



**MEMORANDUM**                      **Transportation & Development - CC Memo No. 12-079**

**DATE:**            JULY 6, 2012

**TO:**                MAYOR AND CITY COUNCIL

**THRU:**            RICH DLUGAS, CITY MANAGER *RD*  
                         PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *PM*  
                         R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*  
                         JEFF KURTZ, PLANNING ADMINISTRATOR *JK*  
                         KEVIN MAYO, PLANNING MANAGER *KM*

**FROM:**            ERIK SWANSON, CITY PLANNER *ES*

**SUBJECT:**        DVR12-0014 STELLAR BUSINESS CENTER  
                         Introduction and Tentative Adoption of Ordinance No. 4382

Request:           Rezoning from Planned Area Development (PAD) for a business park to PAD Amended for additional uses within an existing 11-acre business park

Location:           4320-4360 W. Chandler Boulevard,  
                         West of the northwest corner of Chandler Boulevard and Juniper Drive

Applicant:         Ed Bull; Burch & Cracchiolo, P.A.

**RECOMMENDATION**

The request is for Rezoning from PAD for a business park to PAD Amended for additional uses within the business park. Planning Commission and Staff, upon finding consistency with the General Plan and PAD zoning, recommend approval with conditions.

**BACKGROUND**

The subject site is located west of the northwest corner of Chandler Boulevard and Juniper Drive, within the western portion of the larger 30-acre Stellar Business Park development. Immediately north is vacant land that was approved for a self-storage facility; east is vacant land currently planned for office development. West is the Desert Breeze police and fire substations. South, across Chandler Boulevard are the Stellar Airpark Estates residential community and the Stellar Airpark airfield.

The 11-acre, 5-building subject site was initially zoned in 2001 for office and industrial uses as part of the larger 30-acre Stellar Business Park. At the time of approval, a lengthy list of permitted and prohibited uses was approved specifying the allowed types of users. In 2005, the list of uses was amended to further clarify what types of users were allowed within the 30-acre development. The current request is to further amend the list of permitted uses, specifically for the subject site.

Current zoning allows for a variety of office/showroom/warehouse and industrial type uses; however prohibiting what is regarded as more intense type industrial users such as outdoor storage of materials and equipment, and various manufacturing operations that could be deemed offensive. For all intents and purposes the subject site operates generally like an office business park. The request is to amend the allowed uses to include: 1) fitness/personal training/athletic training type facilities, and 2) bank and/or credit union type operations with an ancillary customer service component.

In recent months, Staff has seen an increased interest in providing “boot-camp” style and specialized sport/athletic training facilities. Historically, Staff has opposed these types of uses when located in larger industrial business parks where concerns in incorporating commercial type operations within industrial operations exist such as traffic, and land use conflicts. In this particular situation, Staff is comfortable with the amended use citing that the business park operates largely like a commercial business park allowing for retail/showroom/warehousing/ and office uses. Additionally, due to the nature of the business park, parking is addressed and can accommodate the additional uses. Furthermore, “boot-camp” type training facilities are usually restrictive when it comes to the hours of operation, number of clients, size of the business, and often is appointment based, further restricting the ability for a large amount of traffic, which historically has been one of Staff’s concerns. Large gym operations such as a Mountainside Fitness would be prohibited.

Additionally, Staff supports the use of the bank and/or credit union type operations with an ancillary customer service component. While general office is a permitted use within the business park, the applicant requested that additional language be introduced to allow specifically for the bank type operations. The intent of the bank operations use is not to allow a local bank branch, but rather a more specialized component of a bank operation such as the mortgage arm of the branch or the customer service component. The ancillary customer service component allows for the ability to provide an ATM or crediting services where required by FDIC regulations and would be contained internal to the building. Drive-thru ATM’s will be prohibited. Staff is supportive of the additional use for the bank operations, as it will operate more like an office than a stand-alone bank, which addresses Staff’s concern of parking and the commercial nature of stand-alone banking institutions.

#### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

- A neighborhood meeting was held on Thursday, May 31, 2012. Three neighbors were in attendance. Two of the neighbors are the adjacent property owners to the north; the third

neighbor was a representative of the homeowner's association to the west. No opposition was expressed at the meeting.

At the time of this writing, Staff has received one telephone call from a resident of the Wild Tree single-family residential subdivision to the west. The resident was supportive of the request, however was concerned about the fitness users utilizing the parking lot for exercise activities. Staff assured the property owner that fitness activities would be prohibited outdoors.

**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 and PAD zoning, recommend approval of DVR12-0014 STELLAR BUSINESS CENTER, subject to the following conditions:

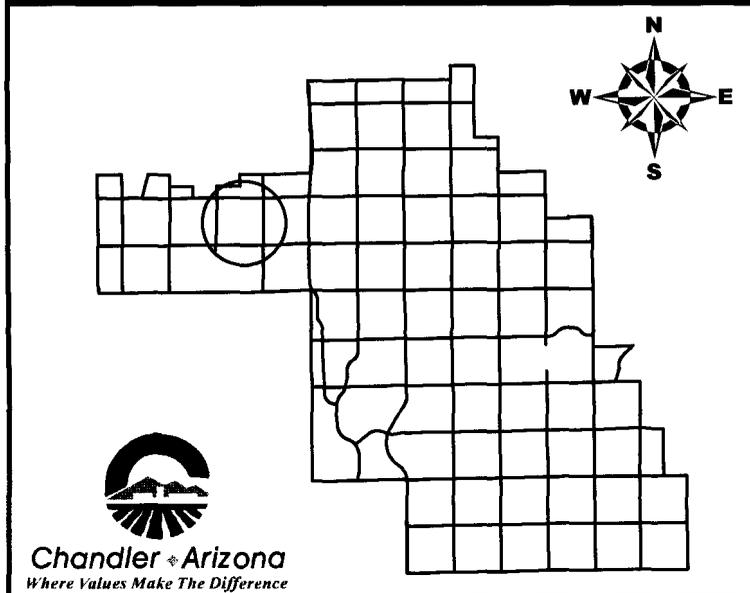
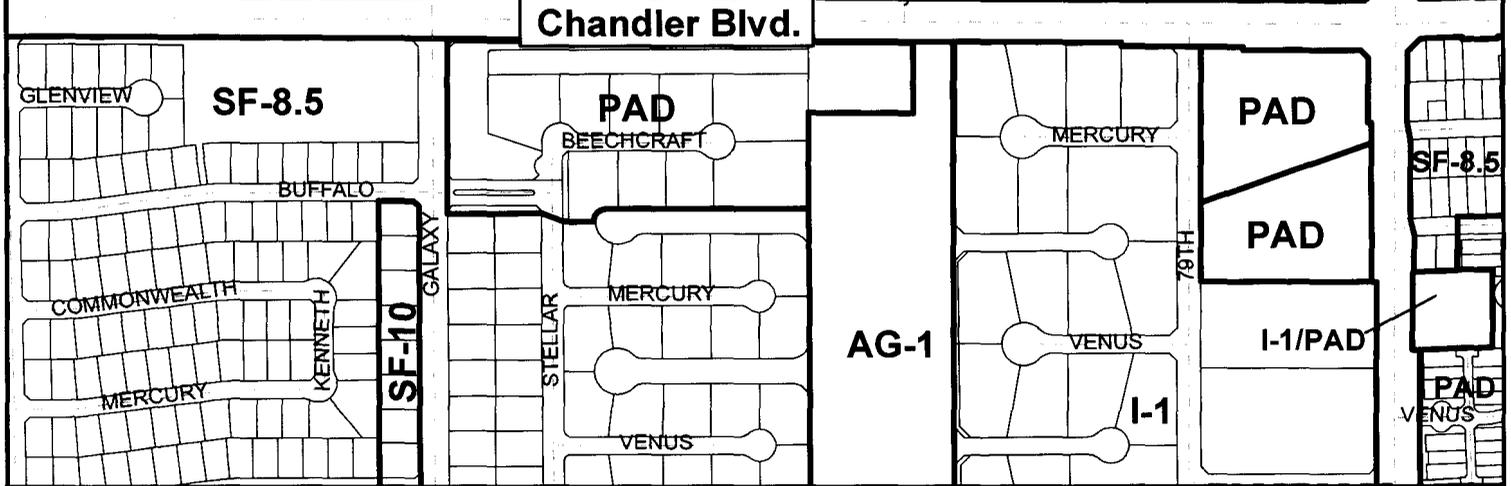
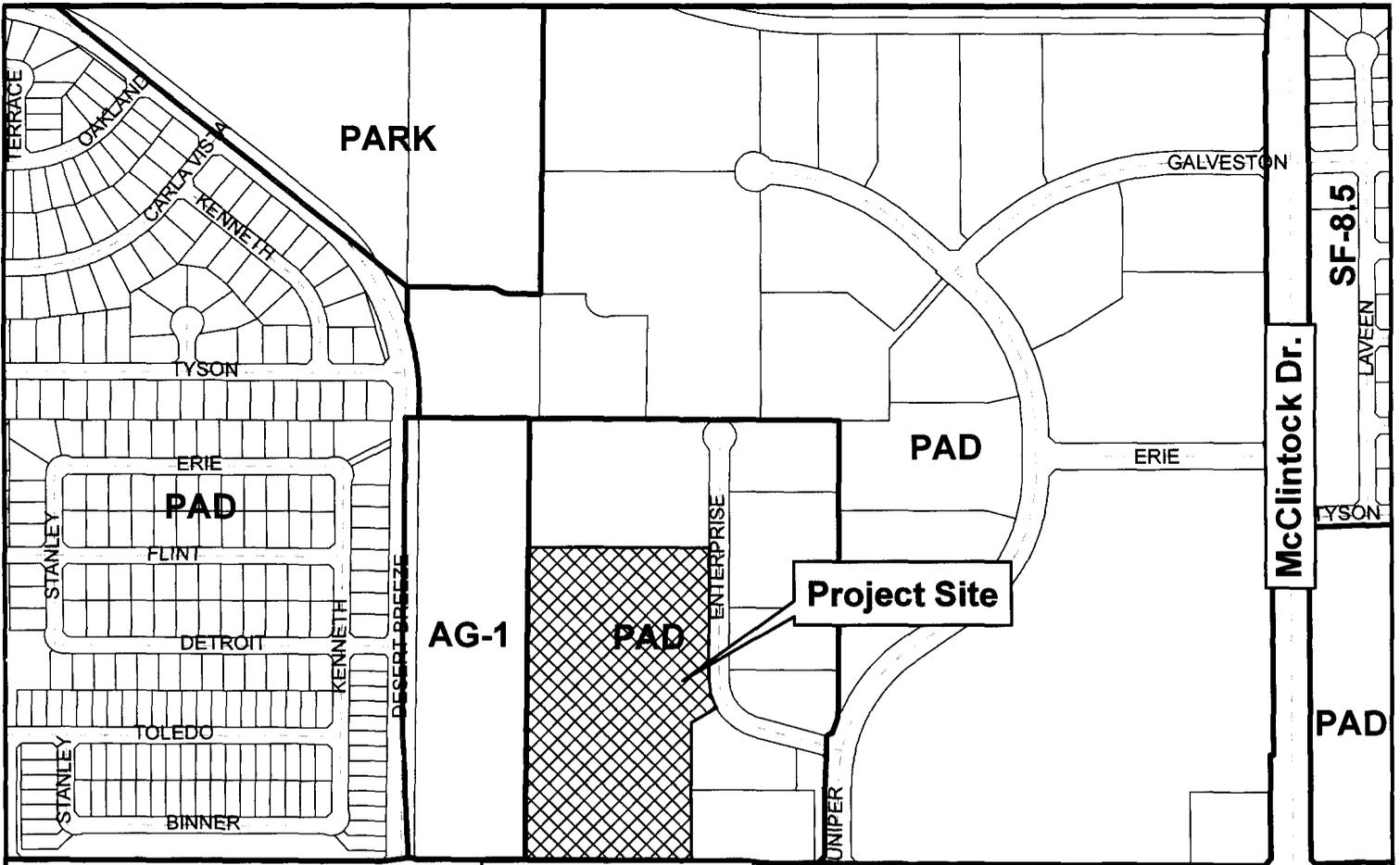
1. Compliance with original conditions adopted by the City Council as Ordinance Nos. 3301 and 3761 in cases DVR01-0021 STELLAR BUSINESS PARK and DVR05-0049 STELLAR BUSINESS PARK, except as modified by condition herein.
2. Drive-thru bank operations shall be prohibited.
3. Large-scale gymnasiums shall be prohibited.
4. Fitness activities shall be restricted to indoors only.

