

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 07/23/2013  
Agenda Item: 4**

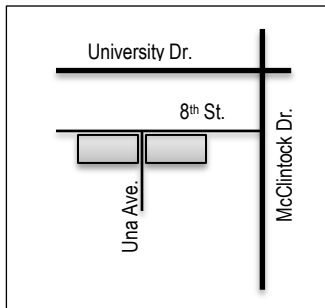
**ACTION:** Request for a Zoning Map Amendment from R1-6 to R1-PAD and a Planned Area Development Overlay consisting of two single-family residential lots for MARTINEZ RESIDENCE, located at 900 and 901 South Una Avenue. The applicant is Sender Associates, Chartered.

**FISCAL IMPACT:** While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

**RECOMMENDATION:** Staff – Approval, subject to conditions

**BACKGROUND INFORMATION:** MARTINEZ RESIDENCE (PL120414) consisting of the development of a single-family residential home located on 900 South Una Avenue. The request includes the following:

- ZON13006 Zoning Map Amendment from R1-6 to R1-PAD, Single-Family Residential District.
- PAD13008 Planned Area Development Overlay to establish the general development standards.



Property Owner	Justin Martinez (900 Una), City of Tempe (901 Una)
Applicant	Darin Sender, Sender Associates
Current Zoning District	R1-6, Single-Family Residential District & Tempe Historic Designated Property (a portion of 900 Una Ave. that includes the open ditch)
Site Area	6,606 sf. (900 Una Ave.) 7,176 sf. (901 Una Ave.)
Total Building area	2,809 sf.
Lot Coverage	13.4 % (45% maximum allowed)
Building Height	28 ft (30 ft. maximum allowed)
Building Setbacks	+50' front, +6' side, 20' street side +30' rear (20' front, 5' side, 10' street side, 15' rear min. required)
Vehicle Parking	2 spaces in garage + driveway (2 min. required)

**ATTACHMENTS:** Ordinance, Development Project File

**STAFF CONTACT:** Ryan Levesque, Senior Planner (480) 858-2393

Department Director: Lisa Collins, Interim Community Development Director  
 Legal review by: N/A  
 Prepared by: Ryan Levesque, Senior Planner



## **COMMENTS:**

The property sites are located along 8<sup>th</sup> Street at the southwest and southeast corners of Una Avenue and 8<sup>th</sup> Street. To the south of the sites are existing single-family homes, including the Borden Homes Historic District located south of Orange Street. Across 8<sup>th</sup> Street is the Creamery Public Park. Each respective property backs up to an alley adjacent to an apartment complex. Both properties have an SRP canal easement along the northern portions of the property (16' wide). 901 South Una Avenue canal is underground. The canal along 900 South Una Avenue is an exposed canal, which is listed on the City of Tempe's Historic Property Register List, known as the Kirkland-McKinney Ditch, which extends along a total of 4 parcels.

This request includes a request for a Zoning Map Amendment from R1-6 to R1-PAD, Single-Family Residential District and a Planned Area Development Overlay in order to establish the general development standards for the district. The owner intends to construct a single-family, 3-bedroom, home on 900 South Una Avenue. His intent is to reside on the property. If approved, the applicant can then proceed to submitting construction plans with Building Safety for the single-family home, pursuant to the development standards in the PAD.

## **HISTORY**

Dating back to 1871, the Kirkland McKinney Ditch is the earliest historic-era canal on the south side of the Salt River and an integral part of our community's settlement history. The City of Tempe, as property owners of the 900 South Una Ave. parcel, the Kirkland-McKinney Ditch was designated Historic and listed in the Tempe Historic Property Register, adopted by City Council on July 2, 2005. (Reference Doc: <http://www.tempe.gov/index.aspx?page=1690> ) It was described in that nomination as "a northern prolongation along 8<sup>th</sup> Street from Una Avenue Gary Drive" and was included in the designation along with three other privately owned parcels.

Subsequent to historic designation, the city decided to sell the remnant parcel, now addressed 900 South Una Avenue, to the prior owner of the adjacent residential lot at 902 South Una Ave to the south. The City had initially intended to sell the property for a nominal consideration with the obligation to tie the parcels together to 902 South Una and remain as an extended yard and open-space setting for the historic ditch. The initial sell of the parcel was not executed, and was later granted sale by the City Council to a new property owner at 902 South Una Ave. That parcel in 2007 was sold by the city at market value and with no restrictions specified. That owner eventually lost the home at 902 South Una Ave. through foreclosure, but still owned the parcel of land with the Historic Kirkland-McKinney Ditch. That property owner then sold the parcel at 900 South Una Ave to Justin Martinez in 2012 with the buyers intent to construct a single-family home.

Prior to closing on the property, Mr. Martinez met with City staff multiple times to discuss the purchase and intent for the property. After the closing, it was determined by the Zoning Administrator that the parcel could not automatically be developed on because the parcel did not conform to the minimum lot requirements of the R1-6 zoning district (60' min. width), as the property is approximately 47' feet wide. The property was not considered a legal lot of record and therefore could not be developed using the R1-6 zoning. The applicant filed an appeal of the Zoning Administrator's Decision to be heard by the Board of Adjustment. The applicant met with city management to explore all alternatives to the process. It was determined that Mr. Martinez could request an application for the R1-PAD zoning. This type of request requires the processing of more than one lot, in which the city as property owner authorized the neighboring parcel (901 South Una Ave.) to be included with the application zoning request. The city has no current plans, at this time, to develop or sell the land. At such time, City Council would need to make that determination through a separate ordinance process.

## **PUBLIC INPUT**

Mr. Martinez held a neighborhood meeting as required for zoning map amendments and planned area development overlays. The meeting was held on Saturday, June 22, 2013, 11 am at the Knights of Pythias building (located along Apache Blvd.). Staff was in attendance at the neighborhood meeting and answered general procedural questions, inquiries of why the city parcel was included in the request, and other past history. Mr. Martinez had several renderings of the project including a color site plan depicting the proposed plans to the community. There was a thorough dialogue with the applicant and residents in attendance. See the attached summary provided by the applicant.

Prior to the neighborhood meeting staff received questions and comments from a few neighbors in the area, and specifically

the adjacent property to the south of 900 South Una Avenue, who is in opposition to the request. Public comments are included in the attachments of this report.

## PROJECT ANALYSIS

### ZONING

The properties are currently zoned R1-6, Single-Family Residential District. This zoning designation requires a minimum lot size of 6,000 sf. with a minimum lot width of 60 feet and a minimum lot length of 100 feet. The property, when annexed into the City was zoned for single-family residential, but was not part of a subdivision lot intended single home. The parcels, less than 50 feet in width, do not conform to the R1-6 standards

Section 6-304 C.2. Approval criteria for Zoning amendment:

1. *The proposed zoning amendment is in the public interest.* The rezoning of the property to the R1-PAD zoning will grant the property owner relief in the non-conforming standards of the zoning of the parcel and still allow the property meet typical setbacks, lot coverage and height requirements of the R1-6 district.
2. *The proposed zoning amendment conforms with and facilitates implementation of the General Plan.* The General Plan 2030 projected land use for this location is “Residential” with a projected density of up to 8 dwelling units per acre, which this zoning request is in conformance. The project will introduce another single-family home ownership opportunity in an area that has been trending development for multi-family.

### PLANNED AREA DEVELOPMENT

The R1-PAD requires the simultaneous processing of a Planned Development Overlay in order to establish the proposed general development standards, which may include site area, lot dimensions, height, lot coverage, setbacks and parking. This request proposes to retain all of the R1-6 zoning standards, except for the minimum lot width requirement. The widths of the two lots vary. The narrowest portion of the lot widths, located at the west end of 900 South Una Avenue, is approximately 46 feet wide.

<b>8<sup>TH</sup> STREET AND UNA AVENUE – PLANNED AREA DEVELOPMENT OVERLAY</b>		
	Current R1-6 Standards	Proposed R1-PAD
Minimum Net Site Area	6,000 sf.	6,000 sf.
Minimum Lot Width	60 ft.	<b>44 ft. *</b>
Minimum Lot Length	100 ft.	100 ft.
Maximum Height	30 ft.	30 ft.
Maximum Lot Coverage	45%	45%
Setbacks:		
Front	20'	20'
Front – Open Structures	15'	15'
Street Side	10'	10'
Side	5'	5'
Rear	15'	15'

\* *Development Standard modification from R1-6*

Section 6-305 D. Approval criteria for P.A.D.:

1. *The proposed land uses (single-family residential) are allowable in Part 3.* The addition of new single-family residential will preserve boundaries of the existing single-family neighborhoods
2. *The development standards listed above, as established as part of the PAD Overlay District, as well as the standards allowed by use permit in Part 4 will be conformed to the development of this site.* The property will be in substantial conformance with the R1-6 standards consistent with adjoining neighborhood to the south. There are other substandard lot widths within the neighborhood, which enjoy the similar privileges that this property would be granted if approved.
3. *The proposed PAD is in conformance with provisions in Part 5, (Overlays);* The historic designation of the Kirkland McKinney Ditch will be preserved with this development. The property will preserve the existing open canal, in an

effort with the Salt River Project (SRP) who maintains the canal, and restore the original south bank and remove evasive root structure of the bamboo which has eroded the canal edge, extending beyond the canal easement.

4. *The approval, subject to any conditions, is reasonable to ensure conformance with the provisions of the Zoning and Development Code.*

### **Conclusion**

Based on the information provided and the above analysis, staff recommends approval of the requested Zoning Map Amendment and Planned Area Development Overlay. The project is requesting to use the R1-PAD to establish the sites own lot parameters and setbacks. With the unique character of the design and consideration of the existing historic features on the site, such as restoration of the historically designated Kirkland-McKinney Ditch and preservation of the old Cottonwood tree, staff recommends approval of the project. This request meets the approval criteria and will conform to the conditions of approval.

### **REASONS FOR APPROVAL:**

1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The PAD overlay process was specifically created to allow for greater flexibility, including allowance for minimum lot widths.
4. The proposed project meets the approval criteria for a Zoning Amendment and Planned Area Development Overlay.

### **CONDITIONS OF APPROVAL:**

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

1. A building permit application shall be made on or before August 22, 2015, or the zoning of the property may revert to that in place at the time of application. Any reversion is subject to a public hearing process as a zoning map amendment.
2. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than September 21, 2013, or the zoning map amendment and PAD approval shall be null and void.
3. The Planned Area Development Overlay shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.
4. The property shall maintain conformance with the R1-6, Single-Family Residential District development standards for building height, building setbacks and lot coverage.
5. Maintain the existing Cottonwood tree in front of 900 South Una Avenue. At such time the tree does not survive a new Cottonwood shall be installed within sixty (60) days of its demise.



## CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through [www.tempe.gov/zoning](http://www.tempe.gov/zoning) or purchase from Community Development.
- **BASIS OF BUILDING HEIGHT:** Measure height of buildings from top of curb at a point adjacent to the center of the front property line.
- **HISTORIC PRESERVATION:** State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Contact the Historic Preservation Officer with general questions. Where a discovery is made, contact the Arizona State Historical Museum for removal and repatriation of the items.
- **ENGINEERING:** 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Division.

## HISTORY & FACTS:

ca. 1871	Irrigation canal formed
January 28, 1958	Properties annexed into Tempe (Ordinance No. 280)
February 6, 1958	B&H Subdivision recorded, consisting of 10 single-family lots (adjacent to the south of the sites)
Date unknown	Subdivision cul-de-sac abandoned dedicating portions of the canal as right-of-way and connecting Una Avenue to 8 <sup>th</sup> Street. This created the two remnant parcels that exist today.
March 23, 2000	City Council adopted Ordinance No. 2000.08, allowing the sale of the subject parcel located at 900 South Una Avenue. (Transaction expired)
July 2, 2005	City Council approved the historic designation of the Kirkland-McKinney Ditch, located along the south side of 8 <sup>th</sup> Street, extending from Una Avenue to Gary Drive.
June 28, 2007	City Council adopted Ordinance No. 2007.34, authorizing the conveyance of real property at 900 South Una Avenue. (Transaction completed)
August 24, 2012	Parcel at 900 South Una Avenue purchased by Justin Martinez.
June 22, 2013	Applicant held a neighborhood meeting on Saturday, 11 am. at the Knights of Pythias building.
July 11, 2013	Historic Preservation Commission reviewed this request as it relates to the compatibility of the historic designated Kirkland-McKinney Ditch. The Commission made a motion for approval of the single-family home proposal with the stipulation that a report be brought back to the Commission regarding the landscape replacement selection along the historic ditch (3-1 vote, motion failed).
July 23, 2013	Scheduled Development Review Commission hearing for this request.

July 30, 2013                      Scheduled City Council introduction and first public hearing for this request.

August 22, 2013                    Scheduled City Council second and final public hearing for this request.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-304, Zoning Map Amendment

Section 6-305, Planned Area Development (PAD) Overlay districts

# DEVELOPMENT PROJECT FILE

for

## MARTINEZ RESIDENCE

### ATTACHMENTS:

- 1-2. Waiver of Rights and Remedies form
- 3. Location Map
- 4-9. Aerial & Site Photos
- 10-13. Letter of Explanation
- 14-15. Neighborhood Meeting Summary
- 16-20. Planned Area Development Overlay – Site Plans
- 21-22. Building Elevations
- 23. Building Sections
- 24. Floor Plans
- 25. Landscape Plan
- 26. Conceptual Grading Plan
- 27-38. Before & After Elevation Renderings
- 39. Color Site Plan Rendering
- 40. Material/Color Samples
- 41-44. Public Comments

**WHEN RECORDED RETURN TO:**  
City of Tempe  
Community Development Department  
31 E. 5<sup>th</sup> Street  
Tempe, AZ. 85281

**WAIVER OF RIGHTS AND REMEDIES  
UNDER A.R.S. §12-1134**

This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by Justin N. Martinez (Owner).

Owner acknowledges that A.R.S. § 12-1134 provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner's property (Private Property Rights Protection Act).

Owner further acknowledges that the Private Property Rights Protection Act authorizes a private property owner to enter an agreement waiving any claim for diminution in value of the property in connection with any action requested by the property owner.

Owner has submitted Application No. **PL120414 – MARTINEZ RESIDENCE** to the City requesting that the City approve the following:

- GENERAL PLAN AMENDMENT
- ZONING MAP AMENDMENT
- PAD OVERLAY
- HISTORIC PRESERVATION DESIGNATION/OVERLAY
- USE PERMIT
- VARIANCE
- DEVELOPMENT PLAN REVIEW
- SUBDIVISION PLAT/CONDOMINIUM PLAT
- OTHER \_\_\_\_\_

*(Identify Action Requested))*

for development of the following real property (Property):

Parcel Nos.: 132-60-015A and 132-60-015B

Addresses: 900 South Una Avenue & 902 South Una Avenue, Tempe, Arizona.

By signing below, Owner voluntarily waives any right to claim compensation for diminution in Property value under A.R.S. §12-1134 that may now or in the future exist as a result of the City's approval of the above-referenced Application, including any conditions, stipulations and/or modifications imposed as a condition of approval.

This Waiver shall run with the land and shall be binding upon all present and future owners having any interest in the Property.

This Waiver shall be recorded with the Maricopa County Recorder's Office.

Owner warrants and represents that Owner is the fee title owner of the Property, and that no other person has an ownership interest in the Property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**OWNER: JUSTIN N. MARTINEZ**

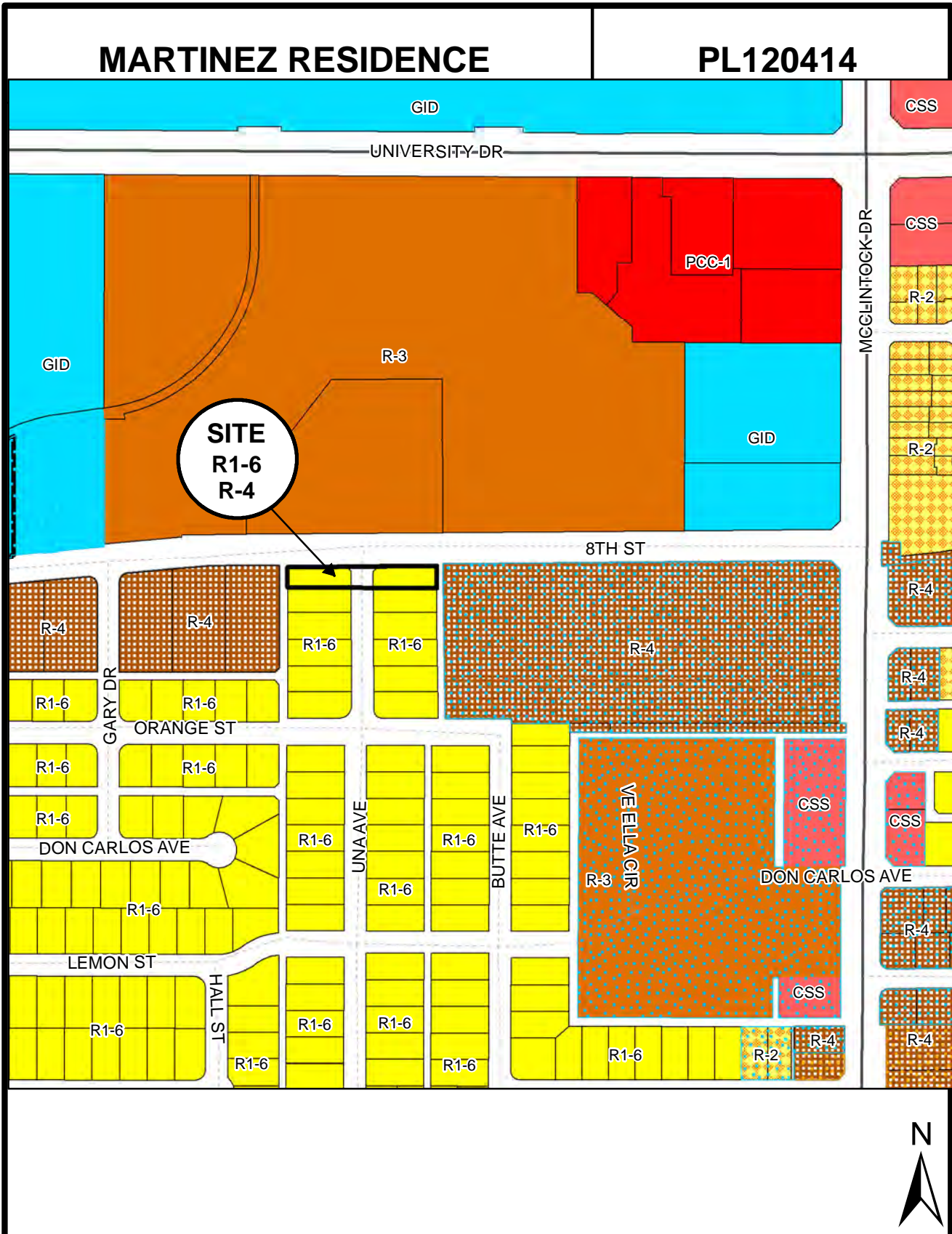
\_\_\_\_\_  
*(Signed Name)*

State of \_\_\_\_\_ )  
  ) ss.  
County of \_\_\_\_\_ )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by \_\_\_\_\_.

Notary Public  
My Commission Expires:

\_\_\_\_\_  
*(Signature of Notary)*



**Location Map**





**MARTINEZ RESIDENCE (PL120414)**



SITE PHOTOS PLAN





# EXHIBIT SITE PHOTOS



1 NORTH - UNA AVE. FRONTAGE



1 SOUTH - UNA AVE. FRONTAGE



1 EAST - UNA AVE. FRONTAGE



1 WEST - UNA AVE. FRONTAGE



2 NORTH - UNA AVE. & 8TH ST. FRONTAGE



2 SOUTH - UNA AVE. & 8TH ST. FRONTAGE



2 EAST - UNA AVE. & 8TH ST. FRONTAGE



2 WEST - UNA AVE. & 8TH ST. FRONTAGE



# EXHIBIT SITE PHOTOS



3 NORTH - 8TH ST. FRONTAGE



3 SOUTH - 8TH ST. FRONTAGE



3 EAST - 8TH ST. FRONTAGE



3 WEST - 8TH ST. FRONTAGE



4 NORTH - ALLEY FRONTAGE



4 SOUTH - ALLEY FRONTAGE



4 EAST - ALLEY FRONTAGE



4 WEST - ALLEY FRONTAGE



EXHIBIT SITE PHOTOS



5 SOUTH-WEST - UNA AVE. FRONTAGE



5 NORTH-WEST - UNA AVE. FRONTAGE



5 WEST - UNA AVE. FRONTAGE



5 WEST 180 - UNA AVE. FRONTAGE



5 360 DEGREE - UNA AVE. FRONTAGE



EXHIBIT SITE PHOTOS



6 SOUTH-EAST - 8TH ST. FRONTAGE



6 SOUTH-WEST - 8TH ST. FRONTAGE



6 SOUTH - 8TH ST. FRONTAGE



6 SOUTH 180 - 8TH ST. FRONTAGE



6 360 DEGREE - 8TH ST. FRONTAGE



## Project Narrative

This rezoning application is made in conjunction with the City of Tempe as co-applicant for a rezoning and PAD request relating to two lots located at the southeast and southwest corners of 8<sup>th</sup> Street and Una Avenue (the “Site”).

The Site consists of two parcels once owned by the City of Tempe. The western lot of the Site (parcel 132-60-015A) is now owned by Justin Martinez (the “Martinez Parcel”). The eastern lot of the Site (parcel 132-60-015B) is owned by the City of Tempe (the “City Parcel”). The city and Justin Martinez are co-applicants in this rezoning request in order to rezone both parcels for proposed and future development. Justin Martinez has plans to develop a small 2-story home on the Martinez Parcel.



Along the northern portion of the Martinez Parcel, a dirt-lined Kirkland-McKinney Historic Ditch flows open to the air along the entire northern property boundary within a 16’ wide SRP maintained easement area. The Ditch flows open westward to Gary Drive where it has been piped and undergrounded. The Ditch is also piped and undergrounded on the City Parcel.



The Site is located in a well-established area consisting of mainly residential homes to the south, and 1, 2, and - story apartments along 8<sup>th</sup> Street to the east, west, and north. North of the Site across 8<sup>th</sup> Street is Creamery Park and a dog park which are lively and well-utilized by all surrounding neighbors.

Surrounding Creamery Park are 3-story multi-family apartment units on three sides. Similar scale apartment buildings continue towards McClintock on the north side of 8<sup>th</sup> Street. Many residents also utilize nearby access to the Orbit Mercury public transportation that has stops located just west of Una Avenue on the north side of 8<sup>th</sup> Street, and just east of Una Avenue on the south side of 8<sup>th</sup> Street. These stops are well-utilized adding to inherent benefits of eyes on the street. Local residents also may walk to the two nearby light rail stations on Apache and Dorsey and Apache and McClintock.



To the east of the Site are 2-story multi-family apartments that generally continue toward McClintock on the south side of 8<sup>th</sup> Street.



Directly to the west of the Site is a 20' wide alley bordering Tempe Manor apartment complex and a large irrigated grass field running along the irrigation ditch separated by jogging slump-block wall. Further west on south side of 8<sup>th</sup> Street are several 2-story multi-family apartment complexes continuing most of the way to Rural Road and Arizona State University's main campus. The Four Peaks Brewing Company is located west of Tempe Manor apartments on the north side of 8<sup>th</sup> Street. Four Peaks is a local business success story, and a frequent stop for many local residents.

South of the Site is the B-H Homes Subdivision containing ten lots with homes generally constructed from 1957 to 1959. Further south down Una Avenue is the Borden Homes Historic District. Most of the neighborhoods surrounding the Site contain single family residential lots with housing constructed during the 1940's, 50's, 60's, and 70's. Several newer infill single family houses have been built in recent years throughout the area as reinvestment in this north Tempe area increases.

The Site is also located within the Apache Boulevard Redevelopment Area and has walkable access to light rail. This is an exciting aspect to the location of the Site opening up opportunities for exploration of new and developing activities and experiences along the light rail corridor.

Both subdivisions along Una Avenue contain beautifully-maintained yards and homes that indicate significant pride of ownership in the area. Vegetation is generally lush and mature throughout these neighborhoods

resulting from irrigation on most lots. These neighborhoods have quiet walkable streets resulting from a tight-knit community from which Justin Martinez has had the pleasure to have involvement in. He has met multiple neighbors from around the areas, and has been invited to and attended multiple functions ranging from historic tax benefit meetings, neighborhood crime prevention meetings, and community dinners.



The rezoning of the Site from R1-6 to R1-PAD will permit the infill development of two very underutilized parcels. A single-family home is already proposed for development on the Martinez Parcel. The rezoning is highly compatible with the surrounding zoning and land use patterns as well as with the General Plan Future Land Use designation of Residential, with a General Plan future Residential Density designation of Low to Moderate up to 9dua.

With regard to the development of the Martinez Parcel, the unique adjacency of a variety of public amenities, transportation options, residential neighborhoods, multi-family housing complexes, and industrial and commercial businesses calls for a unique design tying together a convergence of multiple conditions. On the north portion of the Martinez Parcel is the previously-mentioned Kirkland-McKinney Ditch spanning the length of property. The south bank of the Ditch is an over-growth of intrusive running bamboo covering a large percentage of the lot and hanging over and into most of the Ditch area. Also, on the northeast corner of the Martinez Parcel are two native trees that are proposed to be saved during construction and made part of the development plans. Closest to Una Avenue is a mature Palo Verde growing under the canopy of a 65' tall, 6' plus diameter trunk Cottonwood tree. The unique adjacencies described above coupled with the historic





Kirkland-McKinney ditch and Cottonwood tree help to shape the design of the proposed residence on the Martinez Parcel.

