

Staff Summary Report



Development Review Commission Date: 01/22/08

Agenda Item Number: _____

SUBJECT: Hold a public hearing for a Use Permit and Development Plan Review for **Lakes Towne Center – Phase I** located at 777 E. Baseline Road.

DOCUMENT NAME: DRCr_LakesTowneCenter_012208

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for **LAKES TOWNE CENTER PHASE I (PL070361)** consists of the first phase of a series of single-story retail buildings; a multi-tenant 10,200 s.f. Shops A and a 119,328 s.f. Lowe’s building and 27,265 s.f. Garden Center are 156,793 s.f. of the total approximately 189,375 s.f. on 16 net acres, in the PCC-2 Planned Commercial Center Two, Zoning District. The request includes the following:

ZUP08001 – Use Permit Standard to increase the building height by 20% to 48 feet on the Lowe’s building in Phase I.

DPR07237 - Development Plan Review including site plan, building elevations, and landscape plan for Phase I.

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

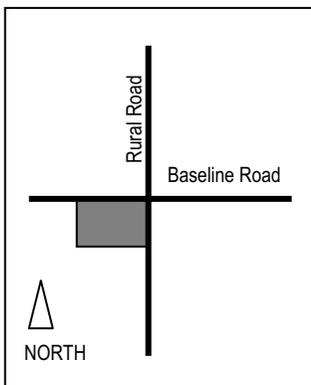
REVIEWED BY: Lisa Collins, Planning Director (480-350-8989) *LC*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions (1-28).

ADDITIONAL INFO:



Location	The south west corner of Rural Road and Baseline.
Current land use	Commercial
Current zoning	PCC-2 – Planned Commercial Center
Existing use	Vehicle maintenance and repair facility
Gross & Net site	16.1 acres
Total Building area	189,375 s.f.
Lot Coverage	27 % (50% maximum allowed)
Building Height	48 ft (40 ft maximum allowed, 48 ft with use permit)
Building setbacks	20’ front, 30’ side, 30’ rear, 20’ st. side (0, 30, 30, 0 min.)
Landscaped area	16.8% (15% minimum required)
Phase I Vehicle Parking	546 spaces (487 min. required, 608 max. allowed)
Bicycle Parking	20 spaces (19 minimum required)

A neighborhood meeting is not required with this application.

- PAGES:**
1. List of Attachments
 - 2-4. Comments / Reasons for Approval
 - 5-8. Conditions of Approval
 - 9-11. Code Requirements
 - 12-14. History & Facts / Zoning & Development Code Reference

- ATTACHMENTS:**
1. Location Map
 2. Aerial Photo
 3. Design Letter of Explanation
 4. Use Permit Letter of Explanation
 5. Site plan
 6. Outdoor Display/Sales plan
 7. Shops A Floor plan
 8. Lowe's Floor plan
 9. Shops A Building Elevations
 10. Lowe's Building Elevations
 11. Shops A Building Sections
 12. Lowe's Building Sections and Site Line Study (for building height)
 - 13-14. Landscape Plans
 15. Preliminary Grading & Drainage Plan
 - 16-17. Alta Survey
 18. Photometrics
 19. Site Details

COMMENTS:

The applicant is requesting the Development Review Commission take action on a Development Plan Review for a new 189,375 square foot multi-tenant development consisting of phase 1: Shops A 10,200 s.f. and Lowe's 146,593 s.f. including the garden center, and Use Permit to exceed the allowable 40 foot building height by 20%, for a total building height of 48'. No further processing is required beyond this request.

PROJECT ANALYSIS

USE PERMIT

The proposed building height requires a use permit standard, to allow a 20% increase beyond the allowed 40 foot maximum building height.

Section 6-308 E Approval criteria for Use Permit:

1. The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.
The highest point of the Lowe's building is proposed to be 48 feet, to provide variety to the roofline and break up the large structural mass. This element is only present on the center portion of the Lowe's building, over the entry doors. The building is set back 60 feet from the south property line; which is the closest residences to the site. The building is approximately 28 feet at the south end, and steps up to 36 feet as it approaches the north face of the building. The tiled roof peak is approximately 215 feet north of the back of the building, or 275 feet from the south property edge. Elevating the height of this portion of the building does not have foreseen negative impacts to the general public or the surrounding community.
2. There will not be a significant increase in vehicular or pedestrian traffic. The increase in roof height will not impact traffic.
3. The addition of eight feet above the allowed 40 is not anticipated to create a nuisance from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. Further, the addition of the new retail use will reduce the emission of odor, dust, gas, noise, vibration, smoke and heat that result from the current automotive use of this site.
4. The additional eight feet to the building height will not contribute to the deterioration of the neighborhood or to the downgrading of property values; the proposed use is not in conflict with the goals objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan. The change in building elevations provides more variety and interest to the center, with building heights varying from 22 to 48 feet.
5. The proposed building and use, and parking spaces are compatible with existing surrounding structures and uses. The existing PCC-1, PCC-2 and R/O uses on the surrounding corners of this intersection create an established commercial core that is enhanced by the addition of retail uses.
6. The proposed building and use, and parking spaces have been designed to have adequate control of disruptive behavior both inside and outside the premises preventing any nuisance to the surrounding area or general public. Shops A and the inclusion of outdoor display areas provide increased visual surveillance of the parking area. The applicant has met and exceeded City requirements for lighting standards. The wall behind the Lowe's will be increased in height to secure the residential properties to the south and Lowe's will provide enhanced on site security as a condition of approval for the development review request.

DEVELOPMENT PLAN REVIEW

Site Plan

The site is located on the south west corner of Baseline and Rural Roads. The site has a auto dealership (PCC-2) to the west, residences (R-2) to the south, a proposed bank in the existing gas station site (PCC-1),

residences (R-2) and residential offices (R/O) on the east side of Rural Road, a restaurant, offices and a gas station on the opposite north east corner (PCC-2) and a large commercial retail center (PCC-1) and residential offices (R/O) on the north side of Baseline Road.

Circulation

The site has multiple driveway entrances, with separate pedestrian pathways to facilitate pedestrian access. Sidewalks connect each of the proposed pad sites to the main tenant, to the public sidewalks and to the different parking areas. A separate pedestrian path has been designated adjacent to the Lowe's outdoor retail area, to minimize conflicts with pedestrians and vehicles in the loading zone. Clear and well lighted walkways connect building entrances to one another and to adjacent sidewalks; special consideration was given to ensure that the loading zone and pedestrian path by the Lowe's building were lit for safe evening traffic. Accessibility is provided in conformance with the Americans with Disabilities Act (ADA).

Vehicular circulation is designed to minimize conflicts with pedestrian access. A wide shaded pedestrian path connects from the Baseline Road public sidewalk. Traffic engineering staff is working with the applicant to address the required driveway entrances to the site a condition of approval has been included to address this (see p. 11 Driveways). Traffic impacts will be minimized in conformance with the city transportation policies, plans and design criteria.

Security

The placement of the Lowe's building at the south west corner of the site provides natural surveillance of the parking lot and pedestrian areas, but creates a large expanse (approximately 500 lineal feet) of hidden area behind the building, with little to no traffic or visibility. To alleviate this security concern, the Police Department has advised that an 8' masonry wall, enhanced lighting and surveillance equipment be required (see p. 10 Security Requirements), to reduce the potential of criminal activity behind the building.

Parking

Proposed outdoor display and sales areas will require a use permit. As part of the site plan review, this request has been conditioned (see condition 12) based on future approval of a use permit, to locate all outdoor retail displays out of view of Baseline Road, with the exception of the temporary garden lot proposed for seasonal plant sales. The rental trucks and utility trailers would be located at the west end of the lot, near the proposed utility building display area. All of these uses must also be located outside of the required parking spaces serving Lowe's and Shops A. Shops A is restricted to retail uses only, no restaurant uses (condition 11); parking requirements for phase one are 432 spaces for the indoor retail and 55 for the outdoor retail, for a total of 487 parking spaces; 546 spaces are provided.

Setbacks

The proposed development meets or exceeds the required building setbacks. The side yard building setback is 30'; the proposed 48' building height would require an 18' step back from this setback; the building is set back 67' from the south side yard setback, providing a sufficient buffer to the residents to the south.

