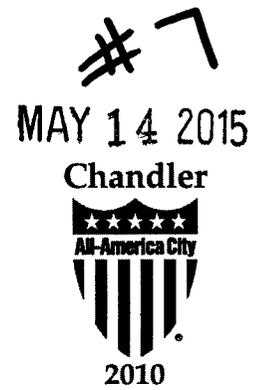




**Chandler · Arizona**  
Where Values Make The Difference



**MEMORANDUM**

**Planning Division - CC Memo No. 15-065**

**DATE:** MAY 14, 2015

**TO:** MAYOR AND COUNCIL

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

**FROM:** SUSAN FIALA, CITY PLANNER <sup>SF</sup>

**SUBJECT:** DVR15-0001 CENTURLINK OFFICE ADDITION  
Introduction and Tentative Adoption of Ordinance No. 4629

**Request:** Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for light industrial with Preliminary Development Plan (PDP) approval for a building expansion

**Location:** 7031 West Galveston Street, southwest corner of Galveston and 56th streets

**Applicant:** Matthew Hake, Michael Baker International

**Project Info:** Approximately 0.81 acres, 9411 sq. ft. building

There is a Legal Protest for this request.

Planning Staff received the attached letter from an attorney representing the property owner of the parcel abutting the subject site's west property line. The opposition triggers a legal protest, requiring a three-quarter vote by Council for approval.

**RECOMMENDATION**

Planning Commission and Planning Staff, upon finding the Rezoning and Preliminary Development Plan (PDP) request to be consistent with the General Plan, recommend approval subject to conditions.

**BACKGROUND**

The subject property is located at the southwest corner of Galveston and 56th streets. Chandler Freeway Business Park and Oakland Tech properties surround the subject site. Undeveloped

light industrial properties are north, east, and west. Valley Christian High School campus is northeast.

The property was developed under the jurisdiction of Maricopa County as a telecommunications facility. Annexation to the City of Chandler occurred in 1979 whereupon AG-1 zoning was established to be comparable in intensity to that permitted in the County. Rezoning to an industrial zoning district compatible with the land use never occurred. Prior to Century Link, the facility was a US West Communications facility followed by Qwest. The facility expanded twice through Use Permit approvals in 1984 and again in 1999. The 1999 Use Permit allowed an approximate 1,600 sq. ft. expansion to the first floor for an unmanned telephone switching equipment room and about a 1,600 sq. ft. expansion in the basement for an unmanned power/battery room.

This request is for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for light industrial along with Preliminary Development Plan (PDP) approval for a building expansion. Under the previous Use Permits, the telecommunications facility was permitted to remain under AG-1 zoning and the facility expansions were in compliance with the AG-1 zoning regulations, including setbacks. The subject request for a building expansion no longer complies with the AG-1 regulations. Rezoning to PAD allows for development standards appropriate to the light industrial use and height and area regulations.

The building expansion is approximately 1,660 sq. ft. to the first floor. Exterior stairwells are modified to access the existing basement power room. Building height is proposed at 17 ft. 4 in. continuing the existing roofline. Smooth face concrete masonry block units will be used in lieu of existing slump block. The color palette matches existing paint colors for the walls, doors, louvers, metal canopy, and fascia.

An exterior mechanical equipment area for HVAC is proposed in the southeast section of the property. A future second story is conceptually illustrated. Planning Staff will administratively review future expansion to determine substantial conformance with the approved PDP. Additional details can be found within the Development Booklet.

Landscape and retention are modified to accommodate the expansion. New landscape, including 14 trees would be planted along the east, south, and north sides to replace removed landscape.

The request includes two minor waivers for a reduced rear yard setback and to maintain the same number of parking spaces. Based on the total floor area, including the building addition, the facility requires 21 parking spaces where five parking spaces exist. The request is to maintain the five parking spaces due to the facility being unmanned, except for occasional servicing by one or two technicians, and the public does not visit the facility.

The second request is to reduce the 25 ft. rear yard setback to 10 ft. No rear yard setback is required when six foot tall solid walls are along the rear property line and provided no access or servicing is permitted in the rear yard, otherwise a 25 ft. setback is required. Existing masonry walls range in height from 5 ft. 4 inches to 6 ft. 8 inches along the rear property line. Planning Staff supports the requested waivers.

**DISCUSSION**

Planning Staff finds the building addition to represent a compatible addition to the property and surrounding area. Access and parking are found to remain adequate for the unmanned telecommunications facility.

**PUBLIC / NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood notification letter was mailed out on March 13, 2015, in lieu of a meeting.
- Planning Staff received correspondence indicating opposition to the rezoning and to the request for a parking reduction. The opposition triggers a Legal Protest. See attached.

**PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 5    Opposed: 0    Absent: 2 (Cunningham, Ryan)

**RECOMMENDED ACTIONS**

**Rezoning**

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of the Rezoning, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "CENTURYLINK OFFICE ADDITION", kept on file in the City of Chandler Planning Division, in File No. DVR15-0001, except as modified by conditions herein.
2. 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.
3. 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.

**Preliminary Development Plan**

Planning Commission and Planning Staff, upon finding consistency with the General Plan recommend approval of the Preliminary Development Plan, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, the Development Booklet, entitled "CENTURYLINK OFFICE ADDITION", kept on file in the City of Chandler Planning Division, in File No. DVR15-0001, except as modified by conditions herein.

2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
4. The site shall be maintained in a clean and orderly manner.
5. Building setbacks shall be a minimum of 30 ft. front yard, 12 ft. side yard, and 10 ft. rear yard.
6. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

### **PROPOSED MOTIONS**

#### **Rezoning**

Move to introduce and tentatively adopt Ordinance No. 4629 approving Rezoning request, DVR15-0001 CENTURYLINK OFFICE ADDITION from Agricultural District (AG-1) to Planned Area Development (PAD) for light industrial, subject to the conditions as recommended by Planning Commission and Planning Staff.

#### **Preliminary Development Plan**

Move to approve Preliminary Development Plan request, DVR15-0001 CENTURYLINK OFFICE ADDITION, for a building expansion, subject to the conditions as recommended by Planning Commission and Planning Staff.

#### **Attachments**

1. Vicinity Maps
2. Enlarged Aerial
3. Site Plan
4. Landscape Plan
5. Elevations
6. Public Correspondence
7. Ordinance No. 4629
8. Development Booklet, Exhibit A

**ORDINANCE NO. 4629**

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) FOR LIGHT INDUSTRIAL IN CASE (DVR15-0001 CENTURYLINK OFFICE ADDITION) 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:

WEST 208.70 FEET OF THE EAST 463.70 FEET OF THE NORTH 208.70 FEET OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 4 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, EXCEPT THE NORTH 40.00 FEET

Said parcel is hereby rezoned from Agricultural District (AG-1) to Planned Area Development (PAD) for Light Industrial, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "CENTURYLINK OFFICE ADDITION", kept on file in the City of Chandler Planning Division, in File No. DVR15-0001, except as modified by conditions herein.

2. 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.
3. 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.

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 \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4629 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, and that a quorum was present thereat.

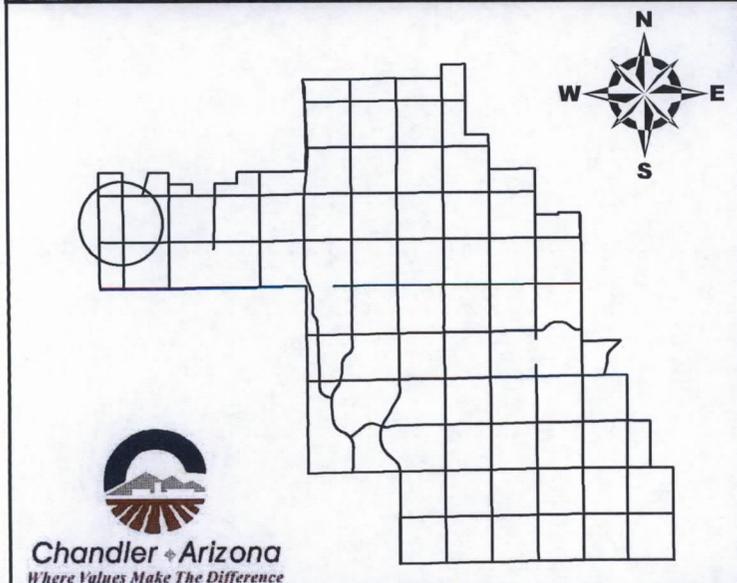
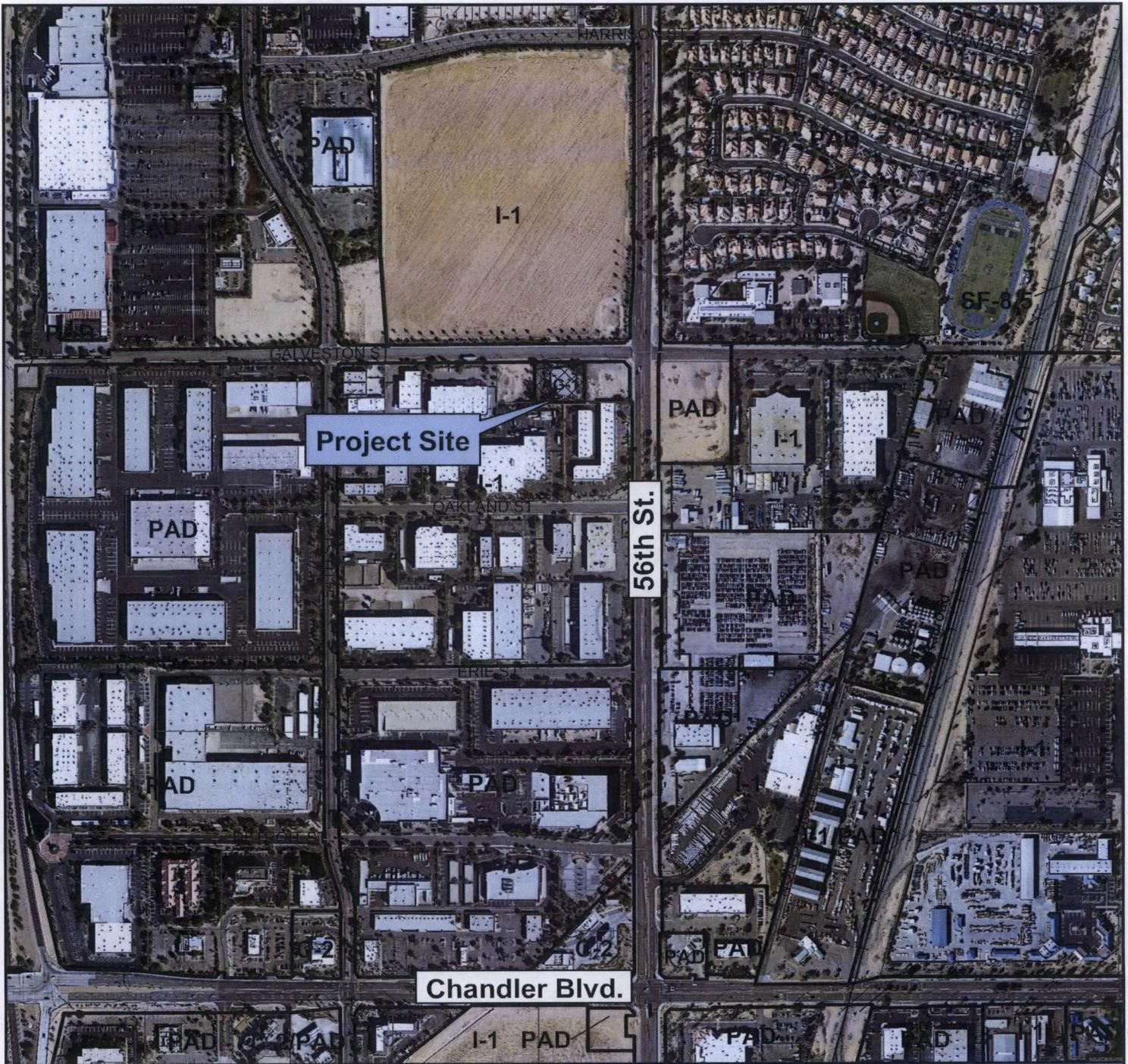
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY 

PUBLISHED:





## Vicinity Map



DVR15-0001

**Centurylink Office Addition**











John E. Attebury

Attorney

5744 Canyon Drive, Amarillo, TX 79114

Phone: (806) 355 - 8253

E-Mail: john@asgeneral.com

Date: March 25, 2015

The City of Chandler, Arizona Planning and Development Department  
Planning and Zoning Commission  
215 E. Buffalo St.  
Chandler, AZ 85225

Members of the Planning and Zoning Commission,

I am writing you today on behalf of Bison Development Company in opposition to CenturyLink Inc.'s request for a zoning variance in case number DVR15-0001. Bison opposes granting of a variance in this case because of the increased burden it will impose on neighboring properties and municipal departments of the City of Chandler, and because reasonable alternatives exist. For the reasons outlined below, I urge the Planning and Development department to not grant a variance in case number DVR15-0001.

By granting a parking variance to CenturyLink, the City of Chandler will be shifting burdens to neighboring property owners as the intensity of use of parking has been understated. CenturyLink maintains that their facility is typically unmanned and when it is only one or two technicians are on site. However, according to current and historical satellite imagery, at least one vehicle is present in all photos dating back over a decade and the most recent images show 5 vehicles parked at the facility (please see Exhibit A, attached). Furthermore given that between 1-5 spaces are already occupied the contemplated construction will only serve to further exacerbate the issue with the need for materials, equipment, and contractor vehicles to be located on site. Bison is concerned that due to the already limited amount of space for equipment and vehicles that this will promote trespasses upon their and other neighboring properties, which will inhibit Bison and others from effectively marketing and developing the property. This is an undue burden and therefore the variance should be denied.

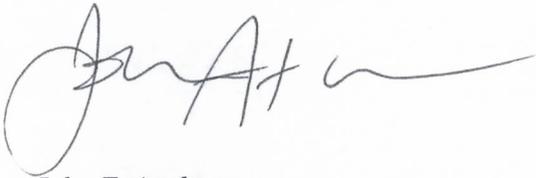
Furthermore by granting a variance in this case the municipal departments of the City of Chandler will be unreasonably burdened, as access to the facility will be impaired in the event of emergency. CenturyLink is a telecommunications provider that relies on substantial amounts of electronic equipment. The equipment demands above average amounts of electricity and cooling capacity for a building its size. Should cooling equipment fail or an electrical short occur, the risk of fire is greatly increased. Given that CenturyLink is utilizing more of their parking than stated and access will be additionally impaired during the construction process by contractor vehicles, equipment, and materials, should a fire occur emergency personnel will have inadequate access to respond appropriately. This endangers all involved, from emergency personnel, employees, and workmen on site as well as neighboring properties, and for this reason CenturyLink should not be granted a variance.

The fact is CenturyLink has reasonable opportunities to acquire additional parking space in order to put them in compliance with the zoning ordinance. Both properties on either side of the CenturyLink facility are undeveloped and do not pose an obstacle to CenturyLink expanding their parking facilities. Given that the City of Chandler has afforded

CenturyLink many preferences in the past regarding zoning, this is not an unreasonable burden on CenturyLink as the savings allowed by zoning variances and tax preferences more than compensate for the potential purchase price of additional land for parking facilities. This presents a reasonable alternative to granting a variance which burdens neighboring properties and poses unnecessary risks to the community.

In short, CenturyLink should not be granted a zoning variance in case number DVR15-0001 because it creates an unreasonable burden on surrounding properties and poses a potentially serious threat to the safety of emergency personnel, contractors, CenturyLink employees, and those who own and occupy surrounding properties. Reasonable alternatives exist to granting a variance that would substantially reduce or nullify these risks, and in the interest of preserving the rights of property owners and those working within the community CenturyLink's request for a variance should be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Attebury". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John E. Attebury

Attorney for Bison Development Company

Exhibit A

