ACTION: Request for a Zoning Map Amendment to rezone .91 acres, portions of two lots totaling 9.11 acres, from GID General Industrial District to RCC Regional Commercial Center, for an approved multi-family residential development for STREETLIGHTS RIO 2100, located at 2092 East Rio Salado Parkway. The applicant is Aday Graff.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION: STREETLIGHTS RIO 2100 (PL180026) is part of a site, that was a former land fill. The site has been subdivided for a phased development east of Tempe Marketplace. The multi-family residential apartment community at the northwest end of the development, adjacent to and connecting with Tempe Marketplace, was approved by the Development Review Commission on March 28, 2017. An Amended Subdivision Plat was approved by the City Council on May 25, 2017, which modified existing lot lines within the larger development, and added the Streetlights Residential property into the plat as Lot 9 and a 200-space surface lot that was required by deed restriction to be constructed for Tempe Marketplace as Lot 10, the two lots would total 9.11 acres. The development entitlements previously approved did not anticipate a shift in the lot lines to include a portion of the existing General Industrial District zoning to be incorporated into the new lots of the residential development, originally approved in the RCC Regional Commercial Center zoning with a use permit. The request includes the following:

ZON180011 Zoning Map Amendment of .98 acres from GID, General Industrial District to RCC, Regional Commercial Center

Existing Property Owners Tom LeClair, Tempe Land Holdings, LLC and Robert Voelker, 2100 Rio Apartments Owner, LLC

Developer Street Lights Development

Applicant Benjamin Graf, Aday Graff

Zoning District GID General Industrial District (.91 acres) and RCC Regional Commercial Center (8.2 acres)

Gross / Net site area 9.11 acres

Density / Number of Units 49 du/ac / 349 units

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Diana Kaminski, Senior Planner (480) 858-2391

Department Director: Chad Weaver, Community Development Director

Legal Review: N/A

Review by: Suparna Dasgupta, Principal Planner

Prepared by: Diana Kaminski, Senior Planner
COMMENTS:
This 9.11-acre site is located northwest of Rio Salado Parkway and Price Road / Loop 101. The property is adjacent to and east of Tempe Marketplace and is part of the larger development known as 2100 Rio. Two hotels are located south of the site, two office buildings are proposed east of the site, and the 202 Red Mountain Freeway is north of the site, across the Salt River Channel and habitat. The hotels to the south and the office building south east of the site are complete. The offices to the east are under construction. This project is in review for building permits. Of the 9.11 acres, 8.2 acres are zoned RCC, Regional Commercial Center and the remaining .91 acres of the property is zoned GID, General Industrial District, in two slivers of land at the north and east sides of Lot 9 and on the east side of Lot 10. Tract A is a private street constructed with a turn around and street extension at the north end, serving the sites to the east and west of the development area. A traffic signal will be added at the intersection of Rockford Drive and Rio Salado Parkway. An overview of the phased entitlements for the overall development is provided in the History and Facts section of the report. This request includes an Amendment to the Zoning Map for .91 acres of GID to RCC, to clean up the map which currently has split zoning on two parcels. Since residential uses are not allowed in the GID, but are allowed in the RCC with a use permit, this modification will allow the construction of the previously approved 349-unit four-story multi-family residential development on Lot 9. Lot 10 to the south is a parking lot being built as part of a deed restriction for the shared use of Tempe Marketplace and this development; although no residential uses are proposed for this lot, the zoning would realign the map to conform to the new property lines, rather than keeping the lot with split zoning. The applicant is requesting the City Council act on the requested Zoning Map Amendment.

PRELIMINARY SITE PLAN REVIEW
The prior entitlement request for design of the site plan, landscape plan and elevations were reviewed through the preliminary process; this request for a zoning amendment of a portion of the site was not routed for site plan review, as no changes were proposed to the development.

PUBLIC INPUT
- A neighborhood meeting was required for this request.
- A neighborhood meeting held: February 8, 2018 from 6:00 p.m. to 7:00 p.m. at the Escalante Center, 2150 E. Orange Street, Tempe.
- See attached summary of meeting provided by the applicant.
- Community Development staff attended the meeting.
- There were no members of the public who attended the neighborhood meeting. Staff and the applicant stayed until 7pm to assure there were no late attendees.
- There have been no public comments or inquiries regarding this request.

