

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, March 31, 2016.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY AT 7:03 p.m.

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: Susan Stevens Clark from the Chandler Bahai Faith gave the invocation.

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

CONSENT:

COUNCILMEMBER HEUMANN asked Sr. Planner Erik Swanson to give a brief summary of item #5.

MOVED BY, COUNCILMEMBER HEUMANN, SECONDED BY COUNCILMEMBER HARTKE, TO APPROVE THE CONSENT AGENDA AS SUBMITTED.

The Mayor stated he received a comment card in support of item #14 as well as a thank you from George Urish on the item.

THE MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED THE FOLLOWING:

- 1a. MINUTES of the Chandler City Council Special Meeting (Exec Session) of March 14, 2016.
- 1b. MINUTES of the Chandler City Council Study Session of March 14, 2016.
- 1c. MINUTES of the Chandler City Council Regular Meeting of March 17, 2016.

2. ZONING: 111 W. Boston Street Ord. 4665

FINAL ADOPTION OF ORDINANCE NO. 4665, DVR15-0039 111 W. BOSTON STREET, rezoning from City Center District (CCD) to CCD with a Planned Area Development (PAD)

overlay, CCD/PAD zoning, for additional building height on property located at 111 W. Boston Street.

3. DEVELOPMENT AGREEMENT: Ryan Companies / Site 6 Ord. 4697

FINAL ADOPTION OF ORDINANCE NO. 4697 authorizing the provisions of a development agreement with Ryan Companies US, Inc., for disposition and redevelopment of Site 6.

4. ZONING: RMB Business Park

CONTINUED TO MAY 12, 2016 CITY COUNCIL MEETING - ORDINANCE NO. 4653, DVR15-0010 RMB BUSINESS PARK, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Light Industrial and Commercial.

PRELIMINARY DEVELOPMENT PLAN (PDP) for site layout and building architecture located north of the NEC of Ryan Road and Arizona Avenue. (STAFF REQUESTS CONTINUANCE TO THE MAY 12, 2016, CITY COUNCIL MEETING.)

5. ZONING: SANTAN OFFICE CAMPUS Ord. 4699

Mr. Swanson gave an overview of the project. He explained there will be 3 office buildings with a potential from 400,000 to 600,000 s.f. of office space. He said the most exciting piece of this project is the design aspect.

In response to a question from the Mayor, Mr. Swanson said there is flexibility to put up to 5 stories or 75'. Mr. Swanson said as the large users come on board, there is opportunity for support retail and commercial.

INTRODUCED AND TENTATIVELY APPROVED ORDINANCE NO. 4699, DVR15-0041 SANTAN OFFICE CAMPUS, rezoning from Planned Area Development (PAD) for commercial retail and hotel to PAD for an office park with ancillary retail and restaurant uses, including a Mid-Rise Overlay for building height up to 75 feet.

PRELIMINARY DEVELOPMENT PLAN, for site layout and building architecture on approximately 19 acres located at the SWC of Alma School and Pecos roads.

BACKGROUND

The subject site is located at the southwest corner of Alma School and Pecos roads. Arterial streets are adjacent to the north and east side of the property, with the Santan Loop 202 along the southern boundary. The Camden Pecos apartment complex is adjacent to the site's west boundary.

The subject site was zoned in late 2005, for a commercial retail center and hotel development. The site has been included in a number of master plans including the Santan Freeway Area Plan and the Pecos Ranch master plan, always with a designation of Commercial. The request is consistent with the historic plans.

The request is to rezone the property from commercial retail and hotel uses to PAD for an office park with ancillary retail and restaurant uses, including Mid-Rise Overlay for up to 75 feet, and PDP approval for site layout and building architecture.

SITE LAYOUT

Three office buildings (A, B, and C, respectively) are proposed along with two pads for potential restaurant uses, with a potential build-out of 400,000 square feet of space. A parking garage is

proposed internal to the site and centered along the western boundary. The garage will be constructed in phases with northern half constructed during phase two and the remaining as part of phase three.

Predominance of the arterial intersection is highlighted with the location of one of the office buildings (A) at the intersection in an L-shape design as phase one. Full movement access is provided along Alma School Road, with the entrance drive terminating at the future parking garage. Secondary access is provided along Pecos Road west of office A. A restaurant pad is located north of the primary entrance.

Phasing is proposed to start with office A, onsite parking sufficient for the building, and all adjacent off-site improvements. Phase two will incorporate a portion of the parking garage and surface parking sufficient for the two office buildings along with office B, and the remaining off-site improvements. Phase three will include full build-out of the parking garage and office C. Administrative approval is requested in the event a user warrants modification to the proposed phasing plan.

Various outdoor areas are created and incorporated by nature of the building layout and design. Amenity locations are shown on the Access, Circulation and Amenity Plan.

ARCHITECTURE

While the buildings are rectangular in form, the design team has addressed massing of the buildings by incorporating a number of architectural elements. Cantilevered elements project from the main entry of each building, as well as at main focal points such as at the intersection corner. The cantilevered elements lend to outdoor pedestrian gathering areas, and extend along the wall plane terminating at enlarged and highlighted architectural masses on each building. While maintaining similarity in color, the design and massing elements vary from one office building to the next. Materials will include extensive use of glass with appropriate glazing, along with various metal paneling, E.I.F.S., stone, and composite wood elements.

Complete design details have not been provided for the parking garage; however, conceptual designs have included horizontal banding and pop-out elements that relate to the office buildings. Elevations for the restaurant pads are not provided. Administrative review and approval of the design for the restaurant pad is requested with the understanding that the architecture will draw from the design theme of the office buildings.

Mid-Rise for the office buildings is requested for a maximum height of 75 feet exclusive of screening for mechanical units. Support for mid-rise development is appropriate at this location due to the close proximity to the Santan Loop 202 freeway, adjacency to two arterial streets, and limited single-family residential development in the surrounding area.

SIGNAGE

A comprehensive sign plan is included with the request. Entry monument signs are provided at both entrances. A single site identity sign is provided at the intersection corner. The entry monument signs and the center identification sign are identical in design with the entry signs slightly taller and include an interpretive art feature as an element. Various directional and directory signs are provided throughout the site.

Two monument signs are provided along each street frontage. The monument signs allow for up to five tenants and are eight feet tall to the top of the tenant copy. The project name on the monument signs are reverse pan channel with the tenant lettering being routed push-thru lettering. The vertical yellow accent element will be halo-illuminated.

A freeway monument sign is provided with an overall height of 40 feet and allows up to five tenants. Similar in design to the monument signs, the project name will be reverse pan channel, with the tenant copy being routed push-thru lettering. The vertical yellow accent element will be halo-illuminated.

Planning Staff supports the request citing the high quality design of the development in conjunction with the location presents an ideal location for office development along the freeway corridor. As is typical with office developments, ancillary retail and other commercial uses are requested. The development requests uses allowed in the Community Commercial (C-2) zoning district consistent with support services to the office development. Prohibited uses to the development, but allowed by right in the C-2 district, are provided under the Exhibits paragraph.

Administrative approval is requested for minor modifications relating to architecture, site layout, and phasing as development occurs.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- Due to the request for Mid-Rise Overlay, two neighborhood meetings were held. The meetings were held Wednesday and Thursday, February 3rd and 4th respectively. No neighbors attended the first meeting; three neighbors attended the second neighborhood meeting and had general questions.
- As of the writing of this memo, Planning Staff is not aware of any concerns with the request.

The Planning Commission voted to approve the project 6-0.

RECOMMENDED ACTIONS

Rezoning

Planning Commission and Planning Staff recommend City Council approve the Rezoning, including Mid-Rise Overlay, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "The Santan", kept on file in the City of Chandler Planning Division, in File No. DVR15-0041 THE SANTAN OFFICE CAMPUS, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and

street lighting to achieve conformance with City codes, standard details, and design manuals.

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. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
8. Maximum building height, exclusive of mechanical screening, shall be limited to 75 feet.

Preliminary Development Plan

Planning Commission and Planning Staff recommend City Council approve the Preliminary Development Plan, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "The Santan", kept on file in the City of Chandler Planning Division, in File No. DVR15-0041 THE SANTAN OFFICE CAMPUS, 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 monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
4. Raceway signage shall be prohibited within the development.
5. The tenant lettering of the monument signs shall be ¾-inch routed push-thru lettering.
6. 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.
7. Landscaping shall be in compliance with current Commercial Design Standards.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
9. The applicant shall work with Staff to incorporate art features within the development.
10. 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.

11. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
12. Queuing drives and menu board locations for the drive-thru pads shall be consistent with the Commercial Design Standards.
13. The applicant shall work with Planning Staff to incorporate specimen trees such as Empire Oak, Cathedral Oak, Evergreen Elm, and Red Push Pistache trees along the entry drive.

6. EASEMENT: Salt River Project Ord. 4695

INTRODUCED AND TENTATIVELY APPROVED ORDINANCE NO. 4695 granting a no-cost power distribution easement, to Salt River Project Agricultural Improvement and Power Distribution District (SRP) on City property located at 3333 S. Price Road.

Municipal Utilities requires additional power facilities on their property at 3333 S. Price Road to accommodate expansion at this location. In order to provide the additional power services, SRP is requesting an additional easement. The easement is to be granted to SRP, at no cost, as it is for a City project that benefits the citizens of Chandler.

7. AGREEMENT: Salt River Project / Wireless Network Ord. 4934

ADOPTED RESOLUTION NO. 4934 authorizing an agreement with Salt River Project (SRP) for the use of City property in connection with the operation of a wireless network, and authorizing the Mayor or designee to execute the necessary documents.

SRP is in the process of upgrading their communication system in order to improve the reliability of reading electric meters by a wireless (WIFI) method. This "Smart Grid Modernization Project" involves installing routers throughout Central Arizona of which approximately 42 are requested to be placed on City-owned street light poles. On October 12, 2014, the City's Director of Transportation & Development used his administrative authority to sign a Request for Commencement of Construction Letter that allowed the issuance of encroachment permits for SRP to begin the installation of the routers while compensation for the use of the City Property was negotiated between the City and SRP.

At this time, the parties have agreed that during the initial 10-year term of the Agreement, in-lieu of an annual fee or rental payment for the use of the poles, SRP will instead deliver an in-kind project for the installation of new streetlights on Germann Road from Arizona Avenue to Airport Boulevard (1.5 miles). Compensation for the use of the poles for any term-renewals will be based on the City of Chandler Wireless Communication Facilities (WCF) in the Right-of Way fee schedule that is in place at the time of the renewal. Other terms for the use of City Property are detailed in the Agreement.

In-lieu of an annual fee or rental payment to the City for the first term of the Agreement, SRP will deliver an in-kind project for the installation of new streetlights on Germann Road, from Arizona Avenue to Airport Boulevard (1.5 mile), which has the value of \$635,413.

8. No item.

9. AGREEMENT: Municipal Emergency Services, Inc.,

APPROVED AGREEMENT NO. FD3-340-3133, Amendment No. 4, with Municipal Emergency Services, Inc., (MES) for fire protective clothing and uniforms increasing the annual spending limit amount by \$55,000.00 for a revised not to exceed amount of \$355,000.00 for the term ending September 14, 2016. This spending limit increase will allow staff to purchase fire protective clothing and uniforms for 9 newly hired firefighters in FY 15/16.

10. AGREEMENT: Chemicals

APPROVED AGREEMENT NO. MU4-885-3350, AMENDMENTS with BASF Corporation in an amount not to exceed \$780,750.00; Brentag Pacific, Inc., in an amount not to exceed \$2,373,942.75; Charlie Pepper, Inc., in an amount not to exceed \$131,000.00; Chemtrade Chemicals US, LLC, in an amount not to exceed \$347,800.00; Hill Brothers Chemical in an amount not to exceed \$1,259,396.40; Kemira Water Solutions, Inc., in an amount not to exceed \$601,920.00; Polydyne, Inc., in an amount not to exceed \$102,478.00; Univar USA, Inc., in amount not to exceed \$228,690.00; and Waternuts Aquatic Ent, Inc., dba Commercial Pool Repair in an amount not to exceed \$172,200.00, for the purchase of water treatment, wastewater treatment, and swimming pool chemicals, for a one-year term, for a grand total amount not to exceed \$5,998,177.15. With the exception of one line item, Sodium Chlorite, purchased through Charlie Pepper, Inc., all of the vendors have agreed to extend the agreement for one (1) additional year at the same terms, conditions, and pricing. The increase for Sodium Chlorite is based on raw material price increases. The overall effect of the price increase is less than 1%.

11. AGREEMENT: Chemicals

APPROVED AGREEMENT NO. MU5-885-3526, AMENDMENT NO. 1 with Chemrite, Inc., in an amount not to exceed \$198,416.00; Evoqua Water Technologies, LLC, in an amount not to exceed \$195,700; Hill Brothers Chemical Company in an amount not to exceed \$359,975.00; Polydyne, Inc., in an amount not to exceed \$538,325.00; and Thatcher Company of Arizona, Inc., in an amount not to exceed \$284,175.00, for water treatment, wastewater treatment, and pool chemicals, for a one-year term, for a grand total amount not to exceed \$1,576,591.00.

This agreement is a supplement to Agreement No. MU4-885-3350. It includes chemicals needed to meet new water quality requirements that have emerged, were not extended on the existing

Agreement, and replaces chemicals that were not functioning properly. All vendors have agreed to extend for one (1) additional year at the same terms, conditions, and pricing.

12. AGREEMENT: Civil Planning Services

APPROVED AGREEMENT NO. 3359, Amendment No. 3, with EPS Group, Inc., for Civil Plan Review and Civil Planning Services, in an amount not to exceed \$50,000.00 for a one-year term of March 15, 2016, through March 14, 2017.

13. CONTRACT: Chandler Heights Road Improvements

APPROVED PROFESSIONAL SERVICES CONTRACT NO. ST1502.201 to Kimley-Horn and Associates, Inc., for Design Consultant Services for Chandler Heights Road Improvements, Arizona Avenue to McQueen Road, in an amount not to exceed \$974,546.00.

This project is to improve Chandler Heights Road from approximately two (2) blocks east of Arizona Avenue to McQueen Road. Chandler Heights Road will be improved to four (4) traffic lanes. Portions of this roadway are currently being constructed by private developers. This project will complete the half street areas with raised medians, bike lanes, turn lanes, sidewalks, curbs, gutters, street lighting, traffic signals, traffic signal interconnect, storm drainage, landscaping and irrigation, right-of-way acquisition, and utility relocations. Additionally, this project will add or extend public systems to outside the new roadway to provide water, sewer, and reclaimed lines to all undeveloped parcels. The project will include coordination with Union Pacific Railroad and Arizona Corporation Commission for widening the roadway at the railroad crossing to the ultimate six-lane configuration. This project will also include design and coordination with Salt River Project Irrigation for their Consolidated Canal structure widening to the ultimate six-lane configuration.

This project was originally approved by the City Council on March 26, 2015, utilizing local funds. Subsequent to the original approval, the City received federal funds for this project. As such, staff did not execute the original contract and re-advertised the project per federal guidelines.

14. CONTRACT: Cooper Road Improvements

APPROVED PROFESSIONAL SERVICES CONTRACT NO. ST1503.201, to Entellus, Inc., for Design Consultant Services for Cooper Road Improvements, (3500 feet north of Chandler Heights Road to Riggs Road), in an amount not to exceed \$1,088,294.00.

This project is to improve Cooper Road from approximately 3500' north of Chandler Heights Road to Riggs Road. Cooper Road will be improved to four (4) traffic lanes with raised medians, bike lanes, turn lanes, sidewalks, curbs, gutters, street lighting, traffic signals, traffic signal interconnect, storm drainage, landscaping and irrigation, right-of-way acquisition, and utility relocations. Additionally, this project will add or extend public systems to outside the new roadway to provide water, sewer, and reclaimed lines. The scope of work also includes the evaluation of existing Americans with Disabilities Act compliance within the project limits. The project will be designed to Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) standards to facilitate use of federal funds on the project.

15. CONTRACT: Dakota Street Improvements

APPROVED PROFESSIONAL SERVICES CONTRACT NO. ST1511.201, to J2 Engineering and Environmental Design, for Design Consultant Services for Dakota Street Improvements, in an amount not to exceed \$275,700.54.

In addition to the new segment of Dakota Street between Buffalo Street and Commonwealth Avenue, a new 15" sanitary sewer within the new Dakota Street alignment will be constructed. Also, included in the project are improvements to approximately 800' of the SRP Irrigation Canal along Commonwealth Avenue, as well as the hardscape/landscape improvements on the east side of San Marcos Resort frontage along San Marcos Place. The project will include sidewalks, walking path, curbs, gutters, street lighting, storm drainage, landscaping and irrigation, right-of-way acquisition, and utility relocations. The scope of work also includes stakeholder coordination with the various high profile stakeholder groups within the project location; Salt River Project/Bureau of Reclamation, DCCP (Downtown Chandler Community Partnership), San Marcos Resort, and San Marcos Historical District.

16. CONTRACT: Ray Road/Dobson Road Decelerations Lane

APPROVED CONSTRUCTION CONTRACT NO. ST1404.401, to RK Sanders, Inc., for Ray Road/Dobson Road Eastbound Deceleration Lane, in an amount not to exceed \$183,665.00.

The intersection at Ray Road and Dobson Road is one of the most congested intersections in the City. An eastbound right turn deceleration lane will help to ease congestion and reduce potential for shortcutting along parallel local and collector streets. This has been an issue in the past as the City has received multiple complaints from residents.

This project will construct a right-turn lane for the eastbound traffic on Ray Road onto Dobson Road. The project also includes: improvements to ADA ramps on all four corners; storm sewer modifications; relocation of one street light; signal modifications.

17. CONTRACT: Frye Road Improvements

APPROVED CONSTRUCTION CONTRACT NO. ST1505, to Salt River Project to accommodate the Frye Road Improvements, Roosevelt Avenue to Kyrene Road, for conversion of overhead facilities and underground relocations, in an amount not to exceed \$488,100.00.

This project will construct approximately 1,700 lineal feet of Frye Road from Roosevelt Avenue to Kyrene Road. The construction work will include subgrade preparation, roadway asphalt, bike lanes, curb and gutter, sidewalk, street lighting, storm drainage, and a crossing over the Gila Drain.

Salt River Project will perform the following work: remove 7 poles and hardware, 11 pole mounted devices and approximately 4,521 lineal feet of conduit; install approximately 17,450 lineal feet of new underground primary and feeder conductor and 7 pad-mounted transformers; install approximately 1,650 lineal feet of streetlight conductor; all other work incidental to the aforementioned improvements.

18. CONTRACT: City Facilities Refuse Collection

APPROVED CONTRACT NO. SW4-910-3378, Amendment No. 1, with Allied Waste Transportation, Inc., dba Republic Services of Phoenix, for City Facilities Refuse Collection, for a two-year term, in an amount not to exceed \$165,000.00.

The City provides refuse collection services to all City of Chandler facilities including City parks and City office buildings. In an effort to reduce the cost associated with refuse collection, Solid Waste Services converted many City facilities to a lower cost contract that provides for side-load collection of 300-gallon refuse containers.

Due to concerns for volume of waste generated, space restraints with revetments and/or parking, and access to containers for collection, the option of converting to 300-gallon container collection at some facilities was not viable. City facilities not serviced with 300-gallon container collection require front-load collection of two, three, four, and six cubic yard containers that are serviced under this contract.

19. PURCHASE: Leica Geosystems Surveying Equipment

APPROVED PURCHASE Leica Geosystems surveying equipment from Surveyors Source, sole source, in the amount of \$88,664.08.

The Police Department Vehicular Crimes Unit (VCU) is responsible for investigating major collisions involving serious injury and fatal injury, and assists the Homicide Unit with measuring

and recreating large crime scenes. As part of these investigations, the VCU uses specialized equipment to take precise measurements that can be used to create scaled scene diagrams, animations, and collision reconstruction. The ability to collect this information in a reliable and efficient manner at the time of investigation is critical to support the criminal prosecutions usually associated with these investigations. The current equipment in use by the VCU is outdated, difficult to maintain, and is becoming less reliable. Three different systems were evaluated. The Leica system was determined to be the best overall system, and it is currently used by other local jurisdictions. The purchase of Leica Geosystems surveying equipment will equip the VCU with up-to-date technology for reliable and efficient measurement collection and will allow the VCU to support cross-jurisdictional partnerships in data and equipment sharing.

Staff researched products specific to law enforcement and found that none provide all of the elements of Leica's product. Staff received confirmation from Leica Geosystems that Surveyors Source, LLC, is the sole authorized distributor of the Leica Geosystems surveying equipment for the Arizona territory.

20. USE PERMIT: Pesto's Pizza

APPROVED USE PERMIT, LUP15-0022 PESTOS PIZZA, (Frank Taurisano, Owner), Series 12 Restaurant License to continue to sell and serve liquor for on-site consumption as permitted indoors and within a new outdoor covered patio located at 1960 W. Ray Road, Suite 4, within the Anderson Springs shopping center, at the NEC of Ray and Dobson roads.

BACKGROUND

Pesto's Pizza and Wine Bar is an existing restaurant located at 1960 West Ray Road, Suite 4, within the Anderson Springs shopping center, at the northeast corner of Ray and Dobson roads. The family owned and operated restaurant has been in business since 1994. In 2004, a Liquor Use Permit was approved for a Series 12 Restaurant license.

The request is for Liquor Use Permit approval to continue to sell and serve liquor for on-premise consumption as permitted under a Series 12 Restaurant License indoors and within a new outdoor covered patio.

The owner wishes to enhance the front of the restaurant and provide outdoor dining for their customers. Indoor floor area is approximately 3,300 square feet with a new 760 square foot outdoor patio. Due to the business front facing west, the outdoor patio would be covered with an awning for shade.

A decorative fence is proposed to enclose the new 30 seat outdoor dining area. Hours of operation are seven days a week from 10 a.m. until 9 p.m. The restaurant employs approximately 25 staff members.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on February 15, 2016. No one other than the applicant attended.
- As of the writing of this memo, Planning Staff is not aware of any opposition to the request.

The Planning Commission voted to approve the project 5-0.

RECOMMENDED ACTION

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend City Council approve the Liquor Use Permit, LUP15-0022 PESTOS PIZZA, subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Floor Plan, Patio Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 Restaurant license, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.
5. The patio shall be maintained in a clean and orderly manner.
6. The fabric awning structure shall be maintained in a manner similar to that at the time of installation.

21. USE PERMIT: Staybridge Suites Phoenix-Chandler

APPROVED USE PERMIT, LUP16-0001 STAYBRIDGE SUITES PHOENIX-CHANDLER, (Applicant: Andrea Lewkowitz, Lewkowitz Law Office, PLC), Series 7 Beer and Wine Bar License to sell and serve liquor for on-site consumption as permitted at the hotel located at 3990 W. Chandler Boulevard, at the NEC of Chandler Boulevard and McClintock Drive.

Staybridge Suites is an existing four-story hotel, located at 3990 West Chandler Boulevard, at the northeast corner of Chandler Boulevard and McClintock Drive. Surrounding the site are the recently approved McClintock and Chandler Luxury apartments by Lennar, and a Circle K convenience store to the west, across McClintock Drive. The nearest single-family subdivision is south, across Chandler Boulevard.

The request is for Liquor Use Permit approval to sell and serve liquor for on-premise consumption as permitted under a Series 7 Beer and Wine Bar License. Beer and wine would be served to guests during hotel evening socials held from 5:30 p.m. to 7:30 p.m. and will also be available for purchase at the hotel market. Alcohol service is not proposed outdoors, however guests may consume beer and wine within the outdoor patios and pool area. The hotel will employ approximately 12 full time and part time food and beverage employees.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on February 29, 2016. No one other than the applicant and the hotel manager attended.
- As of the writing of this memo, Planning Staff is not aware of any opposition to the request.

The Planning Commission voted to approve the project 5-0)

RECOMMENDED ACTION

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend City Council approve the Liquor Use Permit, LUP16-0001 STAYBRIDGE SUITES PHOENIX-CHANDLER, subject to the following conditions:

1. 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.

2. The Liquor Use Permit is granted for a Series 7 Beer and Wine Bar license, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.
5. 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.

22. LIQUOR LICENSE: Staybridge Suites Phoenix-Chandler

APPROVED LIQUOR LICENSE, Series 7, for Andrea Lewkowitz, Agent, Pacific Heritage Inn of Chandler LLC, dba Staybridge Suite Phoenix-Chandler, located at 3990 W. Chandler Boulevard.

The Police Department reports no objections to the issuance of this license, and no written protests pursuant to A.R.S. 4-201(B) have been received. All licenses, permits, and fees have been paid, and the applicant is in compliance with the City's Tax Code. With a Series 7, Beer and Wine Bar Liquor License, the business may sell beer and wine only for on- or off-premise consumption.

23. USE PERMIT: La Bocca / Modern Margarita

APPROVED USE PERMIT, LUP16-0004 LA BOCCA / MODERN MARGARITA, (Applicant: Amy Nations, Arizona Liquor Industry Consultants), Series 12 Restaurant License to sell and serve liquor as permitted for on-premise consumption indoors for two new restaurants along with an extension of premises within outdoor patios on Boston Street and Arizona Avenue. The request also includes entertainment indoors for a DJ. The property is located at 1 E. Boston Street, at the SEC of Arizona Avenue and Boston Street.

BACKGROUND

The property is located at 1 East Boston Street, at the southeast corner of Arizona Avenue and Boston Street. The existing building was the former location of 'Coach and Willie's restaurant. Tenant improvements to the interior and façade renovations, along with signage, were approved by the Architectural Review Committee on February 18, 2016.

The request is for Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors for two new restaurants along with an extension of premises within outdoor patios on Boston Street and Arizona Avenue. The request also includes entertainment indoors for a DJ.

A new Liquor Use Permit herein known as "extension of premises permit" in the City Center District (CCD) is required due to revisions to the floor plan and liquor service within the outdoor patios located in the City's right-of-way.

Two new restaurants will occupy the building. Separate entrances to each restaurant are proposed. Existing patios and railings along each street frontage will be renovated to coordinate with the façade renovations. The patios are designed to meet the CCD zoning standards including location, distance from public infrastructure, passing space, and fence height.

La Bocca's entrance is on Boston Street. The existing outdoor patio expands to include casual lounge seating and four settee booths. Three new planters will be interspersed with the 36 inch tall railing constructed with grey/brown horizontal barnwood siding. Sidewalk pavers will replace existing decomposed granite, thus creating a wider pedestrian walkway. Modern Margarita's entrance is on Arizona Avenue. This outdoor patio renovation includes four settee booths, a ten

seat countertop which opens from the interior through new bi-fold doors located over the bar top, and retrofitting the 42 inch tall railing with a natural cedar finished horizontal barnwood siding.

Indoor entertainment is included as part of the request for a DJ, from 9 p.m. to 2 a.m. on Thursdays through Sundays. Business hours are proposed from 11 a.m. to 2 a.m., seven days a week. Staffing includes 15 full time and 40 part time employees.

A Series 12 Restaurant License allows the on-site sale of beer, wine, and spirits for on-site consumption. Under a Series 12 license, the establishment must derive at least forty (40) percent of its gross revenue from the sale of food and non-alcoholic beverages. Menus are attached.

PUBLIC / NEIGHBORHOOD NOTIFICATION

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

A neighborhood meeting was held on March 2, 2016. No one other than the applicant attended.

As of the writing of this memo, Planning Staff is not aware of any opposition to the request.

The Planning Commission voted to approve this project 5-0.

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend City Council approve the Liquor Use Permit, LUP16-0004 LA BOCCA / MODERN MARGARITA, subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Floor Plan, Patio Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 Restaurant license, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.
5. The patios shall be maintained in a clean and orderly manner.
6. Music shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
7. Music shall occur indoors only.

24. USE PERMIT: La Bocca / Modern Margarita

APPROVED LIQUOR LICENSE, Series 12, for Randy D. Nations, Agent, La Bocca Modern Chandler LLC, dba La Bocca Urban Kitchen/Modern Margarita, located at 1 E. Boston Street.

The Police Department reports no objections to the issuance of this license, and no written protests pursuant to A.R.S. 4-201(B) have been received. All licenses, permits, and fees have been paid, and the applicant is in compliance with the City's Tax Code. With a Series 12, Restaurant Liquor License, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

25. USE PERMIT: Drafthouse Cinema

APPROVED USE PERMIT, LUP16-0005 ALAMO DRAFTHOUSE CINEMA, (Applicant: Andrea Lewkowitz, Lewkowitz Law Office, PLC), Series 12 Restaurant License to sell and serve liquor as permitted for on-premise consumption within a new movie theater including a restaurant located at 4955 S. Arizona Avenue, NEC of Arizona Avenue and Chandler Heights Road.

BACKGROUND

The subject site is located within the Shoppes at Chandler Heights at the northeast corner of Arizona Avenue and Chandler Heights Road. Alamo Drafthouse Cinema is one component of the planned commercial center, which is currently being reviewed by Planning Staff. The movie theater will serve a variety of appetizers, pizzas, sandwiches, complete meals, and offer alcoholic beverages to compliment meals by guest over 21 years of age.

The request is for Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption within a new movie theater with lounge area. Under a typical Series 12 License, the establishment must derive at least 40 percent of its gross revenue from the sale of food and non-alcoholic beverages.

Alamo Drafthouse Cinema's new location will be the building previously planned for a fitness center and will occupy a 35,328 square foot major tenant suite. The subject site will include nine separate theaters seating 972 persons, a 3,000 square foot kitchen, and a bar in the lobby area seating 50 guest. Nearly all food and beverage are ordered from and delivered to guest in the theater, however, full menu is available at the bar in the lobby. The lobby will have recorded music and during special movie previews the theater may feature live theme music or entertainment. Typical hours of operation will be 8 a.m. to midnight. The theater will employ more than 90 employees for its food and beverage service.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on March 7, 2016. Two residents attended.
- As of the writing of this memo, Planning Staff is not aware of any opposition to this request.