**PROPOSED MOTION**

Move to introduce and tentatively adopt Ordinance No. 4382 approving DVR12-0014 STELLAR BUSINESS CENTER, Rezoning from PAD to PAD Amended; subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

1. Vicinity Maps
2. Site Plan
3. Ordinance No. 3301
4. Ordinance No. 3761
5. Ordinance No. 4382
6. Applicant Narrative



## Vicinity Map



**DVR12-0014**

**Stellar Business Center**

CITY OF CHANDLER 4/24/2012



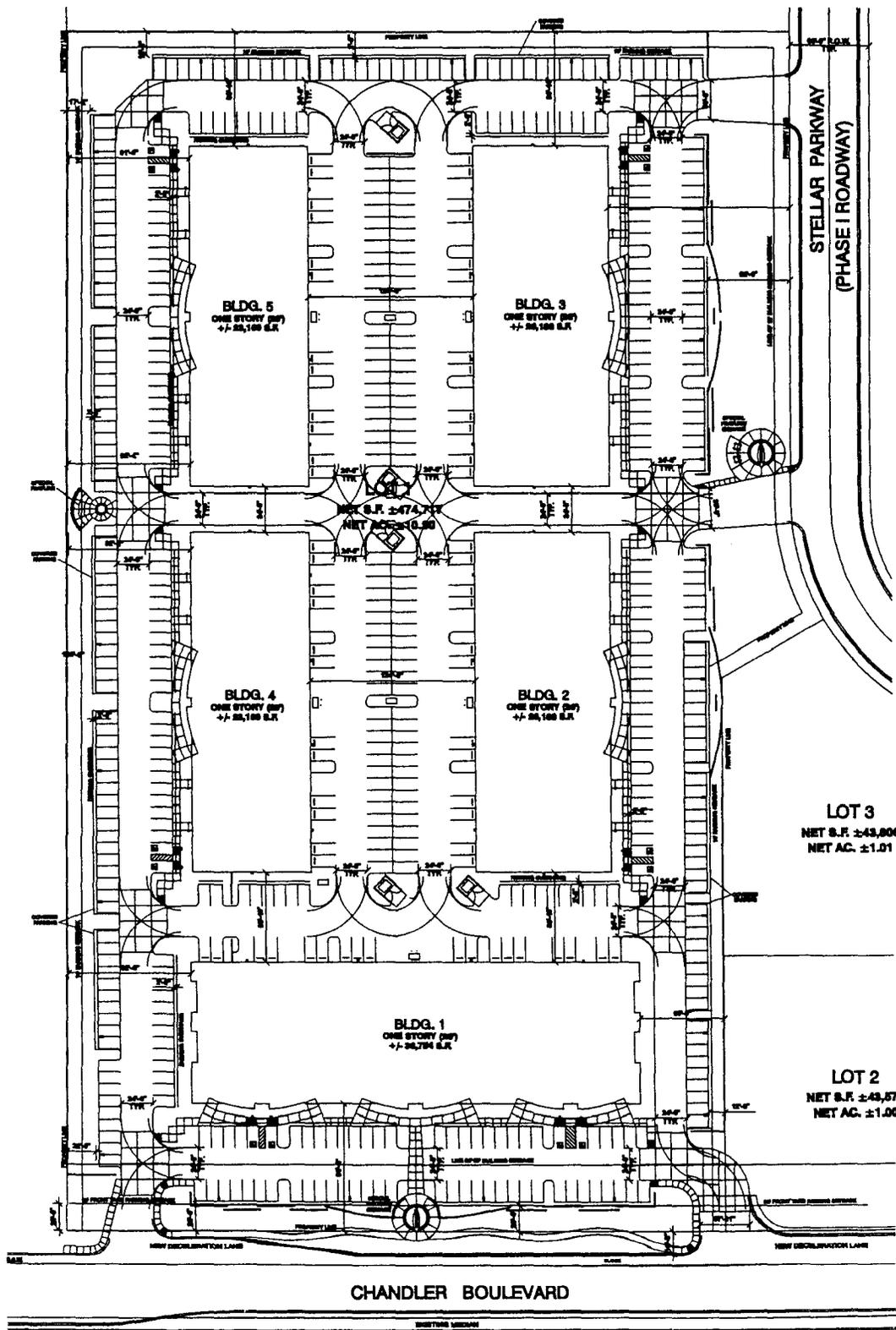


Figure 12a - Site Plan-Lot 1-Stellar Business Center

SITE PLAN

ORDINANCE NO. 3301

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, REZONING A PARCEL FROM AG-1 TO PAD – PLANNED AREA DEVELOPMENT (DVR01-0021 STELLAR BUSINESS PARK) 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:

A portion of Section 26, Township 1 South, Range 4 East, Gila and Salt River Base and Meridian Maricopa County, Arizona, being more particularly described as follows:

Commencing at the South Quarter Corner of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence South 89 degrees 59 minutes 59 seconds East, along the South line of said Section 26, 374.77 feet to the Point of Beginning;

Thence North 00 degrees 18 minutes 01 seconds East, 1400.15 feet;

Thence East 929.75 feet;

Thence South 00 degrees 00 minutes 22 seconds West, 1400.14 feet to a point on the South line of said Section 26;

Thence North 89 degrees 59 minutes 59 seconds West, along the South line of said Section 26, 936.93 feet to the Point of Beginning;

Except that portion conveyed to the County of Maricopa County in deed recorded in book 105 of deeds, page 429.

Said parcel is hereby zoned PAD (Planned Area Development) subject to the following conditions:

1. Right-of-way dedications to achieve full half widths for Chandler Boulevard and Juniper Street, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
3. Undergrounding of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
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. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. 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.
5. Construction shall commence above foundation walls within two (2) 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.
6. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Stellar Business Park and Stellar Business Center", kept on file in the City of Chandler Current Planning Division, in file no. DVR01-021, except as modified by condition herein.
7. Uses permitted on the property shall be those permitted in the I-1 zoning district, except as modified by condition herein.
8. The following uses shall also be permitted on all lots: Bank and/or bank operations center, Dental and medical offices and clinics, Food or drink for immediate consumption within the Stellar Business Park that is designed to serve the employees of the Park, excluding all types of drive-in establishments and free-standing buildings, Furniture and appliance repair with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings (this use is prohibited on lots 1 and 11), Hospital supplies, Offices, including but not limited to industrial related offices and general office uses, Showrooms with associated inventory, Warehousing that is an incidental component of an office or a manufacturing use.

9. When a conflict or duplication exists between a permitted use and a prohibited use, the use shall be prohibited.
10. The following uses shall be prohibited on all lots: Bakery, wholesale, Boat building, repair, service and storage, Bottling works for soft drinks, Building contractors (utilizing outdoor storage), Building supplies and materials, glass sales, and installation with outside storage yard for lumber, bricks, cement blocks or other materials, Bus passenger station (inter-City), Candy manufacture, Cold storage facility, Dairy products, processing, bottling and distribution, cream manufacturing all on a wholesale basis, Diaper service, Dry cleaning, laundering (industrial), Exterminating establishment, Farm machinery repair, Feed and grain sales and storage, Food processing in wholesale quantities, except meat, fish, poultry, vinegar and yeast, Impound or wrecking yards, Laundering plant, dry cleaning, diaper service (industrial), Leather goods manufacturer, Outside displays, Plastics manufacturing, Pottery and porcelain manufacturing, Prefabricated home sales, Radio and television stations and transmitting towers, Railroad passenger station, Rescue service, Roofing, Sheet metal products, tinsmithing (utilizing outside storage), Storage of vehicles, Storage of commercial vehicles, Taxi dispatching station, Taxi terminal, Television and radio stations and transmitting towers, Textile manufacturer, Tire recapping and retreading (in accordance with Fire Code), Tobacco products manufacture and storage, Truck or rail freight yard or terminal, Utility (public) storage yards.
11. The following uses shall also be prohibited on lots 1 and 11: Auto repair-oriented facilities such as a 'Jiffy Lube', tire stores etc., Caterers, Furniture and appliance repair with all storage of good, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings, Furniture manufacturing, Greenhouse and nursery, Ice manufacturer (excluding ice machines), Moving, storage or warehousing establishments, Pharmaceutical manufacture, Repair and/or service of any farming, construction or mining equipment, Sheet metal products, tinsmithing (light, such as ventilating ducts and eaves) with all storage of goods, materials and equipment and processing and manufacturing kept within a completely enclosed building, wholesaling or distribution, including the handling of stock and incidental retail, Storage and moving warehousing establishment, tinsmith, warehousing or moving and storage establishment, welding shops, wholesaling or distribution.
12. Motorcycle and automobile sales, storage, rental and repair when repair is carried on within the principal building shall be a prohibited use on all lots.
13. Moving, storage or warehousing establishments shall be a prohibited use on all lots.
14. Uses allowing the outside storage of goods, materials and equipment shall be prohibited.

