

Staff Summary Report



Development Review Commission Date: 06/12/12

Agenda Item Number: 5

SUBJECT: Hold a public hearing for a General Plan Amendment, Zoning Map Amendment and Development Plan Review for RURAL AND LAKESHORE RESTAURANT COMPLEX located at 4455 S. Rural Road.

DOCUMENT NAME: DRcr_RurallandLakeshore_061212 PLANNED DEVELOPMENT (0406)

COMMENTS: Request for RURAL AND LAKESHORE RESTAURANT COMPLEX (PL120121) (Holly James, D.R.Horton, Inc., property owner; Wayne Sterling, Sterling Design Associates, LLC, applicant) consisting of Lot 1, a one-story 1,725 s.f. restaurant and Lot 2 a one-story 3,500 s.f. building for two restaurants for a total of 5,225 s.f., on 1.23 net acres, located at 4455 S. Rural Road in the MU-3 District. The request includes the following:

GEP12002 – (Resolution No. 2012.55) General Plan Land Use Amendment from Mixed Use to Commercial.

ZON12002 – (Ordinance No.2012.26) Zoning Map Amendment from MU-3, Mixed-Use Three, Medium Density District to PCC-2 Planned Commercial Center Two.

DPR12066 – Development Plan Review including site plan, building elevations, and landscape plan.

PREPARED BY: Diana Kaminski, Senior Planner (480-858-2391)

REVIEWED BY: Lisa Collins, Community Development Deputy Director (480-350-8989)

LEGAL REVIEW BY: N/A

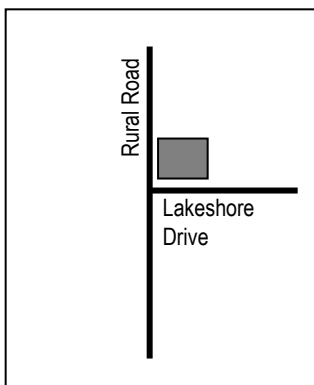
DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: 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: Staff – Approval, subject to conditions

ADDITIONAL INFO:

Gross/Net site area	1.23 acres (22,208 s.f. Lot 1 and 30,809 s.f. Lot 2)
Total Building area	5,225 s.f.
Lot Coverage	7.8% (Lot 1) 11.4 % (Lot 2) (50% maximum allowed)
Building Height	22 ft (40 ft maximum allowed)
Building Setbacks	33' front (south), 41' street side (west), 55' side (east), 68' rear (north) (0' front, 30' side and rear allowed)
Landscape area	33% (Lot 1) 25% (Lot 2) (15% minimum required)
Vehicle Parking	24 (Lot 1) 48 (Lot 2) spaces (24 and 47 minimum required, 30 & 59 max allowed)
Bicycle Parking	2 (Lot 1) 4 (Lot 2) spaces (2 & 4 minimum required)



A neighborhood meeting was held on May 24th, 2012 for this application.

PAGES:

1. List of Attachments
- 2-5. Comments
- 6-10. Reason for Approval / Conditions of Approval
11. History & Facts / Zoning & Development Code Reference

ATTACHMENTS:

1. Resolution No. 2012.55 General Plan Amendment
2. Ordinance No. 2012.26 Zoning Amendment
- 3-4. Waiver of Rights and Remedies form
5. Location Map
6. General Plan Map
7. Zoning Map
8. Aerial Photo
- 9-10. Letter of Explanation
- 11-14. Neighborhood Meeting Summary
15. Cover Sheet
16. Site plan
- 17-18. Floor plans
- 19-20. Building Elevations
- 21-22. Building Sections
23. Landscape Plan
24. Preliminary Grading & Drainage Plan
25. Photometrics

COMMENTS:

This site is located on the east side of Rural Road, south of the I-60 freeway, north of Baseline, fronting the northeast corner of Rural Road and Lakeshore Drive. The property has historically been used as a restaurant site in a commercially zoned property. In 2003, the new General Plan designated the property as mixed-use, so that there would be opportunity to intensify the site if it were to redevelop. In 2005, the last restaurant on the site closed. In 2006 D.R. Horton purchased the property and in 2007 applied for a zoning amendment to bring the property into conformance with the General Plan. The proposed MU-3 development had ground floor retail surrounding podium parking, with three levels of residences above. This was a unique development proposal for this property owner, who held offices across the street and typically built single family suburban housing. With changes in the economy, the project was unable to be financed, and prospective buyers of the site were not interested in pursuing mixed-use on a 1 acre site at a commercial intersection. The General Plan is now in the process of being reviewed for the required ten-year update in 2013, when land uses may be changed throughout the city based on more current data and conditions. The property owner has the opportunity to develop the site with three small restaurant tenants. These commercial uses would not have residences, and therefore would not be mixed-use, thereby requiring the property to undergo entitlements to allow the restaurant uses. This request includes the following:

1. General Plan Amendment of Land Use Map from Mixed-Use to Commercial
2. Zoning Map Amendment from MU-3 Mixed-Use Medium Density to PCC-2 Planned Commercial Center Two, the existing Planned Area Development would be removed with this zoning change.
3. Development Plan Review which includes: one 1,725 s.f. freestanding restaurant with a drive through and a separate lot with two restaurants in a 3,500 s.f. building for a total of 5,225 s.f. of building area on 1.23 acres.

The applicant is requesting the Development Review Commission take action on item three and provide recommendations to City Council for items one and two listed above. For further processing, the applicant will need approval for an Amended Subdivision Plat, to combine formerly subdivided condominium lots and create two lots for the two pad buildings.

PUBLIC INPUT

A Neighborhood meeting was required for this request and was held on May 24th, 2012 from 7:00 p.m. to 8:00 p.m. at Pyle Adult Recreation Center at 655 E. Southern Avenue. Three residents from two households attended. Community Development staff did not attend the meeting. See attached summary of meeting provided by the applicant.

PROJECT ANALYSIS

GENERAL PLAN

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

Land Use Element:

The goal of the Land Use Element is to foster development that conserves resources and enhances the environment in which people live, learn, work and play. The property was formerly used for restaurant uses, which served the local community. Changes to the land use from commercial to mixed use was intended to help bring in diverse and affordable housing options to the area in a mixed use development. However, the land has sat vacant for six years and housing does not appear to be a viable use for this location and lot size. Changing the land use back to commercial will help meet other objectives of this element. It will encourage reinvestment and redevelopment appropriate to the area; implement plans to address particular geographic needs and promote neighborhood preservation and enhancement. The project complies with the land use objectives. Because the applicant is proposing a commercial development, there are no proposed changes to the density map.

Accessibility Element: The proposed project will meet all of the requirements of the Americans with Disabilities Act (ADA), and access to the public sidewalks and bus shelter. The location of these restaurants will be closer to neighbors, providing a more walkable community for residents.

Community Design Element: The buildings are designed with contemporary architecture, complimentary to surrounding developments in colors and materials. The site provides pedestrian connectivity between buildings and streets provides landscape for shade. The site may serve as a meeting place for neighbors, fostering a greater sense of community.

Historic Preservation Element: The site was previously developed and now vacant, and has no known impacts on this element.

Housing Element: The former entitlement would have provided a diverse housing opportunity for this area. Change of use to commercial will remove this potential, however the site is very small, encumbered with utilities on the western side and an access agreement on the eastern side, and has not proven marketable for this use.

Neighborhoods Element: Residents were involved with the former change of zoning to allow mixed use, and the change back to allow commercial requires the same public process. The proposed project is less intense than the former proposed plan, and is anticipated to have less impact on traffic. Public comments from the former project indicated concern over building height and new residences having views into people's backyards. The proposed one-story commercial use will have no site line conflicts with residents. The design and use will promote a safe walkable community and be in character with the neighborhood context.

Redevelopment Element: The former restaurant building was built in 1974, and by 2004 was in significant disrepair: it did not meet current building codes, accessibility or energy efficiency and the tenant at the time was unable to maintain the property. The lot sat vacant for six years, impacted partially by the change in the economy. Changing the land use will facilitate the goals and objectives of redevelopment, and return this site into a viable commercial restaurant location, able to compete with current market demands and building regulations.

Economic Development Element: Redeveloping this site will stimulate a sustainable diversified and vibrant economy, providing restaurant uses on the east side of Rural Road, within walking distance for employees and customers in the neighborhood. Changing the land use promotes flexibility that recognizes a new economy, different than that of 2003 when the land use was originally designated.

Cost of Development Element: Other than typical expenses for development, there are no additional costs associated with this proposed use. All required infrastructure and public services are in place to accommodate this use.

Environment (Air, Noise, Ambient Temperature, Energy) Element: The proposed development will reduce dust and debris from a site that has been vacant. The introduction of street trees along the frontages will shade the sidewalk and bus shelter, reducing the ambient temperature. The new building will comply with the building energy code. There are no anticipated noise issues associated with these small tenant spaces.

Land (Remediation, Habitat, Solid Waste) Element: There are no known environmental issues with this site, no habitat, and no significant impacts to solid waste. The site meets requirements for refuse removal.

Water (Water, Wastewater, Stormwater) Element: There are no known issues with the proposed change of use, the smaller scale of this development will use less water than the formerly approved mixed-use development. Stormwater will be retained on site.

Transportation (Pedestrian Network, Bikeways, Transit, Travel-ways) Elements: The site is not proposing changes to curb cuts or medians. Bike racks are available on site. Access on Lakeshore Drive will be right in and right out only, access on Rural Road will be right in and right out only, reducing potential conflicts caused by left-turn movements. Stacking for the drive-through is entirely on-site and separated from pedestrian pathways.

Aviation Element: No impact.

Open Space Element: No impact.

Recreational Amenities Element: Addition of restaurants to neighborhood as a meeting place for residents.

Public Art & Cultural Amenities Element: No impact.

Public Buildings and Services Elements: No impact.

Public Safety Element: The project will implement crime prevention through environmental design principals, and having an activated site will help reduce vandalism, littering and crime associated with vacant lots.

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

1. Appropriate short and long term public benefits
2. mitigates impacts on land use, water infrastructure or transportation
3. Helps the city attain applicable objectives of the General Plan
4. Provides rights-of-way, transit facilities, open space, recreational amenities or public art
5. Potentially negative influences are mitigated and deemed acceptable by the City Council
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.

ZONING

The proposed project would be taking the site back to what it has been since annexation into the city. The property has always been zoned as a commercial property of low intensity, to serve the nearby neighborhoods. The mixed-use designation requires a combination of uses that have proven difficult to achieve on the small corner lot of a busy intersection. Reverting this zoning back to PCC-2 facilitates development that implements the many goals and objectives of the General Plan. The proposed zoning would also remove the existing Planned Area Development, which increased the height and density allowed on site. The proposed design complies with all requirements of the Zoning and Development Code, the applicant is not seeking a reduction in parking, or variances from any of the code requirements.

Section 6-304 C.2. Approval criteria for Zoning amendment:

1. The proposed zoning amendment is in the public interest by redevelopment of a site that has remained vacant for six years.
2. The proposed zoning amendment conforms with and facilitates implementation of the General Plan as described in the analysis provided above.

DEVELOPMENT PLAN REVIEW

Site Plan

The site is located on the north east corner of Rural Road and Lakeshore Drive. Access to the site is right turn in and out only on both streets, there are medians that prevent left turns into our out of this site. Lot 1 will have a freestanding restaurant pad with a drive through wrapping the street corner. A screen wall and landscape is provided as a buffer to the street. Both buildings are pushed closer to the street, with parking hidden in the rear, this provides optimal pedestrian travel from both parking lot and public right of way. The buildings are staggered, to provide visibility for tenants in both buildings.

There is a 25 foot drainage easement along the western side of the property, which limits the location of vegetation, however the required number of street trees has been provided. Pedestrian access is available from both street frontages, and a connection is provided between the two buildings. A cross access agreement is being created to allow vehicle circulation between lots, and shared refuse. The property has an existing shared access easement with the office complex to the east, allowing traffic to flow between the two commercial sites. Another existing shared access easement on the north side has never been utilized. Staff suggested pursuing this legal entitlement with modifications to the lot to the north, to allow vehicles access to the lighted intersection to the north, and an opportunity to turn left safely. Although the easement is in place, the lot to the north has parking within the easement; six spaces would need to be removed, potentially affecting the parking of the development. The applicant did not want to pursue use of this easement to the north. Traffic engineering has no issues with the proposed site configuration, circulation or access to public streets. Refuse has worked with the architect and is satisfied with the shared refuse solution, which maximizes efficiency for City crews and minimizes on-site paving and structures to service the containers.

Building Elevations

Lot 1 building will be the most visible, being located at the corner. The south elevation, visible from Lakeshore Drive, has a combination of materials, perforated metal screen, painted stucco and stacked masonry red brick veneer. A small overhang is provided over the drive-through window, which would not provide shade from the north sufficient to meet the intent of the code. Additional landscape to the south of the drive through has been added to maximize shade to both customers and employees. The color palate is small due to the relatively small size of the buildings, a neutral beige/off-white and olive/taupe color are used in contrast with the stacked red brick and green tinted glass with anodized aluminum storefront. The colors and materials become a

unifying transition between the traditional 1980s commercial Spanish style off-white stucco and red mission roof to the north, and the 1990s commercial office building with glass and red brick to the south, and the darker earth tones used in the past decade, while providing a more contemporary architectural style. The massing of the buildings, height, and use of materials are pedestrian oriented and provide variation and simplicity appropriate to the size and use of the buildings.

Landscape Plan

The landscape palette is very diverse, providing seven different tree species, from desert willow, acacia and mesquite, to pine, in an effort to blend with adjacent landscapes with a transitional design. Five shrub species, all low water using, are varied in size, color and leaf texture, including sage, rosemary and heavenly bamboo. Six ground covers and four ornamental accents are used. The one acre lot which has been devoid of vegetation for six years, will have a new colorful palette of plants providing shade to pedestrians and vehicles, and a visually interesting entry corner for Lakeshore Drive.

Section 6-306 D Approval criteria for Development Plan Review

1. Placement, form, and articulation of buildings and structures provide variety in the streetscape; rather than a single strip building with three tenants, the site plan provides two smaller buildings with different setbacks providing variation in the street front and visibility to the tenants.
2. Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort; building elevations minimize windows on south and west exposures and provide shade trees to shade buildings, parking and sidewalks.
3. Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;
4. Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings;
5. 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;
6. Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage; A bus shelter is located south of Lakeshore Drive accessed by sidewalks connecting to the development, and bike racks will be located on site.
7. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding uses;
8. Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance;
9. Landscape accents and provides delineation from parking, buildings, driveways and pathways;
10. Lighting is compatible with the proposed building and uses, and does not create negative effects.

Conclusion

Based on the information provided and the above analysis, staff recommends approval of the requested General Plan Amendment / Zoning Amendment and Development Plan Review. This request meets the required criteria and will conform to the conditions.

REASONS FOR APPROVAL:

1. The project meets the goals and objectives of the General Plan.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The proposed project meets the approval criteria for a General Plan Amendment/Zoning Amendment and Development Plan Review.

CONDITIONS OF APPROVAL:

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 on or before August 9, 2014, 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 September 10, 2012 or the Zone Map Amendment and General Plan Map Amendment approval shall be null and void.
3. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
4. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Community Development Department on or before August 9, 2013. Failure to record the plat on or before August 9, 2013, within one year of City Council approval, shall make the plat null and void.
5. All property corners shall be set and verified with staff upon final recordation of the subdivision plat, no later than three (3) months from the date of County recordation or as determined by staff.

DPR12006 CONDITIONS OF APPROVAL

Site Plan

6. Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
7. Fully screen all rooftop mounted and ground mounted equipment. Provide service yard and mechanical yard walls that are at least 8'-0" tall as measured from adjacent grade and 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.
8. 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.
9. Provide upgraded paving at each driveway consisting of unit paving. 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.
10. 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.
11. 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

12. Public Restroom Security:
 - a. Lights in restrooms:

- 1) Provide 50% night lights
- 2) Activate by automatic sensors, key or remote control mechanism
- b. Single user restroom door hardware:
 - 3) Provide a key bypass on the exterior side

Building Elevations

13. The materials and colors are approved as presented:
Roof- flat with parapet - Roof Screens - painted Sherwin Williams SW6158 Sawdust
Main Body – Phoenix Brick Yard #16 Brick, stack bond w/ Medium Desert Tan mortar
Entry and Window Surrounds Lot 1 and Field Color Lot 2 – Pebble Dash fine stucco painted Sherwin Williams SW6140 Moderate White
Prefinished metal coping and stucco accents - painted Sherwin Williams SW6158 Sawdust
Vista Wall clear anodized aluminum storefront frame and canopies
PPG Solexia tinted glass
Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Additions or modifications may be submitted for review during building plan check process.
14. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
15. Conceal roof drainage system within the interior of the building.
16. 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.
17. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
18. Upper/lower divided glazing panels in exterior windows at grade level, where lower glass panes are part of a divided pane glass curtain-wall system, shall be permitted only if laminated glazing at these locations is provided.

Lighting

19. This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting, unless otherwise conditioned.
20. Illuminate building entrances from dusk to dawn to assist with visual surveillance at these locations.

Landscape

21. The plant palette is approved as proposed and specified on the landscape plan. Any additions or modifications may be submitted for review during building plan check process.
22. 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.
23. 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.

24. 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.
25. Trees shall be planted a minimum of 12'-0" from any existing or proposed public water or sewer lines located on-site. Trees near the main water or sewer lines located within the right of way shall be planted at least 20'-0" away. Final approval subject to determination by the Public Works, Water Utilities Division.
26. The tree planting separation requirements may be reduced from the waterline upon the installation of a linear root barrier, a minimum of 6'-0" parallel from the waterline, or around the tree. The root barrier shall be a continuous material, a minimum of 0.08" thick, installed 0'-2" above finish grade to a depth of 8'-0" below grade. Final approval subject to determination by the Public Works, Water Utilities Division.

Signage

27. Provide address sign(s) on the north, west and east building elevations, not on the Lakeshore Drive elevation.
 - 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) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 5) Do not affix number or letter 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.

- The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be reviewed and placed in a form satisfactory to the Community Development Manager and City Attorney.
- 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.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Community Development Department, and Fire Department given on the Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- **STANDARD DETAILS:**
 - Access to Tempe Supplement to the M.A.G. Uniform Standard Details and Specifications for Public Works Construction, at this link: www.tempe.gov/index.aspx?page=2147 or purchase book from the Public Works Engineering Division.
 - Access to refuse enclosure details and all other Building Safety forms at this link: www.tempe.gov/index.aspx?page=1033. 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.
- **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/modules/showdocument.aspx?documentid=5327. Contact 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.
- **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. 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 a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
- **FIRE:** Clearly define the fire lanes. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies or overhead structures. Layout and details of fire lanes are subject to Fire Department approval.
- **ENGINEERING:**

- Underground utilities except high-voltage transmission line unless project inserts a structure under the transmission line.
 - Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
 - Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
 - Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
 - 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.
- REFUSE:
 - Enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with standard detail DS-116.
 - Contact Public Works Sanitation Division to verify that vehicle maneuvering and access to the enclosure is adequate.
 - Gates for refuse enclosure(s) are not required, unless visible from the street. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.
- DRIVEWAYS:
 - Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works, Traffic Engineering.
 - Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from Traffic Engineering if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
- PARKING SPACES:
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
 - At parking areas, provide demarcated accessible aisle for disabled parking.
 - Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- LIGHTING:
 - Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
 - Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.
- LANDSCAPE:
 - 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:

- July 17, 1974 Design Review Board approved site and landscape plans for Dry Dock Restaurant.
- August 22, 1974 City Council approved the Final Plan of Development for the Dry Dock Restaurant. The following standards were established: Front yard 20 feet, Street Side Yard 10 feet, Interior side yard 5 feet, Rear Yard 20 feet (except lake front lots – 0 feet), Maximum Building Coverage 50%.
- April 2, 1975 Design Review Board approved a materials change for the renamed restaurant, Barclay Jack's.
- September 5, 1979 Design Review Board approved a dining room addition and elevation changes for Barclay Jacks.
- November 7, 1979 Design Review Board approved one 24 s.f. freestanding sign for Barclay Jacks.
- September 21, 1982 Sign Permit issued to Stag and Hound Restaurant one 24 s.f. freestanding sign.
- November 21, 1985 Design Review Board approved the request for Hungry Hunter Restaurant for one 24 s.f. freestanding sign and one 48.4 s.f. wall mounted sign.
- May-December 2004 Great Wall Super Buffet made tenant improvements and obtained a sign permit for a new restaurant on site. New restaurant opened, without required design review approvals for exterior modification. Building was repainted after code enforcement action.
- August 19, 2004 City Council approved the request by Great Wall Super Buffet #SFP-2004.47 for an Amended Final Plan of Development for Site D-1, Lake Country Plaza, consisting of an existing 6,536 net s.f. restaurant on 1.22 acres, located at 4455 South Rural Road, including the following:
Variances:
1. Reduce the minimum required parking spaces from 87 to 79.
2. Waive the required landscape islands at the end of parking aisles along the east property line and the required landscape islands to separate rows of more than fifteen (15) along the north and east property line. (Ord. 808 Sec. 3-206)
- May 2005 Great China Buffet closed and the site has remained vacant since this date to present.
- February 8, 2006 DR Horton purchased property.
- June 12, 2007 Development Review Commission held a public hearing and took public comment for the request for a Zoning Map Amendment, Planned Area Development and Development Plan Review. The commission unanimously approved the Development Plan Review and recommended approval of the zoning amendment and PAD.
- June 28, 2007 City Council had an introduction and first public hearing for the request by 4455 RURAL (PL070191) consisting of a mixed use development of 30 residences and 3,600 s.f. of commercial office space within a four story (50 foot) building of approximately 87,785 s.f., located on 1.217 acres, currently in the PCC-2 Planned Commercial Center Zoning District.
- July 19, 2007 City Council held a second public hearing and approved the above request. The project was never completed.

ZONING AND DEVELOPMENT CODE REFERENCE:

- Section 6-302, General Plan Amendment
Section 6-304, Zoning Map Amendment
Section 6-306, Development Plan Review
-

RESOLUTION NO. 2012.55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE FOR APPROXIMATELY 1.23 ACRES LOCATED AT 4455 S RURAL ROAD AND OWNED BY D.R. HORTON, INC.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, that the General Plan 2030 Projected Land Use Map is hereby amended for approximately 1.23 acres from Mixed-Use to Commercial, located at 4455 S. Rural Road.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____ 2012

Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

ORDINANCE NO. 2012.26

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 removing the below described property from the MU-2 Mixed-Use Two District and designating it as PCC-2 Planned Commercial Center Two on 1.23 acres.

LEGAL DESCRIPTION

Units 101 and 2001 through 20.30, Condominium Plat •4455': a Condominium, according to the Declaration of Condominium and of Covenants, Conditions and Restrictions recorded January .31, 2008 in Recording No. 2008-0089129 and recorded in Book 970 of Maps, page 46 in the Official Records of Maricopa County. Arizona.

TOGETHER WITH an undivided interest in and to the common elements as set forth in the Declaration; and EXCEPT all oil, gas, petroleum, uranium, thorium or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as reserved in Mineral Deed and Reservation of Surface Rights, recorded July 01, 20011 in Recording No. 2011-551788.

TOTAL AREA IS 1.23 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # ZON12002** 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 _____, 2012.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

WHEN RECORDED RETURN TO:
City of Tempe
Community Development Department
31 E. 5th Street
Tempe, AZ. 85281

**WAIVER OF RIGHTS AND REMEDIES
UNDER A.R.S. §12-1134**

This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by 529 Tempe LLC, an Arizona Limited Liability Company and the Arizona Board of Regents (Owner/s).

Owner acknowledges that A.R.S. § 12-1134 provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner's property (Private Property Rights Protection Act).

Owner further acknowledges that the Private Property Rights Protection Act authorizes a private property owner to enter an agreement waiving any claim for diminution in value of the property in connection with any action requested by the property owner.

Owner has submitted Application No. **PL120121** to the City requesting that the City approve the following:

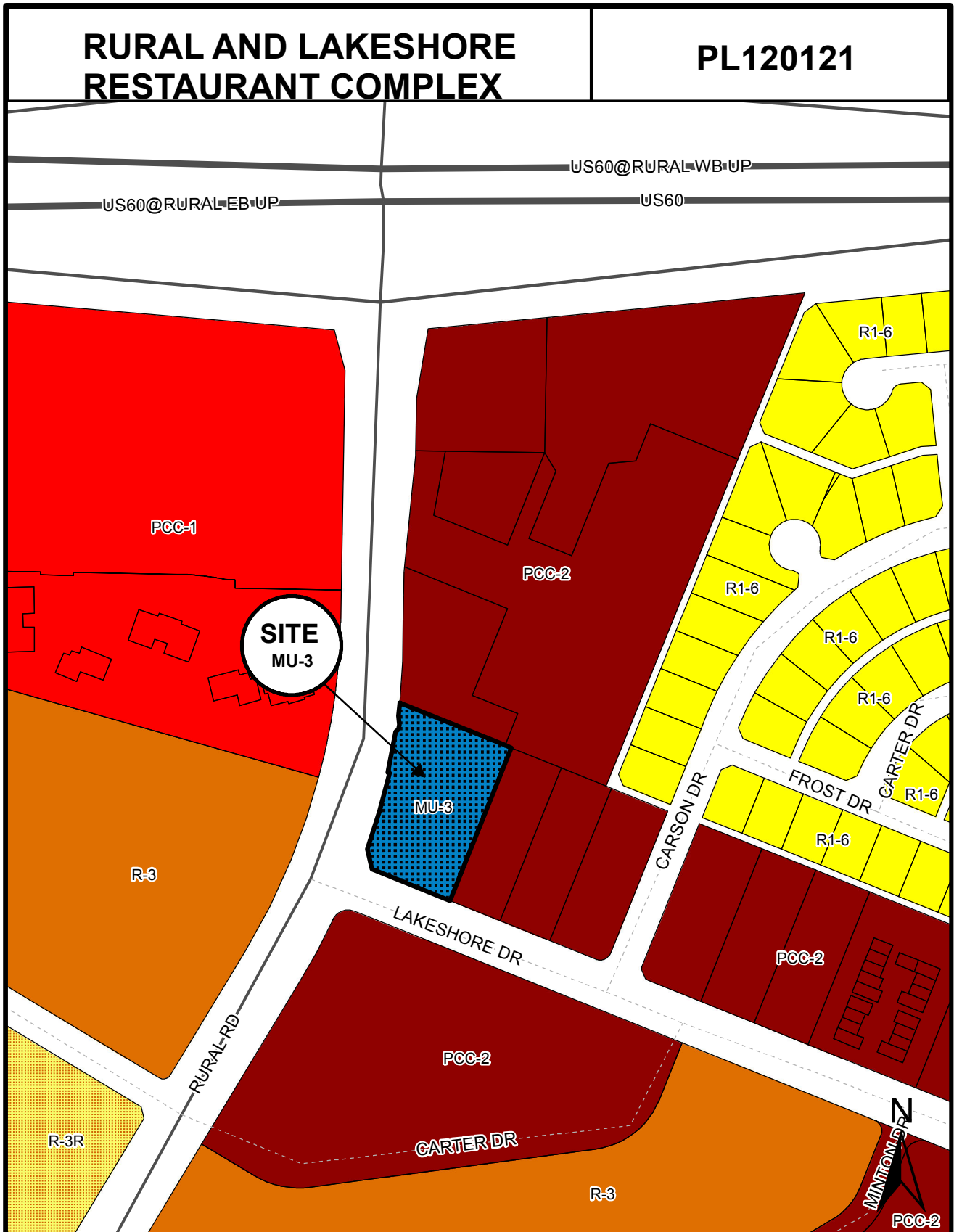
- GENERAL PLAN AMENDMENT
- ZONING MAP AMENDMENT
- PAD OVERLAY
- HISTORIC PRESERVATION DESIGNATION/OVERLAY
- USE PERMIT
- VARIANCE
- DEVELOPMENT PLAN REVIEW
- SUBDIVISION PLAT/CONDOMINIUM PLAT
- OTHER _____
(Identify Action Requested)

for development of the following real property (Property):

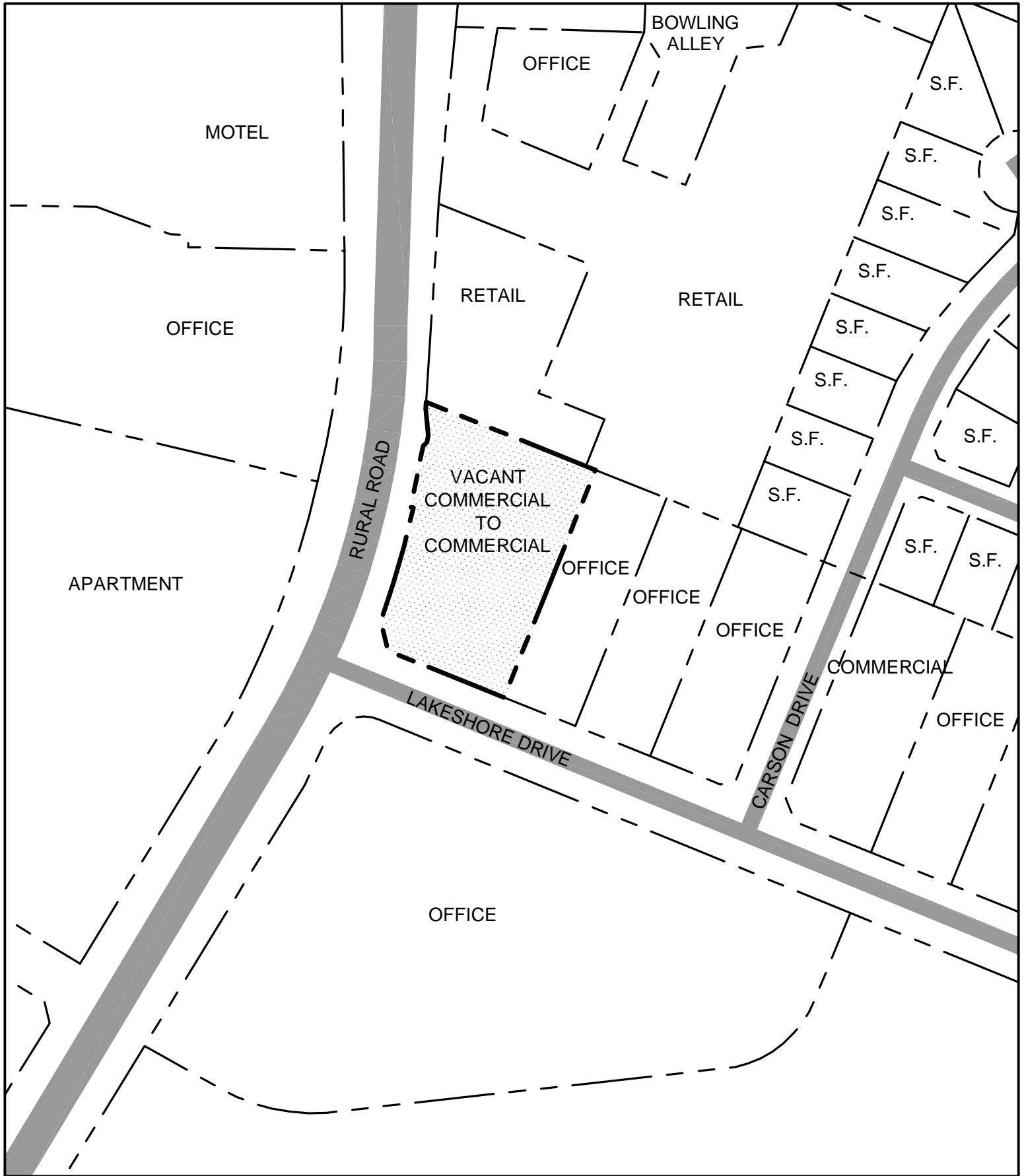
Parcel No.

Addresses: 4455 South Rural Road, Tempe, Arizona.

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



Location Map



GENERAL PLAN MAP EXHIBIT (Existing Uses)

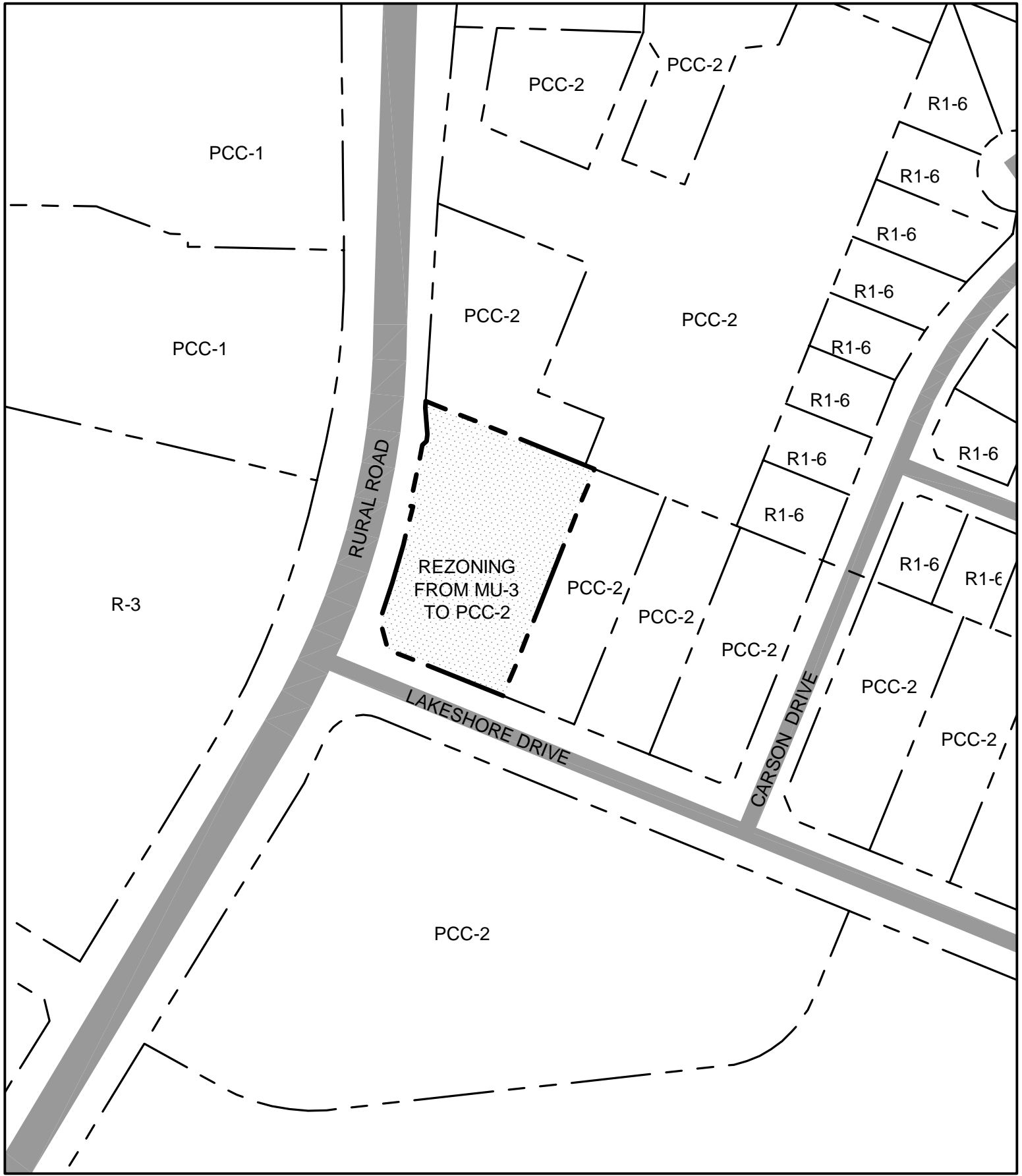
LAKESHORE & RURAL - TEMPE, AZ

DATE: 04.23.2012

SCALE: 1" = 150'



Sterling Design Associates, LLC



ZONING MAP EXHIBIT
 LAKESHORE & RURAL - TEMPE, AZ
 DATE: 04.23.2012
 SCALE: 1" = 150'



Sterling Design Associates, LLC



RURAL AND LAKESHORE RESTAURANT COMPLEX (PL120121)



Letter of Explanation

Date: 5.18.12

To: Diana Kaminski, City of Tempe Planning Department

From: Wayne Sterling

**RE: Restaurant Complex
4455 S. Rural Rd., Tempe, AZ**

INTRODUCTION

Vaquero Ventures proposes to redevelop the NEC of Rural Rd. and Lakeshore Dr. into a two lot, two building, three tenant Restaurant Complex. This letter will provide the justification for this in regards to the associated General Plan amendment, Zoning Change, Subdivision Plat and Development Plan required for this.

Some background on this 1.22 acre site includes a zoning change in 2007 from PCC-2 to MU-3. This was to accommodate a four-story mixed-use building. The project was never built and the lot has remained vacant for the past 8 years.

GENERAL PLAN 2030

This plan from 2003 indicates the suggested land use for this property and all adjacent to it, be Mixed-Use. Current land uses in the adjacent area include Office to the East and South, Multi-Family and Office to the West, and Retail to the North. Further to the Northeast is some Single Family. There are no mixed-use developments currently adjacent to the property. Due to the size and physical constraints of this lot it would be difficult to develop it individually as mixed-use. The current property owner is a housing specialist and attempted a mixed-use development in 2007 but has been unsuccessful. This proposed Restaurant Complex will add to the mix of land uses and compliment the General Plan direction for the overall area.

ZONING CHANGE FROM MU-3 TO PCC-2

Changing the zoning for this property back to PCC-2 will allow for Restaurant with Drive-Thru services for this site. The properties directly adjacent to the site (North and East) are currently under this zoning designation creating no direct compatibility issues. Properties across Rural Rd. and Lakeshore Dr. include PCC-1, PCC-2, and R-3 which also indicate no direct conflicts. The existing Mixed-Use zoning indicates a Residential component which has proved difficult to

Jeffrey A. Holley, PE
Wayne T. Sterling, RLA, LEED AP

2009 W. Littleton Blvd. #210
Littleton, CO 80120
303.794.4727 ph
www.SterlingDesignAssociates.com



develop. The small lot size, and traffic volumes associated with this corner lot by a major arterial road and Superstition Freeway limit residential interest. No negative impacts due to this zoning change are anticipated at this time.

SUBDIVISION

The proposal includes a lot split that creates one Lot of 22,207 SF on the South and another Lot on the North of 30,810 SF. Each Lot will have Right-In/Right-Out access for vehicular traffic from the Public R.O.W. and ADA compliant pedestrian access also from existing street R.O.W. There will be cross access between the two lots and with the neighbor to the East. Public utilities are currently in place for each lot or directly adjacent to. Each lot will provide underground retention with a shared drywell meeting city criteria.

DEVELOPMENT PLAN

The **site** design intent of the project is to provide an efficient, self-contained, low-impact site plan that separates vehicular and pedestrian traffic to the greatest extent possible. The buildings have been located adjacent to both street frontages with parking interior to the lots providing an urban character streetscape. The site will provide the required number of off-street parking spaces and Drive-Thru stacking of up to eleven cars before on-site circulation is impacted. The building masses, locations and interior pedestrian connection will create a village character attractive to restaurant patrons. The project is designed to be transit-oriented with access to an existing bike lane on Lakeshore Dr. and Bus Service on Rural Rd. All landscape areas will utilize colorful and textural low water use plantings with drip irrigation and no turf.

The **building** design utilizes a variety of materials including brick, glass, and stucco to create an urban-modern character. The building masses contain varied roof lines, and varied horizontal/vertical wall planes. Windows have been included in the Rural Rd. pedestrian interface area. Site architectural features including the trash enclosures and a drive-thru screen wall will match or compliment the building materials and character.

A neighborhood meeting is planned for May 24th as required for the General Plan and Zoning change request. We look forward to their feedback and working with you in an attempt to develop an exceptional project for Vaquero Ventures and the City of Tempe.

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Neighborhood Meeting Minutes

Re: 4455 Rural S. Rural Road, Tempe, AZ

Date: THURSDAY, May 24, 2012

Location: The Pyle Adult Recreation Center, 655 E. Southern Ave., Tempe, AZ 85282

Time: 7:00 PM

In attendance: Wayne Sterling, Sterling Design Associates, llc; Elizabeth Hughes, SCM Solutions, LLC; WA Landreth, Vaquero Ventures; Lance Umble, Phoenix Commercial Advisors; Pam and Jack Hofmann; Dan Digiovanni (see sign in sheet)

DISCUSSION

1. Informal conversations before meeting between all participants, including, but not limited to site/community history and resident's observations of past businesses and traffic issues.
2. Wayne Sterling presented the project beginning with site history pertaining to this project and Vaquero Venture's proposed changes. Site influences such as the freeway, residential, multi-family, and commercial uses were discussed.
 - a. General Plan 2030: Mr. Sterling presented the common intentions behind the current mixed use zoning and general plan and explained that there are currently no mixed use developments in the area to his knowledge. Residents agreed and shared their knowledge of future mixed use projects and redevelopment in the area. All residents in attendance support the General Plan amendment that eliminates the mixed use designation on this property and do not object to a drive-thru use as proposed.
 - i. Mr. Hofmann has been an active resident for 40 years and shared traffic and circulation issues that he has observed in the area. He points out that a U-Turn is difficult on Lakeshore and traffic has historically turned left onto Carson and accessed the site via the business parking lot to the east of the site (between Carson and the development site). Mr. Hofmann claims this arrangement has worked well and been allowed by all parties in the past. Mr. and Mrs. Hofmann support the continued use of the arrangement. All residents in attendance expressed frustration about turning left from Lakeshore onto southbound Rural due to high traffic volumes. They do not anticipate the proposed development will change the current situation but wanted the developer to be aware of the traffic patterns they have observed.

- ii. All residents in attendance stated that they have no objection to the proposed plans and consider the development an “appropriate use.”
- b. Zoning Change from MU-3 to PCC-2: Mr. Sterling explained the lot’s history and the desire to return to the original PCC-2 zoning to allow a drive-thru. Support was shown by all attendees.
- c. Subdivision: Mr. Sterling presented the proposed lot split. Residents did not object, but were curious why this was necessary. Mr. Sterling and Mr. Landreth explained it would allow for greater flexibility for the land owner and future tenants. Residents have no objection with the lot split.
- d. Development Plan: Mr. Sterling presented the site and building design.
 - i. Pam Hofmann inquired after the type of restaurants being considered for the three tenant spaces. She expressed concern about a “Burger King” type restaurant occupying the drive-thru building. The residents would prefer higher end restaurants to be selected for the spaces. Mr. Landreth and Mr. Umble indicated to the residents that currently only higher end, “top notch” facilities were being considered for the spaces.
 - ii. The parking plan was discussed. Mr. Hofmann mentioned that historically, patrons of restaurants at this location utilized the parking on the lot to the east. Mr. Hofmann feels that was an excellent arrangement and should be considered. Mr. Sterling explained that the development meets all city parking requirements on-site.
 - iii. Mr. Digiovanni inquired after proposed signage. Mr. Sterling described the monument sign as allowed by city code being a maximum of eight feet tall and utilizing building signs as allowed by the city.
 - iv. The residents were told by the city some time ago that a bus stop/drop off was being planned for northbound Rural directly in front of the proposed development. They are adamantly opposed to this change. Mr. Sterling and Ms. Hughes responded to the residents that this has not been mentioned by the city at this time.
 - v. Mr. Sterling explained that traffic will be limited to right in/right out on both street frontages as is currently the case. Residents were pleased that neither median would be cut. Mr. Hofmann claimed that, “You have sighted it quite nicely.”
 - vi. Pedestrian access was briefly discussed, and will be available as shown on the site plan.

