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FEB 27 2014

ORDINANCE NO. 4524

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) FOR LIGHT INDUSTRIAL, GENERAL/MEDICAL/DENTAL OFFICE, AND SELF-STORAGE MINI-WAREHOUSING TO PAD FOR RETAIL/RESTAURANT, LIGHT INDUSTRIAL, GENERAL/MEDICAL/DENTAL OFFICE, AND SELF-STORAGE MINI-WAREHOUSING IN CASE (DVR13-0025 CENTRE POINT BUSINESS PARK) 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 Planned Area Development (PAD) for light industrial, general/medical/dental office, and self-storage mini-warehousing to PAD for retail/restaurant, light industrial, general/medical/dental office, and self-storage mini-warehousing, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "CENTRE POINT BUSINESS PARK", kept on file in the City of Chandler Planning Division, in File No. DVR13-0025, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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. 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.
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. 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.
8. The following stipulations shall be the responsibilities of the 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 buyers 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 buyer shall be recorded with Maricopa County Recorders Office upon sale of the property.

- b) 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.
- c) 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.
- d) 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 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.”

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 of the City of Chandler, Maricopa County, Arizona, this ____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4524 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2014, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

PUBLISHED:

CENTRE POINT BUSINESS PARK

ATTACHMENT 'A'

LEGAL DESCRIPTION

PARCEL 1

LOTS 2 THROUGH 9 INCLUSIVE AND TRACT A, CENTRE POINTE BUSINESS PARK, ACCORDING TO PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED AS BOOK 899 OF MAPS, PAGE 36 AND CERTIFICATE OF CORRECTION RECORDED AS 2007-802499.

EXCEPT THE PORTION CONVEYED TO CITY OF CHANDLER, AN ARIZONA MUNICIPAL CORPORATION IN SPECIAL WARRANTY DEED RECORDED JANUARY 18, 2013 AS 2013-0056545 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF "CENTRE POINTE BUSINESS PARK" AS RECORDED IN BOOK 899 OF MAPS, PAGE 36 AND "CENTRE POINTE OFFICE CONDOMINIUMS" AS RECORDED IN BOOK 935 OF MAPS, PAGE 37 RECORDS OF MARICOPA COUNTY RECORDER. SAID PROPERTY BEING LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, BEING A CITY OF CHANDLER BRASS CAP IN A HAND HOLE, FROM WHICH, A CITY OF CHANDLER BRASS CAP FLUSH, LOCATED AT THE INTERSECTION OF CENTRE POINTE PARKWAY AND OCOTILLO ROAD, BEARS SOUTH 89° 05' 07" WEST, 2,103.58 FEET;

THENCE SOUTH 89° 05' 07" WEST, A DISTANCE OF 1048.14 FEET ALONG SAID MONUMENT LINE;

THENCE NORTH 00° 54' 53" WEST, A DISTANCE OF 1739.67 FEET DEPARTING SAID MONUMENT LINE TO THE WESTERN RIGHT-OF-WAY LINE OF THE CONSOLIDATED CANAL AS DESCRIBED IN BOOK 215 OF MAPS, PAGE 8 AND THE NORTHEAST CORNER OF LOT 9 OF CENTRE POINTE BUSINESS PARK AS RECORDED IN BOOK 899 OF MAPS, PAGE 36, RECORDS OF MARICOPA COUNTY. SAID POINT IS ALSO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTHEASTERLY ALONG SAID WESTERN RIGHT-OF-WAY LINE THE FOLLOWING 8 COURSES;

SOUTH 18° 33' 05" WEST, A DISTANCE OF 283.96 FEET;

THENCE SOUTH 16° 09' 07" WEST, A DISTANCE OF 565.66 FEET;

THENCE SOUTH 16° 54' 57" WEST, A DISTANCE OF 127.85 FEET;

THENCE SOUTH 19° 38' 57" WEST, A DISTANCE OF 89.55 FEET;

THENCE SOUTH 20° 51' 27" WEST, A DISTANCE OF 493.16 FEET;

THENCE SOUTH 24° 55' 37" WEST, A DISTANCE OF 103.13 FEET;

THENCE SOUTH 31° 40' 29" WEST, A DISTANCE OF 111.13 FEET;

THENCE SOUTH 33° 45' 29" WEST, A DISTANCE OF 31.86 FEET TO THE NORTH RIGHT-OF-WAY LINE OF OCOTILLO ROAD AS SHOWN ON THE PLAT OF "CENTRE POINTE OFFICE CONDOMINIUMS" AS RECORDED IN BOOK 935 OF MAPS, PAGE 37 RECORDS OF MARICOPA COUNTY RECORDER;

THENCE SOUTH 89° 05' 07" WEST, A DISTANCE OF 225.00 FEET ALONG SAID RIGHT-OF-WAY;

THENCE NORTH 44° 20' 29" EAST, A DISTANCE OF 52.47 FEET DEPARTING SAID RIGHT-OF-WAY;

THENCE NORTH 89° 20' 29" EAST, A DISTANCE OF 94.99 FEET;

THENCE NORTH 74° 48' 15" EAST, A DISTANCE OF 39.65 FEET;

THENCE NORTH 89° 05' 07" EAST, A DISTANCE OF 54.42 FEET;

THENCE NORTHERLY ALONG A LINE THAT IS PARALLEL WITH AND 26.00 FEET WESTERLY OF THE WESTERN RIGHT-OF-WAY LINE OF THE CONSOLIDATED CANAL THE FOLLOWING 7 COURSE;

NORTH 31° 40' 29" EAST, A DISTANCE OF 102.38 FEET;

THENCE NORTH 24° 55' 37" EAST, A DISTANCE OF 100.67 FEET;

THENCE NORTH 20° 51' 27" EAST, A DISTANCE OF 491.96 FEET;

THENCE NORTH 19° 38' 57" EAST, A DISTANCE OF 88.66 FEET;

THENCE NORTH 16° 54' 57" EAST, A DISTANCE OF 127.06 FEET;

THENCE NORTH 16° 09' 07" EAST, A DISTANCE OF 566.03 FEET;

THENCE NORTH 18° 33' 05" EAST, A DISTANCE OF 275.08 FEET;

THENCE NORTH 88° 38' 12" EAST, A DISTANCE OF 27.65 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

PARCEL 2

UNITS 101,105,110,115, BUILDING A, AND UNITS 101,105,110,115, BUILDING A, AND UNITS 101,105,110,115, BUILDING B, AND UNITS 101,105,110,115, BUILDING C, AND UNITS 101,105,110,115, BUILDING D, AND UNITS 101,105,110,115, BUILDING E, AND UNITS 101,105,110,115, BUILDING F, AND UNITS 101,105,110,115, BUILDING G, AND UNITS 101,105,110,115, BUILDING H, AND TRACT A, CENTRE POINT OFFICE CONDOMINIUMS, ACCORDING TO PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED AS BOOK 935 OF MAPS, PAGE 37 AND AFFIDAVIT OF CORRECTION RECORDED AS 2008-677554