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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, April 11, 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
Trinity Donovan	Councilmember (telephonic)
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: Keith Shepard, Alma School Road Church of Christ

PLEDGE OF ALLEGIANCE: Aaron Clouse Boy Scout Troop 785.

UNSCHEDULED PUBLIC APPEARANCES: None

CONSENT:

MR. DAVE WILLIAMS submitted a request to speak on Item 8. Mr. Williams, 24707 S. 141st Street, Chandler, said while there are several aspects of this development that are well done. In January he indicated to the planner and developer the lack of provision for single story houses along the north perimeter. He said that would be a better fit with the character of the existing community which is a rural setting with livestock.

He asked the Council to amend the Preliminary Development Plan to provide for single story along the north perimeter. He clarified to Councilmember Heumann that he lives north of this development. In response to the Mayor, Mr. Williams said it would impact 7 lots.

Mayor Tibshraeny said he would like to move this item to Action as the last item.

MOVED BY COUNCILMEMBER HEUMANN, SECONDED BY COUNCILMEMBER HARTKE, TO APPROVE THE CONSENT AGENDA AND MOVE ITEM 8 TO ACTION.

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED the following Chandler City Council Meeting Minutes:

- 1a. Special Meeting (Budget Workshop) of March 11, 2013
- 1b. Special Meeting of March 28, 2013
- 1c. Regular Meeting of March 28, 2013

2. REZONING: Mammoth Professional Building Ord. #4440

ADOPTED 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.

3. REZONING: San Valencia Ord. #4441

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.

4. ANNEXATION: Rights-of-Way Arizona Avenue Ord. #4407

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4407 annexing approximately 3.09 acres of certain county rights-of-way on Arizona Avenue north and south of Riggs Road.

BACKGROUND/DISCUSSION

The recently executed agreement between the City of Chandler and the Arizona Department of Transportation (ADOT) transfers ownership and maintenance responsibilities of State Route 87 (SR 87) from Ocotillo Road to approximately 1/4 mile south of Riggs Road to the City of Chandler. In areas where County rights-of-way (ROW) do not encompass the entire width of SR 87, the agreement requires annexation. Otherwise, in those areas of SR 87 abandoned fully to Maricopa County, annexation is to be completed in a reasonable timeframe.

Currently, along Arizona Avenue (SR 87), north and south of Riggs Road, there are portions of ROW partially under the jurisdiction of Maricopa County. The annexation map attached to the ordinance depicts the entire area to be annexed.

A.R.S. § 9-47.02 allows for County ROW with no taxable real property to be annexed to an adjacent city by mutual consent of the city's governing body and the County's Board of Supervisors.

The annexation process, per A.R.S. § 9-47.02, requires that the city adopt an "ordinance of intent" to annex the right-of-way. If approved by the city, a request for annexation, together with a copy of the ordinance, will appear as a published agenda item at a regular meeting of the Maricopa County Board of Supervisors. If the County approves the annexation, the ROW parcels will be annexed into the city.

5. LEASE AGREEMENT: Maricopa County Ord. #4437

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4437 authorizing a two-year lease agreement with Maricopa County for space in the recreation building at 660 S. Palm Lane for use as a Head Start facility.

BACKGROUND/DISCUSSION

The Maricopa County Head Start organization has operated a Head Start pre-school program in a portion of the Recreation Building at 660 S. Palm Lane since 1993. In 1993, the County contributed \$60,000.00 towards expanding and remodeling the existing Public Housing Recreation Building to meet Head Start's licensing requirements.

The existing lease with Maricopa County Head Start ends June 30, 2013. The current annual lease rate is \$4,000.00 and the Housing Division pays all utility costs and does the principle maintenance associated with the Head Start building. Under the proposed lease agreement, the lease rate would continue to be \$333.33 per month.

The lease is written as a two-year lease with an option to extend for two additional one-year terms. All other terms and conditions of the lease will remain unchanged.

The Head Start Program serves Public Housing residents' children and neighborhood children. Head Start is a valuable resource that better prepares low-income and disadvantaged children to integrate into a school environment.

FINANCIAL IMPLICATIONS

All costs associated with the lease and the Head Start Program are paid for by Maricopa Head Start or by grants through the Public Housing operating budget.

6. LEASE AGREEMENT: Maricopa County

Ord. #4438

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4438 authorizing a two-year lease agreement with Maricopa County for space in the recreation building at 130 North Hamilton Street for use as a Head Start facility.

BACKGROUND/DISCUSSION

The Maricopa County Head Start organization has operated a Head Start pre-school program in a portion of the Recreation Building at 130 N. Hamilton Street since 1991. In 1995, the County contributed \$70,000.00 towards expanding and the remodeling of the existing Public Housing Recreation Building to meet Head Start's licensing requirements.

The existing lease with Maricopa County Head Start ends June 30, 2013. The current annual lease rate is \$4,000.00 and the Housing Division pays all utility costs and does the principle maintenance associated with the Head Start building. Under the proposed lease agreement, the lease rate would continue to be \$333.33 per month.

The lease is written as a two-year lease with an option to extend for two additional one-year terms. All other terms and conditions of the lease will remain unchanged.

The Head Start Program serves Public Housing residents' children and neighborhood children. Head Start is a valuable resource that better prepares low-income and disadvantaged children to integrate into a school environment.

FINANCIAL IMPLICATIONS

All costs associated with the lease and the Head Start Program are paid for by Maricopa Head Start or by grants through the Public Housing operating budget.

7. REZONING/PRELIMINARY DEVELOPMENT PLAN: Park Place Ord. #4443

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4443, DVR13-0002 Park Place, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD).

APPROVED a Preliminary Development Plan (PDP) for a business park on approximately 29 acres located at the SEC of Price and Willis roads. (Applicant: Michael Curley; Earl, Curley & Lagarde P.C.)

BACKGROUND

The subject site is located south of the southwest corner of the Santan Loop 202 and Price 101 freeway interchange. The parcel is bordered to the east by Price Road and to the west by the Gila River Indian Community. South are existing employment uses. A vacant parcel planned for employment uses abuts Price Road east of the subject site with an existing residential subdivision located east of Ellis Street. Willis Road abuts the site's north side with existing and planned employment uses located north of Willis Road.

The request is to rezone the subject site from AG-1 to PAD with Preliminary Development Plan approval for the construction of a business park. The General Plan designates the subject property as Employment allowing major employers, knowledge-intensive employers, industrial/business parks and industrial support uses. Additionally, the General Plan identifies the subject site as falling within the South Price Road Employment Corridor (SPREC). This corridor, recognized as the City of Chandler's premier employment corridor, generally encompasses the property located on the west and east sides of Price Road, starting at Willis Road at the north, ending at the Chandler Heights Road alignment just north of Sun Lakes. Visually, the corridor starts at the southern edge of the Loop 101/202 freeway interchange; however, historically, the City has recognized Willis Road as the northern border as the property located north of Willis Road received zoning approval prior to the General Plan's SPREC designation. The subject site was previously part of a General Plan amendment request that included the vacant land east of Price Road. That request was withdrawn at City Council. The current request for the subject 29 acres does not include a proposed General Plan amendment and is simply a rezoning request consistent with the General Plan.

The rezoning request seeks land use approval for business park uses as identified within the SPREC language. The exhibits, although conceptual, depict a single-user campus for the subject 29 acres. It should be noted that due to the conceptual nature of the request, and lack of specific end user at this time, the request seeks authority to permit up to two individual users within individual buildings on the proposed campus. This is consistent with the General Plan's SPREC language 'single employment users – on parcels generally not less than 15 acres' due to the site's approximate 30-acre size. The rezoning request will accommodate a wide range of uses including corporate office headquarters, high-tech manufacturing and knowledge intensive employers.

