

#2

MAR 24 2011

ORDINANCE NO. 4287

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL DISTRICT (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) FOR COMMERCIAL USES (DVR10-0021 PECOS & GILBERT) 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 Attachment 'A'

Said parcel is hereby rezoned from Agricultural District (AG-1) to Planned Area Development (PAD) for commercial uses, with conceptual development plan approval for a future commercial development, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "NWC PECOS & GILBERT ROAD " kept on file in the City of Chandler Current Planning Division, in file number DVR10-0021, except as modified by condition herein.

2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Transportation and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Construction shall commence above foundation walls within three (3) 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.
7. Completion of the construction, where applicable, 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.
8. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

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 Transportation & 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.

ORDINANCE NO. 4287

Attachment 'A'

PARCEL NO. 2

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE MARKING THE SOUTHEAST CORNER OF SAID SECTION 36, FROM WHICH, A BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 36 BEARS SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST, A DISTANCE OF 2642.61 FEET;

THENCE NORTH 00 DEGREES 08 MINUTES 40 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 660.00 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST, ALONG A LINE PARALLEL WITH AND 660.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 71.00 FEET, TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 00 DEGREES 08 MINUTES 40 SECONDS EAST, ALONG THE WEST RIGHT OF WAY LINE OF GILBERT ROAD AS RECORDED IN DOCUMENT 2007-0479212, A DISTANCE OF 49.80 FEET;

THENCE NORTH 89 DEGREES 51 MINUTES 20 SECONDS EAST, A DISTANCE OF 6.00 FEET;

THENCE SOUTH 00 DEGREES 08 MINUTES 40 SECONDS EAST, A DISTANCE OF 210.00 FEET;

THENCE SOUTH 89 DEGREES 51 MINUTES 20 SECONDS WEST, A DISTANCE OF 10.00 FEET;

THENCE SOUTH 00 DEGREES 08 MINUTES 40 SECONDS EAST, A DISTANCE OF 35.50 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST, A DISTANCE OF 266.00 FEET;

THENCE NORTH 00 DEGREES 08 MINUTES 40 SECONDS WEST, A DISTANCE OF 295.28 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 49 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 270.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

PARCEL NO. 3

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE MARKING THE SOUTHEAST CORNER OF SAID SECTION 36, FROM WHICH, A BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 36 BEARS SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST, A DISTANCE OF 2642.61 FEET:

THENCE NORTH 00 DEGREES 08 MINUTES 40 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 364.72 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 00 DEGREES 08 MINUTES 40 SECONDS EAST, ALONG THE WEST RIGHT OF WAY LINE OF GILBERT ROAD AS RECORDED IN DOCUMENT 2007-0479212, A DISTANCE OF 249.72 FEET;

THENCE SOUTH 44 DEGREES 45 MINUTES 35 SECONDS WEST, A DISTANCE OF 56.66 FEET TO THE NORTH RIGHT OF WAY LINE OF PECOS ROAD;

THENCE SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF PECOS ROAD, A DISTANCE OF 226.00 FEET;

THENCE NORTH 00 DEGREES 08 MINUTES 40 SECONDS WEST, A DISTANCE OF 289.72 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 49 SECONDS EAST, A DISTANCE OF 266.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

OPTION PARCEL

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE MARKING THE SOUTHEAST CORNER OF SAID SECTION 36, FROM WHICH, A BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 36 BEARS SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST, A DISTANCE OF 2642.61 FEET;

THENCE NORTH 00 DEGREES 08 MINUTES 40 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 660.00 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST, ALONG A LINE PARALLEL WITH AND 660.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 71.00 FEET, TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED;

THENCE CONTINUING SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 115.00 FEET;

THENCE NORTH 00 DEGREES 08 MINUTES 40 SECONDS WEST, A DISTANCE OF 38.00 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 49 SECONDS EAST, ALONG A LINE PARALLEL WITH AND 698.00 FEET NORTH OF SAID SOUTH LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 115.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF GILBERT ROAD;

THENCE SOUTH 00 DEGREES 08 MINUTES 40 SECONDS EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 38.00 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED.

SAID PARCEL CONTAINS 4,370 SQUARE FEET OR 0.100 ACRES, MORE OR LESS.

NWC Pecos & Gilbert Road

FEBRUARY 9, 2011

Introduction

The subject property is located at the northwest corner of the Gilbert and Pecos Roads and encompasses approximately 3.70 net acres (the "Property"). This application requests approval of a Planned Area Development for a small commercial shopping center. See Aerial Map attached at **Tab A**.

Site History

The Property was originally a part of a larger sixteen (16) acre site at the northwest corner of Pecos Road and Gilbert Road that was proposed for an extension to the Chandler Auto Mall. In 2005, that proposal was approved by the City of Chandler, but eventually withdrawn. At that time, the neighborhood indicated it was opposed to auto dealerships on the site and instead wished for the Property to be developed with commercial retail uses, in accordance with the College Area Plan. Recently, the Maricopa County Community College District indicated it wished to purchase the vast majority of that original 16 acre parcel. The purchase would allow expansion of the college facilities and was supported by the City and the overall community. This sale was completed earlier this year. Approximately 3 acres were also dedicated to the City for right-of-way. Accordingly, the remaining 3.70 acre remnant parcel is left at the immediate corner.

Relationship to Adjacent Properties

The property is bordered by Pecos Road on the south, Gilbert Road on the east, and Chandler-Gilbert Community College on the west and north. The other three corners of this major arterial intersection are all zoned for commercial projects; including the Chandler Auto Mall to the south and commercial shopping centers to the east and southeast.

General Plan / Area Plan Conformance

The General Plan designates all this area as Low Density Residential (2-5), but specifically states that “commercial may be located at the corners of arterial street intersections”. Additionally, the College Area Plan designates the Property as Neighborhood Commercial. See Area Plan attached at **Tab B**. Accordingly, this proposal is in full conformance with the General Plan and the Area Plan.

PAD Zoning Permitted Uses

Uses permitted. Any use allowed in the C-2 Zoning District on the Table of Permitted Uses for Non-Residential Districts.

Uses permitted by the Use Permit. Any use or similar use indicated by a “UP” under the C-2 District column on the Table of Permitted Uses for the Non-Residential Districts or any other use the City Council determines is compatible and in the best interest of the community may be permitted by a use permit

PAD Zoning Development Standards

1. Height Regulations: *No building shall exceed thirty (30) feet in height or twenty (20) feet adjacent to residential uses. At the thirty-foot setback line, a building may exceed such height provided that at no point it projects above a line sloping inward and upward at a forty-five-degree angle at the required height and setback line to a maximum height of forty-five (45) feet.*
2. Front Yard: *Buildings shall be set back at least fifty (50) feet from the right-of-way line along arterial streets.*
3. Side Yard: *Minimum side yard building setback shall be 10' feet.*
4. Rear Yard: *Minimum building setback shall be 10' feet.*
5. Intensity of Lot Use: *No building shall occupy more than fifty-five (55) percent of the lot area.*
6. Commercial Design Guidelines as outlined in Chapter 35 Article 19 of the City of Chandler Zoning Ordinance shall apply to the property except as modified herein or the development agreement.

Conceptual Site Plan

Located at the northwest corner of Pecos Road and Gilbert Road and adjacent to the Chandler Gilbert Community College, the project site is appropriately situated for retail development. With frontage on two arterial streets and the immediate proximity of a large student population, this site would typically draw the attention of a variety of retail oriented users. The proposed site plan is intended to reflect a flexible solution for a mix of commercial-retail uses, allowing some variation with building widths and depths. See Conceptual Site Plans and Development Options attached at **Tab C**. Once users are selected, a plan with specific architectural character will be established through the Preliminary Development Plan (PDP) process. As referenced on the Conceptual Site Plan, pedestrian access will be encouraged within the project as well as with the Chandler Gilbert Community College. A direct pedestrian connection is proposed to occur somewhere along the west property line that will encourage student access into the retail complex. The final location will be determined during the PDP process.

Site Access

The only full turning access into the site is located at the north end of the property at the 1/8th mile interval on Gilbert Road north of Pecos Road. There are two additional driveways along Gilbert Road that are right-in and right-out only, and one driveway off Pecos Road that is also right-in and right-out only. Cross access easements will be established as necessary through the site to facilitate vehicular movement.

Landscaping

The design and development of the project landscape is an essential feature of establishing an attractive, well integrated commercial complex. The project site's location at the intersection of two arterial streets, Pecos Road and Gilbert Road requires an enhanced landscape buffer that measures 50' in depth and 250' along both frontages. The integration of a landscape theme with the architectural design guidelines can reinforce a visual reference for the users developing within the complex. The selection of landscape material prescribed for trees, shrubs, groundcovers and accents will be selected from the Arizona Department of Water Resources low water use plant list for the Phoenix Active Management Area (Phoenix AMA). The size and quantities of plant material shall conform to the landscape standards in Article 19 Section 35-1903 of the City of Chandler's Unified Development Code. Turf may be installed within the 50' landscape setback area fronting onto Pecos Road and Gilbert Road, but limited to the City's 10% maximum area of the total project landscape.

For the purpose of developing and retaining the landscape theme, the Sonoran Palo Verde and the Green Cloud Sage shall be the predominant tree and shrub selection representing at least 60% of the required plant material count for the project. Plant material shall be sized in accordance with Article 19, Section 35-1903, (6) Standards. In addition, the following designated landscape areas and their design requirements will at a minimum satisfy the following:

Streetscape

Pecos Road and Gilbert Road: the 50' by 250' landscape setback measured from their intersection shall incorporate 1 tree and 6 shrubs per 800sf of surface area. Beyond the 250' extension, the landscape setback may be reduced to 20' and shall incorporate 1 tree and 6 shrubs per 30 lineal feet of frontage. Within this entire streetscape area, the total vegetative cover including trees, shrubs, and groundcover shall meet or exceed 50% of the landscaped surfaced area.

Interior Open Space

The portions of the project within the perimeter setbacks shall be landscaped at the rate of 1 tree and 6 shrubs per 750sf of interior landscape area. The total vegetative cover including trees, shrubs, and groundcover shall meet or exceed 50% of the landscaped surfaced area.

Parking Lots

Within the defined parking lot areas, 10% of the qualifying surface area shall be landscaped. Median islands must be a minimum of 9' in width, face of curb to face of curb, and diamond planters shall have a minimum dimension of 5' per side. One (1) median and two (2) evenly spaced diamond planters shall be installed for every 12 parking spaces.

Perimeter Buffers

Along the west and north property lines that share common property lines with the Gilbert Chandler Community College, will be a minimum 10' landscaped buffer planted with 1 tree and 6 shrubs per 30 lineal feet.

Irrigation System

An automatic irrigation system designed to minimize maintenance and water consumption shall be provided to all landscape areas.

Architectural Quality

The goal will be to encourage a consistent pattern of architectural styles while proscribing certain elements and materials that will provide architectural identity and harmony throughout the development. Specific architecture for the development will be established through the Preliminary Development Plan (PDP) process at a later date when specific users have been selected. It will be the intent for the Owner/Developer of each building to use an approved set of architectural and landscape architectural design features that reinforces the design theme.

Design Objectives

- Buildings should be clean, orderly and of a timeless expression, respect the predominant scale of development in the surrounding area by designing with elements of similar scale and providing transition to surrounding development. Buildings should be sensitive to the streetscape and adjacent developments.
- Building height, parking and open spaces shall comply with the City of Chandler Zoning Ordinance or with the specific stipulation contained within individual zoning cases for each building.
- Building mass and form should create an orderly sense and be sensitive to surrounding forms.
- Rooftop equipment screening should integrate into the building mass and form, and should be constructed of similar complimentary materials.
- The design of a building should reduce its perceived height by dividing the building mass into smaller scale components. This affect may be achieved by providing a well defined base, core and top to the structure.
- A solid building base may be achieved by elements including planters and walls, base plating, a support architectural veneer banding and treatments defined by a different material, texture or color.
- A more articulated building mass may be achieved by the addition of architectural awnings that provide deep shadow at ground level.

- The application of features including distinct and multiple architectural roof forms, clearly pronounced eaves, and distinct parapet designs and cornice treatments may achieve a well defined building top.
- Many methods of design establishing building definition may be considered to accomplish a sense of scale and character consistent with the surrounding context.
- Excessive use of decorative detail applied to the surface of a building will be discouraged.
- Building frontages and sides that are oriented to the street or public linkages should incorporate a combination of pedestrian level display windows, storefronts and store entries.
- To activate a building frontage, primary entrances should be located at frequent intervals.
- Longer storefronts should incorporate design features which address the impact to the pedestrian experience.
- Building frontage should exhibit human scale detail, windows and other openings along ground floor pedestrian area. Primary entrances to buildings should be distinguished with façade variations, porticos, roof variations, recesses or projections, or other integral building forms.
- A material base that emphasizes variety is encouraged on the wall plans, roof and ground plane. If stone or decorative block veneers are incorporated, the material should be used to highlight significant building features and massed elements.
- All sides of a building that are visible from a public space should express consistent architectural detail and character.
- Screening devices, site walls and enclosed service, and/or loading and refuge area should be designed to be an integral part of the building architecture.
- Architectural embellishments and detailing such as textural changes, building offsets and recesses, and color combinations shall be encouraged to create interesting building facades that provide character and identity to the building and building entrances, and yet creates a sense of human scale and comfort.

The following architectural treatments are generally discouraged:

- Paint colors applied to one unbroken surface or the use of large graphics.

- Extended bands of vibrant and/or high contrasting colors that are unrelated to the architecture.
- Long uninterrupted expanses of any one material, color, or texture.

Building Materials

Exterior material should be of a high quality and reflect the surrounding environment. They should possess properties which age and weather with dignity, enhance the aesthetic quality of the building. Building elevations should be designed with all building elevations reflecting a similar aesthetic. The elevations may vary according to their respective exposure and orientations. Colors should reflect the desert environment and compliment adjacent developments. A wide variety of building materials may be used to create the architectural character referenced above. Exterior walls shall use a combination of materials and colors to create interesting building elevations that continue and enhance the design theme of the project architecture. Materials include but are not limited to:

- Brick
- Granite, marble, or other natural or simulated stone finish
- Textured concrete panels that are poured in place or tilt-up
- Stucco or EFIS (exterior insulation finish systems) provided that finishes must be smooth or a sand finish.
- Integrally colored split face or ground face concrete masonry units (CMU)
- Stone (natural or simulated)
- Ceramic tile
- Sloped roofs may be flat architectural tile or architectural metal
- Clear and tinted glass
- Wood (limited to architectural accents)
- Additional materials may be considered provided they are of a comparable quality, durability, and character as determined by City staff.

Color Palette

All exterior colors, materials, and finishes for the structures shall incorporate “earth tones” to achieve design conformity. Accent features may incorporate other colors, materials, and finishes used to express unique design elements, corporate logos, and/or corporate colors.

Building Details

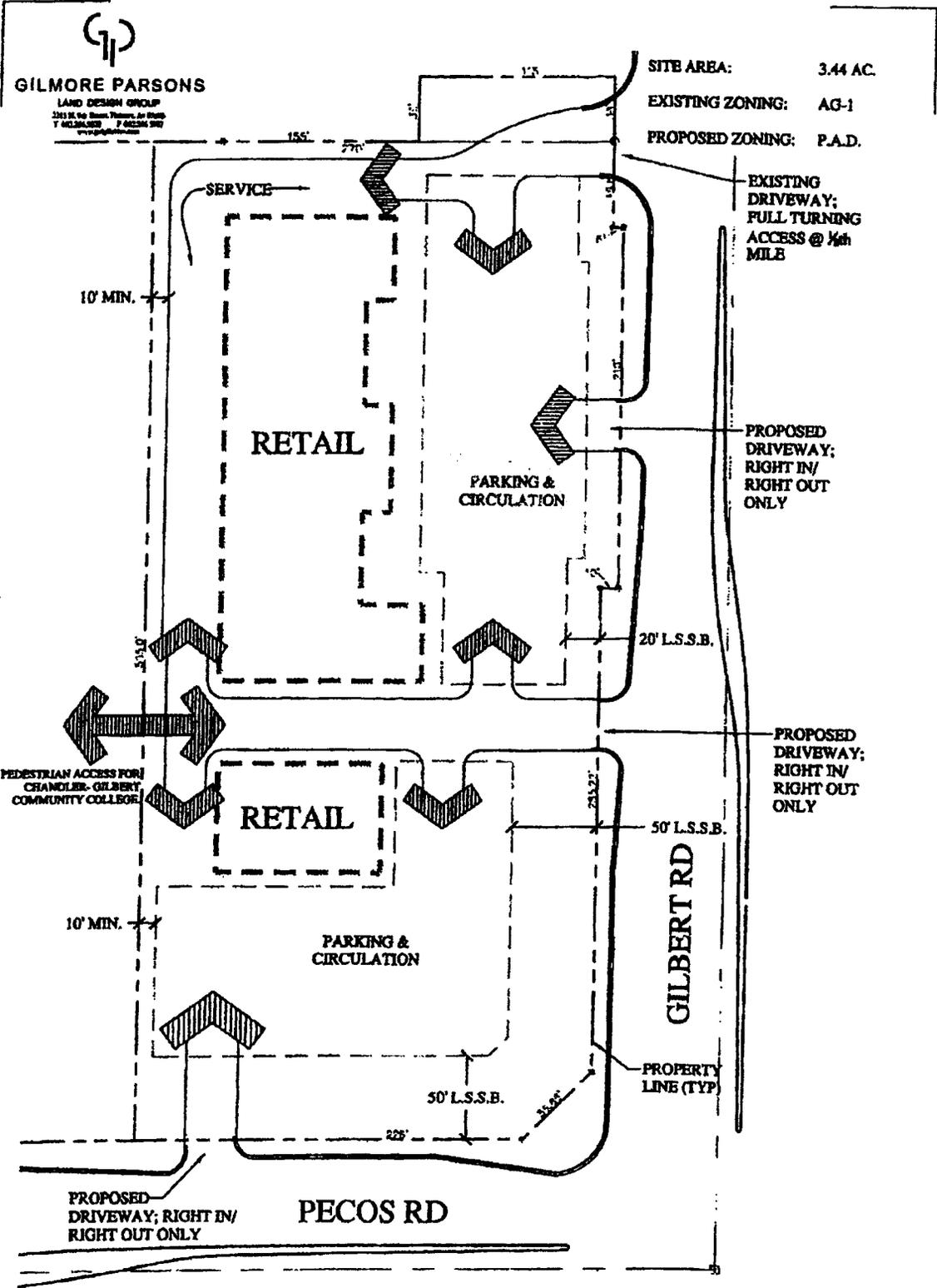
- Building details should reflect adjacent development's order of detail.
- Building entries should be recessed and defined with special architectural features such as canopies, upgraded and special architectural treatments.
- Recesses or architectural treatment should be incorporated into exterior walls to articulate the façade.
- Building mass and scale should be sensitive to its context and environment and unify the project.
- Expansive building masses should be avoided. The architectural concept should be maintained in the architectural appointments and details
- Pedestrian access should be incorporated into the site and landscaping.
- Architectural elements should compliment the building aesthetics.

Signage

Signage shall be permitted as outlined in Chapter 39 of the City of Chandler Zoning Ordinance shall apply to the property.

Conclusion

This remnant parcel is located at the immediate corner of the two major arterial streets. The Property is bordered by the two major arterials and the Community College. The other 3 corners of this intersection are already zoned for commercial uses. There is no question that the proposed commercial is the only reasonable use for the Property. Furthermore, the proposed commercial use is in full conformance with the General Plan and the College Area Plan. In summary, this commercial use is consistent with the surrounding area, and is appropriate land use planning.



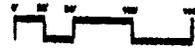
PECOS & GILBERT (NWC)

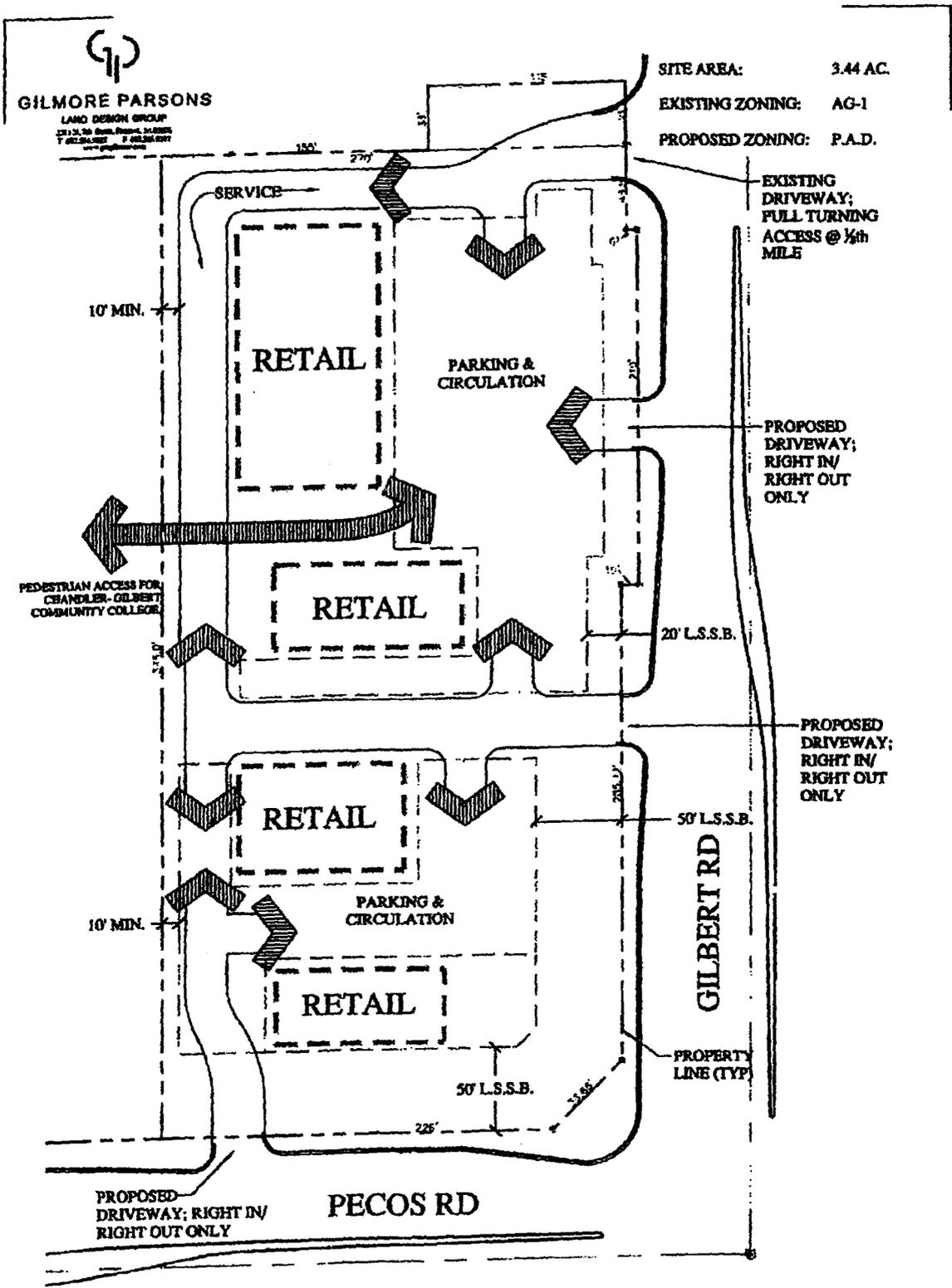
CHANDLER, AZ

CONCEPTUAL PLAN 1

PREPARED FOR: DK Chandler Auto, LLC

SCALE: 1" = 50'





PECOS & GILBERT (NWC) CHANDLER, AZ **CONCEPTUAL PLAN 2**

PREPARED FOR: DK Chandler Auto, LLC

SCALE: 1" = 50'

NORTH

