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MEMORANDUM Transportation & Development – CC Memo No. 14-002

DATE: JANUARY 23, 2014

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
MARSHA REED, ASSISTANT CITY MANAGER *MR*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*
JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
KEVIN MAYO, PLANNING MANAGER *KM*

FROM: ERIK SWANSON, CITY PLANNER *ES*

SUBJECT: DVR13-0046 BELMONT ESTATES – NORTH 17' STRIP
Introduction and Tentative Adoption of Ordinance No. 4521

Request: Rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential as part of the Belmont Estates subdivision

Location: North of the northwest corner of Gilbert Roads and Sunrise Place

Applicant: Mari Flynn; Ashton Woods Homes

RECOMMENDATION

The request is for Rezoning from AG-1 to PAD for single-family residential as part of the Belmont Estates subdivision. Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval.

BACKGROUND

The subject strip of land is located at the northeast portion of the subdivision and stretches across eight lots. The Rezoning and Preliminary Development Plan for the subdivision was approved by Council in late 2012. Following the approval, Planning Staff was contacted by the County with concerns that the annexation of the subdivision omitted the 17-foot strip. The oversight of the 17-foot strip was caused when the legal description of the condominium development north of the strip was annexed and mapped, which created an overlap of 17 feet. Following the County's recommendation, the 17-foot strip was annexed and was given an initial city zoning

designation of AG-1. The request is to Rezone the strip of land from AG-1 to PAD for the subdivision.

AIRPORT COMMISSION

Due to the subdivision being previously reviewed by the Airport Commission, and the request being more of a housekeeping item, the 17-foot strip rezone did not go before the Airport Commission.

PUBLIC NEIGHBORHOOD NOTIFICATION

- Similarly with Airport Commission, since the item is minor in nature, a neighborhood meeting was not held. Notification of the request was mailed in accordance with code requirements. Additionally, the site was posted with public hearing signs.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

In Favor: 6 Opposed: 0 Absent: 1 (Baron)

RECOMMENDED ACTIONS

Rezoning

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of DVR13-0046 BELMONT ESTATES – NORTH 17' STRIP, Rezoning from Agricultural to PAD, subject to the following condition:

1. Compliance with original conditions adopted by the City Council as Ordinance No. 4401 in case DVR12-0016 BELMONT ESTATES.

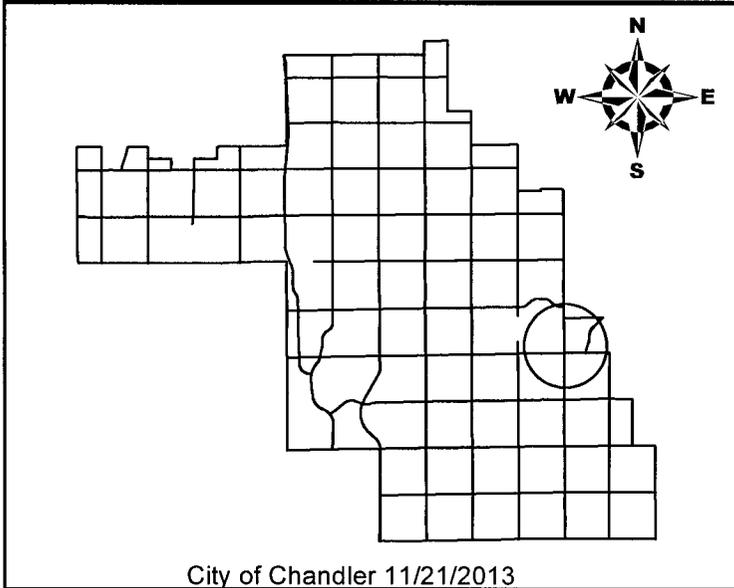
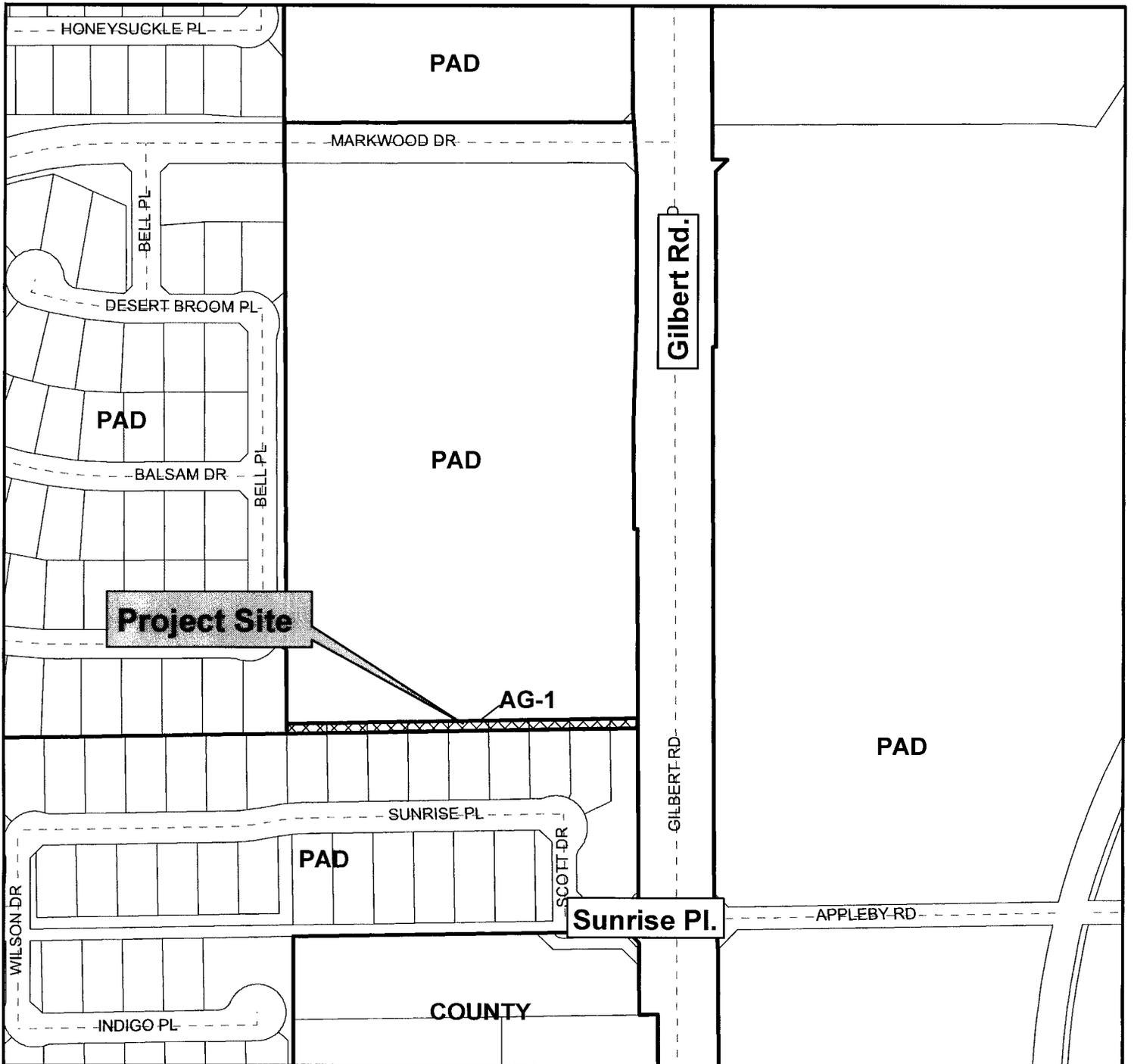
PROPOSED MOTION

Rezoning

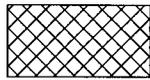
Move to introduce and tentatively adopt Ordinance No. 4521 approving DVR13-0046 BELMONT ESTATES – NORTH 17' STRIP, Rezoning from AG-1 to PAD, subject to the condition as recommended by Planning Commission and Planning Staff.

Attachment

1. Vicinity Maps
2. Approved Site Plan
3. Ordinance No. 4401
4. Ordinance No. 4521



Vicinity Map



DVR13-0046

Belmont Estates-North 17' Strip

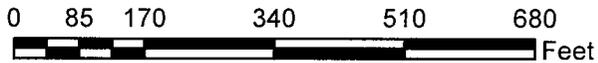
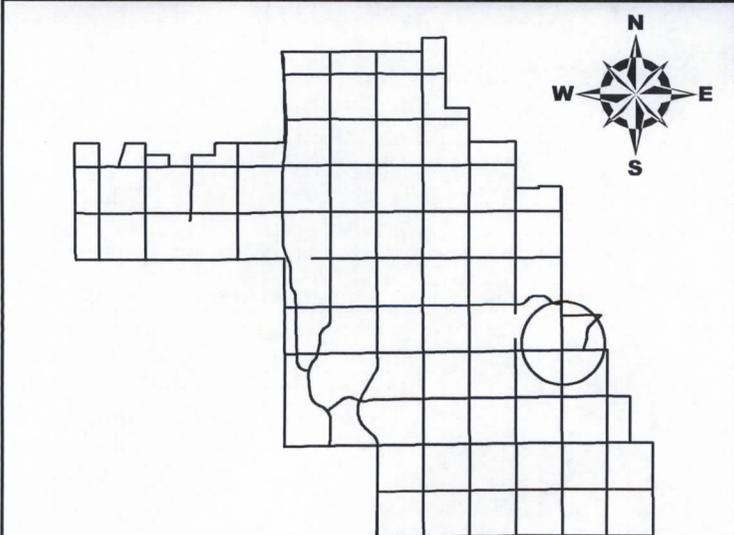
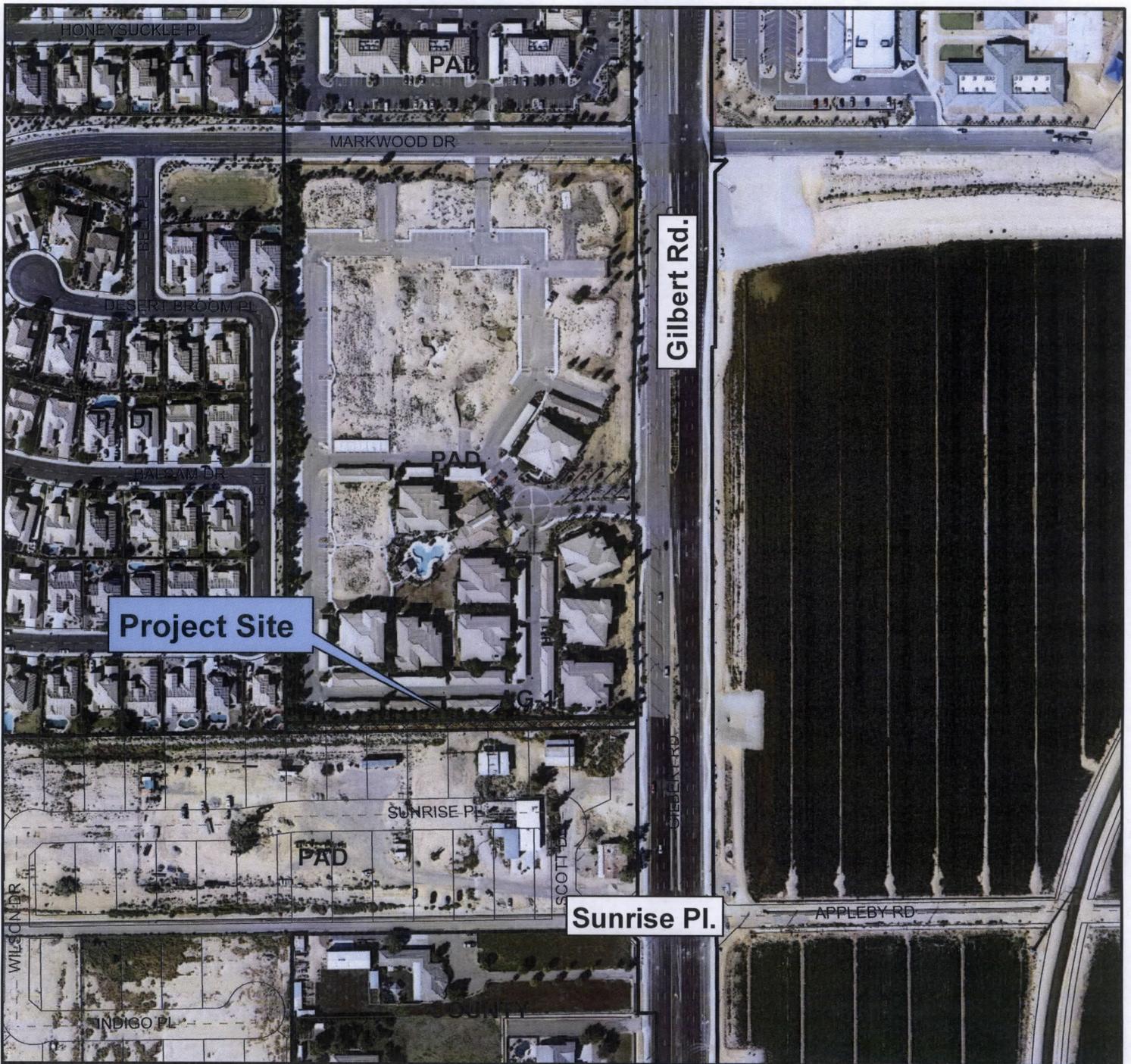


Exhibit A



Vicinity Map



DVR13-0046

Belmont Estates-North 17' Strip

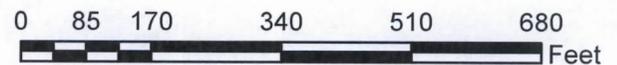
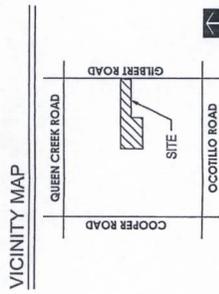
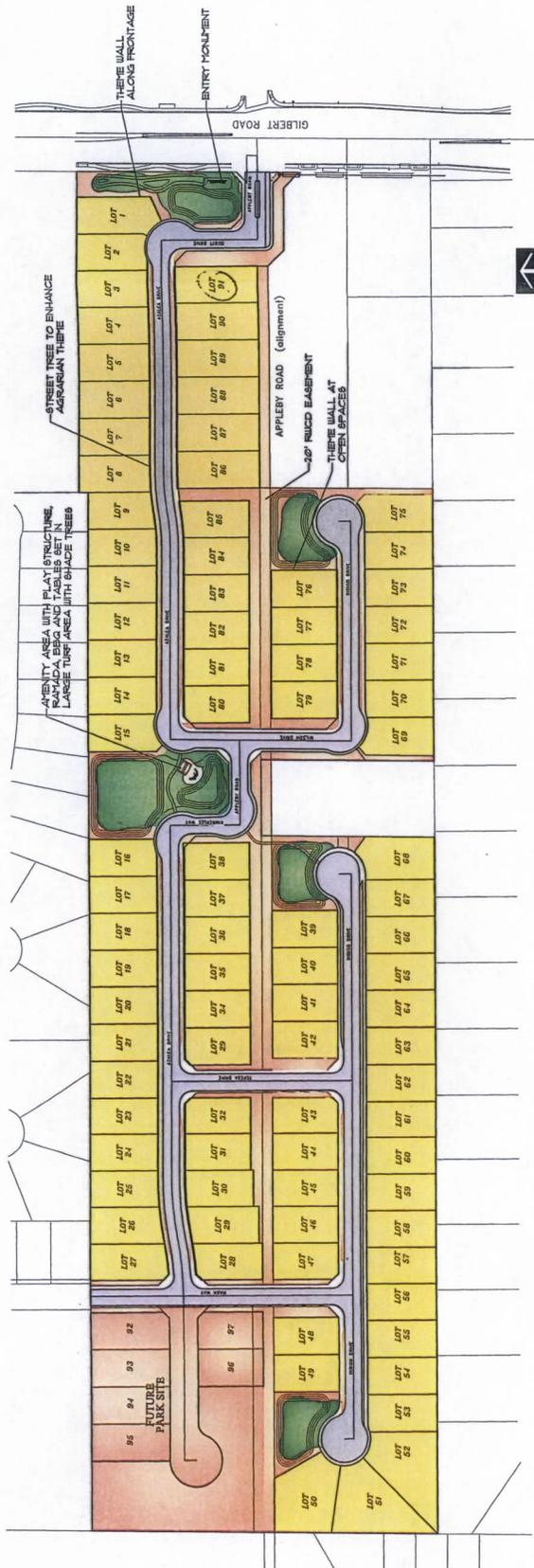


Exhibit A



SITE DATA

EXISTING ZONING	R-45 (MARICOPA COUNTY)
PROPOSED ZONING	PAD - PLANNED ARE DEVELOPMENT
TOTAL SINGLE FAMILY LOTS	97
NET AREA	33,707 AC
GROSS AREA	33,707 AC
NET DEVELOPABLE AREA	3,463,000 AC
DENSITY	70' X 125'
MIN. LOT SIZE	8,750 SF
MIN. LOT AREA	1,187.5 SF
AVERAGE LOT AREA	3,715 SF

CHANDLER, AZ.

PRELIMINARY SITE PLAN
BELMONT ESTATES
 PREPARED FOR: ASHTON WOODS HOMES

PINNACLE DESIGN, INC
 1046 N. 44th Street
 Mesa, AZ 85205
 480-948-0000
 August 1, 2012

APPROVED SITE PLAN

ORDINANCE NO. 4401

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL TO PLANNED AREA DEVELOPMENT (DVR12-0016 BELMONT ESTATES) 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 Agricultural to Planned Area Development, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "BELMONT ESTATES" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0016, 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. 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 Belmont Estates development shall use treated effluent to maintain open space, common areas, and landscape tracts.

12. 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.
13. 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 a heliport at the Chandler Municipal Airport 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 a heliport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. 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.

The following stipulations shall be the responsibilities of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:

- a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property.
- b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled Chandler Municipal Airport, F. A. R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area), as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
- c) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
- d) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
- e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
- f) All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from

an aircraft. A registered engineer shall certify that the project is in conformance with this condition.

- g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:

“This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler.”

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, Arizona, this 25th day of October 2012.

ATTEST:


Marla Kay Padgett CITY CLERK Albert Jay Libbey Jr. MAYOR

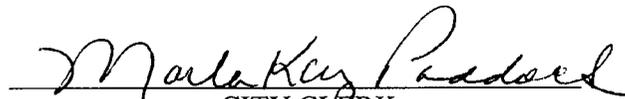
PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 5th day of November 2012.

ATTEST:


Marla Kay Padgett CITY CLERK Albert Jay Libbey Jr. MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4401 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 5th day of November 2012, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED in the Arizona Republic on November 16 and November 23, 2012.

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN;

EXCEPT THE EAST 33.0 FEET THEREOF AS DEDICATED TO THE CITY OF CHANDLER IN DOCUMENT NO. 2011-0941687; AND

EXCEPT THAT PORTION CONVEYED TO THE CITY OF CHANDLER IN DOCUMENT NO. 2011-0941688, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF A PARCEL OF LAND AS DESCRIBED IN DOCUMENT NO. 1985-0577730, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, 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 EAST QUARTER CORNER OF SAID SECTION 13, BEING MONUMENTED WITH A 1-½ INCH ALUMINUM CAP FLUSH, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 13, BEING MONUMENTED WITH A BRASS CAP IN HAND HOLE, BEARS NORTH 00 DEGREES 18 MINUTES 57 SECONDS WEST A DISTANCE OF 2648.72 FEET, SAID LINE BEING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13 AND THE BASIS OF BEARINGS FOR THIS DESCRIPTION;

THENCE ALONG SAID EAST LINE OF THE NORTHEAST QUARTER, NORTH 00 DEGREES 18 MINUTES 57 SECONDS WEST, A DISTANCE OF 20.00 FEET TO A POINT ON THE EASTERLY PROLONGATION OF THE EXISTING NORTH RIGHT OF WAY LINE OF APPLEBY ROAD;

THENCE ALONG SAID EASTERLY PROLONGATION, SOUTH 89 DEGREES 00 MINUTES 51 SECONDS WEST, A DISTANCE OF 33.00 FEET TO A POINT ON THE EXISTING WEST RIGHT OF WAY LINE OF GILBERT ROAD, SAID POINT BEING THE POINT OF BEGINNING;

THE EASTERLY LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13, FROM WHICH THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER BEARS SOUTH 0 DEGREES 00 MINUTES 48 SECONDS EAST, 993.07 FEET DISTANT THEREFROM, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 280.20 FEET TO A POINT FROM WHICH THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER BEARS SOUTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, 1040.92 FEET DISTANT THEREFROM;

THENCE NORTH 0 DEGREES 00 MINUTES 48 SECONDS WEST BEING PARALLEL WITH SAID EASTERLY LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 330.95 FEET TO A POINT ON THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 13, FROM WHICH THE CENTER OF SAID SECTION 13 BEARS SOUTH 89 DEGREES 15 MINUTES 20 SECONDS WEST, 1040.85 FEET DISTANT THEREFROM;

THENCE NORTH 89 DEGREES 15 MINUTES 20 SECONDS EAST, ALONG THE EAST-WEST MID-SECTION LINE, A DISTANCE OF 280.20 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER;

THENCE SOUTH 0 DEGREES 00 MINUTES 48 SECONDS EAST ALONG SAID EASTERLY LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 331.02 FEET, TO THE TRUE POINT OF BEGINNING.

PARCEL 3

THAT PART OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MARKED BY A 1 ½ INCH ALUMINUM CAP;

THENCE SOUTH 00 DEGREES 01 MINUTES 35 SECONDS EAST, ALONG THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 331.34 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13;

THENCE SOUTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER, A DISTANCE OF 1321.11 FEET TO A POINT ON THE EASTERLY LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST

QUARTER OF SAID SECTION 13, FROM WHICH THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER BEARS SOUTH 0 DEGREES 00 MINUTES 48 SECONDS EAST, 993.07 FEET DISTANT THEREFROM, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 280.20 FEET TO A POINT FROM WHICH THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER BEARS SOUTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, 1040.92 FEET DISTANT THEREFROM;

THENCE NORTH 00 DEGREES 00 MINUTES 48 SECONDS WEST BEING PARALLEL WITH SAID EASTERLY LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 330.95 FEET TO A POINT ON THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 13, FROM WHICH THE CENTER OF SAID SECTION 13 BEARS SOUTH 89 DEGREES 15 MINUTES 20 SECONDS WEST, 1040.85 FEET DISTANT THEREFROM;

THENCE NORTH 89 DEGREES 15 MINUTES 20 SECONDS EAST, ALONG THE EAST-WEST MID-SECTION LINE, A DISTANCE OF 280.20 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER;

THENCE SOUTH 00 DEGREES 00 MINUTES 48 SECONDS EAST ALONG SAID EASTERLY LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 331.02 FEET, TO THE TRUE POINT OF BEGINNING.

PARCEL 4

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 89 DEGREES 15 MINUTES 20 SECONDS WEST, ALONG THE NORTHERLY LINE OF SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 663.16 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 00 MINUTES 48 SECONDS EAST, A DISTANCE OF 331.18 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13;

THENCE SOUTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, ALONG THE SAID SOUTHERLY LINE OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 657.88 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13;

THENCE NORTH 00 DEGREES 00 MINUTES 48 SECONDS WEST, A DISTANCE OF 331.02 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13 AND FROM WHICH THE CENTER OF SAID SECTION 13 BEARS SOUTH 89 DEGREES 15 MINUTES 20 SECONDS WEST, 1321.05 FEET DISTANT THEREFROM;

THENCE NORTH 89 DEGREES 15 MINUTES 20 SECONDS EAST, ALONG SAID NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 657.88 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT COMMENCING AT THE EAST QUARTER CORNER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 89 DEGREES 15 MINUTES 20 SECONDS WEST ALONG THE NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 1176.04 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 00 MINUTES 48 SECONDS EAST A DISTANCE OF 331.06 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13;

THENCE SOUTH 89 DEGREES 16 MINUTES 10 SECONDS WEST ALONG THE SAID SOUTHERLY LINE OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 145.00 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13;

THENCE NORTH 00 DEGREES 00 MINUTES 48 SECONDS WEST 331.02 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13;

THENCE NORTH 89 DEGREES 15 MINUTES 20 SECONDS EAST ALONG THE SAID NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 145.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 5

THAT PART OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, ALONG SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89 DEGREES 22 MINUTES 46 SECONDS WEST, PARALLEL TO AND 20.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 65.01 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, ALONG A LINE PARALLEL TO AND 65.00 FEET WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 59.59 FEET;

THENCE NORTH 45 DEGREES 37 MINUTES 14 SECONDS WEST, DEPARTING SAID PARALLEL LINE, A DISTANCE OF 41.84 FEET TO A POINT ON A LINE PARALLEL TO AND 50.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13;

THENCE SOUTH 89 DEGREES 22 MINUTES 46 SECONDS WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 118.11 FEET;

THENCE NORTH 45 DEGREES 37 MINUTES 14 SECONDS WEST, A DISTANCE OF 42.43 FEET TO A POINT ON A LINE PARALLEL TO AND 20.00 FEET SOUTH OF SAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13;

THENCE NORTH 89 DEGREES 22 MINUTES 46 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 178.45 FEET TO THE POINT OF BEGINNING.

PARCEL 6

THAT PART OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 89 DEGREES 22 MINUTES 46 SECONDS WEST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 65.01 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, ALONG A LINE PARALLEL TO AND 65.00 FEET WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89 DEGREES 22 MINUTES 46 SECONDS WEST, ALONG A LINE PARALLEL TO AND 20.00 FEET SOUTH OF SAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 178.45 FEET;

THENCE NORTH 00 DEGREES 05 MINUTES 57 SECONDS EAST, ALONG A LINE PARALLEL TO AND 243.45 FEET WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13;

THENCE NORTH 89 DEGREES 22 MINUTES 46 SECONDS EAST, ALONG SAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 178.45 FEET TO THE POINT OF BEGINNING.

PARCEL 7

A PARCEL OF LAND LOCATED WITHIN THE EAST HALF OF SECTION 13, 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 EAST QUARTER CORNER OF SAID SECTION 13, BEING MONUMENTED WITH A 1-½ INCH ALUMINUM CAP FLUSH, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 13, BEING MONUMENTED WITH A BRASS CAP IN A HAND HOLE, BEARS NORTH 00 DEGREES 18 MINUTES 57 SECONDS WEST A DISTANCE OF 2648.72 FEET, SAID LINE BEING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13 AND THE BASIS OF BEARINGS FOR THIS DESCRIPTION;

THENCE SOUTH 89 DEGREES 00 MINUTES 54 SECONDS WEST, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 15 MINUTES 54 SECONDS EAST, ALONG A LINE PARALLEL WITH AND 33.00 FEET WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 79.99 FEET;

THENCE SOUTH 89 DEGREES 44 MINUTES 06 SECONDS WEST, DEPARTING SAID PARALLEL LINE, A DISTANCE OF 32.00 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 54 SECONDS WEST, ALONG A LINE PARALLEL WITH AND 65.00 FEET WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 79.59 FEET TO A POINT ON THE EAST-WEST MID-SECTION LINE OF SAID SECTION 13;

THENCE NORTH 00 DEGREES 18 MINUTES 57 SECONDS WEST, ALONG A LINE PARALLEL WITH AND 65.00 FEET WEST OF THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89 DEGREES 00 MINUTES 54 SECONDS WEST, ALONG A LINE PARALLEL WITH AND 20.00 FEET NORTH OF THE EAST-WEST MID-SECTION LINE OF SAID SECTION 13, A DISTANCE OF 20.23;

THENCE NORTH 44 DEGREES 40 MINUTES 56 SECONDS EAST, A DISTANCE OF 28.62 FEET TO A POINT ON A LINE PARALLEL WITH AND 65.00 FEET WEST OF THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13;

THENCE NORTH 00 DEGREES 18 MINUTES 57 SECONDS WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 291.08 FEET;

THENCE NORTH 89 DEGREES 00 MINUTES 30 SECONDS EAST, A DISTANCE OF 32.00 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 57 SECONDS EAST, ALONG A LINE PARALLEL WITH AND 33.00 FEET WEST OF THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 331.09 FEET TO THE POINT OF BEGINNING.

JAN 23 2014

ORDINANCE NO. 4521

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 (PAD) FOR SINGLE-FAMILY RESIDENTIAL (DVR13-0046 BELMONT ESTATES – NORTH 17' STRIP), 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 condition:

1. Compliance with original conditions adopted by the City Council as Ordinance No.4401 in case DVR12-0016 BELMONT ESTATES.

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 _____, 2014.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4521 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2014, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

GAB

PUBLISHED:

ATTACHMENT 'A'

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN THE NORTHEAST QUARTER (**NE1/4**) OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER (**E1/4**) CORNER OF SAID SECTION 13, MONUMENTED WITH A FOUND BRASS CAP FLUSH, FROM WHICH THE NORTHEAST CORNER THEREOF, MONUMENTED WITH A FOUND BRASS CAP IN A HANDHOLE, BEARS NORTH 00°02'54" EAST, A DISTANCE OF 2,648.72 FEET;

THENCE NORTH 00°02'54" EAST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (**NE1/4**) OF SECTION 13, A DISTANCE OF 331.09 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER (**S1/2, S1/2, S1/2, NE1/4**) OF SAID SECTION 13, AS CALLED IN DOCUMENT #2004-0074557 (**R1**), MARICOPA COUNTY RECORDS (**MCR**);

THENCE SOUTH 89°22'22" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 33.00 FEET TO THE INTERSECTION OF SAID NORTH LINE WITH THE WESTERLY RIGHT-OF-WAY OF GILBERT ROAD AS DEDICATED IN DOCUMENT #2011-0941687 (**R2**), MCR AND **THE POINT OF BEGINNING**;

THENCE CONTINUING, SOUTH 89°22'22" WEST, ALONG SAID NORTH LINE AND DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 640.77 FEET TO A POINT ON A LINE DESCRIBED IN (**R1**) AND A POINT ON THE EAST LINE OF "ABRALEE MEADOW" RECORDED IN BOOK 652 OF MAPS, PAGE 23 (**R3**), MCR;

