

#4

SEP 11 2014



MEMORANDUM Planning Division – CC Memo No. 14-099

DATE: SEPTEMBER 11, 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: JODIE M. NOVAK, MEP, SENIOR CITY PLANNER *JMN*

SUBJECT: DVR14-0013 NEC LOOP 202 & ALMA SCHOOL ROAD
Introduction and Tentative Adoption of Ordinance No. 4568

Request: Action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the two year schedule for development or to cause the property to revert to the former PAD (Commercial) and AG-1 (Agricultural District) zoning. Request to revert from PAD (Commercial) zoning in Ordinance No. 3260 (DVR00-0005) to PAD (Commercial) in Ordinance No. 2822 (PL97-199) and AG-1 (Agricultural District). The reverted zoning establishes community commercial uses on approximately 10 acres and agricultural uses on approximately 2 acres.

Location: Northeast corner of Loop 202 Santan Freeway and Alma School Road

Applicant: Mike Withey, Withey Morris, PLC

RECOMMENDATION

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

BACKGROUND

The subject site is located at the northeast corner of Loop 202 Santan Freeway and Alma School Road. The property is currently undeveloped and has a history of zoning cases establishing Planned Area Development (PAD) zoning for Community Commercial (C-2) uses and Preliminary Development Plans (PDP) for two different retail shopping centers and others for an office park development.

The property's initial zoning case established PAD Commercial (C-2) uses in 1998 via Ordinance No. 2822 (PL97-199). This zoning case included approximately 30 acres with 14 acres of conceptual commercial and 16 acres of multi-family residential apartments with a PDP for the apartments. The apartments developed which vested the PAD zoning on the entire 30 acres. The commercial component did not include an adjacent southern 2-acre parcel.

In 2001, the subject site was rezoned to a new PAD Commercial (C-2) via Ordinance No. 3260 (DVR00-0005) and included the southern 2-acre parcel. Zoning case DVR00-0005 tied the northern 10-acre parcel to the southern 2-acre parcel maintaining the C-2 land use. A PDP was approved for a K-Mart retail center. Retail shops and office on the southern 2-acre parcel required a separate PDP application. Most recently the subject site received PDP approval for an office park development named Advantage Business Park. There were two PAD zoning time extensions approved for three years each with the last one expiring in 2009.

The application requests a zoning reversion from the property's PAD zoning for Community Commercial (C-2) uses on approximately 12 acres adopted in 2001 via Ordinance No. 3260 (DVR00-0005) to PAD (Commercial) in Ordinance No. 2822 (PL97-199) and Agricultural District (AG-1). This reversion reestablishes prior zoning districts of PAD Commercial (C-2) uses on 10 acres and AG-1 on the southern 2 acres.

DISCUSSION

While the commercial property's PAD (Commercial) zoning is vested, the applicant requests to simplify the property's zoning by going back to its original zoning case approval. In doing so, the property's northern 10 acres becomes PAD Commercial (C-2) again. The southern 2 acres becomes AG-1 zoning, which through a subsequent case requests rezoning to PAD Commercial to match the northern 10 acres. Planning Staff supports the request to revert the property's PAD Commercial (C-2) zoning district to PAD Commercial (C-2) and AG-1.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- The request was noticed in accordance with the requirements of the City of Chandler Zoning Code.
- A neighborhood meeting was held July 10, 2014. No one attended other than the applicant.
- Planning Staff is not aware of any concerns or opposition related to 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 to cause the property to revert from PAD (Commercial) zoning in Ordinance No. 3260 (DVR00-0005) to PAD (Commercial) in Ordinance No. 2822 (PL97-199) and AG-1 (Agricultural District). The reverted zoning establishes community commercial uses on approximately 10 acres and agricultural uses on approximately 2 acres.

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September 11, 2014

PROPOSED MOTION

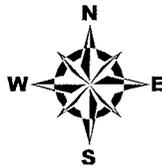
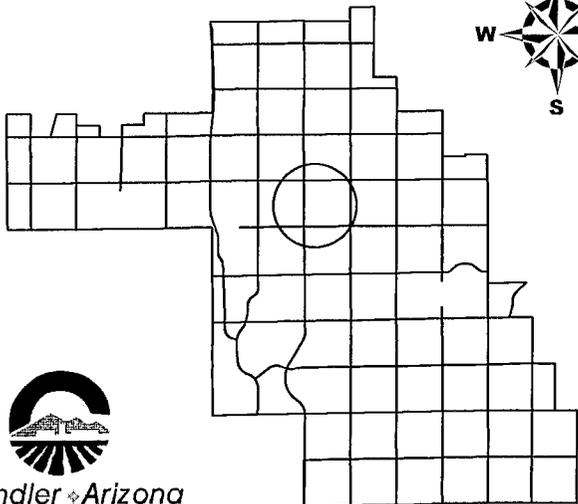
Move to introduce and tentatively adopt Ordinance No. 4568 approving zoning case DVR14-0013 NEC LOOP 202 & ALMA SCHOOL ROAD to revert zoning from PAD (Commercial) in Ordinance No. 3260 (DVR00-0005) to PAD (Commercial) in Ordinance No. 2822 (PL97-199) and AG-1 (Agricultural District), as recommended by Planning Commission and Planning Staff.

Attachments

1. Vicinity Maps
2. Exhibit A, Development Booklet
3. Ordinance No. 4568

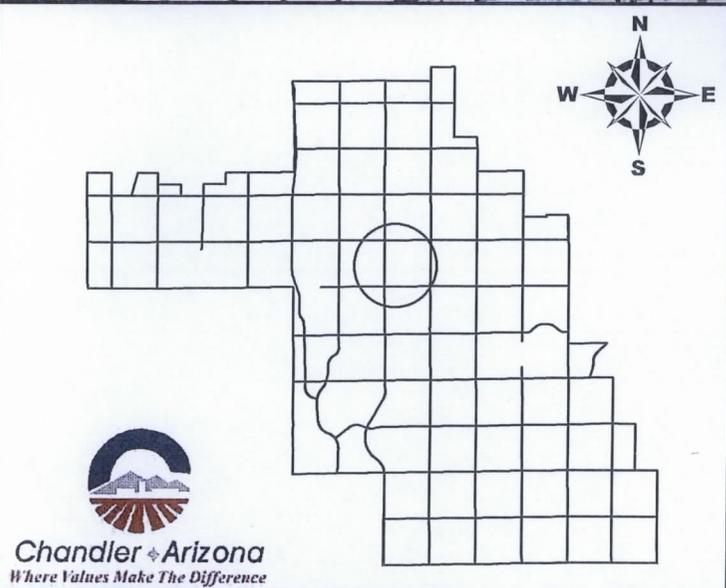


Vicinity Map



DVR14-0013

NEC Loop 202 & Alma School Road



Vicinity Map



DVR14-0013

NEC Loop 202 & Alma School Road

ORDINANCE NO. 4568

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REVERTING ZONING ON A PARCEL FROM PAD (COMMERCIAL) IN ORDINANCE NO. 3260 (DVR00-0005) TO PAD (COMMERCIAL) IN ORDINANCE NO. 2822 (PL97-199) AND AG-1 (AGRICULTURAL DISTRICT) 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 (Commercial) to PAD (Commercial) and Agricultural District (AG-1), subject to the following conditions:

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. 4568 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.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *KSM*

PUBLISHED:

Attachment 'A', ord. 4568
"12 Acres Legal Description"

PARCEL NO. 1:

A PORTION OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 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 BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 4 FROM WHICH A BRASS CAP FLUSH MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4 BEARS SOUTH 89 DEGREES 23 MINUTES 33 SECONDS EAST 1323.66 FEET, SAID LINE BEING THE NORTH LINE OF THE NORTHWEST QUARTER AND THE BASIS OF THE BEARINGS IN THIS DESCRIPTION;

THENCE SOUTH 89 DEGREES 23 MINUTES 33 SECONDS EAST 661.85 FEET ALONG THE SAID NORTH LINE TO ITS INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF LOT 1 OF PECOS SPRINGS, AS RECORDED IN BOOK 580 OF MAPS, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 03 MINUTES 26 SECONDS WEST 71.00 FEET ALONG SAID WESTERLY LINE 71.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 03 MINUTES 26 SECONDS WEST 680.98 FEET ALONG SAID WESTERLY LINE;

THENCE NORTH 89 DEGREES 38 MINUTES 19 SECONDS WEST 1.95 FEET;

THENCE SOUTH 00 DEGREES 07 MINUTES 11 SECONDS WEST 189.53 FEET;

THENCE NORTH 89 DEGREES 37 MINUTES 25 SECONDS WEST 120.00 FEET;

THENCE SOUTH 00 DEGREES 07 MINUTES 11 SECONDS WEST 120.00 FEET;

THENCE SOUTH 89 DEGREES 37 MINUTES 25 SECONDS EAST 120.00 FEET;

THENCE SOUTH 00 DEGREES 07 MINUTES 11 SECONDS WEST 35.00 FEET;

