

#2  
MAR 27 2008

**ORDINANCE NO. 4008**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) TO PAD AMENDED (DVR07-0014 CHANDLER HEIGHTS RETAIL) 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 PAD to PAD Amended, 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. The median at the boulevard entry along Arizona Avenue shall be expanded to provide additional landscaping to the right-of-way line.
5. 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.
6. 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.
7. 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.
8. Development shall be in substantial conformance with Exhibit 'G', Development Booklet, entitled "THE SHOPPES AT CHANDLER HEIGHTS", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0014, except as modified by condition herein.
9. The commercial development standards shall be in accordance with the requirements of the Southeast Chandler Area Plan.
10. Landscaping shall be in compliance with current Commercial Design Standards
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. 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.
15. 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 SHOPPES AT CHANDLER HEIGHTS development shall use treated effluent to maintain open space, common areas, and landscape tracts.

16. The parking spaces located along Chandler Heights Road, south of the gas canopy, to be parallel parking stalls, with the additional area to be landscaping.
17. Retail 'J' is approved conceptually and shall be required to be reviewed administratively.
18. Retail 'K' is approved conceptually and shall be required to be reviewed administratively.
19. Signage shall be prohibited on the northwest and southeast sides of the daycare building.

20. The applicant shall provide additional screening of on-site activities and driveway exit stacking at the drives into the carwash.
21. The applicant shall work with Staff to provide full screening of the auto lube, carwash tunnels, and drive-thru activities from arterial street view.
22. The applicant shall work with Staff to provide additional stone material on all buildings to reduce the amount of stucco.
23. The parapet cap profile of the gas canopy and fuel station to match the details found throughout the remainder of the site.
24. The convenience store entry feature utilizing a stucco and trellis feature to be clap-board siding, as found throughout the remainder of the site.
25. The truss feature found on the gas canopy and carwash canopy is to be open.
26. The truss feature found on the gas canopy and carwash canopy banding to be removed and replaced with various color features.

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. 4008 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:

## DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 22, 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 THE BRASS CAP IN HANDHOLE IN THE INTERSECTION OF CHANDLER HEIGHTS ROAD AND ARIZONA AVENUE MARKING THE SOUTHWEST CORNER OF SAID SECTION 22, FROM WHICH THE BRASS CAP IN HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 22 BEARS NORTH 00 DEGREES 46 MINUTES 00 SECONDS EAST 2625.57 FEET, SAID LINE BEING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22 AND THE BASIS OF BEARING FOR THIS DESCRIPTION;

THENCE NORTH 00 DEGREES 46 MINUTES 00 SECONDS EAST ALONG SAID WEST LINE 1078.35 FEET;

THENCE NORTH 89 DEGREES 25 MINUTES 08 SECONDS EAST 790.65 FEET ALONG A LINE WHICH IS PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 00 DEGREES 46 MINUTES 00 SECONDS WEST 1078.35 FEET ALONG A LINE WHICH IS PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 89 DEGREES 25 MINUTES 08 SECONDS WEST 790.65 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

## AREA

**GROSS = 19.570 ACRES 852,473 SQ. FT.**

**NET = 16.998 ACRES 740,439 SQ. FT.**

NOTE: NET AREA IS GROSS AREA  
LESS ANY EASEMENTS FOR ROADWAY