

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, September 12, 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
Nora Ellen	Councilmember
Kevin Hartke	Councilmember
Rick Heumann	Councilmember
Jeff Weninger	Councilmember

Also in attendance:

Rich Dlugas	City Manager
Pat McDermott	Assistant City Manager
Marsha Reed	Assistant City Manager
Kay Bigelow	Assistant City Attorney
Marla Paddock	City Clerk

INVOCATION: Elena Andersson-Ruiz & Susan Stevens-Clarke – Chandler Bahai Faith Community

PLEDGE OF ALLEGIANCE: Members of Boy Scout Troop #283 led the Pledge of Allegiance.

CONSENT:

MOVED BY COUNCILMEMBER HARTKE, SECONDED BY VICE MAYOR SELLERS, TO APPROVE THE CONSENT AGENDA AS PRESENTED.

COUNCILMEMBER HEUMANN STATED HIS NAY VOTES ON ITEMS 5 (Noria at Chandler Airpark) AND 16 (Airport ADOT Grant). He commented that on Item 22, staff has reported that the city would not be able to recoup any attorney's fees on this complaint. He added this item was essential in order to protect the citizens.

COUNCILMEMBER WENINGER commented on Item 19 (Residences at Belmonte) said he would be appreciative if the developer was mindful of the construction start time in the morning hours.

MOTION CARRIED UNANIMOUSLY 7-0 with the exceptions noted.

1. MINUTES:

The following Chandler City Council Minutes were approved:

- 1a. Special Meeting (Goals) of August 12, 2013
- 1b. Regular Meeting of August 12, 2013

- 1c. Special (Fees) Meeting of August 12, 2013
- 1d. Special (Exec Session) Meeting of August 12, 2013
- 1e. Special (Exec Session) Meeting of August 15, 2013
- 1f. Regular Meeting of August 15, 2013

2. CITY CODE AMENDMENT: Chapter 2 Ord. #4439

ADOPTED Ordinance No. 4439 amending Chapter 2 of the Chandler City Code by adding a new section, 2-17, relating to the establishment and modification of fees and rates.

3. PROPERTY ACQUISITION: Community Services of Arizona (CSA) Ord. #4467

ADOPTED Ordinance No. 4467 authorizing the acquisition of certain real properties within the City of Chandler to be leased to qualified families at an affordable rent and authorizing the Housing and Redevelopment Manager to execute all documents necessary to complete each acquisition and to implement the subsequent leasing program.

4. REZONING: Habitat for Humanity Ord. #4472

ADOPTED Ordinance No. 4472, DVR13-0015 Habitat for Humanity, rezoning from Multiple Family Residential District (MF-2) to Planned Area Development (PAD).

5. REZONING: Noria at Chandler Airpark Ord. #4475

COUNCILMEMBER HEUMANN VOTED NAY ON THIS ITEM.

ADOPTED (6-1) Ordinance No. 4475, DVR13-0005 Noria at Chandler Airpark, rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a mixed-use development including commercial and multi-family residential uses.

6. REZONING: Cornerstone Christian Fellowship Ord. #4476

ADOPTED Ordinance No. 4476 DVR13-0014 Cornerstone Christian Fellowship, rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a church campus.

7. INITIAL CITY ZONING: East of the SEC of Chandler Heights and Cooper Roads Ord. #4477

ADOPTED Ordinance No. 4477, DVR13-0022 East of the SEC of Chandler Heights and Cooper roads, the establishment of initial City zoning of Agricultural (AG-1) on approximately 25 acres located east of the SEC of Chandler Heights and Cooper roads.

8. POWER DISTRIBUTION EASEMENT: SRP Ord. #4482

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4482 granting a no-cost power distribution easement to Salt River Project (SRP) to energize the Airport Water Reclamation Facility.

#### BACKGROUND/DISCUSSION

The Airport Water Reclamation facility is under construction to expand treatment services. As part of the expansion, a new dedicated power line was required. To meet tight project time

constraints, the City of Chandler issued an early release letter to SRP to complete the work. This process was used because the exact power line location could not be determined until construction was underway due to existing electrical services in the area. The legal description has been completed and the City must grant the easement to SRP as previously agreed. This easement is at no cost to SRP as it is required for a City project and benefits the public.

9. ANNEXATION: NWC of Sunrise Place and Gilbert Road Ord. #4484

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4484, annexation of approximately 0.25 acres located north of the NWC of Sunrise Place and Gilbert Road. (Applicant: Jeremy Ramsell; Ashton Woods Homes.)

#### BACKGROUND

The subject site is a narrow 17-foot wide strip of land that is part of Belmont Estates subdivision, which received Planned Area Development (PAD) zoning and Preliminary Development Plan (PDP) approval by Council on November 5, 2012. At the time, when the property for Belmont Estates was annexed, the subject parcel was thought to have been previously annexed into the City in 2003 when the Santana Ridge Condominiums property to the north was annexed. However, after consulting with Maricopa County and thoroughly reviewing the legal description, Staff found that the 2003 annexation did not include the subject site and thus left the narrow strip of land in the County's jurisdiction.

The requested annexation can be considered 'housekeeping' as it is needed to complete the Belmont Estates development and will not modify nor add anything new to the previous approvals. The subject parcel is located at the northeastern corner of the future subdivision and abuts the Santana Ridge Condominium property to the north.

Council held a public hearing for the subject site at their August 15, 2013 meeting. The request has been processed in compliance with State Statutes governing annexations. Staff has received the signed petition from the property owner and recommends approval of this annexation request.

#### PLANNING STAFF COMMENTS

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

10. ANNEXATION: SWC of McQueen and Ocotillo Roads Ord. #4485

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4485, annexation of approximately 14.3 acres located south of the SWC of McQueen and Ocotillo roads. (Applicant: Greg Davis, Iplan Consulting, and City of Chandler.)

#### BACKGROUND

The request is to annex six parcels generally located south of the southwest corner of McQueen and Ocotillo roads. Parcels 1-4, comprised of approximately 12.4 acres, are located approximately ½ mile south of Ocotillo Road and are part of a larger site including adjacent right-of-way that will be the subject of a proposed single-family development. Parcels 5 and 6, approximately 1.9 acres, consist of right-of-way and a City-owned parcel located closer to Ocotillo Road that will be utilized as a storm water retention basin.

All of the subject parcels, except for those in the right-of-way, are currently zoned Rural-43 which allows one dwelling unit per acre in the County. Parcels 2 and 3 currently contain one home on

each parcel and are planned to be demolished to make way for the new subdivision. The parcels are surrounded by existing rural residential and/or traditional single-family subdivisions. The Chandler Land Use Element of the General Plan and the Southeast Chandler Area Plan designate the area for low density residential development.

Council held a public hearing for the subject site at their August 15, 2013 meeting. The request has been processed in compliance with State Statutes governing annexations. Planning Staff has received the signed petition from the property owner and recommends approval of this annexation request.

UTILITY SERVICES

Existing municipal water service, sewer service and reclaimed water mains are located within McQueen Road.

PLANNING STAFF COMMENTS

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

11. ANNEXATION: NWC of Cooper and Chandler Heights Roads Ord. #4486

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4486, annexation of approximately 2.5 acres located north of the NWC of Cooper and Chandler Heights roads. (Applicant: Kevin and Wendy Wise.)

