

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, February 25, 2016 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

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

Also in attendance:

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

INVOCATION: Councilmember Hartke gave the invocation.

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

CONSENT:

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

COUNCILMEMBER HEUMANN stated he would be voting no on item number 8 (Villas at Chandler Airpark)

MOTION CARRIED UNANIMOUSLY (7-0), noting the exception.

1. MINUTES:

APPROVED the following Chandler City Council Meeting Minutes:

- 1a. Special Meeting (Exec Session) of February 8, 2016.
- 1b. Study Session of February 8, 2016.
- 1c. Regular Meeting of February 11, 2016.

2. REZONING: Mainstreet Transitional Care Facility Ord. #4684

ADOPTED Ordinance No. 4684, DVR15-0035 Mainstreet Transitional Care Facility, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Commercial/Medical Related Uses.

3. REPEAL ORDINANCE NO. 3803: West Detroit Circle Ord. #4690

ADOPTED Ordinance No. 4690 repealing Ordinance No. 3803, rescinding the determination stated therein that West Detroit Circle is no longer necessary for public use as a roadway; and declaring an emergency.

BACKGROUND/DISCUSSION

In 2006, Glynlyon, Inc., asked the City to vacate certain public roadway, a cul-de-sac situated within the Southpark Business Center subdivision known as "West Detroit Circle". Because the corporation owned the private property abutting the cul-de-sac, either in its own name or in the name of a related entity named Schmitzki Fund 1, LLC, vacating the cul-de-sac would have allowed this roadway to assemble to the abutting private land so as to further the expansion of Glynlyon's business operations.

On July 24, 2006, Council adopted Ordinance No. 3803 allowing for the roadway vacation, subject to certain conditions being met. That is, in Ordinance No. 3803, Council made the determination that the cul-de-sac was no longer necessary for public use as a public roadway and declared it abandoned and vacated subject to the following consideration from the owner of the abutting property: (a) monetary consideration in the sum of \$138,253.00, and (b) the conveyance to the City of certain real property for use as a future City well site. Completion of the vacation and the vesting of title to the cul-de-sac in the owner of the abutting property were made subject to the concurrent recording of the ordinance, a vacation plat executed and approved by the City and a minor land division map of the tax parcels surrounding the cul-de-sac (i.e. the abutting private property).

The City has never received any of the required consideration (either money or property), nor have the vacation plat and minor land division map been prepared, approved or recorded. The cul-de-sac has continued to be maintained as public roadway by the City. Nevertheless, Ordinance No. 3803 was inadvertently recorded with the Maricopa County Recorder on December 20, 2006, as Document No. 2006-1656963, and inadvertently re-recorded on March 20, 2007, as Document No. 2007-0329198, to add the missing legal descriptions referenced as exhibits in Ordinance No. 3803 for the roadway and for the future well site parcel.

Both the owner and the City mutually desire not to complete the vacation of the roadway; to lift any cloud on title created by the recording of Ordinance No. 3803; and to have the cul-de-sac continue to be owned and operated as a public roadway by the City. Because any cloud on title needs to be cleared in order for the owner to complete a pending transfer of title of its property, this Ordinance No. 4690 is requested to be adopted as an emergency ordinance. This ordinance will be recorded upon receipt of a fully executed quitclaim deed to the City from the owner for the cul-de-sac.

4. EASEMENT: Intel Corporation Ord. #4666

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4666 granting an easement for vehicular ingress and egress proposes to Intel Corporation for a relocated portion of Old Price Road south of Queen Creek Road.

BACKGROUND/DISCUSSION

The City of Chandler recently acquired approximately 37 acres of land at the southwest corner of Price Road and Queen Creek Road to allow the construction of water production and treatment facilities at this location.

Intel Corporation currently has an easement for vehicular ingress and egress over a portion of the Old Price Road alignment along the west side of the City's parcel. In accordance with the term of the development agreement with Wells Fargo Bank, it was necessary to relocate the roadway used by Intel for ingress and egress slightly to the east of its present alignment. As a result of this relocation, it is necessary to grant Intel a new vehicular ingress and egress easement over a portion of the City's parcel. The relocation is for safety reasons so that the Intel easement and access to the City's parcel align with the entrance and exists to the new Wells Fargo Bank facility.

Staff has reviewed and approved the legal descriptions for the easement.

5. POWER DISTRIBUTION EASEMENT: Sale River Project Ord. #4689

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4689 granting a no-cost power distribution easement to Salt River Project Agricultural Improvement and Power Distribution District (SRP) within the Knox Road right-of-way between Hartford Street and Arizona Avenue as required for an SRP aesthetics project in this area.

BACKGROUND/DISCUSSION

SRP is proposing an esthetics improvement project within the right-of-way of Knox Road between Hartford Street and Arizona Avenue that will underground and convert the power lines that are on existing poles in the area. SRP aesthetic funds will be used to pay for the project. To accommodate the project, SRP is requesting an easement within the Knox Road right-of-way. The easement is at no cost to SRP as it is for a project that will benefit the citizens of Chandler.

Staff reviewed and approved the legal descriptions for the requested easement.

6. POWER DISTRIBUTION EASEMENT: Salt River Project Ord. #4692

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4692 granting a no-cost power distribution easement to Salt River Project (SRP) for electrical upgrades at Desert Breeze Park.

BACKGROUND/DISCUSSION

Desert Breeze Park is currently undergoing several facility improvements including the upgrade of an electrical entrance panel. The upgraded electrical entrance panel is necessary in order to bring the electrical services at Desert Breeze Park up to current standards. SRP has requested one power distribution easement to cover electrical upgrades that they will install as part of the electrical upgrade to Desert Breeze Park. The new power distribution easement will be at no cost to SRP as the work is for City facilities.

Staff has reviewed and approved the legal descriptions for the requested easements.

7. GRANT AGREEMENT: Arizona Automobile Theft Authority Res. #4929

ADOPTED Resolution No. 4929 authorizing a Law Enforcement Grant Agreement with the Arizona Automobile Theft Authority.

BACKGROUND/DISCUSSION

The Chandler Police Department (CPD) was awarded a Law Enforcement Grant in the amount of \$24,300.00 through the Arizona Automobile Theft Authority in December 2015 for the current fiscal year (July 1, 2015, to June 30, 2016). This grant provided funding to purchase a subscription to the LEARN software system through Vigilant Solutions.

This system will allow the Police Department unlimited access to Vigilant's National License Plate Reader (LPR) server, the largest private and law enforcement database in the country, for investigative purposes. CPD will migrate its existing and new LPR data to the National LPR server.

8. AREA PLAN AMENDMENT/REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Chandler Airpark Area Plan Amendment & Villas at Chandler Airpark Res. #4932 & Ord. #4687

COUNCILMEMBER HEUMANN VOTED NAY ON THIS ITEM.

ADOPTED (6-1) Resolution No. 4932, APL15-0008, Chandler Airpark Area Plan Amendment, Area Plan amendment to the Chandler Airpark Area Plan from Special Use Commercial to High Density Residential.

INTRODUCED AND TENTATIVELY APPROVED (6-1) Ordinance No. 4687, DVR15-0031 Villas at Chandler Airpark, rezoning from Planned Area Development (PAD) for multi-family residential and commercial to PAD for multi-family residential. (Applicant: Ed Bull Burch & Cracchiolo.)

APPROVED (6-1) a Preliminary Development Plan (PDP) for site layout and building architecture.

APPROVED (6-1) Preliminary Plat PPT15-0017 for a 504-unit apartment complex located on approximately 29 acres located east of the SEC of McQueen and Germann roads.

BACKGROUND

The subject site is located east of the southeast corner of McQueen and Germann roads. West is approximately 35 acres of vacant land zoned for commercial retail and multi-family. Adjacent to the site's south is the Los Arboles Park; east is the Consolidated Canal.

The site was zoned in late 2008 for a commercial office, retail and 320-unit apartment development. The commercial component consisted of three retail buildings at the northwest corner of the site surrounded by 12 garden offices. The 320-unit apartment complex was situated on the eastern and southern portions of the site. A zoning extension was approved in 2011, causing expiration in early 2015.

AREA PLAN AMENDMENT

The site is within the Chandler Airpark Area Plan and designated as supporting Special Use Commercial. The Special Use Commercial designation was created and applied to specific properties adjacent to the canal and within close proximity to the intersection of McQueen and Germann roads. The designation allows for the most intense commercial and residential development to occur in a "village" type fashion. The existing plan met the intention of the Special Use Commercial designation with the combination of retail, office and residential components. The request is to amend the area plan to allow for High Density Residential, eliminating the need for commercial components.

SITE LAYOUT

Due to the existing zoning specifically designating portions of the site as commercial, rezoning specifically for multi-family residential is required. The 504-unit development draws on strong

aeronautical themes due to the close proximity to the municipal airport. One, two, and three-bedroom units are provided with square footages ranging from 554 to 1,342 square feet.

Primary access is provided midway along the Germann Road frontage. The entry porte-cochere has been deliberately designed to appear as an airplane hangar with a broad arched roof. The approach into the site visually creates building heights in a stepped fashion. Flanking the entrance are two U-shaped buildings.

Within the "U", special consideration has been given to the design to create useable outdoor space for the residents including a walking path and seating areas. Central to the site is the primary focus of the residential units, with six residential buildings and the clubhouse. The buildings are located so that two large amenity areas are provided; one for the northern grouping of buildings and one for the southern. Unique to this site is the way that the buildings are clustered. Parking is provided around the building cluster, which maximizes the amount of open space that residents are able to enjoy and view from their unit.

Along the southern end of the site, adjacent to Los Arboles Park, are three residential buildings. The buildings are set in a landscape setting with two access points leading directly to the park. Strong pedestrian connections are provided connecting the buildings to the remainder of the site.

Amenities include two pool areas, various ramada and barbeque areas, dog park, and fully amenitized clubhouse. Within the clubhouse, a fitness room, racquetball court, basketball court, aerobics room, and club room are provided. Additionally a business area is included that provides work stations, printing area, presentation area and a conference room. A large covered patio is provided adjacent to the pool area. Lastly, as provided in the Development Booklet, various airport related placards will be provide throughout the site showcasing the aeronautical heritage of the area.

Architecture of the three-story residential buildings captures design elements found throughout airport styled architecture. Elements include steel columns, arched metal canopies over entry ways, clerestory windows, pointed roof elements and massing elements giving the appearance of vertical stabilizers. Further details and exhibits are provided in the Development Booklet.

#### AIRPORT COMMISSION

The Airport Commission reviewed the zoning request in accordance with the Airport Conflicts Evaluation Process at their December 9, 2015, meeting. The Airport Administrator has issued a conflicts evaluation report indicating that the Airport Commission found that the proposed subdivision does constitute a conflict with existing or planned airport uses, as well as existing businesses within the site's vicinity. While a non-residential use is preferred, various physical and administrative corrective actions were recommended for mitigation resulting in conditions 8-14 of the Rezoning portion of the Recommended Actions.

Physical corrective actions included noise attenuation construction within the residential units and a roadway style sign indicating the presence of low flying aircraft.

Administrative corrective actions included the requirement of significant disclosure statements to be signed by prospective lessees indicating the proximity to the airport, heliport, aircraft engine repair and testing facility, and the potential impact from aviation noise and vibrations. Additionally, an avigation easement shall be dedicated to the City of Chandler. Finally, a large map shall be displayed in the leasing office identifying the proximity of the development to the airport including the noise contours and over flight patterns.

## DISCUSSION

Planning Staff supports the request finding that the development of multi-family residential is well suited at this location. With the development and success of the Crossroads Towne Center, Mill Crossing and Watermark commercial centers, commercial development in a village pattern is drawn away from the site.

While multi-family development has raised concerns in the recent past, Planning Staff finds that with the location being near freeway access, within close proximity to a large employment area and within close proximity to one of the City's main recreational areas, multi-family development at this location is appropriate. Furthermore, with the Los Arboles Park bordering the south and the Consolidated Canal bordering the east, natural barriers are created demarcating a difference in land-use patterns, with residential development occurring west of the canal.

## PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on December 3, 2015. There were nine neighbors in attendance expressing general support. Planning Staff has received no correspondence in opposition.

## PLANNING COMMISSION VOTE REPORT

The motion to approve:

In Favor: 3; Opposed: 0; Absent: Commissioners Cunningham and Pridemore; Abstaining: Commissioners Baron and Wastchak.

## RECOMMENDED ACTIONS

### **Area Plan Amendment**

The Planning Commission and Planning Staff recommend approval.

### **Rezoning**

The Planning Commission and Planning Staff recommend approval subject to the conditions listed in the ordinance.

### **Preliminary Development 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 "Villas at Chandler Airpark", kept on file in the City of Chandler Planning Division, in File No. DVR15-0031, except as modified by condition herein.
2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
3. The applicant shall work with Planning Staff to incorporate airport observation areas within the development.

### **Preliminary Plat**

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.

9. DRAINAGE EASEMENT EXTINGUISHMENT: Dobson & Elliot Res. #4936

ADOPTED Resolution No. 4936 authorizing the extinguishment of a drainage easement no longer needed for public use located just north of the northeast corner of Dobson Road and Elliot Road.

BACKGROUND/DISCUSSION

In 2003, the City acquired a drainage easement as part of the Dobson Road and Elliot Road Intersection Improvement Project at the northeast corner of Dobson Road and Elliot Road. The owner of this parcel, Circle K Stores, Inc., is in the process of developing their site that is located just north of the northeast corner of Dobson Road and Elliot Road and has incorporated the required retention provided by this easement into their development. As a result, the easement is no longer required and can be extinguished. Circle K Stores, Inc., has requested that the City extinguish this easement in order to clear up their title. Staff reviewed the request and concurs that the easement can be extinguished.

10. CONTINUED PRELIMINARY DEVELOPMENT PLAN: First Credit Union Plaza

CONTINUED TO MAY 12, 2016, Preliminary Development Plan PDP15-0017 First Credit Union Plaza, for building mounted signage located at 25 S. Arizona Place, east of the NEC of Arizona Avenue and Boston Street. The Planning Commission recommended a continuance to the April 6, 2016, Planning Commission hearing to allow the item to be reviewed by the Design Review Committee. Accordingly, the Planning Commission and Planning Staff recommend Council continuance to May 12, 2016.

11. SOFTWARE LICENSE AGREEMENT: E-Plan, Inc.

APPROVED a software license agreement with E-Plan, Inc., through Accela, Inc., for electronic document review software.

BACKGROUND

At the January 14, 2016, City Council meeting, Council approved a Master Services Agreement with Accela, Inc., for the implementation of an electronic document review system. The agenda item included the purchase of ePlanCheck software to assist in the markup and handling of submitted plans and documents. In order to complete the purchase, an Accela order form must be signed accepting the terms and conditions of the E-Plan software license agreement. This requirement was not known until after the item went forward for Council approval, so it is now being brought forward for approval so the order can be processed. This software license grants City Staff the ability to use the ePlanCheck software to electronically review submitted plans. Staff has reviewed the agreement and accepts its terms.

12. AGREEMENT: NJBSoft, LLC

APPROVED Agreement No. 3536 with NJBSoft, LLC, for a water regulatory compliance system in an amount not to exceed \$119,100.00.

A compliance management software program increases the efficiency of reporting and recordkeeping to assist Staff with meeting regulatory requirements. The Municipal Utilities Department's (M.U.D.) previous software program was purchased seven years ago and only included tracking and reporting activities for drinking water. The new software system has

increased functionality and integration capabilities as it will be used for tracking and reporting activities for both drinking water and wastewater, in addition to generating the federally-mandated annual Drinking Water Quality Consumer Confidence Report and the annual Discharge Monitoring Report.

Because the software is proprietary, it is only available from NJBSoft, LLC.

This agreement also provides for five (5) years of support and maintenance. The first year is included with the cost of software implementation. Thereafter, NJBSoft, LLC, will hold the annual cost for support and maintenance at \$20,000.00 each year for years 2 through 5, which will be paid out of annual operating funds.

13. AGREEMENT: Plante & Moran, PPLC

APPROVED Agreement No. 3659 with Plante & Moran, PPLC, for the development of an Information Technology strategic plan in an amount not to exceed \$56,350.00.

14. PROJECT AGREEMENT: Dibble Engineering

APPROVED Project Agreement No. AI1502.451 with Dibble Engineering for the Construction Management Services for Airport Guidance Signs & Runway 4R/22L Precision Approach Path Indicators (PAPI) Replacement Project, pursuant to On-call Airport Facilities and Infrastructure Design Services Contract No. EN1005-101, in an amount not to exceed \$97,973.00.

15. PROJECT AGREEMENT: Wilson Engineers, LLC

APPROVED Project Agreement No. WW1604.201 with Wilson Engineers, LLC, for design services for the Price Road Reclaimed Waterline services, pursuant to Annual Water and Wastewater Services Contract No. EN1517.101, in an amount not to exceed \$176,305.00.

16. DESIGN AND CONSTRUCTION CONTRACT: Salt River Project

APPROVED Design and Construction Contract No. WW1301.503 with Salt River Project (SRP) for enhanced distribution facilities for the Ocotillo Water Reclamation Facility Expansion in an amount not to exceed \$80,914.00.

To accommodate the Ocotillo Water Reclamation Facility (OWRF) expansion for present and future services, SRP will install new electrical facilities to serve the OWRF. The construction will be located within the project site at 333 S. Old Price Road.

This contract also includes an agreement for electric service for the enhanced distribution facilities and establishes a ten-year term of monthly facility charges to pay for the improvements.

17. PROFESSIONAL SERVICES CONTRACT: Michael Baker International, Inc.

APPROVED Professional Services Contract No. PR1504.451 with C T Corporation Systems, a Pennsylvania corporation dba Michael Baker International, Inc., for construction administration services for the Paseo Vista Recreation Area Drainage in an amount not to exceed \$166,681.00.

The Paseo Vista Recreation Area, the 64-acre former landfill site, is located at 3850 S. McQueen Road. In 2005, the landfill was closed and in 2009, the site was developed into a recreation area.

During the past six years, several areas along the slopes of the site have eroded during storm events. The storm event in September 2014 identified the need for a new drainage strategy. A Council Subcommittee meeting was held December 10, 2015, to discuss the strategy.

The purpose of this construction project is to improve drainage control within the limits of Paseo Vista and apply groundcover to mitigate future damage.

18. CONSTRUCTION CONTRACT/CONTINGENCY TRANSFER: Redpoint Contracting, Inc.

APPROVED Construction Contract No. PR1504.402 to Action Direct, LLC, dba Redpoint Contracting, for the Paseo Vista Recreation Area Drainage, Project No. PR1504.402, in an amount not to exceed \$1,297,578.00, plus \$129,758.00 for associated in-house engineering services, for a total amount not to exceed \$1,427,336.00.

APPROVED a Contingency Appropriation Transfer in the amount of \$628,686.00 from the General Fund Non-Departmental Contingency appropriation to the General Fund Capital, Parks Cost Center for the contract and associated in-house engineering services.

The Paseo Vista Recreation Area, the 64-acre former landfill site, is located at 3850 S. McQueen Road. In 2005, the landfill was closed and in 2009, the site was developed into a recreation area. During the past six years, several areas along the slopes of the site have eroded during storm events. The storm event in September 2014 identified the need for a new drainage strategy. A Council Subcommittee meeting was held December 10, 2015, to discuss the strategy.

The purpose of this project is to improve drainage control within the limits of Paseo Vista and apply groundcover to mitigate future damage.

FINANCIAL IMPLICATIONS

Parks and Solid Waste each had \$500,000.00 appropriated in the FY 2015-16 CIP for costs related to the Paseo Vista Park and the landfill. Expenses for the proposed Construction Management, Construction and Internal Staff Charges exceed the available funds. Therefore, City Council approval is needed to transfer contingency appropriation from the General Fund Non-Departmental Contingency (part of the 15% contingency) for the cost of repairs and associated in-house engineering services.

19. PURCHASE: Roadway Striper truck

APPROVED the purchase of a roadway striper truck, utilizing Maricopa County Contract No. 13118-C, from EZ-Liner Industries in the amount of \$403,128.00.

20. PROFESSIONAL SERVICES CONTRACT: Ritoch-Powell & Associates

APPROVED Professional Services Contract No. ST1602.201 with Ritoch-Powell & Associates Consulting Engineers, Inc., for design consultant services for Ocotillo Road Improvements (Cooper Road to Gilbert Road), in an amount not to exceed \$424,665.00.

21. CONSTRUCTION CONTRACT: Rural Electric, Inc.

APPROVED Construction Contract No. AI1502.401 with Rural Electric, Inc., for Airport Guidance Signage and Runway 4R-22L Precision Approach Path Indicator (PAPI) Replacement Project in an amount not to exceed \$418,385.00.

22. PURCHASE: Goodmans, Inc.

APPROVED the purchase and installation of library furniture from Goodmans, Inc., utilizing the State of Arizona Contract No. ADSPO13-040689, in the amount of \$125,000.00.

23. PURCHASE: Microsoft Software Licenses

APPROVED the purchase of Microsoft software licenses, utilizing the Western States Contracting Alliance (WSCA) Contract No. ADSPO11-007500, from SHI International Corporation in the amount of \$78,210.00.

The City of Chandler continues to invest in Microsoft technologies as the platform for Citywide and Departmental applications. Many of these technologies have a core licensing cost and an additional client access license (CAL) cost either per user or per device. As the City invests in new technologies leveraging mobile devices, it is important that licensing periodically be re-evaluated to stay agile with these new technologies.

This licensing purchase will allow upcoming projects to deploy structured query language (SQL) technologies for the required back-end data components. One of these projects is the Capital Improvement Project management tool application for Transportation and Development. The other project is the Enterprise Service Bus upgrade.

This purchase will also include the Microsoft licenses identified as required in the recent Microsoft audit.

24. USE PERMIT: Starbucks

APPROVED Use Permit LUP15-0024 Starbucks, Series 12 Restaurant License to sell liquor as permitted for on-premise consumption indoors and within an outdoor patio at an existing restaurant located at 4985 W. Ray Road, SEC of Rural and Ray roads. (Applicant: Andrea Lewkowitz, Lewkowitz Law Office PLC.)

BACKGROUND

The subject site is located at the southeast corner of Rural and Ray roads, within the Corona Del Sol Plaza. The plaza contains a mix of restaurants, commercial businesses and a vacant Fry's Food & Drug store. Starbucks is a fee-standing building with frontage along Ray Road, which has been open since 2012. Starbucks is introducing a new concept for the evening hours to serve craft beer and wine. Starbucks presently provides this concept within several cities of the valley as well as nine other states. This is the first request within the City of Chandler.

Under a typical Series 12 license, the establishment must derive at least 40% of its gross revenue from the sale of food and non-alcoholic beverages. Starbucks plans to sell craft beer and wine during the afternoon and evening hours along with savory small plates to compliment the current operations. Beer and wine sales at presently licensed locations account for only 2% of total sales.

The subject 2,536 square foot restaurant seats 42 persons with an 871-square foot, 23-seat outdoor patio located on the northwest side of the building. The restaurant is open from 4:30 a.m. to 9 p.m. daily. In order to comply with Arizona State Statutes, Starbucks will use reusable glassware, dishes and utensils. The restaurant will also have employees, who will be at least 19

years of age, and managers, all of which will be trained in responsible alcohol sales and service; they will employ approximately 20 employees. Starbucks will continue to utilize the speaker system to play recorded music at a controlled volume and will not have live music or entertainment.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on January 27, 2016. There were two residents in attendance with one expressing concerns with increased traffic at the intersection and the number of establishments serving alcohol in the area. Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

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

#### RECOMMENDED ACTION

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

1. The Liquor Use Permit is granted for a Series 12 License only and any change of license shall require reapplication and new Liquor Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
3. The Liquor Use Permit is non-transferable to other store locations.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.

#### 25. LIQUOR LICENSE: Starbucks Coffee #15746

APPROVED a Series 12 Restaurant Liquor License (Chandler #160618L12) for Andrea Dahlman Lewkowitz, Agent, Coffee House Holdings Inc., dba Starbucks Coffee #15746, 4985 W. Ray Road. A recommendation for approval of State Liquor License #1207A423 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

#### 26. TEMPORARY EXTENSION OF PREMISES: Fat Willy's Family Sports Grill

APPROVED a Series 18 Temporary Extension of Premises for Chandler Liquor License #140076L18 held by Fat Willy's Chandler LLC, dba Fat Willy's Family Sports Grill, 4850 S. Gilbert Road, for a Fat Willy's St. Patrick's Day Block Party on March 17 & 18, 2016. A recommendation for approval of a Temporary Extension of Premises for State Liquor License #12079030 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.

#### 27. TEMPORARY EXTENSION OF PREMISES: Fibber Magees

APPROVED a Series 18 temporary Extension of Premises for Chandler Liquor License #45077L18 held by TW Steve's LLC dba Fibber Magees, 1989 W. Elliot Road, Suite 19, for a Fibber Magees St. Patrick's Day Festival on March 17, 2016. A recommendation for approval of a Temporary Extension of Premises for State Liquor License #06070661 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.

28. FINAL PLAT: Chandler DES

APPROVED Final Plat FPT15-0026 Chandler DES, for an office building located at the southeast corner of Arizona Avenue and Elliot Road which was approved by Council on January 14, 2016. The Plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way. Planning Staff recommends approval.

**ACTION**

29. AREA PLAN AMENDMENT/REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Canal View Homes Res. #4931 & Ord. #4686

CONTINUED TO MARCH 31, 2016 CITY COUNCIL MEETING:

Resolution No. 4931, APL15-0006, Chandler Airpark Area Plan Amendment, Area Plan Amendment to the Chandler Airpark Area Plan from Low Density Residential to Low-Medium Density Residential.

Ordinance No. 4686 DVR15-0027 Canal View Homes, rezoning from Agricultural to Planned Area Development for single-family residential.

Preliminary Development Plan (PDP) for subdivision layout and housing product.

Preliminary Plat PPT15-0013 for an 8-lot single-family residential subdivision located at the SEC of the Consolidated Canal and the Wildhorse Place alignment. (Applicant: Rod Jarvis; Earl Curley & Lagarde.)

**BACKGROUND**

The subject site is located at the southeast corner of the Consolidated Canal and the Wildhorse Place alignment approximately one-half mile east of the southeast corner of Willis and McQueen roads. The site is a remnant parcel from the construction of the Loop 202 Santan Freeway. Directly north is a single-family home that was annexed into the City of Chandler in 2010. East is the Canyon Oaks Estates single-family residential subdivision. Directly south is the Loop 202 with the Consolidated Canal running the length of the western boundary. The site is currently within the jurisdiction of Maricopa County and is zoned Rural-43 (RU-43). Annexation of the property is being requested on this agenda.

**AREA PLAN AMENDMENT**

The site is within the Chandler Airpark Area Plan and designated as supporting Low-Density Residential development with a density range of 1.6-3.5 dwelling units per acre (du/ac). The request is to amend the area plan to Low-Medium Density Residential with a density range of 3.6-8 du/ac. The density would be limited to the 4.32 units per acre as proposed.

### SITE LAYOUT/HOUSING PRODUCT

The two-acre site largely fits the definition of infill development due to the physical constraints surrounding the site. Eight lots for the approximate 2-acre site are proposed with a density of 4.32 units per acre. The site is designed with private streets. Lot sizes range from 5,117 square feet up to 9,822 square feet. Minimum lot sizes within the adjacent neighborhood range from a minimum 7,200 square feet up to 9,240 square feet, depending on which phase of the neighborhood. Two floor plans are provided with a square footage of 2,955 and 3,400 square feet; both plans are two-story. Home sizes of the Canyon Oaks Estates subdivision range from 1,688 square feet up to 4,108 square feet. Both proposed home plans provide five bedrooms, with Plan B offering an option for a sixth bedroom. Plan A offers a two-car garage that is designed central to the house façade; Place B provides a three-car garage.

Design of the homes utilizes a southwest color palette and similar design elements as provided in the Canyon Oaks subdivision. Thick wainscot stucco elements are provided along the façade with various stucco pop-outs and relief elements. Stone, shutter elements and varying window designs are provided depending on the elevation.

Due to the site being adjacent to the canal, a ten-foot landscape area is provided with the exception of the area adjacent to lot 7. Due to the size of the lot and home footprint, the full ten feet cannot be provided while maintaining the ten-foot rear setback. To discourage blind corners, the perimeter wall corners are chamfered.

### AIRPORT COMMISSION

The Airport Commission reviewed the zoning request in accordance with the Airport Conflicts Evaluation Process at their November 18, 2015, meeting. The Airport Administrator has issued a conflict evaluation report indicating that the Airport Commission found that the proposed subdivision does constitute a conflict with the existing or planned airport uses. Physical and administrative corrective actions were recommended.

Physical corrective actions included noise attenuation construction within the residential units and a roadway style sign indicating the presence of low flying aircraft.

Administrative corrective actions included the requirement of significant disclosure statements to be signed by prospective homeowners indicating the proximity to the airport, heliport, aircraft engine repair and testing facility and the potential impact from aviation noise and vibrations. Additionally, an aviation easement shall be dedicated to the City of Chandler. Finally, a large map shall be displayed in the sales office identifying the proximity of the development to the airport including the noise contours and over flight patterns.

### STAFF:

Planning Staff supports the request finding that the development of single-family residential is consistent with the overall goals of the Area Plan and that while there is an increase in density, the end product is consistent with the immediate area and provides a beneficial solution to a difficult infill piece. Furthermore, the design of the homes has been cognizant of the surrounding area and utilizes common elements within the larger community. Lastly, the development of the site resolves any longstanding conditions with the vacant lot and its proximity to the Consolidated Canal and Loop 202.

### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 16, 2015. There were eight neighbors in

attendance with general questions regarding the development, street system and design, whether or not the site is within a flood district and the housing product.

Following the meeting, Planning Staff has responded to a number of the questions pertaining to City design standards that the neighbors had. As a follow-up to the neighborhood meeting and based on additional questions from the neighborhood, a meeting was held at the site on January 21, 2016 with nine neighbors in attendance. Requests were made to address the development from the adjacent neighbors resulting in a speed hump being added to the entry drive, reorganization of the stop signs located at the immediate four-way stop upon exiting the site, bollard lighting and path to be located in the landscape area in between the subdivisions, a separate tot lot in the proposed development, wrought-iron fencing and a gate along the canal, ensuring the landscape palette is consistent with the Canyon Oaks neighborhood and a sidewalk located at the southern end of the development connecting to the canal. Planning Staff has worked with the Traffic, Fire and Civil divisions to determine if the requests are considerable. The divisions have responded positively with the exception that a sidewalk cannot be provided on the southern portion of the neighborhood due to retention basins being in the area.

The request has triggered a legal protest.

#### PLANNING COMMISSION VOTE REPORT

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

Three neighbors spoke at the meeting with two being in opposition and one in support. The opposing neighbors had concerns with the proposed density of the project and felt that the number of homes could be reduced resulting in the density being consistent with the Canyon Oaks Estates subdivision. A concern was also expressed about the access to the homes through the existing subdivision as well as with the design of Wildhorse Place. Density of the adjacent subdivision is 2.7 dwelling units per acre; proposed density of the project is 4.3. It should be noted that the subdivision is designed such that four lots in the proposed development are adjacent to four lots in the Canyon Oaks Estates subdivision. While the access drive has been reduced, the Traffic, Fire and Civil divisions have reviewed the design to ensure that traffic can move safely on the street; parking will not be allowed on the entry drive into the development.

#### RECOMMENDED ACTIONS

##### **Area Plan**

The Planning Commission and Planning Staff recommend approval.

##### **Rezoning**

The Planning Commission and Planning Staff recommend approval subject to the conditions listed in the ordinance.

##### **Preliminary Development 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 "Canal View Homes", kept on file in the City of Chandler Planning Division in File No. DVR15-0027, except as modified by condition herein.
2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and the Preliminary Development Plan shall apply.

3. The applicant shall work with Planning Staff to ensure the landscape palette is consistent with the adjacent neighborhood.
4. The applicant shall work with Planning Staff to address the design elements requested by the adjacent neighborhood such as addressing traffic circulation concerns, incorporating bollard lighting in the adjacent landscape tract, providing fencing adjacent to the canal, ensuring the landscape palette is consistent with the area and the incorporation of a tot lot.

### **Preliminary Plat**

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.

### **Discussion**

City Planner Erik Swanson provided an overview of the request. He stated the Council has received several emails from individuals within the area and the HOA Board in opposition to this request. There is a legal protest and therefore will require a Council vote of at least 6 to approve this item. The Planning Commission and Planning Staff recommend approval subject to certain conditions, which are listed in the Council memo.

COUNCILMEMBER HARTKE inquired as to what else could be built in the area. Mr. Swanson stated the General Plan designates this as low density residential with 1.6 up to 3.5 ua. In this case the applicant is asking for medium density. He did not think any other type of development would work in the residential area.

COUNCILMEMBER HEUMANN inquired about the size of the proposed home plans and if all the homes proposed are two stories. Mr. Swanson reviewed the lot sizes of the Canyon Oaks subdivision. He replied that the application proposes all two story homes.

COUNCILMEMBER LOPEZ inquired if the Airport Commission's recommendations regarding this development would have applied to the current subdivision. Mr. Swanson said while speaking with the administrator who processed that case, it was confirmed there was also a conflict.

Mr. ROD JARVIS, 3101 N. Central Avenue, representing the applicant, noted the property is adjacent to the San Tan 202 Freeway, it is close to the Chandler Airport, and next to an irrigation canal. The location of the property and issues with access to the property makes it very difficult to be developed. The neighbors compiled a list of their requests regarding the development of the property, to which the owner agreed to everything on that initial list. However, there were still some neighbors expressing their concerns. Given the surrounding cul-de-sac developments, and overall neighborhood and residential homes, their proposed development fits into the parameters for developing the site. Mr. Jarvis confirmed the property owner who will be selling part of his land for accessing this parcel has reduced his price, which will allow his client to reduce the lots and they could possibly offer a plan that stipulates a 7 lot subdivision.

Councilmember Hartke asked if a stipulation was put in place that allowed three houses neighboring the ones to the east and four on the other side, would that be agreeable to his client.

Mr. Jarvis said if they were to lose a lot, the impact should be enjoyed by the immediate neighbors.

Councilmember Heumann asked if they were willing to limit them to one story. Mr. Jarvis said his client would like to go to larger houses if the indication was he would be losing a lot. The balconies would be reoriented as to not be on the back of the homes, they would try to orient them away from the neighbors. They would also consider putting large trees in order to screen more. He noted the dirt 20' walkway is owned by the Canyon Oaks Homeowner's Association.

Mr. SETH GRAINGER, 1530 S. VELERO PLACE stated he was in opposition of the 8 lot development. Mr. Grainger pointed out the density does not fit the neighborhood, and the proposed homes are two-story in an area mostly built of single story homes. The lots are small but have very large homes being proposed. His other concerns were of safety. Emergency vehicles will not be able to access the area if anyone parks on the street, and the turn radius is not sufficient. He expressed concern with the Airport Commission recommendation that a street sign be posted indicating low flying aircraft in the area. His neighborhood does not have one of these signs and believes it will cause a negative reaction. In response to questions from the Council, Mr. Grainger said if they went to a lower density, he would not be opposed. He would like to see the plan on paper again.

In response to a clarification on the density, Mr. Swanson said the reduction in lots would take the density down to 3.5 which then puts it in the category of low density and it would then remove the request for the Area Plan amendment.

Mr. ERIC GOODMAN, 1540 S. VELERO PLACE stated his concerns are with the value of these properties because of the location. He does not believe these homes will sell quickly due to location and freeway noise. Which means it is possible the homes will not sell for what they are asking, and therefore the project could be abandoned.

Mr. JARED THOM, 1703 E. WILDHORSE PLACE, President of the Canyon Oaks HOA. He said they are already being affected by construction and traffic in the area, and this development will only increase this traffic and the dangers they are experiencing with the excessive traffic and speeding. He said the area has been evaluated for speed humps, they did not qualify due to the orientation of homes along the street. He would like to see that added if this project is approved. He gave concern to the traffic generated by the construction of these homes. He is a loan officer and has discussed the estimated value of these homes and at the current proposed prices, he does not believe these will sell at the asking price due to proximity of the airport and freeway.

In response to a question from Councilmember Heumann, Mr. Thom said the largest home that has sold was just over \$400,000 at about 4100 s.f. which was about a half mile away, not near a water treatment plant or a canal. It was noted the homes were built before the freeway.

THE MAYOR inquired as to how many individuals it takes to file a legal protest.

Mr. SWANSON stated it takes 20% of the property owners within a 150 foot buffer area of the proposed development. Initially two property owners contested the development, then a third, then the HOA. At this time it is approximately 72% in opposition.

Council had further questions regarding home values, access to the proposed development and the gated and non-gated communities in the area. Mr. Swanson said the subject site is private

streets and is non-gated. The Canyon Oaks subdivision is public streets, not gated. There is a small component off of Longhorn and Cooper that is a gated cluster home development.

Councilmember Hartke inquired about the speed humps. MR. SWANSON said there is criteria for speed humps but believes the request is for just Wildhorse Place and evaluation for this in this area can be reviewed.

MR. Swanson confirmed that this project would require the formation of an HOA.

Mr. ROD JARVIS, stated it appears they have addressed the concern with density if they reduce the development to seven (7) homes instead of eight (8), and that they would not have to apply for an Area Planned Amendment.

As far as the setbacks and second floor patios, they would make the stipulations that all balconies and patios will be only located on the sides of the home, not on the back of the home. He noted the site is actually 4 feet lower in grade than the community to the east. They would also stipulate, if the HOA wanted to maintain them, to add mutually agreed upon shrubs/trees in their walkway for additional screening. In regards to noise and the airport impacts, there are stipulation that requires them to construct the homes to maintain a decibel level no higher than 45 db in the home. This will screen the noise from the freeway and the airport. The Freeway sound wall ends and that development will not have the sound barrier wall like other neighborhoods; therefore this development will become like a sound wall for the surrounding community. He said the traffic from construction of these homes would be a temporary issue.

COUNCILMEMBER HARTKE asked the developer to work with the neighborhood one more time on the location of the three lots and their placement if they reduce the number of homes to 7.

THE MAYOR asked the developer if they would consider a continuance to work out the changes and work with the neighborhood to see what can be agreed upon. Councilmember Heumann concurred with the Mayor's recommendation.

Mr. JARVIS stated his client is willing to have a one month continuance, but wished to make clear that they cannot reduce the development to 6 lots. They will work on the layout of the homes, placement of the balconies, site plan of the homes, and placement of trees, if any, in the walkway.

MOTION MADE BY COUNCILMEMBER HEUMANN, SECONDED BY COUNCILMEMBER LOPEZ to continue Item 29 and 30 to the March 31<sup>st</sup> Council meeting.

MOTION CARRIED (6-1) WITH COUNCILMEMBER ELLEN VOTING NAY.

30. ANNEXATION: Southeast Corner of the Consolidated Canal & Wildhorse Place Alignment Ord. #4694

THIS ITEM WAS CONTINUED IN THE MOTION ON ITEM #29

Ordinance No. 4694, Annexation – Southeast Corner of the Consolidated Canal and the Wildhorse Place Alignment, annexation of a site approximately 2.04 acres located at the southeast corner of the Consolidated Canal and the Wildhorse Place alignment. (Applicant: Jalil Ahmad, Star Tech USA, LLC.)

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

A. Mayor's Announcements

The Arizona Railway Museum is hosting Arizona Railway Day from 9 a.m. to 4 p.m. This is a free event and includes tours of vintage railcars, plus displays of artifacts and memorabilia. The museum is located at 330 E. Ryan Road, just south of Tumbleweed Park.

The annual Classic Car and Hot Rod Show returns to downtown Chandler from 10 a.m. to 4 p.m. About 250 vehicles will be on display, along with entertainment and vendors. Proceeds benefit local youth and veteran organizations.

The Mayor thanked everyone who submitted questions to the Budget Connect meeting held earlier tonight. He thanked staff for their continued work on such a critical fiscal document.

He thanked everyone who attended the State of the City Address, and mentioned it was available for viewing online at the City's website.

B. Councilmembers' Announcements

COUNCILMEMBER LOPEZ announced the upcoming Library Con (LibCon) event for teenagers only.

COUNCILMEMBER HARTKE stated he recently attended several State of the City addresses, and while they each have their own points of pride, he appreciates Chandler even more. He announced the Ostrich Parade will occur on March 5.

COUNCILMEMBER HEUMANN announced last week the SciTech event was a great event. The President of Orbital was in attendance and Intel sponsors the event. He complimented Odetta Moore from Chandler's Economic Development Department for her efforts in coordinating this event.

Councilmember Heumann expressed appreciation to his wife on their upcoming 33<sup>rd</sup> wedding anniversary.

C. City Manager's Announcements

None.

