



**CITY OF TEMPE  
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 12/04/2014  
Agenda Item: 6C9**

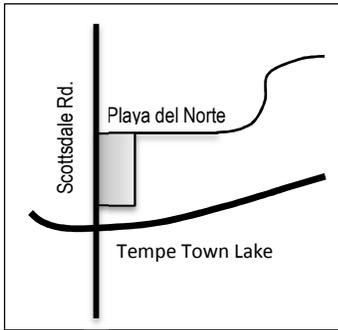
**ACTION:** Hold the second and final public hearing to adopt an ordinance for an Amended Planned Area Development Overlay to modify the standards for density, lot coverage, landscape area, building height, and vehicle parking for JEFFERSON TOWN LAKE, located at 909 East Playa del Norte Drive. The applicant is Huellmantel & Affiliates. (Ordinance No. O2014.68)

**FISCAL IMPACT:** While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

**RECOMMENDATION:** Adopt Ordinance No. O2014.68  
Staff approval, subject to conditions  
Development Review Commission – Approval (7-0 vote), subject to modified conditions

**BACKGROUND INFORMATION:** JEFFERSON TOWN LAKE (PL140234) is a six-story multi-family development proposed within the Playa del Norte Planned Area Development. This site received approval in 2007 for a 26-story and two-story multi-family development containing 196 dwelling units. **After the first Council public hearing, additional public comment letters and an Analysis of the Jefferson Town Lake PAD Overlay Amendment were received. A LEGAL ZONING PROTEST HAS ALSO BEEN FILED WITH REGARD TO THIS MATTER; THEREFORE, A 3/4 COUNCIL MAJORITY (6 OF 7) IS REQUIRED FOR APPROVAL. The additional correspondence and protest have been added to the Development Project File attachment (79-94).** The request includes the following:

PAD14013 Amended Planned Area Development Overlay to modify standards for density, lot coverage, landscape area, building height, and vehicle parking.



Property Owner	Onyx Tower LP (Lot 3, north parcel) and City of Tempe (Lot 3A, south parcel)
Applicant	Charles Huellmantel, Huellmantel & Affiliates
Current Zoning District	MU-4 PAD, RSOD (Mixed Use, High Density, Planned Area Development, Rio Salado Overlay District)
Gross/Net site area	1.62 acres (1.48 acres included in area of existing PAD)
Proposed Density/Units	158 du/ac / 256 units (132 du/ac / 196 units allowed by existing PAD)
Unit Types	42 studio units 127 one bedroom units 87 two bedroom units
Total Building area	435417 s.f.
Lot Coverage	83.5 % (100% max allowed by existing PAD)
Building Height	85 ft. (272 ft max allowed by existing PAD)
Building Setbacks	0' all sides (0' all sides allowed by existing PAD)
Landscape area at grade	5,082 s.f.
Upper landscape area	1,412 s.f. (podium level)
Landscape area total	9.2% (65% minimum required by existing PAD)
Vehicle Parking	432 spaces provided with requested parking reduction (459 min. required by code)
Bicycle Parking	244 spaces provided (243 min. required by code)

**ATTACHMENTS:** Ordinance, Development Project File

**STAFF CONTACT(S):** Karen Stovall, Senior Planner (480) 350-8432

Department Director: Dave Nakagawara, Community Development Director

Legal review by: Teresa Voss, Assistant City Attorney

Prepared by: Karen Stovall, Senior Planner

**COMMENTS:**

The site is vacant and located on the east side of Scottsdale Road, between Playa del Norte Drive and Tempe Town Lake. The project is on lots 3 and 3A of the Playa del Norte Planned Area Development that was originally approved in 2004. Lot 3A is currently owned by the City of Tempe and is the last unsold portion of City-owned property within the Playa del Norte development. The sale of City-owned land within the Playa del Norte development is outlined in the Playa del Norte LLC Restated Development and Disposition Agreement (C2001-206C). Lot 3A is located within the Sky Harbor Phoenix International Airport flight path and currently has a "no residential use" restriction placed on it through a patent established between the Bureau of Land Management and City of Tempe. Development of a residential use on this property will require the removal of this restriction. Also due to its location with the flight path, development will be subject to sound mitigation measures.

