

#3

MAY 10 2012

**ORDINANCE NO. 4367**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 AND C-3 TO PAD (DVR11-0040 ARCHSTONE VILLAGE CROSSING AT CHANDLER) 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 and C-3 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Archstone Village Crossing at Chandler", kept on file in the City of Chandler Planning Services Division, in File No. DVR11-0040, 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 to achieve full half-widths, including 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. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. 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.
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 ARCHSTONE VILLAGE CROSSING AT CHANDLER shall use treated effluent to maintain open space, common areas, and landscape tracts.

9. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and/or in relation to limits established in FAA determined Terminal Procedures (TERPS). All construction cranes shall be installed and operated in accordance with FAA rules and regulations including notification through the filing of FAA Form 7460-1, Notice of Proposed Construction or Alteration.
10. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
11. All apartment buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
12. The developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
13. In the event the residential component is platted to allow unit ownership, the following stipulations shall be the responsibilities of the sub-divider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
  - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorder's Office upon sale of the property.

- b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled *Chandler Municipal Airport, F. A. R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area)*, as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
- c) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
- d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
- e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
- f) All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
- g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:  
"This property is located within or adjacent to the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler."



**Legal Description  
For  
Commercial Parcel**

A portion of the Southwest quarter of Section 10, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

**Beginning** at a City of Chandler brass cap in handhole marking the Southwest corner of Section 10 from whence a City of Chandler flush brass cap marking the West quarter corner of said Section 10 bears North 00 degrees 37 minutes 26 seconds West (Basis of Bearing) a distance of 2,645.95 feet;

Thence North 00 degrees 37 minutes 26 seconds West along the West line of said Southwest quarter of Section 10 a distance of 660.00 feet;

Thence North 89 degrees 22 minutes 34 seconds East a distance of 116.18 feet to the beginning of a tangent curve whose center bears North 00 degrees 37 minutes 26 seconds West a distance of 200.00 feet;

Thence Northeasterly along the arc of said tangent curve through a central angle of 50 degrees 11 minutes 56 seconds and an arc length of 175.23 feet;

Thence North 89 degrees 22 minutes 34 seconds East a distance of 746.42 feet;

Thence South 01 degrees 00 minutes 03 seconds East a distance of 725.27 feet to a point on the South line of said Southwest quarter of Section 10;

Thence along said South line South 88 degrees 59 minutes 57 seconds West a distance of 1021.04 feet to the **Point of Beginning**;

**Note:** The gross area of the above described parcel is 726,154 square feet or 16.6702 acres, more or less.

The Net area (gross area minus existing and proposed right of way) of the above described parcel is 602,884 square feet or 13.8403 acres, more or less.



**Legal Description  
For  
Residential Parcel**

A portion of the Southwest quarter of Section 10, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at a City of Chandler brass cap in handhole marking the Southwest corner of Section 10 from whence a City of Chandler flush brass cap marking the West quarter corner of said Section 10 bears North 00 degrees 37 minutes 26 seconds West (Basis of Bearing) a distance of 2,645.95 feet;

Thence North 00 degrees 37 minutes 26 seconds West along the West line of said Southwest quarter of Section 10 a distance of 660.00 feet to the **Point of**

**Beginning;**

Thence continuing North 00 degrees 37 minutes 26 seconds West along said West line of the Southwest quarter of Section 10 a distance of 662.97 feet;

Thence North 88 degrees 57 minutes 42 seconds East a distance of 1316.73 feet to the Northeast corner of the Southwest quarter of said Southwest quarter of Section 10;

Thence South 00 degrees 30 minutes 28 seconds East a distance of 1323.86 feet to the Southeast corner of said Southwest quarter of the Southwest quarter of Section 10;

Thence along the South line of said Southwest quarter South 88 degrees 59 minutes 57 seconds West a distance of 293.00 feet;

Thence North 01 degrees 00 minutes 03 seconds West a distance of 725.27 feet;

Thence South 89 degrees 22 minutes 34 seconds West a distance of 746.42 feet to the beginning of a non-tangent curve whose center bears North 50 degrees 49 minutes 22 seconds West a distance of 200.00 feet;

Thence Southwesterly along the arc of said tangent curve through a central angle of 50 degrees 11 minutes 56 seconds and an arc length of 175.23 feet;

Thence South 89 degrees 22 minutes 34 seconds West a distance of 116.18 feet to the **Point of Beginning**;

**Note:** The gross area of the above described parcel is 1,014,595 square feet or 23.2919 acres, more or less.

The Net area (gross area minus existing and proposed right of way) of the above described parcel is 945,784 square feet or 21.7122 acres, more or less.