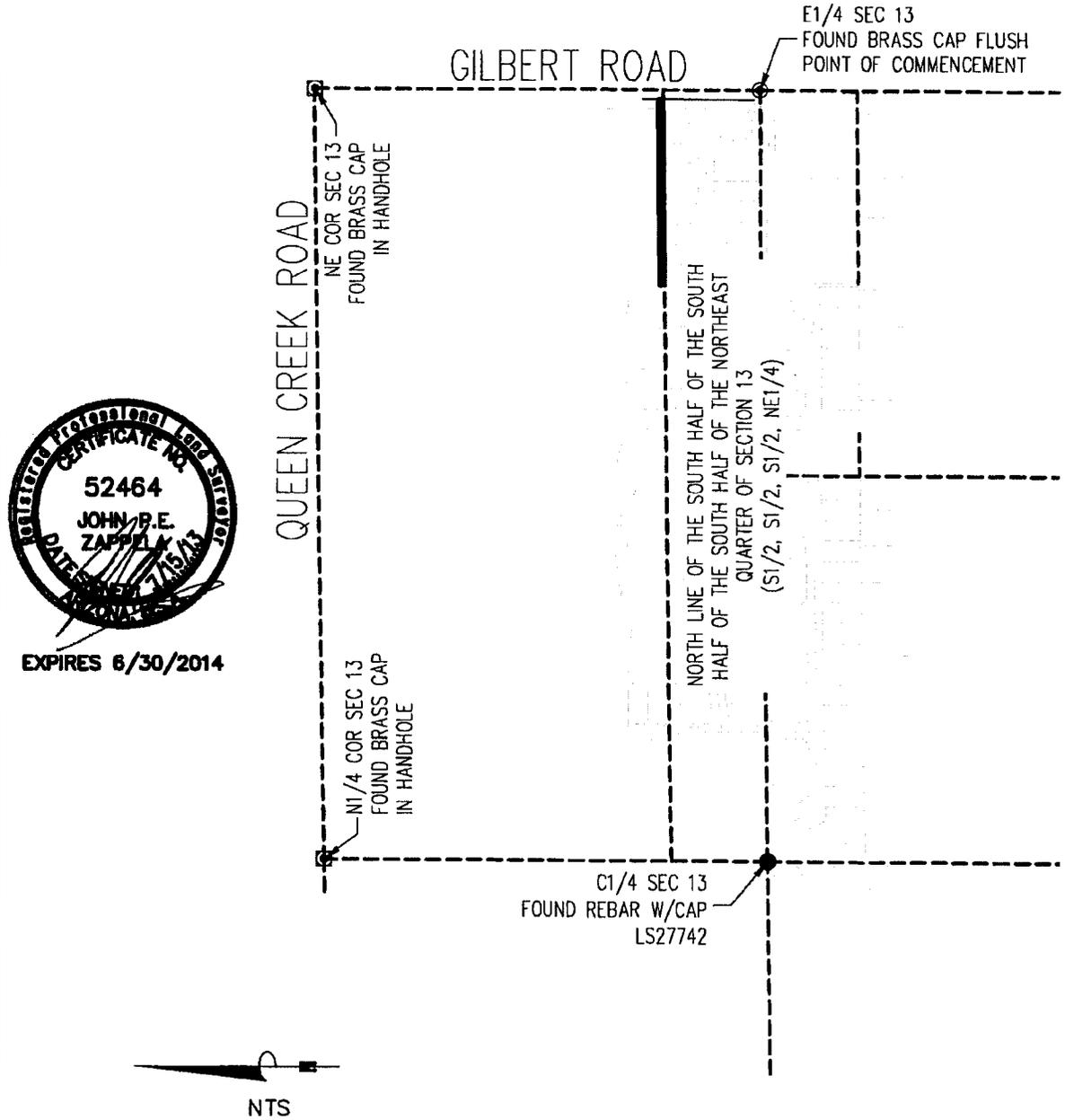
THENCE, DEPARTING SAID NORTH LINE, NORTH 00°03'48" EAST, ALONG SAID DESCRIBED (**R1**) AND EAST LINE (**R3**), A DISTANCE OF 16.93 FEET TO A POINT ON A LINE DESCRIBED IN (**R1**) AND THE INTERSECTION OF SAID EAST LINE (**R3**) AND THE SOUTH LINE OF "SANTANA RIDGE CONDOMINIUM" RECORDED IN BOOK 809 OF MAPS, PAGE 14 (**R4**), MCR;

THENCE NORTH 89°22'01" EAST, ALONG SAID DESCRIBED (**R1**) AND SOUTH LINE (**R4**), A DISTANCE OF 640.77 FEET TO A POINT ON SAID 33 FOOT WESTERLY RIGHT-OF-WAY OF GILBERT ROAD (**R2**);

THENCE SOUTH 00°02'54" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.

