

Staff Summary Report



Development Review Commission Date: 02/12/08

Agenda Item Number:

SUBJECT: Hold a public hearing for a General Plan Density Map Amendment, Zoning Map Amendment and Planned Area Development Overlay for APACHE ASL TRAILS located at 2428 E. Apache Boulevard.

DOCUMENT NAME: DRCr_ApacheASLTrails_021208.doc **PLANNED DEVELOPMENT (0406)**

SUPPORTING DOCS: Yes

COMMENTS: Request for **APACHE ASL TRAILS (PL070371)** (Cardinal Capital Management, Inc., owner; Paul Mickelberg, Welman Sperides Mickelberg Architects, applicant) for a General Plan Amendment and Zoning Map Amendment on approximately 1.06 acres and for a Planned Area Development for a mixed-use development serving special needs seniors, consisting of approximately 75 apartments and 60 condominiums and approximately +/-13,000 sq. ft. of retail, office and restaurant space for a total +/-180,000 sq. ft. development on +/-3.34 acres (2.27 acres previously approved General Plan and Zoning Amendment and 1.06 acres for current General Plan and Zoning amendment) located at 2428 E. Apache, in the CSS Commercial Shopping and Services District. The request includes the following:

GEP08001 – General Plan 2030 Density Map Amendment from Medium Density (up to 15 du/ac) to High Density (greater than 25 du/ac) on +/-1.06 acres.

ZON08001 - Zoning Map Amendment from Commercial Shopping and Service (CSS) to Mixed-Use High Density (MU-4) on +/- 1.06 acres.

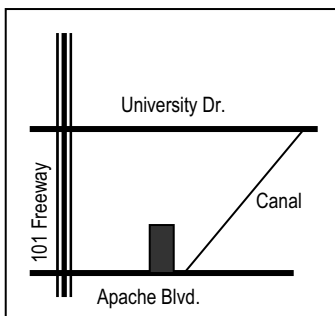
PAD08001 - Planned Area Development (PAD) overlay for development standards and a density of 41 du/ac, consisting of 135 residential units and 13,000 sq. ft. of retail, restaurant and office uses within four floors of mixed-use buildings on +/- 3.34 acres.

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

REVIEWED BY: Lisa Collins, Planning Director (480-350-8989) 

RECOMMENDATION: Staff – Approval, subject to conditions (1-9).

ADDITIONAL INFO:	Gross/Net site area	3.34 acres (former site is 2.27 acres of this request)
	Building area	+/-180,000 sq. ft.
	Lot Coverage	30% (50% maximum allowed in CSS)
	Density	41 du/ac (20 du/ac allowed in CSS, NS in MU-4)
	Building Height	65 ft (35 ft maximum allowed in CSS, NS in MU-4)
	Building setbacks	0' front (Apache Blvd, south side), 0' side, 5' street side (Lebanon Ln, west side), 30' rear (north side)
	Landscaped area	20% (25% minimum required in CSS TOD, NS in MU-4)
	Vehicle Parking	189 spaces (219 min. required)
	Bicycle Parking	56 spaces (111 minimum required)



A neighborhood meeting was held on January 28, 2008 as required. The applicant met with the Apache Boulevard Planning Area Committee (APAC) previously, and held a neighborhood meeting for 2.27 acres east of Lebanon Street. The applicant is requesting a PAD Amendment to incorporate 1.06 acres of new property (east of existing site) into a 3.34 acre development. The new development would be completed in two phases with residential

apartments on Lot A (west side) and condominiums on Lot B (east side).

- PAGES:**
1. List of Attachments
 - 2-6. Comments & Analysis / Reasons for Approval
 7. Conditions of Approval
 - 8-9. Code Requirements
 10. History & Facts / Zoning & Development Code Reference

- ATTACHMENTS:**
1. Resolution No. 2008.05
 2. Ordinance No. 2008.03
 - 3-4. Waiver
 5. Location Map
 6. Aerial Photo
 - 7-16. General Plan Letter of Explanation
 17. Land Use Map
 - 18-20. Zoning and PAD Letters of Explanation
 21. P.A.D. Cover Sheet
 22. Site Plan
 23. Conceptual Elevations
 - 24-33. Conceptual Floor Plans
 34. Preliminary Grading and Drainage Plans
 35. Landscape Plan

COMMENTS:

On November 8, 2007, the City Council approved General Plan and Zoning map amendments and a Planned Area Development (PAD) for approximately 2.27 acres east of Lebanon Lane. The applicant subsequently responded to a request for proposals for the 1.06 acre site to the east of this site, and received approval from the Federal Transit Authority to purchase the remnant parcel. The new site is west of the Salt River Project's Tempe Canal. The applicant is requesting an approval for a General Plan Amendment Density Map Amendment from Medium Density (up to 15 du/ac) to High Density (greater than 25 du/ac), a Zoning Map Amendment from Commercial Shopping and Service (CSS) to Mixed-Use High Density (MU-4) on approximately 1.06 acres to bring the eastern portion of the site into conformance with the parcel to the west. The applicant is also requesting a Planned Area Development Overlay Amendment to incorporate the new property into a 3.34 acre development. The new development would be completed in two phases, developing from west to east, with two new lots created to finance two different housing products. The project consists of two four-story buildings with residential apartments on Lot A (west side) and condominiums on Lot B (east side), 7,500 s.f. of commercial office and retail space and 2,500 s.f. of restaurant uses, with shared surface and podium parking, within approximately 180,000 s.f. of building area. This site is located at the southern edge of Victory Acres Neighborhood, on the north side of Apache Boulevard and the east side of Lebanon Lane. There are six single family homes and a Catholic Church directly north of the site. The site includes nine existing vacant parcels; the western portion was used for automotive uses; the eastern portion was used for residences.

For further processing of the proposed plan, the applicant will need approvals for a Development Plan Review of the site plan, landscape design, and building elevations for Lot A and Lot B as well as for a Subdivision Plat, to combine the nine individual lots into two new lots A and B and a Horizontal Regime Subdivision, to create individual for-sale condominium units on Lot B.

This proposal is consistent with the General Plan 2030 Projected Land Use; in order to implement the goals and objectives of the elements, the proposed project requires an amendment to the Density map. Staff recommends approval of the requested General Plan Density Map and Zoning Map amendments and for the requested Planned Area Development Overlay.

Public Input

The Zoning and Development Code requires projects that propose a Planned Area Development Overlay must organize a neighborhood meeting regarding a proposal in order to facilitate dialogue with the adjacent community prior to public hearings. For the previous request, the applicant met with the Apache Boulevard Planning Area Committee (APAC) and hosted a neighborhood meeting at 6:30 p.m. on September 10, 2007, both at the Tempe Police Substation on Apache Boulevard. Property owners within a three hundred foot radius were notified by mail in both English and Spanish. Neighborhood associations within six hundred feet of the subject site were also notified. Two American Sign Language Interpreters were provided for the meetings. The APAC meeting contained a lot of dialogue and resulted in a formal vote to recommend approval/support for the project. Approximately 15 people attended the neighborhood meeting, only one was from the neighborhood. In January 2008, the APAC chairperson indicated continued support for the project, and no need for the applicant to return for a second meeting for the expanded site. In accordance with the requirements for this new request, a second neighborhood meeting was held on January 28, 2008 to show the new site plan and proposed PAD standards. Development Services staff attended the meeting, no one from the public attended.

Project Analysis

This mixed-use project has an L-shaped building (Lot A) and a V-shaped building (Lot B) connected by a breezeway and gates. The building is located at the south end of the property fronting Apache Boulevard. The buildings consist of senior citizen apartments (Lot A) and condominiums (Lot B) designed to accommodate qualified tenants in need of affordable independent-living facilities with amenities serving the deaf or hard of hearing. The street level facing Apache Boulevard includes 10,000 square feet of commercial office, retail and restaurant space, along with lobby entry for the upper floors and service areas, for deliveries. 100% of the Apache Boulevard frontage is commercial uses and 33% of the Lebanon Lane frontage is commercial uses. The ground floor of the Lot A apartments is retail along Apache Boulevard and wraps the corner of the building at Lebanon Lane, the ground floor use transitions to ground floor apartments on Lebanon Lane. There are three floors of apartments above the first floor. The ground floor of the Lot B condominiums has retail along the Apache Boulevard frontage with podium parking located underneath; the grade difference within the lot enables parking to be accessed from the surface lot to the north, with second floor residences appearing at grade along the canal side of the building. The third and fourth floors of the building are condominiums.

General Plan Analysis

Land Use Element:

This project complies with the land use goals and element objectives for General Plan 2030. The land use projected for this site is Mixed-Use. This category encourages creatively designed developments which create a living environment, reflective of a village concept, in which there is the opportunity to live, work and recreate in the same development or within the area. This request complies with the projected land use with the integration of office, retail, restaurant and residential uses within one development.

The General Plan projected residential density for the eastern portion of this site is designated medium density (up to 15 du/ac). This segment of Apache Boulevard was designated a lower density than the remainder of Apache Boulevard based on public input during the creation of the General Plan. Residents in Victory Acres were concerned with unlimited density levels, traffic and taller buildings impacting their neighborhood, which is designated a Cultural Resource Area. The request to change to high density residential (greater than 25 du/ac) is compatible with densities on the south side of Apache Boulevard, and conducive to transit oriented development. The proposed site plan design and PAD limits the density to 41 dwelling units per acre, and a building height of no more than 65 feet. The proposed commercial uses are relatively small, and intended to serve residents within the development, not to attract significant traffic to the site. The residential component is unique in the population it serves: according to the applicant, residents who are elderly and hard of hearing or deaf are more inclined to take public transit than to drive. The PAD proposes a 30' setback on the north side, adjacent to single family zoned property; however the closest building would be located 90 feet south of the northern property line. Compact residences have limited private outdoor space, but have access to shared, or common open space. Proximity to amenities and configuration of residences encourages resident interaction. This level of intensity should promote a village environment with easy access to goods and services, business and recreation. The proposed project and density meets the intent of the General Plan and mitigates previous neighborhood concerns regarding density.

The applicant has demonstrated a strong desire for early and ongoing communication in the site development process, taking special consideration for provision of language interpretation. The proposed development encourages affordable housing, redevelopment and reinvestment. The proposed development implements many of the objectives of the Land Use Element, encourages transit related development and is sensitive to the adjacent neighborhood, providing an enhancement to the area.

Accessibility Element:

The project is required to meet all requirements set forth in the ADA Design Guidelines for new projects. Implementing design for accessibility includes: accessible parking spaces, minimum size public sidewalks,

and direct access from the main entrance to the public sidewalk. Moreover, this project utilizes special standards unique to their clientele, providing the first affordable housing development of its kind in Arizona. The residential component is designed to accommodate people 55 years and older who may have a variety of physical abilities, and who are hard of hearing, deaf or deaf-blind. The development is human-scaled, and provides the opportunity to integrate residents into a larger neighborhood fabric, offering connectivity through nearby transit and parks.

Community Design Element:

Specific design details have not yet been provided. One issue with the site plan will require further resolution: staff and the applicant are still determining the exact location and termination of the sewer line at the north end of the site. Staff will be working with the applicant to address water utility requirements for an easement, while still providing the required landscape tree buffer to the properties to the north. This will be resolved through the Development Plan Review process. The project provides a mixed-use product that meets many of the element objectives. The plan creates a useable space with safe enclosed areas as well as connections to the street edge. The plan encourages and enhances pedestrian movement and provides opportunities for interaction and observation. This project could benefit from the implementation of green building concepts, providing more energy efficient solutions and the use of advance technology in building materials. As a major eastern gateway into Tempe, this site is highly visible and deserves special design consideration. The design should provide a focal point, through unique architectural elements or public art integrated onto and around the site. Staff is working with the applicant to address gateway opportunities.

Historic Preservation Element:

The property is not designated as historic, so there is no specific requirement for preservation, or documentation.

Housing Element:

The proposed development will provide 135 new affordable and market-rate houses for senior 55 and older. The product mix increases the diversity of housing opportunities in Tempe with both rental and owner-occupied units. The plan will encourage property reinvestment. The housing allows for the greatest level of self-sufficiency, dignity and independence. The proposed development includes 75 one and two bedroom units targeting seniors earning less than 60% of an area median income (Lot A). The remaining 60 will serve a range of income levels; from low-income tax credit units to moderately-priced limited equity cooperative units (Lot B).

Neighborhoods Element:

The project meets most of the objectives and strategies identified in this element. A neighborhood meeting was held on January 28th. The applicant mailed notices in both English and Spanish, and provided sign language interpreters for the meeting. All questions were answered at the meeting. The proposed project will promote neighborhood preservation and enhancement, promote a safe neighborhood, minimize traffic impacts, develop a walkable community and promote the use of transit.

Redevelopment Element:

This site is within the Apache Boulevard Redevelopment Area. The redevelopment areas encourage revitalization of adjacent areas with the intent to rebuild or redevelop, and encourage reinvestment. The west side of the site was residential until 1978, and vacant until 1991, when it converted to a commercial use. The eastern side has been used for residential uses. The new development will provide adequate infrastructure and encourage reinvestment and revitalization. The new development will eliminate slum and blight and may stimulate private investment and new development. The proposed development meets all of the objectives of this element.

Economic Development Element:

This project is located near one of the General Plan's identified employment nodes. This project incorporates 10,000 s.f. of commercial office and retail opportunities. These uses may foster increased business

investment and additional tax base. Providing additional residents within the area may bolster existing local businesses within the area.

Cost of Development Element:

The project will provide a balance of residential, commercial and recreational uses, while maintaining a walkable environment. The proposed density will not exceed planned infrastructure or service capacity within the area. The proposed project meets the intent of this element.

Environment (Air, Noise, Ambient Temperature, Energy) Element:

Providing a mixed-use project may help to reduce the number of vehicle miles traveled. Additional design details should consider energy conservation through passive and sustainable principles, including green building and cool-roof designs.

Land (Remediation, Habitat, Solid Waste) Element:

There is no foreseen impact on this element. Staff encourages the applicant to recycle construction material to mitigate landfill impacts. To further implement this element, use of green building techniques, and energy efficient designs are encouraged. Additionally, the applicant may contact the Public Works Department about recycling services at this site.

Water (Water, Wastewater, Stormwater) Element:

The Engineering Department will require storm-water retention on this site which is sufficient to contain a 100-year event. The proposed density will not exceed water or wastewater infrastructure at this location.

Transportation (Pedestrian Network, Bikeways, Transit, Travel-ways) Elements:

This project is within the Transportation Overlay District Station Area, and has easy transit access to multiple bus routes within Tempe and access via bus and light rail to Phoenix and neighboring communities. The Orbit free neighborhood circulator, the Mercury route, is 2 blocks north of the site. The design of the site encourages pedestrian activity. This proposal provides a diverse use of land through integration of residential and commercial spaces, potentially reducing the amount of vehicular trips typically generated by residential users. The proposed project is requesting a reduction in parking, from the required 219 to 189. Based on experience at another facility, the residences would have 25% less parking than required because they will be occupied by seniors who have a lower propensity for driving and a lower percentage of vehicle ownership.

Aviation Element:

This element is not applicable to this request.

Open Space Element:

The proposed development includes private open space in a central courtyard, including landscape and hardscape and a pool, and a pocket park available to the residents. The 135 units could potentially have 270 residents who would also have access to the new Victory Acres Park and the canal path.

Recreational Amenities Element:

The open space serves for passive recreational uses. The development also includes a community room and fitness room.

Public Art & Cultural Amenities Element:

Public art is not required for this project, however, the location of this site is a gateway into Tempe, and would be an ideal location for artwork to be incorporated. Staff is working with the applicant to determine the feasibility of art incorporation into the south eastern edge of the project.

Public Buildings and Services Elements:

Not applicable to this request.

Public Safety Element:

The addition of a new development with residents will help provide a safer environment. Special precautions are being taken to address the unique requirements of those who are hard of hearing, deaf or deaf-blind, to assure their safety. Further design details will be addressed through the Development Review process.

ZONING ANALYSIS

	CSS TOD STATION	EXISTING MU-4 PAD	PROPOSED MU-4 PAD	LOT A	LOT B
Acres		2.27	3.34	1.82	1.52
Density	20 du/ac (w/ use permit)	56 du/ac	41 du/ac	41 du/ac	40 du/ac
# of units		135	135	75	60
Building Height	45 (w/ residential)	60	65	60	60
Max. Lot Coverage	75%	41%	30%	30%	30%
Min. Landscape Area	25%	30%	20%	25%	20%
Front Setback	0' min and 6' max	0'	0' (Apache, south side)	0'	0'
Side Setback	0'	22'	0' (between Lots A & B and east side by canal)	0'	0'
Rear Setback	10'	10'	30' (north side)	30' (actual building is 90' from north property line)	30' (actual building is 140' from north property line)
Street Side Setback	0'	0'	5' (Lebanon, west side)	5'	N/A

The proposed PAD would decrease the density of the existing site entitlement, allowing for 135 units on 3.34 acres, instead of 2.27 acres (from 60 du/ac to 41 du/ac) because the site has increased in size, but not in number of units. The proposed height increase is designed to accommodate the design of the mixed use buildings with an affordable housing product for senior citizens, provide podium parking and accommodate the commercial component along the street. The proposed PAD provides a greater buffer to the residents to the north, and more landscape area than what is required within the current zoning. The proposed plan exceeds the minimum code standards for site development, is compatible with the surrounding area, and deviates from the zoning standards where necessary to create a unique mixed-use product with podium parking tucked under the building. The applicant is also requesting a reduction in parking from the required 219 spaces, to provide 189 spaces, and a reduction in required bicycle parking from 111 to 56. These reductions are based on the reduced demand for driving/riding and vehicle/bicycle ownership by senior citizens who are hard of hearing, deaf or deaf-blind.

Conclusion

The request complies with General Plan 2030 projected land use for this site, and meets the intent of the density designation through the proposed Planned Area Development (PAD) Overlay. The PAD implements the General Plan, by providing a mixed-use development of both commercial and residential living space, promoting the concept of live, work and recreate in one place. The proposed development achieves goals for in-fill development, accessible, affordable housing and options to Tempe's existing housing stock. The proposed development implements many of the General Plan element goals and objectives. The proposed zoning designation of MU-4 with the PAD is comparable to the existing zoning in development standards, fulfills the requirements and intent of the Transportation Overlay District and is compatible with the surrounding area.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The project helps implement the goals and objectives of the General Plan elements.
3. The project will meet the development standards required under the Zoning and Development Code.
4. The project conforms to the Transportation Overlay District standards and guidelines.
5. The PAD Overlay provides the flexibility through establishment of the project specific standards.

CONDITIONS OF APPROVAL:

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL, WHICH MAY BE MODIFIED, DELETED OR ADDED TO, SUBJECT TO THE DECISION-MAKING BODY.

PAD080001 CONDITIONS

1. A building permit shall be obtained and substantial construction commenced on or before **March 20, 2009 or the property shall revert to a previous zoning designation—subject to a formal public hearing.**
2. The property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, which shall be submitted to Development Services Department no later than thirty (30) calendar days after the date of approval, or the General Plan and Zoning Map Amendment approvals shall be null and void.
3. An Encroachment Permit must be obtained from the Engineering Department prior to submittal of construction documents for building permit. The limitations of this encroachment include;
 - a. a maximum projection of eight (8) feet for any upper level balconies or decorative architectural features of the building,
 - b. a minimum clear distance of twenty-four (24) feet between the sidewalk level and any overhead structure, and
 - c. any other requirements described by the encroachment permit or the building code.
4. The Planned Area Development for Apache ASL Trails shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
5. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
6. A Condominium Plat (Horizontal Regime) is required for this development and shall be recorded prior to an occupancy permit.
7. The Subdivision Plat and Condominium Plat for Apache ASL Trails 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 Development Services Department on or before March 20, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.
8. Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
9. Provide upgraded paving at each driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.

CODE REQUIREMENTS

THE BULLETED ITEMS REFER TO EXISTING CODES OR ORDINANCES, OR REQUIREMENTS FROM OTHER DEPARTMENTS THAT ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT. THESE ITEMS ARE NOT AN EXHAUSTIVE LIST.

- Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated December 19, 2007. 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.
- Specific requirements of the Zoning and Development Code 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, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through www.tempe.gov/zoning, or purchased at Development Services.
- 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.
- Fire lanes need to be clearly defined. 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 structure, if allowed by Fire Department. Details of fire lane(s) are subject to approval of the Fire Department (Jim Walker 480-350-8341).
- Show and provide bike parking per Tempe standard Detail T-578.
- Locate fire hydrant within 150' of any portion of the first floor, maintain access to within 150' of any portion of the building at grade level.
- Engineering requirement for undergrounding of overhead utilities. Underground utilities requirement excludes 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.
- Refuse:
 - Double container enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with Standard Detail DS-116.
 - If recycling is desired, develop strategy for recycling collection and pick-up from site with Ron Lopinski. Coordinate storage area for recycling containers with overall site and landscape layout.
 - Gates for refuse enclosure(s) are not required. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days
- Driveways:
 - Construct driveways in public right of way in conformance with Standard Detail T-320 or T-319, (30 ft. minimum, 40 ft. maximum).

- 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 "Corner Sight Distance" leaflet, available from Development Services Counter or from John Brusky in Transportation (480-350-8219) if needed. 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.
- Building height: measure height of buildings from top of curb along front of property (as defined by Zoning and Development Code).

HISTORY & FACTS:

November 22, 1978	City documents indicate that an abandoned house on this site caught fire and burned. No information on the original construction of the property.
December 17, 1990	Board of Adjustment denied a request for Bud Robert's Tire Storage Facility to obtain a use permit for tire storage as an ancillary use to a primary business on a non-adjacent site and a request for six landscape and site wall variances.
January 31, 1991	City Council approved the appeal of the Board of Adjustment decision, thereby allowing the use permit; the variances were modified through conditions of approval.
March 1, 1991	Development Services Staff administratively approved a proposed landscape plan for the property.
June 14, 1995	Development Services Staff administratively approved the installation of a diesel gas tank.
October 9, 2007	Development Review Commission unanimously approved the requested General Plan Amendment, Zoning Map Amendment and Planned Area Development for a mixed-use development serving special needs seniors, consisting of approximately 75 apartments and 60 condominiums and approximately 10,000 sq. ft. of retail, office and restaurant space for a total +/-160,000 sq. ft. development on +/-2.27 acres.
October 25, 2007	City Council introduced and held a first public hearing for the above request.
November 8, 2007	City Council approved a General Plan Density Map Amendment, Zoning Map Amendment and Planned Area Development for a mixed-use development serving special needs seniors, consisting of approximately 75 apartments and 60 condominiums and approximately 10,000 sq. ft. of retail, office and restaurant space for a total +/-160,000 sq. ft. development on +/-2.27 acres.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-302, General Plan Amendment
Section 6-304, Zoning Map Amendment
Section 6-305, Planned Area Development (PAD) Overlay districts

RESOLUTION 2008.05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE GENERAL PLAN 2030 PROJECTED DENSITY MAP AMENDMENT FROM MEDIUM DENSITY (UP TO 15 DU/AC) TO HIGH DENSITY (GREATER THAN 25 DU/AC) FOR APPROXIMATELY 1.06 ACRES LOCATED AT 2428 E. APACHE BOULEVARD AND OWNED BYCARDINAL CAPITAL MANAGEMENT, INC.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, that the General Plan 2030 Projected Density Map is hereby amended for approximately 1.06 acres from Medium Density to High Density located at 2428 East Apache Boulevard.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____ 2008.

Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

ORDINANCE NO. 2008.03

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, SECTIONS 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, Sections 2-106 and 2-107, is hereby amended by removing the below described property from the CSS, Commercial Shopping and Service District and designating the below described property as MU-4, Mixed-Use Four High-Density on +/-1.06 net acres.

LEGAL DESCRIPTION

PARCEL NO.1:

Lot 15, Block 4, VICTORY TRACT, according to Book 31 of Maps, page 6, records of Maricopa County, Arizona.

EXCEPT the North 10 feet, which was previously conveyed to the City of Tempe in Docket 4289, page 339.

PARCEL NO.2,

That portion of Lot 1, Block 4, VICTORY TRACT, according to Book 31 of Maps, page 6, records of Maricopa County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Lot 1;

THENCE South along the West line of said Lot 1, a distance of 304 feet to a point 10 feet South of the Northeast corner of Lot 15 of said Block 4 and the TRUE POINT OF BEGINNING;

THENCE East, along a line 10 feet South of and parallel to the Easterly prolongation of the North line of Lot 15 of said Block 4, to a point on the Easterly line of said Lot 1;

THENCE Southwesterly along the Easterly line of said Lot 1 to the most Southerly corner of said Lot 1;

THENCE North along the West line of said Lot 1, a distance of 86.02 feet to the TRUE POINT OF BEGINNING.

Section 2. Further, those conditions of approval imposed by the City Council as part of Case ZON08001 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 _____, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**PRIOR TO APRIL 19, 2008 AND AFTER
THIS IS RECORDED RETURN TO:**

City of Tempe, Development Services Dept.
Diana Kaminski, Senior Planner
31 E. 5th Street, Garden Level
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. _____ to the City requesting that the City approve the following:

☒ GENERAL PLAN AMENDMENT
☒ ZONING MAP AMENDMENT
☒ PAD OVERLAY
☐ HISTORIC PRESERVATION DESIGNATION/OVERLAY
☐ USE PERMIT
☐ VARIANCE
☐ DEVELOPMENT PLAN REVIEW
☐ SUBDIVISION PLAT/CONDOMINIUM PLAT
☐ OTHER _____
(Identify Action Requested))

for development of the following real property (Property):

Parcel No. _____ - _____ - _____

(Legal Description and Address)

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 if the City approves 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 _____, 2008.

(Signature of Owner)

(Printed Name)

(Signature of Owner)

(Printed Name)

State of Arizona)
) ss
County of _____)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2008, by

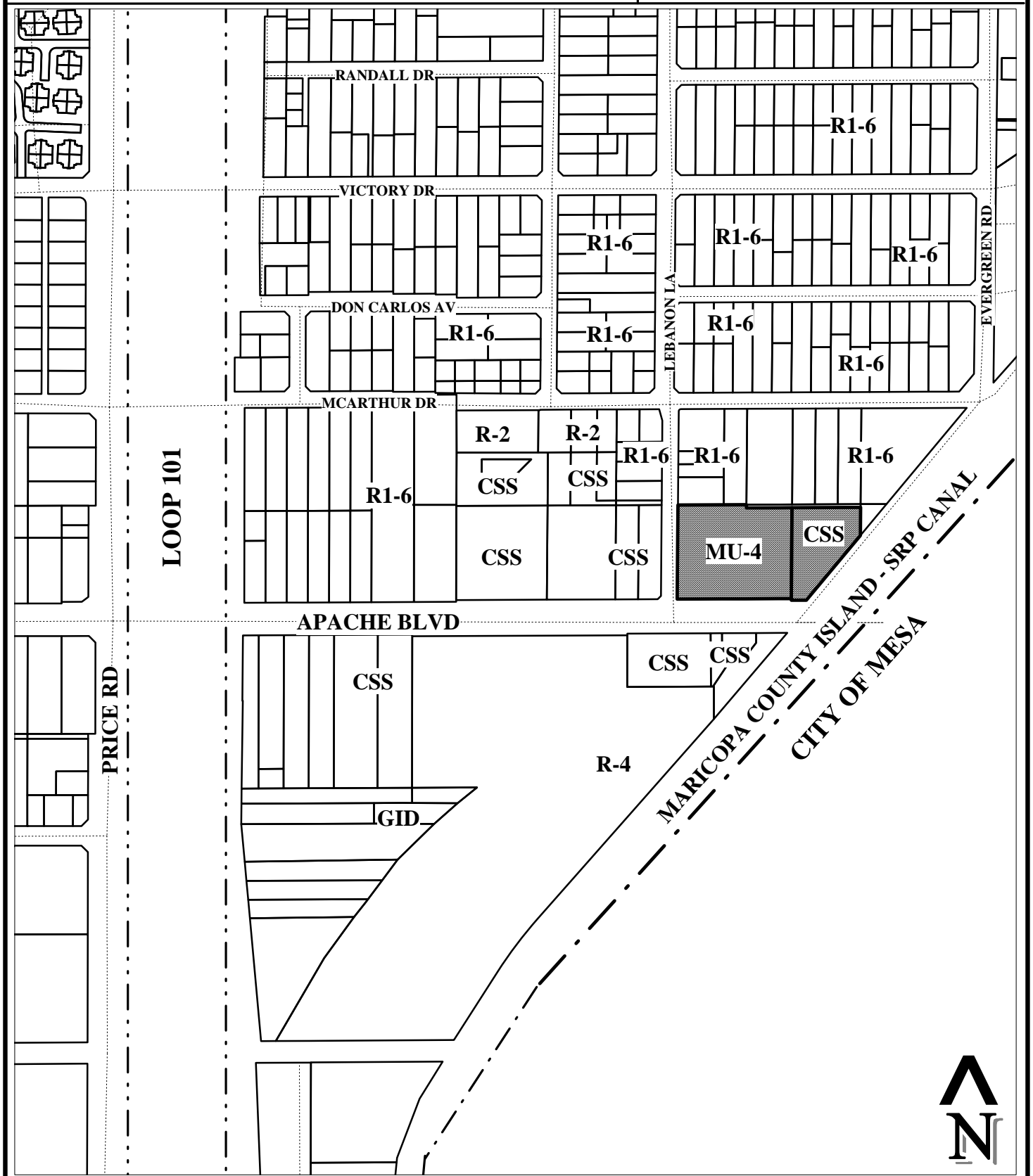
_____.

