

ORDINANCE NO. 874

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, MARICOPA COUNTY, ARIZONA AMENDING THE ZONING CODE OF THE TOWN OF GILBERT AND AMENDING THE ZONING MAP OF THE TOWN OF GILBERT BY CHANGING THE ZONING CLASSIFICATION OF 61.5 ACRES IN REZONING CASE Z94-21 FROM MARICOPA COUNTY RURAL-43 TO PLANNED AREA DEVELOPMENT (PAD) WITH THE UNDERLYING ZONING CLASSIFICATIONS OF R1-35 AND R1-8 (SINGLE FAMILY RESIDENCE); CREATING THE WARNER AND VAL VISTA PAD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES.

WHEREAS, the Common Council of the Town of Gilbert, Arizona has annexed into the Town of Gilbert the following described parcel in accordance with the requirements of law; and

WHEREAS, prior to annexation such parcel was within Maricopa County, Arizona and was zoned Maricopa County Rural-43; and

WHEREAS, by adoption of this Ordinance the Town Council desires to rezone such parcel pursuant to Town of Gilbert Zoning Requirements as a Planned Area Development (PAD); and

WHEREAS, the Town Council hereby adopts the findings required by Section 413, Paragraphs D.1, D.2, and D.3 of the Zoning Code of the Town of Gilbert,

BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Zoning Code of the Town of Gilbert is hereby amended by amending the Zoning Map of the Town of Gilbert as follows:

1. The following described parcel is hereby rezoned from Maricopa County Rural-43 to Planned Area Development (PAD), with the underlying zoning of R1-35 and R1-8 (Single Family Residence) in accordance with the Development Plan as defined in Paragraph 2 herein and with the zoning classification set forth on said Development Plan:

A portion of the east half of the Southeast Quarter of Section 17, Township 1 South, Range 6 East, Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

The east half of the Southeast Quarter of Section 17, Township 1 South, Range 6 East, Gila and Salt River Meridian, Maricopa County, Arizona,

Excepting therefrom the south 883.00 feet of the east 647.97 feet. Containing 66.59 Acres, more or less.

2. The following definitions shall apply:
 - a. "Project" shall mean the Warner and Val Vista Planned Area Development containing 61.5 acres.
 - b. "Development Plan" shall mean that certain document known as "The Development Plan of the Warner and Val Vista PAD" consisting of the following documents:
 - EXHIBIT 1: Master Concept Plan, dated June 21, 1994;
 - EXHIBIT 2: Agreement between Janice Phelps Andersen Superstition Homes and CCGG, dated June 1, 1994.
3. The PAD zone described in Paragraph 1 of this Section shall be developed in accordance with the Development Plan filed with the Town pursuant to Section 413 of the Zoning Code of the Town of Gilbert, and shall be conditioned upon conformance with said Development Plan and shall be subject to the following conditions:
 - a. Dedication to the Town of that portion of Val Vista Drive and Warner Road which is adjacent to the Project, which dedications shall extend 65' from centerline. Said dedications shall be completed within 60 days following the effective date of this ordinance.
 - b. Construction of all the required off-site improvements to Val Vista Drive and Warner Road adjacent the Project shall be completed at the same time as construction of any portion of the Project. Developer shall participate 50 percent in the cost of construction of medians required within Val Vista Drive and Warner Roads.
 - c. Dedication to the Town of that portion of Mesquite Street which is adjacent to the Project, which dedication shall extend 40' from centerline. Said dedications shall be completed within 60 days following the effective date of this ordinance.
 - d. Construction of all required off-site improvements to Mesquite Street shall be completed at the same time as construction of any such adjacent portion of the Project. The type of sidewalk or equestrian path to be included within the right-of-way for Mesquite Street shall be determined by Staff.
 - e. The Developer shall create a HOA for the maintenance of all landscaping within the open spaces and collector and arterial street right-of-ways as shown on the Development Plan.

f. Developer shall execute a petition to create a streetlight improvement district for the collector and local streets within the Project as set forth in the Development Plan.

g. The underlying zoning districts and building setbacks for the Project shall be:

R1-35; 40' front, 20' sides, 40' rear
R1-8; 20' front, 5&10' sides, 20' rear

All development shall be in conformance with the Town's zoning requirements for those districts except as modified by this Ordinance. All arterial street reverse frontage lots shall be a minimum of 110 feet deep.

h. The Developer shall install a minimum eight (8) foot wide sidewalk extending from Mesquite Street south along the west side of the open space tract to the south extension of the tract. An eight (8) foot sidewalk shall also be installed through a new landscape tract to be added between lots 21 and 22. Said tract shall be a minimum of 25 feet in width at the street and 50 feet adjacent to the commercial site.

i. All parcels within the Project shall receive review and approval by the Planning and Zoning Commission, and the Town Council through preliminary plat process prior to issuance of a building permit.

j. All residential development shall comply with Council Policy 94-3, Subdivision Design and Density Bonus Criteria. All residential units will have ground mounted and screened mechanical equipment.

k. All subdivided lots shall provide adequate space to accommodate a minimum 8X10 foot (80 sq.ft., minimum dimension of 6 feet) covered patio within the required setbacks.

l. Entry details and landscape tracts shall be provided at arterial entrances to the project. These improvements and perimeter wall details are to be reviewed and approved by staff prior to final plat approval.

m. A 12 foot wide equestrian path shall be provided on the south side of Mesquite Street subject to staff approval.

n. Developer shall participate in water and sewer buy-ins, whereby Developer shall pay for its proportionate share of water and sewer mains prior to final plat approval of any phase of the Project.

- o. Open space improvements shall include a tot lot consisting of 30 play stations. This number may be reduced by staff depending on the installation of other amenities such as a basketball court.

Section II. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Maricopa County, Arizona, this 21st day of June, 1994.

AYES: Brown, Long, Abbott, McDonald, and Morrison

NAYES: _____ ABSENT: Stevens, Byrd-Baldwin

EXCUSED: _____ ABSTAINED: _____

APPROVED this 21st day of June, 1994.

Wilburn J. Brown
Wilburn J. Brown, Mayor

ATTEST:

Phyllis Alberty
Phyllis Alberty, Town Clerk

APPROVED AS TO FORM:

Susan D. Gomez
Martinez & Curtis, P.C.
Town Attorneys

By _____



Town of Gilbert, Arizona
A Community of Excellence
Municipal Center
1025 South Gilbert Road
Gilbert, Arizona 85296

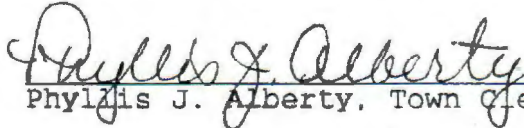
AFFIDAVIT OF POSTING

I, Phyllis J. Alberty, the duly appointed and qualified Town Clerk of the Town of Gilbert, Maricopa County, State of Arizona, do hereby certify that the attached Ordinance No. 874 entitled:

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, MARICOPA COUNTY, ARIZONA AMENDING THE ZONING CODE OF THE TOWN OF GILBERT AND AMENDING THE ZONING MAP OF THE TOWN OF GILBERT BY CHANGING THE ZONING CLASSIFICATION OF 61.5 ACRES IN REZONING CASE Z94-21 FROM MARICOPA COUNTY RURAL-43 TO PLANNED AREA DEVELOPMENT (PAD) WITH THE UNDERLYING ZONING CLASSIFICATIONS OF R1-35 AND R1-8 (SINGLE FAMILY RESIDENCE); CREATING THE WARNER AND VAL VISTA PAD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES.

was duly passed by the Town Council of said Town on the 21st day of June, 1994 and signed by the Mayor and attested to by the Town Clerk, with the seal of said Town; and that said ordinance was duly published by publication in the Mesa Tribune, an affidavit of such publication filed in the office of the Town Clerk; and that said ordinance was posted by the Town Clerk of said Town in three public places within the Town, vis: on a bulletin board at the Gilbert Municipal Center; on a bulletin board at the Gilbert Public Library; and on a bulletin board at the Gilbert Heritage Annex, on the 1ST day of July, 1994.

Witness my hand and seal of the Town of Gilbert this 1st day of July, 1994.


Phyllis J. Alberty, Town Clerk