

ORDINANCE NO. 4475

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) (DVR13-0005 NORIA AT CHANDLER AIRPARK) 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 Exhibit 'A'

Said parcel is hereby rezoned from AG-1 to PAD for a mixed-use development including commercial and multi-family uses, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "NORIA AT CHANDLER AIRPARK", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0005, 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. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
8. An emergency access easement shall be provided along the site's eastern boundary as part of phase two. Full construction of the access easement shall occur when the property east of the subject site develops, or at the point in time the Transportation and Development Director determines that a permanent drive is necessary.
9. The multi-family apartment manager shall display, in a conspicuous place within the rental office, a map illustrating the location of the Noria at

Chandler Airpark Multi-Family Apartments in the context of the Chandler Airpark Area Plan. Such map or aerial photo shall be a minimum size of 24" x 36". Compliance with this condition shall be demonstrated by the property owner or multi-family apartment manager by submittal to the Zoning Administrator of a signed affidavit and photograph that acknowledges such map is on display prior to beginning any rental activity.

10. Prior to execution of any lease, prospective apartment tenants shall be given written disclosure in their lease and in a separately signed disclosure statement acknowledging that this apartment community is located proximate to the Chandler Municipal Airport, that an avigational easement exists on the property, and that the property is subject to aircraft noise and overflight activity. The requirement for such disclosures shall be confirmed in an Avigation Notice Covenant that runs with the land and is recorded with the Maricopa County Recorder prior to issuance of the first Building Permit for this development.
11. 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.
12. 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.
13. In the event the development is proposed to be subdivided to allow individual condo unit ownership, the proposed condos shall be processed in accordance with City of Chandler plat requirements which includes public hearings and, if such Condo Plat is approved and Recorded, the following stipulations shall be the responsibilities of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
 - a) Prior to any condo unit reservation or purchase agreement, any and all prospective condo buyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies proximate to the Chandler Municipal 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 condo buyer shall be recorded with the Maricopa County Recorder's Office upon sale of the condo to such buyer.

- b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the condo sales office, a map illustrating the location of the Condo Plat in the context of Chandler Municipal Airport. Such map or aerial photo shall be a minimum size of 24" x 36". Compliance with this condition shall be demonstrated by the subdivider/developer by submittal to the Zoning Administrator of a signed affidavit and photograph that acknowledges this map is on display prior to beginning any sales activity.
 - c) The aircraft noise, overflight activity and avigational easement information referenced above in "a" and "b" 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 law.
14. All leases at the NORIA AT CHANDLER AIRPARK multi-family apartments shall provide that all questions, concerns or complaints any tenant may have about Chandler Municipal Airport of the operation of aircraft landing at, taking off from or operating at or on Chandler Municipal Airport shall be directed solely to the manager of the NORIA AT CHANDLER AIRPARK development and not to the Chandler Municipal Airport, the City of Chandler, the FAA, any aircraft owner or any pilot. All leases shall also provide that it shall be within the sole and absolute discretion of the Manager of NORIA AT CHANDLER AIRPARK (and not the tenant) to determine (after the Manager's due consideration of all airport related acknowledgements and disclosures that are required by these Zoning Stipulations and consideration of all information known to NORIA AT CHANDLER AIRPARK Manager) whether or not, when and how to communicate any tenant's question, concern or complaint to the manager of the Chandler Municipal Airport.

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.

LEGAL DESCRIPTION:

PARCEL NO. 1

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT THAT PORTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 33 FEET AND THE EAST LINE OF THE WEST 33 FEET OF SAID NORTHWEST QUARTER;

THENCE SOUTH 00 DEGREES 47 MINUTES 09 SECONDS WEST ALONG SAID EAST LINE 73.94 FEET;

THENCE SOUTH 89 DEGREES 12 MINUTES 51 SECONDS EAST 7.00 FEET;

THENCE NORTH 45 DEGREES 32 MINUTES 41 SECONDS EAST 21.30 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 92 FEET OF SAID NORTHWEST QUARTER;

THENCE ALONG SAID SOUTH LINE SOUTH 89 DEGREES 41 MINUTES 47 SECONDS EAST 998.67 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2925.00 FEET;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 16 MINUTES 18 SECONDS, AN ARC DISTANCE OF 269.12 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID NORTHWEST QUARTER;

THENCE NORTH 00 DEGREES 43 MINUTES 20 SECONDS EAST ALONG SAID EAST LINE 46.63 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 33 FEET OF SAID NORTHWEST QUARTER;

THENCE NORTH 89 DEGREES 41 MINUTES 47 SECONDS WEST ALONG SAID SOUTH LINE 1289.24 FEET TO THE POINT OF BEGINNING;

AND EXCEPT THE WEST 65 FEET AND THE EAST 10 FEET OF THE WEST 75 FEET OF THE NORTH 437 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11, EXCEPT THE NORTH 92 FEET AND THE WEST 40 FEET THEREOF, AS SET FORTH IN INSTRUMENT RECORDED AT RECORDER'S NO. 03-1649198;

AND EXCEPT THE FOLLOWING:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 40 FEET AND THE SOUTH LINE OF THE NORTH 92 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11;

THENCE SOUTH ALONG SAID EAST LINE, A DISTANCE OF 15 FEET;

THENCE IN A NORTHEASTERLY DIRECTION TO A POINT ON THE SOUTH LINE OF THE NORTH 92 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11 THAT IS 15 FEET EAST FROM SAID POINT OF INTERSECTION;

THENCE WESTERLY ALONG SAID SOUTH LINE, A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING, AS SET FORTH IN INSTRUMENT RECORDED AT RECORDER'S NO.03-1649198;

AND EXCEPT THE FOLLOWING:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 75 FEET AND THE SOUTH LINE OF THE NORTH 92 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11;

THENCE SOUTH ALONG SAID EAST LINE, A DISTANCE OF 35 FEET;

THENCE IN A NORTHEREASTERLY DIRECTION TO A POINT ON THE SOUTH LINE OF THE NORTH 92 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11 THAT IS 35 FEET EAST FROM SAID POINT OF INTERSECTION;

THENCE WESTERLY ALONG SAID SOUTH LINE, A DISTANCE OF 35 FEET TO THE POINT OF BEGINNING, AS SET FORTH IN INSTRUMENT RECORDED AT RECORDER'S NO. 03-1649198. .

PARCEL NO. 2:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE S EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA,

EXCEPT THE WEST 65 FEET, EXCEPTING THEREFROM THE WEST 40 FEET THEREOF, AS SET FORTH IN INSTRUMENT RECORDED AT RECORDER'S NO. 03-1649198.