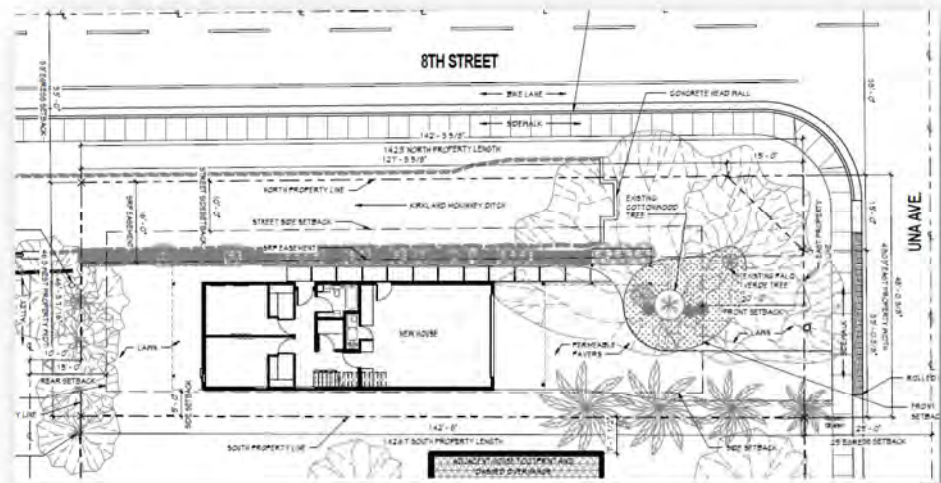
The single family home designed specifically for the Martinez Parcel takes into account the convergence of all the public activities, conforms to all physical and regulatory restrictions, solves desired program requirements and synthesizes them comprehensively. The house fits within the buildable area of the lot after complying with



all setbacks, easements, height restrictions, drive way needs, etc., while still preserving and enhancing the two native trees and vegetation along Ditch bank. The running bamboo currently on the lot has an intrusive root structure that quickly takes over land, and harbors harmful insects, such as the Carpenter Bee found in the stocks which continue to attack the large Cottonwood tree. The bamboo also harbors transients, stray cats, prevents proper maintenance of ditch and has

caught fire causing damage to existing overhead power lines. The proposed replacement vegetation will be a multi-faceted solution. In addition to addressing the above issues the proposed grouping bamboo, ficus trees or suitable alternative will maintain the lush aesthetic along the bank, provide screening of the house and windows while strategically allowing for natural surveillance and visibility for security purposes.

The placement of the house within the buildable area is such that the driveway on Una Avenue runs south and past the large Cottonwood tree allowing for maneuverability of two vehicles to park side by side in a two car garage. Above the driveway and two car garage is a second story covered porch with an observatory catwalk along the Ditch bank extending to large Cottonwood tree forming a partial courtyard area. This was done to have a connection not only to the water within the ditch but also the naturally resulting vegetation.



On ground level to the north of the garage and south of the ditch bank under the observatory catwalk deck signifying the pathway to the front door is a covered, lush, rhythmic approach providing screened views of water, 8<sup>th</sup> Street, foot traffic, and activities in the park. The ideal orientation of the lot in terms of views and solar orientation tailored the design toward a protective elevated geometric wrapping of the second level supported by first level elements, blocking the south façade from direct solar heat gain. This is achieved by minimal glazing openings and to respect the neighbor's privacy. The geometry of the form wrapping the second



floor extends at the east and west ends of the structure to provide shelter for porches. The north side of the geometry wrapping the second floor is left open where sun rarely hits windows to maximize views north down to the water, to the park on 8<sup>th</sup> Street, A-Mountain, and other views. As described, the side yard and street frontage will enhance the aesthetics and help to maximize the natural surveillance along 8<sup>th</sup> Street. Along Una

Avenue, ground covers and plantings combined with an aesthetically pleasing front elevation will also improve the overall visual look of the entrance into the neighborhood and provide additional eyes on the street for added neighborhood crime prevention.





## Meeting Summary - Neighborhood Meeting

June 22, 2013

Justin Martinez held a neighborhood meeting for the 8<sup>th</sup> Street & Una PAD on June 22, 2013 at 11:00 A.M. at the Knights of Pythias regarding the Martinez Property at 900 S. Una Ave. and the City of Tempe Property at 901 S. Una Ave.. Justin Martinez conducted the meeting which began by introductions of himself and City representative Ryan Levesque, followed by explanation of parcels, applicants and processes requested for the R1 PAD. The meeting was then opened for questions and clarifications. The following questions and answers were discussed:

- What if you end up building a 13-story structure?
  - The R1 PAD is requested is the same height restriction as the current zoning which is a maximum of 30 ft.
- What are my plans for the cottonwood tree on Martinez Property?
  - To preserve and incorporate in to future house design.
- Are you going to tile over the Kirkland-McKinney Ditch?
  - No, the ditch is to remain open and SRP will restore it to its historic width as it has eroded past its 16 ft. wide easement.
- Is the foundation of your proposed house going to be the new edge of the ditch and look like a concrete wall?
  - No, the foundation is pulled back 3-plus ft. from easement and SRP is going to use a soil stabilizer to slow erosion.
- What are you going to do with the bamboo?
  - The bamboo will be removed per SRP's request and because the running bamboo has an intrusive root structure that spreads quickly and makes it hard for SRP to maintain ditches edge. Also, the bamboo has been known to catch the overhead power lines on fire, harbor transients, stray cats and very harmful insects that are damaging the cottonwood tree. The bamboo along the ditch edge is proposed to be replaced with a more suitable type of vegetation, such as a larger diameter grouping bamboo or ficus to maintain the lush esthetic of the ditch edge.
- How did you address views in to adjacent neighbors backyard on second floor of proposed home?
  - There are only two small windows for toilet rooms on the south side of home and porches at either end have louver systems to screen views.

- How was the Martinez Property originally transferred from the City of Tempe to John Kobierowski?
  - It was done by the standard two hearing process with a purchase price of \$58,000 in 2007.
- Why is city's property included with Mr. Martinez for the R1 PAD?
  - The R1 PAD requires two or more units/parcels for application and development of single family residential infill on a substandard parcel.
- What are the city's plans for their lot?
  - The city has no current plans for now.
- If this is approved why couldn't someone buy the Martinez lot and the adjacent 902 parcel and build a high-rise?
  - If someone were to buy both parcels they would have to go through the same process with the same hearings and meetings as this R1 PAD.
- How far back is the proposed house from the front property line?
  - The proposed house is to be set back 60-plus feet to preserve the cottonwood tree and allow for maneuvering of vehicles around tree.
- Is the residence going to be rented out if built?
  - The proposed residence will be Justin Martinez's primary home.

The meeting was then opened up for individuals to view and ask questions about diagrams, graphics, drawing and renderings displayed and provided by Justin Martinez. There was a sign in sheet provided where individuals were given the opportunity to provide names and email addresses. The meeting concluded after one hour at 12:00 P.M.

# PLANNED AREA DEVELOPMENT OVERLAY FOR 8TH STREET & UNA AVE P.A.D.

A PORTION OF THE NORTHEAST QUARTER, SECTION 23, TOWNSHIP 1 N, RANGE 4 E, GILA AND SALT RIVER BASE AND MERIDIAN,  
MARICOPA COUNTY ARIZONA

## ACKNOWLEDGEMENT

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_, BEFORE ME THE UNDERSIGNED,  
PERSONALLY APPEARED JUSTIN MARTINEZ, CITY OF TEMPE, WHO ACKNOWLEDGED HIMSELF TO  
BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED  
THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL.

BY \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

BY \_\_\_\_\_ JUSTIN MARTINEZ \_\_\_\_\_ DATE \_\_\_\_\_

BY \_\_\_\_\_ CITY OF TEMPE \_\_\_\_\_ DATE \_\_\_\_\_

JUSTIN MARTINEZ, N.A., CITY OF TEMPE USA COLLINS DEPUTY DIRECTOR FOR PLANNING COMMUNITY DEVELOPMENT  
DEPARTMENT

ATTACHMENT 16

## LEGAL DESCRIPTION (CITY PROPERTY)

## LEGAL DESCRIPTION (MARTINEZ PROPERTY)

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST  
QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE  
AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

BEING A PORTION OF THE JUSTIN WEST CORNER LOT 5, 8 HOMES, AS RECORDED IN BOOK 76 OF  
MAPS, PAGE 2, RECORD OF MARICOPA COUNTY RECORDER.

THENCE NORTH 00 DEGREES 20 MINUTES 00 SECONDS EAST, ALONG THE NORTHERLY  
PROLONGATION OF THE EAST ALLEY RIGHT OF WAY AS SHOWN ON SAID 84 HOMES, 46.29 FEET  
TO THE SOUTH RIGHT OF WAY OF 8TH STREET;

THENCE NORTH 88 DEGREES 27 MINUTES 00 SECONDS EAST ALONG SAID RIGHT OF WAY, 142.30  
FEET;

THENCE DEPARTING SAID SOUTH RIGHT OF WAY, SOUTH 00 DEGREES 20 MINUTES 00 SECONDS  
EAST ALONG THE PROLONGATION OF THE WEST RIGHT OF WAY OF UNA AVENUE AS SHOWN ON  
SAID PLAN, 46.63 FEET TO THE NORTHEAST CORNER OF SAID LOT 5.

THENCE DEPARTING SAID PROLONGATION OF SAID WEST RIGHT OF WAY, NORTH 88 DEGREES 51  
MINUTES 00 SECONDS ALONG THE NORTH LINE OF SAID LOT 5, 146.67 FEET TO THE POINT OF  
BEGINNING.

## APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
TEMPE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_.

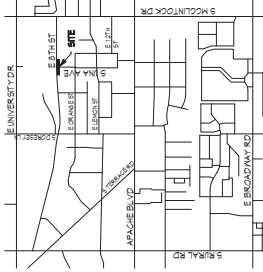
## OWNER/DEVELOPER

JUSTIN MARTINEZ, 600 S. UNA AVENUE  
CITY OF TEMPE, 901 S. UNA AVENUE

## PROJECT DATA

PROPOSED P.A.D. DEVELOPMENT STANDARDS	
MINIMUM SITE AREA	6,000 SF
MINIMUM LOT WIDTH	44'
MINIMUM LOT LENGTH	100'
NUMBER OF TOTAL LOTS	1
MINIMUM LOT AREA	6,000 SF
MAXIMUM LOT HEIGHT	30 FT
MAXIMUM LOT COVERAGE	45%
SETBACK FRONT YARD	20'
SETBACK SIDE YARD	5'
SETBACK STREET SIDE YARD	10'
SETBACK REAR YARD	15'
SETBACK OPEN STRUCTURES	15'
VEHICLE PARKING	2
BICYCLE PARKING	2

## SITE VICINITY MAP



## CONDITIONS OF APPROVAL: PAD000000

LIST PAD CONDITIONS ONLY

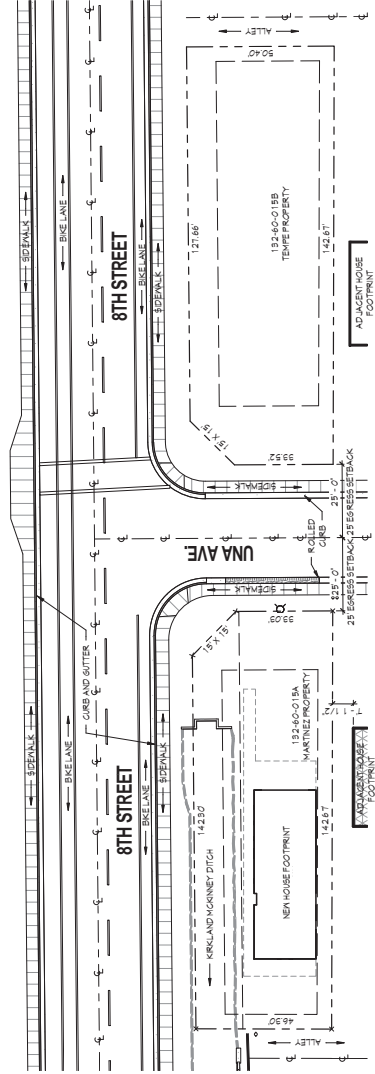
## GENERAL NOTES

LIST GENERAL NOTES THAT ARE RELATED TO PLANNED AREA DEVELOPMENT - DELETE IF NO  
NOTES THAT PERTAIN TO CURRENT OR PREVIOUS PAD. CONTINUATION OF NOTES ON SECOND  
SHEET IS ACCEPTABLE.

