

Staff Summary Report



Development Review Commission Date: 08/23/2011

Agenda Item Number: ___

SUBJECT: Hold a public hearing for a Zoning Map Amendment, Planned Area Development Overlay and Development Plan Review for THE DISTRICT located at 941 E. Apache Boulevard.

DOCUMENT NAME: DRCr_TheDistrict_082311 PLANNED DEVELOPMENT (0406)

COMMENTS: Request for **THE DISTRICT (PL110169)** (Tara Waldier, RB Tempe LLC, Scott E. Baer, Baer’s Den, and Charles and Elsa Fong, Spence Avenue Apartments, property owners; Nick Wood, Esq., Snell & Wilmer LLP, applicant) consisting of a five story, 639,589 sf. 279 unit student housing complex with structured parking and ground floor retail plus a reconstructed one story 1,868 sf. Baer’s Den bar, all on +/-5.616 acres (12 parcels, total), located at 941 East Apache Boulevard in the CSS, Commercial Shopping and Service District, the R-4, Multi-Family Residential General District and with 4 parcels with a P.A.D., Planned Area Development Overlay District and T.O.D., Transportation Overlay District. The request includes the following:
ZON11003 – (Ordinance No. 2011.41) Zoning Map Amendment from CSS, Commercial Shopping and Service to MU-4, Mixed-Use, High Density District on +/-3.427 acres (5 parcels) facing Apache, from CSS, Commercial Shopping and Service and R-4, Multi-Family Residential General to R-5, Multi-Family Residential High-Density District on +/- 2.189 acres (7 parcels) facing Spence, and for insertion of +/-3.510 acres (8 parcels) into the T.O.D., Transportation Overlay District.
PAD11006 – (Ordinance No. 2011.41) Planned Area Development Overlay to establish development standards for density (in MU-4 District) and building height, building setbacks, building lot coverage and landscape lot coverage on +/-5.616 acres.
DPR11120 – Development Plan Review including site plan, building elevations, and landscape plan for the reconstructed Baer’s Den on 0.259 acres.

PREPARED BY: Kevin O’Melia, Senior Planner (480-350-8432)

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

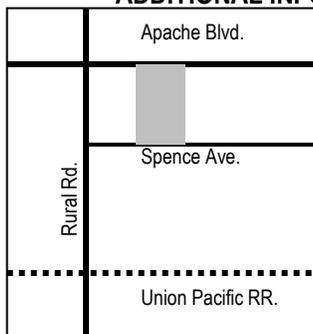
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

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

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



Gross +/- site acreage 5.616 ac. (Proposed MU-4: 3.427 ac. and R-5: 2.189 ac.)
 Density (dwelling/acre) 49.68 d/ac. (Proposed MU-4: 62.74 d/ac. and R-5: 29.23 d/ac.)
 Total Building area District live/retail/garage 639,589 sf. and Baer’s Den 1,868 sf.
 Lot Coverage 58 %
 Building Height Proposed MU-4: 90 ft and R-5: 54 ft.
 Building Setbacks 5 ft Apache front & Spence reverse front, 30 ft West, 41 ft East
 Landscape Coverage 24 %
 Vehicle Parking District 940 spaces and Baer’s Den 14 spaces
 Bicycle Parking District 256 spaces and Baer’s Den 7 spaces
 See Summary on page 2. A neighborhood meeting was held on August 08, 2011.

- PAGES:**
1. List of Attachments
 - 2-7. Comments / Reasons for Approval
 - 8-10. Conditions of Approval
 - 11-12. Code/Ordinance Requirements
 - 13-14. History & Facts / Zoning & Development Code Reference

- ATTACHMENTS:**
- 1-3. Ordinance No. 2011.41
 - 4-8. Waiver of Rights and Remedies form
 9. Location Map
 10. Aerial Photo
 - 11-14. Applicant's Letter of Explanation, dated 7/5/11
 15. The District Design Letter of Explanation, dated 6/30/11
 - 16-17. Baer's Den Bar & Grill Design Letter of Explanation, dated 6/29/11
 - 18-19. Neighborhood Meeting Summary and Citizen Comment from Neighborhood Meeting
 - 20-21. Letter from A.S.U. Real Estate Office, dated 8/3/11
 - 22-23. Site Plan and Project Data A-201
 - 24-25. District Floor Plans A-401 & A-402
 - 26-27. District Building Elevations and Elevation/Section A-501 & A-502
 - 28-29. District and Baer's Den Landscape Plan and Plant Legend L1-1
 30. District Concept Perspective A-100
 31. District and Baer's Den Color Elevation (North) on Apache Boulevard A-101
 - 32-33. Baer's Den Site Plan and Project Data AS-100
 - 34-36. Baer's Den Floor Plan, Color Elevation and Sections A-101, A-201, A-301
 - 37-38. Staff Site Photographs, dated August 2011
 39. Transportation Division Response to Traffic Impact Analysis, dated 8/11/11.

SUMMARY:

The District seeks to assemble and redevelop twelve parcels for a mixed-use complex that primarily contains housing but also contains commercial ground level space. In the first phase of the entitlement process, as submitted, the District seeks land use entitlements including a Zoning Map Amendment and Planned Area Development Overlay for the twelve parcels and seeks a Development Plan Review for the construction of the new Baer's Den on its own lot.

The Baer's Den is an existing neighborhood bar and grill located at 941 East Apache Boulevard. A new building will be built on its own lot for this business in the northwest corner of the site. Upon completion of the new building, the existing building will be demolished and the existing parcel will be absorbed by the District.

The District includes a 279 unit, 900 bedroom residential component of 343,975 sf. which will be marketed to students. This component also provides a 1,712 sf leasing office, 4,844 sf. clubhouse and 67,640 sf. of combined circulation area. The commercial component consists of a ground level 2,735 sf. fitness center on Apache for residents with a provision for public membership and a 1,075 sf. ground level commercial space facing Apache. 940 vehicle parking spaces will be provided on site, these will principally be housed in a six level garage of 217,608 sf. The garage is hidden by residential units on three sides. The garage and 64 residential units will be located in the R-5 District on the southern part of the site and 215 residential units and all of the commercial functions, including the separate new Baer's Den, will be located in the MU-4 District on the northern part of the site.

The number of units is carefully weighed in the R-5 district to respect the maximum allowable residential density. The commercial functions are oriented to the northern part of the site to respect the General Plan Projected Land Use Map, which limits the southern portion to residential but allows residential and commercial to co-exist in the northern portion. The building proposed is four stories on Spence, is five stories in the center of the site and is six stories (with the ground floor of commercial height) on Apache. This graduated increase in height reflects the increased intensity and mixed-use allowed along the Apache Boulevard and respects the lower intensity of adjacent residential developments to the south of Spence Avenue.

A Traffic Impact Analysis for the development has been reviewed by Transit Studies Division. The volume of traffic for the site driveways is found to be acceptable.

The entitlements requested include the following.

- A Zoning Map Amendment for the twelve parcels comprising 5.616 acres contains three components:
 - From CSS, Commercial Shopping and Service on five parcels to MU-4, Mixed-Use, High Density on 3.427 acres.
 - From CSS, Commercial Shopping and Service and R-4, Multi-Family Residential General on seven parcels to R-5, Multi-Family Residential High Density on 2.189 acres.
 - Insert eight parcels comprising +/-3.510 acres into the T.O.D., Transportation Overlay District. The other four parcels are already within the T.O.D.
- A Planned Area Development Overlay for 5.616 acres includes establishment of maximum density for the MU-4 portion of the site (maximum density of 30 du/ac is already established for the R-5 portion by the Zoning and Development Code), establishment of separate maximum heights for the MU-4 and R-5 portions, and establishment of minimum setbacks, maximum lot coverage and minimum landscape coverage on site.
- A Development Plan Review for the new Baer's Den.

Under a concurrent process, a Final Subdivision Plat for the District is being prepared to consolidate the twelve parcels into three lots and make dedication to public right-of-way. The three lots include those for the new Baer's Den, the existing Baer's Den, and the District.

For further processing, a Development Plan Review will be required for the District. Additionally, an Amended Final Subdivision Plat for the District will be required to remove the existing Baer's Den lot after the new Baer's Den is constructed and that business is transferred to the new building. The Baer's Den intends to operate at the old location until the new facility is ready.

COMMENTS:

This site is located to the east of Rural Road and is bordered on the north by Apache Boulevard and on the south by Spence Avenue. The Four Points by Sheraton Tempe hotel with frontages on Rural, Apache and Spence is immediately to the west and the Tempe Chamber of Commerce is at the southeast corner of Apache and Rural. Pete's Fish & Chips (facing Apache) and the

DeLario Residential Condominiums (facing Spence) are immediately to the east of the site. To the north of the site across Apache is a ten-story mixed-use student housing development (The Vue). To the south is a single story apartment complex. The site itself is comprised of twelve parcels and contains foundations, debris and remnant plants from previous developments that have been demolished. The exceptions which still exist are the two-story concrete masonry unit Spence Avenue Apartments in the southwest site corner and the one-story wood and metal Baer's Den Bar in the north center of the site on Apache.

The twelve parcel site contains two General Plan 2030 Projected Land Use areas and is a patchwork of zoning districts.

- Concerning Projected land Use, the five parcels of combined 3.427 acres that are oriented toward Apache are designated Mixed-Use and the seven parcels of combined 2.189 acres that are oriented toward Spence are designated Residential. The District will maintain the Projected Mixed-Use and Residential Land Use boundaries on site without change.
- Concerning the Zoning Map, the underlying zoning district of the site is CSS except 132 feet of width along Spence Avenue is R-4. Zoning district boundaries approximate but do not match the General Plan 2030 Projected Land Use boundary. The zoning boundary cuts through several parcels of the site. Following are the existing zoning conditions as broken down by parcel:
 - CSS, Commercial Shopping and Service District:
 - Along Apache Boulevard, parcels 133-10-006B, 133-10-007, 133-10-010, 133-10-012E and 133-10-013. Parcel 133-10-010 contains the existing Baer's Den.
 - Along Spence Avenue, parcels 133-10-005, 133-10-008 and 133-10-006A except the south 132 feet of each parcel. Parcel 133-10-005 contains the existing Spence Avenue Apartments.
 - Landlocked parcel 133-10-014D except the south 32 feet of this parcel.
 - R-4, Multi-Family Residential General District:
 - Along Spence Avenue, parcels 133-10-012F, 133-10-014E and 133-10-014F as well as the south 132 feet of parcels 133-10-005, 133-10-008 and 133-10-006A.
 - The south 32 feet of landlocked parcel 133-10-014D.
 - Planned Area Development Overlay and Transportation Overlay District (Corridor)
 - Parcel 133-10006B and 133-010-007 facing Apache and parcel 133-10-008 and 133-10-006A facing Spence are within these overlays. The PAD and TOD insertion were for the Element Hotel, an unrealized proposal entitled in 2008. The other eight parcels that make up the site do not have a P.A.D. and are not currently within the T.O.D. Corridor.

The Development Plan Review and Use Permit for the Element Hotel have expired. There are no other existing entitlements for this property that will remain in effect, except the existing P.A.D. for the Element Hotel on four parcels. This P.A.D. will be superseded by a P.A.D. that covers the twelve parcels. The T.O.D. Corridor insertion for twelve parcels will join eight parcels of the site outside of the T.O.D. to the four parcels that are already within the T.O.D.

This request includes the following:

1. Zoning Map Amendment for the site including MU-4 to the north, R-5 to the south and insertion of the site into the T.O.D.
2. Planned Area Development Overlay including density (for MU-4), height, setbacks, lot coverage and landscape coverage.
3. Development Plan Review for the Baer's Den.

The applicant requests the Development Review Commission take action on the Development Plan Review and provide recommendations to City Council for the Zoning Map Amendment and Planned Area Development Overlay. The Final Subdivision Plat will also be heard by City Council.

PUBLIC INPUT

- The site has been posted on Spence Avenue and Apache Boulevard. On site tenants in the Spence Avenue Apartments, surrounding property owners within 300 feet of the site edges and registered neighborhood associations and registered affiliate associations within 600 feet of the site boundary have been notified of time and place of the required neighborhood meeting.
- A neighborhood meeting was held on August 8, 2011 from 6:30 p.m. to 8:00 p.m. at the Sheraton Four Points Hotel Ruby room at 1333 South Rural Road. Eight members of the public including three from the hotel and five from neighborhoods east and south of the site attended the meeting in addition to the applicant, the Baer's Den Owner, the Landscape Architect, Traffic Consulting Engineer and City Planning staff. Meeting format was open with informal presentation. Citizens were encouraged to review the design plans, elevations and perspectives on display and were engaged in conversation by the applicant and design

professionals. The comments on the proposal were favorable. One written comment was provided. See attachments 18-19 for the applicant's Neighborhood Meeting Summary Report.

- C.O.T. planning staff has received one call in support of the redevelopment of the property from a citizen on July 18, 2011.
- The applicant has separately met with Arizona State University regarding the District. For A.S.U.'s letter of response that pertains to the District see attachments 20-21. As of publication of this report, there have been no other communications regarding the District.

PROJECT ANALYSIS

ZONING

The proposal seeks a Zoning Map Amendment to bring the entire 5.616 acre site within the Transportation Overlay District and convert the northern portion (3.427 acres) from CSS to MU-4 Mixed-Use, High Density and convert the southern portion (2.189 acres) from CSS and R-4 to R-5, Multi-Family Residential High Density. The proposed zoning change conforms to the General Plan Land Use Map on site in that the Zoning Map boundary between MU-4 and R-5 as proposed will align with the General Plan Projected Land Use Map (mixed-use to residential) boundary. The proposed zoning change also conforms to the General Plan Projected Density Map in that the General Plan encourages high density along this portion of Apache Boulevard but requires medium to high density beginning on the south side of Spence Avenue. The R-5 district requires conformance to a maximum density of 30 dwelling units / acre. The configuration of dwelling units on site will respect that limit. This translates to a lower building mass (four residential stories) on the Spence Avenue frontage and a higher building mass (five residential over one commercial story) on the Apache Road frontage. The distribution of building mass with a preponderance toward Apache Boulevard and a lesser amount toward Spence is in character with the surrounding pattern of development.

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

1. *The proposed zoning amendment is in the public interest.* The proposed amendment reinforces the emerging condition of mixed residential and commercial uses along Apache Boulevard and preserves the residential use exclusively along Spence Avenue. The insertion of the site within the Transportation Overlay District supports existing multi-modal transportation options near this site including the convenience of A.S.U. by bike and foot to the west, the light rail line to the east, the Valley Metro Route 72 bus line on Rural Road to the west and the Tempe Circulator (Orbit-Mars) route on Spence Avenue to the south.
2. *The proposed zoning amendment conforms with and facilitates implementation of the General Plan.* The proposed amendment is in support of the General Plan 2030 Land Use Map, which proposes mixed-use along Apache Boulevard and residential along Spence Avenue. The proposed amendment aligns the MU-4 / R-5 boundary with the mixed-use / residential boundary through the site.
3. *Establish a Planned Area Development Overlay.* Establish density for MU-4 District and establish heights, setbacks, lot coverage and landscape coverage for R-5 and MU-4 Districts.
4. *Incorporate the provisions of the Transportation Overlay District (Corridor).* Provide pedestrian oriented design environment at street frontages and make use of vehicle parking reductions.

PLANNED AREA DEVELOPMENT

The Planned Area Development Overlay (P.A.D.) extends over two proposed zoning districts. Density and height distinctions are made in the P.A.D. development standards with respect to the proposed MU-4 and R-5 zones. The P.A.D. establishes a maximum density of 63.00 d/ac for the MU-4 district on 3.427 acres facing Apache. Maximum density of 30.0 d/ac is maintained for the R-5 district on 2.189 acres facing Spence. The P.A.D. establishes maximum heights of 90.0 ft. for MU-4 and 54.0 ft. for R-5. These distinctions reflect a comparative size reduction between developments on Apache and on Spence. For example, The Vue (ten stories) north of Apache has a density of 87.0 d/ac. (132 units on 1.52 acres), is 116.0 ft. to the main skyline and is 128.0 ft. to the elevator tower. The Element Hotel (eight-stories--not built) previously proposed in the northwestern part of this site was to be 85.0 ft. The four-story Sheraton Four Point Hotel to the west is +40 feet. The residential land use south of Spence is zoned R-4 and has a 40.0 ft. maximum allowable height, although existing development south of Spence opposite the site is in the 15.0 – 20.0 ft. range.

The Planned Area Development Overlay establishes landscape lot coverage, building lot coverage and building setbacks. These standards cover both zoning districts. The 5.0 ft. front and reverse front building setbacks proposed reflect an urban, "street-front" typology. The broad 30.0 f.t and 41.0 ft. west and east side yard setbacks proposed allow fire lanes and tree buffers bordering

adjacent properties. The frontage and reverse frontage on Apache and Spence are heavily planted with trees following the Transportation Overlay District shade standard for sidewalks. Proposed minimum on-site landscape areas are 24.0 percent of site area and are entirely on grade to allow meaningful tree growth without the excessive maintenance of elevated foliage in confined planting areas. In comparison, The Element Hotel (not built) proposed minimum 25.0 percent on-site landscape lot coverage. Building lot coverage as proposed is organized to feature internal courtyards including the main pool courtyard. This courtyard conforms to police requirements for common resident and guest amenities that are internalized in the development.

The Planned Area Development Overlay does not tamper with the development standard for density in the R-5 district and for the entire site maintains the side-yard building step-back of 1:1 above 30.0 ft. The proposed vehicle parking standards exceed those allowed by the Transportation Overlay District.

Building & Site Standard	R-4 / CSS COMPARITIVE STANDARDS		MU-4 (PAD,TOD) / R-5 (PAD,TOD) PROPOSED STANDARDS	
	R-4	CSS	R-5 (PAD)	MU-4 (PAD)
MAXIMUM DENSITY	25 D/AC existing	20 D/AC existing	30 D/AC existing	63 D/AC proposed
MAXIMUM BUILDING HEIGHT	40 FT	35 FT	54 FT	90 FT
MINIMUM BUILDING SETBACK	‘	‘	‘	‘
.....Front (facing Apache Boulevard)	n/a	0 FT	n/a	5 FT
.....West Side Perimeter	10 FT	0 FT	30 FT	30 FT
.....East Side Perimeter	10 FT	0 FT	41 FT	41 FT
.....Common Side and Rear (between lots indevelopment)	0 FT	0 FT	0 FT	0 FT
.....Reverse Front (facing Spence Avenue)	20 FT	n/a	5 FT	n/a
MAXIMUM BUILDING LOT COVERAGE: Building area as percent of net site area	60 %	50 %	58 %	58 %
MINIMUM LANDSCAPE LOT COVERAGE Landscape area as percent of net site area	25 %	15 %	24 %	24 %

Section 6-305 D. Approval criteria for P.A.D. Overlay:

1. *The proposed residential and mixed-use land uses consisting of residential only to the south along Spence and commercial and residential combined to the north along Apache are allowable in Zoning and Development Code Part 3 Chapter 1 (residential) and Chapter 2 (mixed-use).*
2. *The standards listed above, as established as part of the Planned Area Development Overlay, plus the standards described in the Zoning and Development Code for maximum residential density in the R-5 district, minimum street parking setback, building step-back adjacent to off-site residential district, and minimum vehicle and bicycle parking ratios as allowed by the Transportation Overlay District shall be the standards of development for this site.*
3. *The proposed P.A.D. Overlay is in conformance with the provisions in the Zoning and Development Code Part 5 Chapter 4 including the provision that the P.A.D. Overlay assists in the fulfillment of the goals, objectives and policies of the General Plan.*
4. *The P.A.D. Overlay conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.*

DEVELOPMENT PLAN REVIEW

General

The center piece of the first phase of the redevelopment for the District of 5.616 acres is the relocation of the Baer's Den Bar and Grill to the northwest corner of the site. A Final Subdivision Plat is currently being prepared to provide a separate lot for the new Baer's Den. The Baer's Den will continue to operate at its existing location while the new facility is being constructed. At the conclusion of construction, the Baer's Den will move and the original building will be demolished. An Amended Final Subdivision Plat will then be completed to remove the original Baer's Den parcel. This area will then be used for the District.

Site Plan

The driveways at the northwest corner of the District and a connecting 20'-0" wide fire and refuse lane will be constructed for the Baer's Den. The Baer's Den Lot will be developed to the west of this drive aisle and with a narrow frontage on Apache Boulevard. The site layout will be similar to the existing Baer's Den, where an outdoor patio and main entrance engage the street to the north and a second business entrance faces south to the vehicle and bicycle parking provided for this business.

Building Elevations

As with the site layout, the height, size and shape of the building intentionally replicate the original structure. The underlying concept is that this is a neighborhood business that is not going away, it is moving to the west. The materials and colors of the building are different from the original in that they are similar to those proposed for the District. In particular, a metal standing seam roof and smooth exterior plaster wall surfaces and colors are selected to relate to the surfaces that will be proposed for the District. Other than the similarity of materials, colors and the joint use of a driveway, the Baer's Den is a separate business from the District.

Landscape Plan

The signature twin mesquite trees on Apache in front of the original Baer's Den will be replaced with two thornless mesquites on Apache in front of the new Baer's Den patio. Again, the design intention is to replicate the character of the original Baer's Den. Additional trees will be placed in a row between the drive aisle and the Baer's Den parking lane. Additionally, the west property line tree buffer will be installed with the west drive aisle during this phase of construction.

Section 6-306 D Approval criteria for Development Plan Review

1. *Placement, form, and articulation of buildings and structures provide variety in the streetscape*; replace a small, iconic structure with a similar, improved structure in a slightly different location in order to make way for a new development.
2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort*; tree placement along west property line and at entrance patio will assist with human comfort.
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings*; metal roof, masonry base and exterior plaster improve the patchwork of the original building.
4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings*; the building itself and entrance patio are sized to replace the original neighborhood structure. The building fenestration is similarly laid out to engage the street and enhance the neighborhood character of this establishment.
5. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage*; The Baer's Den is within walking distance of the light rail at Apache and Terrace, the Valley Metro route 72 on Rural and the Orbit Mars route on Spence.
6. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses*; The driveway on Apache is designed for joint use by the District, when this project is developed. The Baer's Den has a parking area that is distinct and separate from the drive aisle connected to this driveway.
7. *The Baer's Den layout appropriately integrates Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance*;
8. *Landscape accents and provides delineation from parking, buildings, driveways and pathways*; Landscape is added, particularly along the west edge of the drive aisle, to help to anchor the Baer's Den to its surroundings in advance of the development of the District.
9. *Signs for the Baer's Den will be reviewed as a separate submittal package.*
10. *By condition of approval and in accordance with the Zoning and Development Code, Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.*

CONCLUSION

Based on the information provided by the applicant and the analysis provided above, staff recommends approval of the requested Zoning Map Amendment and Planned Area Development Overlay for the 5.616 acre site and Development Plan Review for the new Baer's Den. This request meets the required criteria and will conform to the conditions of approval.

REASONS FOR APPROVAL:

1. The proposed District and the Baer's Den meet the General Plan Projected Land Use (mixed-use to north and residential to south) and Projected Residential Density (greater than 25 d/ac) for this site. The density for the residential southern portion of the site is limited to 30 dwelling units per acre in accordance with the maximum allowed in the R-5 District. A more intense density is established within the mixed-use northern portion of the site.
2. The proposed District and the Baer's Den will meet the development standards established under the Zoning and Development Code including as modified by the Transportation Overlay District Corridor and except as established specifically for this site under the Planned Area Development Overlay.
3. The Planned Area Development Overlay process was specifically created to allow for greater design flexibility in exchange for a design of quality that is also respectful of its surroundings. The project establishes density for the MU-4 District, establishes separate maximum allowable height for the R-5 and MU-4 Districts, and establishes building setbacks, building lot coverage and landscape lot coverage for the entire site. The design of quality features small front and reverse front setbacks that accommodate the Pedestrian Street Environment of the Transportation Overlay District, generous perimeter side yard setbacks that pull the buildings away from adjacent developments and allow perimeter tree buffers, building height that is taller on Apache and shorter on Spence in keeping with adjacent land use intensities, lot coverage that approximates adjacent recent development, and landscape coverage that allows meaningful ground level planting area.
4. The proposed project meets the approval criteria for a Zoning Map Amendment, Planned Area Development Overlay 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.

ZON011003 AND PAD11006

CONDITIONS OF APPROVAL:

1. A building permit shall be obtained on or before September 22, 2013 or the zoning districting of the property may revert to that in place at the time of application, subject to a public hearing.
2. The property Owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waives 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 October 24, 2011, or the Zoning Map Amendment and Planned Area Development Overlay approval shall be null and void.
3. The Planned Area Development Overlay for The District shall be put into proper engineered format with appropriate signature blanks. The finalized and acknowledged Planned Area Development Overlay document shall be received and kept on file with the City of Tempe Community Development Department prior to issuance of building permits.
4. The Developer shall revise the Traffic Impact Analysis in accordance with Transit Studies comments, dated August 12, 2011 and resubmit the revision to Transit Studies Division prior to any submittal for a building permit.
5. The Developer must receive approval of the revised Traffic Impact Analysis from the City of Tempe Traffic Engineer or her designee prior to issuance of a building permit.
6. A Final Subdivision Plat is required for this development. The Final Subdivision Plat shall be processed through the City of Tempe Community Development Department and shall be recorded prior to issuance of a building permit.
7. The maximum density for the MU-4 District on +/-3.427 acres shall be sixty-three dwelling units per acre (63.0 d/ac). The maximum density for the R-5 District on 2.189 acres shall be maintained at thirty dwelling units per acre (30.0 d/ac) in accordance with the provision of the Zoning and Development Code.
8. The maximum building height for the MU-4 District on +/-3.427 acres shall be ninety feet (90.0 ft.). The maximum building height for the R-5 District on 2.189 acres shall be fifty-four feet (54.0 ft.).
9. Building step-back above 30'-0" height shall be waived along common property line between lots of the development. The 1:1 building step-back is maintained on the east and west site perimeters where the development is adjacent to multi-family residential districts following the standard step-back provision of the Zoning and Development Code. The step-back planes shall be established at five feet (5.0 ft.) from the side perimeter property lines.
10. Building setbacks shall be waived along common property line between lots of the development. The minimum building setbacks as established along the perimeter of the development shall be as follows. Minimum front yard (Apache) and reverse front yard (Spence) setbacks are five feet (5.0 ft.). Side yard setback at west perimeter property line is thirty feet (30.0 ft.). Side yard setback at east perimeter property line is forty-one feet (41.0 ft.).
11. The maximum building lot coverage is established collectively for the lots of the development at fifty-eight percent (58%).
12. The minimum landscape lot coverage is established collectively for the lots of the development at twenty-four percent (24%).

DPR11120**CONDITIONS OF APPROVAL**

13. Submit construction documents to the Community Development Building Safety Division for building permit by August 23, 2012 or the Development Plan Review approval will expire. Subsequently, an expiration of the building plan check period or issued building permit will result in expiration of the Development Plan Review approval.
14. The developer shall provide a continuing care condition, covenant and restriction for the common features of the development including, but not limited to paving at common drive aisles and landscaping, including irrigation system(s). The CC&R's shall be reviewed and placed in a form satisfactory to the Community Development Manager and City Attorney.

Site Plan

15. At completion of construction of new Baer's Den, remove structures, foundations and concrete and asphalt flatwork including the old Baer's Den from the 5.616 acre site, except the Spence Avenue Apartments with site and landscape improvements associated with the apartments may remain at developer's option. Plant material that has acclimated on the interior of the site may remain at developer's option. Remove plant material that is in decline or has died on the interior of the site. Top dress the entire site (except the Spence Avenue Apartments, if these remain) with a minimum 1" thick layer of decomposed granite.
16. Protect and maintain existing sidewalk, street lighting and trees associated with the Apache Boulevard and Spence Avenue frontages of the 5.616 acre site. Replace existing trees on the frontages that have died or are in decline. Protect and maintain existing through irrigation and through electrical systems on frontages. Where a through irrigation system does not exist, provide a subterranean, automatic irrigation system for the affected frontage.
17. If the Spence Avenue Apartments are demolished during the construction of the new Baer's Den, construct the west drive aisle with connecting Apache and Spence driveways and install the west property line tree buffer. If the Spence Avenue Apartments are allowed to remain during and after the construction of the new Baer's Den, construct the west drive aisle and install the west property line tree buffer to the northern boundary of the Spence Avenue Apartments and terminate the drive aisle with a temporary 90.0 ft. diameter circular drive suitable for fire and refuse truck turnaround.
18. Provide upgraded paving at each driveway consisting of unit pavers. Do not install pattern-stamped concrete. Extend unit pavers in the driveway from the right-of-way line to 20'-0" on site and from curb to curb at the drive edges. In the public right-of-way from sidewalk to right-of-way line, extend concrete paving in the driveway to match sidewalk.
19. Finish freestanding utility equipment boxes to match the building field color. Do not paint over warning decals or identifiers. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage).

Floor Plan

20. Public Restroom Security: Provide 50% night lights and activate lights by automatic sensors, key or remote control mechanism. Provide a key bypass on the exterior side of single user restroom doors.

Building Elevations

21. Provide standing seam metal roof and metal fascia as indicated. Conceal gutter and outflow drains in fascia. Provide exposed downspouts that are secured to wall or optionally, provide outflow drains in bottom of gutters and delete downspouts. Provide concrete splash blocks below outflow drains.
22. Provide a split-face masonry base on the four building elevations that matches the height, material and color of the patio wall.
23. Provide four pane windows on the east elevation as indicated in a similar height, size, quantity and configuration as the square 2" recesses indicated on the west elevation.
24. Provide a 3'-6" tall self-closing exterior gate at patio. Post sign indicating "no alcohol beyond this point" at exterior gate.

- Provide a 3'-6" tall patio enclosure consisting of the masonry base to 2'-8" and above the masonry provide a metal railing cap. Detail the railing cap so it cannot support a beverage container.
25. Recess electrical service entrance section so front face of cabinet is flush with exterior building wall or in some other way detail concealment of electrical service entrance section on exterior of building.
 26. Provide exterior metal doors and frames. Panel articulation in doors as indicated on elevations is acceptable. Incorporate vision panels in front and rear entrance doors. The vision panel described in Zoning and Development Code Sec. 4-406 is an acceptable minimum but another vision panel configuration may also be provided. The pump room exterior door does not need a vision panel. Do not provide exterior wood doors and frames.
 27. The two colors are approved as presented:
 - Color 1 (not used)
 - Color 2: Tan SW-6116: trim exterior plaster color including at 2" recesses on west elevation and metal roof color
 - Color 3 Sand SW-6065, building exterior plaster field color
 - Color 4 Cream integral color split face CMU
 - Color 5 Bronze metal including at exterior doors and frames and window frames.
 28. Provide secure roof well mechanical equipment access from the interior of the building. Adjust location of well as needed to coordinate with a private access point on floor plan. Conceal roof well drainage system within the interior of the building.
 29. Provide 8" high, self (halo) illuminated, individual mount, metal reverse pan channel address numbers above or beside the two building entrances. Exposed conduit, piping, or related materials on the building exterior for address signs, security cameras, or other exterior building mount items is not permitted.

Lighting

30. Provide lighting standards in the MU-4 District subject to Zoning and Development Code Sec. 4-801 through 4-805. Minimum Light level of 5.0 foot-candles at patio entrance is not required except from close of business to dawn.

Landscape

31. Provide two thornless mesquite trees at the new Baer's Den patio with a minimum 30" box installation size. Use trees to visually frame the patio at the street.
32. Provide landscape and irrigation plans for the Baer's Den and the west perimeter landscape buffer.
33. Irrigation notes:
 - a. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC 1/2" feeder line is acceptable. Provide minimum class 200 PVC feeder line except provide minimum class 315 PVC feeder line for 1/2" diameter size. Provide details of water distribution system.
 - b. Locate valve controller in a vandal resistant housing.
 - c. Hardwire power source to controller (a receptacle connection is not allowed).
 - d. Locate valve controller in a vandal resistant housing or inside the building. Hardwire power source to controller. A receptacle connection is not allowed. Detail controller installation so power and valve wire conduits are concealed in the exterior wall.
 - e. Repair existing irrigation system on site or in the adjacent public right of way where damaged by work of this project. Provide temporary irrigation to existing landscape on frontage for period of time that irrigation system is out of repair. Design irrigation so existing plants on site or in frontage is irrigated as part of the reconfigured system at the conclusion of this construction.
34. De-compact soil in planting areas on site and in public right of way. Remove construction debris prior to plant installation.

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.

- 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/planning/documents.htm or purchase from Community Development.
- **SITE PLAN REVIEW:** Verify comments by the Public Works, Community Development and Fire Departments given on the 2011 Preliminary Site Plan Reviews dated May 11, June 15 and July 13. Direct questions regarding comments to the appropriate department and coordinate modifications with all concerned parties prior to permit application. Construction Documents will also be reviewed by planning staff to ensure consistency with this Planning Entitlement Review approval.
- **STANDARD DETAILS:**
 - Access standard engineering details at this link: www.tempe.gov/engineering/standard_details.htm or purchase book from the Public Works Engineering Division.
 - Access standard refuse enclosures at this link: www.tempe.gov/bsafety/Applications_Forms/applications_and_forms.htm. The enclosure details are under Civil Engineering & Right of Way.
- **BUILDING HEIGHT BASIS:** Measure building height from top of curb on Apache adjacent to the center of front of property.
- **SECURITY REQUIREMENTS :**
 - Design building and site to maximize visual surveillance of vicinity. Limit height of walls, landscape materials, and design columns or corners to reduce 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.
 - Owner is required to prepare a security plan for the Baer's Den with the Police Department. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued. At a minimum, Owner shall contact the Police Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.
 - 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 lane and turnaround. Ensure that there is at least a 20'-0" horizontal width and a 14'-0" vertical clearance from the lane surface to the underside of tree canopies. Layout of fire lane is subject to Fire Department approval.
- **REFUSE:**
 - Construct walls, pad and bollards in conformance with standard detail DS-116.
 - Develop strategy for recycling collection with Sanitation Division. Coordinate recycling storage with site layout.
 - Have Baer's Den manager arrange for enclosure gates to be open from 6:00am to 4:30pm on collection days.
- **SITE LAYOUT:**
 - Coordinate position of refuse enclosure and median between drive aisle and Baer's Den parking so south end of median does not interfere with truck access to enclosure. Contact Public Works Sanitation Division to verify that vehicle maneuvering and access to enclosure is adequate.
 - Relocate ramp that connects disabled accessible parking side aisle with the south business entrance to the Baer's Den so the landscape island north of the disabled accessible parking space is the full length of the parking space.
- **ENGINEERING:**
 - Indicate property lines and the dimensional relation of the building to the property lines.
 - Locate utilities underground. Coordinate site layout with Utility providers to provide adequate access easement(s).
 - Verify location of easement or property restrictions, to ensure no conflict exists with the site layout or foundation design.
 - 100 year onsite retention required for this property.

- PUBLIC RIGHT OF WAY:
 - Construct driveways in public right of way in conformance with Standard Detail T-320.
 - Modify existing Apache Boulevard median north of driveway adjacent to Baer's Den at developer's cost. Verify extent of modification and permitting process with Public Works Department, Engineering Division.
- 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.
 - Provide bike parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bike parking spaces. One loop may be used to separate two bike parking spaces. Allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- LIGHTING: 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:
 - Do not install river run rock or similar pieces of greater than 2" diameter and less than 12" diameter unless this material is secured into a concrete substrate.
 - Correctly indicate clear vision triangles at driveways on landscape plan. 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 Transit Studies Division. 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.
- SIGNS:
 - Provide Baer's Den building-mount and freestanding business identification signs by separate permit.
 - Provide at least a fifty percent (50%) contrast between address sign and the underlying building surface. Do not affix number or letter to elevation that might be mistaken for the address sign. If freestanding business identification sign is provided, install address signs on the masonry base beneath the business sign.
 - 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:

941 East Apache – Restaurant – Tavern

- September 11, 1962 Building Permit #11262 issued to alter an existing building.
- October 25, 1962 Council granted No. 8 – retailer beer license for Frank’s Tavern.
- January 16, 1996 Board of Adjustment approved a Use Permit for outdoor dining.
- July 16, 2002 Hearing Officer approved the following requests by the Baer’s Den Bar and Grill located in the C-2, General Commercial District:
- a. Use permit to allow a 168 s.f. patio expansion in conjunction with an existing 1,008 s.f. bar use.
 - b. Variance to reduce the required on-site parking by 3 spaces.
 - c. Variance to reduce the required front yard setback from 10 feet to 1 foot.
- November 13, 2002 The Development Services Department Design Review Board Staff approved the Design Review request to construct a patio on the backside of the building, to construct a trellis and add windows on the north side of the building, add a landscape buffer along the east property line and repaint the building. The north side “smokers patio” will feature a masonry fireplace, benches, landscaping and an overhead trellis system to match the front.

1005 East Apache – Motel

- October 17, 1958 Building permit #5683 issued for Ray’s Lodge.
- December 13, 1973 Building (demolition) permit #39337 issued for demolition of three structures and fill of swimming pool.
- October 17, 1973 Design Review Board approved the building, landscaping and signs for Franciscan Inn.
- July 27, 2010 Building (demolition) permit BP101053 issued for demolition of all structures and utilities.

926 East Spence – Apartments

- November 5, 1963 Building Permit issued for 28 unit, two story apartment building in the R-4 District.
- January 20, 1964 Board of Adjustment approved a Use Permit to install a swimming pool within the side yard of the property.

919 East Apache – Nightclub

- October 2, 1974 Design Review Board approved the building and landscape for Sun Devil Lounge.
- October 24, 1974 City Council approved the request of Holiday Inn for Development Plan approval of the Sun Devil Lounge.
- March 13, 1975: City Council approved the Amended Development Plans and Use Permit for Holiday Inn’s Sun Devil Lounge.
- July 15, 1975 Board of Adjustment approved a variance for Sun devil Lounge to reduce the required parking spaces for 152 to 112 for one (1) year.

February 23, 1977	Board of Adjustment approved a Variance for Sun Devil Lounge to reduce the required parking stall length from 20'-0" to 18'-6".
February 10, 1994	City Council approved a Use Permit for Phrogg's for a bar with live entertainment.
November 21, 1996	City Council approved a Use Permit for Club Eclipse for a bar with live entertainment.
March 1998	City Council approved a Use Permit for Club Pompeii for a bar with live entertainment.
June 8, 2000	City Council approved Freedom Night Club for a transfer of ownership and a time limit extension for a Use Permit for a nightclub with live entertainment.
August 8, 2002	City Council approved Freedom Night Club for a Use Permit to allow the lease of the parking lot to Arizona State University for day time parking of employee cars.
June 13, 2007	Demolition Permit issued for the building.

919 East Apache – Element Hotel (not built)

August 16, 2008	Applicant held a neighborhood meeting for this request at the Four Points Sheraton.
September 8, 2008	Apache Boulevard Project Area Committee recommended unanimous support of this request.
September 23, 2008	Development Review Commission approved the request for a Development Plan Review (except green color) and Use Permits for a hotel and parking in a multi-family district; and recommended approval for a Zoning Map Amendment and Planned Area Development Overlay, located at 919 East Apache Boulevard. Note: The Use Permits were for placement of a 152 bed hotel in the CSS District (facing Apache) and for the placement of commercial parking in the R-4 District (facing Spence). The Use Permits and the Development Plan Review approvals have expired.
November 6, 2008	City Council approved the request for the Element Hotel consisting of a 152 room hotel with ground floor commercial located on Apache Boulevard, of approximately 113,800 square feet of building area, six stories in height on approximately 2.1 acres, located in the CSS, Commercial Shopping and Service District and R-4, Multi-Family Residential General District. The request includes the following: <ul style="list-style-type: none"> • ZON08007 (Ordinance No. 2008.48) Zoning Map Amendment to insert the property into the TOD, Transportation Overlay District. The underlying zoning districts (CSS facing Apache and R-4 facing Spence) remain without change. • PAD08013 Planned Area Development Overlay to modify the development standards to allow a maximum building height increase from 35 feet to 85 feet and reduce the minimum required parking form 188 to 142 spaces.

941 East Apache – The District

August 8, 2011	Applicant held a neighborhood meeting for this request at the Four Points Sheraton.
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ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendment
Section 6-305, Planned Area Development Overlay
Section 6-306, Development Plan Review

ORDINANCE NO. 2011.41

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 (1.) the CSS, Commercial Shopping and Service District and CSS (PAD, TOD), and (2.) from the CSS, Commercial Shopping and Service District with a Planned Area Development Overlay and within the Transportation Overlay District AND DESIGNATING IT as MU-4 (PAD TOD), Mixed-Use, High-Density District with a Planned Area Development Overlay and within the Transportation Overlay District on +/-3.427 acres (ZON11003 and PAD11006).

LEGAL DESCRIPTION FOR THE MU-4 (PAD TOD) PORTION: five parcels facing Apache Boulevard

(For APN# 133-10-006B and 133-10-007)

The North half of Lot 4 and the North half of Lot 5, Jen Tilly Terrace, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 28 of Maps, Page 40.

(For APN# 133-10-012E and 133-10-013)

Parcel No. 1:

That part of Lot 6, Jen Tilly Terrace, according to Book 28 of Maps, Page 40, records of Maricopa County, Arizona, more particularly described as follows:

Beginning at the Northeast corner of said Lot 6;

Thence South along the East line of said Lot 6, a distance of 5.00 feet to the Point of Beginning;

Thence continuing South, a distance of 473.57 feet;

Thence North 89 degrees 41 minutes 50 seconds West, a distance of 100.00 feet to a point on the west line of said Lot 6;

Thence North along said west line, a distance of 248.51 feet;

Thence South 89 degrees 43 minutes 50 seconds East, a distance of 45.00 feet;

Thence North, a distance of 225.00 feet to a point which is 5.00 feet South of the North line of said Lot 6;

Thence South 89 degrees 43 minutes 50 seconds East, a distance of 55.00 feet to the Point of Beginning.

Parcel No. 2:

Lot 7, Jen Tilly Terrace, a Subdivision, according to Book 28 of Maps, Page 40, records of Maricopa County, Arizona;

Except the South 200 feet thereof; and

Except the North 5.00 feet conveyed to the City of Tempe for right-of-way dedication recorded as 98-545169 of official records.

(For APN# 133-10-010)

The West 45 feet of the North 230 feet of Lot 6, Jen Tilly terrace, according to Book 28 of Maps, Page 40, records of Maricopa County, Arizona.

TOTAL AREA OF THE FIVE PARCELS IS +/-3.427 GROSS ACRES.

Section 2. 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 (1.) the CSS (PAD, TOD), Commercial Shopping and Service District with a Planned Area Development Overlay and within the Transportation Overlay District, (2.) from the R-4, Multi-Family Residential General District and (3.) from the R-4 (PAD TOD), Multi-Family Residential General District with a Planned Area Development Overlay and within the Transportation Overlay District AND DESIGNATING IT as R-5 (PAD TOD), Multi-Family Residential High-Density District with a Planned Area Development Overlay and within the Transportation Overlay District on +/-2.189 acres (ZON11003 and PAD11006).

LEGAL DESCRIPTION FOR THE R-5 (PAD TOD) PORTION : seven parcels facing Spence Avenue

(For APN# 133-10-005)

The South half of Lot 4, Jen Tilly Terrace, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 28 of Maps, Page 40.

(For APN# 133-10-008 and 133-10-006A)

The South half of Lot 5, Jen Tilly Terrace, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 28 of Maps, Page 40.

