

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, October 24, 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

\*Participated telephonically

Also in attendance:

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

INVOCATION: Pastor John MacKinney, Chandler Bible Church

PLEDGE OF ALLEGIANCE: Councilmember Hartke led the Pledge of Allegiance.

CONSENT:

MOVED BY COUNCILMEMBER HARTKE, SECONDED BY COUNCILMEMBER WENINGER, to approve the Consent Agenda as presented. Councilmember Heumann announced his "nay" votes on Items 15, 16 & 17.

MOTION CARRIED UNANIMOUSLY (7-0).

1. POWER DISTRIBUTION EASEMENT: SRP Ord. #4396

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4396 granting a no-cost power distribution easement to Salt River Project (SRP) along portions of Arizona Avenue from the Santan 202 south to Ocotillo Road.

BACKGROUND/DISCUSSION

During research by Salt River Project (SRP), it was determined that they had not requested power distribution easements for service they installed along portions of Arizona Avenue from the Santan 202 south to Ocotillo Road. SRP has requested that the City grant an easement for the SRP facilities that were previously installed in 1996 as part of various City projects. The easement will be at no cost to SRP as the work was part of a City project and benefits the public.

2. POWER TRANSMISSION EASEMENT: SRP Ord. #4397

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4397 granting a no-cost power transmission easement to Salt River Project (SRP) along portions of the north side of Riggs Road from Arizona Avenue to Gilbert Road.

#### BACKGROUND/DISCUSSION

During research by Salt River Project (SRP), it was determined that they had not requested power transmission easements for service they installed along portions of the north side of Riggs Road from Arizona Avenue to Gilbert Road. SRP has requested that the City grant an easement for the SRP facilities that were previously installed as part of the City's Riggs Road Improvement Project from Arizona Avenue to Gilbert Road. The easement will be at no cost to SRP as the work was part of a City project and benefits the public.

3. WELL SITE DEDICATION: Riggs Road / 142<sup>nd</sup> Street Ord. #4481

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4481 authorizing the dedication in fee of a portion of a future well site located approximately 365 feet north of Riggs Road on the west side of 142<sup>nd</sup> Street for public right-of-way (sidewalk) purposes.

#### BACKGROUND/DISCUSSION

Ashton Woods Homes is developing the Jacaranda Place subdivision on the north side of Riggs Road just west of the alignment of 142<sup>nd</sup> Street. As part of this development, Ashton Woods Homes will be improving 142<sup>nd</sup> Street north from Riggs Road. The City owns a parcel of land for a future water well site that is approximately 365 feet north of Riggs Road on the west side of 142<sup>nd</sup> Street. In order to accommodate the development of 142<sup>nd</sup> Street, it is necessary for the City to dedicate a portion of the property to the public for right-of-way (sidewalk). The sidewalk will be constructed by Ashton Woods during their improvement of 142<sup>nd</sup> Street.

By way of a separate instrument in the form of a deed, the City will grant to the public in trust, the right-of-way (sidewalk). The document will be in a form approved by the City Attorney.

4. 2013 WASTEWATER PRETREATMENT PROGRAM AMENDMENT Ord. #4503

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4503 amending the 2013 Wastewater Pretreatment Program.

#### BACKGROUND

The Wastewater Pretreatment Program regulates wastewater discharge to control the introduction of pollutants that put the community or environment at a health or safety risk, or impact the sewer collection or treatment system in an adverse way. The City's current Wastewater Pretreatment Program was adopted by City Council on May 12, 2011.

The Environmental Protection Agency (EPA) mandates publically-owned water reclamation facilities develop and periodically review the industrial discharge standards set forth in the Wastewater Pretreatment Program. Chandler Staff recently conducted a review of the City's molybdenum discharge standard and recommends that the standard be updated. Staff makes this recommendation based upon their discovery of a more applicable criterion for calculating the molybdenum discharge standard.

Staff also recommends the addition of a provision to authorize the use of equivalent mass limits for specific standards in-lieu of concentration limits. This provision gives the industries more

flexibility for implementing water conservation measures without having an adverse impact to the City's water reclamation facilities.

Draft copies of the 2013 Wastewater Pretreatment Program were sent to the City's impacted industries, the Gila River Indian Community (GRIC) and the Arizona Department of Environmental Quality (ADEQ) in June 2013. Responses from the industries to the proposed changes were favorable.

ADEQ completed the final review of the 2013 Wastewater Pretreatment Program on July 17, 2013. Staff published a Public Notice of Intent to revise the Wastewater Pretreatment Program in the East Valley section of the Arizona Republic on August 2, 2013. A 30-day comment period was allowed following the publication. The comment period concluded on September 1, 2013, and no comments were received. ADEQ granted the final approval of the updated Pretreatment Program on September 13, 2013.

5. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Fire Rock Ranch Ord. #4504

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4504, DVR13-0012/PPT13-0009 Fire Rock Ranch, rezoning from Planned Area Development (PAD) for commercial and multi-family residential development to PAD for single-family residential.

APPROVED a Preliminary Development Plan (PDP), for subdivision layout and housing product on approximately 23 acres located at the NWC of Chandler Boulevard and Gilbert Road.

APPROVED Preliminary Plat (PPT) PPT13-0009 Fire Rock Ranch, on subdivision layout located at the NWC of Chandler Boulevard and Gilbert Road. (Applicant: Sam Griffin; KB Homes.)

BACKGROUND

The subject site is located at the northwest corner of Chandler Boulevard and Gilbert Road. North and west of the site is the Dobson Place single-family master-planned community. East, across Gilbert Road at the intersection corner, is a CVS Pharmacy located within the Town of Gilbert. South, across Chandler Boulevard, is a Circle K gas station, vacant land and an automotive shop, all located in a county island. In addition, there is a small trailer park and the Colonia Coronita single-family residential subdivision, both located within the City of Chandler.

The subject site initially received zoning in 1993 as part of the 230-acre Dobson Place master-planned community. At that time, the subject site was zoned to PAD for multi-family and commercial development. In 1995, the site was rezoned to PAD strictly for commercial uses, eliminating the multi-family designation. With the development of the Dobson Place single-family residential neighborhood, the zoning was vested for the site. The site was rezoned in 2008 to allow for the office, retail and multi-family development. An extension of the zoning and the removal of a condition requiring specific phasing of construction occurred in 2011.

SUBDIVISION LAYOUT

Two entrances are provided for the subdivision; one along each arterial. The subdivision is designed with two housing product types. An overall density of 5.74 dwelling units per acre is provided with a total of 135 lots. A portion of the subdivision is developed with traditional single-family residential type lots with a typical lot size of 52' x 120'. The traditional lots are predominantly located along the north, west and south portions of the site; a total of 46 lots are provided. The primary purpose of the layout is to act as a buffer for the lots within the Dobson Place subdivision. The second housing product type is designed in a court lot fashion where four lots face and are accessed off of a central drive and two lots face the adjacent street creating a

six-pack configuration. Lot sizes of the court product vary based on the location within the court with a width ranging from 41' to 54' and a depth of 55'-6" up to 67'. The court lot product is located central to the subdivision and along the site's eastern boundary; a total of 89 lots are provided. A community park is provided relatively central to the development and includes a community pool, ramadas, barbeque area and tot lot.

While cluster-type development as provided in the court lot design is not new in Chandler, modifications based on previous developments are incorporated. One of the predominant concerns is ensuring that sufficient parking is provided throughout the development. Since the cluster product does not include individual driveways, potential for guest parking is limited. As provided in the development booklet, an exhibit showing how parking throughout the development is provided. Utilizing the guest parking stalls along with parking on the street, a ratio of one parking space per unit is provided for the community.

Since a majority of the lots are less than 7,000 square feet, all of the Residential Development Standards (RDS) apply. In this case, all of the development standards for subdivision diversity need to be met (eight required), along with meeting all of the 21 optional subdivision diversity elements. Additionally, in the event that any lots are less than 7,000 square feet, the same number of lots shall be required to be at least 10,000 square feet. When the RDS were initially envisioned, the standards were designed more towards larger subdivision development such as the Dobson Place subdivision adjacent to the north and west, where large amounts of land allowed for design creativity where the potential existed for curvilinear streets, lake systems and multiple lot sizes within a single subdivision. In addition to the standards outlined in the RDS, infill projects were granted relief from meeting the standards, assuming unique aspects could be provided; the subject site could present an infill nature type development. Currently, the proposed subdivision meets all eight of standard requirements and six of the 21 optional elements. While Planning Staff realizes that a subdivision of this size cannot meet all of the diversity standards as outlined in the RDS, the development team and Planning Staff worked diligently to design a subdivision that provides diversity in the spirit of the RDS. Additionally, with the mix of housing product, diversity within the subdivision is ensured.

### HOUSING PRODUCT

In addition to the constraints of meeting the necessary subdivision layout, architectural constraints tend to arise when dealing with relatively small lots. As outlined in the RDS, housing product is required to provide the nine architectural diversity elements and a minimum of at least seven optional points. The housing product, as represented, provides the required and optional elements.

Architectural styles for the traditional lot housing product include Spanish Colonial, Tuscan and Southern Italian. Seven floor plans are proposed that include four two-story and three one-story homes. Square footage ranges from 1,678 to 3,165. Architectural elements that highlight the prescribed style include window muntins, shutter details, stone, coach lighting, garage doors consistent with the architectural style and decorative elements such as clay piping or metal work.

Architectural styles for the cluster lot housing product include Santa Barbara, Spanish and Craftsman. Four floor plans are provided; all are two-story. Square footage ranges from 1,966 up to 2,845.

The Planning Commission and Planning Staff support the request citing that the design team has worked carefully on the subdivision layout to provide an attractive addition to Chandler's housing stock and present a unique opportunity where single-family housing types are provided.

Additionally, the Planning Commission and Planning Staff believe the development team has done a good job incorporating various architectural elements into the housing product creating strong architectural interest.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 15, 2013. There were 18 neighbors in attendance expressing general support of the request. Concerns expressed revolved around drainage, the existing community wall, HOA involvement, and two-story homes adjacent to the existing neighborhood. All concerns were resolved including the two-story concern where it was explained that two-story homes will have a minimum 30-foot setback.

Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron abstaining.

#### RECOMMENDED ACTIONS

##### **Rezoning**

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

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

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

1. Development shall be in substantial conformance with the Development Booklet entitled "FIRE ROCK RANCH" kept on file in the City of Chandler Planning Division, in File No. DVR13-0012, 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 floor plan and 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 traditional lot portion of the residential subdivision shall be single-story.
5. For the traditional 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.
6. Landscaping shall be in compliance with current Commercial Design Standards.
7. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

##### **Preliminary Plat**

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

1. Approval by the City Engineer and Director of Transportation & Development with regard to the details of all submittals required by code or condition.
6. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Cantabria  
Ord. #4505

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4505, DVR13-0018/PPT13-0014 Cantabria, rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential.

APPROVED a Preliminary Development Plan (PDP) for subdivision layout and housing product for a 90-lot single-family residential subdivision located on 39 acres at the NWC of Lindsay and Ocotillo roads.

APPROVED Preliminary Plat (PPT) PPT13-0014 Cantabria for a 90-lot single-family residential subdivision located at the NWC of Lindsay and Ocotillo roads. (Applicant: Chris Clonts; Standard Pacific Homes.)

### BACKGROUND

The subject site is located at the northwest corner of Lindsay and Ocotillo roads and is approximately 35.8 acres. North and west of the site are single-family homes in the County with an agrarian zoning designation. South is Ocotillo Road with the Old Stone Ranch subdivision south of Ocotillo Road. East is Lindsay Road with a vacant parcel at the northeast corner of Lindsay and Ocotillo roads and the Felty Farms single-family subdivision. A small exception piece with an AG-1 designation is adjacent to the site on Lindsay Road. Development east of Lindsay Road is within the jurisdiction of the Town of Gilbert.

The site was annexed into the City and granted an initial zoning designation of AG-1 in 2007. Residential developments have been proposed since the site's annexation, although never completing the entitlement process. The General Plan designates the site as supporting residential development with a density range of 0-3.5 dwelling units per acre. The subject site is not part of a specific area plan although the Southeast Chandler Area Plan is located south of Ocotillo Road.

### SUBDIVISION LAYOUT

The gated 90-lot subdivision provides a single point of access along Ocotillo Road. Emergency access and egress only is provided onto Lindsay Road. Coordination with the Town of Gilbert has occurred for the improvements along Lindsay Road. Due to the site's size and general layout, the subdivision is designed in a rectilinear fashion. All lots are greater than 10,000 square feet, thus not requiring adherence to the Residential Development Standards (RDS) for subdivision diversity. Although not required, the subdivision provides a number of elements as outlined in the RDS including sense of arrival, project theming, access to rear yards, staggering along the perimeter of the development, and a curvilinear street system among others. An overall density of 12.5 dwelling units per acre is provided.

The main outdoor amenity area is provided at the terminus of the entry off of Ocotillo Road. Additional, smaller amenity areas are provided within the northwest and southwest portions of the subdivision. Active amenities are provided in the main outdoor area and the southwest amenity area, while the northwest amenity provides a passive environment. Amenities include a ramada, various seating areas, play structures and a basketball court.

### HOUSING PRODUCT

Six floor plans are proposed with four single-story homes and two, two-story plans being provided. Home sizes range from 2,900 to 4,350 square feet. Architectural styling incorporates Spanish, European Cottage and Adobe Hacienda design elements. Stone is standard on the European Cottage and Adobe Hacienda elevations. Each home offers three-car garages as standard elements designed in tandem or side-entry configurations. The two, two-story homes

provide strong single-story elements that appear to wrap the two-story component of the home, thus not creating a large two-story mass element.

Typical lot dimensions are 80' x 130' with a minimum lot size of 10,407 square feet and a maximum lot size of 19,134 square feet. Similarly, with the RDS for subdivision diversity, the development does not need to meet the RDS for architectural diversity due to all lots being greater than 10,000 square feet. Even though architectural diversity standards are not required, the homes incorporate a number of the required elements such as de-emphasized garage fronts, four-sided architecture and visible front entryway or courtyards among others. Additionally, window muntins throughout all elevations and architecturally integrated garage and front doors are provided.

The Planning Commission and Planning 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.

While the site is relatively square, and for all intents and purposes allows for an uncomplicated design, there are a few factors that have posed design restraints. Along the northern portion of the site, a half-street dedication is provided for the future Spur Road alignment. The alignment serves as the quarter-mile collector and is aligned with Spur Road on the east side of Lindsay Road. Due to strong neighborhood input, the developer and City agreed that the only improvements necessary at this time would be a drivable surface for emergency vehicles (along with landscaping, but not curb and gutter), and that improvements would be deferred until the City sees as necessary or development to the north occurs. Spur Road will be gated with a crash gate for the time being to prevent unnecessary traffic from using the fire lane.

The second concern is along the western portion of the subdivision where a 10' tract is proposed. Currently, an irrigation ditch serves the County properties west of the subdivision. While the developer is willing to underground and convey the land to the property owners to the west, the property owners have not expressed an interest in acquiring the additional property. Due to this, the developer will be undergrounding the irrigation canal and providing a 10' tract so that maintenance of the area can be reasonably accommodated. Again, based on conversations with City departments, the area will be labeled as a tract with the ability for future dedication as right-of-way if deemed necessary by the City Engineer. The option also exists that the developer is willing to convey the property to the owners to the west if they express an interest in the future.

Furthermore, along the southern border is a Roosevelt Water Conservation District (RWCD) canal that runs parallel to Ocotillo Road. While the developer will be undergrounding the canal due to the location of the canal, landscaping within the RWCD easement will be restricted to certain types of materials. Based on recent modification with RWCD (widening of the easement), the design team is requesting to work with Planning Staff to review landscape design alternatives at the time of construction plan submittal.

Lastly, an exception piece is located along Lindsay Road. The developer has approached the property owner a number of times in an effort to purchase the property so that it can be incorporated into the subdivision; however, the property owner was unwilling to sell the property.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Three neighborhood meetings have been held. The first was conducted with the surrounding

County residents specifically to discuss the irrigation canal and Spur Road. The second was held on May 20, 2013 with 20 neighbors in attendance expressing concerns over the Spur Road alignment and the canal along the site's western boundary. Neighbors along 142<sup>nd</sup> Street (the street that runs perpendicular to Spur Road and north/south of the site), expressed concerns over the existing amount of school traffic and that if Spur Road is improved, traffic will be encouraged to drive through the County island and connect to Lindsay Road via Spur Road.

Initially, it was Staff's recommendation to have Spur Road improved. Based on the number of concerns expressed by the neighbors, various departments met to discuss the need for improvements to Spur Road and when they should occur. Ultimately, it was determined that the area for Spur Road should be designated at this time by way of a tract and that the area will need to be improved to allow emergency access for fire apparatus, but full improvements (street, curb, gutter, sidewalk) could be deferred until a later date.

Following Staff's decision, the developer agreed to hold a third neighborhood meeting on July 24, 2013. There were 13 neighbors in attendance. The meeting was used to update the neighborhood on the progress of Spur Road. Neighbors continued to express concerns over Spur Road, but were appreciative of the efforts. Following the neighborhood meeting, Staff and the developer met to finalize design requirements. Following the meeting, the developer sent a letter to the County island residents outlining the agreement made and that Spur Road would only be developed at this time to support emergency vehicles. Staff is unaware of any other concerns relating to the project.

Planning Staff has received emails and telephone calls. The correspondence was early in the process (following the first informal neighborhood meeting) and was primarily in response to Spur Road. Following the last neighborhood meeting, Planning Staff has not received any correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.

#### RECOMMENDED ACTIONS

##### **Rezoning**

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

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

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

1. Development shall be in substantial conformance with the Development Booklet entitled "CANTABRIA", and kept on file in the City of Chandler Planning Division in File No. DVR13-0018, 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 or a combination of single and two-story elements consistent with the Residential Development Standards.

## **Preliminary Plat**

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

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

## 7. REZONING/PRELIMINARY DEVELOPMENT PLAN: The Grove Phase 2 Ord. #4506

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4506, DVR13-0039/PDP13-0008 The Grove – Phase 2, rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for church-related uses.

APPROVED a Preliminary Development Plan (PDP) for a church campus on approximately 20 acres located north and east of the NEC of Gilbert and Queen Creek roads. (Applicant: Jack DeBartolo III; DeBartolo Architects.)

### BACKGROUND

The subject site is located north and east of the northeast corner of Gilbert and Queen Creek roads and incorporates approximately 20 acres. The Paseo Trail single-family residential subdivision is adjacent to the site's northern and eastern boundaries. South of the subject site are single-family residences within the jurisdiction of the County and designated as agrarian. At the intersection corner of Gilbert and Queen Creek roads is vacant land that was recently annexed into the jurisdiction of the City of Chandler. West of the site is Gilbert Road.

There are two portions of the church campus. The main portion is roughly 18 acres and is currently zoned PAD for church-related uses; this area includes the existing buildings, parking areas, and pistachio grove. The second portion is a 2.3-acre sliver adjacent to Queen Creek Road that is currently zoned AG-1. The 18-acre church campus was built while the site was in the jurisdiction of the County; however, in 2008, the 18-acre portion was annexed into the City of Chandler and granted an AG-1 designation. Based on signage needs, the church requested rezoning to PAD in 2009 to allow for a comprehensive sign package. The 2.3-acre sliver was annexed in 2012 and granted an AG-1 zoning designation. The request is to rezone the 2.3-acre sliver to PAD for church-related uses and Preliminary Development Plan approval for the entire 20-acre campus.

The General Plan designates the site as supporting residential development with additional language supporting institutional uses when adjacent to arterial street frontages. Furthermore, the site is within the Section 7 Area Plan and designated as supporting low-density residential; the request is consistent with the area plan. The area plan is bounded by Gilbert, Queen Creek, Germann and Lindsay roads. The northern and eastern portions of the area plan are within the jurisdiction of the Town of Gilbert; the area plan was created in partnership with the Town of Gilbert.

### SITE LAYOUT

As is typical with other institutional uses, master plans are created to assist in the development of the site over a long period of time. Existing on the site are three structures that include the current worship center (eastern building) that was designed as a multi-purpose gymnasium, a classroom building (northern building), and a small coffee shop building (central building). Three additional structures are proposed that include a sanctuary and two classroom buildings. Upon completion of the new sanctuary, the existing sanctuary will be converted back to a gymnasium. In addition to the new buildings, additional parking will be provided, an open sports field will be

built and a loop drive allowing for circulation through the site and connection to Queen Creek Road will be constructed. While the request is designated as Phase 2, there are two components to the phase. The first component will include all the buildings, the loop road and a majority of the parking. The second component will include an additional 49 parking stalls. It is anticipated that as construction occurs, additional funds will be generated to complete all of the phases.

Design of the buildings is very unique and gathers architectural influence from the surrounding pistachio grove. The sanctuary is recessed, providing an amphitheater style seating arrangement and speaking platform. The speaking area is central to the amphitheater allowing for congregants to be seated around the platform. The levels around the platform are designed in sections creating various seating places and arrangements. Typical church seating arrangements tend to be in a linear fashion with pews or row seating in an effort to maximize seating. The proposed layout seeks to create an environment akin to a living room or coffee house style engagement. Seating will consist of pews, individual chairs, chairs arranged around small tables and couches; this is done to create a comfortable environment. Since the grove of trees is a predominant aspect of the site, the buildings have been situated within the grove in an effort to blend the structures in among the trees.

The two classroom buildings are programmed to be used for children's classes and, based on the layout, creates a central courtyard that will serve as a children's play area. The northern elevation of the northern building and the southern elevation of the southern building are designed in a saw-tooth fashion in an effort to allow natural lighting to be utilized.

In addition to the buildings, additional parking will be provided to accommodate the anticipated number of congregants that the new worship center is proposing. The new worship center, in the seating arrangement as designed, allows for 1,300 congregants requiring 325 parking stalls. With the completion of the buildings, the parking lot and the loop road, 331 stalls will be provided. With the second aspect of the phase, an additional 40 stalls will be provided.

Lastly, located along the access point off of Queen Creek Road, is an outdoor area that is currently in the process of being planted to serve as a community garden. The garden area will continue in operation as it relates to the church's outreach programs.

## ARCHITECTURE

As previously discussed, the pistachio grove is an integral component to the church campus and as such, the design team has taken into consideration the importance of the grove and has tried to minimize the impact of additional structures. As construction occurs, the church will be looking to relocate the trees within the construction areas to continue to preserve the environment of the site. Both the sanctuary and classroom buildings will be integrated into the grove by reducing the heights of the structures from what typical religious structures seek to do. The sanctuary will be recessed in the grove. While building heights will be above the tops of the trees, the design team has tried to minimize this by having portions of massing elements extend from the interior of the church through the roof in an effort to prevent a single, continuous parapet height. The massing also serves to screen any mechanical units.

A predominant feature of the exterior design is to incorporate natural lighting and glass into the exterior design. The intention is to not hide the inside of the sanctuary from the grove, but rather to make it visible while being in the sanctuary. Clerestory windows surround the central portion of the sanctuary allowing for natural lighting to occur. Building overhangs are purposefully exaggerated to provide walking and gathering areas outside of the worship building. Exterior materials include the incorporation of rested steel siding, glass and concrete.

The two classrooms utilize the same materials as the sanctuary building for the elevations adjacent to the courtyard whereas the exterior elevations (northern and southern most) utilize smooth stucco. The primary intention of the design is to provide cohesiveness to the main worship building while not drawing too much attention to the education buildings.

The Planning Commission and Planning Staff support the rezoning and PDP requests. While it is uncommon to have separate rezoning and PDP applications at the same time for a project, modifications were made to the PDP submittal at a late date prompting Planning Staff to recommend a rezoning application in order to streamline future processes; this resulted in both a rezoning and PDP number being assigned to the case. Planning Staff is pleased with the design concepts and appreciates the strong architectural integration of the campus.

Two deviations from standard development requirements are requested. The first is to allow the continued use of flood irrigation to water the grove. Historically, as development of a site occurs, a requirement is made to have all exposed canals to be tiled and to convert water needs to the City's water system. In this case, Planning Staff has spoken with the Municipal Utilities Department (MUD) and explained the request to continue using flood irrigation for the grove; MUD responded that they were in agreement. All other landscaping requirements (perimeter landscaping, parking lot, etc.) will use City water.

