

#4
JUL 25 2011

ORDINANCE NO. 4313

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR11-0008 FULTON RANCH 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 parcel is hereby rezoned from PAD to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Fulton Ranch II – Reserve at Fulton Ranch", kept on file in the City of Chandler Planning Services Division, in File No. APL11-0002/DVR11-0008, except as modified by condition herein.
2. 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.

3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. 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.
8. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
9. 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.
10. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
11. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
12. 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.

13. 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 FULTON RANCH II – RESERVE AT FULTON RANCH development shall use treated effluent to maintain open space, common areas, and landscape tracts.

14. 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.
15. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
16. All homes built on corner lots within the residential subdivision shall be single-story or a combination of one- and two-story with the one-story portion on the street side.

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4313 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2011, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

PUBLISHED:

LEGAL DESCRIPTION
EXHIBIT ONE

Attachment 'A'
Ordinance no. 4313

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

A PORTION OF THE WEST HALF OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP IN A HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 22 FROM WHICH THE BRASS CAP IN A HANDHOLE AT THE INTERSECTION OF OCOTILLO ROAD AND ARIZONA AVENUE, MARKING THE NORTHWEST CORNER OF SAID SECTION 22, BEARS NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 2666.09 FEET, SAID LINE BEING THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, AND THE BASIS OF BEARING FOR THIS DESCRIPTION;

THENCE NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 673.01 FEET ALONG SAID WEST LINE;

THENCE NORTH 89 DEGREES 10 MINUTES 35 SECONDS EAST, A DISTANCE OF 727.05 FEET ALONG A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF OF SAID NORTHWEST QUARTER;

THENCE NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 660.04 FEET ALONG A LINE PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER, TO THE NORTH LINE OF THE SOUTH HALF OF SAID NORTHWEST QUARTER AND THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 10 MINUTES 35 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 117.56 FEET;

THENCE NORTH 00 DEGREES 04 MINUTES 03 SECONDS WEST ALONG A LINE WHICH IS PARALLEL WITH THE WESTERLY LINE OF THE UNION PACIFIC RAILROAD, A DISTANCE OF 131.38 FEET;

THENCE NORTH 89 DEGREES 17 MINUTES 18 SECONDS EAST ALONG A LINE THAT IS PARALLEL WITH THE NORTH LINE OF THE SAID NORTHWEST QUARTER, A DISTANCE OF 474.46 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD;

THENCE SOUTH 00 DEGREES 04 MINUTES 03 SECONDS EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1921.71 FEET;

THENCE SOUTH 89 DEGREES 04 MINUTES 45 SECONDS WEST, A DISTANCE OF 259.66 FEET;

THENCE NORTH 00 DEGREES 14 MINUTES 42 SECONDS WEST, A DISTANCE OF 460.73 FEET;

THENCE NORTH 44 DEGREES 21 MINUTES 15 SECONDS WEST, A DISTANCE OF 30.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 60.00 FEET AND A CHORD BEARING OF NORTH 20 DEGREES 38 MINUTES 54 SECONDS EAST;

THENCE ALONG SAID CURVE TO THE LEFT THROUGH A DELTA ANGLE OF 49 DEGREES 59 MINUTES 43 SECONDS, A DISTANCE OF 52.35 FEET;

THENCE NORTH 04 DEGREES 20 MINUTES 58 SECONDS WEST, A DISTANCE OF 115.37 FEET TO A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 294.46 FEET;

THENCE ALONG SAID CURVE TO THE LEFT THROUGH A DELTA ANGLE OF 15 DEGREES 26 MINUTES 38 SECONDS, A DISTANCE OF 79.37 FEET;

THENCE NORTH 23 DEGREES 32 MINUTES 07 SECONDS WEST, A DISTANCE OF 125.40 FEET TO A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 266.67 FEET;

THENCE ALONG SAID CURVE TO THE RIGHT THROUGH A DELTA ANGLE OF 21 DEGREES 29 MINUTES 10 SECONDS, A DISTANCE OF 100.00 FEET;

THENCE NORTH 02 DEGREES 02 MINUTES 57 SECONDS WEST, A DISTANCE OF 100.00 FEET TO A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 266.67 FEET;

THENCE ALONG SAID CURVE TO THE RIGHT THROUGH A DELTA ANGLE OF 21 DEGREES 29 MINUTES 09 SECONDS, A DISTANCE OF 100 FEET;

THENCE NORTH 19 DEGREES 26 MINUTES 12 SECONDS EAST, A DISTANCE OF 125.30 FEET TO A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 400.00 FEET;

THENCE ALONG SAID CURVE TO THE LEFT THROUGH A DELTA ANGLE OF 21 DEGREES 29 MINUTES 09 SECONDS, A DISTANCE OF 150.00 FEET;

THENCE NORTH 02 DEGREES 02 MINUTES 57 SECONDS WEST, A DISTANCE OF 100.00 FEET TO A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 300.00 FEET;

THENCE ALONG SAID CURVE THROUGH A DELTA ANGLE OF 88 DEGREES 46 MINUTES 28 SECONDS, A DISTANCE OF 464.82 FEET TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION SET FORTH IN DOCUMENT NO 2005-928142; AND

EXCEPT ANY PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY;

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 22;

THENCE SOUTH 00 DEGREES 59 MINUTES 04 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1313.78 FEET;

THENCE SOUTHEASTERLY 67.30 FEET ALONG A NONTANGENTIAL CURVE CONCAVE TO THE NORTH, CENTRAL ANGLE 01 DEGREES 27 MINUTES 17 SECONDS, RADIUS 2650.00 FEET AND CHORD BEARING SOUTH 83 DEGREES 39 MINUTES 02 SECONDS EAST TO A LINE WHICH IS PARALLEL WITH AND 67 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES FROM THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE CONTINUING SOUTHEASTERLY 252.74 FEET ALONG SAID NONTANGENTIAL CURVE CONCAVE TO THE NORTH, CENTRAL ANGLE 05 DEGREES 27 MINUTES 49 SECONDS, RADIUS 2650.50 FEET AND CHORD BEARING SOUTH 87 DEGREES 06 MINUTES 35 SECONDS EAST;

THENCE SOUTH 89 DEGREES 50 MINUTES 29 SECONDS EAST 407.51 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 50 MINUTES 29 SECONDS EAST 117.59 FEET;

THENCE SOUTH 00 DEGREES 55 MINUTES 08 SECONDS WEST 30.00 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 29 SECONDS WEST 117.62 FEET;

THENCE NORTH 00 DEGREES 59 MINUTES 04 SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PORTION OF THE WEST HALF OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE BRASS CAP IN A HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 22 FROM WHICH THE BRASS CAP IN A HANDHOLE AT THE INTERSECTION OF OCOTILLO ROAD AND ARIZONA AVENUE, MARKING THE NORTHWEST CORNER OF SAID SECTION 22, BEARS NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 2666.09 FEET, SAID LINE BEING THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, AND THE BASIS OF BEARING FOR THIS DESCRIPTION;

THENCE NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST ALONG SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 22, A DISTANCE OF 673.01 FEET;

THENCE NORTH 89 DEGREES 10 MINUTES 35 SECONDS EAST, A DISTANCE OF 727.05 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 660.04 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 300.00 FEET AND A CHORD BEARING OF SOUTH 46 DEGREES 26 MINUTES 11 SECONDS EAST;

THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A DELTA ANGLE OF 88 DEGREES 46 MINUTES 28 SECONDS, A DISTANCE OF 464.82 FEET;

THENCE SOUTH 02 DEGREES 02 MINUTES 57 SECONDS EAST, A DISTANCE OF 100.00 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 400.00 FEET;

THENCE ALONG SAID CURVE TO THE RIGHT THROUGH A DELTA ANGLE OF 21 DEGREES 29 MINUTES 09 SECONDS, A DISTANCE OF 150.00 FEET;

THENCE SOUTH 19 DEGREES 26 MINUTES 12 SECONDS WEST, A DISTANCE OF 125.30 FEET TO A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 266.67 FEET;

THENCE ALONG SAID CURVE TO THE LEFT THROUGH A DELTA ANGLE OF 21 DEGREES 29 MINUTES 09 SECONDS, A DISTANCE OF 100.00 FEET;