(For APN# 133-10-012F)

The South 132 feet of Lot 6, Jen Tilly Terrace, according to Book 28 of Maps, Page 40, records of Maricopa County, Arizona

(For APN# 133-10-014D, 133-10-014E and 133-10-014F)

Parcel No. 1:

The North 100 feet of the South 200 feet of Lot 7, Jen Tilly Terrace, according to Book 28 of Maps, Page 40, records of Maricopa County, Arizona.

Parcel No. 2:

The South 100 feet of the South 200 feet of Lot 7, Jen Tilly Terrace, according to Book 28 of Maps, Page 40, records of Maricopa County, Arizona.

Except the West 25 feet thereof.

Parcel No. 3:

The West 25 feet of the South 100 feet of Lot 7, Jen Tilly Terrace, according to Book 28 of Maps, page 40, records of Maricopa County, Arizona.

TOTAL AREA OF THE SEVEN PARCELS IS +/-2.189 GROSS ACRES.

Section 3. Further, those conditions of approval imposed by the City Council as part of **Case # ZON11003 and PAD11006** are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

Section 4. 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 _____, 2011.

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 _____
Tara Waldier, RB Tempe LLC; Scott E. Baer, Baer’s Den; Charles and Elsa Fong, Spence Avenue Apartments _____ (Owners).

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. **PL110169** to the City requesting that the City approve the following:

- _____ GENERAL PLAN AMENDMENT
- ZONING MAP AMENDMENT (covering 12 parcels)
- PAD OVERLAY (covering 12 parcels)
- _____ HISTORIC PRESERVATION DESIGNATION/OVERLAY
- _____ USE PERMIT
- _____ VARIANCE
- DEVELOPMENT PLAN REVIEW (Baer’s Den)
- SUBDIVISION PLAT (consolidate 12 parcels into 3 Lots)
- _____ OTHER _____
(Identify Action Requested))

for development of the following real property (Property):

Parcel No. : 133-10-006B, 133-10-007, 133-10-010, 133-10-012E,
133-10-013, 133-10-005, 133-10-008, 133-10-006A, 133-10-012F,
133-10-014D, 133-10-014E and 133-10-014F

LEGAL DESCRIPTION for APN# 133-10-006B, 133-10-007, 133-10-012E, 133-10-013, 133-10-008, 133-10-006A, 133-10-012F, 133-10-014D, 133-10-014E, and 133-10-014F

(For APN# 133-10-006B and 133-10-007)

The North half of Lot 4 and the North half of Lot 5, Jen Tilly Terrace, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 28 of Maps, Page 40.

(For APN# 133-10-012E and 133-10-013)

Parcel No. 1:

That part of Lot 6, Jen Tilly Terrace, according to Book 28 of Maps, Page 40, records of Maricopa County, Arizona, more particularly described as follows:

Beginning at the Northeast corner of said Lot 6;

Thence South along the East line of said Lot 6, a distance of 5.00 feet to the Point of Beginning;

Thence continuing South, a distance of 473.57 feet;

Thence North 89 degrees 41 minutes 50 seconds West, a distance of 100.00 feet to a point on the west line of said Lot 6;

Thence North along said west line, a distance of 248.51 feet;

Thence South 89 degrees 43 minutes 50 seconds East, a distance of 45.00 feet;

Thence North, a distance of 225.00 feet to a point which is 5.00 feet South of the North line of said Lot 6;

Thence South 89 degrees 43 minutes 50 seconds East, a distance of 55.00 feet to the Point of Beginning.

Parcel No. 2:

Lot 7, Jen Tilly Terrace, a Subdivision, according to Book 28 of Maps, Page 40, records of Maricopa County, Arizona;

Except the South 200 feet thereof; and

Except the North 5.00 feet conveyed to the City of Tempe for right-of-way dedication recorded as 98-545169 of official records.

(For APN# 133-10-008 and 133-10-006A)

The South half of Lot 5, Jen Tilly Terrace, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 28 of Maps, Page 40.

(For APN# 133-10-012F)

The South 132 feet of Lot 6, Jen Tilly Terrace, according to Book 28 of Maps, Page 40, records of Maricopa County, Arizona

(For APN# 133-10-014D, 133-10-014E and 133-10-014F)

Parcel No. 1:

The North 100 feet of the South 200 feet of Lot 7, Jen Tilly Terrace, according to Book 28 of Maps, Page 40, records of Maricopa County, Arizona.

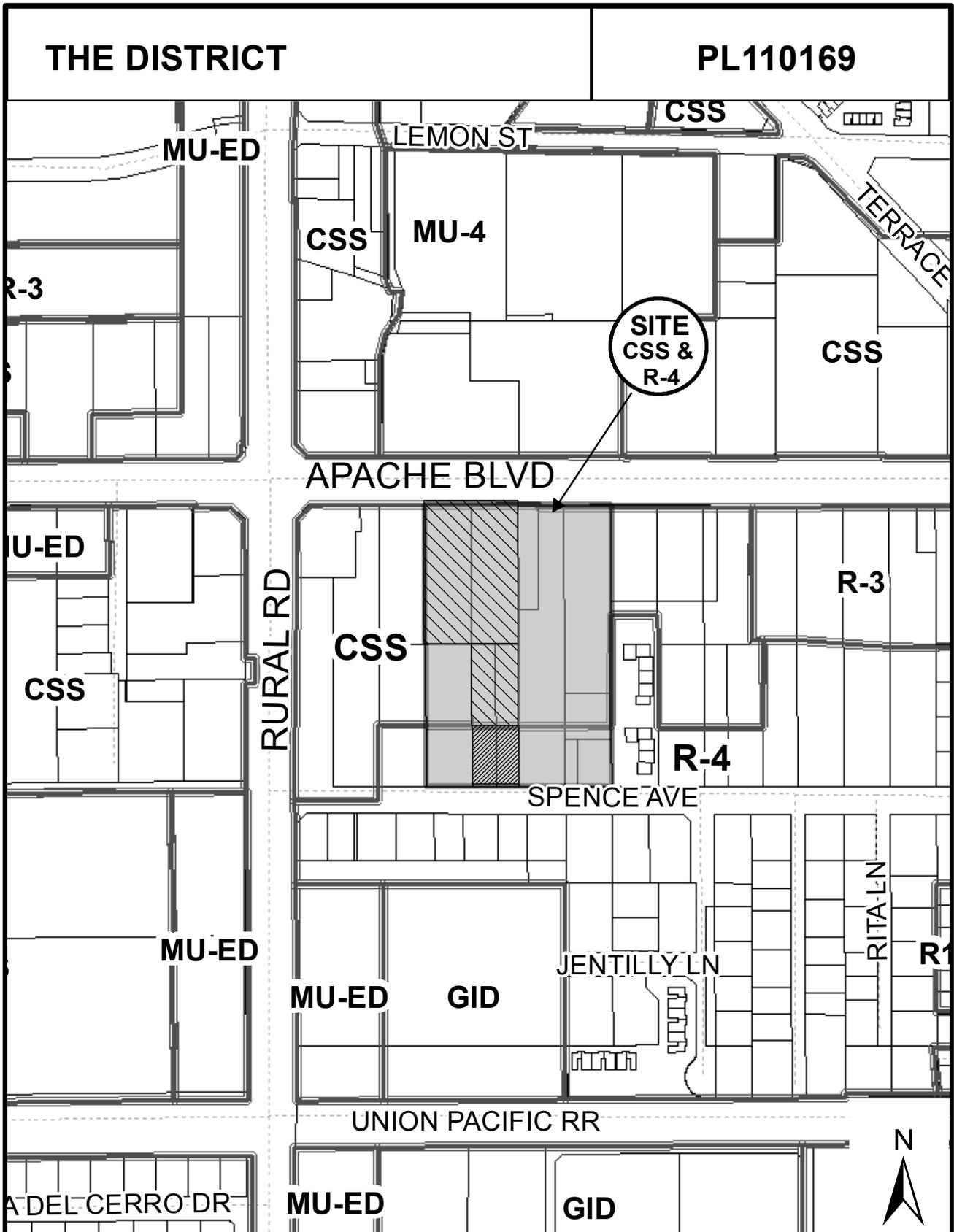
Parcel No. 2:

The South 100 feet of the South 200 feet of Lot 7, Jen Tilly Terrace, according to Book 28 of Maps, Page 40, records of Maricopa County, Arizona.

Except the West 25 feet thereof.

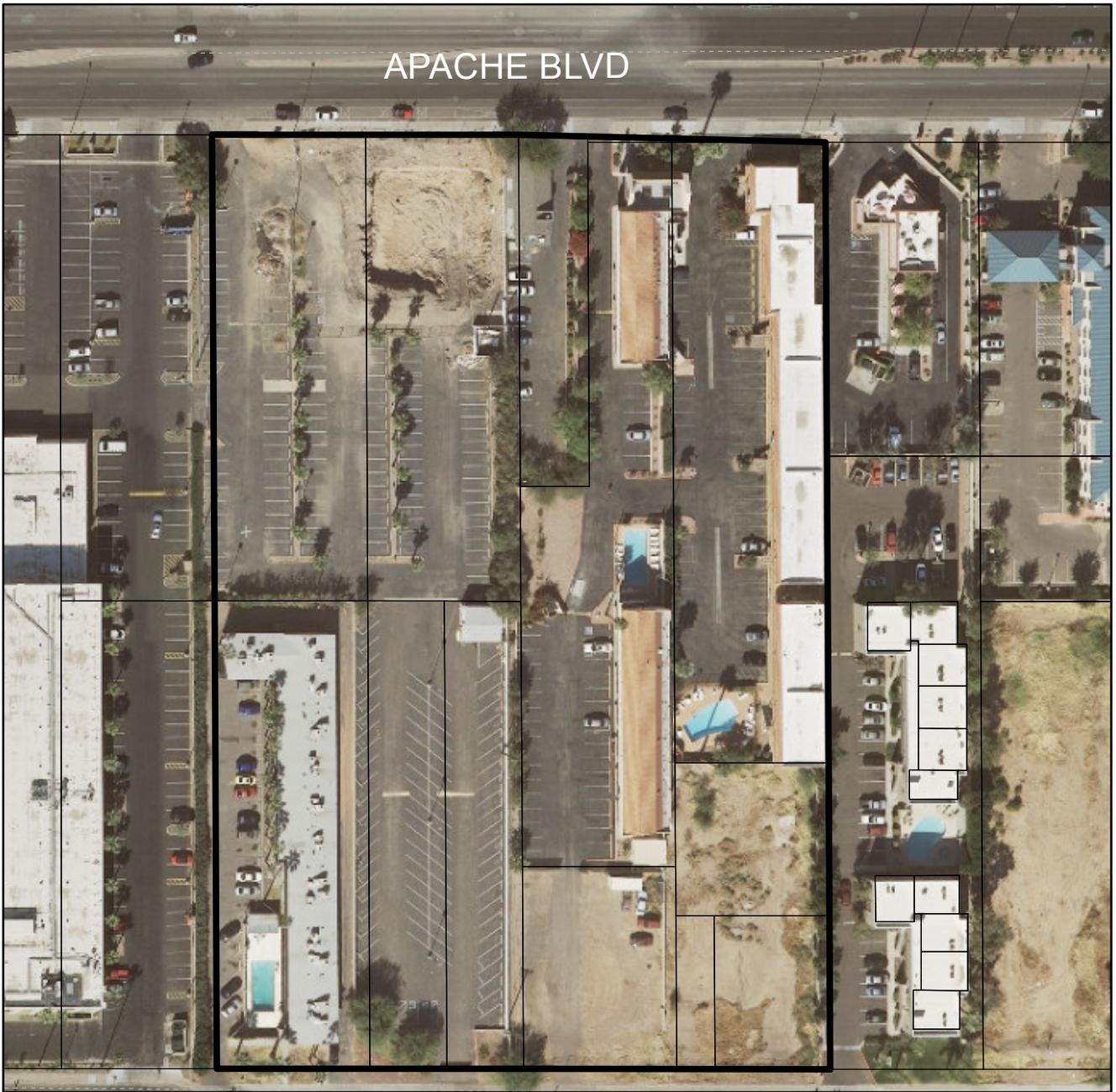
Parcel No. 3:

The West 25 feet of the South 100 feet of Lot 7, Jen Tilly Terrace, according to Book 28 of Maps, page 40, records of Maricopa County, Arizona.



Location Map

-  **R-4, TOD, PAD**
-  **CSS, TOD, PAD**



THE DISTRICT (PL110169)

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602.382.6000
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ORANGE COUNTY
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July 5, 2011

Kevin O'Melia
Senior Planner
City of Tempe
Planning Division
31 East 5th Street
Tempe, Arizona 85281

Re: The District PAD Rezoning Request - Letter of Explanation

Dear Kevin,

On behalf of Tempe Student Housing, LLC, I am pleased to submit a request for rezoning for "The District", a student housing development to be located at 941 East Apache in Tempe. This letter provides an overview of the request and the justification for the approval of a Planned Area Development ("PAD") overlay for the subject site.

The property is an approximately 6.28 acre assemblage of twelve (12) parcels. Currently the properties are largely vacant, with an older twenty-nine (29) unit apartment complex (the "Spence Avenue Apartments") at the southwest corner and the "Baer's Den", a neighborhood bar & grill establishment of about 1,500 square feet located in the center of the northern half of the project site. The redevelopment plan calls for the removal of the apartment complex and the relocation of the Baer's Den into a new building at the northwest corner of the site, continuing the operation of this local business by Mr. Baer.

The District is proposed to be a 279 unit student housing development, with 20 1-bedroom units, 40 2-bedroom units, 71 three-bedroom units and 148 four-bedroom units, for a total "bed count" of 905. Bed count is based upon the structure of the rental of the units; unlike a typical apartment unit where there is a lease for the entire apartment, The District provides students with the advantage of a fractional lease. For example, a three-bedroom unit would have three unrelated students renting the unit, with each having their own lease with the operator and "sharing" the common space. Each "bed" is a bedroom with its own private bath and closet, with the common area being the typical living and kitchen space found in a standard apartment design. The advantage to this rental structure is that the student tenant does not have to worry about a roommate leaving the apartment and leaving the remaining tenants with lease

Kevin O'Melia
 July 5, 2011
 Page 2

responsibilities, as would occur in a standard rental apartment. This leasing model has been very successful in other student housing developments in Tempe.

To accommodate the proposed development, the subject site is requested for rezoning from the current CSS and R-4 to MU-4 and R-5, with a PAD and TOD overlay.

The northern portion of the site is currently zoned CSS, which would limit residential development by capping density at 20 DU/ac as well as requiring a Use Permit for such uses. This limits "Mixed-Use" development potential, as CSS is oriented more towards retail/commercial-only development patterns. The MU-4 district permits residential development by-right as well as providing for flexibility in development standards appropriate for development of the project as envisioned, including incorporation of non-residential uses at the street level. The MU-4 classification is consistent with the General Plan's designation of Mixed-Use for this portion of the property.

