

# 4

SEP 22 2011



**Chandler · Arizona**  
*Where Values Make The Difference*

Chandler



2010

**MEMORANDUM**

**Planning and Development – CC Memo No. 11-105**

**DATE:** SEPTEMBER 8, 2011

**TO:** MAYOR AND CITY COUNCIL

**THRU:** RICH DLUGAS, CITY MANAGER *RD*  
PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *PM*  
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*  
JEFF KURTZ, PLANNING ADMINISTRATOR  
KEVIN MAYO, PLANNING MANAGER *KM*

**FROM:** JODIE M. NOVAK, MEP, SENIOR CITY PLANNER *JMN*

**SUBJECT:** DVR11-0025 PALOMA KYRENE BUSINESS COMMUNITY  
Introduction and Tentative Adoption of Ordinance No. 4323

**Request:** Amend the Planned Area Development (PAD) zoning to allow additional instructional sports and athletic training facility uses in Building M along with a Preliminary Development Plan (PDP) to address on-site parking requirements for the business park

**Location:** South of Chandler Boulevard on the west side of Kyrene Road at Gila Springs Boulevard

**Project Info:** Building M is constructed at 58,187 square feet in building area and part of a larger 21 net acre site with 14 buildings for industrial, office, and ancillary support retail

**Applicant:** Reese Anderson, Pew & Lake PLC

**Property Owner:** Dove Holdings, LLC

**RECOMMENDATION**

Upon finding the request to be consistent with the General Plan, Planning Commission and Planning Staff recommend approval of the zoning amendment request subject to conditions.

## **BACKGROUND**

The application requests to amend the Planned Area Development (PAD) zoning to allow additional instructional sports and athletic training facility uses in Building M along with a Preliminary Development Plan (PDP) to address on-site parking requirements for the business park development. The subject property is a developed 21-acre industrial business park. In November 2005, the property was rezoned from Agriculture (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan for a mixed-use development to include light industrial, general and medical office, support retail, and a self-storage mini-warehouse. The project includes 14 buildings allocated with approximately 49,000 square feet of general office, 10,000 square feet of medical office, 4,000 square feet of support retail, 111,800 square feet of light industrial warehouse with ancillary office, and a conceptual self-storage mini-warehouse component. The storage site is a conceptual use that requires separate application and approval of a Preliminary Development Plan.

In August 2009 a separate PAD zoning amendment case allowed a maximum of approximately 14,500 square feet of instructional sports and athletic training facilities in Building M specifically accommodating a fencing school. Building M includes 14 individual units, which are platted as condos and include individual parceled and owned units. The request is to increase the allowed instructional sports and athletic training facilities square footage to 18,500 total square feet to accommodate a personal training business. Also, the request includes a parking analysis addressing the development's parking requirements which was required from the prior 2009 zoning case to come back as a separate PDP. The parking analysis includes two components; one is the request to use a different parking ratio for the instructional sports and athletic training facility uses, and second is a request to allow a shared parking model for the entire development to address a parking space shortage due to the two instructional sports and athletic training facility uses. The parking shortage is based on parking spaces required by Zoning Code; however, it's a perceived shortage, in reality not all uses operate at the same time and not all day either thus with a shared parking model it is understood there is plenty of parking for all uses and buildings.

Buildings M and N are zoned for light industrial (I-1) uses with ancillary office space; 85% light industrial warehouse use and 15% support office. Through the initial zoning case, Buildings M and N are conditioned to allow I-1 uses as permitted by right in the Zoning Code with the exclusion of any hazardous or "H" occupancies as described by the City of Chandler adopted Building Codes. The two industrial buildings permit uses such as building contractors, distribution facilities, and research and development companies. These buildings back up to each other to allow loading and truck traffic to be separated from the less intense uses and further separate the office use from the proposed self-storage mini-warehouse property at the site's west end.

The definition of "instructional sports and athletic training facilities" for this particular development is facilities that focus on the instruction, training, and related activities of a particular sport or field of sports. Examples include, but are not limited to, baseball, softball, fencing, martial arts, swimming, gymnastics, cheerleading, and dance. Uses such as dog training, child-oriented party places such as inflatable bounce facilities, gaming, and the like are not

permitted, as these are not deemed sports and athletic related uses. The facilities are anticipated to host competitive events, which are limited to weekday evenings after 5:30 p.m. and anytime during weekends and national holidays. Events will be planned so as not to interfere with other businesses in the business park. There will be no outdoor training permitted in conjunction with these uses.

The existing fencing school in Suite 13 occupies approximately 14,500 square feet of building area which includes an assembly area, practice floor, exercise gym, locker room, administrative offices, and an ancillary retail store for fencing-related merchandise. The fencing school hosts international competitions in addition to daily instruction and training classes. The fencing school's activities, functions, operations, etcetera sets the standard for all other instructional sports and athletic training facilities that may occupy this space in the future.

The proposed expansion of instructional sports and athletic training facilities is approximately 4,019 square feet totaling approximately 18,500 square feet only within Building M. The expansion extends into Suite 23 for Scott's Sport Systems, which is a personal training business. Most appointment hours with clients occur between 5 to 7 a.m. and 5 to 8 p.m. The fencing school does not operate in the morning hours, only this personal training use. The business anticipates needing 15 to 18 parking spaces. The fencing school uses approximately 30 parking spaces.

The addition of another instructional sports and athletic training facilities use generates parking not typical for a light industrial user. This would be the second non-industrial user in Building M. To ensure two of these uses can operate and park appropriately with light industrial and office uses in the overall development, a parking analysis has been reviewed by Planning Staff. The property owners feel the City's Zoning Code parking ratio required for instructional sports and athletic training facilities and the like is too high and does not reflect actual parking generation for instructional sports and athletic facilities.

As a part of the parking analysis review in 2009, Planning Staff determined that the 14,500 square foot space for an instructional sports and athletic training facilities use was short parking spaces based on parking ratio requirements at 1 space per 200 square feet (1/200) of total building area. In order for the fencing school to be compliant with parking space requirements, the property owners agreed to prohibit occupancy of at least two light industrial tenant spaces in Building M. By prohibiting the occupancy of two tenant spaces, parking spaces that would be needed for those tenants can then be used for the instructional sports and athletic training facilities use. The applicant and owners provided the City with a letter ensuring self-imposed restrictions would occur on at least two tenant spaces whereby the spaces will not be built-out and the City will not issue any Certificate of Occupancies until parking for the entire site is addressed through a separate PDP zoning case.

This request proposes a specific parking ratio to be applied to the instructional sports and athletic training facilities uses. As with many shopping center type developments, shared parking is a typical practice in which tenants are not designated specific parking spaces and have cross-access parking privileges in a main parking area. Considering the development with shared

parking, an understanding of peak and off-peak parking demands is used to assess if the instructional sports and athletic training facilities will yield enough parking for all. A majority of the development is office use with two buildings for light industrial, and a small amount for support retail.

The request is to change the parking ratio for the instructional sports and athletic training facilities uses to 1 space per each 333 square feet of building area (1/333) versus 1/200. By reviewing the parking demand for the existing fencing school and the proposed new personal training business, using a parking ratio for 1/333 is more in sync with actual parking demands for these two uses versus over-parking these uses with a 1/200 ratio.

The site currently provides approximately 621 parking spaces based upon parking ratios of general office at 1/200, industrial at 1/500, medical office at 1/150, and retail at 1/250. While Chandler's parking requirements do not specifically identify instructional sports and athletic facilities as a use in the parking schedule, the Code does identify 'recreation centers' as requiring 1 space per 200 square feet (5 spaces per 1,000 square feet), which is typically used for parking calculations. However, after a parking study through a zoning amendment in 2010 for Allred Chandler Airport Center, Planning Staff determined these recreation type uses could park with a mix of other uses at a parking ratio of 1/300. The study considered numerous recreational uses in that development whereas only two users at a maximum of 18,500 square feet is proposed in one building of Paloma Kyrene Business Community, 'Paloma'.

Peak parking demand tends to be around 2 p.m. and Zoning Code based parking ratios for all uses in the development yields approximately 20 parking spaces available. At 5 p.m. approximately 145 parking spaces are available in the development, and at 6 p.m. approximately 365 parking spaces are available due to almost all businesses being closed after 5 p.m.

If the Paloma development was fully occupied with tenants open at the same time, the parking ratio of 1/333 would generate a parking shortage of 9 parking spaces. However, through the proposed shared parking analysis, it is understood that the whole development will not operate at the same time and the fencing school and personal training business operate mostly off hours from other businesses including the weekends thus parking is available when they operate with over 100 available parking spaces.

Planning Staff supports the proposed 1/333 parking ratio for the instructional sports and athletic training facilities uses with the representation of a shared parking system occurring throughout this development and a maximum of approximately 18,500 square feet of building area for instructional sports and athletic training facilities uses as represented in the Development Booklet. With this proposal, the two tenant spaces previously held from occupancy can be occupied with tenants.

This application does not request any changes to the overall site, building design, or signage. The property owners have been advised that the personal training business needs building permits and a Certificate of Occupancy to occupy the space.

### **DISCUSSION**

Planning Staff supports the proposed PAD amendment with PDP finding the additional 4,019 square foot use of instructional sports and athletic training facilities to be compatible with the industrial business park. The addition of instructional sports and athletic training facilities within Building M does not represent a conflict with any of the approved uses. The requested amendment would allow up to 18,500 square feet of total building area to be occupied with instructional sports and athletic training facilities with the remaining building area developing with light industrial warehouse and ancillary office. The 18,500 square feet can be located anywhere within Building M.

### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

- The request was noticed in accordance with the requirements of the City of Chandler Zoning Code.
- A neighborhood meeting was held on March 1, 2011 and four property owners within Paloma attended. Another meeting was held on July 13, 2011 and one property owner within Paloma attended. A second meeting was held because the request changed in that the personal training use was being added, thus requiring re-notice and a new meeting.
- Staff is not aware of any neighborhood opposition or concerns with this request

### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 5    Opposed: 2 (Pridemore, Rivers)

Commissioners in opposition commented that there are too many instances with developers wanting to squeeze users in that were not originally approved and then ask for parking changes, which can create parking shortages. Further comment was made that the parking required in the Zoning Code now should be maintained until the City formally amends the parking regulations. By Zoning Code now, with the two sports uses, there is a parking shortage and that is not okay and sets precedence. There should be an option to still require the developer to hold suites from occupancy to provide there is enough parking available.

### **RECOMMENDED ACTION**

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend approval of the zoning amendment in case DVR11-0025 PALOMA KYRENE BUSINESS COMMUNITY, subject to the following conditions:

1. Compliance with original conditions adopted by the City Council as Ordinance No. 3729 in case DVR05-0002, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Paloma Kyrene Business Community Narrative Report", kept on file in the City of Chandler Planning Division, in File No. DVR11-0025, except as modified by condition herein.

