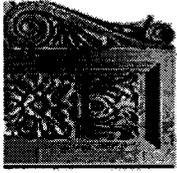


Add info # 12/# 49

FEB 22 2007



Susan Bonville/COC
02/22/2007 11:10 AM

To Bob Weworski/COC@ci.chandler.az.us, CityClerkDivision
cc
bcc
Subject Fw: Downtown Ocotillo & The Waters at Ocotillo

----- Forwarded by Susan Bonville/COC on 02/22/2007 11:10 AM -----



ksschultzie@aol.com
02/22/2007 09:49 AM

To Mayor&Council@chandleraz.gov
cc
Subject Downtown Ocotillo & The Waters at Ocotillo

Mayor & Council,

I am unable to attend tonight's Council meeting and as an Ocotillo resident would like to express my support for both Downtown Ocotillo and The Waters at Ocotillo. These two high quality developments will be a welcome addition to Ocotillo. A high quality destination style mixed use community will continue to enhance the image and value of our community. We can't wait.

Thank you,

Karen Schultz-Soltysik
4583 S. Wildflower Pl.
Chandler, AZ 85248

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#12
FEB 22 2007



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MEMORANDUM

Planning and Development – CC Memo No. 07-030

DATE: February 8, 2007

TO: PLANNING AND ZONING COMMISSION

THRU: W. MARK PENTZ, CITY MANAGER
DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR
JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR

FROM: BOB WEWORSKI, PRINCIPAL PLANNER

SUBJECT: AP06-0005/DVR06-0051/PPT06-0041 DOWNTOWN OCOTILLO
Adoption of Resolution No. 4044
Introduction and Tentative Adoption of Ordinance No. 3889

Request: Request Area Plan amendment from employment and office land uses to commercial and multi-family residential land uses. Request mid-rise overlay for additional building height for commercial hotel and multi-family residential development on an approximate 11-acre portion of the site. Request rezoning from Planned Area Development (PAD) to PAD Amended for a commercial retail, office, hotel, and multi-family residential development along with Preliminary Development Plan (PDP) and Preliminary Plat approval.

Location: Southwest corner of Dobson and Queen Creek Roads

Project Info: Approximately 30.5 acres

Applicant: Lawrence and Geyser Development

RECOMMENDATION

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

BACKGROUND

The application requests an Area Plan amendment, rezoning, mid-rise overlay, Preliminary Development Plan (PDP), and Preliminary Plat approval for a commercial retail, office, and multi-family residential development. The Area Plan amendment changes the land use

designations within particular parcels from commercial and employment land uses to commercial, single-family, and multi-family residential land uses. The rezoning amends the existing Planned Area Development (PAD) zoning for commercial retail, office, and multi-family residential development. A mid-rise overlay allows additional building height for the proposed hotel and residential structures over 45' tall. The PDP is comprehensive and includes the site layout, landscaping, grading and drainage, building architecture, and sign package for parcel 9.

The subject site, known as the "Golden Triangle", is enclosed by three major arterial streets and is surrounded by waterways on two sides. It encompasses approximately 74 acres of vacant property at the southwest corner of Price and Dobson Roads and is part of the Ocotillo master planned development. It is bordered to the north by Queen Creek Road and vacant property planned for employment uses. An office development and apartment complex is located to the east across Dobson Road. An existing waterway surrounds the site to the south and west. Across the waterway is the planned Waters at Ocotillo single-family and multi-family residential development to the southeast, existing park and Orbital Sciences campus to the south, and Aquila at Ocotillo office complex to the west.

Downtown Ocotillo is proposed for a mixed-use commercial and residential development featuring a live-work-dine-shop environment. The commercial portion will consist of retail, specialty grocer, day spa, restaurants, offices, and a hotel. A Santa Barbara architectural style is utilized throughout that conveys a rustic character reminiscent of early 20th Century Southern California architecture.

AREA PLAN AMENDMENT

The Ocotillo area was one of the first large-scale master planned developments in Chandler. An Area Plan was established in 1983 throughout 2,700 acres of South Chandler. A mix of land uses were distributed in a balanced approach that included commercial, employment, and residential uses, an open space system of lakes, and 27-hole golf course. The portion of the Area Plan that encompassed the subject site included employment and office designations. On the original plan, the alignment of Queen Creek Road had curved southward at Dobson Road and encompassed an office designate parcel. PAD zoning was established for the subject property in 1985 as part of the 1,077-acre north Ocotillo Phase I plan.

The Area Plan amendment seeks to change approximately 30.5 acres of land to commercial and multi-family residential land use designations. Approximately 20 acres will be for commercial retail, hotel, and office uses, with the balance at the site's southeast portion to be multi-family residential. Two of the residential buildings will include live-work units on a limited portion of the ground floor level units.

The amendment will provide for a mix of uses on the site that is unique to the Ocotillo area as well as complimentary to the adjacent employment area. The commercial and residential uses are well integrated within the development through configuration of the site layout and pedestrian connections. The development will provide support services to the local employment area by offering residential housing, a hotel, shops, restaurants, offices, and grocery store.

MID-RISE OVERLAY

The application requests approval of a mid-rise overlay to construct buildings over 45' in height on an approximate 11-acre portion of the site. The hotel and three residential condominium buildings, located at the site's south end, extend above 45' in overall building height. This site is eligible for mid-rise consideration given its location along the South Price Road corridor. Staff supports the additional building heights due to the site's unique characteristics of being located significantly away from single-family neighborhoods and buffered by adjacent waterways, park, employment, commercial, and planned multi-family residential development.

Building heights with pitched roofs are measured to the mid-point of the highest pitched roof. Mechanical equipment or architectural embellishments such as domes are not counted toward the overall building height. The six-story hotel structure is approximately 73' to the mid-point of the pitched roof and 85' to the dome top. There are five condominium buildings that range between two and five stories in height. A five-story condominium structure is approximately 56' to the mid-point of the pitched roof and 70' to the dome top. There are two condominium buildings that have combination four- and five-story wings, with the five-story portion extending to 56' tall to the pitched roof mid-point.

Height reducing techniques have been employed on the building architecture to visually reduce the height impacts. These include varied roof heights and roof features that break up the skyline view. The overall vertical building masses have been broken up by the incorporation of horizontal façade treatments and color variations. Staff is recommending a condition that requires minimum 25' to 30' tall fan palm trees to be planted at the buildings' foundations to further visually scale the tall structures.

PROPOSED DEVELOPMENT

The application requests rezoning from Planned Area Development (PAD) to PAD amended for a commercial and multi-family residential development along with Preliminary Development Plan (PDP) approval. The commercial development will be limited to C-2 (Community Commercial) uses and include retail, hotel, office, shops and restaurants. The residential development is proposed as "for sale" condominiums.

The site is segmented with the commercial retail and offices primarily located along Queen Creek Road, a hotel at the site's south end, and condominiums at the site's southeast portion. A vehicular bridge connects the parcel with the Waters at Ocotillo condominium parcel to the south in alignment with Market Place. A traffic light will be located at the site's main driveway entrance at the mid-point along Queen Creek Road. A future pedestrian bridge may be potentially located at the west end, linking the site to the adjacent Aquila at Ocotillo office complex.

A cluster of single-story retail buildings is located next to the driveway entrance along Queen Creek Road. Staff supports relief of the front building setback for these buildings since they are located in a landscape setting and have enhanced building features. A specialty grocery store and retail shops is planned at the northeast corner. An enlarged landscape lawn area and water fountain and plaza are located between the buildings and the lake to the south. Restaurants, offices, and a day spa compliment the other commercial retail uses on the site.

The six-story hotel building is located at the site's south peninsula end and is connected to the rest of the site by a Date Palm tree lined driveway and parking field. Parking lot screening along the waterway and streets is accomplished by decorative 4' high masonry screen walls and landscaping. There are five condominium buildings that range between two and five stories in height that surround a central courtyard and formal landscaping and open areas. Two-story buildings are located along the waterway with the taller structures transitioning into the site interior. Buildings 1 and 2 include approximately five live-work units on a limited portion of the ground floor level units adjacent to the main drive. All resident parking is provided underground, below the building structures.

A variety of site amenity features and enhanced landscaping are provided throughout the site that reinforces the pedestrian friendly environment. These site features include pedestrian gates, specialty textured paving treatments, plazas, open space areas, water fountains, pavilions, and colonnade and trellis covered walkways. The landscape design features a lush oasis theme that is appropriate for the Ocotillo location. The landscaping will be in conformance with Commercial Design Standards for plant sizes and spacing.

The Santa Barbara building architectural style is utilized on all buildings throughout the site to create a harmonious theme. The distinctive exterior features include red clay tile roofing and smooth stucco walls. The retail and office buildings incorporate colonnades and vine covered trellises for pedestrian circulation. Several buildings have wood balconies on upper floors and extensive open terraces for sitting and dining. The deep recessed windows are often framed by shutters and have wrought iron highlights. Other adornments include ceramic tile, stone accents, and ornate columns.

A comprehensive sign package is included for all monument and building signs. Freestanding monument signs incorporate the Santa Barbara architectural theme in their design. Signs along Queen Creek Road will be located at driveway entrances and have multiple tenant panels with reverse pan channel halo illuminated lettering. Staff supports the additional signs and tenant panels based upon the integrated architectural design and limited access to the site. Directional signs are located within the site's interior driveways. Business directory signs are located along the lake's perimeter walkway. All building mounted signage will have individual reverse pan channel letters that are either halo illuminated or non-illuminated. In addition, the retail and office buildings will incorporate blade signs that are attached perpendicular to the building facades and will be sandblasted with gold leaf lettering.

DISCUSSION

Staff recommends approval of the application, finding the proposed development to be a high quality contribution to the Ocotillo community area. This development, along with the Waters at Ocotillo development, completes the vision for a fully integrated master planned community. The proposed land use change from employment and office to a mixed-use commercial and residential development is appropriate for the area and provides support services for the local employment and residential area.

The development offers a wide variety of landscape and pedestrian amenity features that exceed quality standards. This unique triangular shaped site is bordered by an arterial street and surrounded by an existing waterway that separates it from other developments. This is an ideal setting for the proposed six-story hotel and condominium buildings that extend to five stories

since the site is isolated from any single-family residential subdivisions. The lush landscaping and extensive amenity features produce an inviting oasis and resort feeling. The Santa Barbara style of architecture establishes a strong and unique theme throughout that reinforces the concept of a high quality outdoor living environment.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed according to the provisions of the City of Chandler Zoning Code. Public hearing notices were sent to all property owners within a ¼ mile radius and registered neighborhood associations within ½ mile.
- Two separate neighborhood meetings were held to address the proposed development. An open house meeting was held on September 12, 2006 at the Ocotillo Golf Course clubhouse, with approximately 50 people in attendance. A second meeting was held to discuss the proposal along with the mid-rise overlay request with three people in attendance.
- The Ocotillo Design Review Board has reviewed the proposed development and is in support of the application.
- Staff has received telephone calls inquiring about the application. Most calls were to get information about the proposed development.
- Staff received a letter from the Aquila of Ocotillo Board of Directors (attached) expressing concerns about the parking/screening along the lake and a desire for a pedestrian bridge to link to the Aquila office complex. There was also a concern expressed about a parking garage being visible next to the lake. It was clarified that there was never a parking structure proposed near the lake and that the only parking structure planned on the site was an underground garage at the condominiums. Details have been developed to provide proper surface parking lot screening. The applicant has responded in favor of constructing a pedestrian bridge if costs are shared with the office complex.

COMMISSION VOTE REPORT

Motion to approve. In Favor:5 Opposed: 0 Absent: 1 (Anderson) Abstain: 1 (Flanders)

Planning Commission was impressed by the high quality and extensive detail level that was proposed for the development. It was stated that the mixed-use development was a successful solution for the site and integrated well with the companion Waters at Ocotillo development being proposed.

RECOMMENDED ACTION

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval of the Area Plan Amendment, Rezoning, and Preliminary Development Plan (PDP) subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "DOWNTOWN OCOTILLO" kept on file in the City of Chandler Current Planning Division, in file number AP06-0005/DVR06-0051, 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. 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. 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.
8. Landscaping shall be in compliance with current Commercial Design Standards.
9. 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.
10. All raceway signage shall be prohibited within the development.
11. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
12. All ground-mounted equipment shall be screened from public view by landscaping or a concrete or masonry wall equal to or greater in height than the mechanical equipment.
13. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
14. Commercial uses permitted within the proposed in the Live/Work buildings shall be limited to general office use only, no medical or dental office use. Office use is limited to the areas represented on floor plans within the Development Booklet. Any substantial change in the use of the building and/or floor plan related to the office use shall require a re-application and approval of a Rezoning and/or Preliminary Development Plan.
15. 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 Downtown Ocotillo development shall use treated effluent to maintain open space, common areas, and landscape tracts.

16. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner, property owners' association, or homeowners' association.
17. The applicant shall work with Staff to provide a series of minimum 25' to 30' tall fan palm trees (*Washingtonia robusta*) along the building foundations of structures that exceed 45' in height.
18. The condominiums shall be individual "for sale only" units at the time of the development.
19. The directional signs shall be limited to individual reverse pan channel or push-through letters with halo illumination.
20. The applicant shall work with Staff to enhance the "Retail L" building elevations through the use of similar building forms, materials, and colors used on other buildings within the development to reflect the full extent of the Santa Barbara architectural style.
21. Mexican fan palms (*Washingtonia robusta*) shall be prohibited throughout except as accents for the mid-rise buildings.
22. The developer shall design and construct a traffic signal at Queen Creek Road/Driveway approximately 1100' west of Dobson Road. The developer is eligible for up to 50% reimbursement when properties on the north side of Queen Creek Road develop in the future.

Planning Commission and Staff recommend approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

PROPOSED MOTIONS

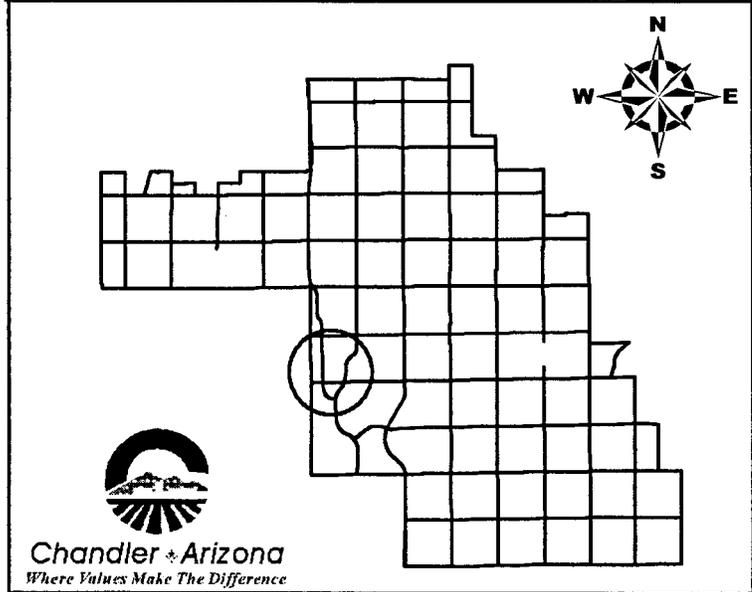
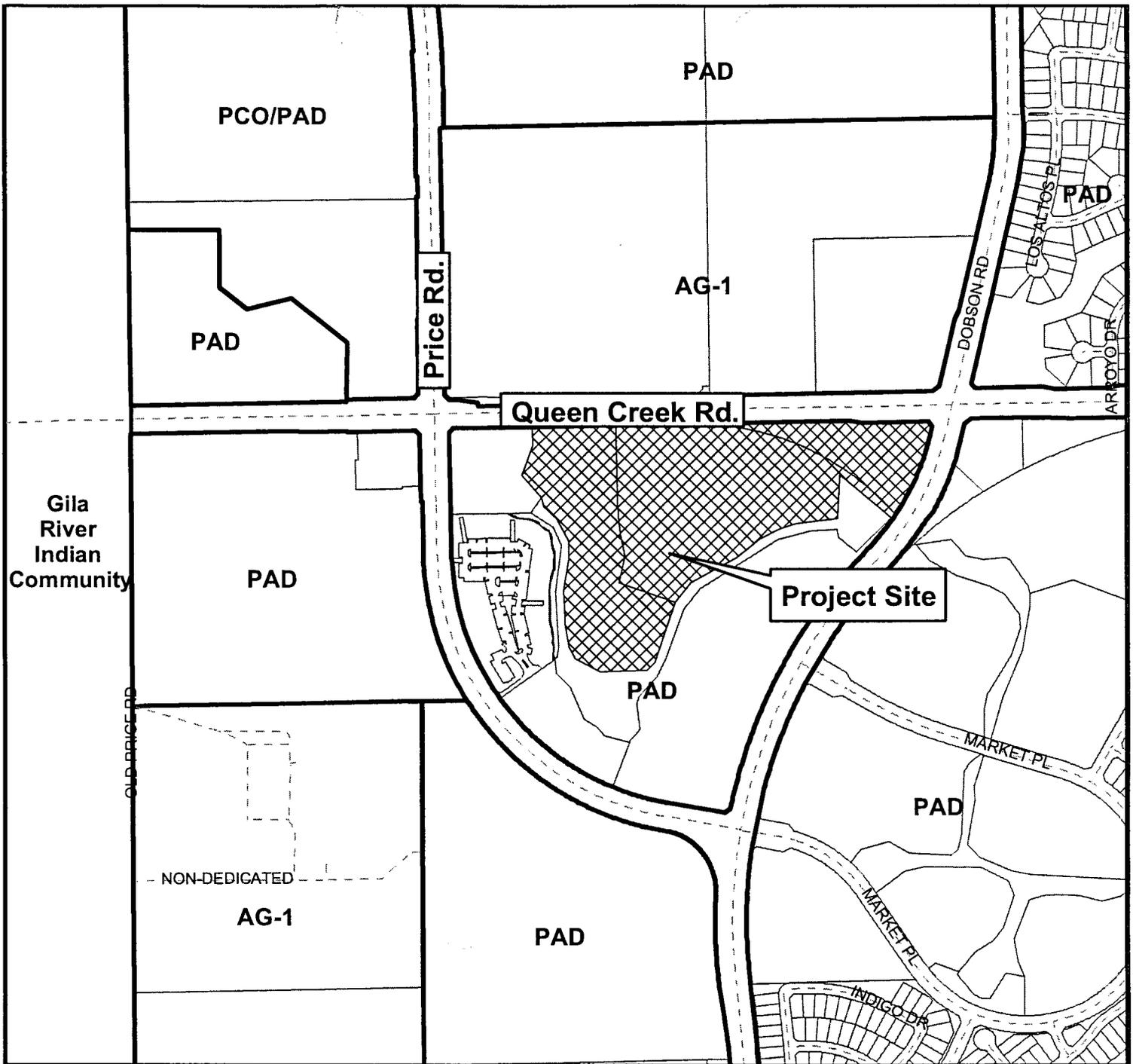
Move to adopt Resolution No. 4044, approving Area Plan Amendment request AP06-0005 DOWNTOWN OCOTILLO, per Planning Commission and Staff recommendation.

Move to introduce and tentatively adopt Ordinance No. 3889, approving DVR06-0051 DOWNTOWN OCOTILLO Rezoning and Preliminary Development Plan request, subject to conditions recommended by Planning Commission and Staff.

Move to approve Preliminary Plat request PPT06-0041 DOWNTOWN OCOTILLO, per Planning Commission and Staff recommendation.

Attachments

1. Vicinity Map
2. Ocotillo Area Plan
3. Amended Area Plan
4. Site Plan
5. Building Perspective Renderings
6. Aquila Ocotillo letter
7. Development Booklet, Exhibit 'A'
8. Resolution No. 4044
9. Ordinance No. 3889

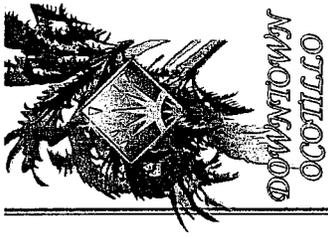


Vicinity Map



DVR06-0051

Downtown Ocotillo



DOWNTOWN
OCOTILLO



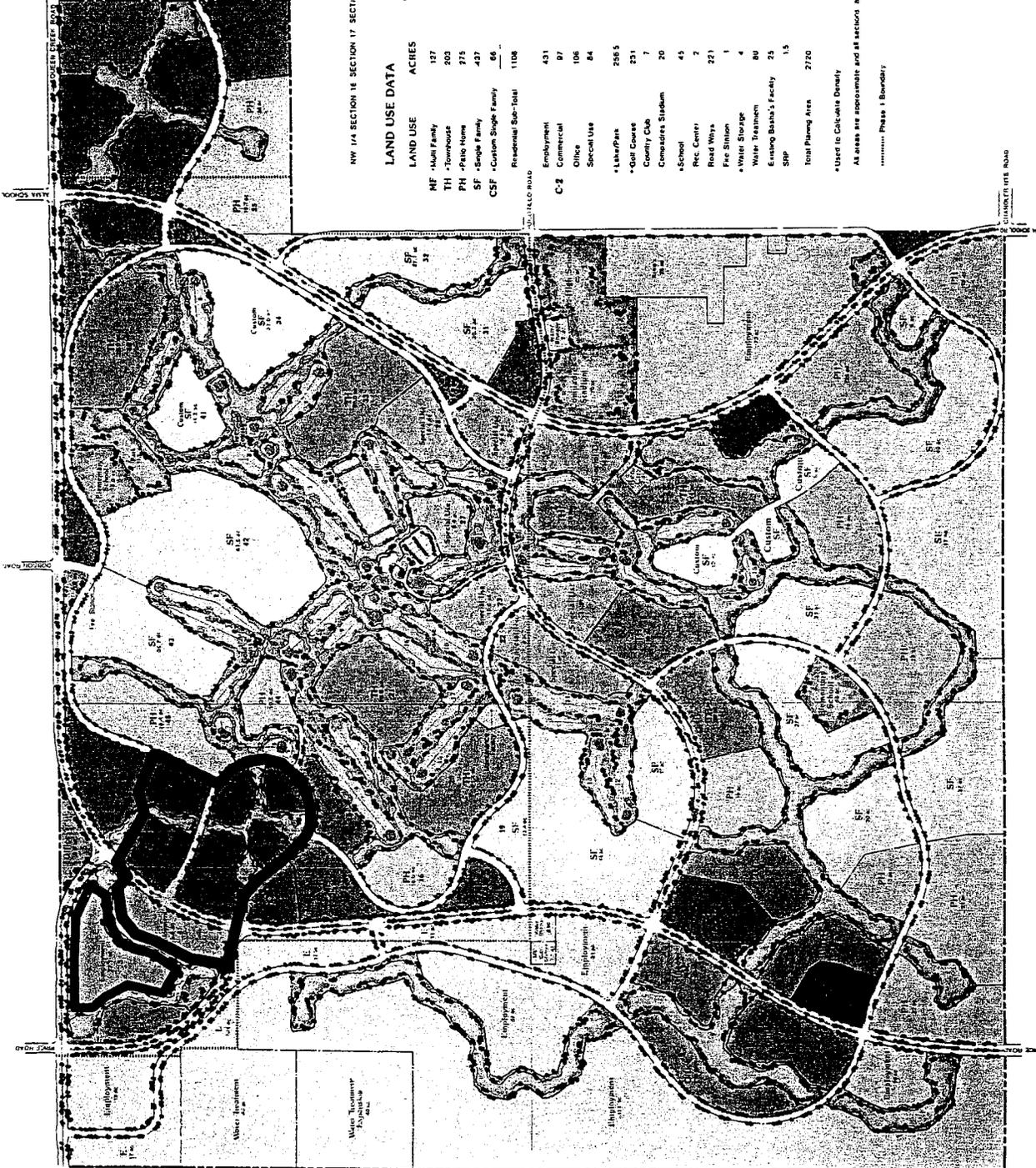
EXISTING
AREA PLAN

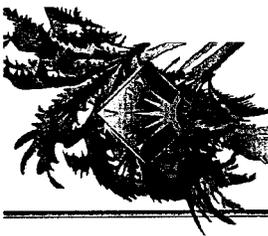
NW 1/4 SECTION 16 SECTION 17 SECTION 18 SECTION 19, and SECTION 20

LAND USE	ACRES	AVERAGE DENSITY	UNITS
NF -Nest Family	127	16.0 dwt/ac	2288
TH -Townhouse	203	13.0 dwt/ac	2638
PH -Patio Home	275	5.5 dwt/ac	1512
SF -Single Family	437	3.5 dwt/ac	1529
CSF -Custom Single Family	66	2.5 dwt/ac	164
Residential Sub-Total	1108	4.8 dwt/ac	8130

Employment	431
C-2 Commercial	97
Office	106
Special Use	84
*Leisure	256.5
*Golf Course	231
Country Club	7
Competition Stadium	20
*School	45
Rec. Center	7
Road Ways	221
Fire Station	1
*Water Storage	4
Water Treatment	80
Existing Bath's Facility	23
SNP	1.5
Total Planning Area	2720

* Used to Calculate Density
 All areas are approximate and all actions assumed to contain 6400 acres
 --- Phase 1 Boundary



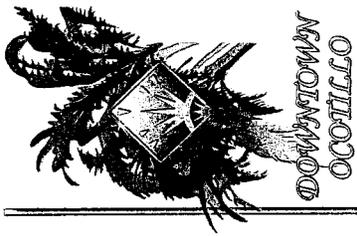


DOWNTOWN OCCITILLO

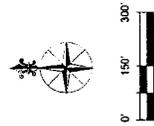


AMENDED AREA PLAN

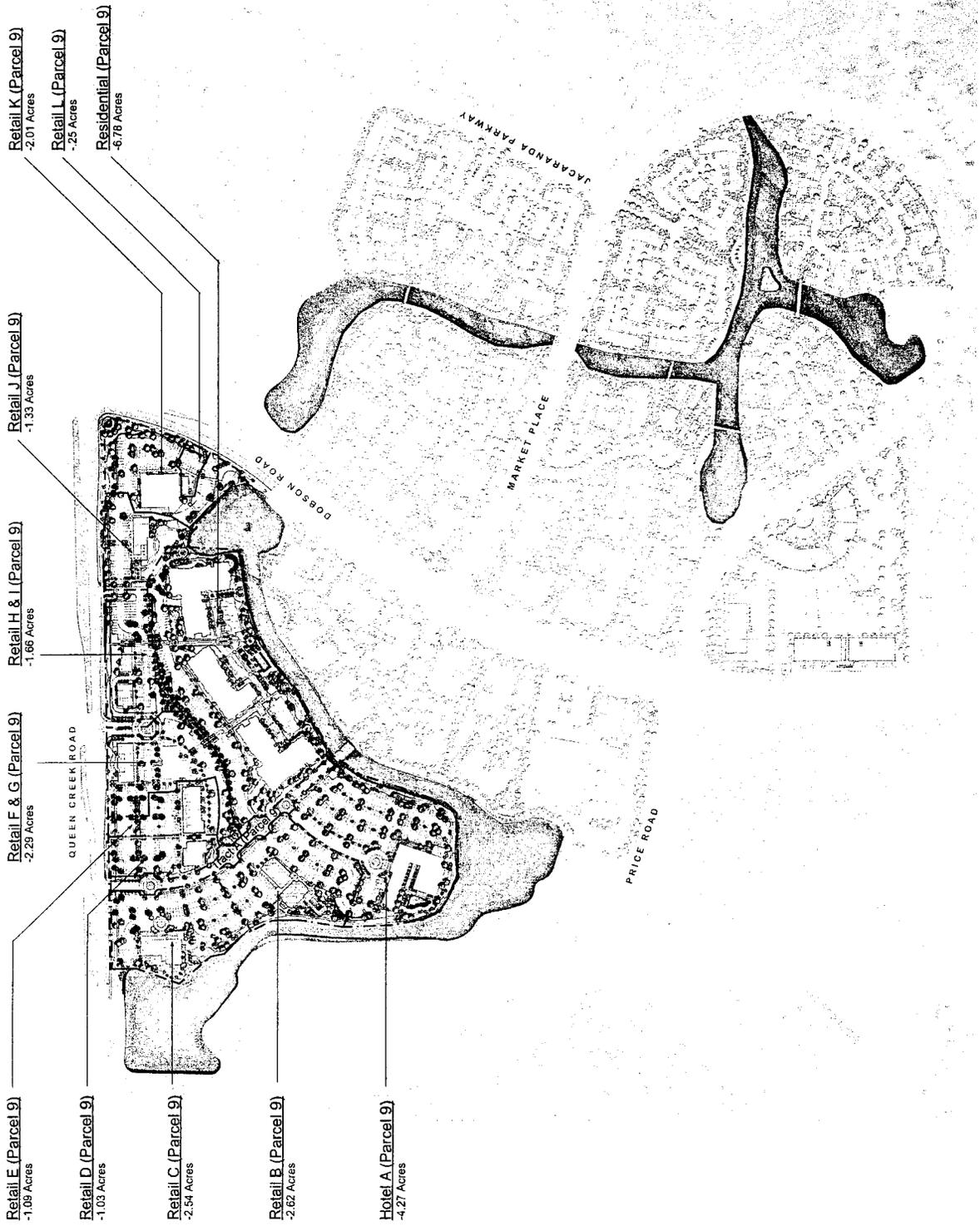


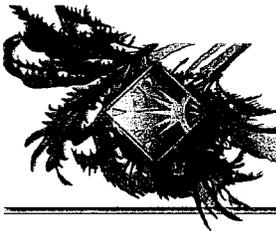


DOWNTOWN
OCOTILLO



DEVELOPMENT PLAN
PARCEL 9

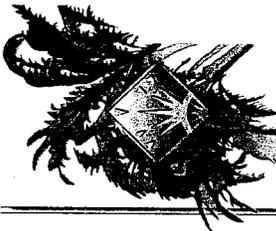




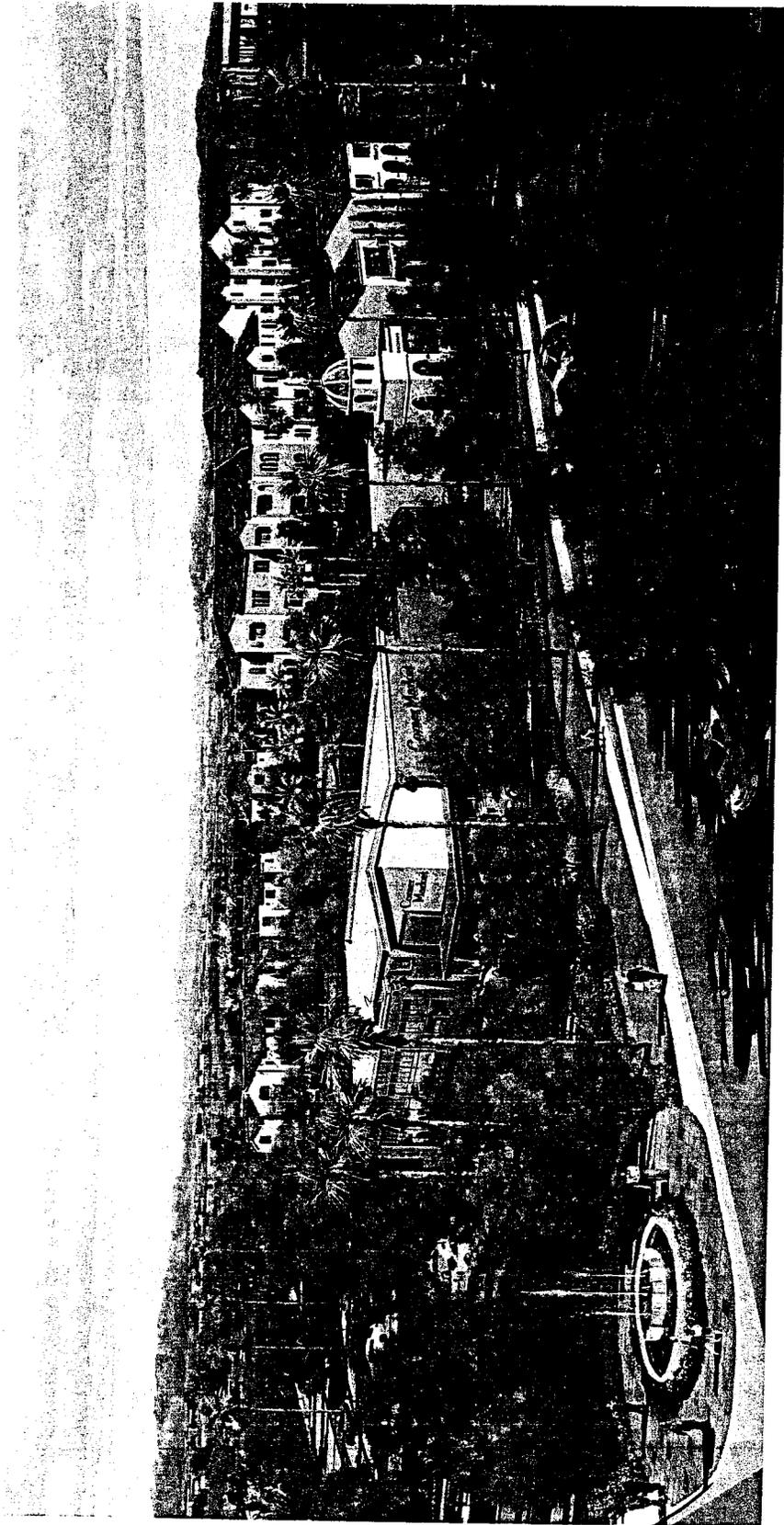
DOWNTOWN
OCOTILLO



RETAIL
ALONG QUEEN
CREEK ROAD



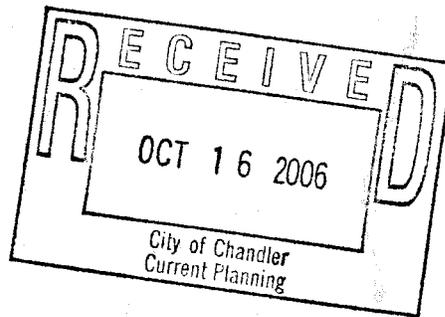
DOWNTOWN
OCOTILLO



CORNER OF
DOBSON
AND QUEEN
CREEK

October 13, 2006

City of Chandler
Planning and Zoning Commission
215 E. Buffalo Street
Mailstop 418
Chandler, AZ 85248



Dear Planning and Zoning Commission:
Subject: "DOWNTOWN OCOTILLO" Project

The intent of this letter is to voice the concerns that we have regarding the *Downtown Ocotillo* project.

After viewing the master site plans and renderings from the meeting, it has come to our attention that the parking lot structure will be facing the lakefront direction. We are not in favor of the parking structure facing the lake. We would like to have the plan adjusted to provide parking availabilities within the interior of the site as opposed to facing the lakefront. We do not want to disturb the delicate balance of the wildlife that has come to make the lake their home, nor is it advantageous from a business perspective for us to upset the lakefront borders which provides our clients with a view that has added tremendous value to our properties.

This project defines a "mixed-use" development as a project that creates an interface between commercial and residential merchants. We would like to see the details of this plan, in particular, the mechanics of the commercial and residential interface. Our concern is that this model suggests less commercial interaction by creating sub communities that are in fact less community focused. We would like to request for a bridge to be included from Aquila Ocotillo Properties to the downtown project thereby allowing our clients and tenants the opportunity to access this community project.

We are excited about the growth in the Ocotillo area and understand the complexities of development. We trust that our concerns will be addressed and communication to the board will be continual throughout the development phase.

Thank you,

Michelle Guerra
V.P. Board of Directors
Aquila Ocotillo Condominium Association

RESOLUTION NO. 4044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, ADOPTING AN AMENDMENT TO THE "OCOTILLO AREA PLAN" FROM EMPLOYMENT AND OFFICE TO COMMERCIAL AND MULTI-FAMILY RESIDENTIAL, ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF DOBSON AND QUEEN CREEK ROADS.

WHEREAS, an interest has been expressed in seeking approval of a rezoning request, pending approval of an Area Plan amendment, for a particular development proposal located at the southwest corner of Dobson and Queen Creek Roads; and

WHEREAS, the Land Use Element of the Chandler General Plan adopted by the City Council on November 1, 2001 requires the preparation of a neighborhood plan (Area Plan) for at least the entire square mile or larger within which a proposed rezoning has been submitted; and

WHEREAS, an existing area plan, the "Ocotillo Area Plan" has been adopted for the area generally bounded by Queen Creek Road, Alma School Road, Chandler Heights Road, and Price Road;

WHEREAS, the applicant prepared this amendment to the existing "Ocotillo Area Plan"; and

WHEREAS, such an amendment, covering a portion of the adopted Area Plan including a map has been prepared by the applicant for consideration by the City Council after having received public input from the Planning and Zoning Commission and property owners at a previous public hearing;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. That the attached map exhibit, an Amendment to the Ocotillo Area Plan, as presented to the Planning and Zoning Commission and approved at their public hearing held on February 7, 2007, is hereby adopted as the guideline for future rezoning and development for the area described within it.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4044 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting was held on the _____ day of _____, 2007, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

GAB

CITY ATTORNEY

ORDINANCE NO. 3889

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) TO PLANNED AREA DEVELOPMENT (PAD) AMENDED COMMERCIAL RETAIL, OFFICE, HOTEL, AND MULTI-FAMILY RESIDENTIAL (DVR06-0051 DOWNTOWN OCOTILLO) 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 Planned Area Development (PAD) to Planned Area Development (PAD) Commercial Retail, Office, Hotel, and Multi-family Residential, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "DOWNTOWN OCOTILLO" kept on file in the City of Chandler Current Planning Division, in file number AP06-0005/DVR06-0051, 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. 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. 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.
8. Landscaping shall be in compliance with current Commercial Design Standards.
9. 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.
10. All raceway signage shall be prohibited within the development.
11. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).

