

ORDINANCE NO. O2016.50

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 removing the below described property from the CSS, Commercial Shopping and Services and R-4, Multi-Family Residential General and designating it as MU-4, Mixed Use District and adding a Planned Area Development Overlay (PAD) on 13.47 acres.

LEGAL DESCRIPTION

See Attachment A, Legal Description

TOTAL AREA IS 13.47 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # PL160097** are hereby expressly incorporated into and adopted as part of this ordinance as follows:

1. Except as modified by conditions, development shall be in substantial conformance with the Eastline Village Planned Area Development Overlay cover sheets and site plan dated July 13, 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. 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 Planned Area Development, Zoning Map Amendment approvals shall be null and void.
4. The Planned Area Development Overlay for Eastline Village 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.
5. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of the first

building permit.

6. A Condominium Plat (Horizontal Regime) is required for the ten (10) live-work units and shall be recorded prior to an occupancy permit.
7. The need for left-turn storage lanes, as identified in the Traffic Impact Study, shall be analyzed six months after completion of Phase I and again prior to Development Plan Review approval of Phase II. If review determines that storage lanes are necessary, the developer shall construct the necessary improvements to mitigate delays and increase traffic safety. If the need for left-turn storage lanes is determined following the completion of Phase I, these improvements shall be completed within six months of the determination.

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