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ORDINANCE NO. 4009

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 TO PAD (DVR07-0013 APPLEBY ROAD PROPERTY) 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 AG-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Appleby Business Park", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0013, except as modified by condition herein.

2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

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

4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.

7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.

8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a property owners' association.

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 Appleby Road Property development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

11. The site shall be maintained in a clean and orderly manner.

12. The parking space canopies shall incorporate building materials, forms, and colors to match the development.

13. 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.

14. Freestanding monument signs shall be designed to compliment the building architecture with building materials and colors.

15. Business park identification signs and individual corporate signage including building signage shall be in compliance with Sign Code, and individually mounted, halo-illuminated or non-illuminated reverse pan-channel lettering shall be applied on all building signs and center identification monument signs.

16. The development is required to have public roadway access to either Arizona Avenue or Ocotillo Road with a paved roadway, per standards of the Chandler Transportation Plan.

17. All landscaping along arterial and collector streets shall be in conformance with the commercial design standards.

18. No raceway signage allowed.

19. All buildings to incorporate pedestrian sitting areas with water and/or art features. Pedestrian areas to be well shaded by mature landscaping.

20. Applicant to work with Staff to provide landscape design features at all public street entrances within the use of Date Palms and Mexican Palo Verde trees.

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.

ATTEST:

_____ _____
CITY CLERK MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____, 2008.

ATTEST:

_____ _____
CITY CLERK MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4009 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2007, and that a quorum was present thereat.

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY GAB

PUBLISHED:

'A'

December 4, 2006

LEGAL DESCRIPTION FOR
PBI ARIZONA MINT LP
APPLEBY ANNEXATION PARCEL

That part of the Southeast Quarter of Section 15, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the 5/8" bar marking the South Quarter Corner of said Section 15, from which the Brass Cap in handhole marking the Southeast Corner of said Section 15 bears North 89°37'17" East, a distance of 2,613.92 feet;

Thence North 00°00'00" East, along the West line of the Southeast Quarter of said Section 15, a distance of 2,645.73 feet to the 1/2" bar marking the Center of said Section 15;

Thence North 89°36'22" East, along the North line of the Southeast Quarter of said Section 15, a distance of 755.00 feet to a point on a line which is parallel with and 755.00 feet Easterly, as measured at right angles, from the West line of the Southeast Quarter of said Section 15, said point being the True Point of Beginning;

Thence continuing North 89°36'22" East, along said North line, a distance of 1,465.90 feet to the Westerly right-of-way line of the Consolidated Canal as recorded in Book 215 of Maps, Page 8, Maricopa County Records;

Thence along said Westerly right-of-way line of the Consolidated Canal the following courses:

Thence South 38°13'50" West, a distance of 390.69 feet;
Thence South 41°40'14" West, a distance of 211.87 feet;
Thence South 37°49'08" West, a distance of 96.67 feet;
Thence South 34°28'52" West, a distance of 223.85 feet;
Thence South 30°56'11" West, a distance of 155.16 feet;

Thence South 19°10'05" West, a distance of 54.96 feet to the centerline of the Heady Lateral;

Thence South 89°10'28" West, departing said Westerly right-of-way line along said centerline, a distance of 1,554.56 feet to a point on the West line of the Southeast Quarter of said Section 15;

Thence North 00°00'00" East, along said West line, a distance of 718.18 feet to a point on a line which is parallel with and 200.00 feet Southerly, as measured at right angles, from the North line of the Southeast Quarter of said Section 15;

Legal Description for
PBI Arizona Mint LP
Appleby Annexation Parcel
December 4, 2006

Thence North 89°36'22" East, departing said West line along said parallel line, a distance of 755.00 feet to a point on a line which is parallel with and 755.00 feet Easterly, as measured at right angles, from the West line of the Southeast Quarter of said Section 15;

Thence North 00°00'00" East, along last said parallel line, a distance of 200.00 feet to the True Point of Beginning.

Containing 35.501 Acres, more or less.

Section corners described in this legal description are depicted on an ALTA/ACSM Land Title Survey of Part of the Southeast Quarter, Section 15, T.2 S., R.5 E., prepared by Weckerly & Associates, Job No. 050507, dated 06/24/05, by Dennis L. Dyer, R.L.S. No. 32778. No field work was performed on this project under my direction or supervision as a basis for the preparation of this legal description.