Staff Summary Report

Tempe

City Council Date: 10/16/2008 Agenda Item Number: 51

SUBJECT: This is the second hearing for a General Plan Major Amendment for ELEMENTS ART CAMPUS PHASE 2, located at 1102 W. Rio Salado Parkway.

DOCUMENT NAME: 20081016dsdk01 PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for ELEMENTS ART CAMPUS PHASE 2 (PL080239) (Nancy Ryan, City of Tempe, property owner and applicant) consisting of a General Plan Major Amendment of approximately 40.64 acres of land: 12.64 acres referred to as the Arts Park Phase 1 and 28 acres referred to as Phase 2 located at 1102 W. Rio Salado Parkway in the R1-6, Single Family Residential, MU-4, Mixed-Use High Density and GID, General Industrial districts. The request includes the following:

GEP08003 – (RES No 2008.72) General Plan Major Land Use Map Amendment to change:
- 4.5 acres from Public Recreational/Cultural to Mixed-Use (Phase 1)
- 2.57 acres from Public Recreational/Cultural to Industrial (Phase 1)
- 5.57 acres from Public Open Space to Industrial (Phase 1)
- 28 acres from Public Open Space to Commercial (Phase 2)

This request also includes a Density Map Amendment to change 4.5 acres from 0 to up to 3 dwelling units per acre.

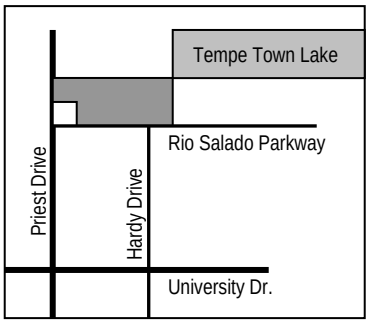
PREPARED BY: Diana Kaminski, Senior Planner (480-858-2391)

REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)
Chris Anaradian, Development Services Manager (480-858-2204)

LEGAL REVIEW BY: N/A
FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions
Development Review Commission – Approval, subject to conditions (7-0 vote)

ADDITIONAL INFO: Gross/Net site area 40.64 acres



Phase 1 of this request would fulfill the approved request for proposals for an arts related development, the four major businesses within the eastern portion of the district are: Meltdown Glass, Roberto Venn School of Luthiary (guitar production), Arizona Bronze (metal working atelier) and Childsplay Theater Company, combined these businesses have more than 75 years of success as arts-based businesses within Tempe. Uses would include work space for art production, offices, showrooms and galleries, warehouse storage space, retail shops, classrooms and performance space. Phase 2 is the western 28 acre portion that has not yet been issued as a request for proposal, but is anticipated to include additional arts-related support uses. The applicant is requesting a separate vote be taken for the 28 acre parcel.

A neighborhood meeting was held on August 11, 2008 for this application. Pursuant to Arizona State Law, Major Amendments of General Plans require two hearings at the Development Review Commission, in two separate locations, followed by two hearings at the City Council with a two-thirds affirmative vote of the City Council for adoption.

PAGES:

1. List of Attachments
2-4. Comments
5. Reason for Approval / Conditions of Approval
6. History & Facts / Zoning & Development Code Reference

ATTACHMENTS:

1. Resolution No. 2008.72
2. Waiver of Rights and Remedies form
3. Location Map
4. Aerial Photo
5. General Plan 2030 Projected Land Use Map
6. Elements Proposed Land Use Amendments
7. Site Plan for eastern portion of site
8-17. Letter of Explanation
18-19. Neighborhood Meeting Summary

COMMENTS:
This site is located on the south side of the Tempe Town Lake, bounded by Priest Drive to the west, the Tempe Center for the Arts (TCA) to the east, and Rio Salado Parkway to the south. It excludes the existing Public Works Field Services facility on the corner of Rio Salado Parkway and Priest Drive, but includes a small portion of land north of the facility, adjacent to the Salt River Channel. The property is located within the Rio Salado Overlay District, and includes two land use categories and three existing zoning classifications. A General Plan Amendment is needed to align with two of the zoning districts (Mixed-Use and General Industrial), and in preparation for a future zoning amendment for Commercial and Industrial uses. This request does not include a zoning amendment.

At the creation of General Plan 2030, this property had an Existing Land Use of vacant and Projected Land Uses of Public Recreational/Cultural, in anticipation of the TCA, and Public Open Space for the property east and west of the TCA. The exact alignment of the constructed TCA is further east of the land use designation, leaving a portion of the Public Recreational/Cultural piece vacant. The TCA property was previously zoned MG, Multi-use General, which was translated to Mixed-Use with the new Zoning and Development Code. The zoning for this area was in place prior to the current General Plan 2030, and therefore does not reflect the Projected Land Use. The Zoning and Development Code has no designation for municipal or government properties, including parks. The property west of the TCA has two zoning classifications, GID, General Industrial and R1-6 Single Family Residential. The anticipated commercial arts-related uses for this property will require zoning actions in the future.

The proposed uses would include arts-related commercial uses at the west end, Phase 2, would be determined through a request for proposal process. At the east end of the site, a request for proposal was previously issued, and specific tenants were selected through that process. The proposed uses at the east end, Phase 1, would include work space for art production, offices, showrooms and galleries, warehouse storage space, retail shops, classrooms and performance space. The four major businesses within the eastern portion of the district are: Meltdown Glass, Roberto Venn School of Luthiary (guitar production), Arizona Bronze (metal working atelier) and Childsplay Theater Company, combined these businesses have more than 75 years of success as arts-based businesses within Tempe.

The applicant is requesting approval of a Major General Plan Amendment. The applicant has requested that the 12.64 acres within the first three parcels listed, which are Phase 1, be voted on in one action, and that the 28-acre parcel which is Phase 2, be voted on by separate action. The purpose for separating these is to maintain consistency between the two areas: the first three parcels to the east have development agreements pending for the respondents to the previous Request for Proposal; the 28-acre parcel to the west has not yet had an RFP issued. For further processing, the applicant will need approval for a Subdivision Plat, to combine the individual lots into one, and a Zoning Map Amendment for any future development of the property.

PUBLIC INPUT
A neighborhood meeting is required and was held: August 11, 2008 from 6:00 p.m. to 8:00 p.m. at the Tempe Center for the Arts. Development Services staff attended the meeting. General support for the project was expressed. Concerns included specifics related to the uses proposed, design of the buildings, and zoning allowances in the event these uses changed in the future. Concern was also expressed about the loss of public open space, in relation to the amount of development and events that limit public access to the park and open space areas. See attached summary of meeting provided by the applicant.

GENERAL PLAN PROJECT ANALYSIS
The applicant has provided a written justification for the proposed General Plan amendment.

Land Use Element:
The proposed Land Use Map Amendments are to change:
4.5 acres from Public Recreational/Cultural to Mixed-Use to facilitate an arts-based program with artists in residence;
2.57 acres from Public Recreational/Cultural to Industrial to accommodate large scale art production requiring special infrastructure;
5.57 acres from Public Open Space to Industrial to accommodate large scale art production requiring special infrastructure;
28 acres from Public Open Space to Commercial to develop an art-based retail, education, service and entertainment district located at 1102 W. Rio Salado Parkway.

The properties are currently zoned MU-4 Mixed-Use High Density, GID General Industrial and R1-6 Single-Family Residential zoning districts; the proposed General Plan amendments would align with two of the existing zoning classifications, Mixed-Use and

Industrial; the R1-6 Single-Family designation would require a Zoning Map Amendment. The Public Open Space category is restricted to publicly-owned land used for recreation within an outdoor environment and preserving natural resources. This site is a former landfill, as a Brownfield there are no existing natural features. Native trees on site will be preserved in place or relocated. Areas with significant infrastructure, such as libraries, museums and performing arts facilities that are publicly owned were designated Public Recreational and Cultural, because of they are largely indoor, but still serve as public facilities. The area west of Tempe Beach Park was planned for a combination of recreational and cultural amenities, but the specific ownership and use was not known at the time of the General Plan creation. Through multiple requests for proposals, the site has remained vacant west of the Tempe Center for the Arts. Former recreational concepts to develop the site have failed to materialize and the City of Tempe is issuing a new request for proposals to revitalize this portion of the Rio Salado project. The request to change the General Plan from what was projected in 2003, to what is sustainable in 2008 will help to encourage redevelopment appropriate to the area, address particular needs of the area, promote Rio Salado as a destination, and enhance adjacent neighborhoods. The proposed amendment will foster development that conserves resources and enhances the environment in which people live, learn, work and play.

Accessibility Element: Without specific uses or plans defined, it is not clear how the proposed amendment would meet community needs through universal design, providing access and benefit through accessible facilities, services and programs. At a minimum, all required standards would be met; however, opportunity may be created for cultural experiences available to a diverse range of interests and abilities.

Community Design Element: Without a specific site plan, many of the objectives of this element remain open to interpretation. However, as a cultural use with commercial components, there will be a minimum requirement for art in private development, and a greater opportunity for enhanced design. The request for proposal is intended to create recognizable usable space that achieves diverse continuity with the Tempe Center for the Arts by adding a variety of uses such as museums, performance space, guitar manufacturing, kiln baked glassware, cast bronze, and theater set design and construction.

Historic Preservation Element: The site is vacant, and formerly used as a land fill, there are no applicable preservation components.

Housing Element: The General Plan did not designate this site for residential uses, although a portion has zoning for mixed-use. The proposed use would modify the density map for the portion designated Mixed-Use to include a density not to exceed 3 DU/acre to allow for temporary lodging for artist in residence or art program student housing. The proposed amendment would not eliminate existing housing. The proposed density would not significantly impact infrastructure, or implement the diverse spectrum of housing defined within this element. The addition of residences within this area may benefit the park with more activity and security for the public within the Rio Salado Park.

Neighborhoods Element: The proposed General Plan amendment would activate the west end of the Rio Salado Project, provide safe connections for the neighborhood to the south, and enhance the western entry into the downtown area. The proposed amendment has met the requirements for notification and public involvement.

Redevelopment Element: The existing site is a former land fill that has remained vacant for approximately 40 years after use. Amendment of the General Plan will encourage redevelopment, prevent and eliminate blight, stimulate private investment and attract new development. The proposed amendment of the General Plan land use and density maps would implement the goal and objectives of this element.

Economic Development Element: The General Plan projected land use does not provide economic development or local business opportunities. By amending the General Plan to allow commercial use of the property, the site may be used to develop an improved local business climate that fosters private business investment, increase the tax base, remain flexible in a constantly changing economy, and encourage destination industries that trigger start-up or support businesses. The proposed arts district is intended to be a unique tourism destination. Ultimately, the use of the land for combined economic, educational and cultural uses will provide a sustainable anchor to the west end of Rio Salado. The proposed amendment of the General Plan land use and density maps would implement the goal and objectives of this element.

Cost of Development Element: The projected land use does not provide funding for infrastructure improvements or maintenance,

and previous requests for proposals did not materialize to make needed improvements to this site. The proposed amendment would allow development that does not exceed planned infrastructure or service capacity, and will make necessary improvements to meet the commercial and industrial needs, while enhancing the linear park and adding public art to the site. The proposed amendment provides a unique opportunity for development that would benefit the community as a cultural and educational attraction and promote a financially sustainable solution to the site. The proposed amendment of the General Plan land use and density maps would implement the goal and objectives of this element.

Environment (Air, Noise, Ambient Temperature, Energy) Element: The existing zoning allows industrial uses, and any use would be required to comply with environmental regulations. The existing vacant lot would be improved, removing potential airborne particulates from this site contributing to air quality problems. The proposed businesses would be self-contained, with set hours of operation. At their current locations there have been no complaints of noise, odor or dust. The proposed buildings will be designed to maximize energy efficiency and sustainable design principals, and the use of plant material will help shade the site. The proposed land use and density amendments will help implement the goal and objectives of this element.

Land (Remediation, Habitat, Solid Waste) Element: The proposed amendment will remediate an existing Brownfield created by a landfill. New landscape will enhance the existing habitat within the Salt River Channel with additional plants for wildlife. Proposed building designs and business practices include sustainable concepts to minimize waste during construction and operation.

Water (Water, Wastewater, Stormwater) Element: The site will be served by City water services, and is planned to utilize recycled water from the wastewater treatment plant for landscape irrigation when this infrastructure becomes available.

Transportation (Pedestrian Network, Bikeways, Transit, Travel-ways) Elements: The site will be served by shuttle or bus connecting to light rail less than a mile away at 3rd Street and Mill Avenue. The site will also incorporate pedestrian and bicycle connections north and south through the site from Rio Salado Parkway and the neighborhood, to the south bank linear park.

Aviation Element: The proposed amendment conforms to the goal and objectives of this element, providing compatible uses appropriate to the area.

Open Space Element: The proposed amendment will remove approximately 33.57 acres from the 1872.68 acres of Public Open Space designated on the Projected Land Use map; this is a 1.7% reduction of public open space, which requires a major amendment to the General Plan. Portions of the new development will remain open to the public in the form of outdoor plazas, gathering areas and pathways. Connection will be provided to the linear park and Town Lake areas. Previous proposals to retain this site as open space have failed to materialize, indicating a limited viability of this site as solely open space amenity.

Recreational Amenities Element: The proposed amendment removes some potential recreational opportunities. The proposed uses provide alternatives to traditional sports-oriented recreation in the form of educational and cultural destinations for residents and tourists interested in performing music, woodworking or instrument building, observing or participating in glass firing, observing bronze sculpture production, learning about theater set construction, participating in classes and workshops, or shopping.

