



Chandler • Arizona
Where Values Make The Difference



MEMORANDUM

Transportation & Development – BA Memo No. 11-010

DATE: JULY 27, 2011

TO: BOARD OF ADJUSTMENT

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR 
JEFF KURTZ, PLANNING ADMINISTRATOR 
KEVIN MAYO, PLANNING MANAGER 

FROM: BILL DERMODY, SENIOR CITY PLANNER 

SUBJECT: VAR11-0005 CHANDLER PLAZA RETAIL BUILDING

Request: Variance from the Zoning Ordinance to allow encroachment into the minimum setback for a new parking lot adjacent to a retail building

Location: 1072 W. Chandler Boulevard, west of the northwest corner of Chandler Boulevard and Alma School Road

Applicant: Paul O'Connor Architecture & Planning, LLC

Owner: Chandler Holdings, LLC

Zoning: Community Commercial (C-2)

RECOMMENDATION

Staff, upon finding the need for a variance to be self-imposed and the criteria by which all variances are reviewed to not be satisfied, recommends denial of the requested variance.

BACKGROUND

The subject property, which contains a vacant retail pad building, is located along Chandler Boulevard in front of a shopping center anchored by EVDI Medical Imaging. There is a bank pad to the west and a retail pad to the east of the subject site, each with a small parking field along Chandler Boulevard in front of the building. The subject building has parking behind it, but no parking along the street—only retention and landscaping. The applicant requests this variance in order to add one row of parking and a two-way drive aisle in front of the building, which requires encroaching approximately 9' into the minimum 20' parking setback from the

Chandler Boulevard right-of-way (ROW) (leaving an 11' setback). This extra parking is not required by code, but rather is desired by the applicant in order to improve the property.

The bank pad to the west, developed in the 1970s, has only a 6' parking lot setback from the Chandler Boulevard ROW, which is a legal nonconforming situation. The Zoning Code required a 6' setback until 1982, when it was increased to a minimum of 16'. By 1990, the required parking lot setback had increased again to the current 20' minimum. The minimum parking lot setback has not changed since 1990. The subject site developed in 1999 and was formerly occupied by a blinds store.

The city's Capital Improvement Plan calls for a reconstruction of the nearby Alma School Road and Chandler Boulevard intersection in 2013-14. This reconstruction will result in a 7' expansion of right-of-way in front of the subject property. The Zoning Code minimum landscape setback is taken from existing ROW, not from planned ROW, so it has no effect on the applicant's plans so long as they are executed prior to right-of-way acquisition. The bank parking lot to the west might be impacted by the planned expansion, including possibly a loss of parking spaces, but those details have not yet been determined.

If the variance is approved, then numerous other code issues will need to be worked out on an administrative level through the permit review process. These issues include accounting for displaced retention, providing sufficient foundation landscaping adjacent to the building, and modifying cross-access agreements as necessary.

CODE REQUIREMENTS

The regulations regarding minimum setbacks for parking lots is set forth by the Zoning Code:

35-1902. Site development plan design standards.

(4) Site organization:

(a) Setbacks:

1. For parking lots:

b. Along arterial streets, parking lots shall be set back at least twenty (20) feet from right-of-way lines.

FINDINGS

Below is a list of the criteria that the Board of Adjustment must use to review each variance request. Following each criterion are Staff's italicized responses. The applicant's written narrative answering the following criteria is included among the memo attachments.

- 1. Explain the special circumstances or conditions that apply to the land, building, or use referred to in the application. The special circumstances cannot be self-imposed by the property owner.**

There are no special circumstances that apply to the land, building, or use that are not self-imposed. All commercial properties developed since the Zoning Code changed to a minimum of a 20' parking lot setback have had to abide by that regulation, including the

neighboring pad to the east. The fact that the Zoning Code was amended is not a special circumstance – it has been applied equally to all new commercial development. The building setback and amount of landscaping are not atypical for commercial developments in Chandler. Staff is of the opinion that this criterion has not been satisfied.

2. State why the granting of this variance is necessary for the preservation and enjoyment of substantial property rights.

The site has been enjoyed for commercial uses since its development in 1999, most of that time being occupied by a blinds store. The lack of street-side parking is not a unique characteristic compared to other commercial developments in Chandler. Staff is of the opinion that this criterion has not been satisfied.

3. Explain why this variance will not materially be detrimental to persons, property, or the public welfare of the community.

