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OCT 22 2012

**ORDINANCE NO. 4391**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD FOR SINGLE-FAMILY AND HIGH-DENSITY RESIDENTIAL TO PAD AMENDED FOR SINGLE-FAMILY RESIDENTIAL (DVR12-0015 LAYTON LAKES PARCELS 24, 26 & 27) 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 Planned Area Development (PAD) for Single-Family and High-Density Residential to PAD amended for Single-Family Residential, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Layton Lakes Parcel 24, 26 & 27 PAD & PDP Amendment" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0015, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

2. Compliance with the original stipulations adopted by the City Council as Ordinance 3250, case DVR00-0025 LAYTON LAKES, except as modified by condition herein.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. 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.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. 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.
8. 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.
9. 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.
10. 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.
11. 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 Layton Lakes Parcels 24, 26 & 27 development shall use treated effluent to maintain open space, common areas, and landscape tracts.

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 Transportation & 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 \_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

**CERTIFICATION**

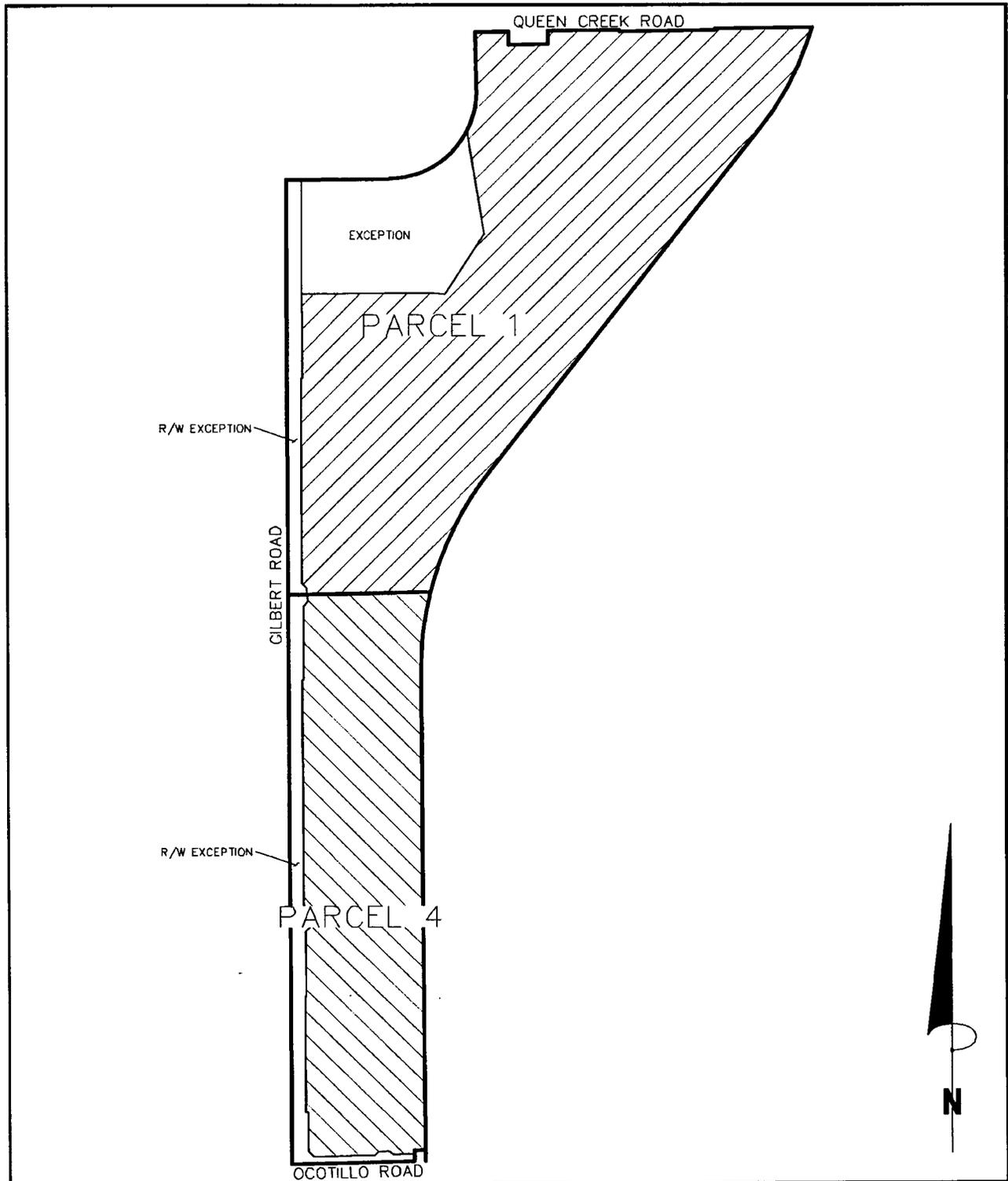
I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4391 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY GAB

PUBLISHED:



**Bowman**  
**CONSULTING**  
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 Tempe, Arizona 85282 www.bowmanconsulting.com

**LAYTON LAKES**  
 CHANDLER, ARIZONA  
**BOUNDARY EXHIBIT**

JOB #	9505
DATE	SEPT. 2012
SCALE	N.T.S.
DRAWN	KE
SHT 1 OF 1	

PARCEL 1

THAT PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 18, FROM WHICH THE BRASS CAP FLUSH MARKING THE WEST QUARTER CORNER OF SAID SECTION 18 BEARS SOUTH 00 DEGREES 12 MINUTES 46 SECONDS EAST, A DISTANCE OF 2,648.76 FEET;

THENCE SOUTH 00 DEGREES 12 MINUTES 46 SECONDS EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18, A DISTANCE OF 751.00 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE NORTH 89 DEGREES 47 MINUTES 17 SECONDS EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 472.62 FEET TO THE BEGINNING OF A TANGENT CURVE OF 400.00 FOOT RADIUS, CONCAVE NORTHWESTERLY;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90 DEGREES 35 MINUTES 36 SECONDS, A DISTANCE OF 632.46 FEET;

THENCE NORTH 00 DEGREES 48 MINUTES 16 SECONDS WEST, A DISTANCE OF 270.86 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 85.00 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18;

THENCE NORTH 89 DEGREES 11 MINUTES 44 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 152.47 FEET;

THENCE SOUTH 00 DEGREES 48 MINUTES 16 SECONDS EAST, DEPARTING SAID PARALLEL LINE, A DISTANCE OF 61.08 FEET;

THENCE NORTH 89 DEGREES 11 MINUTES 44 SECONDS EAST, A DISTANCE OF 176.00 FEET;

THENCE NORTH 00 DEGREES 48 MINUTES 16 SECONDS WEST, A DISTANCE OF 61.08 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 85.00 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18;

THENCE NORTH 89 DEGREES 11 MINUTES 44 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 328.41 FEET;

THENCE SOUTH 00 DEGREES 48 MINUTES 16 SECONDS EAST, A DISTANCE OF 6.00 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 91.00 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18;

THENCE NORTH 89 DEGREES 11 MINUTES 44 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 434.99 FEET;

THENCE NORTH 00 DEGREES 12 MINUTES 46 SECONDS WEST, A DISTANCE OF 6.00 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 85.00 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18;

THENCE NORTH 89 DEGREES 11 MINUTES 44 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 442.62 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE EASTERN CANAL;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF THE EASTERN CANAL THE FOLLOWING COURSES:

THENCE SOUTH 18 DEGREES 24 MINUTES 50 SECONDS WEST, A DISTANCE OF 60.48 FEET TO THE BEGINNING OF A TANGENT CURVE OF 1,382.41 FOOT RADIUS, CONCAVE NORTHWESTERLY;

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 19 DEGREES 47 MINUTES 48 SECONDS, A DISTANCE OF 477.65 FEET;

THENCE SOUTH 38 DEGREES 12 MINUTES 38 SECONDS WEST, A DISTANCE OF 1,982.88 FEET TO THE BEGINNING OF A TANGENT CURVE OF 1,482.41 FOOT RADIUS, CONCAVE SOUTHEASTERLY;

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 58 MINUTES 38 SECONDS, A DISTANCE OF 620.36 FEET TO A POINT ON A LINE WHICH IS ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18;

THENCE SOUTH 89 DEGREES 00 MINUTES 59 SECONDS WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF THE EASTERN CANAL AND ALONG SAID SOUTH LINE, A DISTANCE OF 651.60 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18;

THENCE NORTH 00 DEGREES 12 MINUTES 46 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 1,897.77 FEET TO THE TRUE POINT OF BEGINNING.

**EXCEPTING THE FOLLOWING THREE DESCRIBED PROPERTIES:**

THAT PROPERTY CONVEYED IN SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 2011-0424354; AND

THAT PROPERTY CONVEYED IN QUIT CLAIM DEED OF DEDICATION RECORDED IN INSTRUMENT NO. 2010-0137586; AND

THAT PROPERTY CONVEYED IN QUIT CLAIM DEED OF DEDICATION RECORDED IN INSTRUMENT NO. 2011-1074914.

PARCEL 4

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE BRASS CAP FLUSH MARKING THE WEST QUARTER CORNER OF SAID SECTION 18, FROM WHICH THE BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 18 BEARS NORTH 00 DEGREES 12 MINUTES 46 SECONDS WEST, A DISTANCE OF 2,648.76 FEET;

THENCE NORTH 89 DEGREES 00 MINUTES 59 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19 A DISTANCE OF 651.60 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE EASTERN CANAL, SAID POINT BEING ON A 1,482.41 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 75 DEGREES 46 MINUTES 00 SECONDS EAST;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF THE EASTERN CANAL THE FOLLOWING COURSES:

THENCE SOUTHWESTLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 14 DEGREES 32 MINUTES 15 SECONDS, A DISTANCE OF 376.13 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 15 SECONDS EAST, A DISTANCE OF 2,244.11 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 33.00 FEET NORTHERLY, AS MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18;

THENCE SOUTH 88 DEGREES 49 MINUTES 24 SECONDS WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF THE EASTERN CANAL AND ALONG SAID PARALLEL LINE, A DISTANCE OF 0.52 FEET TO THE SOUTHEAST CORNER

OF THE ROOSEVELT WATER CONSERVATION DISTRICT WELL SITE, RECORDED IN DOCKET 5334, PAGE 138, MARICOPA COUNTY RECORDS;

THENCE ALONG THE BOUNDARY LINE OF SAID WELL SITE THE FOLLOWING COURSES:

THENCE NORTH 01 DEGREES 10 MINUTES 39 SECONDS WEST, DEPARTING SAID PARALLEL LINE, A DISTANCE OF 50.00 FEET;

THENCE SOUTH 88 DEGREES 49 MINUTES 21 SECONDS WEST, A DISTANCE OF 50.00 FEET;

THENCE SOUTH 01 DEGREES 10 MINUTES 39 SECONDS EAST, A DISTANCE OF 50.01 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 33.00 FEET NORTHERLY, AS MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18;

THENCE SOUTH 88 DEGREES 49 MINUTES 21 SECONDS WEST, DEPARTING THE BOUNDARY LINE OF SAID WELL SITE AND ALONG SAID PARALLEL LINE, A DISTANCE OF 560.21 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18;

THENCE NORTH 00 DEGREES 09 MINUTES 38 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 2,617.82 FEET TO THE **TRUE POINT OF BEGINNING**.

**EXCEPTING** THE FOLLOWING TWO DESCRIBED PROPERTIES:

THAT PROPERTY CONVEYED IN QUIT CLAIM DEED OF DEDICATION RECORDED IN INSTRUMENT NO. 2010-0137587 AND

THAT PROPERTY CONVEYED IN QUIT CLAIM DEED OF DEDICATION RECORDED IN INSTRUMENT NO. 2011-1045562.