

## **New Dawn of Chandler**

### **Description of Proposed Project**

New Dawn of Chandler is a 48 bed, licensed assisted living community under development by New Dawn Assisted Living, an Arizona based company founded in 2004 by David Daumit. Prior to establishing New Dawn, Mr. Daumit was founder and operator of Potomac Group Home Corporation operating 25 specialty dementia residences in New Jersey, Virginia and Maryland. As CEO of New Dawn, and at that time the only principle provider ever invited to serve as a Board member of The National Alzheimer's Association, Mr. Daumit's vision is to use his over 25 years of long term care experience to develop state-of-the-art residences for the tremendously growing Alzheimer's and dementia population in the United States.

### **Dementia Care is Our Sole Focus**

Every aspect of a New Dawn residence is designed specifically for adults suffering all forms of cognitive impairments including memory loss and Alzheimer's disease. The design of the building, programs and services, hiring and training of staff, and policies and procedures are specific to the needs of the resident. *The vision of New Dawn is to provide the highest quality of life and care possible for the residents in a setting that is safe, comfortable, familiar and homelike.* New Dawn works with residents and the medical community to slow this progressive disease and to maintain the resident's highest level of capability. The home's programming and design offers memory cues and assistive devices and will encourage as much independence as possible.

### **Safety and Security are Paramount**

Safety and security are foremost considerations in the buildings. Each campus is completely enclosed by a perimeter fence with a locked gate with a locked entrance. Each building has a state-of-the-art alarm system to monitor access, egress and falls. The doors are locked at all times with the appropriate release in case of fire. Each door has a keypad lock allowing staff to enter and exit upon entering the code. Alarms alert staff pagers when residents approach the doors and these alarms may only be reset at the door by staff.

Each room is equipped with a motion sensor to alert staff pagers when a resident gets out of bed, leaves the room or enters the bathroom. This system reduces falls and allows staff to know when residents approach doors. All rooms have safety features including call buttons, grab bars, non-slip floors plus many other features.

Residents may exit the building as they please, in appropriate weather, into a garden totally enclosed by a residential-style fence to prevent any wandering. Garden fencing will be six feet high. No movable furnishings that might be used to help a resident scale the fence are permitted in the garden.

One of our most important safety features is the high ratio of staff to residents. During daytime hours, this ratio will generally be one staff person for every four residents and

during the nighttime when most residents are asleep there will be at least four staff members per campus. New Dawn is also unique in that we have nurses scheduled on-site around the clock. This provides better supervision of staff and monitoring of residents and allows for immediate changes in medications from the resident physician. Having a nurse to assess a resident in the event of fall or change in condition means it is less likely that residents will require emergency room visits as a precaution.

Although no community can guarantee safety 100%, careful building and grounds design, state-of-the-art technology, extensive staff training, policies on safety such as no toxic chemicals or plants, and a thorough corporate quality assurance program make New Dawn one of the safest assisted living communities in Arizona.

### **One of the Best Management Teams in the Field**

Mr. Daumit has recruited highly experienced professionals to manage the development company and the operating company. Eric Boe, Chief Development Officer for the New Dawn Assisted Living Development Company, LLC, is responsible for all site acquisition and construction and has over 30 years experience in construction and development. Catherine Scott Asplen, President and Chief Operating Officer for the New Dawn Assisted Living Management Company, LLC has over 25 years marketing and managing assisted living and long term care facilities. Both Mr. Boe and Ms. Asplen have in turn selected an established team of specialty architects, designers, attorneys and accountants.

### **Good Locations are Key**

The location for the Chandler site meets the following specifications for a New Dawn site:

- Significant need for quality services within the marketplace
- Ability to command a price point allowing the provision of high quality services.
- Suitable site locations at land prices within the budget
- Selection of quality labor pool at target wage rates
- State licensure and regulations allowing New Dawn to care for late stages Alzheimer's and dementia in keeping with our philosophy of "aging-in-place".

### **The Arizona Regulatory Process is Rigorous and includes:**

- Additional regulatory requirements for the care of dementia residents
- Building code requirements
- Hiring, background check and ongoing training requirements for staff
- Resident rights, dignity and satisfaction
- Legal and financial requirements
- Medication management and health monitoring
- Maintenance, safety and other risk management
- Complete disclosure to the resident and responsible party

New Dawn of Chandler will be licensed and inspected by the Arizona Department of Health Services as an assisted living facility special care unit. The managers have

opened and operated assisted living facilities in Arizona and therefore are familiar and experienced with this process. New Dawn of Chandler meets or exceeds all regulatory requirements. Ongoing monitoring and inspection is covered in the regulations and severe penalties may be imposed for violators.

### **New Dawn is State-of-the-Art**

New Dawn of Chandler will be a state-of-the art, licensed assisted living residence specially designed for individuals diagnosed with memory impairments including Alzheimer's disease. Every aspect of this project, from the design and construction to staff training and programs and services utilizes not only the over 25 years experience of the operators but also the latest advances in the care of the residents as well as input from industry experts and family members.

The community consists of three, single-story buildings which are very residential in appearance. Each building is 9,527 total square feet consisting of bedrooms, bathrooms, common spaces and storage and administrative spaces. The total area for the entire project of three buildings is each building 28,581 square feet.

### **Major Design Features Include:**

- Single-story and small, homelike design
- Rectangular shape with interior hallways allowing residents to walk continually indoors which is desirable to dementia residents
- Private bedrooms with private bathrooms with specially designed showers
- Energy efficient systems and appliances
- Fully enclosed gardens with residential fencing to prevent wandering
- Fully alarmed building for safety and to prevent wandering
- Largely open and flexible communal space for maximum programming flexibility
- Non-glare lighting
- "Quiet" appliances and HVAC
- Offices which allow resident and staff oversight
- Private training room for staff where they can concentrate
- Large, non-radiant fireplace
- Safe kitchen which is accessible but lockable with safety shut-offs on all appliances
- Adequate parking for staff, family and visitors
- Attractive garden and landscaping

A large non-radiant fireplace greets visitors providing a warm and homelike impression. A private office with interior window allows extra security for entrance and exit via the front door. A large dining area provides seating for 20 at family-style tables and an open style kitchen allows residents to enjoy the sites and smells of cooking and to assist according to their abilities and interests. A beautiful sunroom is directly visible from the dining room where residents can enjoy an outdoor feeling inside. Weather permitting they can enter the outdoor garden area from the sunroom.

There is considerable communal space for use by residents including segregated living and dining areas, a large activity room and four resident areas designated for “life skills” which allow residents to pursue activities they have done in the past such as child care or office work. A segregated smoking area in the sunroom will allow any resident who still smokes to continue with supervision without disturbing the other residents or staff. A beauty/barber shop area allows residents who are able to utilize professional services to maintain their best grooming.

There are two offices in each building. One office in each building will house a key member of staff including the Executive Director, Health Services Director and Activities Directors. The other office will be used for employee training and breaks. No more than two staff will use the training or break room at one time. In addition to offices there is a laundry room, maintenance closet and storage for supplies from the kitchen.

### **Interior Design**

Both the interiors and exteriors of the building design have been tailored to the needs of the memory impaired. All design elements are residential grade to allow the resident to feel they are in a home rather than an institution. Because individuals with dementia and Alzheimer’s disease and other forms of dementia often associate strongly with the past, New Dawn and their architects, CSD has chosen a design scheme reminiscent of the most active days of the residents. Modern furnishings resembling designs from the 1930-50s will be used to provide a familiar and comfortable feel to the residents. Color schemes will be soothing shades of green, crème, white and blue. Actual objectives from the past will be used to accessorize the homes such as old radios, posters, WWII memorabilia, etc. Kitchen appliances in a “retro” design will be used to remind residents of kitchens they may have enjoyed in their childhood or child rearing years.

Because residents suffering from Alzheimer’s disease can easily become over stimulated leading to agitation, the décor will be uncluttered. Glare is another stressor of this population so non-glare wooden floors and even non-glare glass in picture frames will be used. Glare, shadows and noises that we take for granted, such as a flushing toilet can agitate residents with dementia. New Dawn has taken these items into account in the building design and furniture, fixtures and equipment specifications.

### **Resident Rooms**

Each of the 16 residents in each building has a private bedroom with private bathroom. Each bedroom is highly decorated in a comfortable, safe, familiar and attractive manner. Bedrooms and bathrooms are equipped with many safety features including an emergency call system, motion detectors, night lights, shatterproof glass, grab bars, and non-slip tubs and flooring. Residents are invited to bring their own furnishings, but if they choose to have the home provide furnishings the rooms will contain a twin bed, nightstand, chest of drawers, lamp and comfortable chair.

Each room has a decorative, functional and secured window with curtains for privacy.

## **Furnishings**

New Dawn has taken great care to select CSD, a highly experienced interior design team affiliated with Baltimore's largest architectural firm; Cochran, Stephenson and Donkervoet, Inc. The designer responsible for the interiors of the project is Maria V. Lopez, NCIDQ who has designed specialized care settings for residents with Alzheimer's disease and has been recognized both nationally and internationally.

The interiors will be safe, appealing, homelike and efficient and will promote positive interaction but allow for privacy if desired. The following are goals for the interior design:

- Excellent initial impression to appeal to the resident as well as involved family members.
- "Homelike" and comfortable environment
- Safe and secure surroundings
- Memory provoking settings and accessories
- Tools to assist the resident and staff in resident self-care
- Design that promotes voluntary participation in the instrumental activities of daily living (i.e., folding laundry, setting the table, sweeping) to make residents feel valuable and involved.
- Settings and appointments that are operationally and energy efficient and easy to maintain.
- Furnishings and fixtures will meet all fire and building codes as well as safety standards.
- Interiors will be non-institutional but must be simple and uncluttered to avoid over-stimulation and agitation. Floor plans are easy for residents both ambulatory and non-ambulatory to maneuver.

## **Our Residents**

According to the Assisted Living Federation of America (ALFA), the profile of today's assisted living resident is a widowed female age 80 and older. This is consistent with the experience of the New Dawn operators. The average age of the residents is anticipated to be 82 in year one and increasing slightly as the population in the homes age. Residents are likely to require assistance with four or more activities of daily living such as bathing, dressing, eating, toileting and walking. Most residents will come to New Dawn with assistance from one or more children who live within a five to seven mile radius of the home. Approximately 25% of the residents will have a living spouse. Individuals with Alzheimer's disease may live 7-10 years from the point of diagnoses but most will not enter an assisted living community until they have reached middle to late stages of the disease.

All New Dawn residents pay privately for their care. New Dawn Assisted Living does not participate in the Medicaid program but assists residents and their families in obtaining any services covered by private insurance or Medicare. As residents reach the end of their lives, specialized programming is put into place and hospice services will be arranged with pre-screened providers.

### **Creating the Best Day Possible**

The program is designed around creating the best day possible for the resident. Rather than correcting the confusion of a resident, staff will join the resident in that particular memory or attempt to distract the resident should they become agitated. A vital activities program is centered on the “life skills” concept of encouraging residents to continue with activities of daily living that are familiar to them. This may include helping staff set the table, folding laundry, sweeping, sorting mail or caring for the home’s pet. Life skills stations including an office, child care area, sewing area and tool area which will be set up to encourage residents to pursue tasks they once enjoyed in the office or at home.

### **Programs and Services**

Residents and their families will undergo *a thorough admission process to ensure that New Dawn can properly care for the resident*; gather as much information about the resident as possible so that the home can meet their emotional and physical needs; and make certain that families or loved ones understand the New Dawn philosophy, programs, services, and expectations. A thorough health physical is required from the resident’s physician which covers medication, physical and mental status and capabilities, need for therapy and any indication that the resident may be dangerous to themselves or others.

An individualized service plan for each resident is then designed around a thorough admission process and resident assessment. This plan is developed with input from the staff, family, the resident and others as appropriate. The plan includes clear therapeutic goals for the resident such as managing incontinence but also covers anything from food likes and dislikes, TV shows they enjoy, past occupation and activities etc. It is updated regularly or when any significant change occurs. Every effort is made to tailor the basic program to meet the needs of the individual. The goal is not only to keep the resident safe and as healthy as possible, but to understand as much as possible about the individual including their history, family, fears, capabilities and activities they enjoy.

### **Services Include:**

- Three nutritious meals daily consisting mostly of finger foods
- Snacks and beverages available at all times
- Special diets available
- Seven day a week staffing (no decreases on weekends)
- Nurse on-site around the clock every day
- Daily, specially designed, activities program
- Personal laundry and ironing
- Daily housekeeping, regular heavy housekeeping
- Ongoing maintenance
- Medication administration
- On-site beauty/barber care
- Individualized service plans
- Exercise programs
- Outings as appropriate

- Contenance programs
- Minimum of weekly communication with the family
- Resource library for families and friends

**Program:**

- All staff certified in dementia care
- Background checks on every employee
- “Care partners” work with the same residents so they know them well
- Safe pets in every home including birds, fish and a dog
- Non-poisonous houseplants decorating the building
- No poisonous chemicals used in the home
- Fresh flowers in each home
- Smell of fresh brewed beverages and baked goods
- Music for residents playing as appropriate
- Soft-lighting to avoid glare
- “Shadow” and noise reviews to avoid irritants
- Designated manager at all times
- Beautiful garden, where residents may wander and plant

**Maintenance**

Ongoing and capital maintenance is included in the operating budget. Regular services such as trash and snow removal, lawn care, painting, heavy cleaning of carpets, building and gutters, and a minimum of semi-annual window cleaning will be contracted by the Executive Director with approval from the Regional Director. The Executive Director will arrange a team of local contractors and repair people, including plumbers and electricians, who are on-call around the clock for regular service and emergency service. As the company grows and buildings age New Dawn will review the feasibility and timing of adding maintenance staff to the operations.

**Housekeeping and Laundry**

Cleanliness and infection control are important parts of the program. A full-time housekeeper is on staff daily focused on cleaning of bathrooms, flooring, offices and common spaces. The full-time cook who supervises all food service is responsible for cleanliness in the kitchen and dining area and a porter is available to assist with heavy cleaning after the dinner meal. Resident assistants referred to as “Care Partners” straighten rooms and assist the housekeeper with light cleaning of resident rooms and common areas.

There is a segregated laundry room in each of the three buildings containing a commercial grade washer and dryer. Personal laundry is washed and ironed on-site by the resident assistants during any down times from resident care occurring predominantly during the night while most residents sleep. Chemicals are selected very carefully for resident safety and equipment such as irons are lockable with safety shut-offs. Dry cleaning pick-up may be arranged as requested at the resident’s expense but

families are encouraged to buy clothes that are comfortable, easy to care for and easy for the resident to slip off and on.

### **Commercial, Off-Site and Shared Facilities**

Each New Dawn is completely self-sufficient with its own offices and kitchen. There are no commercial, shared or off-site facilities other than the corporate office in Silver Spring which will handle all payroll and accounting. There is no commercial or retail space in the homes.

### **Staffing**

New Dawn of Chandler will operate with a high daytime staffing ratio to provide excellent quality of care for the residents. The Executive Director is responsible for all aspects of home operations and marketing in accordance with the New Dawn philosophy, program, policies and procedures and training program. All staff are trained and expected to be “hands on” with the residents. The Director of Health Services is a registered nurse (RN) who oversees the wellness monitoring, medication administration, admission assessments, health care training, level of care assessments and emergencies. The Program Coordinator has additional training in the New Dawn Philosophy and creating a habilitation environment where the staff seeks to understand the feelings and needs of the residents to create the best possible quality of life.

Care Partners provide direct care for the residents in activities of daily living including bathing, dressing and grooming, toileting, and ambulation and eating. New Dawn Care Partners are among the most highly trained staff in care for the memory impaired. They must complete all training required by the Arizona Department of Health Services as well as New Dawn developed training.

### **New Dawn of Chandler Will Make the City of Chandler Proud**

New Dawn of Chandler is sorely needed in the local community to serve the growing number of seniors and their families who need assistance. The building is residential and very attractive. New Dawn creates new jobs, pays taxes, and has little impact on utilities and traffic, and no impact on the school system.

The building, programs, services, and safety features are among the best in the field with proven owners and operators with over 100 years of combined experience in dementia care.

New Dawn of Chandler will become an integral part of the Chandler community. Our Executive teams are expected to join in and participate in the area and many local businesses will benefit from having our home in the community. We look forward to being a valuable asset to the neighborhood.



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#82  
JAN 17 2008

**MEMORANDUM**

**Planning and Development – CC Memo No. 07-304**

**DATE:** DECEMBER 21, 2007

**TO:** MAYOR AND CITY COUNCIL

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

**FROM:** BILL DERMODY, SENIOR CITY PLANNER

**SUBJECT:** DVR07-0006 ENTRADA DE CHANDLER

**Request:** Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a mixed-use development with gas station, assisted living, office, and auto parts retail uses

**Location:** Southwest corner of Elliot Road and Arizona Avenue

**Applicant:** Salazar Associates Architects, Ltd.

**Owner:** The Bunch Company

**Project Info:** Approximately 6.63 acres with three assisted living buildings totaling 28,800 square feet, three offices totaling 12,000 square feet, a 10-pump gas station and associated 3,600 square foot convenience mart, and a 7,000 square foot auto parts retail store to be constructed in a single phase

**RECOMMENDATION**

Planning Commission and Staff, finding inconsistency with the General Plan, recommend denial.

**BACKGROUND**

The application requests Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a mixed-use

development with gas station, assisted living, office, and auto parts retail uses. The subject site, located at the southwest corner of Elliot Road and Arizona Avenue, is currently undeveloped and is used as a road construction staging area.

The Elliot Road/Arizona Avenue intersection is the gateway corner to Chandler for southbound traffic on Arizona Avenue and westbound traffic on Elliot Road. The subject site is surrounded to the west by a townhome complex, to the southwest by a planned apartment complex, and to the south by a truck rental facility. On the northwest corner of the Elliot Road/Arizona Avenue intersection is a retail shopping center that is wrapped around by a business park. Farther west are single-family home neighborhoods. The intersection's other two corners are planned for the Pollack Business Park North & South, which has a combination of industrial/showroom, industrial/office, and retail uses. Farther east is a 240-acre business park.

The site has been zoned Agricultural District (AG-1) since its 1981 annexation. In 1990, a rezoning request to allow a furniture sales use was denied by City Council. In 1996, a rezoning request to allow a corner gas station was withdrawn under Staff opposition. In 2000, a rezoning request to allow a mixed-use development with gas station, retail, office, and fast-food uses was withdrawn under Staff opposition.

#### **GENERAL PLAN CONFORMANCE**

Planning Commission and Staff find the request inconsistent with the General Plan, which designates the property as Low Density Residential with allowance for consideration of commercial uses at the intersection of arterial streets. Though the uses are eligible for consideration, the proposed development does not provide a functional, compatible, and sustainable mix of uses, nor does it provide excellence in site planning design – parameters for consideration set out by the General Plan.

