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JUL 28 2011

**EARL, CURLEY & LAGARDE, P.C.**  
ATTORNEYS AT LAW

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3101 North Central Avenue  
Suite 1000  
Phoenix, Arizona 85012

July 18, 2011

Mayor Jay Tibshraeny  
Office of the Mayor & City Council  
Mail Stop 603  
P.O. Box 4008  
Chandler, AZ 85244-4008

RE: Case: DVR11-0012 The Springs Retail Center Phase II  
Case: DVR11-0019 Norton's Crossing

Dear Mayor Tibshraeny:

I'm writing you regarding the above-referenced two cases which are scheduled for City Council review at your July 28<sup>th</sup> City Council Hearing. Both of these cases were approved by the Council three years ago. Both properties were rezoned just prior to the economy collapsing and for that reason no construction on either property occurred. Hence, we are requesting an extension of the zoning. There was no controversy and no objection at the Planning Commission Meeting for the Springs' extension. There was one husband and wife who did appear in opposition to the extension for the Norton's Crossing. Both cases were approved.

I want to be respectful of your time and therefore, I will not call your office. I don't want to be presumptuous, however and if you have any questions please feel free to contact me at which time I would be more than happy to speak with you.

Sincerely,



Mike Curley

MJC:rrd



**MEMORANDUM**

**Transportation & Development - CC Memo No. 11-074**

**DATE:** JULY 8, 2011

**TO:** MAYOR AND CITY COUNCIL

**THRU:** RICH DLUGAS, CITY MANAGER *[Signature]*  
PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *[Signature]*  
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *[Signature]*  
JEFF KURTZ, PLANNING ADMINISTRATOR  
KEVIN MAYO, PLANNING MANAGER *[Signature]*

**FROM:** ERIK SWANSON, CITY PLANNER *[Signature]*

**SUBJECT:** DVR11-0012 THE SPRINGS RETAIL CENTER PHASE II

**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 PAD zoning designation

**Location:** West of the southwest corner of Chandler Boulevard and Cooper Road

**Applicant:** Mike Curley; Earl, Curley & Lagarde

**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 PAD zoning for office use. The current PAD zoning designation is for a commercial retail development. Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of a three (3) year timing extension.

**EXTENSION OF THE TIMING CONDITION**

The request is for action on an existing approximate 7-acre site located west of the southwest corner of Chandler Boulevard and Cooper Road. In 2008, the site was rezoned from PAD for office uses to PAD for commercial retail uses, with Preliminary Development Plan approval for

the construction of a 104,000 square-foot internalized self-storage facility, a 4,500 square-foot bank, and 15,600 square-feet of retail shop space. 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 expired on April 26, 2011. The proposed three-year time extension would be in effect, pending City Council approval, until April 26, 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, determine compliance with the three-year schedule for development, 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 initial zoning in 1983, for office uses as part of the 180-acre The Springs Master Plan. North, across Chandler Boulevard is vacant land zoned PAD for a commercial shopping center (a private school is currently being developed on the western portion of the site). West and south of the subject site are existing single-family homes. East is an existing commercial center anchored by a Walgreen's; southeast is vacant land slated for additional commercial development.

The General Plan designates the site as low-density residential; however allows the consideration of commercial development at the intersection of arterial streets. Staff continues to find the site and proposed uses to be consistent 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 Wednesday, June 22, 2011. No neighbors were in attendance.
- At the time of the writing of the Planning Commission memo, Staff had received a letter from the homeowner's association expressing opposition to the request, citing outstanding civil issues. The issues have been resolved, and opposition is no longer stated.

### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve:

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

### **RECOMMENDED ACTION**

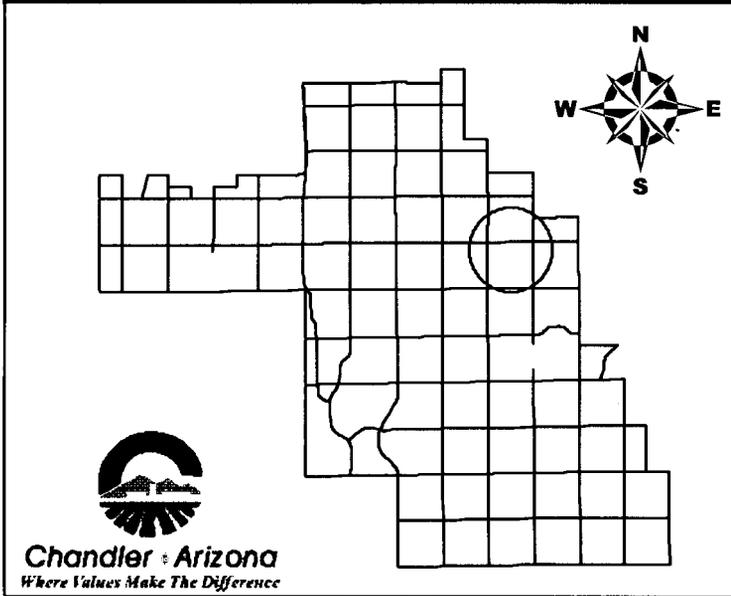
Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of extending the timing condition for case DVR11-0012 THE SPRINGS RETAIL CENTER PHASE II for an additional three (3) years, with all of the conditions in the original approval remaining in effect.

**PROPOSED MOTION**

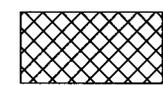
Move to approve extending the timing condition for case DVR11-0012 THE SPRINGS RETAIL CENTER PHASE II for an additional three (3) years, in which the zoning would be in effect until April 2014, with all of the conditions in the original approval remaining in effect.

**Attachments**

1. Vicinity Maps
2. Site Plan
3. Ordinance No. 4044

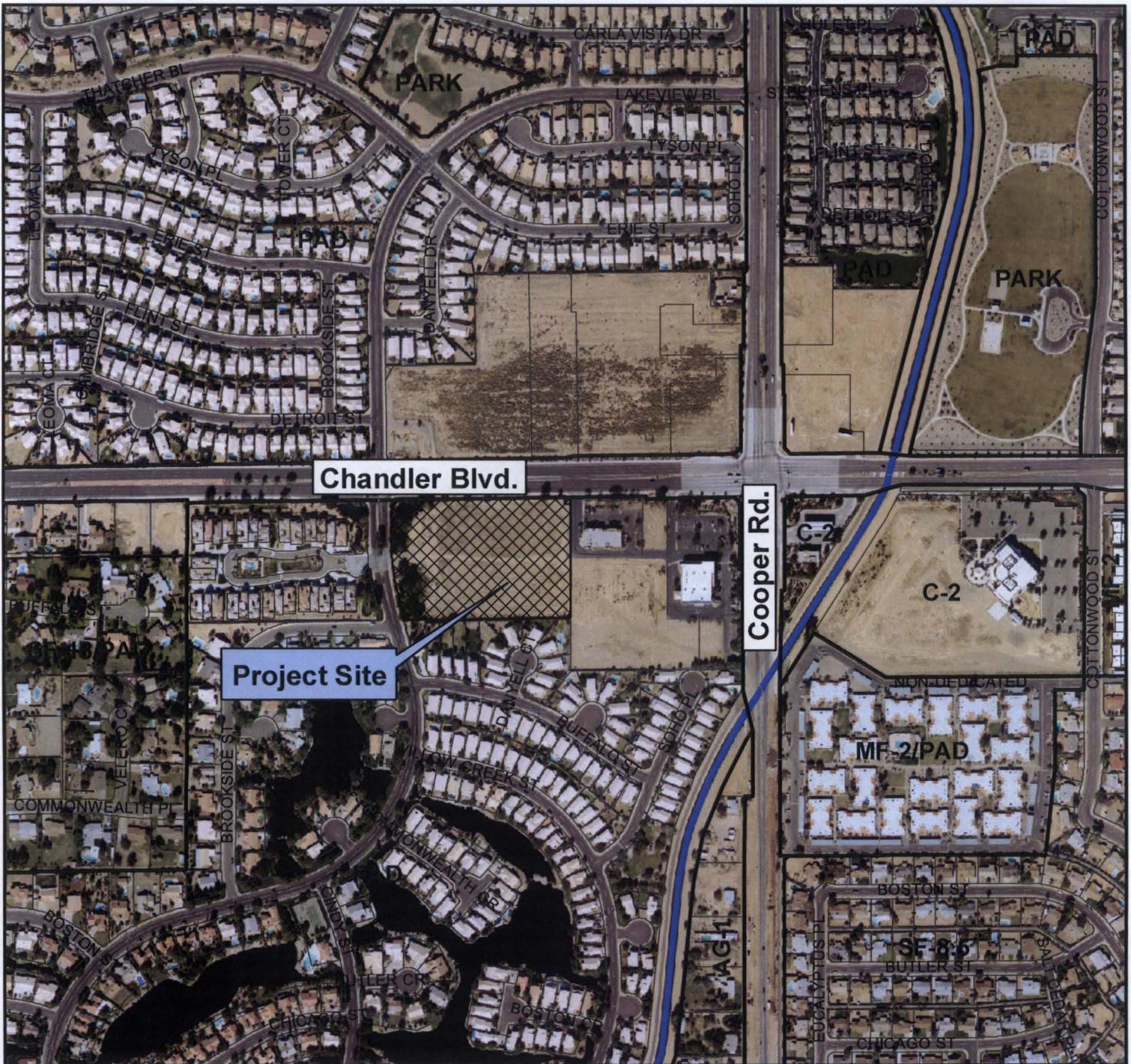


## Vicinity Map



DVR11-0012

