

**REVISED**



**CITY OF TEMPE  
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 06/23/2016  
Agenda Item: 6C5**

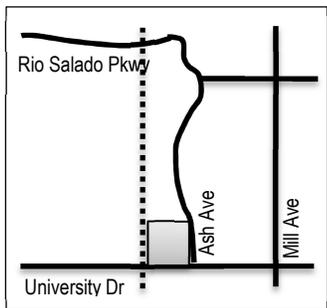
**ACTION:** Hold the second and final public hearing to adopt an ordinance for an Amended Planned Area Development Overlay and approve a Development Plan Review for a new nine-story mixed-use development with a grocery store and 292 dwelling units for THE FOUNDRY, located at 204 West University Drive. The applicant is Darin Sender of Sender and Associates. (Ordinance No. O2016.38)

**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 fee structure at the time of permit issuance.

**RECOMMENDATION:** Adopt Ordinance No. O2016.38  
Approval, subject to conditions  
Development Review Commission – Approval (5 – 2 vote, Commissioners Spears and Lyon dissenting), with modification to condition #12.

**BACKGROUND INFORMATION:** THE FOUNDRY (PL160099) is on a vacant lot formerly used as a grocery cooperative. The property was rezoned from General Industrial District to City Center District in 2005 with a Planned Area Development Overlay for a new grocery and multi-family development. An amendment to that PAD was made in 2006 and a use permit for tandem parking was granted in 2007; however the development was never built. The proposed project is similar in concept to the earlier entitlement, with a 41,000 s.f. grocery store and approximately 292 residential units. The request includes:

1. Amended Planned Area Development Overlay for a maximum of 130' building height, minimum of 0' setbacks, a maximum of 161 dwelling units per acre density, a range of units between 260 and 300 units and parking by a downtown shared model for a mixed use development including a 41,000 s.f. grocery store with apartments.
2. Development Plan Review including site plan, building elevations, and landscape plan.



Existing Property Owner	University and Ash Owner, LLC
Applicant	Darin Sender, Sender Associates, Chtd.
Zoning District	CC City Center, PAD Planned Area Development
Gross / Net site area	1.858 acres
Density / Number of Units	157 du/ac / 292 units (density range 139-162 du/ac and unit range 260-300 dwelling units)
# of Bedrooms	323 bedrooms
Unit Types	266 one bedroom, 21 two bedroom, 5 three bedroom
Ground Building Area	74,560 s.f.
Lot Coverage	92% (70% in existing PAD)
Total Building Area	572,278 s.f.
Building Height	118' (up to 130' maximum) (247' maximum in existing PAD)
Building Setbacks	0' front (south), 0' west side, 0' east street side, 0' rear (north) (5', 20', 5', 2' existing PAD, 0' setbacks in CC)
Landscape area	1,619 sf 2% (1,008 sf, 1.2% existing PAD)
Vehicle Parking	557 spaces provided (230 min. required) (446 standard spaces, 73 compact spaces & 38 tandem spaces)
Bicycle Parking	312 spaces provided (287 min. required)

**ATTACHMENTS:** Ordinance, **Development Project File Revised**

**STAFF CONTACT(S):** Ryan Levesque, Community Development Deputy 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 on the North West corner of University Drive and Ash Avenue, functioning as the transitional cornerstone from Downtown Tempe to the neighborhoods to the west. Chase parking garage is to the north of the site, CenterPoint commercial development is on the east side of Ash Avenue, Union Pacific Railroad is to the west of the site, commercial uses front University Drive to the south, with residences further south. The site was originally zoned General Industrial District and was formerly used for restaurant and grocery uses. The property was rezoned in 2005 to be within the City Center zoning district, and a Planned Area Development was approved to accommodate a mixed-use development consisting of a 53,000 s.f. grocery store, structured parking and 187 apartments within a 247-foot tall building. In 2007 a use permit for tandem parking was granted. The proposed development would amend the existing Planned Area Development to accommodate a mixed-use development consisting of a 41,000 s.f. grocery store, structured parking and 292 apartments within a 118-foot tall building. The site is designated as part of the Urban Center in the Downtown Tempe Design Guidelines, which suggests up to 300 feet of building height east of the railroad tracks, and steps down to 50 feet west of the railroad tracks to transition to the residential areas further west.

This request includes the following:

1. Planned Area Development Amendment
2. Development Plan Review which includes: site plan, landscape plan and elevations for a nine-story building with a grocery store with second-floor mezzanine restaurant, three levels of structured parking and up to 300 residential apartments within 570,609 s.f. of building area on 1.858 net acres.

The Development Review Commission approved a Use Permit for 38 tandem parking spaces and recommended approval of the above items. The applicant is requesting the City Council take action on items listed above.

## PRELIMINARY SITE PLAN REVIEW

2/17/2016 First Site Plan Review comments included clarification about parking provided, tandem requested and compact spaces shown, as the compact spaces would not be counted toward the total required parking by code. Images of possible parking garage screen material were provided. Police provided public safety comments regarding the need to block access on the north side (Chase garage property) and west side, as well as balcony design considerations for safety. A street profile for Ash Avenue was provided to address a requested dedicated left turn lane into the development. Comments were provided on the need for four sided architectural detail, need for more landscape material and attention to the western elevation. Standard conditions were provided for early design consideration in the design development phase of the project. The most significant issues were:

- the directional flow of traffic into and out of the site (counter clockwise) and impacts to traffic on both University and Ash – staff recommended a clockwise orientation, entering from University, exiting onto Ash, which would have required flipping the service bay area of the grocery back of house.
- the request to remove a newly installed median to allow left-bound turns across west flowing traffic on University.
- The request for a dedicated left turn lane on Ash Avenue that would require additional right of way, above the planned right of way needed for the proposed street car lane on Ash Avenue.
- The lack of information on how refuse and fire would circulate on site, specifically vertical clearances, turning radii and collection requirements for staging equipment for safe disposal of solid waste from the grocery store and residences.