#### **SITE LAYOUT**

The approximate 6.63-acre site features an assisted living campus in the rear with a 10-pump gas station oriented toward the intersection corner, three medical and general office buildings along Elliot Road, and an auto parts retail store along Arizona Avenue. The uses are connected by driveways that meander through smaller parking fields scattered around the site. Pedestrian connections are provided through much of the site (with a couple of dead-ends) under a colonnade feature with intermittent towers. There is a recreational walking path area in the far southwest of the site adjacent to the assisted living buildings that includes several tree-shaded benches and connects via three routes to the site's main sidewalk system under the colonnade. There are no pedestrian connections between the gas station and the offices, nor between the gas station and the assisted living campus. The project provides two pedestrian-oriented fountains and 12 benches, exceeding Code requirements for these items.

The site has one driveway from Elliot Road and two from Arizona Avenue. The two driveways nearest the intersection have "no left turn out" signage for vehicles exiting the site. Left-in movements are not restricted because there are not raised medians (existing or planned) on either adjacent street. The driveway throats (the distance between streetside curb and the first interior cross aisle) are between 30' and 60' depths, compared to the City's standard of 80' when there is

a left-in movement. The failure to come close to the 80' standard is of particular concern for the Elliot Road driveway that dead-ends into an office building, thereby forcing immediate 90-degree turns by incoming traffic – a backup of any more than one vehicle here at this 30' throat will cause left-in vehicles to be stranded across Elliot Road's eastbound lanes, leaving them vulnerable to broadside collisions.

A dissimilar land use buffer is provided around most of the site's western and southern exteriors, including 12'-high trees planted every 20' on center. The exceptions are an area in the site's southeastern portion designated for a potential future connection to the neighboring parcel to the south, and a 50' stretch in the site's northwestern portion where including the trees would require shrinking the parking lot. Planning Commission and Staff do not support the requested buffer relief in the site's northwestern portion.

Dissimilar use buffers are also partially provided within the site in the form of 6'-high walls to provide screening between the quasi-residential assisted living use and the incompatible gas station and auto parts retail uses. Some trees are also provided between these uses, but not to the dissimilar use buffer standards of 12'-high trees planted every 20' on center. The most egregious gap in the trees buffer is south of the convenience store where a service drive pinches the available landscaping area to only 5', thereby preventing large trees from being planted. Staff does not support the gap in 12'-high trees south of the convenience store.

There is an emergency generator located close to the auto parts retail building that is for the assisted living campus's use in case of a power outage.

The project will be constructed as a single phase. According to the applicant, plat and building permit applications will be submitted immediately following approval of this request.

### **BUILDING ARCHITECTURE**

The project's buildings use a Contemporary Southwest style featuring white smooth stucco finish walls, concrete barrel tile roofs, exposed wood rafters, and a repeating clay block wall element associated with a semi-covered colonnade that runs throughout the site. Roof styles vary from building to building. The colonnade includes seven raised tower elements with clay blocks above and open air below that are generally placed at turns and termini in the walkway.

The Commercial Design Standards dictate that no more than 65% of a building façade be constructed of a single material, unless using a particular architectural style that prescribes a single building material as the dominant feature. In the opinion of Planning Commission and Staff, the project meets this intent on the façades that include a significant amount of the clay block at varied heights – though the block is not part of the walls, it provides sufficient visual interest in the same manner as an additional wall material. However, several building façades do not meet the intent of this standard, including the side elevations of the assisted living buildings and the side elevations of the auto parts retail building, which are generally uninterrupted plain, white masses. These same façades also fail the requirement to provide four-sided architecture.

### **LANDSCAPING**

The landscaping includes a variety of trees and shrubs including Heritage Live Oak, Foothills Palo Verde, and Fruitless Olive along the street frontages, and Shoestring Acacia and Sissoo lining the interior property lines. Agave, Lantana, and Prostrate Rosemary shrubs along with Mastic trees surround the corner center identification sign. The two driveways closest to the intersection are framed by raised square planters filled with Agave and Deer Grass. The project meets minimum requirements for 48"-box and 36"-box trees along street frontages.

The subject site requires a 50' x 250' landscaped area along both arterial streets adjacent to the intersection. The driveway from Elliot Road leading into the gas station cuts slightly into this required landscaping.

### **SIGNAGE**

All signage will require approval under a separate PDP application. Signage is shown in the development booklets for illustrative purposes only. The application does not provide adequate information for signage to be properly evaluated.

### **PARKING**

The site provides adequate parking with 163 spaces. The development booklet calculates a Code requirement of 159 spaces based on 4,000 square feet of medical office (out of the office buildings' total of 12,000 square feet) and zero square feet of food service area within the convenience store. Realistically, nearly all convenience stores include several hundred square feet of food service. Given an excess of four parking spaces, the convenience store will be limited to no more than 225 square feet of food service.

### **DISCUSSION**

Planning Commission and Staff do not support the application because it is felt that the land uses are incompatible. The site, though too small to pursue a typical anchored retail center, could easily accommodate a more compatible mix of uses such as assisted living/office or office/retail expanded to occupy the entire site. Locating a residential assisted living use within 50' of an auto parts retail building and within 100' of a gas station presents fundamental land use conflicts that cannot be adequately mitigated by any amount of walls and landscaping, much less partial buffers with gaps in them.

Additionally, the site plan neither functions well nor meets City standards addressing traffic safety, exterior buffering, and pedestrian connectivity. The existence of sharp turns and dead-ends, both for pedestrians and vehicles, precludes a truly safe and functional project. With the pedestrian disconnects and lack of buffering, the site's uses are insufficiently integrated with regard to access while, simultaneously, overly integrated (and insufficiently mitigated) with regard to negative aesthetic and noise effects. Finally, the architecture fails to comply with the Commercial Design Standards. Several blank façades, unvaried rooflines, and lack of material diversity do not provide visual interest or effectively represent the site's gateway location.

### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

- The request was noticed in accordance with the requirements of the Chandler Zoning Code.

- A neighborhood meeting was held on November 27, 2007 at the Pacific Seafood Buffet (3110 N. Arizona Avenue). Four neighbors attended, including one voicing opposition to the gas station and auto parts retail uses because of the traffic they would attract. The other neighbors also wanted to be sure that no “no man’s land” would be created between property walls and asked about developments with similar mixes of uses elsewhere. The developer’s representative stated that no “no man’s land” would be created – either they will use existing walls or they will add new walls flush to the old ones.
- Staff has received phone calls from two neighboring property owners opposed to the proposed gas station use. The property owners feel that a gas station does not fit with this intersection, especially given that it is a gateway to the city. The property owners control the other three corners of this intersection as well as a multi-building business park development located south of the southeast corner of the subject intersection.

### **PLANNING COMMISSION VOTE REPORT**

Motion to deny.

In Favor: 6    Opposed: 0    Absent: 1 (Creedon)

Planning Commission found the mix of uses to be incompatible, particularly the gas station and the assisted living, as if it were two separate projects rather than true “mixed use”. Commission also commented that the traffic flow and pedestrian connections are not smooth and that the architecture near the streets needs improvement, especially given that this is a gateway intersection to the city.

### **RECOMMENDED ACTION**

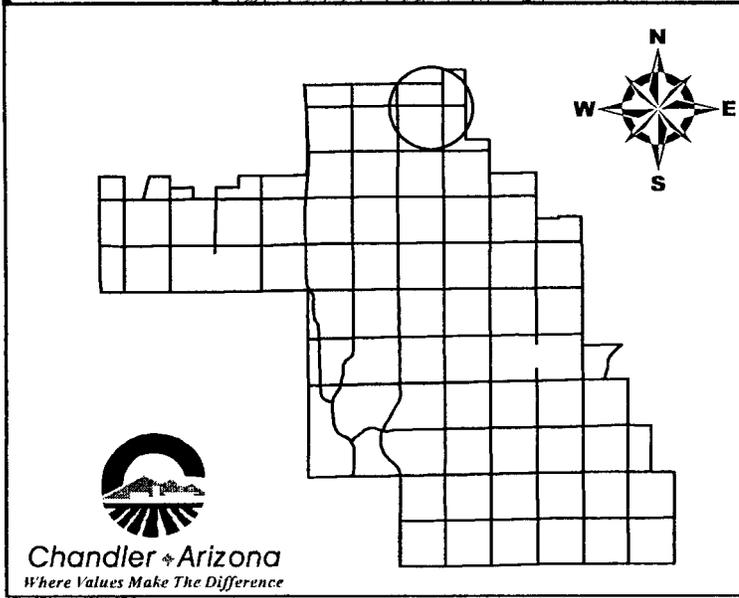
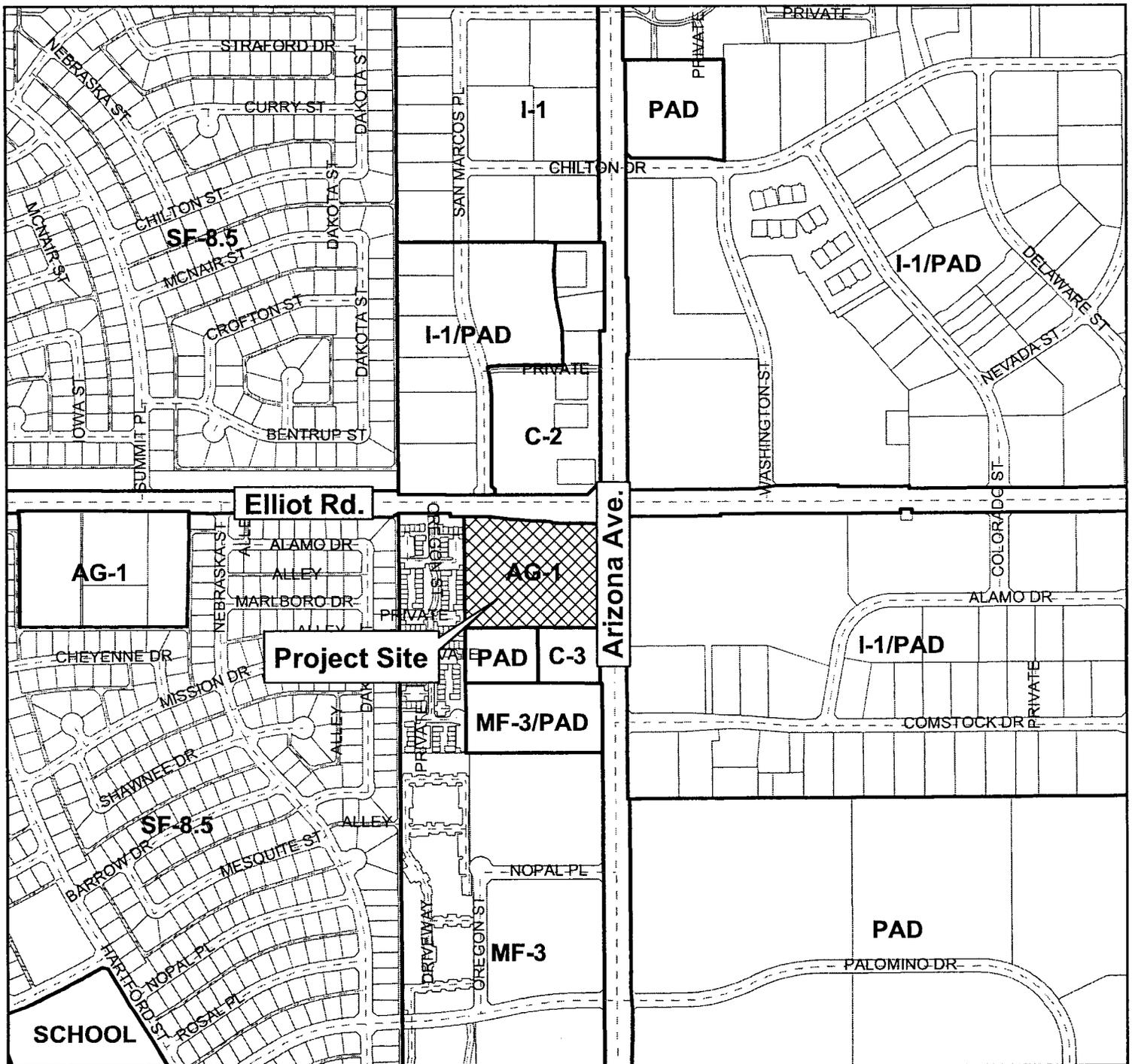
Planning Commission and Staff, upon finding inconsistency with the General Plan, recommend denial of DVR07-0006 ENTRADA DE CHANDLER.

### **PROPOSED MOTION**

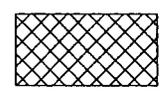
Move to deny Planned Area Development zoning and Preliminary Development Plan in case DVR07-0006 ENTRADA DE CHANDLER as recommended by Planning Commission and Staff.

### **Attachments**

1. Vicinity Map
2. Development Booklet
3. Site Plan
4. Landscape Plan
5. Building Elevations
6. Perspective Views
7. Ordinance No. 4007 (for consideration if City Council chooses to approve the zoning)



**Vicinity Map**

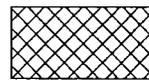
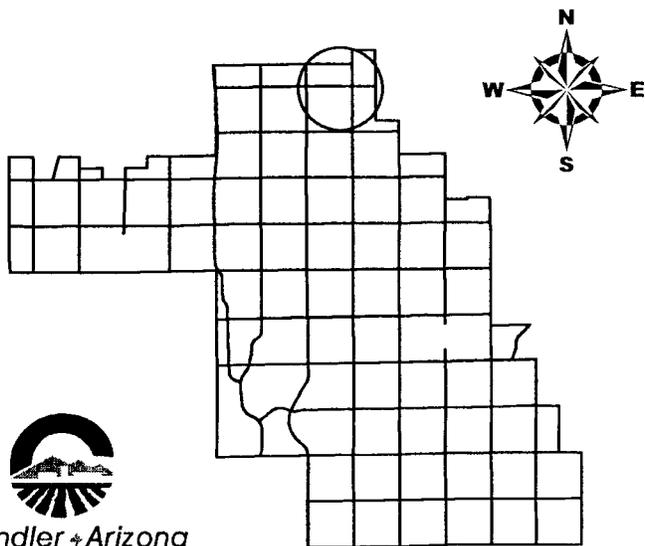


**DVR07-0006**

**Entrada de Chandler**



## Vicinity Map

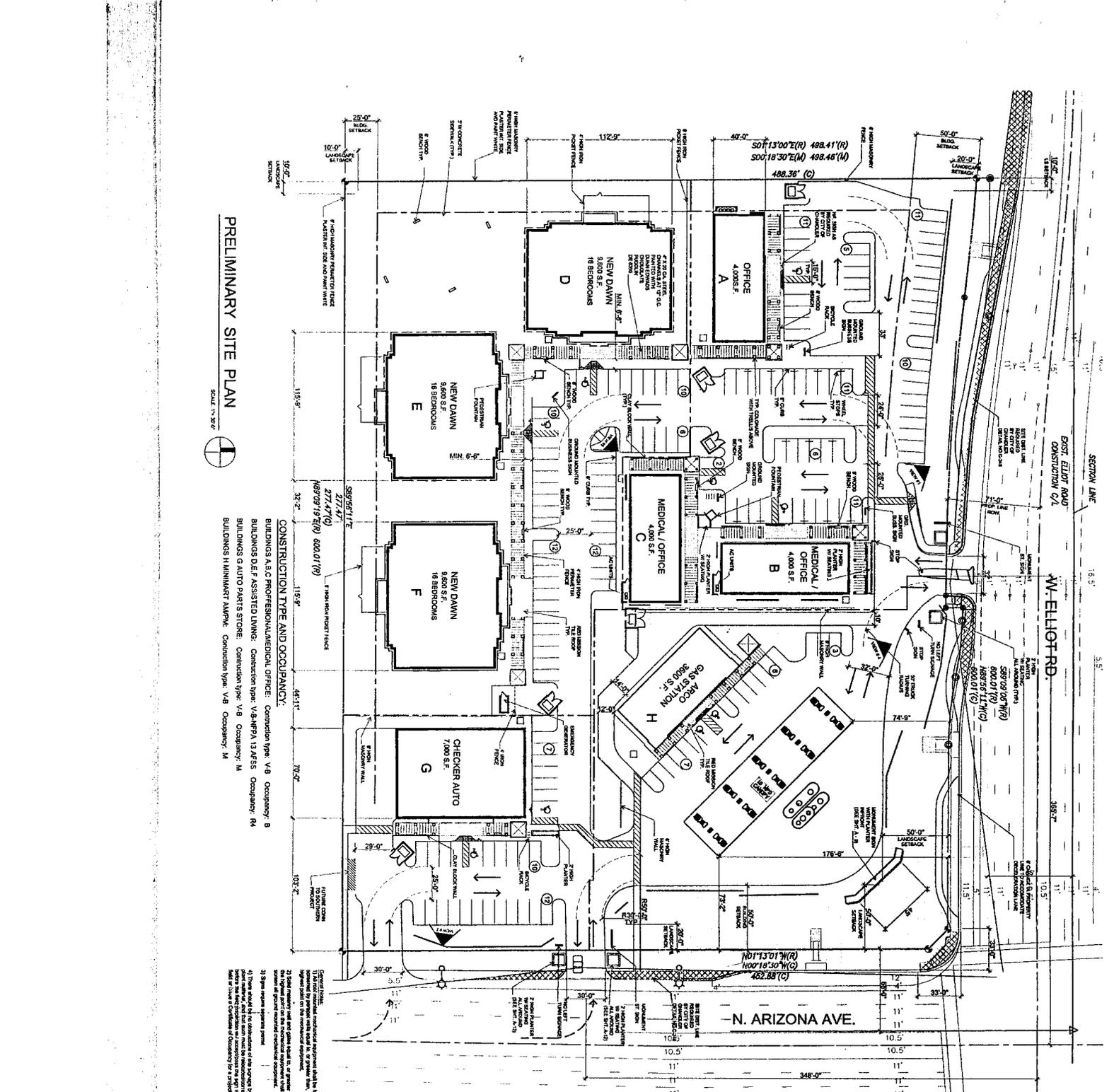


DVR07-0006

Entrada de Chandler



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**SITE DATA**

ZONING: A-1 (TO BE REZONED TO P.A.D.)

PARCEL NUMBER: 302-28-0053

TOTAL PARCEL AREA: 281,415 S.F. = 6.4 ACRES

**BUILDING SETBACKS:**

AT STREET CORNER: 30 FT.

REAR WEST: 25 FT.

REAR EAST: 25 FT.

LANDSCAPE SETBACKS:

AT STREET CORNER: 60 FT. FROM CORNER EXTEND 200 FT. ALONG E.A. STREET, THEN 20 FT.

REAR WEST: 10 FT.

REAR EAST: 10 FT.

