



North of the subject site is the City of Chandler Los Arboles Equestrian Park connecting McQueen Road and the Paseo Canal along the property's east side. East of the Paseo Canal is the Chandler Municipal Airport. South of the subject site are existing rural residential homes zoned Rural-43 in the County.

**GENERAL PLAN/CHANDLER AIRPARK AREA PLAN**

The General Plan designates the subject site as Rural (Very Low Density) Residential uses with an average density range of 0 to 2.5 du/ac. The General Plan further designates this property as within the Chandler Airpark Area Plan (CAAP). The CAAP designates the site for Rural Residential (RR) with a density range from 0 to 1.5 du/ac. The Rural Residential designation is located in areas where low-density single-family residential exists and/or is preferred based upon a desire to retain the rural character of a given location.

The Chandler Airpark Area Plan also designates the subject site as within a Transitional Overlay Zone. The Transitional Overlay Zone occurs in areas that have potential for a variety of commercial land uses based upon compatibility with surrounding land uses. The Transitional Overlay Zone allows the transition from residential to commercial land uses as the economics become favorable for the transition to occur. The Transitional Overlay Zone includes specific guidelines when transitioning from rural residential to a compatible commercial land use. The transition guidelines include the following:

- Industrial uses will only be permitted if all the property owners in the contiguous transitional area request rezoning to that zoning district.
- Property owners in any transitional area request a rezoning of a minimum of 40 contiguous acres made up of whole subdivision lots.
- All requests for rezoning are for a specific proposed commercial project with committed funding.
- The development site where the new zoning occurs is adequately buffered so as not to create a hazard or a nuisance to the adjacent rural residential land use.
- Adequate infrastructure either exists or is planned as part of the development design to support the proposed use, and traffic impacts on residential uses are minimal.
- All properties proposed for rezoning are adjacent to and border an arterial roadway, or border a commercial property that is adjacent to or borders an arterial roadway. This guideline is intended to prevent fragmented commercial development.
- Include the use of noise attenuation as provided for in Appendix A of the Airpark Area Plan.

Planning Staff finds the subject site is not appropriate to consider for a transition to a commercial land use based on the existing established rural-residential single-family homes located adjacent to the south, as well as the City of Chandler Equestrian Park located directly north. Additionally, the subject site's approximate 12.23-acre size and narrow irregular shape impacts its development potential for any type of land use other than residential.

### **REZONING REQUEST**

The request is for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a 14-lot custom single-family residential subdivision with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and development standards. The gated subdivision takes vehicular access from McQueen Road. All lots orient to the north backing up to the existing rural ranchette homes along the south. The proposed Kingbird Place, a landscape tract, view fencing and two gated pedestrian access points provide a compatible interface with the Los Arboles Park.

All lots are proposed to be over 20,000 square feet in size, at least 115-feet wide and 139-feet deep. Because all the lots are larger than 12,000 square feet, the Residential Development Standards, both for subdivision diversity and architectural diversity, do not apply. The developer, however, has planned approximately 2.05-acres of open space as part of the subdivision. The planned open space is primarily passive including turf and numerous pedestrian connections to the adjacent Paseo Canal, Los Arboles Equestrian Park and Tumbleweed Park. Building setbacks are a minimum 25-foot front yard, 25-foot rear yard, and a minimum of 10-foot and 10-foot side yards for each lot. Architectural elements such as but not limited to fireplaces, entertainment centers, and bay windows may encroach a maximum of 2-feet into the side yard setback. Lot coverage will be limited to 45% of the total lot area.

The housing product will be custom homes. Homes must have a minimum of 2,800 square feet of livable area, with or without a basement. No more than two, two-story homes may be built side-by-side within the development. All homes are required to utilize flat, mission, or terra cotta tile roofs. Asphalt shingle or wood product roofs are prohibited. No particular architectural style will be required. Garages are to be de-emphasized. Finally, Lot 1 along McQueen Road is restricted to a single-story home only. A Homeowners Association architectural review committee will review home and landscape design and materials. Additional project details, descriptions, and developer representations are contained within the attached Development Booklet.

### **AIRPORT COMMISSION**

The Airport Commission reviewed the zoning request in accordance with the Airport Conflicts Evaluation Process at their August 12, 2015 meeting. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found that the proposed subdivision does constitute a conflict with existing or planned airport uses, as well as existing businesses within the site's vicinity. While a non-residential use is preferred, various physical and administrative corrective actions were recommended for mitigation.

Physical corrective actions included noise attenuation construction within the homes, a roadway style sign indicating the presence of aircraft, incorporation of 'Chandler Airpark' into the Avalon name, and the construction of an engineered 8-foot tall sound wall along the eastern property line of lot 14.

Administrative corrective actions included the requirement of significant disclosure statements to be signed by prospective home buyers indicating the proximity to the airport, heliport, aircraft engine repair and testing facility, and the potential impact from aviation noise and vibrations. Additionally, an aviation easement shall be dedicated to the City of Chandler. Finally, a large map shall be displayed within the sales office identifying the proximity of the subdivision to the airport including the noise contours, and over flight patterns.

As discussed at the meeting, the goal was to create a physical and administrative 'net' to catch prospective home buyers that may not want to necessarily live near an active airport, acknowledging that certain home buyers do enjoy living in that environment. A copy of the Airport Manager's report detailing the Airport Commission's recommendation is attached to this memo.

### **DISCUSSION**

Planning Staff supports the request finding the proposed land use is consistent with General Plan and Chandler Airpark Area Plan. The large lot, single-family land use is consistent with the Rural Residential designation and compatible with the existing large lot rural residential single-family in the area. The proposed density of 1.14 du/ac is within the range of 0 to 1.5 du/ac as defined in the CAAP. Based upon the site's long narrow irregular size as well as existing adjacent residential land uses and City Park, the site is not eligible to consider for transition to a non-residential land use as prescribed in the CAAP.

The property is located within the Airport Impact Overlay District, which establishes airport noise overlays. The intent of the noise overlay district is to regulate land uses within designated existing or projected airport noise impact areas by specifying acoustical performance standards. The noise overlay zones are in addition to Zoning Districts. The noise overlay creates characteristics and limitations of the overlying Zoning District; however, in any situation where a conflict arises, the more strict regulation(s) apply. The site is impacted by the 55-dnl Noise Contour and Airport Noise Overlay-One (ANO-1) zone. Language within the Zoning Code permits residential within the ANO-1 provided sound attenuation measures are utilized in the homes' construction.

The physical and administrative corrective actions forwarded by the Airport Commission have been either included as stipulations or been included with the exhibits found within the attached Development Booklet.

### **PUBLIC / NEIGHBORHOOD NOTIFICATION**

- This request was noticed according to the provisions of the City of Chandler Zoning Code.
- A neighborhood meeting was held on July 16, 2015, at the Chandler Municipal Airport. Approximately 20 people attended the meeting comprised of adjacent county residential property owners, representatives from the Airport Commission, and various business owners within the Airport and nearby industrial uses. Comments gathered from the adjacent residential owners included compliments of the site plan and a desire for tan colored block to

be used on the proposed site wall. Airport representatives commented that the future home owners would at some point voice concerns about the noise.

At the time of this writing, Planning Staff is not aware of any formal opposition to this request.

### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

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

A nearby residential property owner spoke at the hearing. His property is located south of Bluebird Drive within the County. Concerns voiced included a deed notation indicating a full 2-acre size yet his is only 1.87 acres, as well as a concern over maintenance requirements for Bluebird Drive. As the subject site's cumulative parcels are already annexed into the City of Chandler, the Bluebird Drive maintenance issue, and any issues related to his parcel, reside with the County for resolution.

### **RECOMMENDED ACTIONS**

#### **Rezoning**

Planning Commission and Planning Staff recommend City Council approve the Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a 14-lot custom single-family residential subdivision, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Avalon at Chandler Airpark" and kept on file in the City of Chandler Planning Division, in File No. DVR15-0013, 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 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) 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.
  - d) 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.

- 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 to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are 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.”

7. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/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 subdivider/homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
8. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/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 repair and testing facility 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 repair and testing 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 subdivider/homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

**Preliminary Development Plan**

Planning Commission and Planning Staff recommend City Council approve the Preliminary Development Plan, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Avalon at Chandler Airpark" and kept on file in the City of Chandler Planning Division, in File No. DVR15-0013, 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. No more than two, two-story homes may be built side-by-side within the development.
3. Lot 1 along McQueen Road is restricted to a single-story home only
4. An 8-foot tall engineered sound wall shall be constructed along the eastern property line of Lot 14.
5. A roadway-style sign shall be placed near the entrance along Kingbird Place identifying the presence of aircraft.
6. Future custom homes will be reviewed and approved Administratively.
7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
8. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.

