

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 Monday, December 8, 2014.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY at 7:00 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 Weninger participated by phone.

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: Pastor Victor Hardy – Congregational Church of the Valley

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

CONSENT:

VICE MAYOR HEUMANN had comments regarding item No. 14. He thanked the project developer for working with the neighborhood. He noted there still may be details to work out, such as the landscape palette, the connectivity, and the gas canopy.

MOVED BY COUNCILMEMBER SELLERS, SECONDED BY COUNCILMEMBER DONOVAN, TO APPROVE THE CONSENT AGENDA AS PRESENTED.

MS. LATONA PATTEN, 2671 E. Coconino Dr., Chandler AZ: She addressed two issues with the development.

1. Ocotillo will be torn up once again, there will be changes the median, again, and the curb cuts accessing the shopping center will be modified. Currently if you are driving eastbound on Ocotillo the lanes go from two lanes, to one lane in front of their development, then widens to two lanes again. She said it would behoove the city to widen this small stretch of Ocotillo now, rather than tear it up one more time to widen it, and complete the sidewalk. The HOA has already paid the impact fees to have the sidewalk completed. There will be significant safety concerns when people walk to the shopping center.
2. Another concern is the store delivery hours. The current proposal for deliveries is from 5 a.m. to midnight, they would like to see this changed to 6 a.m. to 11 p.m.

The MAYOR asked staff if the hours for delivery had been defined, and if not in writing would it be an issue.

SENIOR PLANNER JODI NOVAK stated the hours are a verbal expectation and may be included either in the CC&R's, but at this time they have not been set, nor are they in writing otherwise, it would need to be a directive to list it as a zoning stipulation.

The MAYOR asked Transportation & Development Director R.J. Zeder to address the Ocotillo Street improvements. Mr. Zeder stated there is funding in the 10-year Capital Improvement Plan (CIP), but he cannot recall the date those specific improvements are to be made. He did speak with the resident prior to the meeting and will look into the issues they addressed.

In response to a question from VICE MAYOR HEUMANN, Ms. Novak stated trucks would either come southbound on Gilbert Road and turning westbound into the service drive; or, they would go eastbound on Ocotillo Road and then into the first drive aisle. Vice Mayor Heumann noted the back of this store backups to the city water facilities. He noted the scale appears it is 600' to the nearest house. He didn't feel this was as close compared to the one on Germann Road. He asked staff to work with the developer on the hours of deliveries.

MS. PATTEN expressed concern that there is no buffer to decrease lighting or noise pollution from the back of the store into the neighborhood. There is only a six foot wide area of gravel and a few trees. She stated she can currently hear construction work occurring on Gilbert Road.

The VICE MAYOR noted there is a double row of trees along the west side that the neighborhood asked for and that will help when matured. Ms. Patten said concern is with the houses along Kimberly and Coconino. Vice Mayor encouraged staff and the developer to work through these concerns.

PETER SALTONSTALL, 2711 E. Yellowstone Place, Chandler AZ, said more houses will be affected other than those on Coconino. He expressed concern with the Vice Mayor's "cavalier" approach on this development as he felt the noise will still be an issue. The trees will take 5-8 years to mature and felt the buffer distance was 80'.

VICE MAYOR HEUMANN stated he has met with the applicant several times and has asked they work through the concerns addressed. He assured Mr. Saltonstall that he and Council are very involved with the development making sure the impact is as minimal as possible to the surrounding neighbors.

Mayor Tibshraeny stated he would be voting no on Item 14.

THE MOTION TO APPROVE THE CONSENT AGENDA CARRIED UNANIMOUSLY (7-0), WITH THE EXCEPTION NOTED.

1. MINUTES:

APPROVED the following Chandler City Council Meeting Minutes:

- 1a. Micro Retreat of November 17, 2014.
- 1b. Regular Meeting of November 17, 2014.
- 1c. Regular Meeting of November 20, 2014.

2. VACATION: Old Germann Road Right-of-Way Ord. #4565

ADOPTED Ordinance No. 4565 authorizing the vacation of a portion of old Germann Road right-of-way, east of Stearman Drive.



ADOPTED Ordinance No. 4586 authorizing a renewal agreement with Teleport Communications of America, LLC, for use of City rights-of-way and public places to establish a Class 4 and 5 Communication System.

11. REZONING: Warner Business Center Office Condominiums Ord. #4587

ADOPTED Ordinance No. 4587, DVR14-0030 Warner Business Center Office Condominiums, rezoning from Planned Area Development (PAD) for office/industrial/warehouse uses to PAD Amended to expand the list of permitted uses on approximately 7 acres located east of the NEC of Arizona Avenue and Warner Road and encompassing the entire Warner Business Center development.

