

Staff Summary Report

Development Review Commission Date: 09/27/2011

Agenda Item Number:

SUBJECT: Hold a public hearing for a Historic Overlay for the Barnes (Conway) House

DOCUMENT NAME: BCH-SSR.doc PLANNED DEVELOPMENT (0406)

COMMENTS: Request for BARNES (CONWAY) HOUSE (PL110192) (Matthew and Jacqueline Conway property owners; Tempe Historic Preservation Office, applicant) consisting of Historic designation and listing in the Tempe Historic Property Register of one (1) lot on approximately 0.24 acres, 1203 South Ash Avenue, Tempe, in the R-3R multi-family residential restricted zoning district.. The request includes the following:

HPO (Ordinance No. 2011.26 – Historic Designation consisting of one (1) lot.

PREPARED BY: HPO Staff 480-350-8870

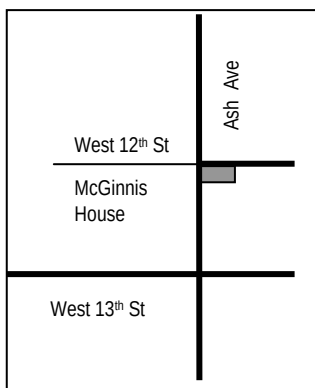
REVIEWED BY: Mark Vinson, City Architect (480-350-8367)

LEGAL REVIEW BY: N/A

FISCAL NOTE: There is no fiscal impact to the city

RECOMMENDATION: Staff – Approval
Historic Preservation Commission – (09/08/2011)

ADDITIONAL INFO:	Net site area	0.24 acres
	Total Lots	1



A neighborhood meeting was held on August 11, 2011 for this application.

PAGES:

1. List of Attachments
2. Comments
3. Reason for Approval / Conditions of Approval
4. History & Facts / Zoning & Development Code Reference

ATTACHMENTS:

1. Ordinance No. 2011.26
2. Owner's letter requesting historic property designation
3. Tempe Historic Property Register Nomination Form
4. Zoning waiver form
5. Photos

COMMENTS:

The Barnes (Conway) House, located at 1203 South Ash Avenue, has been nominated for historic designation and listing in the Tempe Historic Property Register by owners Matthew and Jacqueline Conway. The house is significant for its association with the Park Tract Subdivision; one of Tempe's oldest surviving residential subdivisions. Built in 1940, the house is in the upper ninety-ninth percentile (99.5%) of all Tempe properties in terms of age and provides an excellent example of Early Ranch-style residential architecture.

The historic 1940 Barnes (Conway) House is located at the southern extent of the original Townsite, in the 1924 Park Tract subdivision. Tempe had been experiencing a housing shortage for some time and development of Park Tract was intended to provide comfortable and modern family housing to meet this pent-up demand. Similarly, the Early Ranch style house was designed to help fulfill requirements for affordable and efficient housing. The historic 1940 Barnes (Conway) House is located on Lot 7 of Block 6 of the Park Tract Subdivision. Block 6 is a full-block located at the southern edge of the subdivision at the boundary extent of the original 1888 townsite. Lot 7 is at the northwest corner of Block 6 in the very heart of Park Tract.

PUBLIC INPUT:

On August 11, 2011, Tempe Historic Preservation Commission held a neighborhood meeting to notify property owners, residents, and neighborhood/homeowner association representatives of the request for historic designation. At that meeting neighbors indicated unanimous support of the nomination and Tempe Historic Preservation Commission reached consensus to hold a public hearing, take input from the owners, stakeholders, and interested persons and to make a recommendation regarding the proposed designation.

PROJECT ANALYSIS:

The historic 1940 Barnes (Conway) House is located at the southern extent of the original Townsite, in the 1924 Park Tract subdivision. Tempe had been experiencing a housing shortage for some time and development of Park Tract was intended to provide comfortable and modern family housing to meet this pent-up demand. Similarly, the Early Ranch style house was designed to help fulfill requirements for affordable and efficient housing. The historic 1940 Barnes (Conway) House is located on Lot 7 of Block 6 of the Park Tract Subdivision. Block 6 is a full-block located at the southern edge of the subdivision at the boundary extent of the original 1888 townsite. Lot 7 is at the northwest corner of Block 6 in the very heart of Park Tract.

