Repl. #20
MAR 28 2013

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2010

**MEMORANDUM** **Transportation & Development - CC Memo No. 12-1091**

**DATE:** MARCH 27, 2013

**TO:** MAYOR AND CITY COUNCIL

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

**FROM:** ERIK SWANSON, CITY PLANNER

**SUBJECT:** DVR12-0006 PRICE ROAD COMMERCE CENTER
Introduction and Tentative Adoption of Ordinance No. 4392

Request: Rezoning from Agricultural to Planned Area Development along with Preliminary Development Plan for a business park

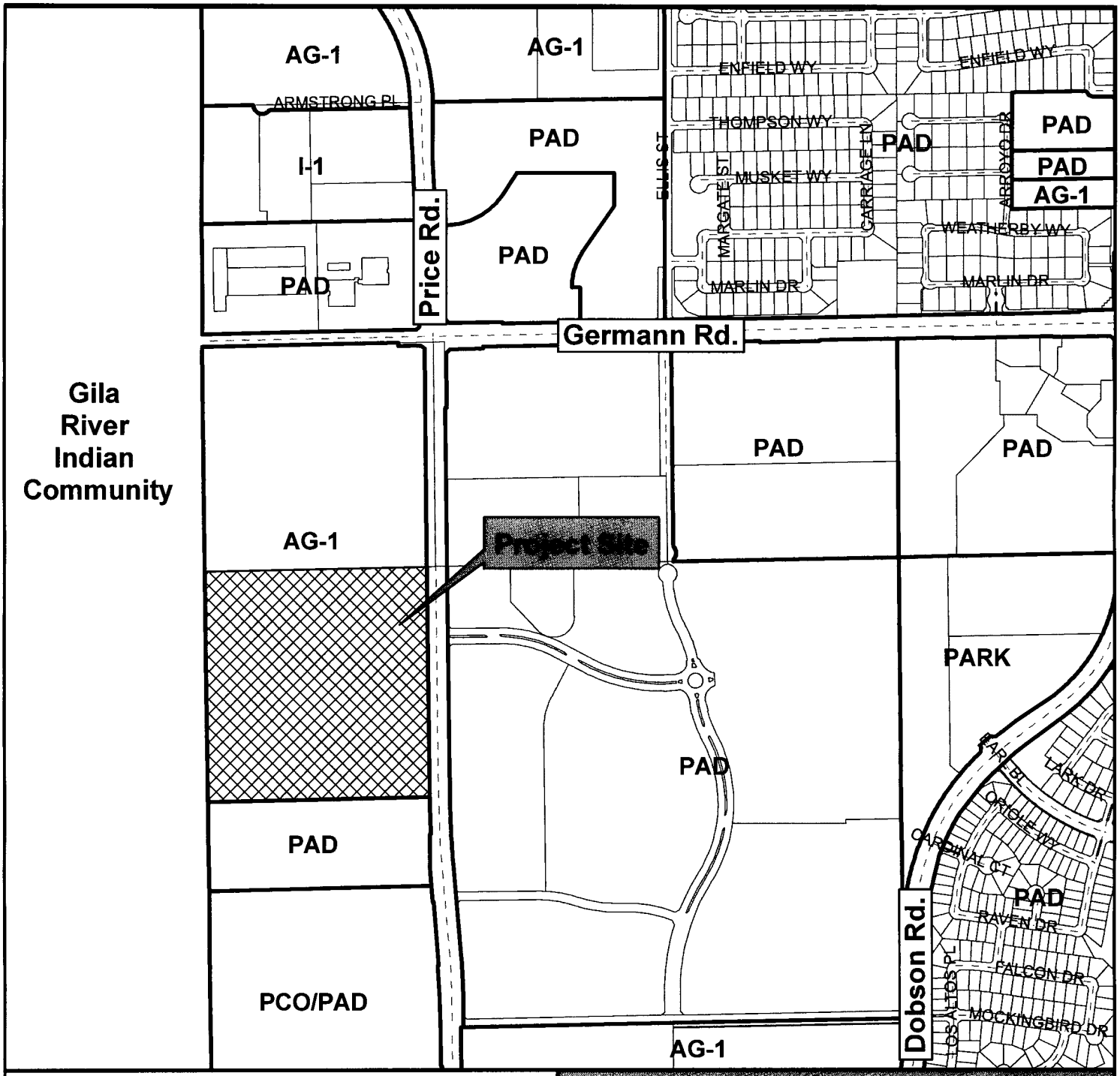
Location: South of the southwest corner of Germann and Price roads

Applicant: Mike Withey; Withey Morris, PLC

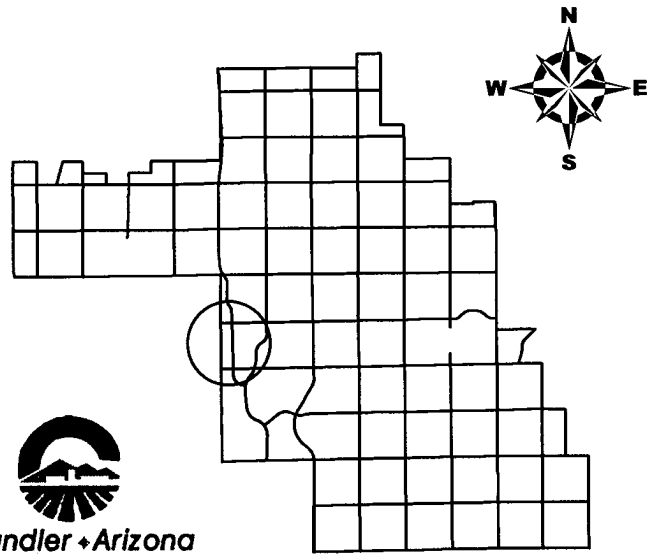
The applicant requests a continuance to the April 25, 2013 City Council hearing to allow additional time to finalize development details. Accordingly, Staff recommends a continuance.

**PROPOSED MOTION**
Move to continue case DVR12-0006 PRICE ROAD COMMERCE CENTER, to the April 25, 2013 City Council hearing, as recommended by Staff.

**Attachments**
1. Vicinity Maps




# Vicinity Map

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DVR12-0006

**Price Road Commerce Center**

CITY OF CHANDLER 2/16/2012

# Vicinity Map

DVR12-0006

**Price Road Commerce Center**

Chandler ✦ Arizona
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CITY OF CHANDLER 2/16/2012

#20

MAR 28 2013

Chandler

All-America City

2010

Chandler · Arizona

Where Values Make The Difference

**MEMORANDUM** **Transportation & Development - CC Memo No. 12-109k**

**DATE:** MARCH 13, 2013

**TO:** MAYOR AND CITY COUNCIL

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

**FROM:** ERIK SWANSON, CITY PLANNER

**SUBJECT:** DVR12-0006 PRICE ROAD COMMERCE CENTER
Introduction and Tentative Adoption of Ordinance No. 4392

Request: Rezoning from Agricultural to Planned Area Development along with Preliminary Development Plan for a business park

Location: South of the southwest corner of Germann and Price roads

Applicant: Mike Withey; Withey Morris, PLC

The request has been continued a number of times to allow the applicant additional time to finalize development details. As of the time of this writing, Staff is unaware of the final development details.

## RECOMMENDATION

The request is for Rezoning from Agricultural (AG-1) to Planned Area Development (PAD) along with Preliminary Development Plan (PDP) for a business park. Planning Commission and Staff, upon finding consistency with the General Plan, South Price Road Employment Corridor (SPREC), and Innovation Zone, recommend approval with conditions.

## BACKGROUND

The subject site is located south of the southwest corner of Germann and Price roads and is currently farmed agricultural land. North and south of the site is additional vacant farmed land; east is Price Road with the Continuum master planned business park east of Price Road; west is

the Gila River Indian Community. The subject site is located within the SPREC, and is designated as supporting employment uses.

The site seeks Rezoning and PDP approval for the potential of two types of future development. The site is located within the Employment designation of the General Plan, and more specifically within the SPREC. The Employment designation is a generalized designation that allows for a variety of employment uses ranging from major employers to industrial/business parks and industrial support uses; however, employment areas within the SPREC are unique compared to other employment designations within the City of Chandler. Development within the SPREC requires that users be limited to high-tech manufacturing, corporate offices, and/or knowledge-intensive industries in campus-like settings on parcels generally not less than 15-acres in size. Development within the SPREC has been consistent with these requirements.

In addition to the uses allowed within the SPREC, the applicant also requests uses to occur that are consistent with the Innovation Zone. With the update of the General Plan in 2008, a new development concept was created, the Innovation Zone. The Innovation Zone is a special designation for developments located within the overall Employment designation of the General Plan; however, may best be presented in Large Tract Growth Areas and Growth Expansion Nodes, such as the SPREC.

The Innovation Zone is unique as it seeks to allow for the development of high technology hubs where research and industry are in close proximity to each other, with the key component of the Innovation Zone being a centrally featured campus hub that contains common amenities that directly support businesses within the campus that may include features such as a conference center, research facilities and exhibition space. As shown on the Conceptual Site Plans, a large outdoor area and water element is intended to represent where a hub could be located; final design of the hub will occur during the administrative review process. Due to the necessity for businesses to be in close proximity with each other, development of individual parcels is not limited to the minimum 15-acre parcel size within the Innovation Zone.

Uses within the Innovation Zone are directly related to knowledge-intensive industries and can include such uses as high technology, biomedical, aerospace, renewable energy, and similar emerging industries. Within the Innovation Zone, uses such as research and development, institutes of higher learning, and office uses can locate so long as the uses are in conjunction with knowledge-intensive industries; however, individual buildings simply with multiple users does not constitute an Innovation Zone.

## GENERAL PLAN CONFORMANCE

As proposed, the development is consistent with the General Plan, and the Innovation Zone concept. Within the General Plan the Innovation Zone concept is presented as a tool for development within any Employment land-use designation so long as the key components of a campus are provided, and that the users are knowledge-intensive industries; site consideration is not specific to locale or size. Based on these considerations, an Innovation Zone can be contemplated within a number of areas including, but not limited to, the SPREC, within the vicinity of the airport, the Price Freeway and Chandler Boulevard interchange, and at the

intersection of Chandler Boulevard and McClintock Drive. This request seeks flexibility to allow development to be consistent with the SPREC requirements, and to allow development of the site to be consistent with the Innovation Zone.

As currently provided in the development booklet, there are two permitted uses designations. The first designation is titled "Innovation District". This designation is strictly for Innovation Zone type users: knowledge-intensive, high-technology, research and development, etc. This designation allows for multi-user buildings so long as the requirements as outlined in the General Plan for Innovation Zones are provided. The second designation is titled "Use District for Buildings 100,000 square feet or greater". This designation seeks to allow development to occur consistent with the SPREC.

The development booklet provides details for the types of users allowed for both the SPREC designation and the Innovation Zone; however, for development consistent with the SPREC rather than require that all single-user development be restricted to sites that are generally not less than 15-acres, the applicant is requesting the ability to allow flexibility in the lot size in exchange for requiring that any building utilizing the uses outlined in the SPREC be required to be a minimum of 100,000 square feet. Planning Commission and Staff are supportive of the request as the intent to provide intensity of a site should not be limited to a strict requirement to provide 15-acres when developments can provide the same amount of density with a more vertical building design.

## SITE LAYOUT AND BUILDING DESIGN

The request includes proposed design guidelines allowing future submittals, including building layout and architecture, to be reviewed and approved administratively by Staff. As provided in the development booklet, the design team has included a number of examples on how the site can be developed. Development of the site can occur as a single-user, single-building (as allowed for in SPREC), or as represented in a multi-building fashion consistent with the Innovation Zone designation. As it is conceptually shown in the development booklet, future development can include up to four buildings. These buildings can be occupied either as multi-tenant Innovation Zone buildings or as outlined in the SPREC; however, Innovation Zone users and SPREC users cannot occupy the same building. In order to accommodate the request for administrative review and approval and to provide a level of comfort to the reviewing bodies, the development team has included a number of conceptual building element designs consistent with the commercial design standards in order to ensure cohesiveness throughout the development. These elements will provide guidance for future administrative review. It is important to note that these design elements simply set the expectation of quality, and do not prescribe a specific architectural style. Staff supports the request for administrative review citing that administrative review has worked successfully in the past with other business park type developments, and with the design guidelines as represented, quality development is assured.

## DISCUSSION

As land availability within the community lessens, it is prudent to capitalize on higher development intensities in appropriate locations; the SPREC and Innovation Zone present that opportunity. A goal of the SPREC is to encourage large-scale single-user developments by way

of using the implementation tool of dictating a parcel size not generally less than 15-acres; development along the SPREC has occurred with this in mind. Alternatively, that goal can also be achieved with taller buildings and greater floor to area ratios on smaller parcels that have the equivalent development intensity of lower profile buildings. As conceptually provided, development has the opportunity to occur in the fashion of taller buildings with greater floor to area ratios, thus meeting the intent of SPREC.

## PUBLIC/NEIGHBORHOOD NOTIFICATION

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

- A neighborhood meeting was held on Wednesday, July 11, 2012. No neighbors were in attendance.

At the time of this writing, Staff has heard from the representative of a property owner in the vicinity with strong concerns regarding the proposed development. The representative expressed concerns over the potential for the site to allow for multiple users utilizing the designation of an Innovation Zone, and that it was their understanding that an Innovation Zone designation was only warranted for larger tracts of land and as a tool to redevelop existing sites. Additionally, prior to the Planning Commission hearing, Staff received two letters expressing concerns with the request. The letters were received from a former Vice Mayor and a member of the 2008 General Plan Committee; both letters are attached.

## PLANNING COMMISSION VOTE REPORT

Motion to Approve:
In Favor: 7 Opposed: 0

Planning Commission has reviewed and recommended approval of the request unanimously at both of their public hearings. At the October 17, 2012 hearing the item was on the Action agenda, due to opposition from a representative of a nearby property owner. The representative expressed concerns regarding the representations of the conceptual plans and how the plans do not provide sufficient details of a hub, as required by the Innovation Zone designation. Staff responded that although complete details are not provided, Staff is aware of the requirements and recommendations of what makes a hub as outlined in the General Plan, and that future plans would be reviewed administratively. Planning Commission is comfortable with granting administrative review of future plans. Planning Commission was also comfortable with the prohibition of allowing data centers as a primary use.

## RECOMMENDED ACTION

**Rezoning**

Planning Commission and Staff, upon finding consistency with the General Plan and the South Price Road Employment Corridor, recommends approval of DVR12-0006 PRICE ROAD COMMERCE CENTER, Rezoning from AG-1 to PAD for a business park, subject to the following conditions:

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "PRICE ROAD COMMERCE CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0006, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.

2. 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.

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. 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 or as otherwise approved in a development agreement.

5. Unless otherwise included as part of the City's Capital Improvement Program, 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 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 Price Road Commerce Center development shall use treated effluent to maintain open space, common areas, and landscape tracts.

7. Landscaping shall be in compliance with current Commercial Design Standards.

8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.

10. Approval by the Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.

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. Notwithstanding any provision of the Development Booklet or of any other conditions of the Rezoning, no data center use of any type, unless ancillary and secondary to a primary use, shall be a use permitted for the property that is the subject of this Rezoning.

**Preliminary Development Plan**

Planning Commission and Staff, upon finding consistency with the General Plan and the South Price Road Employment Corridor, recommends approval of DVR12-0006 PRICE ROAD COMMERCE CENTER, Preliminary Development Plan for a business park, subject to the following conditions

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "PRICE ROAD COMMERCE CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0006, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.

## PROPOSED MOTIONS

**Rezoning**

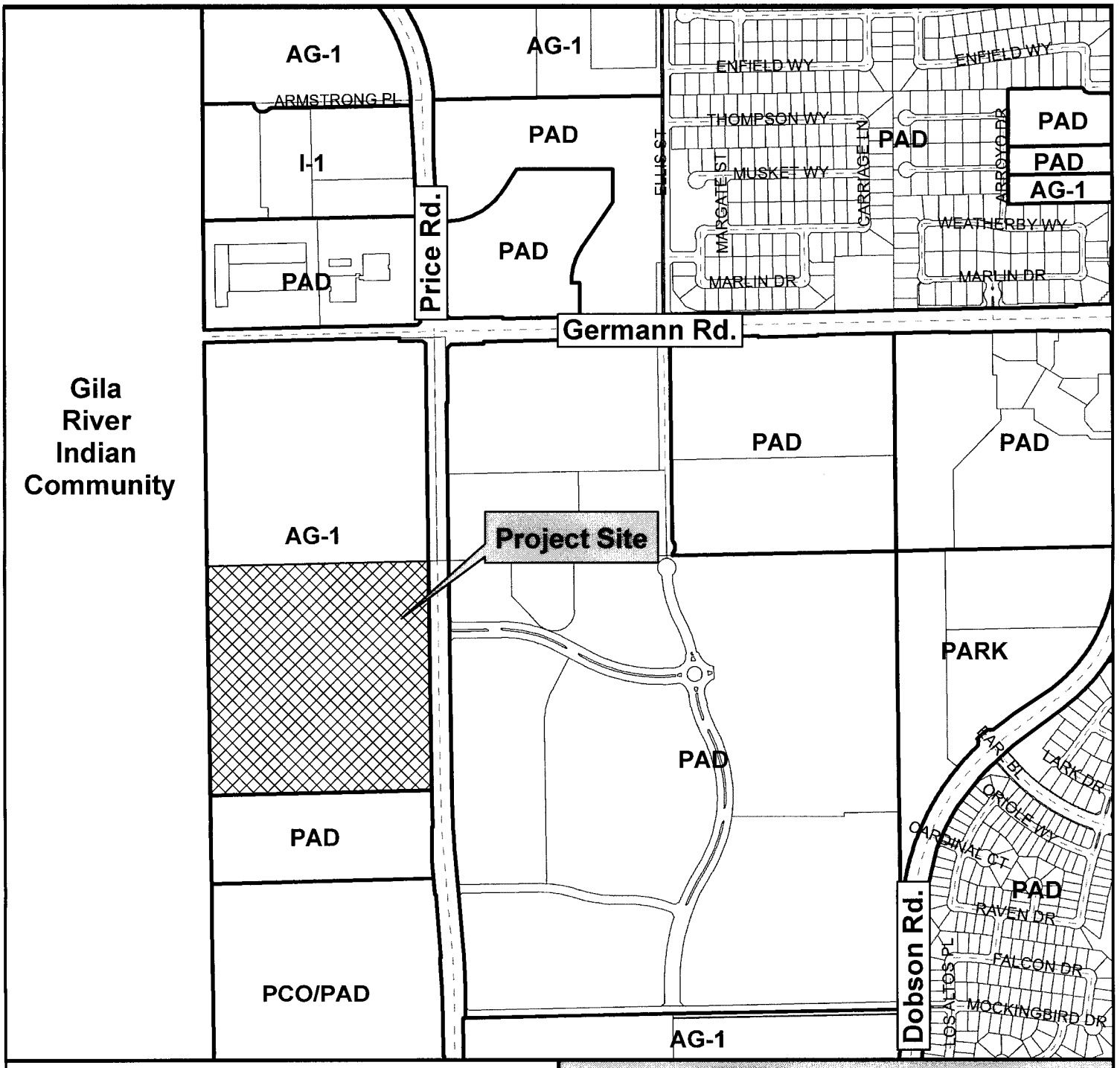
Move to Introduce and tentatively adopt Ordinance No. 4392 approving DVR12-0006 PRICE ROAD COMMERCE CENTER, Rezoning from AG-1 to PAD, subject to the conditions as recommended by Planning Commission and Staff.

**Preliminary Development Plan**

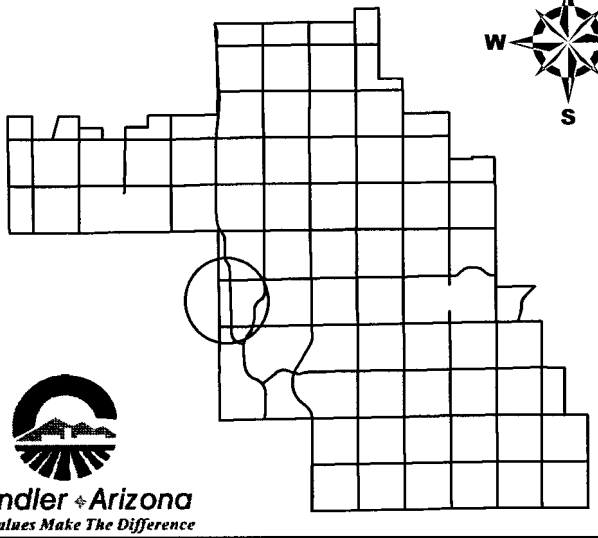
Move to approve DVR12-0006 PRICE ROAD COMMERCE CENTER, Preliminary Development Plan for a business park, subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

1. Vicinity Maps
2. Conceptual Site Plans
3. Conceptual Building Elements
4. Permitted Uses
5. Letters of Opposition
6. Ordinance No. 4392
7. Development Booklet




