



**CITY OF TEMPE  
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 06/23/2016  
Agenda Item: 6A6**

**ACTION:** Hold a public hearing for a request to extend the time for a condition of approval related to the Amended Planned Area Development Overlay for VILLAS AT SOUTHBANK, located at 1122 East Vista Del Lago Drive. The applicant is Earl, Curley and Lagarde, PC.

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

**RECOMMENDATION:** Not Applicable

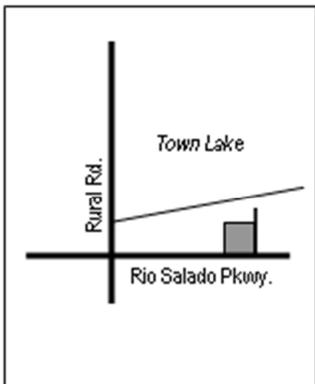
**BACKGROUND INFORMATION:** VILLAS AT SOUTHBANK (PL120046) consists of a mixed-use development for a 17-story, 262-unit senior living facility (including assisted living and memory care components) and a 2-story commercial building, totaling 367, 896 sf. in building area on 2.23 acres, located at 1122 East Vista Del Lago Drive in the MU-4, Mixed-Use High Density District. On June 14, 2012, City Council approved:

PAD12002 (Ordinance No. 2012.23) – An Amended Planned Area Development Overlay to establish development standards of 118 dwelling units per acre; a maximum building height of 211'-0"; reduce the required vehicle parking from 458 to 187 spaces, and reduce the required bicycle parking from 182 to 53 spaces

with a condition of approval that required the owner to submit a building permit application on or before June 14, 2014, or the zoning of the property may revert to that in place at the time of application. That dated has passed, the development team has not obtained or applied for a building permit and now requests an extension of time on that condition of approval until June 23, 2017:

A building permit shall be obtained on or before ~~June 14, 2014~~ June 23, 2017, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.

For Council's information, applicant has also requested a one-year time extension of the concomitant Development Plan Review (DPR) and Use Permit from the Development Review Commission that will proceed after the decision in this matter. A more detailed procedural history is contained in the Comments section and the History & Facts section below.



Current Property Owner	Rio Salado Development Partners, LLC
Applicant	Stephen C. Earl, Earl, Curley and Lagarde, PC
Current Zoning	MU-4, Mixed-Use high Density with Planned Area Development Overlay
Gross/Net site area	2.226 acres
Total Building area	367,896 sf.
Total Dwelling Units	262 units (118 du/ac)
Lot Coverage	43% (No Standard set)
Building Height	211'-0" (No Standard set)
Building Setbacks	9' front, 25' south street side, 1' west side, 15'-8" north side, 20' east side (No Standard set)
Landscape area	16% (No Standard set)
Vehicle Parking	187 spaces (458 minimum required)
Bicycle Parking	53 spaces (182 minimum required)

**ATTACHMENTS:** Time Extension Request Letter, Original Development Project File

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

## COMMENTS

Approval of the time extension has the effect of:

- Retaining the existing entitlements of MU-4 PAD, with the allowance of greater height, reduced vehicle parking and reduced bicycle parking for a senior living facility.
- 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.
- This entitlement still requires processing of Development Plan Review.
- The previous plans as presented are consistent with the General Plan 2040 land use designation of Mixed Use and High Density – Urban Core.

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 reversion, the property's zoning would remain as MU-4 but a new PAD Overlay application with Development Plan Review would be required to establish the development standards for any development proposed on this site.

What follows is a relevant, partial procedural history on applicant's requests for time extensions: On May 8, 2012, the Development Review Commission approved a Use Permit and Development Plan Review and recommended approval of an Amended Planned Area Development (PAD) Overlay for the VILLAS AT SOUTHBANK; on June 14, 2012, City Council approved the Amended Planned Area Development Overlay. On July 7, 2013, upon request from the applicant, an administrative approval for time extension for the Use Permit and the Development Plan Review were granted. This extension was valid until May 8, 2014. The applicant requested and on May 13, 2014, DRC granted, a two-year time extension for the use permit and development plan review. On May 12, 2016, the applicant filed for the current extension and for a one-year extension of the development plan review and use permit which will proceed following the decision on the current request.

## CONDITION(S) OF APPROVAL:

### General

1. A building permit shall be obtained on or before ~~June 14, 2014~~ June 23, 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 the VILLAS AT SOUTHBANK (PL120046) as approved by City Council on May 24, 2011, will remain in full force and effect.

## HISTORY & FACTS:

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|--------------------|--|
| September 10, 1998 | City Council approved the request for CIUDAD DEL LAGO-RIO EAST for a Final Planned Area Development consisting of the Peabody Hotel, located at 1200 East Rio Salado Parkway.  |
| May 17, 2007       | City Council approved the request of an Amended Planned Area Development Overlay for PIER 202 (PL060548) consisting of nine (9) new buildings up to 310 feet in height for commercial, 285 room hotel and 1,484 residential units on +/-27.4 acres, located at 1200 East Rio Salado Parkway, in the MU-4, Mixed-Use High Density District. |

- August 14, 2007 Development Review Commission approved a Preliminary Subdivision Plat and a Development Plan Review consisting of a landscape plan for street frontage, requested by PIER 202 located at 1200 East Rio Salado Parkway.
- April 24, 2012 At the Development Review Commission study session, the applicant for the Villas at South Bank provided an overview presentation of the project.
- May 8, 2012 Development Review Commission approved the request for a Use Permit and Development Plan Review, and recommended approval for an Amended Planned Area Development Overlay for VILLAS AT SOUTH BANK (PL120046) (City of Tempe, property owner; MDT Development Partners LLC, applicant) consisting of 262 units within a 17-story senior living facility (including assisted living and memory care components) and a 2-story commercial building, totaling 367,896 sf. in building area on 2.23 net acres, located at 1122 East Vista Del Lago Drive in the MU-4 (PAD), Mixed-Use High Density District with a Planned Area Development Overlay and the Rio Salado Overlay District. The request includes the following:
- PAD12002 (Ordinance No. 2012.23) – An Amended Planned Area Development Overlay to establish development standards of 118 dwelling units per acre; a maximum building height of 211'-0"; reduce the required vehicle parking from 458 to 187 spaces, and reduce the required bicycle parking from 182 to 53 spaces.
- ZUP12025 – Use Permit to allow tandem parking.
- DPR12032 – Development Plan Review including site plan, building elevations and landscape plan.
- May 31, 2012 City Council introduced and held the first public hearing for an Amended Planned Area Development Overlay for VILLAS AT SOUTH BANK (PL120046), located at 1122 East Vista Del Lago Drive.
- June 14, 2012 City Council, at the second and final public hearing, approved the request for an Amended Planned Area Development Overlay for VILLAS AT SOUTH BANK (PL120046), located at 1122 East Vista Del Lago Drive.
- May 8, 2013 Community Development staff received a time extension application for the use permit for tandem parking and development plan review, for this request. On July 7, 2013, staff administratively approved a one-year extension from the date of the original decision.
- May 13, 2014 Development Review Commission approved a time extension request for two years for a Use Permit for tandem parking and a Development Plan Review for the VILLAS AT SOUTHBANK (PL120046), located on 1122 East Vista Del Lago Drive. This development plan review and use permit was valid until May 13, 2016.
- June 14, 2014 The City Council approval of the Amended Planned Area Overlay for the VILLAS AT SOUTHBANK (PL120046), located on 1122 East Vista Del Lago Drive expired.
- May 12, 2016 The applicant, Earl, Curley and Lagarde, PC submitted an application that requested a one-year time extension of the condition of approval related to the Amended PAD and requested a one year time extension of the DPR and use permit.
- June 7, 2016 The City mailed letters certified mail with return receipts requested notifying the applicant and property owner(s) of the City Council date of the hearing on the time extension of the Amended PAD condition of approval. The notification was sent to the following: Stephen C. Earl, Earl, Curley and Lagarde; Kurt A. Peterson, Rio Salado Development Partners, LLC, Ridenour Hienton & Lewis, PLLC; J. Scott Backes, CEO, Brydant, Inc and James Mitchell, J Mitchell Advisors, LLC.