

#8

SEP 10 2009



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Where Values Make The Difference

MEMORANDUM

Planning and Development – CC Memo No. 09-098

DATE: AUGUST 24, 2009

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
PATRICK MCDERMOTT, ASSISTANT CITY MANAGER
JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR
KEVIN MAYO, ACTING PLANNING MANAGER

FROM: BILL DERMODY, SENIOR CITY PLANNER

SUBJECT: DVR09-0018 CAC CELL TOWERS
Introduction and tentative adoption of Ordinance No. 4181

Request: Amend Planned Area Development (PAD) zoning to revise condition prohibiting communication towers on Lot 13 of the Chandler Airport Center

Location: North side of Yeager Drive approximately 300 feet east of Cooper Road and immediately south of the Loop 202 Santan Freeway

Applicant: Verizon Wireless

Owner: Chandler Airport Center CAC, Inc.

RECOMMENDATION

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

BACKGROUND

The request is to rezone Lot 13 of the Chandler Airport Center from Planned Area Development (PAD) to PAD Amended in order to revise a condition prohibiting communications towers. The condition in question was originally applied to the entire 245-acre Chandler Airport Center master planned employment development on both sides of Cooper Road south of the Loop 202 Santan Freeway that was approved in 2005. The subject request would revise the condition for

only Lot 13 (19 acres) in order to lift the prohibition and allow consideration of communication towers by Use Permit.

The previously approved Condition No. 16 reads:

- 16. No television, communication towers or stand-alone antennas shall be constructed on the property. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and detailed in the Airport Layout Plans.*

The revised Condition No. 16 would read:

- 16. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and detailed in the Airport Layout Plans.*

Planning Commission and Staff find the rezoning request reasonable given that there are no negative impacts to aviation related activities. Removing the prohibition on communication towers does not prevent regulation of such towers, but rather allows them to be governed by the same City Code and Zoning Code provisions applied to other towers throughout the city.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on July 6, 2009 at the Chandler Municipal Airport. No citizens attended.
- At the time of this writing, Staff is not aware of any opposition.

AIRPORT COMMISSION

The Airport Commission reviewed the zoning amendment request in accordance with the Airport Conflicts Evaluation Process at their July 8, 2009 meeting. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found the subject request does not constitute a conflict with the existing or planned airport uses.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 5 Opposed: 0 Absent: 2 (McClendon, Veitch)

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and the Airpark Area Plan, recommend approval of DVR09-0018 CAC CELL TOWERS subject to the following conditions:

1. Substantial conformance with application materials kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0018, except as modified by condition herein.

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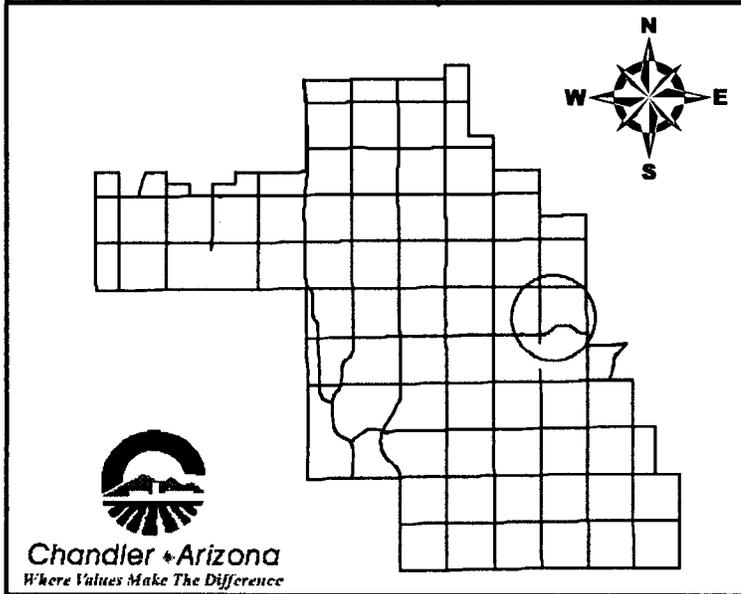
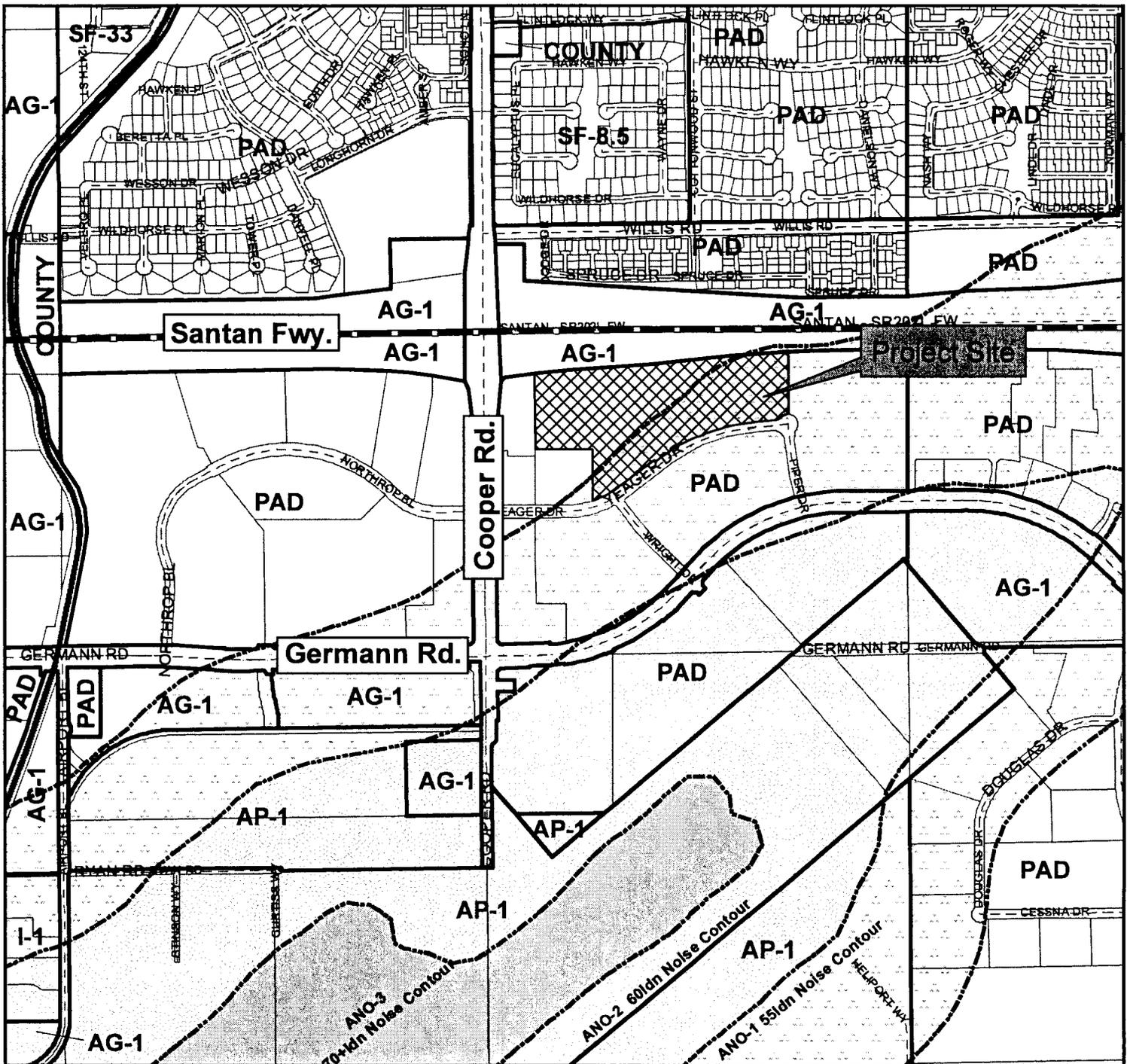
2. Compliance with the original stipulations adopted by the City Council as Ordinance No. 3673 in case DVR04-0037 CHANDLER AIRPORT CENTER, except as modified by condition herein.