# Vicinity Map



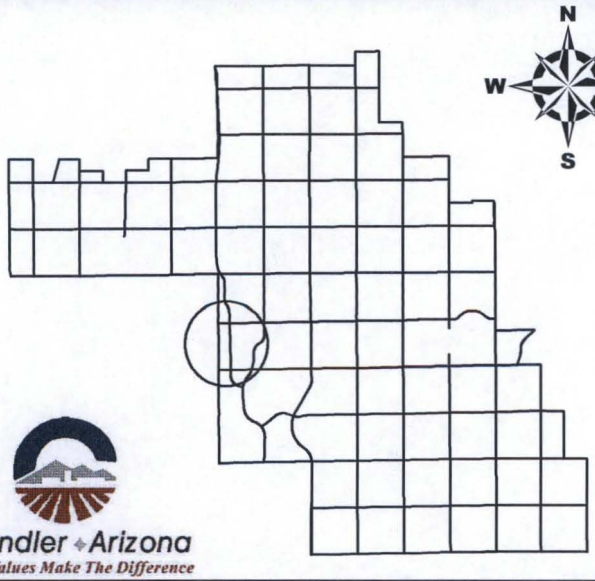

DVR12-0006

**Price Road Commerce Center**

Chandler Arizona
*Where Values Make The Difference*

CITY OF CHANDLER 2/16/2012

# Vicinity Map




DVR12-0006

**Price Road Commerce Center**

Chandler Arizona
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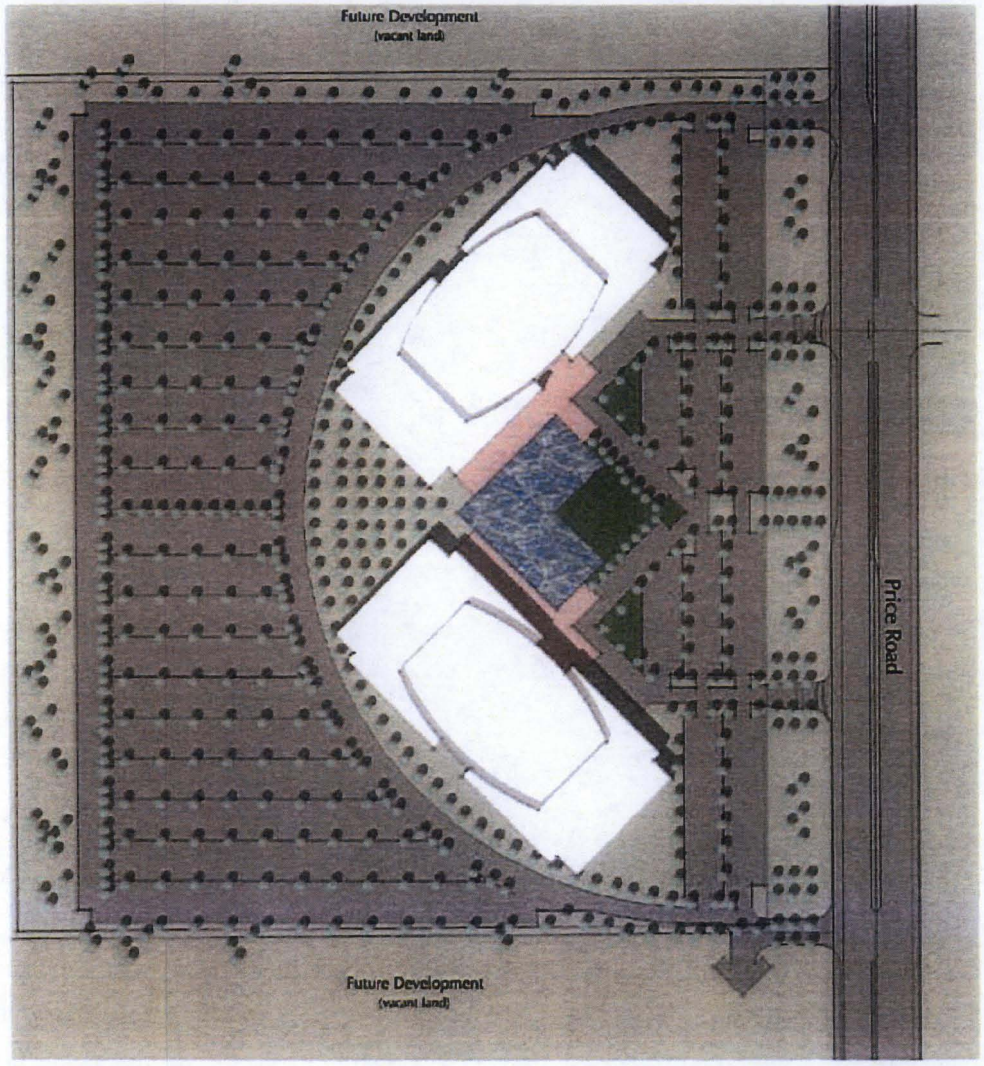
CITY OF CHANDLER 2/16/2012




# Project Data

Project Location: G.L.O. Lot 2 of Section 7;
Township 2 South, Range 5 East, G&S.R. B&M.
City of Chandler, Maricopa County, Arizona

Assessor's Parcel Number: 303 - 36 - 003A

Site Area: 38.20 acres net (1,664,275sf)
40.17 acres gross (1,749,923sf)

Metes and Bounds Legal Description:

[illegible]


Applicant:
Medi Partners
6720 N. Scottsdale Road, Suite 210
Scottsdale, AZ. 85253
Phone: (480)483-0360
Contact: Kevin Czerwinski
Email: kczerwinski@mediparthersinc.com

Architect:
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Phone: (480)638-1100
FAX: (480)638-1101
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Attorney:
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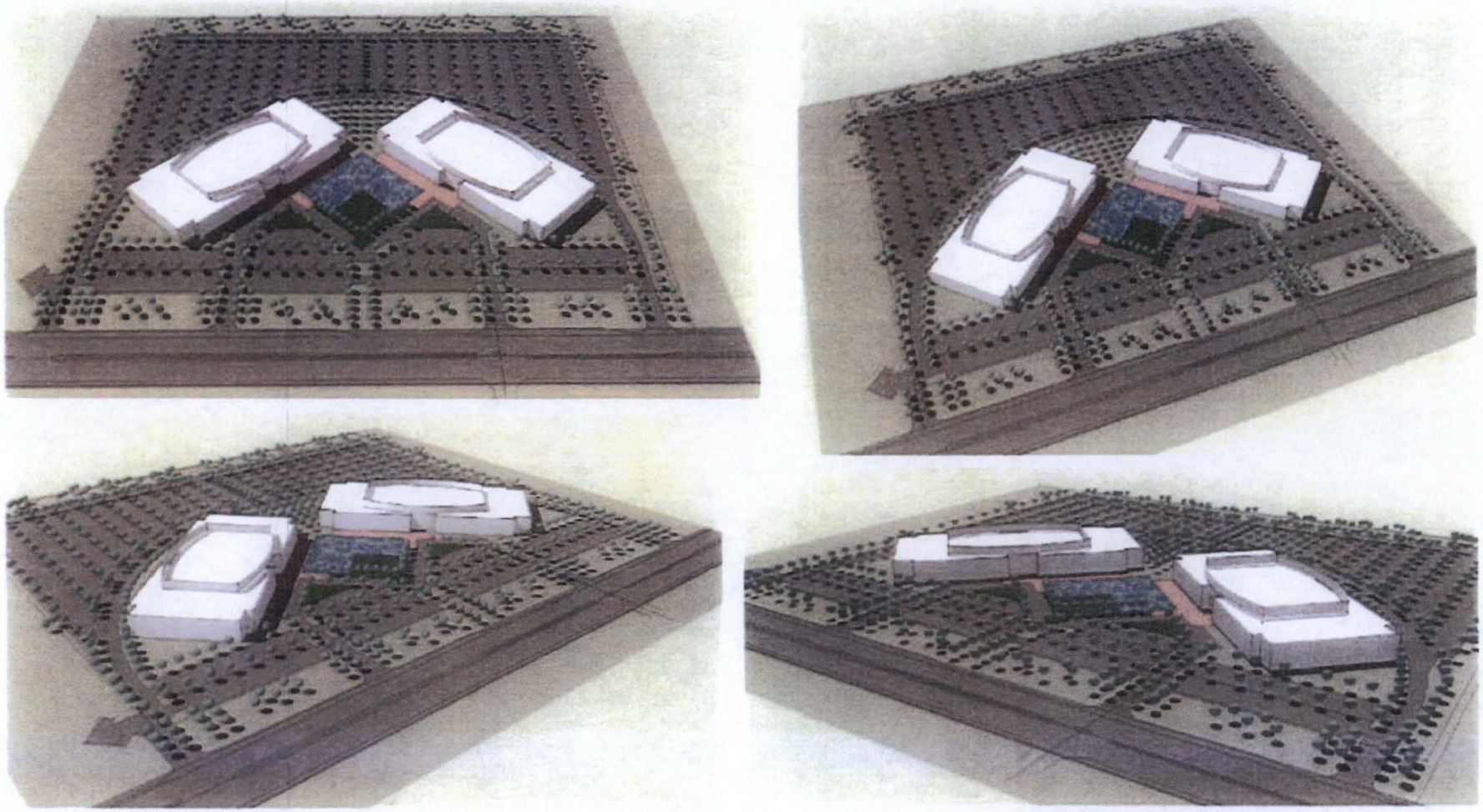
# Conceptual Site Plan
## Two-Building Campus

DAVIS

0' 80' 160' 240' 320'

**Price Road Commerce Center**
**Chandler, Arizona**



Two-Building Campus

DAVIS

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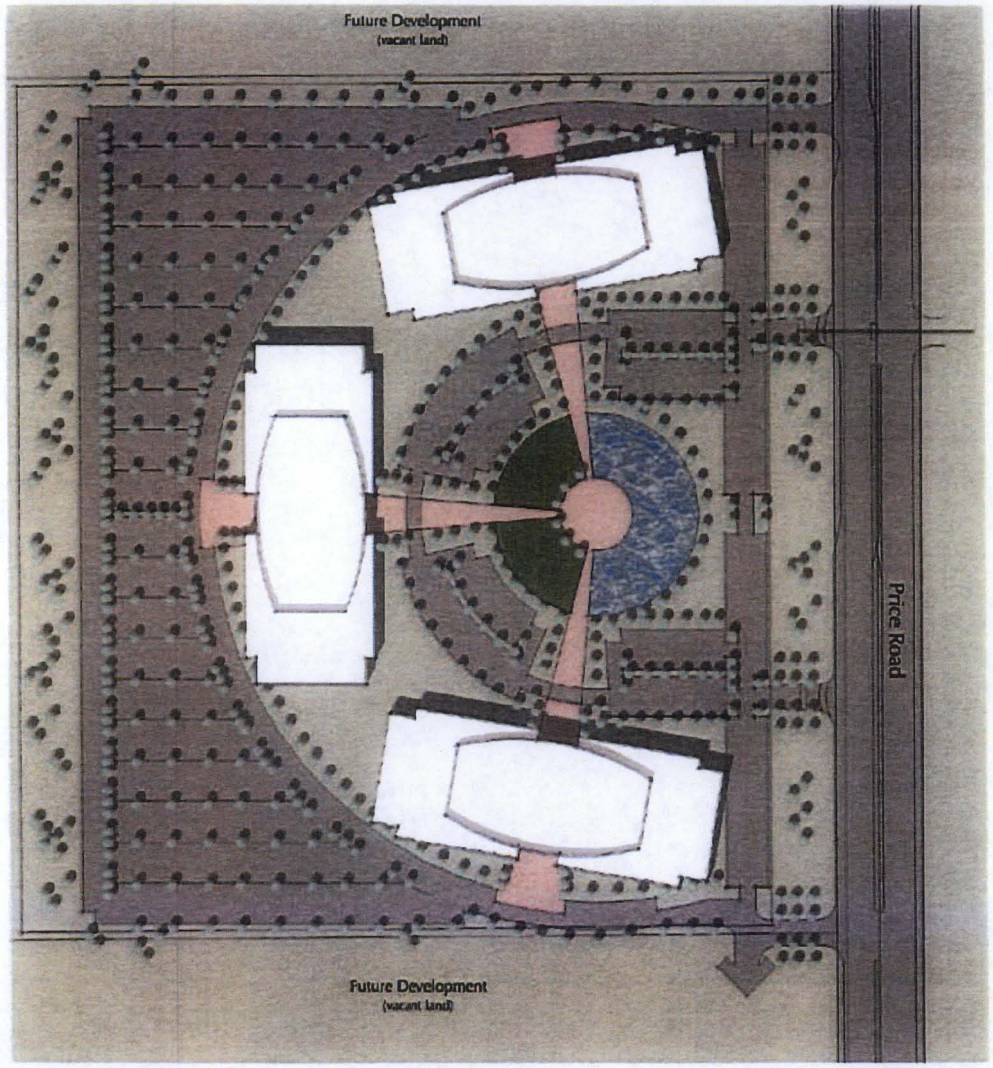
**Chandler, Arizona**

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Email: medwards@thedavisexperience.com