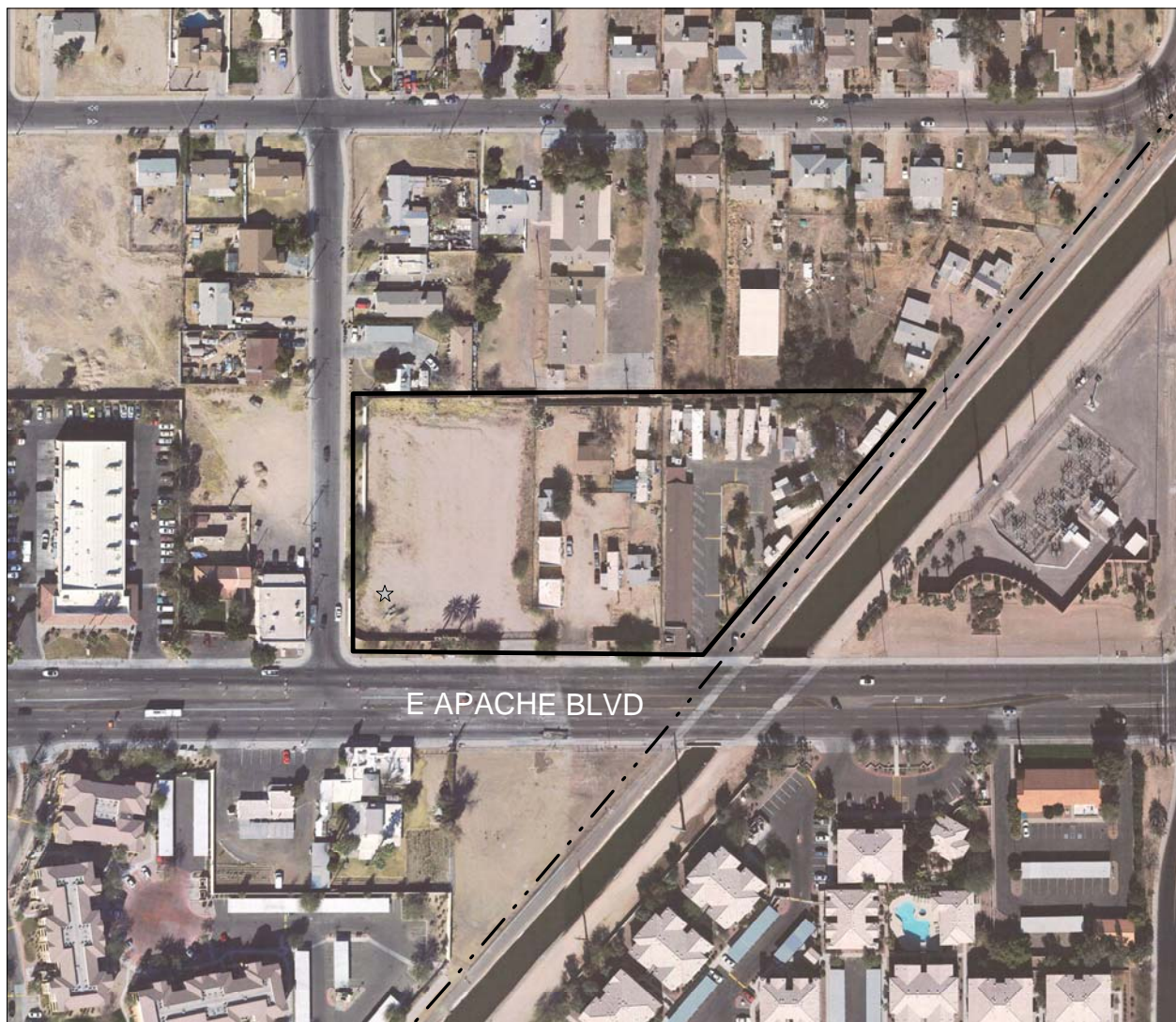
(Signature of Notary)

(Notary Stamp)

APACHE ASL TRAILS

PL070371





APACHE ASL TRAILS (PL070371)

Apache ASL Trails
General Plan Amendment
City of Tempe, Arizona

2428 East Apache Boulevard
Northeast Corner of Apache Boulevard & Lebanon Lane

Applicant:
Welman Sperides Mickelberg Architects
4330 North Campbell Ave.
Suite No. 268
Tucson, Arizona 85718

Representing:
Cardinal Capital Management, Inc.
135 South 84th Street
Suite 100
Milwaukee, WI 53214

JAN 2 2008

A. Introduction / Overview

Apache ASL Trails is a new project proposed on a site located on the northeast corner of Apache Boulevard and Lebanon Lane. The site consists of 3.33 acres and is bounded to the north by a residential neighborhood of single family homes; and the CAP canal to the east; an apartment complex to the southwest and commercial/retail to the west. The Tempe General Plan (the General Plan) land use designation on the subject site is Mixed Use, Medium Residential. With the exception of the single family residential neighborhood to the north, the land surrounding the site is mixed use residential and High Density Residential. This infill site needs a creative development solution to present a new housing alternative that integrates well with the adjacent single family homes, apartments and commercial center.

As mentioned above the current General Plan Land Use designation for this property is a Medium Density of 10-15 dwelling units per acre and a Commercial, Shopping, and Service District. Since the subject property is vacant, and has been for some time, the current Land Use designation has not proven itself to be supportable by the market. Based on the small size of the parcel and the uses surrounding the site, this medium density is no longer a viable land use. Therefore Welman Sperides Mickelberg Architects would now like to pursue a General Plan Amendment to allow for a High Density of greater than 25 dwelling units per acre and a MU-4, Mixed Use District with a PAD overlay.

B. General Plan 2030 Elements

This proposal requires an amendment to the General Plan's Land Use Map from medium density of 10-15 dwelling units per acre and a CSS, Commercial, Shopping, and Service District, to a High Density of greater than 25 dwelling units per acre and a MU-4, Mixed Use District with a PAD overlay. This proposed amendment is consistent with the long-range goals of the City of Tempe.

Land Use, Design + Development

Land Use

Goal: *"...to foster development that conserves resources and enhances the environment in which people live, learn, work and play."*

Objectives: *"Encourages reinvestment and redevelopment appropriate to a particular area"*
"Ensure that new development will be consistent with general plan goals"

The proposed change in density from Medium Density to High Density is consistent with the objectives of the Land Use Element in that High Density uses already exist to the south of this site and this use complements adjacent land use character and densities. The Residential designation with a High Density designation would enable redevelopment of the most appropriate use for this interior in-fill location. A change of density to enable a high quality mixed use housing project will provide both reinvestment and redevelopment to the City. This mixed use is not only compatible with the surrounding area, it will also be beneficial to the adjacent single family homes and apartments by putting this vacant land to a thoughtfully designed productive use.

With regards to the land use element of the General plan, part of the objective of the City of Tempe is to ensure that new development will be consistent with the General Plan goals in order to implement plans that address particular geographic area needs. Keeping the Residential land use designation and only changing the projected density will facilitate a more balanced variety of land uses in this area.

Infill development of this site with a new residential project will help eliminate the dust, weed and trash impacts on air quality and physical aesthetics of the area. Vacant properties with no productive use create uncertainty for area residents and downgrade property values.

Accessibility

Goal: *"...to create a city that has design potential to meet community needs through universal design which provides access and benefit through accessible public and private facilities."*

Objective: *"Create adaptive environments that can meet current and future needs of the community"*

This proposal will provide accessible units in conformance with ADAAG standards. The proposed units will feature both at-grade and underground accessible parking with elevators to all floors. ADAAG compliant accessibility will likewise be provided to project amenities and connections to perimeter public sidewalks.

The accessible units within the proposed project will be designed to support the special needs of seniors, fifty-five and older, which are deaf, hard of hearing, or deaf-blind. Deaf technology, i.e. visual signalers, audio loop systems, video cameras, will be incorporated into the units. Common areas and amenities will be readily accessible and usable by persons with disabilities.

Further review of this provision will occur during site plan and building permit stages of development.

Community Design

Goal: *"...to develop standards that will enhance the community's quality of life for future generations."*

Objectives: *"Promote sustainable concepts"*
"Achieve diverse continuity"

Through site and building design, this project will positively impact the community's sense of place. Even though this application is for a land use change, it is important to note that the applicant has already proven an ability to provide enhanced amenities and open spaces plus provide innovative architecture that is context sensitive with its surroundings. Retail and commercial tenants fronting Apache Boulevard and Lebanon will reinforce the urban street front. A connection to the multi-modal pathway on the east will foster use of the existing public amenities. Within the facility a community courtyard garden with easy access for the residents is located to the north of the building. Actual site improvements and design features will be further evaluated during later processes. The residential units will also have convenient access to all of the retail and restaurants that will be located on the first floor of the development.

Historic Preservation

Goal: *"...to enhance community character and heritage through the identification and preservation of significant sites, properties and districts."*

No historical buildings are located on this site. This element does not apply to this property.

Housing

Goal: *"...to provide diverse housing opportunities for current and future residents, for all income levels and household types, with a specific focus on providing affordable housing programs to help those with the greatest need."*

Objective: *"Ensure availability at all levels of the housing continuum with opportunities to advance along the continuum as appropriate."*
"Support housing development that provides the longest-term affordability."

Approval of this request will allow higher density which is intended to be used for development of a new affordable housing community. The project is proposed to include a maximum of 135 units of affordable and market rate housing for seniors, fifty-five and older, who are deaf, hard of hearing, or deaf-blind. The 75 units will be one and two bedroom units targeting senior households earning less than 60% of area median income. The types of units available will range from low-income tax credit units to moderately-priced senior condominiums of up to 60 units.

Neighborhoods

Goal: *"...to provide a participatory planning process to guide planning and to promote programs that enhance neighborhoods and encourage a sense of community."*

Objective: *"Educate and involve the public in the city process"*
"Ensure that the planning process is open to all residents and business of the community."

A neighborhood meeting was held on September 10th at the City of Tempe Apache Sub Station as part of the rezoning, PAD, and General Plan amendment for the western parcels. An additional neighborhood meeting will be scheduled and information prepared to present to the neighborhood about the subject site and the rest of the parcels. Announcements for the meeting will be sent out following city requirements notifying residents within 300' from the subject site. Also on September 10th an additional meeting with the APAC was held to present the concept and gather feedback on the project site design. The project was endorsed by APAC at that meeting.

Redevelopment

Goal: *"...to sustain or maximize the efficiency of land uses within areas of stagnation or decline by providing the best economic, social and cultural potential through local policies and programs that minimize or mitigate slum and blight or other conditions affecting public health, safety and welfare."*

Objectives: *"Attract new development."*
"Prevent and eliminate slum and blight."

Land is at a premium in the City and careful redevelopment in the existing context is an important factor. The proposed project will eliminate a vacant, fenced property which becomes more of a blighting influence the longer it remains undeveloped despite many efforts for ongoing maintenance. As a vacant unused site without internal security, it is an unattractive nuisance. The development as proposed will permanently remove this unwanted spectrum from the neighborhood and further encourage reutilization and enhancement of the general area. Shops on the Apache Boulevard will encourage foot traffic, and usage by light rail riders. Residents will be frequent users of light rail transportation, as some deaf individuals do not drive cars.

Economics + Growth

Economic Development

Goal: *"...to stimulate a sustainable, diversified and vibrant economy while preserving the Tempe vision and values."*

Objective: *"Develop an improved local business climate that fosters private business investment"*
"Promote a sustained improvement in the standard of living and quality of life for all residents."

The proposed development includes a first phase of 75 apartment units and a second phase of up to 60 condominiums units and approximately 10,000 square feet available for retail, restaurant or office use. This presents a significant financial investment by the property owners and future owners and more importantly, a commitment and investment in this part of Tempe. Since the site has been vacant and unused for some time, this product will allow a long term and sustainable increase in the base for this area, which in turn will support the various commercial centers nearby.

Cost of Development

Goal: *"...to ensure funding availability for growth and maintenance of all planned development, both public and private."*

Objective: *"Provide opportunities for development, which benefits the community"*

The entire public infrastructure necessary to service this in-fill site is already in place. The proposed use is within the design capacities of these facilities. Additionally, the project will be paying all City fees to support that infrastructure. All improvements to the site will be private property. The owner will be responsible for upkeep of infrastructure on his private property.

Growth Areas

Goal: *"...this element addresses efficiency multi-modal circulation, economical infrastructure expansion and rational land development that conserves natural resources and open space, connects with adjacent areas, and coordinates timely and financially sound planning and development."*

This property is located within the Apache Boulevard Redevelopment Area. This new mixed use project will make rational and productive use of this site and meet the objectives for this growth area. The location of the property with frontage on Apache Boulevard allows the future residents a very convenient access to the City's extensive transit system including the future light rail.

Conservation

Environment

Goal: *"...to improve regional air quality through regulatory compliance and local policies and programs that minimize the impacts of air pollution."*

Objectives: *"Meet or exceed air quality regulations"*
"Reduce the number of vehicles miles traveled"
"Manage noise impacts"
"Maintain or reduce ambient temperatures in Tempe"

This proposal will meet or exceed all air quality regulations. With the retail/office and restaurants as a part of this project, reduced vehicular trips will result. Moreover, this project has convenient access to the City's extensive transit system including the future light rail along Apache Boulevard. Residents of the development will most likely take full advantage of the city's transit systems, including the existing bus route running on Apache Boulevard. Bicycle parking will be provided in the underground parking and residents will have access to existing bikeways.

Land

Goal: Paraphrase *"...to address and improve remediation, habitat management and solid waste issues through quality development."* See section for specific goals.

Objective: *"Reduce hazardous waste impacts on landfills and water supplies"*
"Reduce municipal solid and hazardous waste"

The subject property is underutilized or vacant land. The objectives of this specific land use element of the General Plan do not specifically apply to this specific request.

Water

Goal: Paraphrase *"...to address and improve water, wastewater, and stormwater issues through quality development."* See section for specific goals

Objectives: *"Provide drinking water that meets or exceeds all federal and state water quality standards"*
"Keep wastewater utility costs as low as possible for utility customers"

The objectives contained in this section do not directly relate to the proposed project.

Transportation

Transportation

Goal: *"Develop an effective multi-modal transportation system integrated with sound land use planning, thereby creating save efficient and accessible mobility for persons, goods and commerce within the city and region."*

Objectives: *"Work to ensure that transportation solutions preserve and enhance Tempe's neighborhoods."*

This area has well established arterial streets and freeway access. The driveway access improvements for the site onto Lebanon Lane will be provided by the property owner. On street parking on Lebanon Lane for retail use will also be provided by the property owner. Traffic generated for this area will fall within projected carrying capacity and volumes for nearby arterial and collector streets, without causing need for additional street improvements. The site is adjacent to the new light rail lines as well as a bus stop on Apache Boulevard. A pedestrian connection to the multi-modal pathway is planned at the southeast corner of the site.

Pedestrian Network

Goal: *"...to recognize and encourage pedestrian travel as an important part of the transportation system."*

Objectives: *"Provide convenient and safe pedestrian access to destinations to promote neighborhood sustainability"*
"Ensure accessibility for all"

This site will comply with the goals and objectives of this element by complying with applicable ADA standards as well as the standards set forth in the Zoning Ordinance and other applicable ordinances. Pedestrian sidewalks will be constructed along Apache Boulevard and Lebanon Lane, however all required street and on-site improvements will be evaluated during site plan review to ensure these minimum standards have been met. There will be a connection to the urban trail along the CAP canal. An internal pedestrian network will be connected to external pedestrian ways to the maximum extent possible.

Bikeways

Goal: *"...to recognize and encourage the use of the bicycle as an important part of the transportation system."*

Residents will have access to the existing public bikeways and on-site bicycle parking. This site is adjacent to the multi use path at the CAP canal which is located east of the property. This project will provide pedestrian and bicycle access to Lebanon Lane utilizing all forms of multi-model transportation.

Transit

Goal: *"...to coordinate Tempe's Transit Plan with the overall transportation plan to support increased ridership."*

The project will locate a transit shelter on Apache Boulevard and will designate that this shelter be constructed per the City's standards. Bicycle parking will be provided within the apartment building and in the underground parking at the condominiums and will be designed per the City's standards.

Travelways

Goal: *"...to encourage the development of a street and rail network in Tempe that balances the needs of various types of travelers and more fully serves all modes of transportation."*

By being in close proximity to the bus and future light rail transit routes along Apache Boulevard, these residents will have the benefit of being able to easily access all of downtown Tempe, recreation and entertainment amenities in the Town Lake area, commerce and employment centers as well as the freeway system from the transit system and surrounding road system.

Motorists

Goal: *"...to ensure that persons who choose to travel in privately-owned vehicles of the streets and freeways of Tempe will be able to do so safely and efficiently."*

Objectives: *"Coordinate with emergency services to ensure their ability to respond to emergency calls promptly"*

Access to the subject site is from Lebanon Lane. Internal driveways will be proposed and designed in accordance with the City of Tempe Design Standards.

Parking and Access Management

Goal: *"...to encourage project planning, design and development incorporating parking and access management strategies to influence travel behavior and reduce congestion on busy streets."*

Objectives: *"Enforce parking rules
"Promote parking area"*

The proposed project will meet the standards for the City for onsite vehicular and bicycle parking and access provisions.

Aviation

Goal: *"...to facilitate safe land uses, minimize noise impacts and promote easy access to and between modes of transportation, both within Tempe and in the larger regional context."*

This element and its objectives do not apply to the specific request

Open Space, Recreation, and Cultural Amenities

Open Space

Goal: *"...to preserve a variety of natural, landscaped and hardscaped open spaces that serve the diverse and changing needs of an urban community."*

Objectives: *"Identify opportunities for new open space."*

The proposed request does not negatively impact the current or proposed public open spaces within the City of Tempe. The adjacent multi-use trail along the CAP canal will accommodate this small in-fill site. Amenities within the project will include an outdoor garden, private pool and courtyard accessible for the residents.

Recreational Amenities

Goal: *"...to provide social, recreational and economic benefits to the community by promoting physical fitness through passive and active recreational areas and programs serving a diverse range of abilities and interests."*

Objectives: *"Provide a variety of recreational opportunities that reach as many residents as possible."*

Once constructed, this development will provide an outdoor garden courtyard, private pool a Community Room, and Fitness Room amenities to benefits the residents. Incorporating deaf technology into the building design will help provide barrier free socialization and living for the deaf tenants. Valley Center of the Deaf would have offices in the building, providing support services to the deaf population. On site retail and restaurant space will help to create a vibrant, multi-use, mixed-income community.

Public Art and Cultural Amenities

Goal: *"...to enhance and promote Tempe as a diverse, stimulating cultural and arts community where cultural amenities inspire and enrich people's lives and experiences."*

This element of the General Plan does not specifically apply to the specific request.

Public Facilities and Services

Public Buildings

Goal: *"...to assure that necessary public buildings are planned for, designed, built and maintained to sustain the wide range of services provided to the community."*

This element of the General Plan does not specifically apply to the specific request.

Public Services

Goal: *"...to identify existing services provided by both public and private sector, and plan for future provision of these services to serve future community needs."*

This element of the General Plan does not specifically apply to the specific request.

Human Services

Goal: *"...to guide the city in addressing funding and provision of human services for Tempe residents."*

Valley Center of the Deaf has entered into a service contract with the project owner, to provide human services necessary to connect deaf residents of Apache ASL Trails, and deaf residents of the neighborhood with appropriate community resources. Specifically, Valley Center of the Deaf will keep daily office hours in private office space that is part of the apartment community common space, to provide private counseling sessions as needed, group activities and workshops, computer access, and technological assistance. Valley Center of the Deaf has been serving the needs of deaf, hard of hearing, and deaf-blind citizens in southern Arizona for the past 29 years. Their parent organization is Catholic Community Services of Southern Arizona.

Public Safety

Goal: Paraphrase *"...identify existing and proposed emergency, fire and police facilities and services designed to protect the community from natural and human caused hazards."*

Objectives: *"Intervene in disorderly, dangerous, and unpredictable situations in the community."*

The proposed re-designation of the site does not compromise public safety. In fact, transforming the existing vacant land into a mixed use project will significantly enhance public safety. As part of the rezoning and site planning review process, this project will comply with the City's Crime Prevention through Environment Design (CPTED) Guidelines.

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