



**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Meeting Date: 11/01/2012
Agenda Item: 5D2B**

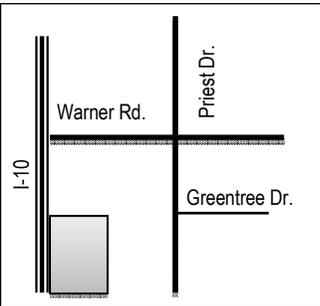
ACTION: Hold the second and final public hearing to adopt an ordinance for a Zoning Map Amendment from Agricultural District to General Industrial District for SOUTHWEST TEMPE REZONE located at 9010 South Priest Drive. The applicant is Huellmantel & Affiliates. (Ordinance No. 2012.49 B)

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: Staff approval, subject to conditions
Development Review Commission, approval (5-2 vote) with Commissioners Webb and Delton dissenting

BACKGROUND INFORMATION: SOUTHWEST TEMPE REZONE (PL120261) consisting of a Zoning Map Amendment just east of Interstate 10 between Priest Road from Agricultural District to General Industrial District for a proposed off-premise freeway sign; A neighborhood meeting was held by the applicant on September 10, 2012. **THIS ITEM AND ITS DEVELOPMENT PROJECT FILE INFORMATION IS PROVIDED WITHIN AGENDA ITEM 5D2A.** The request includes the following:

ZON12009 Zoning Map Amendment from AG, Agricultural District to GID, General Industrial District located on approximately 40 acres.



Property Owner(s)	Paula Gibson, Chief R/W Agent, ADOT
Applicant	Charles Huellmantel, Huellmantel & Affiliates
Projected Land Use	Open Space
Current Zoning District	AG, Agricultural District; Southwest Tempe Overlay Dist.
Gross/Net site area	40 acres (2 parcels)

ATTACHMENTS: Ordinance, Design Review Commission Minutes

STAFF CONTACT: Lisa Collins, Interim Community Development Director (480-350-8989)

Department Director: Lisa Collins, Interim Community Development Director
Legal review by: Teresa Voss, Assistant City Attorney
Prepared by: Ryan Levesque, Senior Planner

COMMENTS:

This site is located southwest of Warner Road and Priest Drive, and east of the Interstate 10 Freeway. The request consists of a rezoning of Arizona Department of Transportation land to the General Industrial District.

This request includes the following:

1. Zoning Map Amendment from AG, Agricultural to GID, General Industrial District on 40 acres of land.

PUBLIC INPUT

A neighborhood meeting was held by the applicant on September 10, 2012, 6:30 p.m. at the South Tempe Police Substation. The meeting was well attended with multiple review stations set up by the applicant and representatives from Mark-Taylor Development. Staff was also in attendance. Discussions at the meeting included concerns for existing and future traffic congestion, the density for the project and the future proposed General Plan 2040, and traffic light control. Refer to summary of public comments provided by the applicant, see Attachments. As well, staff has received letters from residents. The properties proposed for General Industrial District zoning will not have access to Priest Drive. There is no building development proposed for the industrial zoning request, therefore no additional traffic will be generated.

ZONING

The General Plan for the area (west of the canal and adjacent to the I-10 freeway) has a projected land use of "Open Space". The applicant is requesting to change the underlying zoning from AG, Agricultural District to GID, General Industrial District. This zoning designation would still allow for future public open space use, as defined within the industrial land use category as a permitted use. This zoning request has no proposal for a building development. If adopted by City Council, the zoning change would allow the applicant to enter into a development agreement for construction of an off-premise freeway sign.

Section 6-304 C.2. Approval criteria for zoning amendment:

1. The proposed zoning amendment is in the public interest.
2. The proposed zoning amendment conforms with and facilitates implementation of the General Plan.

Conclusion

Based on the information provided by the applicant and the above analysis, staff recommends approval of the requested Zoning Map Amendment. This request meets the approval criteria found in each application section; therefore staff recommends approval, subject to the conditions identified herein.

REASONS FOR APPROVAL:

1. The General Plan 2030 Projected Land Use for this site is identified as "Open Space". The industrial zoning district allows as a permitted land use, public open space.
2. The requested GID zoning district is compatible with the surrounding industrial zoning, and has no current plans for building development.

ZON12009

CONDITIONS OF APPROVAL:

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

1. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) 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 November 31, 2012 (effective date of ordinance), Zoning Map Amendment approval shall be null and void.

HISTORY & FACTS:

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| September 18, 1975 | Area annexed into the City of Tempe (Ordinance No. 775) the site automatically was zoned AG, Agricultural District. |
| September 10, 2012 | Neighborhood meeting held by the applicant for this request. |
| October 9, 2012 | Development Review Commission recommended approval of the Zoning Map Amendment and Planned Area Development Overlay, and approved the Use Permit to allow tandem parking and a Development Plan Review for a 590 unit multi-family development. (5-2 vote) Commissioners Webb and Delton dissenting. |
| October 18, 2012 | City Council introduction and first public hearing for this request. |
| November 1, 2012 | City Council second and final public hearing for this request. |

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendment