

# 4

MAR 22 2007

**ORDINANCE NO. 3895**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 TO PAD (DVR06-0056 WILLIS ROAD PROPERTY) 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, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Narrative Statement Area Plan Amendment and Rezoning Willis Road Property", kept on file in the City of Chandler Planning Services Division, in File No's AP06-0007 and DVR06-0056, 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. The exhibits and representations in the Development Booklet are conceptual, requiring a separate Preliminary Development Plan for the approval of a multi-family development. The multi-family development density for the conceptual PAD zoning shall not exceed 18.0 dwelling units per acre (du/ac) for high density residential development.
4. The development shall submit a separate Preliminary Development Plan (PDP) including, but not limited to, site development plan, building architecture, landscaping, grading and drainage, and a comprehensive sign package.
5. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
6. 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.
7. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
8. 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.
9. 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.
10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
11. 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.
12. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
13. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time

of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Willis Road Property development shall use treated effluent to maintain open space, common areas, and landscape tracts.

14. 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) 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.
- d) 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.
- 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 with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is 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."

15. 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 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 homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

16. 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 water treatment 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 a water 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.
17. 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](http://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.
18. 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.
19. At the time of sale, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the canal right-of-way together with the adjoining easements dedicated to the City of Chandler, is to be developed as a multi-trail system for use by the general public.
20. 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 existing dairy farm and animal privileged 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 an existing dairy farm located directly west of the subject property as well as other agricultural properties that have cow, horse, and other animal privileges, 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,



APPROVED AS TO FORM:

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CITY ATTORNEY *GAB*

PUBLISHED:

Parcel A

Legal Description

PARCEL NO. 1:

That part of the Northeast quarter of the Southwest quarter and the Northeast quarter of the Southeast quarter of the Southwest quarter, being West of the existing right of way of the Consolidated Canal in Section 2, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO. 2:

That part of the Northwest quarter of the Southwest quarter of the Southeast quarter lying West of the existing right of way of the Consolidated Canal in Section 2, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO. 3:

An easement for ingress and egress appurtenant to Parcel Nos 1 and 2, as set forth in Document No. 84-22813, of Official Records over the West 25 feet of the following described property:

A parcel of land lying in the Southeast quarter of the Southeast quarter of the Southwest quarter of Section 2, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of said Section 2;

thence North 89 degrees 59 minutes 56 seconds East (assumed) a distance of 1983.36 feet along the South Section line of said Section 2 to the POINT OF BEGINNING;

thence North 0 degrees 25 minutes 42 seconds East a distance of 661.50 feet;

thence South 89 degrees 58 minutes 58 seconds East a distance of 660.88 feet;

thence South 0 degrees 24 minutes 28 seconds West a distance of 661.29 feet to a point on the South Section line of said Section 2;

thence South 83 degrees 59 minutes 56 seconds West a distance of 661.12 feet along the South line of said Section 2 to the POINT OF BEGINNING.

SW COR SEC 2  
FND 40D NAIL

NW COR NE 1/4  
SW 1/4 SEC 2  
T 2S, R 5E  
G&SRB&M  
NOTHING FND  
OR SET

N 01°19'00" E (M)  
N 01°15'51" E (R)  
282.24 (M & R)

00°14'26" W (M) 2648.86 (M)  
00°17'37" W (R) 2648.95 (R)

1320.06

MCQUEEN ROAD

S 00°17'14" E

290.50

S 00°17'14" E  
33.00

N 89°20'17" E 2640.13 (M) BASIS OF BEARING

N 89°17'08" E (R)

WELLS ROAD 1320.07

S 89°20'17" W 976.73

6.39 ACRES 278,472 S.F. +/-  
INCLUDES EASEMENT (GROSS)  
6.30 ACRES 274,511 S.F. +/-  
EXCLUDES EASEMENT (NET)

TRACT 2 (UTILITY EASEMENT)  
1,396 S.F. DOC. NO.  
2004-0541457

N 88°47'15" E (R)

N 88°50'24" E (M) 968.92

S 89°16'04" W

2644.47

SW COR SEC 2  
FND PK NAIL

CONSOLIDATED CANAL

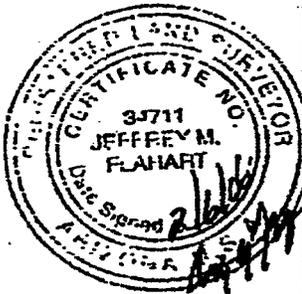
## LEGAL DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WEST OF THE EXISTING RIGHT OF WAY OF THE CONSOLIDATED CANAL AS SHOWN IN BOOK 145 OF MAPS, PAGE 46 AND NORTH OF THE EXISTING RIGHT OF WAY OF THE SAN TAN FREEWAY, AS DESCRIBED IN ORDER FOR IMMEDIATE POSSESSION, RECORDED IN DOCUMENT NO. 2003-266650, RECORDS OF MARICOPA COUNTY, ARIZONA IN SECTION 2, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



N.T.S.

EXCEPT THE NORTH 33 FEET THEREOF.



**Flahart  
Brothers  
Companies, Inc.**



7545 E. Diamond Cir  
Mesa, Arizona 85208  
(602) 376-8630

AREA CALCULATIONS  
FOR GRUBB & ELLIS/BRE COMMERCIAL

DATE: 1/31/06

JOB NO.:

DRAWN BY: LWJ

CHECKED BY: JMF