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JUN 14 2012



MEMORANDUM

Planning & Development - CC Memo No. 12-054

DATE: MAY 17, 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: JODIE M. NOVAK, MEP, SENIOR CITY PLANNER *JMN*

SUBJECT: DVR12-0011 EPICENTER CHURCH - WESTECH
Introduction and Tentative Adoption of Ordinance No. 4373

Request: Rezoning from PAD to PAD amending the permitted land uses within Westech Corporate Center to allow a place of worship/church use in Building 9

Location: Southeast corner of Arizona Avenue and Palomino Drive, north of Warner Road

Applicant: CC Prop LLC, Sun State Builders – Mike Forst

Project Info: Westech Lot 34 with 10 one-story buildings totaling approx. 137,000 sq. ft. of building area; Building 9 (14,252 square feet) is proposed for place of worship/church use

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Commission and Planning Staff recommend approval subject to conditions.

BACKGROUND

The request is for rezoning from Planned Area Development (PAD) to PAD to amend the permitted land uses within Lot 34 of Westech Corporate Center to allow a place of worship/church use only in Building 9 and eliminating the church use currently allowed in Building 10. Westech Lot 34 is developed with industrial land uses and certain allowed

commercial uses. Building 9 is approximately 14,252 square feet in size. This building is located at the southwest corner of the development.

Building 9 is surrounded by similar buildings on the east and north. South of Westech Lot 34 is an existing auto dealership. Immediately east of the subject site is an industrial building with approximately 135,000 square feet of light industrial warehouse space. Arizona Avenue abuts the property's west side with multi-family residential uses zoned High Density Residential (MF-3) located west of Arizona Avenue.

Permitted uses include light-industrial by right in the Planned Industrial District (I-1), as well as Office and Office/Warehouse uses, in addition to limited commercial uses such as showroom/warehouse uses (e.g. flooring company), and auto related accessory sales and installation. General retail uses are not permitted. Sufficient parking is provided to allow 100% office uses within Buildings 1-4, 9 and 10. Parking is provided to accommodate a 20% office build-out for Buildings 5-8.

This application proposes to allow a church use, Epicenter Church, to operate within Building 9 initially occupying approximately 7,094 square feet. A rezoning case was approved in April 2011 for Epicenter Church to locate in Building 10. Primavera Online High School's American Virtual Academy office is located in Building 9 and intends to relocate to Building 10 allowing the church to move into Building 9. Half of building 9 is currently occupied by Urban Oven. The church's activities remain the same conducting church services and worship, group meetings, administrative and office functions, child care room for church members only, and a small kitchen area. The church can accommodate approximately 250 congregants. Building 10 would no longer have church as an allowed use and all of Building 9 would allow a church use. Epicenter church conducts services on Sunday mornings starting at 10:45 a.m. and may offer special services during other weeknights. Specialized small group education classes may also occur. The church currently conducts the main worship service at Chandler Center for the Arts.

Building's 9 and 10 are separated by a common pedestrian open space. Parking will primarily occur in front of Buildings 1, 7, 8, 9, and 10 through the use of shared parking while other businesses are not open. The adjacent tenant in Building 9 is a bakery. Operation hours will not conflict between the church and bakery.

Through a prior zoning amendment in April 2010 for the Praise and Worship Center in Building 3, Staff reviewed a parking analysis addressing parking demand specifically for that church in relation to other buildings, uses, and tenants. The parking analysis was based on the proposed church's congregant size. A similar parking analysis and a parking map was completed and provided in the Development Booklet. Zoning Code requires parking for churches and places of worship at 1 parking space for each 4 seats in the worship/assembly area. Based on the worship service area having a maximum of 500 seats (if the entire building were occupied), 125 parking spaces are required. The analysis concludes that there are 227 available parking spaces in close proximity to Building 9. Epicenter Church and the property owner will have signed agreements with the adjacent business owners to utilize parking spaces around those buildings during non-business hours on evenings and weekends.

This development request does not include any signage. Any proposed building signage or monument signage shall be in conformance with the existing comprehensive sign package approved for Westech Lot 34.

DISCUSSION

The application request to add a church use to the allowed PAD land uses specifically for Building 9 and eliminating church use in Building 10 does not present any land use incompatibilities within this industrial business park. The existing Praise and Worship Church in Building 3 and Epicenter's current location has functioned well with all other users without parking issues.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed according to the provisions of the City of Chandler Zoning Code.
- A neighborhood meeting was held on May 9, 2012. No one attended other than the applicant.
- As of the time of this memo, Staff is not aware of any opposition or concern with this request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 7 Opposed: 0

RECOMMENDED ACTION

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend approval of the rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) amending the permitted land uses to allow a place of worship/church use, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Epicenter Church - Westech" kept on file in the City of Chandler Current Planning Division, in file number DVR12-0011 except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3812 in case DVR06-0005, except as modified by condition herein.
3. A church or place of worship use shall occur only within Building 9 of Westech Corporate Center Lot 34. Building 10 is no longer permitted to have a church use. Parking related to this church shall occur in accordance with the representations in the Development Booklet.
4. There shall be no drop-off/pick-up type childcare use Monday through Friday. "Support childcare" for church members, as indicated in the Development Booklet and on the floor plan, in conjunction with scheduled church activities, meetings, and services is permitted any day.

PROPOSED MOTION

Move to introduce and tentatively adopt Ordinance No. 4373 approving DVR12-0011 EPICENTER CHURCH - WESTECH rezoning from PAD to PAD to allow a church in Building

CC Memo No. 12-054

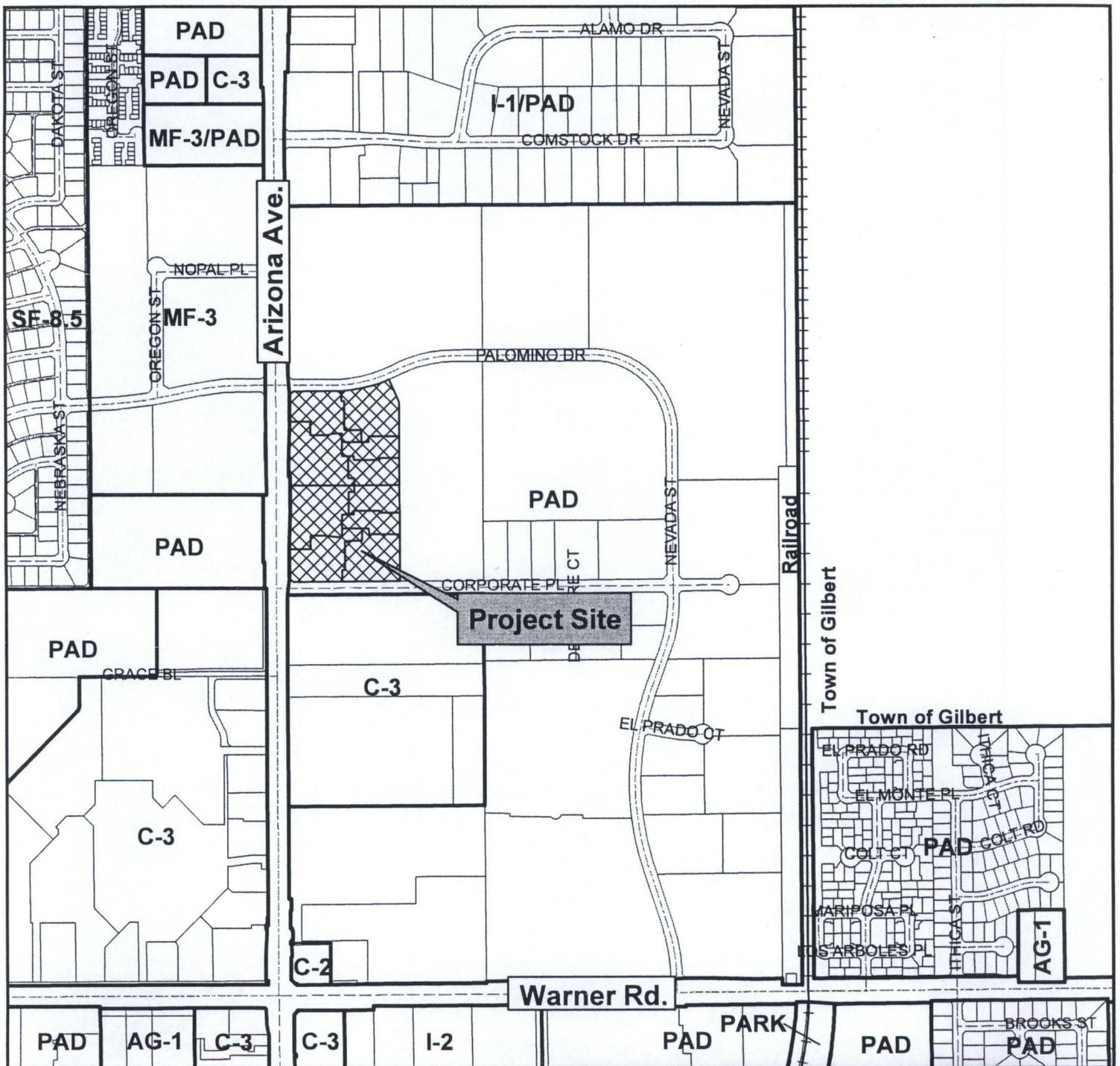
May 17, 2012

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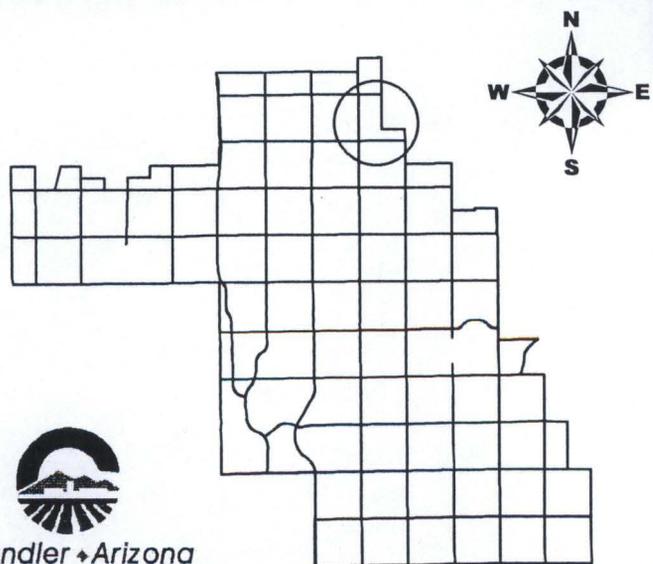
9 only and eliminate church use in Building 10, per Planning Commission and Planning Staff recommendation.

Attachments

1. Vicinity Maps
2. Site Plan
3. Prior Ordinance No. 3812
4. Ordinance No. 4373
5. Development Booklet, Exhibit 'A'



Vicinity Map



 DVR12-0011

Epicenter Church-Westech



Vicinity Map



DVR12-0011

Epicenter Church-Westech

PROJECT DATA

SUBJECT:
ADDRESS: PALM with POP Overlay
ZONING: PAL with POP Overlay

BUILDING	AREA (S.F.)	PERCENT
BUILD 1	60,000 S.F.	20.4%
BUILD 2	40,000 S.F.	13.6%
BUILD 3	30,000 S.F.	10.0%
BUILD 4	20,000 S.F.	6.7%
BUILD 5	10,000 S.F.	3.4%
BUILD 6	10,000 S.F.	3.4%
BUILD 7	10,000 S.F.	3.4%
BUILD 8	10,000 S.F.	3.4%
BUILD 9	10,000 S.F.	3.4%
BUILD 10	10,000 S.F.	3.4%
TOTAL	290,000 S.F.	97.0%

BUILDING	AREA (S.F.)	PERCENT	DATE
BUILD 1	20,000 S.F.	6.8%	01/01/01
BUILD 2	20,000 S.F.	6.8%	01/01/01
BUILD 3	10,000 S.F.	3.4%	01/01/01
BUILD 4	10,000 S.F.	3.4%	01/01/01
BUILD 5	10,000 S.F.	3.4%	01/01/01
BUILD 6	10,000 S.F.	3.4%	01/01/01
BUILD 7	10,000 S.F.	3.4%	01/01/01
BUILD 8	10,000 S.F.	3.4%	01/01/01
BUILD 9	10,000 S.F.	3.4%	01/01/01
BUILD 10	10,000 S.F.	3.4%	01/01/01
TOTAL	290,000 S.F.	97.0%	

BUILDING	PHASE	PHASE	ACCESSIBLE SPACES
BUILD 1	200,000 S.F.	100 Spaces	48
BUILD 2	200,000 S.F.	100 Spaces	48
BUILD 3	100,000 S.F.	50 Spaces	24
BUILD 4	100,000 S.F.	50 Spaces	24
BUILD 5	100,000 S.F.	50 Spaces	24
BUILD 6	100,000 S.F.	50 Spaces	24
BUILD 7	100,000 S.F.	50 Spaces	24
BUILD 8	100,000 S.F.	50 Spaces	24
BUILD 9	100,000 S.F.	50 Spaces	24
BUILD 10	100,000 S.F.	50 Spaces	24

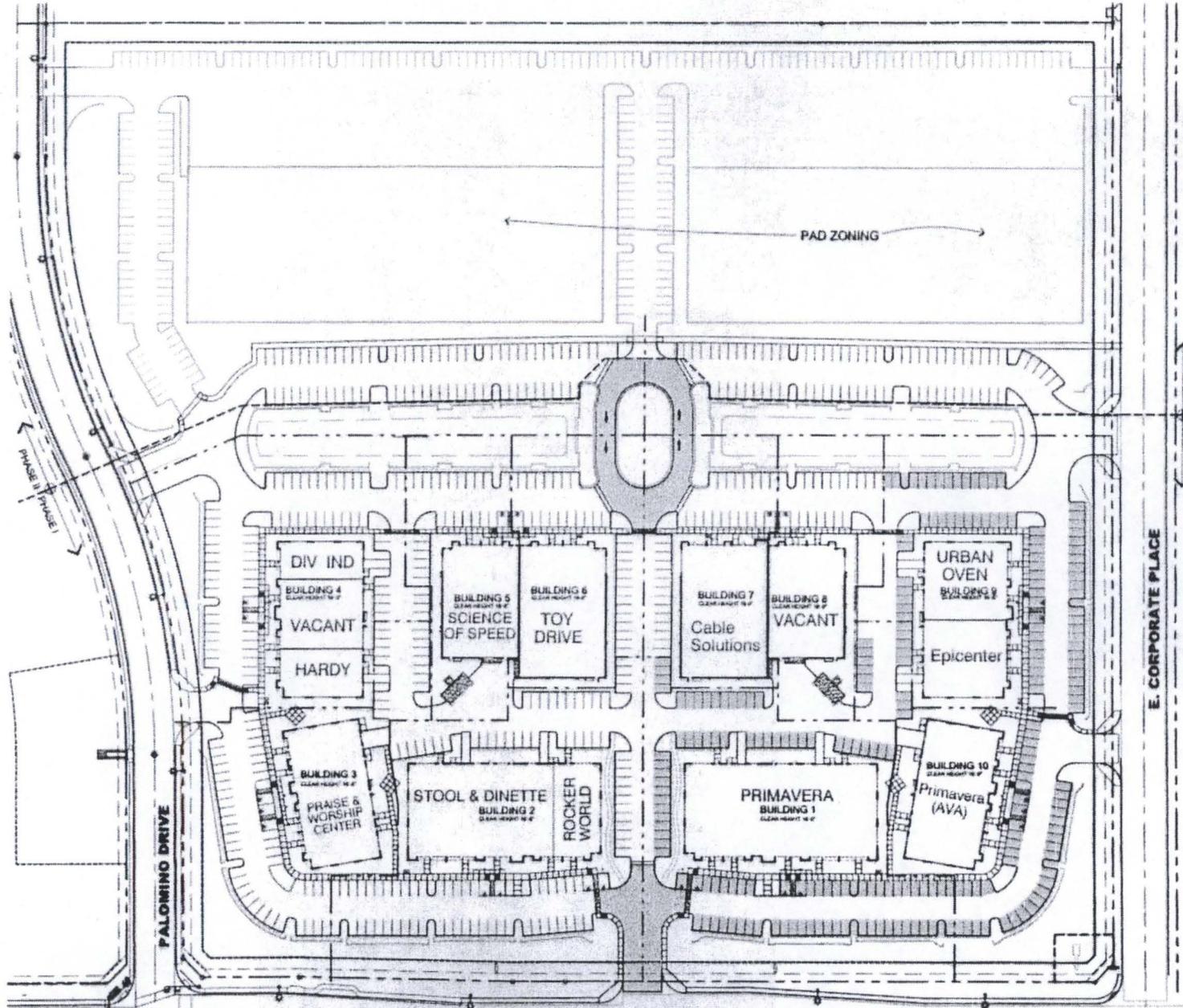
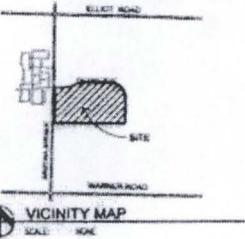
CONSTRUCTION TYPE: 1B - 4/10

ACCESSIBLE SPACES:
 S1 - 100 S.F. - 100 S.F.
 S2 - 100 S.F. - 100 S.F. (1 of the 10 types)
 S3 - 100 S.F. - 100 S.F.

PHASES:
 Phase 1 - 100 S.F. (100 S.F.)
 Phase 2 - 100 S.F. (100 S.F.)

NOTES:
 1. All buildings are open buildings. Subdivisions are for office areas.
 2. No other improvements are to occur within a T.I. permit.
 3. Each floor plan is noted for separate permit.

- NOTES:**
1. Signs require separate permit.
 2. There shall be no obstruction of site signage by structure plant material, and that such shall be removed/trimmed before the final inspection and acceptance of the sign in the field or issue a Certificate of Occupancy for a project.
 3. All mechanical ducts, metal panels and electric equipment, back-flow devices and any other utility equipment shall be so connected by conduits or walls that be painted to match the building.
 4. All exterior lighting shall be shielded and designed to prevent light from being directed off of the property onto adjacent lots.
 5. All site improvements, including landscaping and site cleanup, must be completed prior to Certificate of Occupancy for any building within a phase.
 6. Solid masonry walls and gates equal to, or greater than, the highest point on the mechanical equipment shall enclose all elevated mechanical equipment.
 7. There shall be no obstruction of site signage by structure plant material, and that such shall be removed/trimmed before the final inspection and acceptance of the sign in the field or issue a Certificate of Occupancy for a project.
 8. All roof mounted mechanical equipment shall be fully screened by parapet walls equal to, or greater than, the highest point on the mechanical equipment.



MASTER SITE PLAN
 SCALE: 1"=50'-0"

227 SPACES: PARKING AVAILABLE ON SATURDAY & SUNDAY FOR CHURCH SERVICE
72 SPACES: PARKING AVAILABLE DURING BUSINESS HOURS 8 AM TO 5 PM MONDAY TO FRIDAY
PARKING ON BUILDING 9 LOT IS SUFFICIENT

W winton architects, inc.
 4222 N. 12th Street, Suite 102, Phoenix, Arizona 85014
 (602) 230-9776 FAX (602) 265-9739

WESTECH
 CHANDLER, ARIZONA
 SUN STATE BUILDERS

job no. 05177
 drawn WCH
 approved RBW
 date 7/25/06

revisions
 CITY 82408
 OWNER 10506
 CITY 102706

SP-1

ORDINANCE NO. 3812

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 (DVR06-0005 WESTECH LOT 34) 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 Planned Area Development (PAD) to Planned Area Development (PAD) Amended, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "WESTECH – LOT 34" kept on file in the City of Chandler Current Planning Division, in file number DVR06-0005, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Arizona Avenue, Palomino Drive, and E. Corporate Place, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. 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.

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. Completion of the construction, where applicable, 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.
8. 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.
9. The developer shall be required to install landscaping in the arterial street median 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.
10. Buildings 1-4, 9 and 10 permit a maximum 100% Office build out. Buildings 5-8 permit a maximum of 20% Office build out.
11. The PAD Office/Business Park zoning permits uses that include light-industrial uses per the Planned Industrial District (I-1), as well as Office and Office/Warehouse uses, in addition to limited Commercial uses such as Showroom/Warehouse uses (eg. Flooring company), and auto related accessory sales and installation. General retail uses are not permitted. General Industrial District (I-2) uses are not permitted within this zoning district.
12. All raceway signage shall be prohibited within the development.
13. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
14. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
15. The perimeter landscaping and site improvements shall be installed in Phase I.

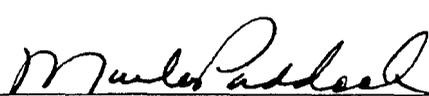
16. The freestanding monument signs shall utilize individual reverse pan-channel, halo illuminated lettering.
17. The pedestrian areas shall be enhanced to include seat walls and/or benches, with specimen trees and landscaping.
18. The applicant shall work with Staff to enhance the entryway landscaping at the driveway entrances off Arizona Avenue, Palomino Drive, and E. Corporate Place.

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 27th day of July 2006.

ATTEST:

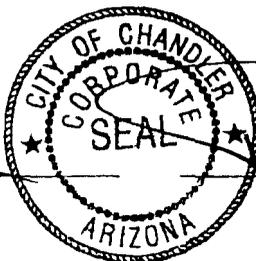

CITY CLERK

 
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 10th day of August, 2006.

ATTEST:


CITY CLERK

 
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3812 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 10th day of August, 2006, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:

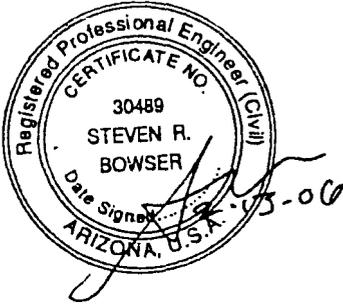

CITY ATTORNEY

PUBLISHED in the Arizona Republic on August 16 and 23, 2006.

WESTECH LOT 34
LEGAL DESCRIPTION

A portion of the West half of Section 15, Township 1 South, Range 5 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Lot 34 of the final plat of 'Westech Corporate Center Phase 2' per Maricopa County Recorder book 694 page 2.



ORDINANCE NO. 4373

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR12-0011 EPICENTER CHURCH - WESTECH) 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 PAD to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Epicenter Church - Westech" kept on file in the City of Chandler Current Planning Division, in file number DVR12-0011 except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3812 in case DVR06-0005, except as modified by condition herein.

- 3. A church or place of worship use shall occur only within Building 9 of Westech Corporate Center Lot 34. Building 10 is no longer permitted to have a church use. Parking related to this church shall occur in accordance with the representations in the Development Booklet.
- 4. There shall be no drop-off/pick-up type childcare use Monday through Friday. "Support childcare" for church members, as indicated in the Development Booklet and on the floor plan, in conjunction with scheduled church activities, meetings, and services is permitted any day.

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 Transportation & 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 this ____ day of _____, 2012.

ATTEST:

_____	_____
CITY CLERK	MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2012.

ATTEST:

_____	_____
CITY CLERK	MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4373 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2012, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAD*

PUBLISHED:

EXHIBIT "A"

LEGAL DESCRIPTION

"Westech Condominium – Lot 10" A Condominium Plat dated June 2, 2008, recorded September 29, 2008 at Book 1006, Page 48 of the Official Records of Maricopa County Recorder