

#4

MAR 10 2011



MEMORANDUM Transportation & Development – CC Memo No. 11-014

DATE: FEBRUARY 22, 2011

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, ACTING CITY MANAGER *RD*
 PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *PM*
 R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
 JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
 KEVIN MAYO, PLANNING MANAGER *KM*

FROM: JODIE M. NOVAK, MEP, SENIOR CITY PLANNER *JMN*

SUBJECT: DVR10-0024 RANCHO BERNARDO

Request: Action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three year schedule for development or to cause the property to revert to the former Agriculture District (AG-1) zoning

Location: Southwest corner of 56th Street and Chandler Boulevard

Applicant: Burch & Cracchiolo, P.A., Brennan Ray

Project Info: The existing Planned Area Development (PAD) zoning is for a 4,250 square foot retail building on 0.7 net acres

RECOMMENDATION

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend approval of extending the timing condition for an additional three (3) years.

EXTENSION OF THE TIMING CONDITION

This application requests a time extension for an approximately 0.7 net acre parcel located at the southwest corner of 56th Street and Chandler Boulevard. In June 2002, City Council approved rezoning this subject site from AG-1 (Agricultural) to Planned Area Development (PAD) for a retail building with a two (2) year construction time limit condition. There have been a couple of time extensions approved since the original rezoning case expired on June 22, 2004. A time extension request was approved by Council for an additional three (3) years in October 2004

with the PAD zoning expiring on June 22, 2007. Another time extension was approved for an additional three (3) years in January 2008 with the PAD zoning expiring on June 22, 2010. Time limits are calculated from the previous zoning approval's expiration date not the Council meeting date.

This application requests a time extension approval to maintain the PAD zoning for a retail use for an additional three (3) years in which the zoning would expire in June 2013. The City has the following options when a zoning district's timing condition expires. The City could, through administrative action, extend the timing condition for another period of time, eliminate the timing condition, or by legislative action revert the zoning to its former zoning classification. If the City should approve the timing condition extension, all other conditions in the original approval would remain in effect.

BACKGROUND

In May 2002, this 0.7 net acre parcel received Planned Area Development (PAD) zoning with approval of a Preliminary Development Plan (PDP) for the construction of an employment supported retail building. The retail use was intended to support future development of the I-1 zoned (Planned Industrial District) parcel surrounding the site.

The building was conditioned for retail use only; restaurant, office, and all high-turnover commercial uses are prohibited. To maintain compatibility with the future industrial uses, the building is designed with a high-tech industrial theme. The building is placed in a landscaped setting at the intersection. The site layout includes cross access to adjoining property.

This application does not seek to modify the previously approved land use, site or building design, but seeks to extend the timing condition for an additional three (3) years. Bashas' Inc. purchased the subject parcel in 2003 along with owning the surrounding vacant parcels. Bashas' Inc. is exploring their development options in the creation of an overall master plan, which would include the 0.7 acre corner parcel. There are no development plans at this time.

If any other alternative design or use is proposed, an amendment to the PAD zoning and/or PDP will be required. If the City should approve the timing condition extension, all other conditions in the original approval would remain in effect. Planning Commission and Planning Staff have no concerns with the conditions in the original approval. Attached is a copy of the approved ordinance including the zoning conditions.

Planning Commission and Planning Staff are in support of the zoning time extension request for an additional three years, which extends the PAD zoning until June 22, 2013. Planning Commission and Planning Staff are of the opinion the retail land use as a support use to a larger industrial development is still appropriate for this site.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on January 13, 2011. No one attended other than the applicant.

- As of the date of this memo, Planning Staff is not aware of any opposition or concerns with this request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 7 Opposed: 0

RECOMMENDED ACTION

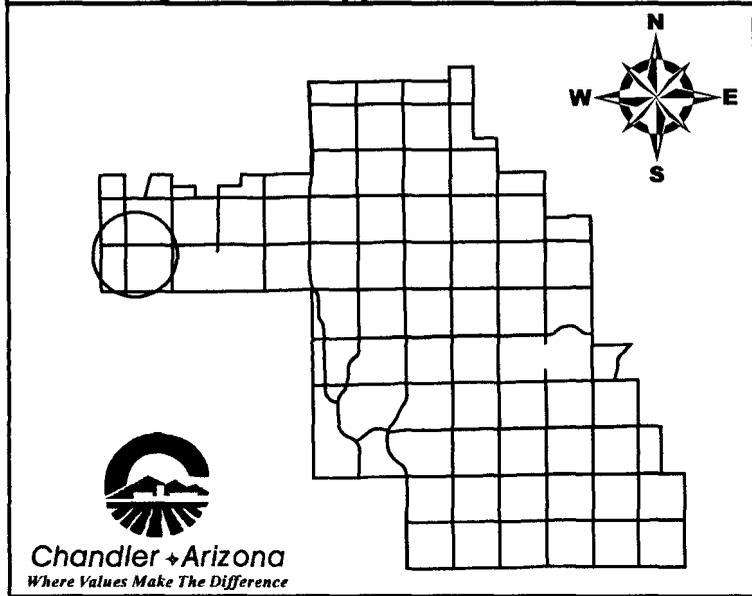
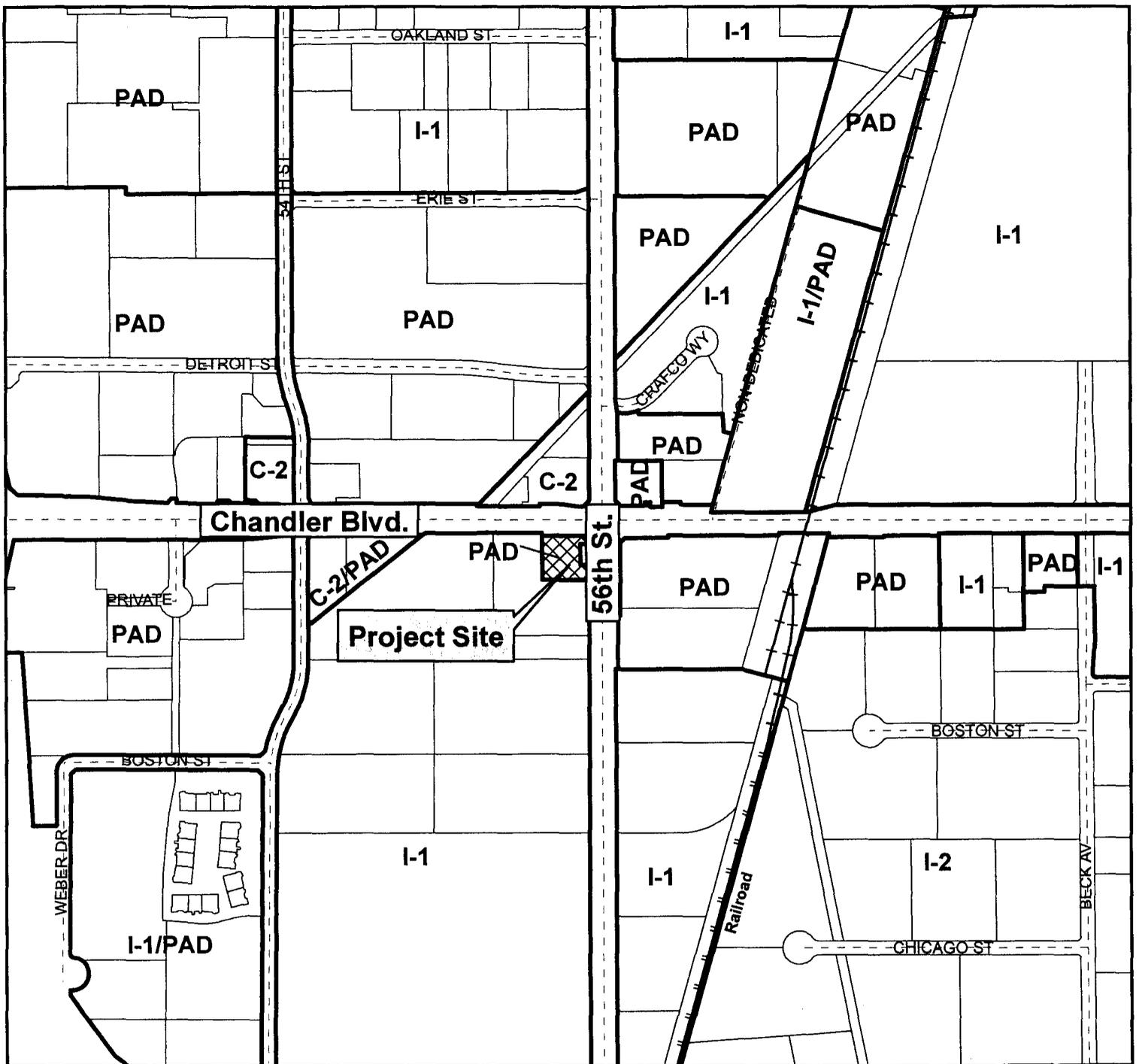
Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

Move to approve extending the timing condition for case DVR10-0024 RANCHO BERNARDO for an additional three (3) years, in which the zoning would be in effect until June 22, 2013, and with all of the conditions in the original approval remaining in effect.

Attachments

1. Vicinity Maps
2. Narrative
3. Site Plan
4. Building Elevation
5. Ordinance No. 3366

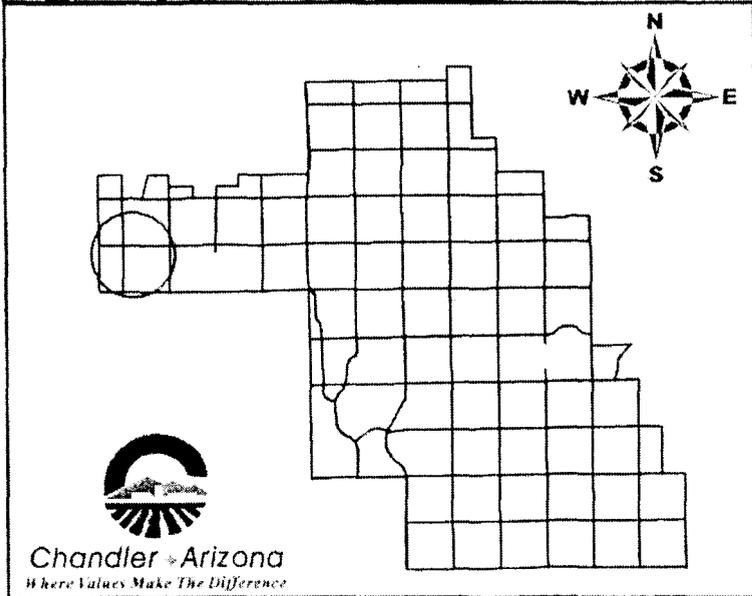


Vicinity Map

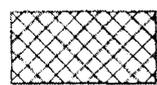


DVR10-0024

Rancho Bernardo



Vicinity Map



DVR10-0024

Rancho Bernardo

Request for Time Extension

Rancho Bernardo

SWC 56th Street and Chandler Boulevard

Case No. DVR10-0024
November 15, 2010
Revised February 7, 2011

Bashas' Request for Time Extension

Addendum to Project Booklet for Rancho Bernardo located at the Southwest Corner of 56th Street and Chandler Boulevard

The purpose of this Addendum is to request a time extension of the approved zoning for Rancho Bernardo (the "Site") located at the southwest corner of 56th Street and Chandler Boulevard. On May 23, 2002, the Chandler City Council adopted Ordinance No. 3366, which rezoned the Site from Agriculture (AG-1) to Planned Area Development ("AD") Retail with Preliminary Development Plan ("PDP") for Commercial Retail, subject to the following stipulation:

Construction shall commence above foundation walls within two (2) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

At the time the City Council approved the PAD/PDP zoning, the owners of the Site (Dr. Bernard and Faye Pipkin) anticipated developing a 4,250 sf. retail center on the Site. Bashas' Inc. purchased the Site from the Pipkins in 2003 and is requesting that the current PAD/PDP zoning be extended for an additional three years. Unable to meet the original construction deadline, the City Council approved a three-year extension of the PAD/PDP zoning in October 2004 and a three year extension in January 2008. Construction of the retail center has not yet commenced due to a variety of extenuating circumstances including the state of the economy over the previous two to three years. No changes are being made at this time to the land use or development plans that were approved by the Council.

Bashas' time extension request is consistent with the current circumstances on the Site and in the area, as well as with existing policy. Bashas' acquired the Site in July 2003 and, owning substantial holdings in the area, may incorporate the Site into its overall master plan at some point in the future. Bashas' needs additional time to determine whether and how to best incorporate the site into its overall master plan.

Furthermore, a time extension is appropriate because the Site's existing zoning (PAD for Retail/PDP for Commercial Retail) still makes good land use sense. As Staff pointed out in their Staff Report dated April 27, 2002, "The Site is effectively un-useable for agricultural uses at 0.7 [net] acres; and does not make good land use sense for it to remain in this zoning district. A rezone to PAD (Retail) will support the existing land uses and the future planned employment." Staff pointed out again in their Staff Report dated January 17, 2008, "Staff is of the opinion the retail land use as a support use to a larger industrial development is still appropriate for this site.

A rezone to PAD (Retail) will support the existing land uses and the future planned employment.” This assessment is still the case today.

For these reasons, Bashas’ respectfully requests that the time condition to begin construction be extended for an additional three years. If you have any questions or need additional information, please do not hesitate to call Mariane Owan at (480) 895-9350 or Brennan Ray at (602) 234-8794.

EXISTING
C-2
GAS/CONVENIENCE

EXISTING
PAD
GAS/CONVENIENCE



Commercial Real Estate
Planning, Design &
Entitlements Services

P.O. Box 9157
Scottsdale, AZ 85252
Tel: 480-836-1880
Fax: 480-836-2430
Cell: 480-720-3000
E-mail:
jamiecoverdale@qwest.net

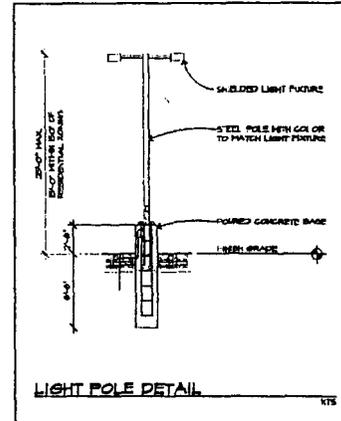


DANCHO BERNARDI
S/WC 85TH STREET &
CHANDLER BOULEVARD
CHANDLER, ARIZONA

Date: 3-7-02
Scale: 1" = 20'-0"
Sheet:
PDP
Job: 40101

CHANDLER BOULEVARD

56TH STREET



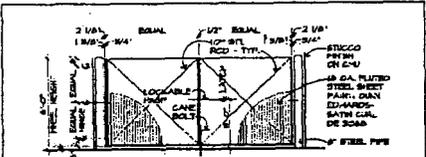
PROPOSED PAD
HARLEY DAVIDSON
RETAIL

OWNER / DEVELOPER:
DR. BERNARD & PATE PIPKIN
P.O. BOX 2394
PALOS VERDES PERL, CA 90274
TEL: 310-378-7564
E-MAIL: EIPipkin@aol.com

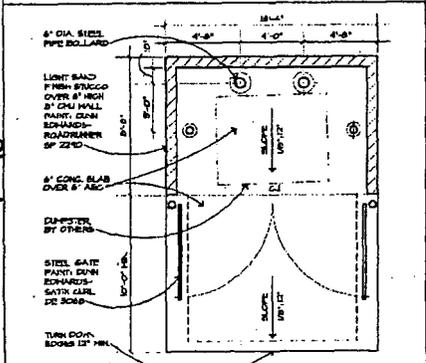
SITE DATA

A.P.N.	301-85-05E
PRELIMINARY ADDRESS:	7003 N. CHANDLER BLVD.
EXISTING ZONING:	AG-1
PROPOSED ZONING:	PAD (Retail/Office)
GROSS SITE AREA:	(82,471 S.F.) 1.83 ACRES
EXISTING NET SITE AREA:	(87,894 S.F.) 0.86 ACRES
FUTURE NET SITE AREA:	(30,424 S.F.) 0.70 ACRES
TOTAL BUILDING AREA:	4,250 S.F.
SITE COVERAGE:	14.8%
MAXIMUM BUILDING HEIGHT:	22'
OCCUPANCY GROUP:	M
CONSTRUCTION TYPE:	V-N
PARKING REQUIRED:	(1,750) 17 SPACES
PARKING PROVIDED:	17 SPACES
ACCESSIBLE PARKING REQUIRED:	1 SPACE
ACCESSIBLE PARKING PROVIDED:	1 SPACE

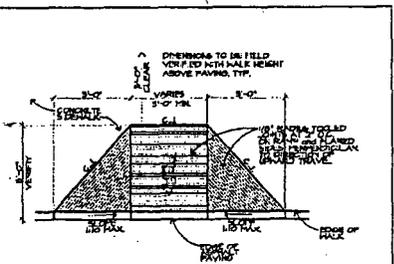
- GENERAL NOTES:**
- ELECTRICAL SERVICE ENTRANCE (ESE) SHALL BE LOCATED INSIDE THE BUILDING.
 - ANY ROOF ACCESS LADDERS SHALL BE LOCATED ABOVE THE BUILDING.
 - ALL ROOF DRAINAGE SHALL BE INTERIOR ROOF DRAINAGE.
 - ALL GRAND-MOUNTED EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW BY LANDSCAPING OR A CONCRETE OR MASONRY WALL, EQUAL TO OR GREATER IN HEIGHT THAN THE EQUIPMENT.
 - ALL TRANSFORMER BOXES, METER PANELS AND ELECTRIC EQUIPMENT, GAS FLOW VALVES AND ANY OTHER UTILITY EQUIPMENT SHALL BE PAINTED TO MATCH THE BUILDING COLOR.
 - ALL ROOF-MOUNTED EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW BY A MASONRY WALL EQUAL TO OR GREATER IN HEIGHT THAN THE EQUIPMENT.



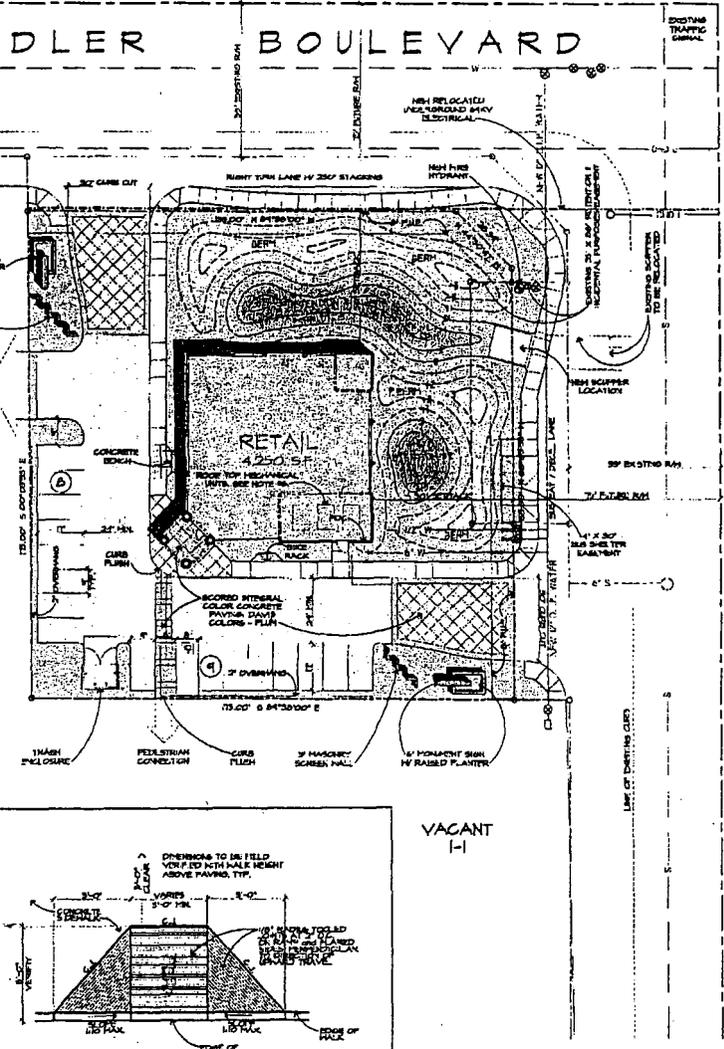
TRASH ENCLOSURE GATE ELEV. DETAIL



TRASH ENCLOSURE PLAN DETAIL



ACCESSIBLE RAMP DETAIL



SITE PLAN
SCALE: 1" = 20'-0"

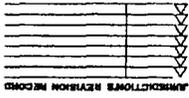
PRE01-0054

SITE PLAN DV 601-0051



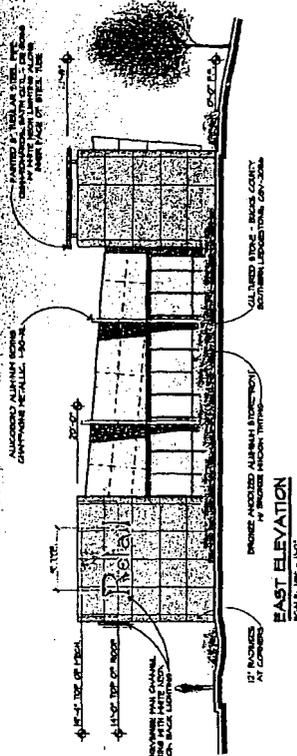
Commercial Roof Center
Engineering, Design &
Construction, AZ 85252

P.O. Box 9157
Scottsdale, AZ 85252
Tel: 480-836-1860
Fax: 480-836-2430
Call: 480-720-3000
E-mail:
jamicoover-die@qwest.net

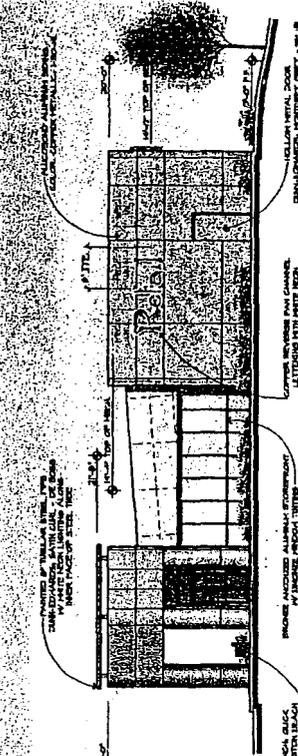


3400 CHANDLER BOULEVARD
SCOTTSDALE, ARIZONA

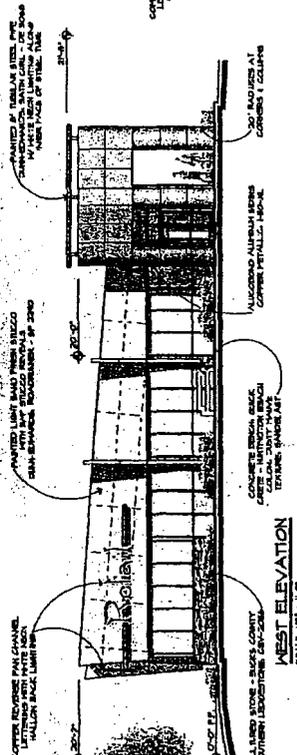
Date:	3/13/07
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Sheet:	ELV
Job:	AD01



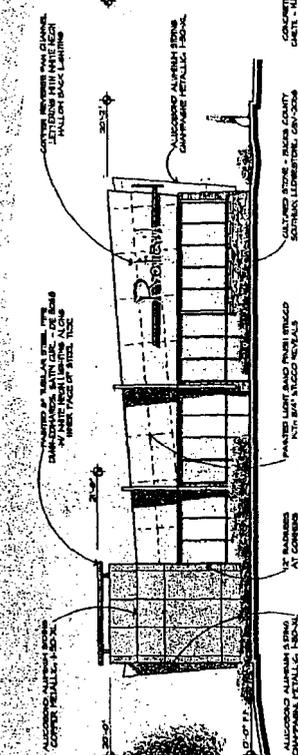
WEST ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"

Building Elevation
DYAD1-0031

3/13/07 10:53 AM

ORDINANCE NO. 3366

OFFICIAL FILE COPY
CITY OF CHANDLER
CITY CLERK

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 (AGRICULTURAL) to PAD (RETAIL) (DVR01-0031 RANCHO BERNARDO) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Legal Description of Property:

See Exhibit "A" attached.

Said parcel is hereby rezoned from AG-1 (Agricultural) to PAD (Retail), subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Rancho Bernardo" kept on file in the City of Chandler Planning Services Division, in File No. DVR01-0031, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Chandler Boulevard and 56th Street, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Construction shall commence above foundation walls within two (2) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
4. Undergrounding of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
5. 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.
6. The developer shall be required to install landscaping in the arterial street median 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.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility

pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

- 9. The tree sizes along the arterial street shall include a minimum mix of 50%- 24" box, 25%- 36" box, and 25%- 48" box trees.
- 10. Restaurant, office and all high turnover commercial uses shall be prohibited on the subject site. Approval of any use, which cannot be readily determined as a retail use, shall be subject to a zoning amendment to be approved by Planning Commission and City Council.

SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 9th day of May 2002.

ATTEST:

Carolyn Beaman
CITY CLERK

Jay Feldman
MAYOR

PASSED AND ADOPTED by the City Council this 23rd day of May 2002.

ATTEST:

Carolyn Beaman
CITY CLERK

Jay Feldman
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3366 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 23rd day of May 2002, and that a quorum was present thereat.

Carolyn Beaman
CITY CLERK

APPROVED AS TO FORM:

John A. Peterson, Assistant City Attorney
CITY ATTORNEY

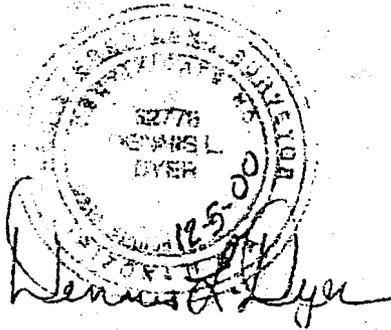
PUBLISHED:

5/29/02
6/5/02

LEGAL DESCRIPTION

NO. 226-948-1313724

The North 250 feet of the East 250 feet of the Northeast quarter of Section 32, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.



WECKERLY & ASSOCIATES

SURVEYORS---ENGINEERS

337 N. ARIZONA AVENUE

CHANDLER, ARIZONA

480-963-6481