REVISED

CITY OF TEMPE
REQUEST FOR COUNCIL ACTION

Council Meeting Date: 09/22/2016
Agenda Item: 6C5

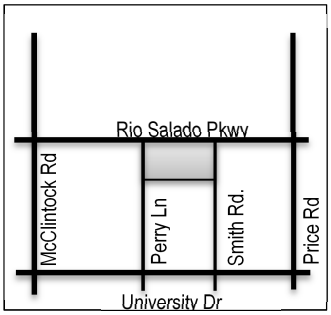
ACTION: Hold the second and final public hearing to adopt an ordinance for a Zoning Map Amendment from the General Industrial District (GID) and the Agricultural District (AG) to Planned Commercial Center General (PCC-2) with a Planned Area Development Overlay and a Development Plan Review for a new commercial center consisting of retail stores, restaurants, and a fuel center for RIO SALADO RETAIL, located at 1953 East Rio Salado Parkway. The applicant is Berry Riddell, LLC. (Ordinance No. O2016.51)

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. O2016.51
Approve Development Plan Review, subject to conditions
Development Review Commission - Approve (7-0 vote), subject to modified conditions

BACKGROUND INFORMATION: RIO SALADO RETAIL (PL160241) is proposed on the south side of Rio Salado Parkway in a former County island area with a mix of industrial, commercial and vacant land uses. The existing fourteen lots have six different owners, including a parcel at the northwest corner owned by the City of Tempe. A neighborhood meeting was held on July 21, 2016 and a Development Review Commission hearing was held on August 23, 2016. The Commission approved a request for a Use Permit to allow a retail vehicle fuel center in the PCC-2 district, and recommended approval of the requested entitlements with an additional condition to work with staff on the color and material palette to provide a more updated design. The building materials and colors were modified and new renderings submitted as additional attachments in this report. The request includes the following:

1. Zoning Map Amendment from GID, General Industrial District and AG, Agricultural to PCC-2, Planned Commercial Center Two.
2. Planned Area Development Overlay for eight lots with overall development standards allowing 40' building height, 50% lot coverage, 15% landscape area and setbacks of 10' front, 3' side, 0' street side, 30' rear.
3. Development Plan Review including the overall 8.43 acre site plan and landscape plan, with conceptual building colors and materials for the entire development and specific building design for the phase one fuel center and convenience store, building 8 and phase two retail buildings 3A and 3B.



Existing Property Owners	Boyle Revocable Trust, Allison Family Living Trust, PGK LLC, Eugene and Marion Stevenson Family Trust, Farrington Family Trust, and City of Tempe
Future Owner	Sonoran Son Development, LLC
Applicant	Wendy Riddell, Esq., Berry Riddell, LLC
Zoning District (current/proposed)	GID & AG / PCC-2
Gross / Net site area	8.43 acres
Total Building Area	35,999 s.f.
Lot Coverage	50% (25% max in AG and no standard in GID)
Building Height	40' (30' max in AG and 35' max in GID)
Building Setbacks	10' front, 3' side, 0' street side, 30' rear
Landscape area	15% (not applicable in AG, 10% min in GID)
Vehicle Parking	366 spaces (335 min. required, 419 max allowed)
Bicycle Parking	60 spaces (55 min. required)

ATTACHMENTS: Ordinance, Development Project File

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

Department Director: Jeff Tamulevich, Interim Community Development Director
Legal review by: Teresa Voss, Assistant City Attorney
Prepared by: Diana Kaminski, Senior Planner

COMMENTS

This site is located east of McClintock Drive, west of Price Road, north of University Drive. The property includes 14 lots that are bounded by Rio Salado Parkway on the north, Smith Road on the east, and Perry Lane on the west, and existing industrial development to the south. The area is industrial on three sides, and Tempe Marketplace is located to the north of Rio Salado Parkway. The existing lots would be reconfigured and subdivided into eight new properties to accommodate nine freestanding buildings: four designed as drive through restaurants, two as multi-tenant restaurant and retail uses, one sit-down restaurant, one purely retail or commercial service use, and one fuel center with convenience store. Twelve of the lots are currently zoned GID, General Industrial, two are zoned AG, Agricultural. To allow the combination of uses proposed for the site, the entire 8.43 acre area is proposed to be rezoned to PCC-2, Planned Commercial Center Two. To allow modifications to the building setbacks between the proposed new lots, a PAD, Planned Area Development overlay is necessary. To allow the vehicle fuel station in the commercial district, a use permit is also required. The proposed project includes the site masterplan, site landscape plan, and conceptual building massing, materials and colors for the development. This is a similar approach to the Tempe Marketplace entitlement, where individual pad buildings would return to the Commission for approval at the time of development. The first phase of the project is the easternmost lot, building 8, the second phase would be buildings 3A and 3B, as submitted with full elevations for Development Plan Review.

This request includes the following:

1. Zoning Map Amendment from GID and AG to PCC-2.
2. Planned Area Development for reduction of setbacks between commercial buildings on proposed new lot lines.
3. Development Plan Review for the masterplan of the site, landscape and building materials and colors, and the building elevations for buildings 3A, 3B and 8.

The applicant is requesting the City Council take action on the items listed above. For further processing, the applicant will need to purchase a .231 acre parcel at the south east corner of Perry Lane and Rio Salado Parkway from the City of Tempe, and receive approval for a Subdivision Plat, to combine the 14 individual lots into eight new lots.

PRELIMINARY SITE PLAN REVIEW

June 1, 2016 First Preliminary Site Plan Review included a complete package of plans. There were no lot lines to determine interior setbacks between buildings, and comments were largely technical regarding formatting and code requirements. Staff suggested reorientation of the westernmost building to remove the drive through from the Rio Salado Street front, where a bus stop is located, to facilitate better pedestrian access and reduce drive through visibility. Staff suggested moving two of the commercial buildings north, to put more parking in the rear and provide better visibility to the businesses. Sanitation services requested double enclosures for refuse and recycling and reorientation of the solid waste containers for efficient and safe collection with the flow of traffic. Police staff recommended securing the retention basin behind the convenience store at the east end to prevent loitering in an inactive area. Staff made recommendations to increase landscape and reduce paving where feasible, and encouraged a stronger entryway design that enhanced the pedestrian experience. Landscape comments included the need for more shade trees (the predominant trees shown were palm, and smaller and slower growing species that would not provide sufficient shade for street frontages or parking area requirements). Elevation comments included a need for four-sided architecture and not a false-front appearance at the parapet, more variation in the roofline and a need to coordinate lighting and signage to prevent visual clutter with different building elements.

July 13, 2016 Second submittal was a formal application made on July 5th, which was routed for a second review. All comments from the first review were addressed, and staff responses were largely formatting related. Staff recommend that a patio be provided on all restaurant pads, since most restaurants without planned patios come back to retrofit afterwards. The westernmost restaurant was reoriented with parking at the street front and the drive through behind, allowing a pedestrian

connection to the bus stop. Buildings 3A and 3B were shifted north slightly; however site circulation dictated the placement of these buildings to make parking work. Staff recommended reducing the canopy lighting to prevent glare to the surrounding streets and pedestrian areas and reduce nighttime over-lighting. Staff did not require windows on the Smith Road elevation of the convenience store due to the precedence set by the Tempe Marketplace design on the north side of the street, where large blank walls face the street as the back of house of the big box tenants. It was determined that the use of approximately 75 feet of landscape buffer along the Smith Road frontage would break up the narrow end of this smaller scale building.

August 8, 2016 The applicant resubmitted all plans with a refuse circulation plan, traffic impact study, photometric plan and civil grading and drainage plans all updated based on prior comments by respective technical staff.

PUBLIC INPUT

- Neighborhood meeting was required for this request.
- Neighborhood meeting held: Thursday, July 21st from 6-7pm at Karsten Golf Course Clubhouse at 1125 E Rio Salado Parkway.
- See attached summary of meeting provided by the applicant.
- Community Development staff attended the meeting.
- Adjacent property and business owners were in attendance, and appeared supportive of the project. There was expressed desire to maintain a commercial emphasis on the area and not introduce residences to the area.

DEVELOPMENT REVIEW COMMISSION

The Commission discussed the color palette and use of materials during the hearing, and added a condition to the Development Plan Review design approval. The requested colors and materials appeared out of date, and did not reflect the contemporary commercial image of the area. The Commission directed the applicant to work with staff to come up with newer materials in lieu of stacked faux stone, such as real stone, tile and metal siding, and changes to the color palette to include more grey and brighter accents.

PROJECT ANALYSIS

GENERAL PLAN

The subject site between Smith Road and Perry Lane is projected to be Commercial on the General Plan 2040 Land Use Map. The applicant has provided a written justification for the project implementation of the goals and objectives of the General Plan, through the Zoning Amendment to this site to a commercial zoning district.

CHARACTER AREA PLAN

The site is located within Character Area 4, the Apache character area. There are no known historic structures identified on the property, and the proposed plan would redevelop all of the existing sites within the 8.43 acres. The proposed landscape is planted with a large variety of xeric species that provide water conservation with design consideration for biodiversity, color and texture. The restaurants will add an amenity to the half-mile by 1 mile block of industrial and office employees working in the area to access for meals. The single story buildings are designed with higher ceilings, and act as a visual transition from the big box retail of Tempe Marketplace to the north, and smaller building types to the south. Pedestrian and bike access and comfort have been designed into the building and landscape concept and the overall scale is pedestrian in massing and form. The project does not require, nor is it proposing public art as a part of the scope of work. The building design, materials and colors are in character with the Tempe Marketplace aesthetic established in this northern portion of the Apache character area, but are more subdued than the full palette of Tempe Marketplace.

TRAFFIC

The study considered 11 intersections and site driveways in the immediate area, accounted for existing conditions as well as projected new development in the area in comparison to the opening year of the development (2017) and five years later (2022). The proposed project was calculated to generate 5,909 vehicle trips per day with 494 trips during morning peak hour and 450 during evening peak hour. Traffic Engineering staff has reviewed the report findings and the requested turn lanes warranted to serve the project and maintain traffic flow. Congestion during peak periods is to be expected with or without this development.

ZONING

The proposed site is a transitional area between the intense RCC, Regional Commercial Center of Tempe Marketplace to the north, and the established GID, General Industrial District to the south. The proposed change from general industrial and agricultural zoning to PCC-2 Planned Commercial Center will allow redevelopment of an underutilized and declining area for new commercial, retail and restaurant uses supportive of the existing surrounding businesses. As one of the few remaining industrial employment nodes in Tempe, residential uses would not be appropriate to the preservation of economic development and employment within this area.

Section 6-304 C.2. Approval criteria for Zoning amendment (*in italics*):

1. *The proposed zoning amendment is in the public interest* by cleaning up a blighted area and providing a safe active area for dining and shopping and creating jobs and revenue.
2. *The proposed zoning amendment conforms with and facilitates implementation of the General Plan* by rezoning the property in conformance with the projected land use plan. The project redevelops a blighted area, which will in turn aid in the revitalization of the immediate area, as an eastern gateway to Tempe. The design will activate an underutilized area and encourage a safe destination for transit and bike commuters as well as pedestrians from nearby businesses. The uses promote and protect employment and economic development.

PLANNED AREA DEVELOPMENT

The proposed development utilizes all of the development standards of the Planned Commercial Center Two district, however it requires relief from the setback standards to accommodate individual property lines between separate buildings on each lot. The PAD also seeks relief from the front yard setback to enable some buildings to be closer to the street, for more street front variation and site views into the project. The table on the next page outlines the existing development standards for Agricultural, General Industrial and Planned Commercial Center, in comparison to the proposed changes within the requested Planned Area Development.

RIO SALADO RETAIL – PAD Overlay

Standard	AG	GID	PCC-2	PROPOSED PCC-2 PAD	Change
Density (DU/Acre)	1	NA	25 (U)	25 (U)	No Change
Minimum Net Site Area (square feet) per Dwelling	43,560 sf	NA	NA	NA	No Change
Minimum Lot Width (feet)	115 ft	NA	NA	NA	No Change
Minimum Lot Length (feet)	150 ft	NA	NA	NA	No Change
Maximum Height (feet)	30 ft	35 ft	40 ft	40 ft	No Change
Maximum Lot Coverage (% of net site area)	25%	NA	50%	50%	No Change
Minimum Landscape Area (% of net site area)	NA	10%	15%	15%	No Change
Setbacks:					
Front	40 ft	25 ft	0 ft	10 ft	Increase
Parking Front	NA	20 ft	20 ft	20 ft	No Change
Side	20 ft	0 ft	30 ft	3 ft	Decrease
Street Side	25 ft	25 ft	0 ft	0 ft	No Change
Parking Street Side	NA	20 ft	20 ft	20 ft	No Change
Rear	35 ft	0 ft	30 ft	30 ft	No Change

The proposed project is intending to utilize a shared parking agreement with cross access between future lots, so that customers may park anywhere and walk to any of the buildings within the development. This model facilitates a balance of parking throughout different peak periods of the day for various uses and tenant mixes. The applicant is not proposing a ratio modification or parking reduction through the PAD process, and is meeting code requirements for parking on each individual lot. The shared model precludes the need for a use permit for parking exceeding the maximum 25% above the code minimum, as it accounts for the aggregate parking of the master planned site, rather than the individual lots within the

development.

	Building SF	Ratio 1 space per ___ SF based on use	Parking Required per ZDC	PAD Provided
Vehicle Parking:				
Lot 1 Drive Through Restaurant w/ patio	3,046	1/75 + 1/150 patio after 1st 300 sf.	41	46
Lot 2 Drive Through Restaurant w/ patio	3,046	1/75 + 1/150 patio after 1st 300 sf.	41	46
Lot 3 Commercial/Retail/Restaurant w/ patio	12,000	1/300 + 1/75 + 1/150 patio after 1st 300 sf.	78	91
Lot 4 Restaurant w/ patio	3,000	1/75 + 1/150 patio after 1st 300 sf.	43	52
Lot 5 Commercial/Retail	3,000	1/300	10	22
Lot 6 Drive Through Restaurant w/ patio	3,461	1/75 + 1/150 patio after 1st 300 sf.	49	47
Lot 7 Drive Through Restaurant w/ patio	4,037	1/75 + 1/150 patio after 1st 300 sf.	58	41
Lot 8 Convenience Store w/ fuel station	4,500	1/300	15	27
TOTAL VEHICLE PARKING			**335**	**366**
Bike Parking:				
Lot 1 Drive Through Restaurant w/ patio			7	8
Lot 2 Drive Through Restaurant w/ patio			7	8
Lot 3 Commercial/Retail/Restaurant w/ patio			9	10
Lot 4 Restaurant w/ patio			7	8
Lot 5 Commercial/Retail			4	4
Lot 6 Drive Through Restaurant w/ patio			8	8
Lot 7 Drive Through Restaurant w/ patio			9	10
Lot 8 Convenience Store w/ fuel station			4	4
TOTAL BICYCLE PARKING			**55**	**60**

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.* As outlined in the applicant letter of intent and the staff analysis provided for the zoning amendment, the project facilitates implementation of the goals and objectives of the elements of the General Plan, and the Apache Boulevard Character Area Plan.
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 proposed modifications to the setbacks to enable buildings within the development to be closer together, facilitates safe circulation and sufficient parking within the development, and is in character with existing surrounding industrial and commercial development within the half mile block of this site.
3. *The development appropriately mitigates transitional impacts on the immediate surroundings.* The proposed development standards do not change the massing, height or intensity of the standards, they maintain the parking setback requirements, and serve as a transition between more restrictive standards in the General Industrial District surrounding the site and Planned Commercial Center as proposed through the zoning amendment, and less restrictive standards in the RCC Regional Commercial Center to the north.

DEVELOPMENT PLAN REVIEW

Site Plan

The fourteen lots proposed for consolidation into eight lots are bounded by streets on the west, north and east, providing high visibility to the proposed development. All of the new lots are oriented for maximum visibility along Rio Salado Parkway, putting service needs and retention at the south of the lot, out of view. Driveways are all oriented with a southern entry shaded by trees, wrapping to the eastern side of the buildings where shade is provided by the building in the afternoon. All refuse circulation occurs at the south side. Three shared entry drives on Rio Salado Parkway serve the nine buildings with shared parking and circulation.

Building Elevations

Conceptual renderings were provided for the overall design aesthetic of the site. Individual buildings are required to return to the Commission for Development Plan Review at the time of development, throughout the phasing of the project. The overall

concept is contemporary and contextual on a smaller scale to the perimeter buildings of Tempe Marketplace. The primary building material is a sand-finished EFIS painted in a palette of muted warm tones and darker accents of pumpkin, gold, rust, marine blue and garnet. The use of storefront systems would dominate the northern elevations and be limited on the west and east elevations as needed within each building. The south *elevations would be back of house and not have glazing. Walkways and entryways would be covered either by architectural wrap*s or pop-outs or with metal canopies for shade. A faux stone product is used in columns, wainscot and accents within the façade of the buildings. The first phase of the project is a new convenience store and fuel center. The building is predominantly one sided in architectural detailing, with the northern front elevation providing variation in color, material and façade projections. The interior operation of a convenience store challenges the exterior in necessity for windows, which often conflict with floorplan and display layout and security. Although spandrel glazing could be added to the east or west (narrow ends) elevations, staff did not request this due to the location of the building on site and the landscape provided around the building.

Landscape Plan

Palo Brea is used as the predominant street tree. Other trees used within the palette include Muglia and Sophora, small slow growing trees that will require little maintenance and not block views to the commercial buildings are used for color and texture variation. Texas Ebony a large slow growing tree with a dense shade canopy is used at the entry to the development between the palm trees. Thornless Palo Verde and seedless Mesquite hybrids are used for shade in the parking islands and along the drive through. Sissoo, a large fast growing tree used along the southern perimeter for shade to the parking area to the south of the buildings. Date, Mexican Fan and Bismarck palms are used as accents. All plants proposed within the palette are low-water use species. Shrubs include royal purple bougainvillea (purple flower), turpentine bush (yellow flower), little leaf Cordia (white flower), Cimarron sage (purple flower), and Tecoma orange jubilee (orange flower). A large variety of agave, aloe, desert spoon, euphorbia, opuntia and yucca are provided as accents around the site, and ground covers include Purple Heart plant, purple lantana, gold lantana and gold yellow dot. The overall affect will be a uniform xeriscape designed to meet specific site needs and in character with the Tempe Marketplace palette and elements of the Apache Character Area Plan.

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 site masterplan has eight lots each with one building except lot three, which as two multi-tenant buildings. Each lot was designed to function independently but share driveway access, circulation, parking and retention; this design solution reduces the potential of five street front driveways to five driveways. The building pads are designed for future corporate tenants with specific building size and configuration needs. Lots one, two, six and seven are drive through restaurants, with parking at the street front and the driveway accessed from the south side and food pickup occurring on the east side. The form and placement of these four buildings are very similar, if not identical. Lot three buildings are set back from the street, and lot four is pushed up closer to the street. Lot five has the building centered on the main drive entryway. Lot eight, the vehicle fueling station is set back the furthest south on the lot, and has the canopy at the front, but setback significantly from the street front. The combined placement of the buildings provides a uniform rhythm while providing variety in the size, use, building orientation and shape.

2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort;* Drive through placement on the south side is shaded by trees, and food pickup is located on the eastern side, which is shaded in the afternoon. All of the buildings are oriented with windows facing north, and the service entries facing south. Patios are predominantly located on the north side of the buildings, or shaded between buildings. Street trees spaced on every 30 feet along all three streets will significantly increase the shade along public sidewalks, and Sissoo trees were provided along the entire south side, shading the vehicle parking area behind the buildings. Walkways provide access to each building and between buildings, with trees provided wherever possible for human comfort in the parking areas.

3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;* the buildings are proposed to be standard construction product compliant with current energy code requirements. The buildings are predominantly insulated stucco finish system painted a variety of earth tones and darker accent colors. Faux stone veneer and metal are used as accents on the building elevations. The contemporary architecture is commensurate with smaller buildings in Tempe Marketplace, but provides more detail and sophistication in the proposed color palette, building details and architectural articulation. The overall design affect is complementary to surrounding buildings and sets the stage for future revitalization and redevelopment on the south side of Rio Salado Parkway.

4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings;*
The proposed PAD would allow buildings as tall as 40 feet, per the zoning district, which is 35 feet taller than allowed in GID, the surrounding zoning. The buildings proposed are single story with high ceilings, approximately 25 feet in height, with additional height for building accents at entryways. The landscape material is a variety of fast and slow growing plants that will provide faster and longer coverage of plant material, with trees located throughout the site bringing the scale of the building to a pedestrian level.

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 buildings are relatively small, the largest being 6,000 square feet. The buildings provide four-sided architecture and are visible from three streets and from other buildings on site. The facades are broken up vertically and horizontally and provide changes in color at the changes in plane. Stacked stone veneer is used on columns, at wainscots for textural variation. Although each building is located on its own site, the proposed material and color palette and architectural style will unify the smaller buildings in a mate planned theme for the center.

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;* Although each individual building will require a separate Development Plan Review at the time of development, the master planned theme provides a foundation of what would be expected in the overall design concept. The first phase building eight, the convenience store, uses textured stucco and stacked faux stone in a contemporary design appropriate to the location and use. However, due to the interior configuration of the store, there are no windows on three sides, and limited architectural detailing. All of the buildings on site take advantage of the north exposure for fenestration, and minimize sun exposure on the south side by having solid insulated wall materials. Entryways are covered and the use of canopies, columns, lighting and architectural pop outs provide a scale and rhythm to the overall development.

7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage;* the site has immediate access to an adjacent bus stop, is less than a ½ mile from the freeway, and is 2 miles from light rail. Bike parking is provided to accommodate employees and customers who bike to the site.

8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses;* Driveways on Perry and Smith are set back from the Rio Salado intersection, but are not aligned to create a secondary alley/street; traffic is controlled by design to minimize conflicts with drive through and pedestrians, providing access from the bus stop and between buildings in a safe and visible location. All refuse collection and business deliveries occur at the south side of the site, away from the main entrances on Rio Salado to avoid conflicts with larger vehicles.

9. *Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance;* the site plan, landscape plan and building orientation provide activation of all areas of the site, with site visibility from businesses, patios and drive through, and clear surveillance through the site by the separation of the buildings to maintain view corridors. The large retention area is secured to prevent loitering behind the convenience store. The project was reviewed by crime prevention staff and determined optimally designed to meet the principals of CPTED.

10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways;* the proposed plant palette uses one street tree wrapping all three streets and delineates pedestrian paths with shaded walkways. The variation in plant material will provide year round color, texture and visual interest to the site while respecting a low water use palette appropriate to a commercial site.

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;* signage was provided in concept only for coordination with the building elevations, the review of the sign package will be handled separately.

12. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.* Photometric for the site were reviewed and will comply with code, maximum lighting levels have been conditioned for the fuel canopy to prevent glare to pedestrians and drivers.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use 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 to enable variation of the development standards.
4. The proposed project meets the approval criteria for a Zoning Amendment, Planned Area Development, Use Permit and Development Plan Review.

Based on the information provided and the above analysis, staff recommends approval of the requested Zoning Amendment Planned Area Development, Use Permit and Development Plan Review. This request meets the required criteria and will conform to the conditions.

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.

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 Zoning Map Amendment and Planned Area Development approval shall be null and void.

3. The Planned Area Development Overlay for Rio Salado Retail 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 .231 acre remnant parcel on the south east corner of Perry Lane and Rio Salado Parkway shall be purchased by the developer pursuant to the valuation and property disposition process of the City of Tempe prior to issuance of building permits.

5. The developer shall make necessary improvements to mitigate delays and increase traffic safety as indicated in the Traffic Impact Study submitted on August 8, 2016.

6. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

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 August 8, 2016 and landscape plan dated August 8, 2016. Minor modifications may be reviewed through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.

2. The conceptual design materials and colors presented will serve as a general guide for the overall site for future phases of development; standard application and hearing processes are required for individual buildings and uses subject to code requirements.

Site Plan

3. Provide service yard and mechanical yard walls that are at least 8'-0" tall as measured from adjacent grade and are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment. Locate electrical service entrance sections inside the service yards.

4. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.

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 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: (For restaurants and the convenience store)
   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

Building Elevations

10. The materials and colors are approved as presented (August 8, 2016):
    General Development Building Colors and Materials:

Roof – flat with parapet
Exterior Insulated Stucco Finish – Sand texture – painted:
Dunn Edwards DEC786 Miners Dust (putty)
Dunn Edwards DEC766 Steveareno Beige (light tan)
Dunn Edwards DE6144 Graham Cracker (medium grown-gold)
Dunn Edwards DEC729 Fallen Rock (medium warm grey)
Dunn Edwards DE5187 Weathered Saddle (rust)
Dunn Edwards DE5249 Coyote (pumpkin)
Dunn Edwards DEC729 Medallion (medium gold)
Dunn Edwards DEC5881 Newbury Port (dark marine blue)
Finished Aluminum – Kynar – Dunn Edwards DEC759 Hickory (medium tan)
Windows - Anodized aluminum frame
Glazing – Clear or Frosted, low-E rated tempered glass
Painted Metal – Dunn Edwards DEA147 Garnet Evening
Columns, Wainscot & Building Accent – Eldorado Stone, Alderwood (dry stacked random sandstone in limestone color)

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.

10A. Work with staff to modify the materials and colors for a more updated design palette, specifically, change the stacked faux stone to a different product and add more grey tones. ADDED BY THE COMMISSION.

11. Provide secure roof access from the interior of the building. Do not expose roof access to public view.

12. Conceal roof drainage system within the interior of the building.

13. 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.

14. 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

15. This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting, unless otherwise conditioned.
    a. Fuel center canopy illumination shall not exceed 15 foot candles, and shall be screened from view by recessed design within the canopy structure to prevent glare and over illumination.

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

Landscape

17. The plant palette is approved as proposed and specified on the landscape plan. Street frontages shall provide a minimum of 50% mature vegetative coverage of understory plants (excluding tree canopies) and the remainder of the site shall provide a minimum of 40% mature vegetative understory plant coverage. Any additions or modifications may be submitted for review during building plan check process.

18. Arterial street trees shall be a minimum of 36" box specimens and a minimum of 1 ½" caliper trunk.

19. 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 ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½". 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.

20. 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.

21. 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.

22. 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

23. Provide address sign(s) on the 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 10-12" high (depending on building scale), 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 numbers or letters 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.

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.

FUTURE PHASES: Per Section 6-306 B and C of the Zoning and Development Code, all new phases of this development will require a public meeting through the Development Review Commission.

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.

DEADLINE: 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.

CONTINUING CARE CONDITION COVENANT & RESTRICTION: The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be reviewed and placed in a form satisfactory to the Community Development Manager and City Attorney.

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.

PUBLIC ART: If the overall development meets or exceeds 50,000 s.f. of commercial development, 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. 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 commercial components of 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.
- 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 as required by Traffic Engineering Design Criteria and Standard Details.
- 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. 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.
- 100 year onsite retention required for this property, coordinate design with requirements of 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. Roll-outs may be allowed for recycled materials. Coordinate storage area for recycling containers with overall site and landscape 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.

ZONING AND DEVELOPMENT CODE: 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.

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 . 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.

DUST CONTROL: Any operation capable of generating dust, include, but not limited to, land clearing, earth moving, excavating, construction, demolition and other similar operations, that disturbs 0.10 acres (4,356 square feet) or more shall require a dust control permit from the Maricopa County Air Quality Department (MCAQD). Contact MCAQD at http://www.maricopa.gov/aq/.

HISTORY & FACTS:

1930	Historic aerial photography indicates this area had natural topography and vegetation.
1949	Historic aerial photography indicates establishment of structures and early development, with Perry Lane clearly established, and agricultural uses to the south, east and west of the site.
1950-1999	The area developed with industrial uses within the jurisdiction of Maricopa County, and was not under City of Tempe Zoning authority.
1983	Discovery of underground aquifer contamination from businesses north of the Salt River led to a 13 mile area around Indian Bend Wash, from Indian Bend Road south to Apache Boulevard, being designated the Indian Bend Wash Superfund Site.
July 10, 1997	City Council authorized the Public Works Director to enter into Development Agreements with property owners in the County Island per Resolution No. 97.38. The Development Agreement guaranteed 1-2 zoning in exchange for signing a petition and agreeing to the annexation. The Zoning Ordinance established grandfathered rights of existing uses and buildings
October 14, 1999	City Council annexed the County Island by adopting Ordinance 99.34. The Council also issued a Request for Proposals for environmental remediation and redevelopment of the area. Subsequent to the annexation, various parcels within the Rio Salado Annexation Area were zoned from AG Agricultural to I-2 General Industrial and I-3 Heavy Industrial, and later, the area to the north of Rio Salado Parkway was zoned RCC Regional Commercial Center for the development of Tempe Marketplace. Properties to the south of Rio Salado Parkway were not included in the redevelopment, and continued to operate with existing uses.

No further information regarding the prior development of the parcels within this site is available.

August 23, 2016	Development Review Commission heard a request for a Zoning Map Amendment, Planned Area Development Overlay, Development Plan Review and Use Permit for a new commercial center consisting of retail stores, restaurants and a fuel center for RIO SALADO RETAIL, located at 1953 East Rio Salado Parkway. Approve (7-0 vote), subject to conditions.

September 8, 2016 City Council introduced and held a first public hearing for RIO SALADO RETAIL.

September 22, 2016 City Council is scheduled for a second public hearing for this request.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 6-304, Zoning Map Amendment
Section 6-305, Planned Area Development (PAD) Overlay districts
Section 6-306, Development Plan Review