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JUL 10 2014

ORDINANCE NO. 4553

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL(S) FROM REGIONAL COMMERCIAL DISTRICT (C-3) TO PLANNED AREA DEVELOPMENT (PAD) FOR MULTI-FAMILY RESIDENTIAL INCLUDING A MID-RISE OVERLAY FOR BUILDINGS UP TO 65-FEET IN HEIGHT (DVR14-0010 ALTA CHANDLER) 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:

A PORTION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 34, FROM WHICH A BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 34 BEARS SOUTH 00 DEGREES 38 MINUTES 02 SECONDS WEST, 2645.52 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 47 SECONDS EAST, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 34, 409.12 FEET TO A BRASS CAP FLUSH, MARKING THE INTERSECTION OF FRYE ROAD & WASHINGTON STREET;

THENCE CONTINUING NORTH 89 DEGREES 44 MINUTES 47 SECONDS EAST, 39.49 FEET;

THENCE DEPARTING SAID EAST-WEST MID-SECTION LINE SOUTH 00 DEGREES 15 MINUTES 13 SECONDS EAST, 32.98 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FRYE ROAD AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89 DEGREES 44 MINUTES 39 SECONDS EAST, 734.65 FEET TO A POINT ON THE WEST RIGHT-OF-LINE OF DELAWARE STREET;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 00 DEGREES 39 MINUTES 00 SECONDS WEST, 380.52 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF FOLLEY STREET;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE SOUTH 89 DEGREES 42 MINUTES 40 SECONDS WEST, 734.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WASHINGTON STREET;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 00 DEGREES 38 MINUTES 16 SECONDS EAST, 380.94 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF FRYE ROAD AND THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 279,653 SQUARE FEET OR 6.4199 ACRES, MORE OR LESS.

Said parcel(s) are hereby rezoned from Regional Commercial District (C-3), to Planned Area Development (PAD) for Multi-Family Residential including a Mid-Rise Overlay for buildings up to 65-feet in height, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "ALTA CHANDLER" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0010, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

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. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.

6. Building heights shall be limited to a maximum of 65-feet in height.

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 Division 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 _____, 2014.

ATTEST:

_____ _____
CITY CLERK MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____, 2014.

ATTEST:

_____ _____
CITY CLERK MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4553 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2014, and that a quorum was present thereat.

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY GAB

PUBLISHED: