

ORDINANCE NO. O2016.37

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, Sections 2-106 and 2-107, by amending the Planned Area Development Overlay for the existing CC, City Center District on 0.85 acres.

LEGAL DESCRIPTION

Portions of Lots 2 thru 6 of Block 15 as shown on the Map of Tempe as recorded in Book 2, Page 23 records of Maricopa County, Arizona and being situated within Section 15, Township 1 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 3" brass cap in hand hole located at the intersection of S. Mill Street and E. 7th Street from which a found nail with tag located at the intersection of E. 7th street and S. Myrtle Street thereof bears North 90°00'00" West, 561.60 feet;

Thence North 90°00'00" East, 195.04 feet along the centerline of said E. 7th Street;

Thence leaving said centerline, South 00°00'00" West, 49.50 feet to a point on the southerly Right-of-Way line of said E. 7th Street;

Thence North 90°00'00" East, 225.06 feet along said southerly Right-of-Way line to a point on the east line of the west 5.00 feet of Lot 2 Block 15, as shown on said Map of Tempe;

Thence South 00°01'31" East, 165.11 feet along said east line to a point on the northerly line of a 20.00 foot wide alley;

Thence North 89°59'11" West, 210.10 feet along said northerly line;

Thence continuing along said northerly line, North 44°58'44" West, 21.23 feet to a point on the easterly line of said 20.00 foot wide alley as shown on said Map of Tempe;

Thence North 00°00'37" West, 150.04 feet along said easterly line and to a point on the aforesaid southerly Right-of-Way line of E. 7th street being the **POINT OF BEGINNING**.

Said portion of land containing 37045.18 sq.ft., or 0.85 acres, more or less and being subject to any easements, restrictions, and/or rights-of-way.

This description shown hereon is not to be used to violate subdivision regulations of the state, county and/or municipality of any other land division restrictions.

TOTAL AREA IS 0.85 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # PL150449** are hereby expressly incorporated into and adopted as part of this ordinance as follows:

General

1. A building permit application shall be made within two years of the date of City Council approval 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 30 days from the date of City Council approval, or the *Amended PAD* approval shall be null and void.
3. The 1st Amended Planned Area Development Overlay for THE STANDARD AT TEMPE shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department within sixty (60) days of the date of City Council approval.
4. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
5. The developer must provide a final traffic impact study prior to any submittal for a building 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. Development shall not exceed 335 dwelling units and consist of no more than (20) five bedroom units. No units with more than five bedrooms are allowed.
8. A minimum of 29 parking spaces shall be available for commercial use customers and the public; these spaces shall be provided on-site and shall not be demarcated or restricted for exclusive use. Access to these spaces may be gated to enter garage.
9. A minimum of 74 bicycle parking spaces shall be provided on-site for the use of residential guests and commercial customers.

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 _____, 2016.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney