



**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 12/17/2015
Agenda Item: 5A4**

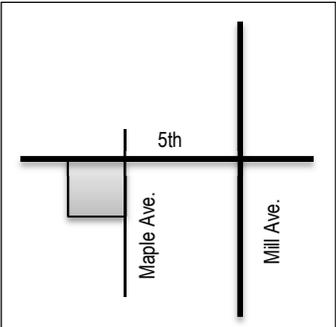
ACTION: Approve a Condominium Plat for HANOVER MILL AVENUE GARAGE CONDOMINIUM, located at 101 West 5th Street. The applicant is Mill Avenue Apartments Limited Partnership.

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

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: HANOVER MILL AVENUE GARAGE CONDOMINIUM (PL150365) consists of a new condominium plat for the eight level parking garage attached to the Hanover Mill Avenue. The applicant wishes to create a total of 47 units, which consist of groups of parking spaces, to separate the public section of the parking garage from the private section of the parking garage. The request includes the following:

- 1. Condominium Plat consisting of 47 units.



Property Owner/Applicant Eric Kenney, Mill Avenue Apartments Limited Partnership
Zoning District CC, PAD Overlay
Net site area 2.8 acres

ATTACHMENTS: Development Project File

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

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

COMMENTS

The site is located at the southwest corner of 5th Street and Maple Avenue. The subject site contains the Hanover Mill Avenue, which is a six-story, 341 unit multi-family residential development with seven levels of above grade parking and one and one-half levels of below grade parking. The project was approved by City Council in 2013, and construction was completed in 2015. To the west of the site is the Courtyard by Marriott hotel. To the east, across Maple Avenue, are the Z Tejas restaurant, a parking lot, and the Century Link communications building. To the north, across 5th Street, is the Hayden Square Condominiums.

This condominium plat will allow the owner to create separate tax parcels for the public and private sections of the garage. The public sections contain a total of 271 parking spaces, and the private sections total 440 parking spaces. Under the terms of the Amended and Restated Parking Easement and Cost Sharing Agreement, the public section of the garage can be used by the City of Tempe and Mill Avenue Retail, LLC. The private section of the garage will be used by the residents and employees of the Hanover Mill Avenue.

Conclusion

Based on the information provided, staff recommends approval of the requested Condominium Plat. The properties will have access to a public street and meet the technical standard of the Tempe City Code, Chapter 30, Subdivisions.

CONDITIONS OF APPROVAL:

1. The Condominium Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Community Development Department on or before December 17, 2016. Failure to record the plat within one year of City Council approval shall make the plats null and void.
2. All property corners shall be set and verified with staff upon final recordation of the subdivision plats, no later than three (3) months from the date of County recordation or as determined by staff.

HISTORY & FACTS:

October 24, 2012	Applicant held a neighborhood meeting for THE HANOVER PROJECT.
November 13, 2012	Development Review Commission denied the Development Plan Review for this request, and recommended denial of the Amended Planned Area Development Overlay for the Hanover Project. (2-5 Vote; Commissioners Tinsley and Thornton in favor; and Commissioners DiDomenico, Maza, Collett, Spears and Kent in opposition of the request)
December 13, 2012	City Council introduced and held the first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay consisting of a new six-story 341 unit multi-family residential development for THE HANOVER PROJECT, located at 101 West 5th Street. The applicant is Gammage & Burnham PLC. (Ordinance No. 2013.05)
January 10, 2013	City Council held the second and final public hearing and approved an Amended Planned Area Development Overlay consisting of a new six-story 341 unit multi-family residential development for THE HANOVER PROJECT, located at 101 West 5th Street. The applicant is Gammage & Burnham PLC. (Ordinance No. 2013.05)
January 10, 2013	City Council approved the appeal of the denial by the Development Review Commission, thus approving the Development Plan Review consisting of a new six-story 341 unit multi-family residential development for THE HANOVER PROJECT, located at 101 West 5th Street. The

request includes the following: DPR12168 (DPA12006) Development Plan Review including site plan, building elevations, and landscape plan

November 7, 2013

City Council approved an Amended Subdivision Plat combining two lots into one lot for THE HANOVER MILL AVENUE (PL120313), located at 101 West 5th Street.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-307, Subdivisions