



Chandler - Arizona
Where Values Make The Difference

#13

JUL 28 2011

Chandler



2010

MEMORANDUM

Transportation & Development - CC Memo No. 11-077

DATE: JULY 8, 2011

TO: MAYOR AND CITY COUNCIL

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

FROM: ERIK SWANSON, CITY PLANNER *ES*

SUBJECT: DVR11-0022 GALILEO PIAZZA

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 Agricultural (AG-1) zoning designation

Location: Southwest corner of 116th Street and Riggs Road

Applicant: Brennan Ray; Burch & Cracchiolo, PA

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 Agricultural (AG-1) zoning designation. The current PAD zoning designation is for a custom, single-family residential home subdivision. 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 34.3-acre site located at the southwest corner of 116th Street and Riggs Road. In early 2008, the site was rezoned from AG-1 to PAD for a 38 lot custom single-family home residential subdivision. 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 January 12, 2011. The proposed three-year time extension would be in effect, pending City Council approval, until January 12, 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 was annexed, received initial city zoning, and was rezoned to PAD for single-family residential in 2007. North, across Riggs Road is the Bear Creek Municipal Golf Course. The Consolidated Canal abuts the eastern and southern property lines. East of the Consolidated Canal is the Lagos Vistoso single-family residential neighborhood, the Santan Vista single-family residential neighborhood located in the County, and an automotive repair shop located at the northeast portion of the site, also within the jurisdiction of the County. South of the subject site, and beyond the Consolidated Canal is the Santan Vista single-family residential neighborhood. West of the subject site is the Southern Pacific Railroad. Beyond the railroad tracks is PAD zoned property for industrial uses, Planned Industrial (I-1), and Industrial zoned property in the County. Located at the northwest corner of the site is a Salt River Project substation. A redesigned site plan for the residential subdivision is currently being reviewed and will be forthcoming.

Based on the General Plan, the subject site is located within the Southeast Chandler Area Plan (SECAP), and designated as supporting Traditional Suburban Character type neighborhoods. The SECAP allows for residential density to be 2.5 dwelling units per acre, and provides provision for up to 3.5 dwelling units per acre, based upon amenities provided to the subdivision. Staff continues to find the site and proposed use 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 not held due to a recent neighborhood meeting being held as part of the forthcoming subdivision redesign. No neighbors attended the neighborhood meeting for the new design. The site was posted with the public hearing dates, and property owners within a 600-foot radius and all Registered Neighborhood Organizations within ¼-mile have been notified. Staff has received a letter from the Union Pacific Railroad stating various items of concern. Staff believes that a number of the concerns are remedied by virtue of the site layout and design. Staff is unaware of any other opposition to the zoning extension request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

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

RECOMMENDED ACTION

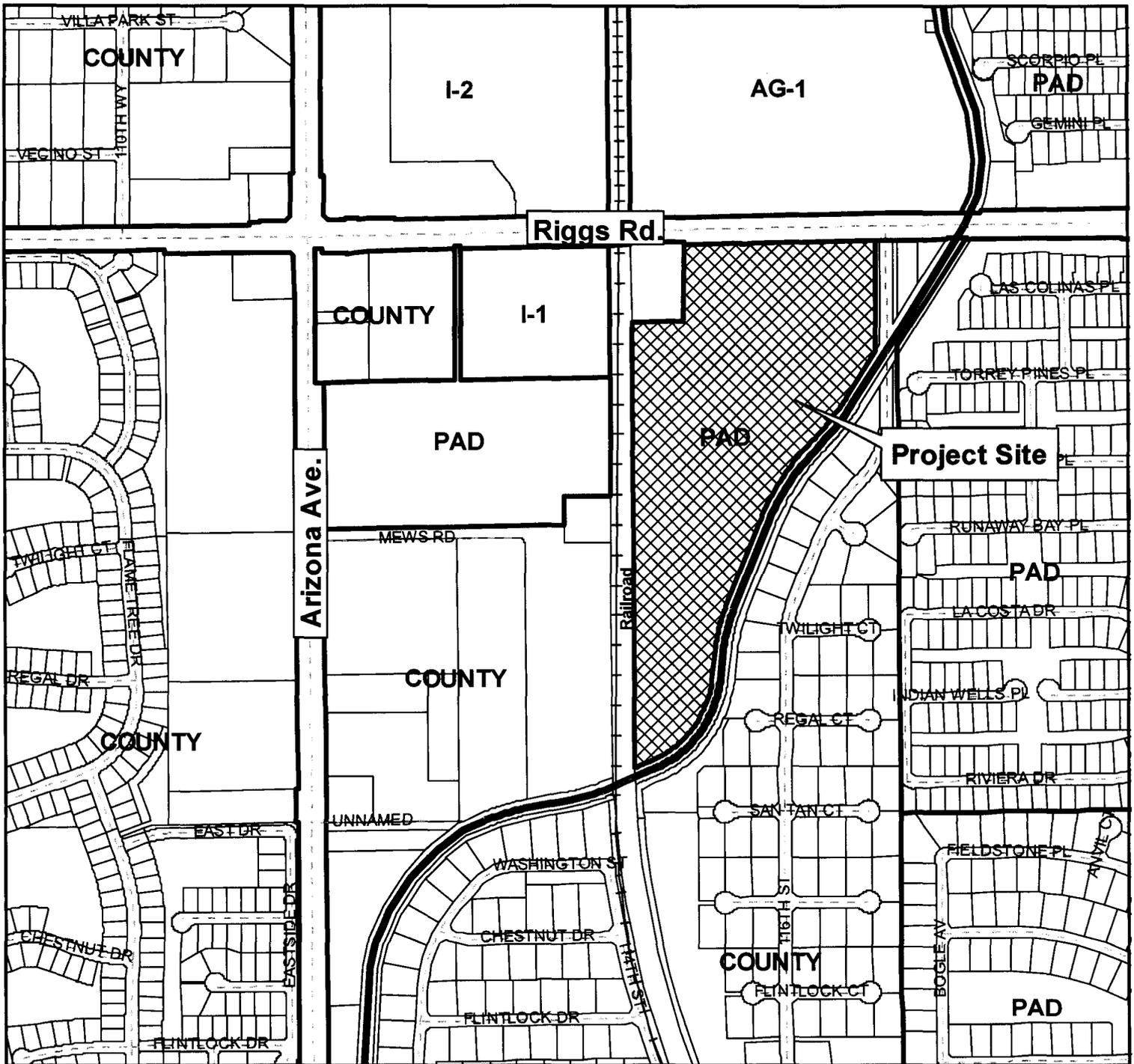
Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of extending the timing condition for case DVR11-0022 GALILEO PIAZZA for an additional three (3) years, with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

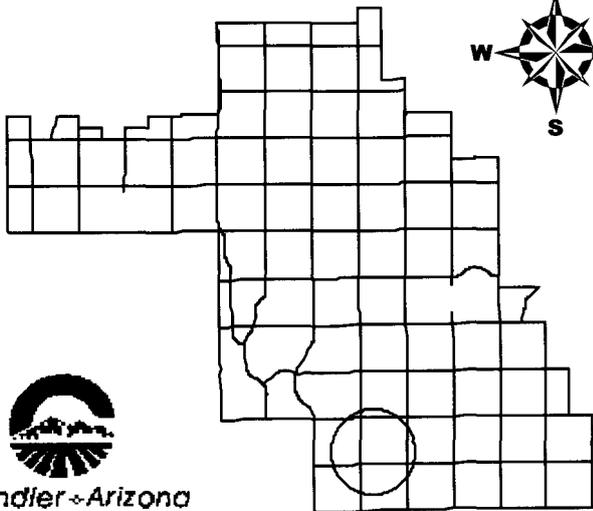
Move to approve extending the timing condition for case DVR11-0022 GALILEO PIAZZA for an additional three (3) years, in which the zoning would be in effect until January 2014, with all of the conditions in the original approval remaining in effect.

Attachments

1. Vicinity Maps
2. Site Plan
3. Ordinance No. 3995
4. Opposition Letter



Vicinity Map



DVR11-0022

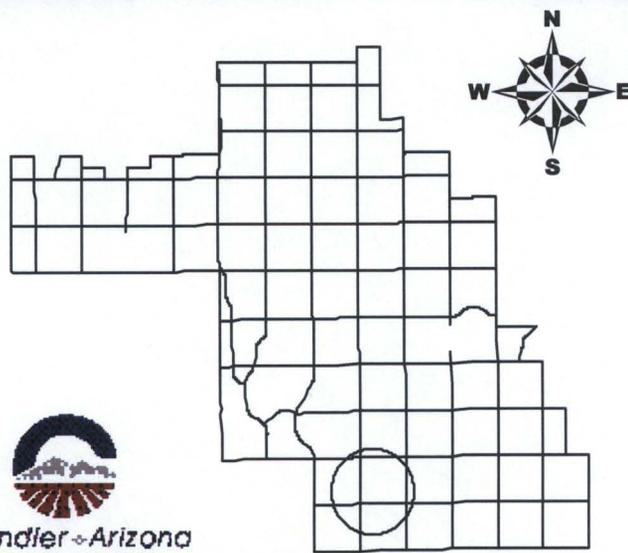
Galileo Piazza



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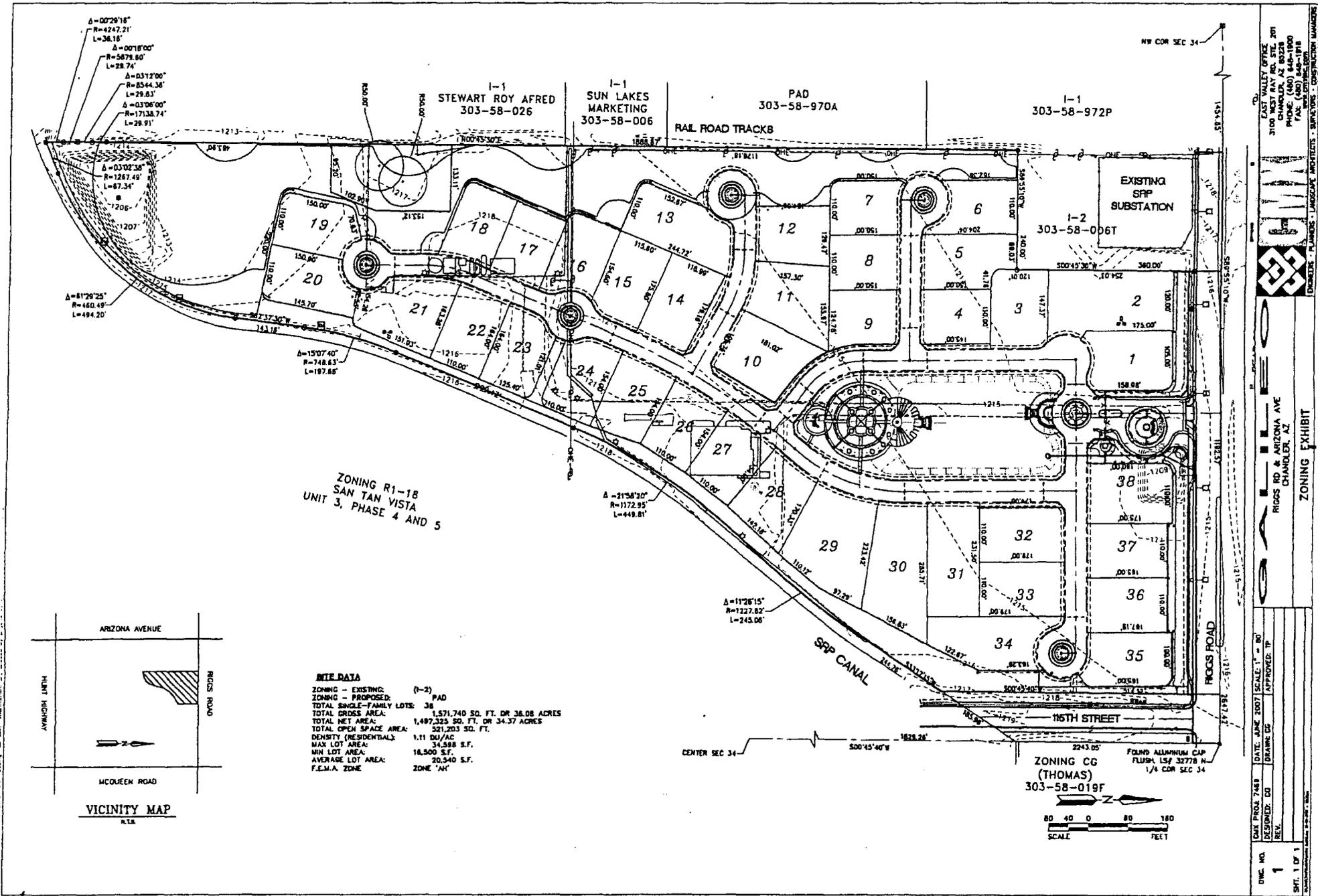


Vicinity Map



DVR11-0022

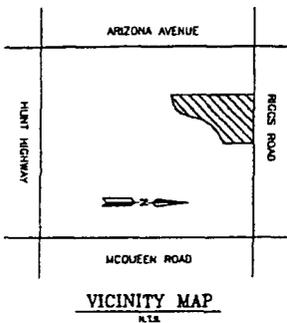
Galileo Piazza



ZONING R1-18
SAN TAN VISTA
UNIT 3, PHASE 4 AND 5

SITE DATA

ZONING - EXISTING:	(1-2)
ZONING - PROPOSED:	PAD
TOTAL SINGLE-FAMILY LOTS:	38
TOTAL GROSS AREA:	1,571,740 SQ. FT. OR 36.08 ACRES
TOTAL NET AREA:	1,487,325 SQ. FT. OR 34.37 ACRES
TOTAL OPEN SPACE AREA:	521,203 SQ. FT.
DENSITY (RESIDENTIAL):	1.11 DU/AC
MAX LOT AREA:	34,588 S.F.
MIN LOT AREA:	18,500 S.F.
AVERAGE LOT AREA:	20,540 S.F.
F.E.M.A. ZONE:	ZONE 'A'



ZONING CG
(THOMAS)
303-58-019F

FOUND ALUMINUM CAP
FLUSH, LSF 32778 N.
1/4 COR SEC 34

SCALE
80 40 0 80 160
FEET

EAST VALLEY OFFICE
3100 EAST VALLEY BLVD. STE. 201
CHANDLER, AZ 85226
PHONE: (480) 848-1900
FAX: (480) 848-1918
WWW.EASTVALLEYENGINEERS.COM

ENGINEERS
DANIEL J. FLEMING, LANDSCAPE ARCHITECT, LICENSED PROFESSIONAL ENGINEER

DATE: JUNE 2007 SCALE: 1" = 80'
DRAWN BY: [Signature] APPROVED BY: [Signature]

DWG. NO. 1
REV. 1

SHT. 1 OF 1

SITE PLAN

ORDINANCE NO. 3995

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) (DVR07-0032 GALILEO PIAZZA) 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 AG-1 to PAD, subject to the following conditions:

1. 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.
2. Development shall be in substantial conformance with Exhibit F, Development Booklet, entitled "GALILEO", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0032, except as modified by condition herein.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.

5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. The developer shall be required to install landscaping in the arterial street median(s) 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.
8. 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.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
10. 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.
11. The development's housing product will be custom homes built by individual builders.
12. Preliminary Development Plan approval as granted herein shall apply to the subdivision layout only.
13. 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 Galileo Piazza development shall use treated effluent to maintain open space, common areas, and landscape tracts.

14. A minimum of two trees at a minimum of 2-inch caliper each shall be planted in all front yards.
15. The applicant shall work with Staff to enhance the perimeter fence wall along the railroad tracks by incorporating a decorative wall design such as, but not limited to color variations, decorative cap at columns and/or top of wall, and any other horizontal or vertical plane changes.
16. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing Industrial zoned property. The "Public Subdivision Report", "Purchase Contracts", and CC&R's, shall include a disclosure statement outlining that the site is adjacent to or nearby existing Industrial zoned property, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

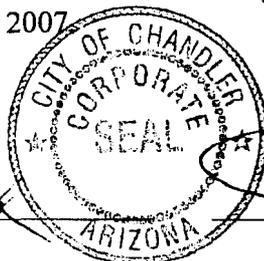
SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

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 10th day of December 2007.

ATTEST:

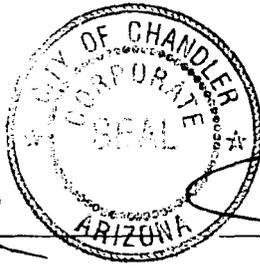

CITY CLERK




MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 13th day of December 2007.

ATTEST:

The seal is circular with the text "CITY OF CHANDLER" at the top, "CORPORATE SEAL" in the center, and "ARIZONA" at the bottom. It is flanked by two stars.


CITY CLERK


MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3995 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 13th day of December 2007, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED in the Arizona Republic on December 20 and 27, 2007.



Gerard Sullivan
Senior General Attorney

July 6, 2011

VIA e-mail at erik.swanson@chandleraz.gov

Mr. Erik Swanson
City Planner
City of Chandler
City Council Chambers
88 East Chicago Street
Chandler, Arizona

Re: City of Chandler Notice of Public Hearings DVR 11-0022 Galileo Piazza,
SWC Riggs Road & 116th Street to rezone to single family residential
("Project") – Chandler, Arizona ("City")

Dear Mr. Swanson:

Union Pacific Railroad Company, a Delaware Corporation ("UP"), is delivering this letter in accordance with the provisions of the above notice. It appears that the Project is located near UP's rail lines. Accordingly, UP wishes to raise the following issues.

UP is opposed to residential development near UP's rail lines. Residential development near UP rail lines can negatively impact freight rail service and create unintended consequences that are in neither UP's nor the public's best interests. New housing and other development will attract more cars and pedestrians to the areas around UP lines, and people may trespass onto the railroad right of way as well.

In addition to the obvious safety concerns of which UP remains vigilantly aware, these factors also have the result that trains may be forced to proceed more slowly because of the residential development, and/or to make more frequent emergency stops, which makes rail service less effective and efficient. In the event of train slow-downs or stoppages, train cars may be forced to block at-grade roadway intersections, causing traffic disruptions.

UP requests that the City analyze and seek to mitigate the impacts that the Project will have on the UP rail service, and on vehicular and pedestrian traffic in the Project area, so the City can require appropriate mitigation measures which may include, for example, sound walls, setbacks, fences and other barriers, public education and disclosure. UP strongly objects to any proposed at-grade crossing of its rail corridor in this area. For this Project, the City should consider requiring the Project developer to grade separate the at-grade crossings of UP's rail line at locations near the Project, when traffic vehicle counts increase due to the Project. The City should also require the developer of the Project to install fencing and other buffers between the Project and the UP rail line.

Mr. Swanson
July 6, 2011
Page Two

UP will appreciate it if the City give due consideration to the above concerns. Significant impacts may result with respect to land use, traffic, vehicle-related air quality, mechanical odor, pedestrian safety and trespassing, noise, and vibration.

Please give notice to UP of all future developments with respect to the Project as follows:

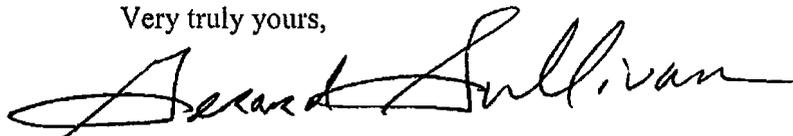
Mr. Alexander Popovici
Manager of Industry and Public Projects
Union Pacific Railroad Company
631 S. 7th Street
Phoenix, AZ 85034

With a copy to:

Mr. Mike Sattler
Union Pacific Railroad Company
1400 Douglas Street - STOP 1690
Omaha, Nebraska 68179-1690

Please do not hesitate to contact the undersigned if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink that reads "Gerard Sullivan". The signature is written in a cursive style with a large, sweeping initial "G".

Gerard Sullivan