The conceptual site plan and representations contained within the Development Booklet establish the 'bar' or level of quality expected for the future campus. While the final design and location of buildings may change, the exhibits represent a high-quality campus with a strong landscaping theme and high level of required architectural quality. The site provides multiple access points from the two adjacent collector streets as well as a strong boulevard entrance off of Price Road. The applicant continues to control the property adjacent to Price Road on the east, as evidenced

by the ghosted out plans contained within the booklet. It is anticipated that the highly articulated landscape theme proposed along Price Road will be implemented on the east side at the time a development proposal is brought forward. The landscape theme includes a 'radial' design at major intersection points that is carried through the campus with terraced landscaped treatments that include a layering effect of backdrop trees including Date Palms. Even the ultimate building design will include a relationship to the radial theme at the boulevard entrance furthering the campus concept.

The request includes a comprehensive sign package that includes building mounted signage, campus identification monumentation and freestanding single-tenant monument signage. Building mounted signage can include pan channel, reverse pan channel or flat cut out pin mounted lettering at the discretion of the end user. The campus identification monument signage is incorporated into the terraced landscaped theme at the Price and Willis roads intersection. The Allred Park Place campus sign includes an engine-turned metal panel terracing down to a black metal panel with back-lit lettering, terracing to a blue metal panel that terraces to a marble-tiled curvilinear wall that transitions to a frosted glass wall reflecting the radial concept. This design is continued for the single-tenant freestanding monument signs where the tenant copy is placed upon the engine-turned metal panel. The signage represents a very high level of quality that provides a strong statement for the Price Corridor.

DISCUSSION

Staff supports the request. The exhibits establish a campus environment with exceptional quality that continues throughout the site design, landscaped theming and ultimately to the comprehensive sign package. The proposal is consistent with the General Plan in terms of the proposed land uses as well as the single-employment nature of future buildings within the campus. The proposal will provide a strong statement for the Price Corridor as Price Road curves adjacent to the site.

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 February 11, 2013. There were no neighboring property owners in attendance. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 5-0 with Commissioners Donaldson and Rivers absent.

RECOMMENDED ACTION

Rezoning

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

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the attached Development Booklet entitled "PARK PLACE", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0002, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual

parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.

8. On Action Agenda

9. REVISED LEASE AGREEMENT/ GENERAL FUND TRANSFER: Ord. # 4448
Arizona State University

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4448 amending Ordinance No. 4356 to authorize a revised lease agreement with Arizona State University for City property at 249 E. Chicago Street, upon approval as to form by the City Attorney.

APPROVED a Strategic Economic Development Opportunity Fund Transfer authorizing a transfer from the Strategic Economic Development Opportunity General Funds to the ASU Innovation Center in an amount up to \$200,000.00.

BACKGROUND/DISCUSSION

In February 2012, City Council authorized Significant Lease Terms for Arizona State University (ASU) to lease the former +/- 33,000-square foot Public Works yard, as well as appropriation of up to \$2.9 million for renovation of the facility. ASU has proposed three programs operate in the facility, all expanding from the ASU Polytechnic campus. Initially, this building will be home to approximately 100 students and faculty, expanding over the next five years to house approximately 1,000 ASU students and faculty.

After City Council's approval, Staff prepared and solicited for a hard-bid process for the construction of the tenant improvements on site. During that time, ASU approached the City with a potential new partner for the space known as TechShop. TechShop is a member-based workshop that provides access to an extensive list of tools, equipment and instruction, allowing all skill levels the opportunity to build and create physical products.

Due to this change in partnership, the plans for the hard-bid had to be modified to fit this additional tenant. Subsequently, the hard-bid prices came in significantly higher than Staff had planned in original estimates. Due to the value engineering required by both ASU and TechShop to get the cost of this project reduced, Staff felt that it was in the project's best interest to turn the lead for the project over to ASU, who in turn has selected a Construction Manager at Risk (CMR), Haydon Construction. Haydon has now been working with the plans for several weeks in order to reduce costs brought about by the addition of TechShop. ASU and TechShop now feel the plans are ready to go forward, and ASU will take the lead on reconstruction of the building.

To house classroom, faculty and engineering labs, the Chicago Yard will need a complete interior demolition and rebuild, as well as drainage and parking improvements.

Through review, it is estimated that this project will require approximately \$3.37 million in capital costs to renovate for occupancy by ASU. The City of Chandler's allocation for this project currently maintains a balance of \$2.4 million of the original \$2.9 million authorized by Council.

To meet the delta between the cost of the project and the remaining funds available, the City of Chandler and ASU will share the cost of the difference at the rate of 75% ASU and 25% City of Chandler, with the City's additional expense not to exceed \$200,000.00.

As a reminder, the term of this lease remains unchanged, i.e. 5 initial years, plus 9 additional 5-year options. The parties and their respective attorneys have completed negotiations of the language changes needed to shift responsibility for the renovations to ASU with the City providing monetary contributions as the work proceeds in accordance with procedures established in the lease, as revised. The revised lease will be approved as to form by the City Attorney before execution by the City.

At its April 2013 Arizona Board of Regents (ABOR) meeting, ASU will take an item forward for consideration to ABOR authorizing the additional expenditure for the Chicago Yard. Once the tenant improvements are completed, ASU will be financially responsible for all on-going operations of the space, as well as maintenance and upkeep of the structure and equipment. Staff anticipates no additional costs for this facility after the initial construction.

FINANCIAL IMPLICATIONS

The projected additional cost to the City of Chandler for the ASU Downtown project is \$200,000.00 to be funded with a transfer from the Strategic Economic Development Opportunity General Funds to the ASU Innovation Center.

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

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

INTRODUCED AND TENTATIVELY APPROVED 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.)

APPROVED a 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.

APPROVED 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.

This item was discussed at the March 28, 2013 City Council meeting regarding the addition of Condition No. 13. This condition requires a written disclosure statement from the homebuilder to the homebuyer as well as an individual lot property deed outlining that the subdivision is adjacent to or nearby SRP electrical power pole lines which should be expected to continue indefinitely including any future expansion of such utilities. This item was continued to allow further discussion of this condition. The conditions as forwarded by the Planning Commission are contained within the Ordinance; therefore, if Council votes to add Condition No. 13, then the ordinance needs to be reintroduced at another hearing date. Condition No. 13 is as follows:

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 home builder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

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.

DISCUSSION

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.

11. REAL PROPERTY ACQUISITION: Coronado & Boston Streets Res. #4674

ADOPTED Resolution No. 4674 authorizing the acquisition of real property as needed for the Coronado Street and Boston Street Improvements Project and AUTHORIZED condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof.

BACKGROUND/DISCUSSION

The Chandler City Council approved a development agreement between the City and RG-101, LLC at its November 17, 2011 meeting. Pursuant to the terms of the agreement, the City is to acquire title to several parcels of land for use as a public right-of-way to complete Coronado Street and Boston Street between Chandler Boulevard and Price Road and to provide access to the City's existing property on Price Road just south of Chandler Boulevard. In addition, it will be necessary to acquire several temporary construction easements for the project.

This resolution authorizes acquisition of real property and easements at market value either by purchase or by condemnation. A reasonable negotiation period will be allowed for property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession.

12. GRANT SUBMISSION: 2014 Highway Safety Plan Res. #4675

ADOPTED Resolution No. 4675 authorizing the grant submission of projects for consideration in Arizona's 2014 Highway Safety Plan for child safety seat clinics and AUTHORIZED the Fire Chief to conduct all negotiations and to execute and submit all documents in connection with such grants.

BACKGROUND/DISCUSSION

The Fire Department has applied for a Governor's Office of Highway Safety Grant in the amount of \$32,415.00 in the areas of Occupant Protection. The grant application requests funds to continue the Fire Department's Child Safety Seat Clinics program, to conduct child car seat safety clinics between October 1, 2013 and September 30, 2014. A requirement of this grant process is

to have the City Council approve a resolution. Grant awards will be made before September 30, 2013.

13. On the Action Agenda

14. AGREEMENT: Fire Response Units

APPROVED an Agreement with fire response units from 23 cities, towns, fire districts and governmental jurisdictions in the Phoenix metropolitan area for the purpose of providing Automatic Aid for Fire Protection and Other Emergency Services.

BACKGROUND/DISCUSSION

Fire Departments in the metropolitan Phoenix area operate in a cooperative manner with regards to providing the fastest and most appropriate emergency response to fire and medical emergencies. Fire response units from 23 cities, towns, fire districts and governmental jurisdictions in the Phoenix metropolitan area are dispatched to emergency calls via Global Positions System, without regard to jurisdictional boundaries. This is a very efficient and effective service delivery model that Chandler has been a part of since 2001. This updated Automatic Aid Agreement is necessary to bring all 23 jurisdictions under the same version of the agreement in order to maintain current response system standards.

15. AGREEMENT: Maricopa County Department of Emergency Management

APPROVED an Agreement with the Maricopa County Department of Emergency Management for regional operations and disaster services.

BACKGROUND/DISCUSSION

For the past 10 years, Chandler has had an IGA with the Maricopa County Department of Emergency Management for emergency planning and disaster services. The current agreement expires on June 30, 2013. Continuing the IGA will help Chandler meet the Emergency Management mandate spelled out in Title 26, 308 (B) of the Arizona Revised Statutes through a partnership with Maricopa County. Additional benefits include assistance with the development and maintenance of local and regional emergency management plans, access to training, use of emergency management software and assistance during a local emergency. The new agreement is fundamentally the same as the previous agreement with small refinements to meet the needs and concerns of participating jurisdictions.

FINANCIAL IMPLICATIONS

The annual assessment is based on the population of the city. For 2013/14, Chandler's assessment will be \$13,114.00.

16. AGREEMENT AMENDMENT: Water Chemicals

APPROVED Agreement #MU1-885-2936, Amendment No. 2, with General Chemical, Univar, Brenntag Pacific, Cal-Pacific, F2 Industries, DPC Enterprises, Polydyne, Thatcher Company, Hill Brothers, Commercial Pool Repair, A&M Corsons and Applied Products Group, for water treatment, wastewater treatment and swimming pool chemicals in an amount not to exceed \$4,292,322.00. The contractors have agreed to extend the agreements with minor price increases to three of the contract items, but only one of these chemicals is used by Chandler for swimming pools. The price increase to the City is \$1,984.00.

17. AGREEMENT: Agilent Technologies, Inc.

APPROVED Agreement #MU3-490-3198 with Agilent Technologies, Inc., for a gas chromatograph mass spectrometer in an amount not to exceed \$135,121.16.

BACKGROUND/DISCUSSION

Water Quality Laboratory Staff will use the gas chromatograph mass spectrometer to measure volatile organic compounds in the City's drinking water. The use of the instrument will assist in optimizing the water treatment process and for monitoring compounds regulated by the Environmental Protection Agency under the Safe Drinking Water Act.

18. AGREEMENT: Ancon Service Company

APPROVED Agreement #MU3-962-3146 with Ancon Service Company for HydroVac Services in an amount not to exceed \$286,720.00 for two years with the option to extend for one additional two-year term.

19. AGREEMENT: Covance Laboratories, Inc.

APPROVED Agreement #OA11-003 with Covance Laboratories, Inc., deferring half of the cost of constructing a "T" intersection at Emmett Drive and Ryan Road as a condition of their development and accepting a lump sum payment of \$43,652.00.

BACKGROUND/DISCUSSION

As a condition of development, Covance Laboratories, Inc., located west of the southwest corner of Ryan Road and Germann Road, deferred roadway work on Ryan Road adjacent to their property. This agreement is intended to cover the cost for that work. A lump sum agreement was used to secure their financial obligation to the City for the deferred work as well as release the developer from any future obligations for the improvements.

FINANCIAL IMPLICATIONS

Funds in the amount of \$43,652.00 have been received from the developer and are being held in an interest bearing account to use for the future construction of Ryan Road.

20. AGREEMENT: Covance Laboratories, Inc.

APPROVED Agreement #OA11-004 with Covance Laboratories, Inc., deferring half the cost of half-street construction of Emmett Drive as a condition of their development and accepting a lump sum payment of \$298,546.00.

BACKGROUND/DISCUSSION

As a condition of development, Covance Laboratories, Inc., located west of the southwest corner of Ryan Road and Germann Road, deferred roadway work on Emmett Drive adjacent to their property. This agreement is intended to cover the cost for that work. A lump sum agreement was used to secure their financial obligation to the City for the deferred work as well as release the developer from any future obligations for the improvements.

FINANCIAL IMPLICATIONS

Funds in the amount of \$298,546.00 have been received from the developer and are being held in an interest bearing account to use for the future construction of Emmett Drive.

21. AGREEMENT: Smith's Food and Drug Centers, Inc.

APPROVED Agreement #OA12-003 with Smith's Food and Drug Centers, Inc., deferring the cost of roadway improvements on 124th Street as a condition of their development and accepting a lump sum payment of \$34,971.00.

BACKGROUND

As a condition of development, Fry's Fueling Station No. 668 (owned by Smith's Food and Drug Centers, Inc.), located at the northwest corner of Riggs Road and 124th Street, deferred roadway improvements on 124th Street adjacent to their property. This agreement is intended to cover the cost of those improvements. A lump sum agreement was used to secure their financial obligation to the City for the deferred work as well as release the developer from any future obligations for the improvements.

FINANCIAL IMPLICATIONS

Funds in the amount of \$34,971.00 have been received from the developer and are being held in an interest bearing account to use for the future construction of 124th Street.

22. PURCHASE: Toter Incorporated

APPROVED the purchase of refuse and recycling containers and parts from Toter Incorporated, utilizing the National Intergovernmental Purchasing Alliance contract, in an amount not to exceed \$350,000.00.

The recommended purchase was bid by the NIPA with the City of Tucson as the lead agency. The requested contract was awarded in January 2013. The requested amount is based on the estimated usage for one year. Staff recommends container and parts purchase from Toter Incorporated due to exceedingly low failure rates with the recommended product.

23. CONTRACT: Nickle Contracting LLC

APPROVED Contract #PR0809-401 with Nickle Contracting LLC, for Roadrunner Park improvements in an amount not to exceed \$1,246,060.99.

24. PURCHASE: Avondale Dodge

APPROVED the purchase of replacement vehicles from Avondale Dodge, utilizing the State of Arizona contract, in an amount of \$79,659.23.

25. AGREEMENT: PFVT Ford, Inc.

APPROVED Agreement #TE3-065-3214 with PFVT Ford, Inc., for the purchase of a bucket truck in the amount of \$91,639.63.

26. CONTINUED USE PERMIT: Eva's Mi Amore

CONTINUED TO APRIL 25, 2013, Use Permit ZUP12-0035 Eva's Mi Amore, to operate a wedding planning and bridal service office in a converted residence in the SF-8.5 Single-Family Residence zoning district located at 598 W. Chandler Boulevard.

A proper neighborhood meeting was not held as required for this case as it was conducted on a Sunday. The Planning Commission and Staff recommend a continuance to allow for another neighborhood meeting to be held during the required times and be heard before the Planning Commission.

27. USE PERMIT: Performance Auto Sales

APPROVED Use Permit ZUP12-0036 Performance Auto Sales, extension to allow an automotive repair and performance modification business in the I-1 Planned Industrial zoning district located in Stellar Industrial Airpark at 4122 W. Venus Way, Suite B. (Applicant: Mike Koch, Owner of Performance Auto Sales, a.k.a. Arizona Automasters.)

BACKGROUND

The subject site is zoned I-1 (Planned Industrial District) as part of the Stellar Airpark industrial area. The property is located within a cul-de-sac with several other light industrial type buildings. The proposed automotive repair and performance modification business has been operating in Chandler since 2002 with Use Permit approval and since 2010 at this site, when a Use Permit was approved for the site to allow automotive repair and performance modification within the I-1 zoning district with a 1-year time period.

The existing building is approximately 7,500 square feet in size and owned by Hirani Oil Arizona. Hirani Oil, a property management company, occupies Suite A, which is an office space of approximately 1,000 square feet. Performance Auto Sales/Arizona Automasters leases Suite B, which includes an office space and the building's warehouse totaling approximately 6,500 square feet. Suite A as a screened storage lot on the building's west side. The remainder of the rear service yard is for Suite B's use.

