

#5

JUN 12 2008

ORDINANCE NO. 4070

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL (AG-1) AND REGIONAL COMMERCIAL (C-3) TO PLANNED AREA DEVELOPMENT (PAD) (DVR07-0053 COPPERTREE VILLAGE) 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 Agricultural (AG-1) and Regional Commercial (C-3) to Planned Area Development (PAD), subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit 'G', Development Booklet, entitled "COPPERTREE VILLAGE" kept on file in the City of Chandler Current Planning Division, in file number DVR07-0053, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths, 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 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 COPPERTREE VILLAGE development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. All 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. The site shall be maintained in a clean and orderly manner.
12. The landscaping shall meet current Commercial Design Standards.
13. The two monument signs shall be limited to ten-feet and six-feet in height.
14. The monument signs shall be limited to four tenant panels per sign.
15. The monument signs and tenant panels shall utilize routed push-through lettering.
16. The building mounted signage shall meet current Sign Code requirements.
17. The applicant shall work with Staff to enhance the perimeter screen wall by integrating additional horizontal banding.
18. Decorative paving shall be provided at the entrance of the site, and shall be utilized for the length of the landscaped median.
19. The applicant shall work with Staff to provide foundation landscaping along the rear elevation of building type 'A'.

LEGAL DESCRIPTIC

ATTACHMENT 'A'

PARCEL NO. 1

THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION THREE (3), TOWNSHIP TWO (2) SOUTH, RANGE FIVE (5) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER AND MERIDIAN, COUNTY OF MARICOPA, STATE OF ARIZONA, BEING MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3;

THENCE NORTH 00 DEGREES 26 MINUTES 19 SECONDS WEST, 1159.32 FEET ALONG THE WEST LINE OF SAID SECTION 3;
THENCE DEPARTING SAID WEST LINE NORTH 89 DEGREES 33 MINUTES 41 SECONDS EAST, 33.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ARIZONA AVENUE AND THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 26 MINUTES 19 SECONDS WEST, 165.56 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO THE NORTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE NORTH 88 DEGREES 54 MINUTES 56 SECONDS EAST, 43.31 FEET ALONG SAID NORTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3;

THENCE DEPARTING SAID NORTH LINE SOUTH 03 DEGREES 44 MINUTES 56 SECONDS WEST, 166.14 FEET TO THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3;

THENCE SOUTH 88 DEGREES 54 MINUTES 55 SECONDS WEST, 31.18 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, AS TAKEN IN ORDER OF IMMEDIATE POSSESSION RECORDED IN DOCUMENT NO. 96-0065011.

PARCEL NO. 2:

THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION THREE (3) TWO (2) SOUTH, RANGE FIVE (5) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WEST OF THE WESTERLY RIGHT-OF-WAY OF THE SOUTHERN PACIFIC RAILROAD.

PARCEL NO. 3

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE NORTH (ASSUMED BEARING), ALONG THE WESTERLY LINE OF SAID SECTION 3, A DISTANCE OF 1324.53 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, AND FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 3 BEARS NORTH 1324.52 FEET DISTANCE THERE FROM;

THENCE NORTH 89 DEGREES 21 MINUTES 30 SECONDS EAST, A DISTANCE OF 661.27 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, SAID POINT, ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 00 MINUTES 33 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID EAST HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, A DISTANCE OF 165.56 FEET, TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH EAST QUARTER OF THE NORTH WEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3;

THENCE CONTINUING NORTH 00 DEGREES 00 MINUTES 33 SECONDS EAST, 50.01 FEET;

THENCE NORTH 89 DEGREES 21 MINUTES 30 SECONDS EAST, BEING PARALLEL WITH THE NORTHERLY LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 3, A DISTANCE OF 661.31 FEET TO A POINT ON THE EASTERLY LINE OF THE WEST HALF OF SAID SOUTHWEST QUARTER OF SECTION 3, AND FROM WHICH THE NORTHEAST CORNER OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 3 BEARS NORTH 00 DEGREES 01 MINUTES 05 SECONDS EAST, 1108.95 FEET DISTANT THEREFROM AND ALSO FROM WHICH THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTH EAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, BEARS 00 DEGREES 01 MINUTES 05 SECONDS WEST, 50.01 FEET DISTANT THEREFROM;

THENCE CONTINUING NORTH 89 DEGREES 21 MINUTES 30 SECONDS EAST, 33.88 FEET;

THENCE SOUTH 01 DEGREES 43 MINUTES 45 SECONDS WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD AS PER DEED BOOK 101, PAGE 257 THEREOF, MARICOPA COUNTY RECORDS, A DISTANCE OF 215.74 FEET;

THENCE SOUTH 89 DEGREES 21 MINUTES 30 SECONDS WEST, A DISTANCE OF 27.43 FEET TO THE SOUTHEAST CORNER OF THE EAST HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3;

THENCE CONTINUING SOUTH 89 DEGREES 21 MINUTES 30 SECONDS WEST, ALONG THE SOUTH LINE OF SAID EAST HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, A DISTANCE OF 661.27 FEET TO THE TRUE POINT OF BEGINNING