

#6

FEB 28 2013

ORDINANCE NO. 4428

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR12-0038 ORTHOPEDIC GROUP) 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 PAD to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Orthopedic Group", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0038, except as modified by condition herein.
2. The development shall be in substantial conformance with all previous conditions adopted by Ordinance No. 3673, except as modified by condition herein.
3. 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.

4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. 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.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. 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.
8. 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.
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 ORTHOPEDIC GROUP shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and/or in relation to limits established in FAA determined Terminal Procedures (TERPS). All construction cranes shall be installed and operated in accordance with FAA rules and regulations including notification through the filing of FAA Form 7460-1, Notice of Proposed Construction or Alteration.
11. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
12. The developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.

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 Transportation & 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 _____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____,
2013.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4428 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2013, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY GAG

PUBLISHED:

Ordinance 4428

Legal Description:

The land referred to herein below is situated in the county of Maricopa, state of Arizona and is described as follows:

That portion of lot 3-b according to the minor land division of Chandler Airport Center phase 1, recorded in book 1091 of maps, page 45, of official records of Maricopa County, Arizona, located within the southwest quarter of section 1, township 2 south, range 5 east of the Gila and Salt River base and meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the northeast corner of said lot 3-B; thence South $86^{\circ}19'57''$ West, Along the North line of said lot 3-B, said line also being the South right-of-way line of sr 202 (san tan freeway) as recorded in document no. 88-017426 and 02-1019690, of official records of Maricopa County, Arizona, for a distance of 288.06 feet; thence south $84^{\circ}03'08''$ west, continuing along said north line, a distance of 115.20 feet to the point of beginning; thence leaving said North line, South $00^{\circ}00'00''$ East, for a distance of 460.09 feet to a point on the north right-of-way line of Yeager Drive and the South line of said lot 3-B, said point being non-tangent curvature, concave Southeasterly, whose center bears South $18^{\circ}10'51''$ East, for a radial distance of 1230.00 feet; thence Westerly, along said right-of-way and curve to the left having a radius of 1230.00 feet, through a central angle of $16^{\circ}02'19''$, an arc length of 344.31 feet; thence leaving said right-of-way North $30^{\circ}36'25''$ West, for a distance of 253.55 feet; thence north $00^{\circ}00'00''$ west, for a distance of 349.43 feet to a point on the North line of said lot 3-B; thence continuing along the North line of said lot 3-B, North $85^{\circ}45'41''$ East, for a distance of 52.43 feet; thence continuing along the North line of said lot 3-B, North $84^{\circ}03'08''$ East, for a distance of 386.82 feet to the point of beginning.