

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, November 7, 2013

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY at 7:05 p.m.

The following members answered roll call:

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

Also in attendance:

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

INVOCATION: Councilmember Kevin Hartke

PLEDGE OF ALLEGIANCE: Boy Scout Troop 280.

CONSENT:

The Mayor noted there were a few people indicating a desire to speak on Items 1, 6 and 16.

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

MOTION CARRIED UNANIMOUSLY (7-0) on a roll call vote.

1. REZONING/PRELIMINARY DEVELOPMENT PLAN: The Met at Fashion Center Ord. #4500

MR. LUIS ACOSTA, 3640 W. Whitten Street, Chandler, expressed his concern with crime rate in his area during the downturn in the economy. He stated he has additional concern in allowing the change in the residential plan for the area in that it will allow additional traffic into his subdivision.

Mayor Tibshraeny recognized a comment card in support of the project from Mr. Thomas Albright who lives in Hearthstone.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4500, DVR13-0013, The Met at Fashion Center, rezoning from Planned Area Development (PAD) Mixed Use with a Mid-Rise Overlay to PAD (Multi-Family Residential) on approximately 7 acres and PAD (Mixed Use with a

Mid-Rise Overlay) on approximately 5 acres. (Applicant: Robert Allen, Chandler Apartments LLC/HCW LLC, and Mike Withey, Withey Morris PLC.)

APPROVED a Preliminary Development Plan (PDP) for a multi-family residential development on approximately 12 acres located at the SEC of Chandler Boulevard and Hearthstone Way.

BACKGROUND

The request is for rezoning from Planned Area Development (PAD) Mixed Use for Commercial and Multi-Family Residential with a Mid-Rise Overlay to PAD (Multi-Family Residential) on the southern 7 acres and PAD (Mixed Use for Commercial and Multi-Family Residential with a Mid-Rise Overlay) on the northern 5 acres. In addition, the request includes Preliminary Development Plan (PDP) approval for a Multi-Family Residential development on the approximately 7-acre site. The 12-acre site is located at the southeast corner of Chandler Boulevard and Hearthstone Way (half-mile west of the Loop 101 Price Freeway).

The subject site is bounded by Chandler Boulevard to the north and Hearthstone Way to the West. Chandler Village Drive abuts the east side with the site wrapping around the existing Windmill Suites Hotel. West of Hearthstone Way is vacant land zoned for light industrial and the Aspire Kids Sports Center. To the southeast is an existing treatment facility, Remuda Ranch. East of Chandler Village Drive is the Chandler Fashion Center regional mall.

The General Plan identifies the subject site as within one of the six Growth Areas as defined in the Growth Area Element. The area surrounding the intersection of the Loop 202 Santan Freeway and Price Road, including the Chandler Fashion Center regional mall, is generally described as an area "Targeted for more intensive development". This identified Growth Area allows for the consideration of additional mixed-use opportunities that can accommodate higher intensity concentrated development or re-development with a mixture of land uses. Additionally, the General Plan designates the property as Commercial allowing mixed use developments and a compatible mix of residential densities. The proposed rezoning is consistent with the General Plan.

The proposed uses for the Mixed Use parcel include commercial uses permitted by right in the Community Commercial (C-2) zoning district such as retail, restaurant and office. In addition, MF-2 uses such as multi-family residential are permitted above the ground floor in multi-level buildings creating an urban project with residential above commercial.

MID-RISE OVERLAY

The application requests to maintain existing approval for a Mid-Rise Overlay to construct buildings over 45 feet in height on the future Mixed Use parcel, the approximately 5 acres at the site's north end. The property previously had mid-rise approval for the entire 12 acres inclusive of multi-family residential buildings; however, mid-rise is no longer requested on the residential apartment component. The future Mixed Use Parcel is eligible for mid-rise consideration given its adjacency to the Chandler Fashion Center regional mall, as prescribed within the Mid-Rise Development Policy. Building height will be established at time of PDP.

PROPOSED DEVELOPMENT

The proposal includes a total of 3, 4-story buildings organized around resort-style amenity open spaces. Site design focuses around internal common areas where the two larger buildings surround the primary swimming pool and volleyball area. These buildings are setback from Hearthstone Way. The smaller building along Chandler Village Drive is oriented in a landscape setting along Chandler Village Drive with additional amenities, swimming pool and common area. This provides for an attractive street scene. The overall design theme is an urban-style

environment inherent in high-density residential projects. The proposal represents an approximate residential density of 38.45 du/ac.

The entry off of Hearthstone Way is accentuated by decorative concrete pavers forming a traffic round-a-bout. Following the gated entry, a decorative concrete paver hardscape with a water feature and Date Palm trees create a sense of arrival to the main building entry and clubhouse. The community clubhouse is a two-floor facility that is located within Building 1. The clubhouse includes the community's leasing and administrative offices, internet computer station, fireplace, pool table, kitchen, restrooms with saunas, patio space, fitness center, yoga room and conference room space.

The proposal includes a total of 303 urban-style residential apartment units. The units range in size from approximately 668 square feet to 1,140 square feet. There are 172 one-bedroom units ranging from 688 to 744 square feet, 131 two-bedroom units ranging in size from 1,004 to 1,140 square feet.

Buildings evoke an upscale contemporary urban village atmosphere with horizontal and vertical plane elements. A unique feature of this proposal is the juxtaposition of buildings which create angled connection points. Buildings incorporate stone façades, columns, Juliet balconies, metal parapet architectural features, and metal shade awnings.

The site is pedestrian-friendly with convenient access from all units to amenities and open space. The site also includes a pedestrian activated walkway on Chandler Village Drive to access the mall. Access to the development is provided from both Hearthstone Way and Chandler Village Drive. Full-movement access is provided at both locations except for no southbound turning movement to Hearthstone Way, which prevents traffic into the nearby subdivision.

A combination of covered parking, garages and guest spaces are provided throughout the development. The garages are located within the apartment buildings. Residents have direct access from garages into the building. A parking reduction is requested from 520 parking spaces to 487 parking spaces. In accordance with Zoning Code, a parking demand study was submitted determining the provided parking is appropriate.

The project's landscape theme has a mix of evergreen trees and native species. Pool areas are designed Date Palm, Mesquite, Southern Live Oak and Willow Acacia trees. The site's perimeter is lined with Southern Live Oak, Willow Acacia and Sissoo trees which provide shade and a lush landscape.

A comprehensive sign package is proposed for monument signs and building signage. There are two freestanding monument signs located off of the adjacent streets. Signs are tiered with a stone veneer base, sign cabinet and an extended overhanging cap to emulate building parapets. The signs lettering is individual pin-mounted metal, halo-illuminated reverse pan channel. The signs are 6 feet high to top of architectural elements. There is one building sign at the main entrance on Building 1. There is a large projecting metal canopy topped with the project's name by individual metal lettering with indirect, halo-illumination.

Several Zoning Code deviations are requested, some of which are typical for multi-family and urban-style developments. Deviations include a building setback reduction from 30 feet to 22 feet along Chandler Village Drive. This reduction allows for the building to be placed in a landscape setting with amenities and open space area along the streetscape. In addition, a request to allow a 6-foot high fence in the building setback in this area at 20 feet versus the required 30 feet.

Additional perimeter fencing along Hearthstone Way is proposed in the building setback as well. This is typical for gated, multi-family residential developments and appropriate for this site. A landscape setback reduction from 10 feet to 7 feet is requested along the northern property lines. This is necessary to meet other site development standards. Required landscaping will be to Code. Also, a reduction in the size of parking landscape planter islands is requested. The minimum required is 9 feet wide by 19 feet in length. Several planters do not meet the minimum size. Trees required by code in the smaller planters will instead be located along streetscapes. Lastly, private open space for each unit is proposed with less square footage than required. The urban-style nature of the building layout and unit floor plans lends itself to provide unconventional patio space. The development is designed with a larger clubhouse amenity for use by all residents. Due to the projects urban density, smaller private open spaces are reflective of this type of urban living community.

The Mixed Use component is proposed as conceptual only requiring a separate PDP application. The Development Booklet includes photographic images representing the anticipated quality of the development.

The Planning Commission and Planning Staff recommend approval of the application finding the proposed multi-family development to be a high quality addition to the area surrounding the Chandler Fashion Center mall. The project also represents a future mixed use component for commercial uses with the opportunity for residential multi-family above commercial. This creates an urban project that compliments the adjacent regional commercial shopping in the area while maintaining sensitivity to the nearby residential community. The site's design fosters a level of urban intensity yet internalizes that intensity. Building orientations and landscaping enhance streetscapes. Through the project's creative design, Planning Staff finds the requested residential density appropriate for this location and supports the requested deviations. In regards to the Mixed Use component, Planning Staff supports maintaining a Mid-Rise Overlay for future development on that site which will complement the residential project.

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 10, 2013. The owners of the adjacent light industrial property and a representative of the Hearthstone Unit 1 single-family residential subdivision were attendance and expressed support of the proposal.

Planning Staff has received a few phone calls from the adjacent light industrial property owner and Remuda Ranch owner. The light industrial property is being marketed for development and the owner wanted information on where driveways could be located. The Remuda Ranch owner wanted to know where construction truck access would be located.

Planning Staff advised the applicant to contact representatives of the Hearthstone Unit 5 subdivision which have been involved in area development since the mall zoning case. They live outside of the notification area. The applicant contacted the representatives and conveyed they support the project. They wanted to ensure there would be no left movements from the site onto Hearthstone Way and that no driveway would occur at the southwest corner of the project getting access to Hearthstone Way. Neither is proposed and would require a new PDP application. In response to one of the representatives, when off-site improvement plans are submitted to the City for Hearthstone Way, Planning Staff will coordinate requirements for sufficient vehicle queuing related to left and right hand turn lanes onto Chandler Boulevard.

Planning Staff is not aware of any opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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 "THE MET AT FASHION CENTER", kept on file in the City of Chandler Planning Division in File No. DVR13-0013, except as modified by condition herein.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owner's association.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
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. All raceway signage shall be prohibited within the development.

2. POWER TRANSMISSION EASEMENTS: Salt River Project Ord. #4501

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4501 granting two no-cost power transmission easements to Salt River Project (SRP) to accommodate the Coronado Street Improvement Project.

BACKGROUND/DISCUSSION

City Council approved the extension of Coronado Street from Chandler Boulevard to Price Road at its November 8, 2007 meeting. In addition, City Council approved a development agreement with RG-101, LLC (the Rockefeller Group) for the development of the property at the southeast corner of Price Road and Chandler Boulevard on November 17, 2011. In accordance with the development agreement, the City is required to acquire various property rights and easements needed for the project, including granting necessary easements to SRP on City property. One of the easements is on City property fronting Price Road and the other is located on a small triangular parcel at Chandler Boulevard recently acquired by the City.

3. POWER EASEMENTS: Salt River Project Ord. #4502

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4502 authorizing the assignment to Salt River Project (SRP) of certain power easements acquired by the City of Chandler for the Alma School Road and Ray Road Intersection Project.

BACKGROUND/DISCUSSION

In connection with a City road project for the widening and improvement of the Alma School Road and Ray Road Intersection, the City acquired roadway and easements needed for the project that

also included acquisition of power easements ultimately intended for use by SRP. The easements that were conveyed to the City through a Final Order of Condemnation have been processed through the court system and are now ready to be assigned. The easements were needed to accommodate SRP's facilities that were relocated as a consequence of the project.

Upon recording the assignment, the City would have no further obligation, responsibility or liability and no further rights, pursuant to or because of the easement.

4. IRRIGATION EASEMENT: Salt River Project Ord. #4507

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4507 granting a no-cost irrigation easement to Salt River Project (SRP), on Cooper Road just north of the 202 Santan Freeway.

BACKGROUND/DISCUSSION

As part of the Cooper 202 development, it is necessary for SRP to relocate certain irrigation facilities. This relocation required moving existing pipes within the City of Chandler's Cooper Road right-of-way to accommodate the project's development. The developer is paying for this work. The easements are being granted at no cost as they benefit the public by assuring a continued water supply.

5. REZONING/PRELIMINARY DEVELOPMENT PLAN: Wise Family Home Ord. #4509

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4509, DVR13-0029 Wise Family Home, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for construction of one single-family residence. (Applicant: Wendy and Kevin Wise.)

APPROVED a Preliminary Development Plan (PDP) for site layout on a 0.7-acre parcel located at 4711 S. Tower Avenue, north of Chandler Heights Road and west of Cooper Road.

BACKGROUND

The approximate 0.7-acre parcel is located at 4711 S. Tower Avenue, north of Chandler Heights Road and west of Cooper Road. The parcel to the north is the Calabria single-family subdivision to be developed by Blandford Homes. To the east is a vacant Agricultural District zoned parcel. To the south are rural residential properties under Maricopa County jurisdiction, and west is the Symphony Estates single-family subdivision.

The site was recently annexed into the City of Chandler. The ordinance approving initial City zoning to Agricultural District (AG-1) was adopted at the October 21, 2013, City Council meeting.

The parcel is located within the southeast Chandler Area Plan (SECAP) and designated as Traditional Suburban Character. Development within this character area is to convey a rural/agrarian theme.

The request is for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for construction of one single-family residence with Preliminary Development Plan (PDP) approval for site layout. The parcel is currently undeveloped. The PAD will allow the construction of one custom single-family home on the parcel. The requested setbacks are 30 feet for the front yard, 8 feet for the north side yard, 12 feet for the south side yard and 40 feet for the rear yard. The parcel is about 370 feet in depth, after the dedication of 30 feet forward the Tower Avenue right-of-way and 82.5 feet in width. The total parcel is approximately 30,525 square feet or 0.7 acres in area.

The subject parcel area of 30,525 sq. ft. more closely aligns with the Single-Family 33 District (SF-33) lot size requirement of 33,000 sq. ft. than the AG-1 lot size of one acre. The applicant requests to maintain the permitted uses as classified under the SF-33 District as outlined in Section 35-501 of the Zoning Code. The SF-33 District permits the standard uses such as accessory buildings and fences and also allows agrarian uses. The agrarian uses which the applicant requests to be permitted include the following:

- (a) Livestock raising and grazing, excluding hogs, pigs, burros, donkeys or roosters, is permitted for a maximum of one (1) animal per ten thousand (10,000) square feet of lot area.
- (b) Excluding household pets, the raising of poultry, rabbits and other small domesticated animals provided they are contained within a fence or cage.
- (c) All animals must be contained in a stock-tight fence and/or corral. Such fence or corral shall not be permitted closer than one hundred (100) feet to the front property line. For corner lots, no such fence or corral shall be located closer to the side right-of-way line than the principal building.
- (d) Field crops, including vegetables and fruit trees.
- (e) Accessory buildings used specifically for animals and fowl authorized under paragraphs a. and b. above, provided they are located within the area fenced for animals and maintain the same front, side and rear yard requirements as provided for the principal building.

The property is accessed from Tower Avenue via Brooks Farm Road to the north or from the south through the Creekwood Ranch subdivision via Chandler Heights Road. Tower Avenue fronts the west property line and is currently constructed as a half-street; thus, the remaining dedication is required as part of the parcel's development.

The new home will be a one story, custom built home with a basement. The home will be approximately 4,400 sq. ft. in floor area with 2,800 sq. ft. on the main level and 1,600 sq. ft. in the basement. The home will have a 450 sq. ft. rear covered patio, a 40 sq. ft. front covered porch and an 820 sq. ft. garage. Lot coverage will comply with SF-33 at 40 percent.

The architectural style will be a southwest theme. The design is not complete at this time and is not part of this application. The front yard will have desert themed landscape.

Planning Staff supports the request finding the proposed development of a single-story custom home on the approximate 0.7-acre property is appropriate and compatible with surrounding uses. The SECAP promotes the historic agrarian nature of southeast Chandler and this one story, custom home on a large parcel will continue to create the rural nature that is consistent with the surrounding area.

The site's north property line will be adjacent to a proposed drainage tract for a length of approximately 121 ft. and the remaining length borders the rear property lines of four lots of the Calabria single-family subdivision. During the neighborhood notification process, the Calabria homebuilder voiced concerns about the north setback of the subject site. The applicant has worked pro-actively with the Calabria homebuilder to reach a compromise on the setback.

The applicant's initial request was for a 5 ft. north side yard setback; however, the homebuilder wanted a greater separation from the rear yards of their development. The Calabria rear yard setbacks will be 20 ft. for one-story and 30 ft. for two-story homes. The compromise was to

increase the north side yard setback to 8 ft. and decrease the south side yard setback to 12 feet for the subject site.

Planning Staff supports the requested setbacks and agrarian land uses as suitable for the 30,000 sq. ft. parcel size. The new home will be one-story and custom built and will embody the SECAP Traditional Suburban Character land use.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on September 19, 2013. The homebuilder of the site to the north, Calabria, was in attendance. The concerns voiced related to the north side yard setback and the detached accessory structure. The applicant also received one phone call from the President of the Chandler Heights Estates Homeowners Association who voiced support of the request. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDATIONS

Rezoning

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

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the exhibits as represented by the applicant in case DVR13-0029 WISE FAMILY HOME, except as modified by conditions herein.
 2. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
 3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or association.
 4. The perimeter wall design shall be compatible with the adjacent Calabria perimeter walls.
6. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Santa Maria Village Ord. #4510

Amanda Eskinazi, 1151 E. Flint Street, Chandler, thanked the Planning Commission and applicant for working together with the community. The Community and the applicant were able to agree on a plan that would allow this community to fit in with the existing community. The applicant agreed to build single story homes adjacent to the existing homes. She noted this project is defined as an infill project and by doing so this project does not have to meet all of the Residential Development Standards. There are smaller lots and smaller rear setbacks that are a concern.

In response to a question from Councilmember Heumann, MR. ERIK SWANSON, City Planner Explained that when the Residential Development Standards were put into place it primarily dealt with new development south of Pecos Road. Infill was generally those developments north of

Pecos Road where land is built around it and were typically larger acreage. As buildout occurs there are less of those opportunities. He explained in the Santa Maria Village, there is not the opportunity to get curvilinear street systems nor lake systems. As it can't meet a number of those standards, the approach is to treat it as infill piece. Mr. Swanson stated in regards to the lot size and setbacks, the setbacks are similar to the SF8.5 standard that requires a 20' front, a 5' and 10' side and then a 10' rear. This is typical when dealing with a smaller subdivision. The typical lot size of the Tradition neighborhood to the north is around 7,000 s.f. For the Santa Maria subdivision it is typically 5,000 s.f.

Mr. Swanson explained additionally that staff looks at other offsets, such as ramadas and open space, when certain standards aren't feasible. Staff feels that has been accomplished from a design standpoint for this neighborhood. From an architectural view, a stronger architectural presence is desired for the sides and rears that pull out the various styles of the homes.

INTRODUCED AND TENTATIVELY APPROVED Ordinance #4510, DVR13-0009 Santa Maria Village, rezoning from Planned Area Development (PAD) for residential and commercial uses to PAD for single-family residential. (Applicant: Mario Mangiamele, lplan consulting.)

APPROVED a Preliminary Development Plan for a 79-lot single-family residential subdivision and housing product on approximately 20 acres located north and east of the NEC of Chandler Boulevard and McQueen Road.

APPROVED Preliminary Plat PPT13-0010 Santa Maria Village, for a 79-lot single-family residential subdivision and housing product on approximately 20 acres located north and east of the NEC of Chandler Boulevard and McQueen Road.

BACKGROUND

The subject site is located at the northeast corner of Chandler Boulevard and McQueen Road encompassing approximately 20 gross acres. The subject site is part of the Traditions master-planned community which provides single-family residential north and east of the subject site. The site was conceptually designated as commercial in the 1987 master plan, which allowed for the Circle K fuel station to develop at the immediate northeast corner of the intersection. A medium-density residential and commercial development was approved in 2008 for the site; however, never developed. The request is to rezone the site to allow for single-family residential. South, across Chandler Boulevard, is an apartment complex and vacant land zoned PAD for commercial. West, across McQueen Road, is a City of Chandler housing development. The General Plan designates the site as supporting residential, allowing for a range of 0-18 dwelling units per acre. With the zoning of the Traditions master-planned community, single-family density ranged from 4-8 dwelling units per acre; 4.5 dwelling units per acres is proposed. The subject site is not part of a specific area plan and as such 4.5 dwelling units per acre is considerable.

SUBDIVISION LAYOUT

As part of the review for single-family residential development, subdivisions requesting a designation of PAD have to meet a number of design elements as outlined in the Council adopted Residential Development standards (RDS). Depending on the size of the residential lots, a certain number of points need to be obtained. As has been the case with recent subdivision reviews dealing with infill type development, all of the lots are 7,000 square feet or less, requiring that all the development standards for subdivision diversity need to be met (eight required), along with meeting all of the 21 optional subdivision diversity elements. With the approval of the RDS, a provision was made allowing for consideration to deviate from the standards when dealing with infill locations. The site is considered an infill location.

Although the site is deemed an infill location, Planning Staff and the development team worked on the design and layout of the subdivision in an effort to meet the intent on the RDS. One of the elements included in the RDS that is achieved, is the open space component that extends through a portion of the subdivision. Starting at the northeast corner of the subdivision, an existing retention basin is provided that will be improved. Extending southwest through the subdivision, the open space area continues where it terminates along Chandler Boulevard and adjacent to the existing fuel station. Additional standards would be vehicular access to rear yards, irregular shaped retention basins, and providing landscape parkways adjacent to arterial streets.

Two entrances are provided for the subdivision; one along McQueen Road and one along Superstition Boulevard. Typical lot size is 50' by 100' for a lot size of 5,000 square feet. Standard building setbacks are provided with a 5' and 10' side setback, 20' setback to the garage face (15' to livable front) and a 10' rear setback. Due to the infill nature of the development, greater lot coverage than usual (50% for two-story and 60% for one-story) is provided.

HOUSING PRODUCT

Similarly with subdivision layout, architectural design needs to meet the requirements of the RDS, and although the site is generally considered an infill parcel, Planning Staff has worked with the development team to ensure the development provides the necessary RDS for architectural diversity. Six floor plans are provided with three single-story and three two-story homes providing up to 18 different housing options. Home sizes range from 1,500 square feet up to 2,700 square feet. Spanish Colonial, Ranch Territorial and Craftsman are the architectural styles, each providing elements highlighting the prescribed style. Architectural elements that highlight the prescribed style, includes window muntins, shutter details, stone, composite shake siding, coach lighting, garage doors consistent with the architectural style and decorative elements such as clay piping or metal work. Various options are provided ranging from patio extensions to garage extensions, as well as typical internal options.

The Planning Commission and Planning Staff support the request citing consistency with the General Plan and offering new residential development in a more mature area of Chandler, which provides a variety of options. Additionally, the Planning Commission and Planning Staff support the rezoning request citing that residential is compatible with the surrounding area and that the proposed density is appropriate for the area. It should be noted that the perimeter wall adjacent to the existing Circle K is proposed at 8 feet; the remainder of the subdivision is at 6 feet. The additional height is requested to assist in reducing the amount of noise generated by the car wash located at the fuel station. The Planning Commission and Planning Staff support the request for the additional wall height.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 18, 2013. There were 4 neighbors in attendance in general support of the request. Concerns express primarily revolved around two-story homes adjacent to the existing neighborhood to the north where single-story homes are provided adjacent to the subject site. Based on the concerns, the development team agreed that two-story homes would be prohibited adjacent to the site's northern boundary.

Planning Staff has received phones calls from a neighbor to the north wanting to ensure that the two-story restriction was provided; the caller was supportive of the request. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

A handful of neighbors attended the Planning Commission hearing. Following the Study Session, two residents raised questions of Planning Staff. The questions were in relation to single-story homes adjacent to the existing subdivision and wanting to ensure that was the case; the existing wall along the north and wanting to know how it was going to be addressed and separation between the existing homes and proposed home. Staff has worked with the adjacent neighbors to answer all questions.

Additionally, it was brought to Planning Staff's attention that the floor plan of Plan 1520 in the development booklet was incorrect and referenced a larger floor plan. Planning Staff has added the correct floor plan of 1520 as an attachment.

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 "SANTA MARIA VILLAGE", kept on file in the City of Chandler Planning Division, in File No. DVR13-0009, 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. For lots adjacent to an arterial street, two-story homes are limited to every third lot, with no more than two, two-story homes built side-by-side.
5. Two-story homes shall be prohibited on lots 1-18, 75-79 and all corner lots with the exception of lot 58 which may be built with a two-story home.
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.

7. REZONING/PRELIMINARY DEVELOPMENT PLAN: Queen Creek Commerce Center
Ord. #4511

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4511, DVR13-0040 Queen Creek Commerce Center, rezoning from Agricultural to Planned Area Development for office/warehouse/industrial type uses. (Applicant: Mike Curley; Earl, Curley & Lagarde.) APPROVED Preliminary Development Plan for site layout and building architecture on approximately 35 acres located at the SEC of Queen Creek Road and the Union Pacific Railroad.

BACKGROUND

The subject site is located at the southeast corner of Queen Creek Road and the Union Pacific Railroad. The railroad runs along the site's western boundary. Adjacent to the site's east boundary is the future Hamilton Street alignment. South is agricultural land currently within the jurisdiction of the County. Surrounding future land use designations according to the Chandler Airpark Area Plan is for Industrial to the east and south, and Commercial/Office/Business Park with a Light Rail Corridor Overlay to the west. The proposed use is consistent with the area plan.

The subject site was zoned in 2000 as a follow-up to annexation and was given a zoning of PAD for lumber assembly, storage and distribution. Following the initial PAD zoning, a PDP was approved granting sight layout and building architecture for two users. As part of the approval process, a condition for construction was included. Zoning lapsed on the site in 2003; an extension for the zoning has never been submitted.

The current request is to rezone the property to PAD for office/warehouse/industrial type uses, with PDP approval for site layout and building architecture. Two points of access are provided along Queen Creek Road with an additional four points of access along the future Hamilton Street. Due to the site being within a flood plain, a large retention area runs the length of the western and southern property boundary, creating a large landscape buffer from surrounding areas.

SITE LAYOUT/BUILDING ARCHITECTURE

As shown in the development booklet, seven buildings are presented. Currently, a user is not proposed for the site, so the development team is requesting the ability to make modifications to the site plan based on a future user or users. The modification would be to allow a range of buildings from one single-user building, up to seven buildings as shown. The current plan is to illustrate how development could occur, addressing retention, landscaping and building setbacks.

Due to the fact that the site layout is conceptual and a user has not been specified, architectural representations for the buildings are presented on a conceptual level. The elevations are used to convey a level of design and detail that are to be used in reviewing future submittals. In conjunction with the request for administrative review approval for site layout, the applicant is requesting the same ability in regards to building architecture.

Architectural elements that are to be used are represented in the development booklet and include concrete tilt panels, metal projections, and expanses of glass. A variety of forms, scoring patterns, masonry (split and smooth), and paint colors will be anticipated in an effort to create visual interest. The architectural elements are consistent with recent approvals for office/industrial developments.

The Planning Commission and Planning Staff support the request citing consistency with the General Plan and Chandler Airpark Area Plan. Additionally, the Planning Commission and Planning Staff support the request for administrative review and approval of future site layout and building architecture finding that the administrative approval process works well in developments of this nature.

AIRPORT COMMISSION

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.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 9, 2013. Two representatives of the property owner west of the railroad attended with general questions. The representatives support the request. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Donaldson 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 attached Development Booklet entitled "QUEEN CREEK COMMERCE CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0040, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.
2. 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.
3. Signage shall require separate Preliminary Development Plan submittal and approval.

8. CITY CODE AMENDMENT: Chapter 30

Ord. #4512

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4512 amending Chapter 30 of the Chandler City Code, adopting new definitions in Section 30-2, modifying the provision for a public nuisance in Section 30-5, and adding provisions for emergency abatement and court-ordered abatement in Section 30-6.

BACKGROUND

As part of the 2012 City Council Strategic Policy Goals for Neighborhoods, City Council requested that Staff take steps to "implement a revised Parking Enforcement Policy". Staff assembled three separate focus groups comprised of resident leaders, Neighborhood Advisory Committee (NAC) members and Staff from various City Divisions directly impacted by neighborhood parking issues. Each group ranked and reviewed the top parking concerns in neighborhoods.

Following the focus group discussions, the Director of Neighborhood Resources convened a Parking Task Force comprised of six Chandler residents interested in contributing to the "Parking Enforcement Policy" discussions. The Task Force prepared a Parking Enforcement Policy report that outlined recommendations which the NAC approved at their October 9, 2012 meeting. On January 24, 2013, Staff briefed the Mayor and City Council regarding the Parking Task Force recommendations.

At the briefing on January 24, 2013, the Council inquired into the next steps of the process. Staff responded that they would begin to work with the City Attorney's Office on the drafting of ordinance language to revise those ordinances deemed most critical by the Parking Task Force to improve parking issues affecting neighborhoods. Since that time, Staff from the Police Department and Neighborhood Resources have worked together with City Attorney's Office Staff on the development of proposed ordinance language changes.

City Code amendments to Chapter 30 are necessary for the enforcement of parking policy change recommendations to be effective. An overview of the proposed Chapter 30 changes include:

- Chapter 30, Section 30-2, amends the *Inoperable Vehicle* definition removing language requiring dust and cobwebs to be present as an indication of an inoperable vehicle. In addition, new language is added indicating that vehicles not having an affixed unexpired license plate for a period of more than 90 days are deemed inoperable.
- Chapter 30, Section 30-2, defines *Minor Vehicle Repair* to clarify the types of repairs allowed to occur in visible areas of residential properties.
- Chapter 30, Section 30-5.A.2, affirms the allowance of minor vehicle repair and deletes provisions allowing three time periods of up to 14 days annually for repairs of vehicles in the front yard of residential property. New language is also added to prohibit vehicles left outdoors and unattended on jacks, blocks or similar devices.

In addition to the parking ordinance changes, Code Staff is also taking this opportunity to revise Chapter 30 ordinance language to improve the ability of code to enforce on key issues in neighborhoods:

- Chapter 30, Section 30-2, expands the definition of *Weeds* to be more consistent with actual practice and to include those weeds meeting the State's definition of noxious weeds.
- Chapter 30, Section 30-2, introduces a definition of *Abate* to coincide with the introduction of proposed court ordered and emergency abatement provisions.
- Chapter 30, Section 30-2, clarifies the definition of *Blight* to include landscaped areas characterized by bare dirt.
- Chapter 30, Section 30-2, affirms the City's authority and methods of enforcement to include emergency abatements, court ordered abatements, and consent orders and prescribes the notice requirements and emergency abatement process. This section also establishes the City's ability to pursue an independent court abatement process and the notice procedures thereof.

Under the City Charter, ordinance changes require two readings and a thirty-day period in order to become effective. Staff anticipates that the ordinance changes reflected under this action will be effective in early 2014.

The NAC unanimously approved coming forward with Staff recommendations at their October 22, 2013 meeting. In addition, Staff briefed the Community Services, Economic Development and Neighborhood Services Subcommittee regarding the proposed ordinance changed at their meeting on October 23, 2013.

9. CITY CODE AMENDMENT: Chapter 12

Ord. #4708

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4708 amending Chapter 12 of the Chandler City Code adopting a definition for stored vehicle in Section 12-1 and prohibiting the parking of stored and other oversized vehicles in section 12-4.

BACKGROUND

As part of the 2012 City Council Strategic Policy Goals for Neighborhoods, City Council requested that Staff take steps to implement a revised "Parking Enforcement Policy". Staff assembled three separate focus groups comprised of resident leaders, Neighborhood Advisory Committee (NAC) members and Staff from various City Divisions directly impacted by neighborhood parking issues. Each group ranked and reviewed the top parking concerns in neighborhoods.

Following the focus group discussions, the director of Neighborhood Resources convened a Parking Task Force comprised of six Chandler residents interested in contributing to the "Parking Enforcement Policy" discussions. The Task Force prepared a Parking Enforcement Policy report that outlines recommendations which the NAC approved at the October 9, 2012 meeting. On January 24, 2013, Staff briefed the Mayor and City Council regarding the Parking Task Force recommendations.

At the briefing on January 24, 2013, the Council inquired into the next steps of the process. Staff responded that they would begin to work with the City Attorney's Office on the drafting of ordinance language to revise those ordinances deemed most critical by the Parking Task Force to improve parking issues effecting neighborhoods. Since that time, Staff from the Police Department and Neighborhood Resources have worked together with City Attorney's Office Staff on the development of proposed ordinance language changes.

City Code amendments to Chapter 12 are necessary for the enforcement of policy change recommendations to be effective. An overview of the proposed Chapter 12 ordinance changes include:

- Chapter 12, Section 12-1, introduces a definition of a *Stored Vehicle* clarifying that vehicles left unmoved on public streets for more than 48 hours must be moved a minimum distance of 300 feet.
- Chapter 12, Section 12-4.3, outlines the notice and enforcement process for stored vehicles on public streets.
- Chapter 12, Section 12-4.5, regarding oversized vehicles in residential districts removes the exception allowing utility vehicles, boats and oversized recreational vehicles to be parked indefinitely on public streets. The ordinance introduces a limited ability to park the same on public residential streets for the purpose of loading and unloading for not more than 48 hours. This section also prohibits habitation of said vehicles while parked on public streets.

Under the City Charter, ordinance changes require two readings and a thirty-day period in order to become effective. Staff anticipates that the ordinance changes reflected under this action will become effective in early 2014.

NEIGHBORHOOD ADVISORY COMMITTEE/COUNCIL SUBCOMMITTEE

The NAC unanimously approved coming forward with Staff recommendations at their October 22, 2013 meeting. In addition, Staff briefed the Community Services, Economic Development and Neighborhood Services Subcommittee regarding the proposed ordinance changed at their meeting on October 23, 2013.

10. No item.

11. SECURITY BOND EXEMPTION: Industrial Commission of Arizona Res. #4727

ADOPTED Resolution No. 4727 authorizing the Mayor and Council to sign the resolution and related documents required by the Industrial Commission of Arizona (ICA) as approved by the City Attorney.

BACKGROUND/DISCUSSION

The City of Chandler was approved to self-insure workers' compensation benefits on January 1, 2003. A requirement of self-insured programs is to post a security bond with the ICA in order to ensure performance in the event that a self-insured becomes insolvent.

On April 4, 2005, the ICA implemented new rules governing management of the workers' compensation self-insurance program. The new rule, R20-5-1114, includes an Exemption from Requirement to Post Security. "A public entity applicant or public entity self-insurer is exempt from the requirement under this article to post or provide security if the public entity:

1. Has a fully funded risk management fund sufficient to cover actuarial liabilities for workers' compensation as determined by the self-insurer in accordance with Government Accounting Standards Board Statement #10; and
2. Provided funding to the risk management fund each year sufficient to cover actuarial liabilities for workers' compensation as determined by the self-insurer in accordance with Government Accounting Standards Board Statement #10."

FINANCIAL IMPLICATIONS

Since the inception of the City's self-insured program in January 2003, the City has expended a total of \$16,745.00 to purchase Security Bonds. The City's application for exemption to post security was accepted and expenditures for bonds are no longer incurred.

12. PERSONNEL RULES AMENDMENT Res. #4728

ADOPTED Resolution No. 4728 authorizing the amendment of Personnel Rule, Definitions; Personnel Rule 1, Section 5, Classified and Unclassified Service; Section 12, Outside Employment; Section 13, Employee Contracts with the City and Personnel Rule 3, Section 4, Merit Increases and Salary Decreases; Section 5, Temporary Detail and Personnel Rule 5, Disciplinary and Appeal Procedures, in its entirety; and Personnel Rule 6, Section 3, voluntary Demotion; Personnel Rule 14, Section 3, Layoff; and Personnel Rule 15, Section 6C, Charging Vacation Leave; and Personnel Rule 16, Section 9A, Compensatory Time and Personnel Rule 19, Employee Council, Section 9, Recording Secretary.

BACKGROUND

Staff is proposing several amendments to the Personnel Rules. These proposed amendments make substantive modifications as well as changes that are procedural or housekeeping in nature. Some of the changes resulted from the desire to promote consistency through the application of negotiated changes with the Labor and Trades and Administrative, Clerical and Technical employee groups to the general, non-represented employees. Other changes are designed to clarify procedures.

I. The following proposed amendments make substantive changes as described below:

Personnel Rule 1, Section 5: Classified and Unclassified Service

The proposed revision will allow the City Manager to designate certain classifications as unclassified or of "at will" status. These classifications will be executive level staff positions determined by the City Manager to require strict accountability due to the importance of the positions to the overall management of the City. The positions occupied at the time they are so designated by the City Manager, will convert to at-will status only upon being vacated and newly filled so no current incumbent in a designated position will be affected by this Rule change.

Personnel Rule 1, Section 12: Outside Employment and Section 13, Employee Contracts with the City

The language for Section 12, Outside Employment, was significantly expanded to better describe those conditions or situations that would result in outside employment not being approved as well as the procedures for obtaining approval of outside employment.

Personnel Rule 5: Disciplinary and Appeal Procedures, in its entirety

Numerous changes are proposed for Personnel Rule 5. These include significant substantive and procedural changes as well as editing and housekeeping changes for clarity and consistency. The most significant changes are described below:

Sections 1,2,3,4: Preliminary notification process added

The current Rule requires the Department Director to issue a pre-dismissal notice to employees outlining the reasons supporting the Department Director's intent to dismiss and affording employees the opportunity to present their side of the matter before the dismissal action becomes final. The advance notice and opportunity to be heard are due process protections intended to ensure the disciplinary decision is made with complete information. The current Rule does not provide the same advance notice and opportunity to respond for suspensions and involuntary demotions. In order to promote consistency in the handling of disciplinary matters that may result in significant sanctions, City Staff is recommending that the Personnel Rule be changed so that a preliminary notification process with an opportunity to respond are also provided for suspensions and involuntary demotions.

Section 7: Disciplinary Review Group Process

The proposed changes to this section consist of renaming the process and expanding the timeframes for the process as follows:

- The Fact Finding Committee is renamed the Disciplinary Review Group to better describe its function and purpose.
- Timeframes throughout the review process are expanded. The ability to maintain the timeframes as outlined in the current Personnel Rule has been challenging; oftentimes resulting in the need for extensions. The expansion of timeframes is important to allow appropriate time for due process, compilation of recommendations and review. For this reason, the following timeframes are proposed to be changed:

- The current Rule provides that the Committee convene a Disciplinary Review meeting within ten (10) workdays from the notice of appeal. The proposed Rule change extends that timeframe to twenty (20) workdays to allow for scheduling conflicts.
- The current Rule provides that the Committee furnish the City Manager with a report of the review and its recommendations within five (5) workdays from the completion of the review. The proposed rule change extends that timeframe to ten (10) workdays and provides for an extension of no more than five (5) workdays as approved by the City Manager.
- The current Rule requires the City Manager to issue a written decision within five (5) workdays from the date the report was issued by the Committee. The City Manager may extend the timeframe with written notification to the employee. The proposed rule extends the City Manager's deadline to ten (10) workdays and maintains the authority to extend with written notification to the employee.

Section 8: Merit System Board Hearing Process

This section was modified to extend some of the process timeframes and to clarify the procedures related to setting disciplinary appeal hearings before the Merit System Board. The Merit System Board Rules of Procedure are incorporated by reference and will be amended separately to include very detailed procedures for conducting a Merit System Board hearing, including preliminary and post-hearing activities. In addition, the proposed Rule allows the City to represent the Department Director in a Merit System Board hearing regardless of the employee's representation.

II. The following proposed amendments are considered to be housekeeping in nature:

Definitions

The proposed changes add definitions for compensatory time, department director, disciplinary action and division head for clarification purposes only.

Personnel Rule 3, Section 4: Merit Increases and Salary Decreases

Merit-eligible employees are eligible to receive their merit increases on the anniversary of their classification date. Several years ago, the City adopted a procedure whereby if the Department Director does not submit paperwork within 60 days following the eligibility date for a merit increase to either award the merit increase or to defer it for further evaluation, then the employee will receive the full merit increase retroactive to the eligibility date. The proposed change simply documents the City's existing procedure.

Personnel Rule 3, Section 5: Temporary Detail

The proposed Rule Change eliminates the need for the City Manager to approve temporary detail assignments consistent with current practice.

Personnel Rule 6, Section 3: Voluntary Demotion

The proposed Rule change clarifies the handling of the salary in the case of a voluntary demotion and the conditions in which a probationary period should be served consistent with current practice.

Personnel Rule 14, Section 3: Layoff

In negotiations with SEIU and ACE in FY 13/14, the layoff provisions of the Memorandum of Understanding (MOU) were modified in order to better align the language of the MOU with the City's Reduction in Workforce Administrative Regulation. The proposed change syncs the

Personnel Rule's language with the agreed upon language in the Memorandums of Understanding.

Personnel Rule 15, Section 07: Charging Vacation Leave

In negotiations with SEIU for FY 13/14, the maximum number of vacation hours eligible for payment increased from 20 hours to 25 hours. Consistent with the City's past practice, the proposed Personnel Rule change will provide that same allowance for general non-represented employees.

Personnel Rule 16, Section 9: Compensatory Time

An increase in the maximum amount of compensatory time was negotiated as part of the ACE contract in FY 13/14 and 14/15. In FY 13/14, the compensatory time maximum was raised from 55 to 60 hours. In FY 14/15, it will be raised from 60 to 65 hours. The proposed change to the Personnel Rule aligns the general employees' compensatory time maximum with that outlined in the ACE contract.

Personnel Rule 19, Section 9: Recording Secretary

The Employee Council requested a change to clarify where the minutes of the meetings were posted.

13. MERIT SYSTEM BOARD RULES OF PROCEDURE AMENDMENT Res. #4729

ADOPTED Resolution No. 4729 amending the Merit System Board Rules of Procedure.

BACKGROUND/DISCUSSION

The Merit System Board's current hearing procedures were adopted in January 1989. Since then, many of the procedures have been superseded or otherwise affected by changes in statutes and case law relating to disciplinary appeal proceedings. Additionally, the existing hearing procedures are silent with respect to several aspects of pre- and post-hearing procedures requiring the parties and the Merit System Board to work out the process on a case-by-case basis and increasing the potential for unnecessary conflict and controversy.

The revised hearing procedures conform to recent changes in the law. They also establish standard procedural steps and timeframes for many pre-hearing, hearing and post-hearing activities but allow for flexibility where the parties are able to reach agreement. The procedures clarify the Board's discretion and authority and its ability to act where the parties do not agree. The revisions take into account the City's recent experiences with Merit System Board hearings as well as feedback received from the participants in the process. The changes are intended to make the Merit System Board hearing process transparent, efficient, and fair and to clarify the rights, responsibilities and roles of all parties involved.

Among other things, the revised Merit System Board Rules of Procedure:

- Establish standard pre-hearing procedures for scheduling and pre-hearing conferences and orders, exchange of exhibit and witness lists and pre-hearing statements and objections;
- Establish timeframes for pre-hearing and post-hearing procedures and objections;
- Provide a standard method for requesting the appearance of witnesses;
- Authorize the designation of an attorney to provide advice to the Merit System Board;
- Establish procedures for conducting the hearing;
- Clarify the roles of the various participants in the hearing;

- Clarify the public nature of the hearing and provide for the use of executive sessions consistent with the requirements of Open Meetings Law;
- Clarify the burden of proof and order of presentation and questioning during the hearing;
- Clarify the nature and scope of the Board's deliberations and recommendations;
- Incorporate statutory requirements relating to the use of hearing officers, exchange of exhibits and witness lists and board findings in proceedings involving law enforcement officers; and
- Establish post-hearing procedures including a process for raising objections.

The rewritten Merit System Board Rules of Procedure were provided to the five regular members of the Merit System Board for their review and input.

14. PRELIMINARY DEVELOPMENT PLAN: Bellman LLC

APPROVED Preliminary Development Plan PDP13-0007 Bellman LLC, for the site layout and building design for a new light industrial building located on approximately 7 acres south of Germann Road and west of Gilbert Road at the NWC of Stearman Drive and Douglas Drive. (Applicant: Cawley Architects.)

BACKGROUND

The subject property is currently zoned Planned Area Development (PAD) for light industrial and general office uses located within the Chandler Airport Business Park (CABP) master plan. Parcels to the north, south and east are vacant and within a larger CABP master plan designated for light industrial. West of the site is the Chandler Municipal Airport. The parcel is within the Chandler Airpark Area Plan designated for Commercial/Office/Business Park (Taxiway Access), which allows for campus-like business parks with corporate offices, office park, high-tech users, light industrial and aviation-oriented office. The property was zoned PAD in 2006 along with a Preliminary Development Plan (PDP) for one, multi-tenant general office building at 64,318 square feet and 3 stories in height, and a future phase including two multi-tenant industrial warehouse buildings totaling 43,073 square feet.

The application requests PDP approval for site and building design to allow for a light industrial development with general office. The development includes new light industrial buildings totaling 105,468 square feet to be developed in two phases. Phase 1 includes a 63,965 square foot two-story building and Phase 2 with a 41,503 square foot one-story building. Phase 2 will adjoin the Phase 1 building. The Phase 1 building will be occupied by Savage Universal, an existing Chandler company.

The building is placed in a landscape setting at the intersection corner with plant materials lining both streetscapes up to building façades. The desert themed landscaping includes a variety of trees such as Mesquite and Palo Verde, shrubs and granite rock. A driveway access is provided along both street frontages. Decorative concrete pavers are provided at each driveway. Each phase includes a gated rear yard area with truck loading areas.

The building's architectural design is a modern, geometric theme. Rooflines vary in height; exterior wall panels include vertical and horizontal elements, multiple paint colors, metal canopies, and decorative reveals. Savage Universal's two-story entry is designed primarily with windows featuring horizontal bands that tie into the reveals of the concrete tilt panels. The materials, accents and paint colors are consistently applied in Phase 1 and 2 buildings.

The development meets parking requirements providing a total of 128 parking spaces. A parking area is provided in front of each building and additional parking is within the rear outdoor yards.

Building and freestanding monument signs are included in the Development Booklet. Signs for Savage represent a logo with business name. The sign is a metal cabinet internally illuminated with routed-out push-thru lettering. Two building signs and two, 6-foot high monument signs are proposed. One monument sign is located along each street frontage.

CHANDLER AIRPORT BUSINESS PARK DESIGN STANDARDS

The CABP includes development design standards that were implemented through the zoning of Cardinal Health's property. The standards identify some specific design criteria as well as other generalized design objectives to be implemented. The streetscape includes specific street corner landscape themes that vary between the different types of intersection corners. Particular tree species planting themes are identified to occur along specific streets. Sidewalks will be patterned near intersections and meander within tree groupings along the streets. Parking lot screen walls from street view will be uniform in certain design characteristics such as the wall-cap detail. Screen walls will also integrate with the individual building designs through the use of common materials and color used in the building's architecture.

In addition, there are architectural design standards for the Business Park. Buildings within the CABP will most typically be constructed with tilt-up concrete or cement block. Architectural finishes will vary, and building designs are mandated to incorporate architectural elements to break up horizontal wall planes while incorporating vertical relief in the building wall or with architectural elements in front of the wall plane. Colors will be limited to earth tones and used to offset or highlight plane changes. Tilt-up concrete buildings will incorporate vertical relief in other specified manners. Building façades along streets will feature an abstract expression in design or massing. Architectural solutions within the CABP will meet or exceed those quality standards exemplified in the Cardinal Health building.

The proposed Savage Universal development meets the development design standards for CABP in addition to meeting Commercial Design Standards.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood notice was mailed on August 29, 2013. Planning Staff and the applicant have not been contacted regarding this application and no opposition has been received.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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 "BELLMAN LLC", kept on file in the City of Chandler Planning Division, in File No. PDP13-0007, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3867 in case DVR06-0030, except as modified by condition herein.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.

4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Raceway signage shall be prohibited within the development.

15. PRELIMINARY DEVELOPMENT PLAN: Layton Lakes Parcel 21

APPROVED Preliminary Development Plan PDP13-0013 Layton Lakes Parcel 21, amending the subdivision layout and standard lot size on approximately 34 acres located south of the SWC of Layton Lakes Boulevard and Queen Creek Road. (Applicant: Brennan Ray, Burch & Cracchiolo, PA.)

BACKGROUND

The approximate 832-acre Layton Lakes Master Planned development received PAD zoning in March 2001. Of the 832 acres, approximately 373 acres are within the City of Chandler with the majority of Phase 1 occurring in the Town of Gilbert. In December 2003, a PDP was approved for the 21.6-acre Community Recreation Center as part of Phase 1 within the City of Chandler. In February 2004, Council approved a Preliminary Development Plan (PDP) and Preliminary Plat involving the subdivision layout and landscape plans for Phases 2, 3, and 4 of the master planned community. The subject Parcel 21 was part of this PDP approval and originally included 109 residential units. Each of the 7 residential subdivisions within the Chandler portion of Layton Lakes would be required to process future PDP's for the housing product.

The subject Parcel 21 is bordered to the north by a portion of the Layton Lakes lake system and open space, with Parcel 22 located south of the subject site. Layton Lakes Boulevard abuts the site's east side, with additional Layton Lakes open space and the Eastern Canal abutting the site's western side. The Appleby Road alignment borders Parcel 22's southern side with existing rural residential properties within Maricopa County located south of the Appleby Road alignment.

The request is for PDP approval to amend the subdivision layout and standard lot size for Parcel 21. The original approval included 109 lots with a standard lot size of 75' x 120' (9,000 square feet). The proposed amendment includes 115 lots with a standard lot size of 70' x 120' (8,400 square feet). The basic subdivision layout remains virtually identical to the original approval with only minor adjustments. In addition to the proposed minor adjustment to the standard lot size for Parcel 21, the applicant requests approval to create a "model home" complex at the northeastern corner of Parcel 21, intended to provide model homes for not only Parcel 21, but the other residential parcels within Layton Lakes. This request includes the addition of 4 lots not compliant with the 70' x 120' standard lot size. Lots 1 & 2 are represented as 50' x 120' (6,000 square feet), and lots 3 & 4 are shown as 60' x 120' (7,200 square feet). These four lots will provide model homes for housing product approved elsewhere within Layton Lakes.

The lot setbacks are front yard minimum of 20 feet (15 feet to livable/side loaded garage), side yard minimum of 5 feet and 10 feet, rear yard minimum of 15 feet for a single-story home (25 feet along collector) and 25 feet for a two-story home (35 feet along collector). The request includes provisions for architectural projections, fireplaces, entertainment centers and such to project 3 feet into the setback for a maximum of 15 feet in width for a single-story element and 6 feet in width for a two-story element. However, in all cases, the projection must maintain a minimum of 3 feet to the property line.

Housing product for Parcel 21 is not included at this time. Housing product review and approval will occur under a separate future Preliminary Development Plan.

Staff supports the request finding the proposed minor amendments not only continue to deliver a quality subdivision layout, but furthers the quality expectations Layton Lakes represents. The reduction of minimum lot width of 5 feet is minor and does not change the nature of Parcel 21. Finally, Staff supports the model home complex concept with the 3 different lot sizes finding the centralized model home complex furthers the sense of community provided by Layton Lakes.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed according to the provisions of the City of Chandler Zoning Code. A neighborhood notice letter was sent out in lieu of a neighborhood meeting. Planning Staff has not received any correspondence since the mailing of the notice letter and no opposition has been received.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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 "LAYTON LAKES PARCEL 21", kept on file in the City of Chandler Planning Services Division, in File No. PDP13-0013, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance No. 3250, case DVR00-0025 LAYTON LAKES, except as modified by condition herein.
3. Compliance with the original stipulations adopted by the City Council as case PDP03-0038 LAYTON LAKES, except as modified by condition herein.
4. All homes built on corner lots within the residential subdivision shall be single-story.

16. PRELIMINARY DEVELOPMENT PLAN: Wells Fargo Chandler Campus Phase II

Mr. Kevin Mayo provided a brief overview of the project.

MR. LEO BAUMANN, Wells Fargo Vice President stated there are 2,916 Wells Fargo team members working in the city of Chandler. There are about 2500 at the Chandler Campus. The expansion of the campus, Phase 2, will give the ability to add an additional 2500 team members at this location. He introduced two of his associates – Chad Carter and Brad Liebe who were in the audience. Mr. Baumann added they would be pursuing LEED Gold certification on the buildings.

Mr. Slavin, legal counsel representing the applicant, highlighted elements of the project.

APPROVED Preliminary Development Plan PDP13-0015 Wells Fargo Chandler Campus Phase II, for the site layout and building architecture for Phase II of the existing Wells Fargo Ocotillo Corporate Center campus on approximately 68 acres located at the NWC of Price and Queen Creek roads. (Applicant: Francis J. Slavin, P.C.)

BACKGROUND

The subject site is comprised of 3 parcels totaling approximately 68 acres located at the northwest corner of Price and Queen Creek roads. The site is bordered to the north by a vacant 15-acre parcel zoned in 2005 for the TSYS data operations center. Adjacent, to the west, is the Gila River Indian Community. Price Road abuts the site's east side, with the Continuum business park development and vacant land planned for employment uses located east of Price Road. Queen Creek Road abuts the site's southern side, with an existing fuel station and vacant land zoned for business park uses located south of the arterial.

The 68-acre Wells Fargo Ocotillo Corporate Center received zoning approval in 2002 designating the approximate northern two-thirds to Planned Commercial Office (PCO) with a Planned Area Development (PAD) overlay, and the approximate southwestern one-third to PAD. The PCO district provided the commercial office and related uses entitlements while the PAD overlay provided design flexibility yet an assured predictable level of campus quality. The companion PAD zoning allowed for additional office space as well as 50,000 square feet of retail uses. The 2002 approvals included Preliminary Development Plan (PDP) approval for Phase I of the campus master plan including Buildings A and B, associated surface parking and landscape improvements for Phase I and along the Price Road frontage. Construction of Phase I began shortly after.

A Public Transportation Plan was approved through a PDP in 2003 that provides guidance through policy direction for the pedestrian and vehicular transportation needs to support the public transportation service to the corporate campus.

Most recently, the subject site received PDP approval in 2008 amending the campus master plan to include an approximate 432,000 square foot data processing service center building. This building was to be located along the site's southern side north of Queen Creek Road. Wells Fargo ultimately never constructed this facility and no longer intends to pursue this component of the campus.

The current request is for PDP approval for Phase II of the Wells Fargo Ocotillo Corporate Center campus that includes the site design, landscaping, surface and structured parking associated with the proposed buildings D & E. The current site design is a continuation and progression of the conceptual master plan developed in 2002. Buildings D & E remain in roughly the same location as originally proposed; however, the associated building footprints, and more importantly the campus pedestrian experience, have undergone further evolutionary refinement. Buildings D & E continue the provision of the dynamic north-south axis oriented pedestrian mall established by the existing buildings A & B. The pedestrian mall's landscape and hardscape design includes varying geometric forms complemented by curvilinear pedestrian walkways that provide a wide range of pedestrian circulation and seating opportunities. Most significantly is the outdoor dining area adjacent to the cafeteria located at the northern end of building D's first floor.

The proposed Phase II continues the high level of quality established through Phase I. The landscape design promotes a seamless extension through the material palette and form. Additional attention has been paid ensuring a complimentary relationship between the building design and landscape interface that softens the buildings' pedestrian experience transitioning to a human scale.

The design team has worked tirelessly to ensure the proposed Phase II architecturally relates to the existing Phase I campus vernacular, yet provides buildings D & E an opportunity for unique identity. Campus architectural continuity has been achieved through the incorporation of various prominent design features found on buildings A & B. For example, the strong horizontal elements

such as parapet heights, glazing bands, and fundamental geometry continue. The façade precast panels include similar floor and column profiles, and the metal panels retain the same panel-seam size and scale yet now include additional reveals for further architectural interest. The buildings' first floors and primary entrance glazed curtain walls include the same 'Silver Glass'. As well, the second, third and fourth floors include the same 'Blue-Green Glass'. The basic building form and proportions remain consistent with Phase I. This evokes a strong campus image when viewed from Price Road. Once within the campus, the finish detailing provided on Phase II, provides the desired distinctive identity from Phase I.

Furthering the design evolution are the efforts taken towards environmental awareness. The fundamental design has shifted the building's central core to the west side to minimize heat gain and solar glare within the office space. As a result, careful attention was paid to ensure the western façade of building E remained sensitive to the human experience along the pedestrian mall. The first floor was recessed beneath the second floor to not only provide a single-story human scale element, but provide significant shading as well. The north and south elevations utilize glazed curtain walls to provide not only controlled natural light, but significant views offering a sense of openness. Through the design team's efforts, buildings D & E will experience a significant cost savings in ongoing utility costs. As such, Wells Fargo will be pursuing LEED Silver certification for Phase II.

Wells Fargo's existing Phase I campus comprises roughly 410,000 square feet with approximately 2,500 employees. The proposed Phase II includes an additional 410,000 square feet for an additional 2,500 employees. To accommodate the increased parking demand, the proposal includes a new 4-level, 2,108-space parking structure located west of building D. This structure is expandable in the future for a 5th floor. The structure includes a muted but related cast-concrete design that incorporates metal panels at the taller vertical elements, a cue taken from the office buildings. Additionally, 440 new surface parking spaces are provided. Altogether, Phase II will include an additional 2,548 parking spaces for a total campus parking supply of 4,270 spaces. The conceptual campus plan shows future multi-story office buildings and additional multi-level parking structures. It is important to identify the intentional campus organization whereby the surface parking is located along Price Road, the multi-level parking structures are located along the western boundary, and the elegant office buildings are centrally located to screen the parking structures from Price Road views.

