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MAR 13 2008

ORDINANCE NO. 4029

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM REGIONAL COMMERCIAL DISTRICT (C-3) TO PLANNED AREA DEVELOPMENT (PAD) (DVR07-0002 SEC OF ARIZONA AVE. AND GERMANN RD.) 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 Regional Commercial District (C-3) to Planned Area Development (PAD) for a commercial retail development, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "PROPOSED RETAIL CENTER SEC OF AZ AVENUE AND GERMANN RD." kept on file in the City of Chandler Current Planning Division, in file number DVR07-0002, except as modified by condition herein.

2. Right-of-way dedications to achieve full half width for Arizona Avenue and Germann Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. 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.
6. 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.
7. Completion of the construction, where applicable, 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.
8. 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.
9. The developer shall be required to install landscaping in the arterial street median adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
10. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time

of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality, which meets the requirements of the Arizona Department of Environmental Quality for the purposes, intended available to the property to support. In the event the owner sells or otherwise transfers the development to another person or entity; the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.

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 SEC Arizona Avenue and Germann Road (DVR07-0002) development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. The light fixtures upon the Sonic building shall be replaced with lights matching the decorative hanging lights found upon the Shops building.
12. 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.

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4029 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 *SAB*

PUBLISHED:

ORDINANCE NO. 4029
Attachment 'A'

LEGAL DESCRIPTION
GERMANN ROAD AND ARIZONA AVENUE
GROSS PARCEL

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BRASS CAP IN HAND HOLE AT THE NORTHWEST CORNER OF SAID SECTION 10, FROM WHICH, A BRASS CAP IN HAND HOLE AT THE NORTH QUARTER CORNER OF SAID SECTION 10, BEARS NORTH 88 DEGREES 54 MINUTES 38 SECONDS EAST, A DISTANCE OF 2644.68 FEET;

THENCE NORTH 88 DEGREES 54 MINUTES 38 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 10, A DISTANCE OF 661.27 FEET;

THENCE SOUTH 00 DEGREES 29 MINUTES 01 SECONDS EAST, LEAVING SAID NORTH LINE, A DISTANCE OF 330.67 FEET;

THENCE SOUTH 88 DEGREES 54 MINUTES 45 SECONDS WEST, A DISTANCE OF 661.07 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE NORTH 00 DEGREES 31 MINUTES 05 SECONDS WEST, ALONG SAID WEST LINE OF, A DISTANCE OF 330.64 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED.

