

#5  
OCT 19 2015

**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

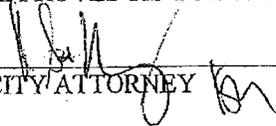
\_\_\_\_\_  
MAYOR

**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.

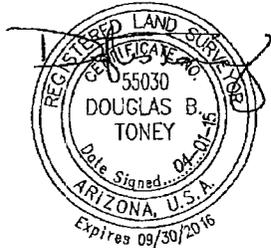
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

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

PUBLISHED:

# Bowman CONSULTING



PAGE 1 OF 1

April 1, 2015

PROJECT # 9607-01-003

ORDINANCE NO. 4659  
ATTACHMENT 'A'

## 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.

P:\9607 - McQueen Equestrian Lots\9607-01-002 (SUR)\Survey\Legal Descriptions\9607-LEGAL-M&B.docx

Bowman Consulting Group, Ltd. • 1295 W Washington, Suite 108 • Tempe, Arizona 85281 • P: 480.829.8830