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DEC 10 2012

**ORDINANCE NO. 4405**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR12-0025 SPECTRUM SENIOR LIVING OCOTILLO) 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. 1. Development shall be in substantial conformance with the Development Booklet, entitled "SPECTRUM SENIOR LIVING AT OCOTILLO", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0025, 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. 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.
4. 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.
5. Approval by the Director of Transportation 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.
6. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
7. 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.
8. 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.
9. 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.

10. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
11. 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 SPECTRUM SENIOR LIVING OCOTILLO development shall use treated effluent to maintain open space, common areas, and landscape tracts.

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

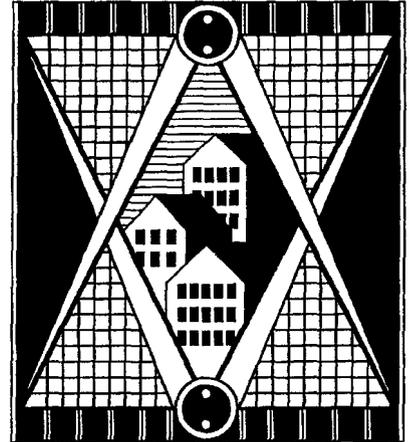


# EXHIBIT A

WHITNEYBELL PERRY INC  
ARCHITECTURE & PLANNING

June 26, 2012

RE: **Spectrum Senior Living at Ocotillo**  
1500 NW Jacaranda Parkway  
Chandler, Arizona



PHOENIX ■ CHANDLER

p: 602.265.1891 f: 602.230.8458

## Preliminary Development Plan Review Legal Description

### Description of Location:

Spectrum Senior Living Community at Ocotillo, APN#: 303-39-004T, Chandler, AZ

### Legal Description:

That portion of the north half of Section 17, Township 2 South, Range 5 east of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the north quarter corner of said Section 17;

Thence South 89 degrees 48 minutes 03 seconds east along the North line of said Section 17 a distance of 59.01 feet;

Thence South 00 degrees 11 minutes 57 seconds West 65.00 feet to a point marking the beginning of a non-tangent curve, the central angle of which bears South 05 degrees 22 minutes 53 seconds East 633.00 feet and the point of beginning;

Thence west along the arc of said curve through a central angle of 29 degrees 03 minutes 22 seconds an arc distance of 321.01 feet;

Thence South 55 degrees 33 minutes 45 seconds West 320.75 feet to a point marking the beginning of a tangent curve having a radius of 617.00 feet to the right;

Thence along the arc of said curve through a central angle of 59 degrees 17 minutes 14 seconds an arc distance of 638.44 feet;

Thence North 16 degrees 27 minutes 28 seconds west 26.89 feet to a point marking the beginning of a non-tangent curve, the central point of which bears North 89 degrees 03 minutes 41 seconds West 650.00 feet;

Thence Northeast along the arc of said curve through a central angle of 27 degrees 50 minutes 21 seconds an arc distance of 315.82 feet;

Thence North 46 degrees 13 minutes 23 seconds East 28.77 feet;

Thence South 89 degrees 46 minutes 26 seconds East 1007.64 feet;

Thence South 89 degrees 48 minutes 03 seconds East 59.03 feet to the point of beginning.