BACKGROUND

The subject site consists of two undeveloped parcels that are zoned Rural-43 in the County. The property owners intend to build their home on the western parcel following annexation and rezoning. The remaining parcel would be left for agricultural uses or future single-family homes. This would be consistent with the Chandler Land Use Element of the General Plan and the Southeast Chandler Area Plan, which designate the area for low-density residential development.

The subject site is bordered to the south by two unincorporated rural residential properties each containing one home. To the north are vacant parcels that will soon be developed as the Calabria subdivision and to the east and west, past Cooper Road and Tower Avenue, are existing single-family developments.

UTILITY SERVICES

Existing municipal water service and reclaimed water are located in Cooper Road. Currently, the nearest sewer line connection is located about 240 feet south of the site, but will soon be extended along Tower Avenue on the west side of the site as part of the Calabria development immediately north of the site.

PLANNING STAFF COMMENTS

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

12. ANNEXATION: NEC of Gilbert and Queen Creek Roads Ord. #4487

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4487, annexation of approximately 4.8 acres located at the NEC of Gilbert and Queen Creek roads. (Applicant: Troy DeVos, QuickTrip Corporation.)

### BACKGROUND

The subject site is currently undeveloped and zoned Rural-43 in the County. The site is bordered by a church to the north and existing rural residential homes to the east. The Chandler Land Use Element of the General Plan designates the site as residential. However, being located at the corner of two arterial streets, the General Plan also allows other uses such as commercial and office. As such, the property owner intends to submit a rezoning application following annexation to allow the development of a convenience store and gas station.

### UTILITY SERVICES

Existing municipal water service, reclaimed water and sewer service are available in Gilbert Road.

### PLANNING STAFF COMMENTS

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

13. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: La Valenciana Ord. #4491

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4491, DVR13-0001/PPT12-0001, La Valenciana, rezoning from Planned Area Development (PAD) Commercial to PAD (Single-Family Residential) for a single-family residential subdivision. (Applicant: Bowman Consulting for Ryland Homes (formerly Trend Homes))

APPROVED Preliminary Development Plan (PDP) for site and housing products design.

APPROVED Preliminary Plat (PPT) on approximately 18 acres located at the NEC of Pecos and Cooper roads.

### BACKGROUND

The subject site was zoned Planned Area Development (PAD) for neighborhood commercial, allowing C-1 zoning district uses, as part of the larger Kempton Crossing single-family subdivision in 1997. The commercial use was conceptual requiring a separate PDP. The surrounding Kempton Crossing subdivision is approximately 160 acres with 435 homes. Single-family residential lots abut the north side of the site. The site is bounded by Pecos Road on the south, Cooper Road on the west, and Cottonwood Street on the east. Single-family residential also exists east of Cottonwood Street. The property is located at the intersection of two arterial streets, which in 1997 was considered a feasible intersection corner for neighborhood commercial development.

The application includes rezoning approximately 18 acres from Planned Area Development (PAD) Commercial to PAD (Single-Family Residential) for a gated single-family residential subdivision. The property is currently two separate parcels including an approximate 2-acre parcel at the immediate corner. The corner parcel was formerly owned by Exxon/Mobil and sold to a private developer in 2010. Both parcel owners have been working on an agreement whereby the 2 acres is developed as part of Ryland Homes' residential development. However, the commercial corner has a deed restriction in place from Exxon/Mobil prohibiting residential development. If the new property is not successful at having this restriction removed, the 2-acre commercial parcel will remain zoned PAD for neighborhood commercial C-1 uses as represented in Option 2 of the development booklet. The application also includes a Preliminary Development Plan (PDP) for the entire 18 acres as single-family residential. The Preliminary Plat approval is

for the 18-acre single-family subdivision; however, a new plat will be required if the immediate corner remains commercial.

The La Valenciana subdivision will include 70 single-family residential lots developed as a low-medium density residential community at approximately 3.85 du/ac. If the commercial corner remains, the residential development will have 58 lots at a density of 3.56 du/ac on approximately 16 acres. A zoning condition is included regarding the commercial corner maintaining its original neighborhood commercial zoning entitlements if not developed for single-family residential.

The subdivision offers a traditional lot layout with a variety of housing plans. The subdivision is gated and includes private streets. The main entry/exit off of Pecos Road is designed with a landscaped median, concrete pavers, decorative wrought iron gates and Date Palm trees along the perimeter. The secondary access off of Cooper Road is for exit only and includes the same quality of decorative wrought iron gates as the main entrance area. The exit off of Cooper Road is for right turn movements only. The main entrance/exit off of Pecos Road allows for full-movement access with an existing median break in alignment with the Santan Crossing offices south of Pecos Road.

The development's decorative perimeter walls range in height from 7 to 9 feet with architectural elements, integrated bench seating, wrought iron fencing, and decorative columns. The intersection corner landscape area is highlighted by a decorative subdivision name sign matching the features of the entry design along with several Date Palm trees. A mix of Mondel Pine, Mesquite and Chitalpa trees enhance the arterial streetscapes along with a variety of shrubs. Three open space areas are provided within the community including a playground area.

#### HOUSING PRODUCT

The seven housing products include 3 one-story, 4 two-story and 1 one-story home with a two-story element option (Plan 210.2). This two-story option is a small area of the home integrated into the one-story roofline as a 4<sup>th</sup> bedroom and dormer/storage area. This plan is considered a one-story home. Plans range in size from approximately 2,059 to 4,600 livable square feet. Each housing plan is designed with three architectural elevation styles providing a total of 21 housing plan options.

The homes are designed primarily with forward facing 2-car garage doors and an optional 1-car side entry garage which can be converted to livable or storage space. One plan has a standard 1-car side entry garage. Most of the forward facing garages are recessed behind a livable component. Standard features include rear yard covered patios, covered front door entries, and a variety of stone veneer patterns standard on at least one elevation. One plan has a porch and another has a front courtyard area. Housing plan exteriors include four-sided architectural elements, a variety of window moldings and roof tiles, window shutters, decorative brackets, decorative vents, wrought iron accents, corbels and grid pattern window designs.

There are various roof tile and 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, varied rooflines and varied wall plane elements. Elevation style details include arch elements, decorative trim above garage doors and enhanced bases and/or banding elements on columns. Additionally, homes include varied column designs, decorative corbels, extended roof overhangs and some have a balcony with metal railing.

The housing products design complies with the Residential Development Standards architectural diversity elements. The homes meet all 9 required elements and provide 10 minimum optional elements where 7 are required.

#### SUBDIVISION DIVERSITY

The subdivision design includes a sense of arrival into the neighborhood with open space and landscaping at the main entry. Fifteen homes back up to Pecos Road, no homes along Cooper Road and six homes back up to Cottonwood Street. The development provides staggered rear walls along street frontages, a centrally located usable retention basin and an amenity area with tot lot, seating and useable open space.

Lot standards include a minimum front yard building setback of 10 feet for side-entry garages or livable space and 18 feet for forward facing garage doors. Rear yard building setbacks are a minimum of 20 feet for one- and two-story homes; however, patio covers can encroach 10 feet into the rear yard setback. Side yard building setbacks are a minimum of 5 feet and 7 feet, with the larger side yards grouped together to achieve a 14-foot setback between homes. The maximum lot coverage is 60%.

Additionally, the development restricts corner lots to one-story homes or the 210.2 plan with the one-story element on the street side. The same front elevation will not be built side-by-side or directly across the street from one another. No more than two identical side-by-side roof slopes will be constructed along Pecos Road. In response to concerns from residential homeowners to the north, the developer agrees to limit lots 1 through 22 to one-story homes only. Furthermore, the developer agrees to limit the number of two-story homes along Pecos Road to no more than two, two-story homes built side-by-side.

The subdivision layout design complies with the intent of the Residential Development Standards subdivision diversity elements. The development meets 6 of 8 required elements and provides 6 of the minimum required 10 optional elements. The property's character limits meeting all of the subdivision diversity elements with the proposed lot sizes. The property is in part infill with the surrounding area mostly developed other than the remaining commercial corners at the intersection of Pecos and Cooper roads.

#### GENERAL PLAN CONFORMANCE

The General Plan designates this property under the Residential category, which allows a range of residential densities from low to high density. The proposed 3.85 du/acre falls within the Medium Density Residential category, 3.5 to 12 du/ac. Medium density residential is considerable adjacent to arterial streets. This corner was initially zoned for a neighborhood commercial development as part of a growing single-family residential area in the 1990s. The Residential category also allows consideration for commercial at arterial street intersections. The arterial street intersection of Cooper and Pecos roads has historically been zoned PAD for commercial with some PDP approvals, except the SWC which has approximately 1.5 acres zoned for single-family residential use. The commercial corner parcels have yet to develop. This three corner commercial intersection warrants evaluation as to the need to maintain all three corners for commercial development. City Staff has discussed this property and determined it is in the best interest of the City to move forward with a residential land use. The residential land use serves as a transitional use to existing single-family homes.

#### DISCUSSION

Planning Staff is of the opinion that the single-family residential development furthers the City's goal to promote new development and a compatible land use adjacent to existing single-family

residential. The development meets the intent of the Residential Development Standards including architecture, site design and landscaping, while incorporating attractive site wall and entry monument features. The proposed lot sizes and density transition well with the abutting Kempton Crossing single-family residential which has lots 8,500 square feet and greater within the 3.0 density range.

Planning Staff has reviewed an exhibit conceptually showing development of the 2-acre commercial corner if not included with the single-family residential subdivision. The corner has the potential to develop with a standalone building. Option 2 in the Development Booklet represents access limited to Cooper Road only, landscape buffering along the residential with a pedestrian access gate from the subdivision. At the time of writing this memo, Planning Staff was made aware that Option 2 is more likely to occur. About one year has passed and the commercial parcel owner has not presented removal of the residential restriction on the corner 2 acres to Ryland Homes.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held April 30, 2013. There were over 20 residents in attendance. Concerns were raised regarding not building two-story homes next to the existing one-story home only subdivision, timing of construction and why smaller lots are proposed.

Planning Staff has received phone inquiries on this request wanting to know the homebuilder and number of lots. A member of the Kempton Crossing HOA Board called wanting to know if Ryland Homes was proposing all one-story homes. Kempton Cross is all one-story homes and would prefer the same be built.

Planning Staff is not aware of any opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

An attorney representing one of the two property owners for the subject site spoke before the Commission expressing concern with future impacts his client may have with single-family residential use abutting his parcel if Option 2 came to fruition. The rezoning application filing includes two property owners that have worked together on this proposal for over a year. The day of the Commission hearing, Planning Staff was made aware that the property owner of the commercial parcel was having second thoughts about being a part of this development request. Ultimately, the attorney did not rescind the standing 'letter of authorization' authorizing the applicant to proceed with the rezoning request, and the Planning Commission forwarded a recommendation of approval.

#### RECOMMENDATIONS

##### **Rezoning**

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

##### **Preliminary Development Plan**

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

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "LA VALENCIANA", kept on file in the City of Chandler Planning Division, in File No. DVR13-0001, 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. 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.
7. The same elevation shall not be built side-by-side or directly across the street from one another.
8. Lots 1 through 22 shall be constructed with single-story homes only.
9. No more than two, two-story homes shall be built side-by-side along Pecos Road.
10. No more than two identical side-by-side roof slopes should be constructed along the arterial street, Pecos Road.

#### **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.
14. INTERGOVERNMENTAL AGREEMENT: Maricopa County Library District Res. #4702

ADOPTED Resolution No. 4702 authorizing an Intergovernmental Agreement (IGA) with the Maricopa County Library District (MCLD) for The Library Assistance Program.

#### **BACKGROUND/DISCUSSION**

On June 28, 2001, Council approved renewal of the IGA between MCLD and the City of Chandler for participation in the Reciprocal Borrowing Program for fiscal years 2001-2006. Since that time, Council has approved six amendments to the renewal of the IGA. The Sixth Amendment, approved on July 26, 2012, extended the agreement through June 30, 2013. That amendment included a reduction in the reimbursable rate from \$28.50 to \$25.00 which resulted in a decreased reimbursement of \$39,030.00 from the previous year. The total value of reciprocal and other support provided by MCLD for FY 12/13 is estimated at \$236,775.00.

In FY 13/14, MCLD is implementing a new program, The Library Assistance Program, as a replacement to the reciprocal borrowing program. Beginning with a budget of \$2,600,000.00, the formula consists of 40% (of total budget) allocated by assessed valuation and 60% (of total budget) allocated by gross eligible non-resident cards issues. Under this agreement, in FY 13/14, the Chandler Public Library is estimated to receive an allotment of \$219,914.00 as a credit for the purchase of library materials through a vendor that is on contract with the Library District. Rather than receive reimbursement funds directly from MCLD, Staff will order library materials from the vendor who will be paid directly by MCLD. Additional support will be provided through the provision of Freegal downloadable music (estimated value of \$8,000.00), Rocket Languages

(estimated value of \$1,500.00), Delivery Services (estimated value of \$500.00), electronic databases (estimated value of \$26,045.00) and Summer Reading Program (estimated value of \$60,000) for a total of \$315,959.00.

Under provisions of the agreement, residents of Chandler may obtain library cards free of charge from any other library in Maricopa County. In return, the Chandler Library also issues cards free of charge to all Maricopa County residents.

The IGA is effective July 1, 2013, through June 30, 2015, and is renewable only upon written amendment executed by both parties. It will be administered by the MCLD.

15. 2014 CITY COUNCIL REGULAR MEETING SCHEDULE Res. #4718

ADOPTED Resolution No. 4718 setting the 2014 City Council Regular Meeting Schedule.

16. GRANT AGREEMENT: ADOT Res. #4720

COUNCILMEMBER HEUMANN VOTED NAY ON THIS ITEM.

ADOPTED (6-1) Resolution No. 4720 authorizing the City to enter into a grant agreement with the Arizona Department of Transportation (ADOT) accepting grant number E4S1Y in the amount of \$67,500.00 as the State's share of an Airport Safety Area Drainage Analysis to improve airport drainage in the safety area at the southwestern end of Runway 4L-22R.

#### BACKGROUND/DISCUSSION

The scope of the study includes data collection, topographical survey, evaluation of alternatives, environmental analysis, a summary report with recommended alternatives and possible assistance with associated applications. This will allow the Airport to begin the necessary steps to permanently mitigate the wildlife attractant caused by poor drainage.

#### FINANCIAL IMPLICATIONS

The total project cost is \$75,000.00. The grant represents the State share of 90% of the total project value. The remaining balance of \$7,500.00 is through a local match (10% of total project value) paid through Airport funds.

17. ZONING EXTENSION: Take Off Center

APPROVED a three-year Zoning Extension for DVR13-0011 Take Off Center, for a commercial development that includes a fuel station on approximately 4 acres located at the SEC of McQueen and Queen Creek roads. (Applicant: Seth Keeler, W Holdings.)

#### EXTENSION OF THE TIMING CONDITION

The subject site was rezoned in May 2010 from Agricultural District (AG-1) to Planned Area Development (PAD) for a commercial development that included a fuel station. The PAD zoning was conditioned to start construction above foundation walls within three (3) years of the ordinance effective date which expired on June 26, 2013. The 3-year extension would be in effect until June 26, 2016, as the time limit is calculated from the previous zoning approval's expiration. This is the first zoning time extension requested for the property.

#### BACKGROUND

The General Plan designates this property as Employment as well as within the Chandler Airpark Area Plan (CAAP). The CAAP, amended at the time of zoning approval, identifies the subject site as Community Commercial allowing for retail development of this nature. The PAD zoning is consistent with the General Plan and CAAP land use designations.

This time extension application does not seek to modify the previously approved land use, site or building design, but seeks to extend the PAD zoning timing condition for an additional three (3) years. Staff supports the requested time extension finding the commercial development with a fuel station remains an appropriate land-use solution for this irregularly shaped corner parcel.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements in the Chandler Zoning Code. A neighborhood notice letter was mailed out in lieu of a neighborhood meeting. Staff has not received any correspondence from neighboring property owners. No correspondence in opposition has been received.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

#### RECOMMENDED ACTION

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

#### 18. ZONING EXTENSION: Rancho Bernardo

APPROVED a three-year Zoning Extension for DVR13-0021 Rancho Bernardo, for a retail building on approximately 1 acre at the SWC of 56<sup>th</sup> Street and Chandler Boulevard. (Applicant: Burch & Cracchiolo, P.A., Brennan Ray.)

#### EXTENSION OF THE TIMING CONDITION

City Council approved rezoning the subject site from AG-1 (Agricultural) to Planned Area Development (PAD) for a retail building with a two (2) year construction time limit condition in June 2002.

There have been several three-year time extensions approved by Council since the original rezoning case expired on June 22, 2004. A time extension request was approved in October 2004 with the PAD zoning expiring on June 22, 2007. The second time extension was approved for an additional three (3) years in January 2008 with the PAD zoning expiring on June 22, 2010. The third, and most recent time extension, was approved in March 2011 and expired on June 22, 2013. This application requests a time extension approval to maintain the PAD zoning for a retail use for an additional 3 years which would expire on June 22, 2016. Time limits are calculated from the previous zoning approval's expiration date, not the Council meeting date.

#### BACKGROUND

The subject 0.7-net acre parcel received approval of Planned Area Development (PAD) zoning with a Preliminary Development Plan (PDP) for the construction of an employment supportive retail development in May of 2002. The retail use was intended to support future development of the Planned Industrial District (I-1) zoned parcel surrounding the site.

The building was conditioned for retail use only. Restaurants, offices and all high-turnover commercial uses are prohibited. To maintain compatibility with the future industrial uses, the building is designed with a high-tech industrial theme. The building is placed in a landscaped setting at the intersection. The site layout includes cross access to adjoining property.

This application does not seek to modify the previously approved land use, site or building design, but only to extend the timing condition for an additional 3 years. Bashas', Inc., purchased the subject parcel in 2003 along with the surrounding vacant parcels. Bashas' is exploring their development options in the creation of an overall master plan, which would include the 0.7-acre corner parcel. There are no development plans at this time. If any other alternative design or use is proposed, an amendment to the PAD zoning and/or PDP will be required. Planning Staff has no concerns with the approved conditions.

### DISCUSSION

Planning Staff is in support of the requested time extension for an additional three years which extends the PAD zoning until June 22, 2016. Staff is of the opinion that the retail land use is a supportive use to a larger industrial development and remains appropriate for this site.

### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed according to the provisions of the City of Chandler Zoning Code. Neighborhood notification was mailed on July 10, 2013. Staff has received no correspondence in opposition.

### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

### RECOMMENDED ACTION

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

### 19. PRELIMINARY DEVELOPMENT PLAN: The Residences at Belmonte

APPROVED Preliminary Development Plan PDP13-0004 the Residences at Belmonte, for housing product for an 83-lot single-family residential subdivision located south and east of the SEC of Chandler Heights and Gilbert roads. (Applicant: Mario Mangiamele; Iplan Consulting.)

### BACKGROUND

The subject site was originally zoned in 2004 as part of the Reid's Ranch master-planned community that included the subject site, Reid's Ranch, and The Landing at Reid's Ranch single-family residential subdivisions. Reid's Ranch and The Landing at Reid's Ranch are developed subdivisions located north of Chandler Heights Road. East of the subject site is the Valencia II master-planned single-family community; south is the Mesquite Groves single-family residential subdivision.

As originally approved, the subject site has the ability to be developed with production or custom homes on 63 lots. A PDP was approved in 2011 increasing the number of lots from 63 to 83 and included housing product. Since the approval in 2011, Taylor Morrison has acquired the property with the intent to build their housing product. The request seeks to replace the previous housing product.

### HOUSING PRODUCT

Seven floor plans are proposed that include four two-story plans and three one-story plans. Prairie, Spanish and Tuscan elevations are provided for each home. Home sizes range from 2,700 to 4,500 square feet. Per the Residential Development Standards (RDS), all housing product needs to meet various design elements. Required architectural elements include providing at least three different architectural styles, prohibiting the same elevation adjacent to and across the street from each other, and providing four-sided architecture, among others. The request meets the requirements of the RDS. Further discussion of the standards met is provided in the development booklet.

Of the seven plans, five offer a garage forward-facing design and two offer a side-entry garage design. Of the five forward facing plans, three provide for a three-car garage, providing a tandem parking arrangement. Each elevation varies with the elements provided. Architectural elements include stone, shutter detailing, garage door design, mullions and muntins, and wainscot elements. This will be the first subdivision in the Valley with the proposed housing product. Provided setbacks are consistent with the previous development and include a 5' and 10' side yard, 15' front setback for side-loaded garages and livable area, and 20' to the garage door face. Homes adjacent to Chandler Heights Road will have deeper rear and side yard setbacks consistent with the requirements in the Southeast Chandler Area Plan (SECAP).

### DISCUSSION

The Planning Commission and Planning Staff support the request citing that the housing product provides a unique addition to southeast Chandler. Additionally, with the number of floor plans, elevations and paint schemes, diversity within the subdivision is ensured. Furthermore, as a result of the neighborhood meeting process, the developer has agreed to a number of limitations specifying where two-story homes can be located. Lastly, it will be noticed that Plan 4591 in the development booklet is rendered differently than the other floor plans; this is due to the use of a different architectural firm generating the plan.

### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with two neighborhood meetings being held. The first was held on May 6, 2013, with nine residents in attendance. While the overall development was supported, concerns were expressed regarding the location of two-story homes in proximity to one-story homes and Wood Drive.

The second neighborhood meeting was held on July 18, 2013, to allow the developer to provide additional information based on the first neighborhood meeting. Nine residents attended the second meeting; five of the residents had attended the first meeting. Based on the concerns expressed during the first neighborhood meeting, the developer has agreed to provide one-story homes on all eastern lots adjacent to homes as well as agreed to limit no more than two, two-story homes adjacent to each other along Wood Drive (historically this condition is only applied to arterial streets). Additionally, the developer has agreed to eliminate second-story balcony options from the plans. Following the neighborhood meetings, the developer agreed to restrict Lot 49 to a single-story home based on concerns expressed by an adjacent resident.

Planning Staff has received phone calls from neighbors with general questions as well as expressing concerns over the two-story homes. Planning Staff has received no correspondence in opposition.

### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

The item was pulled by two neighbors for a full discussion at the hearing. The first neighbor lives in the Mesquite Groves subdivision south of the subject site. Concerns expressed by the neighbor primarily revolved around two-story heights and privacy, the number of lots and grade differentials between the communities. The neighbor stated that the Valencia neighborhood to the east is primarily single-story homes and the Mesquite Groves neighborhood to the south is all single-story homes. Because of this, the neighbor requested that all homes along Wood Drive be restricted to single-story. Staff responded that with both of the subdivisions referenced, the restrictions were entirely the choice of the respective homebuilder and that in the case of Valencia, there were two-story homes built in the subdivision, just not adjacent to the subject site. Furthermore, it was explained that with the original zoning of the site as part of the Reid's Ranch master-planned community, the ability existed for two-story homes to be built throughout the subdivision. Based on the concerns and through interaction with the neighborhood during the neighborhood meetings, the applicant agreed to condition the lots to no more than two, two-story homes adjacent to each other, that the rear setbacks would be increased to 30 feet for two-story homes and agreed to not provide second-story outdoor balconies to address privacy concerns. It was further discussed that with the inclusion of the various landscaping, perimeter walls and separation by a collector street, the distance between homes would be approximately 145 feet at the closest point. Lastly, the applicant addressed the concerns expressed about the grade differential. The applicant reviewed the "as-builts" for the Mesquite Groves subdivision and determined that the grade differences ranged between two to three feet, but maintained that privacy would be addressed through the landscaping and separation between homes.

The second neighbor that spoke lives at the southeast corner of Chandler Heights and Gilbert roads and requested that Lots 23-26 be restricted to single-story. While the Planning Commission and the applicant discussed the concerns, ultimately the Planning Commission agreed to leave the development restrictions as proposed by the developer.

#### RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with the Development Booklet entitled "The Residences at Belmonte" and kept on file in the City of Chandler Planning Division, in File No. PDP13-0004, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3601 in case DVR04-0009 REID'S RANCH, LANDING AT REID'S RANCH, AND AMBERWOOD HEIGHTS, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
4. 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.
5. The covenants, conditions and restrictions (CC&Rs) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
6. The same elevation shall not be built side-by-side or directly across the street from one another.

7. The applicant shall work with Staff to provide additional landscape terracing along the Chandler Heights Road frontage.
8. The applicant shall provide trees consistent to development standards along the landscape tract adjacent to Gilbert Road.
9. Homes located on corner lots, as well as Lots 10, 12, 47, 48 and 58 shall be restricted to single-story homes.
10. Lots backing up to Wood Drive shall be restricted to no more than two, two-story homes adjacent to each other.

20. MEMBERSHIP FEE: Valley Metro Rail, Inc.

AUTHORIZED payment of FY 2013/14 annual membership fee to Valley Metro Rail, Inc., (METRO), in the amount of \$50,000.00.

BACKGROUND/DISCUSSION

In 2007, the City of Chandler joined Valley Metro Rail, Inc. This enabled the City to participate in the planning and design of the regional light rail system and future light rail extensions that could serve Chandler.

Regional, high capacity transportation systems such as light rail require years of advanced planning and coordination with participating communities as well as regional, state and federal agencies. In 2003, the City of Chandler completed a High Capacity Transit Major Investment Study which designated the Rural Road, Chandler Boulevard and Arizona Avenue/Union Pacific Railroad Chandler Branch Line as corridors for future development of high-capacity transit systems, including light rail.

In December 2012, the City completed the Arizona Avenue High Capacity Transit Long Range Study. This study was completed by METRO's consultants in conjunction with City and METRO staff and was entirely funded by the City's annual membership fee. This study provides a planning assessment of potential light rail ridership on a future light rail line on Arizona Avenue. The study also presents recommendations for future bus service and for land use planning policies that will create a successful future light rail corridor. The results of this study will feed into future studies for light rail on Arizona Avenue.

21. AGREEMENT AMENDMENT: Skaggs East Valley Uniforms

APPROVED Agreement No. PD1-200-2954, Amendment No. 2, with Skaggs East Valley Uniforms for the purchase of Police Uniforms in an amount not to exceed \$100,000.00. The agreement was originally awarded to East Valley Uniforms which has since been purchased by Skaggs Uniforms who has agreed to honor all terms and conditions of the original contract and agreed to extend the contract for the second year with no price increase.

22. AGREEMENT AMENDMENT: Kaplan, Kirsch & Rockwell LLP

APPROVED Agreement Amendment No. 1 with the law firm of Kaplan, Kirsch & Rockwell LLP, to continue providing legal services related to the Part 16 Complaint filed against the City of Chandler and for fees in an amount not to exceed \$100,000.00.

BACKGROUND/DISCUSSION

The City of Chandler received a copy of Mr. John Walkup's Part 16 Complaint on July 2, 2013. Staff researched law firms that had the specialized experience for assisting the City in presenting

a strong defense to this complaint. Relevant Staff, and the Acting City Attorney, interviewed two leading law firms by telephone and then engaged Kaplan, Kirsch & Rockwell for a scope of representation of less than \$30,000.00 to advise City Staff on what documentation and evidence needed to be gathered and transmitted to them so they could prepare the City's defense to the complaint. Given the scope of the issues involved in the FAA process and Mr. Walkup's allegations involving the City's actions/inactions over a number of years, it is likely that fees for legal services will exceed \$30,000.00 to successfully present Chandler's rebuttal to the allegations. At this point, Staff estimates that the legal fees will run close to \$100,000.00 to obtain the FAA Director Determination in the City's favor. Legal fees will be billed on an hourly rate of \$475.00 for the lead attorney, Dan Reimer, and less for the associate attorneys who will assist him.

23. AGREEMENT: Group Mobile International LLC

APPROVED Agreement No. FD4-204-3303 with Group Mobile International LLC, for the purchase of Panasonic Tablet Computers in an amount not to exceed \$125,751.00.

Chandler Fire applied and received a FEMA – Assistance to Firefighters Grant for implementing electronic medical reporting in an amount of \$241,248.00. The federal share of the grant is \$192,999.00 and the City matching share of 20% is \$48,249.00. The total amount of the grant provides for a system that consists of hardware and software for medical records. This grant will allow Chandler Fire to again utilize electronic reporting of patient medical records. At the August 15, 2013 Council meeting, Council approved an agreement for host services in the amount of \$84,900.00 that will be accessed by using the tablets from this purchase. Tablets will be carried on all Fire Department units and paramedics will be able to utilize the technology to quickly and accurately record the medical history of the patient, the care provided and the condition of the patient upon arrival at the hospital. The Electronic Patient Care Reporting (ePCR) evaluation committee evaluated several hardware options and elected to recommend the purchase of Panasonic FZ-G1 Tough Pad Tablets for this application.