THENCE SOUTH 02 DEGREES 02 MINUTES 57 SECONDS EAST, A DISTANCE OF 100 FEET TO A POINT ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 266.67 FEET;

THENCE ALONG SAID CURVE TO THE LEFT THROUGH A DELTA ANGLE OF 21 DEGREES 29 MINUTES 09 SECONDS, A DISTANCE OF 100.00 FEET;

THENCE SOUTH 23 DEGREES 32 MINUTES 07 SECONDS EAST, A DISTANCE OF 125.40 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 294.46 FEET;

THENCE ALONG SAID CURVE TO THE LEFT THROUGH A DELTA ANGLE OF 15 DEGREES 26 MINUTES 38 SECONDS, A DISTANCE OF 79.37 FEET;

THENCE SOUTH 04 DEGREES 20 MINUTES 08 SECONDS EAST, A DISTANCE OF 115.37 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 60.00 FEET;

THENCE ALONG SAID CURVE TO THE RIGHT THROUGH A DELTA ANGLE OF 49 DEGREES 59 MINUTES 43 SECONDS, A DISTANCE OF 52.35 FEET;

THENCE SOUTH 44 DEGREES 21 MINUTES 15 SECONDS EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST-WEST MID-SECTION LINE OF SECTION 22;

THENCE SOUTH 89 DEGREES 03 MINUTES 51 SECONDS WEST ALONG SAID EAST-WEST MID-SECTION LINE OF SECTION 22, A DISTANCE OF 1059.69 FEET TO THE POINT OF BEGINNING;

EXCEPT ANY PORTION SET FORTH IN DOCUMENT NO 2005-928142; AND

EXCEPT ANY PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY;

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 22;

THENCE SOUTH 00 DEGREES 59 MINUTES 04 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1313.78 FEET;

THENCE SOUTHEASTERLY 67.30 FEET ALONG A NONTANGENTIAL CURVE CONCAVE TO THE NORTH, CENTRAL ANGLE 01 DEGREES 27 MINUTES 17 SECONDS, RADIUS 2650.00 FEET AND CHORD BEARING SOUTH 83 DEGREES 39 MINUTES 02 SECONDS EAST TO A LINE WHICH IS PARALLEL WITH AND 67 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES FROM THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE CONTINUING SOUTHEASTERLY 252.74 FEET ALONG SAID NONTANGENTIAL CURVE CONCAVE TO THE NORTH, CENTRAL ANGLE 05 DEGREES 27 MINUTES 49 SECONDS, RADIUS 2650.50 FEET AND CHORD BEARING SOUTH 87 DEGREES 06 MINUTES 35 SECONDS EAST;

THENCE SOUTH 89 DEGREES 50 MINUTES 29 SECONDS EAST 407.51 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 50 MINUTES 29 SECONDS EAST 117.59 FEET;

THENCE SOUTH 00 DEGREES 55 MINUTES 08 SECONDS WEST 30.00 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 29 SECONDS WEST 117.62 FEET;

THENCE NORTH 00 DEGREES 59 MINUTES 04 SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

A PORTION OF THE WEST HALF OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE BRASS CAP IN A HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 22 FROM WHICH THE BRASS CAP IN A HANDHOLE AT THE INTERSECTION OF OCOTILLO ROAD AND ARIZONA AVENUE, MARKING THE NORTHWEST CORNER OF SAID SECTION 22, BEARS NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 2666.09 FEET, SAID LINE BEING THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, AND THE BASIS OF BEARING FOR THIS DESCRIPTION;

THENCE NORTH 89 DEGREES 03 MINUTES 51 SECONDS EAST ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 22, A DISTANCE OF 1059.69 FEET;

THENCE SOUTH 00 DEGREES 14 MINUTES 42 SECONDS EAST, A DISTANCE OF 460.73 FEET;

THENCE SOUTH 89 DEGREES 04 MINUTES 45 SECONDS WEST, A DISTANCE OF 1067.81 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22;

THENCE NORTH 00 DEGREES 46 MINUTES 00 SECONDS EAST ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 22, A DISTANCE OF 460.22 FEET TO THE POINT OF BEGINNING.