Public Art & Cultural Amenities Element: The proposed amendment will advance Tempe as a vibrant and progressive community for cultural and artistic activity. Tempe has a strong commitment to cultural amenities and the arts, and this amendment will protect and promote artistic expression, provide access to all citizens, and strengthen the sense of community and place. The introduction of world-renowned artists will provide Tempe with a resource for additional free-standing artworks for the Arts Park and other areas around Tempe. By creating an arts district, the synergy of uses will attract other artists to the gallery spaces and students and tourists interested in a unique learning experience. These uses, in proximity to downtown will reinforce the longstanding tradition of art and culture, and support events such as the Mill Avenue Arts Festival. The proposed amendment will very specifically implements the goal and objectives of this element.

Public Buildings and Services Elements: The buildings proposed would be privately designed, built and operated; all space between buildings would be privately maintained with public access. No new publicly funded buildings or services are created by this proposed amendment.

Public Safety Element: Introduction of diverse uses to this site, including limited artist-in-residence studios, provides additional

security to the Town Lake and Rio Salado Park area, activating the west end of the park and increasing eyes on the area.

Conclusion

Based on the information provided by the applicant, the public input received and the above analysis staff recommends approval of the requested General Plan Amendment. This request meets the required criteria and will conform to the conditions.

REASONS FOR APPROVAL:

1. The project meets the General Plan goals and objectives.
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:

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.

CONDITIONS OF APPROVAL:

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

1. The property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134 that may now or in the future exist, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, which shall be submitted to the Development Services Department no later than November 15, 2008, or the General Plan Amendment approval shall be null and void.

2. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

3. 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 Development Services Department on or before November 16, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.

HISTORY & FACTS:

1950s through 1960s	Desert land west of Hardy was mined for sand and gravel used regionally in construction, leaving large open pits from the excavations.
1960s through 1970s	Excavated pits were reused as a landfill for construction debris, green waste and household waste, the landfill was filled and capped with soil by 1979. The property has remained vacant since this time, with ancillary uses as construction staging and overflow event parking.
1967	Tempe's first General Plan adopted, designating the south side of the Salt River Channel north of Rio Salado Parkway, as Open Space; a designation which remained through every General Plan to present.
May 20, 2002	Rio Salado Master Plan update completed.
September 18, 2002	Design Review Board approved Phase 1 of Tempe Center for the Arts Center.
October 3, 2002	City Council heard and approved a request for a zoning change from I-2 General Industrial and R1-6 Single-Family Residential to MG Multi-Use General District, and a Preliminary Planned Area Development for Tempe Center for the Arts and the Arts Masterplan, located at 700 W. Rio Salado Parkway, including a portion of the current request.
December 4, 2003	City council approved a new General Plan 2030, which specified a portion of the site as Public Recreational Cultural and the remainder of the site as Public Open Space.
January 20, 2005	City Council approved a new Zoning and Development Code, which modified the MG district to Mixed-Use, and the I-1 and I-2 districts to GID General Industrial.
October 19, 2006	City Council heard and denied a request for a future arts related development (PL060403) for a General Plan Amendment located at 1002 West Rio Salado Parkway in the MU-4, GID, and R1-6 zoning districts, including the following request: GEP06001 - (Resolution No. 2006.54) General Plan Land Use Map Amendment from Public Open Space and Public Recreational / Cultural to Mixed-Use, and a Projected Residential Density Map from No Density to Medium to High Density (up to 25 dwelling units per acre), all located on approximately 12 acres.
August 26, 2008	Development Review Commission held an introduction and first hearing for a General Plan Major Amendment of approximately 40.64 acres of land: 12.64 acres referred to as the Arts Park Phase 1 and 28 acres referred to as Phase 2 located at 1102 W. Rio Salado Parkway in the R1-6, Single Family Residential, MU-4, Mixed-Use High Density and GID, General Industrial districts. The request included General Plan Major Land Use Map Amendments to change: 4.5 acres from Public Recreational/Cultural to Mixed-Use (Phase 1); 2.57 acres from Public Recreational/Cultural to Industrial (Phase 1); 5.57 acres from Public Open Space to Industrial (Phase 1); and 28 acres from Public Open Space to Commercial (Phase 2). This request also included a Density Map Amendment to change 4.5 acres from 0 to up to 3 dwelling units per acre. The first hearing was held at the Tempe Public Library Program Room, no action taken.
September 9, 2008	Development Review Commission held a second hearing for this request at the City Council Chambers, and unanimously recommended approval of the proposed General Plan amendments.
October 2, 2008	City Council introduced and held a first hearing for this request.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 6-302, General Plan Amendment

RESOLUTION 2008.72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE GENERAL PLAN 2030 PROJECTED LAND USE MAP FROM PUBLIC RECREATIONAL/CULTURAL TO MIXED USE (4.5 ACRES), FROM PUBLIC RECREATIONAL/CULTURAL TO INDUSTRIAL (2.57 ACRES), FROM PUBLIC OPEN SPACE TO INDUSTRIAL (5.57 ACRES) AND FROM PUBLIC OPEN SPACE TO COMMERCIAL (28 ACRES) AND AMNEDING THE PROJECTED DENSITY MAP FROM NO DWELLING UNITS PER ACRE TO UP TO THREE DWELLING UNITS PER ACRE (4.5 ACRES) LOCATED AT 1102 WEST RIO SALADO PARKWAY AND OWNED BY THE CITY OF TEMPE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, that the General Plan 2030 Projected Land Use Map and Projected Residential Density Map are hereby amended for the following located at 1102 West Rio Salado Parkway.

4.5 acres from Public Recreational/Cultural to Mixed-Use
2.57 acres from Public Recreational/Cultural to Industrial
5.57 acres from Public Open Space to Industrial
28 acres from Public Open Space to Commercial
For a total of approximately 40.64 acres and a Density Map Amendment to change 4.5 acres from 0 to up to dwelling units per acre.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____ 2008.

_____
Mayor

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

WHEN RECORDED RETURN TO:
City of Tempe
Development Services 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 Nancy Ryan, Rio Salado Manager, City of Tempe (Owner Representative).

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. **PL080239** to the City requesting that the City approve the following:

__X__ 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 Nos. : _____

1102 W. Rio Salado Parkway, Tempe, AZ 85281

See attached legal description

(Legal Description and Address)

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

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

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

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

Dated this _____ day of _____, 2008.

