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JAN 08 2015

ORDINANCE NO. 4593

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM REGIONAL COMMERCIAL DISTRICT (C-3) TO PLANNED AREA DEVELOPMENT (PAD) FOR HIGH DENSITY RESIDENTIAL IN CASE (DVR14-0020 AVILLA HOMES) 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 Regional Commercial District (C-3) to PAD for High Density Residential, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AVILLA HOMES", kept on file in the City of Chandler Planning Services Division, in File No. DVR14-0020, 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. 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.

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 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.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Maricopa County, Arizona, this ____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2015.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4593 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2015, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *kn*

PUBLISHED:

LEGAL DESCRIPTION

Attachment 'A'
Ord. No. 4593

PARCEL NO. 1:

LOT 1, EAST VALLEY TOWN CENTER II, ACCORDING TO BOOK 1145 OF MAPS, PAGE 39, RECORDS OF MARICOPA COUNTY, ARIZONA, WHICH PUT WAS AMENDED BY THE AFFIDAVIT OF CORRECTION RECORDED JUNE 20, 2013 AS DOCUMENT NO. 2013-0566298.

EXCEPT ALL VALUABLE METALS, MINERALS, PETROLEUM AND NATURAL GAS AS RESERVED IN THE PATENT; AND

EXCEPT THAT PORTION OF SAID LOT 1 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, BEING COINCIDENT WITH THE SOUTHWEST CORNER OF LOT 2 OF SAID EAST VALLEY TOWN CENTER II AND AFFIDAVIT OF CORRECTION THEREAFTER RECORDED;

THENCE NORTH 01°05'45" WEST ALONG THE COMMON LINE OF SAID LOTS 1 AND 2, A DISTANCE OF 300.00 FEET TO A COMMON CORNER THEREOF, SAID CORNER ALSO BEING A POINT ON THE SOUTHERLY COMMON LINE OF SAID LOT 1 AND LOT 4 OF SAID EAST VALLEY TOWN CENTER II AND AFFIDAVIT OF CORRECTION THEREAFTER RECORDED;

THENCE SOUTH 88°54'15" WEST ALONG SAID SOUTHERLY COMMON LINE OF LOTS 1 AND 4, A DISTANCE OF 36.22 FEET TO A COMMON CORNER THEREOF;
THENCE SOUTH 01°05'45" EAST ALONG A LINE BEING A PROJECTION OF THE WESTERLY COMMON LINE OF SAID LOTS 1 AND 4, A DISTANCE OF 300.00 FEET TO THE SOUTH LINE OF SAID LOT 1;

THENCE NORTH 88°4'15" EAST ALONG SAID SOUTH LINE OF LOT 1, A DISTANCE OF 36.23 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:

ALL EASEMENTS AND RIGHTS APPURTENANT TO PARCEL NO. 1 AS SET FORTH IN CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED IN DOCUMENT NO. 86-134599 AND RERECORDED IN DOCUMENT NO. 86-135234, AND PARTIAL RELEASE RECORDED IN DOCUMENT NO. 2013-0626591; EASEMENT AGREEMENT RECORDED IN DOCUMENT NO. 86-270274; RECIPROCAL EASEMENT AGREEMENT RECORDED IN DOCUMENT NO. 86-304863 AND RERECORDED IN DOCUMENT NO. 87-497508; AND EASEMENT RECORDED IN DOCUMENT NO. 86-008724, RECORDS OF MARICOPA COUNTY, ARIZONA.