



**MEMORANDUM                      Transportation & Development - CC Memo No. 11-131**

**DATE:**            DECEMBER 14, 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:**            ERIK SWANSON, CITY PLANNER *ES*

**SUBJECT:**        DVR11-0033 NORTON'S CROSSING  
                         Introduction and Tentative Adoption of Ordinance No. 4336

**Request:**            Rezoning from Planned Area Development for a multi-family and commercial development to PAD amended to remove a condition requiring the commercial component as phase one

**Location:**           Northwest corner of Chandler Boulevard and Gilbert Road

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

**RECOMMENDATION**

The request is to Rezone the property from PAD to PAD amended to eliminate a condition requiring the commercial component of the development as phase one. The current PAD zoning designation is for office, retail and multi-family development. Planning Commission and Staff, upon finding consistency with the General Plan and PAD zoning, recommend approval.

**BACKGROUND**

The subject site is approximately 23.5 acres, with 8.3 acres designated as commercial development primarily focused along the arterial frontages, with the remaining 15.2 acres as multi-family development. The subject site initially received zoning in 1993 as part of the 230-acre Dobson Place master planned community. At that time the site was zoned to PAD for multi-family and commercial development. In 1995 the site was rezoned to PAD strictly for commercial uses, eliminating the multi-family designation. With the development of the Dobson Place single-family residential neighborhood, the zoning was vested for the site. In 2008, the site

was rezoned to allow for the office, retail, and multi-family development. A three-year extension of the zoning was granted earlier this year.

Directly north and west of the subject site is the Dobson Place single-family residential neighborhood. East, across Gilbert Road at the intersection corner is a CVS Pharmacy located within the Town of Gilbert. South, across Chandler Boulevard is a Circle K gas station, vacant land, and an automotive shop, all located in a county island. In addition, there is a small trailer park, and the Colonia Coronita single-family residential subdivision, both located within the City of Chandler.

### **DISCUSSION**

At the time of the 2008 approval, Staff had concerns with granting the approval without the stipulation requiring the commercial component to develop as phase one. This concern was based on the viability of the commercial development without the construction of the multi-family development. Since the 2008 approval, Staff has reviewed the viability of the commercial without the multi-family development and determined that due to market volatility it is not necessary to prevent the development of the multi-family portion of the site due to a down turn in the commercial development sector. Staff believes that the commercial land use is still viable; however, believes that the multi-family development may help to spur the existing commercial in the area and therefore does not believe that having the condition to require commercial development as phase one necessary. In the event that commercial is not viable in the future and a different land-use is requested, the remaining portion of the site would need to receive Rezoning and Preliminary Development Plan approval.

### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

- A neighborhood meeting was held on Tuesday, November 1, 2011. No neighbors attended.
- Staff has heard from one resident opposed, expressing concerns with the overall approval of the multi-family development. The resident did not express concerns with the current request. The resident lives in the adjacent neighborhood, roughly 2,200 feet from the subject site. Staff has also received two emails from the applicant sent by residents with general questions. A speaker card was submitted at the Planning Commission hearing in opposition to the multi-family designation. Opposition to the removal of the condition has not been expressed.

### **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 and PAD zoning, recommend approval of eliminating condition no. 22 reading:

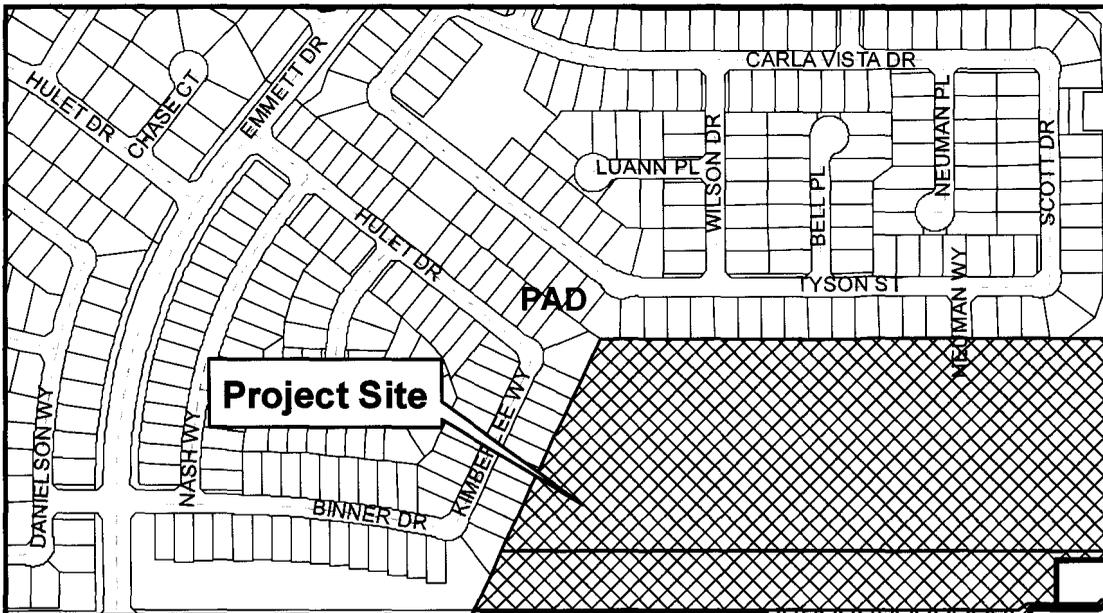
22. All retail shall be developed as part of phase one excluding the grocer pad and the bank pad.

**PROPOSED MOTION**

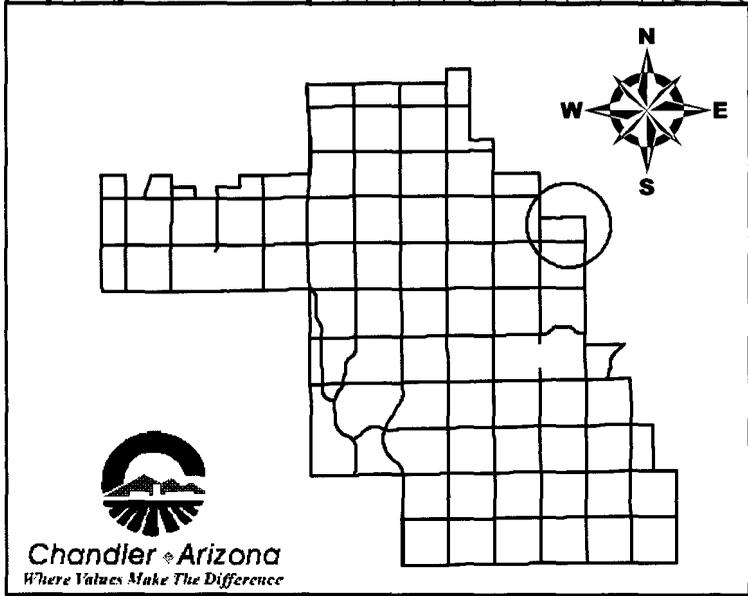
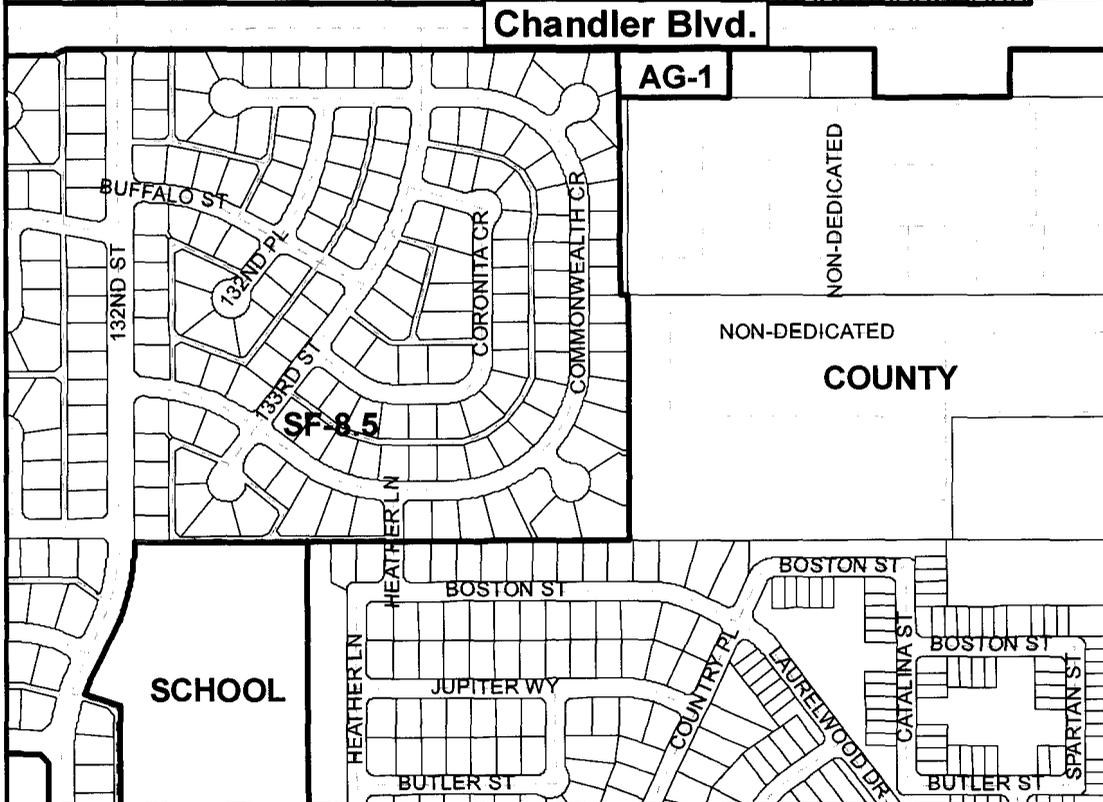
Move to introduce and tentatively adopt Ordinance No. 4336 DVR11-0033 NORTON'S CROSSING, Rezoning from PAD to PAD amended to eliminate a zoning condition requiring commercial development to occur as phase one, as recommended by Planning Commission and Staff.

**Attachments**

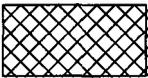
1. Vicinity Maps
2. Site Plan
3. Proposed Phasing Plan
4. Ordinance No. 4053
5. Ordinance No. 4336



Town  
WILLIAMSFIELD RD  
of  
Gilbert



## Vicinity Map



**DVR11-0033**

**Norton's Crossing**

CITY OF CHANDLER 9/9/2011



**Project Site**

**Chandler Blvd.**

**Gilbert Rd.**

**Vicinity Map**



**DVR11-0033**

**Norton's Crossing**







**ORDINANCE NO. 4053**

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 (DVR07-0042 NORTON'S CROSSING) 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 Exhibit 'A'

Said parcel is hereby rezoned from PAD to PAD Amended, 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. 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.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. 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.

5. 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.
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. Development shall be in substantial conformance with Exhibit K, Development Booklet, entitled "NORTON'S CROSSING", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0042, except as modified by condition herein.
8. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
9. Landscaping shall be in compliance with current Commercial Design Standards.
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. The parking space canopies shall incorporate building materials, forms, and colors to match the development.
15. The freestanding pads shall carry an architectural level of detail similar to front facades of the main buildings.
16. 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.

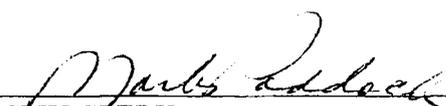
17. The applicant shall work with Staff to provide additional landscaping to enhance shading for pedestrian areas within the retail component.
18. The applicant shall work with Staff to relocate the refuse enclosures located along the northern property boundary to be more internalized.
19. The canvas shade structures shall be maintained in a manner similar to that of the time of installation.
20. The applicant shall work with Staff to better architecturally integrate the stairwells found on the residential buildings.
21. The applicant shall work with Staff to relocate the western most carriage units elsewhere on the site.
22. All retail shall be developed as part of phase one excluding the grocer pad and the bank pad.

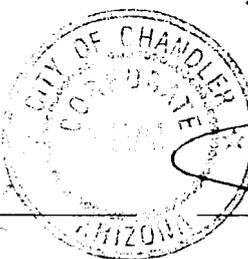
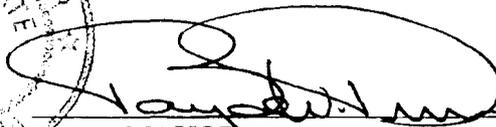
SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

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 24<sup>th</sup> day of April 2008.

ATTEST:

  
CITY CLERK

  
  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 8<sup>th</sup> day of May 2008.

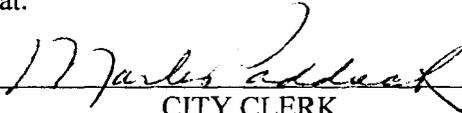
ATTEST:

  
CITY CLERK

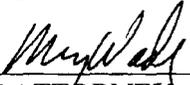
  
  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4053 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 8<sup>th</sup> day of May 2008, and that a quorum was present thereat.

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

PUBLISHED in the Arizona Republic on May 15 and May 22, 2008.

**ORDINANCE NO. 4336**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT TO PLANNED AREA DEVELOPMENT AMENDED, IN CASE DVR11-0033 (NORTON'S CROSSING) ELIMINATING ZONING CONDITION NO. 22 OF ORDINANCE NO. 4053 REQUIRING PHASING OF DEVELOPMENT, APPROVED IN CASE DVR07-0042 (NORTON'S CROSSING), 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 to delete Condition No. 22 of Ordinance No. 4053 requiring phasing of development in case DVR07-0042 Norton's Crossing.

Said parcel is hereby rezoned from PAD to PAD.

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



**EXHIBIT "A"**

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 25;

THENCE SOUTH 89 DEGREES 50 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 25 AND ALONG THE CENTERLINE OF CHANDLER BOULEVARD, A DISTANCE OF 1,715.19 FEET;

THENCE NORTH 00 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 65.00 FEET TO A POINT;

THENCE NORTH 24 DEGREES 49 MINUTES 59 SECONDS EAST, A DISTANCE OF 785.86 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 52 SECONDS EAST, A DISTANCE OF 1,380.78 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 25, BEING ALSO A POINT ON THE CENTERLINE OF GILBERT ROAD;

THENCE SOUTH 00 DEGREES 20 MINUTES 08 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 25, AND ALONG THE CENTERLINE OF GILBERT ROAD, A DISTANCE OF 781.29 FEET TO THE POINT OF BEGINNING;

EXCEPT THE SOUTH 208.71 FEET OF THE EAST 208.71 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; AND

EXCEPT ANY PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED PARCEL:

THAT CERTAIN DITCH NOW LOCATED AND CONSTRUCTED THROUGH, OVER AND ACROSS SECTION 25, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, ALONG THE SOUTH SIDE OF SAID SECTION 25, AND ALONG THE NORTH SIDE OF THE COUNTY ROAD; THE CENTER LINE OF SAID DITCH BEING DESCRIBED (USING AS A BASE THE SOUTH LINE OF SAID SECTION 25 WITH AN ASSUMED BEARING OF EAST) AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 25, DISTANT 25 FEET NORTH FROM THE SOUTHEAST CORNER THEREOF;

THENCE NORTH 89 DEGREES 53 MINUTES WEST 2627.6 FEET TO A POINT ON THE NORTH AND SOUTH MID-SECTION LINE OF SAID SECTION 25, DISTANT 30 FEET NORTH FROM THE SOUTH QUARTER CORNER THEREOF;

THENCE SOUTH 89 DEGREES 55 MINUTES WEST 2195 FEET TO A POINT IN THE EAST BRANCH OF THE CONSOLIDATED CANAL; 27 FEET NORTH OF A POINT ON THE SOUTH LINE OF SAID SECTION 25 DISTANT 436.5 FEET EAST FROM THE SOUTHWEST CORNER THEREOF AS CONVEYED TO THE UNITED STATES OF AMERICA BY DEED RECORDED MARCH 5, 1920, IN BOOK 142 OF DEEDS, PAGE 360; AND

EXCEPT THE EAST 33 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION; AND

EXCEPT THE SOUTH 33 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION; AND

EXCEPT THE SOUTH 60 FEET OF THE EAST 1715.19 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION; AND

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 25;

THENCE SOUTH 89 DEGREES 50 MINUTES 00 SECONDS WEST, A DISTANCE OF 208.71 FEET ALONG THE SOUTH LINE OF SAID SECTION 25;

THENCE NORTH 00 DEGREES 20 MINUTES 08 SECONDS WEST, A DISTANCE OF 60.00 FEET TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF CHANDLER BOULEVARD;

THENCE CONTINUING NORTH 00 DEGREES 20 MINUTES 08 SECONDS WEST, A DISTANCE OF 22.50 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 50 MINUTES 00 SECONDS WEST, A DISTANCE OF 67.79 FEET;

THENCE SOUTH 00 DEGREES 20 MINUTES 08 SECONDS EAST, A DISTANCE OF 17.50 FEET;

THENCE SOUTH 89 DEGREES 50 MINUTES 00 SECONDS WEST, A DISTANCE OF 1438.50 FEET PARALLEL WITH AND 65.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 25;

THENCE NORTH 24 DEGREES 49 MINUTES 59 SECONDS EAST, A DISTANCE OF 17.65 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 00 SECONDS EAST, A DISTANCE OF 1401.51 FEET;

THENCE NORTH 50 DEGREES 49 MINUTES 10 SECONDS EAST, A DISTANCE OF 27.80 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 00 SECONDS EAST, A DISTANCE OF 75.62 FEET;

THENCE SOUTH 00 DEGREES 20 MINUTES 08 SECONDS EAST, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING; AND

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 25;

THENCE NORTH 00 DEGREES 20 MINUTES 08 SECONDS WEST, A DISTANCE OF 208.71 FEET ALONG THE EAST LINE OF SAID SECTION 25;

THENCE SOUTH 89 DEGREES 50 MINUTES 00 SECONDS WEST, A DISTANCE OF 33.00 FEET TO THE EXISTING WEST RIGHT-OF-WAY LINE OF GILBERT ROAD AND POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 50 MINUTES 00 SECONDS WEST, A DISTANCE OF 43.50 FEET;

THENCE NORTH 00 DEGREES 20 MINUTES 08 SECONDS WEST, A DISTANCE OF 198.79 FEET PARALLEL WITH THE EAST LINE OF SAID SECTION 25;

THENCE NORTH 89 DEGREES 50 MINUTES 00 SECONDS EAST, A DISTANCE OF 11.50 FEET;

THENCE NORTH 00 DEGREES 20 MINUTES 08 SECONDS WEST, A DISTANCE OF 373.61 FEET PARALLEL WITH THE EAST LINE OF SAID SECTION 25;

THENCE NORTH 89 DEGREES 39 MINUTES 52 SECONDS EAST, A DISTANCE OF 32.00 FEET TO THE EXISTING WEST RIGHT-OF-WAY LINE OF GILBERT ROAD;

THENCE SOUTH 00 DEGREES 20 MINUTES 08 SECONDS EAST, A DISTANCE OF 572.50 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.