

Add info #5

JUN 26 2014



MEMORANDUM

Planning Division - CC Memo No. 14-058c

DATE: JUNE 26, 2014

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER
MARSHA REED, ASSISTANT CITY MANAGER
JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER *KA*

FROM: ERIK SWANSON, SENIOR CITY PLANNER *ES*

SUBJECT: DVR13-0044 FOOTHILLS COMMUNITY CHURCH
Introduction and Tentative Adoption of Ordinance No. 4546

Request: Rezoning from Planned Area Development (PAD) for Industrial uses to PAD for a church, with Preliminary Development Plan (PDP) approval for building architecture and site layout on a 1.6-acre site

Location: North of the northwest corner of Hamilton Street and Pecos Road

Applicant: S.A. Everly; Phoenix Valley Design/Build, LLC

At the request of Council during the June 23, 2014, meeting, it was suggested that the applicant and church include in their deed for the property acknowledgement that the site is located within an industrial business park, and as such industrial activities will occur in the area. The applicant and church are in the process of incorporating the language. Additionally, the legal protest that was triggered by the property owner to the south has been removed, no longer requiring a three-quarter vote from Council.

Attachment

1. Email requesting withdrawal of the legal protest



Rezoning Request
Michelle Thorson

to:
Erik.Swanson
06/24/2014 02:42 PM

Cc:
gus
Hide Details

From: "Michelle Thorson" <michelle@alohagradinginc.com>

To: <Erik.Swanson@chandleraz.gov>

Cc: <gus@alohagradinginc.com>

On behalf of Aloha Grading, Inc.

As property owner to the south of Foothills Community Church, I am no longer opposed to the Rezoning request as proposed in DVR13-0044 with the understanding that the church acknowledges that the subject site is located within a business park that allows certain industrial type uses that have the potential to create dust, noise, and other potential disturbances that are typical to an industrial business park.

