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JAN 31 2008

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:

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 *GMB*

PUBLISHED:

LEGAL DESCRIPTION

A PORTION OF THE SOUTH 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 48 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 28 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 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 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 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 28.29 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'

D:\pwwgpr1\cma\2106 - This plan document set is the sole property of CMA. No alterations to these plans, other than adding "as-built" information, are allowed by anyone other than authorized CMA employees.