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APR 26 2007



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Where Values Make The Difference

MEMORANDUM

Planning and Development – CC Memo No. 07-063a

DATE: APRIL 9, 2007

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR
JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR
BOB WEWORSKI, PLANNING MANAGER

FROM: BILL DERMODY, CITY PLANNER

SUBJECT: DVR06-0061 MONTAGE BY CHARLEVOIX
Introduction of Ordinance No. 3914

Request: Rezoning from Planned Area Development (PAD) to Planned Area Development (amended) to eliminate an approved zoning condition requiring copper plumbing, to allow increased lot coverage, and to eliminate certain two-story restrictions

Location: Approximately ¼ mile north of the northeast corner of Chandler Heights and Lindsay Roads

Applicant: Pew & Lake, PLC

Owner: Lindsay and Chandler Heights, LLC

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval subject to conditions.

BACKGROUND

The application requests rezoning from Planned Area Development (PAD) to Planned Area Development (amended) to eliminate an approved zoning condition requiring copper plumbing, to allow increased lot coverage, and to eliminate certain two-story restrictions. The applicant is no longer pursuing the portion of the request regarding two-story restrictions. The approximate 35-acre, 92-lot subdivision, which is located approximately ¼ mile north of the northeast corner

of Chandler Heights and Lindsay Roads, received zoning approval and Preliminary Development Plan (PDP) approval for site layout in September 2004. The subdivision received PDP approval for its housing product in February 2007.

The subject site is bordered on the north by several single-family ranchettes that are unincorporated and are adjacent to Brooks Farm Road. To the east is a parcel zoned AG-1 that is currently used for farming, and west across Lindsay Road is a dairy in unincorporated Maricopa County that is proposed for annexation and eventual development of Phase II of the subject development, Montage by Charlevoix Homes. South of the subject site, at the northeast corner of Chandler Heights and Lindsay Roads, is planned for a City water recharge facility.

The application requests approval to eliminate two approved zoning conditions that address Subdivision Diversity Standards and one approved zoning condition that requires copper plumbing. The Subdivision Diversity Standards of concern limit the lot coverage throughout the subdivision and limit the number of two-story homes on lots located along the subdivision's northern boundary. The applicant no longer wishes to pursue the request regarding two-story homes, instead deciding to abide by existing zoning conditions on this point.

The application requests that the maximum lot coverage be changed from what was represented in the Development Booklet at the time of zoning approval. The approved Development Booklet indicates that half of the lots will not exceed 38% lot coverage, ¼ of the lots will not exceed 42% lot coverage, and ¼ of the lots will not exceed 45% lot coverage. In place of these requirements, the application proposes that all single-story homes be limited to 50% lot coverage and two-story homes be limited to 45% lot coverage. The existing lot coverage restrictions would not have precluded the approved housing product from fitting on the lots with careful site planning or predetermined floor plans on particular lots. However, the requested relief allows much greater flexibility in the placement of various floor plans throughout the subdivision.

To compensate for the requested lot coverage relief, the development provides an additional Subdivision Diversity Standard in the form of family-themed, copper artwork. The proposed three pieces of art share a common theme and design, and are located prominently along the community open space and retention areas. Artwork samples and proposed locations are illustrated in the attachments.

Secondly, the application requests elimination of the copper plumbing zoning requirement. A zoning stipulation (Condition No. 12) was included for the residential development requiring homes to have copper plumbing for those lines under water pressure. The application is requesting to eliminate the stipulation to allow an alternative plumbing material: cross-link polyethylene (pex) piping. Pex (a.k.a. Aquapex) is now an approved plumbing material as part of the recently adopted 2003 International Code (I-Code). Since the copper plumbing requirement was a specific stipulation for this site prior to the I-Code adoption, a zoning amendment is required to eliminate it.

Every national plumbing code now permits the installation of pex as an approved hot and cold water distribution system. The use of any material other than copper is prohibited through

zoning stipulation. Therefore, even though pex is an approved material, it may not be used in a subdivision where copper has already been stipulated without the developer returning to Council to have the stipulation removed. Pex may be used in future subdivisions within the city if the copper stipulation is not in place.

LOT COVERAGE ANALYSIS

In order to aid in the evaluation of the request to allow increased lot coverage, the applicant has provided revised footprints and corresponding square footage data for the six housing product floor plans approved by City Council in February 2007. The footprints attached to this memo are moderately increased over the approved versions in order to illustrate the expanded patio areas and garage extensions that would be made easier by the increased lot coverage requested by this application. On the smallest lot in the subdivision, 9,600 square feet, the footprints would yield the following lot coverages:

Plan #	1	2	3	4	5	6
Footprint sf	4014	4849	3976	3843	3850	4048
Lot coverage on smallest lot	41.8%	50.5%	41.4%	40.0%	40.1%	42.2%

Notably, Plan 2 will not be able to accommodate the full 4' garage extension on the smallest lots even if the rezoning is granted. Most lots in the subdivision are between 9,600 and 11,000 square feet in size and many are significantly larger (i.e. Lots 1-4, Lots 73-88, and corner lots).

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on February 26, 2007. No neighbors attended.
- At the time of this writing, Staff has received no telephone calls or letters from citizens opposed to this request.

COMMISSION VOTE REPORT

Motion to approve.

In Favor: 6 Opposed: 1 (Heumann)

Two Planning Commissioners expressed concerns about eliminating the copper plumbing requirement and allowing pex plumbing. The Commissioner in opposition expressed concerns over the pressure regulation of pex pipes, commenting that Building Code provisions regarding this issue are not sufficient to protect the homeowners. Another Commissioner expressed concerns with both pressure and temperature regulation of pex pipes, but voted in favor of the request because the issue should be handled through means other than a zoning stipulation. The Chairman stated his belief that pressure and temperature regulation of pex pipes should be done through administration and enforcement of city building and plumbing codes rather than zoning stipulations.

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of DVR06-0061 MONTAGE BY CHARLEVOIX subject to the following conditions:

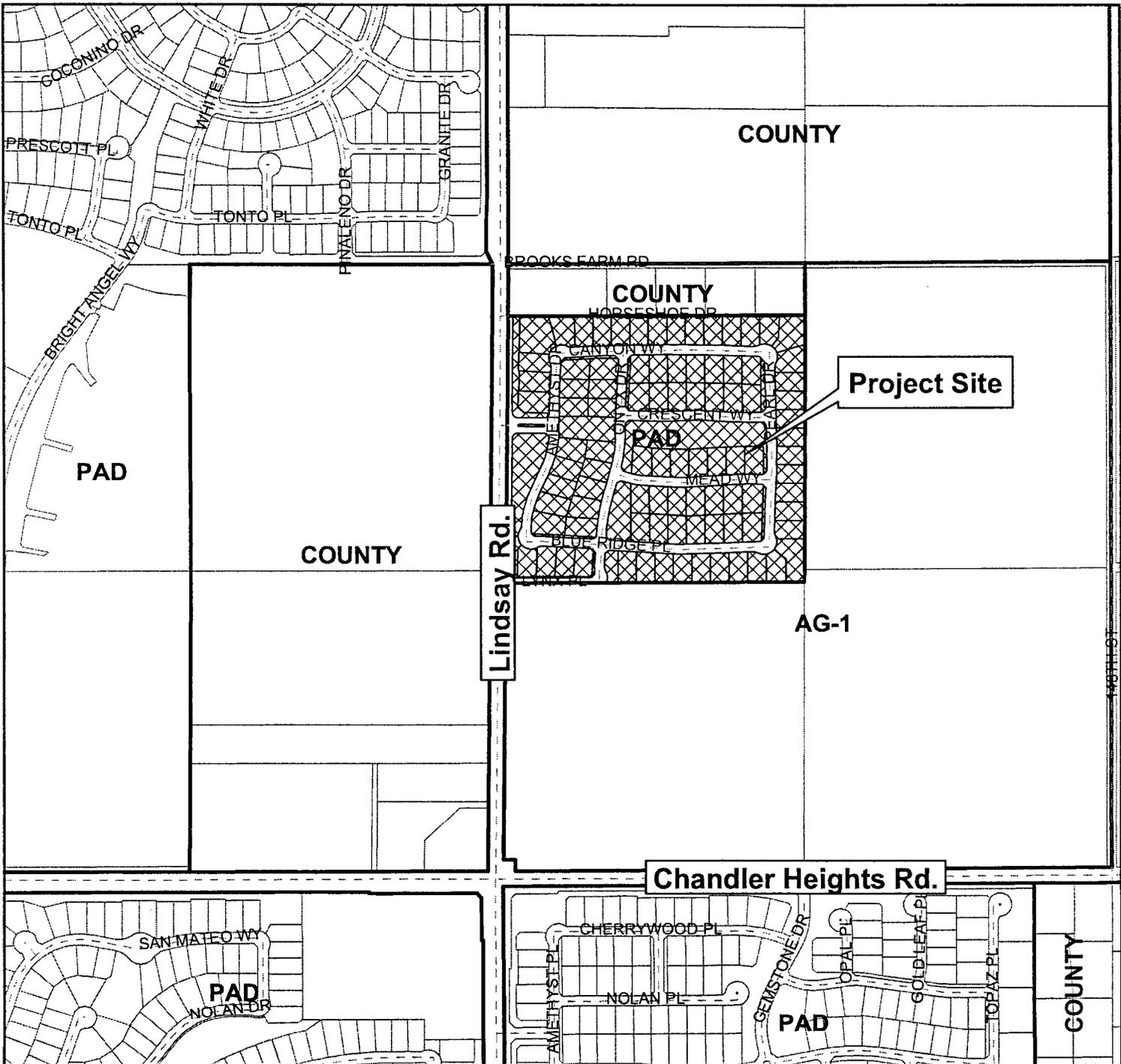
1. Development shall be in substantial conformance with existing Planned Area Development (PAD) zoning approved through Ordinance No. 3607 and Preliminary Development Plan (PDP) approval except as modified by the application materials of this request (narrative, site plan, and illustrations) and associated conditions of approval.
2. One-story homes shall be limited to 50% maximum lot coverage. Two-story homes shall be limited to 45% maximum lot coverage.

PROPOSED MOTION

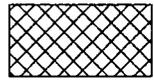
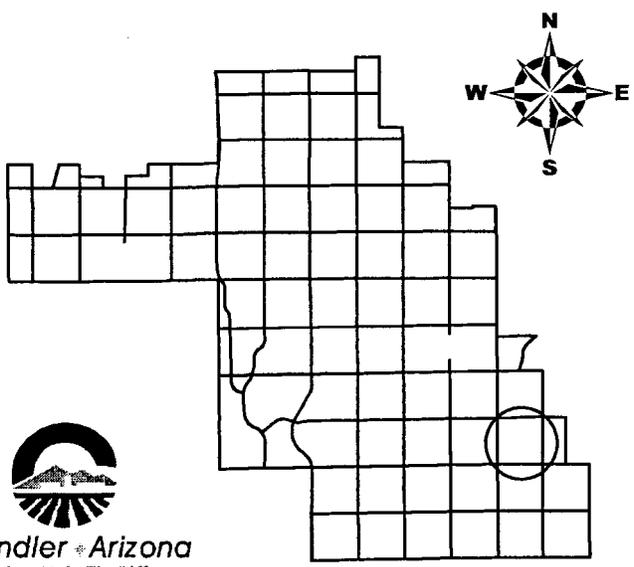
Move to introduce and tentatively adopt Ordinance No. 3914 approving the Planned Area Development zoning in case DVR06-0061 MONTAGE BY CHARLEVOIX subject to the conditions recommended by Planning Commission and Staff.

Attachments:

1. Vicinity Map
2. Applicant Narrative
3. Artwork Plan
4. Site Plan with Lot Numbers
5. Footprint Exhibits
6. Ordinance No. 3914
7. Ordinance No. 3607

