

## **ORDINANCE NO. 4989**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED INDUSTRIAL/PLANNED AREA DEVELOPMENT (I-1/PAD) FOR RETAIL, LIGHT INDUSTRIAL, OFFICE AND SHOWROOM TO PAD FOR MULTI-FAMILY RESIDENTIAL WITH MID-RISE OVERLAY ALLOWING HEIGHTS UP TO FIFTY-FIVE (55) FEET IN CASE PLH21-0017 (ELEVATIONS AZ 87) LOCATED AT THE SOUTHEAST CORNER OF ARIZONA AVENUE AND ELLIOT ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PENALTIES.

WHEREAS, an application for rezoning 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 the 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 the 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 1.      Legal Description of Property:

EXHIBIT 'A'

Said parcel is hereby rezoned from I-1/PAD for retail, light industrial, office and showroom to PAD for multi-family, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled, "Elevation AZ 87" and kept on file in the City of Chandler Planning Division, in File No. PLH21-0017, 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 Chandler City Council.

2. High density residential shall be permitted up to a maximum density of thirty (30) dwelling units per acre.
3. Building heights shall be limited to a maximum of fifty-five (55) feet in height.
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.
5. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
6. 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 shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
8. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
9. Minimum building setbacks shall be as follows:

| Property Line Location | Minimum Building Setback                                                                                                                                |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Arizona Avenue         | Arizona Avenue 20 feet for clubhouse;<br>25 feet other structures                                                                                       |
| Elliot Road            | 25 feet                                                                                                                                                 |
| Comstock Drive         | 25 feet                                                                                                                                                 |
| East Property Line     | 10 feet for parking shade structures and other ancillary single-story structures<br>50 feet for primary structures and structures taller than one story |

- Section 2. 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.
- Section 3. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance, or any parts hereof, are hereby repealed.
- Section 4. In any case, where any building, structure, or land is used in violation of this Ordinance, the Planning Division of the City of Chandler may institute an injunction or any other appropriate action in proceeding to prevent the use of such building, structure, or land.
- Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and shall have no force or effect.
- Section 6. A violation of this Ordinance shall be a Class 1 misdemeanor subject to the enforcement and penalty provisions set forth in Section 1-8.3 of the Chandler City Code. Each day a violation continues, or the failure to perform any act or duty required by this Ordinance or the Zoning Code, shall constitute a separate offense.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4989 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2021, and that a quorum was present thereat.

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

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY TA

Published:

“Exhibit A”

**SURVEYORS DESCRIPTION**

**LEGAL DESCRIPTION (Report no. 5349TAZ)**

LOTS 2, 3 AND THE WEST 15 FEET OF LOT 4, OF ARIZONA CORPORATE PARK UNIT ONE - AMENDED, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 268 OF MAPS, PAGE 13.

EXCEPT THAT PROPERTY AS SET FORTH IN FINAL ORDER OF CONDEMNATION RECORDED AS 2006-0380826 OF OFFICIAL RECORDS.

**LEGAL DESCRIPTION (REPORT NO. 5271TAZ)**

PARCEL NO. 1:

LOT 2, CHANDLER DES, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1286 OF MAPS, PAGE 2.

PARCEL NO. 2:

RECIPROCAL EASEMENT FOR PEDESTRIAN AND VEHICULAR ACCESS, INGRESS AND EGRESS AS SET FORTH IN RECIPROCAL EASEMENT AGREEMENT RECORDED AS 2007-0538751 OF OFFICIAL RECORDS AND ASSIGNMENT AND ASSUMPTION OF RECIPROCAL EASEMENT AGREEMENT RECORDED AS 2016-0123120 OF OFFICIAL RECORDS.