

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 10/27/2020
Agenda Item: 9**

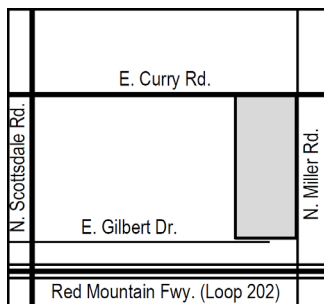
ACTION: Request a General Plan Density Map Amendment from “Medium to High Density (up to 25 du/ac)” to “High Density Limited (up to 45 du/ac)”, a Zoning Map Amendment from AG to MU-4, a Planned Area Development Overlay to establish development standards, a Use Permit to allow tandem parking and a Development Plan Review for a new 4-5 story development containing 651 dwelling units with commercial (five live-work units) for BANYAN NORTH TEMPE, located at 1255 East Curry Road. The applicant is Huellmantel & Affiliates.

FISCAL IMPACT: While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION: Banyan North Tempe (PL200128) is a proposed new mixed-use development containing 651 dwelling units within four (4) buildings ranging from 4 to 5 stories, with commercial (five live-work units). Most of the subject site (exception being one City of Tempe parcel) is currently under Maricopa County jurisdiction as a county island within the city. The boundary of this county island is east of Scottsdale Road, north of Gilbert Drive, south of Curry Road and west of Miller Road. Annexation of this development site is currently being processed through the City of Tempe Engineering and Transportation Department; and only a portion of the county island is proposed to be annexed for the purposes of this project. The request includes the following:

- GPA200003 General Plan Density Map Amendment from Medium to High (up to 25 du/ac) to High Density Limited (up to 45 du/ac).
- ZON200002 Zoning Map Amendment from AG (Agricultural District) to MU-4 (Mixed-Use, High Density District).
- PAD200003 Planned Area Development Overlay to establish development standards.
- ZUP200041 Use Permit to allow tandem parking.
- DPR200117 Development Plan Review including a site plan, building elevations and landscape plan.



Existing Property Owners	Anthony and Lynnette Ritz, Michael Goetz, 202 Industrial Park LLC, Franklin Ventures LLC, Rush Investments LLC, Silor Limited Partnership, Stonoff Family Living Trust, City of Tempe
Future Owner	Banyan Residential DBA North Tempe Propco, LLC
Applicant	Charles Huellmantel, Huellmantel & Affiliates
Zoning District (current/proposed)	AG / MU-4 (PAD)
Gross / Net Site Area	16.72 acres / 15.29 acres
Density / Number of Units	38.94 du/ac / 651 units
Unit Types	142 studio (including two live-work units) 281 one bedroom (including three live-work units) 203 two bedroom 16 three bedroom 9 four bedroom
Total Bedrooms	913 bedrooms
Total Building Area	971,092 SF
Lot Coverage	27.12% (No Standard)
Building Height	Building 1 – 52'-0" (No Standard) Building 2 – 51'-7" (No Standard) Building 3 – 51'-6" (No Standard)

Building Setbacks	Building 4 – 62'-4" (64'-0" No Standard) Maintenance Bldg. – 12'-0" (No Standard) 7'-5" front/Curry Rd.; 20'-0" front parking/Curry Rd.; 21'-0" street side/Miller Rd.; 20'-11" street side parking/Miller Rd.; 24'-0" street side/Scovel St.; 15'- 3" reverse front/Gilbert Dr.; 16'-2" reverse front parking; 12'-0" side/internal (No Standard; except 20' minimum parking setbacks for front and street side)
Landscape Area	43.03% (No Standard)
Vehicle Parking	1,021 spaces provided; 83 in individual garages and 501 parking spaces in Building 4 garage (957 min. spaces required per parking analysis/proposed ratios; 1,176 min. spaces required with 1,471 max. surface spaces allowed per ZDC)
Bicycle Parking	628 spaces provided (628 minimum spaces required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Obenia Kingsby II, Planner II (480) 858-2394

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Obenia Kingsby II, Planner II

Reviewed by: Suparna Dasgupta, Principal Planner

COMMENTS:

This site is located at the southwest corner of Curry Road and Miller Road. To the north of this development site are multi-family zoned properties, to the east is industrial zoned properties and to the south is Red Mountain Freeway (Loop 202). Directly adjacent to the west of this site are Maricopa County properties (with industrial zoning/uses).

This request includes the following:

1. General Plan Density Map Amendment from Medium to High (up to 25 du/ac) to High Density Limited (up to 45 du/ac).
2. Zoning Map Amendment from AG (Agricultural District) to MU-4 (Mixed-Use, High Density District).
3. Planned Area Development Overlay to establish development standards.
4. Use Permit to allow tandem parking.
5. Development Plan Review including a site plan, building elevations and landscape plan landscape plan for a new 4-5 story development containing 651 dwelling units with commercial (five live-work units).

The applicant is requesting the Development Review Commission take action on the item four listed above and provide recommendations to City Council for the remaining items listed.

For further processing, the applicant will need approval for a Subdivision Plat, to combine the individual lots into one.

SITE PLAN REVIEW

This project went through the Site Plan Review process a total of four times, two preliminary (02/12/2020 and 06/24/2020) and two formals (08/12/2020 and 09/23/2020). The majority of comments for this project were requests such as providing more detailed plans, correcting errors, presenting the project data/plans more clearly, and design recommendations. Significant comments that were provided from staff to the applicant are as follows (*italics*):

1. *If project is rezoned to mixed-use designation then more significantly more commercial area should be proposed, beyond that of live-work units or co-work area; and to consider providing a horizontal mixed-use project. If not amenable to this suggestion, then rezoning to a multi-family designation instead of mixed-use would be more appropriate.* Applicant/developer was not amenable to this to the comment, did not believe commercial beyond what was being proposed would thrive in the area due to its industrial nature. They also indicated that live-work units would be more successful in terms of avoiding vacant ground floor commercial space.
2. *Staff recommended providing a podium and/or wrapped product to reduce the amount of surface parking and provide additional amenity areas/private open space/landscape and more commercial area.* The applicant/developer was amenable to this request. The site plan provided with the first preliminary submittal consisted of eleven (11) buildings with 645 surface parking spaces and four (4) amenity areas including a small dog run. The current plans have reduced the number of buildings to four (4), one of which is a wrap product (residential building with parking garage in core), 437 surface parking spaces and five amenity areas including a large dog park open to the public.
3. *Parking Study is required.* Staff requested this item with the first preliminary review, and it was provided to staff on 08/31/2020, which was after the third review had been completed.
4. *Provide a dedication for right-of-way of Curry Road (55'-0" half-street is required), 20'x20' corner cutoff at the intersection of Curry Road and Miller Road, 15'x15' corner cutoffs at the intersection of Miller Road and Gilbert Drive, relocate the exit only gate on Gilbert Drive to the right-of-way line, with proper signage, on-street parking is not allowed Gilbert Drive and Gilbert Drive realignment and approach to Miller Road needs to be further coordinated with staff.* Some of these items remain unresolved at the time of the writing of this staff report and additional bullets have been added to the Code/Ordinance Requirements section of this report. The bulleted requirements are non-negotiable and are required to be resolved with construction documents.
5. *Master traffic grid system may be necessary presuming that other property owners within the county island may desire to be annexed into the City of Tempe in the future, and this would allow for improved circulation in the area.* Applicant/developer is providing a 25'-0" half street dedication for a north/south local street, which would be Scovel Street. No east/west street is contemplated with this development.
6. *Traffic Impact Analysis is required, including a Trip Reduction Plan section.* This comment was made during all four reviews by staff. Traffic Impact Analysis was provided to the City on September 30, 2020. It is currently under review by Engineering and Transportation Department staff.

PUBLIC INPUT

- A neighborhood meeting was required for this project.
- The neighborhood meeting was held virtually on July 21, 2020 and went from 5:30pm to approximately 6:15pm.
- See attached summary of meeting provided by the applicant, (Attachments 133-148).
- The Community Development Department, Planning Division attended the meeting. Staff received one comment as a response to the required 60-day General Plan Amendment notification period (Attachment 149), which did not indicate a position on the project. There were no additional provided from the public upon completion of this report.

PROJECT ANALYSIS

GENERAL PLAN

There is a proposed amendment to the Project Density Map for this project. The applicant has provided a written justification

for the proposed General Plan Amendment (Attachments 14-19). Surrounding governmental agencies have been notified by the City of Tempe of this proposed General Plan Amendment.

The project site has a Projected Density of Medium to High Density (up to 25 du/ac) per General Plan 2040, and the applicant requesting an amendment to High Density Limited (up to 45 du/ac). The proposed amendment does not align with the General Plan, but is required since the requested density is 38.94 du/ac.

LAND USE ELEMENT

- This is a mixed-use development, which will infuse residential density and commercial (live-work units) to the area.

COMMUNITY DESIGN ELEMENT

- The development will provide well designed buildings with variation in materials. There will be lush landscape provided on-site and in the public right-of-way which will be beneficial to pedestrians. The building design, site layout and landscape should create an aesthetically pleasing development in comparison to the existing structures and uses.

NEIGHBORHOOD PRESERVATION AND REVITALIZATION ELEMENT

- The project development site is bordering the University/Hayden Butte Redevelopment Area boundary to the south and the Scottsdale Rd Revitalization Area which is classified as potential revitalization area.

REDEVELOPMENT ELEMENT

- The applicant indicates in their letter of explanation that the developer will incur the cost for infrastructure improvements, including but not limited to, sewer, roadwork and the undergrounding of power lines.

HOUSING ELEMENT

- There are 651 dwelling units proposed with the for this project, with unit types ranging from studios to four bedrooms. This will provide another housing option for current and future Tempe residents. General Plan 2040 encourages diversity in housing types, and for affordable/workforce housing to be provided in the city.

ECONOMIC DEVELOPMENT ELEMENT

- Five (5) live-work units are proposed to meet the required commercial component for this mixed-use development.

GROWTH AREA ELEMENT

- The project site borders the Rio Salado Growth Area, of which the goal is to develop a regional destination for employment, residents, cultural amenities and recreational opportunities along Rio Salado Parkway and Tempe Town Lake.

COST OF DEVELOPMENT ELEMENT

- Project site is within a county island. The applicant and/or developer are coordinating with the necessary City staff to determine what infrastructure improvements are necessary, and it has been noted by the applicant in their letter that the developer will incur the cost of these improvements.

PEDESTRIAN AND BICYCLE ELEMENT

- Redevelopment of this project site will improve the pedestrian and bicyclist experience. Landscape proposed within the right-of-way should provide intermittent shade to the public sidewalks and bike lanes adjacent to the street frontages; and the public sidewalks will be built to current ADA requirements.

TRANSIT ELEMENT

- Project site is within a quarter to half mile of the Valley Metro bus system and the Orbit Neighborhood Circulator which is only in the City of Tempe and is free to riders. The site is also designed to allow for residents to be picked up by rideshare companies on-site at the entrances off Curry Road and Miller Road.

TRAVELWAYS ELEMENT

- Applicant/developer are coordinating with the Engineering and Transportation Department to ensure all necessary right-of-way dedications and improvements are provided.

PARKING AND ACCESS MANAGEMENT

- The site can be accessed from Curry Road and Miller Road. All parking for the development is on-site. A Use Permit for tandem parking is being requested which should have no impact to off-site vehicle circulation.

CONSERVATION ELEMENT

- The entire county island is classified as a brownfield and the proposed development will require remediation of the project site, which is only a portion of the county island.

ENVIRONMENTAL PLANNING ELEMENT

- The proposed landscape coverage for this development is 43% (286,720 SF), which is a considerably more than what currently exists today and will assist in reducing the heat island effect.

OPEN SPACE ELEMENT

- The developer is proposing a public dog park south of the realigned Gilbert Drive. There are also several private open space areas on-site, which are resident amenities.

SAFETY ELEMENT

- The Fire and Police Departments have reviewed the plans for this proposed development and have not indicated any concerns or issues. This will be a gated development and the necessary access and circulation will be provided for Fire and/or Police.

Section 6-303 D. Approval criteria for General Plan amendment (*in italics*):

1. *Appropriate short and long term public benefits.* The short-term benefit of this project is that a new use should invigorate the and surrounding businesses and residents; and from a long-term perspective this project will provide housing options and assist in revitalization of the area. Redevelopment of this area will also result in improvements to the infrastructure in this area such as water, sewer, and street improvements. The result of this development may encourage the remaining property owners within the county island to seek annexation into the City of Tempe.
2. *Mitigates impacts on land use, water infrastructure or transportation.* Project has been vetted by the necessary Departments/Divisions regarding these matters.
3. *Helps the city attain applicable objectives of the General Plan.* The project is providing a mixed-use development which is encouraged by the General Plan 2040.
4. *Provides rights-of-way, transit facilities, open space, recreational amenities or public art.* A dog park accessible to the public is proposed, which serves as open space; and there are several recreational amenity areas on the site for residents of the development consisting of two pool areas and common lawn are intended for gatherings. Public art is not proposed with this project.
5. *Potentially negative influences are mitigated and deemed acceptable by the City Council.* There are no negative influences about this project from a land use or density perspective.
6. *Judgment of the appropriateness of the amendment with regard to market demands, and impacts on surrounding area, service, fiscal, traffic, historic properties, utilities and public facilities.* The proposed amendment is appropriate as this is development will initiate revitalization of the surrounding area, especially the county island; and is expected to have a positive economic impact.

ZONING

The project site is currently going through the annexation process with City of Tempe, Engineering and Transportation Department. If the project site is annexed into the City of Tempe from Maricopa County, then per ZDC Section 2-107(B), territory annexed into the city automatically receive a zoning designation of AG. The proposed Zoning Map Amendment from

AG to MU-4 is appropriate as the projected Land Use for the development site is Mixed-Use. If the AG designation were to remain then the site would not achieve the expected density for this area, which is necessary for revitalization purposes.

Section 6-304 C.2. Approval criteria for Zoning amendment (*in italics*):

1. *The proposed zoning amendment is in the public interest.* The proposed rezone from AG to MU-4 is in the public interest as it will allow for another multi-family housing option to locate in the area and will initiate revitalization of the county island.
2. *The proposed zoning amendment conforms with and facilitates implementation of the General Plan.* The proposed land use of Mixed-Use meets the Projected General Plan designation and the MU-4 classification is appropriate proposed density of 38.94 du/ac.

PLANNED AREA DEVELOPMENT

The applicant is requesting a Zoning Map Amendment from AG to MU-4. Any property rezoned to a mixed-use designation requires a Planned Area Development Overlay to be processed concurrently, to establish development standards. This PAD Overlay request will establish development and parking standards for the project.

BANYAN NORTH TEMPE – PAD OVERLAY				
Standard	AG	MU-4	PROPOSED MU-4 (PAD)	Change
Residential Density (du/ac)	1	No Standard	38.94	--
Building Height (feet) [Exceptions, see Section 4-205(A)]				
Building Height Maximum	30'-0"	No Standard	Building 1 (53') Building 2 (53') Building 3 (53') Building 4 (64')	--
Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]	No	Yes	No	Change
Maximum Lot Coverage (% of net site area)	45%	No Standard	28%	--
Minimum Landscape Area (% of net site area)	Not Applicable	No Standard	43%	--
Setbacks (feet) (a) [Exceptions, see Section 4-205(B)]				
Front (Curry Road) Parking	40'-0" 20'-0"	No Standard 20'-0"	10'-0" 20'-0"	-- No Change
Reverse Front (Gilbert Drive) Parking	40'-0" *40'-0"	No Standard 20'-0"	15'-0" 16'-0"	-- Decrease
Street Side (Miller Road) Parking	25'-0" *25'-0"	No Standard 20'-0"	20'-0" 20'-0"	-- No Change
Street Side (Scovel Street)	25'-0"	No Standard	20'-0"	--
Sides/Internal	20'-0"	No Standard	12'-0"	--

*Required parking spaces may be located in the required front yard building setback or street side yard setback, subject to a use permit.

The development standards proposed through the Planned Area Development Overlay are reasonable and accepted by staff.

PARKING

The table below summarizes the required and proposed vehicle parking for the project.

Vehicle Parking Required and Provided		
Use	ZDC MU-4 Standards	Proposed PAD MU-4 Standards
Studio: 142 units	142 (1 space per unit)	127.8 (.9 space per unit)
1-bedroom: 281 units	421.5 (1.5 spaces per unit)	351.25 (1.25 space per unit)
2-bedroom: 203 units	406 (2 spaces per unit)	304.5 (1.5 space per unit)
3-bedroom: 16 units	40 (2.5 spaces per unit)	40 (2.5 space per unit)
4-bedroom: 9 units	27 (3 spaces per unit)	27 (3 spaces per unit)
Guest: 651 total units	130.2 (.2 spaces per unit)	97.65 (.15 spaces per unit)
Commercial (live-work units): 2,673 SF	8.9 (1 / 300 SF)	8.9 (1 / 300 SF)
TOTAL - Minimum Spaces Required	1,176 spaces	957 spaces (1,021 provided)

The parking comparison table above indicates that there is a deficit 155 parking space, based on the difference in number of spaces provided versus those required per the ZDC. The applicant provided a parking analysis which concluded that this project needs a total of 957 parking spaces based on projections from the Institute of Transportation Engineers (ITE) for low/mid-rise apartments, which is an accepted source. The analysis also factored in the other transportation options such as mass transit, ridesharing, biking, walking and comparison of previous project within the city to strengthen the request for reduced parking. The proposed ratios are not significantly less than those required by the ZDC and if found acceptable will provide a surplus of 64 parking spaces.

Section 6-305 D. Approval criteria for P.A.D. (*in italics*):

1. *The development fulfills certain goals and objectives in the General Plan and the principles and guidelines of other area policy plans. Performance considerations are established to fulfill those objectives.* This project fulfills the goals and objectives of General Plan 2040, except for the proposed density; but staff expects density in this area, and a development such as this may encourage the remaining property owners within the county island to seek annexation into the city which would revitalize the area.
2. *Standards requested through the PAD Overlay district shall take into consideration the location and context for the site for which the project is proposed.* The standards proposed are appropriate taking into consideration the surrounding area and uses.
3. *The development appropriately mitigates transitional impacts on the immediate surroundings.* The site is designed with only one of the four residential buildings proposed being adjacent to the remaining industrial sites to the west within the county island, and that building is setback at least 49'-0" from the property line of those sites. Also, the building proposed with the most height is position on the interior of the site versus across from the existing residential to the north, which have a multi-family zoning designation but are smaller scale projects and some of the property may even have a single-family use.

USE PERMIT

The proposed use requires a use permit, to allow tandem parking. The tandem parking stalls are proposed for buildings 1-3, of which one parking space will be within a unit garage and the other will be a surface parking stall directly behind the unit garage door. There are 83 tandem parking stalls proposed, which encompasses a total of 166 parking spaces. Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic.* The incorporation of tandem parking stalls will not increase vehicular or pedestrian traffic, as this does not affect the number of trips to and from the proposed development.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.* Tandem parking will not generate nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare.
3. *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.* Tandem parking for this development will not contribute to the deterioration of the neighborhood or downgrading of property values. This use does conflict with the goals and objectives of the General Plan.
4. *Compatibility with existing surrounding structures and uses.* The inclusion of tandem parking stalls should only affect the proposed development.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.* Tandem parking stalls should not create disruptive behavior on-site or off-site.

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.

DEVELOPMENT PLAN REVIEW

Site Plan

The site has an irregular shape and is approximately a total of 15.29 net acres (16.72 gross acres). There is a total of five buildings proposed (including a maintenance building), which have a proposed maximum lot coverage of 28%. Building 1-3 have individual unit garages at the base with proposed tandem parking stalls, there will be one surface stall directly behind each unit garage. There are five amenity areas proposed, consisting of; two pools, two open gathering areas (lawn w/ramada and stand-alone ramada) and a dog park which will be open to the public. The site will have two ingress/egress driveways, one on Curry Road and the other Miller Road, along with one exit only gate on Gilbert Drive and two on the proposed Scovel Street. Adequate circulation is being provided on-site for emergency and refuse vehicles.

Building Elevations

Three out of five buildings for this development are proposed at four stories, one is five stories, and the maintenance building is single-story. The maximum height proposed (top-of-top) for any of the buildings is approximately 63'-0". The primary materials proposed for this project include, integral colored CMU, brick veneer, painted stucco, painted fiber cement panel system, simulated wood lattice, metal, and glass.

Landscape Plan

This development is proposing approximately 43% landscape coverage. There will be trees planted around the entire perimeter of the site which will provide a buffer and visual interest from the surrounding properties and is particularly important in providing a buffer between the development and remaining county island (industrial zoned) properties to the west.

Section 6-306 D Approval criteria for Development Plan Review (*in italics*):

1. *Placement, form, and articulation of buildings and structures provide variety in the streetscape;* the buildings are designed with variation in materials, colors, fenestration, and wall planes on all elevations. The design provides variety in the streetscapes.

2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort; applicant is proposing glazing that is design to mitigate heat gain to the units. The project is well landscape with ground cover and trees, which should provide shade to pedestrians both on and off site. Also, canopy structures are proposed to shade a significant portion of the surface parking stalls which should assist in mitigating heat gain.*
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings; the materials proposed are appropriately applied to the building regarding their location and function. The proposed finishes will complement the surrounding area.*
4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings; the project scales well to surroundings considering the context of the area. On the northwest corner of Curry Road and Miller Road is a 3-story multi-family development with lower scale multi-family and potential single-family uses to the west of it. To the west are industrial properties within the county island, to the east is industrial zoned properties in the city and to the south is the Red Mountain Freeway/Loop 202.*
5. *Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level; the buildings contain variations in height, wall planes, and materials, resulting in a sense of movement and enhanced pedestrian experience, on-site and at the street level.*
6. *Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions; building facades provide architectural detail and the design is appropriate to the scale and context of the development.*
7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage; site is within a half mile of Valley Metro and Orbit Circulator routes, a multi-use path which can be used by cyclist and pedestrians and the site is design to allow easy access for rideshare pick-up/drop-off.*
8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses; vehicular circulation will occur at driveways and do not interfere with pedestrian access to or around the site. When on the premises, residents and their guests will be able to walk the site safely with the sidewalk system proposed onsite.*
9. *Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance; plans have been reviewed by the Police Department, and comments provided to applicant. The height of proposed landscaping adjacent to the public sidewalks will comply with CPTED principles.*
10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways; landscape accents the perimeter of the project as well as internal walkways and driveways.*
11. *Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located; signs are subject to a separate plan review.*
12. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects. Lighting must comply with current code requirements to meet minimum illumination levels and be non-intrusive to adjacent properties.*

