

#6

MAR 05 2007

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.