

#4

NOV - 8 2007



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Where Values Make The Difference

MEMORANDUM **Planning & Development - CC Memo No. 07-275**

DATE: OCTOBER 23, 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

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FROM: KEVIN MAYO, PRINCIPAL PLANNER *KM*

SUBJECT: DVR07-0012 LAYTON LAKES
 Introduction and Tentative Adoption of Ordinance No. 3987

Request: Rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) Amended to eliminate an approved zoning condition requiring copper plumbing

Location: Southwest corner of Lindsay and Queen Creek Roads

Applicant: Ed Bull
 Burch & Cracchiolo, P.A.

Project Info: 320-acres, 7 subdivisions, overall density approximately 2.2 dwelling units per acre

RECOMMENDATION

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

BACKGROUND

The approximate 820-acre Layton Lakes Master Planned development received PAD zoning in March 2001. Of the 820-acres, approximately 373-acres are within the City of Chandler with the majority of Phase I occurring in the Town of Gilbert. Of the approximate 373-acres within Chandler's City limits, Layton Lakes provides approximately 320-acres of residential development with an overall density of approximately 2.2 dwelling units per acre.

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The application requests a zoning amendment to eliminate stipulation, No. 16 of Ordinance No. 3250 that requires copper plumbing for those lines under water pressure. The homebuilder is requesting to eliminate the stipulation to allow the use of an alternative plumbing material, cross-linked polyethylene (pex) piping.

On January 27, 2005 Council adopted the 2003 International Code (I-Code). Pex piping is specifically addressed in the I-Code and is a permitted material. Currently the use of any other material, other than copper, for lines under water pressure is prohibited through a zoning stipulation. Even though pex piping is an approved material, it may not be used in a subdivision where copper plumbing has already been stipulated without the developer returning to Council to have the stipulation removed.

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 if the copper stipulation is not in place.

There are many positives that arise from the use of pex plumbing over copper plumbing. Pex plumbing is more flexible allowing for easier maneuverability and installation. Pex plumbing is freeze resistant and can withstand temperatures up to 180 degrees for plumbing uses. Pex plumbing is corrosive resistant and non-toxic.

The City recently completed a 'City-wide' water pressure study. Based upon information gathered, it was identified that the area west of the Loop 101 Price Freeway experiences fluctuations in water pressure. In response, the Building Official will now be requiring water pressure regulators to be installed on all new homes constructed starting November of this year, regardless of what type of plumbing is installed. The subject site is located east of the Loop 101 Price Freeway, within the City area identified as maintaining steady water pressures. Water pressure regulators will not be required within the Layton Lakes development.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- The request was notified in accordance with the requirements of the Chandler Zoning Code.
- Staff has not received any calls regarding this application.

PLANNING COMMISSION VOTE REPORT

Motion to approve:

In Favor: 6 Opposed: 0

RECOMMENDED ACTION

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval to eliminate the zoning stipulation (Condition No. 16) requiring copper plumbing for lines under water pressure, subject to the following condition:

1. Potential homebuyers are to be notified that pex piping will be used for plumbing in the house.

PROPOSED MOTION

Move to introduce and tentatively adopt Ordinance No. 3987 approving DVR07-0012 LAYTON LAKES rezoning, as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Ordinance No. 3987
3. Site Plan
4. Ordinance No. 3250



Queen Creek Rd.

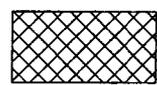
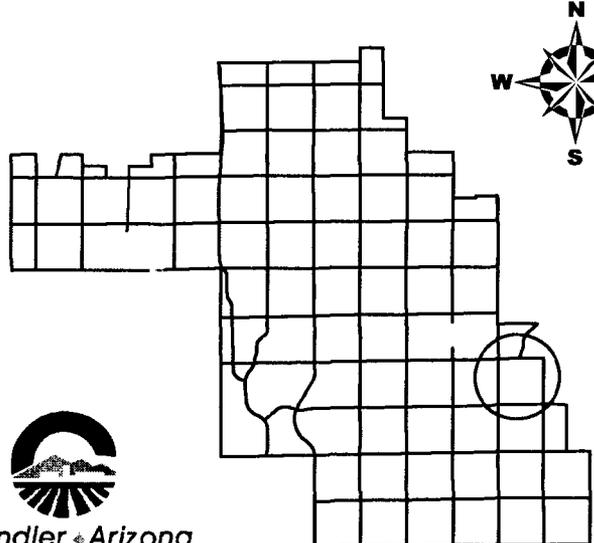
Gilbert Rd.

Town of Gilbert

Project Site

Ocotillo Rd.

Vicinity Map



DVR07-0012

Layton Lakes

ORDINANCE NO. 3987

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY AMENDING A PORTION OF A PARCEL ZONED PLANNED AREA DEVELOPMENT (PAD) TO ELIMINATE ZONING CONDITION NO. 16 OF ORDINANCE NO. 3250 REQUIRING COPPER PLUMBING FOR DVR00-0025 LAYTON LAKES, 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 property is hereby rezoned to delete Condition No. 16 of Ordinance No. 3250 requiring Copper Plumbing for DVR00-0025 LAYTON LAKES, subject to the following condition:

1. Potential homebuyers are to be notified that pex piping will be used for plumbing in the house.

Ordinance No. 3987

Attachment 'A'

LEGAL DESCRIPTION
LAYTON LAKES
EXISTING I.G.A. CHANDLER PARCEL

The following legal description and any references contained therein are based upon that certain ALTA/ACSM Land Title Survey titled Layton Lakes, performed by Agra Infrastructure, Inc., dated and signed on April 21, 2000 by Gerald Hughes, RLS #15573.

A parcel of land located within Section 18, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a Maricopa County Highway Department brass cap in handhole found at the southwest corner of said Section 18, from which a 3/8" rebar found at the south quarter corner of said Section 18 bears North 88°49'33" East (Basis of Bearing), a distance of 2489.44 feet;

Thence North 00°09'41" West, along the west line of said Section 18, a distance of 2650.80 feet to a 1/2" rebar found at the west quarter corner of said Section 18;

Thence North 00°12'40" West, continuing along said west line, a distance of 2648.68 feet to a 3/4" iron pipe found at the northwest corner of said Section 18;

Thence North 89°11'44" East, along the north line of said Section 18, a distance of 2503.25 feet to a 3/4" iron pipe found at the north quarter corner of said Section 18;

Thence North 89°11'28" East, continuing along said north line, a distance of 2659.12 feet to a Maricopa County Highway Department brass cap in handhole found at the northeast corner of said Section 18;

Thence South 00°02'02" East, along the east line of said Section 18, a distance of 2613.25 feet to a point on a line parallel with and 20.00 feet north of the east-west mid-section line of said Section 18;

Thence South 89°01'15" West, along said parallel line, a distance of 3987.12 feet;

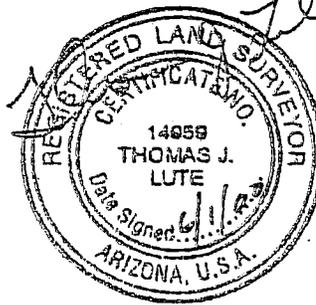
Thence South 00°04'05" East, a distance of 20.00 feet;

Thence South 00°00'05" East, a distance of 2646.98 feet to a point on the south line of said Section 18;

Ordinance No. 3987

Attachment 'A'

Thence South 88°49'33" West, along said south line, a distance of 1159.97 feet to the POINT OF BEGINNING.



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APPROVED BY
CHANDLER CITY COUNCIL MAR 22 2001

MAR 22 2001

CITY CLERK'S OFFICE

ORDINANCE NO. 3250

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 (PLANNED AREA DEVELOPMENT) (DVR00-0025 LAYTON LAKES) 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 EXHIBIT "A"

Said parcel is hereby rezoned from AG-1 to PAD, subject to the following conditions:

1. Right-of-way dedications to achieve full half widths for Gilbert, Queen Creek and Lindsay Roads, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

2. Undergrounding of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
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 water and wastewater lines, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals, subject to compliance with the Pre-Annexation Development Agreement.
5. The developer shall be required to install landscaping in the arterial street median 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. Construction shall commence above foundation walls on single-family 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.
7. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Layton Lakes", Planned Area Development (PAD) Application dated November 29, 2000, kept on file in the City of Chandler Planning Services Division, in File No. DVR00-0025, except as modified by condition herein and shall satisfy the obligations set forth in Section 4 of the Pre-Annexation Development Agreement entered into by the City and the developer.
8. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
9. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
10. The side yard setbacks shall be at least a minimum of 5 feet and 10 feet.

11. The exhibits and representations submitted herein are found to be in compliance with the requirements for PAD Conceptual Development Plan approval. The density for the Conceptual PAD designation is established at 0-3.5 du/ac overall with the final density to be determined at the time of Preliminary Development Plan based upon the development quality.
12. The commercial parcels shall be developed with buildings that carry an architectural level of detail on all sides of the buildings similar to the front facades. The site plans shall include plazas, courtyards and enhanced pedestrian walkways. The building intensity shall not exceed a 20% building coverage ratio.
13. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
14. No more than two side-by-side two-story homes along arterial roads.
15. No more than two identical side-by-side roof slopes should be provided along arterial or collector streets or public open space.
16. The homes shall have all copper plumbing for those lines under water pressure.
17. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
18. The development shall use reclaimed water as further identified within Section 4 of the Layton Lakes Pre-Annexation Development Agreement.
19. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance the applicant shall post a 4' x 8' sign for property zoned for commercial and townhouse property, conspicuous to the (existing or prospective) single-family subdivision that adjoins this site, advising the following: "This property has been zoned for other than single-family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, (480) 782-3000". Sign shall have white background and black lettering.
20. 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 Eastern Canal right-of-way together with the adjoining property dedicated to the City of Chandler, is to be developed as a multi-trail system for use by the general public.

21. The developer shall reserve an 8-acre parcel for a neighborhood park. If, in the event, the city opts not to acquire the parcel then the underlying zoning designation shall be PAD Conceptual for single family homes.
22. The developer shall reserve an 11-acre parcel for a school. Should the school district opt not to acquire the parcel then the underlying zoning designation for the parcel shall be PAD Conceptual for single family homes.
23. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4 foot by 8 foot sign identifying what is being built and the estimated date of completion for the specified project. This information may be incorporated with the contractor's sign or the "Coming Soon" sign on the subject site.
24. The lot sizes on Parcel 28 shall be a minimum of 32,000 square feet.
25. The developer satisfies its obligations under Section 4 of the Pre-Annexation Development Agreement.
26. 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 adjacent to 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's relationship to 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 scale of one-inch equals not greater than 500 feet.

- 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 adjacent to 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.”

27. The developer shall dedicate a 0.5-acre parcel for the placement and operation of an Acquirer Storage and Recovery (ASR) Well. The developer shall also provide the property dedication necessary to accommodate the reclaimed water turnout structure and/or any other reclaimed water conveyance mechanisms within the development or as additionally required within Section 4 of the Layton Lakes Pre-Annexation Development Agreement.

28. The City and the Town of Gilbert execute an Intergovernmental Agreement regarding, among other things the development standards, infrastructure requirements, and relative responsibility for providing utility services applicable to this development in a form acceptable to the City.

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Thence South 00°00'05" East, a distance of 2646.98 feet to a point on the south line of said Section 18;

Ordinance No. 3250
Attachment "A"

Thence South 88°49'33" West, along said south line, a distance of 1159.97 feet to the POINT OF BEGINNING.

Said parcel contains 16,623,722 square feet or 381.63 acres (more or less)

