

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers, 88 E. Chicago Street, on Thursday, January 23, 2014 at 7:02 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

Jay Tibshraeny	Mayor
Rick Heumann	Vice-Mayor
Trinity Donovan	Councilmember
Nora Ellen	Councilmember
Kevin Hartke	Councilmember
Jack Sellers	Councilmember
Jeff Weninger	Councilmember

Also in attendance:

Rich Dlugas	City Manager
Pat McDermott	Assistant City Manager
Marsha Reed	Assistant City Manager
Kay Bigelow	Acting City Attorney
Marla Paddock	City Clerk

INVOCATION: Pastor Tyronne Stowe – Gospel “4” Life Church

PLEDGE OF ALLEGIANCE: Vice Mayor Heumann led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognition Awards:

Mr. Kevin Collins, Maintenance Worker for Transportation & Development was recognized for his 10 years of service with the City.

Mr. Johnny Flippo, Signs and Marking Field Supervisor, was recognized for his 35 years of service with the City.

2. Special Recognition:

Asst. City Manager Pat McDermott was recognized for his more than 25 years of service to the City of Chandler. Mayor Tibshraeny noted the upcoming retirement of Mr. McDermott and proclaimed February 7, 2014 as Pat McDermott Day in Chandler. Each Councilmember expressed their appreciation and congratulations.

CONSENT:

MR. BILL KNOTTS, HOA President of McQueen Lakes, addressed Item 6 (Ocotillo Landing) expressed concerns regarding cut through traffic. He explained the residents of Kirby Estates often use Canyon Way to cut through. He asked for the postponement of Item 6 to provide time to research the feasibility for the extension of Brooks Farm Road. He stated there is no speed calming in that area.

VICE MAYOR HEUMANN asked if traffic counts were completed for this project. ERIK SWANSON, Planner, explained a traffic study was commissioned which found the neighbors to the west were cutting through typically in the 8 a. m. and 5 p.m. hours. He said after meeting with the City Engineer and staff, it was decided that there are other options to help alleviate the traffic such as speed humps and posting signs.

COUNCILMEMBER WENINGER ASKED ABOUT ITEM 19. COMMUNITY SERVICES DIRECTOR MARK EYNATTEN said this item was reviewed by the Council once before, however there was no construction money available at that time. Since then, they have done extra research and gathered together \$391,000 for construction costs. LIBRARY MANAGER BRENDA BROWN said the area in question is about 5200 s.f. and is comprised of the old Council Chambers and video studio, and staff offices. She stated the vision is to accommodate 4-5 meeting rooms of various sizes that can flexibly be used for programming.

MOVED BY COUNCILMEMBER HARTKE, SECONDED BY COUNCILMEMBER ELLEN, TO APPROVE THE CONSENT AGENDA AS PRESENTED.

VICE MAYOR HEUMANN declared his nay vote on Item 40 (Preliminary Plat – Staybridge Suites Hotel). In regards to Item No. 6, he asked that Staff to continue to work with the neighborhood on calming measures.

MOTION CARRIED UNANIMOUSLY (7-0) WITH THE EXCEPTION NOTED ON ITEM 40.

1. MINUTES:

APPROVED the following Chandler City Council Minutes:

- 1a. Special Meeting of January 9, 2014.
- 1b. Regular Meeting of January 9, 2014.

2. CITY CODE AMENDMENT: Chapter 15 Ord. #4473

ADOPTED Ordinance No. 4473 amending Chandler City Code, Chapter 15, Section 1, to exclude certain transactions of wireless service providers from the definition of Secondhand Dealers.

3. CITY CODE AMENDMENT: Chapter 17 Ord. #4483

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4483 amending Chandler City Code, Chapter 17, Sections 17-1 through 17-9, 17-12 through 17-14, and 17-16 relating to Massage Establishments.

## BACKGROUND

A massage establishment is any place of business where any massage technique is administered, practiced or used. Chapter 17 of the Code of the City of Chandler sets permit, licensing, building, administrative and moral conduct requirements for massage establishments and their personnel. Compliance to the Code requirements is determined through undercover operations by the Chandler Police Department and inspections by Tax and Licensing.

When a massage establishment is determined to be in violation of any section of the Civil Code, a massage establishment permit is revoked and the owner has 10 days to appeal the revocation. If the revocation is appealed, the massage establishment continues to operate and a hearing is held with the Management Services Director as the Hearing Officer. If the first appeal hearing upholds the revocation, the owner of the massage establishment has the ability for a second appeal to the City Manager or designee, all the while continuing to operate.

While the provisions of Chapter 17 were created to keep activities lawful in a business commonly susceptible to illegal behavior, certain provisions are being interpreted loosely and in need of clarification or revision. Through discussions between the City Manager's office, Management Services, Police and Law, the following substantive changes are included in this amendment, as well as some minor clarifications:

- 1) Employee definition added to clarify that any person who is performing massage techniques within the establishment (i.e. independent contractor or sub-lessee) is considered an employee for the purpose of Chapter 17.
- 2) Hearing Officer definition added to be City Manager or designee.
- 3) Section 17-2, Permit and license requirements clarified (i.e. must be displayed in an area visible to all who enter premise).
- 4) Section 17-3, New permit application information required clarified (i.e. list/log of all to be employed at establishment and updates to log). Requires more information on entities applying for a permit.
- 5) Section 17-7, Required logs clarified information to be included on employee and customer logs (i.e. legal name, State of Arizona massage license number, legal name of masseuse, full name of client, etc.).
- 6) Section 17-9, Change in business name clarified to require notification of changes made to the business or doing business as (dba) name.
- 7) Section 17-13, Denial of application, termination of permit; grounds; hearing; appeal changes include ability to appeal once instead of twice, added a time frame (30 business days from the receipt of request) that the hearing should take place and the decision of the Hearing Officer shall be final.

The proposed changes included in this amendment will allow reputable massage establishments to continue to operate as they always have in the City of Chandler, with the intent of minimizing the type of behavior meant to be curtailed by Chapter 17 of the Chandler City Code.

Following Council's approval, notification of the changes will be sent to all massage establishment permit holders and will include information on a class that will be available as a refresher as well as provide assistance in understanding the requirements and responsibilities of a massage establishment permit.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4516, DVR13-0004 Maplewood Court II, rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential. (Applicant: Mario Mangiamele; Iplan Consulting.)

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

APPROVED Preliminary Plat PPT13-0002, of a 14-lot single-family residential subdivision located at the SWC of Willis Road and Vine Street.

### BACKGROUND

The subject site is located at the southwest corner of Willis Road and Vine Street, east of the southeast corner of Alma School and Willis roads. North is Willis Road with the Alma School Place single-family residential subdivision north of Willis Road. East is Vine Street with single-family homes zoned agricultural east of Vine Street. South is Maplewood Drive with the recently approved Maplewood Court single-family residential subdivision south of Maplewood Drive. West is the Cornerstone Christian Church campus. The General Plan designates the site as Low-Density Residential.

### SUBDIVISION LAYOUT

The subject site is approximately 7.5 acres and is designed for 14 residential lots, for a density of 1.85 dwelling units per acre. Typical lot size is 85'x130' with a minimum lot size of 11,047 square feet and a maximum lot size of 12,787 square feet. While the overall size of the subdivision is relatively small, the intent is for Maplewood Court II to act as an extension of the Maplewood Court subdivision to the south. Lot size, landscaping and perimeter wall designs are similar between the two subdivisions to maintain consistency.

Due to all lots being greater than 10,000 square feet, the Residential Development Standards do not apply. Based on the public participation process of the Maplewood Court development, the design team took into consideration the layout of homes and the placement of two-story homes adjacent to Vine Street and is preemptively restricting lots 1, 9 and 11 to single-story; lot 12 will also be single-story.

### HOUSING PRODUCT

Similar to Maplewood Court, since all lots are 10,000 sq. ft. or greater, the Residential Development Standards (RDS) for housing product do not apply; however, a number of the elements are incorporated into the design. Due to the second phase only having 14 lots, not all of the same floor plans will be offered. Four of the most popular floor plans are proposed with a second story option on plan 6011, essentially creating five floor plans. Square footage ranges from 3,200 to 5,100 sq. ft. Three single-story homes and one two-story home are provided, with an option for a second story on plan 6011.

Three architectural styles will be provided for each home and include Spanish, Ranch, Tuscan/Mediterranean, Craftsman styles; not all elevation types are provided for each home. Various architectural elements highlighting the prescribed style include window pop-outs, garage and front door detailing, window muntins, shutters, stone detailing, wing walls and siding elements. The RDS require that at least one elevation provide stone elements; the home builder is providing stone on three of the four elevations: Ranch, Tuscan/Mediterranean and Craftsman. Additionally, to address architectural style, various elements complementing the architecture are included in the design, such as: window muntins, front door treatments, garage doors consistent with the architecture of the home, arched windows, window pop-outs, etc. While it does not accurately convey in the exhibits, window muntins will be provided in all second story windows.

Setbacks for the housing product are consistent with the first phase and are typical of other subdivisions. A minor difference between the phases is the proposed lot coverage. With the first phase, the minimum lot size was 12,430 sq. ft., whereas the proposed minimum is 11,047. Lot coverage for the first phase is 40% whereas for the second, lot coverage for two-story homes is proposed at 45% and single-story homes at 50%. Incorporating all options (four or five car garages) puts the lot coverage at 49% for the single-story homes. Additionally, with the increased lot coverage and the large lot sizes, it is anticipated that homeowners may want the option for casitas. Casitas will meet all required building setbacks and lot coverage ratios, as well as be architecturally consistent with the design of the home.

#### DISCUSSION

The Planning Commission and Planning Staff support the request citing that the development represents another quality addition to Chandler's housing stock. Furthermore, the Planning Commission and Planning Staff are pleased with the strong design characteristics of the housing product, the variety of elevations, the larger lot sizes provided, and that the proposal successfully develops a parcel that, under different circumstances, would have difficulty being developed.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Two neighborhood meetings were held with the first being held on March 27, 2013, with four neighbors in attendance, and the second on July 23, 2013, with five residents in attendance.

Concerns expressed included the housing product construction timing and improvements to Vine Street which have been resolved. The main concern expressed relates to the improvements required for Vine Street, specifically being half-street improvements and the undergrounding of the irrigation ditch and utility lines. Residents along Vine Street desire that all of Vine Street be improved. Code requires that as development occurs, streets adjacent to a development get improved to provide their half-street requirements. In instances where half-street improvements do not provide a width suitable for two-way traffic, the improvements need to provide a minimum 24-foot drivable surface. Vine Street is currently a private drive with a shared access easement for the three property owners along Vine Street. Due to the developer being unable to secure an agreement for the easement, the developer will be shifting the Vine Street alignment to have their half-street improvements on their property rather than over the easement. As part of the improvements, the irrigation ditch along with any utilities within the proposed half-street will be relocated underground.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.

Two neighbors attended the Planning Commission hearing; both live on the east side of Vine Street adjacent to the subject site. One neighbor spoke in opposition citing that he preferred the agricultural zoning that the site currently has. The second neighbor meant to speak, but there was some confusion regarding submitting the speaker card. Following the Planning Commission hearing, Planning Staff, Development Services Staff, the development team and three neighbors on the east side of Vine Street met to discuss outstanding concerns that the neighbors had regarding improvements to Vine Street. The neighbors desired that the developer fully improve Vine Street due to dust issues and remove power lines on the neighbor's private property. While City codes do not require full street improvements, the developer agreed to extend asphalt from improvements to the driveway of the neighbor with the dust concerns in an effort to alleviate some of the dust.

## RECOMMENDED ACTIONS

### **Rezoning**

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

### **Preliminary Development Plan**

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

1. Development shall be in substantial conformance with the Development Booklet entitled "MAPLEWOOD COURT II", kept on file in the City of Chandler Transportation & Development Services Department Planning Division, in File No. DVR13-0004, except as modified by condition herein.
2. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
3. The same floor plan and elevation shall not be built side-by-side or directly across the street from one another.
4. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

### **Preliminary Plat**

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

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

5. REZONING: Belmont Estates – North 17' Strip

Ord. #4521

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4521, DVR13-0046 Belmont Estates – North 17' Strip, rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential as part of the Belmont Estates single-family residential subdivision located north of the NWC of Gilbert Road and Sunrise Place. (Applicant: Mari Flynn; Ashton Woods Homes.)

## BACKGROUND

The subject strip of land is located at the northeast portion of the subdivision and stretches across eight lots. The Rezoning and Preliminary Development Plan for the subdivision was approved by Council in late 2012. Following the approval, Planning Staff was contacted by the County with concerns that the annexation of the subdivision omitted the 17-foot strip. The oversight of the 17-foot strip was caused when the legal description of the condominium development north of the strip was annexed and mapped, which created an overlap of 17 feet. Following the County's recommendation, the 17-foot strip was annexed and was given an initial City zoning designation of AG-1. The request is to rezone the strip of land from AG-1 to PAD for the subdivision.

## AIRPORT COMMISSION

Due to the subdivision being previously reviewed by the Airport Commission, and the request being more of a housekeeping item, the 17-foot strip rezone did not go before the Airport Commission.

### PUBLIC/NEIGHBORHOOD NOTIFICATION

Similarly with the Airport Commission, since the item is minor in nature, a neighborhood meeting was not held. Notification of the request was mailed in accordance with Code requirements. Additionally, the site was posted with public hearing signs.

### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.

### RECOMMENDED ACTION

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

6. REZONING / PRELIMINARY DEVELOPMENT PLAN / PRELIMINARY PLAT: Ocotillo Landing Ord. #4522

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4522, DVR13-0028 Ocotillo Landing, rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential. (Applicant: Ed Bull; Burch & Cracchiolo and Mario Mangiamele; Iplan Consulting.) APPROVED a Preliminary Development Plan (PDP) for housing product and subdivision layout for a 62-lot single-family residential subdivision on approximately 19 acres. APPROVED Preliminary Plat PPT13-0017 for a 62-lot single-family residential subdivision located south of the SWC of McQueen and Ocotillo roads at the Brooks Farm Road alignment.

### BACKGROUND

The subject site is located south of the southwest corner of McQueen and Ocotillo roads at the Brooks Farm Road alignment. Single-family residential subdivisions surround the site, with McQueen Road abutting the eastern portion of the site. North of the subject site is the Country Lane Estates custom subdivision; south is the McQueen Lakes residential subdivision and west is the Kerby Estates residential subdivision.

The subject site is an assemblage of five parcels and is the last remaining area of vacant land within the Kerby Estates Area Plan. Both the Kerby Estates Area Plan and Southeast Chandler Area Plan (SECAP) designate the site as supporting low-density residential. Various developers have tried to acquire the properties over the years; however, with no success.

### SUBDIVISION LAYOUT

The gated subdivision is rectangular in design and provides a single access point off of McQueen Road. The entrance T's off and provides cul-de-sacs along the northern third and southern third of the subdivision. The layout and design of the subdivision is similar to the Estates at McQueen custom single-family residential subdivision 300-feet north of the subject site. An emergency access gate is provided off of Crossbow Way (west end of the subdivision) to allow access to both of the cul-de-sacs. Flanking the entryway are large landscaped areas. Active outdoor amenity areas are provided at the terminus of the entrance and at the western end of the subdivision. Amenities provided in the areas include a ramada, covered tot lot and amphitheater. Additionally, a trail connecting McQueen Road to Crossbow Way is provided along the site's northern boundary.

The subject site is located within the SECAP and is designated as *Traditional Suburban Character* allowing for a density of up to 2.5 dwelling units per acre, with provisions to allow for up to 3.5 dwelling units per acre if certain amenities are provided; 3.26 dwelling units per acre is proposed. The number of amenities required has been provided to achieve the additional

density. In addition to requirements of the SECAP, residential developments are required to provide design elements as outlined in the Residential Development Standards (RDS). As has been the case with similarly sized developments, strict adherence to the RDS has been difficult due to the smaller parcel size. In conjunction with this, as development has occurred along McQueen Road in this area, residential subdivisions tend to be rectangular in length, which makes width of a development difficult to incorporate curvilinear streets that larger developments would be able to integrate. In spite of this, the development provides a number of the components outlined in the RDS, effectively providing distinctive design elements such as the pedestrian trail that runs the length of the development connecting pedestrians along McQueen Road to Crossbow Park.

Excluding the custom subdivision north of the site, lot sizes are consistent with the surrounding residential developments. Lot sizes range from 60'x130' (7,800 sq. ft.) up to 60'x145' (8,700 sq. ft.), with a minimum lot size of 7,500 sq. ft. and a maximum lot size of 13,432 sq. ft. The deeper lots are located along the northern perimeter to provide a greater buffer from the neighborhood to the north, as requested by the neighboring subdivision.

#### HOUSING PRODUCT

Seven floor plans are proposed providing four two-story homes and three single-story homes. Home sizes range from 2,200 up to 3,900 square feet. Spanish, Italianate, Ranch Hacienda and Cottage French Country elevation styles are provided. All plans will offer the Spanish and Cottage French Country elevations, with the Italianate elevation being provided for plans 4504, 4505, 4506 and the 4507, and Ranch Hacienda being provided for plans 4501, 4502 and 4503. Similarly with subdivision layout, architectural designs of the homes need to meet the requirements of the RDS. Planning Staff has worked with the development team to ensure the development provides the necessary RDS for architectural diversity, with the exception that Planning Staff believes that additional architectural elements can be incorporated on the side and rear elevations as appropriate per architectural elevation style. Additional elements may include arched windows, shutter details, decorative iron work, etc. To address this, Planning Staff has added Condition No. 8 in the Preliminary Development Plan portion of the *Recommended Actions*.

#### DISCUSSION

The development team has met with neighbors on a number of occasions to address various concerns. Two items were predominant in the discussions and relate to vehicular access from Crossbow Way (park site west of development) to McQueen Road and the buffering along the north and south property boundaries.

In late 2000, the Kerby Estate subdivision (west of the subject site and east of the canal) was submitted for formal review and approval. Since the site was the first development within the square mile, the development was required to provide an area plan. During the area plan process, it was determined that a collector street should be provided connecting Crossbow Park to McQueen Road. It was believed that as development occurred along McQueen Road, that larger single-family subdivisions would be designed and developed that could easily accommodate the collector street. As development occurred following the Kerby Estates subdivision and area plan, subdivisions were not able to accommodate the additional area that is the current subject site. As development occurred over the years, the vacant land along McQueen Road decreased making the including of a collector street connecting the park to McQueen Road more difficult.



Once the subject site was submitted for review, Planning Staff requested that a traffic impact study be provided to determine if a collector street was still warranted. A traffic study was conducted and submitted for staff review, at which point it was determined that a collector street connection was not warranted, but that as part of the intent of the collector street, a pedestrian connection would be provided linking McQueen Road with the park site. Due to this, Planning Staff required that the development provide a pedestrian connection in lieu of the collector street. The pedestrian connection is provided along the northern boundary.

The second major concern expressed by neighbors was the difference in lot size and buffering between the subject site and the subdivision to the north (Country Lane Estes). Residents of the subdivision had concerns with the lot sizes, two-story homes adjacent to their homes, and the lack of a buffer between the subdivisions. Based on the concerns, the development team ultimately incorporated the buffer along the north and in addition provided a deeper lot along the north (145'), and has agreed to limit the homes to all single-story. In addition, the lots along the southern boundary will match property lines consistent with the McQueen Lakes subdivision, and will match single-story homes for single-story homes along the southern boundary.

The Planning Commission and Planning Staff support the request citing that the development team has presented a design that complements the area and provides additional quality housing options at a location that has historically been difficult to assemble and present as a unified development.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Three neighborhood meetings were held. The first meeting was held prior to the application being submitted and included only the neighbors north of the subject site. The second meeting was held March 18, 2013, with 17 neighbors in attendance. The third meeting was held on June 25, 2013, with 11 neighbors in attendance.

At the time of this writing, Planning Staff has received a couple of phone calls relating to the request. The calls primarily were a follow-up to the concerns expressed at the neighborhood meeting. Planning Staff is unaware of any direct opposition.

Based on input from the neighbors during the neighborhood meeting process, the development team provided the trail along the northern boundary, provided deeper lots (145' versus 130' and 140') along the northern boundary, aligned lot lines to match the lots along the southern boundary, restricted lots 1-19 to single-story and has agreed to restrict single-story homes to be adjacent to single-story homes along the southern boundary.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.

#### RECOMMENDED ACTIONS

##### **Rezoning**

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

##### **Preliminary Development Plan**

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

1. Development shall be in substantial conformance with the Development Booklet entitled "OCOTILLO LANDING", kept on file in the City of Chandler Planning Division, in File No. DVR13-0028, except as modified by condition herein.
2. The same floor plan and elevation shall not be built side-by-side or directly across the street from one another.
3. For lots adjacent to an arterial street, two-story homes are limited to every third lot, with no more than two, two-story homes built side-by-side.
4. Two-story homes shall be prohibited on lots 1-19.
5. For lots 21-38, lots shall be restricted to single-story homes when adjacent to single-story homes located within the McQueen Lakes subdivision.
6. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
7. The side yard setbacks shall be a minimum of 5 feet and 10 feet; for those lots adjacent to McQueen Road, side setbacks shall be 10 feet.
8. The applicant shall work with Planning Staff to incorporate additional architectural elements to the side and rear elevations of the homes.

#### **Preliminary Plat**

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

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

#### 7. ZONING EXTENSION: Chandler Creek LP

APPROVED a three-year zoning extension on the existing PAD zoning allowing industrial uses on property located at the NEC of Queen Creek Road and the Union Pacific Railroad tracks just east of Arizona Avenue. (Applicant: Marcos Ergas.)

#### EXTENSION OF THE TIMING CONDITION

The application requests a time extension for approximately 10 acres located at the northeast corner of Queen Creek Road and the Union Pacific Railroad. The subject site received PAD zoning approval in January 2007 for a two-phase light industrial building approximately 170,000 square feet. The PAD zoning was conditioned to start construction above foundation walls within three (3) years of the ordinance effective date requiring construction to have started in January 2010. An extension was granted in March of 2010 for an additional three years. The current application requests a second three-year time extension. The proposed three-year time extension would be in effect, pending City Council approval, until January 2016 as the time limit is calculated from the original zoning approval's expiration.

#### BACKGROUND

The site is currently vacant and used for agricultural purposes. South, across Queen Creek Road, is vacant land zoned PAD for an industrial park. The Union Pacific Railroad is immediately west of the site, with the Archstone residential development west of the railroad. East is a church located within the jurisdiction of Maricopa County.

The Airpark Area Plan designates this parcel as Industrial, which accommodates a variety of manufacturing, distribution, warehousing, wholesaling and utility uses. Surrounding parcels east of the railroad tracks are also designated Industrial, while nearby parcels west of the railroad tracks are designated Commercial/Office/Business Park. The proposed development is consistent with the Airpark Area Plan.

No changes have been made to the development plans that were approved by Council in 2007. The development's approved Preliminary Development Plan (PDP) calls for a two-phase industrial building with 125,000 square feet in Phase I and a Phase II addition of 45,000 square feet.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. In lieu of a neighborhood meeting, the applicant sent a letter and site plan to neighboring property owners to inform them of the request and remind them of the site layout approved by the PDP that accompanied the zoning. Staff is not aware of any opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.

#### RECOMMENDED ACTION

Upon finding consistency with the General Plan, the Planning Commission and Planning Staff recommend approval with all of the conditions in the original approval remaining in effect.

#### 8. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following Board and Commission appointments:

##### Citizen's Panel for Review of Police Complaints and Use of Force

James Dixon

##### Domestic Violence Commission

Audrey Maestats (representing the Boys and Girls Club)

##### Housing and Human Services Commission

William Wallace

##### Library Board

Maria Munoz

#### 9. CLAIMS REPORT

APPROVED THE Claims Report for the quarter ended December 31, 2013.

#### 10. SETTLEMENT: The Ocotillo Community Association Only

APPROVED a settlement with *The Ocotillo Community Association Only in City of Chandler v. SWVP Ocotillo Land, LLC, et al.*, CV2013-010481, in the amount of \$35,000.00.

#### BACKGROUND/DISCUSSION

This condemnation action was filed to acquire approximately thirty-seven (37) acres of vacant land located adjacent to the southwest corner of Price and Queen Creek roads, for the expansion of the existing Ocotillo Water Reclamation Facility. A settlement was reached with the property owner for \$8,400,000.00. The City held back \$15,000.00 as an estimate of the assessments the land owner would have paid over time to the Ocotillo Community Association (OCA). The OCA received an annual assessment of \$9,000.00 from the landowner. This amount was subject to increase based upon future land improvements. As part of the settlement with the landowner, it was agreed the City would negotiate a settlement with the OCA for these assessments. Negotiations have been completed with the OCA, and a settlement has been reached in the amount of \$35,000.00. Based upon this settlement, the City will contribute an additional \$20,000.00 to the \$15,000.00 previously held back from the property owner. This amount is final and no future assessments to the OCA from the City shall be due for this property. This is a settlement with the OCA only and will allow the Court to enter a final order.