24. AGREEMENT & FUND TRANSFERS: The Active Network

APPROVED Agreement No. CS2-920-3064 with The Active Network (TAN) for the purchase of Community Services registration/reservations hosted services in an amount not to exceed \$108,200.00, of which \$28,200.00 is for one-time implementation costs and \$80,000.00 is estimated ongoing transaction fees for the hosted solution.

AUTHORIZED a Fund Transfer of ongoing funds in the amount of \$15,394.00 from the Information Technology Oversight Committee (ITOC) Operations Cost Center to the Community Services Aquatics Cost Center.

AUTHORIZED a Fund Transfer of one-time funds in the amount of \$41,356.00 from the Information Technology Oversight Committee (ITOC) Capital Cost Center to the Community Services Aquatics Cost Center.

Community Services has utilized a computerized registration/reservation management system since 1992. The current system, Safari Rec Ware, enables Staff and customers to register for classes and activities (over-the-counter and online), and allows Staff to assist customers to reserve facilities, pavilions and ball fields as well as sell memberships and point-of-sale items. On July 24, 2012, TAN announced End of Product Support for its Safari software effective October 31, 2013.

TAN will replace the Community Services current Safari software system with a hosted solution. In addition to the features the current Safari system provides, the TAN system will provide enhanced functionality enabling customers to reserve ball fields and pavilions online, use credit cards at the aquatic centers, provide more efficient control over resident and non-resident fee assessments, and ensure PCI-DSS (Payment Card Industry-Data Security Standard) compliance for these payments. Utilizing a hosted solution will provide citizens with a better user experience, especially during peak registration periods, as TAN will be responsible for ensuring that the registration system is available for the large volume of transactions hitting the system at one time.

The Active Network contract is for five (5) years from the go-live date of the first phase of the implementation plan, with automatic renewals for five (5), one (1) year terms.

After an unsuccessful on-site test installation from the initial Request for Proposal (RFP) process in April 2010, the City issued a second RFP on December 2, 2011, to vendors experienced in providing registration/reservation systems and/or hosted services. Four vendors responded: Vermont Systems, US eDirect, e-Trak Plus and The Active Network (TAN). An evaluation committee comprised of members from Recreation, Aquatics and IT evaluated the proposals in accordance with established City policies and procedures. E-Trak Plus scored the most points based on the criteria in the RFP; then an on-site test environment was implemented. The on-site test installation failed as the system was not able to provide necessary functionality as originally promised. The evaluation committee determined the best course of action was to move on to the second highest scoring proposer, TAN. As part of the early negotiation process, Staff was able to confirm the functionality of TAN through a series of interactive demonstrations. The evaluation committee recommends the award be made to TAN.

The original tiered proposal from the hosted TAN solution included both a “fee for use” service fee and payment processing combined, which was estimated at a total of \$420,000.00 more than the final negotiated contract. Staff negotiated a flat “fee for use” service fee at 2.25% per transaction amount for the hosted TAN solution. This allows for the costs to be based on the actual usage of the system rather than potentially overpaying for services the City may not use. While contractually the term “transaction fee” is used as a payment rate reference, the intent of the term is to reference the cost of hosting the services provided by the TAN system which includes ongoing costs of support and maintenance, software development, servers, security, infrastructure and PCI-DSS compliance (not credit card fees). The contract terminology, while seemingly confusing, is standard for TAN-hosted solution contracts and a term they were not willing to revise.

TAN includes a built-in payment process as part of its online reservation and registration system. The City compared TAN’s payment process to InvoiceCloud, the City’s recently selected electronic payment portal processor. It was determined that to run all TAN payments through InvoiceCloud is cost prohibitive as it would be a duplication in the payment services provided by InvoiceCloud and TAN. Credit card fees are not part of the hosted transaction fees, but will be billed separately through the City’s existing banking agreement.

25. PROJECT AGREEMENT: Southwest Ground-water Consultants

APPROVED Project Agreement No. WW1406-101 with Southwest Ground-water Consultants, pursuant to Annual Contract No. EN1203-101, for the Chandler Heights Recharge Permit Modifications, in an amount not to exceed \$50,870.00.

The Chandler Heights recharge basins are in Veterans Oasis Park located at the NEC of Chandler Heights and Lindsay roads. Southwest Ground-water Consultants has been under contract to evaluate historic groundwater recharge capacity and water quality. Based on preliminary results, it is estimated an additional three million gallons per day can be recharged. The increased recharge capacity saves the City the cost of constructing additional Aquifer Storage Recover (ASR) wells. Staff had preliminary meetings with the Arizona Department of Water Resources (ADWR) and the Arizona Department of Environmental Quality (ADEQ) regarding permit amendments to increase recharge capacity. The consultant will complete complex groundwater flow models and analyze the potential impacts to nearby landowners. ADWR and ADEQ will need this analysis to ensure there are no impacts to nearby landowners. In addition, the consultant will also develop a Chandler recharge strategy to recharge a total of five million gallons per day at the Chandler Heights recharge basins.

26. PROJECT AGREEMENT: Stantec Consulting, Inc.

APPROVED Project Agreement No. WW1401-101 with Stantec Consulting, Inc., pursuant to Annual Contract No. EN1311-101, for the West Chandler Lift Station Evaluation in an amount not to exceed \$68,044.00.

The West Chandler sewer collection system currently discharges to the Lone Butte Wastewater Treatment facility located west of I-10 on the Gila River Indian Community. The Lone Butte Wastewater Treatment facility lease between the Gila River Indian Community and the City of Chandler expires in 2027. To ensure future wastewater flow flexibility, an additional lift station location will be needed to return flows back to City facilities for treatment and reuse. The lift station will receive flow from the Old Pecos Lift Station and transfer this flow to the Kyrene Lift Station.

27. PROJECT AGREEMENT: Sunrise Engineering, Inc.

APPROVED Project Agreement No. WA1301-201 with Sunrise Engineering, Inc., pursuant to Annual Contract No. EN1310-101, for the Pecos Well Equipping Design in an amount not to exceed \$84,621.00.

The Pecos Well was originally drilled and equipped in 1999. The well site is located south of Pecos Road, east of Alma School Road. This well produced excellent volume and water quality until 2012 when the well casing failed due to excessive corrosion. Drilling of a replacement well is currently underway as part of a separate contract.

28. ANNUAL CONTRACT EXTENSION: Southwest Ground-water Consultants

APPROVED Contract No. EN1203-101, Annual Extension, with Southwest Ground-water Consultants for hydrogeological services in an amount not to exceed \$500,000.00. This is the first of four optional one-year extensions.

29. ANNUAL CONTRACT: Environmental Planning Group, LLC

APPROVED Annual Contract No. EN1303-101 with Environmental Planning Group, LLC, for park design services in an amount not to exceed \$50,000.00, with the option to extend for four additional one-year periods.

30. ANNUAL CONTRACT: J2 Engineering & Environmental Design, LLC

APPROVED Annual Contract No. EN1302-101 with J2 Engineering & Environmental Design, LLC, for park design services in an amount not to exceed \$200,000.00, with the option to extend for four additional one-year periods.

31. CONTRACT: Salt River Project

APPROVED Contract No. ST0809 with Salt River Project (SRP) for design and construction of Gilbert Road Improvements for Underground Conversion and Overhead Removal of Phase 1A and Temporary Overhead Relocation of Phase 2 in an amount not to exceed \$90,238.91.

32. PURCHASE: SHI International Corporation

APPROVED the purchase of Capital Improvements Projects Management Solution Implementation and Training from SHI International Corporation, pursuant to the Western States Contracting Alliance (WSCA) Contract No. ADSP011-007500, in an amount not to exceed \$40,632.00.

The Capital Projects (CP) Division has utilized a computerized project management system, Primavera, since 1999. Primavera was intended to assist in managing project schedules and budgets and to conduct project administration on capital improvement projects. The original Primavera system implementation was very complex, costly and some key features and functions were never fully implemented. Also, the existing Primavera system, in the City's environment, has become antiquated and exists on an unsupported database. The operating system is multiple versions behind. Thus, the CP Division is seeking professional implementation and training services to transition to SharePoint 2010.

SharePoint 2010 is a system fully compatible with the City's current operating system and the Information Technology (IT) Division has been in development of a hosted version to manage Information Technology Oversight Committee (ITOC) projects and other department projects for Citywide applications. SharePoint 2010 also uses Microsoft Project 2010, an industry preferred scheduling tool. Furthermore, it provides immediate visibility and control for portfolio management and comprehensive management capabilities at the project level.

This Capital Improvements Projects Management Solution and Training purchase includes technical work to finalize configuration of this solution for the CIP and the creation of the business documents and templates within a project. Financial information integration from the Oracle Projects module will be done as a separate project. The project duration for implementation services and training will be six months. The cost for implementation services is \$32,487.00 and training is \$8,145.00.

33. PURCHASE: Versaterm, Inc.

APPROVED the purchase of annual maintenance for the Police Records Management System (RMS) from Versaterm, Inc., in an amount not to exceed \$372,000.00.

The Police Department purchased the Versaterm integrated police records management (RMS), computer aided dispatch (CAD), mobile data computing (MDC) and field reports (FR) systems, with Council approval, in March 2010. With the expiration of the initial warranty period, the Department needs to provide ongoing maintenance services for the product which are only available through the vendor in the form of annual maintenance. The maintenance allows for

product updates and upgrades, correction of product failures that are not working as intended in accordance with documentation and support of the product and its interfaces per contract. Because the system is proprietary, the ongoing maintenance service is only available from Versaterm, Inc. No other vendors are authorized to provide these maintenance services.

34. PURCHASE: Advanced Exercise Equipment

APPROVED the purchase of exercise equipment for Tumbleweed Recreation Center from Advanced Exercise Equipment, utilizing National Joint Powers Alliance Contract No. 021512-LFF, in an amount not to exceed \$61,043.98.

35. PURCHASE: Peoria Ford

APPROVED the purchase of two replacement Police vehicles from Peoria Ford, utilizing the State of Arizona Contract, in an amount not to exceed \$77,443.80. Both vehicles are Ford Police Interceptor Utility vehicles and will be used by the Criminal Enforcement and Gang Enforcement Unit.

36. PURCHASE: GO AZ Motorcycles

Approved the purchase of five replacement Police motorcycles from GO AZ Motorcycles, utilizing the State of Arizona contract, in an amount of \$117,969.30.

37. CONTINUED USE PERMIT: Vien Minh Buddhist Temple

CONTINUED TO OCTOBER 24, 2013, Use Permit ZUP13-0004 Vien Minh Buddhist Temple, time extension to allow a place of worship in a single-family home zoned SF-8.5 (Single-Family District) located at 285 N. Comanche Drive, west of Alma School Road and north of Chandler Boulevard.

38. USE PERMIT: 99 Cent Only Store

APPROVED Use Permit LUP13-0011 99 Cent Only Store, Series 10 Beer & Wine Store License, to sell beer and wine for off-premise consumption only at an existing store located at 1996 N. Alma School Road, the SWC of Warner and Alma School roads. (Applicant: Arizona Liquor Industry Consultants, Amy Nations.)

BACKGROUND

The 99 Cent Only Store has been in operation since approximately 2002. Warner Plaza businesses include: Big Lots, Chase Bank and Carl's Jr. and others. The intersection's other corners are commercial shopping centers that include a Fry's, Wal-Mart, Ace Hardware, and other businesses. The southeast corner is developed with a Shell gas station and the Chandler Preparatory Academy.

The request is for Liquor Use Permit approval to sell beer and wine as permitted under a Series 10 Beer & Wine Store License, no other spirituous liquors, only in the original unbroken package to be taken away from the premises of the retailer and consumed off premises. The applicant states the liquor will be sold at room temperature and off the shelf; not in refrigerated coolers. The business is open from 8 a.m. until 10 p.m., seven days a week. The 99 Cent Only Store employs 28 full-time and part-time staff. The store contains approximately 19,291 square feet of floor area.

### DISCUSSION

Planning Staff supports the request finding that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use compatibility analysis is a typical retail transaction in commercial districts throughout the City.

Planning Staff recommends approval with no time limit to maintain consistency with other Series 10 Liquor Use Permits approved for other similar type retailers with no time limit condition given the establishments had no outstanding concerns, opposition or violations.

There were concerns raised during the public notification process concerning the selling of liquor at a 99 Cent Only Store and the location of liquor consumption following the purchase.

### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 31, 2013. There were no neighbors in attendance. The Police Department has been informed of the application and has no issues or concerns. Planning Staff has received a phone call from a neighbor who has concerns about liquor sold at a 99 Cent Only Store in terms of how the selling will be monitored and where the liquor will be consumed.

### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

### RECOMMENDED ACTION

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

1. The Use Permit granted is for a Series 10 License only and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.

#### 39. LIQUOR LICENSE: 99 Cents Only Store #167

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #432687 L10) for Randy Nations, Agent, 99 Cents Only Store #167, 1996 N. Alma School Road. A recommendation for approval of State Liquor License #10076419 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

#### 40. USE PERMIT: America's Taco Shop

APPROVED Use Permit LUP13-0007 America's Taco Shop, Series 12 Restaurant License, to sell liquor as permitted for on-premise consumption in a new restaurant and new outdoor patio and to have live music outdoors at 3235 W. Ray Road, Suite 1. (Applicant: Michael Moore.)

## BACKGROUND

The subject new restaurant is locating in the suite formerly occupied by the Spicy Pickle restaurant within the Park at San Tan development at the SWC of Ray Road and the Loop 101. The Park at San Tan includes the recently approved Alliance Bank, several restaurants, a salon and multi-story office buildings. D'Arcy Ranch single-family subdivision is located west of the subject site and Parkside East subdivision is northwest of the site, across Ray Road.

The restaurant will be open from 9 a.m. to 8 p.m. seven days a week. The restaurant is approximately 2,098 square feet in area with an approximately 615 square foot outdoor patio. The outdoor patio is surrounded by a three-foot high metal composite railing with two gates and is accessed directly from the restaurant. The restaurant will employ 25 to 30 full and/or part time employees. Restaurant seating will be 86 total with 54 seats indoors and 32 seats on the outdoor patio.

