



**Chandler • Arizona**  
*Where Values Make The Difference*

#14  
FEB 14 2008

**MEMORANDUM                      Planning and Development – CC Memo No. 08-020**

**DATE:**            JANUARY 28, 2008

**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

*[Handwritten initials: WMP, DB, JK, BW]*

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

**SUBJECT:**        DVR06-0013 TCF BANK  
Introduction and Tentative Adoption of Ordinance No. 4028

**Request:**            Rezoning from MF-3 (High-Density Residential District) and C-3 (Regional Commercial District) to PAD (Planned Area Development) for a bank and a commercial building with Preliminary Development Plan (PDP) approval

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

**Applicant:**            HTG Architects & Beus Gilbert PLLC

**Project Info:**        Approximately a 2.3-acre parcel proposed for a freestanding bank and an in-line shops building for retail/restaurant/office uses

**RECOMMENDATION**

Commission and Staff, upon finding the Rezoning request to be consistent with the General Plan, recommend approval of the Rezoning and Preliminary Development Plan (PDP) requests.

**BACKGROUND**

The application requests Rezoning and PDP approval on approximately 2.3 net acres located at the southwest corner of Arizona Avenue and Willis Road. The rezoning request includes changing the zoning from C-3 (Regional Commercial District) and MF-3 (High-Density Residential District) to Planned Area Development (PAD) for a bank with drive-up lanes and an in-line shops building for retail, restaurant, and office uses. The rezoning includes a Preliminary Development Plan (PDP) for site layout and building architecture. The application does not request "late hour business" approval.

The property is at the intersection of an arterial and collector street. The intersection's northwest and northeast corners are developed with commercial retail, the southeast corner has a mix of County and City property with industrial and commercial zoning. Businesses on the southeast corner include Pioneer Landscape Center and Arizona Cactus Sales. Abutting the subject site's south and west property lines is an existing residential mobile home park, Hometown Sunshine Valley.

The proposed development includes a 4,500 square foot TCF Bank branch with drive-up lanes and a 7,200 square foot in-line shops building on approximately 2.3 net acres. The in-line shops provide space for retailers, restaurants, and office users. The bank and in-line shops building are designed with matching architectural elements and materials including decorative trellis structures, Spanish red clay barrel tile roofs, tower elements, building height variations, stone veneer, windows with mullions, fine textured stucco, extended roof overhangs, and decorative light fixtures. Building design elements include the trellis, decorative light fixtures, stone veneer, and stucco that match the Santan Gateway development at the northeast corner of Arizona Avenue and Willis Road.

Trellis elements for shade are incorporated in a few areas on-site including a common pedestrian plaza located on the in-line shops east side and along the building's north side. The trellis feature is replicated along Willis Road, providing a shaded seating area in conjunction with a pedestrian connection. A shade ramada and seating area is located within the landscape intersection setback. Decorative paved walkways are provided throughout the site.

The development incorporates the minimum six additional quality standards for commercial developments including direct access to a collector street, unique seating and shade features in pedestrian areas, an overall character theme, public artwork in a common area, two freestanding architectural site features, and unique water features in a pedestrian setting. The design elements of artwork, site features, and a water feature are located adjacent to the in-line shops building. The artwork is a Kokopelli design embedded in stained concrete under the trellis area. Terracotta benches and planters are located along the in-line shops' colonnade.

The site provides the minimum four additional quality standards for landscaping in commercial developments. The site provides underground stormwater retention in addition to surface retention, additional trees in common open space/retention areas, placement of turf next to retention basins visible from Arizona Avenue, and two landscape focal points that serve as a terminus feature at pedestrian walkways.

Date Palm trees are located within the landscape intersection setback and along Willis Road at the site's main pedestrian connection. A 10-foot landscape buffer is provided on the site's west and south property lines. The development needs to provide building foundation landscaping; a condition has been added.

The development's required parking is 59 spaces, which includes 30 spaces for the bank and 29 spaces for the in-line retail/restaurant/office shops building. The development is over parked and provides 50 more parking spaces than required for the bank and retail/restaurant uses, providing 109 parking spaces.

The Development Booklet includes signage for two freestanding monument signs, which include a 6-foot and 7-foot high sign, and the TCF Bank building. The monument signs include tenant panels constructed with aluminum-faced cabinets, routed-out letters, and internally illuminated. The monument signs compliment the buildings, incorporating stone veneer on flared columns, decorative caps, and matching paint colors. Lettering on the in-line shops and bank buildings are individual reverse pan channel. The signage meets the commercial design standards providing individual reverse pan channel letters on both buildings, letter size limited to 15 percent of the building height for wall-mounted signs, and landscape planter features at the base of monument signs.

### **GENERAL PLAN**

The property is zoned C-3 (Regional Commercial) and MF-3 (High-Density Residential). The property surrounding the site is zoned for commercial and high density residential. The 2.3-acre site is located at a collector street intersection and is reasonably part of the Commercial Node as designated on the General Plan. The property's land uses are not different than those uses allowed by the property's current zoning yet are configured in an orderly way consistent with current development practices. The proposed plan and uses are compatible with the adjacent residential use.

### **DISCUSSION**

Staff had originally recommended denial of the application based upon concerns about the intended retail uses. Further details and clarification were presented at the Planning Commission meeting in regards to proposed land uses and economic development factors that helped staff re-evaluate the proposal. A market analysis was also presented at the meeting that further reinforced the validity of the retail and restaurant uses. Uses within the in-line shops building were also clarified.

