

ORDINANCE NO. 3229

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CITY OF CHANDLER
CITY CLERK

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, REZONING A PARCEL FROM AG-1 TO PAD – PLANNED AREA DEVELOPMENT (DVR00-0028 GERMANN COMMERCE 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:

A portion of Section 3, Township 2 South, Range 5 East, Gila and Salt River Base and Meridian, records of Maricopa County, Arizona, being more particularly described as follows:

Commencing at the Southeast Corner of Section 3;
Thence South 88 degrees 54 minutes 48 seconds West, along the South line of the Southeast Quarter of said Section, 1322.24 feet to the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section;
Thence North 00 degrees 21 minutes 33 seconds West, 33.00 feet to the northerly right-of-way line of Germann Road, and marking the Point of Beginning;

Thence South 88 degrees 54 minutes 48 seconds West, along said northerly right-of-way line, 42.97 feet to the beginning of a non-tangent curve, curve of said curve bears North 02 degrees 20 minutes 18 seconds East, 2805.00 feet;
Thence westerly, along said northerly right-of-way line, and along said curve to the right, through a central angle of 00 degrees 14 minutes 23 seconds, for an arc length of 11.74 feet;
Thence North 87 degrees 25 minutes 19 seconds West, along said northerly right-of-way line, 317.42 feet to the beginning of a curve, said curve having a radius of 2925.00 feet to the left;

Thence westerly, along said northerly right-of-way line, and along said curve, through a central angle of 03 degrees 39 minutes 53 seconds, for an arc length of 187.09 feet;

Thence South 88 degrees 54 minutes 48 seconds West, along said northerly right-of-way line, 763.54 feet;

Thence North 00 degrees 24 minutes 46 seconds West, 1264.37 feet;

Thence North 88 degrees 54 minutes 15 seconds East, 633.21 feet;

Thence South 00 degrees 21 minutes 30 seconds East, 662.24 feet;

Thence North 88 degrees 54 minutes 32 seconds East 690.28 feet;

Thence South 00 degrees 21 minutes 33 seconds East, 629.30 feet to the Point of Beginning.

Said parcel is hereby zoned PAD (Planned Area Development) subject to the following conditions:

1. Right-of-way dedications to achieve full half widths for Germann Road and Hamilton Street, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
3. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
4. 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.
5. Construction shall commence above foundation walls within two (2) 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.
6. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Principles and Development Team for Germann Commerce Center" kept on file in the City of Chandler Planning Services Division, in File No. DVR00-0028, except as modified by condition herein.

7. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
9. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4' x 8' sign identifying what is being built and its estimated date of completion (this information may be incorporated with the contractor's sign or the "Coming Soon" sign).
10. 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.
11. All signs shall be located below the fascia or parapet wall of the primary building.
12. Preliminary Development Plan approval does not constitute Final Development Plan approval. Compliance with the details by all applicable codes and conditions of the City of Chandler and this Rezoning shall apply.
13. The exhibits and representations submitted herein are found to be in compliance with the requirements for Preliminary Development Plan approval for the Proposed Retail Development. However, this does not constitute approval of the PAD Final Development Plan (Site Development Plan) by the Zoning Administrator.
14. Grading and Drainage plans shall comply with City storm water retention requirements.
15. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
16. Electrical service entrance section (SES) shall be located inside the building.
17. Any roof access ladders shall be located inside the building.
18. All roof drainage shall be interior roof drains.

19. All ground-mounted equipment shall be screened from public view by landscaping or a concrete or masonry wall equal to or greater in height than the mechanical equipment.
20. All transformer boxes, meter panels and electric equipment, back-flow valves and any other utility equipment shall be painted to match the building color.
21. All trees planted along the south and east property lines shall be 24" box at the time of planting and spaced at 20' on center.
22. 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.
23. 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.
24. There will be no public address, telephone or other amplified sound emitters.

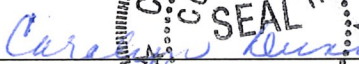
25. Uses in the Germann Commerce Center shall be limited to those found in the I-1, Planned Industrial District, and restaurants. Restaurants featuring drive-thru, drive-in, or drive-up facilities shall be prohibited.
26. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance the applicant shall post a 4' x 8' sign on the property, conspicuous to the (existing or prospective) single family residences that adjoins this site, advising the following: "This property has been zoned for other than single family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, 782-3000".
27. The developer shall be required to install landscaping in the arterial street medians adjoining this project. In the event that the landscaping already exists within such medians, the developer shall be required to upgrade such landscaping to meet current City standards.
28. The Perimeter walls shall be stained colored block.

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

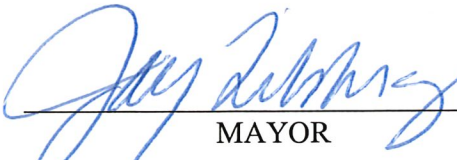
SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 25th day of January 2001.

ATTEST:


CITY CLERK




MAYOR

PASSED AND ADOPTED by the City Council this 8th day of February 2001.

ATTEST:

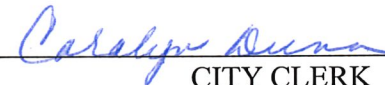

CITY CLERK




MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3229 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 8th day of February 2001, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED:

2/14/01

2/21/01