Though not mixed use in itself, Jefferson Town Lake is considered a residential component within the existing Planned Area Development. The Playa del Norte development which surrounds it is considered mixed-use and includes non-residential uses, such as the Aloft Hotel, In-N-Out Burger, and various businesses within the multi-tenant building to the north of the Jefferson Town Lake site. Directly east of this site are the North Shore Condominiums, a five-story building containing 134 condominium units.

In 2007, the subject site received approval of an Amended Planned Area Development Overlay, a Use Permit for tandem parking within a parking garage, and a Development Plan Review for the Onyx Condominiums, which consisted of a 26-story, 174 unit multi-family residential tower and a two-story 22 unit condominium building. The site plan for the Onyx development identified a site area of 1.48 acres, which is approximately 6,100 square feet less than the area of the current request. As development did not commence within one year of approvals, the Use Permit and Development Plan Review have expired.

The applicant is requesting that City Council approve an Amended Planned Area Development Overlay to modify standards for density, lot coverage, landscape area, building height, and vehicle parking.

For further processing, the applicant will need approval for a Subdivision Plat to combine the existing to parcels into one.

At the October 28, 2014 Development Review Commission Study Session, the applicant provided revised site and floor plans, revised building renderings, and traffic impact study and parking study addendums. These revisions were intended to address concerns expressed by individuals who attended the neighborhood meeting as well as issues raised in the staff report. Modifications to the plans include: relocation of the trash compactor farther north to increase the separation between the compactor and residential units within the North Shore development; modification of the site plan to leave the existing fire access easement in its current location; modification to the floor plans to delete two units at the southeast corner of the building; redesign of the parking structure to add a third level of underground parking, withdrawal of the request for tandem parking spaces, and to increase the number of parking spaces from 426 to 432.

**PUBLIC INPUT**

A neighborhood meeting was held on October 13, 2014. In addition to the applicant's team members and city staff, approximately 17 residents were in attendance. Attendees expressed concerns related to the following: the building blocking views to the west, issues with sound and smell from the trash compactor, lack of an appropriate vehicular drop-off location, and additional traffic on Scottsdale Road generated by the proposed increased number of dwelling units. The applicant's meeting summary is attached. Staff received one phone call regarding the request, which was a resident requesting more detailed information about the applications.

**DEVELOPMENT REVIEW COMMISSION**

At the Development Review Commission hearing held October 28, 2014, 14 individuals spoke regarding the project: two in support and 12 opposed. Issues raised in opposition include: the location of the trash compactor; the desire for additional time to review the project, in light of the recent changes to the proposal following the neighborhood meeting; existing traffic congestion on Scottsdale Road which will be further impacted by the proposed increase in dwelling units; concern about the requested parking reduction and lack of parking in the overall development; and that the previously approved PAD had fewer

units and preserved views to the west. The individuals in support of the request stated that they believe higher density developments are appropriate along Tempe Town Lake.

The applicant discussed the proposed modifications to the request, which included withdrawal of the Use Permit to allow tandem parking spaces within the parking structure. Due to the amended plans, he proposed modifications to the stipulations to address the new plans provided that evening.

## **PROJECT ANALYSIS**

### **Site Plan**

The 1.62 acre site is surrounded by a residential development to the east, the Town Lake to the south, Scottsdale Road (which is a bridge for the majority of its frontage) to the west, and commercial development to the north, across Playa del Norte Drive. Vehicular access is achieved by a single right-in and right-out only driveway on Play del Norte that leads to a parking garage with one above ground and three below ground levels. This garage contains all resident and guest vehicle parking spaces for the development.

The main building entrance and leasing office are adjacent to Play del Norte. Pedestrian access to the building occurs at multiple points along all elevations. First floor units along the south side of the building have been designed with direct access to the lake from private patios. A stipulation has been included to require an accessible path from the building to the multi-use path along the lake so that all residents have convenient access to that amenity.

The ground floor level parking is surrounded by the leasing office and dwelling units on the north, west and south. Above the ground floor level is a "podium" second floor that contains both dwelling units and decks for resident amenities. The north deck contains a courtyard, and the south deck contains a courtyard and pool. Connecting the two decks are the fitness and recreation rooms. Above the second floor are all residential levels.

### **Building Elevations**

The building is six-stories with a mezzanine that appears as a seventh floor on some portions of the elevations and has an overall height of 85 feet. The design has a contemporary character with flat roofs, parapets to screen rooftop mechanical equipment, and metal balcony railings and rooftop accents. The north and south decks create breaks in the west and south elevations. The building is finished with stone-textured concrete veneer at the base and stucco on the upper floors. The proposed stucco colors include varying shades of gray and a bright blue to accent the metal rooftop elements and selected the faces of balcony floors.

### **Landscape Plan**

On-site landscaping totals 9.2 percent. This consists of landscaping on the ground surrounding the building that totals 7.2 percent of the site area and open space on the second floor deck that totals two percent. Proposed plant types are appropriate to the desert and will blend with the surrounding developments. Using a root barrier system, trees along the west property line will be located to meet the minimum separation requirement from the waterline that runs along the west side of the building. This waterline must be placed on the east side of the sidewalk due to Scottsdale Road being elevated to cross over the lake. Tree types and planting details south of the building and within the levee must be reviewed and approved by the Flood Control District of Maricopa County and the city in order to maintain the integrity of the levee. Palm trees are used south of Play del Norte to signify the building entrance.

## **PLANNED AREA DEVELOPMENT**

The most recent PAD approval for this site was for the Onyx Condominiums in 2007. That PAD modified the original Playa del Norte PAD to allow 196 dwelling units (some identified as multi-family and some identified as condominiums) within a 26-story and a two-story building. The applicant requests an Amended Planned Area Development consisting of 256 apartment units within an 85-foot high building. The requested standards would result in a development that is denser and more compatible in height with the surrounding structures. The development standards provided in the table below show a comparison of the standards tied to the most recent PAD and the proposed Amended PAD.

## JEFFERSON TOWN LAKE – PAD Overlay

Development Standard	MU-4	Existing MU-4 (PAD, RSOD)	PROPOSED MU-4 (PAD)	Change
Property Size	NS	1.48 acres	1.62 acres	Increase
Maximum Residential Density	NS	132 du/ac	158 du/ac	Increase
Number of dwelling units	NS	196	256	Increase
Building Height [Exceptions, see Section 4-205(A)]				
Building Height Maximum	NS	272 ft.	85 ft.	Decrease
Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]	Yes	Yes	Yes	
Maximum Lot Coverage (% of net site area)	NS	65%	83.5%	Increase
Minimum Landscape Area (% of net site area)	NS	65% (ground + deck/roof)	9.2% (ground + deck/roof)	Decrease
Setbacks [Exceptions, see Section 4-205(B)]				n/a
Front	NS	0 ft	0 ft	
Side	NS	0 ft	0 ft	
Rear	NS	0 ft	0 ft	
Street Side	NS	0 ft	0 ft	
Bicycle Parking	.75/residential unit + .2/unit for guests	.75/residential unit + .2/unit for guests	.75/residential unit + .2/unit for guests	n/a
Vehicle Parking	Ratio based on number of units and bedrooms	417 required, 417 provided (stipulated to meet ZDC ratios)	459 required, 432 provided	Decrease

The reduction in building height combined with the increase in dwelling units results in a reduction of open space. The applicant requests a reduction in on-site landscape area. The MU-4 district does not have a minimum landscape area, but the previous PAD provided 65%. The proposal includes 7.2% landscaping on the ground and 2% landscaping on the second floor deck, for a total of 9.2%.

The Zoning and Development Code (ZDC) requires resident and guest parking spaces based on the number of units and bedrooms within a project. The proposed PAD does not use the ZDC ratios of units and bedrooms to determine vehicle parking and instead uses a flat 1.69 parking spaces per unit ratio, without separate consideration for guest parking, resulting in 432 spaces. The table below summarizes the requirements for the proposed project.

Unit Type	Unit Quantity	Ratio	Parking Required	Parking Provided (1.69/unit ratio)
Studio	42	1 space per unit	42	
1 bedroom	127	1.5 spaces per unit	191	
2 bedroom	87	2 spaces per unit	174	
Guest		.2 per unit	52	
<b>TOTAL</b>	<b>256</b>		<b>459</b>	<b>432</b>

A draft traffic impact study (TIS) was provided by the applicant (see attached), and the Public Works Department has provided comments regarding this draft. While the study contains errors, including no mention of a nearby bus stop and shelter, Public Works has stated that the proposed increase of residential units compared to the number approved for the Onyx Condominiums is minimal; staff can support the request. A condition is included that the TIS be revised to address staff's comments and a final TIS be submitted and approved prior to issuance of the first building permit.

Section 6-305 D. Approval criteria for P.A.D.:

1. The proposed residential land use is allowable in Part 3.
2. The development standards listed above, as established as part of the PAD Overlay District, as well as the

standards allowed by use permit in Part 4 will be conformed to for development of this site.

3. The proposed PAD is in conformance with the Rio Salado Overlay District provisions in Part 5.
4. The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

### **Conclusion**

Based on the information provided and the above analysis, staff recommends approval of the requested Amended Planned Area Development Overlay. This request meets the required criteria and will conform to the proposed conditions.

### **REASONS FOR APPROVAL:**

1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The PAD overlay process was specifically created to allow for greater flexibility to allow for alternate setbacks, building heights, and landscape areas.
3. Subject to conditions of approval, the proposed project meets the approval criteria for an Amended Planned Area Development Overlay.

### **PAD14013**

#### **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. Except as modified by conditions, development shall be in substantial conformance with the Jefferson Town Lake site plan, floor plans, and building elevations (renderings) dated October 27, 2014, and landscape plan dated September 29, 2014. (MODIFIED BY THE COMMISSION)
2. A building permit application shall be made on or before two years from 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 owner shall sign a waiver of rights and remedies form. By signing the form, the Owner voluntarily waives 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 January 5, 2015, or the PAD approval shall be null and void.
4. The Planned Area Development Overlay for Jefferson Town Lake shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.
5. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
6. Prior to submittal of the first building permit, the developer must receive approval of the ~~f~~Final Traffic Impact Study from the Public Works Department. (MODIFIED BY THE COMMISSION)
7. Prior to submittal of the first building permit application, the applicant shall provide evidence that the "no residential use" restriction on Lot 3A of the Final Plat of Playa del Norte has been removed. The restriction is identified as No. 9 in Bureau of Land Management (BLM) Patent AZ-02-97-0005 between the BLM and City of Tempe.
8. New construction shall be sound mitigated resulting with indoor noise levels not exceeding a decibel day night-level (DNL) of 45 decibels.
9. Building plans submitted for compliance review to the City of Tempe's the Community Development Department shall be

sealed and signed by an engineer licensed in Arizona with a proficiency in sound mitigation or noise control. The engineer shall note on the building plans that the building design is capable of achieving the required noise level reduction.

10. The property owner 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.
11. The developer shall provide vehicle parking equal to or greater than ~~432 required by the Zoning and Development Code. With the requested bedroom mix in 258 units, a minimum of 466 spaces are required.~~ (MODIFIED BY THE COMMISSION)

#### **HISTORY & FACTS:**

October 21, 2003	Redevelopment Review Commission held a review session regarding Playa del Norte. The applicant briefly explained the overall development and explained in more detail the Final P.A.D.'s (Lots 1, 4 and 5) the restaurant and residential portion of the master plan.
December 2, 2003	Redevelopment Review Commission recommended approval to City Council for a change in zoning, a Preliminary and Final Subdivision Plat, and a Preliminary Planned Area Development consisting of 90,000 s.f. of office space, 112 residential condominiums, 543 apartment/condominium units, 13,187 s.f. for restaurants and an additional 20,900 s.f. of mixed use for office/retail/restaurant (Lots 1, 2, 3, 4, 5, and 6) all on 22.78 net acres; and a Final Planned Area Development including site plan, landscape plan, and building elevations for Lot 1, 4, and 5 consisting of 3,187 s.f. for a restaurant (Lot 1), 112 residential condominiums (230,316 s.f. in Lot 4), and 543 apartment/condominiums (742,194 s.f. in Lot 5) on 12.44 net acres. Also included with this request was a use permit to allow outdoor dining in the MG, Multi-Use General District and five (5) variances. (7-0 vote)
January 8, 2004	City Council approved a change in zoning, a Preliminary and Final Subdivision Plat, and a Preliminary Planned Area Development consisting of 90,000 s.f. of office space, 112 residential condominiums, 543 apartment/condominium units, 13,187 s.f. for restaurants and an additional 20,900 s.f. of mixed uses for office/retail/restaurant (Lots 1, 2, 3, 4, 5, and 6) all on 22.78 net acres; and a Final Planned Area Development including site plan, landscape plan, and building elevations for Lot 1, 4, and 5 consisting of 3,187 s.f. for a restaurant (Lot 1), 112 residential condominiums (230,316 s.f. in Lot 4), and 543 apartment/condominiums (742,194 s.f. in Lot 5) on 12.44 net acres. Also included with this request was a use permit to allow outdoor dining in the MG, Multi-Use General District and five (5) variances.
July 11, 2006	Playa Del Norte Lot 3 Condominiums was presented to the Development Review Committee of the Rio Salado Advisory Commission. This earlier plan included 188 residential units, a 23 story tower and a four story wing. As with the latter plan, the garage was three levels and included a secured residential component and an unsecured guest component. The three Commissioners present agreed the use is appropriate for the Rio Salado Overlay District and fits with the goals and policies of the District.
February 7, 2007	The Onyx Condominiums was presented to the Development Review Committee of the Rio Salado Advisory Commission. The Commissioners present agreed the project furthers the goals of the Rio Salado District and the residential use of the project is appropriate for the district.
May 22, 2007	A Neighborhood Meeting was held to present the Onyx Condominiums to residents and property owners in the vicinity. The public did not attend. No public input was received.
June 12, 2007	The Development Review Commission approved the request for the Onyx Condominiums for a Use Permit to allow tandem parking in the garage and a Development Plan Review including site plan, building elevations, and landscape plan. The residential building area is +/- 252,316 s.f. on +/- 1.481 acres in the MU-4, Mixed-Use, High Density District and the Rio Salado Overlay District. The commission also recommended approval to amend the Playa del Norte Planned Area Development to modify the development standards for Lot 3 for the Onyx Condominiums.

June 28, 2007	City Council had an introduction and first public hearing for the request for the Onyx Condominiums for an Amended Planned Area Development Overlay for +/- 252,316 s.f. of residential building area on +/- 1.481 acres in the MU-4, Mixed-Use, High Density District and the Rio Salado Overlay District.
July 19, 2007	City Council approved the request for an Amended Planned Area Development Overlay for Onyx Condominiums (Lot 3 of Playa del Norte) to modify development standards for +/- 252,316 s.f. of residential building area on 1.481 acres.
October 13, 2014	A neighborhood meeting was held at 6:00 p.m. at the Carsten Golf Course, located at 1125 East Rio Salado Parkway.
October 28, 2014	The Development Review Commission recommended approval of an Amended Planned Area Development Overlay and Development Plan Review, consisting of a 256 unit, six-story apartment building for JEFFERSON TOWN LAKE, located at 909 E. Playa del Norte Drive.
November 13, 2014	City Council introduction and first public hearing for the Amended Planned Area Development Overlay for this request.
December 4, 2014	City Council second and final public hearing for the Amended Planned Area Development Overlay for this request.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

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