

#6

APR 25 2013

**ORDINANCE NO. 4443**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL(S) FROM AGRICULTURAL DISTRICT (AG-1) TO PLANNED AREA DEVELOPMENT (PAD FOR BUSINESS PARK) (DVR13-0002 PARK PLACE) 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 AG-1 to PAD for a business park, subject to the following conditions:

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "PARK PLACE", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0002, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development of individual parcels, and related onsite site layout related to such future development of individual parcels, will be reviewed and approved administratively.

2. 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.
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. 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 or as otherwise approved in a development agreement.
5. Unless otherwise included as part of the City's Capital Improvement Program, 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 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 Park Place development shall use treated effluent to maintain open space, common areas, and landscape tracts.

7. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
9. Approval by the Director of Transportation and Development for landscaping (open spaces and rights-of-way), perimeter walls and arterial street median landscaping is required.
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. Notwithstanding any provision of the Development Booklet or of any other conditions of the Rezoning, no data center use of any type, unless ancillary and secondary to a primary use, shall be a use permitted for the property that is the subject of this Rezoning.

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:



LEGAL DESCRIPTION  
WEST ALLRED BOARDWALK

That portion of GLO Lot 6 of Section 6, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows;

BEGINNING at an aluminum cap found at the southwest corner of said GLO Lot 6, from which a Maricopa County brass cap in a pothole found at the west quarter corner of said Section 6 bears North 00°11'05" West, 1,340.47 feet;

thence along the west line of said GLO Lot 6, North 00°11'05" West, 1,307.47 feet to a point on the southerly right of way line of Willis Road per Book 1, Page 23 of Road Maps, records of Maricopa County, Arizona;

Thence along said southerly right of way line, North 89°06'09" East, 635.88 feet to a point on the westerly right of way line of Price Road per Document No. 86-530605, records of Maricopa County, Arizona;

Thence along said westerly right of way line, South 49°16'48" East, 27.51 feet to a point on a non-tangent curve, the radius point of which bears North 86°48'47" East, 991.43 feet;

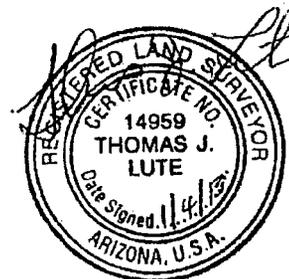
Thence continuing southerly along said westerly right of way line, 568.89 feet along the arc of said curve concave to the northeast through a central angle of 32°52'37";

Thence continuing along said westerly right of way, South 36°03'50" West, 301.74 feet to a point of curvature with a radius of 944.55 feet;

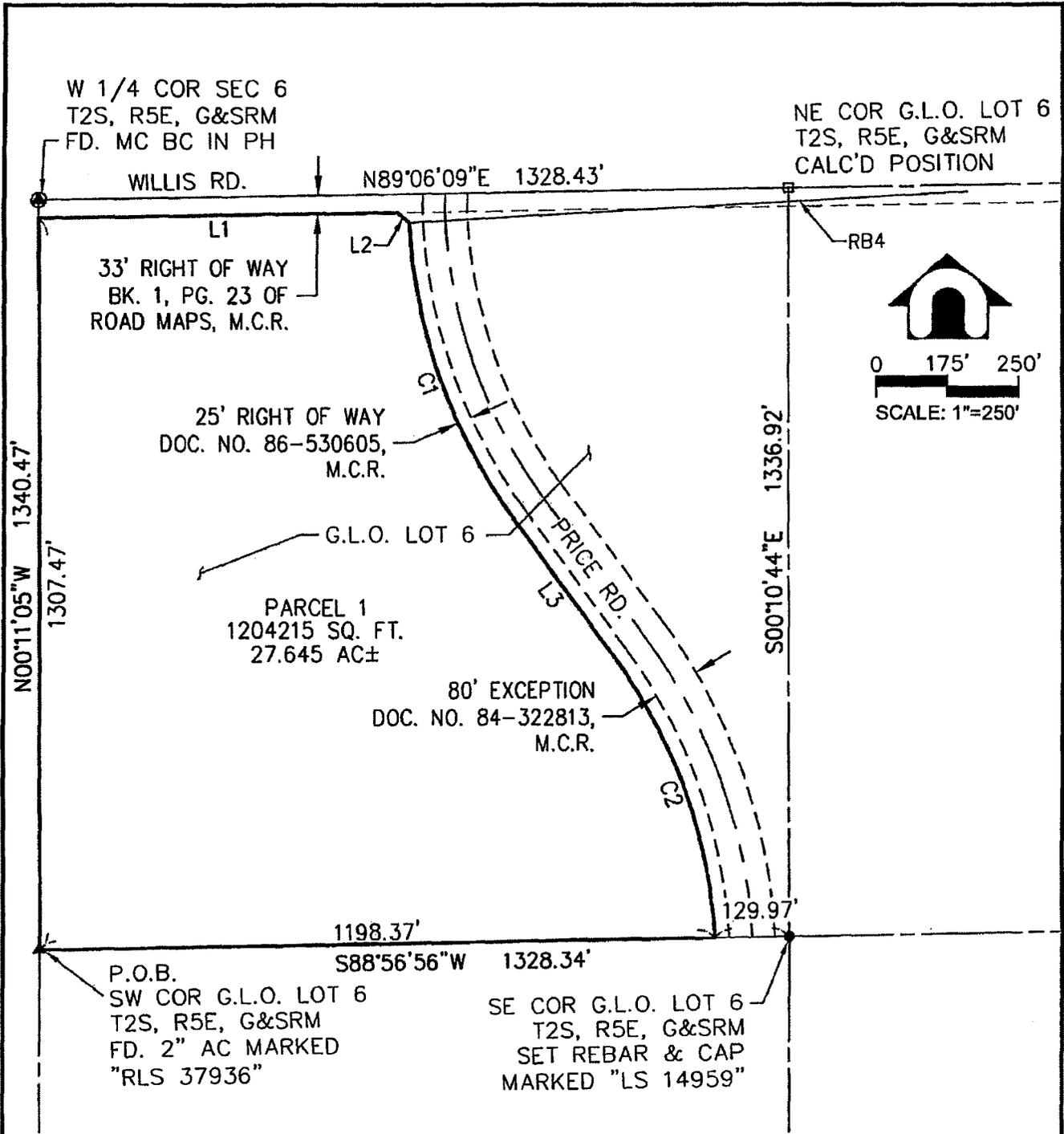
Thence southerly, 543.52 feet along the arc of said curve concave to the southwest through a central angle of 32°58'11" to a point on the south line of said GLO Lot 6;

Thence along said south line, South 88°56'56" West, 1,198.37 feet to the POINT OF BEGINNING.

Said parcel containing 1,204,215 square feet or 27.645 acres, more or less.



Expires 06/30/2015



DATE: 1/2013

SEE SHEET 2 FOR LINE AND CURVE TABLES

SCALE: 1"=250'
SHEET
1 OF 2

**WEST ALLRED BOARDWALK**  
**CHANDLER, ARIZONA**



**DAVID EVANS  
AND ASSOCIATES INC.**  
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Phone: 602.678.5151

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°06'09"E	635.88'
L2	S49°16'48"E	27.51'
L3	S36°03'50"E	301.74'
RB4	N86°48'47"E	991.43'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	991.43'	568.89'	32°52'37"
C2	944.55'	543.52'	32°58'11"

DATE: 1/2013

SCALE: NTS
SHEET 2 OF 2

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