A meeting was held after the applicant reviewed the comments, to discuss the circulation needs of the site and other questions the applicant had of the comments made by staff. Staff required a second site plan review prior to formal submittal due to the above items in need of design resolution.

3/9/2016 Second Site Plan Review comments included a need for all plans to be coordinated for accurate dimensions and the building footprint. Request for a separate fire and refuse circulation plan was necessary, as details on the plan did not sufficiently address the concerns of the Solid Waste Services or Fire staff. Comments regarding the garage elevation were made, as the material changed from the first review, and became less architecturally impacting. The proposed elevation was

referenced to artwork at an airport, which was created on chain link; a material staff would not support as part of the building façade. Due to the grocery store size changing from the earlier entitlement, this project is no longer required to participate in the Art in Private Development program; therefore any reference to proposed art would need to be integrated into the elevation architecture as a long term building element. Comments were provided regarding elevation details, the location and visibility of large transformers on site, and the need for a pedestrian access on Ash Avenue to the grocery store, to serve transit patrons. Request for a parking management plan for proposed reductions in parking and utilization of the downtown parking ratios. Request for landscape on the west side of the building. Request for clarification on line nomenclature, building footprint details, and dimensions. Direction was given to remove the left turn median cut on University Drive and to remove the dedicated northbound left turn lane on Ash Avenue.

3/30/2016 Third Site Plan Review included analysis of the parking study with required revisions requested, need for fully dimensioned plans, verification of building height, agreement to allow stabilized granite for the required building egress path on west side of building (to minimize the look of a sidewalk that is not to be used except in emergencies for exiting purposes). Comments regarding the refuse collection access and circulation were provided. Concerns about the garage elevations, the material proposed was painted extruded metal, again with undetermined future artwork. The screening material has two distinct issues: for planning, the architectural solution to parking garages is ideally to fully integrate the parking into the architecture so that it does not appear as parking, but part of the building, for building code, the percentage of opening determines whether a project must pay for and maintain expensive electrical ventilation systems or is open enough to not require fans. The percentage of opening is also related to the distance from the property line to an adjacent property, as is the case on the west and north elevations, where proximity to the property line limits the amount of openings for fire protection the building can have. This solution often results in a solid concrete wall. Staff requested that the issues of the Building Code and the design criteria of the Zoning and Development Code be addressed in the architectural elevations, so that there would be no changes to design caused by later value engineering of the project.

5/9/2016 Additional modifications were made to the elevations, materials and landscape to address staff comments.

Applicant response to Site Plan Review comments:

- The traffic circulation on site could not be switched from counter clockwise to clockwise due to the pre-designed determination of the grocery store footprint, parking garage access ramps, apartment leasing lobby, and required loading zone for grocery deliveries. There was applicant concern that switching the orientation would put refuse and service delivery trucks in conflict with residents, guests and customers entering the site while large trucks were backing into the delivery bays or refuse collection stations.
- The proposed left turn lane median cut was removed. Traffic into and out of the University driveway at the west end would be right in and right out only.
- The proposed left turn lane on Ash Avenue was redesigned per Traffic Engineering direction to be a two-way shared left turn, with the southern-most 75-foot stacking area serving south bound left turns, and the northern-most 75-foot stacking area serving north bound left turns into the development at the Ash Avenue entrance drive at the north end.
- Plans were coordinated between disciplines to remove discrepancies, dimensions and data were verified.
- Most staff comments related to the design of the elevations and landscape plans were addressed; the applicant worked closely with staff to meet design expectations.

## **PUBLIC INPUT**

- A neighborhood meeting was required for this request.
- The neighborhood meeting held on Wednesday, April 6, 2016 from 6:00 p.m. to 8:00 p.m. at the Dennis J. Cahill Senior Center at the Boys & Girls Club on 715 W 5<sup>th</sup> Street.
- See attached summary of meeting provided by the applicant.
- Community Development staff attended the meeting.
- Approximately 30 members of the public attended.
- Public comments included positive response to getting a grocery store back in the downtown area near the neighborhoods, scale of the building being less than the prior building height seemed more appropriate to the area, interest in connectivity to alternative modes of transportation. Concern about market rate apartments (affordability) and higher end reputation of grocery proposed (Whole Foods) leading to gentrification of the area and not providing for lower working-income residents.

**DEVELOPMENT REVIEW COMMISSION**

The Commission heard a presentation about the project, followed by public comment. Four members of the public spoke regarding the project. Although all were in favor of a grocery store, concern was expressed about the affordability of the proposed store tenant. Several stated that the building was too tall and out of character with the area and not tying in to Centerpoint aesthetically or in massing and setbacks. There was concerns about the intersection of Ash and University being dangerous and traffic being a problem; residents noted that current southbound traffic cuts across into Maple Ash neighborhood even though the street is striped for right and left turn only, no through traffic. There was a request for more brick and less glass and more ground floor outdoor open space.

