

#5  
MAY 28 2015

**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.

205 8 8 YAN

- 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

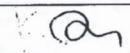
**CERTIFICATION**

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.

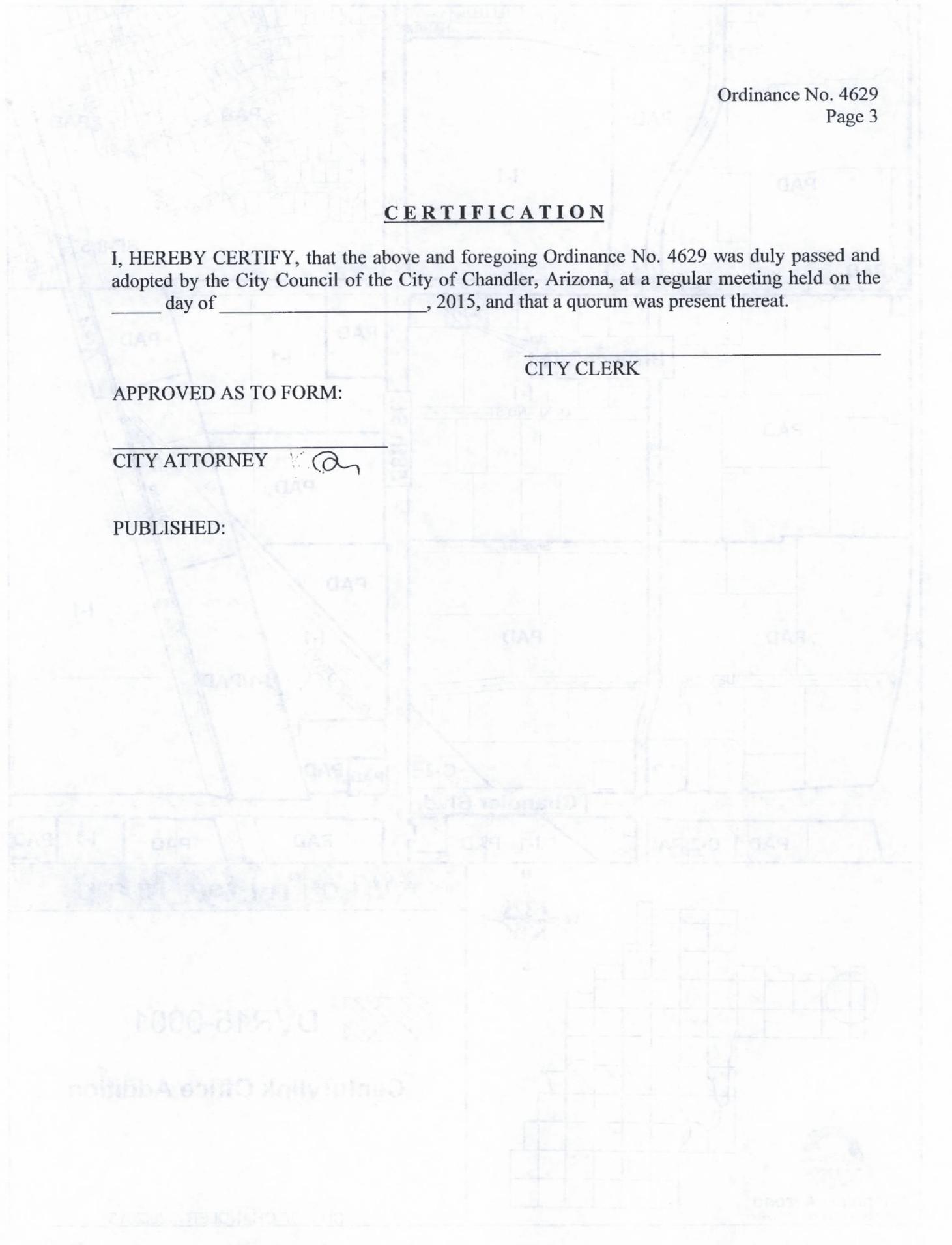
\_\_\_\_\_  
CITY CLERK

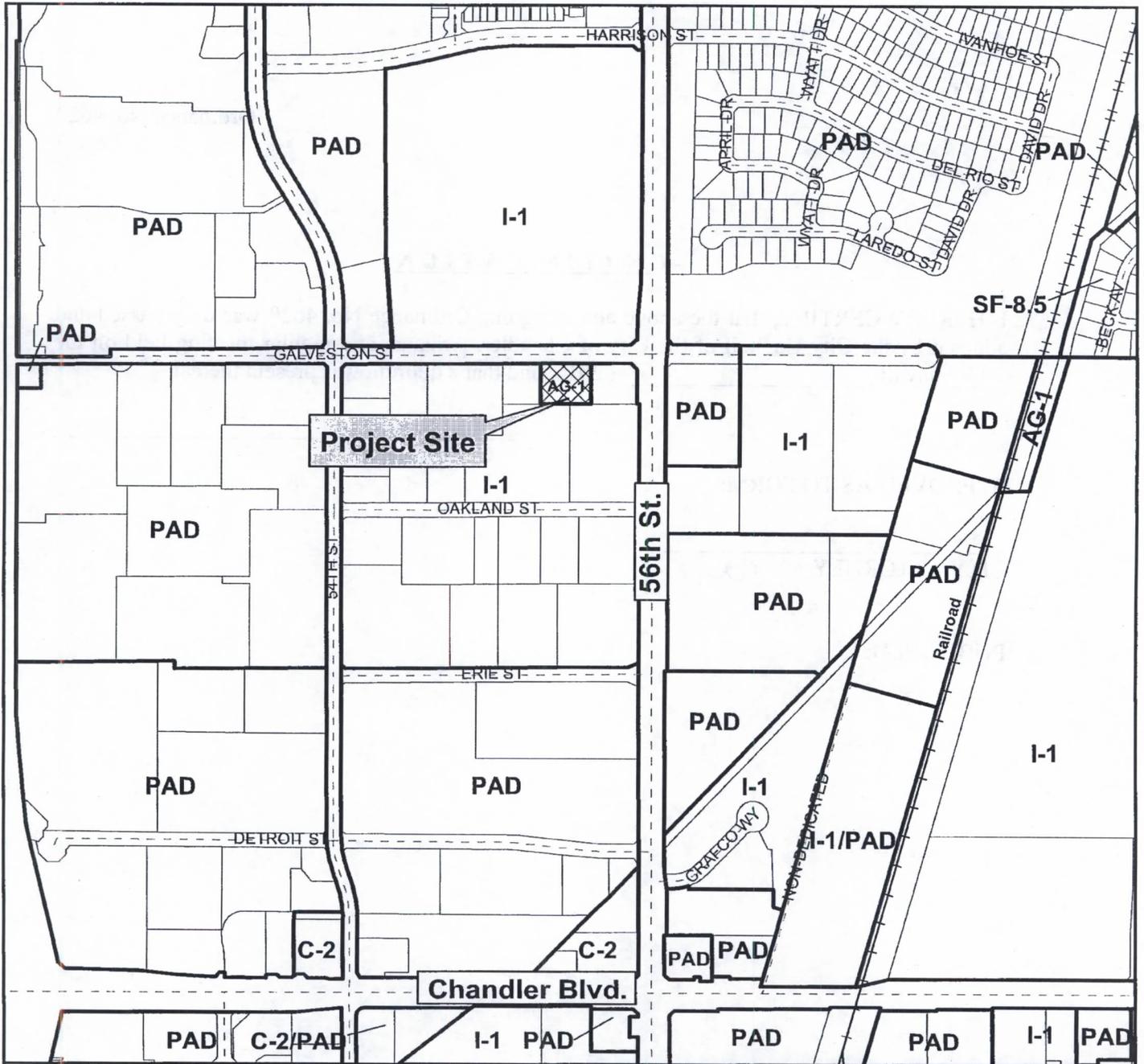
APPROVED AS TO FORM:

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

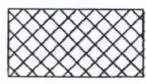
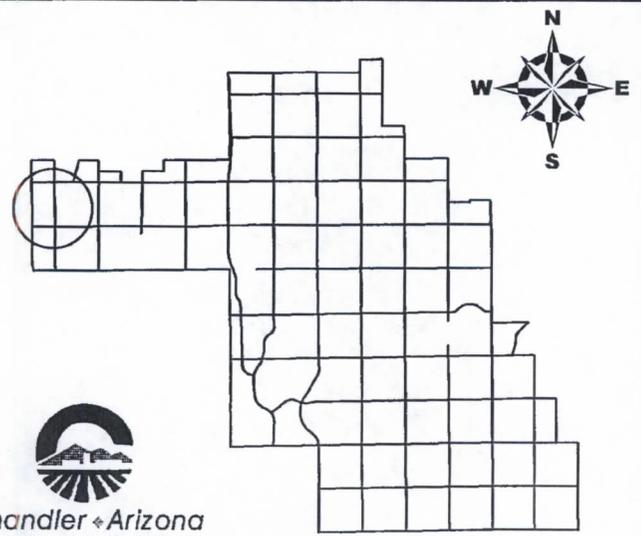


PUBLISHED:





**Vicinity Map**



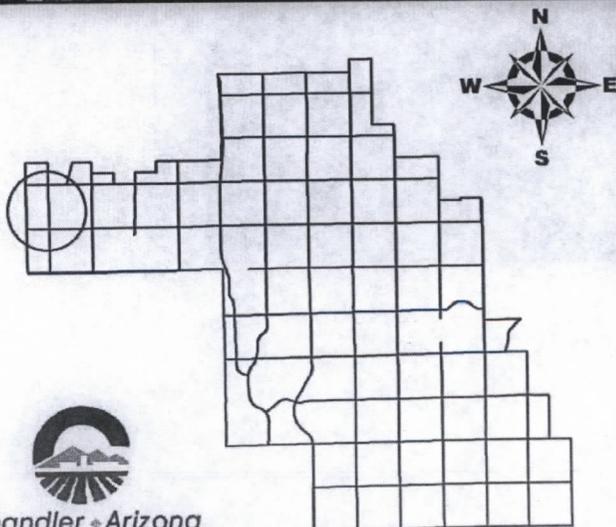
DVR15-0001

**Centurylink Office Addition**



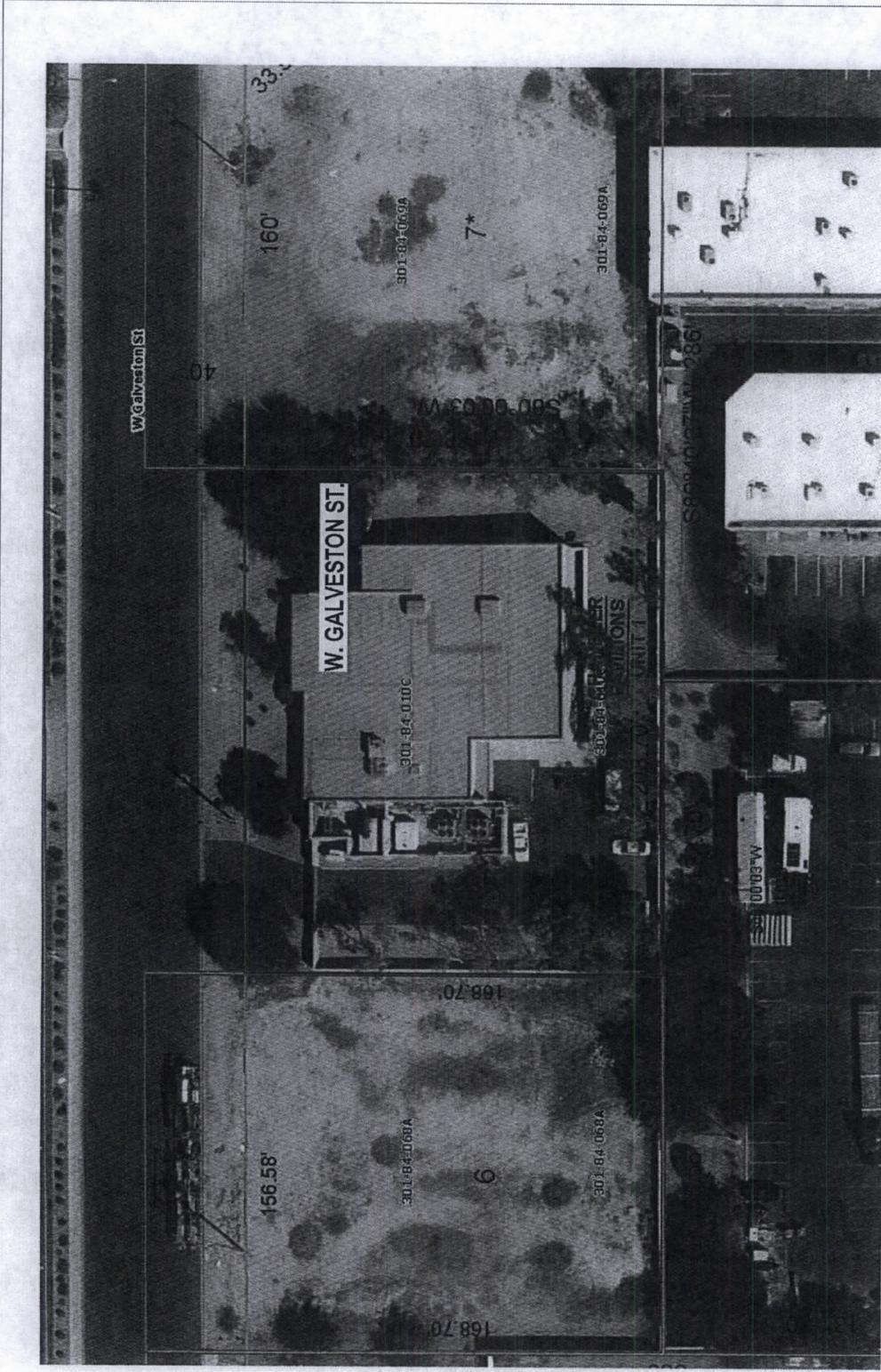


## Vicinity Map



DVR15-0001

**Centurylink Office Addition**



1 AERIAL MAP  
NOT TO SCALE





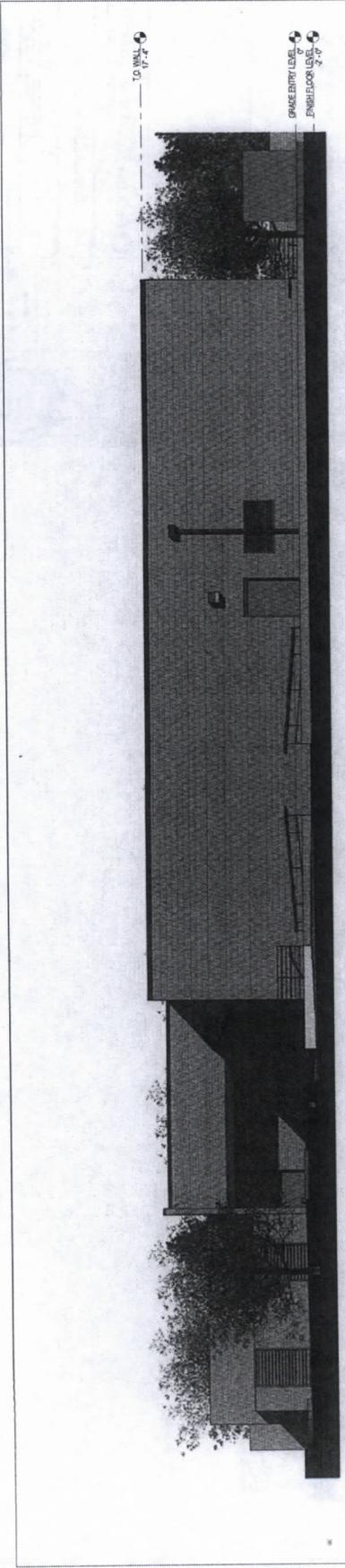
**Baker**  
 MICHAEL BAKER & CO.  
 10000 WEST GALVESTON ST.  
 CHANDLER, AZ 85226

PROJECT NO. 1878  
 CLIENT: CENTURYLINK  
 PROJECT: SITE AERIAL  
 DATE: 1/29/2018  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

SHEET NO. A-100  
 OF [Total]







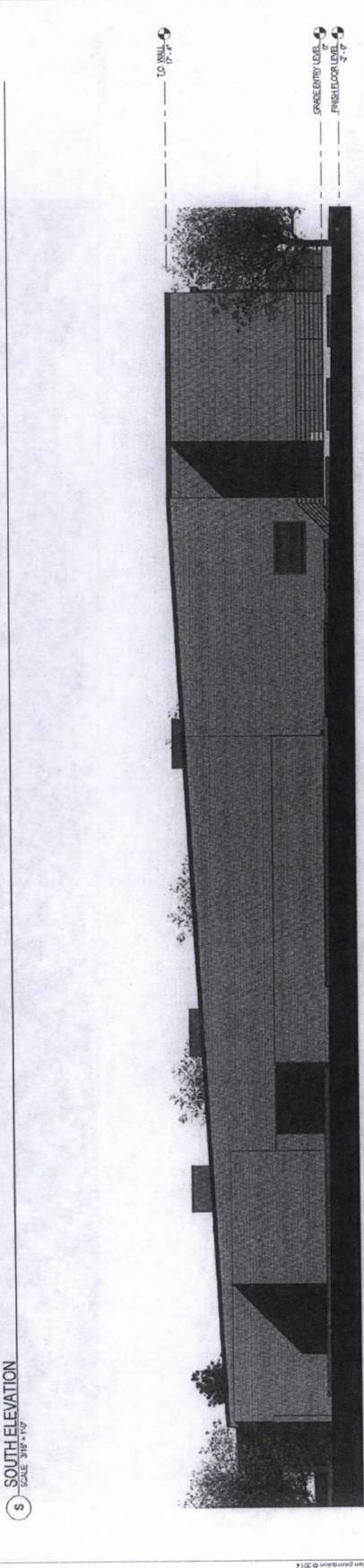
**S** SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"

TO WALL  
17'-0"

GRADE ENTRY LEVEL  
FINISH FLOOR LEVEL

TO WALL  
17'-0"

GRADE ENTRY LEVEL  
FINISH FLOOR LEVEL



**W** WEST ELEVATION  
SCALE: 3/16" = 1'-0"

TO WALL  
17'-0"

GRADE ENTRY LEVEL  
FINISH FLOOR LEVEL

TO WALL  
17'-0"

GRADE ENTRY LEVEL  
FINISH FLOOR LEVEL

**Baker**  
MICHAEL BAKER JR., INC.  
ARCHITECTS AND PLANNERS  
1000 W. 10TH ST.  
DENVER, CO 80202

**CenturyLink**  
COMMUNICATIONS

PROJECT NO. 17104  
DATE 11/14/14  
SHEET NO. 130608  
PROJECT NAME A-901

EXTERIOR ELEVATIONS - COLOR	
NO. 1	CONCRETE
NO. 2	BRICK
NO. 3	WOOD
NO. 4	GLASS
NO. 5	STEEL
NO. 6	ASPH/FLT
NO. 7	GRASS
NO. 8	PAVING
NO. 9	LANDSCAPE
NO. 10	SKY

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**N** NORTH ELEVATION  
SCALE: 3/16" = 1'-0"



**E** EAST ELEVATION  
SCALE: 3/16" = 1'-0"

<b>Baker</b> WILLIAM BAKER, JR. INC. ARCHITECTS 1000 W. 10TH AVENUE DENVER, CO 80202 TEL: 303.733.1100 WWW.BAKERARCHITECTS.COM		<b>CenturyLink</b> ARCHITECTURE		DATE: 11/15/16 DRAWN BY: J. BAKER CHECKED BY: J. BAKER SCALE: AS SHOWN PROJECT NO.: 130008 SHEET NO.: A-900
PROJECT: 141566 OWNER: CITI CHANDLER WEST CO. ADDITION PROJECT: 2011 WEST GALE STREET CHECKER: A. BISH		PROJECT: 141566 OWNER: CITI CHANDLER WEST CO. ADDITION PROJECT: 2011 WEST GALE STREET CHECKER: A. BISH		DATE: 11/15/16 DRAWN BY: J. BAKER CHECKED BY: J. BAKER SCALE: AS SHOWN PROJECT NO.: 130008 SHEET NO.: A-900
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**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.

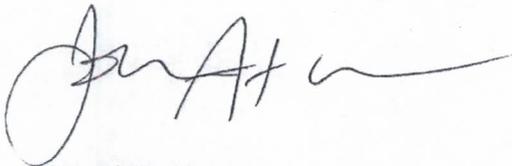
Furthermore by granting a variance in this case the municipal departments of the City of Chandler will be unreasonably burdened, as access to the facility will be impaired in the event of emergency. CenturyLink is a telecommunications provider that relies on substantial amounts of electronic equipment. 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