- vii. Residents inquired whether any of the facilities will be obtaining liquor licenses. Mr. Landreth claimed that at this time none of the potential tenants have expressed desire to serve alcohol. The residents expressed their support of liquor licenses in the future as they feel that higher end facilities offer liquor.
- viii. Mrs. Hofmann and Mr. Digiovanni expressed concern over the hours of the drive-thru operation. They requested it to not be open 24 hours. Mr. Landreth and Mr. Umble said they currently anticipate the facility will close by approximately 10:00pm. Mr. Umble said he has not had “a single discussion with anyone who has proposed to be open 24 hours.” Mrs. Hofmann and Mr. Digiovanni were satisfied with this hour, as they requested midnight or 1:00am.
- ix. Building architecture was discussed. Mr. Hofmann inquired after the type of brick being used. Mrs. Hofmann finds the proposed architecture to be “plain Jane.” Mr. Sterling and Mr. Landreth explained the modern, sleek look being utilized. Mr. Digiovanni expressed his approval of the modern architecture but asked if anything would be added to “spice it up.” Mr. Landreth explained that signage will add interest and color. Mrs. Hoffman inquired about parapet and roofing materials. Mr. Sterling answered her questions with as much details as available at this time.
- x. Mr. Hofmann advised all grease tubs be shielded and close to the building. Residents request all service areas to be well screened.
- xi. Mr. Digiovanni asked what the area between the two buildings will be used for. Mr. Sterling responded that it will be a landscaped transition between the two lots and not a gathering place.
- xii. The residents are pleased with the proposed landscaping and request large trees and ample plantings. Mr. Sterling assured them landscaping would be plentiful and to code. He did explain the constraints due to underground and overhead utilities.
- xiii. Mr. Hofmann advised the development team to install bollards at the corner of Lakeshore and Rural to protect the drive-thru, building and customers as he has witnessed many serious accidents caused by drivers misjudging the corner and crashing onto the lot and/or buildings.
- xiv. Residents asked about the construction schedule and if the two building would be constructed at once. Mr. Sterling responded that the buildings would be built at the same time but the schedule is not currently available. Offsite work will be limited to rebuilding the driveways.

- xv. Mrs. Hofmann pointed out that there is a gas line from the corner of Lakeshore and Rural that travels diagonally through the property to Carson. At this time, the development team is not aware of this line.
 - xvi. Mr. and Mrs. Hofmann request lighting to be shaded. Mr. Sterling explained that all parking lot lighting will be full cut-off fixtures. Mr. and Mrs. Hofmann feel that their property is far enough from the site to have minimal or no impact.
- e. Residents feel that the vacant lot is an “eyesore” and an “embarrassment to the city,” and are happy to see this project begin. Mrs. Hofmann gave the development team a friendly “welcome to the neighborhood.”

DEVELOPMENT PLAN RURAL & LAKESHORE RESTAURANT COMPLEX

A 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

ACKNOWLEDGEMENT

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE
UNDERSIGNED, PERSONALLY APPEARED _____ WHO
ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS
SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE
FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.
IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL

BY: _____ NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____
VAQUERO VENTURES

BY: _____ OWNER _____ DATE _____

EXISTING LEGAL DESCRIPTION

UNIT 101 AND 2001 THROUGH 2039, CONDOMINIUM PLAT "4455", A
CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM
AND OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN
BOOK 970 OF MAPS, PAGE 46 IN THE OFFICIAL RECORDS OF
MARICOPA COUNTY, ARIZONA, TOGETHER WITH AN UNDIVIDED
INTEREST IN AND TO THE COMMON ELEMENTS AS SET FORTH IN THE
DECLARATION OF CONDOMINIUM AND OF COVENANTS, CONDITIONS,
THORUM OR ANY OTHER MATERIAL WHICH IS OR MAY BE
DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF
ASSURANCE WAIVERS, WHETHER OR NOT OF COMMERCIAL VALUE,
A SURETY BOND UNDER THE POLICY NUMBER _____,
RIGHTS, RECORDED JULY 01, 2011 IN RECORDING NO. 2011-561788.

APPROVAL

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

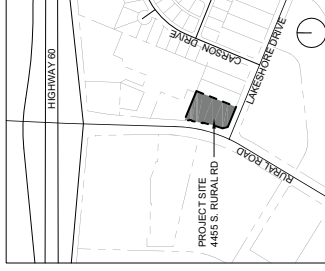
OWNER/DEVELOPER

VAQUERO VENTURES
3207 WEST 4th STREET
FORT WORTH, TX 76107
CONTACT: W.A. LANDRETH
817.228.5288
WALANDRETH@VAQUEROVENTURES.COM

APPLICANT

STERLING DESIGN ASSOCIATES
2099 W. LITTLETON BLVD. #210
LITTLETON, CO 80120
CONTACT: WAYNE STERLING
303.794.4727
WAYNE@STERLINGDESIGNASSOCIATES.COM

SITE VICINITY MAP



PROJECT DATA

LOT #1
SIZE: 22,208 S.F.
ZONING
EXISTING: ML-3
PROPOSED: PCC-2
LAND USE
COMMERCIAL
TYPE OF BUILDING CONSTRUCTION
V-B CONSTRUCTION
AUTOMATIC FIRE EXTINGUISHING SYSTEM
TBD

LOT #2
SIZE: 30,809 S.F.
ZONING
EXISTING: ML-3
PROPOSED: PCC-2
LAND USE
COMMERCIAL
TYPE OF BUILDING CONSTRUCTION
V-B CONSTRUCTION
AUTOMATIC FIRE EXTINGUISHING SYSTEM
TBD

BUILDING HEIGHT
PROVIDED: 46'
PROVIDED BUILDING HEIGHT: 22'
BUILDING LOT COVERAGE
MAXIMUM ALLOWED: 50%
PROVIDED LOT COVERAGE: 7.8%

BUILDING HEIGHT
PROVIDED: 46'
PROVIDED BUILDING HEIGHT: 22'
BUILDING LOT COVERAGE
MAXIMUM ALLOWED: 50%
PROVIDED LOT COVERAGE: 11.4%

SITE LANDSCAPE COVERAGE
MINIMUM REQUIRED: 15%
PROVIDED LANDSCAPE COVERAGE: 33.4%

SITE LANDSCAPE COVERAGE
MINIMUM REQUIRED: 15%
PROVIDED LANDSCAPE COVERAGE: 25.2%

BUILDING SETBACKS
REQUIRED:
FRONT (LAKESHORE DRIVE): 0'
SIDE (WEST SIDE): 30'
SIDE (EAST SIDE): 30'
REAR (NORTH SIDE): 30'
REAR (SOUTH SIDE): 30'

BUILDING SETBACKS
REQUIRED:
FRONT (RURAL RD): 0'
SIDE (NORTH SIDE): 30'
SIDE (SOUTH SIDE): 30'
REAR (EAST SIDE): 30'

VEHICULAR PARKING QUANTITY
(1) SPACE PER 75 SF (1,750 SF BLDG.)
SPACES PROVIDED: 24

VEHICULAR PARKING QUANTITY
(1) SPACE PER 75 SF (3,500 SF BLDG.)
SPACES PROVIDED: 46

BICYCLE PARKING QUANTITY
(1) SPACE PER 150 SF (1,750 SF BLDG.)
SPACES REQUIRED: 2
SPACES PROVIDED: 2

BICYCLE PARKING QUANTITY
(1) SPACE PER 150 SF (3,500 SF BLDG.)
SPACES REQUIRED: 4
SPACES PROVIDED: 4



PREPARED UNDER THE SUPERVISION OF
WAYNE STERLING, LICENSED PROFESSIONAL ENGINEER
FOR A COUNTY OF MARICOPA ASSOCIATES, LLC
www.sterlingdesignassociates.com

**PRELIMINARY
NOT FOR CONSTRUCTION**

STERLING DESIGN ASSOCIATES, LLC	
ISSUE & REVISIONS	
NO. 1	DATE: 07/01/11 BY: WBS
DESCRIPTION: CITY COMMENTS	
NO. 2	DATE: 07/01/11 BY: WBS
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DESCRIPTION: CITY COMMENTS	

PROJECT
RESTAURANT COMPLEX
RURAL RD. & LAKESHORE DR.
4455 S. RURAL RD.
TEMPE, ARIZONA

VAQUERO VENTURES
3207 West 4th Street
Fort Worth, TX 76107
W.A. Landreth
817-228-5288

SHEET INDEX
COVER SHEET
C-0
SHEET NUMBER
C-0

DS120405 DPR12066 ZON12002 REC12014

PROPERTY LINE TABLE

LINE	BEARINGS	DISTANCE	CHORD BEARING	CHORD LENGTH
L1	N 69°58'17.7" W	147.56'		
L2	N 74°31'07.7" W	56.19'		
L3	N 42°01'03.8" E	6.30'		
L4	N 02°26'25.8" E	8.50'		
L5	N 01°23'54.1" E	3.90'		
L6	S 27°53'43.7" W	290.00'		
C1	1291.22'	140.00'	06°12'43.4"	139.23'
C2	1287.77'	73.89'	35°17'15.1"	73.88'

LEGEND

- PROPERTY LINE
- EXISTING CURB AND GUTTER
- EXISTING CONCRETE SURFACE
- EXISTING WALL
- EXISTING BACK FLOW PREVENTER
- EXISTING ELECTRIC BOX
- EXISTING ELECTRIC CABINET
- EXISTING ELECTRIC TRANSFORMER
- EXISTING P.C. ELECTRIC RISER
- EXISTING P.C. HYDRANT
- EXISTING GAS VALVE
- EXISTING GUARD POST OR GATE POST
- EXISTING LIGHT POLE
- EXISTING METAL GRATE
- EXISTING SEWER MANHOLE
- EXISTING TELEPHONE RISER
- EXISTING TV JUNCTION BOX
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING EASEMENT
- BUILDING SETBACK LINE
- EXCLUSIVE WATERLINE EASEMENT
- LANDSCAPE SETBACK
- PUBLIC UTILITY EASEMENT
- EMERGENCY VEHICLE PUBLIC UTILITY AND FACILITIES AND DRAINAGE EASEMENT
- PROPOSED POLE LIGHT
- PROPOSED CURB AND GUTTER
- PROPOSED EASEMENT
- PROPOSED HANDICAP PARKING
- PROPOSED LANDSCAPE AREA
- PROPOSED PAINTED TRAFFIC ARROW
- PROPOSED PAINTED STOP BAR
- PROPOSED PARKING COUNT

Sterling Design Associates, LLC
 CIVIL ENGINEERS - LANDSCAPE ARCHITECTS
 309 W. Leland Blvd. #100
 Lakewood, CO 80226
 www.sterlingdesign.com

PREPARED UNDER THE CLOSE SUPERVISION OF
 WALTER W. STERLING, LICENSED PROFESSIONAL ENGINEER
 FOR A COUNTY OF THE STATE OF ARIZONA, LICENSE NO. 1200

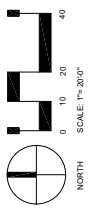
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NOT FOR CONSTRUCTION

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RESTAURANT COMPLEX
RURAL RD. & LAKESHORE DR.
4455 S. RURAL RD.
TEMPE, ARIZONA

Venueco Ventures
 3207 West 4th Street
 Fort Worth, TX 76107
 W.A. Landreth
 817-228-5288

SITE PLAN
 SHEET NUMBER: C-1



CAUTION - NOTICE TO CONTRACTOR

EXISTING UTILITIES SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO RESOLVE EXACT FIELD CONDITIONS OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING IMPROVEMENTS AND UTILITIES AND SHALL REPAIR ANY DAMAGE AT HIS EXPENSE.

CALL ARIZONA BLUESTAKE
602-263-1100
1-800-STAKE-IT

CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE LOCATION OF UNDERGROUND MEMBER UTILITIES.

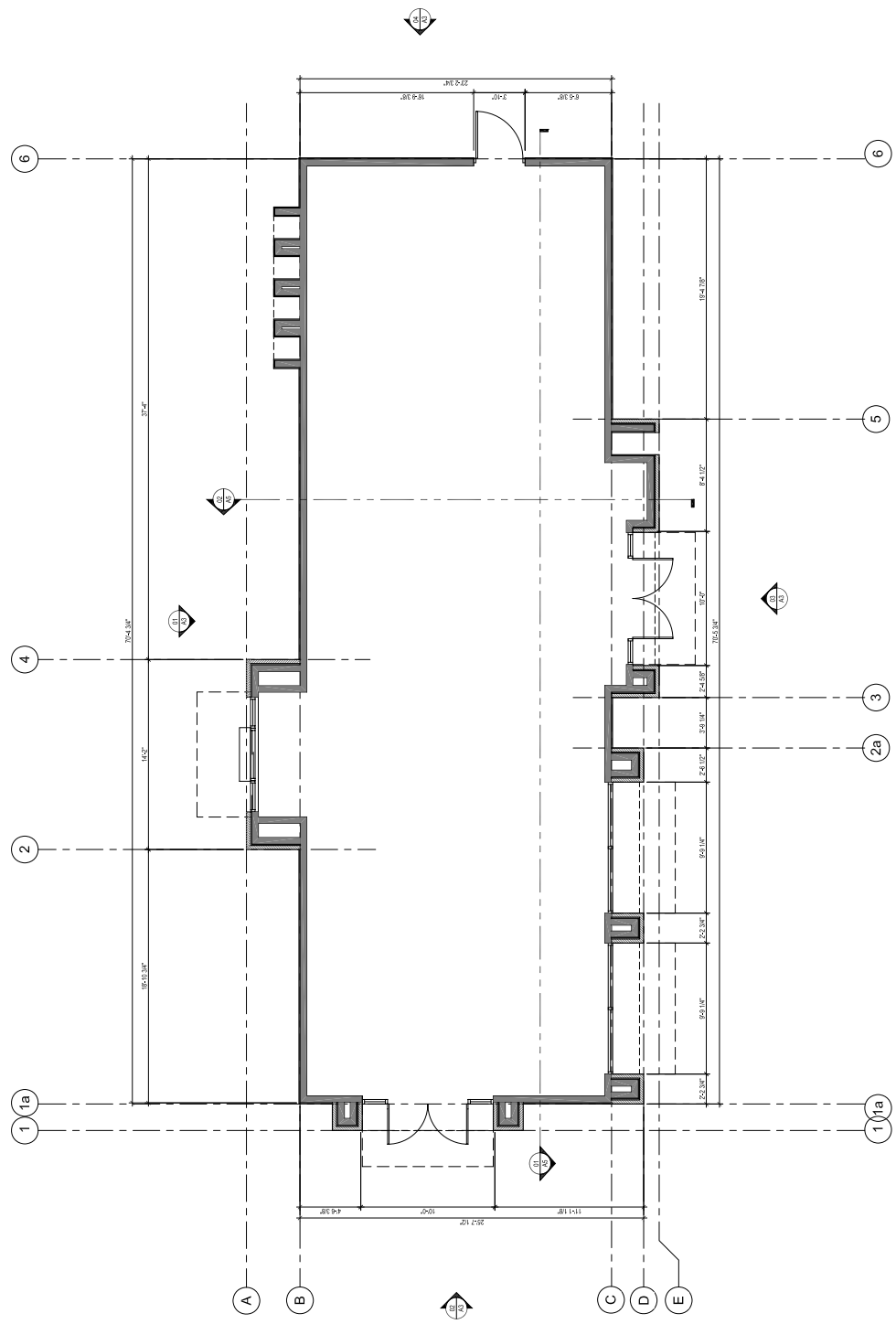
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10	08/14/19	PERMITS

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THIS DOCUMENT SHALL NOT BE
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UNDER THE PROVISIONS OF THE
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NSA-1008-R-12019

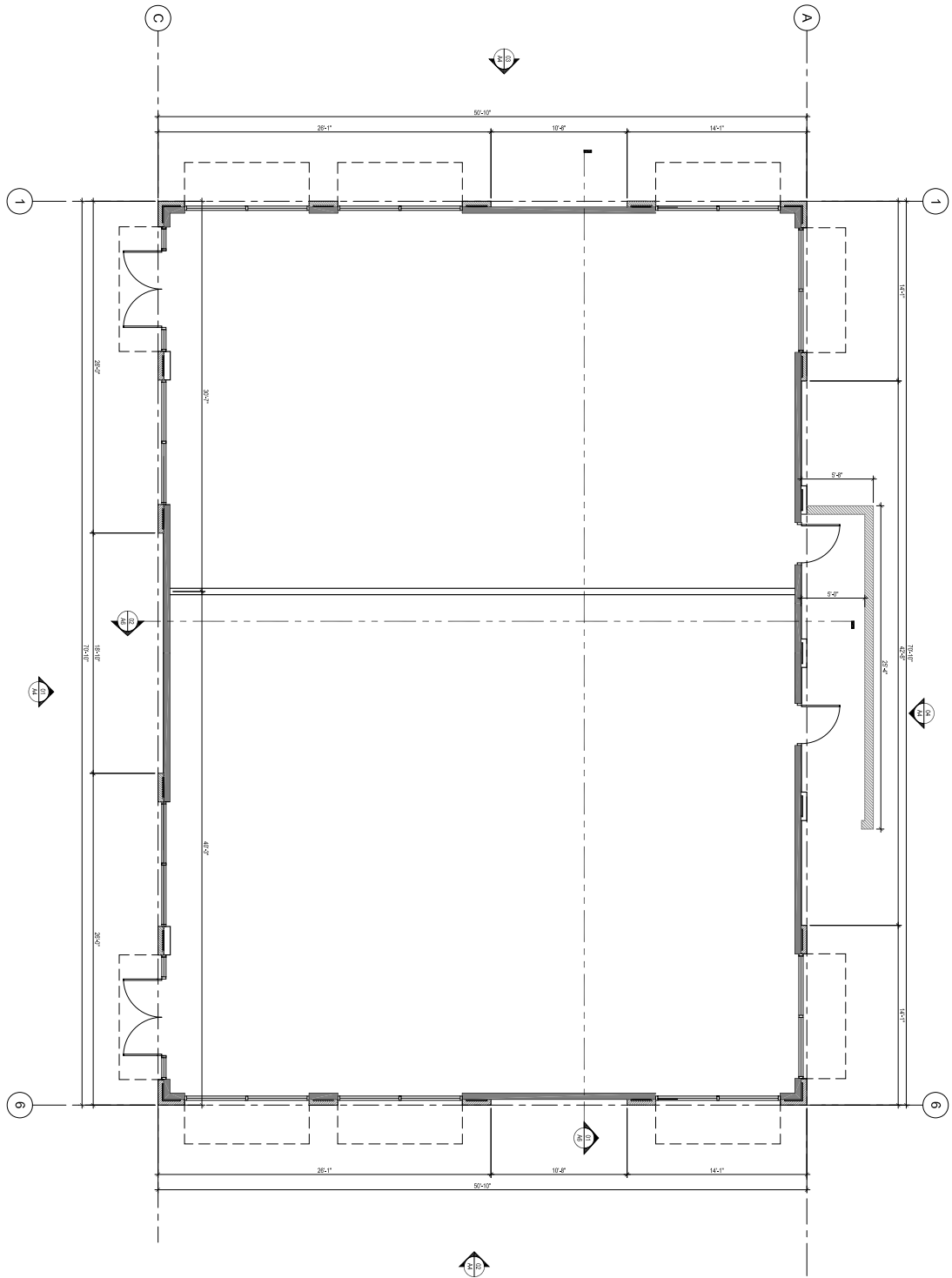
**LOT 1 - BUILDING
FLOOR PLAN**

A-1



01 LOT 1 - BUILDING FLOOR PLAN

01 LOT 2 - BUILDING FLOOR PLAN



NCA Partners
ARCHITECTURE

5646 BELTLINE ST.
DALLAS, TX 75206
214.361.3688 FAX
214.361.3688
www.ncaarchitect.com

AS NOTED AND UNLESS OTHERWISE SPECIFIED, ALL MATERIALS AND FINISHES SHALL BE AS SHOWN ON THE DRAWINGS. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.

RESTAURANT COMPLEX
RURAL RD. & LAKESHORE DR.
4455 S. RURAL RD.
TEMPE, AZ

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DESIGNER: []
CHECKED: []
DATE: 12/01/19
DESIGNER: []
CHECKED: []

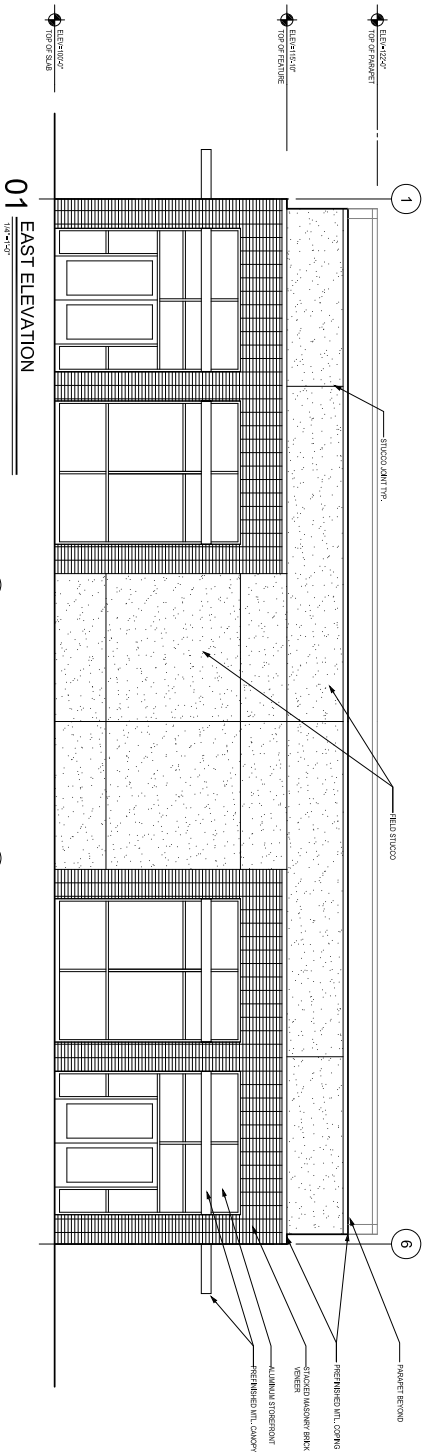
NO.	DATE	DESCRIPTION

PRELIMINARY
THE OCCUPANT SHALL NOT BE CONSIDERED RESPONSIBLE FOR ANY DAMAGE TO THE BUILDING OR CONTENTS THEREOF CAUSED BY THE USER'S NEGLIGENCE OR MISUSE.

