

Staff Summary Report



City Council Meeting: 08/14/08

Agenda Item Number: 24

q-j SUBJECT: A public hearing for an appeal of the December 13, 2005 Planning and Zoning Commission approval of a use permit for U-Haul Center to operate a self-storage facility in the CSS Commercial Service and Shopping District, located at 2340 E. Apache Boulevard.

DOCUMENT NAME: 20080814dsdk01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for an appeal by the Apache Boulevard Planning Area Committee (APAC) (**PL050101/UPA08004**) of the December 13, 2005 Planning and Zoning Commission decision to grant U-HAUL CENTER (CC050088) (Republic Western, property owner / Amerco Real Estate, applicant) #SIP-2005.108 a use permit to allow a self-storage facility consisting of 28,657 s.f. in the CSS, Commercial Service and Shopping District, within the Transportation Overlay District Station Area, located at 2340 East Apache Boulevard.

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

REVIEWED BY: Lisa Collins, Planning Director (480-350-8989)
Chris Anaradian, Development Services Manager (480-858-2204)

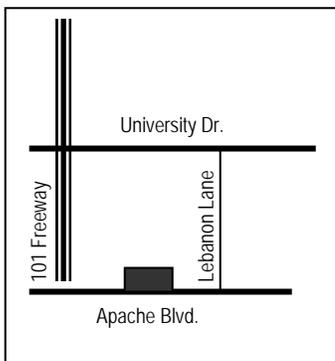
LEGAL REVIEW BY: Clarence Matherson (480-350-8840)

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Deny the Use Permit, Approve the Appeal

DECISION: Planning and Zoning Commission – Approve the Use Permit (5-2 vote)

ADDITIONAL INFO: For a detailed chronology of events see the History & Facts section of this report



Apache Boulevard Planning Area Committee (APAC) appealed the December 13, 2005 Planning and Zoning Commission 5-2 decision to grant a use permit (Section 6-308 Part 6 Chapter 3 and Section 3-202 Part 3 Chapter 2 Table 3-202A) for a self-storage facility in the CSS, Commercial Service and Shopping District within the Apache Boulevard Redevelopment District and the TOD Station Area 9. The reasons for this appeal are outlined in the attached letter from APAC. A copy of the Planning and Zoning Commission Hearing is available at the City Clerk's Office.

Tempe City Council heard and approved the appeal on February 2, 2006, effectively denying the use permit.

On March 3, 2006, the applicant (AMERCO) appealed the City Council decision to the Maricopa County Superior Court.

On April 3, 2007, the Maricopa County Superior Court remanded this case to the Tempe City Council for further proceedings in conjunction with the Apache Boulevard Planning Area Committee's appeal of the Tempe Planning and Zoning Commission's approval of a use permit. The Superior Court also ruled that the City Council could not consider additional testimony that was not presented before the Planning and Zoning Commission.

In accordance with the Maricopa County Superior Court's ruling, no new testimony will be taken at this hearing. However, the parties involved (APAC and AMERCO) will be allowed to argue their respective positions regarding the appeal of the Planning and Zoning Commission's decision.

PAGES:

1. Summary Page Continued
2. List of Attachments
- 3-5. History & Facts / Chronology

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Appeal letter, dated December 23, 2005
- 4-5. Letter from U-Haul Applicant to Planning Commission December 12, 2005
- 6-28. Planning and Zoning Commission December 13, 2005 Hearing Report & Attachments
- 29-31. Planning and Zoning Commission Minutes, dated December 13, 2005

HISTORY AND FACTS:

- April 25, 1974 The City Council approved the Development Plan for the U-Haul rental business subject to six conditions of approval at 2334 E. Apache Blvd.
- January 26, 1983 The Board of Adjustment approved a Use Permit for a public garage at 2334 E. Apache Boulevard.
- December 1999 – December 2003
The Transportation and Commission and staff held ongoing public meetings regarding a Pedestrian Overlay District (POD) to support the city investment in Light Rail transit.
- April 26, 2000 The Board of Adjustment approved a use permit to allow a 28,000 square foot self-storage addition to an existing U-Haul rental business located at 2332 E. Apache Boulevard. Conditions of approval included returning to Apache Boulevard Planning Area Committee for review of the project as proposed, recording a subdivision plat for the property, and that the applicant proceeds with the project within 12 months of the approval date.
- March 21, 2001 The Design Review Board approved the proposed site plan, building and landscape design subject to conditions.

In review of the files for the previous case, it appears that the Applicant did not show the site plan as proposed to the Apache Boulevard Planning Area Committee prior to receiving the use permit, and included them as required by a condition of the permit approval. At the Design Review Board hearing for the previous design, residents voiced opposition to the use and design, and indicated that it was not in conformance with the Apache Boulevard Redevelopment Plan or the proposed Light Rail Transit objectives. Staff working with the original proposed case indicated no concerns with the proposed use but recommended continuance of the use permit hearing until issues were resolved with APAC and the application could be forwarded to the Hearing Officer. The board did not follow staff's recommendation, and approved the use permit.
- April 26, 2001 The use permit for a self-storage facility expired, the Applicant was unable to meet the conditions of approval and did not file for an extension.
- December 4, 2003 City Council approved General Plan 2030, which included the creation of a Pedestrian Overlay District (POD).
- May 18, 2004 General Plan 2030 was ratified by voters authorizing the strategy to create and implement a POD.
- June 2004 – January 2005
City staff developed a draft Transportation Overlay District (TOD) based on the consultant drafted POD initiated in 2000.
- February 5, 2005 - May 5, 2005
City staff hosted public meetings to discuss the Transportation Overlay District. Notifications of public meetings were mailed to all property owners and signs were posted at intersections along the corridor for the last two Neighborhood meetings and the scheduled May Commission hearings.
- February 8, 2005 The preliminary site plan review for the use permit application was initiated by the Applicant.
- February 18, 2005 Staff review comments were returned to the Applicant with a request for revised drawings. The mark ups in February did not include the TOD notice because it was only a draft with no date for hearings.
- May 17, 2005 - September 20, 2005
Planning and Zoning and Redevelopment Review Commissions continued the hearing process for the Transportation Overlay District, so that further revisions could be made to the draft.

June 1, 2005 The Applicant resubmitted revised drawings for 2nd staff review.

June 10, 2005 Staff met with the applicant to discuss the plans, verbal mention was made of the proposed Transportation Overlay District (TOD), but the plans were not marked for TOD standards.

September 2, 2005 Notification for a final Neighborhood meeting and the final Commission hearings for the Transportation Overlay District were mailed to all property owners, hand delivered to all commercial tenants, and posted on signs throughout the corridor.

September 19, 2005 Neighborhood Meetings were held by the City of Tempe for the TOD, and by the Applicant for the U-Haul use permit request, in two separate locations at the same time.

October 4, 2005 The Redevelopment Review Commission heard and discussed public comments and unanimously approved the Transportation Overlay District text as proposed.

October 10, 2005 U-Haul submitted a formal application for a use permit.

October 11, 2005 The Planning and Zoning Commission heard and discussed public comments and unanimously approved the Transportation Overlay District text as proposed.

November 1, 2005 The Applicant requested to meet with staff on proposed changes to the site plan. Staff advised the applicant that if the site plan changes were significant, they would need interdepartmental staff review of the changes prior to presenting to the Commission. The applicant was informed that they could either move forward with the plan submitted in the application or request a continuance to the next available hearing date. Staff also advised of the pending hearings for the Transportation Overlay District.

November 3, 2005 The Applicant submitted a request for continuance from the November 8, 2005 advertised Planning and Zoning hearing, to November 22, 2005.

November 3, 2005 City Council held a first public hearing for the proposed Transportation Overlay District. Public comments were made during this hearing. City Council also held a hearing and approved the selection of a site adjacent to the north side of the U-Haul property, for a new Victory Acres neighborhood park.

November 8, 2005 The Planning and Zoning Commission voted, at the request of the Applicant, to continue the hearing until November 22, 2005.

November 17, 2005 City Council held a second public hearing for the proposed Transportation Overlay District and unanimously approved the ordinance to amend the Zoning and Development Code text and map for the addition of the Transportation Overlay District.

November 22, 2005 Staff met w/ Applicant and reviewed proposed changes to site plan. Site plan changes do not address the TOD prohibited use of storage facilities. The Applicant wanted to present this revised site plan at the hearing this evening. Staff said that the site plan would require review by staff from other departments prior to forwarding to the Commission. Significant site changes would require a Neighborhood meeting with required notification, making the next available hearing date January 10, 2006, after the TOD was cured.

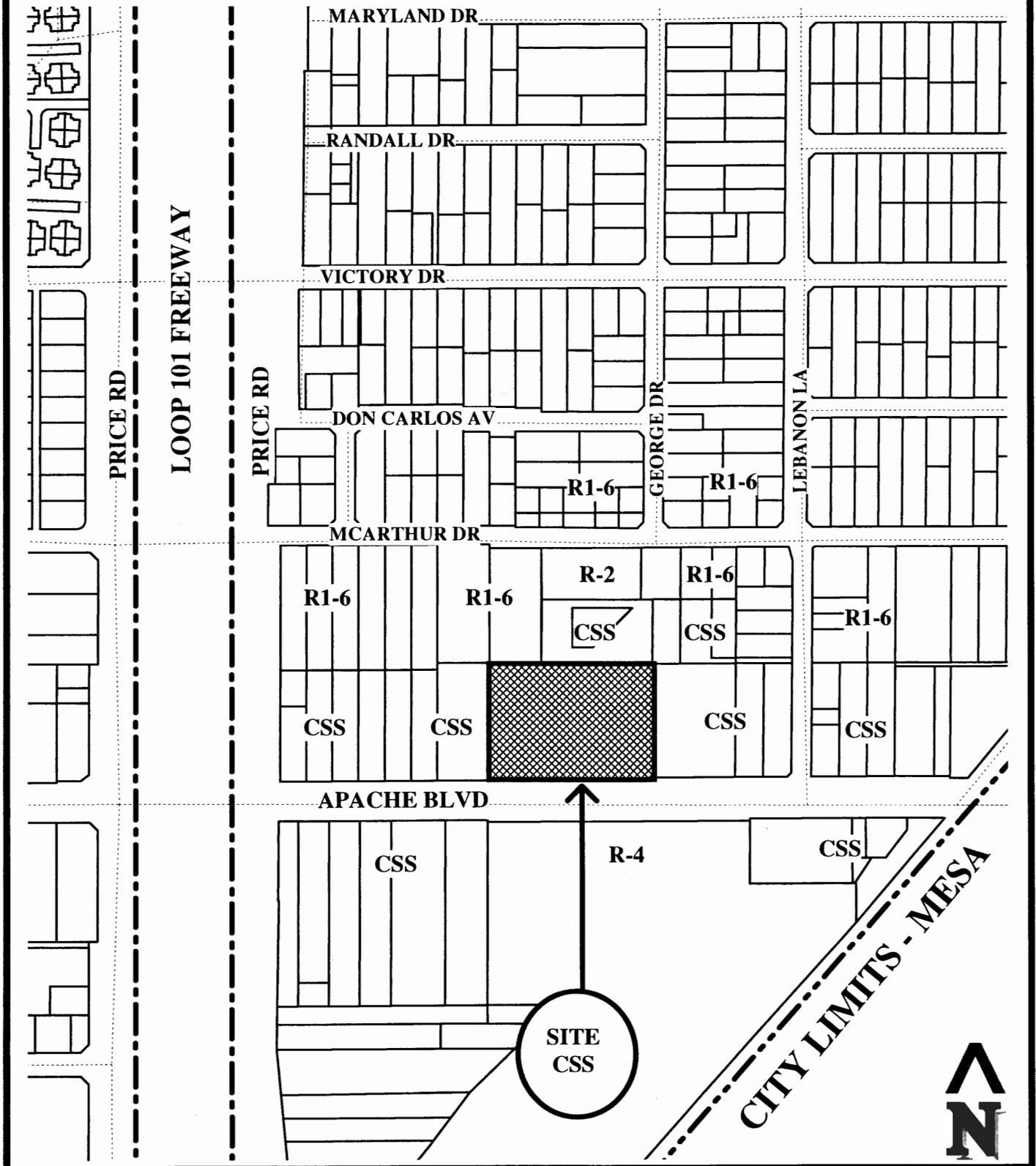
November 22, 2005 The applicant wished to pursue a revised site plan and staff requested a continuance until December 15, 2005 to allow more time for a revised site plan to be submitted and reviewed. No changes to the site plan were submitted.

November 22, 2005 The Planning and Zoning Commission voted, at the request of staff, to continue this item to December 13, 2005, based on anticipated changes to the site plan.

- December 13, 2005 The Applicant proposed three self-imposed site plan conditions of approval, to show a commitment to site plan changes they felt would address TOD design issues with the site. The Planning and Zoning Commission, after significant deliberation, revised the proposed conditions of approval, and approved the requested use permit with a 5 to 2 affirmative vote.
- December 13, 2005 The Planning and Zoning Commission voted 5 to 2 in favor of the requested use permit.
- December 17, 2005 Transportation Overlay District code and map amendment cured without legal protest.
- December 23, 2005 The Apache Boulevard Project Area Committee (APAC) filed a legal appeal to the Planning and Zoning Commission decision to grant a use permit for a mini-warehouse storage facility on Apache Boulevard, within a light rail station area.
- February 2, 2006 The City Council approved the appeal of the use permit with a 7 to 0 affirmative vote.
- March 3, 2006 The Applicant (AMERCO) appealed the City Council decision to Maricopa County Superior Court.
- April 3, 2007 The Maricopa County Superior Court remanded this case to the Tempe City Council for further proceedings in conjunction with the Apache Boulevard Planning Area Committee's appeal of the Tempe Planning and Zoning Commission's approval of a use permit

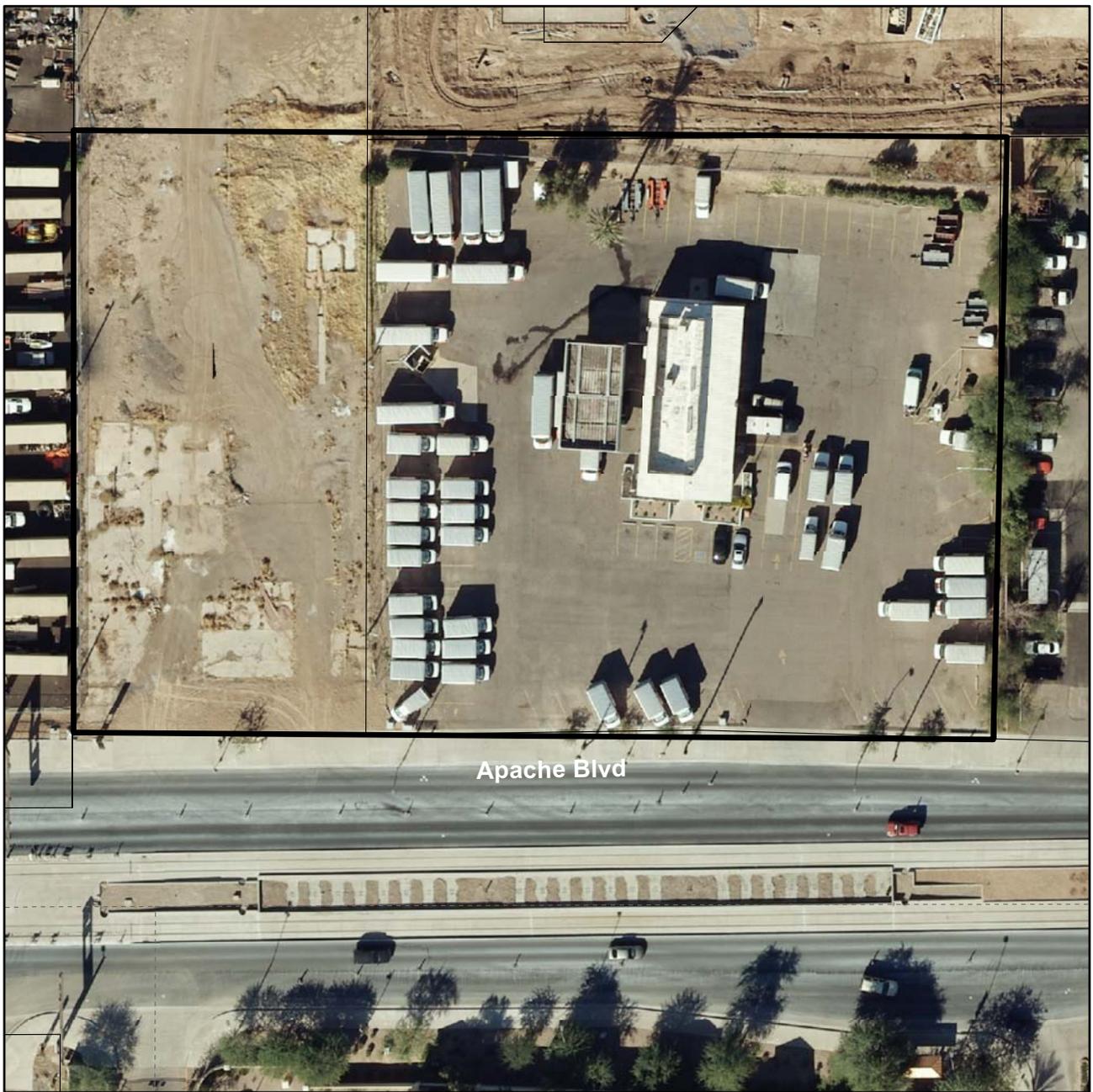
U-HAUL CENTER

SIP-2005.108



Location Map

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U-HAUL CENTER (PL050101)



**Apache Boulevard Project Area Committee
City of Tempe**

To: City Council

December 23, 2005

From: Philip R. Amorosi
Chairman of APAC, the Apache Boulevard Redevelopment Committee

Re: Appeal SIP-2005.108; U Haul Special Use Permit.

Dear City Council

On behalf of APAC, I wish to appeal the Planning and Zoning Commission's approval of the Special Use Permit for the U Haul Corporation to build a storage facility at 2340 E. Apache Blvd. which is at a planned light rail station in the Transportation Overlay District.

Grounds for appeal:

1. It goes against the APAC Redevelopment Plan that has been in place since 1998. Our plan calls for more services and designs that are pedestrian friendly. This plan as presented was rejected by APAC. This use should be in a zoned industrial area.
2. Planning and Zoning approved the use without seeing actual plans, only promises from the owner that it could conform to the new Transportation Overlay District, which it can't because it is a banned use.
3. It is a poor use for property that is adjacent to a recently approved city park. A much better use would be residential that could take advantage of the public park next door.
4. The city council approved the Transportation Overlay District on November 10, 2005. This use which was approved on December 13, 2005 is a banned use under the TOD guidelines.
5. Putting a storage facility at a light rail station goes against all the core objectives of the TOD or any TOD in any city in the United States.

Thank you,

A handwritten signature in black ink that reads "Philip R. Amorosi". The signature is written in a cursive, flowing style.

Philip R. Amorosi
Chairman , APAC
1432 E. Cedar St., Tempe, AZ 85281
Ph: 480-968-5530



CONSTRUCTION/RENOVATION • 2727 N. CENTRAL AVENUE, 9 NORTH • PHOENIX, ARIZONA 85004-1120 • (602) 263-6502 • FAX 277-1026

December 12, 2005

Planning Commission

RE: U-Haul Self-Storage 2340 E. Apache Blvd

U-Haul would like to address some comments that were brought up in the Staff Report for the proposed Self-Storage facility.

1. Criteria: U-Haul has very state of the art security systems in place on their storage facilities that they are building. We use a camera system and additional cameras can be added in an effort to have added surveillance in areas that currently need it. U-Haul also has options for monitoring these areas directly through our headquarters here in Phoenix via the camera system. This should eliminate the public safety concerns.
2. a. This site has always had only one driveway for vehicles in and out. There has never been a left hand turn lane into this facility. U-Haul has operated this way for over 25 years and has not had any accidents or extensive problems. U-Haul has never had more than a right in and out access so this is not uncommon to customers and has not caused any significant problems.
The business of truck and trailer rentals currently exists at this location and U-Haul has no plans to remove this business. Traffic studies have proven that our use does not promote excessive traffic. The addition of storage generates minimal traffic at best.
- b. Staff concludes that there is no apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
- c. The addition of landscape and shade or aesthetic enhancements can be accomplished by restrictions being set forth pending site plan approval. U-Haul will work with the planning staff to assure that this facility will be in tune with surrounding development plans such as the aesthetic look of the building and walls in an effort to meet the intent of the Apache Boulevard Redevelopment Area Plan. U-Haul's plan for the addition of Self-Storage was applied for prior to the curing of the TOD. This use was not prohibited when it was in permit stages prior to the bankruptcy that Amerco went through. U-Haul was not properly notified and did not realize that this TOD was being adapted. U-Haul feels that they are being unfairly discriminated against and would respectfully ask for the use to be permitted pending restrictions being set forth on the existing site plan.
- e. as stated earlier, U-Haul uses state of the art security cameras and monitored security systems. Additional lights and security cameras can be placed as needed for safety of pedestrians.

U-Hauls Site Plan Conditions:

1. Additional cameras and lights along the southwest corner where there is a 165' by 15' wall proposed. This wall can be enhanced with design treatments needed for a more aesthetically pleasing appearance. It can be well lit with security cameras monitoring the area.
2. Upgrade of the appearance of the existing Truck and trailer rental office to be in tune with the new Storage building. Both buildings will be in tune with the plan for the surrounding area appearance.
3. Possible building space along Apache Blvd for either retail or other business uses approved through planning staff and U-Haul designers. This would provide a more aesthetically pleasing appearance between the light rail system and the storage building. A walkway for pedestrians to be added if needed. Placement for this walkway would have to be thoroughly thought out by both staff and U-Haul architects.

Staff Summary Report

Planning and Zoning Commission Meeting: 12/13/05

Agenda Item Number: 2

SUBJECT: Hold a public hearing for U-Haul Center for a use permit to allow a self-storage facility in the CSS Commercial Service and Shopping District, located at 2340 East Apache Boulevard.

DOCUMENT NAME: 20051213dsdk01 **PLANNED DEVELOPMENT (0406)**

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for U-Haul Center (CC050088) (Republic Western, property owner / Amerco Real Estate, applicant) #SIP-2005.108 for a use permit to allow a self-storage facility consisting of 28,657 s.f. in the CSS, Commercial Service and Shopping District, located at 2340 East Apache Boulevard

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

REVIEWED BY: Steve Venker, Planning and Zoning Manager (480-350-8920) 

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO: The applicant is requesting approval of a use permit (Section 6-308 Part 6 Chapter 3 and Section 3-202 Part 3 Chapter 2 Table 3-202A) for a self-storage facility consisting of 28,657 s.f. in the CSS, Commercial Service and Shopping District, located at 2340 East Apache Boulevard. The site is located on the north side of Apache Boulevard, east of the 101 Freeway and is within the Apache Boulevard Redevelopment District and the pending Transportation Overlay District Station Area 9. U-Haul is proposing to build a new 28,657 s.f. self-storage building with gated access. The proposed hours are from 7:00 a.m. to 7:00 p.m. Monday through Thursday and Saturday, from 7:00 a.m. to 8:00 p.m. Friday, and 9:00 a.m. to 5:00 p.m. Sunday. A neighborhood meeting was held at the subject site on September 19, 2005, two property owners who do not reside within the neighborhood attended. Staff does not support the proposed use, which conflicts with the goals and objectives of the General Plan, the Apache Boulevard Redevelopment Plan and the proposed Transportation Overlay District. **The Transportation Overlay District was approved by City Council on November 17, 2005 and is currently within its cure period until December 17, 2005. At the request of staff, the Planning and Zoning Commission continued this item from November 22, 2005, in anticipation of changes to the site plan. The applicant has indicated that they are willing to make site plan changes but were not able to make these changes and host the required neighborhood meeting in time for the hearing date.**

ATTACHMENTS:

- 1 List of Attachments
- 2-3 Comments
- 4-5 General Plan Analysis
- 6 Conclusion and Reason for Approval or Denial
- 7 Conditions of Approval
- 7 History & Facts
- 8 Description

- A. Location Map
- B. Aerial Photo
- C. Letter of Intent
- D. Site Plan
- E. Public Comments
- F. Transportation Overlay District History

COMMENTS:

The applicant is requesting approval for a use permit (Section 6-308 Part 6 Chapter 3 and Section 3-202 Part 3 Chapter 2 Table 3-202A) for a self-storage facility consisting of 28,657 s.f. in the CSS, Commercial Service and Shopping District, located at 2340 East Apache Boulevard. The site is located on the north side of Apache Boulevard, east of the 101 Freeway and is within the Apache Boulevard Redevelopment District and the pending Transportation Overlay District Station Area 9.

U-Haul is proposing to build a new 28,657 s.f. self-storage building with gated access. The proposed hours are from 7:00 a.m. to 7:00 p.m. Monday through Thursday and Saturday, from 7:00 a.m. to 8:00 p.m. Friday, and 9:00 a.m. to 5:00 p.m. Sunday.

USE PERMIT:

The CSS zoning district does not allow mini-warehouse uses by right, mini-warehouse uses are only entitled through approval of a use permit. U-Haul applied for, and received a use permit for this use in 2000, and did not complete the conditions of approval in the required time to retain the entitlement. Since that time, the City has adopted a new General Plan, a new Zoning and Development Code and is in the process of adopting a Transportation Overlay District. The proposed self-storage use meets some but not all of the factors considered in reviewing use permits:

Section 6-308 F Approval Criteria for Use Permit

1. **Criteria: A use permit shall be granted only upon a finding that the use covered by the permit, the manner of its conduct, and any building which is involved, will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirements, or standards prescribed by this Code.** The proposed use may not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. One aspect of the project, the 15 feet tall site wall, may be detrimental to the public using the sidewalk due to a lack of visual surveillance of the street.

2. **Criteria: In arriving at the above determination, the following factors shall be considered but not be limited to:**

a. **Any significant increase in vehicular or pedestrian traffic:** The applicant provided a trip generation study conducted by Foerster Engineering, LLC with a traffic engineer licensed in Texas. The traffic study did not make a comparison of the surrounding traffic context and only studied an existing out of state facility's trip generation. The site comparison was made with a site in Denton Texas of approximately twice the size (55,046 s.f.), with no external storage (instead of 87 in the proposed plan) and less than half of the parking spaces than planned for this facility (7 instead of 18). While staff does not consider this an adequate comparison, staff does not find that traffic generated by this use would be excessive to surrounding existing uses. Keep in mind however, that following installation of the light rail there will be restrictions to right in and out only access to the site, reduced vehicle lanes and increased pedestrian activity within this station area, making large vehicle access to this site difficult and increasingly hazardous.

b. **Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions:** There is no apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.

GENERAL PLAN 2030:

The applicant provided an attached analysis and justification for the use permit. Below is staff analysis of the proposed use permit request.

Land Use: The projected land use designation for these properties is Mixed-Use and the projected density is up to 15 dwelling units per acre. This projected land use was intended to facilitate redevelopment of this site with a combination of residential and commercial uses complementary to the planned light rail station. The proposed use permit does not meet the goals and objectives of many of the elements of the General Plan. The proposed application does not encourage reinvestment or redevelopment appropriate to a particular area. The proposed use may be considered a use that is needed by the larger surrounding community, where smaller residences may need additional storage space, but the neighborhood closest to this facility are single family homes with significant lot sizes to accommodate storage of property, this facility better serves apartment communities south of the site, in Mesa and further west along Apache Boulevard, and does not provide a needed amenity for adjacent residents. The proposed plan does not promote neighborhood preservation and enhancement. The proposed plan is not consistent with general plan goals and is not compatible with land use and transportation planning. The proposed use does not meet any of the objectives of the land use element.

Accessibility: The proposed use is not a creative or adaptive environment although it might meet current and future community needs. The proposed site plan does not promote ergonomic human scaled environment with a 2,475 square feet heat mass reflecting heat onto the adjacent sidewalk and no shade for the sidewalk, this could be uncomfortable for someone with limited mobility.

Community Design: The proposed use does not create a recognizable place that enhances connections and transparency, it creates a 165 foot blank wall facing a light rail station area. The use and site design does not create a focal point. The proposed use may inhibit pedestrian movement with additional large vehicles needing access to a site within a station area. The proposed site design does not respond to climactic factors or human comfort, nor does it provide opportunities for interaction or observation. The proposed use does not promote mixed-uses, does not encourage unique architecture or promote sustainable concepts. The proposed use does not meet any of the objectives of the community design element.

Historic Preservation: Not applicable

Housing: Not applicable

Neighborhoods: The proposed use and design does not promote neighborhood preservation and enhancement, or a safe neighborhood environment. The use is entirely dependant on vehicle access, adding to the traffic impacts of the area and does not develop a walkable community or promote alternative modes of transportation. The proposed use does not fulfill the objectives of the Neighborhoods Element.

Redevelopment: The proposed site is within a redevelopment area and the proposed use conflicts with the goals of the Apache Boulevard Redevelopment Plan.

Economic Development: The proposed use does not increase the tax base, promote a sustained improvement in the standard of living and quality of life for residents, or attract business or employment providing jobs paying wages at or above the regional average. The proposed use does not meet the objectives of the Economic Development Element.

Cost of Development: The proposed use will not impact planned infrastructure or intensify the site beyond what is planned, however, the proposed use is not in the best interest of the combined

**USE PERMIT:
(Continued)**

- c. **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 proposed use and site design may contribute to deterioration and potential downgrading of property values; there are no plans for street front landscape, shade or aesthetic enhancements, the use and design appear to be an industrial use in a neighborhood commercial area.
- d. **Compatibility with existing surrounding structures and uses:** The proposed use may be considered compatible with *existing* adjacent uses, one of which is owned by the same company planning to operate this facility. However, the proposed use is in conflict with goals and objectives of General Plan 2030, specifically the Land Use, Neighborhoods, Growth Area, Redevelopment, and Transit elements. General Plan 2030 was adopted by Resolution No.2003.62, December 4, 2003 and ratified by voters May, 2004.

The proposed use also does not meet the vision or intent of the Apache Boulevard Redevelopment Area Plan (established by Resolution No. 97.75, May 9, 1996).

The proposed use is also in conflict with the proposed Transportation Overlay District, which would prohibit this use. This document has received unanimous recommendation for approval from both the Redevelopment Review and Planning and Zoning Commissions and was heard by Council on November 3 and approved on November 17, 2005. This document has been planned since December 1999, with significant public notification and involvement over the past five years (see attached TOD history). The purpose of the TOD is to provide pedestrian and transit oriented development within the light rail corridor. Prohibition of mini-warehouses is typical within Transportation Overlay Districts, and is not unique to Tempe's proposed code amendment.

- e. **Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public:** Although the proposed use is gated with security cameras and lighting, the security amenities are only for the protection of customers on site and do not provide sufficient security for the public adjacent to the proposed use; the design maximizes the lot by pushing the storage buildings almost to the property line, creating an approximately 165-foot long by 15-foot tall wall with no street front surveillance and a potential for ambush on the southwest corner of the property for pedestrians on the street front.

Additional consideration:

The proposed use would be in conflict with the significant investment Tempe has in Light Rail along Apache Boulevard. This funding has come both from local dedicated sales tax and Federal funding. As part of the application for Federal Funding, Tempe was rated for its commitment to creating land use and development policies for transit and pedestrian oriented developments. The Transportation Overlay District is fulfilling the commitment made as part of the request for Federal Funding. The proposed use contradicts the public investment in transit.

**NEIGHBORHOOD
MEETING:**

The proposed/existing site is adjacent to Victory Acres Neighborhood, and is flanked by commercial uses to the east and west. A neighborhood meeting was held at the Escalante Center on September 18, 2005. Minutes from this meeting are attached. The meeting was attended by two property owners who do not live within the neighborhood, one of whom has previous business affiliation with U-Haul as the applicant of a previous request (August 4, 1988). No representatives of the neighborhood were present. The applicant subsequently attended the October 10, 2005 Apache Boulevard Planning Area Committee to present their plans. Minutes from this meeting are attached.

public investment in redevelopment (\$25 million) and transportation improvements (\$60 million per mile) for this area, it is the city's fiscal responsibility to protect these public investments and maximize land uses which facilitate the city's long range planning policies.

Growth Area: The proposed site is located within a growth area. Growth areas are planned for multi-modal transportation, planned for infrastructure expansion and improvements, designed to support a planned concentration of development, designed to promote and integrate a variety or mix of land uses and are formally identified by redevelopment, overlay or other district designation. The proposed use does not meet the objectives of the Apache Boulevard Growth Area Element.

Environment (Air, Noise, Ambient Temperature, Energy): There are no adverse impacts to air quality or noise with the proposed use. There are potential ambient temperature impacts by paving the entire site with limited landscape area and large expanses of building mass to reflect heat.

Land (Remediation, Habitat, Solid Waste): No foreseen impacts with any of these elements, some objectives are not applicable.

Water (Water, Wastewater, Stormwater): The proposed use meets retention requirements and will not impact water quality or demand.

Pedestrian Network: The proposed use is in conflict with the goal and objectives of this element.

Bikeways: The proposed use is in conflict with the goal and objectives of this element.

Transit: The proposed use is in conflict with the goal and objectives of this element and will not conform with the proposed Transportation Overlay District.

Travelways: The proposed use does not implement the goal and objectives of this element.

Parking & Access Management: The proposed use exceeds required parking.

Aviation: Not applicable

Open Space: The proposed use will cut off public access from Apache Boulevard to a proposed park location that is north of this site. Funds for the acquisition and development of the park were approved by the Council in the 2005/06 CIP budget for park improvements and will be provided from the Community Development Block Grant operating budget. At the November 3 City Council meeting, Council approved a resolution approving the purchase of property on McArthur Drive directly behind the proposed development.

Recreational Amenities: Not applicable

Public Art & Cultural Amenities: The proposed project size does not require public art, but would be encouraged to enhance the street front appearance of the 165-foot long wall along Apache Boulevard.

Public Buildings and Services: Not applicable

Public Safety: The proposed site plan provides some safety concerns due to the large expanse of blank wall limiting visibility onto the street and sidewalk.

CONCLUSION: The proposed use does not fulfill the goals and objectives of the General Plan, the Apache Boulevard Redevelopment Plan, the Transportation Overlay District, or the community vision for this area. The proposed use is not an entitled use, and does not sufficiently pass the test of criteria for granting a use permit, staff recommends denial of the proposed use permit.

- REASON(S) FOR APPROVAL:**
1. The proposed use will not necessarily be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.
 2. Traffic generated by this use may not be excessive to surrounding existing uses.
 3. There is no apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
 4. The proposed use may be considered compatible with existing adjacent uses, one of which is owned by the same company planning to operate this facility.

- REASON(S) FOR DENIAL:**
1. The proposed use does not meet use permit criteria number one because of the site design impacts on public health, safety and welfare along a heavy pedestrian corridor: a 2,475 square feet heat mass reflecting heat onto the adjacent sidewalk, no shade for the sidewalk, no street surveillance for security along 165' length of street and a blind corner at the southwest end of the site.
 2. It is not clear if the proposed use meets permit criteria number two a. because of the differences in the subject site and the site compared in another state, and the lack of analysis provided on the planned street configuration in relation to the type of vehicles needing access to this site.
 3. The proposed use does not meet permit criteria number two c. because it does not meet the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans and General Plan:
 - The proposed use is in conflict with the goals, objectives or policies of General Plan 2030 (adopted by Resolution No.2003.62, December 4, 2003)
 - The proposed use does not meet the vision or intent of the Apache Boulevard Redevelopment Area Plan (established by Resolution No. 97.75, May 9, 1996). Tempe has invested more than twenty-five million dollars towards implementation of this plan, and must protect the public investment made within this area.
 4. The proposed use does not meet permit criteria number two e. because the security amenities are only for the protection of customers on site and do not provide sufficient security for the public adjacent to the proposed use with no street front surveillance and a potential for ambush on the southwest corner of the property for pedestrians on the street front. This is a public safety issue.
 5. The proposed use is not allowed in the proposed Transportation Overlay District.
 6. The proposed use is not in the best interest of the combined public investment in redevelopment (\$25 million) and transportation improvements (\$60 million per mile) for this area, it is the city's fiscal responsibility to protect these public investments and maximize land uses which facilitate the city's long range planning policies.

**CONDITION(S)
OF APPROVAL:** Should the Commission elect to take affirmative action on the request, the following conditions of approval should apply:

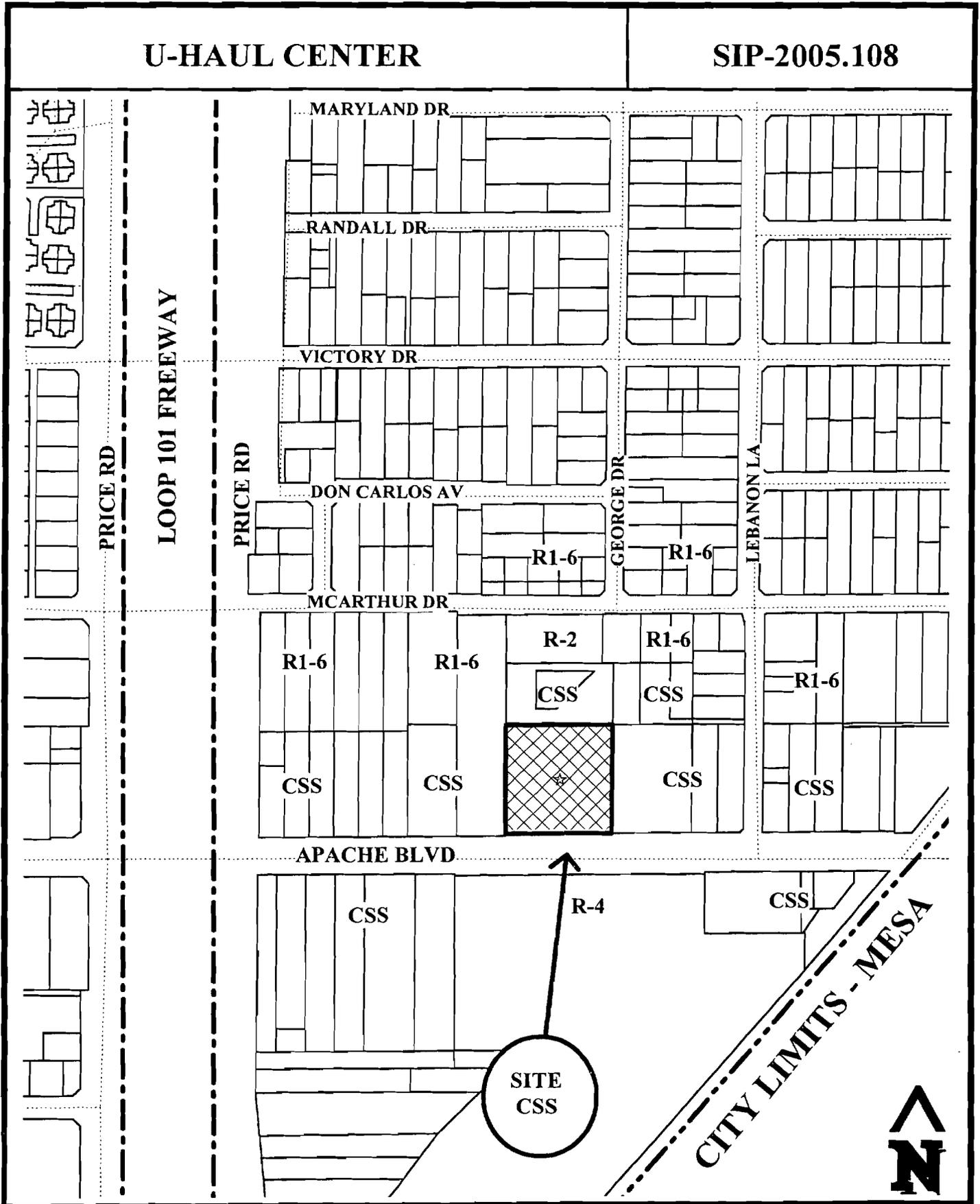
1. The use permit is valid for U-Haul Self-storage Center and is not transferable to successors.
2. The hours of operation are to be from 7:00 a.m. to 7:00 p.m. Monday through Thursday and Saturday, from 7:00 a.m. to 8:00 p.m. Friday, and 9:00 a.m. to 5:00 p.m. Sunday.
3. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
4. Any significant verifiable police complaints as determined by the City Attorney and Police Department staff shall require the applicant to return to the appropriate decision-making body for re-evaluation of the use permit.
5. The applicant must proceed with the proposed use within twelve (12) months of the date of approval made by the Planning and Zoning Commission or the use permit expires.

HISTORY AND FACTS:

- April 25, 1974 City Council approved the Development Plan for the U-Haul rental business subject to six conditions of approval at 2334 E. Apache Blvd.
- January 26, 1983 The Board of Adjustment approved a Use Permit for a public garage at 2334 E. Apache Boulevard.
- April 26, 2000 The Board of Adjustment approved a use permit to allow a 28,000 square foot self-storage addition to an existing U-Haul rental business located at 2332 E. Apache Boulevard. Conditions of approval included returning to Apache Boulevard Planning Area Committee for review of the project as proposed, recording a subdivision plat for the property, and that the applicant proceed with the project within 12 months of the approval date.
- March 21, 2001 The Design Review Board approved the proposed site plan, building and landscape design subject to conditions.
- In review of the files for the previous case, it appears that the applicant did not show the site plan as proposed to the Apache Boulevard Planning Area Committee prior to receiving the use permit, and included them as required by a condition of the permit approval. At the Design Review Board hearing for the previous design, residents voiced opposition to the use and design, and indicated that it was not in conformance with the Apache Boulevard Redevelopment Plan or the proposed Light Rail Transit objectives. Staff working with the original proposed case indicated no concerns with the proposed use but recommended continuance of the use permit hearing until issues were resolved with APAC and the application could be forwarded to the Hearing Officer. The board did not follow staff's recommendation, and approved the use permit.
- November 22, 2005 The Planning and Zoning Commission voted to continue this item to December 13, 2005 at the request of staff, based on anticipated changes to the site plan.

DESCRIPTION:

Owner – Republic Western, Kristen Spears
Applicant – Amerco Real Estate, Parul Butala
Address – 2332 E Apache Blvd
General Plan Land Use – Mixed-Use
Existing Zoning – CSS
Proposed use – self-storage facility
Total site area – 2.45 acres (106,808 s.f.)
Total bldg. area – 31,977 s.f.
Lot Coverage Allowed – 50%
Lot Coverage Provided – 30%
Landscape Area Required – 15%
Landscape Area Provided – 15% (16,476 s.f.)
Parking Required – 15
Parking Provided -18
Building Height allowed – 35' 0"
Building Height proposed – 15' 1"
Number of stories – 1 story
Proposed rental units – 87 exterior, 180 interior = total 267 units
Proposed rental unit sizes – 5 x 5, 5 x 10, 10 x 10, 10 x 15, 10 x 20



Location Map

A₁

Letter of Intent/Justification for the U-Haul Tempe Project:

Application is being made to the City of Tempe to allow the development of a U-Haul Self Storage facility on a C2 zoned vacant property located at 2332 East Apache Blvd, adjacent to its rental facility location in Tempe, Az.

U-Haul moving and storage centers characteristically serve the do-it-yourself household customer. Families typically use U-Haul self-storage facilities to store furniture, household goods, sporting equipment or holiday decorations. Often prompted by moving to a smaller home, combining households or clearing away clutter to prepare a home for sale, storage customers will typically rent a room for a period of two months to one year.

As shown by the attached traffic study, U-Haul location will not cause any significant vehicular or pedestrian traffic in adjacent areas. In fact, traffic generated by U-Haul is significantly less than other commercial or retail uses. In addition, U-Haul self storage facilities are very quiet facilities and do not contribute to any nuisance (odor, dust, noise, vibration, smoke, heat or glare, etc.).

Hours of Operation and other significant policies are as listed:

Significant Policies:

• Hours of Operation:

Mon. - Thurs.	7:00 a.m. to 7:00 p.m.
Fri.	7:00 a.m. to 8:00 p.m.
Sat.	7:00 a.m. to 7:00 p.m.
Sun.	9:00 a.m. to 5:00 p.m.

- All U-Haul storage customers are issued a card-swipe style identification card which must be used to gain access to their room. This is but one of many security policies which protect the customer's belongings and decrease the ability of unauthorized access to the facility.
- It is against policy for a business to be operated from a U-Haul storage room.
- Customers and community residents who wish to use the on-site dumpsters for disposing of refuse must gain permission to do so, and are assessed an additional fee.

- Items which may not be stored, include: chemicals, flammables, and paints.
- U-Haul facilities are protected by video surveillance.
- U-Haul moving and storage centers are non-smoking facilities.
- U-Haul will provide added service and assistance to our customers with disabilities.

U-Haul moving and storage are convenience businesses. Our philosophy is to place centers in high growth residential areas, where we fill a need for our products and services. Custom site design for every U-Haul moving and storage center assures that the facility compliments the community it serves by architectural compatibility and attractive landscaping. Adherence to community objectives is key, so that the U-Haul moving and storage center is a neighborhood asset, and is assured of economic success.



**Apache Boulevard Project Area Committee
City of Tempe**

To: Planning and Zoning Commission

October 20, 2005

From: Philip R. Amorosi

Chairman of APAC, the Apache Boulevard Redevelopment Committee

Re: SIP-2005.108; U Haul Special Use Permit.

Dear P & Z Commissioners,

Our Committee saw this plan on Monday, October 10th. It looks exactly the same as it did when they presented it to us over 4 years ago. You would think they would have addressed the many concerns our group brought up back then.

Sadly they just let it sit dormant with no regard to the redevelopment of Apache Blvd. Now, all of a sudden they want to rush their permit through again without regard to properly redeveloping Apache Blvd.

Since that time APAC's concerns over the poor use of this property have intensified.

Back then the city was still debating whether to put a light rail station in that area. We now know that a station will be built almost right in front of this property.

Back then our sub-committee brought up the need for access from the Victory Acres neighborhood to Apache Blvd. along that particular piece of property. Now with the light rail station on the Blvd. and a city park planned for behind that property the need for access has intensified. Their plan does not address this.

We bought up many CPTED issues and they hadn't even spoken with the police yet.

Simply put:

1. It does not follow the APAC guidelines. It is not a pedestrian friendly design. Their design of a 15 ft. high, 150 ft. long plain block wall right up against the sidewalk on Apache is the antithesis of pedestrian friendly design.
2. It is not Transit Oriented Development that would generate traffic and compliment the light rail station that would sit in front of it.

Discussion after the presentation was nearly unanimous in rejecting this use. Only one member wanted it but he also owns a self storage facility. The city needs to follow the TOD vision around a light rail station. We request that you deny the Special Use Permit for a U Haul self storage facility.

Thank you,

A handwritten signature in black ink that reads "Philip R. Amorosi". The signature is written in a cursive, flowing style.

Philip R. Amorosi
Chairman, APAC

E₁

**Gretchen Reinhardt
1019 S. Lola Ln.
Tempe, AZ 85281**

Diana Kaminski
Development Services
P.O. Box 5002, City of Tempe 85280

October 26, 2005

RE: U-Haul Use Permit for Storage Facility near Future Light Rail Station & Neighborhood Park

Dear Diana Kaminski:

As a neighbor who has been involved in city and regional planning processes since moving to Tempe in 1996, I am writing to ask the Planning and Zoning Commission to deny U-Haul's pending use permit.

Once in effect, the Transportation Overlay District (which I personally have been involved with for over 5 years), would prohibit storage facilities in this district. I believe this fact clearly demonstrates that U-Haul's proposed use is inappropriate and unwelcome at this location. The Price light rail station should become one of our earliest examples of quality pedestrian-oriented design as it is both a neighborhood station and a regional station. The north side of Apache Boulevard is absolutely critical for encouraging the development of the neighborhood portion of the Price station. The city and neighborhood are currently working on the design of a park adjacent to U-Haul's property that should allow for needed pedestrian and bicycle access between the Victory Acres neighborhood and the Price station area. U-Haul's planned use would be a poor match for a property adjoining the Victory Acres community park.

Redevelopment is not a straightforward process, but I think most experts would agree that the property use at the U-Haul site (because of its size and location) will have a tremendous, long-term impact on other development efforts along Apache Boulevard.

I wish that U-Haul would choose to recognize and appreciate the incredible "location, location, location" gift that our community has already added to their existing property through approval of the light rail line and its station areas. However, U-Haul's failure to recognize this gift should not mean that this community should be saddled with overcoming an inappropriate "grand fathered" use. I urge you to deny U-Haul's use permit. A storage facility does not belong at this location.

Sincerely,

Gretchen Reinhardt

**Gretchen Reinhardt
1019 S. Lola Ln.
Tempe, AZ 85281**

Mark Richwine
Parks & Recreation
3500 S. Rural Road
Library Bldg. - 2nd Floor
Tempe, AZ 85282

October 26, 2005

RE: Support for Victory Acres Neighborhood Park

Dear Mark Richwine:

I am writing in support of the Neighborhood Park currently being planned in the Victory Acres Neighborhood, just north of Apache Blvd.

I want to thank you and your staff for making an exceptional effort to include the students at Flora Thew Elementary School who participated in the city-sponsored Walk to School Day. It is clear that a park is needed in the Victory Acres area. I particularly want to support the proposed location just north of properties adjoining Apache Blvd. both because of its size and the range of amenities which such a space will allow, and because of the opportunity which this location opens for creating a pedestrian and bicycle connection between the neighborhood and the light rail station that will serve it. I am even hopeful that we might be able to incorporate some "linear park" ideas into the design of the park, taking advantage of the canal path and light rail path that run along the edge of the community, and perhaps finding a way to enhance the pedestrian and bike connection to the community center and school just on the other side of Price.

I look forward to continuing to participate as you work with our community to further refine the park's design.

Sincerely,

Gretchen Reinhardt

Kaminski, Diana

From: Gretchen Reinhardt [mailto:processadvocate@earthlink.net]

Sent: Saturday, October 22, 2005 9:58 PM

Neighbors:

The last message I sent lost its formatting and was difficult to read. Hopefully this version will arrive in a more readable format.

It sounds to me like some of us are concerned about the possibility that we might have a U-Haul storage facility defining the development around the Victory Acres/Price light rail stop.

*** TALKING POINTS**

* A self-storage facility is an inappropriate use for a regional light rail station.

* U-Haul did not bring their plan to our Neighborhood Association meeting nor did they notify the Chair of the Escalante Neighborhood Association that they would again be seeking approval even though the association opposed the plan in 2000.

* The city in partnership with representatives from our neighborhood has spent over 5 years working toward a Transportation Overlay District (TOD) to ensure that we move away from exactly this type of auto-dominated development along Apache which has grown out of our past as a state highway.

* While U-Haul was invited, along with the the general public, they have apparently told city staff that they were unaware that the city has been working on a TOD. In fact, they are so "unaware" that they choose the SAME DATE to hold their own (minimally advertised) public meeting as when the city held a public meeting on the TOD.

* As a neighborhood, we have also been working on developing a park in the Victory Acres area, and the site of preference is immediately adjacent to U-Haul. The park discussion has included public comment that we should take advantage of the park to create strong pedestrian connections to Victory Acres' light rail station, allowing community members to walk from their homes to the new light rail station in their neighborhood.

*** LINDA CABRERA'S COMMENTS**

> [Original Message]

> From: Linda Cabrera <something21@hotmail.com>

> To: <processadvocate@earthlink.net>

> Date: 10/21/2005 9:20:16 PM

> Subject: RE: Neighbor Rick Russel's Column (if accepted, it will run next Wednesday in the Republic)

>

> Hi Gretchen,

>

E₄

12/08/2005

ATTACHMENT 23

> My mother is Carol Cabrera. She already commented on the first U-Haul email, but i just wanted to throw my 2 cents in, as I don't know if i'm able to attend the nov 8th meeting.

>

> I oppose the U-Haul storage facility plain and simple. Why? Rick Russel's article took the words right out of my mouth (and I mean all of them.

> Including everything he said about stupidity.). It makes NO sense to put it at the planned location, especially with the park possibly going up there.

> But even if the park goes up elsewhere, a U-Haul facility is inappropriate near a light rail station. Defeats the entire purpose.

>

> ~ Linda Cabrera

Kaminski, Diana

From: Ray Devine [rdevine_az@cox.net]
Sent: Thursday, December 08, 2005 10:39 PM
To: Kaminski, Diana
Cc: Hallman, Hugh; Mitchell, Mark; Carter, Barbara; Arredondo, Ben; Copple, Len; Goronkin, Pam; Hutson, Hut
Subject: U-Haul Project on Apache Blvd.

H Diana,

Please note that Gretchen Reinhardt does not speak for the entire neighborhood on the U-Haul project being considered on Apache Boulevard.

Although I would like to see a different use for this land, I think there are some things for our community to consider with this project.

1. U-Haul has worked for over five years with all levels of government to deal with environmental and design issues for this project. To deny the project after this much effort would make it look like the city cannot work in good faith with businesses that have tried to be community friendly.
2. With the effort that U-Haul has put into this project, to deny it now would be no different than taking their land through eminent domain.
3. While some people may consider this as an inappropriate use of land next to a future park, I think thoughts are quite the opposite. A mini-storage facility has low traffic volume and is not open 24-hours a day. It doesn't require a regular flow of delivery trucks for it to maintain its business. It will be a secure site that while may be designed to keep people out; it will also keep people from accessing the surrounding facilities and neighborhood.

In closing, I'd like to say that I believe that the City of Tempe truly wants to change its appearance as unfriendly to businesses that want to invest in our community. To turn down this project after all of this time would not do much to overcome this image.

Thank you for your time.

Ray Devine

2325 E. Don Carlos Ave.

Tempe, AZ 85281

☎ Home Phone: (480) 784-4953

☎ Cell Phone: (602) 363-0971

✉ Email: rdevine_az@cox.net

Kaminski, Diana

From: MARGARET STOUT [margstout@msn.com]
Sent: Monday, October 24, 2005 9:10 AM
To: Kaminski, Diana
Subject: U-Haul

Dear Diana:

I apologize for informal e-mail comment, but I'm a bit pinched for time right now. I would like to submit public comment to both the Planning and Zoning Commission and City Council in regard to the use permit request pending by U-Haul to build a storage facility on Apache Blvd. in the Light Rail alignment and in close proximity to a station area.

I have been a strong proponent of Pedestrian Oriented Design and Transit Oriented Design since the City first began discussing these concepts--I believe our first explorations were prior to the Light Rail project's kick-off! In fact, many of the principles appeared in the Riverside/Sunset and Northwest Tempe Neighborhood Strategic Plans due to those early discussions and presentations by noted experts--ten years ago now! I have been very happy to see these principles emerge in General Plan 2030, in the new Zoning and Development Code, and in the forthcoming TOD amendment to the Code. Your recent milestone with the Planning & Zoning Commissions is very hopeful.

How these principles play out along Apache Blvd. is critical for understanding the value of such policy in economic development and neighborhood revitalization. Without the synergy of station area development, it is doubtful that the expected "snowball effect" of the policy will be realized. It is an unfortunate bit of timing that prior delays on the part of the Planning & Zoning Commission have kept this policy from coming to fruition prior to this application's consideration. However, until the community has fully formed its decision through the legal process in regard to the TOD, I would hate to see this application even considered. But I do not pretend to understand the legalities involved in such a moratorium. Thus, we must deal with a valid use permit request. I do not think we can afford many mistakes in the early years of the Light Rail Project, and this proposal will impact its success as a whole. Mesa, Tempe, and Phoenix must continue to be vigilant in caring for this pivotal corridor in the formative years of the system. As from the project's inception, Tempe should be the *leader* in showing how to do this.

I urge the Commission and Council to consider the full implications of this request and deny the use permit requested by U-Haul.

Thank you for your consideration,

Margaret Stout
1234 W. 5th Street
Tempe, AZ 85281
480-921-7383
margstout@msn.com

TRANSPORTATION OVERLAY DISTRICT HISTORY:

December 1999	A grant was received to develop the Comprehensive Transportation Plan, including a Pedestrian Overlay District (POD) along University Drive.																																												
June 2000	OTAK, a consultant, was hired to develop Comprehensive Transportation Plan, including a larger POD area, based on public input. This POD included the entire length of Apache Boulevard.																																												
November 2001	The POD was removed from the Comprehensive Plan, and added to the new draft Zoning Code, which was being developed by the same consultant.																																												
February 2002	The draft POD was introduced with the second draft of the Zoning Code.																																												
October 2002-March 2003	Public comments on the draft POD were mixed, and became the focus of the Zoning Code meetings.																																												
March 2003	The POD was removed from the Zoning Code, to enable the Code to move forward and give staff time to revisit public comments on the draft POD.																																												
April 2003-May 2004	Staff focused on the Zoning Code without the POD.																																												
May 2004	The Transportation Commission inquired about the status of the POD.																																												
June 2004	Staff directed to review previous public comments, review the draft, and modify the consultant draft text and map as necessary to continue the public dialogue.																																												
June 2004-August 2004	Staff team met to revise the map and corresponding text, and provide a report back to Council, the Transportation and Planning Commission and key stakeholders.																																												
September 2004	Staff was advised to wait on any further discussion of the Overlay District until the Zoning and Development Code was adopted, since this overlay would be an amendment to the new code.																																												
January 2005	The Zoning and Development Code was adopted by City Council.																																												
February 2005 – May 2005	Staff had presentations and meetings with the following groups: <table border="0" style="margin-left: 40px;"> <tr><td>Rio Salado Advisory Commission</td><td>February 22</td></tr> <tr><td>Council Transportation Subcommittee</td><td>February 23</td></tr> <tr><td>Council IRS</td><td>February 24</td></tr> <tr><td>Redevelopment Review Commission</td><td>March 1</td></tr> <tr><td>Historic Preservation Commission</td><td>March 3</td></tr> <tr><td>Transportation Commission</td><td>March 8</td></tr> <tr><td>ASU Facilities Planning Staff</td><td>March 9</td></tr> <tr><td>Apache Boulevard Area Planning Committee</td><td>March 14</td></tr> <tr><td>Planning and Zoning Commission</td><td>March 15</td></tr> <tr><td>Commission on Disability Concerns</td><td>March 15</td></tr> <tr><td>Downtown Tempe Community Planning Committee</td><td>March 16</td></tr> <tr><td>Enhanced Services Commission</td><td>March 16</td></tr> <tr><td>Rio Salado and Papago Park Center Property Owner</td><td>March 16</td></tr> <tr><td>Tempe Apache Boulevard Business Association</td><td>March 16</td></tr> <tr><td>Design Review Board</td><td>March 16</td></tr> <tr><td>Tempe Chamber of Commerce</td><td>March 17</td></tr> <tr><td>Los Vecinos</td><td>March 21</td></tr> <tr><td>Public Open House</td><td>March 23</td></tr> <tr><td>Kiwanas Nuevo Club</td><td>March 29</td></tr> <tr><td>Riverside Sunset Neighborhood Association</td><td>April 5</td></tr> <tr><td>Redevelopment Review Commission</td><td>April 5</td></tr> <tr><td>Victory Acres</td><td>April 14</td></tr> </table>	Rio Salado Advisory Commission	February 22	Council Transportation Subcommittee	February 23	Council IRS	February 24	Redevelopment Review Commission	March 1	Historic Preservation Commission	March 3	Transportation Commission	March 8	ASU Facilities Planning Staff	March 9	Apache Boulevard Area Planning Committee	March 14	Planning and Zoning Commission	March 15	Commission on Disability Concerns	March 15	Downtown Tempe Community Planning Committee	March 16	Enhanced Services Commission	March 16	Rio Salado and Papago Park Center Property Owner	March 16	Tempe Apache Boulevard Business Association	March 16	Design Review Board	March 16	Tempe Chamber of Commerce	March 17	Los Vecinos	March 21	Public Open House	March 23	Kiwanas Nuevo Club	March 29	Riverside Sunset Neighborhood Association	April 5	Redevelopment Review Commission	April 5	Victory Acres	April 14
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Neighborhood Meeting	April 18
Papago Park Center Development Manager	April 21
Papago Park Center Tenant	April 26
Board of Adjustment	April 27
Downtown Tempe Executive Director	April 29
Neighborhood Meeting	May 2
Neighborhood Advisory Commission	May 4
Parks and Recreation Board	May 10

Most of the above meetings had some form of advertisement, agenda posting or public notice.

May 2005	Based on the input received on the proposed draft Transportation Overlay District, staff made further revisions to the text. The boundaries still contained Apache Boulevard east of Rural Road to the Tempe border.
May 17, 2005	Redevelopment Review Commission held a public hearing for the Transportation Overlay District (TOD) and continued the item.
May 24, 2005	Planning and Zoning Commission held a public hearing for the TOD and continued the item.
June 7, 2005	Redevelopment Review Commission held a public hearing for TOD and continued the item.
June 14, 2005	Planning and Zoning Commission held a public hearing for the TOD and continued the item.
June 21, 2005	Redevelopment Review Commission continued the Transportation Overlay District.
June 28, 2005	Planning and Zoning Commission continued the Transportation Overlay District.
July 12, 2005	Planning and Zoning Commission continued the Transportation Overlay District.
July 19, 2005	Redevelopment Review Commission continued the Transportation Overlay District.
July 26, 2005	Planning and Zoning Commission continued the Transportation Overlay District.
August 16, 2005	Redevelopment Review Commission continued the Transportation Overlay District.
September 6, 2005	Redevelopment Review Commission continued the Transportation Overlay District.
September 19, 2005	Neighborhood Meeting held in the City Council Chambers.
September 20, 2005	Redevelopment Review Commission continued the Transportation Overlay District.
October 4, 2005	Redevelopment Review Commission heard and discussed public comments and unanimously approved the Transportation Overlay District text as proposed.
October 11, 2005	Planning and Zoning Commission heard and discussed public comments and unanimously approved the Transportation Overlay District text as proposed.
November 3, 2005	City Council held a first public hearing for the proposed Transportation Overlay District. Public comments were made during this hearing.
November 17, 2005	City Council held a second public hearing for the proposed Transportation Overlay District, and approved the proposed Zoning and Development Code text and map amendment.
December 17, 2005	The cure period for the overlay district will be complete and the code will be in effect for all properties within the boundaries.

Chair MacDonald called the meeting to order at 7:02 PM.

Chair MacDonald announced consideration of the AGENDA.

1. MINUTES: None
2. Held a public hearing and approved the request as modified for **U-HAUL CENTER (CC050088)** (Republic Western, property owner / Amerco Real Estate, applicant) #SIP-2005.108 for a use permit to allow a self-storage facility consisting of 28,657 s.f. in the CSS, Commercial Service and Shopping District, located at 2340 East Apache Boulevard

The following conditions were approved as modified:

1. The use permit is valid for U-Haul Self-storage Center and is not transferable to successors.
2. The hours of operation are to be from 7:00 a.m. to 7:00 p.m. Monday through Thursday and Saturday, from 7:00 a.m. to 8:00 p.m. Friday, and 9:00 a.m. to 5:00 p.m. Sunday.
3. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
4. Any significant verifiable police complaints as determined by the City Attorney and Police Department staff shall require the applicant to return to the appropriate decision-making body for re-evaluation of the use permit.
5. The applicant must proceed with the proposed use within twelve (12) months of the date of approval made by the Planning and Zoning Commission or the use permit expires.
6. A revised site plan will be submitted to Planning Staff within 60 days which will incorporate 100% of the vacant land as retail and commercial space along the entire frontage of Apache Boulevard, and will incorporate a pedestrian walkway with appropriate lighting, shade and security as in compliance with TOD standards to permit a passage way to Apache Boulevard, Victory Acres and the proposed new park. (Added by the Commission.)
7. The applicant will renovate the appearance of the existing truck and trailer rental office to be cohesive in design with the balance of the property pursuant to Design Review Board standards. (Added by the Commission)

APPLICANT'S PRESENTATION

Diana Kaminski described the proposed project

Applicants Janette Baranski and Parul Batula approached the Commission and gave a brief history of their application process. They originally requested a use permit for this project five years ago, but a bankruptcy forced the program to halt. When they reactivated their application, they were not aware of the impending Transportation Overlay District (TOD). They are willing to modify the appearance of their project to meet the standards set by the TOD and would like to revise their site plan to include retail space, landscaping, a pedestrian walkway, etc. along the Apache Boulevard side of the property.

Commissioner Tinsley asked if this project would be prohibited if it was heard after December 18th, 2005 and was informed that it could not be approved on that date because of the new TOD requirements.

Chair MacDonald said she was concerned about approving a request for a use which will be prohibited in four days, when the TOD becomes effective and feels that a mini-storage will not fit in with the vision of the TOD.

Vice Chair Oteri remarked that this use was originally allowed several years ago, but the project was stalled. He feels that because this application was originally made five years ago and that if the case had been heard at the November 22nd hearing that it would not be an issue.

Commissioners Tinsley and Ringler asked for details about the bankruptcy.

Ms Batula replied that it was one year ago, and they had to start the application process. One year ago – we've been in this process since February and was never told by staff that the TOD would be an issue for the project.

Vice Chair Oteri stated that he would not feel comfortable approving the case as written and would require that any modifications that were agreed to here must be stipulated in the report.

Vice Chair Oteri asked if there was any action made by staff prevented them from filing earlier.

The Applicant responded, "No".

Chair MacDonald called to the audience for public comment.

Richard Gart, Escalante Neighborhood Association Chair, opposes the project because it does not fit in with the goals of the neighborhood.

Commissioner Collett asked if the neighborhood would desire more retail shops in this area. And Commissioner Tinsley asked if the concept of retail shops with storage behind would be agreeable to the neighborhood.

Mr. Gart confirmed that it would.

Commissioner Tinsley asked if this case could be continued until January 10, 2006 and grandfathered in.

Lisa Collins recommended that the Commission would need to approve the request with specific stipulations.

Chair MacDonald asked for clarification on the expiration date of a use permit.

Steve Venker replied that the permit expires one year from the date of issuance to encourage the applicant to develop the property as soon as possible to benefit the community as a whole.

Lisa Collins expanded on that by saying that the expiration date standard was set at one year to accommodate the cycles of changing communities.

Commissioner Tinsley proposed two additional conditions of approval.

The Commission members discussed the various stipulations for the sidewalk, modifications to the site plan further processing of the case and verbiage of additions 6 and 7.

Chair MacDonald stated that she would not be able to vote in favor of the project because she does not think it meets with the vision of the TOD.

Commissioner Tinsley stated that she feels comfortable with the conditions as modified.

Motion by Commissioner Collett to approve item #2. Second by Vice Chair Oteri. Motion approved 5-2 (Chair MacDonald and Commissioner Ringler dissented).
DOCUMENT NAME: 2005121302 PLANNED DEVELOPMENT (0406)

3. Held a public hearing and approved the request for RED OWL EXPANSION (CC050099) (Kim Commons, owner/applicant) #SIP-2005.111 for two use permits for the expansion of an existing bar in the CSS, Commercial Service and Shopping District, located at 2155 East University Drive, including the following:
1. Use Permit to allow a 5,996 s.f. building expansion and 475 s.f. patio expansion of an existing bar, totaling 9,174 s.f. of building area and 1,250 s.f. of patio space.
 2. Use Permit to allow the expansion of live entertainment.

The following conditions were approved:

1. The use permits for bar and live entertainment is valid for Red Owl (Kim Commons, business owner) and is transferable to successors in interest, subject to administrative review.
2. The south exit doors shall remain closed during business hours to prevent any potential nuisance, except for routine use of business operation.
3. A revised security plan shall be provided according to the agreement with the Police Department.
4. Any significant verifiable police complaints as determined by the City Attorney and Police Department staff shall require the applicant to return to the decision-making body for re-evaluation of the use permit.
5. Proposed expansions or modifications of outdoor patio space will require approval through a development plan review.

APPLICANT'S PRESENTATION

The Applicant acknowledged that he read and agreed with the report and thanked the Commission for their time and efforts.

Motion by Commissioner Oteri to approve item #3. Second by Commissioner Kelly. Motion approved 7-0.
DOCUMENT NAME: 2005121303 PLANNED DEVELOPMENT (0406)