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JAN 10 2013

ORDINANCE NO. 4412

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR12-0030 AERIE AT ALMA & PECOS WEST) 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 A, Development Booklet, entitled "AERIE AT ALMA & PECOS WEST", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0030, except as modified by condition herein.
2. Construction shall commence above foundation walls within eighteen (18) months 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. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.

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 Transportation & 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 _____, 2012.

ATTEST:

Exhibit A
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PARCEL NO. 1:

A portion of the Southeast quarter of the Southeast quarter of Section 32, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the Southeast corner of said Section 32;

THENCE South 89 degrees 47 minutes 43 seconds West (an assumed bearing), along the South line of the Southeast quarter of said Section 32, for a distance of 783.85 feet;

THENCE North 00 degrees 04 minutes 38 seconds West, along a line parallel with the East line of said Section 32, for a distance of 511.99 feet;

THENCE North 35 degrees 48 minutes 14 seconds East for a distance of 443.87 feet;

THENCE North 89 degrees 52 minutes 00 seconds East, along a line parallel with the North line of the Southeast quarter of the Southeast quarter of said Section 32, for a distance of 44.00 feet to the beginning of a curve concave to the Southwest, the center of which bears South 00 degrees 08 minutes 00 seconds East, for a distance of 55.00 feet;

THENCE Southeasterly, along the arc of said curve through a central angle of 15 degrees 41 minutes 13 seconds, for a distance of 15.06 feet to a point of reverse curvature, said curve being concave to the North, the center of which bears North 15 degrees 33 minutes 13 seconds East for a distance of 55.00 feet;

THENCE Easterly, along the arc of said curve, through a central angle of 37 degrees 12 minutes 56 seconds for a distance of 35.72 feet;

THENCE North 89 degrees 52 minutes 00 seconds East, along a line parallel to the North line of the Southeast quarter of the Southeast quarter of said Section 32, for a distance of 429.77 feet to a point on the East line of said Section 32;

THENCE South 00 degrees 04 minutes 38 seconds East along the East line of said Section 32, for a distance of 870.14 feet to the POINT OF BEGINNING;

EXCEPT the following described portion thereof:

COMMENCING at the Southeast corner of said Section 32;

THENCE South 89 degrees 47 minutes 43 seconds West, along the South line of the Southeast quarter of said Section 32, for a distance of 133.00 feet;

THENCE North 00 degrees 04 minutes 33 seconds West, along a line parallel with the East line of said Section 32, for a distance of 33.00 feet to the POINT OF BEGINNING;

THENCE continuing North 00 degrees 04 minutes 38 seconds West, for a distance of 100.00 feet;

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THENCE North 89 degrees 47 minutes 43 seconds East along a line 133.00 feet North of and parallel with the South line of the Southeast quarter of said Section 32, for a distance of 28.91 feet;

THENCE North 10 degrees 02 minutes 10 seconds West for a distance of 73.64 feet;

THENCE North 00 degrees 04 minutes 38 seconds West, along a line parallel with the East line of said Section 32, for a distance of 85.22 feet;

THENCE North 28 degrees 32 minutes 22 seconds East for a distance of 135.48 feet;

THENCE North 00 degrees 18 minutes 38 seconds West for a distance of 460.65 feet

THENCE North 89 degrees 52 minutes 00 seconds East, along a One parallel with the North line of the Southeast quarter of the Southeast quarter of said Section 32, for a distance of 16.50 feet;

THENCE South 00 degrees 18 minutes 38 seconds East for a distance of 464.83 feet;

THENCE South 28 degrees 32 minutes 22 seconds West for a distance of 135.52 feet;

THENCE South 00 degrees 04 minutes 38 seconds East, along a line parallel with the East line of said Section 32, for a distance of 79.58 feet;

THENCE South 10 degrees 02 minutes 10 seconds East for a distance of 75.06 feet;

THENCE North 89 degrees 47 minutes 43 seconds East, along a line 133.00 feet North of and parallel with the South line of the Southeast quarter of said Section 32, for a distance of 54.35 feet;

THENCE South 00 degrees 04 minutes 38 seconds East, along a One 33 feet West of and parallel with the East line of said Section 32, for a distance of 100.00 feet;

THENCE South 89 degrees 47 minutes 43 seconds West, along a line 33 feet North of and parallel with the South line of said Section 32, for a distance of 100.00 feet to the POINT OF BEGINNING; and also

EXCEPT that portion thereof described as follows:

COMMENCING at the Southeast corner of said Section 32, said corner being monumented with a brass cap in hand hole;

THENCE South 89 degrees 25 minutes 56 seconds West, along the South line of said Southeast quarter, a distance of 783.85 feet;

THENCE North 00 degrees 26 minutes 42 seconds West, along the East line of Blackman Ranch Unit 1, according to Book 382 of Maps, page 25, records of Maricopa County, Arizona, a distance of 33.00 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 00 degrees 26 minutes 42 seconds West, along last said East line, a distance of 32.00 feet;

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THENCE North 89 degrees 25 minutes 56 seconds East, parallel with and 65.00 feet North of said South line, a distance of 508.85 feet;

THENCE North 00 degrees 26 minutes 42 seconds West, a distance of 10.00 feet;

THENCE North 89 degrees 25 minutes 56 seconds East, parallel with and 75.00 feet North of said South line, a distance of 142.00 feet;

THENCE South 00 degrees 26 minutes 42 seconds East, parallel with and 133.00 feet West of the East line of said Southeast quarter of Section 32, a distance of 42.00 feet;

THENCE South 89 degrees 25 minutes 56 seconds West, a distance of 650.85 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 1A:

Easement rights appurtenant to Parcel No. 1, as set forth in Easement recorded in Document No. 2004-0571981. records of Maricopa County, Arizona.

PARCEL NO. 2:

That portion of a parcel of land as described in Parcel 13 of that certain Deed recorded in Document No. 86-0161807 and re-recorded in Document No. 92-0508508, records of Maricopa County, Arizona, located in the Southeast quarter of Section 32, Township 1 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 Southeast corner of Section 32, being monumented with a P.K. nail, witnessed by a brass cap in hand hole falling 0.45 feet West, from which the South quarter corner of Section 32 bears South 89° 25' 56" West a distance of 2642.45 feet;

THENCE South 89° 25' 56" West, along the South line of said Section 32, a distance of 133.00 feet;

THENCE North 00° 26' 42" West, departing said South line, a distance of 33.00 feet to a point falling on the Northerly Pecos Road right-of-way line;

THENCE continuing North 00° 26' 42" West, parallel to the East line of said Southeast quarter and along the West line of the East 133.00 feet of said Southeast quarter, a distance of 42.00 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 00° 26' 42" West, a distance of 58.00 feet to the Northwest corner of the East 133.00 feet of the South 133.00 feet of said Southeast quarter of said Section 32;

THENCE North 89° 25' 56" East, along the North line of the South 133.00 feet of said Southeast quarter, a distance of 58.00 feet to a point;

THENCE South 00° 26' 42" East, parallel to the East line of said Southeast quarter, a distance of 38.00

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feet to an angle point;

THENCE South 44° 29' 37" West, a distance of 28.31 feet to an angle point;

THENCE South 89° 25' 56" West, parallel to the South line of the Southeast quarter, a distance of 38.00 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 3:

A portion of the Southeast quarter of the Southeast quarter of Section 32, Township 1 South, Range 5 East of the Qua and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Southeast corner of said Section 32;

THENCE South 89 degrees 47 minutes 43 seconds West, along the South line of the Southeast quarter of said Section 32, a distance of 133.00 feet;

THENCE North 00 degrees 04 minutes 38 seconds West, along a line being 133.0 feet West of and parallel with the East line of said Section 32, a distance of 133.00 feet;

THENCE North 89 degrees 47 minutes 43 seconds East along a line 133.00 feet North of and parallel with the South line of the Southeast quarter of said Section 32, a distance of 28.91 feet to the TRUE POINT OF BEGINNING;

THENCE North 10 degrees 02 minutes 10 seconds West a distance of 73.64 feet;

THENCE North 00 degrees 04 minutes 38 seconds West a distance of 85.22 feet;

THENCE North 28 degrees 32 minutes 22 seconds East a distance of 135.48 feet;

THENCE North 89 degrees 41 minutes 22 seconds East, a distance of 16.50 feet;

THENCE South 00 degrees 18 minutes 38 seconds East, a distance of 4.23 feet;

THENCE South 28 degrees 32 minutes 22 seconds West a distance of 135.52 feet;

THENCE South 00 degrees 04 minutes 38 seconds East, a distance of 79.58 feet;

THENCE South 10 degrees 02 minutes 10 seconds East a distance of 75.06 feet;

THENCE South 89 degrees 47 minutes 43 seconds West, along a line being 133.00 feet North of and parallel with the South line of the Southeast quarter of said Section 32, a distance of 16.74 feet to the TRUE POINT OF BEGINNING.