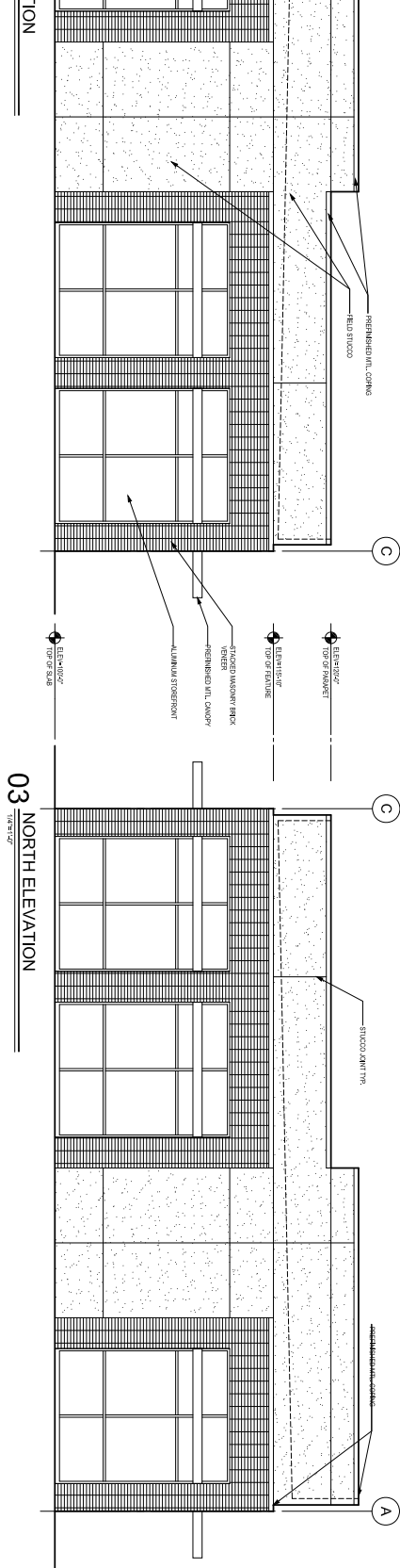
NCA ARCHITECTURE 120119

LOT 2-FLOOR PLAN

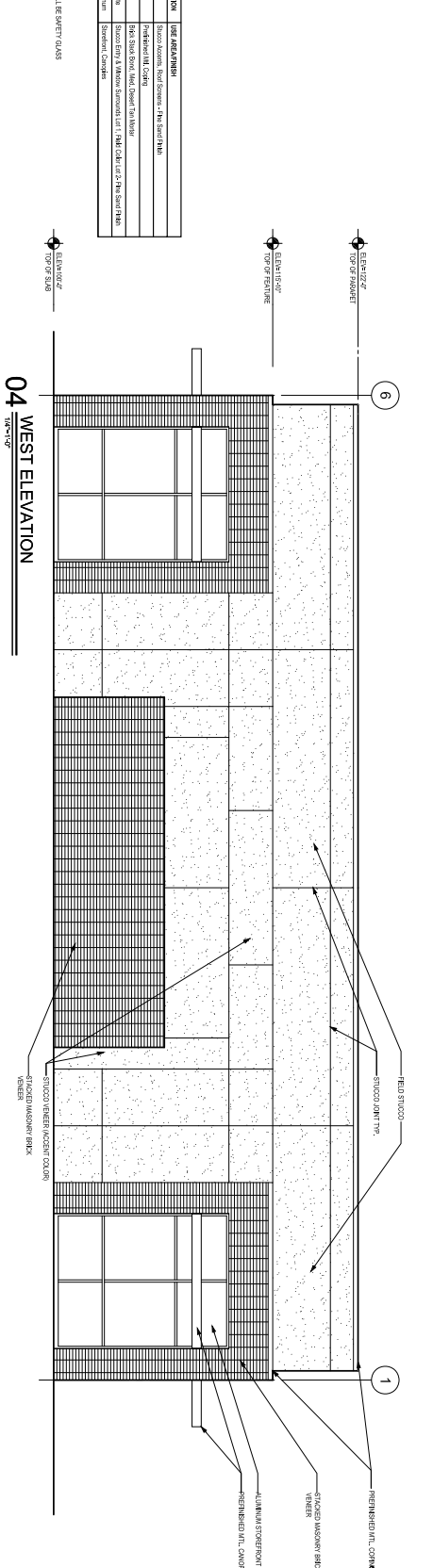
A-2



01 EAST ELEVATION
1/8"=1'-0"



03 NORTH ELEVATION
1/8"=1'-0"



04 WEST ELEVATION
1/8"=1'-0"

02 SOUTH ELEVATION
1/8"=1'-0"

MATERIAL	MANUFACTURER	COLOR SPECIFICATION	USE REVISION
STUCCO	SEKON WALLS	SW1103-Galena	Smooth texture, soft shadow, fine sand/fin
INTL. CORNER	SEKON WALLS	SW1103-Galena	Precasted Intl. Corner
BRICK	PRECAST BRICK, VANDI	414	Red Sand Stone, Hand Chisel, 3rd Revision
STUCCO	SEKON WALLS	SW1103-Galena	Smooth Finish, Vertical Grooved Joint, 1/4" Recessed, 2nd Revision
STONEWORK	INTL. WALL	Dark Reddish Aluminum	Standard Channels

NOTE:
1. ALL GLAZES WITH INLETS OR THROUGH GLAZES SHALL BE SAFETY GLASS
2. ALL ROOF FLASHINGS TO BE CORRODED

RESTAURANT COMPLEX
RURAL RD. & LAKESHORE DR.
4455 S. RURAL RD.
TEMPE, AZ

ATTACHMENT 20

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ARCHITECTURE

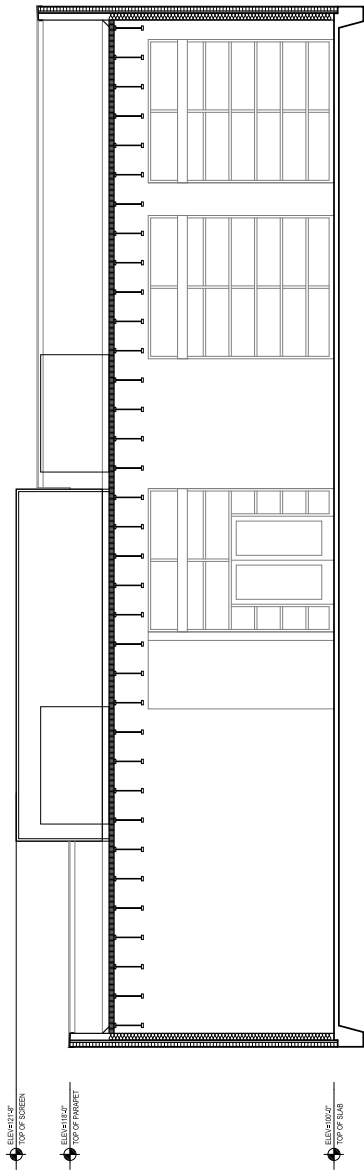
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DALLAS, TX 75206
214.361.9808 FAX
214.361.9808 FAX
www.ncaarchitect.com

DATE: 12/11/19
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CHECKED BY: [REDACTED]

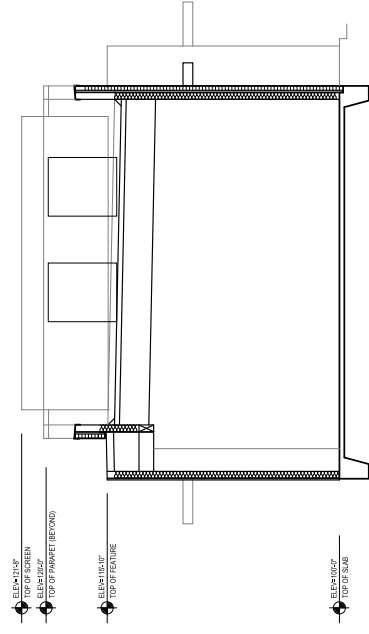
LOT 2 BUILDING ELEVATIONS

12/11/19

A-4



01 LONGITUDINAL SECTION
1/8" = 1'-0"

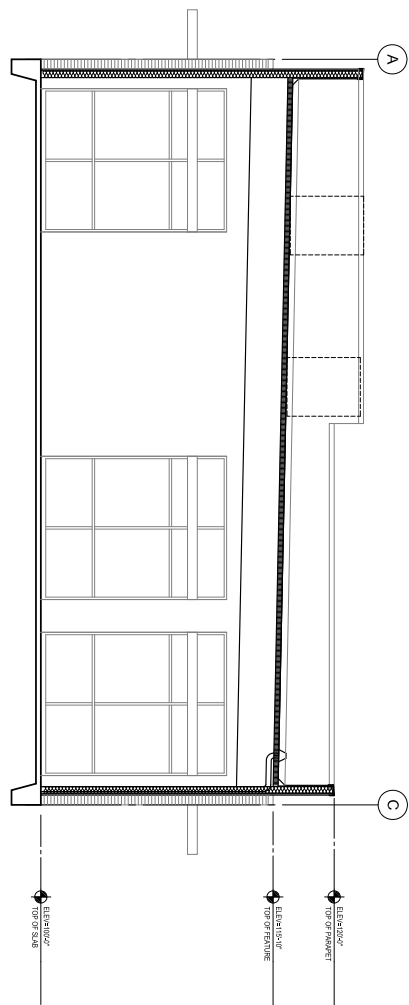
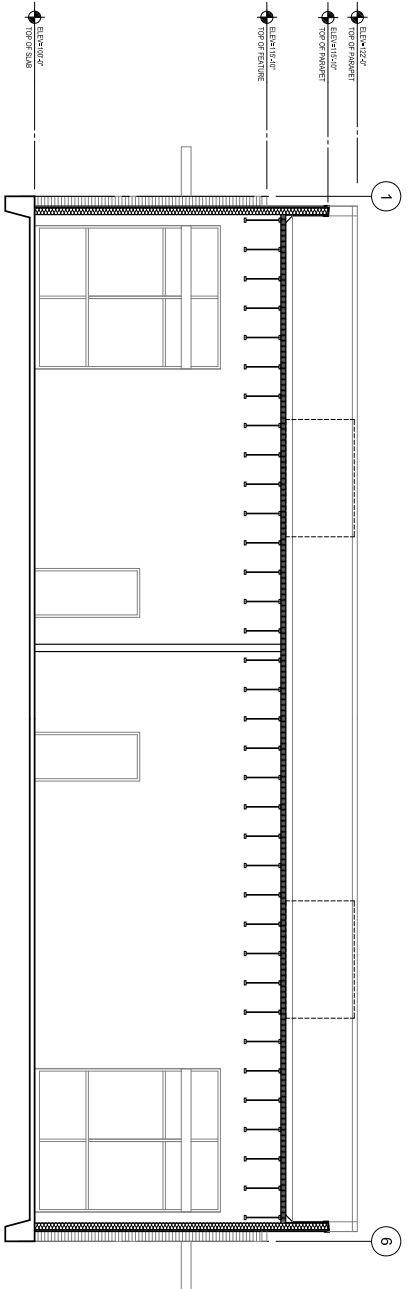


02 TRANSVERSE SECTION
1/8" = 1'-0"

ELEVATION OF TOP OF SCREEN
ELEVATION OF TOP OF FINISHET
ELEVATION OF TOP OF SLAB

ELEVATION OF TOP OF SCREEN
ELEVATION OF TOP OF FINISHET (BEYOND)
ELEVATION OF TOP OF FINISHET
ELEVATION OF TOP OF SLAB

<p>NCA Partners ARCHITECTURE</p> <p>3546 MILL CREEK ST. DALLAS, TX 75206 972.381.3888 FAX 972.381.3888</p> <p>© 2015 NCA PARTNERS, INC. ALL RIGHTS RESERVED. THIS DOCUMENT IS THE PROPERTY OF NCA PARTNERS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.</p>		<p>RESTAURANT COMPLEX RURAL RD. & LAKE SHORE DR. 4455 S. RURAL RD. TEMPE, AZ</p>		<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>2</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>3</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>4</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>5</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>6</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>7</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>8</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>9</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>10</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>11</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>12</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>13</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>14</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>15</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>16</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>17</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>18</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>19</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> <tr> <td>20</td> <td>08/11/15</td> <td>PRELIMINARY</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1	08/11/15	PRELIMINARY	2	08/11/15	PRELIMINARY	3	08/11/15	PRELIMINARY	4	08/11/15	PRELIMINARY	5	08/11/15	PRELIMINARY	6	08/11/15	PRELIMINARY	7	08/11/15	PRELIMINARY	8	08/11/15	PRELIMINARY	9	08/11/15	PRELIMINARY	10	08/11/15	PRELIMINARY	11	08/11/15	PRELIMINARY	12	08/11/15	PRELIMINARY	13	08/11/15	PRELIMINARY	14	08/11/15	PRELIMINARY	15	08/11/15	PRELIMINARY	16	08/11/15	PRELIMINARY	17	08/11/15	PRELIMINARY	18	08/11/15	PRELIMINARY	19	08/11/15	PRELIMINARY	20	08/11/15	PRELIMINARY	<p>PRELIMINARY THIS DOCUMENT SHALL NOT BE CONSIDERED A CONTRACT. RELEASED UNDER THE PROVISIONS OF THE INDIANAPOLIS, INDIANA PUBLIC ACCESS ACT #00007</p>	<p>NCA-1508-R-12019</p>	<p>LOT 1 BUILDING SECTIONS</p>	<p>A-5</p>
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AS NOTED AND UNLESS OTHERWISE SPECIFIED, ALL MATERIALS AND METHODS SHALL BE AS SHOWN ON THE DRAWINGS AND SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS OF THE STATE OF TEXAS.

RESTAURANT COMPLEX
RURAL RD. & LAKESHORE DR.
4455 S. RURAL RD.
TEMPE, AZ

DATE: 12/11/19
DESIGNER: NCA
DRAWN: JF
CHECKED: JF
DATE: 12/11/19

ATTACHMENT 22

NO.	DATE	DESCRIPTION

PRELIMINARY
THIS DOCUMENT SHALL NOT BE
CONSIDERED A CONTRACT. ALL
CONSTRUCTION SHALL BE IN
ACCORDANCE WITH THE LATEST
EDITION OF THE BUILDING
CODES AND STANDARDS OF THE
STATE OF TEXAS.

NOV-2019 120119

LOT 2 BUILDING
SECTIONS

A-6

RSB-RCS/L SERIES



The RSB-RCS/L Series lighting fixture includes a variety of options for mounting and is designed to be used in a variety of applications.

Figure Specifications

ITEM	DESCRIPTION	UNIT	QTY	PRICE	TOTAL
1	RSB-RCS/L Series lighting fixture	EA	1	100.00	100.00
2	Concrete base	EA	1	50.00	50.00
3	Light pole	EA	1	200.00	200.00
4	Structural plate	EA	1	25.00	25.00
5	Fasteners	EA	1	10.00	10.00
6	Paint	EA	1	5.00	5.00
7	Accessories	EA	1	15.00	15.00
8	Subtotal				405.00
9	Tax				40.50
10	Total				445.50



PRELIMINARY
NOT FOR CONSTRUCTION

SQUARE STRAIGHT STEEL POLES

ITEM	DESCRIPTION	UNIT	QTY	PRICE	TOTAL
1	Square straight steel pole	EA	1	150.00	150.00
2	Concrete base	EA	1	50.00	50.00
3	Structural plate	EA	1	25.00	25.00
4	Fasteners	EA	1	10.00	10.00
5	Paint	EA	1	5.00	5.00
6	Accessories	EA	1	15.00	15.00
7	Subtotal				255.00
8	Tax				25.50
9	Total				280.50



PRELIMINARY
NOT FOR CONSTRUCTION

CARLON LOGIC

ITEM	DESCRIPTION	UNIT	QTY	PRICE	TOTAL
1	Carlson Logic lighting fixture	EA	1	100.00	100.00
2	Concrete base	EA	1	50.00	50.00
3	Light pole	EA	1	200.00	200.00
4	Structural plate	EA	1	25.00	25.00
5	Fasteners	EA	1	10.00	10.00
6	Paint	EA	1	5.00	5.00
7	Accessories	EA	1	15.00	15.00
8	Subtotal				405.00
9	Tax				40.50
10	Total				445.50



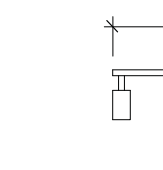
- NOTES:**
1. THE FOOTCANDLE LEVELS SHOWN ARE BASED ON THE FOLLOWING CRITERIA: ANY SUBSTITUTIONS IN SPECIFIED FIXTURES OR MOUNTING HEIGHTS WILL BE THE RESPONSIBILITY OF THE CONTRACTOR AND WILL NOT BE THE RESPONSIBILITY OF SECURITY LIGHTING.
 2. THE CONTRIBUTION OF THE SOFT / BUILDING LIGHTING IS NOT REFLECTED ON THE DRAWING UNLESS SOFT / BUILDING LIGHTING IS SPECIFIED ON THE FUTURE SCHEDULE SECTION.
 3. DISTANCE BETWEEN READING IS 3'.00'
 4. MAKE ADJUSTMENT TO AVOID LIGHT INTERFERENCE OF FIXTURES ON ADJACENT PROPERTIES OR ROADWAYS.
 5. FOOTCANDLE LEVELS SHOWN ARE MAINTAINED MAINTENANCE FACTOR USED ON THIS DRAWING IS 0.70

PAVED SURFACE READINGS

Average	3.2
Minimum	0.2
Maximum	10.0

PROPERTY LINE READINGS

Average	0.1
Minimum	0.0



SEE STRUCTURAL PLANS FOR CONCRETE BASE

CONCRETE BASE

1/4" = 1'-0"

NOTE: ALL POLES ARE DRILLED

POLE TYPE -

QUANTITY

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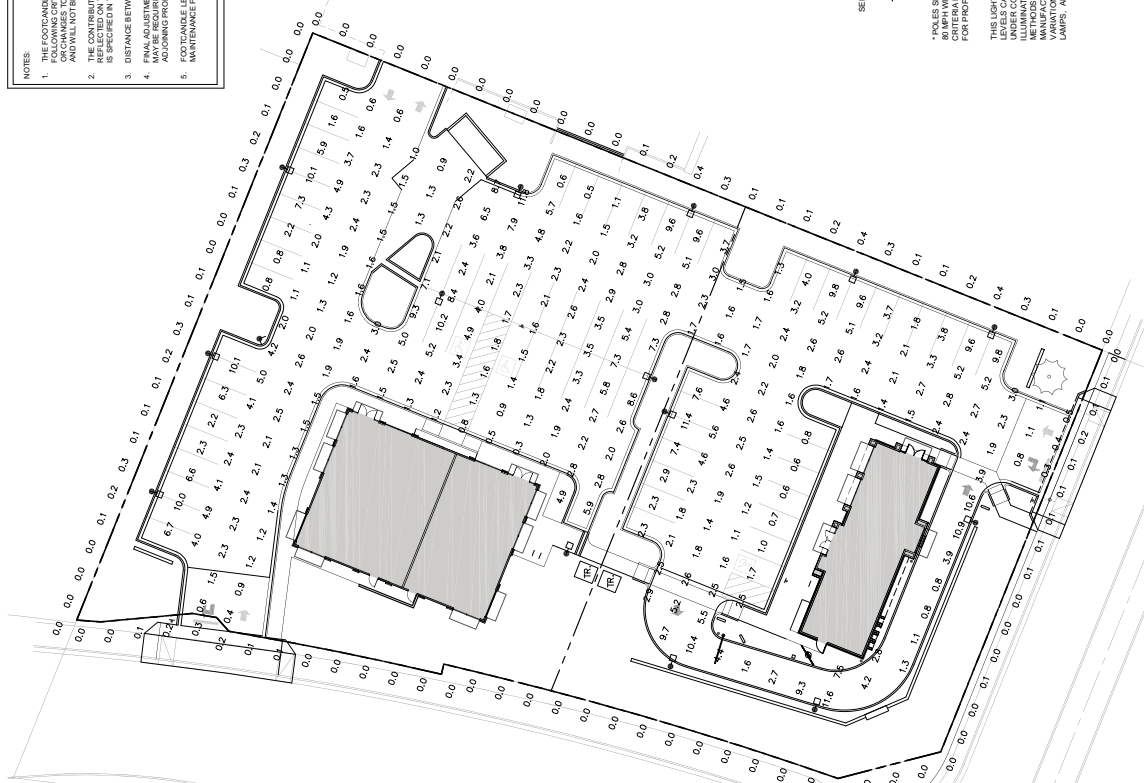
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CAUTION - NOTICE TO CONTRACTOR

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING IMPROVEMENTS AND UTILITIES AND SHALL REPAIR ANY DAMAGE AT HIS EXPENSE.

CALL ARIZONA BLUESTAKE

602-263-1100

1-800-STAKE-IT

BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE UTILITIES.

CALL 2 BUSINESS DAYS IN ADVANCE FOR THE UTILITIES.

MEMBER UTILITIES.

SCALE: 1" = 20'-0"

NORTH