15. No use shall occur within any portion of the Stellar Business Park which is likely to be dangerous, offensive or detrimental to the health, safety, welfare or general character of this community be reason of the emission of dust, gas, smoke, noise, fumes, odors, vibration, glare, or otherwise.
16. The maximum parapet height of any building on Lots 2 through 10 shall be 2 stories/36 feet.
17. The maximum single building footprint within the Stellar Business Park shall be 80,000 square feet.
18. The landscaping in all open spaces and right-of-way shall be maintained by the adjacent property owner or a property owner's association.
19. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
20. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4' x 8' sign identifying what is being built and its estimated date of completion (this information may be incorporated with the contractor's sign or the "Coming Soon" sign).
21. 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.
22. All signs shall be located below the fascia or parapet wall of the buildings.
23. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
24. Electrical service entrance section (SES) shall be located inside the building.
25. Any roof access ladders shall be located inside the building.
26. All roof drainage shall be interior roof drains.
27. All ground-mounted equipment shall be screened from public view by landscaping or a concrete or masonry wall equal to or greater in height than the mechanical equipment.
28. All transformer boxes, meter panels and electric equipment, back-flow valves and any other utility equipment shall be painted to match the building color.

29. The uses within those parcels within the Clear Zone Overlay shall be limited to those uses permitted in the Clear Zone Overlay section of the City of Chandler code.
30. All monument signs shall comply with City Code requirements.
31. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance the applicant shall post a 4' x 8' sign on the property, conspicuous to the (existing or prospective) single family residences surrounding this site, advising the following: "This property has been zoned for other than single family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, 782-3000".
32. The following stipulations shall be the responsibilities of the subdivider/builder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
  - a) The subdivider/builder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 35-3004 of the City of Chandler Zoning Code.
  - b) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:

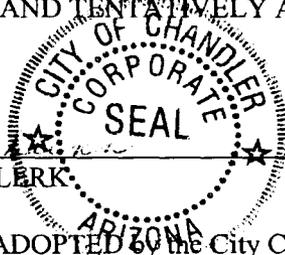
"This property is located within the Stellar Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler."
  - c) Prior to any lot reservation or purchase agreement, any and all prospective buyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Stellar Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Stellar Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the buyer shall be recorded with Maricopa County Recorders Office upon sale of the property.

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 27th day of August 2001.

ATTEST:

  
*Carly...*  
CITY CLERK

*Jill...*  
MAYOR

PASSED AND ADOPTED by the City Council this 13th day of September 2001.

ATTEST:

  
*Carly...*  
CITY CLERK

*Jill...*  
MAYOR

**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3301 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 13th day of September 2001 and that a quorum was present thereat.

*Carly...*  
CITY CLERK

APPROVED AS TO FORM:

*Dennis M. O'Neill*  
CITY ATTORNEY

PUBLISHED:

*7/20/01*  
*9/27/01*

**ORDINANCE NO. 3761**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, REZONING A PARCEL FROM PAD TO PAD AMENDED TO MODIFY ZONING CONDITIONS (DVR05-0049 STELLAR BUSINESS PARK) 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:**

A portion of Section 26, Township 1 South, Range 4 East, Gila and Salt River Base and Meridian Maricopa County, Arizona, being more particularly described as follows:

Commencing at the South Quarter Corner of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence South 89 degrees 59 minutes 59 seconds East, along the South line of said Section 26, 374.77 feet to the Point of Beginning;

Thence North 00 degrees 18 minutes 01 seconds East, 1400.15 feet;

Thence East 929.75 feet;

Thence South 00 degrees 00 minutes 22 seconds West, 1400.14 feet to a point on the South line of said Section 26;

Thence North 89 degrees 59 minutes 59 seconds West, along the South line of said Section 26, 936.93 feet to the Point of Beginning;

Except that portion conveyed to the County of Maricopa County in deed recorded in book 105 of deeds, page 429.

Said parcel is hereby zoned PAD Amended subject to the following conditions as previously adopted, amended or deleted from Ordinance No. 3301 and restated herein:

1. Right-of-way dedications to achieve full half widths for Chandler Boulevard and Juniper Street, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
3. Undergrounding of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
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. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. 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.
5. Construction shall commence above foundation walls within two (2) 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.
6. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Stellar Business Park and Stellar Business Center", kept on file in the City of Chandler Current Planning Division, in file no. DVR01-021, except as modified by condition herein.
7. Uses permitted on the property shall be those permitted in the I-1 zoning district, except as modified by condition herein.
8. The following uses shall also be permitted on all lots: General office uses, medical and dental offices and clinics, small animal veterinary clinics, showrooms with associated warehouse inventory, and warehousing uses as a component of an otherwise allowed use or as a self-storage facility, food or drink establishments excluding drive-through lanes and freestanding buildings.
9. Deleted.
10. The following uses shall be prohibited on all lots: Boat building and repair, bottling works for soft drinks, bus passenger station, candy manufacture, cold storage facility, dairy products processing, bottling and distribution, cream manufacturing on a wholesale basis,

farm machinery repair, feed and grain sales and storage, food processing in wholesale quantities, impound or wrecking yards, laundering plant, dry cleaning, diaper service (industrial), plastics manufacturing, prefabricated home sales, transmitting towers, railroad passenger stations, roofing, sheet metal products, tinsmithing requiring outdoor storage of materials, taxi dispatching stations, taxi terminal, textile manufacturer, tire recapping and re-treading, tobacco products manufacture and storage, truck or rail freight yard or terminal, auto repair/service facilities, leather goods manufacturing, building contractors or supply with outdoor installation or storage, furniture manufacturing, warehouse as part of a distribution or moving and storage use, pharmaceutical manufacturing, and exterminators (pest control).

11. Deleted.
12. Deleted.
13. Deleted.
14. Uses allowing the outside storage of goods, materials and equipment shall be prohibited.
15. No use shall occur within any portion of the Stellar Business Park which is likely to be dangerous, offensive or detrimental to the health, safety, welfare or general character of this community be reason of the emission of dust, gas, smoke, noise, fumes, odors, vibration, glare, or otherwise.
16. The maximum parapet height of any building on Lots 2 through 10 shall be 2 stories/36 feet.
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19. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
20. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4' x 8' sign identifying what is being built and its estimated date of completion (this information may be incorporated with the contractor's sign or the "Coming Soon" sign).
21. 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.
22. All signs shall be located below the fascia or parapet wall of the buildings.

23. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
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27. All ground-mounted equipment shall be screened from public view by landscaping or a concrete or masonry wall equal to or greater in height than the mechanical equipment.
28. All transformer boxes, meter panels and electric equipment, back-flow valves and any other utility equipment shall be painted to match the building color.
29. The uses within those parcels within the Clear Zone Overlay shall be limited to those uses permitted in the Clear Zone Overlay section of the City of Chandler code.
30. All monument signs shall comply with City Code requirements.
31. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance the applicant shall post a 4' x 8' sign on the property, conspicuous to the (existing or prospective) single family residences surrounding this site, advising the following: "This property has been zoned for other than single family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, 782-3000".
32. The following stipulations shall be the responsibilities of the sub-divider/builder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
  - a) The subdivider/builder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 35-3004 of the City of Chandler Zoning Code.
  - b) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:

"This property is located within the Stellar Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler."
  - c) Prior to any lot reservation or purchase agreement, any and all prospective buyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Stellar Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Stellar Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This

document signed by the buyer shall be recorded with Maricopa County Recorders Office upon sale of the property.

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 January 2006.

ATTEST:

Handwritten signatures of the City Clerk and Mayor, with the official seal of the City of Chandler, Arizona, placed over the signatures.

PASSED AND ADOPTED by the City Council this 9th day of February 2006.

ATTEST:

Handwritten signatures of the City Clerk and Mayor, with the official seal of the City of Chandler, Arizona, placed over the signatures. Below the signatures is the word "CERTIFICATION" in bold, underlined capital letters.

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3761 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 9th day of February 2006, and that a quorum was present thereat.

Handwritten signature of the City Clerk, with the title "CITY CLERK" printed below the signature line.

APPROVED AS TO FORM:

Handwritten signature of the City Attorney, with the title "CITY ATTORNEY" printed below the signature line.

Published in the Republic on February 22 & March 1, 2006

**ORDINANCE NO. 4382**

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 (DVR12-0014 STELLAR BUSINESS 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 PAD to PAD Amended, subject to the following conditions:

1. Compliance with original conditions adopted by the City Council as Ordinance Nos. 3301 and 3761 in cases DVR01-0021 STELLAR BUSINESS PARK and DVR05-0049 STELLAR BUSINESS PARK, except as modified by condition herein.
2. Drive-thru bank operations shall be prohibited.
3. Large-scale gymnasiums shall be prohibited.



## STELLAR BUSINESS CENTER

### I. INTRODUCTION

Windsor at Chandler Business Park, LLC (“Windsor”) is the owner of approximately 11 net acres east of the northeast corner of Chandler Boulevard and Desert Breeze Boulevard (the “Site” and “Stellar Business Center”). The Site is part of a larger development known as Stellar Business Park, which is an existing I-1 PAD business park consisting of approximately 30 acres. The Site has developed as Stellar Business Center, a multi-tenant, commercial/industrial/office/showroom development consisting of five buildings totaling approximately 135,000 square feet. Windsor is requesting the Planned Area Development (“PAD”) be amended to allow (a) fitness, personal, and athletic training facilities with associated personal services, and (b) bank or credit union operations with ancillary customer services (the “Additional Uses”). These Additional Uses are appropriate and compatible additions to the existing use within Stellar Business Center. Other than this amendment to the PAD to allow the Additional Uses, no other changes are being made to the PAD, Preliminary Development Plan, or existing buildings.

### II. SITE AND SURROUNDING AREA

A **Vicinity Map** of the Site is attached as **Exhibit 1**. The Site is designated on the City’s General Plan as Employment and is zoned PAD for I-1 and other uses as identified in Ordinance No. 3761. The Site fronts onto Chandler Boulevard. The Site is bordered on its northeast by a storage facility and on its east and north by vacant property. West of the Site is a City of Chandler (the “City”) police substation and south of the Site (across Chandler Blvd.) is Stellar Estates. An **Aerial Map** of the Site and surrounding area is attached as **Exhibit 2**.

### III. PROPOSED PAD

As has been discussed, Windsor is requesting the PAD be expanded to allow (a) fitness, personal, and athletic training facilities, and (b) bank or credit union operations with ancillary customer services as additional uses to those already approved. Specifically, Windsor requests that Condition No. 8 in Ordinance No. 3761 (**Ordinance No. 3671** attached as **Exhibit 3**) be amended as follows (changes are noted in *bold italics*):

8. The following uses shall also be permitted on all lots: General office uses, medical and dental office and clinics, small animal veterinary clinics, showrooms with associated warehouse inventory, and warehousing uses as a component of an otherwise allowed use or as a self-storage facility, food or drink establishments excluding drive-through lanes and freestanding buildings, *fitness, personal, and athletic training facilities with associated personal services, and bank or credit union operations with ancillary customer services.*

The proposed Additional Uses are compatible with the PAD I-1 uses and the uses identified in Condition No. 8. The Additional Uses also will fit well with the established uses within Stellar Business Center and will not present any land use conflicts. It is anticipated that the Additional Uses will have an impact similar to and certainly no greater than the limited commercial, general office, medical office, and showroom uses already permitted.

**IV. PROJECT TEAM**

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**V. CONCLUSION**

Approval of the proposed PAD amendment to allow the Additional Uses will provide more opportunities for tenants to locate in the business park and additional services for residents and employees in the area. The Additional Uses are compatible with the existing uses in the business center and will not be a conflict. We request your approval.

**Windsor at Chandler Business Park, LLC.**

**Exhibit A**

**PARCEL ONE:**

**LOT 1, STELLAR BUSINESS PARK, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 665 OF MAPS, PAGE 5.**

**PARCEL TWO:**

**AN ACCESS EASEMENT OVER A PORTION OF LOT 2, STELLAR BUSINESS PARK, A SUBDIVISION, AS CREATED BY THAT CERTAIN PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 665 OF MAPS, PAGE 5.**