



MEMORANDUM Transportation & Development - CC Memo No. 12-008

DATE: JANUARY 23, 2012

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
 PATRICK MCDERMOTT, ACTING 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: DVR11-0046 THE GATES

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: Southeast corner of Ocotillo and Gilbert roads

Applicant: Brennan Ray; Burch & Cracchiolo, PLC

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 zoning is for a commercial retail development. Planning Commission and Staff, upon finding consistency with the General Plan and the Southeast Chandler Area Plan, recommend approval of a three (3) year timing extension.

EXTENSION OF THE TIMING CONDITION

The request is for action on an existing approximate 18-acre site located at the southeast corner of Ocotillo and Gilbert roads. In 2008, the site was rezoned from AG-1 to PAD for a commercial retail development. 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 December 17, 2011. The proposed three-year time extension would be in effect, pending City Council approval, until December 17, 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 is located at the southeast corner of Gilbert and Ocotillo Roads. North, across Ocotillo Road is the Layton Lakes residential development. Bordering the east and south property boundaries is the RWCD (Roosevelt Water Conservation District) canal. East, beyond the canal is the Quail Springs single-family residential neighborhood. South, beyond the canal is a county island currently being utilized as farmland. West, across Gilbert Road is vacant land. The subject site lies within the SECAP and is designated as a major entry gateway and commercial node. The request is consistent with the SECAP.

PUBLIC/NEIGHBORHOOD NOTIFICATION

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

- A neighborhood meeting was held on Wednesday, December 21, 2011. No neighbors attended the meeting. Staff has received two phone calls from nearby residents. Both callers had general questions and supported the request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

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

RECOMMENDED ACTION

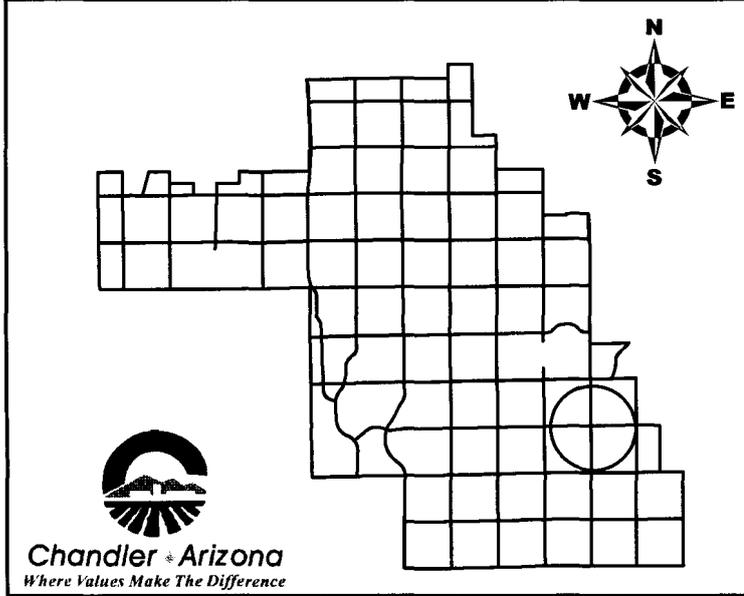
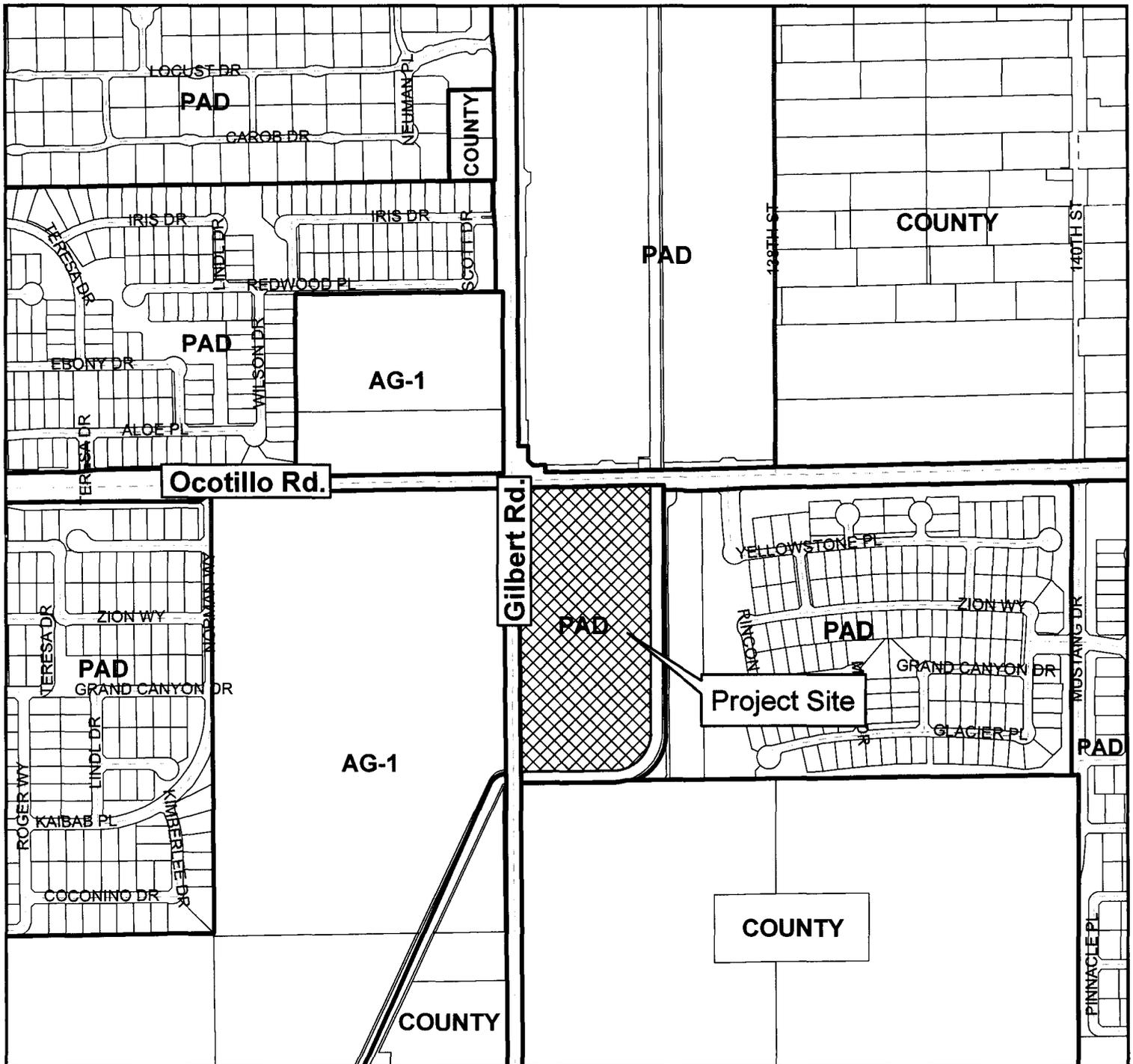
Planning Commission and Staff, upon finding consistency with the General Plan and the Southeast Chandler Area Plan, recommends approval of extending the timing condition for case DVR11-0046 THE GATES, for an additional three (3) years, with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

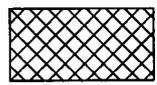
Move to extend the timing condition for case DVR11-0046 THE GATES, for an additional three (3) years, in which the zoning would be in effect until December 2014, with all of the conditions in the original approval remaining in effect.

Attachments

1. Vicinity Maps
2. Site Plan
3. Ordinance No. 4107

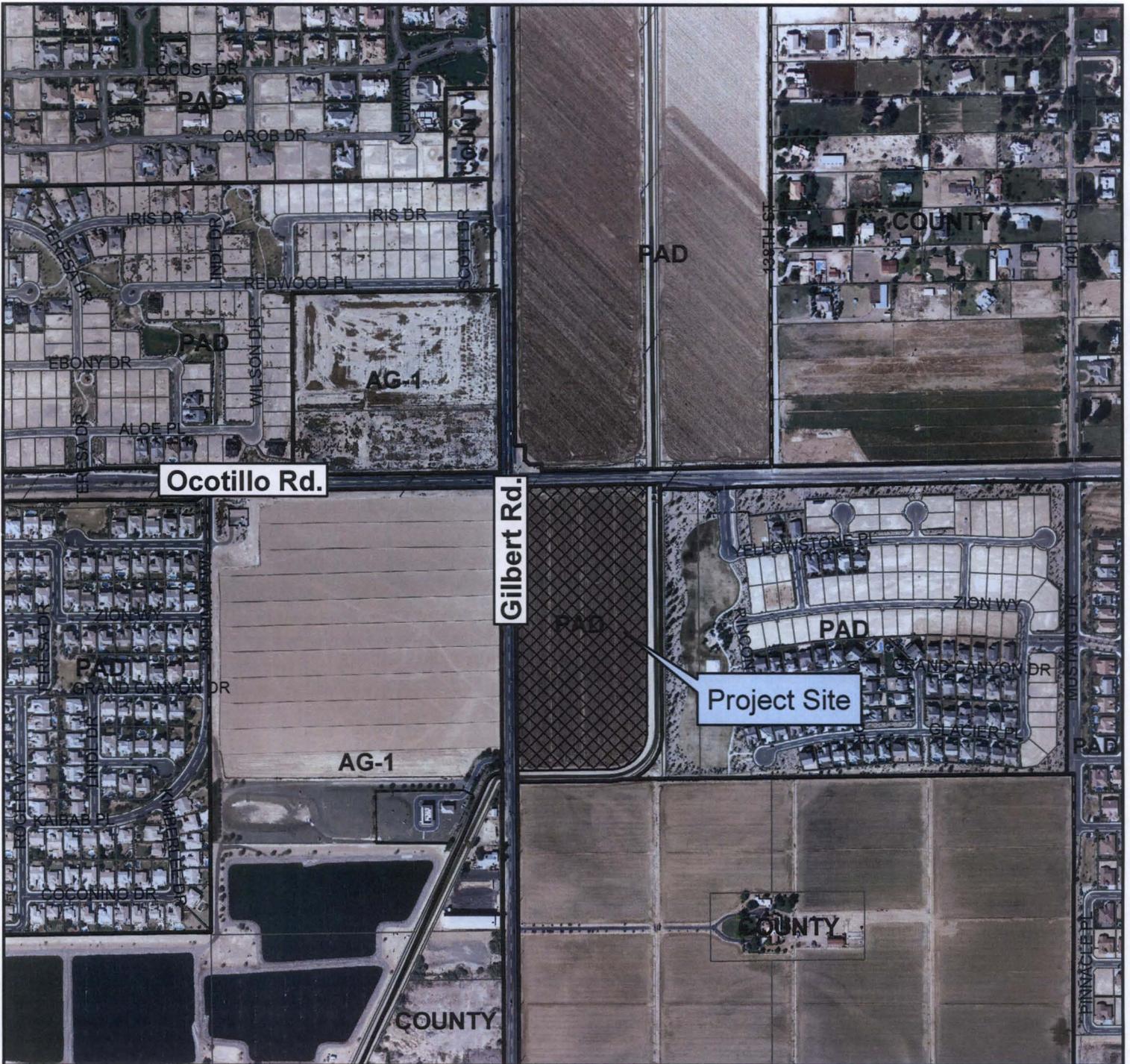


Vicinity Map



DVR11-0046

The Gates



Vicinity Map



DVR11-0046

The Gates

ORDINANCE NO. 4107

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) (DVR08-0029 THE GATES) 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 (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. 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 'G', Development Booklet, entitled "THE GATES", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0029, 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 canvas shade structures shall be maintained in a manner similar to that of the time of installation.
12. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
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 Gates" development shall use treated effluent to maintain open space, common areas, and landscape tracts.

17. The building mounted signage for the buildings located at the intersection corner shall be limited to reverse pan-channel halo-illuminated lettering.

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 30th day of October 2008.

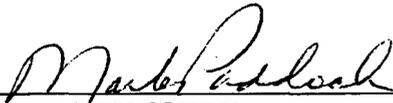
ATTEST:


CITY CLERK


MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 17th day of November 2008.

ATTEST:



CITY CLERK



MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4107 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 17th day of November 2008, and that a quorum was present thereat.



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PUBLISHED in the Arizona Republic on December 5 and 12, 2008.

**"EXHIBIT A"
LEGAL DESCRIPTION**

THAT PORTION OF GOVERNMENT LOT 1 (NORTHWEST QUARTER OF THE NORTHWEST QUARTER), Section 19, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying North and West of the centerline of Roosevelt Water Conservation District Canal, as described in Book 191 of Deeds, page 377, records of Maricopa County, Arizona.