Planning Staff supports the request finding the proposed Phase II campus expansion to represent a high-quality addition to the Ocotillo Corporate Center campus. Wells Fargo's commitment to the Price Corridor is furthered by this 410,000 square foot addition to their campus. The design team has done a fantastic job maintaining a strong campus relationship architecturally while providing building's D & E their own identity within the campus. This careful attention to detail sets the stage for future campus expansions in terms of quality design. Finally, Wells Fargo's interest in responsible environmental sustainability is evidenced by the efforts taken in building design and internal space programming, as well as material selection and placement.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed according to the provisions of the City of Chandler Zoning Code with neighborhood meetings being held on September 16 & 19, 2013. There were approximately 8 citizens in attendance at each meeting with questions regarding construction timing, anticipated number of new employees and other development related questions. There was no opposition. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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 "Wells Fargo Chandler Campus Expansion" kept on file in the City of Chandler Planning Services Division, in File No. PDP13-0015, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the city Council as Ordinance No. 3389, case DVR02-0021 WELLS FARGO OCOTILLO CORPORATE CAMPUS, except as modified by condition herein.
3. Compliance with the original stipulations adopted by City Council in case PDP02-0025 WELLS FARGO OCOTILLO CENTER, except as modified by condition herein.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
5. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
7. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent rights-of-way and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
9. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.

17. **AGREEMENT:** TransCore ITS, LLC

APPROVED Agreement No. TD3-208-3197 with TransCore ITS, LLC, for the purchase of traffic controller software and implementation services in an amount not to exceed \$344,967.60. This project is federally funded in the amount of \$294,311.30 using a Congestion Mitigation and Air Quality (CMAQ) grant. The remaining \$50,656.30 will be funded from the City's traffic signal budget.

18. **AGREEMENT:** Segal Company (Western States)

APPROVED an agreement with the Segal Company (Western States), Inc., for professional services for a Classification/Compensation Study for Citywide Information Technology (IT) related positions in an amount not to exceed \$42,900.00.

The last classification study of Information Technology positions was conducted in 2002. There have been significant changes in technology as well as the organizational structure since then that warrant a comprehensive review. The project will cover 59 employees covered by 36 classifications. This study will also review positions in departments that perform information technology related tasks. Over the past few years, the City has moved to Enterprise systems and many of the job descriptions and titles are now outdated. Recruitment efforts have been challenging and at times, have been closed without a hire and re-opened several times before a hire can be made. City Staff believes that an in-depth study of all IT positions coupled with updated job classifications and an evaluation of appropriate pay grades will improve recruitment and retention.

19. AGREEMENT: Simpleview LLC

APPROVED Agreement No. ED4-915-3296 with Simpleview LLC, for Search Engine Optimization (SEO) and Management of Pay Per Click (PPD) Advertising Services along with Website hosting and maintenance in an amount not to exceed \$118,404.00 for a twenty-month period with options to renew for three additional one-year periods.

Proposition 302 Maricopa County Grant (Prop 302) is available to destination marketing organizations (DMO) within Maricopa County and is administered by the Arizona Office of Tourism. The purpose of this grant program is to provide funding for new and expanded tourism marketing activities such as advertising, website development, public relations and travel industry marketing that focus on marketing the community as a destination. The City of Chandler has utilized Prop 302 to fund the development, maintenance and support of the City's tourism website, www.VisitChandler.com to varying degrees since 2003.

The website features essential Chandler tourism information including, but not limited to, hotel accommodations, attractions, a calendar of events and a dining guide. It is a key marketing tool to reach potential visitors. VisitChandler.com is featured on all promotional materials and advertisements, and is also used to measure the success of advertisements and general promotions. It is a key source of information for people researching travel to Chandler.

PPC ads are strategically placed website advertisements which appear on the right and on top of natural search engine results for specific keywords and phrases. PPC is typically a strong marketing strategy when trying to rank with highly competitive keywords and phrases with more immediate results. SEO is an organic method of increasing the likelihood that a website is found by a user when searching for a keyword or phrase through a search engine; thereby connecting the user with the content that they are seeking. SEO is a strong, long-term strategy which requires a continual investment of time, but provides lasting website growth.

Services are to be provided for November 2013 through June 2015. Services for July 2014 – June 2015 are contingent on receiving additional funding via Prop 302. Services may be reduced and/or the agreement may be terminated in the event that insufficient funds are appropriated. No legal liability on the part of the City of Chandler for services may arise under this agreement beyond the current fiscal year should funding not be received.

20. AGREEMENT AMENDMENT: Municipal Emergency Services, Inc.

APPROVED Agreement No. FD3-340-3133, Amendment No. 1, with Municipal Emergency Services, Inc., (MES), for the purchase of fire protective clothing and uniforms in an amount not to exceed \$272,735.00. This is the first of four renewal options and includes a 5% increase.

21. PROJECT AGREEMENT: Wilson Engineers, LLC

APPROVED Project Agreement No. WW1407-201 with Wilson Engineers, LLC, for the Chandler Water Reclamation Campus (CWRC) Expansion Engineering Services, pursuant to Annual Contract No. EN1306-101, in an amount not to exceed \$686,037.00, contingent upon written notification from Intel and appropriate funding. The CWRC is located on the southeast corner of Old Price and Queen Creek roads.

The project scope includes development of additional effluent recharge capacity by permitting and design of four additional ASR wells at the Ocotillo ASR Facility. Three of the four ASR wells are funded by Intel per the Master Development Agreement adopted by Mayor and Council on February 9, 2012.

22. CONTRACT: Entellus, Inc.

APPROVED Contract No. ST0808-451 with Entellus, Inc., for Ocotillo Road Improvements Construction Management Services in an amount not to exceed \$57,990.00.

23. PURCHASE: Shade 'N Net

APPROVED the purchase of playground shade structures from Shade 'N Net, utilizing the Mohave Contract No. 10M-SHADE-0104, in an amount not to exceed \$154,225.50.

Adding shade for playgrounds in City parks has been a City Council priority over the last few years. This project will provide for the installation of playground shade structures at Summit Point, Desert Breeze (two structures), East Mini, Los Altos, Folley and Pueblo Alto parks. Once approved, it will take approximately 16 weeks for design, construction, and installation of the structures to be completed.

With the addition of these shade structures, forty-six (46) playgrounds will be shaded. Only two parks, Price and Harris, will be left to complete. Price Park will be completed later this year following the installation of new playground equipment. Harris Park is scheduled to be completed as part of a more extensive renovation of the park in the near future.

24. PURCHASE: SHI International Corporation

APPROVED the purchase of Fluke Truview Software and network security software/appliance and annual support/maintenance from SHI International Corporation, utilizing the Western States Contracting Alliance (WSCA) #ADSP011-007500, in an amount not to exceed \$79,381.00.

For the past 7 years, the City has utilized network traffic analysis software and security applicant (Netscout Infinistream) to provide fast and accurate diagnosis of network problems. This system allows City staff to capture, store and analyze several gigabytes of network traffic and is part of the standard set of network security analysis tools. The current system is beyond its useful life (originally scheduled for replacement in FY 11/12) and is no longer able to meet the demands of the increased network traffic and bandwidth now being used by the City. Information Technology Staff have researched the current state-of-the-art network traffic analysis software and appliances and are recommending the Fluke TruView platform as a technically superior choice based on the City's current needs. Replacing the Netscout Infinistream with the Fluke TruView will enable the technical teams to diagnose network and application performance issues within the City's

complex network environment and remedy them quickly and effectively. The replacement of this system including the annual support/maintenance cost has been planned for and funded through the Technology Replacement Fund 403. The software/applicant cost is \$44,189.00 and support/maintenance cost is \$35,192.00 for 3 years.

25. USE PERMIT: Fredrick's Auto

APPROVED Use Permit ZUP13-0012 Fredrick's Auto, for the operation of an automotive sales and associated service business within an existing converted home on property zoned Medium Density Residential (MF-1) and Regional Commercial District (C-3) located at 870 E. Chandler Boulevard. (Applicant Fredrik Darbrodi.)

BACKGROUND

The subject site is located at 870 E. Chandler Boulevard, approximately 1/8 mile west of the northwest corner of Chandler Boulevard and McQueen Road. The site is bordered to the south by Chandler Boulevard and to the north by Detroit Street. Adjacent, to the west, is an existing apartment complex zoned Medium Density Residential (MF-1). An existing home (owned by the applicant) is located along the site's northeast side, with vacant property zoned Regional Commercial (C-3), also owned by the applicant, located along the site's southeast side. Further east is an existing Auto Body business.

The subject site is approximately 90 feet wide and 600 feet deep with the northern half zoned MF-1 and the southern half zoned C-3. As represented in the exhibits, the site contains an existing centrally-located vacant home that partially straddles the C-3/MF-1 zoning interface. The 1,200 square-foot home's northern majority is within the MF-1 zoning with a small portion located within the C-3 zoning designation. The home is oriented towards the south facing Chandler Boulevard. The site contained a former illegal moving company including truck fleet storage.

The applicant received Use Permit approval in 2008 to utilize a modular office building in conjunction with a planned automotive sales business at 880 E. Chandler Boulevard. Shortly thereafter, the applicant purchased the subject 870 E. Chandler Boulevard directly adjacent to the west. A modular office building was never sited since the subject site contained an existing structure. Basic site and building improvements were started without permits and the applicant commenced the business. The business ceased upon notice order from the City of the structure's non-compliant zoning, non-permitted building improvements and deficient site improvements.

The request is for Use Permit approval to utilize the existing vacant home as an interim sales office for Fredrik's Auto, a used car business. Additionally, the request includes approval to utilize the attached single-car garage for minor vehicle maintenance and detailing. The applicant identifies the long-term goal of securing sufficient financing to construct a permanent sales and maintenance facility further south within the property, closer to Chandler Boulevard. From a zoning standpoint, Automotive Sales and Service is a permitted use within the C-3 district; however, the site's northern MF-1 designation does not allow the use by right. The majority of the business will be conducted on the site's southern half that will include vehicle parking and display. The exhibits identify a point just north of the existing structures where the proposed business activities are prohibited in an effort to maintain compatibility with the existing residential neighborhood to the north.

The site plan and landscape plan conceptually represent the improvements that will be completed upon Use Permit approval. Although the improvements are seen as temporary, the site will need

to be brought into compliance with the Commercial Design Standards as well as all applicable Building Codes. Appropriate landscaping, parking, pedestrian accessibility and paving/dust control measures will be implemented. All site improvements, building improvements and business signage will be subject to separate future permits.

The vacant home will include a waiting area, 2 office areas, and restrooms for the public activities of the sales portion of Fredrik's Auto. The single-car garage will be utilized for minor vehicle maintenance such as oil changes, brake jobs and vehicle detailing. All major motor vehicle repairs such as engine rebuilding, will occur off-site. All vehicle maintenance and repair will occur indoors within the garage only. The applicant represents the hours of operation as Monday through Friday, 10 a.m. to 6 p.m., Saturday 10 a.m. to 4 p.m., and closed on Sundays. Sales volume is anticipated to be 10 vehicles or more per month with a sales display inventory of 18 or more vehicles.

Staff supports the request finding consistency with the Chandler Redevelopment Element, which supports elimination of substandard property conditions and the enhancement of streetscape appearances in this stretch of Chandler Boulevard. The site improvements will further both objectives. The site's irregular split-zoning and existing structure present a unique challenge. Staff finds the proposed Use Permit, as an interim solution, to represent an appropriate phased approach to the long-term development solution for the subject site. As represented, the applicant intends to construct a permanent structure as soon as financially feasible. The applicant requests, and subsequently Planning Staff recommend a three (3) year time limit to allow sufficient time to finalize the permit review process, complete the improvements and ultimately re-commence the business.

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 3, 2012. There were no citizens in attendance. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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 narrative, site plan and associated conditions of approval.
2. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. All site and building improvements shall be subject to separate permit application, review and approval.
4. All site improvement shall be consistent with the Commercial Design Standards.
5. Motor vehicle repair and maintenance shall occur within the garage only.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
7. The site shall be maintained in a clean and orderly manner.

26. USE PERMIT: Shoppers Supply

APPROVED Use Permit ZUP13-018 Shoppers Supply, to install a 500-gallon dispensing propane tank in an outdoor fenced storage area located at 1880 S. Alma School Road, west of the NWC of Alma School and Queen Creek roads. (Applicant: Jon Herges, General Manager of Shoppers Supply.)

BACKGROUND

The subject site is located at 2880 S. Alma School Road, west of the northwest corner of Alma School and Queen Creek roads and is zoned Planned Area Development (PAD). The business is in the former Target location in Ocotillo Plaza. The surrounding uses include: agriculture to the west and north, Clemente Ranch single-family residential to the northwest and retail and commercial developments at the remaining three corners of the intersection.

The request is for Use Permit approval to install a 500-gallon dispensing propane tank in an outdoor fenced storage area. The dispensing propane tank will be above-ground and installed in an existing screened outdoor side yard, located on the southwest side of the building. Access to the tank will be by company certified personnel through a locked gate.

Shoppers Supply started in 1966 by George Schmidt. The business started out as a small Fleet and Farm store operation in Spencer, Iowa. The business grew into a family-owned, multi-store retailing business and in 1989, George's son, Jim, took over the stores. Today, Shoppers Supply is operated by Jim and his son Tyler. Shoppers Supply opened its first store outside of Iowa in December 2011, expanding to Apache Junction, Arizona.

The Chandler Shoppers Supply is the second store in Arizona. Shoppers Supply carries a large selection of merchandise including: automotive, clothing and footwear, hand and power tools, electrical, farm and ranch supplies, feed, housewares, lawn and garden, pet supplies and plumbing.

Hours of operation are Monday through Saturday 8 a.m. to 7 p.m. and 9 a.m. to 5 p.m. on Sunday. The business employs approximately 40 to 50 staff members.

Bulk storage fuel tanks that dispense fuels, regardless of the total 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 tank will also need to meet all other applicable State and Federal laws.

Planning Staff supports the request finding the installation of a 500-gallon dispensing propane fuel storage tank as an ancillary use to the direct operation and services provided by Shoppers Supply.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 25, 2013. There were no citizens in attendance. Planning Staff has received a phone call from a resident concerning their opposition. A follow-up email outlines their concerns. One other resident spoke in person to Planning Staff at the customer counter to voice their concerns and issues. Briefly, the issues stated were: public notification, hay fires at the agricultural property, propane tank explosions and safety. This resident attended and spoke at the Planning Commission public hearing held on October 16, 2013.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 1 with Commissioner Ryan voting in opposition and Commissioner Donaldson absent.

The item was moved from the consent agenda for a presentation and discussion. The speakers included two residents of the Clemente Ranch subdivision to the north of Shoppers Supply and the other resident did not live in the area but is a concerned Chandler resident. The following is a summary of the concerns conveyed at the hearing; the meeting minutes provide further detail.

The first resident who spoke was the same person who came to the customer counter. The resident indicated the following concerns and issues: the public notification process in reference to the notice for the neighborhood meeting, signage, lack of residents knowing the process and application; adding the propane tank as a dispensing tank is unfair to other propane retailers who have exchange tanks and already supply propane; the dispensing propane tank affects property values; the safety of residents in the event of a tank explosion; hay fires have occurred at the agriculture property; State and City Fire Marshal inspections; who is the contractor installing the tank; who conducts the training and certifies staff; and also he read news articles on past propane tank explosions.

The next speaker did not live in the area but stated she is a taxpayer and resident concerned about the safety of the propane tank being installed. The third speaker was a property owner in Clemente Ranch and spoke of safety of propane tanks, previous hay fires and the height of the hay stacks on the agricultural property.

The Planning Commission discussed the request in reference to the safety of the propane tank related to the fire and building codes. Planning Staff stressed that the use permit is to determine the land use compatibility of the request. The dissenting Planning Commissioner wanted a report from the Fire Marshal to determine safety of the tank and its compatibility before approving the use permit. Planning Staff indicated the first step is to approve the use permit for the requested land use which is followed by a building permit application. The building permit process reviews compliance of the tank with Building Codes and Fire Codes.

Planning Staff communicated these concerns to the Fire Marshal. The Fire Marshal said the proposed tank will be reviewed for Fire Code compliance as part of the building permit process, also stating there are no issues related to the tank's proposed location. Additionally, the Fire Marshal conveyed that there are inspections of above ground tanks conducted annually by the Fire Department to insure safety measures are being met.

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 the 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.

27. SPECIAL EVENT LIQUOR LICENSE: Chandler Compadres

APPROVED a Special Event Liquor License for the Chandler Compadres for the Rock the Cause fundraiser for the Boys and Girls Club on November 16, 2013 at 450 N. 54th 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.

28. CONTINUED LIQUOR LICENSE: Fired Pie

CONTINUED TO DECEMBER 12, 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.

29. FINAL PLAT: Layton Lakes Phase 2B and Parcel 21

APPROVED Final Plat FPT12-0019 Layton Lakes Phase 2B and Parcel 21, for Phase 2 and Parcel 21 of Layton Lakes master planned community located south of the SWC of Layton Lakes Boulevard and Queen Creek Road. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way. (Applicant: Jerry Dodd, Jr. /Bowman Consulting.)

ACTION:

30. CITY CODE AMENDMENT: Chapter 35

Ord. #4513

Mr. David De la Torre, City Planner, gave an overview of the proposed City Code change.

VICE MAYOR SELLERS clarified that to lose the grandfather status takes 12 consecutive months. Mr. De La Torre responded that provision is set out in the zoning code. Legal non-conforming status. A change would require an amendment to the zoning code.

COUNCILMEMBER HARTKE commented a few concerns he had heard from his attendance from the PZ meeting was the change from use permit to administrative action. He questioned what the practices of other cities were in this regard. Mr. De la Torre replied that Chandler is unique in that it requires use permits for group homes. The only other city that requires use permits for group homes is Phoenix and only for group homes that don't have residents that are disabled. Most cities the process is administrative. Councilmember Hartke asked if the city would be more or less liable with this change? Mr. De la Torre commented that they worked closely with the City Attorney's office with this language. This is more compliant with FHA than what is current in the Zoning Code.

MAYOR TIBSHRAENY noted he had received several comment cards in support of the ordinance:

Jan & Amy Ocean, Mary Ellen Coe, John Harry, Carolee Sandrolino, Bob Kampfe, Mark & Allyson Gildersleeve, Connie & Oscar Young, Rosemarie Spiher, Traci Layton, Ken Layton, George Urish, Janet Hoffmann, David Schlau, Sherri Dunlap, James Dunlap, Gary Howard, Hilda Bermudez, Jody Bearden, Pao Bearden.

Speakers:

MR. LARRY HOFFMAN, 2195 E. County Down Drive, Chandler representing the Cooper Commons Preservation Action Committee said the objective is to not eliminate behavioral or assisted living. However, their focus is on limiting the number of patients housed in a single family home and preserving the integrity of the single family neighborhoods by addressing the density. He noted that on a chart presented to Planning Commission, Chandler's density of residential care facilities in single family neighborhoods is .2%. Their neighborhood would be at 15%. He said the said while the ordinance may not be perfect; it generally meets the needs of the neighborhood while allowing a neighborhood experience for the residents in the facilities. He urged the Council to adopt the ordinance.

MR. JEFF MARSH, 1079 W. Amanda Lane, Tempe, stated he currently owns a "silver living" residence within the city limits of Chandler. He expressed concern with the quick time frame of adopting the ordinance. He said he asked via e-mail a reprieve to allow a vetting process to allow input from business owners. He said his understanding was the committee was comprised of one resident and 5 councilmembers. He added that this action might also open Chandler up for a lawsuit as he believes federal law will be broken. He also cited a case from Sedona.

COUNCILMEMBER HEUMANN asked if this change would affect any legal use. MS. BIGELOW replied that if passed, those that are operating with use permits and comply under the previous ordinance will continue to exist until they cease operations for 12 months or a change is made.

COUNCILMEMBER HEUMANN asked if it was the city attorney's opinion that the ordinance as written would hold up to the legalities and other statutes. Ms. Bigelow stated this ordinance specifically requires the staff to consider reasonable accommodations being requested b group homes that care for the disability as defined by the federal government.

SUSAN ARCHER, 3348 N. Chestnut Street, Mesa, representing the Arizona Coalition for Assisted Living. She stated she believes it is a dangerous precedent to set to begin to restrict individuals the right to live where they choose. She commented that the neighboring communities are not as restrictive.

MR. GONZALO ARDAVIN, 207 N. Honeysuckle Lane, Gilbert, stated his opposition to this ordinance. He stated his agreement with the concerns by the previous speakers. Mr. Ardavin said he is an owner operator of several "silver living" homes throughout the East Valley and Colorado. He said he personally agrees with the separation to prevent clustering. He commented that it was his understanding there was one resident and five councilmembers in one meeting, and that's not vetting. He asked for an additional time for review.

MAYOR TIBSHRAENY said the process is being vetted. The meeting referred to is of City Council Subcommittee, which was posted as an open public meeting.

COUNCILMEMBER WENINGER said that while he is supportive of group homes and they are necessary, there needs to be a limitation as any other development the Council reviews.

COUNCILMEMBER HARTKE agreed with the comments by Councilmember Weninger and added his support.

COUNCILMEMBER HEUMANN stated his support for group homes and said he believed the ordinance was well thought out by protecting the neighborhoods and the residents who live in group homes.

MOVED BY COUNCILMEMBER HEUMANN TO APPROVE THE INTRODUCTION AND TENTATIVE ADOPTION OF ORDINANCE NO. 4513, ZCA13-002 AMENDING CHAPTER 35 OF THE CITY CODE REGARDING GROUP HOMES AS PRESENTED BY STAFF. VICE MAYOR SELLERS SECONDED THE MOTION.

COUNCILMEMBER DONOVAN noted that only 7% of the homes have over 5 residents, so there is a minor amount that can request the additional amount. She believed the proper review had been accomplished by legal and staff.

THE MOTION CARRIED UNANIMOUSLY (7-0).

BACKGROUND

Within the last year, the City has become increasingly aware of group home clustering (using the term generally to include all types of group homes) in Chandler's neighborhoods. Initially, the issue was brought to the City's attention during the review of a Use Permit application for a group home. At that time, the City became aware that the subject group home is 1 of 3 group homes on the same street, which are located less than 200 feet apart. The clustering issue was exacerbated when a home that abuts one of the 3 existing group homes was sold to another group home provider with the intention of opening a fourth group home on the same block. The City has received numerous complaints from residents in the neighborhood regarding the clustering issue.

Currently, Chandler's Zoning Code requires a Use Permit and adherence to standards such as a minimum separation of 1,200 feet only when the group home has more than 5 residents. Group homes with 5 or less residents are not currently regulated by the Zoning Code, and therefore, are not currently required to be separated a minimum of 1,200 feet. This absence of a separation requirement, together with low home prices experienced in recent years, may have accelerated the clustering issue.

The issue was brought before a Council Subcommittee on September 26, 2013. Council subsequently directed Staff to amend the Zoning Code at their October 24, 2013, regular meeting with the intent of requiring a 1,200-foot minimum separation between all group homes, lowering the maximum number of residents permitted and revising the definitions to facilitate these goals.

EXISTING GROUP HOMES

To analyze the issue, Planning Staff mapped out group homes that are licensed by the Arizona Department of Health Services (ADHS). The map revealed that the clustering issue is not limited to one neighborhood, but is prevalent citywide. According to ADHS, there are currently 152 licensed group homes in Chandler. This is not an enormous number considering that it constitutes 0.2% of the total number of single-family, detached dwelling units citywide (69,773 as of September 1, 2013). However, Planning Staff's analysis found that 99 (65%) are located within 1,200 feet of another group home. These group homes include assisted living and behavioral health homes. Assisted living homes are homes that provide continuous care services to its residents and mostly serve elderly residents. Behavioral health homes are for residents that have been diagnosed by a qualified professional as having a mental issue or an addiction. Examples of mental health issues include depression, bipolar, and schizophrenia. Addictions

may be related to substance abuse, but can also include other types of addictions such as gambling. The goal of behavioral health group homes is to provide treatment and assistance to help residents build the skills they need to live independently.

In addition to the 152 group homes, there are 24 licensed group homes for the developmentally disabled (residents with autism, cerebral palsy, epilepsy or cognitive disabilities) in Chandler. Arizona Revised Statutes (ARS) specifically prohibit cities from differentiating group homes that serve 6 or fewer developmentally disabled residents from any other single-family dwelling. For this reason, group homes for the developmentally disabled are currently excluded in the Zoning Code, in the proposed amendments, and from the total number of group homes in this analysis.

There are also other types of group homes that are not licensed by the state or any other governmental authority. These include sober living homes and halfway houses. Sober living homes provide a structured sober living environment for recovering alcoholics and other recovering substance abusers. Their primary purpose is to provide housing for people who have come out of rehab and need a sober and supportive environment in which to live. Halfway houses may also act as transitional homes for people who have come out of rehab, but may also provide housing for people who have been released from incarceration or a mental health facility. Planning Staff is aware of one sober living home in Chandler, which the City issued a Notice of Violation for unlawfully operating a group home with more than 5 residents. After receiving notice, the sober living home provider submitted a Use Permit application which is currently in review. Planning staff researched halfway houses and did not find any current locations in Chandler.

Other types of group homes include shelters for people at risk, dormitories, fraternities and sororities. Planning Staff is aware of one shelter for people at risk for which location is protected by law. Planning Staff is not aware of any dormitories or other types of group homes located in single-family homes.

CURRENT ZONING REGULATIONS

Chandler's Zoning Code categorizes group homes as either "adult care home" or "group home". The term adult care home was originally incorporated into the Zoning Code to be consistent with terminology that was utilized in the ARS. However, the ARS replaced this term with a new term, "assisted living home". The term group home in the Zoning Code is a broader term that includes all other types of group homes mentioned previously in this memo. In effect, both adult care homes and group homes are defined as having 6 to 10 unrelated residents. Both require Use Permit approval and compliance with standards, which, in practice, are essentially the same as the standards in the proposed amendments.

As previously stated, group homes with 5 or less unrelated residents meet the definition of "family", and do not meet the threshold of number of residents in an adult care home or a group home. Therefore, group homes with 5 or less residents do not require a Use Permit, are not required to comply with standards (including the minimum separation) and are allowed in a single-family home as a matter of right.

PROPOSED AMENDMENTS

The focus of the proposed amendments is to require a minimum 1,200-foot separation between all group homes, regardless of the number of residents. To this end, the proposal revises the definition of family and introduces a new term for Chandler, "Single Housekeeping Unit", which is used by other municipalities to specify the characteristics of groups of unrelated persons living together that meet the functional equivalency of a traditional family household. In other words,

the definition of single housekeeping unit will be used to determine whether a group of unrelated residents is a family or a type of group home. The distinction is made in several areas such as household responsibilities (e.g. meals, chores, maintenance, expenses, etc.), the lease structure if residents are paying rent and where the authority lies to determine the makeup of the household. The definition maintains the ability to have an unlimited number of related residents and a limit of no more than 5 unrelated residents.

Group homes are redefined as being either a "Residential Care Home" or a "Group Home". Residential care homes are group homes for residents who have a disability. A "Group Home" is redefined as a group home for residents who do not have a disability. The distinction between group homes for the disabled versus non-disabled is made to comply with the Federal Fair Housing Act (FHA) which prohibits discrimination against group homes serving the disabled and requires local jurisdictions to make reasonable accommodations for such group homes, when requested.

To be consistent with the definition of a single housekeeping unit, residential care homes and group homes are also defined as having no more than 5 unrelated residents. The ability to have more than 5 residents through Use Permit approval is removed. As proposed, only residential care homes will have the option to request more than 5 residents through a request or a "reasonable accommodation waiver". Residential care homes and group homes will be required to register with the City to ensure compliance with standards including a minimum separation of 1,200 feet.

REASONABLE ACCOMMODATIONS

In very exceptional circumstances and to comply with FHA, residential care homes may request that strict compliance with one or more standards in Section 35-2211(3) be waived by the Zoning Administrator (ZA). The following findings must be made by the ZA to grant a reasonable accommodation waiver:

- The request will be in compliance with all applicable building and fire codes.
- The request will not create a substantial detriment injurious to neighboring properties by creating traffic impacts, parking impacts, impacts on water or sewer system, or other similar adverse impacts.

The proposed language also states, "Profitability for financial hardship of the owner/service provide shall not be considered by the ZA in determining to grant a reasonable accommodation waiver".

A request may have unique circumstances that may not apply to other properties. Given the potential for a wide variety of factors and circumstances, each request will be reviewed on a case-by-case basis.

As part of the review process, the Zoning Administrator may meet with and interview the applicant and request more information such as a site plan, floor plan, information regarding number of residents able to drive, other transportation methods utilized and description of daily activities. The review will also involve consultation with the Neighborhood Resources Division, Fire Marshal, and the City's Building Official.

LEGAL NONCONFORMING USES

All group homes that are legally operating under current Zoning Code regulations will be able to continue to operate as a legal nonconforming use, should the proposed amendments be adopted.

According to the Zoning Code, a legal nonconforming use loses its “grandfathered” status after the use is discontinued for a period of 12 consecutive months or if a less restrictive use (meaning additional entitlement) is requested.

An application will be made available to existing group homes as a means of registering their status with the City. Planning Staff will contact group homes that are currently licensed with ADHS to ensure that they are all accounted for. The goal will be to create the most complete list of group homes possible in order to establish eligible locations for new group home applications.

Group homes, regardless of the specific type, are primarily residential in nature and provide a necessary service that can be effectively integrated into neighborhoods without any adverse impacts on the surrounding community. According to the American Planning Association’s (APA) Policy Guide on Community Residences, more than 50 studies, using a variety of methodologies, have found that group homes do not adversely affect property values in a neighborhood. These studies have found that group home properties are often the best maintained properties on the block, and that most neighbors aren’t aware that there is a group home nearby. Studies have also shown that group homes have no effect on neighborhood safety and that group home residents are less likely to commit a crime of any sort than the average resident in a city.

Even so, research has also shown that neighborhoods have a limited absorption capacity for group homes that should not be exceeded. According to APA, a neighborhood can accommodate no more than one or two group homes in a single block. The APA’s Policy Guide states:

“For a group home to enable its residents to achieve normalization and integration into the community, it should be located in a normal residential neighborhood. If several group homes were to be located next to one another, or be placed on the same block, the ability of the group homes to advance their residents’ normalization would be compromised. Such clustering would create a de facto social service district in which many facets of an institutional atmosphere would be recreated and would change the character of the neighborhood.

...there is a legitimate government interest to assure that group homes do not cluster. While the research on the impact of group homes makes it abundantly clear that group homes a block or more apart produce no negative impacts, there is a concern that group homes located more closely together can generate adverse impacts on both the surrounding neighborhood and on the ability of the group homes to facilitate the normalization of their residents, which is, after all, their *raison d’être*.”

An excerpt from a joint statement of the Department of Justice and the Department of Housing and Urban Development states:

“Density restrictions are generally inconsistent with the Fair Housing Act. We also believe, however, that if a neighborhood came to be composed largely of group homes that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community”.

REGULATIONS IN OTHER MUNICIPALITIES

All municipalities that Planning Staff researched require a minimum separation (mostly 1,200 feet) between group homes. Phoenix is the only other city that was researched that required group

homes (with non-disabled residents only) to obtain a Use Permit. All of the other cities review group home applications administratively. All cities allow up to 10 unrelated residents in group homes, except for Prescott, which allows up to 6. Again, the proposal would allow up to 5 as a matter of right and residential care homes would have the option to request to have more than 5 through a reasonable accommodation waiver.

PUBLIC/NEIGHBORHOOD NOTIFICATION/INPUT

- As required by Arizona Revised Statutes, hearing dates for the Planning Commission and City Council, as well as the complete text of the draft Code amendments have been published in an eighth-page newspaper ad at least fifteen (15) days prior to the first required public hearing.
- Notices containing a website link to view the proposed amendments were mailed to ADHS contacts as well as all group homes that are currently licensed by ADHS.
- Notice containing a website link to view the proposed amendments was distributed via email to Registered Neighborhood Organization contacts, and residents that have contacted Chandler regarding this issue, and to the public via Facebook and Twitter at least 30 days prior to the first public hearing.
- As of the time of this writing, 5 existing group home operators have contacted the City. They did not express any opposition to the proposed amendments and wanted to confirm that they would be considered legal nonconforming if the amendments are adopted.
- The operator of the aforementioned sober living home and a Chandler resident contacted the City expressing opposition to the proposed amendments (see attachment from Jeff Marsh). More specifically, the provider would like the maximum number of residents to be increased from 5 to 10 residents. Planning Staff believes that the provision to request a reasonable accommodation waiver to have more than 5 residents provides an appropriate review process to ensure that a group home of 10 unrelated people is located on a property that will not adversely impact neighboring properties.

PLANNING COMMISSION VOTE REPORT

The Planning Commission approved (4-2) the recommended changes.

RECOMMENDED ACTION

Planning Staff and Planning Commission recommend approval.

UNSCHEDULED PUBLIC APPEARANCES:

Mr. Wally Du Melle, 975 E. Riggs Road, Chandler referenced a property at the intersection of Ivanhoe and Arizona Avenue and expressed his concern with setback requirements for small lots.

Mayor Tibshraeny asked that staff meet with Mr. Du Melle to explain the variance process.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor announced "Do It Yourself Connect" event on November 12th at 7 p.m. that provides

residents information on city processes and permits when doing home improvement projects.

The nominations for Neighborhood Excellence Awards will close on November 15, 2013.

The Mayor thanked Councilmember Nora Ellen for taking the lead on organizing Operation Welcome Home and Councilmember Weninger for his assistance.

The Mayor noted the birthdays of Councilmember Hartke and his daughter. In addition, he asked for remembrances on Veteran's Day and wished everyone a safe Thanksgiving Holiday.

B. Councilmembers' Announcements

Councilmember Heumann expressed his thanks to Councilmember Ellen for her work on Operation Welcome Home and expressed his appreciation for the service of military men and women.

Councilmember Weninger gave his thanks to Councilmember Ellen and to Melanie Sala for her assistance in coordinating. Councilmember Weninger recognized Chandler resident and business owner Steve Cooper who is fighting cancer and also training for the Iron Man. He announced on November 15th at 8:20 a.m. the public is invited to join Mr. Cooper on his "Ride to Radiation" beginning at Chuparosa Park.

Vice Mayor Sellers echoed the comments given.

Councilmember Donovan said many of the Council was attendance at The Springs Neighborhood Celebrating its' 30 years. She congratulated ICAN, which was recently chosen as the Outstanding Afterschool Program from the Center for Afterschool Excellence in Arizona. She also noted the recently held Veterans Expo.

Councilmember Hartke expressed his appreciation to Councilmember Ellen for the Operation Welcome Home event. He announced the upcoming events for: Rock the Block, the ChuckWagon Cookoff, and Woofstock.

Councilmember Ellen thanked Melanie Sala and others for their help with Operation Welcome Home ceremony and encouraged additional nominations. She thanked her son, J.D. Mesnard for encouraging her to organize it. She challenged other valley cities to hold similar events.

C. City Manager's Announcements

Adjournment: The meeting was adjourned at approximately 8:36 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: December 9, 2013

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 7th day of November 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of December 2013.

City Clerk