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JAN 11 2007

ORDINANCE NO. 3867

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR06-0030 MAMMOTH COMMERCE CENTER – CHANDLER II) 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 Exhibit A, Development Booklet, entitled "Mammoth Commerce Center – Chandler II", kept on file in the City of Chandler Planning Services Division, in File No. DVR06-0030, 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. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. 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.
8. 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.
9. 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 Commerce Center – Chandler II development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. Landscaping shall be in compliance with current Commercial Design Standards and Zoning Codes including all quantity and size restrictions.
11. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
12. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner.
13. Wall-mounted building signage shall be reviewed and approved through a separate Preliminary Development Plan application.
14. Covered parking canopies shall be compatible with elements and colors used on the buildings.
15. Prior to building permit issuance for any structures, the developer shall provide a Determination of No Hazard approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
16. Additional shade trees shall be located around all sides of the benches in seating areas located on the north and south sides of the office building to ensure areas are well shaded from sun exposure.
17. The applicant shall work with Staff to incorporate vertical and horizontal elements to break-up wall planes on all sides of the office building.

18. The applicant shall work with Staff to design monument signage that more closely reflects the materials and design of the main building.

19. Provide additional shade trees on east and west sides of office building in lieu of Oleanders. Trees to be planted at a minimum 20 feet on center spacing.

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 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 ____ day of _____, 2006.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2006.

ATTEST:

CITY CLERK

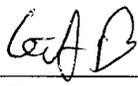
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3867 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2006, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PUBLISHED:

**LEGAL DESCRIPTION
FUTURE LOT 10**

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN ALUMINUM CAP IN HANDHOLE AT THE CENTERLINE OF GERMANN ROAD, LOCATING THE NORTH QUARTER CORNER OF SAID SECTION 12;

THENCE NORTH 89°21'03" EAST, 441.40 FEET, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 12 TO THE **POINT OF BEGINNING**;

THENCE CONTINUE NORTH 89°21'03" EAST, 973.05 FEET TO THE WEST RIGHT-OF-WAY LINE OF STEARMAN DRIVE;

THENCE SOUTH 32°59'32" WEST, 48.05 FEET, ALONG SAID WEST RIGHT-OF-WAY LINE;

THENCE NORTH 89°21'03" EAST, 12.01 FEET, ALONG SAID WEST RIGHT-OF-WAY LINE;

THENCE SOUTH 32°59'32" WEST, 4.03 FEET, ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 740.00 FEET;

THENCE SOUTHWESTERLY AND SOUTHERLY, ALONG THE ARC OF SAID CURVE OF SAID WEST RIGHT-OF-WAY LINE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 31°25'13" AND AN ARC LENGTH OF 405.81 FEET;

THENCE SOUTH 44°37'20" WEST, 21.22 FEET;

THENCE SOUTH 89°21'03" WEST, 115.31 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 430.00 FEET;

THENCE WESTERLY AND SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 38°07'48" AND AN ARC LENGTH OF 286.16 FEET;

THENCE NORTH 40°03'49" WEST, 688.29 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 319,662 SQUARE FEET OR 7.34 ACRES, MORE OR LESS.

