

ORDINANCE NO. O2016.51

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 GID, General Industrial District and AG, Agricultural to PCC-2, Planned Commercial Center Two and adding a Planned Area Development Overlay (PAD) on 8.43 acres.

LEGAL DESCRIPTION

See Attachment A, Legal Description

TOTAL AREA IS 8.43 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # PL160241** are hereby expressly incorporated into and adopted as part of this ordinance as follows:

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 Zoning Map Amendment and Planned Area Development approval shall be null and void.
3. The Planned Area Development Overlay for Rio Salado Retail 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 .231 acre remnant parcel on the south east corner of Perry Lane and Rio Salado Parkway shall be purchased by the developer pursuant to the valuation and property disposition process of the City of Tempe prior to issuance of building permits.

5. The developer shall make necessary improvements to mitigate delays and increase traffic safety as indicated in the Traffic Impact Study submitted on August 8, 2016.
6. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

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 22nd day of September, 2016.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney