ACTION: Request a Preliminary Subdivision Plat for **DAYBREAK APARTMENTS**, located at 1935 East Apache Boulevard. The applicant is Mansour Elmakhtar.

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

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION: **DAYBREAK APARTMENTS (PL190054)** consists of two (2) existing parcels that will be combined into a one (1) lot subdivision. The site currently contains a storage facility and a caretaker residence. The owner wishes to combine the two (2) parcels for a new 52-unit apartment complex that was approved by the Development Review Commission on June 11, 2019. The request includes the following:

SBD190019 Preliminary Subdivision Plat consisting of one (1) lot.

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Mansour and Fatma Elmakhtar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Mansour Elmakhtar</td>
</tr>
<tr>
<td>Zoning District</td>
<td>CSS (TOD-Station Area)</td>
</tr>
<tr>
<td>Gross / Net site area</td>
<td>2.7 acres / 2.7 acres</td>
</tr>
<tr>
<td>Lot 1</td>
<td>2.7 acres</td>
</tr>
</tbody>
</table>

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Lee Jimenez, Senior Planner
Reviewed by: Suparna Dasgupta, Principal Planner
COMMENTS
This site is located between Apache Boulevard, Southern Pacific Railroad, Martin Lane, and McClintock Drive, and is located in the Commercial Shopping and Services (CSS) zoning district and within the Transportation Overlay District (TOD-Station Area).

CONCLUSION
Based on the information provided and the above analysis, staff recommends approval of the requested Preliminary Subdivision Plat. The properties will have access to public streets and conform to the technical standards of the Tempe City Code for Subdivisions, Chapter 30.

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

1. The Final Subdivision Plat shall be recorded prior to issuance of permits.

HISTORY & FACTS:
August 2, 1978 Design Review Board approved the building and landscaping for UNIVERSITY MOTORS (DR-78.71), located at 1935 E. Apache Blvd.

December 17, 1980 Board of Adjustment approved two requests for JOHN E. CAPRA (A-80-12.9) for the property at 1935 E. Apache Blvd.:
   a. Use Permit to operate an alcoholic rehabilitation center
   b. Variance to waive the required parking lot maneuvering area paving.

December 23, 1980 Design Review Board approved the building elevations, site plan, and landscape plan for A-A MEETING HALL (DR-78.71), located at 1935 E. Apache Blvd.

May 22, 1985 Board of Adjustment approved a Use Permit for John Capra (A-85-5.16) to operate a public garage in conjunction with an existing car sales facility, located at 1935 E. Apache Blvd.

September 25, 1985 Board of Adjustment approved a Use Permit to operate a retail automotive sales/vehicle repair facility for CITATION AUTO SALES (A-85-5.16), located at 1935 E. Apache Blvd.

June 25, 1986 Board of Adjustment approved a Use Permit to operate a retail automotive sales facility for JOHN CAPRA (A-85-5.16), located at 1935 E. Apache Blvd.

July 2, 1986 Design Review Board approved the landscape plan and signage for CAR GALLERY (DR-86.150), located at 1935 E. Apache Blvd.

December 28, 1994 Board of Adjustment approved the requests by DISCOUNT STORAGE (BA940287), located at 1935 E. Apache Blvd., for:
   a. A Use Permit to allow a commercial storage facility on the southern portion of the site.
   b. Variance for the following existing non-conforming site conditions to remain on the portions of the site adjacent to Apache Blvd.: waive the required parking lot paving, striping, and landscaped islands for the automobile installation/repair/and sales facilities adjacent to Apache Blvd.

April 5, 1995 Design Review Board approved the building elevations, site plan, and landscape plan for DISCOUNT STORAGE, located at 1935 E. Apache Blvd.

September 17, 1999 Development Services Department Design Review Board staff approved a modified site plan and landscape plan for MONSOUR ELMUKTAR BUILDING, located at 1935 E. Apache Blvd.
October 4, 2000  Design Review Board approved the building elevations, site plan, and landscape plan for NEW BUILDING FOR MANSOUR ELMUKTAR (DRB00296), located at 1935 E. Apache Blvd.

August 22, 2017  Development Review Commission approved a Use Permit to allow residential in the CSS zoning district and a Development Plan Review including site plan, building elevations, and a landscape plan for DAYBREAK APARTMENTS (PL170214), located at 1935 E Apache Blvd.

June 11, 2019  Development Review Commission approved a Use Permit to allow a residential use in the Commercial Shopping & Services (CSS) zoning district, and a Development Plan Review for a new three-story 52-unit multi-family and commercial development for DAYBREAK APARTMENTS, located at 1935 East Apache Boulevard.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 6-307, Subdivisions, Lot Splits and Adjustments
DEVELOPMENT PROJECT FILE
for
DAYBREAK APARTMENTS
(PL190054)

ATTACHMENTS:

1. Location Map
2. Aerial
3-4. Letter of Explanation
5-7. Subdivision Plat
8-9. Site Plan
June 1, 2019

Letter of Explanation

Daybreak Apartments, 1935 East Apache Blvd.

Attached is the formal submittal for the Preliminary plat for Daybreak Apartments.

PROJECT SUMMARY:

The project site is located on the south side of Apache Blvd., east of McClintock Drive, just west of Martin Lane. A metro rail station is located within 500 feet of the site, providing convenient pedestrian access to public transportation.

The subdivision has conformed to the general plan, zoning and development code of the city, also with the Arizona revised State.

The southern portion of the site contains an existing storm water retention basin, and several single-story buildings containing self-storage units. Each of the self-storage buildings, along with the caretaker’s residence will be demolished to allow for the proposed new development. The storm water retention basin will remain and will be expanded to accommodate additional storm water volume.

This development proposal includes the construction of one new 3-story apartment building adjacent to Apache Boulevard, referred to as Building 1, and one new 2-story apartment building, referred to as Building 2, at the south end of the property. Building 1 includes space (1,414 S.F.) for a future retail tenant at the street level with exterior entrance doors and glass storefront. Also, this building contains an office for on-site leasing. A total of 5, 1-bedroom dwelling units, and 47, 2-bedroom dwelling units are proposed.

The 2-bedroom units will be 962 -973 S.F. with 2 bathrooms. The 1-bedroom units will be 601-729 S.F. with 1 bathroom. All units have covered patios, or balconies, that are 4 feet deep minimum, and have an area of 50 S.F. minimum.

This application proposes a new property combination of the two existing separate parcels. Also, a Use Permit is being requested to allow a residential use in the CSS zoning district. The total number of vehicular parking spaces required is 87 and the total provided is 92. The total number of bicycle parking spaces required is 64 and the total number provide is 66 spaces, 52 of which will be located inside the dwelling units. Four of the provided bicycle parking spaces are located directly west of the retail space. Ten of the bicycle parking spaces are located at the common area between the two buildings and are intended to accommodate guests of the residents.
The proposed new buildings are arranged in a linear manner running north to south, consistent with the relatively narrow, but long, site configuration. The existing driveway is being removed and a new one installed to accommodate vehicular circulation and vehicle parking at the west side of the new building. The building is located with the north side adjacent to Apache Blvd. at the 6'-0" max. setback, consistent with the Transportation District standards. The north façade steps the wall plane along Apache Blvd. and includes recessed balconies and recessed storefront glass.

Building 1 has three floors and a total height of 42'-0" above curb height (45'-0" is allowed in the transportation district, when residential units are located above a commercial use). The proposed height is compatible with the existing buildings in the neighborhood. An existing 2-story motel is located directly to the west. All other nearby buildings are single story, except as you travel west, where 4-story apartment projects have been constructed. The front of the proposed new building is approximately 3 feet taller that the remaining building. This affords higher ceilings in the retail space and provides additional shade and prominence at the street.

If you have any questions, please feel free to contact me at:

480-612-4450
mansour5@cox.net

Mansour Elmukhtar
Mansour Elmukhtar
Daybreak Apartments Owener
A SUBDIVISION PLAT FOR
DAYBREAK APARTMENTS
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 4 EAST
OF THE GILA AND SALTRIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

EUMAURIS FAMILY LIVING TRUST (DATED MARCH 9, 2007) AS OWNER, WAS
PLATED UNDER THE NAME OF DAYBREAK APARTMENTS, A PORTION OF
SECTION 24, TOWNSHIP 1 NORTH, RANGE 4 EAST, MARICOPA COUNTY, ARIZONA.
AND HEREBY PUBLISH THIS PLAT OF SUBDIVISION APARTMENTS AND DECLARED THAT SAID PLAT SETS FORTH THE LOCATION AND
THE DESCRIPTION OF THE LOT, STREETS, AND LAVITIES CONTAINING THE
SAME AND THAT EACH LOT AND STREET SHALL BE KNOWN BY THE NUMBER OF
LOT OR STREET AS SHOWN ON THIS PLAN AND IS INCLUDED IN THE ABOVE DESCRIBED PREMISES.

OWNER AUTHORIZATION

EUMAURIS FAMILY LIVING TRUST

BY __________________________ DATE __________________________

RECEIVED

MANSUR A. ET FATIMA A. EUMAURIS
6565 SOUTH SANDHILL DRIVE
TEMPE, ARIZONA 85283

ACKNOWLEDGEMENT

ON THIS __ DAY OF __________, 20__ BEFORE ME, THE
UNDERSIGNED PERSONALY APPEARED MANSUR A. EUMAURIS, AND
ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO
THE INSTRUMENT HEREIN, AND ALSO EXECUTED THE FOREGOING INSTRUMENT FOR
THE PURPOSE THEREOF CONTAINED.

BY __________________________ MY COMMISSION EXPIRES __________________________

LEINHOLDER RATIFICATION

KNOW ALL MEN BY THESE PRESENTS

THAT THE UNDERSIGNED AS RECIPIENT OF THAT CERTAIN DEED OF TRUST
RECORDED IN DEED BOOK NUMBER 2007-092695, RECORDS OF MARICOPA
COUNTY, ARIZONA, HERETOFOR LAYING, AFFIRMS, AND AGREES THAT THE
DECLARATION OF RESTRICTIONS CONTAINED CONCERNING HERETOFER, AND EACH AND EVERY RESTRICTION CONTAINED
HEREIN,

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE HEREIN THEIR NAMES THIS
_____________ DAY OF __________, 20__

BY: __________________________
RECEIVED ________________

BY: __________________________

CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY OF THE PREMISES DESCRIBED AND
PLANTED HEREIN WAS MADE UNDER MY DIRECTION DURING THE MONTH OF
MARCH 2007, THAT THE SURVEY IS TRUE AND CORRECT, SHOWING THAT
THE POINTS ARE CORRECTLY SHOWN AND THAT MONUMENTS ARE
SUITE TO ENABLE THE SURVEY TO BE RECOGNIZED.

________________________

RECEIVED ________________

BY: __________________________

BENCHMARK

SUBSURFED IN MARICARCHE AT THE
INTERSECTION OF MCCLELLAND ROAD AND
APACHE BOULEVARD

ELEVATION = 1795.26 NAVD88

RECEIVED ________________

BY: __________________________

APPROVALS

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF

________________________

RECEIVED ________________

BY: __________________________

Basis of Bearing

________________________

RECEIVED ________________

BY: __________________________

WAAGE SURVEYING, INC.

ATTACHMENT 5