The second request is to leave the existing canal along the site's eastern boundary as is (i.e. above-ground). Standard requirements specify that once improvements on a site occur, any canals that continue to be utilized need to be undergrounded so as to not create a hazard. The church as requested that the canal be left above ground. The church as agreed to incorporate safety measures and requests the ability to work with Planning Staff for a final design.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 27, 2013. There were 3 neighbors in attendance in support of the proposal; however, two minor requests were made. Two of the neighbors (a husband and wife) live north, adjacent to the site approximately where the edge of the existing field is located. The neighbors requested that as trees are planted as part of the dissimilar land use buffer requirements, consideration be made for the species and dropping leaves and the location of the trees to prevent views from being blocked. This will result in shifting the trees 5-10 feet. The third neighbor lives south of the site within the County island and requested that a barrier be put in place to prevent wanderers from entering his property. Historically, a six-foot wall would be required; however, Planning Staff, the church and the concerned neighbor believe a landscape hedge will present a better option. Details for the landscape materials will be worked out with Planning Staff.

Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.

#### RECOMMENDED ACTIONS

##### **Rezoning**

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

### **Preliminary Development Plan**

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

1. Development shall be in substantial conformance with the Development Booklet entitled "THE GROVE" and kept on file in the City of Chandler Planning Division in File No. DVR13-0039, except as modified by condition herein.
  2. Landscaping shall be in compliance with current commercial Design Standards.
  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 property owners' association.
  5. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
8. AIRPARK AREA PLAN AMENDMENT / REZONING / PRELIMINARY DEVELOPMENT PLAN / PRELIMINARY PLAT: La Esquina Res. #4722 & Ord. #4499

ADOPTED Resolution No. 4722, APL13-0002 Airpark Area Plan Amendment, an Area Plan Amendment from Neighborhood Commercial to Low-Medium Density Residential.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4499, DVR13-0016 La Esquina, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for low-medium density residential.

APPROVED a Preliminary Development Plan (PDP) for subdivision layout and housing products.  
APPROVED Preliminary Plat (PPT) PPT13-0020 La Esquina, on approximately 15 acres located at the NWC of Gilbert and Ocotillo roads. (Applicant: Burch & Cracchiolo, P.A. – Brennan Ray for Maracay Homes.)

### BACKGROUND

The subject site was annexed and zoned Agricultural District (AG-1) in 2004. The approximate 15-acre site is located at the northwest corner of Gilbert and Ocotillo roads. The undeveloped land includes two parcels and is bounded on the north and west by a single-family residential subdivision under construction, Artesian Ranch. All four corners of this intersection are currently undeveloped. The northeast corner of this intersection is planned for single-family residential and the southeast corner for commercial. The vacant southwest corner, currently owned by the City of Chandler, is area planned for community/regional open space and recreational opportunities.

This application includes several components including an amendment to the Airpark Area Plan changing the land use designation from Neighborhood Commercial to Low-Medium Density Residential. In addition, the request includes Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for low-medium density residential. Finally, the request includes a Preliminary Development Plan (PDP) for subdivision layout and housing products as well as a Preliminary Plat (PPT).

Maracay Homes proposes to develop the La Esquina project which includes 70 single-family residential lots. The development is gated and includes private streets. The main entry/exit is located off of Ocotillo Road. This entry is designed with two landscaped medians leading to the community's main amenity area and central open space. The second entry/exit off of Gilbert Road is designated for residents use only and emergency access. This entry is tree-lined and

adjacent to an open space along Gilbert Road. A full movement median break is planned for both entries.

A common subdivision theme is created by the use of Swan Hill Olive trees lining gated entryways, landscape medians and street frontages. Hybrid Thornless Mesquite trees are located in open spaces and Evergreen Elms are located adjacent to the perimeter walls. Open space is included throughout the subdivision with usable active open spaces and landscape tracts.

The 79-lot residential subdivision provides for a gated, low-medium density single-family community at 5.1 du/ac. The lots are designed in a z-lot configuration for individual, detached homes. Lots range in size from approximately 4,450 to 10,312 square feet. The majority of lots are within the 4,000 to 5,000 square-foot range.

### HOUSING PRODUCT

The six housing plans include three one-story plans ranging from approximately 1,404 to 1,515 livable square feet and three two-story housing plans ranging from 2,269 to 2,492 livable square feet. Housing plans are designed with several architectural styles. Each housing plan includes three elevation styles providing a total of 18 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, window surrounds and projections, varied rooflines and roof tiles, window shutters, decorative brackets, decorative vents, wrought iron accents, corbels and grid pattern windows on all four sides.

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 as well as varied roofline and wall plane elements. Elevation details include arched elements and decorative trim above garage doors, hipped gable rooflines with decorative corbels, extended roof overhangs and projecting wall sections on second story.

The housing product design complies with the Residential Development Standards' architectural diversity elements. The housing product complies with all 9 required elements and 10 of the minimum 7 required optional elements.

### SUBDIVISION DIVERSITY

The subdivision design includes a sense of arrival into the neighborhood with open space and landscaping at both entries. There is a landscape parkway along both street frontages, usable retention open spaces, visible open space with view corridors from arterial streets using tube steel fencing and an amenity area with tot lot playground and community pool including ramadas, benches and a pool house.

The subdivision lot layout has rectangular shaped lots that include irregular side yard property lines. In the industry, the platting pattern is known as a z-lot configuration. The development includes homes whose side yard varies in width depending upon the home's footprint and the specific lot design. The homes and privacy walls will be situated on lots to create functional side yards that are 5-feet in width. This is accomplished with the application of Use and Benefit easements on portions of the lots. Building setbacks for front yards are a minimum of 10 feet for

side-entry garages or livable space and 18 feet for forward facing garages. Rear yard setbacks are a minimum of 10 feet. The maximum lot coverage is 55 percent.

#### GENERAL PLAN CONFORMANCE

The subject property is part of the Airpark Area Plan which designates the property for Neighborhood Commercial. This land use is based on the General Plan Land Use Element which defines this property as a Commercial Node within the Residential category. Neighborhood Commercial denotes where neighborhood-based commercial uses of 10 to 20 acres are appropriate. Commercial Nodes denote intersections that may be considered for neighborhood or community commercial developments. Other uses such as residential as an alternative to commercial use, may be appropriate when they match the underlying land use designation on the Land Use map. This property's underlying General Plan land use is Residential, therefore, allowing consideration for the proposed single-family residential use. The proposed density falls within the Low-Medium Density category of the Airpark Area Plan.

Additionally, the approximate 15-acre site is located at an arterial street intersection in which two of the four corners have land use planned for commercial while the other two are planned for single-family residential. An evaluation of this intersection from a land use and economic development standpoint considered the potential growth at this intersection and what is sustainable for the future. Staff concluded that the subject site would be best developed for single-family residential instead of neighborhood commercial. Instead, the southwest corner of this intersection planned for single-family residential is under a City RFP for commercial development. The other commercial property is at the southeast corner of this intersection.

#### AIRPORT RECOMMENDATION

This request went before the Airport Commission on July 10, 2013. The Airport Commission reviewed the rezoning request in accordance with the Airport Conflicts Evaluation Process. The Airport's Economic Development Specialist/Airport Administrator has issued a conflicts evaluation report indicating that the Airport Commission determined the proposed use does not constitute a conflict with existing or planned airport uses. One Commissioner opposes single-family residential developing around the airport.

The Planning Commission and Planning Staff are of the opinion the proposed development is in conformance with the General Plan. The residential use is compatible with adjacent single-family homes under construction and planned single-family on the northeast corner of the intersection.

#### 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 9, 2013. There were two area property owners in attendance. Planning Staff has received a few phone inquiries on this request wanting to know the homebuilder and number of lots. A resident of Fonte Al Sole, to the southwest, called regarding traffic on Ocotillo Road increasing from this project and that the right-of-way improvements are not complete on the south side to accommodate more traffic. A resident from Whitewing at Krueger, to the north, supports the project; however, they do not want the proposed full-movement median break on Gilbert Road. The median break requires cutting out a section of the existing median and allows left turn movements which they feel is dangerous already. The proposed median break meets City requirements for its location and is appropriate to provide northbound access from the community. Planning Staff is not aware of any opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

## 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, 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 ESQUINA" kept on file in the City of Chandler Planning Division in File No. DVR13-0016, 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. No more than two, two-story homes shall be built side-by-side for more than 50% of the lots adjacent to an arterial street.
9. No more than two identical side-by-side roof slopes should be constructed along the arterial streets of Gilbert and Ocotillo roads.

### **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.
9. WITHDREW ZONING: McClintock Village

WITHDREW FOR THE PURPOSE OF RE-ADVERTISING, Zoning DVR12-0019 McClintock Village, action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove or determine compliance with the three-year schedule for development or to cause the property to revert to the former PAD zoning for office and commercial retail. The existing PAD zoning is for a commercial retail development that includes a hotel on approximately 26.4 acres located at the NWC of Chandler Boulevard and McClintock

Drive. The withdrawal is based on modifications being proposed to the site plan which will need to be reviewed and approved under a separate application.

10. ZONING CODE AMENDMENT: Group Homes

APPROVED Zoning Code Amendment ZCA13-0002 Group Home Zoning Code Amendment, to amend the text of the Chandler Zoning code related to adult care homes, group homes and related residential categories.

BACKGROUND

At the September 26, 2013 Transportation & Development Council Subcommittee meeting, the Subcommittee recommended that Council initiate a text amendment to the Chandler Zoning Code related to adult care homes, group homes and related residential use categories. The purpose of the amendment would include lowering the number of residents permitted in such homes, requiring a 1,200-foot minimum separation for every type of group home and revising definitions so they are consistent with the Subcommittee's direction.

11. AGREEMENT AMENDMENT: CPC Construction, Inc.

APPROVED Agreement No. ST2-745-3040, Amendment No. 2, with CPC Construction, Inc., for a one-year extension for concrete repair and maintenance in an amount not to exceed \$3,015,000.00. This is the final renewal option and includes a 5% price adjustment.

In rehabilitating the City of Chandler streets, current Americans with Disabilities Act (ADA) concrete upgrades must be completed before the beginning of the repaving project. Approximately \$2.7 million of the proposed amendment is dedicated for ADA requirements, \$300,000.00 for various other street improvements, and \$15,000.00 for concrete bus shelter pads. The contract amount for fiscal year 2012/13 was \$1.9 million. This concrete work includes standard maintenance and repair of damaged existing concrete and upgrading of existing handicap ramps and driveways to current standards required by ADA. Streets are selected for rehabilitation based on a pavement rating system and are typically 20 years old or older. This work is needed as part of the Capital Street Repaving program which is budgeted at approximately \$9.6 million, about a 75% increase over last fiscal year.

12. AGREEMENT AMENDMENT: CPC Construction, Inc.

APPROVED Agreement No. ST2-745-3039, Amendment No. 2, with CPC Construction, Inc., for a one-year extension for asphalt patchwork, maintenance and repair in an amount not to exceed \$442,100.00. This is the second and final renewal option.

13. AGREEMENT AMENDMENT: CPC Construction, Inc.

APPROVED Agreement No. ST0-745-2801, Amendment No. 4, with CPC Construction, Inc., for a one-year extension for asphalt rubber crack sealing in an amount not to exceed \$305,900.00. This is the fourth and final renewal option.

14. CONTRACT AMENDMENTS: Ritoch-Powell & Associates

APPROVED Contract No. ST0810-201, Amendments No. 3, 4 and 5, with Ritoch-Powell & Associates, to a Construction Manager at Risk design consultant services contract for McQueen

Road Improvements in the amounts of \$26,577.00, \$15,101.00 and \$222,306.00 respectively, for a revised contract amount of \$2,181,492.00.

Contract Amendment No. 3 added Phase I Environmental Site Assessment Update, which was needed for real estate acquisitions. This amendment also added environmental clearance services to obtain a categorical exclusion from Ocotillo Road to Riggs Road which was necessary to make this project eligible for federal construction funds.

Contract Amendment No. 4 was to modify drainage design for changes in retention basin configurations and locations to minimize impacts to any single parcel and also to modify and accommodate acquisition of temporary drainage easements for the construction of the project.

Contract Amendment No. 5 is to update for federal low bid construction compliance and separate the project plans, technical specifications and estimate into two new construction segments: Ocotillo Road to Chandler Heights Road and Chandler Heights Road to Riggs Road.

15. CONSTRUCTION CONTRACT: Tri Com, Inc.

APPROVED CONSTRUCTION Contract No. AI1301-401 to Tri Com, Inc., for the North Airport Terminal Parking Lot project in an amount not to exceed \$219,116.68.

This project is intended to accommodate automobile parking for the future North Airport Apron – Phase II. In July 2012, the City Council entered into a grant agreement with the Arizona Department of Transportation (ADOT) to construct an automobile parking lot west of the northwest corner of Curtiss Way and Ryan Road. The development of the north airport area had been separated into multiple phases, including Aviation Drive, the parking lot and the future taxi lane connecting commercial parcels to the runway environment. The parking lot, while designed to serve future commercial tenants, will also immediately help alleviate overcrowding during peak times at other areas of the airport. The Hangar Café is often challenged for parking and often times the airport access gate becomes blocked. Additionally, the terminal parking lot is also near capacity during the work week when Southwest Aircraft Charter patrons travel. Employees or those traveling for extended periods will be encouraged to utilize this parking area.

Due to the long-term phased development of the north airport area, the City was able to offer a land donation for the majority of its matching share of the grant. The land donation value is \$27,841.00 leaving the City's share of the grant as \$1,243.00.

16. CONSTRUCTION CONTRACT: C.T. Price Contracting

COUNCILMEMBER HEUMANN VOTED NAY ON THIS ITEM.

APPROVED (6-1) Construction Contract No. AI1302-401RB, with C.T. Price Contracting for the Airport Santan Apron Pavement Improvement project in an amount not to exceed \$269,315.52. These projects are in the current 5-year Capital Improvement Program (CIP). Federal grants represent 91.06% of total project costs. An Arizona Department of Transportation (ADOT) grant is anticipated for 4.47% of the project costs. Staff has identified the remaining 4.47% local matching share in the Airport Operating Fund.

17. AGREEMENT: Dibble Engineering

COUNCILMEMBER HEUMANN VOTED NAY ON THIS ITEM.

APPROVED (6-1) Agreement No. AI1302-451 with Dibble Engineering for professional services for the Airport Santan Apron Pavement Improvement project, pursuant to Contract No. EN1005-101, in an amount not to exceed \$34,912.00. These projects are in the current 5-year Capital Improvement Program (CIP). Federal grants represent 91.06% of total project costs. An Arizona Department of Transportation (ADOT) grant is anticipated for 4.47% of the project costs. Staff has identified the remaining 4.47% local matching share in the Airport Operating Fund.

18. CONTRACT: Salt River Project

COUNCILMEMBER HEUMANN VOTED NAY ON THIS ITEM.

APPROVED (6-1) Contract No. ST0808-301 with Salt River Project (SRP) for design and construction for Ocotillo Road Improvements – SRP Ductbank Relocation, in an amount not to exceed \$220,000.00.

19. CONTRACT: MakPro Services, LLC

APPROVED Contract No. ST0808-101 with MakPro Services, LLC, for professional services for Ocotillo Road Improvements Public Relations in an amount not to exceed \$48,410.00.

20. CONTRACT: CS Construction, Inc.

APPROVED Contract No. ST0808-402 with CS Construction, Inc., for construction for Ocotillo Road Improvement – Arizona Avenue to McQueen Road – Consolidated Canal Widening in an amount not to exceed \$516,899.00.

The widening will be the first phase of the Ocotillo Road Improvement Project from Arizona Avenue to McQueen Road and is being constructed ahead of the roadway to accommodate the SRP dry up schedule for the Consolidated Canal. Work will require some traffic restrictions, but no full road closures on Ocotillo Road are anticipated. There will not be any road closures on Queen Creek Road or Chandler Heights Road during construction of the Ocotillo Road canal widening project.

21. CLAIMS REPORT

APPROVED the Claims Report for the quarter ended September 30, 2013.

