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2010

MEMORANDUM Transportation & Development – CC Memo No. 11-109

DATE: OCTOBER 24, 2011

TO: MAYOR AND CITY COUNCIL

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

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

SUBJECT: DVR11-0009 TCF BANK

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 MF-3 (High-Density Residential District) and C-3 (Regional Commercial District) zoning; the current PAD zoning is for a bank and a commercial building on approximately 2 acres

Location: Southwest corner of Arizona Avenue and Willis Road

Applicant: Delia Conrad, Kevin Fawcett with TCF Bank

Project Info: Approximately a 2.3 acre parcel proposed for a freestanding bank and an in-line shops building for retail/restaurant/office uses

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 2.3 acre parcel located at the southwest corner of Arizona Avenue and Willis Road. In February 2008, City Council approved rezoning from Planned Area Development (PAD) zoning MF-3 (High-Density Residential District) and C-3 (Regional Commercial District) to PAD zoning for a freestanding bank and an

in-line shops building for retail/restaurant/office uses with Preliminary Development Plan (PDP) approval. The zoning was approved with a three (3) year construction time limit condition. The PAD zoning expired on March 29, 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 freestanding bank and an in-line shops building for retail/restaurant/office uses for an additional three (3) years in which the zoning would expire on March 29, 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

The property is located at the southwest corner of Arizona Avenue and Willis Road. The property is at the intersection of an arterial and collector street. The intersection's northwest and northeast corners are developed with commercial retail, and the southeast corner has a mix of County and City property with industrial and commercial zoning. Businesses on the southeast corner include Pioneer Landscape Center and Arizona Cactus Sales. Abutting the subject site's south and west property lines is an existing residential mobile home park, Hometown Sunshine Valley.

The approved development includes a 4,500 square foot TCF Bank branch with drive-up lanes and a 7,200 square foot in-line shops building on approximately 2.3 net acres. The in-line shops provide space for retailers, restaurants, and office users. The bank and in-line shops building are designed with matching architectural elements and materials.

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. 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 March 29, 2014. Planning Staff is of the opinion that the freestanding bank and an in-line shops building for retail/restaurant/office uses 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 September 12, 2011. There were no attendees other than the property owners representing the bank pad and retail pad.
- 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

