

ORDINANCE NO. O2015.28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Sections 2-106 and 2-107, by amending a Planned Area Development Overlay to the existing CC, City Center, TOD Transportation Overlay District and designating it as CC (PAD), TOD with a Planned Area Development Overlay on 3.224 acres.

LEGAL DESCRIPTION

PARCEL NO. 1:

LOT 3, BIRCHETT TRACT, ACCORDING TO BOOK 27 OF MAPS, PAGE 9, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THE NORTH 16 FEET OF 8TH STREET ABANDONED LYING SOUTH OF AND ADJACENT TO THE SOUTH LINE OF SAID LOT 3, AND BETWEEN THE SOUTHERLY PROLONGATION OF THE EAST AND WEST LINES THEREOF:

EXCEPT THE NORTH 35.00 FEET OF SAID LOT 3.

PARCEL NO. 2:

LOTS 1, 2 AND 4, BIRCHETT TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 27 OF MAPS, PAGE 9, AND THE NORTH 16 FEET OF 8TH STREET ABANDONED LYING SOUTH OF AND ADJACENT TO THE SOUTH LINE OF LOTS 1 AND 2, AND BETWEEN THE SOUTHERLY PROLONGATION OF THE EAST LINE OF LOT 2 AND THE WEST LINE OF LOT 1.

PARCEL NO. 3:

LOTS 5 AND 6, OF BIRCHETT TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY, RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 27 OF MAPS, PAGE 9.

PARCEL NO. 4:

LOT 8 AND THE NORTH 35.00 FEET OF LOT 3, BIRCHETT TRACT, ACCORDING TO BOOK 27 OF MAPS, PAGE 9, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 5:

THAT PART OF BLOCK 14, TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA IN BOOK 2 OF MAPS, PAGE 26, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF BLOCK 14, TEMPE, DISTANT THEREON SOUTH 75.00 FEET FROM THE NORTHEAST CORNER OF SAID BLOCK;

THENCE WEST AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK, 50.00 FEET;

THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SAID BLOCK, 100.00 FEET;

THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID BLOCK, 50.00 FEET TO THE EAST LINE OF SAID BLOCK;

THENCE NORTH 100.00 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 6:

THAT PART OF BLOCK 14, TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 2 OF MAPS, PAGE 26, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 14;

THENCE WEST 50.00 FEET ALONG THE NORTH LINE OF SAID BLOCK;

THENCE SOUTH 75.00 FEET ALONG A LINE OF PARALLEL TO THE EAST LINE OF SAID BLOCK;

THENCE EAST 50.00 FEET TO THE EAST LINE OF SAID BLOCK;

THENCE NORTH 75.00 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 7:

LOT 9, BIRCHETT TRACT, ACCORDING TO BOOK 27 OF MAPS, PAGE 9, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 8:

THAT PORTION OF BLOCK 14, TEMPE, ACCORDING TO BOOK 2 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH BOUNDARY LINE 150.00 FEET WEST OF THE NORTHEAST CORNER OF SAID BLOCK 14;

THENCE SOUTH 175.00 FEET;

THENCE EAST 50.00 FEET;

THENCE NORTH 175.00 FEET TO THE NORTH BOUNDARY LINE OF SAID BLOCK 14;

THENCE WEST 50.00 FEET ALONG SAID NORTH BOUNDARY LINE TO THE POINT OF BEGINNING;
EXCEPT THE SOUTH 72.00 FEET.

PARCEL NO. 9:

THE SOUTH 72.00 FEET OF THAT PORTION OF BLOCK 14, TEMPE, ACCORDING TO BOOK 2 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH BOUNDARY LINE 150.00 FEET WEST OF THE NORTHEAST CORNER OF SAID BLOCK 14;

THENCE SOUTH 175.00 FEET;

THENCE EAST 50.00 FEET;

THENCE NORTH 175.00 FEET TO THE NORTH BOUNDARY LINE OF SAID BLOCK 14;

THENCE WEST 50.00 FEET ALONG SAID NORTH BOUNDARY LINE TO THE POINT OF BEGINNING.

PARCEL NO. 10:

THAT PORTION OF BLOCK 14, TEMPE, ACCORDING TO BOOK 2 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH BOUNDARY LINE 50.00 FEET WEST OF THE NORTHEAST CORNER OF SAID BLOCK 14;

THENCE WEST 50.00 FEET;

THENCE SOUTH 175.00 FEET;

THENCE EAST 50.00 FEET;

THENCE NORTH 175.00 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 11:

ALL THAT PORTION OF BLOCK 14, WEST TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA IN BOOK 2 OF MAPS, PAGE 79 AND BOOK 2 OF MAPS, PAGE 26, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 14;

THENCE WEST ALONG THE SOUTH LINE OF SAID BLOCK, A DISTANCE OF 91.50 FEET;

THENCE NORTH PARALLEL TO THE EAST LINE OF SAID BLOCK, A DISTANCE OF 175.00 FEET;

THENCE EAST 91.50 FEET, PARALLEL TO THE SOUTH LINE OF SAID BLOCK TO THE EAST LINE OF SAID BLOCK;

THENCE SOUTH ALONG THE EAST LINE OF SAID BLOCK, A DISTANCE OF 175.00 FEET TO THE POINT OF

BEGINNING.

PARCEL NO. 12:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 14, WEST TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 2 OF MAPS, PAGE 79 AND IN BOOK 2 OF MAPS, PAGE 26;

THENCE SOUTH ALONG THE PROLONGATIONS SOUTHERLY OF THE EAST LINE OF SAID BLOCK 14, A DISTANCE OF 16.00 FEET TO THE NORTH LINE OF EIGHTH STREET AS IT NOW EXISTS;

THENCE WESTERLY AND ALONG THE NORTH LINE OF SAID EIGHTH STREET, A DISTANCE OF 91.50 FEET;

THENCE NORTH 16.00 FEET;

THENCE EAST ALONG THE SOUTH LINE OF LOT 4, BLOCK 14, A DISTANCE OF 91.50 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 13:

THAT PART OF BLOCK 14, WEST TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 2 OF MAPS, PAGE 79 AND IN BOOK 2 OF MAPS, PAGE 26, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF SAID BLOCK AND 141.50 FEET WEST OF THE SOUTHEAST CORNER OF SAID BLOCK;

RUNNING THENCE NORTHERLY ON A LINE PARALLEL TO THE EAST BOUNDARY LINE OF SAID BLOCK, A DISTANCE OF 175.00 FEET;

THENCE EASTERLY ON A LINE PARALLEL TO THE SOUTH BOUNDARY LINE OF SAID BLOCK (AND 175.00 FEET DISTANT THEREFROM) A DISTANCE OF 50.00 FEET;

THENCE SOUTH ON A LINE PARALLEL TO THE EAST BOUNDARY LINE OF SAID BLOCK, A DISTANCE OF 175.00 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID BLOCK AND 91.50 FEET WEST OF THE SOUTHEAST CORNER OF SAID BLOCK;

THENCE WEST ALONG THE SOUTH BOUNDARY LINE OF SAID BLOCK TO THE POINT OF BEGINNING:

TOGETHER WITH THAT PARCEL OF LAND BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 4, OF SAID BLOCK 14, SAID POINT BEING 91.50 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 4;

THENCE SOUTHERLY A DISTANCE OF 16.00 FEET TO THE NORTH LINE OF EIGHTH STREET AS IT NOW EXISTS;

THENCE WEST A DISTANCE OF 50.00 FEET;

THENCE NORTH 16.00 FEET TO THE SOUTH LINE OF SAID LOT 4;

THENCE EAST 50.00 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 14:

PART OF BLOCK 14, WEST TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 2 OF MAPS, PAGE 79 AND IN BOOK 2 OF MAPS, PAGE 26, THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF SAID BLOCK 14, A DISTANCE OF 191.50 FEET WEST OF THE SOUTHEAST CORNER OF SAID BLOCK;

RUNNING THENCE NORTHERLY ON A STRAIGHT LINE PARALLEL TO THE EAST BOUNDARY OF SAID BLOCK, 175.00 FEET, MORE OR LESS, TO CENTER CORNER OF SAID BLOCK;

THENCE EASTERLY ON THE CENTER LINE OF SAID BLOCK, 50.00 FEET;

THENCE SOUTHERLY 175.00 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID BLOCK AND 141.50 FEET WEST OF THE SOUTHEAST CORNER THEREOF;

THENCE WESTERLY ON SAID SOUTH BOUNDARY OF SAID BLOCK, 50.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF ABANDONED 8TH STREET (NOW UNIVERSITY DRIVE), AS SHOWN ON RECORDED PLAT OF WEST TEMPE, ACCORDING TO BOOK 2 OF MAPS, PAGE 79, AND BOOK 2 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE NORTH 16.00 FEET OF THE SOUTH 66 FEET OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, BEING ADJACENT TO THE SOUTH LINE OF AND LYING BETWEEN A SOUTHERLY EXTENSION OF THE EAST AND WEST LINE OF THAT PART OF BLOCK 14, DESCRIBED ABOVE.

PARCEL NO. 15:

LOT 7, BIRCHETT TRACT, A SUBDIVISION RECORDED IN BOOK 27 OF MAPS, PAGE 9, RECORDS OF MARICOPA COUNTY, ARIZONA.

TOTAL AREA IS 3.224 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # PAD15007** are hereby expressly incorporated into and adopted as part of this ordinance as follows:

1. A building permit application shall be made on or before two years from the date of City Council approval (June 25, 2017), or the zoning of the property may revert to that in place at the time of application. Any reversion is subject to a public hearing process as a zoning map amendment.
2. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than *July 27 2015*, or the *PAD* approval shall be null and void.
3. The Planned Area Development Overlay for 7th Street Mixed Use shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.
4. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

5. A Condominium Plat (Horizontal Regime) may be provided for the residential units and may be recorded prior to an occupancy permit.
6. The developer must receive approval of the final Traffic Impact Study from the Traffic Engineering prior to issuance of a building permit.
7. The Hotel tower shall have a maximum building height of 200' and shall not be less than 175' in height.

Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2015.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney