

**ORDINANCE NO. 3951**

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) TO PAD AMENDED (DVR07-0009 AZ 202) 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) to PAD Amended subject to the following conditions:

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. 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.

3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. 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.
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. 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.
7. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AZ 202", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0009, except as modified by condition herein.
8. Approval by the Director of Planning and Development of plans for landscaping and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. 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.
10. 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 Able Engineering development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. 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.
12. Palm trees and associated landscaping shall be provided in the medians adjacent to the project near the intersection of Pecos Road and Arizona Avenue. The landscape design shall be consistent with the median landscaping at the intersection of Chandler Boulevard and Arizona Avenue.
13. Additional shade trees shall be placed in the central fountain area in order to enhance comfort for the pedestrian-oriented seating areas.
14. Any patio additions to Retail Shops B, C, or D or to Pad G must maintain generous public pedestrian spaces and pedestrian pathways of at least six feet in width.
15. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
16. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
17. Applicant will update the Category 1 Traffic Study and identify any necessary improvements to be made.
18. The median break at the driveway across from California Street must be left-in only access, in accordance with City of Chandler Standard Detail No. C-226 as amended to address safety concerns.



**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3951 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY GAB

PUBLISHED:

EXHIBIT "A"

LOT 1, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 33.00 FEET; AND

EXCEPT THE EAST 33.00 FEET; AND

EXCEPT THE EAST 45.00 FEET OF THE NORTH 63.00 FEET OF LOT 1, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 33.00 FEET; AND

EXCEPT THE EAST 33.00 FEET; AND

EXCEPT THAT PORTION OF LOT 1, SECTION 4, 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 NORTHEAST CORNER OF SAID SECTION 4;

THENCE SOUTH 00 DEGREES 22 MINUTES 27 SECONDS EAST, 33.03 FEET ALONG THE EAST LINE OF SAID SECTION 4;

THENCE DEPARTING SAID EAST LINE SOUTH 89 DEGREES 37 MINUTES 33 SECONDS WEST, 45.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF ARIZONA AVENUE AND THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 22 MINUTES 27 SECONDS EAST, 30.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE NORTH 89 DEGREES 35 MINUTES 18 SECONDS EAST, 12.00 FEET;

THENCE SOUTH 00 DEGREES 22 MINUTES 27 SECONDS EAST, 1400.77 FEET TO THE SOUTH LINE OF SAID LOT 1;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY SOUTH 89 DEGREES 04 MINUTES 50 SECONDS WEST, 13.24 FEET ALONG SAID SOUTH LINE OF LOT 1;

THENCE DEPARTING SAID SOUTH LINE NORTH 04 DEGREES 21 MINUTES 47 SECONDS WEST, 537.40 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 3884.72 FEET;

THENCE NORTHERLY 339.29 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 00 MINUTES 15 SECONDS;

THENCE NORTH 00 DEGREES 38 MINUTES 28 SECONDS EAST, 311.49 FEET;

THENCE NORTH 14 DEGREES 44 MINUTES 07 SECONDS WEST, 41.48 FEET;  
THENCE NORTH 00 DEGREES 38 MINUTES 28 SECONDS EAST, 75.00 FEET;  
THENCE NORTH 08 DEGREES 15 MINUTES 17 SECONDS EAST, 83.03 FEET;  
THENCE NORTH 44 DEGREES 53 MINUTES 07 SECONDS WEST, 42.03 FEET;  
THENCE SOUTH 89 DEGREES 35 MINUTES 18 SECONDS WEST, 87.09 FEET;  
THENCE NORTH 84 DEGREES 42 MINUTES 04 SECONDS WEST, 100.50 FEET;  
THENCE NORTH 88 DEGREES 24 MINUTES 25 SECONDS WEST, 200.12 FEET TO THE SOUTHERLY  
RIGHT-OF-WAY LINE OF PECOS ROAD;  
THENCE NORTH 89 DEGREES 35 MINUTES 18 SECONDS EAST, 454.98 FEET ALONG SAID  
SOUTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING;

EXCEPT

THAT PORTION OF LOT 1 OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST, GILA AND SALT  
RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WEST OF THE EXISTING WEST RIGHT  
OF WAY LINE OF ARIZONA AVENUE AND SOUTH AND EAST OF THE FOLLOWING DESCRIBED  
LINE:

LINE DESCRIPTION:

COMMENCING AT A CITY OF CHANDLER (C.O.C.) BRASS CAP IN A HAND HOLE MARKING THE  
NORTHEAST CORNER OF SAID SECTION 4 FROM WHICH A C.O.C. BRASS CAP IN A HAND HOLE  
MARKING THE EAST QUARTER CORNER OF SAID SECTION 4 BEARS SOUTH 00 DEGREES 22  
MINUTES 08 SECONDS EAST 2788.00 FEET;

THENCE ALONG THE NORTH LINE OF SAID SECTION 4, SOUTH 89 DEGREES 35 MINUTES 04  
SECONDS WEST 16.97 FEET TO THE SURVEY CENTERLINE OF SAID ARIZONA AVENUE;

THENCE ALONG SAID SURVEY CENTERLINE OF ARIZONA AVENUE SOUTH 00 DEGREES 38  
MINUTES 45 SECONDS WEST 514.56 FEET;

THENCE NORTH 89 DEGREES 21 MINUTES 15 SECONDS WEST 65.00 FEET TO SAID EXISTING  
WEST RIGHT OF WAY LINE OF ARIZONA AVENUE AND THE POINT OF BEGINNING FOR THIS  
LINE DESCRIPTION;

THENCE CONTINUING NORTH 89 DEGREES 21 MINUTES 15 SECONDS WEST 17.00 FEET;

THENCE SOUTH 00 DEGREES 38 MINUTES 45 SECONDS WEST 75.56 FEET;

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 3901.72 FEET, A LENGTH OF  
340.77 FEET;

THENCE SOUTH 04 DEGREES 21 MINUTES 30 SECONDS EAST 71.09 FEET TO A POINT  
HEREINAFTER CALLED POINT "A";

THENCE CONTINUING SOUTH 04 DEGREES 21 MINUTES 30 SECONDS EAST 135.00 FEET;

THENCE SOUTH 39 DEGREES 46 MINUTES 12 SECONDS WEST 88.25 FEET;

THENCE SOUTH 84 DEGREES 46 MINUTES 14 SECONDS WEST 1169.47 FEET;

THENCE NORTH 65 DEGREES 15 MINUTES 24 SECONDS WEST 27.85 FEET;

THENCE SOUTH 84 DEGREES 46 MINUTES 04 SECONDS WEST 23.25 FEET;

THENCE SOUTH 53 DEGREES 46 MINUTES 53 SECONDS WEST 27.03 FEET;

THENCE SOUTH 84 DEGREES 46 MINUTES 14 SECONDS WEST 429.29 FEET;

THENCE NORTH 89 DEGREES 14 MINUTES 08 SECONDS WEST 833.05 FEET TO THE POINT OF  
ENDING ON THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 4 BEING SOUTH 00  
DEGREES 55 MINUTES 16 SECONDS EAST 1325.07 FEET FROM A BRASS CAP IN A HANDHOLE  
MARKING THE NORTH QUARTER CORNER OF SAID SECTION 4;

EXCEPT

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 4, 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 NORTHEAST CORNER OF SAID SECTION 4, SAID CORNER BEING  
MONUMENTED WITH A BRASS CAP IN HAND HOLE;

THENCE SOUTH 89 DEGREES 35 MINUTES 03 SECONDS WEST, ALONG THE NORTH LINE OF  
SAID NORTHEAST QUARTER, A DISTANCE OF 1326.02 FEET TO THE NORTHWEST CORNER OF  
GLO LOT 1 OF SAID SECTION 4, SAID CORNER BEING MONUMENTED WITH A BRASS CAP  
FLUSH;

THENCE SOUTH 00 DEGREES 39 MINUTES 09 SECONDS EAST, ALONG THE WEST LINE OF SAID  
GLO LOT 1 A DISTANCE OF 33.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 35 MINUTES 03 SECONDS EAST, PARALLEL WITH AND 33.00 FEET  
SOUTH OF SAID NORTH LINE A DISTANCE OF 825.88 FEET TO THE MOST WESTERLY CORNER  
OF THAT CERTAIN PARCEL DESCRIBED IN INSTRUMENT 97-0044507, RECORDS OF SAID  
COUNTY;

THE NEXT FIVE CALL FOLLOW THE BOUNDARY OF SAID CERTAIN PARCEL;

THENCE SOUTH 88 DEGREES 24 MINUTES 40 SECONDS EAST, A DISTANCE OF 200.12 FEET;

THENCE SOUTH 84 DEGREES 42 MINUTES 19 SECONDS EAST, A DISTANCE OF 100.49 FEET;  
THENCE NORTH 89 DEGREES 35 MINUTES 03 SECONDS EAST, A DISTANCE OF 87.09 FEET;  
THENCE SOUTH 44 DEGREES 53 MINUTES 22 SECONDS EAST, A DISTANCE OF 42.03 FEET;  
THENCE SOUTH 08 DEGREES 15 MINUTES 02 SECONDS WEST, A DISTANCE OF 43.13 FEET;  
THENCE DEPARTING SAID BOUNDARY OF CERTAIN PARCEL NORTH 41 DEGREES 04 MINUTES  
57 SECONDS WEST, A DISTANCE OF 24.56 FEET;  
THENCE SOUTH 89 DEGREES 35 MINUTES 03 SECONDS WEST, PARALLEL WITH AND 104.00  
FEET SOUTH OF SAID NORTH LINE A DISTANCE OF 307.60 FEET;  
THENCE NORTH 00 DEGREES 24 MINUTES 58 SECONDS WEST, A DISTANCE OF 10.00 FEET;  
THENCE SOUTH 89 DEGREES 35 MINUTES 03 SECONDS WEST, PARALLEL WITH AND 94.00 FEET  
SOUTH OF SAID NORTH LINE A DISTANCE OF 149.80 FEET;  
THENCE NORTH 89 DEGREES 16 MINUTES 03 SECONDS WEST, A DISTANCE OF 762.47 FEET TO A  
POINT ON SAID WEST LINE OF GLO LOT 1;  
THENCE NORTH 00 DEGREES 39 MINUTES 09 WEST, ALONG SAID WEST LINE A DISTANCE OF  
45.72 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT "A"

A PORTION OF LOT 2 OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2;

THENCE SOUTH 00 DEGREES 16 MINUTES 39 SECONDS WEST (SOUTH 00 DEGREES 16 MINUTES 20 SECONDS WEST, RECORD), ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 33.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF PECOS ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 16 MINUTES 39 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 1316.88 FEET TO A POINT;

THENCE NORTH 89 DEGREES 29 MINUTES 05 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 1319.72 FEET (1320.40 FEET, RECORD) TO A POINT ON THE WEST LINE OF SAID LOT 2, (SAID WEST LINE ALSO BEING THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 4);

THENCE NORTH 00 DEGREES 01 MINUTES 02 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 1316.91 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF PECOS ROAD;

THENCE SOUTH 89 DEGREES 29 MINUTES 05 SECONDS EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1325.70 FEET (1325.74 FEET, RECORD), TO THE TRUE POINT OF BEGINNING;

EXCEPT THE WEST 890.00 FEET, AS MEASURED ALONG THE NORTH LINE THEREOF; AND ALSO

EXCEPT THAT PORTION LYING SOUTH OF THE NORTH LINE OF PROPERTY DESCRIBED IN FINAL ORDER OF CONDEMNATION RECORDED AS 2004-1080917 OF OFFICIAL RECORDS; AND ALSO

EXCEPT THAT PORTION TAKEN BY FINAL ORDER OF CONDEMNATION RECORDED AS 2004-1228051 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

THAT PORTION OF GLO LOT 2 OF SECTION 4, 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 NORTHEAST CORNER OF SAID LOT 2, SAID CORNER BEING MONUMENTED WITH A BRASS CAP FLUSH;

THENCE SOUTH 00 DEGREES 39 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 33.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 39 MINUTES 09 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 45.72 FEET;

THENCE NORTH 89 DEGREES 16 MINUTES 03 SECONDS WEST, A DISTANCE OF 435.10 FEET TO A POINT ON THE EAST LINE OF STONEBRIDGE RANCH APARTMENTS ACCORDING TO BOOK 595 OF MAPS, PAGE 18, RECORDS OF SAID COUNTY;

THENCE NORTH 00 DEGREES 55 MINUTES 20 SECONDS WEST, ALONG LAST SAID EAST LINE A DISTANCE OF 37.00 FEET;

THENCE NORTH 89 DEGREES 35 MINUTES 03 SECONDS EAST PARALLEL WITH AND 33.00 FEET SOUTH OF THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 435.15 FEET TO THE TRUE POINT OF BEGINNING; AND

EXCEPT ALL MINERALS, COAL, CARBONS, HYDROCARBONS, OIL, GAS, CHEMICAL ELEMENTS AND COMPOUNDS, WHETHER IN SOLID, LIQUID OR GASEOUS FORMS, AND ALL STEAM AND OTHER FORMS OF THERMAL ENERGY ON, IN OR UNDER THE LAND AS RESERVED BY PROPERTY RESERVE ARIZONA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY IN DEED RECORDED OCTOBER 10, 2006 AS 06-1336201 OF OFFICIAL RECORDS.