_____	_____
(Signature of Owner)	*(Printed Name)*
_____	_____
(Signature of Owner)	*(Printed Name)*

State of Arizona)
) ss
County of _____)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2008, by

_____

_____.

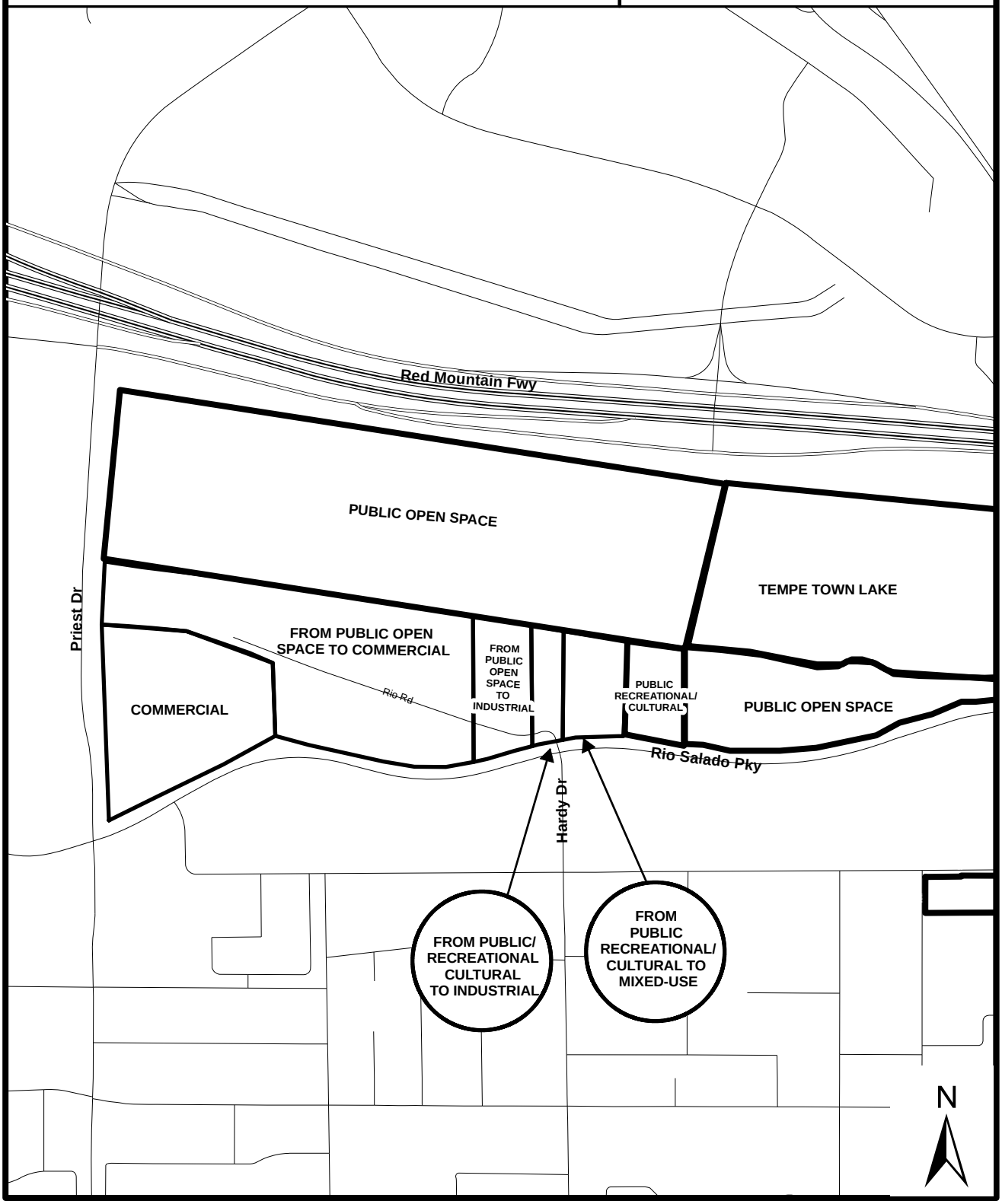
_____
(Signature of Notary)

(Notary Stamp)

