



**CITY OF TEMPE  
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 12/04/2014  
Agenda Item: 5A2**

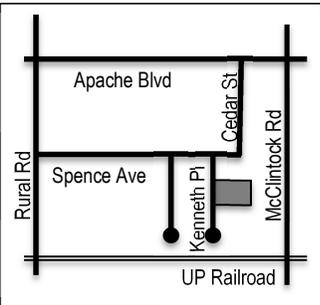
**ACTION:** Approve an Amended Subdivision Plat for KENNETH PLACE TOWNHOMES, located at 1419 and 1425 South Kenneth Place. The applicant is Mario Mangiamele, of Iplan Consulting.

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

**RECOMMENDATION:** Staff approval, subject to conditions.

**BACKGROUND INFORMATION:** KENNETH PLACE TOWNHOMES PL140414 is located in the Apache Boulevard Redevelopment Area, within the Transportation Overlay District. The site is south of Apache Boulevard, north of the Union Pacific Railroad line and between Rural and McClintock roads. A Subdivision Plat for this development was approved on February 7, 2013, with a requirement to record the plat within one year. The applicant changed architects and revised the site plan design, which triggered modifications to the Subdivision Plat to include a new perimeter tract. During this design change, the deadline for recordation was missed. Changing the plat lot lines and tracts and missing the conditioned recordation deadline required this request for a new Subdivision Plat. The Subdivision remains significantly similar to the originally approved plat; both the prior approved and the proposed new plat are provided as attachments for reference. The request includes the following:

SBD14022 Amended Subdivision Plat from two lots into eight lots.



Property Owner  
Applicant  
General Plan Land Use/Density  
Zoning District  
Lot Area  
Number of Lots

Neil Tang, Kenneth Property, LLC  
Mario Mangiamele, Iplan Consulting  
Residential / 16-25 du/ac  
R1-PAD  
16,823 gross s.f. / 16,404 net s.f. / .376 acres  
8 lots with 1 common tract:  
Lot 1 – 1,181 s.f.  
Lot 2 – 1,171 s.f.  
Lot 3 – 1,171 s.f.  
Lot 4 – 1,181 s.f.  
Lot 5 – 1,181 s.f.  
Lot 6 – 1,171 s.f.  
Lot 7 – 1,171 s.f.  
Lot 8 – 1,181 s.f.  
Tract A – 6,987 s.f. – inclusive of sidewalks,  
driveway, landscape and retention

**ATTACHMENTS:** Development Project File

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

Department Director: Dave Nakagawara, Community Development Director  
Legal review by: Teresa Voss, Assistant City Attorney  
Prepared by: Diana Kaminski, Senior Planner

**COMMENTS:**

This site is located north of the Union Pacific Railway, south of Apache Boulevard and between Rural and McClintock roads within the Apache Boulevard Redevelopment Area and the Transportation Overlay District Corridor. The property includes Lots One and Two of the Kenneth Place Subdivision. Kenneth Place connects to Spence to the north, and dead-ends at the railroad tracks at the south end. The property has apartments to the north and east, single family and multi-family residences to the south and west. The two lots within this proposed development were single family homes, but the lots have been vacant since 1990. The applicant is requesting the City Council take action on an amendment to the Kenneth Place Subdivision to combine two lots into one, and subdivide the whole into eight single-family townhome lots and associated common tract area on .376 acres.

**PUBLIC INPUT**

A neighborhood meeting is not required for a Subdivision Plat. However, a neighborhood meeting was held on Monday, November 26<sup>th</sup>, 2012 from 6:30 p.m. to 8:30 p.m. at the Escalante Community Center to fulfill the other entitlement processes required for this project. Community Development staff attended the meeting. Three residents were in attendance. Of primary concern was the protection of an existing private underground irrigation pipe.

**PROJECT ANALYSIS**

The existing two lots have street access on Kenneth Place; the revised subdivision will reduce the number of drives onto Kenneth with one centralized drive serving the eight units, four on each side of the common drive tract. The front and rear yard of the lot will be held as part of tract A and be maintained through the HOA. Each lot has a small private yard.

**Conclusion**

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

**REASON(S) FOR APPROVAL:**

1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The proposed project meets the Technical Standards of City Code Chapter 30 Subdivisions.

**SHOULD THE CITY COUNCIL ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUESTED SUBDIVISION PLAT, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.****CONDITIONS OF APPROVAL:****General**

1. The Subdivision Plat for the +/- .376 acres KENNETH PLACE TOWNHOMES shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe Community Development Department on or before December 4, 2015 or prior to issuance of a Certificate of Occupancy, whichever comes first. Failure to record the plat on or before December 4, 2015, which is one (1) year from date of City Council approval, shall make the City Council approval of the plat null and void.
2. Abandon existing public utility easements that are no longer needed within the property. Separately submit abandonment request to Public Works/Land Services Division and process abandonments through City Council.
3. Provide exclusive easements for public water and sewer lines within KENNETH PLACE TOWNHOMES. Either have easements "dedicated hereon" the Subdivision Plat or have easements separately reviewed by the Public Works Department, dedicated by separate instrument and recorded at the Maricopa County Recorder's Office.
4. All property corners shall be set and verified by Registered Land Surveyor. Submit completed and sealed Notice of Verification to Land Services staff no later than three (3) months from date of County Recordation of plat or on a date as determined by staff.

## CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- The owner shall provide a Continuing Care Condition, Covenant and Restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. **The CC&R's shall include restrictions on noise and nuisances by residents or guests of residents, parking, modification to topography affecting drainage, and requirements for storage of refuse containers within each unit and protection of the existing water rights for irrigation from the private irrigation system.** The CC&R's shall be reviewed and placed in a form satisfactory to the Community Development Manager and City Attorney.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through [www.tempe.gov/zoning](http://www.tempe.gov/zoning) or purchase from Community Development.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Community Development Department, and Fire Department given on the Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- **STANDARD DETAILS:**
  - Access to Tempe Supplement to the M.A.G. Uniform Standard Details and Specifications for Public Works Construction, at this link: [www.tempe.gov/index.aspx?page=2147](http://www.tempe.gov/index.aspx?page=2147) or purchase book from the Public Works Engineering Division.
  - Access to refuse enclosure details and all other Building Safety forms at this link: [www.tempe.gov/index.aspx?page=1033](http://www.tempe.gov/index.aspx?page=1033). The enclosure details are under Civil Engineering & Right of Way.
- **ENGINEERING:**
  - Underground utilities except high-voltage transmission line.
  - Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
  - Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
  - Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
  - 100 year onsite retention required for this property, coordinate design with Engineering Department requirements.
- **WATER:** The development will comply with water access and conveyance rights per Arizona Revised Statutes, as relevant to private water easements and conveyance systems.

## HISTORY & FACTS:

1930-1951	Aerial imaging indicates property was used for agricultural purposes and had no structures.
1952-1959	No aerial imaging available. Property record cards indicate permits were pulled in 1959 for sewer connections.
1963-1965	Utility and building permits issued for a residence located at 1419 S. Kenneth Place.
1967-1970	Utility and building permits issued for a single family residence on 1425 S. Kenneth Place.

1990	1419 S. Kenneth is vacant, house has been removed.
2002	1425 S. Kenneth is vacant, house has been removed.
2002-2012	Both properties have remained vacant for the past decade.
December 11, 2012	Development Review Commission heard the request and recommended approval of a Zoning Map Amendment from R-4 to R1-PAD for a Planned Area Development Overlay with development standards for eight new attached single-family townhomes and approved a Development Plan Review for KENNETH PLACE TOWNHOMES.
January 10, 2013	City Council introduced and held a first hearing for the above request.
January 24, 2013	City Council held a second public hearing and approved the above request with conditions.
February 7, 2013	City Council held a public hearing and approved an Amended Subdivision Plat for Kenneth Place Townhomes.
January 28, 2014	Development Review Commission moved to approve the requested Development Plan Review with additional conditions to address security and aesthetic concerns. The motion failed to carry with a 3 to 4 vote. No action was taken at this hearing.
February 11, 2014	Development Review Commission moved to continue the requested case nunc pro tunc, from the January hearing to February 25th, to take action on the item in with a majority vote of a motion.
February 25, 2014	Development Review Commission heard and approved a request for an amended Development Plan Review for new building elevations, landscape plan and site plan.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-307, Subdivision, Lot Splits and Adjustments

**CITY CODE REFERENCE:**

Chapter 30, Subdivisions