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Mid-Rise Development Policy

Note: Approved by City Council on April 10, 2006, Resolution No. 3952.

Background

On May 12, 1985, the Mayor and Council initially adopted the Mid-Rise Development Policy (Ordinance No. 1481, effective 6/12/85), to specify that building heights greater than forty-five (45) feet could only be permitted through the Planned Area Development (PAD) zoning process, at certain types of locations citywide. As the City now proceeds towards its various stages of build-out, it is necessary and advisable to update the policy to be more consistent with the City's current General Plan, major transportation corridors, the downtown area, and other major growth areas as planned.

Purpose

Under the current provisions of the Chandler Zoning Code, building heights greater than forty-five (45) feet are not permitted by right within any zoning district, anywhere in the City, unless expressly provided for by condition or representation of a zoning approval granted for a particular project on a particular site. Hence the purpose of this policy is threefold:

- To continue requiring that mid-rise building heights be considered only through a Planned Area Development (PAD) zoning process;
- To identify general locations and the performance characteristics of projects within the city that might be appropriate for mid-rise development, i.e., within growth areas and others that are consistent with the Chandler General Plan; and
- To identify some basic design considerations to be made by Planning staff, Planning Commission, and City Council, together with neighboring property owners and the developer, when such requests for mid-rise development are submitted for approval.

Note that a site identified as eligible for consideration under this policy does not guarantee that such site will in fact be granted subsequent zoning approval for mid-rise development.

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Definition

For the purposes of this policy, “mid-rise development” is defined as follows:

“Any building(s) for which the height is greater than forty-five (45) feet as measured from grade, using the definitions of “building height” and “grade” as set forth in the Chandler Zoning Code, Section 35-200, and the height exceptions set forth in Section 35-2201, but excluding any penthouse built on the roof for the sole purpose of housing the mechanical equipment used in the building.”

Applicability

The Mid-Rise Development Policy is triggered by any request to exceed forty-five (45) feet in building height(s), on sites where current zoning does not otherwise allow such heights. Such requests should only be considered through an application requesting or amending a PAD zoning designation, and at a location deemed eligible for consideration under this policy.

In all events, the applicant should present the details of the increased building heights in the submittal for Preliminary Development Plan (PDP) approval, as required in the Zoning Code for PAD designations (Section 35-1700). Public notice of such zoning action and PDP (legal ads, sign postings, project descriptions provided on the City website, and letters to property owners in the area) should all make specific reference to mid-rise building heights, and such project submittals should reflect any input as might be received from prior neighborhood meetings, as applicable to the project being proposed.

This policy is not applicable to any site for which mid-rise development was approved through zoning prior to the effective date of this policy, for as long as such zoning remains in effect. This policy is not applicable to any applications filed with the City requesting mid-rise development prior to the effective date of this policy. Such applications shall be reviewed under the policies in effect at the time the applications were filed.

Locations Eligible for Consideration (Performance Characteristics)

It is not the intent of this policy to identify particular sites on a map; doing so would risk omitting some sites that could merit consideration now or in the future, while at the same time include other sites that ultimately are inappropriate or not approvable. Instead, the intent of this policy is to first identify general locations where the potential for vertical development seems most logical, based upon General Plan considerations for future growth, freeway routes as now completed throughout the city, and future redevelopment needs. Hence, those sites falling within the following general locations would be eligible for considering mid-rise development:

- Freeway corridors (except where precluded by existing single-family development, or by other building height restrictions already in place, such as those imposed by FAA regulations in the vicinity of airports); sites located (in whole or in part) within a ¼-mile of the freeway center-line for Interstate 10, Loop 101, or Loop 202, or within a half (1/2) mile of the point where two (2) freeway center-lines intersect (such distance is measured from the property line closest to the freeway);
- Chandler Fashion Mall;
- Gateway Area Plan, as referenced and identified in the 2001 Chandler General Plan (see p. 33, Chandler Land Use Map);
- Chandler Area and Redevelopment Plan, as referenced and identified in the 2001 Chandler General Plan (see p. 53, Conservation, Rehabilitation, and Redevelopment Element, which in turn references the Chandler Redevelopment Element as adopted in July, 1995);
- The South Price Road Campus Employment Corridor, as referenced and identified in the 2001 Chandler General Plan (see p. 33, Chandler Land Use Map);
- Locations designated for Regional Commercial development in the 2001 Chandler General Plan (see p. 33, Chandler Land Use Map).

Secondly, for those projects proposed on sites that don't fall directly within any of the above locations, consideration may still be given if one or more of the following performance characteristics are met (require written documentation):

- (a) **Re-use of land previously developed** for other uses which no longer prove feasible in economic terms, or compatible with their surroundings in land use terms, such as a commercial shopping center at least fifteen (15) years old and characterized by vacancy rates greater than the city-wide average, and by other evidence of underutilization; an industrial site previously developed but no longer in use, and which trigger retrofit and/or environmental clean-up which are not cost effective when compared to new construction; a multiple dwelling residential use (attached dwellings) characterized by chronic violations of City nuisance codes and/or development codes, and where enforcement is hampered further by a rate of absentee ownership greater than the city-wide average.
- (b) The development proposal is consistent with, or in fact **directly embodies, an objective or policy of an adopted area plan, neighborhood plan, or element of the General Plan**, by developing a new land use or expanding an existing use that provides needed viability or long term sustainability. Examples would include (and not be limited to) new residential development that would

stabilize household incomes within a given trade area and increase customer clientele for existing businesses, or create customer demand for additional businesses; employment use(s) that provide new job opportunities for area residents; new recreation, entertainment, public assembly, or other commercial uses that would produce patron or spectator traffic that existing businesses might also capitalize upon.

- (c) An existing development proposes verticality as an economic means of **providing additional amenities, services, or other tangible benefit to users** of the development or to the general public. Examples would include (and not be limited to) adding off-street parking to relieve shortages during peak periods of demand; increasing on-site storm water retention to reduce flooding potential; expanding public or semi-public open space for active or passive enjoyment; providing new vehicular access via dedicated rights-of-way or private drives; street widening that relieves congestion and/or improves traffic safety.
- (d) The development proposal **makes direct, efficient use of, or in fact is dependent upon, existing or committed transportation facilities that serve the project site** such as freeway access, bus rapid transit, light rail, etc., while at the same time its own project intensity is consistent with all City infrastructure capacities, either existing or planned.
- (e) The development proposal provides **a mix of land uses within its own project boundaries that provides a live/work/shop/play environment**, i.e., a project that provides residential dwellings as well as employment opportunities, retail services, and recreational facilities that collectively provide an urban lifestyle alternative and potentially reduce work trips as well as shopping/leisure trips for occupants.
- (f) An **infill proposal** that shares project boundaries with existing development; provides a land use compatible with, or in support of, adjoining uses; makes efficient use of existing street and utility capacities; has reasonable potential to maintain, or perhaps increase, property values in the area; building height(s) are not detrimental to adjoining uses as determined by conformance with the design considerations set forth in this policy.

Again, conformance with the above locations or performance characteristics determines eligibility for considering mid-rise development, but does not assure that zoning approval will ultimately be granted.

Design Considerations

Council may approve building height(s) greater than forty-five (45) feet, based upon careful consideration of the land use, site plan, and architecture associated with the given project. To warrant the greater building heights, particular attention should be given to the following items, in conjunction with other considerations customarily made by the Mayor and Council, Planning Commission, Staff, affected owners of property in the area, and the developer relative to a PDP application as required by the Zoning Code:

- (a) A narrative statement from the applicant demonstrating why the mid-rise building heights are appropriate.
- (b) Documentation, either written or graphic, that the greater building height(s) free up more area on-site for open space, pedestrian facilities, or other public amenities. Particular consideration should be given to urban spaces that would be truly open and accessible to those that live or work in the area, and that offer the benefit of public art and architectural amenities.
- (c) Demonstration that the mid-rise development as proposed enables a more innovative or efficient site plan; or that it makes creative use of landscaping, screening, or other land use buffer/transition technique; or that it achieves an overall greater quality of development than would otherwise be possible under the standard requirements of City development codes.
- (d) Project architecture and site design that demonstrates sensitivity to all adjoining land uses relative to (but not necessarily limited to) view corridors; exterior building materials and colors; reflection of sunlight (off building glass and other reflective building surfaces); lighting (intensities, shielding of point sources, movement, etc.); window placements and orientations; window coverings; mechanical equipment; location and orientation of patios, terraces, and decks; exterior signage (whether building-mounted or freestanding); etc. These considerations are particularly important if the subject site adjoins existing single-family development.
- (e) Architectural style, design details, or other articulation technique(s) used in the building(s) that demonstrate sensitivity to building mass, scale, and proportion with respect to the subject site, and to the building(s) and land uses on adjacent site(s).
- (f) As a whole, the development project by virtue of the mid-rise building height(s) creates a positive identity, not only for itself but for the City image as well.
- (g) Findings that if approved, such mid-rise building height(s) would not conflict with the goals, objectives, and other provisions of adopted area plans and development strategies, nor pose a threat to the public health, safety, or welfare of adjoining properties.

Building Height

Where proposed, mid-rise development should be consistent with the lower profile, less intensive development pattern that characterizes Chandler today.

- (a) Absent the showing of mitigating circumstances that already exist on or adjacent to the site proposed for mid-rise development, buildings sited three hundred (300) ft.** or less from existing or planned single-family development should not exceed forty-five (45) ft. in height. Subject to approval by the Mayor and Council, such mitigating circumstances may include one (1) or more of the following:
1. Freeway, railroad, or major arterial right-of-way; utility substation; grade differential; or other physical feature(s) or condition(s) not caused by the mid-rise development being proposed;
 2. A mix of multi-family dwellings interspersed with single-family dwellings within the three hundred (300) ft. buffer distance;
 3. Land uses other than single-family either existing or planned within the three hundred (300) ft. buffer distance;
 4. Applying the full three hundred (300) ft. buffer would eliminate most if not all sites, or all developable portions of a given site for mid-rise development, despite otherwise being deemed eligible for consideration under this policy.
- (b) For buildings sited more than three hundred (300) ft.* from existing or planned single-family development, the maximum building height shall be based upon consideration of land use compatibility, location, site plan, architecture, and performance characteristics of the project as outlined in this policy, and as ultimately approved by the Mayor and Council through the Planned Area Development (PAD) zoning process.

* The 300-foot distance shall be the shortest distance measured from the nearest residential property line to the nearest point of the subject building.

Council Discretion

Should a site be presented that does not meet any of the locations or performance characteristics of sites deemed eligible for consideration under this policy, and/or the proposed site development exceeds the building height(s) prescribed herein, Council may exercise their legislative discretion under this policy to determine if such site nevertheless possesses characteristics that are similar to those outlined on pages 2-3 of this document, and/or the design considerations outlined on pages 4-5, to still warrant some deliberation and possible approval. For example, a site in close proximity (1/2 mile or less) to the point of intersection of two freeways may warrant building height(s) greater than the maximums otherwise recommended herein.

Under no circumstances should any particular building height be considered a matter of right upon application. Rather, such building height(s) must be earned and justified by the particular circumstances and representations of the project through the zoning and public hearing process, for ultimate approval by the Mayor and Council in the exercise of their legislative discretion.

NOTE: Zoning Code Section 2601.1 (B) requires at least two neighborhood meetings for any area plan, preliminary development plan or zoning ordinance pertaining to a mid-rise development. See zoning code section below.

Section 2601.1 (B)

"The written notice shall also include a general explanation of the substance of the proposed zoning ordinance and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner or those other potentially affected citizens, as determined under section 35-2601.1 A., will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning ordinance before the public hearing required under section 35-2602.

For any area plan, preliminary development plan, or any zoning ordinance pertaining to a mid-rise development, at least two (2) neighborhood meetings shall be held by the applicant, prior to the application being scheduled for public hearings by the Planning and Zoning Commission and City Council."