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APR 26 2012



MEMORANDUM Transportation & Development – CC Memo No. 12-036

DATE: APRIL 5, 2012

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: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: DVR12-0004 PALMS RESORT RETIREMENT COMMUNITY

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 Pecos Road and Pennington Drive, approximately 670 feet east of Dobson Road

Applicant: Michael P. Leary, Ltd.

Project Info: Two retirement residential buildings on approximately 6.4 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 6.4-acre parcel located at the northwest corner of Pecos Road and Pennington Drive. The Planned Area Development (PAD) zoning approval was granted for a period of three (3) years, which expired on October 11, 2011.

The three-year extension would be calculated to begin from the previous approval's expiration date, resulting in an extension to October 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 subject site is currently vacant. To the north and east along Pennington Drive are two existing assisted living developments unaffiliated with the subject development (Pennington Gardens and Merrill Gardens). To the northwest is a nursing home facility (Archstone). Farther east and northeast, as well as south across Pecos Road, are single-family homes. The Chandler Regional Hospital is located about ¼ mile to the north, and office uses surround the hospital in several directions, including the SEVG medical office development along Dobson Road. West of the subject site are two vacant parcels at the Dobson Road/Pecos Road intersection that are designated for medical office and commercial uses.

No changes are requested by this zoning action to the development plans that were approved by Council in 2008. The development's approved Preliminary Development Plan (PDP) calls for two retirement residential buildings to be constructed in two phases, each building originally envisioned to be four stories. The applicant is currently working through an administrative review of a downsized Phase One including a single-story building along Pennington Drive that Staff has determined to be in substantial conformance with the existing PDP. Construction is expected to commence in mid-2012.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- The request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on March 8, 2012 at the Downtown Community Center. No neighbors attended.
- As of this writing, Staff is not aware of any opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to approve:

In Favor: 7 Opposed: 0

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 DVR12-0004 PALMS RESORT RETIREMENT COMMUNITY for an additional three (3) years, in which the zoning would be in effect until