### The Springs Retail Center Phase II



**Chandler Blvd.**

**Cooper Rd.**

**Project Site**

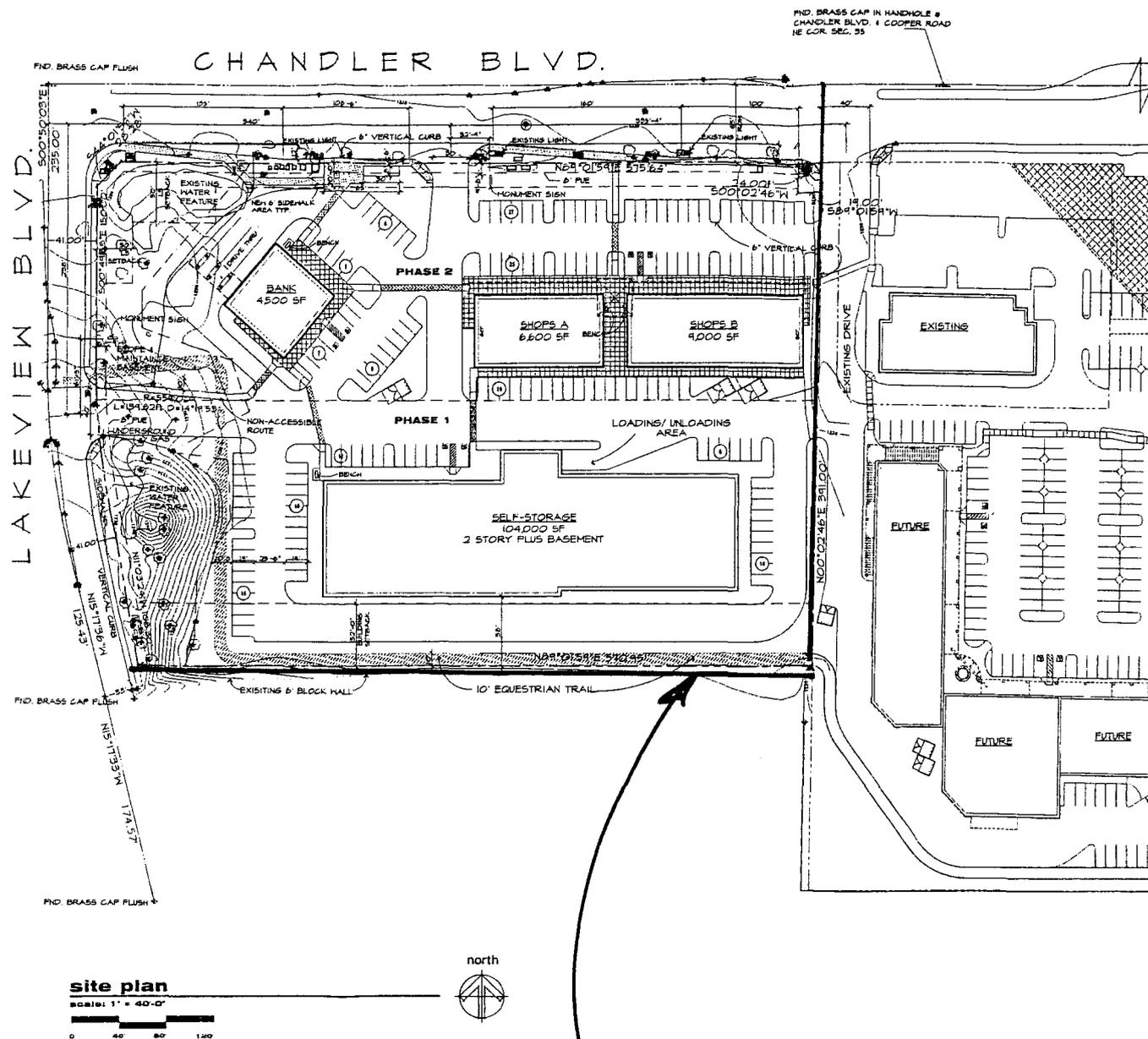
**Vicinity Map**



**DVR11-0012**

**The Springs Retail Center Phase II**





**project directory**

DEVELOPER/OWNER:  
 AMERICOR INVESTMENT GROUP  
 1545 E. McDONALD DRIVE, SUITE 130  
 SCOTTSDALE, ARIZONA  
 CONTACT: NORDEN VAN HORNE  
 PHONE: (480) 423-8060  
 FAX: (480) 556-8150  
 E-MAIL: norden@americorg.com

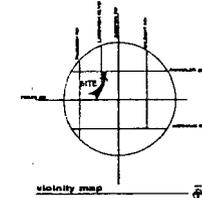
ARCHITECT:  
 ROBERT KUBICEK ARCHITECTS & ASSOCIATES  
 2233 EAST THOMAS ROAD  
 PHOENIX, ARIZONA 85016  
 CONTACT: MATT SARGENT  
 PHONE: (602) 455-3900  
 FAX: (602) 455-0496  
 E-MAIL: msargent@rkaa.com

**project narrative**

This project is intended to be a continuation of the retail center to the East of the site. This portion of the center is to provide additional small retail, financial and self-storage uses. The new facilities are intended to enhance the overall retail environment and are anticipated to share access with the site to the East.

**site data**

FARCEL #:	903-61-082A
NET SITE AREA:	5.72 ACRES (249,275 SF)
PROPOSED USE:	RETAIL / RESTAURANTS SELF-STORAGE
BUILDING AREA:	
BANK:	4,500 SF
SHOPS A:	6,600 SF
SHOPS B:	4,000 SF
SELF-STORAGE:	104,000 SF
TOTAL BUILDING AREA:	124,100 SF
SITE COVERAGE:	22 %
FLOOR TO AREA RATIO:	50 %
TOTAL PARKING REQUIRED:	146 SPACES
1600 RETAIL / 250 SF = 65 SPACES	
4000 RESTAURANT @ 150 SF PUBLIC + 1200 SF PREP = 8 SPACES	
1 SPACE / 25 STORAGE UNITS = 25 SPACES	
TOTAL PARKING PROVIDED:	152 SPACES
ACCESSIBLE SPACES REQUIRED:	6 SPACES
ACCESSIBLE SPACES PROVIDED:	6 SPACES
MAXIMUM BUILDING HEIGHT:	30'



SITE PLAN

2005 East Thomas Rd  
 Phoenix, AZ 85016-54  
 (602) 455-3900 Fax  
 (602) 455-0496 F  
 www.rkaa.com

**R K A A**  
 Architects And Associates, Inc.

date 11/2/07

The Springs Retail Center  
 SEC LAKEVIEW BLVD.  
 and CHANDLER, ARIZONA

sheet  
 design: HU  
 drawn: MCP  
 checked: HU  
 SP-1  
 of  
 job 02252.01

**ORDINANCE NO. 4044**

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) TO PLANNED AREA DEVELOPMENT (PAD) AMENDED (DVR07-0005 THE SPRINGS RETAIL CENTER PHASE II) 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) for office uses to Planned Area Development (PAD) Amended for commercial uses, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "THE SPRINGS RETAIL CENTER PHASE II" kept on file in the City of Chandler Current Planning Division, in file number DVR07-0005, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Chandler Boulevard and Lakeview Boulevard, 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 Planning 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.
9. 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.
10. All raceway signage shall be prohibited within the development.
11. The trees along the south property line shall include 24-inch box trees, 12-feet high at the time of planting.
12. 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.
13. Signage facing residential properties shall be non-illuminated.
14. The drive aisle south of the storage building shall be reduced in width to a minimum width required by the Fire Marshall. Excess area shall be incorporated with the building foundation landscaping and include additional trees adjacent to the building's south side.
15. The applicant shall work with Staff to finalize the equestrian trail location adjacent to the entry drive.

16. The applicant shall work with Staff to include additional foundation landscaping along Shops A and Shops B.

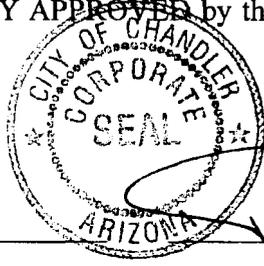
SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

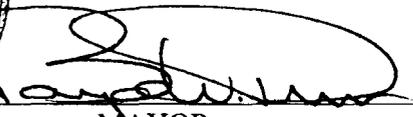
SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 13<sup>th</sup> day March 2008.

ATTEST:

  
CITY CLERK



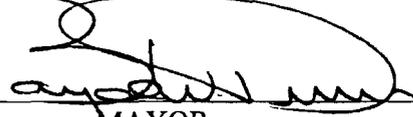
  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 27<sup>th</sup> day of March 2008.

ATTEST:

  
CITY CLERK



  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4044 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 27<sup>th</sup> day of March 2008, and that a quorum was present thereat.

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

PUBLISHED in the Arizona Republic on April 3 and April 10, 2008.