

The application requests a zoning amendment to eliminate zoning condition No. 14 of Ordinance No. 3170 which requires copper plumbing for those lines under water pressure. In lieu of copper plumbing, the development requests allowing the use of an alternative plumbing material called cross-linked polyethylene (pex) piping for the remaining 29 units of a 49-lot subdivision. Only 20 units have been built using copper plumbing which include units 1, 2, 6, 7, 13, 15 through 23, 24 through 30, and 49. The request is to allow pex piping for the remaining 29 undeveloped units which include 3 through 5, 8 through 12, 14, 24 through 29, and 35 through 48.

On January 27, 2005 Council adopted the 2003 International Code (I-Code). Pex piping is specifically addressed in the I-Code and is a permitted material. Currently the use of any other material, other than copper, for lines under water pressure is prohibited through a zoning condition. Even though pex piping is an approved material, it may not be used in a subdivision where copper plumbing has already been conditioned without the developer returning to Council to have the zoning condition removed. Every national plumbing code now permits the installation of pex as an approved hot and cold-water distribution system. Pex may be used in future subdivisions if the copper stipulation is not in place.

There are many positives that arise from the use of pex plumbing over copper plumbing. Pex plumbing is more flexible allowing for easier maneuverability and installation. Pex plumbing is freeze resistant and can withstand temperatures up to 180 degrees for plumbing uses. Pex plumbing is corrosive resistant and non-toxic.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on June 15, 2011. Two people attended from the Villas at Ocotillo. Both attendees were concerned with a proposed plastic-type pipe due to prior problems they experienced in the 80s and 90s with the old polybutylene piping. Planning Staff received phone calls from residents in the Balboa Way subdivision across the waterway to the south opposed to pex piping, as they are concerned with a home being built with any type of plastic piping.
- As of the date of this memo, Staff is not aware of any additional opposition or concerns with this request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 5 Opposed: 1 (Rivers) Absent: 1 (Cunningham)

RECOMMENDED ACTION

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend approval to eliminate the zoning condition, Condition No. 14 requiring copper plumbing for lines under water pressure.

CC Memo No. 11-086

July 27, 2011

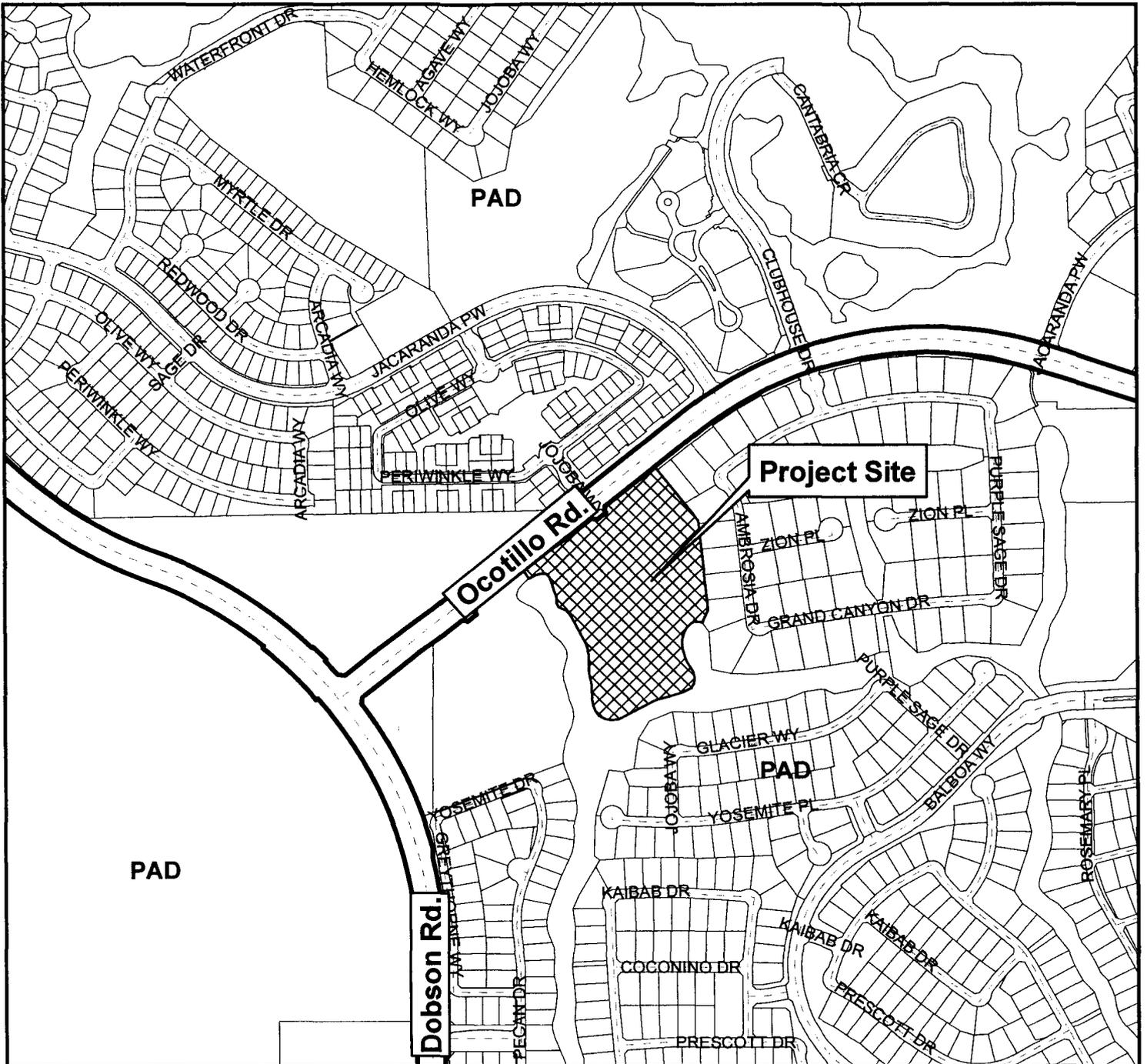
Page 3 of 3

PROPOSED MOTION

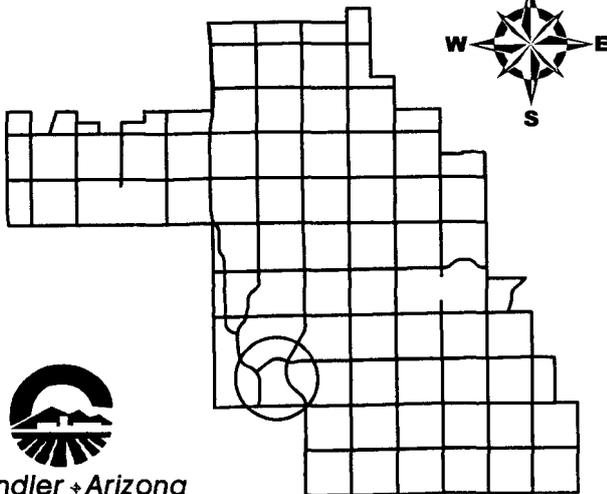
Move to introduce and tentatively adopt Ordinance No. 4319 approving DVR11-0015 VILLAS AT OCOTILLO Rezoning amendment from PAD to PAD eliminating zoning condition No. 14 as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Maps
2. Narrative
3. Site Plan
4. Original Ordinance No. 3170
5. Ordinance No. 4319



Vicinity Map



DVR11-0015

Villas at Ocotillo



Chandler + Arizona
Where Values Make The Difference

CITY OF CHANDLER 5/6/2011

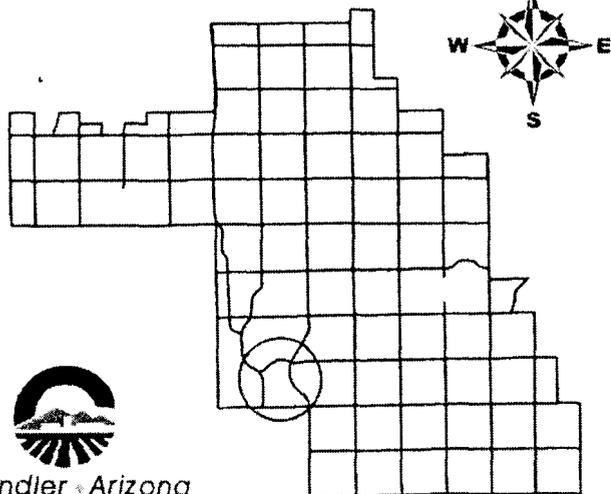


Project Site

Ocotillo Rd.

Dobson Rd.

Vicinity Map



DVR11-0015

Villas at Ocotillo



Chandler - Arizona
Where Values Make The Difference

CITY OF CHANDLER 5/6/2011



Woodside Homes

B E T T E R B Y D E S I G N

April 26, 2011

City of Chandler
Attn: Jodie M Novak
Senior City Planner
215 East Buffalo Street
Chandler, Arizona 85244-4008

To Whom It May Concern:

The purpose of this letter is to formally submit a rezoning request for the remaining to be built units at the Villas at Ocotillo project (see legal description attached), located at approximately the SEC of Ocotillo and Dobson roads.

The proposed land use request is to specifically and exclusively remove condition #14 from Ordinance #3170, regarding copper pipe plumbing. Condition #14 states: "The homes shall have all copper plumbing for those lines under water pressure."

We propose that rather than copper pipe plumbing for all lines under water pressure the homes we be built with industry standard and code approved Aqua PEX plumbing for all lines under water pressure, excluding the exposed lines on the exterior of the units.

This request does not apply to these constructed units: Units 1, 2, 6, 7, 13, 15 through 23, inclusive, 30 through 24, inclusive and 49.

This request does apply to the following to be constructed units: Units 3 through 5, inclusive, 8 through 12, inclusive, 14, 24 through 29, inclusive, 35 through 48, inclusive.

In total ~~20~~ units have been built with copper plumbing. 29 units will be built without.

Sincerely,

Paul Kroff
Division Manager / Senior Vice President
Woodside Homes of Arizona
1811 S. Alma School Road, Suite 190
Mesa, Arizona 85210

NO.	DELTA OR BRG.	RADIUS	LENGTH
1	100°54'30"	62.50'	110.71'
2	17°08'04"	395.81'	118.37'
3	22°42'33"	125.00'	47.86'
4	N23°03'24"E		28.23'
5	27°39'41"	120.00'	57.84'
6	S64°36'24"E		197.28'
7	47°52'36"	106.00'	88.57'
8	17°32'26"	72.50'	74.40'
9	75°43'01"	72.50'	85.81'
10	N51°47'58"E		25.50'
11	32°09'21"	105.81'	56.38'
12	33°02'21"	38.50'	22.20'
13	S39°06'45"E		21.36'
14	S39°06'45"E		19.24'
15	26°41'42"	80.00'	37.27'
16	N12°25'02"W		264.21'
17	S77°34'58"W		6.00'

NO.	DELTA OR BRG.	RADIUS	LENGTH
1	52°59'06"	15.50'	14.23'
2	76°13'57"	42.00'	63.86'
3	70°00'52"	22.00'	26.88'
4	2°53'33"	12.50'	9.27'
5	N50°33'37"E		51.55'
6	03°36'41"	96.00'	6.05'
7	N54°29'58"E		85.98'
8	17°31'12"	20.00'	6.12'
9	276°46'58"	48.00'	231.88'
10	N65°14'13"E		4.00'
11	04°19'30"	44.00'	3.32'
12	79°58'32"	20.00'	27.92'
13	N40°51'27"E		3.85'
14	106°05'17"	20.00'	37.03'
15	10°36'26"	67.50'	12.50'
16	N12°25'02"W		205.96'
17	S77°34'58"W		4.00'
18	65°32'23"	16.00'	18.30'
19	298°33'28"	48.00'	250.17'
20	S3°01'05"	16.00'	14.81'
21	N12°25'02"W		212.05'
22	19°58'33"	56.50'	32.64'
23	83°16'51"	16.00'	23.28'
24	N50°53'15"E		13.75'
25	33°02'31"	22.00'	12.89'
26	32°02'37"	122.31'	68.58'
27	N51°47'58"E		59.50'
28	60°19'02"	56.00'	56.95'
29	N22°14'06"E		4.00'
30	15°23'31"	60.00'	16.12'
31	47°52'36"	93.50'	78.13'
32	S64°36'24"E		91.28'
33	27°39'41"	107.50'	51.90'
34	N23°03'24"E		76.23'
35	22°42'33"	132.50'	52.52'
36	17°08'04"	408.31'	122.14'
37	100°56'20"	56.00'	88.09'
38	N84°09'07"E		35.76'
39	N65°50'33"W		4.00'
40	S9°28'54"	16.00'	16.61'
41	298°57'49"	48.00'	250.46'
42	S9°28'54"	16.00'	16.61'
43	N84°09'07"E		35.76'
44	100°56'20"	79.00'	139.18'
45	17°08'04"	379.31'	113.43'
46	14°31'05"	103.50'	79.83'
47	96°08'28"	4.00'	10.07'
48	S42°56'36"E		14.14'
49	90°00'00"	3.00'	4.71'
50	N23°03'24"E		52.00'
51	90°00'00"	3.00'	4.71'
52	S46°56'36"E		18.18'
53	77°17'49"	6.00'	8.09'
54	14°57'37"	36.50'	35.64'
55	S04°36'24"E		191.28'
56	42°38'30"	122.50'	91.88'
57	73°33'38"	74.00'	20.54'
58	N25°58'34"E		8.89'
59	S9°28'54"	16.00'	16.61'
60	298°57'49"	48.00'	250.46'
61	S9°28'54"	16.00'	16.61'
62	N25°58'34"E		9.06'
63	69°10'14"	16.00'	18.32'
64	S84°51'12"E		11.93'
65	08°29'28"	96.00'	14.23'
66	S76°23'44"E		48.57'
67	42°12'40"	21.00'	22.80'
68	79°42'45"	48.00'	66.78'
69	43°37'35"	18.00'	13.71'
70	N51°24'28"E		3.89'
71	N51°24'28"E		42.91'

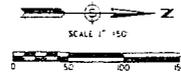
NW CORNER SECTION 20 CALCULATED FROM BOOK 558 OF MAPS, PAGE 40, MARICOPA COUNTY RECORDS (FINAL PLAT OF OCOTILLO PHASE TWO)

BOOK 731 PAGE 29
 OFFICIAL RECORDS OF
 MARICOPA COUNTY RECORDER
 HELEN PURCELL
 2005-0231060

NW CORNER SECTION 20 LOCATION UNDER CONSTRUCTION CALCULATED FROM BOOK 558 OF MAPS, PAGE 40, MARICOPA COUNTY RECORDS (FINAL PLAT OF OCOTILLO PHASE TWO)

NW CORNER SECTION 20 FOUND MARICOPA COUNTY ENGINEERING DEPARTMENT BRASS CAP IN HANDHOLE

NOTE: ALL BUILDING TIES ARE PERPENDICULAR OR RADIAL TO THE PROPERTY LINE OR RIGHT-OF-WAY



PLAT OF THE VILLAS AT OCOTILLO CONDOMINIUM

SITE PLAN

SHEET 3 OF 5

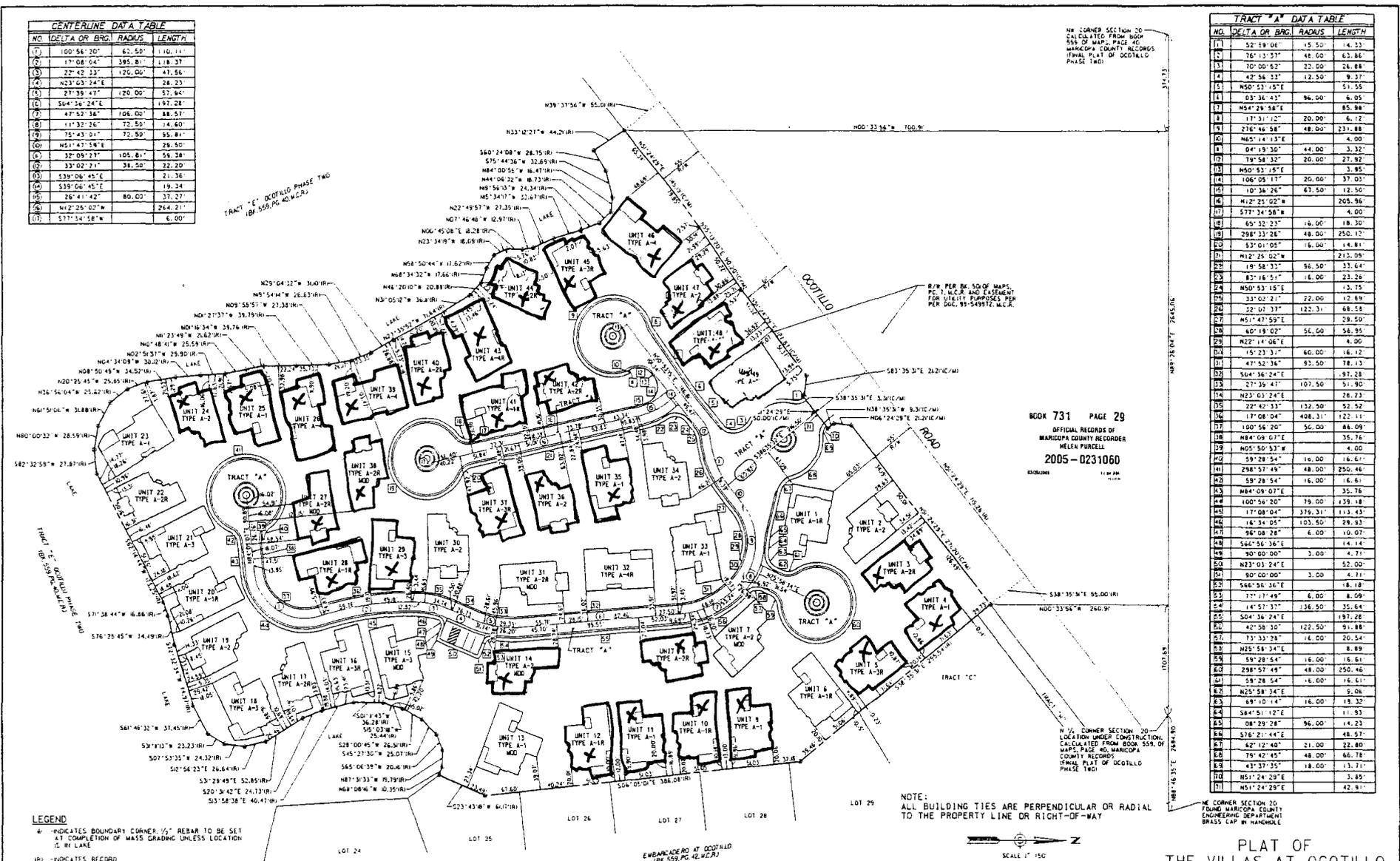
RICK ENGINEERING COMPANY
 1100 North 28th St. Phoenix, AZ 85016-1706 • (602) 967-3344 • FAX (602) 968-3388 • www.rickeng.com

DATE: 24-FEB-2005 PROJECT NO: 28790 DESIGN ST: FIN. ULSA

X: UNITS proposed for Pex pipe



- LEGEND**
- * - INDICATES BOUNDARY CORNER, 1/2" REFER TO BE SET AT COMPLETION OF MASS GRADING UNLESS LOCATION IS BY LAKE
 - (RI) - INDICATES RECORD
 - (C/M) - INDICATES CALCULATED FROM FIELD MEASUREMENTS
 - R/W - INDICATES RIGHT-OF-WAY
 - SK - INDICATES BOOK
 - PG - INDICATES PAGE
 - M.C.R. - INDICATES MARICOPA COUNTY RECORDS
 - MOD - INDICATES MODIFIED



