

#6
APR 12 2007

ORDINANCE NO. 3904

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED INDUSTRIAL DISTRICT (I-1) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY TO PLANNED AREA DEVELOPMENT (PAD) AMENDED MIXED-USE WITH A MID-RISE OVERLAY (DVR06-0011 THE METROPOLITAN OF 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:

See Attachment 'A'

Said parcel is hereby rezoned from Planned Industrial District (I-1) with a Planned Area Development (PAD) Overlay, to Planned Area Development (PAD) Amended Mixed Use with a Mid-Rise Overlay for additional building height, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "THE METROPOLITAN OF CHANDLER" kept on file in the City of Chandler

Current Planning Division, in file number DVR06-0011, 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 Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.

10. Landscaping shall be in compliance with current Commercial Design Standards.
11. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner, property owners' association, or homeowners' association.
12. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
13. All raceway signage shall be prohibited within the development.
14. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
15. The applicant shall work with Staff to striping pattern for lane design of the Hearthstone Way and Chandler Boulevard intersection.
16. The southern residential only gated entrance shall provide the standard turn-around detail. Details to be worked out with Staff.
17. Permitted uses within the proposed Commercial/Retail component shall be limited to include all uses permitted by right within the Community Commercial District (C-2) zoning district, including all professional, business, administrative, executive and medical office uses.
18. The multi-family residential units shall be individual 'for-sale' only units at the time of development.
19. The applicant shall work with Staff and adjacent property owners to investigate the ability to provide traffic calming, a pedestrian crossing and/or signal along Chandler Village Drive.
20. The comprehensive sign package shall return through a separate Preliminary Development Plan.
21. The applicant shall work with Staff to develop the potential future 'sun-room' option.

SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

PARCEL NO. 1

LEGAL DESCRIPTION

LOT 3, CHANDLER COMMERCE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER, IN BOOK 267 OF MAPS, PAGE 14, TOGETHER WITH THAT PORTION OF COUNTRY CLUB WAY, ABANDONED AND VACATED BY THE CITY OF CHANDLER ORDINANCE NO. 3283, RECORDED SEPTEMBER 18, 2001, AT RECORDERS NUMBER 01-0854413, AND AS SHOWN ON VACATION PLAT RECORDED IN BOOK 573 OF MAPS, PAGE 6, WHICH ABUTS THE HEREIN BEFORE DESCRIBED LOT 3, AS PROVIDED FOR BY A.R.S. 28-7205;

EXCEPTING THEREFROM THAT PORTION;
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, THE NORTHEAST CORNER OF SAID SECTION 36, FROM WHICH BEARS NORTH 88 DEGREES 03 MINUTES 45 SECONDS EAST, 2671.86 FEET;
THENCE SOUTH 00 DEGREES 09 MINUTES 11 SECONDS EAST (SOUTH 01 DEGREES 47 MINUTES 52 SECONDS WEST, RECORD), ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 341.02 FEET (341.03 FEET, RECORD), TO THE NORTHEAST CORNER OF SAID LOT 3, THE TRUE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 00 DEGREES 09 MINUTES 11 SECONDS EAST, ALONG SAID EAST LINE (SOUTH 01 DEGREES 47 MINUTES 51 SECONDS WEST, RECORD), 312.00 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 3;
THENCE NORTH 67 DEGREES 32 MINUTES 55 SECONDS WEST (NORTH 65 DEGREES 43 MINUTES 47 SECONDS WEST, RECORD), ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 75.73 FEET;
THENCE NORTH 21 DEGREES 27 MINUTES 53 SECONDS WEST, 157.58 FEET TO A POINT ON THE NON-TANGENT CURVE LEFT HAVING A RADIAL BEARING OF NORTH 78 DEGREES 04 MINUTES 07 SECONDS 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 DEGREES 06 MINUTES 05 SECONDS, AN ARC DISTANCE OF 133.67 FEET TO A POINT OF TANGENCY;
THENCE NORTH 00 DEGREES 10 MINUTES 12 SECONDS WEST (NORTH 01 DEGREES 47 MINUTES 52 SECONDS EAST, RECORD), ALONG SAID WEST LINE, 3.35 FEET TO THE NORTHWEST CORNER OF SAID LOT 3;
THENCE NORTH 89 DEGREES 48 MINUTES 55 SECONDS EAST (SOUTH 88 DEGREES 12 MINUTES 06 SECONDS EAST, RECORD), ALONG SAID NORTH LINE, A DISTANCE OF 113.15 FEET (113.17 FEET, RECORD), TO THE TRUE POINT OF BEGINNING.

PARCEL 2

LOT 4, CHANDLER COMMERCE CENTER, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER, IN BOOK 267 OF MAPS, PAGE 14, TOGETHER WITH THAT PORTION OF COUNTRY CLUB WAY, ABANDONED AND VACATED BY THE CITY OF CHANDLER ORDINANCE NO. 3283, RECORDED SEPTEMBER 18, 2001, AT RECORDERS NUMBER 01-0854413, AND AS SHOWN ON VACATION PLAT RECORDED IN BOOK 573 OF MAPS, PAGE 6, WHICH ABUTS THE HEREIN BEFORE DESCRIBED LOT 3, AS PROVIDED FOR BY A.R.S. 28-7205;

EXCEPTING THEREFROM THAT PORTION;
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, THE NORTHEAST CORNER OF SAID SECTION 36, FROM WHICH BEARS NORTH 88 DEGREES 03 MINUTES 45 SECONDS EAST, 2671.86 FEET;
THENCE SOUTH 00 DEGREES 09 MINUTES 11 SECONDS EAST (SOUTH 01 DEGREES 47 MINUTES 52 SECONDS WEST, RECORD), ALONG THE EAST LINE OF THE NORTHWEST QUARTER 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 DEGREES 09 MINUTES 11 SECONDS EAST (SOUTH 01 DEGREES 47 MINUTES 52 SECONDS 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 DEGREES 10 MINUTES 55 SECONDS WEST;
THENCE ALONG SAID CURVE LEFT HAVING A RADIUS OF 508.68 FEET, A CENTRAL ANGLE OF 16 DEGREES 38 MINUTES 48 SECONDS, AN ARC DISTANCE OF 147.79 FEET TO A POINT OF TANGENCY;
THENCE NORTH 21 DEGREES 27 MINUTES 53 SECONDS WEST, 101.28 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 4;
THENCE SOUTH 67 DEGREES 32 MINUTES 55 SECONDS EAST (SOUTH 65 DEGREES 43 MINUTES 47 SECONDS EAST, RECORD), ALONG SAID NORTH LINE OF LOT 4, A DISTANCE OF 75.73 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 3

LOT 20, CHANDLER COMMERCE CENTER, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER, IN BOOK 267 OF MAPS, PAGE 14, TOGETHER WITH THAT PORTION OF COUNTRY CLUB WAY, ABANDONED AND VACATED BY THE CITY OF CHANDLER ORDINANCE NO. 3283, RECORDED SEPTEMBER 18, 2001, AT RECORDERS NUMBER 01-0854413, AND AS SHOWN ON VACATION PLAT RECORDED IN BOOK 573 OF MAPS, PAGE 6, WHICH ABUTS THE HEREIN BEFORE DESCRIBED LOT 3, 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 DEGREES 18 MINUTES 01 SECONDS EAST, A DISTANCE OF 215.55 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
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 DEGREES 13 MINUTES 45 SECONDS 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 496.00 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.