



**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 06/23/2016
Agenda Item: 5A7**

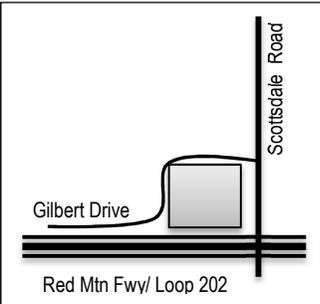
ACTION: Approve a Final Subdivision Plat consisting of dedicating the Gilbert Drive relocation and a new lot for SCOTTSDALE 202, located at 722 North Scottsdale Road. The applicant is EEC, Inc.

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

RECOMMENDATION: Approve subject to conditions.

BACKGROUND INFORMATION: SCOTTSDALE 202 (PL160188) is a proposed Final Subdivision Plat request to take an existing 1.23 acre lot and incorporate a portion of prior ADOT property and existing Gilbert Drive right-of-way, into a new 1.54 acre lot. The Final Subdivision Plat is necessary since the portions of the new site that were formerly right-of-way have never been part of a subdivision. On December 3, 2015, City Council approved an Ordinance to abandon the right-of-way for the then-current alignment of Gilbert Drive and to enter into an agreement to convey that to the adjacent property owner in exchange for a new alignment for the street, among other transactions. A Preliminary Subdivision Plat was approved by the Development Review Commission on May 10, 2016. This Final Subdivision Plat is required prior to development of the lot. There are currently no applications for development of this site; future use of the site would require a Development Plan Review process. This request includes the following:

- 1 Final Subdivision Plat to incorporate existing right-of-way and three parcels into a single lot and dedicate new right-of-way.



Existing Property Owner	David Scholl Vintage Partners & City of Tempe
Future Owner	David Scholl, Vintage Partners
Applicant	Jake Griffin, EEC, Inc.
Zoning District (current/proposed)	GID, General Industrial
Gross / Net site area	1.23 acres prior to plat, 1.54 acres after plat
Lots	1

ATTACHMENTS: 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 is located north of and adjacent to the Red Mountain/Loop 202 Freeway, on the west side of Scottsdale Road. To the west of the site are multi-family apartments and to the north of the site is a hotel. A county island is located on the east side of Scottsdale Road, and the frontage along Scottsdale Road is owned by Arizona Department of Transportation (ADOT) for access to the freeway. The existing Gilbert Drive alignment does not meet current traffic engineering standards. The existing street runs through a former ADOT property that was dedicated to the City of Tempe. The current alignment runs south parallel to Scottsdale Road and turns west and runs parallel to the freeway, connecting to College Avenue and the Town Lake Marina. The proposed new alignment of Gilbert Drive would have a 47' right-of-way that intersects Scottsdale Road north of the new lot, parallel to the hotel property, turning south along the western side of the new lot, and connecting to the existing street at the south west corner of the new lot. The new right-of-way would include a 6' landscape strip on the west side of the street with a buffer of street trees, another 6' landscape strip on the east side of the street, to allow shade along a new 6' sidewalk adjacent to the new 1.54 acre parcel. The right-of-way profile for Gilbert Drive was narrowed to accommodate a larger developable area on the new Lot 1, with the public sidewalk on the east side of Gilbert Drive located on private property with an access easement. The landscape along both sides of Gilbert Drive will be maintained by the property owner of Lot 1. The result of this street relocation will be a larger parcel of land closer to Scottsdale Road to facilitate development of this parcel. There are currently no applications for a proposed use of this site. Any new development of the property will require a Development Plan Review process. This request includes a Final Subdivision Plat. The applicant is requesting the City Council take action on this request.

REASONS FOR APPROVAL:

Based on the information provided, the property will have access to a public street and conforms to the technical standards of the Tempe City Code for Subdivisions, Chapter 30: staff recommends approval of the requested Subdivision Plat.

CONDITIONS OF APPROVAL:

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

1. A landscape maintenance agreement and sidewalk access easement are required to be recorded prior to issuance of permits for construction of Gilbert Drive, for the continuing care and maintenance of the right-of-way landscape by the Lot 1 property owner, and public access to the sidewalk on the east side Gilbert Drive, located on private property.
2. The Subdivision 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 no later than one year from the date of City Council approval. Failure to record the plat within one year of City Council approval shall make the plat null and void.
3. All property corners shall be set and verified with staff upon final recordation of the subdivision plat, no later than three (3) months from the date of County recordation or as determined by staff.

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.
- **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.

- **TRAFFIC ENGINEERING:**
 - Provide 8'-0" wide public sidewalk along Scottsdale Road and a 6' sidewalk along Gilbert Drive as required by Traffic Engineering Design Criteria and Standard Details.
 - Construct driveways in public right-of-way in conformance with Standard Detail T-320.

- **CIVIL ENGINEERING:**
 - A public access easement and maintenance agreement must be obtained from the City for public sidewalk constructed on private property.
 - 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.

HISTORY & FACTS:

1935-1959	Historic Aerials from Flood Control District of Maricopa County show raw desert at this location.
1960	Property Record Card indicates building constructed in 1960
1969 – 1979	Aerials indicate commercial/industrial type uses on the sites.
1993	Aerial images show apartments built to the west, a single building along the established Gilbert Drive alignment, and establishment of construction for the freeway entrance ramps on Scottsdale Road.
August 19, 1993	Use Permit was approved for Retail Sales of sailboats and parts in GID.
June 28, 1995	The Board of Adjustment approved the following entitlements for Tombstone Brewery: Use Permit for a microbrewery and bar in GID; and Use Permit to allow an outdoor recreation area; and Use permit to allow outdoor dining; and Variance to reduce the required parking from 78 to 69 spaces; and Variance for removal of 9 trees in the south west corner of the property
July 3, 2007	Community Development Planning staff administratively approved Development Plan Review for building modifications for Crazy Fish 202 Sushi.
November 7, 2012	Hearing Officer approved a request for a Use Permit for live entertainment for Pho Cao Restaurant located at 710 E Gilbert Drive.
1997-2015	The lot configuration and existing building has remained relatively unchanged, with access from Gilbert Drive.
June 25, 2015	Arizona Department of Transportation issued a Resolution of Abandonment for right-of-way along Gilbert Drive and College Avenue, lying north and south of the State Route 202.
December 3, 2015	City Council approved an Ordinance to abandon the Gilbert Drive right-of-way and to enter into a Development and Disposition Agreement with Vintage Partners LLC to allow, among other things, the design and construction of a new Gilbert Drive alignment. This agreement requires

commencement of construction of the relocated drive by June 30, 2016, substantial completion of the relocated drive by January 31, 2017 and installation of landscape material along the new street alignment by January 31, 2018.

May 10, 2016

Development Review Commission heard and approved the request for a Preliminary Subdivision Plat for this site.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-307, Subdivisions, Lot Splits and Adjustments