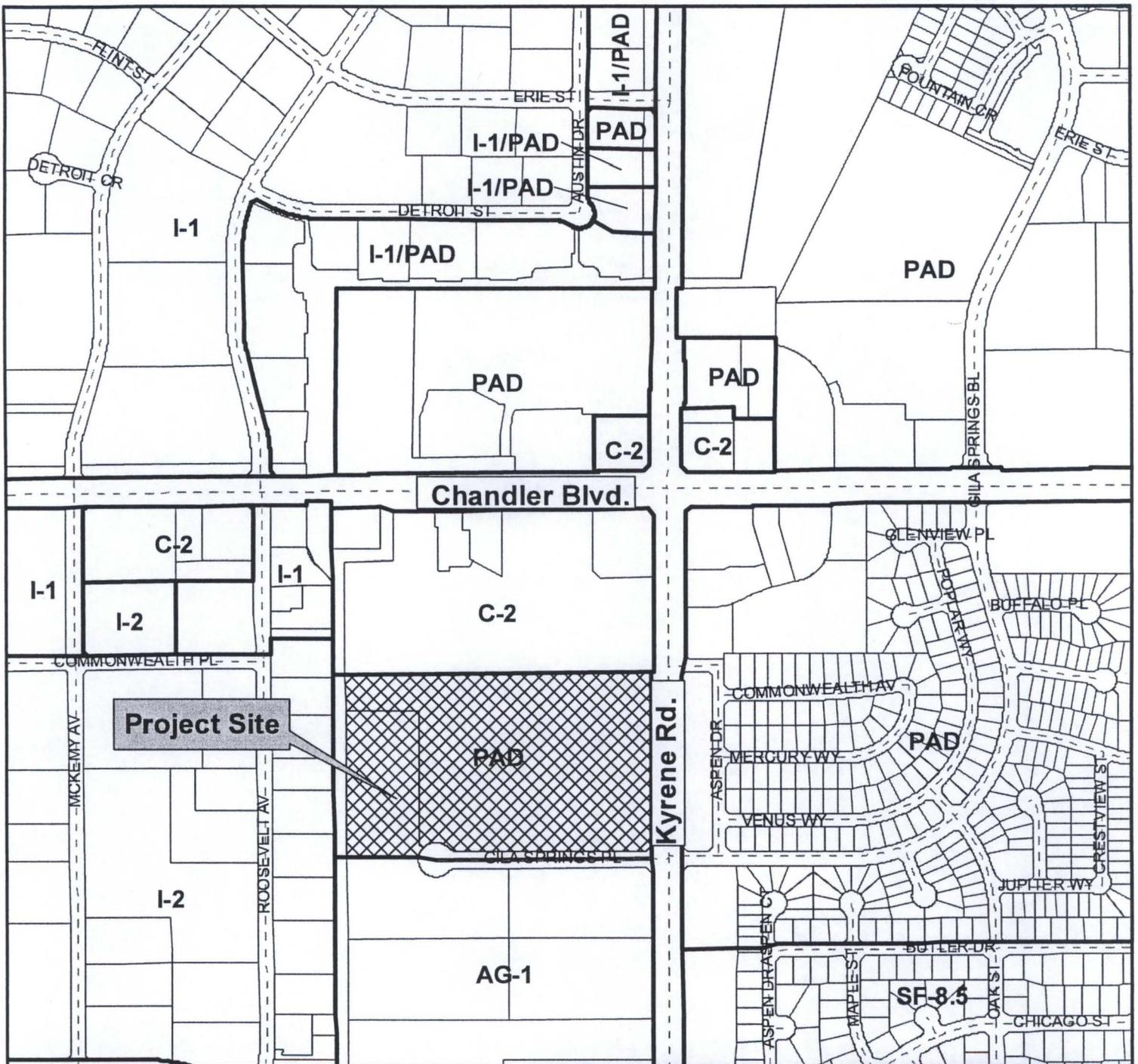
3. Instructional sports and athletic training facilities are limited to only Building M with maximum of approximately 18,500 square feet in building area.
4. Instructional sports and athletic training facilities are defined as facilities that focus on the instruction, training, and related activities of a particular sport or field of sports. Examples include, but are not limited to, baseball, softball, fencing, martial arts, swimming, gymnastics, cheerleading, and dance.
5. Hosting of competitive events is limited to weekday evenings after 5:30 p.m. and anytime during weekends and national holidays. Events shall be planned so as not to interfere with other businesses in the business park.
6. Outdoor training is not permitted in conjunction with instructional sports and athletic training facilities.

**PROPOSED MOTION**

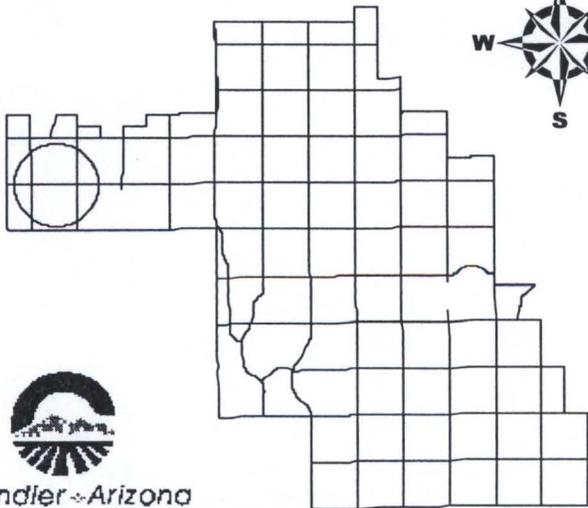
Move to introduce and tentatively adopt Ordinance No. 4323 in case DVR11-0025 PALOMA KYRENE BUSINESS COMMUNITY allowing additional instructional sports and athletic training facility uses in Building M along with a Preliminary Development Plan (PDP) to address on-site parking requirements for the business park, subject to the following conditions as recommended by Planning Commission and Planning Staff.

**Attachments**

1. Vicinity Maps
2. Aerial Map
3. Site Plan
4. Floor Plan for personal training use
5. Original Ordinance No. 3729
6. Ordinance No. 4323
7. Development Booklet, Exhibit A

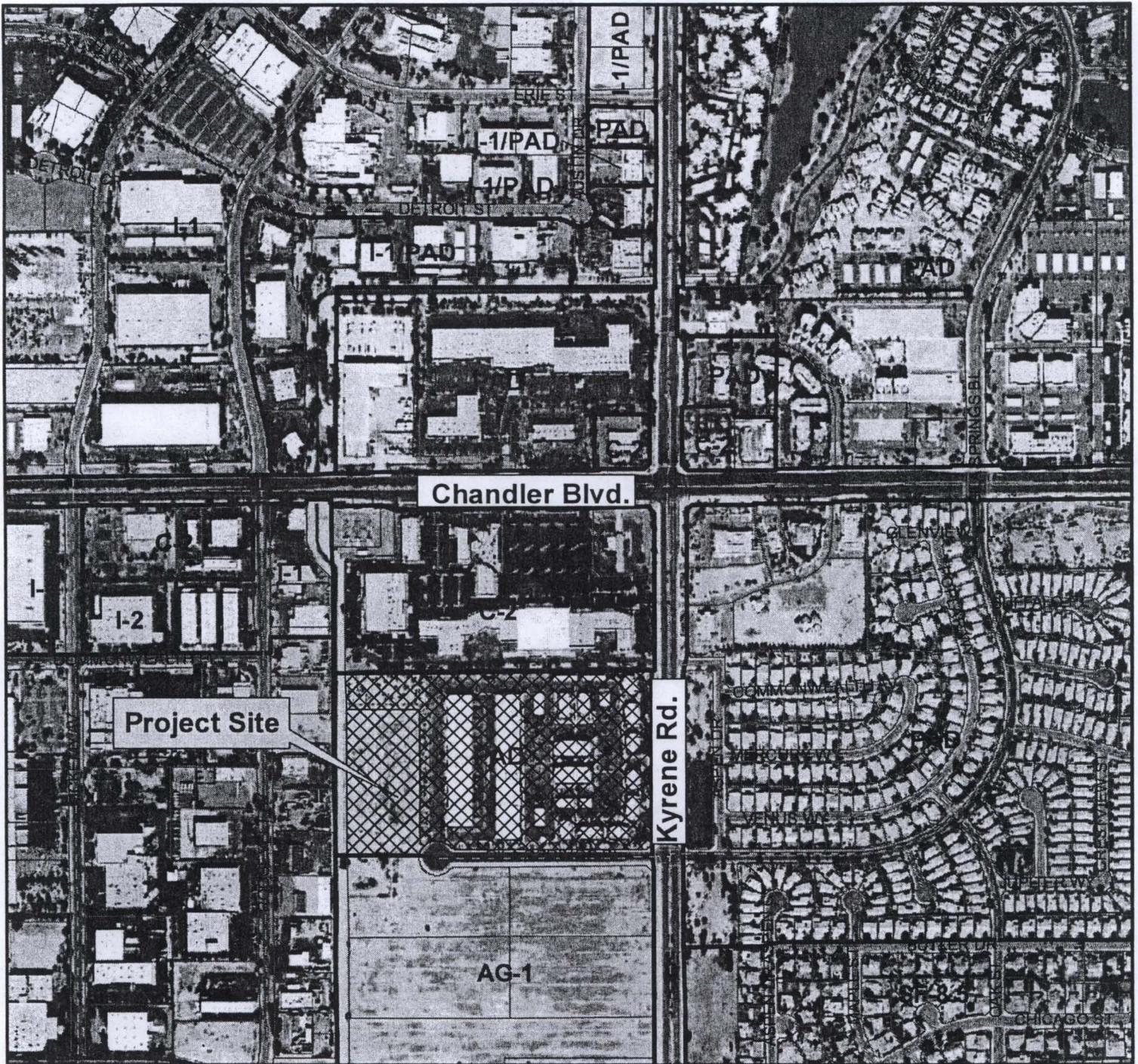


## Vicinity Map

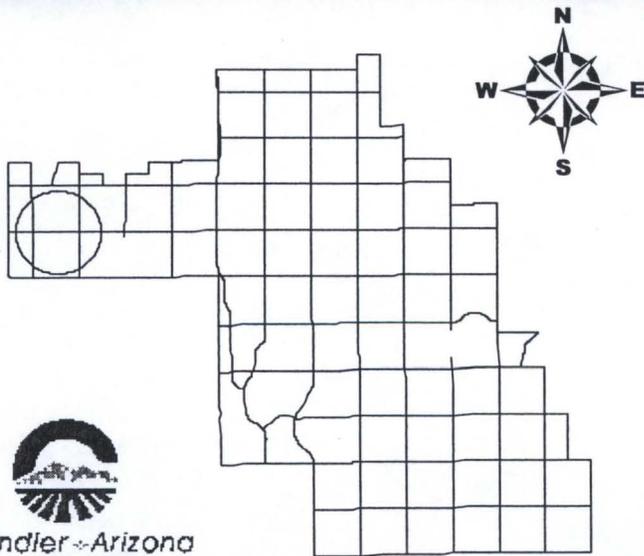


DVR11-0025

**Paloma Kyrene Business  
Community**



## Vicinity Map



DVR11-0025

**Paloma Kyrene Business  
Community**



**Chandler, Arizona**  
Where Values Make The Difference

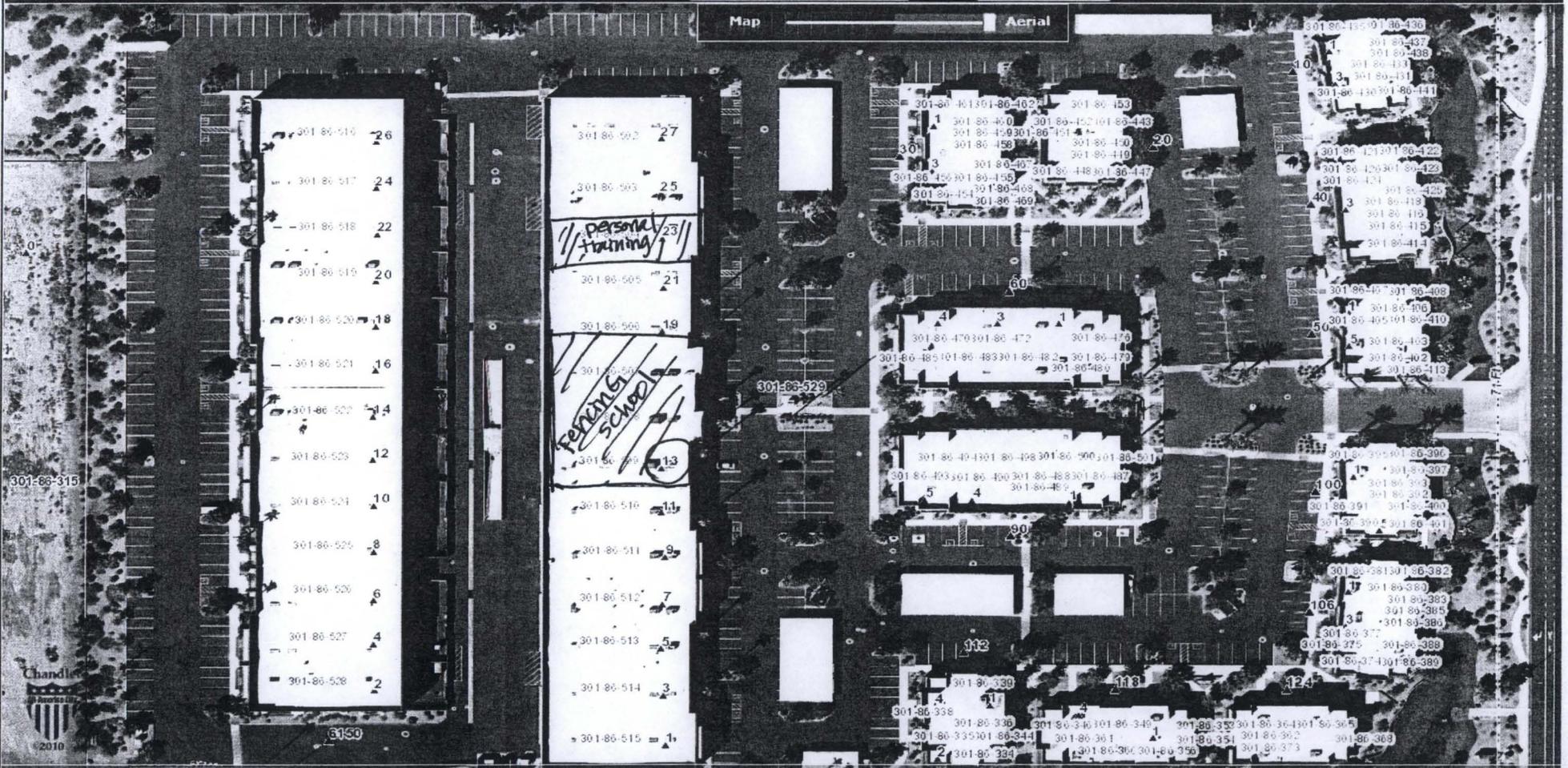


# Chandler

*suite 13: fencing school use*  
*suite : Personal training use*

Comments?

Theme: COC GIS Portal Aerial: 2010



Zoom to a scale: Current scale: 1:1123

Map Coords: X = -111.9474, Y = 33.3026

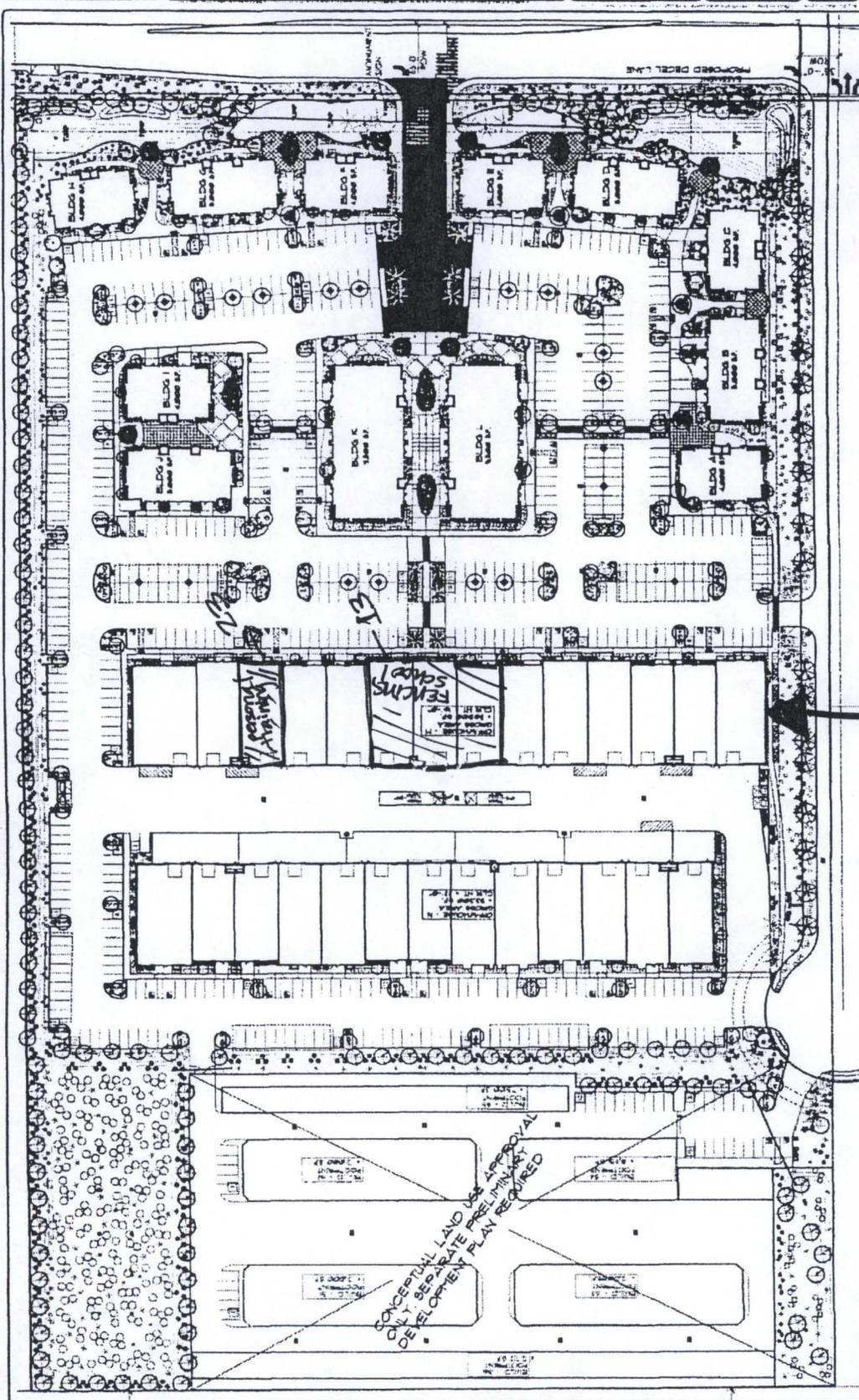
*aerial map*

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**PALOMA KYRENE BUSINESS COMMUNITY**  
 SOUTH OF SWC OF KYRENE & CHANDLER BLVD.  
 CHANDLER, ARIZONA

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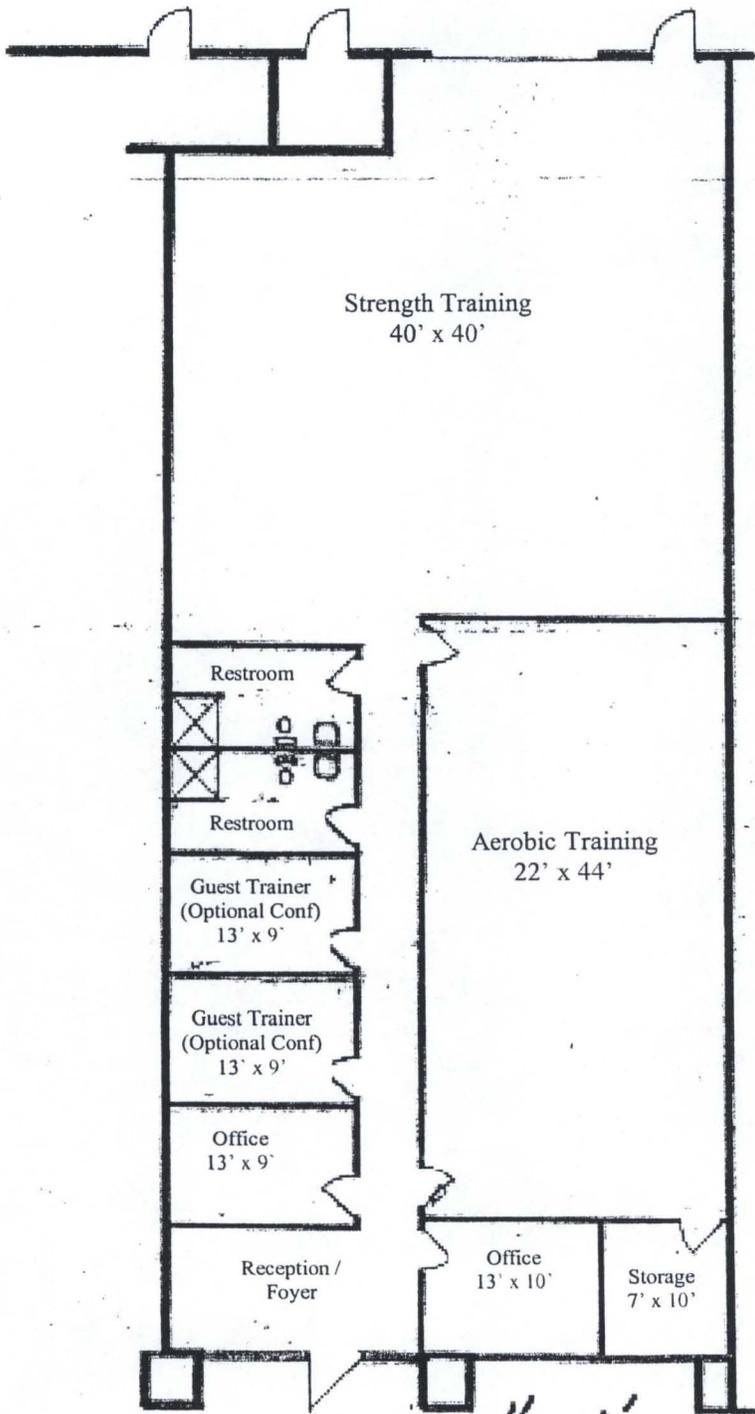
**LANDSCAPE PLAN**  
 0' 25' 50' 100'

**Bldg. M**  
 Site plan

**LANDSCAPE NOTES:**  
 ENTIRE PERIMETER IS TO BE PLANTED IN THE FIRST PHASE OF CONSTRUCTION

L-2  
 2/02

# FLOOR PLAN



6-22-11

M-23

1/8" = 1'

SPACE PLAN

Personal Training use floor plan

## **ORDINANCE NO. 3729**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 TO PAD (DVR05-0002 PALOMA KYRENE BUSINESS COMMUNITY) 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 AG-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Paloma Kyrene Business Community", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0002, 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. 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. The developer shall be required to install landscaping in the arterial street median(s) 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.
7. 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.
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. 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. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance, the applicant shall post a 4' x 8' sign for property zoned for commercial and/or multi-family use, conspicuous to the (existing or prospective) single-family subdivision that adjoins this site, advising the following: "This property has been zoned for other than single-family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, (480) 782-3000". Sign shall have white background and black lettering.
11. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
12. A maximum of two tenant identification panels shall be allowed on each side of the two monument signs along Gila Springs Boulevard. Six tenant panels will be allowed on each of the two signs along Kyrene Road.
13. All landscaping shall be in compliance with current Commercial Design Standards and Zoning Codes including all quantity and size restrictions.
14. Applicant shall work with Staff to distribute the landscaping throughout the property to lessen the concentration of planting in the rights of way and reduce linear treelines.
15. The mini storage land use is conceptual only. A separate Preliminary Development Plan is required for this portion of development.

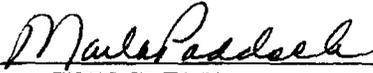
16. The developer shall be required to design and construct a traffic signal at the intersection of Kyrene Road and Gila Springs Boulevard. The developer shall contribute 50% of the total cost for this traffic signal. The developer will be reimbursed for 25% of this cost when the property to the south develops pursuant to the conditions of a development agreement.
17. Applicant shall coordinate all cross access and roadway easements with the adjacent property owner in order to develop a residential collector boulevard per City of Chandler Standards along the property's southern border as represented in the Development Booklet.
18. Retention basins shall be a maximum of three (3) feet in depth from the high water line to the bottom of the basin.
19. A maximum of 20% of the street frontage landscape area along both streets may be used for storm water retention purposes as per compliance with the Commercial Design Standards.
20. Berming along the street frontages must be a minimum of 24" measured from the top of curb elevation along at least 50% of the arterial streetscape frontages. Berms are to be located out of the right of way and shall maintain a 4:1 slope as per compliance with the Commercial Design Standards.
21. Mezzanines will only be permitted if the parking ratio is proven to meet Zoning Code standards to accommodate the additional square footage.
22. Applicant shall add four (4) pedestrian oriented special features for compliance with the Zoning Code Site Plan Design Standards.
23. The distribution and location of uses (general office, medical, retail) shall not exceed the square footages represented in the Development Booklet.
24. Lighting shall be in substantial conformance with Development Booklet representations with all site and building lighting adjacent to Kyrene Road shielded so as to not trespass across residential property lines. Globe lights and spotlights shall be prohibited.
25. Buildings M and N shall be allowed I-1 uses as defined by the Zoning Code with the exclusion of any hazardous or "H" occupancies as described by the City of Chandler adopted Building Codes.
26. Applicant shall enhance the monument signage to better match the building architecture and shall work with Staff to do so.
27. Applicant shall make architectural changes that break up the long appearance of building M and shall work with Staff to do so.

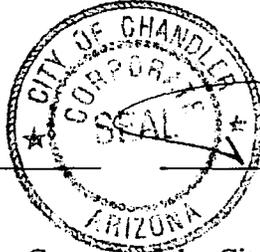
SECTION II. Except where provided, nothing contained herein shall be construed to be and abridgment of any other ordinance of the City of Chandler.

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 of the City of Chandler, Arizona, this 27<sup>th</sup> day of October 2005.

ATTEST:

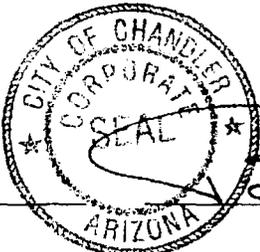
  
CITY CLERK

  
MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this 14<sup>th</sup> day of November 2005.

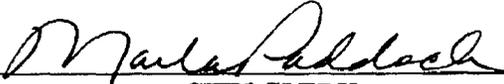
ATTEST:

  
CITY CLERK

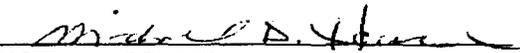
  
MAYOR

**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3729 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 14<sup>th</sup> day of November 2005, and that a quorum was present thereat.

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

Published in the Republic on November 30 & December 7, 2005

Exhibit 'A'

Legal Description

The real property subject to and covered by a deed of trust as recorded in Document No. 20030443004, Official records of Maricopa County, Arizona, is described as follows:

PARCEL NO. 1:

A portion of the East half of the Northeast quarter of Section 33, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northeast corner of said Section 33 thence South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 827.74 feet to the Northeast corner of the South half of the North half of the South half of the Northeast quarter of the Northeast quarter of said Section; thence South 89 degrees 36 minutes 51 seconds West along the North line thereof, 647 feet to the TRUE POINT OF BEGINNING of the herein described parcel;

Thence South 89 degrees 36 minutes 51 seconds West along said north line, 649.69 feet;

Thence South 00 degrees 21 minutes 17 seconds East along a line parallel to and 50 feet East of the West line of the East half of the Northeast quarter of said Section 33, a distance of 327.34 feet;

Thence North 89 degrees 52 minutes 50 seconds East 648.31 feet;

Thence North 00 degrees 06 minutes 52 seconds West 330.36 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

A portion of the East half of the Northeast quarter of Section 33, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northeast corner of said Section 33: thence South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 1161.11 feet; thence South 89 degrees 52 minutes 50 seconds West, 647 feet to the TRUE POINT OF BEGINNING of the herein described parcel;

Thence continuing South 89 degrees 52 minutes 50 seconds West, 648.31 feet to a point 50 feet East of the West line of the East half of the Northeast quarter of said Section 33;

Thence South 00 degrees 21 minutes 17 seconds East, along a line parallel to and 50 feet East of the

Any modification to or omission from this description completely absolves the surveyor from any liability for this description.

ORD. NO. 3729  
Exhibit 'A'

Thence South 89 degrees 52 minutes 50 seconds West a distance of 647 feet;

Thence North 00 degrees 06 minutes 55 seconds West a distance of 330.36 feet to a point on the North line of the South half of the North half of the South half of the Northeast quarter of the Northeast quarter of said Section;

Thence North 89 degrees 36 minutes 51 seconds East along said North line 647 feet to a point on the East line of said Section 33 and the TRUE POINT OF BEGINNING;

EXCEPT the East 65 feet thereof reserved for Kyrene Road.

PARCEL NO. 5:

A portion of the East half of the Northeast quarter of Section 33, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northeast corner of said Section 33; thence South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 83 feet to the TRUE POINT OF BEGINNING of the herein described parcel;

Thence continuing South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 744.74 feet;

Thence South 89 degrees 36 minutes 51 seconds West, a distance of 1,296.69 feet to a point 50 feet East of the West line of the East half of the Northeast quarter of said Section 33;

Thence North 00 degrees 21 minutes 17 seconds West along a line parallel to and 50 feet East of the West line of the East half of the Northeast quarter of said Section 33, a distance of 541.01 feet;

Thence North 89 degrees 27 minutes 00 seconds East, along a line parallel to and 283 feet South of the North line of said Section 33, a distance of 200 feet;

Thence North 00 degrees 21 minutes 17 seconds West along a line parallel to and 250 feet East of the West line of the East half of the Northeast quarter of said Section 33, a distance of 200 feet to a point 83 feet South of the North line of said Section 33;

Thence North 89 degrees 27 minutes 00 seconds East along a line parallel to and 83 feet South of

Any modification to or omission from this description completely absolves the surveyor from any liability for this description.

