

ORDINANCE NO. 2012.09

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.

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, Section 2-106 and 2-107, by removing the below described property from the R-3, Multi-family Residential District and designating it as GID, General Industrial District on .74 acres.

LEGAL DESCRIPTION

The west 175 feet of the north 250 feet of the east half of the Northwest Quarter of Section 11, Township 1 North, Range 4 east of the Gila and Salt River Base and Meridian, Maricopa County, AZ; except the west 40 feet of the east 55 feet of the south 125 feet of the north 156 feet of the above described property; and except the north 163 feet of the east 15 feet of the above described property; and except any portion of the described property lying within the north 33 feet of said Section 11.

TOTAL AREA IS .74 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **ZON11009** are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

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 _____, 2012.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Ordinance No.2012.09

WHEN RECORDED RETURN TO:

City of Tempe
Community Development Dept.
31 E. 5th Street
Tempe, AZ. 85281

**WAIVER OF RIGHTS AND REMEDIES
UNDER A.R.S. §12-1134**

This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by _____

_____(Owner/s).

Owner acknowledges that A.R.S. § 12-1134 provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner’s property (Private Property Rights Protection Act).

Owner further acknowledges that the Private Property Rights Protection Act authorizes a private property owner to enter an agreement waiving any claim for diminution in value of the property in connection with any action requested by the property owner.

Owner has submitted Application No. **PL110395** to the City requesting that the City approve the following:

 X ZONING MAP AMENDMENT

for development of the following real property (Property):

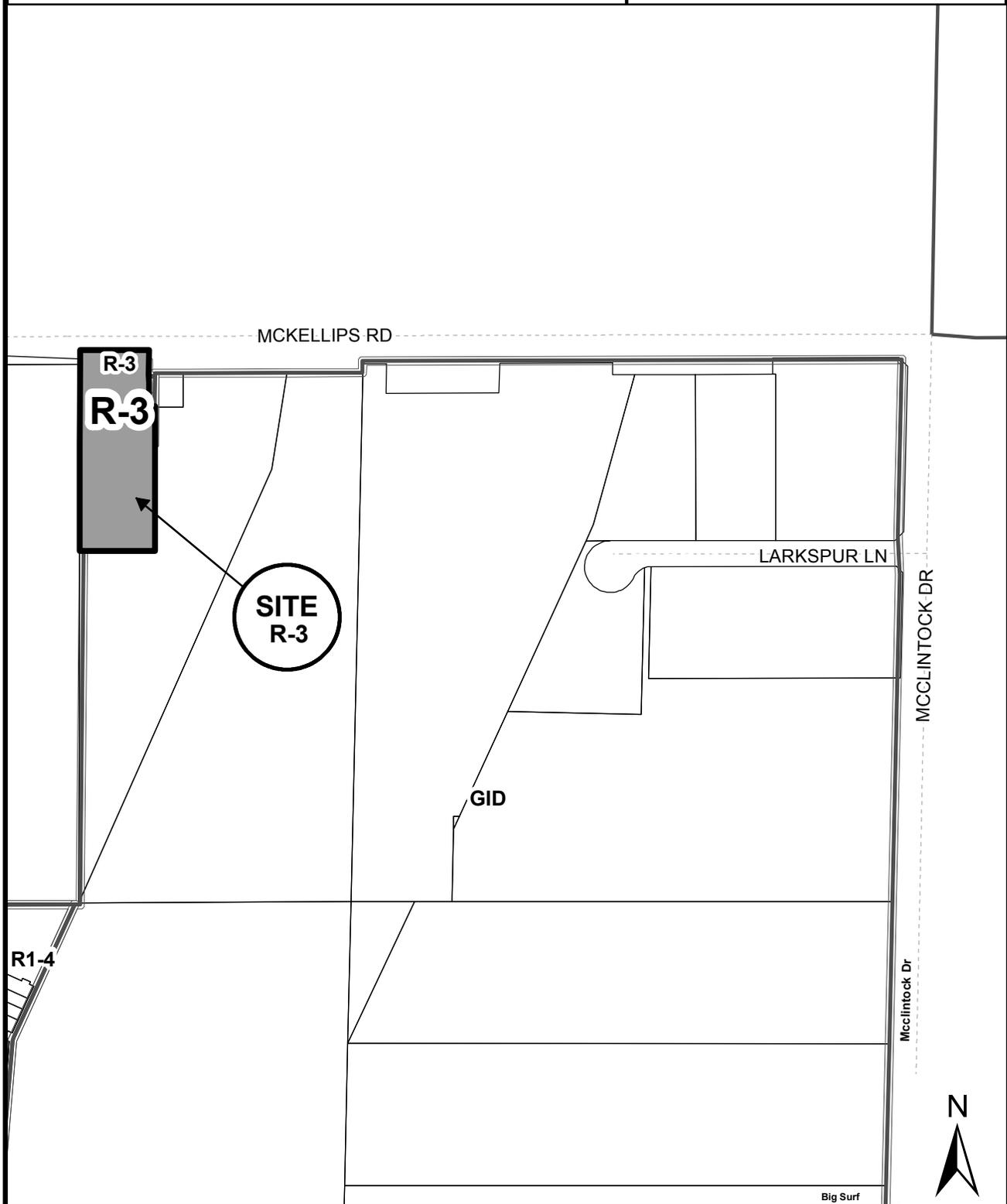
Parcel No. : 132-07-002E

Legal Description:

The west 175 feet of the north 250 feet of the east half of the Northwest Quarter of Section 11, Township 1 North, Range 4 east of the Gila and Salt River Base and Meridian, Maricopa County, AZ; except the west 40 feet of the east 55 feet of the south 125 feet of the north 156 feet of the above described property; and except the north 163 feet of the east 15 feet of the above described property; and except any portion of the described property lying within the north 33 feet of said Section 11.

1407 E MCKELLIPS

PL110395



Location Map



1407 E MCKELLIPS (PL110395)

120 south ash avenue
tempe, arizona 85281
phone: 480.994.0994

tempe

December 27, 2011

Ms. Diana Kaminski, Senior Planner
City of Tempe
Community Development Department
31 East 5th Street, Garden Level
Tempe, Arizona 85281

4007 e paradise falls dr, ste 210
tucson, arizona 85712
phone: 520.261.2994

tucson

RE: Zoning Application Letter of Explanation – 1407 East McKellips Road

Dear Ms. Kaminski,

The purpose of this letter is to support a zoning application for the property at 1407 East McKellips Road. It is the property owner's intent to seek a zoning change from the current multifamily residential (R-3) zoning to general industrial district (GID) zoning. This letter of explanation is provided in support of the conceptual site plan and other zoning submittal material defined within the Planning Application Form / Checklist.

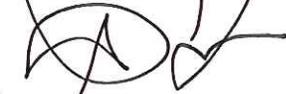
We are pleased to submit this zoning application for a zoning change following the Preliminary Review Process. The materials contained within the zoning application have been prepared in response to the comments provided by the City of Tempe and by the City of Scottsdale following the Preliminary Review Process. We believe this application has responded to all comments provided by the initial City of Tempe review and we look forward to the zoning process ahead.

As indicated during the Preliminary Review Process, the proposed zoning request is specifically responsive to the General Plan. Our request to industrial zoning is consistent with the General Plan industrial land use designation. The subject property, while zoned residential, is surrounded to the west, south and east by industrial land use. The zoning of this property to industrial zoning represents a logical extension of similar use within the immediate area.

The subject property is located at the north edge of the City of Tempe jurisdictional limits. The property immediate to the west and immediately to the north, across McKellips Road, is within the jurisdiction of the City of Scottsdale. In response to our understanding of this jurisdictional context, we have coordinated with the City of Scottsdale to understand infrastructure design considerations.

Please accept this Letter of Explanation, along with the zoning application materials as necessary to commence the zoning amendment process for the subject property. If I may provide any additional information to assist in the further evaluation of this zoning change request, please do not hesitate to contact me at 480.994.0994.

Sincerely,



Alan Beaudoin
Applicant / Representative

Diana,

The following is a summary of the Jan. 23, 2012 neighborhood meeting regarding rezoning of 1407 E. McKellips:

Meeting Place: North Tempe Multi-Generational Center, 1555 N Bridalwreath St., Tempe

Meeting Time: 6-7pm

In Attendance Representing the property: William Anton, Sharon Anton, Michael Anton and Alan Beaudoin

Neighbors Attending: Melody Appleton, Jill Duxbury

1. Alan Beaudoin displayed both a site plan and aerial view of the property on two easels.
2. Both Ms. Appleton and Duxbury were primarily concerned with speed of traffic on McKellips, causing them uneasiness about entering and exiting Scottsdale Mobile Estates.
3. Both neighbors would like to see an additional traffic light installed east of their property to provide a break in traffic. Alan explained that that matter would fall under the jurisdiction of Scottsdale.
4. Ms. Appleton and Duxbury attended the meeting to educate themselves on the intended use for 1407 E. McKellips. They were concerned about a possible high traffic business with significant incoming and outgoing traffic. They were also concerned about extended late night hours. Once we explained the proposed use they were comfortable that it would not have a negative impact on traffic or disturb the surrounding neighborhood.
5. Ms. Appleton and Duxbury also expressed normal concerns about construction duration and dust control during development of 1407 E. McKellips.
6. Once our proposed property use was fully explained, both ladies commented that they were comfortable with the intended use and were "glad they came".
7. Comment cards were offered to both ladies but neither chose to use them.

Respectfully submitted,

William Anton

