

STAFF ANALYSIS – SUB16-07

REQUEST

Maricopa Grand Professional Village (MGPV) Final Plat Amendment - Re-plat (SUB)16-07: Steve Durkee on behalf of Durkee and Company, LLC is requesting approval to amend existing final plat, Document No. 2011- 029310, Cabinet D, Slide 130, Records of Pinal County for Maricopa Grand Professional Village office condominiums. The new proposal will divide the total 9.85 acres parcel basically into two lots; 6.79 acres, which will include nine buildings (condominiums) and Tract A (common areas) retained by Maricopa Grand Professional Village, and 3.06 acres for Tract B (exception parcel), to be sold to Camino Montessori Charter School. This site is located at the northeast corner of Smith-Enke Road and Desert Greens alignment and encompasses approximately 9.85 acres (gross). The site is generally surrounded by residential homes and a small commercial corner to the south (Porter/Smith-Enke Roads). The current zoning designation is “CB-2” General Business Zone. The MGPV site also has a 2006 Council approved site plan SPR05-26. In 1988, the site was zoned “CB-2” General Business Zone under case number PZ-09-88 by Pinal County, Arizona.

PROJECT INFORMATION

Property Owner:

Steve Durkee
Durkee and Company, LLC
44030 W. Stonecreek Road
Maricopa, AZ 85139

Zoning: CB – 2 General Business Zone

Site Location Map:



Background and Request:

As submitted, the proposed re-plat of Maricopa Grand Professional Village with a total land area of 9.85 acres will be divided into 6.79 acres, to include nine (9) buildings (condominiums) and Tract A (common areas) retained by MGPV, and the other 3.06 acres Tract B (exception parcel) will be sold to Camino Montessori Charter School.

In 2006, the City Council approved a site plan for MGPV under case number SPR05-26, and according to the narrative submitted, the proposed office condominiums will be divided into smaller units to be leased or sold. These units are expected to be occupied by accounting firms, attorney's office, insurance companies, financial planners, mortgage companies, doctors, dentists and other professionals, but predominantly medical uses. The office condominiums are subject to the declaration of covenants, conditions, and restrictions ("CC&R's" or "declaration") and governed as such. Mr. Steve Durkee, the applicant is the current Owner/Declarant of MGPV Village condominiums.

In 2008, the City Council approved the final plat (Document No. 2008-074725 Records of Pinal County). Due to the recession and the market conditions, the site was not fully developed. However, in 2011 Pinal County acquired two buildings (Building # 15 and #16) and combined them into one building (11,600 square feet), to open the Pinal County Health Clinic on this site. The building architectural design and elevations were compatible and consistent with Council approved SPR05-26. The change necessitated the final plat to be amended and was re-recorded under Document No. 2011- 029310, Cabinet D, Slide 130, Records of Pinal County. Over the years, this site was owned and operated by various entities.

In March 2016, staff met with the applicant, Mr. Steve Durkee, to discuss his proposal to break up the 9.85-acre site and sale a portion (3.06 acres) to Camino Montessori Charter School. It was decided the existing final plat would require an amendment to separate the uses (office & school). In addition, Mr. Durkee as the Declarant, will also need to amend the existing covenants, conditions, and restrictions (CC&R's) so the exception parcel is exempt from the C,C,& R's. At the time of writing this report, the C,C,&R's has been amended and agreed upon by participating parties. A copy of the recorded C,C,& R's shall be provided to the City for filing and record.

After the amendment and approval by the City Council of the existing final plat (re-plat), to separate Tract B for the school site, the re-plat will be duly recorded with Pinal County Recorder Office. Tract B will then be able to function independently and will go through a separate City site planning process/application requirement for charter schools.

To ensure consistency and compatibility, the MGPV condominium, including Tract A (6.79 acre) will be subject to City Council approved site plan SPR 05-26 and all the stipulations therein.

All public roadway and infrastructure improvements bordering MGPV (not Tract B) have been completed and existing. In addition, the applicant has agreements in place with private utility providers - among others, water and sewer facilities to the site.

This proposed re-plat has been reviewed by staff in the Planning, Fire and Engineering Divisions and is found to be in substantial conformance with the City of Maricopa Codes and Policies.

