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MAY 28 2009



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MEMORANDUM Planning and Development – CC Memo No. 09-055

DATE: MAY 13, 2009

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER 
 JEFF KURTZ, ACTING PLANNING & DEVELOPMENT DIRECTOR 

FROM: KEVIN MAYO, ACTING PLANNING MANAGER 

SUBJECT: DVR09-0002 TSYS WESTERN OPERATIONS CENTER

Request: Action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three year schedule for development or to cause the property to revert to the former Agricultural District (AG-1) zoning

Location: North of the northwest corner of Price and Queen Creek Roads

Applicant: John Werstler, CBRE

Project Info: 15-acre office/data center development

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval.

EXTENSION OF THE TIMING CONDITION

The application requests a time extension for an approximately 15-acre parcel located north of the northwest corner of Price and Queen Creek Roads. The Planned Area Development (PAD) zoning approval was granted for a period of three (3) years, which expired on January 12, 2009. The three-year extension would be calculated to begin from the previous approval's expiration date, resulting in an extension to January 2012.

The City has the following options when a zoning district's timing condition expires. The City could, by administrative action, extend the timing condition for another period of time, eliminate the timing condition, or by legislative action revert the zoning to its former zoning classification.

If the requested timing extension is approved, all other conditions in the original approval would remain in effect.

BACKGROUND

The subject site is located on Price Road in south Chandler within the South Price Road Employment Corridor as designated in the General Plan. The property is bordered on the west by the Gila River Community, on the south by the Wells Fargo office campus, and on the north by a vacant parcel. West, across Price Road, is the former Motorola campus. The approved PAD zoning and Preliminary Development Plan included an approximate 100,000 square-foot data center with an approximate 90,000 square-foot office building on the subject 15-acre site.

Staff supports the requested time extension for the PAD office/data center zoning finding it to continue to represent an appropriate land use with the surrounding South Price Road Employment area.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on 03/5/09 at the Chandler Community Center. No neighboring property owners attended the meeting.
- At the time of this writing, Staff is not aware of any opposition to this request.

PLANNING COMMISSION VOTE REPORT

Motion to approve:

In Favor: 7 Opposed: 0

RECOMMENDED ACTION

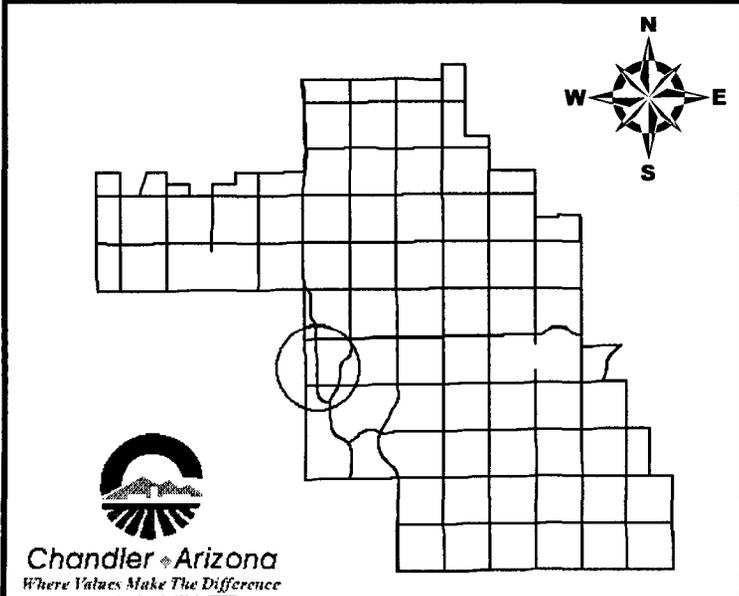
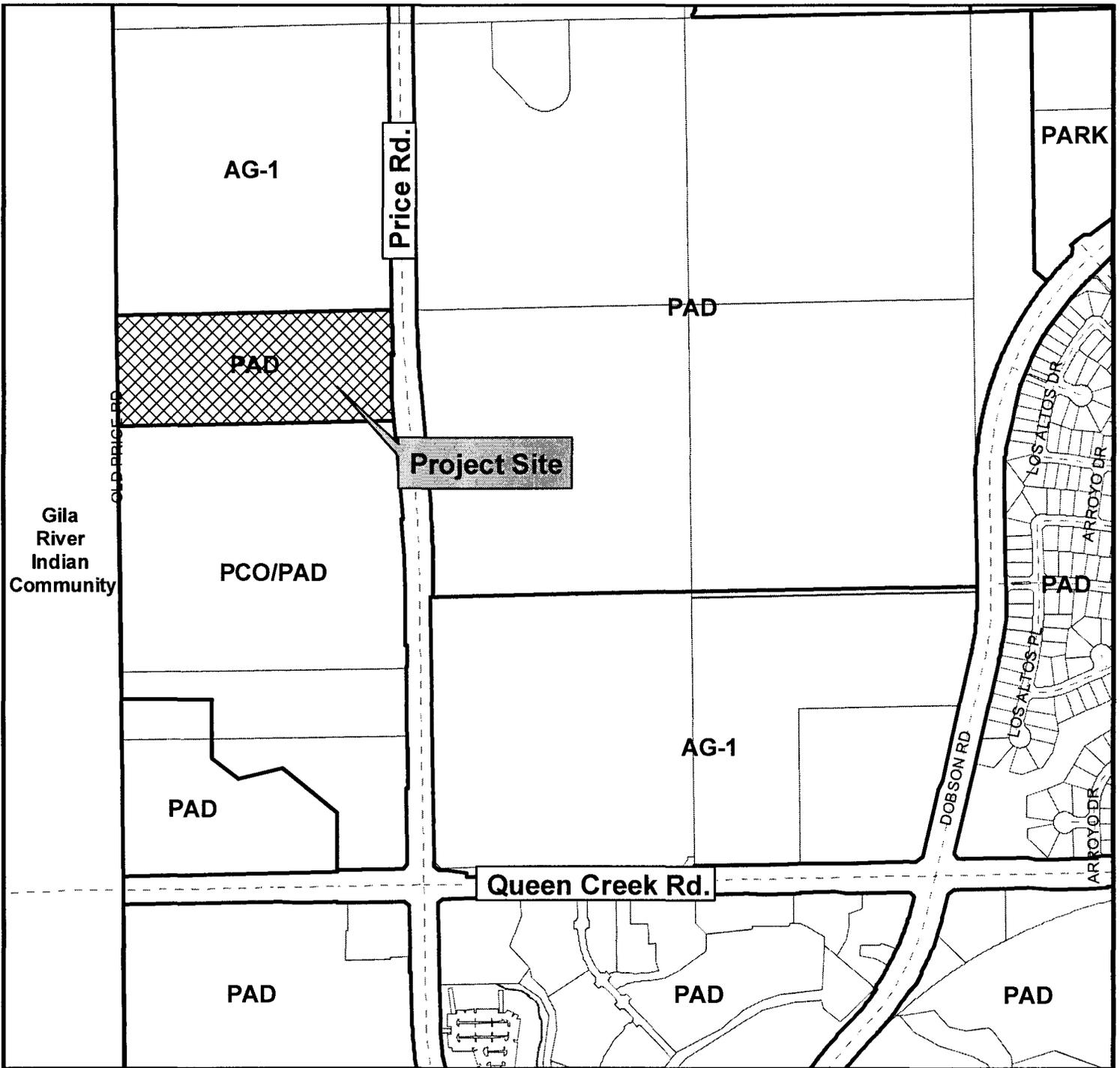
Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

Motion to approve the extension of the timing condition for case DVR09-0002 TSYS WESTERN OPERATIONS CENTER for an additional three (3) years, as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Site Plan
3. Ordinance No. 3740



Vicinity Map

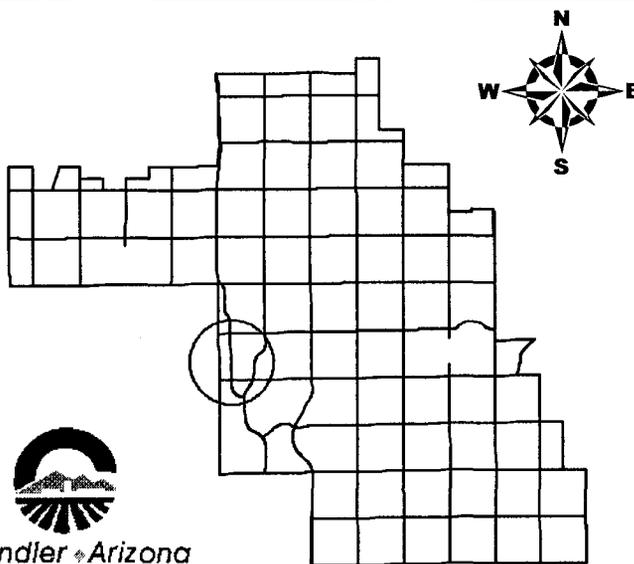


DVR09-0002

TSYS Western Operations Center



Vicinity Map



DVR09-0002

TSYS Western Operations Center



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APPROVED BY
CHANDLER CITY COUNCIL

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CITY CLERK'S OFFICE

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DEC 1 2 2005

ORDINANCE NO. 3740

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 TO PAD (DVR05-0036 T-SYS WESTERN OPERATIONS 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 AG-1 to PAD, subject to the following conditions:

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. 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.

3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. 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.
7. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "T-SYS Western Operations Center", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0036, except as modified by condition herein.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
10. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

11. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas. In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.
12. The north driveway shall be centered on the property line (coinciding with the existing median break) to be shared with the adjacent proposed development to the north.
13. The south driveway shall have a continuous deceleration lane as an extension of the existing deceleration lane for the Wells Fargo driveway to the south.
14. Pedestrian seating areas with interest features shall be provided in the open space.
15. Paving features shall be provided at the entry driveways and the pedestrian walkway areas in the parking lot.

EXHIBIT "A"

LEGAL DESCRIPTION

BEGINNING at the West quarter corner of Section 7, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence East (assumed bearing), along the East-West mid-section line of said Section 7, (also being the North line of Lot 3 of said Section 7), a distance of 1278.04 feet, to a point from which the Northeast corner of said Lot 3 bears East 50.00 feet, distant therefrom, said point also marking the beginning of a curve Southerly and being concave Easterly and from which the center of said curve bears South 89 degrees 30 minutes 20 seconds East 5702.22 feet distance therefrom;

Thence Southerly along the arc of said curve and along the Westerly right-of-way line of realigned Price Road, a distance of 402.93 (402.96 feet record);

Thence South 03 degrees 33 minutes 15 seconds East 105.77 feet;

Thence West leaving said right of way, being parallel with the said North line of Lot 3, a distance of 1299.76 feet, to a point on the Westerly line of said Section 7, and from which the Southwest corner of said Lot 3 bears South 0 degrees 29 minutes 45 seconds West 808.91 feet distant therefrom;

Thence North 0 degrees 29 minutes 45 seconds East 508.29 feet to the TRUE POINT OF BEGINNING.

LESS AND EXCEPT that certain 0.1076-acre parcel pursuant to the Final Order of Condemnation in favor of the City of Chandler filed June 3, 2003 in the Superior Court of the State of Arizona, County of Maricopa, recorded June 11, 2003 as Instrument 20030757693, Maricopa County Recorder's Office.