

#2

MAY 23 2013

ORDINANCE NO. 4392

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) IN CASE (DVR12-0006 PRICE ROAD 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:

See Attachment 'A'.

Said parcel is hereby rezoned from AG-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with the attached Development Booklet, entitled "PRICE ROAD COMMERCE CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0006, 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 Price Road Commerce Center development shall use treated effluent to maintain open space, common areas, and landscape tracts.

7. Landscaping shall be in compliance with current Commercial Design Standards.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
10. 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.
11. 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.
12. 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.

EXHIBIT A

LOT 2, SECTION 7, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT THE EAST 50.00 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BRASS CAP MARKING THE WEST QUARTER CORNER OF SAID SECTION 7, FROM WHICH A CITY OF CHANDLER BRASS CAP FLUSH MARKING THE NORTHWEST CORNER OF SAID SECTION 7 BEARS NORTH $00^{\circ}41'47''$ WEST, A DISTANCE OF 2634.93 FEET; THENCE NORTH $00^{\circ}41'47''$ WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 7, A DISTANCE OF 1317.47 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, SAID POINT BEING THE NORTHWEST CORNER OF LOT 2;

THENCE NORTH $88^{\circ}48'20''$ EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 1278.23 FEET TO A POINT 50 FEET WEST OF A CITY OF CHANDLER BRASS CAP FLUSH MARKING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 2, SAID BRASS CAP FLUSH BEING FOUND ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE SOUTH $00^{\circ}41'46''$ EAST, PARALLEL WITH AND 50 FEET WEST OF SAID EAST LINE, A DISTANCE OF 1317.60 FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT 2, SAID POINT BEING 50 FEET WEST OF A CITY OF CHANDLER BRASS CAP FLUSH MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE SOUTH $88^{\circ}48'41''$ WEST, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 1278.22 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1,684,045 SQ.FT., OR 38.660 ACRES, MORE OR LESS.