The Commission recommended approval of the project with a 5-2 vote. The dissenting votes wanted a taller building with more variation in the building massing and more attention to architectural detail on the western elevation. Those in favor of the project recognized the 16 year lack of downtown grocery availability and the significant investment in building an urban grocery with structured parking. The variety and use of materials, colors and building articulation, along with overall attention to architectural detail were affirmed. Staff presented alternate metal panel finishes, of the same colors but with metallic finish. Reaction to the applicant proposed grey and beige metal panels and the staff presented alternative metallic finish was mixed, without direction to what would be preferred. Most liked the applicant's proposed colors. One Commissioner had hoped for something with more variation in color and finish to allow changes throughout the day as sunlight moved across the building face. The motion to approve the Development Plan Review included a modification to condition #12, to allow the applicant to work with staff on changes to the two panel colors.

**PROJECT ANALYSIS**

**CHARACTER AREA PLAN**

This site is part of the Rio Salado / Downtown / ASU character area that is currently under development. Prior documents created that may involve this site include the 2006 Community Design Principles: Downtown / Mill Avenue District and Vicinity. The documents were accepted by Council but not adopted. The site is located within the Urban Center height area from the design principals, which identifies building heights up to 300 feet.

**PLANNED AREA DEVELOPMENT**

The original PAD for this site was approved in 2005, the proposed Amendment to the PAD increases density, number of units, landscape area and lot coverage from the initial PAD, and reduces the building height. The new project reduces the size of the grocery by more than 10,000 s.f. and increases the number of residences by 106. The required parking for the proposed PAD amendment has been revised based on the new parking standards in the City Center Zoning District adopted by City Council in 2015. The table below shows a comparison of the development standards for the City Center Zoning District, the previous PAD Overlay and the new proposed amended PAD Overlay:

<b>PAD Overlay</b>				
<b>Standard</b>	<b>CC, City Center</b>	<b>EXISTING PAD</b>	<b>PROPOSED PAD</b>	<b>Change</b>
Residential Density (du/ac)	-NS-	97 du/ac	158 du/ac (PAD range of 139-162 du/ac)	Increase
Number of Dwelling Units	-	187 units	292 units (PAD range 260 to 300 units)	Increase
Building Height (feet)				
Building Height Maximum	50 ft	247 ft.	118 ft. (PAD maximum 130 ft)	Decrease
Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]		Yes	Yes	
Maximum Lot Coverage (% of net site area)	-NS-	70%	92%	-
Minimum Landscape Area (% of net site area)	-NS-	1.2%	2%	-
Setbacks (feet) (a) [Exceptions, see Section 4-205(B)]				
Front (south, facing University Dr.) Parking	0 ft 20 ft	0 ft 20 ft	0 ft 20 ft	-

Side (west)	0 ft	0 ft	0	
Rear (north)		0 ft	0	
Street Side (east, facing Ash Ave.) Parking	0 ft 20 ft	0 ft 20 ft	0 ft 20 ft	
Vehicle Parking		541 required 646 provided	230 required 557 provided (446 standard spaces, 73 compact spaces and 38 tandem spaces)	-
Bicycle Parking (Office & Call Center)		195 required 262 provided	287 required 312 provided	-

## PARKING

The table below summarizes the required and proposed vehicle parking for the project, in comparison to the new City Center Parking standards and the proposed parking. The proposed parking meets the new City Center parking standards; the proposed parking is not a change in the PAD. According to the parking management plan, levels one and two will be designated as reserved for commercial uses, inclusive of guest parking, regardless of accessibility or associated fees for parking. Levels three and four will be reserved for residential parking and restricted from public use. With this plan, Level One has 17 standard spaces and two ADA accessible spaces and Level Two has 142 standard spaces, 23 compact and 3 ADA spaces, there are no tandem spaces allocated within the public levels of parking. Level Three has 23 spaces reserved for the grocery. Compact spaces are not defined or recognized within the zoning code, and cannot be accounted for as required parking; however, these 8' x 16' spaces are in excess of required parking, and are being conditioned to be striped and signed as compact only for management of the spaces. 73 compact spaces were shown on the conceptual floorplans, however flexibility was requested to accommodate changes that occur during construction document development; a condition limiting the maximum number of compact spaces to 85 has been included.

Unit Type	Unit Quantity / Square Footage	New CC Parking Ratio & Requirements per ZDC	Proposed Parking
1 bedroom	266 units	.5 spaces per bedroom = 133 spaces	.5 spaces per bedroom = 133 spaces
2 bedroom	22 units	.5 spaces per bedroom = 22 spaces	.5 spaces per bedroom = 22 spaces
3 bedroom	5 units	.3 spaces per bedroom = 4.5 spaces	.3 spaces per bedroom = 4.5 spaces
Guest	292 total units		.1 per unit = 29.3 spaces
Grocery	41,010 s.f.	Subtract 5,000s.f. 1 space per 500s.f.  41010 s.f. – 5,000 s.f. = 36,010 s.f. / 500 = 72 spaces required	Subtract 5,000s.f. 1 space per 500s.f.  41010 s.f. – 5,000 s.f. = 36,010 s.f. / 500 = 72 spaces required
<b>TOTAL</b>		230 spaces	261
		<b>Additional Parking Provided</b>	38 tandem spaces 73 compact spaces (8'x16') 12 ADA accessible spaces 173 standard spaces
		<b>TOTAL PROVIDED</b>	<b>557 parking spaces</b>
		Grocery, Guest & Public Parking	210 parking spaces
		Reserved Resident Parking	347 parking spaces

Section 6-305 D. Approval criteria for P.A.D. (*in italics*):

1. *The development fulfills certain goals and objectives in the General Plan and the principles and guidelines of other area policy plans. Performance considerations are established to fulfill those objectives.* The downtown area has been seeking a grocery store for more than 20 years; the proposed project takes an existing infill lot and provides redevelopment of the property to meet the land use and economic development chapters of the General Plan by

providing walkable/bike able access to healthy food, housing opportunity near employment, and a more sustainable and vibrant downtown community.

2. *Standards requested through the PAD Overlay district shall take into consideration the location and context for the site for which the project is proposed.* The project meets the Downtown Tempe height guidelines, is reflective of materials found in nearby developments, and serves as a transition between the downtown commercial core and the existing residential neighborhoods.
3. *The development appropriately mitigates transitional impacts on the immediate surroundings.* The proposed height is appropriate to the site in context with existing development in the immediate area.

## **DEVELOPMENT PLAN REVIEW**

### **Site Plan**

The site is oriented with two street frontages on the south and east sides with grocery storefront access on both elevations near the corner intersection. The site layout emphasizes alternative modes of transportation with a planned platform area for loading on the future street car as well as on-site bike parking for guests and grocery customers. The site design reduces potential conflicts with pedestrians, bicyclists and vehicles entering or exiting the site by locating the parking entrances on the west end of the University frontage and the north end of the Ash frontage. Railroad quad gates are being provided at the railroad crossing for pedestrian/bike and vehicle control during Union Pacific railroad use of the tracks west of the site. These gates were required to be provided by the developer of this site, as part of the prior PAD and Development Agreement. The “back of house” uses of the ground floor grocery store are entirely enclosed, within the interior of the first floor parking garage; the circulation for refuse and deliveries is internal to the building. The setbacks are relatively small: the north side has a zero lot line configuration, pushing the building up to the northern limit, adjacent to an existing parking garage, without impact to the adjacent structure or use. The west side provides a five foot setback, three feet is required as an emergency egress path, but is designed with stabilized decomposed granite to reduce the amount of paving and the visual impact of a sidewalk not used except for emergency exiting, by blending the path with the landscape area to soften the edge of the building. The south side is set back four feet on the first floor, and extends out over the right of way at the top of the building. Landscape on this side is limited by existing utilities (water, storm drain and a 30” flood irrigation pipe) and required site visibility triangles for vehicles exiting the garage. The existing underground utilities would require the building to be set back approximately 12 additional feet from the property line to accommodate trees in ground at this location. The locations of the utilities were identified by blue stake and pot-hole exploration, determining the existing underground conditions. The east side is set back between two to ten feet on the first floor to allow additional landscape and enhance the street pedestrian area.

### **Building Elevations**

The architecture has four unique but unified elevations, addressing different conditions on each side of the site. The street front facing University Drive has the parking entrance and utility equipment at the far west end of the site and uses a bronze anodized aluminum storefront glazing system and roll up glass garage doors along the first and second floors with a light tan masonry brick for massing and columns that relate to the masonry in CenterPoint and on Mill Avenue. The roll up doors serve a first floor patio and second floor mezzanine within the grocery store, allowing natural light and airflow into the grocery and opening the building as a gathering place for casual dining. A dark brown metal canopy is proposed at the pedestrian level entry canopy to the grocery. Level two through five uses a combination of solid and 51% open punched metal screening for the parking garage. The color of this metal panel is proposed to be grey and beige, blending with the other grey and beige building materials. Staff recommended changing this material to a mica-finished paint surface that provided a pearlized metallic finish, which would provide variation in the sunlight and more architectural interest. Due to the timing of receiving the elevation and material modifications, this change was not able to be incorporated. The applicant has indicated they wish to keep the grey and beige painted panel as proposed; staff is conditioning the screening to use metallic paint finish available within the product line. Levels six through ten of the 117’ tall building are predominantly stucco with black metal railing, dark grey metal panels, and bronze vinyl windows with clear glazing. The stucco is integral colored for longer color durability and is proposed to be beige and variations of cool light, medium and dark toned greys that vary in projected rectangular wrapped forms and recessed portions with scored reveal patterning for additional shadow variation on the surfaces. An accent of crimson is used randomly under windows for vibrancy and color that breaks the architectural window pattern. Balconies provide private outdoor access from units and shade coverage to the units below. At the eighth floor level, a clubhouse with conference facilities, coffee bar, golf simulator and mini theater overlook the courtyard pool amenity below to the north, and University Drive to the south. The Clubhouse projects out from the upper level in a floating glass window

wall with silver finished glazing that breaks up the residential elevation pattern.

The Ash Avenue side has the parking entrance at the north end, and screens the large electrical transformers behind a removable metal panel to allow utility access when necessary. The building materials on the east elevation are the same as the south, however the architectural application is slightly different. There are openings in the parking garage that create a checkerboard pattern between brick masonry and grey stucco panels. The primary upper level building color is the cool dark grey, accented with integral colored crimson-toned stucco color randomly placed on panels below the windows. Balconies project out from the façade to create shade for the units below, and are recessed from the street by the upper levels being set back from the garage level. The leasing office entry is wrapped with a metal band that extends along the base of the perforated metal garage screening, transitioning from this material to the storefront glazing below. The storefront glazing has what look like clerestory windows, above a shade canopy projecting from the mullion to scale the building to the pedestrian and provide shelter along the length of the building.

