

REVISED



**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 10/2/2014
Agenda Item: 6C8**

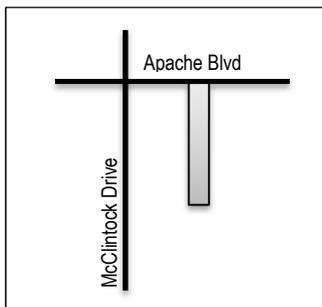
ACTION: Hold the second and final public hearing to adopt an ordinance for a Zoning Map Amendment from CSS to MU-4 and a Planned Area Development for development standards of density, building height, setbacks and parking for a new mixed-use development for PONY ACRES, located at 1847 East Apache Boulevard. The applicant is Manjula Vaz of Gammage & Burnham, PLC. (Ordinance No. O2014.57)

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: Adopt Ordinance No. O2014.57
Staff – Approval, subject to conditions
Development Review Commission – Approval, subject to conditions, vote 4 in favor 3 opposed

BACKGROUND INFORMATION: PONY ACRES (PL130191) is an existing trailer park located within the Transportation Overlay District Station Area. The lot is approximately 174 feet wide east to west, along the street front and 1,265 feet deep from north to south. 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 Overlay. A neighborhood meeting was held on June 25th and Relocation Planning Meetings were held on July 17th and on August 21st. The Development Review Commission heard and continued this request on July 22nd. The Development Review Commission heard this request and took public comments again on August 25th, and voted 4 to 3 to approve the request. **Note – dates have been corrected under History & Facts (page 8).** The request includes the following:

- ZON14003 Zoning Map Amendment from CSS Commercial Shopping and Service, to MU-4 Mixed Use, High Density
- PAD14006 Planned Area Development Overlay for development standards for density, building height, setbacks and parking.



Property Owner	McClintock Station LLC
Applicant	Manjula Vaz, Gammage & Burnham PLC
Current/Proposed Zoning	CSS / MU-4 PAD
Gross/Net site area	5.2 acres / 5.09 acres
Density/Units/Bedrooms	
Total Building area	40 du/ac / 204 units / 297 bedrooms
237,108 s.f.	
Lot Coverage	30% (50% maximum allowed in CSS)
Building Height	75 ft. (35 ft maximum allowed in CSS)
Building Setbacks	5' front, 0' east side, 54' west side, 54' rear (0' front, 0' side, 10' rear minimum in CSS)
Landscape area	18% (15% minimum required in CSS)

ATTACHMENTS: Ordinance, 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 on the south side of Apache Boulevard within the Transportation Overlay District Station Area, and extends south to the Union Pacific Railroad corridor, Broadway Road is further south. The site is east of McClintock Drive, and adjacent to and west of the Tempe Police Sub Station.

The site is approximately 174 feet wide east to west, along the street front and 1,265 feet deep from north to south, making redevelopment as an individual lot challenging. Due to the narrow dimension of the lot, and the lack of access to another street or alley, the property is required to circulate for fire and refuse within the existing lot, with two exit drives onto Apache Boulevard.

Traffic Engineering Input: Having two driveways within such a short street frontage is not an ideal scenario for pedestrian oriented design, but this has been mitigated by restricting one of the drives to emergency access only, limiting traffic to and from the site to one driveway for primary use. The second drive is gated, for use by emergency services only. The primary access drive is a right in and right out movement only, limiting traffic conflicts at the project entry. A traffic study was received by 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 also dictated a wider drive aisle, for access to all buildings in the event of a large fire. The resulting site configuration is that 94 feet of the 174 foot width is pavement divided between the east side and west side, the full depth of the lot. A narrow 4-5' landscape strip as the buffer on the long sides, and the remaining 72 feet of site width is used for building area and limited landscape. Staff had initially recommended the site be combined with other lots to make a larger development with better street front access and circulation. The applicant chose to move forward with the original development plan, in conformance with the General Plan, and request a Planned Area Development to address the narrow and deep lot configuration.

The applicant is requesting a Zoning Map Amendment and Planned Area Development indicating a high-quality mixed-use project; however a Development Plan Review was not submitted with this request to evaluate the project details. The Zoning Code does not require the design portion to be forwarded with the zoning request; however, the PAD is required for the Mixed Use zoning categories to define the standards. The PAD intent is to provide changes to development standards to accommodate an innovatively designed development that exceeds what would be possible by the standards within the code. The applicant intends to return later when the market supports development, which would allow the design to be dictated by future market trends. The mixed-use component includes the leasing office and clubhouse with second floor office space. There is limited street frontage to accommodate commercial uses, staff had recommended a ground floor restaurant use with a patio, and office space and clubhouse uses above. The proposed configuration will have glass storefront. The applicant has requested a Zoning Administrator's opinion that the general intent of the Transportation Overlay District code has been met by the proposed leasing office and club house space, with incubator office space on the second floor, overlooking the street front as the commercial portion to meet the mixed use intent. This request has been approved by the Community Development Manager.

