



CITY OF CHANDLER COUNCIL MEETING MINUTES

Regular Meeting

Monday, March 22, 2021

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the City of Chandler Council Chambers, 88 E. Chicago St., Chandler, Arizona, on Monday, March 22, 2021.

THE MEETING WAS CALLED TO ORDER BY MAYOR KEVIN HARTKE AT 6:02 P.M.

The following members answered roll call:

Kevin Hartke	Mayor
*Mark Stewart	Vice Mayor
René Lopez	Councilmember
OD Harris	Councilmember
Christine Ellis	Councilmember
Terry Roe	Councilmember
Matt Orlando	Councilmember

*Vice Mayor Stewart attended the meeting telephonically.

Also in attendance:	Joshua Wright	Acting City Manager
	Debra Stapleton	Assistant City Manager
	Kelly Schwab	City Attorney
	Dana DeLong	City Clerk

INVOCATION: The invocation was given by Pastor Sean Eddy, Chandler Bible Church.

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

CONSENT AGENDA – DISCUSSION

MAYOR HARTKE talked about Consent Agenda Item No. 2 and said a significant amount of money was set aside from the AZCares Act to assist small businesses and this program was renewed in January for a second round. Mayor Hartke said this item is to continue to help the businesses and thanked staff for their work on this item to get money back into the community.

COUNCILMEMBER LOPEZ said it was a great program to get dollars into the community and help the businesses.

CONSENT AGENDA – MOTION AND VOTE

COUNCILMEMBER LOPEZ MOVED TO APPROVE THE CONSENT AGENDA OF THE MARCH 22, 2021, CITY COUNCIL MEETING; SECONDED BY COUNCILMEMBER ROE.

MOTION TO APPROVE THE CONSENT AGENDA CARRIED UNANIMOUSLY (7-0).

CONSENT AGENDA ITEMS

1. February 2021 Council Minutes
Move to approve the Council meeting minutes of the Study Session of February 22, 2021, the Special Meeting of February 25, 2021, and the Regular Meeting of February 25, 2021.
2. Resolution No. 5455 Authorizing the Allocation of AZCares Grant Funds in the Amount of \$250,000 to the Economic Development Division to Assist Chandler Businesses Impacted by COVID-19
Move City Council pass and adopt Resolution No. 5455 authorizing the allocation of \$250,000 from Grant Fund, Non-Departmental Cost Center, AZCares Reserve Account, AZCares program (217.1290.5926.3AZ000), to the Grant Fund, Economic Development Cost Center, Professional Services Account, Business Hiring/Retention Program (217.1520.5219.3.3AZ002), to assist Chandler businesses impacted by COVID-19.

BACKGROUND FROM COUNCIL MEMO:

On July 16, 2020, City Council authorized the allocation of \$9,500,000 of AZCares funds to assist Chandler businesses impacted by COVID-19 through a new program called the "I Choose Chandler Business Hiring and Retention Program." Distribution of the funds was intended to provide a direct benefit to the citizens of Chandler by supporting Chandler businesses that are keeping workers on payroll as they adjust to revenue losses and business disruptions caused by COVID-19. Qualifying businesses could apply to receive relief funding based on employee retention, employee hiring, and use of independent contractors. Individual funding awards ranged from \$1,300 to \$10,000.

The "I Choose Chandler Business Hiring and Retention Program" launched on August 17, 2020. Between the launch date and the 2020 application period end date of November 2, 2020, 544 Chandler businesses were awarded a total of \$3,996,350 in funding. Following this, City Council authorized the relaunch of the program in 2021 to provide additional support to the business community. Between January 7, 2021, and February 25, 2021, 728 Chandler businesses were awarded a total of \$5,328,600 in funding.

To date, \$9,324,950 in program funds has been awarded to Chandler businesses and another \$171,390 will be paid to the Arizona Community Foundation for program administration services. More than 99 percent of the \$9,500,000 authorized for the program has been exhausted, with approximately \$3,660 remaining. The Economic Development Division requests an additional \$250,000 be allocated to the "I Choose Chandler Business Hiring and Retention Program." The funds would support 37 businesses that submitted a complete application prior to the February 25, 2021, application deadline, but could not be approved for funding due to lack of available funds. The program will terminate after the relief funding is distributed. Any unused funds will be returned to the General Fund.

FINANCIAL IMPLICATIONS:

AZCares Grant Funds of \$250,000 would be transferred from the Grant Fund, Non-Departmental Cost Center, AZCares Reserve Account, AZCares program (217.1290.5926.3AZ000), to the Grant Fund, Economic Development Cost Center, Professional Services Account, Business Hiring/Retention Program (217.1520.5219.3.3AZ002), to assist businesses impacted by COVID-19.

3. Final Adoption of Ordinance No. 4958 PLH19-0063 Elux at McQueen Rezoning

Move City Council adopt Ordinance No. 4958 approving PLH19-0063, Elux at McQueen, Rezoning from AG-1 to PAD for multi-family residential located at the southeast corner of McQueen Road and the Loop 202 Santan Freeway, subject to the conditions as recommended by the Planning and Zoning Commission.

BACKGROUND FROM COUNCIL MEMO:

Approximately 12.87 net acres, Subject site zoned AG-1 and undeveloped, General Plan designates the site as Neighborhoods and within a Growth Area, Chandler Airpark Area Plan (CAAP) designates the site as High-Density Residential (HDR) 12.1-18 units per acre (du/ac) The project consists of 162 units totaling 12.59 du/ac, During the February 25, 2021, City Council meeting, three additional Preliminary Development Plan stipulations were added to further enhance the development (see attached Council action)

Ordinance introduced and tentatively adopted on February 25, 2021.

Surrounding Land Use Data:

North	Loop 202 Santan Freeway, then single-family residential	South	Single-family residential (6.7 du/ac)
East	Multi-family (17.94 du/ac)	West	McQueen Road, then vacant agricultural

General Plan and Area Plan Designations:

	Existing	Proposed
General Plan	Neighborhoods & Growth Area	No Change
Chandler Airpark Area Plan	High Density Residential (HDR) 12.1-18 du/ac	No Change

Proposed Development

Proposed Land Use	Multi-family dwelling units 162 Units 12.59 dwelling units per acre (du/ac)	
Building Design	Height	17' 6" single-story buildings 27' 6" two-story buildings; max 30 feet As measured to top of highest point of roof
	Roof Design and Material	Gable roofs and flat parapets Concrete roof tiles
	Façade Materials	Modern architectural style Stucco

		Tile cladding
	Building Accents	Four different sizes of tempered glazed windows Metal trim/fascia Tile cladding Canopy at front-door and rear patios
	Building Access	Direct ground-floor walk-up access to each unit
Site Design & Open Space	Detached and attached single-family-like rental units 108 1-story units 54 2-story units Private gated yards for each unit, 192-248 sq. ft. typ. Pool, ramadas, pickle ball court, indoor community gym, dog park, and 1-story club house 2.88 acres of shared open space Full signalized access along McQueen Road with secondary access from Senate Street to the east; the development will be gated	
Parking	300 parking spaces required 327 parking spaces provided including private garages, covered and uncovered spaces, and guest parking	

Review and Recommendation

Planning staff finds the proposal is consistent with the General Plan and more specifically consistent with the 1998 Chandler Airpark Area Plan (CAAP) designation of High-Density Residential. Densities up to 18 dwelling units per acre can be considered for properties adjacent to arterial streets, freeways, and/or employment corridors. The subject site abuts the Loop 202 Santan freeway and existing multi-family to the east. The proposed single unit detached and attached units offer a transition between low-medium density single-family residential to the south and the freeway to the north while aligning with the vision of the CAAP. Although the proposal is for multi-family residential, its design and function are similar to single-family residential. Staff finds the proposal to be consistent with the goals of the General Plan and the CAAP and recommends approval subject to conditions.

Economic Analysis

An economic and fiscal impact analysis was conducted based on project details provided by the applicant and staff assumptions. The analysis determined the project will generate a positive net fiscal impact for the City. Net income to the City resulting from the project is estimated at approximately \$843,336 over 10 years. This total includes revenues from property taxes, building permit and plan review fees, transaction privilege tax on construction, real property rental tax, state shared revenues, and local spending by residents.

Traffic Analysis

The applicant for the proposed development has worked with City staff regarding access to the site via McQueen Road. As surrounding properties developed to the east and south, traffic circulation was considered. Senate Street, a public street, was constructed during the development of the Horizon subdivision to the south, allowing full access to the southeast corner of the subject site. The applicant provided a Traffic Impact Analysis (TIA) to the City's

Transportation Engineer detailing traffic patterns of the proposed residential. The counts returning to the site via the recommended route (Senate Street) raised concerns about residents making unprotected u-turns at Germann Road or the entry to the Horizon subdivision to access what was previously planned to be a right-in/right-out only access on McQueen Road. The solution for this development and the larger area, including future office uses west of McQueen Road, is signaling Armstrong Way at McQueen Road. As such, a traffic signal allowing full movement on McQueen Road is proposed and supported by staff in order to reduce traffic on Senate Street and to facilitate traffic circulation for future industrial properties on the west side of McQueen Road. The TIA has been reviewed and accepted by the City's Transportation Engineer.

The proposal exceeds the parking requirements of the City Zoning Code by providing twenty-seven additional spaces. Further, the site layout does not include any tandem parking spaces. Tandem parking spaces may cause a heavier demand to be placed on guest parking spaces by the residents. Avoiding the use of tandem parking spaces further ensures that the number of provided spaces will adequately accommodate the proposed units.

Public / Neighborhood Notification

This request was noticed in accordance with the requirements of the Chandler Land Use and Zoning Code. To comply with CDC social distancing guidelines, the applicant hosted a digital neighborhood meeting via Zoom on September 30, 2020. Five (5) households attended the virtual meeting and had general questions about the proposal and buffer between the multi-family and the existing subdivision to the south. No opposition was expressed. Planning staff has received one phone call from a Horizon resident, whose home fronts Senate Street, with traffic concerns from the proposed development. Staff stated Senate Street was built for access to the subject site and a majority of proposed traffic from the new development will use the McQueen Road entry. As of writing this memo, Planning staff has not received any opposition regarding the request.

Airport Commission Conflict Evaluation

Airport Commission meeting November 18, 2020.

Motion to find conflict with existing or planned airport operations.

In Favor: 5 Opposed: 0 Absent: 2 (Siegel, Kruse)

The Airport Commission reviewed the request in accordance with the Airport Conflicts Evaluation Process. The Airport Planning Administrator has issued a conflicts evaluation report indicating that the Airport Commission determined that the proposed development does constitute a conflict with existing or planned airport operations. A copy of the Airport Planning Administrator's report detailing the Airport Commission's findings is attached to this memo. The Airport Commission's recommended mitigation measures to address the operational conflict are included as stipulations of the rezoning.

Planning and Zoning Commission Vote Report

Planning and Zoning Commission meeting January 6, 2020.

Motion to Approve.

In Favor: 6 Opposed: 0 Absent: 1 (Heumann)

Recommended Conditions of Approval

Rezoning

Planning and Zoning Commission recommends the City Council approve rezoning from AG-1 to PAD multi-family residential, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Elux at McQueen" and kept on file in the City of Chandler Planning Division, in File No. PLH19-0063, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The multi-family apartment manager shall display, in a conspicuous place within the rental office, a map illustrating the location of the development Elux at McQueen in the context of the Chandler Airpark Area Plan. The map shall identify the Airport Impact Overlay District, the noise contours and over flight patterns as depicted in Exhibit 6A in the FAR Part 150 Noise Compatibility Study document as adopted by Chandler City Council (Resolution No. 2590, 11-5-98), and the noise contours as identified in the Chandler Airpark Area Plan. Such map or aerial photo shall be a minimum size of 24" x 36". Compliance with this condition shall be demonstrated by the property owner or multifamily apartment manager submitting to the Zoning Administrator of a signed affidavit and photograph that acknowledges such map is on display prior to beginning any rental activity.
3. Prior to execution of any lease, prospective apartment tenants shall be given written disclosure in their lease and in a separately signed disclosure statement acknowledging that this apartment community is located proximate to the Chandler Municipal Airport that includes a heliport, aircraft engine testing facility, and an aircraft storage facility, that an avigational easement exists on the property, the property lies within the Chandler Municipal Airport Impact Overlay District, and that the property is subject to aircraft noise and over flight activity. The requirement for such disclosure shall be confirmed in an avigation notice covenant that runs with the land and is recorded with the Maricopa County Recorder prior to issuance of the first building permit for this development.
4. The developer shall provide the city with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
5. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
6. The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text: "This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and frequent over flight activity, and is encumbered by an avigational easement to the City of Chandler."
7. All leases at Elux at McQueen shall provide that all questions, concerns, or complaints any tenant may have about the Chandler Municipal Airport or the operation of aircraft landing at, taking off from, or operating at or on Chandler Municipal Airport shall be directed solely to the manager of Elux at McQueen development and not to the Chandler Municipal Airport, the City of Chandler, the FAA, any aircraft owner, or any pilot. All leases shall also provide that it shall be within the sole and absolute discretion of the manager of Elux at McQueen (and not the tenant) to determine (after the manager's due consideration of all airport related acknowledgments and disclosures that are required by the Zoning Stipulations and consideration of all information known to Elux at McQueen's Manager) whether or not, when,

and how to communicate any tenants question, concern, or complain to the manager of the Chandler Municipal Airport.

8. All apartment buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are in conformance with this condition.
9. In the event the multi-family residential is platted to allow unit ownership, prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity and other externalities. This document signed by the homebuyer shall be recorded with Maricopa County Recorder's Office upon sale of the property. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot/unit property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an existing municipal airport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/homebuilder/developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
10. Multi-family dwelling units shall be permitted up to a maximum density of 12.6 dwelling units per acre.
11. The developer shall be responsible for the design and installation of a traffic signal at the intersection of McQueen Road and Armstrong Way during the initial phase of construction.
12. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
13. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s) the developer shall be required to upgrade such landscaping to meet current City Standards.
14. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
15. Minimum setbacks shall be as provided below and further detailed in the development booklet:

Property Line Location Minimum Building Setback

McQueen Road 50'

North Property Line 10'

East Property Line 10'

South Property Line 35'

INFORMATIONAL

1. Study Session and Regular Meeting Minutes of January 20, 2021, Planning and Zoning Commission Meeting

2. Study Session and Regular Meeting Minutes of February 17, 2021, Planning and Zoning Commission Meeting

ADJOURNMENT: The meeting was adjourned at 6:07 p.m.

ATTEST: *Dana R. Dely* *Kevin Hartke*
City Clerk Mayor

Approval Date of Minutes: April 8, 2021

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 22nd day of March, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 8 day of April, 2021.

Dana R. Dely
City Clerk