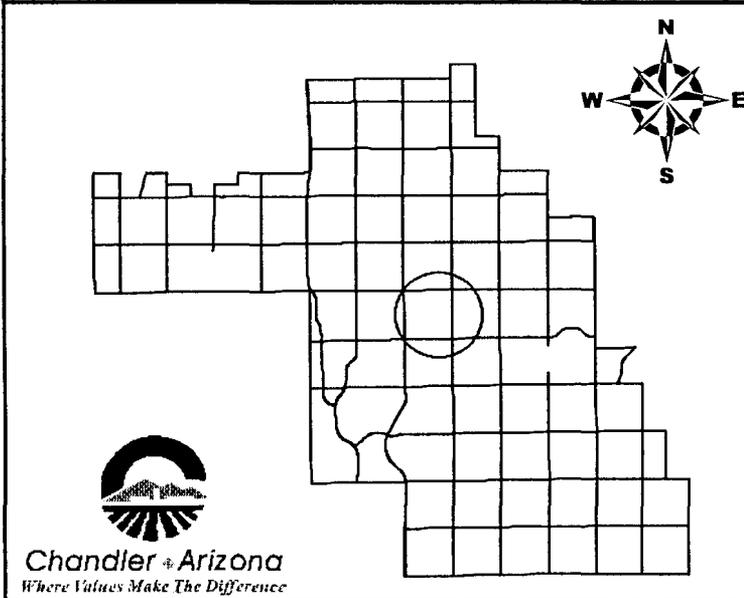
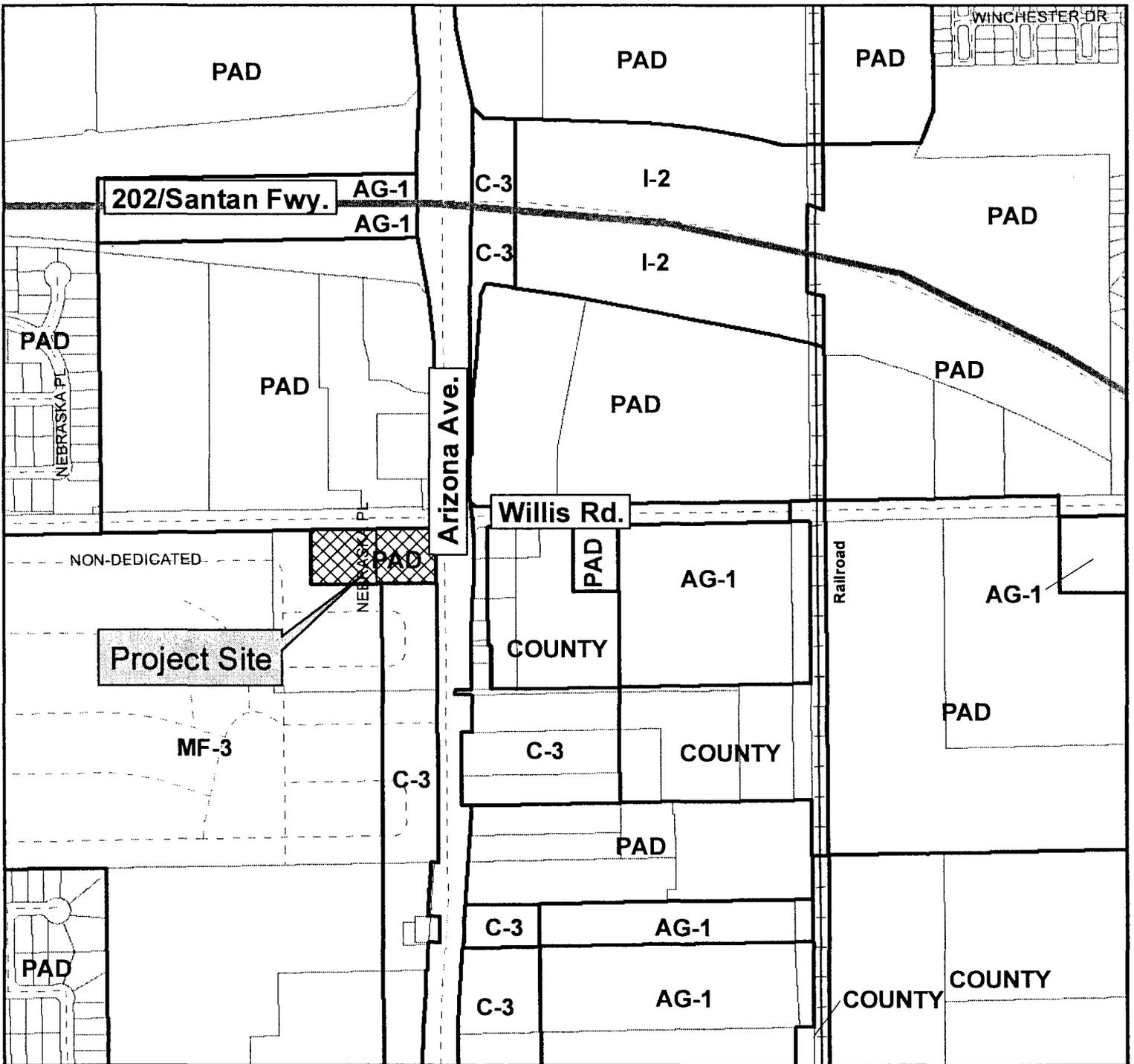
Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

Move to approve extending the timing condition for DVR11-0009 TCF BANK for an additional three (3) years, in which the zoning would be in effect until March 29, 2014, and with all of the conditions in the original approval remaining in effect.

Attachments

1. Vicinity Maps
2. Narrative
3. Site Plan
4. Ordinance No. 4028



Vicinity Map

DVR11-0009

TCF Bank

CITY OF CHANDLER 4/6/2011





Vicinity Map



DVR11-0009

TCF Bank





June 9, 2011

Transportation & Development Department
Planning Division
215 E. Buffalo Street
Chandler, AZ 85225

RE: DVR11-0009 TCF Bank, zoning time extension

To Whom It May Concern

We are requesting approval of a zoning time extension for property located at the southwest corner of Arizona Avenue and Willis Road. The property includes two separate parcels owned by separate entities; Parcel 303-27-018E owned by Twin Cactus Development LLC and Parcel 303-27-018F owned by Willis Road Investments LLC. With authorization from Willis Road Investments LLC, we have filed a zoning time extension case. We request approval to allow the Planned Area Development (PAD) zoning to remain in place for an additional three (3) years.

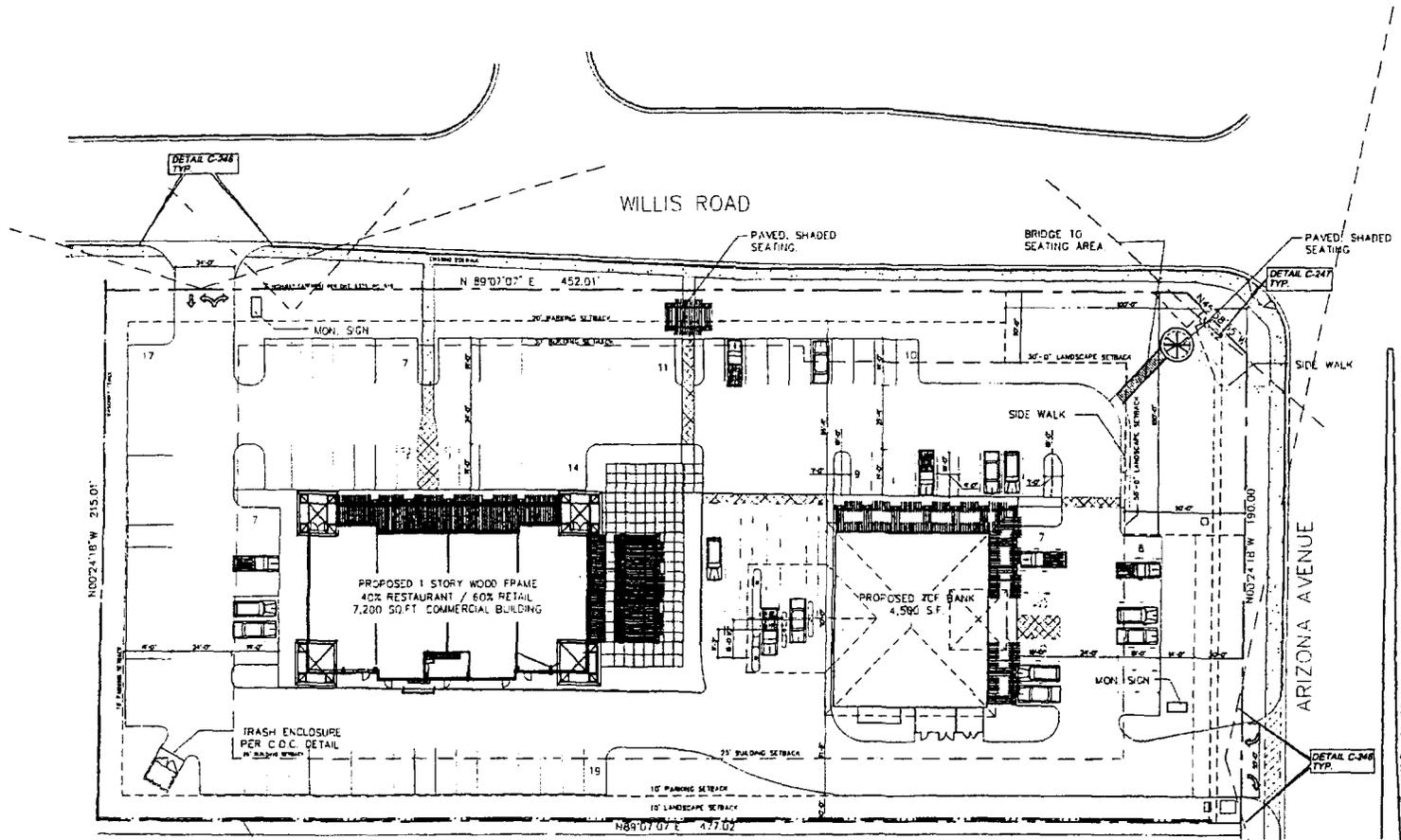
These parcels were approved rezoning from MF-3 multi-family residential and C-3 general commercial zoning on February, 14, 2008 to PAD zoning via Ordinance No. 4028 to allow a bank pad and an inline retail shops pad. The zoning was approved with a three-year development timing condition, which expired on March 29, 2011.

The bank building is approximately 4,500 square feet in size along with two drive-up lanes and one ATM lane. The inline shops retail building is approximately 7,200 square feet and allows for in-line retailers, restaurants, and office users in accordance with required parking.

The site remains vacant and has yet to be developed. Both property owners understand that both parcels must be developed together as part of the approved Preliminary Development Plan (PDP) and cannot develop independently. Although we still have the same development plans for the property neither owner has intent to develop anytime in the near future.

Sincerely,

Tim Meyer
Twin Cactus Development, LLC



1 SITE PLAN
TCS-0



NORTH

site plan

SITE DATA	
CURRENT ZONING	FP-SU-1
PROPOSED ZONING	PLD
NET SITE AREA	82,247 sq. ft. - 1.88 acres
GROSS SITE AREA	108,847 sq. ft. - 2.48 acres
BUILDING SF	11,790 sq. ft.
RESTAURANT USE	2,880 sq. ft.
RETAIL USE	4,320 sq. ft.
BANK USE	4,590 sq. ft.
LOT COVERAGE	14%
PARKING REQUIRED	185 spaces
RESTAURANT USE	41 spaces
RETAIL USE	41 spaces
BANK USE	41 spaces
PARKING PROVIDED	185 spaces
ADA PARKING REQUIRED	4 spaces
ADA PARKING PROVIDED	4 spaces



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PROJECT

TCF NATIONAL BANK

SWC ARIZONA AVENUE & WILLIS ROAD

CHANDLER, ARIZONA

ISSUED SET	REVISIONS
DATE	NO.

I HEREBY CERTIFY THAT THE PLAN SPECIFICATIONS OR REPORT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND THAT I AM A duly LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF ARIZONA.

JAMES R. BROOKER
DATE: _____ SITE: _____

DRAWN BY: _____ CHECKED BY: _____

A.1.1

ORDINANCE NO. 4028

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM MF-3 AND C-3 TO PAD (DVR06-0013 TCF BANK) 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 MF-3 and C-3 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "PAD REZONING AND PDP Southwest corner of Willis Road and Arizona Avenue aka TCF Bank", kept on file in the City of Chandler Planning Services Division, in File No. DVR06-0013, except as modified by condition herein.
2. 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.
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. Landscaping shall be in compliance with current Commercial Design Standards.
9. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
10. Raceway signage shall be prohibited within the development.
11. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
12. The site shall be maintained in a clean and orderly manner.
13. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
14. 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.
15. 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.
16. 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 TCF Bank development shall use treated effluent to maintain open space, common areas, and landscape tracts.

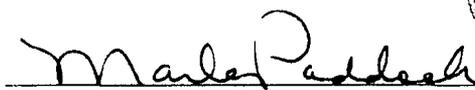
17. The development shall provide foundation landscaping in accordance with the Zoning Code.
18. Signage on the in-line shops to be reverse pan channel lettering.
19. The ramada feature at the intersection shall be replaced with a feature that better relates to the project.
20. The applicant shall work with Staff on the in-line shops tower elements in regards to height and massing making towers smaller in size.

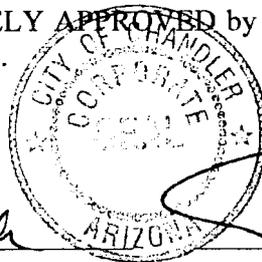
SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

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 14th day February 2008.

ATTEST:


CITY CLERK




MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 28th day of February 2008.

ATTEST:


Mark Paddech CITY CLERK [Signature] MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4028 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 28th day of February 2008, and that a quorum was present thereat.

Mark Paddech
CITY CLERK

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

PUBLISHED in the Arizona Republic on March 13 and March 20, 2008.

EXHIBIT A

Legal Description of the Property

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4 TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE EAST QUARTER CORNER OF SAID SECTION 4;

THENCE SOUTH 00 DEGREES 24 MINUTES 18 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 255.01 FEET;

THENCE SOUTH 89 DEGREES 07 MINUTES 07 SECONDS WEST A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF ARIZONA AVENUE AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 07 MINUTES 07 SECONDS WEST, A DISTANCE OF 228.46 FEET;

THENCE NORTH 00 DEGREES 24 MINUTES 18 SECONDS WEST, A DISTANCE OF 215.01 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF WILLIS ROAD;

THENCE NORTH 89 DEGREES 07 MINUTES 07 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY OF WILLIS ROAD, A DISTANCE OF 203.45 FEET;

THENCE SOUTH 45 DEGREES 38 MINUTES 55 SECONDS EAST, A DISTANCE OF 35.22 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID ARIZONA AVENUE;

THENCE SOUTH 00 DEGREES 24 MINUTES 18 SECONDS EAST ALONG THE WEST RIGHT OF WAY LINE OF SAID ARIZONA AVENUE, A DISTANCE OF 190.00 FEET TO THE TRUE POINT OF BEGINNING.