

**ORDINANCE NO. O2016.29**

**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 adding a Planned Area Development Overlay (PAD) on 1.89 acres.

LEGAL DESCRIPTION

Lots 1, 2, 3, 4, 5, 6, and 7 of Block 13, of Tempe, according to the Plat of Record in the office of the Maricopa County, recorder in Book 2 of maps, page 26;

TOGETHER WITH

Lot 1, All Saints Roman Catholic Newman Center, according to the Plat thereof recorded in Book 1089 of maps, page 33, records of Maricopa County, Arizona.

TOTAL AREA IS 1.89 GROSS ACRES.

**Section 2.** Further, those conditions of approval imposed by the City Council as part of **Case # PL150419** are hereby expressly incorporated into and adopted as part of this ordinance as follows:

1. Except as modified by conditions, the development shall be in substantial conformance with the Planned Area Development Overlay for The Maxwell cover sheet, site plan, and site data sheets dated March 14, 2016.
2. 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.
3. A demolition permit may not be issued for any existing structures on the site until full building permits for The Maxwell are issued, unless the applicant/developer provides the City of Tempe with a performance surety for the construction of structures on the site in the amount of \$120,000.00 guaranteeing the faithful performance by the Contractor. Performance surety may be in the form of a bond, cashier's check, certified check, or money order. The applicant/developer may alternatively provide verification of financial capacity for completion of the new construction as approved by the Community Development Director or designee.

4. The property owners shall sign a waiver of rights and remedies form. By signing the form, the Owners voluntarily waive 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 PAD approval shall be null and void.
5. The Planned Area Development Overlay for The Maxwell 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.
6. A License Agreement for encroachments into the public right-of-way along 7<sup>th</sup> Street and College Avenue must be obtained from the Community Development Department prior to receiving a building permit for portions of the building above grade. Encroachments shall be per the approved site plan and building elevations.
7. Where the building crosses multiple parcels and connectivity or access is required to comply with building code, prior to issuance of building permits, the developer shall record a building code compliance covenants and agreements to hold properties as one parcel.
8. A Final Subdivision Plat is required for a portion of this development where one owner owns multiple adjacent lots and shall be recorded prior to issuance of building permits.
9. The developer must receive approval of the Final Traffic Impact Study from Transportation prior to submittal of the first building permit.

The number of provided bicycle parking spaces may be reduced to comply with the requirements of the Zoning and Development Code Table 4-603.E.

10. The parking study and/or PAD shall be revised as follows:
  - a. Update the parking management plan to identify the location of the commercial, guest, and classroom spaces.
  - b. Correctly identify the required number of vehicle parking spaces for the church use as 72.
  - c. Correctly identify the number of required bicycle parking spaces for the church use as 16.
  - d. Correctly identify the provided number of bicycle parking spaces as 847.
  - e. Correctly identify the provided number of on-street bicycle parking spaces as 52.

**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