

# 22



**MEMORANDUM                      Transportation & Development - CC Memo No. 12-147a**

**DATE:**            NOVEMBER 21, 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:**            ERIK SWANSON, CITY PLANNER *ES*

**SUBJECT:**        DVR12-0036 POLLACK BUSINESS PARK SOUTH

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 zoning district of I-1/PAD

Location:           Southeast corner of Arizona Avenue and Elliot Road

Applicant:          Dave Gibson; Robert Kubicek Architects & Associates

**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 zoning district of I-1/PAD. The existing PAD zoning designation is for commercial retail/office/showroom and light industrial uses on an approximate 16-acre site. Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of a three (3) year timing extension.

**EXTENSION OF THE TIMING CONDITION**

The request is for action on the existing 16-acre parcel located at the southeast corner of Arizona Avenue and Elliot Road. In 1981 the site, as part of a larger industrial development, received zoning approval for an I-1/PAD zoning designation; the zoning was vested due to construction

occurring within the larger development. In early 2006, the site received zoning and Preliminary Development Plan approval, to include retail uses. The zoning was conditioned to start construction within three (3) years of Council approval, causing the expiration to occur on April 23, 2009. The site received an extension of the zoning in 2009, causing expiration to occur in 2012. The current request is to extend the zoning for a second time for an additional three years. The proposed three-year time extension would be in effect, pending City Council approval, until April 23, 2015, 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 site received its PAD zoning in 2006 in order to allow a mix of retail, light industrial, and showroom uses. Previously, it was zoned Planned Industrial (I-1)/PAD as part of the larger Arizona Corporate Park that flanks both sides of Elliot Road on the east side of Arizona Avenue that is designated for Employment by the General Plan. The rezoning to PAD allowed a logical transition from retail uses that would be more viable along the street frontages to the pure warehouse/industrial uses in the heart of the corporate park, while still maintaining the employment focus. A Preliminary Development Plan was processed concurrently with the 2006 rezoning that provided for the site layout, architecture, landscaping, and signage.

### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code. Due to the location of the subject site, and its surrounding users, a neighborhood meeting was not held. In lieu of the neighborhood meeting, a letter notifying the surrounding property owners of the request was sent. Staff has received no telephone calls or letters opposed to this application.

### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve:

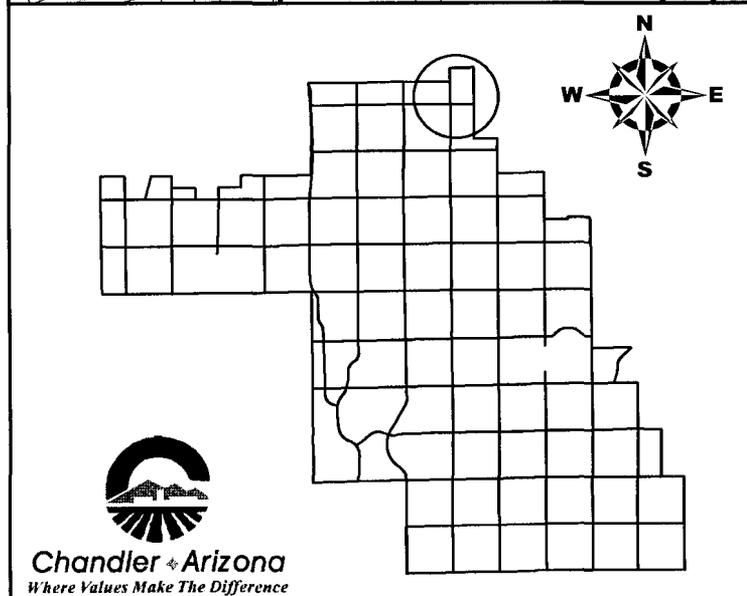
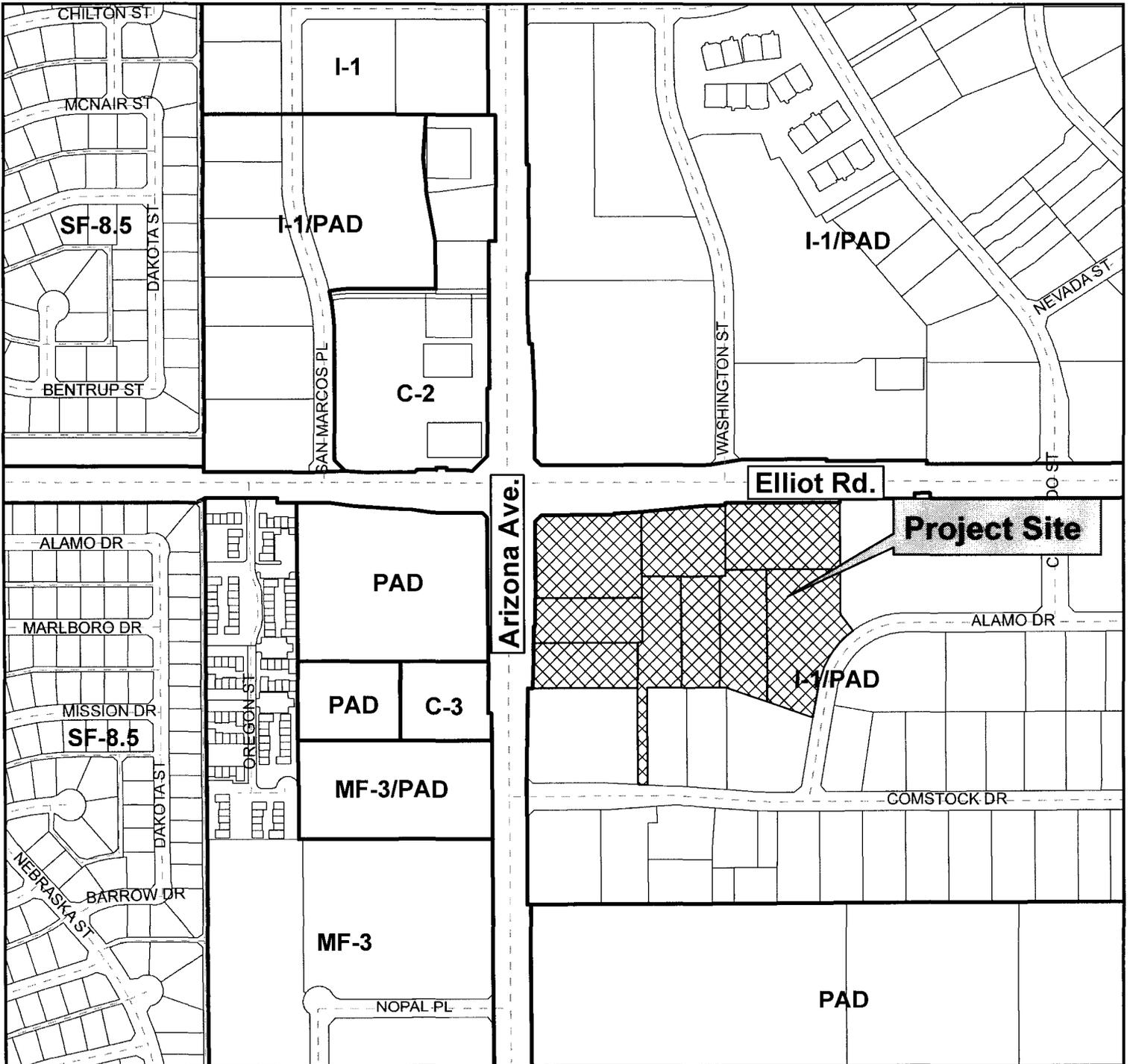
In Favor: 7    Opposed: 0

### **RECOMMENDED ACTION**

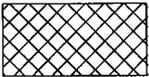
Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of extending the timing condition for case DVR12-0036 POLLACK BUSINESS PARK SOUTH, for an additional three (3) years, with all of the conditions in the original approval remaining in effect.

### **PROPOSED MOTION**

Move to approve extending the timing condition for case DVR12-0036 POLLACK BUSINESS PARK SOUTH, for an additional three (3) years, in which the zoning would be in effect until April 2015, with all of the conditions in the original approval remaining in effect.

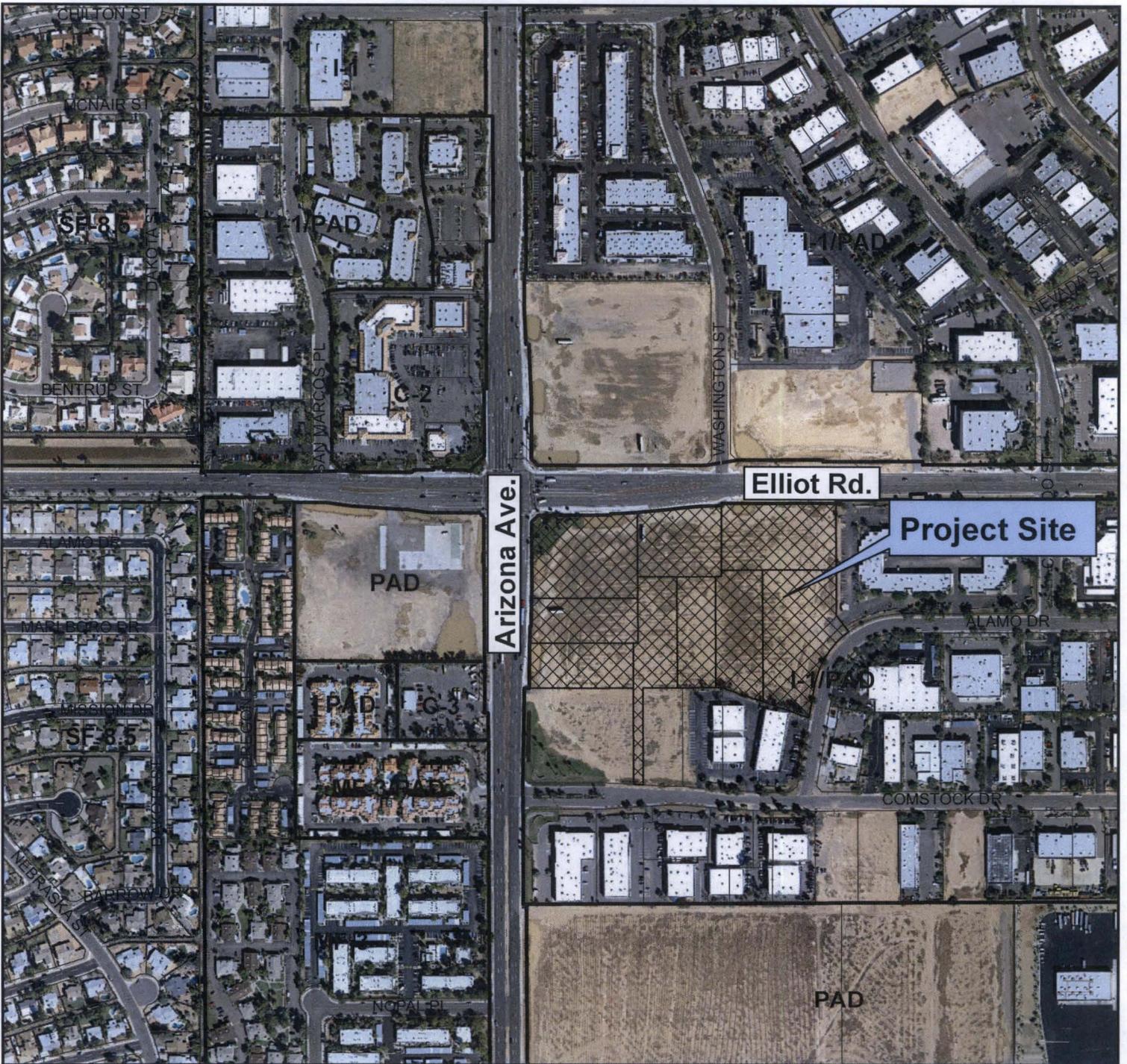


**Vicinity Map**

 DVR12-0036

**Pollack Business Park South**

CITY OF CHANDLER 9/5/2012

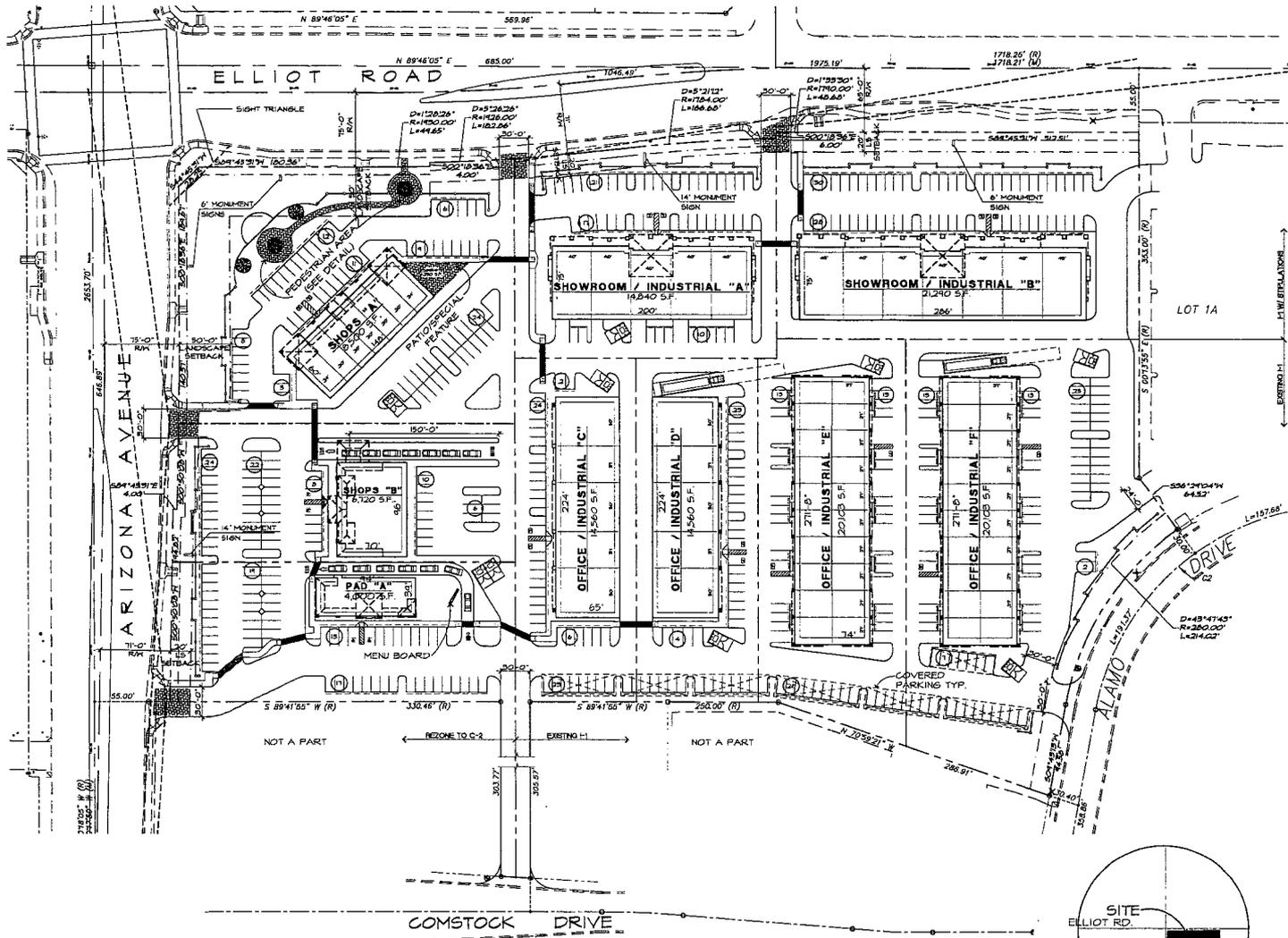


**Vicinity Map**



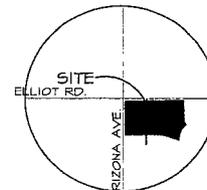
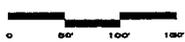
DVR12-0036

**Pollack Business Park South**



**PRELIMINARY SITE PLAN**

SCALE: 1" = 50'-0"



**VICINITY MAP**

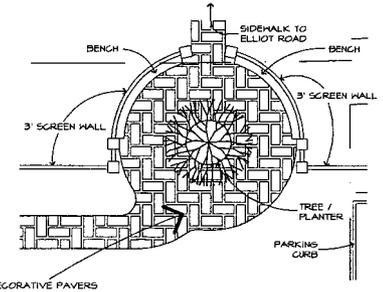
SCALE: 1" = 100'-0"

SITE DATA - OVERALL	
PROPOSED ZONING:	C21/UPAD
GROSS SITE AREA:	164,888 S.F. 15.43 AC.
NET SITE AREA:	134,411 S.F. 13.41 AC.
CONSTRUCTION TYPE:	V-B (N / A.P.E.S.)
TOTAL BUILDING AREA:	134,411 S.F.
OFFICE / INDUSTRIAL:	109,986 S.F.
SHOP A:	8,300 S.F.
SHOP B:	8,133 S.F.
PAD A:	4,000 S.F.
SITE COVERAGE:	21.2 %
PARKING REQUIRED:	455 SPACES
OFFICE (200) 2,000 S.F. x 1000 = 100 SPACES	
FLOOR (200) 1,500 S.F. x 1000 = 100 SPACES	
RETAIL (200) 500 S.F. x 1000 = 40 SPACES	
RESTAURANT (200) 2,000 S.F. x 100 = 20 SPACES	
FOOD AREA (200) 500 S.F. x 100 = 20 SPACES	
PATIO (200) 1,000 S.F. x 100 = 20 SPACES	
RESTAURANT (200) 4,000 S.F. x 100 = 40 SPACES	
FOOD PREP (200) 500 S.F. x 100 = 10 SPACES	
PARKING PROVIDED:	494 SPACES
MAX. BUILDING HEIGHT:	35'
ACCESSIBLE PARKING REQUIRED:	9 SPACES
ACCESSIBLE PARKING PROVIDED:	16 SPACES

**PROJECT DIRECTORY**

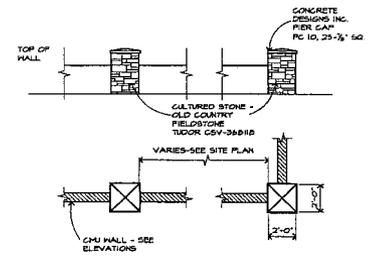
**DEVELOPER:**  
MICHAEL A. POLLACK REAL ESTATE INVESTMENTS  
1156 N. BASELINE ROAD  
MESA, ARIZONA 85016  
CONTACT: MICHAEL A. POLLACK  
PHONE: (480) 888-0888

**ARCHITECT:**  
ROBERT KUBICEK ARCHITECTS & ASSOCIATES  
2235 EAST THOMAS ROAD  
PHOENIX, ARIZONA 85016  
CONTACT: DAVE GIBSON  
PHONE: (602) 455-3400  
FAX: (602) 455-0486  
E-MAIL: dgibson@rkaa.com



**PEDESTRIAN AREA DETAIL**

SCALE: 1" = 10'-0"



**SCREEN WALL DETAIL**

SCALE: 1/4" = 1'-0"



**POLLACK BUSINESS  
PARK SOUTH  
COMMERCIAL DEVELOPMENT**  
SEC. ARIZONA AVENUE AND ELLIOT ROAD  
CHANDLER, ARIZONA

design: RWK  
drawn: Mir  
check: RWK  
sheet: **SP-1**  
of  
job: 026102.00

**ORDINANCE NO. 3776**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM I-1/PAD TO I-1/PAD (DVR05-0057 POLLACK BUSINESS PARK SOUTH) 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 I-1/PAD to I-1/PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Pollack Business Park South", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0057, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. 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.
4. 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.

5. 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.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. 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.
8. 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.
9. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
10. The monument signs shall have a landscaped planter at the column bases.
11. The maximum sign height on buildings shall be 24" for 1 line of copy and 36" for 2 lines of copy.
12. All sign logos shall be limited to 10% of the sign area.
13. Landscaping shall be in compliance with current Commercial Design Standards.
14. The landscape planter along the Shops B drive through lane shall be widened by 6 feet and include a 4 foot tall wall.
15. Turf shall be limited to a maximum 10% of the landscapable area.
16. Decorative paving shall be provided at all driveway entrances.

