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JUL 31 2008



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Where Values Make The Difference

MEMORANDUM **Planning and Development – CC Memo No. 08-129**

DATE: JULY 17, 2008

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER *MP*
 DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR *DB*
 JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR *JK*
 KEVIN MAYO, ACTING PLANNING MANAGER *KM*

FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: DVR08-0022 PALM COURT CENTER
 Introduction and tentative adoption of Ordinance No. 4089

Request: Rezoning from Planned Area Development (PAD) to PAD Amended zoning to expand the list of permitted uses in an existing building

Location: 255 W. Warner Road, approximately 860 feet west of Arizona Avenue on the south side of Warner Road

Applicant: Palm Court Investments

RECOMMENDATION

Planning Commission and Staff, finding consistency with the General Plan, recommend approval of the rezoning to expand the list of permitted uses in an existing building, subject to conditions.

BACKGROUND

The application requests rezoning from Planned Area Development (PAD) to PAD Amended to expand the list of permitted uses in order to allow all uses permitted in the Community Commercial (C-2) zoning district plus high schools. The 0.95-acre subject site, which is set back from Warner Road, contains a vacant freestanding 11,700 square foot building that was zoned for a recreational facility in 1987. To the north and west is the rest of the 5.3-acre Palm Court shopping center, which is zoned PAD for general commercial uses like those proposed for the subject site. To the east is a vacant parcel zoned Agricultural District (AG-1). To the south is a townhome development zoned Multiple Family Residential (MF-2).

The entire shopping center was originally zoned for an office-dominated commercial development (specified as 2/3 office uses and 1/3 retail uses) in 1985. In 1987, the subject site was rezoned to allow a recreational use (K-Ball, later replaced by volleyball), while the rest of the center was re-designated for general commercial uses with the restriction lifted on the amount of office versus retail. The result of the rezonings is that the subject site is the only part of the shopping center that does not allow general commercial uses.

The shopping center, including the subject site, provides sufficient parking. The subject site, viewed in isolation, provides 62 parking spaces compared to a code requirement of 65 spaces based on the shopping center requirement of 5.5 spaces per 1000 square feet. The entire shopping center provides 252 parking spaces compared to a code requirement of 241 spaces. The subject site is a cohesive part of the greater shopping center, benefiting from interconnected drive aisles and parking fields that allow for easy cross-access and cross-parking. Charter high schools, the only requested use not allowed in a C-2 zoning district, normally require 5 spaces per 1000 square feet if not located in shopping centers.

DISCUSSION

Staff supports the request, finding that the requested uses will have a similar effect to the existing uses and will allow a logical step in the shopping center's evolution. The existing zoning is very limited and inhibits successful marketing of the property – the rezoning will help to avoid vacancy in this building and generally upgrade the center's viability. With its sufficient parking, no negative land use impacts are anticipated from the addition of uses at this location.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on June 24, 2008 at the subject site. No citizens 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 (Creedon)

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of DVR08-0022 PALM COURT CENTER subject to the following conditions:

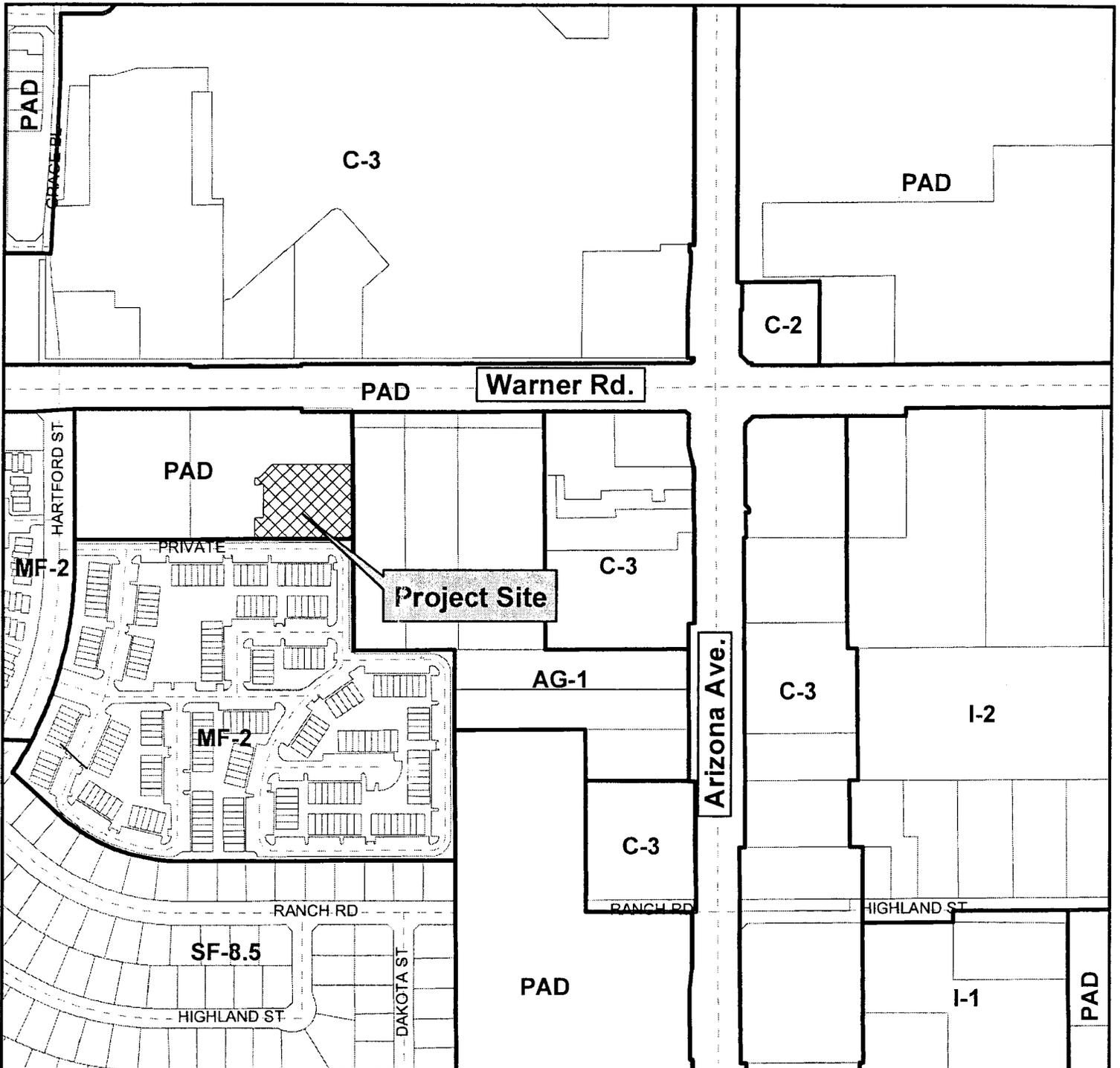
1. Development shall be in substantial conformance with the application materials, except as modified by conditions herein.
2. Permitted uses shall be those allowed in the Community Commercial (C-2) zoning district, plus high schools.
3. Compliance with the original conditions adopted by City Council through Ordinance No. 1849, in case Z87-0021 PALM COURT CENTER, except as modified by the subject application and conditions herein.

PROPOSED MOTION

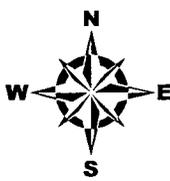
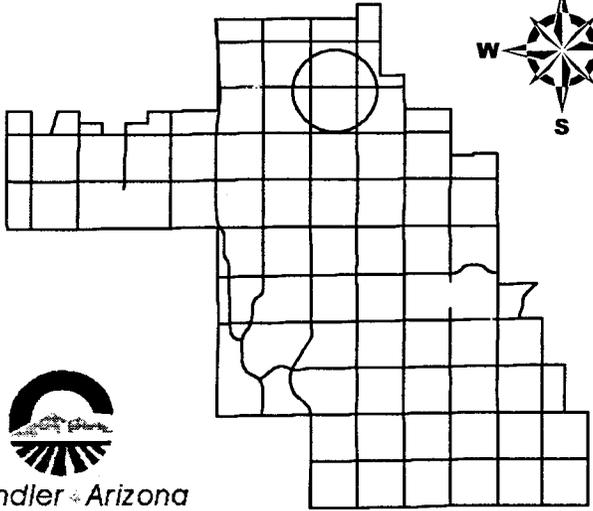
Move to introduce and tentatively adopt Ordinance No. 4089 approving Planned Area Development zoning in case DVR08-0022 PALM COURT CENTER subject to the conditions recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Narrative
3. Site Plan
4. Existing Floor Plan
5. Ordinance No. 4089



Vicinity Map

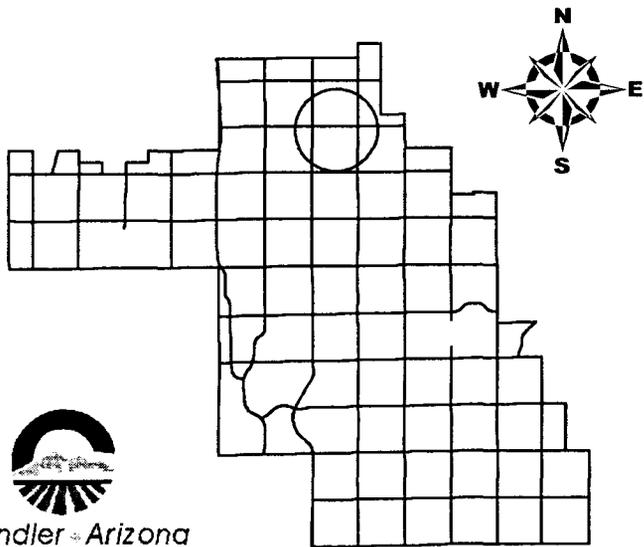


DVR08-0022

Palm Court Center



Vicinity Map



DVR08-0022

Palm Court Center

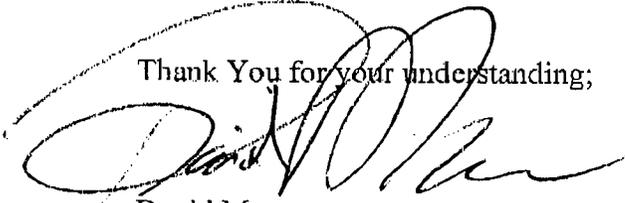
June 8th 2008

Palm Court Investments
456 W. Main Street
Mesa, Az 85201

RE: Amendment to zoning request

We would like to rezone 255 W. Warner Chandler, Az 85225 from pad to C-2 to match existing center. We have the sufficient parking per code and would like to have the same usage as the adjacent center.

Thank You for your understanding;

A handwritten signature in black ink, appearing to read 'David Moses', written over the typed name below.

David Moses

SUMMARY OF SALIENT FACTS

Description: Palm Court Centre

Location: The southeast corner of Warner Road and Hartford Street, Chandler, Arizona

Site: 4.372± acres or 190,444± square feet
Excluding 255 W. Warner

Zoning: PAD, City of Chandler, (planned area development)

Building Area: 27,925± square feet plus a 4,150± square foot buildable pad site

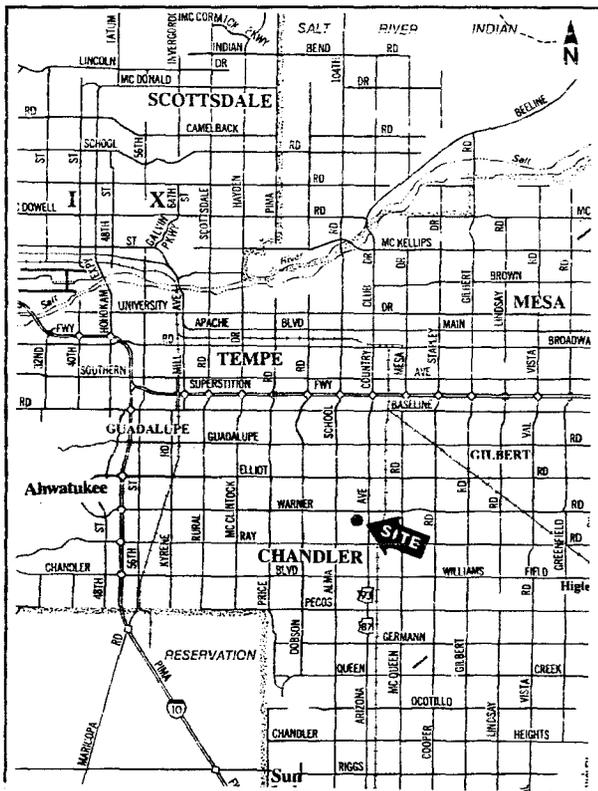
Year Built: 1987

INC: 255 W. Warner
5.322 acres

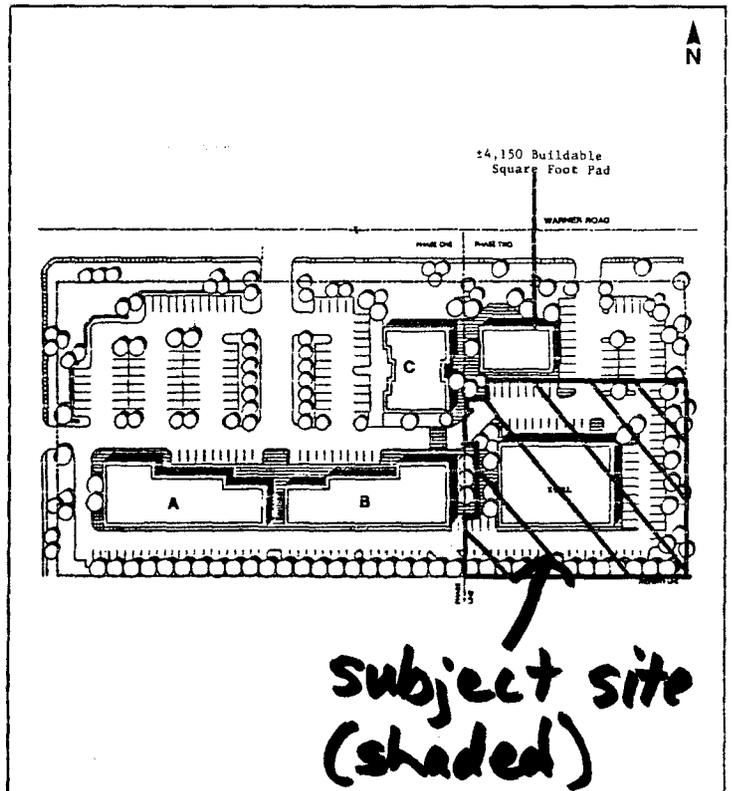
- Property Description:**
- Excellent street exposure
 - Strong traffic counts and demographics
 - Masonry block construction with a stucco finish
 - Three (3) single story buildings and one pad site
 - Excellent ingress/egress
 - Major retailers within one (1) mile are Target, Smitty's, Wal Mart and K-Mart

Occupancy: 20%

LOCATION MAP

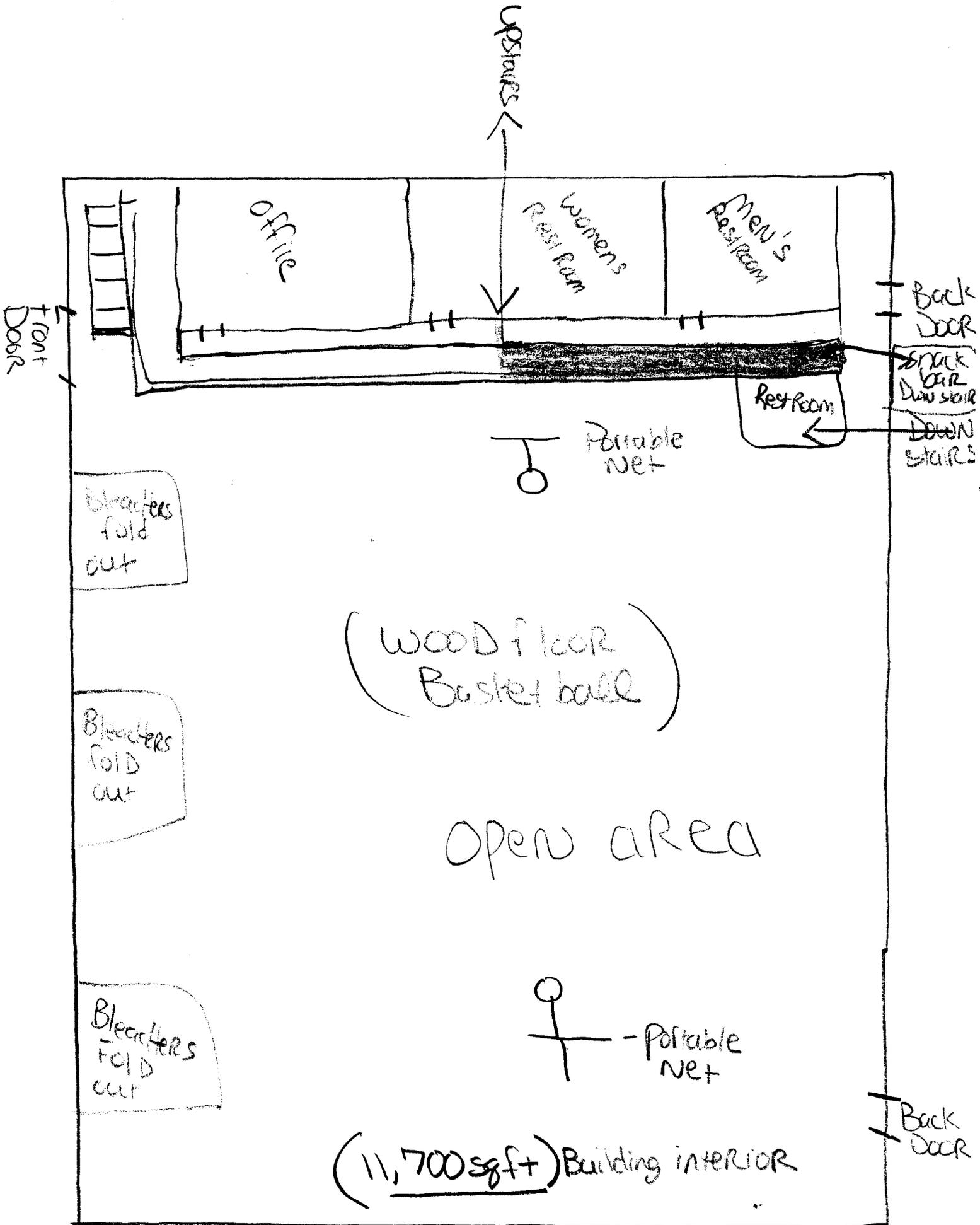


SITE PLAN



subject site (shaded)

↑
stiz tsoiduz
(hobarte)



ORDINANCE NO. 4089

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 (DVR08-0022 PALM COURT 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 Planned Area Development (PAD) to PAD Amended subject to the following conditions:

1. Development shall be in substantial conformance with the application materials, except as modified by conditions herein.
2. Compliance with the original conditions adopted by City Council through Ordinance No. 1849, in case Z87-0021 PALM COURT 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 & 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 ____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4089 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2008, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY GAB

PUBLISHED:

EXHIBIT "A"

That part of the Northeast quarter of Section 21, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

From the Northwest corner of the said Northeast quarter of Section 21;

Thence North 89 degrees 41 minutes 18 seconds East, along the North line of the said Northeast quarter of Section 21, a distance of 1058.27 feet to the Northeast corner of KNOELL CEDAR RIDGE, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 240 of Maps, page 15;

Thence South 00 degrees 18 minutes 42 seconds East, along the East line of said KNOELL CEDAR RIDGE, a distance of 55.00 feet;

Thence North 89 degrees 41 minutes 18 seconds East, parallel to and 55.00 feet Southerly from the North line of said Northeast quarter of Section 21, a distance of 431.00 feet;

Thence South 00 degrees 18 minutes 42 seconds East, a distance of 171.63 feet to the Point of Beginning;

Thence North 89 degrees 39 minutes 45 seconds East, a distance of 9.95 feet;

Thence North 44 degrees 39 minutes 45 seconds East, a distance of 48.08 feet;

Thence North 89 degrees 39 minutes 45 seconds East, a distance of 200.34 feet to a point on the West line of the East 254.00 feet of the Northwest quarter of the Northeast quarter of the Northeast quarter of Section 21;

Thence South 00 degrees 32 minutes 09 seconds East along the said West line, a distance of 186.11 feet;

Thence South 89 degrees 39 minutes 45 seconds West, a distance of 245.00 feet;

Thence North 00 degrees 18 minutes 42 seconds West, a distance of 53.11 feet;

Thence North 89 degrees 39 minutes 45 seconds East, a distance of 19.99 feet;

Thence North 00 degrees 20 minutes 15 seconds West, a distance of 86.03 feet to a point on a curve concave to the North and having a radius point bearing North 28 degrees 40 minutes 15 seconds West, a distance of 42.00 feet;

Thence Westerly 20.79 feet along the arc of said curve through 28 degrees 21 minutes 33 seconds of central angle;

Thence North 00 degrees 18 minutes 42 seconds West, a distance of 18.00 feet to the point of beginning.

END OF EXHIBIT "A"