

# Staff Summary Report



Development Review Commission Date: 02/14/12

Agenda Item Number: \_\_\_\_

**SUBJECT:** Hold a public hearing for a Zoning Map Amendment for 1407 E MCKELLIPS, located at 1407 E. McKellips Road.

**DOCUMENT NAME:** DRCr\_1407McKellips\_021412 PLANNED DEVELOPMENT (0406)

**COMMENTS:** Request for 1407 E MCKELLIPS (PL110395) (Mike Anton, property owner; Alan Beaudoin, LVA Urban Design Studio, LLC, applicant) consisting of a new one-story, +/- 4,200 sf. office building with a storage/staging yard, parking and landscape on a +/-0.74 acre site located at 1407 E. McKellips Road in the R-3 Multi-Family District. The request includes the following:

ZON11009 – (Ordinance No. 2012.09) Zoning Map Amendment from R-3 Multi-family Residential to GID, General Industrial District.

**PREPARED BY:** Diana Kaminski, Senior Planner (480-858-2391)

**REVIEWED BY:** Lisa Collins, Community Development Deputy Director (480-350-8989) 

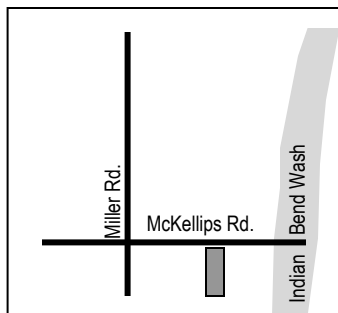
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** N/A

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

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

**ADDITIONAL INFO:**



Site area	.74 acres
Total Building area	4,188 s.f.
Lot Coverage	11%
Building Height	35 ft. (35 ft. maximum allowed)
Building Setbacks	96 ft. front, 6 ft. east side, 44ft. west side, 69 ft. rear (25 ft. front, 0 ft. side, 0 ft. rear minimum)
Landscape area	21% (10% minimum)
Vehicle Parking	15 provided (14 minimum, 17 maximum)
Bicycle Parking	4 spaces (4 minimum)

A neighborhood meeting was held on January 23<sup>rd</sup> at 6pm at the North Tempe Multigenerational Center.

**PAGES:**

1. List of Attachments
- 2-3. Comments
- 4-6. Reason for Approval / Conditions of Approval
7. History & Facts / Zoning & Development Code Reference

**ATTACHMENTS:**

1. Ordinance No. 2012.09
- 2-3. Waiver of Rights and Remedies form
4. Location Map
5. Aerial Photo
6. Letter of Explanation
7. Neighborhood Meeting Summary
8. Site Plan / Schematic Floor Plan / Conceptual Landscape Plan

## COMMENTS:

This site is located east of Miller Road, and west of Indian Bend Wash and Hayden Road, it is on the south side of McKellips Road. The property has a single family house on an island of Multi-family zoned property, surrounded by municipal and industrial uses. The street right of way to the north of the site on McKellips is within the City of Scottsdale jurisdiction. The adjacent properties to the west are City of Scottsdale owned Public Works operations, to the east are City of Tempe owned water department operations, further east is property owned by the Flood Control District of Maricopa County and maintained by the City of Tempe as open space habitat. There are residences to the north of McKellips within Scottsdale, and residences west of Miller Road in Tempe. The site is located within the Rio Salado Overlay District. General Plan 2030 has this property designated as an Industrial Land Use. The current Zoning of the Property is R-3 Multi-family; this request is to amend the Zoning Map to GID General Industrial, in compliance with the General Plan Land Use designation. The applicant is requesting the Development Review Commission provide a recommendation of approval to City Council.

## PUBLIC INPUT

- Neighborhood meeting required
- Neighborhood meeting held: January 23, 2012 from 6:00 p.m. to 7:00 p.m. at 1555 N. Bridalwreath Street at the North Tempe Multigenerational Center.
- See attached summary of meeting provided by the applicant.
- Community Development staff did not attend the meeting.

## PROJECT ANALYSIS

### ZONING

Based on surrounding municipal and industrial uses and lack of residential context, the General Plan projected this site as an industrial land use. The existing residence has been challenged to find anyone interested in purchasing the property as a single family home, and the size and infrastructure limitations make it difficult to develop for multi-family use. The established surrounding uses are not foreseen to be redeveloped, precluding this lot from an assemblage for a larger development plan. The applicant is seeking to rectify these site challenges by modifying the Zoning to conform with the General Plan. The proposed use would be an industrial office user with needs for a staging or storage yard, a prospective tenant would be a contractor's office.

Section 6-304 C.2. Approval criteria for Zoning amendment:

1. The proposed zoning amendment is in the public interest. Redevelopment of the site for a low-impact industrial office use that does not generate significant traffic, provides pedestrian improvements to the sidewalk and landscape, and aesthetically enhances the street front will help revitalize the last unimproved site between Miller and Indian Bend Wash.
2. The proposed zoning amendment conforms with and facilitates implementation of the General Plan, supporting goals and objectives of neighborhood stabilization and revitalization and economic development in support of small businesses and local employment opportunities.

### ZON11009 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 shall be obtained on or before March 22, 2014 or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.
2. McKellips Road is City of Scottsdale Right of Way, all street, driveway and sidewalk elements must be approved by the City of Scottsdale. At the time of development, provide a letter from Scottsdale showing all requirements have been or will be met.
3. 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 *April 23<sup>rd</sup>, 2012*, or the *Zone Map Amendment* approval shall be null and void.

## CODE/ORDINANCE REQUIREMENTS:

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

- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through [www.tempe.gov/planning/documents.htm](http://www.tempe.gov/planning/documents.htm) 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 Reviews dated November 23<sup>rd</sup>, 2011 and January 4, 2012. 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 Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- **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.
- **WATER:** existing services that are not used shall be removed and capped at the main.
- **ENGINEERING:**
  - 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 relation of the buildings to the property lines.
  - Verify location of any easements or property restrictions, to ensure no conflicts with the site layout or foundation design.
  - 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.

## HISTORY & FACTS:

1957-1964	Property annexed into Tempe, platted and zoned R-3 Multi-Family
Mid-Late 1960's	Original house was built sometime in the 1960's.
	No other information available relevant to this request

## ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendment

**ORDINANCE NO. 2012.09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.**

\*\*\*\*\*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

**Section 1.** That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Section 2-106 and 2-107, by removing the below described property from the R-3, Multi-family Residential District and designating it as GID, General Industrial District on .74 acres.

**LEGAL DESCRIPTION**

The west 175 feet of the north 250 feet of the east half of the Northwest Quarter of Section 11, Township 1 North, Range 4 east of the Gila and Salt River Base and Meridian, Maricopa County, AZ; except the west 40 feet of the east 55 feet of the south 125 feet of the north 156 feet of the above described property; and except the north 163 feet of the east 15 feet of the above described property; and except any portion of the described property lying within the north 33 feet of said Section 11.

TOTAL AREA IS .74 GROSS ACRES.

**Section 2.** Further, those conditions of approval imposed by the City Council as part of **ZON11009** are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

**Section 3.** Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Ordinance No.2012.09

**WHEN RECORDED RETURN TO:**

City of Tempe  
Community Development Dept.  
31 E. 5<sup>th</sup> Street  
Tempe, AZ. 85281

**WAIVER OF RIGHTS AND REMEDIES  
UNDER A.R.S. §12-1134**

This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by \_\_\_\_\_

\_\_\_\_\_(Owner/s).

Owner acknowledges that A.R.S. § 12-1134 provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner's property (Private Property Rights Protection Act).

Owner further acknowledges that the Private Property Rights Protection Act authorizes a private property owner to enter an agreement waiving any claim for diminution in value of the property in connection with any action requested by the property owner.

Owner has submitted Application No. **PL110395** to the City requesting that the City approve the following:

  X   ZONING MAP AMENDMENT

for development of the following real property (Property):

Parcel No. : 132-07-002E

**Legal Description:**

The west 175 feet of the north 250 feet of the east half of the Northwest Quarter of Section 11, Township 1 North, Range 4 east of the Gila and Salt River Base and Meridian, Maricopa County, AZ; except the west 40 feet of the east 55 feet of the south 125 feet of the north 156 feet of the above described property; and except the north 163 feet of the east 15 feet of the above described property; and except any portion of the described property lying within the north 33 feet of said Section 11.

Address:

1407 E. McKellips Road, Tempe, AZ 85281

By signing below, Owner voluntarily waives any right to claim compensation for diminution in 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 the above-referenced Application, including any conditions, stipulations and/or modifications imposed as a condition of approval.

This Waiver shall run with the land and shall be binding upon all present and future owners having any interest in the Property.

This Waiver shall be recorded with the Maricopa County Recorder's Office.

Owner warrants and represents that Owner is the fee title owner of the Property, and that no other person has an ownership interest in the Property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

(Signature of Owner)

(Printed Name)

(Signature of Owner)

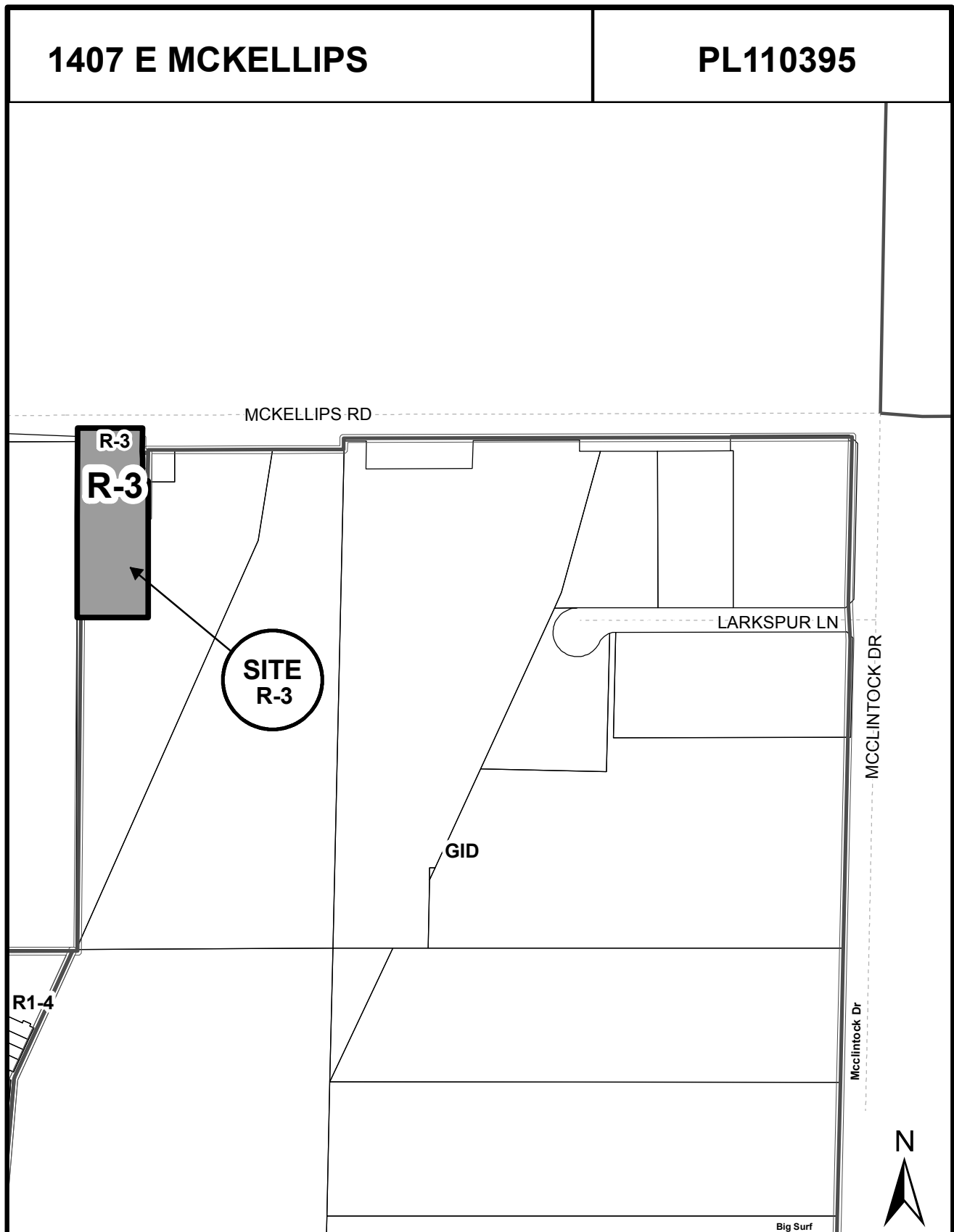
(Printed Name)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by

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(Signature of Notary)



**Location Map**





**1407 E MCKELLIPS (PL110395)**

120 south ash avenue  
tempe, arizona 85281  
phone: 480.994.0994

tempe

December 27, 2011

Ms. Diana Kaminski, Senior Planner  
City of Tempe  
Community Development Department  
31 East 5<sup>th</sup> Street, Garden Level  
Tempe, Arizona 85281

4007 e paradise falls dr, ste 210  
tucson, arizona 85712  
phone: 520.261.2994

tucson

RE: Zoning Application Letter of Explanation – 1407 East McKellips Road

Dear Ms. Kaminski,

The purpose of this letter is to support a zoning application for the property at 1407 East McKellips Road. It is the property owner's intent to seek a zoning change from the current multifamily residential (R-3) zoning to general industrial district (GID) zoning. This letter of explanation is provided in support of the conceptual site plan and other zoning submittal material defined within the Planning Application Form / Checklist.

We are pleased to submit this zoning application for a zoning change following the Preliminary Review Process. The materials contained within the zoning application have been prepared in response to the comments provided by the City of Tempe and by the City of Scottsdale following the Preliminary Review Process. We believe this application has responded to all comments provided by the initial City of Tempe review and we look forward to the zoning process ahead.

As indicated during the Preliminary Review Process, the proposed zoning request is specifically responsive to the General Plan. Our request to industrial zoning is consistent with the General Plan industrial land use designation. The subject property, while zoned residential, is surrounded to the west, south and east by industrial land use. The zoning of this property to industrial zoning represents a logical extension of similar use within the immediate area.

The subject property is located at the north edge of the City of Tempe jurisdictional limits. The property immediate to the west and immediately to the north, across McKellips Road, is within the jurisdiction of the City of Scottsdale. In response to our understanding of this jurisdictional context, we have coordinated with the City of Scottsdale to understand infrastructure design considerations.

Please accept this Letter of Explanation, along with the zoning application materials as necessary to commence the zoning amendment process for the subject property. If I may provide any additional information to assist in the further evaluation of this zoning change request, please do not hesitate to contact me at 480.994.0994.

Sincerely,

  
Alan Beaudoin

Applicant / Representative

Diana,

The following is a summary of the Jan. 23, 2012 neighborhood meeting regarding rezoning of 1407 E. McKellips:

Meeting Place: North Tempe Multi- Generational Center, 1555 N Bridalwreath St., Tempe

Meeting Time: 6-7pm

In Attendance Representing the property: William Anton, Sharon Anton, Michael Anton and Alan Beaudoin

Neighbors Attending: Melody Appleton, Jill Duxbury

1. Alan Beaudoin displayed both a site plan and aerial view of the property on two easels.
2. Both Ms. Appleton and Duxbury were primarily concerned with speed of traffic on McKellips, causing them uneasiness about entering and exiting Scottsdale Mobile Estates.
3. Both neighbors would like to see an additional traffic light installed east of their property to provide a break in traffic. Alan explained that that matter would fall under the jurisdiction of Scottsdale.
4. Ms. Appleton and Duxbury attended the meeting to educate themselves on the intended use for 1407 E. McKellips. They were concerned about a possible high traffic business with significant incoming and outgoing traffic. They were also concerned about extended late night hours. Once we explained the proposed use they were comfortable that it would not have a negative impact on traffic or disturb the surrounding neighborhood.
5. Ms. Appleton and Duxbury also expressed normal concerns about construction duration and dust control during development of 1407 E. McKellips.
6. Once our proposed property use was fully explained, both ladies commented that they were comfortable with the intended use and were "glad they came".
7. Comment cards were offered to both ladies but neither chose to use them.

Respectfully submitted,

William Anton