ORD. No. 3729  
Exhibit 'A'

the North line of said Section 33, a distance of 1,099.81 feet to a point on the East line of said Section 33 and the **TRUE POINT OF BEGINNING**;

**EXCEPT** the East 65 feet thereof reserved for Kyrene Road; and

**EXCEPT** any portion lying North of the South line of the following described property:

A portion of the East half of the Northeast quarter of Section 33, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northeast corner of said Section 33; thence South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 83 feet to the **TRUE POINT OF BEGINNING** of the herein described parcel;

Thence continuing South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 660.00 feet;

Thence South 89 degrees 27 minutes 00 seconds West, a distance of 1,296.90 feet to a point 50 feet East of the West line of the East half of the Northeast quarter of said Section 33;

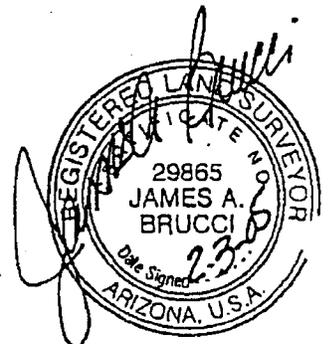
Thence North 00 degrees 21 minutes 17 seconds West along a line parallel to and 50 feet East of the West line of the East half of the Northeast quarter of said Section 33, a distance of 460.00 feet;

Thence North 89 degrees 27 minutes 00 seconds East, along a line parallel to and 283 feet South of the North line of said Section 33, a distance of 200 feet;

Thence North 00 degrees 21 minutes 17 seconds West along a line parallel to and 250 feet East of the West line of the East half of the Northeast quarter of said Section 33, a distance of 200 feet to a point 83 feet South of the North line of said Section 33;

Thence North 89 degrees 27 minutes 00 seconds East along a line parallel to and 83 feet South of the North line of said Section 33, a distance of 1,099.81 feet to a point on the East line of said Section 33 and the **TRUE POINT OF BEGINNING**.

Any modification to or omission from this description completely absolves the surveyor from any liability for this description.



**ORDINANCE NO. 4323**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR11-0025 PALOMA KYRENE BUSINESS COMMUNITY) 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 to PAD, subject to the following conditions:

1. Compliance with original conditions adopted by the City Council as Ordinance No. 3729 in case DVR05-0002, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Paloma Kyrene Business Community Narrative Report", kept on file in the City of Chandler Planning Division, in File No. DVR11-0025, except as modified by condition herein.

3. Instructional sports and athletic training facilities are limited to only Building M with maximum of approximately 18,500 square feet in building area.
4. Instructional sports and athletic training facilities are defined as facilities that focus on the instruction, training, and related activities of a particular sport or field of sports. Examples include, but are not limited to, baseball, softball, fencing, martial arts, swimming, gymnastics, cheerleading, and dance.
5. Hosting of competitive events is limited to weekday evenings after 5:30 p.m. and anytime during weekends and national holidays. Events shall be planned so as not to interfere with other businesses in the business park.
6. Outdoor training is not permitted in conjunction with instructional sports and athletic training facilities.

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 \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4323 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:

**DOVE HOLDINGS, LLC  
LEGAL DESCRIPTION**

Building M, Units 1, 3, 4, 5, 9, 10, 12 and 13, PALOMA KYRENE BUSINESS COMMUNITY, according to the Condominium Declaration recorded as Document No. 2007-0877436 and re-recorded as Document No. 2007-0919465 and as shown on the Plat recorded in Book 938 of Maps, page 50, Instrument No. 2007-0872078, records of Maricopa County, Arizona;

TOGETHER WITH an undivided percentage interest in the Common Elements as set forth in said Declaration and as shown on the Plat.

**BDC PALOMINO INVESTMENTS, LLC  
LEGAL DESCRIPTION**

Building M, Units 6, 7 and 8, PALOMA KYRENE BUSINESS COMMUNITY, according to the Condominium Declaration recorded as Document No. 2007-0877436 and re-recorded as Document No. 2007-0919465 and as shown on the Plat recorded in Book 938 of Maps, page 50, Instrument No. 2007-0872078, and Affidavit of Correction recorded in Instrument No. 2007-1265235 and re-recorded in Instrument No. 2008-0152383, records of Maricopa County, Arizona and Affidavit of Correct;

TOGETHER WITH an undivided percentage interest in the Common Elements as set forth in said Declaration and as shown on the Plat.

**411 MCKEMY, LLC  
LEGAL DESCRIPTION**

Building M, Unit 2, PALOMA KYRENE BUSINESS COMMUNITY, according to the Condominium Declaration recorded as Document No. 2007-0877436 and re-recorded as Document No. 2007-0919465 and as shown on the Plat recorded in Book 938 of Maps, page 50, Instrument No. 2007-0872078, records of Maricopa County, Arizona;

TOGETHER WITH an undivided percentage interest in the Common Elements as set forth in said Declaration and as shown on the Plat.

**OC BRIANITA, LLC  
LEGAL DESCRIPTION**

Building M, Unit 11, PALOMA KYRENE BUSINESS COMMUNITY, according to the Condominium Declaration recorded as Document No. 2007-0877436 and re-recorded as Document No. 2007-0919465 and as shown on the Plat recorded in Book 938 of Maps, page 50, Instrument No. 2007-0872078, records of Maricopa County, Arizona;

TOGETHER WITH an undivided percentage interest in the Common Elements as set forth in said Declaration and as shown on the Plat.

**ARIZONA ENTERPRISES, LLC  
LEGAL DESCRIPTION**

Building M, Unit 14, PALOMA KYRENE BUSINESS COMMUNITY, according to the Condominium Declaration recorded as Document No. 2007-0877436 and re-recorded as Document No. 2007-0919465 and as shown on the Plat recorded in Book 938 of Maps, page 50, Instrument No. 2007-0872078, records of Maricopa County, Arizona;

TOGETHER WITH an undivided percentage interest in the Common Elements as set forth in said Declaration and as shown on the Plat.