



MEMORANDUM Transportation & Development – CC Memo No. 11-107

DATE: OCTOBER 6, 2011

TO: MAYOR AND CITY COUNCIL

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

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

SUBJECT: DVR11-0013 KYRENE CROSSINGS

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 (Office) zoning; the current PAD zoning is for a childcare/preschool use on Lot 7

Location: Southeast corner of Kyrene Road and Chandler Boulevard

Applicant: Josh Oehler, Arc One Associates

Project Info: Approx. 3.72 acres of a larger 12.39-acre development. 8,187 square foot preschool/childcare center with enclosed outdoor playgrounds including a 2,938 square foot playground for infants and a 4,980 square foot toddler’s playground

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 3.72 acre parcel located at the southeast corner of Chandler Boulevard and Kyrene Road. In March 2008, City Council

approved rezoning two pads, Buildings B and C, from office use to a childcare/pre-school use with a three (3) year construction time limit condition. The PAD zoning expired on April 27, 2011. Time limits are calculated from the previous zoning approval's effective date and time limit extensions are calculated from the expiration date.

This application requests a time extension approval to maintain the PAD zoning for a preschool/daycare use for an additional three (3) years in which the zoning would expire on April 27, 2014. 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 March 2008, this 3.72 acre parcel received Planned Area Development (PAD) zoning with approval of a Preliminary Development Plan (PDP) for the construction of a childcare/pre-school use on Lot 7. The property is located within the existing Kyrene Crossings commercial development at the southeast corner of Chandler Boulevard and Kyrene Road. This property is currently developed with a CVS pharmacy at the intersection corner, a Wendy's fast-food restaurant, a Chase bank branch, a retail/restaurant shops building along Chandler Boulevard, and a veterinary office along Kyrene Road. There are two office buildings constructed west of the subject site that have not been completed. Single-family residential homes are adjacent to the site's east and south property lines.

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. The office portion of Kyrene Crossings, which includes the preschool/daycare lot, foreclosed and was purchased by a new owner in December 2010. The new owner does not know whether the site will develop with the approved use or if a different use would be proposed in the future. 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 Staff has no concerns with the conditions in the original approval. Attached is a copy of the approved ordinance including the zoning conditions.

Planning Staff is in support of the zoning time extension request for an additional three years, which extends the PAD zoning until April 27, 2014. Planning Staff is of the opinion the preschool/daycare land use 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 August 29, 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

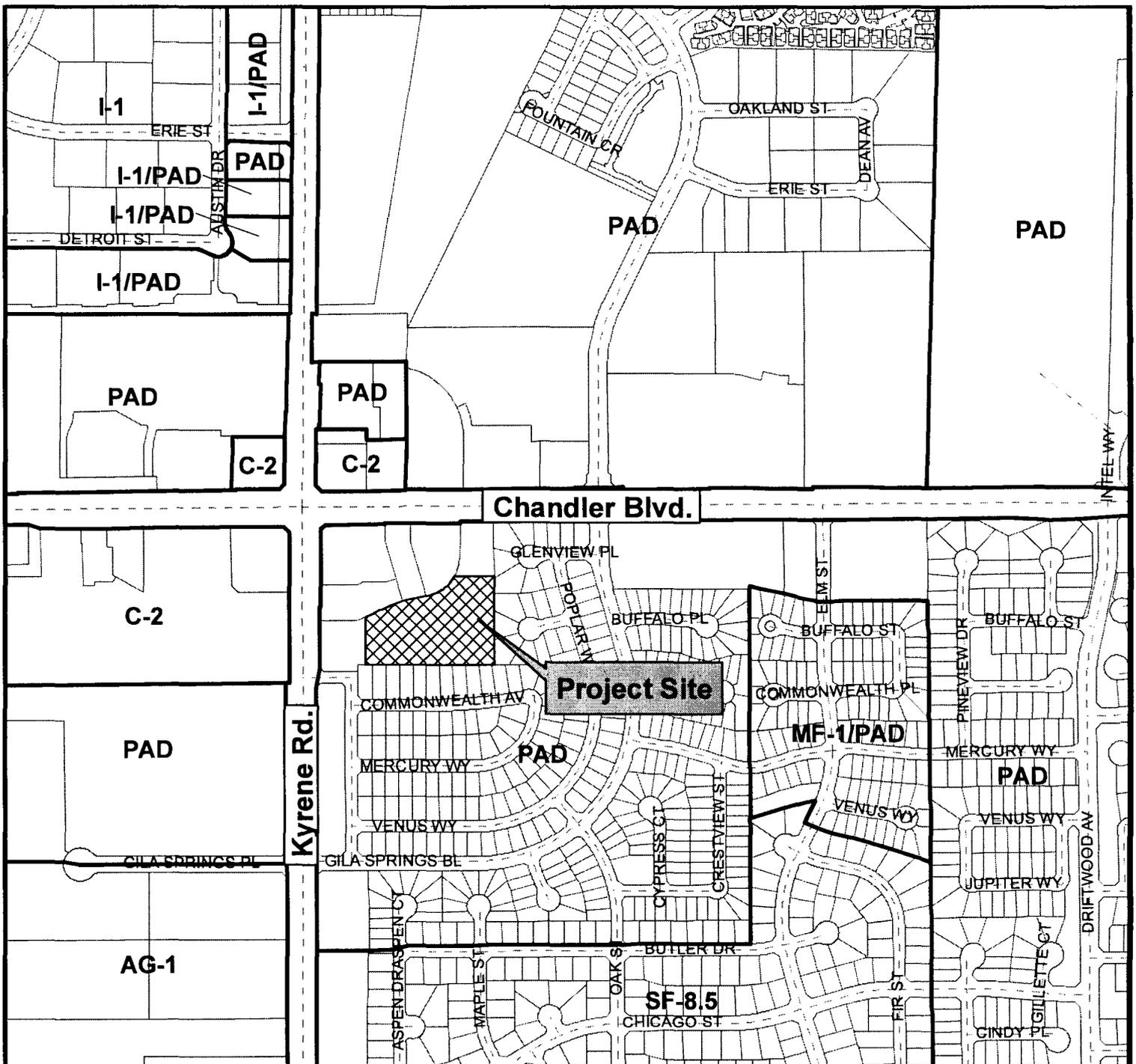
Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

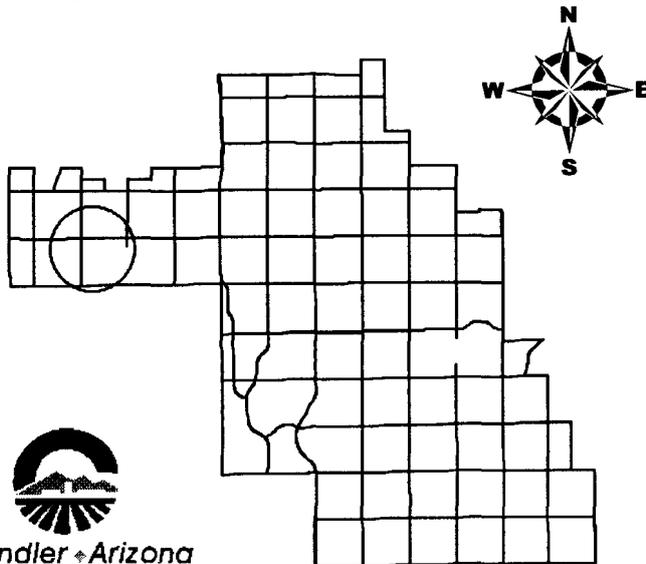
Move to approve extending the timing condition for case DVR11-0013 KYRENE CROSSINGS for an additional three (3) years, in which the zoning would be in effect until April 27, 2014, and with all of the conditions in the original approval remaining in effect.

Attachments

1. Vicinity Maps
2. Narrative
3. Site Plan
4. Building Elevation
5. Ordinance No. 4042



Vicinity Map

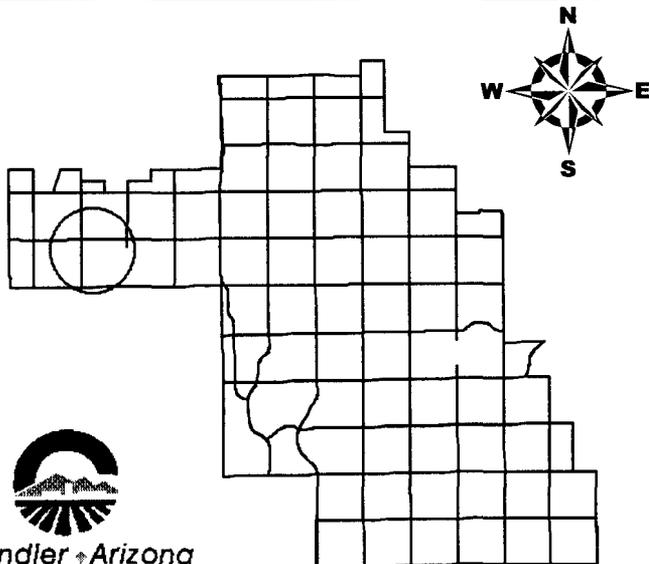


DVR11-0013

Kyrene Crossings



Vicinity Map



DVR11-0013

Kyrene Crossings



Chandler Arizona
Where Values Make The Difference

CITY OF CHANDLER 4/29/2011



arcone associates, LLC

705 N. 1st Street
Phoenix, AZ 85004

Office: (602) 241 7871

Fax: (602) 241 7874

September 9, 2011

City of Chandler
215 E. Buffalo St.
Chandler, Arizona 85225

SUBJECT: NARRATIVE FOR DVR11-0013 KYRENE CROSSING

For the Zoning Time Extension DVR11-0013 we are looking for an additional three (3) year extension on the approved zoning for the Goddard School. This zoning was prior to Eleven Properties ownership of the property but is still working with the school for a future development. Since Eleven Properties acquired the property, we have maintained the litter and vegetation on the site and plan to do so in the future.

Thank You,

A handwritten signature in black ink, appearing to read "Joshua Oehler". The signature is written over a horizontal line that extends to the right.

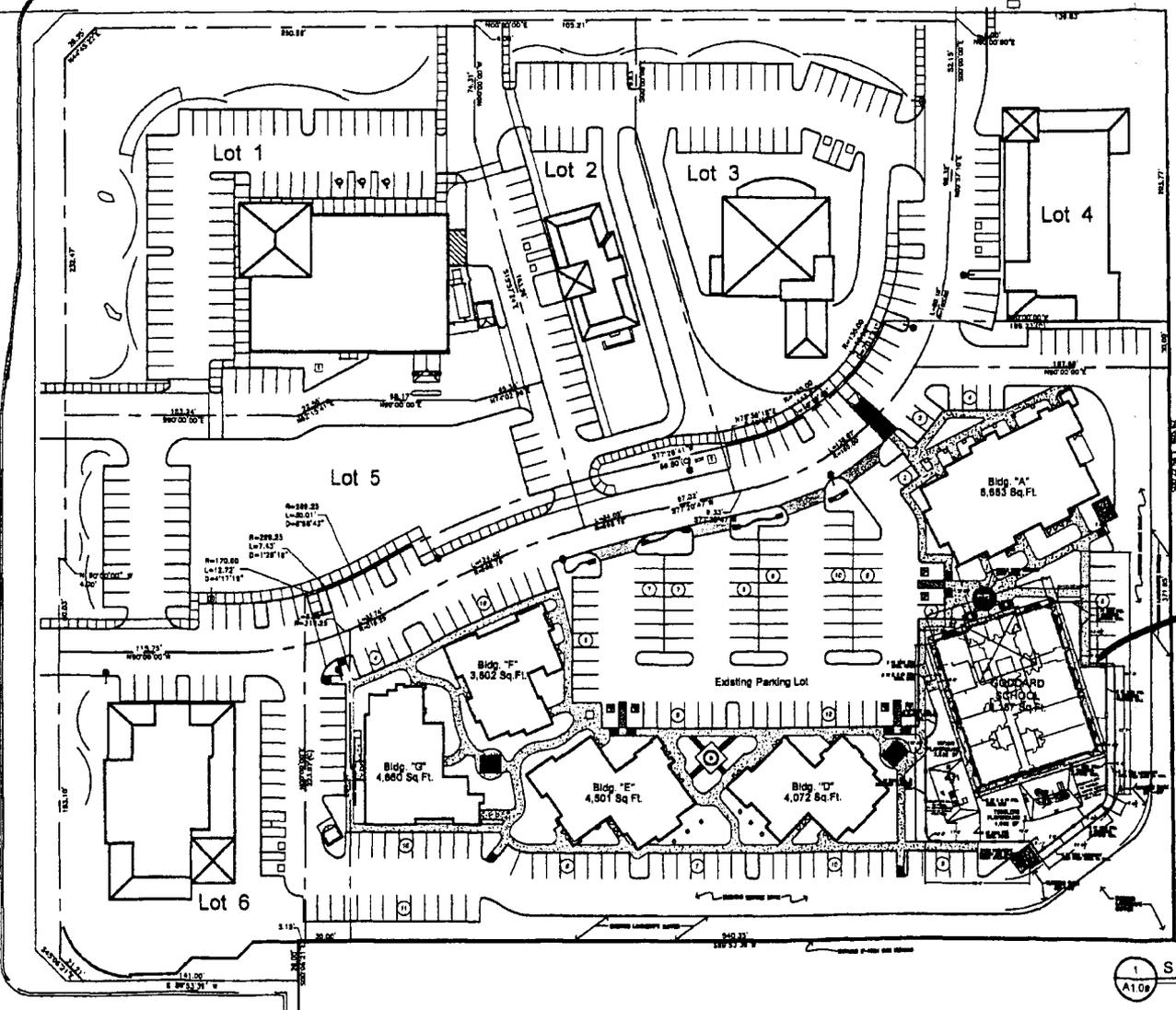
Joshua Oehler
Executive Vice President

Your partners in
Design

Kyrene Crossings Development Site Plan

CHANDLER BOULEVARD

KYRENE ROAD



- KYRENE CROSSINGS
CURRENT LOT OWNERSHIP**
- LOT 1: DEV PHARMACY
 - LOT 2: WENDY'S RESTAURANT
 - LOT 3: CHASE BANK
 - LOT 4: DEV INVESTMENTS OFFICE BLDG
 - LOT 5: VACANT DEV INVESTMENTS
 - LOT 6: DEV INVESTMENTS OFFICE BLDG
 - LOT 7: BUILDING A: RETAIL
GODDARD SCHOOL
BUILDING B: OFFICE
BUILDING C: OFFICE
BUILDING D: OFFICE
BUILDING E: OFFICE

Proposed School

1 SITE PLAN
A1.0a SCALE: 1" = 30'-0"



REVISIONS BY

SITE PLAN



THE GODDARD SCHOOL
9205 W. CHANDLER BLVD., CHANDLER, AZ 85226

DESIGN BY

ORACLE
ARCHITECTURE
AND PLANNING
Three Lakes Plaza
Suite 100
Phoenix, AZ 85028

Date: 01/08/08
Scale: 1" = 30'-0"
JEP
GODDARD SCHOOL, CHANDLER

A1.0a

ORDINANCE NO. 4042

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR07-0041 THE GODDARD SCHOOL) 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 PAD to PAD, subject to the following conditions:

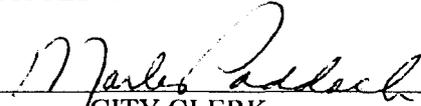
1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "The Goddard School, A new childcare center at Kyrene Crossings", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0041, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3306, in case DVR01-0017 Kyrene Crossings and Preliminary Development Plan approval in case PDP04-0027 Offices at Kyrene Crossings, except as modified herein.
3. 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.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting, and the site shall be maintained in a clean and orderly manner.
5. The applicant shall work with Staff to provide safe pedestrian crossings from the school to and from parking areas including pavement striping and signage.

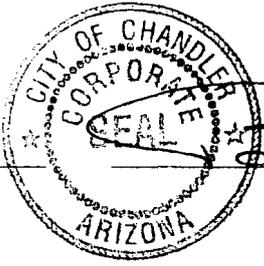
SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

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 13th day March 2008.

ATTEST:


CITY CLERK




MAYOR

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

ATTEST:


CITY CLERK



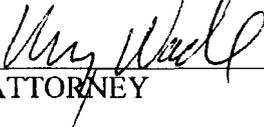

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4042 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 27th 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.

Attachment A

BUILDING B

A BUILDING ENVELOPE BOUNDARY FOR A CONDO PLAT TIE-IN LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34 MARKED BY A 1-INCH PIPE IN A HANDHOLE; THENCE SOUTH 00 DEGREES 06 MINUTES 21 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 677.76;

THENCE NORTH 89 DEGREES 53 MINUTES 39 SECONDS EAST, A DISTANCE OF 71.00 FEET;

THENCE SOUTH 45 DEGREES 06 MINUTES 21 SECONDS EAST, A DISTANCE OF 21.21 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 39 SECONDS EAST, A DISTANCE OF 141.00 FEET;

THENCE NORTH 00 DEGREES 06 MINUTES 21 SECONDS WEST, A DISTANCE OF 26.00 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 39 SECONDS EAST, A DISTANCE OF 35.15 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY CONTAINING SAID BUILDING ENVELOPE;

THENCE CONTINUING NORTH 89 DEGREES 53 MINUTES 39 SECONDS EAST ALONG THE SOUTH PROPERTY LINE OF SAID PROPERTY, A DISTANCE OF 540.35 FEET TO THE SOUTHEAST CORNER OF THE PROPERTY CONTAINING SAID BUILDING ENVELOPE;

THENCE NORTH 00 DEGREES 22 MINUTES 56 SECONDS WEST ALONG THE EAST PROPERTY LINE OF SAID PROPERTY, A DISTANCE OF 131.52 FEET;

THENCE SOUTH 89 DEGREES 37 MINUTES 04 SECONDS WEST, A DISTANCE OF 60.06 FEET TO THE TRUE POINT OF BEGINNING;

THENCE ALONG THE FOLLOWING COURSES:

SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 79.50 FEET;

NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 91.00;

SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 79.50
FEET;

SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 91.00
FEET TO THE POINT OF BEGINNING.

BUILDING C

A BUILDING ENVELOPE BOUNDARY FOR A CONDO PLAT TIE-IN LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34 MARKED BY A 1-INCH PIPE IN A HANDHOLE; THENCE SOUTH 00 DEGREES 06 MINUTES 21 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 677.76;

THENCE NORTH 89 DEGREES 53 MINUTES 39 SECONDS EAST, A DISTANCE OF 71.00 FEET;

THENCE SOUTH 45 DEGREES 06 MINUTES 21 SECONDS EAST, A DISTANCE OF 21.21 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 39 SECONDS EAST, A DISTANCE OF 141.00 FEET;

THENCE NORTH 00 DEGREES 06 MINUTES 21 SECONDS WEST, A DISTANCE OF 26.00 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 39 SECONDS EAST, A DISTANCE OF 35.15 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY CONTAINING SAID BUILDING ENVELOPE;

THENCE CONTINUING NORTH 89 DEGREES 53 MINUTES 39 SECONDS EAST ALONG THE SOUTH PROPERTY LINE OF SAID PROPERTY, A DISTANCE OF 476.32 FEET;

THENCE NORTH 00 DEGREES 06 MINUTES 21 SECONDS, A DISTANCE OF 50.73 FEET TO THE TRUE POINT OF BEGINNING;

THENCE ALONG THE FOLLOWING COURSES:

SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 106.00 FEET;

NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 43.81 FEET;

NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 28.55 FEET;

SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 85.81
FEET;

SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 64.00
FEET TO THE POINT OF BEGINNING.