



**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 08/18/2016
Agenda Item: 6A1**

ACTION: Hold a public hearing for a review of the Zoning Map Amendment and Planned Area Development Overlay for direction on a partial time extension or initiate the reversion of prior entitlements for M7 MIXED USE DEVELOPMENT, located at 701 South Mill Avenue.

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

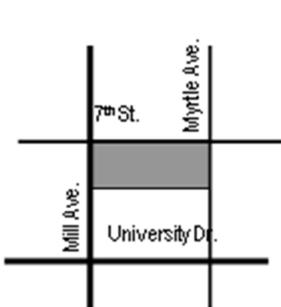
RECOMMENDATION: Not applicable.

BACKGROUND INFORMATION: M7 MIXED USE DEVELOPMENT (PL060681) is a mixed-use development consisting of three buildings, including ground floor commercial, a seventeen story hotel with conference center, two twenty-six story residential towers, and underground parking, within approximately 1,258,000 safe of total building on 1.73 acres. City Council approved the entitlement request on April 17, 2008, with a condition that a building permit shall be obtained on or before April 3, 2010 or the zoning of the property may revert to that in place at the time of application, subject to a public hearing. On May 21, 2015, City Council approved a one-year extension till May 21, 2016. However, a portion of the property was seeking an amendment to the existing Planned Area Development Overlay and a Development Plan Review 26-story mixed-use development, containing 335 dwelling units and 3,460 square feet of commercial area for the project known as THE STANDARD AT TEMPE. On June 23, 2016, City Council denied the application for this project.

On July 15, 2016, notification letters with return receipts were sent to the following: Manjula Vaz, Gammage and Burnham PLC, Mario Sanchez, Tempe Mill LLC, Charles Huellmantel, Huellmantel and Affiliates, Sam Gordon, Tempe 7th Street LLC. On Jul 18, 2016, notification letters were accepted and return receipts was received by Huellmantel and Affiliates and Gammage and Burnham PLC. Notification letter was also sent to the new property owner, Jason Mattson, 2015 Mill and Myrtle, LLC, via email. Staff received confirmation of receipt of email notification on July 21, 2016. The owner and representative for the corner parcels (3 in total) have chosen at this time not to file an extension request.

On July 28, 2016, Huellmantel and Affiliates, representing the middle portion of this entitlement, (four of seven parcels) specifically parcel numbers 132-27-136, 132-27-137, 132-27,138 and 132-27-139, requested an extension of the time allowed in the condition of approval to apply for a building permit, that would, if granted, modify the condition to read:

A building permit application shall be completed on or before ~~May 21, 2016~~ November 21, 2017, with the intent to issue a building permit and commence construction, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing at City Council.



Current Property Owners	2015 Mill and Myrtle LLC and Tempe 7 th Street LLC
Original Applicant	Manjula Vaz, Gammage and Burnham PLC
Current Applicant(s)	Manjula Vaz, Gammage and Burnham PLC (for parcel numbers 132-27-140, 132-27-142A and 132-27-135) Charles Huellmantel, Huellmantel and Affiliates (for parcel numbers 132-27-136, 132-27-137, 132-27,138 and 132-27-139)
Current Zoning District	CC -PAD, Mixed Use District
Former Zoning District	CC, City Center District
Gross/Net site area	1.73 ac
Max. Density	214 du/ac (No standard for CC District)
# of Units	370 Residential Units and 240 Hotel Rooms
Max. Lot Coverage	81 % (No standard in CC district)
Max. Building Height	306 ft. (50 30 ft. max. allowed in R-3, PAD increased)

Min. Building Setbacks	0' all sides (0' min.)
Min. Landscape Cover	42//% 25% (No Standard in CC District)
Min. Vehicle Parking	1129 spaces (1618 min. required provided in garage)

ATTACHMENTS: Time Extension Letter, Original Development Project File

STAFF CONTACT(S): Ryan Levesque, Deputy Community Development Director, (480) 858-2393

Department Director: Jeff Tamulevich, Interim Community Development Director
 Legal review by: Teresa Voss, Assistant City Attorney
 Prepared by: Suparna Dasgupta, Principal Planner

COMMENTS

An approval of a two year time extension has the effect of:

- Retaining the existing CC -PAD entitlements with 214 dwelling units within 306' tall building.
- Any significant changes, including the reduction of more than 10% of the height or density would require a major amendment to the PAD and require a new decision by the Council.
- The previous plans as presented are consistent with the General Plan 2040; with a Projected Land Use of "Mixed-Use" and Residential Density Greater than 65 du/ac.

Denial of the time extension has the effect of:

- Requiring further direction from City Council to further evaluate either the schedule of development or direct staff to proceed with a revocation process of the PAD and zoning entitlements. This process would include a neighborhood meeting, recommendation hearing by the Development Review Commission and public hearings with a final decision by City Council.
- With the revocation of entitlements, any new submittal application (even if similar) would be brought back through the appropriate decision-making body.
- As a result of the reversion, the property's zoning would be changed back to City Center (CC) District. The General Plan land use designation will remain as Mixed Use and High Density – Urban Core. The zoning reversion to CC, City Center would be consistent with the General Plan Projected Land Used and Projected Density Map.

Should the City Council wish to authorize a time extension for this project, the following conditions would remain in effect unless modified.

CONDITION(S) OF APPROVAL:

1. A building permit shall be obtained on or before ~~May 21, 2016~~ November 21, 2017, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.
2. All other conditions of approval for Zoning Map Amendment and Planned Area Development Overlay M7 MIXED USE DEVELOPMENT (PL060681) as approved by City Council on April 17, 2008, except condition #1 stated above, will remain in full force and effect.

HISTORY & FACTS:

August 17, 2004	Redevelopment Review Commission approved Mill-Seven Building for design review of building elevations, site plan and landscape plan, located at 701 South Mill Avenue. APPROVAL EXPIRED.
September 30, 2004	City Council approved the request for Mill-Seven Building (SIP-2003.105) for a site plan for a new two-story retail/restaurant building consisting of 19,279 s.f. on 0.36 net including three variances and three use permits. APPROVAL EXPIRED.
January 22, 2008	The FAA issued a determination of no hazard for air navigation for this project at a height of 306'-0".

- March 12, 2008 Development Review Commission continued the request for a Planned Area Development Overlay for M7 MIXED USE DEVELOPMENT (PL060681), located at 701 South Mill Avenue. Follow up included further discussion on proposed parking reductions.
- March 25, 2008 Development Review Commission recommended approval for a Planned Area Development Overlay for M7 MIXED USE DEVELOPMENT (PL060681), located at 701 South Mill Avenue.
- April 17, 2008 City Council approved for a Planned Area Development Overlay for M7 MIXED-USE DEVELOPMENT (PL060681), located at 701 South Mill Avenue.
- May 21, 2015 The M7 MIXED USE DEVELOPMENT (PL060681) was granted a one year time extension for the PAD entitlements, until May 21, 2016. As a result, on March 7, 2016, the applicant filed for an Amended PAD for a portion of the site called as THE STANDARD AT TEMPE (PL150449).
- May 24, 2016 Development Review Commission recommended approval of an Amended Planned Area Development Overlay and Development Plan Review for THE STANDARD AT TEMPE (PL150449), for a 26-story mixed-use development, containing 335 dwelling units and 3,460 square feet of commercial area.
- June 9, 2016 1st public hearing at City Council meeting for THE STANDARD AT TEMPE (PL150449).
- June 23, 2016 2nd public hearing at City Council denied the application for THE STANDARD AT TEMPE (PL150449).

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendment

Section 6-305, Planned Area Development (PAD) Overlay districts