Park Tract Subdivision is identified as a Cultural Resource Area in Tempe General Plan 2030. These areas are considered culturally significant to the character of Tempe and General Plan 2030 states that it is desirable to maintain the character of these areas. Park Tract today is part of Tempe's Maple Ash Neighborhood. This area contains the largest concentration of historic resources in the city. The area is also adjacent to downtown Tempe, Arizona State University, and Tempe St. Luke's Hospital, each of which have exerted pressure on the historic integrity of the neighborhood at various times in the past. Today these properties are zoned multi-family and many of the owners are interested in redeveloping their properties. Without some kind of control, local preservation advocates see the historic character of the neighborhood eroding and the potential for listing Tempe's oldest remaining residential neighborhood in National Register of Historic Places in jeopardy. After an attempt to create an historic district failed in 2006, in 2007 the Arizona Preservation Foundation placed Tempe's Maple Ash Neighborhood on Arizona's Most Endangered Historic Places List. Subsequently, many property owners have acted to list their properties individually on the Tempe and National historic registers.

The historic 1940 Barnes (Conway) House is in the upper ninety-ninth percentile (99.5%) of Tempe properties in terms of age and survives as a significant representative of a once common type—the Early Ranch style house. Ranch style residences became ubiquitous throughout the American Southwest in the era following World War II. The historic 1940 Barnes (Conway) House, however, was constructed before the style became widely popular. The property is significant as one of the few 1940 Early Ranch style houses in Tempe.

AGE:

The historic 1940 Barnes (Conway) House is in the upper ninety-ninth percentile ($n = 251/53,665 = 99.53$) of Tempe properties in terms of age. HPO records indicate 84 extant properties date to 1940 (60 percent more than the number of properties in any single prior year of the 64 years for which records exist). In Tempe, 1935 marked the first occurrence of the Early Ranch as a residential style; by 1940 the style had largely yielded to the more evolved expression of the ranch form. The Barnes (Conway) House is one of only two Early Ranch style residences believed by the Tempe Historic Preservation Office to survive from 1940. Based on data from Tempe HPO files corroborated by Maricopa County Assessor's Office data, 250 standing properties are believed to predate the historic 1940 Barnes (Conway) House having year-built dates in Tempe of 1939 or earlier. Statistically, this property is in the top 99.5% of all Tempe properties in terms of age and therefore can be considered to survive as a rare example of early residential construction in Tempe.

CONDITION:

The historic 1940 Barnes (Conway) House has been meticulously maintained. The historic front façade has been carefully preserved and remains intact. In addition, the historic flood irrigated landscape is thoughtfully tended, and the property makes a positive contribution to the streetscape of the historic subdivision. Changes made to the property are visible on the exterior at the north and east (rear) elevations. Modifications have occurred over time, yet these have been sensitively designed and skillfully executed to achieve a comfortable balance of differentiation from, and compatibility with, the historic form and fabric of the Early Ranch style house.

INTEGRITY:

Integrity is the ability of a property to convey its historic significance. To be listed in the Tempe Historic Property Register, a property must be historically significant under ordinance criteria and must also possess adequate integrity to communicate that significance to persons familiar with the property and to the community at large. The integrity of a property is evaluated according to aspects that must be present in different combinations, depending on the property type and the criteria upon which historic significance is based. A building eligible for listing under NPS Criterion A must possess integrity of Location, Materials, Feeling, and Association. A building eligible for listing under NPS Criterion C must possess integrity of Design, Workmanship, Materials, and Feeling. Tempe HPO considers the subject property to maintain these aspects of integrity sufficiently to qualify for historic designation and listing under National Park Service Criterion A and C, at the local level of significance. As seen in the following discussion, the property exceeds these minimum requirements and retains more than adequate integrity to qualify for designation and listing.

Location – The Barnes (Conway) House exists in its original location. The Park Tract Subdivision encompasses a collection of historic resources directly associated with the early growth and development of Tempe and the Salt River Valley. The evolution of Tempe over the past 140 years holds national, state, and local significance for its role in the development of the Salt River Valley as a center of commerce and education, as a critical link in the transportation networks during settlement of the Territory, and for its associations with important political figures. These aspects of historical significance and association exist today at the subject property and throughout Park Tract as manifestations of those Arizona pioneers who transformed the desert environment of the Salt River Valley into a community of enduring consequence.

Situated prominently in the 1200 block of South Ash Avenue, the Barnes (Conway) House occupies land that was included in the boundaries of the original Tempe Townsite in 1894. Although not subdivided until thirty years later, the Park Tract subdivision was never annexed into the corporate limits of Tempe. Rather uniquely it was an integral (yet undeveloped) part of the Tempe from the onset. Today the southern portion of the original Townsite, the historic Park Tract subdivision, is a busy and vibrant residential neighborhood. The City is currently experimenting with various traffic-calming features in the right-of-way, yet the clear and present landmark status of Tempe's oldest residential neighborhood, Maple Ash, retains its historic identity throughout the community and beyond.

Design – Design is the composition of elements that constitute the form, plan, space, structure, and style of a property. Because properties change through time, changes may acquire significance in their own right and may not necessarily constitute a loss of design integrity. Although additions have been made to the side and rear of the Barnes (Conway) House, the property maintains the original spatial relationships between major features, visual rhythms, layout and materials, and other features as originally constructed and developed. Design aspects typical of the Early Ranch style remain present in abundance and help maintain this aspect of integrity.

Setting – Setting is the physical environment of an historic property that illustrates the character of the place. Although integrity of setting is not a condition precedent to designation in this case, the Barnes (Conway) House nevertheless retains connections to the physical environment of its surroundings. The relationship of the house to its surrounding streetscape and landscape, the form and function of adjacent alleyways and walks, and the use of flood irrigation all persist with integrity intact.

Materials – An historic property must retain key exterior materials dating from the period of its historic significance. Integrity of materials determines whether or not an authentic historic resource still exists. The Barnes (Conway) House retains key physical elements as they were originally configured to reveal the preferences, to indicate the availability of particular types of materials, and to exemplify technologies characteristic of the Early Ranch style house form. The dominant brick chimney distinguishes the property as a step in the evolution of the ranch house form; this feature and these materials were, relatively speaking, quite rare.

Workmanship – Workmanship is the physical evidence of the crafts of a particular culture or people during any given period of history. Workmanship is important because it can furnish evidence of the technology of the craft, illustrate the aesthetic principles of an historic period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles. This property conveys physical evidence of the crafts attendant upon the frame construction form of the Early Ranch style house in the early 1940s American Southwest.

Feeling – Feeling is a property's expression of the aesthetic or historical sense of a particular period of time. This property expresses an aesthetic sense of its prewar period of significance. The physical features of the property, taken together, are sufficiently intact to convey their significance to someone familiar with the original property as well as to persons throughout the community to whom the property distinguishes itself as historic. Retention and good maintenance of original design, materials, workmanship, and setting as described above is sufficient to create a discernible sense of place or feeling at the historic property.

Association – Association is the direct link between an important historic event or person and a historic property. Although integrity of association is not a condition precedent to designation in this case, this property nonetheless maintains direct links between important events in community history and remains emblematic of consecutive waves of suburbanization outward from Tempe's original settlement at the Salt River. Now standing as an anchor at the edge of the historic 1924 Park Tract subdivision, the Barnes (Conway) House recalls the last wave of pre-war development that radiated in bands from the core of the original Townsite.

CONCLUSION:

The Barnes (Conway) House has been determined eligible for historic designation and listing in the Tempe Historic Property Register by the Tempe Historic Preservation Office. Built in 1940, this house is in the upper ninety-ninth percentile (99.5) of all Tempe properties in terms of age. The property is also significant for its association with the historic Park Track subdivision. The property is additionally significant as an excellent surviving example of the Early Ranch-style house, embodying the distinctive characteristics of the type and surviving with a high degree of architectural integrity.

The basis for historic designation and listing in the Tempe Historic Property Register is provided by Tempe City Code Sec. 14A-4. Designation of landmarks, historic properties and historic districts –

- (a) The following criteria are established for designation of an individual property, building, structure or archeological site:
- (1) It meets the criteria for listing on the Arizona or national register of historic places;
 - (2) It is found to be of exceptional significance and expresses a distinctive character, resulting from:
 - a. A significant portion of it is at least fifty (50) years old; is reflective of the city's cultural, social, political or economic past; and is associated with a person or event significant in local, state or national history; or
 - b. It represents an established and familiar visual feature of an area of the city, due to a prominent location or singular physical feature; or
 - (3) If it has achieved significance within the past fifty (50) years, it shall be considered eligible for designation as a landmark if it is an integral and critical part of an historic district or demonstrates exceptional individual importance by otherwise meeting or exceeding the criteria specified in paragraphs (1) or (2) of this subsection above. At such time as a landmark becomes fifty (50) years old, it will automatically be reclassified as an historic property.

REASONS FOR APPROVAL:

1. The Barnes (Conway) House is significant as a rare surviving example of a once-common type. The 1940 property falls in upper ninety-ninth percentile (99.5) of all Tempe properties in terms of age.
2. The Barnes (Conway) House is significant for its association with the 1926 Park Tract Subdivision; one of Tempe's oldest intact subdivisions.
3. The Barnes (Conway) House is significant as an excellent surviving example of the Early Ranch-style style frame house, exemplifying many particular characteristics of the form and exhibiting a high degree of architectural integrity.

