

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, May 8, 2014.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY AT 7:04 P.M.

The following members answered roll call:

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

*Councilmember Sellers participated telephonically

Also in attendance:

Rich Dlugas	City Manager
Nachie Marquez	Assistant City Manager
Marsha Reed	Assistant City Manager
Kay Bigelow	City Attorney
Marla Paddock	City Clerk

INVOCATION: Councilmember Hartke gave the invocation.

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

CONSENT:

Mayor Tibshraeny announced Council had received a revised memo on agenda item 8, additional information on agenda item 15, and a memo on item 2. Vice Mayor Heumann requested Kevin Mayo to provide an update on the changes made to agenda item 8. Discussion is noted under that item.

MOVED BY VICE MAYOR HEUMANN, SECONDED BY COUNCILMEMBER HARTKE, to approve the Consent Agenda as presented. Mayor Tibshraeny announced he had received numerous speaker and cards in support of item number 5.

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED the following Chandler City Council Meeting Minutes:

- 1a. Study Session of April 21, 2014.
- 1b. Regular Meeting of April 24, 2014.
- 1c. Special Meeting of April 24, 2014.

2. CITY CODE AMENDMENT: Chapter 38 Ord. #4528

ADOPTED Ordinance No. 4528 amending sections 38-4, 38-11, 38-12 and Appendix A of Chapter 38 of the Chandler City Code modifying certain System Development Fees and amending certain aspects of the System Development Fee process

3. REZONING: Waters at Ocotillo and Siena at Ocotillo Ord.# 4534

ADOPTED Ordinance No. 4534, DVR13-0043 Siena at Ocotillo, rezoning from Planned Area Development (PAD) for commercial office/retail to PAD for attached single-family residential.

4. REZONING: McClintock & Chandler Luxury Apartments Ord. #4535

ADOPTED Ordinance No. 4535, DVR13-0047 McClintock & Chandler Luxury Apartments, rezoning from Planned Area Development (PAD) for commercial to PAD for multi-family residential.

5. REZONING/PRELIMINARY DEVELOPMENT PLAN: Arizona K-9 Center Ord. #4538

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4538, DVR13-0017, Arizona K-9 Center, rezoning from Planned Area Development (PAD) for machine shop, tool and die to PAD (dog daycare, boarding, grooming, training and related uses).

APPROVED Preliminary Development Plan (PDP) located on 6.5 acres at 1535 N. Dobson Road, east of Dobson Road and south of Warner Road. (Applicant: Aeric Braaten.)

BACKGROUND

The City of Chandler annexed the subject property in April 1978. The property was rezoned from Agricultural District (AG-1) to PAD zoning allowing a machine shop/tool and die and residence, which existed prior to the 1978 annexation. The residence was built in 1971 and the light industrial machine shop business began in 1974. The rezoning included conditions stating that the approved use may continue as the basic industrial operation that existed at the time of annexation provided that the impact on the surrounding area, which will be residential, will not be more severe than it is presently. The business was a machine shop, tool and die work for large scale parts and equipment such as aircraft parts. There were approximately 50 employees, outside storage of machinery and equipment, and a fleet of vehicles and trucks. Other zoning conditions included added perimeter walls and landscaping, and that any future expansion of additional operation visible from the exterior shall be subject to City Council approval. The machine shop business began prior to any surrounding single-family residential subdivisions and multi-family apartments developing which were platted in 1983 and 2000.

The property is bounded on the north by an SRP electrical substation, an apartment development, a 16-foot wide alley and single-family residential. To the east is a 16-foot wide alley and single-family residential. South of the property is a 16-foot wide alley and single-family residential. To the west is single-family residential.

The proposed rezoning request is for Arizona K-9 Center, a family-owned and operated business, to operate a dog facility focusing on training, daycare and boarding. The family will live in the existing single-family residence and utilize the existing warehouse/machine shop building and open space for the dog business. Arizona K-9 Center gives special attention to the Canine Assistance Program for People with Disabilities focusing on the Assistance Dog training program.

The program focuses on the care, training and well-being of canines to serve as assistance dogs for persons with disabilities.

The applicant's family has been operating a dog training, daycare and boarding business in Tempe at the northwest corner of Elliot Road and McClintock Drive in a commercial center. The family intends to purchase, reside and operate the business on the subject site. Arizona K-9 Center provides dog daycare and indoor overnight boarding. Dog grooming and retail space for pet-related items is also provided. The dog facility includes dog training and care with citizens and first responders as part of a Community Emergency Response Team. Arizona K-9 will provide rescue assistance and temporarily re-home displaced pets in emergency situations. K-9 law enforcement officers can train and workout canines within the property's open space area. In addition, a hydrotherapy system to aid in rehabilitation and provide non-impact exercise for canines will also be provided.

The facility operates six days a week, Monday through Saturday for boarding and training 6 a.m. to 7 p.m. There is no daycare on Saturday and Sunday. One-on-one dog training occurs on-site and is by appointment only weekdays 9 a.m. to 7 p.m. and Saturday 10 a.m. to 5 p.m. There is 24/7 on-site supervision and management as the owners and operators reside on the property. The typical drop-off and pick-up time for clients is between 7-9 a.m. and 4-6 p.m. There are Sunday drop-offs and pickups for boarding but no other services. The property's entrance gate will be closed from 8 p.m. to 6 a.m. daily. To accommodate the few early morning or evening drop-offs and pick-ups, the interior covered courtyard and adjoining indoor play area will be utilized 6-9 a.m. and 6-7 p.m.

The property is accessed off of Dobson Road by an existing entrance drive. The facility is a private business for trainers and clients only as well as a residence. The property is not open for general public use and there is no dog park.

The existing warehouse/machine shop building will be converted to house dogs day and night. No dogs will be housed outdoors and dogs are not permitted outside without trainer supervision. Indoor portions of the building are designated with separate cage-free daycare rooms catering to pet care and assistance dog training. Approximately 20 to 60 dogs per day would be cared for. The majority of Assistance Dog Training occurs indoors.

Adjacent to the building is an outdoor play area for use 9 a.m. to 6 p.m. This area is approximately 7,500 square feet and cordoned off by a 6-foot masonry block wall, trees and shrubs. This serves as a secondary barrier to the existing perimeter block wall that is greater than 6-feet high. Playtime for dogs in this outdoor play area is on a rotation system with a trainer accompanying dogs. If there are dogs with a tendency to bark, they will play indoors. The east and north portions of the large 3-acre open space is utilized for the play area and training. The south side of the property will not be accommodating dogs as it is an existing storage area. The storage area is used by the current property owner for business tools, machines and RV storage units.

Site improvements include two parking areas, interior access drives/fire lanes and secondary emergency access. A portion of fencing at the entrance gate will be removed to provide additional vehicular visibility and widen the drive aisle. There is existing covered parking adjacent to the residence being upgraded to accommodate an ADA parking space with additional parking spaces provided adjacent to the indoor facility's west and north sides. An area for future parking spaces is provided across from planned parking.

Landscaping, including trees and shrubs, will be provided in the open space area. Trees will be located behind existing two-story homes in the adjacent subdivision to mitigate concerns with site views. Excrement will be disposed in airtight containers throughout the day. Sealed trash containers will be emptied daily. Trash service will occur three days a week or more if needed. The business uses a commercial grade disinfectant and deodorizer inside and outside.

GENERAL PLAN CONFORMANCE

The General Plan designates this property as Residential allowing consideration for a range of dwelling unit densities, mixed-use developments, commercial use, public facilities, institutional uses, schools and places of worship. The request proposes to maintain the single-family residential use and replace the light industrial machine shop use with dog daycare, boarding, grooming, training and related uses.

The residential use is an appropriate use to maintain and the commercial use of a dog business is a compatible land use adjacent to an SRP substation, single-family residential, and multi-family residential. A light industrial machine shop business is not a compatible land use next to abutting residential.

DISCUSSION

Re-purposing the property with a dog facility use that is not expanding buildings and maintains the approximate three acres of open space is less intense than what has existing. The intensity of the proposed dog facility is less than other considerable land uses such as residential and commercial that would have buildings in proximity to existing residential property and generate more vehicle trips per day. The property's limited vehicular access, existing perimeter block walls screening the property from street view and adjacent one-story housing, and large amount of internal open space allows for a use that has minimal impact on the surrounding environment. Planning Staff is of the opinion the proposed dog daycare, boarding, grooming, training and related uses business to be compatible with existing land uses.

While zoning conditions include standard development code conditions, City Staff has determined that undergrounding utilities or off-site improvements are not necessary at this time. Right-of-way dedications are required to occur which will be processed separately.

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 30, 2013. There were approximately 35 people in attendance. Concerns were raised about traffic, how the excrement and odors would be taken care of and noise from dogs barking. Some residents stated they were concerned about the use and not sure if they would support it, while others stated they would fight this coming into their neighborhood. The initial proposal included a park area for clients and customers that they could use day and evening. This was concerning for adjacent homeowners and is no longer proposed.

Planning Staff has received numerous phone calls and emails from residents in favor and opposed to this request. Those opposed have conveyed this use will devalue their homes; create constant noise from barking dogs that are outside and those indoors for overnight boarding and daycare; will cause more barking from homeowners' dogs; will have strong odors; will have dogs running all over the open space without anyone to stop them from barking; will hear aggressive dogs during K-9 training and will generate additional traffic to Dobson Road which they feel is already congested.

Following the neighborhood meeting, the applicant and his family met with Planning Staff and evaluated locations for business activities. The result was eliminating a park use, cordoning off a play area and designating locations for K-9 training and private training. The applicant and his family have gone door-to-door to many residences abutting the subject site. They further met area homeowners, answered questions about the dog business and learned who was in support, opposed, or no opinion on the proposed use. In a couple of instances, a homeowner who was opposed prior, has now conveyed support. Those in support completed a petition. There are homeowners within the 600-foot notification radius opposed to this use. At this time, Planning Staff is not aware of a legal protest.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 1 with Commissioner Ryan opposing.

The Commission conveyed the proposed use was a good re-use of the property and less intense than the industrial currently permitted. The Commissioner opposed felt the use was not a good fit within a residential neighborhood and in the future if a new business owner were to come in, it may not operate as well.

RECOMMENDATIONS

Rezoning

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

Preliminary Development plan

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

1. Development shall be in substantial conformance with Exhibit A, Narrative; Exhibit B, Site Plan; Exhibit C, Landscape Plan; Exhibit D, Floor Plan and Exhibit E Grading & Drainage Plan, kept on file in the City of Chandler Planning Division in File No. DVR13-0017 ARIZONA K-9 CENTER, except as modified by condition herein.
 2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation and Development for arterial street median landscaping.
 3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Pescara Ord. #4539

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4539, DVR13-0051 Pescara, rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential development.

APPROVED a Preliminary Development Plan (PDP) for subdivision layout.

APPROVED Preliminary Plat (PPT) PPT13-0031 for 46 lots on 19 acres located east of the NEC of Gilbert and Riggs roads. (Applicant: Troy Peterson; Bowman Consulting.)

BACKGROUND

The subject site is located east of the northeast corner of Gilbert and Riggs roads. North of the site are homes within a County island; east is the recently approved and under construction

Jacaranda Place single-family residential subdivision; west is the custom Bela Flor single-family residential subdivision and south, across Riggs Road, is the Springfield Lakes master-planned community. The subject site recently went through the annexation and the City-initial zoning process.

The General Plan identifies the subject site as being located within the Southeast Chandler Area Plan (SECAP), and as such, is designated as supporting Rural/Agrarian Character allowing for residential development to occur up to 3.5 dwelling units per acre. With a minimum lot size of 10,400 square feet, an overall density of 2.5 units per acre is provided. Due to density being less than 2.5 dwelling units per acre, density incentives/amenities as outlined in the SECAP are not required. Additionally, since all lots are greater than 10,000 square feet, the Residential Development Standards (RDS) for subdivision diversity do not apply; however, elements are incorporated into the overall design of the subdivision that meets the intent of both the SECAP and RDS.

SUBDIVISION LAYOUT

The request is for subdivision layout only. Housing product will be submitted at a later point in time and will require separate Preliminary Development Plan submittal and approval. The gated 46-lot single-family residential subdivision is accessed off of Riggs Road with a secondary emergency access point being provided through the subdivision to the east.

The entrance is flanked with large landscaped areas. The gated entrance and perimeter wall designs are uniquely designed and incorporate a contemporary design with rural theming. Predominant use of wire mesh elements along with steel framing and vertical square tubing will produce a rusted appearance, creating strong visual impact at the entrance of the subdivision. Additionally, the entrance and landscaping creates a landscape view corridor that extends to the north end of the subdivision. Within the view corridor are two community gathering spaces. Within the gathering spaces, a substantial amount of turf area is provided, with the southern amenity area also providing a tot lot and the northernmost area providing a basketball court.

All lots are designed in a north/south orientation. While housing product will require a separate review, building setbacks and lot coverage are established with this request. Setbacks are consistent with the surrounding area and provide a five-foot and ten-foot side setback, 15-foot for side-entry or livable and 20-foot for forward facing garages. Rear setbacks will be 20-foot for single-story homes and 30-foot for two-story homes. Lots that back-up to Riggs Road will have ten-foot side yards. Additionally, all corner lots will be restricted to single-story.

As noted, the emergency access drive is provided through the adjacent subdivision to the east. Based on the width of the subdivision (not being wide enough to properly accommodate two access points) and the access to the north of the subdivision (driving through County islands), the design team met with the developer to the east and an agreement was made to allow access through the adjacent subdivision. The emergency access will be gated.

The Planning Commission and Planning Staff support the request finding that the subdivision adds additional housing stock to the area and that the proposed lot size and layout is consistent with the surrounding area.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on January 27, 2014. There were six neighbors in

attendance with general questions, but expressed general support. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

RECOMMENDED ACTIONS

Rezoning

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

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the Development Booklet entitled "PESCARA", kept on file in the City of Chandler Planning Division, in File No. DVR13-0051, 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 homeowners' association.
3. All homes built on corner lots within the residential subdivision shall be single-story.

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. AGREEMENT: tw telecom of Arizona llc

Ord. #4540

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4540 authorizing an agreement with tw telecom of Arizona llc for the Use of Facilities in the City's Rights-of-Way and Public Places to Establish a Class 4 and 5 Communication System.

BACKGROUND

On September 25, 2008, City Council authorized a five-year agreement with tw telecom of Arizona llc to install, operate and maintain a fiber communications system that provides both telecommunications and possibly non-telecommunications services. Ordinance No. 4540 renews that agreement by updating terms and fees for both service deliveries and sets provisions for automatic renewals for additional five-year terms upon mutual consent. The company holds similar agreements in other Valley cities to provide such services.

FINANCIAL IMPLICATIONS

The City has received a \$3,000 application fee, which should cover the City's cost for the processing of this application, and 2.75% privilege tax will be paid on any non-interstate telecommunication services. As dictated by federal and state law, there will be no right-of-way use fee for the defined telecommunications portions of the system and its operation, but there is a fee structure established in the Agreement for any services that are not exempted by federal or state law. The company will also pay permit, inspection and pavement damage fees.

8. REZONING/PRELIMINARY DEVELOPMENT PLAN: Allred Park Place Ord. #4541

PLANNING MANAGER KEVIN MAYO indicated clarifications on various items that were requested on Monday have been included in the most recent Staff report. These clarifications include permitted uses in area 3 and staff added the definition of a conference center. Stipulation No. 1 relating to the conformance of the development with the Development Booklet entitled "ALLRED PARK PLACE" revised May 7, 2014; Stipulation No. 7 dealing with architectural features of the structure, and stipulation No. 8 dealing with the Conference Center Hotel which shall encompass approximately 300 rooms, and approximately 50,000 square feet of meeting space and associated components. If the conference center is not built or does not have 300 rooms, then any changes to that aspect of the development must come back to Council.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4541, DVR13-0032 Allred Park Place, rezoning from Planned Area Development (PAD) for commercial, office and business park uses including a Mid-Rise Overlay for buildings up to 85-feet in height, to Planned Area Development (PAD) for business park, hotel, conference center and service retail uses, including a Mid-Rise Overlay for buildings up to 150-feet in height.

APPROVED a Preliminary Development Plan (PDP) for site design and building architecture on property totaling approximately 73 acres located at the NE and SW corners of Price and Willis roads. (Applicant: Michael Curley; Earl, Curley & Lagarde P.C.)

BACKGROUND

The subject site, comprised of three properties, totals approximately 73 acres and is located at the northeast and southwest corners of Price and Willis roads, south of the Santan Loop 202 and Price 101 freeways interchange. The first property, known as Area 1, is located east of Price Road between the Loop 202 Santan Freeway and Spectrum Boulevard. The second property, known as Area 2, is located east of Price Road between Spectrum Boulevard and Willis Road. The third property, known as Area 3, is located west of Price Road between Willis Road and Armstrong Place. Areas 1 and 2 received Planned Area Development (PAD) zoning in 1989 as part of the larger 156-acre Gateway Park master plan, previously known as Spectrum, now identified as Park Place. The PAD zoning, revised in 2001, extended in June of 2005, most recently revised in 2008, identifies the subject two properties for commercial land uses with purpose of providing a mix of office, employment, retail and service commercial uses to support the campus environment. Additionally, Area 1, and a portion of Area 2, includes a Mid-Rise Overlay for buildings up to 85-feet in height. Area 3 received PAD zoning in April 2013 for business park uses as identified within the South Price Road Employment Corridor (SPREC) accommodating a wide range of uses including corporate office headquarters, high-tech manufacturing and knowledge intensive employers.

The General Plan designates the subject site as Employment allowing major employers, knowledge-intensive employers, industrial/business parks and industrial support uses. Additionally, the General Plan identifies the subject site as falling within the SPREC. This corridor, recognized as the City of Chandler's premier employment corridor, generally encompasses the property located on the west and east sides of Price Road, starting at Willis Road at the north, ending at the Chandler Heights Road alignment just north of Sun Lakes. Visually, the corridor starts at the southern edge of the Loop 101/202 freeway interchange; however, historically, the City has recognized Willis Road as the northern border as the property located north of Willis Road received zoning approval prior to the General Plan's SPREC designation.

The request is to rezone the 3 properties bringing them under a single PAD district, effectively amending the zoning from PAD for commercial, office and business park uses including a Mid-Rise Overlay for buildings up to 85-feet in height, to PAD for business park, hotel, conference center and service retail uses, including a Mid-Rise Overlay for buildings up to 150-feet in height, with Preliminary Development Plan (PDP) approval for site design and building architecture. Although the single PAD zoning designation is sought, for purposes of land-use entitlement, the rezoning request maintains a delineation of Areas 1, 2 and 3 and the permitted uses within. The changes in land use entitlements are in fact minimal from what is currently permitted. Area 1 will include hotel uses in addition to currently entitled office, business park, employment, limited light industrial and service retail commercial uses. Area 2 remains virtually unchanged and includes office, business park and employment uses with limited light industrial and limited service retail commercial uses. Area 3 will now include a conference center hotel land use in addition to the business park uses as identified within the SPREC language accommodating a wide range of uses including corporate office headquarters, high-tech manufacturing, and knowledge intensive employers. The attached exhibits, although conceptual, depict a singular user campus for the subject 29-acre on Area 3. It should be noted that due to the conceptual nature of the request, and lack of specific end user at this time, the request seeks authority to permit up to two individual singular user buildings, one user per building. Finally, the request includes approval of a Mid-Rise Overlay for buildings up to 150-feet in height for all three properties. The rezoning request is consistent with the General Plan.

The request seeks to establish a cohesive business park high-quality campus atmosphere with a strong landscaping theme and high level of required architectural quality. The site provides multiple access points from Price Road and the three adjacent collector streets as well as strong boulevard entrances off Price Road. The landscape theme includes a 'radial' design at major intersection points that is carried through the campus with terraced landscaped treatments that include a layering effect of backdrop trees including Date Palms. Even the ultimate building design and parking layout will include a relationship to the radial theme at the boulevard entrances furthering the campus concept. The applicant continues to control the property adjacent to Price Road at the southeast corner of Price and Willis roads, as evidenced by the ghosted out plans contained within the booklet. It is anticipated that the highly articulated landscape theme proposed along Price Road will be implemented on the east side at the time a development proposal is brought forward.

The architectural exhibits, imagery and representations contained within the attached Development Booklet establish the 'bar' or level of quality expected for the future campus. While the final ultimate design and location of buildings may alter, the exhibits depict a close representation of how the campus will develop. Exhibits are provided for the proposed 8-story Drury Inn & Suites building located at the northern end of Area 1 and for the two 3-4 story office buildings and parking garage within Area 2. As well, exhibits are provided for the 8-story conference center and knowledge intensive employment buildings within Area 3. Additional exhibits provide more detailed architectural imagery that further defines the level of quality expected within the Allred Park Place campus.

The request includes a comprehensive sign package that includes building mounted signage, campus identification monumentation, and freestanding single-tenant and multi-tenant monument signage. Building mounted signage can include pan channel, reverse pan channel or flat cut out pin mounted lettering at the discretion of the end user. The campus identification monument signage design includes opposing triangular 20-foot tall elements clad in 18-inch travertine tiles providing 5 tenant panels per side. Lighting will include both halo and grown illumination. These

campus identification/multi-tenant monument signs are set at the intersection corners and main boulevard entrance points placed within a circular flower bed backed by the radial terraced landscaped features. The signage represents a very high level of quality that provides a strong statement for the Price Corridor as well as creates a unified image for the campus.

DESIGN REVIEW COMMITTEE UPDATE

The request was continued from the March 19, 2014, Planning Commission meeting to address several questions raised by nearby property owners regarding items such as traffic along Armstrong Place, represented building architecture, difference between a hotel and a conference center and Planning Staff's administrative leeway in terms of the represented buildings.

To address the traffic question, the applicant revisited the traffic study, which ultimately concluded the signal on Armstrong Place to be warranted with the proposed uses and square-footage within Area 3. This resulted in the addition of Condition 6 of the PDP requiring the traffic signal to be installed prior to or commencing with the start of construction within Area 3. To clarify the difference between a hotel and the proposed conference center in Area 3, the applicant has represented the conference center to encompass approximately 300 rooms and 50,000 square feet of meeting space.

Following the March 19th continuance, the applicant began meeting with a nearby business owner to review the proposed building architecture and architectural imagery. It became apparent that the discussions and architectural evolution could influence the larger Price Road Corridor especially in light of the fact that this request is the first to come forward following the completion of the South Price Road Employment Corridor Study. Ultimately, Planning Staff recommended the request be forwarded to the Design Review Committee for an additional level of consideration.

The applicant presented the revised building elevations for Area 2 and Area 3 (Imagery i7 and i8 in the Development Booklet) and overall campus plan to the Design Review Committee on April 8, 2014. The buildings now include a significantly greater use of glass on the Area 2 office concepts, as well as additional glass, façade scoring, and metal banding accent materials on the flex office/industrial buildings for Area 3. Discussion occurred regarding the designs presented. One Committee member indicated a desire for slightly more façade plane variation on the Area 2 office buildings which resulted in a group discussion of architectural 'ginger breadding' vs. simplicity of building form. The meeting concluded with a statement going forward that the request taken in totality, represented a superb campus plan in terms of site design, landscape design and building architecture that will provide a strong 'front door' for the Price Road Corridor.

The final question regarding Planning Staff's administrative discretion can be answered as this. The Development Booklet including the building elevations, architectural imagery and narrative, as well as this memo, establish the intent for the Allred Park Place campus plan, effectively setting the 'bar' in terms of quality and design. The renewed focus on the SPREC through the Corridor Study, this rezoning request, the Design Review Committee hearing, additional PDP conditions and public hearing going forward have served to more clearly define Planning Staff's administrative authority while narrowing the degree of final development plan malleability.

Planning Staff supports the request. Price Road has been the subject of much recent discussion most recently culminating in the presentation of the South Price Road Employment Corridor Study provided by the Maguire Company to City Council in November of 2013. This request represents the first development proposal to come forward following the study. While the majority of the property included with this request does not fall within the area generally accepted as the

start of the corridor, it does represent a strong example of the implementation of the first recommendation within the study which states, 'the campus-like environment of the Corridor should be preserved and actively enhanced'. The exhibits establish a campus environment with exceptional quality that continues throughout the site design, landscaped theming, and ultimately to the comprehensive sign package.

The proposal is consistent with the General Plan in terms of the proposed land uses and Mid-Rise Overlay for buildings up to 150-feet in height, as well as the single-employment nature of future buildings within the campus for Area 3 south of Willis Road. The addition of the Conference Center within Area 3 will provide a much needed amenity to serve the SPREC as well as the balance of Chandler. The proposal will provide a strong statement for the visual beginning of the Price Corridor that will serve as an example for future development proposals within the corridor.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed according to the provisions of the City of Chandler Zoning Code with neighborhood meetings being held on December 2 & 5, 2013. There were five neighboring property owners in attendance at the first meeting and three at the second. Many questions were asked about specific development details with the subject site as well as questions involving the adjacent Gila River Indian Community land. No one offered formal opposition at either neighborhood meeting.

Following the neighborhood meeting, Planning Staff has received a series of phone calls from nearby residential property owners located south and east of the subject site. Concerns included the proposed building height and long term traffic impacts along Price and Willis roads. Planning Staff conveyed that the maximum 150-foot building height was to be located more than ¼ mile west of the nearby subdivision boundaries. As well, the ultimate design for Price Road (currently constructed) and Willis Road (future construction) is consistent with the adopted Transportation Master Plan and designed to accommodate the anticipated traffic demands for the subject site as well as the balance of the Price Road Corridor. Finally, the residents requested attention be paid to ensure sufficient pedestrian amenities be provided on-site for employees to minimize the amount of employee pedestrian activity within their neighborhoods.

Planning Staff has received no correspondence in opposition.

RECOMMENDED ACTIONS

Rezoning

Upon finding consistency with the General Plan and South Price Road Employment Corridor, the Planning Commission and Planning Staff recommend approval subject to 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 "ALLRED PARK PLACE", revised as of May 7, 2014, kept on file in the City of Chandler Planning Services Division in File No. DVR13-0032, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design of future development of individual parcels, and related onsite site layout

related to such future development of individual parcels which are consistent with the Development Booklet, will be reviewed and approved administratively.

2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. All buildings shall be designed to be consistent with the level of quality, detail, building material, paint colors, architectural articulation and the like as established in the attached Development Booklet.
4. Administrative changes to the approved building elevations shall ensure that the building elevations and massing (i) carry an architectural level of quality and detail that is as good or better than what is contained in the Development Book and (ii) are horizontally and vertically broken up through the use of color, material, texture and varied treatment of segments of the buildings.
5. Building architecture shall promote consistent architectural character and detail on all sides of the structure.
6. The traffic signal to be located at the intersection of Price Road and Armstrong Road shall be installed before or simultaneously with the construction commencing on Area 3.
7. The applicant shall work with Planning Staff to provide additional architectural detailing such as additional use of glass and/or façade elements upon the proposed Area 2 hotel building's upper portion.
8. As represented by the applicant's representative, the Conference Center Hotel identified on the Park Place Master Plan (Page 11 of the Development Booklet) shall encompass approximately 300 rooms, and approximately 50,000 square feet of meeting space and associated components.

9. ANNUAL ACTION PLAN: CDBG

Res. #4742

ADOPTED Resolution No. 4742 authorizing the City Manager or his designee to execute and submit the Community Development Block Grant (CDBG) Fiscal Year 2014-2015 Annual Action Plan to the United States Department of Housing and Urban Development (HUD) and execute all subrecipient contracts.

BACKGROUND

HUD requires that all local governments receiving CDBG funding submit an Annual Action Plan that will guide HUD-funded housing, homeless and community development activities for the period beginning July 1, 2014, through June 30, 2015. To comply with the City of Chandler's Public Participation Plan, the City held a public comment period that began March 26, 2014, and ended on April 25, 2014. In addition, a Public Hearing on the Annual Plan was held March 26, 2014, at the Housing and Human Service Commission (HHSC) meeting and at the April 10, 2014, City Council meeting to ensure opportunities for input from the community.

DISCUSSION

The City's Fiscal Year 2014-2015 Annual Action Plan serves as the formal application for the use of entitlement funds that are received by the City of Chandler. The Action Plan defines the one-year activities in relationship to the five-year goals and objectives of the Consolidated Plan covering Fiscal Years 2010-2014. It provides a description of the programs and projects of the City of Chandler in Fiscal Year 2014-2015, as well as funding decisions for the City's CDBG program.

In November of 2013, thirteen non-profit organizations applied for Fiscal Year 2014-2015 CDBG funding requesting a total of \$1,423,409. The HHSC reviewed and evaluated the applications and made CDBG funding recommendations to the City Council for approval. Council reviewed

the recommendations on April 10, 2014. The recommendations are summarized on page 26 of the Plan.

FINANCIAL IMPLICATIONS

The City's total funding available to the CDBG Program for Fiscal Year 2014-2015 is \$1,308,949. This includes an entitlement from HUD of \$1,191,063 and carry forward and program income of \$117,886. This funding is provided by HUD and does not require repayment.

10. 2014-2015 HOME FUNDS APPLICATION

Res. #4743

ADOPTED Resolution No. 4743 authorizing the City Manager to execute and submit all related documents for an application for and use of Fiscal Year 2014-2015 HOME Program funds from the Cranston-Gonzalez National Affordable Housing Act in the amount of \$293,292.00 through the Maricopa County Consortium; authorizing the receipt and allocation of additional Fiscal Year 2013-2014 HOME Program funds for tenant based rental assistance in the amount of \$184,251.00; and authorizing the allocation to the HOME program of trustee's sale proceeds in the amount of \$167,897.00; and authorizing the City Manager to sign all related documents.

BACKGROUND

The City of Chandler receives federal HOME Investment Partnership funds annually through the Maricopa HOME consortium. A total of \$645,440.00 is available for allocation for Fiscal Year 2014-2015. This is comprised of \$293,292.00 in 2014-2015 funding from the Consortium, \$184,251.00 in reallocated Fiscal Year 2013-2014 funds from consortium and \$167,897.00 in one-time proceeds earned through the Deed of Trustee Sale of properties formerly owned by Community Services of Arizona (CSA). Eligible activities utilizing HOME funds include: homeowner rehabilitation, homebuyer activities, rental housing and tenant-based rental assistance.

Of the funding received by the City of Chandler for program operation in the upcoming fiscal year, \$27,544.00 will be available to the City for administration of the HOME Program.

Staff announced the availability of HOME funding to area housing nonprofit organizations and Request for Proposals were issued seeking applications for HOME eligible activities. Three applications for HOME funding were received.

FINANCIAL IMPLICATIONS

Funding for the HOME program is provided from HUD through the Maricopa County Consortium and does not require repayment.

11. WATER AND SEWER REVENUE BONDS

Res. #4765

ADOPTED Resolution No. 4765 amending Resolution No. 1917 pertaining to the issuance of Water and Sewer Revenue Bonds, changing the requirements for and the administration of the reserve fund created to serve the City's water and sewer revenue bonds and water and sewer revenue refunding bonds.

BACKGROUND

The City's Master Resolution No. 1917 currently requires the City to cash fund a debt service reserve or purchase an insurance policy to guarantee the bonds. The City's Financial Advisor Bill Davis of Piper Jaffray worked with National Public Finance Guaranty (NPF) to revise the reserve requirements to a springing reserve. Mainly due to the City's strong credit, the insurance

company has approved the use of a springing debt service reserve. This type of reserve requires the City maintain net Water & Wastewater revenues at a minimum of one hundred seventy-five percent (175%) of the principal and interest requirements on all outstanding bonds for the respective corresponding bond years. The City will only be required to purchase an insurance policy if the reserve falls below the minimum. Not only is this reserve structure less costly, but it is also more efficient.

12. ISSUANCE AND SALE OF WATER AND SEWER REVENUE REFUNDING BONDS
Res #4750

ADOPTED Resolution No. 4750 authorizing the issuance and sale of not to exceed \$20,000,000.00 aggregate principal amount of City of Chandler, Arizona, Water and Sewer Revenue Refunding Bonds, Series 2014, and authorizing the Management Services Director to determine whether it is in the City's best interest to sell the Series 2014 Bonds in a competitive bid or through a negotiated sale.

BACKGROUND

The Water and Sewer Revenue Refunding Bonds, Series 2014, are subject to the provisions of the City's Master Resolution No. 1917 and amendments included in Resolution No. 4765 pertaining to the requirements for and the administration of reserve funds. These Refunding Bonds are secured by the net revenues of the Water and Wastewater Operating Funds.

Current interest rates offer an opportunity to refinance a portion of the City's debt by refunding bonds previously issued and outstanding; specifically, Water and Sewer Revenue Bonds, Series 2001, 2003 and 2005, allowing the City to realize debt service savings. This will reduce the amount of debt service expenses paid from the Water and Wastewater Operating Funds, thereby providing savings to the City ratepayers.

The final interest rates will affect the principal amount needed to refund the prior bonds, thus the resolution authorizes the maximum principal amount that may be sold. The final principal amount will be determined when the actual interest rate is established.

FINANCIAL IMPLICATIONS

The resolution authorizes the refunding of the City's outstanding Water and Sewer Revenue Bonds if the savings are at least 3% of the principal amount of the bonds being refunded. Depending upon the final issue size, this refunding is expected to generate net debt service savings to the City of approximately \$1,400,000.00 in present value dollars. The savings are net of all costs of issuance.

13. INTERGOVERNMENTAL AGREEMENT: HOME Consortium Res. #4758

ADOPTED Resolution No. 4758 authorizing an Intergovernmental Agreement (IGA) for the Maricopa County HOME Consortium for the reallocation of \$184,251.00 in Fiscal Year 2013 HOME Investment Partnership funds from the Town of Gilbert to the City of Chandler and authorizing the City Manager to sign the IGA.

BACKGROUND

The City of Chandler receives federal HOME Investment Partnership Program (HOME) funds through the Maricopa County Consortium which is comprised of the cities/town of Avondale, Chandler, Gilbert, Glendale, Peoria, Scottsdale, Surprise and Tempe. On March 20, 2014, the Consortium voted to reallocate \$184,251.00 of HOME Program funds from the town of Gilbert to

the City of Chandler, specifically for the funding of Tenant Based Rental Assistance (TBRA) activities. This funding was originally allocated to the Town of Gilbert which was unable to expend the funds for the program initially intended. In order to facilitate the transfer of these funds, Chandler and Gilbert must enter into an Intergovernmental Agreement.

FINANCIAL IMPLICATIONS

The City will receive an additional \$184,251.00 in HOME program funding to finance TBRA activities. One hundred percent of the funding is subsidized through HUD and does not require repayment.

14. TEMPORARY DRAINAGE EASEMENT EXTINGUISHMENT: McQueen / Brooks Farm
Res. #4759

ADOPTED Resolution No. 4759 authorizing the extinguishment of a temporary drainage easement at the SWC of McQueen and Brooks Farm roads.

BACKGROUND/DISCUSSION

As part of Phase II of the McQueen Road Improvement Project from Ocotillo Road to Chandler Heights Road (ST-0810), the City acquired a Temporary Drainage Easement (TDE) on a parcel of land located at the southwest corner of McQueen and Brooks Farm roads. City Council approved a final plat for Ocotillo Landing to be developed on said parcel at its February 27, 2014 meeting. The developer has completed grading for the required retention on their property. As a result, the TDE acquired by the City is no longer required and can be extinguished. Staff recommends extinguishment of the City's TDE on this property. This extinguishment of the easement will remove it from property as requested by the developer.

15. DEVELOPMENT AGREEMENT: SunCap Phoenix, LLC, and Rock-Queen Creek, LLC
Res. #4766

ADOPTED Resolution No. 4766 authorizing the execution of a Development Agreement with SunCap Phoenix, LLC, and Rock-Queen Creek, LLC, authorizing Arterial Street Impact Fee Credits for Queen Creek Road be applied to Chandler Crossroads Phase I System Impact Fees of the building permits prior to the completion of Queen Creek Road.

BACKGROUND/DISCUSSION

Rockefeller Development Corporation, dba Rock-Queen Creek, LLC, acquired the land site known as Chandler Crossroads at the NWC of Queen Creek and Gilbert roads in 2008 and subsequently zoned it for a business park. As part of their development requirements, as defined in the Planned Area Development (PAD) and Preliminary Development Plan (PDP), Rockefeller is required to improve Queen Creek Road to City Transportation Plan standards and install the extension of Emmett Road for the frontage of their property. Rockefeller will be starting construction on these improvements in the next few weeks with a planned completion in late 2014.

City Code requires the developer to submit a performance bond in the amount of the work, and instead, Rockefeller has requested to deposit cash to the City in the amount of the work to be completed in the public right-of-way.

Also, in accordance with the City Code and as applied to all development projects within the Arterial Street Impact Fee area, a credit is applied against the Arterial Street fee portion of the current System Development Fees for any work completed on an Arterial Street within the Arterial

Street Impact Fee Area. As a stipulation, this credit cannot exceed the maximum amount of the Arterial Street Fee for the project. Typically, a developer installs the Arterial Street and then applies the credits against the property, which the City maintains in perpetuity against future Arterial Street Impact Fees. When a future development obtains their building permits, the credit is already applied against the Arterial Street Impact Fee charged so that money does not change hands with the City.

Rockefeller has sold an estimated 48 acres of the western section of Chandler Crossroads to SunCap Phoenix, LLC. SunCap plans to construct an industrial development in accordance with the existing zoning. As part of our System Impact Fees, SunCap is required to pay the Arterial Street Impact Fee in accordance with the City Code when they are issued their building permit. Since Queen Creek Road will be under construction in conjunction with the industrial development, SunCap ordinarily would pay the fee and then receive the refund back to them as soon as Rockefeller completes Queen Creek Road as the credit remains with the land and not the developer of the Arterial Street.

Since Rockefeller will be depositing cash with the City to secure their work in the public right-of-way, Staff recommends that the credits be applied to SunCap's building permit in advance of the work being completed. SunCap would then be required to pay any additional amount of the Arterial Street Impact Fee that is not covered by the credits available for the construction of Queen Creek Road adjacent to their parcel. Further, all other Plan Review, Building Permit and Systems Impact Fees would be paid upon issuance of the building permits to SunCap.

FINANCIAL IMPLICATIONS

A cash deposit will be made to the City of Chandler for the amount of the public improvements which would allow the City to complete the public improvements should the developer default.

16. CONTINUED ZONING/PRELIMINARY DEVELOPMENT PLAN: Ray Road Apartment Homes

CONTINUED TO JUNE 12, 2014, Zoning DVR13-0050 Ray Road Apartment Homes, rezoning from Planned Industrial District with a Planned Area Development (PAD) overlay to PAD for multi-family residential as requested by the applicant due to their scheduling conflicts.

CONTINUED TO JUNE 12, 2014, Preliminary Development Plan (PDP) for a 192-unit multi-family residential development on approximately 7 acres located east of the NEC of Arizona Avenue and Ray Road as requested by the applicant due to their scheduling conflicts.

17. PRELIMINARY DEVELOPMENT PLAN: Cleanfreak Carwash

APPROVED Preliminary Development Plan PDP14-0002 Cleanfreak Carwash, for the site layout and building architecture for a new carwash on approximately 1.15 acres located south of the SWC of Gilbert and Queen Creek roads within the Carmel Village shopping center. (Applicant: Cory S. Wiebers; CW Architecture, Inc.)

BACKGROUND

The approximately 1.15-acre site lies within the 20-acre Carmel Village commercial development located at the southwest corner of Gilbert and Queen Creek roads. The Carmel Village development received zoning approval in April 2006, including approximately 12.48 acres for retail uses and 7.03 acres for medical/general office uses. The subject site was the Vacant Pad Parcel 1 within the retail portion as shown in the original Development Booklet.

The subject site is surrounded to the west by the residential subdivision Abralee Meadow and to the north by Queen Creek Road. Vacant land zoned PAD, planned for light industrial, office and retail uses under the Airpark Area Plan, is located north of Queen Creek Road. Gilbert Road is located on the site's east side. East of Gilbert Road is the future Layton Lakes development and Athlos Charter School. South of the subject site is the balance of the Carmel Village commercial development.

The request includes an approximately 3,773 square-foot carwash building/tunnel, as well as a 1,134 square-foot freestanding entrance/pay canopy. Central within the site, are the vacuum facilities, screened from street view by the carwash building. The carwash building is located parallel with Gilbert Road within a landscaped setting. The majority of existing landscaping along Gilbert Road will remain and be further enhanced with additional plantings. The landscaping chosen matches the palette previously established in the Carmel Village Plaza. Vehicular access to the site is provided by the two adjacent entry drives into the Carmel Village center.

The subject site has remained vacant since the center's construction in 2007. The center's success, including the Fitness Works facility and childcare/learning center, has resulted in the subject site being utilized for overflow parking. Various attempts have occurred over the years to site a future user on the subject site; however, parking continued to remain the issue at hand. The proposed carwash presents a compatible solution as the onsite parking demand is far less than other traditional users. In fact, the proposal extends existing parking aisles adding 9 spaces to the center's common parking field in addition to providing sufficient on-site dedicated parking spaces for carwash patrons, all while straightening out a circuitous circulation path. The additional parking spaces are accommodated by moving the carwash building parallel to Gilbert Road to an approximate 30-foot building setback versus the typical 50-foot setback along an arterial road.

The building architecture continues the modern rural theme established by the Carmel Village Plaza. Architectural features include elements such as exposed wood beams and tiled sloped-roof elements, exposed structural steel, clerestory windows, scored stucco, brick and stone accent materials. Building massing has been broken up by the use of vertical and horizontal plane changes, as well as a combination of flat-roof and sloped-roof elements. Effectively, the building resembles a multi-tenant retail building versus a motor vehicle carwash. Even the Cleanfreak Carwash rolled aluminum circular tunnel entrance is pulled within the building behind exterior building elements appearing as if the vehicles drive into a retail building. Building mounted signage will include individual mounted illuminated lettering consistent with the balance of the Carmel Village development.

Planning Staff supports the request finding it to represent a quality compatible completion to the Carmel Village Plaza, which also addresses a periodic parking issue created by the center's success. The applicant should be commended for the level of architectural quality and integration utilized on the carwash building. Finally, Planning Staff supports the setback deviation finding the building's orientation and high degree of architectural detailing meritorious. Additional exhibits and development details can be found in the Development Booklets.

PUBLIC/NEIGHBORHOOD NOTIFICATION

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 18, 2014. There were no neighbors in attendance. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

RECOMMENDED ACTION

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

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3788 in case DVR05-0052 CARMEL VILLAGE PLAZA, except as modified by condition herein.
2. Development shall be in substantial conformance with the attached Development Booklet entitled “CLEANFREAK CARWASH”, kept on file in the City of Chandler Planning Services Division in File No. DVR14-0002, 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. Approval by the Planning Administrator and Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
5. Sign packages, including freestanding 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. 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.
7. The applicant shall work with Staff to add two additional trees at the north and south corners of the carwash building.

18. **BOARD AND COMMISSION APPOINTMENTS**

APPROVED the following Board and Commission appointments:

Workers Compensation and Employer Liability Trust Board

- Bil Bruno (Reappointment)
- Dee Ann Ferguson (Reappointment)

19. **OFFSITE LUMP SUM AGREEMENT:** Alma School Apartments, LLC

APPROVED Offsite Lump Sum Agreement No. OA13-003 with Alma School Apartments, LLC, deferring a variable speed booster pumping system in conformance with the City of Chandler Standards as a condition of their development and accepting a lump sum payment of \$48,873.00.

BACKGROUND/DISCUSSION

As a condition of development in 2012, Parcland Crossing Apartments, located at the east/northeast corner of Alma School and Willis roads, through an agreement with the City, deferred a variable speed booster pumping system for reclaimed water to their property. The variable speed booster pumping system was deferred in lieu of a lump sum payment of \$48,873.00 made to the City.

The developer recently informed Staff that they planned to sell the property and requested an Offsite Lump Sum Agreement replace the existing Offsite Improvement Deferral Agreement. This agreement is intended to cover the cost for the work. The lump sum agreement will secure their

financial obligation to the City for the deferred work as well as release the developer from any future obligations for the improvements.

FINANCIAL IMPLICATIONS

Funds, in the amount of \$48,873.00 have been received from the developer and are being held in an interest bearing account to use for the future construction of Alma School Road.

20. AGREEMENT AMENDMENT: Madara Engineering, Inc. & Willdan Engineering

APPROVED Agreement No. TD2-925-3046, Amendment No. 2, with Madara Engineering, Inc., and Willdan Engineering for building plan review services in a combined amount not to exceed \$131,000.00 for a total contract amount not to exceed \$160,000.00 for a two-year period.

The Building Plan Review Group, within the Transportation & Development Department, is responsible for reviewing all architectural and structural calculations and drawings for private development projects and design plans for City funded capital projects.

Building Plan Review Services fees for both Madara Engineering and Willdan Engineering are based on a percentage of the building plan review recovery fees the City collects from applicants.

Increased public construction activity and a recent extended medical leave created a workload issue within the group. Senate Bill 1598, passed by the State Legislature, mandates that permit reviews be completed within a fixed period of time or the City shall refund fees for reviews that exceed published deadlines. In addition, the City strives to maintain a high level of customer service where private development projects with tight deadlines are reviewed in half the normal time frame.

The contract was initially executed in the amount of \$29,000.00 to ensure that current service levels could be maintained.

21. AGREEMENT: SDB, Inc.

APPROVED Agreement No. MU4-745-3363 for right-of-way repairs to SDB, Inc., in an amount not to exceed \$120,000.00 per year for two years with the option to renew for up to three additional one-year periods.

22. PROJECT AGREEMENT: Dibble Engineering, Inc.

APPROVED Project Agreement No. WA1307-452 with Dibble Engineering, Inc., pursuant to Annual Contract No. EN1307-101, for Water Main Tie-Over and Extension Construction Management (CM) Services, in an amount not to exceed \$105,500.00.

23. PROJECT AGREEMENT: Dibble Engineering, Inc.

APPROVED Project Agreement No. WA1410-101 with Dibble Engineering, Inc., pursuant to Annual Contract No. EN1307-101, for Large Water Valve Assessment Services in an amount not to exceed \$197,100.00.

