

Staff Summary Report



Hearing Officer Hearing Date: October 7, 2008

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **TEMPE CONDOMINIUMS (PL080324)** located at 2050 South Forest Avenue for one (1) use permit.

DOCUMENT NAME: 20081007dsdp01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **TEMPE CONDOMINIUMS (PL080324)** (Arthur Hutchinson, applicant/property owner) located at 2050 South Forest Avenue in the R-3, Multi-Family Residential Limited District for:

ZUP08140 Use permit to allow access from alley adjacent to Single Family Residential District.

PREPARED BY: Derek Partridge, Planner I (480-350-8867)

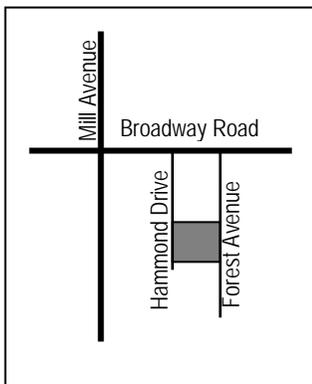
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions

ADDITIONAL INFO: The applicant is requesting a use permit to allow alley access for a non-single family use adjacent to a single-family residential district at 2050 South Forest Avenue in the R-3, Multi-Family Residential District. The alley adjacent to the proposed condominiums is located along the southern edge of the applicant's property and has an east-west orientation linking Forest Avenue and Hammond Drive. Staff recommends approval of the use permit subject to conditions. To date, no public input has been submitted for this request.



PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
5. Access Agreement (Item A)
6. Site plan
- 7-8. Staff Photograph(s)

COMMENTS:

The applicant, Arthur Hutchinson, is requesting a use permit to allow alley access to a garage on the property located at 2050 South Forest Avenue in the R-3, Multi-Family Residential District. The garage has a capacity of 2 vehicles and is to be accessed by residents of Unit C within the proposed Tempe Condominiums multi-family residential project. The alley adjacent to the proposed condominiums is located along the southern edge of the applicant's property and has an east-west orientation linking Forest Avenue and Hammond Drive (private). The applicant has provided an access agreement between 'Campus Corner' (owner of Hammond Drive) and Tempe Condominiums. Staff recommends approval of the use permit subject to conditions. To date, no public input has been submitted for this request.

Use Permit

The Zoning and Development Code requires a use permit for using an alley for access to a non-single family use parking area opposite any single-family zoning district.

Evaluating the use permit, the proposal meets the use permit criteria listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - The use should not create any nuisances.
- 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 development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element.
- d. Compatibility with surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the use permit subject to conditions.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. The alley must be paved from back of curb on Forest Avenue to back of curb on Hammond Drive.
2. Alley must be paved to City of Tempe Public Works Department Standard Details.

HISTORY & FACTS:

June 20, 2006 Board of Adjustment #060058: Approval of a use permit to allow alley access for a non-single family use adjacent to a single family residential district. (Expired)

DESCRIPTION:

Owner – Arthur Hutchinson
Applicant – Arthur Hutchinson
Existing Zoning – R-3, Multi-Family Residential Limited District

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 4, Chapter 5, Section 4-502 – Access - Ingress and Egress
Part 6, Chapter 3, Section 6-308 – Use Permit



TEMPE CONDOMINIUMS (PL080324)

August 25, 2008

City of Tempe
Development Services
31 East 5th St
Tempe, AZ 85280-5002

Hearing officer/Board of Adjustment:

The purpose of this Use Permit application is to obtain City of Tempe approval in order to use a portion of an existing unpaved alley for residential vehicular access to a two-car garage at proposed Tempe Condominiums. The portion of the alley pertinent to this use permit application is the portion south of subject property located at 2050 S. Forest Ave. The subject alleyway runs east to west linking Forest Ave and Hammond Dr.

As required by City of Tempe an approved Access Agreement has been obtained between subject property owner and Campus Court Apartments, who owns the portion of Hammond Dr adjacent to subject property. Please refer to attached item "A" for access agreement details.

Mr. Hutchinson would like to pave this portion of the alley with a City of Tempe approved paving surface, in order to comply with applicable dust control standards.

By allowing private residential vehicular use of this portion of the alleyway, public safety, a cleaner environment and more viable neighborhood will be accomplished.

Mr. Hutchinson would like to request approval of this use permit based on the following criteria:

- A. The use of the alley will not cause any significant vehicular or pedestrian traffic since only two vehicles will be using the alley way for private access to a two-car garage.
- B. The use of the alley will not cause nuisance as it will have very low traffic volume which only includes 2 vehicles. The proposed paving will eliminate existing dust pollution generated from current uses.

- C. The use of the alley will not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City. On the contrary, using the alley for private residential access would actually enhance the neighborhood as it would provide the alley with natural surveillance, thereby increasing the security for subject property and surrounding neighbors.
- D. Existing surrounding structures are multifamily and single family. By allowing requested access the compatibility of use with the existing surrounding structures and existing street infrastructure is maintained.
- E. The use of the alley will not cause any disruptive behavior which may create a nuisance to the surrounding area as it will serve only to provide vehicular access to the subject property thus enhancing security measures by way of natural surveillance.

Based on previous facts and stipulations, City of Tempe approval on this use permit will allow further development of subject property and add continuity and value to the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arthur Hutchinson', written over a horizontal line.

Arthur Hutchinson
Property Owner

Item A

February 14, 2006

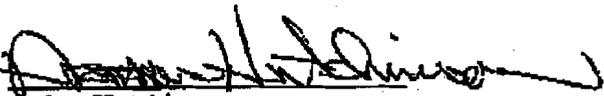
To Whom It May Concern:

Permission is hereby granted to Arthur Hutchinson, owner of the lot at the southeast corner of Hammond Drive with an address of 2051 S. Hammond Drive, for the use of Hammond Drive as the ingress, egress of vehicles to one driveway/garage for a single-family dwelling to be built at the above mentioned address. Permission is contingent upon the following:

- 1) The portion of the alley that the city requires to be paved will be extended to cover the end of Hammond Drive to make a smooth transition from alley to Hammond Drive.
- 2) The curbing along Hammond Drive that runs along the above mentioned property line shall remain a no parking zone and shall be maintained by owner of said property, i.e. weeding and general keep up.
- 3) Proof of liability insurance to be provided by the contractors who will be doing the new construction with Campus Court Apartments and Con Am Management listed as an additional insured.
- 4) At no time during the new construction on the lot will Hammond Drive be used as ingress, egress or parking for the construction.

This letter will also act as an agreement between both parties.

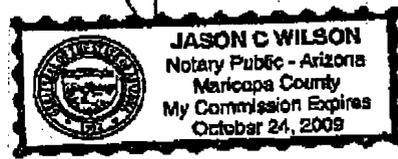
OWNER of lot at 2051 S. Hammond Drive:


 Arthur Hutchinson
 3020 S. Cottonwood Dr.
 Tempe, AZ 85282

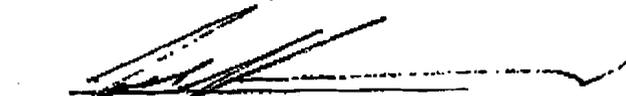
STATE OF ARIZONA
COUNTY OF MARICOPA

This instrument was acknowledged before me this 14 day of February, 2006, by Arthur Hutchinson in witness whereof I hereunto set my hand and official seal

NOTARY PUBLIC



OWNER of Campus Court Apartments/ Hammond Drive:


 Joel S. Coopersmith
 30 Heron Drive
 Mill Valley, CA 94941



TEMPE CONDOMINIUMS

2050 SOUTH FOREST AVENUE

PL080324

FRONT OF PROPERTY – VIEW TO WEST



TEMPE CONDOMINIUMS

2050 SOUTH FOREST AVENUE

PL080324

FRONT OF PROPERTY – VIEW TO WEST