#### **Preliminary Plat**

Planning Commission and Planning Staff recommend City Council approve the Preliminary Plat, subject to the following condition:

1. Approval by the City Engineer and Planning Administrator with regard to the details of all submittals required by code or condition.

#### **PROPOSED MOTIONS**

##### **Rezoning**

Move City Council introduce and tentatively adopt Ordinance No. 4659 approving DVR15-0013 AVALON, Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a 14-lot custom single-family residential subdivision, subject to the conditions as recommended by Planning Commission and Planning Staff.

##### **Preliminary Development Plan**

Move City Council approve Preliminary Development Plan DVR15-0013 AVALON, for subdivision layout and architectural design guidelines, subject to the conditions as recommended by Planning Commission and Planning Staff.

CC Memo No. 15-123

Page 9

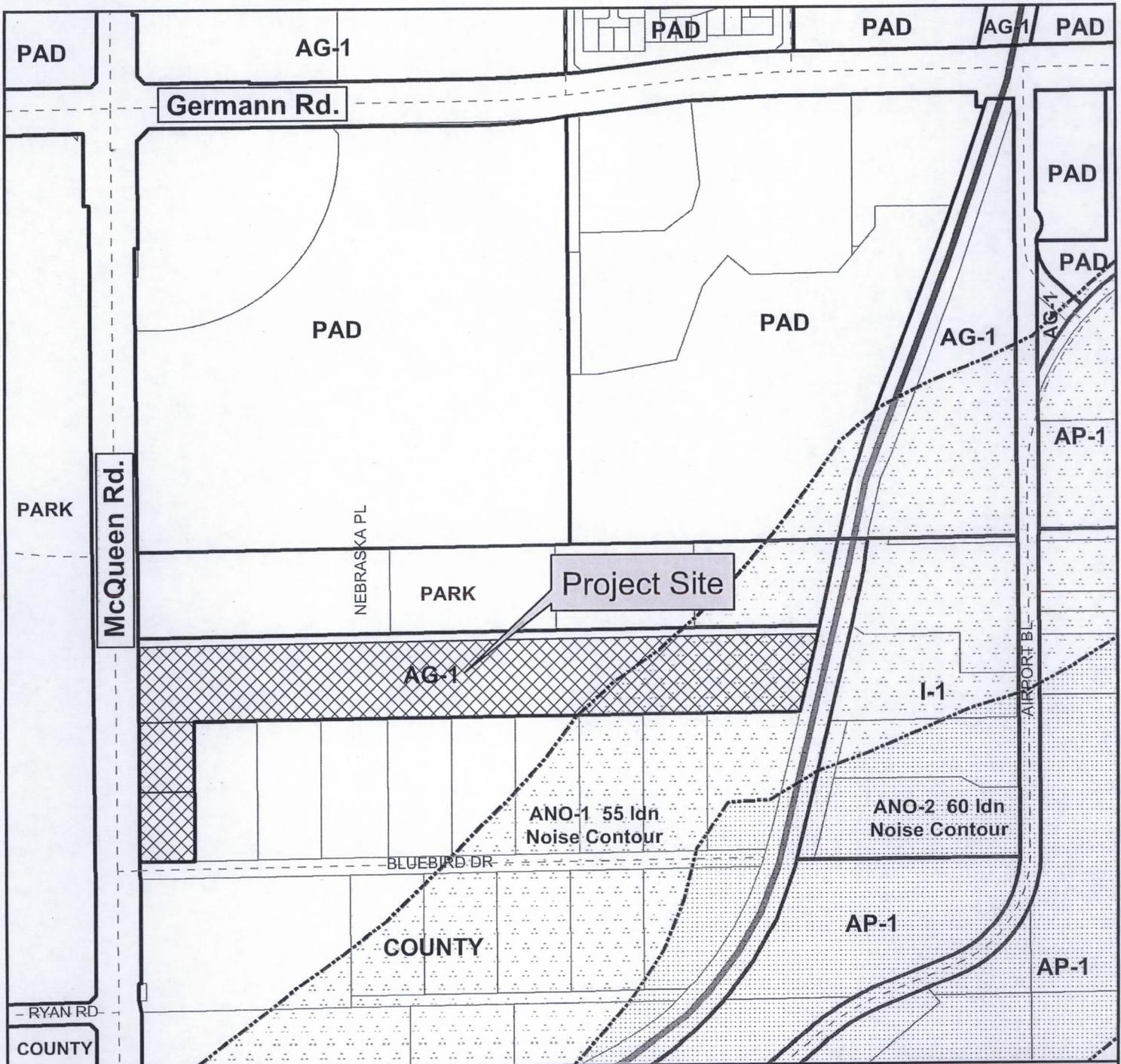
September 24, 2015

**Preliminary Plat**

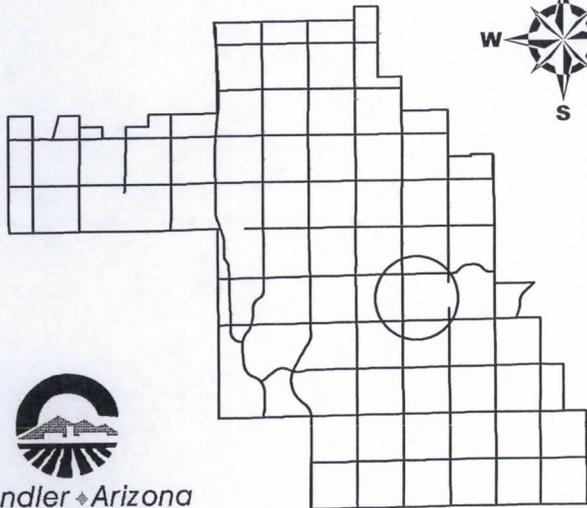
Move City Council approve Preliminary Plat PPT15-0006 AVALON, subject to the condition recommended by Planning Commission and Planning Staff.

**Attachments**

1. Vicinity Maps
2. Site Plan/Landscape Plan
3. Detail Exhibits
4. Preliminary Plat
5. Airport Manager Report
6. Ordinance No. 4659
7. Exhibit A, Development Booklet



## Vicinity Map

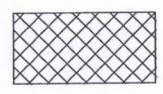
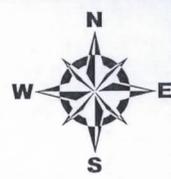
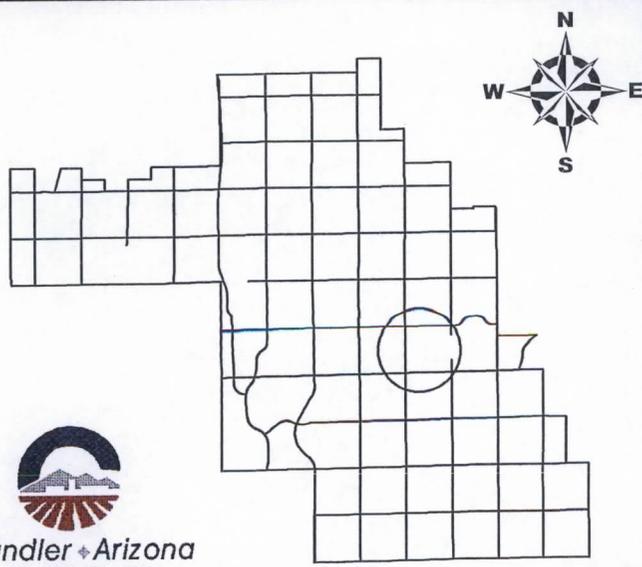


DVR15-0013

Avalon



## Vicinity Map



DVR15-0013

Avalon



PRELIMINARY WALL PLAN

# AVALON AT CHANDLER AIRPARK

CHANDLER, ARIZONA



### LEGEND

- PROJECT THEME WALL - SEE SHEET L3 FOR ELEVATION
- VIEW FENCE - SEE SHEET L3 FOR ELEVATION
- STD. 4" FENCE BLOCK WALL W/ INTEGRAL COLOR COCOA BROWN
- 8" HIGH SOUND WALL - 6x8x1.6 CMU BLOCK W/ INTEGRAL COLOR COCOA BROWN
- COLUMN

