

#60

FEB 10 2011

ORDINANCE NO. 4279

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR10-0004 FALCON POINTE AT PINELAKE) 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 PAD and I-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Falcon Pointe at Pinelake", kept on file in the City of Chandler Planning Division, in File No's APL10-0001 & DVR10-0004, 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 as required to achieve full half-widths, including any 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. 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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. 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, the developer shall be required to upgrade such landscaping to meet current City standards.
8. Approval by the Transportation & Development Director of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
9. 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.
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 Falcon Pointe at Pinelake development shall use treated effluent to maintain open space, common areas, and landscape tracts.

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 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.
13. The development shall provide full vehicular ingress and egress access to Pinelake Way.
14. Any future parking space canopies over uncovered guest parking spaces shall incorporate building materials, forms, and colors to match the development.
15. 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. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.
16. At the time of sale, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the canal right-of-way together with the adjoining easements dedicated to the City of Chandler, is to be developed as a multi-trail system for use by the general public.
17. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the townhouse subdivision is located adjacent to or nearby a Salt River Project electrical power facility and SRP easements along the Consolidated Canal that

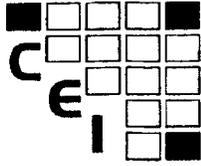
I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4279 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2011, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

PUBLISHED:



Clouse Engineering, Inc.

ENGINEERS ■ SURVEYORS

1642 E. Orangewood Ave. • Phoenix, Arizona 85020 • TEL (602) 395-9300 • FAX (602) 395-9310

December 06,2010

Job No. 050808

Attachment 'A'

Legal Description

Parcel No. 1

That part of the North half of Section 22, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the Northwest corner of said Section 22, being marked by a brass cap in a hand hole; thence North 89 degrees 22 minutes 31 seconds East, (basis of bearings) along the Northerly line of the Northwest quarter of said Section 22 a distance of 2,262.20 feet to a point from which the North quarter corner of Section 22, being marked by a Maricopa County 2" aluminum cap, bears North 89 degrees 22 minutes 31 seconds East a distance of 378.55 feet;

Thence South 00 degrees 37 minutes 29 seconds East a distance of 55.00 feet to the true **Point of Beginning**;

Thence North 89 degrees 22 minutes 31 seconds East, being parallel with and 55.00 feet Southerly of said Northerly line of the Northwest quarter of Section 22 a distance of 377.57 feet to a point on the North-South mid-section line of said Section 22;

Thence North 89 degrees 23 minutes 37 minutes East, being parallel with and 55.00 feet Southerly of the Northerly line of the Northeast quarter of Section 22, a distance of 712.25 feet to a point from which a point on the Westerly right of way line of the Consolidated Canal as recorded in Book 181 of Maps, Page 4, records of Maricopa County, bears North 89 degrees 23 minutes 37 seconds East a distance of 143.60 feet;

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Thence South 0 degrees 36 minutes 23 seconds East a distance of 149.17 feet to a point on said Westerly right of way line of the Consolidated Canal;

Thence along the said Westerly right of way line of Consolidated Canal the following courses;

South 43 degrees 49 minutes 59 seconds West a distance of 205.94 feet;

Thence South 39 degrees 10 minutes 29 seconds West a distance of 256.12 feet;

Thence South 26 degrees 18 minutes 47 seconds West a distance of 87.01 feet to the Northeast corner of the Schrader Receiving Station site as recorded in Document Number 96-0765338, records of Maricopa County;

Thence departing said Westerly right-of-way line of the Consolidated Canal, along the Northerly line of said Schrader Receiving Station site, being parallel with the Northerly line of the Northwest quarter of said Section 22, South 89 degrees 22 minutes 31 seconds West a distance of 374.78 feet to a point on said North-South Mid-Section line of Section 22;

Thence continuing South 89 degrees 22 minutes 31 seconds West a distance of 722.50 feet to a point on the Easterly right of way line of Pinelake Way as recorded in Book 584 of Maps, Page 27, records of Maricopa County, said point being on a non-tangent curve the center point of said curve bears South 49 degrees 08 minutes 52 seconds East a distance of 370.00 feet, measured (South 48 degrees 15 minutes 13 seconds East, 370.00 feet, record);

Thence Northeasterly along the Easterly right of way line of Pinelake Way the following courses;

Northeasterly along the arc of said curve through a central angle of 11 degrees 00 minutes 36 seconds, measured (11 degrees 00 minutes 27 seconds, record), a distance of 71.10 feet, measured (71.08 feet, record);

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Thence North 51 degrees 51 minutes 44 seconds a distance of 151.34 feet, measured (North 52 degrees 45 minutes 14 seconds East, 151.34 feet, record), to the beginning of a curve, concave Northwesterly, having a radius of 430.00 feet (measured and record);

Thence Northerly along the arc of said curve, through a central angle of 52 degrees 29 minutes 00 seconds (measured and record), a distance of 393.88 feet (measured and record);

Thence North 0 degrees 37 minutes 16 seconds West a distance of 74.09 feet (North 0 degrees 16 minutes 14 seconds East, 74.09 feet, record);

Thence North 44 degrees 22 minutes 42 seconds East a distance of 21.21 feet (North 45 degrees 16 minutes 12 seconds East, 21.21 feet, record) to the true **Point of Beginning**.