DS121196

PAD000000

REC000000



**1 P.A.D. OVERLAY SITE PLAN**



**P.A.D. GENERAL SITE PLAN NOTES**

**OWNER:**

MARTINEZ PROPERTY:  
JUSTIN MARTINEZ  
1111 W. WASHINGTON ROAD, UNIT 111  
MESA, ARIZONA 85210  
(480) 242-9501  
jmart19@pho.com

**TEMPÉ PROPERTY:**

1111 W. WASHINGTON ROAD, UNIT 111  
911 S. 7TH STREET  
TEMPÉ, ARIZONA 85281  
(480) 330-2118  
CJ@tempe.gov  
info@tempe.gov

**ADDRESS OF PROPERTY:**

LOT 111: 401.5 UNA AVENUE, TEMPÉ, AZ 85281  
LOT 112: 401.5 UNA AVENUE, TEMPÉ, AZ 85281

**PARCEL NUMBER:**

MARTINEZ PROPERTY: 132-40-015A  
TEMPÉ PROPERTY: 132-40-015B

**CURRENT ZONING:**

R1-6

**PROPOSED ZONING:**

R1-PAD

**PARCELS:**

NORTH 1/4 FEET

**LOT AREA:**

8,608.34 SQ FT (6,026.1 NET / 1,116.50 FT (6,026.1 NET

**PROPOSED P.A.D. DEVELOPMENT STANDARDS**

MINIMUM SITE AREA	6,000 SF
MINIMUM LOT WIDTH	44'
MINIMUM FRONT YARD SETBACK	10'
NUMBER OF TOTAL LOTS	1
DENSITY	6.25 DUA
MAXIMUM HEIGHT	30 FT
MAXIMUM LOT COVERAGE	45%
SETBACK: FRONT YARD	20'
SETBACK: SIDE YARD	5'
SETBACK: STREET SIDE YARD	10'
SETBACK: REAR YARD	15'
SETBACK: OPEN STRUCTURES	15'
VEHICLE PARKING	2
BICYCLE PARKING	2

**SHEET INDEX**

SHEET NUMBER	SHEET NAME
A0.0	P.A.D. OVERLAY COVER SHEET
A1.1	P.A.D. OVERLAY SITE PLAN
A1.2	PROPOSED ZONING PLAN
A1.3	TEMPÉ PROPERTY SITE PLAN

DS121196

REC000000

PAD000000

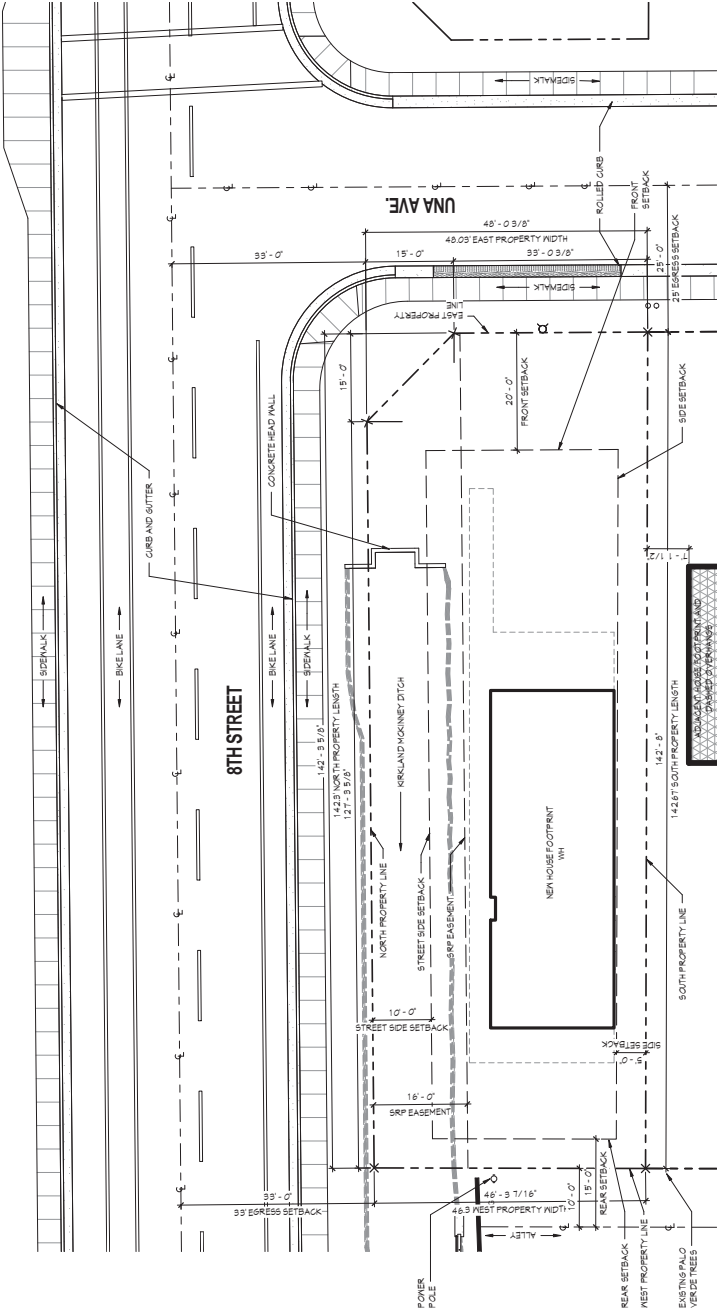
REC000000

PAD000000

DS121196

**SITE LEGEND**

☐ FIRE HYDRANT



**MARTINEZ PROPERTY SITE PLAN**



**MARTINEZ PROPERTY GENERAL SITE PLAN NOTES**

**LEGAL DESCRIPTION:**  
 PART OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE 6th AND 9th MERIDIAN MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEING AT THE NORTHWEST CORNER OF LOT 5, B-HOMES, AS RECORDED IN BOOK 76 OF MAPS PAGE 2, RECORD OF MARICOPA COUNTY RECORDS.  
 THENCE NORTH 00 DEGREES 07 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY PROLONGATION OF THE EAST ALLEY RIGHT OF WAY AS SHOWN ON PAD 8-HOMES, 48.21 FEET TO THE SOUTHWEST CORNER OF SAID ALLEY;  
 THENCE NORTH 81 DEGREES 27 MINUTES 00 SECONDS EAST ALONG SAID RIGHT OF WAY, 143.30 FEET;  
 THENCE DEPARTING SAID SOUTH RIGHT OF WAY, SOUTH 00 DEGREES 20 MINUTES 00 SECONDS EAST ALONG THE PROLONGATION OF THE WEST RIGHT OF WAY OF UNA AVENUE AS SHOWN ON SAID PLAT, 48.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 5;  
 THENCE DEPARTING SAID PROLONGATION OF SAID WEST RIGHT OF WAY, NORTH 81 DEGREES 51 MINUTES 00 SECONDS ALONG THE NORTH LINE OF SAID LOT 5, 142.67 FEET TO THE POINT OF BEGINNING.

**OWNER:**  
 JUSTIN MARTINEZ  
 119 SOUTH EXTENSION ROAD UNIT 11  
 MESA, ARIZONA 85210  
 (602) 242-9501  
 jmart@brylbo.com

**ADDRESS OF PROPERTY:**  
 900 SOUTH UNA AVENUE  
 TEMPE, AZ 85281

**PARCEL NUMBER:**  
 132-800-015A

**CURRENT ZONING:**  
 R-1-6

**PROPOSED ZONING:**  
 R-1-PAD

**PERMITS:**  
 NORTH 16 FEET  
 23.01' x 6.50 FT  
 42.3% SLOPE  
**LOT AREA:**  
 6,626.34 SQ FT OR 0.951 A NET  
 23.01' x 6.50 FT  
 42.3% SLOPE

**REMOVABLE AREA:**  
 84.02 SF  
 1,428.55 SF  
 2,029.57 SF

**PERMANENTLY REMOVABLE AREA:**  
 877.15 SF  
 24.6 SF  
 142.35 SF  
 307.19 SF

**NON-REMOVABLE UNDER FOOT LASES (GROSS):**  
 1,026.57 SF

**LOT AREA:**  
 6,607.57 SF

**PERCENTAGE OF LOT COVERED:**  
 12.184%

**ACTUAL PERCENTAGE OF LOT COVERED:**  
 45%

**ALLOWABLE MAX LOT COVERAGE:**  
 45%

REC000000

PAD000000

DS121196

REC000000

PAD000000

DS121196

**TMPEPE PROPERTY GENERAL SITE PLAN NOTES**

**NOTE:**  
PORTIONS AND AREAS OF PARCEL 132140-0188 TAKEN FROM MARICOPA COUNTY ASSESSORS SITE

**OWNER:**  
TMPEPE  
91 EAST FIFTH STREET  
TEMPE, AZ 85281  
TEL: 480-966-1111  
WWW.TMPEPE.COM

**ADDRESS OF PROPERTY:**  
901 SOUTH UNA AVENUE  
TEMPE, AZ 85281

**PARCEL NUMBER:**  
132140-0188

**CURRENT ZONING:**  
R1-6

**PROPOSED ZONING:**  
R1-PAD

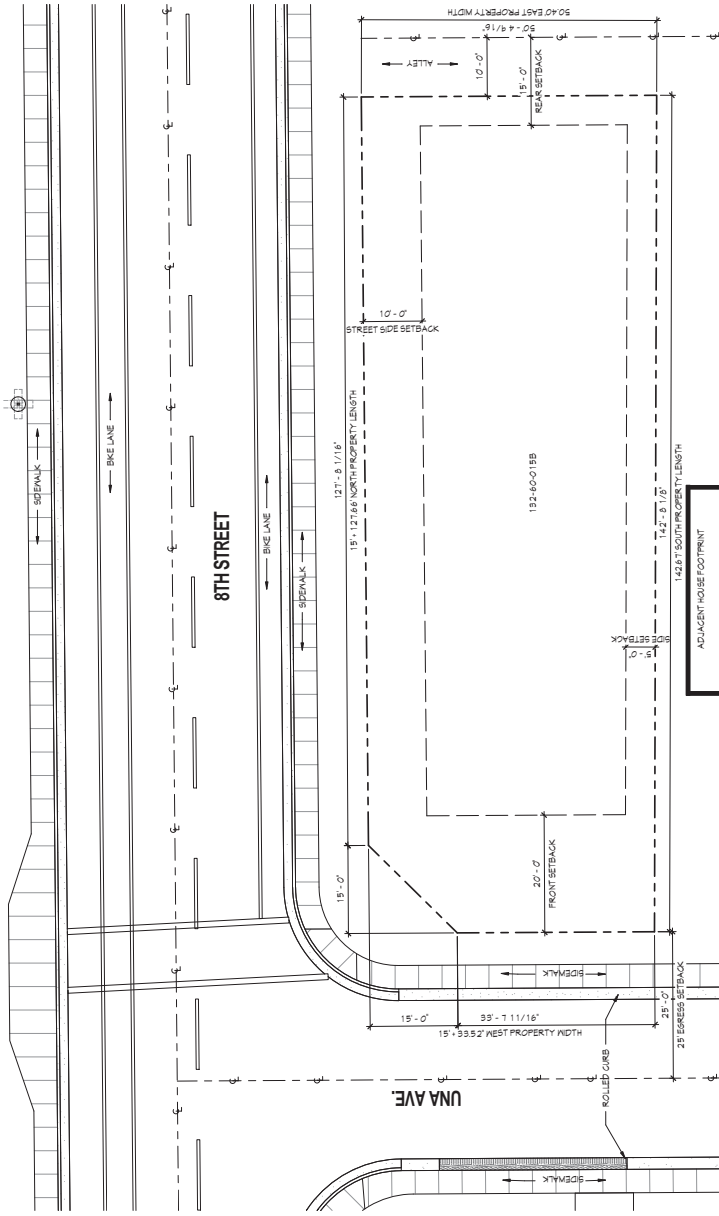
**PERMITS:**  
NORTH 16 FEET?  
LOT LANE

11,716 SQ. FT. GROSS NET

REC000000

PAD000000

DS121196



**1** TEMPE PROPERTY SITE PLAN

**GENERAL SITE PLAN NOTES**

**LEGAL DESCRIPTION:**  
 PARCEL 02148 BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 5, 8-HOMES, AS RECORDED IN BOOK 16 OF MAPS, PAGE 2, RECORD OF MARICOPA COUNTY RECORDS;  
 THENCE NORTH 81 DEGREES 07 MINUTES 00 SECONDS EAST, ALONG THE NORTHERLY PROLONGATION OF THE EAST ALLEY, RIGHT OF WAY AS SHOWN ON SAID 8-HOMES, 44.24 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET;  
 THENCE NORTH 81 DEGREES 21 MINUTES 00 SECONDS EAST ALONG SAID RIGHT OF WAY, 142.30 FEET;  
 THENCE DEPARTING SAID SOUTH RIGHT OF WAY, SOUTH 00 DEGREES 20 MINUTES 00 SECONDS EAST ALONG THE PROLONGATION OF THE WEST RIGHT OF WAY OF UNA AVENUE AS SHOWN ON SAID PLAN, 48.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 5;  
 THENCE DEPARTING SAID PROLONGATION OF SAID WEST RIGHT OF WAY, NORTH 81 DEGREES 51 MINUTES 00 SECONDS ALONG THE NORTH LINE OF SAID LOT 5, 142.87 FEET TO THE POINT OF BEGINNING.

**OWNER:**  
 JUSTIN N MARTINEZ  
 115 SOUTH EXTENSION ROAD, UNIT 11  
 TEMPE, AZ 85281  
 PHONE: 928-242-5801  
 MESA, AZ 85210  
 CURRENT ZONING: R1-6  
 PARCEL NUMBER: 132-60-015A

**SITE LEGEND**

☒ FIRE HYDRANT

**OWNER:**  
 JUSTIN N MARTINEZ  
 115 SOUTH EXTENSION ROAD, UNIT 11  
 TEMPE, AZ 85281  
 PHONE: 928-242-5801

**ADDRESS OF PROPERTY:**  
 902 SOUTH UNA AVENUE  
 TEMPE, AZ 85281

**PARCEL NUMBER:**  
 132-60-015A

**CURRENT ZONING:**  
 R1-6

**SETBACKS:**  
 FRONT YARD 15 FEET  
 REAR YARD 15 FEET  
 SIDE YARD 15 FEET  
 STREET SIDE SIDE YARD 10 FEET

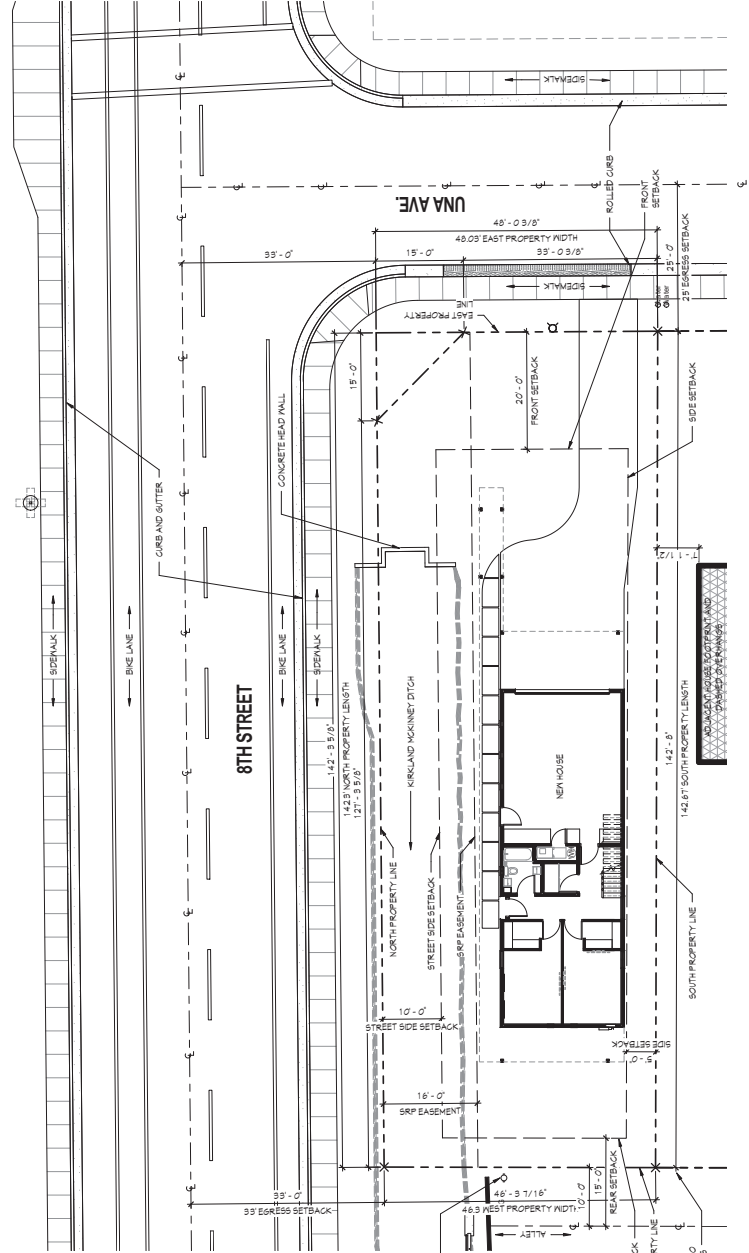
**EASEMENTS:**  
 NORTH 15 FEET

**LOT AREA:**  
 6,620.84 SQ FT (GROSS NET)

**BUILDING LABEL:**  
 6,620.84 SQ FT (GROSS NET)

**AREA CALCULATIONS:**  
 LOWER LEVEL  
 TOTAL GROSS LIVABLE AREA  
 TOTAL GROSS NON-LIVABLE AREA  
 TOTAL AREA UNDER ROOF AREAS (GROSS)  
 TOTAL AREA UNDER ROOF AREAS (NET)  
 GARAGE  
 FRONT PORCH  
 TOTAL GROSS LIVABLE AREA  
 TOTAL GROSS NON-LIVABLE AREA  
 TOTAL AREA UNDER ROOF  
 AREA OF ROOF FOOTPRINT  
 LOT COVERAGE (GROSS)  
 BUILDING FOOTPRINT  
 ACTUAL PERCENTAGE OF LOT COVERED  
 ALLOWABLE LOT COVERAGE

640 SF  
 2,465 SF  
 1,025 SF  
 571 SF  
 246 SF  
 970 SF  
 3,078 SF  
 1,539 SF  
 6,621 SF  
 1,271 SF  
 18.4%  
 45%



**1 SITE PLAN**

SHEET NUMBER	SHEET NAME
A1.1	SITE PLAN
A2.2	1ST & 2ND FLOOR PLANS
A3.1	BUILDING SECTIONS
A4.1	MECHANICAL SYSTEMS
A4.2	EXTERIOR FINISHES, MATERIALS & COLORS
GDT.1	GRAVING AND DRAINAGE PLAN
L1.1	LANDSCAPE PLAN



# A4.1

## EXTERIOR ELEVATIONS

DATE: 05/20/2013

5/9/2013 12:54:55 PM

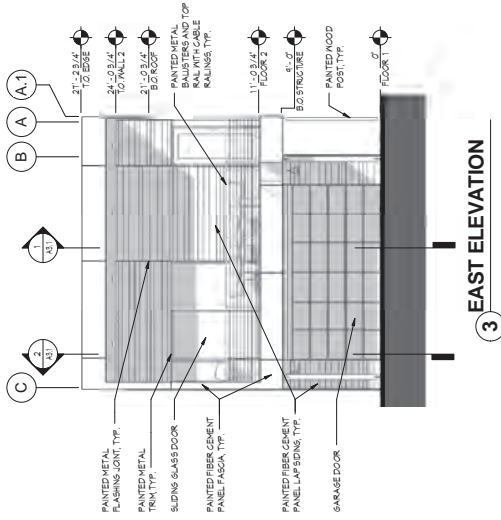
### MARTINEZ RESIDENCE

900 SOUTH UNA AVE,  
TEMPE, AZ 85281

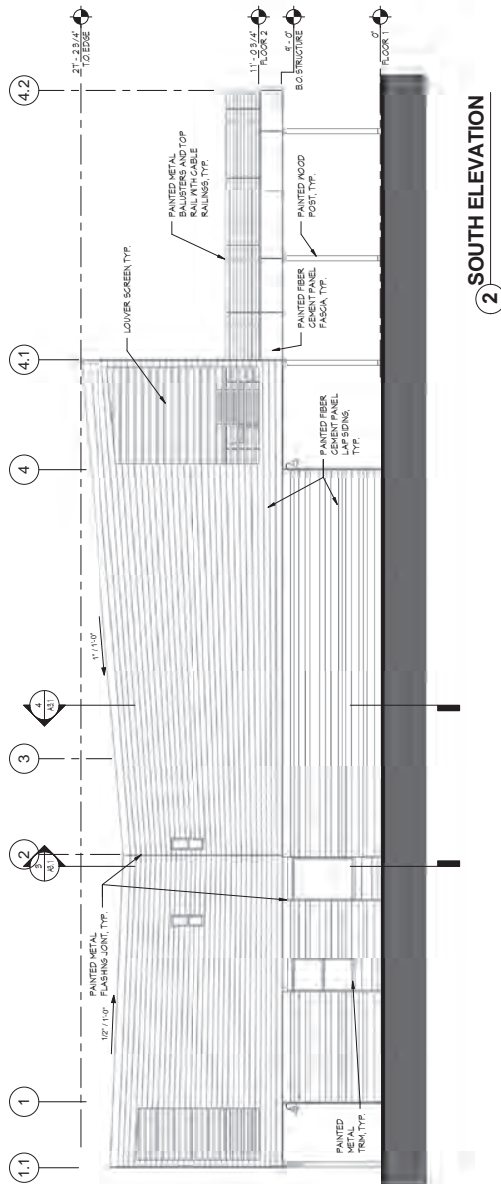
OWNER: JUSTIN N. MARTINEZ  
715 SOUTH EXTENSION ROAD, UNIT 11  
MESA, AZ 85210  
PHONE: 928-242-5801

PARCEL NUMBER: 132-60-015A

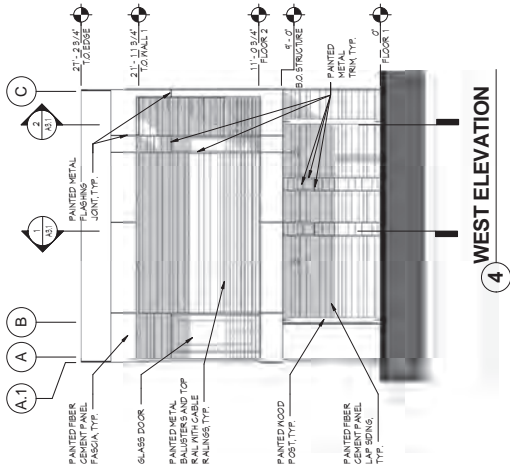
CURRENT ZONING: R1-6



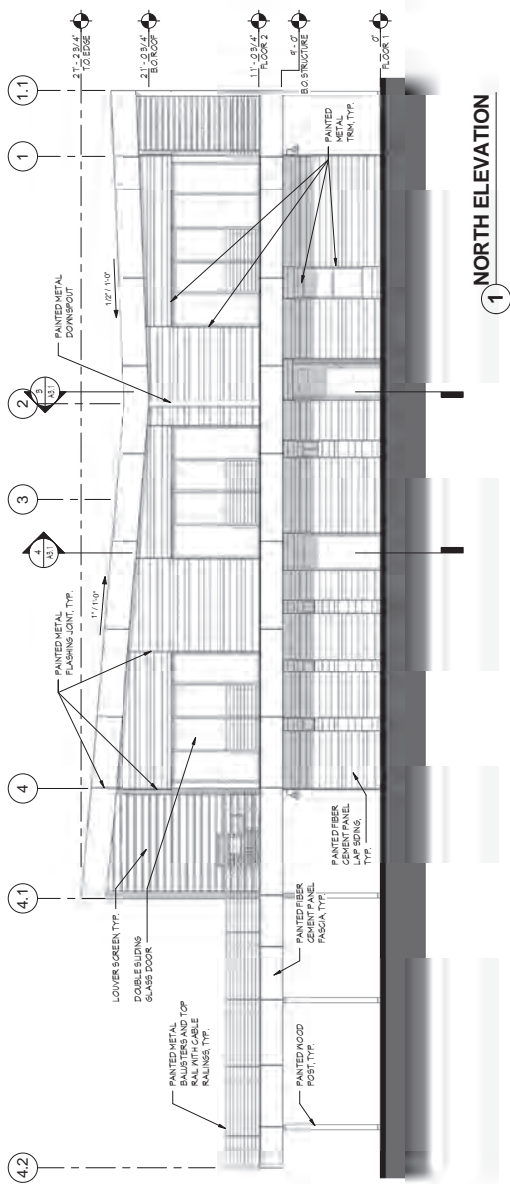
3 EAST ELEVATION



2 SOUTH ELEVATION



4 WEST ELEVATION



1 NORTH ELEVATION



**A4.2**  
**EXTERIOR**  
**ELEVATIONS COLOR**

**MARTINEZ RESIDENCE**  
900 SOUTH UNA AVE,  
TEMPE, AZ 85281

DATE: 05/20/2013

OWNER: JUSTIN N. MARTINEZ  
715 SOUTH EXTENSION ROAD, UNIT 11  
MESA, AZ 85210  
PHONE: 928-242-5801  
PARCEL NUMBER: 132-60-015A  
CURRENT ZONING: R1-6

0' 8' 16' 32' 64'



**WEST ELEVATION**



**SOUTH ELEVATION**

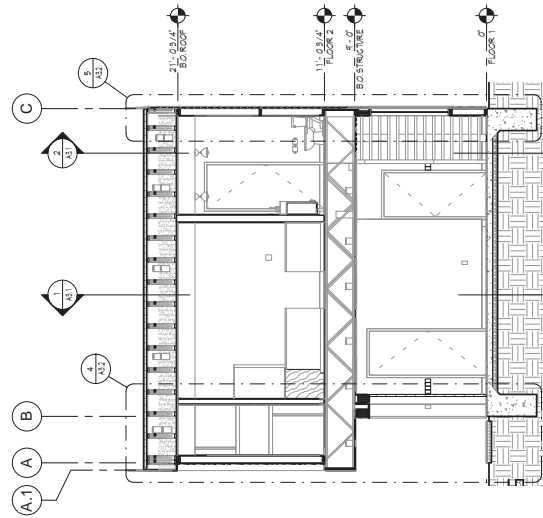


**EAST ELEVATION**

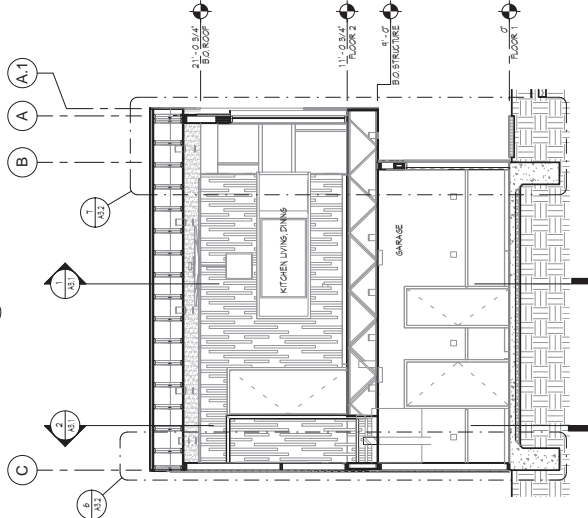


**NORTH ELEVATION**

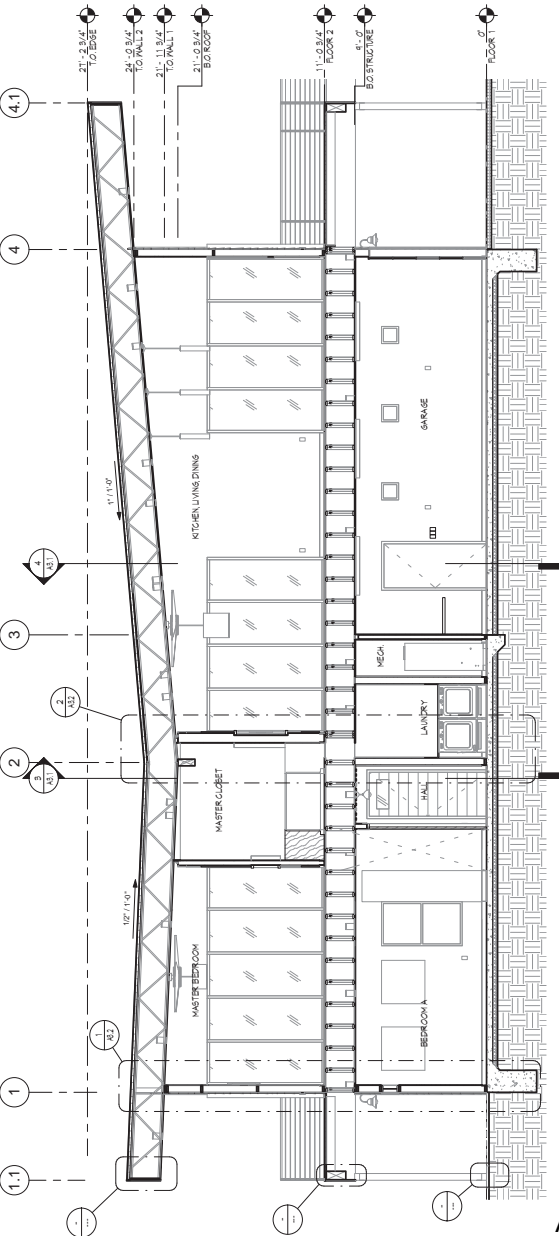




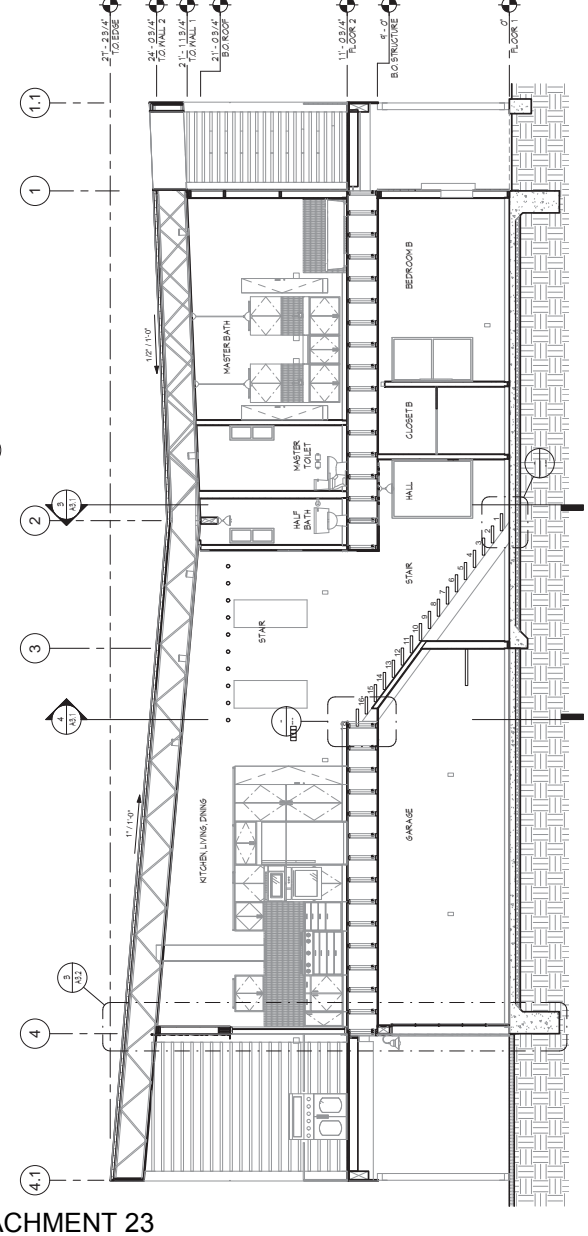
3 BUILDING SECTION



4 BUILDING SECTION



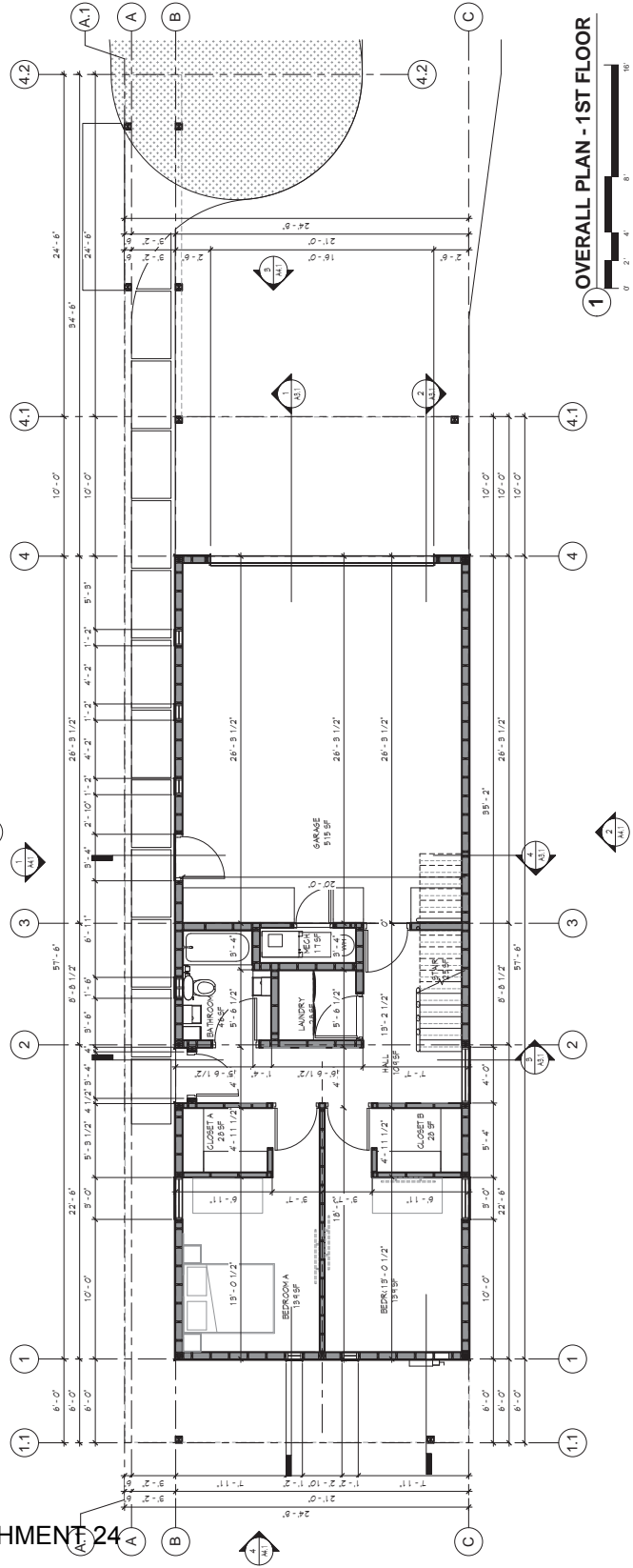
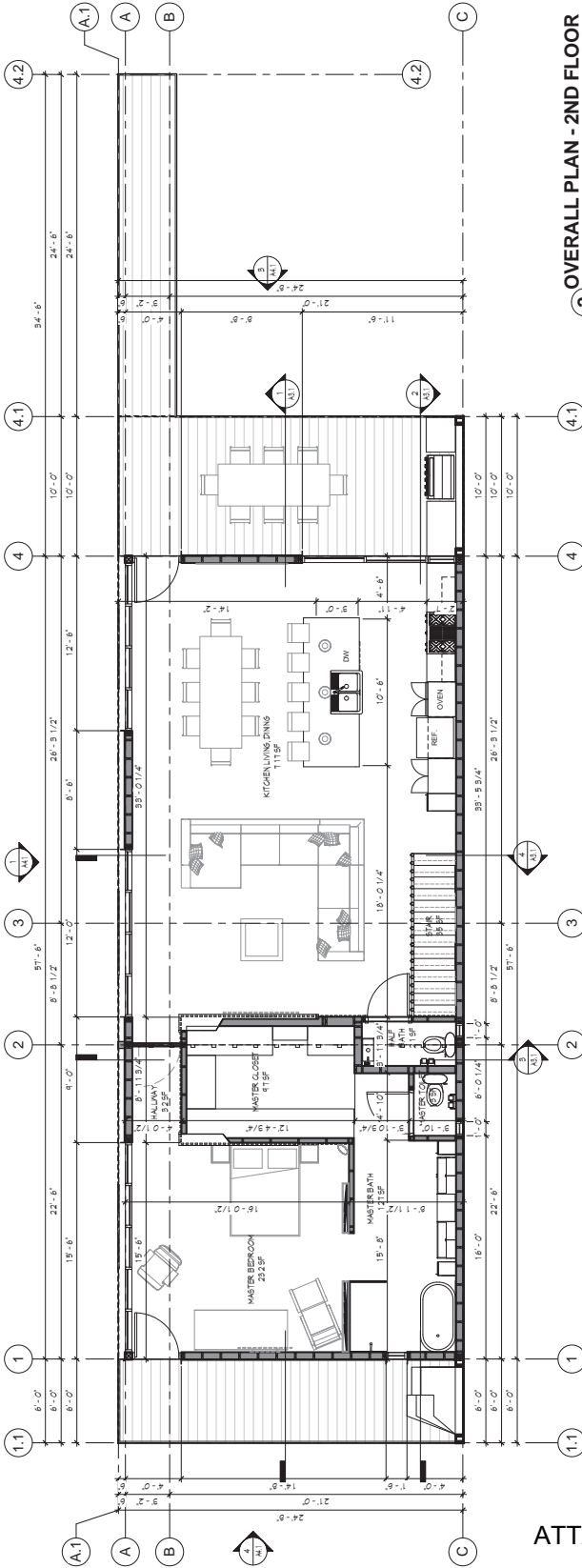
1 BUILDING SECTION



2 BUILDING SECTION



- GENERAL NOTES:**
1. ALL FINISHING GLASS ARE TO BE MONOLITHICALLY FORMED TINTED GLASS.
  2. ENTIRE STRUCTURE WILL BE APOD FRAME CONSTRUCTION.
  3. ALL INTERIORS WILL BE 2x8 SHEATHED.
  4. 2ND FLOOR AND ROOF WILL BE ENGINEERED APOD FRAME.
  5. ROOFING MATERIAL WILL BE CLOSED CELL SPRAY FOAM.
  6. CLADDING WILL BE PAINTED FIBER CEMENT BOARD PANELS.
  7. FASCIAS WILL BE PAINTED FIBER CEMENT BOARD PANELS.



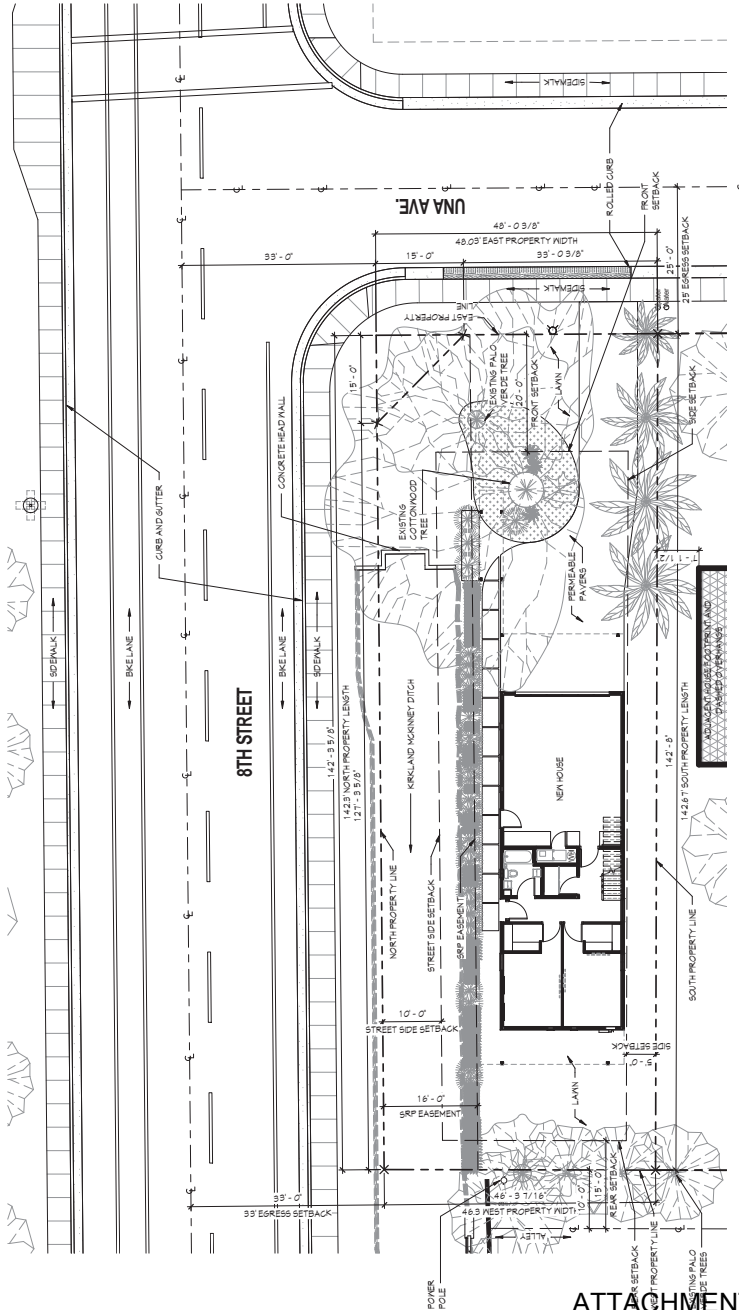


**LANDSCAPE LEGEND**

- (NEW) PALM TREE
- (EXISTING) FAN PALM
- (NEW) SCROOPING BAMBOO
- (EXISTING) ROSE BUSH
- (NEW) MISC. SHrub
- (NEW) MISC. GROUND COVER

**SITE LEGEND**

- Ø FIRE HYDRANT



**1 SITE & LANDSCAPE PLAN**

**GRADING & DRAINAGE NOTES:**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE NORTHWEST CORNER OF LOT 5, B-H-HOMES, AS RECORDED IN BOOK 78 OF MAPS, PAGE 2, RECORD OF MARICOPA COUNTY RECORDER;

THENCE NORTH 00 DEGREES 01 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY PROLONGATION OF THE EAST ALLEY RIGHT OF WAY AS SHOWN ON SADD B-H-HOMES 46.21 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET;

THENCE NORTH 84 DEGREES 21 MINUTES 00 SECONDS EAST ALONG SAID RIGHT OF WAY, 143.80 FEET;

THENCE DEPARTING SAID SOUTH RIGHT OF WAY, SOUTH 00 DEGREES 20 MINUTES 00 SECONDS EAST, ALONG THE PROLONGATION OF THE WEST RIGHT OF WAY OF UNIV. AVENUE AS SHOWN ON SAID PLAN, 46.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 5;

THENCE DEPARTING SAID PROLONGATION OF SAID WEST RIGHT OF WAY, NORTH 84 DEGREES 51 MINUTES 00 SECONDS ALONG THE NORTH LINE OF SAID LOT 5, 142.67 FEET TO THE POINT OF BEGINNING.

**OWNER:** MARTINEZ, JUSTIN N. MARTINEZ  
715 SOUTH EXTENSION ROAD, UNIT 11  
MESA, AZ 85210  
PHONE: 928-242-5801  
PARCEL NUMBER: 132-60-015A  
CURRENT ZONING: R-16

**ADDRESS OF PROPERTY:** 1208 N UNIV. AVENUE  
MESA, AZ 85210

**PARCEL NUMBER:** 132-60-015A  
**CURRENT ZONING:** R-16

**SETBACKS:** FRONT YARD: 48 FEET  
REAR YARD: 15 FEET  
SIDE YARD: 5 FEET  
STREET SIDE SETBACK: 10 FEET

**EXHIBITS:** NORTH 16 FEET

**LOT AREA:** 6,506.84 SQ. FT. (60.29 AC.)  
1,207.55 SQ. FT. NET  
1,207.55 SQ. FT. GROSS

**IMMEDIATE AREA:** 43.3% OF LOT

**RETENTION CALCULATIONS:** AREA OF LOT: 4,441.93 SQ. FT. NET  
VOLUME REQUIRED (GIB/FEET) (STAIN) (2.4 INCHES FOR THE 100-YEAR, 1-HOUR STORM EVENT)  
VOLUME REQUIRED (GIB/FEET) (TOTAL AREA OF LOT)  
G-COEFFICIENT FOR NON-ABSORPTION (0.95)

A4441.93 SQ. FT. C-0-T1 1,207.55 SQ. FT. COVERED / 4,441.93 SQ. FT. LOT = 27.12% COVERAGE

V42.7/12,444.193 X 0.71 = 1,019.59 CU. FT. REQUIRED

VOLUME OF RETENTION PROVIDED: 81.61 CU. FT.

AREA 11: 9,532.19 SQ. FT. (0.21 AC.)  
AREA 5: 1,819.25 SQ. FT. (0.04 AC.)  
TOTAL GULF REQUIRED: 2.133 GULF

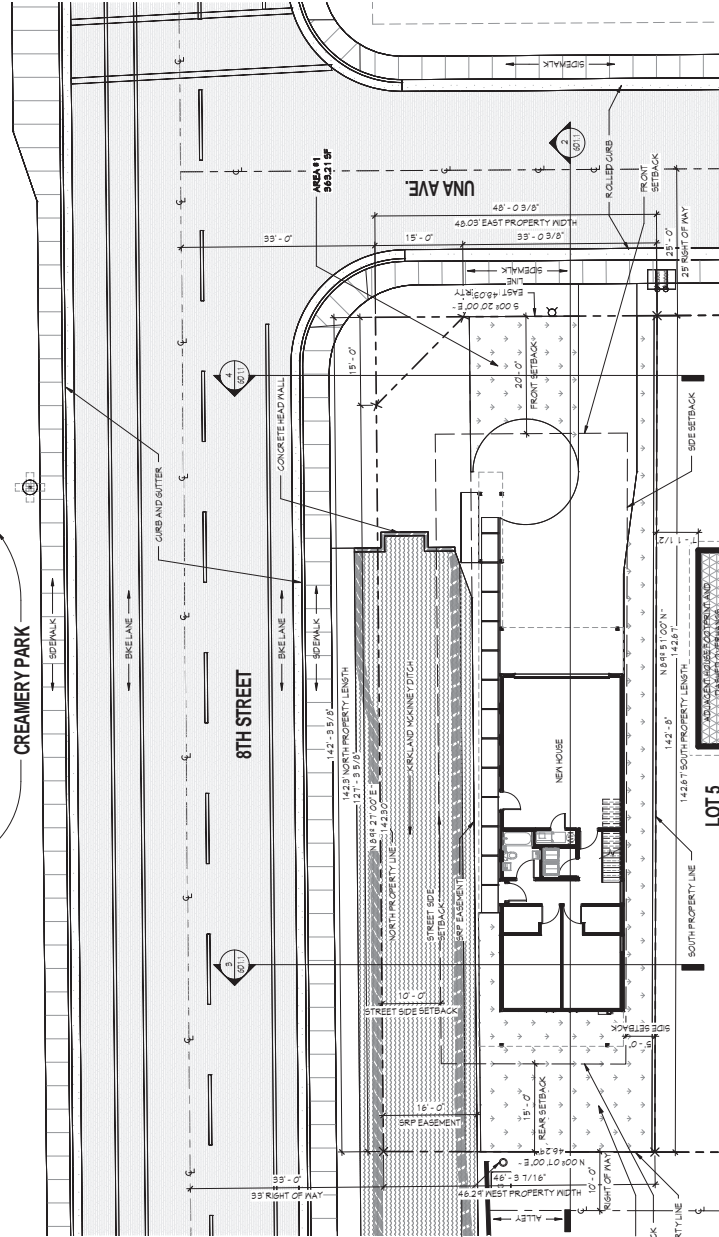
**APPROVAL FOR DRAINAGE ONLY:** CITY ENGINEER: DATE

**NOTES:** 1. SEE SITE PLAN AND PLAN FOR ALL NOTED AS NOTED

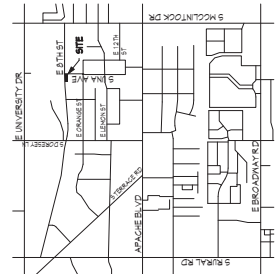
2. SEE SITE PLAN AND PLAN FOR ALL NOTED AS NOTED

3. SEE SITE PLAN AND PLAN FOR ALL NOTED AS NOTED

4. SEE SITE PLAN AND PLAN FOR ALL NOTED AS NOTED



**VICINITY MAP**



LOT SIZE	20% OR LESS LOT COVERAGE	20% TO 30% LOT COVERAGE	30% OR MORE LOT COVERAGE
0.000 TO 12,000 SF	0.80	0.71	0.52

**1 GRADING AND DRAINAGE PLAN**



**2 SITE SECTION A**



**3 SITE SECTION B**



**4 SITE SECTION C**











**AFTER\_1**





**BEFORE\_2**





**AFTER\_2**









**AFTER\_3**









**AFTER\_4**





**BEFORE\_5**





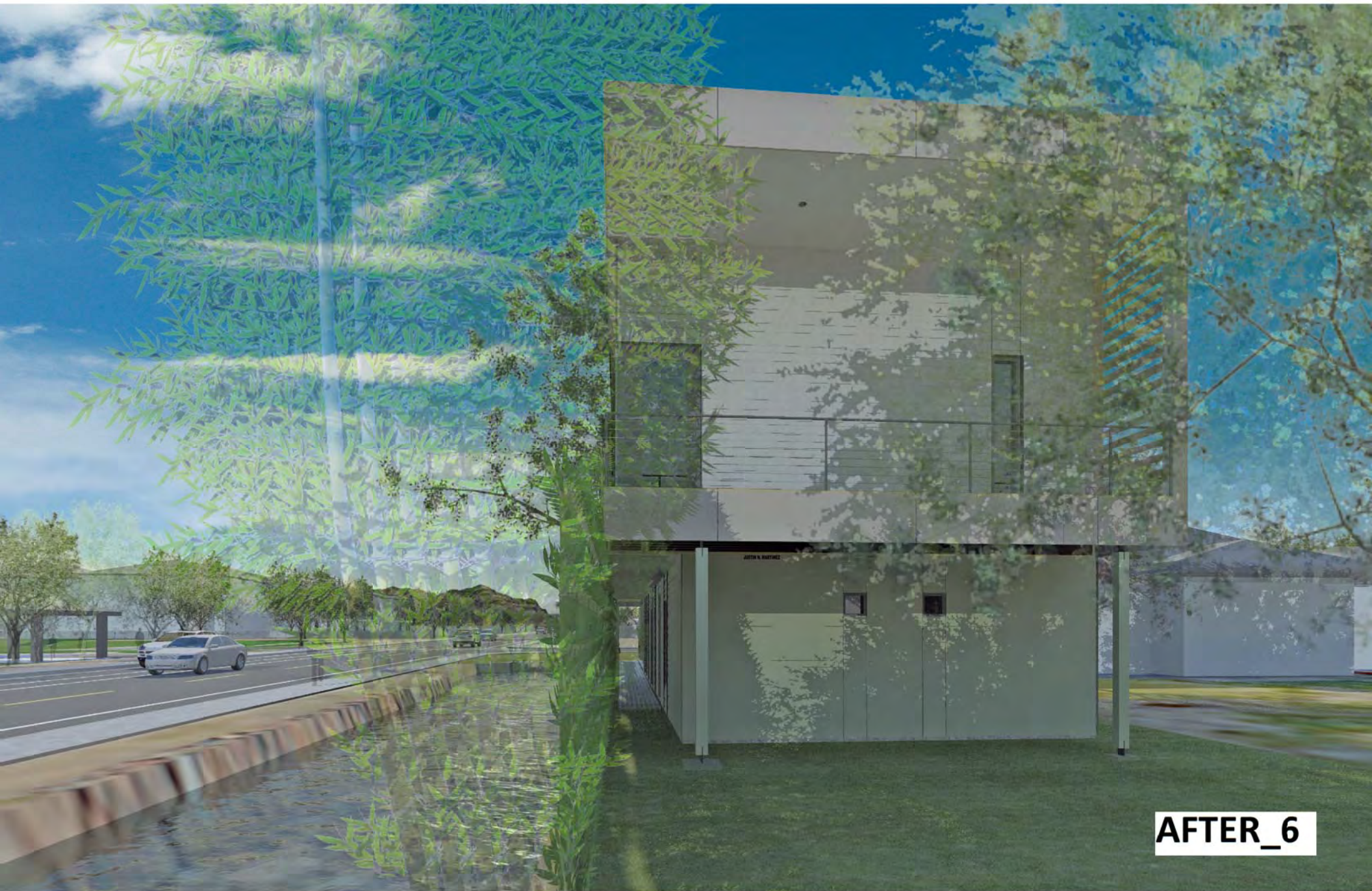
**AFTER\_5**





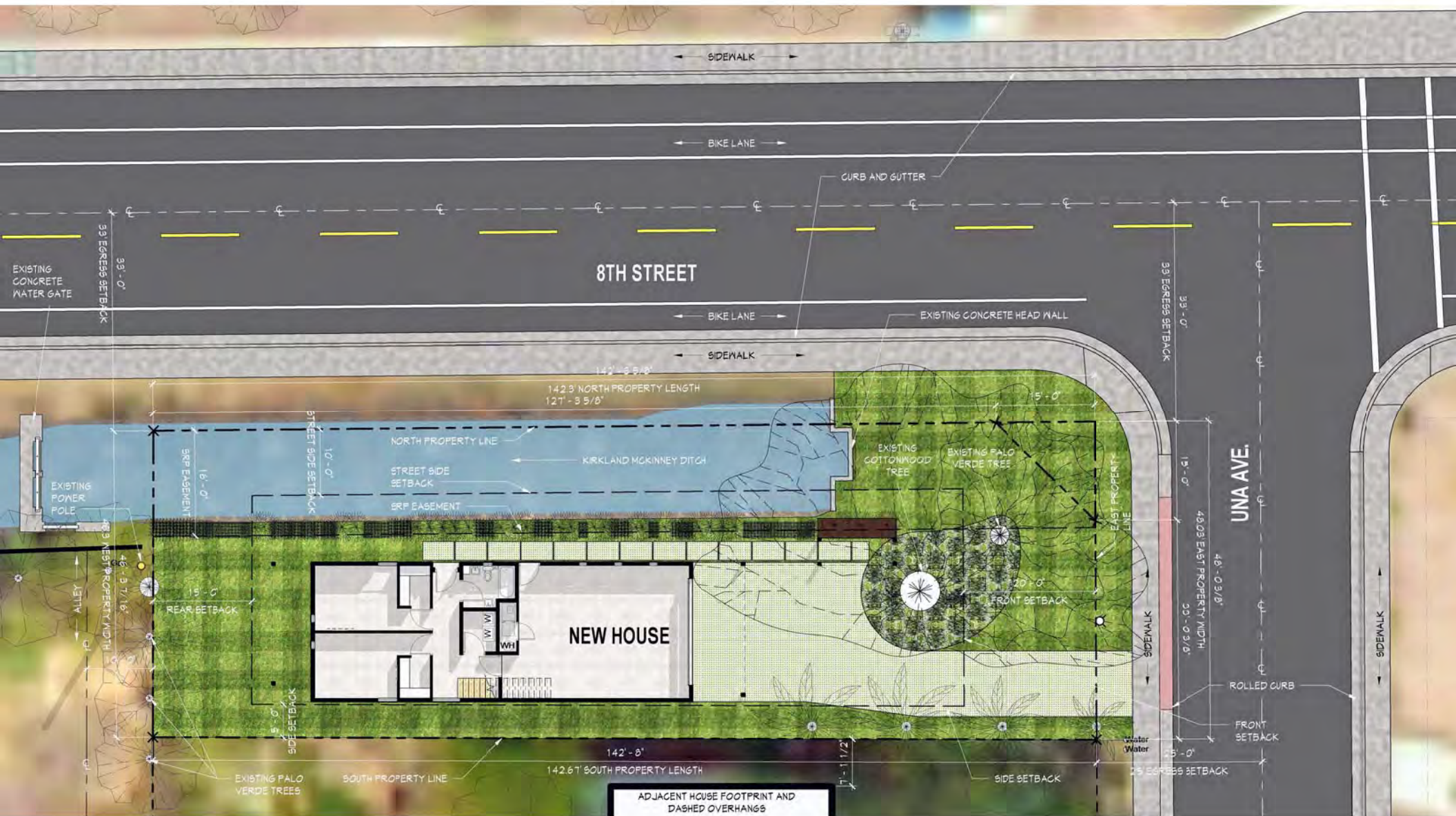
**BEFORE\_6**





**AFTER\_6**





MATERIAL SAMPLE BOARD



FIBER CEMENT  
BOARD  
LAP SIDING

FINISH COLOR:  
"WHITE"  
FINISH:  
"SATIN FINISH"



FIBER CEMENT  
BOARD  
LAP SIDING

FINISH COLOR:  
"LIGHT GRAY"  
FINISH:  
"SATIN FINISH"



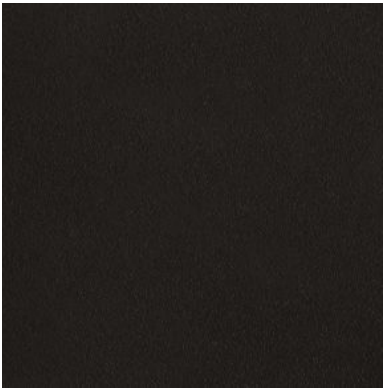
FIBER CEMENT  
BOARD  
LAP SIDING

FINISH COLOR:  
"BAMBOO GREEN"  
FINISH:  
"SATIN FINISH"



FIBER CEMENT  
BOARD  
FASCIA PANELS

FINISH COLOR:  
"BAMBOO BROWN"  
FINISH:  
"SATIN FINISH"



PAINTED METAL  
AT DOOR AND  
WINDOW TRIM;  
FLASHINGS; RAIL-  
INGS; GARAGE  
DOOR

FINISH COLOR:  
"BLACK"  
FINISH:  
"SATIN FINISH"



EXTERIOR DOORS  
& WINDOWS

FINISH COLOR:  
"BLACK"  
FINISH:  
"ANODIZED"



STAINED WOOD  
DOORS

FINISH COLOR:  
"EBONY"  
FINISH:  
"SATIN FINISH"



TREX DECKING

FINISH COLOR:  
"SADDLE"  
FINISH:  
"SATIN FINISH"

---

**From:** John Creamer <johndcreamer@gmail.com>  
**Sent:** Tuesday, June 11, 2013 3:37 PM  
**To:** Levesque, Ryan  
**Subject:** Martinez Case PL 120414

Dear Mr. Levesque,

I would like the following comments serve as a record of my opposition to the zoning request of a change from R1-6 to R1-PAD with a development overlay, proposed by Sender Associates and Mr. Justin Martinez in case PL120414.

My opposition to this request and to the use of the land at 900 and 901 Una for new homes as proposed by Mr. Martinez is based upon an array of concerns. These concerns are based both on how this change in zoning will affect me personally and the neighborhood at large. Any building on this site may do harm to my own home and adversely affect my investment in the property, which is B-H Homes 5 on the maps of the neighborhood and is adjacent to 900 Una, where Mr. Martinez intends to build. The adverse effects could include the disturbance in terms of noise and other effects of the construction of the Martinez residence. They may also include the following: his inability to complete the project due to lack of funding or cost overruns after securing funding; the possibility that removing the reeds from the bank of the SRP ditch may compromise the structural integrity of the ditch; he may damage to the existing root structure of the last remaining cottonwood tree on 8<sup>th</sup> St.; an inability to receive permits to extend the sewer line from the existing sewer line; and other unforeseen issues relating to a construction plan that seems unsuitable and overly complex for the site of the proposed home. The uncertainty hanging over this proposal, in terms of its feasibility and its long-terms effects on my home and the neighborhood, may also cause material damage to the potential resale value of my home.

My opposition also relates directly to my own views about the zoning of the property at 900 Una, when I purchased my home at 902 Una, which I paid \$10,000 over the price of the listing to secure its purchase. My agent spoke with Tempe about the lot and looked at the existing zoning and SRP easements, and understood that with my house being built closer that other homes to the property line that a property could not be built there while meeting Tempe's set-back requirements. He also deemed that any home built on the site would be non-conforming with the other homes on Una Ave, which were part of a potentially historic neighborhood. The SRP ditch also had a historic designation that would potentially increase the set-back requirements. I also was personally informed that Tempe had never received building plans that had ever been approved for this lot. After being told of the existence of this property and doing my own due diligence about set-back requirements concerning the potential for construction there, I bought the property at 902 Una having concluded that there was little possibility that it could be built on by a third-party.

Some history may also explain the series of events that led up to the property being purchased by Mr. Martinez. In my opinion, this history also should have bearing on the City Council's consideration of this zoning change. The existing fences that extend from my property into the lot at 900 Una have been in place since a prior owner installed them there before this property was ever privately held. Records show that those owners were given an opportunity to purchase the property at a value deemed suitable to the city. This sale would have been completed by an Emergency Order of the Tempe City Council. I was informed by Tempe that this purchase was never completed and the property was subsequently sold to Una-Butte Holdings and John Kobierski, who also owned the apartment buildings west of 902 Una as well as at least 10 other homes in our neighborhood on Una and Butte and still owns a home in the neighborhood. Mr. Kobierski went to the city and said that he would like to purchase the property at fair market value and an arrangement was made by the city to sell him the lot for \$53,000. The purchase was completed by City Of Tempe Ordinance 2007. 34, which authorized the conveyance of the property at 900 Una from Tempe and declaring an emergency. The order reads in part: "Whereas on May



17, 2007, the City passed a Resolution 2007.34 approving a purchase and sale agreement which set forth agreements regarding the conveyance of the property to the adjacent property owner, and other related matters.” I would like to point to the language of the order that clearly specifies the property be conveyed to “the adjacent property owner,” who was at the time Una-Butte Holdings and/or John Kobierski. The language does not specify a named individual or a third party, but the adjacent property owner. I have legal questions regarding the ownership, title, and ability of conveyance of the property by Una-Butte holdings to a third party. Specifically, I have questions about the conveyance of the property from Mr. Kobierski, who at the time of Mr. Martinez’s purchase of the property was no longer “the adjacent property owner.” I think that these questions should be taken into consideration before any change in zoning be approved.

I would also like to consider the intent of Ordinance 2007.34 that in declaring an emergency conveyed the property to “the adjacent property owner” and not to a named party. In my opinion, adjacency was stipulated because this was not an open market transaction and parties not connected to adjacency property by ownership were not able to bid on the property. The language of adjacency, if you consider intent, implies also that Tempe did not issue the ordinance foreseeing that the property at 900 Una would be sold by a party that was not Tempe and not the adjacent property owner and would be sold to an independent third-party who would develop the land. The City Council carefully chose the language of “adjacent property owner.” And it was not a named individual, not John Kobierski or Una-Butte Holdings, because of their understanding of the nature of the property at 900 Una and its relationship to the adjacent property at 902 S Una Ave. In Section 3 of the Ordinance they also stipulated that the provisions of the ordinance were necessary for “the preservation of the public peace, health, safety, or general welfare of the community.” This provision also reflects upon the intent of the ordinance and the nature of this “non-open market” transaction. One can imagine, for example, that the adjacent owner was given the opportunity to purchase the property so that he could maintain it and accept responsibility for trimming tree limbs that block passage on the sidewalk, cutting back the reeds so that they do not provide shelter for vagrants, etc. At no point in the ordinance do we find language that the City Council expected that the property would be developed by an independent third-party or that the adjacent owner could even convey the property on the open market. There is also no viable reason that because Mr. Kobierski bought the property at market value, the zoning should have been changed to R1-6. And there is no language from which one could foresee changing that zoning so that Mr. Martinez could develop the property.

Because of the history of the property and confusion over whether it could be bought and sold like a regular lot, many neighbors were unaware of the possibility that this land could be cleared and built on by a third-party. This was ordinance that stipulated “the general welfare of the community” and has over the course of six years been transformed into something that does not coincide with their welfare. Most neighbors had no knowledge that the lot could be transformed in a way that did not coincide with the community’s welfare. They also did not know that a non-conforming residence could be built on the site and that the neighborhood could be visually transformed by a new owner. This area on 8<sup>th</sup> St. is known to them with reeds standing next to an open, historic ditch, with a large cottonwood that they would like to protect. Another cottonwood also stood on 901 Una until the ditch was covered and it was deprived of water.

This zoning change will also set a bad precedent in general. Mr. Martinez had been given a ruling by Tempe that the city was not buildable and he was given a chance to appeal that ruling. Nevertheless, he chose instead to in effect change the rules of the game. When I purchased the lot, I did my due diligence and determined that the lot was not buildable and my due diligence was confirmed to be correct, when Mr. Martinez was told that it was not a buildable site. A change in zoning would unfairly affect me materially as a homeowner and the purchaser of the adjacent property at 902 Una and alter the landscape and conditions of Una Ave that I could not have expected when I bought this property. Secondly, in terms of precedent, Mr. Martinez’s efforts to change the rules of the game set a bad example and one that should not be followed by future property owners. If, for example, a homeowner wants to build a second structure on his or her property or wants to subdivide the lot and is denied this request based on the nature and zoning of the property, is it in Tempe’s best interest to set a precedent whereby the homeowner could then change the zoning with a development overlay?

I would ask that the City Council deny Mr. Martinez’s request, based on the issues I have noted above. These issues include: firstly, the feasibility of the proposed **ATTACHMENT 2** laying the foundation, installing a new

plumbing line, reinforcing the bank of the canal, and other issues including the nuisance that this construction would cause. Secondly, the intent of the 2007 Ordinance. Thirdly, the fact that this will be a non-conforming home that will change the landscape of the neighborhood and the precedent that it will set for Tempe zoning standards.

Finally, I believe that the City Council should view this matter in the context of a foreclosure process and that when I bought the property at 902 Una Ave. after foreclosure, the parties involved in the foreclosure, including the bank and the city were not fully aware of the nature of the lot at 900 Una and its connection to 902 Una and what seemed to have been plans by Una-Butte Holdings to develop this area. Nor were they aware of the ramifications that the sale of the lot on the open market would have on the neighborhood at large. I would ask that the community, which suffered depressed housing prices, when banks foreclosed on over 10 of Una-Butte Holdings' properties in this neighborhood, be spared further uncertainty by allowing this zoning change to take place.

Thank you for your consideration of my opposition of this zoning request and ask that this statement be placed in the record of this proposal and Case PL 120414.

Sincerely,

John Creamer

902 S Una Ave

Tempe, AZ



---

----- Original Message -----

**From:** [Roger Abell](#)

**To:** [Levesque, Ryan](#)

**Cc:** [Abrahamson, Steve](#) ; [O'Melia, Kevin](#)

**Sent:** Thursday, June 20, 2013 7:20 AM

**Subject:** Written statement for the 900 and 901 Una Rezoning to use PAD, project is PL120414

The highest and best use of the undeveloped property at 901 Una is for the City of Tempe to retain ownership and include this within the (eventual) development plans for the 8th Avenue pedestrian parkway as was shopped to neighbors by the city some almost two years ago. The property should be used to regain some of the historic flavor of the irrigation ditch by reopening the waterflow to surface (significantly increasing the linear extent of the historic ditch), by planting cottonwoods as historically lined the ditch in the area, and by placement of a wooden foot bridge over the canal/ditch to make the area a small, shaded pedestrian park, with the wooden foot bridge is the style of the wooden bridges that existed along the ditch to access the lots of Hale's Acres subdivision from the State Highway (now 8th).

Roger Abell

owner in Borden Homes Historic District