

ORDINANCE NO. 5062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM CITY CENTER DISTRICT (CCD), MULTI-FAMILY RESIDENTIAL (MF-1), REGIONAL COMMERCIAL (C-3), AND PLANNED AREA DEVELOPMENT (PAD) FOR A FAST-FOOD RESTAURANT TO PAD FOR MIXED-USED DEVELOPMENT INCLUDING COMMERCIAL, OFFICE, AND MULTI-FAMILY WITH MID-RISE OVERLAY ALLOWING HEIGHTS UP TO ONE-HUNDRED AND TWENTY (120) FEET IN CASE PLH22-0071 (ONE CHANDLER) LOCATED AT THE SOUTHEAST CORNER OF ARIZONA AVENUE AND CHANDLER BOULEVARD 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; and

WHEREAS, the City Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent.

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 CCD, MF-1, C-3, and PAD for fast-food restaurant to PAD for mixed-used development including commercial, office, and multi-family with Mid-Rise Overlay allowing for building heights up to 120 feet, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "One Chandler," and kept on file in the City of Chandler Planning Division, in File No. PLH22-0071, 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. Multiple-family residential shall be permitted at a maximum density of 105 dwelling units per acre.
3. Uses permitted within the first-floor commercial suites shall be permitted within the Community Commercial (C-2) district and include bars. The following uses shall be prohibited: tattoo and body piercing parlors, dry cleaners and laundromats, and sexually oriented businesses.
4. Within the second-story office, medical uses such as but not limited to general practitioners, pediatricians, dental, and optometrists shall be prohibited. Medical uses such as but not limited to counseling services and medical specialists shall be permitted subject to providing a parking study that demonstrates the service provided generates a parking demand that does not exceed one (1) space per two hundred and fifty (250) square feet.
5. An Entertainment Use Permit (EUP) shall only be required when entertainment activity is provided indoors and/or outdoors.
6. Building heights shall not exceed 120 (one hundred and twenty) feet in height.
7. 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.
8. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
9. Future median openings shall be located and designed in compliance with City-adopted design standards (Technical Design Manual #4).
10. 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.
11. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
12. Minimum building setbacks shall be as follows:

Property Line	Minimum Building Setback
North	0 feet
South	8 feet
West	0 feet
East	6 feet; residential units 20 feet

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 _____, 2023.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2023.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5062 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2023, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY TA

Published in the Arizona Republic on:

“Exhibit A”
Legal Description

PARCEL NO. 1:

Lot 262 and the north half of Lot 264, Chandler, according to Book 5 of Maps, Page 34, records of Maricopa County, Arizona;

Except the north 5 feet of Lot 262; and

Except any portion of said Lot 262, lying within the property conveyed to the City of Chandler in Special Warranty Deed recorded August 19, 2005 as 20051203142, of official records, more particularly described as follows:

Commencing at a brass cap in hand hole, being the northwest corner of section 34, township 1 south, range 5 east, and marking the monumented line of Arizona Avenue at the intersection of Chandler Boulevard and Arizona Avenue, from which a brass cap flush, marking the said monumented line at the intersection of Chandler Boulevard and Washington Street, bears north 89 degrees 48 minutes 00 seconds east, 409.75 feet;

Thence south 79 degrees 51 minutes 38 seconds east approximately 222.87 feet to the west line of Lot 262, of Chandler, according to Book 5 of Maps, Page 34, records of Maricopa County, Arizona, and a line parallel with and 40.00 feet measured perpendicular southerly to the monumented line of Chandler Boulevard, and the point of beginning;

Thence north 89 degrees 48 minutes 00 seconds east 149.93 feet along said parallel line to the east line of said Lot 262;

Thence south 00 degrees 37 minutes 30 seconds west 8.00 feet along said east line to a line parallel with and 48.00 feet measured perpendicular southerly to the monumented line of Chandler Boulevard;

Thence south 89 degrees 48 minutes 00 seconds west 149.93 feet to said west line of Lot 262;

Thence north 00 degrees 37 minutes 35 seconds east 8.00 feet along said west line to the point of beginning.

PARCEL NO. 2

The north half of Lot 266 and the south half of Lot 264 and the north 3 feet of the south half of Lot 266, of Chandler, according to Book 5 of Maps, Page 34, records of Maricopa County, Arizona.

PARCEL NO. 3

The south 22 feet of Lot 266 and the north 3 feet of Lot 268, of Chandler, according to the Book 5 of Maps, Page 34 records of Maricopa County, Arizona.

PARCEL NO. 4

Lots 263, 265, 267 and 269, of Chandler, according to the Plat of Record in the Office of the County Recorder of Maricopa County, Arizona, recorded as Book 5 of Maps, Page 34;

Excepting from Lot 263, the north 5.00 feet thereof;

And excepting that portion of Lot 263 described as follows:
Beginning at the northwest corner of said Lot 263;

Thence south 01 degrees 30 minutes 18 seconds west along the west line thereof, a distance of 5.00 feet to the true point of beginning;

Thence, continuing south 01 degrees 30 minutes 18 seconds west along said west lot line, a distance of 20.00 feet;

Thence north 46 degrees 05 minutes 39 seconds east, 28.49 feet to the southerly right-of-way line of Williams Field Road;

Thence north 89 degrees 19 minutes 01 seconds west along said southerly right-of-way line, a distance of 20.00 feet to the true point of beginning.

PARCEL NO. 5

Lots 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 270, 272, 274 and a portion of Lot 268, TOWNSITE OF CHANDLER, according to Book 5 of Maps, Page 34, and that certain Alley vacation per Ordinance No. 3509, recorded in Document No. 2004-0365563, records of Maricopa County, Arizona;

Beginning at the southeast corner of said Lot 128;

Thence along the southerly lines of Lots 128-139, South 89°46'09" West, a distance of 316.89 feet;

Thence leaving the southerly line of said Lot 139, North 30°33'56" West, a distance of 5.79 feet, to the westerly line of said Lot 139;

Thence along said westerly line of Lot 139 and its northerly prolongation thereof, North 00°37'22" East, a distance of 124.96 feet, to a line that is 10 north of and parallel to the northerly lines of Lots 133 through 139, also being the northerly line of said Alley vacation;

Thence along said parallel line and said northerly line, North 89°45'48" East, a distance of 159.95 feet, to a line that is 10 feet west of and parallel to the westerly lines of Lots 274, 272 and 270, also being the westerly line of said Alley vacation;

Thence along said parallel line and said westerly line, North 00°37'32" East, a distance of 155.08 feet, to the westerly prolongation of the northerly line of Lot 270, also being the northerly line of said Alley vacation;

Thence along said westerly prolongation line and said northerly line, North $89^{\circ}45'55''$ East, a distance of 10.00 feet, to the southwest corner of said Lot 268;

Thence along the westerly line of said Lot 268, North $00^{\circ}37'32''$ East, a distance of 47.01 feet, to a line 3 feet south of and parallel to the northerly line of Lot 268;

Thence along said parallel line, North $89^{\circ}45'54''$ East, a distance of 149.95 feet, to the easterly line of said Lot 268;

Thence along the easterly lines of Lots 268, 270, 272, 274, and 128, and the easterly line of said Alley vacation, South $00^{\circ}37'42''$ West, a distance of 332.08 feet, to the Point of Beginning.

Containing 73,418 Square Feet or 1.69 Acres more or less.