CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION

Meeting Date: 07/09/2019
Agenda Item: 10

ACTION: Request a Use Permit to allow multi-family residential within the Commercial Shopping and Services (CSS) zoning district for BAKER’S ACRE MOTEL, located at 1620 East Apache Boulevard. The applicant is Phoenix Permit Service, LLC. (PL190046)

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: BAKER’S ACRE MOTEL (PL190046) is requesting a Use Permit to allow multi-family residential units within the CSS, Commercial Shopping and Services zoning district. The applicant’s intent is to convert the existing hotel/motel use into long-term rental units. There are no building additions proposed, but there are plans for interior remodels for each unit. The request includes the following:

ZUP190017 Use Permit to allow a residential use within the CSS zone

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Fairflock 8th, LP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Leodra Bowdell, Phoenix Permit Service, LLC.</td>
</tr>
<tr>
<td>Zoning &amp; Overlay Districts</td>
<td>CSS, TOD</td>
</tr>
<tr>
<td>Site Area</td>
<td>70,000 s.f.</td>
</tr>
<tr>
<td>Density / Number of Units</td>
<td>19.88 du/ac / 32 Units</td>
</tr>
<tr>
<td>Unit Types</td>
<td>13 studio</td>
</tr>
<tr>
<td></td>
<td>19 one-bedroom</td>
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<tr>
<td>Total Bedrooms</td>
<td>32 bedrooms</td>
</tr>
<tr>
<td>Vehicle Parking</td>
<td>30 spaces (30 min. required)</td>
</tr>
<tr>
<td>Bicycle Parking</td>
<td>30 min. required</td>
</tr>
</tbody>
</table>

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Dalton Guerra, Planner I (480) 350-8652

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Dalton Guerra, Planner I
Reviewed by: Steve Abrahamson, Principal Planner
COMMENTS
The applicant is converting an existing hotel/motel to a multi-family residential development. The applicant plans to renovate the interior of all units but there are no building additions proposed. The change of use from hotel/motel to multi-family residential changes the density requirement as well as the parking demand. The density allowed within the CSS zone and TOD (corridor) overlay district is 20 DU/Acre. Only thirty-two (32) units are permitted on the existing lot, and therefore two (2) of the existing units cannot be included in this request. Staff will condition that two specific units on the site plan will not be included in this request. Site modifications are required due to the change of use and will be conditioned by staff to come through the Development Plan Review process following approval of the Use Permit. The major modifications to the site include the emergency/fire/refuse access lane that runs east/west along the north side of the property and the closing of the south driveway to public access. In addition, more landscaping will be provided along the street frontage and throughout the site.

PUBLIC INPUT
To date, staff has received a number of phone calls and emails inquiring and supporting the request. A few members of the public were curious what the scope of work includes. Others were in support of the request because of the lack of affordable housing in the city, beautifying the area, and maintaining the historic feel of the site.

POLICE INPUT
Police provided comments to the applicant through the Site Plan Review process.

USE PERMIT
The proposed use requires a Use Permit to allow a residential use within the CSS zoning and TOD overlay districts.

Section 6-308 E Approval criteria for Use Permit (in italics):

1. *Any significant increase in vehicular or pedestrian traffic*; there will be no increase in vehicular traffic due to the change of use from hotel/motel to residential because these uses are similar in nature. The site is also located within the TOD overlay district.

2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; the residential use is not expected to create a nuisance exceeding that of the ambient conditions.

3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is 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 redevelopment and renovation of the existing units will create a more aesthetically pleasing site. The goal of this project is to create a better environment within the site and the surrounding area while also preserving the historic nature of the existing buildings.

4. *Compatibility with existing surrounding structures and uses*; the site is located on an arterial street within the TOD overlay district and is surrounded by commercial and residential uses. Multi-family residential is permitted within the CSS zone subject to a Use Permit.

5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; a multi-family residential use is not expected to create disruptive behavior that will become a nuisance to the surrounding area.

REASONS FOR APPROVAL:
Based on the information provided by the applicant, the public input received, and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.
CONDITION(S) OF APPROVAL:

1. The Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.

3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.

4. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney’s office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.

5. Any intensification or expansion of use shall require a new Use Permit.

6. Units #102 and #103 in Building 1E shall not be included in this request to use as residential units.

7. A Minor Development Plan Review is required for the proposed site and landscape modifications prior to issuance of building permits.

CODE/ORDINANCE REQUIREMENTS:

The bulleted items refer to existing code or ordinances that planning staff observes are pertinent to this case. The bullet items are included to alert the design team and assist in obtaining a building permit and are not an exhaustive list.

- The Use Permit is valid for Baker’s Acre Motel and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.

- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through http://www.tempe.gov/zoning or purchase from Development Services.

- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.

- Any intensification or expansion of use shall require a new Use Permit.

- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.

HISTORY & FACTS:

None pertinent to this case.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts
Section 4-203 Development Standards for Commercial and Mixed-Use Districts
Section 6-308 Use Permit
DEVELOPMENT PROJECT FILE
for
BAKER’S ACRE MOTEL
(PL190046)

ATTACHMENTS:

1. Location Map
2. Aerial
3-4. Letter of Explanation
5-6. Site Plan
7. Landscape Plan
Aerial Map

Attachment 2
1600-1620 E Apache Blvd
Use Permit Narrative

Owner: Fairflock 8th, LP
One East Washington St
Phoenix, AZ 85004
604-374-3789

Applicant: Phoenix Permit Service LLC
1301 E. Washington St Ste 104
Phoenix, AZ 85034
480-205-4828
leodra@phoenixpermitservices.com

Request:

The new owners desire to take the existing motel and provide long term lease rentals with an improved community to support this transition. Currently there are 34 units on these two properties and one office. The request is to allow for multi-family use in the CSS existing zoning with a TOD overlay that allows for the number of units to remain.

Background:

The current owners took possession in February 2019. The motel has been used for long term rental for years (according to tenants). We seek to remodel the units not only updating the finishes and paint but to address some of the existing issues with electric and plumbing.

There is a mixture of floor plans and buildings. The community is two separate lots currently and would be combined through a lot combination process. There is a building to the northwest corner that is a 2-story 8-plex (only two story); and multiple single level buildings existing, there is a building to the southwest corner that is a 4-plex, with 16 – one story bungalow style units, and one building with the office and two units located at the northeast corner.

There is no proposed changes to the units for any additional square footages, only improvements to the existing units. The owners would like to remodel the units with new bathrooms, kitchens, and interior finishes. The site may require extensive electrical improvements, which is still being determined. There is plenty of open space and maneuverability within the existing properties.

Justification:

This request to allow the multi family use is consistent with the existing surroundings to include nearby multifamily uses in the planning and development stages. Granting the multi-family use at this location will allow the owners to improve the units and the site, which has been seen many years of distress. The Use Permit approval will not change the existing vehicular or pedestrian traffic, nor will it increase or cause any nuisance that would exceed that of ambient conditions, this use permit will enhance this property and improve existing conditions with site and building improvements (much needed); it is compatible with the surroundings and would blend well with the neighborhood; and finally this use will help with any current issues with disruptive behavior in that long term leasing will require a level of background and qualifications to lease a unit and have long term residents rather than daily/weekly visitors. This new use will help reduce the criteria items listed for the use permit granted and we see no negative impact on any of those items.
We believe this conversion from motel use to multi-family will be a positive step in improving this site and its surroundings. Granting this use will allow the new property owners to improve the site and provide the community an integrated alternative rental housing option for the area supporting residents with affordable rentals adjacent to the light rail system. We expect some planning and building safety requirements for this transition as we move through the permitting process and will address those issues as they arise.

Please consider approval of this request. Should there be any additional information needed or any questions, please contact Leodra Bowdell at leodra@phoenixpermitservices.com or at 480-205-4828.