Attorney:
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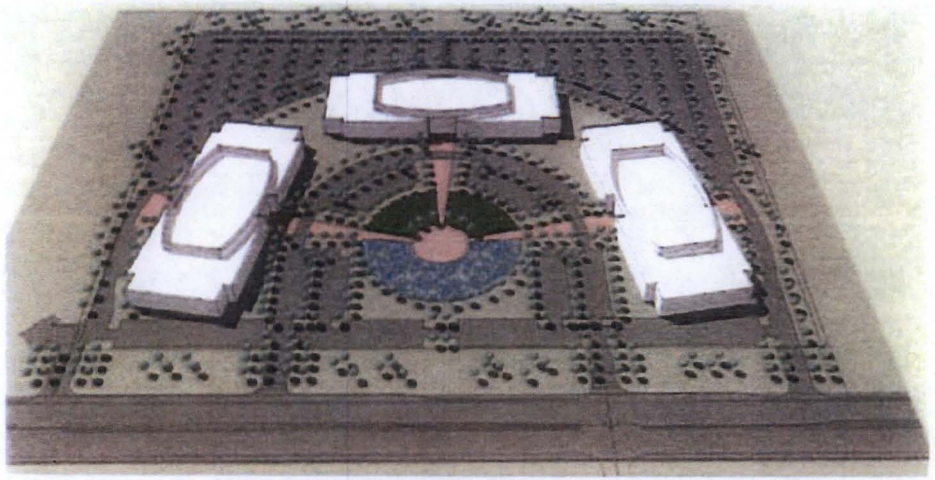
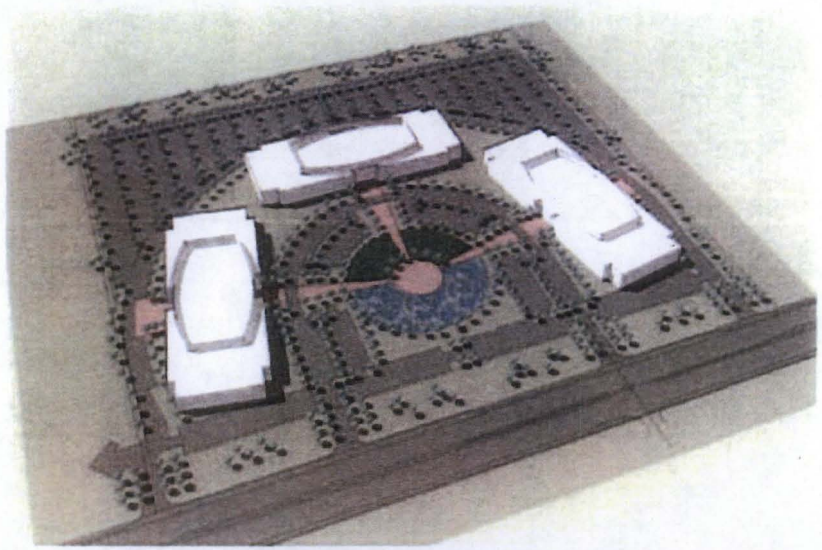
Phoenix, Arizona 85016
Phone (602)230-0600
Fax (602)212-1787
Contact. Mike Withey
Email: m@witheymorris.com

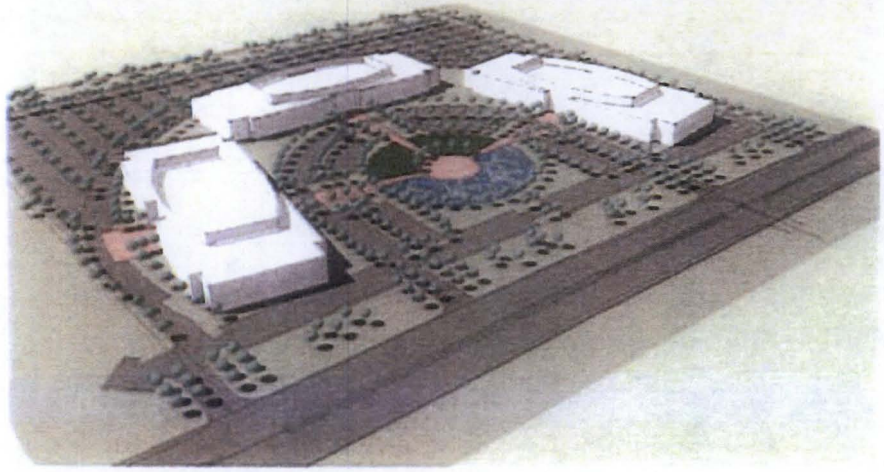
# Conceptual Site Plan
## Three-Building Campus

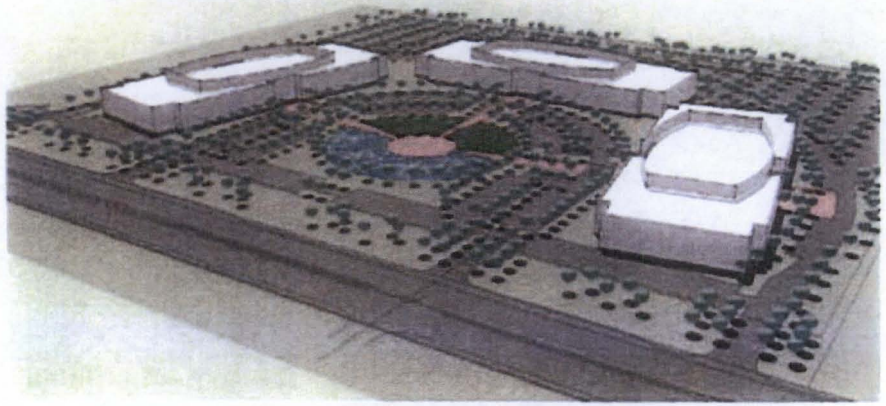
DAVIS

**Price Road Commerce Center**
**Chandler, Arizona**





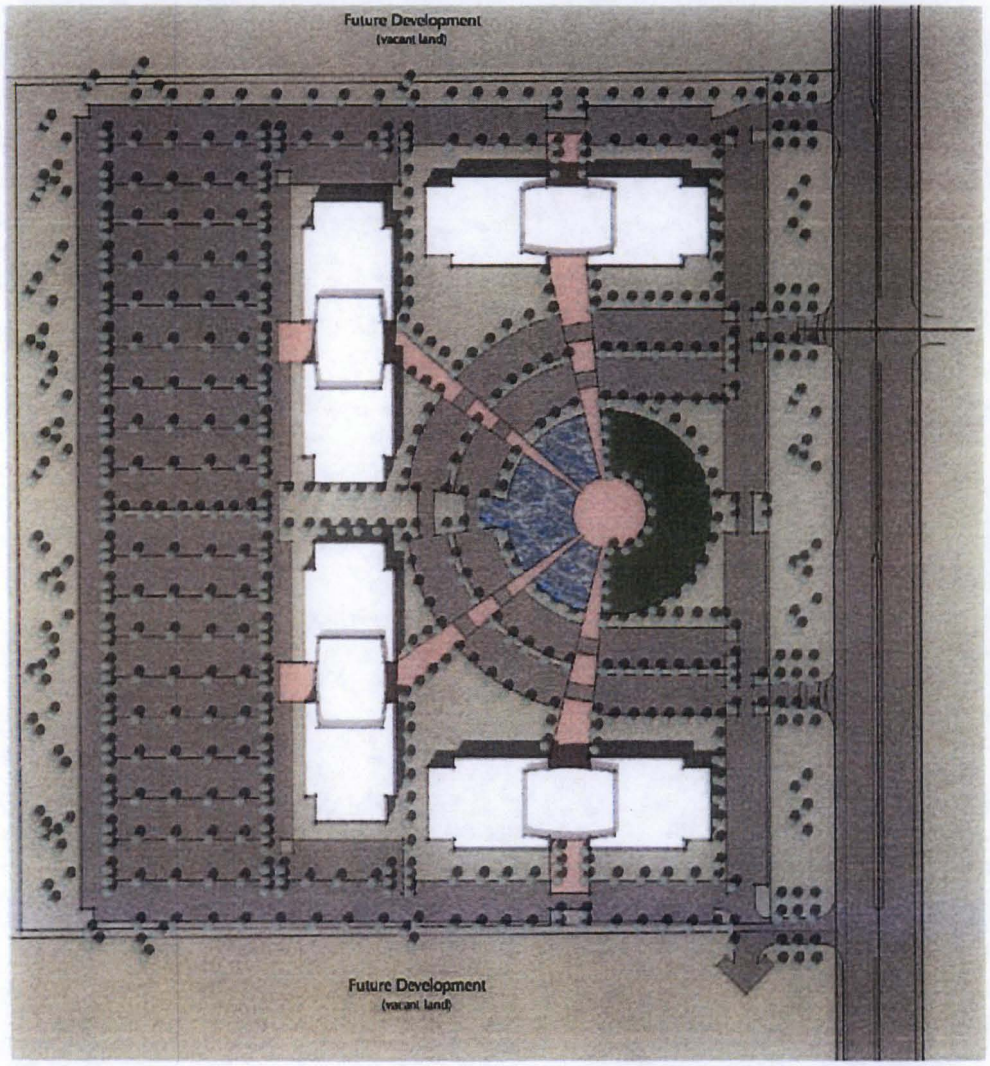




Three-Building Campus

DAVIS

**Price Road Commerce Center**
**Chandler, Arizona**

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Architect:
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Phone: (480)638-1100
FAX: (480)638-1101
Contact: Mike Edwards RA. #25635
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Attorney:
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Fax (602)212-1787
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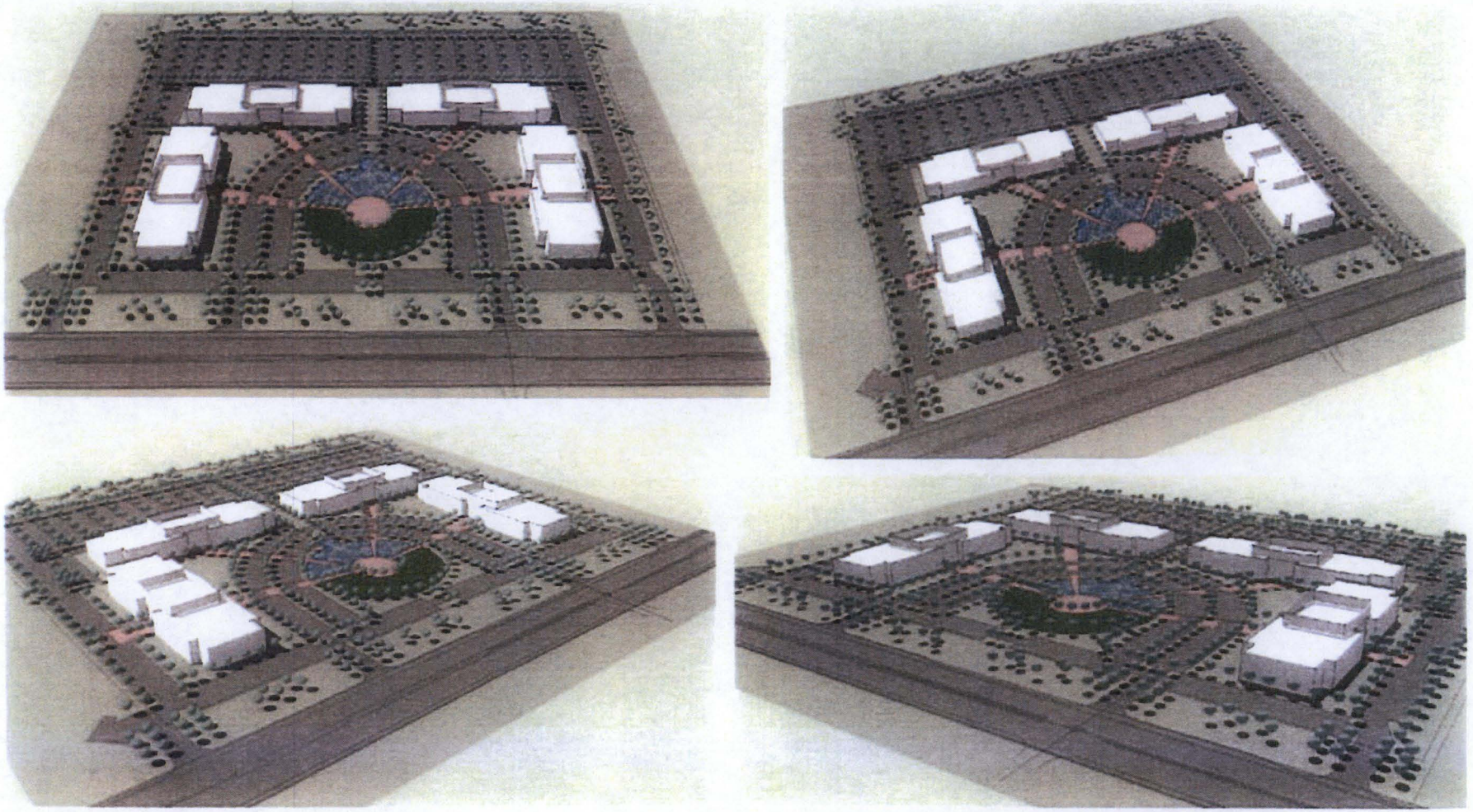
Email: m@witheymorris.com

# Conceptual Site Plan
## Four-Building Campus

DAVIS

0 | 80 | 160' | 240' | 320'

**Price Road Commerce Center**
**Chandler, Arizona**



Four-Building Campus

DAVIS

**Price Road Commerce Center**
**Chandler, Arizona**

TAB D

DAVIS

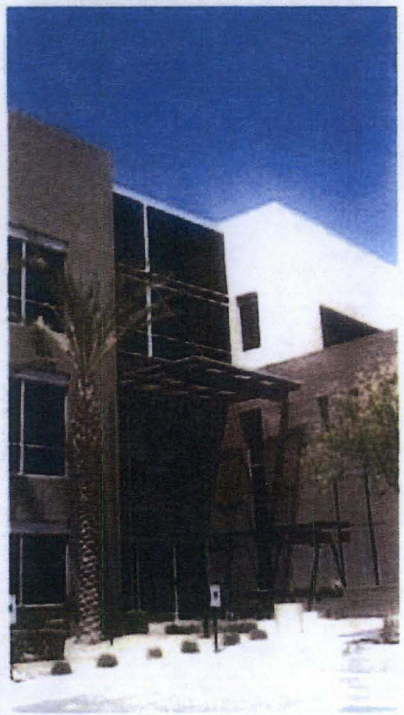
ARCHITECTURAL IMAGERY - BUILDING QUALITY EXAMPLES

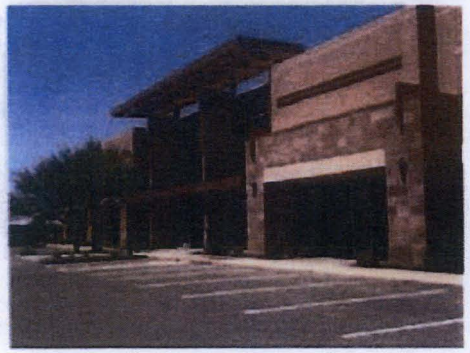
**Price Road Commerce Center**
Chandler, Arizona
2020

DAVIS

ARCHITECTURAL IMAGERY - BUILDING QUALITY EXAMPLES

**Price Road Commerce Center**
**Chandler, Arizona**





DAVIS

ARCHITECTURAL IMAGERY - BUILDING QUALITY EXAMPLES

**Price Road Commerce Center**
**Chandler, Arizona**

## II. PAD

**Permitted Uses**

**Innovation District**

Knowledge-intensive Industries; Research and Development; High technology; Semi-conductor; Biomedical; Biotechnology; Bioscience; Pharmaceuticals; Nanotechnology; Telecommunications; Aerospace; Renewable and cogeneration energy; Industries involved in emerging technologies; Offices: corporate or knowledge based industries; Universities, educational facilities and institutes of learning which include science or research curriculum components; Research laboratories for scientific research, investigation, testing or experimentation which may include prototype product development; Assembly of finished products or subassemblies, so long as the primary use of the property is technology related and not the basic processing and compounding of raw materials, or food products; Manufacturing provided the following criteria are met: 1) all manufacturing shall take place in a closed building and 2) provided that the uses are technology related and no use shall be permitted in this section which is likely to be dangerous, offensive or detrimental to the health, safety, welfare or general character of the community. Multi-tenant buildings shall be permitted, and such users may be permitted in any location and any size.

**Use District for Buildings 100,000 square feet or greater.**

Minimum 100,000 square feet user: Advanced Business Services (except data centers). Manufacturing or Assembly (provided the uses are technology or medically related and that no use shall be permitted in this section which is likely to be dangerous, offensive or detrimental to the health, safety, welfare or general character of the community). Research or Development. Offices. Universities, educational facilities and institutes of learning which include science or research curriculum components. Shared conference center for owners, lessees or community

or educational events. Towers, antenna, and any other wireless telecommunication facilities.

Any use or similar use listed above may be permitted upon the determination of the Zoning Administrator. Any use or similar use of any size that is not otherwise listed within this PAD that City Council determines is compatible and in the best interests of the community may be permitted by a Use Permit.

August 31, 2012

As a resident of Chandler since 1956, I am very proud of our city. Having worked as a police officer for over two decades and served as a councilmember for 16 years, I am very familiar with every area of our city. One area that I am most proud of is the Price Road Corridor. I have had the pleasure of working diligently over the years to ensure that this area retains the uniqueness of the large campus single tenant plan. I cannot begin to recount how many times over the last 20 plus years developers have tried to convince the council to get rid of the single tenant restriction on Price Road. Council has consistently held the line and stuck to the long term vision. I would urge this council to do the same thing.

As you are aware the Price Road Corridor has received significant investment from the City over the last twenty plus years. The whole concept of the Price Road Corridor was created when the City, over significant protest from the Gila River Indian Community, realigned Price road. This realignment paved the way for the City to create an area that is unique in the Phoenix area and the Southwestern United States. The City then set out to improve the Corridor in such a way so that it would be attractive to large single tenant users. I personally have voted several times over the years to expend significant resources on improvements and infrastructure on the Corridor. I also had the pleasure to see the fruits of the City's labor when we landed some of the most coveted companies in the country including Intel.

The current cry from certain developers is that Price Road Corridor needs multitenant uses. This is a song that has been sung many times over the years. I appreciate and am friends with many in the development community. That being said developers don't run this City, Council does. Keeping to a long term vision is in the best interest of the City and its citizens. Listening to a short sighted argument that goes against 30 years of planning does not constitute good governance. If multitenant use is allowed on Price Road, the citizens of Chandler lose.

I know there has been significant discussion recently about Innovation Zones so I wanted to briefly discuss that concept. At the time of the last general plan update, I was serving as Vice-Mayor of our great City. We did allow a concept called Innovation Zone to be used in situations that were for large tracts of land or for the redevelopment of property. We were told that this would be used for the old Motorola site and potentially a site at the airport. This hub concept was based upon a 500,000 sq ft building at the old Motorola site that was placed in the middle of a large parcel of land. The placement of the building required some outside the box thinking to allow the site to redevelop. My intent when voting on the General Plan was to use the Innovation Zone only on these types of large tract properties that needed help from the City to redevelop. I was approached by many citizens about the General Plan when it was on the ballot and I consistently advised voters of my understanding of the plan including the Innovation Zone.

I love this City and have devoted my life to it. Please stay the course on the long term vision of Price Road and vote against multitenant use for land on Price Road.

Lowell Huggins SR.

Lowell Huggins

August 15th, 2012

To Whom it may Concern:

I served as a member of the Chandler General Plan committee that came up with the innovation zone concept. The concept shown by staff was the former Motorola site and additional acreage south of that site which extended the innovation zone to Queen Creek Rd. This depiction was approx 230 acres. While my view of zones tend to be bigger areas than the example given by Staff, I was comfortable with the idea that these zones would be over a hundred acres at a minimum. The only area in the Price Corridor appeared to be the very site used as the example.

Allowing an innovation zone that is only 38 acres goes against the intent of the committee.

Peter Sciacca
81 W. Boston St.
Chandler, AZ 85225

**ORDINANCE NO. 4392**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) IN CASE (DVR12-0006 PRICE ROAD COMMERCE 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, subject to the following conditions:

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "PRICE ROAD COMMERCE CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0006, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.

2. 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.

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. 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 or as otherwise approved in a development agreement.

5. Unless otherwise included as part of the City's Capital Improvement Program, 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 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 Price Road Commerce Center development shall use treated effluent to maintain open space, common areas, and landscape tracts.

7. Landscaping shall be in compliance with current Commercial Design Standards.

8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.

10. Approval by the Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.

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. Notwithstanding any provision of the Development Booklet or of any other conditions of the Rezoning, no data center use of any type, unless ancillary and secondary to a primary use, shall be a use permitted for the property that is the subject of this Rezoning.

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

SECTION III. The Transportation & 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 _____ day of _____, 2012.

ATTEST:

_____ _____
CITY CLERK MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____, 2012.

ATTEST:

_____ _____
CITY CLERK MAYOR

**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4392 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2012, and that a quorum was present thereat.

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY GAB

PUBLISHED:

# EXHIBIT A

LOT 2, SECTION 7, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT THE EAST 50.00 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BRASS CAP MARKING THE WEST QUARTER CORNER OF SAID SECTION 7, FROM WHICH A CITY OF CHANDLER BRASS CAP FLUSH MARKING THE NORTHWEST CORNER OF SAID SECTION 7 BEARS NORTH 00°41'47" WEST, A DISTANCE OF 2634.93 FEET; THENCE NORTH 00°41'47" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 7, A DISTANCE OF 1317.47 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, SAID POINT BEING THE NORTHWEST CORNER OF LOT 2;

THENCE NORTH 88°48'20" EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 1278.23 FEET TO A POINT 50 FEET WEST OF A CITY OF CHANDLER BRASS CAP FLUSH MARKING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 2, SAID BRASS CAP FLUSH BEING FOUND ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE SOUTH 00°41'46" EAST, PARALLEL WITH AND 50 FEET WEST OF SAID EAST LINE, A DISTANCE OF 1317.60 FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT 2, SAID POINT BEING 50 FEET WEST OF A CITY OF CHANDLER BRASS CAP FLUSH MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE SOUTH 88°48'41" WEST, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 1278.22 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1,684,045 SQ.FT., OR 38.660 ACRES, MORE OR LESS.