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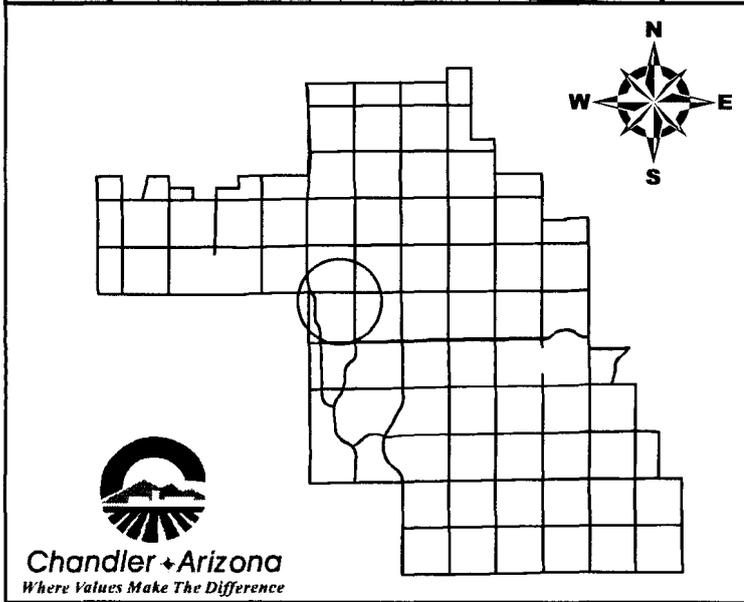
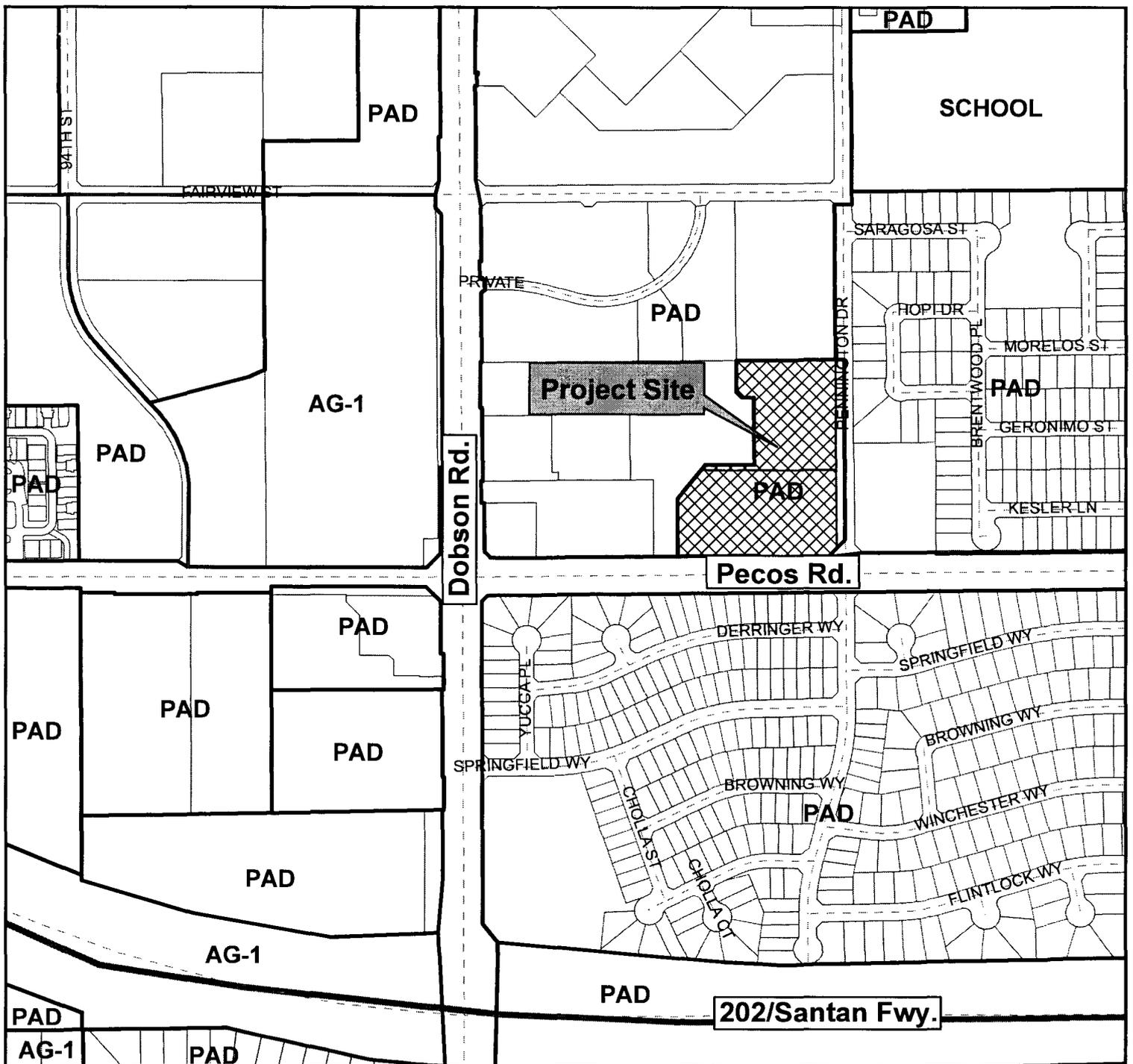
April 5, 2012

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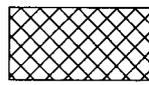
October 2014, with all of the conditions in the original approval remaining in effect as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Maps
2. Narrative
3. Approved PDP Site Plan
4. Ordinance No. 4095



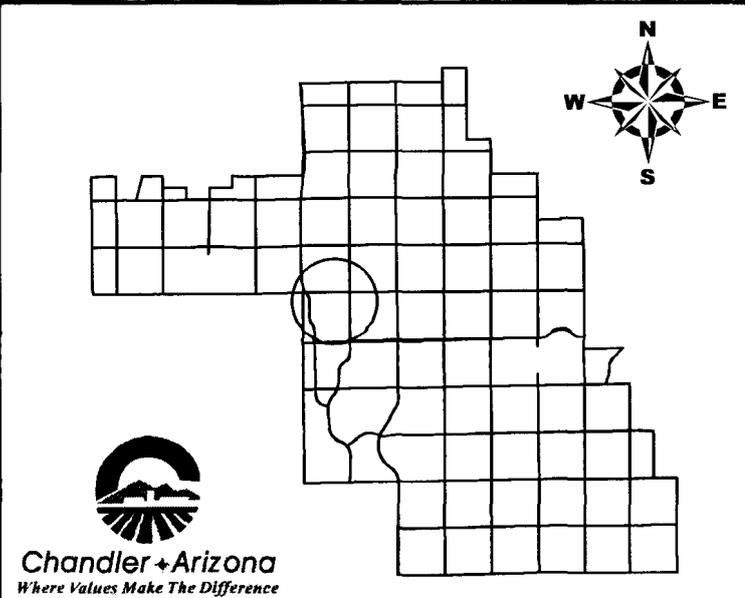
Vicinity Map



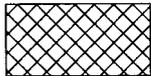
DVR12-0004

**Palms Resort Retirement
Community**





Vicinity Map



DVR12-0004

**Palms Resort Retirement
Community**

Michael P. Leary, LTD

480.991.1111

10278 East Hillery Drive
Scottsdale, AZ 85255

DATE: February 7, 2012

TO: Bill Dermody, Senior Planner

FROM: Michael Leary 

RE: PALMS RESORT RETIREMENT COMMUNITY (DVR08-0009)
Time Extension Request

The letter requests a time extension for commencement of construction of the Palms Resort Retirement Community, a resort-style retirement housing development on the 6.4 acre site at the northwest corner of Pecos Road and Pennington Drive. Since the August 2008 Chandler City Council zoning approval, a Minor Land Division plat was prepared and recorded along with commencement of construction plans for the development of the first phase on the northern half of the property.

Due to the ensuing global and local economic recession, construction of the first phase was put on hold as plans for the project were re-evaluated in light of the changing marketplace.

The first phase of the project is now ready to proceed in a reduced scale and re-directed scope by providing a memory care component which has become a growing and integral aspect of full-service senior residential health care facilities. As such, the first phase will change from a four-story 146-unit independent living facility to a one-story 60-unit (80 beds) memory care facility serving not only residents transitioning in place from the Palms independent living units in Phase 2 but also from the three existing assisted living and nursing facilities that border the project on three sides.

Senior housing on this infill site continues to be a valid and appropriate land use with the location amidst assisted living and medical office uses as well as its proximity to the Chandler regional hospital complex.

The project has financing in place and development plans are currently underway. Ownership currently has a similar facility under construction in Scottsdale and respectfully requests an extension for commencement of construction to facilitate the development of this quality project in Chandler.

ORDINANCE NO. 4095

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) AND PLANNED AREA DEVELOPMENT (PAD) MEDICAL OFFICE TO PAD ASSISTED LIVING (DVR08-0009 PALMS RESORT RETIREMENT COMMUNITY) 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) and Planned Area Development (PAD) Medical Office to PAD Assisted Living 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 "Palms Resort Retirement Community", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0009, 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.

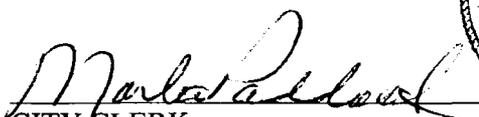
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. 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. 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.
8. 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.
9. Unless Phase I and Phase II are constructed simultaneously, Phase I shall include a secondary access ramp that is constructed on the south side of Building A to allow access from the underground garage. The secondary access ramp shall connect only to the site's western access driveway and shall be removed upon commencement of Building B construction.
10. The applicant shall work with staff to provide extended single-story elements on the broad sides of the buildings.
11. The applicant shall work with staff to add stone or some other material in lieu of stucco surrounding the entrances in order to better highlight the entrances.

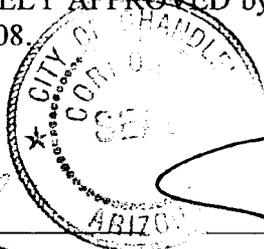
SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

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 28th day of August 2008.

ATTEST:

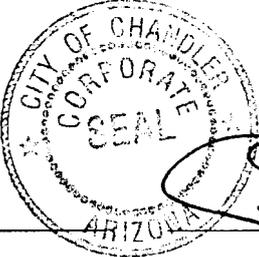

CITY CLERK




MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 11th day of September 2008.

ATTEST:



[Signature]
CITY CLERK

[Signature]
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4095 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 11th day of September 2008, and that a quorum was present thereat.

[Signature]
CITY CLERK

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

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

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Exhibit "A"
Legal Description

Parcel No. 1:

Commencing at the Southwest corner of Section 32, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence North 89 degrees 49 minutes 29 seconds East, along the South line of the said Section 32, 743.70 feet;

Thence North 00 degrees 01 minute 32 seconds East, 33.00 feet to the point of beginning;

Thence North 00 degrees 01 minute 32 seconds East, 232.00 feet;

Thence North 40 degrees 01 minute 32 seconds East, 152.09 feet;

Thence South 89 degrees 58 minutes 28 seconds East, 168.22 feet;

Thence North 00 degrees 01 minute 32 seconds West, 232.00 feet;

Thence North 89 degrees 58 minutes 28 seconds West, 40 feet;

Thence North 44 degrees 58 minutes 28 seconds West, 28.28 feet;

Thence North 00 degrees 01 minute 32 seconds East, 110.00 feet;

Thence North 89 degrees 54 minutes 19 seconds East, 371.58 feet;

Thence South 00 degrees 00 minutes 53 seconds West, 409.37 feet (measured), 409.30 feet (record) to a point on the Northeast corner of property described in Document No. 2003-1608392, records of Maricopa County, Arizona;

Thence South 89 degrees 49 minutes 29 seconds West, along the North line of the above mentioned property, 300.00 feet to the Northwest corner of property described in above said document;

Thence South 00 degrees 00 minutes 53 seconds West, along the West line of above mentioned property, 300.00 feet to the North right-of-way line of Pecos Road;

Thence South 89 degrees 49 minutes 29 seconds West, along said North right-of-way line, 277.70 feet to the point of beginning;

Except that portion conveyed to the City of Chandler, an Arizona municipal corporation in General Warranty Deed recorded in Document No. 2003-869630, Maricopa County Records, described as follows:

The North 32.00 feet of the South 85.00 feet, thereof.

Parcel No. 2:

The South half of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 32, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the South 33.00 feet and the West 360.72 feet, thereof; and

Except that portion conveyed to the City of Chandler, an Arizona municipal corporation in General Warranty Deed recorded in Document No. 2003-1808393, Maricopa County Records, described as follows:

Commencing at the Southwest corner of said Section 32, said corner being monumented with a brass cap in a hand hole;

Thence North 89 degrees 25 minutes 15 seconds East, along the South line of the Southwest quarter of said Section 32, 1,021.45 feet to a point on the East line of the West 360.72 feet of said South half of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 32;

Thence North 00 degrees 23 minutes 08 seconds West, along said East line, 33.00 feet to the point of beginning;

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Thence continuing North 00 degrees 23 minutes 08 seconds West, along said East line, 25.00 feet;

Thence departing said East line, North 89 degrees 25 minutes 15 seconds East, parallel with, and 58.00 feet North of, said South line, 240.98 feet;

Thence North 44 degrees 30 minutes 33 seconds East, 83.57 feet to a point on the East line of said South half of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 32;

Thence South 00 degrees 04 minutes 09 seconds East, along last said East line, 84.00 feet;

Thence South 89 degrees 25 minutes 15 seconds West, parallel with, and 33.00 feet North of, said South line, 299.99 feet to the point of beginning.