

ORDINANCE NO. 4442

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR12-0013 SOUTHSORE VILLAGE) 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 "SOUTHSORE VILLAGE", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0013, 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. 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.
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. 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. 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.

11. 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.

12. 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 SOUTHSORE VILLAGE 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.



SOUTHSHORE VILLAGE LEGAL DESCRIPTION

A portion of the Southwest quarter 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 handhole in the intersection of Chandler Heights Road and Arizona Avenue marking the Southwest corner of Section 22, from which the brass cap in handhole marking the West quarter corner of said Section 22 bears North 00 degrees 46 minutes 00 seconds East 2625.57 feet, said line being the West line of the Southwest quarter of said Section 22, and the basis of bearing for this description;

THENCE North 00 degrees 46 minutes 00 seconds East 1078.35 feet along the West line of said Southwest quarter to the POINT OF BEGINNING;

THENCE continuing along said West line North 00 degrees 46 minutes 00 seconds East 1087.00 feet;

THENCE North 89 degrees 04 minutes 45 seconds East 1327.47 feet to the Westerly right of way line of the Union Pacific Railroad;

THENCE South 00 degrees 04 minutes 03 seconds East 2172.31 feet along said West line to the South line of said Southwest quarter;

THENCE South 89 degrees 25 minutes 08 seconds West 568.25 feet along said South line;

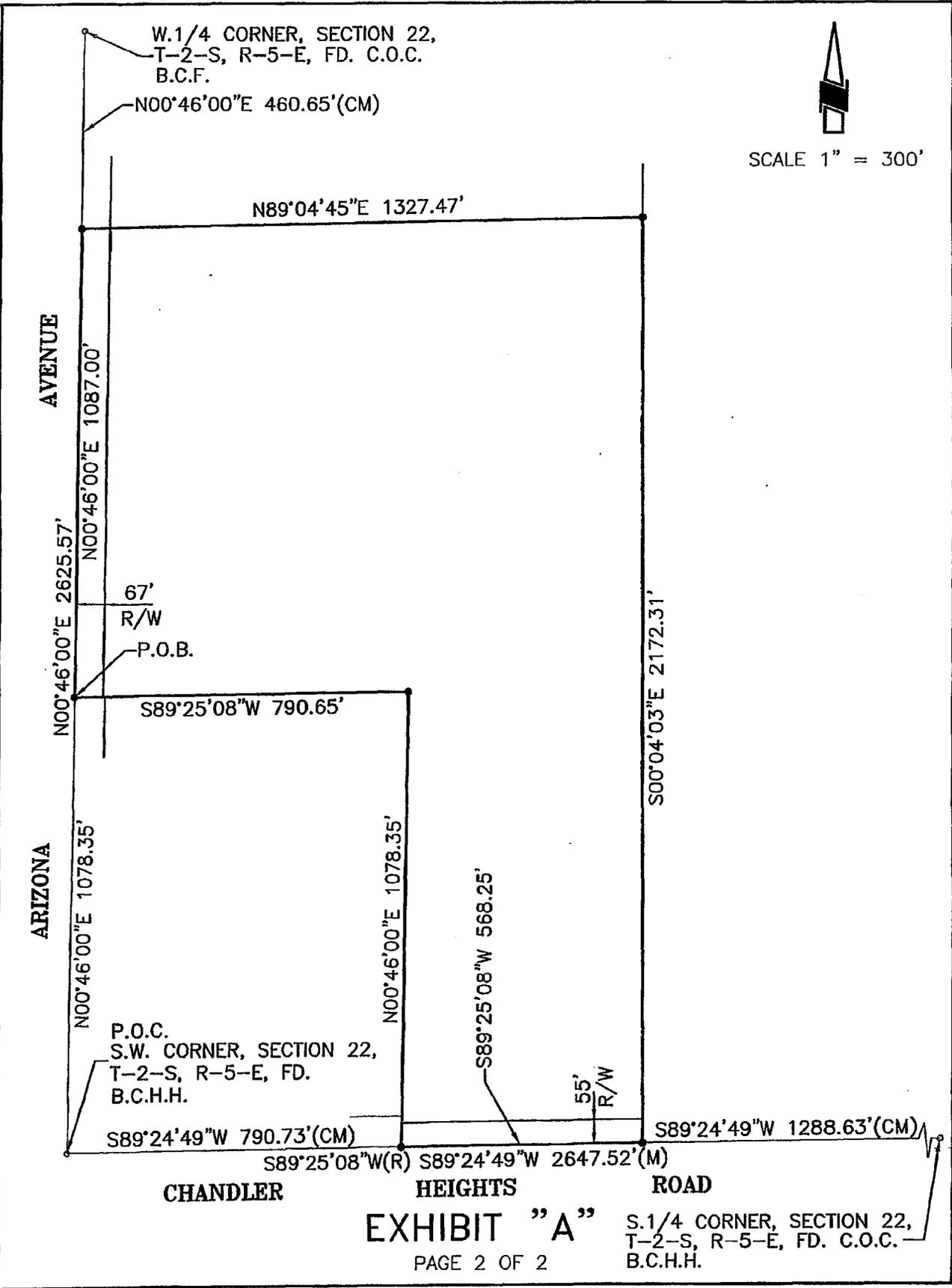
THENCE North 00 degrees 46 minutes 00 seconds East 1078.35 feet along a line which is parallel with the West line of said Southwest quarter;

THENCE South 89 degrees 25 minutes 08 seconds West 790.65 feet along a line which is parallel with the South line of said Southwest quarter to the POINT OF BEGINNING. As shown on Exhibit "A" attached herewith as page 2 of 2.

Subject parcel comprising 47.287 gross acres, more or less and subject to all easements of record.

(NOTE: THE RECORD DESCRIPTION PROVIDED IN FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 271-110700619-013, DATED: AUGUST 12, 2011 AS SHOWN ABOVE DOES NOT MATHEMATICALLY CLOSE BY 0.04'±)





W.1/4 CORNER, SECTION 22,
T-2-S, R-5-E, FD. C.O.C.
B.C.F.

N00°46'00"E 460.65'(CM)



SCALE 1" = 300'

N89°04'45"E 1327.47'

ARIZONA AVENUE

N00°46'00"E 1087.00'

N00°46'00"E 2625.57'

67'
R/W

P.O.B.

S89°25'08"W 790.65'

S00°04'03"E 2172.31'

ARIZONA

N00°46'00"E 1078.35'

N00°46'00"E 1078.35'

P.O.C.
S.W. CORNER, SECTION 22,
T-2-S, R-5-E, FD.
B.C.H.H.

S89°25'08"W 568.25'

55'
R/W

S89°24'49"W 790.73'(CM)

S89°24'49"W 1288.63'(CM)

S89°25'08"W(R) S89°24'49"W 2647.52'(M)

CHANDLER

HEIGHTS

ROAD

EXHIBIT "A"

S.1/4 CORNER, SECTION 22,
T-2-S, R-5-E, FD. C.O.C.
B.C.H.H.