The north elevation is located on the property line for the first two floors, restricting any openings to meet building code requirements for fire protection of the adjacent property. At levels three through five, penetrations in the masonry wall wrap from the east side to the north side in a checkerboard pattern of openings that meet the allowed level of openings for the set back from the property line and add shadows, rhythm and variation in the wall. The upper levels are predominantly the medium cool grey with beige used for the stucco wraps around elements to create projections. The parking screen wall is a combination of dark grey and crimson, creating woven bands of contrasting color in the openings between the precast garage wall. The precast material has two finishes, an integral colored smooth sand blasted finish with exposed mica, and an integral colored formed masonry block pattern with brick facing in a running bond pattern with grouting to match the masonry block on the south and east elevations.

On the west elevation, facing the railroad tracks, the lower level is again limited by proximity to the property line in the amount of openings. The applicant has provided as many openings as the building code will allow. The first five levels are precast concrete with a surface form of tan masonry brick with running bond patterning and grey grout lines. This product wraps from the north to the west side of the structure. The perforated metal product used to screen the garage on the east and south sides is wrapped at the southern end of this elevation, to provide visual continuity and more architectural interest in the corner visible from University Drive. Due to the large railroad property to the west, it is anticipated that this western elevation will remain visible due to lack of development opportunity. The upper levels have recessed windows, stucco wrap projections and balconies breaking up the pattern of the units. Dark grey and crimson stucco panels are used below the windows and medium cool grey stucco is the predominant building material on the upper floors. To shade the western side at the ground level, and provide some variation, a 2' planting area adjacent to the 3' stabilized path enables vertical green screens to allow plant growth on this elevation; a close up of this is shown on the color elevations. Plant material along this elevation will soften this side; provide variation in color and texture. The use of balconies above will add visual surveillance to this area.

The interior courtyard elevations are predominantly light grey stucco panels with reveals with a vertical emphasis. Dark grey and crimson colored stucco panels are used randomly above and below windows for variation in the patterning. This area will not be viewed from the public, but would be visible from the pool amenity area.

The project is not required to go through Art In Private Development, since the commercial component is less than 50,000 square feet (the zoning code does not have provisions for requirements of art in mixed use or multi-family projects, only on projects with a minimum of 50,000 square feet of commercial or industrial use).

The rooftop mounted HVAC equipment is proposed to be screened with the same 51% transparent punched metal product, in order to provide better air flow for mechanical system and also helps to reduce wind resistance for structural supports; however, this equipment would be visible through the screening proposed. Staff is conditioning that a solid panel or louvered product be used in lieu of the proposed perforated metal panel.

### **Landscape Plan**

The 2% of site landscape area is designed to address the unique site conditions on the south, east and west perimeters. Along Ash Avenue the primary street tree is *Ulmus parvifolia*, Evergreen Elm, and the accent tree is *Lauris nobilis*, Bay

Laurel. The landscape strips along the street edge include shade tolerant species Smooth Agave, Bush Morning Glory and Germander. Adjacent to the leasing office and grocery store, behind the walkway, are taller plants such as Ruellia, Purple Muhlenbergia, White Plumbago and Bush Morning Glory, providing a variety of colors, textures and plant materials with at least a 60% mature vegetative coverage.

Coordination with water utilities and Salt River Project (owner of the irrigation line) led to the proposed landscape design solution for University Drive. The south frontage along University Drive has several challenges impacting landscape, the constraints of the site include:

- Requirement for an 8' clear sidewalk (no light fixtures, benches, planters, etc.)
- Requirement for shade on the sidewalk
- Requirement to not have planters taller than 2' within the site visibility triangle for traffic exiting the site
- Requirement to not impact existing underground utility infrastructure.
- Requirement for the property owner to remove and replace any landscape material in the ROW if there are public works projects along the street front.

Although root barriers are permitted, direct planting on top of utilities is not permitted; the plants must be contained within large planters. The prior PAD established the setbacks, which are not being modified by this request. The proposed street tree along University is Acacia anueura, Mulga, planted in five foot by five foot square movable planter boxes three feet tall to accommodate root growth. Bay Laurel accent trees are located in the ground adjacent to the building columns, as an accent to the patio facing the street front. Vegetation along the street front separates pedestrians from University Drive, defining the patio and sidewalk area with flowering plants and smooth-edged agaves.

The west side of the site has a different condition, requiring plants with high tolerance for direct sunlight and reflected heat along the masonry wall. Heavenly Bamboo, Bougainvillea, Catclaw Vine, Red Yucca and Purple Muhlenbergia provide a variety of colors and textures within a 2' planting strip next to a 3' stabilized decomposed granite egress path. Green screens are used for the Bougainvillea and Catclaw vines to help shade the side of the building and add vertical growth.

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 building location maximizes the use of the site, entrances to the grocery provide easy access to pedestrians along both street frontages, serving both bus and street car transit users as well as cyclists with easy access to bicycle racks. The building articulation varies along the facades between different floor levels, set back from the property line at varied positions from two to ten feet, and overhangs projecting out to create shade and visual interest along the streetscape. The roofline is varied to provide greater articulation of the elevations from a distance.
2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort*; Use of recessed windows and projected balconies, wrapped building pop-outs and canopies provide shade on the street level as well as upper floors. Green screens are used on the west elevation and masonry penetrations along with decorative mesh used to screen the garage allows air flow through the third through fifth floors of the building. Trees are placed to maximize growth and shade on the east side, however the south side is limited in tree placement and species based on the underground utility constraints of the site.
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings*; materials provided include masonry brick veneer, exterior insulated stucco, vinyl windows for the residences and aluminum storefronts for the grocery store; all appropriate to the function and location of the development, in character with and complementing the surrounding materials.
4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings*; the building is proposed to be ten stories; the parking structure to the north is six stories, being increased to eight stories. The proposed building is scaled appropriately within the downtown height guideline, which allows up to 300 feet in the downtown, and drops to 50 feet west of the railroad tracks. The project is an appropriate transition from the downtown to the developments west of the railroad. The landscape elements are scaled for a pedestrian experience relative to the building elevations.

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; the building has distinctive elevations on all four sides, using similar materials and forms for continuity, and the use of windows, columns and façade changes to create a sense of movement. The building massing is articulated through changes in vertical and horizontal plane as well as in color and material.*
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; the use of landscape and building material provides visual cues to the façade for interaction with the pedestrian, with enhancement to the entryways through changes in landscape materials and use of shade and lighting.*
7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage; the plan accommodates the future street car lane with transit stop and accessible bike and vehicle parking.*
8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses; vehicles are relegated to the outside perimeters of the site, creating a uniform walkable frontage along both University and Ash Avenue, special consideration was given to site visibility to and from the garage due to the high pedestrian and bicycle movements anticipated along both streets.*
9. *Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance; the design meets all public safety requirements, activates the street frontages and provides natural surveillance from the street front patio, upper floor mezzanine with roll up doors, and the balconies and windows on the floors above.*
10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways; landscape is appropriate to the conditions of the site, defines the pedestrian paths and building entryways and provides color, texture and variety within a limited landscape area.*
11. *Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located; signs will be handled by separate application and are not a part of this request, they were provided for illustrative purposes only.*
12. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects. Lighting provided was in excess of the code requirements and staff has provided recommendations for lighting level reductions both for prevention of glare and reduction of energy consumption.*

## **Conclusion**

Based on the information provided and the above analysis, staff recommends approval of the requested Planned Area Development, Use Permit 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.
4. The proposed project meets the approval criteria for a Planned Area Development, Use Permit and Development Plan Review.

**ZONING AMENDMENT AND PLANNED AREA DEVELOPMENT 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. A building permit application shall be made within two years of the date of City Council approval 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.
2. 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 30 days from the date of City Council approval, or the Planned Area Development approval shall be null and void.
3. The Planned Area Development Overlay for THE FOUNDRY shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department within sixty (60) days of the date of City Council approval.
4. The developer must receive approval of the final Traffic Impact Study from the Traffic Engineering prior to issuance of a building permit.
5. The parking management plan must be updated to the most current parking numbers identified in the plans submitted.
6. The applicant will commit to pay the City of Tempe \$200,000 for traffic calming, affordable housing, neighborhood preservation and historic preservation, but as the first priority, the traffic-calming will be undertaken and consist of a quad-crossing system installed on University Drive between Ash and Farmer avenues. (Added by staff based on previous PAD condition).

**DEVELOPMENT PLAN REVIEW CONDITIONS OF APPROVAL:**

**General**

1. Except as modified by conditions, development shall be in substantial conformance with the site plan and building elevations dated May 6, 2016 and landscape plan dated May 6, 2016. Minor modifications may be review through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.

**Site Plan**

2. Interior building walls, ceilings, and floors for the residential units shall provide a minimum sound transmission class of (55) or more. Exterior building walls for the residential units shall provide a minimum sound transmission class of (39) or more. Exterior windows for the residential units shall provide a minimum sound transmission class of (28) or more using insulated double paned windows with ¼" pane thickness or more.
3. Provide service locations for both refuse and recycling collection and pick-up on the property as presented. Coordinate the storage areas for refuse and recycling containers with the overall site and landscape layout.
4. Provide service yard and mechanical yard or parapet walls that are at least the height of the equipment being enclosed. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment.
5. Provide upgraded paving at each driveway consisting of integral colored 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.

6. Utility equipment boxes for this development shall be screened from street view by architectural integration with the building elevations and finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.
7. 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.

### Floor Plans

8. 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.
9. 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
10. Garage Security:
  - a. Minimize interior partitions or convert these to semi-opaque screens to inhibit hiding behind these features.
  - b. Provide exit stairs that are open to the exterior as indicated.
  - c. Maximize openness at the elevator entrances and stair landings to facilitate visual surveillance from these pedestrian circulation areas to the adjacent parking level.
11. Parking Garage:
  - a. Minimum required parking dimensions shall be clear of any obstructions.
  - b. At the ends of dead-end drive aisles, provide a designated turn-around space, minimum 8'-6" clear in width (locate on left side if available), including 3'-0" vehicular maneuvering area for exiting. Turn-around area shall be clearly demarcated.
  - c. Provide a minimum 2'-0" of additional width for parking spaces when adjacent to a continuous wall.
  - d. Paint interior wall and overhead surfaces in garage floor levels with a highly reflective white color, minimum LRV of 75 percent.
  - e. Compact spaces as indicated on plans are 8' x 16' in dimension, and are not accounted for as required parking.
  - f. There shall be no more than 85 compact spaces.
  - g. Compact spaces shall be signed for compact vehicles and motorcycles/scooters only.
  - h. Per Sheet A411-A loading diagram, the refuse collection and delivery area shall be a minimum of 25' vertical clearance and the drive aisle shall be a minimum of 15' vertical clearance without any obstructions.

