

AUG 27 2009



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Where Values Make The Difference

MEMORANDUM Planning and Development – CC Memo No. 09-090

DATE: AUGUST 6, 2009

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
 PATRICK MCDERMOTT, ASSISTANT CITY MANAGER
 JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR
 KEVIN MAYO, ACTING PLANNING MANAGER

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

SUBJECT: DVR09-0008 PALOMA KYRENE BUSINESS COMMUNITY
 Introduction and Tentative Adoption of Ordinance No. 4179

Request: Amend the Planned Area Development (PAD) zoning to allow additional uses within Building M of the business park

Location: South of Chandler Boulevard on the west side of Kyrene Road at Gila Springs Boulevard

Project Info: Building M is constructed at 58,187 square feet in building area and part of a larger 21 net acres site with 14 buildings for industrial, office, and ancillary support retail.

Applicant: Pew & Lake PLC / Archicon

Property Owners: Dove Holdings LLC, BDC Palomino Investments LLC, Arizona Enterprises LLC, 411 McKemy LLC, and OC Brianita LLC,

RECOMMENDATION

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

BACKGROUND

The application requests to amend the allowed uses within Building M, which is a part of a larger industrial business park. The subject property is a developed 21-acre industrial business park. In

November 2005, the property was rezoned from Agriculture (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan for a mixed-use development to include light industrial, general and medical office, support retail, and a self-storage mini-warehouse. The project includes 14 buildings allocated with approximately 49,000 square feet of general office, 10,000 square feet of medical office, 4,000 square feet of support retail, 111,800 square feet of light industrial warehouse with ancillary office, and a conceptual self-storage mini-warehouse component. The storage site is a conceptual use that requires separate application and approval of a Preliminary Development Plan.

This application requests to amend the allowed uses in Building M from PAD (light industrial warehouse/office) to PAD (light industrial warehouse/office, instructional sports and athletic training facilities). Buildings M and N are zoned for light industrial (I-1) uses with ancillary office space; 85% light industrial warehouse use and 15% support office. Through the initial zoning case, Buildings M and N are conditioned to allow I-1 uses as permitted by right in the Zoning Code with the exclusion of any hazardous or "H" occupancies as described by the City of Chandler adopted Building Codes. The two industrial buildings permit uses such as building contractors, distribution facilities, and research and development companies. These buildings back up to each other to allow loading and truck traffic to be separated from the less intense uses and further separate the office use from the proposed self-storage mini-warehouse property at the site's west end. Buildings M and N have been platted as condos and include individually parceled and owned units.

The proposed amendment to allow instructional sports and athletic training facilities is triggered by a fencing school that intends to locate in a portion of Building M. In order to be in compliance with parking ratios for Building M and the entire business park, instructional sports and athletic training facilities are limited to a maximum occupiable area of 14,500 square feet. The fencing school intends to occupy the entire 14,500 square feet allotted for the instructional sports and athletic training facilities use. Building M includes 14 individual units.

The application's definition of "instructional sports and athletic training facilities" is facilities that focus on the instruction, training, and related activities of a particular sport or field of sports. Examples include, but are not limited to, baseball, softball, fencing, martial arts, swimming, gymnastics, cheerleading, and dance. Uses such as dog training, child-oriented party places such as inflatable bounce facilities, gaming, and the like are not permitted, as these are not deemed sports and athletic related uses. The facilities are anticipated to host competitive events, which are limited to weekday evenings after 5:30 p.m. and anytime during weekends and national holidays. Events will be planned so as not to interfere with other businesses in the business park. There will be no outdoor training permitted in conjunction with these uses.

The fencing school proposing to occupy 14,500 square feet of building area will include an assembly area, practice floor, exercise gym, locker room, administrative offices, and an ancillary retail store for fencing-related merchandise. The fencing school intends to host international competitions in addition to daily instruction and training classes. The activities, functions, operations, etc. of the fencing school will set the standard for all other instructional sports and athletic training facilities that may occupy this space in the future. If the use, activities, functions,

operations, etc. do not comply with what is represented in this application, a new rezoning case to amend the uses will be required.

As a part of the parking analysis review, Staff determined that the 14,500 square foot space for an instructional sports and athletic training facilities use is short parking spaces based on parking ratio requirements at 1 space per 200 square feet (1/200) of total building area. In order for the added use to be compliant with parking space requirements, the property owners have agreed to prohibit occupancy of at least two tenant spaces in Building M. By prohibiting the occupancy of two tenants spaces, parking spaces that would be needed for those tenants can then be used for the instructional sports and athletic training facilities use. The applicant and owners have provided the City with a letter that ensures self-imposed restrictions will occur on at least two tenant spaces whereby the spaces will not be built-out and the City will not issue any Certificate of Occupancies until parking for the entire site is addressed through a separate zoning case.

For the long term use of the two tenant spaces, there will need to be a separate zoning case amendment processed in which the property owners will propose a parking waiver to the development as it relates to the allowance of instructional sports and athletic training facilities. The property owners feel the parking ratio required for instructional sports and athletic training facilities and the like is too high and that the uses generate less parking than the City requires. Staff will review the separate zoning application and determine our recommendation based upon additional parking analysis information.

This application does not request any changes to the overall site, building design, or signage. The property owners have been advised that the fencing school needs building permits and a Certificate of Occupancy to occupy the space.

DISCUSSION

Planning Commission and Staff support the proposed rezoning land use amendment finding the additional use of instructional sports and athletic training facilities to be compatible with the industrial business park. Also, Planning Commission and Staff find the exclusion of two tenant spaces from occupancy to comply with parking requirements an appropriate solution to allow the 14,500 square foot user. The addition of instructional sports and athletic training facilities within Building M does not represent a conflict with any of the approved uses. The requested amendment would allow up to 14,500 square feet of total building area to be occupied with instructional sports and athletic training facilities with the remaining building area developing with light industrial warehouse and ancillary office. The 14,500 square feet can be located anywhere within Building M. The 14,500 square feet of space is determined by a fencing school that includes a first floor and second floor mezzanine.

The proposed amendment is similar to other amendments whereby recreational, athletic/training businesses have been permitted within industrial business parks. Examples include Red Rock Business Park at Chandler Airport Center and Warner Commerce Park. Staff reviews these types of requests in conjunction with the ability to meet parking at a ratio of 1/200, which has been an appropriate and effective parking requirement for instructional sports and athletic training facilities, child-oriented businesses, and the like which tend to have overlapping traffic from

classes ending and starting, competitions/events which generate more traffic, and ensure parking does not affect other businesses required parking.

Planning Commission and Staff have included conditions related to allowed uses and competitive events.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- The request was noticed in accordance with the requirements of the City of Chandler Zoning Code.
- A neighborhood meeting was held on June 9, 2009. Two are neighbors attended the meeting to get general information about the request. They were supportive of the added “sports” type uses.
- Staff is not aware of any neighborhood opposition or concerns with this request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

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

RECOMMENDED ACTION

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval of the zoning amendment in case DVR09-0008 PALOMA KYRENE BUSINESS COMMUNITY, subject to the following conditions:

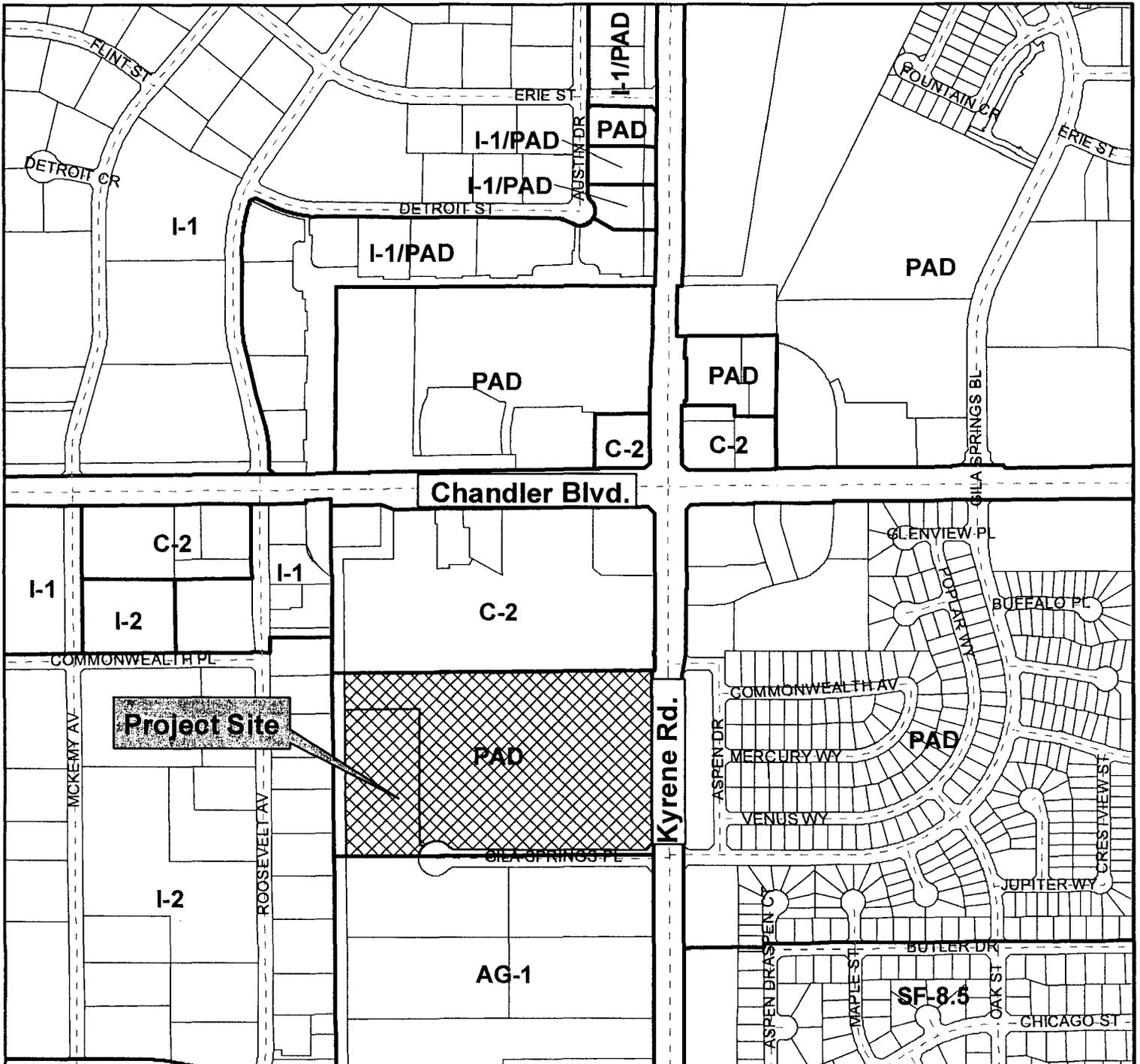
1. Compliance with original conditions adopted by the City Council as Ordinance No. 3729 in case DVR05-0002, except as modified by condition herein.
2. Development shall be in substantial conformance with the exhibits submitted (narrative, letter, site plan) kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0008 Paloma Kyrene Business Community, except as modified by condition herein.
3. Instructional sports and athletic training facilities are defined as facilities that focus on the instruction, training, and related activities of a particular sport or field of sports. Examples include, but are not limited to, baseball, softball, fencing, martial arts, swimming, gymnastics, cheerleading, and dance.
4. Hosting of competitive events is limited to weekday evenings after 5:30 p.m. and anytime during weekends and national holidays. Events shall be planned so as not to interfere with other businesses in the business park.
5. Outdoor training is not permitted in conjunction with instructional sports and athletic training facilities.

PROPOSED MOTION

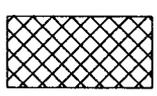
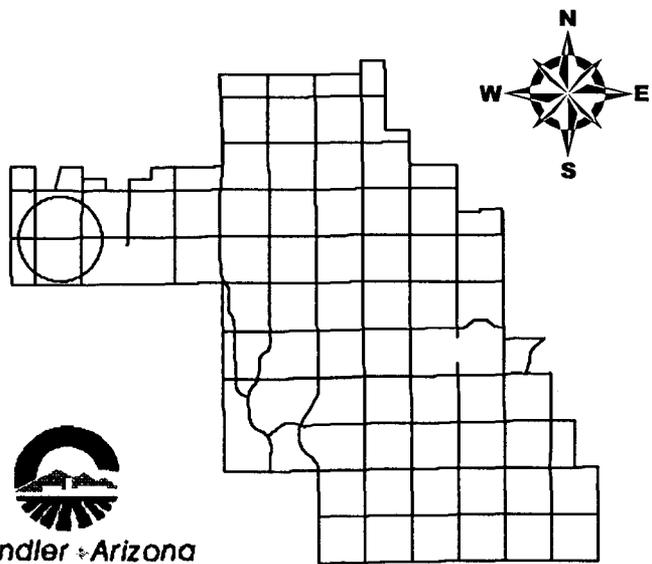
Move to introduce and tentatively adopt Ordinance No. 4179 approving case DVR09-0008 PALOMA KYRENE BUSINESS COMMUNITY amending the allowed uses in Building M from PAD (light industrial warehouse/office) to PAD (light industrial warehouse/office, instructional sports and athletic training facilities) subject to the conditions as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Maps
2. Narrative Statement
3. Applicant Letter
4. Site Plan/Landscape Plan
5. Final Plat for Building
6. Proposed Fencing School Floor Plan
7. Original Ordinance No. 3729
8. Amended Ordinance No. 4179



Vicinity Map



DVR09-0008

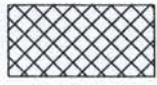
**Paloma Kyrene Business
Community**



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Vicinity Map



DVR09-0008

**Paloma Kyrene Business
Community**



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CITY OF CHANDLER 3/18/2009

**PALOMA KYRENE BUSINESS COMMUNITY
PAD AMMENDMENT NARRATIVE
Revised July 28, 2009**

Paloma Kyrene Business Community is an existing PAD approved by the City of Chandler under Ordinance Number 3729. The development, located south of Chandler Boulevard on the west side of Kyrene Road at Gila Springs Boulevard, is comprised of 21 net acres and contains fourteen buildings with parking and pedestrian amenities in a campus-like setting. With this PAD amendment, Dove Holdings, LLC, the declarant of the project under the CC&R's, together with all of the other unit owners within Building M, are requesting additional uses for Building M.

The request is to amend the allowed land uses within the Paloma Kyrene Business Community by allowing up to 14,500 sq. ft. of Building M, only, to be used as an "Instructional Sports and Athletic Training Facility," in addition to the already permitted I-1 light industrial uses. Due to the campus nature of the development, other uses which were not envisioned as part of the original PAD have been attracted to the development. These uses fit and work well within the framework of the development and are complementary to the type and caliber of project such as the Paloma Kyrene Business Community. These added uses will also provide diversity within the allowable business types within the project to provide a more vibrant project with additional services to the community at large that are not part of the current permitted use matrix.

Currently, Building M is a part of a larger development land use plan which was zoned Planned Area Development (PAD) to allow uses permitted only as a matter of right in the Planned Industrial (I-1) zoning category. The allowance of an Instructional Sports and Athletic Training Facility should not be a safety concern in a business park such as the Paloma Kyrene Business Community because the PAD zoning approval included Zoning Condition No. 25, which prohibits any hazardous or "H" occupancies.

This use, an Instructional Sports and Athletic Training Facility, is not currently defined in the City of Chandler Municipal Code. Accordingly, we propose that it be defined as follows:

"Instructional Sports and Athletic Training Facilities: Facilities that focus on the instruction, training and related activities of a particular sport or field of sports. Examples include, but are not limited to: baseball, softball, fencing, martial arts, swimming, gymnastics, cheerleading, and dance."

It should be noted that businesses operating these types of facilities, while primarily locally owned, are often associated with or part of a larger national organization intended to set developmental standards and competition guidelines for both amateur and professional athletes.

It is anticipated that these types of facilities could host regional and national competitive events, which would be limited to weekday evenings after 5:30 p.m., and anytime during weekends and national holidays. Events during these time periods should not interfere with

other businesses in the project. Moreover, no outdoor training will be performed in conjunction with this use or the competitive events.

During normal operations, these types of training facilities are primarily occupied by student athletes and the training staff. Hours of operation for these uses will generally be from 5:30 a.m. to 9:30 p.m., with some of the competitive events having the potential for lasting longer into the evenings. Due to the nature of these training facilities, the majority of the students and users train during off hours, not during the core business hours for the rest of the project. Additionally, the practice floor of these types of facilities typically will have a limited number of athletes training at any one time based on the functional aspects of the particular sport. For example, there is a significant amount of floor space needed for two (2) fencing students or one (1) baseball hitter, as compared to a dance class where much less space is required per student.

The parking for the original PAD approval is based on 602 required parking spaces, with 621 parking spaces actually being constructed within the entire business park. We believe that the current site, as developed, has adequate vehicular and pedestrian circulation to support the proposed additional use. However, City policy regarding the parking ratio for these types of uses is still unresolved. Unfortunately, the new user of the Instructional Sports and Athletic Training Facility needs to proceed through the entitlement process as quickly as possible so that it may commence and complete its tenant improvement work and open.

As we understand it, and given the strict application of City established parking ratios of one (1) parking space for each 200 sq. ft. of total floor area for uses of this nature (e.g., recreational/instructional), the overall project would require approximately sixteen (16) additional parking spaces beyond what is already provided on site. A determination of additional parking needs is also based on the submittal and City review of a more detailed business plan and operations analysis. Due to the unique nature of the proposed use, as defined above, further analysis will be needed to determine how many spaces are actually needed and whether any cross parking benefits can be utilized. This additional parking analysis is not provided with this application, nor is it needed for reasons set forth below, but will be provided in a separate PAD amendment application in the near future.

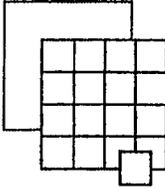
To quickly resolve the parking concern, and for the resolution of this PAD application only, the Applicant concedes to the current parking requirements of approximately an additional sixteen (16) parking spaces and proposes that the project Declarant, and owner of eight (8) units within Building M (i.e., Dove Holdings, LLC, Mr. Steve Stoaks), agrees not to apply for building permits on two (2) of the condo suites (approx. 4,000 sq. ft. each) within Building M, which his company still owns. Specifically, Dove Holdings, still owns unit numbers 1, 3, 4, 5, 9, 10, 12 & 13. It does not own, unit numbers 2, 6, 7, 8, 11 or 14. The unit numbers correspond to the final plat for the project.

We support our proposal with the following, simple calculations based on: (i) the worst case parking scenario noted above, (ii) the approved PAD parking ratios, and (iii) our self-imposed restriction set forth above. First, it is important to note that under the original PAD, parking for Building M was established with a 15% office and 85% industrial space parking ratios, wherein the office was to be parked at a rate of one (1) parking space per 200 sq. ft., and

the industrial was to be parked at a rate of one (1) parking space per 500 sq. ft. As an example, the smallest suite in Building M, which is 3,742 sq. ft., requires 9.2 parking spaces given these ratios. Thus, the prohibition against applying for permits for two (2) of the suites owned by Dove Holdings, (i.e., Mr. Steve Stoaks) resolves this issue by freeing up approximately eighteen (18) parking spaces – an amount sufficient to make up for any deficiency from the Instructional Sports and Athletic Training Facility use.

Simply put, this self-imposed restriction frees up approximately eighteen (18) parking spaces to allow a use of this type to locate within the Paloma Kyrene Business Community without concern for parking constraints. In other words, by agreeing not to build-out, receive permits or C of O's for two (2) of the units owned by Dove Holdings within Building M, as referenced above, it will ensure that no other tenant or owner will occupy these restricted spaces and the project will have sufficient parking for the proposed Instructional Sports and Athletic Training Facilities use. To provide the City with additional assurances of this commitment, Mr. Stoaks, on behalf of Dove Holdings, has countersigned a letter to this effect that has been provided to City of Chandler Staff and which will be included in the file for this project.

Of course, with two (2) potential units within Building M now committed to being vacant until a suitable resolution can be approved, the Applicant plans to follow-up this PAD amendment application with a second, separate PAD amendment application to resolve the parking issues not only for the planned "Instructional Sports and Athletic Training Facilities" uses such as a fencing school but also for the overall development.



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

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

July 22, 2009

VIA E-MAIL & FIRST CLASS MAIL

Jodie Novak, MEP
Senior City Planner
City of Chandler Planning & Development Department
215 E. Buffalo Street, Suite 104
Chandler, AZ 85225

Re: DVR09-0008 – Paloma Kyrene Business Community

Dear Jodie:

As you know, this firm represents Mr Steven A. Stoaks, Dove Holdings, LLC, the owner of the Paloma Kyrene Business Community development, and Mr. William Becker, the owner of the Fencing Club of Arizona (aka, BDC Palomino Investments, LLC), (hereinafter, the "Fencing Club" or "Club") in the above-referenced PAD Amendment scheduled to be heard by the City of Chandler Planning Commission on August 5, 2009.

As you also know, the proposed PAD Amendment is to permit an "Instructional Sports and Athletic Training Facilities", and more specifically, the Fencing Club, as an allowed use within the Paloma Kyrene Business Community PAD. We understand that City Staff is not opposed to the use being included within the PAD, but recognize that Staff does have some concern as it relates to parking for this type of use.

To this end, and despite ongoing discussions between Staff and the Architect and owners as to the proper parking ratios for the Fencing Club, this issue has not yet been resolved. Unfortunately, the Club needs to proceed through the entitlement process quickly so that it may commence and complete its tenant improvement work and open as soon as possible. As we understand it, and given the strict application of City established parking ratios of one (1) parking space for each 200 sq. ft. of floor area for this type of use (i.e., recreational/instructional), the overall project would require

Jodie Novak, MEP
July 22, 2009
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approximately sixteen (16) additional parking spaces beyond what is already provided on site. Due to the unique nature of this use, a fencing school, further analysis will be needed to determine how many spaces are actually needed. This additional parking analysis is not needed with this application, but will be provided in a separate PAD amendment application.

Thus, to quickly resolve the parking concern, and for the resolution of this PAD application only, we will concede to the current parking requirements of an additional sixteen (16) parking spaces and propose the following solution. Mr. Stoaks, on behalf of Dove Holdings, LLC, the developer and owner of the Paloma Kyrene Business Community, will agree not to apply for building permits on two (2) of the condo suites (approx. 4,000 sq. ft. each) within Building M, which his company still owns. There are multiple owners within Building M and Dove Holdings, LLC still owns Units 1, 3, 4, 5, 9, 10, 12 & 13 according to and as identified on the final plat. The remaining units are owners by others and are not part of this application, but will be part of our follow-up PAD application.

Simply put, this self-imposed restriction frees up approximately eighteen (18) parking spaces to allow the Fencing Club to locate within the Paloma Kyrene Business Community without concern for current parking constraints. In other words, by agreeing not to build-out, receive permits or C of O's for two (2) of the suites owned by Dove Holdings, LLC and referenced above, it will ensure that no other tenant or owner will occupy these restricted units and the overall project will have sufficient parking for the proposed "Instructional Sports and Athletic Training Facilities" use. To provide the City with additional assurances of this commitment, Mr. Stoaks has countersigned this letter below.

We support our proposal with the following simple calculations based on: (a) the worst case parking scenario noted above, (b) the approved PAD parking ratios, and (c) our self-imposed restriction set forth in this letter. First, it is important to note that under the original PAD, parking for Buildings M and N were established with a 15% office and 85% industrial space parking ratios, wherein the office was to be parked at a rate of one (1) parking space per 200 sq. ft., and the industrial was to be parked at a rate of one (1) parking space per 500 sq. ft. As an example, the smallest suite in Building M, which is 3,742 sq. ft., requires 9.2 parking spaces given these ratios. Thus, the prohibition against applying for permits for two (2) of the suites owned by Dove Holdings, LLC (Steve Stoaks) resolves this issue by freeing up approximately eighteen (18) parking spaces to accommodate the sixteen (16) spaces needed for the Fencing Club.

Of course, with two (2) potential suites now committed to being vacant until a suitable resolution can be approved, we will follow-up this application with a second, separate PAD amendment application to resolve the parking issues not only for the

Jodie Novak, MEP
July 22, 2009
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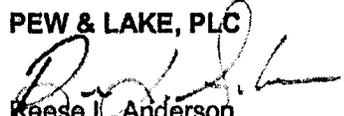
planned "Instructional Sports and Athletic Training Facilities" uses, such as the Fencing Club, but also for the overall development. This parking analysis has been commissioned but will not be complete in time for the current Planning Commission Hearing on August 5th, which is a critical date to keep for the Club and its desire to open on time. Our commitment to you includes working jointly on the parking study and analysis for the permitted uses within the PAD so that all of the condo units can be utilized and will further establish the proper parking ratios for all future owners/tenants of the various condo units within the project.

We believe that this proposed solution, a two-step process as outlined above, to the parking issues, will temporarily solve the parking issues in the near term for the Fencing Club and also long term for the Paloma Kyrene Business Community project.

Thank you in advance for your consideration and assistance with this matter. We look forward to working with you and making this project a success in the City of Chandler. If you have any questions or would like to discuss this matter, please contact myself or Ralph Pew in our office.

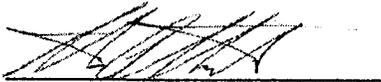
Sincerely,

PEW & LAKE, PLC



Reese L. Anderson

ACKNOWLEDGED & AGREED



Steven A. Stoaks, Manager
Dove Holdings, LLC, Owner
Paloma Kyrene Business Community

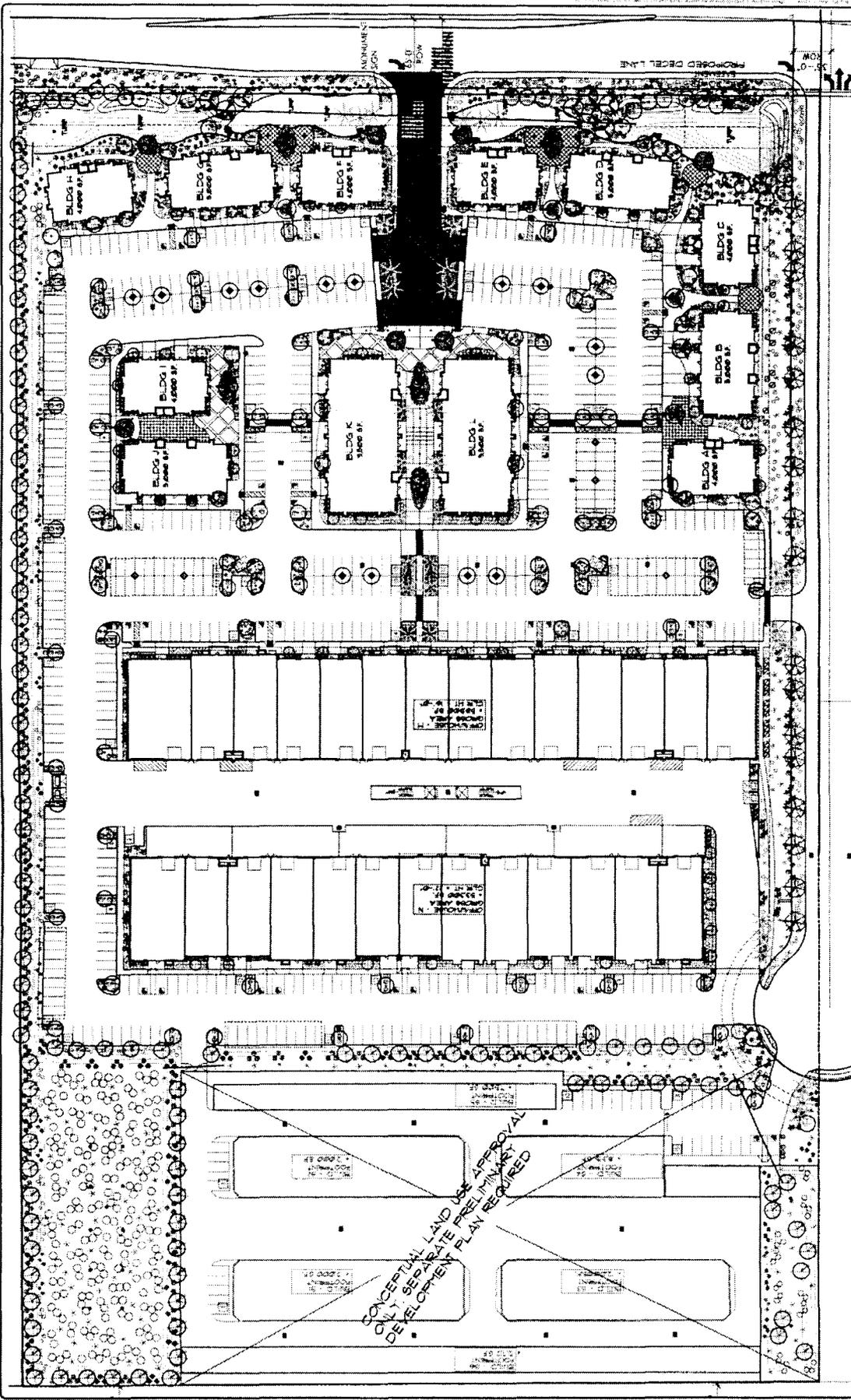
cc: Mr. Steven A. Stoaks, Dove Holdings LLC
Mr. Bill Becker, Fencing Club of Arizona
W. Ralph Pew, Pew & Lake, PLC