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use for this site.
2. The Planned Area Development Overlay process is required for all project which rezone to a Mixed-Use designation for the purpose of establishing development standards.
3. The proposed project meets the approval criteria for a General Plan Amendment, Zoning Amendment, Planned Area Development Overlay, Use Permit and Development Plan Review.

Based on the information provided and the above analysis, staff recommends approval of the requested General Plan Density Map Amendment, Zoning Map Amendment, Planned Area Development Overlay, Use Permit and Development Plan Review. This request meets the required criteria and will conform to the conditions.

ZONING MAP AMENDMENT (ZON200002) AND PLANNED AREA DEVELOPMENT OVERLAY (PAD200003) CONDITIONS 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.

General

1. A building permit application shall be made within two years of the date of City Council approval or the zoning of the property may revert to that in place at the time of application. Any reversion is subject to a public hearing process as a zoning map amendment.
2. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than 30 days from the date of City Council approval, or the *General Plan Density Map Amendment, Zoning Map Amendment and Planned Area Development Overlay* approvals shall be null and void.
3. The Planned Area Development Overlay for Banyan North Tempe shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department within sixty (60) days of the date of City Council approval and prior to issuance of building permits.
4. **Provide a dedicated right-of-way at the southwest portion of the project for the street improvements and future Scovel Street expansion. The developer shall make any reasonable accommodations on-site for the future relocation of the existing cell tower in conflict with the street alignment. Accommodations may include, but not limited to, land lease or easement accommodations east of the cell tower's current location.**

USE PERMIT (ZUP200041) CONDITIONS OF APPROVAL:

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

1. This Use Permit is valid only after a Building Permit has been obtained, and a Certificate of Occupancy is issued.
2. The Use Permit 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.

DEVELOPMENT PLAN REVIEW (DPR200117) CONDITIONS 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.

General

1. Except as modified by conditions, development shall be in substantial conformance with the site plan, building elevations and landscape plan dated 10/14/2020. Minor modifications may be reviewed through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.
2. The developer must receive approval of the final Traffic Impact Analysis, inclusive of a Trip Reduction Plan, prior to issuance of a building permit or as otherwise determined by the Engineering and Transportation Department, Traffic and Transit Divisions.
3. A Preliminary and Final Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
4. The development shall prepare, at the time of initial building permits, gray shell commercial space for tenant leasing. The permit submittal shall include the following: adequate roof space, evidence of roof structural support, and internal set lines for future adequate commercial space air conditioning (HVAC); provide a shaft to ventilate to the roof for commercial cooking exhaust; and a designated location for potential grease trap interceptor if needed.
5. **Improvements shown off-site for implementation of Scovel Street expansion, will require property owner authorization and additional processing.**

Site Plan

6. **Exit only gates should be located as close to the right-of-way line as possible and equipped with the proper exit only sign(s).**
7. Provide service locations as shown on Attachment 150, for both refuse and recycling collection and pick-up on the property. Coordinate the storage areas for refuse and recycling containers with the overall site and landscape layout.
8. Provide service yard and mechanical (cooling tower/generator) yard walls that are at least 8'-0" tall as measured from adjacent grade or are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment.
9. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
10. Provide upgraded paving at each driveway consisting of integral colored unit paving, integral colored stamped concrete or an alternative material and detail; painted stamped/scored asphalt is not allowed. Extend this paving in the driveway from the right-of-way line to 20'-0" on site and from curb to curb at the drive edges. From sidewalk to right-of-way line, extend concrete paving to match sidewalk.
11. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.
12. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.

Floor Plans

13. Provide visual surveillance by means of fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
14. Garage Security:
 - a. Minimize interior partitions or convert these to semi-opaque screens to inhibit hiding behind these features.
 - b. Provide stair exits that are open to the exterior.
 - c. Paint interior wall and overhead surfaces with a highly reflective white color, minimum LRV of 75 percent.
 - d. Maximize openness at the elevator entrances and stair landings to facilitate visual surveillance from these pedestrian circulation areas to the adjacent parking level.
15. Parking Garage:
 - a. Minimum required parking dimensions shall be clear of any obstructions.
 - b. At the ends of dead-end drive aisles, provide a designated turn-around space, minimum 8'-6" clear in width (locate on left side if available), including 3'-0" vehicular maneuvering area for exiting. Turn-around area shall be clearly demarcated.
 - c. Provide a minimum 2'-0" of additional width for parking spaces when adjacent to a continuous wall.

