Staff Summary Report

Tempe

To: Planning & Zoning Commission **Agenda Item Number 72**
Through: Development Services Manager **Meeting Date: 03/22/01**

SUBJECT: **SOUTH MOUNTAIN COMMERCE CENTER #SPD-2001.05**

PREPARED BY: DeeDee (D^2) Kimbrell, Planner II (480-350-8331)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

BRIEF: This is the first public hearing for South Mountain Commerce Center for an Amended Preliminary and Final Planned Area Development at 2420 West Baseline Road.

COMMENTS: **PLANNED DEVELOPMENT (0406)** Hold the first public hearing for **SOUTH MOUNTAIN COMMERCE CENTER** (Michael Freret, Orsett Southwest, Ltd., Property owner) for an office complex located at 2420 West Baseline Road. The following approval is requested from the City of Tempe:

#SPD-2001.05 An Amended Preliminary and Final Planned Area Development for an 91,000 s.f. one story office complex on 8.98 net acres at 2420 West Baseline Road.

Document Name: 20010322devsrh09 Supporting Documents: Yes

SUMMARY: This proposal is for an Amended Preliminary and Final Planned Area Development for South Mountain Commerce Center consisting of a single story office building with a total of 91,000 s.f. on 8.98 net acres at the northwest corner of Baseline Road and Calle los Cerros Drive. No variances or use permits are requested in the application. The currently approved plan included 2, 4-story office buildings and a single level parking structure that was oriented to the north of the site as a buffer between the office buildings and the single family residential district. The applicant previously submitted a site plan consisting of an 82,000 s.f. single story office building oriented closer to the north property line and neighbors. That submittal created a substantial amount of interest and opposition by neighbors in regards to building design, height, landscaping, lighting, wall design, and traffic. At City Council the applicant brought a revised site plan to address some of the neighbors concerns. Council remanded the applicant to take the revised site plan back to Planning Commission and Design Review to be completely reviewed. The current proposal encompasses' a single story office building which is oriented towards the southern portion of the site with all surface parking.

Both the previous proposal and the current request have generated considerable concern by the neighbors to the north. Their concerns focus around possible traffic implications, potential loss of views (building heights), excess parking and architectural compatibility. Staff also has some concerns with this proposal, especially the southernmost driveway on Calle los Cerros and the potential traffic impact on the adjacent residential district. Public Works Transportation staff has drafted a conceptual design for potential street modifications to address some of neighbors and staff's concerns regarding traffic. (Refer to Attachment M) Therefore, staff is recommending approval subject to the attached conditions. To date, there has been opposition from neighbors and a petition with a long list of signatures submitted to staff by the neighbors regarding their concerns, which staff has available upon request. Both opposition and support was heard at the Planning Commission meeting held on February 13, 2001. The Commission approved this request by a 4-3 vote. **NOTE: This hearing is for Council to gather information regarding the Amended Preliminary and Final P.A.D. only, not to discuss the appeal of the Design Review Board's action. The Design Review Board appeal will be heard concurrently with the second hearing on the P.A.D. on March 29, 2001.**

RECOMMENDATION: Staff – Approval subject to conditions.
Planning Commission – Approval (4-3 vote)
Public – Opposition and support

ATTACHMENTS:

1. List of Attachments
2. History & Facts
3-5 Description / Comments / Recommendation / Reasons for Approval
5-7 Conditions of Approval

A. Location Map
B. Letter of Explanation/Intent
C. Amended Preliminary and Final Planned Area Development
D. Elevations
E. Floor Plan
F. Conceptual Landscape Plan
G. Grading and Drainage Plan
H. Previously Approved Plan (1987)
I. Previous Plan of August 2000
J. Aerial Photo of Site
K. List of Concerns Generated by Neighbors at Neighborhood Mtg. (11/09/00)
L. Letter of Opposition from Bill Faint (02/05/01)
M. Public Works Transportation Staff's Conceptual Design (02/07/01)
N. Commission Minutes (01/09/01) & (02/13/01)
O. Applicant's Conceptual Design to Address Traffic Issues
P. Letter of Intent for Conceptual Design from Applicant
Q. Design Review Board Minutes & Conditions (02/21/01)

** **A multiple page petition has been submitted by neighbors and is available upon your request.**

HISTORY & FACTS:

May 20, 1982.	City Council approved the rezoning of the subject site from R1-6 to I-1, with conditions based on a specific site plan.
November 10, 1987.	Planning Commission recommended approval for a Preliminary PAD with conditions, by a 6-0 vote.
December 10, 1987.	City Council approved the request for a Preliminary PAD for Centre Development Office Building, consisting of 240,000 s.f. (plus 280,000 s.f. parking garage).
March 28, 2000.	Planning & Zoning Commission accepted the withdrawal of the request by South Mountain Corporate Center (Sid Montague, Orsett Properties, Property owner) for an Amended Preliminary and Final PAD.
August 8, 2000.	Planning & Zoning Commission voted 5-2 to approve the request for an Amended Preliminary and Final P.A.D. for an 82,000 s.f. one story office complex.
September 21, 2000.	City Council held the first public hearing, there were both opposition and support from neighbors for the request for an Amended Preliminary and Final P.A.D. for an 82,000 s.f. one story office complex.
October 5, 2000.	City Council continued the request for an Amended Preliminary and Final P.A.D. for an 82,000 s.f. one story office complex, until November 16, 2000 to uphold the request by Development Services and Public Works / Transportation so the traffic impact analysis could be completed prior to the second hearing.
November 16, 2000.	At City Council the applicant brought a revised site plan to address some of the neighbors concerns. Council remanded the applicant to take the revised site plan back to Planning Commission and Design Review to be completely reviewed.
January 9, 2001.	Planning Commission by a 6-1 vote continued this request until February 13, 2001 so the applicant and Public Works staff can address ongoing concerns by neighbors regarding traffic issues.
February 13, 2001.	Planning Commission recommended approval for an Amended Preliminary and Final P.A.D. for an 91,000 s.f. one story office complex by a 4-3 vote at their meeting.
February 21, 2001.	Design Review Board approved the building elevation, site plan and landscape plan with conditions.

DESCRIPTION: Owner – Orsett/Southwest, Ltd. (Michael Freret)
Applicant –John Turner
Architect – Butler Design Group, Jeff Cutberth
Existing zoning – I-1
Total site area – 8.98 acres
Total bldg. area – 91,000 s.f.
Maximum allowed lot coverage – 50%
Lot coverage provided – 23%
Parking required – 364 spaces
Total Parking provided – 547 spaces
Bicycle parking required – 36 spaces
Bicycle parking provided – 36 spaces
Landscaping – 34%

COMMENTS: In 1987 City Council approved a plan that consisted of two 4-story office buildings and a parking structure that exceeded the allowable building height of 30 feet. That approval also included variances for the building height from 30 feet to 54 feet (63 feet to top of Penthouse) and an increase of allowable lot coverage from 50% to 56%.

The applicant originally submitted a Planned Area Development (P.A.D.) consisting of an 82,000 s.f. single story office building located closer to the north property line and neighbors than the current proposal. That submittal created a substantial amount of interest and opposition by neighbors in regards to building design, height, landscaping, lighting, wall design, and traffic. At City Council on November 16, 2000 the applicant presented a revised plan to address some of the neighbors concerns. That plan was for a 91,000 s.f. one story office building located at the southern end of the site with most of the parking located between the building and the residences to the north. Council remanded the applicant to take the revised site plan back to Planning Commission and Design Review for further review and public input.

The above noted revised PAD appears to conform to the zoning ordinance and seems to be less obtrusive to the adjacent neighbors to the north. The proposed building is a "c-shaped" single story office building with all surface parking. Multiple building entries into individual tenant spaces are provided at the front, side and rear elevations. The design of the building utilizes tilt panel masonry construction with masonry veneer accent elements and is approximately the same height as the former proposal.

Since the original plan was approved in 1987 there has been a significant increase in development in the area, which has had a notable impact on the surrounding neighborhoods and raises some concerns with City of Tempe's Transportation Division.

Recently, Wendler Drive (1/4 mile to the east of this site) was modified to preclude traffic generated by development on Wendler Drive from entering this neighborhood. Neighborhood residents have also complained that use of their neighborhood by motorists seeking to avoid the congested 48th Street/ Baseline Road intersection is a problem. The neighbors have met with three City Council members and expressed their concerns about this project. Staff has attached a summary list of those concerns. The architect and owner have also met with adjacent and nearby neighbors as well as staff to attempt to mitigate the potential impacts of this development.

As noted above, staff believes this request should be less intrusive to the neighbors but has some concerns. To address those concerns, staff had suggested deleting the parking row along the north side of the site (63 spaces) to reduce the amount of asphalt, provide a larger landscape buffer between the adjacent residential district to the north and provide additional retention area for on site storm water retention. We had also are recommended through the Design Review Board process that the building design be modified to create two building elements or at least the impression that there are two buildings. We believe, this should reduce the visual impact of the project along Baseline Road and mitigate some of the neighbors concerns for potential loss of views.

As a result of the completed Traffic Impact Analysis, Public Works Transportation staff recommends deleting the southernmost driveway along Calle los Cerros Drive to reduce potential unsafe entry and exit patterns and modifications to the traffic lanes on Calle los Cerros Drive to deter traffic from going through the residential neighborhood to the north. Public Works Transportation staff has created a conceptual solution for the street modifications (Refer to Attachment M) that they believe is safe, functional and aesthetically pleasing.

Note: Planning Commission deleted condition #10 regarding deleting 63 parking spaces along the north side of the site.

> **#10.** Delete row of parking (63 spaces) and increase the landscaping along the northern end of the site.

Staff believes that the current proposal, with Planning and Transportation Divisions recommendations, should have less potential to be disruptive to adjacent neighbors. Therefore, staff recommends approval subject to those conditions. To date, there has been opposition from neighbors and a petition with a long list of signature was submitted to staff by the neighbors regarding their concerns, which staff has available upon request. Both opposition and support was heard at the Planning Commission meeting held on February 13, 2001.

NOTE: In 1998 the Council adopted the I-1, I-2, C-1 Overlay District. The intent of this district was to provide a public hearing at the City Council whenever a project was proposed for development that would not normally have a public hearing requirement. The public hearing would allow neighbors to review the project and comment while still accommodating the owner's right to develop the land. In this case, the existing P.A.D. requires 3 public hearings and in the opinion of the City Attorney this fulfills the overlay district public hearing requirements. Staff utilized the evaluation criteria that is in the overlay district to evaluate that and that an appropriate transition between the I-1, I-2, and C-1 Zoning District and the adjacent residential uses are provided while allowing the use of the property as permitted by the Zoning Ordinance.

RECOMMENDATION: Approval, subject to conditions.

REASONS FOR APPROVAL:

1. With suggested changes by staff the Amended Planned Area Development appears to meet the intent of the zoning ordinance, to function efficiently and should have less potential to be disruptive to adjacent neighbors.

CONDITION(S) OF APPROVAL:

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.

   b. Off-site improvements to bring roadways to current standards include:
      (1) Water lines and fire hydrants
      (2) Sewer lines
      (3) Storm drains.
      (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.

   c. Fees to be paid with the development of this project include:
      (1) Water and sewer development fees.
      (2) Water and/or sewer participation charges.
      (3) Inspection and testing fees.

   d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.

2. a. All street dedications shall be made within six (6) months of Council approval.

b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.

c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe - Section 25.120.

3. Should the property be subdivided, 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 in a form satisfactory to the Development Services Director and City Attorney.

4. Applicant shall participate in cost sharing with the City for installation of a traffic signal at the intersection of Calle los Cerros Drive and Baseline Road.

5. Applicant shall construct and install traffic medians on Calle Los Cerros adjacent to development drives to prohibit left turn movements out of the development and into the neighborhood. Medians shall be installed prior to occupancy permits for the building. Plans to reflect the final design prior to recordation. (Refer to Attachment 19)

6. Applicant shall construct and install a traffic circular island with narrow traffic lanes on Calle los Cerros Drive near the northern property line of the development to create a physical change in the character of the street between the neighborhood and development. Island shall be installed prior to issuance of occupancy permits for the building. This feature should be designed as an art element to create a "gateway" to the neighborhood. Applicant shall work with transportation staff and the neighborhood to determine final design of this feature. Plans to reflect the final design prior to recordation. (Refer to Attachment 19)

7. Delete southernmost driveway along Calle los Cerros Drive to reduce potential unsafe entry and exit patterns. Plans to be modified prior to recordation. (Refer to Attachment 19)

8. Developer shall modify plans to reflect street modifications proposed by the Public Works Transportation Department. Final design must maintain a 45' turning radius per City of Tempe Engineering Department design criteria. Plans to reflect the final design prior to recordation. (Refer to Attachment 19)

9. Applicant/Owner cannot change or modify floor plate or add bay doors **or double service-type doors** without going through a public hearing process. **MODIFIED BY COMMISSION**

~~10. Delete row of parking (63 spaces) and increase the landscaping along the northern end of the site.~~ **DELETED BY COMMISSION**

11. Developer shall fumigate the property for pest control prior to grading and dirt removal.

12. Developer shall provide a bus shelter and pedestrian access along Baseline Road prior to occupancy permits being issued. Exact location to be approved by Public Works Department.

13. Accommodation for bike lanes on Calle los Cerros should be maintained through all street modifications. This may require some street widening in the area of the left turn preventative islands, depending on final detail.

14. No variances may be created by future property lines without the prior approval of the City of Tempe.

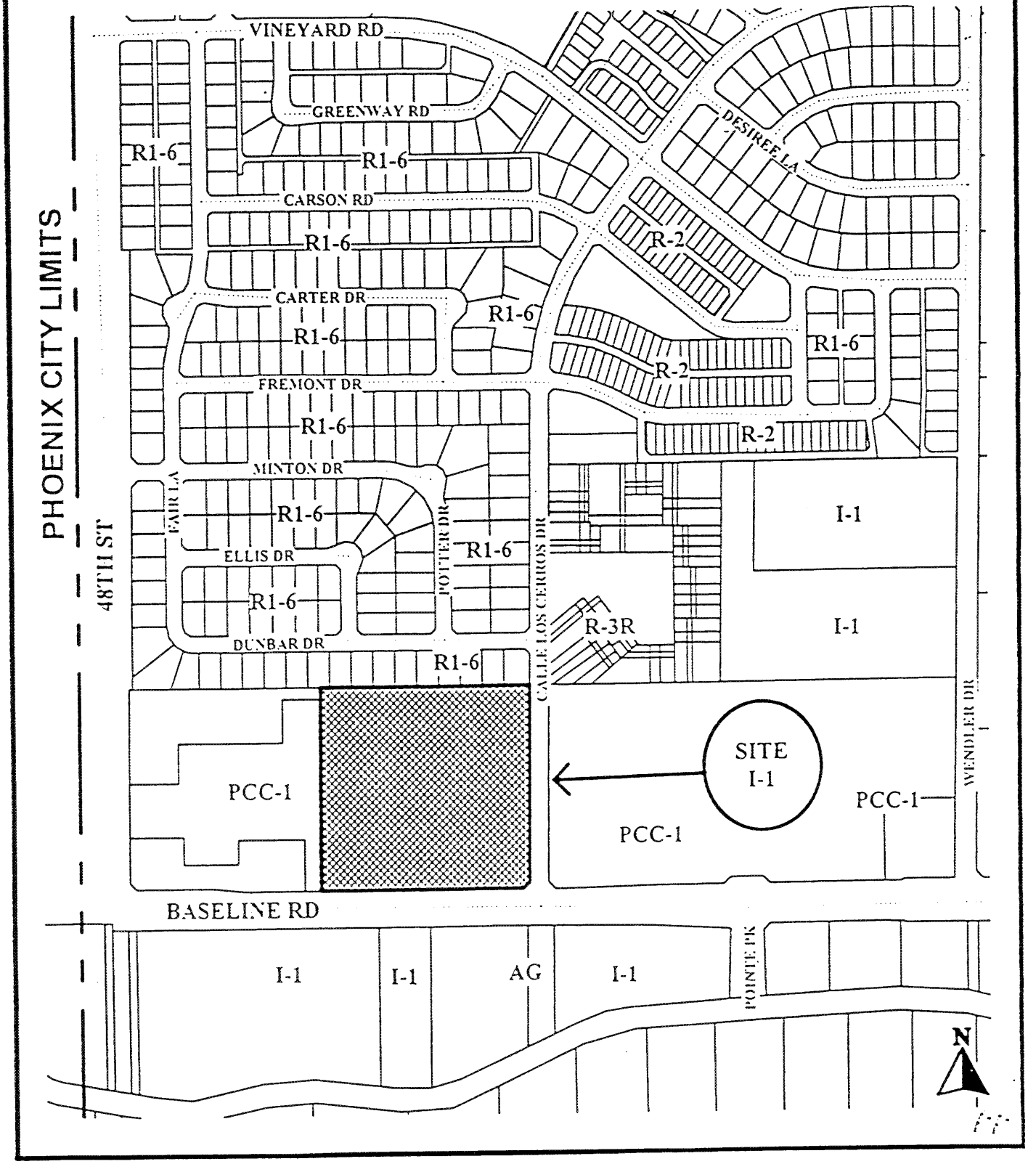
15. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.

16. A lot-tie must be processed with the Development Services Department prior to the issuance of any construction permits for this project.

Tempe

SOUTH MOUNTAIN COMMERCE CENTER

SPD-2001.05



Location Map SEE OTHER SIDE FOR MORE INFORMATION

A

December 12, 2000

Butler Design Group, L.L.C.
Architects & Planners

Planning Commission
City of Tempe
P.O. Box 5002
31 E. Fifth Street
Tempe, Arizona 85280

Re: South Mountain Corporate Center 99100GA

Enclosed please find our submittal to the Planning and Zoning Commission. We are requesting an amended P.A.D. for this site.

The project is being developed for Office use; the Owner intends to market the building to large, A-credit tenants, similar to their tenants in Baseline Corporate Center at Baseline Road and Wendler (IDC, CH2M Hill, and Metro Telecommunications).

The site, at the corner of Baseline Road and Calle los Cerros, is approximately 9 acres. The single story building has been placed on the southern portion of the site, to minimize any impact to the residential neighborhood to the north. The building has also been placed to accentuate the center entry, which faces Baseline Road. No parking structure is planned; all parking is surface level. Landscaping will meet all City requirements.

The building, 91,000 SF, will be constructed of tilt-up concrete panels and masonry units. Parapet heights will vary, averaging 26', and the entry areas will be accented with extensive glazing. The roof will be a flat built-up roof. All HVAC units will be screened per city ordinance.

No use permits or Variances are being requested.

Sincerely,

John Turner, R.A.
Project Manager

5020 E. Camelback Road
Suite 215
Phoenix, Arizona 85018

602-957-1300
602-957-1322

RECEIVED
DEC 14 2000
B

PROJECT TEAM

OWNER
ORBETT / SOUTH MOUNTAIN L.L.C.
4641 NORTH 32ND STREET
SUITE 160
PHOENIX, ARIZONA 85018
PHONE: (602) 241-3710
FAX: (602) 241-3754
CONTACT: BID MONTAGUE

ARCHITECT
BUTLER DESIGN GROUP
3030 EAST CAMELBACK ROAD
SUITE 210
PHOENIX, ARIZONA 85016
PHONE: (602) 553-1000
FAX: (602) 553-1122
CONTACT: JOHN TURNER

CIVIL ENGINEER
DEVELOPMENT ENGINEERING, INC.
6329 NORTH 24TH STREET
SUITE 260
PHOENIX, ARIZONA 85016
PHONE: (602) 954-8038
FAX: (602) 944-8695
CONTACT: JARED DUGGER

LANDSCAPE ARCHITECT
LASKIN AND ASSOCIATES
810 NORTH 48TH STREET
SUITE 302
PHOENIX, ARIZONA 85018
PHONE: (602) 840-1111
FAX: (602) 840-8021
CONTACT: FRANK SPENNA

PROJECT DATA

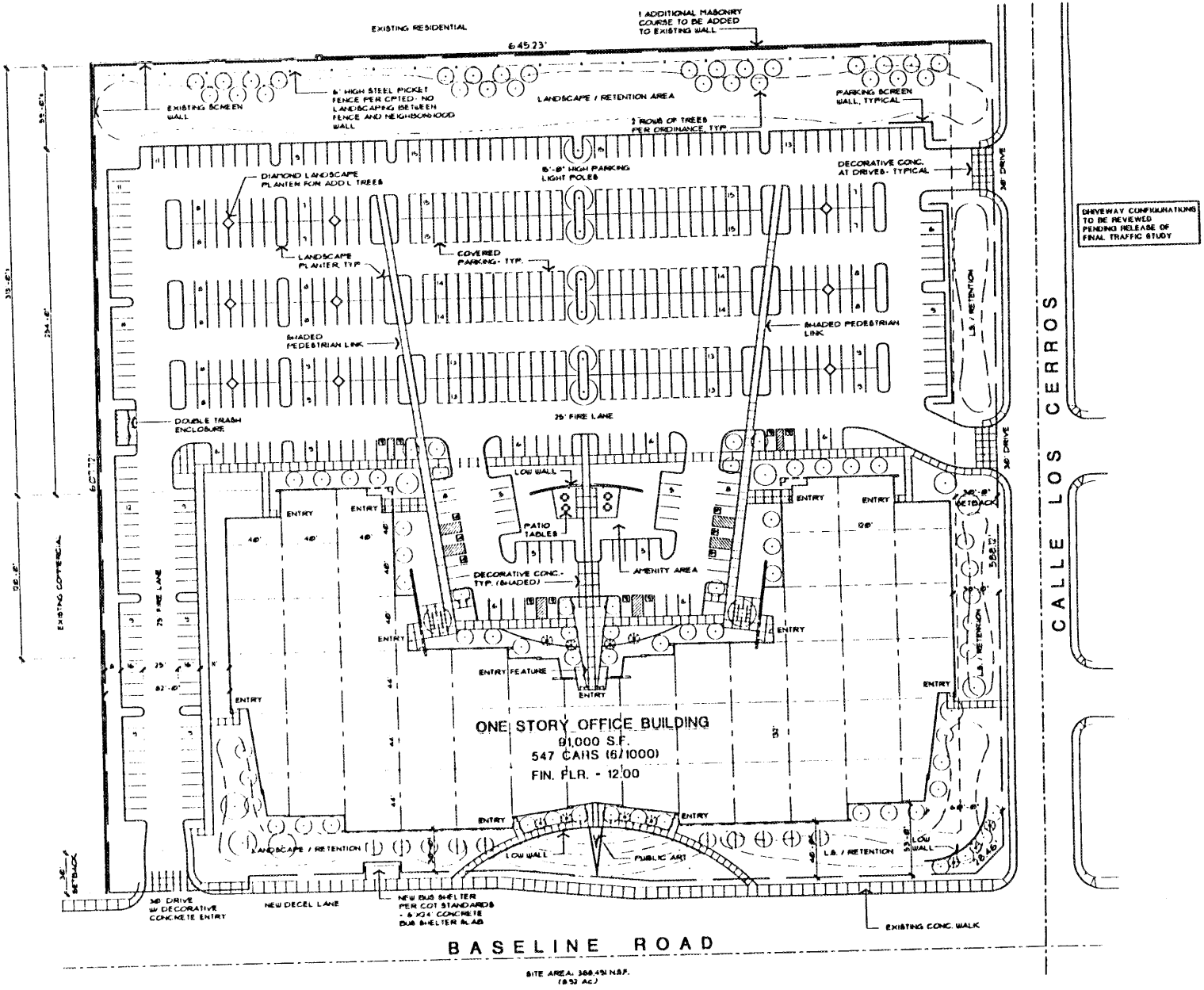
PROPOSED USE	: OFFICE
USE PERMITS REQUESTED	: NONE
VARIANCES REQUESTED	: NONE
GROSS SITE AREA	: 446,389 S.F. (10.25 AC.)
NET SITE AREA	: 388,451 S.F. (8.92 AC.)
ZONING	: I-1 (EXISTING)
BUILDING AREA	: 91,000 S.F.
% COVERAGE	: 23 %
BUILDING HEIGHT	: 29'-0"
CONSTRUCTION TYPE	: VN WITH AFES
PARKING REQUIRED	: 364 SPACES
PARKING PROVIDED	: 547 SPACES : (144 COVERED)

NOTES

1. ENHANCED LANDSCAPING AT NORTH PROPERTY LINE WITH 90% 24" BOX TREES
2. ENHANCED LANDSCAPING ALONG CALLE LOS CERROS - MORE TREES THAN REQUIRED BY ORDINANCE
3. ADDITIONAL TREES IN PARKING AREA BEYOND ORDINANCE REQUIREMENT
4. LOWER ALL LIGHTS NORTH OF BUILDING TO 15'
5. PEST CONTROL ASSISTANCE PRIOR TO AND DURING CONSTRUCTION
6. DEED RESTRICTIONS AGAINST WAREHOUSE AND HAZARDOUS MATERIALS

NORTH

0' 20' 40' 80'



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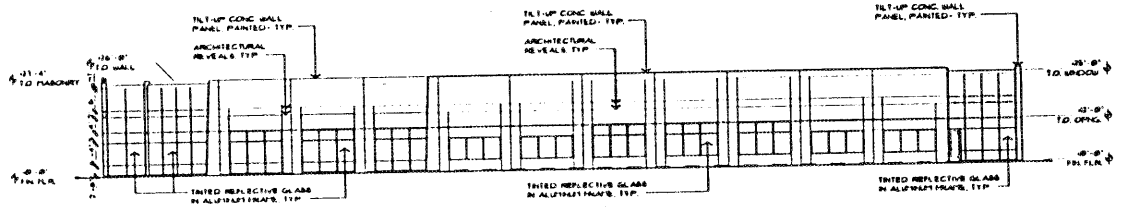
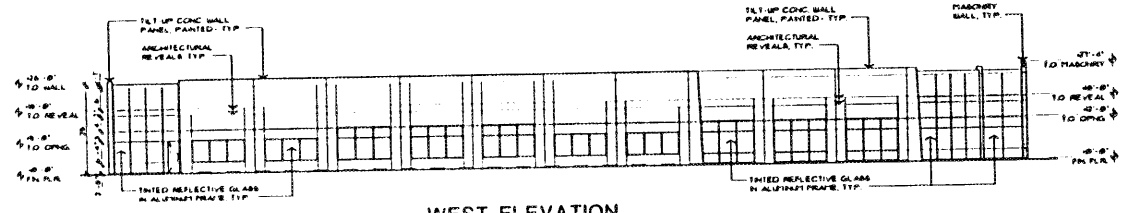


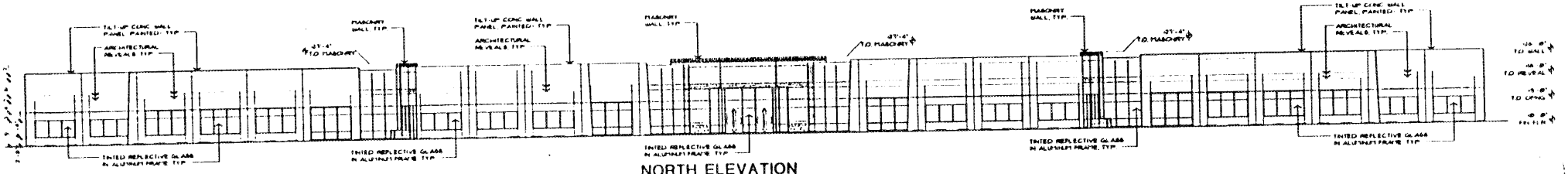
EAST ELEVATION

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



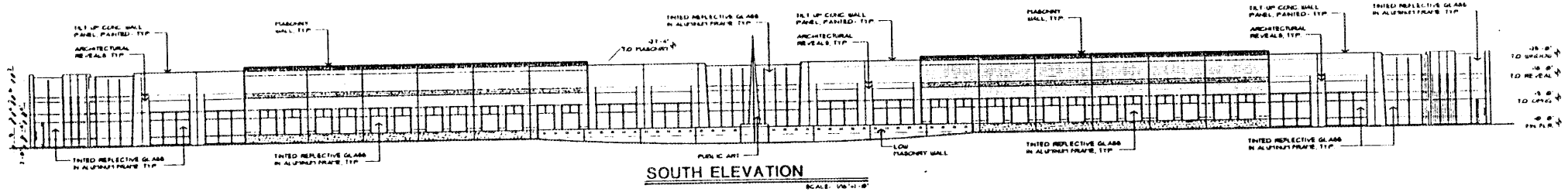
WEST ELEVATION

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



NORTH ELEVATION

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



SOUTH ELEVATION

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

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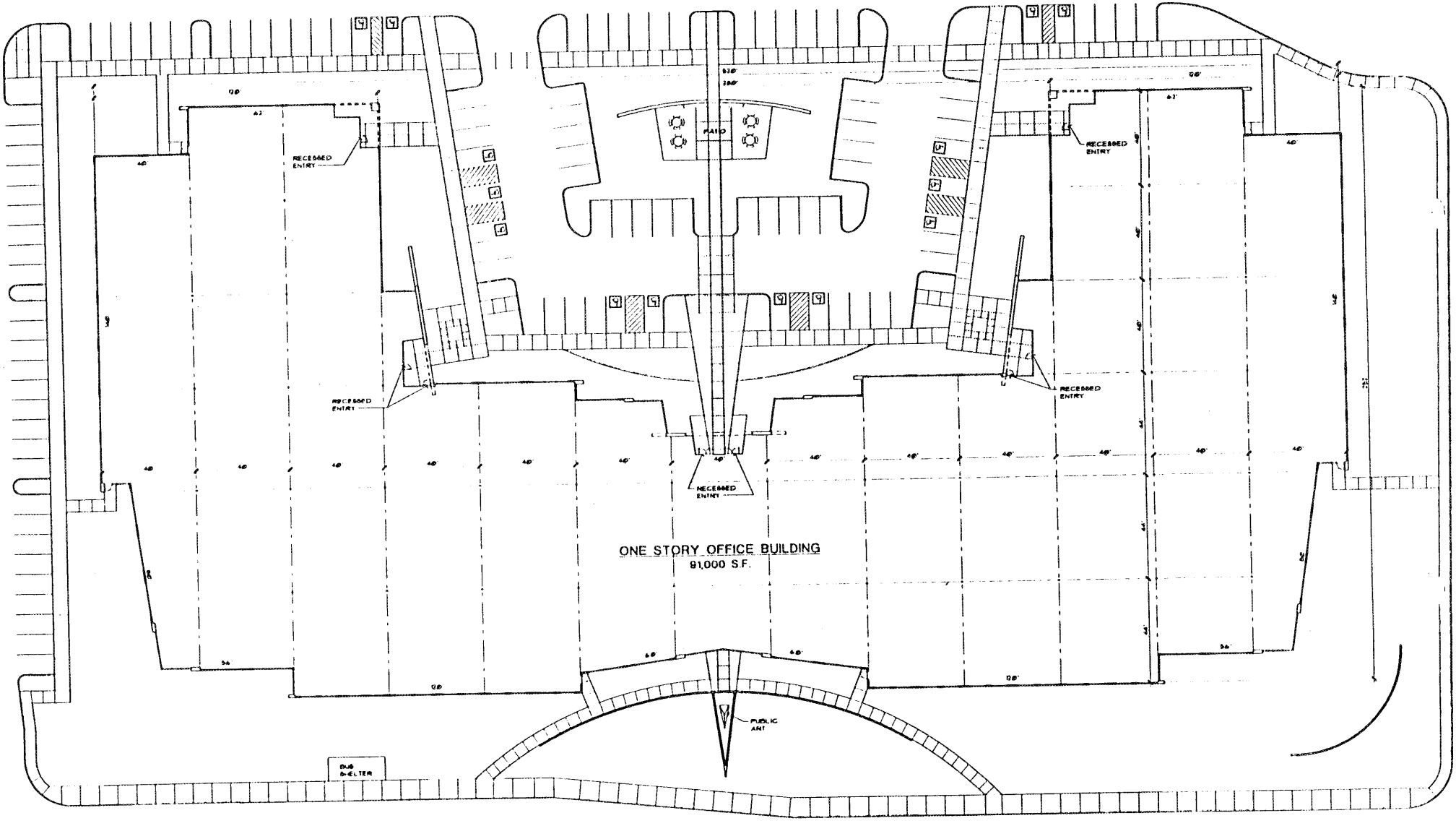
RECESSED ENTRY
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PATIO
ONE STORY OFFICE BUILDING
91,000 S.F.
PUBLIC ART
BUS SHELTER

DEC 14 2000

E

CONCEPTUAL LANDSCAPE LEGEND

ALL TREES TO MEET OR EXCEED A.N.A. SPECIFICATIONS

TREES - 15 GALLON MIN- 50% 24" BOX OR LARGER

Prosopis Chilensis Chilean Mesquite	Standard, Thornless 24" box
Ulmus Parvifolia Evergreen Elm	24" Box
Acacia Salicina Willow Acacia	15 gallon
Washingtonia Robusta Mexican Fan Palm	25' min T.F.
Acacia Smallii Sweet Acacia	24" Box
Cercidium Hybrid 'Desert Museum'	24" Box
Prunus cerasefera 'atropurpurea' Purple Leaf Plum	24" Box
Olea Europaea ' 'Swan Hill' Olive	24" Box

SHRUBS/ ACCENTS 5 Gallon

Leucophyllium Frutescens 'Green Cloud' 'Green Cloud' Sage	5 Gallon
Ruellia Brittoniana Ruellia	5 Gallon
Caesalpinia Pulcherrima Red Bird of Paradise	5 Gallon
Dasylirion Wheeleri Desert Spoon	5 Gallon
Leucophyllum Langmaniae 'Rio Bravo' Sage	5 Gallon
Cassia Phylodenia Desert Cassia	5 Gallon
Hesperaloe Parviflora Red Yucca	5 Gallon
Tecoma Stans Yellow Bells	5 Gallon

GROUNDCOVERS 1 Gallon (5 gallons when located in required parking islands)

Lantana Montividensis Gold Mound	1 Gallon 36" o.c.
Convovulus Cneorum Bush Morning Glory	1 Gallon 36" o.c.
Ruellia Brittoniana 'Katie' Dwarf Ruellia	1 Gallon 18" o.c.
Acacia Redolens 'Desert Carpet'	1 Gallon 60" o.c.

Turf
hydroseed - Midiron sod where noted

Decomposed Granite - 1/2" screened 'EXPRESS ROSE'
2" min. thickness in all landscaped areas

HEADER - Steel Header

MAXIMUM HT. OF SHRUBS IN:

Parking - Landscape Islands
Parking - Borders From 0' to 6'
Walks - From 0' to 6'
Entry - 15' Radius
Sight Triangles
is 2'-0"

LANDSCAPE CALCS

TOTAL LANDSCAPE AREA	125,307 S.F.
TOTAL TURF AREA	24,463 S.F.
TURF % OF LANDSCAPE AREA	19.5%
TURF % OF SITE	6%

CONCEPTUAL LANDSCAPE NOTES

The entire site will be maintained in accordance with City of Tempe Standards.

50% of all trees will be 24" Box or larger.

An automatic irrigation system will be installed guaranteeing 100% coverage to all landscape areas.

3/4" Minus 'Express Rose', 2" minimum thickness (submit sample to Landscape Architect for approval). Place in all non-river rock and non-lawn landscape areas.

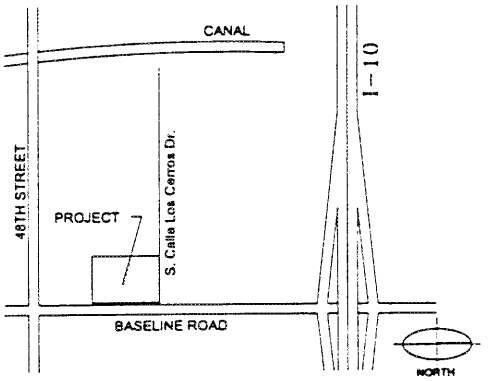
All earthwork will be done so that all water drains away from sidewalks, structures and will not impede natural drainage easements.

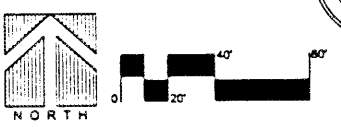
Structures and landscaping within a triangle measured back 10' from property line and 20' along property line on each side of the driveway entrance will be maintained at a maximum height of 3'.

Rip Rap 8" to 12" grouted. Place at all curb cuts and down spouts to prevent erosion. (see Civil for quantities and location.)

All final landscape plans to meet City of Tempe minimum standards for quantity and type.

VICINITY MAP





REGISTERED LANDSCAPE ARCHITECT
CERTIFICATE NO.
20085
HARDY A. LASKIN
ARIZONA U.S.A.

LASKIN & ASSOCIATES, INC.
LANDSCAPE ARCHITECTS
5112 N. 40th Street
Suite 202
Phoenix, Arizona 85018
p (602) 840-7771
f (602) 840-8021

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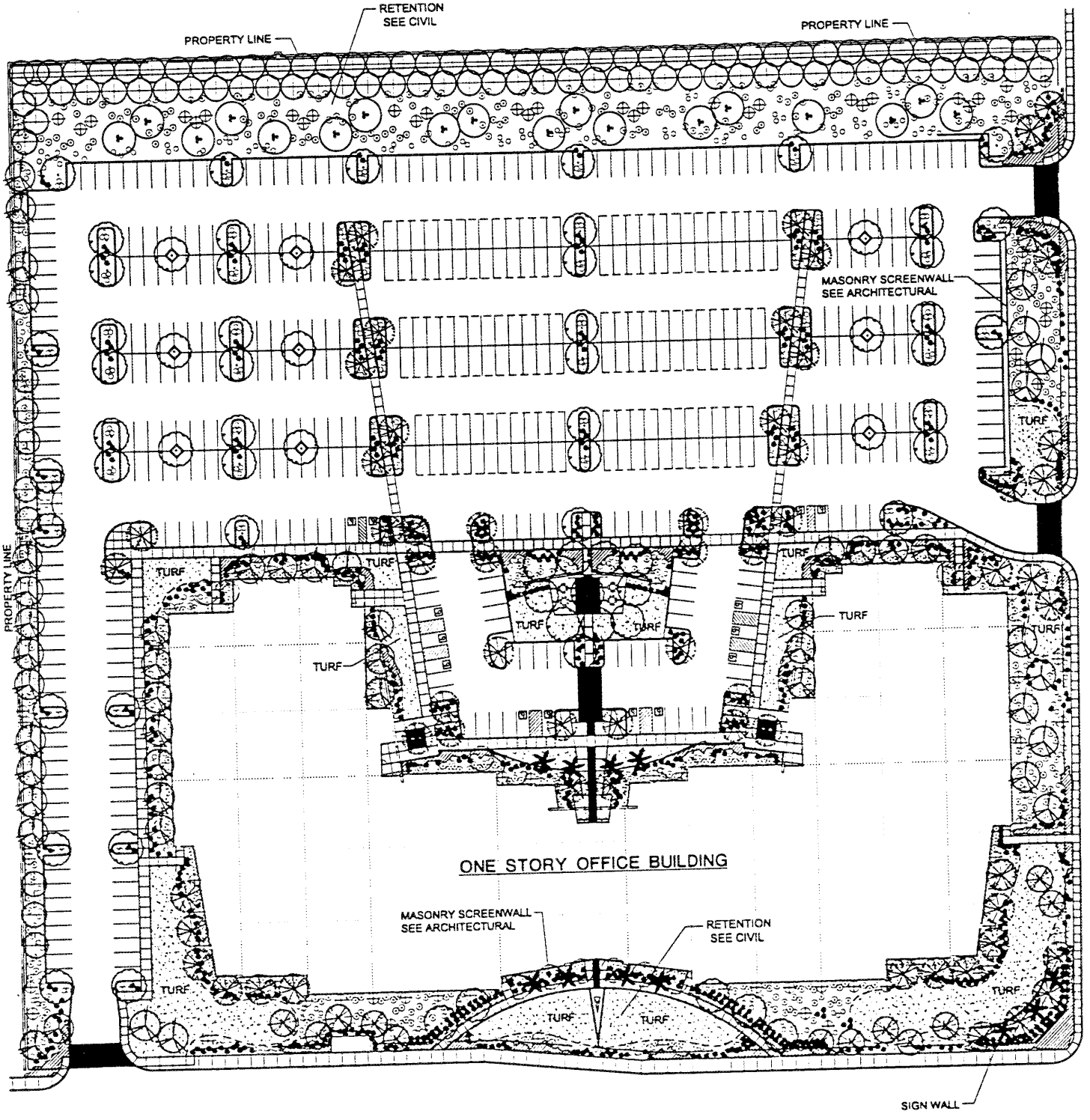
RETENTION
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PROPERTY LINE
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ONE STORY OFFICE BUILDING
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DEC 14 2000

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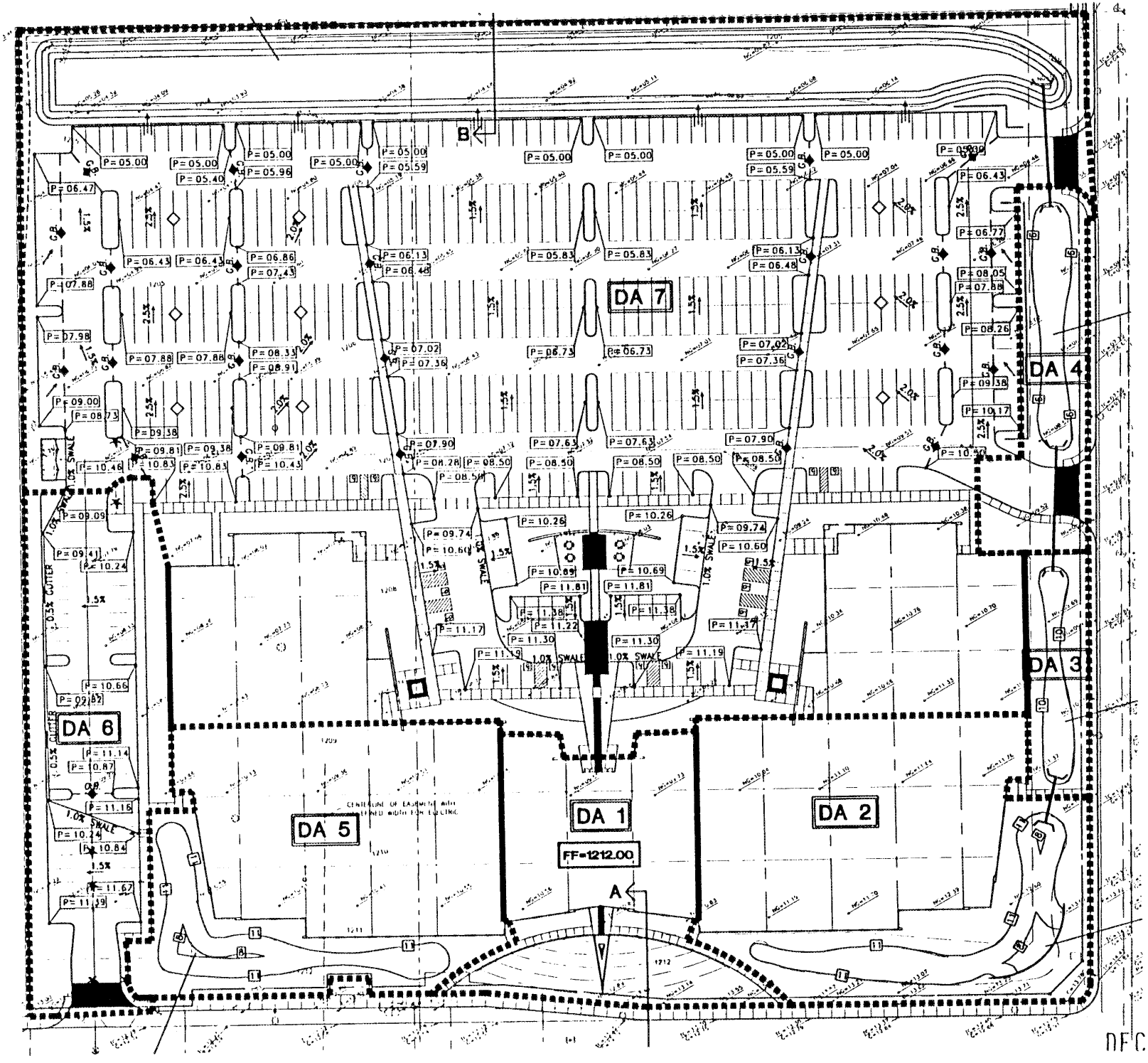
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A
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1.0% SWALE
0.5% GUTTER
CENTERLINE OF EASEMENT WITH
LEFTED WIDTH FOR ELECTRIC

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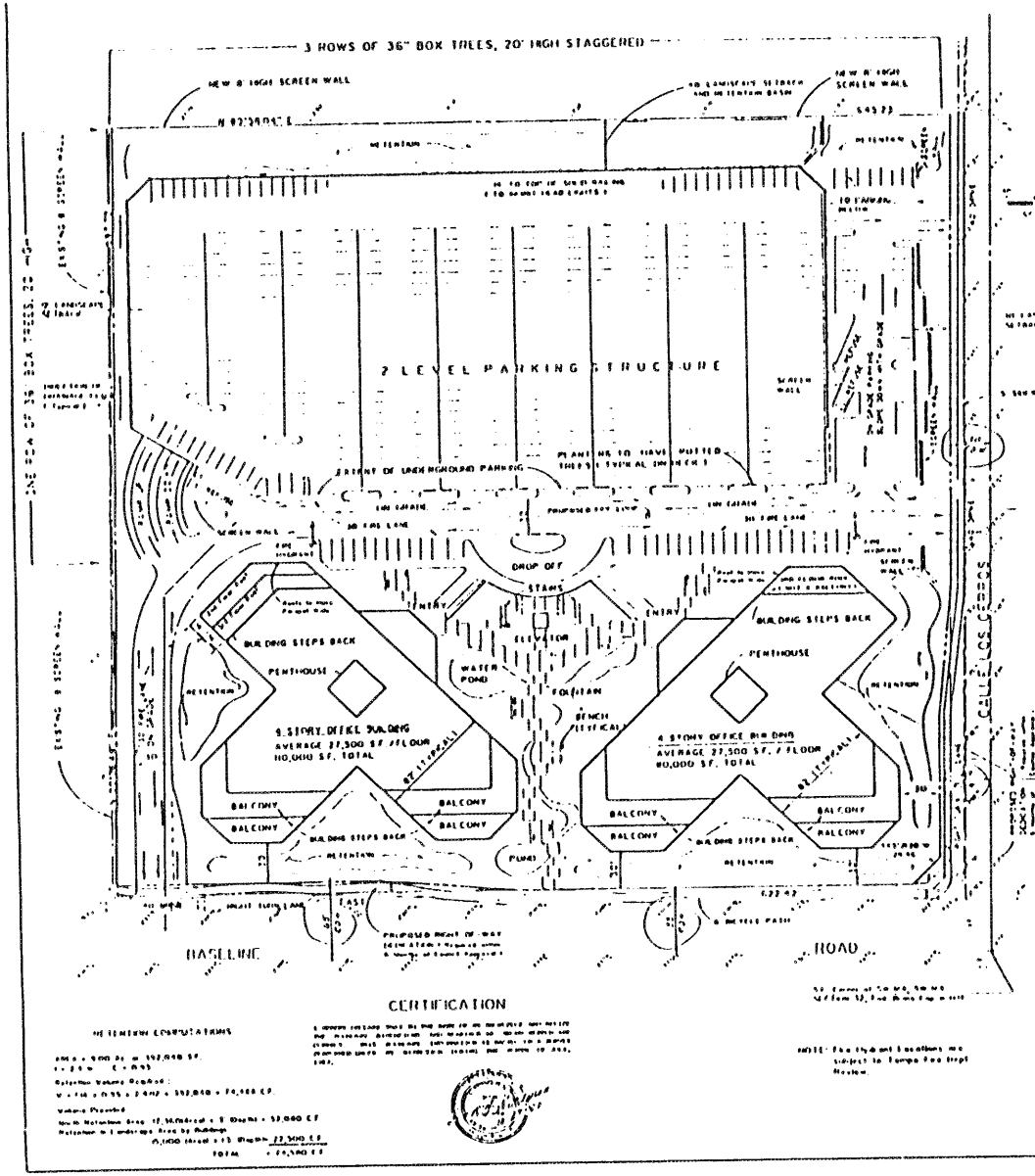
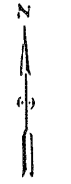
PRELIMINARY PAD
BASELINE CENTRE





LEGAL DESCRIPTION

Book 321
Page 21
April 16, 1988

VICINITY MAP

PROJECT INFORMATION

APPROVALS

CERTIFICATION

321/21

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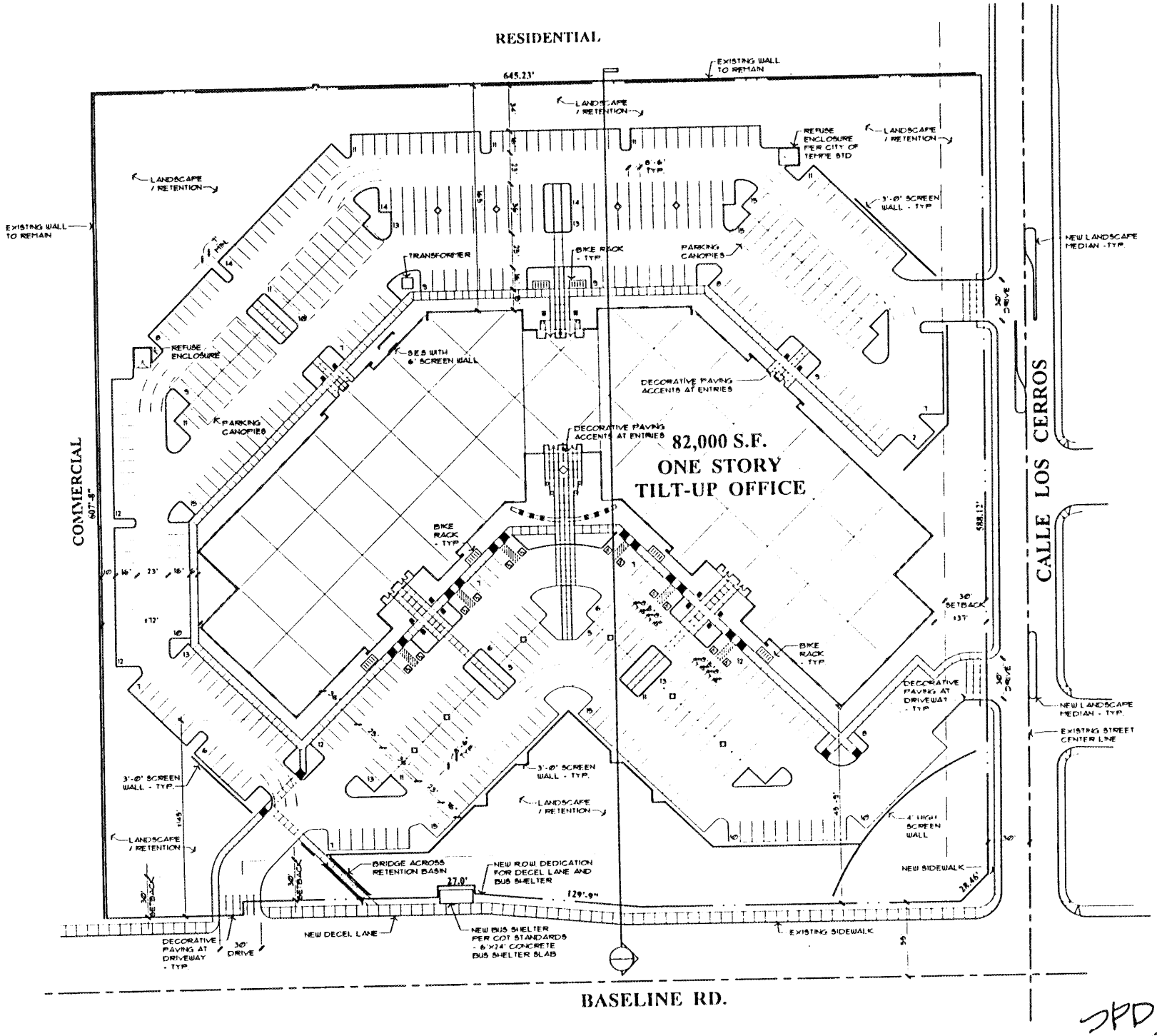

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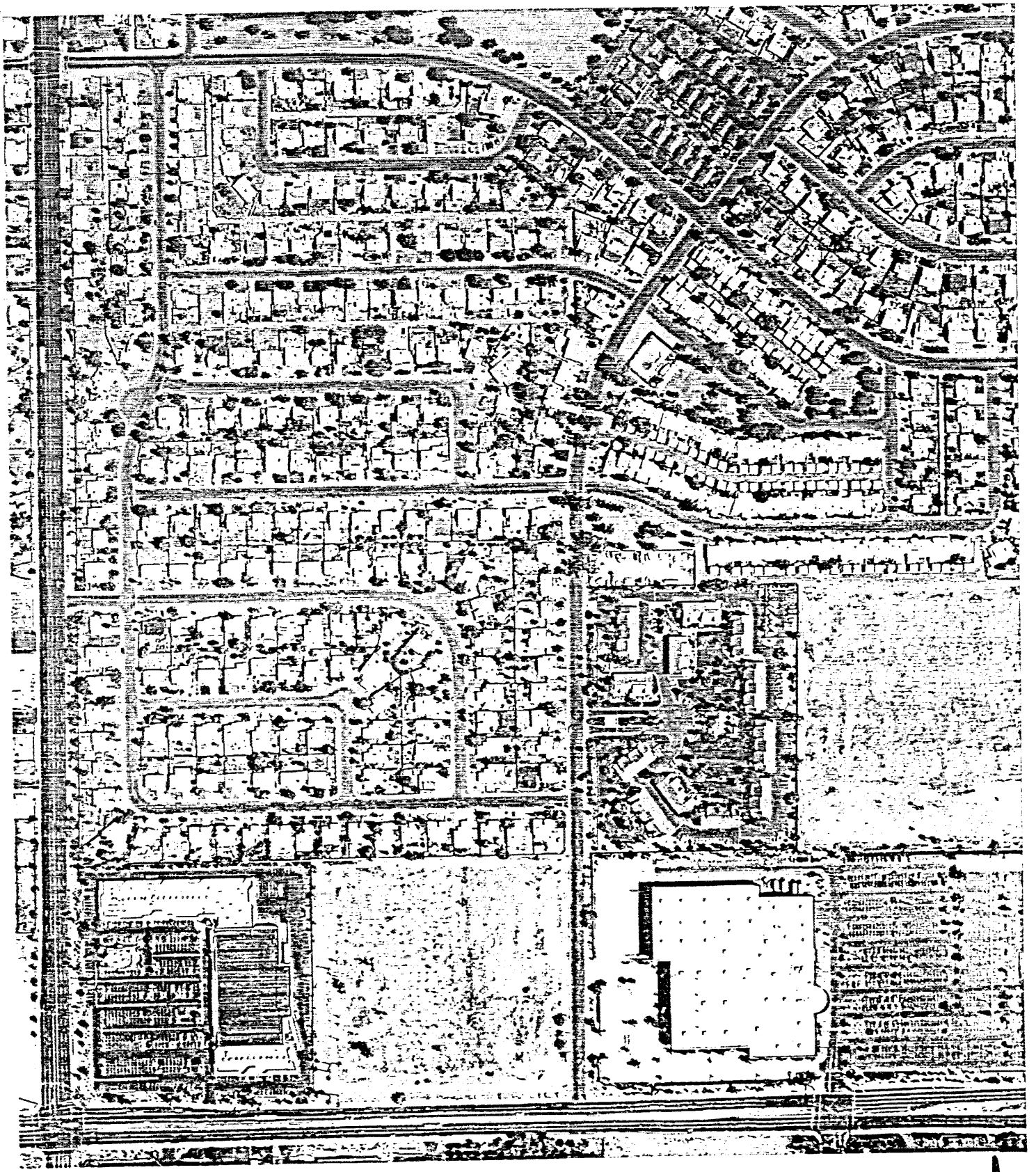

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South Mountain Corporate Center
Neighborhood Meeting 11/9/00

Concerns expressed by residents

No Curb Cut on Calle Los Cerros (If only Baseline cuts, then backs up to Calle Los Cerros)

Don't block off Calle Los Cerros like Wendler

Light at Calle Los Cerros (this may encourage cut through traffic)

Height of building

Do not want building to be used as a warehouse
- No hazardous materials

Cut through traffic
- Do no like speed humps
- Speeding
- Heavy trucks

Emergency Vehicles should have access

Traffic Calming
- Diverters, chokers

Appearance to the neighborhood
- Materials used in construction
- Reduction in property value
- High quality building
- High quality jobs
- No low rents
- Too many parking spaces
- Hours of operation

Proximity of building

Scorpion control

Noise
- Car alarms

Air pollution

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Gated community?

Garbage

Water Retention

Graffiti

Crime

Baseline overcrowded
- Light will exacerbate Baseline
- Remove light at Fry's

Drop Down into parcel

Offer development incentives

Quality of development
- Symbiosis between businesses currently in plaza and development

Construction Noise

Light Pollution

K

Kimbrell, Deedee

From: Brittingham, Fred
Sent: Tuesday, February 06, 2001 7:01 AM
To: Kimbrell, Deedee
Subject: FW: Letter to Planning & Zoning Commission

D2, be sure and read this and get it into the report as an attachment. Thanks, FRED.

-----Original Message-----
From: bjfaint@juno.com [mailto:bjfaint@juno.com]
Sent: Monday, February 05, 2001 9:49 PM
To: barb_carter@tempe.gov; ben_arredondo@tempe.gov; dennis_cahill@tempe.gov; hugh_hallman@tempe.gov; len_copple@tempe.gov; mark_mitchell@tempe.gov; neil_giuliano@tempe.gov; steve_venker@tempe.gov; glenn_kephart@tempe.gov; fred_brittingham@tempe.gov
Subject: Letter to Planning & Zoning Commission

February 5, 2001

Dear Planning Commission members:

As residents of the neighborhood adjacent to the proposed South Mountain Corporate Center, we wanted to provide you some background to assist you in making your decision on this plan at the Feb. 13 meeting. The situation surrounding this development is truly unique. To have 250-plus residents from a neighborhood like ours (mostly working class with a high percentage of elderly, minority, and handicapped people) come to various city and neighborhood meetings to show their concern over a development in their area is very rare. But this is what has happened over the past six months because of the threat this project poses to us. The reason our opposition continues is that fundamental problems have not been resolved.

The developer admitted they didn't really do their homework as far as researching our neighborhood and the impact their plan would have here. This is the same developer/architect team responsible for the closing of Wendler Drive despite protest. They saw another "great" location but were not prepared for the sustained resistance this proposal has received. And in the midst of the opposition they purchased the land, which seemed to show that they had little concern for our objections.

The traffic situation in our neighborhood was compromised by the closing of Wendler Drive, and the proposed development will only worsen this situation. This project would force us to share one of our few remaining exits and invite cut-through traffic. As of yet, we have no indication that this problem has been resolved, and we have serious doubts that it can be resolved at all. The development which prompted the creation of the overlay ordinance (Kyrene Commons South) had only a visual impact on adjacent homes (Duskfire). The use of their residential streets was not even affected. In the situation facing us, much more consideration should be given, since in addition to other negative aspects, the use and safety of our streets would be severely impacted.

The current proposal has been touted as an improvement on the PAD already approved for the site. In reality, the old PAD is Class A office space that could never be converted to an industrial use, while the current plan is clearly industrial in nature. Industrial development next to residential traditionally has had a detrimental effect on property values and quality of life. The approved plan was much less of a threat to our neighborhood in that sense, though the traffic it would generate is not significantly different from the current proposal (both are too intense for today's traffic conditions in this area).

It is significant to note that through the efforts of the neighborhood, a very attractive prospective tenant, Sprint, was considering either

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purchasing or leasing this site as a switching station for its long distance communications. Sprint's needs for this site--single-story building, very little parking, no warehousing--were exactly what we had hoped would be developed at this here. However, we understand that the developer was not willing to negotiate with Sprint, and they have now bought a building at the Cotton Center.

At the first hearing on Jan 9th it was said that properties come with a bundle of sticks" or certain property rights. However, the developer's zoning rights should not dominate over our residential zoning rights, which include the use of Calle los Cerros. Moreover, many elements of this proposal do not fall under the developer's property rights; and the Commission has the authority and responsibility to scrutinize and alter these. For example, the developer does not have a right to curb cuts on our residential street (Calle los Cerros), nor do they have the right to a 550 foot wide building. In fact, allowing up to 1000 commuters a day the option of cutting through our neighborhood is an infringement on our residential zoning rights. Since maintaining compatibility of developments is within the Commission's mandate, the Commission could insist that the developer split their building to improve sight lines and make the scale more consistent with our neighborhood. As it is, the scale of this project remains incompatible with our area.

Our neighborhood desires well-planned development, provided that our interests are protected. The stipulations for approval, as good as their intent is, fail to deal with the basic problems of the proposal. If this project can't be designed in such a way as to address the concerns of the residents while adhering to the zoning ordinances, or function without seriously interfering with the use and safety of our streets, we ask you to use your authority to recommend a zoning change. A mixed use of office, retail, restaurant, and a bank would serve our neighborhood, not just use it.

On behalf of the residents here, please do not recommend this project for approval. The City Council relies heavily on your professional judgment in these matters. We believe it is apparent that this project does not belong here, and recommending it for approval would be in opposition to the overwhelming majority of us who live here. Thank you for your serious consideration.

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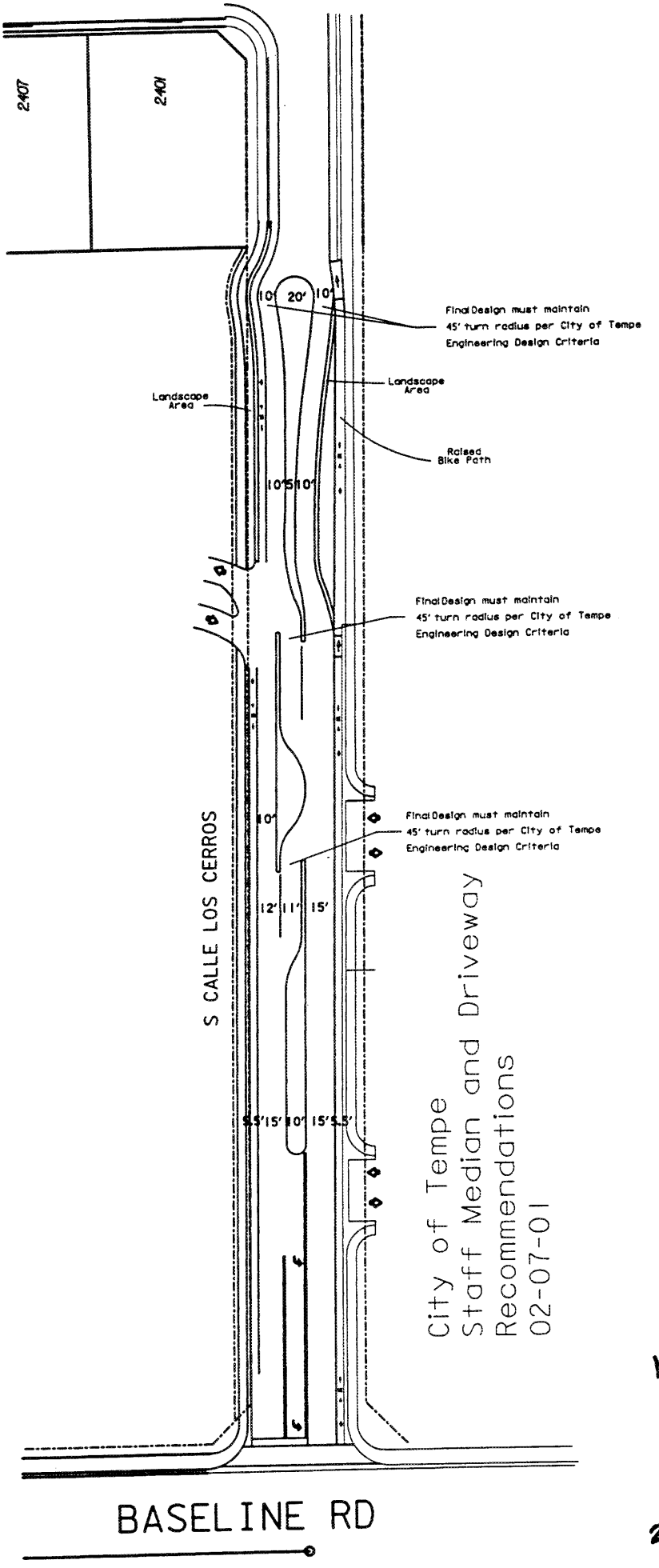
2407
2401
10'
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Final Design must maintain
45' turn radius per City of Tempe
Engineering Design Criteria
Landscape Area
Landscape Area
Raised Bike Path
10'5'10'
Final Design must maintain
45' turn radius per City of Tempe
Engineering Design Criteria
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Final Design must maintain
45' turn radius per City of Tempe
Engineering Design Criteria
12' 11' 15'
S CALLE LOS CERROS
5.5'15' 10' 15' 5.5'
City of Tempe
Staff Median and Driveway
Recommendations
02-07-01
NORTH
BASELINE RD

2/7/01

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4. The Final Subdivision Plat shall be recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department. Details of the document format shall be reviewed by the Planning Division staff within Development Services prior to recordation by the Maricopa County Recorder.

THE PLANNING COMMISSION THEN RETURNED TO THE REGULAR AGENDA.

* **PLANNED DEVELOPMENT (0406)** Hold a public hearing for **SOUTH MOUNTAIN CORPORATE CENTER** (Michael Freret, Orsett Southwest, Ltd., Property owner) for an office complex located at 2420 West Baseline Road. The following approval is requested from the City of Tempe:

#SPD-2001.05 An Amended Preliminary and Final Planned Area Development for a 91,000 s.f. one story office complex on 8.98 net acres at 2420 West Baseline Road.

Jeff Cutberth with Butler Design Group represented the request and gave a brief history of the site. He showed diagrams of the site plan as it was approved late last summer and what is requested at the present time. Parking counts remain the same. This design would create a 60' landscape buffer along the north side. Mr. Cutberth stated that they have endeavored to create a greater enhanced buffer along Calle Los Cerros. Mr. Cutberth further stated that he met with the neighbors' before Christmas with their main concerns being traffic and types of office use.

The following spoke on the request:

Butch Casdorph – The neighborhood group met several times and suggestions were made with the main issue being traffic. The neighbors then met with developers and city staff. Solutions to the traffic problem were possibly removing part of the road block on Wendler Drive. There was also discussion on the possibility of using speed humps on Calle Los Cerros and traffic management on curb cuts.

Bill Faint – Expressed concern with the use. Doesn't feel traffic issues have been addressed. Is concerned with density and approves reduction in parking spaces. Feels people will find a way to cut through the neighborhood. Doesn't believe the use is a good fit. Agrees with eliminating the southern curb cut but doesn't feel enough has been done to address traffic issues.

Commissioner Huellmantel explained to the audience that another plan has already been approved and could be built as soon as possible. However, the Commission cannot address existing traffic issues.

Mr. Faint further stated that he has made a comparison of the approved plan and the requested site plan. Class A would have egress and ingress in peak hours only. Even though the square footage is not as high, the number of traffic will be more because of shift changes. This will mean 900 generated trips per day.

Jan Guertin – concerned about traffic but has no guarantees that this will work and not turn into a storage warehouse with the possibility of storing chemicals.

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Mr. Brittingham stated that while there is no guarantee, staff has stipulated a condition to address this issue.

Butch Casdorph – Believes the neighborhood was misled that there would be a park when Wendler Drive was closed but instead it is a rain gutter. Would prefer that Wendler Drive be opened with speed humps.

Stacy Clarkson – Children spend more time in school bus because of congested traffic. Have many senior citizens and children playing and walking to Fry's grocery store. Doesn't believe use blends with the neighborhood and is also concerned with property values.

Leslie Miller – Traffic is a problem now and this site will increase traffic.

Jim Marshburn – Discussed the closure of Wendler Drive.

Ed Mitchell – Believes there is a serious issue with traffic on Baseline and 48th Streets.

Commissioner Spitler asked Mr. Mitchell what changes he would like to see and how does he feel about the site. Mr. Mitchell stated that he would like to have egress from the community in a safe way and would like to see Wendler Drive re-opened. While he accepts the fact that this site will be developed, he cannot accept the traffic problems.

Commissioner Huellmantel stated that each Commissioner serves as a volunteer and lives in Tempe. While there are many issues that are valid concerns to the neighborhood, the Commission cannot address nor does it have the authority to deal with existing traffic issues. The City Council will get an opportunity to see this project again. Reopening Wendler Drive is not within the Commission's venue.

Rich Leonard – The developer has the potential to split the office building into two separate buildings. In this way the middle of the property could be an entrance to the buildings from Baseline. Chairman Mattson stated that the purpose of the Commission is to deal with land issues and not building design.

Carrie Wong – New to neighborhood and objects to the north curb cut.

John Smith – Believes Tempe should prohibit this type of site that doesn't have two entrances on the arterial street. Does not want an exit onto Calle Los Cerros.

Ed Wilson – The two building design sounded good. Developer is putting square peg into round hole. Scale and intensity are out of character with the neighborhood and feels it will hurt people.

Robert Skarbonkicwicz – Traffic Study was done in August and believes numbers are higher at the present time.

Mr. Cutberth stated that city staff thought it was the right thing to do to close Wendler Drive. From a developer standpoint, Mr. Cutberth does not object to opening the drive again. This is a difficult development situation and feels two left turn lanes can be created on Calle Los Cerros.

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Mr. Cutberth further stated that there are 63 parking spaces on the north side with a 60' buffer. Believes this is the best planned use for the site and are open to a condition stipulating prohibition of hazardous materials and bay doors. Mr. Cutberth acknowledged the importance of the safety of children and is willing to look at curb cut issues in his continuing effort to work with the neighborhood. He further stated that he is willing to work with staff on curb cuts for Calle Los Cerros with the purpose of directing employees onto Baseline Road.

Fred Brittingham gave the staff recommendation as approval subject to the conditions as noted on the Staff Report.

Glen Kephart, Deputy Public Works Manager, stated that a recent survey revealed traffic concerns and asked that a Traffic Impact Study had been conducted. Mr. Kephart displayed the traffic impact figures. Mr. Kephart has had several meetings consisting of 200 to 300 neighbors.

Commissioner Huellmantel asked Mr. Kephart what is different tonight about traffic in the neighborhood? Mr. Kephart stated that they are in the process to circulate a petition on speed humps on Minton and initiate the same thing for Wendler. A traffic signal on Calle Los Cerros is required for the development to work. The traffic backup on Baseline is coming from the Point, and ADOT has committed to reduce this backup.

It was further stated that perhaps a traffic circle could be built, eliminate one of the drives, eliminate left turns and prohibit right turns into the development.

Commissioner DiDomenico questioned why there couldn't be a median on Calle Los Cerros. That way a drive would not need to be closed, just limit the use of it. Staff and developer would need to take a comprehensive look at the neighborhood and solve the cut-thru traffic. He further stated that it is inevitable that this property will be developed at this location. The goal is to have the best development with the least impact. The city should move aggressively with the traffic light at Calle Los Cerros, Wendler Drive should be evaluated, and there are stil some issues on traffic that need to be explored.

Mr. Cutberth wanted to discuss the conditions of approval as noted in the Staff Report. Conditions #4, 5, 6, 7 and 12 are not valid issues. Delete condition #9. Also Mr. Cutberth will continue to work with the staff and neighborhood to look at the big picture.

Commissioner Huellmantel stated that there are two issues – development and traffic. The development has improved since the last meeting. However, there are traffic issues that need to be resolved and proposed a continuance so that staff and the developer can work on these issues.

MOTION: Commissioner Huellmantel made a motion to continue #SPD-2001.05 until February 13, 2001. Commissioner Spitler seconded the motion.

Commissioner Oteri clarified a stipulation for a solid median 100 feet north of the Baseline intersection.

Commissioner Huellmantel would encourage the developer and staff to work with the neighborhood to develop some solutions. Also please investigate the concept of no left turns from 48th Street to Vineyard.

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Commissioner Spitler stated that these are difficult issues. He has looked at the problems and doesn't have a solution to the problems. Believe the architect and staff have done a nice job. He has reviewed the value of land, site plan, what was previously approved and doesn't see a solution that he is comfortable with forwarding to City Council. Understands that a signal must be provided in order to avoid traffic through the neighborhood but is not sure the Commission is expert enough to get into traffic solutions. Heard about the buildings being split in two but would need to see a new site plan before that would be reviewed.

Fred Brittingham addressed the audience and stated that the case has been continued for 30 days until February 13, 2001. Wendler Drive won't be resolved by that time but staff will work very hard on this and other traffic issues.

VOTE: Passed 6-1 (Commissioner Duke dissented)

The regular meeting of the Planning & Zoning Commission adjourned at 10:00 p.m.

Fred Brittingham
Principal Planner

/jrh

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On a motion by Commissioner Oteri, seconded by Commissioner Vaz, the Commission with a vote of 7-0, continued the following items until 03/13/01:

PLANNED DEVELOPMENT (0406) Continue until March 13, 2001 the public hearing for **SCHLOTZSKY'S DELI** (Arizona Partners Retail Investment Group, property owner) for a new free standing restaurant with a use permit and variances located at 1401 West Southern Avenue. The following approval is requested from the city of Tempe:

#SGF-2001.08 A 6th Amended General and Final Plan of Development for the Tempe Village Square commercial center for a new free standing 3,400 s.f. restaurant and 1,000 s.f outdoor sitting area (PAD A). The total center includes 94,718 s.f. of building area on 8.55 net acres in the PCC-1 Zoning District, located at 1401 West Southern Avenue, including the following:

Use Permit:
Allow a 1000 s.f. patio area for outdoor dining in the PCC-1 Zoning District.
Variances:

1. Reduce the minimum required street side yard building setback from 50' to 40' along Priest Drive.
2. Reduce the minimum total required parking spaces for shopping center from 481 to 468 spaces.

PLANNED DEVELOPMENT (0406) Continue until March 13, 2001 the public hearing for **WARNER & PRIEST CORPORATE CENTER** (Peter Santin, Orsett Southwest, Ltd., property owner) for an office complex located at 9010 South Priest Drive. The following approval is requested from the city of Tempe:

#GEP-2001.11 RESOLUTION NO. 2001.06 General Plan 2020 to change the designation on the Projected Land Use Map of General Plan 2020 from Commercial: Retail to Industrial for 11.19 net acres.

Note: The purpose of this hearing is to gather public input for the General Plan 2020 amendment only. The Planning Commission will not act on this case during this meeting. Formal action will be taken at a future date, yet to be determined.

THE PLANNING COMMISSION THEN RETURNED TO THE REGULAR AGENDA.

PLANNED DEVELOPMENT (0406) Hold a public hearing for **SOUTH MOUNTAIN CORPORATE CENTER** (Michael Freret, Orsett Southwest, Ltd., property owner) for an office complex located at 2420 West Baseline Road. The following approval is requested from the city of Tempe:

#SPD-2001.05 An Amended Preliminary and Final Planned Area Development for a 91,000 s.f. one story office complex on 8.98 net acres at 2420 West Baseline Road.
(Continued from the January 9, 2001 Planning Commission meeting)

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Commissioner Huellmantel asked staff to address what will happen to Wendler Drive. Glen Kephart, Deputy Public Works Manager, stated that staff is preparing to have a neighborhood meeting to evaluate effects of the Wendler Drive closure. Staff has expended $20,000 to evaluate traffic in the neighborhood as well as Baseline & 48th Streets, and are committed to getting the neighborhood consensus on what is best for the entire neighborhood.

Jeff Cutberth with Butler Design Group represented the request and gave a brief history of the site. He showed diagrams of the site plan as it was approved late last summer and what is requested at the present time. Mr. Cutberth stated that there are two issues: 1) split the building in two, which should be left to the Design Review Board, and 2) traffic. After going back to the drawing board, Mr. Cutberth feels they have addressed those issues. They sent a letter to the staff and neighborhood, and felt their traffic control on Calle los Cerros provided more cars onto Baseline Road in a shorter amount of time with two driveways on Calle los Cerros. Mr. Cutberth stated that two driveways is preferred from a marketing standpoint in order to lease space. They would continue the bike lane with speed bumps on the "out" drives and erect signage stating "no left turns." There would be a traffic circle with 7 to 9 trees 36" box with the south curb-cut on Calle los Cerros as the main entrance onto the site. Mr. Cutberth displayed the staff's proposal with one driveway and the developer's proposal with two driveways on Calle los Cerros.

With respect to the staff conditions of approval, Mr. Cutberth would like to see modifications to Conditions #5, 6, 7 and 8 as noted in his proposal for Calle los Cerros, and deletion of Condition #10.

In response to a question by Commissioner DiDomenico, Mr. Cutberth stated that the staff's design for Calle los Cerros would be more expensive.

The following spoke on the request:

> Ed Wilson – Opposes project. Concerned that this project could be easily converted to an industrial use, parking lot noise, and would like to see the same buffer as conditioned in the original site plan. Would also like to see one curb cut.

Fred Brittingham stated that staff has some concerns on the use of the property and Condition #9 stipulated that the applicant/owner cannot change or modify floor plate or add bay doors without going through a public hearing process.

> Bill Faint – Developer has been willing to work with the neighborhood. Scale of the building has a lot to do with the compatibility. It would help if the entrance were off of Baseline and suggested IBD zoning to eliminate industrial use. Believes there is fuzzy math on height of building.

Fred Brittingham stated that the Commission could not initiate rezoning. The developer has pre-existing rights.

> Butch Casdorph – Appreciates that the city is taking an interest in the neighborhood. Can see some benefit to this design. The neighborhood has come together and appreciates their neighbors. Likes the stipulations and the way it is being handled and, therefore, will get behind the city.

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Rich Leonard – Likes extended median and what it will create. Feels it is a compatible development.

Stacy Clarkson – Reviewed uses of IBD zoning. Developer has never considered changing the zoning, and would like to hear from the developer on IBD issues. One curb cut is very important and are grateful to the staff for this design on the curb cut.

Commissioner Huellmantel stated that this commission cannot deal with the zoning change but clarified that Ms. Clarkson supports stipulations by staff.

Leslie Miller – Has not seen a lot of give by the developer.

Chris Tyler – Hears Fry's grocery trucks all the time. Is concerned that there could be a modification to the building.

Ed Mitchell – Found city staff to be cooperative. Doesn't see any reason to change staff's stipulations and would like an additional stipulation stating that there would be no hazardous materials on site. Also that no more than one bay door shall be added. Mr. Mitchell checked other building frontages along Baseline and found that this developer should move his building back 10 to 15 feet so that it would be in line with other buildings.

Commissioner Oteri stated that it was his understanding that the building was moved closer to Baseline Road in order to remove it from the north property line.

Patrick Brenner – Believes staff has done a good job with their plan to manage traffic and supports the project.

John Smith – Discussed what the lot looked like 20 years ago. Doesn't understand why the second curb cut is important.

Julie Lind – Believes Calle los Cerros is being heavily used because of the closure of Wendler Drive. Opposes project.

Patricia Brenner – Believes city has done a good job in working with the neighborhood. Likes stipulations and supports them. Feels building is imposing and if it were set back from Baseline Road, it might look better.

Robert Skarbowkiewicz – Disagrees with validity of traffic study.

Chris Hoover – Be an advocate for the neighborhood.

Fred Brittingham clarified the uses of the I-1 Overlay District and read from the Zoning Ordinance, Chapter 18, pages 2-78 and 2-79. Mr. Brittingham also stated that the staff would support IBD zoning and could suggest a condition to Council. However, whether it is feasible is another question. In addressing building front yard setbacks, Mr. Brittingham stated that all public sidewalks need to be on public property.

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Mr. Cutberth stated that anyone heading west from their site would take a right on Baseline Road. Mr. Cutberth made the following points:

- this is a large site with the building coverage at less than 25%.
- this is not intended to be flex office space. There are no knock-out doors nor traffic circulation to address it.
- would be willing to extend island further south on Calle los Cerros to prevent u-turns.
- there will always be negative uses connected to any zoning but I-1 is attractive because of its flexibility. Am willing to put stipulations into the report. Cannot say that all concerns will be eliminated, just mitigated.
- Curb cuts are purely perception and two curb cuts are necessary to market the building. Site and parking attract people. Circulation is important as well as people getting in and out of the site.

Mr. Cutberth explained the drop down ceiling and why the height of the building is necessary.

The Commission discussed one versus two curb cuts, traffic design and possible modifications to conditions.

ORIGINAL MOTION: Commissioner Collett made a motion to approve #SPD-2001.05 subject to the conditions as noted in the staff report with the deletion of Condition #7. Commissioner Spitler seconded the motion.

Commissioner DiDomenico stated that as the owner and operator of commercial property, he believes what has been said regarding the marketing necessity for two driveways. However, after what he has heard from staff and the neighborhood, he finds himself changing his mind and leaning more towards the idea that the greater good is served by minimizing the conflict point along this residential street. The point of conflict being the second driveway where bicycles and pedestrians meet moving traffic as they enter Baseline. This is probably the only logical argument against a second drive that he can think of. That's because human nature doesn't change. Once the cars are in the lot, they are going to be driven by what direction they want to leave. Commissioner DiDomenico will not support the motion as it stands now. He would support an additional stipulation regarding hazardous materials. He thinks it is an appropriate use and supports the overall development. The one item he would support would be the deletion of Condition #10. His experience has been that if you remove 63 parking spaces it will not mean 63 fewer cars show up at this project in the course of any day after it is fully leased. It means that you will increase the likelihood that these cars will park on the street, in the neighborhood, in the Fry's electronic center parking lot or nearby Fry's Grocery retail center.

Commissioner Spitler stated that the applicant has rights to I-1 zoning. It's pretty clear that when he bought the property, it was zoned I-1. So the discussion about any kind of change cannot come from the P&Z Commission, but needs to come from someone else. When you talk about those rights, you have to ask yourself about how far those rights go. Does he have a right to 50% lot coverage or 500 parked cars on the site. I think that anyone like Mr. Cutberth, who has worked on a project, realizes very quickly that there are other things that will ultimately limit the lot coverage and density that can be achieved, and I think we are seeing those limitations come to bear. One is the fact that he does not have an arterial corner. This site has to use this neighborhood street to access the site. This begins to limit the intensity of use and perhaps the marketability and value of the property.

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Commissioner Spitler further stated that while there are rights that the applicant has to I-1, there are other considerations not purely laid out in the Zoning Ordinance with maximum coverages, etc. Along with those rights there are obligations to insure a harmonious development, and this Commission as well as the developer have an obligation to see that this development is harmonious. We need to ask ourselves what is harmonious? We have heard the phrase that commercial and residential should coexist. Commissioner Spitler does not believe that we are seeing that coexistence but a classic case of mutual exclusion. When we start to talk about density, Commissioner Spitler stated that he would be the first to say that density is great. Density can be fantastic to get what you want. It is used to achieve that coexistence between two types of zones. That's what has been seen in other cities much better than in the hyper-zoned cities of Tempe and Phoenix. So it seems this is a mutual exclusion rather than coexistence. This will limit the intensity that the project. So what should happen? Do they have a right to use Calle los Cerros and two driveways? Commissioner Spitler believes we are getting into issues of community value and property owner value.