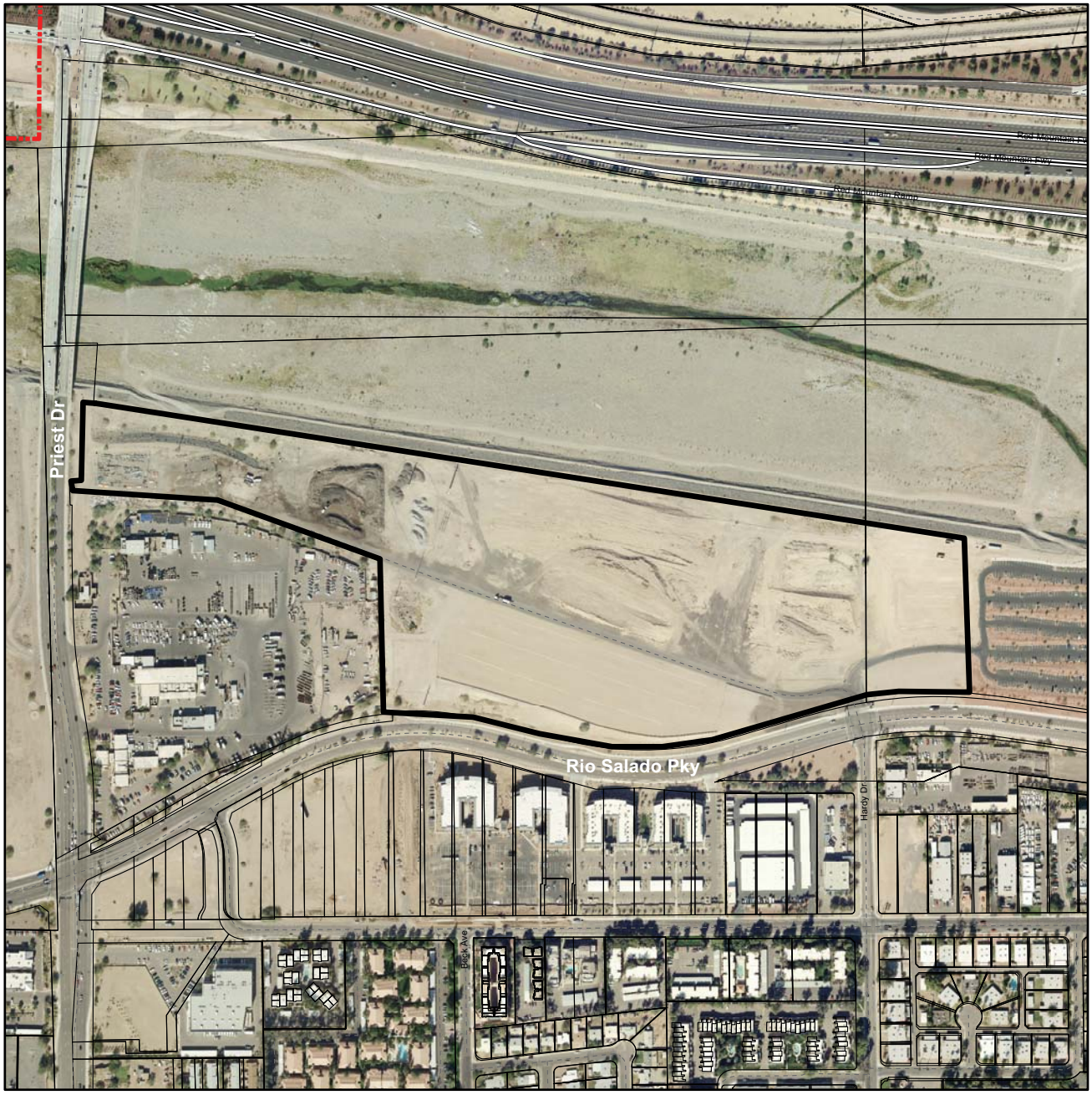
Tempe

ELEMENTS ART CAMPUS PHASE 2

PL080239



Location Map



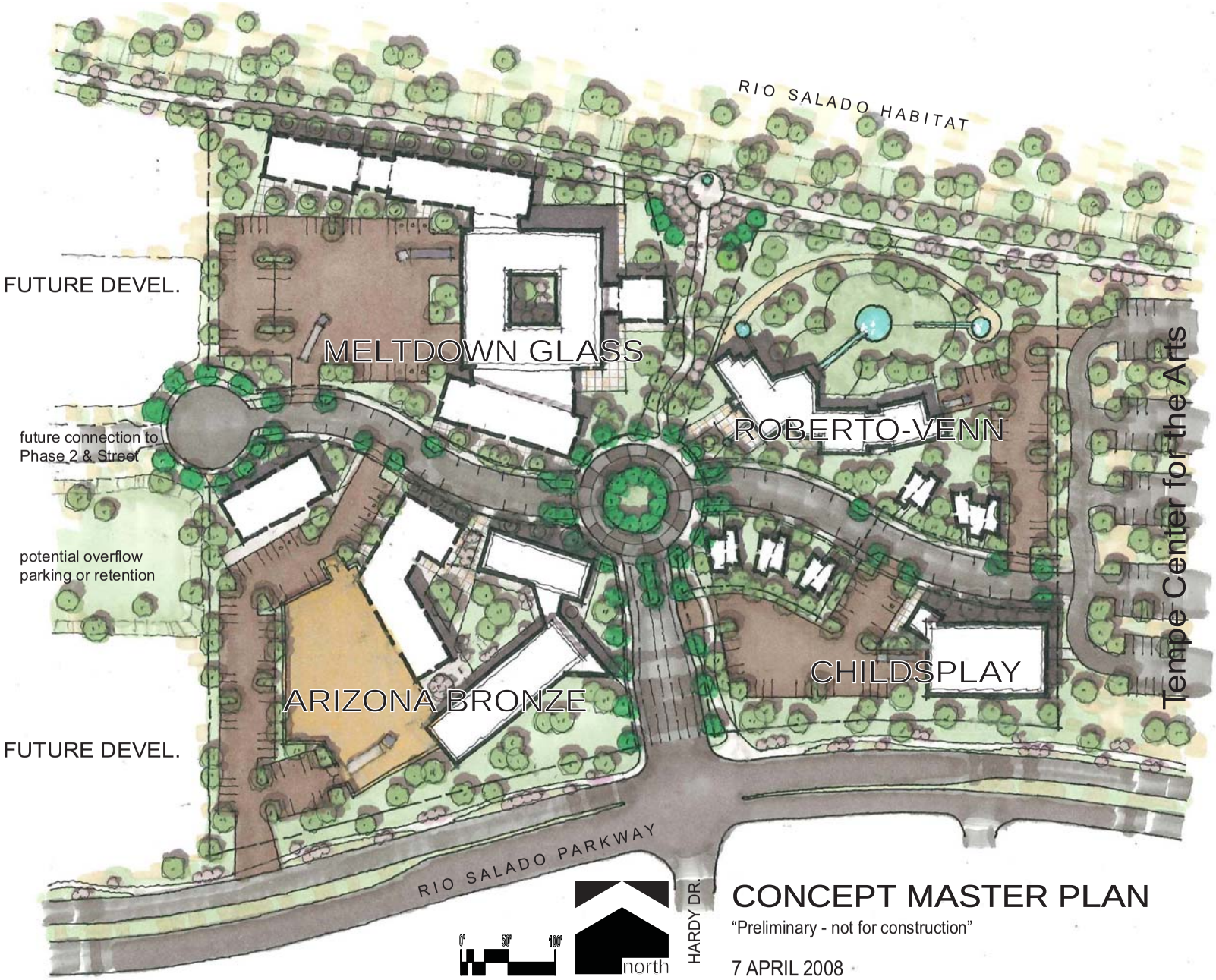
ELEMENTS ARTS CAMPUS (PL080239)

General Plan Amendment Area Existing Projected Land Use Map

ATTACHMENT 6

General Plan Amendment Area
Proposed Projected Land Use Map

ATTACHMENT 7



CONCEPT MASTER PLAN

"Preliminary - not for construction"

7 APRIL 2008

ARIZONA BRONZE ATELIER

Childsplay

MELTDOWN Glass Art & Design

Roberto-Venn

ELEMENTS at TCA

CITY OF TEMPE ARIZONA
Community Development Department

ATTACHMENT 8

Memorandum

Community Development
Rio Salado

To: **Chris Anaradian, Development Services**

From: **Nancy Ryan, Rio Salado**

Subject: **General Plan Amendment**

1102 W. Rio Salado Parkway

Date: **June 2008**

Amendment Request:
Rio Salado is seeking a General Plan Major Amendment for approximately 40± acres of land located at 1102 W. Rio Salado Parkway. This request consists of Land Use Map Amendments to change the following:

4.5 acres from Public Recreational/Cultural to Mixed-Use,
2.57 acres from Public Recreational/Cultural to Industrial,
5.57 acres from Public Open Space to Industrial, and
28 acres from Public Open Space to Commercial.

A zoning map amendment that is consistent with the proposed land use designation will be processed at a later date. The undeveloped property is owned by the City of Tempe. Rio Salado seeks a designation to utilize this land for a unique arts related development within the commercial/industrial district destination.

Past RFP Solicitation

The proposed 4.5 acres of Mixed-Use, and 8.14 acres of Industrial are subject to negotiations with artists that responded to an RFP issued by Community Development The RFP issued on March 27, 2006 called for development of 12 acres of property west of the Tempe Center for the Arts for arts-related development. A specific development proposal by the artists and City of Tempe is proposed to include:

- Subdivision of the acreage in four distinct parcels for lease to the artists
- Each parcel would be developed by the artists with buildings, and improvements paid for by the arts organizations/companies which are: Meltdown Glass, Arizona Bronze Atelier, Childsplay and Roberto Venn School of Luthiery.
- In addition to art production, each developed parcel will be designed to allow for tours, public education and display of the art produced.
- An opportunity to provide visiting artist in residence an/or Luthiery school accommodations (subject to City land lease) or
- Each parcel would be served by public streets and infrastructure

- The land would be held by the City of Tempe, with recourse to return the structures back to the city if arts related uses were not retained on these sites.

Future Proposals

The remaining 28 acres of this amendment and possibly another 19± acres of the Tempe Priest Yard Maintenance Facility will be subject to future development. Development proposals will be accepted through the Request for Proposals (RFP) or Request for Qualifications (RFQ) process to identify another development partner or partners that will continue arts related and visitor serving commercial uses for the remaining public land. Timing for solicitation and acceptance of other development proposals is undetermined, and subject to the authorization of the City Council. However there has been discussion and a Town Hall meeting in January 2007 that provided direction for staff to seek arts related development from the Tempe Center for the Arts all the way to Priest Drive. Arts related development could include:

- work spaces for the manufacturing of art
- related offices, showrooms and warehousing
- education and instruction space
- auditorium or lecture hall
- destination commercial to support arts and entertainment
- meeting space
- public plazas
- parking
- restaurant and related retail
- hotel accommodations , and
- in an environmental sustainable setting,

Remaining Open Space

Similar to the linear open space around Town Lake, a 40 to 50 foot depth of Public Open Space will remain adjacent to the north edge of the site. This public open space is currently in construction as a multi-use path/linear park from the TCA to Priest. An abundance of public open space path is available in the vicinity of this site to serve the neighborhood and community without a significant impact on open space. A public path connection at the Hardy Drive alignment will be incorporated into the mixed use portion of the site. The recently completed 13 acre Arts Park, established 25 acre Tempe Beach Park, 220 acre Tempe Town Lake, and future Pedestrian Bridge across the west dam of Tempe Town lake provide an significant open space for recreation activities.

Amendment Justification

Located on the south bank of the Salt River, this site is situated north of Rio Salado Parkway and just east of Hardy Drive (adjacent to the Tempe Center for the Arts (TCA)) with a portion of the site extending west to Priest Drive.

Being a landlocked city, Tempe continues to seek ways to use what remaining land it has left for economically beneficial purposes. This is especially true with land owned and controlled by the City within the Rio Salado project. The site is very accessible to downtown, has direct access to Rio Salado Parkway and has city utilities adjacent and available to the site. The City plans to convey this land for future development through a

past Request for Proposals (RFP) affecting about 12 acres and through future RFP or RFQ offerings for the additional 28 acres. The general plan amendment serves as the guide for future development.

While the transition of land designated for Public Open Space to Commercial, Mixed-Use, and Industrial would seem to be a loss to the community the result will introduce activities that will be open and accessible to the public, but provided by private development yet allow for important connections to the existing public open space at the Arts Park and Tempe Beach Park and Town Lake path system. The intent is to provide a land use that is compatible with Tempe Center of the Arts (TCA), which will include a variety of arts-related and destination commercial uses that would compliment the goals and objectives desired for this area. Potential use of the site could include art creation, art showrooms or warehousing, studios, theater/auditorium or lecture hall for family oriented entertainment, educational demonstrations, retail sales, restaurants, or museums in an environmental sustainable setting.

Locating an arts and destination commercial development near the TCA creates a critical mass for drawing visitors to the TCA as a regional arts and entertainment destination. This amendment will provide another regional attraction that is complementary to Town Lake, the TCA and Rio Salado park developments. This request is intended to allow a private development project for arts and educational related uses, the nature of which will be determined in the future.

Relationship to Objectives of the General Plan

The requested General Plan Amendment lies within the Town Lake Growth Area. A primary goal of the Town Lake Growth Area is to provide opportunities for public/private partnerships to stimulate development. The community has invested a substantial amount of public capital into Rio Salado public projects, and this proposal will provide an economic return to the city in the form of income from sale or lease of the property, permanent jobs, and sales tax.

The proposal supports the following General Plan Objectives and Strategies:

Land Use Element

> *The General Plan shows this property as public open space. The proposed amendment would remove 33.57 acres from the Open Space designation and 7.07 acres from the Public Recreational/Cultural designation to create 28 acres of Commercial, 8.14 acres of industrial, and 4.5 acres of Mixed-Use land use to foster development that enhances the environment in which people can learn, work and play. Resources would be conserved by a focus on sustainable development. This land use change would provide visitor serving commercial supporting and integrated with the adjacent Tempe Center for the Arts, by extending arts, culture, education and entertainment to Priest Drive.*

Accessibility Element

> *Any future development will be required to meet all requirements set forth in the ADA Design Guidelines for new projects and will look for ways during the RFP/RFQ process to identify any accessibility enhancements to the project.*

Community Design Element

The proposed land use change will allow future development that will benefit the community and enhance Tempe's support for art related facilities by providing opportunities for interaction and observation of arts. Future development will be required to promote sustainable concepts and participate in the Art in Private Development Program.

Historic Preservation Element

Not applicable for the General Plan Amendment.

Housing Element

The General Plan did not designate this site for residential uses and this proposal does need to modify the density map for up to 3 DU/acre within the Mixed-Use area only as the proposal to allow for temporary lodging for artist in residence or art program student housing. The proposed change does reduce the amount of undeveloped public open space near existing residents, but the development will support connection to the South Bank Linear Park, Arts Park and Tempe Beach Park. The proposed development will also serve the existing residents with additional opportunities for employment and entertainment.

Neighborhood Element

The property is near the Sunset Riverside neighborhood and two additional Homeowner Associations. Notice of neighborhood public meetings will be posted and mailed to all residents within 300 feet and organizations within 600 feet, consistent with Development Services requirements. The meeting will share information about the proposed General Plan Amendment and will allow for ample opportunities for input during a public meeting and with response cards to be collected at the end of the meeting or to be mailed. The community involvement process follows many of the suggestions in the City's Tempe Involving the Public (TIP) Manual.

Redevelopment Element

This plan amendment is part of the ongoing redevelopment of the Rio Salado project, also known as the Town Lake Growth Area. The Tempe community has made a significant commitment in support of the arts with the development of the Tempe Center for the Arts. This proposal will stimulate private investment along the Town Lake area while providing a new development and activities that support the public arts. The change in land use will enable the remediation of a Brownfield site and encourage revitalization of the area. The project would use a public private partnership to develop a unique commercial arts-related development serving the residents and visitors as a destination.

Economic Development

The amendment will provide an opportunity to infuse education, culture and recreation into the Town Lake area. With an emphasis on cultural amenities, education and art-related uses this development will provide a forum for producing, displaying and selling a variety of commercial works of art and services, educating the public with art and commerce as entertainment. A net benefit to the community is expected to be jobs creation, infrastructure improvements, revenue from the sale or lease of the land, construction sales tax revenue and increased bed tax for overnight visitor stays. The RFP/RFQ

process will require respondents to provide specifics of the economic benefits of proposed arts related development.

Cost of Development Element

The amendment provides the land for a public/private partnership in cultural, commercial and educational amenities which are intended to support and bolster the City's economic support for the Tempe Center for the Arts. Achieving a "critical mass" of arts, education and cultural attractions next to the TCA and near the Mill Avenue District will lead to a more sustainable economy. Shared parking opportunities will be included in the planned development. An Improvement District assessed to the future developer will be used to develop the infrastructure for the project. The Art in Private Development will be required for the future development.

Growth Area Element

This area is identified with the Town Lake growth area that is planned for multi-modal travel, infrastructure expansion, and designed to support development integrating a variety or mix of land uses. The proposed development provides a unique location for the creation, display and sale of art, that when combined with the strong presence of the TCA provides an opportunity to draw visitors for its educational and cultural significance. The site's proximity to Mill Avenue will be a beneficial activity for both downtown and Town Lake. Potential use of the site could include art creation, art showrooms or arts warehousing, studios, theater/auditorium or lecture hall for family oriented entertainment, educational demonstrations, retail sales, restaurant, and museum in a setting that supports environmental sustainability principles. The commercial, industrial, and mixed-use land use would be used to support a public-private partnership to economically stimulate development and further Town Lake as a live-work-play destination. The uses, while focusing on the arts, may also provide opportunities to support conferences, group shows, and entertainment gatherings and to attract local community and regional visitors.

Environmental Element

Noise mitigations and energy conservation through alternative building materials will be suggested for improving the quality of life. An environmentally sustainable approach to development of the site will be required as the city conveys the land to private development through the RFP/RFQ process.

Land Element

This site is anticipated to have brownfield issues on a portion of or the entire site. Redevelopment of brownfield sites is an essential part of redevelopment in the Town Lake area. Development of the site will require remediation of the Brownfield materials (anticipated to be construction debris) where buildings and structures are proposed.

Water Element

This site will initially use City water for potable supply and irrigation, but will convert irrigation to reclaimed water (when available) in the future. Rio Salado is working with the Water Department to extend a pipeline and utilize reclaimed water in Rio Salado from the Kyrene Treatment plant. Sustainable development

principles will be required as a part of the future development, including the conservation of water.

Transportation

Bikeways

The site will connect with many existing and planned pedestrian and bicycle pathways. Adjacent to the site (along the Salt River levee) a multi-use path is currently being improved by the City which will connect Priest Drive to the Tempe Center for the Arts. A pedestrian bridge across the west dam of Town Lake is currently being designed. These connections will provide access for pedestrians and will be available to encourage alternative modes for travel to this site. A multi-use path shown on the Bikeways map will be integrated into the design of the site.

Transit

A transit stop along Rio Salado Parkway will be available in the next couple of years at or near this site (R. Yabes, 2008). Light rail stops at 3rd and Mill or at Priest and Washington will be within one mile of this commercial, industrial, and mixed-use site. Through the RFP/RFQ process opportunities will be explored for a shuttle connection to transit and the development of the designated green street (Rio Salado Parkway).

Travelways

This site will be able to utilize the established multiple modes of transportation and will enhance travelway access along the multi-use path at the edge of Town Lake and the Salt River. The existing street improvements on Rio Salado Parkway are in excellent condition for the planned use of the site. There is an existing signal at the intersection of Rio Salado Parkway with Hardy and Priest Drives. The site will develop its own parking and make use of shared parking opportunities for cultural events with TCA and on adjacent City-owned property.

Aviation Element

Cultural and commercial use of the site will be compatible with its location in the approach/take off for Sky Harbor Airport. Coordination with the Tempe Aviation Commission will be provided. Anticipated noise mitigation for structures will be encouraged to be integrated into the design.

Open Space Element

The proposed amendment will reduce the quantity of acres within the Public Open Space designation by approximately 28 acres. The site is not developed or enjoyed as open space in its current condition; it is vacant land. Through the development of other park areas, the need for amenities and attractions continues to be identified. The location of this site potentially serves users of the north and south bank linear parks with places to meet, rest, purchase refreshments or enhance their park experience with observations of art production and arts related events. While the total acres of Open Space designated in the General Plan will be reduced this loss to the community will introduce activities that will be open and accessible to the public as a regional

destination, but provided by private development. Art will be incorporated into the private development. RFP selection and subsequent development agreement can secure a requirement to retain public access to and access corridors through the site.

The anticipated art related development will be adjacent to a Town Lake multi-use path/linear park project that will currently under construction and will be completed by September 2008. The path project includes a connection that will pass adjacent to the proposed arts-related development, allowing for important path and park connections to be enhanced adjacent to this development.

Recreational Amenities Element

Future development of the site will provide open plazas, which can serve as venues for music, theater entertainment and/or educational demonstrations. Town Lake is a venue for year-round events. This unimproved site provides overflow parking for large Town Lake events. The event parking for the nearby recreation amenities will be reduced. However, a shared parking agreement may allow for periods where public parking will be available. Development of this site will not impact the significant recreation amenities that are currently available. Public recreational areas within this area include the Tempe Town Lake (220 acres) and Tempe Beach Park (25 acres), Arts Park (13 acres) that provide opportunities for fishing and boating, with access to a free water park, picnic benches, baseball field, multi-modal paths, and amphitheater.

Public Art and Cultural Amenities Element

The proposed amendment supports the objectives and strategies for infusing art and cultural facilities, programs and educational opportunities into the community. Development of the site will have an integral connection with the Tempe Center of the Arts, maintaining a strong commitment to cultural amenities and the arts.

Public Buildings and Services Element

Designation of this site for commercial, industrial, and mixed-use is proposed to complete a privately funded Arts Related Development and to support the Tempe Center for the Arts as a public facility. The community investment in the TCA will be supplemented by the private investment to create a complimentary development.

Human Resources Element

Not applicable for the General Plan Amendment.

Public Safety Element

Currently the land between the Tempe Center for the Arts and Priest Yard Maintenance Facility is undeveloped. Future development will provide greater use of the site, with more eyes on the lake and surrounding park to make it a safer environment to use.

Land Use Element Principles/Land Use Element

As stated in the General Plan 2030, the commercial land use designation is land that is used primarily for working, with the full range of commercial uses, including retail (regional and neighborhood), service, restaurants, and offices. Future arts related and

visitor serving commercial uses will focus on complementary activities the TCA . The industrial land use designation is land that is used for industrial uses, with office and limited commercial activity that is directly related to the primary industrial uses. Industry may include research, refining, manufacturing, assembly and processing. The intensity of industrial use for Arizona Bronze and Meltdown Glass is expected to far less than a standard fabrication facility. Design of art exceeds the actual fabrication of the art. No industrial by products are produced, as all material is used. The Mixed-Use designation is used for a mixture of residential and commercial uses. This category encourages creatively designed developments which create a living environment, in which there is the opportunity to live work and recreate in the same development or within the area. Mixed use activities at the site will include the guitar making school facilities and Childsplay scene and prop production, with visiting artist residence and/or guitar school temporary housing. The proposed commercial, industrial, and mixed-use land use designations will serve the community and Town Lake area well by creating an environment that focuses on arts learning, creating and displaying and yet ties it together with the visual and performing arts found at the Tempe Center for the arts to create an even stronger regional destination.

Availability and Cost of Open Space

Within the 1 mile square from Priest to Farmer, and from 5th Street to Washington Street there are over 156 acres of existing open space.

40 acres of Tempe Town Lake (20% of the lake area)
93 acres of open space habitat
13 acres Art Park
6 acres of path from Priest to Farmer (north bank)
4 acres of path from Priest to TCA
156 ACRES (not including the General Plan reduction of 40 acres)

Removing 40 undeveloped and vacant acres from the Open Space category will still retain a significant amount of open space within a one square mile

If the city were to finance the development of the site for open space/park, the cost to develop and maintain this 40± open space is estimated to be:

$435,600 per acre ($10/ per sf) equals $17,424,000 for development
$9,150 per acre ($.21 per sf) equals $365,600. per year for maintenance

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Rio Salado Overlay District

The site lies within the Rio Salado Overlay District. The proposed land use is consistent with the Tempe Rio Salado objective that states:

- Encourage the optimum development of land along the Salt River including: residential, commercial, industrial and open space, transportation and circulation, public facilities and services and adjoining land uses.

The goals of the Rio Salado District encourage economic development as a means to provide a return on the public investment. City Council directed that this site should evolve from an undeveloped area to arts related development that leverages public expenditures, for the TCA and Tempe Town Lake.

Conclusion

This request for a General Plan Projected Land Use change from Public Open Space and Public Recreational/Cultural to Commercial, Mixed-Use, and Industrial will provide the community with:

- privately developed additional arts related facilities and services,
- educational opportunity to focus on arts and culture,
- strong connections with the Tempe Center for the Arts, Tempe Town Lake and parks
- featured sustainable principles in the development of the site,
- increased appeal as a regional destination,
- public access corridors through the site, and
- retained access to more than 156 acres of open space and park land

The reduction of the undeveloped acres of designated Open Space and Public Recreational/Cultural will not be a detriment to the community. Future construction of an Arts-related development as a regional destination will tie this site in with the larger context of recreational and cultural amenities in the area.

General Plan Amendment
Neighborhood Meeting
Tempe Center for the Arts, Lakeside Room
August 11, 2008
7:00 p.m.

Meeting Notes:

In Attendance:

City of Tempe Staff:
Chris Salomone, Community Development Manager
Nancy Ryan, Rio Salado Project Manager
Mark Vinson, City Architect
Diana Kaminski, Development Services Senior Planner
DeeDee (D^2) Kimbrell, Rio Salado Senior Planner

Elements Artists:
Steve Martin, Childsplay
Kris Olsen, Roberto Venn School
Derrick Nadeau, Meltdown Glass
Tom Bollinger, Arizona Bronze Atelier

15 interested citizens

Request by the City of Tempe to amend the General Plan from Public Open Space (33.57ac) and Public Recreational/Cultural (7.07ac) to Commercial (28ac), Industrial (8.14ac), and Mixed-Use (4.5ac).

Presentation by Chris Salomone and Nancy Ryan on the purpose of the General Plan Amendment and the proposed uses for the site.

They explained that the development proposal went out to the public as a Request for Proposal (RFP). The purpose of the proposals was to allow the process to bring in capable users and uses adjacent to the Tempe Center for the Arts. The vision was to incorporate additional art facilities into the area that would complement the Tempe Center for the Arts by providing additional versatility and variety.

Possible use of artist related development for site described to include:

- Work spaces for the manufacturing
- Related offices or showrooms
- Education and instruction space
- Public auditorium or lecture hall
- Meeting space
- Public plazas
- Parking
- Restaurant and related retail sales
- Residential presence in the form of live-work residences, visiting artist residence, or caretaker residence

A presentation by four artists involved with the proposed uses for the eastern half of the property, (Meltdown Glass, Roberto Venn School, Arizona Bronze, and Childsplay)

Questions presented to staff and artists:

How were these four companies selected, and why not others?
An open RFP was issued previously for the eastern portion of the site, and based on Council direction these four artist groups were selected to form the core of the arts district. Another RFP will be issued for

the western portion of the site, and other users will be brought in through a similar public process, with agreements determined by Council.

Is there transportation to Mill Avenue (downtown)? Doesn't believe project is in close proximity to downtown.
There are local commuters that come through this area on a regular basis.

Are there any air quality issues or environmental issues with the bronze production?
The business has been locally operated in Tempe for 30 years, and has never had an air quality violation or complaint. The production of bronze sculptures is 90% art and 10% bronze casting, this is not a bronze foundry that pours hot metal 40 hours a week, and this operation pours about 2 hours per week.

Are there any odors, noise or nuisances related to the bronze studio?
The facility would be enclosed; with the outdoor work area screened by walls and landscape. Hours of operation are 7am-4pm, no odors, noise or nuisances beyond the surrounding environment will be created by this use.

What is the purity of the product used, is copper hard to get and is there any waste material to dispose of from the bronze studio?
The ingot that is purchased is 94% pure copper, it is very expensive, increase from 80 cents per pound to 4 dollars per pound in last 10 years. We do not smelt product, we buy ingots and melt them down, this is a major difference between an atelier who works with artists to produce bronze sculptures, and a smelting factory that is extracting ore from rock, creating slag and waste product. We recycle everything and have no waste.

Is there any concern about the aircraft noise/vibration with the glass studio?
No, the facility will be designed just like the performing arts building, insulation can prevent noise or vibration, and the products we are creating are large scale baked glass, we ship them all over the world and they go in very public places.

Some of these uses sound great, but they are industrial uses, what guarantee will we have that these uses won't change in the future, and the General Industrial Zoning will be used for a more heavy industrial use that we would not want in our neighborhood....times change and so do businesses, are we going to restrict their zoning? The existing property has the GID zoning, these uses could be built today, we are amending the General Plan to conform to the zoning in place, with the exception of single family residential at the west end, which would need to be changed to Commercial. The uses may be restricted by a development agreement, or a PAD, or a recorded document that gets legally bound to the deed.

Once the City sells the land we will not have control over the use of the property. Concern over loss of control and public land. Land will have long term leases and will not be sold, Tempe will remain in control of how it is used.

The proposed building designs appear very suburban, with surface parking and buildings taking up most of the land, it looks like the ASU research park, nothing special. The design should be more unique, reflective of the artistic uses and adjacent public investment in architecture, not just suburban industrial park.

The proposed uses are taking away public open space for more buildings, over the years we've lost more and more open space to development and private events. Many times during the year Tempe Beach Park is not accessible to the public. This site is the last opportunity for public park left, and with this development, we will get a 30' wide corridor leading down to a 20' wide linear park along the channel. Where is the public open space?

Response from resident and former Rio Salado Commissioner: Rio Salado has to pay for itself, having park and open space is nice but it must be built and maintained, and from the beginning we've envisioned that Rio Salado would pay for itself, we need attractions to make it a destination and we need businesses that help maintain the area. They also consider the project very viable to the city.