

#8

NOV 04 2013

ORDINANCE NO. 4506

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL (AG-1) TO PLANNED AREA DEVELOPMENT FOR CHURCH RELATED USES (DVR13-0039 THE GROVE – PHASE 2) 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 GROVE" and kept on file in the City of Chandler Planning Division, in File No. DVR13-0039, except as modified by condition herein.
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, with the exception that the canal located on the site's east side may remain in its current location and may continue to convey water with review and approval by the City Engineer and the Transportation & Development Director. 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. 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.
8. 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.
9. 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.

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

SECTION III. The Transportation & Development Department 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.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Maricopa County, Arizona, this ____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4506 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2013, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

WDB

PUBLISHED:

EXHIBIT 'A'

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

PARCEL NO. 1A: [PART OF CONNECTOR STRIP LEADING FROM MAIN PROPERTY TO QUEEN CREEK ROAD]

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7, BEING MARKED BY A BRASS CAP IN HAND HOLE; THENCE EAST (BASIS OF BEARING) ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, A DISTANCE OF 1100.00 FEET;

THENCE NORTH 0 DEGREES 25 MINUTES 25 SECONDS EAST., BEING PARALLEL WITH THE WESTERLY LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 7, A DISTANCE OF 619.37 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTHERLY 701.01 FEET OF LOT 4, OF SAID SECTION 7, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 0 DEGREES 25 MINUTES 25 SECONDS EAST., A DISTANCE OF 41.25;

THENCE NORTH 89 DEGREES 44 MINUTES 04 SECONDS EAST, A DISTANCE OF 174.40 FEET TO A POINT ON THE WESTERLY LINE OF PASEO TRAIL PARCEL D AS RECORDED IN BOOK 600 OF MAPS, PAGE 42 THEREOF, MARICOPA COUNTY, RECORDS;

THENCE SOUTH 0 DEGREES 06 MINUTES 14 SECONDS WEST, ALONG THE SAID WESTERLY LINE OF PASEO TRAIL PARCEL D, A DISTANCE OF 41.95 FEET;

THENCE SOUTH 89 DEGREES 58 MINUTES 04 SECONDS WEST, BEING PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 4, SECTION 7, A DISTANCE OF 176.63 FEET TO THE TRUE POINT OF BEGINNING;

PARCEL NO. 1B: [PART OF CONNECTOR STRIP LEADING FROM MAIN PROPERTY TO QUEEN CREEK ROAD]

GOVERNMENT LOT 4 AND THE WEST 77.22 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 701.01 FEET; AND

EXCEPT THE WEST 1100.00 FEET OF SAID LOT 4; AND

EXCEPT THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER, BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7, BEING MONUMENTED WITH A BRASS CAP IN HAND HOLE, FROM WHICH THE WEST QUARTER CORNER OF SECTION 7 BEARS NORTH 00 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 2639.50 FEET, SAID LINE BEING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7 AND THE BASIS OF BEARING FOR THIS DESCRIPTION;

THENCE ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, NORTH 89 DEGREES 05 MINUTES 35 SECONDS EAST A DISTANCE OF 1278.04 FEET;

THENCE NORTH 00 DEGREES 48 MINUTES 11 SECONDS WEST A DISTANCE OF 33.00 FEET TO A POINT FALLING IN THE EXISTING NORTH RIGHT OF WAY LINE OF QUEEN CREEK ROAD AND THE EAST DEED LINE

AS DESCRIBED PER RECORDING NO. 2005-0117202, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG SAID EXISTING RIGHT OF WAY LINE, SOUTH 89 DEGREES 05 MINUTES 35 SECONDS WEST A DISTANCE OF 177.86 FEET TO THE WEST DEED LINE AS DESCRIBED PER RECORDING NO. 2005-0117202, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG SAID DEED LINE, NORTH 00 DEGREES 28 MINUTES 59 SECONDS WEST A DISTANCE OF 32.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 65.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE ALONG SAID PARALLEL LINE, NORTH 89 DEGREES 05 MINUTES 35 SECONDS EAST A DISTANCE OF 177.68 FEET TO THE EAST DEED LINE AS DESCRIBED PER RECORDING NO. 2005-0117202, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG SAID DEED LINE, SOUTH 00 DEGREES 48 MINUTES 11 SECONDS EAST A DISTANCE OF 32.00 FEET TO THE POINT OF BEGINNING;

EXCEPT ANY PORTION LYING WITHIN PASEO TRAIL, PARCEL D, ACCORDING TO BOOK 600 OF MAPS, PAGE 42, RECORDS OF MARICOPA COUNTY, ARIZONA AND RE-PLAT OF LOTS 39-46, PASEO TRAIL, PARCEL D, ACCORDING TO BOOK 633 OF MAPS, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2: [PART OF CONNECTOR STRIP LEADING FROM MAIN PROPERTY TO QUEEN CREEK ROAD]

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 6 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIPE AT THE SOUTH QUARTER CORNER OF SAID SECTION 7, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 7, MARKED BY A FOUND IRON PIPE, BEARS SOUTH 89 DEGREES 05 MINUTES 25 SECONDS WEST (AN ASSUMED BEARING) FOR A DISTANCE OF 2503.25 FEET;

THENCE SOUTH 89 DEGREES 05 MINUTES 35 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 7, FOR A DISTANCE OF 1225.21 FEET TO THE SOUTHWEST CORNER OF SAID PASEO TRAIL PARCEL D;

THENCE NORTH 00 DEGREES 48 MINUTES 11 SECONDS WEST, ALONG THE WEST LINE OF SAID PASEO TRAIL PARCEL D, FOR A DISTANCE OF 602.27 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 48 MINUTES 11 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, FOR A DISTANCE OF 17.23 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 701.01 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 7;

THENCE NORTH 89 DEGREES 03 MINUTES 27 SECONDS EAST, ALONG SAID SOUTH LINE, FOR A DISTANCE OF 0.42 FEET;

THENCE SOUTH 00 DEGREES 35 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 17.24 FEET, TO THE POINT OF BEGINNING.