

MAR 28 2013

**RECOMMENDATIONS****Rezoning**

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of the Rezoning subject to the following conditions:

1. Development shall be in substantial conformance with the representations and exhibits (narrative, parking/tenant list) kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0005 MAMMOTH PROFESSIONAL BUILDING, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3777 in case DVR05-0034, except as modified by condition herein.
3. Medical office uses are limited to those requested; Psychiatrist, Psychologist, Counselor/Therapist.
4. No more than a maximum of 3,800 square feet in building area shall be permitted for medical office and any additional medical office users as permitted in Condition No. 3 shall be reviewed by Staff with the submittal of an updated parking analysis. A separate Preliminary Development Plan shall be required if parking cannot be provided.
5. All existing and future tenants in the building shall submit for Certificate of Occupancy and/or building permits requiring a City building inspection as well as filing for a City business license.

**PROPOSED MOTIONS**

Move to introduce and tentatively adopt Ordinance No. 4440 approving rezoning request DVR12-0005 MAMMOTH PROFESSIONAL BUILDING from PAD to PAD, subject to the conditions as recommended by Planning Commission and Planning Staff.

**Attachments**

1. Vicinity Maps
2. Narrative
3. Parking/Tenant List
4. Original Ordinance No. 3777
5. Ordinance No. 4440



**MEMORANDUM**                      **Transportation & Development – CC Memo No. 13-035**

**DATE:**            MARCH 12, 2013

**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:**            JODIE M. NOVAK, MEP, SENIOR CITY PLANNER *JMN*

**SUBJECT:**        DVR12-0005 MAMMOTH PROFESSIONAL BUILDING  
                         Introduction and Tentative Adoption of Ordinance No. 4440

Request:            Rezoning from Planned Area Development (PAD) general office to PAD general office and medical office for an existing building

Location:           Northwest corner of Price Road and Willis Road

Applicant/  
Owner:                Chris Swanson, V.P. for GLOBAL CRES

Project Info:        Approximately 4 acres, existing 3-story building

**RECOMMENDATION**

Upon finding the request to be consistent with the General Plan, Planning Commission and Planning Staff recommend approval subject to conditions.

**BACKGROUND**

The subject property is zoned Planned Area Development (PAD) for general office. The property is located along the South Price Road Employment Corridor. Parcels west, south, and east of the subject site are vacant and undeveloped. North of the property is the former Ashley Manor wedding and event reception facility, which is no longer operating. North of that site is The Castle at Ashley Manor another wedding and event reception facility. Property west of the subject site was zoned for a general office development in 2001; however, the zoning has expired.

The request seeks approval to allow medical office use in addition to general office. Ten tenants are operating medical office businesses in the building although the PAD zoning does not allow medical office use. The request to rezone is to make legal the current medical office users, which occupy 3,800 square feet of building area. The property was zoned PAD in March 2006 for a general office building allowing only general office uses; medical and dental uses were specifically excluded. A Preliminary Development Plan (PDP) was approved for a 3-story, multi-tenant office building at approximately 59,638 square feet. In 2006, the General Plan did not designate this property as part of the South Price Road Campus Employment Corridor overlay, thus allowing this building to be a multi-tenant office building. The building intended to provide professional general office suites ranging in size from approximately 480 square feet to 2,400 square feet. Typical office hours of operation were represented as Monday through Friday from 8 a.m. to 5 p.m. Current tenants are mostly administrative corporation offices, law firms, accountants, real estate professionals, software developers, and financial advisors.

In September 2011, City Staff became aware of use and building violations. A personal service salon providing hair, nail, massage, facials, laser hair removal, and waxing services had filed a Certificate of Occupancy (C of O) application. The business had already completed tenant improvements; however, building permits were never filed whereby the City would have denied this use. City Staff issued a cease and desist due to no building permits and a use violation. C of O's are reviewed by Staff for zoning and building compliance. Staff contacted the property owner and learned there were other businesses in violation; a hair growth business and several medical offices in the building. None of these businesses had building permits, C of O's, and/or business licenses with the City. These businesses are not permitted under the PAD zoning.

The personal service salon vacated the space in February 2012. During this time, the property owner advised the City other tenants had done improvements such as adding sinks/plumbing and moved walls without City permits. This raised a concern with City building officials learning that no tenant had City approval to occupy space; no C of O and/or building permit, and more than half had no business license. The hair growth personal service business vacated the property in September 2012 and a naturopathic medical physician vacated the property in October 2012.

