

ORDINANCE NO. 5105

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING TWO PARCELS FROM PLANNED INDUSTRIAL DISTRICT (I-1) AND PLANNED AREA DEVELOPMENT (PAD) FOR OFFICE DEVELOPMENT TO PLANNED AREA DEVELOPMENT (PAD) FOR DATA CENTER USES AND PLANNED INDUSTRIAL (I-1) USES WITH A MID-RISE OVERLAY FOR BUILDING HEIGHTS UP TO 95 FEET IN CASE PLH23-0063 CBREIM FRYE, LOCATED AT 2500 WEST FRYE ROAD, GENERALLY AT THE NORTHWEST CORNER OF FRYE ROAD AND ELLIS STREET 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, the City Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent; 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 parcels are hereby rezoned from I-1 and PAD for Office Development to PAD for Data Center uses and Planned Industrial (I-1) uses with a Mid-Rise Overlay for building heights up to 95 feet, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "CBRE Data Center Expansion" and kept on file in the City of Chandler Planning Division, in File No. PLH23-0063 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. Allowed uses include data centers and all uses permitted in I-1 Planned Industrial District provided that parking requirements are met pursuant to Article XVIII Parking and Loading Regulations of the Chandler City Code.
3. The Midrise Overlay applies only to the new building addition and shall be limited to a maximum height of ninety-five (95) feet. All other buildings shall be subject to a maximum height of forty-five (45) feet.
4. All water-based cooling systems operating on the property to cool electrical equipment must be removed before the City will issue a certificate of occupancy (including temporary certificate of occupancy) for the proposed data center expansion area south of the existing data center and such water-based cooling systems may not be used on the property at any time following the issuance of such certificate of occupancy. For purposes of this ordinance, "water-based cooling systems" means cooling systems that reject heat from the refrigeration process to the atmosphere by means of water evaporation or other water-based methods that use and discard water as part of the process of transferring heat away from equipment that generates heat on the property.
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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
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. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
9. The landscaping in all open-spaces shall be maintained by the adjacent property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
10. Development standards shall comply with I-1 Planned Industrial District standards, except as modified by conditions here within.
11. Minimum building setbacks shall be as provided below and further detailed in the development booklet.

Property Line	Building Setback
North	25 feet
South	50 feet
West	30 feet
East	30 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 _____, 2024.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2024.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5105 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2024, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *TA*

Published:

Exhibit A
Legal Description

PARCEL NO. 1:

THE EAST 524.65 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 2 FEET OF THE SOUTH 35.00 FEET, AND THE NORTH 15.0 FEET OF THE SOUTH 50.00 FEET OF THE WEST 10.0 FEET OF THE EAST 24.66 FEET, AS CONVEYED TO THE CITY OF CHANDLER, A MUNICIPAL CORPORATION IN DEED RECORDED JUNE 03, 1987 IN RECORDING NO. 87-350459 OF OFFICIAL RECORDS; AND

EXCEPT THE EAST 30 FEET, AND THE NORTH 7 FEET OF THE SOUTH 40 FEET, AS CONVEYED TO THE CITY OF CHANDLER, A MUNICIPAL CORPORATION IN DEED RECORDED JUNE 11, 1987 IN RECORDING NO. 87-372157 OF OFFICIAL RECORDS; AND

EXCEPT THE SOUTH 33 FEET RIGHT OF WAY AS CONVEYED IN BOOK 1, PAGE 42 OF ROAD MAPS.

PARCEL NO. 2:

LOT 1B, OF BANK OF AMERICA DATA CENTER, MINOR LAND DIVISION, ACCORDING TO THE MAP OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1375 OF MAPS, PAGE 3.