#### FINANCIAL IMPLICATIONS

Funding for this settlement comes from the \$15,000.00 held back from the property owner and the savings of \$8,500,000.00 from the Collection System Facility Improvements project that were transferred to this new project, Wastewater Land Acquisition, to fund the purchase. The transfer included \$5,780,000.00 in System Development Fee appropriation and \$2,720,000.00 in Wastewater Bond appropriation for this land acquisition and other associated costs.

#### 11. EMPLOYMENT AGREEMENT: City Attorney

APPROVED an employment agreement with Kay Bigelow as City Attorney at a salary of \$165,649.00. The term of this agreement is January 24, 2014 through June 30, 2015.

#### 12. AGREEMENT AMENDMENT: ESRI

APPROVED Agreement Amendment No. 8 with ESRI for citywide GIS software, extending Enterprise License Agreement No. 2008ELA6895, in an amount not to exceed \$119,680.00.

The City's GIS system is based on ESRI GIS products. Several years ago, the City expanded its use of these products in current and planned City applications. This expansion of GIS services resulted in a need for additional product licenses. Rather than continue to purchase licenses and maintenance for each application, the City consolidated all GIS software needs citywide into an Enterprise License Agreement (ELA). Through this agreement, the City has incurred a lower cost-per unit for licensed software. A City GIS Advisory Team recommended this purchase and the Information Technology Oversight Committee approved the recommendation in 2009. The ELA includes instructor-led and on-line training GIS classes for City staff. The ELA allows City departments to deploy software products from the GIS system as needed to support its growth. The GIS Advisor Committee considers each request for additional software installations to determine validity and also monitors software installed to not adversely affect future costs of the ELA.

#### 13. AGREEMENT AMENDMENT: Lacor/Streetscape

APPROVED Agreement No. TEO-155-2766, Amendment No. 2, with Lacor/Streetscape, for the purchase of bus shelters and bus shelter furniture for a two-year period, in an amount not exceed \$350,972.00. This is the second and final contract extension.

In December 2009, Lacor/Streetscape was awarded a contract for the purchase of bus shelters and related furniture to upgrade the quality of shelter amenities used by the public. Lacor/Streetscape offered an outstanding price for their bus shelter furniture and have agreed to keep their costs the same as they were under the initial contract. They will also be providing additional shelter types not offered under the original contract or first extension.

Under this proposed contract extension, the City would purchase 18 larger shelters with better shading and more seating than provided by the typical bus shelter in Chandler. These larger shelters would be installed at some of Chandler's heavily used bus stops. Existing shelters at these locations would be relocated to bus stops with older bus shelter furniture or at bus stops that currently lack bus shelters. Additionally, this contract extension will allow the City to purchase additional benches and bike racks for bus stops. This request is for an amount up to \$350,972.00 and does not guarantee the contractor the full contract amount. The City will only spend as much as needed.

14. AGREEMENT: Goldstein & Luera Construction, LLC

APPROVED Agreement No. ST4-988-3336 with Goldstein & Luera Construction, LLC, for Cooper Road Median Upgrades in the amount of \$155,715.21.

15. AGREEMENT AMENDMENT: Ammunition

APPROVED Agreement No. PD0-680-2807, Amendment No. 4, with Adamson Police Products, San Diego Police Equipment Co., Inc., International Cartridge Corporation, and Lawmen's & Shooters' Supply, Inc., for the purchase of ammunition in a combined total amount not to exceed \$162,357.00. This is the fourth and final one-year extension.

16. AGREEMENT AMENDMENT: Asphalt and Concrete Repair

APPROVED Agreement No. BF3-745-3115, Amendment No. 1, with Regional Pavement Maintenance of Arizona, Inc., and W. L. Emshoff for asphalt and concrete repair and maintenance – facilities in an amount not to exceed \$75,000.00. This will be the first of two additional one-year extensions.

17. PROJECT AGREEMENT: Taylor Rymar Corporation

APPROVED Project Agreement No. F1406-101 with Taylor Rymar Corporation for the Main Police Department retro-commissioning services, pursuant to Annual Mechanical, Electrical and Plumbing Services Contract No. EN1401-101, in an amount not to exceed \$48,000.00. As Arizona Public Service does provide rebates for retro-commissioning to existing buildings, initial estimates from the engineer have determined that the City may be entitled to a \$15,000.00 - \$20,000.00 rebate for this project.

18. PROJECT AGREEMENT: Southwest Ground-water Consultants, Inc.

APPROVED Project Agreement No. WW1408-101 with Southwest Ground-water Consultants, Inc., for reverse osmosis recharge facility project modification permit updates, pursuant to Annual Contract No. EN1203-101 in an amount not to exceed \$46,180.00.

In 1980, the Arizona State Legislature passed the Groundwater Management Act (GMA) to reverse the trend of declining groundwater levels. The GMA regulates the use of groundwater to maintain a balance between groundwater withdrawn and recharged.

The City of Chandler and Intel have partnered to build, operate and maintain the Ocotillo Brine Reduction Facility (OBRF), formerly known as the Reverse Osmosis Facility, located on Old Price Road. The OBRF treats industrial process water to drinking water standards. The City then delivers this water to a recharge facility located at the southwest corner of Gilbert and Ocotillo roads. The water is recharged into the ground to assist with GMA compliance.

Intel funds operation and maintenance of the sites. The City is responsible for maintaining the recharge and storage permits.

The project scope provides an analysis and summary of historical groundwater recharge and water level data to update the hydrogeological report. This information is required so that an application can be submitted to the Arizona Department of Water Resources for approval to increase permitted recharge capacity and extend the duration of the permits an additional 20 years.

19. CONTRACT: Durkin Architects, LLC

APPROVED Contract No. LI1301-201 with Durkin Architects, LLC, for design consultant services for Copper Room Renovations on the second floor of the Downtown Library, in an amount not to exceed \$48,386.00.

This contract is for renovation of approximately 5,100 sq. ft. of the Chandler Downtown Library second floor Copper Room and adjacent rooms. The library is located at 22 S. Delaware Street and was constructed in 1996. The Copper Room and adjacent studio, video and storage rooms were used as Council chambers until 2011 when new chambers were constructed as part of City Hall. Renovations are needed to provide better functionality and flexibility as meeting, presentation, and programming spaces. Once renovations are completed, the Copper Room will provide enhanced meeting and programming space for City departments and private rentals.

Through this design, Durkin Architects plans to develop four to five meeting spaces with state of the art presentation equipment that can be used simultaneously for library and cultural programs, City staff programs and meetings, public presentations by local businesses and educational organizations. Staff currently charges for meeting spaces so the new space will become both a community gathering place and a revenue generator.

20. PURCHASE: US Bank/Voyager Fleet Card Services

APPROVED the purchase of fleet fuel cards from US Bank/Voyager Fleet Card Services, utilizing the State of Arizona contract, in the amount of \$250,000.00.

The primary use of the Voyager Fleet Fuel Card is to fuel Police Department motorcycles, Police Detective and Motor Pool vehicles. Police motorcycles require premium grade fuel, which is not provided by other contracted vendors. The Voyager Card allows City motorcycles to be fueled at most retail fuel vendors who accept credit cards. Police Detective and Motor Pool vehicle operators utilize the Voyager Card Program as these vehicle operators frequently require fueling outside of the City of Chandler City limits. Voyager forwards a consolidated monthly invoice, which identifies the City staff that authorized the respective fuel purchase along with the purchase

date, time location, gallons and purchase amount. Voyager Fuel Cards are fully integrated within the City's fleet fuel management software and financial reporting system. The primary advantage of the Voyager Fleet Fuel Card is that the respective purchase amounts are forwarded, net of the Federal Excise Tax from which the City is exempt, thereby eliminating the requirement to file a quarterly tax return to recover Federal Excise Tax paid at a retail fuel vendor.

21. PURCHASE: Manpower Group US

APPROVED the purchase of Information Technology temporary staffing services from Manpower Group US, utilizing National Joint Powers Alliance (NJPA) Contract No. 021610-MPI, in an amount not to exceed \$90,000.00.

Information Technology has historically hired temporary employees to assist in special projects or to backfill vacant positions by utilizing competitively bid temporary staffing agreements. These temporary employees have specialized skills in specific technical areas which complement Information Technology Staff and work on a temporary basis for a specific assignment. In particular, the resource that will be utilized has previously worked for the City of Chandler on a project basis doing similar work requiring minimal training with existing City systems. This resource will assist with maintaining day-to-day operations of the City's financial and human resources systems while full-time IT Staff are devoted to assisting with implementation of the Portal for Electronic Payment Processing Integration (PEPPI) Project.

22. PURCHASE: EMC Corporation

APPROVED the purchase of network storage annual support from EMC Corporation, utilizing AZ State/Western States Contracting Alliance (WSCA) Contract No. ADSPO10-00000049/B27161. In an amount not to exceed \$196,319.00.

The City of Chandler Storage Area Network (SAN) and Network Attached Storage (NAS) require support for the hardware and software. These systems store production databases and other City data that is accessed on a daily basis by users and citizens. Renewing the maintenance support allows the vendor to continue to replace parts and make repairs on the hardware. The maintenance also allows the City to obtain software updates to the system. The SAN/NAS need support in case a hardware failure occurs or the software needs to be updated for performance. As the manufacturer of the hardware and software, EMC is the direct provider of support for these systems and the SWCA contract with EMC provides the best value to the City.

23. PURCHASE: SHI International Corporation

APPROVED the purchase of CommVault software annual support/maintenance from SHI International Corporation, utilizing the Western States Contracting Alliance (WSCA) Contract No. ADSPO11-007500, in an amount not to exceed \$52,511.00.

The CommVault application is the system that manages the City's backup environment for various data repositories that are housed on City servers. This application is vital to City backup and recovery operations and must be kept fully maintained and supported. The maintenance and support provides technical assistance, software fixes and application upgrades necessary to keep the system operational and current.

24. PURCHASE: Nippon Electric Corporation (NEC)

APPROVED the purchase of annual Secure Maintenance of citywide Cisco network equipment from Nippon Electric Corporation (NEC), utilizing the City of Tempe Contract No. IT11-048-01, in an amount not to exceed \$81,581.00.

25. USE PERMIT: Walmart Store

APPROVED Use Permit LUP13-0018 Walmart Store, Series 9 Liquor License, to allow the sale of all spirituous liquor as permitted for off-premise consumption located at 3460 W. Chandler Boulevard, NWC of Metro and Chandler boulevards. (Applicant: Sean Lake, Pew & Lake PLC.)

BACKGROUND

The proposed Walmart Store will be locating in the space formerly occupied by The Great Indoors at 3460 W. Chandler Boulevard in the Chandler Gateway shopping center, west of Price Freeway (Loop 101). Businesses within the shopping center include: Hobby Lobby, Olive Garden, Red Robin, Abuelo's Mexican, Bank of America and Stone Creek Furniture. Pepperwood and Sunset Cove single-family residential subdivisions are north and west of the subject site. The Kyrene Del Sureno Elementary School is further north of the shopping center.

The request is for Liquor Use Permit approval to allow the sale of all spirituous liquor as permitted under a Series 9 Liquor Store License for off-premise consumption. The liquor will be sold off the shelf at room temperature and from refrigerated coolers. The locations of the liquor storage are depicted in the floor plan.

Walmart's proposed hours of operation are 24 hours a day, seven days a week. Liquor will be sold only during lawful selling hours. The business is anticipated to employ 300 to 350 full and part-time employees. The floor area is approximately 133,200 square feet of the northwest building in the shopping center.

DISCUSSION

Planning Staff supports the request finding that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use compatibility analysis is a typical retail transaction in commercial districts throughout the City.

Planning Staff recommends approval with no time limit condition to maintain consistency with other Series 9 Liquor Use Permits approved for other similar type retailers given the establishments had no outstanding concerns, opposition, or violations.

PUBLIC/NEIGHBORHOOD ACTION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 13, 2013. There were 3 residents in attendance who expressed concerns with delivery and idling trucks, truck access and crime. No one stated opposition. The Police Department has been informed of the application and has no issues or concerns.

Planning Staff received two phone calls voicing concerns about the Walmart store's location in relation to their neighborhood and not in reference to the subject request.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.



### RECOMMENDED ACTION

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

1. The Use Permit granted is for a Series 9 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. 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.
4. The site shall be maintained in a clean and orderly manner.

26. LIQUOR LICENSE: Wal-Mart Supercenter #6480

APPROVED a Series 9 Liquor Store Liquor License (Chandler #150822 L9) for Clare Hollie Abel, Agent, Wal-Mart Stores, Inc., dba Wal-Mart Supercenter #6480, 3460 W. Chandler Boulevard. A recommendation for approval of State Liquor License #09070500 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

27. LIQUOR LICENSE: Arizona Carniceria

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #151072 L10) for Veno E. Kassab, Agent, Arizona Carniceria LLC, dba Arizona Carniceria, 731 S. Arizona Avenue, Suite 100. A recommendation or approval of State Liquor License #10076478 will be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership. Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as Mamma Mia Panderia & Market. 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.

28. LIQUOR LICENSE: Carniceria El Herradero

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #150806 L10) for Amanda Adams, Agent, Carniceria El Herradero LLC, dba Carniceria El Herradero, 101 W. Frye Road. A recommendation for approval of State Liquor License #10076458 will be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership. Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as Del Sol Mercado. 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.

29. LIQUOR LICENSE: Charm Thai Cuisine

APPROVED a Series 12 Restaurant Liquor License (Chandler #151003 L12) for Nongluck Chakkaw, Agent, Talordpai LLC, dba Charm Thai Cuisine, 11 W. Boston Street, Suite 5. A recommendation for approval of State Liquor License #12079728 will be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership.

Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as Latitude Eight Thai Grill. 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.

30. LIQUOR LICENSE: Masa Sushi

APPROVED a Series 12 Restaurant Liquor License (Chandler #150831 L12) for Sujin Park, Agent, P & L International Inc., dba Masa Sushi, 941 W. Elliot Road, Suite 13. A recommendation for approval of State Liquor License #12079730 will be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership. Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as Barrio of Manilla Restaurant. 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.

31. LIQUOR LICENSE: Duke's Grille

APPROVED a Series 12 Restaurant Liquor License (Chandler #150984 L12) for Lauren Kay Merrett, Agent, Svheldt LLC, dba Duke's Grille, 980 E. Pecos Road, Suite 5. A recommendation for approval of State Liquor License #12079733 will be forwarded to the State Department of Liquor Licenses and Control. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as McDuffy's Grill. 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.

32. SPECIAL EVENT LIQUOR LICENSE: American Service Animal Society

APPROVED A Special Event Liquor License for the American Service Animal Society (A.S.A.S.) Dogs 4 Vets for the 11<sup>th</sup> Annual Chandler Classic Car & Hot Rod Show, February 22, 2014, at Dr. A.J. Chandler Park, 3 S. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Resources.

33. SPECIAL EVENT LIQUOR LICENSE: Chandler Chamber of Commerce

APPROVED a Special Event Liquor License for the Chandler Chamber of Commerce for the Chamber Mixer for the Ostrich Festival Kick-Off, March 6, 2014, at Thorobred Chevrolet, 2121 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

34. SPECIAL EVENT LIQUOR LICENSE: Chandler Chamber of Commerce

APPROVED a Special Event Liquor License for the Chandler Chamber of Commerce for the Ostrich Festival, March 7, 8 & 9, 2014, at Tumbleweed Park, 2220 S. McQueen Road. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

35. SPECIAL EVENT LIQUOR LICENSE: Maricopa County Firefighters Pipes & Drum Corps

APPROVED a Special Event Liquor License for the Maricopa County Firefighters Pipes & Drum Corps., dba AZ Fire Service Pipe Band, for the 6<sup>th</sup> Annual St. Patrick's Day Festival, March 15, 2014, at Dr. A.J. Chandler Park, 3 S. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Resources.

36. SAMPLING PRIVILEGES LIQUOR LICENSE: Fry's Food and Drug #69

APPROVED the addition of sampling privileges to the existing Series 9 Liquor Store Liquor License (Chandler #42166 L9) for Robert Joseph Nelson, Agent, Fry's Food and Drug #69, 2010 S. Alma School Road. A recommendation for approval of adding sampling privileges to State Liquor License #09070484s will be forwarded to the State Department of Liquor Licenses and Control.

Fry's Food and Drug #69 has been in business at this location since January 10, 2002, at which time Council approved a Series 9 Liquor Store Liquor License. The applicant has submitted an application to add sampling privileges to their license. The Arizona State Legislature amended A.R.S. § 4-206.01(J), effective July 29, 2010, allowing an applicant or licensee of a liquor store license or a beer and wine store license to apply for sampling privileges. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

37. SAMPLING PRIVILEGES LIQUOR LICENSE: Fry's Food and Drug #51

APPROVED the addition of sampling privileges to the existing Series 9 Liquor Store Liquor License (Chandler #34823 L9) for Robert Joseph Nelson, Agent, Fry's Food and Drug #51, 1950 W. Ray Road. A recommendation for approval of adding sampling privileges to State Liquor License #09070717s will be forwarded to the State Department of Liquor Licenses and Control.

Fry's Food and Drug #51 has been in business at this location since November 4, 1999, at which time Council approved a Series 9 Liquor Store Liquor License. The applicant has submitted an application to add sampling privileges to their license. The Arizona State Legislature amended A.R.S. § 4-206.01(J), effective July 29, 2010, allowing an applicant or licensee of a liquor store license or a beer and wine store license to apply for sampling privileges. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

38. SAMPLING PRIVILEGES LIQUOR LICENSE: Fry's Marketplace #668

APPROVED the addition of sampling privileges to the existing Series 9 Liquor Store Liquor License (Chandler #44695 L9) for Robert Joseph Nelson, Agent, Fry's Marketplace #668, 985 E. Riggs Road. A recommendation for approval of adding sampling privileges to State Liquor Licenses #09070431s and #09073000s will be forwarded to the State Department of Liquor Licenses and Control.

Fry's Marketplace #668 has been in business at this location since October 24, 2002, at which time Council approved a Series 9 Liquor Store Liquor License. The applicant has submitted an application to add sampling privileges to their license. The Arizona State Legislature amended A.R.S. § 4-206.01(J), effective July 29, 2010, allowing an applicant or licensee of a liquor store license or a beer and wine store license to apply for sampling privileges. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

39. CONTINUED LIQUOR LICENSE: Talebu Coffee and Wine Bar

CONTINUED TO FEBRUARY 13, 2014, a Series 12 Restaurant Liquor License for Todd Macalady, Agent, Talebu LLC, dba Talebu Coffee and Wine Bar, 2095 N. Alma School Road, Suite 2, to allow the applicant time to complete the requirements for a new Use Permit.

40. PRELIMINARY PLAT: Staybridge Suites Hotel

VICE MAYOR HEUMANN VOTED NAY.

APPROVED (6-1) Preliminary Plat PPT13-0005 Staybridge Suites Hotel, for a hotel located at the NEC of Chandler Boulevard and McClintock Drive. (Applicant: Dan Mann; Rick Engineering.)

BACKGROUND

This Preliminary Plat is for a hotel that was approved in early 2013. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.

RECOMMENDED ACTION

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

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

41. PRELIMINARY PLAT: Circle K Riggs Road & Arizona Avenue

APPROVED Preliminary Plat PPT13-0008 Circle K Riggs Road & Arizona Avenue, for a commercial center that includes a fuel station and a convenience store located at the SEC of Arizona Avenue and Riggs Road. (Applicant: Steven Bowser/Helix Engineering, LLC.)

BACKGROUND

This Preliminary Plat is for a commercial center that includes a fuel station and a convenience store for a site that received zoning approval in February 2013. The plat creates the lot and tracts, establishes the necessary easements and dedicates the required rights-of-way.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6-0 with Commissioner Baron absent.

#### RECOMMENDED ACTION

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

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

#### 42. PRELIMINARY PLAT: Gardens At Ocotillo

APPROVED Preliminary Plat PPT13-0028 Gardens At Ocotillo, for an assisted living care center located at 1500 NW Jacaranda Parkway, SEC of Queen Creek Road and Pennington Drive. (Applicant: Len Swartz; Olsson Associates.)

#### BACKGROUND

This Preliminary Plat is for an assisted living care center that was approved by Council in late 2012. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 0 with Commissioner Baron absent.

#### RECOMMENDED ACTION

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

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

#### 43. FINAL PLAT: Gardens At Ocotillo

APPROVED Final Plat FPT13-0018 Gardens At Ocotillo, for an assisted living care center located at 1500 NW Jacaranda Parkway, SEC of Queen Creek Road and Pennington Drive. (Applicant: Len Swartz; Olsson Associates.)

#### BACKGROUND

This Final Plat is for an assisted living care center that was approved by Council in late 2012. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

#### 44. FINAL PLAT: Villa Del Lago

APPROVED Final Plat FPT13-0009 Villa Del Lago, for an 85-lot single-family residential subdivision located at the SEC of Dobson and Ocotillo roads. (Applicant: EPS Group, Inc.) The plat creates the lots, establishes the necessary easements, and dedicates the required rights-of-way.

#### 45. FINAL PLAT: Cantabria

APPROVED Final Plat FPT13-0020 Cantabria, for the Cantabria subdivision located at the NWC of Lindsay and Ocotillo roads. (Applicant: Chris Patton; Rick Engineering.)

**BACKGROUND**

This Final Plat is for the Cantabria subdivision that was approved by Council in late 2013. The plat creates the lots and tracts, establishes the necessary easements, and dedicates the required rights-of-way.

**PUBLIC HEARING**

PH1. ANNEXATION – NWC of Riggs and Lindsay Roads

Public Hearing for annexation of approximately 19 acres located west of the NWC of Riggs and Lindsay roads. (Applicant: Lowell G. Peterson, LGP Enterprises, Inc.)

MAYOR TIBSHRAENY opened the public hearing at 7:38 p.m.

MR. DAVID DE LA TORRE, Principal Planner, explained this was a request to annex two parcels totaling 19 acres. One parcel is vacant and the other parcel contains two structures which are used by a business which store farming and construction equipment. The property is zoned RU-43 within the County. The site is bordered by unincorporated rural residential properties to the north, Bela Flor custom home subdivision to the west, recently rezoned property for Jacaranda Place subdivision to the east and Riggs Road on the south. The Chandler Land Use Element of the General Plan designates the site as Residential and the Southeast Chandler Area Plan designates a more specific land use category of Rural/Agrarian Character. The property owner has submitted a rezoning application to allow the development of a low density single-family subdivision on the subject site. Utilities are available on Riggs Road for the development of the site.

VICE MAYOR HEUMANN asked about the two structures. Mr. De La Torre confirmed those structures would be removed.

MAYOR TIBSHRAENY closed the public hearing at 7:40 p.m.

**UNSCHEDULED PUBLIC APPEARANCES:**

Mr. Wally DuMelle, 498 N. Arizona Avenue, cited a recent newspaper article regarding surplus military equipment and the requests by Police Departments to seek out these various pieces of equipment. He asked if any of our first responders are seeking this equipment.

Mayor Tibshraeny said he would staff follow-up.

**CURRENT EVENTS:**

A. Mayor's Announcements

Mayor Tibshraeny stated the Multicultural Festival was held the previous weekend and included a Naturalization Ceremony whereby approximately 200 people received citizenship.

He announced the 10<sup>th</sup> Annual Sports Hall of Fame Induction Ceremony will be held on Saturday February 8<sup>th</sup> at 11 a.m.

Mayor Tibshraeny welcomed new Police Chief Sean Duggan to the City. The Mayor noted the retirement of Asst. Police Chief Dave Lind.

The Annual State of the City will be held February 6<sup>th</sup> at 6 p.m. The winners of the first Annual Neighborhood Excellence Awards will be announced at the event.

B. Councilmembers' Announcements

Councilmember Weninger noted WordCamp was recently held and attended by 500-600 participants.

A benefit concert for StarBright Foundation will be held on January 26th.

Councilmember Sellers announced the recent opening of the ASU TechShop. He added the Small Business Alliance held a summit in Chandler and the City received the Patriotic Peak Award for the Operation Welcome Home event. He noted that Councilmember Ellen was the organizer for the Operation Welcome Home event.

Vice Mayor Heumann congratulated Kay Bigelow as the new City Attorney. The Vice Mayor announced the upcoming Sci-Tech Festival events and noted Intel is a sponsor.

Councilmember Donovan expressed her appreciation for the recent Explorer Tactical Competition held in Chandler.

Councilmember Hartke welcomed the additions of Police Chief Duggan and City Attorney Bigelow. He announced the Annual Unity Walk on February 1<sup>st</sup> and encouraged participation.

Councilmember Ellen welcomed Chief Duggan. She thanked the Small Business Alliance for the Award and expressed her appreciation to all the veterans.

C. City Manager's Announcements

City Manager Rich Dlugas expressed his appreciation to Pat McDermott for his service to the City. He noted Mr. McDermott had served as Acting City Manager on several occasions and his institutional knowledge will be tremendously missed.

Adjournment: The meeting was adjourned at approximately 7:55 p.m.

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

\_\_\_\_\_  
Mayor

Approved: February 13, 2014

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 23<sup>rd</sup> day of January 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_\_ day of February 2014.

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City Clerk