Building Elevations

16. The materials and colors are approved as presented:

Stucco – painted Sherwin Williams “Pediment” (SW7634)
Stucco – painted Sherwin Williams “Tiki Hut” (SW7509)
Stucco – painted Dunn Edwards “Vulcan” (DE6341)
Fiber Cement Panel Reveal System – painted Dunn Edwards “Vulcan” (DE6341)
Thin Brick Veneer – Lakewood Brick Company (2 1/2" x 8" x 16") – Brownstone
CMU – Trenwyth Mesastone (4" x 8" x 16") - Bone
Lattice – Simulated Wood (2" x 4") – Teak
Steel Trellis – painted Dunn Edwards “Black” (DEA 187)
Steel Guardrails – painted Dunn Edwards “Black” (DEA 187)
Perforated Metal – painted Dunn Edwards “Black” (DEA 187)
Aluminum Windows – Arcadia – Dark Bronze
Aluminum Storefront – Arcadia – Dark Bronze
Glass – PPG – clear insulating

Provide primary building colors and materials with a light reflectance value of 75 percent or less.

17. Shade canopies for parking areas:
 - a. Provide an 8" fascia for the canopy structure.
 - b. Maximum 75% light reflectance value shall also apply to the top of the canopy.
 - c. Relate canopy in color and to the buildings.
 - d. Conceal lighting conduit in the canopy structure and finish conduit to match.
18. If provided, roof access shall be from the interior of the building. Do not expose roof access to public view.
19. **Conceal roof drainage system within the interior of the building on facades visible from existing/future right-of-way and directly adjacent private properties. The other interior facing facades may have an exposed roof drainage system which shall be architecturally integrated into the building design, subject to approval by the Community Development Department.**
20. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Exposed conduit, piping, or related materials is not permitted.

21. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.

Lighting

22. This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting.
23. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance at these locations.

Landscape

24. Arterial street trees shall be a minimum of 36" box specimens and a minimum of 1 ½" caliper trunk.
25. Irrigation notes:
 - a. Provide dedicated landscape water meter.
 - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½". Provide details of water distribution system.
 - c. Locate valve controller in a vandal resistant housing.
 - d. Hardwire power source to controller (a receptacle connection is not allowed).
 - e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
26. Include requirement to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
27. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

Building Address

28. Verify property address and submit a PDF copy of the site plan with unit floor plans for permanent addressing to permitcenter@tempe.gov prior to submittal of construction documents.
29. Provide address sign(s) on the building elevation facing the street to which the property is identified.
 - a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 12" high, individual mount, metal reverse pan channel characters.
 - 3) Self-illuminated or dedicated light source.
 - 4) On multi-story buildings, locate no higher than the second level.
 - 5) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 6) Do not affix numbers or letters to elevation that might be mistaken for the address.
 - b. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.

CODE/ORDINANCE REQUIREMENTS:

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

USE PERMIT:

- The Use Permit is valid for Banyan Residential or North Tempe Propco, LLC and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.

- The use permit 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.
- Any intensification or expansion of use shall require a new Use Permit.

SITE PLAN REVIEW: Verify all comments by all departments on each Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.

DEADLINE: Development plan approval shall be void if the development is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the approval is granted or within the time stipulated by the decision-making body. The period of approval is extended upon the time review limitations set forth for building permit applications, pursuant to Tempe Building Safety Administrative Code, Section 8-104.15. An expiration of the building permit application will result in expiration of the development plan.

STANDARD DETAILS:

- Access to Tempe Supplement to the M.A.G. Uniform Standard Details and Specifications for Public Works Construction, at this link: <http://www.tempe.gov/city-hall/public-works/engineering/standards-details> or purchase book from the Public Works Engineering Division.
- Access to refuse enclosure details DS116 and DS118 and all other Development Services forms at this link: <http://www.tempe.gov/city-hall/community-development/building-safety/applications-forms>. 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: <http://www.tempe.gov/home/showdocument?id=30871>. Contact the Information Technology Division to discuss size and materials of the buildings and to verify radio amplification requirements.
- 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.

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: <http://www.tempe.gov/home/showdocument?id=5327>. Contact the Public Works Department, Water Conservation Division with 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.

POLICE DEPARTMENT SECURITY REQUIREMENTS:

- Refer to Tempe City Code Section 26-70 Security Plans.
- Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage ambush.
- Maintain distances of 20'-0" or greater between a pedestrian path of travel and any hidden area to 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.
- Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.

TRAFFIC ENGINEERING:

- Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
- Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works, Traffic Engineering.
- Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult Intersection Sight Distance memo, available from Traffic Engineering if needed www.tempe.gov/index.aspx?page=801. 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.
- **Right-of-way for Curry Road (arterial street) is required to provide a 55'-0" half-street, dedicate as necessary.**
- **Right-of-way for Miller Road (collector street) is required to provide a 33'-0" half-street, dedicate as necessary.**
- **Right-of-way for Gilbert Drive is required to provide a 30'-0" half-street with a total width of 60'-0", dedicate as necessary.**
- **Right-of-way for Scovel Street (future local street) is required to provide a 25'-0" half-street, dedicate as necessary.**
- **A 20'-0" x 20'-0" right-of-way corner cutoff is required at Curry Road and Miller Road.**
- **A 15'-0" x 15'-0" right-of-way corner cut off is required at Miller Road and Gilbert Road.**
- **On-street parking is not allowed on Gilbert Drive.**
- **All right-of-way improvements must be approved by the Engineering and Transportation Department (Traffic and Transit Divisions), including but not limited to; street alignments, traffic/bike lane widths, driveway widths and sidewalk widths.**

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.
- Provide a fire command room(s) on the ground floor of the building(s). Verify size and location with Fire Department.

CIVIL ENGINEERING:

- An Encroachment Permit or License Agreement must be obtained from the City for any projections into the right of way or crossing of a public utility easement, prior to submittal of construction documents for building permit.
- Maintain a minimum clear distance of twenty-four (24) feet between the sidewalk level and any overhead structure.

- Any new or existing overhead utilities (if any) on or adjacent to site must be placed underground, including street crossings, per City of Tempe Code, Section 25-120 thru 25-126 & Ord # 88.85 except for transmission lines (greater than 12.5kv).
- 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.
- **An existing retention basin is located close to the intersection of the proposed Gilbert and Miller intersection, and the runoff will need to be accommodated by this project if other arrangements are not made.**
- **Manufacturer's data is required for proposed drainage storage system regarding strength, life, and underground degradation of the system. Approval of this particular product is not guaranteed, nor is any element shown on this plan until a thorough and formal review within engineering is complete.**
- **Development must retain all runoff onsite, including at driveway entrances, as not all driveways clearly show the grading necessary to guarantee the runoff flow indicated. Provide enough information to show this and regrade any driveways that release onsite flow into the street.**

SOLID WASTE SERVICES:

- Contact the Solid Waste Division to verify that vehicle maneuvering and access to the enclosure is adequate. Refuse staging and collection must be on site; no backing onto or off of streets, alleys or paths of circulation.
- 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.

PARKING SPACES:

- Verify conformance of accessible vehicle parking to the Americans with Disabilities Act and the Code of Federal Regulations Implementing the Act. Refer to Building Safety ADA Accessible Parking Spaces Marking/Signage on Private Development details.
- 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.

ZONING AND DEVELOPMENT CODE:

- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/zoning or purchase from Community Development.

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:

- Trees shall be planted a minimum of 16'-0" from any existing or proposed public utility lines. The tree planting separation requirements may be reduced to no less than 8'-0" from utility lines upon the installation of a linear root barrier. Per Detail T-460, the root barrier shall be a continuous material, a minimum of 0.08" thick, installed to a

minimum depth of 4'-0" below grade. The root barrier shall extend 6'-0" on either side of the tree parallel to the utility line for a minimum length of 12'-0". Final approval is subject to determination by the Public Works, Water Utilities Division.

- 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 <https://agriculture.az.gov/plantsproduce/native-plants>. Follow the link to "applications to move a native plant" to "notice of intent to clear land".

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to www.tempe.gov/signs.

DUST CONTROL: Any operation capable of generating dust, include, but not limited to, land clearing, earth moving, excavating, construction, demolition and other similar operations, that disturbs 0.10 acres (4,356 square feet) or more shall require a dust control permit from the Maricopa County Air Quality Department (MCAQD). Contact MCAQD at <http://www.maricopa.gov/aq/>.

HISTORY & FACTS:

There is no pertinent history or facts pertaining to this site.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-302, General Plan Amendment
Section 6-304, Zoning Map Amendment
Section 6-305, Planned Area Development (PAD) Overlay districts
Section 6-306, Development Plan Review
Section 6-307, Subdivisions, Lot Splits and Adjustments
Section 6-308, Use Permit
Section 2-107(B), Annexations