ZONING
The General Plan Land Use for the entire area inclusive of Tempe Marketplace and 2100 Rio is Mixed-Use, anticipating a combination of commercial and residential uses, with a density of up to 65 dwelling units per acre. The underlying zoning of the surrounding parcels are RCC to the west and GID to the east, with the two subject lots 9 and 10 being predominantly RCC zoned. There are no properties zoned Mixed Use within this area. The small portion of property that is currently GID was incorporated into the lots by subdivision plat after the approval of the site design and the use permit for residential in the RCC district. Residential is not a permitted use within the GID district, however, this area is designated as Mixed Use in the General Plan, with the intent of having a mix of both commercial and residential uses. In evaluating the General Plan Land Use and Density for the area, it was determined that spot-zoning to strict conformance of the Mixed-Use land use of the General Plan was not appropriate. Removing the split-zoning condition to create parcels of a single consistent zoning of RCC, for the purpose of allowing the residential development to fulfill the goals and objectives and general intent of the General Plan was determined to be the appropriate solution to providing residential uses within the existing commercial development area.

Section 6-304 C.2. Approval criteria for Zoning amendment:
1. The proposed zoning amendment is in conformance with the goals, objectives and intent of the General Plan and facilitates implementation with the provision of housing near employment, redevelopment of underutilized property, integration of commercial and residential uses that foster a walkable community.
2. The proposed zoning amendment is in the public interest by providing housing in an area that does not have housing
available, providing more activity and surveillance of the area by people living on site.

REASONS FOR APPROVAL:
1. The project meets the development standards required under the Zoning and Development Code.
2. The proposed project meets the approval criteria for a Zoning Amendment.

Based on the information provided and the above analysis, staff recommends approval of the requested Zoning Amendment. This request meets the required criteria and will conform to the conditions.

ZON180011
ZONING AMENDMENT CONDITIONS OF APPROVAL:
EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

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 Zoning Map Amendment approval shall be null and void.

HISTORY & FACTS:
February 5, 2009 City Council adopted Ordinance No. 2009.01, annexing parcels 132-36-003E, 132-36-003Q, and 132-36-008K within the corporate limits of the City of Tempe.

November 18, 2010 City Council approved a development agreement with American Outdoor, allowing the construction of two freestanding off-premise freeway signs, one adjacent to the Loop 101 & 202 freeway and another adjacent to the I-10 freeway.

December 13, 2011 Development Review Commission recommended approval (6-0 vote) for “SWC LOOP 101 & 202”, consisting of a Zoning Map Amendment from AG to GID for three parcels, located at 2100, 2102 and 2108 East Rio Salado Parkway.

January 5, 2012 City Council introduction and first public hearing for SWC LOOP 101 & 202 (PL110374).

January 19, 2012 City Council approved the request for SWC LOOP 101 & 202 (PL110374) (Pacific Coach-101/202 Holdings LLC, property owner; Withey Morris PLC, applicant) consisting of three parcels, within approximately seven acres, with undeveloped land near the southwest corner of Loop 101 and Loop 202 interchange, located at 2100 East Rio Salado Parkway. ZON11006 (Ordinance 2012.04) – Zoning Map Amendment from AG, Agricultural District to GID, General Industrial District, totaling 6.475 acres.

April 29, 2014 Tellurian Development purchased the property east of Tempe Marketplace, including the former land fill site. Site preparation for development began immediately.

August 12, 2014 Development Review Commission approved the Preliminary Subdivision plat for 11 lots to be combined into one lot with one common tract to be used as a private street.

November 18, 2014 Development Review Commission heard and approved the request (PL140212) for 2100 RIO
SALADO for phase one Development Plan Review for site plan, elevations and landscape plan for two hotels, and heard and approved the request for four Use Permits to allow hotels, retail and service uses, restaurants and bars within the development. The Commission recommended approval of the Planned Area Development Overlay.

December 4, 2014  City Council held a first hearing for the Planned Area Development Overlay.

