



MEMORANDUM Transportation & Development – CC Memo No. 11-135

DATE: DECEMBER 9, 2011
TO: MAYOR AND CITY COUNCIL
THRU: RICH DLUGAS, CITY MANAGER *RD*
 PATRICK MCDERMOTT, ASSISTANT CITY MANAGER
 R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
 JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
 KEVIN MAYO, PLANNING MANAGER *KM*
FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*
SUBJECT: DVR11-0027 EXECUTIVE PROPERTY

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 District (AG-1) zoning

Location: Northwest corner of Germann and McQueen Roads

Applicant: Executive Property Development, LLC

Project Info: Approved Preliminary Development Plan included a 226-space recreational vehicle storage facility, a 6,000 square foot retail/auto service building, and a 12-pump fuel station with associated convenience store and car wash on 9 acres

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval of extending the timing condition for an additional three (3) years.

EXTENSION OF THE TIMING CONDITION

The application requests a time extension for an approximately 9-acre parcel located at the northwest corner of Germann and McQueen Roads. The Planned Area Development (PAD) zoning approval was granted for a period of three (3) years, which expired on July 12, 2011. The three-year extension would be calculated to begin from the previous approval's expiration date, resulting in an extension to July 2014.

The City has the following options when a zoning district's timing condition expires. The City could, by 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 requested timing extension is approved, all other conditions in the original approval would remain in effect.

BACKGROUND

The property is mostly vacant, except for an auto repair business in its southwest portion and an excavation business east of that, both of which will be removed as part of this project. Also, there is a cell tower along the northern property line that will remain. To the north is a City of Chandler vehicle service yard, to the west is an agricultural parcel designated by the Airpark Area Plan for light industrial uses, to the east across McQueen Road is agricultural land designated for high-density residential, and to the south across Germann Road is Tumbleweed Park.

No changes are requested to the development plans that were approved by Council in 2008. The development's approved Preliminary Development Plan (PDP) calls for a fuel station on the corner with associated convenience store and car wash, a retail/auto service building farther north along McQueen Road, and a recreational vehicle storage facility taking up the majority of the site in the rear. The project is to be constructed in two phases.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- The request was noticed in accordance with the requirements of the Chandler Zoning Code.
- In lieu of a neighborhood meeting, the applicant mailed letters to property owners in the notice area that described the request and made the applicant available to answer any questions.
- As of this writing, Staff is not aware of any opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to approve:

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

RECOMMENDED ACTION

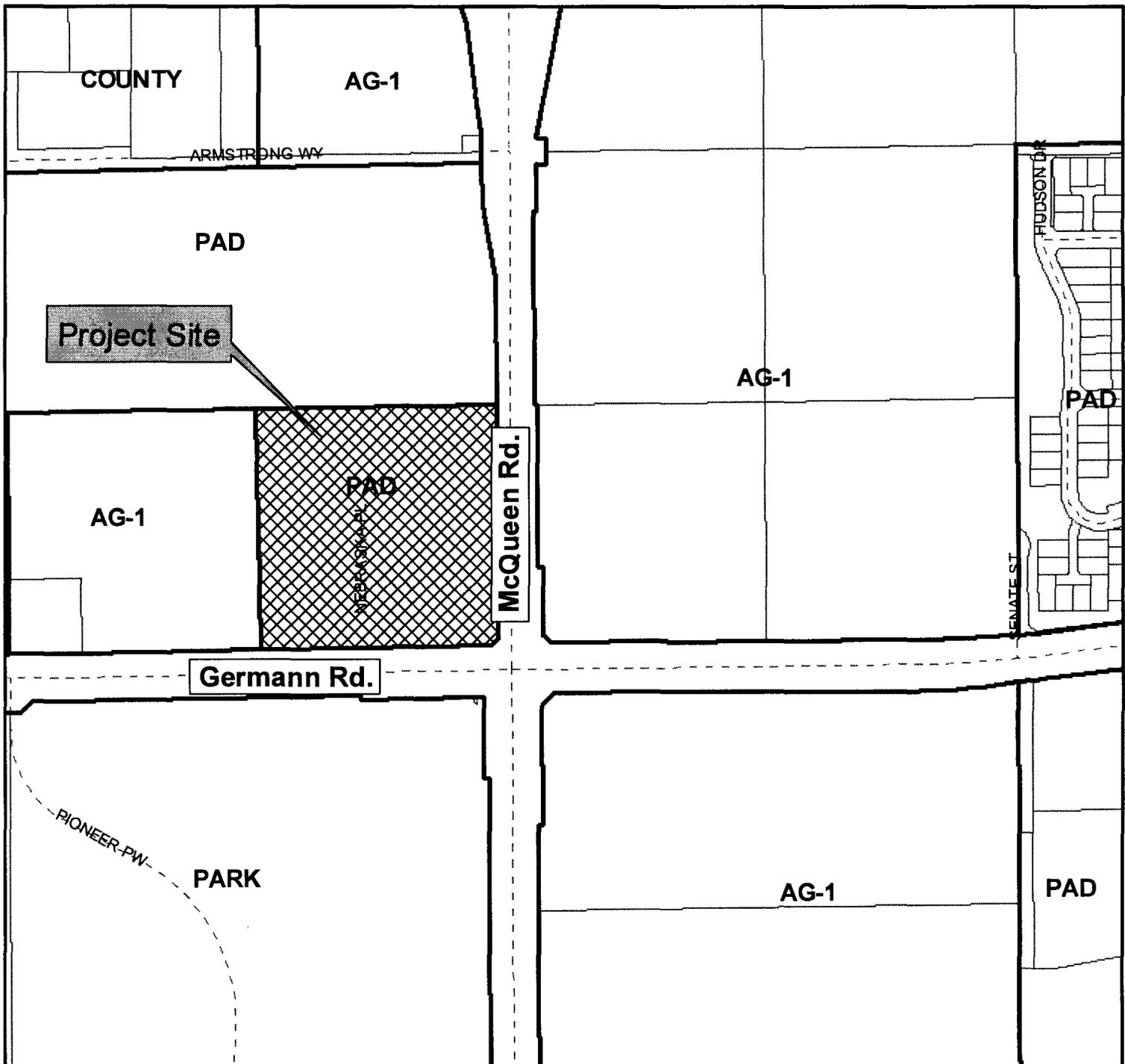
Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

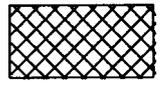
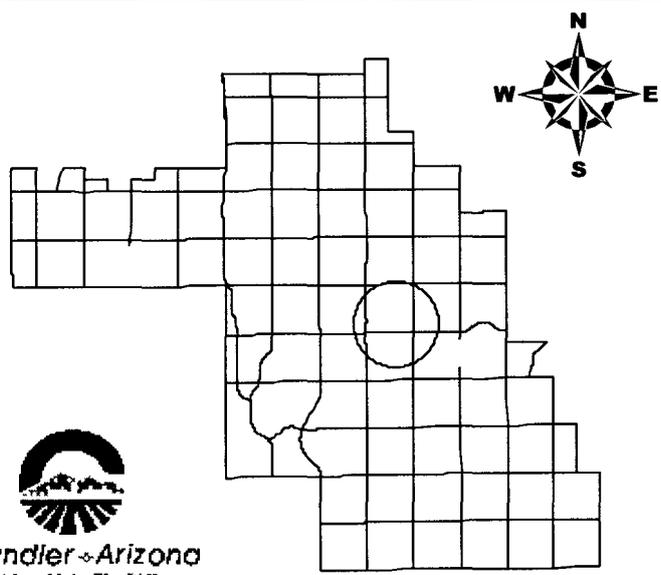
Move to approve the timing condition for case DVR11-0027 EXECUTIVE PROPERTY for an additional three (3) years, in which the zoning would be in effect until July 2014, with all of the conditions in the original approval remaining in effect as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Maps
2. Narrative
3. Site Plans (Retail vs. Auto Service)
4. Ordinance No. 4073



Vicinity Map



DVR11-0027

Executive Property





Vicinity Map



DVR11-0027

Executive Property

PROJECT NARRATIVE

Introduction

On June 12, 2008, the Applicant, Executive Development, LLC received approval from City Council on Ordinance No. 4073, which rezoned the property from Agricultural District (AG-1) to Planned Area Development (PAD) (DVR 08-005 Executive Toy Storage).

Executive Property Development, LLC proposes to extend the zoning for Executive Toy Storage facility for high end motor homes, recreational vehicles, boats etc., state of the art gas dispensing facility and a retail building that will likely be compatible automobile uses. The center will be known as the Executive Toy Storage Center. The approximately 9.6-acre site is located on the NWC of Germann Road and McQueen Road. The specific requested approval is for an extension of the Planned Area Development (PAD) zoning.

Site and Surrounding Conditions

The site is adjacent to the City of Chandler Storage Facility to the north, Germann Road and the City of Chandler Tumbleweed Park to the south, McQueen Road and the Plyman Property to the east and vacant undeveloped land to the west. This project is also governed by the Chandler Airpark Area Plan. The proposed uses for the site are consistent and compatible with the major development in the area which is the City of Chandler Storage Facility directly adjacent to the site, while the retail portion of the development will help to maximize the arterial frontages.

Zoning Extension Approval Justification

Market conditions have been unsatisfactory for development since zoning approval in 2008; therefore, Applicant requests extension of zoning in order to explore development opportunities of the site. Applicant has incurred a large expense in the zoning, platting and engineering fees for the project and would like the opportunity of completing the development of the project.

Design Team

Architect

Saemisch Di Bella Architects, Inc.
48 W. Main Street, Suite 200
Mesa, AZ 85201
480-655-0633 (v)
480-655-0632 (f)
www.sdarch.com

Civil Engineers

Sunrise Engineering Inc.
2152 South Vineyard, Suite 123
Mesa, AZ 85210
480-768-8600 (v)
480-768-8609 (f)

Consultant

C. Dale Willis, Jr.
Willis Property Company, LC
3850 E. Baseline Road, # 118
Mesa, AZ 85206
480-507-6200 (v)
480-507-6333 (f)

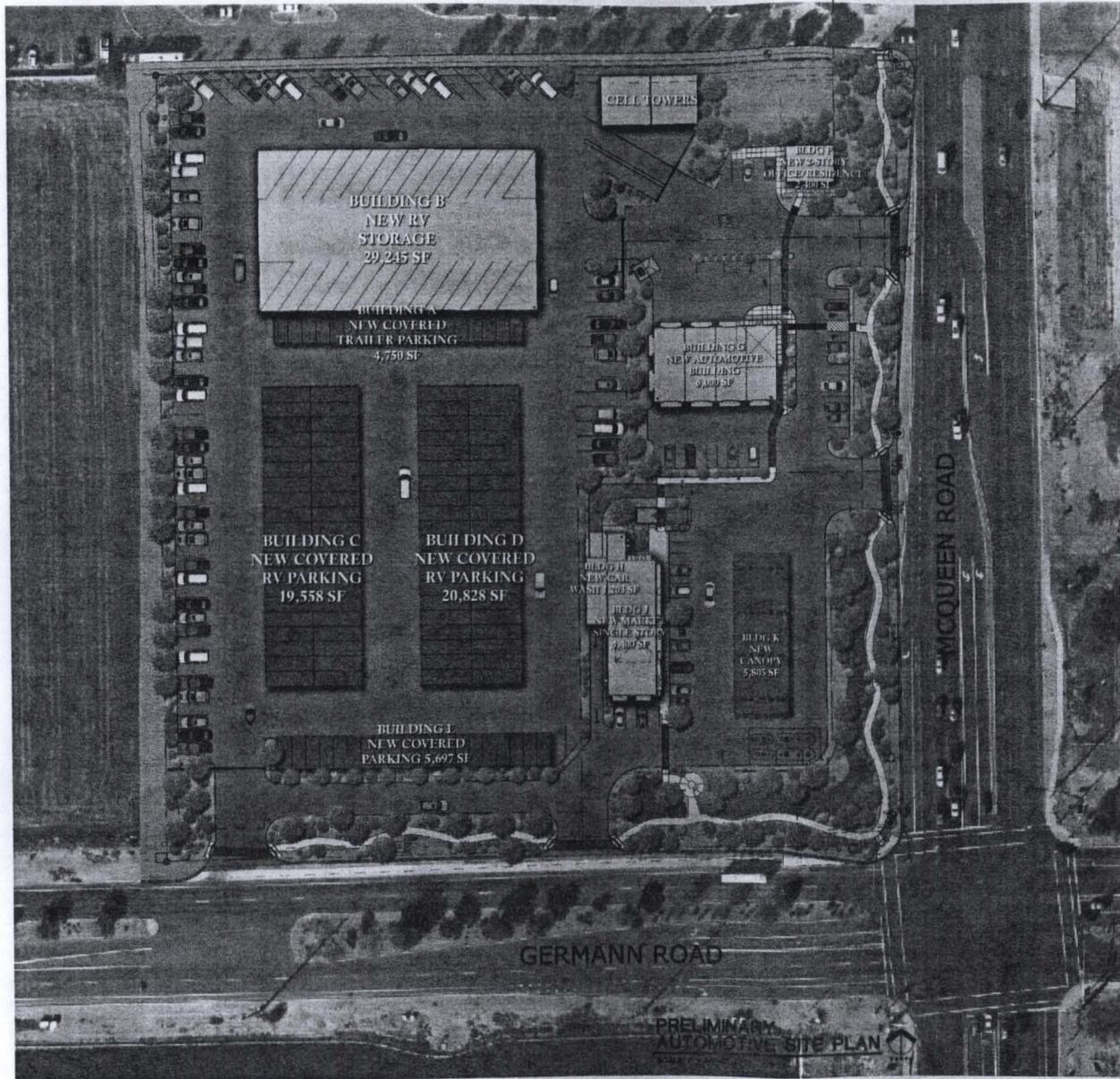
Landscape Architect

WRG Inc.
9977 North 90th Street, Suite 350
Scottsdale, AZ 85258
602-977-8000 (v)
602-977-8099 (f)

Developer

Executive Property Development, LLC
PO Box 2139
Chandler, AZ 85244
602-763-6455 (v)
480-821-9921 (f)

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CONTACTS

OWNER / DEVELOPER
 FINE CLIENTS
 3848 SOUTH CARVELLA PLACE
 CHANDLER, ARIZONA 85248
 CONTACT: FINE CLIENTS
 480.854.4998

CIVIL ENGINEER
 BARRIS ENGINEERING
 283 SOUTH VINEYARD, SUITE 83
 PESA, ARIZONA 85030
 CONTACT: STEPHANIE SCHWAB
 480.768.8600

ARCHITECT
 SAEMISCH + DI BELLA ARCHITECTS, INC.
 48 WEST MAIN STREET, SUITE 300
 PESA, ARIZONA 85030
 CONTACT: RICK BARTBECK
 480.858.0633

LEGAL COUNSEL
 PEEL LAKE P.L.C.
 1300 EAST DOROTHY ROAD, SUITE 101
 PESA, ARIZONA 85030
 CONTACT: BRIAN LAKE
 480.484.1610

LEGAL DESCRIPTION (A.P.N. 303-28-001D)

CONTAINING
 89083.8444 ACRES (41499 SF) MORE OR LESS,
 NET 8.8924 ACRES (19114 SF) MORE OR LESS,
 (EXCLUDING ROADWAY DECLARATIONS)

PROJECT BUILDING DATA

BUILDING A COVERED TRAILER PARKING 4750 SF. CONSTRUCTION TYPE: V-B A.F.S.S. OCCUPANCY: S-2	BUILDING B CARETAKER / OFFICE (2-STORY) 2400 SF. CONSTRUCTION TYPE: V-B A.F.S.S. OCCUPANCY: S / R-3
BUILDING B RV STORAGE BUILDING 29245 SF. CONSTRUCTION TYPE: V-B A.F.S.S. OCCUPANCY: S-3	BUILDING G RETAIL/AUTOMOTIVE USE 6200 SF. CONSTRUCTION TYPE: V-B A.F.S.S. OCCUPANCY: M
BUILDING C COVERED RV PARKING 19558 SF. CONSTRUCTION TYPE: V-B A.F.S.S. OCCUPANCY: S-2	BUILDING H CAR WASH 1200 SF. CONSTRUCTION TYPE: V-B A.F.S.S. OCCUPANCY: S
BUILDING D COVERED RV PARKING 20828 SF. CONSTRUCTION TYPE: V-B A.F.S.S. OCCUPANCY: S-3	BUILDING J MARKET 4400 SF. CONSTRUCTION TYPE: V-B A.F.S.S. OCCUPANCY: M
BUILDING E COVERED RV PARKING 5697 SF. CONSTRUCTION TYPE: V-B A.F.S.S. OCCUPANCY: S-2	BUILDING K CANOPY 3800 SF. CONSTRUCTION TYPE: H-B OCCUPANCY: M

PARKING CALCULATION

BUILDING F PARKING REQUIRED: 1200/300 = 4 SPACES REQUIRED	BUILDING I PARKING PROVIDED: 4 SPACES PROVIDED
BUILDING G PARKING REQUIRED: 4200/300 = 14 SPACES REQUIRED	BUILDING J PARKING REQUIRED: 4400/250 = 18 SPACES REQUIRED
BUILDING H PARKING PROVIDED: 26 SPACES PROVIDED (2 ACCESSIBLE)	BUILDING K PARKING PROVIDED: 3 SPACES PROVIDED (8 ACCESSIBLE)
BUILDING I PARKING PROVIDED: 26 SPACES PROVIDED (2 ACCESSIBLE)	
BUILDING J PARKING PROVIDED: 3 SPACES PROVIDED (8 ACCESSIBLE)	

BUILDING F PARKING PROVIDED: 4 SPACES PROVIDED	BUILDING G PARKING REQUIRED: 1200/300 = 4 SPACES REQUIRED
BUILDING H PARKING PROVIDED: 26 SPACES PROVIDED (2 ACCESSIBLE)	BUILDING I PARKING PROVIDED: 4 SPACES PROVIDED
BUILDING J PARKING PROVIDED: 3 SPACES PROVIDED (8 ACCESSIBLE)	BUILDING K PARKING PROVIDED: 3 SPACES PROVIDED (8 ACCESSIBLE)



VICINITY MAP

Executive Toy Storage
 900 East Germann Road
 Chandler, Arizona 85249

Saemisch + Di Bella
 ARCHITECTS
 48 WEST MAIN STREET, SUITE 300
 PESA, ARIZONA 85030
 480.655.0633
 www.saemischdiabella.com

Preliminary Site Plan
 03.28.2008



DRAWING:
 Preliminary Site Plan
DATE:
 03.28.2008
SCALE:

JOB NUMBER: 0726
Preliminary Site Plan
 Automotive Use

SP-2

ORDINANCE NO. 4073

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) (DVR08-0005 EXECUTIVE TOY STORAGE) 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 Agricultural District (AG-1) to Planned Area Development (PAD) subject to the following conditions:

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Executive Toy Storage", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0005, except as modified by condition herein.
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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

5. 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.
6. 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.
7. 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.
8. Approval by the Director of Planning and Development of plans for landscaping and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. Signage shall be approved under a separate PDP application.
10. 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 subject development shall use treated effluent to maintain open space, common areas, and landscape tracts.

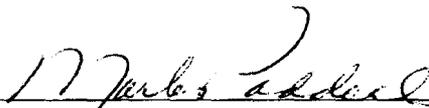
11. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
12. There shall be a maximum of six (6) bays in the auto retail building.
13. The “rose gray” squares and/or surface-mounted square, white lighting fixtures found on the columns of the retail and office buildings shall be incorporated into the convenience store architecture.
14. Fuel station venting must be fully screened.
15. The four (4) parking spaces south of the convenience store shall be eliminated as shown on the revised site plan.
16. Building G, if developed as auto retail, shall have its overhead doors fully screened from street view by screen walls and additional landscaping. Details to be worked out with staff.
17. Date Palms and canopy trees shall be placed in alternating fashion at the intersection corner and adjacent to the three retail entrances.
18. If Building G is developed as general retail, the trash enclosure adjacent to the building shall be relocated to the northwest portion of the retail site.
19. All entrances to the recreational vehicle storage component of the site shall be flanked by decorative stone on both sides.
20. All four site entrances shall include full decorative paving features.
21. The applicant shall work with Staff to adjust the wainscot higher on the office building to reduce the building’s apparent scale.
22. At least one Mulga Acacia shall be added south of the recreational vehicle storage facility. Details to be worked out with Staff.

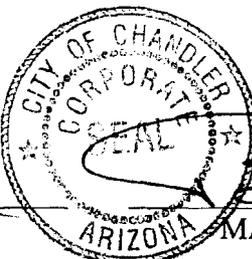
SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

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 22nd day of May 2008.

ATTEST:


CITY CLERK

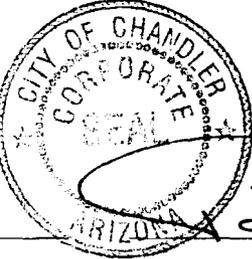
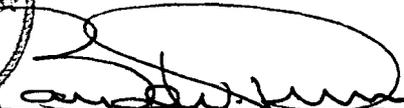


MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 12th day of June 2008.

ATTEST:


CITY CLERK

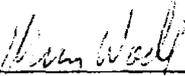


MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4073 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 12th day of June 2008, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED in the Arizona Republic on June 19 and June 26, 2008.

LEGAL DESCRIPTION

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE PROPERTY CONVEYED TO MARICOPA COUNTY BY WARRANTY DEED RECORDED JANUARY 5, 2004 IN INSTRUMENT NO. 2004-0004476 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SAID PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 65 FEET AND THE WEST 10 FEET OF THE EAST 75 FEET OF THE SOUTH 363 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3;

EXCEPT THE SOUTH 33 FEET, THE EAST 40 FEET THEREOF;

AND EXCEPT BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 33 FEET AND THE WEST LINE OF THE EAST 40 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3;

THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 52 FEET;

THENCE IN A NORTHEASTERLY DIRECTION TO A POINT ON THE WEST LINE OF THE EAST 40 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3 THAT IS 50 FEET NORTH FROM SAID POINT OF INTERSECTION;

THENCE SOUTHERLY ALONG SAID WEST LINE, A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING.

CONTAINING

GROSS 9.6419 ACRES [419,999 SF] MORE OR LESS,

NET 8.5334 ACRES [371,714 SF] MORE OR LESS.

(EXCLUDING ROADWAY DECLARATIONS)