12. All ground-mounted equipment shall be screened from public view by landscaping or a concrete or masonry wall equal to or greater in height than the mechanical equipment.
13. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
14. Commercial uses permitted within the proposed in the Live/Work buildings shall be limited to general office use only, no medical or dental office use. Office use is limited to the areas represented on floor plans within the Development Booklet. Any substantial change in the use of the building and/or floor plan related to the office use shall require a re-application and approval of a Rezoning and/or Preliminary Development Plan.
15. 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 Downtown Ocotillo development shall use treated effluent to maintain open space, common areas, and landscape tracts.

16. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner, property owners' association, or homeowners' association.
17. The applicant shall work with Staff to provide a series of minimum 25' to 30' tall fan palm trees (*Washingtonia robusta*) along the building foundations of structures that exceed 45' in height.
18. The condominiums shall be individual "for sale only" units at the time of the development.
19. The directional signs shall be limited to individual reverse pan channel or push-through letters with halo illumination.
20. The applicant shall work with Staff to enhance the "Retail L" building elevations through the use of similar building forms, materials, and colors used on other buildings within the development to reflect the full extent of the Santa Barbara architectural style.
21. Mexican fan palms (*Washingtonia robusta*) shall be prohibited throughout except as accents for the mid-rise buildings.
22. The developer shall design and construct a traffic signal at Queen Creek Road/Driveway approximately 1100' west of Dobson Road. The developer is eligible for up to 50% reimbursement when properties on the north side of Queen Creek Road develop in the future.

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 _____, 2007.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____,
2007.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3889 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2007, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

GAB
CITY ATTORNEY

PUBLISHED:

Attachment "A"

LEGAL DESCRIPTION

Parcel No. 1 (Revised Parcel 3A at Ocotillo):

Thence North 00 degrees 07 minutes 59 seconds East, 85.20 feet to the point of beginning.

Thence North 21 degrees 03 minutes 19 seconds East, 147.21 feet;

Thence North 40 degrees 05 minutes 36 seconds West, 136.34 feet;

Thence North 10 degrees 44 minutes 11 seconds West, 45.62 feet;

Thence North 45 degrees 56 minutes 17 seconds West, 84.17 feet;

Thence North 26 degrees 20 minutes 31 seconds West, 110.47 feet;

Thence North 00 degrees 06 minutes 43 seconds West, 84.92 feet;

Thence North 10 degrees 29 minutes 44 seconds East 144.19 feet;

Thence North 00 degrees 56 minutes 40 seconds West, 155.83 feet;

Thence North 09 degrees 00 minutes 17 seconds West, 104.12 feet;

Thence North 25 degrees 34 minutes 09 seconds West, 65.96 feet;

Thence North 60 degrees 31 minutes 57 seconds West, 125.38 feet;

Thence South 89 degrees 13 minutes 45 seconds West, 215.20 feet;

Thence South 44 degrees 21 minutes 32 seconds West, 50.04 feet;

Thence South 20 degrees 15 minutes 33 seconds West, 292.28 feet;

Thence South 69 degrees 44 minutes 27 seconds East, 270.00 feet;

Thence South 13 degrees 15 minutes 33 seconds West, 126.43 feet;

Thence along the arc of said curve, through a central angle of 13 degrees 07 minutes 34 seconds, an arc

Thence South 00 degrees 07 minutes 59 seconds West, 348.76 feet to a point marking the beginning of a

Thence South 89 degrees 52 minutes 01 second East, 441.11 feet;

Thence South 00 degrees 07 minutes 59 seconds West, 65.00 feet to the point of beginning;

Thence North 89 degrees 52 minutes 01 second West(assumed bearing), along the North line of said Section 18, That part of the Northwest quarter of Section 18, Township 2 South, Range 5 East of the Gila and Salt River tangent curve to the right, having a radius of 1,130.00 feet; distance of

258.88 feet; 810.25 feet; Commencing at the North quarter corner of said Section 18; Base and Meridian, Maricopa County, Arizona, described as follows:

LEGAL DESCRIPTION

Parcel No. 2 (Revised Parcel 3B at Ocotillo):

That portion of the North half of Section 18, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows: Commencing at the North quarter corner of said Section 18;

Thence North 89 degrees 52 minutes 01 second West, along the North line of said Section 18, 369.13 feet;

Thence South 00 degrees 07 minutes 59 seconds West, 65.00 feet to the point of beginning;

Thence South 89 degrees 52 minutes 01 second East, 276.29 feet to the beginning of a curve to the right, with a radius of 1223.29 feet;

Thence Easterly, along the arc of said curve, through a central angle of 49 degrees 56 minutes 45 seconds, an arc distance of 1066.37 feet to a point on a curve on the Westerly right-of-way line of Dobson road, as shown on the Map of Dedication For Clemente Ranch - Queen Creek Road recorded in Book 385 of Maps, page 25, Maricopa County records, from which the center of said curve bears North 55 degrees 17 minutes 39 seconds West, 1135.00 feet;

Thence Southwesterly, along said right-of-way line and along the arc of said curve, through a central angle of 00 degrees 34 minutes 17 seconds, an arc distance of 11.32 feet to the beginning of a non-tangent line;

Thence South 70 degrees 34 minutes 27 seconds West, 14.86 feet;

Thence North 48 degrees 48 minutes 16 seconds West, 308.61 feet;

Thence South 03 degrees 59 minutes 54 seconds West, 202.16 feet;

Thence South 84 degrees 13 minutes 01 second West, 192.34 feet;

Thence South 72 degrees 42 minutes 08 seconds West, 86.53 feet;

Thence South 64 degrees 13 minutes 42 seconds West, 99.41 feet;

Thence South 52 degrees 07 minutes 44 seconds West, 135.22 feet;

Thence South 62 degrees 30 minutes 26 seconds West, 238.26 feet;

Thence South 38 degrees 07 minutes 08 seconds West, 113.13 feet;

Thence North 69 degrees 44 minutes 27 seconds West, 270.00 feet;

Thence North 13 degrees 15 minutes 33 seconds East, 126.43 feet to the beginning of a curve to the left, with a radius of 1130.00 feet;

Thence Northerly, along the arc of said curve, through a central angle of 13 degrees 07 minutes 34 seconds, an arc distance of 258.88 feet;

Thence North 00 degrees 07 minutes 59 seconds East, 348.76 feet to the point of beginning.

LEGAL DESCRIPTION

Parcel No. 3

That portion of the North half of Section 18, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and a portion of abandoned Queen Creek Road as abandoned by City of Chandler Ordinance No. 2479 recorded in Document No. 1994-642803, Maricopa County Records, described as follows: Commencing at the North quarter corner of said Section 18;

Thence South 00 degrees 08 minutes 34 seconds West, 65.00 feet to a point on the South right-of-way line of Queen Creek Road and the point of beginning;

Thence South 89 degrees 50 minutes 51 seconds East, along said South right-of-way line, 643.78 feet;

Thence continuing along said South right-of-way line, the following courses and distances:

Thence South 78 degrees 32 minutes 16 seconds East, 50.99 feet;

Thence South 89 degrees 50 minutes 51 seconds East, 305.52 feet;

Thence South 37 degrees 50 minutes 51 seconds East, 30.78 feet to the West right-of-way line of Dobson Road;

Thence South 14 degrees 09 minutes 09 seconds West, along said West right-of-way line, 33.37 feet to the beginning of a curve to the right, having a radius of 1135.00 feet;

Thence in a Southwesterly direction, continuing along said West right-of-way line and along the arc of said curve, through a central angle of 20 degrees 33 minutes 13 seconds, an arc distance of 407.15 feet, to a point of reverse curvature marking the beginning of a non-tangent curve, the center of which bears South 50 degrees 04 minutes 44 seconds West, 1223.29 feet;

Thence in a Northwesterly direction, along the arc of said curve to the left, through a central angle of 49 degrees 56 minutes 45 seconds, an arc distance of 1066.37 feet;

Thence South 89 degrees 52 minutes 01 second East, 92.83 feet to the point of beginning; Except commencing at the North quarter corner of said Section 18, as shown on Map of Dedication of Right-of-Way and Easements for Ocotillo recorded in Book 303 of Maps, page 24 and Affidavits of Correction recorded in Document No. 86-670053, Document No. 86-670054 and Document No. 89-280865, Maricopa County Records;

Thence North 89 degrees 52 minutes 02 seconds West, along the North line of said Section 18, 92.84 feet;

Thence South 00 degrees 07 minutes 58 seconds West, 65.00 feet to the point of beginning;

Thence South 89 degrees 52 minutes 02 seconds East, along a line which is parallel with, and 65.00 feet South of, the North line of said Section 18, 92.83 feet;

Thence South 89 degrees 50 minutes 51 seconds East, along a line which is parallel with, and 65.00 feet South of, the North line of said Section 18, 311.54 feet to a point on the beginning of a non-tangent curve, the center of which bears South 18 degrees 25 minutes 34 seconds West, 1288.29 feet;

Thence Southeasterly, along the arc of said curve to the right, through a central angle of 30 degrees 45 minutes 59 seconds for an arc distance of 691.78 feet to a point of compound curvature marking the beginning of a non-tangent curve, the center of which bears North 58 degrees 43 minutes 07 seconds West, 1135.00 feet;

Thence Southwesterly, along the arc of said curve to the right, through a central angle of 03 degrees 25 minutes 30 seconds, an arc distance of 67.85 feet to a point of reverse curvature marking the beginning of a non-tangent curve, the center of which bears South 50 degrees 04 minutes 44 seconds West, 1223.29 feet;

Thence Northwesterly, along the arc of said curve to the left, through a central angle of 49 degrees 56 minutes 45 seconds, an arc distance of 1066.37 feet to the point of beginning.

LEGAL DESCRIPTION

Parcel No. 4

That portion of the North half of Section 18, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being a portion of abandoned Queen Creek Road as abandoned by City of Chandler Ordinance No. 2479 recorded in Document No. 1994-642803, Maricopa County Records, described as follows: Commencing at the North quarter corner of said Section 18, as shown on Map of Dedication of Right-of-Way and Easements for Ocotillo recorded in Book 303 of Maps, page 24 and Affidavits of Correction recorded in Document No. 86-670053, Document No. 86-670054 and Document No. 89-280865, Maricopa County Records;

Thence North 89 degrees 52 minutes 02 seconds West, along the North line of said Section 18, 92.84 feet;

Thence South 00 degrees 07 minutes 58 seconds West, 65.00 feet to the point of beginning;

Thence South 89 degrees 52 minutes 02 seconds East, along a line which is parallel with, and 65.00 feet South of, the North line of said Section 18, 92.83 feet;

Thence South 89 degrees 50 minutes 51 seconds East, along a line which is parallel with, and 65.00 feet South of, the North line of said Section 18, 311.54 feet to a point on the beginning of a non-tangent curve, the center of which bears South 18 degrees 25 minutes 34 seconds West, 1288.29 feet;

Thence Southeasterly, along the arc of said curve to the right, through a central angle of 30 degrees 45 minutes 59 seconds for an arc distance of 691.78 feet to a point of compound curvature marking the beginning of a non-tangent curve, the center of which bears North 58 degrees 43 minutes 07 seconds West, 1135.00 feet;

Thence Southwesterly, along the arc of said curve to the right, through a central angle of 03 degrees 25 minutes 30 seconds, for an arc distance of 67.85 feet to a point of reverse curvature marking the beginning of a non-tangent curve, the center of which bears South 50 degrees 04 minutes 44 seconds West, 1223.29 feet;

Thence Northwesterly, along the arc of said curve to the left, through a central angle of 49 degrees 56 minutes 45 seconds, an arc distance of 1066.37 feet to the point of beginning.