

#5

MAR 17 2016

ORDINANCE NO. 4687

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 MULTI-FAMILY RESIDENTIAL AND COMMERCIAL TO PAD FOR MULTI-FAMILY RESIDENTIAL IN CASE DVR15-0031 VILLAS 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 Attachment 'A'.

Said parcel is hereby rezoned from PAD for Multi-Family Residential and Commercial to PAD for Multi-Family Residential, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Villas at Chandler Airpark", kept on file in the City of Chandler Planning Division, in File No. DVR15-0031, 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. 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 landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
7. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.
8. The multi-family apartment manager shall display, in a conspicuous place within the rental office, a map illustrating the location of the Villas at Chandler Airpark multi-family apartments in the context of the Chandler Airpark Area Plan. The map shall identify the Airport Impact Overlay District, the noise contours and overflight patterns as depicted in Exhibit 6A in the FAR Part 150 Noise Compatibility Study document as adopted by Chandler City Council (Resolution No. 2590, 11-5-98), and the noise contours as identified in 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 multifamily apartment manager submitting to the Zoning Administrator of a signed affidavit and photograph that acknowledges such map is on display prior to beginning any rental activity.
9. 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 includes a heliport, aircraft engine testing facility, and an aircraft storage facility, that an

avigational easement exists on the property, the property lies within the Chandler Municipal Airport Impact Overlay District, and that the property is subject to aircraft noise and over flight activity. The requirement for such disclosure 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.

10. 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.
11. 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.
12. 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 over flight activity, and is encumbered by an avigational easement to the City of Chandler."
13. The development shall not be subdivided to allow individual dwelling unit ownership.
14. All leases at the Villas at Chandler Airpark multi-family apartments shall provide that all questions, concerns, or complaints any tenant may have about the Chandler Municipal Airport or 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 Villas 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 Villas at Chandler Airpark (and not the tenant) to determine (after the manager's due consideration of all airport related acknowledgments and disclosures that are required by the Zoning Stipulations and consideration of all information known to Villas at Chandler Airpark Manager) whether or not, when, and how to communicate any tenants question, concern, or complain 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 Planning Division 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 _____, 2016.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this _____ day of _____, 2016.

ATTEST:

CITY CLERK

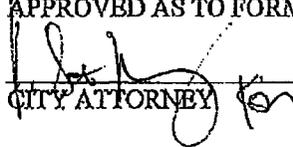
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4687 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2016, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PUBLISHED:

EXHIBIT "A"

**LEGAL DESCRIPTION
FOR
VILLAS @ CHANDLER AIRPARK (NET)**

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

COMMENCING AT A FOUND CITY OF CHANDLER BRASS CAP IN HAND HOLE AT THE NORTH QUARTER CORNER OF SAID SECTION 11, FROM WHICH A FOUND CITY OF CHANDLER BRASS CAP IN HAND HOLE AT THE NORTHWEST CORNER OF SAID SECTION 11 BEARS S. 89°12'52" W. (BASIS OF BEARING), A DISTANCE OF 2644.47 FEET;

THENCE S. 89°12'52" W. ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 97.49 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID NORTH LINE S. 00°47'08" E., A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING;

THENCE S. 18°15'08" W., A DISTANCE OF 21.21 FEET;

THENCE S. 18°16'12" W., A DISTANCE OF 373.69 FEET;

THENCE S. 20°39'41" W., A DISTANCE OF 390.79 FEET;

THENCE S. 20°51'16" W., A DISTANCE OF 245.73 FEET;

THENCE S. 18°05'38" W., A DISTANCE OF 167.66 FEET;

THENCE S. 12°41'18" W., A DISTANCE OF 169.64 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11;

THENCE ALONG SAID SOUTH LINE, S. 89°10'52" W., A DISTANCE OF 779.08 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11;

THENCE DEPARTING SAID SOUTH LINE, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11, N. 00°19'45" W., A DISTANCE OF 1242.87 FEET TO A THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 2925.00 FEET;

THENCE DEPARTING SAID WEST LINE, EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE 00°59'56", A DISTANCE OF 50.99 FEET;

THENCE N. 82°56'41" E., A DISTANCE OF 290.52 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 2805.00 FEET;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE 02°13'19", A DISTANCE OF 108.77 FEET;

THENCE N. 89°12'52" E., A DISTANCE OF 777.55 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 1,272,560 SQUARE FEET OR 29.21 ACRES, MORE OR LESS.



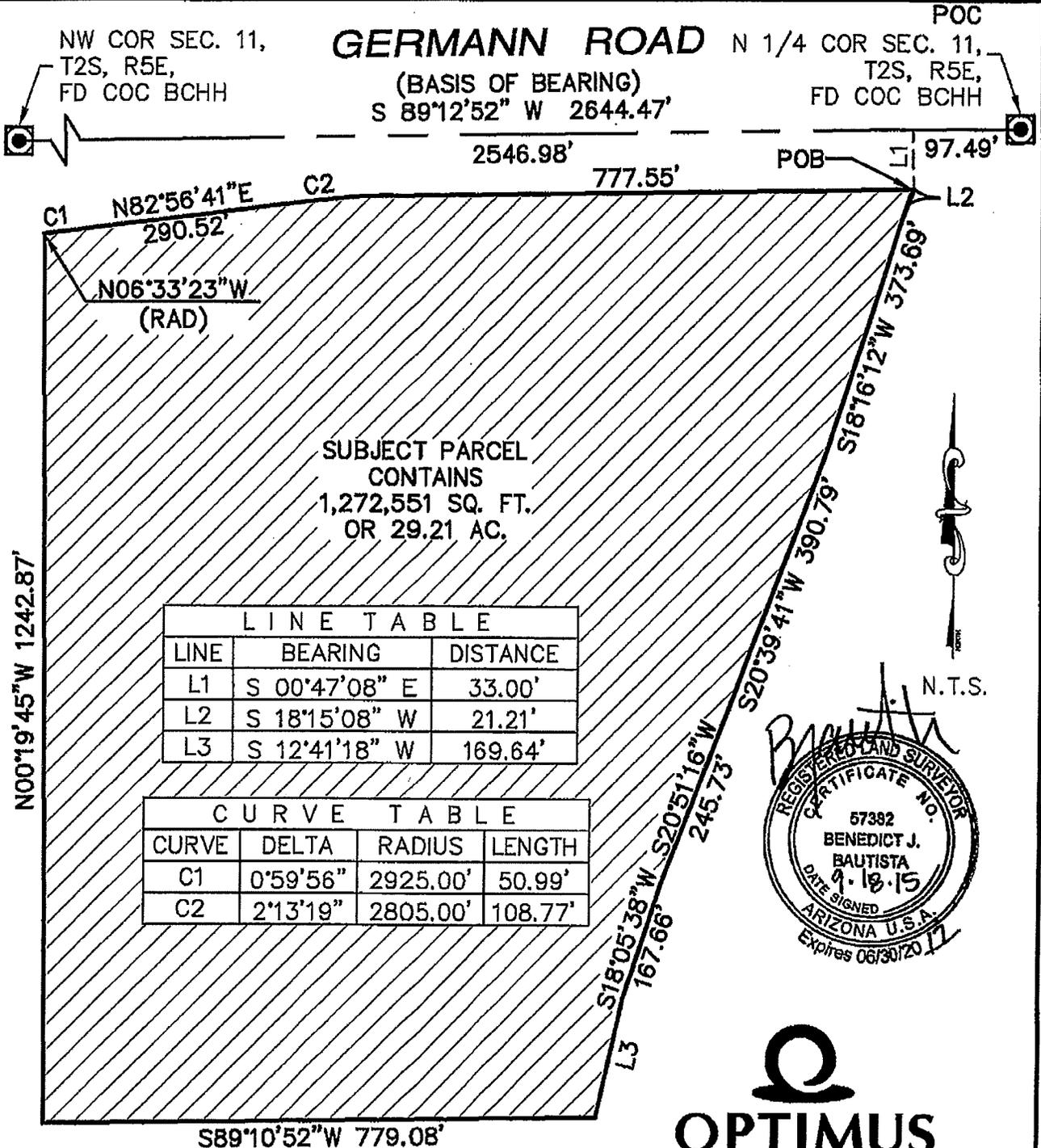
EXHIBIT "B"
VILLAS • CHANDLER AIRPARK (NET)

NW COR SEC. 11,
T2S, R5E,
FD COC BCHH

GERMANN ROAD

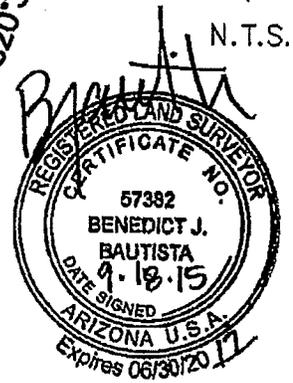
N 1/4 COR SEC. 11,
T2S, R5E,
FD COC BCHH

(BASIS OF BEARING)
S 89°12'52" W 2644.47'



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 00°47'08" E	33.00'
L2	S 18°15'08" W	21.21'
L3	S 12°41'18" W	169.64'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	0°59'56"	2925.00'	50.99'
C2	2°13'19"	2805.00'	108.77'



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