

3

OCT 19 2009

ORDINANCE NO. 4186

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED INDUSTRIAL DISTRICT (I-1) TO PLANNED AREA DEVELOPMENT (PAD) (DVR09-0015 ROCKEFELLER GROUP CHANDLER 101) 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 Planned Industrial District (I-1) to Planned Area Development (PAD), 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. Development shall be in substantial conformance with Exhibit A and Exhibit B, Development Booklets, entitled "Rockefeller Group Chandler 101", kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0015, except as modified by conditions herein.

3. 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.
4. A Traffic Impact Analysis shall be approved by the City of Chandler Public Works Department prior to the recordation of a Final Plat or approval of building permits.
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. Construction shall commence above foundation walls within five (5) 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. 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.
9. Approval by the Director of Planning and Development of plans for landscaping and perimeter walls and the Director of Public Works for arterial street median landscaping.
10. 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.
11. Raceway signage shall be prohibited within the development.
12. Under Option One, additional parking capacity shall be added to the parking garage in the course of developing Phase Two if existing or anticipated demand warrants, at the discretion of the Zoning Administrator as informed by an updated parking study provided by the Developer (if requested by the Planning Department) or other relevant information. Under Option Two, additional parking capacity shall be added to the parking garage in the course of

developing Phase Two or Phase Three if existing or anticipated demand warrants, at the discretion of the Zoning Administrator as informed by an updated parking study provided by the Developer (if requested by the Planning Department) or other relevant information.

13. The retail (first floor) building signage shall be internally illuminated pan-channel letters with halo illumination.
14. The trees planted to the south, east, and west elevations of the parking garage shall be at least 12' high to top of canopy at planting.
15. The applicant shall work with staff to add additional shade trees (up to four total) to the south of the two restaurant buildings.
16. The applicant shall work with staff to provide architectural features and vertical relief above the exterior staircases on the parking garage.
17. Any covered parking will utilize materials, forms, and colors drawn from the main buildings' architecture.
18. A signed and notarized Consent to Conditions waiver shall be provided to Planning staff within three weeks of City Council approval of the rezoning and PDP in order for the approval to be valid.
19. Neither of the two restaurant buildings along Chandler Boulevard shall have a drive-through.

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.

A. LEGAL DESCRIPTION

(AS PROVIDED BY TITLE COMMITMENT)

LOT 1 OF MINOR LAND DIVISION FOR "GOULD", A SUBDIVISION AS SET FORTH IN BOOK 902 OF MAPS, PAGE 20, RECORDS OF MARICOPA COUNTY, ARIZONA.

A. LEGAL DESCRIPTION

(AS PROVIDED BY TITLE COMMITMENT)

LOT 1 OF MINOR LAND DIVISION FOR "GOULD", A SUBDIVISION AS SET FORTH IN BOOK 902 OF MAPS, PAGE 20, RECORDS OF MARICOPA COUNTY, ARIZONA.