Sincerely,

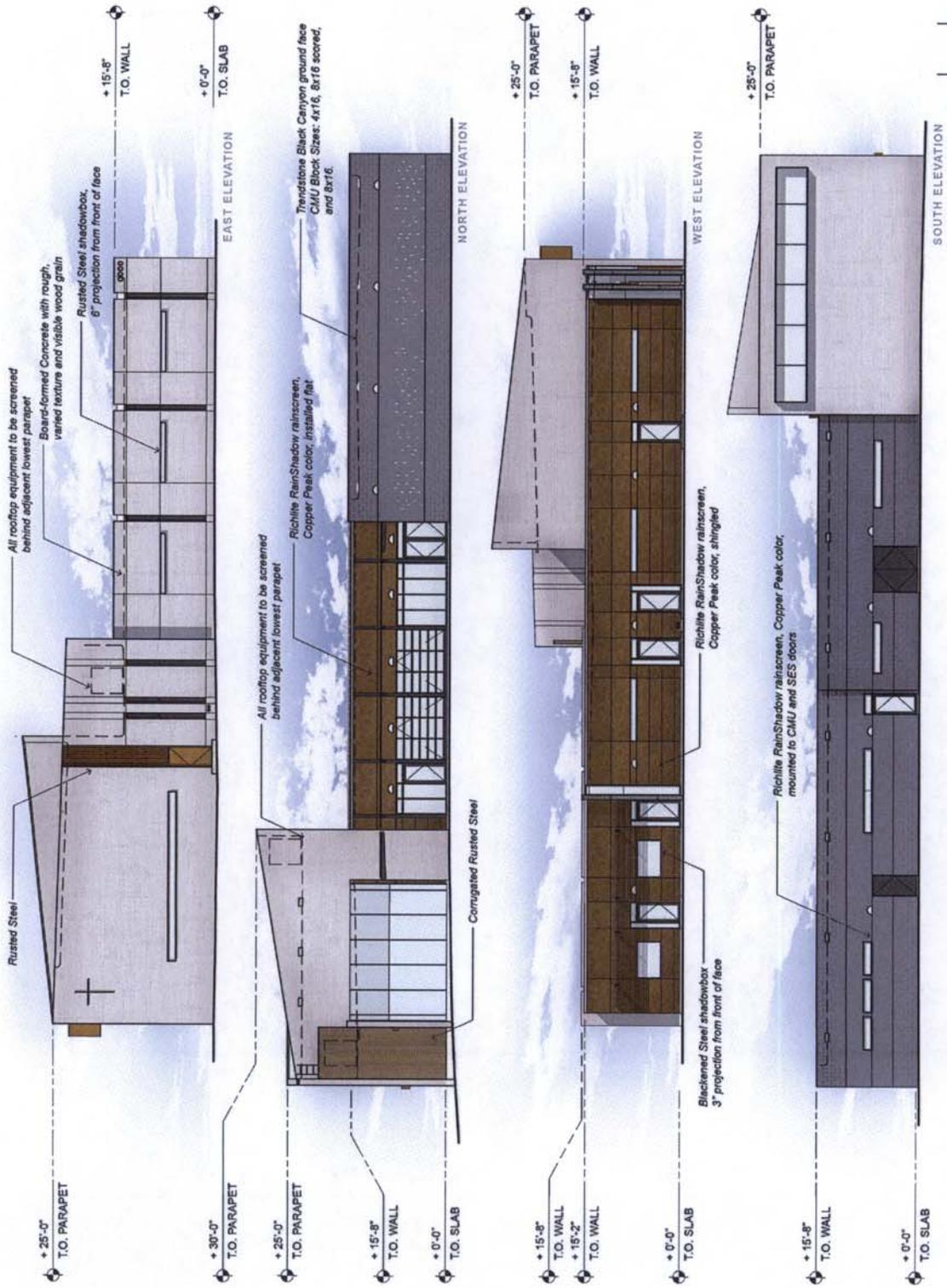
Gus T. Schultz

*Gus Schultz
Aloha Grading Inc.
2487 S. Gilbert Rd., Ste 106
PMB 615
Gilbert, AZ 85296
480-899-6881 ph
480-899-6884 fx
gus@alohagradinginc.com*

Michelle Thorson

Aloha Grading Inc.
936 E Williams Field Rd Ste 103
Gilbert, Az 8529
michelle@alohagradinginc.com

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Elevations

16'

8'

0'

1/16" = 1'-0"

32'

Chandler Foothills
Community Church
April 29, 2014

NelsenPartners
www.nelsenpartners.com

5

JUN 26 2014

Chandler



MEMORANDUM

Planning Division - CC Memo No. 14-058b

DATE: JUNE 26, 2014

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
MARSHA REED, ASSISTANT CITY MANAGER *MR*
JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
KEVIN MAYO, PLANNING MANAGER *KM*

FROM: ERIK SWANSON, SENIOR CITY PLANNER *ES*

SUBJECT: DVR13-0044 FOOTHILLS COMMUNITY CHURCH
Introduction and Tentative Adoption of Ordinance No. 4546

Request: Rezoning from Planned Area Development (PAD) for Industrial uses to PAD for a church, with Preliminary Development Plan (PDP) approval for building architecture and site layout on a 1.6-acre site

Location: North of the northwest corner of Hamilton Street and Pecos Road

Applicant: S.A. Everly; Phoenix Valley Design/Build, LLC

A legal protest has been triggered, requiring a three-quarter vote by Council for approval.

The request was continued from the May 22, 2014, Council hearing to allow the applicant time to review design alternatives due to concerns expressed by the property owner to the south, and to allow the request to be heard by the Planning Commission.

The property owner to the south spoke in opposition at the May 7, 2014, Planning Commission hearing; however not at the June 4, 2014, Commission hearing.

RECOMMENDATION

Planning Commission and Planning Staff, upon finding consistency with the General Plan and PAD zoning, recommend approval with conditions.

BACKGROUND

The subject site is located north of the northwest corner of Hamilton Street and Pecos Road, within the Bogle Business Park. Directly north is the existing Centro de Alabanza Church, west is the Old Castle concrete vault manufacturer, south is a grading company, and east is a portion of Folley Park with the ICAN (Improving Chandler Area Neighborhoods) facility east of the park.

The subject site received conceptual PAD zoning for business park uses in October 1987, as part of the approximate 52-acre Bogle Business Park. The majority of parcels within park are planned for industrial business park uses with the potential for compatible commercial uses located along the Pecos Road and Hamilton Street intersection. A number of parcels along the business park's perimeter are currently vacant.

SITE LAYOUT/BUILDING ARCHITECTURE

Two buildings are proposed, with the first building, Building A, as phase I encompassing 9,454 square feet. Phase II, Building B, is proposed at 5,220 square feet. Upon construction of phase II, the sanctuary will be relocated from phase I to phase II, and the sanctuary in phase I will be repurposed to a fellowship hall. It is anticipated that a daycare will be provided upon completion of phase II, separate from church functions (Sunday school), which has given rise to the concerns expressed by the property owner to the south. It is anticipated that phase II will be constructed roughly two years after phase I is completed.

Architectural details are provided for the first building; the second building will be architecturally compatible with the first building and will be administratively reviewed for approval. The architectural design incorporates elements not typically found on churches and includes angled roof elements, various horizontal windows framed with shadow boxes, rusted steel elements, and two CMU block sizes used to create horizontal lines.

Planning Commission and Planning Staff support the request finding that the use is consistent with the zoning and that the overall design presents a very attractive addition to the area.

DISCUSSION

The request was continued from the May 22, 2014, Council hearing to allow the applicant time to determine if the buildings could be shifted to the northern property line in an effort to address dust, material off-gassing, and separation requirements from the church due to the grading company employing persons with particular prior criminal behaviors that require separation from children. While the dust and material concerns are addressed through the Maricopa County Dust Control Department and the Occupational Health and Safety Administration (OSHA), the applicant understands that there may be dust in the area and is not concerned. With the current layout of the building the southern wall plane largely blocks dust from the south, whereas if the building were flipped, the open courtyard design would trap the dust exacerbating the dust concerns. Addressing the concern with employees of prior criminal activity, the applicant reviewed State statutes and found that persons with prior criminal convictions have restrictions on who they work for and where they reside, but there are no restrictions on adjacent businesses or their operations. Lastly, addressing the shifting of the building to the north, the developer

reviewed whether or not it could be done, and for the following reasons, has concerns with shifting the building: 1) the current orientation of the building allows for shading of the common areas throughout the day, and was specifically designed for this purpose, 2) a study of the property showed that the soil make-up varied on the site which would require some excavation and compaction resulting in potential cost increases for the development of the site, 3) the natural drainage of the site flows to the north, and locating the building to the north would require redesign of the drainage system.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- Due to there being only a few property owners within the notification list, a neighborhood meeting was not held; however, the applicant contacted each property owner within the notification area individually to discuss the project, and followed-up with a letter explaining the request. The applicant then submitted to Planning Staff letters of support or letters of opposition. One neighbor opposes the request based on a difference in religious perspective; however, they did not contact Staff, but rather informed the applicant. The property owner to the south, while not initially opposed, had the item pulled at the Planning Commission hearing to state his opposition. The applicant tried contacting the property owner to the south following the Planning Commission hearing, but the owner to the south was unresponsive.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

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

RECOMMENDED ACTIONS

Rezoning

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of DVR13-0044 FOOTHILLS COMMUNITY CHURCH, Rezoning from PAD for industrial uses to PAD for a church, subject to the following conditions:

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Division, in File No. DVR13-0044, except as modified by condition herein.
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. 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.

Preliminary Development Plan

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval for DVR13-0044 Foothills Community Church, Preliminary Development Plan for building architecture and site layout, subject to the following conditions:

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Division, in File No. DVR13-0044, except as modified by condition herein.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.

PROPOSED MOTIONS

Rezoning

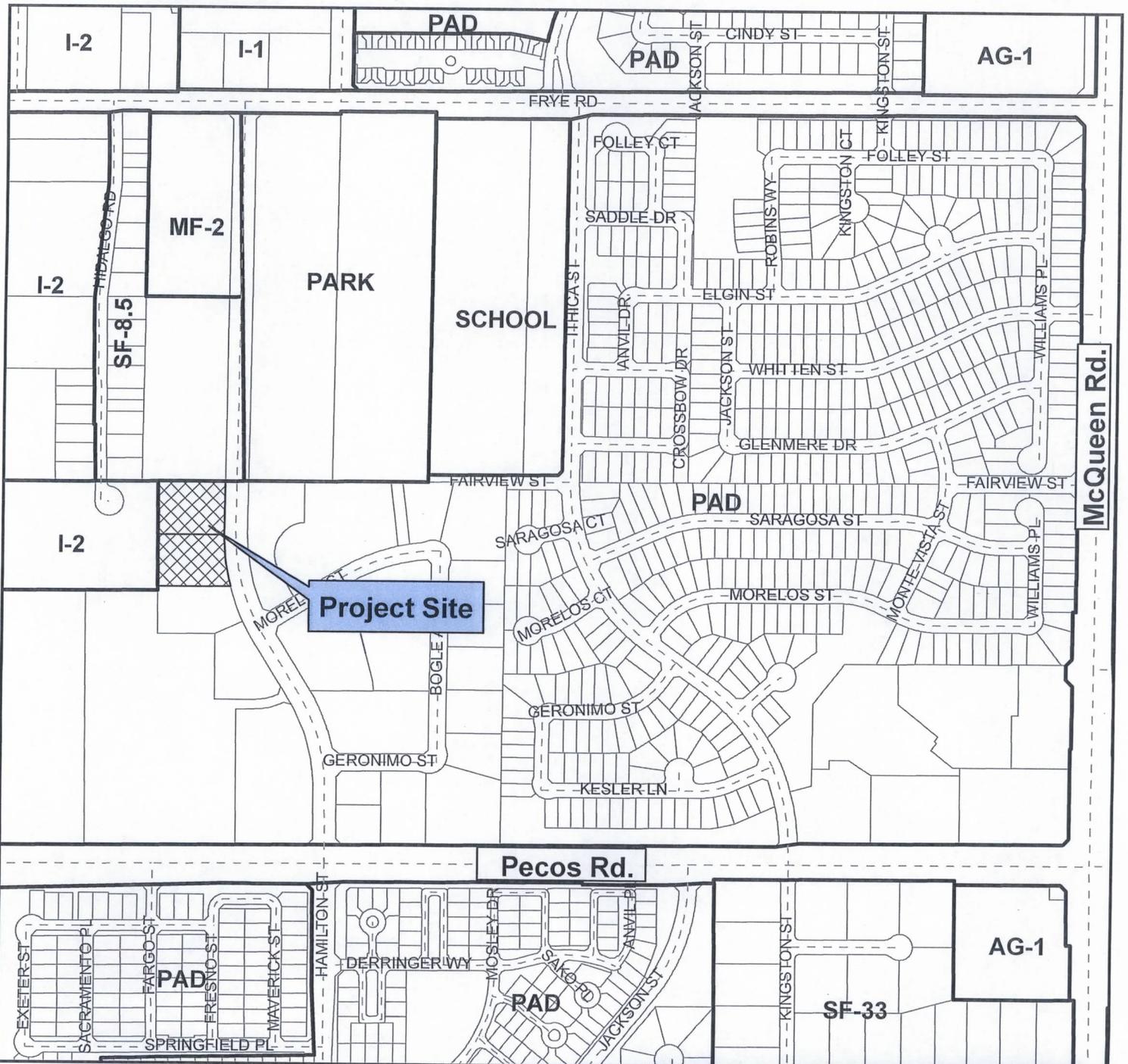
Move to introduce and tentatively adopt Ordinance No. 4546 approving DVR13-0044 Foothills Community Church, Rezoning from PAD for industrial uses to PAD for a church, subject to the conditions recommended by Planning Commission and Planning Staff.

Preliminary Development Plan

Move to approve DVR13-0044 Foothills Community Church, Preliminary Development Plan for building architecture and site layout, subject to the conditions recommended by Planning Commission and Planning Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Landscape Plan
4. Elevations
5. Letters in Support
6. Ordinance No. 4546



Project Site

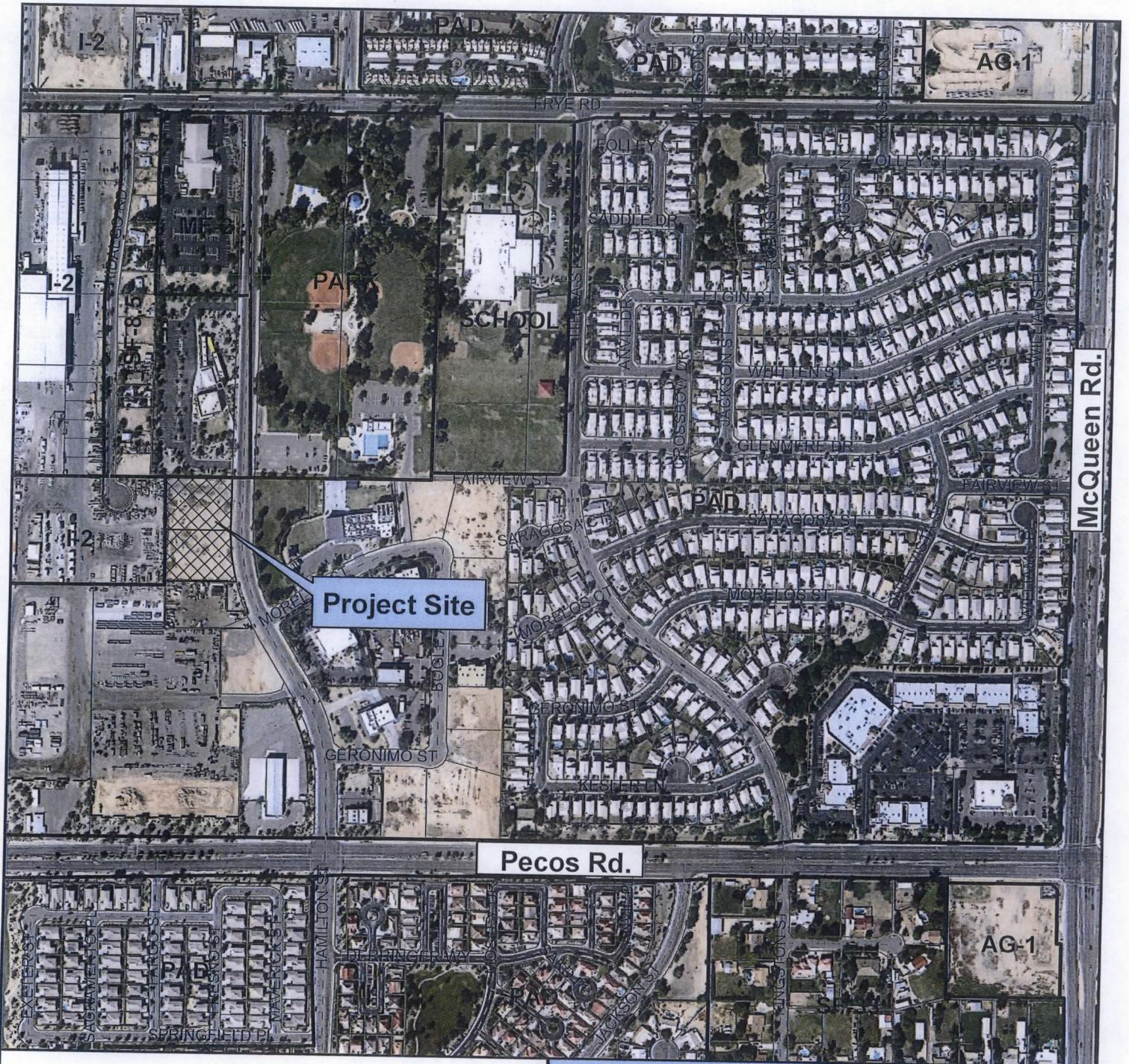
Vicinity Map



DVR13-0044

Foothills Community Church



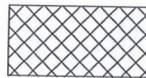


Project Site

Pecos Rd.

McQueen Rd.

Vicinity Map



DVR13-0044

Foothills Community Church



Chandler Arizona
Where Values Make The Difference

PRELIMINARY
 NOT FOR
 CONSTRUCTION
 RECORDING

Chandler Foothills Community Church

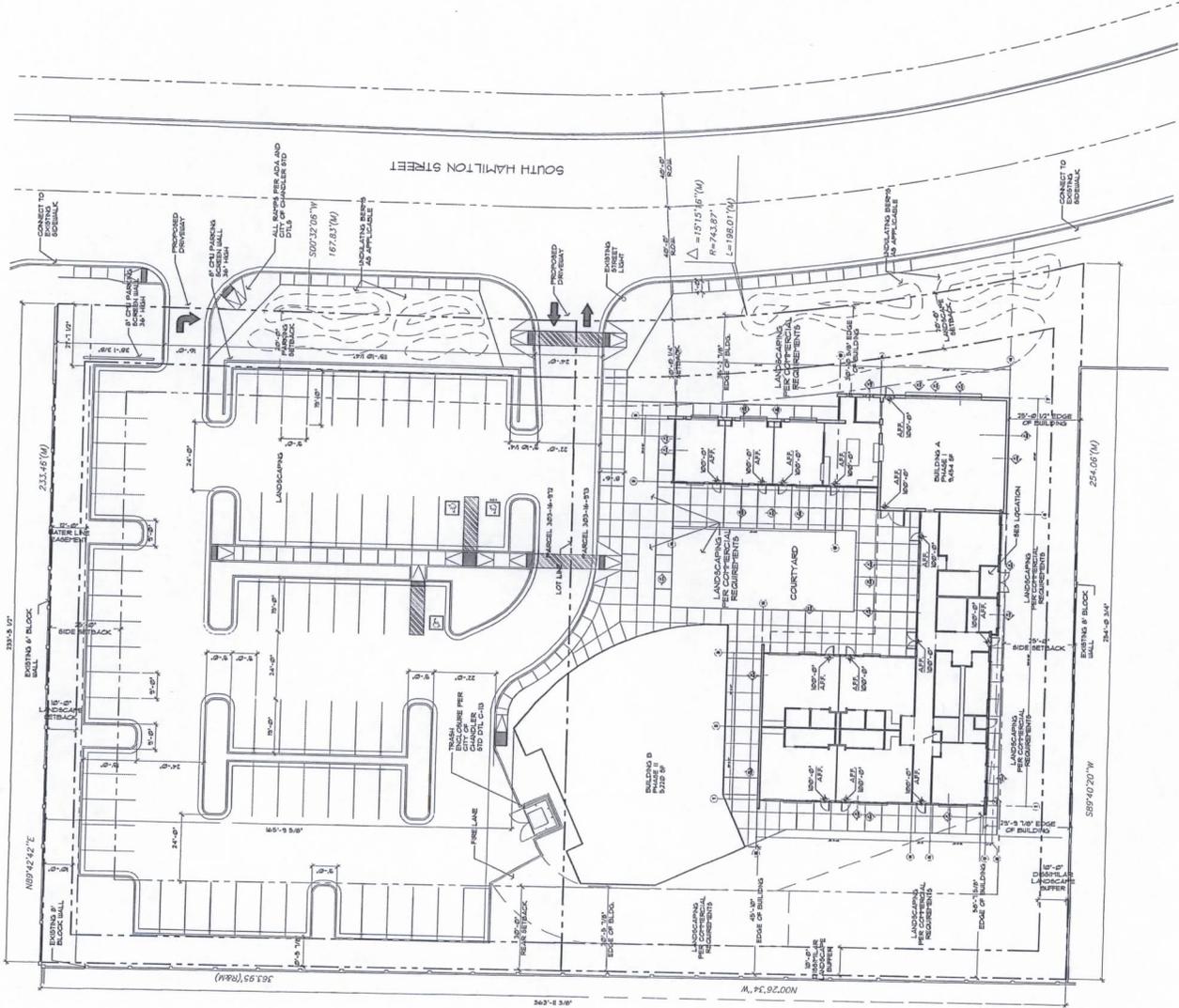
South Hamilton Street
 Chandler, Arizona 85225

DATE: 01/14/14
 REVISIONS:

THIS PLAN IS PRELIMINARY AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS PLAN SHALL BE MADE BY A REVISION. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

PROJECT NO.: 312129

A110
 SITE PLAN



01 SITE PLAN
 SCALE: 1/8" = 1'-0"
 NORTH

Why I Want My Own Church



I want my own church so that we can have a permanent place to worship God. I also want my own church because we will be able to explore every inch of it. It would be nice to help other people by sharing our church. If we don't have our own church then we can't share it.

Sadie B.



We



God



11 yrs. old

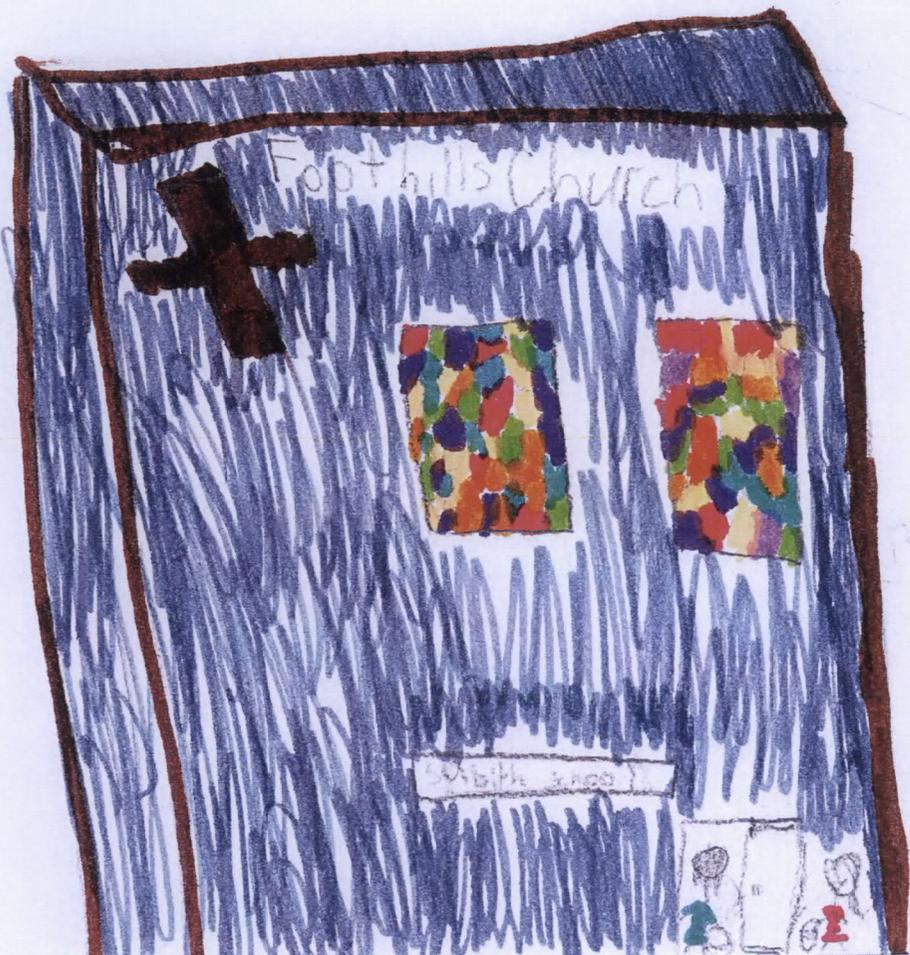
Sadie Marie Elizabeth
Burbank



Why I want my own church

I want my own church because I want to share it with other people.

• Lauren •
: :
: :
: :



Why I want my new church

- so I can praise god.
- so I can do vacation bible school.
- I can invite friends over to dinner.
- I can ~~can~~ do more fun classes with my friends.
- so I can help my friends

Charlotte age 8

"Why I want my own church"

So I can play with my friends.



Ricky age 11



Trista age 5



why I want
my own city.

I
we can help
people build a new

city



Why I Want My Own Church

Dear City Council Members:

My friends and I all would like our own church, and there are many reasons why. One reason is that we can hold many activities like

Vacation Bible School (VBS). Another reason is we can help more people.

Please consider these reasons to build our own church.



Sincerely,

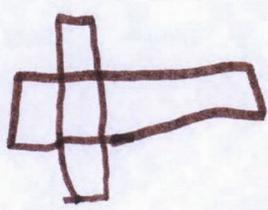
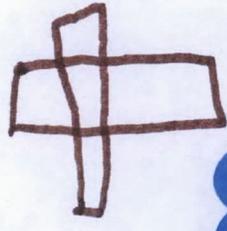
Grace Thornton

11 years old

Why I want my own church,
because it is god's home
he gave it to use
to worship in to him.

Thats why we want
are church in the
Place we want it.

God wants us
to put a church
to worship in
because he is
are father
in heaven.



WILLIAM CLARK 8 1/2

Why I want my own church



- I want my own church because I don't enjoy borrowing things
- A permanent church to worship God.
- The church will be more neater
- We can help lots of people
- We can do ~~classes~~ classes whenever we want.
- Vacation bible school



I Love

Why I want my own Church?

- So we can praise God
- So we can have our own church
- So we can play with friends



Olivia



Why I want my own church

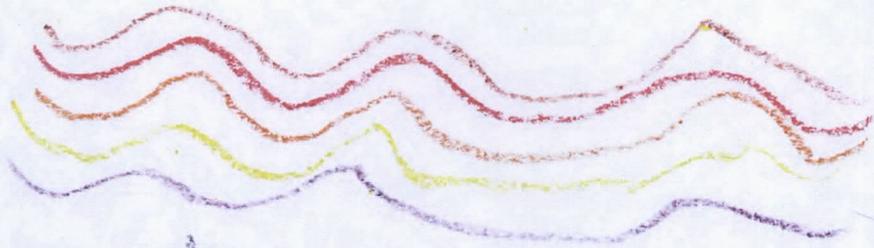
I want my own church because I don't want to use other people's things in case we broke them. We could have the church 24/7. We could have bible studies during the week.

Tabernacle





My Own
Church!



EMMA



I want my ~~own~~
own church.
Because

we can

get together
and worship
GOD!

Our
Church

Jesus



Card



Our church
is awesome!
It is a great
church and
we love
it!

YAY



for
us



ORDINANCE NO. 4546

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) FOR INDUSTRIAL USES TO PAD FOR A CHURCH IN CASE (DVR13-0044 FOOTHILLS COMMUNITY CHURCH) 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 for Industrial uses to PAD for a church, subject to the following conditions:

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Division, in File No. DVR13-0044, except as modified by condition herein.
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. 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.

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 Division 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, Maricopa County, Arizona, this ____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4546 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2014, and that a quorum was present thereat.

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY

GAB

PUBLISHED:

Exhibit 'A'

LEGAL DESCRIPTION

Lots 1 and 2, THE VILLAGE AT BOGLE PARK, according to Book 981 of maps, Page 49, records of Maricopa County, Arizona.