



**CITY OF TEMPE  
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 06/25/2015  
Agenda Item: 6C4**

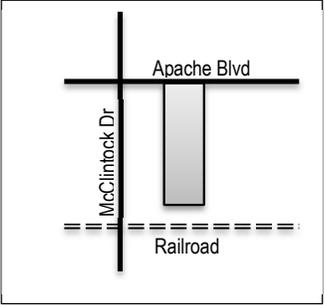
**ACTION:** Hold the second and final public hearing to adopt an ordinance authorizing a Zoning Map Amendment, Planned Area Development, and a Development Plan Review for 423 multi-family units and commercial uses for McCLINTOCK STATION, located at 1831 East Apache Boulevard. The applicant is Manjula Vaz of Gammage & Burnham, PLC. (Ordinance No. O2015.26)

**FISCAL IMPACT:** While this ordinance change does not directly impact revenue, the 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. O2015.26  
Approve Development Plan Review  
Development Review Commission – Approval (7-0 vote), with modified conditions

**BACKGROUND INFORMATION:** McCLINTOCK STATION (PL140381) currently consists of two parcels that comprise the Tempe Travel Trailer Park on the west side and one parcel with an existing mobile home park, Pony Acres on the east side. The site is located within the Transportation Overlay District Station Area and is approximately 327 feet wide east to west, along the street front and 1,265 feet deep from north to south. The proposed development is seeking to change the zoning on the western lots from CSS Commercial Shopping and Service, to MU-4 (Mixed Use, High Density), the eastern lot is already zoned MU-4. The request also includes a Planned Area Development Overlay for development standards, and shared use of an existing off-site driveway on the Grigio Metro property to the west. The request includes the following:

- ZON14003 Zoning Map Amendment from CSS Commercial Shopping and Service, to MU-4 (Mixed Use, High Density)
- PAD15002 Planned Area Development Overlay for development standards for density, building height, setbacks and parking.
- DPR15062 Development Plan Review for Site Plan, Landscape Plan and Building Elevations



Property Owners	McClintock Station LLC/Richard F. Richardson Trust /Deborah L. Richardson Trust /Westley G. Richardson Trust/Nano McFadden Trust/Carlson Family Trust/Charlene C. Glotzer Trust
Applicant	Manjula Vaz, Gammage & Burnham PLC
Current/Proposed Zoning	CSS TOD Station Area and MU-4 PAD TOD Station Area / MU-4 PAD TOD Station Area
Gross/Net site area	13.466 gross acres / 13.198 net acres
Density/Units/Bedrooms	32 du/ac / 423 units / 634 bedrooms
Total Building area	541,298 s.f.
Lot Coverage	35% (50% maximum allowed in CSS)
Building Height	60 ft. (35 ft maximum allowed in CSS)
Building Setbacks	20' front, 50' east side, 10' west side, 3' rear for maintenance building, 50' rear for residential units (0' front, 0' side, 10' rear minimum in CSS)
Landscape area	30% (15% minimum required in CSS)
Vehicle Parking	631 spaces provided (567 min. required, 709 maximum allowed) 102 private garage spaces, 322 carport and 97 uncovered resident spaces, 85 guest spaces, 25 commercial spaces
Bicycle Parking	416 spaces (416 minimum required)

**ATTACHMENTS:** Ordinance, Development Project File

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

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

**COMMENTS:**

This site includes three lots, two with access to the street front. Located on the south side of Apache Boulevard within the Transportation Overlay District Station Area, the site extends south at a dead end at the Union Pacific Railroad corridor; Broadway Road is further south of the site. The site is east of McClintock Drive, and adjacent to and west of the Tempe Police Sub Station. Other uses in the area include student housing at Grigio Metro to the west of the site, recreational vehicle trailer park to the north, existing small retail and restaurant businesses, established apartment communities and newer mixed-use student housing developments. The area south of the railroad alignment is industrial and office uses. The closest single family residential neighborhood is Hudson Manor, on the south side of Apache Boulevard, west of McClintock Drive.

The lot configuration makes many uses impractical for the depth and width of the lot which is limiting to retail uses due to the lack of street frontage. The requested development provides a market-rate for-rent apartment community with limited ground floor commercial uses. This property is not unique in this configuration; there are 25-35 sites along Apache Boulevard with very narrow street frontage and very deep lots. Each lot has either CSS or Multi-family zoning in effect. The site is approximately 327 feet wide east to west, along the street front and 1,265 feet deep from north to south, making redevelopment challenging. Due to the narrow dimension of the lots, and the lack of access to another street or alley, the property is required to circulate for fire and refuse within the existing lots, with two exit drives onto Apache Boulevard. A PAD entitlement approved in 2014 for the Pony Acres site had two drives within 175 feet. Since that time, the property owner has negotiated to purchase the two lots to the west of Pony Acres, which have multiple owner interests in trusts. By adding the additional two lots to the project, the driveways can be spread out, reducing the pedestrian conflicts on Apache Boulevard. The applicant is also working with the City of Tempe, current owner of the Grigio Metro property and park and ride facility, to gain access to the existing driveway, with design modifications to create a main entryway for this development. This process would supersede the prior Pony Acres PAD with a new PAD, and also requires approval by Valley Metro Transit Authority, Grigio Metro and the City of Tempe, with a Development Plan Review and PAD amendment to the existing site plan for the property to the west.

This request includes the following:

1. Zoning Map Amendment to change the zoning from CSS Commercial Shopping and Service to MU-4 (Mixed Use, High Density) for the Tempe Travel Trailer Property (two western lots)
2. Planned Area Development to define the density, building heights, setbacks, parking and general building envelope for the development for the Pony Acres and Tempe Travel Trailer Properties (all lots)
3. Development Plan Review for Site Plan, Landscape Plan and Elevations (all lots)

The applicant is requesting the Development Review Commission provide a recommendation to City Council on the items listed above. For further processing, the applicant will need approval for a Subdivision Plat.

**Site Plan Review:** The project has gone through three preliminary site plan reviews. There were no comments specific to the requested Zoning Amendment or Planned Area Development. Most of the comments from other departments were standard design feedback, which were addressed in the subsequent formal submittal. The applicant addressed all staff comments.

**Traffic Engineering Input:** A traffic study was received by Traffic Engineering staff and reviewed. The executive summary has been provided in the attachments of this report. The height of the buildings and circulation requirements for fire dictated wider drive aisles for access to all buildings. Traffic levels were within the anticipated level for service and access along Apache Boulevard.

**Police Input:** The Tempe Police Department originally expressed concern over the location of vehicles or shade canopies on the east side, creating a potential for people to climb over the security wall and into the police compound. A recommendation was made to use natural vegetation as a deterrent, with a combination of plants that would discourage climbing and access. There are no shade canopies on the east side, and trees will be conditioned to be non-climbable varieties, either smaller in scale or with thorns depending on location.

## **PUBLIC INPUT**

- A Neighborhood meeting was required for the zoning request.
- A Neighborhood meeting held: April 9 from 6:00 p.m. to 7:00 p.m. at the Four Points Sheraton Tempe at 1333 S. Rural Road.
- See attached summary of meeting provided by the applicant.
- Community Development staff and a Development Review Commissioner attended the meeting. The meeting was to discuss the zoning of the property from CSS to MU-4. The applicant presented the design concepts, including site layout, landscape, elevations, uses and circulation. There were approximately 20 people in attendance including representatives of the Tempe Apache Boulevard Business Association (TABBA) and nearby property owners and a few residents of the subject properties, Pony Acres and Tempe Travel parks. A translator was available if needed to discuss resident questions. The primary concerns were the timing of the entitlements and what plans were proposed for relocation of tenants residing in the two parks. It was clarified that each park had unique conditions in term of requirements for park closure. Pony Acres being a mobile home park has state requirements for notification and relocation assistance of the residences. Tempe Travel Trailer Villa is a recreational vehicle park, intended for short term visitors staying in RVs. The question of public art was raised; the applicant indicated they would like to incorporate artistic elements on the site or buildings. Staff clarified that the code does not require mixed use or multi-family developments to participate in the public art in private development program, but that developments may choose to incorporate art where feasible.

At the completion of the Development Review Commission report, there was one inquiry regarding this request. The resident was concerned about relocation plans for residents and displacement of families from the trailer park; the resident requested that some of the units of the new development be set aside for affordable housing, rather than grouping all low-income residents into specified affordable housing, they should be dispersed among the different projects displacing them. This resident provided a letter of opposition prior to the hearing, and attended the pre-session for the Development Review Commission.

## **DEVELOPMENT REVIEW COMMISSION**

The Commission discussed the project, its challenges and merits. Aside from the impacts on existing tenants of the sites, the Commission acknowledged the implementation of redevelopment of the area and generally supported the project concept and design. Concern was expressed about the displacement of residents, the lack of commercial uses within the site as a mixed use development, the level of commitment to make the limited commercial frontage function successfully and the lack of site specifics regarding landscape design. The elevations, renderings and landscape plans were not coordinated to accurately reflect street front landscape design. The Commission directed the applicant to work with staff for further design refinement of the landscape. Two residents of Tempe Travel Trailer Park attended and spoke during the Commission meeting with concerns about the noise from the railroad, traffic on Apache Boulevard, emergency access to the site, and displacement of low-income, senior and disabled residents of both parks. The Commission modified condition #4 based on the applicant's stated commitment to provide a LEED Silver Certified building product, added condition #7 to acknowledge existing industrial/commercial rights to railroad service to prevent future complaints, and modified a landscape condition to provide more plant material on the street frontage. The Commission recommended approval of the proposed project with a six to zero vote in favor, short one Commissioner.

## **PROJECT ANALYSIS**

### **ZONING**

The western Tempe Travel Trailer site is currently zoned CSS Commercial Shopping and Service, and is located within the Transportation Overlay District Station Area. The General Plan 2040 identifies this site as a mixed-use high density site allowing up to 65 dwelling units per acre. The request to change the zoning from CSS to MU-4 (Mixed Use, High Density), would match the existing zoning on the eastern Pony Acres site and bring the site into compliance with the projected land use and density within the General Plan. Pony Acres was established in the 1960s as a mobile home park (which has state requirements for notification and relocation), and Tempe Travel Trailer Villa was established in the 1970s as a commercial recreational vehicle park (which has zoning ordinance limitations on the length of stay, see report History and Facts). Although there are other travel trailer parks within the area, the area ceased being part of a network of campsites located along freeways when Apache Boulevard was replaced with the current freeway system and more urban development

patterns evolved. The area was designated the Apache Boulevard Redevelopment Area in the early 1990s, and City investment was initiated to stimulate revitalization of the area. The redevelopment of the site to market-rate apartments implements a thirty year vision for revitalization and private reinvestment in the area and increases the number of residents living near light rail and using local commercial businesses. The proposed zoning is appropriate to the surrounding sites, in relation to the defined zoning district uses and standards.

Section 6-304 C.2. Approval criteria for Zoning amendment (*in italics*):

1. *The proposed zoning amendment is in the public interest* by providing new site infrastructure and amenities to residents, increasing activity support at the east end of Apache Boulevard and facilitating revitalization of private properties along the transportation corridor.
2. *The proposed zoning amendment conforms with and facilitates implementation of the General Plan* by redevelopment of an underutilized parcel for an increased density supportive of transit oriented lifestyles.

### PLANNED AREA DEVELOPMENT

The property is within the Apache Boulevard Redevelopment Area, which identified a desire for balanced uses of owner-occupied and rental product, increased green spaces, enhanced recreational areas, provision of specific commercial uses to serve residents, rehabilitation of existing structures and redevelopment of properties unable to be reused. The proposed project is primarily a multi-family development. If the applicant had requested a zoning amendment to multi-family, a General Plan Amendment would have been necessary. The Zoning Code currently precludes any developments greater than 30 dwelling units per acre being built as solely a residential product, without mixed use. As a Mixed-Use zoning district, a Planned Area Development is required to determine the development standards, which are negotiated through the PAD process. The PAD intent is to provide development standards to accommodate an innovatively designed development that exceeds what would be possible by the standards within the code. The mixed-use component includes the leasing office, potential retail or restaurant uses along the street front. There is limited street frontage to accommodate commercial uses. The proposed configuration will have glass storefront. For comparative purposes, the R-5 Zoning District (the highest density multi-family district), the CSS Zoning District (current standards), the standards for the prior Pony Acres PAD and the Proposed PAD are shown on the chart below:

<b>PLANNED AREA DEVELOPMENT Overlay</b>				
<b>Standard</b>	<b>R-5 Multi-family Residential Standards</b>	<b>CSS</b>	<b>Pony Acres prior entitled MU-4 (PAD)</b>	<b>PROPOSED MU-4 (PAD)</b>
Residential Density Number of Units Number of Bedrooms	30 du/ac 156 units	20 du/ac 104 units	40 du/ac 204 units 297 bedrooms	32 du/ac 423 units 634 bedrooms
Building Height (feet) [Exceptions, see Section 4-205(A)] Building Height Maximum Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]	50 ft.  Yes	35 ft.  No	75 ft.  No	60 ft.  No
Maximum Lot Coverage (% of net site area)	70%	50%	30%	35%
Minimum Landscape Area (% of net site area)	25%	15%	18%	30%
Setbacks (feet) (a) [Exceptions, see Section 4-205(B)] Front Parking  Side  Rear  Street Side Parking	20 ft  10 ft  10 ft  10 ft	0 ft 20 ft  0 ft  10 ft  0 ft 20 ft	5 ft 20 ft  0 ft east side 54 ft west side  54 ft rear  NA NA	20 ft front 20 ft 50 ft east side 10 ft west side  3 ft rear for maintenance building 50 ft rear for residential units NA

Parking with TOD reduction Residential Retail Office Fitness Center Restaurant	Dependent on unit mix	279 No retail 14 Not open to public No restaurant	264 secured spaces 18 public spaces TOTAL = 282 spaces	631 spaces provided (567 min. required, 709 maximum allowed) 102 private garage spaces, 322 carport and 97 uncovered resident spaces, 85 guest spaces, 25 commercial spaces
Bicycle Parking	Dependent on unit count	148	147 secured spaces 5 public spaces	416

The proximity of the site to the light rail station and newer developments provide precedence for development form.

Grigio Metro, a mixed-use student housing development to the west of the proposed development site, has a density of 84.6 dwelling units per acre on 4.8 acres, including 407 units and 920 parking spaces (including the park and ride spaces, the project required 462 spaces). The building height is 70 feet, and setbacks were 0 feet on front and sides, and 15 feet on the rear lot line. The project has a 10% landscape area. The commercial requirements were reduced for this development, located on a major arterial corner (requiring ground floor commercial uses on two sides), to require 45% of the ground floor to be commercial uses, and a Zoning Administrator's opinion that the residential private gym could serve as a part of the total commercial frontage required.

The Domain (Formerly Campus Suites on The Rail), to the north east of this site has a density of 44 dwelling units per acre on 6.8 acres, to include 299 units (964 bedrooms) and 1,084 parking spaces (746 spaces required). The building height is 70 feet, and the setbacks were 0 feet on front, east side and rear, and 10 feet on the west side. The project has a 14% landscape area.

Regarding street front uses: The lot is approximately 327 feet wide, with one driveway at the east side, and sharing an existing off-site driveway on the west side. The proposed street frontage is 85 feet of commercial space (retail/restaurant/office) and 155 feet of leasing office and clubhouse for the residents. The previous PAD for Pony Acres included incubator office space located above the ground floor; this has been replaced with more residences along the street front.

Regarding Density: The existing zoning allows 20 du/ac, and R-5 zoning would allow 30 du/ac, the request is for 32 du/ac, which is within the projected "up to 65 du/ac" designation in the General Plan, and within the range of other recent developments within the area.

Regarding Building Height: The existing zoning allows 35 feet, the R-5 zoning would allow 50 feet, and the request is for 60 feet, Grigio Metro is 70 feet in height. Building A is proposed to be four stories and Buildings B and C are proposed to be three stories, the height allows for generous ceiling heights within the units and pronounced elevation changes at the roofline. The proposed height is in character with the area. There are no adjacent single-family neighborhoods to this project, therefore a step back is not necessary.

Regarding Lot Coverage: The existing CSS would allow up to 50% lot coverage, R-5 would allow 70%, the proposed lot coverage is 35%. Car canopies are not included in lot coverage. The amount of building area is appropriate to the overall site and is less intense than other developments within the area.

Regarding Landscape Area: The existing CSS requires 15% landscape, R-5 would require 25%, the requested is 30%. Other developments in the area range from 10-14% of the total site. The proposed PAD is providing a significant increase in landscape area from what would currently be required. Further, the paved parking surfaces are shaded by 54,740 square feet of shade canopies; uncovered parking is shaded by significant tree canopy coverage, mitigating the heat impacts of required paving.

Regarding Setbacks: The setbacks are greater than what is required within the existing CSS, R-5, or any of the existing entitled PADs. The setbacks were determined based on drive circulation requirements, which dictated a 26 foot drive aisle on both sides of the buildings, and the addition of parking stalls at the perimeter of the site.

Regarding Vehicle and Bicycle Parking: The proposed project does not modify the parking standards from the Zoning Code within the TOD station area. Reductions are made based on the proximity to light rail, within the station area, and parking is secured for both vehicles and bikes, with sufficient public parking to accommodate business uses at the street front.

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

1. The proposed land uses are 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 general conformance with provisions in Part 5
4. The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

## **DEVELOPMENT PLAN REVIEW**

The applicant provided a detailed letter of intent regarding the proposed design of the development.

### **Site Plan**

The rectilinear site provides approximately 240 linear feet of building frontage along Apache Boulevard on the north side. The building is set back 20 feet to allow room for patios if commercial uses need patio space. It also provides the opportunity for some ground level landscape along the street front, a visual relief from narrower pedestrian areas with limited room for tree growth along the street front. There is no access through the Tempe Police facility to the east or through the railroad property to the south. The primary drive is an existing drive shared with the Grigio Metro at a lighted crossing of the Light Rail and Apache Boulevard west of the proposed project. Parking for guests and prospective tenants is available on the west side of the lot, north of the gated entrance to the residential community. The secondary drive is located at the east end of the site and provides public parking for the commercial components and access for residents behind a gate. The project complies with fire and refuse access. Private garages are located on the first floor, accessed internally from specific units above. Of the 423 residences, 102 parking spaces are within private garages and 322 spaces are covered spaces. Building A includes approximately 85 feet of commercial frontage and 155 feet of leasing office and clubhouse, and provides an open plaza entry to the development. Building B is a courtyard style building with a pool amenity area in the center. Four rows of covered parking are available between Building B and Building C to the south end of the site. Building C is a courtyard style building with a larger pool amenity area. A small maintenance building is located along the south perimeter of the property, adjacent to the railroad tracks. The massing of the buildings, the large setbacks and the breaks in the side configuration break up the buildings into a human scale with significant open space.

### **Building Elevations**

The proposed design is contemporary in form and materials, and more traditional in massing and building articulation. The design breaks up the 240 foot building length into smaller sections that appear like row-houses on the upper floors, with varied roof heights, portions that are recessed and others that project out, creating depth and variation that changes with shadows throughout the day. Ground floor street frontage is commercial in appearance, but articulated to provide pedestrian cues for entrances with pronounced architectural forms and changes in material. The primary building material is a stucco system, which is proposed to be painted five randomly alternated colors: light cool grey, artichoke green, medium amber gold and a dusty teal tone. Accent colors include a brown-black, white and metallic aluminum or silver. Masonry veneer wall systems include a satin honed surface limestone and a warm grey rock finished masonry product. None of the garage doors face west, however there are south facing garage doors, which are proposed to be painted the brown-black color. A condition has been added that a lighter shade be used on south facing garage doors, which will have more sun exposure, increased heat gain, and increased fading of surface color. A variety of shade canopies, including standing metal seam, cable mounted, eyebrow and louvered shade is provided over different windows. Building A is four stories, and the southern buildings B and C are three stories with a maximum height of 60 feet inclusive of equipment screening. The roof design is flat with parapets to screen HVAC. The design provides diversity within different elevation segments, with continuity in materials or colors appropriate to each section. Balconies are provided and have been reviewed by Tempe police staff.

### **Landscape Plan**

The proposed design has 30% of the site landscaped with a combination of low water using and transitional oasis plants to

create a lush shaded residential site. The project uses a combination of plants not commonly seen in recent designs, providing bio-diversity to the area and visual change from the status quo. The street front carries the existing theme with Sonoran Desert Museum Palo Verde with low water use understory ground covers to soften the building edge. Turf is used judiciously to add a color break to typical paving or gravel ground cover, and to cool the surrounding area. The trees transition into the site with Acacia Mulga. The site uses Purple Leaf Plum, Sissoo and Chinese Pistache which add color, texture and variety in mass plantings. The interior parking areas have more xeric plants, Thornless Chilean Mesquite and Acacia Mulga. The courtyards have an oasis look with Queen Palms and Date Palm. The southern perimeter is designed for maximum screening to the south, using Mondel Pines. Shrubs include Dalea, Tecoma, Sage, Hopseed, Ruellia, Honeysuckle, Pineapple Guava, Hibiscus, Lilyturf, Fortnight Lily, Ale Vera, Red Bird of Paradise, Senna and Dwarf Oleander. A variety of flowering ground covers and vines are incorporated into the palette for year round color and visual interest. To address sustainability, the applicant is carefully selecting locational appropriate plants and plans to incorporate existing mature plants where possible. Plant reclamation/transplantation is not required, but the applicant has already engaged the landscape architect to complete an inventory of the existing plant stock on both properties for potential selection of material for on-site replanting. They intend to mulch whatever remaining landscape material as appropriate to enhance native site soil, and reduce the overall carbon footprint by minimizing on-site demolition and landfill haul.

Section 6-306 D Approval criteria for Development Plan Review (*in italics*)

1. *Placement, form, and articulation of buildings and structures provide variety in the streetscape*; The three buildings are broken up with undulating elevations, balconies, shade canopies and architectural pop outs and recesses to create variety in the massing of the structures. The use of color and material further defines the street front façade into smaller row-house style elements over a commercially designed building base.
2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort*; heavy shade is provided through use of trees and parking canopies, sidewalks are tucked in next to the buildings and vegetation is used to cool the courtyards and parking areas.
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings*; materials are comparable to surrounding newer development and are complimentary in form and color.
4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings*; the building heights and massing, use of materials and combination of plantings provides a comfortable pedestrian scale with significant open space for visual relief.
5. *Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level*; building A is horizontally defined at the ground plane with commercial fenestration, masonry veneers and entryway elements, upper floors are vertically defined by changes in color, façade undulation and use of shade canopies to create a varied elevation with a unified theme.
6. *Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions*; use of windows, shade canopies, balconies, color, and materials create the rhythm and architectural interest.
7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage*; the project complies with required parking and bike parking ratios, encourages use of transit by virtue of location to the light rail station and provides secure shaded parking areas that allow residents to own vehicles for occasional use rather than daily driving.

8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses; 26' wide drive aisles exceed minimum 23' standard widths, wide turning radii provides easier circulation for moving vehicles and walkways are provided up next to the building to separate pedestrians and vehicles where possible.*
9. *Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance; the design provides surveillance of the parking areas, the courtyard amenity areas, and the street front.*
10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways; parking areas are heavily landscaped, plant materials are used as visual cues to different areas of the site, whether it is used for screening, security, comfort or aesthetic enhancement.*
11. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects; lighting is compliant with code requirements, increasing the amount of lighting in this area with newer technologies and infrastructure.*

### **Conclusion**

Based on the information provided and the above analysis, staff recommends approval of the requested Zoning Amendment, Planned Area Development and Development Plan Review. This request meets the required criteria and will conform to the conditions.

### **REASONS 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 PAD overlay process was specifically created to allow for greater flexibility, to allow for increased heights.
4. The proposed project meets the approval criteria for a Zoning Amendment, a Planned Area Development and Development Plan Review.

### **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. The property owner shall notify residents and owners of mobile homes, to the extent they are not also a resident, of Pony Acres no less than 180 days prior to the closure of the parks for redevelopment. The notification of the need to relocate due to closure shall be in English and Spanish, provided to both the residents and the City of Tempe.
2. The property owner shall notify tenants of Tempe Travel Villa no less than 90 days prior to the closure of the parks for redevelopment. The notification of the need to relocate due to closure shall be in English and Spanish, provided to both the park tenants and the City of Tempe.
3. A building permit application shall be made on or before September 4, 2017, 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.
4. The site plan **and building design**, as submitted **and presented**, is approved as part of the Planned Area Development **and shall be LEED Silver Certified**. (MODIFIED BY COMMISSION)
5. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) 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 July 27, 2015, or the Zoning Map Amendment and Planned Area Development approval shall

be null and void.

6. The Planned Area Development Overlay for McCLINTOCK STATION 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.
7. **The applicant and property owners acknowledge the existence of the Union Pacific Rail Road line. The applicant shall provide notice of the existence of the rail road to the tenants and require tenants to sign a waiver acknowledging the same.** (ADDED BY COMMISSION)

## DPR15062 CONDITIONS OF APPROVAL

### Site Plan

1. The site plan is approved as submitted (April 16, 2015), minor modifications, including changes to the western driveway, may be reviewed through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.
2. Coordinate location of underground utilities, storm water drainage systems and required landscape trees to avoid conflicts.
3. Maintain the existing active east to west sewer line and existing off-site sewer capacity within a sewer easement on site.
4. Coordinate location of grease trap interceptor Public Works Environmental Services and Civil Engineering:
  - a) No tenant development will be approved unless a representative of the City's Environmental Services Section provides approval by way of signing off on the plan review
  - b) The plumbing will be so configured that transition from use of an interceptor to a trap can be achieved without bypassing the appropriate device. Environmental Services will be given the opportunity to inspect and approve any and all such plumbing modifications. All other plumbing code requirements for changes in degrees, lengths of run and required clean-outs, shall also apply.
  - c) The owner of the property shall provide the Environmental Services Section a letter stating that it is the property owner's responsibility to ensure that any trap and/or interceptor not in use is properly cleaned and maintained, and assumes any and all responsibility of activity that is a result of the interceptor and/or trap on their property.
  - d) Agree in each lease/pad agreement that the owner of the property is responsible for all maintenance and repairs to each interceptor or trap within the development.
5. Provide 8'-0" wide public sidewalk along arterial roadways, as required by Traffic Engineering Design Criteria and Standard Details and the additional pedestrian amenities in conformance with the Zoning Ordinance Transportation Overlay District.
6. Provide service and mechanical yard walls that are at least 8'-0" tall as measured from adjacent grade and are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment. Locate electrical service entrance sections inside the service yard.
7. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
8. Provide upgraded paving at each driveway consisting of unit paving. Extend this paving in the driveway from the right-of-way line to 20'-0" on site and from curb to curb at the drive edges. From sidewalk to right-of-way line, extend concrete paving to match sidewalk.

9. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.
10. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
11. Shade canopies for parking areas:
  - a. Provide an 8" fascia for the canopy structure.
  - b. Maximum 75% light reflectance value shall also apply to the top of the canopy.
  - c. Relate canopy in color and architectural detailing to the buildings.
  - d. Conceal lighting conduit in the folds of the canopy structure and finish conduit to match.

### **Floor Plans**

12. Exit Security:
  - a. Provide visual surveillance by means of fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
  - b. In instances where an elevator or stair exit is within 21'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow someone in the exit doorway to observe in the mirror the area around the corner or within the alcove that is adjacent to the doorway.
13. Public Restroom Security:
  - a. Lights in restrooms:
    - 1) Provide 50% night lights
    - 2) Activate by automatic sensors, key or remote control mechanism
  - b. Single user restroom door hardware:
    - 3) Provide a key bypass on the exterior side

### **Building Elevations**

14. The materials and colors are approved as presented (April 16, 2015):
  - Roof – flat with parapet
  - Primary Building – Stucco wall system – Sherwin Williams SW6197 Aloof Gray (light cool grey)
  - Primary Building – Stucco wall system – Sherwin Williams SW6179 Artichoke (medium grey green)
  - Primary Building – Stucco wall system – Sherwin Williams SW6657 Amber Wave (medium amber gold)
  - Primary Building – Stucco wall system – Sherwin Williams SW7074 Software (medium grey) – work with staff on an alternative color consistent with the rendering (medium teal grey) for a hue complementary to the other proposed tones with less grey and more color.
  - Primary Building – Masonry Veneer Wall System – Arriscraft Renaissance Montecito Rocked Finish or equivalent
  - Primary Building – Masonry Veneer Wall System – Arriscraft Renaissance Limestone Honed Satin Finish or equivalent
  - Trim, Building Accent, Garage Doors, Balcony Doors – Sherwin Williams SW7020 Black Fox (brown-black)
  - Garage Doors facing south to be painted 2 shades lighter than Black Fox in the same tonal range to reduce heat gain
  - Stucco Accent – Sherwin Williams SW7006 Extra White
  - Windows – clear low-e
  - Metal guardrails, awnings, canopies - Anodized Silver Finish
  - Storefront window system – clear anodized aluminum

Provide primary building colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Additions or modifications may be submitted for review during building plan check process.

15. Provide secure roof access from the interior of the building. Do not expose roof access to public view.

16. Conceal roof drainage system within the interior of the building.
17. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Exposed conduit, piping, or related materials is not permitted.
18. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
19. Upper/lower divided glazing panels in exterior windows at grade level, where lower glass panes are part of a divided pane glass curtain-wall system, shall be permitted only if laminated glazing at these locations is provided.

### Lighting

20. This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting, unless otherwise conditioned.
21. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance at these locations.

### Landscape

22. The plant palette is approved as proposed and specified on the landscape plan **with additional landscape incorporated along Apache Boulevard frontage where hardscape areas are not activated**. Any additions or modifications may be submitted for review during building plan check process. (MODIFIED BY COMMISSION)
23. Arterial street trees shall be a minimum of 36" box specimens and a minimum of 1 ½" caliper trunk.
24. East side perimeter trees shall be species that are not conducive to climbing, either by structural form of the species, thorns, or maintenance of a canopy taller than 8' from the ground.
25. East side perimeter plants shall include species with thorns that discourage climbing.
26. Irrigation notes:
  - a. Provide dedicated landscape water meter.
  - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½". Provide details of water distribution system.
  - c. Locate valve controller in a vandal resistant housing.
  - d. Hardwire power source to controller (a receptacle connection is not allowed).
  - e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
27. Include requirement to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
28. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.
29. Trees shall be planted a minimum of 20'-0" from any existing or proposed public water or sewer lines. The tree planting separation requirements may be reduced from the waterline upon the installation of a linear root barrier, a minimum of 6'-0" parallel from the waterline, or around the tree. The root barrier shall be a continuous material, a minimum of 0.08" thick, installed 0'-2" above finish grade to a depth of 8'-0" below grade. Final approval subject to determination by the Public Works, Water Utilities Division.

### Signage

30. Provide building address sign(s) on the sides of each building facing the street or fire lane around the property.
  - a. Conform to the following for building address signs:
    - 1) Provide street number only, not the street name
    - 2) Compose of 12" high, individual mount, metal reverse pan channel characters for building addresses
    - 3) Self-illuminated or dedicated light source.
    - 4) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
    - 5) Do not affix number or letter to elevation that might be mistaken for the address.
  - b. Provide three internally illuminated directory signs identifying the unit locations within the complex in the following locations:
    - 1) At the primary entrance, east of the parking area adjacent to the leasing office.
    - 2) At the west gated entry
    - 3) At the east gated entry
  - c. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.
  - d. Provide one address sign on the roof of Building A. Orient sign to be read from the south.
    - 1) Include street address number in 6'-0" high characters on one line and street name in 3'-0" high characters on a second line immediately below the first.
    - 2) Provide high contrast sign, either black characters on a light surface or white characters on a black field that is painted on a horizontal plane on the roof. Coordinate roof sign with roof membrane so membrane is not compromised.
    - 3) Do not illuminate roof address.

#### **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.

- Development plan approval shall be void if the development is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the approval is granted or within the time stipulated by the decision-making body. The period of approval is extended upon the time review limitations set forth for building permit applications, pursuant to Tempe Building Safety Administrative Code, Section 8-104.15. An expiration of the building permit application will result in expiration of the development plan.
- 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: <http://www.tempe.gov/city-hall/public-works/engineering/standards-details> or purchase book from the Public Works Engineering Division.
  - Access to refuse enclosure details and all other Development Services forms at this link: <http://www.tempe.gov/city-hall/community-development/building-safety/applications-forms>. The enclosure details are under Civil Engineering & Right of Way.
- **BASIS OF BUILDING HEIGHT:** Measure height of buildings from top of curb at a point adjacent to the center of the front

property line.

- COMMUNICATIONS:
  - For building height in excess of 50'-0", design top of building and parapet to allow cellular communications providers to incorporate antenna within the building architecture so future installations may be concealed with little or no building elevation modification.
- WATER CONSERVATION: Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for the non-residential components of this project. Have the landscape architect and mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59. Refer to this link: [www.tempe.gov/modules/showdocument.aspx?documentid=5327](http://www.tempe.gov/modules/showdocument.aspx?documentid=5327). Contact Public Works Department, Water Conservation Division with questions regarding the purpose or content of the water conservation reports.
- HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Contact the Historic Preservation Officer with general questions. Where a discovery is made, contact the Arizona State Historical Museum for removal and repatriation of the items.
- SECURITY REQUIREMENTS:
  - Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage to opportunity for ambush opportunity. Maintain distances of 20'-0" or greater between a pedestrian path of travel and any hidden area to allow for increased reaction time and safety.
  - Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
  - Provide method of override access for Police Department (punch pad or similar) to controlled access areas including pool, clubhouse or other gated common areas.
  - The Owner is required to prepare a security plan for the project with the Police Department. The architect should be involved to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued. At a minimum, the Owner shall contact the Police Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.
  - In conjunction with the security plan, Crime Free Multi-Housing status for this property may be required.
  - Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
- FIRE:
  - Clearly define the fire lanes. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies or overhead structures. Layout and details of fire lanes are subject to Fire Department approval.
  - Provide a fire command room(s) on the ground floor of the building(s). Verify size and location with Fire Department.
- ENGINEERING:
  - Underground utilities except high-voltage transmission line unless project inserts a structure under 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 requirements of the Engineering Department.
- REFUSE:
  - Enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with standard detail DS-116.
  - Develop strategy for recycling collection and pick-up from site with Sanitation. Roll-outs may be allowed for recycled materials. Coordinate storage area for recycling containers with overall site and landscape layout.
  - Gates for refuse enclosure(s) are not required, unless visible from the street. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.
- DRIVEWAYS:
  - Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works, Traffic Engineering.
  - Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult Intersection Sight Distance memo, available from Traffic Engineering if needed [www.tempe.gov/index.aspx?page=801](http://www.tempe.gov/index.aspx?page=801) . Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
- PARKING SPACES:
  - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act and the Code of Federal Regulations Implementing the Act. Refer to Building Safety ADA Accessible Parking Spaces Marking/Signage on Private Development details.
  - At parking areas, provide demarcated accessible aisle for disabled parking.
  - Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- LIGHTING:
  - Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
  - Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.
- LANDSCAPE:
  - Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the Landscape Architect or a plant salvage specialist. Note original locations and species of native and "protected" trees and other plants on site. Move, preserve in place, or demolish native or "protected" trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department. Notice of Intent to Clear Land form is available at [www.azda.gov/ESD/nativeplants.htm](http://www.azda.gov/ESD/nativeplants.htm) . Follow the link to "applications to move a native plant" to "notice of intent to clear land".
- SIGNS: Separate Development Plan Review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Obtain sign permit for identification signs. Directional signs (if proposed) may not require a sign permit. Directional signs are subject to review by planning staff during plan check process.

## HISTORY & FACTS:

January 1930                      Based on aerial photography from the Flood Control District of Maricopa County, the property was

used for agricultural purpose, with the railway line to the south and Apache Boulevard terminating at McClintock at the west.

- February 1949 Residential structures were located at the north end of the lot, facing Apache Boulevard, by 1953, the eastern lot structure was removed and the western lot structure remained.
- 1951 Annexation of the area east of McClintock brought properties into the jurisdiction of the City of Tempe with a zoning of Business district.
- 1957 Business Zoning was changed to C-2 Commercial district.
- February 1959 Development is shown on the north side of Apache Boulevard; however there is no aerial shown on the south side.
- January 1969 The Pony Acres Trailer Park is fully developed sometime between 1954 and 1969. It is established as a Residential Mobile Home Park for lease of lots for homes that do not have chassis or qualify as a vehicle. The site to the west was not developed at this time. The beginning of a development was started on the lot to the east.
- November 16, 1972 Board of Adjustment approves a Use Permit to allow a Trailer Park in C-2 General Commercial District on the property west of Pony Acres. The allowance of the trailer park was in conformance with the Zoning Ordinance requirements that the commercial facility was used for travel or recreational vehicles on nightly, weekly or monthly rentals of 89 spaces to vehicles no larger than 35'. The vehicles would not remain on site for more than three months in any one year. The travel trailer park was intended for tourism business, similar to a campground or hotel use, not permanent residency.
- December 1979 By aerial imagery, it appears the Tempe Travel Trail Park is fully developed. The lot east of Pony Acres appears to have limited use.
- 1997 City Council adopted a resolution to adopt the fourth General Plan; General Plan 2020 designated both the travel trailer and mobile home park properties, along with most properties on Apache Boulevard as Mixed-Use land use.
- December 11, 1997 City Council adopted a resolution to create the Apache Boulevard Redevelopment Area, for redevelopment of properties along the boulevard.
- December 4, 2003 City Council approved General Plan 2030 and in May 2004, voters ratified the plan confirming the land use designation of Mixed-Use along Apache Boulevard.
- January 20, 2005 City Council adopted an new Zoning and Development Code, which changed the name of C-2 Zoning district to CSS, Commercial Shopping and Service.
- November 17, 2005 An Ordinance for the Transportation Overlay District was adopted.
- October 2006 The site to the east remained vacant for a decade prior to development of the Tempe Police Substation.
- July 22, 2014 Development Review Commission heard and continued the request until August 25, 2014 for the proposed multi-family development is seeking to change the zoning from CSS Commercial Shopping and Service, to MU-4 Mixed Use, High Density with a Planned Area Development on 5

acres.

- August 25, 2014      Development Review Commission held a second hearing, took public input and voted 4 to 3 in favor of the request.
- September 11, 2014      City Council held an introduction and first public hearing for the Pony Acres site to be redeveloped in conformance with the General Plan.
- October 2, 2014      City Council held a second public hearing and approved the Pony Acres site entitlement.
- March 9, 2015      A new request for entitlement was made, incorporating both the Pony Acres and Trailer park properties into a proposed new development as described in this report.
- May 12, 2015      Development Review Commission held a public hearing, took public input, discussed and unanimously approved the project with modifications to the conditions of approval.
- June 11, 2015      City Council is scheduled to hold a first public hearing for this request.
- June 25, 2015      City Council is scheduled to hold a second public hearing for this request

**ZONING AND DEVELOPMENT CODE REFERENCE:**

- Section 6-304, Zoning Map Amendment
- Section 6-305, Planned Area Development (PAD) Overlay Districts
- Section 6-306, Development Plan Review