Commissioner Vaz stated that it is better for traffic to stay on the lot.

AMENDED MOTION #1: Commissioner Vaz made a motion to amended the original motion to include all of the conditions as noted in the staff report. Commissioner DiDomenico seconded the motion.

AMENDED MOTION #2: Commissioner DiDomenico made a motion to amended the original motion to delete Condition #10 and the modification of Condition #9 to read as follows:

9. Applicant/Owner cannot change or modify floor plate or add bay doors **or double service-type doors** without going through a public hearing process.

Commissioner Huellmantel seconded the motion.

VOTE ON AMENDED MOTION #2: Passed 4-3 (Commissioner Spitler, Oteri and Collett dissenting)

VOTE ON AMENDED MOTION #1: Passed 5-2 with prior approval from Amended Motion #2 (Commissioners Collett and Duke dissenting)

VOTE ON ORIGINAL MOTION AS AMENDED ABOVE: Passed 4-3 based on two prior approvals from Amended Motions #1 & #2 (Commissioners Kirby, Duke and Oteri dissenting). Amended Motions #1 and #2 resulted in deletion of Condition #10, modification of Condition #9 and reinsertion of Condition #7.

Fred Brittingham announced to the audience that this case would be forwarded to City Council for two public hearings on March 22 and March 29, 2001. The property will be advertised in the newspaper and posted but individual public hearing notices will not be sent to surrounding property owners. If anyone has any questions, they were encouraged to contact the Planning Division at 480-350-8331.

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The approval was subject to the following conditions:

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.

   b. Off-site improvements to bring roadways to current standards include:
      (1) Water lines and fire hydrants
      (2) Sewer lines
      (3) Storm drains
      (4) Roadway improvements including street lights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.

   c. Fees to be paid with the development of this project include:
      (1) Water and sewer development fees
      (2) Water and/or sewer participation charges
      (3) Inspection and testing fees

   d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.

2. a. All street dedications shall be made within six (6) months of Council approval.

   b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.

   c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the code of the City of Tempe - Section 25.120.

3. Should the property be subdivided, 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 in a form satisfactory to the Development Services Director and City Attorney.

4. Applicant shall participate in cost sharing with the City for installation of a traffic signal at the intersection of Calle los Cerros Drive and Baseline Road.

5. Applicant shall construct and install traffic medians on Calle Los Cerros adjacent to development drives to prohibit left turn movements out of the development and into the neighborhood. Medians shall be installed prior to occupancy permits for the building. Plans to reflect the final design prior to recordation. (Refer to Attachment 19)

6. Applicant shall construct and install a traffic circular island with narrow traffic lanes on Calle los Cerros Drive near the northern property line of the development to create a physical change in the character of the street between the neighborhood and development. Island shall be installed prior to issuance of occupancy permits for the building. This feature should be designed as an art element to create a "gateway" to the neighborhood. Applicant shall work with transportation staff and the neighborhood to determine final design of this feature. Plans to reflect the final design prior to recordation. (Refer to Attachment 19)

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7. Delete southernmost driveway along Calle los Cerros Drive to reduce potential unsafe entry and exit patterns. Plans to be modified prior to recordation. (Refer to Attachment 19)
8. Developer shall modify plans to reflect street modifications proposed by the Public Works Transportation Department. Final design must maintain a 45' turning radius per City of Tempe Engineering Department design criteria. Plans to reflect the final design prior to recordation. (Refer to Attachment 19)
9. Applicant/Owner cannot change or modify floor plate or add bay doors **or double service-type doors** without going through a public hearing process. **MODIFIED BY COMMISSION**
10. ~~Delete row of parking (63 spaces) and increase the landscaping along the northern end of the site~~. **DELETED BY COMMISSION**
11. Developer shall fumigate the property for pest control prior to grading and dirt removal.
12. Developer shall provide a bus shelter and pedestrian access along Baseline Road prior to occupancy permits being issued. Exact location to be approved by Public Works Department.
13. Accommodation for bike lanes on Calle los Cerros should be maintained through all street modifications. This may require some street widening in the area of the left turn preventative islands, depending on final detail.
14. No variances may be created by future property lines without the prior approval of the City of Tempe.
15. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
16. A lot-tie must be processed with the Development Services Department prior to the issuance of any construction permits for this project.

The regular meeting of the Planning & Zoning Commission adjourned at 10:30 p.m.

Fred Brittingham, AICP
Planning Director
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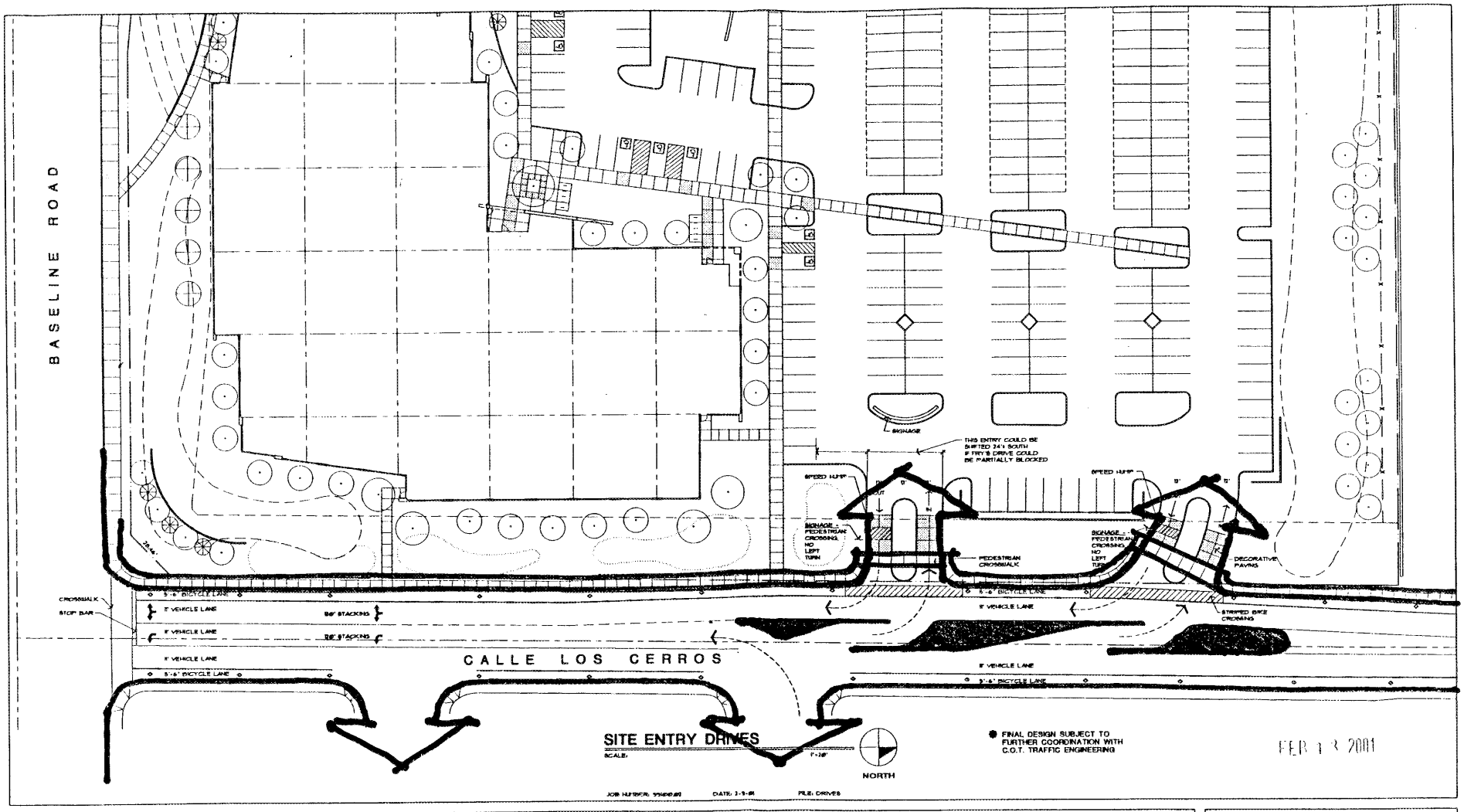

ORSETT

SOUTH MOUNTAIN COMMERCE CENTER

2420 WEST BASELINE ROAD
TEMPE, ARIZONA

Butler Design Group
Architects & Planners
3020 East Camelback Road
Suite 215
Phoenix, Arizona 85016
phone 602-957-1800
fax 602-957-7722

February 8, 2001

Mr. Glenn Kephart
Traffic Engineering
City of Tempe
P.O. box 5002
31 E. Fifth Street
Tempe, Arizona 85280

Re: South Mountain Commerce Center 99100
Tempe, Arizona

Dear Glen,

Since Mike and I last met with you and your staff, we have further reviewed the traffic control situation along Calle Los Cerros north of Baseline Road. We have talked with our traffic consultant, leasing agents and others regarding the analysis of what our project needs to optimize it's chances for success. We then combined that information with the input from your staff and the concerns expressed by the neighborhood in designing the latest configuration we would like to submit for review and approval.

And where it appears there is likely no single solution that will totally satisfy all parties involved, we feel this proposal provides a compromise that all can live with.

I'll try to address each of the issues to make your review a little easier:

SIGNAL/TURN LANE RECONFIGURATION
The proposed modification shown and discussed in the previous 2 meetings are acceptable to the Orsett team and should assist in the spacing control and signal cycles on Baseline.

ONE VERSUS TWO CURB CUTS
We understand your technical position on the need for 1 vs. 2 cuts and understand the neighbors concerns for safety at the crossing of these cuts. But from a leasing perspective, we feel it is necessary to provide 2 points of ingress and egress from Calle Los Cerros to serve the parking lot size and number of cars it contains. It's a matter of convenience and internal ease of circulation that will be one of the factors evaluated by potential tenants when considering our project. We feel the safety/crossing issues can be addressed with proper crosswalk delineation, caution signage and speed humps at the outbound lanes. We are obviously open to additional suggestions to increase the safety of these crossings.

Butler Design Group, L.L.C.
Architects & Planners

3020 E. Camelback Road
Suite 215
Phoenix, Arizona 85016

602 957-1300 phone
602 957-7722 fax

FEB 13 2001

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LEFT TURN ELIMINATION

With the installation of left turn pockets at both proposed access points, left turns heading northbound through the neighborhood will be restricted. The southerly curve of the north cut creates a further deterrent for illegal cut throughs northward in the southbound lane. The median design also discourages U-turns by causing exiting vehicles to commit to a full southbound movement before a U-turn could be contemplated.

FRY'S ACCESS

Without the City's support, it is unlikely that Fry's will agree to any reduction of access at Calle Los Cerros. By shortening the turn pocket lengths, the left turn movements southbound from Fry's north drive are not blocked. Recognizing that the traffic flowing from the neighborhood (southbound on Calle los Cerros) is not significant in quantity, stacking for multiple cars in the turn pockets seems unnecessary and should be adequate as shown.

TRAFFIC CIRCLE

As discussed in the past, the proposed traffic circle was designed more as an aesthetic/visual deterrent in restricting the northbound views from Baseline up Calle Los Cerros. The concern was expressed that these unobstructed, "wide open" views might encourage northbound cut through traffic off Baseline Road. We are currently preparing a colored landscape exhibit which will show, in our opinion, that this objective will be sufficiently met by our current proposal. We will get a copy to you prior to the Planning Commission meeting next week.

Hopefully you, the Commissioners, the neighbors, Planning Staff and the others involved in some way with this project can recognize our continuing efforts to resolve and address the issues and concerns expressed over the past 6 months. Considering the overriding fact that our objective of developing a 90,000 SF office building does not have the support of many of the adjacent neighbors, we feel we have continued to cooperate and offer as much as we can in mitigating their concerns without compromising our chances for success. I think all would agree that if "something" is going to be built, it is important for all concerned that the development is positioned for long term success.

Thank you, as always, for your patience and assistance.

Sincerely,

Jeffrey L. Cutberth
Butler Design Group

Cc: Mike Freret
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