

#4

AUG 14 2008

ORDINANCE NO. 4085

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 (DVR08-0002 MY EXTRA GARAGE STORAGE) 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) to PAD Amended subject to the following conditions:

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "My Extra Garage Storage", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0002, except as modified by condition herein.

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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
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. 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. Approval by the Director of Planning and Development of plans for landscaping and perimeter walls and the Director of Public Works 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 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 subject development shall use treated effluent to maintain open space, common areas, and landscape tracts.

- 9. 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.
- 10. The applicant shall work with staff to provide greater parapet height variation in a manner similar to the styles present in the adjacent office development. Parapet projections shall be at least 3' depth.
- 11. The applicant shall work with staff to enhance building elevations on the project's interior by incorporating forms and materials found on the project's exterior to provide further visual interest.

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. 4085 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 *ASB*

PUBLISHED:

LEGAL DESCRIPTION

A PORTION OF LOT 2 OF "AIRPARK SOUTH PROFESSIONAL VILLAGE" AS RECORDED IN BOOK 922, PAGE 18, MARICOPA COUNTY RECORDS, LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE NORTH 01 DEGREE 00 MINUTES 30 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 340.00 FEET TO A LINE 340.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 2;

THENCE NORTH 88 DEGREES 59 MINUTES 16 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 305.67 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 2;

THENCE SOUTH 01 DEGREE 00 MINUTES 30 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 33.50 FEET;

THENCE SOUTH 46 DEGREES 00 MINUTES 44 SECONDS EAST, A DISTANCE OF 36.77 FEET;

THENCE SOUTH 43 DEGREES 59 MINUTES 33 SECONDS WEST, A DISTANCE OF 36.77 FEET;

THENCE SOUTH 01 DEGREE 00 MINUTES 30 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 254.50 FEET TO THE SOUTH LINE OF SAID LOT 2;

THENCE SOUTH 88 DEGREES 59 MINUTES 16 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 305.67 FEET TO THE POINT OF BEGINNING.