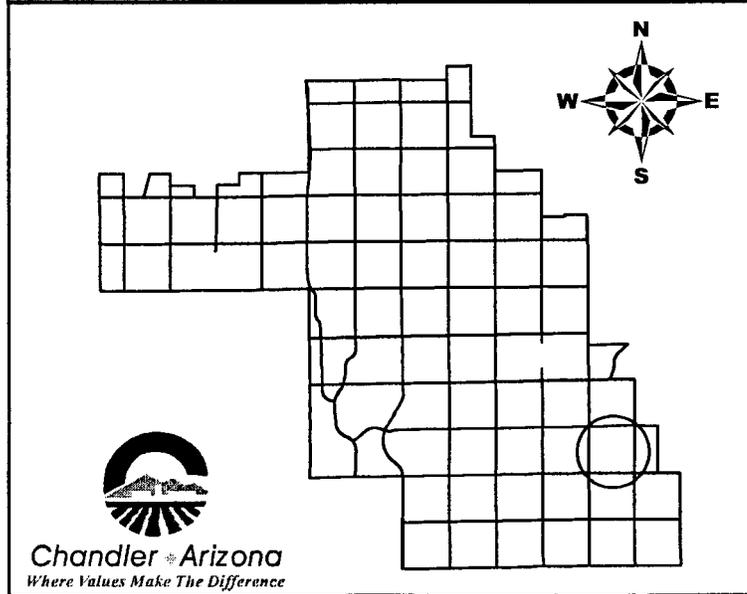
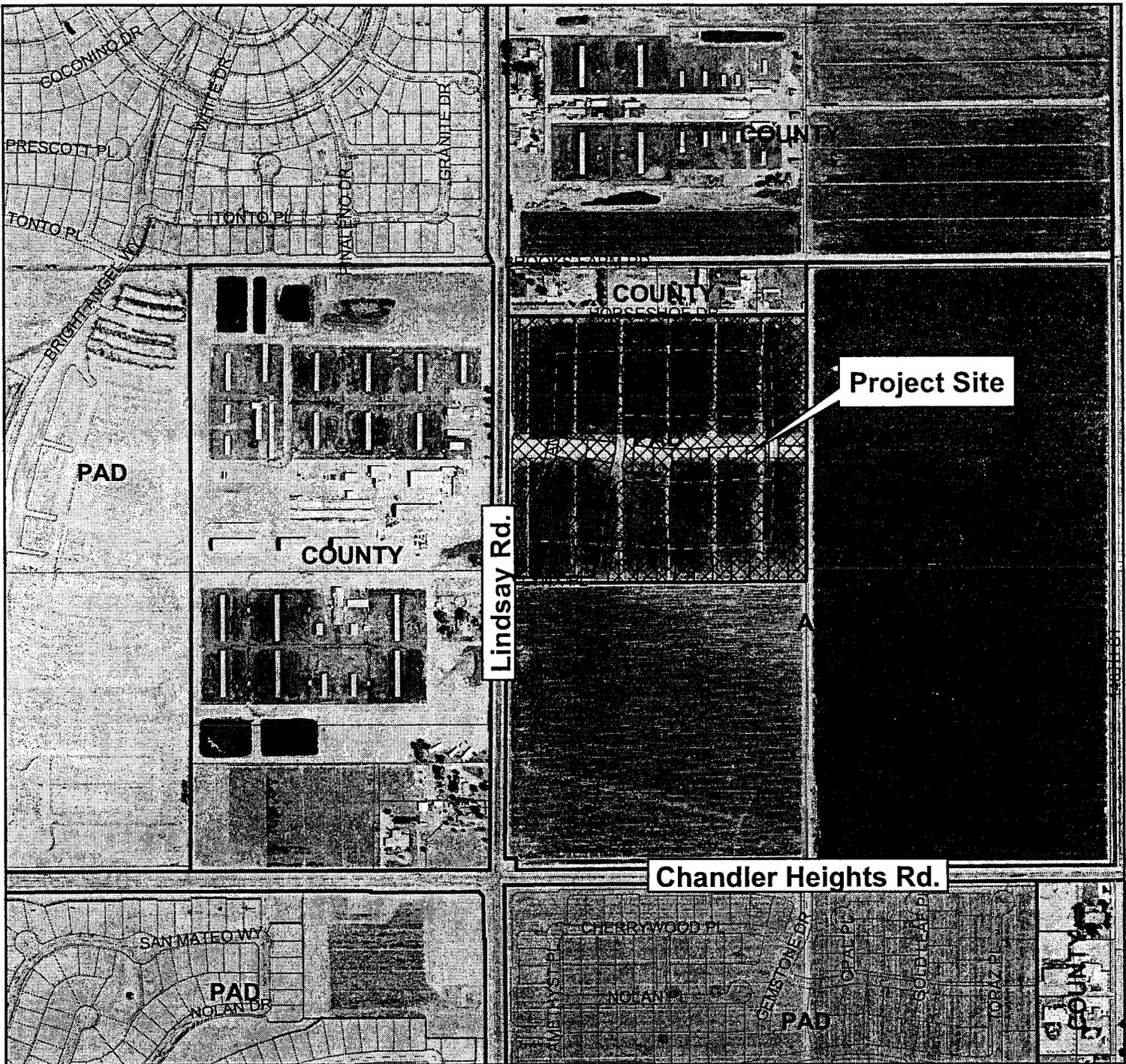


Vicinity Map

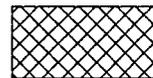


DVR06-0061

Charlevoix Homes- Montage I



Vicinity Map



DVR06-0061

Charlevoix Homes- Montage I

**Charlevoix Homes
Montage I
North of the NEC Lindsay & Chandler Heights**

**Modification to Avian Trails PAD/PDP
Ordinance Number 3607**

**Project Narrative
December 12, 2006**

In September 2004, the Chandler City Council approved Ordinance No. 3607 for Avian Trails, a single-family subdivision located north of the northeast corner of Lindsay and Chandler Heights Roads. As part of the Avian Trails proposal, a Preliminary Development Plan was also approved.

Since the time of the original zoning case, Charlevoix Homes has purchased the approximate 35 acres to develop and build the 92 single-family detached homes that were approved as part of the original PAD/PDP process. Charlevoix Homes is an Arizona based home builder that builds condominiums, townhomes, and single-family home communities throughout Arizona.

The purpose of this application is to amend Ordinance No. 3607, with respect to the following:

- The approved PAD stipulates the maximum lot coverage for the subdivision not exceed 38 percent on at least 50 percent of the lots, 42 percent on at least 25 percent of the lots and the balance of the lots not exceed 45 percent maximum lot coverage;
- Stipulation numbers 19 and 26, as they relate to the location of two-story homes; and
- Stipulation number 12, which requires copper plumbing for those lines under pressure.

Charlevoix Homes proposes to develop a first-class subdivision with unique home designs that are consistent with the goals and intent of Chandler's Southeast Area Plan. The proposed homes and site plans have been designed with a diverse architectural palette that include various architectural styles with pop-out treatments, roof plane variations, a wide variety of colors and materials and to promote outdoor living by providing open front porches, courtyards and large back patios.

The average lot size in the subdivision is more than 11,000 square feet, which allows Charlevoix Homes to build larger, estate-type houses that range in size from 2,800 to more than 6,200 square feet with an optional basement feature,

which is consistent with other existing and proposed developments in the Southeast Chandler Area. In order to meet the needs and desires of the buyers in this market, features such as courtyards, three car garages (with an option for a four car garage) and porte-cocheres are included in the design elements. The proposed lot plans also allow Charlevoix Homes to offer more single-story homes throughout the subdivision, which is also a highly desirable feature of the target market. However, because of the proposed additional features, amenities and an increase in the proposed number of single-story homes throughout the subdivision, the lot coverage maximums exceed the previously approved maximum lot coverages for the Avian Trails PAD/PDP.

Charlevoix Homes proposes to modify the existing lot coverage requirements for the Avian Trails (now called Montage I) subdivision, as follows:

- 50 percent maximum lot coverage for all single-story homes in the subdivision
- 45 percent maximum lot coverage for all two-story homes in the subdivision

Included with this application are proposed lot layouts that demonstrate the ability of the developer to build the proposed lot configurations while still providing the required building setbacks, staggers and ample outdoor areas within each lot to help promote outdoor living in the community. These exhibits show all available options for each specific plan, in order illustrate the need for the increase in lot coverage while at the same time meeting the required setbacks, staggers, etc.

When the Avian Trails PAD was originally approved, the lot coverage maximums were approved as one of the optional diversity elements for the subdivision. By modifying the lot coverage maximums, an additional optional diversity element will need to be approved as part of this amendment to the PAD. As such, Charlevoix Homes proposes various art features (a maximum of three) designed with a common theme and located throughout the subdivision. The theme proposed for these art features is one of family and community. The goal of the Montage I subdivision is to promote families and communities, and will be accomplished through the design of not only the proposed features within the homes, but also the amenities and features provided throughout the subdivision. The applicant believes that the proposed art pieces will help to accomplish this goal. Final design and location of the proposed art will be determined with the help of Staff. (The attached exhibit demonstrates the applicant's proposed art features and locations).

Additionally, Ordinance No. 3607 includes stipulations with respect to the lots where single- and two-story homes would be permitted and/or prohibited. Specifically, Stipulation No. 19 requires that "out of the 4 lots backing to Lindsay Road (lots 1 through 4); only one can have a two-story home on it." Stipulation No. 26 also requires that "two-story homes along the northern boundary of the

subdivision (lots 4 through 18) shall be limited to no more than every third lot, and no two two-story homes shall be built adjacent to each other.”

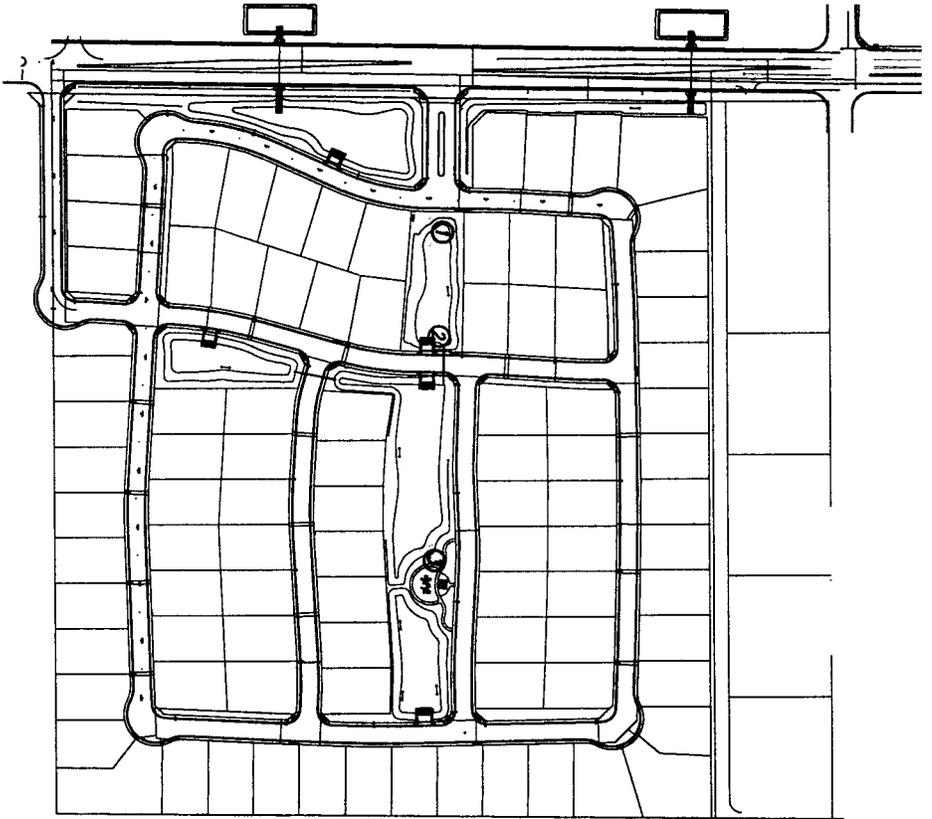
This application includes a request to remove the requirement of Stipulation No. 26 as it pertains to lot 5. When viewed in context of the entire subdivision, both of the above-mentioned stipulations affect lots 4 and 5, which will have an affect on the model homes that will be constructed in order to market the homes in the subdivision. Amending the stipulation to allow a two-story home to be constructed on both lots 4 and 5, which are adjacent to each other, will allow the developer more flexibility in its model home options when marketing the subdivision.

Finally, the approved Ordinance requires copper plumbing throughout the subdivision for lines that are under pressure. This amendment to the PAD includes a request to allow the use of PEX piping in lieu of copper plumbing. PEX piping, a relatively newer alternative to copper lines, has been approved for use in other projects within the City of Chandler and is manufactured, tested and approved according to stringent national ASTM and NSF standards.

Charlevoix Homes is anxious to move forward and continue development of the Montage I subdivision. These modifications to the approved Ordinance and development plan are requested in order to achieve the goals of a first-class community that can offer the house designs and amenities that the Southeast Chandler Area is known for.

Montage

Art Feature Exhibit



1 Children on a Horse



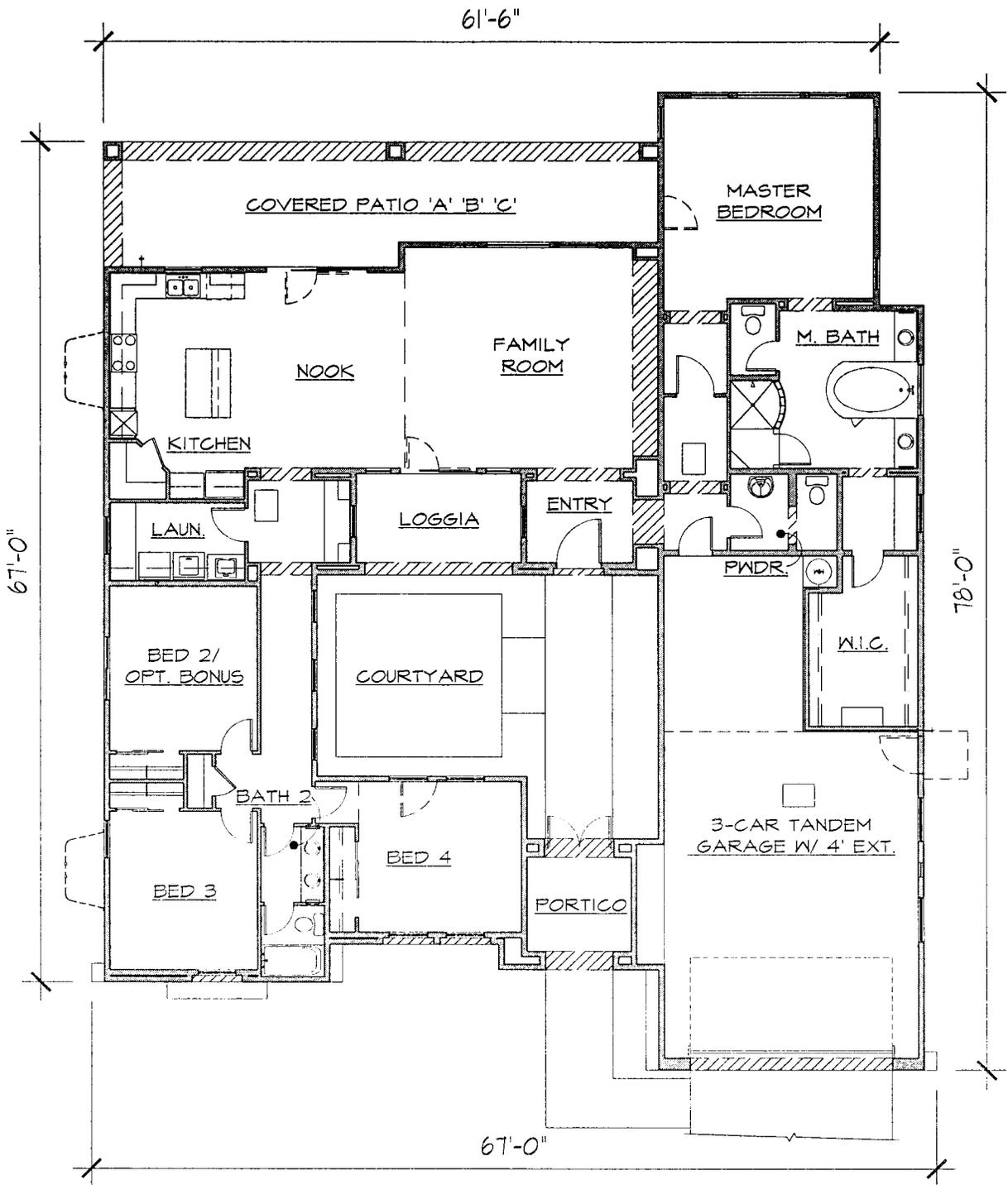
2 Two Kids on a Bench



3 Children walking on a Log

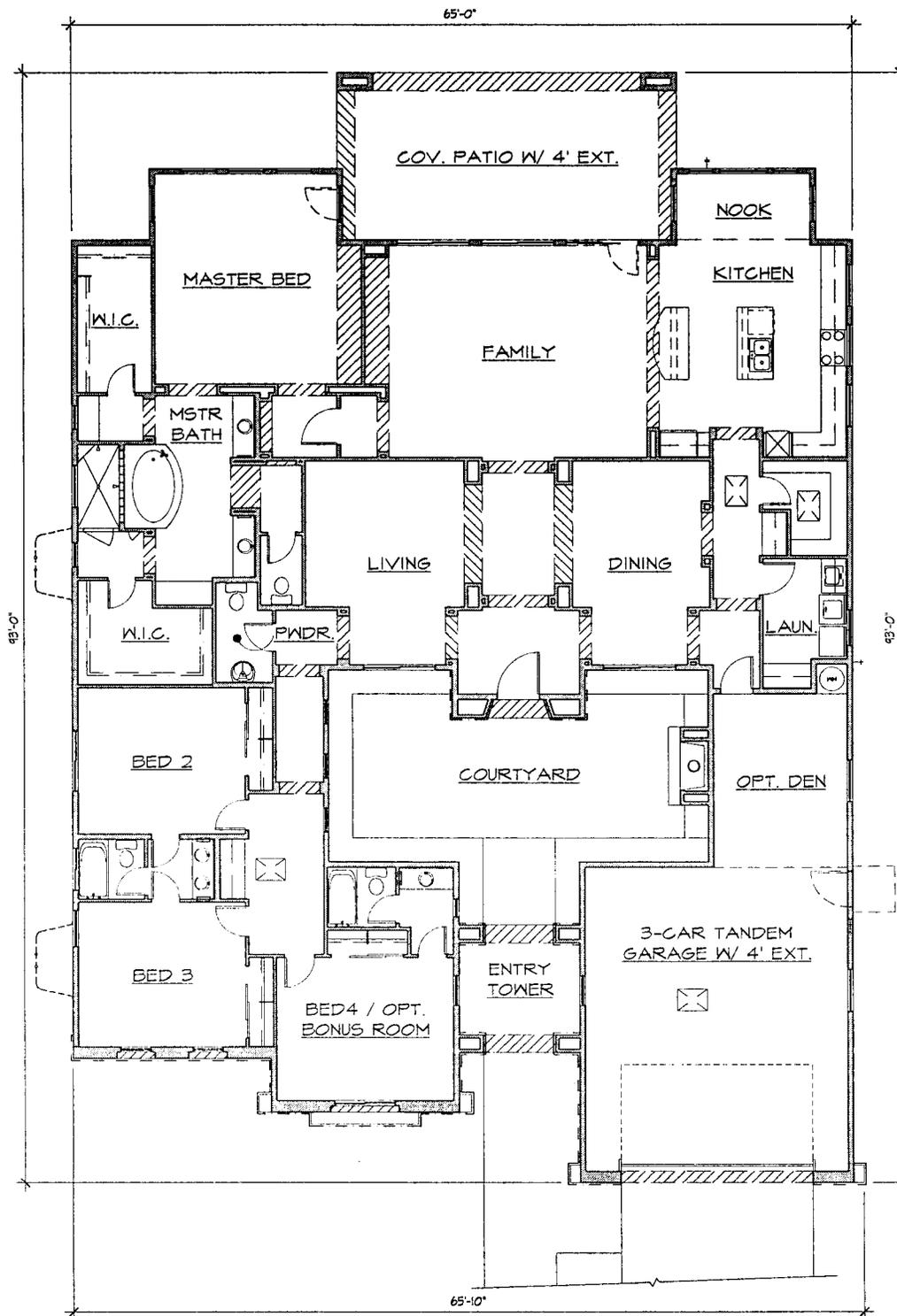


SANDBOX
development consultants, Inc.
Prepared on: 12-08-2006
Revised on:



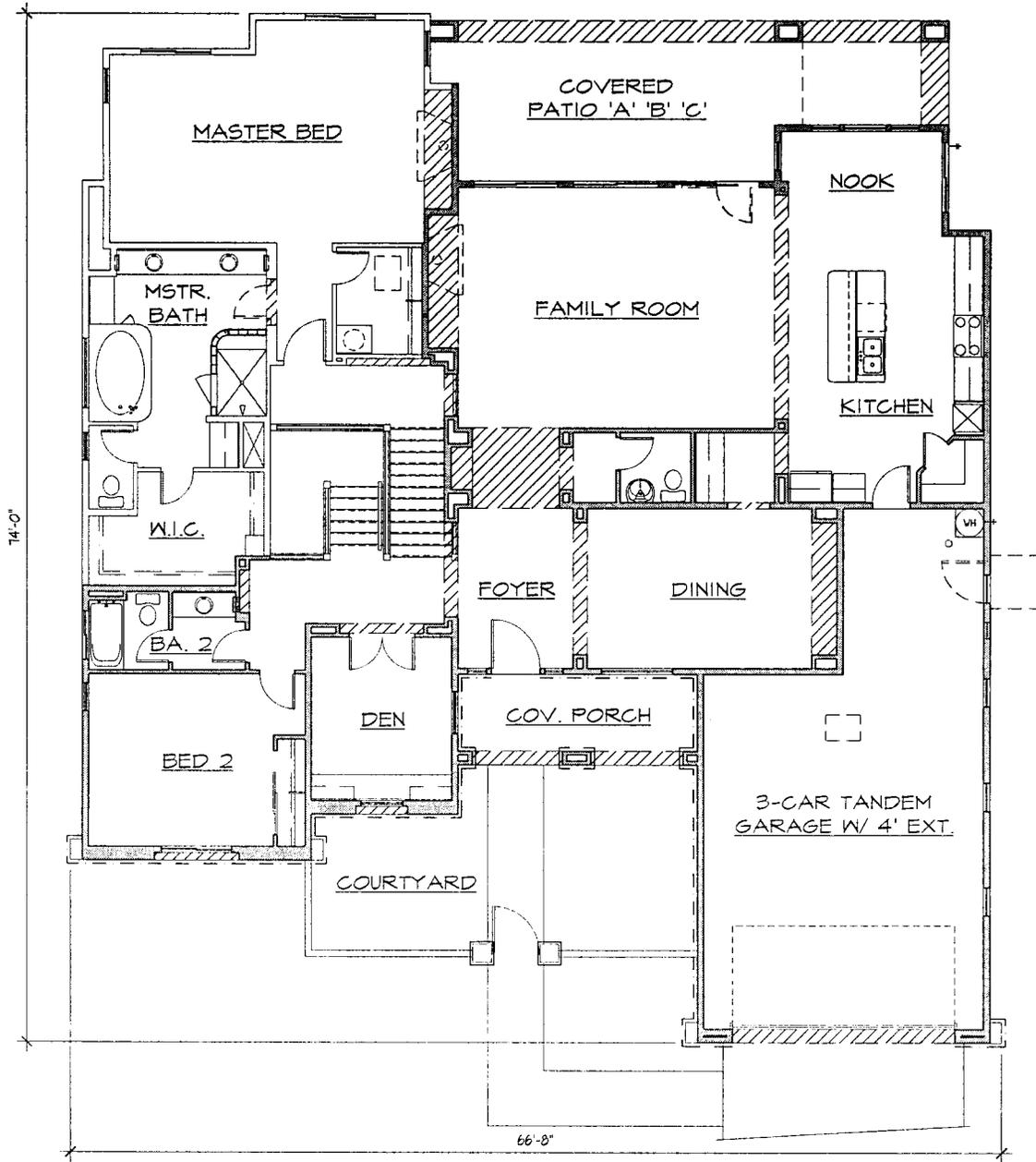
PLAN 1

FLOOR PLAN AREA CALCS		
KEY	NAME	AREA
A	MAX FOOTPRINT - REVIVAL	4014 SF



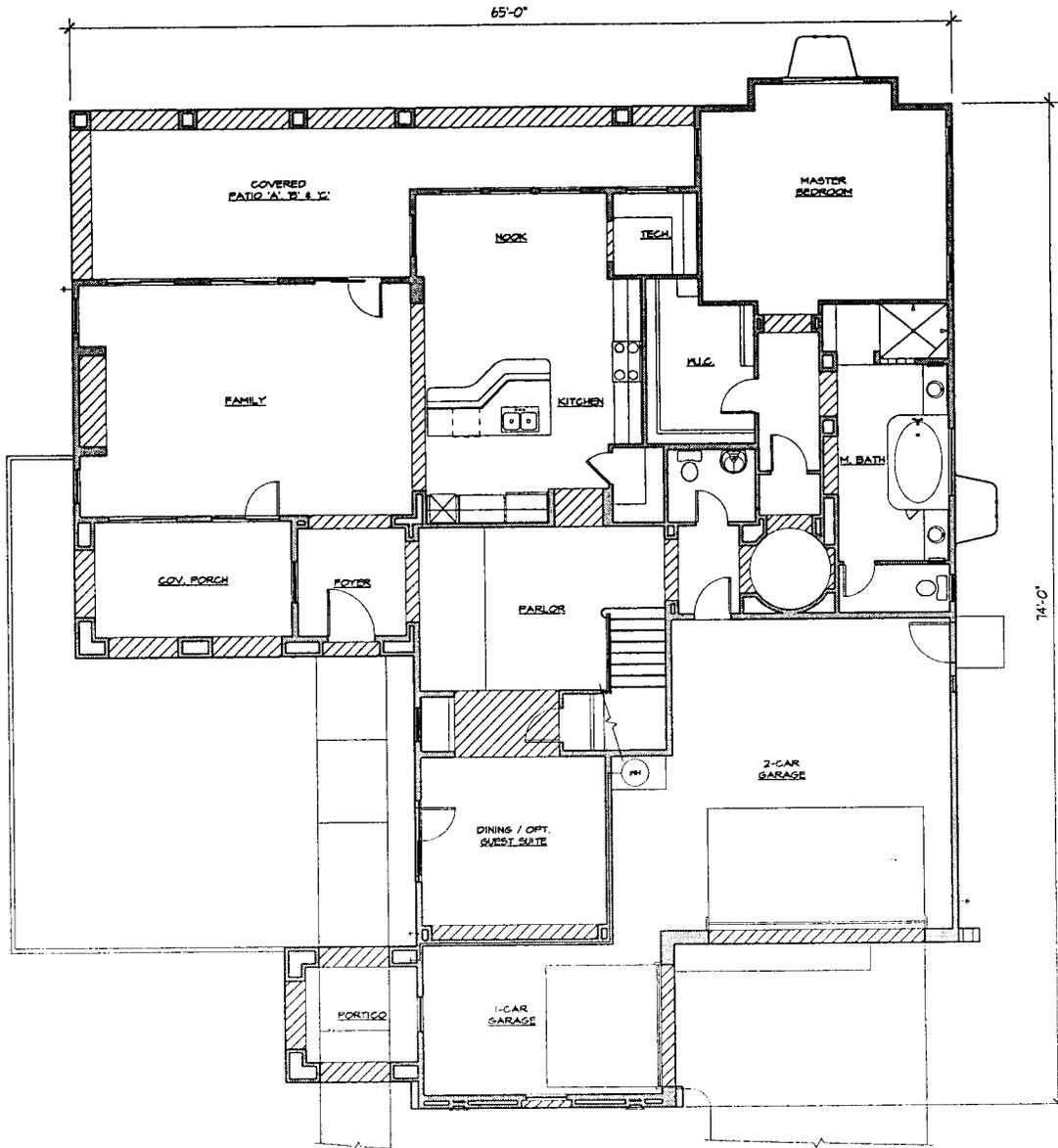
PLAN 2

FLOOR PLAN AREA CALCS		
KEY	NAME	AREA
A	MAX FOOTPRINT - MISSION	4849 SF



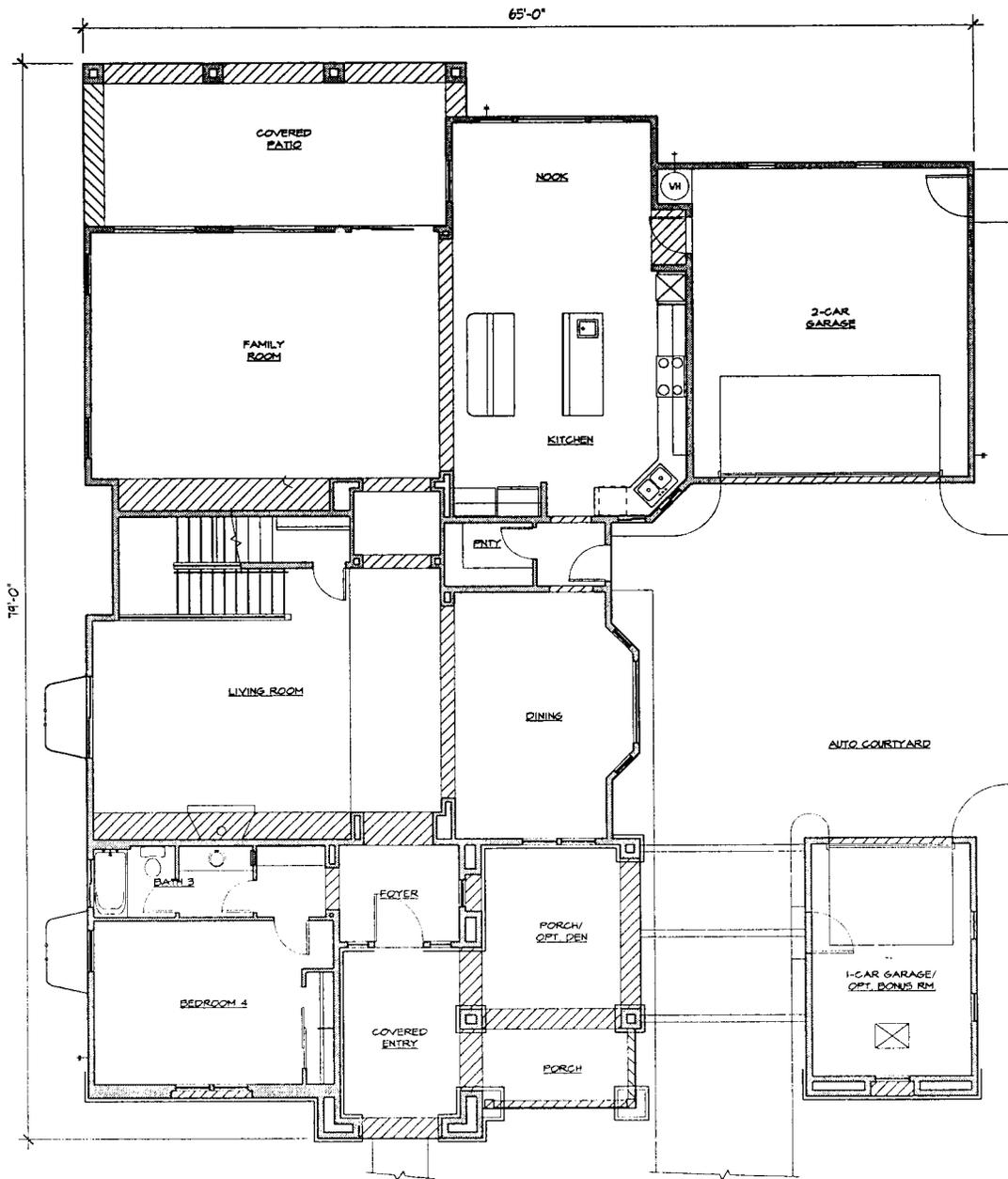
PLAN 3

FLOOR PLAN AREA CALCS		
KEY	NAME	AREA
A	MAX FOOTPRINT - MISSION	3976 SF



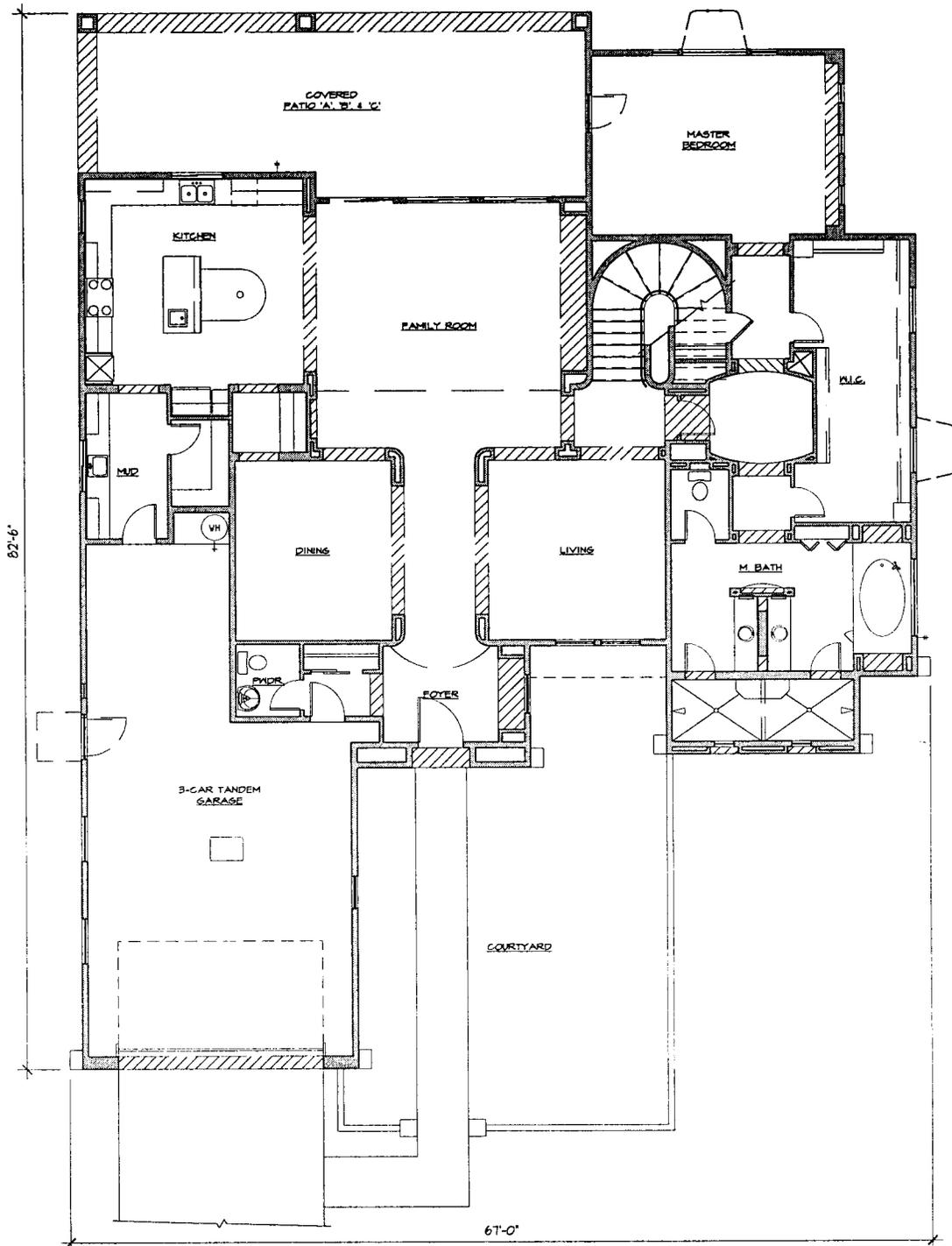
PLAN 4

FLOOR PLAN AREA CALCS		
KEY	NAME	AREA
A	MAX FOOTPRINT - MONTEREY	3843 SF



PLAN 5

FLOOR PLAN AREA CALCS		
KEY	NAME	AREA
A	MAX FOOTPRINT - HACIENDA	3850 SF



PLAN 6

FLOOR PLAN AREA CALCS		
KEY	NAME	AREA
A	MAX FOOTPRINT - REVIVAL	4048 SF

ORDINANCE NO. 3914

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) TO PAD AMENDED (DVR06-0061 MONTAGE BY CHARLEVOIX) 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 Planned Area Development (Pad) to Pad Amended subject to the following conditions:

1. Development shall be in substantial conformance with existing Planned Area Development (PAD) zoning approved through Ordinance No. 3607 and Preliminary Development Plan (PDP) approval except as modified by the application materials of this request (narrative, site plan, and illustrations) and associated conditions of approval.
2. One-story homes shall be limited to 50% maximum lot coverage. Two-story homes shall be limited to 45% maximum lot coverage.

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 & Development Department 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 _____, 2007.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3914 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2007, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

GAB

PUBLISHED:

LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 20, FROM WHICH A 1/2" STEEL PIN MARKING THE SOUTHWEST CORNER OF SAID SECTION 20 BEARS, SOUTH 00 DEGREES 49 MINUTES 00 SECONDS WEST, A DISTANCE OF 2647.85 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER, A DISTANCE OF 223.97 FEET **TO THE POINT OF BEGINNING;**

THENCE SOUTH 89 DEGREES 59 MINUTES 55 SECONDS EAST, A DISTANCE OF 1,315.05 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 20;

THENCE SOUTH 00 DEGREES 31 MINUTES 27 SECONDS WEST, ALONG SAID LINE, A DISTANCE OF 1,152.67 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 55 SECONDS WEST, A DISTANCE OF 1,320.94 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, THENCE NORTH 00 DEGREES 49 MINUTES 00 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 1,152.74 FEET **TO THE POINT OF BEGINNING.**

ORDINANCE NO. 3607

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY PLACING ON A PARCEL THE INITIAL CITY ZONING OF PAD -- PLANNED AREA DEVELOPMENT (DVR04-0013 AVIAN TRAILS) 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:

A portion of the Southwest Quarter of Section 20, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the West Quarter corner of said Section 20;
Thence South 00 degrees 49 minutes 00 seconds West, along West line of the Southwest Quarter of said Section 20, a distance of 224.02 feet;
Thence departing said West line, South 89 degrees 59 minutes 55 seconds East, a distance of 55.00 feet to the Point of Beginning;

Thence continuing South 89 degrees 59 minutes 55 seconds East, a distance of 1260.05 feet;
Thence South 00 degrees 31 minutes 27 seconds West, along the East line of the West half of said Southwest quarter, a distance of 1152.67 feet;
Thence departing said East line North 89 degrees 59 minutes 55 seconds West, to said West line, a distance of 1265.93 feet;
Thence North 00 degrees 49 minutes 00 seconds East, along said West line, a distance of 1152.74 feet to the Point of Beginning.

Said parcel is hereby zoned PAD (Planned Area Development) subject to the following conditions:

1. Right-of-way dedications to achieve full half widths for Lindsay Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. 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.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
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.
5. 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. Off-site improvements for Lindsay Road shall include full, half-width right-of-way including two northbound traffic lanes, raised landscape median, and one southbound traffic lane.
7. 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.
8. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Avian Trails" kept on file in the City of Chandler Current Planning Division, in file no. DVR04-0013, except as modified by condition herein.
9. 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.

10. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
11. 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.
12. The homes shall have all copper plumbing lines for those lines under pressure.
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. 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 development shall use treated effluent to maintain open space, common areas, and landscape tracts.
14. The "Public Subdivision Report", "Purchase Contracts", and CC&R's 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.

15. No more than two adjacent homes along arterial streets or public open spaces shall have identical roof ridgelines.
16. 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.
17. The tot lot shall be a minimum of 20 total play stations.
18. The same front elevation shall not be built on adjacent or opposite lots.
19. Out of the four lots backing to Lindsay Road (lots 1-4) only one lot can have a two-story home on it.
20. Staggered front and rear building setbacks for adjacent house locations shall occur throughout the entire subdivision.
21. When two-story homes are built on adjacent lots, a 20-foot separation of the two-story elements shall be provided between homes.
22. The side yard setbacks shall be a minimum of 5 feet and 10 feet.
23. 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 an existing dairy farm and animal privileged properties that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's 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, 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.
24. 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 aircraft engine testing facility and an airplane aerobatic training area that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report",

"Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby an aircraft engine testing facility and an airplane aerobatic training area, 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.

25. The developer shall create on the final plat and install an approximate seven-foot wide landscaped tract along the northern boundary of the Avian Trails subdivision. The Avian Trails homeowner's association shall have the responsibility to maintain this landscaped tract. This landscaped tract will be provided only if all of the property owners immediately to the north of the Avian Trails subdivision record an irrevocable easement of adequate size to the developer and the Avian Trails homeowner's association to be used solely for access to install improvements on and maintain this landscaped tract. This easement must be executed by all of the property owners within forty-five days of their receipt thereof. If these conditions are not satisfied this landscaped tract area shall be platted as additional lot area.

26. Two-story homes along the north boundary of the subdivision (lots 4 through 18) shall be limited to no more than every third lot, and no two two-story homes shall be built adjacent to each other.

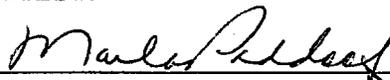
27. Lots 16 and 17 shall be built with single-story homes only.

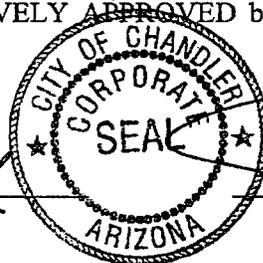
SECTION II. Except where provided, nothing contained herein shall be construed to be and abridgment of any other ordinance of the City of Chandler.

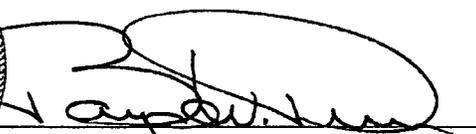
SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 9th day of September 2004.

ATTEST:

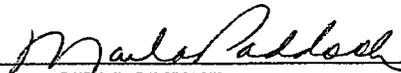

CITY CLERK




MAYOR

PASSED AND ADOPTED by the City Council on the 23rd day of September 2004.

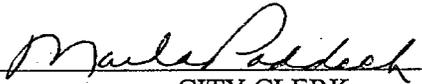
ATTEST:


CITY CLERK

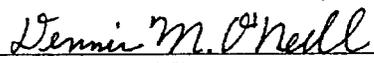



MAYOR

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3607 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 23rd day of September 2004, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

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