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NOV 04 2013

ORDINANCE NO. 4505

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL (AG-1) TO PLANNED AREA DEVELOPMENT FOR SINGLE-FAMILY RESIDENTIAL (DVR13-0018 CANTABRIA) 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 to PAD for Single-Family Residential, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "CANTABRIA" and kept on file in the City of Chandler Planning Division, in File No. DVR13-0018, 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. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.

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. 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.
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. 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 ranchette and animal privilege properties 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 agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

12. The construction of Spur Road shall be deferred until a time that the Transportation and Development Director and City Engineer deems necessary. Until the improvement of Spur Road occurs, a drivable surface sufficient for emergency access and in conformance with City standards and requirements shall be provided.

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 of the City of Chandler, Maricopa County, Arizona, this ____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4505 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2013, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAF*

PUBLISHED:

EXHIBIT 'A'

August 20, 2013
Rick No. 4385
MEC

CANTABRIA DESCRIPTION

A portion of the Southeast quarter of the Southeast quarter of Section 18, Township 2 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found City of Chandler Brass Cap flush, marking the Southeast Corner of said Southeast quarter of the Southeast quarter of Section 18, from which the Southwest Corner of the Southeast quarter bears South 88 degrees 43 minutes 01 seconds West, 2659.33 feet, being a found City of Chandler Brass Cap flush;
THENCE South 88 degrees 43 minutes 01 seconds West, along the South line of said Southeast quarter of the Southeast quarter, 1329.67 feet to a point marking the Southwest Corner of said Southeast quarter of the Southeast quarter;
THENCE North 00 degrees 08 minutes 10 seconds West, along the West line of said Southeast quarter of the Southeast quarter, 1318.91 feet to a point marking the Northwest Corner of said Southeast quarter of the Southeast quarter;
THENCE North 88 degrees 49 minutes 00 seconds East, along the North line of said Southeast quarter of the Southeast quarter, 1329.63 feet to a point marking the Northeast Corner of said Southeast quarter of the Southeast quarter;
THENCE South 00 degrees 08 minutes 09 seconds, along the East line of said Southeast quarter of the Southeast quarter, 1316.60 feet to the POINT OF BEGINNING.

EXCEPT the following described parcel:

The East 246.80 feet of the North 170.00 feet of the South 522.00 feet of the Southeast quarter of the Southeast quarter of Section 18, Township 2 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona.