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NOV 20 2014



Chandler • Arizona
Where Values Make The Difference



MEMORANDUM

Planning Division – CC Memo No. 14-133

DATE: NOVEMBER 20, 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: DVR14-0030 WARNER BUSINESS CENTER
Introduction and tentative adoption of Ordinance No. 4587

Request: Rezoning from Planned Area Development (PAD) for office/industrial/warehouse uses to PAD Amended to expand the list of permitted uses

Location: 430-480 E. Warner Road,
Approximately ½ mile east of the northeast corner of Warner Road and Arizona Avenue

Applicant: Paul Massey; PHM Ltd.

RECOMMENDATION

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

BACKGROUND

The subject site is located at the northeast corner of Warner Road and Nevada Street, within the Warner Business Center. Directly north of the site is a City of Chandler water tank, and industrial buildings. West, across Nevada Street is the Biscayne Bay apartment complex. East is the Union Pacific Railroad, with the single-family San Vicente residential subdivision east of the track; south is Warner Road. The site is approximately ½ mile east of Arizona Avenue and just west of the Union Pacific Railroad.

Warner Business Center, which is part of the Westech Corporate Center, has been zoned PAD for employment uses since 1985. In 2005, the business center received PDP approval for an

office/warehouse development with six multi-suite buildings arranged in three rows. In 2012, the permitted uses were expanded to add additional "light retail" uses that would increase the area for retail sales beyond the practice of 10% for showroom uses, allowing for available parking to control maximum floor area dedicated to retail uses. As part of the 2012 request, modifications were also proposed to the parking lot layout eliminating the designated loading spaces and replacing with standard parking stalls on a needed basis. Recently two Use Permits were approved by the Planning Commission allowing for motor vehicle sales, customization, and accessory installations.

The request is for rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) Amended to further expand the list of permitted uses. The proposed uses would be analogous to commercial and retail uses that could operate in a compatible nature within an industrial business park and could include: office supply and reproduction company (copy shop), supply companies, florists and interior decorators, motor vehicle customization and accessory installations, recreational and instructional uses (karate), as well as other business support uses.

Parking availability will control the ultimate land use split when the subject site's suites are built out. Currently, there are two users that occupy suites, with a third recently being approved through the Use Permit process. The users include a large scale (vehicle wraps) printing company, a vehicle accessory installation company, and a motorcycle customization and accessory installation company.

DISCUSSION

Planning Commission and Planning Staff find the requested uses to be compatible with the existing zoning and surrounding uses. Unlike many other classes of retail, these uses are unlikely to compete with struggling area shopping centers for tenants. Rather, the proposed uses are more uniquely suited to the quasi-industrial setting of the subject site. Additionally, Planning Staff recognizes that the subject site is unlikely to attract large warehouse users due to the relatively small truck courtyard and overhead doors. Similarly, the site does not have sufficient parking to support a more pure-office environment. The requested uses present a reasonable solution for what has become an outdated property in the modern local real estate market.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held Tuesday, September 30, 2014; no neighbors attended.

At the time 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 (Pridemore)

RECOMMENDED ACTION

Planning Commission and Planning Staff, upon finding consistency with the General Plan and PAD zoning, recommend approval of DVR14-0030 WARNER BUSINESS CENTER, Rezoning

from PAD for office/industrial/warehouse uses to PAD Amended to expand the list of permitted uses, subject to the following condition:

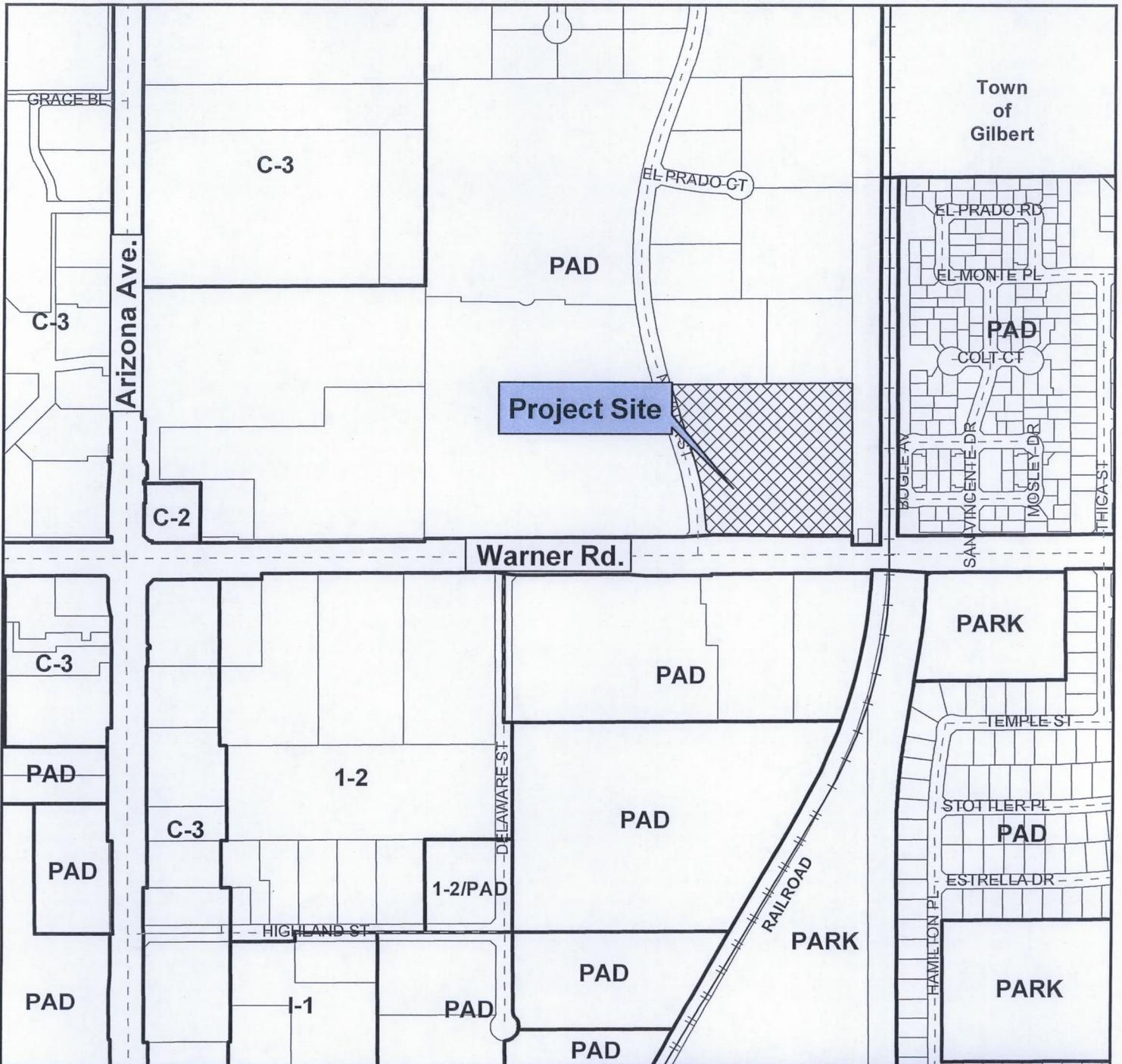
1. Compliance with the conditions adopted by City Council through Ordinance Nos. 2858 and 4348, in case PL98-020 Westech PAD and DVR11-0032 Warner Business Center, except as modified by the subject application and conditions herein.

PROPOSED MOTION

Move to introduce and tentatively adopt Ordinance No. 4587 approving DVR14-0030 WARNER BUSINESS CENTER, Rezoning from PAD for office/industrial/warehouse uses to PAD Amended to expand the list of permitted uses, as recommended by Planning Commission and Planning Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Narrative
4. Ordinance No. 2858
5. Ordinance No. 4348
6. Ordinance No. 4587



Town of Gilbert

Project Site

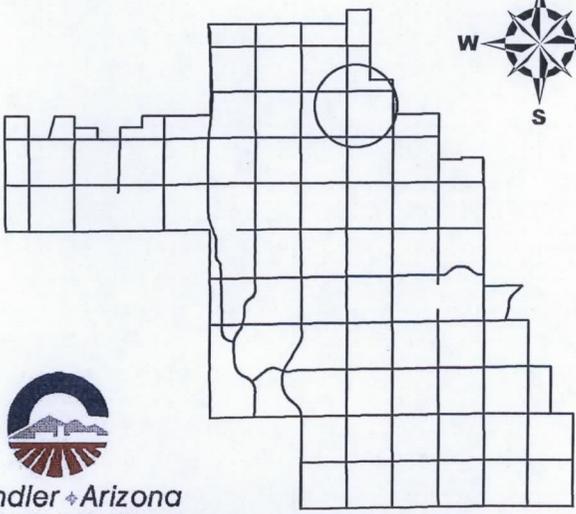
Warner Rd.

Vicinity Map



DVR14-0030

**Warner Business Center
Office Condominiums**



PHM Ltd.
designers & architects

14814 North 28th Place, Phoenix Arizona 85032 (602) 788-7613

October 10, 2014

**RE: Warner Business Center, 430-480 East Warner Road, Chandler, Arizona
Request for Modification to the Existing P.A.D., I-1 Zoning Allowed Uses**

NARRATIVE

Warner Business Center, six condominium buildings with thirty-one units for sale and 81,178 SF on 6.96 acres was completed in the year 2007 and has remained almost totally empty other than two business owners and one renter since its completion. The recession has taken it's toll but the fact remains that there have been many people interested in buying or renting a unit but when they investigate the City of Chandler requirements, the uses permitted are too prohibitive for their business to qualify to be located in the P.A.D., I-1 zoning.

Another major problem is, there are not many people interested in warehouse type facilities at this premiere location in Chandler, the gateway to Chandler from Gilbert. Many people interested are looking for some warehouse in the rear portion but want light retail due to the visibility on Warner Road; we agree.

We have turned down countless people that are interested in moving into the complex but cannot fulfill their business needs due to the restrictions. It is to our advantage and certainly the City of Chandler to come up with a working viable alternative to this problem. This complex has been empty for too many years and right now, could be filled up if the City of Chandler will help us.

We are therefore requesting to allow a modification of permitted uses in the existing P.A.D., I-1 zoning. The proposed uses would be analogous to commercial and retail uses that could operate in a compatible nature within an industrial business park and could include: office supply and reproduction company (copy shop), supply companies, florists and interior decorators, motor vehicle customization and accessory installations, recreational and instructional uses (karate), as well as other business support uses.

Thank you

Paul Masse
Architect

ORDINANCE NO. 2858

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY EXTENDING THE PAD ZONING OF A PARCEL (PL98-020 WESTECH) 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:

A parcel of land located in the West half of Section 15, Township 1 South, Range 5 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona; more particularly described in Planning File PL98-020 WESTECH PAD

Said parcels PAD zoning is hereby extended subject to the following conditions:

1. Development shall be in general conformance with Exhibit A, Development Plan; Exhibit B, Illustrative Site Plans; Exhibit C, Entryway Details; and Exhibit D, Development Quality Exhibits.

2. Zoning is granted for Conceptual Plan only. Preliminary Development Plan(s) must be submitted and approved in compliance with Section 1700, Planned Area Development, Chandler Zoning Code, prior to development.
3. Dedication of the following half or full street right-of-ways per standards of the City's Transportation Plan unless determined otherwise by the City Transportation Engineer :
 - a) Arizona Ave. 65 ft. half-street (71 ft. for deceleration lane)
 - b) Warner Rd. 65 ft. half-street (71 ft. for deceleration lane)
 - c) El Prado Rd. 66 ft. full street
 - d) Internal Rd. 80 ft. full street
4. The applicant/owner shall install required off-site street improvements (i.e. travel, turn and deceleration lanes, curb, gutter, and sidewalk) in accordance with the Council adopted 1993 Transportation Plan and Technical Design Manual No. 4.
5. The applicant/developer shall provide a traffic impact study for the overall site at the time of submittal of the first Preliminary Development Plan.
6. The applicant/owner shall install required water and sewer infrastructure in accordance with the City adopted standards. The applicant/developer shall provide an infrastructure analysis at the time of Preliminary Development Plan submittal in order to verify compliance with the City of Chandler Water and Wastewater Master Plan.
7. Irrigation ditches and/or canals within or adjacent to the subject property shall be undergrounded (tiled) or abandoned per Council-adopted standards at the time of Preliminary Development Plan approval.
8. Overhead utility lines, less than 69kv in size, shall be undergrounded per Council-adopted standards at the time of Preliminary Development Plan approval.
9. Street lights design and installation per adopted City standards shall be provided at the time of Preliminary Development Plan.
10. The applicant/property owner shall be responsible for all standard "buy ins" to existing public works facilities as required by City code.
11. A Preliminary Master Map of Dedication shall be submitted prior to the sale of parcels and approved by the Staff prior to or in conjunction with the first Preliminary

Development Plan. Said Master Map of Dedication shall address right-of-way (arterials and collectors) and parcel lines.