Currently, there are ten (10) medical office users in the building which include a psychiatrist, two psychologists, and seven counselors/therapists. They occupy approximately a total of 3,800 square feet of building area which is about 6.5% of the building. The application request is to allow medical offices limited only to psychiatrists, psychologists, and counselors/therapists at a maximum total of 3,800 square feet in building area. Medical office uses such as an osteopathic or medical doctor, naturopathic physician, chiropractor, pediatrician, other specialist doctors, surgical center, urgent care, hospital, and the like are not requested or permitted.

The addition of medical office uses triggers a parking analysis to ensure the site has appropriate parking for both general office and the proposed medical office users. The development was parked to accommodate only general office use with a reduction in parking. At that time, the Zoning Code required general offices to park at 1 parking space per 200 square feet of building area. The 59,638 square foot building was required to provide 298 parking spaces. The zoning case requested a parking waiver, reducing the required parking by approximately 10%. The

development provided 269 parking spaces, which was a reduction in parking by 29 parking spaces from the Zoning Code requirement of 298 parking spaces. The building was constructed at approximately 58,476 square feet requiring almost 6 spaces less.

The City's recent parking code changes for general office from a ratio of 1/200 to 1/250 requires less parking on the site. The 58,476 square foot building requires 234 parking spaces. This is 64 spaces less than originally required and the site is now over-parked by 35 spaces. Medical office parking requirements remain the same at 1/150. The building's ten medical office users, occupying a total of 3,800 square feet, require 25 parking spaces. Based on the parking analysis, the property can accommodate the parking necessary for general offices and the medical office users.

The medical office users occupy suites ranging from 237 to 1,043 square feet. Appointments are typically scheduled for one patient per hour. Most of the medical offices operate four days a week with some 2 ½ days per week, 3 days per week, and 5 days per week.

#### **GENERAL PLAN**

The General Plan designates this property as Employment with the South Price Road Employment Corridor overlay (SPREC). The Employment designation generally allows for a variety of employment uses ranging from major employers to industrial/business parks and industrial support uses. Staff has historically acknowledged SPREC being property south of Willis Road; therefore, this property is solely governed by the Employment designation which allows multi-tenant uses. Properties south of Willis Road develop under the large campus-like single-user developments. Mammoth Professional Building is consistent with the General Plan allowing corporate offices with multi-tenants as was permitted in 2006.

#### **DISCUSSION**

The minor amount of medical office users is incidental and does not change the intent of this building being a corporate office. The existing parking spaces on the site provide appropriate parking to accommodate both general office users and the 3,800 square feet of medical offices. If additional medical office users are proposed at a later time, there would need to be a parking analysis update to ensure there is enough on-site parking.

Upon an approval of this request, City Staff will continue to work with the property owner to bring tenants into compliance with required building permits, occupancies, and licensing.

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

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held January 9, 2013. No area property owners attended other than the property owner/applicant.
- As of the date of this memo, Staff is not aware of any opposition to this project.

#### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 5    Opposed: 0    Absent: 2 (Baron, Cunningham)

## **RECOMMENDATIONS**

### **Rezoning**

Planning Commission and Planning Staff, upon finding consistency with the General Plan and Chandler Airpark Area Plan, recommend approval of the Rezoning subject to the following conditions:

1. Development shall be in substantial conformance with the representations and exhibits (narrative, parking/tenant list) kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0005 MAMMOTH PROFESSIONAL BUILDING, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3777 in case DVR05-0034, except as modified by condition herein.
3. Medical office uses are limited to those requested; Psychiatrist, Psychologist, Counselor/Therapist.
4. No more than a maximum of 3,800 square feet in building area shall be permitted for medical office and any additional medical office users as permitted in Condition No. 3 shall be reviewed by Staff with the submittal of an updated parking analysis. A separate Preliminary Development Plan shall be required if parking cannot be provided.
5. All existing and future tenants in the building shall submit for Certificate of Occupancy and/or building permits requiring a City building inspection as well as filing for a City business license.

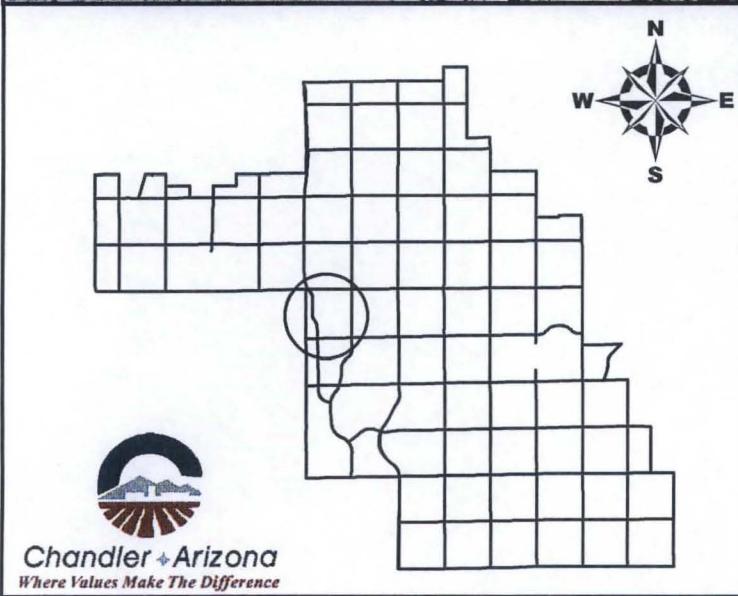
## **PROPOSED MOTIONS**

Move to introduce and tentatively adopt Ordinance No. 4440 approving rezoning request DVR12-0005 MAMMOTH PROFESSIONAL BUILDING from PAD to PAD, subject to the conditions as recommended by Planning Commission and Planning Staff.

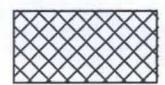
### **Attachments**

1. Vicinity Maps
2. Narrative
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## Vicinity Map



DVR12-0005

**Mammoth Professional Building**

February 28, 2013

**DVR12-0005 Mammoth Professional Building**  
**Narrative for Rezone Request**

**Request:** Rezoning from PAD (General Office) to PAD General Office and Medical Office).

Mammoth Professional building was developed in 2008. The building is 58,476 square feet in building area. The general office building accommodates tenant spaces up to 2,500 square feet. The current PAD (General Office) zoning allows for offices considered professional, business, administrative, and executive such as law firms, accountants, insurance companies, corporate offices, and the like. The current PAD zoning for General Office does not allow for medical or dental office uses. The property owner Mammoth Equities specifically prohibited medical and dental offices in the approved development request and designed the property for general office use only. Current general office tenants include: financial advisors, title companies, real estate professionals, engineers, software developers attorneys and other entrepreneurial and licensed professionals.

This application requests a rezoning to allow medical office use in addition to the allowed general office use. Medical office use is proposed to address a zoning violation in which medical offices uses occupy several tenant spaces in the general office building without City approval. In order to remedy this violation, we are requesting to allow medical office uses as described in this request. The property's site development plan included parking spaces specifically for general office, which are fewer parking spaces than medical office would require. As a part of this application, a parking analysis is provided to represent the existing general office parking will accommodate medical office uses as well.

The proposed medical office uses include the following. Dental office uses are not requested and will not be permitted.

<b><i># in Bldg</i></b>	<b><i>Medical Category</i></b>	<b><i>SF</i></b>	<b><i>% Bldg</i></b>
1	Psychiatrist	696	1.19%
2	Psychologists	1,345	2.30%
7	Counselors/Therapists	1,518	2.60%
<b>10</b>	<b>Total SF</b>	<b>3,799</b>	<b>6.50%</b>

These are existing tenants currently not permitted under the PAD zoning. We are not requesting any additional medical office tenants beyond those listed above. This rezoning

request is to allow the existing medical office tenants only. The medical office tenants are mostly related to the counseling field including a medical doctor psychiatrist, except for one naturopathic doctor. These medical office uses are described in more detail below.

**1. Psychiatrist** - A psychiatrist is a physician with a doctor of medicine degree (M.D. or O.D.) plus at least four more years of specialized study and training in psychiatry. Psychiatrists are licensed to practice as physicians by the individual states. “Board certified” psychiatrists have passed the national examination administered by the American Board of Psychiatry and Neurology. Psychiatrists are licensed to write prescriptions, and most focus on prescribing and monitoring medications. A few practice psychotherapy, as well.

**2. Psychologist** - A psychologist is a professional who does psychotherapy. Most have a doctorate degree (such as Ph.D. or Psy.D., Ed.D.), though there are some with Master’s degree (M.A. or M.S.). They are licensed by the state to practice psychiatry. Psychologists receive specific training in diagnosis, psychological assessment, and a wide variety of psychotherapies. Psychologists provide psychological testing, and evaluations. They treat emotional and behavioral problems and mental disorders, as well as provide psychotherapy. Psychologists do not prescribe medication.

**3. Licensed Professional Counselors** - Licensed professional counselor (LPC) is a licensure for mental health professionals. In U.S., the exact title varies by state, but the other most frequently used title is *licensed mental health counselor* (LMHC). Licensed Professional Counselors have a Master’s degree (M.A.) in psychology, counseling or a similar discipline and typically have two years postgraduate experience. They are licensed by the state. They also may be certified by the National Academy of Certified Clinical Mental Health Counselors. Licensed Professional Counselor provide services that include diagnosis and counseling (individual, family/group or both).

**4. Marriage and Family Therapists** - Marriage and Family Therapists usually have a Master’s degree, though some states allow a Bachelor’s degree. They typically have hundreds of hours of direct clinical experience. This designation varies from state to state, but in Arizona Marriage, Family and Child Counselors have very strict requirements, including a Master’s degree and three thousand two hundred hours direct clinical experience.

This rezoning request does not include Primary Care Physicians, Pediatricians, Surgical labs or other medical uses that require in-suite restrooms, gases and specialized equipment, these uses are prohibited.

## **Parking Will Support Uses**

The site is developed with parking to accommodate only general office uses. The PAD/PDP zoning approval in March 2006 included a waiver to the required parking spaces for general office. The Zoning Code required general offices to provide 1 parking space per 200 square feet of building area. Originally the zoning was based on an approximately 60,000 square foot building to provide 298 required parking spaces. The zoning application requested a parking waiver, reducing the required parking by approximately 10 percent. The development's parking ratio is 4.5 parking spaces per each 1,000 square feet of building area. Based on this parking calculation, the development is required to provide 268 parking spaces. The development is providing 269 parking spaces. The development had requested a reduction in parking by 29 parking spaces from the Zoning Code requirement of 298 parking spaces. As a part of the 2006 zoning approval, the case noted that if additional parking is needed in the future, the site can accommodate a parking structure, which would be reviewed through a separate Preliminary Development Plan application.

Following zoning approval and construction plan approval, the actual building area was reduced to 58,476 square feet. The City's recent parking code amendment changes the parking ratio for General Office from 1/200 to 1/250, thus requiring less parking. Based on the new ratio of 1/250 (which does not include call centers), the building would require 234 parking spaces for 100% general office. The site provides 269 parking spaces. Medical Office parking remains unchanged at a ratio of 1/150. The proposed 3,799 square feet of medical office would require 25 parking spaces. Thus a total of 259 parking spaces are required for both general and medical office uses.

Parking Required & Parking Surplus Calc as of 02/28/2013							Mammoth	Chandler (1047)			
Suite No.	Size	SF	Status	Company	Leased %	Vacant %	Occupancy	Required	Full Staff	Days per Week, Hrs, # Waiting	Type
101	5	1,099	Leased	Templeton Financial	1.88%			4.40			
102	5	1,043	Leased	Empire Title	1.78%			4.17			
103	8	1,565	Leased	Alpha & Omega	2.68%			6.26			
104	3	696	Leased	Signature Realty	1.19%			2.78			
105	3	696	Leased	Waddell & Reed	1.19%			2.78			
106	3	696	Leased	Omni Arizona	1.19%			2.78			
107	5	1,043	Leased	Heritage Financial	1.78%			4.17			
108 A	1	240	Leased	Attitudes & Issues	0.41%			0.96	1	3.5 Days per week, 12-8, 1/hr rarely 1 waiting	Counselor/Therapist
108 B	1	240	Vacant	AVAILABLE		0.41%		0.96			
108 C	1	302	Leased	Jack Hirsch, Attny	0.52%			1.21			
108 D	1	263	Leased	Invinio Search Group	0.45%			1.05			
109 A	1	240	Leased	JC Grayson	0.41%			0.96			
109 B	1	240	Leased	REO Edge West LLC	0.41%			0.96			
109 C	1	263	Leased	Arizona Best	0.45%			1.05			
109 D	1	302	Leased	Slacy Sledge	0.52%			1.21	1	4 Days per week, 12-8, 1/hr rarely 1 waiting	Counselor/Therapist
109 E	1	109	Vacant	AVAILABLE		0.19%		0.43			
110 A	1	240	Leased	Law Offices of Bundy	0.41%			0.96			
110 B	1	240	Leased	June Saez Placement	0.41%			0.96			
110 C	1	263	Leased	June Saez Placement	0.45%			1.05			
110 D	1	302	Leased	Dawn Records	0.52%			1.21			
111 A	1	240	Vacant	AVAILABLE		0.41%		0.96			
111 B	1	240	Leased	Dan Bernal	0.41%			0.96	1	3.5 Days per wk, 8-5, 1 per hr, none waiting	Counselor/Therapist
111 C	1	263	Leased	Kathryn Briggs	0.45%			1.05	1	4.5 Days per wk, 12-8, 1 per hr, none waiting	Counselor/Therapist
111 D	1	302	Vacant	AVAILABLE		0.52%		1.21			
111 E	1	109	Leased	Diamondback Realty	0.19%			0.43			
112	5	1,043	Vacant	AVAILABLE		1.78%		4.17			
113	5	1,043	Leased	CCR Advisors	1.78%			4.17			
114	5	1,043	Leased	Pioneer Title	1.78%			4.17			
115A	1	200	Vacant	AVAILABLE		0.34%		0.80			
115B	1	182	Leased	MDSI	0.31%			0.73			
115C	1	237	Leased	Pats Counseling Services	0.40%			0.95	1	4 Days per week, 12-8, 1/hr rarely 1 waiting	Counselor/Therapist
115D	1	237	Leased	Nate Marshall Counseling	0.40%			0.95	1	4 Days per week, 12-8, 1/hr rarely 1 waiting	Counselor/Therapist
115E	1	237	Leased	HyperFontier	0.40%			0.95			
115F	1	163	Vacant	AVAILABLE		0.28%		0.65			
115G	1	200	Leased	API Group	0.34%			0.80			
115H	1	110	Vacant	AVAILABLE		0.19%		0.44			
116	2	522	Leased	East AZ Insurance	0.89%			2.09			
117	7	1,391	Leased	First Arizona Title	2.38%			5.57			
118	5	1,099	Leased	Max Aguilar	1.88%			4.40			
201	5	1,099	Leased	Reliable Controls	1.88%			4.40			
202	5	1,043	Leased	Warren Littlefor Parentworx	1.78%			4.17	2	3.5 Days per wk, 11-8, 1/hr, seldom 1 waiting	Psychologist
203	2	488	Leased	SPG Studios	0.83%			1.95			
204	7	1,391	Leased	Peoples Mortgage	2.38%			5.57			
205	3	696	Leased	Victorias Secret	1.19%			2.78			
206	2	522	Leased	Anderson Financial	0.89%			2.09			
207	5	1,043	Leased	Rosendin Electric	1.78%			4.17			
208	5	1,043	Leased	First Sonoran Prop Mgt	1.78%			4.17			
209 A	1	240	Vacant	AVAILABLE		0.41%		0.96			
209 B	1	240	Leased	Dragon Source	0.41%			0.96			
209 C	1	263	Leased	Ambit Consulting Surveyers	0.45%			1.05			
209 D	1	302	Leased	Dragon Source	0.52%			1.21			
210 A	1	240	Vacant	AVAILABLE		0.41%		0.96			
210 B	1	240	Leased	Jospeh Ybarra	0.41%			0.96			
210 C	1	263	Leased	Chandler U	0.45%			1.05			
210 D	1	302	Leased	Ann Byun Gilance Realty	0.52%			1.21			
210 E	1	109	Vacant	AVAILABLE		0.19%		0.43			
211A	1	240	Vacant	AVAILABLE		0.41%		0.96			
211B	1	240	Leased	Kristine Mill	0.41%			0.96	1	3 Days per wk, 9-4, 1/hr, none waiting	Counselor/Therapist
211C	1	263	Leased	Accumac	0.45%			1.05			
211D	1	302	Vacant	AVAILABLE		0.52%		1.21			
212A	1	240	Vacant	AVAILABLE		0.41%		0.96			
212B	1	240	Leased	Affiliate Systems, LLC	0.41%			0.96			
212C	1	263	Leased	Affiliate Systems, LLC	0.45%			1.05			
212D	1	302	Leased	Amy Wade	0.52%			1.21	1	2.5 Days per wk, 11-8, 1 per hr, none waiting	Psychologist
212E	1	109	Vacant	AVAILABLE		0.19%		0.43			
213	5	1,043	Leased	AMP Security	1.78%			4.17			
214	3	696	Leased	Marc Schwartz	1.19%			2.78	2	5 Days per wk, 9-5, 1 per hr, seldom 1 waiting	Psychiatrist
215	7	1,391	Vacant	AVAILABLE		2.38%		5.57			
216	8	1,565	Leased	DC&M Partners Tech	2.68%			6.26			
217	2	522	Leased	Climate Healers	0.89%			2.09			
218	7	1,391	Leased	Guardian Homes	2.38%			5.57			
219	5	1,099	Leased	AuraSource	1.88%			4.40			
301	7	1,433	Leased	Nielsen Law	2.45%			5.73			
302	5	1,043	Leased	Bld Prestige	1.78%			4.17			
303	2	488	Leased	Mobile Vision Cory	0.83%			1.95			
304	7	1,391	Vacant	AVAILABLE		2.38%		5.57			
305	3	696	Leased	Prospect Mortgage	1.19%			2.78			
306	2	522	Leased	Sahi Softech	0.89%			2.09			
307	5	1,043	Vacant	AVAILABLE		1.78%		4.17			
308	5	1,043	Vacant	AVAILABLE		1.78%		4.17			
309/310	10	2,199	Leased	Evergreen Engineering	3.76%			8.80			
311/312	10	2,199	Leased	AKO Engineering	3.76%			8.80			
313	5	1,043	Leased	Phacil	1.78%			4.17			
314	5	1,043	Vacant	AVAILABLE		1.78%		4.17			
315	5	1,043	Vacant	AVAILABLE		1.78%		4.17			
316	8	1,565	Leased	Kingston Contracting	2.68%			6.26			
317	2	522	Leased	Response Marketing	0.89%			2.09			
318	7	1,391	Leased	Mary Bro Holdings	2.38%			5.57			
319	7	1,433	Leased	Larry Lazzarra Law	2.45%			5.73			
TOTAL		58,476			81.46%	18.54%		233.9			
# In Bldg	Medical Category	SF	% Bldg		Parking Required			234			
1	Psychiatrist	696	1.19%		Parking Provided			269			
2	Psychologists	1,345	2.30%		Surplus per Ratio			35		Surplus Spaces General Office	
7	Counselors/Therapists	1,758	3.01%								
					Add: Medical @ 1/150			25		Required for Medical	
10	Total SF	3,799	6.50%		Surplus Parking			10		Surplus Spaces to serve General Office and Medical	

**ORDINANCE NO. 3777**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 TO PAD (DVR05-0034 MAMMOTH PROFESSIONAL BUILDING) 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 Exhibit A, Development Booklet, entitled "Mammoth Professional Building – Chandler, Arizona", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0034, except as modified by condition herein.
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. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. The development shall provide a permanent traffic signal at the Price Road/Willis Road intersection. This improvement is eligible for a buy-in agreement.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

6. 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.
7. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
8. 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.
9. 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.
10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
11. The 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 Mammoth Professional Building development shall use treated effluent to maintain open space, common areas, and landscape tracts.

- 12. Landscaping shall be in compliance with current Commercial Design Standards and Zoning Codes including all quantity and size restrictions.
- 13. All raceway signage shall be prohibited within the development.
- 14. Wall-mounted building signage shall be reviewed and approved through a separate Preliminary Development Plan application.
- 15. The applicant shall work with Staff on the covered parking canopies to introduce building forms, materials, and colors used on the office building.

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

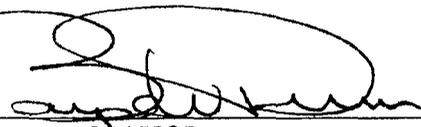
SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 6<sup>th</sup> day of March 2006.

ATTEST:

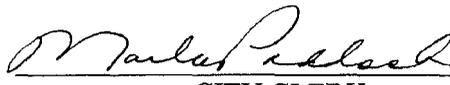
  
 CITY CLERK



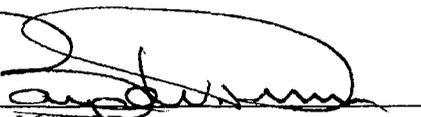
  
 MAYOR

PASSED AND ADOPTED by the City Council on the 23<sup>rd</sup> day of March 2006.

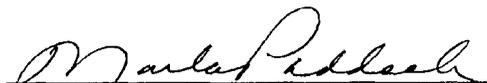
ATTEST:

  
 CITY CLERK



  
 MAYOR

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3777 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 23<sup>rd</sup> day of March 2006, and that a quorum was present thereat.

  
 CITY CLERK

APPROVED AS TO FORM:

  
 CITY ATTORNEY

**ORDINANCE NO. 4440**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR12-0005 MAMMOTH PROFESSIONAL BUILDING) 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, subject to the following conditions:

1. Development shall be in substantial conformance with the representations and exhibits (narrative, parking/tenant list) kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0005 MAMMOTH PROFESSIONAL BUILDING, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3777 in case DVR05-0034, except as modified by condition herein.

- 3. Medical office uses are limited to those requested; Psychiatrist, Psychologist, Counselor/Therapist.
- 4. No more than a maximum of 3,800 square feet in building area shall be permitted for medical office and any additional medical office users as permitted in Condition No. 3 shall be reviewed by Staff with the submittal of an updated parking analysis. A separate Preliminary Development Plan shall be required if parking cannot be provided.
- 5. All existing and future tenants in the building shall submit for Certificate of Occupancy and/or building permits requiring a City building inspection as well as filing for a City business license.

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 \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_

CITY CLERK
MAYOR

PASSED AND ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_

CITY CLERK
MAYOR

**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4440 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

GJB

PUBLISHED:

Exhibit 'A' Legal Description

The South 450.52 feet of the Southwest quarter of the Northwest quarter of Section 6, Township 2 South, Range 5 East of the Gila River and Salt River Base and Meridian, Maricopa county, Arizona;

EXCEPT the West 241.71 feet thereof; and

EXCEPT the East 543.21 feet thereof; and

EXCEPT that portion commencing at the West quarter corner of said Section 6; thence North 89 degrees 06 minutes 03 seconds East along the south line of said Southwest quarter of the Northwest quarter of Section 6, a distance of 519.99 feet; thence North 00 degrees 53 minutes 57 seconds West, a distance of 33.06 feet to a point on the North right-of-way line of WILLIS ROAD; thence North 89 degrees 06 minutes 03 seconds East along the North right-of-way of WILLIS ROAD, a distance of 265.05 feet to the TRUE POINT OF BEGINNING; thence North 00 degrees 10 minutes 52 seconds West, a distance of 27.00 feet; thence South 45 degrees 32 minutes 39 seconds East, a distance of 28.11 feet; thence North 89 degrees 06 minutes 03 seconds East, a distance of 114.86 feet; thence South 00 degrees 53 minutes 57 seconds East, a distance of 7.00 feet; thence South 89 degrees 06 minutes 03 seconds West, a distance of 134.95 feet to the TRUE POINT OF BEGINNING;

and

EXCEPT that portion Commencing at the West quarter corner of said Section 6; thence North 89 degrees 06 minutes 03 seconds East along the South line of said Southwest quarter of the Northwest quarter of Section 6, a distance of 519.99 feet; thence North 00 degrees 53 minutes 57 seconds West, a distance of 33.00 feet to the TRUE POINT OF BEGINNING; thence continuing North 00 degrees 53 minutes 57 seconds West, a distance of 7.00 feet; thence North 89 degrees 06 minutes 03 seconds East, a distance of 130.09 feet; thence North 44 degrees 27 minutes 35 seconds East, a distance of 28.46 feet; thence North 00

degrees 10 minutes 52 seconds West, a distance of 390.42 feet; thence North 89 degrees 06 minutes 03 seconds East, a distance of 115.05 feet; thence south 00 degrees 10 minutes 52 seconds East, a distance of 417.42 feet; thence South 89 degrees 06 minutes 03 seconds West, a distance of 265.05 feet to the TRUE POINT OF BEGINNING.