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MAY 14 2009

ORDINANCE NO. 4150

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL DISTRICT (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) (DVR09-0003 THE GROVE BIBLE CHURCH) 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:

Parcel 1

Commencing at the SW corner of Section 7, T.2S. -R.6E., G. & S.R.B. & M., Maricopa County, Arizona, with a basis of bearings of West, being the Southerly line of The SW ¼ of said Section 7, said SW Corner of Section 7, being marked by a brass cap in hand hole; thence N. 0 deg. 25' 25" E., along the Westerly line of the said SW ¼ of Section 7, a distance of 657.50 feet to the TRUE POINT OF BEGINNING, being marked by a nail and tag, LS 32778; thence continuing N. 0 deg. 25' 25" E., along the said Westerly line of the SW ¼ of Section 7, a distance of 662.26 feet to the NW Corner Lot 4 of said Section 7, being marked by a cotton picker spindle, LS 32778; thence N. 89 deg. 58' 04" E., along the Northerly line of said Lot 4, Section 7 and also being the Northerly line of the S ½ SW ¼ of said Section 7, a distance of 1270.72 feet to the NW

Corner of the subdivision of Paseo Trail Parcel D, as recorded in Book 600 of Maps, Page 42 thereof, Maricopa County Records; thence S. 0 deg. 06' 14" W., (S. 0 deg. 48' 11" E., record) along the Westerly line of said Paseo Trail Parcel D, a distance of 659.04 feet to a point from which a point on the Southerly line of the said SW ¼ of Section 7, bears S. 0 deg. 06' 14" W., 661.40 feet distant there from; thence S. 89 deg. 44' 04" W., 846.44 feet to a point being marked by a ½" bar; LS 32778; thence West, being parallel with the said Southerly line of the SW ¼ of Section 7 a distance of 428.00 feet to the TRUE POINT OF BEGINNING.

Parcel 2

The East 29 feet of the North 662.26 feet of the South 1319.76 feet of the SE ¼ of the SE ¼ Section 12, T.2S. – R.5E, G. & S.R.B. & M., Maricopa County, Arizona.

Said parcel is hereby rezoned from Agricultural District (AG-1) to Planned Area Development (PAD), 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. 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.
3. Development shall be in substantial conformance with Exhibit C, Comprehensive Sign Package, kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0003 THE GROVE BIBLE CHURCH, except as modified by condition herein.
4. 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.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

6. Landscaping along the Gilbert Road frontage shall be in compliance with current Commercial Design Standards.
7. The site shall be maintained in a clean and orderly manner.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
10. 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 GROVE BIBLE CHURCH development shall use treated effluent to maintain open space, common areas, and landscape tracts.