22. HOMELAND SECURITY GRANT AGREEMENTS

AUTHORIZED State Homeland Security Grant Agreements with the Arizona Department of Homeland Security (AZDOHS) for emergency preparedness in a total amount of \$323,950.00 for the following grant projects:

- |   |              |
|---|--------------|
| • Enhance Rapid Response Teams – Police RRT                 | \$146,850.00 |
| • UASI Assessment Teams-Terrorism Liaison Officers (Police) | 4,000.00     |
| • Enhance Rapid Response Teams – Fire RRT                   | 108,000.00   |
| • UASI Assessment Teams-Terrorism Liaison Officers (Fire)   | \$ 65,100.00 |

### BACKGROUND/DISCUSSION

The City of Chandler established a Fire/Police Rapid Response Team and Fire/Police Terrorism Liaison Officers program in 2003 with federal funding from the State Homeland Security Grant program. Each of these programs ensure that Fire and Police personnel are prepared and equipped to respond to large scale emergencies, terrorist events, and natural and/or man-made disasters. The above listed awards are being made under the 2013 State Homeland Security Grant Program. The purpose of the awards is to provide equipment and training to sustain these emergency preparedness programs.

### FINANCIAL IMPLICATIONS

These grants have no match requirements. The Fire Department has the appropriation allocation for both Fire and Police in the FY 2013/14 Budget.

#### 23. CONTINGENCY TRANSFER

APPROVED a contingency transfer of General Fund Non-Departmental Contingency appropriation to the Airport Operating Fund for payment of legal expenses in the amount of \$100,000.00.

### BACKGROUND

On September 12, 2013, Council approved an amendment to an existing contract with Kaplan Kirsh & Rockwell for legal services related to the Part 16 complaint filed against the City of Chandler. However, the approval did not include an increase in Airport appropriation to pay these additional expenses. In order to provide sufficient spending appropriation, a transfer from the Non-Departmental General Fund Contingency is needed requiring Council approval.

### FINANCIAL IMPLICATIONS

If expenses cause the Airport Operating Fund balance to drop below \$0 balance at the end of the year, a General Fund subsidy will be transferred to the Airport Operating Fund.

24. No item.

#### 25. CONTRACT: Carollo Engineers, Inc.

APPROVED Contract No. WW1301-102 with Carollo Engineers, Inc., for the proposed Chandler Water Reclamation Facility at the southeast corner of Old Price and Queen Creek roads in an amount not to exceed \$997,334.00.

#### 26. CONSTRUCTION CONTRACT: Achen-Gardner Construction, LLC

APPROVED a Construction Contract with Achen-Gardner Construction, LLC, for miscellaneous Water Line Improvements in an amount not to exceed \$105,110.00.

#### 27. CONSTRUCTION CONTRACT: Bayley Construction

APPROVED Construction Contract No. CS1201-401RB to Bayley Construction for Aquatic ADA improvements in an amount not to exceed \$388,000.00.

Title II of the Americans with Disabilities ACT (42 USC 12131) became law on January 26, 1992. This law prohibits local governments from discrimination on the basis of disability in the delivery

of programs and services. On September 14, 2010, the Department of Justice (DOJ) amended the Americans with Disabilities Act to include public swimming pools.

The Community Services Department operates six public pools within the City. In February 2011, the Aquatic Division completed the required audit and transition plan for compatibility with the revised ADA regulations. The improvements to be made address the needs identified in that plan. Based on available funding of \$400,000.00, the necessary improvements identified in the base bid and Alternate 1 can be completed. The remaining two facilities' improvements will be completed in the future so that the City's public pools comply with their applicable transition plan.

28. ANNUAL CONTRACT: RBA Architecture, Inc.

APPROVED the Annual Contract with RBA Architecture, Inc., for architectural and engineering services, pursuant to Annual Contract No. EN1405-101, in an amount not to exceed \$100,000.00, with the option of four additional one-year extensions.

29. ANNUAL CONTRACT: Perlman Architects of Arizona, Inc.

APPROVED the Annual Contract with Perlman Architects of Arizona, Inc., for architectural and engineering services, pursuant to Annual Contract No. EN1402-101, in an amount not to exceed \$200,000.00, with the option of four additional one-year extensions.

30. ANNUAL CONTRACT: Dieterich Architectural Group, Inc.

APPROVED the Annual Contract with Dieterich Architectural Group, Inc., for architectural and engineering services, pursuant to Annual Contract No. EN1404-101, in an amount not to exceed \$200,000.00 with the option of four additional one-year extensions.

31. ANNUAL CONTRACT: Taylor Rymar Corporation

APPROVED the Annual Contract with Taylor Rymar Corporation for mechanical, electrical and plumbing professional services, pursuant to Annual Contract No. EN1401-101, in an amount not to exceed \$200,000.00, with the option of four additional one-year extensions.

32. ANNUAL CONTRACT: DLR Group

APPROVED the Annual Contract with DLR Group for mechanical, electrical and plumbing professional services, pursuant to Annual Contract No. EN1403-101, in an amount not to exceed \$100,000.00 with the option of four additional one-year extensions.

33. USE PERMIT: Vien Minh Buddhist Temple

APPROVED Use Permit ZUP13-0004 Vien Minh Buddhist Temple, time extension for a Use Permit 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. (Applicant: Sister Lien Thuy Ngo.)

#### BACKGROUND

The property is located north of Chandler Boulevard and west of Alma School Road off of Comanche Drive. The home is part of a larger planned residential subdivision, Arrowhead Meadows 3. The subdivision was platted in 1965. The property is zoned SF-8.5 (Single-Family

District), which permits single-family dwellings and uses permitted by Use Permit that are compatible with other uses in the area and consistent with the General Plan. The property is surrounded by single-family residential homes to the north, south and east. West of the property is the Saga Condos residential community.

The application requests re-approval to allow a place of worship, Vien Minh Buddhist Temple, on the single-family property. In November 2005, the home was purchased and had been the primary residence for the owner a Buddhist nun and up to three other nuns. Since approximately February 2006, the temple has been conducting services at this home. In September 2009, a Use Permit was approved by Council to allow a place of worship subject to conditions. In December 2010, a renewal of the Use Permit was granted for one additional year and expired in December 2011. In April 2012, the Use Permit was extended for one additional year expiring in April 2013.

The single-family residence was constructed in 1968 and occupies an 8,250 square foot lot. The home's total square footage is approximately 1,953 square feet. The home's interior has been modified to function as a worship hall and community gathering space. Two of the three original bedrooms were removed and the space became a part of the worship area/shrine room, which is where Sunday services are held. The garage is used for storage with several refrigerators, freezers, vinyl flooring and cabinets. The temple has been advised the garage cannot be used as an assembly/gathering area. In the past, the temple had placed a white board behind the garage door to insulate this area and use a portion as a sleeping area. Upon recent inspection, the board was removed and the space did not appear to have any sleeping area.

The temple provides worship services, religious education and pastoral counseling. The temple maintains the same operating hours being open seven days a week from 9 a.m. to 11 a.m. and from 5 p.m. to 7 p.m. Monday through Saturday. However, if persons need to meet with the nuns, they will help them at any time. There is one organized service per week on Sundays typically from 10 a.m. to 12 p.m. During the week there are a limited number of visitors who meet with the nuns. The temple does not expect weekly traffic to be any greater than what would be expected from the activities at a typical single-family residence. There are three major celebrations/holidays recognized each year that occur in January, May and August. The celebrations are held on Sundays and become a part of the Sunday worship service.

On a typical Sunday, there are approximately 25 to 40 people attending worship. When there are celebrations/events, such as Buddha's birthday, the number of attendees can double or triple with persons coming and going throughout the day, not all attending at one time. However, building code occupancy limits the maximum number of persons to forty-nine (49). Worship occurs in the main residence. The outdoor patio includes several tables and chairs to accommodate approximately 40 people outside for socializing. There are no events that involve live music or entertainment related activities. There are no employees, no administrative office or the like. The nuns receive no salary and have taken vows of poverty and celibacy. The nuns exist solely on donations from the temple's members and receive help for various tasks from volunteers.

In addition to the primary residence serving as the worship hall, there is a detached accessory building in the rear yard that serves as a memorial prayer room for the temple, which is approximately 320 square feet in size. The prayer hall allows members to mourn, post photographs for deceased members, family and the like and they may offer incense and prayers to their ancestors. Adjacent to the prayer hall is a storage shed.

The temple purchased the single-family home immediately to the south, 271 N. Comanche Drive, and is using this property as a single-family residence for the nuns. The nuns reside at this home and walk over to the existing home for temple functions. The common backyard fence in between the two lots has been removed to allow direct pedestrian access between the lots. The new property is not permitted to be used for gatherings, assembly, services, temple related events or the like.

In the past, there were complaints about traffic from one resident on Comanche Drive. This resident no longer resides in the neighborhood. The temple has a plan of action in place to better ensure new and existing parishioners understand to park vehicles at the nearby school but at times may have a handful of vehicles park on the street as would occur with a typical residence. The plan includes posting a sign outside to advise vehicles to park at the school and having someone outside to direct people to the school. The temple continues to have an agreement with Chandler Unified School District's Erie Elementary School to the north off of Galveston Street for parishioners to park vehicles.

Since the prior Use Permit, some minor modifications have occurred to the property. The front yard was mostly gravel and now is all pavers. Also, the home has new roof shingles.

Historically, the City has approved churches and places of worship in many residential neighborhood areas, subject to compliance with City codes and development standards. Schools and churches are encouraged within single-family residential areas and are an integral component of neighborhood design. The Zoning Code allows churches and places of worship within residential zoning districts subject to Use Permit approval. The request does not represent any negative land use impacts upon the surrounding area.

The Planning Commission and Planning Staff believe that the use is compatible with the area's existing single-family residential, multi-family residential and school uses. The Planning Commission and Planning Staff recommend approval subject to conditions with particular conditions related to occupancy restrictions and parking. The private agreement for off-site parking is an appropriate solution to curb large amounts of vehicles parking along Comanche Drive and other adjacent streets. The temple is permitted to have typical vehicle traffic that would be usual for any single-family residence and would find off-site space for large events.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 1, 2013. There were two parishioners in attendance in support of the request. Planning Staff has not received any correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.

#### RECOMMENDED ACTION

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

1. Expansion or modification beyond the approved exhibits (Site Plan/Floor Plan and Narrative) shall void the Use permit and require new Use Permit application and approval.
2. In accordance with the Building Code's maximum occupancy load, there shall be no more than 49 persons on-site at any time.

3. Parking for gatherings such as worship services, celebrations/events, and the like shall not occur on-site. Parking shall occur off-site at an appropriate location in accordance with Zoning Code.
4. Worship services shall occur only within the single-family residence and cannot occur outside.
5. The outside area, the backyard, may be accessed during worship services pending compliance with all building codes, permits and lot coverage requirements.
6. The site shall be maintained in a clean and orderly manner.
7. The Use Permit shall be extended for a period of three (3) years from the 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.

34. USE PERMIT: Flores Residence

APPROVED Use Permit ZUP13-0010 Flores Residence, for construction of a single-family residence to replace the existing structure proposed to be demolished. The site is zoned Multiple Family Residential (MF-2) and is located at 240 S. Dakota Street, north of Frye Road and west of Arizona Avenue. (Applicant: KNF Design & Development, Kenneth Fuller.)

BACKGROUND

The subject site is located at 240 S. Dakota Street, north of Frye Road and west of Arizona Avenue, in the Pueblo Viejo Neighborhood. The lot was platted as part of Block 1, The Townsite of Chandler. San Marcos Country Club Estates is west and existing single-family residences are north, south and east of the site.

The request is for Use Permit approval for construction of a single-family residence to replace the existing structure proposed to be demolished. The site is zoned Multiple-Family Residential district (MF-2). A single-family dwelling is permitted by a Use Permit in the MF-2 District.

The site is located within the south Arizona Avenue Corridor Area Plan (SAZACAP). The SAZACAP identifies this site for Low Density Residential. This category encourages new single-family infill with a density range of 0.0 to 5.9 dwelling units per acre. The SAZACAP designates that certain portions of the neighborhood, currently zoned for multi-family uses, require a separate zoning action, such as a Use Permit, in order to build a single-family home. This request augments the preservation and enhancement of the single-family character of these neighborhoods.

The MF-2 front yard setback is determined by the approved right-of-way of the abutting street. Dakota Street has a 70-foot wide right-of-way which requires a 25-foot yard setback. The side yard setbacks require 5 feet and a 10-foot rear yard. The lot is about 144' x 50', approximately 7,200 square feet in area. Maximum lot coverage allowed is 45% of the net lot area. The proposed residence will cover about 27.3% of the lot area. All MF-2 regulations, including the setbacks, height and area, are in compliance.

The one-story residence will be around 1,940 square feet in total area with 1,323 square feet of livable area. The home will have a two-car garage, three bedrooms, two bathrooms and a covered patio and entry. A six-foot high block wall will be constructed on the sides and rear. The front yard landscape palette includes: grass, decomposed granite, two Ironwood trees, Purple Trailing Lantana, Bird of Paradise and Yellow Bells.

Planning Staff supports the request finding the proposed single-family home is compatible with the existing neighborhood and is a viable solution to a small infill site. The South Arizona Avenue Corridor Area Plan promotes this type of infill project that not only maximizes a property's viability, but maintains compatibility with the existing adjacent residential uses.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 18, 2013. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.

#### RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with the exhibits and representations.
2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.

#### 35. USE PERMIT: Brycon Construction

APPROVED Use Permit #ZUP13-0019 Brycon Construction, to install a 1,640 gallon argon fuel storage tank in a screened exterior service area located at 6915 W. Frye Road, east of the SEC of 56<sup>th</sup> Street and Frye Road. (Applicant: Brycon Construction.)

#### BACKGROUND

The subject site is located at 6915 W. Frye Road, east of the southeast corner of 56<sup>th</sup> Street and Frye Road. The business is within the Santan Technology Park and is zoned Planned Area Development (PAD). Surrounding developments include technology, industrial and warehouse businesses such as Arizona Industrial Hardware (AIH), KTEC Business and Supplies and Bashas' Warehouse. The Santan Freeway (Loop 202) is south and the Union Pacific Railroad (UPRR) is west of the business.

The request is for Use Permit approval to install a 1,640 gallon argon fuel storage tank in a screened exterior service area. The fuel storage tank will be installed at the southeast corner of the site and in a loading service and dock area. An 8-foot tall concrete masonry wall with solid gates will be constructed around the tank. The split faced block will be integrally colored to match the existing walls of the west service area.

Brycon Construction has been in business for 20 years and specializes in clean room environments and process piping. Brycon Construction also builds municipal buildings and renovates healthcare facilities, commercial interiors and historic projects.

Bulk storage fuel tanks greater than 500 gallons require approval of a Use Permit. In all instances, fuel tanks need to receive building permit approval, which includes Fire Department review and approval. The fuel tanks will also need to meet all other applicable State and Federal laws.

Planning Staff supports the request finding the request for the installation of a 1,640 gallon argon fuel storage tank as an ancillary use to the direct operation and services provided by Brycon Construction.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood notice letter was mailed to all property owners on August 23, 2013. The applicant and Planning Staff have not received any inquiries to this request. Planning 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 and zoning, the Planning Commission and Planning Staff recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with Narrative, Site Plan and associated conditions of approval.
2. The tank shall be constructed to comply with all City of Chandler Building and Fire Codes.
3. Fuel containment shall be in accordance with all State and Federal laws.
4. A Spill Prevention Plan shall be kept on file with the Fire Marshall.

#### 36. USE PERMIT: Moreno's Mexican Grill

APPROVED Use Permit LUP13-0009 Moreno's Mexican Grill, Series 12 Restaurant License, to sell liquor as permitted for on-premise consumption in a new restaurant and new outdoor patio located at 2100 S. Gilbert Road, #14, SWC of Germann and Gilbert roads. (Applicant: Jose A. Moreno and Martina Moreno.)

#### BACKGROUND

The subject site is located at the southwest corner of Germann and Gilbert roads in the Mill Crossing shopping center. JCPenney, McDonald's, Firehouse Subs, Comerica Bank and other retailers are existing businesses in the center.

The request is for Liquor Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption in a new restaurant and new outdoor patio.

Moreno's Mexican Grill is a new restaurant located in an interior suite. The restaurant and outdoor patio are approximately 2,275 square feet in total floor area. The restaurant will be open seven days a week. Hours of operation will be from 9 a.m. to 9 p.m., Monday through Thursday, 9 a.m. to 9:30 p.m. on Friday and Saturday and 9 a.m. to 8 p.m. on Sunday. Seating is approximately 68 seats indoors and 20 seats in the outdoor patio. The 216-square foot outdoor patio is surrounded by a three-foot high wrought iron fence. Two twelve inch speakers are located in the outdoor patio area and broadcast traditional Mexican music from a Pandora box. No live entertainment is proposed.

Planning Staff supports the request finding that the restaurant and the outdoor patio are compatible with the existing retail and restaurant establishments at Mill Crossing. There have been no complaints filed with the Police Department or opposition during the neighborhood notification and public notification processes.

### 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 29, 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 no correspondence in opposition.

### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.

### 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 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 a new Liquor Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.
5. The patio shall be maintained in a clean and orderly manner.

#### 37. LIQUOR LICENSE: Moreno's Mexican Grill

APPROVED a Series 12 Restaurant Liquor License (Chandler #147929 L12) for Jose Angel Moreno, Agent, Moreno's Mexican Grill Number Five LL, dba Moreno's Mexican Grill, 2100 S. Gilbert Road, Suite 13. A recommendation for approval of State Liquor License #12079519 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.

#### 38. LIQUOR LICENSE: TAJ Indian Cuisine

APPROVED a Series 12 Restaurant Liquor License (Chandler #149280 L12) for Jagdish Singh Badwal, Agent, Badwal, Inc., dba TAJ Indian Cuisine, 6245 W. Chandler Boulevard, Suite 1. A recommendation for approval of State Liquor License #12079628 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as India Gate Indo Pak Cuisine.

#### 39. CONTINUED LIQUOR LICENSE: Fired Pie

CONTINUED TO NOVEMBER 7, 2013, a Series 12 Liquor License for Lori Ann Cuomo, Agent, FPRT LLC, dba Fired Pie, located at 2855 W. Ray Road, Suite 5, to allow the applicant time to complete the requirements for a new Use Permit.

#### 40. WITHDREW LIQUOR LICENSE: Hot Pot Caribbean Cuisine

WITHDREW, AS REQUESTED BY THE APPLICANT, a Series 12 Liquor License application for Karen Dawn Marie Franus, Agent, Hot Pot Caribbean Cuisine LLC, dba Hot Pot Caribbean Cuisine, located at 2081 N. Arizona Avenue, Suite 132.

41. SPECIAL EVENT LIQUOR LICENSE: Chandler Chamber of Commerce

APPROVED a Special Event Liquor License for the Chandler Chamber of Commerce for the Holiday Enchantment Gala Fundraiser on November 8, 2013, at Soho 63, located at 63 E. Boston Street. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

42. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for The Australian Bee Gees Concert Fundraiser, November 9, 2013, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

43. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Blood, Sweat and Tears Concert Fundraiser, November 16, 2013, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

44. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Los Lonely Boys Concert Fundraiser on February 8, 2014, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

45. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Texas Tenors Concert Fundraiser, February 15, 2014, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

46. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Pat Metheny Unity Group Concert Fundraiser on February 23, 2014, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

47. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the One Night of Queen Concert Fundraiser, March 8, 2014, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

48. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Bella Gaia Concert Fundraiser, March 28, 2014, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

49. PRELIMINARY PLAT: Villa Del Lago

APPROVED Preliminary Plat PPT13-0023 Villa Del Lago, for an 85-lot single-family residential subdivision located at the SEC of Dobson and Ocotillo Roads. (Applicant: EPS Group, Inc.) The plat creates the lots, establishes the necessary easements and dedicates the required rights-of-way.

PLANNING COMMISSION VOTE REPORT

The motion to approved passed 6 – 0 with Commissioner Baron abstaining.

### RECOMMENDED ACTION

Upon finding consistency with the General Plan and PAD zoning, 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.

50. FINAL PLAT: Paseo Lindo Phase II

APPROVED Final Plat FPT13-0008 Paseo Lindo Phase II, for a commercial component of a mixed-use residential/commercial development at the NEC of Arizona Avenue and Ocotillo Road. (Applicant: Olsson Associates.) The Final Plat creates new lots, easements and/or dedicates right-of-way on the southern portion of a developing commercial retail center.

51. FINAL PLAT: Pecos & Dobson Apartments

APPROVED Final Plat FPT13-0002 Pecos & Dobson Apartments, for a multi-family residential apartment development at 2300 W. Pecos Road, one-quarter mile west of Dobson Road. (Applicant: RVP Apartments, L.P.) The plat creates the lot and tracts, establishes the necessary easements and dedicates the required rights-of-way.

52. SETTLEMENT: Kaplan vs. City of Chandler

APPROVED settlement in the amount of \$45,000.00 in full and final satisfaction of all claims asserted therein and authorize the City Attorney to sign any necessary documents in such form as are approved by the City Attorney to effectuate the terms of settlement.

53. SETTLEMENT: Piedmont Office Realty

APPROVED settlement in the amount of \$50,000.00 in full and final satisfaction of all claims asserted therein and authorize the City Attorney to sign any necessary documents in such form as are approved by the City Attorney to effectuate the terms of the settlement.

### UNSCHEDULED PUBLIC APPEARANCES:

VICE MAYOR SELLERS said that he had met Ms. Chang at a dinner he was attending for the 102<sup>nd</sup> National Day of Celebration for the Republic of China. Ms. Chang, a Chandler resident, is interested in assisting with global outreach efforts and she asked to speak to the Council about her interests.

MS. MICHELLE CHANG, 2688 E. Horseshoe Place, Chandler said she is honored to be able to lead a trade delegation for Arizona Governor Jan Brewer and Commerce Authority to visit three major cities in Taiwan. Plans include hosting of a business forum in the three cities. She volunteered to carry and distribute the marketing materials of the City of Chandler to promote and advocate economic development.

MR. GEORGE URISH, representing Countryside Estates Home Owners Association said that a little over 6 years ago he approached the City Council regarding Cooper Road improvements and

has recently learned that design will begin in 2014. He said the estimated construction schedule stretches out a little further than he expected and he urged the Council to expedite the schedule for Cooper Road improvements.

Mayor Tibshraeny thanked Mr. Urish for his comments and asked staff to also identify how the future development along Cooper Road, where the old palm tree farm was, impacts the Cooper Road schedule.

#### CURRENT EVENTS:

##### A. Mayor's Announcements

The Mayor announced the 6<sup>th</sup> Mayor's Day of Play on October 26<sup>th</sup> at Tumbleweed Park. In addition, the 4<sup>th</sup> Annual Chandler Chuck Wagon Cookoff will be November 8-10<sup>th</sup>.

The Mayor gave a reminder that nominations are being accepted for Neighborhood Excellence Awards.

##### B. Councilmembers' Announcements

Councilmember Weninger wished all a safe Halloween.

Vice Mayor Sellers announced Chandler recently hosted the Arizona State Sister Cities Conference. He added that earlier today he took part in a panel discussion with other cities for the Southeast Valley Realtor's. Vice Mayor Sellers noted the recent groundbreaking for Earnhardt Cadillac.

Councilmember Donovan thanked Councilmembers Heumann and Hartke for their service on the Desert Cancer Foundation Board. She noted Fire Chief Clark was the emcee at the luncheon held earlier in the day. She congratulated Mayor Tibshraeny for his award from GPEC for his work in economic development both locally and regionally.

Councilmember Donovan thanked the Mayor and Council who were able to celebrate National Food Day. She noted that Project Connect, a one-day event that provides services to homeless or at risk for homelessness, was held the week prior. Over 450 people were served.

Councilmember Hartke reminded those voters in the Chandler and Kyrene School Districts to return their voted ballots. Mr. Hartke called for volunteers for a clean up operation along the airport and Paseo Canal in conjunction with For Our City day, and the Relay for Life kickoff on October 29 at Tumbleweed.

Councilmember Ellen invited participation in the first Operation Welcome Home Ceremony on November 4, at 6 p.m. that will honor four of Chandler's residents. Nominations continue to be accepted as well as donations from sponsors.

##### C. City Manager's Announcements

City Manager Dlugas provided an update on the recruitment for the Police Chief position. He announced a meet and greet would occur on November 5<sup>th</sup> at the Vision Gallery to provide an opportunity for the public to meet the 6 candidates.

