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ORDINANCE NO. 4418

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) TO PAD AMENDED IN CASE (DVR12-0032 THE PLAZA) 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 PAD to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "THE PLAZA" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0032, 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. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.

3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. 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.
8. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development 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.

ATTACHMENT 'A'

LEGAL DESCRIPTION FOR THE PLAZA

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

UNITS 100 THROUGH 193, INCLUSIVE, OF CHANDLER PAVILIONS CONDOMINIUMS, ACCORDING TO DECLARATION OF CONDOMINIUM RECORDED OCTOBER 26, 2007 AS 2007-1162552, OF OFFICIAL RECORDS AND PER MAP RECORDED AS BOOK 942 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA.

TOGETHER WITH A PROPORTIONATE INTEREST IN AND TO THE COMMON AREAS, AS SET FORTH IN SAID DECLARATION OF DECLARATION OF CONDOMINIUM AND AS SHOWN ON SAID PLAT.

PARCEL NO. 2:

EASEMENT FOR PEDESTRIAN ACCESS AS DISCLOSED IN "PEDESTRIAN ACCESS EASEMENT AGREEMENT" RECORDED MARCH 1, 2006 AS 2006-280495, OF OFFICIAL RECORDS.

PARCEL NO. 3:

EASEMENT FOR ACCESS AS DISCLOSED IN "ACCESS EASEMENT AGREEMENT" RECORDED MARCH 1, 2006 AS 2006-280496, OF OFFICIAL RECORDS.