ORDINANCE NO. 3170

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 AND PAD TO PAD (PDP00-0011 OCOTILLO PHASE TWO) FOR MIXED USE DEVELOPMENT 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 and PAD to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, except as modified by condition herein.
2. Right-of-way dedications, at the time of the Final Plat for the adjacent parcel, will be required to achieve full half widths for Dobson Road, Alma School Road, Ocotillo Road, Lake Drive, and Chaparral Way, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
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 and which pertain to the adjacent parcel, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The developer shall be required to install landscaping in the arterial street median adjoining the adjacent parcel at the time of construction. 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. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
8. 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.
9. Construction shall commence above foundation walls within two (2) 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.
10. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4 foot by 8 foot sign identifying what is being built and the estimated date of completion for the specified project. This information may be incorporated with the contractor's sign or the "Coming Soon" sign on the subject site.
11. Due to the impact of the development, a development agreement in the form approved by the City as required to provide necessary public infrastructure.
12. 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.
13. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
14. The homes shall have all copper plumbing for those lines under water pressure.
15. The side yard setbacks shall be a minimum of at least 5 feet and 10 feet.
16. Each tot lot shall have a minimum of 20 total play stations.

17. 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.
18. 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 OCOTILLO PHASE TWO development shall use treated effluent to maintain open space, common areas, and landscape tracts.
19. The exhibits and representations submitted herein are found to be in compliance with the requirements for Conceptual Plan approval for the multi-family, luxury condominium, and townhouse parcels. However, the density of these parcels shall be limited to 5 du/ac unless increased at the time of PDP approval for reasons of project quality.
20. The exhibits and representations submitted herein are found to be in compliance with the requirements for Conceptual Plan approval for the commercial parcels. However, the intensity of the Specialty Commercial parcels is not established at this time and shall be a consideration at the time of PDP approval for factors of design.
21. The Specialty Commercial parcels shall permit a limited range of commercial uses such as offices, specialty retail, restaurants, day care, and personal services (including barber shop, beauty salon, but excluding body-piercing and tattoo parlors), but not in the context of a neighborhood grocery store anchored shopping center.
22. A revised Development Booklet (Exhibit A) shall be submitted to Staff that reflects a Multi-Family density of 5 du/ac, to be stamped by Staff as the final approved copy.

23. The proposed window treatment for the Right Side Elevation "A" of the "1020 Plan" for Parcel D, as depicted in the Development Booklet (Exhibit A), shall be modified to achieve a better balance and design integration, to be approved by Staff.

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 this 13th day of July 2000.

ATTEST:

Carolyn Beeson
CITY CLERK

Ally Schick
MAYOR

PASSED AND ADOPTED by the City Council this 10th day of August 2000.

ATTEST:

Carolyn Beeson
CITY CLERK

Ally Schick
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3170 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 2000, and that a quorum was present thereat.

Carolyn Beeson
CITY CLERK

APPROVED AS TO FORM:

Dennis M. O'Neill
CITY ATTORNEY

PUBLISHED:

[Signature]

ORDINANCE NO. 4319

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY AMENDING A PORTION OF A PARCEL ZONED PLANNED AREA DEVELOPMENT (PAD) TO ELIMINATE ZONING CONDITION NO. 14 OF ORDINANCE NO. 3170 REQUIRING COPPER PLUMBING AS APPROVED IN CASE PDP00-0011 OCOTILLO PHASE TWO, 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 Properties:

See Attachment 'A'.

Said parcel is hereby rezoned to delete Condition No. 14 of Ordinance No. 3170 requiring copper plumbing in case PDP00-0011 Ocotillo Phase Two.

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.

Exhibit "A"

Legal Description

Units 3 through 5, inclusive, 8 through 12, inclusive, 14, 24 through 29, inclusive, 35 through 48, inclusive, THE VILLAS AT OCOTILLO CONDOMINIUM, according to Declaration of Condominium recorded February 25, 2005 as 2005-0231061, and plat recorded in Book 731 of Maps, Page 29, records of Maricopa County, Arizona.