

#4

MAR 24 2011



MEMORANDUM **Transportation & Development - CC Memo No. 11-018**

DATE: MARCH 17, 2011

TO: MAYOR AND CITY COUNCIL

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

FROM: ERIK SWANSON, CITY PLANNER ^{ES}

SUBJECT: DVR10-0025 CHANDLER CENTER

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 commercial PAD zoning designation.

Location: Southwest corner of Arizona Avenue and Queen Creek Road

Applicant: Jason Morris; Withey Morris PLC

RECOMMENDATION

The request is for 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 commercial PAD zoning designation. Planning Commission and Staff, upon finding consistency with the General Plan and Section 16 Area Plan, recommend approval of a three (3) year timing extension.

EXTENSION OF THE TIMING CONDITION

The request is for action on an existing approximate 50-acre site located at the southwest corner of Arizona Avenue and Queen Creek Road. In 2008, the site was rezoned to PAD with Preliminary Development Plan approval for the construction of a commercial corner, condominium development, and apartment complex. The PAD zoning was conditioned to start construction above foundation walls within three (3) years of the ordinance effective date. This

is the first zoning time extension requested for the property. The current application requests a three-year time extension. The timing condition is set to expire on June 7, 2011; the proposed three-year time extension would be in effect, pending City Council approval, until June 7, 2014, as the time limit is calculated from the previous zoning approval's expiration.

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

The subject site received an Area Plan amendment and Rezoning along with Preliminary Development Plan approval in 2008 for a 50-acre development that included 20 acres of multi-family residential development in the form of apartments, 10 acre multi-family residential development in the form of condominiums, and 20 acres of commercial development located at the intersection corner. Arizona Avenue and Queen Creek Road abut the site on the east and northern boundary; surrounding the site to the west, southwest, and south is the Village at Dobson Crossing single-family residential subdivision.

The General Plan designates the site as being in a commercial node and as low-density residential. The Section 16 Area Plan, in which this piece is a portion, was amended in the previous zoning case from commercial to allow for multi-family residential. Staff, finds the site and proposed uses to maintain consistency with the General Plan.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

- A neighborhood meeting was held on Tuesday, February 8, 2011. No neighbors were in attendance.

At the time of this writing, Staff has received a couple of phone calls with general questions regarding the request. Staff has received no telephone calls or letters opposed to this application.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

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

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of extending the timing condition for case DVR10-0025 CHANDLER CENTER for an additional 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 DVR10-0025 CHANDLER CENTER for an additional three (3) years, in which the zoning would be in effect until June 2014, with all of the conditions in the original approval remaining in effect.

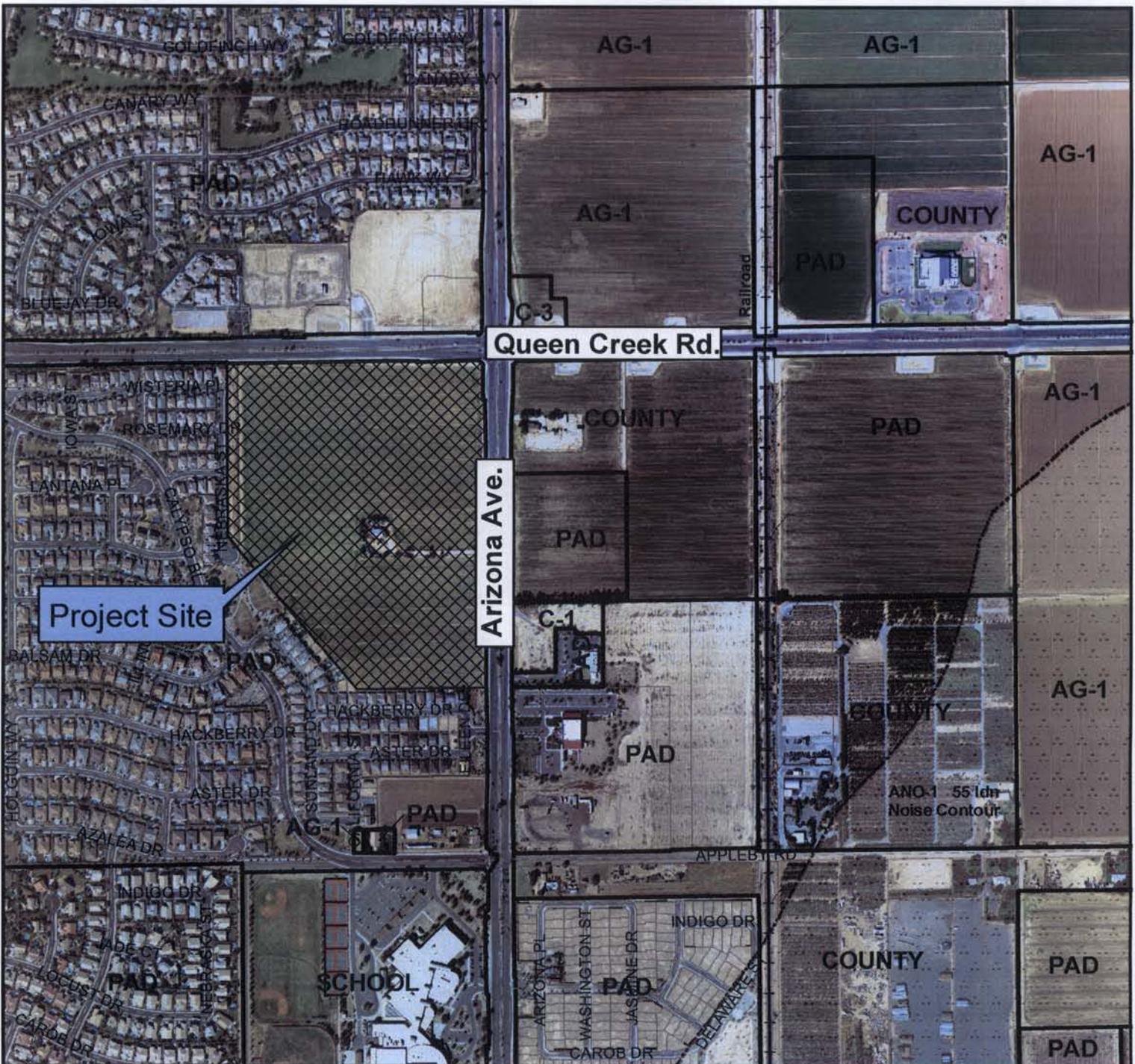
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Attachments

1. Vicinity Maps
2. Site Plan
3. Ordinance No. 4061



Project Site

Queen Creek Rd.

Arizona Ave.

Vicinity Map



DVR10-0025

Chandler Center



ORDINANCE NO. 4061

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) COMMERCIAL TO PLANNED AREA DEVELOPMENT (PAD) MULTI-FAMILY RESIDENTIAL (DVR07-0054 CHANDLER CENTER) 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 Planned Area Development (PAD) Commercial to Planned Area Development (PAD) Amended for Multi-Family Residential uses, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklets, entitled "CHANDLER CENTER - RESIDENTIAL" and "CHANDLER CENTER - COMMERCIAL" kept on file in the City of Chandler Planning Services Division, in File Nos. DVR07-0054 and PDP07-0034, 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. 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.

4. 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.
5. 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.
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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
9. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
10. 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.
11. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
12. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements

of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Chandler Center development shall use treated effluent to maintain open space, common areas, and landscape tracts.

13. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
14. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
15. All raceway signage shall be prohibited within the development.
16. The landscaping shall comply with the Commercial Design Standards.
17. The applicant shall work with Staff to reduce the overall width of paved surface at the fuel station entrances by including additional landscaping. Details to be worked out with Staff.
18. The applicant shall work with Staff to add appropriately placed additional brick material upon the apartment buildings.
19. Gas station canopy signage shall be restricted to 1-sign per canopy side.
20. The applicant shall work with Staff to redesign the gas station canopy to include 2 separate canopies with a raised full-width pitched roof element. Details to be worked out with Staff.
21. The right-of-way landscaping shall be installed as part of each component's initial phase (commercial, residential apartments and residential condominium).
22. A single row of trees, minimum 12-feet tall at time of planting, shall be planted along the adjacent single-family residential development as part of each component's initial phase (residential apartments and residential condominiums).
23. The applicant shall work with Staff to redesign the gas station c-store to architecturally integrate the design with the balance of the commercial development.

24. The applicant shall work with Staff to consider enhancing the development's color palette to include additional color variation.

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

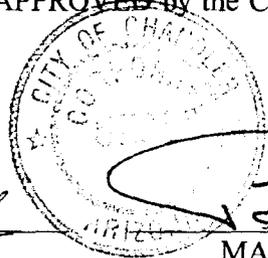
SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 24th day of April 2008.

ATTEST:


CITY CLERK


MAYOR



PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 8th day of May 2008.

ATTEST:

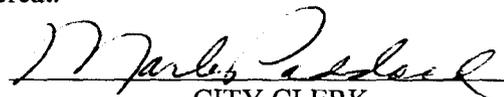

CITY CLERK


MAYOR

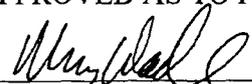


CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4061 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 8th day of May 2008, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED in the Arizona Republic on May 15 and May 22, 2008.



LEGAL DESCRIPTION "A"

Residential

THAT PORTION OF PARCEL 3, DOBSON CROSSING, ACCORDING TO BOOK 747 OF MAPS, PAGE 37, RECORDS OF MARICOPA COUNTY, ARIZONA AND AFFIDAVIT OF CORRECTION RECORDED JULY 19, 2005 IN DOCUMENT NO. 2005-1003572, M.C.R, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16;

THENCE NORTH 89°48'26" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16, A DISTANCE OF 961.37 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°48'26" WEST ALONG SAID NORTH LINE, 418.74 FEET;

THENCE SOUTH 00°49'35" WEST ALONG THE WEST LINE OF SAID PARCEL 3, A DISTANCE OF 961.99 FEET;

THENCE SOUTH 38°56'31" EAST, 91.15 FEET;

THENCE NORTH 47°06'35" EAST, 25.84 FEET;

THENCE SOUTH 83°54'12" EAST, 76.88 FEET;

THENCE NORTH 72°46'32" EAST, 87.05 FEET;

THENCE NORTH 39°39'33" EAST, 446.51 FEET;

THENCE NORTH 89°52'52" EAST, 113.09 FEET;

THENCE NORTH 00°00'00" WEST, 363.99 FEET;

THENCE NORTH 90°00'00" WEST, 81.52 FEET;

THENCE NORTH 45°44'15" WEST, 110.89 FEET;

THENCE NORTH 90°00'00" WEST, 42.00 FEET;

THENCE NORTH 00°27'16" EAST, 210.81 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16 AND THE POINT OF BEGINNING;

EXCEPT THE SOUTH 47.00 FEET OF THE NORTH 80.00 FEET OF THE WEST 1256.10 FEET OF THE EAST 1352.31 FEET OF SAID SECTION 16, AS CONVEYED TO MARICOPA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, RECORDED IN DOCUMENT NO. 2004-1408231, M.C.R.

CONTAINING 455,187 SQ.FT. OR 10.4497 ACRES, MORE OR LESS.



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