December 4, 2014  City Council held a final hearing for the Final Subdivision Plat for the combination of 11 lots into one lot, with a common tract. This subdivision did not include the Streetlights Residential property.

January 15, 2015  City Council held a second hearing and approved a Planned Area Development Overlay.

March 9, 2016  Development Review Commission heard and approved the request for phase two Development Plan Review for site plan, elevations and landscape plan for a new two-story office building (PL150428) for BUILDING AT 2100 RIO, located south east of the proposed phase three site.

March 17, 2016  City Council held a hearing and approved an Amended Subdivision Plat (PL140206) consisting of seven lots and two tracts for 2100 RIO SALADO. This Subdivision did not include the Streetlights Residential property.

December 13, 2016  Development Review Commission held a public hearing for a Zoning Code Text Amendment for RCC zoning, consisting of changes for the RCC district development standards and establishing a density for residential uses: Section 4-201 B. “Density. When a zoning district has a residential density of no standard (NS), the proposed density must conform to the General Plan Projected Residential Density map. Any deviation from the General Plan map shall require processing of an amendment, pursuant to Section 6-302.”

January 3, 2017  Hearing Officer heard and approved a request for a variance to increase building height from 35 feet to 100 feet in the General Industrial District to allow two office buildings from four to six stories for BOYER RIO 2100 (PL160431) located at 2108 East Rio Salado Parkway, the site east of the proposed phase three development.

January 12, 2017  City Council held an introduction and first public hearing for a Zoning Code Text Amendment for RCC zoning district development standards and establishing a density for residential uses.

January 26, 2017  City Council held a second and final public hearing and approved the above described request.


April 25, 2017  Development Review Commission heard and approved a request for a Development Plan Review consisting of a phased commercial office development with two four-story office buildings and parking structures for FREEDOM RIO 2100 located at 2108 East Rio Salado Parkway.

May 25, 2017  City Council approved the request for an Amended Subdivision Plat for 2100 RIO SALADO, located at 2100 East Rio Salado Parkway. This Subdivision plat modified the existing lot configuration and incorporated the Streetlights lots into the subdivision as Lots 9 and 10.

September 12, 2017  Development Review Commission heard and approved a request for a Development Plan Review consisting of a new restaurant for 2100 RIO RETAIL located at 2108 E Rio Salado Parkway.
November 13, 2017  Development Department Planning Division staff has administratively approved the request for 2100 RIO located at 2108 E. Rio Salado Parkway. The site is in the HID PAD zoning district, which will be amended by this request for the First Amended Planned Area Development.

March 13, 2018  Development Review Commission is scheduled to hear the requested Zoning Map Amendment for .98 acres from GID to RCC for Streetlights Residential 2100 Rio.

April 12, 2018  City Council is scheduled for the first public hearing of this request.

April 26, 2018  City Council is scheduled for the final public hearing of this request.

**ZONING AND DEVELOPMENT CODE REFERENCE:**
Section 6-304, Zoning Map Amendment
DEVELOPMENT PROJECT FILE
for
STREETLIGHTS RIO 2100
(PL180026)

ATTACHMENTS:
1. Location Map
2. Aerial
3-5. Letter of Explanation
6. Building GID Encroachment Exhibit
7. Zoning Administrator Letter
8. Aerial Map for Lots 9 & 10 (referenced in applicant letter of explanation)
9-12. Subdivision Plat (referenced in applicant letter of explanation)
13-14. Exhibit of Existing and Proposed Zoning
15. Site Plan (for reference)
16-17. General Plan Land Use and Density Maps (referenced in applicant letter)
18. Character Area Map (referenced in applicant letter)
19-20. Waiver of Rights and Remedies
Streetlights Rio 2100

PL 180026

Aerial Map
January 22, 2018

Ms. Diana Kaminski  
City of Tempe  
Development Services Department  
31 East Fifth Street  
Tempe, AZ 85281

Re: Letter of Explanation for StreetLights Development’s (2100 Rio Apartments Owner, LLC) Request to Rezone Approximately 0.91 Acres of the Total 9.11 Acres from General Industrial District (“GiD”) to Regional Commercial Center (“RCC”) to Align the Zoning Map with the Previously Approved Multi-Family Use Permit and Development Plan Review

Dear Ms. Kaminski,

Please accept this formal Letter of Explanation submitted by Aday Graff, PC on behalf of our client, StreetLights Development (2100 Rio Apartments Owner, LLC) (“Applicant”), for the above described rezoning request. Since this application is merely a correction/update to the City of Tempe Zoning Map to bring the zoning into conformance with the previously approved Multi-Family Use Permit and Development Plan Review (Case Nos. DS160723, SPR16104, PL160379), we have provided a consolidated letter of explanation for your consideration. Furthermore, as is discussed below, this application is consistent with the interpretation and request issued by the City of Tempe Zoning Administrator.

I. Tempe Zoning Administrator Interpretation

Recently, a title review brought to the attention of both the Applicant and the Tempe Community Development Department that a discrepancy existed between the Use Permit and Development Plan Review previously approved by the City of Tempe on March 28, 2017, and the technical boundaries between RID and GiD zoned districts at the Southwest corner of Loop 101 and Loop 202. It was discovered that while the StreetLights Rio 2100 luxury multi-family development (the "Project") had received all proper approvals for a Multi-Family Use Permit and Development Plan Review, approximately 0.4% of the multi-family building was placed within the GiD zoning district. See attached Building GiD Encroachment Exhibit.

The Applicant then received a Zoning Administrator interpretation letter stating, in pertinent part:

*The multifamily project and the plans as submitted, will be allowed to proceed without delay. I find that the project has received adequate review and all*
approvals in place as of this date [January 12, 2018] shall stand, (including the Use Permit), while the zoning map is corrected via the code dictated rezoning process. The Applicant/Owner shall work with the City of Tempe to initiate the rezoning process no later than January 29, 2017. See attached Interpretation Letter from Zoning Administrator, Ryan Levesque, Dated January 12, 2018.

Therefore, this rezoning request is submitted per the City of Tempe Zoning Administrator's request to correct the underlying map designation for the Project.

II. The Property & Proposed Zoning Map Amendment

The entire 8 gross acre site for the approved luxury multi-family development (StreetLights Rio 2100 or the "Project") is located south of the Red Mountain Freeway (Loop 202) just east of the commercial shopping center known as Tempe Marketplace in Tempe, Arizona (Lots 9 and 10 of the "2100 Rio Salado Business Park II" subdivision). See attached Aerial Map and Plat Map. The subject of this rezoning case is approximately 0.91 acres of the total 9.11 acres located on the north and east sides of Lot 9, and on the east side of Lot 10. The intent of this case is to rezone approximately 40,393 SF (0.91 acres of the total 9.11 acres) (Portions of Lots 9 and 10 of the 2100 Rio Salado Business Park II subdivision) from GID to RCC to comply with the Zoning Administrator’s interpretation letter and the previously approved Use Permit and Development Plan Review. See attached Existing & Proposed Rezoning Maps. All plans reviewed by the City of Tempe have consistently shown a building footprint which encroaches upon the GID district since the original Multi-Family Use Permit was approved by the Development Review Commission on March 28, 2017. See attached Approved Site Plan. Therefore, this case is merely a zoning map correction/amendment to bring the underlying zoning district designation into conformance with prior City approvals.

According to the City’s General Plan, the Property has a General Plan Land Use designation of "Mixed Use" and a General Plan Density Designation of “High Density (up to 65 du/acre)” and is located within the Apache Character Area. See attached General Plan Land Use, Density, and Character Area Maps. The General Plan states the Mixed-Use designation encourages “[l]and used for a mixture of residential and commercial uses on a site. This category encourages creatively designed developments that create a living environment, reflective of a village or activity hub, in which there is the opportunity to live, work and recreate in the same development or within the area. Basic criteria for development include reasonable scale to the surrounding neighborhood, encouragement of alternative modes of transportation (such as transit, bicycling and walking) and a well-conceived plan with access to and integration of transit facilities.” See City of Tempe General Plan 2040, Land Use Chapter, p. 7 (effective June, 3, 2014). Since this request is only a minor extension of the RCC zoning district currently in existence within this "Mixed-Use" designated area, the request is clearly in conformance with the General Plan, the surrounding uses, and the proposed master-planned development for Rio 2100.
Density for the RCC district is governed by the General Plan which allows up to 65 du/acre on this site. Since its original approval on March 28, 2017, the Project has proposed a density of only 48.57 du/acre (349 units). Nothing within this requested zoning map amendment alters the proposed use, site plan, or design and there is no increase in the density or intensity of the project whatsoever.

This previously vetted Project continues to conform directly with the Tempe General Plan 2040 and the Apache Character Area. The proposed zoning map amendment, which merely increases the area of land zoned for multi-family use (consistent with the approved plans), furthers the ability of this site to develop as "high-density" luxury multi-family as directed by the General Plan. Moreover, the Project is only one piece of a greater master-planned development including retail, office, and hotel uses. The existence and assurance of a multi-family development "create[s] a living environment, reflective of a village or activity hub, in which there is the opportunity to live, work and recreate in the same development or within the area." City of Tempe General Plan 2040, Land Use Chapter, p. 7 (effective June, 3, 2014).

III. Conclusion

As provided by this Letter of Explanation, as well as the exhibits and plans submitted as part of this application, the StreetLights Rio 2100 Project meets all of the necessary criteria for approval of the Applicant's request for a zoning map amendment. Furthermore, this request is consistent with the Tempe Zoning Administrator's request for the Applicant to rezone the 0.91 acres of the total 9.11 acres from GID to RID, as stated within Mr. Levesque's January 12, 2018 interpretation letter. The innovative development and reuse of reclaimed land, as well as the fulfillment of the General Plan's goals for a mixed-use development inclusive of residential in this area, are the central themes of this application. The Project promotes and fulfills the General Plan's goals and objectives for a redevelopment area, employment node, and planned area of growth while presenting a harmonious and contiguous development compatible with and complimentary to the surrounding properties and uses.

Sincerely yours,

ADAY GRAFF, PC

By

Benjamin W. Graff

Attachments
Building GID Encroachment Exhibit

0.4% of Building within GID District

ATTACHMENT 6
January 12, 2018

Benjamin W. Graff
Aday Graff, PC
2200 E. Camelback Road, Ste. 221
Phoenix, AZ 85016

RE: Streetlights Rio 2100
2092 East Rio Salado Parkway
DS160723 PL160379

Dear Mr. Graff,

As Zoning Administrator for the Community Development Department, I have reviewed the request for an opinion concerning the above referenced project as relates to the northern and eastern edge of the lot in question retaining General Industrial District zoning (GID).

The lots in question, Lots 9 and 10 of “2100 Rio Salado Business Park II” subdivision, which contains the subject project, were platted subsequent to the Development Plan Review and Use Permit approval. At present the lots are split-zoned RCC - Regional Commercial Center and GID - General Industrial District. The site plan and development plan review which was approved in conjunction with the Use Permit approval process included the portion of the building which encroaches from the RCC district into the GID district. Since neither the Applicant/Owner nor the City were aware of the encroachment at that time, no requirement to rezone, or other appropriate remedy was discussed or required at the time of Use Permit approval.

The site plan and project particulars were all reviewed by staff and approved by the Development Review Commission on March 28, 2017. Condition of Approval No. 2 specifically states that the Multi-Family Use Permit applies to the "plans as submitted," which as discussed above, included the encroachment in question. In addition, the GID portion in question is designated by the General Plan as Mixed Use and the General Plan Land Use Density Map designates the GID district for "High-Density" Residential up to 65 dwelling units per acre (encouraging multi-family).

Community Development will work with the applicant to get the lots re-zoned to one consistent district designation (RCC). The multifamily project and the plans as submitted, will be allowed to proceed without delay. I find that the project has received adequate review and all approvals in place as of this date shall stand, (including the Use Permit), while the zoning map is corrected via the code dictated rezoning process. The Applicant/Owner shall work with the City of Tempe to initiate the rezoning process no later than January 29, 2018.

Should you need further assistance or clarification with this matter, please contact us.