THENCE NORTH 89 DEGREES 37 MINUTES 25 SECONDS WEST 568.95 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ALMA SCHOOL ROAD AS DESCRIBED IN 2002-1193347 OF OFFICIAL RECORDS, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 02 DEGREES 33 MINUTES 36 SECONDS WEST 554.50 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE;

THENCE NORTH 89 DEGREES 58 MINUTES 04 SECONDS WEST 32.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ALMA SCHOOL ROAD AS SHOWN ON SAID PECOS SPRINGS;

THENCE NORTH 00 DEGREES 01 MINUTES 56 SECONDS EAST 122.52 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE;

THENCE SOUTH 89 DEGREES 58 MINUTES 04 SECONDS EAST 363.59 FEET;

Attachment 'A', Ord. 456B
"12 Acres Legal Description"

THENCE NORTH 00 DEGREES 01 MINUTES 56 SECONDS EAST 344.28 FEET TO THE SOUTH LINE OF THE NORTH 75.00 FEET OF SAID NORTHWEST QUARTER;

THENCE NORTH 00 DEGREES 36 MINUTES 27 SECONDS EAST 4.00 FEET TO THE SOUTH LINE OF THE NORTH 71.00 FEET OF SAID NORTHWEST QUARTER;

THENCE SOUTH 89 DEGREES 23 MINUTES 33 SECONDS EAST 265.17 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

PARCEL NO. 2:

THAT PORTION OF GOVERNMENT LOT 4 OF SECTION 4, 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 NORTHWEST CORNER OF SAID SECTION 4;

THENCE SOUTH 01 DEGREES 00 MINUTES 47 SECONDS EAST ALONG THE WEST LINE THEREOF, A DISTANCE OF 1099.15 FEET TO THE SOUTH LINE OF THAT CERTAIN REAL PROPERTY MORE PARTICULARLY DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 2001-1239180 RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 19 MINUTES 13 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 89.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROUTE 202 AS SET FORTH IN INSTRUMENT RECORDED IN DOCUMENT NO. 2002-1219479 RECORDS OF MARICOPA COUNTY, ARIZONA, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND;

THENCE CONTINUING NORTH 89 DEGREES 19 MINUTES 13 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 568.90 FEET TO THE WEST LINE OF LOT 1 PECOS SPRINGS BEING A MINOR LAND DIVISION MAP RECORDED IN BOOK 580 OF MAPS, PAGE 41 RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 58 MINUTES 18 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 186.07 FEET TO THE AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF STATE ROUTE 202;

THENCE NORTH 77 DEGREES 21 MINUTES 16 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 244.88 FEET;

THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 87 DEGREES 12 MINUTES 09 SECONDS WEST, A DISTANCE OF 286.90 FEET;

THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 27 DEGREES 14 MINUTES 54 SECONDS WEST, A DISTANCE OF 98.24 FEET;

THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 03 DEGREES 37 MINUTES 07 SECONDS WEST, A DISTANCE OF 24.40 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION BEARS ASSUMED SOUTH 01 DEGREES 00 MINUTES 47 SECONDS EAST, (BASIS OF BEARING);

THENCE SOUTH 01 DEGREES 00 MINUTES 47 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 1096.81 FEET;

Attachment 'A', ord. 4568
"12 Acres Legal Description"

THENCE LEAVING SAID WEST LINE NORTH 88 DEGREES 59 MINUTES 13 SECONDS EAST, A DISTANCE OF 89.63 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE ALMA SCHOOL ROAD INTERCHANGE OF THE SANTAN FREEWAY, AND THE POINT OF BEGINNING;

THENCE SOUTH 44 DEGREES 58 MINUTES 56 SECONDS EAST, 29.94 FEET;

THENCE SOUTH 27 DEGREES 14 MINUTES 54 SECONDS EAST, 83.18 FEET;

THENCE SOUTH 87 DEGREES 12 MINUTES 09 SECONDS EAST, 277.09 FEET;

THENCE SOUTH 77 DEGREES 21 MINUTES 16 SECONDS EAST, 221.18 FEET;

THENCE NORTH 00 DEGREES 58 MINUTES 18 SECONDS WEST, 142.92 FEET;

THENCE NORTH 89 DEGREES 23 MINUTES 03 SECONDS EAST, 20.00 FEET;

THENCE SOUTH 00 DEGREES 58 MINUTES 18 SECONDS EAST, 168.22 FEET;

THENCE NORTH 77 DEGREES 21 MINUTES 16 SECONDS WEST, 244.88 FEET;

THENCE NORTH 87 DEGREES 12 MINUTES 09 SECONDS WEST, 286.90 FEET;

THENCE NORTH 27 DEGREES 14 MINUTES 54 SECONDS WEST 98.24 FEET;

THENCE NORTH 03 DEGREES 43 MINUTES 14 SECONDS WEST, 27.26 FEET TO SAID POINT OF BEGINNING.

EXCEPT ALL MINERALS AS SET FORTH IN SPECIAL WARRANTY DEED RECORDED JULY 10, 2006 AS 2006-920478, OF OFFICIAL RECORDS.

EXCEPT FROM PARCELS 1 AND 2 ABOVE THOSE PORTIONS LYING WITHIN THE PROPERTY SET FORTH IN BOOK 161 OF DEEDS, PAGE 515.

Attachment 'A'. ord. 4568
"2 Acres Legal Description"

PARCEL NO. 2:

THAT PORTION OF GOVERNMENT LOT 4 OF SECTION 4, 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 NORTHWEST CORNER OF SAID SECTION 4;

THENCE SOUTH 01 DEGREES 00 MINUTES 47 SECONDS EAST ALONG THE WEST LINE THEREOF, A DISTANCE OF 1099.15 FEET TO THE SOUTH LINE OF THAT CERTAIN REAL PROPERTY MORE PARTICULARLY DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 2001-1239180 RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 19 MINUTES 13 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 89.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROUTE 202 AS SET FORTH IN INSTRUMENT RECORDED IN DOCUMENT NO. 2002-1219479 RECORDS OF MARICOPA COUNTY, ARIZONA, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND;

THENCE CONTINUING NORTH 89 DEGREES 19 MINUTES 13 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 568.90 FEET TO THE WEST LINE OF LOT 1 PECOS SPRINGS BEING A MINOR LAND DIVISION MAP RECORDED IN BOOK 580 OF MAPS, PAGE 41 RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 58 MINUTES 18 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 186.07 FEET TO THE AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF STATE ROUTE 202;

THENCE NORTH 77 DEGREES 21 MINUTES 16 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 244.88 FEET;

THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 87 DEGREES 12 MINUTES 09 SECONDS WEST, A DISTANCE OF 286.90 FEET;

THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 27 DEGREES 14 MINUTES 54 SECONDS WEST, A DISTANCE OF 98.24 FEET;

THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 03 DEGREES 37 MINUTES 07 SECONDS WEST, A DISTANCE OF 24.40 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION BEARS ASSUMED SOUTH 01 DEGREES 00 MINUTES 47 SECONDS EAST, (BASIS OF BEARING);

THENCE SOUTH 01 DEGREES 00 MINUTES 47 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 1096.81 FEET;

Attachment 'A', Ord. 4568
"2 Acres Legal Description"

THENCE LEAVING SAID WEST LINE NORTH 88 DEGREES 59 MINUTES 13 SECONDS EAST, A DISTANCE OF 89.63 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE ALMA SCHOOL ROAD INTERCHANGE OF THE SANTAN FREEWAY, AND THE POINT OF BEGINNING;

THENCE SOUTH 44 DEGREES 58 MINUTES 56 SECONDS EAST, 29.94 FEET;

THENCE SOUTH 27 DEGREES 14 MINUTES 54 SECONDS EAST, 83.18 FEET;

THENCE SOUTH 87 DEGREES 12 MINUTES 09 SECONDS EAST, 277.09 FEET;

THENCE SOUTH 77 DEGREES 21 MINUTES 16 SECONDS EAST, 221.18 FEET;

THENCE NORTH 00 DEGREES 58 MINUTES 18 SECONDS WEST, 142.92 FEET;

THENCE NORTH 89 DEGREES 23 MINUTES 03 SECONDS EAST, 20.00 FEET;

THENCE SOUTH 00 DEGREES 58 MINUTES 18 SECONDS EAST, 168.22 FEET;

THENCE NORTH 77 DEGREES 21 MINUTES 16 SECONDS WEST, 244.88 FEET;

THENCE NORTH 87 DEGREES 12 MINUTES 09 SECONDS WEST, 286.90 FEET;

THENCE NORTH 27 DEGREES 14 MINUTES 54 SECONDS WEST 98.24 FEET;

THENCE NORTH 03 DEGREES 43 MINUTES 14 SECONDS WEST, 27.26 FEET TO SAID POINT OF BEGINNING.

EXCEPT ALL MINERALS AS SET FORTH IN SPECIAL WARRANTY DEED RECORDED JULY 10, 2006 AS 2006-920478, OF OFFICIAL RECORDS.

Use Official Document

EXCEPT FROM PARCELS 1 AND 2 ABOVE THOSE PORTIONS LYING WITHIN THE PROPERTY SET FORTH IN BOOK 161 OF DEEDS, PAGE 515.