

ORDINANCE NO. 3814

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 (AGRICULTURAL) TO PLANNED AREA DEVELOPMENT (PAD) (DVR06-0038 CHANDLER AIRPORT BUSINESS PARK PHASE 2) 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. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. 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.
6. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Airport Business Park Phase II", kept on file in the City of Chandler Planning Services Division, in File No. DVR06-0038 CHANDLER AIRPORT BUSINESS PARK PHASE 2, except as modified by condition herein.
7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or an association.
8. The exhibits and representations submitted herein are found to be in compliance with the requirements for Preliminary Development Plan approval. However, this does not constitute approval of the PAD Final Development Plan (Site Development Plan) by the Zoning Administrator.
9. 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.
10. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas. In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the

water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. The development's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
12. All raceway signage shall be prohibited within the development.
13. No television, communication towers or stand-alone antennas shall be constructed on the property. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and/or in relation to limits established in FAA determined Terminal Procedures (TERPS). All construction cranes shall be installed and operated in accordance with FAA rules and regulations including notification through the filing of FAA Form 7460-1, Notice of Proposed Construction or Alteration.
14. Developer acknowledges that City does not guarantee the actual physical connection of the property to the airport area. The Developer has the option to construct the on-airport taxiway connection subject to a Development Agreement.
15. Since zoning cannot guarantee or provide access to the airport, said access needs to be addressed through a separate Through-the-Fence agreement and subsequent license. Developer understands and agrees that no right of access to any part of the Chandler Municipal Airport, including any of its taxiways or runways, accrues to or runs with any of the land that is subject to this zoning, including the airpark, as a consequence of this zoning. An owner or occupier of any portion of the airpark may apply to the City for permission to access and use the on-airport taxiways or runway. However, the decision to grant such permission shall be in the sole discretion of the City, and in no event, shall the granting of such permission constitute a right of access running with the permittee's property at the airpark.
16. The developer acknowledges that the hangar portion of the buildings in the Airpark area will not be for commercial aeronautical services to the public as they are defined in the Chandler Municipal Airport Rules and Regulations, and that a certificate of occupancy needs to be obtained before the hangar can be utilized. Aeronautical uses will be secondary and ancillary to the primary use of the property to be in accordance with the approved non-aeronautical zoning uses. In addition, each development with intended aircraft hangar construction must provide a paved aircraft-parking apron adjacent to the hangar and the taxiway safety area. Said area must be of sufficient size to be equal to or less than the square footage of the aircraft hangar. Users of the public airport agree to abide by the current version of the Chandler Municipal Airport Rules and Regulations.

17. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
18. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
19. The development shall provide one-fourth of the costs of a traffic signal to be installed at the intersection of Gilbert and Ryan Roads.
20. A separate Preliminary Development Plan shall be approved for the buildings along the Gilbert Road frontage to include a comprehensive sign package and intersection corner entry features.
21. The development quality of the buildings shall exceed where applicable those buildings in the development booklet.
22. The common bermuda grass shall be replaced with hybrid bermuda.

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 of the City of Chandler, Arizona, this 27th day of July 2006.

ATTEST:


CITY CLERK




MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 10th day of August, 2006.

ATTEST:


CITY CLERK




MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3814 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 10th day of August, 2006, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED in the Arizona Republic on August 16 & 23, 2006.

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EXHIBIT "A"

PARCEL NO. 1:

A portion of the East half of the North half of the Southeast quarter of Section 12, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian Maricopa County, Arizona, more particularly described as follows,

COMMENCING at the Southeast corner of said Section 12;

Thence along the East line of said Southeast quarter, North 00 degrees 06 minutes 42 seconds West a distance of 1,319.77 feet to the POINT OF BEGINNING,

Thence along the South line of the North half of said Southeast quarter, South 89 degrees 20 minutes 12 seconds West a distance of 957.23 feet,

Thence departing said South line parallel with the West line of the East half of the North half of said Southeast quarter, North 00 degrees 05 minutes 12 seconds West a distance of 563.62 feet;

Thence parallel with said South line, North 89 Degrees 20 minutes 11 seconds East a distance of 956.98 feet to a point on the East line of said Southeast quarter;

Thence along said East line, South 00 Degrees 06 minutes 42 seconds East a distance of 563.62 feet to the POINT OF BEGINNING.

PARCEL NO. 2:

A portion of the East half of the North half of the Southeast quarter of Section 12, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the Southeast corner of said Section 12;

Thence along the East line of said Southeast quarter, North 00 Degrees 06 minutes 42 seconds West, a distance of 1319.77 feet to a point on said East line;

Thence along the South line of the North half of said Southeast quarter, South 89 degrees 20 minutes 12 seconds West a distance of 957.23 feet to the POINT OF BEGINNING;

Thence continuing along said South line, South 89 degrees 20 minutes 12 seconds West a distance of 361.49 feet to a point on the West line of the East half of the North half of said Southeast quarter;

Continued...

Exhibit "A" continued

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Thence along said West line, North 00 degrees 05 minutes 12 seconds West, a distance of 1319.86 feet to a point on the North line of said Southeast quarter;

Thence along said North line, North 89 degrees 20 minutes 24 seconds East a distance of 98.13 feet;

Thence departing said North line, South 00 degrees 13 minutes 06 seconds West a distance of 40.00 feet;

Thence parallel with and 40.00 feet South of said North line North 89 degrees 20 minutes 24 seconds East a distance of 33.57 feet;

Thence parallel with said West line, South 00 degrees 05 minutes 12 seconds East a distance of 441.27 feet;

Thence parallel with said North line, North 89 degrees 20 minutes 24 seconds East a distance of 230.00 feet;

Thence parallel with said West line, South 00 degrees 05 minutes 12 seconds East a distance of 838.57 feet to the POINT OF BEGINNING.

PARCEL NO. 3:

A portion of the East half of the North half of the Southeast quarter of section 12, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

COMMENCING at the Southeast corner of said Section 12;

Thence along the East line of said Southeast quarter North 00 degrees 06 minutes 42 seconds West, a distance of 2639.55 feet to the East quarter corner of said Section 12;

Thence along the North line of said Southeast quarter, South 89 degrees 20 minutes 24 seconds West, a distance of 956.66 feet;

Thence departing said North line, South 00 degrees 05 minutes 12 seconds East, a distance of 40.00 feet to the POINT OF BEGINNING;

Thence parallel with the West line of the East half of the North half said Southeast quarter, South 00 degrees 05 minutes 12 seconds East a distance of 441.27 feet;

Thence parallel with said North line, South 89 degrees 20 minutes 24 seconds West a distance of 230.00 feet;

Continued...

Exhibit "A" continued

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Thence parallel with said North line, North 00 degrees 05 minutes 12 seconds West a distance of 441.27 feet to a point 40.00 feet South of said North line;

Thence parallel with and 40.00 feet south of said North line, North 89 degrees 20 minutes 24 seconds east a distance 230.00 feet to the POINT OF BEGINNING.

PARCEL NO. 4:

A portion of the East half of the North half of the Southeast quarter of Section 12, Township 2 South, Range 5 East of the Gila and Salt River base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Southeast corner of said Section 12;

Thence along the east line of said Southeast quarter, North 00 degrees 06 minutes 42 seconds West a distance of 1,883.39 feet to the POINT OF BEGINNING;

Thence departing said East line, South 89 degrees 20 minutes 12 seconds West a distance of 956.98 feet;

Thence North 00 degrees 05 minutes 12 seconds West a distance of 716.22 feet to a point 40.00 feet South of the North line said Southeast quarter;

Thence parallel with and 40.00 feet South of said North line, North 89 degrees 20 minutes 24 seconds East,(measured), North 89 degrees 36 minutes 56 seconds West, (record), a distance of 893.38 feet;

Thence departing said parallel line, South 45 degrees 39 minutes 54 seconds East (measured), North 45 degrees 23 minutes 10 seconds West (record), a distance of 42.43 feet;

Thence North 00 degrees 06 minutes 42 seconds West a distance of 70.00 feet to a point on the North line of said Southeast quarter;

Thence along the North line of said Southeast quarter, North 89 degrees 20 minutes 24 seconds East a distance of 33.00 feet to the East quarter corner of said Section 12;

Thence South 00 degrees 06 minutes 42 seconds East a distance of 756.16 feet to the POINT OF BEGINNING;

EXCEPT any portion lying within parcels conveyed by Deeds recorded as 2000-943450, of official Records, as 2000-943451, of official records and as 2000-943452, of Official records.

Continued...

Exhibit "A" continued

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PARCEL NO. 5:

The West half of the North half of the Southeast quarter of Section 12, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona,

EXCEPT the North 40.00 feet thereof as conveyed in Document No. 2005 0349847.