The request includes providing live acoustic music with no amplification, played by one- to three-person groups to occur on the outdoor patio. The anticipated hours of live music would be 4 p.m. until 8 p.m. on Thursdays, Fridays and Saturdays and on major holidays. Amplified music may occur within the new outdoor patio on selected holidays such as Cinco de Mayo and be allowed through a special events permitting process.

A 32-inch television, located indoors, will televise news and sports but without audio. Two indoor and outdoor speakers will be used for background music. The house speaker system will not be used to amplify any live music.

Due to the proximity to the single-family subdivision, Planning Staff has added conditions to address any potential noise concerns. Planning Staff recommends a one-year time limit to allow evaluation of compatibility of the live music with the surrounding residential and business development.

## DISCUSSION

Planning Staff supports the request, with conditions, finding that the restaurant with occasional live acoustic music can be appropriate at this location if it is controlled so as to not unreasonably disturb the surrounding businesses and residents. The one-year approval time condition allows evaluation of the compatibility of the outdoor live music. Staff has informed the applicant of the concerns related to having the acoustic live music outdoors.

Planning Staff received two phone calls and one email concerning the proposed outdoor live music stating their opposition to the outdoor live music. One of the phone calls was followed by an email which discusses two issues including noise and home values.

## PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 8, 2013. There were two residents in attendance stating concerns with the music. The Police Department has been informed of the application and has no issues or concerns. Planning Staff has received two phone calls and an email from D'Arcy Ranch homeowners stating their opposition to the outdoor live music.

## PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

The item was discussed by the Planning Commission. Several residents of the D'Arcy Ranch subdivision voiced their concerns on the live music proposed to occur outdoors. The concerns included the amplification of the acoustic music and the decibel level.

The applicant agreed that only live acoustic music will occur on the outdoor patio with no amplification from Thursdays through Saturday. Amplified music may occur only during selected holidays such as Cinco de Mayo and be permitted through the special event permit process.

#### RECOMMENDED ACTION

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

1. The Use Permit granted is for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
5. The outdoor patio shall be maintained in a clean and orderly manner.
6. Live music within the outdoor patio area shall not occur past 8 p.m. and shall be limited to acoustic music without amplification.
7. The house speaker system shall not be utilized to amplify live music.
8. Music shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
9. No noise shall be emitted from the live music occurring outdoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
10. The site shall be maintained in a clean and orderly manner.
11. The establishment shall provide a contact phone number of a responsible person (bar owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.

#### 41. LIQUOR LICENSE: America's Taco Shop

APPROVED a Series Restaurant Liquor License (Chandler #147595 L12) for Michael Moore, Agent, JMI Enterprises LLC, dba America's Taco Shop, 3235 W. Ray Road, Suite 1. A recommendation for approval of State Liquor License #12079507 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

#### 42. CONTINUED LIQUOR LICENSE: Chao

CONTINUED TO SEPTEMBER 26, 2013, A Series 12 Liquor License for Lauren Kay Merrett, Agent, MKM Restaurant Holdings LLC, dba Chao, 1890 W. Germann Road, Suite 1, to allow the applicant time to complete the requirements for a new Use Permit.

43. CONTINUED LIQUOR LICENSE: Moreno's Mexican Grill

CONTINUED TO OCTOBER 24, 2013, a Series 12 Liquor License for Jose Angel Moreno, Moreno's Mexican Grill Number Five LLC, dba Moreno's Mexican Grill, 2100 S. Gilbert Road, Suite 13, to allow the applicant time to complete the requirements for a new Use Permit.

44. CONTINUED LIQUOR LICENSE: Dollar General Store #10200

CONTINUED TO SEPTEMBER 26, 2013 a Series 10 Liquor License for Clare Hollie Abel Agent, DG Retail LLC, dba Dollar General Store #10200 at 400 W. Ray Road, to allow the applicant time to complete the requirements for a new Use Permit.

45. CONTINUED LIQUOR LICENSE: Hot Pot Caribbean Cuisine

CONTINUED TO SEPTEMBER 26, 2013, a Series 12 Liquor License for Karen Dawn Marie Franus, Agent, Hot Pot Caribbean Cuisine LLC, dba Hot Pot Caribbean Cuisine, 2081 N. Arizona Avenue, Suite 132, to allow the applicant time to complete the requirements for a new Use Permit.

46. SPECIAL EVENT LIQUOR LICENSE: Ballet Folklorico Quetzalli AZ, Inc.

APPROVED a Special Event Liquor License for Ballet Folklorico Quetzalli AZ, Inc. for the Rockin' Taco Street Fest, Mexican Independence Day, September 14, 2013 at El Palacio, 2950 E. Germann Road. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required. The Applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Resources.

47. SPECIAL EVENT LIQUOR LICENSE: The Tinnitus Foundation

APPROVED a Special Event Liquor License for The Tinnitus Foundation for their Hungry Monk Hoptoberfest, Supporting Disabled Veterans, September 21, 2013 at Hungry Monk, 1760 W. Chandler Boulevard. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

48. FINAL PLAT: Southshore Village

APPROVED Final Plat FPT13-0001 Southshore Village, for a 44-acre, 138-lot single-family residential subdivision located north and east of the NEC of Arizona Avenue and Chandler Heights Road. (Applicant: Rick Engineering.) The plat creates the lots, tracts, establishes the necessary easements and dedicates the required rights-of-way.

49. FINAL PLAT: Aerie at Alma & Pecos West

APPROVED Final Plat FPT13-0005 Aerie at Alma & Pecos West, for 150 multi-family residential apartments located on 12 acres at the NWC of Alma School and Pecos roads. (Applicant: Terrascope Consulting.) The plat creates the lots, establishes the necessary easements and dedicates the required rights-of-way.

50. FINAL PLAT: Aerie at Alma & Pecos East

APPROVED Final Plat FPT13-0006 Aerie at Alma & Pecos East for 115 multi-family residential apartments located on 9 acres at the NEC of Alma School and Pecos Roads. (Applicant: Terrascope Consulting.) The plat creates the lots, establishes the necessary easements and dedicates the required rights-of-way.

51. FINAL PLAT: Layton Lakes Parcel 18

APPROVED Final Plat FPT12-0018 Layton Lakes Parcel 18, for a medium-density detached single-family residential subdivision, as part of the Layton Lakes Master Plan, located on 12 acres south and west of the SWC of Lindsay and Queen Creek roads. (Applicant: Bowman Consulting.) The plat creates the lots, establishes the necessary easements and dedicates the required rights-of-way.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

A. Mayor's Announcements

The Mayor announced the Police Department is seeking neighborhoods interested in holding events on GAIN night on October 26, 2013.

Mayor announced the new Neighborhood Excellence Award Program.

B. Councilmembers' Announcements

Councilmember Heumann noted the groundbreaking for Garmin.

Councilmember Heumann commented that both Kyrene and Chandler School Districts would be holding override elections this fall and encouraged citizens to educate themselves and noted the elections will be all mail.

Councilmember Weninger shared his reflections on remembrances of September 11<sup>th</sup> and the first responders.

Councilmember Hartke announced the next For Our City breakfast on September 24<sup>th</sup>.

Councilmember Hartke stated the Farmer's Market in downtown Chandler would be resuming in addition to the Friday Art Walks.

Councilmember Ellen acknowledged friends Tim and Andrew in the audience.

