

#3

JUL 07 2014

ORDINANCE NO. 4547

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL(S) FROM PLANNED AREA DEVELOPMENT (PAD) FOR COMPADRE STADIUM AND AGRICULTURAL DISTRICT (AG-1), TO PLANNED AREA DEVELOPMENT (PAD) FOR SINGLE-FAMILY RESIDENTIAL AND TOWNHOUSE (DVR13-0045 ECHELON @ OCOTILLO) 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:

PARCEL-A

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 5 EAST.

OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF CHANDLER BRASS CAP IN HAND HOLE FOUND AT THE NORTHEAST CORNER OF SAID SECTION 20 AND THE CENTERLINE INTERSECTION OF WEST OCOTILLO ROAD AND BASHA ROAD, FROM WHENCE A CHISELED 'X' IN CONCRETE SPEED BUMP, FOUND AT THE EAST 1/4 CORNER OF SAID SECTION 20, BEING ON

THE MONUMENTED CENTERLINE OF BASHA ROAD, BEARS SOUTH 00° 57' 36" WEST, 2649.21 FEET;
THENCE SOUTHERLY, ALONG SAID EAST LINE OF SECTION 20 AND SAID MONUMENTED CENTERLINE OF BASHA ROAD, SOUTH 00° 57' 36" WEST, 891.49 FEET;
THENCE DEPARTING SAID EAST LINE OF SECTION 20, NORTH 89° 49' 16" WEST, 647.33 FEET, TO THE **POINT OF BEGINNING**;
THENCE CONTINUING NORTH 89° 49' 16" WEST, 126.68 FEET;
THENCE SOUTH 00° 57' 36" WEST, 871.21 FEET;
THENCE NORTH 89° 07' 25" WEST, 1359.61 FEET, TO THE EASTERLY RIGHT OF WAY LINE OF SOUTH ALMA SCHOOL ROAD, AS DESCRIBED IN WARRANTY DEED OF DEDICATION, INSTRUMENT NUMBER 1990-0212884, AND THE BEGINNING OF A NON-TANGENT CURVE, HAVING A RADIUS POINT THAT BEARS NORTH 79°26'51" EAST, 2935.00';
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF ALMA SCHOOL ROAD THE FOLLOWING 2 COURSES;
THENCE NORTHERLY, 1626.01 FEET, ALONG SAID ARC, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 31° 44' 32";
THENCE NORTH 65° 22' 20" EAST 28.78 FEET, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST OCOTILLO ROAD, AS SHOWN ON MAP OF DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR OCOTILLO, RECORDED UNDER BOOK 303, PAGE 24, MARICOPA COUNTY RECORDS;
THENCE ALONG SAID SOUTHERLY LINE OF WEST OCOTILLO ROAD THE FOLLOWING 3 COURSES;
THENCE SOUTH 70° 38' 26" EAST 145.59 FEET TO A POINT OF CURVATURE, HAVING A RADIUS OF 942.68 FEET;
THENCE EASTERLY, 472.72 FEET, ALONG SAID ARC, CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 28° 43' 55";
THENCE NORTH 80° 37' 39" EAST 573.28 FEET;
THENCE DEPARTING SAID SOUTHERLY LINE OF WEST OCOTILLO ROAD, SOUTH 09° 12' 24" EAST 171.26 FEET;
THENCE SOUTH 11° 27' 04" WEST, 47.23 FEET;
THENCE SOUTH 11° 54' 30" EAST 182.78 FEET;
THENCE SOUTH 52° 23' 19" WEST, 23.26 FEET;
THENCE SOUTH 07° 22' 21" EAST 55.67 FEET;

THENCE SOUTH 00° 11' 30" WEST, 143.98 FEET;
THENCE SOUTH 32° 16' 08" EAST 92.44 FEET;
THENCE NORTH 57° 43' 52" EAST 54.13 FEET;
THENCE SOUTH 32° 16' 08" EAST 33.59 FEET;
THENCE SOUTH 00° 11' 30" WEST, 79.62 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 2,166,767 SQUARE FEET OR 49.74 ACRES MORE OR LESS.

PARCEL-B

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 20,
TOWNSHIP 2 SOUTH, RANGE 5 EAST.

OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY,
ARIZONA, BEING AS DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF CHANDLER BRASS CAP IN HAND HOLE
FOUND AT THE NORTHEAST CORNER OF SAID SECTION 20 AND THE
CENTERLINE INTERSECTION OF WEST OCOTILLO ROAD AND BASHA
ROAD, FROM WHENCE A CHISELED 'X' IN CONCRETE SPEED BUMP,
FOUND AT THE EAST 1/4 CORNER OF SAID SECTION 20, BEING ON
THE MONUMENTED CENTERLINE OF BASHA ROAD, BEARS SOUTH
00° 57' 36" WEST, 2649.21 FEET;

THENCE SOUTHERLY, ALONG SAID EAST LINE OF SECTION 20 AND
SAID MONUMENTED CENTERLINE OF BASHA ROAD, SOUTH 00° 57'
36" WEST, 891.49 FEET;

THENCE DEPARTING SAID EAST LINE OF SECTION 20, NORTH 89° 49'
16" WEST, 12.00 FEET, TO THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTH 89° 49' 16" WEST, 635.33 FEET

THENCE NORTH 00° 11' 30" EAST 79.62 FEET;

THENCE NORTH 32° 16' 08" WEST, 33.59 FEET;

THENCE SOUTH 57° 43' 52" WEST, 54.13 FEET;

THENCE NORTH 32° 16' 08" WEST, 92.44 FEET;

THENCE NORTH 00° 11' 30" EAST 143.98 FEET;

THENCE NORTH 07° 22' 21" WEST, 55.67 FEET;

THENCE NORTH 52° 23' 19" EAST 23.26 FEET;

THENCE NORTH 11° 54' 30" WEST, 182.78 FEET;

THENCE NORTH 11° 27' 04" EAST 47.23 FEET;

THENCE NORTH 09° 12' 24" WEST, 171.26 FEET, TO THE SOUTHERLY
LINE OF WEST OCOTILLO ROAD, AS SHOWN ON MAP OF DEDICATION

OF RIGHT-OF-WAY AND EASEMENTS FOR OCOTILLO, RECORDED UNDER BOOK 303, PAGE 24, MARICOPA COUNTY RECORDS; THENCE ALONG SAID SOUTHERLY LINE OF WEST OCOTILLO ROAD THE FOLLOWING 3 COURSES; THENCE NORTH 80° 37' 39" EAST 226.73 FEET TO A POINT OF CURVATURE, HAVING A RADIUS OF 2433.15 FEET; THENCE WESTERLY, 397.12 FEET, ALONG SAID ARC, CONCAVE TO THE SOUTH, THROUGH A CENTRAL ANGLE OF 09° 21' 05"; THENCE NORTH 89° 58' 44" EAST 187.06 FEET, TO THE WESTERLY RIGHT-OF-WAY LINE OF BASHA ROAD, AS SET FORTH IN BOOK 73, MISCELLANEOUS RECORDS, PAGE 523 AND BOOK 6, OF ROAD MAPS, PAGE 11 MARICOPA COUNTY RECORDS; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 00° 57' 36" WEST, 836.44 FEET, **POINT OF BEGINNING**. CONTAINING 613,685 SQUARE FEET OR 14.09 ACRES MORE OR LESS.

Said parcel(s) are hereby rezoned from Planned Area Development (PAD) for Compadre Stadium and Agricultural District (AG-1), to Planned Area Development (PAD) for single-family residential (Parcel A) and townhouse (Parcel B), subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "ECHELON AT OCOTILLO" and kept on file in the City of Chandler Planning Division, in File No. DVR13-0045, 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. 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. 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. 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 or as otherwise approved in a development agreement.
5. Unless otherwise included as part of the City's Capital Improvement Program, 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.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
7. 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.
8. 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, as well as a City of Chandler Park with Dog Park 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, as well as a City of Chandler Park with Dog Park 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 Planning Division 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 _____, 2014.

ATTEST:

CITY CLERK

MAYOR

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

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4547 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.

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY GAB

PUBLISHED: