

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library, 22 S. Delaware, on Thursday, January 17, 2008 at 7:36 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD W. DUNN.

The following members answered roll call:

Boyd W. Dunn	Mayor
Lowell Huggins	Vice-Mayor
Bob Caccamo	Councilmember
Trinity Donovan	Councilmember
Matt Orlando	Councilmember
Jeff Weninger	Councilmember

Absent & Excused: Martin Sepulveda Councilmember

Also in attendance:

Rich Dlugas	Assistant City Manager
Pat McDermott	Acting City Manager
Michael D. House	City Attorney
Marla Paddock	City Clerk

INVOCATION: The invocation was given by Mayor Dunn.

PLEDGE OF ALLEGIANCE: Boy Scout Troop Pac 132 Den 10 led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

None.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

MIKE BULLOCK, 3102 W. Maryland, Phoenix, spoke regarding Item #23 (Alma School/Ray Alignment). Twenty-eight years ago, he bought a piece of property at 1029 N. Alma School Road which was a country road at that time. He had a business there for some time and then leased it out. His only income is from that lease. He feels that the rounded corners as proposed will provide the opportunity for cars to stick their noses out and get hit. He understands that this item is not for the acquisition of the properties. He spoke with Joshua Plumb this week and was told that the City will be acquiring 40 feet of his property making his commercial property worthless. It would have to be condemned because there will be no place to park. He could give the small amount needed to widen the road with no problem and could continue his business. There are properties near that area that are for sale where a bus stop could be installed. He would like the City to look at different alternatives.

MAYOR DUNN asked Staff if there is flexibility in the proposed design. Public Works Director R.J. Zeder stated that he spoke with Mr. Bullock before the meeting and offered to meet with him

at the site along with the project manager and an engineer and will see if there are any alternatives. He explained that the action on this agenda is not authorizing condemnation.

COUNCILMEMBER ORLANDO asked if the item could be continued until Staff meets with Mr. Bullock. Mr. Zeder said it could be continued until January 31, 2008.

MAYOR DUNN SAID THAT ITEM #23 WOULD BE CONTINUED TO JANUARY 31, 2008. ITEM #55 WAS WITHDRAWN.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER WENINGER, TO APPROVE THE CONSENT AGENDA AS AMENDED WITH ITEM #23 BEING CONTINUED TO JANUARY 31, 2008.

COUNCILMEMBER WENINGER asked the motion maker if #11 (City Code Amendment) could be moved to the Action agenda. COUNCILMEMBER ORLANDO was in agreement.

COUNCILMEMBER DONOVAN declared a potential conflict of interest on Items #74 & 75 (Pecos Village) and would not be voting.

COUNCILMEMBER CACCAMO stated he would be voting nay on Item #10 (City Code Amendment).

COUNCILMEMBER ORLANDO stated he would be voting nay on Item #10 (City Code Amendment).

MAYOR DUNN stated he would not be voting on Item #13 (Appleby Road Property) and Items #74 & 75 (Pecos Village) due to potential conflicts.

MOTION CARRIED UNANIMOUSLY WITH THE EXCEPTIONS NOTED (6-0).

1. MINUTES:

APPROVED, as presented, minutes of the Council Special Meetings of December 10, 13 and 17, 2007, and Regular Meetings of December 10 and December 13, 2007.

2. POWER DISTRIBUTION EASEMENT: SRP Ord. #3977

ADOPTED Ordinance No. 3977 granting a no-cost power distribution easement to Salt River Project (SRP) for electrical power services to Bear Creek Golf Course Clubhouse at the NEC of Arizona Avenue and Riggs Road.

3. POWER EASEMENT: SRP Ord. #3981

ADOPTED Ordinance No. 3981 granting a no-cost power easement to Salt River Project (SRP) to run south approximately 1,036 feet from the NEC of the Alma School and Warner roads intersection.

4. ZONING AMENDMENT: 305 E. Comstock Drive Ord. #3984

ADOPTED Ordinance No. 3984, DVR07-0043, 305 E. Comstock Drive amending existing Planned Industrial District zoning with Planned Area Development overlay (I-1/PAD) to allow

certain vehicle repair, customization and accessory sales; installation of retail products; sign sales, repair and fabrication; repair and manufacturing of certain small-scale equipment or goods; small-scale machine tool and plastics manufacturing; and certain vehicle sales located south and east of Elliot Road and Arizona Avenue.

5. POWER DISTRIBUTION EASEMENT: SRP Ord. #3988

ADOPTED Ordinance No. 3988 granting a no-cost power distribution easement to Salt River Project (SRP) for electrical power service to Price South Well #2.

6. POWER DISTRIBUTION EASEMENT: SRP Ord. #3989

ADOPTED Ordinance No. 3989 granting a no-cost power distribution easement to Salt River Project (SRP) through Chandler City Parks-owned property Tract "A" located at the SWC of Desert Breeze Boulevard East and McClintock Road to provide backup or redundant service to the Arizona Commerce Center Project.

7. REAL PROPERTY ACQUISITION: Senior Families Lease Ord. #3992

ADOPTED Ordinance No. 3992 authorizing the acquisition of real property within the City of Chandler to be leased to qualified senior families and authorizing the Housing and Redevelopment Manager to execute all documents necessary to complete each acquisition.

8. LEASE: Mac-Gray Services, Inc. Ord. #3994

ADOPTED Ordinance No. 3994 authorizing a lease with Mac-Gray Services, Inc. (WEB Intelligent Laundry Systems), for laundry equipment and use of a 120-square foot portion of the Community Building at 127 N. Kingston Street for a laundry room.

9. REZONING: Portico Place Amendment Ord. #3998

ADOPTED Ordinance No. 3998, DVR07-0033 Portico Place Amendment, rezoning from PAD to Planned Area Development with a Mid-Rise Overlay to allow additional building height for a commercial hotel and retail development on approximately 5.3 acres at the SWC of Chandler Boulevard and Dobson Road.

10. CITY CODE AMENDMENT: Chapter 2 Ord. #4001

ADOPTED Ordinance No. 4001 amending Chapter 2, Section 20-2, of the Chandler City Code, relating to salaries of the Mayor, Vice-Mayor and Councilmembers.

COUNCILMEMBERS ORLANDO AND CACCAMO voted nay on this item.

11. AMENDING CHAPTER 35 – ARTWORK IN COMMERCIAL DEVELOPMENTS Ord. 3997

Moved to the Action Agenda.

12. REZONING: The K Estate Subdivision Ord. #4006

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4006, DVR07-0047, The K Estate Subdivision, rezoning from Mobile Home District (MH-1) to PAD zoning with PDP for an

approximately 1.31-acre single-family attached housing product on 12 lots within a new single-family residential subdivision at 390 E. Commonwealth Avenue, east of the Union Pacific Railroad and south of Chandler Boulevard. (Applicant: Smart K Investment Group, LLC.)

The site is currently zoned MH-1 and was annexed in 1970. The site formerly contained an apartment complex that was demolished in late 2006. To the east is a 12-lot attached single-family residential subdivision facing Commonwealth Avenue, to the north is a mobile home subdivision and to the west is an age-restricted apartment complex adjacent to the Union Pacific Railroad tracks. South, across Commonwealth Avenue, are a Qwest fleet facility and several lots zoned General Industrial District (I-2).

The property falls within an area designated by the Redevelopment Area Plan for Residential-Medium Density. This category encourages new single-family infill, rehabilitation and medium density housing, with a target density of 6-12 dwelling units per acre. The proposed density for this project is approximately 9.2 units per acre.

The applicant is pursuing funds from the City's Residential Infill Program. Eligibility for the program required two 15-gallon trees and six 5-gallon shrubs in the front yard, a 6-foot masonry wall enclosing the back yard, a 120-square foot storage enclosure and demonstration of financial need, among other requirements.

The Planning Commission and Staff find this to be a quality infill project that will fit into the existing neighborhood while at the same time strengthening the area's appearance and improving the housing supply near Downtown. The requested front-yard setbacks of less than 20' are justified because of the unique circumstances of the streets they front (Buffalo Street carries a very minimal amount of traffic and Commonwealth Avenue has a very large right-of-way that will probably never be developed with a wider street), and because of the proximity to Downtown.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 16, 2007. There was one citizen in attendance asking general questions. Staff has not received any correspondence in opposition to this request.

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

13. REZONING: Appleby Road Property Ord. #4009

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4009 DVR07-0013 Appleby Road Property, rezoning from AG-1 to PAD with conceptual PDP to allow a light industrial business park on approximately 35 acres at the SWC of Appleby Road and the Consolidated Canal. (Applicant: Bruce Dunn with Paragon Development Group, LLC.)

Appleby Road Property is a planned light industrial business park development at the SWC of Appleby Road and the Consolidated Paseo Canal, west of McQueen Road and the landfill site. Adjacent land uses include a City water reclamation facility on the north side of Appleby Road, several existing single-family residences in the county on the north and south sides of Appleby Road and County parcels with a tree farm, landscaping company, dog kennel and a manufactured home storage business on both sides of the street. The site's eastern side abuts the Consolidated Paseo Canal. Properties south of the subject site are zoned Planned Area

Development (PAD) for light industrial, office and self-storage uses including Centre Point Business Park.

The Chandler Airpark Area Plan identifies the property as appropriate for Light Industrial use which is defined as low intensity uses such as small manufacturing, warehousing and distribution, back office space and high tech uses. The Light Industrial land use has a maximum Floor Area Ratio (FAR) of 0.32. FAR is the ratio of the total floor area of a building to the total land area of the site. The typical site size in the Light Industrial land use is 10 to 200 acres. This rezoning request implements the Area Plan by introducing a light industrial development on a 35-acre parcel. The development will be designed in a campus-like layout for an industrial/business park environment. The minimum lot size is 1-acre.

The application request includes Conceptual PDP approval for a development planned to develop in a single-phase or multiple phases. The Conceptual PDP identifies land use, roads, open spaces, and design quality expectations. Development Design Standards for the project identify some specific design criteria as well as other generalized design objectives that will be implemented. The Standards would then be incorporated into all future development on the site, which would be reviewed by Staff for permit on an administrative level.

The primary focus of the Development design standards is to implement a campus-like environment with individual lot arrangements of buildings, open spaces and access points. Exact lot subdivision, access points and open space paths will be a function of administrative review and approval. Standards allow for the development to be reviewed at an administrative level versus individual PDP cases being filed for each lot within the development.

The Airport Commission reviewed the zoning amendment request in accordance with the Airport Conflicts Evaluation Process at their October 10, 2007, meeting. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found that the development request does not constitute a conflict with the existing or planned airport uses on the condition that no Use Permits shall be approved to allow facilities where large numbers of people would gather, single-family residential, or multi-family residential uses.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 10, 2007. There were no area property owners in attendance. Staff has had no correspondence in opposition to the request.

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

MAYOR DUNN declared a conflict of interest on this item and did not vote.

14. REZONING: Stellar Airpark Estates II

Ord. #4010

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4010 DVR07-0022 Stellar Airpark Estates II, rezoning from AG-1 and Planned Commercial Office District (PCO) to PAD for a 9-lot custom single-family residential subdivision with aviation-related uses, with PDP for subdivision layout and development standards on approximately 12.5-acres at the SEC of Chandler Boulevard and Galaxy Drive.

APPROVED Preliminary Plat PPT07-0051 Stellar Airpark Estates II for a subdivision layout and development standards at the SEC of Chandler Boulevard and Galaxy Drive. (Applicant: Ed Bull, Burch & Cracchiolo, P.A.)

The subject site is located approximately ¼ mile west of the SWC of Chandler Boulevard and McClintock Drive. The site is bounded by Chandler Boulevard to the north, the residential collector street Galaxy Drive to the west and the residential subdivision Stellar City Airpark, zoned SF-10, adjacent to the south. East of the subject site is the Stellar Airpark runway. The General Plan designates the subject site as Low Density residential, while the site is currently zoned Planned Commercial Office (PCO) and Agricultural District (AG-1). The request is consistent with the General Plan.

The site is currently bisected by the northernmost extension of Stellar Parkway. The request includes the vacation and extinguishment of the right-of-way and public utility easements within this said portion of Stellar Parkway and realignment to an east-west orientation connecting to the public collector street, Galaxy Drive.