Staff recommends that the Mayor and City Council approve the replat for Maricopa Grand Professional Village, case number SUB16-07, subject to the Conditions of Approval stated below, which also includes notes from the existing final plat.

SUB16-07 Maricopa Grand Professional Village Re-plat: Conditions of Approval

NOTES as Conditions to Approval:

1. The purpose of this Re-Plat is to show the following changes:
Removal of the property identified as Tract B hereon from the Condominium
Deletion of Buildings 3, 4, 5, 6, 7, and 8 and all units contained therein
Location, layout, and total of the parking spaces located within the condominium
Abandonment of portions of the water easement related to Tract B.
2. All portions of this condominium other than the units shall be common elements within the Condominium.
3. This Condominium shall be subject to the Second Amended Condominium Declaration for the Maricopa Grand Professional Village, a Condominium, to be recorded following the recording of this plat. A copy of the recorded document shall be provided to the City of Maricopa for its record.
4. This plat contains all of the information required to be set forth on this plat by ARS 33-1213.
5. City of Maricopa is not responsible for and will not accept maintenance of any private streets, private utilities, private facilities and landscaped areas, etc. located within the Condominium, except as required under the Declaration as owner of Building 10. All of the aforementioned improvements shall be owned and maintained by the Maricopa Grand Professional Village Condominium Association or Private Utilities.
6. No Structures of any kind may be constructed in or across nor shall other improvements or alterations be made to the drainage facilities of the Condominium without written authorization of the City of Maricopa.
7. All Retention Basins within the Condominium must drain any storm event up to and including the 100 year 2-hour storm within 36 hours. Should any basin fail to meet this requirement the Association must take corrective action to bring the basin into compliance.
8. All drywells within the Condominium shall be maintained by the Maricopa Grand Professional Village Condominium Association and are to be replaced or repaired when they cease to drain the surface water in a 36-hour period. Regular maintenance of the drywell silting chamber s required to achieve the best operation of the drywell.
9. Construction within the utility easements, except by public agencies and utility companies, shall be limited to the utilities, and wood, wire or removable section type fencing unless otherwise approved by the City of Maricopa.
10. Utility lines are to be constructed underground as required by Arizona Corporation Commission General Order R (42)33.
11. The Building Unit Numbers Shown on this Plat are not the same as the Building Suite Numbers Provided in the Declaration as Buildings have multiple Suites.
12. The Parking Shown on this Plat is shared parking amongst the buildings except as defined or may be amended under the Declaration for the Association. Should spaces be assigned separately the Association or the Declarant must seek City approval as parking calculations have been based on shared parking.
13. The area platted hereon is approved and lies within the Global Water Service Area of the City of Maricopa which is designated as having an assured supply in accordance with ARS 45-576.
14. Developer/Owner shall be responsible for providing full improvements adjacent to Building # 9 identified in the site plan/re-plat document. The improvements will be required at the time when any new building is constructed on the site (parcels), and prior to issuance of any building permits.

15. Developer/Owner shall be responsible for providing and maintaining current fire access and necessary improvements required for full fire access, currently located adjacent to, and east of Building #10 per Fire Department Specifications.
16. Any proposed signage within the Condominium, including but not limited to wall signs, flags, pennants, banner signs, portable signs, etc., shall adhere to the adopted Comprehensive Sign Plan approved for the development (SGN 09-08).
17. As per the Second Amended Declaration, the Maricopa Grand Professional Village Condominium Association shall ensure architectural design and site landscaping within the Condominium shall be consistent and compatible with the existing buildings/structure and landscaping on the site, and as approved by the City Council with the original site plan SPR05-26 unless further amended by consent of both the Association and the City of Maricopa.
18. Any discrepancies, errors or omissions in the documents submitted by the Developer/Owner related to this proposed Re-plat amendment, shall be corrected and resolved prior to issuance of any building permits.
19. For avoidance of doubt all future plans, approvals, or construction of any improvements to Tract B, which has been removed from the Condominium under this Amended Re-Plat shall be subject to the conditions set forth by the City of Maricopa as required by City Code and be subject to a separate approval processes prior to start of construction.