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PALOMA KYRENE BUSINESS COMMUNITY
 SOUTH OF SMC OF KYRENE & CHANDLER BLVD.
 CHANDLER, ARIZONA

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TM
 T.J. McQUEEN & ASSOCIATES, INC.
 URBAN DESIGN ARCHITECTURE
 LANDSCAPE ARCHITECTURE
 1121 East McDowell
 Suite 210
 Phoenix, Arizona 85014
 Phone: 602.254.1111
 Fax: 602.254.1112
 WWW.TJMCQUEN.COM



CONCEPTUAL LAND USE APPROVAL
 ONLY, SEPARATE PRELIMINARY
 DEVELOPMENT PLAN REQUIRED

T.J. McQUEEN & ASSOCIATES, INC.
 URBAN DESIGN ARCHITECTURE
 LANDSCAPE ARCHITECTURE
 1121 East McDowell
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 Phoenix, Arizona 85014
 Phone: 602.254.1111
 Fax: 602.254.1112
 WWW.TJMCQUEN.COM

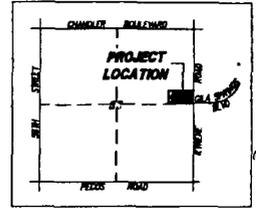
LANDSCAPE PLAN
 0' 25' 50' 100'

LANDSCAPE NOTES:
 ENTIRE PERIMETER IS TO BE PLANTED IN THE FIRST PHASE OF CONSTRUCTION

FINAL CONDOMINIUM PLAT FOR LOT 1 OF PALOMA KYRENE BUSINESS COMMUNITY

RECORDED IN BOOK 904, PAGE 11, M.C.R.

LOCATED AT THE NW CORNER OF KYRENE ROAD AND GILA SPRINGS BOULEVARD
SECTION 26, TOWNSHIP 1 SOUTH, RANGE 4 EAST, OF THE G.S.R.M.
MARICOPA COUNTY, ARIZONA



VICINITY MAP
SECTION 26
T1S, R4E, C6S26A

DEDICATION

STATE OF ARIZONA)
COUNTY OF MARICOPA)
KNOW ALL MEN BY THESE PRESENTS

BY RECORDATION OF THIS CONDOMINIUM PLAT OF "LOT 1 PALOMA KYRENE BUSINESS COMMUNITY", DOHE HOLDINGS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBMITTED FOR CONDOMINIUM USE OVER LOT ONE (1) OF "PALOMA KYRENE BUSINESS COMMUNITY" A PLAT AS RECORDED IN BOOK 904, PAGE 11, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN THE SECTION 26, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND GALT RIVER RISE AND NORMAL MARICOPA COUNTY, ARIZONA, AS MORE PARTICULARLY DESCRIBED AND DEPICTED ON THIS PLAT AND HEREBY PUBLISHES THIS CONDOMINIUM PLAT AS AND FOR THE CONDOMINIUM PLAT OF "LOT 1 PALOMA KYRENE BUSINESS COMMUNITY", AND HEREBY DECLARES THAT THIS CONDOMINIUM PLAT SETS FORTH THE HORIZONTAL AND VERTICAL BOUNDARIES OF EACH UNIT AND ITS RESPECTIVE PARTS, THE COMMON ELEMENTS AND THE LIMITED COMMON ELEMENTS CONTAINED WITHIN THE CONDOMINIUM AND SETS FORTH THE LOCATION AND PURPOSE OF ANY EASEMENTS SERVING OR SERVED BY THE CONDOMINIUM.

A UNIT OWNERS ASSOCIATION OF CO-OWNERS WILL BE FORMED OF ALL UNIT OWNERS HAVING THE RESPONSIBILITY FOR MAINTAINING ALL COMMON ELEMENTS AND SHARED ELEMENTS. NONE OF THE COMMON ELEMENTS SHOWN HEREON ARE DESIGNATED TO THE USE OR BENEFIT OF THE GENERAL PUBLIC, BUT ALL COMMON ELEMENTS SHALL BE USED AND ARE FOR THE PURPOSES SET FORTH HEREON AND AS MORE FULLY DESCRIBED IN THE DECLARATION OF CONDOMINIUM, TOGETHER WITH COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR THE PALOMA KYRENE BUSINESS COMMUNITY.

COMMON ELEMENTS SHOWN HEREON ARE HEREBY DECLARED FOR THE EXCLUSIVE USE AND ENJOYMENT OF THE UNIT OWNERS AND THEIR SUCCESSORS AND HEIREES, AS MORE FULLY SET FORTH IN THE CONDOMINIUM DECLARATION, SAID COMMON ELEMENTS ARE TO BE MAINTAINED BY THE UNIT OWNERS ASSOCIATION OF ALL UNIT OWNERS, SUBJECT TO THE CONDOMINIUM DECLARATION.

EASEMENTS ARE DESIGNATED AS SHOWN ON THIS PLAT.

THE MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT-OF-WAY TO BACK OF CURB SHALL BE THE RESPONSIBILITY OF THE UNIT OWNERS ASSOCIATION.

ALL PROPERTY, AMENITIES AND FACILITIES PROPOSED TO BE MAINTAINED BY THE UNIT OWNERS ASSOCIATION ARE HEREBY PLATED AS COMMON ELEMENTS WITH AN UNDIVIDED INTEREST OWNED IN COMMON BY EACH UNIT OWNER.

OWNER HEREBY EGRESSSES TO THE CITY OF CHANDLER A BLANKET EASEMENT FOR EMERGENCY VEHICLE ACCESS OVER THE COMMON AREAS.

IN WITNESS WHEREOF:

DOHE HOLDINGS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREBY CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF _____, SECRETARILY AUTHORIZED THE _____ DAY OF _____, 2007.

BY: DOHE HOLDINGS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY
ITS MANAGING MEMBER

BY: [Signature]

ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA)

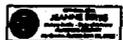
ON THIS _____ DAY OF _____, 2007, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARING _____, WHO ACKNOWLEDGED SELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL.

BY: [Signature] Notary Public

MY COMMISSION EXPIRES _____

BY: [Signature]



UNIT OWNERS ASSOCIATION RATIFICATION

BY THE RATIFICATION [Signature] STANLEY A. SPANARD

DAILY ELECTED [Signature] PRESIDENT

OF Paloma Kyrene Business Community

ACKNOWLEDGES THE RESPONSIBILITIES SET FORTH HEREIN.

BY: [Signature] 7-3-07
DATE

ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA)

ON THIS _____ DAY OF _____, 2007, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARING _____, WHO ACKNOWLEDGED SELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL.

BY: [Signature] Notary Public

MY COMMISSION EXPIRES _____

BY: [Signature]



LEASINGHOLDER RATIFICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED AS REPRESENTATIVE OF THAT CERTAIN BODY OF TRUST RECORDED IN DET. NO. 2004-00025, RECORDS OF MARICOPA COUNTY RECORDS, MARICOPA COUNTY, ARIZONA, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS CONDOMINIUM PLAT, THE DECLARATION OF RESTRICTIONS RECORDED CONCURRENTLY HEREBY, AND EACH AND EVERY DESCRIPTION CONTAINED HEREIN.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS SIGNED THEIR NAME

THIS _____ DAY OF _____, 2007

STANLEY BANK ARIZONA NATIONAL ASSOCIATION

BY: [Signature] ITS VP

ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA)

ON THIS _____ DAY OF _____, 2007, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARING _____, WHO ACKNOWLEDGED SELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL.

BY: [Signature] 7-3-07
DATE

MY COMMISSION EXPIRES _____

BY: [Signature]



LEGAL DESCRIPTION

A PORTION OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND GALT RIVER RISE AND NORMAL MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, PALOMA KYRENE BUSINESS COMMUNITY AS RECORDED IN BOOK 904, PAGE 11 WITH REC. NO. 2007-047896 M.C.R.

SHEET INDEX

- COVER SHEET
- SITE PLAN
- BUILDINGS A, C, E, F, H, I
- BUILDINGS B, D, G, J, K
- BUILDING M
- BUILDING N UNITS 1-14
- BUILDING N UNITS 15-7
- BUILDING N UNITS 8-11

BUILDING / UNIT INDEX

BUILDING NO.	UNIT NUMBERS CONTAINED
A	1 - 12
B	1 - 10
C	1 - 12
D	1 - 10
E	1 - 12
F	1 - 12
G	1 - 14
H	1 - 12
I	1 - 12
J	1 - 10
K	1 - 10
L	1 - 10
M	1 - 14
N	1 - 12

OWNER/SUBDIVIDER

DOHE HOLDINGS, LLC
CONTACT: STACEY SPANARD
301 N. ROCKWELL ROAD, SUITE 10
CHANDLER, ARIZONA 85226
(PH) 702-448-0002
CONTACT NUMBER: 800.865.4000

CIVIL ENGINEER

CS COMPANIES OF ARIZONA
1044 NORTH 44TH STREET, SUITE 100
PHOENIX, ARIZONA 85018
PHONE: (602) 948-4800
CONTACT: MICHAEL SCHNEIDER, P.E.
(PH) 322-1000

SURVEYOR

CS COMPANIES OF ARIZONA
1044 NORTH 44TH STREET, SUITE 100
PHOENIX, ARIZONA 85018
PHONE: (602) 948-4800
CONTACT: MICHAEL SCHNEIDER, P.E.
(PH) 322-1000

ARCHITECT

ARCHITECT, L.L.C.
CONTACT: BOB BROWN
4041 N. CENTRAL AVENUE, SUITE C-100
PHOENIX, ARIZONA 85018
(PH) 322-1000

NOTICE

- ALL AREAS NOT SHOWN AS BUILDINGS, L.L.C., P.L.L.C., OR EASEMENTS ON THE SITE PLAN ARE COMMON ELEMENTS.
- THE VERTICAL BOUNDARIES ARE THE EDGE OF THE VERTICAL STAB WALLS ADJOINING EACH UNIT, THE LOWER HORIZONTAL BOUNDARY IS THE UPPER EDGE OF THE SUBFLOORING SERVING THE UNIT, AND THE UPPER HORIZONTAL BOUNDARY IS THE LOWER EDGE OF ANY CEILING JOIST OR RAFTER.
- IN THE EVENT OF ANY DISCREPANCIES, INCONSISTENCIES OR CONFLICTS BETWEEN THE PLAT AND THE CONDOMINIUM DECLARATION THE PROVISIONS OF THE DECLARATION SHALL PREVAIL.
- ALL EASEMENTS SHOWN ON THIS PLAT ARE REFERENCED TO A RECORDING NUMBER AND SHOWN ONLY FOR INFORMATIONAL PURPOSES AND ARE NOT RE-GRANTED, RECREATED OR ACCEPTED BY THIS PLAT.
- PHYSICAL BOUNDARIES OF AND THE TERMS DESCRIBING THE UNITS, COMMON ELEMENTS AND LIMITED COMMON ELEMENTS ARE MORE FULLY DESCRIBED IN THE CONDOMINIUM DECLARATION.
- UNIT NUMBERS SHOWN ON THE PLAT ARE NOT TO BE INSTANT FOR SUITE NUMBERS ASSIGNED BY THE CITY OF CHANDLER, THEY ARE NOT THE SAME.
- CONSTRUCTION WITHIN UTILITY EASEMENTS SHALL BE LIMITED TO UTILITIES, FENCES AND DRIVEWAYS.
- NO STRUCTURES OR VEGETATION OF ANY KIND THAT WOULD IMPEDER THE FLOW OF WATER THROUGH THE EASEMENTS MAY BE CONSTRUCTED, PLANTED OR ALLOWED TO GROW WITHIN SHARED EASEMENTS.
- ALL COMMON ELEMENTS SHALL BE APPROVED IN ACCORDANCE WITH PLANS APPROVED BY THE CITY OF CHANDLER AND SHALL BE CONSIDERED IN COMMON WITH AN UNDIVIDED INTEREST BY ALL UNIT OWNERS OF THIS SUBDIVISION. THE COMMON PROPERTY SHALL BE INCLUDED WITHIN THE SCOPE OF THE REGULAR TRANSFERRING OF UNITS BY THIS CONDOMINIUM. THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE COMMON PROPERTY.
- UTILITY EASEMENT RESTRICTED TO ANY GROUND, WALL, STRUCTURE, WEIR OR LANDSCAPING (BUT NOT OVER 36" IN HEIGHT) IS NOT ALLOWED WITH THE UTILITY EASEMENT EXCEPT TREES TRIMMED TO NOT LESS THAN 6' ABOVE THE GROUND. TREES SHALL BE SPACED NOT LESS THAN 6' APART.
- IN EASEMENTS FOR THE EXCLUSIVE USE OF WATER, SANITARY SEWER, RECLAIMED WATER OR ANY COMBINATION THEREOF, ONLY DRINKING WATER AND SANITARY SEWER ARE ALLOWED TO BE PLANTED WITHIN THE EASEMENT AREA, AND TREES ARE ALLOWED.

BASIS OF MEASUREMENT

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 26 (ALSO THE CENTERLINE OF KYRENE ROAD), TOWNSHIP 1 SOUTH, RANGE 4 EAST, BEING AS SHOWN ON THE PLAT AND HEREBY AS RECORDED IN SPECIAL WARRANTY DEED INSTRUMENT NO. 2006-00008 OF OFFICIAL RECORDS, MARICOPA COUNTY, ARIZONA, BEING THE BASIS OF MEASUREMENT.

BENCHMARK

CITY OF CHANDLER BENCHMARK NO. 1
BENCHMARK DESCRIPTION: SECTION 26, TOWNSHIP 1 SOUTH, RANGE 4 EAST, 7" BRASS CAP SET IN PAVING OF TOWER NO. 2, BETWEEN 30TH STREET AND KYRENE ROAD, ON A EAST OF RAILROAD BRIDGE, 700' NORTH OF CHANDLER BLVD.
BENCHMARK REFERENCE: 1772.638

LOT AREA

LOT 1 AREA (APPROX): 704,111 SQ. FT. OR 16,087 AC. MORE OR LESS
COMMON AREA = 534,373 SQ. FT. OR 12,367 AC. MORE OR LESS

ZONING

LOT 1-PAD
LOT 2-PAD

CERTIFICATIONS

THIS IS TO CERTIFY THAT IN MY OPINION ALL UNITS AND COMMON ELEMENTS SHOWN ON THIS PLAT CONFORM TO GOOD LAND PLANNING POLICIES AND ARE SUITABLE FOR THE PURPOSES FOR WHICH THEY ARE PLATED.

BY: [Signature] 7/3/07
PLANNING & DEVELOPMENT DIRECTOR

THIS IS TO CERTIFY THAT ALL ENGINEERING CONDITIONS AND REQUIREMENTS OF THE CITY CODE HAVE BEEN COMPLETED AND THAT THIS SUBDIVISION IS LOCATED WITHIN AN AREA DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 65-57A, ARIZONA REVISED STATUTES.

BY: [Signature] 07-27-07
CITY ENGINEER

BY ACCEPTANCE OF THIS PLAT, THE CITY OF CHANDLER AGREES TO THE LOCATION OR ABANDONMENT OF THE EASEMENTS DESCRIBED HEREIN AS MORE FULLY DESCRIBED IN THE DECLARATION OF CONDOMINIUM AS APPROVED BY THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, THIS _____ DAY OF _____, 2007.

BY: [Signature] 7/20/07
CITY CLERK



CERTIFICATE OF SURVEY

THIS IS TO CERTIFY THAT THIS PLAT IS CORRECT AND ACCURATE AND BY MEASUREMENTS DESCRIBED HEREON HAVE EITHER BEEN SET OR LOCATED AS REQUIRED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: [Signature]
SURVEYOR

BOOK 938 PAGE 50

OFFICIAL RECORDS OF MARICOPA COUNTY RECORDS

HELEN PLUNCELL

2007-0872076

8/14/07 12:41 PM

8/14/07

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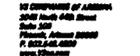
8/14/07

8/14/07

8/14/07

8/14/07

8/14/07



CS COMPANIES OF ARIZONA
3000 NORTH 44TH STREET
SUITE 100
PHOENIX, ARIZONA 85018
PHONE: (602) 948-4800
WWW.CSARIZONA.COM

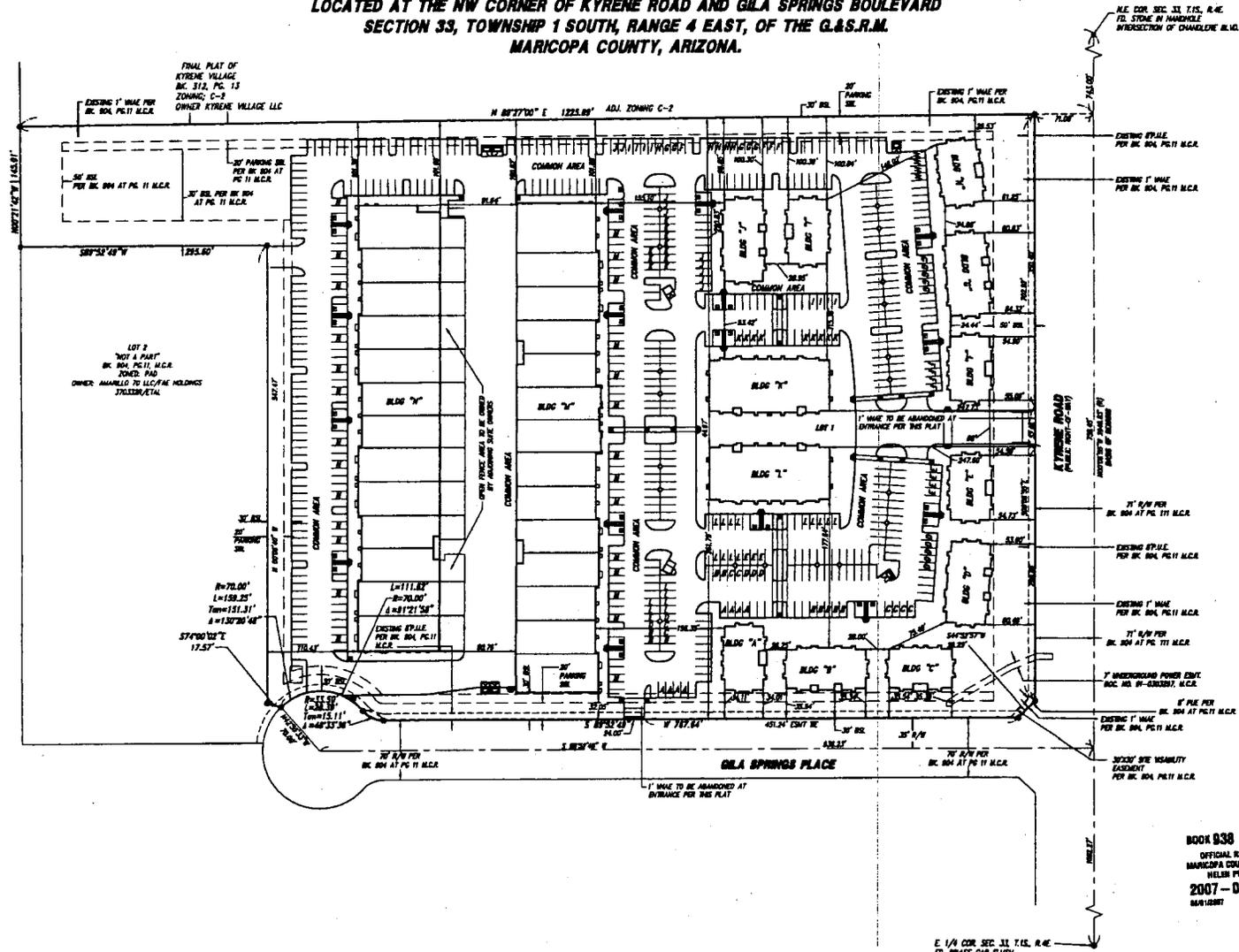
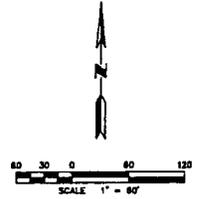
JOB NO. 00002

ACAD FILE 8/14/07

DATE 8/14/07

FINAL CONDOMINIUM PLAT FOR LOT 1 OF PALOMA KYRENE BUSINESS COMMUNITY

RECORDED IN BOOK 904, PAGE 11, M.C.R.
LOCATED AT THE NW CORNER OF KYRENE ROAD AND GILA SPRINGS BOULEVARD
SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, OF THE G.&S.R.M.
MARICOPA COUNTY, ARIZONA.



- LEGEND**
- FOUNDATION BRASS CAP FLUSH
 - FOUND REBAR & CAP "1.5" DIA
 - (R) RECORD DATA PER PALOMA KYRENE BUSINESS COMMUNITY BOOK 804 AT PAGE 11 WITH RECORD NO. 2007-0517898 M.C.R.
 - W/A/E VEHICULAR NON-ACCESS EASEMENT
 - R/W RIGHT OF WAY
 - P/E PUBLIC UTILITY EASEMENT
 - S/E SHORT UTILITY EASEMENT
 - W/L BUILDING SETBACK LINE
 - S/L SET BACK LINE
 - BLDG BUILDING
 - A-W INDICATES LATER COMMON ELEMENTS SUBDIVISION BOUNDARY
 - RIGHT OF WAY
 - - - CENTERLINE
 - - - EASEMENT LINE

NOTE:
LIMIT DIMENSIONS SHOWN ON THIS PLAT ARE NOT TO BE MIXED FOR SETBACK DIMENSIONS ASSIGNED BY THE CITY OF CHANDLER, THEY ARE NOT THE SAME.

BOOK 938 PAGE 50
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2007-0872078
08/11/07 12:41 PM



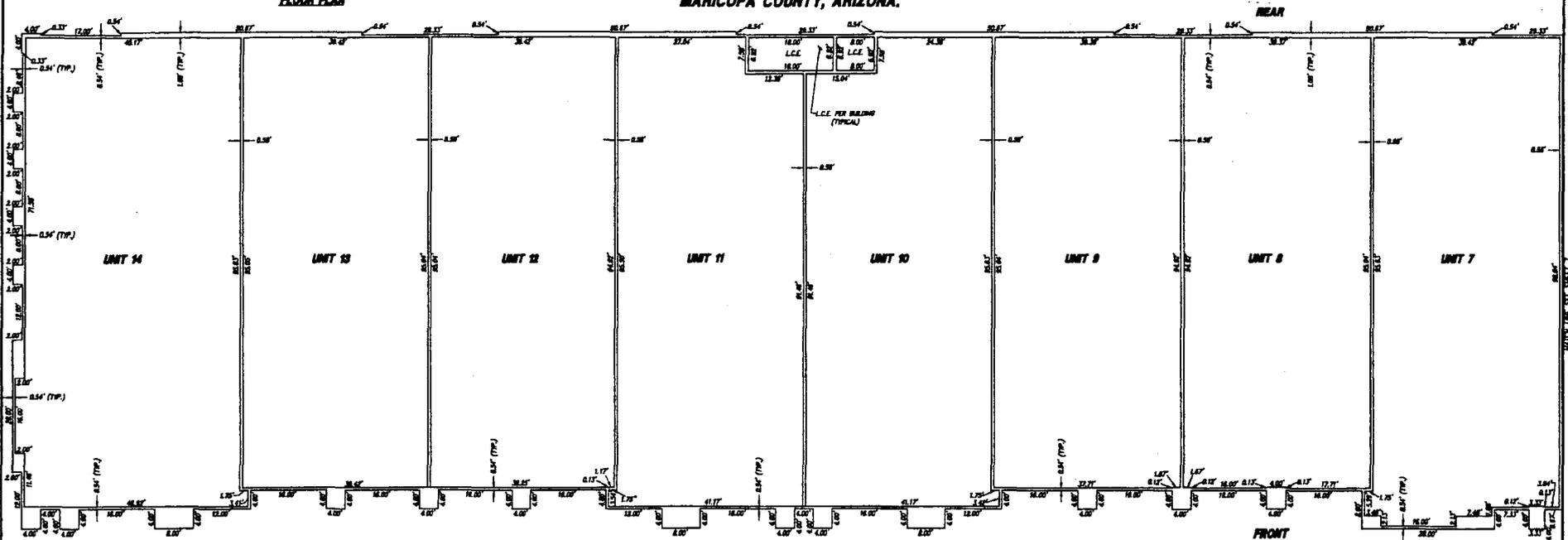
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 MARICOPA COUNTY, ARIZONA.

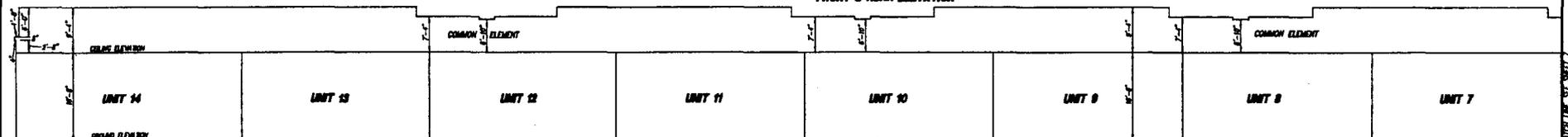
BOOK 938 PAGE 50
 OFFICIAL RECORDS OF
 MARICOPA COUNTY RECORDER
 HELEN PURCELL
 2007-0872078
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**BUILDING M
 FLOOR PLAN**

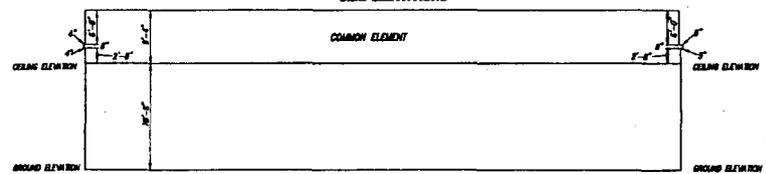


FRONT & REAR ELEVATION



**BUILDING M
 ELEVATIONS**

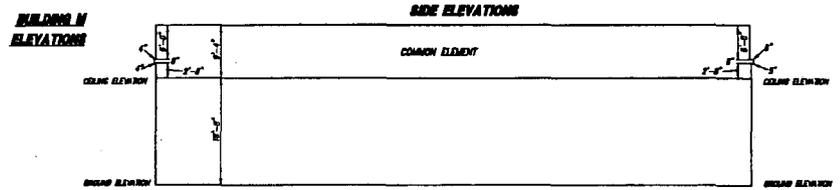
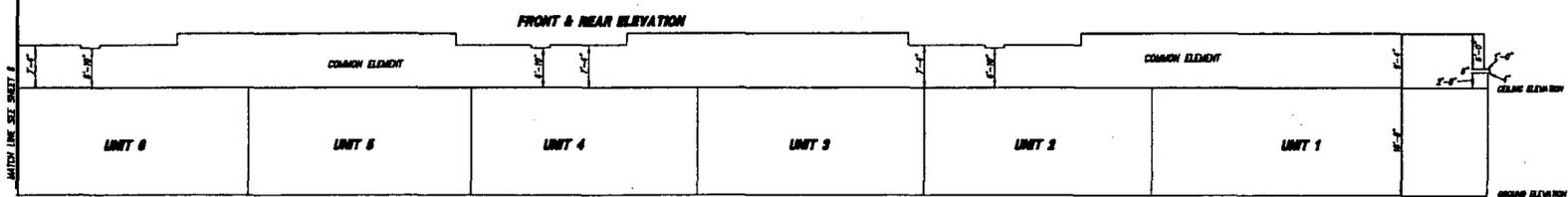
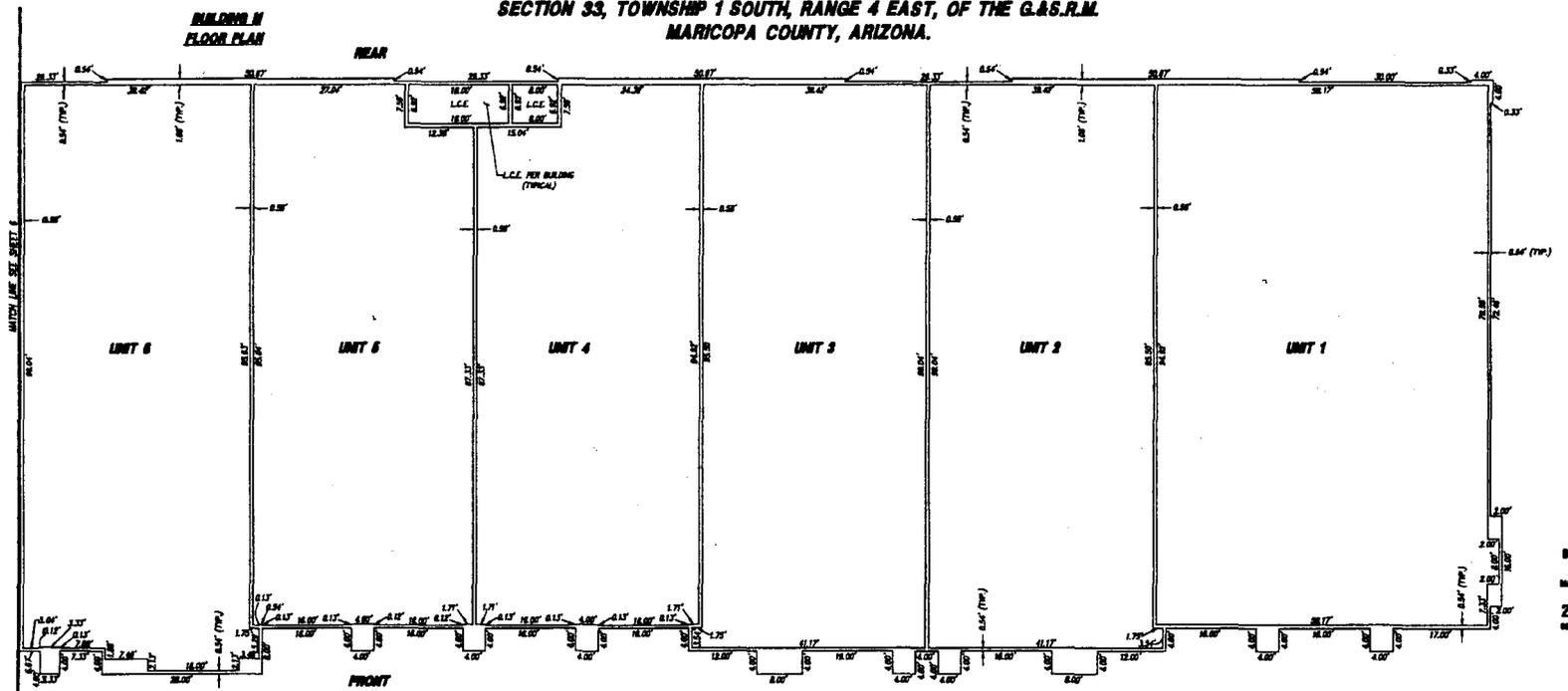
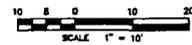
SIDE ELEVATIONS



NOTES:
 • UNIT NUMBERS SHOWN ON THE PLAT ARE NOT TO BE ASSIGNED FOR SITES NUMBERS ASSIGNED BY THE CITY OF CHANDLER, THEY ARE NOT THE SAME.
 • ALL AREAS OUTSIDE OF INTERIOR WALLS TO BE CONSIDERED COMMON ELEMENT UNLESS OTHERWISE NOTED.

FINAL CONDOMINIUM PLAT FOR LOT 1 OF PALOMA KYRENE BUSINESS COMMUNITY

RECORDED IN BOOK 904, PAGE 11, M.C.R.
LOCATED AT THE NW CORNER OF KYRENE ROAD AND GILA SPRINGS BOULEVARD
SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, OF THE G.A.S.R.M.
MARICOPA COUNTY, ARIZONA.



- UNITS: UNIT NUMBERS SHOWN ON THE PLAT ARE NOT TO BE MISTAKEN FOR SLATE NUMBERS ASSIGNED BY THE CITY OF CHANDLER, THEY ARE NOT THE SAME.
- ALL AREAS OUTSIDE OF INTERIOR WALLS TO BE CONSIDERED COMMON ELEMENT UNLESS OTHERWISE NOTED.

BOOK 938 PAGE 50
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN FURNESS
2007-0872078
04/10/07 12:41 PM



BY CONVEYOR OF RECORD
SANDRINE 448 Street
Suite 100
Phoenix, Arizona 85008
P: 602.428.0800
F: 602.428.0801

JOB NO. 00002
ACAD FILE 50020707
DATE 07/24/07
SHEET 7 of 9

ORDINANCE NO. 3729

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 TO PAD (DVR05-0002 PALOMA KYRENE BUSINESS 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 AG-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Paloma Kyrene Business Community", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0002, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
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. 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.
7. 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.
8. 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.
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. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance, the applicant shall post a 4' x 8' sign for property zoned for commercial and/or multi-family use, conspicuous to the (existing or prospective) single-family subdivision that adjoins this site, advising the following: "This property has been zoned for other than single-family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, (480) 782-3000". Sign shall have white background and black lettering.
11. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
12. A maximum of two tenant identification panels shall be allowed on each side of the two monument signs along Gila Springs Boulevard. Six tenant panels will be allowed on each of the two signs along Kyrene Road.
13. All landscaping shall be in compliance with current Commercial Design Standards and Zoning Codes including all quantity and size restrictions.
14. Applicant shall work with Staff to distribute the landscaping throughout the property to lessen the concentration of planting in the rights of way and reduce linear treelines.
15. The mini storage land use is conceptual only. A separate Preliminary Development Plan is required for this portion of development.

16. The developer shall be required to design and construct a traffic signal at the intersection of Kyrene Road and Gila Springs Boulevard. The developer shall contribute 50% of the total cost for this traffic signal. The developer will be reimbursed for 25% of this cost when the property to the south develops pursuant to the conditions of a development agreement.
17. Applicant shall coordinate all cross access and roadway easements with the adjacent property owner in order to develop a residential collector boulevard per City of Chandler Standards along the property's southern border as represented in the Development Booklet.
18. Retention basins shall be a maximum of three (3) feet in depth from the high water line to the bottom of the basin.
19. A maximum of 20% of the street frontage landscape area along both streets may be used for storm water retention purposes as per compliance with the Commercial Design Standards.
20. Berming along the street frontages must be a minimum of 24" measured from the top of curb elevation along at least 50% of the arterial streetscape frontages. Berms are to be located out of the right of way and shall maintain a 4:1 slope as per compliance with the Commercial Design Standards.
21. Mezzanines will only be permitted if the parking ratio is proven to meet Zoning Code standards to accommodate the additional square footage.
22. Applicant shall add four (4) pedestrian oriented special features for compliance with the Zoning Code Site Plan Design Standards.
23. The distribution and location of uses (general office, medical, retail) shall not exceed the square footages represented in the Development Booklet.
24. Lighting shall be in substantial conformance with Development Booklet representations with all site and building lighting adjacent to Kyrene Road shielded so as to not trespass across residential property lines. Globe lights and spotlights shall be prohibited.
25. Buildings M and N shall be allowed I-1 uses as defined by the Zoning Code with the exclusion of any hazardous or "H" occupancies as described by the City of Chandler adopted Building Codes.
26. Applicant shall enhance the monument signage to better match the building architecture and shall work with Staff to do so.
27. Applicant shall make architectural changes that break up the long appearance of building M and shall work with Staff to do so.

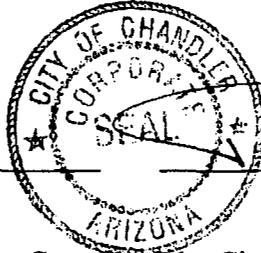
SECTION II. Except where provided, nothing contained herein shall be construed to be and abridgment of any other ordinance of the City of Chandler.

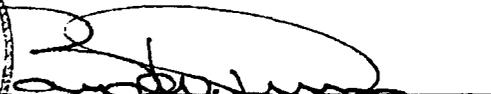
SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 27th day of October 2005.

ATTEST:


CITY CLERK

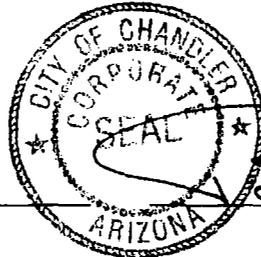


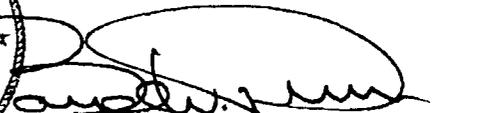

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this 14th day of November 2005.

ATTEST:


CITY CLERK



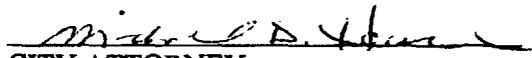

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3729 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 14th day of November 2005, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

Published in the Republic on November 30 & December 7, 2005

Exhibit 'A'

Legal Description

The real property subject to and covered by a deed of trust as recorded in Document No. 20030443004, Official records of Maricopa County, Arizona, is described as follows:

PARCEL NO. 1:

A portion of the East half of the Northeast quarter of Section 33, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northeast corner of said Section 33 thence South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 827.74 feet to the Northeast corner of the South half of the North half of the South half of the Northeast quarter of the Northeast quarter of said Section; thence South 89 degrees 36 minutes 51 seconds West along the North line thereof, 647 feet to the TRUE POINT OF BEGINNING of the herein described parcel;

Thence South 89 degrees 36 minutes 51 seconds West along said north line, 649.69 feet;

Thence South 00 degrees 21 minutes 17 seconds East along a line parallel to and 50 feet East of the West line of the East half of the Northeast quarter of said Section 33, a distance of 327.34 feet;

Thence North 89 degrees 52 minutes 50 seconds East 648.31 feet;

Thence North 00 degrees 06 minutes 52 seconds West 330.36 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

A portion of the East half of the Northeast quarter of Section 33, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northeast corner of said Section 33: thence South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 1161.11 feet; thence South 89 degrees 52 minutes 50 seconds West, 647 feet to the TRUE POINT OF BEGINNING of the herein described parcel;

Thence continuing South 89 degrees 52 minutes 50 seconds West, 648.31 feet to a point 50 feet East of the West line of the East half of the Northeast quarter of said Section 33;

Thence South 00 degrees 21 minutes 17 seconds East, along a line parallel to and 50 feet East of the

Any modification to or omission from this description completely absolves the surveyor from any liability for this description.

ORD. NO. 3729
EXHIBIT 'A'

Thence South 89 degrees 52 minutes 50 seconds West a distance of 647 feet;

Thence North 00 degrees 06 minutes 55 seconds West a distance of 330.36 feet to a point on the North line of the South half of the North half of the South half of the Northeast quarter of the Northeast quarter of said Section;

Thence North 89 degrees 36 minutes 51 seconds East along said North line 647 feet to a point on the East line of said Section 33 and the TRUE POINT OF BEGINNING;

EXCEPT the East 65 feet thereof reserved for Kyrene Road.

PARCEL NO. 5:

A portion of the East half of the Northeast quarter of Section 33, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northeast corner of said Section 33; thence South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 83 feet to the TRUE POINT OF BEGINNING of the herein described parcel;

Thence continuing South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 744.74 feet;

Thence South 89 degrees 36 minutes 51 seconds West, a distance of 1,296.69 feet to a point 50 feet East of the West line of the East half of the Northeast quarter of said Section 33;

Thence North 00 degrees 21 minutes 17 seconds West along a line parallel to and 50 feet East of the West line of the East half of the Northeast quarter of said Section 33, a distance of 541.01 feet;

Thence North 89 degrees 27 minutes 00 seconds East, along a line parallel to and 283 feet South of the North line of said Section 33, a distance of 200 feet;

Thence North 00 degrees 21 minutes 17 seconds West along a line parallel to and 250 feet East of the West line of the East half of the Northeast quarter of said Section 33, a distance of 200 feet to a point 83 feet South of the North line of said Section 33;

Thence North 89 degrees 27 minutes 00 seconds East along a line parallel to and 83 feet South of

Any modification to or omission from this description completely absolves the surveyor from any liability for this description.

ORD. No. 3729
Exhibit 'A'

the North line of said Section 33, a distance of 1,099.81 feet to a point on the East line of said Section 33 and the TRUE POINT OF BEGINNING;

EXCEPT the East 65 feet thereof reserved for Kyrene Road; and

EXCEPT any portion lying North of the South line of the following described property:

A portion of the East half of the Northeast quarter of Section 33, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northeast corner of said Section 33; thence South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 83 feet to the TRUE POINT OF BEGINNING of the herein described parcel;

Thence continuing South 00 degrees 06 minutes 55 seconds East along the East line of said Section 33, a distance of 660.00 feet;

Thence South 89 degrees 27 minutes 00 seconds West, a distance of 1,296.90 feet to a point 50 feet East of the West line of the East half of the Northeast quarter of said Section 33;

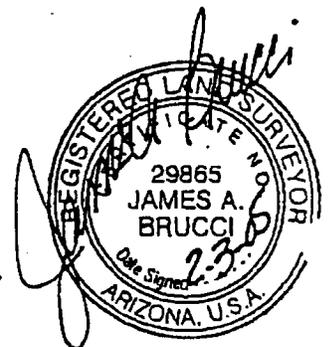
Thence North 00 degrees 21 minutes 17 seconds West along a line parallel to and 50 feet East of the West line of the East half of the Northeast quarter of said Section 33, a distance of 460.00 feet;

Thence North 89 degrees 27 minutes 00 seconds East, along a line parallel to and 283 feet South of the North line of said Section 33, a distance of 200 feet;

Thence North 00 degrees 21 minutes 17 seconds West along a line parallel to and 250 feet East of the West line of the East half of the Northeast quarter of said Section 33, a distance of 200 feet to a point 83 feet South of the North line of said Section 33;

Thence North 89 degrees 27 minutes 00 seconds East along a line parallel to and 83 feet South of the North line of said Section 33, a distance of 1,099.81 feet to a point on the East line of said Section 33 and the TRUE POINT OF BEGINNING.

Any modification to or omission from this description completely absolves the surveyor from any liability for this description.



ORDINANCE NO. 4179

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD AMENDED (DVR09-0008 PALOMA KYRENE BUSINESS 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 PAD to PAD amended, subject to the following conditions:

1. Compliance with original conditions adopted by the City Council as Ordinance No. 3729 in case DVR05-0002, except as modified by condition herein.
2. Development shall be in substantial conformance with the exhibits submitted (narrative, letter, site plan) kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0008 Paloma Kyrene Business Community, except as modified by condition herein.
3. Instructional sports and athletic training facilities are defined as facilities that focus on the instruction, training, and related activities of a particular sport or field of sports. Examples

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4179 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2009, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GWB*

PUBLISHED:

**PALOMA KYRENE BUSINESS COMMUNITY
PROPERTY OWNER LIST**

DOVE HOLDINGS LLC
281 N ROOSEVELT AVE NO 3
CHANDLER, AZ 85226 USA

UNITS: 1, 3, 4, 5, 9, 10, 12, 13

BDC PALOMINO INVESTMENTS LLC
PO BOX 10392
PHOENIX, AZ 85064 USA

UNITS: 6, 7, 8

ARIZONA ENTERPRISES LLC
6209 GHEES MILL RD
JEFFERSONVILLE, IN 47130 USA

UNIT: 14

OC BRIANITA LLC
11608 S TONALEA DR
PHOENIX, AZ 85044 USA

UNIT: 11

411 MCKEMY LLC
116 N ROOSEVELT ST 124
CHANDLER, AZ 85226 USA

UNIT: 2

VMS 7.24.09 AMK

**DOVE HOLDINGS, LLC
LEGAL DESCRIPTION**

Building M, Units 1, 3, 4, 5, 9, 10, 12 and 13, PALOMA KYRENE BUSINESS COMMUNITY, according to the Condominium Declaration recorded as Document No. 2007-0877436 and re-recorded as Document No. 2007-0919465 and as shown on the Plat recorded in Book 938 of Maps, page 50, Instrument No. 2007-0872078, records of Maricopa County, Arizona;

TOGETHER WITH an undivided percentage interest in the Common Elements as set forth in said Declaration and as shown on the Plat.

2007-07-24-09 JMM

**BDC PALOMINO INVESTMENTS, LLC
LEGAL DESCRIPTION**

Building M, Units 6, 7 and 8, PALOMA KYRENE BUSINESS COMMUNITY, according to the Condominium Declaration recorded as Document No. 2007-0877436 and re-recorded as Document No. 2007-0919465 and as shown on the Plat recorded in Book 938 of Maps, page 50, Instrument No. 2007-0872078, and Affidavit of Correction recorded in Instrument No. 2007-1265235 and re-recorded in Instrument No. 2008-0152383, records of Maricopa County, Arizona and Affidavit of Correct;

TOGETHER WITH an undivided percentage interest in the Common Elements as set forth in said Declaration and as shown on the Plat.

**411 MCKEMY, LLC
LEGAL DESCRIPTION**

Building M, Unit 2, PALOMA KYRENE BUSINESS COMMUNITY, according to the Condominium Declaration recorded as Document No. 2007-0877436 and re-recorded as Document No. 2007-0919465 and as shown on the Plat recorded in Book 938 of Maps, page 50, Instrument No. 2007-0872078, records of Maricopa County, Arizona;

TOGETHER WITH an undivided percentage interest in the Common Elements as set forth in said Declaration and as shown on the Plat.

WMS 7-24-09 JMS

**OC BRIANITA, LLC
LEGAL DESCRIPTION**

Building M, Unit 11, PALOMA KYRENE BUSINESS COMMUNITY, according to the Condominium Declaration recorded as Document No. 2007-0877436 and re-recorded as Document No. 2007-0919465 and as shown on the Plat recorded in Book 938 of Maps, page 50, Instrument No. 2007-0872078, records of Maricopa County, Arizona;

TOGETHER WITH an undivided percentage interest in the Common Elements as set forth in said Declaration and as shown on the Plat.

**ARIZONA ENTERPRISES, LLC
LEGAL DESCRIPTION**

Building M, Unit 14, PALOMA KYRENE BUSINESS COMMUNITY, according to the Condominium Declaration recorded as Document No. 2007-0877436 and re-recorded as Document No. 2007-0919465 and as shown on the Plat recorded in Book 938 of Maps, page 50, Instrument No. 2007-0872078, records of Maricopa County, Arizona;

TOGETHER WITH an undivided percentage interest in the Common Elements as set forth in said Declaration and as shown on the Plat.

REVISED 7/24/09 JML