Building Elevations

According to the applicant's design intent, the building elevations use a contemporary "western territorial vernacular" with materials similar to and compatible with the surrounding retail centers. Signature elements include red roof tiles, brick and metal accents, colonnaded walkways, exposed beam and rafter roof overhangs and decorative cornices. The primary material is an E.F.I.S. painted stucco panel system. The buildings are in proper scale with commercial buildings within the area. Large building masses have been divided into smaller components, further articulated by varied roof elevations and styles, architectural pop-outs and columns to create a human-scale environment. Building facades have minimal windows, Shops A is internally loaded to the parking lot, with minimal street front presence. The Lowe's building also has limited windows, only on the front, and primarily set back under the covered outdoor display area, further limiting visibility. The architecture is prototypical to this type of use, and is limited in useful exterior fenestration. The garden center uses a combination of vertical tubular steel, with black screen cloth and chain link (inside). Special attention has been given to minimize visibility of interior products, with a combination of architectural

and landscape treatments. Staff has included a condition of approval (condition 15) to further address the visibility of shelved products within the garden center. Staff has also included a condition of approval (condition 16) to incorporate windows in the north elevation of the Lowe's building, at the location of the employee break room. The primary intent of this condition is to provide more visual surveillance to the parking area and outdoor display areas, and to break up the façade of the building with a window. Both buildings have a parapet roof and sections of a tiled gable roof and a tiled covered walkway. The one-story buildings are broken up horizontally with a wainscot of contrasting materials and colors. The southwestern color palette is complimentary to the recently remodeled retail center north of this site, creating a unified intersection and a stronger sense of place. Nine different paint colors, two metal accent colors, and two masonry colors provide contrast and variety within the proposed theme. See condition 14 for a proposed list of materials and colors.

Landscape Plan

The proposed landscape plan is heavily planted with low-water-use shade trees, at more than double the required number of parking lot trees to mitigate heat impacts from the parking area. The street frontages are landscaped in accordance with code requirements, with sensitivity to maintaining healthy existing mature trees where possible, and introducing similar and complimentary species that enhance the surrounding landscape palette. The perimeter buffer is also heavily landscaped, with new trees added as needed within the existing mature tree grove on the south side. The variety of plants will provide year round color and texture, and enhance the center with a softened natural aesthetic. The garden center of the Lowe's building will be landscaped to minimize views into the product storage area within the fenced portion of the building (see condition 23). Specific landscape plants are listed in condition 24, per the provided plan.

Section 6-306 D Approval criteria for Development Plan Review

1. Shade for energy conservation and comfort as an integral part of the design.
2. Materials are compatible with the surroundings.
3. Buildings and landscape elements have proper scale with the site and surroundings.
4. Large building masses are divided into smaller components that create a human-scale.
5. The building has a distinct base and top, as identified by ground floor elements, roof forms, and detailing.
6. Building facades have architectural detail contributing to and attractive public space.
7. On-site utilities are placed underground.
8. Clear and well lighted walkways connect building entrances to one another and to adjacent sidewalks.
9. Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.
10. Accessibility is provided in conformance with the Americans with Disabilities Act (ADA).
11. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses. Traffic impacts are minimized in conformance with the city transportation policies, plans and design criteria.
12. Safe and orderly circulation separates pedestrian and bicycles from vehicular traffic.
13. Plans will integrate crime prevention principles such as territoriality, natural surveillance, access control, activity support, and maintenance.
14. Landscape accents and separates parking, buildings, driveways and pedestrian walkways.

Conclusion

Based on the information provided by the applicant and the above analysis, staff recommends approval of the requested Use Permit and Development Plan Review. This request meets the required criteria and will conform to the conditions 1-30.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The proposed project meets the approval criteria for a Use Permit and a Development Plan Review.

CONDITIONS OF APPROVAL

General

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by January 22, 2009 or Development Plan approval will expire.
2. The use permit is valid for the plans as submitted to and approved by the Development Review Commission.
3. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be reviewed and in a form satisfactory to the Development Services Manager and City Attorney.
4. A Subdivision Plat is required for this development and shall be recorded prior to issuance of certificate of occupancy.
5. The Subdivision Plat for Lakes Towne Center shall be put in proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before January 22, 2009. Failure to record the plan within one year of this approval shall make the plan null and void.

Site Plan

6. Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
7. Provide service yard and mechanical yard walls that are at least 8'-0" tall as measured from adjacent grade and are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment. Locate electrical service entrance sections inside the service yard, as indicated.
8. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
9. Provide upgraded paving at each driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.
10. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.
11. Shops A shall not have any restaurant uses, or shall provide required parking for this use.
12. Use permit is required for outdoor display, retail sales and vehicle rentals; this is not part of this approval.
 - a. Contingent upon future approval of these use permits; locate outdoor retail sales out of view of Baseline Road, with the exception of the temporary garden lot proposed for seasonal plant sales.
 - b. The rental trucks and utility trailers will be located at the west end of the lot, near the proposed utility building display area.
 - c. All of these uses must use surplus parking spaces and shall not use any of the required parking.

Floor Plans

13. Public Restroom Security:
 - a. Lights in restrooms:
 - 1) Provide 50% night lights
 - 2) Activate by key or remote control mechanism
 - b. Single user restroom door hardware:
 - 3) Provide a key bypass on the exterior side

Building Elevations

14. The materials and colors presented are approved as presented:
 - Roof – Tile by Eagle – Camino Real – *Santa Barbara* SMC8403
 - Primary building – E.F.I.S. painted Sherwin Williams - *Bagel* SW6114
 - Vertical elements – Site case panel painted Sherwin Williams - *Tatami Tan* SW6116
 - Horizontal elements – Site cast panel painted Sherwin Williams - *Renwick Rose Beige* SW2804
 - Accent bands - Split-faced CMU – Superlite – *Spanish Brown*
 - Accent bands – Split-faced CMU – Superlite – *Sedona Red*
 - Metal Accents – Berridge Manufacturing - *Sierra Tan*
 - Metal Accents – Berridge Manufacturing - *Copper-cote*
 - Accent Colors – Sherwin Williams – *Toasty* SW6095, *Burlap* SW6137, *Harmonic Tan* SW6136, *Clary Sage* SW6178, *Sequin* SW6394, *Restrained Gold* SW6129

Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Submit any additions or modifications for review during building plan check process. Planning inspection staff will field verify colors and materials during the construction phase.
15. The shelved products inside the garden center shall not be visible from the exterior of the building, screening must be sufficient to block views at all times, including when internally lit.
16. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
17. Conceal roof drainage system within an architectural feature of the building. Minimize visible, external features, such as overflows, and where needed design these to enhance the architecture of the building.
18. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations so that the architecture is enhanced by these elements.
19. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
20. Exposed conduit, piping, etc. is not allowed unless a creative conduit surface design that compliments the architecture is reviewed and approved by the Development Review Commission.

Lighting

21. Illuminate building entrances from dusk to dawn to assist with visual surveillance at these locations.

Landscape

22. Plants on the east side of the Lowe's building shall provide a visual screen to the garden center, specific plants will be determined through planning plan check review process.

23. The following plants are approved as proposed and specified:

Parkinsonia Sonoran Desert hybrid	Sonoran Desert Muesum Palo Verde	24" box
Quercus virginiana	Heritage Live Oak	24" box
Dalbergia sissoo	Sissoo	24" box
Ulmus parvifolia	Chinese Elm	24" box
Acacia salicina	Willow Acacia	24" box
Pinus eldarica	Mondel Pine	24" box
Muhlenbergia capillaries	Regal Mist Muhlenbergia	5 gallon
Nerium oleander	'Petite Pink' Dwarf Oleandar	5 gallon
Leucophyllum frutescens	'Green Cloud' Texas Sage	5 gallon
Dasyilirion longissimum	Mexican Grass Tree	5 gallon
Cassia phyllodinia	Silver Leaf Cassia	5 gallon
Hesperaloe parviflora	Red Yucca	5 gallon
Eremophylla valentine	Valentine Bush	5 gallon
Leucophyllum langmaniae	'Rio Bravo' Texas Sage	5 gallon
Ruellia brittoniana	Ruellia	5 gallon
Agave sp.	Agave variety	5 gallon
Yucca aloifolia	Spanish Bayonette Yucca	5 gallon
Dodonaea viscosa	Purple Hop Bush	5 gallon
Caesalpinia Mexicana	Mexican Bird of Paradise	5 gallon
Ruellia brittoniana dwarf	'Little Katie' Ruellia	1 gallon 18" o.c.
Lantana montevidensis	Gold Mound Lantana	1 gallon 36" o.c.
Acacia redolens	'Desert carpet' Dwarf Trailing Acacia	1 gallon
Decomposed Granite 1/2" select 'Table Mesa Brown' 2" minimum thicknes all landscape areas		
Turf – midiron sod		
Annuals 4" pots 8" o.c.		

Submit any additions or modifications for review during building plan check process. Planning inspection staff will field verify plants.

24. Irrigation notes:

- Provide dedicated landscape water meter.
- Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
- 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. Class 200 PVC feeder line may be used for sizes greater than 1/2" (if any). Provide details of water distribution system.
- Locate valve controller in a vandal resistant housing.
- Hardwire power source to controller (a receptacle connection is not allowed).
- Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
- Provide temporary irrigation to existing landscape on site or in these frontages for period of time that irrigation system is out of repair. Design irrigation so existing plants on site or in frontages are irrigated as part of the reconfigured system at the conclusion of this construction.

25. Include requirement in site landscape work to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.

26. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

Signage

27. Provide address sign(s) both end corners of the north and south elevations of both buildings and conform to the following for building address signs:
- 1) Provide street number only, not the street name
 - 2) Use numbers 24" high on the Lowe's building and 12" high on Shops A building.
 - 3) Individual mount, metal reverse pan channel characters.
 - 4) Self-illuminated or dedicated light source.
 - 5) Coordinate address signs with trees, vines, or other landscaping, to avoid visual obstructions.
 - 6) Do not affix numbers or letters to elevations that might be mistaken for the address.
- a. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.
- b. Provide one address sign on the roof of the Lowe's building. Orient sign to be read from the south.
- 1) Include street address number in 6'-0" high characters on one line and street name in 3'-0" high characters on a second line immediately below the first.
 - 2) Provide high contrast sign, either black characters on a light roof or white characters on a black field that is painted on the roof.
 - 3) Do not illuminate roof address.

CODE REQUIREMENTS

THE BULLETED ITEMS REFER TO EXISTING CODES OR ORDINANCES, OR REQUIREMENTS FROM OTHER DEPARTMENTS THAT ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT. THESE ITEMS ARE NOT AN EXHAUSTIVE LIST.

- Existing condition for a vehicular cross access agreement for circulation and public service must be reviewed prior to abandonment to determine solution for refuse collection and fire access to the site to the west.
- Specific requirements of the **Zoning and Development Code** 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, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through www.tempe.gov/zoning, or purchased at Development Services.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated November 28, 2007. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- **STANDARD DETAILS:**
 - Tempe Standard "T" details may be accessed through www.tempe.gov/engineering or purchased from the Engineering Division, Public Works Department.
 - Tempe Standard "DS" details for refuse enclosures may be accessed through www.tempe.gov or may be obtained at Development Services.
- **BUILDING HEIGHT:** Measure height of buildings from top of curb along front of property (as defined by Zoning and Development Code).
- **PUBLIC ART:** Provide public art as part of this development in conformance with the Art in Private Development Ordinance and the Zoning and Development Code; see the Zoning and Development Code Sec. 4-407 and Appendix D. Contact the Cultural Services Administration (Adrienne Richwine or Liz Lagman 480-350-5287) if any questions regarding implementation of this requirement.
- **WATER CONSERVATION:** Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for this project. Have the landscape architect and the mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59, available from Building Safety (480-350-8341). Contact Pete Smith of Water Resources (480-350-2668) if there are any questions regarding the purpose or content of the water conservation reports.
- **HISTORIC PRESERVATION:** The project site does not have an Archaeologically Sensitive designation. However, State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding the process described in this condition.
- **SECURITY REQUIREMENTS:**
 - Provide an 8' masonry wall on the south property line.
 - Provide enhanced lighting, with full cut-off fixtures on the building wall to illuminate the fire lane and

the general area to the south of the Lowe's building, without light spilling into the adjacent residential yards.

- Provide surveillance cameras and recording equipment for all four sides of the Lowe's building.
 - Sign the property that the site is under camera surveillance and all activities are recorded.
 - Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage to opportunity for ambush opportunity. Distances of 20'-0" or greater, between a pedestrian path of travel and any hidden area allow for increased reaction time and safety.
 - Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
 - A security vision panel shall be provided 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.
 - Avoid upper/lower divided glazing panels in exterior windows at grade level, particularly where lower (reachable) glass panes of a divided pane glass curtain-wall system can be reached and broken for unauthorized entry. Do not propose landscaping or screen walls that conceal area around lower windows. If this mullion pattern is desired for aesthetic concerns, laminated glazing may be considered at these locations.
 - Provide emergency radio amplification for the Lowe's building. Amplification will allow Police and Fire personnel to communicate in the buildings during a catastrophe. Refer to this link (http://www.tempe.gov/itd/Signal_booster.htm) and if needed contact ITD / Communications (Dave Heck 480-350-8777) to discuss the size and materials of the buildings, to verify radio amplification requirement, and determine the extent of construction to fulfill this condition.

 - FIRE: (Jim Walker 480-350-8341)
 - Fire lanes need to be clearly defined. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies; or overhead structure, if allowed by Fire Department. Details of fire lane(s) are subject to approval of the Fire Department.
 - Provide a fire command room(s) on the ground floor of the building(s). Verify size and location with Fire Department.

 - ENGINEERING AND LAND SERVICES:
 - Underground overhead utilities, excluding high-voltage transmission line unless project inserts a structure under the transmission line. Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
 - Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
 - Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
 - 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.

 - REFUSE:
 - Refuse containers indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with Standard Detail DS-116.
 - Contact Sanitation staff (Ron Lopinski 480-350-8132) to verify that vehicle maneuvering and access to the enclosure is still adequate.
 - Gates for refuse enclosure(s) are not required. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days

 - DRIVEWAYS:
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- Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways similar to Standard Detail T-319 or other solutions, require permission of Public Works/Traffic (Cathy Hollow 480-350-8445)
- Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from Development Services Counter or from John Brusky in Transportation (480-350-8219) if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
- **PARKING SPACES:**
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
 - At parking areas, provide demarcated accessible aisle for disabled parking.
 - Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- **LIGHTING:**
 - Follow requirements of ZDC Part 4 chapter 8
 - Follow the guidelines listed under appendix E "Photometric Plan" of the Zoning and Development Code.
 - Indicate the location of all exterior light fixtures on the site, landscape (and photometric) plans. Avoid conflicts with plants in order to maintain illumination levels for exterior lighting.
- **LANDSCAPE:**
 - Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the Landscape Architect or a plant salvage specialist. Note original locations and species of native and "protected" trees and other plants on site. Move, preserve in place, or demolish native or "protected" trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department (602-364-0935). Notice of Intent to Clear Land form is available at www.agriculture.state.az.us . Follow the link to "form", to "native plants", and to "notice intent to clear land".
- **SIGNS:** Obtain sign permit for any identification signs as well as for internally (halo) illuminated address signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process. Separate Development Plan Review process is required for signs ZDC Part 4 Chapter 9 (Signs).

