

ORDINANCE NO. O2022.56

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 removing the below described property from the GID GIOD, General Industrial District and General Industrial Overlay District, and the R1-6 GIOD, Single-Family Residential and General Industrial Overlay District and designating it as MU-4 RSOD, Mixed Use District and adding a Planned Area Development Overlay (PAD) on 46.27 acres.

LEGAL DESCRIPTION

Lot 1 and 2 of Elements at Tempe Center for the Arts in Book 1021 of Maps, Page 49.  
TOTAL AREA IS +/-46.26 GROSS ACRES.

*See Attachment A, Legal Exhibit*

**Section 2.** Further, those conditions of approval imposed by the City Council as part of PL220278 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 TEMPE ENTERTAINMENT DISTRICT 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 and prior to issuance of building permits.

4. The developer shall not exceed 1,995 dwelling units and a maximum building height of 129 feet, including all mechanical and architectural features.
5. Site 1, Multi-Purpose Entertainment Facility, shall not provide any residential dwellings within this area, without a Major Amendment to the Planned Area Development. Such change may also be subject to a General Plan Map Amendment to the land use and density charts, if not consistent.
6. The on-site parking reductions and modified parking ratios are approved as presented in the Planned Area Development. The developer shall provide a Shared Parking Study with a Parking Management Plan, prior to the approval of each phase or individual building's development plan review. The study shall address the use of, and the management of, supplemental parking for the multi-purpose entertainment facility, theater and event use, with the combination of either dedicated parking spaces, shared spaces, off-site shared spaces from existing sites, or temporary surface spaces.
7. The developer shall provide a vehicular cross access connection from this development to the IDEA Campus to the east, in order to improve efficient circulation of vehicles and pedestrians throughout the site. Location of this connection shall be (i) on-site and (ii) the exact location determined during the processing of the Development Plan Review for Site 1 and 2 as depicted in site plan.
8. The developer must receive approval of a Final Traffic Impact Study, including a Trip Reduction Plan, with the processing of a Development Plan Review application and prior to decision by the Development Review Commission and City Council, or as otherwise determined by the Engineering and Transportation Department, Traffic Engineer or designee.
9. Developer shall dedicate of a 14' transit easement along Rio Salado Parkway for future potential use of streetcar.
10. Developer shall provide a publicly accessible bike and pedestrian route along Beck Avenue directly connecting from Rio Salado Parkway, north, to the Rio Salado South Bank Path. This publicly accessible route shall include dedicated 6' minimum wide bike lanes and 8' minimum wide sidewalks northbound and southbound along Beck Avenue from Rio Salado Parkway to the Rio Salado South Bank Path.
11. The locations of dedicated bus bay and bus shelter shall be provided with the future Development Plan Review applications.
12. The developer shall grant and record an aviation easement to the City of Phoenix Aviation Department for the site, per the content and form prescribed by the City Attorney, prior to final building permit issuance.
13. If required by the Federal Aviation Administration (FAA), the developer shall provide documentation to the City prior to building permit issuance, that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure, a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained before the construction start date.
14. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
15. The developer shall ensure that a representation is included in the Residential Lease Owner's Property Disclosure Statement, or if no Disclosure Statement is provided to the tenant, that prospective tenant is notified in writing of the proximity of the development to the airport, per the content and form approved by


the City Attorney, in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport.

16. Through consultation with the State Historic Preservation Office, it was determined that there are two (2) World War II Prisoner of War (POW) barracks from the Camp Papago Park Prisoner of War facility, which were relocated to the Tempe maintenance yard and are still present. The buildings have not been evaluated for eligibility for listing in the local, state, or the National Register of Historic Places. Best efforts shall be made, in coordination with SHPO or the City's Historic Preservation Officer, to relocate the POW barracks at the expense of the developer, without demolition, to a future to-be-determined off-site location that can ensure future preservation of the structures. Building stabilization would be encouraged but not required.
17. Developer shall provide an easement for the existing sewer line and sewer metering station along Priest Drive that is currently in conflict with Building K to protect sewer metering station in place, subject to the Water Utilities Department review and acceptance.
18. Developer shall work with Flood Control District of Maricopa County to relocate/abandon the existing access road and easement and provide/dedicate a new access easement for Flood Control access leading up to the adjacent levee.

**Section 3.** Pursuant to A.R.S. § 9-462.01(J), the City Council has considered the probable impact of this zoning ordinance on the cost to construct housing for sale or rent.

**Section 4.** Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

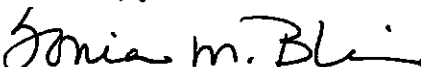
**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 29th day of November, 2022.**

  
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Corey D. Woods, Mayor

ATTEST:

  
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Carla R. Reece, City Clerk

APPROVED AS TO FORM:

  
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Sonia M. Blain, City Attorney

**EXHIBIT A**



NORTHWEST CORNER  
SECTION 16, T1N, R4E  
FD 2" AC ILLEGIBLE NO ID

PRIEST DRIVE

LOT 1  
ELEMENTS AT TEMPE  
CENTER FOR THE ARTS  
BK 1021, PG 49, MCR

LOT 2  
ELEMENTS AT TEMPE  
CENTER FOR THE ARTS  
BK 1021, PG 49, MCR

RIO SALADO PARKWAY

WEST 1/4 CORNER OF  
SECTION 16, T1N, R4E  
FD 3" COT BCF

CENTER OF  
SECTION 16, T1N, R4E  
FD 3" COT BCH



**TEMPE ENTERTAINMENT DISTRICT**

**LEGAL DESCRIPTION  
REZONING APPLICATION  
FOR LOT 1 AND LOT 2**

DATE	10/27/2022	SCALE	NTS	SHEET	1 of 1
JOB NO	184876	DESIGN	DMS	CHECK	NB