

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, April 16, 2015.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY AT 7:00 p.m.

The following members answered roll call:

Jay Tibshraeny	Mayor
Kevin Hartke	Vice-Mayor
Nora Ellen	Councilmember
Rick Heumann	Councilmember
René Lopez	Councilmember
Terry Roe	Councilmember
Jack Sellers	Councilmember

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: Vice Mayor Kevin Hartke gave the invocation.

PLEDGE OF ALLEGIANCE: Councilmember Rick Heumann led the Pledge of Allegiance.

CONSENT:

COUNCILMEMBER HEUMANN thanked Staff for working on the additional screening issue related to item #17; Chandler Express Car Wash.

MOVED BY COUNCILMEMBER HEUMANN, SECONDED BY COUNCILMEMBER ROE TO APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED the following Chandler City Council Meeting Minutes:

- 1a. Special Meeting (Micro Retreat) of March 23, 2015.
- 1b. Study Session of March 23, 2015.
- 1c. Regular Meeting of March 26, 2015.

2. NO-COST POWER EASEMENT: Salt River Project Ord. #4583

ADOPTED Ordinance No. 4583 granting a no-cost power easement to Salt River Project (SRP), for electrical facilities relocation as part of the Ocotillo Road Improvements, from Arizona Avenue to McQueen Road.

3. REZONING: Artesian Place Ord. #4618

ADOPTED Ordinance No. 4618, DVR15-0004 Artesian Place, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Residential.

4. INITIAL CITY ZONING: SWC McQueen and Ocotillo Roads Ord. # 4619

ADOPTED Ordinance no. 4619, DVR15-0005, South of the Southwest Corner of McQueen and Ocotillo Roads, establishment of initial City zoning of Agriculture (AG-1) on approximately 4.18 acres located south of the SWC of McQueen and Ocotillo roads.

5. INITIAL CITY ZONING: NWC of Gilbert and Brooks Farm Roads Ord. #4620

ADOPTED Ordinance No. 4620, DVR15-0006, NWC of Gilbert and Brooks Farm Roads, establishment of initial City zoning of Agriculture (AG-1) on approximately 5 acres located at the NWC of Gilbert and Brooks Farm roads

6. ANNEXATION: NWC of Cedar Place and Riggs Ranch Road Ord. #4621

ADOPTED Ordinance No. 4621, Annexation of approximately 1.25 acres located north of the NWC of Cedar Place and Riggs Ranch Road.

7. IRRIGATION EASEMENTS: Roosevelt Water Conservation District Ord. #4518

ADOPTED Ordinance No. 4518 authorizing the grant of no-cost irrigation easements to the Roosevelt Water Conservation District (RWCD) in property owned or acquired by the City in connection with the Gilbert Road Improvement Project (Ocotillo Road to Hunt Highway) ST-0809; and declaring an emergency.

#### BACKGROUND/DISCUSSION

As part of the Gilbert Road Improvement Project (Ocotillo Road to Hunt Highway) ST-0809, the City of Chandler entered into an agreement with the RWCD to allow construction of the Gilbert Road Improvement Project from Ocotillo Road to Hunt Highway over portions of property owned by RWCD. The construction of the project required the relocation of some existing RWCD irrigation facilities. Pursuant to the Agreement, the City is to grant new irrigation easements across portions of Gilbert Road to accommodate relocated RWCD irrigation facilities at Brooks Farm Road, Chandler Heights Road and approximately ½ mile north of Riggs Road.

The easements are being granted at no cost to RWCD as they are necessary for the project and replace prior RWCD easements at these locations.

The irrigation easements have been reviewed and approved by the City Attorney's office. Staff has reviewed and approved the legal descriptions for the requested easements.

Immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health, life and property of the City of Chandler and an emergency is hereby declared to exist. The aforementioned transaction must be completed on or before April 30, 2015, to coincide with the termination of the existing license granted the City by RWCD to enter upon and use a portion of the canal extension property and to ensure that the project is not disrupted; this ordinance must be in full force and effect prior to that date. This ordinance shall be

in full force and effect from and after its passage, adoption and approval by the Chandler City Council and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

8. PROPERTY CONVEYANCE: Roosevelt Water Conservation District Ord. #4600

ADOPTED Ordinance No. 4600 authorizing the conveyance of certain real property located approximately one-quarter mile south of the intersection of Ocotillo Road and Gilbert Road, to the Roosevelt Water Conservation District (RWCD) in exchange for the grant of a public roadway and utility easement from RWCD to the City in a portion of said real property and declaring an emergency.

BACKGROUND/DISCUSSION

At its February 26, 2009, meeting, the Chandler City Council authorized the acquisition of real property required for its Gilbert Road Improvement Project from Ocotillo Road to Hunt Highway. As part of this project, it was necessary to relocate a portion of the RWCD Extension Canal (originally located approximately ¼ mile south of Ocotillo Road) slightly to the south of its previous location. So that construction of the project could proceed over a number of RWCD properties within the project limits, the City entered into a license agreement with RWCD. Pursuant to the terms of the License Agreement and the requirements of the project, the City acquired real property for the canal relocation. Now that the relocation of the canal is completed, the City must transfer title to the new canal parcel to RWCD. In exchange, the City is receiving Roadway and Utility Easements from RWCD for the Gilbert Road right-of-way over a portion of the property.

The Special Warranty Deed and the Roadway and Utility Easements have been reviewed and approved by the City Attorney's Office.

Immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health, life and property of the City of Chandler and an emergency is hereby declared to exist. The aforementioned transaction must be completed on or before April 30, 2015, to coincide with the termination of the existing license granted the City by RWCD to enter upon and use a portion of the canal extension property and to ensure that the project is not disrupted; this ordinance must be in full force and effect prior to that date. This ordinance shall be in full force and effect from and after its passage, adoption and approval by the Chandler City Council and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

9. PROPERTY CONVEYANCE: Roosevelt Water Conservation District Ord. #4612

ADOPTED Ordinance No. 4612 authorizing the conveyance of certain real property consisting of approximately 193 square feet of vacant land located on the north side of Ocotillo Road approximately 551 feet east of Gilbert Road, to the Roosevelt Water Conservation District (RWCD) at no cost; and declaring an emergency.

BACKGROUND/DISCUSSION

As part of the Gilbert Road Improvement Project from Ocotillo Road to Hunt Highway, it was necessary for the City to acquire property to widen Ocotillo Road. Construction of Ocotillo Road impacted an existing RWCD well site and it was necessary to change its size and footprint. In order to provide RWCD with continued access to and within their well site, it is necessary to

transfer title to a small parcel of vacant City land to RWCD. The parcel is approximately 9.8 feet wide by 20.0 feet long and contains approximately 193 square feet.

The Special Warranty Deed has been reviewed and approved by the City Attorney's Office.

Immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health, life and property of the City of Chandler and an emergency is hereby declared to exist. The aforementioned transaction must be completed on or before April 30, 2015, to coincide with the termination of the existing license granted the City by RWCD to enter upon and use a portion of the canal extension property and to ensure that the project is not disrupted; this ordinance must be in full force and effect prior to that date. This ordinance shall be in full force and effect from and after its passage, adoption and approval by the Chandler City Council and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

10. INITIAL CITY ZONING: North of the NWC of McQueen Road and Hunt Highway  
Ord. #4614

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4614, DVR15-0009 North of the Northwest Corner of McQueen Road and Hunt Highway, establishing the initial City zoning of Agriculture (AG-1) on approximately 10 acres located north of the NWC of McQueen Road and Hunt Highway. (Applicant: City of Chandler.)

BACKGROUND

The subject 10-acre site has one single-family home and a couple of non-residential structures. The parcel abuts the south end of Fieldstone Estates subdivision on the west side of McQueen Road. South of the subject parcel is an unincorporated rural residential area consisting of twenty homes located on lots that range in size from approximately 1-2.5 acres.

The Chandler Land Use Element of the General Plan designates the site as residential and refers to the Southeast Chandler Area Plan (SECAP) for more specific land uses. The SECAP designates the subject site as Traditional Suburban Character. A rezoning and preliminary development plan application has been submitted for the subject parcel to construct a low-density residential subdivision, which will be forthcoming.

The City Council tentatively adopted an ordinance to annex the subject parcel on March 12, 2015, adopting the second reading of the ordinance on March 26, 2015. Planning Staff has not received any comments from residents or other members of the public regarding the annexation nor the establishment of initial City zoning. However, a homeowner from a County property to the south has concerns about the forthcoming project. The developer has been in contact with the resident to resolve any concerns.

In accordance with the following statute, Planning Staff is proposing an initial City zoning of AG-1, which is consistent with the previous Rural-43 (RU-43) zoning in the County. Arizona Revised Statutes §9-471 states that "a city or town annexing an area shall adopt zoning classifications that permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made according to existing procedures established by the city or town for the rezoning of land".

The Planning Commission and Planning Staff support the requested land use with the pending development applications, the annexation and establishment of initial City zoning of the subject

property to allow the pending applications to be reviewed by the Planning Commission and City Council.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5-0 with Commissioners Baron and Wastchak absent.

#### RECOMMENDED ACTION

Upon finding consistency with Arizona Revised Statutes, the Planning Commission and Planning Staff recommend approval.

11. INITIAL CITY ZONING: Chandler Heights and Cooper Roads Ord. #4615

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4615, DVR15-0007 South of the Southeast Corner of Chandler Heights and Cooper Roads, establishment of the initial City zoning of Agriculture (AG-1) on approximately 10.78 acres located south of the SEC of Chandler Heights and Cooper roads. (Applicant: City of Chandler.)

#### BACKGROUND

The subject site consists of four rural residential properties. Two of the properties have existing single-family homes with ancillary structures and the other two are undeveloped. The site is bordered by rural residential properties zoned AG-1 to the north and County properties zoned RU-43 to the west. East and south is the Circle G at Riggs Homestead Ranch single-family custom subdivision.

On March 28, 2013, the City approved the annexation of 25 acres adjoining the north and east sides of the subject site. City Council approved the annexation of three of four parcels on February 26, 2015. The remaining parcel will be annexed in April 2015. The applicant intends to develop a low-density residential neighborhood on the subject properties together with the previously annexed 25 acres. A rezoning application and preliminary development plan are currently being reviewed and will be forthcoming to the Mayor and Council.

The Chandler Land Use Element of the General Plan designates the site as Residential and the Southeast Chandler Area Plan designates a more specific land use category of Rural/Agrarian Character, supporting low-density residential development.

In accordance with the following statute, Planning Staff is proposing an initial City zoning of AG-1, which is consistent with the previous Rural-43 (RU-43) zoning in the County. Arizona Revised Statutes §9-471 states that "a city or town annexing an area shall adopt zoning classifications that permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made according to existing procedures established by the city or town for the rezoning of land".

Planning Staff supports the land use that is requested with the pending development applications, the annexation and establishment of initial City zoning of the subject property to allow the pending application to be reviewed by the Planning Commission and City Council.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

## PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Baron and Wastchak absent.

### RECOMMENDED ACTION

Upon finding consistency with Arizona Revised Statutes, the Planning Commission and Planning Staff recommend approval.

12. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Mission Estates Ord. #4617

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4617, DVR14/0028/PPT14-0016 Mission Estates, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Residential. (Applicant: Ed Bull/Brian Greathouse, Burch & Cracchiolo, P.A.) APPROVED a Preliminary Development Plan (PDP) for subdivision layout and housing products. APPROVED a Preliminary Development Plat (PPT) for approximately 10 acres located north of Hunt Highway and west of McQueen Road.

### BACKGROUND

The approximate 10-acre subject site is located north of Hunt Highway and west of McQueen Road, just north of Sunnydale Drive. The property is surrounded on the north by an existing single-family residential subdivision, Fieldstone Estates. Along the south side are seven rural residential properties in the County. To the west is a County single-family subdivision, Santan Vista Unit 3. Northeast of the property, east of McQueen Road, is an existing single-family residential subdivision, Springfield. East of the site is McQueen Road and rural residential property in the County.

The subject site is being annexed and given initial City zoning of Agricultural District (AG-1). The request is to rezone the site from AG-1 to Planned Area Development (PAD) for Residential (Low Density). The proposal is a custom/semi-custom home, gated single-family residential community that includes 26 single-family residential units at approximately 2.5 du/ac. The lots are a minimum of 12,000 square feet with an average lot size of 13,000 square feet.

### GENERAL PLAN CONFORMANCE/AREA PLAN BACKGROUND

The General Plan designates this property as Residential and within the SECAP. The SECAP identifies this property as Traditional Suburban Character. This designation allows for a residential development density of 2.5 du/ac as the norm, or greater, upon meeting certain amenities. Development within this area should convey a rural/agrarian theme and should be developed with transitions and compatibility.

### SUBDIVISION DIVERSITY

This request includes PDP approval for a single-family subdivision layout with one-story custom/semi-custom homes. The gated development includes a private street with ingress/egress off of McQueen Road. An emergency access only is provided off of Sunnydale Drive. The gated entry is integrated with the perimeter wall design utilizing steel framing, steel tube rails, welded steel panels with decorative bolts, and cmu columns with stucco finish. The development includes a single, curvilinear private roadway with a cul-de-sac.

Lot sizes are a minimum 85'x142' (12,070 sq. ft.). Lots 1-13 provide minimum front yard setbacks of 15 feet to side entry garage/livable space and 20 feet to forward facing garage. Lots 14-26

provide minimum front yard setbacks of 20 feet to side entry garage/livable space and forward facing garage. The minimum rear yard setback is 25 feet. Side yard setbacks are a minimum 5 feet with a total of both sides no less than 15 feet. Homes are limited to 25 feet high, one-story. The maximum lot coverage is 45%. Additional building setback standards are provided in the Development Booklet. The development allows for detached accessory buildings/structures such as garages, large storage buildings, recreational rooms, guest houses, and the like in the rear yard area. The maximum building size is 1,000 square feet; minimum building setbacks are 5 feet and a maximum building height of 25 feet and 1-story only.

Although the residential lots are greater than 12,000 square feet in size and Residential Development Standards are not required, the development has incorporated several standards which meet design elements for residential subdivisions. In addition, the development incorporates SECAP standards such as providing on average, a 45-foot wide landscape setback, turf, no lots backing up to the street, break up perimeter fence walls, and a rural character entry feature.

A 6'11" high perimeter wall will be provided along Sunnydale Drive, an existing unpaved roadway easement for County lots, in conjunction with a landscape tract ranging from 8 feet to 6 feet. This provides a streetscape buffer from the front yards of seven County lots to the south.

#### HOUSING PRODUCT

Housing product design criteria for the custom/semi-custom homes is included with this PDP through development guidelines. These guidelines are further detailed in the Development Booklet. The criteria includes a minimum home size of 3,200 square feet, one-story homes only, basements are permitted, minimum two-car garage and architectural design expectations.

#### DISCUSSION

Planning Staff finds the proposed single-family residential development compatible with the adjacent existing residential and rural residential areas. The subdivision incorporates the Residential Development Standards and SECAP standards for quality design.

The development is incorporating a sewer lift station at the northeast corner of the subdivision along McQueen Road due to the unavailability to connect directly into the City's public wastewater transmission facilities in McQueen Road. The developer will be responsible for the cost and construction of the sewer lift station. The sewer lift station will be conveyed to the City for ownership.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. The applicant met with County homeowners who own property immediately south of the subject site along Sunnydale Drive on October 27, 2014. The County homeowners conveyed concerns and desires regarding the proposed subdivision. The applicant responded to their comments and continued to work with them.

A neighborhood meeting was held on October 29, 2014. Ten area residents attended. Questions asked included when the annexation process would start, who is the property owner, what infrastructure/improvements are occurring to McQueen Road, what about flood damage to the new homes, location of the storm water retention, building setback, lot sizes and lot coverage. Other questions related to home prices, construction timing and limiting homes to one-story. Following this meeting, the applicant continued working with County homeowners south of the development site.

Planning Staff received phone calls from County homeowners to the south and a resident within Fieldstone Estates to the north. They wanted information on the proposed development and were concerned about two-story homes, lot sizes, lot locations and the number of lots.

A meeting with County residents to the south was held on December 1, 2014. The developer agreed to limit homes to one-story, provide a landscape tract along Sunnydale Drive along the new perimeter wall, and improve Sunnydale Drive with 6-inches of compacted aggregate base course (ABC) within the existing 20-foot roadway easement. Following the December meeting, there were ongoing discussions and an agreement was signed between the developer and County property owners along Sunnydale Drive. Planning Staff received an email on March 5, 2015, from one of the County property owners along Sunnydale Drive conveying their concerns and desires.

Planning Staff received a follow up call from a Fieldstone Estates resident adjacent to the proposed development. Concerns were raised about grading, lot pad height, and existing trees. Staff and the applicant responded advising that any existing trees will be maintained if possible when grading, the property drains westerly into retention basins and the land's height is not being raised to cause homes to be taller than existing homes. The resident's concerns have been addressed and they do not oppose the development.

Planning Staff received a phone call from a representative of a family-owned farm immediately east of the proposed development. A concern was raised about planned improvements and lane configurations on McQueen Road. Staff and the applicant contacted the representative and provided information to address their concern. The representative' concerns have been addressed and they do not oppose the development. Planning Staff is not aware of any opposition to this development.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Baron and Wastchak absent.

#### 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 "MISSION ESTATES" kept on file in the City of Chandler Planning Division in File No. DVR14-0028, 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.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.

5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. The same housing plan and elevation shall not be built side-by-side or directly across the street from one another.
7. All lots within the subdivision shall be limited to single-story homes only.
8. Window mullion/muntin patterns shall remain consistent on all sides of the homes.
9. Window pop-out treatments shall remain consistent on all sides of the homes.

### **Preliminary Plat**

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

1. Approval by the City Engineer and Planning Administrator with regard to the details of all submittals required by code or condition.

13. PUBLIC DEDICATION: Palm Lane Ord. #4622

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4622 authorizing the City of Chandler, as owner, to dedicate to the public for use as such, the streets and easements as shown on a minor land division map of Palm Lane.

### BACKGROUND/DISCUSSION

The City of Chandler Housing Division owns one parcel of land that is improved with two single-family residences located at the southeast corner of Elgin Street and Palm Lane. These two residences are part of the City's inventory of affordable public housing that was developed in 1996. Grant funding for public housing projects is obtained through the United States Department of Housing and Urban Development (HUD).

When this grant funded project was developed, time was not available to undergo a minor land division process. This property, and a few other properties, were developed on land that was not fully subdivided. HUD requires that public housing property receiving HUD operating subsidy funding must be encumbered by a Declaration of Trust and Restrictive Covenants which essentially grants an interest in the property to HUD to assure it remains affordable.

A minor land division is being created for the purposes of splitting one lot into two, thus creating a separate lot and parcel number for each residence. This minor land division will afford the City more flexibility in terms of administration and identification of parcels and associated improvements that are to be encumbered by a Declaration of Trust.

14. No item.

15. RIGHT-OF-WAY LICENSE: Salt River Project Res. #4700

ADOPTED Resolution No. 4700 accepting a no-cost right-of-way license from Salt River Project (SRP) on behalf of the United States of America, for a portion of the west half of Alma School Road, lying north of Pecos Road.

### BACKGROUND/DISCUSSION

In reviewing its GIS data base, SRP learned that a portion of Alma School Road was constructed over a parcel of land approximately 20 feet wide and 1,314 feet long that is owned by the United States of America (USA) previously used for its irrigation facilities. In order to allow for Alma School Road to cross over the parcel, SRP is granting a right-of-way license to the City of Chandler, at no cost.

Staff has determined that the legal description on the right-of-way license is correct and recommends that Council accept the license.

16. PRELIMINARY DEVELOPMENT PLAN: Kyrene 202 Business Park

APPROVED Preliminary Development Plan PDP14-0014 Kyrene 202 Business Park, to amend the comprehensive sign package as part of the Kyrene 202 Business Park development located at the NWC of Kyrene and Frye roads. (Applicant: Jeremy Lear; Evolution Design, Inc.)

BACKGROUND

The subject site is located at the northwest corner of Kyrene and Frye roads. The site has three street frontages with Gila Springs Place along the north, Kyrene Road along the east, and the future Frye Road alignment along the south. Along the west side of the site is an SRP canal. The site received PAD zoning and PDP approval from Council in 2013. Uses for the property include light industrial, warehouse, office and support retail uses. At the time of zoning approval, a sign package as included; however, the provisions were minor and did not contemplate warehouse/commercial uses. The request is to modify the sign package bringing the development into greater consistency with similar developments.

The comprehensive sign package only includes building-mounted signage and does not include modifications to the monument signs. Currently, the building-mounted signage allows for black pan or reverse-pan channel lettering only, with limited sign band areas depending upon the number of tenants. The request seeks the ability to provide color lettering, in lieu of the black only, as well as expanding the ability to provide different letter illumination types, combine signage areas (if a single user), and increase the number of sign band areas for multiple building users (allowing for a single sign band on each side of the building). The sign package continues to meet the requirements for signage as outlined in the *Additional Quality Standards* section of the Zoning Code pertaining to signage.

DISCUSSION

Planning Staff supports the comprehensive sign package citing that with the modifications proposed, the sign package presents a quality design that is commensurate with other developments of similar nature and maintains consistency with the necessary quality standards for signage.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 16, 2015; there were two neighbors in attendance offering general support.

Planning Staff has received emails from one neighbor within the general vicinity seeking clarification of the request and wanting to ensure that billboard signs were not part of the request. Additionally, Planning Staff received a phone call from a resident on the east side of Kyrene Road expressing concerns with the illumination of the site and whether or not additional landscaping

may be added to the City's retention basin that is along the east side of Kyrene Road. The residents offered no opposition to the request.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Baron and Wastchak absent.

One neighbor spoke at the Commission hearing citing concerns with lighting from the development and how residents east of Kyrene Road are concerned with light flooding into their backyards. The developer will be adding light shields for the eastern most parking lot lights. Additionally, Planning Staff is working with the City's Landscaping Coordinator to add additional landscaping in the City's retention basin along the east side of Kyrene Road.

#### RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Services Division in File No. PDP14-0014 except as modified by condition herein.
2. Raceway signage shall be prohibited within the development.
3. 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.

#### 17. PRELIMINARY DEVELOPMENT PLAN: Chandler Express Car Wash

APPROVED Preliminary Development Plan PDP14-0018 Chandler Express Car Wash, for site and building design of a new car wash facility located south of the SWC of Arizona Avenue and Germann Road. (Applicant: Jesse Macias, PM Design Group, Inc.)

#### BACKGROUND

The subject site is an undeveloped property located south of the southwest corner of Arizona Avenue and Germann Road. The property is part of a larger commercial center, Olive Tree Plaza, which has not fully developed. The parcel is just over 1 acre and located south of two existing freestanding pads: Sonic Restaurant and QuikTrip gas and convenience store along Arizona Avenue. The parcel is bordered on the south by an existing multi-family residential development, a restaurant to the north, vacant land to the west and Arizona Avenue to the east.

The request is to allow a third freestanding pad along Arizona Avenue as part of the larger commercial center. The development was approved in accordance with Zoning Code allowing one freestanding pad per arterial street frontage. QuikTrip constitutes the pad along Germann Road and Sonic restaurant is the Arizona Avenue pad. The prior commercial center site plan included an inline retail shops building of approximately 8,125 square feet in the location proposed for the car wash.

In 1999, Olive Tree Plaza was zoned PAD along with a multi-family residential parcel. The commercial center was approved for Community Commercial District (C-2) land uses. The apartments received PDP approval and developed. A PDP was approved in 2004 for a shopping center with approximately 83,700 square feet of retail space and two freestanding pads. In 2005, a rezoning case approved a gas station with convenience store use at the intersection corner

replacing a retail shops pad. In 2009, the gas station pad received a zoning time extension and approval to construct the gas station pad prior to any other development in the commercial center. A second pad in the center was represented as a bank with a single-lane drive-through which did not develop. In 2011, Planning Staff administratively approved this pad for a C-2 use, a Sonic restaurant with a drive-in and drive-through.

The car wash facility provides a car wash tunnel, small administrative office, restroom, small vending area and equipment room. The site includes twenty-seven covered, self-serve vacuum stations. The site is designed with a one-way circulation pattern to access the car wash and vacuum area. Landscaping is in accordance with the center's existing landscape palette.

Building architecture reflects the materials and forms of the adjacent restaurant and convenience store with gas station developments. The car wash building also incorporates modern elements to further enhance the appearance of the commercial corner. There is a main tower in the center of the car wash tunnel with glazing providing customers views from the tunnel. This element is enhanced with steel framework that creates an architectural projection above the main roofline. The proposal includes building mounted signage which will conform to the sign standards set forth in the Olive Tree Plaza zoning case; reverse pan channel, 24-inch letters and Sign Code requirements for PAD zoning.

#### DISCUSSION

Planning Staff finds the proposed car wash facility to be complementary with existing buildings and providing four-sided architectural design and character in conformance with Commercial Design Standards. The added modern elements and use of materials enhance the streetscape. The addition of a third pad is not unusual for a 10-acre commercial center. The building is setback approximately 70 feet from Arizona Avenue in alignment with the existing Sonic pad. The car wash facility is designed in conjunction with existing PDP entitlements for the remaining undeveloped parcel.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on February 11, 2015. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 - 0 with Commissioners Baron and Wastchak absent.

The Commission requested the addition of Condition 9 to ensure screening of the car wash exit.

#### RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with Exhibit A, Development Booklet entitled "CHANDLER EXPRESS CAR WASH FACILITY", kept on file in the City of Chandler Planning Division in File No. PDP14-0018, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 2980 in case PL98-173 Olive Grove Apartments, except as modified by condition herein.

3. 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.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. Landscaping shall be in compliance with current Commercial Design Standards.
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
7. The canvas shade structures shall be maintained in a manner similar to that at the time of installation.
8. The site shall be maintained in a clean and orderly manner.
9. Increase the screen wall height along Arizona Avenue to screen the car wash exit.

18. CLAIMS REPORT

APPROVED the claims report for the quarter ended March 31, 2015.

19. CITY OF CHANDLER EMERGENCY OPERATIONS PLAN

AUTHORIZED the 2015 City of Chandler Emergency Operations Plan (EOP) and execution of a letter of promulgation and a letter of approval and implementation.

BACKGROUND/DISCUSSION

The EOP is a document which gives direction to City officials during incidents of major significance. The current EOP was released in 2010 and is due for update. The 2015 EOP reflects current incident Command Structure, National Incident Management System and includes Emergency Support Functions which all serve as coordination mechanisms when conducting emergency operations. Moreover, the EOP includes information regarding the staffing and operation of the City's Emergency Operations Center as well as functional annexes that provide direction during specific emergencies.

20. ADMINISTRATIVE SETTLEMENT: Roosevelt Water Conservation District

APPROVED an administrative settlement with the Roosevelt Water Conservation District (RWCD) to acquire portions of properties, either in fee or by easements, required for construction of the Gilbert Road Improvement Project from Queen Creek Road to Hunt Highway for \$241,161.40, plus closing costs, if any.

BACKGROUND/DISCUSSION

At its February 26, 2009, meeting, the Chandler City Council granted the authority to acquire real property for the Gilbert Road Improvement Project ST-809 from Queen Creek Road to Hunt Highway. During the interim, Staff has been working with the RWCD to acquire portions of RWCD's properties required for the project. In order for the project to move forward without delay, the City and RWCD entered into a License Agreement allowing construction to proceed on RWCD's land. The License Agreement also provided that the City would pay for costs and expenses incurred by RWCD resulting from the project. There are fourteen RWCD parcels in all with an original appraised value of \$204,786.00 plus closing costs. In addition, the City's project was going to impact an RWCD well site on the north side of Ocotillo Road just east of Gilbert Road.

Staff estimated the cost to abandon this well site and renovate a different RWCD well would be approximately \$180,000.00. Upon further negotiations between the City and RWCD, and after some project design changes, Staff was able to save the existing well site, thus saving the additional \$180,000.00 estimated cost.

Through continuing negotiations, Staff was able to reduce the cost of the land to be acquired by accepting a fee interest in three parcels and permanent roadway and utility easements in the remaining parcels for a total consideration of \$158,562.00.

In addition, RWCD has provided invoices for other costs associated with the project as follows:

RWCD Attorney's Fees and Costs	\$ 85,574.03
Engineering fees	11,880.00
Salt River Project electrical service	<u>16,192.37</u>
Total	\$113,646.40

The City previously paid \$31,047.00 for engineering and design for a pump-back system. This amount is to be credited back to the City.

Land Value	\$158,562.00
Costs and Expenses	113,646.40
Less previously paid	<u>-31,047.00</u>
Balance	\$241,161.40

21. COST SHARING AGREEMENT AMENDMENT: Downtown Chandler Community Partnership

APPROVED an amendment to the Cost Sharing Agreement with the Downtown Chandler Community Partnership (DCCP) relating to the construction and management of an outdoor stage and authorizing the City Manager, or his designee, to sign the Cost Sharing Agreement and all related documents as approved by the City Attorney, for a revised contribution amount of \$279,906.69.

BACKGROUND/DISCUSSION

On June 12, 2014, the City Council approved the Cost Sharing Agreement with the DCCP relating to the construction and management of an outdoor stage on Commonwealth Street east of Arizona Place and authorized the City Manager, or his designee, to sign the Cost Sharing Agreement and all related documents as approved by the City Attorney, and authorized a not to exceed contribution amount of \$250,000.00.

The stage will be constructed, scheduled and managed by the City, and events will be required to complete an application to the City's Special Events Committee, per the agreement, to ensure that all aspects of the event are covered. Except for City events and DCCP produced events, a rental rate adopted by City Council will be charged for the use of the stage area.

Per the original agreement, the City's contribution was a not to exceed amount of \$250,000.00. DCCP contributed \$100,000.00 for design and construction costs. DCCP's contribution included

a lump sum of \$35,000.00 which was paid in FY 2013-2014 and an additional \$35,000.00 withheld from the City's \$118,804.00 voluntary contribution to the Enhanced Municipal Services District in FY 2014-2015. The balance of the DCCP's contribution would be paid back to the City over a five-year period through future City voluntary contributions to the District. If the total project costs were in excess of the amounts identified in the agreement, the City and the DCCP would work together to review the overall project to identify cost savings to complete the project within the identified budget. If cost savings could not be reached, the DCCP would pay 100% of the costs over the Estimated Cost, with the payback time to the City to be negotiated but not to exceed an additional five years. Further, either party could cancel the agreement if the construction bid costs from the design come back higher than the Estimated Cost with the design costs split 75% to the City and 25% to the DCCP. In return for the DCCP's investment, the City would pay 25% of all stage rental fees back to the DCCP for a period of 10 years. This revenue stream would assist the DCCP in marketing the stage and bringing in new festivals.

Design of the stage, in partnership with the DCCP, has taken place over the past eight months. The project went out to bid in February and closed on March 4<sup>th</sup> with a total of eight bids. The low bid was S.D. Crane Builders, Inc., in the amount of \$348,691.58 (included on the April 16, 2015, agenda). As of this date, the total expenditures and encumbrances equal \$61,121.11 (design, permit, plan review, valve removal and post design construction) for an estimated total cost of \$409,812.69. This is \$59,812.69 over the budgeted amount of \$350,000.00.

Amendment #1 to the Cost Sharing Agreement allows for a 50-50 split of the overages incurred with the DCCP paying half of their 50% by way of reduction to the EMSD Contract for FY 2015-2016 and the other half being paid by withholding their 25% rental fee reimbursement until paid in full or a balloon payment at the end of five years. The City will pay the remaining 50% of overages. The amendment also states that any additional unexpected overages will be split 50-50.

#### FINANCIAL IMPLICATIONS

Based on the design and construction costs to date totaling \$409,812.69, the approval of the amendment to the Cost Sharing Agreement will result in the City receiving a total of \$129,906.00 from the DCCP towards the cost of the outdoor stage in downtown Chandler. Of this total, \$84,953.00 will be received during the project, but the remaining \$44,953.00 will be reflected as a receivable to be paid to the City over the next five years. Should additional unexpected project overages occur during construction, 50% of that amount would be added to the DCCP receivable.

#### 22. CONSTRUCTION CONTRACT: Sellers & Sons, Inc.

APPROVED Construction Contract No. PR1501.401 with Sellers & Sons, Inc., for the Snedigar Sportsplex Lighting, Fields 9 and 10, in an amount not to exceed \$267,634.00.

#### 23. CONSTRUCTION CONTRACT/CONTINGENCY TRANSFER: S.D. Crane Builders, Inc.

APPROVED Construction Contract No. PR1405.401 with S.D. Crane Builders, Inc., for the Downtown Stage in an amount not to exceed \$348,691.58.

APPROVED a General Fund Contingency Appropriation Transfer in the amount of \$59,906.00 to the Capital Grants Fund for the Downtown Campus Improvements Project to allow the Downtown Chandler Community Partnership (DCCP) funds to be spent when received.

On June 12, 2014, Council approved a Cost Sharing Agreement with the DCCP regarding the construction and management of an outdoor stage in the downtown area to facilitate both large

and small special events. This construction project will erect a permanent stage and infrastructure to support various events in the area west of the downtown library and north of the Community Center along Commonwealth Avenue. The DCCP Cost Sharing Agreement authorizes a not to exceed contribution from the City of \$250,000.00 and \$100,000.00 from the DCCP for design and construction. Additionally, once the stage is completed and in use, stage rental revenue will be split 75% to the City and 25% to DCCP for a period of 10 years.

The amendment to the DCCP Cost Sharing Agreement, also included on the April 16, 2015, Council agenda, allows for a 50-50 split of the project overages incurred with the DCCP paying half of their 50% through reductions to the City's contribution to the Enhanced Municipal Services District (EMSD) for FY 2015-2016 by withholding their 25% rental fee reimbursement until paid in full or a balloon payment at the end of five years. The City will pay the remaining 50% of project overages. The amendment also states that any additional unexpected project overages will be split 50-50.

24. CONSTRUCTION MANAGER AT RISK CONTRACT: Achen-Gardner Construction, LLC

APPROVED Construction Manager at Risk Contract No. WW1506.251 with Achen-Gardner Construction, LLC, for pre-construction services for Downtown Sites 3, 4, 5, 6 and 7 Water-Wastewater Infrastructure in an amount not to exceed \$200,000.00.

25. CONSTRUCTION CONTRACT: Nickel Contracting, LLC

APPROVED Construction Contract No. PR1410.401 with Nickel Contracting, LLC, for Citrus Vista Park in an amount not to exceed \$1,422,016.48.

The Citrus Vista Park site is a 10.02-acre parcel located in the square mile bordered by Ocotillo, Lindsay, Chandler Heights and Gilbert roads. This park site is being developed as a neighborhood park to serve the residents in this square mile and will include a lighted basketball court, lighted sand volleyball court, shaded playgrounds for children 2 to 5 years of age and 5 to 12 years of age, swings, ramadas, horseshoe and bocce ball, lighted walking paths, landscaping and open turf areas.

As with all park development projects, citizen input on the design and development of this park was very important. On May 28, 2014, Staff facilitated a public meeting to gather input from Chandler citizens regarding the design of the park. Over fifty residents attended the meeting and their feedback was supportive. The conceptual master plan was endorsed by the Parks and Recreation Board at their July 1, 2014 meeting.

26. USE PERMIT: European Motor Studio

APPROVED Use Permit ZUP14-0036 European Motor Studio, to allow online sales of motor vehicles with incidental repairs within a Planned Industrial (I-1) Zoning District located at 501 E. Chicago Circle, Suite A, west of the SWC of Chicago Circle and Hamilton Street. (Applicant: Scott Utter, Business Owner.)

BACKGROUND

The subject site is zoned Planned Industrial District (I-1) as part of an existing industrial area east of downtown Chandler. The property is located within a cul-de-sac with several other light industrial type buildings and uses. Adjacent businesses on the Chicago Circle cul-de-sac include a dairy equipment company, masonry company, soil company and a mining equipment company.

To the south is the Chandler Unified School District bus yard and vacant General Industrial (I-1) property to the west. The adjacent tenant in the same building, Suite C, obtained a Use Permit to allow a motor vehicle customization repair business; Suite B is vacant.

European Motor Studio (EMS) is a business that specializes in the sale of European classic automobiles through an online website. The shop is not open to the public and shoppers may view the inventory on the business's website. The property will be used to store the vehicles within the 10,000-square foot industrial warehouse and will perform light, incidental repairs on inventory within the warehouse. EMS typical hours of operation will be Monday through Friday from 8 a.m. to 5 p.m. and by appointment. The business owner works daily, but may have six assistants when needed.

The business uses Suite A, which is the northern suite on the property. There are two roll-up doors to the warehouse, a door to the front office and a door at the back of the premises. A masonry fence surrounds a yard to the north to allow for screened outdoor storage; however, vehicles will not be stored outside. The property has 23 exterior parking spaces and two parking spaces are marked per the Department of Motor Vehicles' (DMV) requirements. The application does not request any building signage as they do not advertise for "walk-in" customers. If a sign is desired in the future, signage will require a Sign Permit and comply with the Sign Code.

#### DISCUSSION

Planning Staff finds the proposed use and location compatible with the adjacent properties and surrounding area. Any noise generated from the business is no louder than existing noise created by the adjacent bus yard and noise from the other suites when the warehouse doors are open. Planning Staff recommends a 3-year timing condition to allow for future review of the use.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood notice was sent out to surrounding neighbors. Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Baron and Wastchak absent.

#### RECOMMENDED ACTION

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

1. All vehicle work including repair, servicing, engine testing and the like shall occur only within the building. Any overnight storage of vehicles shall occur inside the building. No work or storage of vehicles shall be performed outside of the building.
2. The Use Permit is non-transferable to any other property or other suites/tenant spaces on the subject property.
3. Any substantial change in the floor plan, including but not limited to expansion, addition of uses and the like shall require re-application and approval of a Use Permit.
4. The site shall be maintained in a clean and orderly manner.
5. All building signage or freestanding signage shall be in conformance with the Chandler Sign Code and be issued a City Sign Permit.
6. The Use Permit is effective for a period of three (3) years from the date of City Council approval. Operation of the business beyond the three-year time period shall require re-application and approval by the City of a new Use Permit.

27. USE PERMIT: Verizon Wireless – SWC Riggs and Gilbert

APPROVED Use Permit ZUP14-0037 Verizon Wireless – SWC Riggs and Gilbert, to install a 60-foot monopalm wireless communication facility located at 2945 E. Riggs Road in the Albertson's shopping center. (APPLICANT: Mike Gallagher, Wavelength Management.)

BACKGROUND

The proposed monopalm is 60 ft. tall, measured to the top of antennas. The site is adjacent to an existing AT&T monopalm and located next to a retention basin within the southeast section of the shopping center. The nearest single-family residential subdivisions are Cooper Commons, approximately 305 ft. southwest, and Springfield Lakes approximately 300 ft. southeast, across Gilbert Road. City of Chandler water facilities are east and south.

The Zoning Code requires a Use Permit for wireless communication facilities in non-industrial zoning districts that do not utilize existing poles or towers.

A monopalm is a cell tower disguised as a palm tree. The monopalm would be a Date Palm design, having a minimum of 65 fronds, with the antennas painted to match the fronds. The existing equipment enclosure would be extended northeast to the same 8 ft. height, utilizing concrete masonry units painted to match the color of the existing enclosure walls. A solid metal gate allows access for routine maintenance of the equipment within the new enclosure.

Two live palm trees were planted at the time when the existing AT&T monopalm was installed. Existing landscape and a light pole would be relocated to accommodate the new wireless communication facility.

Within the immediate area, there are no other suitable alternatives for co-location of the wireless communication facility on existing poles or towers. An inventory of existing wireless facilities, vertical towers and structures located within an approximate one-mile radius, was prepared by the applicant to assess alternative locations. Each location was analyzed to determine feasibility for collocation on utility poles, street and parking lot lights, monopoles and other verticalities. None of the locations met the frequency requirements and locational service needs.

Photographic simulations illustrating existing views and proposed views of the wireless communication facility were provided by the applicant. The simulations depict the equipment enclosure and monopalm as viewed from several locations.

DISCUSSION

Planning Staff finds the proposed location to be appropriate for a wireless communication facility in the form of a 60 ft. monopalm measured to the top of antennas. The monopalm design is appropriate at this location given the presence of adjacent palm trees and the existing monopalm. The existing 60 ft. fall AT&T monopalm, located about 62 ft. southwest of the proposed monopalm, was approved on January 14, 2010. The approximate 300 ft. separation from the single-family homes is a positive as the distance is greater than the approximate 160 ft. separation of recently approved wireless communication facilities.

Planning Staff is of the opinion that permitting the monopalm at this specific location is consistent with the review factors examined as part of the Use Permit process.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on February 10, 2015. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Baron and Wastchak absent.

#### RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with approved exhibits. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. Landscape shall be maintained at a level consistent with or better than at the time of planting.

#### 28. SPECIAL EVENT LIQUOR LICENSE: 100 Club of Arizona

APPROVED a Special Event Liquor License for the 100 Club of Arizona for the 100 Club Fundraiser on April 25, 2015, at The Yard Cigar Bar, 1981 W. Elliot Road. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required. The applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

#### 29. SPECIAL EVENT LIQUOR LICENSE: Downtown Chandler Community Foundation

APPROVED a Special Event Liquor License for the Downtown Chandler Community Foundation for the Craft Spirit Fest on April 25, 2015, at Dr. A.J. Chandler Park, 3 S. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

#### 30. SPECIAL EVENT LIQUOR LICENSE: Si Se Puede Foundation

APPROVED a Special Event Liquor License for the Si Se Puede Foundation for the Cinco de Mayo Festival and Chihuahua Races on May 2, 2015, at the Library Plaza, 22. S. Delaware Street. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

#### 31. LIQUOR LICENSE: Cold Beers & Cheeseburgers

APPROVED a Series 12 Restaurant Liquor License (Chandler #157694L12) for Randy D. Nations, Agent, CBCB Pecos LLC, dba Cold Beers & Cheeseburgers, 1980 W. Germann Road. A recommendation for approval of State Liquor License #1207A164 will be forwarded to the State Department of Liquor Licenses and Control. The Police Departments 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 with will be a continuation of the location's previous use as Uncle Bears @ LLC, dba Uncle Bears Grill and Bar.

32. CONTINUED LIQUOR LICENSE: Chennai Fusion Grill

CONTINUED TO APRIL 30, 2015, Liquor License, Series 12, for Arvinder Kaur, Agent, Chennai Fusion Café LLC, dba Chennai Fusion Grill, 4929 W. Chandler Boulevard, Suite 1, to allow the applicant time to complete the requirements for a new Use Permit.

33. SAMPLING PRIVILEGES LIQUOR LICENSE: Albertsons #1021

APPROVED the addition of sampling privileges to an existing Series 9 Liquor License (Chandler #108667L9) held by Nicholas Carl Guttilla, Agent, Albertsons LLC, dba Albertsons #1021, 2935 E. Riggs Road. A recommendation for the addition of sampling privileges to State Liquor License #09070639s will be forwarded to the State Department of Liquor Licenses and Control. The Arizona State Legislature amended A.R.S. Section 4-206.01(J), effective July 29, 2010, allowing an applicant or licensee of a Liquor Store License or a Beer and Wine Store License to apply for sampling privileges. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

34. TEMPORARY EXTENSION OF PREMISES: Majerle's Sports Grill

APPROVED a Temporary Extension of Premises for a Series 12 Restaurant Liquor License (Chandler #116027L12) held by Majerle's 9 LLC, dba Majerle's Sports Grill, 3095 W. Chandler Boulevard for a Mayweather Fight Event, May 2, 2015. A recommendation for approval of an extension of premises for State Liquor License #12077269 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this extension and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

35. TEMPORARY EXTENSION OF PREMISES: Majerle's Sports Grill

APPROVED a Temporary Extension of Premises for a Series 12 Restaurant Liquor License (Chandler #116027L12) held by Majerle's 9 LLC, dba Majerle's Sports Grill, 3095 W. Chandler Boulevard for a Bike Night Event, May 6, 2015. A recommendation for approval of an extension of premises for State Liquor License #12077269 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this extension and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

36. CRAFT DISTILLERY/FAIR FESTIVAL LICENSE: Desert Diamond Distillery

APPROVED a Craft Distillery Fair/Festival License for John Patt, Agent, Desert Diamond Distillery, for a Craft Spring Fest on April 25, 2015, at Dr. A.J. Chandler Park, 3 S. Arizona Avenue. A recommendation for approval of State Craft Distillery Fair/Festival License #18080000

will be forwarded to the State Department of Liquor Licenses and Control. With a Craft Distillery Fair/Festival License, a licensed in-state craft distillery, within the confines of the event during the designated event periods, can sell one liter bottles of its products and sell such products in original containers for off-premises consumption only.

37. CRAFT DISTILLERY/FAIR FESTIVAL LICENSE: Tombstone Distillery

APPROVED a Craft Distillery Fair/Festival License for Garrison Ellam, Agent, Tombstone Distillery, for a Craft Spring Fest on April 25, 2015, at Dr. A.J. Chandler Park, 3 S. Arizona Avenue. A recommendation for approval of State Craft Distillery Fair/Festival License #18020000 will be forwarded to the State Department of Liquor Licenses and Control. With a Craft Distillery Fair/Festival License, a licensed in-state craft distillery, within the confines of the event during the designated event periods, can sell one liter bottles of its products and sell such products in original containers for off-premises consumption only.

**PUBLIC HEARINGS**

PH1. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY 2015-2019 FIVE-YEAR CONSOLIDATED PLAN, FY 2015-2016 ANNUAL ACTION PLAN

THE MAYOR OPENED THE PUBLIC HEARING AT 7:03 p.m.

STAFF PRESENTATION – Jennifer Morrison, Community and Neighborhood Services Director

As a prerequisite for receiving Community Development Block Grant (CDBG) funding, the City of Chandler is required to prepare and adopt a Five-Year Consolidated Plan (CON Plan) for submittal to the U.S. Department of Housing and Urban Development (HUD) every five years. The plan is utilized as a guide in establishing priorities for future funding decisions that will best meet the needs of Chandler's low and moderate income residents. The proposed Five-Year Plan is for the period beginning July 1, 2015, through June 30, 2019. In addition, the City is required to submit an Annual Action Plan that will guide HUD funded housing, homeless and community development activities in the City of Chandler for the period beginning July 1, 2015, through June 30, 2016. Chandler will receive \$1,227,635.00 in CDBG funds for Fiscal Year 2015-2016.

Staff has been working with a consultant since the fall of 2014 in the development of the plan. Key findings in the plan indicate that Chandler has a healthy mix of households, including children and working adults. It also shows that Chandler residents are well educated with a relatively high median income and that the City has a high homeownership rate and few substandard housing units. Additional information reveals that the homeownership rate in Chandler declined during the Great Recession and that there are over 20,000 low and moderate income households in Chandler. The highest rate of low to moderate income households include at least one person age 62 or older or at least one child less than six years. These households are shown to have a higher incidence of a single income source.

Key Five-Year Plan Goals include:

1. Increase homeownership opportunities for low and moderate income households.
2. Rehabilitate the existing housing stock.
3. Increase the supply of affordable housing.

4. Support services and facilities for homeless people, people with special needs, low income and other needy populations.
5. Participate in a regional Continuum of Care system to effectively transition persons who are homeless to appropriate permanent housing settings.
6. Revitalize Chandler's neighborhoods.
7. Strengthen the coordination and delivery of resources.

To comply with the City of Chandler's Public Participation Plan, the City is currently in a public comment period from Friday, March 20, 2015, to Monday, April 20, 2015, for the Consolidated Plan and the Annual Action Plan. In addition, a Public Hearing on the Consolidated and Annual Action Plan was held on Wednesday, March 25, 2015, at the Housing and Human Services Commission meeting.

The Annual Action Plan defines the one-year activities in relationship to the five-year goals and objectives set forth in the Consolidated Plan. It provides a brief description of the programs and projects of the City of Chandler in Fiscal Year 2015-2016, as well as funding decisions for the City's CDBG program

Non-profit organizations and City Departments applying for Fiscal Year 2015-2016 CDBG funding, submitted applications in November, 2014. A total of 17 applications were received, requesting a total of \$1,642,904.00. The Housing and Human Services Commission (HHSC) reviewed and evaluated the applications and made recommendations for funding, which can be found on page 13 of the Annual Action Plan.

After the close of the 30-day public comment period, the Five-Year Consolidated Plan and the Fiscal Year 2015-2016 Annual Action Plan will be brought to the Mayor and City Council for approval on April 30, 2015. HUD requires submittal of both plans by May 15, 2015.

MS. MORRISON announced there is an increase in areas throughout the City where they can use HUD funds for infrastructure projects. These areas are defined by neighborhoods with a 35% low to moderate income level. This change is due to the new census information.

Ms. Morrison continued through the slide presentation and noted the focus is now on neighborhood stability, reserving land for economic development and urbanizing, reusing and revitalizing the community. She highlighted the goals and improvements planned for the CDBG funds, and stated the final budget with fund allocations will be presented to Council on April 30<sup>th</sup> for their approval.

She stated the Annual Action Plan for 2015-16 .. entitlement was at \$1.19 million for FYI 2014-15. For FY2015-16 it has increased slightly to \$1.22 million. Fifteen percent (15%) is set aside for public service, up to 20% can be used for administration, and the remaining is available for capital investment. There was approximately \$351,000 in carryforward, which makes the total available of about \$1.5 million. She highlighted the capital projects.

MAYOR TIBSHRAENY asked about the Women's Homeless Shelter and the funding. Ms. Morrison said they have had difficulty getting Chandler women into that program, so based on data the Committee felt they were not serving at the level they would like to see.

COUNCILMEMBER HEUMANN asked Ms. Morrison to address the possibility of "set-aside funds" for future Not-For-Profits. Ms. Morrison stated there is always a hesitancy to fund code enforcement and the HHSC believes that is a city responsibility. CDBG is meant as a city

entitlement program, even on the capital side. She explained that many cities do a set aside for city projects. She said with the different areas opening up now for the use of block grant money, there are many infrastructure and park improvements. She commented there are not a lot of non-profits in Chandler, like Chandler Christian Community Center, that are going to need capital money. She said staff could develop some recommendations for a set aside that would be fair to any non-profits that came in needing capital money and would still keep a good focus on available of CDBG for city funds.

No comments were received from the audience.

THE MAYOR CLOSED THE PUBLIC HEARING AT 7:18 p.m.

## PH2. HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FISCAL YEAR 2015-2016 ALLOCATIONS

THE MAYOR OPENED THE PUBLIC HEARING AT 7:19 p.m.

Staff Presentation – Jennifer Morrison, Community and Neighborhood Services Director

The City of Chandler receives federal HOME funds annually from the U.S. Department of Housing and Urban Development (HUD) through the Maricopa HOME Consortium. A total of \$508,223.00 is available for allocation for Fiscal Year 2015-2016. This amount includes \$273,223.00 in Fiscal Year 2015-2016 HOME funds as well as \$235,000.00 in unexpended funds from previous fiscal years. The unexpended amount of \$235,000.00 was originally allocated to Community Bridges, Inc., for the operation of the housing assistance program for homeless individuals and families. Of the \$508,223.00 available, the City will utilize \$17,076.00 for program administration leaving a balance of \$491,147.00 for allocation to nonprofit housing program providers.

Eligible housing activities for HOME funds include: homeowner rehabilitation, homebuyer activities, rental housing activities and Tenant Based Rental Assistance (TBRA).

As part of the Fiscal Year 2015-2016 allocation process, Staff announced the availability of HOME funding to area nonprofit housing organizations. Three applications for funding were received totaling \$760,000.00. Based on Staff input, a review of the applications and a presentation by each nonprofit, the Housing and Human Services Commission (HHSC) made funding recommendations. These recommendations were finalized and a public hearing was held by the HHSC at their meeting on March 25, 2015.

VICE MAYOR HARTKE inquire why there seems to be more people at intersections who appear homeless and asked how Chandler is reaching out to these individuals.

Ms. Morrison stated the City is actively reaching out to these individuals and supplying them with information to help them. There are many familiar faces in the homeless community and the City of Chandler and the Chandler Community Christian Center is working with them. She suggested that when people see these homeless individuals, they contact Chandler Community and Neighborhood Services at 480-782-2660.

No comments were received from the audience.

THE MAYOR CLOSED THE PUBLIC HEARING AT 7:24 p.m.

PH3. ANNEXATION OF A PARCEL OF APPROXIMATELY 1.85 ACRES LCOATED AT THE SEC OF WILLIS ROAD AND THE CONSOLIDATED CANAL.

THE MAYOR OPENED THE PUBLIC HEARING AT 7:24 p.m.

Staff Presentation – Erik Swanson, Sr. Planner

The subject site is undeveloped land currently zoned Rural-43 (RU-43) within the County. The Salt River Project (SRP) Consolidated Canal borders along the west side of the property. North of the property is one Agricultural (AG-1) residential property and the single-family home subdivision Canyon Oaks Estates borders the east side of the property. The San Tan South 202 Freeway with canals for drainage is located south of the property.

The Chandler Land Use Element of the General Plan designates the site as Residential and the Chandler Airport Area Plan designates a more specific land use category of Low Density Residential (LDR). A rezoning and preliminary development plan application will be forthcoming to request the development of townhomes.

During the anticipated construction of Willis Road, the utilities will be extended across the canal to service the property.

Planning Staff circulated this request among City Departments and no strong reservations from the annexation came about, there have been discussions on the future development.

Per Arizona Revised Statutes, the City Council must hold a Public Hearing to gather input regarding a proposed annexation prior to taking action on the request. No action is required of Council at this time. Mr. Swanson said State Statute allows for up to a one year process.

COUNCILMEMBER HEUMANN inquired about the high density proposed for this property and what liability for services will the City have while trying to serve the Paseo as well.

Mr. Swanson stated they have separated the future development from the annexation process. He explained with this case, they received a preliminary technical site plan review submittal for a town home development. He said they are working with SRP and City departments to mitigate the conceptual traffic access concerns this development may cause.

COUNCILMEMBER HEUMANN and Mayor TIBSHRAENY each stated their issues with the conceptual plans and the traffic issues this development would cause with the usages on the Paseo.

No comments were received from the audience.

THE MAYOR CLOSED THE PUBLIC HEARING AT 7:26 p.m.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor Tibshraeny announced he and other East Valley Mayors met with Governor Ducey to discuss economic development opportunities available, the overall role cities have in economic development, the State's recently adopted budget and how those fiscal changes affect cities and towns, HURF funds, TPT, the transfer of the city collections over to the State.

The Mayor announced the upcoming Health Connect Expo at Tumbleweed Park.

The Mayor explained the General Plan Update would be presented to the voters in 2016. The process for update the plan is occurring now and he welcomed participation.

Mayor Tibshraeny said the Annual Family Bike Ride will occur on April 25 and is held in conjunction with Valley Bike Month.

B. Councilmembers' Announcements

COUNCILMEMBER SELLERS announced the completion of the "Chandler in Focus" filming on transportation issues with Eric Anderson, Director of Maricopa Association of Governments (MAG) Transportation and Steve Banta, Director of Valley Metro and this is scheduled to start airing on May 1<sup>st</sup>. He partnered with Matt Burdick, Chandler's Director of Communications and Public Affairs to key on some transportation issues for the nationwide event "Stand Up for Transportation" that was held in downtown Phoenix last week.

Mr. Sellers said he, Councilmember Heumann, and Congressman Matt Salmon attended a meeting with PayPal last week, and yesterday, April 15<sup>th</sup>, Governor Ducey visited Chandler's Techshop to sign a bill sponsored by former Councilmember Weninger on crowd funding (start-up companies requesting investors).

Mr. Sellers commented he along with Vice Mayor Hartke, and Councilmember Lopez toured the Wells Fargo construction site on Price Road. The facility is doubling in size and will be LEADS certified when completed.

VICE MAYOR HARTKE announced several events:

Health Connect event on Saturday the 18<sup>th</sup>. He noted the mammogram screenings are courtesy of Desert Cancer Foundation.

Earth Day celebration event Saturday, April 25<sup>th</sup> at Veterans Oasis Park.

On April 30<sup>th</sup> a breakfast with Chandler's Corporate businesses to partner with non-profits to help with community issues.

The Relay for Life at Basha High School on May 1.

COUNCILMEMBER HEUMANN provided more information on the Relay for Life event, and the Desert Cancer Foundation fundraising event.

He announced the recent EIMira ribbon cutting event, a multi-housing development.

He note the departure of Jane Poston, Public Information Officer and thanked her for her years of service to the City .

COUNCILMEMBER ELLEN thanked Ms. Poston for her service and the work she has done with Operation Home.

She announced April is the National Financial Literacy month, and commented on the Chandler in Focus show she filmed on this issue.

She announced April 16<sup>th</sup> is the remembrance day for the Holocaust. She wanted people to remember it and hopes that the worlds never experience anything like it again.

COUNCILMEMBER ROE wished Ms. Poston the best in her departure from the City. He thanked Representative Weninger for his support on the Crowd Funding bill. He thanked the police for their hard work and community relationship building efforts in the community.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 7:47 p.m.

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

\_\_\_\_\_  
Mayor

Approved: April 30, 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 16<sup>th</sup> day of April 2015. I further certify that the meeting was duly called and held and that a quorum was present.

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

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