The variance would be a detriment to other commercial properties developed since 1990 that must abide by the minimum 20' parking lot setback. Staff is of the opinion that this criterion has not been satisfied.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

At the time of this writing, Staff is not aware of any opposition to the request.

SUMMARY

Staff does not support this request. There are no special circumstances applicable to this property that do not apply equally to similar commercial properties in Chandler. The requirement to abide by the minimum parking lot setback is not a special hardship for this property. The property has been substantially developed with the property owner enjoying development rights since 1999 with the retail building's original construction.

Granting a variance for this property would, in Staff's opinion, constitute a special privilege inconsistent with the limitations placed upon other similar properties. There are no unique conditions to this location that would support a finding in favor of this application.

RECOMMENDED ACTION

Staff recommends denial of this request.

PROPOSED MOTION

Move to deny variance request VAR11-0005 CHANDLER PLAZA RETAIL BUILDING, as recommended by Staff.

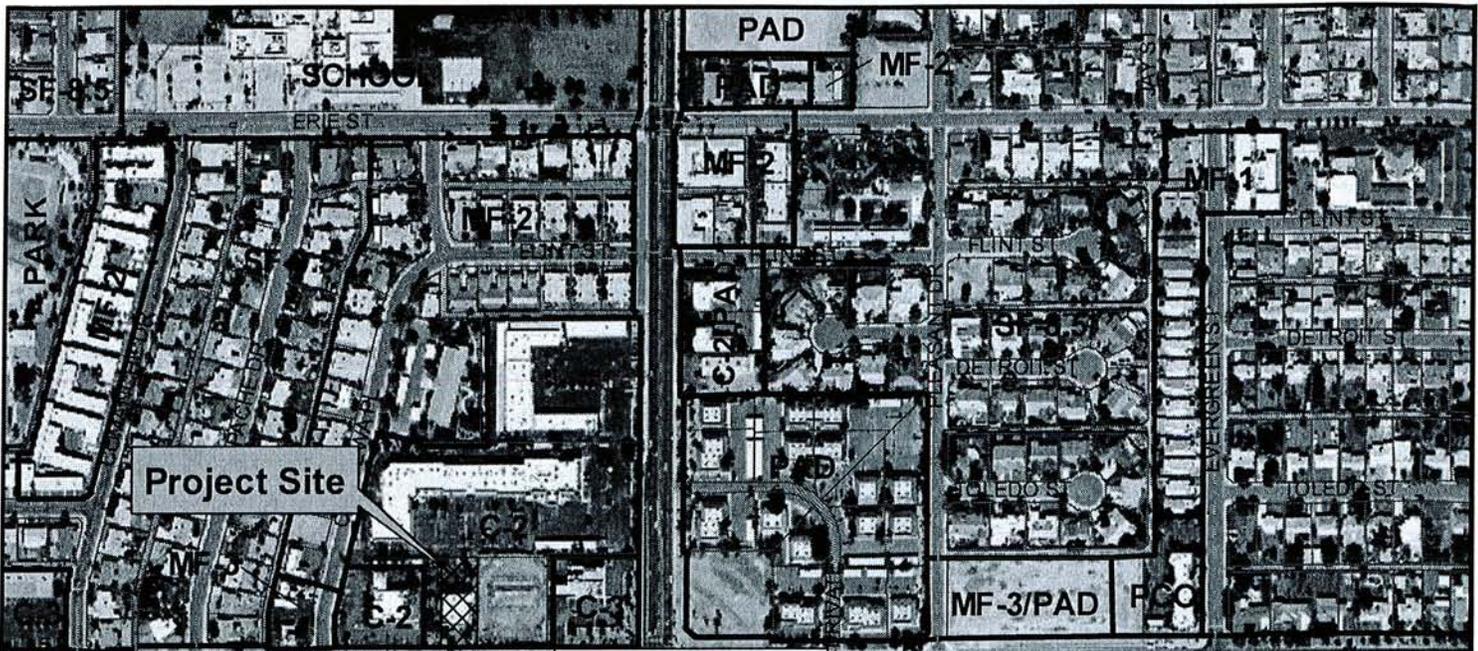
BA MEMO 11-010

July 27, 2011

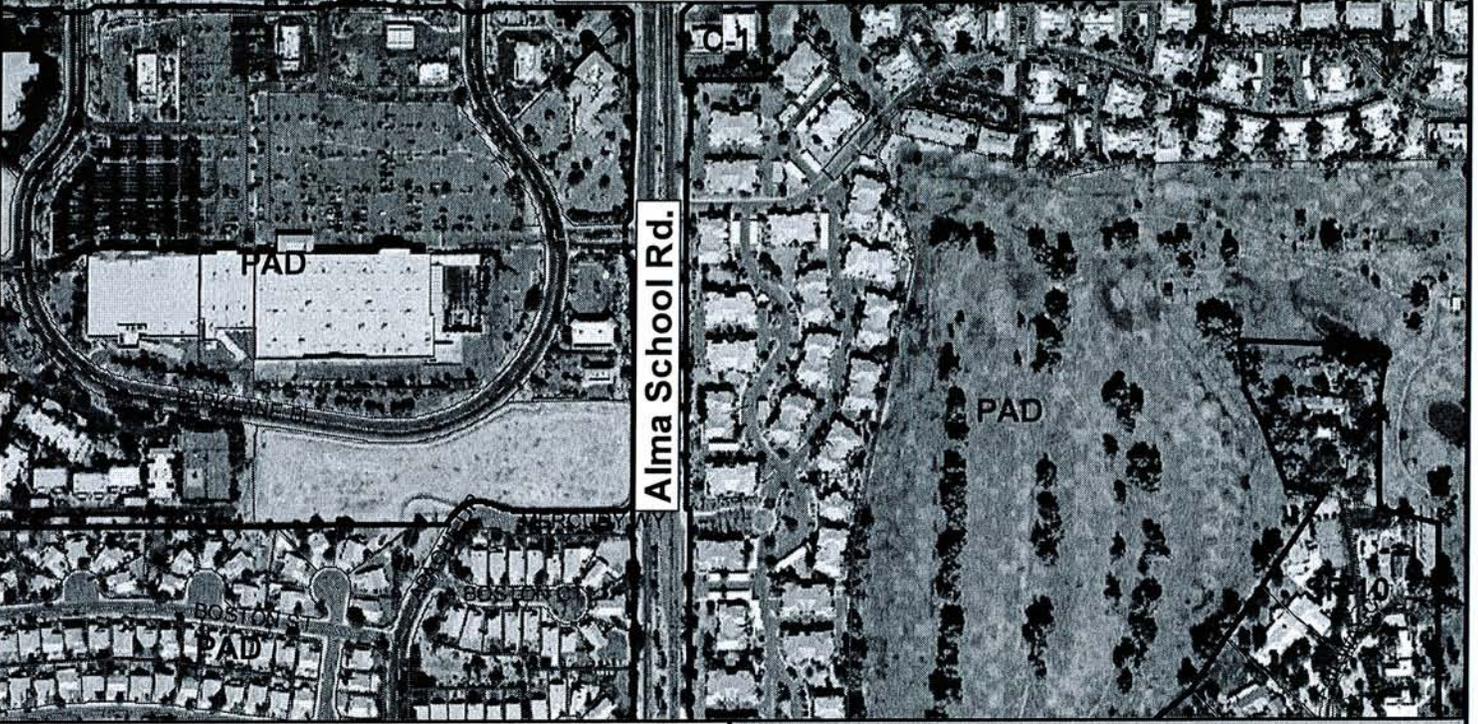
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Attachments

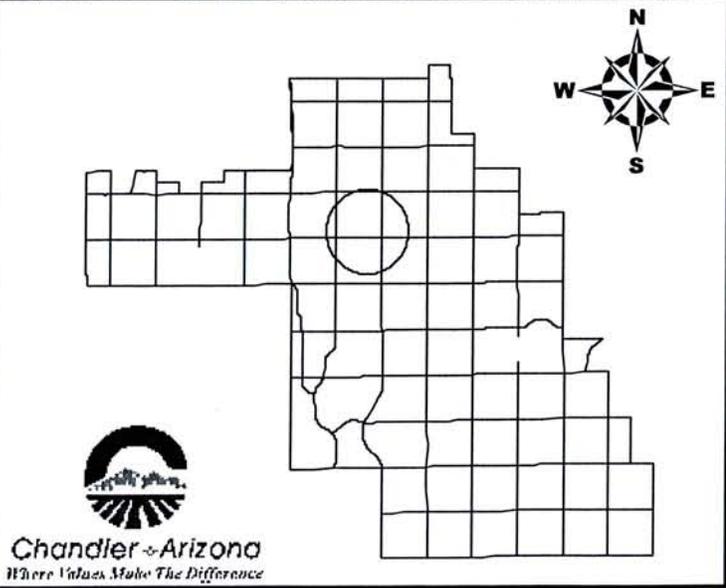
1. Vicinity Maps
2. Aerial Close-up
3. Site Plan
4. Application and Narrative
5. Staff Photos
6. Historical Aerial Photos
7. Powers and Duties



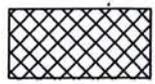
Chandler Blvd.



Alma School Rd.



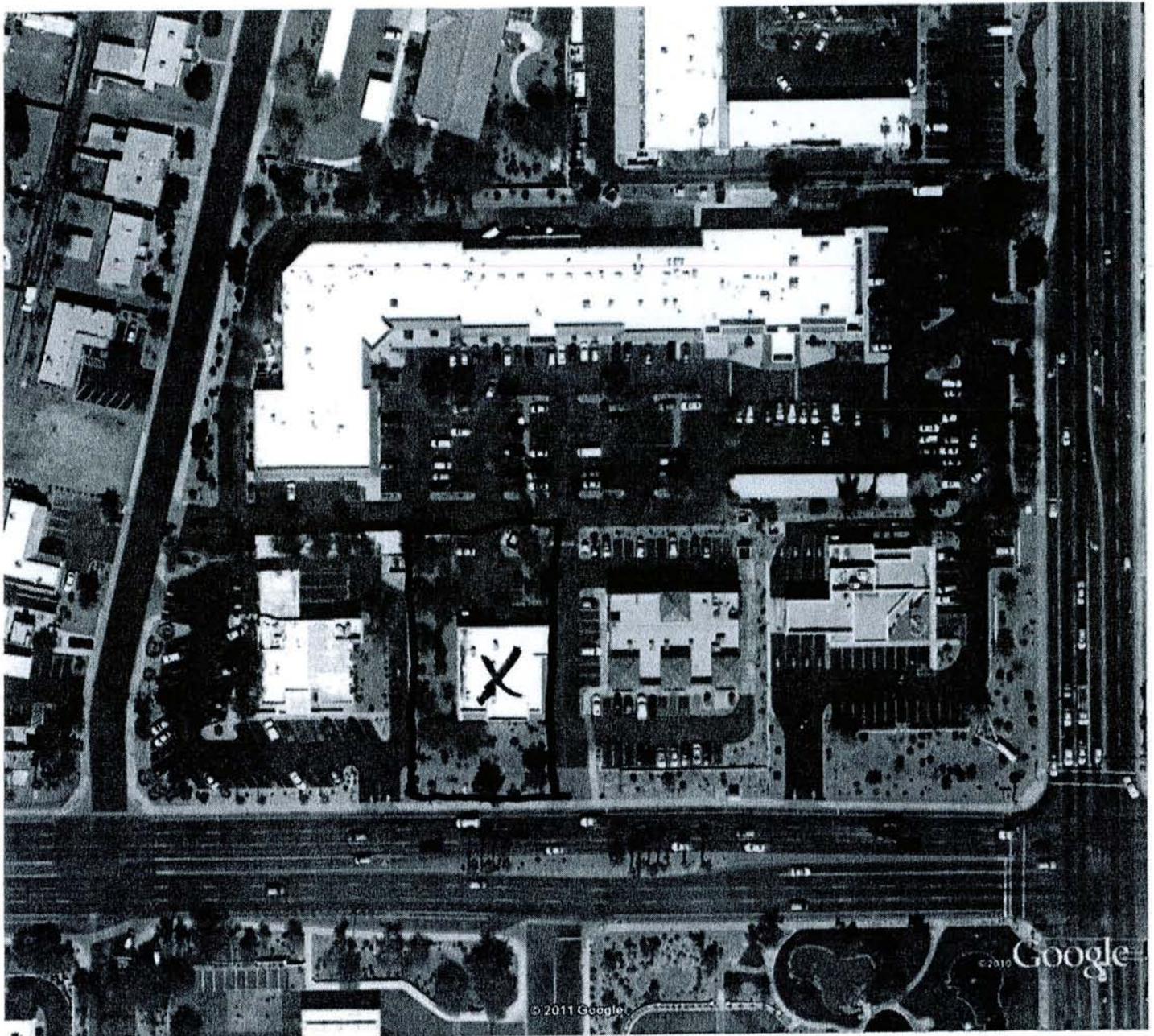
Vicinity Map



VAR11-0005

**Chandler Plaza
Retail Building**





\boxed{X} = subject property

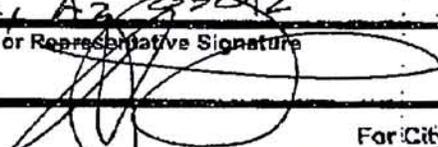


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Variance Request Application

If the property owner is not filing the application, please fill out the attached Letter of Authorization for an applicant or project representative to file the application.

Project or Owner Name Pad Retail Bldg at Chandler Plaza for Chandler Holdings, LLC	
Property Location/Address 1072 W Chandler Blvd	
City, State, Zip Code Chandler, AZ	
Type of Variance (waiver) from the Zoning Code you are requesting: Reduce street side landscape setback from 20' to 11'.	
Is this variance for an existing structure (e.g. fence, pool, etc.)? Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	
Has the City issued a Notice of Violation? Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/> If yes, please attach a copy of the notice/letter.	
Property Owner Name Aldy Damian of Chandler Holdings, LLC	
Mailing Address 36 Country Lane	Phone Number 310-717-6932
City, State, Zip Code Rollins Hills Estate, CA 90224	Fax Number 310-377-3583
Applicant/Representative Name Paul Connor Architecture & Planning, LLC	
Mailing Address 5133 H Central Ave #226	Phone Number 602-944-0099
City, State, Zip Code Phoenix, AZ 85012	Fax Number 602-274-7571
Property Owner or Representative Signature 	Date 5/24/11
For City Use	
Date Filed 5-26-11	Development No. VAR11-0005
Planner	

Mailing Address:
P.O. Box 4008, MS 105
Chandler, Arizona 85244-4008

Transportation & Development Department
Planning Division
215 E. Buffalo St., Chandler Arizona 85225

Telephone: (480) 782-3000
Fax: (480) 782-3075
www.chandleraz.gov

Form No.: UDM-63
Rev: 1-28-2011



Variance Request Letter of Authorization

Please accept an application for a Variance for property located at:

1072 W Chandler Blvd

Assessor's Parcel Number(s):

302-74-663

Said property is owned by:

Aldy Demiro of Chandler Holdings, LLC

Who hereby authorizes me to file this application on his/her behalf.

I certify that the above information is correct, and that I am authorized to file an application on said property on behalf of the owner.

[Signature] 5/24/11
Applicant Signature Date

[Signature] 5/24/2011
Property Owner Name Printed Date

Property Owner Signature Date

Justification for Variance Request
To Reduce The Existing Landscape Setback
For Retail Pad at Chandler Plaza
1072 West Chandler Blvd
Chandler, Arizona

1. **Explain the special circumstances or conditions that apply to the land, building or use referred to in the application. The special circumstances cannot be self-imposed by the property owner:** The existing shopping center was built in the early 80's. The building where we propose the landscape setback reduction was also built in this time frame. The developer chose to locate all the parking for this building at the rear of the building with the front of the building being lushly landscaped. This has led to two adverse conditions. One, the landscaping has grown to block the building from the street preventing potential shoppers from seeing the businesses located in the building. Two, lack of a parking area that is visible from the street discourages prospective shoppers from pulling into the site due to no apparent area to park. When this building was built, it appears that the landscape setback requirement was different than what it is today. The adjacent Chase bank property, which was built in the same time frame as the rest of the shopping center, has a landscape setback of six feet along Chandler Boulevard. The current setback requirement for the subject property is twenty feet. The building is setback sixty feet from the property line along Chandler Boulevard. Drivers on Chandler Boulevard will have to look through sixty feet of landscaping to see the building which also has no apparent place to park. The current circumstances were imposed by the initial property developer, changing retail customer shopping practices, the changes in the City of Chandler Landscape ordinance. In other words, this building is now a victim to changes in the zoning code and to the previous ownership design decision to provide additional landscaping in front of the parcel for curb appeal. Because of this the building continually stays vacant as not enough visible parking is supplied to secure a long term tenant. We are asking that the original code be applied in a similar fashion to this structure in the same way Chase Bank directly next door benefits from this.

2. **State why the granting of this variance is necessary for the preservation and enjoyment of substantial property rights:** The variance is needed in order to fit the needed parking in front of the building. The existing building is set sixty feet back from the street property line. In order to add one row of parking with a sidewalk and landscaping along the building a width of forty nine feet is required. Add the current twenty foot landscape set back puts the required width at sixty nine. In order for the parking to fit we will need to reduce the landscape setback from twenty feet to eleven feet. This will be nine feet less than the lot to the east but is five feet greater than the Chase Bank property to the west. Also, several national retail companies have expressed interest in the leasing of this property

however, the lack of street side parking has been a major obstacle in leasing this property. See attached letter.

3. **Explain why this variance will not materially be detrimental to persons, property or the public welfare of the community:** The variance will not be materially detrimental to persons, property or the public welfare of the community because it is matching the conditions that are already existing. The reduced landscape area will be less than the Sweetie's property to the east but it is greater than the landscape area for the property to the west. The structure will also have a better chance of being leased which provides the community with one less vacant building. This will be an improvement to the community. See attached lease letter.



Business Partners • Trusted Experts

May 11, 2011

Chandler Holdings LLC
36 Country Lane
Rolling Hills Estates, CA 90274
310-717-6932 ph
310-377-3583 fax

Dear Chandler Holdings LLC,

It has come to our attention that we are experiencing a detrimental reoccurring leasing issue concerning the vacant pad building located at 1072 W. Chandler Blvd. Chandler, AZ 85224.

In our discussions with several national chain tenants they have expressed interest in the site but have come back with a final "Pass" on the location primarily because of the lack of parking.

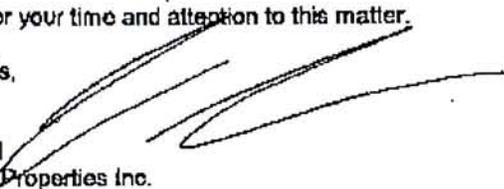
Given the size of the structure with poor initial parking design we are finding that reputable tenants desire immediate off street parking and the way the building is situated it does not make use of the large land area directly out front of the building as does the Chase Bank located directly next door.

If this were to be remedied by adding parking to the front area, the property would cease to sit vacant and immediately add value to the surrounding community.

Please advise us on the ability to offer additional parking to the perspective tenants that we are in discussions with as this is the crucial piece in closing a lease agreement.

Thank you for your time and attention to this matter.

Best Regards,


Josh Gosnell
Commercial Properties Inc.
a CORFAC International Firm



Above: Looking west across retention basin proposed for new parking lot. Below: Looking east across same basin area.



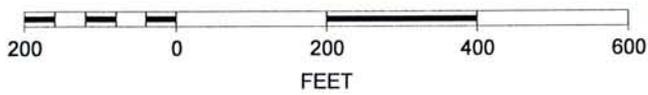


Above: View from Chandler Boulevard toward west portion of property, including the retail building, landscaping, and retention basins.

January 13, 2000



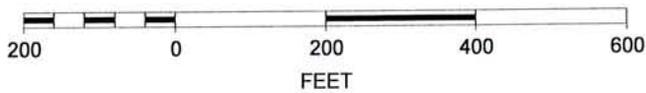
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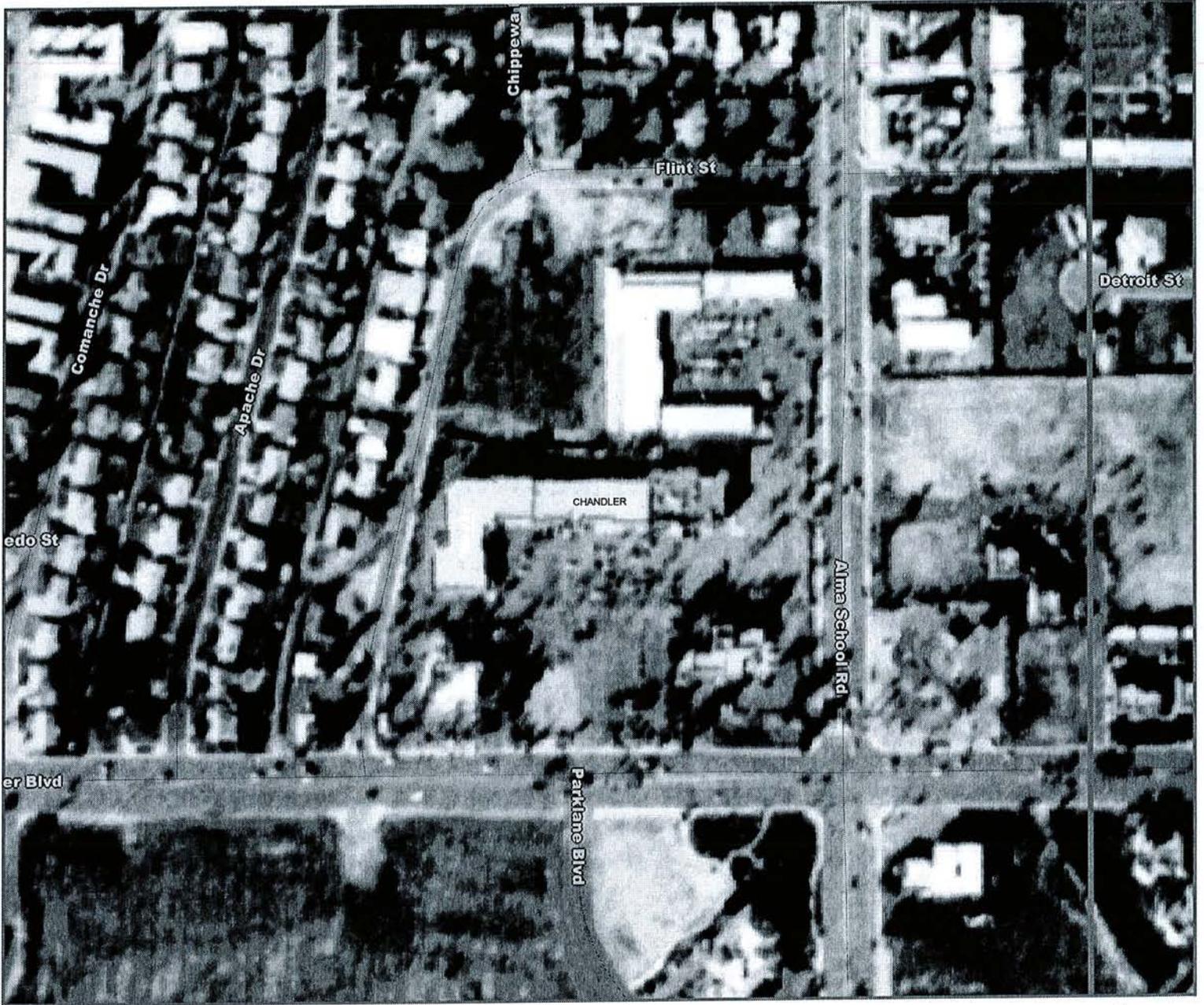
December 31, 1998



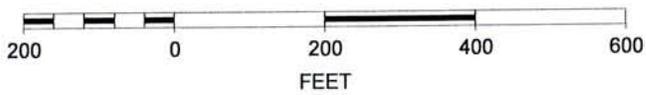
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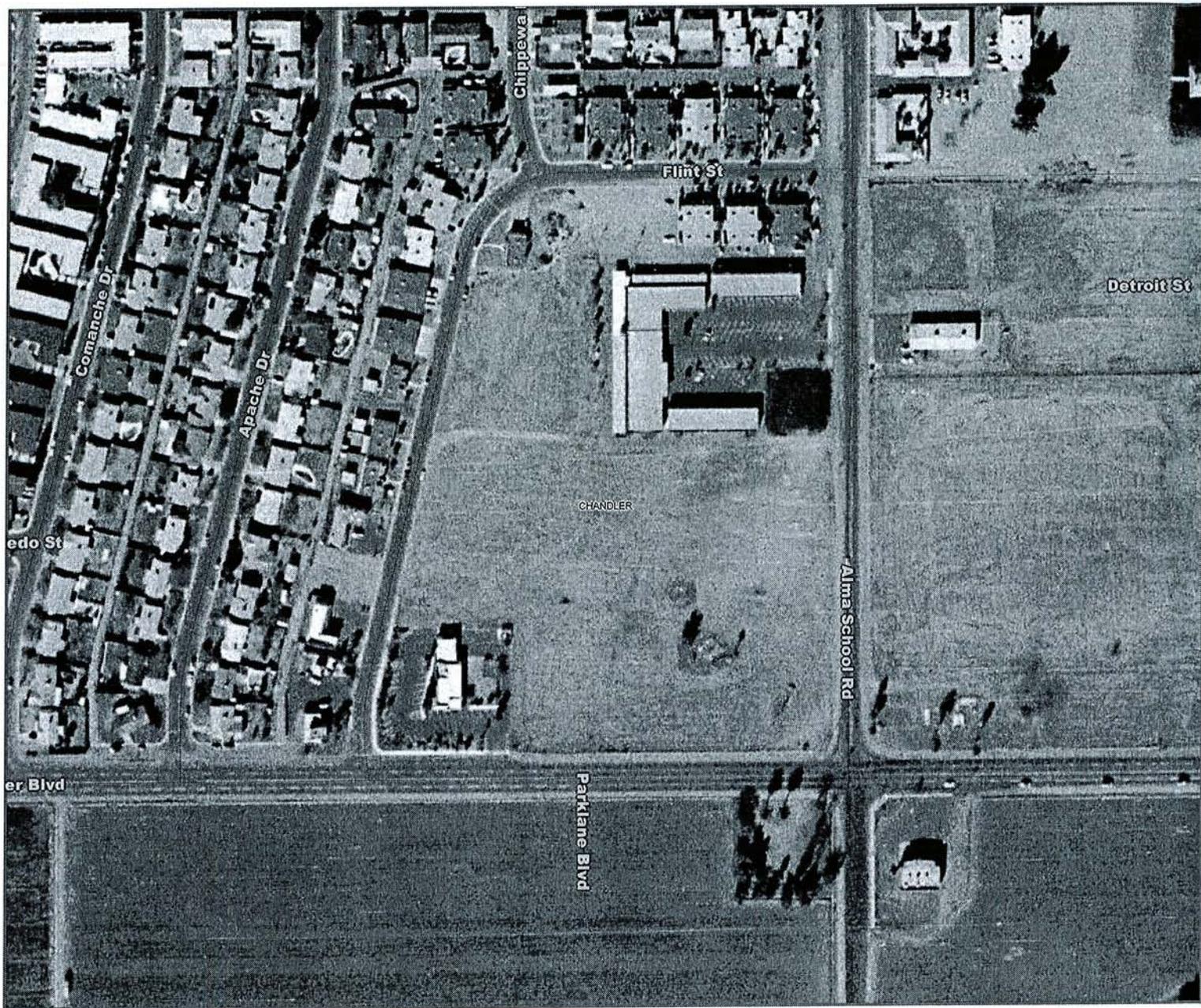
January 21, 1993



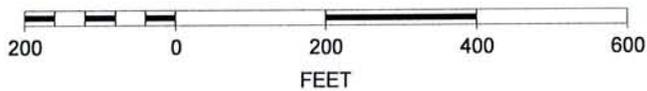
SCALE 1 : 3,019



December 15, 1979



SCALE 1 : 3,019



BOARD OF ADJUSTMENT

CHAPTER 35

35-2502. Powers and duties.

The Board of Adjustment shall have the following powers and duties:

(1) Adopt rules of procedure not inconsistent with the provisions of this Code for the conduct of its business and procedure.

(2) Hear and decide all appeals that may be taken by any person or any Officer, Department, Board or Division of the City when there is an alleged error in any such order, requirement or decision made by the Zoning Administrator in the enforcement of the provisions of this Code.

(3) Reverse or affirm in whole or in part or modify the order or decision as ought to be made, and [to] that end shall have the powers of the officer for whom the appeal is taken.

(4) Determine and establish the true location of district boundaries in any disputed case.

(5) Interpret any provision of the Zoning Code as it relates to a specific use of land or structure.

(6) In specific cases, authorize upon request such variances from the provisions of this Code that will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary property hardships. A variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is located.

(a) A variance shall not be granted unless the Board of Adjustment shall find upon sufficient evidence:

1. There are special circumstances or conditions applying to the land, building or use referred to in the request;

2. The granting of the variance is necessary for the preservation and enjoyment of substantial property right; and

3. The granting of the variance will not materially be detrimental to persons, property or to the public welfare of the community.

(b) The Board of Adjustment may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning code provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article.

2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.