The project has gone through three preliminary site plan reviews and multiple meetings with staff. There were no comments specific to the requested Zoning Amendment or Planned Area Development. Most of the comments from other departments centered on design details to be resolved when a Development Plan Review application is made.

Police Input: The Tempe Police Department 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 suggestion was made to relocate the drive aisle, so that the drive lane was closest to the east side, however, this interfered with parking requirements. A suggestion was made to add curved picket to the top of existing wall, however the wall would require additional structural calculations to determine the integrity of the foundation for an additional load. Lastly, a recommendation was made to use natural vegetation as a deterrent, with a combination of ocotillo, bougainvillea, cholla, agave, optunia or other plants that would discourage climbing and access. This level of detail would be required at the point of a Development Plan Review for the landscape plan.

The lot configuration makes many uses impractical for the depth and width of the lot. As a commercial lot, it might function for a self-storage facility; however, this use and many other commercial uses are restricted within the Transportation Overlay District. As a 5 acre commercial site, it could be used for office uses, but would be limiting to retail uses due to the lack of street frontage. The requested development doubles the density of the site, providing a market-rate for-rent apartment community. The scale and intensification of the development dictates the fire and refuse access and amount of paving of the site. 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.

This request includes the following:

1. Zoning Map Amendment to change the zoning from CSS Commercial Shopping and Service to Mixed Use, High Density.
2. Planned Area Development to define the density, building heights, setbacks, parking and general building envelope for the development.

The Development Review Commission voted four to three in favor of the recommendation to City Council on the items listed above. For further processing, the applicant will need approval for a Development Plan Review.

PUBLIC INPUT

- A Neighborhood meeting was required for the zoning request.
- A Neighborhood meeting held: June 25, 2014 from 6:00 p.m. to 7:00 p.m. at the Tempe Police Substation at 1855 E Apache Boulevard.
- See attached summary of meeting provided by the applicant.
- Community Development staff attended the meeting. Although the meeting was to discuss the zoning of the property from CSS to MU-4, in conformance with the General Plan designation, the applicant also presented general design concepts as they applied to the site layout, uses and circulation. There were approximately 60 people in attendance, a few representatives of the Tempe Apache Boulevard Business Association (TABBA) and nearby property owners; the majority were residents of Pony Acres. A translator was available to discuss resident questions. The primary concerns were the timing of the entitlements, when construction might commence, and what plans were proposed for relocation of tenants residing in the trailer park. The applicant indicated that the timeline for redeveloping the site was not known at this time, reassuring tenants that the applications was only a rezoning request and that additional entitlements would be required before development could occur. Staff provided a tentative outline on the wipe board to show what the entitlement process and minimum notification process may be using state requirements:
 - July 22nd Development Review Commission
 - August 14th City Council
 - September 4th City Council
 - January 2015 Design entitlement (at earliest)
 - 6 month required notification for relocation
 - July 2015 Construction commencement (at earliest)
- The applicant had a follow up community meeting with tenants, specifically to discuss the process and available assistance in regard to future relocation. This meeting was held at 6pm on July 17th, at the Tempe Police Substation on Apache Boulevard.
- A third community meeting was held on August 21st, at the Tempe Police Substation to review the proposed schedule and relocation requirements with residents. Information was provided in writing in both Spanish and English, and an interpreter was present to provide interpretive services for the discussion.

There were two calls regarding this request. The first resident was concerned about relocation plans for residents and displacement of families from the trailer park into rental homes within the neighborhood, and potential overcrowding of extended families within single family residences that would not be in violation of consanguinity rules. The concern was that homes would become boarding houses for larger numbers of people than the existing houses are designed to accommodate.

The second resident was in support of the project and wanted an update on the Development Review Commission hearing outcome.

PROJECT ANALYSIS

ZONING

The 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) brings the site into compliance with the projected land use and density within the General Plan. New commercial uses are limited within the Transportation Overlay District, a copy of the Zoning Code use restrictions are provided in the attachments for reference. The site is a long established trailer park community, with outdated infrastructure and many homes that would not be able to be relocated due to their structural conditions. The redevelopment of the site from the existing 80 trailer homes to 204 market-rate apartments increases the number of residents within the area and improves a site in need of redevelopment. 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. For comparative purposes, the R-5 Zoning District (the highest density multi-family district), the CSS Zoning District (current standards) and the Proposed PAD are shown on the chart below:

PONY ACRES – PAD Overlay			
Standard	R-5 Multi-family Residential Standards	CSS	PROPOSED MU-4 (PAD)
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
Building Height (feet) [Exceptions, see Section 4-205(A)]			
Building Height Maximum	50 ft.	35 ft.	75 ft.
Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]	Yes	No	No
Maximum Lot Coverage (% of net site area)	70%	50%	30%
Minimum Landscape Area (% of net site area)	25%	15%	18%

Setbacks (feet) (a) [Exceptions, see Section 4-205(B)]			
Front	20 ft	0 ft	5 ft
Parking			20 ft
Side	10 ft	20 ft	0 ft east side 54 ft west side
Rear	10 ft	10 ft	54 ft rear
Street Side	10 ft	0 ft	NA
Parking		20 ft	NA
Parking with TOD reduction		54 ft rear	
Residential	Dependent on unit mix		264 secured spaces
Retail			18 public spaces
Office			TOTAL = 282 spaces
Fitness Center			
Restaurant			
Bicycle Parking	Dependent on unit count	NA	147 secured spaces 5 public spaces

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 only 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.

Campus Suites on The Rail (now The Domain) 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 174 feet wide, with two driveways of 40 feet and 30 feet widths, leaving approximately 100 linear feet of street frontage, including sidewalks and landscape areas. 60 % of the proposed building area is required to be commercial use. The proposed building frontage is 85 feet. Using the TOD standard, 51 feet would be dedicated to public commercial uses with no specified building depth. This frontage could be walk up kiosks, take out restaurants, retail, service or office uses. The proposed street frontage is 85 feet of leasing space and clubhouse for the residents. There is incubator office space located above on the second floor.

Regarding Density: The existing zoning allows 20 du/ac, and R-5 zoning would allow 30 du/ac, the request is for 40 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 7560 feet, which is less than the most recent entitlements within the immediate area which allowed 70 feet. Sample elevations were provided with the PAD request, however a Development Plan Review was not submitted to fully entitle the elevation design. Without the design details, it is not clear if the requested height is sufficient to meet mechanical screening requirements or provision of architectural detail or roof variation.

Regarding Lot Coverage: The existing CSS would allow up to 50% lot coverage, R-5 would allow 70%, the proposed lot coverage is 30%. 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 18.5%. Other developments in the area range from 10-14% of the total site. Although the requested landscape area is within the range of existing conditions, the amount of paving and structure on this site limits the significance of landscape area to 5 foot strips around the perimeter and amenity areas between buildings. Without a design request to discuss potential mitigation of heat impacts or methods of increasing landscape opportunities, the proposed PAD is providing a 3.5% increase in landscape area from what would currently be required.

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.

Conclusion

Based on the information provided and the above analysis, staff recommends approval of the requested Zoning Amendment and Planned Area Development. 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 generally meet the development standards required under the Zoning and Development Code and Transportation Overlay District.
3. The PAD overlay process was specifically created to allow for greater flexibility.
4. The proposed project meets the approval criteria for a Zoning Amendment.

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 180 days prior to the closure of the park for redevelopment and not earlier than May 1, 2015. The notification of the need to relocate due to closure of the trailer park shall be in English and Spanish, provided to both the residents and the City of Tempe.
2. A building permit application shall be made on or before October 2, 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.
3. The site plan, as submitted, is approved as part of the Planned Area Development, the eastern-most driveway shall be gated and signed for emergency access only.

4. A security plan shall be developed as part of the Development Plan Review: site, landscape and architectural modifications may be necessary to comply with police department security requirements.
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 November 2, 2014, or the Zoning Map Amendment and Planned Area Development approval shall be null and void.
6. The Planned Area Development Overlay for PONY ACRES 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.

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.

- 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 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 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. 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.

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	A residence was located at the north end of the lot, facing Apache Boulevard, by 1953, this structure was removed.
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. The trailer

parks to the west of this site were not developed at this time. The beginning of a development was started on the lot to the east.

- December 1979 The sites to the west and north are developed, the site to the east appears to have limited use.
- 1997 City Council adopted a resolution to adopt the fourth General Plan, General Plan 2020 designated this site, and most 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 the ordinance for the Transportation Overlay District.
- 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 is scheduled for an introduction and first public hearing for this request.
- October 2, 2014 City Council is scheduled to hold a second public hearing for this request.

There is no other history regarding the Pony Acres Site.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendment

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