Sincerely,

Ryan Levesque, Zoning Administrator
Deputy Community Development Director – Planning
Community Development Department
Aerial Map for Lots 9 & 10
ATTACHMENT 9

FIRST AMENDED SUBDIVISION PLAT
FOR
2100 RIO SALADO BUSINESS PARK II
A RE-PLAT OF LOT 6 AND A PORTION OF LOT 7 OF "2100 RIO SALADO BUSINESS PARK" AS RECORDED IN BOOK 1259, PAGE 39, OFFICIAL RECORDS OF MARICOPA COUNTY, TOGETHER WITH THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GLA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS RECORDED IN SPECIAL WARRANTY DEED IN DOCUMENT NO. 20150744855, OF OFFICIAL RECORDS, MARICOPA COUNTY, ARIZONA.

DEDICATION:

OWNER/DEVELOPER:
TELLURIAN DEVELOPMENT COMPANY
2250 E. CAMELBACK RD, STE 620
PHOENIX, ARIZONA 85016
PHONE: (702) 322-5497
CONTACT: TOM LECLAIR

BENCHMARK:
BRASS CAP IN HANDHOLE AT THE INTERSECTION OF RIO SALADO PARKWAY AND MOUNTAIN DRIVE, BEING THE WEST QUARTER CORNER OF SEC. 13, T.1N., R.4E., ELEVATION= 1171.73 (CTY OF TEMPE DATAM)

BASES OF BEARING:
THE BASIS OF BEARING FOR THIS SURVEY IS A BEARING OF NORTH 89°15'15" EAST, AS MEASURED ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GLA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, ACCORDING TO THE CITY OF TEMPE SURVEY CONTROL PLAT.

APPROVALS:
APPROVED BY THE MAYOR AND CITY COUNCIL OF CITY OF TEMPE, ARIZONA, ON THIS 25th DAY OF March, 2017.

BY:
MAYOR
DATE:

ATTEND:
CITY CLERK
DATE:

CERTIFICATION:
THIS IS TO CERTIFY THAT THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREIN WAS MADE UNDER MY DIRECTION DURING THE MONTH OF FEBRUARY 2017, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN THAT THE MONUMENTS ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THE POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

CERTIFIED:
JAMES A. BRUCK, RLS. 29955

NOTES:
1. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF TEMPE AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
2. LOT CORNERS TO BE SET WITH 1/2" REBAR & CAP STAMPED, "NLS 29955".
3. ALL NEW AND EXISTING, AS WELL AS, ON-SITE AND OFF-SITE UTILITY LINES OTHER THAN TRANSMISSION LINES SHALL BE PLACED UNDERGROUND.
4. ANY RETENTION SYSTEM AS SHOWN ON THE GRADING AND DRAINAGE PLANS SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER.
5. REGULARLY INSPECT THE SYSTEM (AT LEAST ANNUALLY) AND MAINTAIN THE SYSTEM IN A CONDITION THAT WILL ALLOW THE SYSTEM TO STORE AND DISPERSE THE VOLUME OF STORM WATER AS SHOWN ON THE DESIGN PLANS. THE FORGING RESTRICTION CANNOT BE CHANGED WITHOUT PRIOR WRITEN CONSENT OF THE CITY OF TEMPE.

FLOOD PLAIN CERTIFICATION:
THIS IS TO CERTIFY THAT THE ABOVE REFERENCED PROPERTY LIES WITHIN ZONE X AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP NUMBERS 0483.03.1146, DATED OCTOBER 10, 2013. AREAS OF 0.2% ANNUAL CHANCE FLOOD AREAS OF 5% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT, OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

RECORDED INFO.
OFFICIAL RECORDS OF MARICOPA COUNTY RECORDERS.
OFFICE OF RECORDERS
2031 E. CAMERON, BUILDING 2,OutOfBoundsException.
PHOENIX, ARIZONA 85004
PHONE: 602-507-6000
FAX: 602-507-6969
RECORDED INFO.

ATTACHMENT 9
LEGAL DESCRIPTION:

TOGETHER WITH THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE OLA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS RECORDED IN SPECIAL WARRANTY DEED IN DOCUMENT NO. 20150074855, OF OFFICIAL RECORDS, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEginning at the southwest corner of the northwest quarter of the northeast quarter of said section 13, from which the center of section 13 is monumented by a city of temple brass cap bears south 02 degrees 35 minutes 19 seconds east, a distance of 1,362.21 feet;

Then north 89 degrees 55 minutes 18 seconds east along the south line of the northeast quarter of the northeast quarter of said section 13, a distance of 559.47 feet;

Then north 02 degrees 02 minutes 34 seconds west, parallel with the east line of the northeast quarter of the northeast quarter of said section 13, a distance of 859.81 feet;

Then south 89 degrees 52 minutes 18 seconds west, parallel with the south line of the northeast quarter of the northeast quarter of said section 13, a distance of 764.24 feet;

Then south 89 degrees 03 minutes 19 seconds east, parallel with the east line of the northeast quarter of the northeast quarter of the northeast quarter of said section 13, a distance of 691.22 feet to the point of beginning.

EXCEPT any portion lying within the northeast quarter of the northeast quarter of section 13, Township 1 North, Range 4 East of the Ola and Salt River Base and Meridian, Maricopa County, Arizona.
Existing Zoning: Lot 9 and Lot 10
Proposed Zoning: Lot 9 and Lot 10
General Plan Map

Legend:
- Residential
- Commercial
- Mixed-Use
- Industrial
- Civic
- Educational
- Public Open Space
- Water
- Private Open Space
- Public Recreational / Cultural
- Aggregate Resource Area
- Arizona State University
- Municipal Facility
- School

SWC Loop 101 and Loop 202 - Tempe
Character Area Map

SWC Loop 101 and Loop 202 - Tempe

ATTACHMENT 18
This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by 2100 Rio Apartments Owner, LLC (Owner).

Owner acknowledges that A.R.S. § 12-1134 provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner’s property (Private Property Rights Protection Act).

Owner further acknowledges that the Private Property Rights Protection Act authorizes a private property owner to enter an agreement waiving any claim for diminution in value of the property in connection with any action requested by the property owner.

Owner has submitted Application No. PL180026 – STREETLIGHTS RIO 2100, to the City requesting that the City approve the following:

_____ GENERAL PLAN AMENDMENT
X ZONING MAP AMENDMENT
_____ PAD OVERLAY
_____ HISTORIC PRESERVATION DESIGNATION/OVERLAY
_____ USE PERMIT
_____ VARIANCE
_____ DEVELOPMENT PLAN REVIEW
_____ SUBDIVISION PLAT/CONDOMINIUM PLAT
_____ OTHER _______________________________

(Identify Action Requested)

for development of the following real property (Property):

Property Address: 2092 East Rio Salado Parkway, Tempe AZ 85281

Legal Description of Lot 9:
LOT 9, OF 2100 RIO SALADO BUSINESS PARK II, ACCORDING TO BOOK 1331 OF MAPS, PAGE 13, RECORDS OF MARICOPA COUNTY, ARIZONA.
Legal Description of Lot 10:
LOT 10, OF 2100 RIO SALADO BUSINESS PARK II, ACCORDING TO BOOK 1331 OF MAPS, PAGE 13, RECORDS OF MARICOPA COUNTY, ARIZONA.

By signing below, Owner voluntarily waives any right to claim compensation for diminution in 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 the above-referenced Application, including any conditions, stipulations and/or modifications imposed as a condition of approval.

This Waiver shall run with the land and shall be binding upon all present and future owners having any interest in the Property.

This Waiver shall be recorded with the Maricopa County Recorder’s Office.

Owner warrants and represents that Owner is the fee title owner of the Property, and that no other person has an ownership interest in the Property.

Dated this _____ day of _______________, 2018.

OWNER: 2100 RIO APARTMENTS OWNER, LLC

By Its Duly
Authorized Signatory: ________________________________
(Printed Name)

__________________________
(Signed Name)

Its: ________________________________
(Title, if applicable)

State of ____________ )
ss.
County of ____________ )

This instrument was acknowledged before me this _____ day of ____________, 2018 by ________________________________.

Notary Public
My Commission Expires:

__________________________
(Signature of Notary)