

ORDINANCE NO. O2015.26

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 removing the below described 8.08 acre property from the CSS, Commercial Shopping and Service District and designating it as MU-4 PAD, Mixed-Use Four Planned Area Development.

LEGAL DESCRIPTION

1831 E. Apache Boulevard, Tempe, Arizona 82281
Maricopa County A.P.N. 133-04-002A

That part of the North half of the Southwest quarter of Section 24, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, described as follows:

BEGINNING at a point on the South line of the right of way of the Tempe-Mesa State Highway as the same is now located and established 643.4 feet East of the West line of the North half of the Southwest quarter of said Section 24;

thence in a straight line Southerly, a distance of 1324.05 feet, more or less, to a point on the South line of the North half of the Southwest quarter of said Section 24, which is 641.2 feet East of the West line of said North half of the Southwest quarter of said Section 24;

thence East along the South line of said North half of the Southwest quarter of said Section 24, a distance of 151.4 feet;

thence in a straight line Northerly a distance of 1324.05 feet, more or less, to the said South line of the right of way of the Tempe-Mesa State Highway;

thence West along the South line of the Temps-Mesa State Highway, a distance of 152 feet to the POINT OF BEGINNING;

EXCEPT that portion conveyed to the City of Tempe in Document No. 2006-399304 and 2006-1073026.

4.34 acres

AND

Maricopa County A.P.N. 133-04-006A

THAT PART of the North half of the Southwest quarter of Section Twenty-four (24), Township One (1) North, Range Four (4) East of the Gila and Salt River Base and Meridian, described as follows:

FROM The Northwest corner of the Southwest quarter of said Section 24; run East along the North line thereof (said North line being identical with the center line of State Highway) 490.40 feet; thence South 50 feet to the true point of beginning of the parcel of land herein described and the Northwest corner hereof, said point of beginning being a point on the South right of way line of the State Highway; thence South 1270.93 feet to a point of the North right of way line of the Arizona Eastern Railroad; thence North 89 degrees 43 minutes East along the said Railroad right of way 150.8 feet; thence North 0 degrees 6 minutes West 1270.19 feet to the South right of way line of the State Highway; thence West along said right of way line 153 feet to the true point of beginning.

Excepting and Reserving a parcel of land conveyed by Bert H. Carlson, Bette J. Carlson and Susan E. Bowen, Trustees of the CARLSON FAMILY TRUST under Agreement Dated December 10, 1992, as to an undivided ½ interest; and H.S. Glotzer and Charlene Glotzer, husband and wife, as joint tenants with rights of survivorship, as to an undivided ½ interest, to the City of Tempe as recorded in Maricopa County Recorder's Office on January 3, 2006 begin recording number 2006-0004837.

3.75 acres

TOTAL AREA IS 8.08 GROSS ACRES.

Section 2. Further, 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 establishing a new Planned Area Development (PAD) for the above described 8.08 acre parcels in combination with the adjacent 5.2 acre parcel currently Zoned MU-4 PAD; a new Planned Area Development Overlay is hereby established on a total of 13.28 acres

LEGAL DESCRIPTION

Maricopa County A.P.N. 133-04-002A, 133-04-006A, and 133-04-007A

A portion of land located in the North half of the Southwest quarter of Section 24, Township 1 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the West quarter corner of said Section 24, from which the Northwest corner of said Section 24, being monumented by a brass cap in handhole, bears North 00 degrees 15 minutes 34 seconds east, 2622.74 feet; thence North 89 degrees 56 minutes 54 seconds East, along the centerline of Apache Boulevard and the east-west mid-section of said Section 24, 643.40 feet; thence departing said centerline South 00 degrees 02 minutes 09 seconds west, 61.02 feet to the point of beginning; thence North 86 degrees 34 minutes 10 seconds east, 102.14 feet to a line 55 feet South of and parallel to said centerline; thence North 89 degrees 56 minutes 54 seconds East, along said parallel line, 224.79 feet to the West line of lot 1, as shown in Tempe Police Substation, a Final Plat, as recorded in Book 809, Page 35, Maricopa County records MCR; thence departing said parallel line, South 00 degrees 06 minutes 41 seconds East, along said West line 1264.04 feet to the North right-of-way line of Southern Pacific Railroad; thence departing said West line, South 89 degrees 39 minutes 33 seconds West, along said North right-of-way line, 480.98 feet to the southerly prolongation of an easterly line of Lot 1, as shown in Mcclintock & Apache Park & Ride, a Subdivision as recorded in Book 933, Page 46, MCR; thence departing said North right-of-way line North 00 degrees 03 minutes 06 seconds West, along said East line and its southerly prolongation, 1073.69 feet to a southerly line of said lot 1; thence departing said East line and its southerly prolongation, South 89 degrees 36 minutes 05 seconds East, along said southerly line and the South line of Lot 2, as shown in said Mcclintock & Apache Park & Ride, 152.62 feet to the East line of said Lot 2; thence North 00 degrees 02 minutes 09 seconds East, along said East line 187.96 feet to the point of beginning, said parcel contains 574.914 square feet or 13.1982 acres more or less.

Section 3. Further, those conditions of approval imposed by the City Council as part of **Case # ZON14003 and PAD15002** are hereby expressly incorporated into and adopted as part of this ordinance as follows:

CONDITIONS OF APPROVAL:

1. The property owner shall notify residents and owners of mobile homes, to the extent they are not also a resident, of Pony Acres no less than 180 days prior to the closure of the parks for redevelopment. The notification of the need to relocate due to closure shall be in English and Spanish, provided to both the residents and the City of Tempe.
2. The property owner shall notify tenants of Tempe Travel Villa no less than 90 days prior to the closure of the parks for redevelopment. The notification of the need to relocate due to closure shall be in English and Spanish, provided to both the park tenants and the City of Tempe.
3. A building permit application shall be made on or before September 4, 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.
4. The site plan and building design, as submitted and presented, is approved as part of the Planned Area Development and shall be LEED Silver Certified.
5. 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 Zoning Map Amendment and Planned Area Development approval shall be null and void.
6. The Planned Area Development Overlay for MCCLINTOCK STATION 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.
7. The applicant and property owners acknowledge the existence of the Union Pacific Rail Road line. The applicant shall provide notice of the existence of the rail road to the tenants and require tenants to sign a waiver acknowledging the same.

Section 4. 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