

#4

APR 30 2015

ORDINANCE NO. 4617

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL DISTRICT (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) FOR RESIDENTIAL IN CASE (DVR14-0028 MISSION 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 District (AG-1) to Planned Area Development (PAD) for Residential, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "MISSION ESTATES" kept on file in the City of Chandler Planning Division, in File No. DVR14-0028, 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. 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.
9. 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.
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 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.

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 a wastewater treatment facility adjacent to Mission Estates 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 wastewater treatment facility, 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.

12. The Developer shall be in compliance with the Pre-Annexation Development Agreement.

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 of the City of Chandler, Maricopa County, Arizona, this ____ day of _____, 2015.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2015.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4617 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2015, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



PUBLISHED:

EXHIBIT 'A'

**LEGAL DESCRIPTION
MISSION ESTATES**

TRACT L, FIELDSTONE ESTATES, ACCORDING TO BOOK 583 OF MAPS, PAGE 8, MARICOPA COUNTY RECORDS, TOGETHER WITH THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 5 EAST, OF THE GILA SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

ALSO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34, BEING A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 34, BEING A CITY OF CHANDLER BRASS CAP IN HAND HOLE, BEARS NORTH 00°45'14" EAST, A DISTANCE OF 2643.86 FEET;

THENCE NORTH 00°45'14" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 991.45 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 34, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°54'42" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1323.81 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 34;

THENCE NORTH 00°45'15" EAST, ALONG SAID WEST LINE, A DISTANCE OF 330.48 FEET TO A POINT ON THE SOUTH LINE OF TRACT L, FIELDSTONE ESTATES, ACCORDING TO BOOK 583 OF MAPS, PAGE 8, MARICOPA COUNTY RECORDS;

THENCE NORTH 89°54'23" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 96.25 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT L;

THENCE NORTH 30°19'13" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 23.25 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT L;

THENCE SOUTH 89°54'31" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1353.58 FEET TO A POINT ON THE EAST LINE OF SAID TRACT L;

THENCE SOUTH 00°45'14" WEST, ALONG SAID EAST LINE, A DISTANCE OF 20.14 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 34;

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THENCE SOUTH 89°54'23" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 55.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34;

THENCE SOUTH 00°45'14" WEST, ALONG SAID EAST LINE, A DISTANCE OF 330.36 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 464,726 SQUARE FEET OR 10.6686 ACRES, MORE OR LESS.