



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM Planning and Development – CC Memo No. 09-113

DATE: SEPTEMBER 9, 2009

TO: MAYOR AND CITY COUNCIL

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

FROM: BILL DERMODY, SENIOR CITY PLANNER ^{BD}

SUBJECT: DVR09-0020 CALABRIA

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: Southwest corner of Cooper Road and Brooks Farm Road

Applicant: Effistrustructure Residential, LLC

Owner: IOTA Copper LLC

Project Info: Single family subdivision with 47 custom lots on 30 acres, minimum lot size 16,100 square feet, density of 1.52 dwelling units per acre

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval of extending the timing condition for an additional three (3) years.

EXTENSION OF THE TIMING CONDITION

The application requests a time extension for an approximately 30-acre parcel located at the southwest corner of Cooper Road and Brooks Farm Road. The Planned Area Development

(PAD) zoning approval was granted for a period of three (3) years, which expired on July 27, 2009. The three-year extension would be calculated to begin from the previous approval's expiration date, resulting in an extension to July 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 property is a palm tree farm. To the south are a farm house and narrow farm field, and single family homes surround the property in all other directions. The site received its zoning and Preliminary Development Plan (PDP) approval in 2002. The zoning was extended in 2003 and 2006.

No changes have been made to the development plans that were approved by Council in 2002. The custom single-family subdivision has 47 lots at a density of 1.52 dwelling units per acre. All lots are proposed to be over 16,000 square feet in size and at least 120 feet wide and 135 feet deep.

A brush/tree fire occurred on the property in 2009 that burned some of the palm trees.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on August 21, 2009. Two citizens attended to express concerns about property maintenance.
- Two neighbors have contacted staff with concerns about site maintenance. One of the neighbors is opposed to the zoning extension, with the opinion that all site maintenance issues should be resolved before any city approvals are granted. The City's Code Enforcement Division has an active case on the property and is concurrently pursuing enforcement. The applicant has indicated that cleanup was scheduled for the week of August 31- September 4.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 7 Opposed: 0

RECOMMENDED ACTION

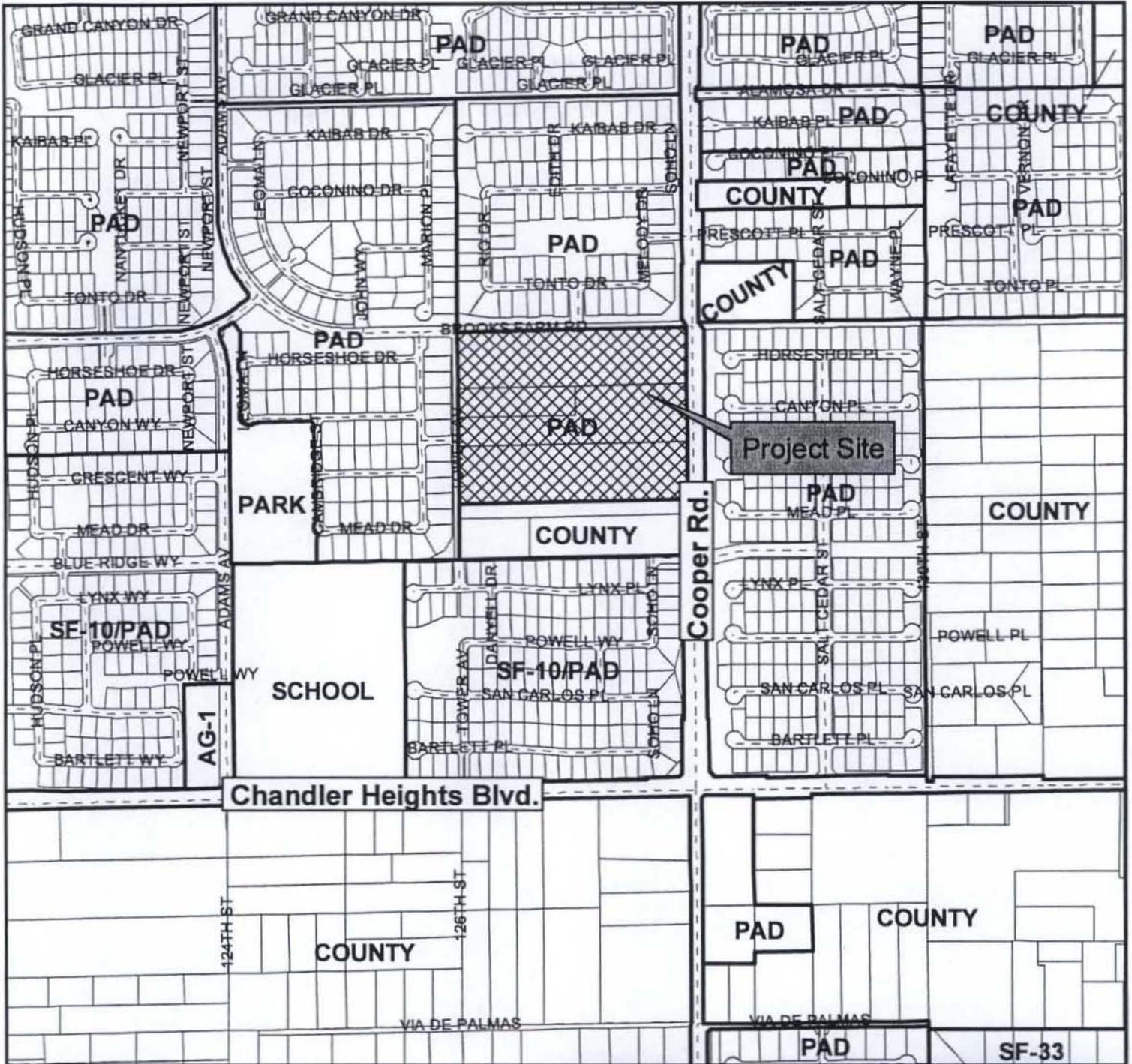
Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

Move to approve the timing condition for case DVR09-0020 CALABRIA for an additional three (3) years, in which the zoning would be in effect until July 2012, with all of the conditions in the original approval remaining in effect as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Site Plan
3. Ordinance No. 3401



Chandler Heights Blvd.

Vicinity Map



DVR09-0020
Calabria





Vicinity Map



DVR09-0020

Calabria



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ORDINANCE NO. 3401

OFFICIAL FILE COPY
CITY OF CHANDLER
CITY CLERK

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM COUNTY R-43 ZONING TO INITIAL CITY ZONING PAD (RESIDENTIAL) (DVR02-0028 CALABRIA) 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 County R-43 Zoning to Initial City Zoning PAD (Residential), subject to the following conditions:

1. 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.

Note:

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 Calabria development shall use treated effluent to maintain open space, common areas, and landscape tracts.

2. Right-of-way dedications to achieve full half widths for all streets, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
5. 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.
6. 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.
7. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Calabria" kept on file in the City of Chandler Planning Services Division, in File NoDVR02-0028, except as modified by condition herein.
8. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' 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. The homes shall have all copper plumbing for those lines under water pressure.

SECTION II. Except where provided, nothing contained herein shall be construed to be and abridgment of any other ordinance of the City of Chandler.

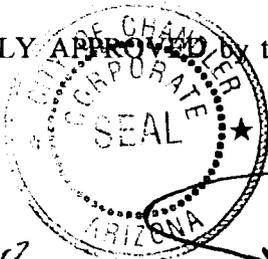
SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 26th day of September 2002.

ATTEST:

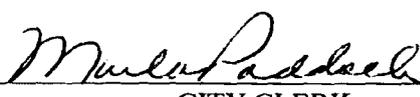

CITY CLERK


MAYOR



PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this 10th day of October 2002.

ATTEST:

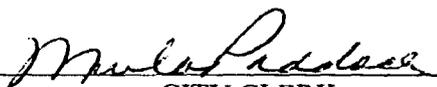

CITY CLERK


MAYOR



CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3401 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 10th day of October 2002, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED:

EXHIBIT "A"
DESCRIPTION
SWC BROOKS FARM & COOPER

That portion of the Northeast quarter of the Southeast quarter of Section 23, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the northeast corner of said Southeast quarter;

Thence South 89 degrees 14 minutes 38 seconds West along the north line of said southeast quarter a distance of 33.00 feet to the **POINT OF BEGINNING**.

Thence South 00 degrees 00 minutes 00 seconds East along the west line of the east 33.00 feet of said Southeast quarter, a distance of 330.02 feet;

Thence North 89 degrees 14 minutes 17 seconds East a distance of 33.00 feet to the east line of said Southeast quarter;

Thence South 00 degrees 00 minutes 00 seconds along the east line of the southeast quarter, a distance of 330.01 feet;

Thence South 89 degrees 13 minutes 56 seconds West a distance of 33.00 feet to the west line of the east 33.00 feet of said southeast quarter;

Thence South 00 degrees 00 minutes 00s East along said west line, a distance of 165.01 feet;

Thence North 89 degrees 13 minutes 46 seconds East a distance of 33.00 feet to said east line;

Thence South 00 degrees 00 minutes 00 seconds East along said east line a distance of 165.01 feet to the southerly line of the south half of the north half of the south half of the northeast quarter of said southeast quarter;

Thence 89 Degrees 13 Minutes 35 Seconds West along said southerly line a distance of 1327.89 feet to the westerly line of the easterly half of said southeast quarter;

Thence North 00 degrees 01 minutes 16 seconds East along said westerly line a distance of 660.32 feet;

Thence North 89 degrees 14 minutes 17 seconds East a distance of 16.00 feet;

Thence North 00 degrees 01 minutes 16 seconds East along a line parallel with and 16.00 feet easterly of said westerly line a distance of 330.15 feet to the north line of said southeast quarter;

Thence North 89 degrees 14 minutes 38 seconds East along said north line, a distance of 1278.52 feet to the **POINT OF BEGINNING**.

The above described parcel contains 29.68 acres more or less.

This description is based upon an A.L.T.A./A.C.S.M. Land Title Survey for Vanderbilt Farms prepared by Brady, Aulerich & Associates, Inc. Dated 7/27/00, Job No. 000614 and is not the result of a land survey by CMX.

Prepared by: CMX, L.L.C.
Project No. 6720
July 1, 2002



Paul M. Sowers