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JAN 26 2012

ORDINANCE NO. 4335

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL DISTRICT (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) (DVR11-0017 ARIZONA-ELLIOT COMMERCE PARK) 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 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 AG-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Arizona-Elliot Commerce Center", kept on file in the City of Chandler Planning Division, in File No. DVR11-0017, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. 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.

4. 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.
5. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
6. Gasoline tank vent piping shall be screened from arterial streets and public view.
7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
9. The site shall be maintained in a clean and orderly manner.
10. The dissimilar land use buffer landscaping adjacent to residential properties shall be installed as part of the development's first phase.
11. The car wash's cloth shade structures shall be maintained in a manner similar to that at the time of installation.
12. Late hour business occupancies as defined by policy (Resolution No. 3801) shall be prohibited; any future request to allow a late hour business shall be subject to Use Permit approval by Council, upon recommendation by Planning Commission, in accordance with the considerations set forth in this policy.
13. The applicant shall work with Staff to create more direct pedestrian connections between the arterial streets and the convenience store.
14. The applicant shall work with Staff to widen the drive aisle separations surrounding the fast-food pad buildings.

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

LEGAL DESCRIPTION

THE EAST 665 FEET OF THE NORTH 811 FEET OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE G&A AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE NORTH 65 FEET; AND

EXCEPT THE EAST 65 FEET; AND

EXCEPT THE FOLLOWING:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16;

THENCE SOUTH 01 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER 811.02 FEET;

THENCE SOUTH 89 DEGREES 09 MINUTES 19 SECONDS WEST 55.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 09 MINUTES 19 SECONDS WEST 287.47 FEET;

THENCE NORTH 01 DEGREES 13 MINUTES 00 SECONDS WEST 247.56 FEET;

THENCE NORTH 89 DEGREES 09 MINUTES 19 SECONDS EAST 277.47 FEET TO A POINT ON A LINE 65.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTH 01 DEGREES 13 MINUTES 00 SECONDS EAST ALONG SAID PARALLEL LINE 161.55 FEET;

THENCE NORTH 89 DEGREES 09 MINUTES 19 SECONDS EAST 10.00 FEET TO A POINT ON A LINE 55.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTH 01 DEGREES 13 MINUTES 00 SECONDS EAST ALONG SAID PARALLEL LINE 86.00 FEET TO THE POINT OF BEGINNING; AND

EXCEPT THE FOLLOWING:

A PORTION OF THE EAST 665.00 FEET OF THE NORTH 811.00 FEET OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE G&A AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16;

THENCE SOUTH 89 DEGREES 09 MINUTES 19 SECONDS WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER 665.01 FEET TO THE NORTHWEST CORNER OF THE EAST 665.00 FEET OF SAID NORTHEAST QUARTER;

THENCE SOUTH 01 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SAID EAST 665.00 FEET A DISTANCE OF 563.46 FEET TO A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER AND THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 09 MINUTES 19 SECONDS EAST ALONG SAID PARALLEL LINE 322.54 FEET TO A LINE WHICH IS PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTH 01 DEGREES 13 MINUTES 00 SECONDS EAST ALONG SAID PARALLEL LINE 247.56 FEET TO THE SOUTH LINE OF THE NORTH 811.00 FEET OF SAID NORTHEAST QUARTER;

THENCE SOUTH 89 DEGREES 09 MINUTES 19 SECONDS WEST ALONG SAID SOUTH LINE 322.54 FEET TO THE WEST LINE OF THE EAST 665.00 FEET OF SAID NORTHEAST QUARTER;

THENCE NORTH 01 DEGREES 13 MINUTES 00 SECONDS WEST ALONG SAID WEST LINE 247.56 FEET TO THE POINT OF BEGINNING; AND

EXCEPT THE FOLLOWING PROPERTY CONVEYED TO THE CITY OF CHANDLER BY FINAL ORDER OF CONDEMNATION RECORDED AUGUST 17, 2006 IN RECORDING NO. 2006-1100095 AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16;

THENCE NORTH 89 DEGREES 56 MINUTES 03 SECONDS WEST 65.00 FEET ALONG THE NORTH LINE OF SAID SECTION 16;

THENCE SOUTH 00 DEGREES 18 MINUTES 36 SECONDS EAST 65.00 FEET TO THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED JUNE 8, 2001 IN RECORDING NO. 2001-0501243 AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 18 MINUTES 36 SECONDS EAST 45.59 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF ARIZONA AVENUE;

THENCE NORTH 45 DEGREES 07 MINUTES 20 SECONDS WEST 21.43 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 03 SECONDS WEST 143.26 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY WITH A RADIUS OF 258.50 FEET;

THENCE WESTERLY ALONG THE ARC OF SAID CURVE 53.10 FEET THROUGH A CENTRAL ANGLE OF 11 DEGREES 46 MINUTES 10 SECONDS TO THE BEGINNING OF A TANGENT REVERSE CURVE WITH A RADIUS OF 241.50 FEET;

THENCE WESTERLY ALONG THE ARC OF SAID REVERSE CURVE 44.34 FEET THROUGH A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 09 SECONDS TO THE BEGINNING OF A TANGENT REVERSE CURVE WITH A RADIUS OF 1907.50 FEET;

THENCE WESTERLY ALONG THE ARC OF SAID REVERSE CURVE 238.20 FEET THROUGH A CENTRAL ANGLE OF 07 DEGREES 09 MINUTES 18 SECONDS TO THE SOUTH RIGHT-OF-WAY LINE OF ELLIOT ROAD;

THENCE SOUTH 89 DEGREES 56 MINUTES 03 SECONDS EAST 492.08 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; AND

EXCEPT THE FOLLOWING PROPERTY CONVEYED TO THE CITY OF CHANDLER BY GENERAL WARRANTY DEED RECORDED DECEMBER 10, 2009 IN RECORDING NO. 2009-1132503 AND DESCRIBED AS FOLLOWS:

THE WEST 3 FEET OF THE EAST 68 FEET OF THE SOUTH 48.50 FEET OF THE NORTH 268.50 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 16; AND

EXCEPT ALL METALS, MINERALS, PETROLEUM AND NATURAL GAS AS RESERVED IN THE PATENT TO SAID LAND