

Staff Summary Report



Development Review Commission Date: 04/13/10

Agenda Item Number: ____

SUBJECT: Hold a public hearing for a Planned Area Development Overlay and Use Permit for LAKE COUNTRY VILLAGE located at 1030 East Baseline Road.

DOCUMENT NAME: DRCr_LakeCountry Village_041310 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request for **LAKE COUNTRY VILLAGE (PL090467)** (Paul Berkowitz V.P., LCV Property Inc., owner; Paul E. Gilbert, Beus Gilbert PLLC, applicant) for a redevelopment of the shopping center to include approximately 215,200 sf. of commercial, approximately 728,000 sf. of multi-family residential (430 dwelling units) and approximately 315,000 sf. of office, or 1,258,200 sf. combined building area, not including structured parking. The 25.45 acre site is located at 1030 East Baseline Road and is within the PCC-2, Planned Commercial Center General District. The request includes the following:

PAD10003 – (Ordinance No. 2010.08) Planned Area Development Overlay to establish development standards for building height, side-yard building setback and vehicle parking quantity.

ZUP10018 – Use Permit to allow residential land use in the PCC-2, Planned Commercial Center General District.

PREPARED BY: Kevin O'Melia, Senior Planner (480-350-8432)

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

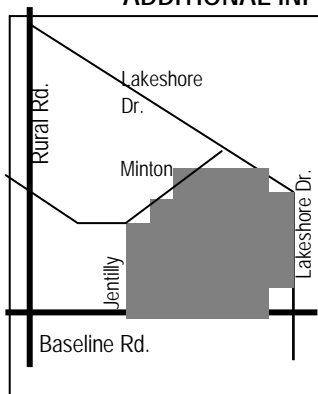
LEGAL REVIEW BY: Teresa Voss, Assistant City Attorney (480-350-8814)

DEPARTMENT REVIEW BY: Chris Anaradian, Development Services Manager (480-858-2204)

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



Gross/Net site area	25.45 acres
Total Building area	1,258,200 sf. maximum (excludes parking structure)
Dwelling unit quantity	430 units provided (636 maximum allowed)
Density	16.90 d.u./ac. provided (25.00 d.u./ac. maximum allowed)
Lot Coverage	50 % maximum
Building Height PAD	55.00 ft. maximum (plus 10.00 ft. top of mechanical penthouse)
Building Setback PAD	0.0 ft. front, side & street-side yard, 30.00 ft. rear (minimum)
Parking Setback	20.00 ft. front & street-side yard (excludes structured parking)
Landscape Coverage	20 % minimum
Vehicle Parking PAD	2,591 minimum
Bicycle Parking	600 minimum

The case has been advertised including site postings, newspaper notice and mailings to neighboring property owners, homeowner's associations, neighborhood associations and on-site tenants. A presentation of the case and neighborhood meeting was conducted on March 4, 2010. The case was continued at the applicant's request at the March 23, 2010 Development Review Commission Hearing.

PAGES:

1. List of Attachments
- 2-5. Comments / Reasons for Approval
- 6-7. Conditions of Approval
- 8-10. Code/Ordinance Requirements
- 11-12. History & Facts
12. Zoning & Development Code Reference

ATTACHMENTS:

- 1-5. Ordinance No. 2010.08
- 6-11. Waiver of Rights and Remedies form
12. Location Map
13. Aerial Photo
- 14-21. Letter of Explanation, dated March 5, 2010
- 22-26. Neighborhood Meeting Summary, dated March 4, 2010
27. Site Vignette Sketch
- 28-29. P.A.D. Title Sheet and Project Data Enlargement
30. Acknowledgement Letter from LCV Property Inc. to City Engineer, dated March 2, 2010
- 31-32. Conceptual Site Plans
- 33-34. Conceptual Landscape Plans
35. Conceptual Site Section
- 36-37. Conceptual Ground Floor Layout and Second Floor Layout
38. 3-D Site Models
39. Architectural Reference Images
40. Shared Parking Model
- 41-53. Site Photographs

COMMENTS:

Lake Country Village is located north of Baseline Road, south and west of Lakeshore Drive, south of Minton Drive (a private street) and east of Jentilly Drive (a private street). Wells Fargo Bank at northwest corner of Baseline and Lakeshore is not a part. The site is within the PCC-2, Planned Commercial Center General District. General Plan 2030 Land Use Map designation is Mixed-Use; General Plan 2030 Density Map is Medium to High, up to 25 dwelling units per acre.

Lake Country Village is a commercial shopping center that has existed since the early 1970's. Currently, a large portion of the center's commercial space is vacant. The current tenants are predominately clustered around the corner in the existing "L" shape building. Existing major site users include Pure Fitness and Big!Lots. The existing pads on Baseline in front of this part of the center are also in use and include Church's Chicken, Wendy's, Quizno's, Firestone Tire and Lychee Inn. In the past, the center has hosted AMC Six Theaters, Angel's, Furr's, J.C. Penney and Bova Contemporary Furniture.

LCV Property Incorporated (the owner) seeks to renovate Lake Country Village to retain the existing commercial component and add office and residential components. In their own words (from Attachment 30) *"...our proposed rezoning case (PL090467) is being sought to establish certain development parameters to meet future market demand in a mixed-use development format..."* As a first step, the planning entitlements for Planned Area Development Overlay to establish site-specific development standards that are distinct from the underlying commercial zoning district and a Use Permit for insertion of residential in a commercial district, thus creating a mixed-use product, are sought to prepare for this development.

As reflected in the submittal exhibits, the development concept indicates most of the existing "L" shape building would be removed as the construction phases are completed. The 21,000 sf. building containing Pure Fitness is indicated to remain. At the west end of the site, two freestanding commercial buildings would be erected: a grocery would occupy one and the second, to the west, would be the new home of Big!Lots. Four sentinel buildings, arranged in a two by two pattern oriented toward Baseline, form the core of the revitalized site. These central buildings would contain ground floor retail fronts with office and possibly residential above, all over subterranean parking. Multi-family housing would line Lakeshore and the private Minton Drive. Walk-up "townhouse" dwellings would face the streets and the buildings would enclose internalized semi-public landscape courtyards over subterranean parking.

Within the renovated Lake Country Village, the sentinel buildings are separated with narrow, stylized drive lanes that are double-loaded with diagonal surface parking. The building entrances are buffered from parking with walkways and narrow landscape strips. The street and building interaction is geared to maximize business and customer interaction in an inviting sense of place. The 3-D site models and architectural reference images (Attachments 38 and 39) illustrate the proposed street character and the relationship of architecture to open, public space that the revitalized Lake Country Village seeks to emulate.

This request includes the following:

1. Planned Area Development Overlay for this site to increase building height to 55 ft. and mechanical penthouse to 65 ft., reduce building side-yard setback to 0 ft. on the north to allow placement of the step-back plane at the property line, and reduce overall parking quantity for the commercial, office and "townhouse" components by means of shared parking in the development.
2. Use Permit to allow insertion of multi-family residential in the Planned Commercial Center General District for this site.

The applicant is requesting the Development Review Commission consider the Use Permit request and the Planned Area Development Overlay.

For further processing, when this entitlement phase is complete, the applicant will be required to process a Development Plan Review for building, site and landscape design. In each phase of development, a Shared Parking Application will be required to validate the mixed-use parking model. A Subdivision Plat may also be sought to divide the development into smaller property parcels as well as a Horizontal Regime Subdivision to create individual for-sale condominium units for office, retail or residential ownership, if this is desired.

PUBLIC INPUT

- As a result of the site posting and applicant's neighborhood meeting mailer, staff has received several communications of interest prior to the neighborhood meeting. In these communications, staff explained to the interested parties the nature of the planning entitlements being requested with the goal of transforming Lake Country Village from a commercial center into a mixed-use development.

- Neighborhood meeting held on March 04, 2010 from 6:30 p.m. to 8:00 p.m. at the Embassy Suites, 4400 South Rural Road. Development Services staff attended the meeting. Representatives from the Fransen Company and Beus Gilbert PLLC conducted the meeting. The meeting was well attended by interested neighbors as well as by business owners that are tenants in the center. The meeting was divided into three parts: 1) presentation of the development concept, 2) questions from the audience with response by the development team, 3) informal individual question and answer period. See attached summary of meeting provided by Beus Gilbert PLLC, (Attachments 22-26).
- After the neighborhood meeting staff received one anonymous telephone communication of concern from a business tenant in Lake Country Village. The concern had to do with the continued presence of the existing businesses at Lake Country Village and how re-development would affect the present lease of this business owner.
- Overall, public comment has been positive, both at the neighborhood meeting and during staff/public communications.

PROJECT ANALYSIS

The proposal aims to revitalize the center and add residential and office components to the existing commercial (retail/restaurant) component. The areas proposed include 315,000 sf. of office, 728,000 sf. multi-family residential and 215,200 sf. commercial (1,258,200 sf. total area). The proposal includes a Use Permit request to add residential units to a PCC-2, Planned Commercial Center General District. The proposal also requests a Planned Area Development Overlay (P.A.D.) to the PCC-2 District. The P.A.D. process requests site-specific modifications to development standards.

USE PERMIT

The proposed use requires a use permit to insert a multi-family residential component in a PPC-2, Planned Commercial Center General District. Following ZDC Sec. 3-201 (B) (4): "Residential uses may be allowed subject to a *use permit* for the purpose of *revitalizing* an existing commercial center." Following ZDC Sec. 7-119 for definition: "*Revitalize* means giving new life in an area with existing development, not on vacant land, for the purpose of restoring economic vitality to the center". This description fits Lake Country Village in three ways: Portions of the center shall be left standing during the initial construction phase with the relocation of Big!Lots. The existing Pure Fitness building is indicated to remain throughout the construction phases. The residential component is oriented to interact closely across Minton Drive with the existing City Spaces apartment community.

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.* Addition of a residential component strengthens the neighborhood fabric by inserting a residential link between existing residential neighborhoods to the north and south of Lake Country Village.
2. *Any significant increase in vehicular or pedestrian traffic.* The addition of a residential component will lead to an increase in vehicular and pedestrian traffic. However, residential traffic will not operate at the same peak time of operation as those of their commercial or office counterparts. Additionally, a mixed-use development will to some extent lead to an overall reduction of traffic due to proximity of live, work, shop and recreate in one locale.
3. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.* The addition of a residential component will assist in reducing unpleasant environmental effects that would be present in a solely commercial development.
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.* The addition of a residential component is in conformance with the mixed-use designation of the General Plan Land Use Map.
5. *Compatibility with existing surrounding structures and uses.* The addition of a residential component at Lake Country Village strengthens the linkage between existing residential development at the Lakes south of Baseline, at Cityscape apartment community between Minton and Lakeshore, and the single family residential neighborhood north of Lakeshore Drive.
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 addition of a residential component provides natural surveillance, activity support and territoriality to the surrounding area during all hours that would not be present if the residential component is not included with the commercial and office components.

PLANNED AREA DEVELOPMENT

The P.A.D. Overlay for this site specifically requests the following:

- *Increase allowable building height to 55 ft. with an additional 10 ft. height for mechanical penthouse and other uninhabited "top of house" functions.* Increase in height follows the height of existing residential development across Baseline (Lakefront) and existing commercial development to the northwest (Southwest Business Center) but at the same time provides a transitional height between these established developments in the surrounding commercial and residential neighborhood.
- *A parking quantity reduction for commercial (including restaurant and tavern) and office uses to 3.25 autos / 1,000 sf.* As part of this proposal, the applicant has applied the Shared Parking Model contained in the Zoning and Development Code, Appendix F, to this case. Refer to Attachment 40. The use of the Shared Parking Model indicates staggered peak demand for parking for retail, restaurant, bar and health club in conjunction with office and residential use. The staggered peak demands allow multi use of parking spaces during weekday and weekend periods.
- *A reduction of the north side yard setback to 0 ft.* The setback reduction is for the purpose of placing the step-back plane on the north property line to minimize the effect of the required 1: 1 step back on a building that (by condition of approval) is already set back minimum 30 ft. from the property line.

Building & Site Standard	PCC-2 EXIST'G STANDARD (no PAD)	PCC-2 (PAD) PROPOSED STANDARD
Building height	40 ft	55 ft. main roof/parapet 65 ft. top of mech. penthouse
Building setback		
.....Front (east)	0.0 ft.	0.0 ft.
.....Side (north)	30.0 ft.	0.0 ft.
.....Street Side (south)	0.0 ft.	0.0 ft.
.....Rear (west)	30.0 ft.	30.0 ft.
Parking:		
.....Residential		
.....25- studio units	25.0	25.0
.....155 - 1 bedroom units	233.0	233.0
.....160 - 2 bedroom units	320.0	320.0
.....10- 3 bedroom units	25.0	30.0
.....80 - "Townhouse" units	160.0	160.0
.....Residential Guest (for 430 du)	86.0	86.0
.....Retail (164,200 sf.)	547.33	550.00
.....Restaurant/Tavern (24,000/6,000 sf.)	440.00	98.00
.....Fitness Center (21,000 sf.)	168.0	65.00
.....Office (315,000 sf.)	1,050.00	1,024.00
Total Vehicle Parking	3,054.00	2,591.00

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

1. The proposed land uses (*mixed-use consisting of commercial, office and residential*) are allowable in ZDC Part 3.
2. The development standards listed above, as established as part of the P.A.D. Overlay District, as well as the standards allowed in Part 4 will be conformed to for development of this site.
3. The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

Conclusion

Based on the information provided in the submittal, the public input received and the above analysis, staff recommends approval of the requested Planned Area Development Overlay and Use Permit.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The Planned Area Development Overlay process was specifically created to allow for greater flexibility in development standards, including increased height, adjustment of setbacks and adjustment of required parking quantities for uses in this development, in exchange for a creative design that enhances the area and its surroundings. The reference images (Attachment 39) included with the submittal illustrate planning concepts that are evocative of existing architectural expressions in the vicinity, particularly in the Lakes (to the south) but also in the Cityscape apartment community (to the north). As listed by the architect, these include *A "Town Square" live/work atmosphere, village scale, pedestrian scale detail, signage and lighting, Lush landscape and street furniture, Stepped building forms, Outdoor café' seating, plazas, fountains, paseos, etc. and Shaded, pedestrian friendly, streets and connectors*. As an example that has impact beyond the development, the placement of residential on Minton, facing Cityscape, will strengthen the residential character of an already attractive, tree-lined street. The 3D site models (Attachment 38) indicate these planning concepts in broad stroke and the upcoming Development Plan Review process will serve to preserve and enhance these characteristics for Lake Country Village and its surroundings.
4. The proposed project meets the approval criteria for a Planned Area Development Overlay and Use Permit.

CONDITIONS OF APPROVAL:

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

PAD10003 CONDITIONS OF APPROVAL

General

1. This approval is based on conformance to conceptual drawings and exhibits submitted for the requests for a Planned Area Development Overlay and Use Permit except where amended by the conditions of approval indicated below and by governing Code and Ordinance Standards. The preliminary exhibits, dated 2/22/2010 except where noted, include the following:
 - a. Planned Area Development Title and Legal Description sheets 1 and 2.
 - b. Conceptual Site Plans sheets 3 and 5.
 - c. Aerial Photo of Site, sheet 4.
 - d. Conceptual Landscape Plans sheets 6 and 7.
 - e. Conceptual Site Section, sheet 8.
 - f. Conceptual Ground Floor and Second Floor Layouts, sheets 9 and 10.
 - g. 3D Site Models, sheet 11.
 - h. Reference Images, sheet 12.
 - i. Shared Parking Model: Monday through Friday and Saturday through Sunday, dated (received by C.O.T.) 2/26/2010.
 - j. Traffic Impact Analysis Baseline Road and Lakeshore Drive (revised), dated 3/11/2010.
2. A building permit for the first phase of this development shall be obtained on or before May 20, 2020, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.
3. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, Owner(s) voluntarily waive(s) any right to claim compensation for diminution in property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of 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 June 21, 2010 or the Planned Area Development Overlay approval shall be null and void.
4. Site clearing:
 - a. Obtain a demolition permit and remove the existing buildings, site and landscape improvements of Lake Country Village after concluding the tenancy in the buildings to the satisfaction of all parties.
 - b. Do not demolish the existing buildings, site and landscape improvements, including landscape in the public right of way, until a building permit for the succeeding development is issued, or until Development Services and Public Works Division waivers for this condition are granted.
 - c. Prior to demolition, coordinate with Public Works Department the salvage of existing fixtures and trees in the right of way.
5. The Planned Area Development for Lake Country Village shall be put into proper engineered format (sample is available from the Planning Division), sealed by an Arizona registered architect or registered professional engineer, fitted with appropriate signature blanks and kept on file with the Community Development Department. Complete this process prior to the issuance of building permits.
6. Maximum height of the building, as measured from the top of curb adjacent to the center of the front-yard of the site, to the highest portion of the roof or parapet of the building shall not exceed 55'-0". Increased height exception is allowed for non-inhabited structures in accordance with ZDC Sec. 4-205 (A), including for roof-top mechanical penthouses, but the height of these structures may not exceed 65'-0". Similarly, architectural appurtenances such as antennae, communications equipment or flagpole may not extend above 65'-0". The height of inhabited open air balconies or roof decks may not exceed the height of the highest inhabited floor level within the building.
7. The minimum side yard building setback along the north property line shall be 0'-0". This setback reduction is established solely to allow the location of the step back plane on the north property line. The north elevations of the building shall be set back minimum 30'-0" from the north property line.

8. The minimum required quantity of vehicle parking spaces for the building shall be 2,591 spaces for the mix of units as presented. The development shall conform to the following with respect to vehicle parking:
 - a. The residential component includes 430 dwelling units in buildings that are exclusively for residential use. The mix of unit types may be modified at time of Development Plan Review. Minimum parking for each studio, one and two bedroom units as well as minimum residential guest parking per all units (including three bedroom and "townhouse") shall be as per the ZDC Sec. Table 4-603(E) or 1.0, 1.5, 2.0 and 0.2 spaces, respectively. 2.0 spaces are required per "townhouse" regardless of the amount of bedrooms per "townhouse". Minimum parking for each three bedroom unit shall be 3.0 spaces.
 - b. The potential of an additional 175 dwelling units above commercial and office portions of the development shall be parked per ZDC Sec. Table 4-603(E). The overall quantity of residential dwelling units may not exceed the maximum allowable density of residential units for the site.
 - c. The commercial and office components shall be a maximum of 215,200 sf. of commercial area composed of retail, service, and indoor and outdoor restaurant and tavern uses, and a maximum of 315,000 sf. of office area composed of general and medical office. The parking standard commercial and office areas shall be 3.25 spaces per 1,000 sf.
 - d. With each succeeding phase of development that modifies the parking standard, submit a Shared Parking Application and Amended Planned Area Development Overlay request to validate the parking quantity for the site with the specific mix of uses for that phase. Incorporate the minimum required and provided parking quantities into the Building Safety Division's parking file during plan check submittal for each construction phase.
9. Traffic Signal on Baseline Road:
 - a. The Developer shall undertake traffic signal design and installation of signal mast foundations and associated sub-grade infrastructure as part of the first phase of development.
 - b. The Developer shall contribute to the City an amount equal to One Hundred Ten Thousand Dollars (\$110,000.00) for future installation of traffic signal masts, lights and associated items. The contribution shall occur prior to issuance of building permits for first phase of development.
 - c. The City shall complete traffic signal installation after issuance of building permits for final phase of development or sooner if signal warrants are met and accepted by the City. This condition shall become null and void if signal is not warranted and issuance of building permit for final phase of development is not granted by May 20, 2022. If this condition becomes null and void, the City shall refund the amount equal to One Hundred Ten Thousand Dollars (\$110,000.00) to the Developer.
10. The developer must provide a final Traffic Impact Study prior to any submittal for a building permit.
11. The developer must receive approval of the final Traffic Impact Study from the Transit Studies Division prior to issuance of a building permit.

ZUP10018 CONDITION OF APPROVAL

12. Submit construction documents to the Building Safety Division for building permit for a phase of the development that contains a multi-family residential component by April 13, 2020, or the Use Permit approval will expire. Subsequently, an expiration of the building plan check period or expiration of the issued building permit will result in expiration of the Use Permit approval.

CODE/ORDINANCE REQUIREMENTS:

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

- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/planning/documents.htm or purchase from Development Services.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works, Community Development and Fire Departments given on the Preliminary Site Plan Review mark-ups dated December 16, 2009 and February 10, 2010. If questions arise related to specific comments, direct these to the appropriate department, and coordinate necessary modifications with all concerned parties prior to application for building permit.
- **PLANNING ENTITLEMENTS:** for further processing as development unfolds, obtain Development Plan Review approval(s) for building, site and landscape design proposal(s), obtain approval of updated Shared Parking applications and obtain Amended Planned Area Development Overlay(s) if there are additional Development Standard modifications.
- **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.
- **COMMUNICATIONS:**
 - Provide emergency radio amplification for the combined building and garage area in excess of 50,000 sf. Amplification will allow Police and Fire personnel to communicate in the buildings during a catastrophe. Refer to this link www.tempe.gov/itd/Signal_booster.htm . Contact Information Technology Department to discuss size and materials of the buildings and to verify radio amplification requirement.
 - For building height in excess of 50'-0", design top of building and parapet to allow cellular communications providers to incorporate antenna within the building architecture so future installations may be concealed with little or no building elevation modification.
- **PUBLIC ART:** Provide public art for this development in conformance with the Art in Private Development Ordinance and ZDC Sec. 4-407 and ZDC Appendix D. Contact the Cultural Services Division regarding implementation of this requirement prior to receiving building permits.
- **WATER CONSERVATION:** Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for the non-residential components of this project. Have the landscape architect and mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59. Refer to this link www.tempe.gov/bsafety/Applications_Forms/HandoutsFAQs/Water_Conservation.pdf . Contact Public Works Water Department Water Conservation Division if questions regarding the purpose or content of the water conservation reports.
- **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 townhouses, live/work and commercial components of the project with the Police Department. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued.
 - In conjunction with the security plan, Crime Free Multi-Housing status for this property may be required.
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- 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.
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- ENGINEERING:
 - Underground utilities except high-voltage transmission line unless project inserts a structure under the transmission line.
 - Coordinate site layout with utility provider(s) to provide adequate access easement(s).
 - Clearly indicate property lines, the 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.
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- REFUSE:
 - Double container enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with Standard Detail DS-116.
 - 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.
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- 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 the Transit Studies Division.
 - Correctly indicate clear vision triangles at driveways on the site and landscape plans. Consult "Corner Sight Distance" leaflet, available from Transit Studies Division. 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.
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- 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:
 - 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".
- 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:

March 28, 1968	City Council approved a Zoning Map Amendment from R-1, One Family Residence District to PSC-2, Planned Shopping Center District for a proposed shopping center located at the north east corner of Rural and Baseline Roads.
April 10, 1968	City Council approved the <u>General Plan of Development for Country Club Center, a Regional Shopping Center Base Line Road & Rural Road Tempe, Arizona</u> . The proposed shopping center site area was originally 49.82 acres including 7.04 acres which was dedicated for half streets of Lakeshore Drive and the (re-aligned) Rural Road. At this time of this entitlement the right-of-way line on the north of Base Line Road was the southern boundary of the City of Tempe. The document was recorded on April 19, 1968 in Book 118, Page 12 of Maricopa County records.
March 02, 1971	Design Review Board approved the request by Lake Country Village for site plan, building elevations, landscape plans and a sign package. This was the main design review approval that preceded the construction of the shopping center.
October 14, 1971	City Council approved the <u>Amended General Plan of Development for Lake Country Plaza</u> (formerly Country Club Center). This is the 1 st Amendment to the General Plan of Development. The document was recorded on November 19, 1971 in Book 143, Page 38 of Maricopa County records.
May 19, 1977	<p>City Council approved the <u>2nd Amended General and Final Plan of Development for Lake Country Village</u>. The document is erroneously labeled the "Final Development Plan". Included with this 2nd Amended General and Final Plan of Development are a variance to allow a six (6) ft. high masonry trash enclosure walls in the front yard setback, eight variances for signage and a use permit to allow an auto repair facility on Pad 5 in the PCC-2 District. The document was recorded on June 10, 1977 in Book 190, Page 30 of Maricopa County records.</p> <p>Note: of the eight variances that concern signs, seven (A., B., C., E., F., G. and H.) address specific portions of the existing development. One variance concerns the overall center and is as follows:</p> <p>D. Allow an additional freestanding center identification sign, 24 sf. area and eight (8) ft. height, to be located along Baseline Road.</p>
October 12, 1978	City Council approved the <u>3rd Amended General and Final Plan of Development for Lake Country Village</u> . The document is also erroneously labeled the "Final Development Plan". The document was recorded on October __, 1979 and was placed in Book 216, Page 36 of Maricopa County records.
November 28, 1979	Board of Adjustment approved a variance to allow one (1) additional center identification sign.
December 10, 1987	City Council approved the <u>4th Amended General and Final Plan of Development for Lake Country Village</u> . The document is erroneously labeled the "Second Amended...Plan of Development". Included with this 4 th Amended General and Final Plan of Development is a variance to waive landscape islands after every fifteenth parking space. The document was recorded on ____, 1989.
April 30, 1992	City Council approved the <u>5th Amended General and Final Plan of Development for Lake Country Village</u> . The document is erroneously identified as the "Third Amended...Plan of Development" and was recorded (1992-317912) on June 11, 1992 in Book 350, Page 44 of Maricopa County records.
October 19, 1999	<p>Hearing Officer approved variance request by Lake Country Village to convert three (3) existing freestanding center identification signs to freestanding multi-tenant signs located at 1050 East Baseline Road in the PCC-2, Planned General Commercial Center District.</p> <p>Note: This variance no longer applies. The ZDC allows free-standing multi-tenant signs.</p>
October 24, 2002	City Council approved the request by Lake Country Village (SGF-2002.76) for an Amended General and

Final Plan of Development consisting of 196,305 sf. on 24.4 net acres located at 1102 East Baseline Road in the PCC-2, Planned General Commercial Center District consisting of two sign variances. There were no other changes to the center. A document for this Amended General and Final Plan of Development was not recorded.

Note: Both of these variances concern sign area for Pads 2 and 3 (Church's Chicken and Wendy's, respectively) and are modifications of two earlier sign variances (F & G) granted on May 19, 1977.

- April 10, 2003 City Council approved the 6th Amended General Plan of Development for Lake Country Village and a Final Plan of Development for Quizno's (SGF-2003-13). Lake Country Village consists of existing 201,520 sf. buildings of commercial use on 24.4 acres. The proposed Quizno's (the site of Winchell's donuts) is a 1,534 sf. restaurant located at 1118 East Baseline Road in the PCC-2, Planned General Commercial Center District. No new variances or use permits are requested with the application. The document was recorded (2003-0812999) on June 24, 2003 in Book 640, Page 42 of Maricopa County records.
- March 02, 2004 Hearing Officer approved a use permit request for the outdoor patio for Pad 4--Quizno's (BA040021). Subsequently, Development Services staff administratively processed the 7th Amended General and Final Plan of Development for Lake Country Village (SGF-2004.20). This development plan has been amended to show additional outdoor dining area for Quizno's. Revised parking quantities are indicated on the document. The document was recorded (2004-0539992) on May 14, 2004 in Book 685, Page 41 of Maricopa County records.
- August 17, 2004 Design Review Board staff approved the addition of a colonnade on the south side of Building 'Y' of Lake Country Village (DRB04141). Subsequently, Development Services staff administratively approved the 8th Amended General and Final Plan of Development for Lake Country Village (SGF-2004.62). This development plan has been amended show the creation of a freestanding sign band for building 'Y'; use and parking quantity for the site are unchanged. The document was erroneously labeled the "7th Amended...Plan of Development." The document was recorded (2004-1468502) on December 14, 2004 in Book 718, Page 34 of Maricopa County records.
- March 4, 2010 The Lake Country Village Development Team conducted a neighborhood meeting to fulfill the requirement of ZDC Sec. 6-402. The meeting included a presentation of the development concept followed by a question and answer period with the development team and citizens attending the presentation.
- March 23, 2010 Development Review Commission continued the request by Lake Country Village located at 1030 East Baseline Road in the PCC-2, Planned Commercial Center General District. The continuance was made to the April 13, 2010 D.R.C. Hearing and was made at the request of the applicant.

Summary of existing entitlements for this property that will remain in effect:

- Variance to allow six (6) ft. high masonry trash enclosure walls in the front yard setback (City Council, May 19, 1977).
- Variance to allow one (1) additional freestanding center identification sign, 24 sf. area and eight (8) ft. height, to be located along Baseline Road (City Council, May 19, 1977).
- Variance to allow one (1) additional center identification sign (Board of Adjustment, November 28, 1979)
- Variance to waive required intermediate landscape islands every fifteenth parking space (City Council, December 10, 1987).

ZONING AND DEVELOPMENT CODE REFERENCE:

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

Section 6-308, Use Permit

ORDINANCE NO. 2010.08

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 Center General District and designating it as PCC-2 (PAD), Planned Commercial Center General District with a Planned Area Development Overlay on 25.45 acres.

LCV PROPERTY INC. LEGAL DESCRIPTION

PARCEL NO. 1:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE NORTH 89° 16' 00" EAST, 229.23 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 0° 44' 00" WEST, 55.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BASELINE ROAD AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89° 16' 00" WEST, 220.85 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT ON THE MONUMENT LINE OF A NON-EXCLUSIVE EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTH 0° 44' 00" WEST, 360.65 FEET ALONG SAID MONUMENT LINE TO A POINT ON THE ARC OF A CIRCLE THE CENTER OF WHICH BEARS NORTH 1° 26' 48" EAST, 486.50 FEET THEREFROM;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC, 216.17 FEET;

THENCE SOUTH 24° 00' 43" EAST, 25.50 FEET TO A POINT ON THE ARC OF A SECOND CIRCLE CONCENTRIC WITH THE FIRST CIRCLE, SAID ARC BEING THE EAST RIGHT-OF-WAY LINE OF SAID EASEMENT AND THE CENTER OF SAID SECOND CIRCLE BEING SITUATED NORTH 24° 00' 43" WEST, 512.00 FEET FROM THE POINT ON SAID ARC;

PARCEL NO. 2:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE NORTH 89° 16' 00" EAST, 229.23 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 0° 44' 00" WEST, 55.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BASELINE ROAD AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 0° 44' 00" WEST, 376.48 FEET TO A POINT ON THE ARC OF A CIRCLE THE CENTER OF WHICH BEARS NORTH 24° 00' 43" WEST, 512.00 FEET, SAID ARC BEING THE EAST RIGHT-OF-WAY LINE OF A NON-EXCLUSIVE EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTH 24° 00' 43" WEST, 25.00 FEET TO A POINT ON THE ARC OF A SECOND CIRCLE, CONCENTRIC WITH THE FIRST CIRCLE, THE CENTER OF WHICH BEARS NORTH 24° 00' 43" WEST, 486.50 FEET, SAID ARC BEING THE MONUMENT LINE OF THE SAID EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC, 57.30 FEET;

THENCE NORTH 59° 14' 24" EAST, 691.13 FEET ALONG SAID MONUMENT LINE TO A POINT OF TANGENCY WITH THE ARC OF A THIRD CIRCLE, THE CENTER OF WHICH BEARS NORTH 30° 45' 36" WEST, 140.00 FEET THEREFROM;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC 91.25 FEET;

THENCE NORTH 21° 53' 43" EAST, 119.51 FEET ALONG SAID MONUMENT LINE TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LAKESHORE DRIVE AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS;

THENCE SOUTH 68° 06' 17" EAST, 490.32 FEET ALONG SAID RIGHT-OF-WAY LINE TO A POINT OF TANGENCY WITH THE ARC OF A FOURTH CIRCLE, THE CENTER OF WHICH BEARS SOUTH 21° 53' 43" WEST, 661.35 FEET THEREFROM;

THENCE SOUTHEASTERLY ALONG SAID ARC AND RIGHT-OF-WAY LINE, 645.63 FEET;

THENCE SOUTH 89° 16' 00" WEST, 221.27 FEET;

THENCE SOUTH 0° 44' 00" EAST, 281.14 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID BASELINE ROAD;

THENCE SOUTH 89° 16' 00" WEST, 1,369.69 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

A NON-EXCLUSIVE RECIPROCAL EASEMENT AS TO THE FOLLOWING TWO (2) PARCELS; AS CREATED BY INSTRUMENT RECORDED IN DOCKET 9935, PAGE 459, AND RE-RECORDED IN DOCKET 10762, PAGE 93.

PARCEL NO. 3:

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34;

THENCE NORTH 89° 57' 51" WEST, ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 541.62 FEET;

THENCE NORTH 0° 02' 09" EAST, A DISTANCE OF 55.00 FEET TO A POINT ON A CURVE WHOSE RADIUS IS NORTH 0° 02' 09" EAST, A DISTANCE OF 30.00 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 47.12 FEET TO A POINT OF TANGENCY;

THENCE NORTH 0° 02' 09" EAST, A DISTANCE OF 73.96 FEET TO A POINT ON A CURVE WHOSE RADIUS POINT IS SOUTH 89° 57' 51" EAST, A DISTANCE OF 1,172.77 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 635.50 FEET TO A POINT OF TANGENCY;

THENCE NORTH 31° 05' 00" EAST, A DISTANCE OF 595.70 FEET TO A POINT ON A CURVE WHOSE RADIUS POINT IS NORTH 58° 55' 00" WEST, A DISTANCE OF 1,282.77 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 296.53 FEET TO THE INTERSECTION OF SAID CURVE WITH THE EAST LINE OF SAID SECTION 34;

THENCE SOUTH 0° 59' 59" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1,543.79 FEET TO THE POINT OF BEGINNING;

EXCEPT:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34;

THENCE NORTH 00° 59' 59" EAST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1,435.95 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 68° 06' 17" WEST, TO A POINT ON THE WESTERLY LINE OF PROPERTY DESCRIBED IN DEED RECORDED IN DOCKET 8046, PAGE 315, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE TO ITS INTERSECTION WITH THE EAST LINE OF SAID SECTION 34;

THENCE SOUTH 0° 59' 59" WEST ALONG THE EAST LINE OF SAID SECTION 34 TO THE TRUE POINT OF BEGINNING;

AND

EXCEPT THE FOLLOWING:

COMMENCING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN FROM WHICH THE SOUTHEAST CORNER THEREOF BEARS SOUTH 89° 57' 51" EAST 626.62 FEET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN;

THENCE NORTH 0° 02' 09" EAST ALONG THE CENTERLINE OF RURAL ROAD 85.00 FEET;

THENCE SOUTH 89° 57' 51" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 55.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 0° 02' 09" EAST, 73.96 FEET TO A POINT ON THE ARC OF A CIRCLE, THE CENTER OF WHICH BEARS SOUTH 89° 57' 51" EAST, 1,172.77 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CIRCLE 108.87 FEET;

THENCE SOUTH 84° 38' 43" EAST, 246.01 FEET;

THENCE SOUTH 0° 02' 09" WEST, 189.87 FEET TO A POINT 55.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER;

THENCE NORTH 89° 57' 51" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER 220.00 FEET TO A POINT ON THE ARC OF A CIRCLE THE CENTER OF WHICH BEARS NORTH 0° 02' 09" EAST 30.00 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CIRCLE 47.12 FEET TO THE POINT OF BEGINNING, COMPRISING LAKE COUNTRY PLAZA, PHASE 1, ACCORDING TO BOOK 147 OF MAPS, PAGE 13, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 4:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE NORTH 0° 59' 59" EAST, ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 1,435.95 FEET;

THENCE SOUTH 68° 06' 17" EAST, A DISTANCE OF 1,515.08 FEET TO A POINT OF TANGENCY WITH THE ARC OF A CIRCLE, THE CENTER OF WHICH BEARS SOUTH 21° 53' 43" WEST, A DISTANCE OF 701.35 FEET;

THENCE SOUTHEASTERLY ALONG SAID ARC, A DISTANCE OF 824.68 FEET;

THENCE SOUTH 0° 44' 00" EAST, A DISTANCE OF 205.00 FEET TO THE SOUTH LINE OF SAID SECTION 35;

THENCE SOUTH 89° 16' 00" WEST, A DISTANCE OF 1873.37 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID SECTION 35 AND THE POINT OF BEGINNING;

EXCEPT:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE NORTH 89° 16' 00" EAST, 229.23 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 0° 44' 00" WEST, 55.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF BASELINE ROAD AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89° 16' 00" WEST, 220.85 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT ON THE MONUMENT LINE OF A NON-EXCLUSIVE EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTH 0° 44' 00" WEST, 360.65 FEET ALONG SAID MONUMENT LINE TO A POINT ON THE ARC OF A CIRCLE, THE CENTER OF WHICH BEARS NORTH 1° 26' 48" EAST, 486.50 FEET THEREFROM;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC, 216.17 FEET;

THENCE SOUTH 24° 00' 43" EAST, 25.50 FEET TO A POINT ON THE ARC OF A SECOND CIRCLE CONCENTRIC WITH THE FIRST CIRCLE, SAID ARC BEING THE EAST RIGHT-OF-WAY LINE OF SAID EASEMENT AND THE CENTER OF SAID SECOND CIRCLE BEING SITUATED NORTH 24° 00' 43" WEST, 512.00 FEET FROM THE POINT ON SAID ARC;

THENCE SOUTH 0° 44' 00" EAST, 376.48 FEET TO THE POINT OF BEGINNING;

AND

EXCEPT:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE NORTH 89° 16' 00" EAST, 229.23 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 0° 44' 00" WEST, 55.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF BASELINE ROAD AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 0° 44' 00" WEST, 376.48 FEET TO A POINT ON THE ARC OF A CIRCLE, THE CENTER OF WHICH BEARS NORTH 24° 00' 43" WEST, 512.00, SAID ARC BEING THE EAST RIGHT-OF-WAY LINE OF A NON-EXCLUSIVE EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTH 24° 00' 43" WEST, 25.50 FEET TO A POINT ON THE ARC OF A SECOND CIRCLE, CONCENTRIC WITH THE FIRST CIRCLE, THE CENTER OF WHICH BEARS NORTH 24° 00' 43" WEST, 486.50 FEET, SAID ARC BEING THE MONUMENT LINE OF SAID EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC 57.30 FEET;

THENCE NORTH 59° 14' 24" EAST, 691.13 FEET ALONG SAID MONUMENT LINE TO A POINT OF TANGENCY WITH ARC OF A THIRD CIRCLE, THE CENTER OF WHICH BEARS NORTH 30° 45' 36" WEST, 140.00 FEET THEREFROM;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC 91.25 FEET;

THENCE NORTH 21° 53' 43" EAST, 119.51 FEET ALONG SAID MONUMENT LINE TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LAKESHORE DRIVE AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS;

THENCE SOUTH 68° 06' 17" EAST, 490.32 FEET ALONG SAID RIGHT-OF-WAY LINE TO A POINT OF TANGENCY WITH THE ARC OF A FOURTH CIRCLE, THE CENTER OF WHICH BEARS SOUTH 21° 53' 43" WEST, 661.36 FEET THEREFROM;

SOUTHEASTERLY ALONG SAID ARC AND RIGHT-OF-WAY LINE, 645.63 FEET;

THENCE SOUTH 89° 16' 00" WEST, 221.27 FEET;

THENCE SOUTH 0° 44' 00" EAST, 281.14 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID BASELINE ROAD;

THENCE SOUTH 89° 16' 00" WEST, 1,369.69 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING;

EXCEPT:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE NORTH 89° 16' 00" EAST, 1,598.92 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 0° 44' 00" WEST, 55.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BASELINE ROAD AS RECORDED IN DOCKET 9278, PAGE 982 AND 984, RECORDS OF MARICOPA COUNTY, ARIZONA AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 0° 44' 00" WEST, 281.144 FEET;

THENCE NORTH 89° 16' 00" EAST, 221.27 FEET TO A POINT ON THE ARC OF A CIRCLE, SAID ARC BEING THE WEST RIGHT-OF-WAY LINE OF LAKESHORE DRIVE AS RECORDED IN DOCKET 9278, PAGES 982 AND 984, RECORDS OF MARICOPA COUNTY, ARIZONA AND THE CENTER OF SAID CIRCLE BEING SITUATED SOUTH 77° 49' 46" WEST, 661.35 FEET FROM THE POINT MENTIONED;

THENCE SOUTHEASTERLY ALONG SAID ARC, 132.017 FEET;

THENCE SOUTH 0° 44' 00" EAST, 120.00 FEET TO A POINT OF TANGENCY WITH THE ARC OF A CIRCLE, THE CENTER OF WHICH BEARS SOUTH 89° 16' 00" WEST, 30.00 FEET THEREFROM;

THENCE SOUTHWESTERLY ALONG SAID ARC 47.124 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF AFOREMENTIONED BASELINE ROAD;

THENCE SOUTH 89° 16' 00" WEST, 204.40 FEET TO THE POINT OF BEGINNING.

TOTAL AREA IS 25.45 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # PAD10003** 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

City of Tempe
Development Services Department
31 E. 5th Street
Tempe, AZ. 85281

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 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 has submitted Application No. **PL090467** to the City requesting that the City approve the following:

- for development of the following real property (Property):

TOTAL AREA IS 25.45 GROSS ACRES.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;
THENCE NORTH 89° 16' 00" EAST, 229.23 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST
QUARTER;

THENCE NORTH 0° 44' 00" WEST, 55.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BASELINE ROAD AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89° 16' 00" WEST, 220.85 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT ON THE MONUMENT LINE OF A NON-EXCLUSIVE EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTH 0° 44' 00" WEST, 360.65 FEET ALONG SAID MONUMENT LINE TO A POINT ON THE ARC OF A CIRCLE THE CENTER OF WHICH BEARS NORTH 1° 26' 48" EAST, 486.50 FEET THEREFROM;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC, 216.17 FEET;

THENCE SOUTH 24° 00' 43" EAST, 25.50 FEET TO A POINT ON THE ARC OF A SECOND CIRCLE CONCENTRIC WITH THE FIRST CIRCLE, SAID ARC BEING THE EAST RIGHT-OF-WAY LINE OF SAID EASEMENT AND THE CENTER OF SAID SECOND CIRCLE BEING SITUATED NORTH 24° 00' 43" WEST, 512.00 FEET FROM THE POINT ON SAID ARC;

PARCEL NO. 2:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE NORTH 89° 16' 00" EAST, 229.23 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 0° 44' 00" WEST, 55.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BASELINE ROAD AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 0° 44' 00" WEST, 376.48 FEET TO A POINT ON THE ARC OF A CIRCLE THE CENTER OF WHICH BEARS NORTH 24° 00' 43" WEST, 512.00 FEET, SAID ARC BEING THE EAST RIGHT-OF-WAY LINE OF A NON-EXCLUSIVE EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTH 24° 00' 43" WEST, 25.00 FEET TO A POINT ON THE ARC OF A SECOND CIRCLE, CONCENTRIC WITH THE FIRST CIRCLE, THE CENTER OF WHICH BEARS NORTH 24° 00' 43" WEST, 486.50 FEET, SAID ARC BEING THE MONUMENT LINE OF THE SAID EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC, 57.30 FEET;

THENCE NORTH 59° 14' 24" EAST, 691.13 FEET ALONG SAID MONUMENT LINE TO A POINT OF TANGENCY WITH THE ARC OF A THIRD CIRCLE, THE CENTER OF WHICH BEARS NORTH 30° 45' 36" WEST, 140.00 FEET THEREFROM;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC 91.25 FEET;

THENCE NORTH 21° 53' 43" EAST, 119.51 FEET ALONG SAID MONUMENT LINE TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LAKESHORE DRIVE AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS;

THENCE SOUTH 68° 06' 17" EAST, 490.32 FEET ALONG SAID RIGHT-OF-WAY LINE TO A POINT OF TANGENCY WITH THE ARC OF A FOURTH CIRCLE, THE CENTER OF WHICH BEARS SOUTH 21° 53' 43" WEST, 661.35 FEET THEREFROM;

THENCE SOUTHEASTERLY ALONG SAID ARC AND RIGHT-OF-WAY LINE, 645.63 FEET;

THENCE SOUTH 89° 16' 00" WEST, 221.27 FEET;

THENCE SOUTH 0° 44' 00" EAST, 281.14 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID BASELINE ROAD;

THENCE SOUTH 89° 16' 00" WEST, 1,369.69 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

A NON-EXCLUSIVE RECIPROCAL EASEMENT AS TO THE FOLLOWING TWO (2) PARCELS; AS CREATED BY INSTRUMENT RECORDED IN DOCKET 9935, PAGE 459, AND RE-RECORDED IN DOCKET 10762, PAGE 93.

PARCEL NO. 3:

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34;

THENCE NORTH 89° 57' 51" WEST, ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 541.62 FEET;

THENCE NORTH 0° 02' 09" EAST, A DISTANCE OF 55.00 FEET TO A POINT ON A CURVE WHOSE RADIUS IS NORTH 0° 02' 09" EAST, A DISTANCE OF 30.00 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 47.12 FEET TO A POINT OF TANGENCY;

THENCE NORTH 0° 02' 09" EAST, A DISTANCE OF 73.96 FEET TO A POINT ON A CURVE WHOSE RADIUS POINT IS SOUTH 89° 57' 51" EAST, A DISTANCE OF 1,172.77 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 635.50 FEET TO A POINT OF TANGENCY;

THENCE NORTH 31° 05' 00" EAST, A DISTANCE OF 595.70 FEET TO A POINT ON A CURVE WHOSE RADIUS POINT IS NORTH 58° 55' 00" WEST, A DISTANCE OF 1,282.77 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 296.53 FEET TO THE INTERSECTION OF SAID CURVE WITH THE EAST LINE OF SAID SECTION 34;

THENCE SOUTH 0° 59' 59" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1,543.79 FEET TO THE POINT OF BEGINNING;

EXCEPT:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34;

THENCE NORTH 00° 59' 59" EAST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1,435.95 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 68° 06' 17" WEST, TO A POINT ON THE WESTERLY LINE OF PROPERTY DESCRIBED IN DEED RECORDED IN DOCKET 8046, PAGE 315, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE TO ITS INTERSECTION WITH THE EAST LINE OF SAID SECTION 34;

THENCE SOUTH 0° 59' 59" WEST ALONG THE EAST LINE OF SAID SECTION 34 TO THE TRUE POINT OF BEGINNING;

AND

EXCEPT THE FOLLOWING:

COMMENCING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN FROM WHICH THE SOUTHEAST CORNER THEREOF BEARS SOUTH 89° 57' 51" EAST 626.62 FEET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN;

THENCE NORTH 0° 02' 09" EAST ALONG THE CENTERLINE OF RURAL ROAD 85.00 FEET;

THENCE SOUTH 89° 57' 51" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 55.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 0° 02' 09" EAST, 73.96 FEET TO A POINT ON THE ARC OF A CIRCLE, THE CENTER OF WHICH BEARS SOUTH 89° 57' 51" EAST, 1,172.77 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CIRCLE 108.87 FEET;

THENCE SOUTH 84° 38' 43" EAST, 246.01 FEET;

THENCE SOUTH 0° 02' 09" WEST, 189.87 FEET TO A POINT 55.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER;

THENCE NORTH 89° 57' 51" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER 220.00 FEET TO A POINT ON THE ARC OF A CIRCLE THE CENTER OF WHICH BEARS NORTH 0° 02' 09" EAST 30.00 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CIRCLE 47.12 FEET TO THE POINT OF BEGINNING, COMPRISING LAKE COUNTRY PLAZA, PHASE 1, ACCORDING TO BOOK 147 OF MAPS, PAGE 13, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 4:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE NORTH 0° 59' 59" EAST, ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 1,435.95 FEET;

THENCE SOUTH 68° 06' 17" EAST, A DISTANCE OF 1,515.08 FEET TO A POINT OF TANGENCY WITH THE ARC OF A CIRCLE, THE CENTER OF WHICH BEARS SOUTH 21° 53' 43" WEST, A DISTANCE OF 701.35 FEET;

THENCE SOUTHEASTERLY ALONG SAID ARC, A DISTANCE OF 824.68 FEET;

THENCE SOUTH 0° 44' 00" EAST, A DISTANCE OF 205.00 FEET TO THE SOUTH LINE OF SAID SECTION 35;

THENCE SOUTH 89° 16' 00" WEST, A DISTANCE OF 1873.37 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID SECTION 35 AND THE POINT OF BEGINNING;

EXCEPT:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE NORTH 89° 16' 00" EAST, 229.23 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 0° 44' 00" WEST, 55.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF BASELINE ROAD AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89° 16' 00" WEST, 220.85 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT ON THE MONUMENT LINE OF A NON-EXCLUSIVE EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTH 0° 44' 00" WEST, 360.65 FEET ALONG SAID MONUMENT LINE TO A POINT ON THE ARC OF A CIRCLE, THE CENTER OF WHICH BEARS NORTH 1° 26' 48" EAST, 486.50 FEET THEREFROM;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC, 216.17 FEET;

THENCE SOUTH 24° 00' 43" EAST, 25.50 FEET TO A POINT ON THE ARC OF A SECOND CIRCLE CONCENTRIC WITH THE FIRST CIRCLE, SAID ARC BEING THE EAST RIGHT-OF-WAY LINE OF SAID EASEMENT AND THE CENTER OF SAID SECOND CIRCLE BEING SITUATED NORTH 24° 00' 43" WEST, 512.00 FEET FROM THE POINT ON SAID ARC;

THENCE SOUTH 0° 44' 00" EAST, 376.48 FEET TO THE POINT OF BEGINNING;

AND

EXCEPT:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE NORTH 89° 16' 00" EAST, 229.23 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 0° 44' 00" WEST, 55.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF BASELINE ROAD AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 0° 44' 00" WEST, 376.48 FEET TO A POINT ON THE ARC OF A CIRCLE, THE CENTER OF WHICH BEARS NORTH 24° 00' 43" WEST, 512.00, SAID ARC BEING THE EAST RIGHT-OF-WAY LINE OF A NON-EXCLUSIVE EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTH 24° 00' 43" WEST, 25.50 FEET TO A POINT ON THE ARC OF A SECOND CIRCLE, CONCENTRIC WITH THE FIRST CIRCLE, THE CENTER OF WHICH BEARS NORTH 24° 00' 43" WEST, 486.50 FEET, SAID ARC BEING THE MONUMENT LINE OF SAID EASEMENT FOR PRIVATE ROADWAY AND PUBLIC UTILITIES;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC 57.30 FEET;

THENCE NORTH 59° 14' 24" EAST, 691.13 FEET ALONG SAID MONUMENT LINE TO A POINT OF TANGENCY WITH ARC OF A THIRD CIRCLE, THE CENTER OF WHICH BEARS NORTH 30° 45' 36" WEST, 140.00 FEET THEREFROM;

THENCE NORTHEASTERLY ALONG SAID MONUMENT LINE ARC 91.25 FEET;

THENCE NORTH 21° 53' 43" EAST, 119.51 FEET ALONG SAID MONUMENT LINE TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LAKESHORE DRIVE AS RECORDED IN DOCKET 9278, PAGES 982 THROUGH 984, MARICOPA COUNTY RECORDS;

THENCE SOUTH 68° 06' 17" EAST, 490.32 FEET ALONG SAID RIGHT-OF-WAY LINE TO A POINT OF TANGENCY WITH THE ARC OF A FOURTH CIRCLE, THE CENTER OF WHICH BEARS SOUTH 21° 53' 43" WEST, 661.36 FEET THEREFROM;

SOUTHEASTERLY ALONG SAID ARC AND RIGHT-OF-WAY LINE, 645.63 FEET;

THENCE SOUTH 89° 16' 00" WEST, 221.27 FEET;

THENCE SOUTH 0° 44' 00" EAST, 281.14 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID BASELINE ROAD;

THENCE SOUTH 89° 16' 00" WEST, 1,369.69 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING;

EXCEPT:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE NORTH 89° 16' 00" EAST, 1,598.92 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 0° 44' 00" WEST, 55.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BASELINE ROAD AS RECORDED IN DOCKET 9278, PAGE 982 AND 984, RECORDS OF MARICOPA COUNTY, ARIZONA AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 0° 44' 00" WEST, 281.144 FEET;

THENCE NORTH 89° 16' 00" EAST, 221.27 FEET TO A POINT ON THE ARC OF A CIRCLE, SAID ARC BEING THE WEST RIGHT-OF-WAY LINE OF LAKESHORE DRIVE AS RECORDED IN DOCKET 9278, PAGES 982 AND 984, RECORDS OF MARICOPA COUNTY, ARIZONA AND THE CENTER OF SAID CIRCLE BEING SITUATED SOUTH 77° 49' 46" WEST, 661.35 FEET FROM THE POINT MENTIONED;

THENCE SOUTHEASTERLY ALONG SAID ARC, 132.017 FEET;

THENCE SOUTH 0° 44' 00" EAST, 120.00 FEET TO A POINT OF TANGENCY WITH THE ARC OF A CIRCLE, THE CENTER OF WHICH BEARS SOUTH 89° 16' 00" WEST, 30.00 FEET THEREFROM;

THENCE SOUTHWESTERLY ALONG SAID ARC 47.124 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF AFOREMENTIONED BASELINE ROAD;

THENCE SOUTH 89° 16' 00" WEST, 204.40 FEET TO THE POINT OF BEGINNING.

PROJECT ADDRESS

1030 EAST BASELINE ROAD TEMPE, AZ 85282

By signing below, Owner voluntarily waives any right to claim compensation for diminution in Property value under A.R.S. §12-1134 that may now or in the future exist as a result of the City's approval of the above-referenced Application, including any conditions, stipulations and/or modifications imposed as a condition of approval.

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

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

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

Dated this _____ day of _____, 2010.

(Signature of Owner)

(Printed Name)

(Signature of Owner)

(Printed Name)

State of _____)
) ss
County of _____)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2010, by

(Signature of Notary)

(Notary Stamp)

Location Map



LAKE COUNTRY VILLAGE (PL090467)

**REZONING FROM PCC-2 TO PCC-2 PAD OVERLAY
AND
USE PERMIT FOR RESIDENTIAL WITHIN PCC-2
FOR
LAKE COUNTRY VILLAGE
A
MIXED-USE REDEVELOPMENT PLAN**

1030 EAST BASELINE ROAD (PARCEL #: 133-38-001-M)



APPLICATION NO. PL090467

Prepared by:
Paul E. Gilbert / Dennis M. Newcombe
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c/o Dennis Newcombe (480) 429-3100 facsimile
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**Prepared: February 2, 2010
Updated: March 5, 2010**

Lake Country Village – 1030 East Baseline Road – Narrative

March 5, 2010

Page 1 of 8

DEVELOPMENT TEAM

PROPERTY OWNER:

LCV Property Inc.

c/o Cushman & Wakefield

APPLICANT:

Cushman & Wakefield of Florida, Inc.
One Tampa City Center, Suite 3600
Tampa, Florida 33602
Office: (813) 223-6300

Contact: Jennifer Patterson

APPLICANT'S REPRESENTATIVE:

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Contact: Dennis M. Newcombe
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ARCHITECT:

F+A Architects
117 East Colorado Boulevard
Pasadena, California 91105
Office: (626) 351-2500

Contact: Robert Lee Gilley AIA

TRAFFIC ENGINEER:

Kimley-Horn and Associates, Inc.
7878 North 16th Street, Suite 300
Phoenix, Arizona 85020
Office: (602) 906-1334

Contact: John Bartlett, P.E.

PROJECT NARRATIVE

I. INTRODUCTION.

This application regards a proposed mixed-use redevelopment plan for an existing shopping center located east of the northeast corner of Rural and Baseline Roads or 1030 East Baseline Road, comprising approximately 25.45 net acres (the “Site”) on land currently zoned PCC-2 (Planned Commercial Center Comprehensive) district. The request is to add a Planned Area Development (“PAD”) Overlay District to the existing PCC-2 zoning district to allow for a flexible and appropriate mixed-use development project at this location. The PAD is necessary to modify the development standards within the PCC-2 zoning district, such as: building height, side yard building setback, and parking standards in order to prepare the Site for such a mixed-use development that will blend with the area and encourage optimal use of the property. In addition, a companion Use Permit request for residential within the PCC-2 zoning district is being applied for to allow for a true mixed-use destination and sustainable development as envisioned by the City and the property owner. To that end, it is our client’s goal to prepare this Site for a future market/developer while still being in line with the City of Tempe’s goals/objectives for the area and this property along with creating the highest quality of standards and long term economic balance.

The following language below is from the Smart Growth.com website and reflects many of the ideals that the proposed request is trying to accomplish for this Site and the City as a whole.

“Smart Growth supports the integration of mixed land uses into communities as a critical component of achieving better places to live. By putting uses in close proximity to one another, alternatives to driving, such as walking or biking, once again become viable. Mixed land uses also provides a more diverse and sizable population and commercial base for supporting viable public transportation. It can enhance the vitality and perceived security of an area by increasing the number and attitude of the people on the street. It helps streets, public spaces and pedestrian oriented retail again become places where people meet, attracting pedestrians back onto the street and helping to revitalize community life.

Mixed land uses can convey substantial fiscal and economic benefits. Commercial uses in close proximity to residential areas are often reflected in higher property values, and therefore help raise local tax receipts. Businesses recognize the benefits associated with areas able to attract more people, as there is increased economic activity when there are more people in an area to shop. In today’s service economy, communities find that by mixing land uses, they make their neighborhoods attractive to workers who increasingly balance quality of life criteria with salary to determine where they will settle. Smart growth provides a means for communities to alter the planning context which currently renders mixed land uses illegal in most of the country.”

Furthermore, it is clear this Site is ideally situated to serve the ideals expressed above as a mixed-use development due to its size, mix of uses, location to the freeway/transit systems, employment, established neighborhoods, and ASU. The proposed mixed-use development is envisioned to attract professionals, graduates, professors, empty-nesters, and most importantly the surrounding neighborhoods to shop, live, and recreate. Thus, this will enhance the quality of life for those living in and around this development.

With that being said, the accompanying information reflects in more depth the proposal for this Site. We would also like to formally thank the Planning Staff for all of their assistance to date, and for their time in processing this application.

II. LOCATION AND SURROUNDINGS.

The Site is bounded by Baseline Road (a major arterial road) on the south; Lakeshore Drive (a collector road) on the northeast/east, and two (2) private streets (Minton Drive and Jentilly Lane) on the northwest/west. In addition, the Site is bound by residential (multi-story owner occupied/rental units) to the south; offices to the northeast/east, and residential multi-story apartments/gas station/restaurant-bar to the northwest/west. Finally, the Site has easy bus access with a pull out on the south side of the property and within walking distance to Rural Road's bus service (approx. 600') along with easy access to the freeways (U.S. 60 and State Route 101).

The property has been underutilized for many years and with the recent adoption of the City of Tempe's General Plan for the property to be "Live/Work Mixed Use and Medium to High Density (25 du/ac) Residential" has allowed for the proposed redevelopment of the Site into something much more profitable, sustainable, and long term. Based on a comprehensive land use perspective, this intensity of development will complement and support the surrounding zoning and existing/proposed developments extremely well. The proposed mixed-use development is ideally situated to provide a vital transition between the office and commercial/retail uses, while also serving those specific office workers, and creating a gathering place as well as more commercial/retail opportunities for the surrounding residences in the area.

The proposed mixed-use development will provide both a visual and physical buffers from Baseline Road, while still attracting the attention of drivers to enter the Site. Vehicular/pedestrian access to the Site will actually be enhanced with the addition of a potential traffic signal along Baseline Road, which will serve to provide reasonable vehicular gaps for users entering/exiting along Baseline Road as well as a safe mid-point pedestrian crossing for those living south of Baseline Road. Furthermore, the overall redevelopment will establish a pattern/design theme along a heavily traveled commercial/retail corridor of Tempe. The concept site plan proposed has been designed with that in mind and with the utmost sensitivity to the existing users in the area.

Finally, the proposal will help support, balance, and encourage reinvestment that is currently occurring in the area and along Baseline Road.

III. CONFORMANCE WITH THE GENERAL PLAN.

This request complies with many of the goals and objectives within the City of Tempe's *General Plan 2030*. The land use designation for this site is "Live/Work Mixed Use and Medium to High Density (25 du/ac) Residential." This land use designation encourages a creatively designed development that is reflective of a "village" concept with opportunities to live, work, and recreate in the same development or within close proximity. The proposed request complies with the City's General Plan by integrating commercial/retail, office, and residential uses into one development plan which would share parking, open space, access, etc. The concept site plan and companion Use Permit request complies with the projected residential density of 25 dwelling units per acre for the entire 25.45 acre Site with standalone residential units and potential residential units above the commercial/retail area. In addition, the proximity of amenities/services along with the configuration of residences within the proposed concept site plan encourages an enhanced level of interaction. Furthermore, the existing residences in the immediate area will gravitate to the Site for the services and amenities offered.

With that said, it is envisioned that the residences in the area and the City as a whole will find this Site to be an ideal landmark and community base. Many residences in the area will easily be able to walk or bike, to the property. The level of intensity proposed will certainly promote a "village" environment both onsite as well as offsite. Thus, the proposed redevelopment of the Site is compatible with the vision and intent proposed by the General Plan along with protecting/stabilizing the existing neighborhoods and directing density/intensity to key areas within the City.

IV. PAD REQUEST.

The PAD is necessary to modify the development standards within the PCC-2 zoning district, such as: building height, side yard building setback, and parking standards in order to prepare the Site for such a mixed-use redevelopment that will blend with the area and encourage optimal use of the property. It is our client's vision to prepare and provide the utmost flexibility of this Site for a future developer while still being in line with the City of Tempe's goals/objectives for the area and this property, including creating the highest quality of standards and long term economic balance. It is important to note that the proposed concept plan is just that and should not be construed as the final building layout or proposed mix of uses. Once a developer is retained the Site layout, design, and mix of uses will be determined at the time of the Development Plan Review process, which will be for public review and approval by the Development Review Commission/City Council. The current PAD overlay request allows for those necessary development standards to be modified, which are critical for building such a mixed-use project, as well as for marketing/development purposes when the market dictates. Thus, the mix of uses in addition to the residential competent (townhouses, apartments, and condos) are key to the success of the concept site plan shown with this request, and if properly designed will provide a sense of place for those residents living both onsite and offsite. More importantly, a mix of housing types/incomes (i.e., workforce) ensures that people of various economic/age levels necessary for sustaining the mix of uses envisioned.

Finally, since this Site is currently located in a more suburban type context, access needs to be balanced between both vehicular and non-vehicular means through multiple driveway connections, sidewalk crossings/connections, transit stops with access points, and bicycle access points/routes. Also, retail users must have good visibility and signage as well as some street loaded parking due to the high volume thoroughfare of Baseline Road in order to draw vehicles into the property to be financially successful. A good hybrid mixed-use design (suburban-urban) can accommodate these needs in a sustainable way. However, the ultimate redevelopment of this Site with the elements of a strong mixed-use “village” (i.e., good connectivity, walkability, higher density, mix of uses, etc.) will certainly strengthen/enhance those non-vehicular modes of transportation as well as encourage future public transit extensions making the Site more accessible via alternative modes of transportation; thus, benefiting the area and the entire City.

To that end, the subsequent approval of the PAD request to modify the development standards below, which will allow for a mixed-use development, will encourage reinvest more quickly along with providing a visually appealing landmark/destination for those living within the area.

PAD modified development standards.

1. Additional height from 40’ to 55’ top of roof (65’ to top of mechanical penthouse/parapet, if necessary.)
2. Side yard building setback from 30’ to 0’.
3. Parking shall be 3.25 per 1,000 sf of commercial, retail, office, restaurant, etc. use.

It is clear, the approval of this PAD request and the modified development standards above will not result in any negative impacts, but will only have positive impacts by supporting and enhancing the overall area, enhancing/diversifying the City’s tax base, and increasing/diversifying the City’s housing stock.

V. USE PERMIT REQUEST FOR RESIDENTIAL.

As stated earlier, a companion Use Permit request for residential within the PCC-2 zoning district is being applied for to allow for a true mixed-use destination and sustainable development as envisioned by the City and the property owner.

This Use Permit request complies with many of the goals and objectives within the City of Tempe’s *General Plan 2030*. As stated, the land use designation for this site is “Live/Work Mixed Use and Medium to High Density (25 du/ac) Residential.” This land use designation encourages a creatively designed development that is reflective of a “village” concept with opportunities to live, work, and recreate in the same development or within close proximity. The proposed Use Permit request complies with the City’s General Plan by integrating commercial/retail, office, and residential uses into one development plan with shared parking,

open space, access, amenities/services, etc. Thus, the proposed Use Permit request fulfills the projected residential density of 25 dwelling units per acre for the entire 25.45 acre Site with a mix of residential types; i.e., standalone walk-up residential units along Lakeshore Drive and Minton Drive, condo/flats, units above the proposed commercial/retail area, and apartment style living. The style, unit configuration, and type of residential product will be market driven and determined at a later date. However, as stated earlier, once a developer is retained the residential layout, design, and mix will be determined at that time and it will be processed via the City's Development Plan Review process. With that said, it is clear the proximity of shared amenities/services along with the configuration of residences within the proposed concept mixed-use site plan works well to encourage an enhanced level of interaction and long term sustainability while still being compatible with the surrounding neighborhoods.

In conclusion, the subsequent approval of this necessary and appropriate proposed Use Permit request will not impact any of the following factors below, but may actually improve upon many of them. Thus, pursuant to the Zoning and Development Code (*Section 6-308, E.2*), the proposed residential use will...

1. *not cause any significant increase in vehicular or pedestrian traffic, and*

The existing street network and pedestrian connections outside the property will not be significantly impacted by the proposed residential units. The current built environment can handle the proposed residential units and subsequent vehicular as well as pedestrian traffic. In fact, the redevelopment of the Site will help improve vehicular and pedestrian traffic by encouraging/expanding alternative modes of transportation, capturing multiple trips on Site due to the mixed-use nature of the proposal, and adding a potential traffic signal along Baseline Road.

2. *not cause a nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions, and*

The existing built environment along with the property location adjacent to a major street (Baseline Road) will not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions. In fact, the residential units proposed along with the subsequent height of the buildings will actually reduce/buffer noise from Baseline Road or the interior portions of the proposed development as well as reduce dust and heat/glare along Lakeshore and Minton Drives.

3. *not contribute to the deterioration of the neighborhood or to the downgrading of property values which, is 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, and*

The residential units proposed will not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City.

In fact, the addition of residential units to the Site will help stabilize and/or encourage additional reinvestment within the overall area.

4. *be compatible with existing surrounding structures and uses, and*

The Site is bounded by Baseline Road (a major arterial road) on the south; Lakeshore Drive (a collector road) on the northeast/east, and two (2) private streets (Minton Drive and Jentilly Lane) on the northwest/west. In addition, the Site is bound by residential (multi-story owner occupied/rental units) to the south with varying heights from 2-5 stories; offices to the northeast/east from 1-2 stories; 2-3 story apartments to the northwest; a gas station to the west, and a restaurant-bar to the west. Thus, the residential units proposed along with the subsequent height of the buildings will be compatible with existing surrounding structures and uses.

5. *provide adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.*

The residential units proposed will be bound by a master association for the entire proposed redevelopment project as well as either a homeowner's association or apartment association, which would be similar to or greater control than most of the surrounding area. Thus, we do not envision any disruptive behavior which may create a nuisance to the surrounding area or general public with this request. In fact, the addition of residential units along Lakeshore and Minton Drives will improve security and deter nuisances by "energizing" those streets as well as putting "eyes" on those streets.

Again, the approval of this Use Permit will not result in any negative impacts as stated above, but will have positive impacts by supporting and enhancing the overall area and encourage the redevelopment of the Site.

VI. CONCLUSION.

In summation, it is clear that our client has worked diligently to provide for a future mixed-use development that will blend with the area and encourage the optimal use of the property. In addition, is our client's vision to prepare the property for the utmost flexibility for a future developer while still maintaining the City of Tempe's goals/objectives for the area and the City's long term economic balance. Thus, the ultimate approval of the PAD Overlay District and Use Permit for residential within the PCC-2 zoning district will be the first major step in the process of providing a much needed mixed-use development in this area. Moreover, it is the primary desire of our client to be that catalyst for bringing forth a dynamic project and additional reinvestment to the area. We therefore respectfully request your consideration and approval.

Again, thank you for your continued assistance and time in reviewing this request.

NEIGHBORHOOD MEETING MINUTE NOTES

Thursday, March 4, 2010

6:30 p.m. – 8:00 p.m.

- Dennis Newcombe opened the meeting with a brief introduction of the parties including himself and Lindsay Schube with Beus Gilbert (applicant/legal representatives) as well as John Fransen with the The Fransen Company, Inc. (property owner representative) and Kevin O'Melia with the City of Tempe.
- Dennis gave an overview of the location of the project as well as the current and proposed rezoning. Additionally, Dennis touched on the existing conditions and the current General Plan designation.
- The presentation then moved on to describe the proposed mixed use project. Mr. Newcombe fully explained the proposed uses, site layout, setback reductions, parking modifications, and height proposed as well as potential architecture for the overall redevelopment project.
- John Fransen added some additional information.
- Mr. Newcombe and Mr. Fransen opened the discussion up for questions.

QUESTIONS ASKED BY RESIDENTS

1. How many housing units are proposed?

430 residential units with 175 potential residential loft units as part of the mixed use portion for a total of 605 residential units on the entire property. This will be market driven especially in the mixed use portion of the property, which could be office or a mix of office/residential on the upper levels.

2. Will there be and speculative development?

No, there is currently no debt on the property and the owners have owned this property since the 1970's. The thought is to rezone the property to be ready for when the market returns. However, it is important to note that this is not speculative development proposed for this property, and it will only be built when we have a builder and the market is in place to sustain it.

3. What is the timeline for development?

The timeline for redevelopment can not be answered at this time it will be completely market driven. However, the Big Lot's relocation could occur first in 3 years and the remainder being redeveloped in 5 years. We are hoping sooner, but again this will be market driven.

4. When is the soonest that the project will be started and the soonest it will be completed?

Again, if we were to venture a guess, it will likely start with redeveloping the Big Lots portion of the project. The new Big Lot's building will be located on the west side of the lot and, again, we just do not know when that will be.

5. What types of tenants do you think you will get for the mixed use portion of the project? The residents I represent are concerned with a Big Lots as part of the project, that you can upgrade the plaza with higher-tier tenants.

Again, we do not know at this time what type of tenants we are going to get until we market the project fully. However, we do see a transition in uses from the most westerly portion of the project, which will include the Big Lot's and a typical small grocery store layout to, as you move east, the more mixed use portion. The mixed use portion of the project, we hope to have a variety of different tenants who can serve the community. It's the vision not to create a regional-type center like Kierland Commons, but to meet the needs of the neighborhood—for example, a dry cleaner or other similar type neighborhood uses.

6. How many parking spots have you reserved for residential parking?

We will meet the requirements set forth by the City of Tempe for parking. We have preformed the City's shared parking model analysis, which determined that the small amount we lack in parking will be easily handled by the different types of uses; i.e., office, that occur at different peak-hours of the day. However, we need to make the parking numbers work for the tenants and the ratio proposed will accomplish that goal. We will have underground parking too. Thus, it does not behoove anyone to over park the property (too expensive) and we therefore believe we have provided ample parking on the site for the uses proposed.

7. Can we confirm that there will be no off-site parking?

The private streets located are split in ownership between our client's property and the other adjacent properties. We are showing angled or parallel parking spots along that portion of the private streets directly adjacent to our client's property. It is important to also stress the need for the additional traffic signal along Baseline Road for everyone (pedestrians and cars). We are working diligently with the City in order to install that traffic signal, which will help the neighborhood.

8. What is the maximum potential height for the project?

As stated by Mr. Newcombe earlier, there is a 55 foot height maximum height (top of roof) on the project with a potential for an additional 10 feet for screening air conditioning units/mechanical items (a.k.a. mechanical penthouse/parapets). It is unlikely we would use all 10 feet. It is more likely that it would be 7 feet or much less. It is important to note that the additional height for the mechanical penthouse/parapets will blend architecturally with the buildings as required by the City at the time of the Development Plan Review process.

9. Are there any single story buildings for the proposed project?

Yes. The goal of the project is to have a variety of heights and architecture in order to keep the project interesting for the consumers, tenants, and the residents.

10. Have we planned or approached the City with regard to any tax incentives, reduction in fees for building permits or waiver of permit fees or sales tax rebates as we move through the process?

The only thing we have met with the City on to date is potentially some affordable senior housing or workforce housing. Again, this is nothing that has been solidified; it's just an idea that we have and we talked with the City about. Workforce housing and a mixture of different housing types, styles, age groups, and incomes is important for long term success of this redevelopment project. We are looking at the full spectrum of housing to compliment the proposed uses for long term sustainability.

11. In the City of Tempe, I see many empty lots or tenant displacement. Right now, I believe Tempe has an elevated price point and there is a dip in new or current students in the population of the elementary schools. What do you plan to deal with these issues and what is the price point for the residential units?

We believe that it is very important to have a variety of price points in this project to allow for some potential workforce housing, but also potentially a professor from ASU. We are exploring all opportunities at this point. Again, there will be no speculative development for either the retail or the commercial portions and it will be built according to the market.

12. What happens if a portion of the project is developed and another portion is not? Will we be left with a dirt lot similar to what has occurred on the Mervyns site?

You will likely be seeing the existing buildings for a while. Again, due to the fact that this is not speculative building, we will make sure that we have a builder in place and will likely develop in phases as well as an orderly fashion to leave as much of the leasable space possible. It is our belief that Big Lot's will be moved first with the residential portion being the next phase constructed or portions thereof.

13. What about the current leases in the project? For example, Quiznos, Weedmart or the water store?

At this point, we are not offering extended leases. However, our goal is to keep everyone in business and the lights on as long as possible. Of course, it is far easier to develop a new project on a raw piece of land out in the suburbs or to demolish everything at once. Infill developments and keeping tenants in the interim or moving them into phases of the redevelopment project are always more difficult. However, with that being said, we are trying to work with the current lessees/tenants and hope that we can all work together through transitional time or for some to be incorporated into the project.

14. What happened to the Village Inn restaurant?

We tried to keep them. However, they did not want to stay at their current location due to a corporate decision.

15. What is the current occupancy of the project?

20% or so occupancy. Not very good.

16. We own the Cityscape project to the north and we would be happy to see an upgrade in the current site. We believe it would be very helpful to the area. However, we are concerned because it takes a lot of hard work to keep up our occupancy. We are not sure when the apartment market will come back.

Neither do we know when the apartment market will come back, but we want to be ready when it does return.

17. Do we envision a homeowners association as a portion of the project?

Yes, likely we will develop a master association with 2 smaller associations similar to the Lakes. The 2 smaller associations will be responsible for the residential and commercial/retail, because they will have different needs (i.e. hours of operation, maintenance, etc.).

18. Of the 605 residential units, what portion will be condos and what will be apartments?

At this point, we do not know. Again, the market will drive this decision and it will have to balance before someone will want to build. It will likely be a mix of the two types (owner and renter occupied).

19. The dorms are affecting our occupancy in the area. Do you anticipate it affecting your occupancy?

Again, we will not move forward until the market has a chance to balance and there is a need in the area.

20. Do we anticipate having parking meters on the site?

No.

21. Of the 605 residential units, will there be any City requirement for a certain percentage of the units to be affordable housing?

No. We have not been told of any such thing. We believe it would be good idea to have workforce housing and a small senior housing component, but we are just exploring the possibilities/mix of housing options available at this time.

22. Will any of these facilities be congregate care facilities?

No.

23. Will the existing pads on the western portion of the property get leveled?

Yes, in all likelihood those pads will get leveled in order to construct a new building for the Big Lot's.

24. Was there any look at revamping the existing building as opposed to this plan we see in front of us which involves the demolition of the existing buildings?

To be honest, this project was just not built well from a commercial/retail center. The best commercial/retail developments are on the hard corner of two major intersecting roads, which this property is not. This property is difficult because it is also located mid-block. Additionally, the buildings are located too far from the major street, Baseline Road, and those businesses located along Baseline Road are doing well, but those not are doing poorly. The project is not walkable. We tried to revamp it and modify the center, but it was the advice of the consultants to start over with this project. This is not a regional serving facility. It is a neighborhood-friendly development and must be developed as such. To be frank, the project is just poorly designed and in order for it to succeed we must start from scratch.

25. Any thought of making it a green building?

We believe by developing a mixed use project we are looking at long-term sustainability and being "green." In addition, the cost benefit for building green has become pivotal in many new developments and most developers will explore and use all the beneficial green building technology when the time comes to construct. We believe the same will happen here.

26. Is there a plan at this point for any park, bubblers or anything for families?

Again, this project has not yet been designed. It is our intent to create a neighborhood-friendly development (a Village) with places for people to congregate and identify with as a landmark. We are excited about the fact that we are working with the City of Tempe and believe we have got a great opportunity for many pedestrian amenities within the main mixed use area. The City also requires public art for every project built, which we look forward to providing and using as an identifying marker for the project.

The formal part of the presentation as well as question/answer period was an hour long. The applicant stayed for an additional 30 minutes to answer individual questions.



LAKE COUNTRY VILLAGE

ZONING SUBMITTAL

TEMPE, ARIZONA

FEBRUARY 22, 2010



PLANNED AREA DEVELOPMENT OVERLAY FOR LAKE COUNTRY VILLAGE

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35 AND THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 4
EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

ACKNOWLEDGEMENT

ON THIS _____ DAY OF _____, 200____, BE-
FORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _____
WHO, ACKNOWLEDGED HIMSELF TO BE THE PER-
SON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT. WITHIN,
I HAVE READ THE INSTRUMENT AND KNOW THE CONTENTS THEREOF FOR THE
PURPOSES THEREIN CONTAINED.

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

BY: _____ NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

Name of _____

BY: _____ OWNER _____ DATE _____

ITS: _____

LEGAL DESCRIPTION

REFERENCE PAGE 2

APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
TEMPE ON THIS _____ DAY OF _____, 200____.

OWNER/DEVELOPER

LVC PROPERTY INC.
CUSHMAN & WAKEFIELD OF FLORIDA, INC.
ONE TAMPA CITY CENTER, SUITE 3600
TAMPA, FL

PROJECT DATA

ZONING	PCC-2	PCC-2 PAD	BUILDING	AREA
GENERAL PLAN	LIVE-WORK MIXED USE & MEDIUM DENSITY (UP TO 25 D.U./AC)	LIVE-WORK MIXED USE & MEDIUM DENSITY (UP TO 25 D.U./AC)	A	76,000
GROSS SITE	-	25.45 ACRES	B	148,000
NET SITE	-	25.45 ACRES	C	182,000
DENSITY (UNITS/ACRE)	25 D.U./AC	25 D.U./AC	D	96,000
BUILDING HEIGHT	40'	35' ROOF (65' Top of PHIP) (P) (P)	E	226,000
BUILDING SETBACK	YES (50' BEGINNING POINT FOR STEPBACK)	YES (50' BEGINNING POINT FOR STEPBACK)	F	21,000
MAXIMUM LOT COVERAGE	50%	50%	G	13,500
MAXIMUM LANDSCAPE COVERAGE	15%	20%	H	11,000
		(221,600 SF Landscape Area / 1,108,355 SF Site Area)	I	94,000
BUILDING SETBACK	0'	0'	J	82,000
STREET SIDE	30'	0'	K	24,000
REAR	30'	30'	L	96,000
FRONT	30'	30'	M	148,000
VEHICLE PARKING *	1 Space per 300 SF = 617	3.25 spaces per 1,000 SF = 550	N	2,500
RESTAURANT/TITAVERN	1 Space per 75 SF = 400	3.25 spaces per 1,000 SF = 168	O	2,500
FITNESS CENTER	1 Space per 125 SF of sum of components (courts, daycare, office, etc. whichever is less) = 168	3.25 spaces per 1,000 SF = 65	P	2,500
OFFICE	1 Space per 300 SF = 1050	3.25 spaces per 1,000 SF = 1024	Q	5,700
	2,225	1,737	R	27,500
MULTIUNIT RESIDENTIAL			TOTAL	1,258,200
GUEST	0.2 Spaces per Unit = 86	0.2 Spaces per Unit = 86		
TOWNHOUSE	2 Spaces per Unit = 190	2 Spaces per Unit = 190		
STUDIO	1 Space per Unit = 26	1 Space per Unit = 26		
1 BEDROOM	1.5 Spaces per Unit = 233	1.5 Spaces per Unit = 233		
2 BEDROOM	2 Spaces per Unit = 320	2 Spaces per Unit = 320		
3 BEDROOM	3 Spaces per Unit = 30	3 Spaces per Unit = 30		
VEHICLE PARKING TOTAL	3,089	2,591		
BIKE PARKING *				
RESTAURANT	1 per 10,000 SF = 19	2 per 10,000 SF = 19		
OFFICE	2 per 10,000 SF = 6	3 per 10,000 SF = 6		
	56	56		
MULTIUNIT RESIDENTIAL				
GUEST	0.2 per Unit = 121	0.2 per Unit = 121		
TOWNHOUSE	0.5 per Unit = 40	0.5 per Unit = 40		
STUDIO	0.5 per Unit = 13	0.5 per Unit = 13		
1 BEDROOM	0.5 per Unit = 11	0.5 per Unit = 11		
2 BEDROOM	0.5 per Unit = 204	0.5 per Unit = 204		
3 BEDROOM	0.75 per Unit = 5	0.75 per Unit = 5		
BIKE PARKING TOTAL	600	600		
BUILDING AREAS *				
COMMERCIAL GLA	203,352 SF (EXISTING)	215,200 SF GLA		
MULTIUNIT RESIDENTIAL GBA	NA	728,000 SF GBA		
OFFICE GLA or MULTIUNIT RESIDENTIAL GBA	NA	315,000 SF GLA		
TOTAL BUILDING AREA	203,352 SF (EXISTING)	1,258,200 SF		

* Residential type, commercial, retail, office, etc. mix shall be determined at the time of development review process.

SITE VICINITY MAP



CONDITIONS OF APPROVAL: PAD 10003

PROJECT DATA

ZONING	PCC-2	PCC-2 PAD
GENERAL PLAN	LIVE/WORK MIXED USE & MEDIUM TO HIGH DENSITY (UP TO 25 du/ac)	LIVE/WORK MIXED USE & MEDIUM TO HIGH DENSITY (UP TO 25 du/ac)
GROSS SITE	-	25.45 ACRES
NET SITE	-	25.45 ACRES
DENSITY (UNITS/ACRE)	25 du/ac	25 du/ac
BUILDING HEIGHT	40'	55' ROOF (65' Top of PH/Parapet)
BUILDING STEPBACK	YES (30' BEGINNING POINT FOR STEPBACK)	YES (30' BEGINNING POINT FOR STEPBACK)
MAXIMUM LOT COVERAGE	50%	50%
MAXIMUM LANDSCAPE COVERAGE	15%	20% (221,600 SF Landscape Area / 1,108,395 SF Site Area)
BUILDING SETBACK		
FRONT	0'	0'
SIDE	30'	0'
STREET SIDE	0'	0'
REAR	30'	30'
PARKING SETBACK		
FRONT	20'	20'
STREET SIDE	20'	20'
VEHICLE PARKING *		
RETAIL	1 Space per 300 SF = 617	3.25 spaces per 1,000 SF = 550
RESTAURANT/TAVERN	1 Space per 75 SF = 400	3.25 spaces per 1,000 SF = 98
FITNESS CENTER	1 Space per 125 SF or sum of components (courts, daycare, office, etc. whichever is less) = 168	3.25 spaces per 1,000 SF = 65
OFFICE	1 Space per 300 SF = 1050	3.25 spaces per 1,000 SF = 1024
SUBTOTAL	2,235	1,737
MULTI-UNIT RESIDENTIAL		
GUEST	0.2 Spaces per Unit = 86	0.2 Spaces per Unit = 86
TOWNHOUSE	2 Spaces per Unit = 160	2 Spaces per Unit = 160
STUDIO	1 Spaces per Unit = 25	1 Spaces per Unit = 25
1 BEDROOM	1.5 Spaces per Unit = 233	1.5 Spaces per Unit = 233
2 BEDROOM	2 Spaces per Unit = 320	2 Spaces per Unit = 320
3 BEDROOM	3 spaces per Unit = 30	3 spaces per Unit = 30
SUBTOTAL	854	854
VEHICLE PARKING TOTAL	3,089	2,591
BIKE PARKING *		
RETAIL	1 per 10,000 SF = 19	2 per 10,000 SF = 19
RESTAURANT	2 per 10,000 SF = 6	3 per 10,000 SF = 6
OFFICE	3per 10,000 SF = 31	3per 10,000 SF = 32
SUBTOTAL	56	56
MULTI-UNIT RESIDENTIAL		
GUEST	0.2 per Unit = 121	0.2 per Unit = 121
TOWNHOUSE	0.5 per Unit = 40	0.5 per units = 40
STUDIO	0.5 per Unit = 13	0.5 per units = 13
1 BEDROOM	0.5 per Unit = 161	0.5 per Unit = 161
2 BEDROOM	0.5 per Unit = 204	0.5 per Unit = 204
3 BEDROOM	0.75 per Unit = 5	0.75 for Unit = 5
SUBTOTAL	544	544
BIKE PARKING TOTAL	600	600
BUILDING AREAS *		
COMMERCIAL GLA	203,352 SF (EXISTING)	215,200 SF GLA
MULTI-UNIT RESIDENTIAL GBA	NA	728,000 SF GBA
OFFICE GLA/ or MULTI-UNIT RESIDENTIAL GBA	NA	315,000 SF GLA
TOTAL BUILDING AREA	203,352 SF (EXISTING)	1,258,200 SF

* Residential type, commercial, retail, office, etc. mix shall be determined at the time of development review process.

March 2, 2010

VIA HAND DELIVERY

Andy Goh
Deputy Public Works Manager / City Engineer
City of Tempe
31 East Fifth Street
Tempe, Arizona 85281

Re: PAD Overlay Rezoning. Case Number: PL090467. Acknowledgement.
1030 East Baseline Road (Lake Country Village). Parcel # 133-38-001-M.

Dear Mr. Goh:

Please let this letter show as our acknowledgement that our proposed rezoning case (PL090467) is being sought to establish certain development parameters to meet future market demand in a mixed-use development format envisioned by the City's General Plan and the property owner. We understand and acknowledge that prior to redevelopment of the property or portion thereof any necessary plans for construction (building elevations, grading, hydraulic analysis, etc.) will be reviewed and approved by the City via the Development Plan Review and construction documents review processes and procedures.

If you have any questions, please feel free to contact me.

Very truly yours,



Authorized Representative of LCV Property Inc.

cc: Donna Hancock, City of Tempe Senior Civil Engineer. (via Hand Delivery)
Kevin O'Melia, R.A., R.L.A., City of Tempe Senior Planner. (via Hand Delivery)
Phillip Brown, City of Tempe Senior Civil Engineer – Water. (via Hand Delivery)
John Fransen. (via U.S. Mail)
Jennifer Patterson. (via U.S. Mail)
Dennis Newcombe. (via E-mail)

MAR 12 2010

PLANNED AREA DEVELOPMENT OVERLAY FOR LAKE COUNTRY VILLAGE

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35 AND THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 4
EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

REC 10008

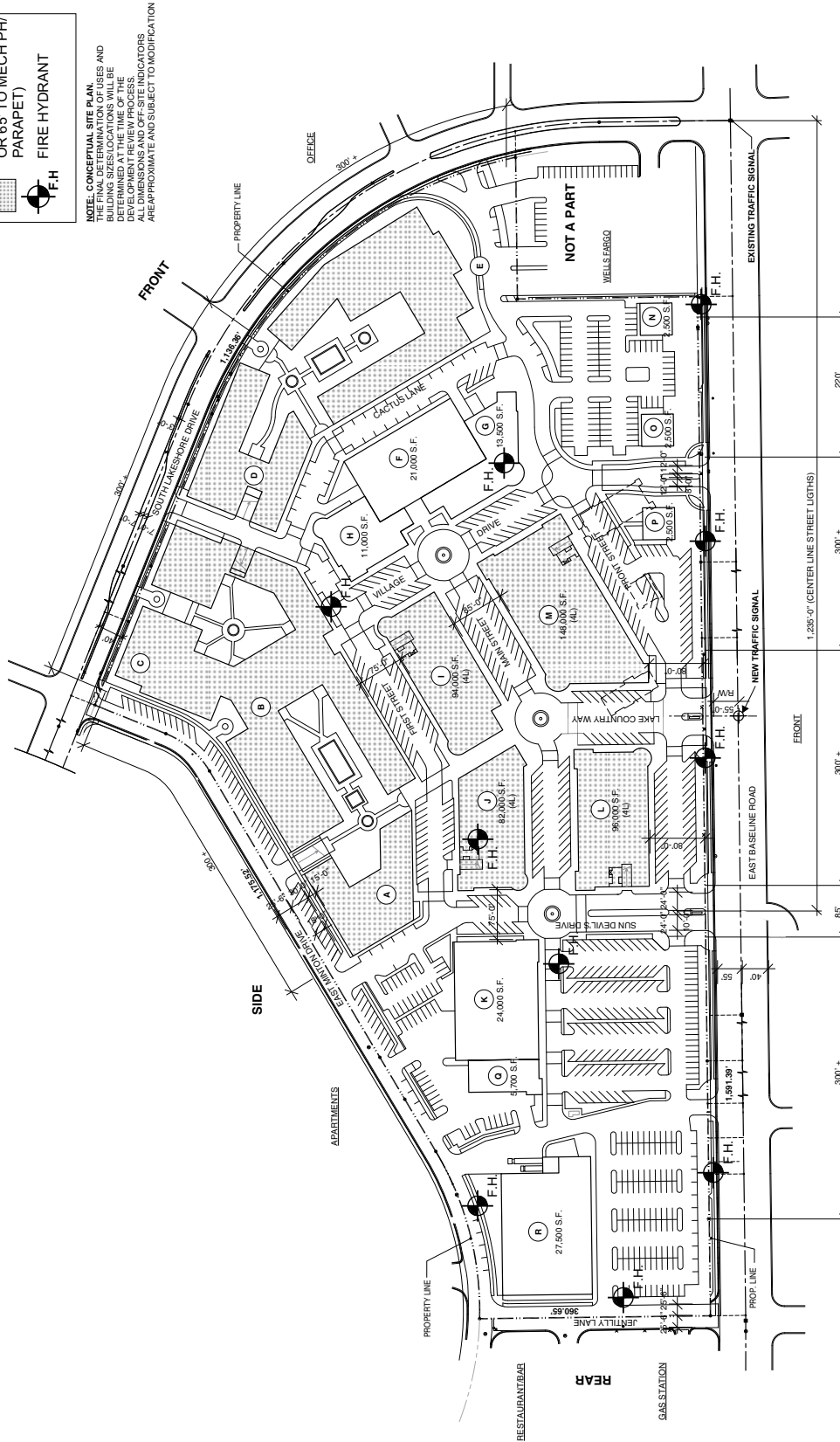
PAD 10003

DS 091291

KEY PLAN



NOTE: CONCEPTUAL SITE PLAN.
THE FINAL DETERMINATION OF USES AND
BUILDING SIZES/LOCATIONS WILL BE
DETERMINED AT THE TIME OF THE
APPROVED DEVELOPMENT PLAN.
ALL DIMENSIONS AND OFF-SITE INDICATORS
ARE APPROXIMATE AND SUBJECT TO MODIFICATION



STREETSIDE

RESIDENTIAL CONDOMINIUMS

RESIDENTIAL APARTMENTS

REC 10008

PAD 10003

DS 091291

Robert Lee Gilley AIA
R+A Architects
1111 East Colorado Boulevard
Pasadena, California 91105 USA
Phone: +1 626 371 2500
info@raaarchitects.com

LAKE COUNTRY VILLAGE
1000 EAST BASELINE ROAD
TEMPE, ARIZONA 85283
CONCEPTUAL SITE PLAN

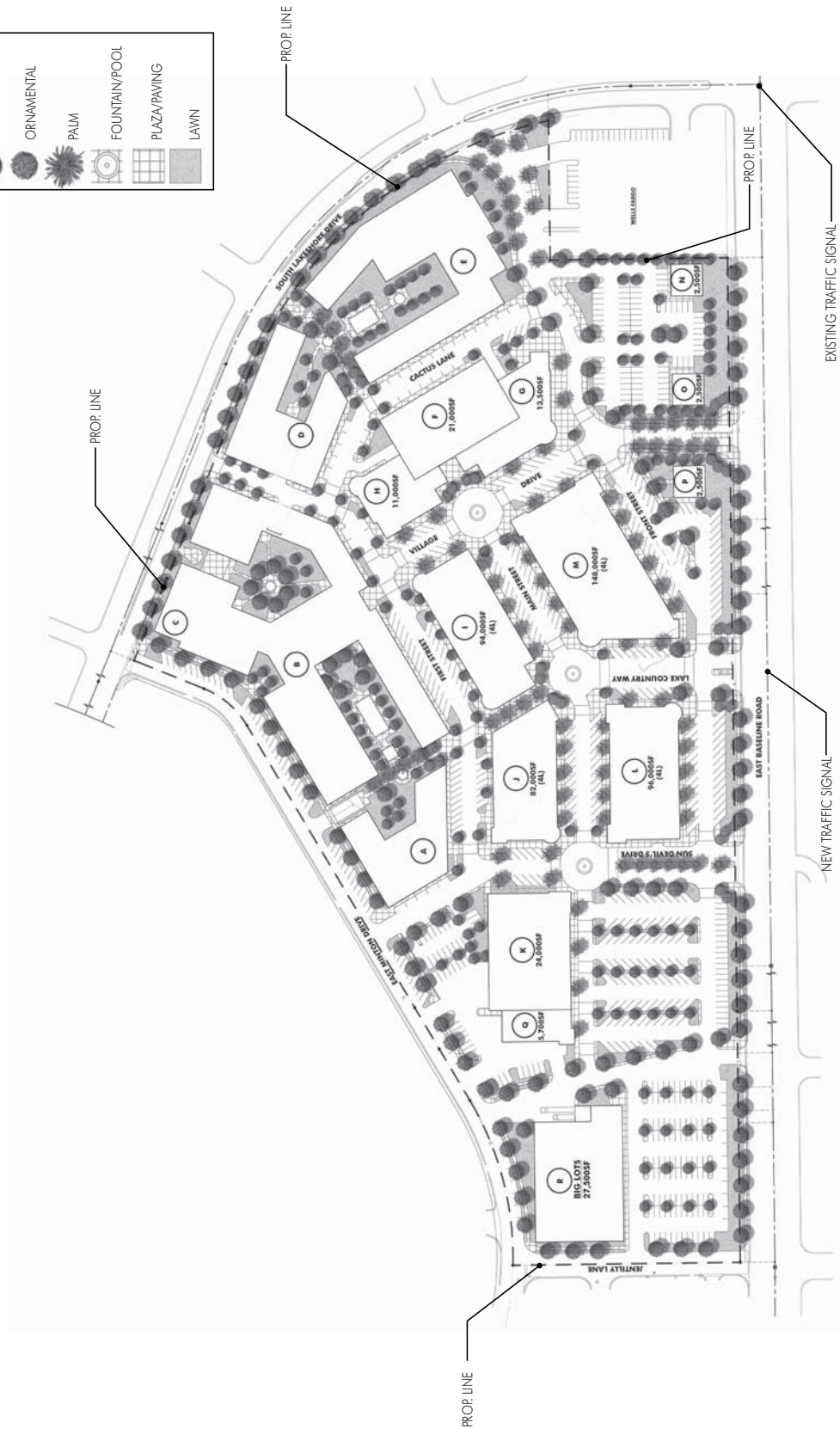
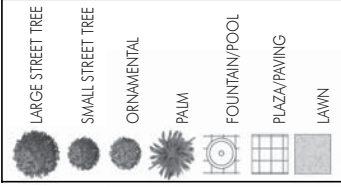
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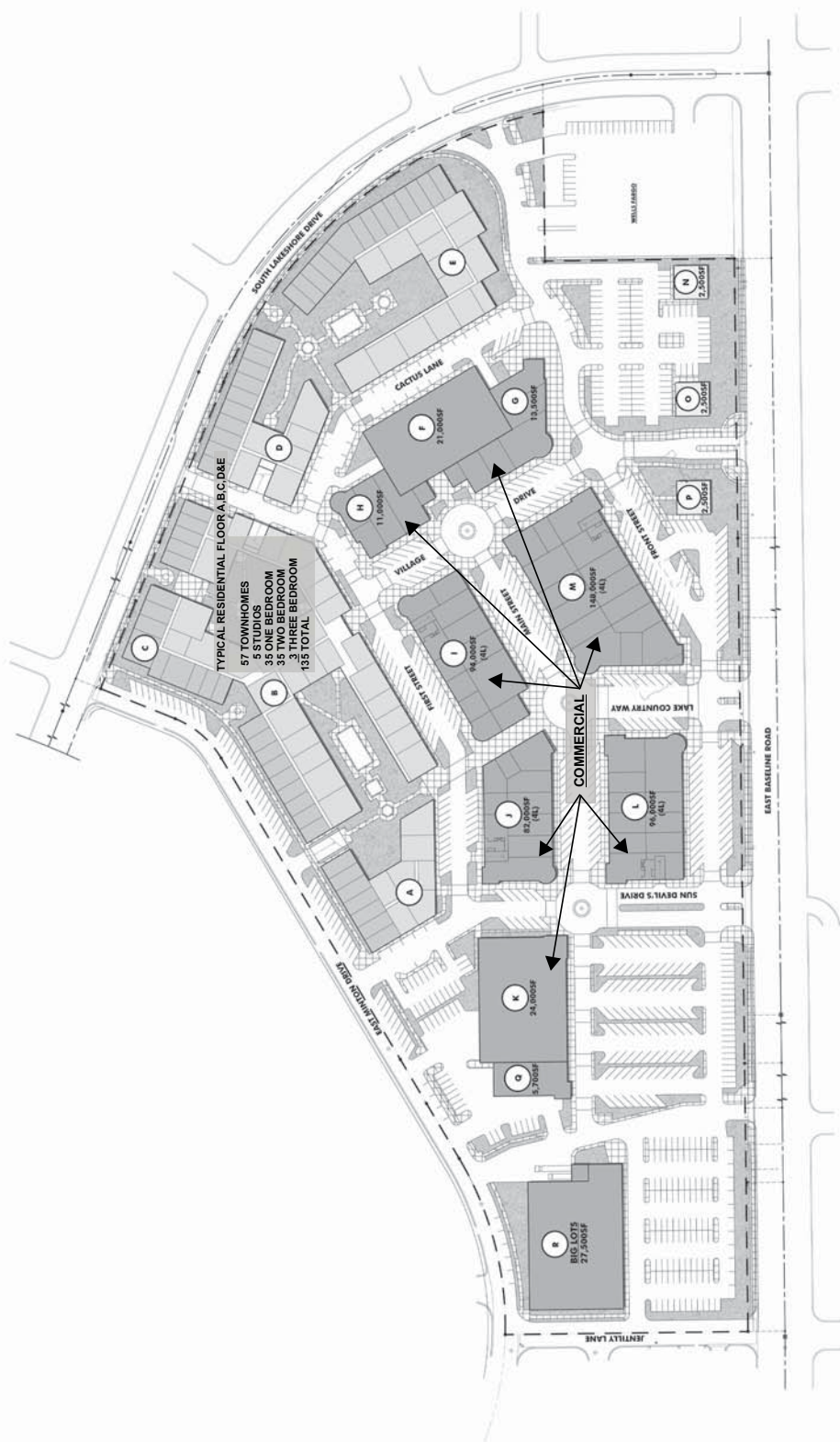


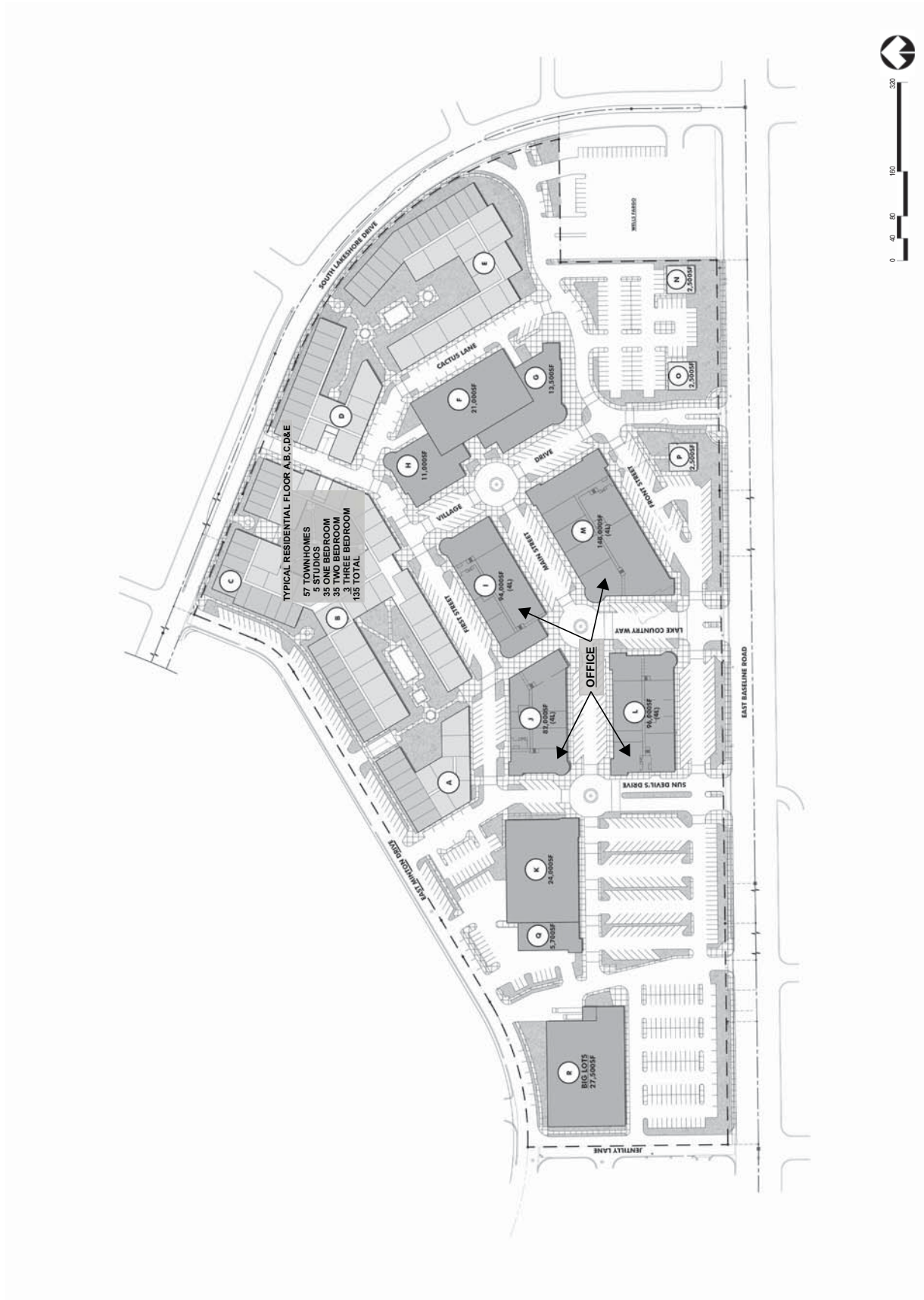


SYMBOLS













The variety of architectural images shown represent different styles which may be applicable to this compact, commercial and residential village center. The final design will comprise a harmonious style throughout with emphasis on the following:

- A "Town Square" live/work atmosphere
- Village scale
- Pedestrian scale detail, signage and lighting
- Lush landscape and street furniture
- Stepped building forms
- Outdoor café seating, plazas, fountains, paseos, etc.
- Shaded, pedestrian friendly, streets and connectors



SHARED PARKING: SATURDAY THROUGH SUNDAY

TYPE OF USE	7		8		9		10		11		12		1		2		3		4		5		6		7		8		9		10		11		12	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM		
ATHLETIC	8.4		33.6		75.6		100.8		92.4		67.2		67.2		58.8		58.8		84		75.6		58.8		42		33.6		25.2		8.4		0		0	
Health club/spa																																				
BAR	0		0		4		10		10		20		40		20		30		50		80		100		140		180		200		200		200		200	
OFFICE																																				
General	73.5		210		262.5		262.5		367.5		367.5		315		210		157.5		157.5		52.5		21		21		0		0		0		0		0	
RESTAURANT																																				
General	5.34		8.01		16.02		21.36		26.7		80.1		120.15		120.15		120.15		120.15		160.2		240.3		253.65		267		267		253.66		226.95		186.9	
RESIDENTIAL																																				
Apartment	811.3		751.52		691.74		631.96		606.34		606.34		597.8		606.34		623.42		640.5		691.74		725.9		742.98		795.68		811.3		819.84		836.92		854	
RETAIL																																				
Min. Number of Spaces	18.51		61.7		185.1		277.65		450.41		524.45		586.15		617		617		555.3		462.75		401.05		370.2		339.35		246.8		234.46		80.21		0	
	917.05		1064.83		1234.96		1304.27		1553.35		1685.59		1726.3		1632.29		1606.87		1607.45		1522.79		1547.05		1569.83		1605.63		1550.3		1516.35		1344.08		1240.9	
5% Additional (Per Parking Model)	962.90		1118.07		1296.71		1369.48		1631.02		1748.87		1812.62		1713.90		1687.21		1687.82		1598.93		1624.40		1648.32		1685.91		1627.82		1592.17		1411.28		1302.95	

SHARED PARKING: MONDAY THROUGH FRIDAY

	Type of Use	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM
	ATHLETIC Health club/spa	75.6	58.8	75.6	84	75.6	75.6	75.6	67.2	67.2	117.6	168	168	142.8	126	33.6	25.2	8.4	0
	BAR	0	0	4	20	40	40	40	20	30	50	80	100	140	180	200	200	200	200
	OFFICE General	210	661.5	976.5	1050	945	945	1018.5	976.5	808.5	493.5	241.5	73.5	73.5	31.5	31.5	0	0	0
	RESTAURANT general	5.34	13.35	26.7	53.4	80.1	133.5	186.9	160.2	160.2	133.5	186.9	240.3	267	267	267	240.3	186.9	133.5
	RESIDENTIAL Apartments	742.98	674.66	623.42	580.72	503.86	512.4	503.86	512.4	520.94	563.64	657.58	725.9	802.76	819.84	836.92	845.46	854	854
	RETAIL	49.36	111.06	259.14	419.56	536.79	598.49	617	598.49	596.15	536.79	487.43	505.94	549.13	536.79	376.37	197.44	80.21	0
	Min. Number of Spaces	1083.28	1519.37	1985.36	2207.68	2266.35	2304.99	2368.36	2376.79	2340.99	2210.03	2073.41	1981.64	1975.19	2003.13	1745.39	1539.9	1329.51	1187.5
	5% Additional (Per Parking Model)	1137.44	1595.34	2063.63	2318.06	2379.67	2420.24	2486.78	2495.63	2458.04	2320.53	2177.08	2080.72	2073.95	2103.29	1832.66	1616.90	1395.99	1246.88

Lake Country Village PL090467 - Context Photos



Picture No. 1 – Looking North



Picture No. 2 – Looking East



Picture No. 3 – Looking South



Picture No. 4 – Looking West



Picture No. 5 – Looking North



Picture No. 6 – Looking East



Picture No. 7 – Looking South



Picture No. 8 – Looking West



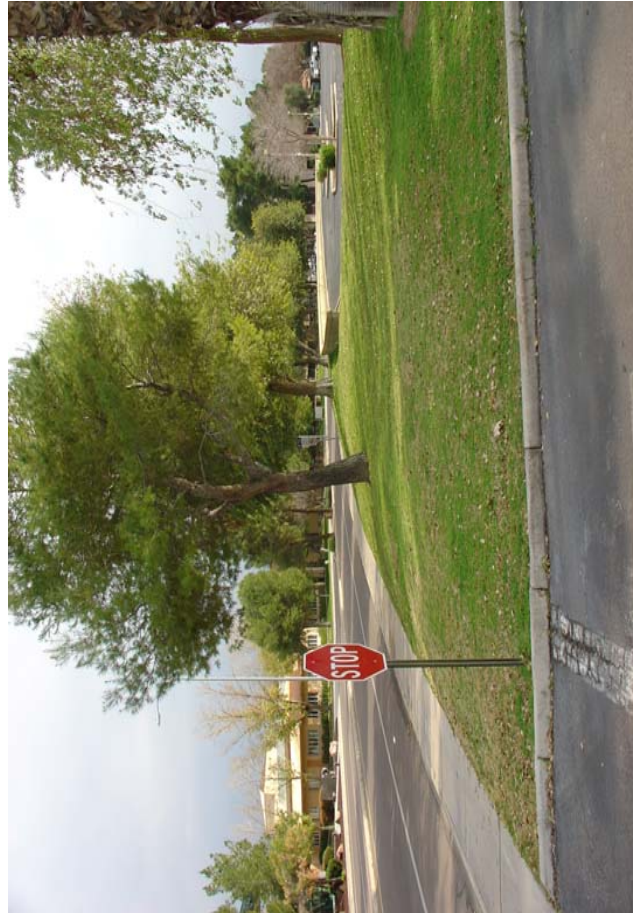
Picture No. 9 – Looking Northwest



Picture No. 10 – Looking Northeast



Picture No. 11 – Looking Southeast



Picture No. 12 – Looking Southwest



Picture No. 13 – Looking Northwest



Picture No. 14 – Looking Northeast



Picture No. 15 – Looking Southeast



Picture No. 16 – Looking Southwest



Picture No. 17 – Looking Northwest



Picture No. 18 – Looking Northeast



Picture No. 19 – Looking Southwest



Picture No. 20 – Looking North



Picture No. 21 – Looking East



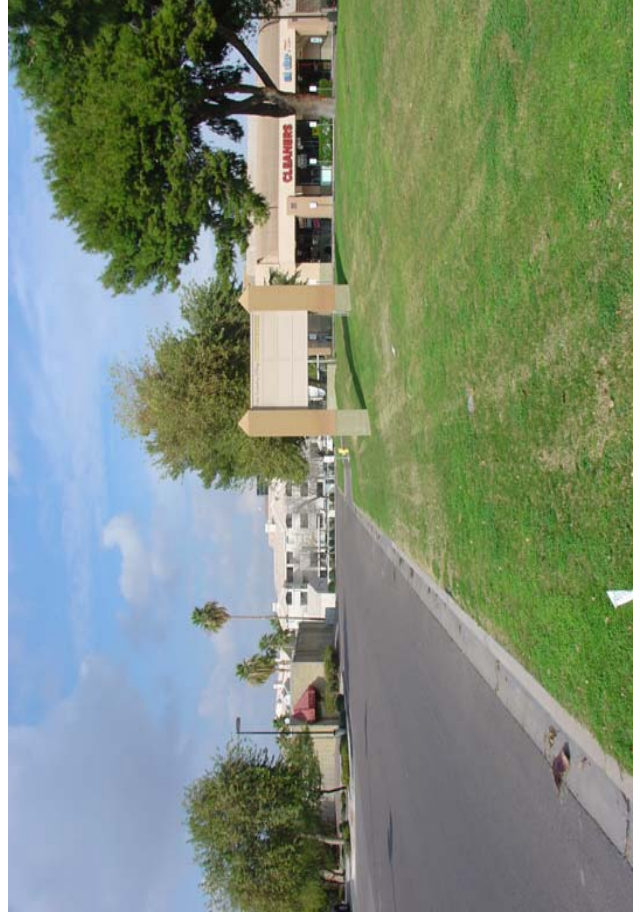
Picture No. 22 – Looking South



Picture No. 23 – Looking West



Picture No. 24 – Looking North



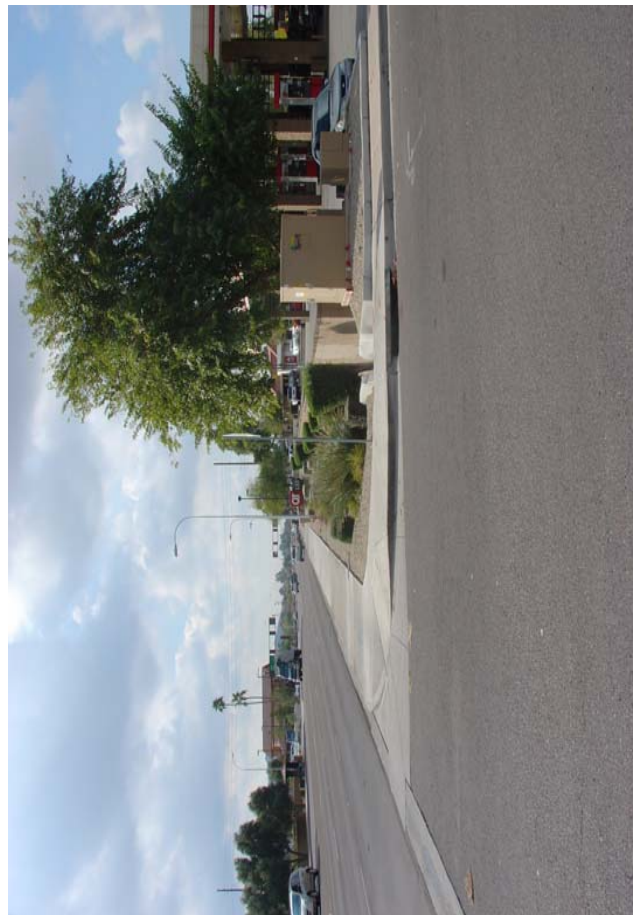
Picture No. 25 – Looking East



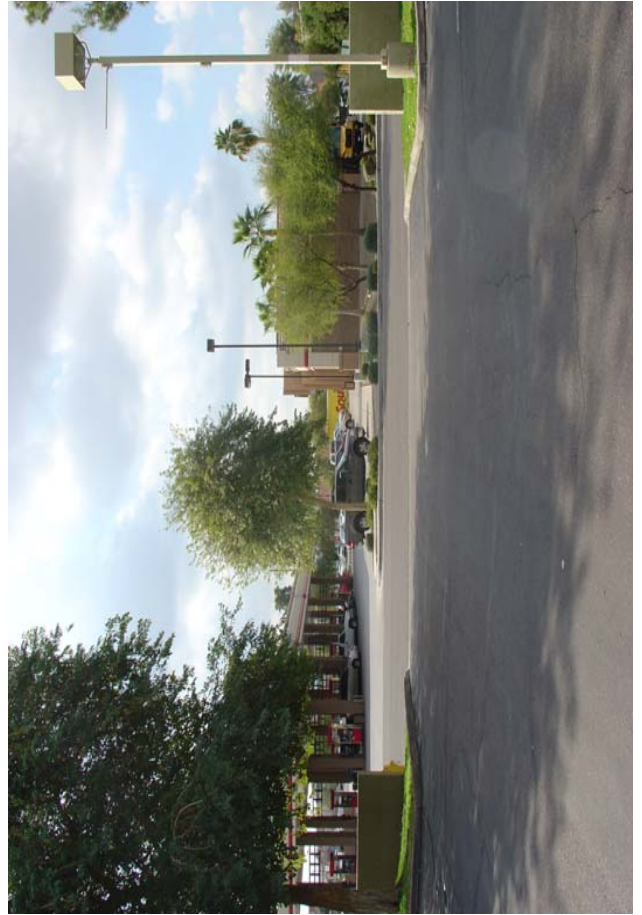
Picture No. 26 – Looking South



Picture No. 27 – Looking West



Picture No. 28 – Looking West



Picture No. 29 – Looking East



Picture No. 30 – Looking North



Picture No. 31 – Looking East



Picture No. 32 – Looking South



Picture No. 33 – Looking West



Picture No. 34 – Looking Northeast



Picture No. 35 – Looking North



Picture No. 36 – Looking East



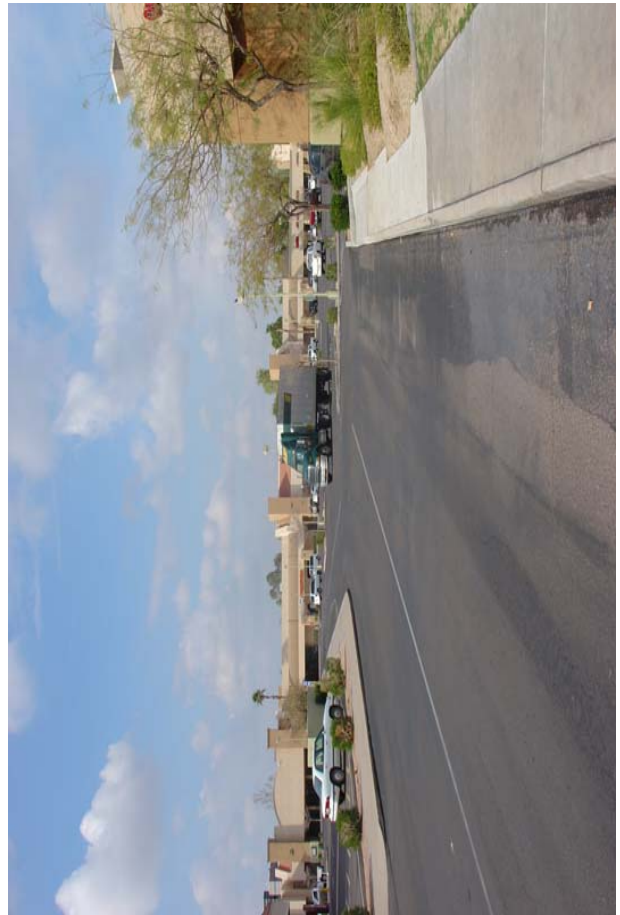
Picture No. 37 – Looking South



Picture No. 38 – Looking West



Picture No. 39 – Looking North



Picture No. 40 – Looking East



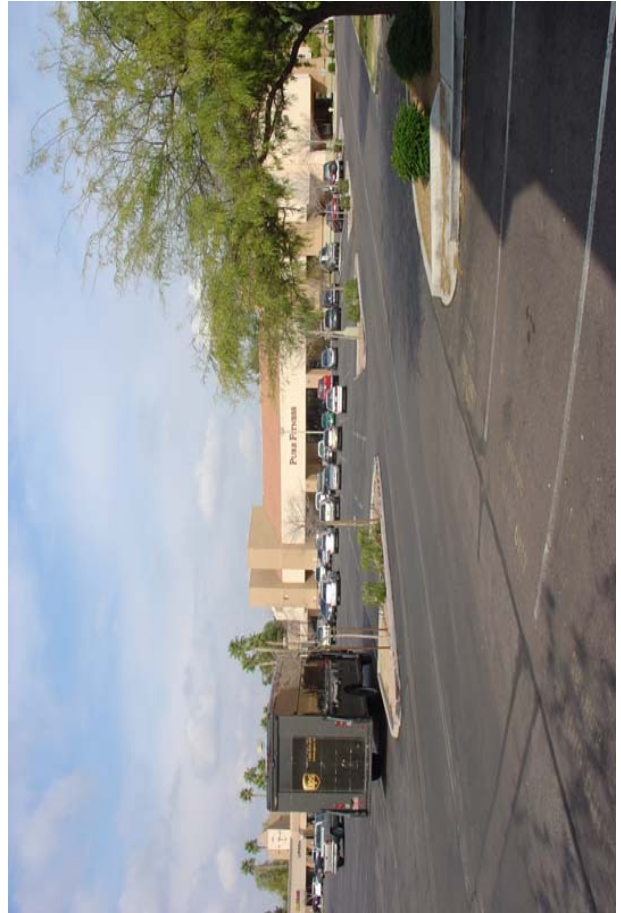
Picture No. 41 – Looking South



Picture No. 42 – Looking West



Picture No. 43 – Looking Northeast



Picture No. 44 – Looking Northwest



Picture No. 45 – Looking Southeast

