



MEMORANDUM Transportation and Development – CC Memo No. 13-095

DATE: SEPTEMBER 12, 2013
TO: MAYOR AND COUNCIL
THRU: RICH DLUGAS, CITY MANAGER [signature]
MARSHA REED, ASSISTANT CITY MANAGER [signature]
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR [signature]
JEFF KURTZ, PLANNING ADMINISTRATOR [signature]
KEVIN MAYO, PLANNING MANAGER [signature]
FROM: SUSAN FIALA, CITY PLANNER [signature]
SUBJECT: DVR13-0021 RANCHO BERNARDO

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: Southwest corner of 56th Street and Chandler Boulevard
Applicant: Burch & Cracchiolo, P.A., Brennan Ray
Project Info: 4,250 square feet of retail on 0.7 net acre site

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Commission and Planning Staff recommend approval of extending the timing condition for an additional three (3) years.

EXTENSION OF THE TIMING CONDITION

This application requests a time extension for an approximate 0.7 net acre parcel located at the southwest corner of 56th Street and Chandler Boulevard. City Council approved rezoning this subject site from AG-1 (Agricultural) to Planned Area Development (PAD) for a retail building with a two (2) year construction time limit condition in June 2002.

There have been several three year time extensions approved by Council since the original rezoning case expired on June 22, 2004. A time extension request was approved in October 2004 with the PAD zoning expiring on June 22, 2007. The second time extension was approved for an additional three (3) years in January 2008 with the PAD zoning expiring on June 22, 2010. The third and most recent time extension was approved in March 2011 and expired on June 22, 2013. This application requests a time extension approval to maintain the PAD zoning for a retail use for an additional 3 years in which the zoning would expire on June 22, 2016. Time limits are calculated from the previous zoning approval's expiration date not the Council meeting date.

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, or by legislative action revert the zoning to its former zoning classification. If the requested timing condition extension is approved, all other conditions in the original approval would remain in effect.

BACKGROUND

The subject 0.7 net acre parcel received approval of Planned Area Development (PAD) zoning with a Preliminary Development Plan (PDP) for the construction of an employment supportive retail development in May of 2002. The retail use was intended to support future development of the Planned Industrial District (I-1) zoned parcel surrounding the site.

The building was conditioned for retail use only. Restaurants, offices, and all high-turnover commercial uses are prohibited. To maintain compatibility with the future industrial uses, the building is designed with a high-tech industrial theme. The building is placed in a landscaped setting at the intersection. The site layout includes cross access to adjoining property.

This application does not seek to modify the previously approved land use, site, or building design, but only to extend the timing condition for an additional 3 years. Bashas', Inc., purchased the subject parcel in 2003 along with the surrounding vacant parcels. Bashas', Inc., is exploring their development options in the creation of an overall master plan, which would include the 0.7 acre corner parcel. There are no development plans at this time. If any other alternative design or use is proposed, an amendment to the PAD zoning and/or PDP will be required. Planning Staff has no concerns with the approved conditions. A copy of the original approved ordinance is attached.

DISCUSSION

Planning Staff is in support of the requested time extension for an additional three years, which extends the PAD zoning until June 22, 2016. Planning Staff is of the opinion that the retail land use is a supportive use to a larger industrial development and remains appropriate for this site.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed according to the provisions of the City of Chandler Zoning Code.
- A neighborhood notification was mailed on July 10, 2013.
- At the time of this writing, Planning Staff has received no phone calls or letters in opposition to this request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 7 Opposed: 0

RECOMMENDED ACTION

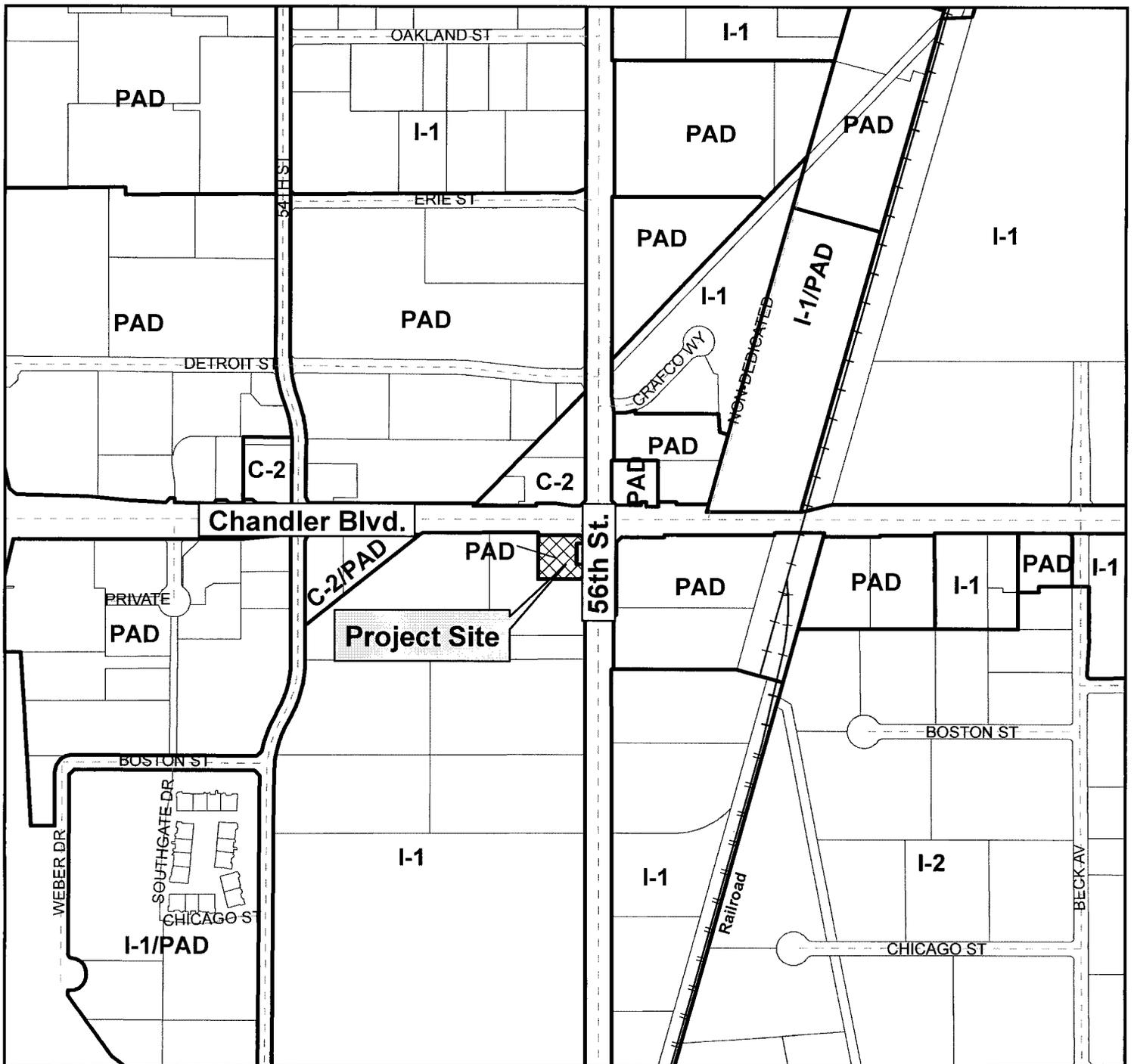
Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

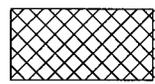
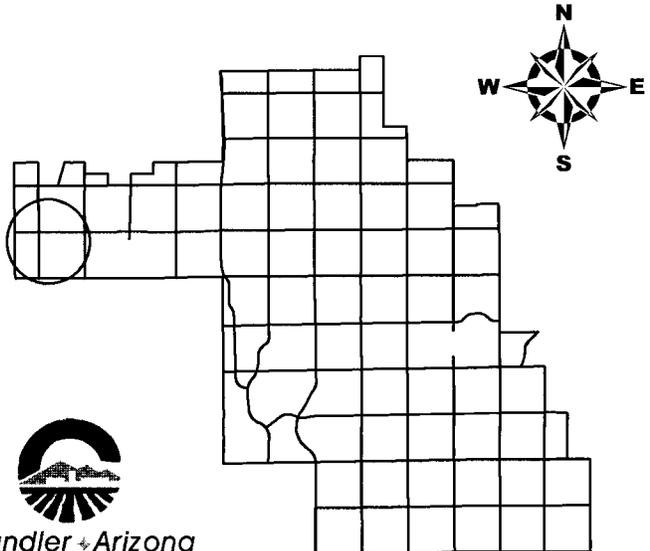
Motion to approve extending the timing condition for DVR13-0021 RANCHO BERNARDO, for an additional three (3) years, in which the zoning would be in effect until June 22, 2016, and with all of the conditions in the original approval remaining in effect.

Attachments

1. Vicinity Maps
2. Request for Timing Extension
3. Site Plan
4. Building Elevations
5. Ordinance No. 3366 (DVR01-0031)



Vicinity Map

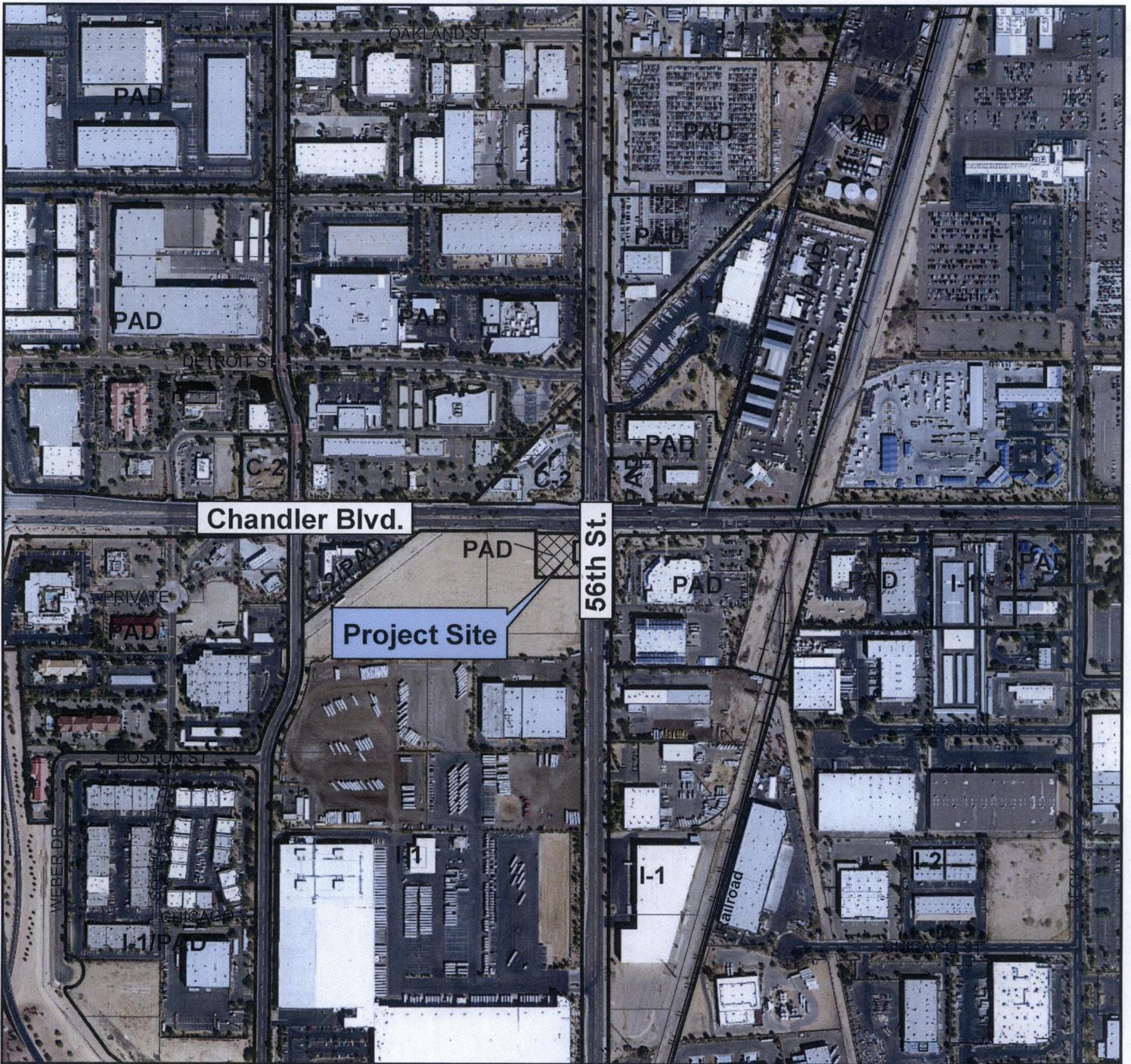


DVR13-0021

Rancho Bernardo



Chandler, Arizona
Where Values Make The Difference



Chandler Blvd.

56th St.

Project Site

Vicinity Map



DVR13-0021

Rancho Bernardo

Request for Time Extension

Rancho Bernardo

SWC 56th Street and Chandler Boulevard

Case No. DVR13-0021

August 7, 2013

Bashas' Request for Time Extension

Addendum to Project Booklet for Rancho Bernardo located at the Southwest Corner of 56th Street and Chandler Boulevard

The purpose of this Addendum is to request a three year time extension of the approved zoning for Rancho Bernardo (the "Site") located at the southwest corner of 56th Street and Chandler Boulevard (see Exhibit 1, Aerial Photograph). On May 23, 2002, the Chandler City Council adopted Ordinance No. 3366, which rezoned the Site from Agriculture (AG-1) to Planned Area Development ("PAD") Retail with Preliminary Development Plan ("PDP") for Commercial Retail (see Exhibit 2, Ordinance No. 3366), subject to the following stipulation:

Construction shall commence above foundation walls within two (2) 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.¹

At the time the City Council approved the PAD/PDP zoning, the owners of the Site (Dr. Bernard and Faye Pipkin) anticipated developing a 4,250 sf. retail center on the Site. Bashas' Inc. purchased the Site from the Pipkins in 2003 and is requesting that the current PAD/PDP zoning be extended for an additional three years. Unable to meet the original construction deadline, the City Council approved a three-year extension of the PAD/PDP zoning in October 2004 (see Exhibit 3, 10/28/04 City Council minutes), a three year extension in January 2008 (see Exhibit 4, 1/31/08 City Council minutes), and a three year extension in March, 2011 (see Exhibit 5, 3/10/11 Notice of Council Action and City Council minutes). Construction of the retail center has not yet commenced due to a variety of extenuating circumstances including the state of the economy over the previous two to three years. No changes are being made at this time to the land use or development plans that were approved by the Council.

Bashas' time extension request is consistent with the current circumstances on the Site and in the area, as well as with existing policy. Bashas' acquired the Site in July 2003 and, owning substantial holdings in the area (see Exhibit 6, Bashas' Ownership Map), may incorporate the Site into its overall master plan at some point in the future. Bashas' continues to need additional time to determine whether and how to best incorporate the site into its overall master plan, develop it, or pursue another path.

¹ See Exhibit 2, Ordinance No. 3366, Stipulation No. 3.

Furthermore, a time extension is appropriate because the Site's existing zoning (PAD for Retail/PDP for Commercial Retail) still makes good land use sense. As Staff pointed out in their Staff Report dated April 27, 2002, "The Site is effectively un-useable for agricultural uses at 0.7 [net] acres; and does not make good land use sense for it to remain in this zoning district. A rezone to PAD (Retail) will support the existing land uses and the future planned employment." (see Exhibit 7, Staff Report). Staff pointed out again in their Staff Report dated February 7, 2011, "Staff is of the opinion the retail land use as a support use to a larger industrial development is still appropriate for this site." A rezone to PAD (Retail) will support the existing land uses and the future planned employment" (see Exhibit 8, Staff Report). This assessment is still the case today.

For these reasons, Bashas' respectfully requests that the time condition to begin construction be extended for an additional three years, until June 22, 2016. The April 17, 2002 project booklet for Rancho Bernardo is attached at Exhibit 9 for your convenience. If you have any questions or need additional information, please do not hesitate to call Mariane Owan at (480) 895-9350 or Brennan Ray at (602) 234-8794.

ORDINANCE NO. 3366

OFFICIAL FILE COPY
CITY OF CHANDLER
CITY CLERK

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 (AGRICULTURAL) to PAD (RETAIL) (DVR01-0031 RANCHO BERNARDO) 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" attached.

Said parcel is hereby rezoned from AG-1 (Agricultural) to PAD (Retail), subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Rancho Bernardo" kept on file in the City of Chandler Planning Services Division, in File No. DVR01-0031, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Chandler Boulevard and 56th Street, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Construction shall commence above foundation walls within two (2) 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.
4. Undergrounding of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
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. 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.
7. 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.
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 tree sizes along the arterial street shall include a minimum mix of 50%- 24" box, 25%- 36" box, and 25%- 48" box trees.
- 10. Restaurant, office and all high turnover commercial uses shall be prohibited on the subject site. Approval of any use, which cannot be readily determined as a retail use, shall be subject to a zoning amendment to be approved by Planning Commission and City Council.

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 this 9th day of May 2002.

ATTEST:

Carolyn Deussen
CITY CLERK

Jay Liberman
MAYOR

PASSED AND ADOPTED by the City Council this 23rd day of May 2002.

ATTEST:

Carolyn Deussen
CITY CLERK

Jay Liberman
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3366 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 23rd day of May 2002, and that a quorum was present thereat.

Carolyn Deussen
CITY CLERK

APPROVED AS TO FORM:

Kim A. Pelton, Assistant City Attorney
CITY ATTORNEY

PUBLISHED:

5/29/02
6/5/02

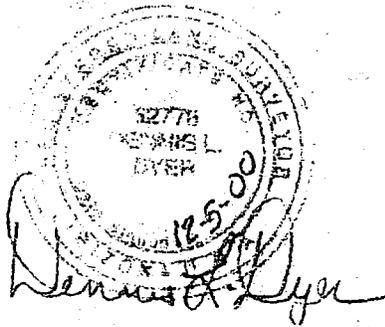
Exhibit "A"

Ordinance No. 3366
Exhibit "A"

LEGAL DESCRIPTION

NO. 226-948-1313724

The North 250 feet of the East 250 feet of the Northeast quarter of Section 32, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.



WECKERLY & ASSOCIATES
SURVEYORS---ENGINEERS

337 N. ARIZONA AVENUE
CHANDLER, ARIZONA
480-963-6481