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MAR 28 2013

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MEMORANDUM

Transportation & Development – CC Memo No. 13-036a

DATE: MARCH 22, 2013

TO: MAYOR AND CITY COUNCIL

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

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

SUBJECT: DVR12-0034/PPT12-0019 SAN VALENCIA
Introduction and Tentative Adoption of Ordinance No. 4441

Request: Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) multi-family residential for a multi-family apartment community with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for site and building design on approximately 32 acres

Location: Northeast corner of Germann Road and Oxford Lane; east of McQueen Road and west of the Consolidated Paseo Canal

Applicant: Burch & Cracchiolo, P.C., Ed Bull

Project Info: Approximately a 30.99 net acres parcel with a proposed 556 units at 17.94 du/ac

This memo includes a letter and exhibits serving as an addendum to the Development Booklet, Exhibit A, and provides representations and clarification for the Armstrong Way roadway disposition.

Attachments

Letter and Exhibits date stamped 3/22/2013

SAN VALENCIA LUXURY APARTMENTS ADDENDUM

(To the Development Booklet dated February 26, 2013)

Northeast Corner of Germann Road and Oxford Lane

By: Mark-Taylor, Inc.

Case No.: DVR12-0034/PPT12-0019

Mark-Taylor, Inc. ("Mark-Taylor"), the proposed developer of San Valencia, located at the northwest corner of Germann Road and Oxford Lane (the "Site"), provides this Addendum to clarify the disposition of the Armstrong Way right-of-way in connection with the development of San Valencia. As the result of ongoing discussions with the City's Planning Staff, Real Estate Department, and the City's Attorney's Office, it has been determined the best way to address the existing Armstrong Way right-of-way (25 feet wide) is to exchange it for additional right-of way along Germann Road (for a right-turn decel lane) and Oxford Lane (approximately 28 feet), and a 10-foot landscape easement along the Consolidated Canal.¹ The Armstrong Way right-of-way shall be referred to as the "Armstrong Area." It is also contemplated that an existing PUE paralleling the southern edge of Armstrong Way will be partially extinguished. The exchange and extinguishment will be handled through separate applications filed with the City.

Presuming the exchange is approved, Mark-Taylor anticipates making the following improvements to the Armstrong Area at Mark-Taylor's expense, as generally shown on **Exhibit A** to this Addendum:

- The Armstrong Area will be appropriately landscaped with low water use, traditional desert style plants, shrubs, and trees.
- The south edge of the development area for San Valencia will be located on the north line of the existing Armstrong Way right-of-way.
- The western, northern, and eastern perimeters of the Armstrong Area will be fenced with an approximately 8-foot high wrought-iron fencing. The east-west run of fencing along the northern edge of the Armstrong Area will be broken by columns with a decorative cap. A locked pedestrian access gate will be provided at the western end.
- Except as provided below, the Armstrong Area will be irrigated and maintained by Mark-Taylor.

Immediately south of the Armstrong Area is a landscaping tract that is owned and maintained by the La Paloma HOA. Mark-Taylor will grant the La Paloma HOA a landscape and wall maintenance easement to allow the La Paloma HOA access to the area to maintain their landscaped tract and perimeter wall. Mark-Taylor will also provide the La Paloma HOA a key or access code to the locked pedestrian gates that Mark-Taylor will provide at the western end of the Armstrong Area.

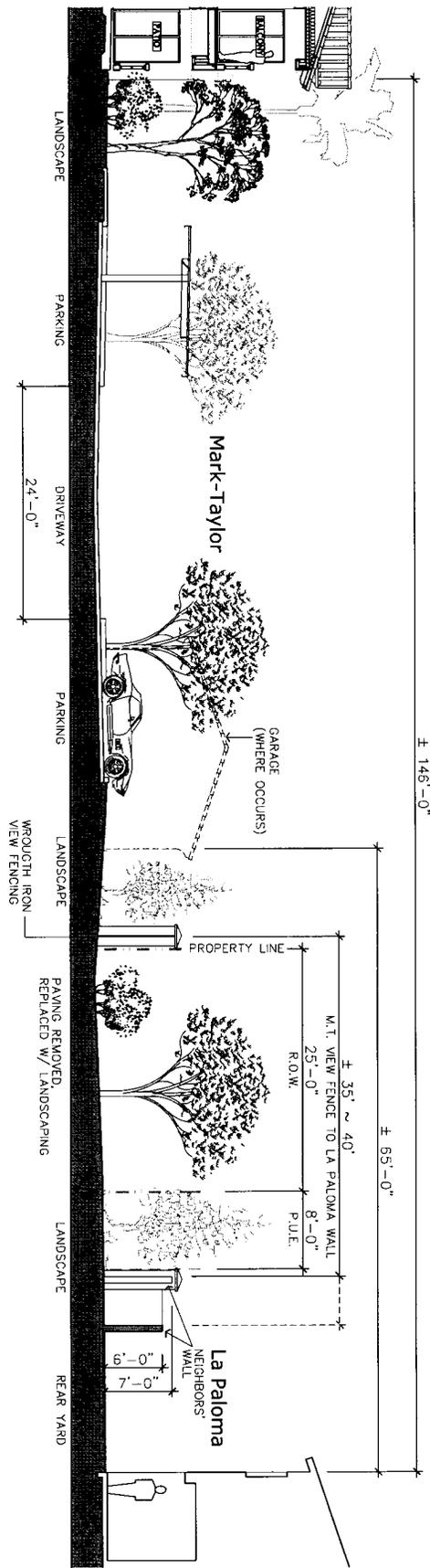
The exchange is appropriate under the circumstances and provides additional buffering and separation between San Valencia and La Paloma. The exchange allows Mark-Taylor to move its buildings further north, creating a physical separation of approximately 146 feet between the closest building and residential home. See **Exhibit A**. The homes will be separated

¹ The proposed 10-foot landscape easement for the Consolidated Canal/Paseo Trail will be improved and maintained by Mark-Taylor.

from nearest multi-family buildings by an existing CMU block wall; an approximately 8'6" HOA tract, 8-foot PUE, and 25 feet of open space (the Armstrong Area), all of which will be appropriately landscaped as discussed above; approximate 8-foot high wrought iron fencing; single story parking garages (in two locations) and a row of parking; a drive aisle; another row of parking; and additional turf and landscaping.

Further, Mark-Taylor is willing to allow the La Paloma HOA to own the Armstrong Area, at no cost to the La Paloma HOA should they so desire. Simultaneous with filing the exchange and extinguishment applications, Mark-Taylor will deposit in to escrow a Quit Claim Deed conveying the Armstrong Area to the La Paloma HOA. The La Paloma HOA can own the Armstrong Area by providing written notice of its intent to own the Armstrong Area to Mark-Taylor and the City no later than the effective date of the City Council ordinance approving the exchange and extinguishment, which date is 30 days after the City Council's approval of the exchange. Upon receipt of La Paloma's notice to own the Armstrong Area, Mark-Taylor will cause the Quit Claim Deed deposited in escrow to be recorded. Once the Quit Claim Deed is recorded, the La Paloma HOA will be responsible for maintaining the Armstrong Area.

If no notice is provided, then Mark-Taylor will continue to own the Armstrong Area. Regardless of whether Mark-Taylor or the La Paloma HOA owns the Armstrong Area, Mark-Taylor will make the improvements contemplated by this Addendum.



Site Section through Armstrong R.O.W.
(North of La Paloma Subdivision)

TITLE: 31 MAY 2013
 DRAWN BY: M. B. BROWN
 CHECKED BY: M. B. BROWN
 DATE: 05/15/13
 PROJECT NO.: 13-001
 SHEET NO.: 13



Mark - Taylor Development
San Valencia
 NEC Germann & Oxford Chandler, Arizona

DATE	REVISIONS:	DATE	REVISIONS:



**ARCHITECTURAL
DESIGN GROUP**
 602 North Somerville Road
 Scottsdale, AZ 85250
 480-991-9111



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#5
MAR 28 2013



MEMORANDUM Transportation & Development – CC Memo No. 13-036

DATE: MARCH 19, 2013

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 *JK*
 KEVIN MAYO, PLANNING MANAGER *KM*

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

SUBJECT: DVR12-0034/PPT12-0019 SAN VALENCIA
 Introduction and Tentative Adoption of Ordinance No. 4441

Request: Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) multi-family residential for a multi-family apartment community with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for site and building design on approximately 32 acres

Location: Northeast corner of Germann Road and Oxford Lane; east of McQueen Road and west of the Consolidated Paseo Canal

Applicant: Burch & Cracchiolo, P.C., Ed Bull

Project Info: Approximately a 30.99 net acres parcel with a proposed 556 units at 17.94 du/ac

RECOMMENDATION

Upon finding the rezoning request to be consistent with the General Plan and Chandler Airpark Area Plan, Planning Commission and Planning Staff recommend approval. Upon finding the Preliminary Development Plan to be consistent with the Multifamily Residential Development Standards, Planning Commission and Planning Staff recommend approval. This item may need to be continued to April 11, 2013 to allow time to resolve recent input from the neighborhood.

BACKGROUND

The proposed multi-family residential development encompasses a 30.99 net acre site located along the Consolidated Paseo Canal on the north side of Germann Road, east of McQueen Road. The property is bounded on the north by the Loop 202 Santan Freeway, on the west by La

Paloma a medium-density single-family residential development, on the east by the Consolidated Paseo Canal and undeveloped land, and on the south by Germann Road and undeveloped land. The property is currently zoned Agricultural (AG-1) and being farmed. The development requests rezoning to Planned Area Development (PAD) for a gated, multi-family residential apartment development. A Preliminary Development Plan (PDP) includes the site and building design component along with a Preliminary Plat. The development includes 556 multi-family units with a mix of 1, 2, and 3 bedrooms ranging in size from approximately 779 to 1,402 livable square feet in 2-story and 3-story buildings. The upside down L-shaped parcel and adjacency to the canal lends itself to curvilinear drives, angled buildings, and buildings grouped around open space/recreation areas. The majority of buildings are centralized within the site with several buildings adjacent to the canal and a few along the street frontage.

Building designs and site layout create view corridors and access to green open spaces. San Valencia is accessed off of Germann Road at Oxford Lane, which is an existing access into the La Paloma subdivision. The new project will complete off-site improvements to Oxford Lane including a right turn decel lane on Germann Road. Future access to Germann and/or McQueen Road is provided at the community's west end along the Armstrong Street alignment. Until future road improvements occur in this area, secondary emergency access is provided through the existing La Paloma subdivision.

The gated entrance is designed off of Oxford Lane. Entry into the development leads to the community clubhouse and office. A sense of arrival is created with decorative walls, porte-cochères, gates, and landscaping including a Date Palm tree lined entrance drive. The development's perimeter is lined with trees providing a landscape buffer to the adjacent residential subdivision. There are three main open space areas located at the north, middle, and south ends of the community. There are two community swimming pool areas, recreation amenities, and a playground. Pedestrian circulation via sidewalks is located throughout the community. The site's eastern boundary provides a landscape tract adjacent to the Paseo Canal including an additional 10-foot landscape easement for more landscaping as a part of the canal system. There are two pedestrian connections from the community for canal access. The connections are located at the northeast and southeast ends of the site between buildings 29 and 30 and east of buildings 7 and 8.

ARCHITECTURE AND SITE DESIGN

The overall architectural style is represented as Spanish Colonial with buildings painted beige. Buildings include clay color concrete roof tiles, exposed rafter tails, high and low-hipped gable rooflines, decorative balcony railing/walls, arch shaped windows, arch building entries, vertical and horizontal building elements, four-sided architecture, undulating wall planes, cornice details, exposed rafter tails, decorative brackets, and clay tile vents.

The number of units per building varies in the 2-story and 3-story buildings. Two-story buildings are 8 and 16 units, and the 3-story buildings are 12 and 24 units. The 24 unit 3-story and 16 unit 2-story buildings are the largest building types designed to appear as two smaller buildings connected by breezeways which include staircases. The other building types are a smaller scale and provide a central entry feature for the stairwell.

Due to limited arterial street frontage, approximately 565 feet, there are only four buildings along Germann Road. These buildings are 2-story. Two-story buildings are located along the perimeter adjacent to the existing single-family subdivision which has a mix of 1- and 2-story homes. Three-story buildings are located adjacent to the canal system, on the northern end, and on the site's interior around open spaces. Each open space is surrounded by several buildings. The open spaces offer ample room for outdoor recreation and a pedestrian friendly environment.

The development meets required parking for each unit and guests. With the new parking code amendment approved, this project applies the new multi-family residential parking requirements. The development meets parking code and provides 68 additional parking spaces which will accommodate resident and guest parking. There are covered parking spaces and garages available.

Perimeter fence walls include a combination masonry wall with wrought-iron or solid masonry wall. A new wall will occur on the far northwest and north property lines at 7-feet high. Just north of landscaping along La Paloma, there will be a new 8-foot high CMU wall. There is an existing 7-foot high CMU shared between La Paloma and the west side of the apartment site. Along the canal system side, there will be a new 7-foot high perimeter wall with wrought-iron that tapers into a solid masonry wall at the last building. An 8-foot high combination masonry wall with wrought-iron is along the Germann Road frontage. Some fencing elements such as decorative columns are up to 9 feet in height.

A noise abatement policy study was provided to Staff evaluating whether or not a sound wall along the freeway is needed. The study determined that a sound wall is not needed along the freeway. The development will be constructing a 7-foot high masonry wall along the north property line. There is over a 160-foot deep ADOT landscape tract adjacent to the site before the 165-foot wide freeway occurs. The distance to the freeway and the distance buildings are setback from the north property line create a large buffer from any noise impacts.

There are two individual freestanding monument signs. One at the intersection of Germann Road and Oxford Lane and one at the project entrance landscape median. The project's name and decorative wall is integrated with the entrance features.

As a part of this development, elimination of an existing paved half street is planned. Armstrong Way is a paved half street with street lights that was built when La Paloma built. The street was intended to be extended to the west and east providing a looped connection to McQueen and Germann Roads. However, when the Loop 202 Santan Freeway was constructed the ability to have a full-movement median break on McQueen Road was eliminated and adjacent property owners have not come to an agreement on future circulation patterns. As a result, Armstrong Way has remained an unused "stand alone" roadway that serves no purpose. City Staff has determined there is no need to keep this roadway. The applicant and developer have met with City Staff and La Paloma HOA representatives. A determination to eliminate this roadway and replace it with an additional landscape separation and fencing is perhaps unsettled with the La Paloma HOA. Additional information is provided in the Planning Commission Vote Report below.

WAIVERS

Fencing along Germann Road encroaches into the 50 foot building setback, which is typical of gated multi-family community's. Planning Staff supports the proposed setback encroachment and the proposed fencing heights. Three buildings along Germann Road encroach into the 50 foot building setback; the closest building is approximately 34 feet from the property line. Planning Staff supports the proposed encroachment which provides an enhanced streetscape with building staggering and surrounding by a large open space area at the intersection.

GENERAL PLAN CONFORMANCE / AREA PLAN BACKGROUND

The parcel is designated in the General Plan for Residential which includes low density to high density residential use, commercial, and mixed use development where appropriate. The General Plan further designates this parcel as a part of the Chandler Airpark Area Plan. This Area Plan designates the site as Special Use Commercial which denotes where the most intense high density residential and commercial uses may take place. The Area Plan delineates this parcel as part of a larger "Urban Village" area providing a mix of medium- and high-density housing and commercial to complement the Paseo Canal system and nearby Tumbleweed Park. The Airpark Area Plan designates the general location and intensity of land uses which do not necessarily follow parcel lines. The proposed high density residential development is consistent with the Area Plan.

AIRPORT RECOMMENDATION

The Airport Commission reviewed the rezoning request in accordance with the Airport Conflicts Evaluation Process. The airport's Economic Development Specialist/Airport Administrator has issued a conflicts evaluation report indicating that the Airport Commission determined the proposed use does not constitute a conflict with existing or planned airport uses. However, the Commission expressed their desire to educate future residents of the development of the airport and its operations.

DISCUSSION

Staff is of the opinion that the multi-family residential development furthers the City's goal to promote new development, alternative forms of housing, and compatible land uses adjacent to existing single-family residential. The residential project provides housing in close proximity to freeway access and planned commercial/office/business park, commercial, and other high- and medium-density parcels in the immediate area. The development meets the intent of the Multi-Family Residential Development Standards.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held October 1, 2012. Twelve area property owners attended including owners of five homes in La Paloma. Questions were asked regarding access to the apartment development, location and height of buildings, construction, affect property value, and landscaping maintenance.
- Following the neighborhood meeting, the applicant/developer continued to work with the La Paloma HOA to address the elimination of Armstrong Way on the subdivision's north end

and the design of the street improvements and entrance into the apartments off of Oxford Lane.

- A couple of homeowners called inquiring about the development and who the builder was. One homeowner within La Paloma called with concerns regarding construction and dust control measures as well as the economic impact on his home. Another homeowner in La Paloma rents out their home and was concerned potential tenants would not rent it due to apartments nearby, construction, or request a lower rent price.
- Planning Staff was first made aware of concerns/opposition from a La Paloma HOA boardmember at the Planning Commission hearing. A summary of the concerns is included in the vote report below.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 5 Opposed: 0 Absent: 2 (Baron, Cunningham)

A resident La Paloma HOA boardmember spoke to Commission conveying the HOA board does not support the project and has not agreed with eliminating Armstrong Way. The Board does not want Armstrong Way eliminated due to the extra landscape maintenance costs. The Board feels the apartment project will lower property values, does not want to share vehicular access at Oxford Lane, and was under the assumption the land owned by a church was going to build a worship facility and a school campus. The Board was okay with that plan, but is not okay with the proposed apartment plan. Planning Staff conveyed the land never came through an Area Plan amendment and Rezoning process to allow a church and/or a school use.

The applicant conveyed they contacted the board member prior to the hearing but has not recently contacted them to finalize the roadway discussions. The applicant agrees with the HOA on any option regarding this roadway disposition; however, the HOA is not recently responding. Staff will reach out to the board member and HOA contacts.

Prior to the Commission hearing, the applicant advised Staff that the scope of the HOA discussions were mutual, desiring the roadway's elimination and replacement with HOA owned and maintained landscaping. Staff respects the testimony received at the Commission meeting that the HOA does not want Armstrong Way eliminated, reverting to the HOA, thus causing the HOA additional landscape maintenance costs. The mutual consensus solution is unclear and Staff is working to clarify the solution.

Eliminating Armstrong Way can result in the former roadway land becoming part of the apartments through a right-of-way exchange and causing the apartments to maintain the newly landscaped area. Alternatively, Armstrong Way can be eliminated by vacation causing the property to revert to the HOA, whereby the developer has agreed to landscape the area which will be maintained in perpetuity by the HOA. Both options have been studied by Staff and technically either can be implemented per the HOA's preferred solution.

Absent a clear consensus to the solution, Staff recommends that the roadway be eliminated by exchange, the development be stipulated to landscape and maintain the property thus causing no financial impact upon the HOA. Staff has added Condition No. 17 to the recommendation to effectuate this solution. Staff may not be able to reach a consensus on this solution in time for the scheduled hearing but will make best efforts prior to the hearing; however, a continuance might be necessary to account for all parties input.

RECOMMENDATIONS

Rezoning

Planning Commission and Planning Staff, upon finding consistency with the General Plan and Chandler Airpark Area Plan, recommend approval of the Rezoning subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "SAN VALENCIA", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0034, 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. 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.
9. 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 SAN VALENCIA development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. The development shall dedicate a 10-foot wide landscape easement along the Paseo Canal.
11. In the event the multi-family residential is platted to allow unit ownership, prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/developer shall provide a written disclosure statement, for the signature of each buyer, 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 and other externalities. This document signed by the homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot/unit property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an existing municipal airport, and the disclosure shall state that such uses are legal and should be

expected to continue indefinitely. This responsibility for notice rests with the subdivider/homebuilder/developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

12. 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.
13. 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.
14. 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.
15. All apartment buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are in conformance with this condition.
16. In the event the apartment development 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 Records 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 apartment buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are 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.”

17. In lieu of dedications for rights-of-way and easements the exchange of rights-of-way and easements may be considered subject to the approval of future transaction ordinances for the elimination of Armstrong Way. Any property previously used for the Armstrong Way and converted to landscaping in accordance with exhibits shall be landscaped and maintained by the development.

Preliminary Development Plan

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of the Preliminary Development Plan request subject to the following conditions:

- 1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “SAN VALENCIA”, kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0034, except as modified by condition herein.
- 2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
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. The parking space canopies shall incorporate building materials, forms, and colors to match the development.

Preliminary Plat

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of the Preliminary Plat request subject to the following condition:

1. Approval by the City Engineer and Director of Transportation & Development with regard to the details of all submittals required by code or condition.

PROPOSED MOTIONS

Rezoning:

Move to approve introduce and tentatively adopt Ordinance No. 4441 approving rezoning request DVR12-0034 SAN VALENCIA from AG-1 to PAD, subject to the conditions as recommended by Planning Commission and Planning Staff.

Preliminary Development Plan:

