

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 9/22/2020
Agenda Item: 3**

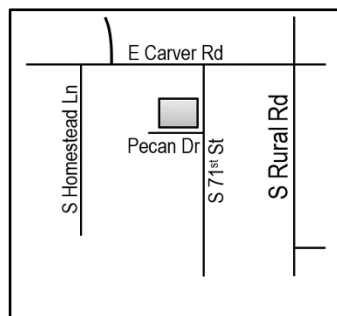
ACTION: Request a Use Permit Standard to reduce the required building (ramada) north side setback from 20 to 16 feet for THE LIM RESIDENCE, located at 520 East Pecan Place. The applicant is Meridian Development.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: THE LIM RESIDENCE (PL200126) is a new single-family residence located on Lot 3 of the Saylor Estates subdivision near the southwest corner of South 71st Street and East Carver Road in the AG, Agricultural District. The applicant is requesting reductions to the required side yard setback to accommodate the construction of a new ramada. The ramada will stand 15 feet above grade and will cover 360 square-feet in area. The request includes the following:

ZUP200039 Use Permit Standard to reduce the north side building (ramada) setback from 20 to 16 feet.



Property Owner	Lim Family Living Trust
Applicant	Mitchell Foy, Meridian Development
Zoning District	AG
Site Area	60,260 s.f.
Building Area	6,936 s.f.
Lot Coverage	11.5% (25% max. required)
Building Setbacks	40' front, 48' side, 45' street side, 35' rear (40', 20', 25', 35' min. required)
Ramada Setbacks	80' rear, 16' side (35', 20' min. required)
Ramada Height	15' (30' max. required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Lee Jimenez, Senior Planner
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

This site is located between East Carver Road, East Warner Road, South 71st Street, and South Homestead Lane. The property was previously addressed at 11622 South 71st Street until recently when the address was changed to 520 East Pecan Place.

PUBLIC INPUT

A neighborhood meeting was not required, and no public comments were received as of the publishing date of this staff summary report.

USE PERMIT STANDARD

The proposed design requires a Use Permit Standard to reduce the required side building setback by twenty percent (20%) from 20 to 16 feet within the AG zoning district.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed use and setback reduction is intended for the single-family residence and is not expected to significantly increase vehicular or pedestrian traffic.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; the proposed use and setback reduction is not expected to generate emissions that would otherwise cause a nuisance to the surrounding area.
3. *Contribution 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*; the proposed use and setback reduction is permitted with a Use Permit Standard in the AG zoning district and is consistent with City adopted policy plans. Furthermore, the ramada will add value to the property and surrounding neighborhood.
4. *Compatibility with existing surrounding structures and uses*; the proposed use and setback reduction is compatible with nearby structures and uses.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; the propose use and setback reduction is not expected to create disruptive behavior since the ramada is intended for the single-family residence.

REASONS FOR APPROVAL:

Based on the information provided by the applicant and the above analysis, staff supports the requested Use Permit Standard. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold)

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

1. The Use Permit Standard is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit Standard is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.

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.

USE PERMIT STANDARD:

- The Use Permit Standard approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- 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 <http://www.tempe.gov/zoning> or purchase from Development Services.
- Any expansions to the ramada may require a new Use Permit Standard.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit Standard is void.

HISTORY & FACTS:

May 2, 2017

Hearing Officer approved a Use Permit Standard to reduce the required front yard building setback from 40 feet to 32 feet for the CALHOUN RESIDENCE (PL170099), located at 11640 South 71st Street in the AG, Agricultural District.

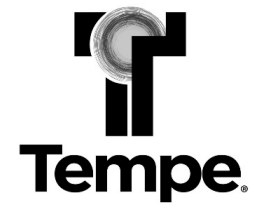
June 19, 2018

Hearing Officer approved the following for the CALHOUN RESIDENCE (PL180142), located at 11640 South 71st Street in the AG, Agricultural District:

1. Use Permit Standard to reduce the required rear yard setback from 35 feet to 28 feet.
2. Use Permit Standard to reduce the required south side yard setback from 20 feet to 16 feet.

ZONING AND DEVELOPMENT CODE REFERENCE:

- Section 3-102 Permitted Uses in Residential Districts
- Section 3-401 Accessory Buildings, Uses and Structures
- Section 4-201A Use Permit Standard
- Section 4-202 Development Standards for Residential Districts



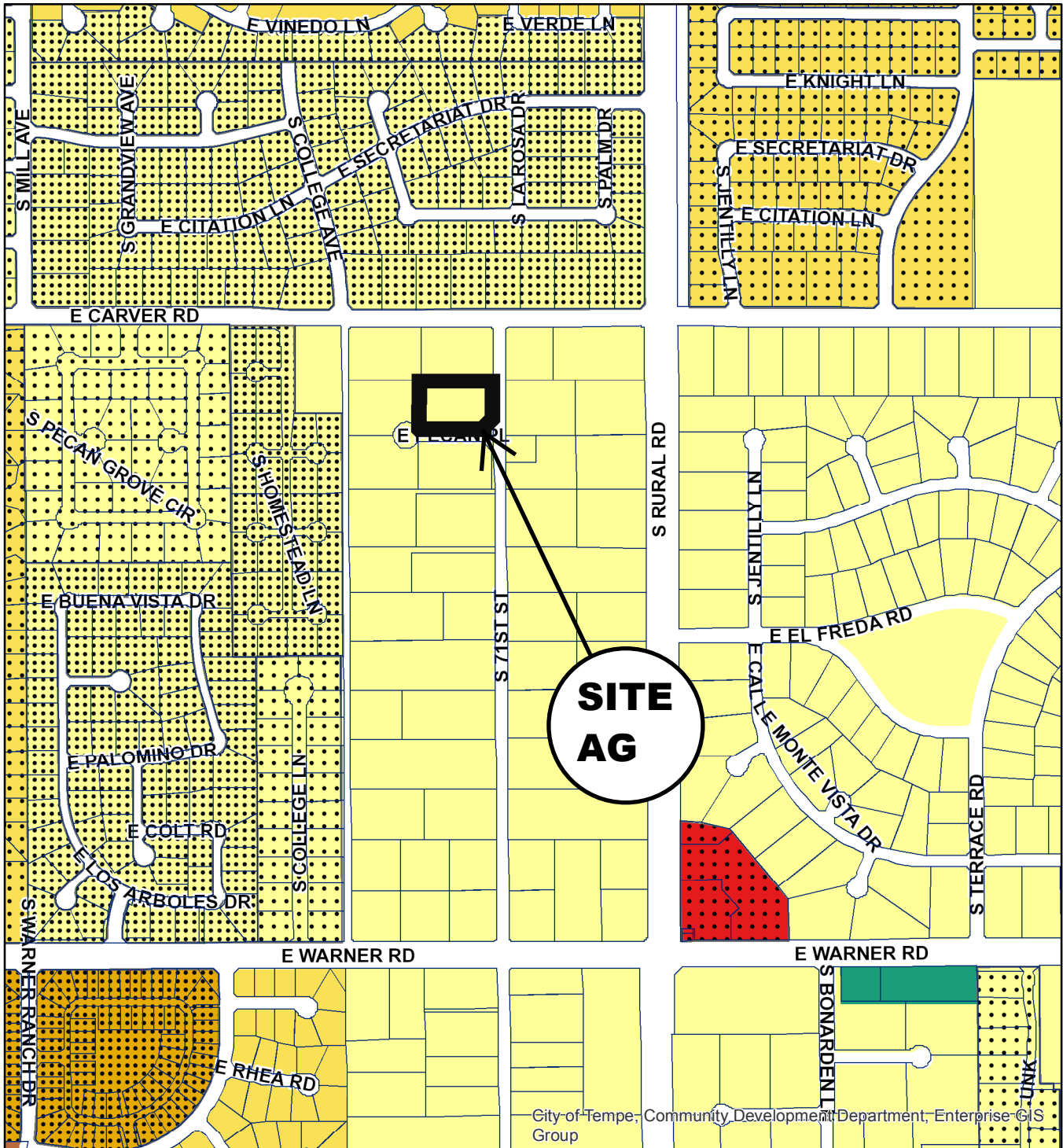
DEVELOPMENT PROJECT FILE
for
THE LIM RESIDENCE
(PL200126)










ATTACHMENTS:

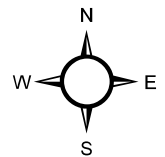
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Building Elevations

LIM RESIDENCE

PL200126



- | | |
|--|--|
|  Planned Commercial Center Neighborhood (PCC-1) |  Single-Family Residential (R1-8) |
|  Residential/Office (RO) |  Single-Family Residential (R1-7) |
|  Agricultural (AG) |  Single-Family Residential (R1-4) |
|  Single-Family Residential (R1-15) |  Multi-Family Residential (R-2) |
|  Single-Family Residential (R1-10) | |

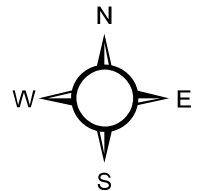


LIM RESIDENCE

PL200126



Aerial Map



LETTER OF EXPLANATION:

7/21/2020

11622 S. 71ST STREET,

We are asking for a reduction from 20' to 16' or less from the north property line for a ramada to be constructed on this residential property. The site plan for the residence that was approved showed a ramada setback of 10', but then we were informed that the approval of the site plan did not necessarily apply to the ramada location. The swimming pool that will be constructed soon would be too close to the ramada if we have to set it back more than 16' from the north property line.

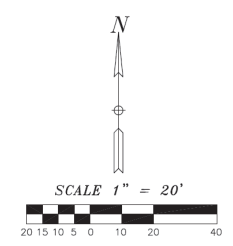
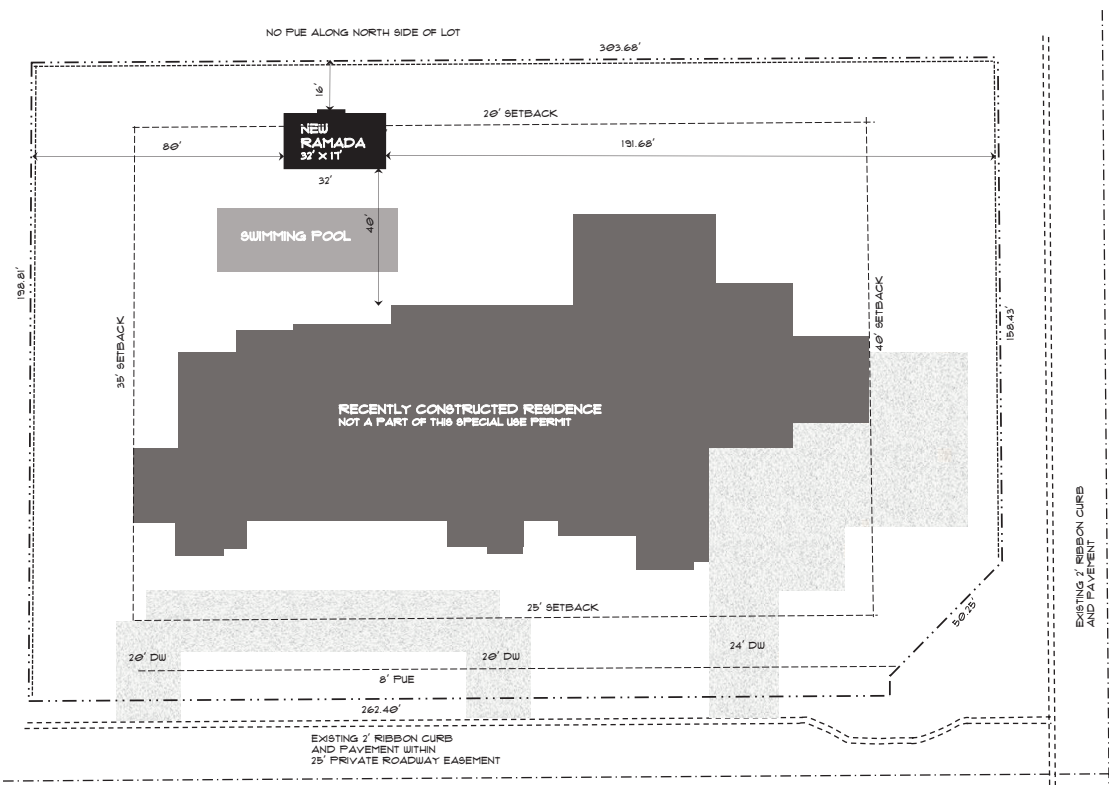
Obviously there would be no vehicular or pedestrian traffic from the street or other properties that would be affected by the proposed setback of 16'. The ramada will be constructed to match the residence. The plans are included in the file for review and you will find it to be compatible with the residence that is currently under construction. This is a ramada that will serve a residence and it is not anticipated that there would ever be any disruptive behavior that would create a nuisance to anyone. It is not a public facility.

This simple request to lessen the north setback from 20' to 16' for this beautiful new ramada will not have any detrimental effect on the neighborhood. We ask that you please approve this request.

Thanks so much,

Mitchell Foy

602.376.0276

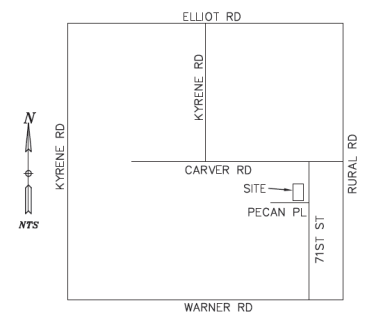


AREA CALCULATIONS

LIVABLE AREAS	
MAIN LIVABLE	4,828 S.F.
COVERED AREAS	
COVERED ENTRY	423 S.F.
MAIN COVERED PATIO	826 S.F.
GARAGE/MECH./STOR.	
4-CAR GARAGE/STOR./MECH.	1,264 S.F.
1-CAR A/C GARAGE/WKSH/	432 S.F.
POOL HOUSE GARAGE	407 S.F.
TOTAL LIVABLE	4,828 S.F.
TOTAL COVERED AREAS	1,433 S.F.
TOTAL GARAGE/MECH./STOR.	2,103 S.F.
TOTAL AREA	8,363 S.F.
SITE DATA:	
APN #	314-04-514
ZONING	RI-D
LOT SIZE	35,665 S.F.
LOT COVERAGE	191.68' S.F.
RAMADA	360 S.F.
REVISED LOT COVERAGE	26.2 %

Table 4-202A - Development Standards in **Agriculture**

Standard	AG
Density (DU/Acre)	1
Minimum Net Site Area (square feet) per Dwelling	43,560 sf
Minimum Lot Width (feet)	115 ft
Minimum Lot Length (feet)	150 ft
Maximum Height (feet) (e) [Exceptions, see Section 4-205(A)]	30 ft
Maximum Lot Coverage (% of net site area)	25%

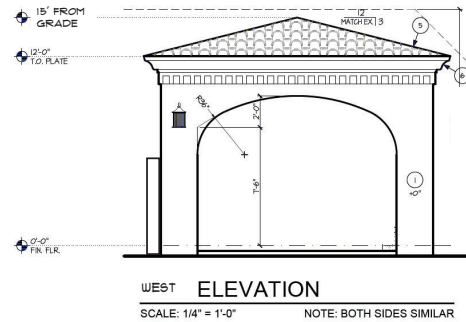
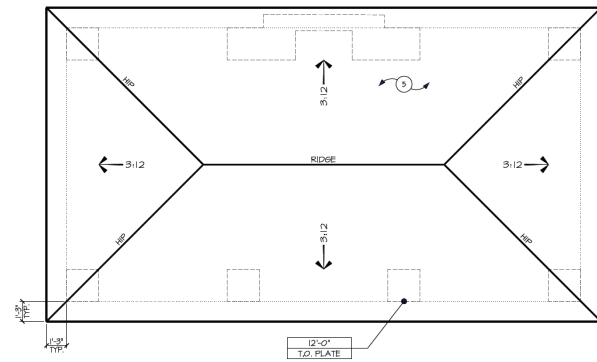
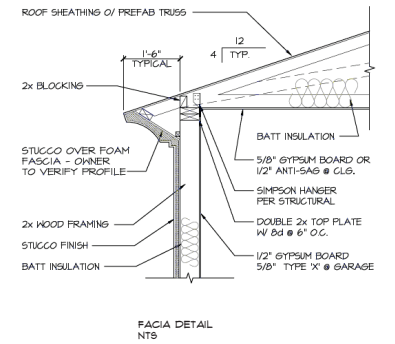
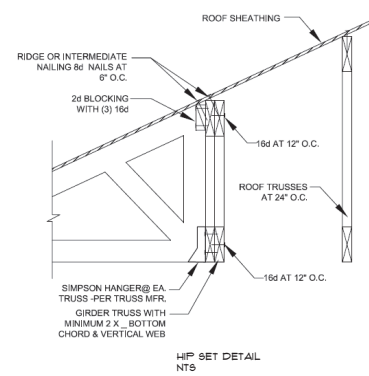
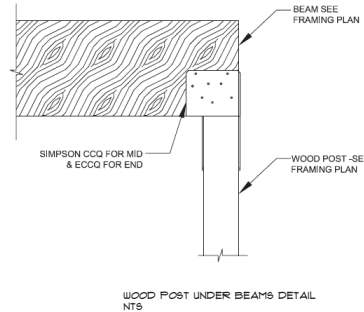
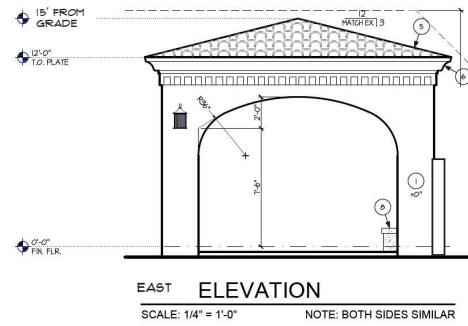
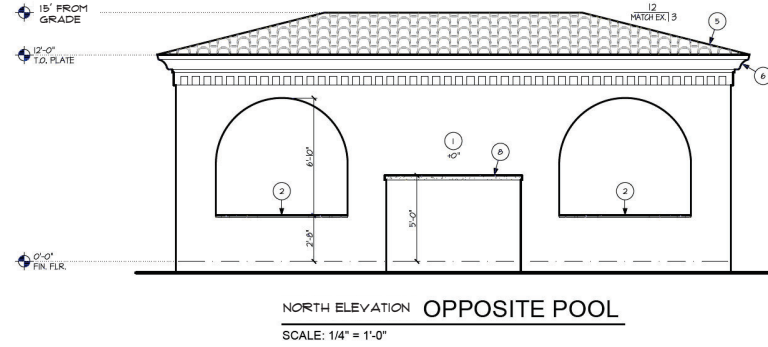
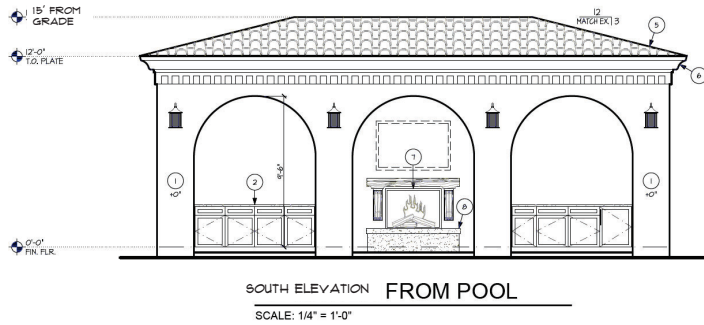


VICINITY MAP
NTS
301-53-254

Owner Information	
Owner Name:	LIM FAMILY LIVING TRUST
Property Address:	520 E PECAN PL TEMPE 85284
Mailing Address:	11622 S 71ST ST TEMPE AZ 85284
Deed Number:	190761711
Sale Date:	
Sale Price:	\$
Property Information	
Lat/Long:	33.340926, -111.931210
S/T/R:	15 15 4E
Jurisdiction:	TEMPE
Zoning:	AC
PUC:	0151
Lot Size (sq ft):	60,260
MGR#:	1130-22
Subdivision:	SAYLOR ESTATES
Lot#:	1
Floor:	1
Construction Year:	2020

LIM RAMADA CONTACT: MITCHELL FOY 602.316.0216 MERIDIANRED@COX.NET

DATE OF DRAWING 8/29/2019	MERIDIAN REDEVELOPMENT MITCHELL FOY 602-316-0216 MERIDIANRED@COX.NET MESA, ARIZONA	LIM RAMADA	SHEET 1
SITE PLAN			



ROOF LAYOUT PLAN
SCALE: 1/4" = 1'-0"



DATE OF DRAWING 4/20/2018	MERIDIAN REDEVELOPMENT MITCHELL FOY 602-316-0216 MERIDIANRED@COX.NET MESA, ARIZONA	LIM RAMADA	SHEET 2
	ELEVATIONS, SITE PLAN, DETAILS		