SAID PARCELS CONTAIN 10,869 SQUARE FEET OR 0.2495 ACRES, MORE OR LESS





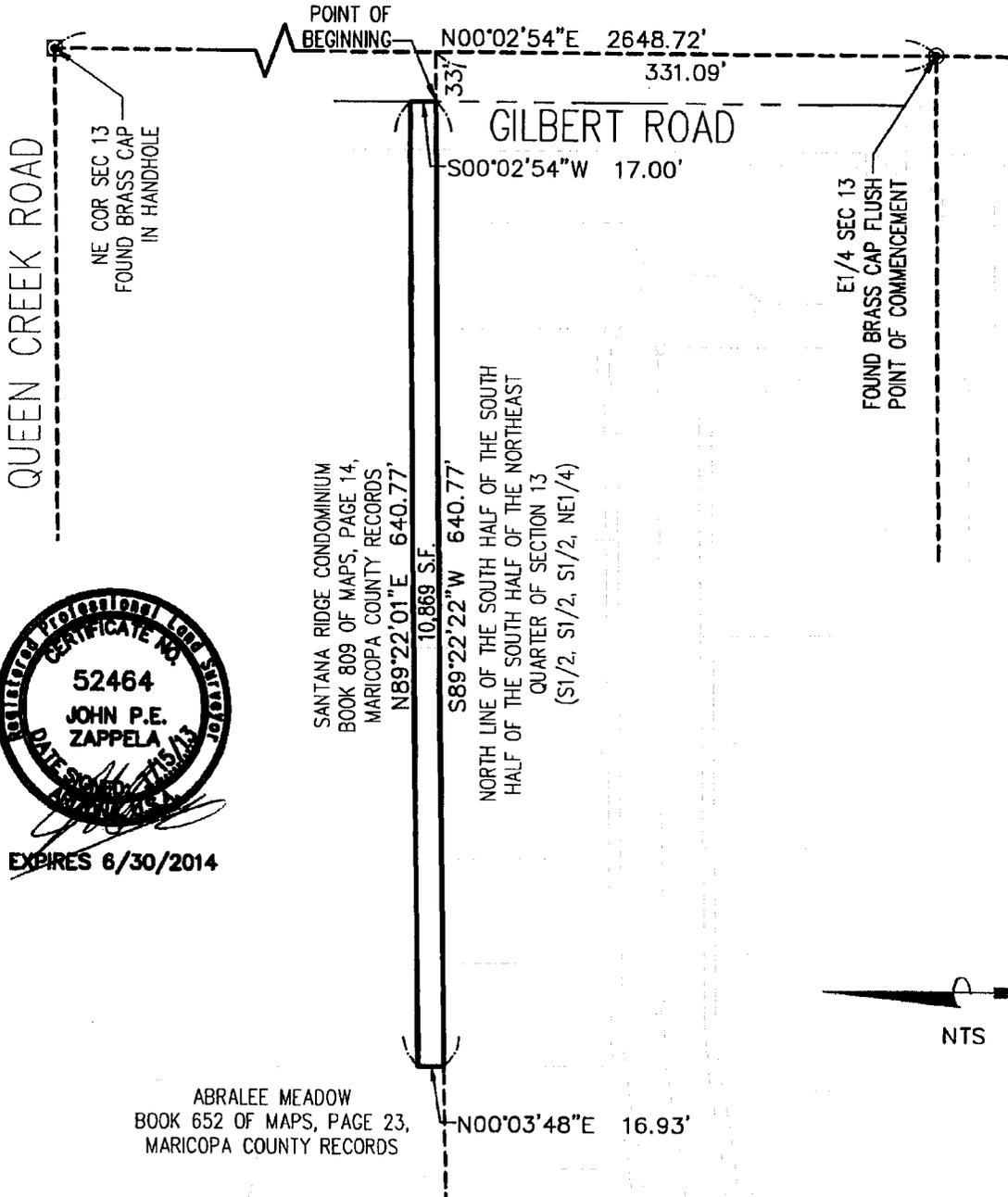
LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 13,
TOWNSHIP 02 SOUTH, RANGE 05 EAST, G&SRM
MARICOPA COUNTY, PHOENIX, ARIZONA

SHEET 1 OF 2
DATE: 05/07/13

ANNEXATION EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION			
BY: JZ	CHK: JD	QC: JZ	
BCG PROJECT NO: 9601		TASK: 007	
CLIENT REF NO:			

Bowman
CONSULTING

3010 S Priest Dr, #103
Tempe, Az 85282
Phone: (480) 829-8830
Fax: (480) 829-8841
www.bowmanconsulting.com



REGISTERED PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 52464
JOHN P.E. ZAPPELA
 DATE: 05/07/13
 EXPIRES 6/30/2014

SANTANA RIDGE CONDOMINIUM
 BOOK 809 OF MAPS, PAGE 14,
 MARICOPA COUNTY RECORDS,
 NB9°22'01"E 640.77'
 10,869 S.F.
 S89°22'22"W 640.77'
 NORTH LINE OF THE SOUTH HALF OF THE SOUTH
 HALF OF THE SOUTH HALF OF THE NORTHEAST
 QUARTER OF SECTION 13
 (S1/2, S1/2, S1/2, NE1/4)

ABRALEE MEADOW
 BOOK 652 OF MAPS, PAGE 23,
 MARICOPA COUNTY RECORDS

LOCATED IN THE SOUTHEAST (SE1/4) OF SECTION 13,
 TOWNSHIP 02 SOUTH, RANGE 05 EAST, G&SRM
 MARICOPA COUNTY, PHOENIX, ARIZONA



SHEET 2 OF 2
 DATE: 05/07/13

ANNEXATION			
EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION			
BY: JZ	CHK: JD	QC: JZ	
BCG PROJECT NO: 9601		TASK: 007	
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