The Planning Commission voted to approve this project 5-0.

RECOMMENDED ACTION

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend City Council approve the Liquor Use Permit, LUP16-0005 ALAMO DRAFTHOUSE CINEMA, 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. Liquor Use Permit 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 Liquor Use Permit shall apply.

26. LIQUOR LICENSE: Draffhouse Cinema

APPROVED LIQUOR LICENSE, Series 12, for Andrea Lewkowitz, Agent, Alamo Chandler LLC, dba Alamo Draffhouse Cinema, located at 4955 S. Arizona Avenue.

The Police Department reports no objections to the issuance of this license, and no written protests pursuant to A.R.S. 4-201(B) have been received. All licenses, permits, and fees have been paid, and the applicant is in compliance with the City's Tax Code. With a Series 12, Restaurant Liquor License, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

27. CONTINUED USE PERMIT: Cost Plus World Market

CONTINUED TO THE MAY 12, 2016 CITY COUNCIL MEETING. USE PERMIT, LUP16-0002 COST PLUS WORLD MARKET, Series 10 Beer and Wine Store License to sell beer and wine for off-premise consumption with in-store sampling at a new store located at 860 N. 54th Street, south of the SWC of Ray Road and 54th Street. (STAFF REQUESTS CONTINUANCE TO THE MAY 12, 2016, CITY COUNCIL MEETING.)

28. SPECIAL EVENT LIQUOR LICENSE: Southwest Cajun Festival

APPROVED SPECIAL EVENT LIQUOR LICENSE, for Downtown Chandler Community Foundation, for the Southwest Cajun Festival on Saturday, April 23, 2016, located at The Library Plaza, 125 E. Commonwealth Avenue.

An application for a Special Event Liquor License has been submitted by Downtown Chandler Community Foundation for the Southwest Cajun Festival on Saturday, April 23, 2016, from Noon until 10:00 p.m., located at The Library Plaza, 125 E. Commonwealth Avenue.

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.

29. LIQUOR LICENSE/SAMPLING: Von Hanson's Meat and Spirits

APPROVED SAMPLING PRIVILEGES, LIQUOR LICENSE, Series 10, for Martha Lynne Neese, Agent, Von Hanson's Meat Arizona Inc., dba Von Hanson's Meats and Spirits, located at 2390 N. Alma School Road, Suite 101.

BACKGROUND

Von Hanson's Meats Arizona Inc., dba Von Hanson's Meats and Spirits has been in business at this location since June 15, 2004, at which time Council approved a Series 10, Beer and Wine Store Liquor License. The applicant has submitted an application to add sampling privileges to their Series 10 State Liquor License No. 10074769. 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. With a Series 10, Beer and Wine Store Liquor License, the business may sell beer and wine only for off-premise consumption.

30. PRELIMINARY PLAT: Tower Storage

APPROVED PRELIMINARY PLAT, PPT15-0016 TOWER STORAGE LLC, for a self-storage facility on an approximate 11.5 acre lot located south of the southeast corner of Arizona Avenue and Chandler Heights Road, which was annexed and zoned in October 2015. The plat creates the lots and tracts, establishes the necessary easements, and dedicates the required rights-of-way.

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend City Council approve Preliminary Plat, PPT15-0016 TOWER STORAGE LLC, 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.

31. FINAL PLAT: Extra Space Storage

APPROVED FINAL PLAT, FPT16-0007 EXTRA SPACE STORAGE, for an indoor storage facility located south of the SWC of Dobson and Germann roads that was approved by Council in December of last year. The plat creates the lots and tracts, establishes the necessary easements, and dedicates the required rights-of-way.

ACTION:

32. ZONING/SUBDIVISION: Chandler Airpark Area Plan Amendment Ord. 4686

DISCUSSION:

Mr. Erik Swanson, Sr. Planner, stated items 32 and 33 are joint items. He provided a summary of the project. Item 32 is the rezoning and PDP for the subdivision layout and product, and item 33 is the annexation assuming approval of the rezoning and PDP. At the February 25th Council meeting, Council continued the agenda item and directed Staff to work with the developer in reducing the number of lots from eight to seven, to produce a new site plan, and present it to the surrounding neighborhood and then bring the item back to Council with the neighborhood comments. The Area Plan Amendment has been withdrawn because the reduction of lots keeps the original zoning of low to medium density. Mr. Swanson addressed the summary of changes and the concessions that came out of the neighborhood meeting in his Council memo.

The legal protest is still in place.

COUNCILMEMBER HEUMANN stated the property is currently in the County and inquired what that zoning allows. Mr. Swanson stated the zoning is RU43 which would be equivalent to Chandler AG-1 which is one lot per acre. Councilmember Heumann asked if they could be zoned in the County first. Mr. Swanson said yes, and they could ask the city for services, but the city would ask them to annex. He said MF3 zoning would be the highest designation for multifamily and that equates to 18 dwelling units per acre.

MR. ROD JARVIS, 3101 N Central Avenue Phoenix, representing the developer, presented the development plan and layout to Council. He did a side by side comparison of the original plans, and the new plan, along with all the concessions they have agreed to with the neighbors to the east. He said the neighbors expressed concerns with times of deliveries of materials to the site, so they will have agreed to make every effort to limit deliveries to 10 a.m. – 2 p.m. He stated they are agreeing to require their employees to park onsite and noted that any employee that ignores that instruction will be given one warning and after that they will be dismissed from the site. He said they have also agreed to plant 36" box red push pistache trees in the Canyon Oaks Community Association owned area. The maintenance will be the responsibility of the trees. Security cameras will be placed on the site beginning from the delivery of construction until completion. The extension of the northern portion of the private street as close to the canal as permitted.

He noted one concession they are no longer offering is to put in a sidewalk. He said the developer had agreed to most everything the neighborhood has asked, but offered this concession in exchange for releasing the legal protest. He said that was not done, so the applicant is not willing to do this.

MR. SETH GRAINGER, 1530 S. Velero Place stated he still opposes the project. He appreciates the concessions the developer is willing to do, but feels it is not the right piece of development for this property. He appreciates the reduction to 7 homes, but would have preferred 6. The home placement still offers only 10 feet between homes, and bedrooms staring into bedrooms on second floors. He does not feel the current designs would support the prices of the homes and may cause home prices in the area to drop. Mr. Grainger said this would be a perfect addition to Paseo Park Trail.

Ms. Kim Betro, 1651 E. Wesson Drive, commented it is extremely small and the large equipment needed to develop the land will be extremely intrusive and is a major safety concern, and urged the Council to visit the area. The land should not be developed for residential use.

Mr. Luis Zendejas, 1488 E Wildhorse Place. stated in the last month he has kicked out 5 prostitutes, 7 persons selling drugs, and 5 bums. He said the developer has done everything he has requested to help keep the property maintained. He is giving the easement from his property to access this land. He noted that every house in the area has been robbed. He is willing to grant access to his acreage for construction staging at no cost just so this land will be developed.

MOVED BY COUNCILMEMBER ROE, SECONDED BY COUNCILMEMBER LOPEZ TO APPROVE RESOLUTION NO. 4931, APL15-0006 CHANDLER AIRPARK AREA PLAN AMENDMENT.

CITY ATTORNEY BIGELOW clarified that both of the ordinances would become effective at the same time it would be safer to decide rezoning first. She noted the Area Plan Amendment had been withdrawn. The motion is for the zoning, preliminary development plan and plat. The annexation ordinance could follow. She reminded the Council 6 affirmative votes would be needed. If not, the annexation would not be necessary.

COUNCILMEMBER WITHDREW HIS MOTION AND RESTATED:

MOVED BY COUNCILMEMBER ROE, SECONDED BY COUNCILMEMBER LOPEZ TO APPROVE THE INTRODUCTION OF 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 A 7-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION LOCATED AT THE SEC OF THE CONSOLIDATED CANAL AND THE WILDHORSE PLACE ALIGNMENT.

Councilmember Hartke said he would be voting yes and he has visited the property. He said he thinks this development will be better than it being vacant. He believes the developer has worked hard to address many of the issues.

THE MOTION CARRIED UNANIMOUSLY (7-0).

MEMO BACKGROUND:

The design team has reduced the number of lots to seven and conducted a neighborhood meeting on March 14th, at the Downtown Community Center. Due to the reduction in lots, the Area Plan Amendment is no longer necessary and has been withdrawn by the applicant. The proposed density has gone from 4.32 dwelling units per acre to 3.43 dwelling units per acre, bringing the property into compliance with the existing Area Plan designation.

Seven neighbors attended the neighborhood meeting. At the neighborhood meeting the neighbors requested additional trees and a sidewalk be provided in the landscape tract that is located in between the two sites; condition no. 5 within the Preliminary Development Plan conditions of approval has been added addressing the landscaping. The developer is willing to install the sidewalk with the assumption that the HOA extends their sidewalk to connect to it. Additionally, they requested that the Airport Commission's request for the sign indicating low-flying aircraft be eliminated. Planning Staff supports the elimination of the sign due to the proximity of the development being located north of the Loop 202 and east of the canal, and tucked west of a developed subdivision. Disclosures for future homebuyers will still be required.

While overall support was not provided, the neighbors appreciated the reduction in the lot numbers; however, still have concerns with traffic and the desire for speed humps along Wildhorse Place, and construction timing and staging. Traffic staff has surveyed Wildhorse Place to determine if speed humps meet City criteria for their installation, with an initial result that speed humps were not warranted; however, staff will install speed humps along Wildhorse Place, so long as there is resident and HOA approval consistent with the policies governing traffic calming. Lastly, the developer is cognizant of the concerns of the neighbors regarding construction traffic and timing and will work with the HOA to ensure that construction scheduling is provided and that contact information is provided for a responsible party in the event there are any construction concerns; condition no. 7 has been added addressing this.

The legal protest requiring a three-quarter vote by Council for approval remains in place.

SUMMARY OF CHANGES:

In short, the neighborhood meeting that followed the Council meeting on February 25th, resulted in the following changes:

- 1) Reduction of lots from eight to seven,

- 2) Addition of trees being planted in the landscape tract in between the subdivisions (condition no. 5),
- 3) The elimination of balconies within the three eastern lots (condition no. 6),
- 4) Providing a contact for construction traffic and timing (condition no. 7), and
- 5) The installation of speed humps along Wildhorse Place

Upon finding the request to be consistent with the General Plan and Chandler Airpark Area Plan, Planning Commission and Planning Staff recommend City Council approve the withdrawal of the Area Plan Amendment, and approve the Rezoning, PDP, and Preliminary Plat requests, subject to conditions.

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 in a preceding memo on the current agenda.

AREA PLAN

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. The request is for density of 3.43 dwelling units per acre, resulting in compliance with the area plan.

SITE LAYOUT / HOUSING PRODUCT

The two-acre site largely fits the definition of infill development due to the physical constraints surrounding the site. Seven lots for the approximate 2-acre site are proposed, with a density of 3.43 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 homes 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; Plan 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 6. 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.

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. Neighbors in Canyon Oaks Estates have requested the elimination of the roadway sign; Planning Staff is supportive of eliminating the sign.

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 within the sales office identifying the proximity of the development to the airport including the noise contours, and over flight patterns. A copy of the Airport Administrator's report detailing the Airport Commission's recommendation is attached to this memo.

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 the proposal 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.
- A neighborhood meeting was held Tuesday, November 16, 2015; eight neighbors attended and had general questions about the development, street system and design, whether or not the site is within a flood district, and questions pertaining to 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 Thursday, January 21, 2016; nine neighbors attended. 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.

The Planning Commission voted to approve the project 5-0.

Three neighbors spoke, with two neighbors speaking in opposition and one neighbor in support. The opposing neighbors had concerns with the proposed density of the project and felt that the amount 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

Planning Commission and Planning Staff recommend City Council withdraw the Area Plan Amendment, as it is no longer required.

