

#2

DEC 09 2013

**ORDINANCE NO. 4500**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD (MIXED USE FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL WITH A MID-RISE OVERLAY) TO PAD (MULTI-FAMILY RESIDENTIAL) ON APPROXIMATELY 7 ACRES AND PAD (MIXED USE FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL WITH A MID-RISE OVERLAY) ON APPROXIMATELY 5 ACRES IN CASE (DVR13-0013 THE MET AT FASHION 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 PAD (Mixed Use for Commercial and Multi-Family Residential with a Mid-Rise Overlay) to PAD (Multi-Family Residential) on approximately 7 acres and PAD (Mixed Use for Commercial and Multi-Family Residential with a Mid-Rise Overlay) on approximately 5 acres, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "THE MET AT FASHION CENTER", kept on file in the City of Chandler Planning Division, in File No. DVR13-0013, except as modified by condition herein.
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. 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.
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. 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.
8. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
9. The Mixed Use component shall be subject to approval of a separate Preliminary Development Plan application.
10. The Mid-Rise Overlay applies to the Mixed Use component only.

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 of the City of Chandler, Maricopa County, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4500 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 *GAB*

PUBLISHED:

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The Met at Fashion Center – Legal Description

PARCEL NO. 1:

LOT 3, CHANDLER COMMERCE CENTER, ACCORDING TO BOOK 267 OF MAPS, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA;

TOGETHER WITH THAT PORTION OF COUNTRY CLUB WAY, ABANDONED AND VACATED BY THE CITY OF CHANDLER ORDINANCE NO. 3283, RECORDED SEPTEMBER 18, 2001 IN DOCUMENT NO. 2001-0854413, RECORDS OF MARICOPA COUNTY, ARIZONA, AND AS SHOWN ON VACATION PLAT RECORDED IN BOOK 573 OF MAPS, PAGE 6, WHICH ABUTS THE HEREIN DESCRIBED LOT 3.

EXCEPTING THEREFROM THAT PORTION OF SAID LOT 3 DESCRIBED AS FOLLOWS:

COMMENCING FOR A TIE AT THE NORTH QUARTER CORNER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA,

THE NORTHEAST CORNER OF SAID SECTION 36 FROM WHICH BEARS NORTH 88° 03' 45" EAST, 2671.87 FEET;

THENCE SOUTH 00° 09' 11" EAST (SOUTH 01° 47' 52" WEST, RECORD) ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 341.02 FEET (341.03 FEET, RECORD), TO THE NORTHEAST CORNER OF SAID LOT 3, AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00° 09' 11" EAST ALONG SAID EAST LINE (SOUTH 01° 47' 52" WEST, RECORD), 312.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3;

THENCE NORTH 67° 32' 55" WEST, (NORTH 65° 43' 47" WEST, RECORD), ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 75.73 FEET;

THENCE NORTH 21° 27' 53" WEST, 157.58 FEET TO A POINT ON A NON-TANGENT CURVE LEFT HAVING A RADIAL BEARING OF NORTH 78° 04' 07" WEST, SAID POINT BEING ON THE WEST LINE OF SAID LOT 3;

THENCE ALONG SAID WEST LINE AND ALONG SAID CURVE LEFT HAVING A RADIUS OF 632.86 FEET (633.00 FEET, RECORD), A CENTRAL ANGLE OF 12° 06' 05" AND AN ARC DISTANCE OF 133.67 FEET TO A POINT OF TANGENCY;

THENCE NORTH 00° 10' 12" WEST (NORTH 01° 47' 52" EAST, RECORD), ALONG SAID WEST LINE, 3.35 FEET TO THE NORTHWEST CORNER OF SAID LOT 3;

THENCE NORTH 89° 48' 55" EAST (SOUTH 88° 12' 06" EAST, RECORD), ALONG TIE NORTH LINE OF SAID LOT 3, A DISTANCE OF 113.15 (113.17 FEET RECORD), TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 2:

LOT 4, CHANDLER COMMERCE CENTER, ACCORDING TO BOOK 267 OF MAPS, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA;

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TOGETHER WITH THAT PORTION OF COUNTRY CLUB WAY AND COMMONWEALTH ROAD, ABANDONED AND VACATED BY THE CITY OF CHANDLER ORDINANCE NO. 3283, RECORDED SEPTEMBER 18, 2001 IN DOCUMENT NO. 2001-0854413, RECORDS OF MARICOPA COUNTY, ARIZONA, AND AS SHOWN ON VACATION PLAT RECORDED IN BOOK 573 OF MAPS, PAGE 6, WHICH ABUTS THE HEREIN DESCRIBED LOT 4, AS PROVIDED FOR BY A.R.S. 28-7205.

EXCEPTING THEREFROM THAT PORTION OF SAID LOT 4 DESCRIBED AS FOLLOWS: COMMENCING FOR A TIE AT THE NORTH QUARTER CORNER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, THE NORTHEAST CORNER OF SAID SECTION 36 FROM WHICH BEARS NORTH 88° 03' 45" EAST, 2671.87 FEET;

THENCE SOUTH 00° 09' 11" EAST (SOUTH 01° 47' 52" WEST, RECORD) ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 653.02 FEET (653.03 FEET, RECORD), TO THE NORTHEAST CORNER OF SAID LOT 4, THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00° 09' 11" EAST (SOUTH 01° 47' 52" WEST, RECORD), ALONG SAID EAST LINE OF SAID NORTHWEST QUARTER AND SAID EAST LINE OF LOT 4, A DISTANCE OF 208.75 FEET, TO A POINT ON A NON-TANGENT CURVE LEFT HAVING A RADIAL BEARING OF SOUTH 85° 10' 55" WEST;

THENCE ALONG SAID CURVE LEFT HAVING A RADIUS OF 508.68 FEET, A CENTRAL ANGLE OF 16° 38' 48" AND AN ARC DISTANCE OF 147.79 FEET TO A POINT OF TANGENCY;

THENCE NORTH 21° 27' 53" WEST, 101.28 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 4;  
THENCE SOUTH 67° 32' 55" EAST (SOUTH 65° 43' 47" EAST, RECORD), ALONG SAID NORTH LINE OF LOT 4, A DISTANCE OF 75.73 TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 3:

LOT 20, CHANDLER COMMERCE CENTER, ACCORDING TO BOOK 267 OF MAPS, PAGE 14; RECORDS OF MARICOPA COUNTY, ARIZONA;

TOGETHER WITH THAT PORTION OF COUNTRY CLUB WAY, ABANDONED AND VACATED BY THE CITY OF CHANDLER ORDINANCE NO. 3283, RECORDED SEPTEMBER 18, 2001 IN DOCUMENT NO. 2001-0854413, RECORDS OF MARICOPA COUNTY, ARIZONA, AND AS SHOWN ON VACATION PLAT RECORDED IN BOOK 573 OF MAPS, PAGE 6, WHICH ABUTS THE HEREIN DESCRIBED LOT 20, AS PROVIDED FOR BY A.R.S. 28-7205.

EXCEPT THEREFROM THAT PORTION OF SAID LOT 20 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF SAID SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 300.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE SOUTH 89° 18' 01" EAST A DISTANCE OF 215.55 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;

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THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF COUNTRY CLUB WAY AND  
ALONG THE ARC OF A CURVE CONCAVE WESTERLY SUBTENDING AN ANGLE OF 20° 13'  
45" WITH A RADIUS OF 567.00 FEET, AN ARC DISTANCE OF 200.19 FEET TO A POINT;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE WEST A DISTANCE OF 342.54 FEET TO A  
POINT;  
THENCE NORTH A DISTANCE OF 496.000 FEET TO A POINT ON THE SOUTH RIGHT-OF-  
WAY LINE OF CHANDLER BOULEVARD;

THENCE EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 174.65 FEET TO THE  
POINT OF  
BEGINNING.