**LAND AREA PER USE**

CHECKER AUTO: 7,000 S.F. (0.16 ACRES)

MEDICAL OFFICE: 7,000 S.F. (0.16 ACRES)

AMCO GAS STATION: 3,000 S.F. (0.07 ACRES)

TOTAL SITE AREA: 281,415 S.F. (6.4 ACRES)

**BUILDING AREA**

NEW DAWN: 5,800 S.F. (0.13 ACRES)

CHECKER AUTO: 7,000 S.F. (0.16 ACRES)

MEDICAL OFFICE: 4,000 S.F. (0.09 ACRES)

AMCO GAS STATION: 3,000 S.F. (0.07 ACRES)

QAB PUMP COMPANY: 5,800 S.F. (0.13 ACRES)

TOTAL BUILDING COVERED AREA: 25,600 S.F. (0.58 ACRES)

TOTAL BUILDING COVERED: 0.58 ACRES

**PARKING REQUIRED:**

NEW DAWN: 673 SPACES PER UNIT

45 UNITS TOTAL, 1,672 S.F. = 38 SPACES

\* 14 FT. EASEMENT, 14 SPACES TOTAL (24% )

CHECKER AUTO: 1 SPACE PER 200 S.F. (7.0% )

MEDICAL OFFICE: 1 SPACE PER 200 S.F. (7.0% )

AMCO GAS STATION: 1 SPACE PER 300 S.F. OF RETAIL AREA (3.3% INCLUDED)

QAB PUMP COMPANY: 1 SPACE PER 200 S.F. (3.3% INCLUDED)

TOTAL PARKING PROVIDED: 193 SPACES

**PARKING PROVIDED:**

CHECKER AUTO: 35 SPACES (11% INCLUDED)

MEDICAL OFFICE: 20 SPACES (11% INCLUDED)

AMCO GAS STATION: 18 SPACES (11% INCLUDED)

QAB PUMP COMPANY: 14 SPACES (7% INCLUDED)

TOTAL PARKING PROVIDED: 155 SPACES

**CONSTRUCTION TYPE AND OCCUPANCY:**

BUILDINGS A, C PROFESSIONAL/MEDICAL OFFICE: Construction Type: V-9 Occupancy: B

BUILDINGS D, E, F ASSISTED LIVING: Construction Type: V-9A/FPA Occupancy: RA

BUILDINGS G AUTO PARTS STORE: Construction Type: V-8 Occupancy: M

BUILDINGS H MINIMART/AMPM: Construction Type: V-8 Occupancy: M

**PRELIMINARY SITE PLAN**

SCALE: 1/8" = 1'-0"

DATE: 02/20/07

REVISIONS: 02/21/07

3

ENTRADA DE CHANDLER

721 W. POLK ST. PHOENIX, ARIZONA 85007

(602) 774-6844

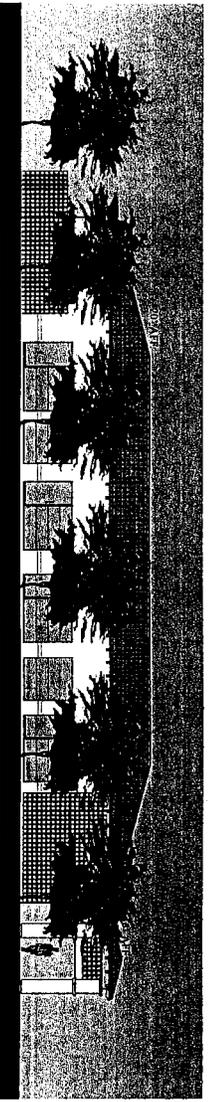
6002 27400E AVENUE EAST, SUITE 100, DOWD

CONSTRUCTION

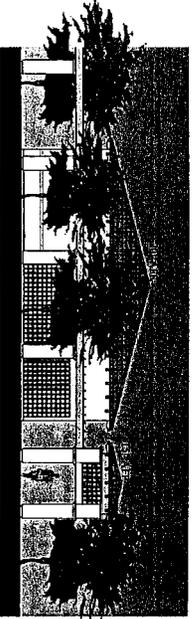
PRELIMINARY SITE PLAN

3

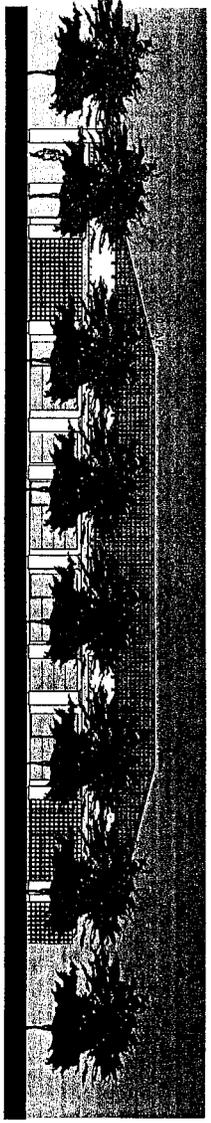




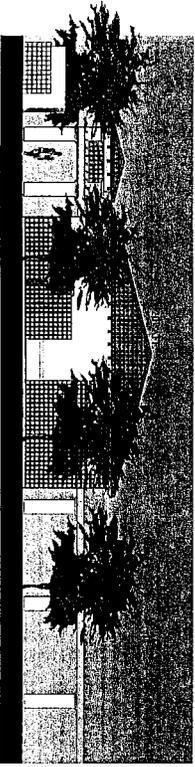
**SOUTH**



**EAST**



**NORTH**



**WEST**

**OFFICE ELEVATIONS**

SCALE: 1/8" = 1'-0"

**OFFICE BUILDING A**



- GENERAL NOTES:**
- 1) ALL ROOF MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED BY PARAPET WALLS EQUAL TO OR GREATER THAN THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT.
  - 2) SOLID MASONRY WALLS AND GATES EQUAL TO OR GREATER THAN THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT SHALL SCREEN ALL GROUND MOUNTED MECHANICAL EQUIPMENT.
  - 3) SIGNS REQUIRE SEPARATE PERMIT

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**ENTRADA DE CHANDLER**

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85007

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(602) 274-0448 FAX  
LSA@SALAZAR.COM

SALAZAR ASSOCIATES ARCHITECTS, LTD.

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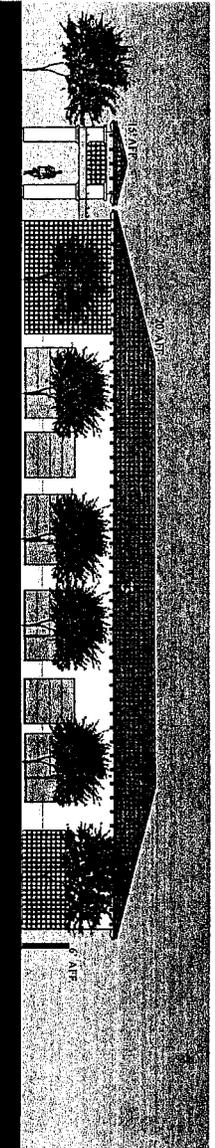
PRELIMINARY ELEVATIONS

DATE: 08/18/07

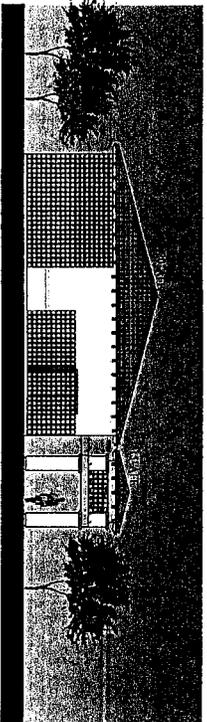
REVISIONS:

6

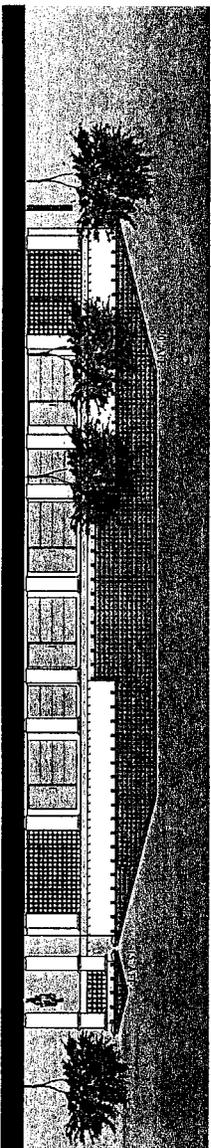




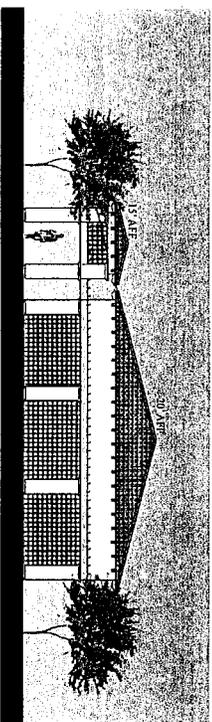
SOUTH



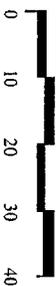
EAST



NORTH



WEST



MEDICAL / OFFICE BUILDING C

MEDICAL / OFFICE ELEVATIONS

SCALE: 1/8" = 1'-0"

- GENERAL NOTES:
- 1) ALL ROOF MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED BY PARAPET WALLS EQUAL TO, OR GREATER THAN, THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT.
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  - 3) SIGNS REQUIRED SEPERATE PERMIT

2721 W. BUCK ST.  
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85007  
(602) 274-0948  
(602) 274-0984, FAX  
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LSA15@AQ.COM

ENTRADA DE  
CHANDLER

S.W. C. ARIZONA AVE.  
AND ELIOT RD.

PRELIMINARY  
ELEVATIONS

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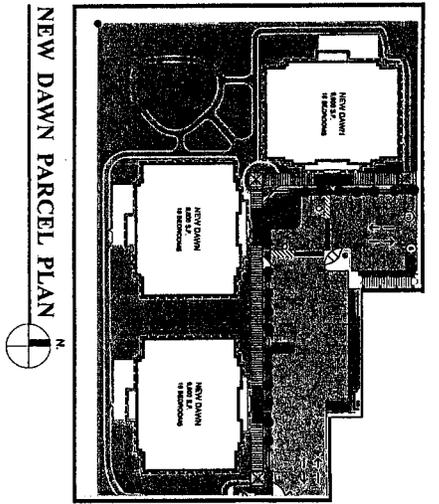
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DATE: 08/18/07

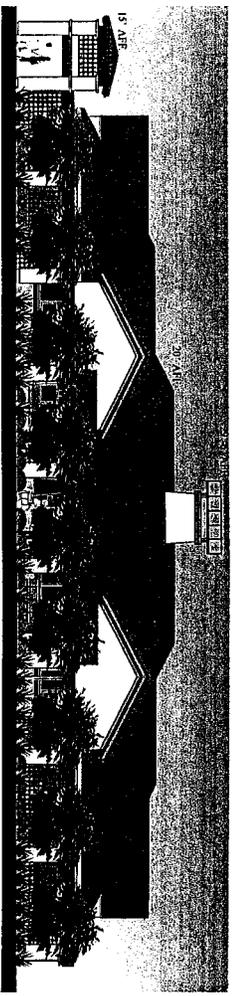
REVISIONS

8

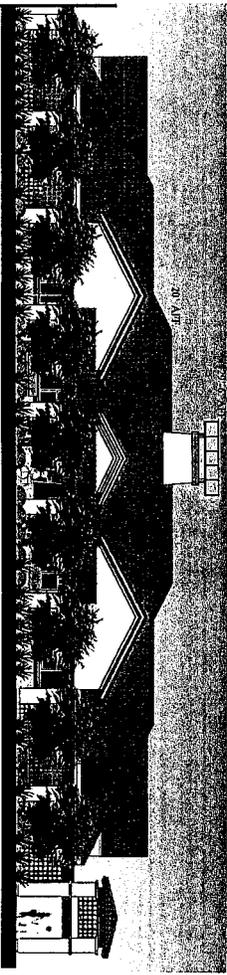
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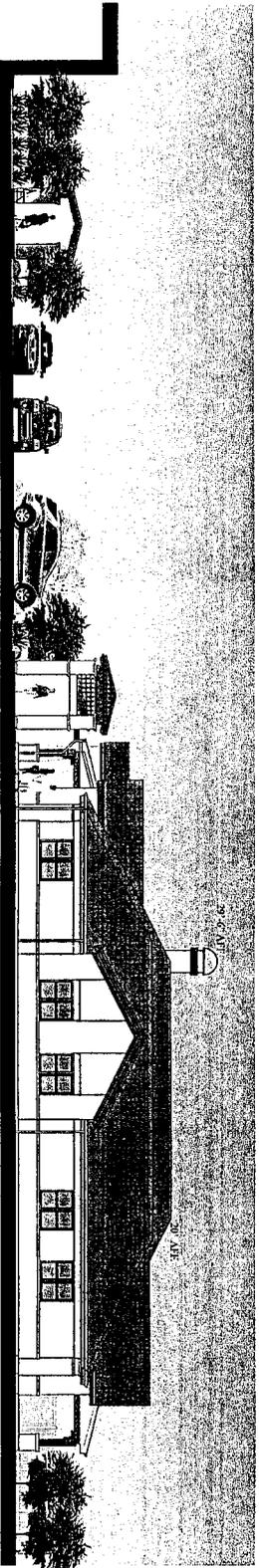
- GENERAL NOTES:
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  - 3) SIGNS REQUIRE SEPARATE PERMIT.



TYP. BACK ELEVATION  
SCALE: 1/8" = 1'-0"



TYP. FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



SIDE ELEVATION  
SCALE: 1/8" = 1'-0"



**CONTRACTOR**  
 ENTRANBA DE CHANDLER

**ARCHITECT**  
 SALAZAR ASSOCIATES ARCHITECTS, LTD.  
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 (602) 274-0834 - FAX  
 LSAL@SALAZAR.COM

**CLIENT**  
 S.W.C. ARIZONA AVE. AND ELIOT RD.

**PROJECT**  
 NEW DAWN CHARACTER ELEVATIONS

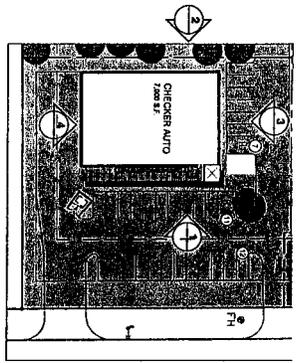
**DATE**  
 10/09/08

**REVISIONS**

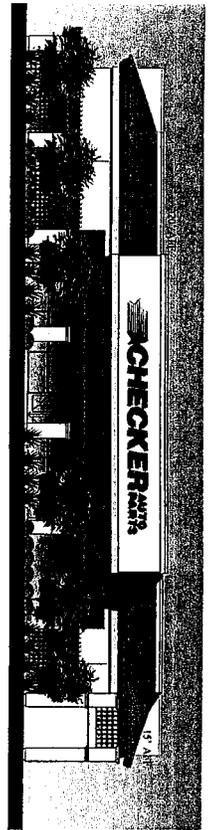
NO.	DESCRIPTION	DATE

9

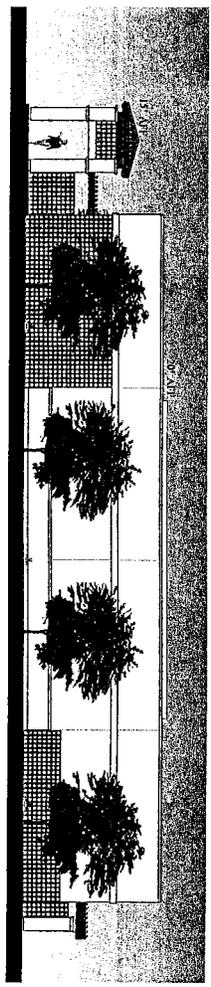
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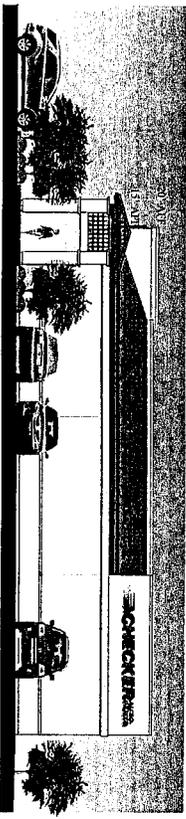
CHECKER AUTO PARCEL PLAN  
SCALE: N.T.S.



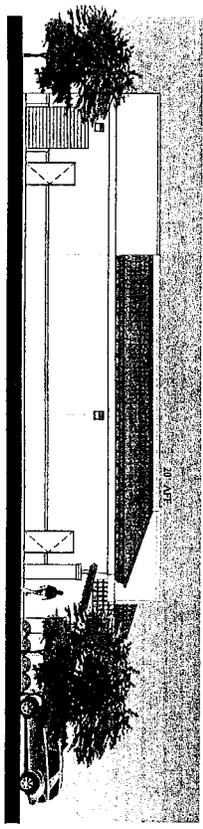
1 EAST ELEVATION  
SCALE: 1/8" = 1'



2 WEST ELEVATION  
SCALE: 1/8" = 1'



3 NORTH ELEVATION  
SCALE: 1/8" = 1'



4 SOUTH ELEVATION  
SCALE: 1/8" = 1'



- GENERAL NOTES:
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  - 2) SOLID MASONRY WALL AND GATES EQUAL TO, OR GREATER THAN, THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT SHALL SCREEN ALL GROUND MOUNTED MECHANICAL EQUIPMENT.
  - 3) SIGNS REQUIRE SEPARATE PERMIT.

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(602) 242-0848 FAX  
LSAL@SAL.COM

CHANDLER GATEWAY

S.M.C. ARIZONA AVE.  
AND ELLIOTT RD.

CHECKER AUTO CHARACTER ELEVATIONS

DATE: 10/20/05

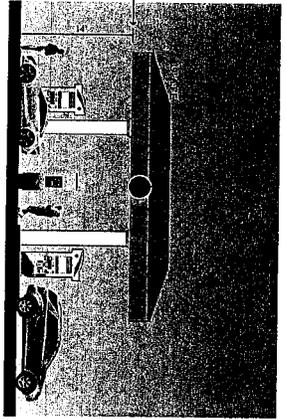
REVISIONS:

10

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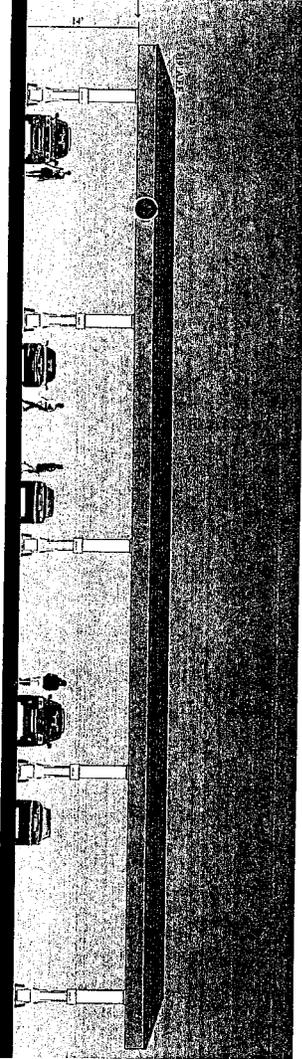
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CANOPY NOT TO  
EXCEED  
HEIGHT OF 14'-0"



**SOUTHEAST ELEVATION**  
SCALE: 1/8"=1'-0"

CANOPY NOT TO  
EXCEED  
HEIGHT OF 14'-0"



**NORTHEAST ELEVATION**  
SCALE: 1/8"=1'-0"

**SALAZAR  
ASSOCIATES  
ARCHITECTS, LTD.**

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**ENTRADA DE  
CHANDLER**

SWC ARIZONA AVE  
& ELLIOT RD.