Rezoning

Planning Commission and Planning Staff recommend City Council approve the Rezoning, 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. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
7. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
8. The following stipulations shall be the responsibilities of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this

subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorder's Office upon sale of the property.

b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled Chandler Municipal Airport, F.A.R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area), as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".

c) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.

d) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.

e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.

f) All homes and buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are in conformance with this condition.

g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:

"This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and over flight activity, and is encumbered by an avigational easement to the City of Chandler."

9. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby a heliport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely.

The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This

responsibility for notice rests with the subdivider/homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

10. Prior to the time of making any lot reservations or subsequent sales agreements, the homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the homebuilder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

11. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a wastewater treatment facility at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby a wastewater treatment facility, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

12. At the time of sale, the homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the canal right-of-way together with the adjoining easements dedicated to the City of Chandler, is developed as a multi-trail system for use by the general public.

Preliminary Development Plan

Planning Commission and Planning Staff recommend City Council approve the Preliminary Development Plan, 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 this 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 tract, providing fencing adjacent to the canal, ensuring the landscape palette is consistent with the area, and the incorporation of a tot lot.

5. The applicant shall work with Planning Staff and the adjacent Canyon Oaks Estates HOA for the installation of trees within the landscape tract located between the two developments.
6. No balconies shall be provided on lots 1, 2, and 3 of the development.
7. The developer shall provide contact information for a responsible party associated with the construction of the project to the adjacent HOA for the purposes of ensuring that the neighborhood is aware of construction timing and scheduling, and that the contact information will be used in the event of neighborhood concerns.

Preliminary Plat

Planning Commission and Planning Staff recommend City Council approve the Preliminary Plat, 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.

33. ANNEXATION: Southeast corner of the Consolidated Canal and Wildhorse Place Alignment

Mr. Swanson said this is the companion piece to the previous zoning item.

MOVED BY VICE MAYOR SELLERS, SECONDED BY COUNCILMEMBER LOPEZ TO APPROVE THE INTRODUCTION OF ORDINANCE NO. 4694, ANNEXATION OF THE SOUTHEAST CORNER OF THE CONSOLIDATED CANAL AND THE WILDHORSE PLACE ALIGNMENT.

THE MOTION CARRIED UNANIMOUSLY (7-0).

APPROVED INTRODUCTION OF ORDINANCE NO. 4694, ANNEXATION – SOUTHEAST CORNER OF THE CONSOLIDATED CANAL AND THE WILDHORSE PLACE ALIGNMENT, annexation of approximately 2.04 acres located SEC of the Consolidated Canal and the Wildhorse Place alignment.

BACKGROUND

The property is located at the southeast corner of the Consolidated Canal and the Wildhorse Place alignment. The subject site is undeveloped land currently zoned Rural-43 (RU-43) within the county. 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 Chandler Land Use Element of the General Plan designates the site as Residential, with further categorization in the Chandler Airpark Area Plan as Low Density Residential.

UTILITY SERVICES

Existing water and sewer lines are available in Wildhorse Place, and will be extended to serve the property.

A public hearing for this annexation was held at the April 16, 2015, City Council meeting. The annexation request is partnered with subsequent requests for an Area Plan Amendment, Rezoning, Preliminary Development Plan, and Preliminary Plat. As of the writing of this memo, Planning Staff is aware of opposition to the zoning related requests. Planning Staff circulated this request among City Departments and received comments relating to the difficulty of the development of the site. Through the review of the zoning applications all development design concerns have been addressed.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor Jay Tibshraeny invited residents to attend the next stop on the Mayor's Listening Tour, at 7 p.m., on Wed., April 12, at Knox Gifted Academy, 700 W. Orchid Lane. The winners of the 2015 Neighborhood Excellence Awards will be honored, including Neighborhood Leader of the Year, Best Neighborhood Revitalization Story, Best Neighborhood Event and Most Active/Engaged Neighborhood.

Mayor Tibshraeny noted that the Arizona State Legislature approved and Governor Doug Ducey signed SB1487 into law. The Mayor said this legislation is "bad news" for the City and that it is a punitive and over-reaching bill targeting cities. He said that the City was exploring legal options to address the negative impact of the bill, which allows state leaders to withhold state-shared revenue from cities if the Attorney General determines a city or county has passed a regulation that conflicts with state law.

B. Councilmembers' Announcements

Councilmember René Lopez thanked the Chandler Library staff and many volunteers for hosting LibCon 2016, which was attended by more than 200 teens who were able to "nerd out" with fellow fans and prepare for the "Zombie Apocalypse."

Councilmember Kevin Hartke talked about efforts in the community to help aged or infirmed residents care for their homes and eliminate weeds on their property. The Let's Pull Together initiative continues each Saturday in April and volunteers are needed.

Mayor Tibshraeny and Councilmember Hartke also invited everyone to participate in the annual Family Bike Ride on Saturday, April 9, at Tumbleweed Park. Details are online at chandleraz.gov.

Councilmember Hartke also paid tribute to Will, a homeless man who passed away recently, and he thanked all the individuals, churches and agencies in the community who are working every day to eliminate structural homelessness in Chandler.

Vice Mayor Jack Sellers noted that Chandler National Little League and other youth baseball leagues are starting their seasons, and he wished good luck to all of the teams.

Councilmember Rick Heumann will be participating in the 12th annual Pat's Run at ASU

on April 23, and he encouraged others to join in honoring the memory of Pat Tillman. Another event is the Relay for Life on April 29 at Basha High. He concluded his remarks by talking about the bravery and heroism of a holocaust survivor who spoke at the community's annual Holocaust Remembrance event.

Councilmember Terry Roe echoed Councilmember Heumann's comments on the Holocaust Remembrance events, and asked people to realize that similar horrors still happen around the world and that we must treat each other decently and celebrate our humanity. He then invited the public to get involved through a local nonprofit, such as the Kiwanis Club, and help make a difference in the community.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 8:00 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: April 11, 2016

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 31st day of March 2016. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of April, 2016.

City Clerk