PRELIMINARY - NOT FOR CONSTRUCTION

0 60' 120' 18,201.5'

NORTH

**FOORGROUP**  
ARCHITECTS  
4802 75th ST, #100  
CHANDLER, ARIZONA 85249, AZ

SHEET NO. **L2**

# AVALON

AT CHANDLER AIRPARK

CHANDLER, ARIZONA



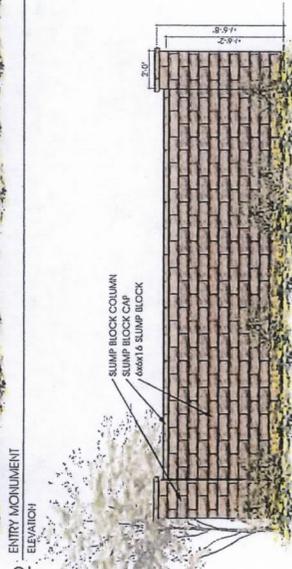
1 ENTRY PERSPECTIVE



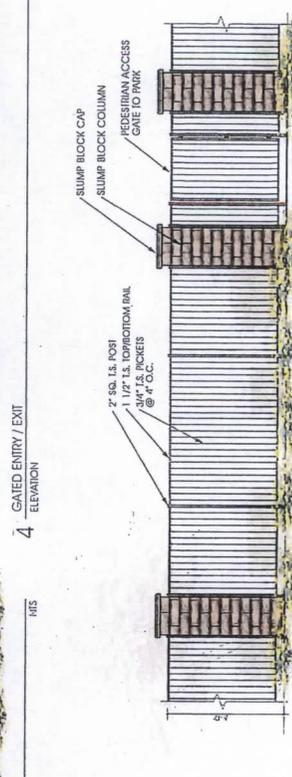
2 ENTRY MONUMENT ELEVATION



4 GATED ENTRY / EXIT ELEVATION



3 PROJECT THEME WALL ELEVATION



5 VIEW FENCE ELEVATION

PRELIMINARY - NOT FOR CONSTRUCTION

NORTH  
8.20.15

E2GROUP  
ARCHITECTURAL GROUP  
4000 W. CHANDLER BLVD. SUITE 200  
CHANDLER, ARIZONA 85226

SHEET NO. **L3**







MEMORANDUM

Airport Memo No. AP16-007

**DATE:** AUGUST 13, 2015  
**TO:** JEFF KURTZ, PLANNING ADMINISTRATOR  
**FROM:** CHRIS ANDRES, AIRPORT ADMINISTRATOR *CA*  
**SUBJECT:** AIRPORT CONFLICT EVALUATION  
DVR 15-0013  
AVALON SUBDIVISION

At their August 12, 2015 meeting, the Chandler Airport Commission ("Commission") discussed the rezoning request for the Avalon subdivision development located near the northeast corner of McQueen Road and Bluebird Drive.

Finding: The Commission determined the proposed development **does** constitute a conflict with existing or planned airport uses.

Conflict(s) Cited: The eastern portion of the residential development lies within the 55 Ldn noise contour and the site will experience significant aviation noise and vibration impact from aircraft on downwind in the normal airport traffic pattern.

Conflict Resolution(s): While a non-residential use would be the preferred corrective action, if the development is approved, physical and administrative corrective actions should be employed including, without limitation:

Physical corrective actions: (1) construction of all houses built with noise attenuation construction materials and techniques to reduce the ambient interior noise levels to less than 45 decibels; (2) installation of at least one roadway-style sign at the site's entrance identifying the presence of low flying aircraft; (3) incorporation of "Chandler Airpark" in the development's name which shall be prominently displayed on a monument sign visible from the right-of-way; (4) installation of an engineered soundwall along the eastern property line of Lot 14, which is the closest lot to the Airport property line.

Administrative corrective actions: (1) all prospective purchasers of property in the subdivision should be required to sign separate disclosure statements, acknowledging (i) the proximity to the Chandler Airport, (ii) the proximity to the heliport at Chandler Airport, (iii) proximity to an aircraft engine repair and testing facility and other aviation-related activities, and (iv) the

potential for impact from aviation noise and vibrations; (2) all prospective purchasers of property should be required to sign the disclosure statements before a purchase contract is signed and again at the transaction closing; (3) dedication of an avigation easement to the City; (4) display of a large size map in the onsite sales office identifying the Airport Impact Overlay District, the noise contours and overflight patterns as depicted in Exhibit 6A in the FAR Part 150 Noise Compatibility Study document as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98), and the noise contours as identified in the Chandler Airpark Area Plan; (5) submittal of a signed affidavit and photograph of the prior referenced map display; (6) inclusion of an affirmative disclosure statement on the final plat; (7) inclusion of the physical and administrative corrective actions in the Subdivision Public Report that is submitted to the Arizona Department of Real Estate.

Commission Members in Attendance: Chairman Kelly McMullen, Vice Chairman David Sperling, Chelle Daly, Corinna Joy, Sherri Koshiol, Schulyer “Sky” McCorkle, and Frank Nechvatal were in attendance. This attendance represented a quorum.

Per the Airport Conflicts Evaluation Process, the Commission voted 7-0 to forward a report to the Planning Administrator and City Council indicating the finding noted above.

cc: Kevin Mayo, Planning Manager

**ORDINANCE NO. 4659**

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 SINGLE-FAMILY RESIDENTIAL IN CASE (DVR15-0013 AVALON) 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) single-family residential for a custom-home single-family residential subdivision, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Avalon at Chandler Airpark" and kept on file in the City of Chandler Planning Division, in File No. DVR15-0013, 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 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) 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.
  - d) 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.
  - 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 to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are 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."
7. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/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 subdivider/homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

8. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/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 repair and testing facility 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 repair and testing 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 subdivider/homebuilder/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 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

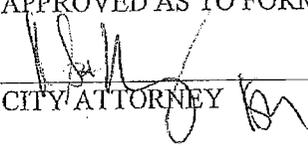
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MAYOR

**CERTIFICATION**

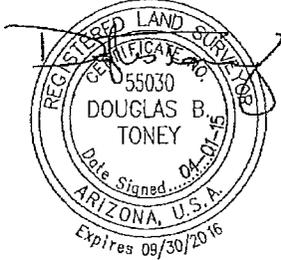
I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4659 was duly passed and  
adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the  
\_\_\_\_ day of \_\_\_\_\_, 2015, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

PUBLISHED:



ORDINANCE NO. 4659  
ATTACHMENT 'A'

April 1, 2015  
PROJECT # 9607-01-003

LEGAL DESCRIPTION  
AVALON

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 11, BEING A CITY OF CHANDLER BRASS CAP IN HAND HOLE, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 11; BEING A CITY OF CHANDLER BRASS CAP IN HAND HOLE, BEARS NORTH 00°29'49" WEST (ASSUMED), A DISTANCE OF 2646.52 FEET;

THENCE NORTH 00°29'49" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 1074.72 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL OF LAND DESCRIBED IN DOC. 1999-0075191, MARICOPA COUNTY RECORDS;

THENCE NORTH 89°00'21" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 65.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 65.00 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES, OF SAID WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11, SAID POINT BEING THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°00'21" EAST, ALONG SAID SOUTH LINE OF DOC. 1999-0075191, A DISTANCE OF 1979.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE CONSOLIDATED CANAL, ACCORDING TO BOOK 186 OF MAPS, PAGE 42, MARICOPA COUNTY RECORDS;

THENCE SOUTH 12°38'25" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 97.11 FEET;

THENCE SOUTH 13°26'24" WEST, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 151.81 FEET;

THENCE SOUTH 89°00'21" WEST, BEING PARALLEL WITH SAID SOUTH LINE OF DOC. 1999-0075191, A DISTANCE OF 1767.32 FEET TO A POINT ON A LINE PARALLEL WITH AND 219.00 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES, OF SAID WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11;

THENCE SOUTH 00°29'49" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 400.86 FEET;

THENCE SOUTH 88°50'06" WEST, A DISTANCE OF 154.01 FEET TO A POINT ON A LINE PARALLEL WITH AND 65.00 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES, OF SAID WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11;

THENCE NORTH 00°29'49" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 642.73 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 532,750 SQUARE FEET OR 12.2303 ACRES, MORE OR LESS.