

MEMORANDUM Transportation & Development – CC Memo No. 13-158

DATE: JANUARY 23, 2014

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
MARSHA REED, ASSISTANT CITY MANAGER *MR*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
JEFF KURTZ, PLANNING ADMINISTRATOR *R*
KEVIN MAYO, PLANNING MANAGER *KM*

FROM: JODIE NOVAK, MEP, SENIOR CITY PLANNER *JMN*

SUBJECT: DVR13-0020 CHANDLER CREEK LP

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: Northeast corner of Queen Creek Road and the Union Pacific Railroad

Applicant: Marcos Ergas

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 AG-1 zoning designation. Planning Commission and Planning Staff, upon finding consistency with the General Plan and the Chandler Airpark Area Plan, 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 10-acre parcel located at the northeast corner of Queen Creek Road and the Union Pacific Railroad. The subject site received PAD zoning approval in January 2007 for a two-phase light industrial building approximately 170,000 square feet. The PAD zoning was conditioned to start construction above foundation

walls within three (3) years of the ordinance effective date, requiring construction to have started in January 2010. An extension was granted in March of 2010, for an additional three years. The current application requests a second three-year time extension. The proposed three-year time extension would be in effect, pending City Council approval, until January of 2016, as the time limit is calculated from the original zoning approval's expiration.

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 site is currently vacant and used for agricultural purposes. South, across Queen Creek Road, is a vacant land zoned PAD for an industrial park. The Union Pacific Railroad is immediately west of the site, with the Archstone residential development west of the railroad. East is a church located within the jurisdiction of Maricopa County.

The Airpark Area Plan designates this parcel as Industrial, which accommodates a variety of manufacturing, distribution, warehousing, wholesaling, and utility uses. Surrounding parcels east of the railroad tracks are also designated Industrial, while nearby parcels west of the railroad tracks are designated Commercial/Office/Business Park. The proposed development is consistent with the Airpark Area Plan.

No changes have been made to the development plans that were approved by Council in 2007. The development's approved Preliminary Development Plan (PDP) calls for a two-phase industrial building with 125,000 square feet in Phase I and a Phase II addition of 45,000 square feet.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- In lieu of a neighborhood meeting, the applicant sent a letter and site plan to neighboring property owners to inform them of the request and remind them of the site layout approved by the PDP that accompanied the zoning.
- As of this writing, Staff is not aware of any opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

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

RECOMMENDED ACTION

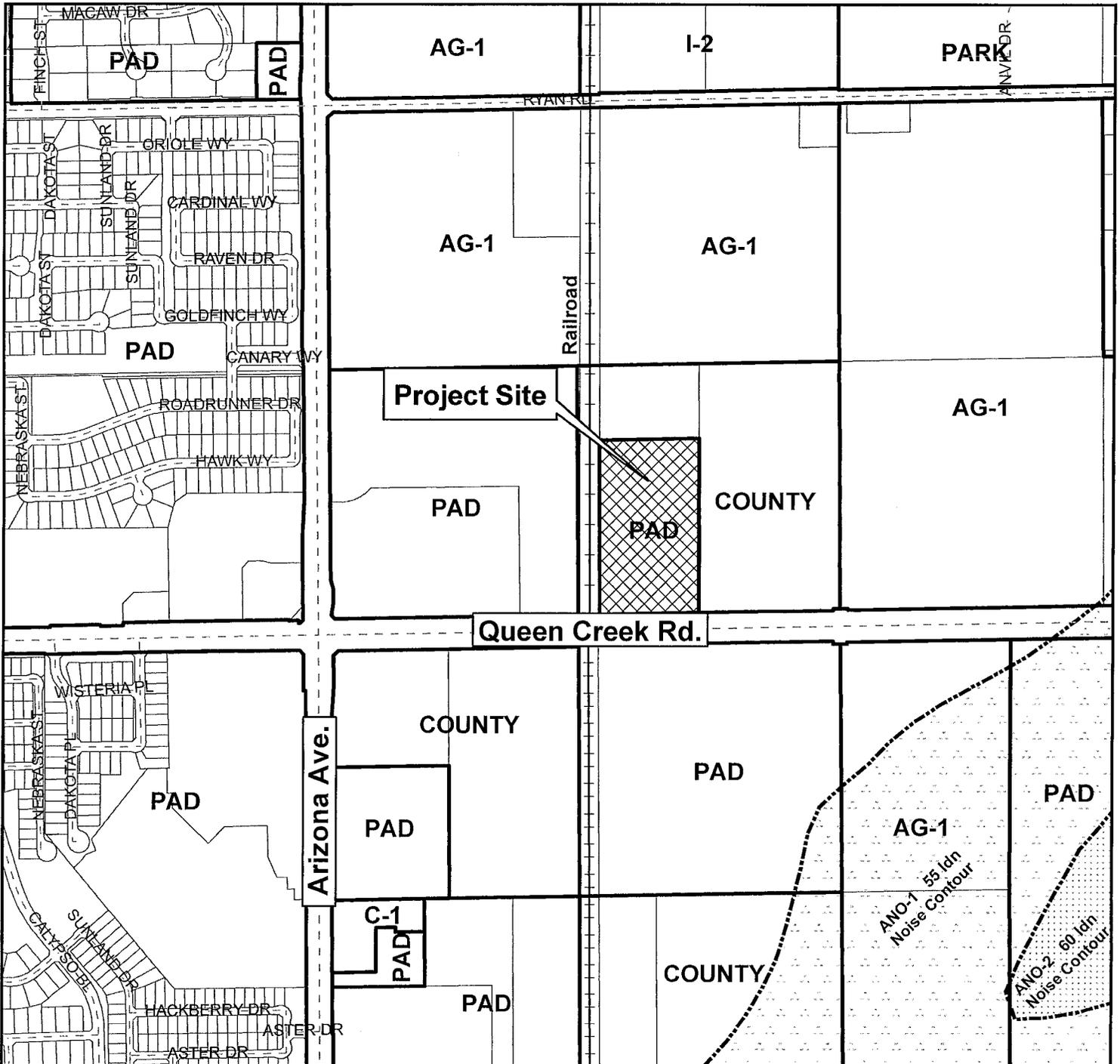
Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

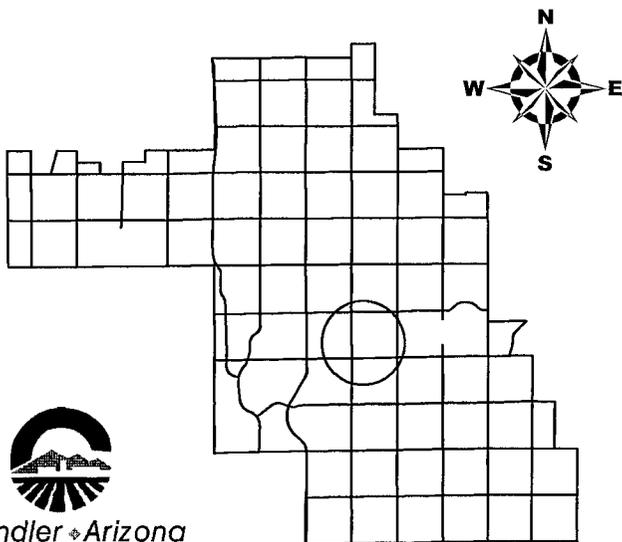
Move to approve extending the timing condition for DVR13-0020 CHANDLER CREEK LP for an additional three (3) years, in which the zoning would be in effect until January 2016, with all of the conditions in the original approval remaining in effect as recommended by Planning Commission and Planning Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Elevations
4. Ordinance No. 3865



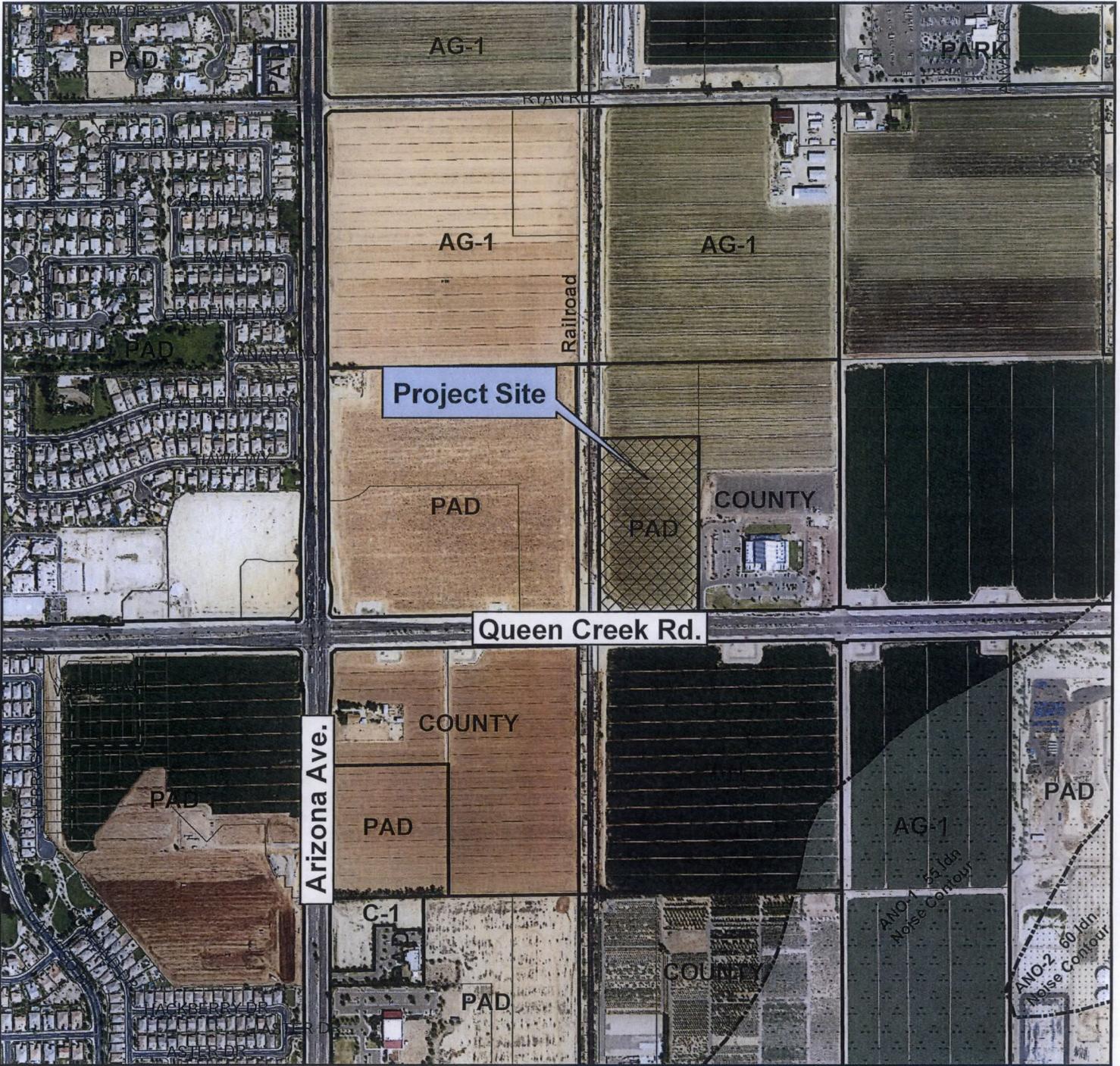
Vicinity Map



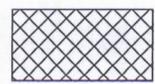
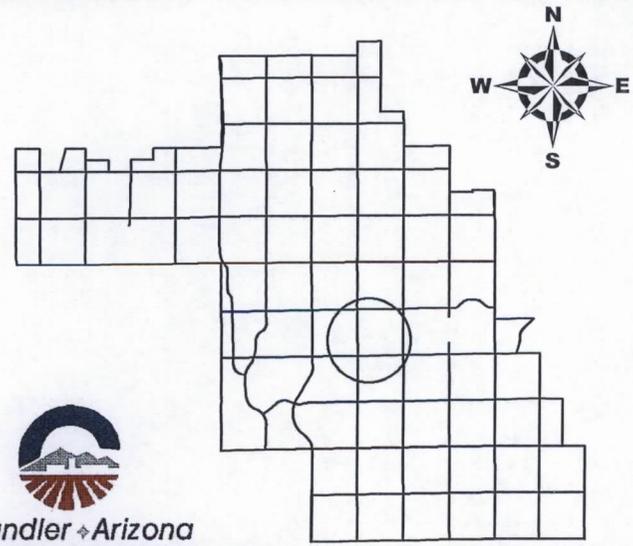
DVR13-0020

Chandler Creek LP





Vicinity Map



DVR13-0020

Chandler Creek LP



ORDINANCE NO. 3865

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) TO PLANNED AREA DEVELOPMENT (PAD) (DVR06-0042 ABLE ENGINEERING) 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) 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 A, Development Booklet, entitled "Able Engineering", kept on file in the City of Chandler Planning Services Division, in File No. DVR06-0042, except as modified by condition herein.
8. 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.
9. 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.
10. 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 Able Engineering development shall use treated effluent to maintain open space, common areas, and landscape tracts.

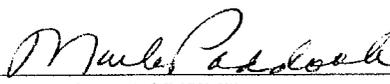
11. An *FAA Form 7460-1, Notice of Proposed Construction or Alteration* shall be filed with the FAA and a *Determination of No Hazard* received prior to any building permits being issued for construction on the property.
12. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
13. Landscaping adjacent to Queen Creek Road shall meet Commercial Design Standards.
14. Date Palms shall line the main walkway leading to the entry.
15. There shall be outdoor pedestrian seating provided.
16. The perimeter wall along the railroad tracks shall incorporate a design element from the main building in order to create visual interest.
17. Any repainting or repair of the block walls shall match the existing colors and materials.

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

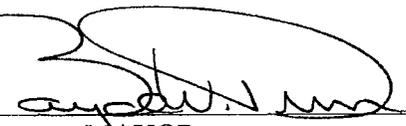
SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 16th day of November 2006.

ATTEST:


CITY CLERK

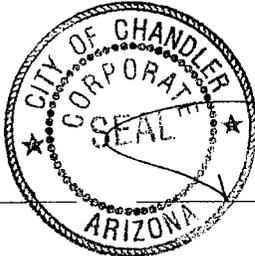

ARIZONA


MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 11th day of December, 2006.

ATTEST:


CITY CLERK

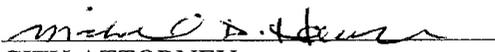

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3865 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 December, 2006, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED in the Arizona Republic on January 11 and 18, 2007.

EXHIBIT "A"

A Portion of the Southeast quarter of the Southwest quarter of Section 10, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the South quarter corner of said Section 10;

thence North 00 degrees 06 minutes 27 seconds East along the East line of the Southwest quarter of said Section 10, a distance of 80.00 feet to a point on the North line of the South 80.00 feet of the Southwest quarter of said Section 10;

thence South 89 degrees 30 minutes 40 seconds West along the North line of the South 80.00 feet of the Southwest quarter of said Section 10, a distance of 700.43 feet to the TRUE POINT OF BEGINNING;

thence continuing South 89 degrees 30 minutes 40 seconds West along the North line of the South 80.00 feet of the Southwest quarter of said Section 10, a distance of 500.04 feet to a point on the East line of that certain parcel described in Book 189 of Deeds, Page 525, of the records of Maricopa County, Arizona;

thence North 00 degrees 13 minutes 13 seconds East along said East line, a distance of 871.20 feet to a point;

thence parallel to the South line of said Southeast quarter of the Southwest quarter of said Section 10, North 89 degrees 30 minutes 40 seconds East, a distance of 500.04 feet to a point;

thence South 00 degrees 13 minutes 13 seconds West, a distance of 871.20 feet to the TRUE POINT OF BEGINNING.

EXCEPT 1/2 all oil, gas and other minerals, as reserved in deed recorded in Book 351 of Deed, Page 174.