

#6

FEB 28 2008

**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.
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.

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. 4028 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2008, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY *gab*

PUBLISHED:

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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.