Parcel No. 2

That part of the Northeast quarter of Section 22, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the North quarter corner of said Section 22, being marked by a Maricopa County 2" aluminum cap;

Thence North 89 degrees 23 minutes 37 seconds East, along the North line of the Northeast quarter of said Section 22, a distance of 711.29 feet to a point from which a point on the Westerly right of way line of the Consolidated Canal as recorded in Book 181 of Maps, Page 4, records of Maricopa County, bears North 89 degrees 23 minutes 37 seconds East a distance of 189.17 feet;

Thence South 0 degrees 36 minutes 23 seconds East a distance of 55.00 feet to a point on the South line of the North 55.00 feet of the said Northeast quarter of Section 22 and the **Point of Beginning**;

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Thence North 89 degrees 23 minutes 37 seconds East, being parallel with and 55.00 feet Southerly of said Northerly line of said Northeast quarter of Section 22 a distance of 143.60 feet to a point on said Westerly right of way line of the Consolidated Canal;

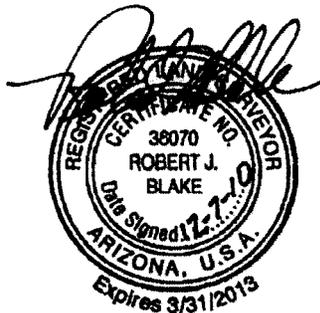
Thence along said Westerly right of way line of Consolidated Canal the following courses;

South 39 degrees 02 minutes 03 seconds West a distance of 19.55 feet;

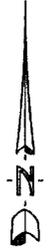
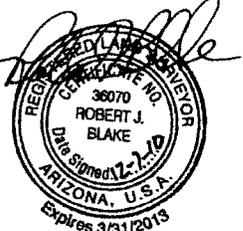
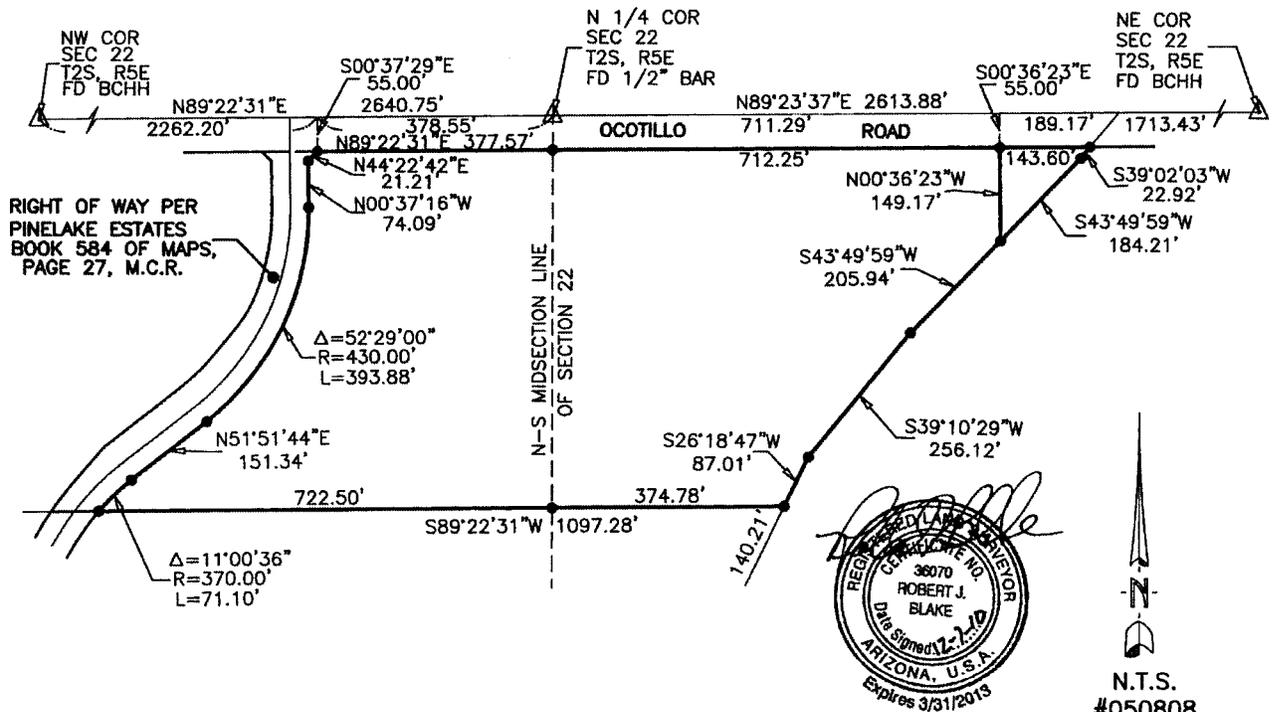
Thence South 43 degrees 49 minutes 59 seconds West a distance of 184.21 feet;

Thence leaving said Westerly right of way line of the Consolidated Canal, North 00 degrees 36 minutes 23 seconds West a distance of 149.17 feet to the **Point of Beginning**.

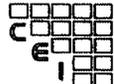
Note: The above described parcels contain 614,330 square feet or 14.1031 acres, more or less



EXHIBIT



N.T.S.
#050808
12/07/10



Clouse Engineering, Inc.
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