

11

MAY 08 2008

ORDINANCE NO. 4061

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) COMMERCIAL TO PLANNED AREA DEVELOPMENT (PAD) MULTI-FAMILY RESIDENTIAL (DVR07-0054 CHANDLER CENTER) 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 Planned Area Development (PAD) Commercial to Planned Area Development (PAD) Amended for Multi-Family Residential uses, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklets, entitled "CHANDLER CENTER - RESIDENTIAL" and "CHANDLER CENTER - COMMERCIAL" kept on file in the City of Chandler Planning Services Division, in File Nos. DVR07-0054 and PDP07-0034, 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. 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.
5. The developer shall be required to install landscaping in the arterial street median 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.
6. 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.
7. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
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.
10. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

11. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
12. 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 option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Chandler Center development shall use treated effluent to maintain open space, common areas, and landscape tracts.

13. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
14. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
15. All raceway signage shall be prohibited within the development.
16. The landscaping shall comply with the Commercial Design Standards.

17. The applicant shall work with Staff to reduce the overall width of paved surface at the fuel station entrances by including additional landscaping. Details to be worked out with Staff.
18. The applicant shall work with Staff to add appropriately placed additional brick material upon the apartment buildings.
19. Gas station canopy signage shall be restricted to 1-sign per canopy side.
20. The applicant shall work with Staff to redesign the gas station canopy to include 2 separate canopies with a raised full-width pitched roof element. Details to be worked out with Staff.
21. The right-of-way landscaping shall be installed as part of each component's initial phase (commercial, residential apartments and residential condominium).
22. A single row of trees, minimum 12-feet tall at time of planting, shall be planted along the adjacent single-family residential development as part of each component's initial phase (residential apartments and residential condominiums).
23. The applicant shall work with Staff to redesign the gas station c-store to architecturally integrate the design with the balance of the commercial development.
24. The applicant shall work with Staff to consider enhancing the development's color palette to include additional color variation.

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 & 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 this ____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____,
2008.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4061 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2008, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

PUBLISHED:



ORDINANCE NO. 4061

Attachment 'A'

LEGAL DESCRIPTION "A"

Residential

THAT PORTION OF PARCEL 3, DOBSON CROSSING, ACCORDING TO BOOK 747 OF MAPS, PAGE 37, RECORDS OF MARICOPA COUNTY, ARIZONA AND AFFIDAVIT OF CORRECTION RECORDED JULY 19, 2005 IN DOCUMENT NO. 2005-1003572, M.C.R, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16;

THENCE NORTH 89°48'26" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16, A DISTANCE OF 961.37 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTH 89°48'26" WEST ALONG SAID NORTH LINE, 418.74 FEET;

THENCE SOUTH 00°49'35" WEST ALONG THE WEST LINE OF SAID PARCEL 3, A DISTANCE OF 961.99 FEET;

THENCE SOUTH 38°56'31" EAST, 91.15 FEET;

THENCE NORTH 47°06'35" EAST, 25.84 FEET;

THENCE SOUTH 83°54'12" EAST, 76.88 FEET;

THENCE NORTH 72°46'32" EAST, 87.05 FEET;

THENCE NORTH 39°39'33" EAST, 446.51 FEET;

THENCE NORTH 89°52'52" EAST, 113.09 FEET;

THENCE NORTH 00°00'00" WEST, 363.99 FEET;

THENCE NORTH 90°00'00" WEST, 81.52 FEET;

THENCE NORTH 45°44'15" WEST, 110.89 FEET;

THENCE NORTH 90°00'00" WEST, 42.00 FEET;

THENCE NORTH 00°27'16" EAST, 210.81 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16 AND THE **POINT OF BEGINNING**;

EXCEPT THE SOUTH 47.00 FEET OF THE NORTH 80.00 FEET OF THE WEST 1256.10 FEET OF THE EAST 1352.31 FEET OF SAID SECTION 16, AS CONVEYED TO MARICOPA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, RECORDED IN DOCUMENT NO. 2004-1408231, M.C.R.

CONTAINING 455,187 SQ.FT. OR 10.4497 ACRES, MORE OR LESS.