

**ORDINANCE NO. O2016.38**

**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.**

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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 (PAD) within the CC, City Center District for 1.8 acres.

**LEGAL DESCRIPTION**

PARCEL NO. 1:

LOT 1, COSMOPOLITAN, ACCORDING TO BOOK 900 OF MAPS, PAGE 35, AND AFFIDAVIT OF CORRECTION IN RECORDING NO. 2007-0429022, RECORDS OF MARICOPA COUNTY, ARIZONA;

TOTAL AREA IS 1.8 GROSS ACRES.

**Section 2.** Further, those conditions of approval imposed by the City Council as part of **Case # PL160099** 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 Planned Area Development approval shall be null and void.
3. The Planned Area Development Overlay for THE FOUNDRY 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. The developer must receive approval of the final Traffic Impact Study from the Traffic Engineering prior to issuance of a building permit.

5. The parking management plan must be updated to the most current parking numbers identified in the plans submitted.
6. The applicant will commit to pay the City of Tempe \$200,000 for traffic calming, affordable housing, neighborhood preservation and historic preservation, but as the first priority, the traffic-calming will be undertaken and consist of a quad-crossing system installed on University Drive between Ash and Farmer avenues. (Added by staff based on previous PAD condition).

**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.

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Mark W. Mitchell, Mayor

ATTEST:

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Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

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Judith R. Baumann, City Attorney