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SEP 11 2008

**ORDINANCE NO. 4095**

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 AREA DEVELOPMENT (PAD) MEDICAL OFFICE TO PAD ASSISTED LIVING (DVR08-0009 PALMS RESORT RETIREMENT COMMUNITY) 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 Agricultural District (AG-1) and Planned Area Development (PAD) Medical Office to PAD Assisted Living 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. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Palms Resort Retirement Community", kept on file in the City of Chandler Planning Services Division, in File No. DVR08-0009, except as modified by condition herein.
3. 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.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. 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. 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.
8. 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.
9. Unless Phase I and Phase II are constructed simultaneously, Phase I shall include a secondary access ramp that is constructed on the south side of Building A to allow access from the underground garage. The secondary access ramp shall connect only to the site's western access driveway and shall be removed upon commencement of Building B construction.
10. The applicant shall work with staff to provide extended single-story elements on the broad sides of the buildings.
11. The applicant shall work with staff to add stone or some other material in lieu of stucco surrounding the entrances in order to better highlight the entrances.



Exhibit "A"  
Legal Description

Parcel No. 1:

Commencing at the Southwest corner of Section 32, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence North 89 degrees 49 minutes 29 seconds East, along the South line of the said Section 32, 743.70 feet;

Thence North 00 degrees 01 minute 32 seconds East, 33.00 feet to the point of beginning;

Thence North 00 degrees 01 minute 32 seconds East, 232.00 feet;

Thence North 40 degrees 01 minute 32 seconds East, 152.09 feet;

Thence South 89 degrees 58 minutes 28 seconds East, 168.22 feet;

Thence North 00 degrees 01 minute 32 seconds West, 232.00 feet;

Thence North 89 degrees 58 minutes 28 seconds West, 40 feet;

Thence North 44 degrees 58 minutes 28 seconds West, 28.28 feet;

Thence North 00 degrees 01 minute 32 seconds East, 110.00 feet;

Thence North 89 degrees 54 minutes 19 seconds East, 371.58 feet;

Thence South 00 degrees 00 minutes 53 seconds West, 409.37 feet (measured), 409.30 feet (record) to a point on the Northeast corner of property described in Document No. 2003-1608392, records of Maricopa County, Arizona;

Thence South 89 degrees 49 minutes 29 seconds West, along the North line of the above mentioned property, 300.00 feet to the Northwest corner of property described in above said document;

Thence South 00 degrees 00 minutes 53 seconds West, along the West line of above mentioned property, 300.00 feet to the North right-of-way line of Pecos Road;

Thence South 89 degrees 49 minutes 29 seconds West, along said North right-of-way line, 277.70 feet to the point of beginning;

Except that portion conveyed to the City of Chandler, an Arizona municipal corporation in General Warranty Deed recorded in Document No. 2003-869630, Maricopa County Records, described as follows:

The North 32.00 feet of the South 65.00 feet, thereof.

Parcel No. 2:

The South half of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 32, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the South 33.00 feet and the West 360.72 feet, thereof; and

Except that portion conveyed to the City of Chandler, an Arizona municipal corporation in General Warranty Deed recorded in Document No. 2003-1608393, Maricopa County Records, described as follows:

Commencing at the Southwest corner of said Section 32, said corner being monumented with a brass cap in a hand hole;

Thence North 89 degrees 25 minutes 15 seconds East, along the South line of the Southwest quarter of said Section 32, 1,021.45 feet to a point on the East line of the West 360.72 feet of said South half of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 32;

Thence North 00 degrees 23 minutes 08 seconds West, along said East line, 33.00 feet to the point of beginning;

Thence continuing North 00 degrees 23 minutes 08 seconds West, along said East line, 25.00 feet;

Thence departing said East line, North 89 degrees 25 minutes 15 seconds East, parallel with, and 58.00 feet North of, said South line, 240.98 feet;

Thence North 44 degrees 30 minutes 33 seconds East, 83.57 feet to a point on the East line of said South half of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 32;

Thence South 00 degrees 04 minutes 09 seconds East, along last said East line, 84.00 feet;

Thence South 89 degrees 25 minutes 15 seconds West, parallel with, and 33.00 feet North of, said South line, 299.99 feet to the point of beginning.