

#6

SEP 08 2014

ORDINANCE NO. 4560

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 (AGRICULTURAL DISTRICT) TO PAD (USES ALLOWED WITHIN THE INNOVATION ZONE DESIGNATION OF THE GENERAL PLAN AND TO ALLOW FOR THE DEVELOPMENT OF PARCELS LESS THAN 15-ACRES) IN CASE (DVR13-0010 CONTINUUM AT DOBSON ROAD) 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 (Agricultural District) to PAD (uses allowed within the Innovation Zone designation of the General Plan and to allow for the development of parcels less than 15-acres), subject to the following conditions:

1. Development shall be in substantial conformance with the attached Development Booklet, Exhibit A, entitled "CONTINUUM AT DOBSON ROAD", kept on file in the City of Chandler Planning Division, in File No. DVR13-0010, except as modified by condition herein. The Development Booklet provides building layout, site layout, and architectural

design for the future development of individual parcels including on-site improvements which will be reviewed and approved administratively by Planning Staff, except as modified by condition herein.

2. The rezoning request does not include a specified timing condition. This includes relief of the 1-year timing condition from the effective date of the ordinance as specified in the City Code section 35-2603.B.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
6. 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.
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. 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 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 of the City of Chandler, Maricopa County, Arizona, this ____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

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

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4560 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 *Ksm*

PUBLISHED:

EXHIBIT A

LEGAL DESCRIPTION

PARCEL NO. 1:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 7;

THENCE NORTH 89 DEGREES 49 MINUTES 32 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 7, A DISTANCE OF 294.76 FEET (RECORD) 294.15 FEET (MEASURED);

THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 10 MINUTES 28 SECONDS WEST 66.95 FEET (RECORD) 66.99 FEET (MEASURED) TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF QUEEN CREEK ROAD, ACCORDING TO BOOK 385 OF MAPS, PAGE 25, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 52 DEGREES 10 MINUTES 28 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAYLINE, A DISTANCE OF 3.16 FEET (RECORD) 3.23 FEET (MEASURED) TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 89 DEGREES 49 MINUTES 32 SECONDS WEST 535.75 FEET (RECORD AND MEASURED);

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 00 DEGREES 10 MINUTES 28 SECONDS WEST 710.00 FEET (RECORD) 710.01 FEET (MEASURED);

THENCE SOUTH 89 DEGREES 49 MINUTES 32 SECONDS EAST, PARALLEL WITH AND 775.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 7, A DISTANCE OF 748.11 FEET (RECORD) 752.40 FEET (MEASURED) TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF DOBSON ROAD, ACCORDING TO BOOK 402 OF MAPS, PAGE 50, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 14 DEGREES 10 MINUTES 28 SECONDS WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 348.73 FEET (RECORD AND MEASURED);

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 25 DEGREES 29 MINUTES 03 SECONDS WEST, A DISTANCE OF 50.99 FEET (RECORD AND MEASURED);

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 14 DEGREES 10 MINUTES 28 SECONDS WEST, A DISTANCE OF 300.20 FEET (RECORD AND MEASURED);

THENCE SOUTH 52 DEGREES 10 MINUTES 28 SECONDS WEST, A DISTANCE OF 39.40 FEET (RECORD) 39.39 FEET (MEASURED);

THENCE SOUTH 00 DEGREES 10 MINUTES 28 SECONDS WEST, A DISTANCE OF 8.05 FEET (RECORD) 8.01 FEET (MEASURED) TO THE POINT OF BEGINNING.

PARCEL NO. 2:

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;

THENCE NORTH 89 DEGREES 49 MINUTES 32 SECONDS WEST, 294.76 FEET (RECORD) 294.15 FEET (MEASURED) ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER;

THENCE NORTH 00 DEGREES 10 MINUTES 28 SECONDS EAST, 75.00 FEET (RECORD AND MEASURED);

THENCE NORTH 52 DEGREES 10 MINUTES 28 SECONDS EAST, 39.40 FEET (RECORD) 39.39 FEET (MEASURED);

THENCE NORTH 14 DEGREES 10 MINUTES 28 SECONDS EAST, 300.20 FEET (RECORD AND MEASURED);

THENCE NORTH 25 DEGREES 29 MINUTES 03 SECONDS EAST, 50.99 FEET (RECORD AND MEASURED);

THENCE NORTH 14 DEGREES 10 MINUTES 28 SECONDS EAST 589.89 FEET (RECORD) 589.90 FEET (MEASURED) TO THE BEGINNING OF A TANGENT CURVE CONCAVE WEST, HAVING A RADIUS OF 1135.00 FEET;

THENCE NORTH ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 13 DEGREES 40 MINUTES 21 SECONDS (RECORD) 13 DEGREES 40 MINUTES 28 SECONDS (MEASURED), A DISTANCE OF 270.84 FEET (RECORD) 270.88 FEET (MEASURED) TO A PORTION OF THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;

THENCE SOUTH 00 DEGREES 29 MINUTES 38 SECONDS WEST 1277.11 FEET (RECORD) SOUTH 00 DEGREES 30 MINUTES 00 SECONDS WEST 1277.16 FEET (MEASURED) ALONG SAID EAST LINE TO THE POINT OF BEGINNING; AND

EXCEPT COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;

THENCE NORTH 89 DEGREES 49 MINUTES 32 SECONDS WEST 294.76 FEET (RECORD) 294.15 FEET (MEASURED) ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH LINE NORTH 89 DEGREES 49 MINUTES 32 SECONDS WEST 1109.99 FEET (RECORD) 1026.86 FEET (MEASURED) TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;

THENCE NORTH 00 DEGREES 32 MINUTES 10 SECONDS EAST 65.00 FEET (RECORD) NORTH 00 DEGREES 32 MINUTES 23 SECONDS EAST (MEASURED) 65.00 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;

THENCE SOUTH 89 DEGREES 49 MINUTES 32 SECONDS EAST PARALLEL WITH AND 65.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 1023.50 FEET (RECORD) 1023.49 FEET (MEASURED);

THENCE NORTH 52 DEGREES 10 MINUTES 28 SECONDS EAST, 3.16 FEET (RECORD) 3.23 FEET (MEASURED);

THENCE SOUTH 00 DEGREES 10 MINUTES 28 SECONDS WEST 66.95 FEET (RECORD) 66.99 FEET (MEASURED) TO THE POINT OF BEGINNING; AND

EXCEPT COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;