12. Development phasing is to be determined at the time of the Preliminary Map of Dedication or Preliminary Development Plan whichever occurs first. Construction of needed subdivision infrastructure and installation of street frontage landscaping shall occur in conjunction with the timing of development construction on adjoining parcels.
13. A unified landscape design theme for all streetscape and entryway features shall be established with the first Preliminary Development Plan.
 - i)
14. 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.
15. Multifamily density, as warranted by proposed development quality (i.e. architectural design, site design, amenity package, landscaping, etc.) shall be a function of Preliminary Development Plan review and approval.
16. The number, nature, and design of commercial land uses, which will be more specifically defined through the Preliminary Development Plan approval process, shall be planned in accordance with the following guidelines:
 - a) The City wishes to encourage the development of larger scaled businesses (e.g. auto dealers, furniture and carpet stores, appliance stores, home improvement centers, hardware stores, etc.) which require large sites and are, on a square foot basis, lower traffic generators. Smaller scaled businesses are also encouraged if functionally and aesthetically well integrated with the larger businesses.
 - b) Future commercial Preliminary Development Plans shall encompass sufficient area to provide for the orderly development of significant portions of Tracts A and B. Such Preliminary Development Plans may include a large scale single tenant user (i.e. auto dealer), a collection of smaller scale commercial users, or a combination thereof. Small piecemeal developments, one to two acres, which are not part of larger master planned areas are prohibited.

17. Due to the impact of the development, a development agreement in the form approved by the City as required to provide necessary public infrastructure.

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 25 day of JUNE, 1998.

ATTEST:

Coralyn Renna
CITY CLERK

Jay Libbey
MAYOR

PASSED AND ADOPTED by the City Council this 13 day of JULY, 1998.

ATTEST:

Coralyn Renna
CITY CLERK

Jay Libbey
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 2855 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 13 day of July, 1998, and that a quorum was present thereat.

APPROVED AS TO FORM:

Dennis M. O'Neill
CITY ATTORNEY

Coralyn Deane
CITY CLERK

PUBLISHED:

7-23-98

7-30-98

ORDINANCE NO. 4348

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) TO PAD AMENDED (DVR11-0032 WARNER BUSINESS CENTER) 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 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 to PAD Amended, subject to the following conditions:

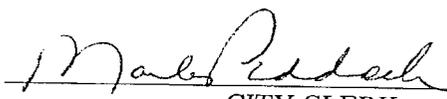
1. Allowed uses shall be in substantial conformance with the application materials (Narrative), except as modified by conditions herein.
2. Compliance with the conditions adopted by City Council through Ordinance No. 2858, in case PL98-020 Westech PAD, except as modified by the subject application and conditions herein.

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

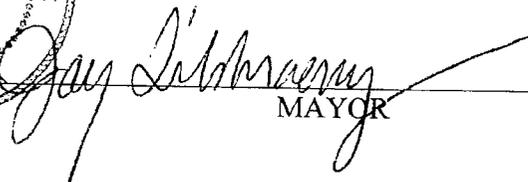
SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 9th day of February 2012.

ATTEST:

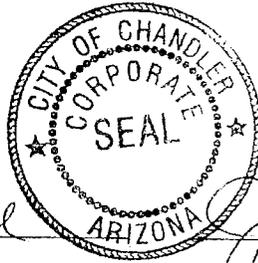

CITY CLERK




MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 23rd day of February 2012.

ATTEST:



Mark Pedersen
CITY CLERK

Jay Silberman
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4348 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 February 2012, and that a quorum was present thereat.

Mark Pedersen
CITY CLERK

APPROVED AS TO FORM:

Mary White
CITY ATTORNEY

PUBLISHED in the Arizona Republic on March 2 and 9, 2012.

A:

LEGAL DESCRIPTION – SITE:

A PORTION OF LOT 1, WESTECH CORPORATE CENTER PHASE 1, ACCORDING TO BOOK 574 OF MAPS, PAGE 24, RECORDS OF MARICOPA COUNTY, ARIZONA AND BEING SITUATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 15; THENCE SOUTH 89°50' 37" WEST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 92.85 FEET (RECORD) 99.93 FEET (MEASURED); THENCE NORTH 0°00' 02" EAST, A DISTANCE OF 65.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 AND THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 89°50' 37" WEST, A DISTANCE OF 51.00 FEET; THENCE NORTH 0°09' 23" WEST, A DISTANCE OF 6.00 FEET; THENCE SOUTH 89°50' 37" WEST, A DISTANCE OF 442.65 FEET TO A CORNER OF SAID LOT 1; THENCE NORTH 45°39' 01" WEST, A DISTANCE OF 28.53 FEET TO A CORNER OF SAID LOT 1, SAID POINT LIES ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 930.00 FEET AND WHOSE CENTER BEARS SOUTH 88°14' 31" WEST FROM THE LAST DESCRIBED POINT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°50' 24", AN ARC LENGTH OF 257.11 FEET TO A POINT OF TANGENCY, SAID POINT ALSO BEING A CORNER OF SAID LOT 1; THENCE NORTH 17°35' 53" WEST, A DISTANCE OF 268.59 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89°50' 37" EAST, A DISTANCE OF 638.37 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 0°00' 02" WEST, A DISTANCE OF 535.00 FEET TO THE TRUE POINT OF BEGINNING.

ORDINANCE NO. 4587

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 OFFICE/INDUSTRIAL/WAREHOUSE USES TO PAD AMENDED IN CASE DVR14-0030 WARNER BUSINESS CENTER, 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 office/industrial/warehouse uses to PAD Amended, subject to the following condition:

1. Compliance with the conditions adopted by City Council through Ordinance Nos. 2858 and 4348, in case PL98-020 Westech PAD and DVR11-0032 Warner Business Center, except as modified by the subject application and conditions herein.

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. 4587 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:

EXHIBIT 'A'
LEGAL DESCRIPTION

KEOGH Keogh Engineering, Inc.
ENGINEERING, INC 14150 W. McDowell Rd. • Goodyear Arizona 85395
(623) 535-7260 • Fax (623) 535-7262 • E-mail: keogh@keoghengineering.com
Civil Engineers | Land Surveyors

LEGAL DESCRIPTION
WARNER BUSINESS CENTER
OUR JOB NO. 19733
3 APRIL 2009

NET BOUNDARY

A PORTION OF LOT 1, WESTECH CORPORATE CENTER PHASE 1, ACCORDING TO BOOK 574 OF MAPS, PAGE 24, RECORDS OF MARICOPA COUNTY, ARIZONA AND BEING SITUATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 15; THENCE SOUTH 89°50' 37" WEST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 92.85 FEET (RECORD) 99.93 FEET (MEASURED); THENCE NORTH 0°00' 02" EAST, A DISTANCE OF 65.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 AND THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 89°50' 37" WEST, A DISTANCE OF 51.00 FEET; THENCE NORTH 0°09' 23" WEST, A DISTANCE OF 6.00 FEET; THENCE SOUTH 89°50' 37" WEST, A DISTANCE OF 442.65 FEET TO A CORNER OF SAID LOT 1; THENCE NORTH 45°39' 01" WEST, A DISTANCE OF 28.53 FEET TO A CORNER OF SAID LOT 1, SAID POINT LIES ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 930.00 FEET AND WHOSE CENTER BEARS SOUTH 88°14' 31" WEST FROM THE LAST DESCRIBED POINT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°50' 24", AN ARC LENGTH OF 257.11 FEET TO A POINT OF TANGENCY, SAID POINT ALSO BEING A CORNER OF SAID LOT 1; THENCE NORTH 17°35' 53" WEST, A DISTANCE OF 268.59 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89°50' 37" EAST, A DISTANCE OF 638.37 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 0°00' 02" WEST, A DISTANCE OF 535.00 FEET TO THE TRUE POINT OF BEGINNING.