**GAS STATION  
ELEVATIONS**

**NOT FOR  
CONSTRUCTION**

DATE: \_\_\_\_\_

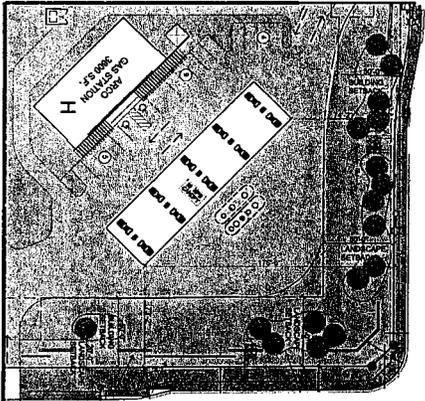
BY: \_\_\_\_\_

REVISIONS

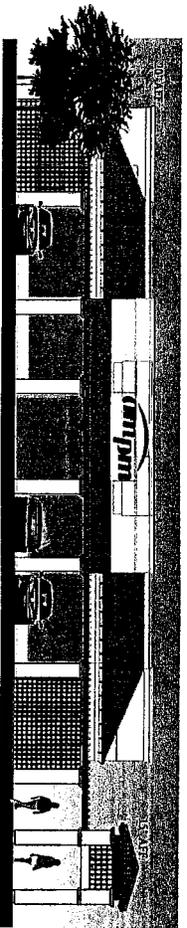
NO.	DATE	DESCRIPTION

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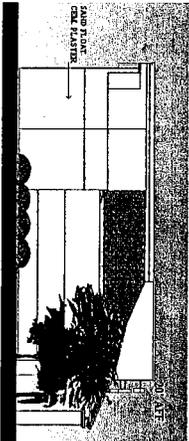


**MINI-MARKET PARCEL PLAN**



**NORTHEAST ELEVATION**

SCALE: 1/8"=1'



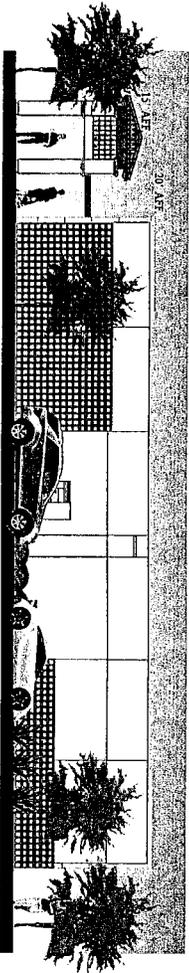
**NORTHWEST ELEVATION**

SCALE: 1/8"=1'



**SOUTHWEST ELEVATION**

SCALE: 1/8"=1'



**SOUTHWEST ELEVATION**

SCALE: 1/8"=1'



- GENERAL NOTES:**
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  - 3) SIGNS REQUIRE SEPARATE PERMIT.

**SALAZAR ASSOCIATES ARCHITECTS LIMITED**

4450 NORTH 57TH STREET SUITE 234 PHOENIX ARIZONA 85014

(602) 274-0848

ENTRADA DE CHANDLER

S.W.C. ARIZONA AVE & ELLIOT RD

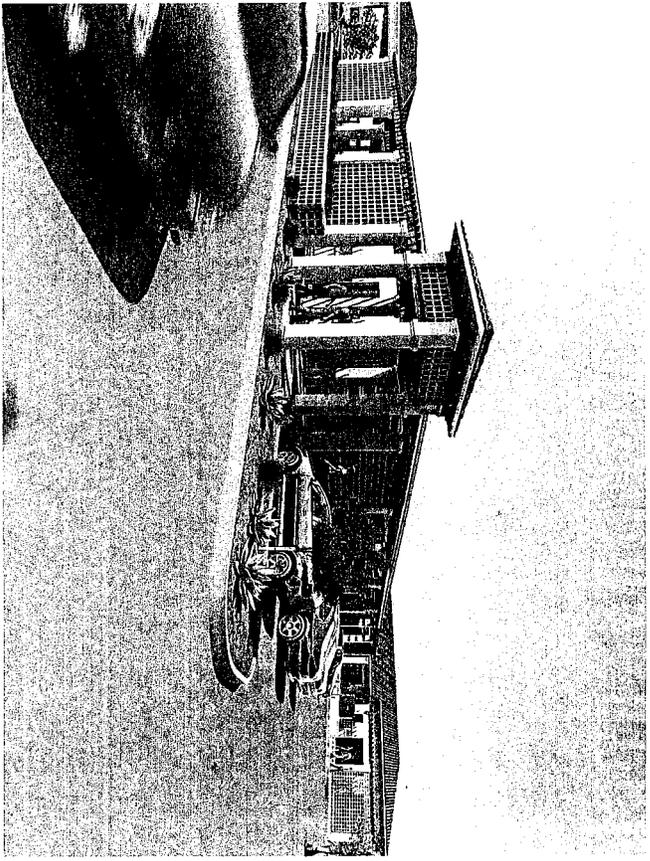
MINIMARKT ELEVATIONS

**NOT FOR CONSTRUCTION**

DATE: 02/20/07

REVISIONS

# ENTRADA DE CHANDLER



ENTRADA DE CHANDLER VIEW # 1

## COMMERCIAL DESIGN STANDARDS

- # 133 The placement of buildings has been planned to achieve logical orientation for visitors and angled corner mini-mar/gas stations for a softer look from streets.
- # 136 A central interior tree lined colonnade boulevard has been included in plan created a shaded connection between buildings.
- # 138 At various locations we have provided planters and fountains along perimeters for use of visitors and tenants.
- # 139 A unique amounty has been incorporated into the design that is aesthetically and functional in the form of 8 x 8 x 8 hollow clay block that shades colonnade as well as enhances vertical surfaces.
- # 140 Twelve 6' benches have been provided in plan along the colonnade and in the SW corner park like area for tenants and visitors.
- # 141 Eight 13' high towers that incorporate omission the roof and 8 x 8 x 8 hollow clay block have been provided throughout project.
- # 146 All letters shall be surface mounted metal "v" backlit at all signs to be submitted under separate submittal.
- # 147 Individual reverse pan channel letters will be use throughout project.
- # 148 All letter sizes shall not exceed 13% of the h/dg. Height.
- # 153 A maximum of no more than 20% in front yard set back area for redention has been designed.
- # 158 At corner of project, a monument sign has been provided identifying the project and includes a planter with decorative 8 x 8 x 8 hollow clay blocks.
- # 159 All screen walls along street frontage, garbage dumpsters and ground mounted air conditioner compressors, have been designed with 8 x 8 x 8 hollow clay blocks.
- # 160 At main entrance to center of of Elliot road a focal point of planter, colonnade and hollow clay block has been provided.

## PROJECT NARRATIVE

Entrada de Chandler is the name assigned to this project because of the importance of this site as one of the main entrances to the City of Chandler. The site is located at the Southwest corner of Arizona Avenue and Elliot Road. The Bunch Company, owners of this lot, realize the value of this corner for the City of Chandler and have the intent to convert the vacant land into a mixed-use complex of approximately 6.63 acres, building an ARCO gas station with a mini-mart, a Checker Auto Parts store, three assisted living buildings, and medical/office buildings. The current zoning is AG-1. Part of our efforts is to obtain a rezoning approval for P.A.D. zoning.

This project presents an alternative not only for the outside users but also for the people inhabiting the site on a daily basis, through interdependent functions. People needing car services have the convenience of a gas station next to an auto parts store. These are more of dynamic uses, therefore are located closer to Arizona Avenue. On the other hand, the gas station convenience store brings the people living in the assisted living buildings an alternative solution to obtain needed goods within walking distance. These assisted living buildings are located at the lot corner, close to the West residential area to keep them away from the noisy and busy street corner. The medical/office buildings are located Northwest of the site facing Elliot Road. In addition to serve the outside user, these give the assisted living people the convenience of having health assistance within walking distance.

The architectural concept offers a pedestrian oriented design. All different uses are inter-connected with covered pedestrian colonnades which incorporate rich landscape, benches, decorative paving, lighting, and other features for a more pleasant pedestrian experience. The architectural material and color palette throughout the whole complex is based on a "Spanish style". The roofs, smooth stucco, clay block walls, lattice, and exposed wood members in conjunction with abundant landscape, and open area "patios" create a visual and sensorial cohesion between each of the uses. An open park is provided at the Southwest corner of the lot for the use of the pedestrian especially the assisted living inhabitants. Special attention has been given with landscaping, parking screen walls, and other architectural elements which bring an attractive street frontage along Arizona Avenue.

Entrada de Chandler provides an excellent alternative for the citizens of Chandler and a great image as a doorway to the city.

## SIGN PACKAGE

Complete sign package will be submitted separately but we feel that is important that the city see how the sign design will relate to the building design signs as presented won't change.

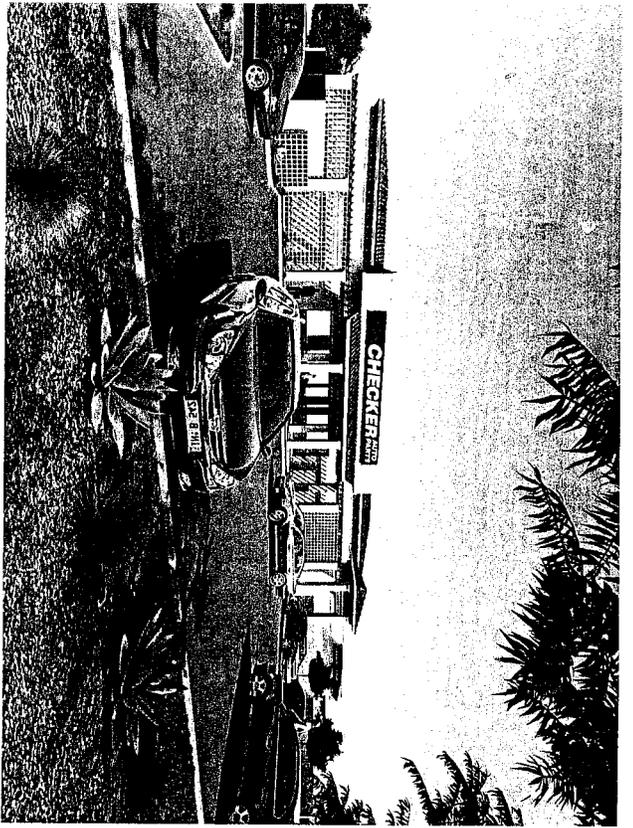
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3	SITE PLAN, SITE DATA, CONSTRUCTION TYPE & OCCUPANCY
4	SITE LIGHTING PLAN
5	SITE INFORMATION/VICINITY MAP
6	OFFICE BLDG A ELEVATIONS
7	MEDICAL OFFICE BLDG B ELEVATIONS
8	MEDICAL OFFICE BLDG C ELEVATIONS
9	NEW DWAIN ELEVATIONS
10	CHECKER AUTO ELEVATIONS
11	GAS STATION CANOPY ELEVATIONS
12	MINIMARKET (AMPM) ELEVATIONS
13	MONUMENT SIGN PLAN, ELEVATION AND SECTION
14	WATER, POLYSTYRA AND REFRIG. ELEVATION, PLANS AND SECTION
15	STREET MONUMENT SIGN ELEVATION AND SECTION
16	INTERIOR BUSINESS SIGN AND PLANTER ELEVATION AND SECTION
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18	MATERIAL LIST
19	CONCEPTUAL LANDSCAPE PLAN
20	COLORBED LANDSCAPE PLAN
21	PRELIMINARY SITE PLAN (cont)
22	GRADING AND DRAINAGE PLAN

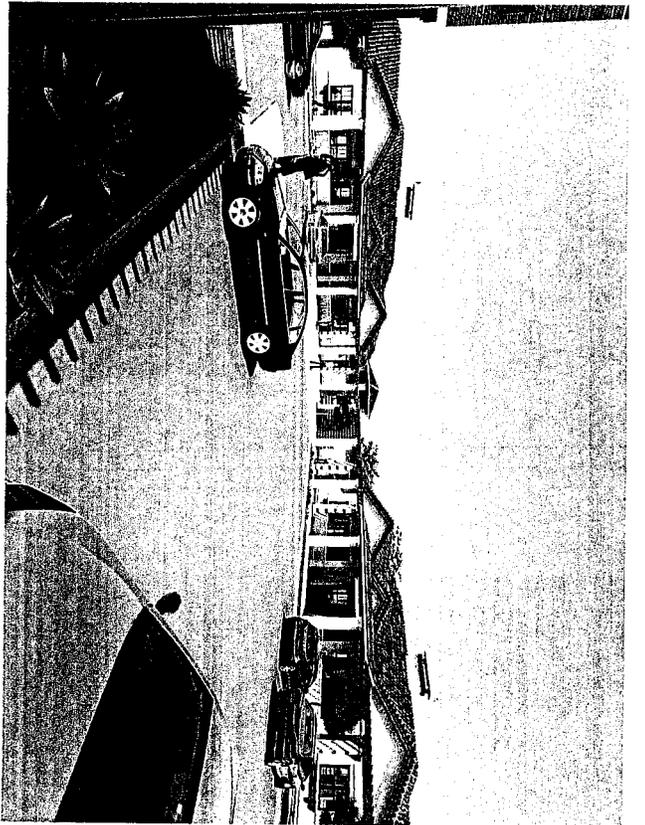
**CONTRACTOR**  
**S. W. C. ARIZONA AVE & ELLIOT RD**  
**ENTRADA DE CHANDLER**

**DATE**  
**02/20/07**

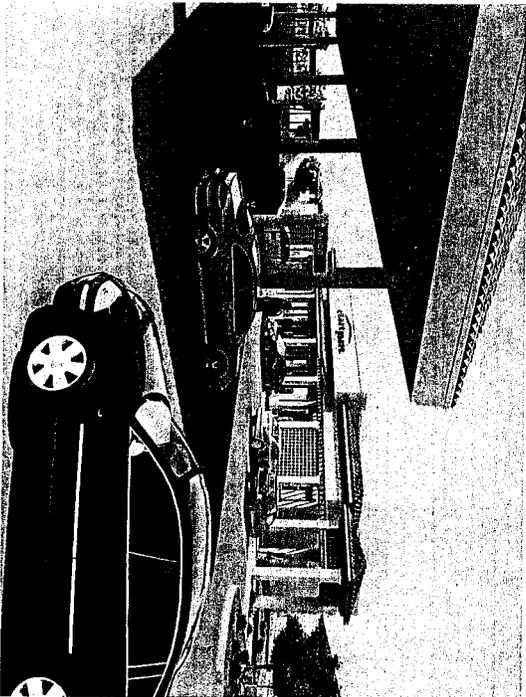
**REVISIONS**



CHECKER AUTO BUILDING VIEW # 2



NEW DAWN BUILDING VIEW # 3



GAS STATION AND MINI-MART AM/PM VIEW # 4



**SALAZAR  
ASSOCIATES  
ARCHITECTS  
LIMITED**

4450  
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(602)  
274-0948

**ENTRADA DE  
CHANDLER**

**S.W.C.  
ARIZONA AVE  
& ELLIOT RD**



DATE  
02/20/07

REVISIONS

## **ORDINANCE NO. 4007**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL DISTRICT (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) (DVR07-0006 ENTRADA DE CHANDLER) 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 Agricultural District (AG-1) to Planned Area Development (PAD) subject to the following conditions:

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. 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.

3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. 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.
5. 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.
6. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Entrada de Chandler", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0006, except as modified by condition herein.
7. Approval by the Director of Planning and Development of plans for landscaping and perimeter walls and the Director of Public Works for arterial street median landscaping.
8. 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.
9. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes

intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the subject development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
11. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
12. All signage shall be approved through separate Preliminary Development Plan application and associated City Council approval.
13. The applicant shall work with staff to provide efficient and safe pedestrian circulation between all of the site's land uses and out to the streetside sidewalks.
14. The gas station canopy architecture shall be further articulated, possibly including breaking the canopy into two parts.
15. The applicant shall work with staff to provide further articulation on the auto parts retail and office buildings in a manner consistent with the assisted living architecture.
16. For this zoning to be valid, a signed and notarized Consent to Conditions waiver shall be provided to the City within 21 days of this approval.

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 \_\_\_\_\_, 2008.



Project: **Entrada de Chandler**  
Address: S.W.C. Arizona Ave. and Elliot Rd.  
Chandler, Arizona  
Parcel#: 302-26-005J

## LEGAL DESCRIPTION OF PROPERTY

A portion of the following described property:

The East 665 feet of the North 811 feet of the Northeast quarter of Section 16, Township 1 South, range 5 East of the Gila and Salt River base and Meridian, Maricopa County, Arizona;

Except the North 65 feet, and

Except the East 65 feet, and

Except commencing at the Northeast corner of said Section 16;

Thence South  $01^{\circ} 13' 00''$  East along the East line of said Northeast quarter, 811.02 feet;

Thence South  $89^{\circ} 09' 19''$  West 55.00 feet to the point of beginning;

Thence continuing South  $89^{\circ} 09' 19''$  West 287.47 feet;

Thence North  $01^{\circ} 13' 00''$  West 247.56 feet;

Thence North  $89^{\circ} 09' 19''$  East 277.47 feet to a point on a line 65.00 feet West of and parallel with the East line of said Northeast quarter;

Thence South  $01^{\circ} 13' 00''$  East along said parallel line, 161.55 feet;

Thence North  $89^{\circ} 09' 19''$  East, 10.00 feet to a point on a line 55.00 feet West of and parallel with the East line of said Northeast quarter;

Thence South  $01^{\circ} 13' 00''$  East along said parallel line 86.00 feet to the point of beginning; and

Except that portion of the East 665 feet of the North 811 feet of the Northeast quarter of said Section 16, more particularly described as follows:

Commencing at the Northeast corner of said Section 16;

Thence South  $89^{\circ} 09' 19''$  West along the North line of said Northeast quarter 665.01 feet to the Northwest corner of the East 665.00 feet of said Northeast quarter;

Thence South  $01^{\circ} 13' 00''$  East along the West line of said East 665.00 feet, a distance of 563.46 feet to a line which is parallel with the North line of said Northeast quarter, and to the point of beginning;

Thence North  $89^{\circ} 09' 19''$  East along said parallel line, 322.54 feet to a line which is parallel with the East line of said Northeast quarter;

Thence South 01° 13' 00" East along said parallel line, 247.56 feet to the South line of the North 811.00 feet of said Northeast quarter;

Thence South 89° 09' 19" West along said South line, 322.54 feet to the West line of the East 665.00 feet of said Northeast quarter;

Thence North 01° 13' 00" West along said West line, 247.56 feet to the point of beginning; and

Except all metals, minerals, petroleum and natural gas as reserved in the patent.