HISTORY & FACTS:

- July 24, 1969 City Council approved a zoning change for this site from R1-6 to PCC-2.
- August 22, 1974 City Council approved a General and Final Plan of Development for Earnhardt Ford.
- November 6, 1974 Design Review Board approved the site, building and landscape plans for Earnhardt Ford, with nine conditions.
- May 15, 1975 City Council approved the Amended Final Plan of Development for Phase I of Earnhardt's Ford Sales.
- May 21, 1975 Design Review Board approved site, building and landscape plans for Earnhardt Ford, with six conditions, (807 E. Baseline address listed, for the portion of the site to the west).
- May 19, 1976 Design Review Board approved building elevations and landscape plans for Earnhardt Ford, subject to conditions.
- June 3, 1976 City Council approved a modified parking screening wall height and an additional freestanding sign.
- October 28, 1976 City Council denied a Use Permit request for a heliport and restricted the display of the "bull" on site.
- November 6, 1976 Design Review Board approved building elevations and landscape plan for this site subject to conditions.
- January 5, 1977 Design Review Board approved request for additional parking and lighting, to mount and raise 14 existing quartz light fixtures to approximately 13 feet, with no conditions.
- June 30, 1977 City Council approved the Final Plan of Development of Phase II of Earnhardt Ford, subject to ten conditions.
- July 6, 1977 Design Review Board approved a request for a Phase II of development consisting of a kiosk in the front display pad, a show room addition and building expansion, subject to conditions.
- January 25, 1978 Board of Adjustment approved a variance for Earnhardt Ford to increase the maximum allowable height for lighting standards from 16' to 21', subject to 3 conditions.
- February 2, 1978 City Council approved temporary storage yard and office building subject to three conditions.
- April 12, 1978 City Council approved an amended General and Final Plan of Development and the sale of Jacuzzi's and spas at Earnhardt Ford.
- June 30, 1978 City Council approved a Final Plan of Development for Phase II of Earnhardt Ford.
- September 27, 1978 Board of Adjustment approved two variances for Earnhardt Ford; to allow one additional freestanding sign, and to increase the maximum allowable total sign area from 100 square feet to 258 square feet subject to one condition.

- April 12, 1979 City Council approved an Amended General and Final Development Plan for Earnhardt Ford.
- November 27, 1979 Planning and Zoning Commission approved a zoning change from R-2 to PCC-2 and a General Plan of Development subject to conditions, and approved a variance to reduce the required sideyard setback from 60' to 0'.
- January 10, 1980 City Council denied a request for a zoning change.
- January 17, 1980 City Council approved a request for a reconsideration for Earnhardt Ford.
- February 14, 1980 City Council approved a zoning change from R-2 to PCC-2, an amended General Plan of Development, a use permit and a variance for a four-acre parcel at the southeast corner of Baseline Road and College Avenue, subject to conditions.
- August 27, 1980 Board of Adjustment approved a variance to increase the maximum allowable sign area from 100 s.f. to 291 s.f. subject to conditions.
- May 27, 1981 Board of Adjustment approved a variance to increase the maximum allowable sign area from 100 s.f. to 394 s.f. subject to conditions.
- October 13, 1983 City Council approved the request of Earnhardt Ford for a Final Plan of Development and modifications of conditions for an RV Sales Office consisting of 720 s.f., subject to eleven conditions.
- November 13, 1985 Planning and Zoning Commission denied a request by Earnhardt's.
- December 19, 1985 City Council approved an appeal by Earnhardt Chrysler RV of the Planning and Zoning Commission denial of the Amended General and Final Plan of Development for Earnhardt Chrysler RV center located at 777 E Baseline Road. Two use permits were also approved.
- February 5, 1986 Design Review Board approved the request for building elevations, site and landscape plans for Earnhardt Chrysler, subject to thirty conditions. *CONDITION 2: Permanent vehicular cross access agreement for circulation and public service is to be recorded prior to issuance of building permits.*
- March 20, 1986 City Council approved and Amended Final Plan of Development for Earnhardt Chrysler RV Center.
- November 18, 1986 Hearing Officer approved a request by Earnhardts for two variances, to allow a second 24 s.f. freestanding identification sign on the same street frontage and to increase the maximum allowable building mounted signage from 80 s.f. to 147 s.f., subject to two conditions.
- July 15, 1987 Design Review Board approved a request for signage subject to two conditions.
- February 13, 1996 Planning and Zoning Commission continued the hearing until March 26, 1996.
- March 26, 1996 Planning and Zoning Commission approved a requested Amended General and Final Plan of Development, Phases II & III consisting of 16,457 s.f. for three new service bay buildings, subject to twenty-five conditions.

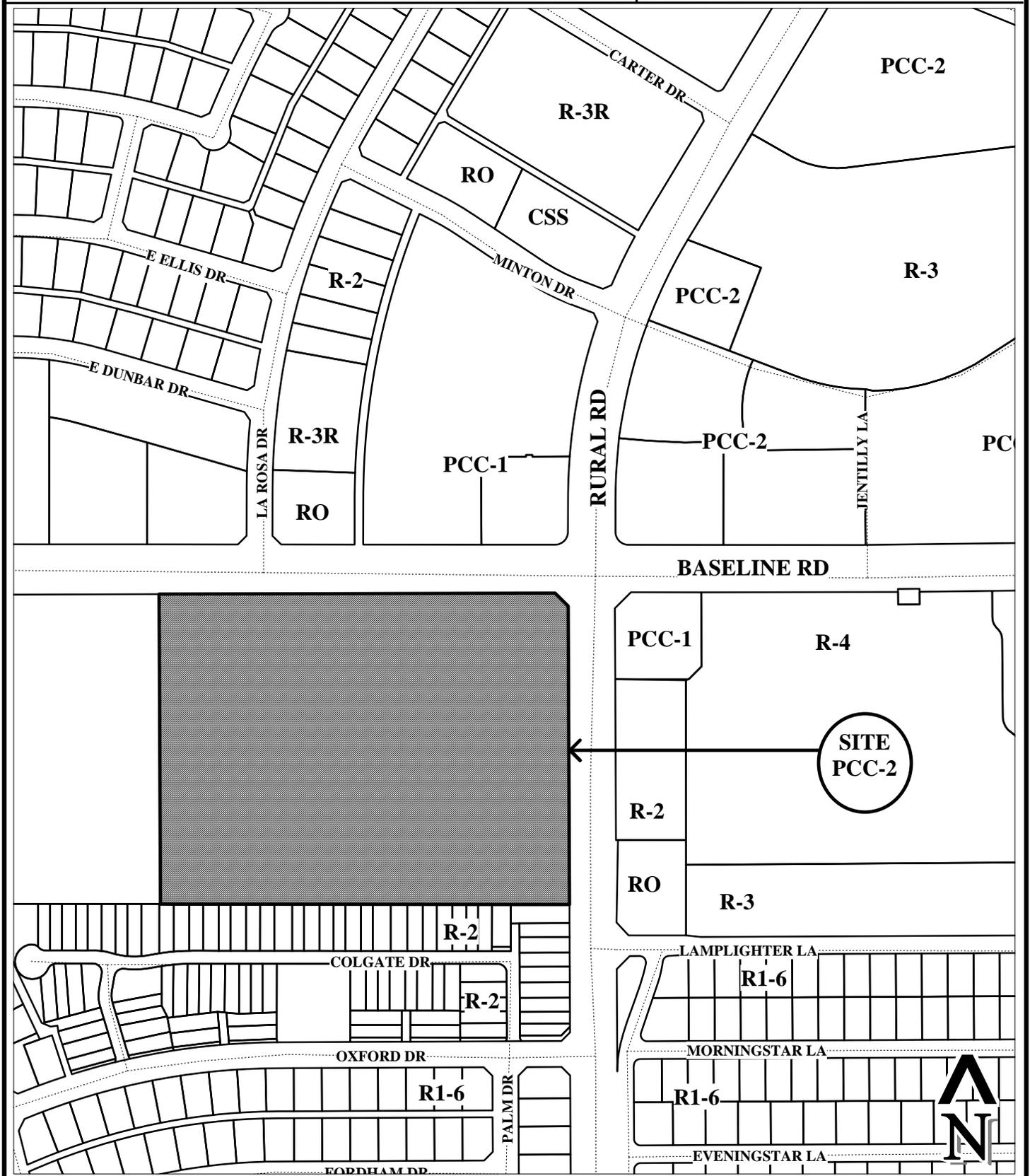
- June 6, 1996 City Council continued the original application at the request of the applicant until September 19, 1996.
- August 6, 1996 Revised amended General and Final Plan of Development submitted to staff; the applicant was advised that due to scope of changes, they would need to return to the Planning and Zoning Commission.
- September 10, 1996 Planning and Zoning Commission denied the requested Third Amended General and Final Plan of Development, Phases II & III consisting of 8,930 s.f. of new and remodeled buildings for a dealership totaling 117,872 s.f. of building area on 22.29 net acres at 777 E. Baseline Road, including a use permit to expand the auto dealership and service facility, and a variance to allow expansion of a non-conforming employee parking area.
- September 19, 1996 City Council accepted the withdrawal of a request by Earnhardt's Ford & Chrysler for a Third Amended General and Final Plan of Development, Phases II & III consisting of 16,457 s.f. for a total of 125,399 s.f. on 22.29 net acres located at 777 E. Baseline Road.
- October 24, 1996 City Council continued the request until November 21, 1996, and requested staff work with applicant to arrive at possible compromise.
- November 21, 1996 City Council denied a request by Earnhardt's Ford & Chrysler to appeal the Planning & Zoning Commission's denial of the Third Amended General and Final Plan of Development consisting of 8,930 s.f. of new and remodeled buildings, for a total of 117,872 s.f. of building area on 22.29 net acres, including a use permit and variance.

ZONING AND DEVELOPMENT CODE REFERENCE:

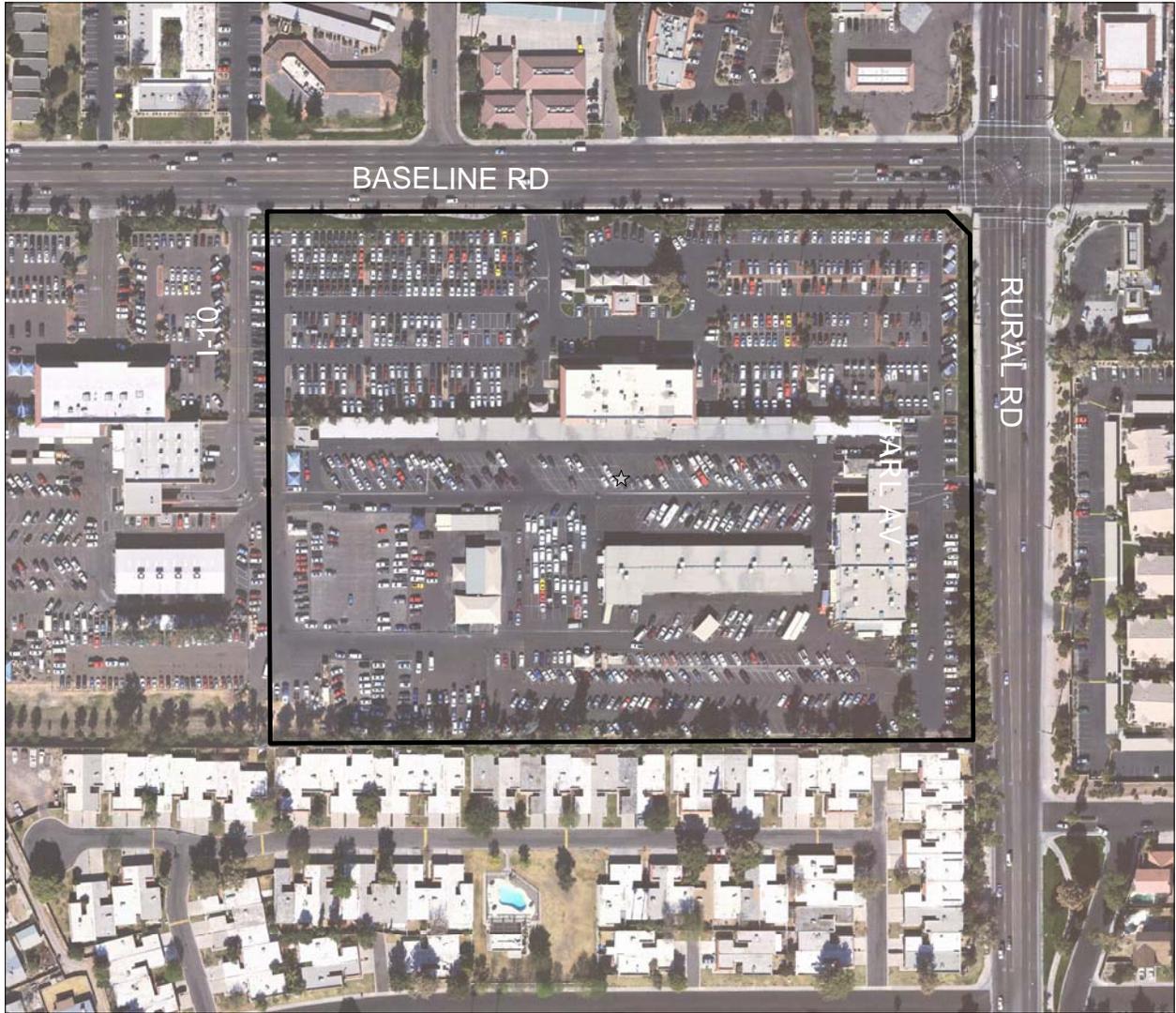
Section 6-306, Development Plan Review
 Section 6-308, Use Permit

LAKES TOWNE CENTER PHASE 1

PL070361



Location Map



RURAL/BASELINE RETAIL CENTER (PL070361)



January 4, 2008

Development Services Department
City of Tempe
31 E. 5th Street, Garden Level
Tempe, AZ 85281

Re: Letter of Explanation – Lakes Towne Center – Phase I

To Whom It May Concern:

The Kitchell Development Company plans to develop a retail center redevelopment project that encompasses approximately 16 net acres located at the southwest corner of Rural and Baseline Roads. The project will consist of a Lowe's Home Improvement Store, shops and pads for future development. The first phase consists of the Lowe's Home Improvement Store, Shops "A", associated site work and the required off site work. Phase II and Phase III will include additional shop buildings and other pad tenants. Phase II and Phase III tenant negotiations are ongoing and the development plan review will be submitted under a separate cover.

The new project will enhance the surrounding area through its western territorial vernacular style architecture and landscaping. Distinctive elements such as barrel tile, brick accents, roof overhangs are the signature elements of the style. Enhanced hardscape, landscape pots, raised planters, seat-walls, a pedestrian patio and artwork will evoke an inviting experience. A simple, yet rich, classic western color and material palette will be used along with traditional building massing and forms to tie all the building and site amenities together. Other elements such as gabled roofs, decorative cornices, tile roofed colonnades with exposed beams and rafters and decorative metal grills further enhance the southwest traditional style architecture.

Buildings, entrances, pedestrian walkways and parking areas have been configured to ensure pedestrian safety and efficiency. Low water-use shade trees have been implemented throughout the site to help reduce heat-island effect and provide pedestrian friendly shading. The existing, mature trees that border the southern boundary of the project site will remain in place to provide screening for the adjacent residences.

The Phase I portion of the Retail Center is projected to open for business during the latter part of the 4th quarter of 2008. Phase II will open shortly after in the 1st or 2nd quarter of 2009.

Kitchell Development Company and the entire project team look forward to working with the City of Tempe during this exciting redevelopment project.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Schramm", written over a horizontal line.

Rob Schramm
Manager of Design & Construction
Kitchell Development Company

Kitchell Development Company

1707 E. Highland, Suite #100 • Phoenix, AZ 85016 • Phone 602.264.4411 Fax 602.264.6133 • www.kitchell.com



Ms. Diana Kaminski
Senior Planner, Development Services
City of Tempe, AZ
31 East Fifth Street
Tempe, AZ 85280-5002

Re: Lowe's of Tempe, AZ Building Height Use Permit Letter of Explanation

January 3, 2008

Dear Ms. Kaminski,

Lowe's HIW, Inc. is attaching this letter of explanation to the Use Permit application for building height modification as required in the application.

General Background:

The building code allows 40'-0" height for new buildings in Tempe. We are requesting the Use Permit to allow us to exceed this height in one area of the building only. In order to allow for corporate branding and signage, we are requesting that the main building entry canopy be allowed to extend up to 48'-0" as indicated in the attached, proposed building elevations. This is the only element requested to be above 40'-0".

Evaluation:

No part of this extension in height at the building entry will be detrimental to persons residing or working in the vicinity or to adjacent properties. The attached line of site study indicates that the back of the raised entry canopy will not be visible to residences at the back of the store. Buildings across Baseline Road (at the front of the structure) are commercial structures. The raised entry canopy is consistent in its use of design, material and colors with other commercial structures along the Baseline corridor. The front of the entry canopy faces north. As such, we do not anticipate any glare from the structure affecting businesses to the north. Residential structures to the east of the Lowe's building may be able to view the tiled sides of the entry canopy from second story structures. However, many large, mature pine trees and future commercial buildings in the development along Rural Road will effectively screen any view. Non-reflective materials are also utilized in the gabled roof design, eliminating any concerns of glare or reflection nuisances.

All building elements will be designed and constructed following applicable City of Tempe Zoning ordinances and building codes. Materials such as roof tiles, slump block and landscaping are consistent with and can be found in multiple developments adjacent to the site. The addition of the entry canopy, in and of itself, will not appreciably add to any odor, dust, noise, vibration, smoke or heat. Because of this, and the non-prototypical design elements requested by the City of Tempe, we feel that this element of the building will increase the character of the context in which it will be built and act to increase land value of and for adjacent property owners.

The Lowe's building, as a whole, will contribute value to the neighborhood by replacing poorly maintained buildings and grounds of an existing auto dealership. As a design element, the entry canopy of the new Lowe's building will provide a focal point for the development.

Thank you for your consideration of this Use Permit.

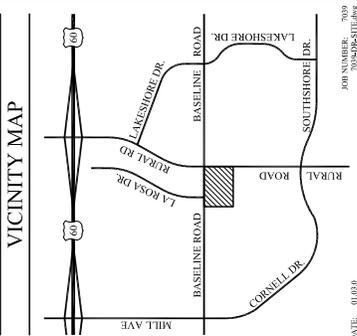
Respectfully submitted,


Pari Holliday
Site Development Manager
Lowe's HIW, Inc.

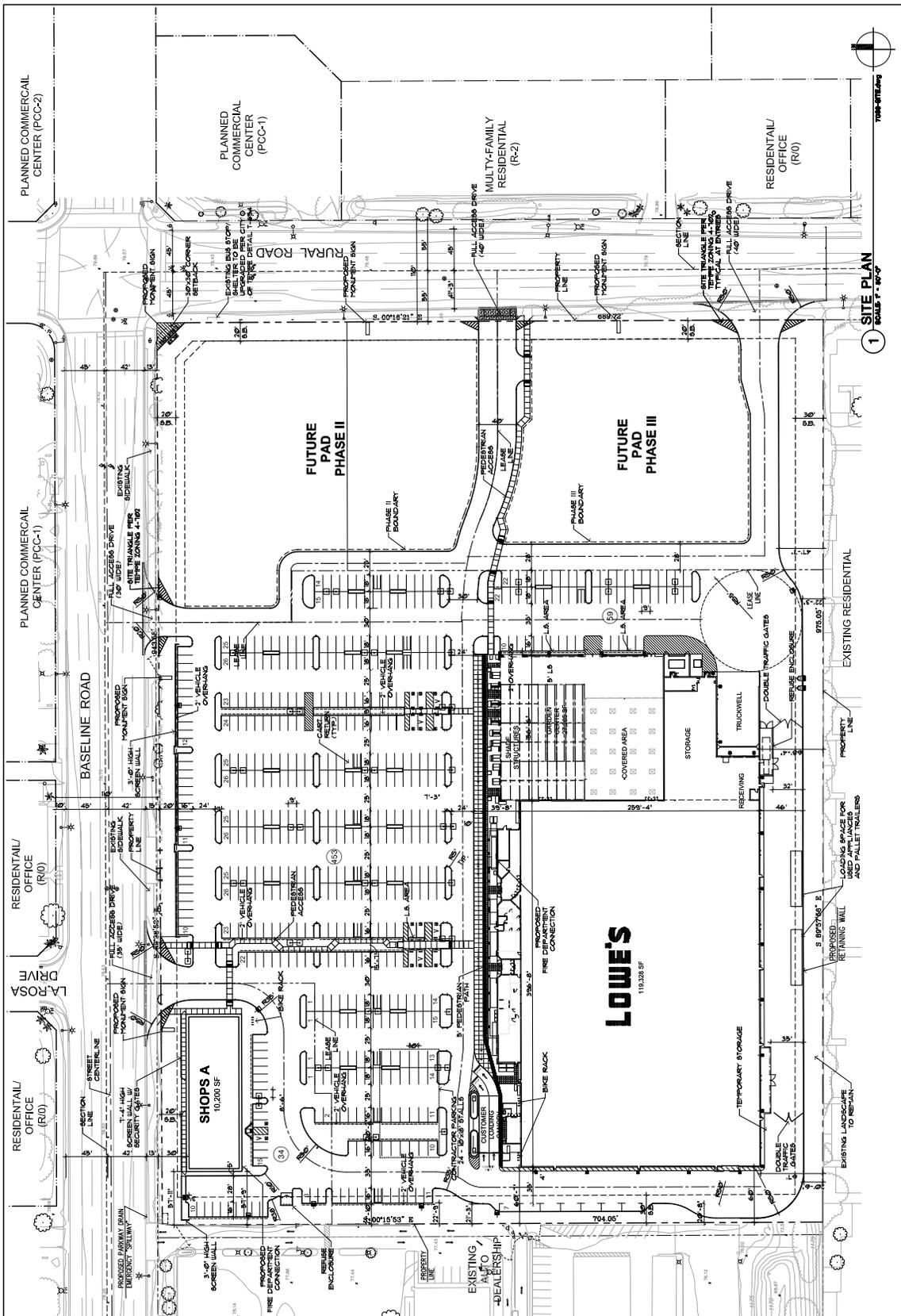
OWNER INFORMATION
 KITCHELL DEVELOPMENT CO.
 1707 EAST HIGHLAND
 TEMPE, AZ 85281
 (602) 244-4411
 (602) 631-6180

SITE DATA

PARCELL NO.	30-080401B
EXISTING ZONING	PLANNED COMMERCIAL CENTER GENERAL (PCC-2)
PROPOSED ZONING	PCC-2
BUILDING TYPE	TYPE VB
GROSS AND NET SITE AREA	780,153 S.F. (16.1 ACRES) 707,575 S.F.
% COVERAGE	27%
LANDSCAPE PERCENTAGE	15% REQ. / 16% PROVIDED
PARKING PROVIDED	487 SPACES
PARKING REQUIRED	546 SPACES
PARKING LOT SALES AREA	23 SPACES
BIKE PARKING PROVIDED	35 SPACES
ACCESSIBLE REQUIRED	11 SPACES
ACCESSIBLE PROVIDED	14 SPACES
BIKE PARKING PROVIDED	20 SPACES / 10 LOOPS
* NOTE: PHASE II & PHASE III PADS SHALL BE SELF PARKED	
MAXIMUM BUILDING HEIGHT	40'-0" MAXIMUM
SETBACK - FRONT YARD	REQ. 10'-0" PROV. 30'-0"
SETBACK - SIDE YARD	REQ. 10'-0" PROV. 30'-0"
SETBACK - REAR YARD	REQ. 30'-0" PROV. 30'-0"
* NOTE: ART PIECE TO BE DESIGNED AT A LATER DATE.	
OWNER WILL IDENTIFY AND LOCATE PIECE AT A FUTURE DATE.	
LOWE'S SITE DATA	
BUILDING USE	RETAIL
BUILDING AREA	146,593 S.F.
OUTDOOR RETAIL	14,000 S.F.
PARKING REQUIRED	433 SPACES
PARKING PROVIDED	486 SPACES
ACCESSIBLE PARKING PROVIDED	9 SPACES (REQUIRED) 12 SPACES
STOPS 'N' GO	4 ACCESSIBLE
BUILDING AREA	146,593 S.F.
PARKING REQUIRED	433 SPACES
PARKING PROVIDED	486 SPACES
ACCESSIBLE PARKING PROVIDED	9 SPACES (REQUIRED) 12 SPACES
STOPS 'N' GO	4 ACCESSIBLE



DATE: 01/09
 800 NUMBER: 800-858-8888
 BUTLER DESIGN GROUP
 Architects & Planners
 6665 East Van Buren St.
 Suite 100
 Phoenix, Arizona 85006
 phone 602-967-8000
 fax 602-967-7752



