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CITY OF CHANDLER
CITY CLERK

ORDINANCE NO. 4073

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) (DVR08-0005 EXECUTIVE TOY STORAGE) 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 District (AG-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, Development Booklet, entitled "Executive Toy Storage", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0005, except as modified by condition 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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

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. 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.

9. Signage shall be approved under a separate PDP application.

10. 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 subject development shall use treated effluent to maintain open space, common areas, and landscape tracts.

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. There shall be a maximum of six (6) bays in the auto retail building.

13. The "rose gray" squares and/or surface-mounted square, white lighting fixtures found on the columns of the retail and office buildings shall be incorporated into the convenience store architecture.

14. Fuel station venting must be fully screened.

15. The four (4) parking spaces south of the convenience store shall be eliminated as shown on the revised site plan.

16. Building G, if developed as auto retail, shall have its overhead doors fully screened from street view by screen walls and additional landscaping. Details to be worked out with staff.

17. Date Palms and canopy trees shall be placed in alternating fashion at the intersection corner and adjacent to the three retail entrances.

18. If Building G is developed as general retail, the trash enclosure adjacent to the building shall be relocated to the northwest portion of the retail site.

19. All entrances to the recreational vehicle storage component of the site shall be flanked by decorative stone on both sides.

20. All four site entrances shall include full decorative paving features.

21. The applicant shall work with Staff to adjust the wainscot higher on the office building to reduce the building's apparent scale.

22. At least one Mulga Acacia shall be added south of the recreational vehicle storage facility. Details to be worked out with Staff.

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 of the City of Chandler, Arizona, this 22nd day of May 2008.

ATTEST:

CITY CLERK MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 12th day of June 2008.

ATTEST:

CITY CLERK MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4073 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 12th day of June 2008, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED in the Arizona Republic on June 19 and June 26, 2008.

LEGAL DESCRIPTION

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE PROPERTY CONVEYED TO MARICOPA COUNTY BY WARRANTY DEED RECORDED JANUARY 5, 2004 IN INSTRUMENT NO. 2004-0004476 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SAID PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 65 FEET AND THE WEST 10 FEET OF THE EAST 75 FEET OF THE SOUTH 363 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3;

EXCEPT THE SOUTH 33 FEET, THE EAST 40 FEET THEREOF;

AND EXCEPT BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 33 FEET AND THE WEST LINE OF THE EAST 40 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3;

THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 52 FEET;

THENCE IN A NORTHEASTERLY DIRECTION TO A POINT ON THE WEST LINE OF THE EAST 40 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3 THAT IS 50 FEET NORTH FROM SAID POINT OF INTERSECTION;

THENCE SOUTHERLY ALONG SAID WEST LINE, A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING.

CONTAINING
GROSS 9.6419 ACRES [419,999 SF] MORE OR LESS,
NET 8.5334 ACRES [371,714 SF] MORE OR LESS.
(EXCLUDING ROADWAY DECLARATIONS)