### Building Elevations

12. The materials and colors are approved as presented (May 9, 2016):

#### Material Board

- |                         |   |
|-------------------------|---|
| B - Primary Building    | - stucco 3- coat system integral color to match Sherwin Williams SW7011 Gray Screen (cool grey) |
| C - Secondary Building  | - stucco 3- coat system integral color to match Sherwin Williams SW7075 Web Grey (medium grey)  |
| D - Tertiary Building   | - Masonry Summit – Victorian – (tan)  |
| K - Quaternary Building | - stucco 3- coat system integral color to match Sherwin Williams SW7036 Accessible Beige        |

- (light beige)
  - E - Building Accent – Metal Panel Morin Blue Gray (dark cool grey)
  - J - Building Accent – stucco 3- coat system integral color to match Sherwin Williams SW6321 Red Bay (crimson red)
  - A - Garage Screening – Fluorpon PVDF Kynar 500 Surrey Beige and Dove Grey 51% transparency with 3/4” diameter punched alternate circular perforation. South east corner elevation is solid panel product. ~~Replace with Mica Fluorspan Classic II PVDF colors, Silversmith 399C1887 and Gingerale 399B045 (or similar).~~ For the 2 tone pattern on the perforated and solid portions of the garage screening and grocery entrance, **work with staff on modifications to the proposed panel colors. (Added by Commission)**
  - M – Mechanical Screening – must meet screening requirements; Fluorpon PVDF Kynar 500 Dove Grey solid panel or equivalent for screening; product may be louvered for wind load and ventilation requirements.
  - G - Storefront Windows - Anodized aluminum frame - EFCO Series 403 – Dark Bronze
  - F - Residential Windows – Vinyl frame – Fibrex Dark Bronze – clear dual panel low-e
  - H - Railing – powder coated black finish metal railing (black)
  - L - Metal canopy – Morin Spartan Bronze
  - N – Accent garage – Precast panel finish color integral color to match Sherwin Williams SW7036 Accessible Beige (light beige) with light sandblast finish
  - (North and West elevation)
  - O –Primary garage – Precast panel finish to match masonry Summit Victorian with running bond patterned grouted masonry finish (tan).
  - (North and West elevation)
  - I - Letter Not Used
  - Window Wall System - Viracon – Silver VFE 1-38
  - Roof – Flat with parapet
- Provide primary building colors and materials with a light reflectance value of 75 percent or less. Additions or modifications may be submitted for review during building plan check process.

13. Garage levels shall provide a minimum of 2'9" high vehicle screening on exterior of building, behind proposed punched metal screen.
14. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
15. Conceal roof drainage system within the interior of the building.
16. 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.
17. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
18. 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

19. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance at these locations.

### Landscape

20. The plant palette is approved as proposed and specified on the landscape plan. Any additions or modifications may be submitted for review during building plan check process.
21. Arterial street trees shall be a minimum of 36" box specimens and a minimum of 1 1/2" caliper trunk.

22. 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 1/2" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than 1/2". 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.
23. 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.
24. 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.
25. 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.

### Addressing

26. Provide address numerals on the north, west and south building elevation facing the street to which the property is identified.
  - 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.
    - 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. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.
  - c. Provide one address sign on the roof of the building. 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 DS116 and DS118 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:**
  - Provide emergency radio amplification for the combined building and garage area in excess of 50,000 sf. Amplification will allow Police and Fire personnel to communicate in the buildings during a catastrophe. Refer to this link : <http://www.tempe.gov/home/showdocument?id=30871>. Contact the Information Technology Division to discuss size and materials of the buildings and to verify radio amplification requirements.
  - 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.
  
- **PUBLIC ART:** If the commercial portion of the project meets or exceeds 50,000 square feet, provide public art for this development in conformance with the Art in Private Development Ordinance and ZDC Sec. 4-407 and ZDC Appendix D. Contact the Community Services Cultural Services Division regarding implementation of this requirement prior to receiving building permits.
  
- **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.
  
- **POLICE DEPARTMENT SECURITY REQUIREMENTS:**
  - Refer to Tempe City Code Section 26-70 Security Plans.
  - Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage ambush.

- 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.
- TRAFFIC ENGINEERING:
    - Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
    - Incorporate brick sidewalks for all off-site pedestrian paving. Follow City of Tempe Public Works Department Detail T-353, when designing all sidewalk areas in the Right-of-Way. Alternative paver materials may be considered subject to review, and approval, by the Engineering and Planning Departments. Any alternative patterns should be used in small amounts to create accent areas at entrances, or to demarcate architectural features of the building. Do not propose a wholesale change of material. These materials shall be compatible with the Americans with Disabilities Act, ADA, and the Building Code.
    - Construct driveways in public right of way in conformance with Standard Detail T-320.
    - 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.
- 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.
- CIVIL ENGINEERING:
    - An Encroachment Permit or License Agreement must be obtained from the City for any projections into the right of way or crossing of a public utility easement, prior to submittal of construction documents for building permit.
    - Maintain a minimum clear distance of twenty-four (24) feet between the sidewalk level and any overhead structure.
    - Underground utilities except high-voltage transmission line unless project inserts a structure under the 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.
    - The site is within an Alternative Retention Criteria Area. Verify specific design considerations with the Engineering Department.

- **SOLID WASTE SERVICES:**
  - Enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with standard detail DS-116.
  - Contact Public Works Sanitation Division to verify that vehicle maneuvering and access to the enclosure is adequate. Refuse staging, collection and circulation must be on site; no backing onto or off of streets, alleys or paths of circulation.
  - Develop strategy for recycling collection and pick-up from site with Sanitation. Coordinate storage area for recycling containers with overall site 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.
- **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 plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to [www.tempe.gov/signs](http://www.tempe.gov/signs).

**HISTORY & FACTS:**

- November 26, 1894 the site was part of the original Tempe. In 1914 the president of the Salt River Valley Cotton Growers Association joined with several Tempe businessmen to establish Tempe Cotton Exchange and Seed house, and Tempe's first cotton gin. The site served for industry research in the use of Pima Cotton, long-staple cotton competitive with Egyptian cotton.
- May 21, 1974 Board of Adjustment approved the request for a use permit for a restaurant and a variance to reduce the street side yard setback from 12 feet to 0 feet within the I-2, General Industrial District.
- April 14, 1975 Board of Adjustment approved the request by Dr. Munchies for a use permit for a restaurant and a variance to reduce the street side yard setback from 12 feet to 0 feet within the I-2, General Industrial District located at 234 West University Drive.
- August 13, 1976 Board of Adjustment approved the request for Dr. Munchies Restaurant to amend the variance to reduce the street side yard setback from 12 feet to 0 feet for an existing building to a variance to reduce the front

yard setback from 25 feet to 0 feet for an existing building and proposed additions.

- October 23, 1980 Board of Adjustment approved the request by Coyote Junction for a use permit for a restaurant use in an industrial district and a use permit to allow entertainment as an accessory use to a restaurant.
- May 24, 1984 Board of Adjustment approved the request by Gentle Strength Coop for a use permit for a use permit to operate a commercial use in an industrial district; variance to reduce the required front yard setback from 25 feet to 0 feet; and a variance to reduce the required street side yard setback from 15 feet to 12 feet.
- January 23, 1985 Board of Adjustment approved the request by Gentle Strength to waive the required screening wall for outdoor storage (condition: valid for only 90 days) at 234 West University Dr.
- February 27, 1991 Board of Adjustment approved the request by Gentle Strength for a use permit to expand the existing restaurant building at 234 West University Dr.
- 1991 The octagonal cotton seed house, the last of the structures from the historic cotton gin use was torn down in 1991.
- April 18, 1995 Hearing Officer approved the request by Gentle Strength for a use permit to expand the facility by enclosing two areas at 234 West University Dr.
- March 15, 2005 Redevelopment Review Commission heard a request for a Zoning Map Amendment and Planned Area Development for Cosmo #RRC05004, for a sixteen story (207 feet tall) building with approximately 488,000 s.f. of building located at 234 West University Drive, including the following:
- #ZON-2005.05 Ordinance No. 2005.08 for a Zoning Map Amendment from GID, General Industrial District (formerly I-2, General Industrial) to CC, City Center District, pursuant to Section 2-106 of the Zoning and Development Code.
- #SPD-2005.32 for a Preliminary Planned Area Development Overlay District consisting of 170,000 s.f. of residential condominiums, 67,000 s.f. of grocery store/commercial and 450+ parking spaces within 488,000 s.f. of building on 1.77 acres, pursuant to Section 2-106 of the Zoning and Development Code.
- May 19, 2005 City Council held a first public hearing for the above described request.
- June 2, 2005 City Council approved the request by Cosmo for a Zoning Map Amendment from GID, General Industrial District to CC, City Center District and a Preliminary Planned Area Development Overlay.
- March 23, 2006 City Council approved a Subdivision Plat request by COSMOPOLITAN #SBD-2006.26 for an Amended Subdivision Plat, consisting of two (2) lots on 3.84 net acres, located at 234 W. University Drive.
- June 6, 2006 City Council approved a Planned Area Development Overlay and Development Plan Review including building elevations, site and landscape plans, for an eighteen (18) story building with approximately 733,000 s.f. of building for commercial and residential use, located at 234 West University Drive, in the CC, City Center District, including the following:
- § #SPD-2006.53 Ordinance No. 2006.49 for a Planned Area Development Overlay for 733,000 s.f. mixed-use building.
- § Modify Condition of Approval #11 (SPD-2005.32), to allow a maximum building height from (207) feet to (235) feet.
- May 17, 2006 Development Services administratively approved the 12th Amended Planned Development Overlay for CenterPoint and an Amended Final PAD for Phase Two – Parking Garage No. 2, in order to exclude a portion of the PAD for the purpose of developing the KML Cosmopolitan project on 234 West University Drive.

- August 7, 2007      Hearing Officer approved a request by MOSAIC (PL070092) for a Use Permit to allow tandem parking for a residential use located at 770 S Ash Avenue. The name of the project and the street address changed, but the site was the former Cosmo project site.
- May 24, 2016      Development Review Commission held a public hearing for an Amended Planned Area Development, Use Permit for Tandem Parking and a Development Plan Review. The Commission voted to approve the Use Permit and to recommend approval of the Amended Planned Area Development and Development Plan Review, with a vote of 5 in favor and 2 opposed.
- June 9, 2016      City Council is scheduled for an introduction and first public hearing.
- June 23, 2016      City Council is scheduled for a second public hearing.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

- Section 6-305, Planned Area Development (PAD) Overlay districts
- Section 6-306, Development Plan Review
- Section 6-308, Use Permit
- Section 6-311, Shared Parking