The developer conveyed that professional offices uses could locate in the in-line shops building along with retail or restaurant tenants. Staff originally had concern with the success of retail and restaurant uses at this location given the amount of existing and planned commercial centers in the immediate area. Staff however has reconsidered this request and understands the benefits as conveyed by Planning Commission. Additional information further justified that there is a market for retail and restaurant uses at this corner; however, these uses will be of a different type and market range compared to businesses locating in the larger commercial developments. Businesses locating in the development typically would choose not to locate in larger developments due to cost and viability.

The PDP meets the City's commercial design standards; however, two conditions have been added regarding reverse pan channel lettering on the in-line shops building and providing building foundation landscaping.

**PUBLIC / NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code including area property owners, Registered Neighborhood Organizations, and residents who attended the neighborhood meeting from the adjacent mobile home park.
- Two neighborhood meetings were held. The first meeting was held December 2006. Due to an error in noticing City Registered Neighborhood Organizations, a second neighborhood meeting was held. The second meeting was held in August 2007. Six residents leasing space in the adjacent mobile home park attended. Residents were concerned that the mobile home park was going away. One adjacent resident was concerned with the trash container location for the in-line shops along the southern property line. The concern was odors coming from the restaurant's trash. A resident asked that the shared perimeter wall be maintained since the mobile home park recently installed it. There was a question regarding the number of restaurant uses in the in-line shops building.
- Staff received two phone calls from a resident in the adjacent mobile home park. The resident's concern is restaurant uses causing odors that would drift to the homes. The resident does not want restaurants in the in-line shops building.
- As of the date of this memo, Staff is not aware of any opposition to the proposed development.

**PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 6    Opposed: 1 (Gulsvig)

Commission recommended approval of the development after discussing economic development in the area and considering the applicant's additional information regarding the development's uses. Planning Commission conveyed there is a need for alternative locations for stores that prefer not to locate in the larger shopping centers. The opposing Commissioner was of the opinion that the site should be part of a larger development and that only office use should occur in the in-line shops building. Planning Commission recommended several conditions, numbers 17 through 20 addressing landscaping, signage, and site features.

**RECOMMENDATION**

Upon finding the Rezoning request to be consistent with the General Plan, Planning Commission and Staff recommend approval of the Rezoning and Preliminary Development Plan requests subject to the conditions as follows:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "PAD REZONING AND PDP Southwest corner of Willis Road and Arizona Avenue aka TCF Bank", kept on file in the City of Chandler Planning Services Division, in File No. DVR06-0013, 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. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. Landscaping shall be in compliance with current Commercial Design Standards.
9. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
10. Raceway signage shall be prohibited within the development.
11. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
12. The site shall be maintained in a clean and orderly manner.
13. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
14. 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.

15. 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.
16. 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 TCF Bank development shall use treated effluent to maintain open space, common areas, and landscape tracts.

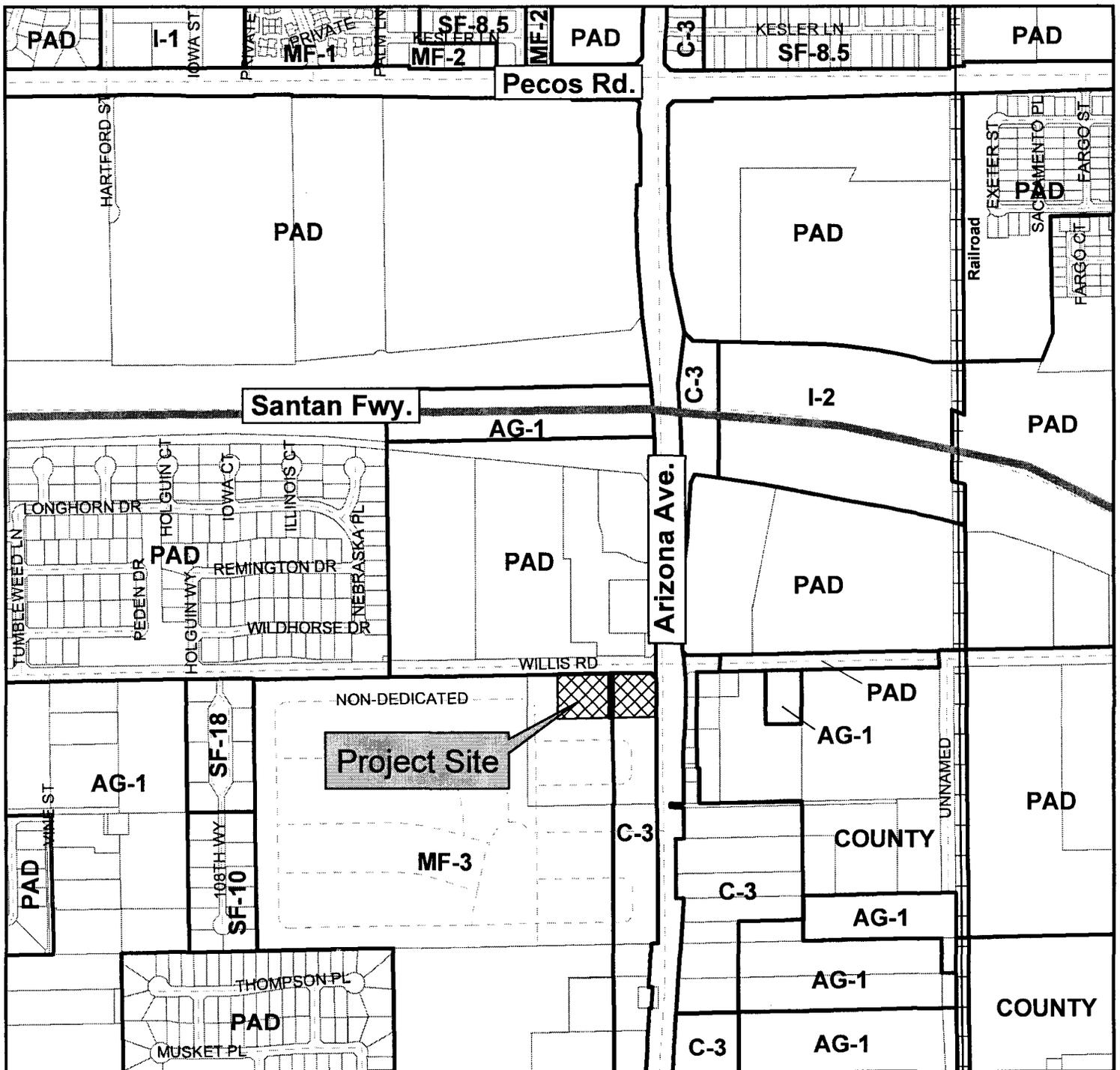
17. The development shall provide foundation landscaping in accordance with the Zoning Code.
18. Signage on the in-line shops to be reverse pan channel lettering.
19. The ramada feature at the intersection shall be replaced with a feature that better relates to the project.
20. The applicant shall work with Staff on the in-line shops tower elements in regards to height and massing making towers smaller in size.

**PROPOSED MOTION**

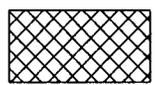
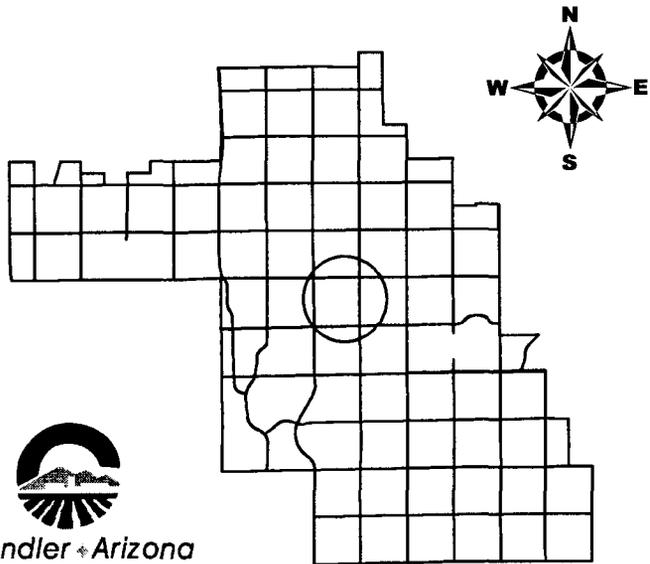
Move to introduce and tentatively adopt Ordinance No. 4028 approving DVR06-0013 TCF BANK Rezoning from MF-3 and C-3 to PAD with Preliminary Development Plan, subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

1. Vicinity Maps
2. Site Plan
3. Landscape Plan
4. Building Elevations
5. General Plan Land Use Map
6. Santan Freeway Corridor Area Plan
7. Development Booklet
8. Ordinance No. 4028



## Vicinity Map

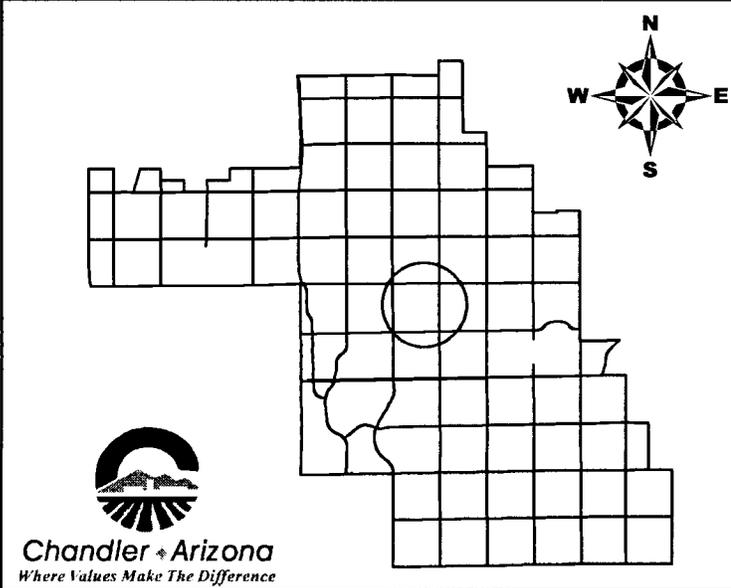


DVR06-0013

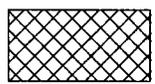
TCF Bank



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**Vicinity Map**



**DVR06-0013**

**TCF Bank**



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 Mesa, AZ 85210-4801  
 Tel: 480.222.8801 Fax: 480.222.8803  
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PROJECT

TCF NATIONAL BANK

SWC ARIZONA AVENUE  
 & WILLIS ROAD

CHANDLER, ARIZONA

ISSUED SET	_____
REVISIONS	_____
DATE	NO.
_____	_____
_____	_____
_____	_____

I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF ARIZONA.

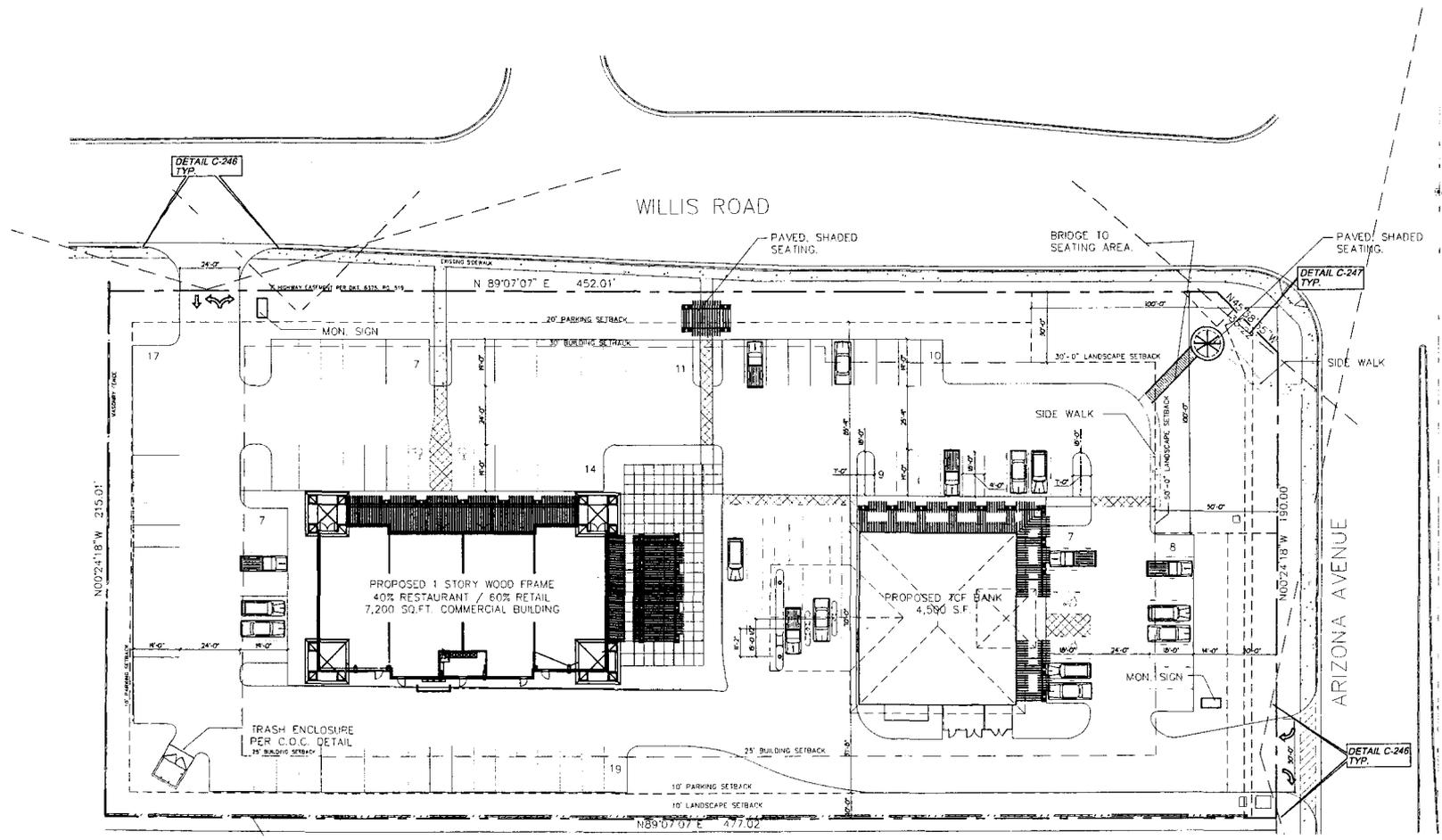
JAMES R. GROVER

REG. NO. 0078

DRAWN BY: \_\_\_\_\_ DESIGN BY: \_\_\_\_\_

A11

site plan

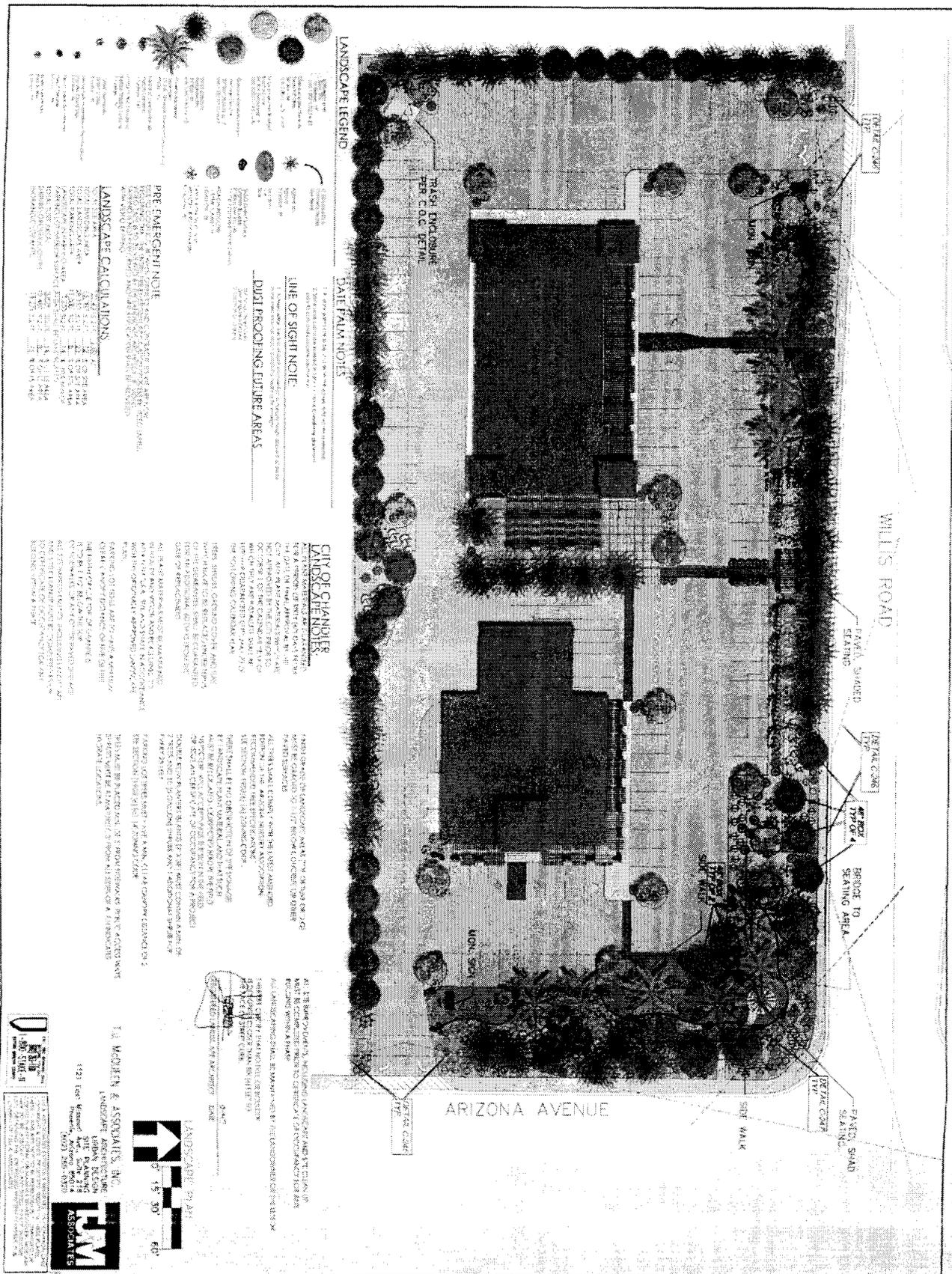


1 SITE PLAN  
 1"=30'-0"



<b>SITE DATA</b>	
CURRENT ZONING	MF-3(C)-3
PROPOSED ZONING	PAC
NET SITE AREA	107,741 s.f. - 2.34 acres
GROSS SITE AREA	138,640 s.f. - 3.18 acres
BUILDING SF.	
RESTAURANT USE	2,800 s.f. (1,700 s.f.)
RETAIL USE	4,370 s.f.
BANK USE	4,590 s.f.
LOT COVERAGE	1,44%
PARKING REQUIRED	109 spaces
RESTAURANT USE (1/100)	58 spaces
RETAIL USE (1/100)	11 spaces
BANK USE (1/100)	30 spaces
PARKING PROVIDED	109 spaces
ADA PARKING REQUIRED	4 spaces
ADA PARKING PROVIDED	4 spaces

landscape plan



LANDSCAPE LEGEND

DATE PALM NOTES

LINE OF SIGHT NOTE

DUST PROOFING FEATURE AREAS

CITY OF CHANDLER LANDSCAPE NOTES

PRE-EMERGENCY NOTE

LANDSCAPE CALCULATIONS

LANDSCAPE PLAN

<p><b>L-1</b></p>	<p>ARIZONA AND WILLIS CHANDLER, ARIZONA</p>	<p><b>HIG ARCHITECTS</b></p> <p>KICKEY THORSTENSON (OWNER) LTD. 1000 WEST SOUTHWEST AVENUE SUITE 400 MESA, AZ 85201-4808 PHONE: 480-332-0800 FAX: 480-332-0800</p>	
	<p>DATE: 08/15/07</p> <p>SCALE: 1/8" = 1'-0"</p>	<p>DESIGNED BY: SP</p> <p>CHECKED BY: AG</p>	<p>PROJECT NO: 07-000000</p>

# New Retail / Restaurant Development SWC Willis Road and Arizona Avenue, Chandler, Arizona



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**PROJECT**

**TCF NATIONAL BANK**

**SWC ARIZONA AVENUE & WILLIS ROAD**

CHANDLER, ARIZONA

DATE:	10/11/10
REVISION:	
DATE:	
REVISION:	
DATE:	
REVISION:	

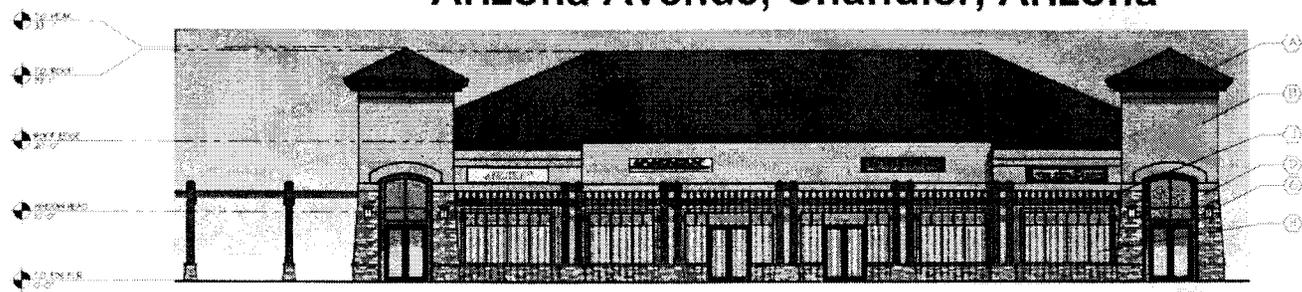
I HEREBY CERTIFY THAT THIS PLAN IS THE WORK OF ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A duly LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF ARIZONA.

DATE: 10/11/10

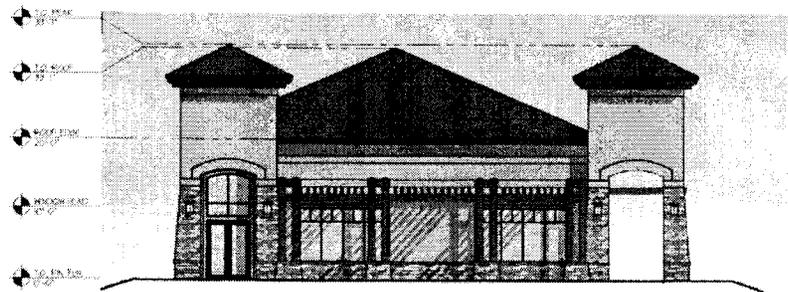
**EXTERIOR ELEVATIONS**

DATE: 10/11/10

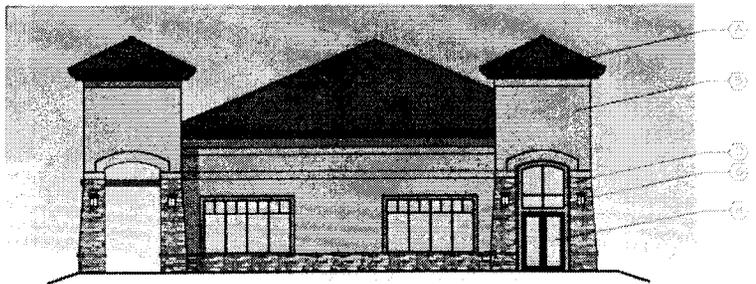
**A2.2**



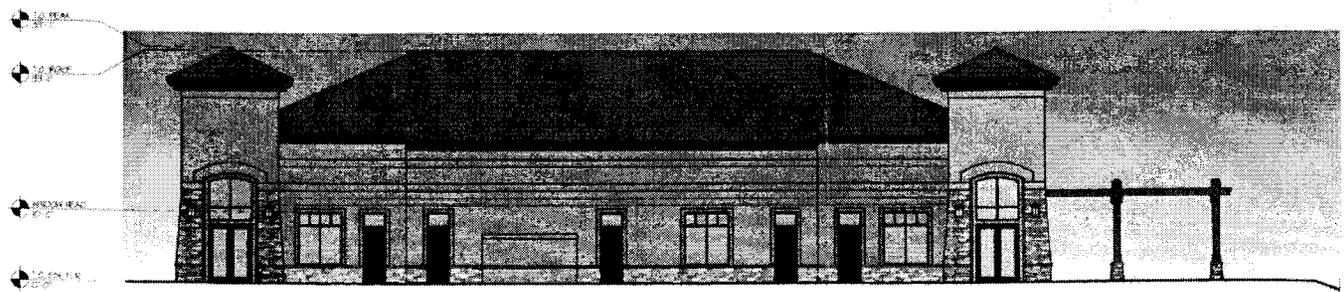
**85 NORTH ELEVATION**  
1/8" = 1'-0"



**86 EAST ELEVATION**  
1/8" = 1'-0"



**87 WEST ELEVATION**  
1/8" = 1'-0"



**88 SOUTH ELEVATION**  
1/8" = 1'-0"

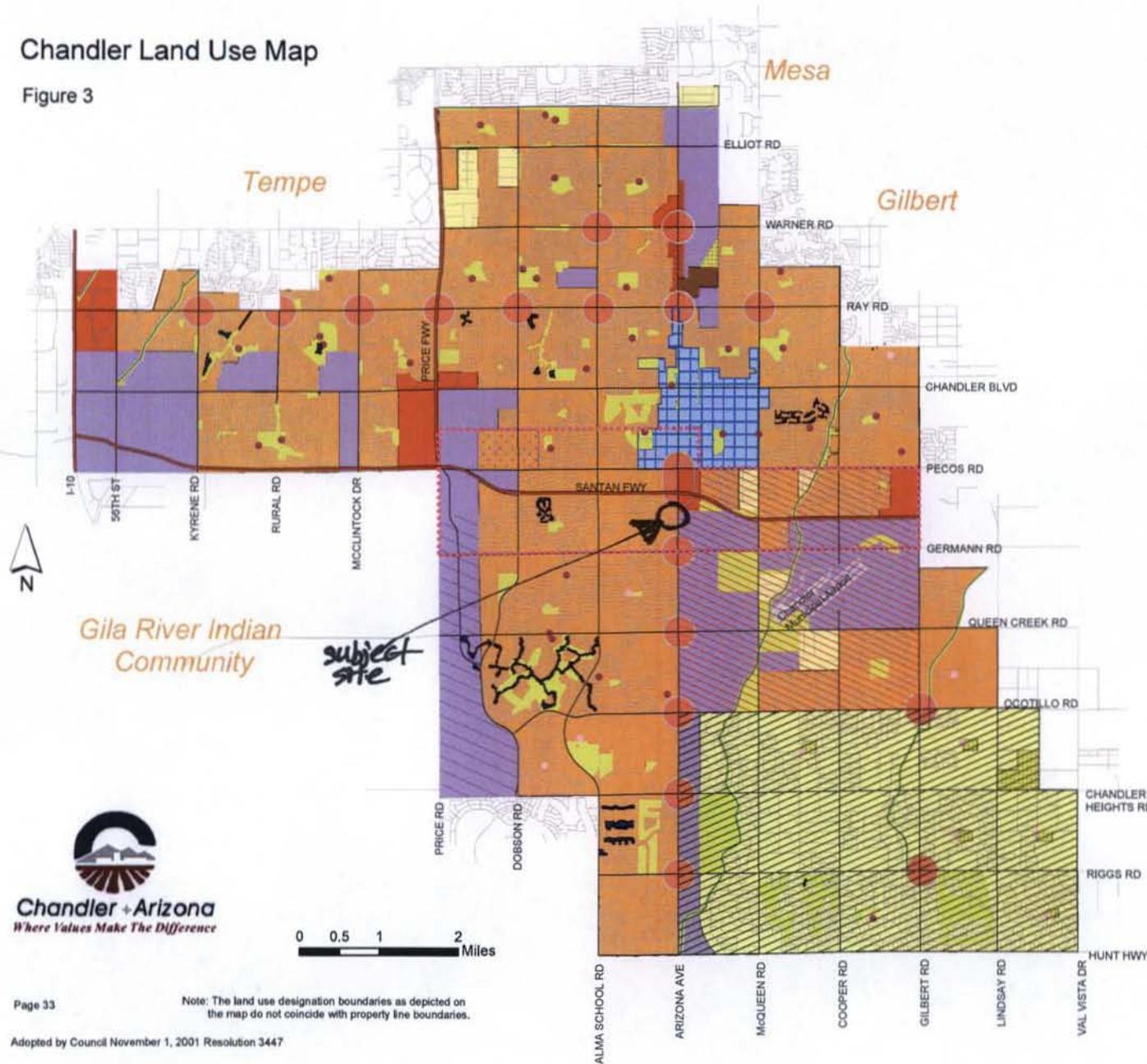
- A. LEONOR SPANISH RED CLAY BRICK, TILE ROOF CAN TO MATCH AT WYCKEN
- B. 6"X12" SPANISH SAHARA CONCORD KNOX TO MATCH SANTAN GATEWAY
- C. DINK EDWARDS BIG STONE BRUSH MILLS & 3"X6" PROFILE TO MATCH SANTAN GATEWAY
- D. CONCORD BRUSH MILLS IN LEAD ASPEN STILE & HEIGHT TO MATCH SANTAN GATEWAY
- E. 6"X12" SPANISH SAHARA CONCORD KNOX TO MATCH SANTAN GATEWAY
- F. 6"X12" SPANISH SAHARA BRICK & 3"X6" TO MATCH SANTAN GATEWAY
- G. 6"X12" SPANISH SAHARA BRICK & 3"X6" TO MATCH SANTAN GATEWAY
- H. 6"X12" SPANISH SAHARA BRICK & 3"X6" TO MATCH SANTAN GATEWAY
- I. 6"X12" SPANISH SAHARA BRICK & 3"X6" TO MATCH SANTAN GATEWAY
- J. 6"X12" SPANISH SAHARA BRICK & 3"X6" TO MATCH SANTAN GATEWAY

In-line shops buildings elevations



# Chandler Land Use Map

Figure 3



## 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 within low density residential areas; offices and institutional uses may be located along the frontages 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 Airpark 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, circulation, and development quality. These plans may also contain a mix of uses such as commercial, retail, offices, and multi-family, which are not shown on the Land Use Element Map.