PROPOSED MOTION

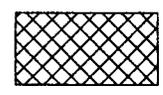
Move to introduce and tentatively adopt Ordinance No. 4181 approving amended Planned Area Development zoning in case DVR09-0018 CAC CELL TOWERS, subject to the conditions recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Ordinance No. 4181 (new)
3. Ordinance No 3673 (existing)

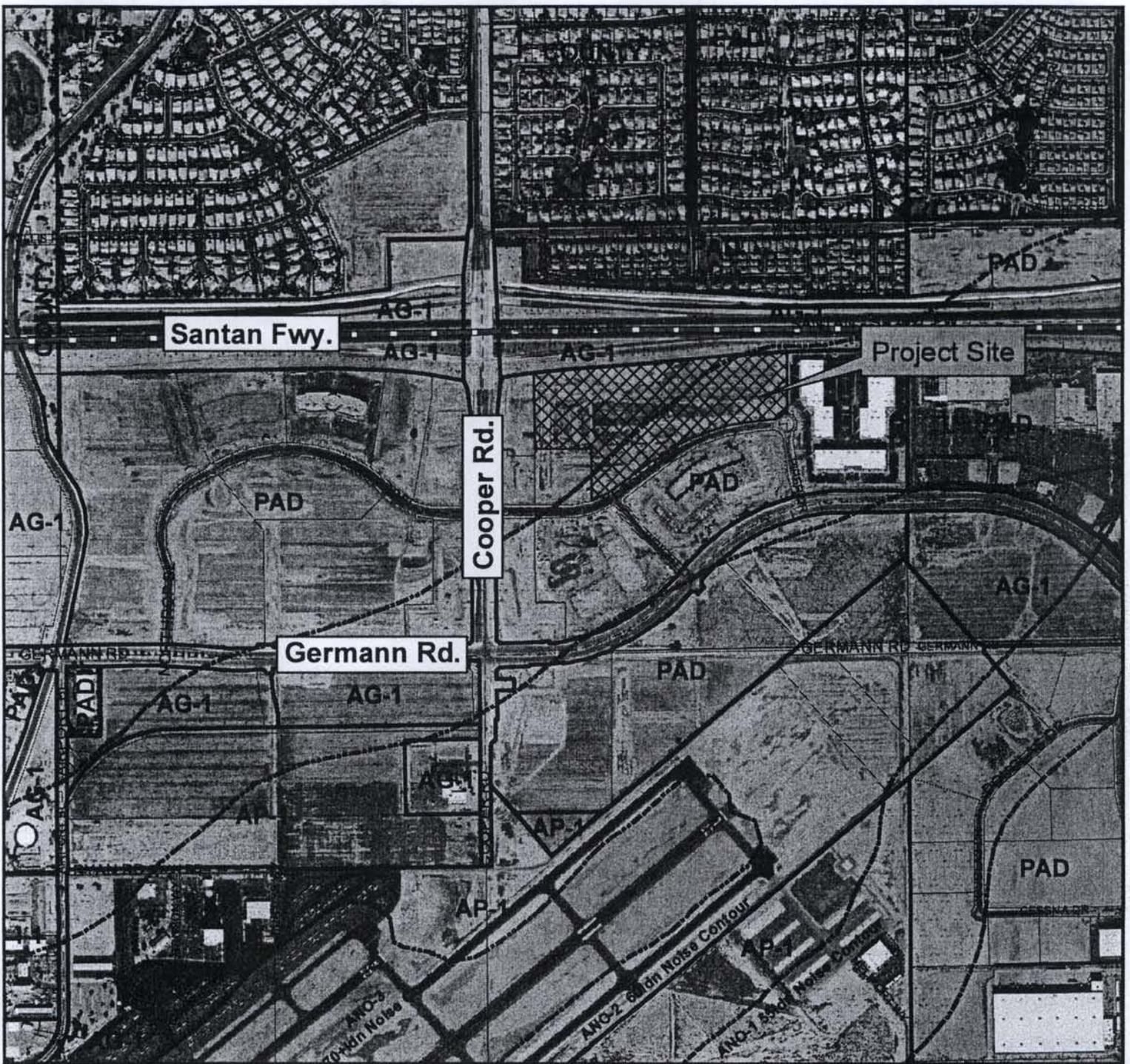


Vicinity Map



DVR09-0018

CAC Cell Towers



Vicinity Map



DVR09-0018

CAC Cell Towers

ORDINANCE NO. 4181

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD AMENDED (DVR09-0018 CAC CELL TOWERS) 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 PAD to PAD Amended, subject to the following conditions:

