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FEB 28 2013

ORDINANCE NO. 4426

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM C-1 and I-2 TO PAD (DVR11-0037 CIRCLE K - ARIZONA AVE. & RIGGS RD.) 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 C-1 and I-2 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "CIRCLE K STORE", kept on file in the City of Chandler Planning Division, in File No. DVR11-0037, except as modified by condition herein.
2. 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.

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. 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.
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. 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.
8. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's

APPROVED AS TO FORM:

CITY ATTORNEY G.A.B

PUBLISHED:

Legal Description
Annexation
EXHIBIT "A"

A portion of land situated in the Northwest Quarter of Section 34, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at a Found Brass Cap Flush at the Northwest Corner of said Section 34, from which a Found Brass Cap Flush at the North Quarter Corner of said Section 34 bears North 88 degrees 54 minutes 46 seconds East, a distance of 2647.13 feet;

Thence North 88 degrees 54 minutes 46 seconds East, along the North line of the Northwest Quarter of said Section 34, a distance of 33.00 feet, to the Northwest corner of that property described in City of Chandler Annexation #4220;

Thence along the Westerly and Southerly perimeter of said Annexation, the following eight courses:

Thence South 00 degrees 17 minutes 15 seconds East, parallel with and 33.00 feet East of the West line of the Northwest Quarter of said Section 34, a distance of 55.01 feet;

Thence North 88 degrees 54 minutes 46 seconds East, parallel with and 55.00 feet South of the North line of the Northwest Quarter of said Section 34, a distance of 34.01 feet;

Thence South 00 degrees 17 minutes 15 seconds East, a distance of 20.00 feet;

Thence North 88 degrees 54 minutes 46 seconds East, parallel with and 75.00 feet South of the North line of the Northwest Quarter of said Section 34, a distance of 108.66 feet;

Thence South 01 degrees 05 minutes 14 seconds East, a distance of 6.00 feet;

Thence North 88 degrees 54 minutes 46 seconds East, parallel with and 81.00 feet South of the North line of the Northwest Quarter of said Section 34, a distance of 34.00 feet;

Thence North 01 degrees 05 minutes 14 seconds West, a distance of 6.00 feet;

Thence North 88 degrees 54 minutes 46 seconds East, parallel with and 75.00 feet South of the North line of the Northwest Quarter of said Section 34, a distance of 65.34 feet;

Thence South 00 degrees 17 minutes 15 seconds East, parallel with and 275.00 feet East of the West line of the Northwest Quarter of said Section 34, a distance of 318.03 feet;

Thence South 88 degrees 54 minutes 46 seconds West, parallel with and 393.00 feet South of the North line of the Northwest Quarter of said Section 34, a distance of 275.02 feet, to a point on the West line of the Northwest Quarter of said Section 34;

Thence North 00 degrees 17 minutes 15 seconds West, along said West line, a distance of 393.04 feet, to the **POINT OF BEGINNING**.

Encompassing 90,409 square feet or 2.076 acres, more or less.