24. PROJECT AGREEMENT: Aztec Engineering Group, Inc.

APPROVED Project Agreement No. WW1414-201 with Aztec Engineering Group, Inc., pursuant to Annual Contract No. EN1312-101, for Chandler Reclaimed Water Infill Design Services in an amount not to exceed \$172,999.00.

25. PROJECT AGREEMENT: Southwest Ground-water Consultants

APPROVED Project Agreement No. WW1416-101 with Southwest Ground-water Consultants, pursuant to Annual Contract No. EN1203-101, for Chandler Water Reclamation Campus (CRWC) Recharge Permit Modifications in an amount not to exceed \$136,160.00.

26. AGREEMENT AMENDMENT: Heinfeld, Meech & Co., P.C.

APPROVED Agreement No. AC3-946-3212, Amendment No. 1, with Heinfeld, Meech & Co., P.C. for audit services in an amount not to exceed \$100,287.00.

The City is required by City Charter and State Statute to issue an annual audited financial report. In addition, federal law requires the City undergo an annual single audit of federal financial assistance. The scope of services includes audit work for the City, the Chandler Health Care Benefit Trust, the Chandler Worker's Compensation and Employer Liability Trust, the Chandler Cultural Foundation, the Volunteer Fireman's Pension and Relief Trust Fund Report, the Local Transportation Assistance Fund Report (LTAF), the annual Expenditure Limitation Report, the ADEQ Landfill Assurance Report and the Highway User Revenue Fund (HURF) Report.

27. ANNUAL CONTRACT AMENDMENT: Dibble Engineering, Inc.

APPROVED Annual contract No. EN1307-101, Amendment No. 1, with Dibble Engineering, Inc., increasing the annual limit for Water and Wastewater Facilities Permitting, Studies, Design, and Post-Design Services Contract by \$250,000.00 for a revised annual limit not to exceed \$500,000.00.

28. ENGINEERING SERVICES CONTRACT: Wilson Engineers, LLC

APPROVED Engineering Services Contract No. WW1413-201 with Wilson Engineers, LLC, for Ocotillo Water Reclamation Facility (OWRF) Process Improvements in an amount not to exceed \$1,572,480.00.

29. CONSTRUCTION CONTRACT: Citywide Contracting, LLC

APPROVED Construction Contract No. WA1307-402 to Citywide Contracting, LLC for Water Main Tie-Over and Extension in an amount not to exceed \$915,481.00.

30. CONSTRUCTION CONTRACT: DNG Construction LLC

APPROVED Construction Contract with DNG Construction LLC for Tumbleweed Tennis Courts Replacement, Project No. PR1404-401, in an amount not to exceed \$983,791.15.

The Chandler Tennis Center is a 15-court tennis complex located within Tumbleweed Park. The existing tennis courts are asphalt courts that were built in 1996. The average lifespan of asphalt tennis courts is 10-15 years. Over the last five years, continuous crack repairs have had to be made to keep the courts playable. In spite of the repairs that have been made, the cracks continually reappear as the courts have outlasted their expected lifespan. This contract includes

removing and replacing the existing 15 asphalt courts with 15-post tension concrete courts, adding a hitting wall for practice and updating the facility's landscaping. Most municipal Valley tennis centers have gone to the post-tensioned concrete as a way to reduce surface cracking, saving over \$150,000.00 in court repairs over a 20-year period.

31. PURCHASE: Mythics

APPROVED the purchase of an Oracle software training development tool with support and maintenance from Mythics, utilizing GSA Contract #GS-25F-0153M, in an amount not to exceed \$81,012.00.

The City of Chandler originally purchased a training development tool to create and deliver online training to educate City employees during the implementation of Oracle R12. Since the initial rollout, the City has been able to expand the use of this tool to develop training tutorials for other Citywide applications such as MyTimeKeeper, CIS Infinity, Activenet, EDMS and IBM Notes. The tool allows Staff to utilize electronic learning with various methods to view, practice and actually do the tasks in an assisted manner. This expanded use of the tool for other applications requires that the City increase the licensing to cover additional users.

32. PURCHASE: World Wide Technology, Inc.

APPROVED the purchase of network equipment from World Wide Technology, Inc., (WWT), utilizing State of Arizona Contract #ADSP012-024658, in an amount not to exceed \$231,874.00.

The City utilizes BIGIP network devices to manage network traffic both internally to the City's network as well as externally for Internet-based City services and communications. These devices are used to balance network traffic across the City's servers to ensure service availability, improve speed and help maintain connectivity and services in case of an outage. The current devices are at end of useful life and are based on older technology that cannot keep pace with the City's current network demands. The replacement devices have greater capacity and more modern features that will help keep City systems online and functional as demands increase. The increased functionality of the new devices will allow the City to consolidate down from the current 4 devices to 2 devices. The vendor is providing a trade in value of \$4,000.00 for the 4 devices being replaced.

33. USE PERMIT: Pizza on 87

APPROVED Use Permit LUP14-0005 Pizza on 87, Series 12 Restaurant License, to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption in a new restaurant with a new outdoor patio located at 1368 N. Arizona Avenue, Suite 101, south of the SWC of Knox Road and Arizona Avenue. (Applicant: Heath Kolpin.)

BACKGROUND

The subject site is located at 1368 N. Arizona Avenue, Suite 101, south of the southwest corner of Knox Road and Arizona Avenue in the North Chandler Mall. Boost Mobile, Long Wong's restaurant, a barber shop and other retail businesses are located in the shopping center. Legacy Funeral Home is north and the developments surrounding the center contain commercial and industrial related uses. The San Mateo Estates single-family subdivision is west of the center.

Pizza on 87 is located in an end suite with the patio facing Arizona Avenue. The tenant space and outdoor patio are undergoing renovation. The suite floor area is approximately 1,264 square

feet and accommodates 48 customer seats in the dining area and patio. The business anticipates hiring six to ten employees, full and part-time, including delivery drivers. Hours of operation are proposed from 10 a.m. until 10 p.m., Sunday through Thursday, and from 10 a.m. until 2 a.m. on Friday and Saturday. Background music is provided through house speakers. Two televisions are in the dining area and two on the patio. Although no live entertainment is proposed, the applicant has offered to provide a liaison name and contact information for concerned property owners to address any business operational concerns, including noise and music.

PUBLIC/NEIGHBORHOOD NOTIFICATION

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 2, 2014. There were 3 neighbors in attendance. Concerns expressed included the noise level from the outdoor patio, late night alcohol consumption leading to loitering in the neighborhood and television sports broadcasts which may create noisy crowds. The applicant addressed each concern. Several of the solutions include: offering a liaison contact number and name to address noise issues prior to contacting the Police; late night hours are for delivery and the restaurant would close by 10 p.m. on weekdays and midnight on weekends; and the one-year time limit placed on the use permit allows evaluation of the business operation.

The Police Department has been informed of the application and responded with no concerns.

Planning Staff received one phone call from a residential property owner who stated their concerns about noise at late hours and indicated they would call Police if awakened by noise. A letter of opposition was also received.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

RECOMMENDED ACTION

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

1. The Use Permit granted is for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other location.
4. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
5. The site and patio shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from the televisions and speakers located outdoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
7. The establishment shall provide a contact phone number of a responsible person (owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.

34. SPECIAL EVENT LIQUOR LICENSE: Won Last Chance, Inc.

APPROVED a Special Event Liquor License for Won Last Chance, Inc., for the West USA Realty Revelation New Home Event, May 22, 2014, at Fazio's Catering and Event Center, 700 W. Warner Road. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

35. LIQUOR LICENSE: Phoenix Palace

APPROVED a Series 12 Restaurant Liquor License (Chandler #150566 L12) for Jeannie Yuenling Ho, Agent, R&P Enterprises LC, dba Phoenix Palace, 2075 N. Dobson Road. A recommendation for approval of State Liquor License #12079836 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Phoenix Palace Buffet.

36. CONTINUED LIQUOR LICENSE: Rancho Mexican Grill 2

CONTINUED TO JUNE 12, 2014, a Series 12 Restaurant Liquor License for Elizabeth Albuja, Agent, Byliel, Inc., dba Rancho Mexican Grill 2, 757 E. Chandler Boulevard, to allow the applicant time to complete the requirements for a Chandler City License.

37. CLASS B BINGO GAME LICENSE: Chandler Elks Lodge #2429

APPROVED a recommendation for the State's issuance of a Class B Bingo License for the Chandler Elks Lodge #2429, 1775 W. Chandler Boulevard, with Steven K. Like as Manager.

BACKGROUND

The Chandler Elks Lodge #2429 has requested the City's approval of their Class B Bingo License at 1775 W. Chandler Boulevard. Bingo game sessions will be conducted weekly, on Thursdays, from 5:00 p.m. until 9:00 p.m.

Class B Bingo Game Licenses are issued by the State and are designed for people who are dedicated to raising funds for their sponsoring charitable organizations. Any person or group may apply for a Class B License, but the licensee is restricted to gross receipts not to exceed \$300,000.00 per year. The City does not issue the license; however, State Code requires that the applicant receive city approval as part of the licensing process.

The Police Department, Transportation and Development and the Fire Department reviewed the application and indicated no objections.

38. On Action

39. FILING OF CROSS-APPEAL – Justus et al v. City of Chandler

APPROVED the filing of a cross-appeal on the issue of the trial court's decision to not award the full amount of attorney fees requested by the City.

ACTION

38. AIRPARK AREA PLAN AMENDMENT/REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT Res. #4761 & Ord. #4536

RESOLUTION NO. 4761, APL 14-0002 Airpark Area Plan Amendment/DVR13-0042/PPT13-0026 Arizona Avenue & Queen Creek Road, an Area Plan amendment to the Airpark Area Plan from Neighborhood Commercial and Commercial/Office/Business Park with a Light Rail Corridor Overlay to Low-Medium Density Residential. (Applicant: Andrew Gasparro, KB Homes.)

ORDINANCE NO. 4536 DVR12-0042 Arizona Avenue & Queen Creek Road, rezoning from conceptual Planned Area Development (PAD) for Commercial/Office/Business Park to PAD (Low-Medium Density Residential).

PRELIMINARY DEVELOPMENT PLAN (PDP) for subdivision layout and housing products.

PRELIMINARY PLAT (PPT), PPT13-0026 Arizona Avenue & Queen Creek Road, on approximately 14 acres with 90 single-family residential units located at the NEC of Arizona Avenue and Queen Creek Road.

BACKGROUND

The approximately 13.83-acre site is located at the northeast corner of Arizona Avenue and Queen Creek Road. The subject site was annexed in 2008 and zoned Agricultural District (AG-1) and Regional Commercial District (C-3) zoning. In April 2012, the property was rezoned from AG-1 and C-3 to Conceptual Planned Area Development (PAD) zoning for commercial/office/business park. The Conceptual PAD allowed commercial uses permitted in the C-2 (Community Commercial) zoning district, office uses including general and medical/dental, and business park uses permitted in the I-1 (Planned Industrial) zoning district.

Arizona Avenue abuts the site's west side with the Carino Villas commercial parcel, yet to develop, the Carino Villas Condominiums multi-family project, and the Carino Estates single-family subdivision. South, across Queen Creek Road, is undeveloped land in the County planned for neighborhood commercial and commercial/office/business park with light rail corridor overlay. The southwest corner of the intersection is Chandler Center at Dobson Crossing, a mix of single-family residential, a newly built multi-family apartment development and a future commercial corner. To the north and east is a high density urban residential apartment development, Archstone Village Crossing at Chandler. Further east is the Union Pacific Railroad tracks, undeveloped land zoned PAD for an industrial park and a church on a County island.

GENERAL PLAN CONFORMANCE/AREA PLAN BACKGROUND

The General Plan designates this property as Employment and a Commercial Node, as within the Airpark Area Plan, and as a Large Tract Growth Area. The General Plan's Employment designation includes light industrial parks, corporate offices, manufacturing, knowledge-intensive employers and a compatible mix of industrial support uses and residential densities as an integral component of a planned mixed-use development. The Commercial Nodes category denotes intersections appropriate for neighborhood or community commercial retail, office, commercial services and institutional uses, as well as residential or employment where appropriate when allowed by the underlying land use designation, in this case Employment.

The Airpark Area Plan denotes the parcel as Commercial/Office/Business Park for major, campus-like employment centers including retail services, research and development or office/showroom development type uses. The Airpark Area Plan also identifies Neighborhood Commercial at the intersection corner for neighborhood-based commercial uses such as retail, personal services, restaurants, and the like. In addition, the entire parcel is within the Light Rail

Corridor Overlay allowing the development of residential densities of 12.1 to 18.0 dwelling units per acre.

This subject property is at an arterial street intersection and is intended to develop with other than single-family residential use. The property is not part of a larger single-family residential neighborhood. Under the guidelines of the General Plan and Airpark Area Plan, single-family residential is not a considerable land use in the Employment, Neighborhood Commercial or Commercial/Office/Business Park categories.

AREA PLAN AMENDMENT

The request amends the Airpark Area Plan from Neighborhood Commercial and Commercial/Office/Business Park with a Light Rail Corridor Overlay to Low-Medium Density Residential. The single-family residential use is not part of the current land use categories and is incompatible with adjacent high density multi-family residential, planned commercial at the arterial street intersection and future industrial and light industrial development to the east.

REZONING

The request is to Rezone approximately 13.83 acres from Conceptual Planned Area Development (PAD) for Commercial/Office/Business Park to PAD (Low-Medium Density Residential). The Arizona Avenue and Queen Creek Road zoning case is the first development request for this site. The property has been farmed for many years. KB Home proposes to develop a single-family residential community that includes 90 single-family residential units at approximately 6.51 du/ac. The lots are designed in a cluster configuration with use and benefit easements for individual detached homes. Lot sizes are a minimum 2,442 sq. ft. (44'x55.5') up to 3,723 sq. ft. (69.2'x53.8'); however, the Development Booklet requests to reduce the minimum lot area to 2,220 sq. ft. as needed.

The subdivision is an intimately designed single-family residential project. Building layout, open space and pedestrian pathways create an inviting living environment by clustering homes. The subdivision is unique by way of details that form an unconventional layout alleviating a geometric design. Special attention is applied to walls along street frontages and home locations internally. Externally, walls are staggered and angled to accommodate more open space. Internally, homes are sited to provide a varied street scene. Pedestrian access gates, grass front yards and private open spaces are elements that offer diversity in this cluster form of residential. Lots along the greenbelt open space have pedestrian gates to access the open space.

SUBDIVISION DIVERSITY

The Rezoning request includes PDP approval for a single-family subdivision layout and two-story housing products. The development is not gated and includes public streets. The subdivision abuts a developing 21-acre, 380-unit gated multi-family residential apartment project at 17.5 dwelling units per acre.

There is a full-movement entry/exit off of both arterial streets. The Arizona Avenue entry is designed with a landscaped median leading to the community's loop road. This entry/exit is shared with the multi-family development to the north for full movement access. The landscape median being installed by the apartment development includes Date Palm trees and shrubs. The Queen Creek Road entry/exit leads to the subdivisions community pool and amenity area.

The previously approved Archstone development, including the apartments and this future commercial/office/business park component, intended to have an overall theme between the two components. A similar theme is created between the proposed development and apartments by

the use of Olive and Oak tree lined street frontages and perimeter walls designed with slant tile and metal screen elements, which complement the multi-family's urban design.

The subdivision design includes a sense of arrival into the neighborhood with open spaces and landscaping at both entries and a distinctive streetscape theme along Arizona Avenue and Queen Creek Road. The streetscape open space along Arizona Avenue is over 60-feet deep with a large green open space/useable retention basin at the arterial intersection corner. Another green useable retention basin is off of Queen Creek Road.

The subdivision lot layout has square and rectangular shaped lots that include irregular side yard property lines. Use and benefit easements allow for varied side yard widths depending upon the home's footprint and the specific lot design. The homes and privacy walls will be situated on lots to create functional side yards that are 5-feet in width. Adjacent side yards create 10 feet and greater building separations. Front yard building setbacks are a minimum of 10 feet for lots adjacent to the street right-of-way (corner lots) with 8 feet to front entries/porch. Within the motor court, front yard setbacks are 3.5 feet from the easement. Rear yard setbacks are a minimum of 5 feet. Patio covers are 0 feet when adjacent to a use and benefit easement. The maximum lot coverage is the proposed building envelope for each lot. The lots are not large enough to accommodate building additions or detached buildings or structures.

Since all of the lots are less than 7,000 sq. ft., all of the Residential Development Standards (RDS) for subdivision diversity would be required. However, it is realized that this type of subdivision cannot meet all of the subdivision diversity standards. The subdivision design provides diversity in the essence of the RDS. The unconventional layout with pedestrian features grass yards, and open spaces along with varied lot depths along arterial street frontages, create an inviting community. The subdivision design meets the intent of the RDS subdivision diversity elements as outlined in the Development Booklet.

A parking study layout was prepared to assure adequate guest parking spaces are distributed appropriately throughout the development.

Signage for the community name is applied on perimeter walls at the two entrances. The sign wall includes a powder coated bronze color sign panel with individual reverse pan channel aluminum letters with halo illumination.

HOUSING PRODUCT

The housing plans are called 'court product' given the homes' courtyard setting. There are four two-story housing plans ranging in size from approximately 1,966 to 2,845 livable square feet and designed with several architectural styles. Each housing plan includes three elevation styles providing a total of 12 housing plan options.

The housing plans are designed specifically for the cluster subdivision layout. A common motor court serves the vehicular access to garages. The homes surround the motor court thus creating a cluster layout resulting in no garage doors along the main loop street. Standard features include rear yard covered patios, covered front entries, stone veneer on at least one elevation, window muntins, window shutters and awnings, decorative window surrounds, wrought-iron accents and corbels.

Each housing plan is designed in association with one another for placement on the six lots within each cluster. For example, Plan 2270 will locate on the two lots abutting the loop public street.

Front doors and green space are oriented toward the street enhancing streetscapes. Enhanced rear elevations are provided for homes adjacent to arterial streets and open spaces.

As well, since all of the lots are less than 7,000 sq. ft., all of the RDS for architectural diversity would be required. However, it is realized that a subdivision of this type cannot meet all of the diversity standards as outlined in the RDS. The grouping of housing plans in a cluster layout, the architectural elements, and footprint of the homes provide diversity within the subdivision.

The architectural diversity elements include four-sided architecture de-emphasized garage fronts by locating them within the motor court area, varied rooflines prohibiting same elevation on adjacent homes or across the street, and trash bins within garage or behind a wall. The housing product design meets the intent of the RDS architectural diversity elements as outlined in the Development Booklet.

AIRPORT RECOMMENDATION

The Airport Commission reviewed the Area Plan amendment and Rezoning request in accordance with the Airport Conflicts Evaluation Process. A conflicts evaluation report was issued indicating that the Airport Commission determined the proposed development does constitute a conflict with existing or planned airport uses. Conflicts cited include that the change in land use to single-family residential is incompatible with the City's guiding documents that are designed to preserve the long-term viability of the airport and surrounding area. Additionally, there is great likelihood that residents will be negatively impacted by noise created by over flight of traffic pattern aircraft.

The Planning Commission and Planning Staff are of the opinion the proposed development is not in conformance with the General Plan and Airpark Area Plan. The single-family residential use is incompatible with adjacent high density multi-family residential, planned commercial at the arterial street intersection and future industrial and light industrial development to the east as a part of the Airpark Area Plan.

Single-family residential is the least desirable land use for this parcel. Other land uses are more appropriate including commercial retail, office, flex industrial, warehouse, business park and like uses. These uses are compatible and provide a transition into commercial/office/business park and light industrial uses planned for the area. The airport area has limited property designated for single-family low density or low-medium density residential. There is a need for higher density multi-family residential to support the Airpark Area Plan in addition to commercial, office and business park type uses.

Additionally, the intersection is a designated Commercial Node and currently the northwest and southwest corners are zoned PAD for commercial use, and the southeast corner is in the County zoned C-3 General Commercial. An evaluation of this intersection from a land use and economic development standpoint, considered the potential growth at this intersection and what is sustainable for the future. The Planning Commission and Planning Staff concluded that the subject site would be best developed for commercial/office/business park and/or neighborhood commercial uses.

While the Planning Commission and Planning Staff does not support the requested Area Plan amendment and Rezoning, the PDP for subdivision layout and housing products offer an attractive development. The cluster, motor court layout creates an intimate environment amongst 90 homes. The subdivision is unique and incorporates an open space corridor, open spaces along arterial streets, varied lot depths and perimeter wall locations and pedestrian access ways.

The development is a modern version of a cluster lot layout that has been successful throughout Chandler.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. The applicant mailed notices for a meeting in November 2013; no residents attended. This meeting did not meet City requirements for an expanded notification area related to Area Plan amendments, thus the City required a new neighborhood meeting which was held on March 10, 2014. There were four residents in attendance. There were questions regarding price ranges, if on-street parking was allowed, what is the land plan for the Airpark Area, and if the homes were being developed anywhere else. The development team responded that pricing is not yet determined, on-street parking is allowed along the loop street which is designed as a public street, addressed the land plan for the area and conveyed the housing product is under construction at a Phoenix development.

Planning Staff and the applicant received an email from an area homeowner who supports the development. Planning Staff received a voice message in opposition. The caller conveyed he does not want this project approved. He stated he has already seen how residential in the area has hurt the expansion of the airport area. Planning Staff is not aware of any other opposition or concerns.

PLANNING COMMISSION VOTE REPORT

Motion to deny:

In favor: 5 Opposed: 1 (Ryan) Abstain: 1 (Baron)

The Planning Commission conveyed there was intent in the initial Archstone Village Crossing at Chandler development plan to have high density, multi-family residential with a future commercial/office/business park corner to support the airport's growth and development including adjacent industrial and commercial/office/business park property to the east along Queen Creek Road extending to Gilbert Road. The Commission wants to maintain the vision of the Airpark Area Plan. Additional comments included the proposed low-medium density residential is not compatible next to the high-density residential behind and next to it. The land has future viability for office and business park development. There is a need for developments accommodating smaller users and offices not just larger master planned office parks. While office and business park uses may take some time to develop in the area, it eventually can develop similar to the business park north of Stellar Airpark.

DISCUSSION:

SENIOR PLANNER JODIE NOVAK stated there was several development requests affiliated with this item. The first request is an Area Plan Amendment. The request is to change the land use from neighborhood commercial and commercial office Business Park with a light rail corridor overlay to a low to medium density residential land use. A rezoning request from a conceptual planned area development district to allow a commercial office business park, and a rezoning to low-to-medium residential, for subdivision layout and housing products. The project is approximately 13.83 acres with 90 single family lots proposed, with all homes being two stories. She stated the Staff report is very detailed so she would keep her report brief. The Planning Commission and Planning Staff recommended denial as the Area Plan amendment is inconsistent with the City's General Plan and denial of the rezoning request as it too is inconsistent with the General Plan and Airpark Area Plan.

COUNCILMEMBER WENINGER inquired about the other developments in the immediate area and Ms. Novak stated each project was reviewed on a case by case basis.

VICE MAYOR HEUMANN inquired about the commercial and retail development in the area and if those type of uses are sustainable in the area. He also inquired how this development compared to the developers other project located at Tatum and Greenway.

MIKE CURLEY, applicant for the development, stated they spent approximately 1 ½ years with Chandler's planning staff working to make the project the best possible development at that location. During this time the City Council directed staff to develop better standards for clustered development. During that time the application was put on hold so that it might be modified to comply with any new standards that might be implemented. He appreciated the time and effort Chandler staff dedicated to assist with the proposed development. The proposed development has significant open space and significantly more architectural features based on the new stipulations for "cluster" products.

COUNCILMEMBER SELLERS expressed concern about the protection, safety, and viability of the airport and what the noise contour would be for the proposed development based on its proximity to the airport.

Mr. Curly stated the proposed development is approximately ½ mile away from the 55 dbf contour line which has traditionally been the determining factor for residential development. He provided a few examples of developments near the airport and their distance from the airport. Mr. Curly stated their belief is the development would not negatively impact the airport because its proposed site is ½ mile away from the 55 dbf contour line.

VICE MAYOR HEUMANN inquired whether the aerial easement would be listed in the deed restrictions. Ms. Novak stated these conditions have to be part of the deed restrictions and part of the title report.

COUNCILMEMBER WENINGER MADE A MOTION TO ADOPT RESOLUTION 4761 APPROVING THE AIRPARK AREA PLAN AMENDMENT FROM NEIGHBORHOOD COMMERCIAL AND COMMERCIAL/OFFICE/BUSINESS PARK WITH A LIGHT RAIL CORRIDOR OVERLAY TO LOW-MEDIUM DENSITY RESIDENTIAL;

INTRODUCE AND TENTATIVELY ADOPT ORDINANCE NO. 4536 APPROVING THE REZONING REQUEST DVR13-0042 ARIZONA AVENUE & QUEEN CREEK ROAD, REZONING FROM CONCEPTUAL PLANNED AREA DEVELOPMENT (PAD) FOR COMMERCIAL/OFFICE/BUSINESS PARK TO PAD LOW-MEDIUM DENSITY RESIDENTIAL SUBJECT TO ALL THE CONDITIONS LISTED;

APPROVE THE PRELIMINARY DEVELOPMENT PLAN DVR 13-0042 ARIZONA AVENUE & QUEEN CREEK ROAD FOR THE SINGLE FAMILY RESIDENTIAL DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS LISTED;

APPROVE PRELIMINARY PLAT REQUEST PPT13-0026 ARIZONA AVENUE & QUEEN CREEK ROAD, ON APPROXIMATELY 14 ACRES WITH 90 SINGLE-FAMILY RESIDENTIAL UNITS LOCATED AT THE NEC OF ARIZONA AVENUE AND QUEEN CREEK ROAD, SUBJECT TO THE FOLLOWING CONDITION OF APPROVAL BY THE CITY ENGINEER AND

PLANNING ADMINISTRATOR WITH REGARD TO THE DETAILS OF ALL SUBMITTALS REQUIRED BY CODE OR CONDITION AS WELL AS THE ATTACHMENTS LISTED.

THE MOTION WAS SECONDED BY VICE MAYOR HEUMANN.

COUNCILMEMBER ELLEN stated she believed the development was too close to the airport and buyers often will sign disclosures but until they actually deal with the issue of what was disclosed, they don't know the impact that issue will have on them. She felt this was not the time to vote on this development and stated she was not in favor of the motion.

COUNCILMEMBER HARTKE stated he often votes no on housing projects around the airport. He has taken the time to sit out in this proposed site to get a better understanding of the proximity to the airport and the noise the site may endure. While he is in favor of the project, he is not in favor of the location and therefore will be opposed to the single housing element within an airport zone.

COUNCILMEMBER DONOVAN agreed it was a good product; however the housing aspect is not a viable option for the airport area.

MOTION CARRIED BY MAJORITY (4-3) WITH COUNCILMEMBER DONOVAN, HARTKE AND ELLEN VOTING NAY.

UNSCHEDULED PUBLIC APPEARANCES:

Mr. DAVE SCHLAUE, 2194 E. Firestone Dr., Chandler, submitted a handout to the Council. Mr. Schlaue stated he has been a volunteer with the Police Department since 2003 said he was getting mixed messages from the Chandler Police command staff since his resignation in November 2013. He asked Council for their assistance.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor announced the ground breaking of the FedEx facility on May 7th. This facility, once completed, will bring approximately 200 jobs to the market and airpark area and diversity to the job base.

There will be a small business workshop on May 15th held at the Council Chambers.

He visited with Maynard White, who celebrated his 107th birthday on May 8th.

He wished his mother and Mom's a Happy Mother's Day, this coming Sunday.

B. Councilmembers' Announcements

Council wished everyone a Happy Mother's Day.

Councilmember Weninger wished his wife a Happy 15th Wedding Anniversary.

