

JUN 14 2012

ORDINANCE NO. 4371

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) FOR COMMERCIAL TO PAD FOR MULTI-FAMILY RESIDENTIAL IN CASE DVR12-0001 (STONEFIELD LUXURY APARTMENTS) 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. Development shall be in substantial conformance with Exhibit 9, Development Booklet, entitled "STONEFIELD", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0001, 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. 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. 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,

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4371 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2012, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

GAB

PUBLISHED:

LEGAL DESCRIPTION
EXHIBIT 'A'

A PORTION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH,
RANGE 5 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

LEGAL DESCRIPTION (PER TITLE REPORT AND CURRENT DEED):

PARCEL C, OF STONEFIELD II, ACCORDING TO PLAT RECORDED IN BOOK 985 OF
MAPS, PAGE 11, IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA
COUNTY, ARIZONA, FORMERLY DESCRIBED AS:

THE NORTH 565.30 FEET OF THE WEST 1017.97 FEET OF THE NORTHWEST
QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA:

EXCEPT THE NORTH 33.00 FEET; AND

EXCEPT THE WEST 33.00 FEET; AND

EXCEPT AND PORTION LYING WITHIN THAT CERTAIN RIGHT OF WAY FOR
DOBSON ROAD DEDICATED TO THE CITY OF CHANDLER PER WARRANTY DEED
RECORDED IN DOCUMENT NO. 2003-1525614, OF OFFICIAL RECORDS OF
MARICOPA COUNTY, ARIZONA; AND

EXCEPT THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST
QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA SAID PORTION
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8, SAID CORNER
BEING A FOUND BRASS CAP IN HAND HOLE AND FROM WHICH THE NORTH
QUARTER CORNER OF SAID SECTION 8, BEING A FOUND BRASS CAP FLUSH,
BEARS NORTH 88 DEGREES 51 MINUTES 54 SECONDS EAST, A DISTANCE OF
2680.82 FEET;

THENCE NORTH 88 DEGREES 51 MINUTES 54 SECONDS EAST, A DISTANCE OF
136.87 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID
SECTION 8;

THENCE SOUTH 01 DEGREES 08 MINUTES 06 SECONDS EAST, A DISTANCE OF 33.00
FEET TO THE EXISTING SOUTH RIGHT OF WAY LINE OF GERMANN ROAD AND
POINT OF BEGINNING;

THENCE NORTH 88 DEGREES 51 MINUTES 54 SECONDS EAST, A DISTANCE OF 880.81 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO THE WEST LINE OF THAT PARCEL DESCRIBED IN DOCUMENT NO. 2006-0053820, MARICOPA COUNTY RECORDS;

THENCE SOUTH 00 DEGREES 31 MINUTES 21 SECONDS EAST, A DISTANCE OF 32.00 FEET ALONG SAID WEST LINE;

THENCE SOUTH 88 DEGREES 51 MINUTES 54 SECONDS WEST, A DISTANCE OF 173.83 FEET,

THENCE SOUTH 01 DEGREES 08 MINUTES 06 SECONDS EAST, A DISTANCE OF 6.00 FEET,

THENCE SOUTH 88 DEGREES 51 MINUTES 54 SECONDS WEST, A DISTANCE OF 357.50 FEET,

THENCE NORTH 01 DEGREES 08 MINUTES 06 SECONDS WEST, A DISTANCE OF 6.00 FEET,

THENCE SOUTH 88 DEGREES 51 MINUTES 54 SECONDS WEST, A DISTANCE OF 381.48 FEET TO THE EXISTING EAST RIGHT OF WAY LINE OF DOBSON ROAD;

THENCE NORTH 44 DEGREES 10 MINUTES 18 SECONDS EAST, A DISTANCE OF 45.50 FEET TO THE POINT OF BEGINNING.

AS CONVEYED TO THE CITY OF CHANDLER IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2007-0285054 OF OFFICIAL RECORDS.