

# 4  
MAY 22 2014

**ORDINANCE NO. 4539**

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 IN CASE (DVR13-0051 PESCARA) 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 "PESCARA", kept on file in the City of Chandler Planning Division, in File No. DVR13-0051, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

3. 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.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
5. 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.
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. 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. Approval by the Planning Administrator 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 an aircraft engine testing facility and an airplane aerobatic training area 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 aircraft engine testing facility and an airplane aerobatic training area, 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.

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.

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. 4539 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'*

APRIL 21, 2014  
PROJECT # 9849-00-001

**LEGAL DESCRIPTION  
PESCARA  
OVERALL BOUNDARY**

**PARCEL NO.1:**

THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 6 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

**EXCEPT** ONE HALF OF ALL MINERAL RIGHTS AS RESERVED IN DEED RECORDED IN DOCKET 8409, PAGE 315, RECORDS OF MARICOPA COUNTY, ARIZONA; AND

**EXCEPTING** THEREFROM, THAT PORTION CONVEYED TO CITY OF CHANDLER, AN ARIZONA MUNICIPAL CORPORATION, BY GENERAL WARRANTY DEED RECORDED SEPTEMBER 05, 2008 AS 2008-774065 OF OFFICIAL RECORDING AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 32.00 FEET OF THE SOUTH 65.00 FEET OF THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTH QUARTER CORNER OF SAID SECTION 30;

**THENCE** NORTH 00°05'15" WEST, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 30, A DISTANCE OF 33.00 FEET TO THE **POINT OF BEGINNING**;

**THENCE** CONTINUING NORTH 00°05'15" WEST ALONG SAID LINE, A DISTANCE OF 32.00 FEET;

**THENCE** NORTH 89°56'18" EAST, BEING PARALLEL WITH AND 65.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 330.28 FEET;

**THENCE** SOUTH 00°06'31" EAST, ALONG THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 32.00 FEET;

**THENCE SOUTH 89°56'18" WEST, BEING PARALLEL WITH AND 33.00 FEET NORTH OF SAID SOUTH LINE, A DISTANCE OF 330.29 FEET TO THE POINT OF BEGINNING.**

**PARCEL NO. 2:**

THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

**EXCEPT ONE-HALF OF ALL MINERAL RIGHTS AS RESERVED IN DEED RECORDED IN DOCKET 8409, PAGE 312, RECORDS OF MARICOPA COUNTY, ARIZONA; AND**

**EXCEPTING THEREFROM, THAT PORTION CONVEYED TO CITY OF CHANDLER, AN ARIZONA MUNICIPAL CORPORATION, BY GENERAL WARRANTY DEED RECORDED SEPTEMBER 05, 2008 AS 2008-774053 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

THE NORTH 32.00 FEET OF THE SOUTH 65.00 FEET OF THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

**COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 30;**

**THENCE NORTH 00°05'15" WEST, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 30, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING;**

**THENCE SOUTH 89°56'19" WEST, BEING PARALLEL WITH AND 33.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 30, A DISTANCE OF 330.26 FEET;**

**THENCE NORTH 00°05'50" WEST, ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 30, A DISTANCE OF 32.00 FEET;**

**THENCE NORTH 89°56'19" EAST, BEING PARALLEL WITH AND 65.00 FEET NORTH OF SAID SOUTH LINE, A DISTANCE OF 330.27 FEET;**

**THENCE SOUTH 00° 05' 15" EAST, ALONG SAID NORTH-SOUTH MID-SECTION LINE OF SECTION 30, A DISTANCE OF 32.00 FEET TO THE POINT OF BEGINNING.**

SAID PARCEL CONTAINS 830,126 SQUARE FEET OR 19.0571 ACRES, MORE OR LESS.