12. REZONING: California and Whitten Ord. #4588

ADOPTED Ordinance No. 4588, DVR14-0027 California and Whitten, rezoning from medium Density Residential District (MF-1) to Planned Area Development (PAD) Multi-family and to PAD Single-family to allow one lot containing a duplex and a single family home to be subdivided into two lots and modify building setbacks. The property is addressed as 464 S. California Street and 221 and 241 W. Whitten Street, SWC of California and Whitten streets.

13. CONTINUED ANNEXATION: SWC Queen Creek Road and Union Pacific Railroad Ord. #4590

CONTINUED TO JANUARY 22, 2015, Ordinance No. 4590, annexation of approximately 18.75 acres located at the SWC of Queen Creek Road and the Union Pacific Railroad to allow the applicant time to coordinate the timing of the annexation to precede more closely with the forthcoming rezoning application.

14. REZONING/PRELIMINARY DEVELOPMENT PLAN: SWC of Gilbert and Ocotillo Roads

MAYOR TIBSHRAENY voted nay on this item.

INTRODUCED AND TENTATIVELY APPROVED (6-1) Ordinance No. 4595, DVR14-0036 SWC of Gilbert and Ocotillo Roads, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Community Commercial with a gas station.

APPROVED a Preliminary Development Plan (PDP) for site layout and building design on property located at the SWC of Gilbert and Ocotillo roads. (Applicant: Mike Withey, Withey Morris PLC.)

#### GENERAL PLAN CONFORMANCE/REA PLAN BACKGROUND

The General Plan designates this property as Recreation/Open Space, a Commercial Node and as a part of the Southeast Chandler Area Plan (SECAP). The SECAP designates this property as a Commercial Node, Major Entry Gateway and Envisioned Open Space/Recreational Opportunities in accordance with the General Plan. The proposed commercial retail center is in conformance with the General Plan and the SECAP.

#### BACKGROUND

The approximately 29-acre site is an undeveloped property located at the southwest corner of Gilbert and Ocotillo roads. This property was originally intended to be a City utilities treatment facility; however, it has been determined that there are properties more suitable to accommodate this function. Therefore, the City determined this property could be available for sale and, in March 2014, Council authorized the sale of the property for development as a mix of commercial and residential uses.

The property is bordered on the west by a partially developed collector street, Norman Way, and the Fonte Al Sole single-family residential subdivision. South of the property are the Intel Brine Ponds which are part of a groundwater and recharge facility. To the east is Gilbert Road and property zoned PAD for commercial. To the north is Ocotillo Road and Maracay Homes' La Esquina single-family residential subdivision. The northeast corner of Gilbert and Ocotillo roads is Layton Lakes' single-family residential subdivision.

The request is to rezone from Agricultural District (AG-1) to Planned Area Development (PAD) for Community Commercial with a gas station and Preliminary Development Plan (PDP) for site layout and building design for a commercial retail center.

At the southwest corner of the property, a planned four-lot residential subdivision is proposed which will be processed through a separate zoning application. The Development Booklet includes information and exhibits for this subdivision representing the intended connectivity with the commercial center.

#### PRELIMINARY DEVELOPMENT PLAN

The proposed development includes an approximately 123,000-square foot grocery store with a drive-up pharmacy, a gas station with nine fuel dispensers and a 6,880-square foot canopy with a customer service kiosk, and approximately 82,000 square feet of freestanding pads and inline retail shops.

The commercial center's site layout is designed in conjunction with major entrances off of Gilbert and Ocotillo roads, providing access to the main anchor and perimeter pads. The main anchor is oriented facing Ocotillo Road. Buildings are setback from rights-of-way at least 50 feet and greater adjacent to residential zoning. Single freestanding pads and multi-user pads are situated to provide the main anchor view corridors and appropriate parking for each pad.

The development proposes seven pads including drive-through restaurants, retail shops, a bank, and a gas station. The number of pads exceeds the maximum number of one pad per street frontage. The corner pad counts as one of the street frontage pads. The increase in the number of pads is appropriate for a 29-acre commercial center. Existing and approved commercial centers typically range from 10-20 acres and include two to eight pads. The site design provides clustering of pads sharing common architectural detail, materials, and pedestrian connections where possible. All drive-through pads will be required to comply with site development standards for screening and queuing lane design.

A dissimilar landscape buffer and a screen wall is provided along Norman Way adjacent to existing single-family residential. Norman Way will be widened to a full collector street right-of-way of 60 feet. In addition, the buffer includes an 80 to 140-foot building setback and landscaping with a double row of trees and a 6-foot high screen wall. The landscaping and wall continues south to the future residential lots bordering the north and east sides. This creates another buffer from the rear of the shopping center.

Building architecture reflects a southwestern contemporary design with colonnades, sloping roofs, columns, concrete roof tiles, stucco, block and light earth tone paint colors. The architectural style, materials, features, paint colors and the like will be consistent for all buildings and pads including gas station canopy. Building mass is broken up by a functional open space with a seating area between buildings and outdoor patio seating areas. Buildings provide covered entries, varied wall planes and rooflines, interior roof access ladders and interior roof drains.

The development includes freestanding monument signage and building mounted signage. There are three freestanding monument signs along each arterial street frontage for a total of six

signs. An intersection corner center identification sign is also proposed; however, it is not included in the exhibits and will be reviewed administratively by Planning Staff. One freestanding monument sign per street frontage is permitted and additional signs may occur for each additional 300 feet of street frontage, not to exceed two detached signs per street. The request is to allow two additional signs and locate signs less than the required 300 feet apart. The Development Booklet includes a comprehensive sign package representing the sign locations and designs.

The application requests the Commercial Design Standards be further designed for Zoning Code compliance with Planning Staff at an administrative review and approval process due to the reduced time frame for zoning entitlements associated with the property's land sale with the City.

Planning Staff is recommending conditions related to site and building design. Through an administrative review process, the applicant will work with Staff to further incorporate site development and Commercial Design Standards such as, but not limited to, building architecture to provide four-sided design with the use of building materials, forms and paint colors including building design for all freestanding pads; provide building elevations for the gas canopy and kiosk; integrate the gas canopy design with building architecture and providing integral/screened gas tank vent piping; pad clustering with common architectural detail, materials and pedestrian connections; enhance entrance drives with common elements associating pads; pedestrian connection from collector street; providing public artwork; and an intersection corner center identification sign. In addition, incorporate a rural character through architectural design and building materials in accordance with the SECAP.

#### DISCUSSION

The Planning Commission and Planning Staff support the request finding the commercial development meets the intent of commercial design standards; however, needs additional attention to detail and site improvements to further enhance the development. The request for additional freestanding pads and Sign Code waivers, including signage separated less than 300 feet, is appropriate given the site's 29-acre size which has greater street frontage than typically sized 10-15-acre commercial retail centers. The architectural character complements the adjacent single-family residential subdivision. The applicant has worked with adjacent residential neighbors and Fonte Al Sole Homeowners' Association (HOA) for many months to address their concerns and design comments. A primary request was to eliminate vehicular access to the shopping center from Norman Way. The site plan was changed to eliminate this access and provide a substantial landscaping with screen wall buffer. The planned residential component was reduced from numerous lots to four lots, one of which is a recreational lot intended for use by the adjacent HOA. A determination as to whether to keep the recreational lot or develop a home on it is still being discussed with the adjacent HOA as well as whether or not to provide a pedestrian connection from Norman Way. The applicant continues to work with the adjacent neighbors and HOA.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

The request was noticed in accordance with the requirements of the City of Chandler Zoning Code with a neighborhood meeting being held on November 5, 2014. Twenty-four neighbors were in attendance. Questions were asked regarding direct pedestrian access from Fonte Al Sole, architectural design, the shopping center name, buffer from residential, the gas station and plans for the residential lots. Most of the attendees were in support of the project. Others conveyed they were not in support of the architectural design, concerns for hazards related to a gas station, concerns with pedestrian access to and from the neighborhood and the residential component's recreational lot being noisy and creating problems. The applicant continues to work with representatives of the HOA. The applicant is determining if a pedestrian access will be provided off of Norman Way and if the recreational lot will instead become a home lot pending further discussion with the HOA.

The applicant met with representatives of the Fonte Al Sole subdivision on five different occasions in addition to phone calls prior to the November neighborhood meeting.

Planning Staff has received a few phone calls from area homeowners in the Fonte Al Sole and Arizona Country residential subdivisions to the west wanting information about the proposed commercial center. Questions were asked regarding who the grocery store company is; if there was a gas station, what road improvements would be occurring; timing of development; pedestrian access from Fonte Al Sole into the shopping center and the type of screening and landscaping adjacent to Fonte Al Sole.

Planning Staff is currently not aware of any neighborhood opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioner Ryan abstaining and Commissioner Foley absent

The Planning Commission reviewed a recommendation to replace PDP Condition No. 16 with a new condition. Condition No. 16 read, "Incorporate a pedestrian connection from the adjacent Norman Way collector street". However, the Fonte Al Sole HOA no longer wants pedestrian access for their residents. In response, this condition was being replaced with a request from residents for the grocery store to provide at least two rows of parking shade canopies in the parking lot. The grocery store representative did not support having this zoning condition and further spoke with the Fonte Al Sole HOA representative at the Commission hearing. They determined a condition was not warranted and requested it be removed. PDP Condition No. 16 is recommended for deletion.

Two people spoke on this item. One area resident conveyed they were initially opposed to this development request at the time of a Request for Proposal (RFP); however, they have had ongoing communication with the development team and have had a positive experience. They continue a dialogue with the development team and support this project. The other speaker requested Commission adopt a sustainability checklist and request developments submit an itemized list of what is sustainable within the project.

#### RECOMMENDED ACTIONS

##### **Rezoning**

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

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

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

1. Development shall be in substantial conformance with Exhibit A, Development Booklet entitled "SWC GILBERT AND OCOTILLO ROADS" kept on file in the City of Chandler Planning Division, in File No. DVR14-0036, 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 Transportation & Development Director for arterial street median landscaping.
3. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

5. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. The site shall be maintained in a clean and orderly manner.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
8. The monument sign's sign panels have an integrated or decorative cover panel until a tenant name is added to the sign.
9. Raceway and animated signs shall be prohibited within the development.
10. The freestanding pads shall carry an architectural level of detail similar to front facades of main building.
11. The applicant shall work with Planning Staff to further incorporate site development and Commercial Design Standards such as, but not limited to, building architecture to provide four-sided design with the use of building materials, forms and paint colors including building design for all freestanding pads.
12. All buildings shall incorporate rural character through architectural design and building materials in accordance with the Southeast Chandler Area Plan.
13. All pads and free-standing shops buildings will be designed to meet site development standards related to clustering of pads through sharing of common architectural detail, materials, and pedestrian connections including, but not limited to, the use of a combination of common landscape, hardscape, paint colors, materials, and/or architectural elements.
14. The applicant shall work with Planning Staff to enhance entrance drives with common elements associating pads.
15. The applicant shall work with Planning Staff to provide building elevations for the gas canopy and kiosk, integrate the gas canopy design with building architecture, and provide integral/screened gas tank vent piping within the canopy columns.
16. Delete.
17. An intersection corner center identification sign shall comply with Sign Code and be architecturally integrated with the commercial center.
18. The applicant shall work with Planning Staff to incorporate public artwork within the development.
19. All drive-through pads shall meet site development standards for screening and queuing lane design.
20. The residential component shall be reviewed and approved through a separate Rezoning with Preliminary Development Plan application.

15. PROJECT AGREEMENT: SDB, Inc.

APPROVED Project Agreement No. ST1507.401 with SDB, Inc., for construction services for Queen Creek/McQueen Roads Intersection Repairs, pursuant to Job Order Contract No. JOC1201.401, in an amount not to exceed \$110,001.00.

Prior to October 28, 2014, visual observation of the existing concrete intersection and roadway along the southbound lanes of McQueen Road, north of Queen Creek Road, revealed water coming up between the existing concrete roadway panels and in the gutter along the west side of McQueen Road. Staff determined that water source was a leaking Salt River Project (SRP) irrigation line that crosses McQueen Road. It was also determined that voids existed within the subgrade under the concrete roadway. The southbound curb lane of McQueen Road, north of Queen Creek Road, has been closed since that time due to the voids under the roadway.

SRP irrigation crews stopped the water in the existing irrigation line and repaired the leaking pipe. No water has been observed since the SRP repairs were completed. However, concrete panels and subgrade need to be repaired.

Under City Code Section 3-13.3, the City Manager has authorized emergency procurement of services with SDB, Inc., one of its Job Order Contracting contractors, to perform the repairs. The project scope includes demolition, removal and replacement of the damaged concrete roadway.

City Staff has been in regular communication with SRP regarding this issue and will seek full reimbursement for any expenses incurred.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

Mayor announced Current Events would be announced at Thursday's regular Council meeting.

Adjournment: The meeting was adjourned at approximately 7:24 p.m.

ATTEST: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved: January 8, 2015

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 8<sup>th</sup> day of December 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_\_ day of January 2015.

\_\_\_\_\_  
City Clerk