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

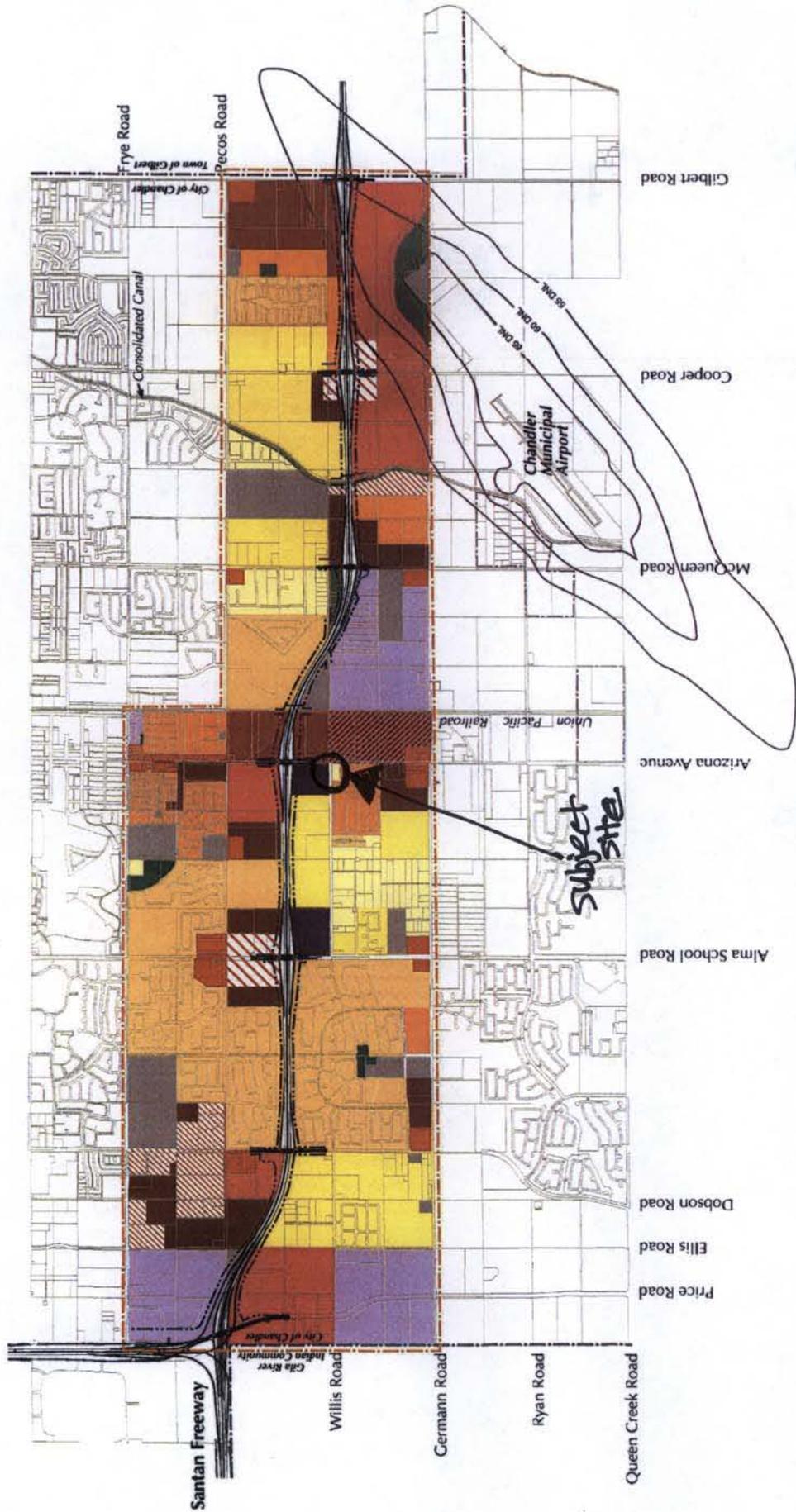


Figure 2-1  
Land Use Plan



- Freeway Right-of-way
- Study Area Boundary
- Municipal Boundary
- 2000 Noise Contour

- Regional Commercial
- Special Use Commercial
- Commercial/Office/Business Park
- Office
- Light Industrial
- Public/semi-public Facilities
- Parks & Open Space
- Light Rail Corridor Overlay (Potential Mixed Use)
- Rural Residential (0-1.5 du/acre)
- Low Density Residential (1.6-3.5 du/acre)
- Low/Medium Density Residential (3.6-6 du/acre)
- Medium Density Residential (6.1-12 du/acre)
- High Density Residential (12+ du/acre)
- Neighborhood Commercial
- Community Commercial



**ORDINANCE NO. 4028**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM MF-3 AND C-3 TO PAD (DVR06-0013 TCF BANK) 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 MF-3 and C-3 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "PAD REZONING AND PDP Southwest corner of Willis Road and Arizona Avenue aka TCF Bank", kept on file in the City of Chandler Planning Services Division, in File No. DVR06-0013, except as modified by condition herein.
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and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

15. 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.
16. 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 TCF Bank development shall use treated effluent to maintain open space, common areas, and landscape tracts.

17. The development shall provide foundation landscaping in accordance with the Zoning Code.
18. Signage on the in-line shops to be reverse pan channel lettering.
19. The ramada feature at the intersection shall be replaced with a feature that better relates to the project.



'A'

REMAINING WESTERLY PARCEL

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4 TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE EAST QUARTER CORNER OF SAID SECTION 4;

THENCE SOUTH 89°07'07" WEST ALONG THE EAST WEST MID SECTION LINE OF SAID SECTION 4 AND THE MONUMENT LINE OF WILLIS ROAD, A DISTANCE OF 261.46 FEET;

THENCE SOUTH 00°24'18" EAST, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID WILLIS ROAD AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°24'18" EAST, A DISTANCE OF 215.01 FEET;

THENCE SOUTH 89°07'07" WEST, A DISTANCE OF 248.56 FEET;

NORTH 00°24'18" WEST, A DISTANCE OF 215.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID WILLIS ROAD;

THENCE NORTH 89°07'07" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID WILLIS ROAD, A DISTANCE OF 248.56 FEET TO THE TRUE POINT OF BEGINNING.

A<sup>1</sup>

**EXHIBIT A**

**Legal Description of the Property**

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4 TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE EAST QUARTER CORNER OF SAID SECTION 4;

THENCE SOUTH 00 DEGREES 24 MINUTES 18 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 255.01 FEET;

THENCE SOUTH 89 DEGREES 07 MINUTES 07 SECONDS WEST A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF ARIZONA AVENUE AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 07 MINUTES 07 SECONDS WEST, A DISTANCE OF 228.46 FEET;

THENCE NORTH 00 DEGREES 24 MINUTES 18 SECONDS WEST, A DISTANCE OF 215.01 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF WILLIS ROAD;

THENCE NORTH 89 DEGREES 07 MINUTES 07 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY OF WILLIS ROAD, A DISTANCE OF 203.45 FEET;

THENCE SOUTH 45 DEGREES 38 MINUTES 55 SECONDS EAST, A DISTANCE OF 35.22 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID ARIZONA AVENUE;

THENCE SOUTH 00 DEGREES 24 MINUTES 18 SECONDS EAST ALONG THE WEST RIGHT OF WAY LINE OF SAID ARIZONA AVENUE, A DISTANCE OF 190.00 FEET TO THE TRUE POINT OF BEGINNING.