LAKES TOWNE CENTER - PHASE I
 777 EAST BASELINE ROAD
 TEMPE, AZ

1 SITE PLAN
 SCALE: 1/8" = 1'-0"





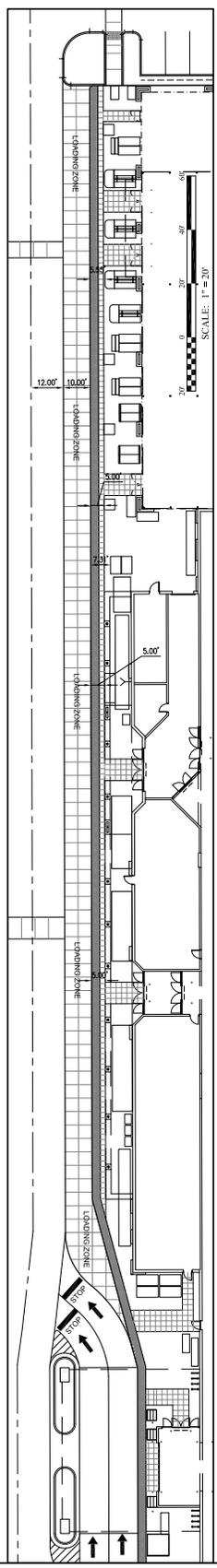
LOWE'S OF TEMPE, AZ
 Exhibit
 Outdoor Display Area



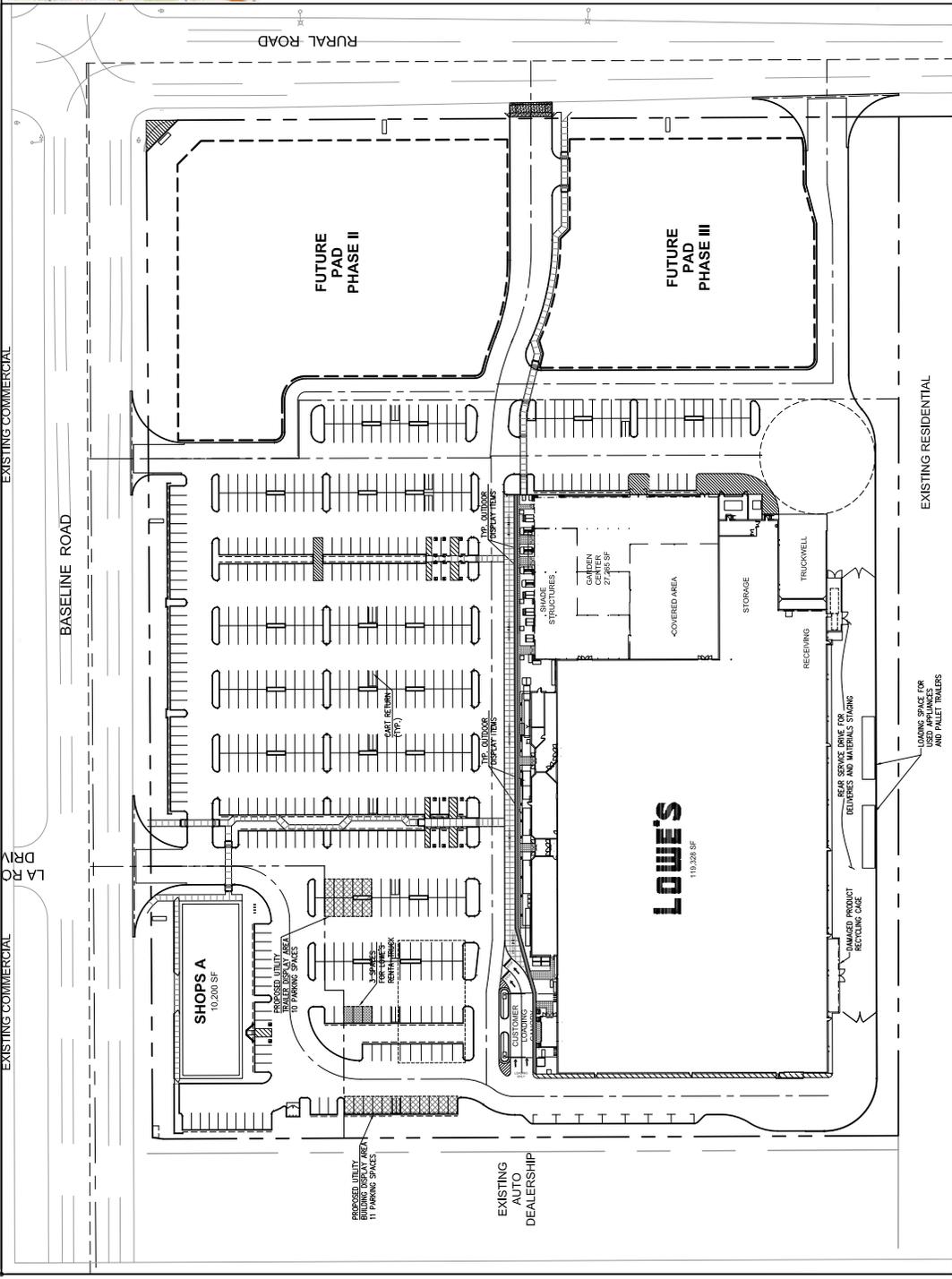
LOWE'S, L.M.A., INC.
 1537 PARADAY AVE., STE# 140
 CARLSBAD, CA 92008
 760.934.5300 (V) 760.938.8112 (F)

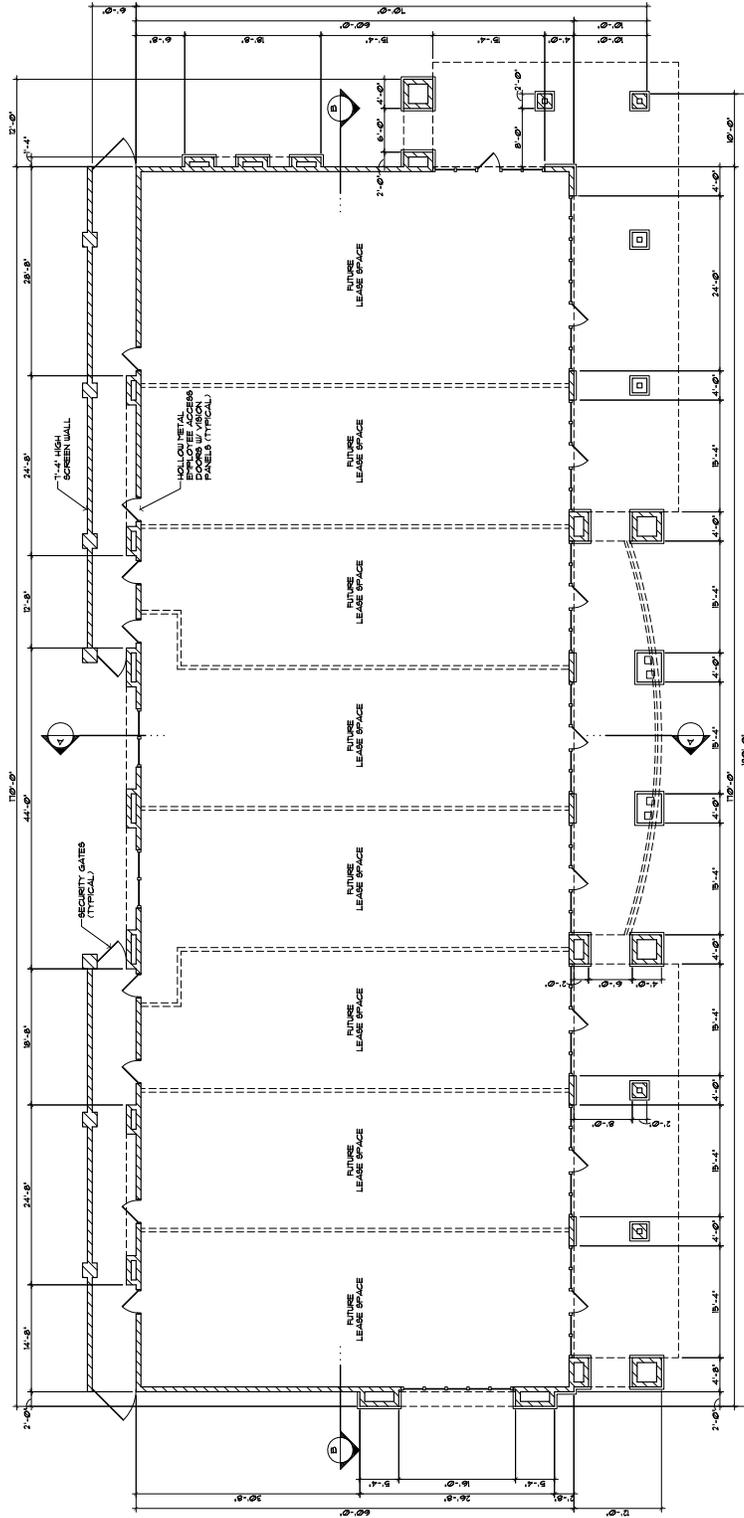


Engineers / Planners / Surveyors
 5200 MAHAR STREET, SUITE #200, BIRBECK, CA 95014
 TEL: (916) 487-7777 FAX: (916) 487-7777
 2000 S. COLUMBIA STREET, SUITE 200, MESA, AZ 85202
 TEL: (480) 774-0100 FAX: (480) 774-0101



LOCATION MAP
 NOT TO SCALE





1 FLOOR PLAN
SCALE 1/8" = 1'-0"



JOB NUMBER: 709
 DRAWING NUMBER: 01.03.08

DATE: 01.03.08



Butler Design Group
 Architects & Planners
 6666 East Van Buren St.
 Suite 100
 Phoenix, Arizona 85008
 phone 602-967-4900
 fax 602-967-7722

LAKES TOWNE CENTER - PHASE I

777 EAST BASELINE ROAD
 TEMPE, ARIZONA



COLOR/MATERIAL

- PAINT COLORS
BY SHERWIN WILLIAMS
- 1 BASEL - SW614
 - 2 TOASTY - SW609
 - 3 BULLY UP - SW617
 - 4 TATARTI TAN - SW616
 - 5 REDUCCA ROSE BRIDE - SW604
 - 6 HARMONIC TAN - SW616
 - 7 CLARY SAGE - SW619
 - 8 BEGIN - SW634
 - 9 RESTRAINED GOLD - SW619

- MASONRY
BY SUPERLITE BLOCK, INC.
- 10 SLIPP BLOCK - SPANISH BROWN
 - 11 SLIPP BLOCK - SEDONA RED

- ROOF TILE
BY EAGLE ROOFING
- 12 CANO REAL - SANTA BARBARA ENCLAVE

- METAL ACCENTS
BY BERTRIDGE MANUFACTURING
- 13 BIERMA TAN
 - 14 COMER-COTE

- CONCRETE
BY DAVIS COLOR
- 15 FERRELE - 6-41

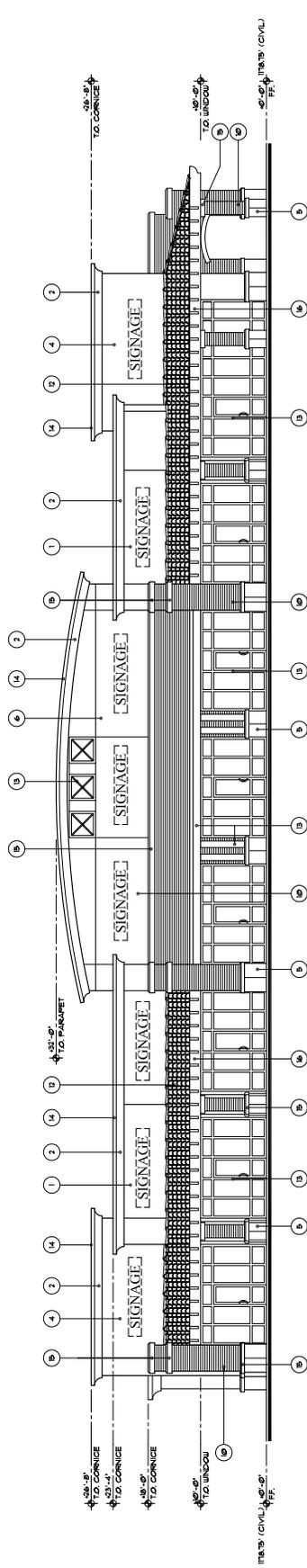
- WOOD FINISH
BY OKON
- 16 STAIN - OCSN

JOHN NUNBERG 209
NUNBERG@LANS.COM

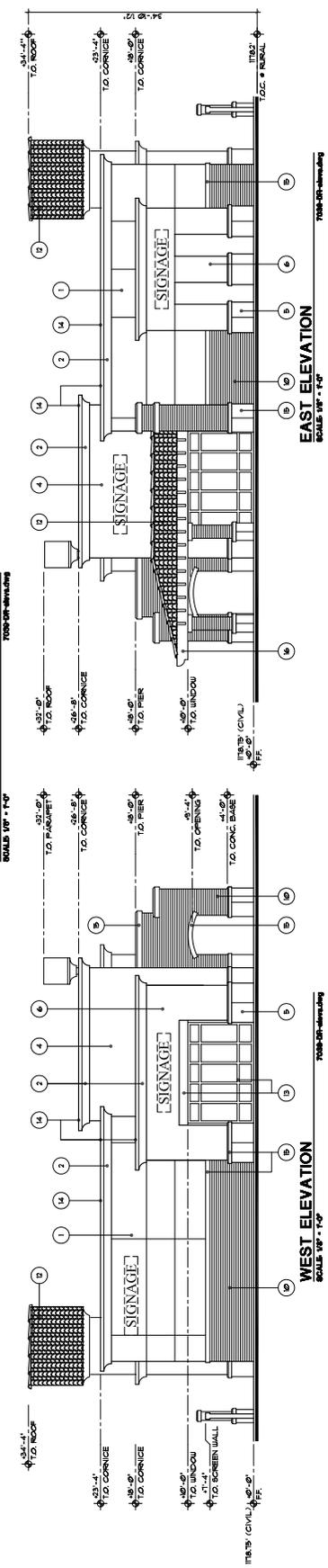
Butler Design Group
Architects & Planners
6666 East Van Buren St.
Suite 100
Phoenix, Arizona 85008
phone 602-967-4900
fax 602-967-7722



LAKES TOWNE CENTER - PHASE I
777 EAST BASELINE ROAD
TEMPE, ARIZONA

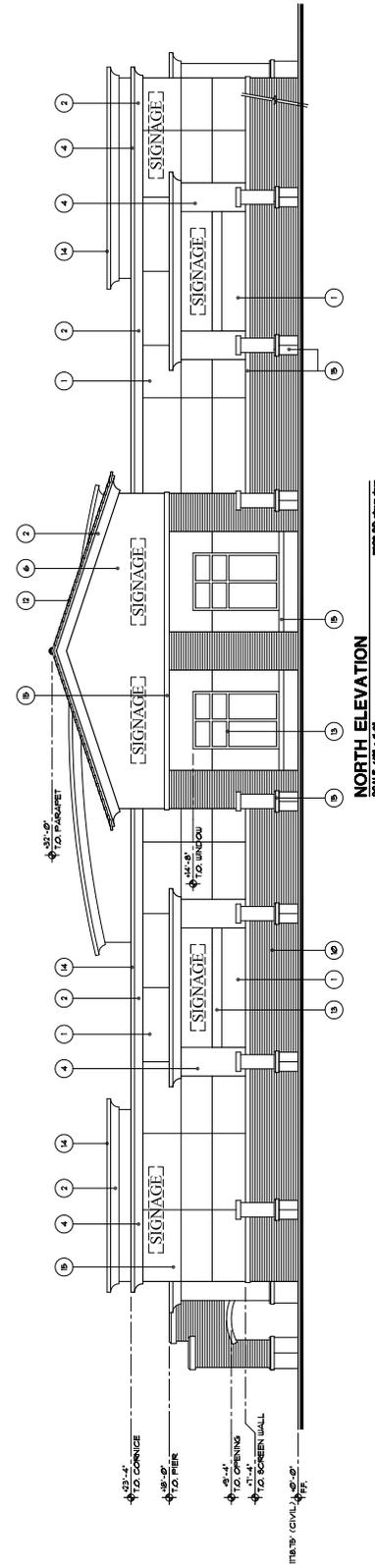


SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

EAST ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"

DATE: 01/08

[CLICK HERE TO VIEW NEXT PAGE](#)