

#3
DEC 13 2007

ORDINANCE NO. 3995

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) (DVR07-0032 GALILEO PIAZZA) 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. 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.

2. Development shall be in substantial conformance with Exhibit F, Development Booklet, entitled "GALILEO", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0032, except as modified by condition herein.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. 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.
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. 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 development's housing product will be custom homes built by individual builders.

12. Preliminary Development Plan approval as granted herein shall apply to the subdivision layout only.
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 Galileo Piazza development shall use treated effluent to maintain open space, common areas, and landscape tracts.

14. A minimum of two trees at a minimum of 2-inch caliper each shall be planted in all front yards.
15. The applicant shall work with Staff to enhance the perimeter fence wall along the railroad tracks by incorporating a decorative wall design such as, but not limited to color variations, decorative cap at columns and/or top of wall, and any other horizontal or vertical plane changes.
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 existing Industrial

zoned property. The "Public Subdivision Report", "Purchase Contracts", and CC&R's, shall include a disclosure statement outlining that the site is adjacent to or nearby existing Industrial zoned property, 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.

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. 3995 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:

EXHIBIT "A"
LEGAL DESCRIPTION
GALILEO PIAZZA
ANNEXATION BOUNDARY

That portion of the Northwest quarter of Section 34, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at a aluminum cap found and accepted as the North quarter corner of said Section 34 from which a brass cap in hand hole found and accepted as the Northwest corner of said section bears South 89 degrees 55 minutes 10 seconds West a distance of 2,647.42 feet;

Thence along the north line of said Northwest quarter, South 89 degrees 55 minutes 10 seconds West a distance of 100.01 feet to a point on the northerly projection of the west line of Tract M of "Santan Vista Unit 3, Phase 4 and 5" a subdivision plat recorded in Book 690 of Maps, page 16, Maricopa County Records, said point being the **POINT OF BEGINNING**;

Thence departing said north line and along said west line, South 00 degrees 45 minutes 40 seconds West a distance of 569.13 feet to the westerly right-of-way of the Consolidated Canal as shown on the Plat of Survey recorded in Book 181 of Maps, page 9, Maricopa County records;

Thence along said westerly right-of-way of the Consolidated Canal the following eight (8) courses;

- (1) South 33 degrees 17 minutes 15 seconds West a distance of 244.76 feet to the beginning of a tangent curve concave northwesterly and having a radius of 1,227.62 feet;
- (2) Southwesterly along said curve through a central angle of 11 degrees 26 minutes 15 seconds an arc length of 245.06 feet to the beginning of a tangent reverse curve concave southeasterly and having a radius of 1,172.95 feet;
- (3) Southwesterly along said curve through a central angle of 21 degrees 58 minutes 20 seconds an arc length of 449.81 feet;
- (4) South 22 degrees 45 minutes 10 seconds West a distance of 399.47 feet to the beginning of a tangent curve concave southeasterly and having a radius of 748.63 feet;
- (5) Southwesterly along said curve through a central angle of 15 degrees 07 minutes 40 seconds an arc length of 197.66 feet;
- (6) South 07 degrees 37 minutes 30 seconds West a distance of 143.16 feet to the beginning of a tangent curve concave northwesterly and having a radius of 460.49 feet;

(7) Southwesterly along said curve through a central angle of 61 degrees 29 minutes 25 seconds an arc length of 494.20 feet to the beginning of a tangent reverse curve concave southeasterly and having a radius of 1,267.49 feet;

(8) Southwesterly along said curve through a central angle of 03 degrees 02 minutes 38 seconds an arc length of 67.34 feet to a point on the easterly right-of-way of the Southern Pacific Railroad, said point also marking the beginning of a non-tangent curve concave easterly, the center of which bears North 89 degrees 40 minutes 13 seconds East a distance of 4,247.21 feet;

Thence along said easterly right-of-way the following five (5) courses;

(1) Northerly along said curve through a central angle of 00 degrees 29 minutes 16 seconds an arc length of 36.16 feet to the beginning of a tangent compound curve concave easterly and having a radius of 5,679.60 feet;

(2) Northerly along said curve through a central angle of 00 degrees 18 minutes 00 seconds an arc length of 29.74 feet to the beginning of a tangent compound curve concave easterly and having a radius of 8,544.38 feet;

(3) Northerly along said curve through a central angle of 00 degrees 12 minutes 00 seconds an arc length of 29.83 feet to the beginning of a tangent compound curve concave easterly and having a radius of 17,138.74 feet;

(4) Northerly along said curve through a central angle of 00 degrees 06 minutes 00 seconds an arc length of 29.91 feet;

(5) North 00 degrees 45 minutes 30 seconds East a distance of 1,888.87 feet to a point lying 415.00 feet south of said north line of the Northwest quarter;

Thence departing said right-of-way, parallel with and 415.00 feet south of said north line, North 89 degrees 55 minutes 10 seconds East a distance of 240.00 feet;

Thence North 00 degrees 45 minutes 30 seconds East a distance of 415.00 feet to said north line of the Northwest quarter.

Thence along said north line, North 89 degrees 55 minutes 10 seconds East a distance of 852.56 feet to the **POINT OF BEGINNING**.

The above-described parcel contains a computed area of 1,553,040 Sq. Ft. (35.6531 acres) more or less and is subject to any easements, restrictions, or rights of way of record or otherwise.

The description hereon is not based on official results of survey by CMX L.L.C. and said description was prepared without the benefit of an updated title report.

Prepared by: CMX L.L.C.
3100 W. Ray Road
Suite 201
Chandler, Arizona 85226
Project No. 7469
March 5, 2007