

Repl #57

MAY 24 2007



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning and Development – CC Memo No. 07-105a

DATE: MAY 21, 2007

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR
JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR
BOB WEWORSKI, PLANNING MANAGER

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

SUBJECT: AP05-0003 / DVR05-0040 PINELAKE CONDOMINIUMS

Request: Area Plan amendment from business park to multi-family residential land use, and Rezoning from Planned Area Development (PAD) zoning for business park and Agricultural (AG-1) zoning to PAD for residential condominiums with Preliminary Development Plan (PDP) approval to allow a residential condominium development

Location: Southeast corner of Pinelake Way and Ocotillo Road, which is approximately one half-mile east of Arizona Avenue and on the south side of Ocotillo Road

Applicant: Whitneybell Perry, Inc. and Ralph Pew, Pew & Lake PLC

Owner: South Chandler Investment Property L.P.

Project Info: Approximately 13.85 net (15.23 gross) acres, 144 multi-family residential condominium units, 116 two-bedroom units and 28 three-bedroom units, approximately 10.39 dwelling units per acre (du/ac)

RECOMMENDATION

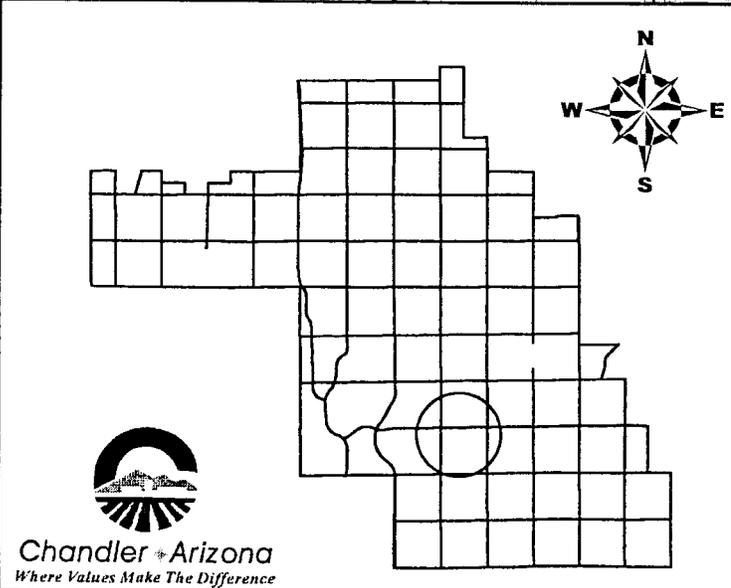
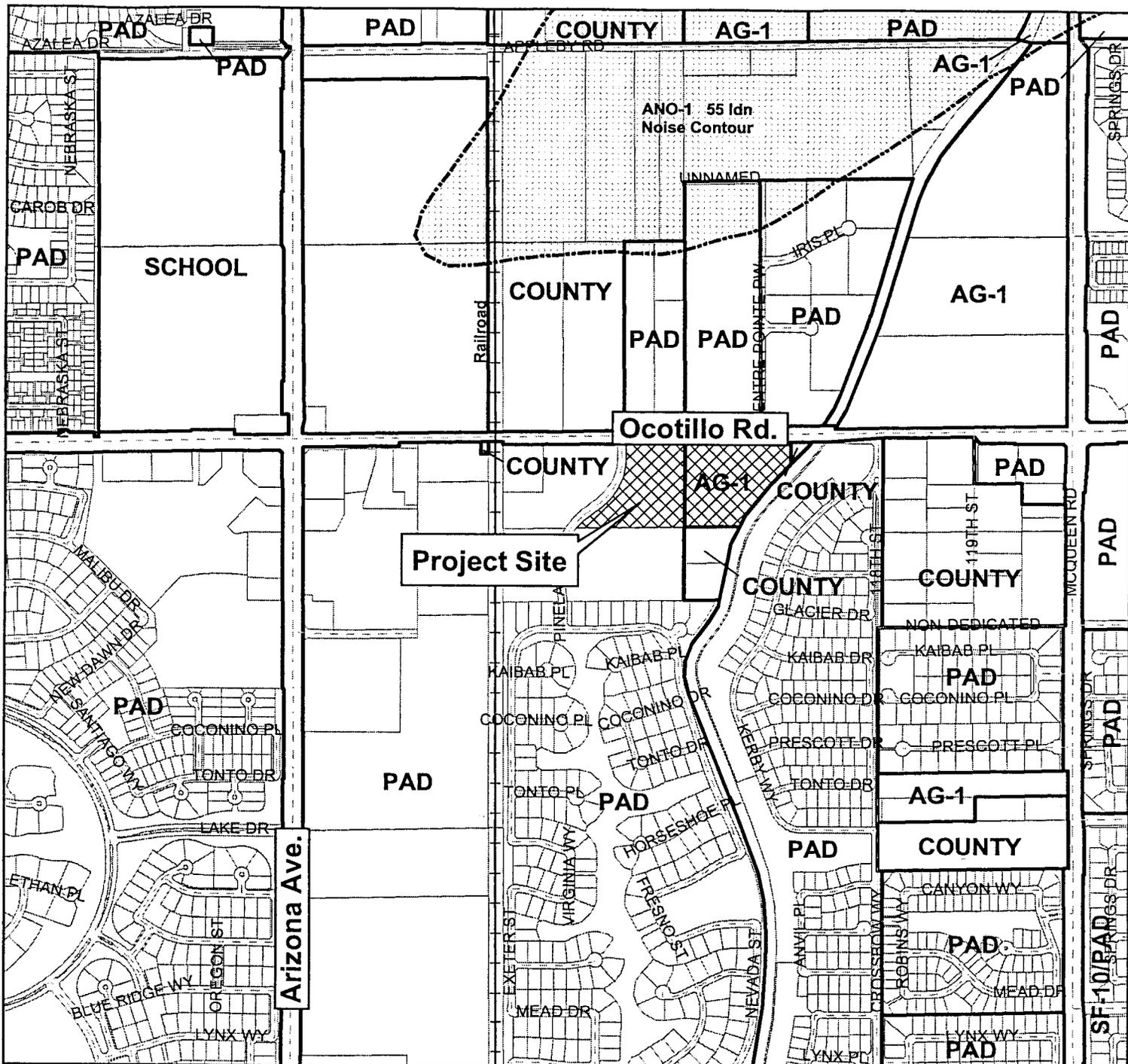
The applicant is requesting a continuance to the June 14, 2007 City Council meeting. The applicant is coordinating with area residents who support the project to attend the Council meeting.

PROPOSED MOTION

Move to continue case AP05-0003 / DVR05-0040 PINELAKE CONDOMINIUMS to the June 14, 2007 City Council meeting, per Staff recommendation.

ATTACHMENT

1. Vicinity Map
2. Letter from applicant

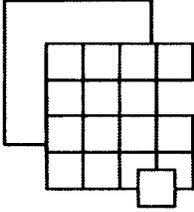


Vicinity Map

APOS 0003/
DVR05-0040

Pinelake Condominiums

CITY OF CHANDLER 2/16/2007



Pew & Lake, P.L.C.
Real Estate and Land Use Attorneys

W. Ralph Pew
Certified Real Estate Specialist
Sean B. Lake
Reese L. Anderson

May 21, 2007

VIA ELECTRONIC MAIL

Jodie Novak
Senior Planner
City of Chandler
215 E. Buffalo Street
Chandler, AZ 85225

Re: DVR05-0040 – Pinelake Condominiums

Dear Jodie:

On behalf of the owner in the above-referenced case, Pinelake Land Company, Inc., we respectfully request that the Rezoning and Preliminary Development Plan application be continued from the May 24, 2007 City Council meeting to the June 14, 2007 City Council meeting.

This additional time will allow us the opportunity to continue to work on matters as they relate to the application.

Thank you for your attention to this matter.

Sincerely,

PEW & LAKE, PLC

W. Ralph Pew

cc: **Wendell Beck [via email]**
Jim Runner [via email]

#57
MAY 24 2007



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM **Planning and Development – CC Memo No. 07-105**

DATE: MAY 7, 2007

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER *WMP*
DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR *DB*
JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR *JK*
BOB WEWORSKI, PLANNING MANAGER *BW*

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

SUBJECT: AP05-0003 / DVR05-0040 PINELAKE CONDOMINIUMS
Adoption of Resolution No. 4071
Introduction and tentative adoption of Ordinance No. 3925

Request: Area Plan amendment from business park to multi-family residential land use, and Rezoning from Planned Area Development (PAD) zoning for business park and Agricultural (AG-1) zoning to PAD for residential condominiums with Preliminary Development Plan (PDP) approval to allow a residential condominium development

Location: Southeast corner of Pinelake Way and Ocotillo Road, which is approximately one half-mile east of Arizona Avenue and on the south side of Ocotillo Road

Applicant: Whitneybell Perry, Inc./Ralph Pew of Pew and Lake, PLC

Owner: South Chandler Investment Property L.P.

Project Info: Approximately 13.85 net (15.23 gross) acres, 144 multi-family residential condominium units, 116 two-bedroom units and 28 three-bedroom units, approximately 10.39 dwelling units per acre (du/ac)

RECOMMENDATION

Upon finding the Area Plan amendment and Rezoning request to be inconsistent with the General Plan, Southeast Chandler Area Plan, and Southshore Area Plan, Planning Commission and Staff recommend denial of the Area Plan amendment, Rezoning, and Preliminary Development Plan requests.

BACKGROUND

The application requests an Area Plan amendment, Rezoning, and Preliminary Development Plan approval on approximately 13.85 net acres. The first request includes an amendment to the

Southshore Area Plan changing the land use from Business Park to Multi-Family Residential. Secondly, the property is currently zoned Planned Area Development (PAD) for Business Park and Agricultural (AG-1). The Rezoning request includes changing the zoning from PAD (Business Park) and AG-1 to PAD (Multi-Family Residential) to allow a residential condominium development. The Rezoning includes a Preliminary Development Plan (PDP) for site layout and building architecture.

The subject site's northeast corner abuts a parcel owned by Schuler Homes of Arizona. The Consolidated Canal/Paseo Canal System and 69kv power lines abut the site's eastern boundary. The property's south side abuts the Salt River Project Schrader Receiving Station and future substation site, which is an electrical power facility. The west boundary is Pinelake Way and property designated and zoned for Business Park. North of the property is Ocotillo Road and property zoned for Centre Pointe Business Park including office, light industrial, and self-storage warehouse uses.

The Pinelake Condominiums development includes 144 units with 116 two-bedroom units and 28 three-bedroom units. There are four unit types, three are a two-bedroom floor plan and one is a three-bedroom floor plan. The development's density is approximately 10.39 du/ac. Buildings are two-stories in height with units on the first and second floors. Building Type 1 includes 8 units and Building Type 2 includes 6 units. Unit sizes range from 1,250 to 1,935 square feet.

The development incorporates design guidelines as part of the Southeast Chandler Area Plan, The Paseo Master Plan, and the Multi-Family Residential Development Standards. Guidelines incorporated include landscaping and open space throughout the development. There is an average 45-foot wide landscape setback (measured from the curb line to fence wall) along arterial streets (Ocotillo Road), landscape palette including turf, Evergreen Elm, and Mondel Pine trees, and percentage of open space is greater than 150 square feet per bedroom and at least 20 feet in width.

Site layout provides for units facing toward the Paseo Consolidated Canal, open space along the canal's frontage, a pedestrian pathway and pedestrian gate to a pedestrian trail, view fencing at least 6 feet in height with pedestrian gate access along the Paseo, and a minimum 10-foot landscape easement along the Paseo. Access to the canal's pedestrian and equestrian paths is from Ocotillo Road.

Rural-theme fencing is provided along Ocotillo Road in addition to a wire mesh theme fence with decorative columns. Rural-theme fencing includes split-rail steel rails and posts with stone veneer columns and precast concrete caps. Split-rail view fencing is also located along Pinelake Way. Building design incorporates a rural-theme with trellises, decorative garage doors, balconies, covered gateways, and hip and gable roofs. Roofs have extended two-foot overhangs, exposed wood bracket beams at gable ends, and exposed rafters in balcony areas. Windows are recessed and include pop-outs and shutter details.

Building materials include concrete roof tiles, wood shutters with ornamental metal latches, stucco, wrought-iron railings and gates, river rock patio walls, and “Carriage House” garage doors. Building façades are broken-up with a mix of one- and two-story graduated roof heights. The site layout includes varied building orientations and open space areas. There are several buildings within a landscape setting fronting Ocotillo Road, Pinelake Way, and the Paseo canal. Several buildings are grouped together with a central open space area. Building footprints provide a series of courtyards and entry areas adjacent to units. Each unit has either a gated yard or a separate covered porch. Private open space for each unit is provided by either a covered patio or balcony on the rear elevation.

Decorative concrete pavers are provided at the main gated entrance, at drive aisle intersections, and pedestrian connections. Amenities include a swimming pool, spa, ramadas with barbeques, and a children’s playground. The main gated entrance off of Ocotillo Road includes tubular steel beams with a rusted finish providing a rural/ranch theme entrance. Decorative light fixtures are located on the beams. Decorative light fixtures for buildings and within common open space areas will occur; however, the Development Booklet does not include light details.

The development meets required parking for each unit and guests. Guest parking spaces are dispersed throughout the development along drives. Most units have driveways to accommodate guest parking beyond required guest parking spaces. Each unit has either a one- or two-car garage. The development incorporates a series of drives, which provide direct access to attached garages. There is a gated full-movement ingress and egress location off of Ocotillo Road. There is a future traffic signal planned at Pinelake Way; however, the development does not provide access to and from Pinelake Way. The drive off Pinelake Way is designated for emergency access only. Staff recommends access be provided to and from Pinelake Way; see the Discussion section for more information.

GENERAL PLAN CONFORMANCE / AREA PLAN BACKGROUND

Staff does not support the proposed Area Plan amendment for a multi-family residential condominium development at an intersection planned and developing with other business park and light industrial development. Although the PDP for the project implements the City’s design standards, the multi-family residential condominium development is not consistent with the Southshore Area Plan and creates a less desirable land use adjacent to an electrical power facility and other business park property.

The subject property is designated on the General Plan Land Use Map as a part of the Southeast Chandler Area Plan. The Southeast Chandler Area Plan designates the property for Traditional Suburban Character in which non-residential development such as, for example, commercial and office can be considered in conformance with the guidance provided in the General Plan. Also, development within this character area should convey a rural/agrarian theme and be developed with transitions and compatibility in mind.

In accordance with the General Plan, Council approved a specific sub-area plan named the Southshore Area Plan for the area bounded by Ocotillo Road, Arizona Avenue, Chandler Heights Road, and the Consolidated Canal. The Southshore Area Plan includes a land use arrangement,

which provided for multi-family residential on a few parcels while other parcels were specifically designated for office, retail, business park, and industrial. The multi-family parcels have since developed with medium-density residential and a large portion of the area plan developed with single-family residential.

The Southshore Area Plan designated the subject parcel for Business Park development. The Master Plan Guide for Southshore defines Business Park use as development such as, but not limited to, high-tech business, two-story office and research/development facilities with high-quality design standards. Also, the existing Salt River Project Receiving Station and property west of Pinelake Way along Ocotillo Road were designated Business Park. The property to the west is undeveloped and remains zoned for Business Park.

The Southshore Area Plan implements the General Plan's guideline for area plans providing for circulation, land use arrangements, and open space. The Business Park component is an integral part of the overall mixed-used development plan for the area. Although a large portion of the area plan is now developed with single-family residential, which was not a part of the original plan, the concept of a mixed-use development with a variety of land uses and locations is still applicable and meets the intent of the initial Southshore Master Plan. The Business Park land uses provide for office-related development in proximity to existing single-family residential and commercial development.

Within the square mile bounded by Ocotillo Road, Arizona Avenue, Chandler Heights Road, and McQueen Road, there are no other properties planned for business park uses other than three remaining parcels within the Southshore Area Plan. There are two parcels along Ocotillo Road and one parcel planned for light industrial/business park along Arizona Avenue. The subject parcel provides for an office type development serving the Southshore area and the larger square mile. Business park/office uses are an integral part of a mixed-use development. Southshore is a mixed-use development itself and changing property designated for Business Park to multi-family residential affects the mix of uses and further limits the potential for office or business uses in the Southshore Area Plan.

The Ocotillo Road corridor from Arizona Avenue east to the Consolidated Canal is commercial retail, office, and business park. Property to the north (Centre Pointe Business Park), northwest (Paseo Lindo's planned business park component), and west (vacant parcel along Pinelake Way) are planned and zoned for business park development in addition to the subject site. The subject site's Business Park designation furthers the Ocotillo Road land use pattern.

As part of recent Southshore Area Plan amendments, this site remained a Business Park land use providing for an office or employment use serving the larger area. The proposed multi-family residential use to allow a residential condominium development is not consistent with the Southshore Area Plan and property on the north side of Ocotillo Road. The subject site adds to the mix of uses in the Southshore Area Plan by providing a needed business park/office/employment use to support the larger plan of development.

DISCUSSION

Staff is of the opinion that the proposed land use is not consistent with the goals and objectives of the existing land plan for the area. The subject site is situated in a developing area of Chandler that can offer an opportunity for business park/office/employment development that compliments existing and planned business park, light industrial, residential, and commercial development in the surrounding area.

The subject site is viable for a business park/office/employment use that takes advantage of arterial street frontage and adjacency to the canal. Business Park use is also compatible next to the electrical power facility and existing 69kv power lines. Appropriate uses include general office, medical office, corporate office, high-tech related businesses, and the like. The multi-family residential condominium development is not consistent with the Southshore Area Plan and creates a less desirable land use adjacent to an electrical power facility and other business park property.

The PDP applies the City design standards; however, the development does not provide access to and from Pinelake Way except for emergency access only. The development fronts a major arterial street, a collector street, and is located at the intersection of a planned traffic signal. The Preliminary Development Plan is consistent with design guidelines established in the City's Multi-Family Residential Development Standards, Southeast Chandler Area Plan, and The Paseo Master Plan.

Eliminating access to and from Pinelake Way for residents, guests, waste pickup trucks, maintenance crews, and others needing access from a signalized intersection impacts the development itself and surrounding area. It is not desirable for persons leaving or entering the community during peak hours to make left turn movements off Ocotillo Road. Safer turning movements and managing traffic flows including queuing is best managed at the traffic signal. The main entrance and exit gate is almost a ¼ mile from residences at the southwest and west sides of the community.

The Preliminary Development Plan is consistent with design guidelines established in the City's Multi-Family Residential Development Standards, Southeast Chandler Area Plan, and The Paseo Master Plan. However, Staff does not support the request to provide only emergency access to Pinelake Way.

The applicant has conveyed that residents in the Pinelake Estates single-family subdivision south of the electrical power facility do not want vehicles from the condominium development accessing Pinelake Way or parking along Pinelake Way. This street is a City public collector street, which does permit on-street parking. Through the Preliminary Technical Site Plan Review process, the development received comments from the City's Traffic Division stating that full access movement will be available on Ocotillo Road at Pinelake Way and that an entrance and exit drive with a turn-around will need to be provided to Pinelake Way. Given there will be a traffic signal at this intersection, access to the signal will be beneficial to the future condominium residents.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code including a one-quarter mile radius notice to all property owners, homeowners' associations, and City Registered Neighborhood Organizations within a one-quarter mile radius of the site.

- The first required neighborhood meeting was held on January 5, 2006 at the downtown Chandler Community Center. Residents from 5 households in Pinelake Estates attended. Residents asked questions regarding whether the development had sufficient parking for residents and guests on-site, if there will be a traffic signal at Pinelake Way and Ocotillo Road, how water will be retained for this development, what amenities are provided, and if RV parking was permitted. The applicant's attorney conveyed parking will meet City standards, the traffic signal at the intersection is planned by the City when warranted, the site will maintain stormwater on-site, amenities include a pool, spa, tot lots, and the like, and there will be no RV parking allowed.

- On February 2, 2006, Staff received a call from a Pinelake Estates resident and Board member. The resident is not opposed to the development but has concerns for the number of cars parking on Pinelake Way and vehicle access to Pinelake Way. The resident spoke with the applicant's attorney about these issues at the neighborhood meeting.

- The applicant held a follow-up meeting on February 28, 2006 at the downtown Chandler Community Center. Notification was sent to the residents who attended the first meeting. Six people attended the meeting. The applicant's attorney presented a parking exhibit to show the proposed on-site parking. The exhibit showed where required and additional parking above the required amount was provided. The attorney discussed a comparison of traffic numbers between the proposed multi-family residential and if the site developed with office and/or research and development facility uses. The attorney discussed the number of vehicle trips that would be generated by each type of use. A study done by TASK Engineering determined the proposed residential condominium project would create 856 trips per day in comparison to 2,273 trips for an office complex and 1,614 trips for a research and development facility. However, the residential condominium development does create more trips per day in the peak morning and evening hours than an office or research and development facility.

- March 5, 2007, the applicant and attorney met with the Pinelake Estates HOA Board. The attorney conveyed to the Board that the drive and gate off of Pinelake Way is for emergency access only by the Fire Department. Exhibits for the project were presented and the attorney conveyed where all on-site parking is provided and presented revised building elevations. The Board agreed the project would be a benefit to their neighborhood.

- As of the date of this memo, Staff is not aware of any opposition or concerns to the proposed development other than Pinelake Estates residents not wanting any additional traffic to Pinelake Way.

PLANNING COMMISSION VOTE REPORT

Motion to Deny Area Plan amendment. In Favor: 5 Opposed: 2
Motion to Deny Rezoning with PDP. In Favor: 7 Opposed: 0

Several Planning Commissioners conveyed they were not in favor of changing the land use. Commissioners stated the site could achieve a high-quality one and/or two-story office or business park development. Commissioners had a concern with residential next to an SRP receiving and future substation electric facility, thus, having the SRP facility in between two residential developments. Commissioners stated this is a nice project but not the right location.

Commissioners in support of the land use change conveyed they were not opposed to residential condominiums given existing single-family residential was approved south of the SRP facility. Commissioners feel the City already approved residential to the south creating a situation where more residential could come in. The Commissioners conveyed they would like to see the southwest corner of Pinelake Way and Ocotillo Road remain as Business Park.

One resident who is also a homeowners' association board member from Pinelake Estates stated the residents in Pinelake Estates feel this project provides a buffer from the SRP facility. He further conveyed this project creates a nice presence into the Pinelake Estates community.

The attorney for the applicant conveyed they agree to provide full-access to Pinelake Way.

RECOMMENDATION

Upon finding the Area Plan amendment and Rezoning request to be inconsistent with the General Plan, Southeast Chandler Area Plan, and Southshore Area Plan, Planning Commission and Staff recommend denial of the Area Plan amendment, Rezoning, and Preliminary Development Plan requests.

PROPOSED MOTIONS

▪ **Area Plan Amendment:**

Move to deny Resolution No. 4071 approving the Southshore Area Plan amendment AP05-0003 PINELAKE CONDOMINIUMS, per Planning Commission and Staff recommendation.

▪ **Rezoning and PDP:**

Move to deny the introduction and tentative adoption of Ordinance No. 3925 approving the Rezoning request with Preliminary Development Plan in case DVR05-0040 PINELAKE CONDOMINIUMS, per Planning Commission and Staff recommendation.

