



**CITY OF TEMPE  
REQUEST FOR COUNCIL ACTION**

**Meeting Date: 10/27/2016  
Agenda Item: 5A3**

**ACTION:** Approve an Amended Subdivision Plat for THE PIER, located at 1190 East Vista Del Lago Drive. The applicant is Sender Associates Chtd.

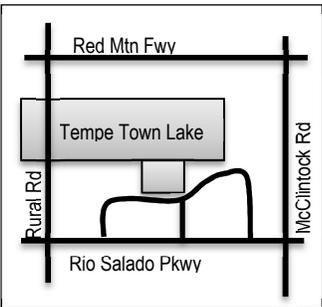
**FISCAL IMPACT:** There is no fiscal impact on City Funds.

**RECOMMENDATION:** Staff – Approve, subject to conditions

**BACKGROUND INFORMATION:** THE PIER (PL160248) is located on the south side of Tempe Town Lake, west of Tempe Marketplace, east of Arizona State University within an original Planned Area Development approved in 2007 and an amended PAD approved in January 2016. The development was subdivided and street improvements installed; the lots have remained undeveloped. Lot 5 is proposed for development of 586 units within a new mixed-use development of residential, retail and restaurant uses along the lakefront. The public street to the south of Lot 5 is Vista Del Lago, which includes parallel parking within the right of way. The applicant has requested purchase of a portion of the right of way to accommodate underground development of the parking garage and reconfiguration of the parking to perpendicular spaces on site. These spaces would be required to remain as public parking, but would increase the number of spaces available to customers and guests of the property as well as the surrounding developments when it is fully built-out. The requested subdivision plat would modify the property line for Lot 5 to include a portion of right-of-way currently outlined by the parking configuration along the street front.

The applicant is seeking to amend the existing Subdivision Plat for Lot Five:

- 1. Amended Subdivision Plat to incorporate 1,083 square feet of existing right of way into the existing Lot Five.



Property Owner	Rob Fransway, Springbrook Development
Applicant	Darin Sender, Sender Associates, Chtd.
Zoning District	MU-4, Rio Salado Overlay District, Pier PAD
Gross/Net site area of Lot 5	2.624 acres (115,395)
Density / # of Units	221 du/ac / 586
Number of Bedrooms	800 bedrooms (103 studio, 273 1-bedroom, 206 2-bedroom, 4 3-bedroom)
Total Building Area	1,345,926 s.f.
Lot Coverage	61.48% (70,947 s.f.) (61.15% maximum allowed existing PAD)
Building Height	283 ft (292'6" maximum allowed existing PAD)
Building Setbacks	31' front, 27' west side, 14' east side, 17' rear (31.5' front, 28.75' west, 15.29' east, 18.42' rear existing PAD)
Landscape area	12.26% (14,156 s.f.) (11%, 12,643 s.f. existing PAD)
Vehicle Parking	1061 spaces, including 216 tandem (1246 code required, existing PAD allowed 1,106 with 90 tandem allowed by use permit and 26 compact)
Bicycle Parking	626 spaces (580 code required)

**ATTACHMENTS:** 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:**

Lot 5 is bordered by Tempe Town Lake on the north side, Vista Del Lago Drive on the south side, a City owned parcel to the west and a privately owned tract dedicated for a pedestrian plaza on the east. The property is within the existing Pier 202 Subdivision east of Rural Road, west of McClintock Drive, and north of Rio Salado Parkway. Nearby uses include Tempe Marketplace to the east, Karsten Golf Course to the south, ASU to the south east and State Farm offices to the west. The area is located within an existing 2007 Planned Area Development of nine lots ranging in height from 187 to 310 feet within the Rio Salado Overlay District. The proposed building consists of two 24 story towers, each approximately 283 feet in height to the top of the mechanical equipment screening, connected at levels 3 through 6 by a bridge of units and an amenity deck. The building is oriented with the towers on the east and west sides of the lot, with the center of the structure shaded by the towers and allowing views through to the Town Lake. The first floor includes entrance to the garage centered on the lot, restaurant and retail uses wrapping the interior first floor court yard amenity area that is publicly accessible between the street and Town Lake. The project is proposed to be phased, with the first phase being the 4 levels of underground parking, the podium level and the eastern tower. Phase two would be the second tower. The applicant wishes to incorporate the existing right of way used as street parking onto the Lot 5 site, and obtain full use of the land underground for parking structure. Conditions of approval have been included to address this request.

This request includes the following:

1. Amended Subdivision Plat for Lot 5 of Pier 202.

The applicant is requesting Council approval of the item listed above. By separate request, the applicant will be required to purchase property that is currently within the City right of way along Vista Del Lago.

**PUBLIC INPUT**

- Neighborhood meeting was not required for this subdivision plat.

**Conclusion**

Based on the information provided and the above analysis, staff recommends approval of the Amended Subdivision Plat. 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 lot has access to a public street and meets the technical standard of the Tempe City Code, Chapter 30, Subdivisions.

**SUBDIVISION PLAT CONDITIONS OF APPROVAL:**

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

**General**

1. The applicant shall apply for the abandonment of the existing Vista Del Lago right-of-way currently used for public parking. City will complete the abandonment in accordance with its usual procedures, and thereafter will sell the abandoned ROW to developer to be incorporated into Lot 5 via an amendment to the existing plat, concurrent with the issuance of building permits.
2. Parking spaces on the south side street-front are to be maintained as public parking spaces, not restricted. A permanent recorded public access easement and maintenance agreement for these parking spaces shall be recorded concurrently with the deed conveying title to the right of way.
3. The developer shall provide the City with a performance bond guaranteeing the completion of the parking spaces referenced in condition #7 concurrently with recording of the deed to the ROW.
4. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

5. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Community Development Department no later than one year from the date of City Council approval. Failure to record the plat within one year of City Council approval shall make the plat null and void.
6. All property corners shall be set and verified with staff upon final recordation of the subdivision plat, no later than three (3) months from the date of County recordation or as determined by staff.
7. Dedicate a cross access agreement between Lots 4 and 5 to the west for use of the shared driveway.

**HISTORY & FACTS:**

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|--------------------|---|
| September 10, 1998 | City Council approved the request for CIUDAD DEL LAGO-RIO EAST for a Final Planned Area Development consisting of the Peabody Hotel, located at 1200 East Rio Salado Parkway. The project included Phase 1 on 20.83 acres, 315' building height, 1,000 room hotel, 120,000 sf. conference center, 9,300 s.f. restaurants, 1,600 s.f. bar, outdoor dining for 80 seats, 9,200 hotel office, 6,000 hotel retail, 9,000 hotel spa, within 285,000 s.f. within 32.3% lot coverage, and providing 2,269 parking spaces. Phase 2 was 4.88 acres, 50' building height, with 85,000 s.f. of retail, 10,000 sf. of restaurant, 5,000 s.f. bar, outdoor dining for 80 seats and providing 581 parking spaces.   |
| May 17, 2007       | City Council approved the request of an Amended Planned Area Development Overlay for PIER 202 (PL060548) consisting of nine (9) new buildings up to 310 feet in height for commercial, 285 room hotel and 1,484 residential units on +/-27.4 acres, located at 1200 East Rio Salado Parkway, in the MU-4, Mixed-Use High Density District.  |
| August 14, 2007    | Development Review Commission approved a Preliminary Subdivision Plat and a Development Plan Review consisting of a landscape plan for street frontage, requested by PIER 202 located at 1200 East Rio Salado Parkway.  |
| May 8, 2012        | Development Review Commission approved the request for VILLAS AT SOUTH BANK (PL120046) (City of Tempe, property owner; MDT Development Partners LLC, applicant) consisting of 262 units within a 17-story senior living facility (including assisted living and memory care components) and a 2-story commercial building, totaling 367,896 sf. in building area on 2.23 net acres, located at 1122 East Vista del Lago Drive in the MU-4 (PAD), Mixed-Use High Density District with a Planned Area Development Overlay and the Rio Salado Overlay District. The request includes the following:<br>ZUP12025 – Use Permit to allow tandem parking.<br>DPR12032 – Development Plan Review including site plan, building elevations and landscape plan.                  |
| June 14, 2012      | City Council approved the request for VILLAS AT SOUTH BANK (PL120046) (City of Tempe, property owner; MDT Development Partners LLC, applicant) consisting of 262 units within a 17-story senior living facility (including assisted living and memory care components) and a 2-story commercial building, totaling 367,896 sf. in building area on 2.23 net acres, located at 1122 East Vista del Lago Drive. The request includes the following:<br>PAD12002 (Ordinance No. 2012.23) – An Amended Planned Area Development Overlay to establish development standards of 118 dwelling units per acre; a maximum building height of 211'-0"; reduce the required vehicle parking from 458 to 187 spaces, and reduce the required bicycle parking from 182 to 53 spaces. |

- January 12, 2016 A request to amend the Planned Area Development for Lot 5 and establish development standards for 551 apartments, 17,309 s.f. of retail, 8,245 s.f. of restaurant and 3,959 s.f. of outdoor dining, 1,106 parking spaces, development standards for 293 foot maximum building height, 210 dwelling units per acre density, 31' front setback, 15' side setback and 18' rear setback on 2.6 acres. The request also includes Use Permit to allow tandem parking spaces within a parking structure and a Development Plan Review including site plan, building elevations, and landscape plan, and a Subdivision Plat to relocate the south property line to include public on street parking on site.
- January 14, 2016 City Council introduced and held a first public hearing for the above request.
- January 28, 2016 City Council held a second and final public hearing for the above request.
- September 13, 2016 The Development Review Commission heard and recommended approval (6 to 1 vote) for the Amended Planned Area Development Overlay to modify the development standards, a Development Plan Review for modified site plan, landscape plan and elevations for two new 24-story buildings consisting of a mixed-use 586-unit multi-family with retail and restaurant uses. The Commission approved (4 to 3 vote) a Use Permit to allow 216 tandem parking spaces for **THE PIER (PL160248)**, located at 1190 East Vista Del Lago Drive.
- September 22, 2016 City Council is scheduled for an introduction and first public hearing for the Amended Planned Area Development and Development Plan Review, subject to the Development Review Commission recommendation.
- October 27, 2016 City Council is scheduled for a second public hearing for the requested Amendment to the Planned Area Development and a public hearing for the requested Amendment to the Subdivision Plat.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-307, Subdivisions