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SEP 08 2011

ORDINANCE NO. 4318

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT TO PLANNED AREA DEVELOPMENT AMENDED IN CASE DVR11-0010 (AUTUMN PARK) ELIMINATING ZONING CONDITION NO. 11 OF ORDINANCE NO. 3995 REQUIRING CUSTOM HOMES APPROVED IN CASE DVR07-0032 (GALILEO PIAZZA) 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 to delete Condition No. 11 of Ordinance No. 3995 requiring custom homes in case DVR07-0032 Galileo Piazza.

Said parcel is hereby rezoned from PAD to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Attachment No. 7, Development Booklet, entitled "AUTUMN PARK", kept on file in the City of Chandler Transportation & Development Services Department, Planning Division, in File No. DVR11-0010 AUTUMN PARK, and serves to complement and supplement the Council approved development booklet kept on file in case DVR07-0032 GALILEO PIAZZA, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3995 in case DVR07-0032 GALILEO PIAZZA, except as modified by condition herein.
3. 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. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing railroad tracks and railroad right-of-way that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby an existing railroad track and railroad right-of-way, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

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.

Attachment 'A'
Legal Description

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 34; THENCE SOUTH 89° 55' 13" WEST ALONG THE NORTH LINE OF SAID SECTION 34 A DISTANCE OF 100.01 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 00° 45' 40" WEST A DISTANCE OF 569.13 TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF THAT CERTAIN CANAL KNOWN AS THE CONSOLIDATED CANAL;

THENCE ALONG THE SAID NORTHWEST RIGHT-OF-WAY LINE THE FOLLOWING VARIOUS COURSES: SOUTH 33° 17' 15" WEST 244.76 FEET TO A POINT MARKING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1227.62 FEET;

THENCE ALONG THE ARC OF THE SAID CURVE THROUGH A CENTRAL ANGLE OF 11° 26' 15" A DISTANCE OF 245.06 FEET TO A POINT MARKING THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 1172.95 FEET;

THENCE ALONG THE ARC OF THE SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 58' 18" A DISTANCE OF 449.80 FEET;

THENCE SOUTH 22° 45' 10" WEST 399.47 FEET TO A POINT MARKING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 748.63 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15° 07' 40" A DISTANCE OF 197.66 FEET;

THENCE SOUTH 07° 37' 30" WEST 143.16 FEET TO A POINT MARKING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 460.49 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 61° 29' 25" A DISTANCE OF 494.20 FEET TO A POINT MARKING THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 1267.49 FEET;

THENCE ALONG THE SAID REVERSE CURVE THROUGH A CENTRAL ANGLE OF 03° 02' 39" A DISTANCE OF 67.34 FEET TO A POINT ON THE EAST RIGHT-OF-WAY

LINE OF THE SOUTHERN PACIFIC RAILROAD, SAID POINT ALSO MARKING THE BEGINNING OF A CURVE CONCAVE TO THE EAST AND FROM WHICH THE CENTER POINT OF THE SAID CURVE BEARS NORTH 89° 40' 13" EAST 4247.21 FEET DISTANT THEREFROM;

THENCE LEAVING THE SAID NORTHWEST RIGHT-OF-WAY LINE OF THE CONSOLIDATED CANAL AND ALONG THE SAID EAST RAILROAD RIGHT-OF-WAY LINE THE FOLLOWING VARIOUS COURSES;

THENCE ALONG THE ARC OF THE SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 29' 16" A DISTANCE OF 36.16 FEET TO A POINT MARKING THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 5679.60 FEET;

THENCE ALONG THE ARC OF THE SAID COMPOUND CURVE THROUGH A CENTRAL ANGLE 00° 18' 00" A DISTANCE OF 29.74 FEET TO A POINT MARKING THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 8544.38 FEET;

THENCE ALONG THE ARC OF THE SAID COMPOUND CURVE THROUGH A CENTRAL ANGLE OF 00° 12' 00" A DISTANCE OF 29.83 FEET TO A POINT MARKING THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 20,121.60 FEET;

THENCE ALONG THE ARC OF THE SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 05' 07" A DISTANCE OF 29.92 FEET;

THENCE NORTH 00° 45' 30" EAST A DISTANCE OF 1888.86 FEET;

THENCE, LEAVING THE SAID EAST RAILROAD RIGHT-OF-WAY LINE, NORTH 89° 55' 13" EAST A DISTANCE OF 240.00 FEET;

THENCE NORTH 00° 45' 30" EAST A DISTANCE OF 415.01 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SAID SECTION 34 AND FROM WHICH THE NORTHWEST CORNER OF THE SAID SECTION 34 BEARS SOUTH 89° 55' 13" WEST 1694.69 FEET DISTANT THEREFROM;

THENCE NORTH 89° 55' 13" EAST A DISTANCE OF 852.56 TO THE POINT OF BEGINNING.