ORDINANCE NO. 3560

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CITY OF CHANDLER
CITY CLERK

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY AMENDING A PORTION OF A PARCEL ZONED AG-1 (AGRICULTURAL) AND COUNTY (R-43) TO PAD (MIXED USE) FOR DVR03-0044 FULTON RANCH, 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'

Portion of said parcel is hereby rezoned from AG-1 (Agricultural) and County (R-43) to PAD (Mixed Use), subject to the following conditions:

1. Right-of-way dedications to achieve full half widths for all streets, 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.

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6. 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.

7. Development shall be in substantial conformance with Development Booklets Exhibit A, Development Booklet Narrative; Exhibit B, Overall PAD Exhibits; Exhibit C, Residential Exhibits and; Exhibit D, Commercial and Remaining Exhibits, kept on file in the City of Chandler Planning Services Division, in File No. DVR03-044 Fulton Ranch, except as modified by condition herein.

8. On the single-family parcels, 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. Within the commercial site development, the freestanding pads shall carry an architectural level of detail similar to front facades of the main building.

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. On the single-family parcels, no more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.

13. The homes shall have all copper plumbing for those lines under water pressure.

14. On the single-family parcels, all homes built on corner lots within the residential subdivision shall be single story.

15. On the single-family parcels, the same elevation shall not be built side-by-side or directly across the street from one another.

16. On the single-family parcels, when two-story homes are built on adjacent lots, a 20-foot separation shall be provided between the two-story homes. The remainder side yard may be 5 feet minimum.

17. On the single-family parcels, for lots adjacent to an arterial street, two-story homes are limited to every third lot.

18. On the commercial parcels, sign panels on the monument signs shall have a decorative panel with tile or stone until a tenant name is located on the sign.

19. 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.

20. 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 development shall use treated effluent to maintain open space, common areas, and landscape tracts.

21. 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.

22. The city park site shall be provided in accordance with the planned park property exchange as per the agreement entitled Additional Escrow Instructions and Agreement (Real property exchange) as approved by Council.

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 or nearby two existing cemeteries. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby two existing cemeteries, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely, with no known time frame for relocation and abandonment. 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. Full and adequate disclosure of the Large Single Use Retail location shall be given by the developer or homebuilder of the single-family residential use within fifteen hundred (1500) feet, to any prospective new home homebuyer within Fulton Ranch.

25. Maximum total site coverage of all commercial buildings shall not exceed 24% of the net site area.

26. Sidewalks not less than six (6) feet in width shall be provided within the commercial site developments, providing direct pedestrian access from the arterial sidewalks to primary customer entry doors. Such on-site sidewalks shall be separate and distinct by use of landscaping, color, and material changes. In addition, a minimum ten (10) foot wide sidewalk shall be provided parallel to the front elevation of the Large Single Use Retail building for its entire length, and separate from any parking space overhang, driving aisle or landscaping as required in Section 35-1903 of the City Code.

27. Within the commercial site developments, any outdoor display areas for merchandise shall be enclosed by fence walls integrated with the architecture, color, and materials of the primary building, and may include wrought iron for visibility. Such fence wall enclosures shall be a minimum four (4) feet or greater in height.

28. Within the commercial site developments, and areas used for shopping cart containment as may be provided adjacent to the building, shall be fully enclosed and screened by a minimum four (4) foot high masonry wall, with berming and landscaping in the quantities set forth in Section 35-1903 of the City Code.

29. Within the commercial site developments, outdoor storage of merchandise or other miscellaneous material, including containment in metal bins, shall not displace any portion of the site development intended for parking, access, landscaping, or loading, and shall be screened in the manner specified in Section 1902(6)(a) of the City Code.

30. Within the commercial site developments, a photometric plan shall be submitted for approval by the Zoning Administrator, and said plan shall demonstrate an illumination level in the range of 1.5 to 2.0 foot-candles. Such submittal shall include catalogue cuts of all lighting fixtures with shields to insure down lighting only, concealed point sources of light, and prevent overspill onto adjoining properties.

31. Overnight parking of recreational vehicles anywhere within the site development of all commercial sites shall be prohibited.

32. A 12-inch effluent line shall be constructed surrounding the site along Chandler Heights, Arizona Avenue and Ocotillo Road, then looped to the existing line in Basha Road and extended west to tie in to an existing line at Alma School, thus completing the loop. The effluent line to be constructed in Chandler Heights Road shall connect from the effluent line at Alma School Road to that 16-inch line approximately three-fourths mile east of Arizona Avenue, and the City

shall participate in the construction of any necessary over-sizing of the effluent line in accordance with City Code Chapter 53.

33. Upon notice from the City that the City's projections indicate it has effluent of sufficient quantity and quality available to the property to support the project demand for the lakes, open space, common areas, and landscape tracts, the developer shall abandon the two irrigation wells currently on the site in accordance with ADWR standards and will extinguish any water rights attached thereto and the City will relinquish its pumping rights to the irrigation well owned by developer pursuant to the previous agreement of the parties. Priority of reclaimed water delivery shall be in accordance with City Code 53-3.

34. The developer shall deed or dedicate to the City two water well sites in the size, shape, and location required by Municipal Utilities, both with direct access to a public street and with easements or licenses for the City to pump purged water from the two city wells into the development lakes or retention areas and shall construct approximately 8 foot high walls and gates around the well sites in accordance with City requirements and aesthetically consistent with development walls.

35. Both the developer and the City will mutually release the cross irrigation easements on the site.

36. The commercial parcel site plan at Alma School and Chandler Heights (The Promenade) shall not be modified to combine shops or major tenants into a single retail tenant space that is larger than 35,000 square feet in size unless approved through a PDP amendment. Commercial uses such as a fitness club would not be considered a retail tenant.

37. On the commercial parcels, no illuminated building signs oriented toward the residential parcels are allowed on the rear elevations or within 100 feet of any single-family lot.

38. On the commercial parcel at Arizona Avenue and Ocotillo Road (Fulton Ranch Towne Center), the trees planted at the southeastern corner to screen the loading dock from Arizona Avenue views shall be 36-inch box size trees.

39. The disclosures to buyers, including those required as a condition of this zoning, shall be presented to prospective homebuyers on a separate, bullet-point formatted form for the prospective homebuyers 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.

40. The developer shall install and the city shall pay for the water system non-distribution lines connecting from the new water well sites to the water storage tank located on Basha Road and for the purge water lines from the new water well sites into the development lakes or retention basins in locations mutually acceptable to the City Engineer and the developer.

41. 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 near the Chandler Municipal Airport. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and 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.

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 13th day of May 2004.

ATTEST:

CITY CLERK MAYOR

PASSED AND ADOPTED by the City Council this 27th day of May 2004.

ATTEST:

CITY CLERK MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3560 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 27th day of May 2004, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED in the Tribune on June 2 & 9, 2004

Attachment "A"
ORD. 3560

FULTON RANCH AT OCOTILLO
ZONING GROSS BOUNDARY

LEGAL DESCRIPTION

That portion of Section 21 and the Southeast quarter of Section 20, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the Southwest corner of said Section 21 and the beginning of a non-tangent curve concave to the northwest having a radius of 1700.00 feet the center of which bears North 89 degrees 58 minutes 35 seconds West, said point also being the **POINT OF BEGINNING**;

Thence northwesterly along said curve and the monument line of Alma School Road through a central angle of 43 degrees 55 minutes 50 seconds an arc length of 1303.45 feet to a non-tangent point on the monument line of Basha Road;

Thence North 46 degrees 04 minutes 02 seconds East a distance of 300.01 feet along the monument line of Basha Road to the beginning of a tangent curve concave to the northwest having a radius of 846.72 feet;

Thence northeasterly along said curve and the monument line of Basha Road through a central angle of 46 degrees 05 minutes 00 seconds an arc length of 681.02 feet;

Thence departing said monument line North 89 degrees 59 minutes 09 seconds East a distance of 864.89 feet;

Thence North 00 degrees 00 minutes 06 seconds West a distance of 1046.83 feet;

Thence South 89 degrees 50 minutes 24 seconds East a distance of 246.10 feet;

Thence North 00 degrees 09 minutes 36 seconds East a distance of 1331.17 feet;

Thence North 89 degrees 49 minutes 39 seconds West a distance of 1110.00 feet to the west line of the Northwest quarter of said Section 21;

Thence North 00 degrees 09 minutes 36 seconds East along said west line a distance of 915.76 feet to the Northwest corner of said Section 21;

Thence North 89 degrees 38 minutes 25 seconds East along the north line of the Northwest quarter of said Section 21 a distance of 2640.57 feet to the North quarter corner of said Section 21;

Thence North 89 degrees 06 minutes 48 seconds East along the north line of the Northeast quarter of said Section 21 a distance of 2636.22 feet to the Northeast corner of said Section 21;

Thence South 00 degrees 10 minutes 04 seconds West along the east line of the Northeast quarter of said Section 21 a distance of 2666.25 feet to the East quarter corner of said Section 21;

Thence South 00 degrees 56 minutes 14 seconds West along the east line of the Southeast quarter of said Section 21 a distance of 2625.72 feet to the Southeast corner of said Section 21;

Thence South 89 degrees 20 minutes 19 seconds West along the south line of the Southeast quarter of said Section 21 a distance of 1295.16 feet;

Thence departing said south line North 00 degrees 29 minutes 42 seconds East a distance of 734.20 feet;

Thence South 89 degrees 20 minutes 09 seconds West a distance of 1285.81 feet;

Thence South 00 degrees 03 minutes 16 seconds West a distance of 734.05 feet to the south line of the Southeast quarter of said Section 21;

Thence South 89 degrees 20 minutes 19 seconds West along said south line a distance of 15.00 feet to the South quarter corner of said Section 21;

Thence South 89 degrees 20 minutes 39 seconds West along the south line of the Southwest quarter of said Section 21 a distance of 926.54 feet;

Thence departing said south line North 00 degrees 01 minutes 38 seconds East a distance of 575.01 feet;

Thence South 89 degrees 20 minutes 39 seconds West a distance of 395.00 feet;

Thence South 00 degrees 01 minutes 38 seconds West a distance of 575.01 feet to the south line of the Southwest quarter of said Section 21;

Thence South 89 degrees 20 minutes 39 seconds West along said south line a distance of 1321.54 feet to the **POINT OF BEGINNING**;

EXCEPT that portion of the Southeast quarter of said Section 21 being more particularly described as follows:

Commencing at the South quarter corner of said Section 21;

Thence North 00 degrees 03 minutes 16 seconds East along the north-south mid-section line thereof, a distance of 1108.17 feet to the POINT OF BEGINNING;

Thence continuing North 00 degrees 03 minutes 16 seconds East along said north-south mid-section line a distance of 219.73 feet;

Thence departing said north-south mid-section line North 89 degrees 22 minutes 18 seconds East a distance of 458.18 feet;

Thence South 17 degrees 11 minutes 17 seconds West a distance of 45.22 feet;

Thence South 35 degrees 13 minutes 03 seconds West a distance of 49.17 feet;

Thence South 35 degrees 31 minutes 54 seconds West a distance of 51.72 feet;

Thence South 44 degrees 10 minutes 04 seconds West a distance of 51.79 feet;

Thence South 58 degrees 23 minutes 16 seconds West a distance of 51.87 feet;

Thence South 73 degrees 27 minutes 24 seconds West a distance of 67.49 feet;

Thence South 86 degrees 16 minutes 19 seconds West a distance of 242.14 feet to the POINT OF BEGINNING;

Said parcel contains a computed area of 24,501,580.0507 square feet, or 562.4789 acres.

Prepared by: CMX, L.L.C.
1035 N. McQueen, Suite 123
Gilbert, Arizona 85233
August 13, 2003
Project No. 6845.01