1. Substantial conformance with application materials kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0018, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance No. 3673 in case DVR04-0037 CHANDLER AIRPORT CENTER, except as modified by condition herein.
16. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and detailed in the Airport Layout Plans.

EXHIBIT "A"

Lot 3 of CHANDLER AIRPORT CENTER – PHASE 1, according to plat recorded in Book 858 of Maps, page 9, records of Maricopa County, Arizona;

EXCEPT the following described portion of said Lot 3:

BEGINNING at the Southwest corner of said Lot 3:

Thence North $00^{\circ}19'54''$ West (an assumed bearing) along the West line of said Lot 3 for a distance of 353.01 feet;

Thence South $89^{\circ}59'57''$ East for a distance of 355.14 feet;

Thence South for a distance of 325.54 feet to a point on a non-tangent curve concave to the North, the center of which bears North $18^{\circ}00'55''$ West a distance of 560.00 feet;

Thence Westerly along the arc of said curve through a central angle of $18^{\circ}00'55''$ for a distance of 176.08 feet;

Thence West for a distance of 179.90 feet to the POINT OF BEGINNING.

ORDINANCE NO. 3673

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) AND PLANNED AREA DEVELOPMENT (PAD) MIXED USE COMMERCIAL AND INDUSTRIAL USES TO PLANNED AREA DEVELOPMENT (PAD) LIGHT INDUSTRIAL, OFFICE, COMMERCIAL AND AIRPORT USES WITH A MID-RISE BUILDING OVERLAY (DVR04-0037 CHANDLER AIRPORT 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 with a Mid-Rise Building Overlay, 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. The development shall provide additional landscaping to include one (1) 24-inch box tree and three (3) 5-gallon shrubs for every 20 feet of freeway frontage to be installed in the freeway right-of-way.
7. 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.
8. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Airport Center Zoning Application", kept on file in the City of Chandler Planning Services Division, in File No. DVR04-0037 Chandler Airport Center, except as modified by condition herein.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a Chandler Airpark Center property owners' association.
10. 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.
11. 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.
12. 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.

13. The development shall provide sound attenuation measures in accordance with ADOT standard details and requirements excepting any decibel reductions or sound attenuation credits for the use of a rubberized asphalt-paving surface. Any noise mitigation if required is the responsibility of the development.
14. Monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
15. The uses within the Office/Light Industrial with Airport Access area shall be allowed under the following criteria. For the purposes of the stipulation, the following definitions are used:

Airpark – Those areas outside of the airport property being adjacent to and/or having direct access to paved taxi lanes and appropriate taxi lane safety areas which allow aircraft access to the airport runway/taxiway system through the crossing of the airport property line.

Airport – Those areas that are bordered by and are interior to the airport property line. Said property contains the runway/taxiway system.

Runway/Taxiway system – The areas within the airport property consisting of paved areas designated for the take-off, landing, parking, taxiing or other movement of fixed wing and rotary wing aircraft.

PROHIBITED USES

The uses prohibited within the airpark area include any activity that provides aeronautical services to the public in direct support of aircraft operations, maintenance, and service/repair.

PERMITTED USES

The uses permitted within the airpark area are those uses allowed under the I-1 zoning district, excepting those more airport intensive prohibited uses identified above. Permitted uses are generally described as transitional uses that are less airport intensive uses such as offices or businesses that use aircraft as part of the office or business. These businesses may self-fuel, maintain, or repair their own aircraft in accordance with the Airpark Rules and

Regulations. Uses which require access between the Airport and Airpark require an Airport access permit.

16. No television, communication towers or stand-alone antennas shall be constructed on the property. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and detailed in the Airport Layout Plans.
17. Developer acknowledges that City does not guarantee the actual physical connection of the property from the Airpark area to the airport area. The Developer has the option to construct the on-airport taxiway connection subject to a Development Agreement.

Since zoning cannot guarantee or provide access to the airport, said access needs to be addressed through a development agreement. Developer understands and agrees that no right of access to any part of the Chandler Municipal Airport, including any of its taxiways or runways, accrues to or runs with any of the land that is subject to this zoning, including the airpark, as a consequence of this zoning. An owner or occupier of any portion of the airpark may apply to the City for permission to access and use the on-airport taxiways or runway. However, the decision to grant such permission shall be in the sole discretion of the City, and in no event, shall the granting of such permission constitute a right of access running with the permittee's property at the airpark.

18. The developer acknowledges that the hangar portion of the buildings in the Airpark area will not be for aeronautical services to the public, and that a certificate of occupancy needs to be obtained before the hangar can be utilized. In addition, each development with intended aircraft hangar construction must provide a paved aircraft-parking apron adjacent to the hangar and the taxiway safety area. Said area must be of sufficient size to be equal to or less than the square footage of the aircraft hangar.
19. All development shall comply with the approved FAR Part 150 Noise Compatibility Study and specifically sound proofing the buildings to achieve a 25- to 30-db reduction within the applicable noise contours.
20. A separate comprehensive sign package for the buildings shall be required at the time the first Preliminary Development Plan (PDP) is submitted.
21. The trail connection from the Paseo Canal to the central portion of the site shall be integrated with the development as each PDP application is reviewed.

SECTION II. Except where provided, nothing contained herein shall be construed to be and 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 14th day of April 2005.

ATTEST:


CITY CLERK


MAYOR



PASSED AND ADOPTED by the City Council this 28th day of April 2005.

ATTEST:


CITY CLERK


MAYOR



CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3673 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 28th day of April 2005, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED in the Tribune on May 4 & 11, 2005

Legal Description Chandler Airport Center

Job No. 03-043

Revised March 22, 2005
May 22, 2004

PARCEL NO. 1:

That portion of the Southwest quarter of Section 1, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa country, Arizona described as follows:

COMMENCING at the Southwest corner of Southwest quarter of said Section 1: thence North (an assumed bearing), along the West line of said Southwest quarter, 1759.72 feet to the POINT OF BEGINNING;

Thence N85°43'20"E, 1867.893 feet; thence N85°43'20"E, 601.33 feet; thence N89°32'11"E, 177.31 feet to a point on the East line of said Southwest quarter; thence S00°11'09"W, along said East line, 594.58 feet to the Southeast corner of the North half of said Southwest quarter; thence S89°21'14"W, along the South line of the North half of said Southwest Quarter, 2637.82 feet to the Southwest corner of the North half of said Southwest quarter; thence North, along the West line of said Southwest quarter, 438.60 feet to the POINT OF BEGINNING.

PARCEL NO. 2:

Farm Unit "E" or the Southwest quarter of the Southwest quarter of Section 1, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO. 3:

Farm Unit "F" or the Southwest quarter of the Southwest quarter of Section 1, Township 2 South, Range 5 East of the Gila and Salt River base and Meridian, Maricopa County, Arizona;

EXCEPT COMMENCING at the South quarter corner of said section 1; thence N0°05'11"W along the North-South midsection line of said Section 1, 33.00 feet to the POINT OF BEGINNING.

Thence S89°05'06"W along a line of 33.0 feet North of and parallel to the South line of the said Southwest quarter Section 1, 666.777 feet (record) 666.26 feet (calculated measured); thence N49°39'54"E, 834.73 feet (record), N49°56'20"E 834.72 feet (calculated measured); thence S40°20'06"E, 45.81 feet (record) 45.79 feet (calculated measured) to a point on the aforesaid North-South midsection line of said Section 1; thence S0°05'11"E along said North-South midsection line, 494.72 feet to the POINT OF BEGINNING.

PARCEL NO. 4:

The Northwest quarter of Section 12, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;