
**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 12/13/2016
Agenda Item: 9

ACTION: Request for a Code Text Amendment for RCC ZONING, consisting of changes for the RCC district development standards and establishing a density for residential requests. The applicant is the City of Tempe.

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

RECOMMENDATION: Staff – Approve

BACKGROUND INFORMATION: RCC ZONING (PL160419) consists of changes within the Zoning and Development Code, Section 4-203 and Table 4-203A – Development Standards in Commercial Districts, to allow in the RCC District, a residential density designation that is consistent with the adopted General Plan, subject to review and approval of a use permit process. The Code currently allows residential in the RCC zoning with a use permit. But the current development standards limit any density on the property. This change will amend the code to coincide with the original intent of matching the General Plan. The request includes the following:

1. Code Text Amendment for within the Zoning and Development Code for Section 4-203.

ATTACHMENTS: Ordinance

STAFF CONTACT(S): Ryan Levesque, Deputy Community Development Director (480) 858-2393

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Ryan Levesque, Deputy Community Development Director

COMMENTS:

The City of Tempe is bringing forward a Zoning and Development Code text amendment to identify a density designation for the RCC zoning district. This request stems from a prior City Council ordinance approval back in 2007 (Ordinance No. 2006.82), which allowed under the commercial permitted land use chart for "Residential (all types)", subject to approval of a use permit, in the RCC (Regional Commercial Center) District. At that the time, the Code did not designated density allowance in this zoning classification. The Residential Density standards for commercial districts are located Section 4-203 and Table 4-203A. This chart currently identifies RCC zoning to have "0" dwelling units per acre. As a result, a property owner is unable to utilize this current land use allowance.

The proposed code text amendment intends to modify the table and identify the RCC zoning to have a density of "NS" (no standard), which by the current code, and referenced in Section 4-201(B), Density, requires the density of a project to conform to the General Plan's Projected Residential Density map. There are currently only a few areas in Tempe with the RCC zoning designation: Tempe Marketplace area, Arizona Mills Mall properties, and the Tempe Emerald Center (NE of I-10 and Warner Road).

REFERENCE TO SECTION 4-201:

B. "Density. When a zoning district has a residential density of no standard (NS), the proposed density must conform to the General Plan Projected Residential Density map. Any deviation from the General Plan map shall require processing of an amendment, pursuant to Section 6-302."

PUBLIC INPUT

The draft change for the Code Text Amendment was shared with the Neighborhood Advisory Commission at the December 7, 2016 meeting. Any feedback at this time was too early to include as part of the staff report.

Conclusion

Staff recommends approval of the requested Zoning and Development Code text amendment change. The proposed changes will incorporate residential density requirements that are consistent with the General Plan 2040, for potential further processing of an application.

HISTORY & FACTS:

January 4, 2007	City Council adopts Ordinance No. 2006.82, which amended the RCC district permitted uses and allowed 'Residential (all types)' with a use permit.
December 7, 2016	Meeting schedule with the Neighborhood Advisory Commission.
December 13, 2016	Development Review Commission scheduled public hearing for this request.
January 12, 2017	City Council proposed introduction and first public hearing for this request.
January 26, 2017	City Council's proposed second and final public hearing for this request.
February 25, 2017	Potential effective date of ordinance.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendments (including Overlay Districts) and Code Text Amendments

ORDINANCE NO. O2017.____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 4 – DEVELOPMENT STANDARDS, SECTIONS 4-203, PERTAINING TO DEVELOPMENT STANDARDS FOR COMMERCIAL DISTRICTS.

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

SECTION 1. That Section 4-203 of the Zoning and Development Code, pertaining to Table 4-203A – Development Standards in Commercial Districts and modifying the residential density standard under the RCC district, is hereby amended to read as follows:

Table 4-203A – Development Standards in Commercial Districts (1)							
Standard	R/O	CSS (2)	CC	PCC-1	PCC-2	RCC	Use Permit Standard
Residential Density (DU/acre)	10	20 (U)	NS	15 (U)	25 (U)	0 NS	NA
Building Height [Exceptions, see Section 4-205(A)]							
Building Height Maximum	30 ft	35 ft	50 ft	35 ft	40 ft	75 ft	20%
Building Height Step-Back Required Adjacent to SF or MF District, [Section 4-404, Building Height Step-Back]	No	No	Yes	Yes	Yes	No	NA
Maximum Lot Coverage (% of net site area)	35%	50%	NS	50%	50%	50%	20%
Minimum Landscape Area (% of net site area)	30%	15%	NS	15%	15%	15%	10%
Setbacks (a) [Exceptions, see Section 4-205(B)]							
Front	15 ft	0 ft	0 ft	0 ft	0 ft	25 ft	10%
Parking	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	10%
Side							
Building Wall	10 ft	0 ft	0 ft	30 ft	30 ft	25 ft	10%
Common Wall	10 ft	0 ft	0 ft	0 ft	0 ft	25 ft	10%
Rear – Building Wall	10 ft	10 ft	0 ft	30 ft	30 ft	25 ft	10%
Street Side	10 ft	0 ft	0 ft	0 ft	0 ft	25 ft	10%
Parking	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	10%

NS = No Standard. NA = Not Applicable. (U) = Denotes *use permit* requirement in those districts.

(1) An *overlay district* may modify the above standards. See Part 5.

(2) CSS district formerly known as CCR, C-1 and C-2 districts.

(a) See also, Section 3-401 for *setbacks* applying to *accessory structures* and *buildings*.

SECTION 2. 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 _____, 2017.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney