

#5

SEP 24 2009

ORDINANCE NO. 4184

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL DISTRICT (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) MIXED-USE BUSINESS PARK, AND BY REZONING PARCELS FROM PAD TO PAD AMENDED (DVR09-0023 CHANDLER AIRPORT CENTER) 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 parcels are hereby rezoned from Agricultural District (AG-1) to Planned Area Development (PAD) Mixed-Use Business Park (Chandler Airport Center) on approximately 1.14-acres located north of the northeast corner of Germann Road and the Consolidated Canal, and from PAD to PAD Amended to expand the list of permitted uses within approximately 134-acres of the Chandler Airport Center mixed-use business park, subject to the following conditions:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4184 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2009, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

PUBLISHED:

LEGAL DESCRIPTION

Chandler Airport Center Phase 1

A portion of the Southwest quarter of Section 1, Southeast quarter of section 2, and Northwest quarter of Section 12, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, including Lots 2, 3, 7, 8 and 18.

Chandler Airport Center Phase 2

A portion of the Southeast quarter of Section 2, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, including Lots 10, 11, 14, 15, 16, 17.

Chandler Airport Center Remnant Parcels (to be incorporated into Lot 15)

A portion of the Southwest Quarter of Section 2, Township 2 South, Range 5 East, Gila and Salt River Meridian, Maricopa County, Arizona, lying east of the Consolidated Canal and lying south of the existing south right-of-way line of State Route 202L (Santan Freeway), more particularly described as follows:

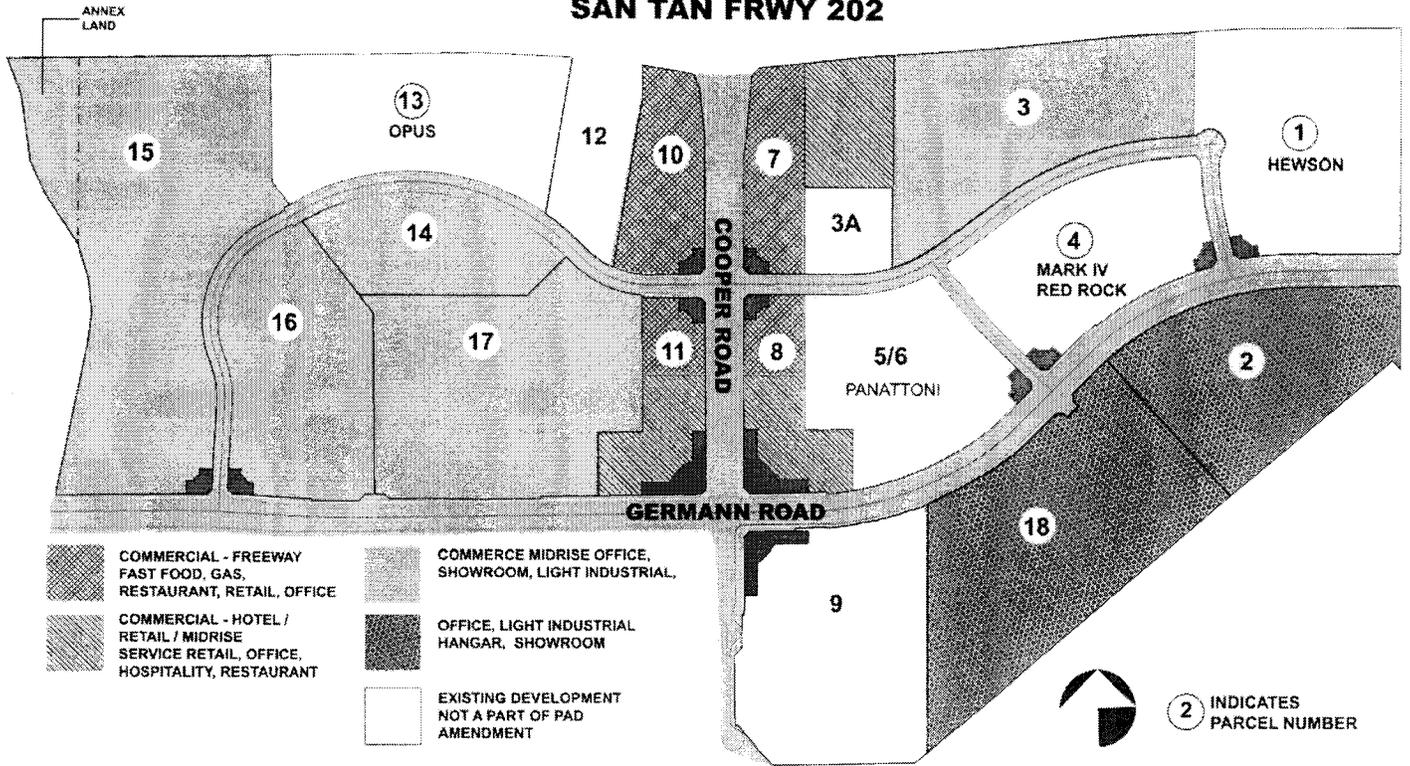
COMMENCING at a Stone at the southeast corner of the Southeast Quarter of said Section 2; thence S89°15'07"W (an assumed bearing) for a distance of 2,644.09 feet to a Brass Cap at the South Quarter corner of said Section 2; thence N00°20'49"W, along the east line of the Southwest Quarter of said Section 2, for a distance of 1,248.00 feet to a point on the east right-of-way line of said Consolidated Canal and the POINT OF BEGINNING;

Thence N33°22'56"W, along said east right-of-way line, for a distance of 29.49 feet; thence N24°50'55"W, along said east right-of-way line, for a distance of 137.78 feet; thence N08°18'30"W, along said east right-of-way line, for a distance of 262.34 feet; thence N21°48'59"W, along said east right-of-way line, for a distance of 153.20 feet to a point on the south right-of-way line of said State Route 202L; thence N89°11'50"E, along said south right-of-way line, for a distance of 165.63 feet to a point on the east line of the Southwest Quarter of said Section 2; thence S00°20'49"E, along said east line, for a distance of 553.80 feet to the POINT OF BEGINNING.

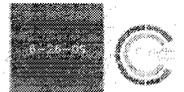
ORDINANCE NO. 4184

Attachment 'A'

SAN TAN FRWY 202



CHANDLER AIRPORT CENTER MASTER PLAN GENERAL USES





CHANDLER AIRPORT CENTER

NARRATIVE

Project Location Northwest, Northeast and Southeast corner Cooper and Germann Roads

Project Size Approximately 134 acres

Request

The property is currently zoned Planned Area Development ("PAD") with a Conceptual Development Plan. This amendment to the approved Chandler Airport Center ("CAC") PAD is intended to:

1. Incorporate approximately 1.14 acres of land into Parcel 15 of the CAC PAD (currently in the annexation process);
2. Add "Public Assembly" as an allowed use within the CAC PAD on Parcel 15; and
3. Add "Adult Vocational/Educational" as an allowed use within the CAC PAD parcels that are identified for Office uses.

Existing Site Conditions

North of the site is the Santan Freeway.

The Consolidated canal abuts the west of the property and is part of the Paseo Trail System.

To the North of the freeway is an existing single-family development with Commercial corner at the northwest.

The east border is the completed Vestar major retail center.

To the southwest is industrial and agricultural and to the southeast is the Chandler Airport. The property abutting the Airport is limited in height per FAA flight path slope standards of 7:1 from center of runway.

Existing Developments within CAC are Panattoni (parcel 5-6), Mark IV Red Rock Plaza (parcel 4), Opus (parcel 13) and Hewson (parcel 1).

Current Zoning

The existing PAD zoning provides Commercial, Commercial Hotel Mid-Rise, Commerce Mid-Rise, Light Industrial, Office and Showroom, and Office, Light

Industrial / Hangar uses. Educational and specific public assembly uses have, subsequent to the original PAD, been approved on Parcels 4 and 13. These two parcels are not a part of this PAD amendment.

Proposed Uses

The narrative describing uses in the original CAC PAD (DVR04-0037, Ordinance No. 3673) is hereby amended by adding the "Public Assembly" and "Adult Vocational/Educational" uses as herein defined and clarifying the areas where these newly defined uses shall be permitted.

Public Assembly (including commercial entertainment and instructional uses) is a designation for public assembly recreational activities, entertainment, instructional or amusement. The uses may include open or circulation space for sports and simulated sports activities, offices for administration purposes, manufacturing, fabrication, custom refinishing and inventory storage ancillary to the permitted uses and retail related activities, including retail sales of related products associated with the Public Assembly uses and food/beverage. These uses shall be permitted within Parcel 15 of the CAC PAD, as shown on the "Master Plan General Uses" exhibit included with this application.

These commercial entertainment and instructional activities may include, but are not limited to, games or activities involving the use of dance studios, cheerleading and gymnastics facilities, bounce gyms, baseball batting cages, basketball courts, hockey rinks, indoor golf driving ranges and/or simulators, miniature golf, indoor firearm and/or archery ranges, climbing walls, music lessons and similar recreation related activities.

The purpose of these uses is to provide instructional, educational and entertainment facilities that are designed to function harmoniously and consistent with the planned industrial and business park uses for the Chandler Airport Center.

Preliminary Development Plan ("PDP") applications for such Public Assembly uses shall implement and satisfactorily address the following design elements and criteria to demonstrate that such uses are not inimical to the economic development potential of the Chandler Airport Center and create a safe integration of the Public Assembly uses with the predominant Industrial and Business Park uses:

1. Where possible, provide open space connectivity to the Paseo area.
2. Achieve separation between Public Assembly pick-up/drop-off areas from heavy equipment and large truck traffic for other uses.
3. Enhance passive amenities and lighting in Public Assembly pick-up/drop-off areas.
4. Public Assembly uses shall not be located adjacent to uses that contain hazardous occupancies as defined by the Chandler Building Code.
5. Transition between Public Assembly areas and other approved uses shall be articulated in such a way as to create a clear and distinct separation of uses.

6. Demonstrate that parking within the CAC will remain adequate under the zoning code when such Public Assembly uses are approved.

Adult Vocational and Educational uses are designed for adult education (including private and vocational) schools, classes and instruction. This use may include, but shall not be limited to, public and/or private programs, classes and schools that are related to education and literacy, career, technical and vocational education, community colleges and similar uses.

Adult Vocational and Educational uses shall be permitted within any parcel that is designated for Office use within the CAC PAD.

ORDINANCE NO. 3673

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL DISTRICT (AG-1) AND PLANNED AREA DEVELOPMENT (PAD) MIXED USE COMMERCIAL AND INDUSTRIAL USES TO PLANNED AREA DEVELOPMENT (PAD) LIGHT INDUSTRIAL, OFFICE, COMMERCIAL AND AIRPORT USES WITH A MID-RISE BUILDING OVERLAY (DVR04-0037 CHANDLER AIRPORT CENTER) 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 AG-1 to PAD with a Mid-Rise Building Overlay, 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. 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.
5. 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.
6. The development shall provide additional landscaping to include one (1) 24-inch box tree and three (3) 5-gallon shrubs for every 20 feet of freeway frontage to be installed in the freeway right-of-way.
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 A, Development Booklet, entitled "Chandler Airport Center Zoning Application", kept on file in the City of Chandler Planning Services Division, in File No. DVR04-0037 Chandler Airport Center, except as modified by condition herein.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a Chandler Airpark Center property owners' association.
10. 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.
11. 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.
12. 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 development shall use treated effluent to maintain open space, common areas, and landscape tracts.

13. The development shall provide sound attenuation measures in accordance with ADOT standard details and requirements excepting any decibel reductions or sound attenuation credits for the use of a rubberized asphalt-paving surface. Any noise mitigation if required is the responsibility of the development.
14. Monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
15. The uses within the Office/Light Industrial with Airport Access area shall be allowed under the following criteria. For the purposes of the stipulation, the following definitions are used:

Airpark – Those areas outside of the airport property being adjacent to and/or having direct access to paved taxi lanes and appropriate taxi lane safety areas which allow aircraft access to the airport runway/taxiway system through the crossing of the airport property line.

Airport – Those areas that are bordered by and are interior to the airport property line. Said property contains the runway/taxiway system.

Runway/Taxiway system – The areas within the airport property consisting of paved areas designated for the take-off, landing, parking, taxiing or other movement of fixed wing and rotary wing aircraft.

PROHIBITED USES

The uses prohibited within the airpark area include any activity that provides aeronautical services to the public in direct support of aircraft operations, maintenance, and service/repair.

PERMITTED USES

The uses permitted within the airpark area are those uses allowed under the I-1 zoning district, excepting those more airport intensive prohibited uses identified above. Permitted uses are generally described as transitional uses that are less airport intensive uses such as offices or businesses that use aircraft as part of the office or business. These businesses may self-fuel, maintain, or repair their own aircraft in accordance with the Airpark Rules and

Regulations. Uses which require access between the Airport and Airpark require an Airport access permit.

16. No television, communication towers or stand-alone antennas shall be constructed on the property. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and detailed in the Airport Layout Plans.
17. Developer acknowledges that City does not guarantee the actual physical connection of the property from the Airpark area to the airport area. The Developer has the option to construct the on-airport taxiway connection subject to a Development Agreement.

Since zoning cannot guarantee or provide access to the airport, said access needs to be addressed through a development agreement. Developer understands and agrees that no right of access to any part of the Chandler Municipal Airport, including any of its taxiways or runways, accrues to or runs with any of the land that is subject to this zoning, including the airpark, as a consequence of this zoning. An owner or occupier of any portion of the airpark may apply to the City for permission to access and use the on-airport taxiways or runway. However, the decision to grant such permission shall be in the sole discretion of the City, and in no event, shall the granting of such permission constitute a right of access running with the permittee's property at the airpark.

18. The developer acknowledges that the hangar portion of the buildings in the Airpark area will not be for aeronautical services to the public, and that a certificate of occupancy needs to be obtained before the hangar can be utilized. In addition, each development with intended aircraft hangar construction must provide a paved aircraft-parking apron adjacent to the hangar and the taxiway safety area. Said area must be of sufficient size to be equal to or less than the square footage of the aircraft hangar.
19. All development shall comply with the approved FAR Part 150 Noise Compatibility Study and specifically sound proofing the buildings to achieve a 25- to 30-db reduction within the applicable noise contours.
20. A separate comprehensive sign package for the buildings shall be required at the time the first Preliminary Development Plan (PDP) is submitted.
21. The trail connection from the Paseo Canal to the central portion of the site shall be integrated with the development as each PDP application is reviewed.

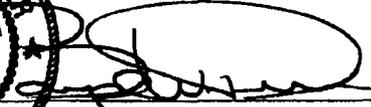
SECTION II. Except where provided, nothing contained herein shall be construed to be and abridgment of any other ordinance of the City of Chandler.

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 14th day of April 2005.

ATTEST:


CITY CLERK


MAYOR

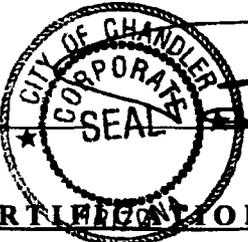


PASSED AND ADOPTED by the City Council this 28th day of April 2005.

ATTEST:


CITY CLERK


MAYOR

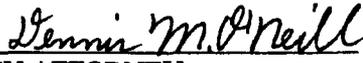


CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3673 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 28th day of April 2005, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED in the Tribune on May 4 & 11, 2005

Legal Description Chandler Airport Center

Job No. 03-043

Revised March 22, 2005
May 22, 2004

PARCEL NO. 1:

That portion of the Southwest quarter of Section 1, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa country, Arizona described as follows:

COMMENCING at the Southwest corner of Southwest quarter of said Section 1: thence North (an assumed bearing), along the West line of said Southwest quarter, 1759.72 feet to the POINT OF BEGINNING;

Thence N85°43'20"E, 1867.893 feet; thence N85°43'20"E, 601.33 feet; thence N89°32'11"E, 177.31 feet to a point on the East line of said Southwest quarter; thence S00°11'09"W, along said East line, 594.58 feet to the Southeast corner of the North half of said Southwest quarter; thence S89°21'14"W, along the South line of the North half of said Southwest Quarter, 2637.82 feet to the Southwest corner of the North half of said Southwest quarter; thence North, along the West line of said Southwest quarter, 438.60 feet to the POINT OF BEGINNING.

PARCEL NO. 2:

Farm Unit "E" or the Southwest quarter of the Southwest quarter of Section 1, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO. 3:

Farm Unit "F" or the Southwest quarter of the Southwest quarter of Section 1, Township 2 South, Range 5 East of the Gila and Salt River base and Meridian, Maricopa County, Arizona;

EXCEPT COMMENCING at the South quarter corner of said section 1; thence N0°05'11"W along the North-South midsection line of said Section 1, 33.00 feet to the POINT OF BEGINNING.

Thence S89°05'06"W along a line of 33.0 feet North of and parallel to the South line of the said Southwest quarter Section 1, 666.777 feet (record) 666.26 feet (calculated measured); thence N49°39'54"E, 834.73 feet (record), N49°56'20"E 834.72 feet (calculated measured); thence S40°20'06"E, 45.81 feet (record) 45.79 feet (calculated measured) to a point on the aforesaid North-South midsection line of said Section 1; thence S0°05'11"E along said North-South midsection line, 494.72 feet to the POINT OF BEGINNING.

PARCEL NO. 4:

The Northwest quarter of Section 12, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;