

Staff Summary Report



Development Review Commission Date: 05/25/10

Agenda Item Number: ____

SUBJECT: Hold a public hearing for a General Plan Amendment, Planned Area Development Overlay, Use Permit and Development Plan Review for THE APARTMENTS AT LAKES TOWNE CENTER located at 577 East Baseline Road.

DOCUMENT NAME: DRCr_AptLakesTowneCenter_052510 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request for **THE APARTMENTS AT LAKES TOWNE CENTER (PL100035)** (Rural Baseline Two, LLC, property owner; Charles Huellmantel, Huellmantel & Affiliates, applicant) consisting of a new 224 unit residential apartment complex within 132,000 sf. total building area on 10.07 acres, located at 577 East Baseline Road in the PCC-2, Planned Commercial Center General District. The request includes the following:

GEP10001 – (Resolution No. 2010.59) General Plan Projected Residential Density Map Amendment from 'Medium Density' (up to 15 du/ac) to 'Medium-High Density' (up to 25 du/ac) on approx. 3.96 acres.

PAD10004 – (Ordinance No. 2010.16) Planned Area Development Overlay to modify the development standards for the rear and side yard setbacks from 30 ft. to 10 ft.; reduce required vehicle parking from 470 to 442 spaces; and to reduce the required bicycle parking from 119 to 60.

ZUP10028 – Use Permit to allow a residential use of 224 units in the PCC-2 district.

ZUP10029 – Use Permit to allow 110 tandem parking spaces within garage units.

DPR10046 – Development Plan Review including site plan, building elevations and landscape plan.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

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

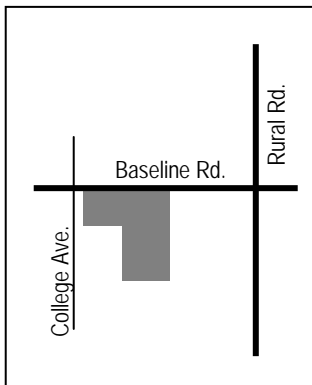
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



Gross/Net site area	10.07 acres
Total Building area	131,565 s.f. (12 res. bldgs, 4 garage bldgs. 1 amenity bldg.)
Lot Coverage	30 % (50% maximum allowed)
Building Height	40 ft (40 ft maximum allowed)
Building Setbacks	+63' front, +15' streetside, 10' sides, 10' rear (0, 0, 30, 30 min.)
Landscape area	38% (15% minimum required)
Vehicle Parking	442 spaces (470 min. required, 586 max allowed)
Bicycle Parking	60 spaces (119 minimum required)

A neighborhood meeting for this application was held on Monday, May 10, 2010.

PAGES:

1. List of Attachments
- 2-5. Comments / Reason for Approval
- 6-11. Conditions of Approval / Code Requirements
12. History & Facts
13. Zoning & Development Code Reference

ATTACHMENTS:

1. Resolution No. 2010.59
- 2-3. Ordinance No. 2010.16
- 4-5. Waiver of Rights and Remedies form
6. Location Map(s)
7. Aerial Photo(s)
- 8-11. Letter of Explanation
- 12-20. Professional Parking Analysis
- 21-23. Neighborhood Meeting Summary
24. Planned Area Development Overlay
- 25-26. Site plans
27. Preliminary Grading & Drainage Plan
- 28-31. Landscape Plan
- 32-35. Building Type 20 – Floor Plans and Elevations
- 36-39. Building Type 24 – Floor Plans and Elevations
- 40-41. Building Type GU2 – Floor Plans and Elevations
42. Auxiliary (garage bldg.) – Floor Plans and Elevations
- 43-44. Amenity Bldg. – Floor Plans and Elevations
45. Typical Building Section
46. Line of Sight Diagram

COMMENTS:

This site is located at the southeast corner of Baseline Road and College Avenue. The property is an "L-shape" configuration abutting the new Lowe's and other retail shops to the east. Adjacent to the south of the property are single-family homes with a public alley, and a few abutting townhomes along the southeast corner.

The previous use on the site was an Earnhardt Ford auto dealership from 1974 until 2008 when the site was vacated, demolished and graded, with only the mature trees buffering the southern most property lines remaining.

This request includes the following:

1. General Plan Amendment from Medium Density (up to 15 du/ac) to Medium to High Density (up to 25 du/ac)
2. Planned Area Development Overlay
3. Use Permit to allow Residential in the PCC-2 district and to allow tandem parking.
4. Development Plan Review, including site plan, building elevations and landscape plan.

The applicant is requesting the Development Review Commission take action on items three (3) and four (4) listed above and provide recommendations to City Council for items one (1) and two (2).

For further processing, the applicant will need approval of a Subdivision Plat, to combine the two existing lots into one.

PUBLIC INPUT

A neighborhood meeting was held by the applicant on Monday, May 10, 2010. The meeting was located at the San Palmilla Apartments (A Mark-Taylor Community), at 6 p.m. There were five (5) residents in attendance at the meeting, including the applicant's design team, representative, and City staff. Public comments and concerns from the residents included the following topics:

Concerns for a Residential Apartment Use;
Residential Traffic;
Height of the Project with Backyard Privacy; and
Residential Noise at Night

There were some concerns expressed and statement of opposition to the request for this residential project. Noise issues, as described by the attending residents, from the past commercial use were only during business hours. The opinion expressed was that this use would further reduce property values, or a potential buyer not wanting to live next to an apartment complex for reasons previously mentioned. One comment suggested only a one-story design. The focus of comments were around height and the residential views, even though the height is allowed in the zoning district as explained by the applicant, there were still concerns because of potential views on to adjacent properties. Meeting was adjourned at 6:35 p.m. See also Neighborhood Meeting Summary in the Attachments.

PROJECT ANALYSIS

The proposed development for a new apartment complex consists of 224 dwellings within three-story buildings, including a single-story amenity building and detached garage units. The primary access for the development is located near the northeast portion of site of Baseline Road. There is also an exit-only drive onto College Avenue. The project provides a continuous circulation through the complex with two primary clustered areas of building units at an open space area and a pool area with cabana. The majority of the units fronting on the interior driveways consist of first floor single and tandem two-car garages. The remaining half of the ground floor is residential with two additional floors above. The entire site is secured with gated entry access, perimeter fencing, and an auto gate exit only to College Avenue.

GENERAL PLAN

The applicant has provided a written justification for the proposed General Plan amendment change. See Attachments.

Land Use Element:

The current site has a Projected Land Use of "Commercial". The Projected Residential Density of the site has Medium Density (up to 15 du/ac) on the west parcel and Medium-High Density (up to 25 du/ac) on the east parcel. These density projections can be used when evaluating a Use Permit to allow residential in a commercial district such as this request. The applicant is requesting an increase in the Projected Density on the west parcel to Medium-High Density. This projection change will be consistent with the maximum allowed density within this zoning district (25 du/ac with a Use Permit).

Section 6-303 D. Approval criteria for General Plan amendment:

1. Appropriate short and long term public benefits;
2. Mitigates impacts on land use, water infrastructure or transportation;
3. Helps the city attain applicable objectives of the General Plan;
4. Provides rights-of-way, transit facilities, open space, recreational amenities or public art;
5. Potentially negative influences are mitigated and deemed acceptable by the City Council; and
6. Judgment of the appropriateness of the amendment with regard to market demands, and impacts on surrounding area, service, fiscal, traffic, historic properties, utilities and public facilities.

PLANNED AREA DEVELOPMENT

Below includes a table of the existing zoning and proposed PAD standards for comparison.

PAD for The Apartments at Lakes Towne Center		
Standard	PCC-2	Proposed PAD STANDARDS
Building Height	40 ft.	--
Building Height Step-Back Adjacent to Residential Districts	Yes	--
Maximum Lot Coverage	50%	--
Maximum Landscape Area	15%	--
Front Yard Setback (west property line)	0	20 ft.
Street Side Yard Setback (north line)	0	15 ft.
Side Yard Setback	30 ft.	10 ft.
Rear Setback (east line)	30 ft.	10 ft.
Parking Setback from front/street side	20 ft.	--
Required Vehicle Parking	470	442
Required Bicycle Parking	119	60

The proposed modifications for the side and rear yard setbacks are from 30 ft. to 10 ft. This change is specifically in order to allow four (4) separate garage buildings along areas of the properties perimeter. The garage buildings are aligned with the open parking spaces and the drive aisle. These building are approximately 12 ft. in height. In addition to being 10 ft. off the property line there is an additional 16 ft. public alley separating the single-family residential properties to the south. A thirty (30) foot setback is typically found within commercial development, accommodating a landscape buffer and service drive circulation around the building(s). This project's setback request is more in line with other traditional multi-family zoning setbacks. There appears to be minimal impact from the adjacent properties with the setback reduction and provides some visual screening of the 3-story buildings beyond. In addition to the reduction in setbacks, the applicant has proposed an increase modification in the front and street side yards. This setback zone will allow for preserved building setbacks, similar to other multi-family projects, from the sidewalk with complimenting landscape and perimeter fencing along the street.

The PAD includes a proposed reduction of required vehicle parking from 470 to 442 spaces, an approximate 5% reduction in the standard required parking. The professional parking analysis identifies a recommended minimum parking need of 378 spaces. This conclusion was determined based on other Mark-Taylor designed complexes, surveyed use of spaces, and accounting for a 20% increase in the projected demand ensuring additional parking availability. As well a reduced bicycle parking requirement is requested from 119 required spaces to 60 spaces. This reduction is based on other past approved projects.

Section 6-305 D. Approval criteria for P.A.D.:

1. The proposed land uses for Residential are allowable, subject to a Use Permit, in Part 3.
2. The development standards listed above, as established as part of the PAD Overlay District, as well as the standards allowed by Use Permit in Part 4 will be conformed to for development of this site.
3. The proposed PAD is in conformance with provisions in Part 5
4. The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

USE PERMITS (Residential & Tandem Parking)

The proposed use requires a Use Permit to allow residential use within the PCC-2, Planned Commercial Center General District. Residential uses may be allowed for the purpose of revitalizing an existing commercial center, as identified in Section 3-201(B) of the Zoning and Development Code. "Revitalize" is defined within the Code as, "...*giving new life in an area with existing development, not on vacant land, for the purpose of restoring economic vitality to the center.*" This project site was originally proposed as a future phase of the Lakes Towne Center commercial development, including a new Mervyn's retail with additional commercial pads. As a result of recent economic impacts and the bankruptcy and ultimate liquidation of Mervyn's stores nationwide, the future phase of the commercial project was withdrawn. Considering this project an extension of the overall proposed plan for the Lakes Towne Center one could assume the residential project, although functioning independently from the remaining center, is a complimenting component to the overall development. This development will restore what would otherwise have been left with several more undetermined years of vacant land, and now provides additional residents to utilize the city's existing commercial base.

The request to allow tandem parking for the site consists of a proposed 110 tandem parking spaces, or 55 garages with tandem parking available. There are 108 additional parking spaces available within garages for single vehicles. The remaining 224 parking spaces are found in carport or uncovered spaces throughout the site. The project provides an equally diverse amount of parking options for the residents. The use of tandem parking for this project is controlled through unit-designated tandem garages, which is more easily managed by the assigned unit or resident.

Section 6-308 E Approval criteria for Use Permit:

1. The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.
2. Any significant increase in vehicular or pedestrian traffic. The increase in traffic at this location is acceptable for the collector to arterial access.
3. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. There are no apparent nuisances beyond the use itself. A condition has been added to address the potential mitigation of noise in an otherwise commercial district.
4. Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan. This project will not contribute to the downgrading of property values.
5. Compatibility with existing surrounding structures and uses. The site is compatible when finding land use designations with higher residential densities (multi-family) along the arterial frontages and lower density residential (single-family) set back from the heavy traffic streets.
6. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public. The site is completely secured through vehicular and pedestrian gates. A security plan is required which will ensure adequate Police access and safety.

DEVELOPMENT PLAN REVIEW

The project can be described as a "Tuscan Revival-Style" design, utilizing southwestern materials of stucco and pre-cast roof tile. Consistent themes within the elevations include balcony archways and along exterior walkways, decorative wrought iron, and exposed rafter tails. The color palate is consistent using an "Egret White" as the main building color, with red tile roof, and brown exterior door/window trim.

The landscape plan for the project provides a viable low-water desert plant list, while attempting to retain the majority of existing trees along the southern perimeters. The existing trees consist of Pine trees and Red Gum Eucalyptus. Tree species that provide and maintain a tall tree growth creating some visual screening from the existing residents.

Section 6-306 D. Approval Criteria for Development Plan Review:

1. Placement, form, and articulation of buildings and structures provide variety in the streetscape;
2. Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort;
3. Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;
4. Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings;
5. Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level;
6. Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions;
7. Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage;
8. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses;
9. Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance;
10. Landscape accents and provides delineation from parking, buildings, driveways and pathways;
11. Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located; and
12. Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.

Conclusion

Based on the information provided and the above analysis, staff recommends approval, subject to conditions for the requested General Plan Amendment / Planned Area Development / Use Permit / Development Plan Review. This request meets the required criteria identified in this report.

REASONS FOR APPROVAL:

1. The project change for General Plan Projected Residential Density for this site is compatible with the adjoining density for the site, thus providing continuity throughout the location.
2. The PAD overlay process was specifically created to allow for greater flexibility. The projects modification of development standards will provide for standards consistently found in other sites multi-family development of this product type.
3. The proposed project meets the approval criteria for each requested process.
4. The Projected Densities are consistent with the allowed Use Permit density for Residential in the PCC-2 district
5. The Parking analysis has justified reductions from other similar projects.

GEP10001 PAD10004**CONDITIONS OF APPROVAL:**

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

1. A building permit shall be obtained on or before June 24, 2013 or the Planned Area Development Overlay for the property may revert to that in place at the time of application, subject to a public hearing.
2. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Development Services Department no later than July 23, 2010, or the Planned Area Development Overlay and General Plan Map Amendment approval shall be null and void.
3. The Planned Area Development Overlay for "The Apartments at Lakes Towne Center" 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.
4. A Preliminary and Final Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

ZUP10028 ZUP10029**CONDITIONS OF APPROVAL**

5. The Use Permits for residential and tandem parking shall be commenced within three (3) years from the date of approval. Failure to submit a building permit application for this development by June 24, 2013, shall result in this approval to be null and void. Expiration of the related building permit will also result in expiration of the Use Permit.
6. The Use Permit to allow residential is valid for Mark-Taylor Residential Inc. and may be transferrable to successors in interest through an administrative review with the Development Services Manager, or authorized designee.

DPR10046**CONDITIONS OF APPROVAL**

7. The development plan is valid for up to three (3) years from the date of approval. Failure to submit a building permit application for this development by June 24, 2013, shall result in this approval to be null and void. Expiration of the related building permit will also result in expiration of the development plan.

Site Plan

8. Provide 8'-0" wide public sidewalk along arterial roadways and 6'-0" wide sidewalk on College Avenue, or as required by Traffic Engineering Design Criteria and Standard Details.
9. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
10. Access through exterior gates hardware required for Police Department. Verify through Plan Check process.
11. Provide upgraded paving at the arterial 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.
12. College Avenue driveway shall remain as an "exit only", unless otherwise modified by the original decision-making body.
13. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.
14. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
15. Shade canopies for parking areas:
 - a. Provide an 8" fascia for the canopy structure.
 - b. Maximum 75% light reflectance value shall also apply to the top of the canopy.
 - c. Relate canopy in color and architectural detailing to the buildings.
 - d. Conceal lighting conduit in the folds of the canopy structure and finish conduit to match.

Floor Plans

16. Exit Security:
 - a. Provide visual surveillance from stair towers into adjacent circulation spaces.
 - b. In instances where an elevator or stair exit is within 21'-0" of an alcove, corner or other potential hiding place, provide additional surveillance mechanisms and/or provide a fenced barrier from potential hiding place.
17. Public Restroom Security for Amenity Building:
 - a. Lights in restrooms:
 - 1) Provide 50% night lights
 - 2) Activate by automatic sensors, key or remote control mechanism
 - b. Single user restroom door hardware:
 - 3) Provide a key bypass on the exterior side

Building Elevations

18. The materials and colors are approved as presented:
Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. You may submit any additions or modifications for review during building plan check process.
19. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
20. Minimize visible, external features, such as roof drainage overflows, and where needed design these to enhance the architecture of the building.

21. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Exposed conduit, piping, or related materials is not permitted.
22. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
23. Avoid upper/lower divided glazing panels in exterior windows at grade level, particularly where lower (reachable) glass panes of a divided pane glass curtain-wall system can be reached and broken for unauthorized entry. Do not propose landscape or screen walls that conceal area around lower windows. If this mullion pattern is desired for aesthetic concerns, laminated glazing may be considered at these locations.

Lighting

24. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance at these locations.
25. Provide house side shields to avoid potential glare from light source in proximity to adjacent residential.

Landscape

26. The plant palette is approved as proposed and specified on the landscape plan. Any additions or modifications may be submitted for review during building plan check process.
27. Irrigation notes:
 - a. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½" (if any). Provide details of water distribution system.
 - b. Locate valve controller in a vandal resistant housing.
 - c. Hardwire power source to controller (a receptacle connection is not allowed).
 - d. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
28. Include requirement to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
29. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

Signage

30. Provide address sign(s) on each building elevation including the building address letter to which the property is identified.
 - a. Conform to the following for building address signs:
 - 1) Locate address signs at or below the 2nd-story level.
 - 2) Provide street number only, not the street name
 - 3) Compose of 12" high, individual mount, metal reverse pan channel characters.
 - 4) Self-illuminated or dedicated light source.
 - 5) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - b. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.

CODE/ORDINANCE REQUIREMENTS:

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

- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/zoning or purchase from Development Services.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- **STANDARD DETAILS:**
 - Access standard engineering details at this link: www.tempe.gov/engineering/standard_details.htm or purchase book from the Public Works Engineering Division.
 - Access standard refuse enclosures at this link: www.tempe.gov/bsafety/Applications_Forms/applications_and_forms.htm. The enclosure details are under Civil Engineering & Right of Way.
- **BASIS OF BUILDING HEIGHT:** Measure height of buildings from top of curb at a point adjacent to the center of the front property line.
- **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.
- **SECURITY REQUIREMENTS**
 - Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage opportunity for ambush opportunity. Distances of 20'-0" or greater, between a pedestrian path of travel and any hidden area allow for increased reaction time and safety.
 - Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
 - Provide method of override access for Police Department (punch pad or similar) to controlled access areas including pool, clubhouse or other gated common areas.
 - The Owner is required to prepare a security plan for the project with the Police Department. The architect should be involved to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued. At a minimum, the Owner shall contact the Police Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.
 - In conjunction with the security plan, Crime Free Multi-Housing status for this property may be required.
 - Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
- **FIRE:**
 - Clearly define the fire lanes. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies or overhead structures. Layout and details of fire lanes are subject to Fire Department approval.

- **ENGINEERING:**
 - Underground all overhead utilities, except high-voltage transmission line, unless project inserts a structure under the transmission line.
 - Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
 - Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
 - Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
 - 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.
- **REFUSE:**
 - Enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with standard detail DS-116 or DS-118.
 - Contact Public Works Sanitation Division to verify that vehicle maneuvering and access to the enclosure is adequate.
 - Develop strategy for recycling collection and pick-up from site with Sanitation. Roll-outs may be allowed for recycled materials. Coordinate storage area for recycling containers with overall site and landscape layout.
 - Gates for refuse enclosure(s) are not required, unless visible from the street. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.
- **DRIVEWAYS:**
 - Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works, Traffic Engineering.
 - 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 Traffic Engineering 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.
- **PARKING SPACES:**
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
 - At parking areas, provide demarcated accessible aisle for disabled parking.
 - Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- **LIGHTING:**
 - Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
 - Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.
- **LANDSCAPE / WALLS:**
 - Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the Landscape Architect or a plant salvage specialist. Note original locations and species of native and "protected" trees and other plants on site. Move, preserve in place, or demolish native or "protected" trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department. Notice of Intent to Clear Land form is available at www.azda.gov/ESD/nativeplants.htm. Follow the link to "applications to move a native plant" to "notice of intent to clear land".

- Modify any existing walls, if necessary, adjacent to public alley and single-family properties, providing a minimum 8'-0" tall masonry wall.
- SIGNS: Separate Development Plan Review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Obtain sign permit for identification signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process.

HISTORY & FACTS:

July 24, 1969	City Council approved a zoning change for this site from R1-6 to PCC-2.
August 22, 1974	City Council approved a General and Final Plan of Development for Earnhardt Ford.
November 6, 1974	Design Review Board approved the site, building and landscape plans for Earnhardt Ford.
May 21, 1975	Design Review Board approved site, building and landscape plans for Earnhardt Ford, (807 E. Baseline address listed, for the portion of the site to the west).
July 6, 1977	Design Review Board approved a request for a Phase II of development consisting of a kiosk in the front display pad, a show room addition and building expansion, subject to conditions.
February 14, 1980	City Council approved a zoning change from R-2 to PCC-2, an Amended General Plan of Development, a Use Permit and a variance for a four-acre parcel at the southeast corner of Baseline Road and College Avenue, subject to conditions.
March 20, 1986	City Council approved an Amended Final Plan of Development for Earnhardt Chrysler RV Center.
January 22, 2008	Development Review Commission approved a request for LAKES TOWNE CENTER PHASE I (PL070361) consisting of the first phase of a series of single-story retail buildings; a multi-tenant 10,200 s.f. Shops A and a 119,328 s.f. Lowe's building and 27,265 s.f. Garden Center are 156,793 s.f. of the total approximately 189,375 s.f. on 16 net acres, in the PCC-2 Planned Commercial Center Two, Zoning District. The request included: a Use Permit Standard to increase the building height by 20% to 48 feet on the Lowe's building in Phase I and DPR07237, a Development Plan Review including site plan, building elevations, and landscape plan for Phase I.
March 25, 2008	Development Review Commission approved a request for Development Plan Review for LAKES TOWNE CENTER PHASE II (PL080043) consisting of the second phase of a series of single-story retail buildings consisting of Shops B 12,842 s.f. totaling approximately 189,375 s.f. on 16 net acres, located at 777 E. Baseline Road in the PCC-2, Planned Commercial Center General District.
December 12, 2008	Earnhardt's buildings located on this site were demolished.
January 13, 2009	Development Review Commission approved a Use Permit and Development Plan Review for CIRCLE K STORE (PL080389) consisting of a 4,400 square foot convenience store with fuel sales, on 1.61 net acres, located at 5240 South Rural Road in the PCC-2, Planned Commercial Center General District.
May 10, 2010	Neighborhood Meeting conducted by the applicant for this request. Meeting located at 750 West Baseline Road at the San Palmilla Apartments at 6 p.m.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-302, General Plan Amendment

Section 6-305, Planned Area Development (PAD) Overlay districts

Section 6-306, Development Plan Review

Section 6-308, Use Permit

RESOLUTION NO. 2010.59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE GENERAL PLAN 2030 PROJECTED DENSITY MAP FROM MEDIUM DENSITY (UP TO 15 DWELLING UNITS PER ACRE) TO MEDIUM-HIGH DENSITY (UP TO 25 DWELLING UNITS PER ACRE) FOR APPROXIMATELY 3.96 ACRES LOCATED AT 477 EAST BASELINE ROAD AND OWNED BY RURAL BASELINE TWO, LLC.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, that the General Plan 2030 Projected Residential Density Map is hereby amended for approximately 3.96 acres from Medium Density (up to 15 dwelling units/acre) to Medium-High Density (up to 25 dwelling units per acre), located at 477 East Baseline Road.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____ 2010.

Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

ORDINANCE NO. 2010.16

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 adding a Planned Area Development Overlay to the existing PCC-2, Planned Commercial General District and designating it as PCC-2 (PAD), Planned Commercial General District with a Planned Area Development Overlay on 10.07 acres.

LEGAL DESCRIPTION

LOT 1 OF 'SOUTHWEST RURAL AND BASELINE' AS RECORDED IN BOOK 1007 OF MAPS PAGE 49 ACCORDING TO THE RECORDS OF MARICOPA COUNTY RECORDER OF ARIZONA.

AND (See Attachment A)

TOTAL AREA IS 10.07 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # PAD1004** 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 _____, 2010.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

Parcel No. 1:

That part of the Northwest quarter of the Northeast quarter of Section 3, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the North quarter corner of Section 3;

Thence South 89 degrees 54 minutes 43 seconds East 1240.73 feet along the North line of said Section 3;

Thence South 00 degrees 13 minutes 47 seconds East 61.16 feet to the TRUE POINT OF BEGINNING;

Thence South 00 degrees 13 minutes 47 seconds East 307.00 feet;

Thence South 89 degrees 54 minutes 50 seconds West 565.16 feet;

Thence North 00 degrees 05 minutes 10 seconds West 287.00 feet;

Thence North 44 degrees 54 minutes 50 seconds East 28.28 feet;

Thence North 89 degrees 54 minutes 50 seconds East 544.39 feet to the TRUE POINT OF BEGINNING;

Except the improvements located thereon.

WHEN RECORDED RETURN TO:

City of Tempe
Development Services Department
31 E. 5th 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 Baseline Rural Two, LLC, an Arizona Limited Liability Company as (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. **PL100035** 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 Nos. 301-80-004F and 301-80-542

477 East Baseline Road, Tempe, AZ 85282



THE APARTMENTS AT LAKES TOWNE CENTER (PL100035)

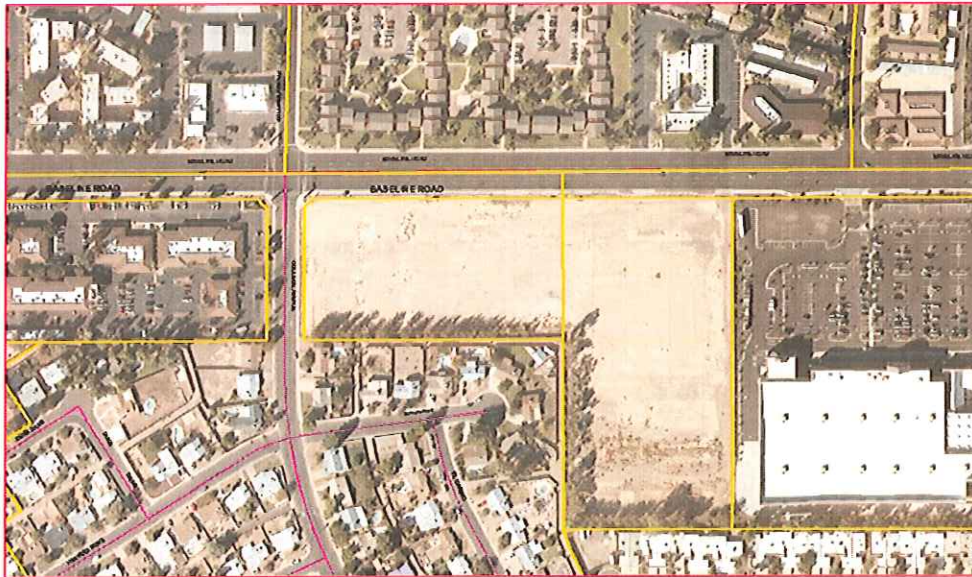
Letter of Explanation

“The Apartments at Towne Lakes Center”

Mark-Taylor, Inc., in partnership with Kitchell Development is working to develop the SEC of Baseline Drive and College Avenue where we hope to build a signature Tempe multi-family rental project. The proposed project will require that we amend the General Plan Density Projection for a portion of the site, obtain a Use Permit to Allow Residential Development in a Commercial District, obtain a Use Permit to Allow for Tandem parking and to obtain approval for a Development Plan Review.

The project will tentatively be known as “The Apartments at Towne Lakes Center” and has been designed in accordance with Mark-Taylor community’s high standards in mind. As with all Mark-Taylor properties, this community will host an amenity-rich, resort-style experience that offers residents an opportunity to reside in a superior living environment that they can take pride in.

The site (the former Earnhardt Chrysler-Jeep Dealership) is currently vacant and is situated between existing commercial uses east and west of the site with a multi-family development on the north side of Baseline Rd and a mix of multi-family and single family developments south of the site.



The site is zoned PCC-2 and the General Plan designates the site for commercial use. The General Plan Projected Residential Density splits the site. A portion of the site is currently projected to allow Medium (up to 15 un/ac) Residential Density and a portion of the site is currently projected to reach Medium to High (under 25 un/ac.) Density.

Use Permit to Allow Residential in a Commercial District

The site is currently zoned commercial. The code allows residential development with a Use Permit. We seek such a permit for this location.

The uses, as a proposed high quality, high amenities multi-family site will be less intense than the currently allowed commercial uses. The multi-family use will not increase the noise, odor, sound, or other externalities and will not reduce neighboring property values. In fact, the reverse is more likely. In almost every respect, this development will have a positive impact. The proposed investment will be significantly beyond that which is allowed without the use permit. The high-end product will inject vitality into the neighborhood and improve the character of the immediate vicinity. The investment in this vacant auto sales and repair lot is fully expected to energize adjacent property uses and positively affect property values in the area.

Use Permit to allow Tandem Parking

The site is proposed as a gated residential community. Mark-Taylor owns and operates a number of high quality living centers. The Use Permit, if granted, will allow for tandem parking within the gated areas for residents of the development. Every resident who uses tandem parking will know they will use parking before they sign a lease. Tandem spaces are all in delineated private garages so are NOT proposed for use as guest or visitor parking. As with all Mark-Taylor communities, we plan on a lushly landscaped site. From experience in our other valley projects, we know how much parking we need (this same formula was used in the project for Cooke School that the Development Review Commission approved over a year ago). It is our goal to provide the parking we need and provide landscaping in every other space.

The tandem parking use will not increase the noise, order, odor, sound, or other externalities and will not reduce neighboring property values. In fact, the reverse is true. Private garages are a feature of rental communities that attract more discerning residents. Mark-Taylor residents are regularly characterized as those who choose to live in our apartment communities for the amenities, service, comforts and conveniences rather than inability to afford a detached home.

Development Plan Review

The quality of this proposed Mark-Taylor project is slated to be at least as high, perhaps even higher than those we have built to date. The proposed site plan features 242 luxury apartment homes in a variety of 1, 2 & 3-bedroom floor plans. The community is slated to be a high-end luxury apartment development. Mark-Taylor has appeared before the City of Tempe on projects that have been built in the city, we are proud of these apartment communities and pleased with the positive comments we have received from the Commission on the high quality of our product and amenities. In true Mark-Taylor style, we are improving upon our successes and are proposing a new and improved

product for this site. The community will feature a greater number of floor plan options and amenities above even the highly-acclaimed Kierland community that won Mark-Taylor national recognition for the best built multi-family community in the nation in 2000. These are all new apartment designs, including a residential carriage unit that sits over private enclosed garages, to accommodate a look and feel that will fit in naturally with the nearby residential product.

As with all Mark-Taylor communities, this site is proposed with significant amenities. Residents and guests will enter the community through a grand Porte Cochere with decorative wrought iron gates and implied sentinel. They will be greeted by a 5,000 square foot leasing office and clubhouse including a social lounge outfitted with fireplace, plasma screen TVs, restrooms, kitchen and granite topped serving bar that can accommodate a variety of gatherings; a fitness center equipped with state-of-the-art exercise and audio/video equipment; and a business center providing access to facilities and equipment needed by our well-connected and enterprising residents. The pearl of the community will be the resort style pool area providing a relaxing retreat of sun and shade surrounding the crystal clear organic-shaped swimming pool. Surrounding and serving the pool will be an entertainment cabana complete with outfitted serving area and restrooms, ramada, a large hot tub and conversation areas for residents to congregate and enjoy.

The project aesthetics are similar to the previously-approved Mark-Taylor projects within Tempe in terms of timeless design. Mark-Taylor has always built communities in a classic southwest style devoid of quirky features, peculiar patterns and trendy elements that tend to render a project out-of-date shortly after it is completed. This project will call upon the historic and timeless Southwest/Spanish style of architecture which has broad-based acceptance and appeal because of its regional roots and simple beauty. Our goal is to build projects of a design and quality that maintain their long term relevance – unlike projects that are designed with currently popular, yet fleeting fads. The features at this community highlight the evolution of Mark-Taylor design. These elevations will have more variation and character than our past projects. The buildings will tastefully incorporate gabled and hipped roofs, large arched windows, balconies with decorative tile panels, wrought iron railing, arched openings, rafter tails and decorative adornments to articulate the beauty of this classic style and reflect the quality of the community.

MARK-TAYLOR OVERVIEW

Mark-Taylor is a nationally recognized, award winning company excelling in high-end, quality apartment development, building and management. The privately-held Arizona-based corporation was established in 1990. To date, the company has developed more than 15,000 apartment units in the southwest where people enjoy communities that deliver a lifestyle as well as beautifully appointed apartment homes. The company's communities set the standards others wish to achieve through innovative technology,

efficient and gracious floor plans, elegant designs, attention to detail, a commitment to quality and a high level of customer service.

Mark-Taylor is recognized for building some of America's top rated apartment communities, earning critical acclaim in the industry. In 2000, Mark-Taylor was named Multifamily Builder of the Year, a national award presented by the Commercial Real Estate Executive Conference and Multifamily Magazine. More recently, Mark-Taylor received the Ranking Arizona's honor for the "Best Multifamily Developer in Arizona" in 2008 and 2009. Mark-Taylor was founded by Jeffrey Mark and Scott Taylor who have deep roots in the apartment development and management arenas. Combined, they embraced a vision to create the preeminent brand for the apartment business in the southwest through thoughtful design and stellar management.

Mark-Taylor's extremely successful track record is the result of careful site selection, building a quality product and taking a hands-on approach to every aspect of the business. It is respecting the idea that the best kinds of apartment communities are total living environments and not just an assembly of buildings, which earns them their well-deserved reputation.

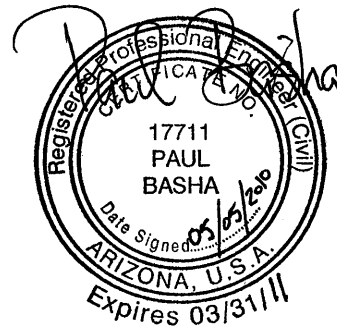
Mark-Taylor Apartment Homes College & Baseline Tempe, Arizona

Parking Analysis

May 2010

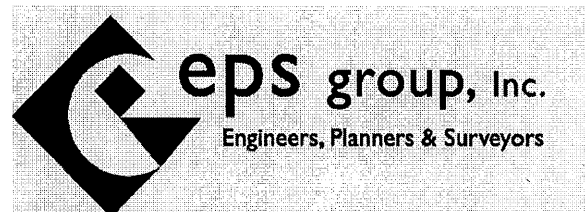
Prepared for:
MARK-TAYLOR, INC.

For Submittal to:
CITY OF TEMPE



EPS Group Project Number: 10-037

Prepared by: Paul E. Basha, P.E., P.T.O.E.



EPS Group, Inc. • 2045-South Vineyard Avenue, Suite 101 • Mesa, AZ 85210
Tel (480) 503-2250 • Fax (480) 503-2258
paul.basha@epsgrouping.com
www.epsgroupinc.com

Executive Summary

Introduction

Mark-Taylor, Inc. is proposing to provide 224 homes on approximately 10 acres in the City of Tempe in the southeast corner of College Avenue and Baseline Road.

Results

The City of Tempe Zoning and Development Code utilizes the same requirement for all multi-family residential complexes throughout the City of Tempe. Some multi-family residential complexes are owner-occupied and others are renter-occupied. Vehicle ownership and travel patterns vary between owner-occupied and renter-occupied complexes. In addition, different types of apartment developments serve people with different traffic patterns. The amount of required parking varies with different traffic patterns which vary with different ownership types and different residents.

The City of Tempe Zoning and Development Code requires the provision of 473 parking spaces for the proposed Mark-Taylor apartment home complex near the College / Baseline intersection.

Parking occupancy counts at three (3) similar Mark-Taylor constructed apartment complexes – each with 90% to 95% of the apartments leased – indicate that the City of Tempe Zoning and Development Code requires 31% to 35% more parking spaces than are utilized on a typical weekday or weekend day for a Mark-Taylor community.

Utilizing the average parking demand for these three (3) complexes – adjusted for 100% leased apartments – the proposed Mark-Taylor complex would require 317 parking spaces. Increasing this parking demand by 20% to ensure parking space availability would require 381 parking spaces.

Recommendations

The proposed Mark-Taylor apartment complex near the College / Baseline intersection should provide a minimum of 378 parking spaces. This represents a reduction of approximately 19.5% from the required number of 469 parking spaces. The proposed development will provide 448 parking spaces – a reduction of 25 parking spaces or 5% from the required number of parking spaces.

Introduction

Mark-Taylor, Inc. is proposing to provide 224 homes on approximately 10 acres in the City of Tempe in the southeast corner of College Avenue and Baseline Road. EPS Group has been selected to prepare an analysis to determine the appropriate number of parking spaces required for this proposed development.

Scope of Study

There are three (3) purposes for this analysis:

- ❖ Count the number of utilized parking spaces at existing similar complexes
- ❖ Determine the number of parking spaces required by the City of Tempe Code
- ❖ Determine the appropriate number of parking spaces for the proposed development

Proposed Development and Surrounding Land Use

Figure 1 provides an aerial photograph of the general area in the immediate site vicinity. To the east of the property is a recently constructed commercial development; while areas north, south, and west of the property are primarily single-family residential developments.



Figure 1: General Vicinity Map

Figure 2 provides a site plan of the proposed development.

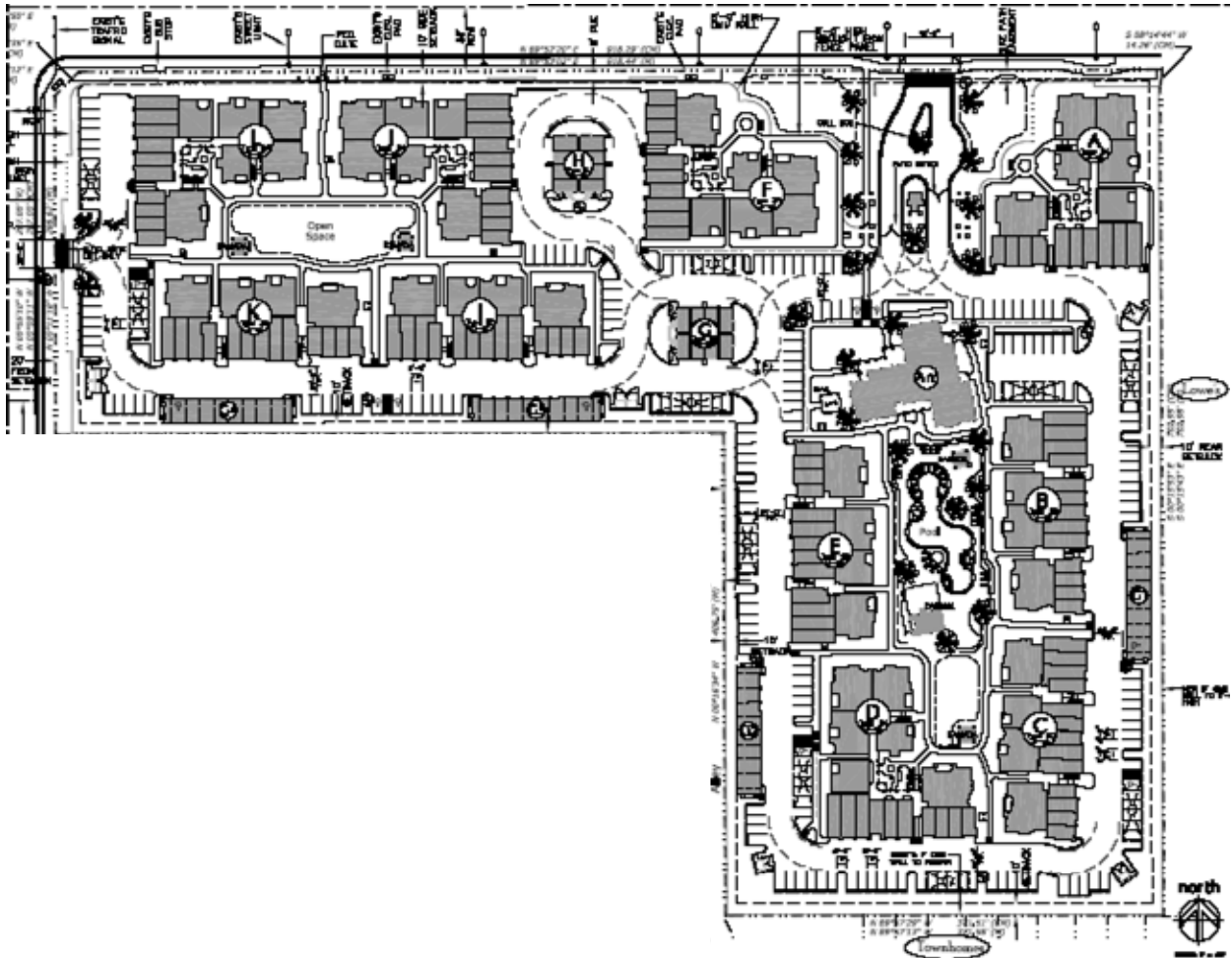


Figure 2: Site Plan

Existing Parking Occupancy at Similar Sites

Traffic Research and Analysis – through contract with Morrison-Maierle – obtained current existing parking occupancy at three (3) existing apartment home complexes for a previously proposed Mark-Taylor project in the greater northwest corner of Lindon Road and University Drive in the City of Tempe. Each of these complexes was constructed by Mark-Taylor, Incorporated. Two (2) of the complexes are within the City of Tempe – one identified as San Marbeya, located in the northwest corner of the intersection of McClintock Road and Broadway Road, the other identified as San Palmilla, and located in the northeast corner of Hardy Drive and Baseline Road. The third complex is located within the City of Scottsdale in the northeast corner of 64th Street and Thomas Road. This complex was constructed by Mark-Taylor and was identified as San Cabrilla. It is now operated by a different management company and is identified as Colonial Grand. **Appendix A** provides site plans of these three (3) complexes.

The parking occupancy counts were obtained on Thursday, 18 September 2008, and on Saturday, 20 September 2008. On the date of the counts; 95% of the San Marbeya apartments were leased, 90% of the San Palmilla apartments were leased, and 95% of the Grand Colonial Grand apartments were leased. These leased percentages are within the range of normal operational occupancies. The number of occupied parking spaces at each complex was counted at 30-minute intervals from 6:30 AM to 6:30 PM on both count days. **Appendix B** provides the complete results of these parking occupancy counts in both graphic and tabular forms.

Table 1 summarizes the parking data obtained from the parking occupancy measurement. This table indicates the number of apartments – as determined from the provided site plans, the number of provided parking spaces – as counted at each project site, and the maximum number of occupied parking spaces as counted from both days. The table also calculates the number of provided parking spaces per apartment and the maximum number of utilized parking spaces occupied by apartment. These calculations are provided for each complex separately and as an average for all three (3) complexes. The calculations reveal that an average of 1.90 parking spaces is provided per apartment with an average maximum demand of 1.32 parking spaces per apartment.

Table 1: Counted Parking Occupancy

COMPLEX	APARTMENTS	PROVIDED PARKING		MAXIMUM UTILIZED PARKING	
		SPACES	PER APARTMENT	SPACES	PER APARTMENT
San Marbeya	276	487	1.76	386	1.40
San Palmilla	372	794	2.13	468	1.26
Colonial Grand	180	322	1.79	236	1.31

These counted parking space occupancies were increased to consider the parking occupancies if 100% of the apartments on each property were leased. The parking demand at each complex was divided by the percentage of leased apartments at the corresponding complex. For San Marbeya and Colonial Grand, 95% of the apartments were leased; and for San Palmilla, 90% of the apartments were leased. **Table 2** provides the adjusted parking occupancy for each complex if 100% of the apartments were leased.

Table 2: Adjusted Parking Occupancy to 100% Leased Apartments

COMPLEX	APARTMENTS	PROVIDED PARKING		ESTIMATED PARKING DEMAND	
		SPACES	PER APARTMENT	SPACES	PER APARTMENT
San Marbeya	276	487	1.76	406	1.47
San Palmilla	372	794	2.13	520	1.40
Colonial Grand	180	322	1.79	248	1.38

City of Tempe Required Parking

Appendix C to this report is Chapter 6 of the City of Tempe Zoning and Development Code, the chapter pertaining to parking requirements. **Table 3** summarizes these parking space requirements. As indicated, the parking space requirement is dependent on the number of bedrooms.

Table 3: General Parking Space Requirements

Apartment	Parking Spaces
1 Bedroom	1.5 plus 0.2 per unit
2 Bedrooms	2.0 plus 0.2 per unit
3 Bedrooms	2.5 plus 0.2 per unit

Table 4 provides the number of parking spaces required by the City of Tempe code for each of the three (3) counted apartment home complexes.

Table 4: Site-Specific Parking Space Requirements

SAN MARBEYA			
SIZE	UNITS	PARKING REQUIREMENT	
		RATE	SPACES
1-Bedroom	80	1.70	136.00
2-Bedroom	156	2.20	343.20
3-Bedroom	40	2.70	108.00
TOTAL	276		587.20
REQUIRED TOTAL			588

SAN PALMILLA			
SIZE	UNITS	PARKING REQUIREMENT	
		RATE	SPACES
1-Bedroom	100	1.70	170.00
2-Bedroom	200	2.20	440.00
3-Bedroom	72	2.70	194.40
TOTAL	372		804.40
REQUIRED TOTAL			805

COLONIAL GRAND			
SIZE	UNITS	PARKING REQUIREMENT	
		RATE	SPACES
1-Bedroom	65	1.70	110.50
2-Bedroom	91	2.20	200.20
3-Bedroom	24	2.70	64.80
TOTAL	180		375.50
REQUIRED TOTAL			376

Table 5 provides a comparison of the number of parking spaces required by the City of Tempe code to the maximum number of parking spaces occupied for each of the three (3) complexes. This analysis reveals that the number of excess parking spaces required by the City of Tempe varies from 140 to 337, with an average excess of 226 parking spaces. The analysis also reveals that the portion of the total number of parking spaces that remained unoccupied varies from 34% to 42%, with an average of 38%.

Table 5: Parking Space Requirement and Occupancy Comparison

COMPLEX	NUMBER OF APARTMENTS	TEMPE CODE REQUIRED PARKING	MAXIMUM UTILIZED PARKING	REQUIRED EXCESS PARKING SPACES	PORTION OF TOTAL
San Marbeya	276	588	386	202	34%
San Palmilla	372	805	468	337	42%
Colonial Grand	180	376	236	140	37%
AVERAGE				226	38%

Table 6 provides a comparison of the number of parking spaces required by the City of Tempe code to the estimated maximum parking demand for each of the three (3) complexes assuming 100% of the apartments were leased. This analysis reveals that the number of excess parking spaces required by the City of Tempe varies from 128 to 285, with an average excess of 198 parking spaces. The analysis also reveals that the portion of the total number of parking spaces that remained unoccupied varies from 31% to 35%, with an average of 33%.

Table 6: Parking Space Requirement and Adjusted Occupancy Comparison

COMPLEX	NUMBER OF APARTMENTS	TEMPE CODE REQUIRED PARKING	UTILIZED PARKING WITH 100% LEASED	REQUIRED EXCESS PARKING SPACES	PORTION OF TOTAL
San Marbeya	276	588	406	182	31%
San Palmilla	372	805	520	285	35%
Colonial Grand	180	376	248	128	34%
AVERAGE				198	33%

Recommended Parking

Table 7 provides the number of parking spaces required by the City of Tempe Zoning and Development Code for the proposed Mark-Taylor apartment home complex at the intersection of College Avenue and Baseline Road.

Table 7: Code Required Parking Spaces for Proposed Development

COLLEGE & BASELINE PARKING REQUIRED BY CITY OF TEMPE CODE			
SIZE	UNITS	PARKING REQUIREMENT	
		RATE	SPACES
1-Bedroom	75	1.70	127.50
2-Bedroom	122	2.20	268.40
3-Bedroom	27	2.70	72.90
TOTAL	224		468.80
REQUIRED TOTAL			469

The analysis of parking occupancy at three (3) similar existing complexes implies that the provision of 469 parking spaces would be excessive for this proposed complex. It would also be inappropriate for this proposed complex to only provide the minimum number of occupied parking spaces from the three (3) similar complexes. It would be appropriate to provide surplus parking spaces to ensure that parking spaces within the complex are available on the property. It is also appropriate to provide additional parking spaces to minimize the amount of travel to locate an unoccupied parking space.

Utilizing the 33% average excess parking requirement of the three (3) complexes, the proposed complex should provide an absolute minimum of 315 parking spaces.

An appropriate surplus would be 20%. Therefore, the proposed Mark-Taylor apartment home complex should provide a minimum of 378 parking spaces. The proposed Mark-Taylor apartment complex near the College / Baseline intersection will provide 448 parking spaces. These 448 parking spaces represent 70 spaces more than recommended, and 133 parking spaces more than the minimum necessary.

From: Charles Huellmantel
Sent: Wednesday, May 19, 2010 3:51 PM
To: Levesque, Ryan
Subject: Mark-Taylor Neighborhood Meeting

We held a neighborhood meeting as scheduled on May 11, 2010. The meeting was held at the Mark-Taylor apartment homes located on Baseline and Hardy Roads in Tempe.

We mailed invitations to nearly 100 property owners and post the information about the meeting on a 4' x 8' sign on Baseline Road.

Residents from only three homes attended the meeting. All three homes were adjacent to the proposed Mark-Taylor community. The homes have been identified with yellow shading on the attached map with a closer view below.





All three residents claim to share the same concerns. The residents largely deferred comments to the resident who resides in the center home. She expressed the following concerns:

That residential traffic would be an increase over commercial traffic,

That they did not like “apartment type” tenants,

That they were concerned that residents would be looking into their back yards, and

That they purchased the homes with the intent to live against commercial uses – not residential as proposed.

We attempted to discuss the issues raised and asked if the residents had any ideas to mitigate the concern.

We also noted that the traffic a Mark–Taylor community (residential use) will generate will be a significant reduction from what a commercial use would generate.

We explained that we are an upscale builder making a significant investment in the neighborhood and that Mark–Taylor builds and manages its apartment communities. It should be noted that a meeting was held at a Mark–Taylor community that is over a decade old and the residents did not express any concern about the quality or condition on the community existing community.

We provided diagrams to discuss the landscaping and explained that this site does not have foreseeable commercial demand.

We offered to discuss additional landscaping concepts but we were told that they did not want residential development adjacent to their homes.

A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER, SECTION 3, TOWNSHIP 15, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE
UNDERSIGNED, PERSONALLY APPEARED _____,
WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE
NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO
EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES
THEREIN CONTAINED.

IN WITNESS WHEREOF, I HERETO SET MY HAND AND
OFFICIAL SEAL.

OWNER:
RURAL BASELINE TWO, LLC
1707 EAST HIGHLAND, SUITE 100
PHOENIX, AZ 85016
CONTACT: BRAD ANDERSON 602-264-4411

DEVELOPER:
KITCHELL DEVELOPMENT COMPANY
1707 EAST HIGHLAND, SUITE 100
PHOENIX, AZ 85016
CONTACT: BRAD ANDERSON 602-264-4411

ZONING DISTRICT(S) AND OVERLAY(S)*

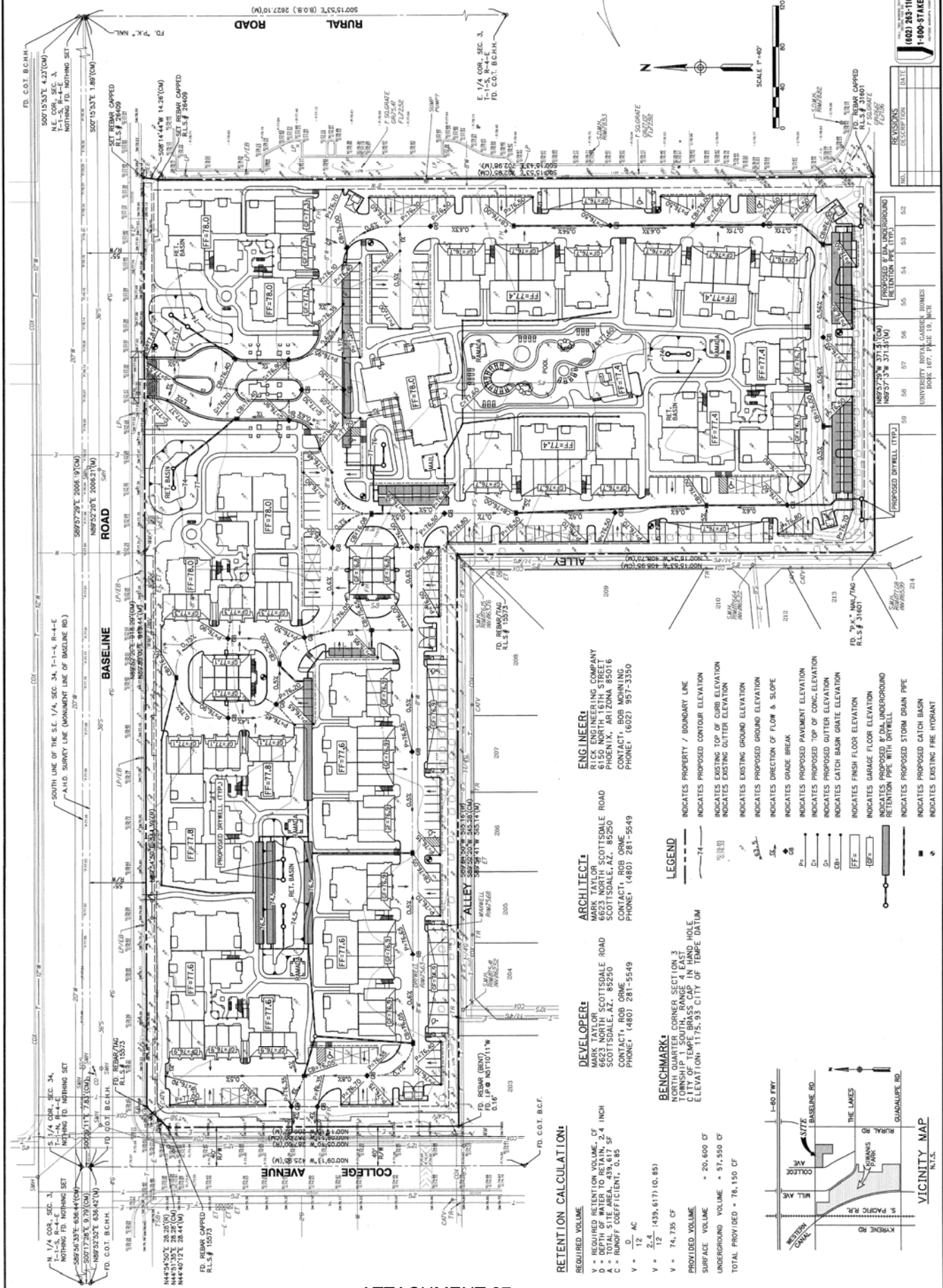
DWELLING QUANTITY	_____	22
DENSITY	_____	22.2 D.U. / GROSS ACRE
BUILDING'S HEIGHT	_____	40'-0"
BUILDING'S LOT COVERAGE	_____	30% NET LOT
SITE LANDSCAPE COVERAGE	_____	35% NET LOT
BUILDING'S SETBACKS	_____	224
FRONT	_____	20'
SIDE	_____	10'
REAR	_____	10'
STREET SIDE	_____	10'
VEHICLE PARKING QUANTITY	_____	442
BICYCLE PARKING QUANTITY	_____	60

TO BE PROVIDED WHEN VERIFIED

APPROVAL BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
TEMPE ON THIS _____ DAY OF _____, 20____.

LIST PAD CONDITIONS ONLY*

1. 2.



[illegible]

Mark • Taylor Development
Baseline Rd & College Ave
577 E. Baseline Road
Tempe, Arizona



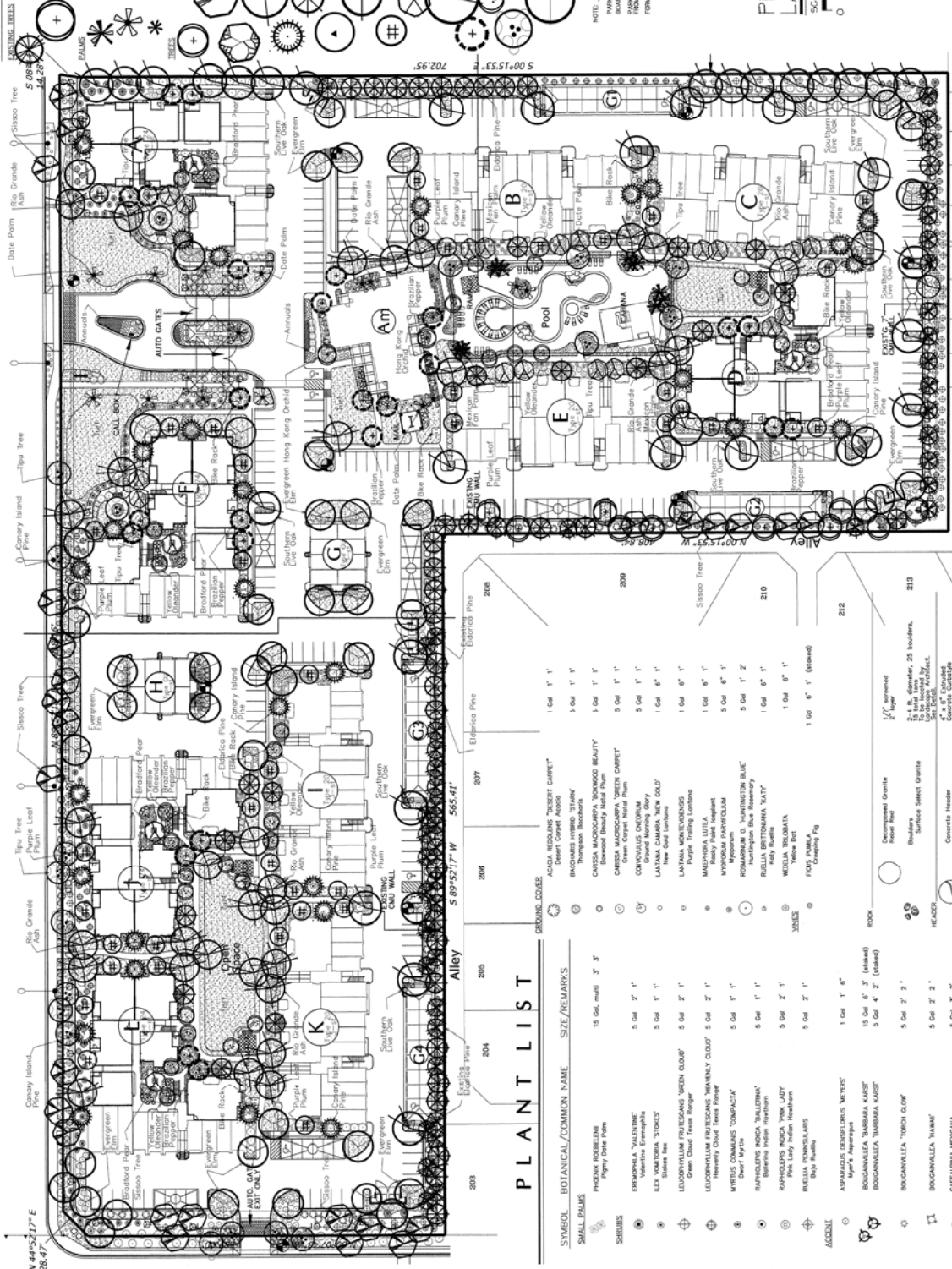
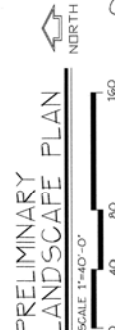
Job No.	Sheet No.
Date	24/Feb/2010
Scale	A1 Shown
Drawn	DRG
Checked	DRG

BASILINE ROAD	BOTANICAL /COMMON NAME	SIZE /REMARKS

BOTANICAL/Common Name	Size/Remarks
Pinus edulis Mexican Pine	Existing to remain
Eucalyptus camaldulensis Red Gum	Existing to remain
Macaranga pinnata Mexican Fire Tree	8' trunk height 10' trunk height 12' trunk height
Phoenix dactylifera Date Palm	10' - 15' trunk height diamond cut
Chamaedorea humilis	36" Box 5' (existing)

[illegible]

NOTE: MAXIMUM HEIGHT OF MATURE SHRUBS AND GROUNDCOVERS IN PARKING ISLANDS FOR THE FIRST 6' ADJACENT TO A PARKING SPACE. GROUNDCOVERS FOR THE FIRST 6' MAX; WALKS FOR THE FIRST 6' WILL BE 2" MAX. PARKING ISLANDS AFTER THE FIRST 6' ADJACENT TO A PARKING SPACE: GROUNDCOVERS FOR THE NEXT 6' TO 12' WILL BE 3" MAX. WALKS FOR THE NEXT 6' TO 12' WILL BE 3" MAX. FORM 12' AND BEYOND 3' PLUS.



9°57'29" W	371.51'	Existing Eucalypto Pine	51
58	57	55	52
58	57	54	53
UNIVERSITY ROYAL GARDEN HOMES BOOK 167, PAGE 19, MCR			54

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












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	Steel Header around all rip rap in
	Hybrid Bermuda Sod Overseeded
	Grass

5	4	3	2	1	0	1	2	3	4	5
1 Col	6"	1"								
5 Col	1"	1"								

	CALCEOLARIA BEDONIA Mexican Bird of Paradise
	HYMENOCYLLUS ACALUUS Angelita Daisy
	MUHLBERGIA CAPILLARIS 'REX' Regal Mint Grass

PLANT LIST

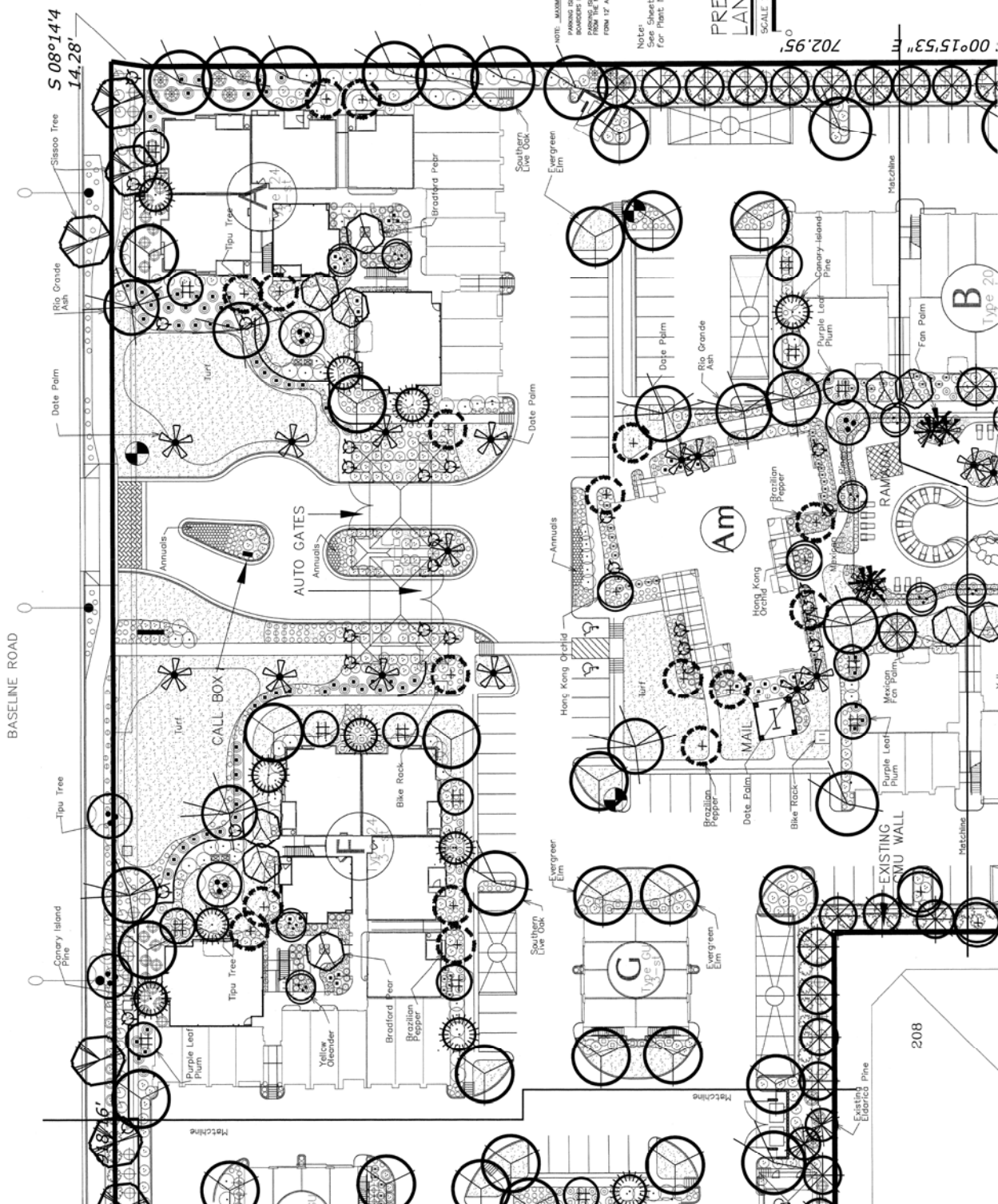
SYMBOL	BOTANICAL / COMMON NAME	SIZE / REMARKS
SMALL PLANTS		
	PHOEBA ROBINSONII Pinyon Pine Palm	15 Gal, multi 2' x 2'
SHRUBS		
	EREMOPHYLA 'VALERIANA' Desert Sage	5 Gal 2' x 1'
	LEUCOPHYLLUM FRUTICOSUM Mojave Ironcholla	5 Gal 1' x 1'
	LEY. VERTICILLA 'STICKS' Stickles tree	5 Gal 1' x 1'
	LEUCOPHYLLUM FRUTICOSUM 'GREEN GLOW' Green Cholla Tree Ranger	5 Gal 2' x 1'
	LEUCOPHYLLUM FRUTICOSUM 'HAWKEYE GLOW' Hawkeye Cholla Tree Ranger	5 Gal 2' x 1'
	MYRTUS COMMUNIS 'COMPACTA' Dwarf Myrtle	5 Gal 1' x 1'
	RAVENSBRIDGE IRONCA 'BULLERII' Desert Iron Tree	5 Gal 1' x 1'
	RAVENSBRIDGE IRONCA 'LADY' Desert Iron Tree	5 Gal 2' x 1'
	RAVENSBRIDGE IRONCA 'HONEY' Pink Lady Iron Tree	5 Gal 2' x 1'
	RUPELIA PINOCHENSIS Bush Rueella	1 Gal 1' x 6"
ACCENTS		
	ASPARAGUS BENSIENSIS 'WETZIOS' Myra's Asparagus	15 Gal 6' x 3' (indoor)
	BOGANILLIA 'BURNINGA JASST' BOGANILLIA 'BURNINGA JASST'	5 Gal 4' x 2' (indoor)
	BOGANILLIA 'TUSCH GLOW' BOGANILLIA 'TUSCH GLOW'	5 Gal 2' x 2'
	BOGANILLIA 'HAWKEY' BOGANILLIA 'HAWKEY'	5 Gal 2' x 2'
	CASCADILLA 'MEXICANA' Mexican Bird of Paradise	5 Gal 3' x 2'
	HYDROPHYS 'ACALIES' Angelica Daisy	1 Gal 6" x 1'
	MULHEIMERIA CAPILLARIS 'REGAL WEST' Regal Bird Grass	5 Gal 1' x 1'

[illegible]

Mark - Taylor Development
Baseline Rd & College Ave
577 E. Baseline Road
Tempe, Arizona



Job No.	Sheet No.
24-Feb-2010	L12
Author: A. Shorrock	Drawn: DRC
Checked: DRC	



[illegible]

Mark - Taylor Development
Baseline Rd & College Ave
327 E. Baseline Road
Tempe, Arizona

PRELIMINARY
LANDSCAPE PLAN

SCALE 1"=20'-0"

Note:
See Sheet L1.0 (Over All Landscape Plan)
for Plant Material Legend

NOTE: MAXIMUM HEIGHT OF MAINTURE SHRUBS AND GROUNDCOVERS IN PARKING ISLANDS FOR THE FIRST 6' ADJACENT TO A PARKING SPACE. BOARDERS FOR THE FIRST 6"; WALLS FOR THE FIRST 6" WILL BE 2" MAX. PARKING ISLANDS AFTER THE FIRST 6' ADJACENT TO A PARKING SPACE. BOARDERS FROM THE NEXT 6" TO 12", WALLS FROM THE NEXT 6" TO 12" WILL BE 3" MAX. FORM 12" AND BEYOND 12" PLUS.