The property is also located within the airport Impact Overlay district, which establishes airport noise overlays. The intent of the noise overlay district is to regulate land uses within designated existing or projected airport noise impact areas by specifying acoustical performance standards. The noise overlay zones are in addition to Zoning Districts. The noise overlay creates characteristics and limitations of the overlaying Zoning District. While the Airport Noise Overlay ANO-1, 2 and 3 noise contours impact the subject site, the existing Stellar Estates I and Stellar City Airpark subdivision have proven a viable housing alternative that fulfills a niche market with aviation-related needs. The majority of existing homeowners are aviation owners and/or enthusiasts.

Additionally, Staff supports the proposed re-alignment of Stellar Parkway to Galaxy Drive. Traffic issues have historically plagued the area. Galaxy Drive, constructed as a collector street, is intended to serve as primary access for the surrounding subdivisions to Chandler Boulevard. As such, the Galaxy Drive/Chandler Boulevard intersection is full-movement with a traffic signal. Stellar Parkway, constructed as a local residential street, is intended to service only the Stellar Airpark Estates I and Stellar City Airpark residential subdivisions. At some point in time, "speed humps" were installed along Galaxy Drive to control the traffic speed. The speed humps resulted in traffic patterns shifting to Stellar Parkway, the path of least resistance a street not intended or designed to accommodate this level of traffic. The applicant, through extensive collaboration with Traffic Engineering, proposes the roadway abandonment/extinguishment/re-alignment as a solution to the cut-through traffic.

This request was noticed according to the provisions of the City of Chandler Zoning Code with neighborhood meetings being held July 5 and October 11, 2007. The Stellar Airpark Association was notified of the request and has offered no opposition. The majority of neighbors attending the neighborhood meetings were in support; however, a few expressed concerns regarding the potential traffic increase along Galaxy Drive due to the roadway re-alignment. Staff has received correspondence from two area residents in opposition to the proposed roadway re-alignment.

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

The Planning Commission and Staff recommend approval of the Preliminary Plat subject to the following condition:

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

15. SETTLEMENT: Carboun v. City of Chandler

APPROVED a Settlement in the amount of \$532,500.00 in Carboun v. City of Chandler and authorized the Risk Manager to sign any necessary documents.

16. PROPERTY PURCHASE: Vintage Villas Res. #4060

ADOPTED Resolution No. 4060 authorizing the purchase of .480-acres of vacant property in the Vintage Villas subdivision for a future planned well site located on Willis Road, west of Dobson Road, at a cost of approximately \$222,047.00 plus closing costs of approximately \$7,048.00.

The owner-developer of Vintage Villas subdivision has agreed to sell this property to the City of Chandler for compensation that includes the fair market appraised valuation of \$173,812.00 for the land, \$48,235.00 for developer's on- and off-site improvements, plus estimated closing costs of \$7,048.00 for a total cost of \$229,095.00. Development of the new well site is tentatively scheduled in FY 2008.

The acquisition of this parcel is necessary for the planned, future City well facilities intended to serve citizens in this area. Acquiring this property now will enable the City to avoid future price increases and a diminishing availability.

17. SALE OF BONDS: Spectrum Improvement District Res. #4099

ADOPTED Resolution No. 4099 providing for the issuance and sale of City of Chandler, Arizona, Spectrum Improvement District Improvement Bonds not to exceed the amount identified in the Certified List of the Assessment which is not to exceed \$7,700,000.00; delegating the authority of approve and deem final a form of official statement; and approved the assessment diagram and the assessment.

The Spectrum Improvement District is the 96-acre development located at the southeast corner of Loop 202 and Price Road. It is a mixed-use development of commercial and office space. The owner requested and the City approved the formation of an improvement district to finance the public improvements and assess the payoff of the financing to the property it benefits at the August 10, 2006, Council meeting. Council approved Resolution 3998 approving the formation of the Spectrum Improvement District and Resolution 3999 ordering the construction of the infrastructure in an amount not to exceed \$8,051,000.00. These two actions approved the scope of work that was required for the Spectrum Improvement District and order the construction to be completed.

The project was publicly bid and construction started in early 2007. The work required by Resolution 3998 was within the limits of the City's Capital Improvement Project for Price Road. In order to coordinate construction, construction was allocated to the developer plans and the Capital Improvement Project. The developer plans completed the public improvements on Willis Road, Spectrum Boulevard and Price Road. The developer improvements required on Price Road were incorporated into the Capital Improvement Plans.

The Bond issuance and sale of \$7,700,000.00 is less than the original construction estimate for the Spectrum Improvement District of \$8,051,000.00 and covers the work completed by the developer and the Capital Improvement Project for the developer. All legal documents

associated with the bond issuance have been prepared by the City's bond counsel firm of Gust Rosenfeld. The assessment diagram and assessments reflect the value of the bond issuance.

The bonds represent a contingent liability to the City in the event that the property owner does not pay the assessments and the property cannot be sold at public auction. The property is estimated at a value of \$56,000,000.00 compared to the liability of the bond issuance of \$7,700,000.00.

18. INTERGOVERNMENTAL AGREEMENT: Regional Public Transportation Authority Res. #4103

ADOPTED Resolution No. 4103 authorizing an Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) for Alternative Transportation Services (Cab Coupon Program) for senior citizens and persons with disabilities for FY 2007/08 in an amount not to exceed \$50,000.00.

In order to provide residents of Chandler with an alternative to the Dial-A-Ride program, the Transit Services Division is contracting with RPTA for Alternative Transportation Service for a cab coupon program for FY 2007/08 in an amount not to exceed \$50,000.00. The program was implemented in FY 2006/07 on a trial basis and is being continued for FY 2007/08 and may be extended for up to four (4) additional one (1) year periods.

This program provides subsidized taxicab coupons for Chandler residents that are eligible for dial-a-ride services. This program is intended to provide additional transportation options for senior citizens and person with disabilities at a lower cost than traditional dial-a-ride service. Under this program, participants request coupon booklets at a nominal co-pay of \$2.50 for one book valued at \$10.00. These coupons can then be applied toward the fares of participating cab companies.

This agreement was reviewed at the August 16, 2007, meeting of the Transportation Commission and unanimously recommended for approval.

19. CHANGE OF PUBLIC USE: Colorado / Boston Res. #4142

ADOPTED Resolution No. 4142 changing a portion of Colorado Street south of Boston Street to another public use – the development of a new Fire Administration Building and Police / Firefighter Memorial Park.

The City's Fire Department is planning to construct a new Fire Department Administration Building and a Police/Firefighter Memorial Park on the parcels located on the south side of Boston Street between Washington Street and the existing Fire Administration Building just east of Colorado Street. A portion of Colorado Street currently divides the parcels. In order to replat the parcels into a single parcel, it is necessary to change the use of a portion of Colorado Street to another public use.

Because the City now owns the parcels on both sides of the roadway and because this portion of the roadway will not be needed for access to other facilities in the area, the roadway will no longer be necessary for use as a public roadway.

20. PARKS AND RECREATION PRICING MODEL Res. #4145

ADOPTED Resolution No. 4145 adopting the Parks and Recreation Pricing Model as the methodology and policy by which all park, recreation and aquatic fees are established and implemented.

The establishment and implementation of fees for park, recreation and aquatic programs and services has been governed by the Comprehensive Fee Policy approved in 1989, the City's Fee Schedule and a variety of intergovernmental agreements (IGA) and internal policies recommended the Parks and Recreation Board. Programs and services offered have been based on a philosophy of recovering some percentage of direct program or service costs. With the exception of the handful of fees listed in the City's Fee Schedule and those dictated by terms of an IGA, fees could be increased up to 12% in any given year without action by the City Council.

As the scope of services offered continues to increase to meet customer interests, and with new facilities and associated services on the near horizon, it became apparent that a more proactive, best practices approach to the establishment and approval of fees was needed. Staff researched the fee policies of six valley cities. That research suggested that the use of some form of a pricing policy model focusing on direct cost recovery was the most prevalent method used for park, recreation and aquatic services.

In pursuing the development of a pricing model for Chandler, four key benefits were identified:

- Pricing models create a guide for Staff that ensures like programs and services fall within the same cost recovery parameters.
- As services are added, market rates change or direct cost elements change, the service can be added or fee adjusted proactively according to the pricing model.
- The pricing model provides for a consolidation of the many documents in place thereby making the tracking and application of fees far less cumbersome and much more efficient.
- The pricing model concept provides a format that gives the City Council assurances that programs and services have fees applied fairly and equitably without the Council having to focus on the minutia of specific fees.

As proposed, the pricing model is broken out into five categories. Each category has a specific definition and principles that will guide Staff in where a particular service falls for fee calculation. In many ways, the proposed pricing policy model is reflective of how business is currently performed. There are three important changes that are included:

1. Current practice requires Council action to change fees contained in the City Fee Schedule or fees applied under the 1989 Comprehensive Fee Policy that would increase by more than 12% in any given year. Adopting this policy would eliminate Section 5 of the City Fee Schedule and authorized Staff to use the Park and Recreation Pricing Policy in the development and application of fees.
2. Currently, priority registration is provided for Chandler residents on a limited basis. Under the Park and recreation Pricing Policy, priority registration would be available to Chandler residents on all park, recreation and aquatic programs.
3. Where applicable and manageable, consideration of charging non-resident fees could occur.

It is important to note that this pricing policy would not authorize Staff to establish IGAs and other contractual agreements without formal action by the City Council.

The development of this Pricing Policy Model included the involvement of a three-member subcommittee of the Park and Recreation Advisory Board. At their November 2007 meeting, the Board voted unanimously to recommend its adoption by the City Council. A draft of the Pricing Policy Model was also reviewed by the Community Services Council Subcommittee.

21. APPLICATION: Modification of Designation of Assured Water Supply Res. #4151

ADOPTED Resolution No. 4151 authorizing the City Manager to sign and submit an application for the Modification of Designation of Assured Water Supply.

The 1980 Groundwater Management act requires that cities demonstrate they have 100-years of assured water supply (renewable water resource) for any proposed new development. Arizona Department of Water Resources (ADWR) granted Chandler a Designation of Assured Water Supply on December 31, 1997. This designation demonstrated Chandler had sufficient renewable supplies to meet current and committed demands as of December 31, 2007, and projected demand through 2010.

Chandler has secured additional renewable supplies since the existing designation was granted. An application to modify Chandler's designation is being submitted to incorporate these additional supplies. Once approved, this modification will demonstrate Chandler has sufficient renewable supplies to meet current and committed demands as of December 31, 2007, and projected demands through 2020.

22. PRELIMINARY DEVELOPMENT PLAN: Raintree Ranch Center (Panda Express)

APPROVED Preliminary Development Plan, PDP07-0028 Raintree Ranch Center (Panda Express) for building architecture for a freestanding restaurant pad located at the SEC of Ray and Price roads. (Applicant: Kofi Addo, L.E.A.D.S.)

The restaurant pad is a part of a larger planned commercial center, Raintree Ranch Center, which received PDP approval in December 2005. At the time of the original PDP approval, architectural building elevations were not provided for three freestanding pads. The approval included a condition stating, "Freestanding pads A, B and C shall be reviewed and approved through a separate Preliminary Development Plan. The freestanding pads shall carry an architectural level of detail similar to front facades of main buildings within the commercial center, architectural designs set forth in the Development Booklet, and in accordance with the Commercial Design Standards."

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Staff has received no correspondence in opposition to this request.

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

1. Development shall be in substantial conformance with the Development Booklet entitled "Panda Express at Raintree Ranch Center" kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0028, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3744, Case DVR05-0041, except as modified in condition herein.

3. The applicant shall work with Staff on the design of the patio's shade cover to be in conformance with the development's architectural design, colors and materials.
4. The site and patio shall be maintained in a clean and orderly manner.

23. CONTINUED ALIGNMENT: Alma School/Ray Road

CONTINUED TO JANUARY 31, 2008, the Alignment for the Alma School/Ray Road intersection improvements.

24. CONTINGENCY TRANSFER: Solid Waste Capital Fund

AUTHORIZED a contingency appropriation transfer from the Solid Waste Capital Fund, Non Departmental contingency account to the Solid Waste Capital Fund, Land Closure Program to make sufficient appropriation available for the payment for sales tax reversal of the landfill closure project in the amount of \$168,755.00.

In May 2006, the Landfill Closure Contract was awarded to R. E. Monks to proceed with closing the landfill in accordance with the Closure Plan submitted and accepted by the Arizona Department of Environmental Quality. The project was completed and signed off in January 2007. In the process of closing out the contract, the project designers stated that the City was eligible under ARS §42-5075 to take advantage of a tax exemption for taxes paid by the City's contractor, R. E. Monks. Recently, the contractor was audited by the State and it was determined the City was not eligible for the tax exemption.

After discussing the tax exemption status with the City's Auditor and Legal Staff, it was determined the exemption taken should be returned to the contractor and the taxes paid as the State requested. The Budget Office has recommended contingency funds be transferred to the Landfill Closure Capital Improvement Program for this unanticipated cost which was not appropriated for in FY 2007-08.

25. CLAIMS REPORT

APPROVED the Accounts Payable Claims Report for the quarter ending December 31, 2007.

26. GRANT: A New Leaf East Valley Men's Shelter

APPROVED the fiscal year 2007/08 contribution to A New Leaf for services to the City's population of adult homeless men in the amount of \$45,000.00.

A New Leaf, formerly the Mesa Community Action Network, or MesaCAN, provides services for the City of Chandler's homeless men through the East Valley Men's Center (EVMC). The City has been providing financial support for this program since fiscal year 2002/03.

The East Valley Men's Center provides training, work assistance, counseling, food and shelter for up to 84 adult homeless men, each of whom has committed to re-entering the economic and social mainstream. The EVMC's goal for each resident is permanent employment at a decent wage, stable housing and increased self-sufficiency skills.

27. AGREEMENT: Desert Viking Holdings, LLC

APPROVED an Agreement with Desert Viking Holdings, L.L.C., for 65 percent City Participation of the cost of construction improvements in the Commonwealth Avenue right-of-way, which includes sidewalk, colonnade and pavement improvements at a cost not to exceed \$183,800.00.

Desert Viking Holdings, LLC, is constructing a commercial and retail development at 8 S. San Marcos Place, formerly the Bank One Building. As part of the process for receiving approval of the building improvements from the City, the developer requested assistance with improvements to the streetscape adjacent to the building that would be beyond normal development requirements. A City Participation Agreement provides for this reimbursement.

The work covered by this agreement has been substantially completed and the expenses, including design, construction and various overhead costs, comes to a total of \$282,707.00 of which the City has agreed to contribute up to a maximum of 65% for a total cost to the City of \$183,800.00.

28. AGREEMENT: Wilson Engineers, LLC

APPROVED Agreement #WW0807-201 with Wilson Engineers LLC for the design for equipping of Ocotillo Aquifer Storage and Recovery (ASR) Wells 5 and 6 in an amount not to exceed \$284,545.00.

ASR wells are needed to support the reclaimed water distribution system. ASR wells are used to inject reclaimed water in the upper aquifer when irrigation demands are low. When irrigation water demand is high, these wells are pumped to recover the stored effluent water for use in the reclaimed water distribution system. There are four existing ASR wells within the Ocotillo recharge facility. This project provides for the design of two additional wells at the site on Old Price Road.

29. AGREEMENT EXTENSIONS: Fire Department Supplies

APPROVED the first of four one-year renewals of Agreements with L. N. Curtis & Sons, United Fire equipment and First In, Inc. for the purchase of fire department supplies in an amount not to exceed \$80,000.00.

30. COOPERATIVE PURCHASING AGREEMENT: National Intergovernmental Purchasing Alliance

APPROVED a Cooperative Purchasing Agreement with the National Intergovernmental Purchasing Alliance.

Per the City Code, the City may participate in, sponsor, conduct, or administer cooperative purchasing with other public agencies and with non-profit groups or organizations established by public entities for the purpose of cooperative purchasing, provided that competitive purchasing procedures similar to those required in the City of Chandler are employed. NIPA members award contracts that are eligible for use by other political subdivisions. NIPA offers an extensive variety of first responder and emergency operations products that may be purchased by the City at a future date. Other key contracts the City may look at to use include Panasonic Toughbooks, office supplies and furniture. This is a one-time agreement to allow the City permanent access to NIPA contracts. The Law Department has reviewed this program and has approved it contingent upon the City reviewing the lead agencies procurement rules to ensure similarity to the City's before making purchases from the cooperative.

31. AGREEMENT AMENDMENT: Red Oak Consulting

APPROVED an Agreement Amendment for the Water and Wastewater Rate Study with Red Oak Consulting in an amount not to exceed \$22,439.00.

The number of meetings included in the scope of work for the agreement was exceeded. An additional meeting of the Water/Wastewater Rate Design Committee was needed in order to finalize their recommendations. Final adoption of the ordinance to increase water and wastewater rates also required an additional Council meeting. Although there was an agreed-upon rate of \$2,696.00 for additional meetings, the preparation time needed exceeded the 10 hours included in that rate.

32. AGREEMENT: Proforce Law Enforcement

APPROVED an Agreement with Proforce Marketing, Inc., dba Proforce Law Enforcement, for one year with four one-year renewal options, for the purchase of Glock duty weapons in an amount not to exceed \$81,810.00.

This contract will include the purchase of Glock Duty Weapons and will allow for a \$252.00 trade-in value towards the contract purchase price of \$429.00 per weapon. In 1994, the Police Department began issuing the Glock 17 pistol as the issued duty weapon. These older weapons are showing signs of wear and metal fatigue associated with years of use. The life expectancy for duty weapons is estimated at 7-10 years, which may have been reached. There are currently 176 such weapons in our inventory. To replace the internal parts and sights for each weapon, it will cost approximately \$130.00 per gun, which will not correct any wear on the frame, slide or barrel for that weapon, nor account for the time for the armories to make the repairs. Glock has made numerous upgrades and improvements to the weapon. Of particular importance is the newer weapons have rails to allow for the attachment of weapon-mounted lights that are becoming more prevalent for Law Enforcement use. Recent changes to City regulations now allow officers to purchase the duty weapon that they carry, if it is included in the trade-in group. The officer's cost to purchase the weapon is the same amount as the trade-in value. By taking advantage of this trade or sale, the Department acquired new weapons that will last for the next 7-10 years for approximately the same cost of buying and installing the new parts on each of the older weapons. The purchase of the new weapons also provides each officer the opportunity to have a weapon-mounted light should they desire one. The Police Department will purchase 176 new Glock pistols and sell the old weapon to the assigned officer or exercise the trade-in option. The total amount will not exceed \$37,456.00, taxes included. Trade-in/sales revenue to offset the cost will be \$44,352.00. The total cost to the City after the Officer purchases the used weapon or utilizes the trade-in option will be \$37,456.58. The Department will recover \$44,352.00 from the trade-in option or purchase of the retired weapon by the Officer at a cost of \$252.00 each.

33. AGREEMENT: Ammunition

APPROVED an Agreement with Adamson Police Products, San Diego Police Equipment Co., Inc., and International Cartridge Corporation for the purchase of ammunition for a combined total amount not to exceed \$115,000.00.

Specific Duty ammunition has been identified and utilized after a testing and evaluation process. A variety of indoor lead-free frangible ammunition and outdoor standard training ammunition must be comparable with the issued duty ammunition to be used for training. Firearms training staff

have tested and validated different manufacturers' products to identify those that meet this standard and depend on various distributors to provide this ammunition on an as needed basis.

34. AGREEMENT: J Banicki Construction, Inc.

APPROVED Agreement #ST0210-402 with J Banicki Construction, Inc. for bus-bay construction on Alma School Road and Galveston Street, pursuant to Job Order Contract #JOC07-03, in an amount not to exceed \$135,670.00. This bus-bay pullout will help to provide improved bus service to the adjacent Tuscany at Chandler Apartments and nearby neighborhoods along Alma School Road and Galveston Street and will be supported by bus route 104. Once the shelter pad is constructed, Viacom will install the standard City of Chandler shelter structure.

35. CONTRACTS: Annual Hydrogeological Services

APPROVED Contract #EN0709-101 to Southwest Groundwater Consultants, Inc. and #EN0708-101 to Brown and Caldwell for annual hydrogeological services in an amount not to exceed \$2,000,000.00 each for a period of one year with options for four one-year renewals. Work will be rotated among the firms based on their availability and expertise. Under these contracts, individual project agreements will be prepared for execution and approval for each specific project.

36. CONTRACT: CH2M HILL

APPROVED Contract #WW0806-101 to CH2M HILL for surcharge rate calculation and local limits presentation in an amount not to exceed \$48,346.00.

A study of local limits placed on industries to ensure a safe and efficient operation of the City's wastewater treatment facilities was recently completed. The study recommended the City review the surcharges that it collects from industrial customers who discharge high strength wastes.

Prior to the new local limits being adopted, it would be advantageous to develop a restructured plan for the surcharge rates based on the local limits revisions. CH2M HILL is proposing to develop such a plan through a number of meetings with City Staff and industry personnel. This will allow the revised local limits and surcharge rates to be presented simultaneously to Council for approval.

37. CONTRACT: Stantec

APPROVED Contract #WA0712-201 to Stantec for design services for Avenida Tercera Street improvements in an amount not to exceed \$43,749.00.

Avenida Tercera is a residential street located at the SEC of McClintock Drive and Chandler Boulevard, adjacent to the Hightown Water Production facility. The original roadway was constructed prior to current residential street standards and is only about 20 feet wide, compared to the local street standard of 35 feet. The eastern half of the road right-of-way is unimproved with no asphalt, curb, gutter or sidewalk.

The Hightown WPF recently underwent installation of arsenic treatment equipment and a perimeter wall along the eastern edge of the Avenida Tercera right-of-way. During construction, the Traffic Engineering Division determined that the widening of the roadway was needed for safer local traffic flow, improved well site access and improved sight distances when turning onto

Chandler Boulevard. Because the street is adjacent to the water production facility, Municipal Utilities agreed to perform the widening in connection with their other site improvements.

38. CONTRACT EXTENSION: Pacheco Brothers Gardening, Inc.

APPROVED a one-year Contract Extension to Pacheco Brothers Gardening, Inc. for landscape maintenance service at the Municipal Utilities Reverse Osmosis Facility and the Brine Evaporation Ponds in an amount not to exceed \$40,000.00. This is the first of four one-year extensions approved with the original contract.

39. PURCHASE: Backhoe

APPROVED the Purchase of a backhoe from RDO Equipment Company, utilizing the Houston Galveston Area Cooperative, in an amount not to exceed \$73,450.00.

The Water Treatment Plant needs to purchase a new backhoe to replace the current one which is a 1987 model and has been mechanically declining over the last five years. This is a critical piece of equipment that is used on a regular basis to move sludge in the drying beds, as well as making repairs on pipes and valves in a timely manner.

40. CONTRACT AMENDMENT: Tri-Core Engineering

APPROVED Contract #WA0401-201, Amendment No. 4, to Tri-Core Engineering for the design of water main replacements in an amount not to exceed \$48,861.00 for a revised contract total not to exceed \$524,144.00.

Some of the existing water mains in the older sections of the City are undersized and/or deteriorating resulting in a high number of repairs to broken water mains, interrupted water service, numerous citizen complaints and property damage. In November 2003, Council approved an engineering contract that provided for the design of approximately nine miles of small diameter water main replacements in several residential neighborhoods. During the plan review process, Staff identified a benefit to relocating the new construction into the road right-of-way to eliminate significant reconstruction in residents' front yards. This amendment provides for additional design services to relocate the water mains requested by Staff.

41. CONTRACT EXTENSIONS: General Construction Services

APPROVED one-year Contract Extensions #JOC07-04 to SDB, Inc., in the amount not to exceed \$5,000,000.00, #JOC07-06 to Brycon Construction in an amount not to exceed \$3,000,000.00 and #JOC07-08 to Jokake Construction in an amount not to exceed \$1,000,000.00 for general construction services.

42. CONTRACT AMENDMENT: Vanir Construction Management Incorporated

APPROVED Contract #ST0623-451, Amendment No. 1, to Vanir Construction Management Incorporated for construction inspection and project management services for Queen Creek Road Improvement, Price Road to McQueen Road, in an amount not to exceed \$150,000.00 for a revised contract total of \$1,275,424.00.

On September 20, 2007, Council approved a project agreement to Vanir Construction Management Incorporated for construction management and testing and inspection services for

the Queen Creek Road Improvements project. Intended, but not included in the scope and fee of that project agreement, was Quality Control (QC) Testing Services, which were originally under the contract of the contractor. Scope and fee of QC Testing Services were removed from the contractor's scope prior to contract award to be done by a third party organization. Vanir's original contract contains Quality Assurance Testing, which is a service that can be provided by the City; however, due to the quantity of testing that will be required for this project, City Staff recommended using Vanir Construction Management Incorporated to assist in providing these services. Construction began in November 2007 and will be completed in approximately 15 months.

43. CONTRACT: Dibble and Associates

APPROVED Contract #ST0717-201 to Dibble and Associates for design services for Commonwealth Avenue Roadway Improvements in an amount not to exceed \$175,030.00.

Commonwealth Avenue, between Hamilton Street and McQueen Road, is currently an unpaved local street located adjacent to a Salt River Project (SRP) irrigation ditch. As part of a SRP separate aesthetics project, the SRP ditch will be piped underground. This City project will pave a local street section from Hamilton Avenue to Ithica Place. Underground utilities, including water and sewer will be extended the length of the road improvements. A portion of the cost will be provided through CMAQ funding as the project will help the City comply with MAG PM-10 requirements for dust control.

44. CONTRACT: Stanley Consultants

APPROVED Contract #ST0806-201 to Stanley Consultants, Inc. for design of the Chandler Boulevard and Price Loop 101 Bicycle Lane Project, sole source, in an amount not to exceed \$165,020.00.

The City has received Federal Congestion Mitigation and Air Quality (CMAQ) funds for design of bicycle lanes and an additional left turn lane from westbound to southbound under the Price Loop 101 Freeway at Chandler Boulevard. This contract will provide a Feasibility Study and Design Concept Report (DCR) to be coordinated with ADOT and the Price Freeway High Occupancy Vehicle (HOV) lane project in Chandler. The HOV lane project is from the north City limit south to Frye Road, which is one-half mile south of Chandler Boulevard. This work will also include development of the required federal environmental documents and the 30% design plans.

45. CONTRACT: Salt River Project

APPROVED Contract #ST0504-301 to Salt River Project (SRP) to install streetlight junction boxes for the Price Road Improvements in an amount not to exceed \$46,544.00.

46. CONTRACT: Salt River Project

APPROVED Contract #ST0602-306 to Salt River Project to remove and relocate streetlight junction boxes for the Cooper and Pecos Road Improvements in an amount not to exceed \$46,663.00.

47. CONTRACT EXTENSIONS: Demolition and Site Clearing Services

APPROVED one-year extensions for Contracts #JOC07-02 to Phoenix Demolition Company and Salvage, Inc. and #JOC07-10 to Complete Decon, Inc. in an amount not to exceed \$200,000.00 each for demolition and site clearing services. This is the first of four one-year extensions.

48. CONTRACT EXTENSIONS: Environmental Remediation Services

APPROVED one-year extensions for Contracts #JOC07-01 to Environmental Resolutions, Inc. and #JOC07-09 to Spray Systems Environmental for environmental remediation services in an amount not to exceed \$500,000.00 each. This is the first of four one-year extensions.

49. CONTRACT: City Attorney

APPROVED a Contract with Mary Wade as City Attorney at a salary of \$150,000.00.

50. PURCHASE: Fluoresco Lighting and Signs

APPROVED the Purchase of replacement illuminated street name sign faces from Fluoresco Lighting and Signs, sole source, in an amount not to exceed \$54,272.64.

The City of Chandler uses illuminated street name signs at all signalized intersections. These signs have a projected life of 10 years, and over time, some of the sign faces become faded and need to be replaced. This will be the second year of an on-going program to replace 10% of the existing sign faces. Fluoresco Lighting and Signs is currently the only sign company that meets the City of Chandler's specifications for illuminated street signs. The cost of each sign face is \$312.00, plus \$115.00 for installation. The total cost of this project is based on a quantity of 120 sign faces at 15 signalized intersections.

51. PURCHASE: TYMCO International

APPROVED the Purchase of a street sweeper from TYMCO International, utilizing the Houston Galveston Area Cooperative, in an amount not to exceed \$167,051.60.

On October 24, 2007, the Maricopa Association of Governments (MAG) Regional Council approved the prioritized list of proposed PM-10 certified street sweeper purchases for fiscal year 2008. The City of Chandler was informed that our sweeper was authorized for grant funding. This sweeper meets all current MAG environmental requirements. The grant request amount is a maximum of \$160,000.00 minus the cost of features that the County does not fund. For this sweeper grant, the City matches the grant maximum at 5.9% of the total cost minus the cost for a back-up camera feature, which is not a grant eligible item.

This sweeper will be a replacement sweeper for an older, less efficient PM-10 compliant sweeper for the west side of Chandler.

52. PURCHASE: Ballistic Armored Tactical Transport

APPROVED the Purchase of a ballistic armored tactical transport vehicle, utilizing the Arizona Counter Drug Procurement Program (1122), in an amount not to exceed \$189,024.00.

This vehicle will be used by the Police Department's Special Assignment Unit, which responds to critical life threatening incidents involving weapons. The Special Assignment Unit is also a member of the statewide Weapons of Mass Destruction (WMD) Rapid Response Team (RRT),

which when called upon, will respond to any WMD event to provide tactical assistance. The armored vehicle is capable of deploying 16 team members and specialized equipment to a critical incident while providing ballistic protection to the occupants.

The vehicle will be utilized to evacuate neighborhoods during critical police incidents and provide ballistic protection to the officers involved in resolving the event. It can also be used to rescue injured officers and civilian personnel that have been caught in a hazardous environment in which a ballistic fortified vehicle is the safest option available to rescue them. WMD and drug cartels run hand-in-hand with their criminal intent and often times use high-powered weapons to protect their illegal enterprises from law enforcement. This vehicle will provide another level of ballistic protection to our officers as they approach a hazardous location and it can also be utilized to defeat a fortified location if necessary.

The Police Department currently uses a small armored vehicle obtained from Military Surplus, which was built in 1981. The "Peacekeeper" is worn and is constantly being repaired in order to keep it in service. This new armored vehicle will provide a more reliable ballistic transport vehicle, better ballistic protection and more space for officers and equipment.

53. PURCHASE: Grainger

APPROVED the Purchase of lamps, fluorescent/incandescent and ballasts from Grainger, utilizing the Western State Contracting Alliance contract, in an amount not to exceed \$105,000.00.

54. PURCHASE: Water Works Supplies

APPROVED the Purchase of water works supplies from HD Supply Waterworks, Dana Kepner Company and Arizona Water Works Supply, utilizing the City of Glendale's contract, in a total amount not to exceed \$60,000.00.

55. PURCHASE: Insulated Pool Covers

WITHDREW the Purchase of insulated pool covers from Aquatic Environmental Systems, Inc., in an amount not to exceed \$54,901.55. Pool covers are used as a means to assist in reducing heating costs, water evaporation, chemical consumption and Staff time spent cleaning the pools.

56. PURCHASE AND INSTALLATION: Shade Structures

APPROVED the Purchase and Installation of two shade structures, one each at Shawnee and Mountain View parks, from Shade 'N Net of Arizona, utilizing the Mohave Educational Services contract, in an amount not to exceed \$36,194.95.

57. TELE-TRACK WAGERING LICENSE: American Greyhound Racing

CONTINUED, as requested by Staff, TO JANUARY 31, 2008, a tele-track wagering license, facility site, for American Greyhound Racing, Inc., dba Arizona Off-Track Betting, at 4929 W. Chandler Blvd., Suite 12, to allow additional time for all City requirements to be met.

58. USE PERMIT: Latitude 8

WITHDREW, Use Permit UP07-0058, Latitude 8, Series 12, for the sale of alcohol for on-site consumption only within a new restaurant at 11 W. Boston Street, Suite #4, for the purpose of re-advertising.

59. USE PERMIT: Sage Herbs Holistic Center

APPROVED Use Permit UP07-0062 Desert Sage Herbs Holistic Center, for a one-year time extension to allow retail sales and personal services within the Planned Commercial Office (PCO) zoning district at 1728 N. Alma School Road. (Applicant/Owner: Vicki Greener, Planning Consultant, Greg Loper.)

The previous Use Permit was approved in May 2005 for a period of two years with conditions.

The property is located across the street from a commercial retail center and a single-family subdivision. In May 1985, the property was zoned from Single-Family (SF-7) to PCO to allow the conversion of a single-family home to office use, which included an insurance office. The property included two lots platted as a part of Brooks Crossing Unit Two single-family subdivision. The office zoning provided a transition between the commercial center and the residential development. Zoning time extensions were granted in October 1986 and February 1988. Following the last zoning extension, the property completed construction, which included a new parking lot, landscaping, and converting the garage to additional office space.

In August 2004, upon a request for a sign permit, City Staff notified the property owner of Desert Sage Herbs Holistic Center that the business was not in compliance with the PCO zoning district, and a Use Permit application was required. The PCO zoning district provides for the development of office and related uses in a manner, which is attractive for such uses and compatible with the surrounding neighborhood. The PCO zoning district generally serves as a land-use transition between commercial and residential development.

In May 2005, a Use Permit was approved for a two-year time period to allow a business providing retail sales and personal services with an accessory office. Uses permitted in PCO zoning include offices such as professional, business, administrative and other offices in which goods or merchandise are not commercially created, displayed, sold, exchanged or stocked, or like uses. Banks, credit unions, savings and loan associations, finance office, lending institutions, or like uses are also permitted. Other permitted uses include studios for fine arts, photography, music, drama, or like uses, library and telephone answering services, or like uses and laboratories such as medical, dental, blood bank and like uses.

Uses requiring approval of a Use Permit include public or institutional buildings such as hospitals, fire stations, YMCA, boys and girls club, private indoor athletic facilities including health spas and enclosed tennis courts, a private club, fraternity and lodges, churches or the like, and restaurant, pharmacies and other accessory services subordinate and incidental to the principal uses.

The total number of businesses within Desert Sage Holistic Herbs is five. Hours of operation are Monday through Friday from 10 a.m. to 6 p.m. and Saturdays from 10 a.m. to 5 p.m. The business is closed on Sundays. Typically, once a month, a practitioner may have a client until 8 p.m. or a class that is conducted in the evening until 9 p.m.

The previous Use Permit was approved with several conditions that have not been completed at this time which include:

- Landscaping shall be installed within 6 months and in compliance with current commercial Design Standards.
- The applicant shall work with Staff to provide a decorative screen wall for the parking area within one (1) year.
- Re-stripe existing parking spaces and provide for a handicap parking space in compliance with site development requirements.
- Monument signage shall be in compliance with the Sign Code and obtain a sign permit. Wall-mounted building signage including window signs and banners is not permitted.
- The applicant shall work with Staff to upgrade the monument sign making it more identifiable.

The parking spaces including the handicap space were re-stripped in November 2007. The applicant and property owner are working on hiring a landscape architect to submit landscaping and irrigation plans for permits. The property owner conveyed the monument sign would be addressed in conjunction with landscaping.

Staff recommends approval for a one-year extension with conditions regarding landscaping and signage. Staff is also of the opinion that parking screen walls are not necessary for this site. Parking screen walls are typical for parking spaces along street frontages. The parking spaces are on the site's south side and not fronting either street frontage, therefore, screen walls are not recommended.

The applicant intends to be in compliance with conditions within 90 days of Council approval of this Use Permit request pending City issuance of permits.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 7, 2007. There were no citizens in attendance. Staff has received no correspondence in opposition to this request.

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

1. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. Development shall be in substantial conformance with exhibits and representations.
3. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
4. Landscaping shall be in compliance with current Commercial Design Standards.
5. Monument signage shall be in compliance with the Sign Code and obtain a sign permit. Wall-mounted building signage including window signs and banners is not permitted.
6. The site shall be maintained in a clean and orderly manner.

60. USE PERMIT: Sunrise Adult Care Home

APPROVED Use Permit UP07-0091 Sunrise Adult Care Home, to operate an assisted living home for up to 8 residents within an existing single-family home at 2004 W. Western Drive. (Applicant: Jose Carlos, Owner/Operator.)

The subject site is located north of the NWC of Dobson and Elliot Roads, within the Knoell East single-family subdivision. Directly north of the site is a canal located in the City of Mesa. Single-family homes surround the property to the west, south and east.

Assisted living homes are required to obtain a use permit when there are more than five residents living together in a single dwelling unit, excluding staff. The maximum potential amount of residents allowed with a use permit is 10, excluding staff. Additionally, the amount of residents allowed is based upon requirements provided by the State Health Department. The State Health Department requires that a single-user bedroom shall be 80 sq. ft. and two residents may share a room if the room is 120 sq. ft. or more. On no occasion can a bedroom exceed more than two residents. The rooms for this application conform to these requirements.

The subject site received Use Permit approval for an Assisted Living Home in 2003 for up to six residents for a single year. In 2004, the Assisted Living Home received an extension of the Use Permit for an additional three years. The applicant is requesting an extension of the Use Permit for a third time. In addition to the Use Permit extension request, the request includes Use Permit approval for an additional three residents, bringing the total number of residents up to nine.

The home was built in 1979 as part of the Knoell East single-family residential subdivision. The house has been expanded to approximately 1,539 sq. ft. with six bedrooms, approximately 400 sq. ft larger than other homes in the subdivision. The backyard is fenced, with additional fencing around the pool. There is no covered parking, but two parking spaces are provided in the driveway. The carport was enclosed prior to the Zoning Code requirement to provide two covered parking spaces. Employees do not park at the home; the applicant is responsible for driving the employees to and from the home. Visiting hours are from 9 a.m. to 7 p.m. and visitors are encouraged to call beforehand. The facility and property are well maintained.

The applicant has operated this facility as the owner/administrator for the past four years. In addition, the applicant is a Certified Manager and licensed by the Board of Examiners of Nursing Care Institution Administrators and Assist Living Facility Managers. The applicant is also involved in continuing certification and training for the operation of Assisted Living Homes.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held November 5, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan and the SF-9.5 zoning district, the Planning Commission and Staff recommend approval subject to the following conditions:

1. The assisted living home shall have no more than eight (8) residents at any time.
2. Should the applicant sell the property, this Use Permit to operate an assisting living home shall be null and void.
3. This Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

61. USE PERMIT: Shane's Rib Shack

WITHDREW for purposes of re-advertising, Use Permit UP07-0095 Shane's Rib Shack, Series 12, for the sale of liquor for on-premise consumption only within a new restaurant at 7131 W. Ray Road, Suite #6, in Casa Paloma.

62. USE PERMIT: Leisure Living for the Elderly

APPROVED Use Permit UP07-0103 Leisure Living for the Elderly, to operate an assisted living home for 8 residents within an existing single-family home at 507 N. Nantucket Court. (Applicant: Nhor Latinovich, Owner/Operator.)

The site is located north and east of the NEC or Chandler Boulevard and McQueen Road within the Tradition single-family subdivision. The home is located within a cul-de-sac and is surrounded by single-family homes.

Assisted living homes are required to obtain a Use Permit when there are more than five residents living together in a single dwelling unit, excluding staff. The applicant has been operating an assisted living home at this location for the past five years, providing care for only four residents, thus not requiring a Use Permit until now. The maximum potential amount of residents allowed with a Use Permit is 10, excluding staff. Additionally, the amount of residents allowed is based upon requirements provided by the State Health Department. The State Health Department requires that a single-user bedroom shall be 80 sq. ft and two residents may share a room if the room is 120 sq. ft. or more. On no occasion can a bedroom exceed more than two residents. The rooms for this application conform to these requirements.

The home is approximately 2,285 sq. ft. and provides five bedrooms and three bathrooms. The applicant has operated this facility as the owner/administrator for the past five years and operated another facility prior to this facility. In addition, the applicant is a Certified Manager and Program Trainer for caregivers licensed by the Department of Health Services and licensed by the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility managers. While Staff is unaware of any complaints for the existing operation, a one-year timing condition has been added due to the increased number of residents.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 16, 2007. There was one neighbor in attendance with concerns regarding the number of residents in the home. Staff has received two phone calls from residents with concerns with the number of residents and felt the home could not accommodate ten residents.

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

1. The assisted living home shall have no more than eight (8) residents at any time.
2. Should the applicant sell the property, this Use Permit to operate an assisted living home shall be null and void.
3. This Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

63. USE PERMIT: Fresh & Easy Neighborhood Market (Downtown Ocotillo)

APPROVED Use Permit UP07-0096 Fresh & Easy Neighborhood Market (Downtown Ocotillo), Series 10, for the sale of beer and wine only within a new grocery store at the SWC of Dobson and Queen Creek roads. (Applicant: Amy Nations, Arizona Liquor Industry Consultants.)

A new freestanding grocery store will be locating within the Downtown Ocotillo development. It is smaller than the usual supermarket offering everyday items to gourmet items. The store will be open seven days a week from 8 a.m. to 12 a.m. and will employ approximately 14 persons. The development intends to open for business in July 2008.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on December 5, 2007. There were no neighbors in attendance. The Police Department has been informed of the application and has responded with no issues or concerns.

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

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit reapplication and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, a bar serving area or the addition of entertainment-related uses shall require new Use Permit reapplication and approval.
3. The Use Permit is granted for a Series 10 license only and any change of licenses shall require reapplication and new Use Permit approval.
4. The Use Permit is non-transferable to other store locations.
5. The site shall be maintained in a clean and orderly manner.

64. LIQUOR LICENSE: Fresh & Easy Neighborhood market

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #116797 L10) for Randy D. Nations, Agent, Fresh & Easy Neighborhood Market, Inc., dba Fresh & Easy Neighborhood Market, 3050 S. Dobson Road. A recommendation for approval of State Liquor License #10075511 will be forwarded to the State Liquor Department. 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.

65. USE PERMIT: Thai Basil

APPROVED Use Permit UP07-0097 Thai Basil, Series 12, for the sale of liquor for on-premise consumption only within a new restaurant at 4929 W. Chandler Blvd., Suite #8. (Applicant: Rhonda Perez, ALIC.)

The new restaurant is located within the Twelve Oaks commercial center. The restaurant is currently in business and requests approval to sell beer and wine with food. There is no patio associated with this restaurant.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 29, 2007. There were no neighbors in attendance. The Police Department has been informed of the application and has responded with no issues or concerns. Staff has received no correspondence in opposition to this request.

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

1. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit reapplication and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, a bar serving area or the addition of entertainment-related uses shall require new Use Permit reapplication and approval.
3. The Use Permit is granted for a Series 12 license only and any change of licenses shall require reapplication and new Use Permit approval.
4. The Use Permit is non-transferable to other restaurant locations.
5. The site shall be maintained in a clean and orderly manner.

66. LIQUOR LICENSE: Thai Basil

APPROVED a Series 12 Restaurant Liquor License (Chandler #115248 L12) for Saowanee Kosaiyasaith, Agent, Peer 202 LLC, dba Thai Basil, 4929 W. Chandler Boulevard, Suite #8. A recommendation for approval of State Liquor License #12077375 will be forwarded to the State Liquor Department. 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.

67. USE PERMIT: Ha Noi Pho

APPROVED Use Permit UP07-0104 Ha Noi Pho, Series 12, for the sale of liquor for on-premise consumption only within a new restaurant at 5865 W. Ray Road, Suite #6. (Applicant: Dylan Huynh.)

The new restaurant is located within the Laguna Village commercial center. Wang's Chinese Restaurant previously occupied this tenant space. There is no patio associated with this restaurant.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 29, 2007. There were no neighbors in attendance. The Police Department has been informed of the application and has responded with no issues or concerns. Staff is not aware of any opposition to this request.

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

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

68. LIQUOR LICENSE: Ha Noi Pho

APPROVED a Series 12 Restaurant Liquor License (Chandler #115598 L12) for Dylan Huynh, Agent, Ha Noi Inc., dba Ha Noi Pho as 5865 W. Ray Road, Suite #6. A recommendation for approval of State Liquor License #12077328 will be forwarded to the State Liquor Department. 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.

69. CONTINUED LIQUOR LICENSE: Bear Creek Golf Course

CONTINUED TO FEBRUARY 14, 2008, Liquor License, Series 12, for Daniel Miles Strand, Las Corrientes Chandler LLC, dba Bear Creek Golf Course at 500 E. Riggs Road, to allow the applicant time to complete the requirements for a new Use Permit.

70. LIQUOR LICENSE: Sushi & Cocktails

APPROVED a Series 12 Restaurant Liquor License (Chandler #117344) for Shih-Ping Lee, Agent, JB Friend International, Inc., dba Sushi & Cocktails, 1949 W. Ray Road, Suite 32. A recommendation for approval of State Liquor License #12077428 will be forwarded to the State Liquor Department. 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. This application reflects a change in ownership and Planning and Development advises that a new Use Permit is not required as this will be a continuation of the location's previous use as Honmachi Sushi and Cocktails.

71. LIQUOR LICENSE: My Big Fat Greek Restaurant

APPROVED a Series 12 Restaurant Liquor License (Chandler #116690 L12) for Lauren Kay Merrett, Agent, Apollo Dining, LLC, dba My Big Fat Greek Restaurant, 3305 W. Chandler Boulevard, Suite #8. A recommendation for approval of State Liquor License #12077411 will be forwarded to the State Liquor Department. 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. This application reflects a change in ownership and Planning and Development advises that a new Use Permit is not required as this will be a continuation of the location's previous use as My Big Fat Greek Restaurant.

72. SPECIAL EVENT LIQUOR LICENSE: St. Mary's Food Bank Alliance

APPROVED a Special Event Liquor License for St. Mary's Food Bank Alliance for a Super Bowl Fundraiser, February 1-3, 2008, at Jilly's American Grill, 825 N. 54th Street. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

73. PRELIMINARY CONDOMINIUM PLAT: The Presidio Condominium

APPROVED Preliminary Condominium Plat, PPT07-0049 The Presidio Condominium for a medical and general office development on 6.35 acres south of the SWC of Pecos and Dobson roads. (Michael Gustafson, SDBP III, L.P.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

74. PRELIMINARY PLAT: Pecos Village

APPROVED Preliminary Plat PPT07-0050 Pecos Village for an office and retail development on approximately 14 acres at the NWC of Pecos and Cooper roads. (Applicant: David Evans & Associates.) The plat creates the lots, tracts and easements necessary for the property's development.

Approval is contingent on the following condition:

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

MAYOR DUNN AND COUNCILMEMBER DONOVAN declared a conflict of interest on this item and did not vote.

75. FINAL PLAT: Pecos Village

APPROVED Final Plat FPT07-0060 Pecos Village for an office and retail development on approximately 14 acres at the NWC of Pecos and Cooper roads. (David Evans & Associates.) The plat creates the lots, tracts and easements necessary for the property's development.

MAYOR DUNN AND COUNCILMEMBER DONOVAN declared a conflict of interest on this item and did not vote.

76. FINAL PLAT: Cachet At Paseo Lindo

APPROVED Final Plat FPT07-0028 Cachet at Paseo Lindo for a single-family residential subdivision on approximately 27 acres south of the SEC of Arizona Avenue and Appleby Road. (Applicant: Rick Engineering Company.) This is part of a larger mixed-use development. The plat creates the lots and tracts, establishes the necessary easements, and dedicates the required rights-of-way.

77. FINAL PLAT: Pinnacle Professional Village

APPROVED Final Plat FPT07-0038 Pinnacle Professional Village for an office development located on approximately 9 acres on the east side of Arizona Avenue and south of Queen Creek Road. (Applicant: UTAZ Development.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

78. FINAL PLAT: Chandler Echelon

APPROVED Final Plat FPT07-0046 Chandler Echelon for a mixed-use development consisting of a mixture of office, commercial and hotel uses on approximately 23 acres at the SWC of Price Road and the Loop 202 Santan Freeway. (Applicant: Edward Vincent, Olsson Associates.) The plat creates the lots and tracts, construction-phasing lines, establishes the necessary easements and dedicates the required rights-of-way.

79. FINAL PLAT: Stonefield II

APPROVED Final Plat FPT07-0051 Stonefield II for a single-family residential development and commercial development on approximately 52.3 acres at the SEC of Dobson and Germann roads. (Applicant: CMX, Inc.) The plat creates the lots and tracts, construction phasing lines, establishes the necessary easements, and dedicates the required right-of-way.

80. FINAL PLAT: Dollar Storage (Southshore Town Center Phase II)

APPROVED Final Plat FPT07-0057 Dollar Storage (Southshore Town Center Phase II) for three lots for a rental self-storage business, a condominium for-sale storage facility and a future retail pad development on approximately 12 acres east of the SEC of Arizona Avenue and Ocotillo Road. (Applicant: United Engineering Group.) The plat creates the lots, tracts and easements necessary for the property's development.

81. CONDOMINIUM PLATS: Westtech Lots 1-5 and 10

APPROVED Condominium Plats CPT07-0016, 0017, 0018, 0019, 0020 and 0021 Westtech Lots 1-5 and 10, for a business park consisting of commercial and industrial land uses on approximately 26.33 acres at the SEC of Arizona Avenues and Palomino Drive. (Applicant: Nate Cottrell, Cottrell Engineering Group, Inc.) The plats create the lots, units and tracts, establish the necessary easements and dedicate the required rights-of-way.

ACTION:

11. CITY CODE AMENDMENT: Chapter 35

Ord. #3997

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3997, ZAC07-0002, City of Chandler/Artwork in Commercial Developments, City Initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code, Section 35-1902.8(e) and Section 1902.8(g) pertaining to artwork in commercial developments.

SENIOR CITY PLANNER JODIE NOVAK said that this request was continued from December 13, 2007, to further refine the language of the ordinance. Staff has revised the language to include more details on the type of artwork for shopping centers, office and commercial centers. The artwork requirement applies to requests for rezoning. Planning Staff, the Planning and Zoning Commission and City Council will review artwork at the time of Preliminary Development Plan (PDP). A PDP amendment request would activate the artwork requirement.

The City Council Goals and Priorities for 2007-2008 includes a strategic goal titled "Model of Transformation – Anticipate and plan for transitioning from a purely suburban community to one with central-city-like characteristics". This goal includes "reviewing and revising policies to encourage art to be included in private development" with the revision and possible amendment of the Zoning Code to encourage artwork such as sculptures and murals to be included as a part of commercial developments.

In achieving this goal, the Planning Department recommends amending the Zoning Code by modifying existing language regarding public artwork. The amendment changes public artwork from an optional to required design standard for commercial architectural quality standards. Currently, the Zoning Code requires a minimum of 6 to 11 quality standards to be incorporated in shopping center, office and commercial centers. These standards are in addition to 15 design requirements for architectural quality standards. Public artwork is an option standard that reads:

“Provide public artwork or other pedestrian features in common landscape areas in addition to the required special features, such as seat-wall planters, or other pedestrian oriented features.”

The Zoning Code amendment removes the words “public artwork or other” from the above optional standard and creates a new required design standard, number 16, which reads:

“In connection with a rezoning, or in connection with a PAD amendment or an amendment to a Preliminary Development Plan where Council approval is required, relating to shopping centers, office and commercial complexes, provide unique exterior public artwork such as sculptures and murals, gates/fences/walls, benches, fountains and walkways, etc. “

As required by the Arizona Revised Statutes, hearing dates by the Planning Commission and City Council, as well as the complete text of the draft amendment, have been advertised in the newspaper fifteen days prior to the first public hearing, which is the Planning Commission.

COUNCILMEMBER CACCAMO asked if Staff feels there is sufficient flexibility with what a developer can install and still be considered artwork. MS. NOVAK said Staff feels there is. There are various types of artwork that qualify including decorative doorknobs, window finishing, doorways or architectural elements such as canopies or water fountain features.

COUNCILMEMBER CACCAMO asked if there is a cost minimum. MS. NOVAK said there is not cost limitation. Developers typically propose very tasteful, creative and appropriate artwork. Staff does not anticipate an opposition from developers for this requirement.

VICE-MAYOR HUGGINS asked for clarification on what types of developments would be required to comply with this regulation. MS. NOVAK said a single-freestanding building may not be required to provide artwork, but may be required to apply other commercial design standard amenities. The regulation is intended for the larger-scale projects.

COUNCILMEMBER WENINGER said that he had asked Mr. Ballard earlier about whether or not certain things were considered art such as the fountains and a lake at the Vestar development on Alma School and Queen Creek and the fountains in the Sam’s Club center at the 202 and Arizona Avenue and was told that neither are considered art. Councilmember Weninger expressed concern that there is a clear direction as to what is considered art by everyone. He questioned if there would be a discrepancy in interpretation between the developers and Staff. MS. NOVAK responded that when the art work is submitted, most are defined as sculptures. There are other commercial design standards that are required and/or options in the code. When they come in with a water feature, that is one point toward a design standard. It cannot be counted as art because it has already been utilized another commercial design standard they have applied to the project. Builders have asked if a planter with plants would count as art, but it would not because another commercial design element stating that planters or benches be installed next to signage. The artwork would be another element above and beyond code requirements. There could be a water feature but still need another form of artwork that typically an artist has derived.

COUNCILMEMBER WENINGER supposed that if Vestar were to come to fruition with Las Tiendas and the fountain was not there and they meet the six other criteria of the eleven, and then brought forward the fountain as art, would that be approved. MS. NOVAK said that it would

be evaluated to ensure it is deemed unique, there is an artist involved in it and is not replicated numerous times throughout the community.

COUNCILMEMBER WENINGER asked about the decorative doorknobs Ms. Novak referred to earlier as artwork. MS. NOVAK explained that she was referring to decorative hardware such as door fixtures and not necessarily all of the doorknobs on all of the storefront doors in a shopping center.

COUNCILMEMBER WENINGER said that Council's direction at the retreat was to "encourage" in the inclusion of artwork and now it is coming forward as a requirement. He asked what prompted the requirement. MS. NOVAK said that in the Council Goals and Policies for 2007/08, part of the elements for the Planning Department and other departments, theirs was to work on reviewing and revising policies to encourage art to be included in private development. It was further defined to say "revise and possibly amend the Zoning Code to require art work, sculpture or murals, to be included as a part of development". In the standard from Council, it is to look at the possibility of whether or not the code could be amended, what are we amending, is it currently in the code or not. The term "encouraging" is confusing because it there is certain language in the zoning code currently that deals with public art. The code lists requirements for commercial complexes, office developments and shopping center. Then it describes elements that are encouraged to be part of development. There is a sentence in the code that says "requirement" and the next sentence says "encourage". It is definitely a requirement and it is Staff's goal to work with developers to encourage them by letting them know it is a requirement. In some instances, it may not be necessarily be required on a smaller project.

COUNCILMEMBER WENINGER referenced a segment of a book on Arizona Land Use Law, Dolan vs. the City of Tiergard, and whether or not it was applicable in this instance. CITY ATTORNEY HOUSE said it was not because that case involved an "exaction" which is a requirement that, as condition of development, someone provides a public amenity that becomes property. In the Dolan case, that involved a drainage way where the city was requiring a bike be installed as a condition of approval. It does not apply where a site design feature is not going to become public property.

COUNCILMEMBER WENINGER said that he does not feel government should mandate the installation of public art.

COUNCILMEMBER DONOVAN asked whom this new requirement would affect. MS. NOVAK responded that this applies to those rezoning land, in connection with an amendment to a PAD zoned property or an amendment to a Preliminary Development Plan. If someone comes in with an amended PDP for a sign package, artwork will not be required. It gives Staff, Planning Commission and Council to review the artwork being proposed.

COUNCILMEMBER DONOVAN asked Ms. Novak to compare some of the required standards and how those might be subjective in this same way. MS. NOVAK responded that some of the other standards such as screening mechanical units, internalizing roof ladders or having exterior drains. Staff would prefer no exterior drains on buildings and most of the buildings before Staff are internalized, but for those industrial buildings or in commercial complexes, we have to be creative and work with them to come up with some unique solutions as to how they are going to integrate it to look like part of the building. She explained it is very subjective because the applicant may consider merely painting it to match the building as being integrated. Painting does not always make it as integrated. Sometimes there needs to be decorative caps where the drain spouts are or recessing it more into the building rather than having it "pop out". Other

design standards such as ensuring the amount of building materials on a building is limited is also subjective. The criteria of not having more than 65% of one façade having stucco, but the design is not meeting all of the other standards such as being foresighted, having variation in roof lines or introducing a character theme. The level of subjectivity does not get to the point where there is serious disagreement.

COUNCILMEMBER DONOVAN said it was her understanding that as long as someone could prove it was artwork, it would move forward. She is encouraged by the requirement because it was not just about sculptures or something difficult or expensive to install. COUNCILMEMBER DONOVAN also asked about considering a water fountain as artwork. Ms. Novak said that if someone came in with a fountain by itself or a water feature that is also at another development, it would meet that one requirement. However, if there were extra unique, artistic features added to the fountain, they could meet both requirements if it was incorporated as part of the same element.

COUNCILMEMBER DONOVAN asked if Ms. Novak has heard concerns from the development community. MS. NOVAK said they have heard no concerns. Many of the larger projects that have come forward recently are already incorporating these features.

MOVED BY COUNCILMEMBER CACCAMO, SECONDED BY VICE-MAYOR HUGGINS TO APPROVE THE INTRODUCTION OF ORDINANCE NO. 3997 ZCA07-0002, CITY OF CHANDLER / ARTWORK IN COMMERCIAL DEVELOPMENT, CITY INITIATIVE TO AMEND CHAPTER 35 (ZONING CODE) OF THE CHANDLER CITY CODE, SECTION 35-1902(8)(E) AND SECTION 1902(8)(G) PERTAINING TO ARTWORK IN COMMERCIAL DEVELOPMENTS.

COUNCILMEMBER ORLANDO added that this item demonstrates the high standards the City of Chandler has for its developments. He supports the requirement, but is also open to discussion if developers have concerns.

MAYOR DUNN commented that art, if done correctly, is good design and can be incorporated in such a way that citizens will appreciate it. It is fair to let the developers know in advance what the City's expectations are.

COUNCILMEMBER WENINGER asked Staff if a list would be made available of other features that have been installed so as not to duplicate them. MS. NOVAK responded that her reference to duplication that there may be a developer that develops multiple projects in the City and want to replicate the same type of art. The duplication does not apply from developer to developer.

MOTION CARRIED BY MAJORITY (5-1) WITH COUNCILMEMBER WENINGER VOTING NAY.

MAYOR DUNN introduced new Chandler City Attorney Mary Wade who will be starting February 4th.

82. REZONING: Entrada De Chandler

Ord. #4007

DENIED Ordinance No. 4007 DVR07-0006 Entrada De Chandler, rezoning from AG-1 to PAD with PDP for a new mixed-use development with gas station, assisted living, office and auto parts retail uses at the SWC of Elliot Road and Arizona Avenue. (Applicant: Salazar Associates Architects, Ltd.; Owner: The Bunch Company.)

PLANNER BILL DERMODY introduced this item. The Elliot Road/Arizona Avenue intersection is the gateway corner to Chandler for southbound traffic on Arizona Avenue and westbound traffic on Elliot Road. The site is surrounded to the west by a townhome complex, to the southwest by a planned apartment complex and to the south by a truck rental facility. On the NWC of the Elliot Road/Arizona Avenue intersection is a retail shopping center that is wrapped around by a business park. Farther west are single-family home neighborhoods. The intersection's other two corners are planned for the Pollack Business Park North & South, which has a combination of industrial/showroom, industrial/office, and retail uses. Farther east is a 240-acre business park.

The site has been zoned Agricultural District (AG-1) since its 1981 annexation. In 1990, a rezoning request to allow a furniture sales use was denied by City Council. In 1996, a rezoning request to allow a corner gas station was withdrawn under Staff opposition. In 2000, a rezoning request to allow a mixed-use development with gas station, retail, office and fast-food uses was withdrawn under Staff opposition.

The Planning Commission and Staff find the request inconsistent with the General Plan, which designates the property as Low Density Residential with allowance for consideration of commercial uses at the intersection of arterial streets. Though the uses are eligible for consideration, the proposed development does not provide a functional, compatible and sustainable mix of uses, nor does it provide excellence in site planning design – parameters for consideration set out by the General Plan.

The site features an assisted living campus in the rear with a 10-pump gas station oriented toward the intersection corner, three medical and general office buildings along Elliot Road and an auto parts retail store along Arizona Avenue. The uses are connected by driveways that meander through smaller parking fields scattered around the site. Pedestrian connections are provided through much of the site under a colonnade feature with intermittent towers. The project provides two pedestrian-oriented fountains and 12 benches, exceeding Code requirements for these items.

The site has one driveway from Elliot Road and two from Arizona Avenue. The two driveways nearest the intersection have “no left turn out” signage for vehicles exiting the site. Left-in movements are not restricted because there are not raised medians on either adjacent street.

A dissimilar land use buffer is provided around most of the site's western and southern exteriors, including 12'-high trees planted every 20' on center. The exceptions are an area in the site's southeastern portion designated for a potential feature connection to the neighboring parcel to the south and a 50' stretch in the site's northwestern portion where including the trees would require shrinking the parking lot. The Planning Commission and Staff do not support the requested buffer relief in the site's northwestern portion.

Dissimilar use buffers are also partially provided within the site in the form of 6'-high walls to provide screening between quasi-residential assisted living use and the incompatible gas station and auto parts retail uses. Some trees are also provided between these uses, but not to the dissimilar use buffer standards of 12'-high trees planted every 20' on center. The most egregious gap in the trees buffer is south of the convenience store where a service drive pinches the available landscaping area to only 5' thereby preventing large trees from being planted. Staff does not support the gap in 12'-high trees south of the convenience store.

There is an emergency generator located close to the auto parts retail building that is for the assisting living campus' use in case of a power outage.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 27, 2007. Four neighbors were in attendance, including one voicing opposition to the gas station and auto parts retail uses because of the traffic they would attract. The other neighbors also wanted to be sure that no "no man's land" would be created between property walls and asked about developments with similar mixes of uses elsewhere. The developer's representative stated that no "no man's land" would be created – either they will use existing walls or they will add new walls flush to the old ones.

Staff has received phone calls from two neighboring property owners opposed to the proposed gas station use. The property owners feel that a gas station does not fit with this intersection, especially given that it is a gateway to the City. The property owners control the other three corners of this intersection as well as multi-building business park development located south of the SEC of the subject intersection.

Upon finding inconsistency with the General Plan, the Planning Commission and Staff recommend denial.

COUNCILMEMBER ORLANDO asked about Staff's suggestion of eliminating one or more uses. If the housing were eliminated and kept the gas station, he asked if that would be acceptable. MR. DERMODY responded that it could potentially be acceptable. The biggest conflict is between the assisted living, gas station and retail. Either the station and retail has to go, or the assisted living has to go.

COUNCILMEMBER ORLANDO asked what Staff's preference would be to develop on that corner. Mr. Dermody said that having the entire site assisted living and office. It would not be a huge project and would be acceptable to the neighbors. If the assisted living component were removed, office could be a good buffer for residential to the west and could work well with the gas station and retail.

COUNCILMEMBER ORLANDO commented that the City has always strived to have an adequate mixture of housing and reviewed each request for multi-family or single-family residences. He asked if more assisted living facilities were coming into Chandler and if there was stock as he has been hearing there is a high vacancy rate at current assisted living facilities. MR. DERMODY responded that there was been an increased interest in assisted living facilities.

MAYOR DUNN said that he sees a lot of transportation conflicts with this project. He questioned if Staff and/or the Planning and Zoning Commission feel there is foresight of architecture in this project. MR. DERMODY responded that there is some, but there are a couple of buildings lacking. There are certain facades that need additional features and are slightly short of our design standards.

STEVEN BUNCH, 10891 E. Merisol Circle, Scottsdale, developer, said that his firm has owned the property for 5-6 years. There have been significant changes in the intersection and the surrounding zoning. When he initially acquired the property, the adjacent property to the south was zoned hard zone C-3 and has since been changed to multi-unit apartments. The character of their initial site plan studies that developers go through, changed as the intersection has changed and the abutting zoning changed. They have tried to acquire the property where the Penske Truck Rental is, but the owner has a long-term lease for another nine years and the owner is not interested in changing uses or selling.

Mr. Bunch continued that their latest site plan was developed to be sensitive to the surrounding neighbors. The two primary uses for the development are health oriented and retail, auto-related in the other. It is consistent with the Penske Truck Rental to the south and the health-related, assisted living and medical/dental, provides an architectural character size of the buildings and foresighted architecture in their opinion that is compatible with the condominium project to the west, but also to the newly rezoned luxury apartments that will be abutting their property to the south. Mr. Dermody referred to the proximity of the assisted living to the gas/convenience store, but class A apartments are locating on major thoroughfares adjacent to Penske Truck Rentals and potentially a used car lot in the future.

Their goal was to be a good neighbor to the current and future neighbors. There is a disparity in the types of use their property heading toward the primary corner. Mr. Bunch presented a photograph looking from Arizona Avenue directly to the west showing the condominiums that abut their western property line as being two-story structures. Their architecture was not to have a flat roof, but a more expensive hip roof, which is more sightly to those from the condominiums looking onto a single-story building. At the same time, the two-story apartments being constructed abutting their property, would also have views down to hip-roof, single-story structures of a more compatible size for the surrounding neighbors.

From an economic standpoint, it is much more economical to build single structures of 12,000-18,000 square feet, but they have chosen 3-4,000 professional, medial structures and asked New Dawn to reduced their structures into pods.

There is a distance of approximately 4.5 miles between gas/convenience stores on the western side of Arizona Avenue. The architect has made some concessions based on Planning and Zoning recommendations and asked Mr. Bunch to point out that gas/convenience stores are not destination retailers. They locate on high-traffic intersections and utilize the existing traffic for a successful business. They are not traffic generators or destination retailers. There is no other gas being sold on the second or third intersection in the City of Chandler.

He reported they have had some "communication challenges" with the City of Chandler Staff and have a history of attempted solutions in trying to be cooperative with site plans going back to July 12, 2006. A straighter shot of traffic was proposed and an existing driveway was used to come into, at that time, what was contemplated to be a mini-storage facility. They heard from the Planning and Zoning Department that the City did not want any gas/convenience stores. As developers, they know they will not be placed on the Planning and Zoning Commission's consent agenda if they propose a gas/convenience store.

After this site plan was submitted, an e-mail after the gas/convenience store was submitted detailing a lack of interest in a gas/convenience store and could they try something else. In that same e-mail, they were told there were too many mini-storage units and they should also eliminate that use from their site plan, which they did.

He said there was miscommunication over the last year regarding providing additional right-of-way and that raised medians would be their responsibility with the reconstruction of Arizona Avenue and potentially Elliot Road. It was finally conveyed that there was no need to take further property and there would be no raised medians on either Arizona Avenue or Elliot Road and they were asked, and stipulated, where they wanted their access points on Elliot as well as on Arizona Avenue.

At about that time, they asked if a traffic study would be required and were assured it was not. Subsequently, it was required. A traffic study was commissioned and completed with recommendation for four access points – two on Elliot and two on Arizona Avenue which paralleled their request to Traffic Engineering at the time they took the right-of-way. One of the access points was denied by Planning and Zoning Staff even though a traffic study had been concluded and submitted.

Mr. Bunch said the New Dawn operation was referred to by him as an assisted living facility, but it is a dementia/Alzheimer facility. It is headquartered in the east that frequently locates on easily-recognizable intersections adjacent to high traffic.

Mr. Bunch requested consideration for a few items. If the project is approved, they would suggest that a stipulation be added to have the traffic reviewed again and be granted the secondary access off of Elliot. He said they would agree to extend the landscaping area buffering a six-foot wall and relocate the refuse container. They are also willing to extend the “throat” by splitting a building in two, elongating the “throat” and moving the other building to another portion of the property.

The owner of the gas/convenience store has agreed to eliminate the service drive at the rear of the building in lieu of turf and significant landscaping to enhance the visibility from the New Dawn facility.

FRED STERN, 2728 E. Thomas Road, Phoenix, architect for Arco, said that Arco is very dedicated to the site and want to supply a convenience store for the public. The chosen mode of transportation for the general public is automobiles and they want to supply the fuel and convenience for Chandler.

COUNCILMEMBER WENINGER asked Staff if they had requested additional items or is it that the applicant does not do everything as requested. MR. DERMODY responded that Staff responds every time they get a site plan. He recalls working with the site plan submitted in October 2006 and asked them to do certain things. Another one was received in February and returned with comments. They went through pre-tech in May or June. Staff has been consistent with all comments from the City with the exception of two and there may have been some misunderstandings on other ones. He explained there was a new reviewer in the traffic division at the time of pre-tech who told them the raised medians would be needed. That would normally be a standard. After further review, this was a special situation where the raised medians were not required. The other issue was the gas station. Initially, Staff said that there would be no gas station, but are now accepting to it. However, Staff has not been agreeable to the mix of uses all along.

COUNCILMEMBER WENINGER asked if Staff's reaction to the newest development are new elements or are they going back to what was there before. MR. DERMODY responded that the big issues have been consistent all along. They did not see the architecture until February. Staff has been consistent with their comments of which some have been ignored. The applicant has worked with Staff on many of the details.

COUNCILMEMBER WENINGER asked if there were some disagreements between Planning and Engineering on this project. Mr. Dermody acknowledged there were early on, but have been clear since July 2007.

COUNCILMEMBER ORLANDO asked Mr. Dermody if the design changes mentioned by Mr. Bunch had been reviewed before. MR. DERMODY said they were familiar with some and had not seen others. The driveway being deleted behind the Arco has been brought up before, but has not been put on paper until now. The others are new. They had seen another driveway, but asked them to remove it because it ended into a building, but since the building is gone, this is the first time they have seen the driveway come back.

COUNCILMEMBER CACCAMO asked Mr. Dermody if there is a convenience store across Elliot Road from this site. MR. DERMODY said there is, but without gas pumps. COUNCILMEMBER CACCAMO asked if there is a gas station a mile south on the eastside of Arizona Avenue. Mr. Dermody said there are six within a mile of this site.

In response to a question from Councilmember Caccamo, Mr. Dermody said that some elements were brought to their attention recently such as the architecture, but the project has always had some major problems.

MOVED BY COUNCILMEMBER CACCAMO, SECONDED BY COUNCILMEMBER ORLANDO, TO DENY THE INTRODUCTION OF ORDINANCE NO. 4007 DVR07-0006, ENTRADA DE CHANDLER, REZONING FROM AG-1 TO PAD WITH PDP FOR A NEW MIXED-USE DEVELOPMENT WITH GAS STATION, ASSISTED LIVING, OFFICE AND AUTO PARTS RETAIL USES LOCATED AT THE SWC OF ELLIOT ROAD AND ARIZONA AVENUE AS PER STAFF AND PLANNING AND ZONING RECOMMENDATION.

MOTION CARRIED UNANIMOUSLY (6-0).

PUBLIC HEARING:

P.H. #1 GPA07-0001 South Arizona Avenue Entry Corridor

The Mayor opened the Public Hearing at 9:07 p.m.

DAVID DE LA TORRE, General Plan Coordinator said this is a request to (A) amend the South Arizona Avenue Entry corridor Study and approve and accept the Study as amended; (B) approve a minor amendment to the General Plan (i) to repeal the Redevelopment Area Plan as part of the Conservation, Rehabilitation and Redevelopment element of the General Plan (ii) to delete references to the City Center Campus Plan from the Public Buildings Element of the General Plan, and (iii) to make other minor text amendments; and (C) approve a new specific plan called the "Downtown-South Arizona Avenue Area Plan", consisting of the Redevelopment Area Plan in combination with and as modified by the Study. (City initiated.)

On September 28, 2006, the Mayor and City Council accepted the Study and authorized Staff to proceed with its implementation. Staff is now proposing the following amendments to the Study:

- Expand the "Urban Commercial" designation at the NEC of Arizona Avenue and Pecos Road easterly to the existing Washington Street right-of-way (currently a half-street ROW that dead-ends 400 ft. north of Kesler Lane). This expansion would entail a revised street alignment for Washington Street between Morelos Street and Kesler Lane.

The larger commercial site (increase from 4.5 acres to approximately 7.5 acres) would not be large enough to accommodate any type of regional commercial development. Rather, the expanded site would better accommodate uses that are already described in the "Urban Commercial" land use category such as retail, personal care services, childcare, general offices and medical offices.

Staff believes that the expanded commercial corner will not only benefit the City and the neighborhood by utilizing an existing half-street right-of-way, but also have the benefit of providing a better opportunity to provide neighborhood commercial services in the future that will cater to residents and businesses in the surrounding area.

- Revise the land-use category description of "Civic Uses" to allow private offices and ancillary retail in addition to government offices and services already provided for.

Staff hosted neighborhood meetings on May 30 & 31, 2007. The meetings were extensively noticed and were well attended with approximately 75 people at each meeting. A cross-departmental Staff team representing Public Works, Traffic Engineering, Transit, Real Estate, Downtown Redevelopment and Neighborhood Programs in addition to Planning and Zoning was present at the meetings to address a variety of questions.

This request was noticed in accordance with Arizona Revised Statutes and complies with Chandler General Plan amendment expanded notification procedures. Staff has received no opposition to the amendments.

The Planning Commission and Staff recommend approval of the proposed amendments to the Study.

COUNCILMEMBER ORLANDO asked why the expansion of the urban commercial. Mr. De la Torre responded that approximately 150' east of where we are currently showing the Washington Street expansion, is the existing Washington Street. Instead of acquiring new land, there is an existing right-of-way that the City can use. It also expands the Urban Commercial Corner from about 4 to 7 acres. It is not big enough for any type of commercial use, but creates more opportunities for neighborhood services in that area.

COUNCILMEMBER ORLANDO asked what is currently there. Staff said there are low-density single-family homes and some vacant parcels.

COUNCILMEMBER ORLANDO said that the reason given by Staff for expansion is so the City does not have to take property for re-alignment. He questioned if property would not have to be taken if someone came in with a commercial development. Staff concurred. In the new proposal, that property owner previously in the low-density single-family area would be in the urban development area which would mean it would be up to a private developer to acquire those properties, assemble them and make a proposal to the City.

COUNCILMEMBER WENINGER asked about the modification on civic uses. Mr. De la Torre responded that it is. The civic uses area does include the future City Hall area which would include the areas the City is in condemnation to acquire those properties. COUNCILMEMBER WENINGER asked if a condemnation occurred, how could there be any type of business there. Mr. De la Torre said that the modification to the description is meant more for offices in other areas and not necessarily in the City Hall location, but more for other areas that may present themselves for private office or ancillary retail such as a coffee shop. COUNCILMEMBER

WENINGER said that if we go to condemnation to acquire the land, we would not be able to have a private business there. CITY ATTORNEY HOUSE confirmed we could only condemn for public use.

The Mayor closed the public hearing at 9:16 p.m.

83. SOUTH ARIZONA AVENUE ENTRY CORRIDOR STUDY AMENDMENT: Res. #4150

Resolution No. 4150 GPA07-0001 South Arizona Avenue Entry corridor to amend the South Arizona Avenue Entry Corridor Study and accept the Study as amended.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR HUGGINS, TO ADOPT RESOLUTION NO. 4150 GPA07-0001 SOUTH ARIZONA AVENUE ENTRY CORRIDOR TO AMEND THE SOUTH ARIZONA AVENUE ENTRY CORRIDOR STUDY AND ACCEPT THE STUDY AS AMENDED.

MOTION CARRIED UNANIMOUSLY (6-0).

84. SOUTH ARIZONA AVENUE ENTRY CORRIDOR STUDY AMENDMENT: Res. #4111

Resolution No. 4111 GPA07-0001 South Arizona Avenue Entry Corridor, a minor amendment to the Chandler General Plan to (a) repeal the Chandler Redevelopment Area Plan a part of the General Plan's Conservation, Rehabilitation and Redevelopment element, (b) delete references to the City Center Campus Plan in the General Plan's Public Buildings Element, and (c) make other minor text amendments; and to adopt the Downtown-South Arizona Avenue Area Plan as a specific plan that consists of merging the South Arizona Avenue Entry Corridor Study, as amended, with the Redevelopment Area Plan.

COUNCILMEMBER DONOVAN confirmed that this action would repeal the Redevelopment Area Plan as part of the General Plan. She referred to the resolution, Section Two (i), "all land use designations and planning references pertaining to Planning District #1 (Downtown) and #5 (Southside Neighborhoods), as indicated in Redevelopment Area Plan, are hereby replaced in their entirety by the provisions of the Study" and asked what happens to the other areas in the current Redevelopment Area Plan. Staff responded that the other areas would remain as they are currently. Only the areas is districts #1 and #5, which are within the study's boundaries, would change to become the new South Arizona Corridor Study. Everything else in the Redevelopment Area Plan would remain the same unless amended by Council in the future.

COUNCILMEMBER DONOVAN commented that there are some things in the 1987 Redevelopment Area Plan that are no longer applicable such as the Gateway Area Plan. The Redevelopment Area Plan is 81 pages but there are only a few pages referenced to those areas. Districts #1 and #5 are in chapter 4 of this area plan. It was her understanding that some of the other goals and strategies for land use and neighborhoods, business and economic development, environment and appearance, etc. would be consolidated into the South Arizona Avenue Corridor Study and those are different than the areas called out in the Planning Area Districts in chapter 4. Mr. House said that it is his understanding that the Redevelopment Area Plan is being removed from the General Plan in its entirety. Staff concurred. Are portions being incorporated into the Area Plan or is the entire document being incorporated into the Area Plan. Mr. De la Torre said that COUNCILMEMBER DONOVAN'S question is whether or not the goals apply to only districts #1 and #5 of the current Area Plan or the entire Redevelopment Plan. Under section ii of section two of the resolution that states "if there is any conflict on inconsistency between the goals,

strategies, action steps, or land use designations set forth in the Redevelopment Area Plan and the findings, designations, and recommendations set forth in the Study, the provisions of the Study shall prevail". Staff feels that it does apply to the goals of the Study whether it is outside of districts #1 and #5 or not. The South Arizona Corridor Study does not just apply to districts #1 and #5, but it is more of the goals for the downtown area in general.

COUNCILMEMBER DONOVAN asked if the Redevelopment Area Plan is removed, how the area such as district #2, North Arizona Avenue, would be addressed if the Redevelopment Area Plan is no longer in effect. Mr. De la Torre replied that currently the land use designations in those other districts would remain as they currently are. However, a budget request was submitted to conduct a study similar to the South Arizona Avenue Study, but for East Chandler Boulevard from Arizona Avenue to McQueen Road which would replace some of those districts in the same Redevelopment Area Plan that are not covered by the South Arizona Avenue Corridor Study. There is a need to go back and amend those other areas that are not within the study's boundaries to change the land use strategy.

COUNCILMEMBER DONOVAN asked for an example of where there is inconsistency or conflict between the South Arizona Avenue Corridor Study and the Redevelopment Area Plan that will be corrected by this action. Mr. De la Torre said that one of the major points of the South Arizona Avenue Corridor Study is that what the area needs is high-density residential to bring people into the downtown area to create 24/7 activity that downtown areas need and support the commercial services. That is not in the current Redevelopment Area Plan. The current plan stresses the need to introduce more commercial along Arizona Avenue, which is the opposite of what is in the South Arizona Corridor Study, which is to bring residential and not commercial. There is not a demand for commercial along Arizona Avenue.

MOVED BY VICE-MAYOR HUGGINS, SECONDED BY COUNCILMEMBER CACCAMO, TO APPROVE RESOLUTION NO. 411 GPA07-0001 SOUTH ARIZONA AVENUE ENTRY CORRIDOR, A MINOR AMENDMENT TO THE CHANDLER GENERAL PLAN TO (A) REPEAL THE CHANDLER REDEVELOPMENT AREA PLAN AS A PART OF THE GENERAL PLAN'S CONSERVATION, REHABILITATION AND REDEVELOPMENT ELEMENT, (B) DELETE REFERENCES TO THE CITY CENTER CAMPUS PLAN IN THE GENERAL PLAN'S PUBLIC BUILDINGS ELEMENT, AND (C) MAKE OTHER MINOR TEXT AMENDMENTS; AND TO ADOPT THE DOWNTOWN-SOUTH ARIZONA AVENUE AREA PLAN AS A SPECIFIC PLAN THAT CONSISTS OF MERGING THE SOUTH ARIZONA AVENUE ENTRY CORRIDOR STUDY, AS AMENDED, WITH THE REDEVELOPMENT AREA PLAN.

MOTION CARRIED UNANIMOUSLY (6-0).

P.H. #2. ANNEXATION: NEC Arizona Avenue and Queen Creek Road

The Mayor opened the Public Hearing at 9:25 p.m.

ACTING PLANNING DIRECTOR JEFF KURTZ said that this is a public hearing for annexation of approximately 41 acres at the NEC of Arizona Avenue and Queen Creek Road. (Applicant: Queen Creek Commons LLC.) The property is currently vacant and undeveloped except for a single-family residence at its NWC. The residence will be removed to make way for the owners' proposed development.

The property is zoned RU-43 and C-3 within the County. Neighboring parcels to the north and east are vacant and undeveloped. The property to the east has been annexed to the City of

Chandler and has been zoned PAD for industrial development. Property to the south, across Queen Creek Road, is vacant and undeveloped. Property to the west, across Arizona Avenue is within the City of Chandler and is zoned PAD for retail commercial and single-family residential. The residential portion of the site has been developed.

The Chandler Airpark Area Plan, a land use element plan of the Chandler General Plan, designates the area for Commercial/Office/Business Park with a Light Rail Corridor Overlay District. The owner, who has also submitted an application for rezoning, intends to develop the property for commercial purposes.

The Mayor closed the Public Hearing at 9:26 p.m.

P.H. #3 ANNEXATION: NEC of Gilbert and Queen Creek Roads

The Mayor opened the Public Hearing at 9:26 p.m.

ACTING PLANNING DIRECTOR JEFF KURTZ said the property owner, The Grove Bible Church, is requesting annexation. The property is partially developed at this time and is occupied by a church and accompanying site improvements built subject to the plan review and building permit approval process of Maricopa County. Municipal water and sewer services are being provided to the site by the City of Chandler subject to formal water and sewer service agreements entered into by and between the owner and City of Chandler in August of 2003. One of the conditions of approval common to the agreements required the property owners' consent to future annexation at such time as an annexation petition encompassing the subject property was presented.

The property is zoned RU-43 within the County. Neighboring parcels to the north and east are within the City of Chandler and are zoned and developed as PAD Single-Family Residential. Property to the south is within the County and is developed for Rural Residential. Undeveloped vacant property to the west, across Gilbert Road, is within the City of Chandler and is currently zoned AG-1 Agricultural District.

The Chandler Land Use Element of the City of Chandler General Plan, designates the area for Low Density (Single Family) Residential. Churches are an allowed land use within single-family residential zoning districts.

COUNCILMEMBER ORLANDO asked what is planned for this area. MR. KURTZ said, since it is owned by the church, it will be future expansions of the church. COUNCILMEMBER ORLANDO asked if the property is in the noise contour and runway approach. Mr. Kurtz responded that it is not.

The Mayor closed the Public Hearing at 9:27 p.m.

P.H. #4 ANNEXATION: SWC of Willis Road and Hamilton Street Alignment

The Mayor opened the Public Hearing at 9:27 p.m.

ACTING PLANNING DIRECTOR JEFF KURTZ said that the property owner, VWP Willis, LLC, is requesting annexation of approximately 2.5 acres at the SWC of Willis Road and the Hamilton Street Alignment. The property is presently occupied by a house, metal sheds, parking garage and other improvements that will be removed to allow for the redevelopment of the site in

accordance with the owners intentions. A rezoning application has also been submitted and is currently under review by Planning Department Staff. The owner proposes to develop the property for light industrial uses.

The property is zoned RU-43 within the county. Property adjoining the east side of the site is within the County and is occupied by a dairy operation. Properties to the north, south and west are within the corporate limits of the City of Chandler and are zoned PAD (Planned Area Development) for I-1 Industrial uses. The Chandler Airpark Area Plan, a land use element plan of the Chandler General Plan, designates the area "Light Industrial".

The Mayor closed the Public Hearing at 9:28 p.m.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced the Celebration of Unity and Multi-Cultural Festival starting Friday and continuing over the weekend. He thanked to the Human Relations Commission, members of the Unity Planning Committee and the City's Diversity Office for their work on these events.

THE MAYOR announced the beginning of the next City Services Academy, which will begin Tuesday, February 19, with the State of City Address and will run for eleven weeks thereafter.

MAYOR DUNN announced an upcoming Metro Study that will be held for Tempe and Chandler residents to discuss a transit study. The study will focus on high-capacity transit alternatives to help alleviate congestion on Tempe and Chandler streets. The meetings will be held January 29th at Corona Del Sol High School and January 30th at the Tempe Public Library at 3500 S. Rural at 6:00. The Mayor encouraged residents to attend.

MAYOR DUNN congratulated the Police Department on the arrest of the serial rapist and thanked the community for their involvement.

B. Councilmembers' Announcements:

COUNCILMEMBER WENINGER congratulated Council Assistant Melanie Sala-Friedrichs who received dual citizenship with France and the United States. He also congratulated Executive Assistant to the Mayor & Council Linda Hedstrom on her 15 years of service with the City.

C. City Manager's Announcement:

None.

Adjournment: The meeting was adjourned at approximately 9:32 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: January 31, 2008

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 17th day of January 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2008.

City Clerk