The southern portion of the site is currently zoned R-4, which permits residential development up to a maximum of 25 DU/ac. This is insufficient to permit the required densities to support the project and is inconsistent with the General Plan, which identifies the subject site as appropriate for High Density Residential, in excess of 25 DU/ac. Therefore, the R-5 classification is more appropriate for the project and is consistent with the General Plan vision for the property.

The MU-4 district requires the use of a PAD to establish a project's development standards with the "initial zoning" of the property to MU-4. To accommodate "The District", the following development standards are proposed:

	MU-4 Base	Proposed MU-4/PAD
Residential Density:	No Standard	50 DU/ac
Building Height:	No Standard	88 feet
Maximum Lot Coverage:	No Standard	70%
Minimum Landscape Area:	No Standard	8%
Setbacks:		
Front:	No Standard	5 feet
Side:	No Standard	0 feet
Street Side:	No Standard	Not Applicable
Rear:	No Standard	5 feet

The R-5 base landscaping standards are not sufficient to permit the development to achieve the density levels identified within the General Plan by structuralizing the parking. Therefore, the following development standards are proposed to permit the project to (i) achieve

Kevin O'Melia
 July 5, 2011
 Page 3

the densities envisioned by the General Plan and (ii) to provide for appropriate setbacks along Spence Avenue to permit street oriented residential development in this area. The proposed development standards for the R-5 portion of the site are:

	R-5 Base	Proposed R-5/PAD
Residential Density:	30 DU/ac	30 DU/ac
Building Height:	50 feet	62 feet
Maximum Lot Coverage:	70%	70%
Minimum Landscape Area:	25%	8%
Setbacks:		
Front:	20 feet	5 feet
Side:	10 feet	0 feet
Street Side:	10 feet	Not Applicable
Rear:	10 feet	5 feet

Because the density is maintained within the R-5 limits, no increase is required. The building height is proposed for a minor deviation of an additional foot to permit visual embellishment of the façade, as well as to permit sufficient height for the parking structure, enhancing the appearance of the development. The increase in building height and reduction in landscape area is appropriate within the R-5 portion of the property to permit the development to provide sufficient parking for tenants by inclusion of a parking structure. Surface parking would (i) reduce dwelling unit count below the General Plan target of greater than 25 DU/ac and (ii) would be of a more “suburban” scale, which is not appropriate for TOD areas in proximity to light rail service, as this site is.

The proposed PAD development standards permit the project to enhance the pedestrian experience along both Apache Boulevard as well as Spence Avenue.

Along Apache, the structure will provide ground-level active uses, include a relocated “Baer’s Den” with outdoor patio, ground-level amenities (such as fitness center) visible to passers-by, and inclusion of potential retail/office space within the ground floor. The design, as currently proposed, restricts the project to two (2) access points, limiting the number of driveway interruptions for pedestrians as they walk past the site. The proposed Apache façade will transform the current vacant and single-level streetscape (which is more suburban in character) to a pedestrian friendly, more urban scaled street experience, complimenting the redevelopment that has already occurred along the north side of Apache.

For Spence Avenue, the development proposes to wrap the parking garage with residential units, providing for a residential streetscape along Spence. For the pedestrian, the addition of trees (for shade) and ground-level residential dwellings (for “eyes on the street”) will

Kevin O'Melia
July 5, 2011
Page 4

enhance the walk-ability of this portion of Spence Avenue. Because of the residential nature of Spence Avenue, no retail or commercial land uses are proposed.

There is existing residential development at the southeastern corner of the property, some vacant residentially zoned properties directly south (across Spence Avenue), as well as some apartment structures to the southwest and southeast of the property. The proposed elevations identify the southeastern portion of the property as having a step-down to these neighbors of approximately 51 feet (the main portions of the building are expected to reach up to 88 feet in height along the northern portions of the development). This lower area will provide appropriate scale and transition from the existing condominium development at the southeastern corner. Note that the condominium development has existing screen trees as well as a parking lot along the property line, increasing the separation and screening between these developments.

Finally, the project proposes to provide one (1) parking space per bed, plus some additional guest parking. Under the typical Zoning Ordinance parking calculations, the project would have to provide a minimum of 732 parking spaces; the developer is proposing to provide 940 spaces. This will reduce overflow parking into the adjoining neighborhood, keeping tenant and visitor vehicles within the boundaries of the property. No reduction in parking is requested.

In summary, the proposed PAD development standards permit the project to achieve the density levels identified in the General Plan, permit the use of structured parking to allow for an urban-style development that features ground-level land use along Apache Boulevard as well as a mass that keeps the tallest elements to the north and west while permitting an appropriately scaled step-down to the existing neighbors and to Spence Avenue.

I look forward your review of the proposed development.

Respectfully submitted,

Snell & Wilmer


Noel J. Griemsmann, AICP

Enclosures

13354228



HUMPHREYS & PARTNERS ARCHITECTS, L.P.

June 30th, 2011

Development Letter of Explanation
The District

The site is zoned as MU and R5. The project is bounded by Apache on the north, one of the collector roads with a surrounding of retail, residential and mixed use functions. There are a lot of pedestrians on foot traffic. The project is also bounded on the south by Spence, with a major surrounding of single and multi-families.

The goal is to provide a project that enhance the mixed-use nature of Apache on the north and then scale down to the south that will fit better with the residential neighbors.

The approach that we took to achieve this goal is to build a 6 story northern bldg on Apache, with 5 stories of apartments over one story of podium. The 1 story podium is 20' tall and contains leasing and common community areas as well as retail spaces. This northern bldg is built to within 5' of the right of way to form an urban edge. With a first floor full of glass, as well as carefully integrated landscape, this will be an inviting place for pedestrians. From there on, the bldg begins to drop in height when it moves from the north to the south. Out of the R5 zone compartment, the bldg functions as 5- story apartments, this is where majority of the density are. When going into the R5 zone, a 5-story garage is placed in the middle and surrounded by 4 story apartments that also face Spence. By doing that, the density of the R5 is carefully maintained at 30u/acre and the building height on Spence is kept at within 10% of 50'.

All the units have covered balconies that will provide shade and open area for residents. We also have shades on large windows to provide comfort and conserve energy.

The bldg will be mainly covered with stucco with the exception of the ground floor on Apache and Spence, where cmu will be used.

The bldg has a lot of offsets built into the plan to create deep shadows and visual interest. To build a complete building façade, a stone base at the bottom with storefront windows is created to draw the eyes of pedestrians. The stone base will make the project feel more substantial. Different colors and banding are used on the upper floors to create the middle and top. Corners we especially emphasized with tower feature and wrap around windows.

On the ground floor, the doors are specifically set in to provide shade and protection for the pedestrians. The sizes of the window panels on the ground floor are all equal or less than 4'x8' so that they will not look to big and out of proportion. Signages are proposed on the edges of the awnings to provide more visual interest for pedestrians. Two tiers of lighting will be proposed on Apache ground level to provide a better-lit environment for pedestrians.

All utilities are underground. Accessibility will be in compliance with ADA

The bldg is designed to form 3 interior courtyards and these courtyards are interconnected for the residents where they can circulate freely without the conflict of vehicle circulation.

Bikes racks are provided around the project. Besides that, every bedroom will have the room and hook in the closet to store bikes. The garage will be screened by green wall.

I invite you to contact me should you have any further questions regarding the proposed design of the District.

Respectfully,

Yao Hua Yu, NCARB
Senior Designer / Design Manager
HUMPHREYS & PARTNERS ARCHITECTS, L.P.

June 29th, 2011

Development Letter of Explanation

Baer's Den Bar & Grill

The project goal for the Baer's Den bar and grill is to relocate the existing facility to a new location approximately 250 feet east of its current site on the south side of Apache Boulevard. This is to coordinate with the development of The District, a multi-family housing project. This new project required the relocation of the aforementioned bar and grill.

The project consists of a new 1,590 gross square foot, single-story wood frame building with 14 parking spaces, 9 bicycle spaces and a new trash/recycling enclosure on approximately 0.4 acres.

The main entry to the proposed bar will be on the north side of the site on Apache Boulevard via an outdoor patio. A service/delivery entry will also be provided on the south façade of the building. Bicycle parking will be provided on the south side of the building near the vehicular parking and a 5 foot concrete, accessible walkway will lead from this parking area to the main entry/outdoor patio along the building's west façade.

The proposed bar has been positioned as close to Apache Boulevard as possible to encourage a strong pedestrian presence and stay consistent with the character and welcoming feel of the existing Baer's Den. By providing the main entry and outdoor patio on the north side of the new building, this will allow the structure to help shade the outdoor patio/entry from southern sun exposure.

The roof provides an eave overhang to assist with shading during the summer, high angle sun while allowing lower angled, winter sun to help warm the building. Windows are provided with low-E coating to help reduce solar heat gain into the bar building. The building will be mostly a light colored stucco finish to help reduce heat gain that would otherwise occur with a dark exterior finish color.

Materials are intended to relate to the original bar building which has become a neighborhood icon in this part of Tempe. A stucco wainscot, eave and window/door frames are provided in a medium brown color while the main body and mechanical parapet is shown in a light brown color to help provide a pleasant contrast to the overall building. This also helps denote a clear base, mid-section and upper component to the design.

orcutt | winslow

ARCHITECTURE PLANNING INTERIOR DESIGN

602 257 1764 t 3003 n central ave
602 257 9029 f sixteenth floor
www.owp.com phoenix az 85012

The façade of the proposed bar is designed to match the original facility and provides large windows facing the main entry and outdoor patio. The front patio has a low screen wall to help delineate the boundary of the outdoor area, yet provide a welcoming appearance to pedestrians and patrons along Apache Boulevard.

Both the main entry and service entry are fully in compliance with ADA accessibility requirements as well as the path of travel from the designated accessible parking stall to the building's two entries.

Given the small 0.4 acre site upon which the proposed Baer's Den will be constructed, landscaping has been provided as much as possible. Landscaping elements will be consistent with the larger District master plan and complementary to the proposed bar building.

Signage for the Baer's Den bar and grill is intended to match the original building signage by relocating the current signage to the new facility. This will help maintain the visual tradition of the original bar and grill.

I invite you to contact me should you have any further questions regarding the proposed design of the Baer's Den.

Respectfully,



Michael Kolejka, NCARB, AIA, LEED-ap

Associate Partner/Team Leader

Orcutt | Winslow

Snell & Wilmer
L.L.P.
LAW OFFICES

One Arizona Center
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DENVER
LAS VEGAS
LOS ANGELES
LOS CABOS
ORANGE COUNTY
PHOENIX
SALT LAKE CITY
TUCSON

Noel J. Griemsmann, AICP
602.382.6824
ngriemsmann@swlaw.com

August 9, 2011

Kevin O'Melia
Senior Planner
City of Tempe
Planning Division
31 East 5th Street
Tempe, Arizona 85281

Re: The District – Neighborhood Meeting Summary

Dear Kevin,

On August 8th, 2011, the project team held a neighborhood meeting as required pursuant to Section 6-402 of the City of Tempe Zoning and Development Code. The purpose of this letter is to provide a summary of that meeting as required by Section 6-402.F.

The meeting was held at the Four Points Sheraton, located directly west of the subject property at 1333 Rural Road in Tempe. Attendees included representatives from the hotel's ownership group, a few residents of the Spence Avenue Apartments, a resident from the larger neighborhood and a resident from the DeLario Condominiums located directly east of the project boundary. The individual from the DeLario property provided the only completed comment card of the evening (see attached).

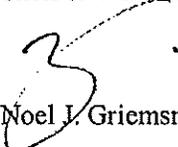
The discussions were mostly about the overall project (what, how many units, etc), the site plan and building heights. Comments were positive. There were no specific comments or suggestions from the public in attendance regarding the project. There was a request to repair/replace the existing wall along the DeLario property line.

The meeting was open from 6:30pm to 8pm. Contact information was provided to those interested in follow-up information or any additional questions or comments.

Please advise if you have any questions or require additional information.

Respectfully submitted,

Snell & Wilmer


Noel J. Griemsmann, AICP

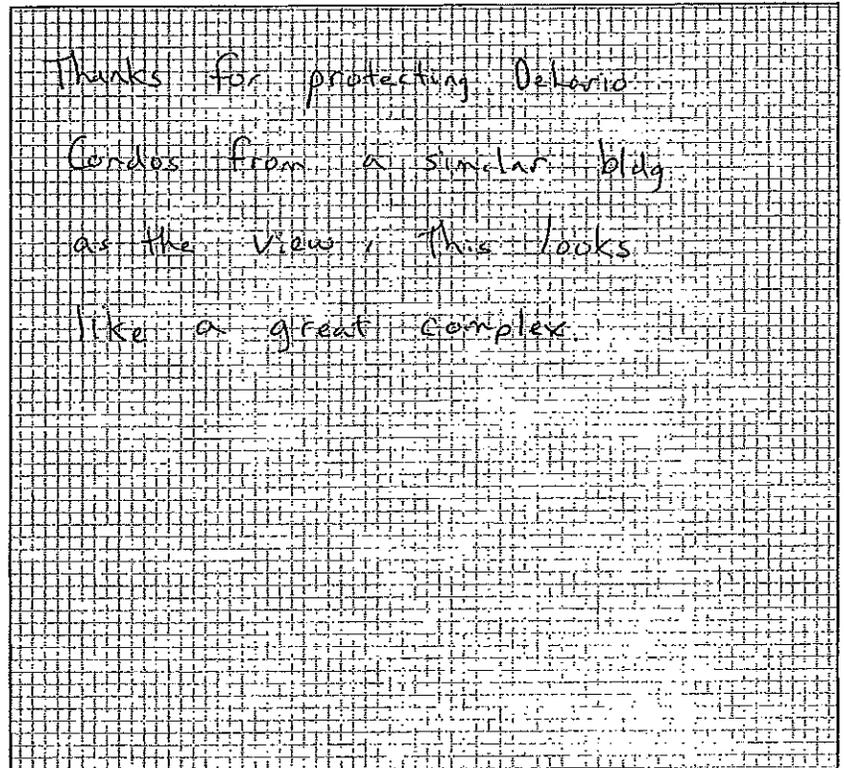
Enclosures

The District Open House – August 8, 2011

Name: Lori Grusecki

Address: 1014 Spence Ave, #102

Comments/Suggestions:



Thanks for protecting Dellavio
condos from a similar bldg
as the view, this looks
like a great complex.

Nicholas J. Wood
Noel Griemsmann
Snell & Wilmer
400 East Van Buren Street
Suite 1900
Phoenix, Arizona 85004-2204

Re: Rezoning, PAD and DPR Application for Tempe Student Housing, LLC
941 East Apache Blvd, Tempe, AZ

Dear Mr. Wood and Mr. Griemsmann:

We are in receipt of your notice of submittal to the City of Tempe for a new Student Housing Project at 941 E. Apache Blvd, Tempe, Arizona. The University supports the redevelopment of Apache Blvd and the introduction of private sector student housing. We appreciate the fact that you have come to us to discuss your project and willingness to address our concerns.

It is our understanding that your project will consist of approximately 905 student housing beds along with a fitness center and small amount of retail along the Apache Blvd frontage. The site will be adequately parked with over 940 parking spaces planned within a parking garage and at grade parking.

Student Housing Management – ASU considers the behavior of its students a reflection on the University and Community whether they live on-campus or off-campus. We would like to see significant controls put in place to address student behavior and conduct, including the orientation of community amenities inward rather than on balconies adjacent to a public street. Any proposed balconies should be designed as private use only.

Project Naming – We understand that the renderings that were provided, showing the project referred to as “The District at Arizona State University”, were an oversight on the part of the architect and will be modified to eliminate the use of ASU. Use of the trademarked Arizona State University must be approved by the University in writing prior to its use.

Project Design – As this project is not in close proximity to University property, we will refrain from making any comments about architectural character, density or relationship to adjacent properties.

AUG - 4 2011

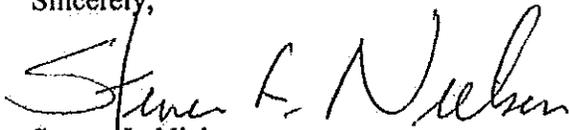
University Real Estate Office

August 3, 2011

Page 2 of 2

Please keep us advised of any significant changes to the project that might impact ASU. Please do not hesitate to contact us if we can be of assistance in reviewing your resident conduct codes or reviewing drawings from our experienced student housing staff.

Sincerely,



Steven L. Nielsen

Assistant Vice President

University Real Estate and Development

Cc: Charlie Meyer, Tempe City Manager
Chris Anaradian, Tempe Community Development Manager
Lisa Collins, Tempe Planning Director
Morgan Olsen, ASU
James Rund, ASU

THE DISTRICT AT ASU		JOB NUMBER-		2011121 5 STORY		
UNIT TABULATION		DATE CREATED-		10-Aug-11		
TYPE	AREA	NO.	%	TOT.AREA	PKG REQ. RESIDENT/GUEST	BEDS
A1(1BED/1BATH)	600	20	7%	12,000	15/4.0	20
B1(2BED/2BATH)	901	40	14%	36,040	60/8.0	80
C1(3BED/3BATH)	1,181	62	22%	73,222	128.3/11.4	186
C2(3BED/3BATH)	1,183	14	5%	16,562	31.5/2.8	42
D1(4BED/4BATH)	1,401	77	28%	107,877	246/16.4	308
D2(4BED/4BATH)	1,489	66	24%	98,274	198/13.2	264
TOTAL		279	100%	343,975	679.0/56.0	900

AVERAGE UNIT SIZE : 1,233
GROSS SITE AREA: 5.616 ACRES
NET SITE AREA 5.539 ACRES

R.5 DISTRICT (7 PARCELS)
AREA: 2.189 GROSS ACRES
PROVIDED UNITS: 64
ALLOW DENSITY: 30 UNITS/ACRE
PROVIDED DENSITY: 29.237 UNITS/ACRE

MU.4 DISTRICT (5 PARCELS)
AREA: 3.427 GROSS AREAS
PROVIDED UNITS: 215
ALLOW DENSITY: NO STANDARD
PROVIDED DENSITY: 62.74 UNITS/ACRE

OVERALL (12 PARCEL)
AREA: 6 GROSS AREAS
PROVIDED UNITS: 279
PROVIDED DENSITY: 50 UNITS/ACRE
162 BEDS/ACRE

LOT COVERAGE BY BUILDING: 57%

<u>BUILDING SETBACKS</u>	PROVIDED	REQUIRED	
NORTH(FRONT)	6' 20'	(MU DISTRICT)	
WEST(SIDE)	29'-9" 10'	(R-5 DISTRICT)	NS(MU DISTRICT)
EAST(SIDE)	42' 10'	(R-5 DISTRICT)	NS(MU DISTRICT)
SOUTH(REVERSE FRONT):	6' 20'	(R-5DISTRICT)	

<u>BUILDING HEIGHT</u>	PROVIDED	REQUIRED
MAXIMUM HEIGHT IN R.5 DISTRICT:	50'-11"	50'
MAXIMUM HEIGHT IN MU-4 DISTRICT:	87'-4"	No Standard

<u>PARKING</u>	PROVIDED	REQUIRED	
TOTAL SPACES	940 (NOT INCLUDING BAER'S DEN)	801	
RESIDENT:	849 (GARAGE)	679	0.75 SPACE/BEDROOM
GUEST:	56 (6 SURFACE,50 GARAGE)	56	0.2 SPACE/UNIT
RETAIL:	11 (4 SURFACE,7 PODIUM)	11	1SPACE/75SF (1075 SF)
RESTAURANT/BAR (BAER'S DEN):	14	22	1 SPACE/75 SF INDOOR (1600 SF)
PORTION OF CLUBHOUSE: (GYM OPEN TO PUBLIC)	18 (8 SURFACE,10 PODIUM)	18	1 SPACE/125SF WAIVED FOR 25% IF FLOOR AREA <10,000 SF

<u>BIKE PARKING</u>	PROVIDED	REQUIRED	
TOTAL:	256	256	
RESIDENT:	194	10	0.5 SP/1-BEDROOM UNIT
		20	0.5 SP/2-BEDROOM UNIT
		53	0.75 SP/3-BEDROOM UNIT
		111	0.75 SP/4-BEDROOM UNIT
GUEST:	56	56	0.2 SPACE/UNIT
RETAIL:	2	2	1 SP/10,000 S.F, 2 MIN
RESTAURANT/BAR	2	2	1 SP/1000 S.F.
GYM:	2	2	1 SP/2000 S.F.

LANDSCAPE COVERAGE: 25%

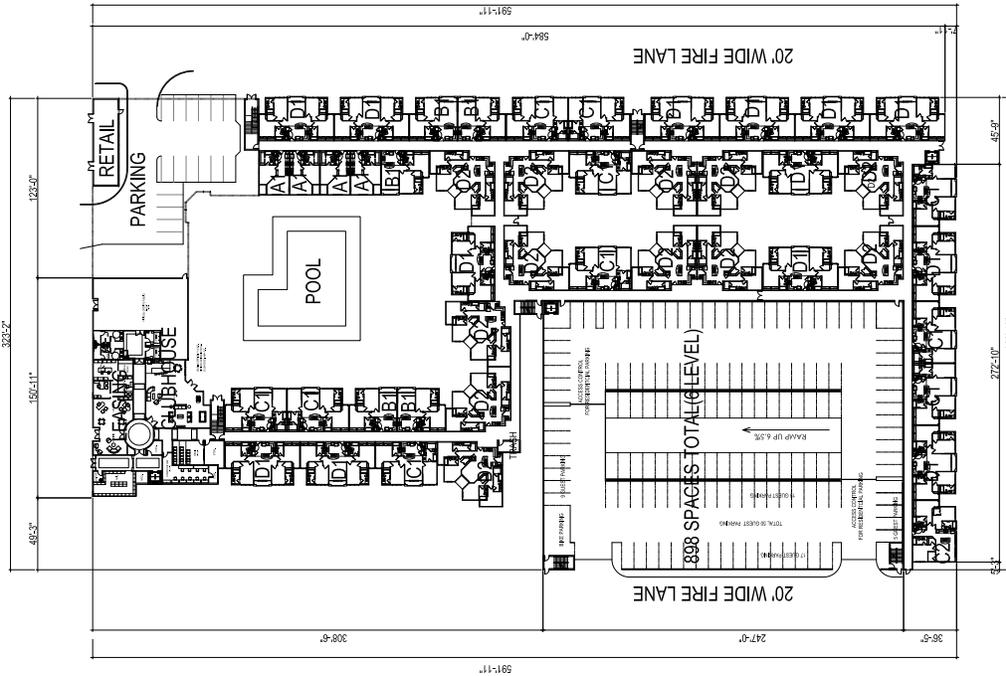
GP2030 PROJECTED DENSITY: GREATER THAN 25 UNIT/AC
GP2030 PROJECTED LAND USE:

RESIDENTIAL FOR 7 SOUTHERN PARCELS
MIXED-USE FOR 5 NORTHERN PARCELS

PROJECTED ZONING:
R-5(PAD)(TOD) FOR 7 SOUTHERN PARCELS
MU-4(PAD)(TOD) FOR 5 NORTHERN PARCELS

QUANTITY OF LOTS IN SUBDIVISION: 3 UNTIL NEW BAER'S BEN IS CONSTRUCTED, THEN REDUCE LOT QUANTITY TO 2
QUANTITY OF TRACTS IN SUBDIVISION: 0

AUG 10 2011



1ST-2ND FLOOR PLAN



3ND-4TH FLOOR TYP. PLAN

A-401

THE DISTRICT

RESIDENTIAL HOUSING DEVELOPMENT, LLC.

HPA #11122

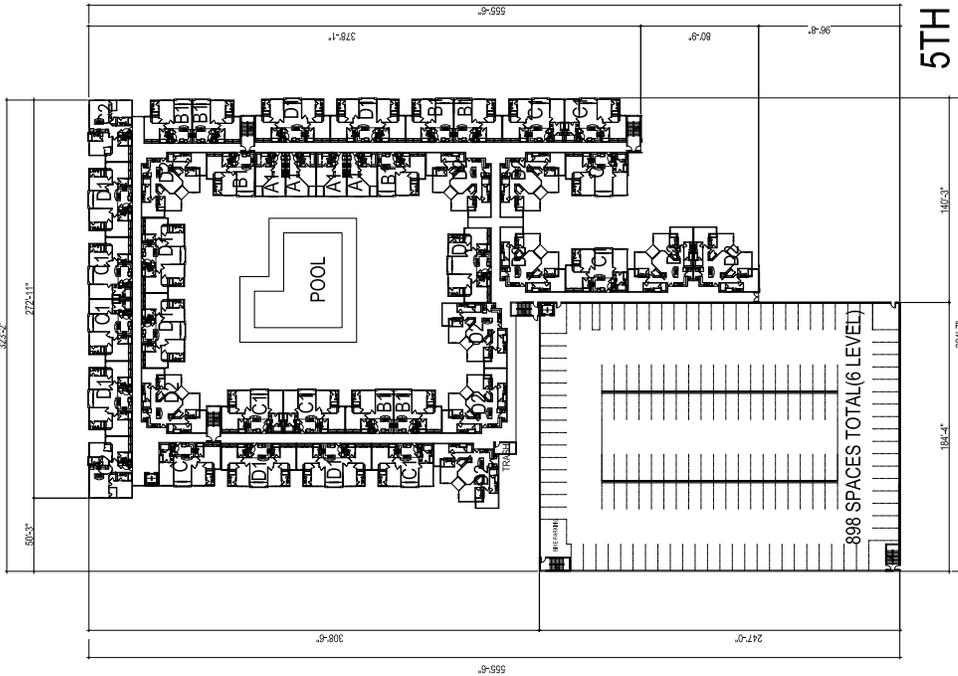
2011 / 8 / 08

TEMPE, AZ



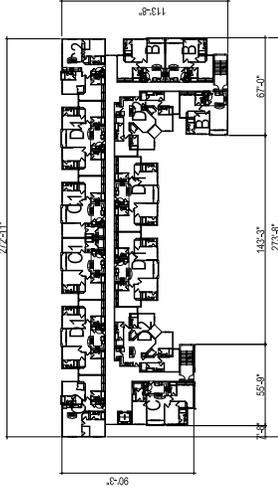
HUMPHREYS & PARTNERS ARCHITECTS L.P.
 5339 Alpha Road, Suite 300 Dallas, TX 75240 (972) 701-8636 (972) 701-8639
 www.humphreys.com marketing@humphreys.com
 DALLAS CHARLOTTE IRVINE LAS VEGAS NEW ORLEANS NORFOLK ORLANDO PHOENIX

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5TH FLOOR TYP. PLAN

SCALE: 1" = 40'-0"



6TH - 7TH FLOOR TYP. PLAN

THE DISTRICT

RESIDENTIAL HOUSING DEVELOPMENT, LLC.
 TEMPE, AZ
 HPA #11122

2011 / 8 / 08



HUMPHREYS & PARTNERS ARCHITECTS L.P.
 5339 Alpha Road, Suite 300, Dallas, TX 75240, (972) 701-5636, (972) 701-5639
 hca@dallas.humphreys.com
 DALLAS CHARLOTTE IRVINE LAS VEGAS NEW ORLEANS NOREBOLK ORLANDO PHOENIX

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 The arrangements depicted herein are for feasibility purpose only. Revisions may occur due to further investigation from regulatory authorities and building code analysis. Dimensions and areas shown are approximate and subject to change without permission for technical information and measurements.

PLANT LEGEND

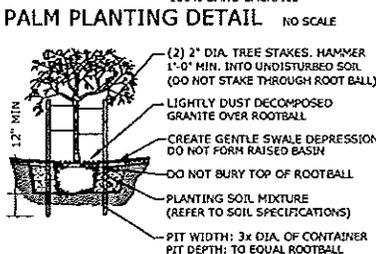
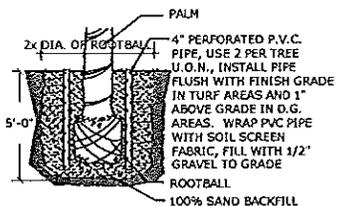
TREES	NAME	SIZE/QUANTITY
	PHOENIX DACTYLIFERA DATE PALM	18-20' /
	GLEDITSIA TRIACANTHOS HONEY LOCUST	36" BOX/, 2" CAL
	QUERCUS VIRGINIANA LIVE OAK	36" BOX/, 2" CAL
	DALBERGIA SISSOO SISSOO TREE	24" BOX/, 1" CAL
	CERCIDIUM F. 'DESERT MUSEUM' DESERT MUSEUM PALO BREA	24" BOX/, 1" CAL
	ACACIA STENOPHYLLA SHOESTRING ACACIA	24" BOX/, 1" CAL

SHRUBS	NAME	SIZE/QUANTITY
	PACHYCEREUS SCHOTTII 'MONT.' TOTEM POLE CACTUS	15 GAL IN POTS/
	VAUQUELINIA CALIFORNICA ARIZONA ROSEWOOD	5 GAL./
	DODONEA VISCOSA HOP BUSH	5 GAL./
	CALLIANDRA CALIFORNICA BAJA RED FAIRY DUSTER	5 GAL./
	RUPELLIA BRITTONIANA KATY RUELLIA	5 GAL./
	TECOMA STANS AZ YELLOW BELLS	5 GAL./
	MUHLENBERGIA RIGIDA NASHVILLE	5 GAL./
	ASCLEPIAS SUBULATA DESERT MILKWEED	5 GAL./
	SALVIA GREGGII AUTUMN SAGE	5 GAL./
	RUPELLIA PENINSULARIS BAJA RUELLIA	5 GAL./
	NERIUM OLEANDER PETTIE PINK OLEANDER	5 GAL./
	MUHLENBERGIA CAPILLARIS 'REGAL MIST'	5 GAL./
	HESPERALOE PARVIFLORA RED YUCCA	5 GAL./
	BOUGAINVILLEA SP. RED	15 GAL./

GROUND COVERS/VINES	NAME	SIZE/QUANTITY
	LANTANA 'NEW GOLD' NEW GOLD LANTANA	1 GAL./
	VERBENA RIGIDA SANDPAPER VERBENA	1 GAL./
	LANTANA M PURPLE TRAILING LANTANA	1 GAL./

MATERIALS	DESCRIPTION	SIZE/QUANTITY
	2" THICK 5/8" MINUS DECOMPOSED GRANITE IN ALL NON-TURF AREAS "DESERT GOLD"	
	TURF - CYNODON DACTYLON - HYBRID BERMUDA "MIDIRON"	SOD
	SYNLAWN SYNAUGUSTINE PREMIUM 230	
	3/4" CRUSHED ROCK @TPSS DESERT GOLD	
	SURFACE SELECT BOULDERS	3'-5'

NOTE:
ALL TREES SHALL COMPLY WITH THE LATEST AMENDED
ADDITION OF THE ARIZONA NURSERY ASSOCIATION-
RECOMMENDED TREE SPECIFICATIONS.
SEE ZONING 1903(6)(A), ZONING CODE

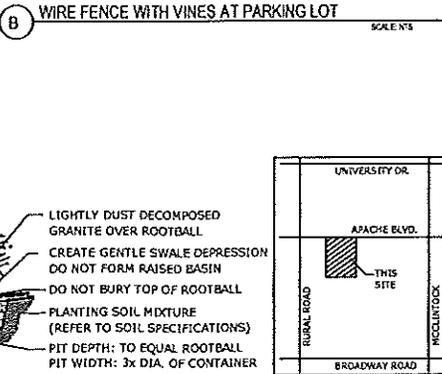
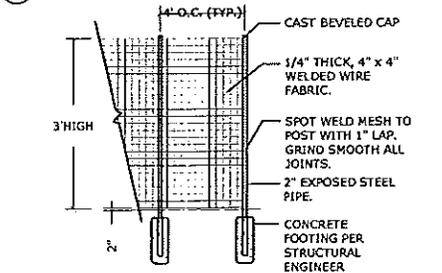
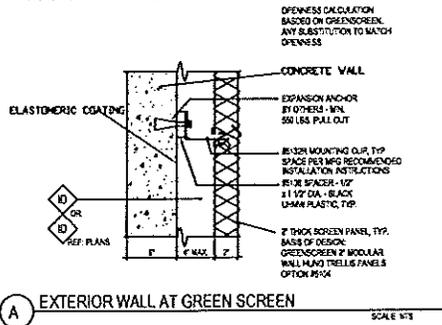


PLANTS SHALL BE INSPECTED FOR ROOTBOUND CONDITIONS BEFORE PLANTING. ANY ROOTBOUND PLANT SHALL BE REPLACED WITH SUITABLE PLANT.

PLANTS SHALL BE INSPECTED FOR ROOTBOUND CONDITIONS BEFORE PLANTING. ANY ROOTBOUND PLANT SHALL BE REPLACED WITH SUITABLE PLANT.

LANDSCAPE NOTES

- ALL FINISHED GRADES TO BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO THE INSTALLATION OF ANY PLANT MATERIAL.
- PLANT MATERIAL TO BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- ALL TREE LOCATIONS TO BE STAKED BY THE LANDSCAPE CONTRACTOR AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ANY HOLES BEING DUG.
- THE CONTRACTOR IS TO PROVIDE A 2 LB SAMPLE OF THE PROPOSED DECOMPOSED GRANITE FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT AND OWNER. THE CONTRACTOR SHALL PROVIDE 100% COVERAGE OF NON PAVED AREAS WITHIN THE LIMITS OF CONSTRUCTION.
- FOR ALL TREE PLANTING THAT ENCOUNTERS HARDPAN/CALICHE PROVIDE SEPARATE UNIT PRICE TO INSTALL TREES WITH AN AUGER.
- IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO INFORM THE LANDSCAPE ARCHITECT OF ANY PLANT MATERIAL CONCERNS BASED ON THE PLANTING SEASON. (E.G. SUMMER VS WINTER) SHOULD THE LANDSCAPE CONTRACTOR HAVE ANY CONCERNS ABOUT PLANT MATERIAL DUE TO HEAT OR FROST EXPOSURE, THE INSTALLER SHALL REQUEST A SUBSTITUTION OR DELAY IN PLANTING. ONCE PLANTED, ALL PLANT MATERIAL IS SUBJECT TO SPECIFIED WARRANTIES.
- ALL PALM AND DECIDUOUS TREES TO BE UNCONDITIONALLY GUARANTEED FOR ONE YEAR AFTER INSTALLATION. ALL OTHER PLANTS SHALL BE GUARANTEED FOR A MINIMUM PERIOD OF 90 DAYS FROM THE DATE OF FINAL APPROVAL BY THE CITY/OWNER. ANY PLANT MATERIALS NOT APPROVED BY CITY/OWNER PRIOR TO OCTOBER 1 OF THE CALENDAR YEAR IN WHICH THEY ARE INSTALLED SHALL BE FURTHER GUARANTEED UNTIL MAY 20TH OF THE FOLLOWING CALENDAR YEAR.
- TREES, SHRUBS, VINES, GROUNDCOVERS AND TURF WHICH HAVE TO BE REPLACED UNDER THE TERMS OF THE GUARANTEE SHALL BE GUARANTEED FOR AN ADDITIONAL 90 DAYS FROM THE DATE OF REPLACEMENT.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL FINISHED GRADES AND FOR MAINTAINING POSITIVE DRAINAGE AWAY FROM ALL BUILDINGS DURING THE FINISH GRADING PROCESS. ALL SLOPES NOT TO EXCEED 4:1 IN LANDSCAPE AREAS.
- THE LANDSCAPE CONTRACTOR SHALL VERIFY BERM AND RETENTION BASIN LOCATIONS SHOWN ON THESE PLANS WITH THOSE ON THE CIVIL ENGINEERING PLANS. SHOULD A DISCREPANCY EXIST BETWEEN THE PLANS, THE LANDSCAPE ARCHITECT SHOULD BE NOTIFIED IMMEDIATELY.
- UNDER NO CIRCUMSTANCE SHALL ANY TREE BE PLANTED WITHIN 6' OF ANY BUILDING WITHOUT THE EXPRESS WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT.
- TREES AND SHRUBS SHALL BE PLACED A MINIMUM OF 6' FROM PUBLIC ACCESSWAYS, UTILITY CABINETS AND FIRE HYDRANTS.
- SHRUBS MUST BE AT MATURITY, 6' FROM THE REAR OF A FIRE HYDRANT. NO MATERIAL OTHER THAN GROUNDCOVERS MAY BE PLACED BETWEEN A FIRE HYDRANT AND THE STREET OR ROADWAY OR 6' ON EITHER SIDE. FIELD VERIFY ALL HYDRANT LOCATION WITH THE CIVIL ENGINEERING PLANS.
- ALL SITE IMPROVEMENTS, INCLUDING LANDSCAPE AND SITE CLEAN UP MUST BE COMPLETED PRIOR TO FINAL APPROVAL OR CERTIFICATE OF OCCUPANCY.
- TREES ADJACENT TO PEDESTRIAN WALKWAYS SHOULD HAVE MINIMUM CANOPY CLEARANCE OF 6'8"



Designed by	D. Erlandson	
Drawn by	D. Erlandson	
Architect of Record	D. Erlandson	
Date Plotted	06-30-11	
Issue for Permit Application		
Issue for Construction		
#	DATE	COMMENTS
1	8-8-11	2nd review
2		
3		
4		
5		
6		

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The District @ Arizona State Univ.
Residential Housing Dev. LLC
Apache Blvd - Tempe, AZ



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SHEET CONTENTS
Preliminary Landscape Plan
SHEET NO.
L1-1
HPA # 11122



PERSPECTIVE ALONG APACHE ROAD

A-100

THE DISTRICT AT ARIZONA STATE UNIVERSITY
RESIDENTIAL HOUSING DEVELOPMENT, LLC.

HPA #11122

TEMPE, AZ

2011 / 6 / 21



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COLORED ELEVATION ALONG APACHE ROAD

A-101

THE DISTRICT AT ARIZONA STATE UNIVERSITY

RESIDENTIAL HOUSING DEVELOPMENT, LLC.

HPA #11122

TEMPE, AZ

2011 / 6 / 21



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PROJECT INFORMATION:

SCOPE OF WORK:

New single-story, 1,590 GSF bar/eatery and associated parking and site work

SITE DATA:

Existing Zoning: CSS(PAD), CSS, R-4(PAD), R-4, TOD
Proposed Zoning: MU-4(PAD)(TOD)
Gross Site Area: 0.466 Acres
Net Site Area: 0.3727 Acres
General Plan 2030: Land use - Mixed use and residential
Projected density = greater than 25du/ac.

Setbacks: Front (north) = 5'
West Side = 0'
East Side = 0'
Reverse Front (south) = 0'

Allowed Site Coverage: 50% (8,117 S.F.)
Proposed Site Coverage: 11% (1,866 S.F.)
Max. Height Allowed: 30 Feet
Proposed Height: 16 Feet

Landscape Area: 2,137 S.F.
Patio Area: 364 S.F.

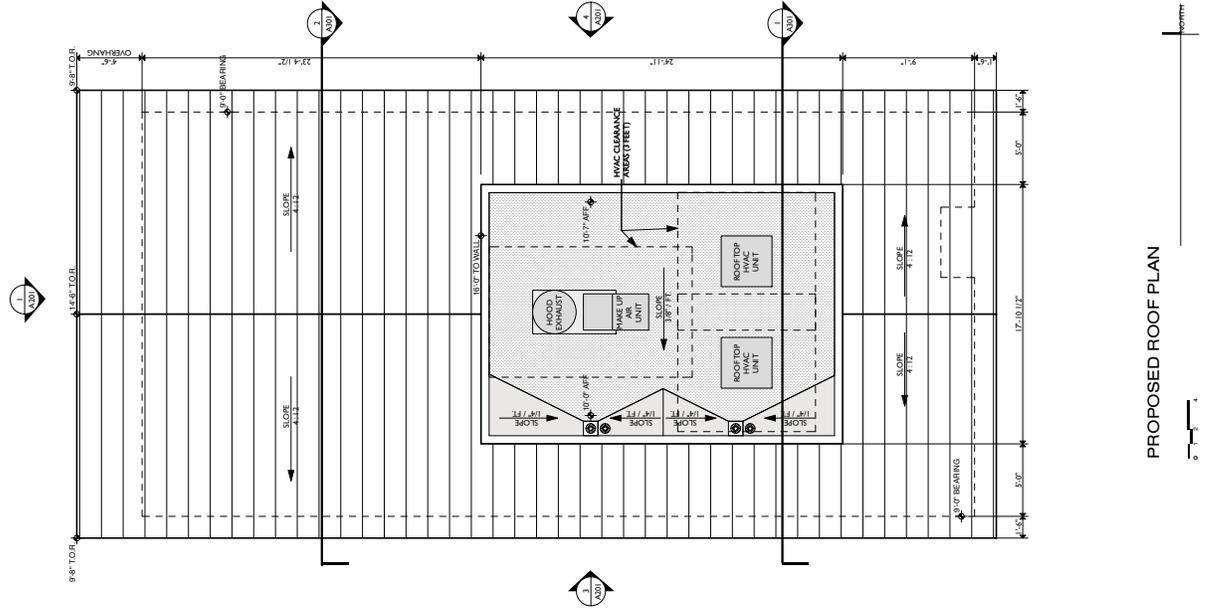
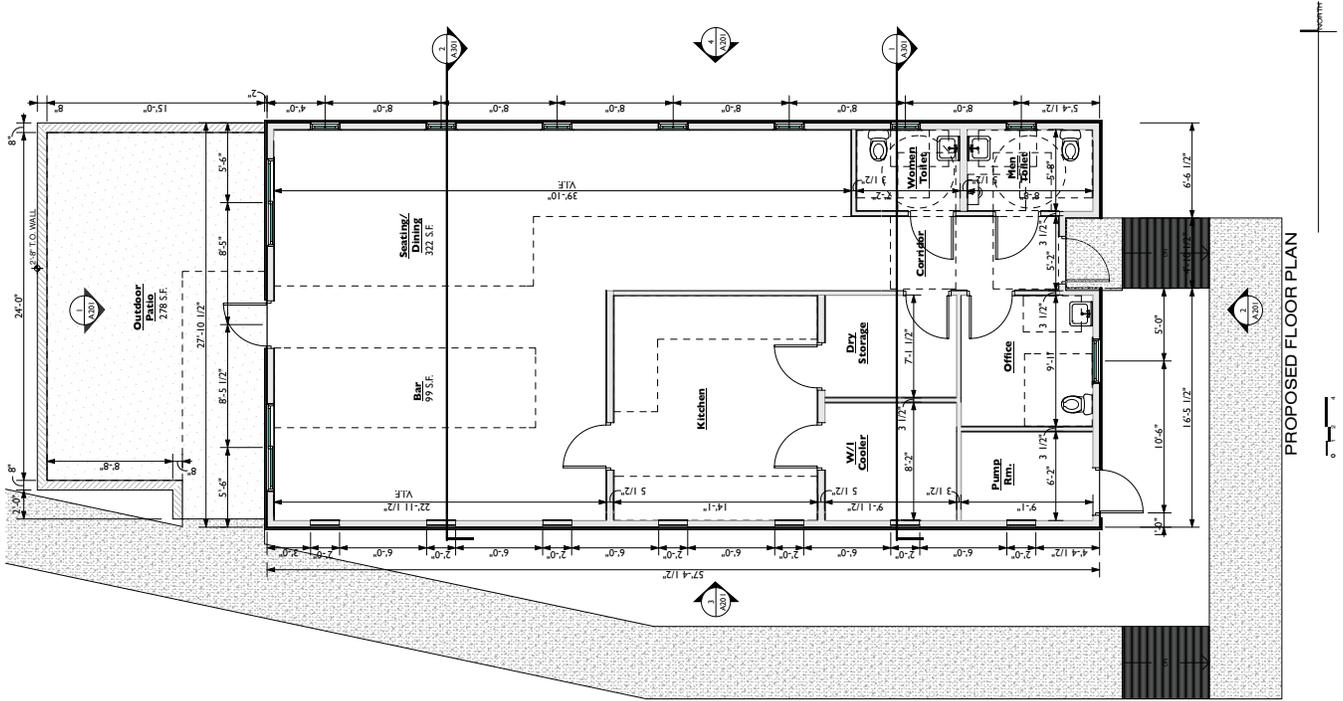
Bike rack location: South side of proposed bar - 7 stalls

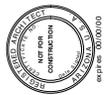
PARKING CALCULATIONS:

Parking Required: 1 space per 50 S.F. of dining area (indoor) Per 4.603(E)
1 space per 150 S.F. of outdoor patio Per 4.603(E)
421 S.F. (indoor dining/bar) = 9 spaces
278 S.F. (outdoor dining) = 2 spaces
11 spaces - 25% waiver = **9 spaces** Per 5.612(A)
Parking Provided: **14 spaces**
Accessible Parking Req'd.: 1 space
Accessible Parking Prov.: 1 space

SITE PLAN KEY NOTES:

1. 7-stall bike rack - construct per Tempe Std. Dtl. T-578
2. Fire department connection
3. 3 foot high CMU site wall w/ rounded top - no beverage container/shelf/top permitted (see detail on this sheet)
4. Concrete patio
5. Asphalt parking surface
6. 1,500 gallon grease interceptor
7. Fire riser
8. Outline of roof above
9. Trash enclosure - construct per Tempe Std. Dtl. DS-116
10. 3 Foot trellis - Refer to "The District" landscape plan
11. Site visibility triangles per City of Tempe standard details
12. East exterior wall: Max unprotected openings = 25%
Provided unprotected openings = 7%
13. Universal parking space per Tempe Std. Dtl. T-360
14. Cross access to be provided





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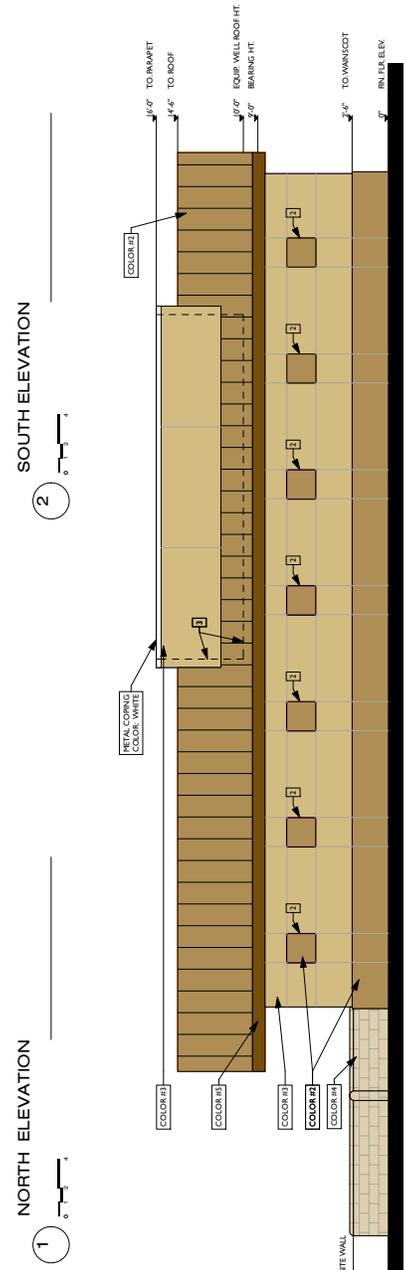
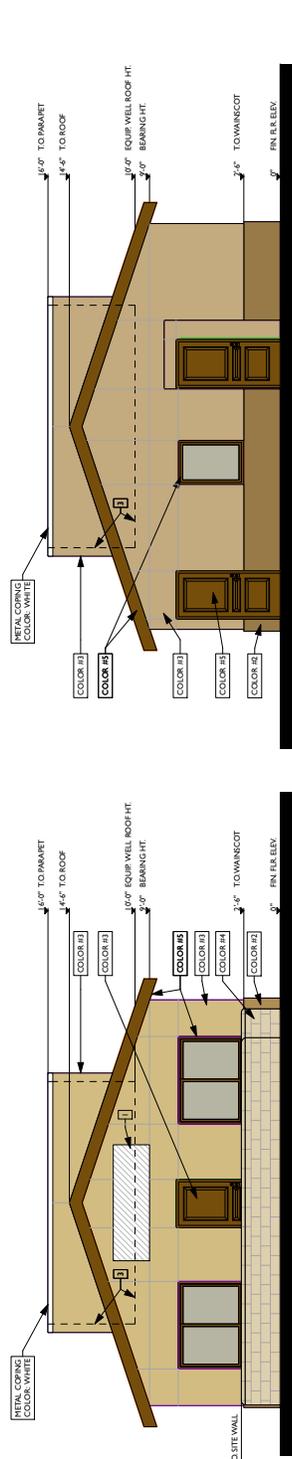
PROJECT NUMBER
 2011.156
 DATE OF ISSUE
 08.04.2011
 REVISION NO.
 DATE

PROJECT PHASE
 SCHEMATIC DESIGN
 ARCHITECT
 KOLEJKA
 MGK
 CONTRACTOR
 BUILDING COLOR ELEVATIONS

SHEET NO.
A-201

EXTERIOR ELEVATION GENERAL NOTES:
 A. All exposed steelwork shall be of masonry type indicated for wall above floor line.
 B. All exterior masonry and structures shall match finish floor as shown and slope away.
 C. Finish all exposed metal (this is not specified for concrete, masonry or steel).
 D. All exposed finishing shall be factory finished.
 E. See plans and schedule for door and window types and sizes.

KEY NOTES:
 1. Building signage under separate permits and approval.
 2. 2" recess in exterior wall for architectural accent.
 3. Outline of equipment well beyond.



CLIENT CONTACT
Derek Anderson, Residential
Housing Development
1302 Waugh Drive, #365
Houston, TX 77019

NOT FOR CONSTRUCTION

PROJECT NUMBER
2011_156
DATE OF ISSUE
08.04.2011
REVISION NO.
DATE

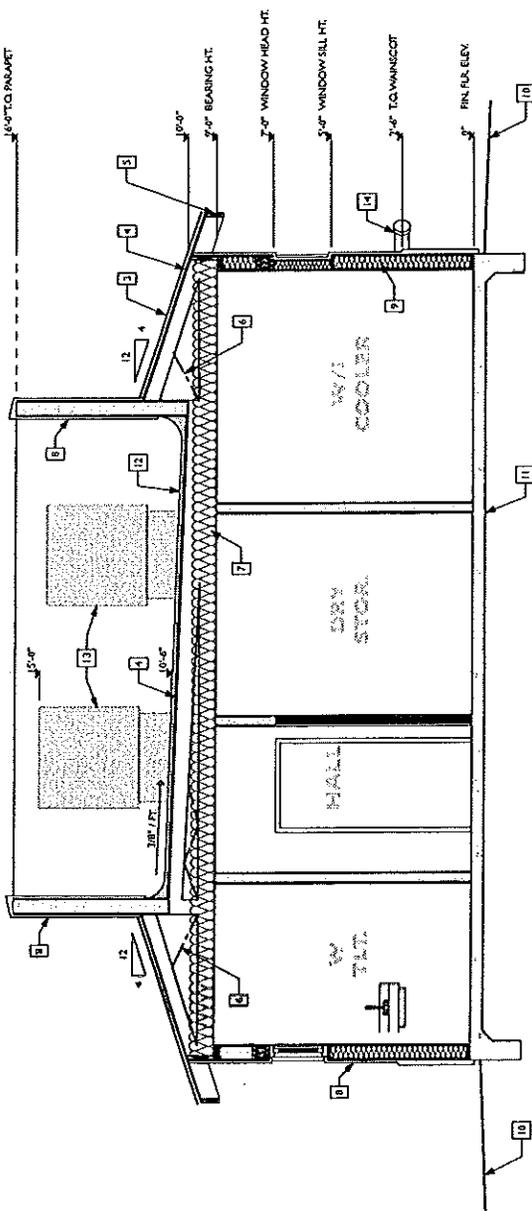
PROJECT PHASE
Schematic Design
PROJECT TEAM
Korjetska
DRAWN BY
MGK
SHEET CONTENTS
building sections

SHEET NO.

A-301

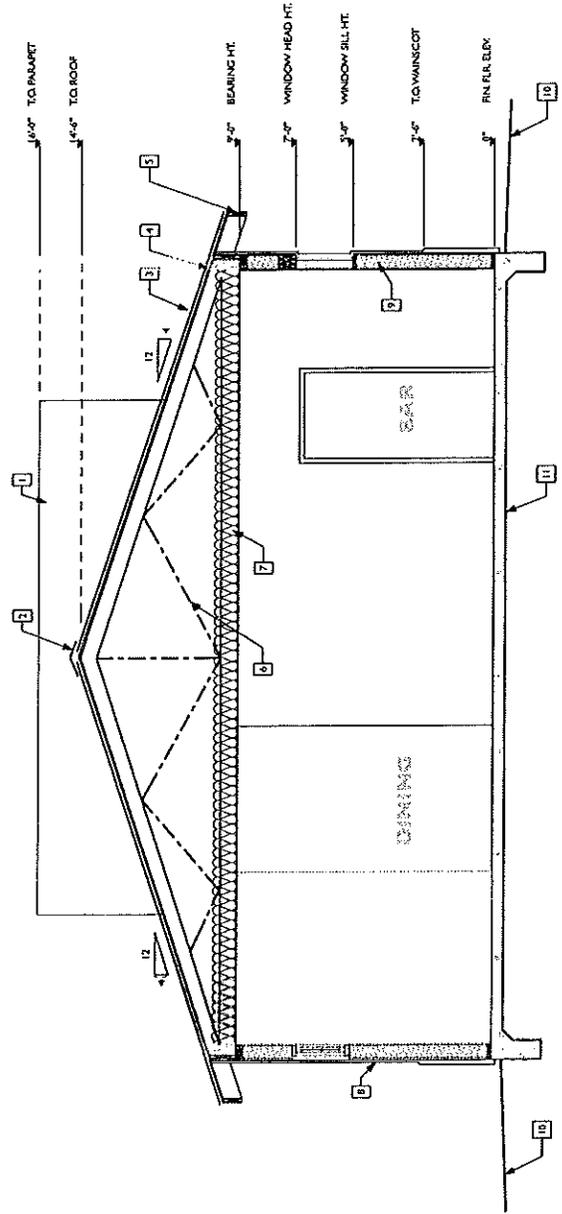
BUILDING SECTION KEYNOTES:

1. HVAC per project layout
2. Ridge roof - see elevation
3. Roof sheathing
4. Plywood sheathing
5. Precast concrete roof panels
6. R-20 batt insulation w/ basins of cross
7. 1" rigid foam insulation w/ maximum compressive strength finish
8. R-19 batt insulation in exterior walls
9. Finish grade - see site plan
10. Concrete slab w/ form footing
11. HVAC roof top equipment
12. HVAC roof top equipment
13. Fire department connection - see site plan
14. Fire department connection - see site plan



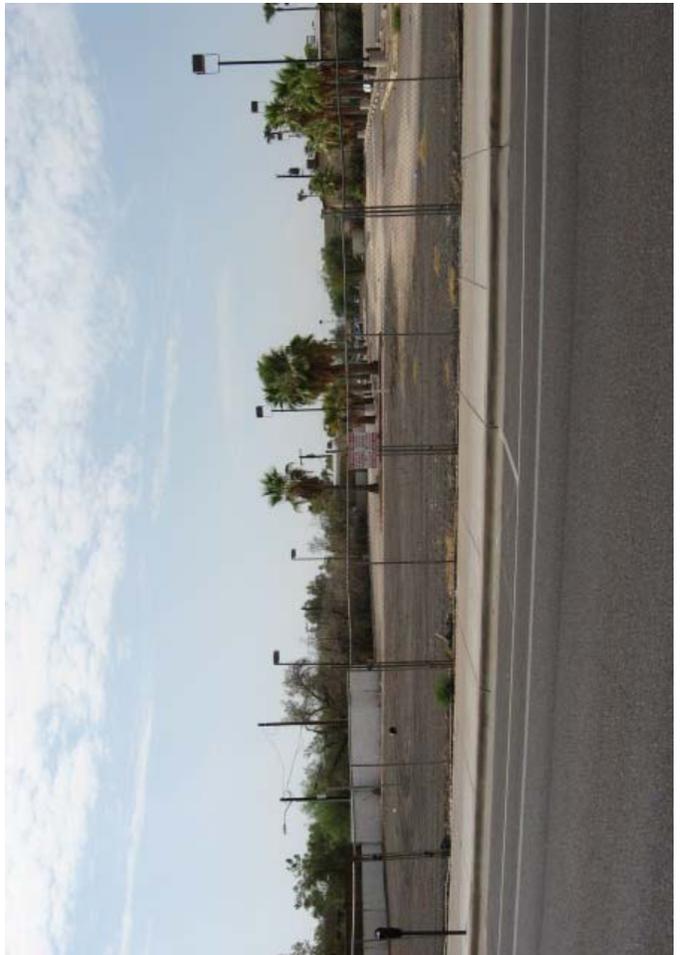
SECTION HVAC ROOF WELL

1



SECTION @ DINING/BAR

2





MEMORANDUM

Public Works Department
TRANSPORTATION DIVISION



Date: August 11, 2011
To: Kevin O'Melia, Sr. Planner, Community Development
From: Catherine Hollow, P.E., Sr. Civil Engineer
Subject: Traffic Impact Study for the District on Apache

I have reviewed the traffic impact analysis prepared for the District on Apache. The project, located in the southeast quadrant of Apache Blvd and Rural Road, has 264 apartments and a 1,500 square foot restaurant. The project is expected to generate 1,968 external trips on a daily basis with 98 AM peak hour trips and 120 PM peak hour trips. The report presented existing and future peak hour traffic volumes on Rural Road, Apache Blvd, Spence Ave and Terrace Rd. The site includes four driveways: two on Apache Blvd and two on Spence Ave.

Based on the findings of the study, the site driveways will operate at acceptable levels of service in 2016 (expected opening year). The analysis indicates the intersection of Apache Blvd and Rural Road will operate at an overall acceptable level with the project; with the exception of the northbound and southbound left turns which will experience LOS E during one or both peak hours. The intersections of Rural and Spence and Apache and Terrace are expected to operate at an acceptable level of service in 2016 with site traffic included.

The report indicates that modification is required for the median at the west end of the project due to the new driveway for the restaurant. Transportation Division is recommending that construction of the median modification by the developer be included as a condition of approval.

Please contact me at (480) 350-8445 if you have any questions.