

Repl # 14

JAN 17 2008



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning & Development - CC Memo No. 07-328

DATE: DECEMBER 31, 2007

TO: MAYOR AND CITY COUNCIL

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

FROM: KEVIN MAYO, PRINCIPAL PLANNER

SUBJECT: DVR07-0022/ PPT07-0051 STELLAR AIRPARK ESTATES II
Introduction and Tentative Adoption of Ordinance No. 4010

Request: Rezoning from Agricultural District (AG-1) and Planned Commercial Office District (PCO) to Planned Area Development (PAD) for a 9-lot custom single-family residential subdivision with aviation-related uses, with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and development standards

Location: Southeast corner of Chandler Boulevard and Galaxy Drive, ½-mile west of McClintock Drive

Applicant: Ed Bull
Burch & Cracchiolo, P.A.

Project Info: 9-lot custom home subdivision on approximately 12.5-acres

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval subject to conditions.

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Request: Rezoning from Agricultural District (AG-1) and Planned Commercial Office District (PCO) to Planned Area Development (PAD) for a 2-lot custom single-family residential subdivision with aviation-related uses, with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and development standards

Location: Southeast corner of Chandler Boulevard and Galaxy Drive, ½-mile west of McClintock Drive

Applicant: Ed Bull
Burch & Cracchiolo, P.A.

Project Info: 2-lot custom home subdivision on approximately 14.5-acres

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval subject to conditions.

BACKGROUND

The subject site is located approximately ¼ mile west of the southwest corner of Chandler Boulevard and McClintock Drive. The site is bounded by Chandler Boulevard to the north, the residential collector street Galaxy Drive to the west, and the residential subdivision Stellar City Airpark, zoned SF-10, adjacent to the south. East of the subject site is the Stellar Airpark runway. The General Plan designates the subject site as Low Density Residential, while the site is currently zoned Planned Commercial Office (PCO) and Agricultural District (AG-1). The request is consistent with the General Plan.

The request is to rezone the property from AG-1 and PCO to Planned Area Development (PAD) for a custom single-family residential subdivision with aviation-related uses, with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and development standards on the approximate 12.5-acre site. The site is currently bisected by the northernmost extension of Stellar Parkway. The request includes the vacation and extinguishment of the right-of-way and public utility easements within this said portion of Stellar Parkway, and realignment to an east-west orientation connecting to the public collector street, Galaxy Drive. Refer to the attached Preliminary Plat for a graphic explanation.

The development proposes 9 custom single-family residential lots within a gated community. The single gated access point is located immediately off the new termination of Stellar Parkway. It is anticipated that many of the homes within Stellar Airpark Estates II will utilize on-lot garage/hangars for the homeowner's personal aviation use. These potential future hangars will be located at the rear of each lot and have access to the existing taxiway adjacent to the site's south, or to the proposed new taxiway along the property's north boundary, adjacent to Chandler Boulevard. The proposed new taxiway will be buffered from Chandler Boulevard by two 10-foot landscaped strips and a 6'-8" tall stucco masonry wall with a decorative concrete cap. While a formal landscape plan was not submitted, the applicant has provided a conceptual perspective rendering showing the proposed subdivision from Chandler Boulevard. Staff has added a condition requiring the landscaping to comply with the Residential Development Standards.

The 9-lot custom single-family residential subdivision proposes lots greater than 20,000 square feet in size, at least 132-feet wide and 162-feet deep. Because all the lots are larger than 12,000 square feet, the Residential Development Standards, both for subdivision diversity and architectural diversity, do not apply. While the development provides a large 1.8-acre landscaped tract and retention basin at the site's western end, no recreational amenities are proposed. This is for two reasons. First, the lots are sufficiently large enough to provide room for private pools, open-air ramadas, and built-in barbeques, as well as children's play structures. Second, the site is within close proximity to the City of Chandler Desert Breeze Park, which includes many of the above-mentioned amenities.

Building setbacks are a minimum 25-foot front yard, 25-foot rear yard for single-story homes and 35-foot for two-story homes, and a minimum of 10-foot and 10-foot side yards for each lot. The potential garage/hangars are permitted to have a zero-lot line setback from the rear and side property lines. Patios may encroach a maximum of 10-foot into the rear yard setback.

Fireplaces, entertainment centers, and bay windows may encroach a maximum of 3 feet into the side yard setback, not exceeding 5 feet in length. Lot coverage will be limited to 45% of the total lot area.

The development's housing product will be custom homes built by individual builders. Homes must have a minimum of 3,600 square feet of ground floor livable area, with or without a basement. All square-footage calculations are exclusive of accessory buildings, patios, porches, breezeways and hangars. The maximum building height is 30 feet. Asphalt shingle or wood product roofs are prohibited. No particular architectural style will be required. A copy of the Stellar Airpark Estates I Design Guidelines is included within the Development Booklet to serve as an example. A Homeowners Association architectural review committee will review home and landscape design and materials. Additional project details, descriptions, and developer representations are contained within the attached Development Booklet.

DISCUSSION

Staff supports the proposed rezoning finding it to represent an appropriate land use solution compatible with the Stellar Airpark. The custom-home subdivision in essence 'finishes' the existing Stellar Estates I and Stellar City Airpark subdivisions, which provide similar aviation-related uses and access.

The property is located within the Airport Impact Overlay District, which establishes airport noise overlays. The intent of the noise overlay district is to regulate land uses within designated existing or projected airport noise impact areas by specifying acoustical performance standards. The noise overlay zones are in addition to Zoning Districts. The noise overlay creates characteristics and limitations of the overlying Zoning District. While the Airport Noise Overlay ANO-1, 2 and 3 noise contours, impact the subject site, the existing Stellar Estates I and Stellar City Airpark subdivisions have proven a viable housing alternative that fulfills a niche market with aviation related needs. The majority of existing homeowners are aviation owners and/or enthusiasts.

Additionally, Staff supports the proposed re-alignment of Stellar Parkway to Galaxy Drive. Traffic issues have historically plagued the area. Galaxy Drive, constructed as a collector street, is intended to serve as primary access for the surrounding subdivisions to Chandler Boulevard. As such, the Galaxy Drive/Chandler Boulevard intersection is full-movement with a traffic signal. Stellar Parkway, constructed as a local residential street, is intended to serve only the Stellar Airpark Estates I and Stellar City Airpark residential subdivisions. At some point in time, 'speed humps' were installed along Galaxy Drive to control the traffic speed. The speed humps resulted in traffic patterns shifting to Stellar Parkway, the path of least resistance, a street not intended or designed to accommodate this level of traffic. The applicant, through extensive collaboration with Traffic Engineering, proposes the roadway abandonment/extinguishment/re-alignment as a solution to the cut-through traffic.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed according to the provisions of the City of Chandler Zoning Code.
- The Stellar Airpark Association was notified of the request. The Association has offered no opposition to the proposed rezoning.
- Two neighborhood meetings were held on 07/05/07 and 10/11/07 at the Chandler Community Center. Multiple neighbors attended the meeting. Overall the majority of neighbors support the proposed rezoning and roadway re-alignment. A few neighbors, who reside on Galaxy Drive, expressed concerns regarding the potential traffic increase along Galaxy Drive due to the roadway re-alignment. No neighbors offered opposition to the proposed custom home subdivision with aviation-related uses.

Staff has received two phone calls from residents in opposition of the proposed roadway re-alignment.

PLANNING COMMISSION VOTE REPORT

Motion to approve:

In Favor: 6 Opposed: 0 Absent: 1 (Creedon)

Discussion occurred at the Planning Commission hearing regarding the potential visibility of aircraft on the proposed taxiway from Chandler Boulevard, as well as the appearance of the masonry screen wall. Upon examination of the attached exhibits as well as representative photographs provided by the applicant, Planning Commission felt the decorative 8-foot tall masonry screen wall in combination with the layering affect of the proposed landscaping will provide an attractive solution for sufficiently screening the aircraft on the taxiway from Chandler Boulevard.

RECOMMENDED ACTION

Upon finding consistency with the General Plan and Airpark Area Plan, Planning Commission and Staff recommend approval to rezone the property, with Preliminary Development Plan (PDP) approval for the development of a custom single-family subdivision, subject to the following conditions:

1. Right-of-way dedications to achieve full and half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
3. Completion of the construction, where applicable, 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. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. 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.

4. 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.
5. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Stellar Airpark Estates II" kept on file in the City of Chandler Current Planning Division, in file no. DVR07-0022, except as modified by condition herein.
6. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
7. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
9. 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.
10. 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 lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Stellar Airpark Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Stellar Airpark 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 homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property.

- b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns. Such map shall be a minimum size of 24" x 36".
- c) 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.
- d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
- e) All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
- f) 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 Stellar Airpark Impact Overlay District and is subject to aircraft noise and overflight activity.”

11. A minimum of two trees shall be planted in all front yards.

12. The landscaping shall comply with the Residential Development Standards.

Planning Commission and Staff recommend approval of the Preliminary Plat subject to the following condition:

- 1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

PROPOSED MOTIONS

Move to introduce and tentatively adopt Ordinance No. 4010 approving DVR07-0022 STELLAR AIRPARK ESTATES II rezoning, as recommended by Planning Commission and Staff.

Move to approve the Preliminary Plat PPT07-0051 STELLAR AIRPARK ESTATES II, as per Planning Commission and Staff recommendation.

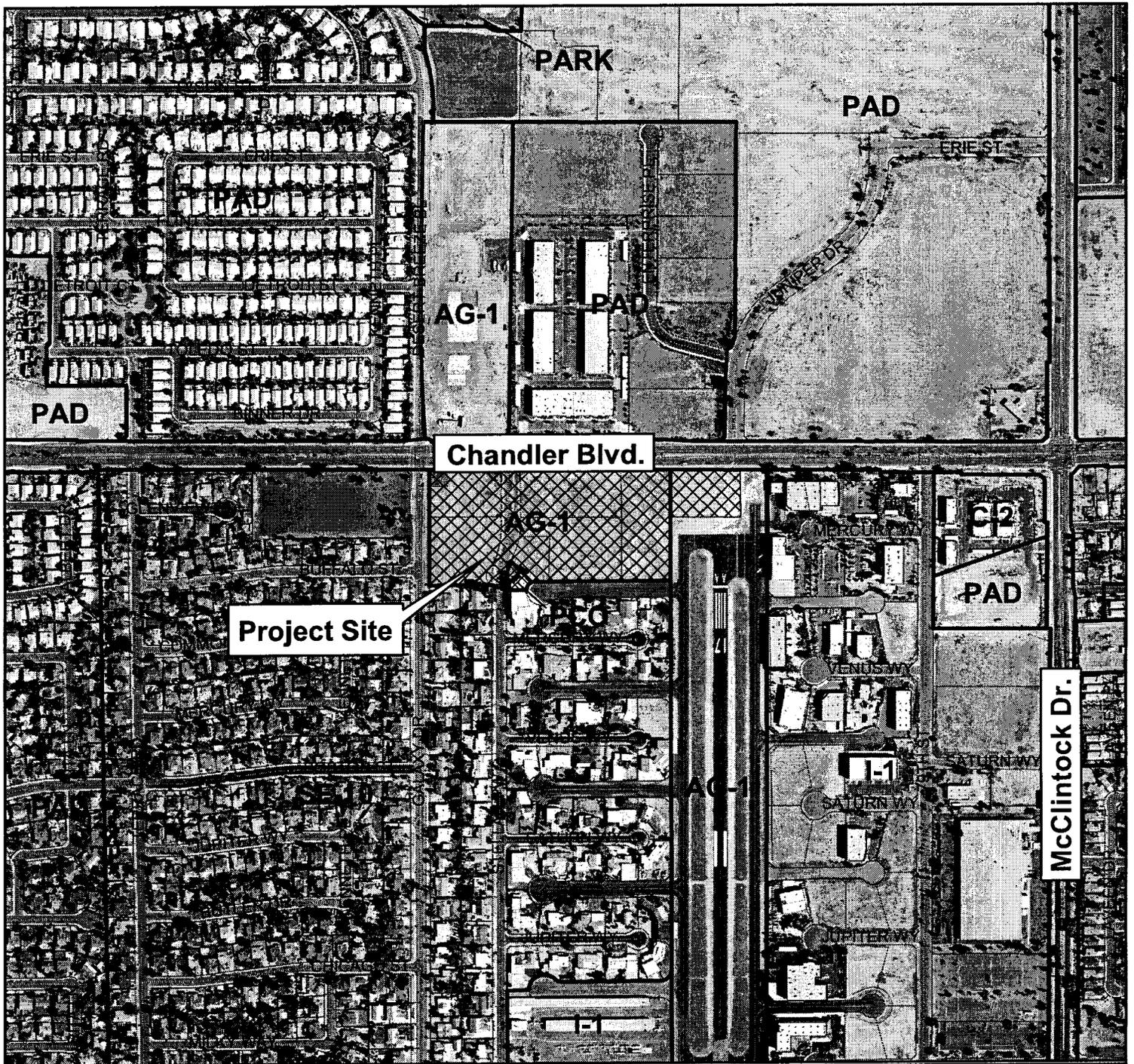
CC Memo No. 07-328

December 31, 2007

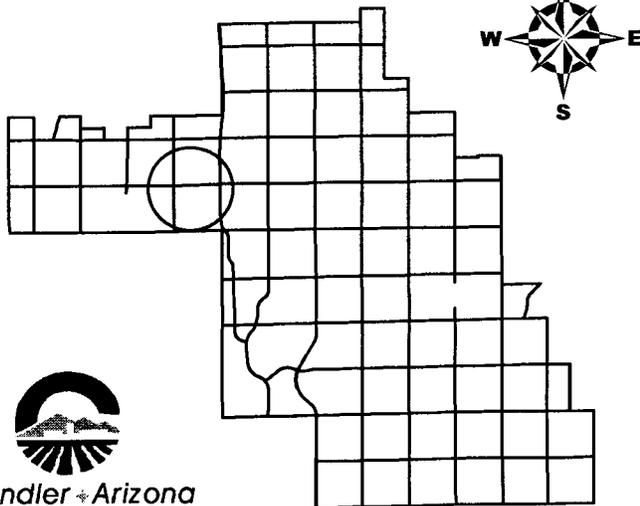
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Attachments

1. Vicinity Map
2. Ordinance No. 4010
3. Preliminary Plat
4. Landscape Perspective
5. Exhibit A, Development Booklet



Vicinity Map



DVR07-0022

Stellar Airpark Estates II

ORDINANCE NO. 4010

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL DISTRICT (AG-1) AND PLANNED COMMERCIAL OFFICE DISTRICT (PCO) TO PLANNED AREA DEVELOPMENT (PAD) (DVR07-0022 STELLAR AIRPARK ESTATES II) 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 property is hereby rezoned from Agricultural District (AG-1) and Planned Commercial Office District (PCO) to Planned Area Development (PAD) for a 9-lot custom-home single-family residential subdivision, subject to the following conditions:

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

2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
3. Completion of the construction, where applicable, 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. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. 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.
4. 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.
5. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Stellar Airpark Estates II" kept on file in the City of Chandler Current Planning Division, in file no. DVR07-0022, except as modified by condition herein.
6. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
7. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
9. 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.

10. 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 lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Stellar Airpark Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Stellar Airpark 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 homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property.
 - b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns. Such map shall be a minimum size of 24" x 36".
 - c) 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.
 - d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
 - e) All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
 - f) 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 Stellar Airpark Impact Overlay District and is subject to aircraft noise and overflight activity.”

11. A minimum of two trees shall be planted in all front yards.

12. The landscaping shall comply with the Residential Development Standards.

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 _____, 2008.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4010 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2008, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

GAB

PUBLISHED:

LEGAL DESCRIPTION

A PORTION OF THE NORTH HALF OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

PARCEL 1:

THAT PORTION OF TRACT "B", STELLAR CITY AIR PARK, RECORDED IN BOOK 123 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA, TOGETHER WITH A PORTION OF THE NORTH ONE-HALF OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "B";

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST A DISTANCE OF 21.54 FEET ALONG THE WESTERN LINE OF SAID TRACT "B" TO A POINT OF CURVE;

THENCE NORTHEASTERLY 129.75 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, WHICH HAS A CENTRAL ANGLE OF 26 DEGREES 59 MINUTES 30 SECONDS TO A POINT OF REVERSE CURVE;

THENCE NORTHERLY 82.98 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST, WHICH HAS A CENTRAL ANGLE OF 17 DEGREES 15 MINUTES 48 SECONDS TO THE POINT OF BEGINNING;

THENCE NORTHERLY 46.76 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, WHICH HAS A CENTRAL ANGLE OF 9 DEGREES 43 MINUTES 42 SECONDS TO A POINT ON A TANGENT LINE;

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST A DISTANCE OF 215.21 FEET TO A POINT OF A CURVE;

THENCE NORTHEASTERLY 31.33 FEET ALONG THE ARC OF A 19.85 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, WHICH HAS A CENTRAL ANGLE OF 90 DEGREES 25 MINUTES 14 SECONDS TO A POINT ON A TANGENT LINE;

THENCE SOUTH 88 DEGREES 40 MINUTES 00 SECONDS EAST A DISTANCE OF 604.02 FEET TO A NON-TANGENT LINE;

THENCE SOUTH 00 DEGREES 54 MINUTES 46 SECONDS WEST A DISTANCE OF 467.17 FEET TO A NON-TANGENT LINE;

THENCE NORTH 89 DEGREES 05 MINUTES 14 SECONDS WEST, A DISTANCE OF 503.35 FEET TO A NON-TANGENT LINE;

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST A DISTANCE OF 190.00 FEET TO A NON-TANGENT LINE;

THENCE NORTH 89 DEGREES 05 MINUTES 14 SECONDS WEST A DISTANCE OF 124.60 FEET RETURNING TO THE POINT OF BEGINNING;

PARCEL NO. 2:

THE NORTH 255 FEET OF THAT PROPERTY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF STELLAR INDUSTRIAL AIRPARK UNIT TWO, AS RECORDED IN BOOK 123 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 20 MINUTES 18 SECONDS EAST A DISTANCE OF 49.00 FEET ALONG THE WEST LINE OF SAID STELLAR INDUSTRIAL AIRPARK UNIT TWO, TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER,

THENCE SOUTH 89 DEGREES 42 MINUTES 28 SECONDS WEST, A DISTANCE OF 302.58 FEET ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER TO THE SOUTHEAST CORNER OF STELLAR CITY AIRPARK, AS SHOWN ON THE PLAT RECORDED IN BOOK 123 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA,

THENCE NORTH 00 DEGREES 07 MINUTES 13 SECONDS WEST A DISTANCE OF 2100.61 FEET (NORTH 00 DEGREES 64 MINUTES 48 SECONDS EAST, A DISTANCE OF 2100 FEET, RECORD), ALONG THE EAST LINE OF SAID STELLAR CITY AIR PARK TO THE NORTHEAST CORNER OF TRACT "H" OF SAID STELLAR CITY AIR PARK;

THENCE NORTH 00 DEGREES 07 MINUTES 13 SECONDS WEST A DISTANCE OF 522.08 FEET ALONG THE NORTHERLY PROJECTION OF SAID EAST LINE OF STELLAR CITY AIR PARK TO THE NORTH LINE OF SAID NORTHEAST QUARTER,

THENCE SOUTH 89 DEGREES 40 MINUTES 43 SECONDS EAST A DISTANCE OF 292.64 FEET ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST CORNER OF STELLAR INDUSTRIAL AIRPARK UNIT ONE AMENDED, ACCORDING TO BOOK 234 OF MAPS PAGE 17, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 00 MINUTES 18 SECONDS EAST, A DISTANCE OF 2570.54 FEET ALONG THE WEST LINE OF SAID STELLAR INDUSTRIAL AIRPARK UNIT ONE AMENDED TO THE SOUTHWEST CORNER THEREOF, WHICH IS IDENTICAL WITH THE POINT OF BEGINNING,

EXCEPT THE NORTH 55 FEET THEREOF.

PARCEL NO. 3:

THAT PORTION OF TRACT "B", OF STELLAR CITY AIR PARK, RECORDED IN BOOK 123 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "B";

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST, A DISTANCE OF 21.54 FEET ALONG THE WESTERN LINE OF SAID TRACT "B" TO A POINT OF CURVE;

LEGAL DESCRIPTION (CONTINUED)

THENCE NORTHEASTERLY 103.46 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, WHICH HAS A CENTRAL ANGLE OF 21 DEGREES 31 MINUTES 22 SECONDS TO THE POINT OF BEGINNING;

THENCE NORTHEASTERLY 26.29 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, WHICH HAS A CENTRAL ANGLE OF 05 DEGREES 28 MINUTES 08 SECONDS TO A POINT OF REVERSE CURVE;

THENCE NORTHERLY 82.98 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST, WHICH HAS A CENTRAL ANGLE OF 17 DEGREES 15 MINUTES 48 SECONDS TO A NON-TANGENT LINE;

THENCE SOUTH 89 DEGREES 05 MINUTES 14 SECONDS EAST A DISTANCE OF 124.60 FEET TO A NON-TANGENT LINE;

THENCE SOUTH 00 DEGREES 54 MINUTES 46 SECONDS WEST A DISTANCE OF 190.00 FEET TO A NON-TANGENT LINE;

THENCE NORTH 89 DEGREES 05 MINUTES 14 SECONDS WEST A DISTANCE OF 55.65 FEET TO A NON-TANGENT LINE;

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST A DISTANCE OF 15.00 FEET TO A NON-TANGENT LINE;

THENCE NORTH 54 DEGREES 38 MINUTES 07 SECONDS WEST A DISTANCE OF 128.30 FEET RETURNING TO THE POINT OF BEGINNING.

PARCEL NO. 4:

TRACT "A", STELLAR CITY AIR PARK, AS SHOWN ON THE PLAT RECORDED IN BOOK 123 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT "A", STELLAR CITY AIR PARK;

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST, A DISTANCE OF 468.00 FEET ALONG THE WEST LINE OF SAID TRACT "A" TO A POINT OF CURVE;

THENCE NORTHEASTERLY 31.33 FEET ALONG THE ARC OF A 19.85 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, WHICH HAS A CENTRAL ANGLE OF 90 DEGREES 25 MINUTES 14 SECONDS TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID TRACT "A";

THENCE SOUTH 88 DEGREES 40 MINUTES 00 SECONDS EAST 260.00 FEET ALONG SAID NORTH LINE OF TRACT "A" TO A POINT OF CURVE;

THENCE SOUTHEASTERLY 31.49 FEET ALONG THE ARC OF A 20.15 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, WHICH HAS A CENTRAL ANGLE OF 89 DEGREES 34 MINUTES 46 SECONDS TO A POINT OF TANGENCY ON THE EAST LINE OF SAID TRACT "A";

THENCE SOUTH 00 DEGREES 54 MINUTES 46 SECONDS WEST 215.80 FEET ALONG SAID LINE OF SAID TRACT "A" TO A POINT OF CURVE;

THENCE SOUTHERLY 117.61 FEET ALONG SAID EAST LINE OF TRACT "A" ALONG THE ARC OF A 370.63 FOOT RADIUS CURVE, CONCAVE TO THE WEST, WHICH HAS A CENTRAL ANGLE OF 18 DEGREES 10 MINUTES 50 SECONDS TO A POINT OF REVERSE CURVE;

THENCE SOUTHERLY 136.63 FEET ALONG SAID EAST LINE OF TRACT "A" ALONG THE ARC OF 430.63 FEET RADIUS CURVE, CONCAVE TO THE EAST, WHICH HAS A CENTRAL ANGLE OF 18 DEGREES 10 MINUTES 50 SECONDS TO A NON-TANGENT LINE;

THENCE NORTH 88 DEGREES 40 MINUTES 00 SECONDS WEST 260.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 5:

THAT PORTION OF TRACT B, [STELLAR CITY AIR PARK], ACCORDING TO BOOK [123] OF MAPS, PAGE [44], RECORDS OF MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 41, [STELLAR CITY AIR PARK], ACCORDING TO BOOK [123] OF MAPS, PAGE [44];

THENCE NORTHERLY ALONG THE WEST BOUNDARY OF SAID TRACT B, A DISTANCE OF 125 FEET;

THENCE SOUTHEASTERLY TO A POINT 50 FEET NORTH OF THE CENTER OF THE 35 FOOT RADIUS AT THE WEST END OF TRACT H, [STELLAR CITY AIR PARK], ACCORDING TO BOOK [123] OF MAPS, PAGE [44];

THENCE SOUTH (ASSUMED) TO THE NORTH BOUNDARY OF SAID TRACT H, A DISTANCE OF 15 FEET;

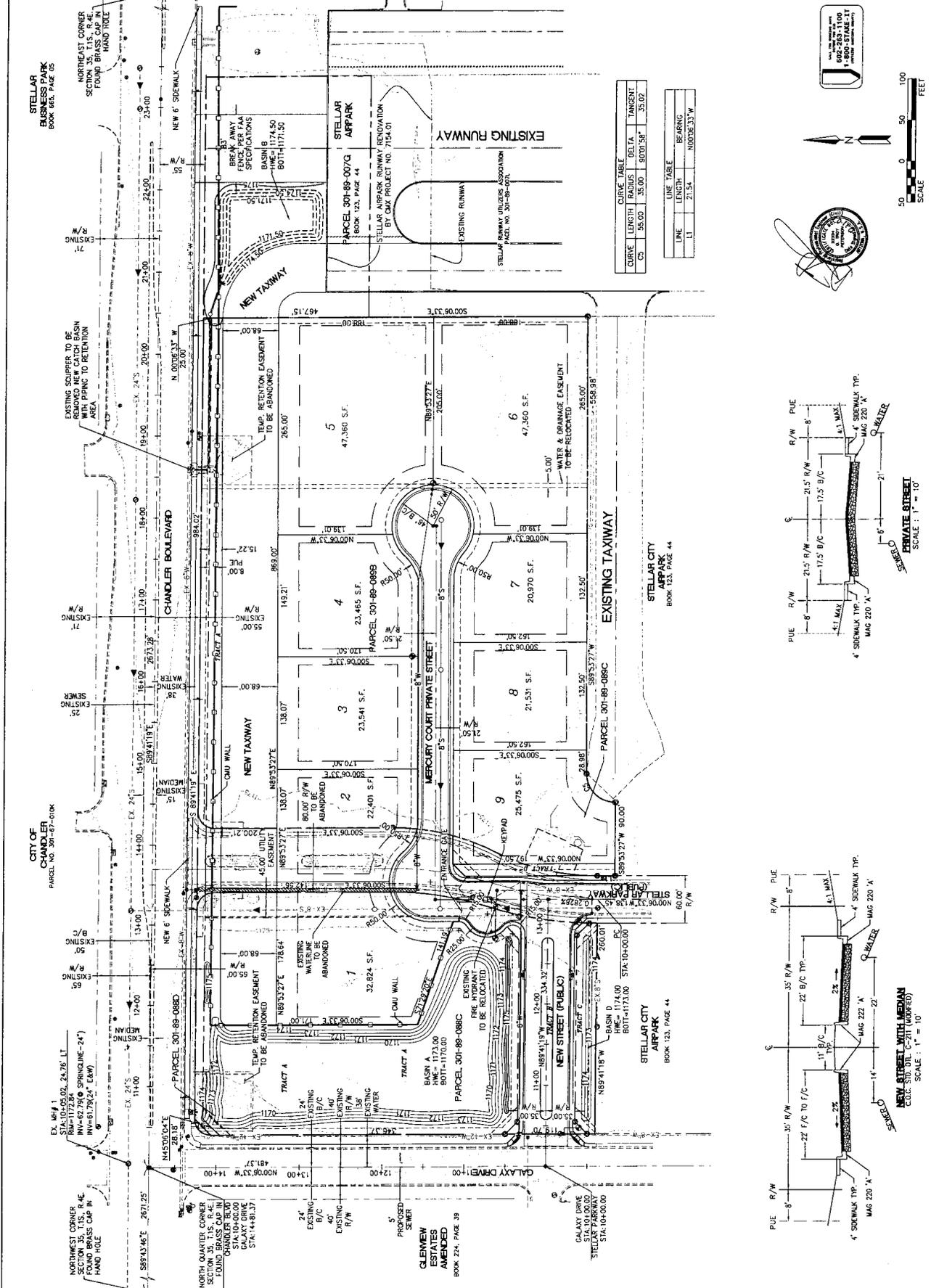
THENCE SOUTHWESTERLY FOLLOWING THE NORTHWEST BOUNDARY OF SAID TRACT H TO A POINT ON THE EAST TO WEST CENTER LINE OF SAID TRACT H;

THENCE WEST 90 FEET TO THE POINT OF BEGINNING.

ORDINANCE NO. 4010

Attachment 'A'

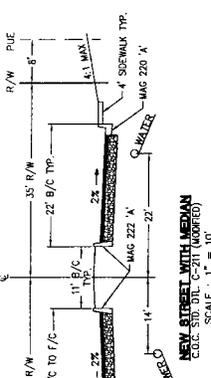
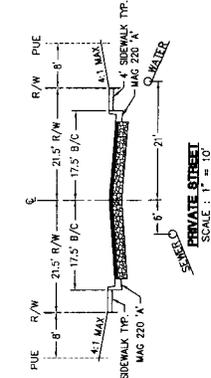
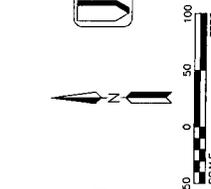
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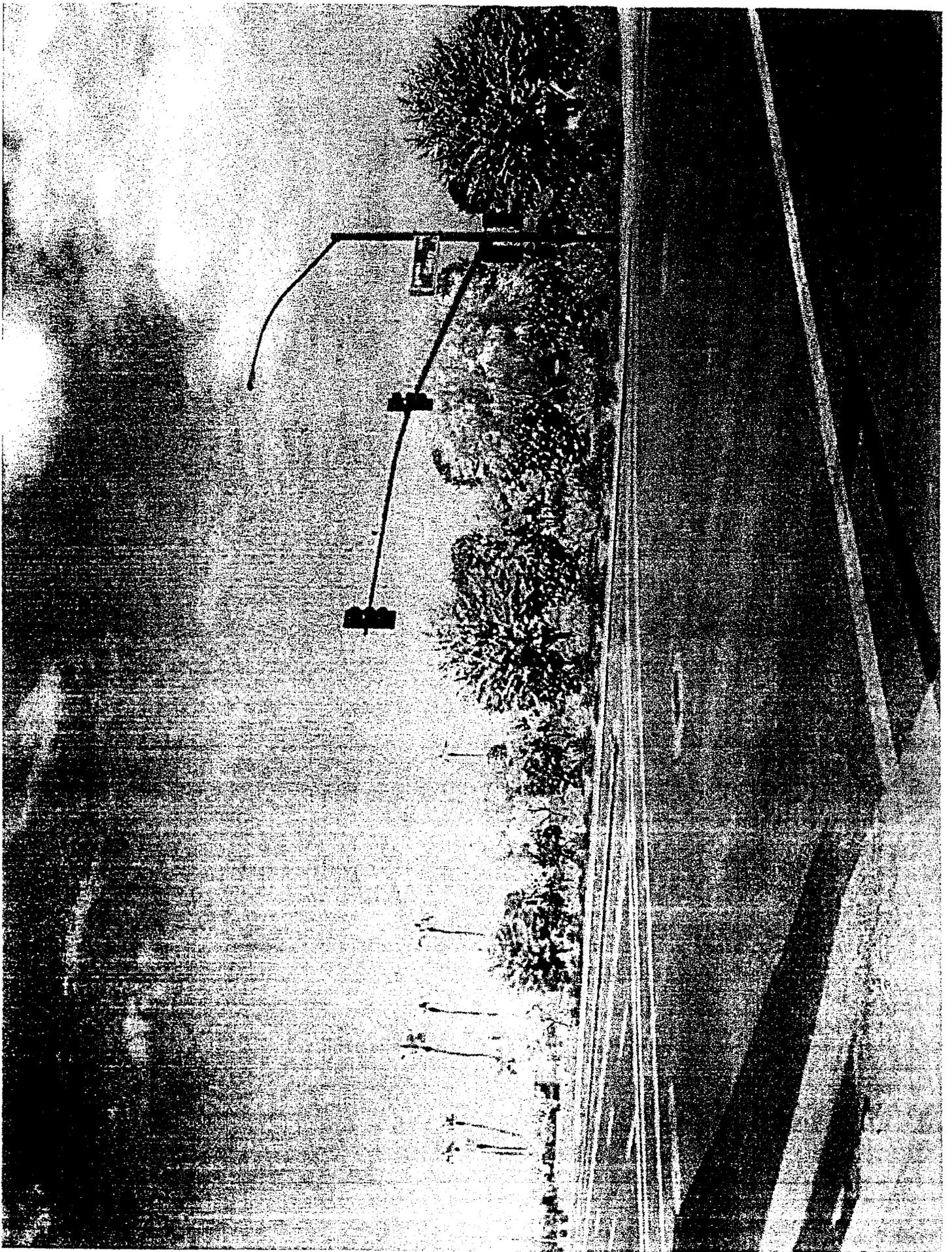


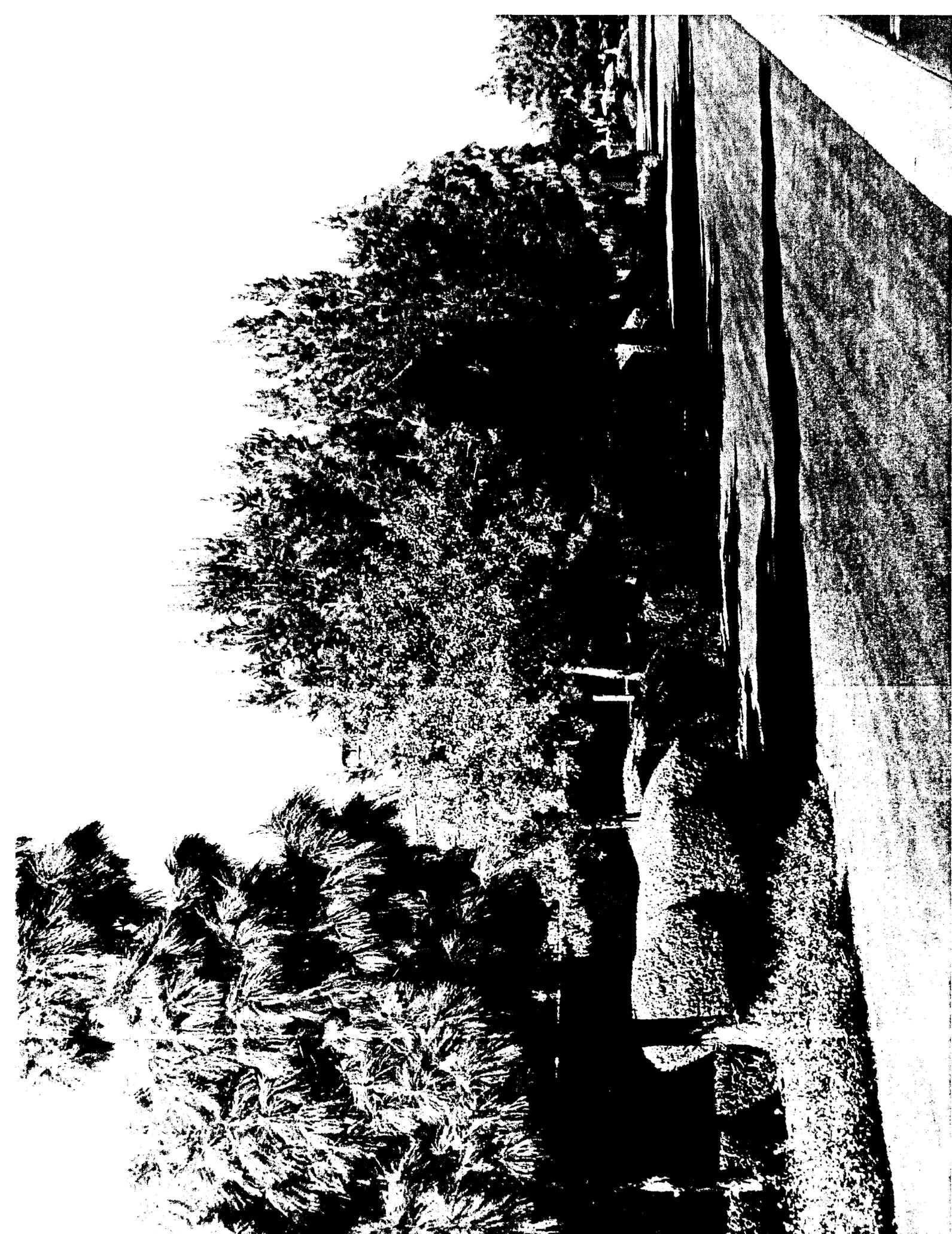
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT
C5	55.00	35.00	90°00'58"	35.02

LINE	LENGTH	BEARING
L1	21.54	N00°03'33" W







ORDINANCE NO. 4010

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL DISTRICT (AG-1) AND PLANNED COMMERCIAL OFFICE DISTRICT (PCO) TO PLANNED AREA DEVELOPMENT (PAD) (DVR07-0022 STELLAR AIRPARK ESTATES II) 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 property is hereby rezoned from Agricultural District (AG-1) and Planned Commercial Office District (PCO) to Planned Area Development (PAD) for a 9-lot custom-home single-family residential subdivision, subject to the following conditions:

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

2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
3. Completion of the construction, where applicable, 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. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. 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.
4. 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.
5. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Stellar Airpark Estates II" kept on file in the City of Chandler Current Planning Division, in file no. DVR07-0022, except as modified by condition herein.
6. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
7. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
9. 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.

10. 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 lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Stellar Airpark Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Stellar Airpark 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 homebuyer shall be recorded with Maricopa County Records Office upon sale of the property.
 - b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns. Such map shall be a minimum size of 24" x 36".
 - c) 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.
 - d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
 - e) All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
 - f) 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 Stellar Airpark Impact Overlay District and is subject to aircraft noise and overflight activity.”

11. A minimum of two trees shall be planted in all front yards.

12. The landscaping shall comply with the Residential Development Standards.

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 _____, 2008.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4010 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2008, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

PUBLISHED:

LEGAL DESCRIPTION

A PORTION OF THE NORTH HALF OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

PARCEL 1:

THAT PORTION OF TRACT "B", STELLAR CITY AIR PARK, RECORDED IN BOOK 123 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA, TOGETHER WITH A PORTION OF THE NORTH ONE-HALF OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "B";

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST A DISTANCE OF 21.54 FEET ALONG THE WESTERY LINE OF SAID TRACT "B" TO A POINT OF CURVE;

THENCE NORTHEASTERLY 129.75 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, WHICH HAS A CENTRAL ANGLE OF 26 DEGREES 59 MINUTES 30 SECONDS TO A POINT OF REVERSE CURVE;

THENCE NORTHERLY 82.98 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST, WHICH HAS A CENTRAL ANGLE OF 17 DEGREES 15 MINUTES 48 SECONDS TO THE POINT OF BEGINNING;

THENCE NORTHERLY 46.76 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, WHICH HAS A CENTRAL ANGLE OF 9 DEGREES 43 MINUTES 42 SECONDS TO A POINT ON A TANGENT LINE;

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST A DISTANCE OF 215.21 FEET TO A POINT OF A CURVE;

THENCE NORTHEASTERLY 31.33 FEET ALONG THE ARC OF A 19.85 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, WHICH HAS A CENTRAL ANGLE OF 90 DEGREES 25 MINUTES 14 SECONDS TO A POINT ON A TANGENT LINE;

THENCE SOUTH 88 DEGREES 40 MINUTES 00 SECONDS EAST A DISTANCE OF 604.02 FEET TO A NON-TANGENT LINE;

THENCE SOUTH 00 DEGREES 54 MINUTES 46 SECONDS WEST A DISTANCE OF 467.17 FEET TO A NON-TANGENT LINE;

THENCE NORTH 89 DEGREES 05 MINUTES 14 SECONDS WEST, A DISTANCE OF 503.35 FEET TO A NON-TANGENT LINE;

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST A DISTANCE OF 190.00 FEET TO A NON-TANGENT LINE;

THENCE NORTH 89 DEGREES 05 MINUTES 14 SECONDS WEST A DISTANCE OF 124.60 FEET RETURNING TO THE POINT OF BEGINNING;

PARCEL NO. 2:

THE NORTH 255 FEET OF THAT PROPERTY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF STELLAR INDUSTRIAL AIRPARK UNIT TWO, AS RECORDED IN BOOK 123 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 20 MINUTES 18 SECONDS EAST A DISTANCE OF 49.00 FEET ALONG THE WEST LINE OF SAID STELLAR INDUSTRIAL AIRPARK UNIT TWO, TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER.

THENCE SOUTH 89 DEGREES 42 MINUTES 28 SECONDS WEST, A DISTANCE OF 302.58 FEET ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER TO THE SOUTHEAST CORNER OF STELLAR CITY AIRPARK, AS SHOWN ON THE PLAT RECORDED IN BOOK 123 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA.

THENCE NORTH 00 DEGREES 07 MINUTES 13 SECONDS WEST A DISTANCE OF 2100.61 FEET (NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST, A DISTANCE OF 2100 FEET, RECORD), ALONG THE EAST LINE OF SAID STELLAR CITY AIR PARK TO THE NORTHEAST CORNER OF TRACT "H" OF SAID STELLAR CITY AIR PARK;

THENCE NORTH 00 DEGREES 07 MINUTES 13 SECONDS WEST A DISTANCE OF 522.08 FEET ALONG THE NORTHERLY PROJECTION OF SAID EAST LINE OF STELLAR CITY AIR PARK TO THE NORTH LINE OF SAID NORTHEAST QUARTER.

THENCE SOUTH 89 DEGREES 40 MINUTES 43 SECONDS EAST A DISTANCE OF 292.64 FEET ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST CORNER OF STELLAR INDUSTRIAL AIRPARK UNIT ONE AMENDED, ACCORDING TO BOOK 234 OF MAPS PAGE 17, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 20 MINUTES 18 SECONDS EAST, A DISTANCE OF 2570.54 FEET ALONG THE WEST LINE OF SAID STELLAR INDUSTRIAL AIRPARK UNIT ONE AMENDED TO THE SOUTHWEST CORNER THEREOF, WHICH IS IDENTICAL WITH THE POINT OF BEGINNING.

EXCEPT THE NORTH 55 FEET THEREOF.

PARCEL NO. 3

THAT PORTION OF TRACT "B", OF STELLAR CITY AIR PARK, RECORDED IN BOOK 123 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "B";

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST, A DISTANCE OF 21.54 FEET ALONG THE WESTERY LINE OF SAID TRACT "B" TO A POINT OF CURVE;

LEGAL DESCRIPTION (CONTINUED)

THENCE NORTHEASTERLY 103.46 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, WHICH HAS A CENTRAL ANGLE OF 21 DEGREES 31 MINUTES 22 SECONDS TO THE POINT OF BEGINNING;

THENCE NORTHEASTERLY 26.29 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, WHICH HAS A CENTRAL ANGLE OF 05 DEGREES 28 MINUTES 08 SECONDS TO A POINT OF REVERSE CURVE;

THENCE NORTHERLY 82.98 FEET ALONG THE ARC OF A 275.42 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST, WHICH HAS A CENTRAL ANGLE OF 17 DEGREES 15 MINUTES 48 SECONDS TO A NON-TANGENT LINE;

THENCE SOUTH 89 DEGREES 05 MINUTES 14 SECONDS EAST A DISTANCE OF 124.60 FEET TO A NON-TANGENT LINE;

THENCE SOUTH 00 DEGREES 54 MINUTES 46 SECONDS WEST A DISTANCE OF 190.00 FEET TO A NON-TANGENT LINE;

THENCE NORTH 89 DEGREES 05 MINUTES 14 SECONDS WEST A DISTANCE OF 55.65 FEET TO A NON-TANGENT LINE;

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST A DISTANCE OF 15.00 FEET TO A NON-TANGENT LINE;

THENCE NORTH 54 DEGREES 38 MINUTES 07 SECONDS WEST A DISTANCE OF 128.30 FEET RETURNING TO THE POINT OF BEGINNING.

PARCEL NO. 4:

TRACT "A", STELLAR CITY AIR PARK, AS SHOWN ON THE PLAT RECORDED IN BOOK 123 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT "A", STELLAR CITY AIR PARK;

THENCE NORTH 00 DEGREES 54 MINUTES 46 SECONDS EAST, A DISTANCE OF 468.00 FEET ALONG THE WEST LINE OF SAID TRACT A TO A POINT OF CURVE;

THENCE NORTHEASTERLY 31.33 FEET ALONG THE ARC OF A 19.85 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, WHICH HAS A CENTRAL ANGLE OF 90 DEGREES 25 MINUTES 14 SECONDS TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID TRACT "A";

THENCE SOUTH 88 DEGREES 40 MINUTES 00 SECONDS EAST 260.00 FEET ALONG SAID NORTH LINE OF TRACT "A" TO A POINT OF CURVE;

THENCE SOUTHEASTERLY 31.49 FEET ALONG THE ARC OF A 20.15 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, WHICH HAS A CENTRAL ANGLE OF 89 DEGREES 34 MINUTES 46 SECONDS TO A POINT OF TANGENCY ON THE EAST LINE OF SAID TRACT "A";

THENCE SOUTH 00 DEGREES 54 MINUTES 46 SECONDS WEST 215.80 FEET ALONG SAID LINE OF SAID TRACT "A" TO A POINT OF CURVE;

THENCE SOUTHERLY 117.61 FEET ALONG SAID EAST LINE OF TRACT "A" ALONG THE ARC OF A 370.63 FOOT RADIUS CURVE, CONCAVE TO THE WEST, WHICH HAS A CENTRAL ANGLE OF 18 DEGREES 10 MINUTES 50 SECONDS TO A POINT OF REVERSE CURVE.

THENCE SOUTHERLY 136.63 FEET ALONG SAID EAST LINE OF TRACT "A" ALONG THE ARC OF A 430.63 FEET RADIUS CURVE, CONCAVE TO THE EAST, WHICH HAS A CENTRAL ANGLE OF 18 DEGREES 10 MINUTES 50 SECONDS TO A NON-TANGENT LINE;

THENCE NORTH 88 DEGREES 40 MINUTES 00 SECONDS WEST 260.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 5:

THAT PORTION OF TRACT B, [STELLAR CITY AIR PARK] ACCORDING TO BOOK [123] OF MAPS, PAGE [44] RECORDS OF MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 41, [STELLAR CITY AIR PARK] ACCORDING TO BOOK [123] OF MAPS, PAGE [44];

THENCE NORTHERLY ALONG THE WEST BOUNDARY OF SAID TRACT B, A DISTANCE OF 125 FEET;

THENCE SOUTHEASTERLY TO A POINT 50 FEET NORTH OF THE CENTER OF THE 35 FOOT RADIUS AT THE WEST END OF TRACT H, [STELLAR CITY AIR PARK], ACCORDING TO BOOK [123] OF MAPS, PAGE [44];

THENCE SOUTH (ASSUMED) TO THE NORTH BOUNDARY OF SAID TRACT H, A DISTANCE OF 15 FEET;

THENCE SOUTHWESTERLY FOLLOWING THE NORTHWEST BOUNDARY OF SAID TRACT H TO A POINT ON THE EAST TO WEST CENTER LINE OF SAID TRACT H;

THENCE WEST 90 FEET TO THE POINT OF BEGINNING

ORDINANCE NO. 4010

Attachment 'A'

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