

#4

SEP 13 2012

**ORDINANCE NO. 4383**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR12-0008 BANNER HEALTH CENTER-CHANDLER) 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:**

Said parcel is hereby rezoned from PAD to PAD, subject to the following conditions:

1. 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.
2. Right-of-way dedications to achieve full half-widths, 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. Phases 1 and 2 allow Medical Office and Commercial uses as defined in the Development Booklet. Phase 3, the future Commercial/Office/Retail with a Mid-Rise Overlay allows uses permitted by right in Community Commercial (C-2) zoning including additional medical office use if Banner Health were to expand.
8. 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



APPROVED AS TO FORM:

CITY ATTORNEY *LSB*

PUBLISHED:

**EXHIBIT A**  
**LEGAL DESCRIPTION FOR DVR12-0008**

Lot 2 and 3, of Parcland Crossing, according to the plat of record in the office of the county recorder of Maricopa County, Arizona, recorded as Book 1093 of Maps, Page 31, also being a portion of the Northwest quarter of Section 4, Township 2 South, Range 5 East of the Gila and Salt River Meridian, more particularly described as follows:

**COMMENCING** at a found City of Chandler brass cap in hand hole accepted as the West quarter corner of said section 4 from which a found City of Chandler brass cap in hand hole accepted as the Northwest quarter thereof bears North 01°00'56" West, 2833.93 feet;

Thence North 01°00'56" West, 60.90 feet along the west line of the Northwest quarter of said Section 4;

Thence leaving said west line, North 88°59'04" East, 65.00 feet to the northerly southwest corner of said Lot 2 and to the **POINT OF BEGINNING**;

Thence North 01°00'56" West, 201.35 feet along the west line of said Lot 2;

Thence continuing along said west line, North 88°59'04" East, 6.00 feet;

Thence continuing along said west line North 01°00'56" West, 257.50 feet;

Thence continuing along said west line North 00°53'56" West, 45.37 feet;

Thence continuing along said west line North 09°20'37" East, 138.29 feet;

Thence continuing along said west line North 02°00'37" East, 164.71 feet;

Thence continuing along said west line North 23°51'03" East, 116.65 feet to the northwest corner of said Lot 2;

Thence North 85°55'13" East, 768.13 feet along the north line of said Lot 2 to the northeast corner of said Lot 2;

Thence South 01°01'20" East, 978.92 feet along the east line of said Lot 2 and said Lot 3 to the southeast corner of said Lot 2;

Thence South 89°04'15" West, 547.78 feet along the south line of said Lot 2;

Thence continuing along said south line, North 00°55'45" West, 8.00 feet;

Thence continuing along said south line, South 89°04'15" West, 290.08 feet;

Thence continuing along said south line, North 45°58'21" West, 25.48 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 798,251 square feet or 18.3253 acres, more or less and is subject to any easements, restrictions, or rights of way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the State, County and/or Municipality or any other land division restrictions.

Prepared by: Atwell, LLC  
4700 E. Southern Avenue  
Mesa, Arizona 85206  
Project No. 11001985  
July 2012