Attachments

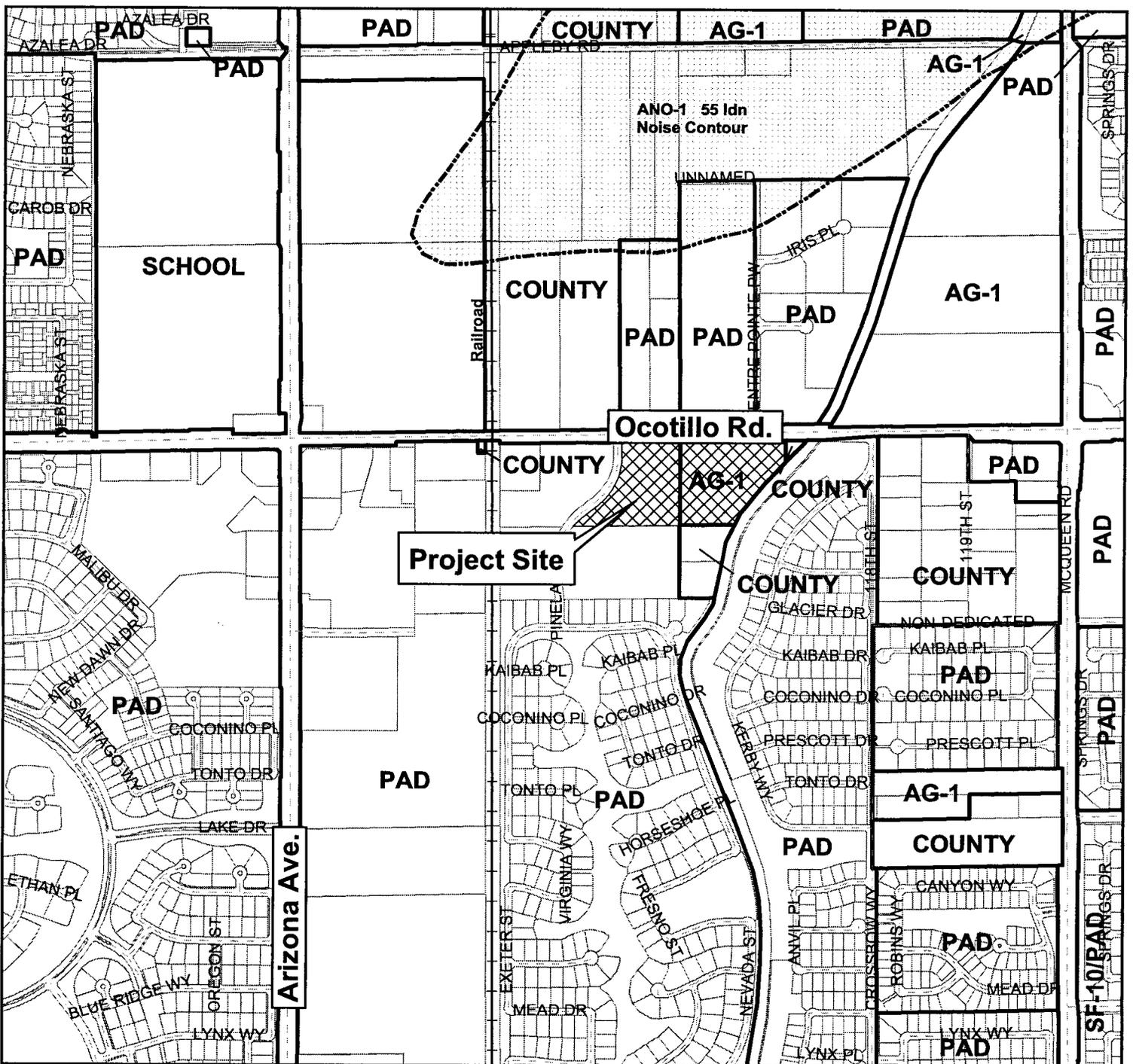
1. Vicinity Map
2. Site Plan
3. Landscape Plan
4. Building Elevations
5. Proposed Area Plan amendment
6. Current Southshore Area Plan

CC Memo No. 07-105

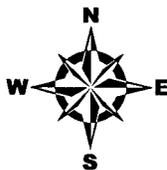
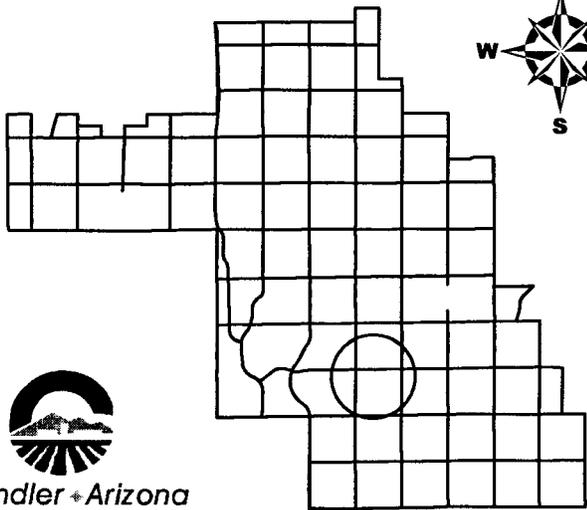
May 7, 2007

Page 8 of 8

7. Original Southshore Area Plan
8. Development Booklet
9. Resolution No. 4071
10. Ordinance No. 3925



Vicinity Map

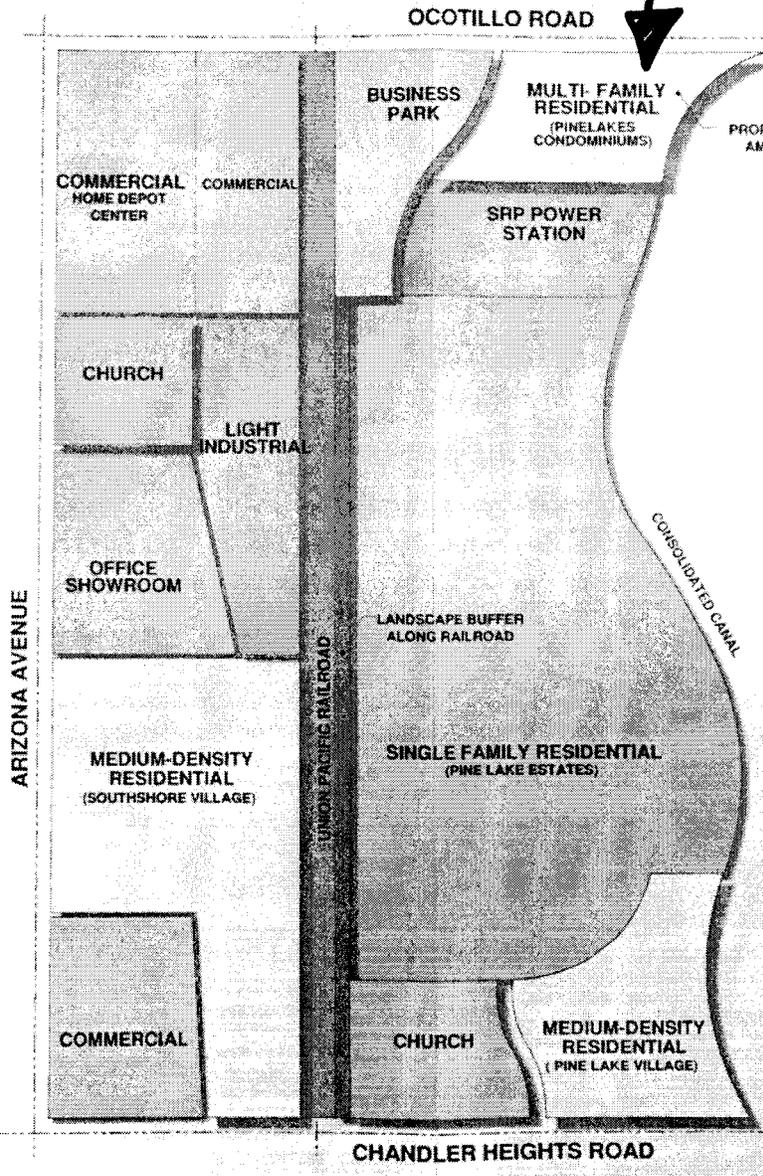


AP05-0003/
DVR05-0040

Pinelake Condominiums



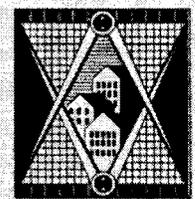
subject site



**PINELAKE
CONDOMINIUMS**
CHANDLER, ARIZONA

PRELIMINARY

WHITNEYBELL ARCHITECTS INC
1102 East Missouri Avenue
Phoenix, Arizona 85014-2784
(602)265-1891



ARCHITECTURE AND PLANNING

PROPOSED AREA PLAN

PROJECTED LAND USE PLAN



1.10

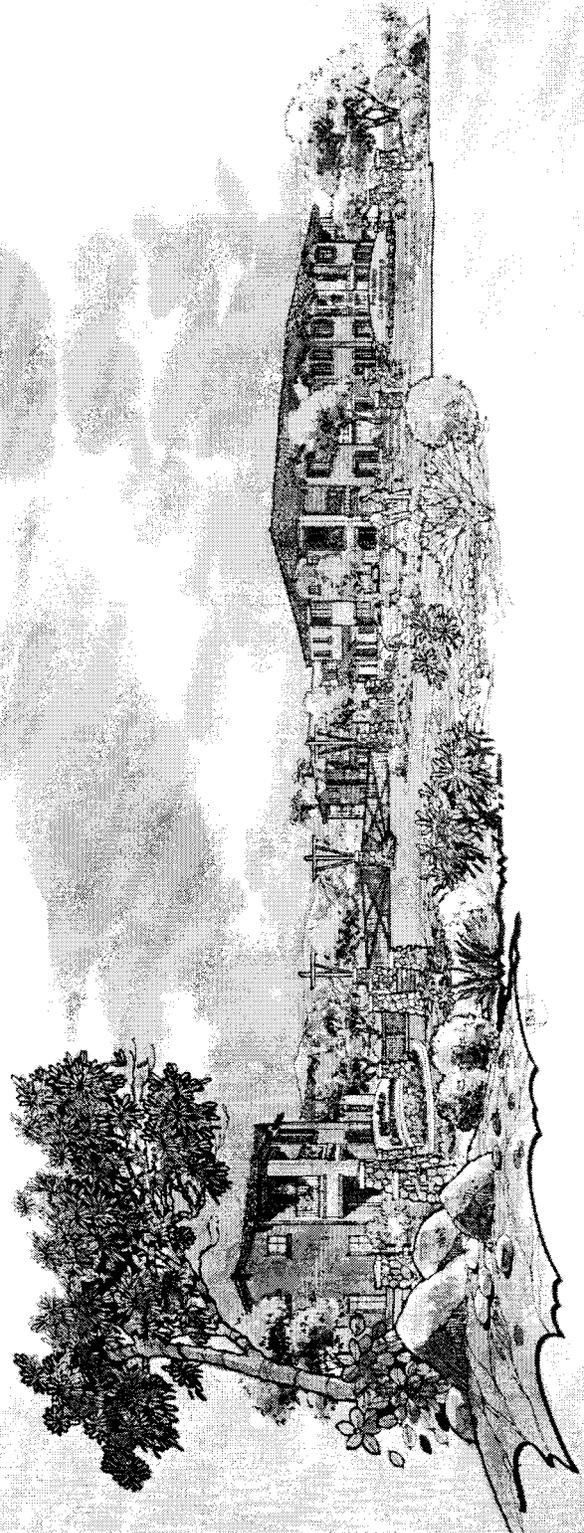
0820

COPYRIGHT WHITNEYBELL ARCHITECTS INC
10 Jan 2007

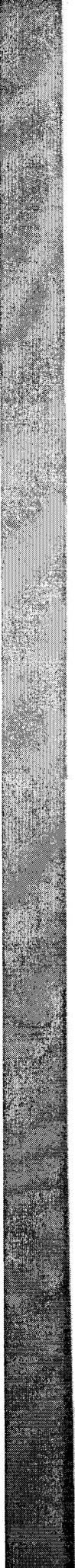


**SOUTHSHORE
AREA PLAN**

Proposed Area Plan



Building elevation
Perspective



**PINELAKE
CONDOMINIUMS**
CHANDLER, ARIZONA

PRELIMINARY

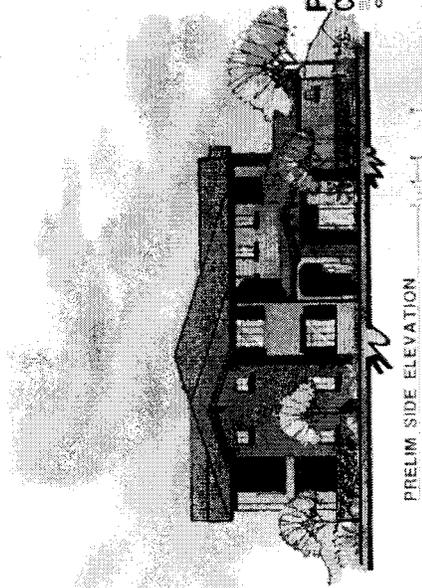
WHITNEY BELL ARCHITECTS INC.
10000 W. BUCKLEBOURNE DRIVE
CHANDLER, ARIZONA 85226-1801



ARCHITECTURAL AND PLANNING

2.11
DWG

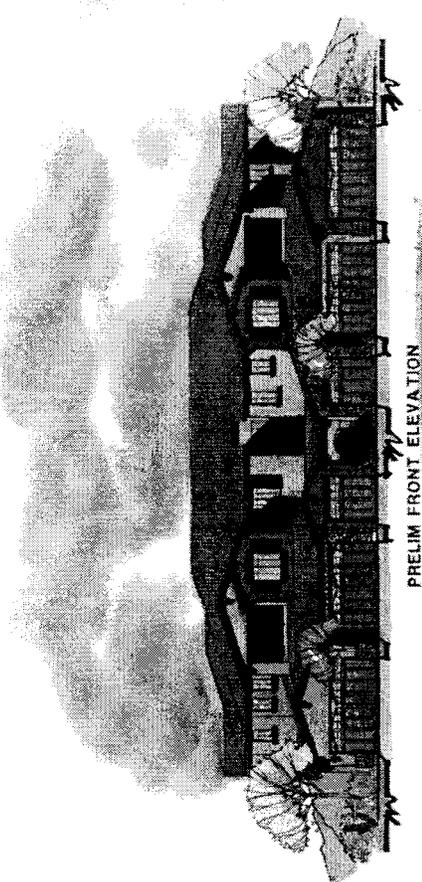
COMPILED BY WHITNEY BELL ARCHITECTS INC.
DATE: 02/20/2008
PROJECT: PINELAKE CONDOMINIUMS
EXTERIOR ELEVATIONS
BUILDING TYPE 2



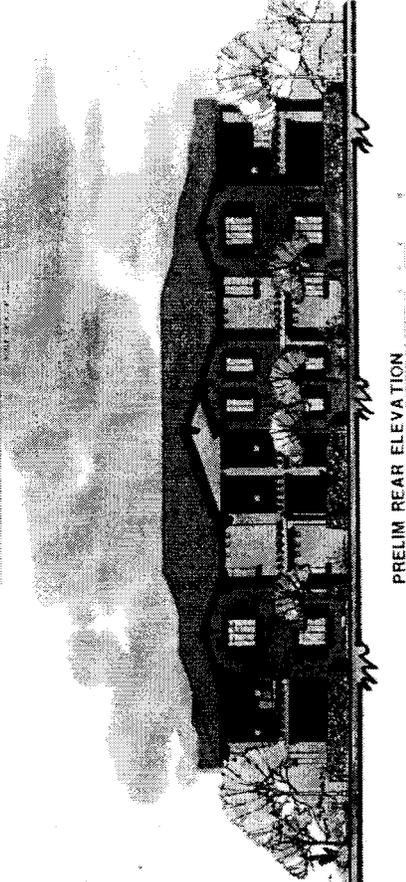
PRELIM SIDE ELEVATION



PRELIM SIDE ELEVATION

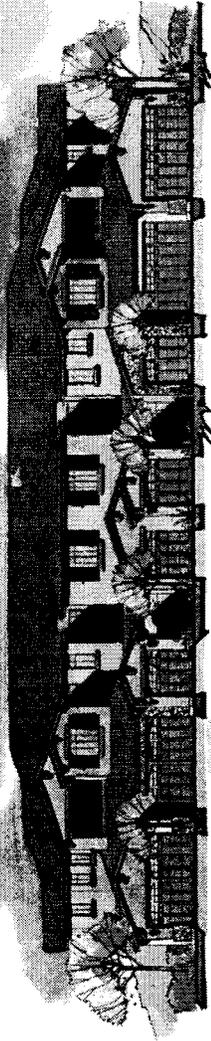


PRELIM FRONT ELEVATION

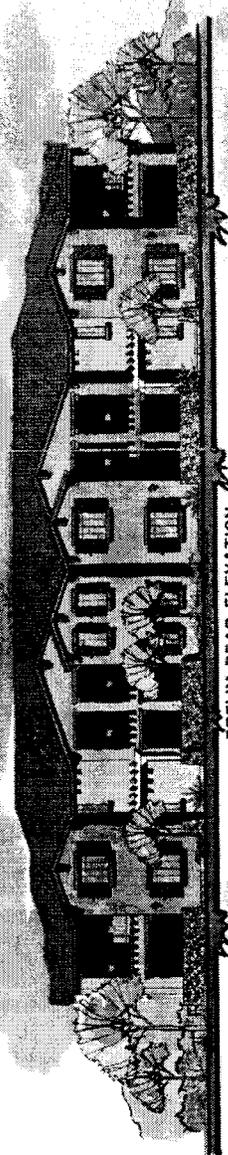


PRELIM REAR ELEVATION

Building elevations



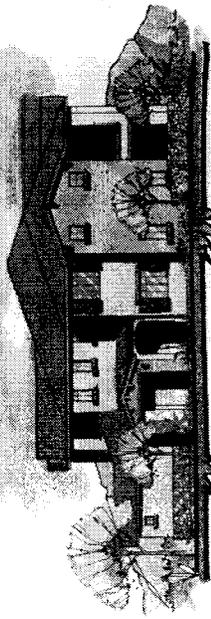
PRELIM FRONT ELEVATION



PRELIM REAR ELEVATION



PRELIM SIDE ELEVATION



PRELIM SIDE ELEVATION

**PINELAKE
CONDOMINIUMS**
CHANDLER, ARIZONA

PRELIMINARY

WHITWELL ARCHITECTS INC
1102 E. Main
Phoenix, Arizona 85042-2384
AZ 202-265-1887



ARCHITECTURE AND PLANNING

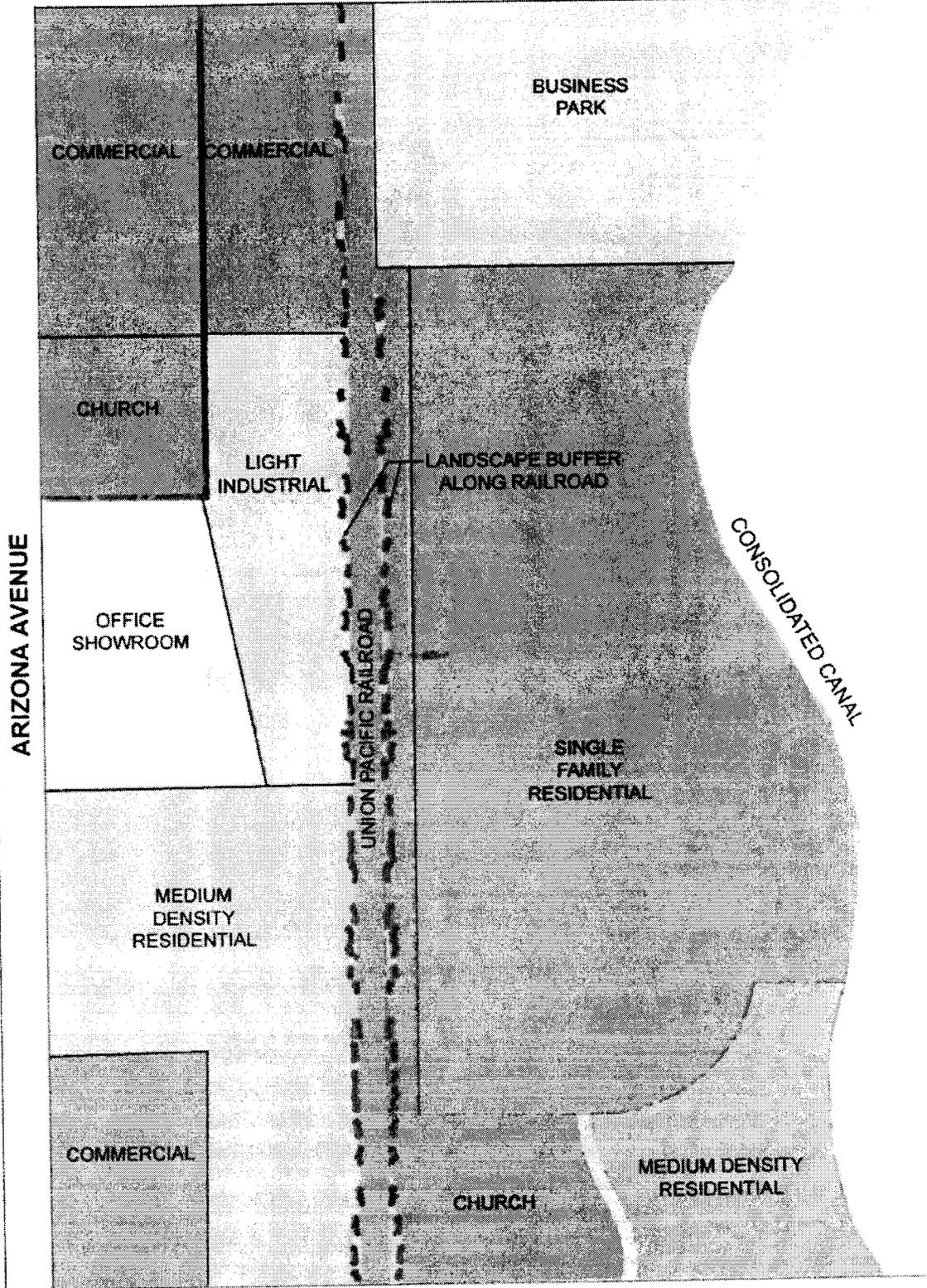
2.10
0820

COPYRIGHT © WHITWELL ARCHITECTS INC
ARIZONA 2008

EXTERIOR ELEVATIONS
BUILDING TYPE 1

Building Elevations

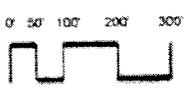
OCOTILLO ROAD



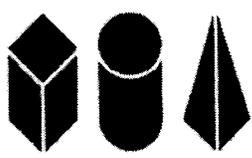
ARIZONA AVENUE

CONSOLIDATED CANAL

UNION PACIFIC RAILROAD

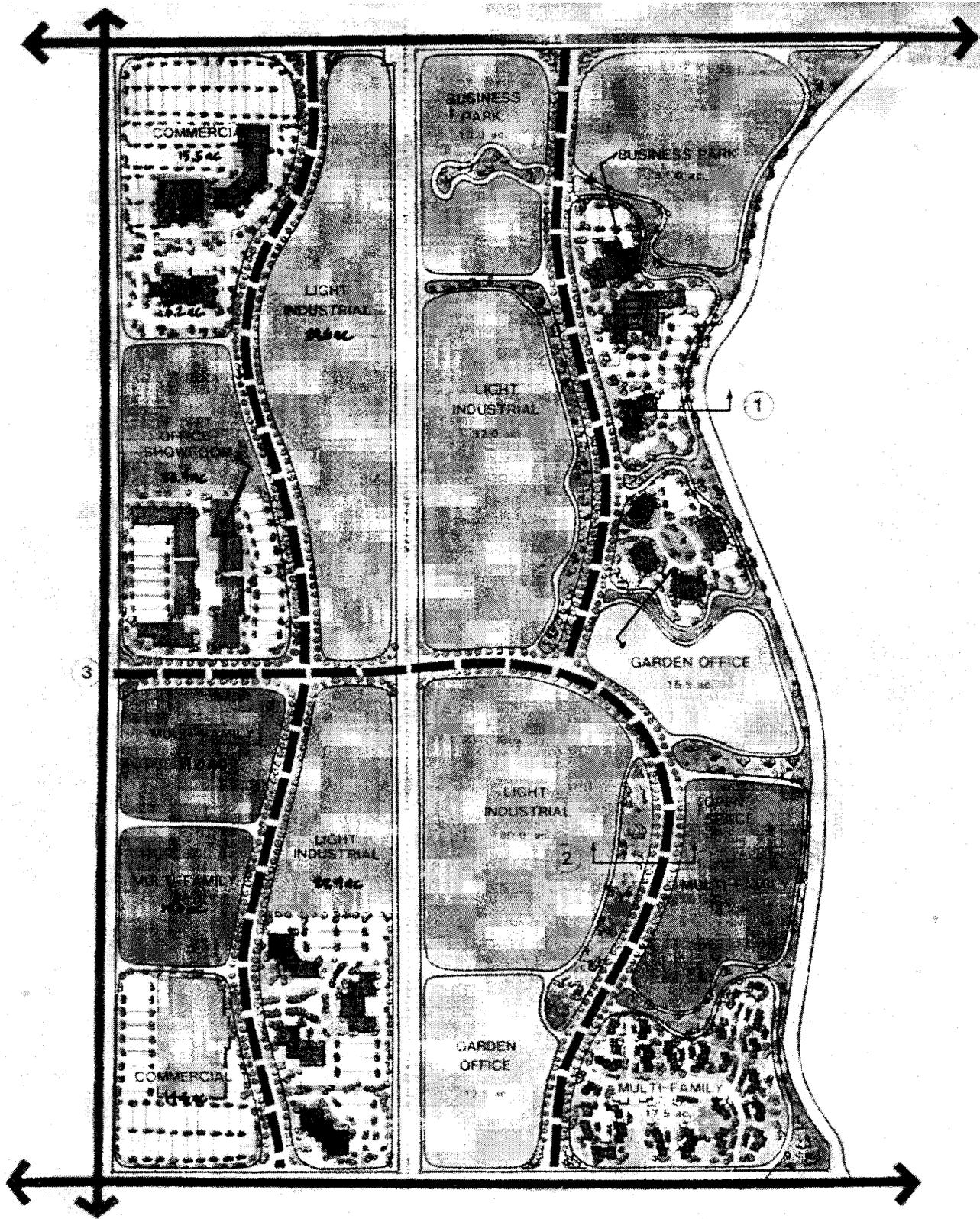


CHANDLER HEIGHTS ROAD



Roberts|Jones Associates, Inc.
 Architecture-Planning-Programming
 2525 East Arizona Biltmore Circle
 Suite 237
 Phoenix, Arizona 85016
 602-955-7575
 www.robertsjones.com

latest area plan
 AS OF 5-06



Master Plan Concept

SOUTHSHORE

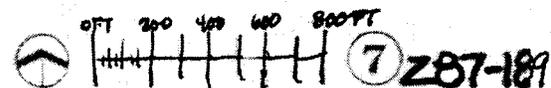
SOUTH
CHANDLER INVESTMENT
PROPERTY

LIMITED BY MEMBERSHIP

LAND USE	ACRES
Commercial	30.1 AC
Hotel	6.2 AC
Light Industrial	118.00 AC
Office Showroom	23.4 AC
Business Park	44.3 AC
Office	28.0 AC
Multi-Family	52.0
Open Space	15.75
Site P.O.W.	25.5
TOTAL AREA	341.0 AC

*original
area plan*

BRW



7 287-189

RESOLUTION NO. 4071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, ADOPTING AN AMENDMENT TO THE "SOUTHSHORE AREA PLAN" FROM BUSINESS PARK TO MULTI-FAMILY RESIDENTIAL, AND LOCATED AT THE SOUTHEAST CORNER OF OCOTILLO ROAD AND PINELAKE WAY.

WHEREAS, an interest has been expressed in seeking approval of a rezoning request, pending approval of an Area Plan amendment, for a particular development proposal located at the southeast corner of Ocotillo Road and Pinelake Way; and

WHEREAS, the Land Use Element of the Chandler General Plan adopted by the City Council on November 1, 2001 requires the preparation of a neighborhood plan (Area Plan) for at least the entire square mile or larger within which a proposed rezoning has been submitted; and

WHEREAS, an existing area plan, the "Southshore Area Plan" has been adopted for the area bounded by Ocotillo Road, Arizona Avenue, Chandler Heights Road, and the Consolidated Canal;

WHEREAS, the applicant prepared this amendment to the existing "Southshore Area Plan"; and

WHEREAS, such an amendment, covering a portion of the adopted Area Plan including a map has been prepared by the applicant for consideration by the City Council after having received public input from the Planning and Zoning Commission and property owners at a previous public hearing;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. That the attached map exhibit, an Amendment to the Southshore Area Plan, as presented to the Planning and Zoning Commission and denied at their public hearing held on May 2, 2007, is hereby adopted as the guideline for future rezoning and development for the area described within it.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

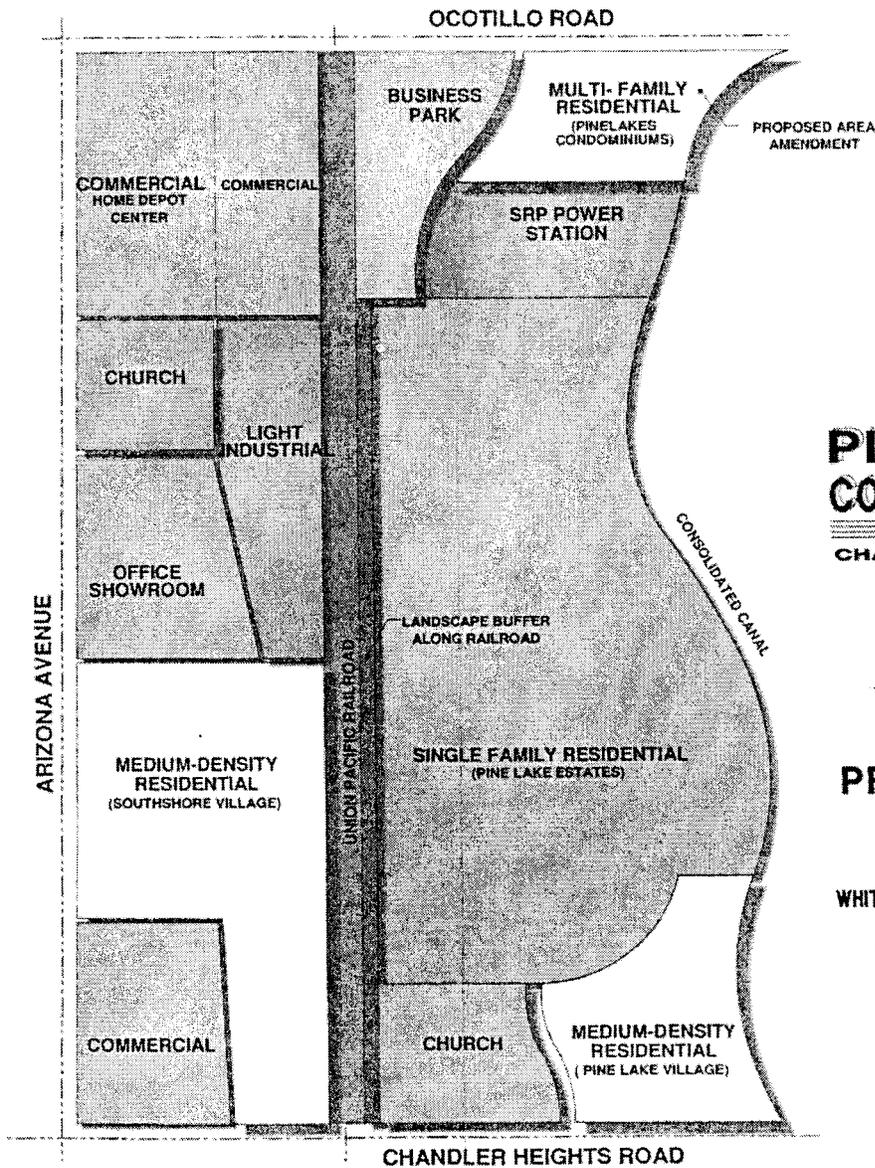
CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4071 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting was held on the _____ day of _____, 2007, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

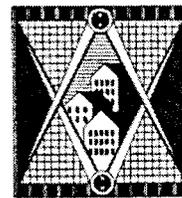
CITY ATTORNEY *GAB*



**PINELAKE
CONDOMINIUMS**
CHANDLER, ARIZONA

PRELIMINARY

WHITNEYBELL ARCHITECTS INC
1102 East Missouri Avenue
Phoenix, Arizona 85014-2784
(602)265-1891



ARCHITECTURE AND PLANNING

PROPOSED AREA PLAN

PROJECTED LAND USE PLAN



SOUTHSHORE VILLAGE

CHANDLER, ARIZONA

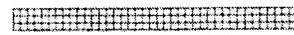


1.10

0520

COPYRIGHT WHITNEYBELL ARCHITECTS INC

10 Jan 2007



**SOUTHSHORE
AREA PLAN**

ORDINANCE NO. 3925

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD AND AG-1 TO PAD (DVR05-0040 PINELAKE CONDOMINIUMS) 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 and AG-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Pinelake Condominiums", kept on file in the City of Chandler Planning Services Division, in File No's. AP05-0003 and DVR05-0040 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 for arterial and collector streets, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. The development shall provide full vehicular access to Pinelake Way.
5. 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.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. 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.
8. 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.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
11. 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 Pinelake Condominiums development shall use treated effluent to maintain open space, common areas, and landscape tracts.

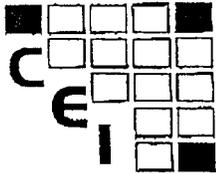
12. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.
13. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
14. Prior to the time of making any lot reservations or subsequent sales agreements, the homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby an existing landfill and a transfer station that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an existing landfill and a transfer station, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

15. At the time of sale, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the canal right-of-way together with the adjoining easements dedicated to the City of Chandler, is to be developed as a multi-trail system for use by the general public.
16. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby an existing Salt River Project (SRP) receiving station and future substation electrical power facility that may cause adverse noise and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an existing an existing Salt River Project (SRP) receiving station and future substation electrical power facility, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
17. The parking space canopies shall incorporate building materials, forms, and colors to match the development.
18. 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.

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 & 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 _____, 2007.



Clouse Engineering, Inc.

ENGINEERS • SURVEYORS

1642 E. Oranewood Ave. • Phoenix, Arizona 85020 • TEL. (602) 395-9300 • FAX (602) 395-9310

December 20, 2005

Job No. 050808

Legal Description

That part of the North half of Section 22, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the Northwest corner of said Section 22, being marked by a brass cap in a hand hole; thence North 89 degrees 22 minutes 31 seconds East, (basis of bearings) along the Northerly line of the Northwest quarter of said Section 22, a distance of 2217.20 feet to a point from which the North quarter corner of Section 22, being marked by a Maricopa County 2" aluminum cap, bears North 89 degrees 22 minutes 31 seconds East, 423.55 feet distant there from and the true **Point of Beginning**;

Thence North 89 degrees 22 minutes 31 seconds East, along said Northerly line of the Northwest quarter of Section 22, a distance of 423.55 feet to said North quarter corner;

Thence North 89 degrees 23 minutes 37 minutes East, along the North line of the Northeast quarter of said Section 22, a distance of 712.25 feet to a point from which a point on the Westerly right-of-way line of the Consolidated Canal as recorded in Book 181 of Maps, Page 4 thereof, Maricopa County records, bears North 89 degrees 23 minutes 37 seconds East, 189.07 feet distant there from;

Thence South 0 degrees 36 minutes 23 seconds East, 204.17 feet to a point on the said Westerly right-of-way line of the Consolidated Canal;

Thence along the said Westerly right-of-way line of Consolidated Canal the following courses;

South 43 degrees 49 minutes 59 seconds West, 205.94 feet;

Thence South 39 degrees 10 minutes 29 seconds West, 256.12 feet;

Thence South 26 degrees 18 minutes 47 seconds West, 87.01 feet to the Northeast corner of the Schrader Receiving Station side as recorded in Document Number 96-0765338, Maricopa County records;

Thence departing said Westerly right-of-way line of the Consolidated Canal, along the Northerly line of the said Schrader Receiving Station site, being parallel with the Northerly line of the Northwest quarter of said Section 22, South 89 degrees 22 minutes 31 seconds West, 374.78 feet to a point on the said North-South Mid-Section line of Section 22;

Thence continuing South 89 degrees 22 minutes 31 seconds West, 722.50 feet to a point on the Easterly right-of-way line of Pinelake Way, as recorded in Book 584 of Maps, Page 27 thereof, Maricopa County records, said point being on a non-tangent curve, the center point of said curve bears South 49 degrees 08 minutes 52 seconds East, 370.00 feet, measured (South 48 degrees 15 minutes 13 seconds East, 370.00 feet, record) distant from;

Thence North 49 degrees 08 minutes 52 seconds West, a distance of 55.00 feet to a point on the centerline of Pinelake Way, as recorded in Book 584, Page 27, Maricopa County records, said point being on a non-tangent curve, the center point of said curve bears South 49 degrees 08 minutes 52 seconds East, 400.00 feet;

Thence Northeasterly along the said centerline of Pinelake Way the following courses;

Northeasterly along the arc of said curve through a central angle of 11 degrees 00 minutes 36 seconds, measured (11 degrees 00 minutes 27 seconds, record), a distance of 76.86 feet, measured (76.85 feet, record);

Legal Description
Job No. 050808
December 20, 2005
Page 3

Thence North 51 degrees 51 minutes 44 seconds, 151.34 feet, measured (North 52 degrees 45 minutes 14 seconds East, 151.34 feet, record), to the beginning of a curve, concave Northwesterly, having a radius of 400.00 feet (measured and record);

Thence Northerly along the arc of said curve, through a central angle of 52 degrees 29 minutes 00 seconds (measured and record), a distance of 366.40 feet (measured and record);

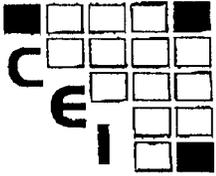
Thence North 0 degrees 37 minutes 16 seconds West, 144.09 feet (North 0 degrees 16 minutes 14 seconds East, 144.09 feet, record), to the true **Point of Beginning**.

Subject to any and all existing easements and or rights-of-way affecting the above described property.



15.229 AC M/L GROSS (TO N. LINE SEC. 22)
- 1.376 AC M/L (N. 55' FOR OCOTILLO RD)

13.853 AC M/L REMAINDER PARCEL 2



Clouse Engineering, Inc.

ENGINEERS • SURVEYORS

1642 E. Orangewood Ave. • Phoenix, Arizona 85020 • TEL. (602) 395-9300 • FAX (602) 395-9310

December 20, 2005
Job No. 050808

Legal Description

That part of the North half of Section 22, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the Northwest corner of said Section 22, being marked by a brass cap in a hand hole; thence North 89 degrees 22 minutes 31 seconds East, (basis of bearings) along the Northerly line of the Northwest quarter of said Section 22, a distance of 2217.20 feet to a point from which the North quarter corner of Section 22, being marked by a Maricopa County 2" aluminum cap, bears North 89 degrees 22 minutes 31 seconds East, 423.55 feet distant there from and the true **Point of Beginning**;

Thence North 89 degrees 22 minutes 31 seconds East, along said Northerly line of the Northwest quarter of Section 22, a distance of 423.55 feet to said North quarter corner;

Thence North 89 degrees 23 minutes 37 minutes East, along the North line of the Northeast quarter of said Section 22, a distance of 712.25 feet to a point from which a point on the Westerly right-of-way line of the Consolidated Canal as recorded in Book 181 of Maps, Page 4 thereof, Maricopa County records, bears North 89 degrees 23 minutes 37 seconds East, 189.07 feet distant there from;

Thence South 0 degrees 36 minutes 23 seconds East, 204.17 feet to a point on the said Westerly right-of-way line of the Consolidated Canal;

Thence along the said Westerly right-of-way line of Consolidated Canal the following courses;

South 43 degrees 49 minutes 59 seconds West, 205.94 feet;

Thence South 39 degrees 10 minutes 29 seconds West, 256.12 feet;

Thence South 26 degrees 18 minutes 47 seconds West, 87.01 feet to the Northeast corner of the Schrader Receiving Station side as recorded in Document Number 96-0765338, Maricopa County records;

Thence departing said Westerly right-of-way line of the Consolidated Canal, along the Northerly line of the said Schrader Receiving Station site, being parallel with the Northerly line of the Northwest quarter of said Section 22, South 89 degrees 22 minutes 31 seconds West, 374.78 feet to a point on the said North-South Mid-Section line of Section 22;

Thence continuing South 89 degrees 22 minutes 31 seconds West, 722.50 feet to a point on the Easterly right-of-way line of Pinelake Way, as recorded in Book 584 of Maps, Page 27 thereof, Maricopa County records, said point being on a non-tangent curve, the center point of said curve bears South 49 degrees 08 minutes 52 seconds East, 370.00 feet, measured (South 48 degrees 15 minutes 13 seconds East, 370.00 feet, record) distant from;

Thence North 49 degrees 08 minutes 52 seconds West, a distance of 55.00 feet to a point on the centerline of Pinelake Way, as recorded in Book 584, Page 27, Maricopa County records, said point being on a non-tangent curve, the center point of said curve bears South 49 degrees 08 minutes 52 seconds East, 400.00 feet;

Thence Northeasterly along the said centerline of Pinelake Way the following courses;

Northeasterly along the arc of said curve through a central angle of 11 degrees 00 minutes 36 seconds, measured (11 degrees 00 minutes 27 seconds, record), a distance of 76.86 feet, measured (76.85 feet, record);

Legal Description
Job No. 050808
December 20, 2005
Page 3

Thence North 51 degrees 51 minutes 44 seconds, 151.34 feet, measured (North 52 degrees 45 minutes 14 seconds East, 151.34 feet, record), to the beginning of a curve, concave Northwesterly, having a radius of 400.00 feet (measured and record);

Thence Northerly along the arc of said curve, through a central angle of 52 degrees 29 minutes 00 seconds (measured and record), a distance of 366.40 feet (measured and record);

Thence North 0 degrees 37 minutes 16 seconds West, 144.09 feet (North 0 degrees 16 minutes 14 seconds East, 144.09 feet, record), to the true **Point of Beginning**.

Subject to any and all existing easements and or rights-of-way affecting the above described property.



15.229 AC M/L GROSS (TO N. LINE SEC. 22)
- 1.376 AC M/L (N. 55' FOR OCOTILLO RD)

13.853 AC M/L REMAINDER PARCEL 2