The primary business use is an automotive repair and performance modification business. Examples of service work performed include alignments, brakes, timing belts, brake fluid flush, transmission work, engine repair and rebuilding, and computer diagnostics. Most service work is performed by appointment with up to four full-time employees. An average of four to five vehicles per day arrive and depart. Hours of operation are from 8 a.m. to 7 p.m. Monday through Friday, 9 a.m. to 3 p.m. on Saturday and closed on Sunday. The site maintains appropriate customer and employee parking spaces without interfering with parking for Suite A's office. No service work is performed outdoors. The business includes two bay doors for service work.

This business is located within the Stellar Airpark area where other automotive businesses have been granted Use Permits and operate in conjunction with light industrial businesses. The use and location is compatible with the adjacent properties and surrounding area. The business will not be accessing the airport taxiway; all traffic will be off of Venus Way. The Planning Commission and Staff are recommending a three (3) year approval for the automotive business at this new location to allow for further Staff review.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 4, 2013. There were no citizens in attendance. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 5-0 with Commissioners Donaldson and Rivers absent.

RECOMMENDED ACTION

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

1. Use Permit is effective for a period of three (3) years from the date of City Council approval. Operation of the business beyond the three-year time period shall require re-application to and approval by the City of a new Use Permit.
2. All vehicle repair/servicing/upgrades shall occur only within the building. Overnight storage of vehicles waiting for servicing shall occur only in the gated rear yard service area. No work or storage of vehicles to be performed outside of the gated rear yard area.
3. The Use Permit is non-transferable to any other property or other suites/tenant spaces on the subject property.
4. Any substantial change in the floor plan, including but not limited to expansion, additional uses, and the like, shall require re-application and approval of a Use Permit.
5. The site shall be maintained in a clean and orderly manner.
6. All building signage or freestanding signage shall be in conformance with the Chandler Sign Code and be issued a City Sign Permit.

28. USE PERMIT: P2 Performance Plus

APPROVED Use Permit ZUP13-0001 P2 Performance Plus, extension to allow a sports training facility to operate within a Planned Industrial (I-1) zoning district located at 1 N. Roosevelt Avenue, Suite 2, SEC of Chandler Boulevard and Roosevelt Avenue. (Applicant: Mike Perry; Whitneybell Perry, Inc.)

BACKGROUND

The subject site is located south of the southeast corner of Chandler Boulevard and Roosevelt Avenue within the Williams Road Business Park. A Use Permit for the site was approved in January 2012 to allow for a baseball training facility to operate within a Planned Industrial (I-1) district with conditions and a 1-year time limit. The business occupies approximately 6,540 sq. ft. of the entire 16,100 sq. ft. building.

The sports training facility is a by-appointment use geared towards individual and pair training sessions; however, once a month a team training activity does occur in which 10-12 clients may be at the site. Generally, the clients arrive either by themselves or by parent drop-off. The hours of operation are Monday through Friday from 4 p.m. to 10 p.m., and Saturday and Sunday from 7 a.m. to 5 p.m. Activities at the site include batting cages, strength and conditioning, speed, agility, and mental strength training. A weight room is also provided. Two collapsible batting cages are located in the larger warehouse portion of the site and when not in use, are collapsed and serve as the speed and agility training area.

DISCUSSION

The Planning Commission and Staff are of the opinion that the personal service business is consistent with the intent of the General Plan in that the business is compatible with the surrounding businesses. P2 Performance Plus has demonstrated compatibility through minimal traffic generation and a lack of impact to adjacent businesses.

There are a few locations that have recently been approved by Council where recreational uses have located within a more industrial developed area; however in these instances, specific criteria has been applied to the approval to ensure compatibility. P2 Performance Plus has operated in conformance with the approved conditions.

The applicant has stated as in the original Use Permit request, that this is not a permanent facility and they intend to grow out of it. For this reason, they are requesting a 4-year time extension with the hope that they will have grown out of this facility in that time period.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood notice was mailed out to property owners and Registered Neighborhood Organizations providing a contact for questions. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 5-0 with Commissioners Donaldson and Rivers absent.

RECOMMENDED ACTION

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

1. The Use Permit shall remain in effect for four (4) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to another location.
4. Use Permit approval does not constitute Final Development Plan approval; compliance with all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
5. The site shall be maintained in a clean and orderly manner.
6. The building owner shall not sublet any portion of the southern suite.

29. LIQUOR LICENSE: Roy's Hawaiian Fusion 2303

APPROVED a Series 12 Restaurant Liquor License (Chandler #146486 L12) for Amy Nations, Agent, OS Pacific LLC, dba Roy's Hawaiian Fusion 2303, 7151 W. Ray Road. A recommendation for approval of State Liquor License #12079420 will be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership. Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as Roy's Hawaiian Fusion 2303. 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. TEMPORARY EXTENSION OF PREMISES LIQUOR LICENSE: DG Warner LLC

APPROVED a Temporary Extension of Premises for a Series 6 Bar License (Chandler #125773 L6) held by DG Warner LLC, dba Dos Gringos Mexigrille, 1361 N. Alma School Road, for their Cinco de Mayo Celebration, May 4 & 5, 2013. A recommendation for approval of a Temporary Extension of Premises for State Liquor License #06073005 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.

31. TEMPORARY EXTENSION OF PREMISES LIQUOR LICENSE: South Sand LLC

APPROVED a Temporary Extension of Premises for a Series 6 Bar Liquor License (Chandler #125366 L6) held by South Sand LLC, dba Sandbar Mexican Grill, 7200 W. Ray Road, for a Cinco de Mayo Celebration, May 3, 4 & 5, 2013. A recommendation for approval of a Temporary Extension of Premises for State Liquor License #06070188 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. CONTINUED LIQUOR LICENSE: Beef O'Brady's

CONTINUED TO MAY 23, 2013, a Series 12 Restaurant Liquor License application for Randy D. Nations, Agent, Andrew Yontz Enterprises, Inc., dba Beef O'Brady's, 6045 W. Chandler Boulevard, Suite 7, to allow the applicant time to complete the requirements for a new Use Permit.

ACTION:

13. AREA PLAN AMENDMENT/REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: 202 Cooper Place Res. #4677 & Ord #4444

Resolution No. 4677, Area Plan Amendment, APL 12-0004, 202 Cooper Place, of the Chandler Airpark Area Plan from Community Commercial to allow for multi-family residential development. Ordinance No. 4444, DVR12-0041, 202 Cooper Place, rezoning from Planned Area Development (PAD) for Commercial and Agricultural (AG-1) to PAD for multi-family residential. (Applicant: Mike Withey; Withey Morris PLC.) Preliminary Development Plan for a multi-family residential development on approximately 18.75 acres located at the NWC of Cooper Road and the Loop 202.

MEMO BACKGROUND

The subject site is located at the northwest corner of Cooper Road and the Loop 202 Freeway. North and west of the subject site are the Canyon Oaks and Canyon Oaks Estates single-family residential subdivisions. South is the Loop 202 freeway; east, across Cooper Road, is the Arizona Estates single-family residential subdivision.

The subject site was part of the approval for the Canyon Oaks Estates subdivision approved in 1998. At the time of approval, the site was rezoned to PAD Commercial for C-2 uses; however, a 2.5-acre remnant piece was excluded from the rezoning and left as AG-1. The current request includes the remnant AG-1 piece.

AREA PLAN AMENDMENT

The subject site is within the Chandler Airpark Area Plan that is bounded by Pecos Road, Gilbert Road, Ocotillo Road and Arizona Avenue. The Area Plan was initially approved in 1986 with an update in 1998; both plans designated the site as supporting some form of Commercial/Hotel/Office development surrounded by high-density residential. It should be noted that while the Area Plan designates the subject site as commercial, surrounding the subject site is designated as supporting high-density residential. The request seeks to amend the Area Plan from Community Commercial to High-Density Residential.

SITE LAYOUT/BUILDING ARCHITECTURE

The second aspect of the request includes Rezoning from PAD for commercial and AG-1 to PAD for Multi-Family Residential. Two gated points of entry are provided; one along Cooper Road and the other along Longhorn Drive; a right-out exit only is also provided along Cooper Road. Nineteen residential buildings are provided ranging from single up to three-stories. A mix of one, two and three bedroom units are provided with a total of 332 units at an overall density of 17.7 dwelling units per acre. One single-story building is provided at the intersection of Cooper Road and Longhorn Drive; two-story buildings are provided along the perimeter areas adjacent to the single-family subdivisions. Three-story buildings are predominantly centrally located as well as at the southeast corner of the site. Of the nineteen residential buildings, there is one single-story, ten two-story and eight three-story buildings. Specific attention was given to the layout of the site with a desire to create a more visually interesting layout by angling the buildings.

Fifty-foot building setbacks are maintained along Cooper Road as well as thirty-foot setbacks along Longhorn Drive; minor encroachments are requested for perimeter walls and will be addressed in the DISCUSSION portion. In an effort to provide buffering between the development and the single-family homes to the west, garages are provided along the site's west side. A clubhouse, two pools, volleyball court, two tot lots and various BBQ/ramada areas are provided throughout the site.

The architectural design of the buildings are muted compared to recently approved apartment developments, with the specific intention of using architectural elements and colors of the surrounding residential developments. In an effort to provide variation, seven building types are provided and include three color schemes. Various accented pop-out areas, roof elements, building massing, arched windows, window mullions and metal elements provide visual interest to the project as well as integrate the project to the surrounding developments.

The Planning Commission and Staff support the Area Plan Amendment, Rezoning and Preliminary Development Plan, citing the proposed land use is considerable within the General Plan, that in previous renditions of the Area Plan, multi-family was considered, and the development provides a much needed housing alternative to the area. Additionally, the design team has done a good job of incorporating unique architectural styles to the buildings allowing for good building diversity throughout the site, as well as incorporating a number of unique and attractive amenities for the residents.

As outlined in the Narrative of the Development Booklet, a number of deviations from the design standards are requested. The deviations are relatively minor in nature and in some regards offer a better design solution. Deviations include relief from outdoor patio diameters where code requires an 8' diameter space for second story and above balconies, and a 12' diameter for first floor diameters. In all instances where this occurs, more patio open space is provided. Relief is also sought from walls encroaching into the required building setback. The perimeter walls are staggered and in certain areas encroach roughly a couple of feet into the setback. Additionally, there are elements of the walls that exceed the minimum heights by incorporating a view fence

element. The Planning Commission and Staff support the deviations as the impact that the deviations create are inconsequential.

AIRPORT COMMISSION

The Airport Commission found that there were no conflicts between airport operations and the proposed development, but wanted to ensure that disclosure statements would be provided to future residents that there may be aircraft noise. Staff has added Condition No. 9 addressing disclosure of airport operations in the vicinity.

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 30, 2013. There were three neighbors in attendance. Additionally, the development team met a couple of individual residents prior to the neighborhood meeting due to a conflict in schedules. Staff has heard from a few neighbors that expressed concerns with the development. Concerns expressed revolved around multi-family development, increase in traffic, diminution in property values and building heights. One of the residents requested that a signal be put in at the intersection of Longhorn Drive and Cooper Road. The applicant submitted an estimated trip generation report based on office/commercial versus multi-family development and found that multi-family development will overall generate less traffic volumes; however, the volumes will be at the peak hours. The Traffic Division has reviewed the report and agrees that a signal is not warranted. Additionally, the Transportation Studies Manager is reviewing the potential to locate speed bumps within the Canyon Oaks Estates subdivision in an effort to address traffic concerns.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 4-0 with Commissioner Ryan abstaining and Commissioners Donaldson and Rivers absent.

The case was placed on the Action agenda. Five speaker cards were submitted; four were submitted as opposition to the case; however, two of the opposition positions were withdrawn. The other two chose not to speak. One neighbor spoke in favor of the request stating a preference of multi-family development over commercial development.

RECOMMENDED ACTION

Area Plan Amendment

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

Rezoning

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

Preliminary Development Plan

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

1. Development shall be in substantial conformance with Exhibit 11, Development Booklet, entitled "202 COOPER PLACE" kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0041, 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.

DISCUSSION:

MR. ERIK SWANSON, City Planner, said petitions were received today and after verification, staff confirms this would trigger a legal protest for this case. He reported this request is for an Area Plan Amendment to the Chandler Airpark Area Plan from Community Commercial to High Density Residential along with rezoning and Preliminary Development Plan. He reviewed the background for the project.

He stated the primary concern expressed following the neighborhood meeting was circulation of traffic weaving through the Canyon Oaks subdivision going from Longhorn up to Pecos Road. Mr. Swanson said he worked with the City's traffic department to determine if the proposed traffic calculations for an apartment development would warrant a signal at Longhorn and Cooper. As the traffic would be much less as with a commercial development, a signal was not warranted at this time with the projected capacity. Additional capacity on Cooper Road is about one-third of what it can handle.

COUNCILMEMBER HEUMANN clarified that under the current zoning, the developer could build a shopping center. MR. SWANSON confirmed that was true.

MR. MIKE WITHEY, attorney representing the property owners, said they have been working on this site for years. This site is zoned PAD Commercial except for the small piece which was ADOT controlled. He said they are requesting a "down zone" of the property. They believe there is a window of opportunity to provide this multi-family residential project. If that does not happen, the project will develop commercially. It will not be developed single family or light medical office.

Mr. Withey said when the 4-Corner Retail Report came out, it stated that there probably was an excess of commercial rezone land on a per capita basis in the city and not enough of multi-family residential product. The proposal was made to the owner that this might be a site that would be appropriate to "down zone" from commercial to multi-family. He said the property owner then found a joint venture partner to develop this project. He said the fair comparison to traffic generation is to compare this proposal to the commercial development. If developed multi-family, it would generate half or a third of the amount of traffic than commercial. He commented that this use would be a better neighbor.

MR. PAUL TAMMELLEO, 1915 E BROWNING PLACE, Chandler, said he received the "warning" in the mail about the proposed project. He purchased his home in 2005 and has seen his home go down in value 40%. He said he would prefer commercial in this neighborhood. He is concerned about increased crime and traffic.

COUNCILMEMBER HEUMANN commented that the card he received was a notice that informs citizens of proposed changes.

MS. RIMA MEHTA, 1041 S. Edith Court, Chandler, spoke her concerns about crime and an increase in traffic. As a boardmember on the Home Owners Association she was concerned that residents of the apartment project would use the facilities located in Canyon Oaks and could increase the HOA dues to maintain the facilities.

MR. ADRIEN BURKHART, 1951 E. Woodsman Place, Chandler, said he has met with the developer and his attorney and they have been receptive to the questions and concerns. He noted his cul-de-sac property faces the proposed property and the project is directly visible. He said the commercial development would have a 45' height allotment. He said after speaking with friends, who are realtors, a commercial development could have a heavier negative impact on property values. He gave his support for the project.

MR. TOM BURGESS, 1648 E. Beretta Place, Chandler, stated his concern that his e-mail, along with a few others, may have not been received by the Council. The City Clerk has provided a copy of his e-mail to the Council tonight. He also noted the City's website was down last night for two hours and he was not able to download the information. He echoed the concerns with traffic being the number one concern. He said he understood there was only going to be a right turn on the Longhorn Street exit on to Cooper, but there were not going to be any traffic impediments from preventing people making a left turn back into the subdivision to get to Pecos. He said when he purchased his property in 2001 he purchased understanding it was commercial property. He asked if the project were to be approved, a raised median be placed on Longhorn, 20-30' to the west of the egress exit point of the project.

MR. BRAD MARTZ, 1960 E. Woodsman Place, Chandler, said he would rather see apartments than the back of a commercial building. From his property, lights would be projecting from the property as well as traffic noises. He said it didn't make sense to put in commercial when the area contains empty commercial just a mile down the street. He said he did like the idea of the turn lane. He gave his support for the project.

MR. KENNETH BELL, 1863 E. Flintlock Way, Chandler, stated his desire to allow a commercial project as he felt it would be a convenience for the residents in the area. He commented that the two K-6 schools in the area are at capacity.

MR. KRISTOPHER HARMAN, 3202 S. Kimberlee Way, Chandler, said he also owns a townhouse about ½ mile away. He gave his support to the project as commercial is not supportable at this time. This project would give more housing choice to the community.

MR. SCOTT MILLER, 1892 E. Flintlock, Chandler, stated he is speaking on behalf of many of the petitioners in opposition to this project. He cited traffic congestion, potential rise in crime, appearance of the complex and property devaluation. He questioned how the residents of the complex would access the Paseo, as he believes there will be increased traffic through their HOA funded park in addition to vehicle traffic through their subdivision. He said the project will not be a community benefit.

MR. MATT FOSTER, 1874 E. Winchester Place, Chandler stated his support of the project.

MR. JARED THOM, 1703 E. Wildhorse Place, Chandler, stated his opposition to the project citing potential increase to school population. He stated he is on the HOA Board and the majority is against this project.

MR. ERIC GOODMAN, 1540 S. Velero Place, Chandler, stated his opposition to the project due to increased HOA maintenance, crime, and distress on infrastructure. He stated concern with the future of the management of this complex.

MAYOR TIBSHRAENY read the names of the people who submitted comment cards in opposition: Bill Koscelnik, Daniel Arn, Robin Miller, Lori Pies, Myrine Poitevint, Pete Wartak, Deb Wheeler.

MS. NANCY PRESTA, 1901 E. HAWKEN, Chandler, said she has to come out on Longhorn and turn left to get onto Cooper to access the freeway. She said it is difficult now to do that. She encouraged the restriction of accessing Longhorn from the proposed project. She added her concern about the 3-story height of the buildings.

TRANSPORTATION AND DEVELOPMENT DIRECTOR R.J. ZEDER reported there was not a signal planned for Cooper and Longhorn. He said the proposed traffic volumes from the project would not warrant a signal.

COUNCILMEMBER HEUMANN asked Economic Development Director Chris Mackay to address the commercial viability for this site. MS. MACKAY stated the challenge with this site is that there is 1.3 million s.f. of retail immediately to the east and south of this site, as well as a vacant retail center to the west and north. She added another challenge is that Cooper Road dead-ends at the Airport. She said a commercial project on that site would be more than 100,000 s.f. and the demographics and density don't support that additional retail.

COUNCILMEMBER HARTKE asked what the job expectation was in that area and how that impacts housing. Ms. Mackay said at ultimate build out in the 9 square mile Airpark Plan, approximately 35,000 jobs are planned, south of the 202 and west of Gilbert (Road), east of Arizona Avenue, and north of Queen Creek. She said more high density residential would be appropriate over time in the city.

In response to the Mayor, Ms. Mackay said the Cooper and 202 interchange is a full diamond. The Mayor asked what typical developments are around a full diamond interchange. Ms. Mackay responded high density residential, regional commercial, major office employment, and medical care.

MR. MICHAEL WITHEY readdressed the Council. Mr. Withey said as this property is zoned as C-2, there are several C-2 uses that he believes the residents would find objectionable. He said this project would have the highest rent structure. The investment will be \$45 million. He showed pictures of the Villa Pallavicini apartment project in Chandler, also managed by the same company, and compared the continued upkeep of the project from 13 years ago when it was first built, to pictures taken of the project recently.

Mr. Withey reiterated the proposed project would generate far less traffic than that of a commercial development. He noted that medical offices generate more traffic than general office.

He commented that the developer has tried to limit access on Longhorn to closer to Cooper Road. There are no vehicular or pedestrian access points the entire length of Longhorn. He

responded to a suggestion that a "porkchop" be installed on the property in order to prevent people from turning left onto Longhorn. He said that if that is the Council's wish, they will comply. He said another resident suggested adding a median in the row of way from Cooper Road to west of the entry way. He said as that is city right of way, they would need to receive direction from the City.

He addressed the question of burdening the school population. Mr. Withey said they did notify Chandler Unified School District and did receive an e-mail in return stating there was capacity.

COUNCILMEMBER HEUMANN asked again about the rents for this complex. MR. WITHEY said it was approximately \$1.15 to \$1.20 per square foot. For an 800 s.f. unit rent would be close \$1,000. Councilmember Heumann asked about the screening of residents. Mr. Withey said it is a credit check, background check and is much more in detail than in the past.

VICE MAYOR SELLERS questioned how people would exit if they did make a left onto Longhorn. MR. SWANSON said there is no easy way. He showed an aerial of a route that would exit on Cooper. He said they could work with the neighborhood to determine if speed bumps would be necessary. Mr. Swanson said the threshold counts do not warrant a signal at Cooper and Longhorn.

COUNCILMEMBER WENINGER asked if it would hurt to install the "porkchop" traffic control. Mr. Swanson said while it is not the best situation, it could be considered. He didn't think a raised meeting would be amenable.

In response to a question from the Mayor, CITY ATTORNEY WADE said that due to the legal protest, there must be 6 affirmative votes for the project to pass.

COUNCILMEMBER HEUMANN said he would like to be proactive and have a stipulation that the applicant work with staff to mitigate the traffic having the ability to go out to the left.

COUNCILMEMBER WENINGER asked if this was gated. Mr. Swanson said it is. Councilmember Weninger asked if there was a concern about traffic back up entering the gated apartment complex. Mr. Swanson said these projects are designed with input from the City's Traffic Division and Fire Department.

COUNCILMEMBER HEUMANN said he understands the neighbor's concerns with traffic. However, the traffic studies he has reviewed for commercial centers would show 2-3 times higher of a traffic count. In looking at the quality of the buildings and the rent structures, while there is a low crime rate in Chandler, there is going to be crime in every type of neighborhood.

MOTION MADE BY COUNCILMEMBER HEUMANN TO APPROVE ITEM 13 AS PRESENTED WITH AN ADDED STIPULATION (#6) ON THE PRELIMINARY DEVELOPMENT PLAN TO REQUIRE THE APPLICANT TO WORK WITH STAFF TO MITIGATE TRAFFIC CONCERNS (WHETHER IT'S A RIGHT OUT / LEFT IN ONLY / LANDSCAPE MEDIAN) AS DETERMINED BY TRAFFIC STAFF TO MITIGATE CONCERNS FROM THE NEIGHBORHOOD IN TERMS OF TRAFFIC BEING CUT THROUGH. THE MOTION WAS SECONDED BY COUNCILMEMBER HARTKE.

THE MOTION CARRIED BY MAJORITY (6-1) WITH MAYOR TIBSHRAENY VOTING NAY.

33. USE PERMIT: North Price Stables

Use Permit ZUP13-0002 North Price Stables, extension to allow horse boarding for up to 22 horses on property zoned Agricultural (AG-1) located at 2885 N. Price Road, south of Elliot Road. (Applicant: Ed Field.)

MEMO BACKGROUND

The subject site is one of two large-lot rural properties on the east side of the Price Freeway frontage road south of Elliot Road. To the north are single-family homes. To the east are approximately one-acre single-family lots in unincorporated Maricopa County. To the south, beyond the neighboring rural property, is a residential condominium development.

The request is for a Use Permit time extension approval of a horse boarding facility. The horse boarding facility accommodates up to 22 horses in which many provide equine assisted psychotherapy sessions. In 2009, a Use Permit for horse boarding was approved for up to 22 horses and extended in 2010 for a 3-year time period. According to the applicant, horse boarding has occurred on the property for most of the last two decades. The boarding was not legal previous to the 2009 approval, but it had not come to the attention of enforcement personnel until complaints were made in 2008 about barking dogs on the property. A previous renter had also conducted illegal dog breeding; however, the renter whose dogs generated the complaints, vacated the property in 2009 before the Use Permit was approved. Dog breeding is not part of the subject request. The property is rented out to residents who operate the horse boarding within the equine assisted psychotherapy business.

The site has a single-family house near Price Road, a yard and stables in the middle of the property, a lighted riding arena behind the stables, and approximately two acres of grass pasture in the rear. Pick-ups and drop-offs occur in the driveway adjacent to the stables and house. The horses are primarily kept in the stables or roaming the pasture. When there are psychotherapy sessions, the horses are usually in the arena but are not mounted or ridden. The therapy sessions are done on the ground.

The site is zoned Agricultural District (AG-1), which allows up to two horses to be kept by right per 35,000 square feet of lot area (equivalent to nine (9) horses on the subject site). A Use Permit is required to exceed the Zoning Code maximum number of horses. Additionally, the AG-1 district does not allow for horse stables such as proposed on less than 10 acres without Use Permit approval. The equine assisted psychotherapy program is a low impact use which only does ground work and does not generate large amounts of traffic as the sessions are by appointment only and relatively short in length. Such a program is done in conjunction with a boarding facility with a larger number of horses to avoid any stress to the animals.

HISTORY

The residence and stables have been in existence on the property prior to 1970 when historic aerials show the buildings. The property and others were annexed in October of 1974 as part of a larger annexation in which the property was brought in with like zoning of AG-1. Both of the residences and stables were built previous to this annexation. The first Use Permit was approved in 2009 for a 1-year time frame. The Use Permit was extended in May of 2010 with a 3-year time frame. The 2010 Use Permit put in place conditions relating to the complaints by the adjacent property owners to the south regarding dust and odor control. Since then, the site has come into compliance with the Maricopa County Air Quality Department regulations and there have been no further violations or active complaints on the site. A water system was installed in the arena area

and machinery is now on site to properly distribute the manure into the pasture and arena areas. Decomposed granite was also added to the driveway and parking areas as a dustproofing measure for the site.

The Planning Commission and Planning Staff find the proposed horse boarding use to be appropriate at this location provided that it is managed well, as it apparently has been over the past few years with improved dust control as demonstrated by three separate unannounced Staff visits which did not provide evidence of any violations. Planning Staff contacted the Maricopa County Air Quality Department which conveyed there were six different dust complaints investigated and no violations were found and no complaints for this facility during the most recent Use Permit period. At a recent unannounced site visit, the property was found to be clean with no obnoxious odor with facilities in place to manage dust. The recommended condition limiting the Use Permit to five (5) years would allow for continued monitoring of property dust and traffic management. After thorough discussion, the Planning Commission recommended the time condition be reduced to three (3) years. Though the applicant strongly prefers that no time limit be placed on the Use Permit, the Planning Commission and Planning Staff believe it is advisable to have a time limit to further ensure good site management.

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 March 7, 2013. The property owner and the renters attended along with the southern neighbor who expressed concerns over the dust and view of the hay and materials stored adjacent to the common property line.

Staff received calls from property owners that live immediately north of the subject site in Marlborough Estates who are in support. The applicant forwarded two letters of support from property owners who live south of the subject site in the Tre Allagio townhouse subdivision. Staff received a call from a family member of the England property to the south expressing concern over the dust and visual impact the site has on their property. They are not opposed to the Use Permit, but wish the site would be cleaned up more along their property line due to devaluation concerns and the visual impact from their house.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 5-0 with Commissioners Donaldson and Rivers absent.

Three people spoke in favor of the application including the property owners Ed and Irene Field, the lessee Shawn Rodrigues, and neighbor Rebecca Mulberry. Neighbors Kathryn and Ken England spoke about concerns regarding property values and a concern over the number of horses and dust. Lucy Lopez, a manager of a senior housing facility to the south, had concerns over dust due to increasing the amount of horses and the property values. Howard Black, a Gilbert resident and friend of Mr. and Mrs. England, spoke of the England's decreasing property value caused by the horse boarding site. Steve Cheff and Marty Meyers, residents of Tre Allagio located south of the England's property, conveyed concerns about increasing the number of horses and dust as well as horse manure from riders along Price Road. A Tre Allagio resident conveyed concern they were not notified of the neighborhood meeting or hearing dates.

Staff confirmed the property had a public hearing sign posted twice, the hearings were noticed in the newspaper and hearing notice postcards were mailed to property owners within a 600-foot radius and City Registered Neighborhood Organizations within a ¼-mile. Letters and calls were

received from property owners within the Tre Allagio subdivision; therefore, Planning Staff is aware Tre Allagio residents did receive notices.

RECOMMENDED ACTION

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

1. Substantial conformance with approved exhibits (Site Plan and Narrative) except as modified by condition herein. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other location.
3. The number of horses shall be limited to 22.
4. Riding activities shall be limited to a maximum of three days per week.
5. Riding activities shall cease by 9:00 p.m. each night.
6. The site shall be maintained in a clean and orderly manner.
7. The riding area shall be watered down prior to riding activities.
8. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
9. The property shall remain in compliance with any applicable Maricopa County Air Quality Department regulations.

MS. JODIE NOVAK, Senior Planner, summarized the background for this case.

MS. CHRISTI FELDEWERTH, 22817 S. 180th Street, Gilbert, spoke in support of the Use Permit. She stated she currently boards two horses at the site. She complimented the high level of maintenance and care of the property by the Rodrigues'.

MS. SHAWN RODRIGUES, introduced herself as the operator and said she would be available to answer any questions.

MS. IRENE PIKE, said they own the property on Price Road. She noted one of the two previous tenants was a problem and that has been addressed. She said they have been diligent on any dust concerns. She asked the Council not to impose a time limit on the use permit.

MR. ED FIELD, 744 S Morris Circle, Mesa introduced himself as the applicant. He noted in 2009 they applied for a permit and received one year approval. In 2010, they applied for a 3 year permit and followed the conditions placed on the application. He asked the Council to extend the permit to 5 years.

MS. ANNA PETERSON, 2979 W. Marlboro Drive, Chandler said she has been a neighbor for approximately 15 years and boards 2 horses. She gave her compliments to the current operators, the Rodrigues'.

MR. BRENDAN RODRIGUES, operator, stated the owners have recently installed a new water system to help mitigate dust. He said they currently have 19 horses, but it is reducing to 17. Their goal is to not take on any boarders. The 22 limit will give them a buffer if there is a special situation in order to rehab a horse.

MR. KENNETH ENGLAND, 2845 N. Price, stated he lives at the resident south of this property since 1968. He stated he is not against the zoning and he appreciates the permit is for 3 years. He said the number of horses is the biggest detriment. He expressed concern with building any structure or stacking hay near his fence. He expressed concern with them housing stud horses on their property. He complimented the operators on trying to do a good job, but asked them to reconsider the amount of horses.

Mayor Tibshraeny noted a comment card in support of the project was submitted by Rebecca Mulbury.

MAYOR TIBSHRAENY asked Mr. Rodrigues about the comment made by Mr. England on stacking items near his fence. Mr. Rodrigues said when hay arrives, they have to stack it somewhere. He said they back it off the fence 4-6'. They are looking at alternatives. Mr. Rodrigues said due to the concerns on this case, they have delayed their seeding, but they will plant it.

COUNCILMEMBER HEUMANN asked about the dust complaints. MS. NOVAK said when they receive concerns, they do random inspections. No violations were noticed when staff inspected the property. There were calls made to Maricopa County Air Quality Control which manages the dust particulates in the county, with no violations found.

In response to a question from Councilmember Heumann, Ms. Novak said she was told there were no stalls being built. She said the structures of a certain size would trigger could potential a permit. However, with AG-1 property, it is understood there will be structures or buildings related to the agriculture purposes. She noted the property does have a portable shade structure.

MOTION WAS MADE BY COUNCILMEMBER HARTKE TO APPROVE USE PERMIT, ZUP13-0002 NORTH PRICE STABLES, EXTENSION TO ALLOW HORSE BOARDING FOR UP TO 22 HORSES ON PROPERTY ZONED AG-1 LOCATED AT 2885 N. PRICE ROAD FOR THE 3 YEAR PERIOD. THE MOTION WAS SECONDED BY COUNCILMEMBER WENINGER.

THE MOTION CARRIED BY MAJORITY (6-1) WITH MAYOR TIBSHRAENY VOTING NAY.

8. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Ord #4445
Jacaranda Place

Ordinance No. 4445, DVR12-0043/PPT12/0021 Jacaranda Place, rezoning from Agricultural (AG-1) to Planned Area Development (PAD). (Applicant: Jeremy Ramsdell; Ashton Woods Homes.) Preliminary Development Plan (PDP) for a single-family residential subdivision on approximately 25.55 acres located west of the NWC of Lindsay and Riggs roads. Preliminary Plat for a single-family residential subdivision on approximately 25.55 acres located west of the NWC of Lindsay and Riggs roads.

MEMO BACKGROUND

The subject site is located west of the northwest corner of Lindsay and Riggs roads. North and west of the site are County islands; east is the Shadow Ridge single-family residential subdivision. South, across Riggs Road, is the Springfield Lakes master-planned community. Located at the southeast corner of the site is an existing SRP substation. At the northwest corner of the subdivision is an existing communication pole that will remain. The pole was approved through the County. The eastern portion of the subject site was recently annexed and granted

City initial zoning of AG-1; the western portion of the site was approved in 2005 for a custom single-family residential subdivision. The request combines the previously approved subdivision and the recently annexed properties. The subject site is located within the SECAP and designated as supporting Rural/Agrarian Character allowing for residential development to occur up to 3.5 dwelling units per acre. With a minimum lot size of 10,716 square feet, an overall density of 2.3 units per acre is provided. Due to density being less than 2.5 dwelling units per acre, density incentive/amenities as outlined in the SECAP are not required; however, elements are incorporated into the overall design of the subdivision.

SUBDIVISION LAYOUT

The gated 57-lot subdivision provides a single-point of access off of Riggs Road as well as a gated emergency access point along 142nd Street. The 142nd Street alignment serves the county island directly north of the subdivision. Due to the Shadow Ridge development to the east, 142nd Street does not meet City standards for a full right-of-way width. In an effort to accommodate City standards, as well as to fulfill requests by the county island to the north, 142nd Street will be widened to 19', four-feet wider than the typical City standard. Additionally, the developer has agreed to locate a fire hydrant at the northeast corner of the subdivision, outside of the subdivision perimeter wall. The gated entrance and perimeter wall designs are uniquely designed and incorporate a contemporary design with rural theming. Predominant use of wire mesh elements along with steel framing will produce a rusted appearance. Additionally, various perforated steel panels, cladding, and tubular steel elements create a strong visual impact at the entrance of the subdivision.

The layout of the subdivision is rectilinear in design. Due to no homes backing up to Riggs Road, a deep landscaped tract with an average of 80' is provided along the frontage. A single, formally designed open space area is centrally located along the western portion of the subdivision. Amenities within the open space area include a ramada, game tables, climbing boulders, log beams and a formal rose garden area. Various exhibits of the amenities are provided within the booklet. Since the open space is located along the western end of the subdivision, the area has three street frontages. A low hedge will surround the open space area adjacent to the street frontages for safety purposes. Landscaped retention areas are located at the southeastern and northwestern portion of the subdivision.

HOUSING PRODUCT

Three single-story and three two-story homes are proposed. Of the single-story plans, two provide second story options. Three elevations will be provided for each home; however, the development team has designed five elevation styles (not all styles apply to each floor plan). The styles include: Spanish Colonial, Prairie, Tuscan, Ranch and Spanish Monterey. The Ranch, Tuscan and Prairie elevations provide stone as a standard element. Home sizes range from 2,861 sq. ft. to 5,403 sq. ft. Typical lots are 80' x 135' for a typical lot size of 10,800 sq. ft.; however, lots range from 10,716 square feet up to 22,796 square feet.

Due to all lots exceeding 10,000 square feet, the Residential Development Standards for architectural diversity do not apply. In an effort to provide a high quality project, the design team has incorporated a number of elements found within the development standards including: sense of arrival, project themes, deeper setbacks and varying garage orientations. Architectural elements include four-sided architecture, courtyards, combination single and two-story elements, window mullions throughout, architecturally integrated garage doors and standard patios. A mix of recessed, forward and side-entry, and two-car with tandem space garages are provided. Rear patios are internally incorporated into the design of the home.

The Planning Commission and Staff support the request citing that the subdivision represents another quality addition to Chandler's housing stock. Furthermore, the design team has done an excellent job addressing subdivision layout and architectural standards even though typical lot size exceeds the requirements that the standards would apply to. Additionally, in working with the residential area north of the subdivision, the development team agreed to widen 142nd Street beyond standard requirements and agreed to provide a fire hydrant outside of the subdivision, elements not usually required.

In the Development Booklet, under the *Development Standards* section, it states that lot coverage requested is 60% for single-story homes and 50% for two-story homes; however, exempts an accessory structures from lot coverage calculations. Staff recommends that all structures not exceed 50% lot coverage. Additionally, rear setbacks for accessory structures were unintentionally omitted; Staff recommends setbacks for accessory structures meet the same requirements provided for the homes.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Two neighborhood meetings were held. The first meeting was run by the applicant only, and due to a large turnout and the number of questions the neighbors had, a second meeting was scheduled to include City representatives. Thirteen neighbors attended the first meeting; one neighbor attended the second meeting. Both meetings were noticed in accordance with the Zoning Code. Staff has heard from a number of residents from the north. A majority of the calls were general in nature, with a couple of the calls reiterating the points that were raised at the first neighborhood meeting. A number of the concerns related to construction traffic and processes once development occurs such as access to Victoria Place while 142nd Street is being widened, retention and run-off along 142nd Street, widening 142nd Street, providing fire hydrants, and providing deeper rear yard setbacks along the northern lots and restricting homes to single-story along Victoria Street. Staff believes all concerns have been addressed and is unaware of any unresolved concerns.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 4-0 with Commissioner Baron abstaining and Commissioners Donaldson and Rivers absent.

Two neighbors spoke at the Planning Commission hearing. Both neighbors generally supported the request; however, requested that the homes along Victoria Street be limited to single-story. The developer agreed to Condition No. 5 of the Preliminary Development Plan recommendation to limit homes to no more than two, two-story homes to be located adjacent to each other in an effort to compromise. Additionally, one of the speakers had concerns with construction traffic, 142nd Street and Riggs Road speeds, multi-use equestrian trail and protection of their animals and property during construction.

RECOMMENDED ACTIONS

Rezoning

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

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the Development Booklet entitled "JACARANDA PLACE" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0043, except as modified by condition herein.
2. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
3. The same elevation shall not be built side-by-side or directly across the street from one another.
4. All homes built on corner lots within the residential subdivision shall be single-story.
5. No more than two, two-story homes shall be built side-by-side for lots 43 through 49.

Preliminary Plat

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

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

MR. BRENNAN RAY, 702 E. Osborn, Phoenix, on behalf of the applicant, Ashton Woods Homes. Mr. Ray stated there are approximately 9 lots that line the northern side of the project. The applicant has agreed to a two-story restriction. Specifically for lots 43-49, no more than two, two-story homes can be built. He said the closest two story home to the residents to the north would be approximately 137'.

COUNCILMEMBER HARTKE clarified that no more than two, two-story homes can be built side by side and depending on owner's choices, those homes could be all single story or up to 5 of the 9 lots could be two story.

COUNCILMEMBER ELLEN asked what the ratio is of owners wanting single story vs. two story. MR. RAY replied that is difficult to predict with substantial certainty. He said he believes with the plans available for this community, he believed the more popular plans are the single story plans. Councilmember Ellen asked if the houses north of the project were single story. Mr. Ray noted one had a two story element to it.

MOTION MADE BY COUNCILMEMBER WENINGER TO APPROVE THIS ITEM AS PRESENTED. THE MOTION WAS SECONDED BY COUNCILMEMBER ELLEN.

Councilmember Weninger said he understands the concerns brought forth by the residents tonight. He believed this was reasonable as the applicant has put in stipulations and has worked with the surrounding neighbors. It's about private property rights.

MAYOR TIBSHRAENY commented said he would not necessarily disagree, but this case is different as in the other case, residents purchased houses with a certain zoning next to them.

THE MOTION CARRIED BY MAJORITY (7-0).

CURRENT EVENTS:

- A. Mayor's Announcements

