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AUG 08 2016

ORDINANCE NO. 4714

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) FOR OFFICE AND DATA CENTER USES, TO PAD FOR AN EMPLOYMENT BUSINESS PARK CAMPUS WITH EMPLOYMENT, OFFICE, SERVICE RETAIL AND HOTEL USES INCLUDING A MID-RISE OVERLAY FOR BUILDINGS UP TO 150-FEET IN HEIGHT IN CASE DVR16-0004 INNOVATION SQUARE 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 Planned Area Development (PAD) for office and data center uses, to PAD for an employment business park campus with employment, office, service retail and hotel uses including a Mid-Rise Overlay for buildings up to 150-feet in height, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "12 Innovation Square" dated 7 July 2016, and kept on file in the City of Chandler Planning Division, in File No. DVR16-0004, 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. The exhibits and representations submitted herein are found to be in compliance with the requirements for Conceptual Development Plan approval. However, this does not constitute approval of the PAD Final Development Plan (Site Development Plan) by the Planning Administrator. A future Preliminary Development Plan(s) shall be required.
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. 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.
6. 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.
7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
8. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
9. 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.

10. Maximum building height shall be limited to 150-feet.

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 _____, 2016.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2016.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4714 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2016, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY (*kb*)

PUBLISHED:

ORDINANCE NO. 4714
'ATTACHMENT A'

LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST 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:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 7, AT WHICH A BUREAU OF LAND MANAGEMENT BRASS CAP WAS FOUND, AND FROM WHICH THE ONE-SIXTEENTH CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEARS SOUTH 00 DEGREES 43 MINUTES 00 SECONDS, A DISTANCE OF 829.53 FEET AND FROM WHICH A BUREAU OF LAND MANAGEMENT BRASS CAP WAS FOUND;

THENCE NORTH 88 DEGREES 48 MINUTES 41 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 1278.26 (MEASURED, 1278.04 RECORD) FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF REALIGNED PRICE ROAD, SAID POINT ALSO BEING THE BEGINNING OF A CURVE, CONCAVE EASTERLY, FROM WHICH THE RADIUS BEARS NORTH 89 DEGREES 18 MINUTES 08 SECONDS EAST A DISTANCE OF 5702.22 FEET;

THENCE SOUTHERLY ALONG SAID CURVE AND WESTERLY RIGHT OF WAY, THROUGH A CENTRAL ANGLE OF 02 DEGREES 15 MINUTES 13 SECONDS, AN ARC DISTANCE OF 224.28 FEET TO A POINT;

THENCE SOUTH 86 DEGREES 54 MINUTES 10 SECONDS WEST, A DISTANCE OF 8.07 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, FROM WHICH THE RADIUS BEARS SOUTH 89 DEGREES 09 MINUTES 05 SECONDS EAST A DISTANCE OF 5756.41 FEET;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01 DEGREES 46 MINUTES 45 SECONDS EAST AN ARC DISTANCE OF 178.75 FEET TO A POINT;

THENCE SOUTH 00 DEGREES 55 MINUTES 50 SECONDS EAST A DISTANCE OF 14.78 FEET;

THENCE SOUTH 04 DEGREES 44 MINUTES 41 SECONDS EAST A DISTANCE OF 89.99 FEET TO A POINT ON THE NORTH LINE OF LOT 1 OF "OCOTILLO CORPORATE CENTER", A MINOR LAND DIVISION RECORDED IN BOK 750 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY;

THENCE DEPARTING SAID WESTERLY, RIGHT-OF-WAY, SOUTH 88 DEGREES 47 MINUTES 35 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 1278.80 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 1;

THENCE NORTH 00 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 508.25 (MEASURED, 508.29 RECORD) FEET TO THE TRUE POINT OF BEGINNING.