**SECTION II.** Except where provided, nothing contained herein shall be construed to be and 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 this 6<sup>th</sup> day of March 2006.

ATTEST:

  
CITY CLERK

  
MAYOR

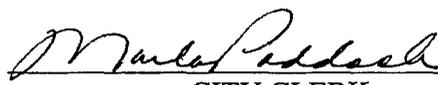
PASSED AND ADOPTED by the City Council this 23<sup>rd</sup> day of March 2006.

ATTEST:

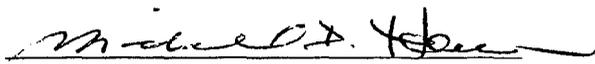
  
CITY CLERK

  
MAYOR

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3776 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 23<sup>rd</sup> day of March 2006, and that a quorum was present thereat.

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

Published on April 5 & 12, 2006

ATTACHMENT "A"

Ordinance No. 3776

**Superior Surveying Services, Inc.**

Professional Land Surveying  $\square$  Arizona  $\square$  California  $\square$  Nevada

21415 North 23<sup>rd</sup> Avenue  $\square$  Phoenix, Arizona 85027

Phone: (623)869-0223  $\square$  Fax: (623)869-0726

info@ssincsz.com

Randy S. Delbridge, President

A. J. Wadsworth, Project Manager

David S. Klein, Project Manager

Job Number: 250650

February 18, 2006

DESCRIPTION OF REMAINDER OF LOT 3, POLLACK  
BUSINESS PARK NORTH AFTER RIGHT OF WAY  
ACQUISITION AT THE NORTHEAST CORNER OF ELLIOT  
ROAD AND ARIZONA AVENUE, CHANDLER, ARIZONA

That portion of Lot 3, POLLACK BUSINESS PARK NORTH, recorded as Book 762 of Maps, Page 45, records of Maricopa County, Arizona lying within a portion of the Southwest quarter of Section 10, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 10;

THENCE North 00 degrees 11 minutes 30 seconds West 635.54 feet along the West line of said Southwest quarter to the Westerly extension of the North line of said Lot 3;

THENCE North 89 degrees 48 minutes 30 seconds East 65.00 feet along said Westerly extension to the Northwest corner of said Lot 3 and the POINT OF BEGINNING;

THENCE North 89 degrees 48 minutes 30 seconds East 587.13 feet along the North line of said Lot 3 to the Northeast corner of said Lot 3 and the beginning of a non-tangent curve to the right the center of which bears South 84 degrees 28 minutes 41 seconds West 570.00 feet;

THENCE Southerly along the Easterly line of said Lot 3 and the arc of said curve through a central angle of 05 degrees 17 minutes 24 seconds, an arc length of 52.63 feet to a point;

THENCE South 00 degrees 13 minutes 55 seconds East 507.53 feet along said Easterly line;

THENCE South 44 degrees 46 minutes 05 seconds West 28.28 feet to the South line of said Lot 3 and the North line of the South 55.00 feet of said Southwest quarter;

THENCE South 89 degrees 46 minutes 05 seconds West 528.39 feet along the South line of said Lot 3;

THENCE North 45 degrees 12 minutes 33 seconds West 28.28 feet;

THENCE North 00 degrees 11 minutes 11 seconds West 201.28 feet;

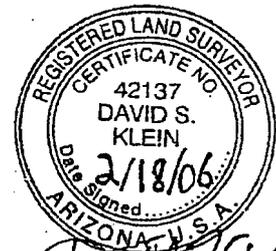
THENCE North 02 degrees 33 minutes 15 seconds West 160.84 feet;

THENCE South 89 degrees 48 minutes 30 seconds West 10.01 feet;

THENCE North 02 degrees 33 minutes 15 seconds West 119.89 feet to the West line of said Lot 3 and the East line of the West 65.00 feet of said Southwest quarter;

THENCE North 00 degrees 11 minutes 30 seconds West 78.70 feet along the West line of said Lot 3 to the POINT OF BEGINNING.

COMPRISING 7.663 acres or 333,781 square feet more or less,  
subject to all easements of record.



*David S. Klein*