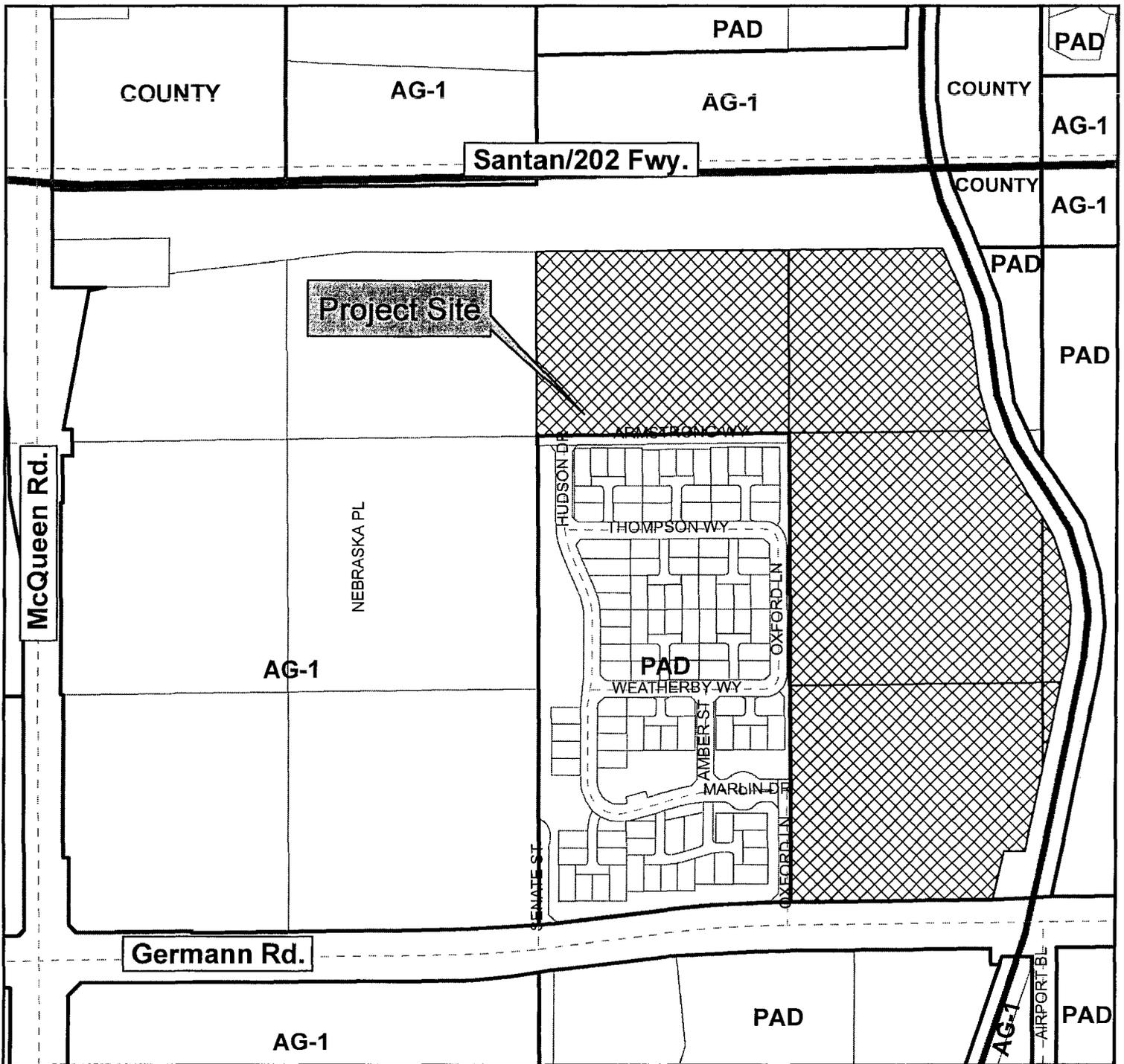
Move to approve Preliminary Development Plan request DVR12-0034 SAN VALENCIA for the multi-family residential development, subject to the conditions as recommended by Planning Commission and Planning Staff.

Preliminary Plat

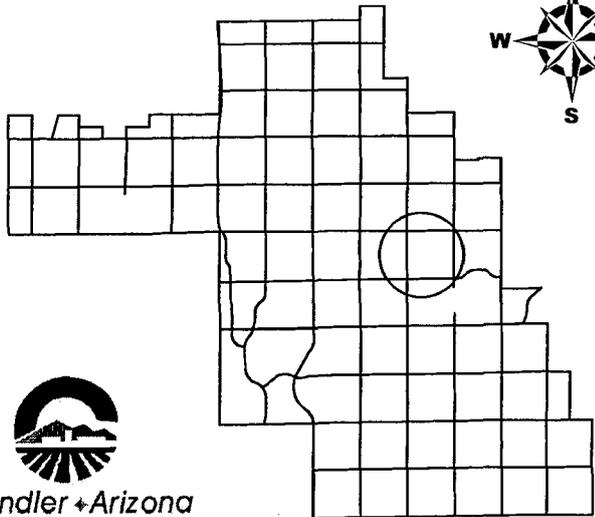
Move to approve Preliminary Plat request PPT12-0019 SAN VALENCIA, subject to the conditions recommended by Planning Commission and Planning Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Landscape Plan
4. Elevations
5. Preliminary Plat
6. Airport Conflicts Evaluation Report
7. Ordinance No. 4441
8. Development Booklet, Exhibit A



Vicinity Map



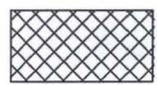
DVR12-0034

San Valencia





Vicinity Map



DVR12-0034
 San Valencia

SAN VALENCIA

NEC Germann & Oxford

Chandler, Arizona

Mark Taylor

February 14, 2013



PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	COMMENTS
TREES/PALMS					
	<i>Eucalyptus torquata</i>	Coral Gum	15'-Gal	228	Std Trunk, Dense Canopy
	<i>Tipuana tipu</i>	Tipu Tree	24" Box	126	Std Trunk, Dense Canopy
	<i>Dalbergia sissoo</i>	Sissoo	15'-Gal	193	Std Trunk, Dense Canopy
	<i>Cassipouira gilliesii</i>	Yellow Bird of Paradise	24" Box	18	Std Trunk, Dense Canopy
	<i>Phoenix dactylifera</i>	Date Palm	25' C.T.H.	35	Diamond Cut Trunk
	<i>Schinus molle</i>	Brazilian Pepper	24" Box	155	Matched Height and Form
	<i>Pyrus kusakabeii</i>	Evergreen Pear	24" Box	59	Std Trunk, Dense Canopy
	<i>Quercus virginiana</i>	Southern Live Oak	15'-Gal	162	Std Trunk, Dense Canopy
	<i>Quercus virginiana 'Variegata'</i>	Variegated Live Oak	15'-Gal	162	Std Trunk, Dense Canopy
	<i>Pinus densata</i>	Mandarin Pine	15'-Gal	268	Std Trunk, Dense Canopy
	<i>Ulmus parvifolia</i>	Evergreen Elm	15'-Gal	35	Std Trunk, Dense Canopy
	<i>Nerium oleander</i>	Tree Oleander	24" Box	35	Std Trunk, Dense Canopy
	<i>Washingtonia robusta</i>	Mexican Fan Palm	10'-35' C.T.H.	36	Matching Form, Height Varies
	<i>Fraxinus velutina</i>	Arizona Ash	24" Box	56	Std Trunk, Dense Canopy
ACCENTS					
	<i>Aloe X 'Blue Elf'</i>	Blue Elf Aloe	5-Gal		As Per Plan
	<i>Cassipouira gilliesii</i>	Yellow Bird of Paradise	5-Gal		As Per Plan
	<i>Bougainvillea</i>	Wine Bougainvillea	5-Gal		As Per Plan
	<i>Barbara Karst Cycas</i>	Barbara Karst Cycas	5-Gal		As Per Plan
	<i>Cycas revoluta</i>	Sago Palm	5-Gal		As Per Plan
	<i>Dasylirion quadrangulum</i>	Toothless Spoon	5-Gal		As Per Plan
	<i>Iris sibirica</i>	Butterfly Iris	5-Gal		As Per Plan
	<i>Carolina Jasmine</i>	Carolina Jasmine	5-Gal		Espalier - As Per Plan
	<i>Hesperaloe parviflora</i>	Giant Hesperaloe	5-Gal		As Per Plan
	<i>Yucca</i>	Yucca	5-Gal		As Per Plan
	<i>Lonicera japonica</i>	Hall's Honeycuckle	5-Gal		As Per Plan
	<i>MacFadyenae unguis-cati</i>	Cat's Claw Vine	5-Gal		Espalier - As Per Plan
	<i>Muhlenbergia capillaris 'Regal Mist'</i>	Regal Mist	5-Gal		As Per Plan
	<i>Pedicularis macrocarpa</i>	Lady Slipper Plant	5-Gal		As Per Plan
	<i>Phoenix roebelenii</i>	Pigmy Date Palm	5-Gal		As Per Plan
	<i>Lady Banks Rose</i>	Lady Banks Rose	5-Gal		Espalier - As Per Plan
	<i>Tecoma stans</i>	Orange Jubilee Vine	5-Gal		Espalier - As Per Plan
	<i>Orange Jubilee</i>	Orange Jubilee	5-Gal		Train to soil or palm trunk
	<i>Strelitzia reginae</i>	Giant Bird of Paradise	5-Gal		As Per Plan
SHRUBS					
	<i>Eremophila maculata</i>	Valentine Bush	5-Gal		As Per Plan
	<i>Dodonaea viscosa 'Purpurea'</i>	Purple Hopedeed Bush	5-Gal		As Per Plan
	<i>Rhapidochloa indica</i>	Indian Hawthorn	5-Gal		As Per Plan
	<i>Hibiscus rosa-sinensis 'Vice President'</i>	Dwarf Hibiscus	5-Gal		As Per Plan
	<i>Bougainvillea 'Torch Glow'</i>	Torch Glow	5-Gal		As Per Plan
	<i>Philadelphus labradoricus</i>	Dwarf Mock Orange	5-Gal		As Per Plan
	<i>Heavenly Cloud Breeze</i>	Heavenly Cloud Breeze	5-Gal		As Per Plan
	<i>Cape Plumbeo</i>	Cape Plumbeo	5-Gal		As Per Plan
	<i>Ruella</i>	Ruella	5-Gal		As Per Plan
	<i>Tecoma hybrid 'Bells of Fire'</i>	Bells of Fire	5-Gal		As Per Plan
	<i>Tecoma hybrid 'Orange Jubilee'</i>	Orange Jubilee	5-Gal		As Per Plan
	<i>Cassia temephila</i>	Green Cassia	5-Gal		As Per Plan
	<i>Nerium oleander 'Petite Pink'</i>	Petite Pink Oleander	5-Gal		As Per Plan
	<i>Nerium oleander 'Little Red'</i>	Little Red Oleander	5-Gal		As Per Plan
GROUND COVERS					
	<i>Chrysanthemum mexicanum</i>	Damanita Daisy	1-Gal		As Per Plan
	<i>Lantana montevidensis</i>	Purple Trailing Lantana	1-Gal		As Per Plan
	<i>Lantana hybrid 'New Gold'</i>	New Gold Lantana	1-Gal		As Per Plan
	<i>Lantana Dallas Red</i>	Dallas Red Lantana	1-Gal		As Per Plan
	<i>Liriope muscari</i>	Lily Turf	1-Gal		As Per Plan
	<i>Uedelia villosata</i>	Uedelia	1-Gal		As Per Plan
	<i>Tetradymia canadensis</i>	Germander	1-Gal		As Per Plan
	<i>Seasonal Annuals</i>	Seasonal Annuals	4" Pots		8" O.C. Per Plan
MISCELLANEOUS					
	Decomposed Granite	2" depth in all planting areas (typ)			
	Turf	Hybrid Bermuda Sod with Concrete Header			
	Synthetic Turf	Synthetic Turf with Concrete Header in Pool Areas Only			

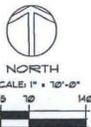
CONCEPTUAL GENERAL NOTES

- CONCEPTUAL LANDSCAPE PLAN IS SCHEMATIC IN NATURE. AT THE TIME OF LANDSCAPE CONSTRUCTION DRAWINGS ACTUAL LOCATIONS, QUANTITIES, SIZES, AND SPECIES SHALL BE DETERMINED AND WILL BE PER CITY CODES.
- ALL TREES USED WITHIN THIS PROJECT SHALL BE NURSERY GROWN. EXACT LOCATIONS AND QUANTITIES SHALL BE DETERMINED ON LANDSCAPE CONSTRUCTION DRAWINGS. ALL EXISTING TREES SHALL BE PROTECTED DURING CONSTRUCTION.
- ALL LANDSCAPE AREAS SHALL RECEIVE AN AUTOMATIC IRRIGATION SYSTEM.
- ALL PLANT MATERIAL SHALL BE INSTALLED PER CITY REQUIREMENTS. PLANT MATERIAL INSTALLED WITHIN SIGHT DISTANCE TRIANGLES SHALL BE OF A SPECIES THAT DOES NOT GROW TO A HEIGHT OF MORE THAN 30' AND SHALL BE MAINTAINED PER CITY REQUIREMENTS.
- ALL NON-TURF AREAS SHALL RECEIVE A 2" DEPTH OF DECOMPOSED GRANITE.
- THE RETENTION SHOWN ON THE PLANS IS CONCEPTUAL IN NATURE. REFER TO THE ENGINEERING PLANS FOR ACTUAL GRADING AND DRAINAGE CONFIGURATIONS.
- ALL EARTHWORK WILL BE DONE TO DRAIN AWAY FROM SIDEWALKS AND STRUCTURES.
- FINAL SITE CONFIGURATION MAY VARY AT THE TIME OF FINAL PLAN APPROVAL.
- ADDITIONAL PLANT MATERIAL MAY BE INTRODUCED AS DIFFERENT VARIETIES BECOME AVAILABLE THROUGH LOCAL NURSERIES AND IF THEY ARE CONSISTENT WITH THE OVERALL THEME OF THIS PROJECT.

CITY OF CHANDLER

PLANT TYPE	MINIMUM PLANTING SIZE
Trees (for non-commercial development)	15 gallon (50% of req. trees) 24" box (50% of req. trees)
Trees (quantities that exceed minimum code standards)	15-gallon
Shrubs	5-gallon
Ground Cover	1-gallon
Vines	1-gallon
Annuals	4-inch pots or flats

COLLABORATIVE V
DESIGN STUDIO INC.
7114 EAST 1ST AVE.,
SUITE 103
SCOTTSDALE, ARIZONA
85251
OFFICE: 480-347-0039
FAX: 480-456-4013



Landscape Plan



**ARCHITECTURAL
DESIGN GROUP**
6623 North Scottsdale Road
Scottsdale, Az. 85250
480-991-9111

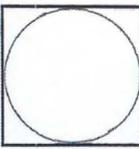


MATERIALS & SURFACES :

(A) STUCCO & WINDOW PROJECTIONS:
FRAZEE PAINT MONASTARY BROWN, FLAT LATEX
(B) METAL(S):
FRAZEE PAINT UPS RAIL BROWN, #520 D.T.M. - INDUSTRIAL ENAMEL
(C) ROOF TILE & PRECAST DECORATIVE PANELS:
EAGLE ROOFING - CAPISTRANO 'S' TILE SAN DIEGO BRUSHED - SNP86458
(D) DOORS:
FRAZEE PAINT S.W. KONA, #285 RUSTIC II - INDUSTRIAL ENAMEL



Mark Taylor
6623 North Scottsdale Road
Scottsdale, Arizona 85250
(480) 991-9111



JOB No. _____

Date _____

Scale _____

Drawn _____

Checked _____

Plot Check By _____

Exterior Elevations - Bldg 2A



ARCHITECTURAL
DESIGN GROUP
6623 North Scottsdale Road
Scottsdale, AZ 85250
480-991-9111



FRONT ELEVATION
(REAR SIMILAR)

SCALE: 3/16" = 1'-0"

MATERIALS & SURFACES :

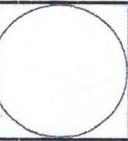
- (A) STUCCO & WINDOW PROJECTIONS:**
FRAZEE PAINT
MONASTARY BROWN, FLAT LATEX
- (B) METAL(S):**
FRAZEE PAINT
UPS RAIL BROWN, #520 D.T.M. - INDUSTRIAL ENAMEL
- (C) ROOF TILE & PRECAST DECORATIVE PANELS:**
EAGLE ROOFING - CAPISTRANO 'S' TILE
SAN DIEGO BRUSHED - SNP8845B
- (D) DOORS:**
FRAZEE PAINT
S.W. KONA, #285 RUSTIC II - INDUSTRIAL ENAMEL



END ELEVATION

SCALE: 3/16" = 1'-0"

Mark Taylor
 6623 North Scottsdale Road
 Scottsdale, Arizona 85250
 (480) 991-9111



JOB No. _____
 Date _____ SHEET No. _____
 Scale _____
 Drawn _____
 Checked _____
 Plot Check No. _____



**ARCHITECTURAL
DESIGN GROUP**
6623 North Scottsdale Road
Scottsdale, Az. 85250
480-991-9111



FRONT ELEVATION
(REAR SIMILAR)

SCALE: 3/16" = 1'-0"



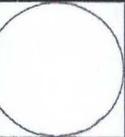
END ELEVATION

SCALE: 3/16" = 1'-0"

MATERIALS & SURFACES :

- (A) **STUCCO & WINDOW PROJECTIONS:**
FRAZZE PAINT
MONASTARY BROWN, FLAT LATEX
- (B) **METAL(S):**
FRAZZE PAINT
UPS RAIL BROWN, #520 D.T.M. - INDUSTRIAL ENAMEL
- (C) **ROOF TILE & PRECAST DECORATIVE PANELS:**
EAGLE ROOFING - CAPISTRANO 'S' TILE
SAN DIEGO BRUSHED - SNPB645B
- (D) **DOORS:**
FRAZZE PAINT
S.W. KONA, #285 RUSTIC II - INDUSTRIAL ENAMEL

Mark Taylor
6623 North Scottsdale Road
Scottsdale, Arizona 85250
(480) 991-9111



Job No. _____
Date _____ Sheet No. _____
Scale _____
Drawn _____
Checked _____
Plot Check No. _____

Exterior Elevations - Bldg 3A



ARCHITECTURAL
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Scottsdale, Az. 85250
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Mark Taylor
6623 North Scottsdale Road
Scottsdale, Arizona 85250
(480) 991-9111



FRONT / REAR ELEVATION

SCALE: 3/16" = 1'-0"

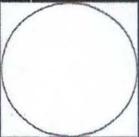


END ELEVATION

SCALE: 3/16" = 1'-0"

MATERIALS & SURFACES :

- (A) STUCCO & WINDOW PROJECTIONS:
FRAZEE PAINT
MONASTARY BROWN, FLAT LATEX
- (B) METAL(S):
FRAZEE PAINT
UPS RAIL BROWN, #520 D.T.M. - INDUSTRIAL ENAMEL
- (C) ROOF TILE & PRECAST DECORATIVE PANELS:
EAGLE ROOFING - CAPISTRANO 'S' TILE
SAN DIEGO BRUSHED - SNP8645B
- (D) DOORS:
FRAZEE PAINT
S.W. KONA, #285 RUSTIC II - INDUSTRIAL ENAMEL



Job No.	
Date	Sheet No.
Scale	
Drawn	
Checked	
Plot Date	

Exterior Elevations - Bldg 3B



ARCHITECTURAL
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6623 North Scottsdale Road
Scottsdale, Az. 85250
480-991-9111

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6623 North Scottsdale Road
Scottsdale, Arizona 85250
(480) 991-9138
(480) 991-9111



FRONT / REAR ELEVATION

SCALE: 3/16" = 1'-0"

MATERIALS & SURFACES :

- (A) STUCCO & WINDOW PROJECTIONS:**
FRAZEE PAINT
MONASTARY BROWN, FLAT LATEX
- (B) METAL(S):**
FRAZEE PAINT
UPS RAIL BROWN, #520 D.T.M. - INDUSTRIAL ENAMEL
- (C) ROOF TILE & PRECAST DECORATIVE PANELS:**
EAGLE ROOFING - CAPISTRANO 'S' TILE
SAN DIEGO BRUSHED - SNPB845B
- (D) DOORS:**
FRAZEE PAINT
S.W. KONA, #285 RUSTIC II - INDUSTRIAL ENAMEL



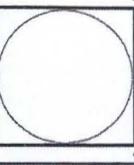
END ELEVATION

SCALE: 3/16" = 1'-0"

- CONCRETE 'S' ROOF TILE
- STUCCO FASCIA
- BRONZE ALUM. FRAME
DUAL PANE WINDOWS
- 3-COAT STUCCO - TYP.
- RAFTER TAILS
- DECORATIVE IRON
ACCENT FEATURE

- WROUGHT IRON RAILING
- PRE-CAST CONCRETE INSERTS
- PRE-FAB STEEL STAIRS
WITH CONCRETE TREADS

Exterior Elevations - Bldg 3C



Job No. _____
Date _____ Sheet No. _____
Scale _____
Drawn _____
Checked _____
Proj. Chgk. No. _____



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Economic Development – Airport Memo No. AP13-018

DATE: NOVEMBER 15, 2012

TO: JEFF KURTZ, ZONING ADMINISTRATOR

FROM: LORI QUAN, AIRPORT ADMINISTRATOR/ECONOMIC DEVELOPMENT
SPECIALIST *LQ*

SUBJECT: AIRPORT CONFLICTS EVALUATION – AIRPORT COMMISSION
FINDINGS FOR PROPOSED SAN VALENCIA LUXURY APARTMENT
COMPLEX (DVR12-0034)

The Airport Commission discussed the rezoning proposal for San Valencia at their regular meeting of October 10, 2012.

Finding: The Commission determined San Valencia does not constitute a conflict with existing or planned airport uses. However, members expressed their desire to educate future residents of the development of the airport and its operations.

Conflict(s) Cited: None.

Conflict Resolution(s): None.

Commission Members in Attendance: Schulyer “Sky” McCorkle, Chelle Daly, Gary DeHoff, David Sperling and Kelly McMullen. This attendance represented a quorum.

In compliance with the Airport Conflicts Evaluation Process, the Commission voted 5-0 to forward a report to the Planning Administrator and City Council indicating the findings noted above.

cc: Jodie Novak, City Planner

ORDINANCE NO. 4441

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 (DVR12-0034 SAN VALENCIA) 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 "SAN VALENCIA", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0034, 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. 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.
9. 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 SAN VALENCIA development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. The development shall dedicate a 10-foot wide landscape easement along the Paseo Canal.
11. In the event the multi-family residential is platted to allow unit ownership, prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/developer shall provide a written disclosure statement, for the signature of each buyer, 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 and other externalities. This document signed by the homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot/unit property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an existing municipal airport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the subdivider/homebuilder/developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
12. 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.
13. 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.
14. 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.

15. All apartment buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are in conformance with this condition.
16. In the event the apartment development 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 Recorders 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 apartment buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are 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.”

17. In lieu of dedications for rights-of-way and easements the exchange of rights-of-way and easements may be considered subject to the approval of future transaction ordinances for the elimination of Armstrong Way. Any property previously used for the Armstrong Way and converted to landscaping in accordance with exhibits shall be landscaped and maintained by the development.

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 _____, 2013.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2013.

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4441 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2013, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *EAB*

PUBLISHED:

Attachment 'A'
ord. no. 4441

LEGAL DESCRIPTION

PARCEL NO. 1:

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, LYING WEST OF THE EXISTING RIGHT OF WAY OF THE CONSOLIDATED CANAL RECORDED IN BOOK 145 OF MAPS, PAGE 46, RECORDS OF MARICOPA COUNTY, ARIZONA AND SOUTH OF THE EXISTING RIGHT OF WAY OF THE SAN TAN FREEWAY, AS DESCRIBED IN ORDER FOR IMMEDIATE POSSESSION RECORDED IN DOCUMENT NO. 2003-0266650, RECORDS OF MARICOPA COUNTY, ARIZONA, IN SECTION 2, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, LYING WEST OF THE EXISTING RIGHT OF WAY OF THE CONSOLIDATED CANAL RECORDED IN BOOK 145 OF MAPS, PAGE 46, RECORDS OF MARICOPA COUNTY, ARIZONA, IN SECTION 2, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 33 FEET THEREOF; AND

EXCEPT ANY PORTION CONVEYED TO THE CITY OF CHANDLER BY INSTRUMENT RECORDED IN DOCUMENT NO. 95-0761280, RECORDS OF MARICOPA COUNTY, ARIZONA.

