

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, February 28, 2008 at 7:05 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
Kevin Hartke	Councilmember
Jeff Weninger	Councilmember

Also in attendance:

Rich Dlugas	Assistant City Manager
Pat McDermott	Acting City Manager
Mary Wade	City Attorney
Marla Paddock	City Clerk

INVOCATION: The invocation was given by Councilmember Hartke.

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

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions:

MAYOR DUNN was joined by Assistant City Manager Rich Dlugas in recognizing Sharon Joyce for 10 years of service with the City. During her ten years as Real Estate Manager, Sharon has worked on countless projects involving land acquisitions, leases, relocations and sales. Her efforts have provided immeasurable public benefit and have been an invaluable asset during the City's rapid growth. During her tenure with the City, Sharon has contributed her time and dedication to an impressive list of high profile projects including parks, well sites and most recently the downtown area and the new city hall.

MAYOR DUNN was joined by Community Development Coordinator Pat Tyrrell in recognizing Tresa Mosher for 15 years of service with the City. Tresa currently works as the City's Housing Rehabilitation Specialist. Prior to this, she worked as a supervisor in charge of the building permit issue counter. Tresa was instrumental in creating the City's "One-Stop Permit Process" and helped oversee this important function throughout a time of incredible growth in Chandler. In her current position, she works to improve the living condition of moderate-income homeowners. She was instrumental in revising the program's guidelines to meet current demands while doubling the program's production of rehabilitations. In addition, Tresa was overseeing the renovation of several local nonprofit agencies' facilities including the Chandler Christian Community Center, Salvation Army and ICAN.

MAYOR DUNN was joined by Community Services Director Mark Eynatten in recognizing Juan Bustamante for 10 years of service with the City. Juan began as a laborer working in the parks division and was promoted to a groundskeeper at Desert Breeze Park where he was in charge of

the large ramadas. He was next transferred to the downtown campus and had an immediate impact on the beautification of the park and often assisted downtown vendors and citizens. Juan was promoted to a gardener supervisor at the downtown campus. Juan takes great pride in his new duties and is recognized as a mentor and teacher to his staff.

MAYOR DUNN was joined by Community Services Director Mark Eynatten in recognizing Viken Ghoughassian for 15 years of service with the City. Vik worked for Housing and was instrumental in helping the Housing Department achieve H.U.D.'s "High Performer" designation. He is now with the Buildings and Facilities Division where his eye for detail makes him the one to call when work projects need that perfect look. He was given the task of modifying existing lockers and, with limited instructions, was able to use his finish carpentry skills to make the lockers look better than ever while creating more room for the users. Vik is attending a certificate program for facility maintenance technicians through Arizona Public Service on his own time to improve his knowledge and skills. Vik has recently accepted the responsibility for maintenance at the new Tumbleweed Recreation Center where he will be responsible for maintaining the building and all of the specialty equipment.

MAYOR DUNN was joined by Community Services Director Mark Eynatten in recognizing Tim Proffer for 20 years of service with the City. Tim's career with the City began with his primary responsibility being that of maintenance of air conditioners in City facilities. At that time, he was one of the lone HVAC repair technicians and was kept busy adjusting the temperature for Staff and patrons. Tim has been involved in various projects over the years including the Police Department remodel, changing the previous Fire Station #1 to the new IT building and transforming the old library into the historical museum. He has stayed abreast of building codes as they have changed throughout the years and maintains his certifications related to building safety and inspections.

2. Exceptional Merit Awards:

MAYOR DUNN was joined by Planning and Development Director Doug Ballard in presenting an Exceptional Merit Award to Flora Ligi in recognition of her efforts in coordinating a very successful Architectural Excellence Awards ceremony. The entire event went very smoothly with apparent effortlessness; however an incredible amount of work was spent throughout the six-month period preceding the event. The data of all projects to be reviewed had to be organized, meetings of the committee had to be coordinated, as did the project tour and selection process, and putting together a fantastic event attended by community leaders, developers and architects. Flora was able to perform these extra duties while still performing her normal duties. The seamlessness of the event is greatly appreciated and reflects positively on the City.

Although he was unable to attend the meeting, Mr. Ballard also recognized Jason Tiller for his efforts in taking all of the photographs of the projects for the Mayor and City Council's Architectural Excellence Awards program.

3. Proclamation – Chandler Ostrich Festival:

MAYOR DUNN was joined by Chandler Chamber of Commerce President and CEO Becky Jackson and TuTu the Ostrich as he read a proclamation proclaiming March 1-9, 2008, as Ostrich Festival Week. He congratulated the Chamber for the 20th year of the Ostrich Festival. MAYOR DUNN also wished Ms. Jackson best wishes in her new career.

Ms. Jackson introduced John Prescott, Immediate Past Chairman of the Chandler Chamber of Commerce Board of Directors and Past Chairman of the Ostrich Festival. Ms. Jackson announced the festival starts on March 1st with the Fun Run and there will be Ostriches on Parade in the downtown area and an Ostrich Drop.

Ms. Jackson thanked the Mayor and Council for their support over the years and hopes to continue to work with the City in her new position.

4. Proclamation – Disabilities Awareness Month:

MAYOR DUNN was joined by Michael Williams, Chair of the Mayor's Committee for People with Disabilities, as he read a proclamation declaring the month of March as Disabilities Awareness Month.

Mr. Williams thanked the Mayor, Council and the City of Chandler for being a leader in providing an environment of inclusion for all people.

MAYOR DUNN presented the following 2008 Disabilities Recognition Award winners:

- Student of the Year – Zackary Kasevich, Chandler High School
- Employee of the Year – Joseph Nowery who works at Basha's
- Employers of the Year – Basha's Store 85, Manager Allen Schiff; Intel Corp., Supervisor Thomas Randt and Albertson's 997, Manager Carrie March and Assistant Manager Robyn Miller
- Volunteer of the Year – Becky Jordan, Frye Elementary School
- Habilitator/Educator of the Year – Helen Chappel, Denise Chisholm Baker

UNSCHEDULED PUBLIC APPEARANCES:

TONY DIBONITO spoke about government and environmental issues.

DALE MASON, 246 N. Hudson Place, spoke about concerns with rental properties listed as unoccupied that are, in fact, occupied. He feels that rentals are listed as unoccupied to avoid having to pay the additional rental taxes to the City. He volunteered to assist the City in bringing these homes into compliance with the rental tax code.

DERRICK MILLS, 612 E. Bridgeport Parkway, Gilbert, who owns a small business, Gum Blasters, which removes chewing gum from sidewalks, said his company has done work at the Library and the Chandler Center for the Arts. His company bid on a project at the Colonnade to remove gum from the sidewalks in October 2007, and had no response for several months. He was having lunch at the Colonnade and saw some divots on the sidewalk and became concerned that it was the result of someone trying to remove chewing gum from the sidewalk. He counted 185 sidewalk blemishes from 98 South to San Tan Brewery. He remarked that these blemishes are permanent. If his company had performed the work, they would have been held liable for any damages. He questioned if this was done in this instance.

MAYOR DUNN directed Staff to follow-up with Mr. Mills.

CONSENT:

MIKE BULLOCK, 3102 W. Maryland, Phoenix, spoke about Item #22, Alignment of the Alma School/Ray Road intersection. He stated he owns the property at 1029 N. Alma School Road and the City was proposing to take 40' for a bus stop, which would put him out of business. He opposes the entire alignment. He reported he had met with Public Works Director RJ Zeder to discuss alternatives, but nothing was mentioned about the bus stop at that time. The City did want to take 29' to widen Alma School Road, which would impact parking at his location. The alternatives included providing some property on both sides, provide an ingress/egress for the property and providing additional parking. Staff took the proposals and said Mr. Bullock would be hearing from them. He received a letter from Mr. Zeder which stated that the City would need the original footage and should full acquisition be necessary, would assist in finding another property for him to help minimize any tax implications. He feels that Staff did not take the Mayor's advice and speak with him about alternatives.

MAYOR DUNN said that Items #22 and 23 (Ray/McClintock alignment) would be moved to Action.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR HUGGINS, to approve the Consent Agenda as amended with Items 22 & 23 being moved to Action.

MOTION CARRIED UNANIMOUSLY (7-0) WITH THE EXCEPTIONS NOTED.

MAYOR DUNN recognized Scout Troops 988 and 885 who were attending the meeting.

1. MINUTES:

APPROVED, as presented, Minutes of the City Council Regular Meeting of February 14, 2008.

2. PROPERTY VACATION: 8 S. San Marcos Place Ord. #3839

ADOPTED Ordinance No. 3839 authorizing the vacation of a 50-square foot segment of the south right-of-way for Commonwealth Avenue at 8 S. San Marcos Place at the NWC of Lot 14 of Chandler.

3. INITIAL CITY ZONING: SEC Arizona Avenue / Germann Road Ord. #3955

ADOPTED Ordinance No. 3955, DVR07-0059 Southeast Corner of Arizona Avenue and Germann Road, establishing initial City zoning of C-3 on approximately 3.5 acres at the SEC of Arizona Avenue and Germann Road.

4. POWER DISTRIBUTION EASEMENT: SRP Ord. #4013

ADOPTED Ordinance No. 4013 authorizing the assignment to Salt River Project (SRP) of a certain power distribution easement acquired by the City of Chandler for the Arizona Avenue and Ray road intersection improvement project.

5. REZONING: SSB Price Road Ord. #4015

ADOPTED Ordinance No. 4015, DVR07-0040 SSB Price Road, rezoning from AG-1 to PAD zoning for two office/industrial buildings on approximately 22 acres north and east of the NEC of Germann and Price roads.

6. REZONING: TCF Bank Ord. #4028

ADOPTED Ordinance No. 4028, DVR06-0013 TCF Bank, rezoning from MF-3 (High-Density Residential District) and C-3 (Regional Commercial District) to PAD for a bank and commercial building on approximately 2 acres at the SWC of Arizona Avenue and Willis Road.

7. POWER DISTRIBUTION EASEMENT: SRP Ord. #4002

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4002 granting a no-cost power distribution easement to Salt River Project (SRP) for electrical power service to the Mesquite Groves Aquatic Park at 5901 S. Hillcrest Drive.

8. CITY CODE AMENDMENT: Chapter 62 Ord. #4011

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4011 amending Chandler City Code Chapter 62, Sections 62-100, 62-415, 62-416, 62-417 and 62-465, relating to changes to the Chandler Tax Code.

Following each legislative session, Arizona cities and towns, through the Unified Audit Committee (UAC), review new laws to determine those areas of the Model City Tax Code that require adjustment to maintain or achieve conformity with state law. This committee meets with taxpayer advocates and business representatives to draft tax code changes, which are then forwarded to the Municipal Tax Code Commission for approval. Once the Commission approves the changes to the Model Code, they are presented to each City Council.

On February 8, 2008, the Municipal Tax Code Commission approved three changes to conform to Model City Tax Code to the Arizona Revised Statutes (A.R.S.). Changes included in this package are an exemption for solar energy devices; an exemption for architectural and engineering fees included in a construction contract; and a clarification to the definition of "out-of-State Sale". All of the changes apply prospectively, with an effective date of July 1, 2008. Accordingly, there are no related refunds anticipated with these changes.

Solar Energy Devices:

In 2005, the Legislature approved a privilege tax exemption for "Solar Energy Devices" with the hope that exemption would spur increased deployment of such devices, reducing the demand for electricity throughout the State. These changes bring the City Code into conformity with State Statute, allowing a new exemption for the sale or provision and installation of "Solar Energy Devices" under the Retail and Construction contracting classifications. The exemption includes devices that provide passive day lighting while restricting heat transfer, devices that generate electrical power by capturing solar energy or wind power, and also passive heat storage systems, such as the use of a Trombe wall in construction.

Architectural and Engineering Fees:

- These changes bring the City Code into conformity with State Statute allowing a new exclusion for gross income related to the "direct costs" of architectural and engineering services included in a construction contract. Although "direct costs" are not clearly defined in statute, there have been cases that limit qualifying costs and the Department of Revenue is preparing guidance on this issue that will also apply to the cities. This change is a simplification for the construction industry, where many contractors now provide both design and construction services for their clients. Under the existing code, exempting the design phase of such transactions is accomplished through the use of separate contracts

and legal entities. This change will allow these firms to include all services in a single contract.

“Out-of-State Sale” (OSS) Definition:

For some time, taxpayer advocates have requested the removal of the “non-resident” requirement for this definition on the basis that it may violate constitutional protections against the taxation of interstate commerce. One reason for keeping this clause related to cities that had adopted Model Option #1. MO #1 allowed an OSS exemption without requiring the order to be placed from outside the State. This effectively exempted sales to tourists and other “non-residents”, even when the sales occurred entirely in the city. Chandler did not adopt MO #1. After lengthy debate, all affected cities agreed to eliminate Model Option #1 and also join the other cities and towns in removing the “non-resident” to qualify for the exemption.

Although preliminary data provided by the Department of Revenue indicates that very few taxpayers have taken advantage of the Solar Energy Device deduction so far, it is anticipated that this activity will expand in the future. ADOR’s claimed deduction estimates were loosely allocated based on population, so determining how much of this activity actually occurred in the City during the period is extremely difficult. However, even using the high end of the estimates, it is unlikely that this exemption would have resulted in a reduction of Contracting and Retail revenues greater than \$8,000.00 during each of the past two years had the deduction been in place during that period. This exemption may also have an adverse collateral impact on revenues from the Utilities classification in the future. However, at this time, there are too few devices in place that can efficiently replace traditional electrical generation to have any significant impact.

The exclusion for Architectural and Engineering Fees is not expected to have any impact on revenue. This change merely simplifies practices of the construction industry by eliminating the need to segregate such fees from the remainder of the firm’s construction activity. It is presumed that all current activity that qualifies for exclusion is likely being reported as an exempt professional service provided by an architectural/engineering firm. We are not aware of any firm that is currently paying tax to the City on such fees.

9. ANNEXATION: Willis / Hamilton Ord. #4023

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4023 annexing approximately 2.5 acres at the SWC of the Willis Road and Hamilton Street alignment. (Owner: VWP Willis, LLC.)

The City Council held a public hearing on this requested annexation on January 17, 2008. Staff has received the original signed petition from the property owner. The request has been processed in compliance with the State Statutes governing annexations.

The property is presently occupied by a house, metal shed, 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 property is not under an aircraft noise contour or within a designated flood plain.

10. ANNEXATION: Arizona / Queen Creek Ord. #4025

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4025 annexing approximately 41 acres at the NEC of Arizona Avenue and Queen Creek Road. (Applicant: Queen Creek Commons LLC.)

The City Council held a public hearing on this annexation on January 17, 2008. Staff has received the original signed petition from the property owner. The request has been processed in compliance with State Statutes governing annexations. The property is vacant and undeveloped with the exception of a single-family residence located at its northwest corner. 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.

11. REZONING: SEC Arizona / Germann Ord. #4029

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4029, DVR07-0002 SEC of Arizona Avenue and Germann Road, rezoning from Regional Commercial District (C-3) to PAD with PDP for a commercial retail development on approximately 3.5 acres at the SEC of Arizona Avenue and Germann Road. (Applicant: Sean Lake, Pew & Lake, PLC.)

Germann Road abuts the property's north side with an existing Circle K gas station located north of Germann. Arizona Avenue abuts the property's west side. South of the site is an existing bar and gentlemen's club located within Maricopa county. To the east is an existing industrial glass and steel business also located within Maricopa County. The Airpark Area Plan designates the subject site as Commercial/Office/Business Park permitting uses that include, but are not limited to, the proposed retail services. The proposed rezoning is consistent with the Airpark Area Plan.

The proposal includes a Sonic drive-thru restaurant sited at the immediate corner with a retail shops building on the property's eastern half.

The Airport Commission reviewed the zoning request in accordance with the Airport Conflicts Evaluation Process. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found the proposed commercial development does not constitute a conflict with existing or planned airport uses.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on January 10, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

12. REZONING / PRELIMINARY PLAT: Rockefeller Group Crossroads Ord. #4031

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4031, DVR07-0037 Rockefeller Group Crossroads, rezoning from AG-1 to PAD with PDP for a business park development consisting of industrial and commercial uses on approximately 80 acres at the NWC of Gilbert and Queen Creek roads.

APPROVED Preliminary Plat PPT08-0001 Rockefeller Group Crossroads, for a business park development consisting of industrial and commercial uses at the NWC of Gilbert and Queen Creek roads. (Applicant: Ed Bull, Burch & Cracchiolo, P.A.)

The site falls within the 9 square-mile Airpark Area Plan. The Area Plan designates the subject site as Commercial/Office/Business Park permitting campus-like employment developments consisting of business park office and light industrial uses including retail commercial services. The request is consistent with the Airpark Area plan.

The site is surrounded to the north by property zoned PAD for a business park. The future Emmett Drive alignment abuts the property's west side with vacant land zoned AG-1, identified within the Airpark Area Plan as Commercial/Office/Business Park, located west of Emmett Drive. Gilbert Road abuts the site's east side with vacant and agricultural properties zoned Rural-43 within Maricopa County. Queen Creek Road is adjacent to the south, with the existing Carmel Village commercial development and Abralee Meadow residential subdivision located south of Queen Creek Road.

The Airport Commission reviewed the zoning request in accordance with the Airport Conflicts Evaluation Process. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found that no airport conflicts exist with this application.

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

13. REZONING: Dobson Center Ord. #4032

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4032 DVR07-0039 Dobson Center, rezoning from AG-1 to PAD with PDP for medical office and retail development on approximately 6.7 acres at the SWC of Frye and Dobson roads. (Applicant: Mike Auther, Jacor Holdings, LC.)

The site is located at the southwest corner of Dobson and Frye roads. Directly north, across Frye Road, is the Green Valley Estates single-family residential neighborhood. East, across Dobson Road, is the Chandler Regional Hospital. South, across Elgin Street, is the Chandler Regional Medical Center. West, across 95th Street, are the Stonegate Village residential condominiums.

The site is also located within the Gateway Area Plan. The Area Plan is bounded by Frye Road, Pennington Drive, Pecos Road and Ellis Street. The Area Plan designates the subject site as Specialty Commercial Hospital Related. Specialty Commercial allows for the development of support-type commercial uses such as a pharmacy, bank and hospital-related retail. In addition to the hospital-related retail, the proposal includes a medical office.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held December 19, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

14. PROPERTY PURCHASE: Microchip Technology, Inc. Res. #4137

ADOPTED Resolution No. 4137 authorizing the purchase of a 70-foot strip of property from Microchip Technology, Inc., north of Fire Station No. 3 at Frye Road and Ellis Street at a cost of \$104,681.00 plus seller's legal expenses, not to exceed \$5,000.00, including closing costs. Acquisition of this parcel will resolve an access issue regarding ingress and egress of City fire trucks and equipment to and from the fire station and will allow for the expansion of one of the fire equipment bays.

15. PROPERTY PURCHASE: 281 S. Dakota Street Res. #4156

ADOPTED Resolution No. 4156 authorizing the purchase of the property at 281 S. Dakota Street at a cost not to exceed \$157,000.00, including closing and associated costs. (Owner: Jaime M. Fernandez.) The property consists of a residential lot that is improved with a main house and a guesthouse and was appraised at \$150,000.00. Because the property is available for sale and because of its proximity to future developments in the downtown area, Staff recommends the purchase of the property for the amount of \$155,000.00, which is approximately 3.3 percent above the appraised value. Additional costs will include closing and associated costs in the approximate amount of \$2,000.00.

16. PROPERTY PURCHASE: E. Oakland Street Res. #4158

ADOPTED Resolution No. 4158 authorizing the purchase of a 3,840-square-foot portion of private property within the Gilbert Road alignment south of E. Oakland Street, at a cost of \$20,000.00 and half of the closing costs.

This portion of the Gilbert Road alignment was never dedicated to the public although it is paved and maintained by the City for these road purposes. The owner of this strip, Salvatore Gatto Partners, L.P., has agreed to sell to the City of Chandler for compensation of \$5.20 per square foot, which is estimated to be below market value. The acquisition of this parcel is necessary in order for the City of Chandler to de-annex and sever certain property contiguous to the Town of

Gilbert and will enable the Town of Gilbert to continue processing and complete an annexation in this area.

17. PRE-ANNEXATION AGREEMENT: CTW-Riggs Gateway, LLC Res. #4160

ADOPTED Resolution No. 4160 authorizing a Procedural Pre-Annexation Agreement between the City of Chandler and CTW-Riggs Gateway, LLC, for 30.40 acres at the northeast quadrant of Riggs Road and Arizona Avenue.

The owner of the property wishes to enter into an agreement with the City of Chandler in order to facilitate annexation of the property for future development within the City's municipal boundaries. The owner does not want the annexation to become effective if the zoning requested by the developer does not occur.

This resolution authorizes a Procedural Pre-Annexation Agreement whereby the parties agree that if the desired zoning is not approved, the landowner may request a reconsideration of the annexation ordinance at a Council meeting to be held within thirty days after the adoption of the annexation ordinance, at which meeting the City would repeal the annexation ordinance.

18. AMENDED POLICY: Landscape Conversion Res. #4161

ADOPTED Resolution No. 4161 authorizing an amended policy for the landscape conversion rebate program for residential properties and authorizing policies for homeowner associations, SMART irrigation controller rebate program for homeowner associations, and residential high-efficiency clothes washer rebate program.

The Arizona State Groundwater Management Act requires water providers within the Phoenix area to implement water conservation programs that reduce per capita water usage. Chandler began offering rebates in 1990 as part of the requirement of the City's Non-Per Capita Conservation Program (NPCCP) Stipulation and Consent Order with the Arizona Department of Water Resources. The rebate program offers a financial incentive for residents to implement water conservation measures that reduce per capita water usage and in turn, reduce the water demands placed on the City. Chandler offers rebates to residents who install automatic irrigation timers, new low-water use landscaping, and converting turf to low-water use landscape.

As Chandler's population approaches build-out and the housing market declines, the rebate program has lost momentum. These changes will revitalize the residential landscape conversion rebate and incorporate new water conservation technologies that have developed since the rebate program began. The new programs are not required to comply with Chandler's existing NPCCP order. Chandler will be required to enter into a new NPCCP Stipulation and Consent Order in 2010. The new rebates will be offered on a trial basis from April 1, 2008, through June 30, 2010. The trial period will allow time to evaluate the effectiveness of the programs for potential inclusion in the new NPCCP Stipulation and Consent Order in 2010. The changes to the rebate program include:

Landscape Conversion Rebates: Rebates for converting turf areas to low-water use landscape will be modified to compensate for the rising cost of turf removal and landscape materials, and to increase program participation levels. Residential landscape conversion rebates will increase from a flat fee of \$200 to a tiered structure starting at \$200 per 1,000 square feet converted, up to a maximum of \$600. In addition, rebates will be offered to Homeowner Associations (HOA's) who

replace turf in common areas with low-water use landscape. Two hundred dollars per 1,000 square feet of converted area will be offered up to a maximum of \$3,000.00.

Weather-Based "Smart" Irrigation Controller Rebate: A \$200 rebate will be offered to HOA's for using a weather-based, or "Smart", irrigation controller. The Smart controller is an effective tool in reducing outdoor water use. A Smart controller uses plant water requirements, weather data and site information such as soil moisture, rain, wind, slope, soil and plant type to automatically adjust watering times and frequency. This technology increases watering efficiency up to 30 percent. Once installed, the Smart controller makes irrigation schedule adjustments throughout the irrigation season with minimal human intervention.

High-Efficiency Clothes Washer Rebate: A \$100 rebate will be offered for the purchase of high-efficiency clothes washers that have an energy star high efficiency rating and a water factor of 6 or less. The water factor is determined by the number of gallons of water needed to clean one cubic foot of laundry. A listing of approved models will be available at the Consortium of Energy Efficiency web site (www.cee1.org), Chandler's Water Conservation Office and web site. Conventional residential clothes washers use approximately 39 gallons of water per load (gpl) while high-efficiency washers, or front-loading washers, use as little as 12 gpl. These washers save an average of 7,000 gallons of water per household annually.

Chandler residents will be notified of the new rebate programs through a mass mailing beginning March 2008. The number of rebates awarded each year will be based on the availability of funds. The landscape conversion and purchase of the high-efficiency washer and Smart controller must be completed after April 1, 2008, to be eligible for the amended and new rebates. Staff will review the effectiveness of this program and update Council in May 2009.

Fiscal Year 07/08 budget of \$200,200.00 will not be fully expended; therefore, no additional funds are required. A funding increase for FY 08/09 will not be requested and no additional staffing will be required at this time.

19. INITIAL CITY ZONING: NEC Arizona / Queen Creek

CONTINUED TO MARCH 13, 2008, Zoning DVR07-0060 Northeast Corner of Arizona Avenue & Queen Creek Road, the establishment of initial City zoning of AG-1 and Regional Commercial (C-3) on approximately 36 acres at the NEC of Arizona Avenue and Queen Creek Road to allow the annexation to be processed ahead of the initial City zoning.

20. INITIAL CITY ZONING: SWC Willis / Hamilton

CONTINUED TO MARCH 13, 2008, Zoning DVR07-0061 Southwest Corner of Willis & Hamilton roads, the establishment of initial City zoning of AG-1 on approximately 2 acres at the SWC of Willis Road and the future Hamilton Road alignment to allow the annexation to be processed ahead of the initial City zoning.

21. PRELIMINARY DEVELOPMENT PLAN: Pollack Chabad Center

APPROVED Preliminary Development Plan PDP07-0032 Pollack Chabad Center, for site layout and building architecture for a Synagogue facility on approximately 2.3 acres at 875 N. McClintock in the McRay Plaza. (Applicant: Nate Rogers, REA Architects.)

The site received conceptual PAD zoning for commercial uses in 1987 as Phase II of the entire corner shopping center. The development of Phase II never occurred. The property is bordered on the north by the rear of the shopping center and a recently constructed day-care facility (Tutor Time), and to the south and east by the existing residential neighborhood, Golden Keys East. West of Ray Road is the residential neighborhood Park Promenade.

The subject site received PDP approval for a Synagogue facility in February 2006. The approval included a building with a very stylized modernistic architectural theme consisting of varying geometric angular building forms constructed primarily of integral color split-face concrete block. Following Council's approval, the owner, through space planning, determined the approved design was not practical or efficient for the intended use. The PDP amendment request seeks to revise the building design to a Mediterranean architectural style that more closely relates to the adjacent residential homes as well as provides a more efficient use of the interior space. For all intents and purposes, the site plan remains the same.

The proposal includes a single-story Jewish Synagogue building that will be used as a place of worship and a religious institution. The applicant anticipates the center utilizing a small portion for day care, with adult education classes occurring in the evening. The building is located within a landscaped setting along McClintock Drive at the site's northwest corner. This provides the maximum separation between the proposed building and the existing residential homes. The proposed development provides the required dissimilar land-use buffer consisting of 24-inch box screen trees planted every 20-feet-on-center.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on January 8, 2008. There was one neighbor in attendance that did not express opposition. 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. Compliance with original stipulations adopted by the City Council as Ordinance No. 1909, in case Z87-156 Ray & McClintock.
2. Development shall be in substantial conformance with the Development Booklet entitled "Pollack Chabad Center for Jewish Life" kept on file in the City of Chandler Current Planning Division, in file number PDP07-0032 Pollack Chabad Center, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. The landscaping along McClintock Drive shall comply with the Commercial Design Standards.
7. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
8. The applicant shall work with Staff to architecturally integrate the monument sign with the building, as well as provide space for community event information.

9. Building mounted signage shall be indirectly illuminated.

22. Moved to Action

23. Moved to Action

24. AGREEMENT EXTENSION: Metering Services, Inc.

APPROVED a one-year Agreement extension with Metering Services, Inc., for water meter calibration, maintenance and repair service in an amount not to exceed \$80,000.00.

25. AGREEMENT: SDB, Inc.

CONTINUED TO MARCH 13, 2008, Agreement #PR0808-401 with SDB, Inc., for the design and construction of a 400 square foot storage building at the Tumbleweed Park Tennis Center in an amount not to exceed \$113,668.00 to allow Staff to continue to research the various options available and develop cost estimates for each as requested by Council at the January 31, 2008, Council meeting.

26. AGREEMENT: SDB, Inc.

APPROVED Agreement #PD0801-401 with SDB, Inc., for a Fire Suppression System at the Police Property and Evidence Facility, pursuant to Job Order Contract 07-04, in an amount not to exceed \$298,250.00.

Allianz Insurance Company, the City's property insurance carrier, has conducted an audit in which they identified a potential liability at the Richard T. Felix Police Evidence Building, 576 W. Pecos Road in that there is currently not a fire suppression system in place. The building was enlarged and renovated in 2002-2003. At that time, a particular beam detector system was installed as a substitute for a wet sprinkler system.

The Chandler Police Department's Special Assignments Unit (S.A.U.) utilizes storage bays at the facility. All but one of the bays are fully enclosed and climate-controlled. The remaining bay, located at the northwest corner of the building, is covered but enclosed by chain link fencing only. As a result, vehicles and equipment stored in this bay are susceptible to damage from inclement weather. This project agreement will fully enclose the remaining bay with metal siding installed on the existing steel framing.

27. AGREEMENT AMENDMENT: The Frank Gates Service Company

APPROVED an Agreement Amendment to include medical bill fee adjudication services with The Frank Gates Service Company for Workers' Compensation Third Party Claims. In the past, the City used CorVel Corporation for bill reviews. After evaluating several organizations, it was determined maximum savings would be realized by using Frank Gates Service Company for bill review adjudication services at a rate of \$8.00 per bill. This is a flat rate regardless of the number of lines contained in the billing or the overall saving achieved by the State of Arizona fee schedules, and usual, customary and reasonable (UCR). Preferred provider discounts above and beyond State of Arizona fee schedules are billed at the rate of thirty-three percent of saving.

28. AGREEMENT: HD Supply Waterworks LTD

APPROVED an Agreement with HD Supply Waterworks LTD for the purchase of large water meters and related equipment in an amount not to exceed \$1,000,000.00.

29. No Item.

30. AGREEMENT: SDB, Inc.

APPROVED Agreement #ST0722-401 with SDB, Inc., for construction of the McQueen Yard Backup Generator, pursuant to Job Order Contract 07-04, in an amount not to exceed \$447,367.00, to support emergency operations to various City facilities.

31. AGREEMENT: Seal Coat

APPROVED an Agreement with Cholla Pavement Maintenance, Inc., and Cactus Asphalt for Acrylic Seal Coat/Recycled Tire Rubber Modified Surface (TRMSS) on bituminous paved surfaces for one year with the option to renew for four (4) additional one-year periods in a total amount not to exceed \$280,000.00.

Acrylic Seal has been used for many years in the City and TRMSS is being used this year to garner the benefits of the tire rubber added to the sealant. Neighboring cities are using TRMSS with success. By utilizing discarded tires in the asphalt sealant, the street retains its appearance and longevity. By recycling this rubber material, street maintenance uses a "green" technology. The products will both be used for comparison and evaluation. These products seal smaller cracks and put a thin layer of asphalt with polymers on the pavement to protect the pavement from deterioration and help to lengthen the life of the pavement.

32. CONTRACT: Arrow Masonry Company, Inc.

APPROVED Contract #ST0719-401 to the Arrow Masonry Company, Inc., for removal, disposal and replacement of block walls at various locations in an amount not to exceed \$614,952.00.

33. CONTRACT: Valley Rain Construction Company

APPROVED Contract #ST0601-403 to Valley Rain Construction Company for Queen Creek Basin Phase I in an amount not to exceed \$347,144.00.

In 2003, the City of Chandler and the Flood Control District of Maricopa County (FCDMC) each purchased one-half of approximately 70 acres of land at the southeast corner of Queen Creek and McQueen roads. The property was purchased as a retention basin that is one part of the recommended regional drainage plan identified in the Higley Area Drainage Master Plan. The parcel purchased is known as the Queen Creek Road Basin and was intended to retain 204 acre-feet of storm water runoff from the 100-year storm.

In May 2007, Council approved a land swap of 44.48 acres with the Chandler Airport Property Investors (CAPI) Limited Partnership to shape the parcels to their current configuration. The agreement also included provisions for the City to provide no more than 55,000 cubic yards (CY) of excavated material from the retention basin to the CAPI parcel.

This Phase I contract shall provide Chandler Airport Property Managers, (CAPI) with 55,000 CY of fill material as necessary to raise the Flood Impaired Area one foot above the FEMA 100-year

floodplain or to an elevation field staked by CAPI, whichever is lower, and rough grade per Ordinance No. 3913 approved May 10, 2007, by City Council. CAPI will be responsible for compaction and final grading of fill material and for clearing and grubbing of CAPI property prior to placement.

34. CONTRACT: Valley Rain Construction Company

APPROVED Contract #PR0605-401 to Valley Rain Construction Company for the Paseo Vista Recreation Area Phase I in an amount not to exceed \$73,407.00.

In 2006, the City of Chandler officially closed the landfill at the northwest corner of Ocotillo and McQueen roads in accordance with the Landfill Closure Plan submitted and accepted by the Arizona Department of Environmental Quality (ADEQ). This site consists of 64-acres currently being designed as a multi-purpose recreation facility. The construction documents are currently 90 percent complete for the Paseo Vista Recreational Area and consist of an environmentally themed play area, archery range, dog park, disc golf area, parking and access roads, restrooms and amenities associated with these features. It is anticipated this project will require 285,000 cubic yards of dirt to protect the landfill cap and support the landscape improvements.

Staff has worked together to identify and coordinate other City projects to provide cost savings by utilization of excess material from projects and to minimize costs of handling material. In addition to the earthwork being excavated from the Queen Creek Basin, it was determined during design and preconstruction activities that approximately 100,000 cubic yards of excess material being generated from the Queen Creek Road project is suitable for the Paseo Vista Recreation Area project. Possible savings of up to \$500,000.00 in costs associated with loading and hauling the dirt from the basin site to the project site can be generated by taking the dirt directly to this location.

35. PURCHASE: Dunn-Edwards Corporation

APPROVED the Purchase of paint and paint supplies from the Dunn-Edwards Corporation, utilizing the Maricopa County contract, in an amount not to exceed \$75,000.00.

36. PURCHASE: Home Depot / Ace Hardware

APPROVED the Purchase of lumber and building materials from Home Depot and Ace Hardware, utilizing the Apache Junction Unified School District contract, in an amount not to exceed \$320,000.00.

City departments establish Contract Purchase Orders with Home Depot and Ace Hardware to purchase miscellaneous lumber and building materials for unforeseen items needed for the day-to-day operation of the City. Some of these items are not purchased on a continuous basis and it is not feasible to stock them in the City's warehouse. Expenditures with Home Depot and Ace Hardware have exceeded the bidding requirements established by the City and require Council approval. This amount is based on a 12-month period.

37. AGREEMENT: Romo Studios

APPROVED an Agreement with Romo Studios for the purchase of two original multi-figure bronze artworks in the amount of \$144,460.00 representing the service of Chandler Police and

Fire Department Public Safety Personnel to be permanently placed on display in the Public Safety memorial courtyard.

In 2007, the Chandler Arts Commission released a Call to Artists, compiled an art jury comprised of Staff members of both the Chandler Police and Fire Departments and viewed the applicants for a Public Safety memorial project to be sited in the courtyard area of the new Fire Administration building. The artworks were described as needing to serve as representations of the dedication and service provided to the community by Public Safety professionals and honor the memory of any personnel who is lost while serving our community. The public jury selected three finalists who made finalist proposals to the Arts Commission and members of the Chandler Police and Fire Departments to determine a final selection. The artist proposal by Jesus and Adam Romo of Romo Studios in Sacramento, California, was selected as the finalist.

The proposed artwork will consist of two concrete walls designed to support two multi-figure bronze castings representing both the Chandler Police and Fire Departments. The artworks will be realistic in style and represent the uniforms, weaponry and insignia of both departments. There will be an additional cost of \$23,000.00 for the back wall and pedestals that will be included in the construction of the courtyard site. The Municipal Arts Fund will fund this additional cost.

The Chandler Arts Commission recommends approval.

38. PURCHASE: Grainger

APPROVED the Purchase of industrial supplies and equipment from Grainger, utilizing the State of Arizona contract, in an amount not to exceed \$120,000.00.

39. PURCHASE: Henry Schein, Inc.

APPROVED the Purchase of emergency medical supplies from Henry Schein, Inc., in an amount not to exceed \$35,000.00.

40. USE PERMIT: Priceless Too

WITHDREW, as requested by the applicant, Use Permit UP07-0105 Priceless Too, Series 6, for an extension of premises to allow for an outdoor patio located at 3029 N. Alma School Road, Suite 102, at the NEC of Alma School and Elliot roads. The applicant, Sherrie Nielson, has decided to pursue an alternative solution for the subject property.

41. USE PERMIT: Bear Creek Golf Complex

APPROVED Use Permit UP07-0113 Bear Creek Golf Complex, Series 12, for the sale of liquor within a new restaurant located in the clubhouse of the Bear Creek Municipal Golf Course at 500 E. Riggs Road. (Applicant: Gerald Mullarkey.)

The Bear Creek Municipal Golf Course has been operating with a Series 7 Beer and Wine only liquor license since 2001. The current request is to allow for a Series 12 Restaurant license in conjunction with the recently built clubhouse and "Bear's Den" restaurant.

The golf course is bounded by Riggs Road to the south, Chandler Heights Road to the north, the Southern Pacific Railroad to the west, and the Rockwood Estates and Paseo Crossing single-

family neighborhoods to the east. North, across Chandler Heights Road, is the Pinelake Village and Pinelake Estates single-family neighborhood and newly constructed Chandler United Methodist Church. West, across the Southern Pacific Railroad tracks, is land proposed for single-family and commercial development. South, across Riggs Road, is the recently approved Galileo Piazza custom single-family residential neighborhood and an automotive repair shop located in the County.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held February 4, 2008. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is granted for a Series 12 liquor license only, and any change of license shall require reapplication and new Use Permit approval.
3. The Use Permit is non-transferable.

42. LIQUOR LICENSE: Bear Creek Golf Course

APPROVED a Series 12 Restaurant Liquor License (Chandler #39184 L12) for Daniel Miles Strand, Agent, Las Corrientes Chandler LLC, dba Bear Creek Golf Course at 500 E. Riggs Road. A recommendation for approval of State Liquor License #12077403 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.

43. LIQUOR LICENSE: Bistro @ Kokopelli Winery

APPROVED a Series 7 Beer and Wine Bar Liquor License (Chandler #118016 L07) for H. J. Lewkowitz, Agent, KWB Chandler LLC, dba Bistro @ Kokopelli Winery, 35 W. Boston Street, Suite 1. A recommendation for approval of State Liquor License #07070623 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 represents a change in ownership. 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 Bistro @ Kokopelli Winery.

44. LIQUOR LICENSE: Kokopelli Winery

APPROVED a Series 13 Domestic Farm Winery Liquor License (Chandler #118016 L13) for H. J. Lewkowitz, Agent, KWB Chandler LLC, dba Kokopelli Winery, 35 W. Boston Street, Suite #2. A recommendation for approval of State Liquor License #13073008 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 represents a change in

ownership. Planning and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as Kokopelli Winery.

45. SPECIAL EVENT LIQUOR LICENSE: Chandler Sunbird Lions Club

APPROVED a Special Event Liquor License for the Chandler Sunbird Lions Club for a Wine Tasting Charity Event for the Lions Camp Tatiyee on March 15, 2008, at 6250 S. Sunbird Boulevard, Sunbird Golf Resort. 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.

46. PRELIMINARY PLAT: Chandler Woods Condominiums

APPROVED Preliminary Plat PPT07-0055 Chandler Woods Condominiums, for an 18-unit residential condominium development on 1.4 acres located south of the SWC of Chandler Boulevard and McQueen Road. (Applicant: Chandler Woods Metro LLC.) The plat creates the lots, tracts, and easements necessary for the property's development.

47. FINAL PLAT: Parcland Crossing

APPROVED Final Plat FPT07-0042 Parcland Crossing, for a 7-lot subdivision for a mixed-use development including commercial and multi-family residential on 39.18 acres at the NEC of Alma School and Willis roads. (Applicant: CMX, Inc.) The plat creates the lots, establishes the necessary easements and dedicates the required rights-of-way.

THE MEETING RECESSED AT 8:00 P.M. AND RECONVENED AT 8:10 P.M.

ACTION:

22. ALIGNMENT: Alma School / Ray

Alignment for improvements to the Alma School and Ray Road intersection.

PUBLIC WORKS DIRECTOR RJ ZEDER provided background information on this item. Alma School/Ray Road is an intersection where peak period traffic demands approach or exceed the volume that can be handled safely and efficiently in the existing configuration. This results in motorists having to wait for two or more traffic signal changes to pass through the intersection at peak travel times. The intent of the project is to increase capacity of the intersection, resulting in improved traffic safety, reduced traffic delays and increased air quality. A traffic study was prepared to determine the necessary improvements needed to achieve these goals considering a 20-year design life. Construction of these improvements requires the purchase of additional right-of-way, drainage easements, utility easements and temporary construction easements.

Alignment approval is needed to establish the right-of-way and easement needs for an estimated 9 residential, 1 church and 23 commercial/retail parcels. This includes full acquisitions of two residential properties and one commercial/retail property at the southeast and northeast corners of the intersection. Two additional commercial/retail property full acquisitions may be necessary pending appraisal results.

Mr. Zeder showed a photograph of the NEC of the intersection where there are three properties going north from the intersection that are most impacted by the alignment. There is an existing retail building at the south end, north is the Trails center owned by Mr. Bullock and farther north is an existing car wash.

Mr. Zeder continued that he met with Mr. Bullock and his sons at the Trails center and they discussed the proposal, if approved by Council, would require the acquisition of 40' of right-of-way along the east edge of Mr. Bullock's property. Mr. Bullock asked if the City would consider removing the bus bay which would then only require the acquisition of 29' feet of right-of-way instead of the proposed 40. There are currently six parking spaces in front of Mr. Bullock's property and if 40' were taken, four of those spaces would be removed. If the bus bay were removed from the proposal, two of the parking spaces would be removed.

Mr. Bullock asked at that time if the City would consider entering into a land swap, assuming that the property to the south would become a full acquisition, and trade property allowing for reconstruction of the lost parking spaces. Mr. Zeder explained that the City is still in the appraisal process and the results have not been received and we have not entered into direct negotiations with any of the property owners. He noted it would be premature to even determine if there would be any land available to swap the removed parking spaces for new.

In his letter to Mr. Bullock, Mr. Zeder said he explained that Staff would be recommending the originally proposed alignment with the bus bay and it would likely require the full acquisition of Mr. Bullock's property. The offer to help Mr. Bullock relocate to avoid tax implications is done through the City's real estate department with all property owners. When property is acquired through or under the threat of condemnation, there are certain timelines that are extended by the IRS and the City works diligently with property owners to find another property. It is not limited to Chandler city limits. If the proceeds of the sale are reinvested, it is possible to avoid or limit some capital gains taxes.

COUNCILMEMBER WENINGER clarified that this action is not for acquisition. Mr. Zeder confirmed that this action is only for the alignment and not acquisition. The alignment approval will allow Staff to proceed with design and the appraisal and negotiation process. Any acquisition or condemnation would require additional approval from Council at a later date. The land swap, as suggested by Mr. Bullock, has not been ruled out.

Mr. Zeder added that Staff has also met with the owner of the car wash to the north of Mr. Bullock's property. One of the challenges the City has is that several of the property owners want the City to make full acquisition.

A public meeting was held on September 25, 2007, for City Staff to present the proposed project and solicit public input for the project. Staff presented project information, responded to questions and comments, and received additional input from business owners and residents. Attendees asked questions about potential business impacts during construction. Some residents and business owners expressed support for the project, but many expressed concerns over traffic and access restrictions during construction. Staff answered questions regarding property acquisition and invited concerned residents and business owners to attend future stakeholder meetings to help Staff find solutions to project concerns.

Staff also met with two of the commercial property owners at the northeast corner of the intersection to discuss their concerns. Although one of the property owners still has concerns

regarding a full acquisition of his property, Staff still recommends the proposed alignment as previously submitted to Council.

Construction is scheduled to start in 2009.

MOTION BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER CACCAMO, TO APPROVE THE ALIGNMENT FOR IMPROVEMENTS TO THE ALMA SCHOOL ROAD AND RAY ROAD INTERSECTION.

MAYOR DUNN asked if the widening of the intersection is necessary for the improvement of transportation and safety of the citizens. Mr. Zeder responded that it is. The Mayor asked if the bus bay is designed in accordance with Proposition 400 and the Regional Transportation Plan. Mr. Zeder confirmed that it is.

MIKE BULLOCK, 3102 W. Maryland Ave., Phoenix, stated that he has a registered letter from an appraisal company that wants to set up an appointment with him to appraise his property for acquisition while Mr. Zeder said that they are not going forward with any acquisitions at this time. He reiterated that his property is not for sale. He gave the City enough property for Alma School without any compensation. There has not been enough research on the widening of this intersection and he feels there is a hidden agenda. He questioned why they want occupied properties when there are enough vacant ones in the area.

MOTION CARRIED UNANIMOUSLY (7-0).

23. ALIGNMENT: Ray / McClintock

Alignment for improvements to the Ray Road and McClintock Drive intersection.

PUBLIC WORKS DIRECTOR RJ ZEDER provided background information on this item. Ray Road and McClintock Drive is an intersection where peak period traffic demands approach or exceed the volume that can be handled safely and efficiently in the existing configuration. This results in motorists having to wait for two or more traffic signal changes to pass through the intersection at peak travel times. The intent of the project is to increase capacity of the intersection resulting in improved traffic safety, reduced traffic delays and increased air quality. A traffic study was prepared to determine the necessary improvements needed to achieve these goals considering a 20-year design life. As a result, the traffic study concludes that the construction of three through lanes, dual left turn lanes, right turn lanes, bus pullouts and bike lanes in each direction are required. Construction of these improvements requires the purchase of additional right-of-way, drainage easements, utility easements and temporary construction easements.

Alignment approval is requested to establish the right-of-way and easement needs for an estimated four HOA and twelve commercial/retail parcels. This includes full acquisition of one residential property at the southeast corner of the intersection.

Public meetings were held on December 12, 2006, and September 18, 2007, by City Staff to present the proposed project and solicit public input for the project. Staff presented project information, responded to questions and comments and received additional input from business owners and residents. Attendees asked questions about potential neighborhood impacts during construction. Some residents and business owners expressed support for the project and others expressed concerns over traffic and access restrictions during construction. Staff answered

questions regarding property acquisition and invited concerned residents and business owners to attend future stakeholder meetings to help Staff find solutions to project concerns.

GREGG GOODSSELL, 3940 W. Jasper Drive, Chandler, said the design appears to be sufficient for relieving traffic congestion if it is being built in the middle of undeveloped land and building a community around it. But that's not what is being proposed. He stated there would be severe driving disruptions in the area for over a year for businesses. The larger intersection will be more dangerous for pedestrians and bicyclists because they will now have to cross 12 lanes of traffic. The proposal also requires the total destruction of a 2,600 square foot home and shifts the road closer to the back yards of other homes along Ray Road. He said that the act of eminent domain must be made with extreme caution and due diligence which he feels has not occurred in this instance. Traffic congestion will shift traffic to the local neighborhoods, which will pose a safety hazard for children in the neighborhood. Ten million will be spent to relieve minutes of congestion, which is wrong. He complained the notices sent out buy the City did not provide enough information. He requested that Council deny the request.

RICK HEUMANN, 4310 W. Dublin Street, Chandler, President of the Park Promenade Homeowner's Association at the SWC of Ray and McClintock, said that the proposed alignment would entail taking one of their homeowner's property and realignment of their corner. They have met with Staff over the past year and discussed different alternatives. They are asking that Staff work with their HOA before the next phase of the alignment goes back to Council on a agreement that includes, but is not limited to, the following items: landscape replacement, monuments and wall replacements, compensation for added expense incurred by the HOA and timing of taking and removal of the property.

GREG PATTEN, 4070 W. Harrison St., Chandler, said that he attended the first public meeting on this project in September 2006. At that time, he signed up to become a member of the community advisory council, which was never formed. He has been trying to get information on this intersection for a long time. It is his understanding that this is a high-accident intersection and the additional traffic will reduce that rate by 40-50%. He doesn't feel the number is accurate. He questions the model for this widening which is Alma School and Elliot. That configuration is substantially smaller than that at Ray and McClintock. He reminded everyone that McClintock goes from the 202 to just a half mile north of Ray Road where it will bottleneck. He felt it is overkill at this time for this amount of investment to fix a traffic problem that only occurs in the morning and evening rush hour.

DEPUTY PUBLIC WORKS DIRECTOR DAN COOK said that this intersection is one of a series of intersection improvement projects that have been in the Capital Improvement Program for several years. The last Transportation Plan update completed approximately 5 years ago, identified a number of intersections in north Chandler in need of improvements for increased capacity. This intersection was identified in the update and is currently scheduled for construction in 2011. Staff is moving forward earlier because of the SRP power line relocations and wanted to make sure there was no conflict with SRP.

Mr. Cook continued that there are safety concerns with the intersection. Traffic Engineering has monitored traffic accidents and injuries at the Alma School / Elliot and Dobson / Elliot intersections since they have been completed. There was a reduction in accidents of approximately 45% and injuries of 55%, which is a very significant benefit to the citizens. There is also a decrease in delay times. A 20-year life is looked at for all projects. Staff considered seven different options with the first four being relatively limited improvements. Options five, six

and seven were minimal improvements, which would cause a failure of the intersection in 20 years. By reducing congestion, drive frustration is reduced which decreases accidents.

MAYOR DUNN asked if there have been any other intersection improvements where a home has been taken? Mr. Cook responded that this is the first time a home has been taken to widen an intersection; however, one was taken on Arizona / Ray for drainage purposes. The home proposed to be taken for this alignment is being taken for drainage purposes and not for physically putting the lanes in. The roadway is being shifted to the east 8' reducing the width of the lanes and the impact to the west is minimal as traffic is only being moved over 4'. There are no other properties in the Park Promenade development that will be impacted.

MAYOR DUNN asked how the traffic at this intersection compares to that at Kyrene and Ray. Mr. Cook said that this intersection has a higher traffic volume particularly at the southbound left turn lane. He added that Dobson and McClintock are only a mile off of the Price Freeway and as the freeway becomes more congested, a lot of traffic will revert to those streets. MAYOR DUNN asked if Staff had considered only doing half of the intersection to provide extra left-turn lanes now and do the rest later. Mr. Cook said it is desirable to do it all at one time to avoid traffic disruptions more than once.

COUNCILMEMBER ORLANDO asked about the residents' conditions. Mr. Cook responded that the conditions mentioned earlier by Mr. Heumann are normally provided. Construction traffic is always difficult. With each intersection improvement, we learn how to more effectively maneuver the traffic to provide a minimal impact on effected businesses. Regarding the citizens committee, Mr. Cook said they plan to institute the stakeholder committee process to work through the design. There have been two public meetings and a couple with the Park Promenade HOA. Real Estate Staff has met with the property owner whose house will be taken, and they understand the process and are looking forward to further contact.

COUNCILMEMBER WENINGER asked when the property would need to be acquired. Mr. Cook responded that the intersection is scheduled for construction in FY 2010/2011 and the property would not need to be acquired until late 2009.

COUNCILMEMBER HARTKE asked about the number of lanes pedestrians will need to cross at the intersection. Mr. Cook responded that there are nine lanes of traffic and added that the pedestrian count is very low at this intersection. Staff is able to adjust the length of the pedestrian walk cycle based on average walking speed and length of the intersection. Construction is anticipated to take 7-9 months.

COUNCILMEMBER ORLANDO asked when the project would be done if the relocation of the SRP power lines were not a consideration. Mr. Cook responded that the process would be beginning now. Staff typically allows a year for design and a year for construction.

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER HARTKE, TO APPROVE THE ALIGNMENT FOR IMPROVEMENTS TO THE RAY ROAD AND MCCLINTOCK DRIVE INTERSECTION.

MAYOR DUNN added that it is with the understanding that Staff will continue working with the neighbors.

MOTION CARRIED UNANIMOUSLY (7-0).

48. REZONING: Santa Maria Village

Ord. #4030

INTRODUCTION of Ordinance No. 4030 DVR07-0034 Santa Maria Village, rezoning from PAD for conceptual commercial uses to PAD Amended with PDP for the construction of a mixed-use development with commercial and residential uses on approximately 18 acres north and east of the NEC of Chandler Boulevard and McQueen Road. (Applicant: Brennan Ray, Burch & Cracchiolo, P.A.)

PRINCIPAL PLANNER KEVIN MAYO said that the site surrounds an existing Circle K gas station located at the immediate corner. The site received PAD zoning for conceptual commercial uses in 1987 as part of the larger 300+-acre Traditions Master Plan. With the exception of a vacant commercial corner at the northwest corner of Chandler Boulevard and Cooper Road, as well as the subject vacant 18 acres, the Traditions Master Plan is built-out. The subject site is surrounded to the north and east by existing residential neighborhoods as part of the Traditions development. Chandler Boulevard abuts the property's south side, with vacant land approved for a Quick Trip gas station and commercial uses south of Chandler Boulevard. McQueen Road borders the site's west side with City-owned residential housing located west of McQueen Road.

The request includes a medium density residential component on approximately 9.7 acres of the 18-acre subject site, with the remaining 8 acres proposed as a combination of commercial uses. Primary access to the gated residential component is provided along Superstition Boulevard abutting the site's east side, with a secondary gated residential access provided within the commercial component. The commercial component gains access from all three adjacent streets. The applicant proposes to develop the site in two phases. Phase I will include the entire commercial component with all right-of-way improvements along Chandler Boulevard, McQueen Road and the portion of Superstition Boulevard abutting the commercial component. Phase II is shown as the residential component.

The commercial component includes a freestanding carwash (Pad D) and freestanding Firestone Tire Store (Pad C) located along McQueen Road north of the existing gas station. The Chandler Boulevard frontage includes a freestanding conceptual commercial and a Fresh & Easy grocery store with adjacent in-line retail shops space. Pad A is placed within a landscaped setting at the immediate corner of Chandler Boulevard and Superstition Boulevard. The Firestone building is placed within a landscaped setting along McQueen Road. Textured paving treatments accented by Date Palm trees are used at the two new driveway entrances along Chandler Boulevard and entrance along Superstition Boulevard to provide a sense of arrival. The site's 306 provided parking spaces exceed the Code requirement.

The approximate 9.7-acre residential component includes 38 tri-plex buildings for a total of 114 units with an overall density of 11.7 dwelling units per acre. The buildings have been arranged to minimize the impact on the existing homes adjacent to the north.

This request was noticed according to the provisions of the City of Chandler Zoning Code with neighborhood meetings being held on November 15, and December 12, 2007. Neighbors expressed concerns with the type and proximity of landscaping along the north property line, the potential to raise the existing wall and the overall noise impacts the carwash would have on the existing homes. At the second meeting, the developer addressed various changes that were made in response to the concerns raised at the previous meeting. The same neighbors continued to offer opposition to the carwash due to noise concerns.

Staff has received two phone calls from residents opposing the carwash component of this request. Following the Planning Commission hearing, Staff received a copy of a Petition of Opposition for the rezoning request. The petition contained enough signatures of property owners within 150 feet to constitute a legal protest. Staff has also received individual letters of opposition from neighboring property owners.

Mr. Mayo said that an 8' wall is to be placed along the carwash portion just behind the residents' homes, which decreases to 7' at the residential component. The carwash was pulled as far south as it could to approximately 75' from the north face of the building to the back wall of the nearest existing residential home. A 30' landscape strip was placed along the north side with a double row of trees staggered to provide visual and noise screening. The developer has also added additional walls, as directed by the Planning Commission, to buffer the proposed residential component from the existing tire store and the carwash.

The Planning Commission recommended approval with the addition of six additional stipulations. Staff is recommending denial based on the location and orientation of the commercial component along McQueen and find them incompatible with the existing homes as well as the proposed residential component to the east. The carwash is inappropriate behind someone's home. The noise from the equipment, the dryer blowers, vacuum, patron's waiting, etc. is incompatible. The orientation of the Firestone building has five bays facing north and five bays face south directing noise to the neighbors to the north. The size of the lots is too small for the carwash and Firestone.

BRENNAN RAY, 703 Osborn, applicant, stated that the site is challenging because it is odd shaped and is an infill site. They feel the application will revitalize the area. The project has been revised many times in working with Staff and the neighbors. They are appreciative of the Planning Commission's recommendation for approval and are in agreement with stipulations 1-16, but would like to discuss #12.

The owners of the carwash are a Chandler business and they have an existing business on Chandler Boulevard and Arrowhead. He said they are aware of the stigmas sometimes associated with a car wash and have gone to great lengths to mitigate some of those concerns. He explained that the carwash has limited hours of operation. They are open 7-7 Monday through Saturday and 8-6 on Sunday. There are on-site attendants to ensure there are no disruptions. They have increased the wall height, provided additional landscaping, decreased the size of the building and placed the dryers as far from existing residential as possible. The carwash completely shuts down at night with wrought-iron gates. There will be security lighting and good visibility into the site.

With respect to the residential component, he explained that they have included a landscaped tract, a double row of trees, a raised wall and a single-loaded street.

The Firestone Tire store is located approximately 320' from the residential. The hours of operation are limited to 7-9 Monday through Saturday and 7-7 on Sunday. Buffering includes additional trees, location of the parking lot and placement of the store on the lot.

VICE-MAYOR HUGGINS asked if there have been any noise complaints at the carwash on Chandler Boulevard and Arrowhead. Mr. Ray said he was not aware of any and they do have letters of support from neighbors living near the existing carwash. VICE-MAYOR HUGGINS asked if the proposed carwash would have personnel on duty when it is open. Mr. Ray confirmed that there would be and when it is closed, it will be gated and no one will be able to get in.

DALE MASON, 246 N. Hudson Place directly east of the proposed development, said that he has always known it was zoned light commercial, but felt another strip mall was not needed. He stated his support for the project. He said that sheep graze on the lot in the winter and when it rains, the lot is used by 4-wheelers which throws mud in the yards. Mr. Mason read a letter from Keith and Heather Cherry, 1071 E. Flint Street, also in support of the development.

COUNCILMEMBER ORLANDO asked Mr. Mason exactly where his home is. He is on the eastside of McQueen and north of Chandler Boulevard.

HEIDI CASTRO, 1101 E. Flint Street, spoke in opposition to the project. Their house is located so that they will get part of the carwash and part of the townhomes. She supports the townhomes, but has concerns with the noise generated by the carwash and tire store. If the bay doors at the tire store were just one sided and facing Chandler Boulevard, it may mitigate some of the noise. She would like to see one business move to the farthest point away from their back wall.

CAROL JAMISON, 287 N. Hudson Place, said her house was the only one that faces the development and she gets dust and mud from people riding dune buggies and tumbleweeds in the winter and weeds in the summer. She stated her support of the project as it will improve the property value and will help the neighborhood and commended the developer for putting so much time and effort into the project. Ms. Jamison read a letter from Rudy Apodaca, 311 N. Seattle Street directly behind the project, also in support of the project.

JOE LAPRADE, 1081 E. Flint Street, said that he would be impacted by the canopy at the carwash. He spoke in opposition due to noise and increased traffic.

VIKEN GHOUGASSIAN, 1091 E. Flint Street, spoke in opposition to the project. He thanked City Staff for their participation in the neighborhood meetings. He reported that he and some other neighbors went to the carwash at Chandler and Arrowhead and the noise was bad. There were loud diesel trucks, loud music and no supervision. He does not want an 8' wall.

COUNCILMEMBER ORLANDO asked Mr. Ghougassian to show some of the pictures he took at the existing carwash.

JIM FOGERTY, 1460 E. Flint Street, said he did not feel strongly either way because his property does not abut the carwash or tire store. He does have concerns with noise, property value, increased traffic and dust. If the main points of contention are the noise from the carwash and tire center, he questioned why Mr. Ward has not redesigned the siting of the businesses. The carwash could be completely removed or increase the size of the residential development. Mr. Fogerty added that speed humps would be warranted on Superstition. He is also concerned with the developer not finishing the project and what would happen in that instance.

JOHN YANTIS, 1161 E. Flint Street, referenced the e-mail he sent to Council earlier in the week in opposition to this project. He stated the proposal is inconsistent with the General Plan specifically the location and orientation of the commercial uses along McQueen. They are incompatible with the existing residential homes and the proposed residential component of the plan. On the west side of McQueen is public housing. He cited concerns with noise from the carwash and the number of uses proposed for this parcel. Mr. Yantis read a letter from Heromie Scott, 1090 E. Flint, who is also in opposition to the carwash due to noise and property devaluation. The townhomes should be single story backed up to the north wall.

SUE YANTIS, 1161 E. Flint Street, said she is not opposed to the entire project just certain aspects.

TINA JONES, 1070 E. Flint Street, said she opposes certain aspects.

JODI CUNNINGHAM, 1110 E. Flint Street, said she opposes the carwash and tire center.

REX CUNNINGHAM, 1110 E. Flint Street, spoke in opposition. He reported there is a carwash on Chandler Boulevard less than ¼ mile away from this site and that another grocery store is not needed with stores like Albertson's going out of business leaving a vacant building. Mr. Cunningham also expressed concern with traffic patterns. Some neighbors have installed RV gates in the back of their property and he asked how that would be handled.

COUNCILMEMBER WENINGER asked Mr. Cunningham where the RV gates open to. Mr. Cunningham said they open onto the applicant's property.

MARY DOUGLAS, 1453 E. Butler Circle, said that she lives in the Springs, down the street from the proposed development. This is infill property. She feels that the carwash and tire store issue can be worked out. The development should be built.

MR. RAY addressed some of the concerns raised by the neighbors. Mr. Ray displayed photos of the existing carwash and described the property has having a 10'-wide landscape tract with a 6.5' wall. There is an alley between the carwash and residences. He stated that the mitigation at the existing site is minimal compared to what is being proposed for the new site. In describing the proposed site, Mr. Ray explained that the space between the face of the building and the back of the residential wall is approximately 80'. There is a double row of Mondale pines, which are required to be 48" box, 15' high at the time of planting. There is also an 8'-high, sound attenuated wall, which was originally proposed as being smooth-faced, but in working with the landscape consultants, it was changed to fluted-block to further defuse the noise from the carwash.

Mr. Ray continued by addressing the concerns with idling cars, trucks and boom-boxes. If this were to be developed for commercial as zoned, it was anticipated that it would be a grocery-store-anchored retail center. There would be diesel trucks, trucks with refrigeration units, etc. accessing the site at all hours.

JOE SCARZONI, Fast Lane Auto Spa, 1490 W. Chandler Boulevard, said that his office is on the second floor of the carwash and he is there everyday. He has not had any complaints relating to noise. He has spoken with some of the neighbors on Flint Drive and told them they want to accommodate their concerns. There will not be a second level to the proposed carwash on Chandler Boulevard and McQueen.

COUNCILMEMBER HARTKE asked about the height of the gate for vehicle access into the actual wash bay. Mr. Scarzoni responded that he believes they are 10'.

Mr. Ray said that they would be willing to add a stipulation as it pertains to noise from boom boxes to the effect that the applicant shall install signs stating no loud music. There are also on-site attendants that would also address any noise situations.

COUNCILMEMBER CACCAMO asked if we have a decimeter reading on the noise level generated by the carwash on Chandler Boulevard and Arrowhead. He has been by the facility

and the noise does not seem to be that loud. Mr. Ray responded that the noise study conducted at the centerline of the building reported that, with normal ambient noises, there was a reading of approximately 59 decibels. That is equivalent to the conversational levels of two people at two feet. Measuring noise at the same spot on the commercial side of the wall with the equipment running, the level increased to 70 decibels. The noise level at the nearest residential property line, the noise level drops to 54 which is below the ambient noise level at the existing carwash. On the proposed site, there is greater separation, more mitigation with enhanced landscaping and wall height.

COUNCILMEMBER CACCAMO asked if the noise readings are being taken while the drying fans are off or on. Mr. Ray responded that it is his understanding that the study was conducted with all of the equipment on which would include the drying fans. COUNCILMEMBER CACCAMO asked if noise readings have been taken at the Chandler Boulevard and McQueen location. Mr. Ray said they have not. He added that the ambient conditions, not directly at Chandler Boulevard, about 3 feet away from the wall was approximately 59. It is presumed that at the corner of two arterials, Chandler Boulevard and McQueen, it will be significantly higher.

MAYOR DUNN added that the proposed design has the blower fans located on the side of the building facing away from the neighborhood. Mr. Ray concurred. The blowers are located on the south end of the building approximately 160' away from existing residential property.

COUNCILMEMBER CACCAMO said that the neighbors are objecting to an 8' wall. Is there an alternative to screen with a 6' wall and more, bigger trees Mr. Ray responded that the landscape architect has said that the double-row of trees proposed is all the site will support. They felt the 8' wall would provide more noise protection and appreciate the neighbors' concerns. They would be amenable to a 7' wall. The fluted-design of the wall will reflect and defuse the noise. COUNCILMEMBER CACCAMO asked if there were walls that would absorb the noise. Mr. Ray responded that they were not aware of any.

BILL FRANCIS, 1048 N. 44th Street, Phoenix, landscape architect for the proposed project, explained that the fluted wall bounces the noise off rather than a smooth wall, which will let some noise through and into the backyards. There is also a solid-grouted wall, which will be solid concrete and impedes the noise going through the wall.

In addressing the earlier question regarding additional pine trees, Mr. Francis stated that it would be too compacted and some would have to be removed as they mature.

JODI CUNNINGHAM, 1110 E. Flint Street, said that she is also concerned about crime. There was a murder at a carwash on Chandler Boulevard.

MR. RAY said that the carwash referred to by Ms. Cunningham is a Magic Wand. There is no on-site attendant and it is coin-operated. The proposed carwash is self-enclosed and fully automated. Customers will drive up, pay their money and there will be an attendant to help them get through the carwash. MAYOR DUNN reiterated that there would be someone on site when the carwash is open.

COUNCILMEMBER DONOVAN commented that she has heard from the residents that they would be willing to compromise. She asked Mr. Ray what actions they have taken previously to address some of the neighbor's concerns. In comparison, Mr. Ray said that the existing plan, prior to the neighborhood meeting, had a 6' wall, which was raised to 7' and then to 8' as a result of the neighborhood meetings. The face of the block has changed from smooth to fluted. The

landscaping tract on the north side was 10' and has been increased to 30'. The additional 20' came from a decrease in building size. The initial plan specified four rows of parking, but one row was eliminated. There was not a screen wall kiosk, but one was added. There was no signage, but they are agreeable to adding signs stipulating no loud music. The canopies were changed from straight to curved with material placed on the underside to absorb the sound as suggested by Planning and Zoning. The proposed security chains for use after hours, were changed to wrought-iron fencing.

COUNCILMEMBER DONOVAN said that she had heard that one compromise considered was swapping the location of the tire store with the carwash and asked Mr. Ray to expound. Mr. Ray said that from a planning perspective, it is more sensible to have transition of uses from Chandler Boulevard northward. The existing Circle K is an intense use. The Firestone store is more intense with longer hours, transitioning back to the carwash that is open fewer hours. There were also safety concerns with flipping the carwash and tire store. The carwash would have to be placed so that there would be a "no-man's land" in the back blocking views to the back.

COUNCILMEMBER ORLANDO said that the housing element is attractive. He asked if there are any other double-bay tire stores in Chandler. Mr. Mayo said he could not think of any at the moment. COUNCILMEMBER ORLANDO asked if it was possible to revisit the zoning after a year as with a Use Permit. Mr. Mayo replied that once zoning has been built and vested, it is permanently in place. COUNCILMEMBER ORLANDO clarified that once it is built, if the mitigations are not working, the residents are "stuck" with it. Mr. Mayor concurred.

COUNCILMEMBER ORLANDO said that with most mixed-use projects brought before Council, the developer wanted to build the residential first. He asked why not in this case. Mr. Ray responded that residential is based, in part, on the market. This site is an infill and there are existing homes in the area to support the commercial.

COUNCILMEMBER ORLANDO surmised that the commercial could be built, but it could take up to five years for the residential to be built and the residents would still have some minimal dust issues. He asked when the residential would be built.

SCOTT WARD, 565 W. Chandler Boulevard (business), 1551 W. Blueridge Way (residence), developer, responded that they were not working as diligently as they would have liked. Currently, Pulte, Shea and Pagentry homes are all interested in the project.

COUNCILMEMBER ORLANDO asked about the 2-story height of the townhomes closest to the carwash and tire center. Mr. Ward responded that it is called the "big house concept" in the valley consisting of two, two-story townhomes and a single story condo unit. He reviewed the location of the townhomes in proximity to the businesses.

COUNCILMEMBER WENINGER asked PLANNING AND DEVELOPMENT DIRECTOR DOUG BALLARD if the entire parcel is zoned commercial. Mr. Ballard confirmed that it is. He explained the original conceptual zoning was for a grocery store-anchored shopping center. The developer would have had to come forward with a Preliminary Development Plan (PDP) both to the Planning Commission and Council. A grocery store would typically want their store facing the main arterial, so the store would be backing up to residential in this instance.

In response to a question from COUNCILMEMBER WENINGER, Mr. Mayo said that typical rear setback for commercially designed centers is 25' plus one foot for each foot of building height. If

the building were 25 feet tall, the setback would be 50 feet. Mr. Mayo discussed various setbacks on developments in Chandler.

COUNCILMEMBER WENINGER asked about the design of the sound wall and if there is any type of a cap that could be put on wall to further deflect the sound. Mr. Mayo responded that sound travels until it hits something and then is either reflected or passes through it. In a normal dually block wall, it will stop some sounds and be reverberated back and sound will make it through the wall. Sound has to physically hit something else to make it change direction. If it goes up the wall, it would just keep going straight up until it hits something. The proposed wall will mitigate the sound better than what is currently there.

COUNCILMEMBER CACCAMO said that Staff rejected the proposal because it was incompatible based on noise. He asked what would Staff suggest had to be done to make it compatible. Mr. Mayo responded that, traditionally, you start with the hard corner with the most intense use, and it gets wrapped by medium intensity uses and keep transitioning out of those uses to the residential which is the lowest intensity use. A carwash is considered a high turn-over, high-intensity use even though it has limited hours and something such as retail shop space is used to buffer that use from the lower-intensity residential uses.

COUNCILMEMBER CACCAMO asked how Staff would change the current configuration if the project had to be built. Mr. Mayo said that the addition of the wall and some of the other mitigation proposals serve as a "band aid fix" for an incompatibility issue. His "big band aid" would be to create a 10-bay building, put it up to the north and put the carwash further to the south. It would work on this site, but it would be tight as both parcels are very small. Mr. Mayo continued that he does not feel anything else can be done by the applicant to make the carwash compatible.

MAYOR DUNN compared this project to a project in south Tempe where there is a decorative wall blocking the bays and the bays are actually facing out and how design has made it work right behind homes. He stated that the Council should discuss how they feel about the project and what needs to be done. Requests for Proposals have gone out for development of the southeast corner of this same intersection and there has been no interest. He noted this area would never be commercial; it would be mixed-use. There is a local developer who is proposing a mixed-use project with residential, a new concept of possibly affordable housing. There are always challenges with in-fill projects.

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER ORLANDO, TO INTRODUCE AND TENTATIVELY ADOPT, ORDINANCE NO. 4030, DVR07-0034, SANTA MARIA VILLAGE, AS RECOMMENDED BY THE PLANNING COMMISSION, SUBJECT TO THE CONDITIONS VOTED IN BY THE PLANNING COMMISSION WITH THE FOLLOWING ADDITIONAL STIPULATIONS:

- THAT THE CARWASH PROPOSED FOR THE SITE PAD "D" NOT BE PART OF THIS APPROVAL AND THE FUTURE PROPOSED DEVELOPMENT FOR PAD "D" BE REQUIRED TO COME THROUGH THE PDP AMENDMENT PROCESS
- THAT CONDITION #13 BE DELETED
- THAT THE LANDSCAPE BUFFERS SHOWN ALONG THE NORTHWEST PORTIONS OF PAD "D" BE INSTALLED AS PART OF PHASE ONE OF THE DEVELOPMENT
- DELETION OF STIPULATION #12 ELIMINATING THE PART OF THE SENTENCE THAT READS "AND AN 8-FOOT HIGH WALL ALONG THE PROPOSED COMMERCIAL

COMPONENT". STIPULATION #12 WOULD NOT READ "THE EXISTING BLOCK WALL ALONG THE NORTH PROPERTY LINE SHALL BE PLACED WITH A 7-FOOT HIGH BLOCK WALL ADJACENT TO THE PROPOSED RESIDENTIAL COMPONENT."

COUNCILMEMBER CACCAMO asked if the motion would preclude the applicant returning with a better design for a better carwash in that location. COUNCILMEMBER WENINGER responded that it would not.

MAYOR DUNN clarified that the presently proposed landscaping for this area, even without the carwash, would still be part of the motion. COUNCILMEMBER WENINGER stated it could be negotiated between Staff and the developer. We may not need as intensive landscaping because if that is removed, Staff feels they want some type of buffer along the west side and along the north. MAYOR DUNN said he would encourage the landscaping to stay as it is, but there is still a need to buffer the tire store. That is agreeable with COUNCILMEMBER WENINGER.

MR. RAY asked about the modification to Stipulation #12. COUNCILMEMBER WENINGER said it would not need to be modified. Stipulation would be removed if the carwash were not there.

MAYOR DUNN summarized the motion that everything will be approved except the carwash including the landscaping and other uses. There will be a parcel of undeveloped land that will come back to Council for future development.

COUNCILMEMBER CACCAMO said that the carwash, as currently designed, is not included, but it would not preclude a carwash better designed for more compatibility with the neighborhood. He feels there is more that can be done to mitigate sound from the carwash and the tire store.

MAYOR DUNN said that he did not feel Council was relaying the idea that they expect a proposal for a carwash to come back. COUNCILMEMBER ORLANDO commented that he felt Staff has said they do not feel a carwash was appropriate at this location and did not feel the residents should feel they would have to go through this process again if one were proposed.

COUNCILMEMBER HARTKE said that his concern is with the location of the carwash and not the business itself.

MR. RAY asked for further clarification on the stipulations. If the carwash is not to be built, Stipulations #13 could be eliminated. Stipulation #15 would also need to be eliminated because if the carwash were not built, there would be no need to separate the buildings. The existing wall is on the existing resident's property line and would require the applicant to work with them. There are 18 homes affected and the applicant would be required to get temporary easements from each of the homeowners to replace the existing wall. He suggested that Stipulation #12 be changed to reflect that the current wall be replaced with a 7-foot high block wall or to construct such walls on the developer's property.

MAYOR DUNN added that if the landscaping remains where the homes are to the extent that was proposed for the carwash, he can accept not having landscaping by the tire store. He also does not want a double wall as it creates a safety hazard.

MR. RAY said that as stated in Stipulation #12 and from the discussion at the Planning Commission, the applicant has to work with the neighbors. If they are not able to get a temporary construction easement from the residents to replace the wall on their property, they will

have challenges trying to comply with this stipulation. The Planning Commission added the stipulation. He told the Commission that they would have to work with the neighbors because it is on their property.

MR. MAYO said that it is not Staff's intent to have two walls next to each other and probably not of the applicant or of the neighbors. MAYOR DUNN asked if Staff has any language that would alleviate the problem. Mr. Mayo said to change the word "replaced" to "placed" and that the intent is to work with the neighbors to remove the wall and place a new one there. If that cannot be accomplished, it will be placed next to it and that can be done administratively. That language is acceptable to the applicant.

COUNCILMEMBER WENINGER concurred. He encouraged the neighbors in attendance to work with the developer. He is also in agreement with Mr. Ray to eliminate Stipulation #15. COUNCILMEMBER ORLANDO also concurred.

Mr. Ray clarified that Stipulation #12 would be amended to eliminate the 8-foot wall and place a 7-foot wall adjacent to the neighbors. COUNCILMEMBER WENINGER concurred.

MOTION CARRIED UNANIMOUSLY (7-0).

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that the HOA Academy would be holding classes beginning March 6 and running through April 3. The Neighborhood Programs office offers classes to help residents looking to serve on their Homeowners Association boards.

MAYOR DUNN announced the fifth annual Environmental Art Contest is seeking entries from 4th grade students which creatively depict environmental stewardship showing how our community can save water, recycle or prevent pollution in storm drains and basins. Selected drawings will be featured in an environmental art calendar promoting recycling.

THE MAYOR announced that the new recreation center is opened at Tumbleweed Park and invited everyone to attend.

THE MAYOR announced that Chandler's new Environmental Education Center at Veteran's Oasis Park is taking registration for a series of new classes. The center will be open to the public on March 1st.

B. Councilmembers' Announcements:

None.

C. City Manager's Announcement:

None.

Adjournment: The meeting was adjourned at approximately 11:06 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: March 13, 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 28th day of February 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of March 2008.

City Clerk