

#28

OCT 25 2007



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MEMORANDUM

Planning and Development – CC Memo No. 07-239

DATE: SEPTEMBER 20, 2007

TO: MAYOR AND CITY COUNCIL

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

FROM: JODIE M. NOVAK, MEP, SENIOR CITY PLANNER

SUBJECT: DVR07-0024 ALGODON PARK

Request: Action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three year schedule for development or to cause the property to revert to the former Planned Industrial District (I-1), Community Commercial District (C-2), and Agriculture District (AG-1). The existing PAD zoning is for a conceptual commercial center with a transit oriented multi-family overlay on approximately 22 acres

Location: Southeast corner of Arizona Avenue and Chandler Heights Road

Applicant: Kevin Bushbaker, Omega Vista, LLC

Project Info: The existing Planned Area Development zoning is for a conceptual commercial center with a transit-oriented multi-family overlay on approximately 22 acres

RECOMMENDATION

Upon finding consistency with the General Plan and the Southeast Chandler Area Plan, Planning Commission and Staff recommend approval of extending the timing condition for an additional three (3) years.

EXTENSION OF THE TIMING CONDITION

This application requests a time extension for a 22-acre parcel located at the southeast corner of Arizona Avenue and Chandler Heights Road. The previous zoning time extension requested an extension of three years.

The City has the following options when a zoning district's timing condition expires. The City could, through administrative action, extend the timing condition for another period of time, eliminate the timing condition, or by legislative action revert the zoning to its former zoning classification. If the City should approve the timing condition extension, all other conditions in the original approval would remain in effect.

BACKGROUND

The property was annexed and rezoned to conceptual Planned Area Development (PAD) zoning for commercial with a transit-oriented multi-family overlay on approximately 22 acres in 2002. The zoning was approved with a two-year timing condition, which expired in 2004. On October 2004, a request for a time extension of conceptual PAD zoning was granted through zoning case DVR04-0019 Algodon Park. The PAD zoning allows multi-use commercial/retail, transit oriented multi-family residential, and high-turn over commercial/retail uses. The time extension was approved for three (3) years with all the original conditions remaining in effect.

The application requests a three-year extension to the timing condition so the property's existing zoning may continue in effect. A Preliminary Development Plan (PDP) application intends to be filed following City Council approving this time extension request.

This application does not seek to modify the previously approved conceptual land uses, but seeks to extend the timing condition. If the City should approve the timing condition extension, all other conditions in the original approval would remain in effect. Planning Commission and Staff have no concerns with the conditions in the original approval. Attached is a copy of the approved ordinance including the conditions. Before any development can proceed on this parcel, a Preliminary Development Plan must be approved for the specific proposal. Phasing of the development would be established at the time of the PDP review.

The applicant has conveyed upon approval of a time extension that a developer intends to file a Preliminary Development Plan on this parcel. A prospective developer has completed a Preliminary Technical Site Plan Review application. The applicant would like to ensure the PAD zoning and conceptual land use approval for this site is approved for an additional three years. The conceptual land use allows any of the following uses:

- Community Commercial: Any commercial uses that are permitted in the C-2 zoning district
- High turnover uses such as a gas station
- Large single use retail or "Big Box" in accordance with the large single use retail ordinance. Compliance would be determined at the time of Preliminary Development Plan submittal
- Transit-oriented multi-family residential located on the east end of the site. The multi-family land use is proposed as an overlay to allow the option of developing either commercial or multi-family on the site's east end.

This land use is compatible with the current designation as a Commercial Node and Major Entry Gateway as established by the Southeast Chandler Area Plan. All development on this parcel will be in conformance with the Commercial Design Standards.

Development of this parcel is contingent upon a separate Preliminary Development Plan approval, and it is estimated that construction would occur at the end of 2008 or early 2009.

DISCUSSION

Staff is in support of the zoning extension request. Staff is of the opinion the conceptual land uses allowed for this property are in compliance with the General Plan and Southeast Chandler Area Plan. The property is located at a designated Commercial Node, which provides for development of retail and office.

PLANNING COMMISSION VOTE REPORT

Motion to Approve. In Favor: 6 Opposed: 0 Absent: 1 (Anderson)

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on Wednesday, August 15, 2007. No one attended other than the applicant.
- As of the date of this memo, Staff is not aware of any opposition or concerns with this request.

RECOMMENDED ACTION

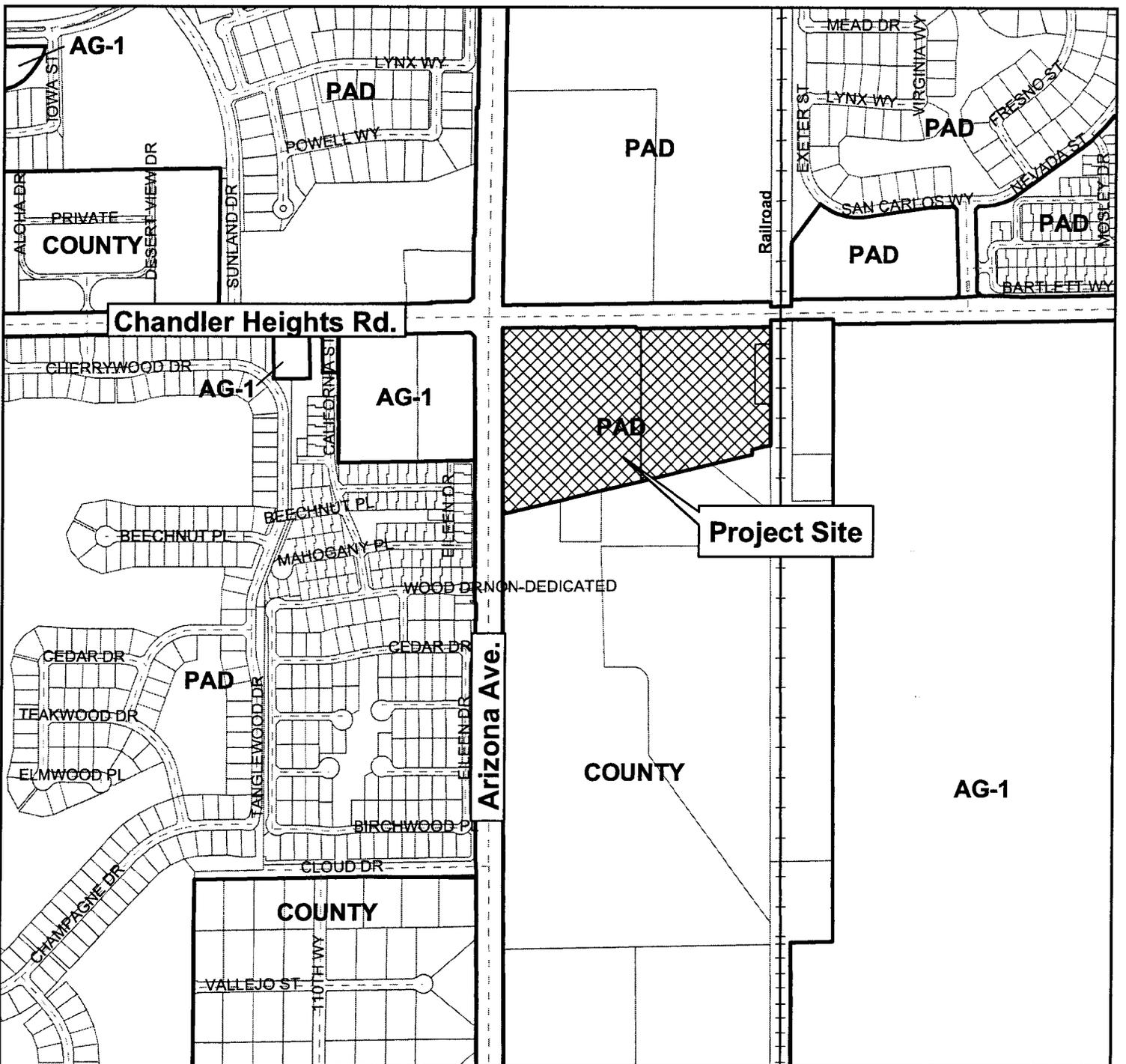
Planning Commission and Staff, upon finding consistency with the General Plan and Southeast Chandler Area Plan, recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

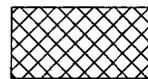
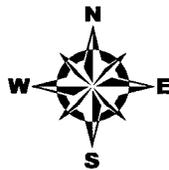
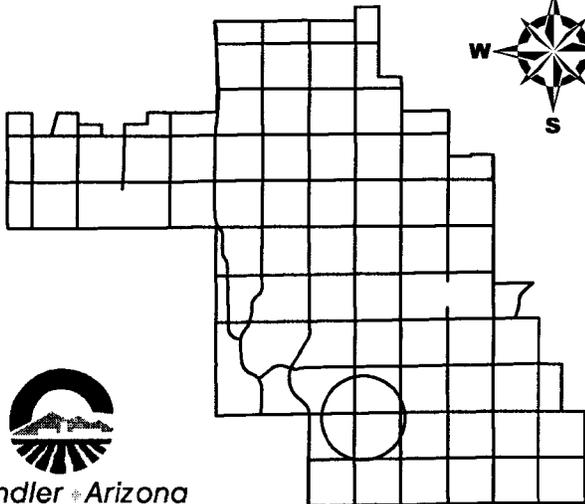
Move to approve the extension of the timing condition for case DVR07-0024 ALGODON PARK for an additional three (3) years, as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Aerial Map
3. Narrative & Development Information
4. Conceptual Land Use Map
5. Southeast Chandler Area Plan map
6. General Plan map
7. Council approval of time extension
8. Original Ordinance No. 3358



Vicinity Map

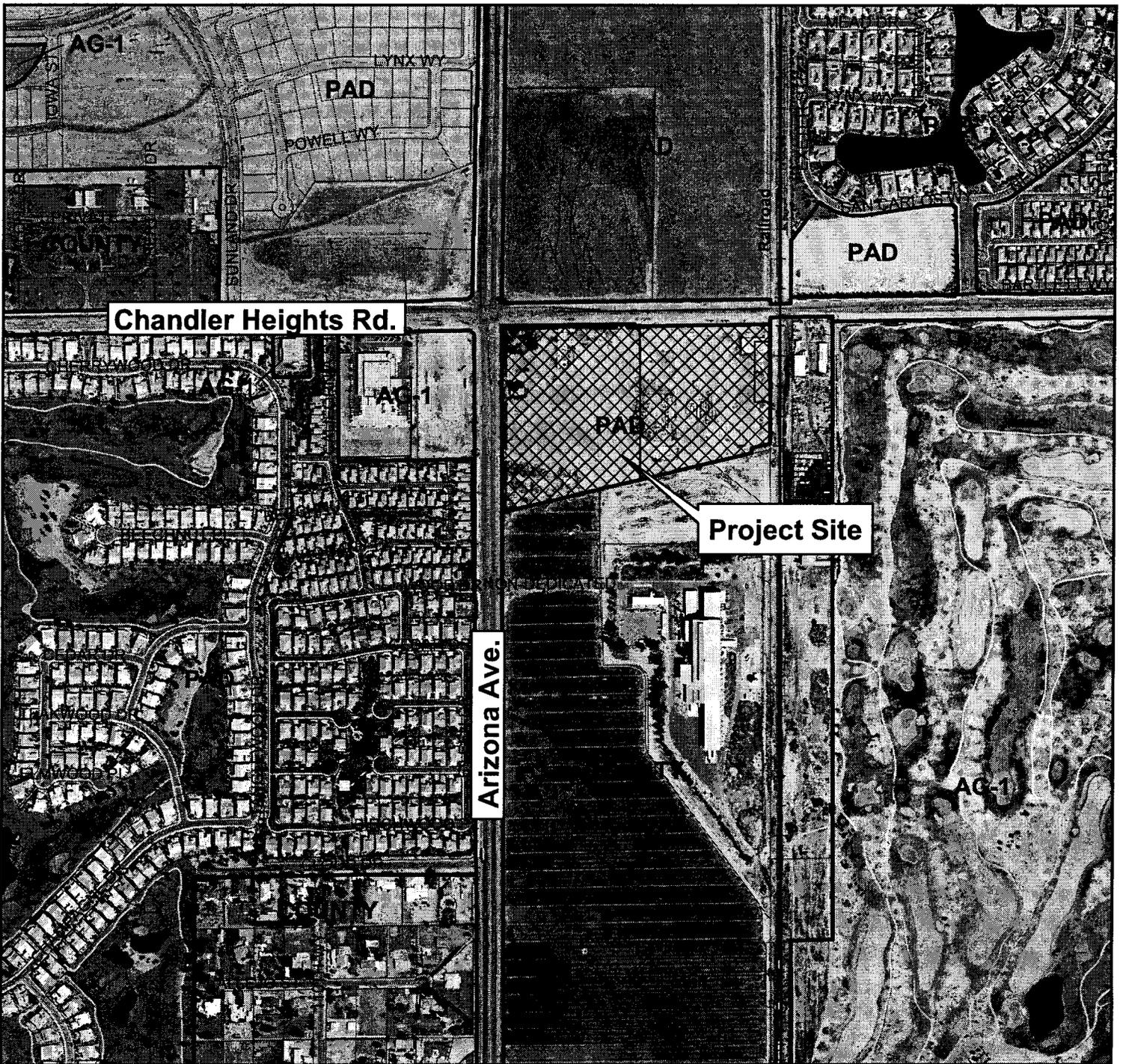


DVR07-0024

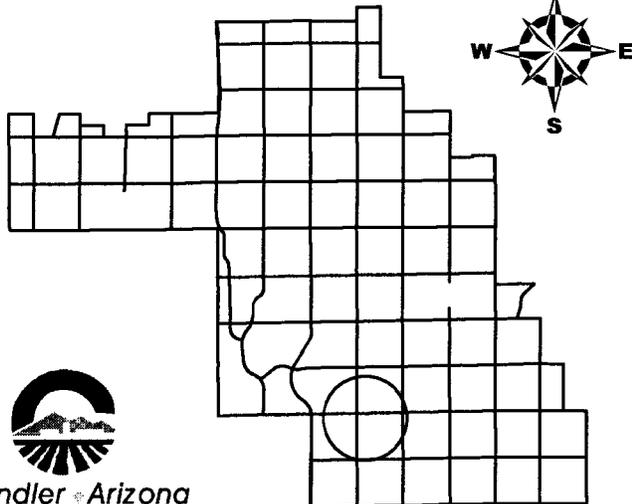
Algodon Park



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Vicinity Map



DVR07-0024

Algodon Park



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CITY OF CHANDLER 5/22/2007

Aerial Map

ALGODON PARK

REZONING EXTENSION

Case: DRV01-0044



OMEGA VISTA, LLC

Kevin Bushbaker

(702) 921-8888

May 2007

DVB07-0024

ALGODON PARK

(Rezoning Extension)

Project Narrative

This application is a request to extend the rezoning of Algodon Park. The conceptual rezoning was approved as case DRV01-0044 on May 25, 2002. The rezoning approval was contingent upon several conditions. The seventh stipulation read:

“Construction shall commence above foundation walls within two (2) 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.”

The property is located at 26301 South Arizona Avenue (the southeast corner of Arizona Avenue and Chandler Heights Road.) The rezoning reclassified the site's designations from I-2, C-2 and R1-43 to conceptual C-2 PAD with a transit-oriented multi-family overlay.

The commercial rezoning was extended in May 2004 for a period of three (3) years. The applicant asked for this extension in order for market conditions of the area to warrant development of the site as a commercial center – consistent with the Chandler General Plan as a commercial node.

We respectfully request the rezoning to be effective for an additional three (3) years in order for the market conditions of the area to warrant development of the site as a commercial center. The request continues to be consistent with the current and proposed Chandler General Plan and the Southeast Chandler Area Plan.

The property is presently under contract to be sold to a local developer, MSI Holdings. This local developer has begun the process of a full Preliminary Development Plan (PDP) application, beginning with the Pre-Tech (PRE07-0029) under the name **International Bistro at Chandler Heights**. Their PDP process will last well beyond the expiration of the present zoning, hence, this application is to allow the owner of the property to preserve the commercial zoning until either MSI Holdings is approved under their PDP and begins their development or until the market supports an alternative commercial center consistent with the Chandler General Plan.

ALGODON PARK

REZONING EXTENSION

Case: DRV01-0044



WHITNEYBELL ARCHITECTS INC

May 2004

DRV01-0044

Algodon Park – Rezoning Extension Project Narrative

Introduction

This application is a request to extend the rezoning of Algodon Park. The conceptual rezoning was approved as case DRV01-0044 on May 25, 2002. The rezoning approval was contingent upon several conditions. The seventh stipulation read:

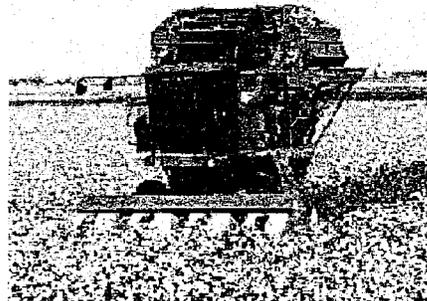
'Construction shall commence above foundation walls within two (2) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.'

We would like to respectfully request the rezoning to be effective for an additional three (3) years, in order for the market conditions of the area to warrant development of the site as a commercial center.

The property is located at 26301 South Arizona Avenue (the southeast corner of Arizona Avenue and Chandler Heights Road). The rezoning reclassified the site's designations from I-2, C-2 and R1-43 to conceptual C-2 PAD with a transit-oriented multi-family overlay. The request continues to be consistent with the current and proposed Chandler General Plan and the Southeast Chandler Area Plan. It will provide evidence that this rezoning request is in compliance with the ideas set forth in the General Plan.

Project Description from DRV01-0044

The name Algodon is Spanish for 'cotton.' The site currently has several abandoned buildings that once comprised the Chandler Ginning Company cotton gin that served many of the east valley cotton growers. Cotton played a significant part in the development of the city of Chandler and it is our intention to incorporate a piece of that heritage in this development. **Features of Algodon Park will include design elements that the city of Chandler, through**



Typical cotton field

its Southeast Chandler Area Plan, has determined to be consistent with the rural/agrarian character of the area. While the development of any land does not lend itself to an agricultural feeling, design elements such as simple, multi-

planned pitched roofs, appearance of thick walls, deep set window and door openings and offset wall planes are just a few of the ways that the design of Algodon Park can maintain the rural feeling of the community. Materials such as wood, native fieldstone, clay and concrete roof tiles, wrought iron and stucco accents selected for Algodon Park will contribute to the achievement of a rural feeling.

Current Site Conditions from DRV01-0044

Algodon Park is located on a rectangular parcel of land that is elongated along Arizona Avenue. Across Chandler Heights Road to the north is currently undeveloped agricultural land, however, the Southshore master plan concept containing a business park, light industrial, commercial and multi-family housing uses is in the development stages. The east side of the site ends at the Southern Pacific Railway tracks. The Bear Creek Municipal Golf Course is located across the railroad tracks from this site. To the south of the property is an abandoned ball-bearing plant. Across Arizona Avenue on the west side is a post office, vacant land that is designated for commercial uses under the City of Chandler General Plan and single family houses to the south of the vacant land. Refer to the Zoning Classifications Map and the Chandler General Plan Land Use Map.



Abandoned ball bearing plant

Proposed Land Use from DRV01-0044

The conceptual land use plan for Algodon Park takes into consideration the city's vision for development in this area as stated in the City of Chandler General Plan and the more specific Southeast Chandler Area Plan. The Chandler Ginning Company is located in the Arizona Avenue Corridor (west of the Union Pacific Railroad tracks and east of Arizona Avenue). The Arizona Avenue Corridor is identified for the **most intense land use** in southeast Chandler and is marked for a compatible mix of, among other things, **commercial opportunities and higher density residential development** (when appropriate and feasible). Refer to the Conceptual Land Use Map.

THE COMMERCIAL NODE DESIGNATION:

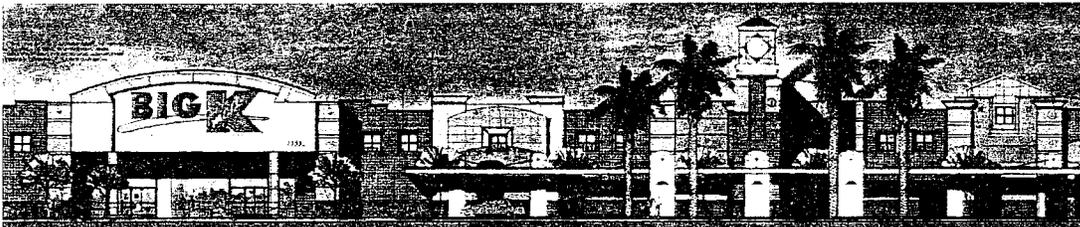
The intersection of Arizona Avenue and Chandler Heights Road is a 'General Plan designated commercial node' which allows for a mixed-use development that may include: neighborhood, community or regional shopping facilities, planned office, industrial and multi-family housing. This intersection is envisioned in the Southeast Chandler Area Plan to have commercial land use mixed with other use. **The designation of this intersection as a major entry gateway into southeast Chandler** necessitates careful design considerations to maintain the rural/agrarian feel that is such an important characteristic of the area.

There are several types of commercial land use categories distinguished in the Chandler General Plan. **A community commercial development should be located conveniently to several neighborhoods and be accessed by major arterial streets.** The General Plan and the Southeast Chandler Area Plan have the area of this site surrounded by residential uses and the location of the site at the intersection of two major arterial streets make it a good location for this type of land use. Design elements will consider the ideas outlined in the General Plan for this commercial land use. Elements such as attention to building height, truck delivery movement and broken building masses along with elements already stated in this narrative will be considered for their contributions to compatibility with the adjacent neighborhoods.

A high-turnover use is conceptually planned for the northwest portion of the parcel. This land use shall comply with the table of permitted uses for nonresidential districts as stated in Section II of the City of Chandler Ordinance No. 3290. Footnote (1) of this table states that this type of land use is acceptable if the driveways are not less than 150 feet from the major arterial intersection and if the establishment is an integral part of a larger planned area development. The establishment will also be situated in such a way that the main center remains visible.

THE "BIG BOX" POTENTIAL:

We also believe that this parcel may be a potential location for a "Big Box." There are several regulations to be met for Large Single Use Retail Development as stated in Section III of the City of Chandler Ordinance No. 3290. We believe that this site could meet the necessary conditions due to its location and its



designation as a commercial node by the City of Chandler General Plan. A minimum distance of one thousand five hundred feet from the nearest property line of any parcel currently zoned for low-density single-family residential use may be reduced or waived by Council due to mitigating circumstances. We believe that Arizona Avenue achieves an effective separation from the only single-family housing (existing or intended) in the area. **The placement of a large single use retail development would have to conform to all placement criteria of the "Big Box" Ordinance** as well as the additional site development standards set forth in the ordinance, including maximum total site coverage and visual interest on all exterior sides, all of which will be displayed during the preliminary development process.

THE TRANSIT-ORIENTED MULTI-FAMILY OVERLAY POTENTIAL:

The potential of light rail transportation along the existing Southern Pacific Railroad leads us to pursue a transit oriented multi-family overlay on the east end of the parcel. **This overlay for potential housing would allow greater diversity for the City of Chandler** by allowing professionals and students the opportunity to enjoy Chandler's high standard of living while having convenient access to rapid, non-automobile transportation within Chandler and to other parts of the valley.

The location of the multi-family housing on the east side of the parcel lends itself to a view of the San Tan Mountains. **This location provides a buffer between the employment land use** along Arizona Avenue **and the low density residential** planned for east of the railroad tracks. The multi-family housing would not only work to support the success of light-rail transportation, but also to support the employment designation of the Arizona Avenue Corridor. At this point in time, the schedule of the light rail implementation is uncertain, so by requesting the transit-oriented multi-family overlay now, we are preparing for the future needs of the City of Chandler.



'Stone Gate' is an example of quality multi-family housing

Transportation and Circulation from DRV01-0044

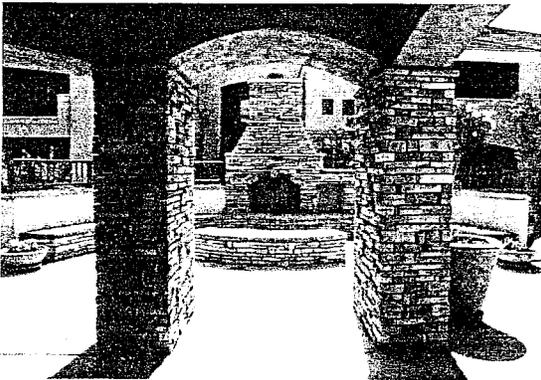
The impact of this development on local traffic should be absorbed by the City of Chandler General Plan's Mid Range Roadway Plan that calls for Arizona Avenue to be a six lane arterial road and Chandler Heights Road to be a four lane arterial street. Currently the traffic counts on these roads is relatively light due to the large amount of undeveloped land to the south and east.

The placement of buildings, parking areas and driveways in **Algodon Park will contribute to the easy circulation of traffic within the area.** Pedestrian connections to the retail components will not be overlooked due to the possibility of a future light rail transit stop. Refer to the Traffic Volumes Map.

There is currently no conceptual site plan available for the land directly to the south of our site. When a plan for this site is available, efforts will be made to coordinate traffic circulation issues between the two sites. If the currently zoned industrial uses are upheld in future development on this site, efforts will be made to buffer, mostly likely through landscaping, the property from Algodon Park's commercial uses.

Amenities and Open Space from DRV01-0044

At the time of final development, Algodon Park's plan will include several features designed to enhance the community of Southeast Chandler. Due to our location at a prominent intersection of arterial roads, we have the unique opportunity to create a gateway into the community. **Monumentation with a rural theme will be an important design element for the project.** Together with the agricultural name, Algodon (the Spanish word for cotton), and the use of the word Park to create an open atmosphere, the monumentation will provide a pleasurable visual experience and create a strong sense of arrival to the unique southeast area of Chandler. Effort will be made to keep buildings of Algodon Park as low-profile as



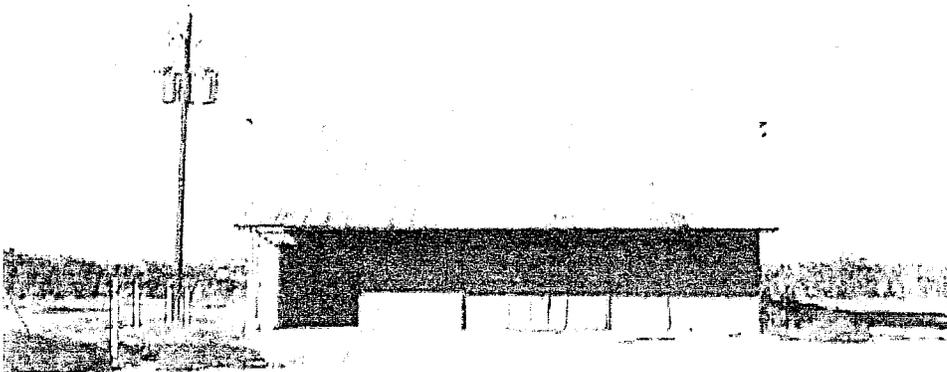
possible so as to contribute to the vast and rural feel that is such a dominant character of the area. Design elements such as courtyards for outdoor dining, convenient pedestrian connections to a future transit stop and types of materials, as stated earlier, will be considered for their contributions to a rural and open feel within the final plan.

Example of a courtyard that would contribute to the rural feeling of Southeast Chandler

Due to the significance of Arizona Avenue and Chandler Heights Road within the Southeast Chandler Area Plan, the streetscape of both roads will be an important part of the Algodon Park plan. **Increased setbacks, perimeter wall openings and view fencing, the use of turf and street trees will all be considered when addressing the design of the streetscape.**

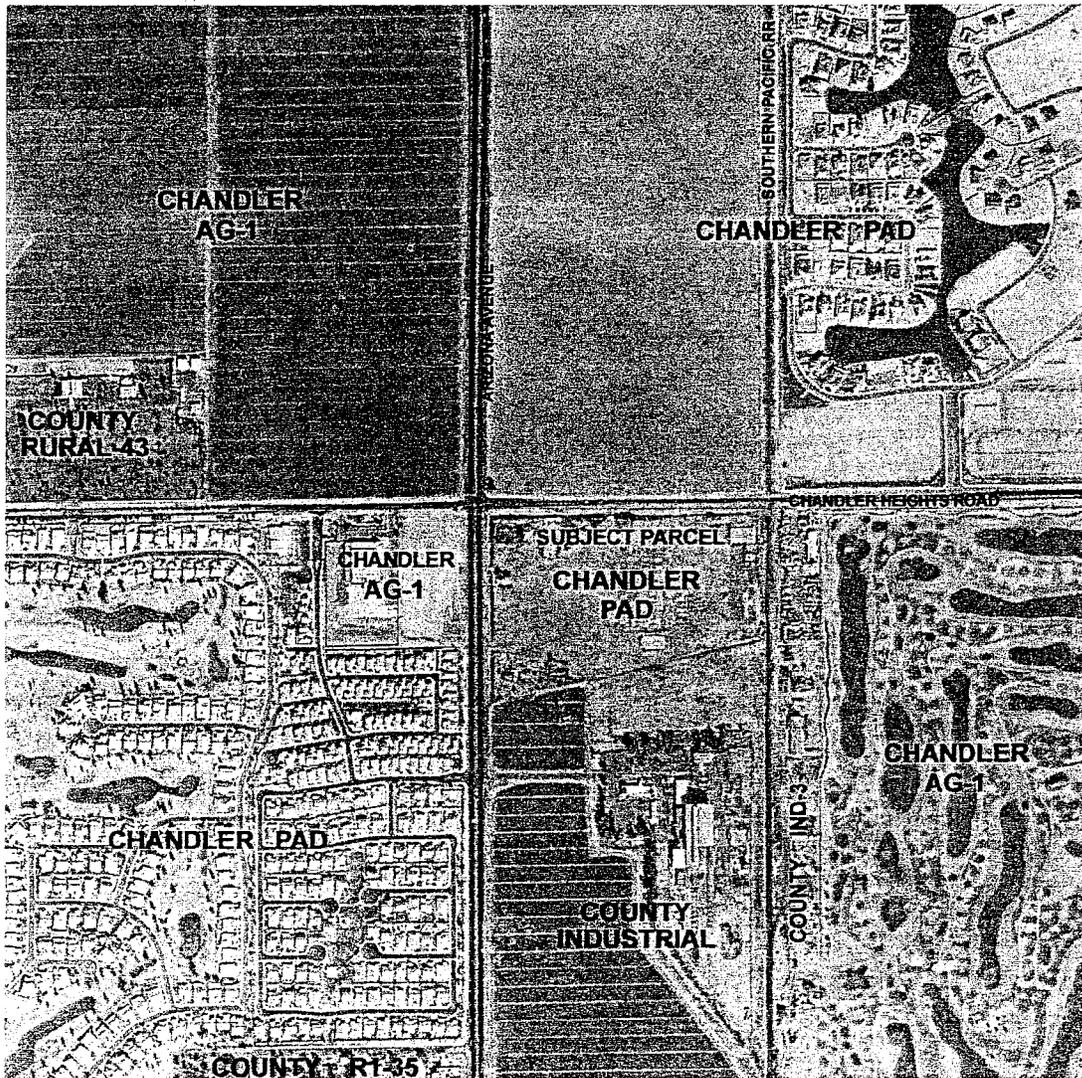
Conclusion

If a rezoning extension is granted, we believe that Algodon Park will be designed in a manner so as to contribute to the high standard of living enjoyed by the city of Chandler. Algodon Park will adhere to the ideas and visions set forth by the City of Chandler General Plan and the Southeast Chandler Area Plan to maintain the unique open feeling of the area. The buildings of Algodon Park will incorporate design techniques and building materials that will contribute to the rural theme and the agrarian character that makes southeast Chandler a unique area.

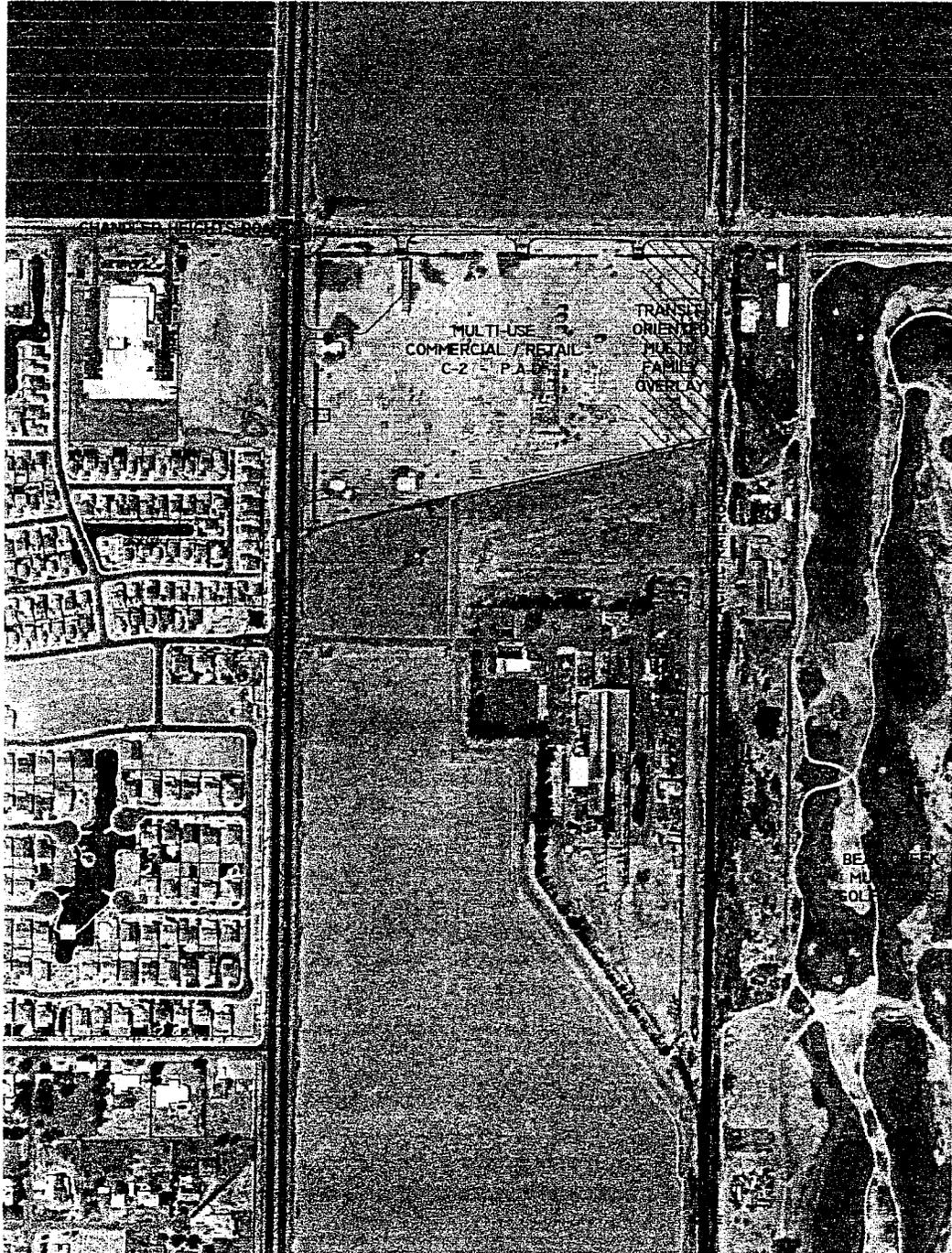


WHITNEYBELL ARCHITECTS INC

Algodon Park – Rezoning Extension
Adjacent Zoning Classifications Map

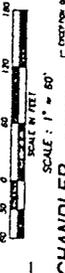


Algodon Park – Rezoning Extension
Reference Aerial Map



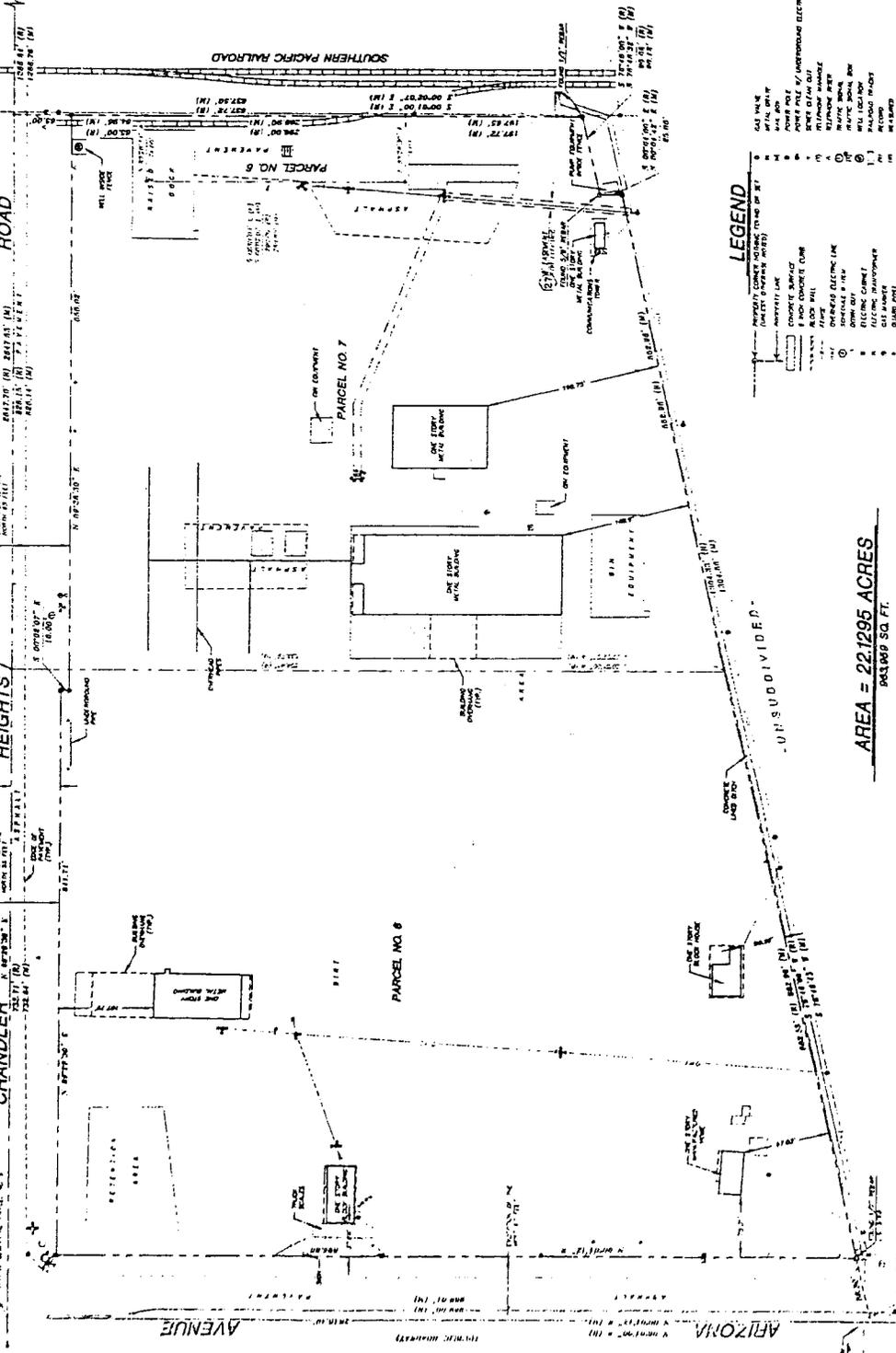
A.L.T.A. / A.C.S.M. LAND TITLE SURVEY

OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
CHANDLER HEIGHTS
CHANDLER

SCALE: 1" = 80'
CHANDLER HEIGHTS



AREA = 22,129.5 ACRES
1863,969 SQ. FT.

DESCRIPTION

That certain portion of the Northwest Quarter of Section 27, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as shown on the attached plat, containing 22,129.5 acres, more or less, and being more particularly described as follows: ...

SCHEDULE 'B' ITEMS

The items listed in this schedule are those items which are shown on the attached plat but which are not shown on the plat as a result of the survey. ...

NOTES

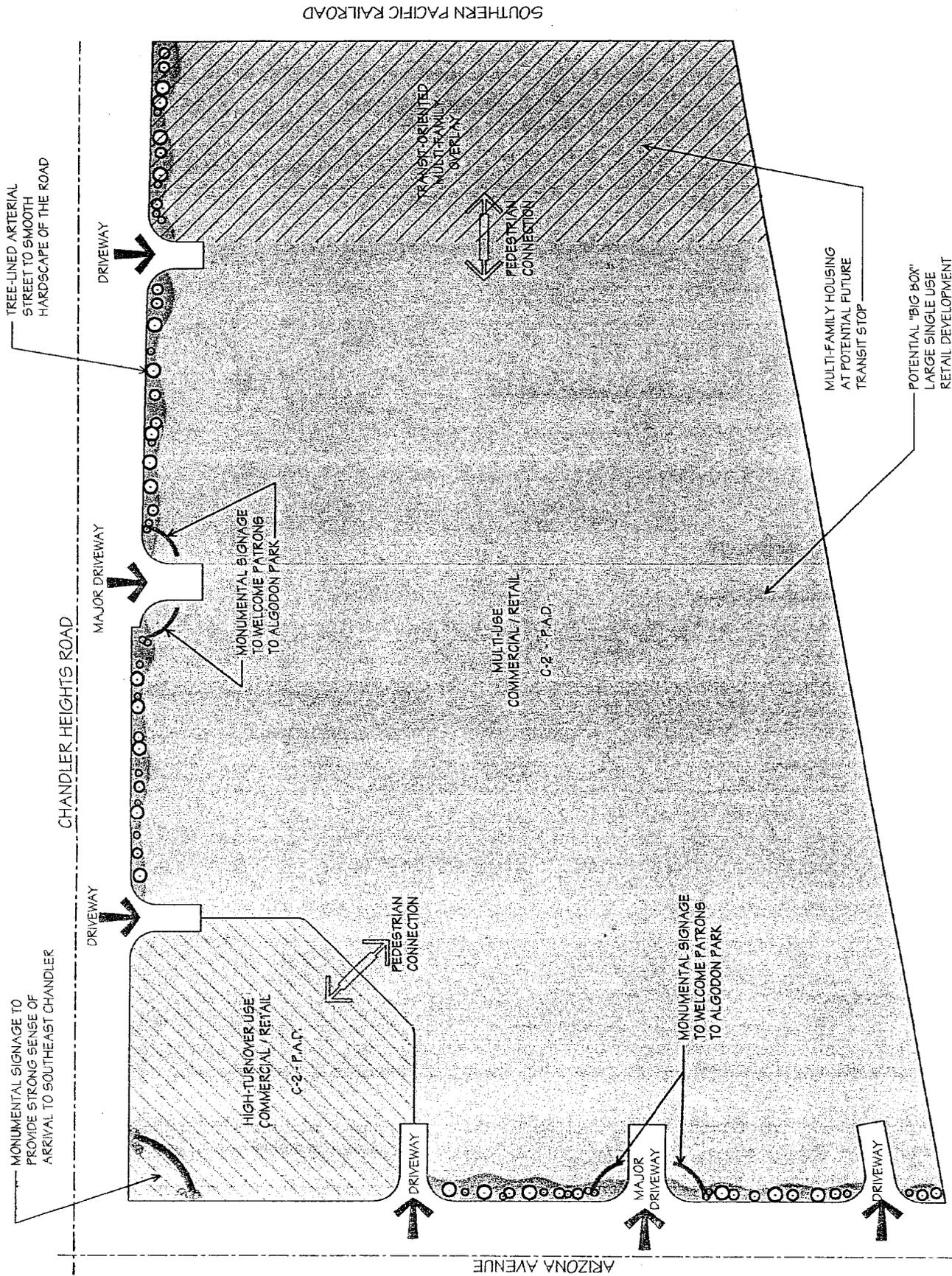
- 1) The plat is based on the survey of the land shown on the attached plat and is not intended to show any other land.
- 2) All items shown on the plat are shown as a result of the survey and are not intended to show any other items.
- 3) There are no other items shown on the plat which are not shown on the attached plat.
- 4) The plat is based on the survey of the land shown on the attached plat and is not intended to show any other land.
- 5) The plat is based on the survey of the land shown on the attached plat and is not intended to show any other land.

CERTIFICATION

I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original plat on file in my office, and that the same is a true and correct copy of the original plat on file in my office, and that the same is a true and correct copy of the original plat on file in my office.



Superior Surveying Services, Inc.
1101 North 33rd Street
Phoenix, Arizona 85018
Phone: (602) 944-4444
Fax: (602) 944-4444
E-Mail: info@superior-surveying.com
Web: www.superior-surveying.com



SOUTHERN PACIFIC RAILROAD

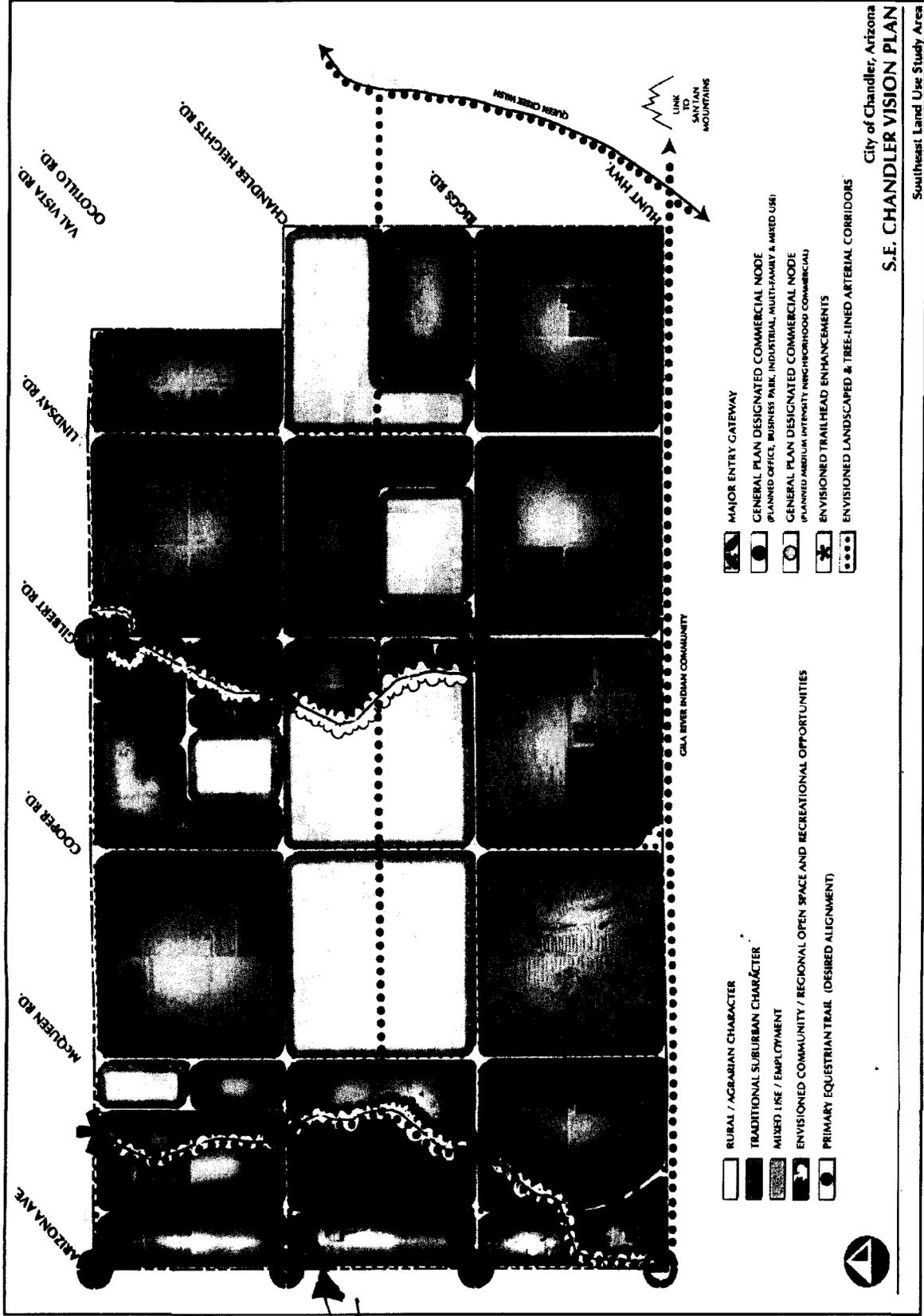


CONCEPTUAL LAND USE PLAN

land use map DV807-0024

Southeast Chandler Area Plan

CHAPTER I - THE COMMUNITY VISION FOR SOUTHEAST CHANDLER

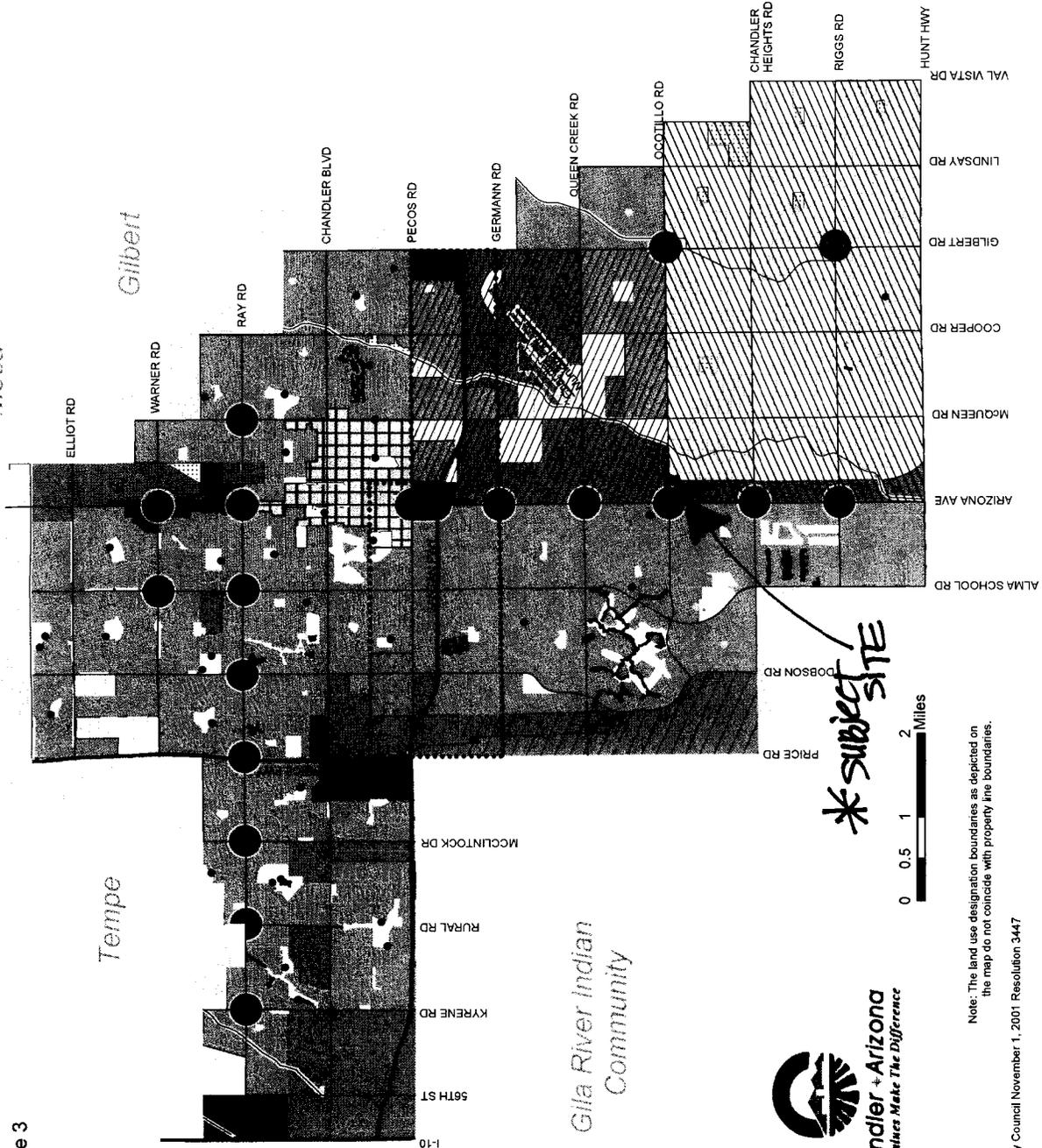


City of Chandler, Arizona
S.E. CHANDLER VISION PLAN
 Southeast Land Use Study Area

Chandler Land Use Map Categories

- Rural (Very Low density) Residential**
Very low density residential uses with an overall average density in the range of 0-2.5 dwellings per acre.
 - Low Density ("Single Family") Residential**
Low density residential uses with an overall average density in the range of 2.5-3.5 dwellings per acre.
 - Low-Medium Density ("Single Family") Residential**
Low density residential uses with an overall density in the range of 2.5-3.5 dwellings per acre.
- By policies defined within the text of the General Plan and area Plans, public facilities and higher density residential uses, including multi-family, may be located along the frontage of arterial streets and neighborhood shopping centers may be located at the corners of arterial street intersections.*
- Redevelopment Area**
Mixed-use, commercial/public, downtown neighborhoods and mixed density residential development.
See Chandler Redevelopment Element.
 - Commercial Nodes**
Neighborhood or community shopping facilities, including large single-use retail development.
By policies defined within the text of the General Plan and area Plans, commercial offices, commercial services and institutional uses can be developed at commercial nodes. All new commercial will take into consideration existing commercial development which may not necessarily be shown on this map.
 - Regional Commercial**
Major, regional commercial uses such as malls, power centers, large single-use retail development and other major commercial developments.
 - Employment**
Major employers, industrial/business parks and industrial support uses.
 - South Price Road Campus Employment Corridor**
High-tech campus employment.
 - Recreation/Open Space**
Public parks, open spaces, golf courses and recreation facilities.
(.....) Proposed public parks.
 - Public Buildings**
Refer to Public Buildings Element Map.
 - Schools**
Public elementary, middle, high schools, and community colleges.
Proposed School Site (Locations within one mile grid).
 - Strip Commercial**
Existing strip commercial, where opportunities may exist to improve streetscape and coordinate access points.
 - Airpark Area***
A mix of employment, commercial, residential densities, and open space designed to be compatible with Chandler Municipal Airport.
See Chandler Airport Area Plan.
 - Southeast Chandler Area***
A unique "community" consisting of rural and low density residential land uses that respect and protect the rural/agrarian lifestyles of this area.
See Southeast Chandler Area Plan.
 - Santan Freeway Corridor Area***
Mix of uses compatible with the Santan Freeway.
See Santan Freeway Area Plan.
 - Gateway Area***
Mix of uses including employment, commercial and residential.
** Area Plans are more precise, specific land use and circulation plans approved by the City Council. The City maintains and keeps all records, maps, and other documents and illustrations which portray the land use patterns, density, and other information. These plans may also contain a mix of uses such as commercial, retail, office, and multi-family, which are not shown on the Land Use Element Map.*

Figure 3
Chandler Land Use Map



* SUBJECT SITE



Note: The land use designation boundaries as depicted on the map do not coincide with property line boundaries.

Adopted by Council November 1, 2001 Resolution 3447



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NOTICE OF COUNCIL ACTION CITY OF CHANDLER, ARIZONA

APPLICANT:

JENNIFER GROMBACHER
WHITNEYBELL ARCHITECTS, INC.
1102 E. MISSOURI AVE.
PHOENIX, AZ 85014

CASE: DVR04-0019 ALGODON PARK

MEETING DATE: THURSDAY, OCTOBER 14, 2004

Approval and zoning options form with checkboxes for APPROVAL, DENIAL, WITHDRAWAL, CONTINUED, REZONING, EXTENSION, VARIANCE, USE PERMIT, SUBDIVISION, PRELIMINARY DEVELOPMENT PLAN, and PRELIMINARY PLAT.

TIMING CONDITION FOR DVR04-0019, ALGODON PARK, EXTENDED FOR THREE YEARS WITH ALL OF THE CONDITIONS IN THE ORIGINAL APPROVAL REMAINING IN EFFECT.

ORDINANCE NO. 3358

OFFICIAL FILE COPY
CITY OF CHANDLER
CITY CLERK

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING PARCELS FROM I-2, C-2 AND AG-1 TO PAD (DVR01-0044 ALGODON PARK) 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 parcels are hereby rezoned from I-2, C-2 and AG-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Algodon Park", kept on file in the City of Chandler Planning Services Division, in File No. DVR01-0044 except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Arizona Avenue and Chandler Heights Road including turn lanes, deceleration lanes and bus bays per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
4. A Traffic Impact Analysis shall be submitted and approved with the first Preliminary Development Plan to address access points and median breaks for the Conceptual Commercial parcel.
5. 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.

6. The developer shall be required to install landscaping in the arterial street median 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. Construction shall commence above foundation walls within two (2) 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.
8. The freestanding pads shall carry an architectural level of detail similar to front facades of the main building.
9. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
10. 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.
11. 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 development shall use treated effluent to maintain open space, common areas, and landscape tracts.
12. Phasing of the development shall conform to Zoning Code Section 35-1902 (8)(c)2.
13. The commercial development standards shall be in accordance with the requirements of the Southeast Chandler Area Plan.

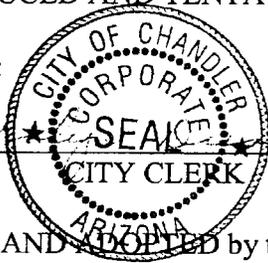
14. The amount of building coverage allowed shall be determined as a function of the design (pedestrian plazas, courtyards, public art, special design features) at the time of Preliminary Development Plan.
15. The exhibits and representations for the Multifamily overlay are found to warrant Conceptual PAD approval only. The density for the Multifamily overlay shall be conceptually designated at 5.0 du/ac. The density may be increased through Preliminary Development Plan approval if project quality is demonstrated, but in no instance shall the density exceed 18.0 du/ac.
16. The conceptual commercial designation shall allow the following: Any uses that are permitted in the C-2 zoning district, including high-turnover uses such as a gas station, and Large Single Use Retail subject to compliance with Section 35-1902 (9) of the Zoning Code.
17. The area adjacent to the Southern Pacific Railroad shall consist of a landscaping setback to reflect the golf course.
18. A transit stop or shelter shall be provided to tie in to the development. Said transit stop shall be contingent upon the development of the transit-oriented multi-family.
19. The multi-family shall not be developed prior to the completion of the MIS study or prior to any commercial development on the site.

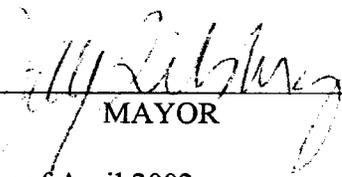
SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

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 11th day of April 2002.

ATTEST:

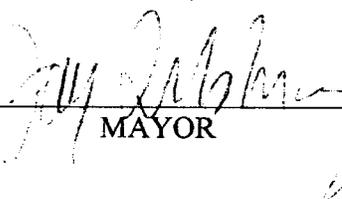



MAYOR

PASSED AND ADOPTED by the City Council this 25th day of April 2002.

ATTEST:




MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3358 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 25th day of April 2002, and that a quorum was present thereat.

Christy DeLeon
CITY CLERK

APPROVED AS TO FORM:

Dennis M. O'Neill
CITY ATTORNEY

PUBLISHED:

5/2/02
5/9/02

ATTACHMENT 'A'
ORDINANCE NO. 3358
(DVR01-0044 ALGODON PARK)

LEGAL DESCRIPTION

That part of the West half of Section 27, Township 2 South, Range 5 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:
Beginning at the Northwest corner of said Section 27;
Thence North 89 degrees 28 minutes 30 seconds East along the North line of the Northwest quarter of said Section 27, a distance of 1358.86 feet to a point on the West right of way line of the Southern Pacific Railroad, from which the Northeast corner of the Northwest quarter of said Section 27 bears North 89 degrees 28 minutes 30 seconds East, 1288.84 feet;
Thence South 00 degrees 01 minutes 00 seconds East along said right of way, 637.72 feet;
Thence South 76 degrees 46 minutes 00 seconds West, 90.08 feet;
Thence South 00 degrees 04 minutes 00 seconds East 25.00 feet;
Thence South 76 degrees 46 minutes 00 seconds West, 1304.33 feet to a point on the West line of the Northwest quarter of said Section 27:
Thence North 00 degrees 04 minutes 00 seconds West, along said West line 969.00 feet to the Point of Beginning:
Except the West 67 feet; and
The South 33 feet of the West 1358.86 feet of Section 22, Township 2 South, Range 5 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Also described as Maricopa County Tax Parcels 303-53-013B and 303-53-013C containing approximately 22 acres.