



**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 08/18/2016
Agenda Item: 6A3**

ACTION: Hold a public hearing for a review of the Zoning Map Amendment and Planned Area Development Overlay for direction on a time extension or initiate the reversion of prior entitlements for 8TH & RURAL, located at 855 South Rural Road.

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

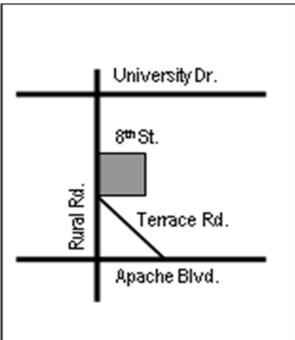
RECOMMENDATION: Not applicable.

BACKGROUND INFORMATION: 8TH & RURAL (PL110371) consists of a new mixed-use residential development consisting of two phases, which includes two 21-story buildings with urban retail uses on the ground floor, totaling up to 465,695 sf. in building area on approximately 2.09 acres, located at 855 South Rural Road. On March 22, 2012, City Council approved the entitlement request with a condition that a building permit application shall be completed on or before March 22, 2016 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. At this time, the development team has not obtained or applied for building permits. However, city staff has been actively reviewing proposals for changes to the development plan.

On July 15, 2016 notification letters with return receipts were sent to the following: Charles Huellmantel, Huellmantel and Affiliates and 529 Tempe LLC. On July 18, 2016 notification letter was accepted and return receipt was received from Huellmantel and Affiliates. On July 19, 2016 Notification letter was accepted and return receipt was received from 529 Tempe LLC.

On July 21, 2016, Huellmantel and Affiliates requested an 18-month extension of the time allowed in the condition of approval to apply for a building permit that would, if granted, modify the condition to read:

A building permit application shall be made on or before ~~March 22, 2016~~ September 22, 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.



Gross/Net site area	2.64 acres (development site: 2.09 acres)
Total Building area	465,695 sf. (15,544 sf.)
Residential Density	483 units or 231 du/ac (No Standard)
Lot Coverage	75% (No Standard)
Building Height	250 ft. (No Standard)
Building Setbacks	0' front, 0' streetside, 0' side, 0' rear (No Standard)
Landscape area	55% (No Standard)
Vehicle Parking	571 spaces (855 min. required per TOD)
Bicycle Parking	483 spaces (461 minimum required)

ATTACHMENTS: Time Extension Letter, Original Development Project File

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

Department Director: Jeff Tamulevich, Interim Community Development Director
Legal review by: Teresa Voss, Assistant City Attorney
Prepared by: Suparna Dasgupta, Principal Planner

COMMENTS

Approval of this time extension has the effect of:

- Retaining the existing entitlements of MU-4 PAD. Allowing mixed-use residential development consisting of two phases, which includes two 21-story buildings with urban retail uses on the ground floor, totaling up to 465,695 sf. in building area on approximately 2.09 acres, located at 855 South Rural Road.
- 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.
- The project site would also be in conformance with the General Plan 2040, Projected Land Use (Mixed-Use).

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 be changed back from MU-4 PAD to a combination of CSS, Commercial Shopping and Services District, R-4, Multi-Family Residential General District, and R/O, Residential/Office District. The site is currently vacant. The General Plan land use designation will remain as Mixed Use. The zoning reversion to would not be consistent with the General Plan Projected Land Use or Projected Density Map.

Should the City Council wish to authorize a time extension for this project, the following conditions would remain in effect unless modified.

CONDITION(S) OF APPROVAL:

1. A building permit shall be obtained on or before ~~May 21, 2016~~ September 22, 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 8TH & RURAL (PL110371) as approved by City Council on March 22, 2012, except condition #1 stated above, will remain in full force and effect.

HISTORY & FACTS:

March 5, 2008	City of Tempe issued a Revised Request For Proposal (RFP), for the development and disposition of approximately 1.09 acres of city-owned real property.
July, 2008	City of Tempe awarded “529 Tempe” the exclusive rights to negotiate a development leading to the disposition and redevelopment of the property in accordance with the RFP response.
June 30, 2011	The City of Tempe and 529 Tempe LLC, entered into a Development and Disposition Agreement (DDA) Ordinance 2011.12.
November 14, 2011	Applicant submitted an application for a PAD, among other required applications for this request, per the DDA Schedule of Performance (submit PAD on or before December 1, 2011).
December 27, 2011	Neighborhood meeting held by the applicant at Hatton Hall at 6 pm.
February 14, 2012	Scheduled public hearing with the Development Review Commission for this request.
March 8, 2012	Scheduled City Council introduction and first public hearing for the General Plan Amendment, Zoning Map Amendment and Planned Area Development Overlay for this request.

March 22, 2012	Scheduled City Council second and final public hearing for the General Plan Amendment, Zoning Map Amendment and Planned Area Development Overlay for this request.
September 1, 2012	Pursuant to DDA, Schedule of Performance, closing of property to occur on or before September 1, 2012. Pursuant to DDA, Schedule of Performance, developer shall submit a complete building permit application within two years of the date foundation permits are issued.
January 13, 2014	Pursuant to DDA, Schedule of Performance, developer to commence construction of Phase I of project on or before January 13, 2014.
March 7, 2016	Preliminary Site Plan Review filed for "Skyview".
April 25, 2016	Formal Application for "Skyview" (PL160154) filed with the City.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendment

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