



**CITY OF TEMPE  
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 10/27/2016  
Agenda Item: 5A4**

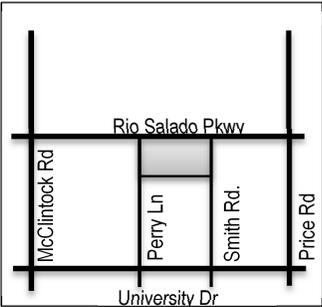
**ACTION:** Approve a Final Subdivision Plat for RIO SALADO RETAIL, located at 1953 East Rio Salado Parkway. The applicant is Hunter Engineering.

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

**RECOMMENDATION:** Approve, subject to conditions

**BACKGROUND INFORMATION:** RIO SALADO RETAIL (PL160241) is on the south side of Rio Salado Parkway in a former County island area with a mix of industrial, commercial and vacant land uses. On September 22, 2016, the City Council approved the Zoning Map Amendment and Planned Area Development for the development of new restaurant and retail buildings. The existing fourteen lots have six different owners, including a parcel at the northwest corner owned by the City of Tempe. The Final Subdivision Plat is required as a result of the approved conditions of approval for this project. The request includes the following:

- 1. Final Subdivision Plat to consolidate fourteen (14) existing lots into eight (8) new lots totaling 8.43 acres.



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	Jerry Heath, Hunter Engineering
Zoning District (current/proposed)	GID & AG / PCC-2
Lot 1	42,529.857 s.f. or 0.976 Acres
Lot 2	38,251.651 s.f. or 0.878 Acres
Lot 3	69,243.923 s.f. or 1.590 Acres
Lot 4	33,808.600 s.f. or 0.776 Acres
Lot 5	25,517.876 s.f. or 0.586 Acres
Lot 6	42,256.368 s.f. or 0.970 Acres
Lot 7	41,343.616 s.f. or 0.949 Acres
Lot 8	76,381.413 s.f. or 1.753 Acres
Gross / Net site area	369,338.335 s.f. or 8.478 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:** 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. 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 with a PAD, Planned Area Development overlay. The applicant is requesting the City Council take action on the Subdivision Plat to combine 14 individual lots into eight new lots. 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.

## Conclusion

Based on the information provided and the above analysis, staff recommends approval of the requested Subdivision Plat. This request meets the required criteria and will conform to the conditions. Each lot will have access to a public street and conforms to the technical standards of the Tempe City Code for Subdivisions, Chapter 30.

## CONDITIONS OF APPROVAL:

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

1. 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.
2. Dedicate a cross access and shared retention agreement between all lots within the development.
3. The applicant shall apply for the purchase of city property completing disposition in accordance with usual City procedures. The City will thereafter sell the property to the developer to be incorporated into this plat, concurrent with the issuance of building permits.
4. All property corners shall be set and verified with staff upon final recordation of the subdivision plat, no later than three (3) months from the date of County recordation or as determined by staff.

## CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

### 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.

- 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.

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](http://www.tempe.gov/zoning) or purchase from Community Development.

**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 scheduled the second and final public hearing and approved the request for a Zoning Map Amendment, Planned Area Development Overlay, and 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.
October 27, 2016	City Council scheduled meeting for the requested Final Subdivision Plat for the facilitation of development of this project, in fulfillment of the conditions of approval.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-307, Subdivisions, Lot Splits and Adjustments