADOT) accepting grant number E3F3H in the amount of \$9,837.00 as the State's share to construct an Automated Weather Observing System (AWOS).

BACKGROUND/DISCUSSION

The Airport received notification of a State Grant offer in the amount of \$9,837.00 to assist in funding the construction of an Automated Weather Observing System (AWOS). The Airport received a Federal Airport Improvement Program grant in the amount of \$200,393.00 to construct an AWOS in September 2012. Chandler Municipal Airport's current system, which was constructed in 1992, is no longer supported by the manufacturer. This replacement system will provide a reliable source of weather reporting for pilots who use the Airport.

FINANCIAL IMPLICATIONS

The estimated total project amount is \$220,067.40. The grant represents the State's share of 4.47% of the total project value of the construction of the AWOS. The remaining balance of \$9,837.00 is a local match (4.47% total project value) through Airport funds.

AIRPORT ADVISORY COMMITTEE VOTE

At the February 13, 2013 regular meeting, the Airport Commission voted unanimously 6-0 for approval.

7. PROJECT SUBMISSION: 2014 Highway Safety Plan

Res. #4670

ADOPTED Resolution No. 4670 authorizing the submission of projects for consideration in Arizona's 2014 Highway Safety Plan for DUI Enforcement Overtime, Hydrogen Generator, Seatbelt Enforcement Overtime, ProLite Laser Units for Patrol, Criminalist Training and DUI Detection Equipment; and authorizing the Police Chief to conduct all negotiations and to execute and submit all documents necessary in connection with such grant.

DISCUSSION

In the past, the Police Department has experienced success obtaining awards from The Governor's Office of Highway Safety (GOHS) including four awards under the FY 2013 program for DUI Overtime, Occupant Protection (Seatbelt) Overtime, Criminalist Training and Hydrogen Generator. Staff anticipates submitting applications for award consideration in their FY 2014 program; however, a City Council approved resolution must become part of the application package.

This year, the Police Department is submitting the following requests to GOHS for consideration in their 2014 budget. GOHS may award all six requests, break the requests up into smaller awards (i.e. Seatbelt Enforcement could be broken into Occupant Protection, Click It Or Ticket, Child Safety Week, etc.) or award a program not formally requested such as DUI training conference.

1. DUI Enforcement Overtime - \$80,000 (OT and related benefits)
2. Hydrogen Generator - \$22,617
3. Seatbelt Enforcement Overtime - \$75,000 (OT and related benefits)
4. ProLite Laser Units for patrol - \$35,363
5. Criminalist Training - \$9,607
6. DUI Detection Equipment - \$14,743

8. Moved to action

9. DOWNTOWN CHANDLER ENHANCED MUNICIPAL SERVICES DISTRICT Res. #4676

ADOPTED Resolution No. 4676 authorizing modification of the assessment diagram; making a statement and estimate of expenses for the Downtown Chandler Enhanced Municipal Services District; completing the assessment; setting the date for the hearing on the assessment and ordering the giving of notice of such hearing.

BACKGROUND

On May 25, 2006, Mayor and Council approved Resolution No. 3971 creating the Downtown Chandler Enhanced Municipal Services District, with the mission to provide marketing, promotion, security, enhanced beautification and district management. The City subsequently executed a master contract with the Downtown Chandler Community Partnership (DCCP) to perform such services for a period of 10 years. Fiscal Year 2013-14 represents the 8th operating year of the district.

As part of the annual assessment procedures, each year the Assessment Diagram and Assessment Roll need to be updated due to changes in ownership, plats and land uses.

Additionally, a public hearing must be held along with the opportunity for district property owners to file objections.

As required by the resolution creating the District, the following documents are submitted with this report: 1) Resolution No .4676; 2) Notice of Hearing on Assessments; 3) Boundary Map; 4) Statement and Estimate of Expenses for the District; 5) Assessment Roll; and 6) Assessment Diagram.

The purpose of Resolution No. 4676 is to set the public hearing to notify property owners of the intent to modify the assessments for property in the District, a required formal step. This resolution also authorizes the Mayor and City Council to make an estimate of the expenses for the District for 2013-2014, to set the date for hearing on the assessment and to give the public notice of the hearing date.

As a result of Resolution No. 4676, the hearing for the setting of the assessments will be held April 25, 2013, at 7:00 p.m. in the City Council Chambers. DCCP Staff will appropriately notify all property owners within the District boundary and the City will publish the notice of the hearing in a daily newspaper for five days as required by State Statute.

Assessments in the District will be based on three weighted factors including assessed value, building square footage and land square footage. All properties will be assessed at the same rate with the exception of buildings along the Historic Square, which will be assessed double the building square footage rate.

In May, Staff will return with a resolution to approve the annual assessment roll, which will memorialize the amount assessed each parcel and property owner. After Council approval, the roll is sent to the County Assessor for inclusion on the fall property tax bills. In June, Staff will present the Chandler Enhanced Municipal Services Agreement with the Downtown Chandler Community Partnership for Fiscal Year 2013-2014, which includes an Operating Plan and District Budget.

FINANCIAL IMPLICATIONS

The total assessments for Fiscal Year 2013-14, including the City's voluntary contribution, total \$249,764.00. This is a small decrease (\$6,636.00) from the prior year driven by changes in assessed valuations. Given the success of the DCCP in building profitable events, the FY 12-13 operating budget for the District may exceed this amount to stay in compliance with the contract reserve policy. The final amount will be presented to the Council in May as part of the DCCP contract with the City for District management services.

As a public entity, the City is not required to pay in to the District assessment, but has done so since the District's inception on a voluntary basis. As the largest single property owner in the Downtown, the City has taken a leadership role in supporting the District both financially and operationally. As in prior years, the City has elected to cap its voluntary contribution at the level contributed in the prior year. This means the City's maximum contribution is \$118,804.00 which represents 47.6% of the total assessment budget. Funds to provide the City's voluntary contribution are provided for in the Downtown Redevelopment budget request for fiscal year 2013-2014.

10. 2012 CELEBRATION PLAZA NOMINEES

AUTHORIZED the Chandler Parks and Recreation Board recommendation of the 2012 Celebration Plaza Nominees.

BACKGROUND

Each year, the City of Chandler accepts nominations from the public for inductees to Celebration Plaza, a permanent monument at Tumbleweed Park.

Constructed in 2006, Celebration Plaza features a fountain and a decorative wall used to display brass plaques honoring a select group of Chandler residents, living or deceased, who have displayed outstanding civic commitment, leadership, innovation, public outreach and service to the City. Individuals holding an elected City of Chandler office or serving on the Parks and Recreation Board are not eligible for nomination.

Staff received nominations for two individuals during this year's nomination process. These nominations were forwarded to the Celebration Plaza Nomination Subcommittee for evaluation and recommendation. The subcommittee met and analyzed the nominees then formulated their recommendations. The subcommittee based its evaluation on the following criteria:

- Community leader(s) whose outstanding personal service has resulted in significant and enduring contributions to the community.
- An individual or individuals who have made exceptional contributions to the City of Chandler.
- An individual or individuals who have added to the quality of life for Chandler residents through their involvement or financial contribution to short or long-term City projects or activities.
- An individual who has demonstrated leadership, innovation and creativity, which have made Chandler a better place to live and work.
- City of Chandler employees killed in the line of duty and local heroes.

The subcommittee recommendations were presented to the Parks and Recreation Board at their March 5, 2013 meeting. The Board endorsed the recommendations and unanimously voted to recommend them to the City Council for approval.

The nominees selected for the 2012 induction will be honored at an induction ceremony this fall. Past inductions to Celebration Plaza include:

2007	-	Lenford C. Calley, Officer Robert J. Nielsen, Henry Salinas
2008	-	Chandler Service Club
2009	-	Eddie Basha
2010	-	Patti Bruno, Marty Wright, Officer Carlos Ledesma, Dave McDowell, Lowell Huggins
2011	-	Najeeby Basha, Jerry Brooks

RECOMMENDATION

The Chandler Parks and Recreation Board recommends the approval of the following Celebration Plaza honorees for 2012:

- **Chandler Compadres** - The Chandler Compadres have contributed to the disadvantaged kids and families of the East Valley for over 30 years. The Chandler Compadres is a non-profit service organization that was established in 1980. A dynamic organization, the Compadres consists of 40 active members and over 60 life members. Compadre members are civic-minded business and community leaders. This organization embodies dedication, vision, heart and passion.

The first project taken on by the Compadres in 1980 and continuing today as a sustaining member, is the Boys and Girls Club. Chandler Compadres' other charitable donations have included hosting an annual awards dinner for high school students meeting academic excellence, sponsoring youth teams throughout the City and funding emergency shelter and homeless children's programs. The Compadres have and continue to support numerous youth organizations including the YMCA, Christmas Family Food Basket Project, youth sports leagues, summer at-risk programs, Thanksgiving dinner at the Boys and Girls club and a toy drive for needy children and families.

- **John H. Dick** – Mr. Dick spent almost the entire 86 years of his life making significant and long lasting contributions to the City of Chandler as well as to those around him. In 1953, after completion of military service and law school, John moved to Chandler where he enthusiastically served the City and surrounding areas. Serving as a City of Chandler Prosecutor and City Attorney, John helped to uphold the vision of Chandler as a City where families could enjoy residing in a safe and wholesome environment.

11. AGREEMENT: Somerset Landscape & Maintenance, Inc.

APPROVED Agreement #ST3-988-3188 with Somerset Landscape & Maintenance, Inc., for Landscape Maintenance Areas 1, 2, 3 and 4 in an amount not to exceed \$2,277,472.08 for two years with the option to renew for one additional two-year term.

12. CONTRACT: Achen-Gardner Engineering, LLC

APPROVED Contract #ST0809-403 with Achen-Gardner Engineering, LLC for construction of Gilbert Road improvements Phase 2 Roadway Improvements (Ocotillo Road to Chandler Heights Road) in an amount not to exceed \$10,940,082.16.

BACKGROUND/DISCUSSION

Gilbert Road from Queen Creek Road to Hunt Highway is a major arterial corridor that carries high volumes of traffic between the Santan Freeway and southeast Chandler. Phase 1 construction from Queen Creek Road to Ocotillo Road is near completion. This Phase 2 roadway work will improve the one-mile segment to a four-lane section from approximately 200 feet south of Ocotillo Road to Wood Drive/Via De Palmas with landscape medians, bike lanes, curb, gutter, sidewalk, right and left turn lanes, street lights and traffic signal improvements. The intersection of Chandler Heights Road and Gilbert Road will be widened to provide three thru lanes for north and southbound directions, two thru lanes for east and westbound directions, bike lanes, right turn lanes and left turn lanes in all directions. This project includes three Roosevelt Water Conservation District (RWCD) facility relocations across Gilbert Road. One crossing is a realignment of a canal and the other two are lateral pipe realignments. Construction duration is 270 calendar days to substantial completion and 300 calendar days to final completion.

13. CONTRACT EXTENSION: SDB, Inc.

APPROVED Contract Extension #JOC1201-401, with SDB, Inc. for one year in an amount not to exceed \$3,000,000.00. This is the first of four optional one-year extensions.

14. CONTRACT EXTENSION: Chasse Building Team, Inc.

APPROVED Contract Extension #JOC1202-401, with Chasse Building Team, Inc., for one year in an amount not to exceed \$1,500,000.00. This is the first of four optional one-year extensions.

15. CONTRACT EXTENSION: CORE Construction, Inc.

APPROVED Contract Extension JOC1203-401, with CORE Construction, Inc. for one year in an amount not to exceed \$1,500,000.00. This is the first of four optional one-year extensions.

16. LIQUOR LICENSE: Devil's Kitchen

APPROVED a Series 12 Restaurant Liquor License (Chandler #142929 L12) for Cherilynn Ann Elloumi, Agent, Devil's Kitchen LLC, dba Devil's Kitchen, 303 W. Warner Road, Suite 103. A recommendation for approval of State Liquor License #1209417 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Francisco's Pueblo Café.

17. SPECIAL EVENT LIQUOR LICENSE: Sounds of Autism, Inc.

APPROVED a Special Event Liquor License for Sounds of Autism, Inc., for the Ride and Rock for Sounds of Autism, Inc., on April 7, 2013, at Independent Motorcycle, 6403 W. Chandler 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.

18. SPECIAL EVENT LIQUOR LICENSE: Friends of the Orphanages

APPROVED a Special Event Liquor License for Friends of the Orphanages for the Camp HOPE Silent Auction fundraiser on April 14, 2013, at Inspirador, 63 E. Boston Street. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

19. PERMANENT EXTENSION OF PREMISES LIQUOR LICENSE: Ocotillo Grill

APPROVED a Permanent Extension of Premises for a Series 12 Restaurant Liquor License (Chandler #141627 L12) held by Ocotillo Grill LLC, dba Ocotillo Grill, 2625 W. Queen Creek Road, Suite 1, to include outside seating. A recommendation for approval of a permanent

extension of premises for State Liquor License #12079133 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to the permanent extension of premises. All fees have been paid and the business is in compliance with the City's Tax Code.

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

CONTINUED TO THE APRIL 25, 2013 COUNCIL MEETING Ordinance No. 4392, DVR12-0006 Price Road Commerce Center, rezoning from Agricultural (AG-1) to Planned Area Development (PAD).

Continued to April 25, 2013 Council Meeting -Preliminary Development Plan (PDP) for a business park on approximately 38 acres located south of the SWC of Germann and Price roads. (Applicant: Mike Withey; Withey Morris, PLC.)

21. DEVELOPMENT AGREEMENT: AZGL, LLC Res. #4662

CONTINUED TO THE APRIL 25, 2013 COUNCIL MEETING -Resolution No. 4662 authorizing a development agreement with AZGL, LLC for property located south of the SWC of Germann and Price roads.

ACTION:

8. AREA PLAN AMENDMENT / REZONING / PRELIMINARY DEVELOPMENT PLAN / PRELIMINARY PLAT: Southshore Village Res. #4673 & Ord. #4442

Resolution No. 4673, APL12-0003, Southshore Village Area Plan Amendment, approving an Area Plan Amendment from Medium Density Residential to Low Density Residential.

Ordinance No. 4442, DVR12-0013, Southshore Village, rezoning from Planned Area Development (PAD) medium density residential to PAD low density residential for a single-family residential subdivision. (Applicant: Rick Engineering for D R Horton homebuilder.)

Preliminary Development Plan (PDP), Southshore Village, for subdivision layout and housing product on approximately 45 acres located north and east of the NEC of Arizona Avenue and Chandler Heights Road.

Preliminary Plat (PPT), PPT12-0007 Southshore Village for subdivision layout and housing product on approximately 45 acres located north and east of the NEC of Arizona Avenue and Chandler Heights Road.

BACKGROUND

The subject 45-acre site is located north and east of the northeast corner of Arizona Avenue and Chandler Heights Road. West of the site is Arizona Avenue, Fulton Ranch Marketplace and the Fulton Ranch master planned community. The Union Pacific Railroad tracks are east of the site and single-family subdivisions Pinelake Estates and Pinelake Village. North of the site is the developing Fulton Ranch II (Reserve at Fulton Ranch) single-family subdivision. South of the property is land zoned for commercial development.

This application request includes an Area Plan Amendment, Rezoning, Preliminary Development Plan and Preliminary Plat as follows:

- First, proposed amendment to the Southshore Area Plan changing approximately 45 acres from medium density single-family residential to low density single-family residential.
- Secondly, proposed rezoning of approximately 45 acres from Planned Area Development (PAD) medium density residential to PAD low density residential for a single-family residential subdivision.
- Thirdly, proposed Preliminary Development Plan (PDP) and Preliminary Plat approval for the 45-acre residential project.

In September 2005, an Area Plan Amendment, Rezoning and PDP were approved for a single-family residential subdivision and a commercial parcel. The land was changed from multi-family residential, light industrial and commercial to medium density single-family residential and commercial. The commercial corner was conceptual and came back later with a PDP to develop. The gated, medium density single-family z-lot designed residential subdivision included 231 lots at a density of 5.0 du/ac. The residential component did not develop. The commercial parcel began construction and ceased several years ago.

D R Horton is proposing to develop the Southshore Village project which includes 138 single-family residential lots developed as a low density subdivision. The subdivision is not gated and includes public streets. The main entry/exit off of Arizona Avenue is designed with a corner water feature, edged by open space and a tree-lined raised landscape median entry leading to a sizeable open space area. The entry/exit off of Chandler Heights Road is also edged by open space areas and a raised landscape median. There are two entrances and exits from the development. A full movement median break is planned for both entries.

The water feature off of Arizona Avenue creates a prominent sense-of-arrival accompanying the water features of Fulton Ranch and Fulton Ranch II nearby. Waterfall elements are incorporated into the water feature and stepped stone veneer finished walls. Willow Acacia trees are located in the entry planter medians with Texas Honey Mesquite and other trees along open space tracts. Approximately 20% open space is included throughout the subdivision with the use of usable active open spaces, landscape tracts and a landscaped street frontage and entry drives.

The 138-lot residential subdivision provides for a low density single-family community at 3.07 du/ac. The single-family lots are individual, detached homes that provide additional residential housing planned on this property since 2005. The subdivision offers a traditional lot layout with a variety of housing plans.

HOUSING PRODUCT

The ten housing products include five one-story plans ranging from approximately 2,141 to 2,528 livable square feet and five two-story housing plans ranging from 2,330 to 3,552 livable square feet. Housing plans are designed with several architectural styles. Each housing plan includes three elevation styles providing a total of 30 housing plan options.

The homes offer a mix of side entry garages and forward facing garages. Standard features include rear yard covered patios, covered front entries or porches, stone veneer on at least one elevation and decorative garage doors with windows. The home's exterior includes four-sided architectural elements, two-toned paint, window molding, varied rooflines and roof tiles, window shutters, decorative brackets, decorative vents, wrought iron accents, corbels, courtyard walls, and varied window designs.

There are roof tile and various paint color scheme options. Two-story homes are designed to avoid a box-on-box appearance with the introduction of one-story components on rear elevations and/or front elevations, or a combination one- and two-story designed home and varied roofline and wall plane elements. Elevation details include arched elements and decorative trim above garage doors, enhanced bases and banding elements on columns, varied column designs, hipped gable rooflines with decorative corbels, extended roof overhangs, projecting wall sections on second story, balcony with metal railing and courtyard wall/columns.

The housing products design complies with the Residential Development Standards architectural diversity elements. The homes meet all 9 required elements and provide 9 of the minimum required 7 optional elements.

SUBDIVISION DIVERSITY

The subdivision design includes a sense of arrival into the neighborhood with open space and landscaping at both entries along with a water feature at the main entry. There is a landscape parkway along both street frontages, only four homes backing to an arterial street with staggered rear walls, usable retention open spaces, visible open space with view corridors, cul-de-sacs adjacent to open space and an amenity area with tot lot, ramada and benches. In addition, the development's entry off of Chandler Heights Road includes a curvilinear street bounded by open space areas.

Front yard building setbacks range from a minimum of 10 feet for side-entry garages or livable space to 18 feet for forward facing garage doors. Rear building setbacks are a minimum of 10 feet for one-story homes; however, there is a 30-foot rear yard building setback for two-story homes due to a subdivision diversity element point. Patio covers can encroach 10 feet into a rear yard setback. Side yard building setbacks are a minimum of 5 feet and 10 feet. The maximum lot coverage is 50%.

Additionally, the development restricts corner lots to one-story homes or combination one-and two-story homes with the one-story on the street side, restricts the same front elevation from being built side-by-side or directly across the street from one another, and no more than two identical side-by-side roof slopes will be constructed along arterial streets. No more than every third lot along arterial and collector streets will be a two-story home.

The Development Booklet references side yard building setbacks, net density and the number of lots; however, Staff noticed some inadvertent errors with the latest plan updates. For clarification, the project has 138 maximum lots, the net density is 3.07 du/ac, and the minimum side yard building setback for each lot is 5 feet and 10 feet. A zoning condition is added to confirm the side yard building setbacks.

GENERAL PLAN CONFORMANCE

The subject property is part of the Southeast Chandler Area Plan (SECAP), which designates the property for Employment/Mixed Use development. This SECAP land use is based on the General Plan Land Use Element, which defines this property as Employment and as a "large growth tract area". The Arizona Avenue Corridor is identified in the Southeast Chandler Area Plan as the most intense land use in southeast Chandler. This corridor is intended to accommodate the land uses as defined in the General Plan which include a variety of light industrial, campus-like business parks, and employment uses including a compatible mix of higher density housing, commercial support uses, corporate offices and related uses. The request is consistent with the General Plan and Southeast Chandler Area Plan.

Additionally, the approximately 45-acre site is part of the larger Southshore Area Plan bounded by Arizona Avenue, Ocotillo Road, Chandler Heights Road and the Consolidated Canal. In March 1988, the Southshore Area Plan was established and defined specific land uses with PAD zoning. This plan supersedes the Southeast Chandler Area Plan in regards to land use. There have been several amendments to the Area Plan including a General Plan amendment in 1997 for the Pinelake Estates and Pinelake Village single-family home subdivisions. The General Plan amendment allowed for single-family residential development east of the railroad tracks instead of employment, business park and multi-family uses. Land use amendments and rezoning requests have occurred over the years allowing for the development of Southshore Town Center, Southshore Town Center Phase II, Desert Palms Presbyterian Church and Chandler United Methodist Church. Commercial development was approved on the northeast corner of Arizona Avenue and Chandler Heights Road.

The proposed Southshore Area Plan amendment retains the single-family residential land use that was approved as part of the previously approved Southshore Village (Maracay Homes) development. In conformance with the General Plan, the original Southshore Area Plan had established higher density residential housing along the Arizona Avenue Corridor and as a part of the Employment/Mixed use land use designation. The Area Plan included a mix of higher density residential multi-family parcels, light industrial and commercial uses. Those uses have since changed to single-family residential and commercial.

The Southshore Area plan has been amended over time for other residential uses including Pinelake Village which was originally planned for multi-family residential up to 15 du/ac. This property was rezoned for medium density single-family residential at approximately 5.3 du/ac. Pinelake Estates was rezoned from light industrial, office and multi-family residential to low density single-family residential at approximately 1.68 du/ac. Fulton Ranch II was originally a mixed-use commercial and residential development that was changed to 5.1 du/ac single-family residential development. The proposed D R Horton 3.07 du/ac development is compatible with adjacent residential.

The Planning Commission and Planning Staff are of the opinion the proposed development is in conformance with the General Plan and Southeast Chandler Area Plan. Development of property along Arizona Avenue between Ocotillo Road and Chandler Heights Road furthers the goals and planned land uses within the General Plan, Southeast Chandler Area Plan and Southshore Area Plan by incorporating a residential use within a mix of existing commercial and residential uses as well as employment uses located further south along Arizona Avenue and to the north and east within the Airpark Area Plan. The subject site adds to the mix of uses by providing a residential housing option for the area.

The subdivision abuts the Union Pacific Railroad right-of-way and is designed to mitigate any negative impacts. The subdivision layout is similar to Fulton Ranch II under construction immediately north of the site. There are no residential buildings backing up to the railroad right-of-way, a 6-foot high block wall is along the east side, and homes will be constructed with sound attenuation measures.

The Planning Commission and Planning Staff are of the opinion that the single-family residential development furthers the City's goal to promote new development, mix of housing options and compatible land uses adjacent to existing single-family residential and commercial. The development meets the Residential Development Standards and is a well-designed community.

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 29, 2012. One resident from Pinelake Estates was in attendance representing the HOA Board and expressed support by the HOA. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 5-0 with Commissioners Baron and Cunningham absent.

RECOMMENDED ACTIONS

Area Plan Amendment

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

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, 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 "SOUTHSHORE VILLAGE", kept on file in the City of Chandler Planning Division, in File No. DVR12-0013, 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 tot lot shall be a minimum of 20 total play stations.
6. The side yard building setbacks shall be a minimum of 5 feet and 10 feet.
7. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
8. All homes built on corner lots within the residential subdivision shall be single-story or a combination of one- and two-story with the one-story portion on the street side.
9. The same elevation shall not be built side-by-side or directly across the street from one another.
10. For lots adjacent to an arterial street, two-story homes are limited to every third lot, with no more than two, two-story homes built side-by-side.

Preliminary Plat

Upon finding consistency with the General Plan, 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.

DISCUSSION:

MAYOR TIBSHRAENY said Councilmember Heumann is recommending adding disclosure to potential buyers in regards to the potential impact by the SRP line siting that is occurring.

COUNCILMEMBER HEUMANN said this area has potential for a very high capacity transmission line siting and he would like the extra disclosure for transparency to the potential home buyers.

COUNCILMEMBER HARTKE asked if the applicant was agreeable to the stipulation. Ms. Novak, Senior Planner responded the potential developer is D.R. Horton Homes and they were made aware earlier in the day of the potential stipulation. They did not have issue with it.

COUNCILMEMBER WENINGER asked if this affected resale homes. After clarification, Ms. Novak said that is assumed that potentially it's being rolled through the deed and paperwork done by the real estate agent, the title company and the County Recorder. She said it does get placed in the subdivision public report which is a separate document.

COUNCILMEMBER WENINGER asked about the wording. Transportation and Development Director MR. R.J. ZEDER explained there are a number of routes that are being considered as part of the process. Ms. Novak said the zoning stipulation is more generic so it does not specify what is happening, but of the awareness of the power poles.

MAYOR TIBSHRAENY asked what disclosures are occurring around the airport. Ms. Novak said for many years there was a standard disclosure. There is a separate condition that is added regarding the heliport. Recently, for multifamily projects as a request from the Airport Commission is to create stipulations that if those multifamily projects go from leasable to for sale units, they do have to notify the buyers of the airport.

MOVED BY COUNCILMEMBER HEUMANN TO APPROVE ITEM 8 WITH THE ADDITIONAL ZONING CONDITION WITH THE CONTINUATION OF THE ITEM TO APRIL 11, 2013. THE MOTION DIED FOR LACK OF A SECOND.

MOVED BY VICE MAYOR SELLERS TO CONTINUE ITEM 8 TO THE APRIL 11, 2013 COUNCIL MEETING. SECONDED BY COUNCILMEMBER HEUMANN.

VICE MAYOR SELLERS said he was suggesting continuance as the new information was presented only tonight and he would like further time to look at the ramifications of what's being presented.

COUNCILMEMBER HARTKE clarified the item could come back in April with the stipulation added. MAYOR said if the stip is added at the meeting on the 11th, the exact same issue will occur and the ordinance will have to be reintroduced at the following meeting thereby causing a delay for the developer.

COUNCILMEMBER HEUMANN asked if the stipulation could be added before then. CITY ATTORNEY WADE said there would have to be a motion to add the stipulation at the next meeting unless the developer wants to add it. Otherwise the Council has to add it.

THE MOTION CARRIED BY MAJORITY (6-1). COUNCILMEMBER ELLEN VOTED NAY.

MAYOR said with the significant potential changes in that corridor with the magnitude of the line, he would like to see discussion about this with developers in future cases. He acknowledged the legitimacy of the stipulation offered by Councilmember Heumann.

PUBLIC HEARINGS:

Mayor announced that both Public Hearings have been cancelled as requested by Staff.

PH1. CANCELLED ANNEXATION HEARING: SEC Willis Road and Consolidated Canal

CANCELLED the public hearing for the annexation of approximately 2 acres located at the SEC of Willis Road and the Consolidated Canal in order to correct an error in the recording of the blank petition and subsequently comply with timing requirements for annexation under Arizona Revised Statutes.

PH2. CANCELLED ANNEXATION HEARING: SEC McQueen and Chandler Heights Roads

CANCELLED the public hearing for the annexation of approximately 2.5 acres located south of the SEC of McQueen and Chandler Heights roads in order to correct an error in the recording of the blank petition and subsequently comply with timing requirements for annexation under Arizona Revised Statutes.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor Tibshraeny acknowledged the passing of Eddie Basha and recalled recognizing the Basha family at the 2012 State of the City of their role and contributions in Chandler's history. He noted the recent dinner recently organized by Mr. Basha and attended by members of the Gila River Indian Community and Chandler City Council. He offered his thoughts and prayers for the Basha family.

The Mayor announced the following events:

- *Family Easter Celebration on Saturday, March 30th at Snedigar Park
- *HealthConnect Expo on Saturday, April 6th at Tumbleweed Rec Center
- *Family Bike Ride on April 13th in recognition of Family Bike Month

Mayor noted an item approved at tonight's meeting was the 2012 inductees to Celebration Plaza. The honorees are the Chandler Compadres and the late John Dick.

B. Councilmembers' Announcements

Each of the Councilmembers offered their remembrances and condolences to the Basha Family.

Councilmember Heumann announced the Drowning Prevention Drive by the Fire Department. He reported the Intel International Science and Technology Fair will occur in May in the metro area and are now soliciting volunteers.

Councilmember Weninger encouraged participation at the Family Easter Celebration.

Vice Mayor Sellers stated he recently attended a bi-national economic development forum in Nogales with Maricopa Association of Governments.

Councilmember Donovan wished everyone a happy Passover and Easter as each are occurring this week.

Councilmember Hartke announced the Jazz Festival will occur in April in Chandler. He wished all a blessed Easter and Passover.

Councilmember Ellen encouraged the attendance at AirportDayz at Chandler Airport April 6th. She noted that Stellar Airpark also is holding an event.

C. City Manager's Announcements

City Manager Dlugas extended condolences on behalf of the city to the Basha Family.

Adjournment: The meeting was adjourned at approximately 8:07 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: April 11, 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 28th day of March 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of April 2013.

City Clerk