CONDITIONS OF APPROVAL:

None

SUGGESTED MOTION:

"MOVE THAT THE TEMPE HISTORIC PRESERVATION COMMISSION RECOMMEND TO THE DEVELOPMENT REVIEW COMMISSION THAT THE BARNES (CONWAY) HOUSE BE DESIGNATED HISTORIC AND LISTED IN THE TEMPE HISTORIC PROPERTY REGISTER"

HISTORY & FACTS:

03/24/1920	Hugh E Laird and Fred J Joyce filed organization papers with the Maricopa County Recorder for the Park Tract Trust, a business trust organized for acquisition, subdivision, and development of real property.
05/06/1920	Tempe Land and Improvement Company deeds land south of 10 th Street to Park Tract Trustees.
04/10/1924	E W Hudson, Hugh E Laird and Fred J Joyce file a plat for the PARK TRACT subdivision on behalf of the Park Tract Trust.
01/20/1928	Park Tract Trustees mortgage property to Tempe National Bank – HUDSON E W & JOYCE FRED & LAIRD HUGH E to TEMPE NATIONAL BANK by WAR DEED 19280002413
09/13/1928	S. M. Morse, Town Engineer, implements Improvement District Number 28 to extend City sewer service to Park Tract.
12/23/1929	TEMPE NATIONAL BANK to SKEELS FLORENCE D by DEED 19290008933
1930s –	Development of the Park Tract subdivision began in earnest in the 1930s on 100 lots in the area roughly bound by 10th Street, Mill Avenue, 13th Street, and Southern Pacific Railroad tracks.
02/06/1935	First Tempe Planning & Zoning Board appointed in connection with Federal Relief Program by Council meeting in special session at the Tempe National Bank (Hugh Laird, Chair).
04/14/1938	Tempe's first zoning ordinance adopted. Ordinance No. 177 created 4 zoning categories; Residence Districts; Business and Apartment House Districts; Auto Courts, Automobile Tourist Camps, Auto Trailer Courts Districts; and Industrial Districts.
09/29/1939	MEREDITH ARTHUR FRANKLIN & MEREDITH WANDA to OAKLEY ALVAH & OAKLEY LORA by WAR DEED 19390006972
01/11/1940	E B Tucker, City Engineer, implements Improvement District Number 31 to extend sidewalks, pavement, curb & gutter to Park Tract.
02/27/1940	OAKLEY ALVAH & OAKLEY LORA to BARNES DOTTIE A & BARNES MICHAEL R by WAR DEED 19400017068
04/18/1940	Dottie and Michael Barnes mortgage Lot 7, Block 6, Park Tract to First Federal S&L to construct the house at 1203 South Ash Avenue – BARNES DOTTIE A & BARNES MICHAEL R to FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF PHOENIX by MORTGAGE 19400009299
09/16/1948	Tempe's second zoning ordinance went into effect; Ordinance No. 193 created additional zoning districts and differentiating residential and business classifications in greater detail. Under this ordinance, multi-family zoning was initiated in the single-family Maple-Ash neighborhoods.
10/11/1951	Tempe's third zoning ordinance went into effect; Ordinance No. 209 extended multi-family zoning throughout older Tempe neighborhoods and rezoned properties north of Ninth Street from single family to multi-family.
12/15/1954	BARNES DOTTIE A & BARNES MICHAEL R by PROB DEED 19540071538
12/23/1954	BARNES MICHAEL R to HENRY EVELYN & HENRY ROBERT L by JNT DEED 19540072858
12/23/1954	HENRY EVELYN & HENRY ROBERT L to WESTERN SAVINGS AND LOAN ASSOCIATION by MORTGAGE 19540072859
02/06/1957	Tempe's fourth zoning ordinance went into effect; Ordinance No. 268 rezoned the entire Maple-Ash residential area Multi-Family districts similar to the current district area boundaries within Maple-Ash today.
01/24/1964	Zoning Ordinance 405 adopted. Majority of deep lot properties along the railroad tracks and across the street of Ash Ave were down-zoned to R-3-A Multi-Family Residence Restricted (now called R-3R). Down-zoned area previously allowed a greater density and taller buildings.
04/11/1968	HENRY EVELYN & HENRY ROBERT L to WESTERN SAVINGS AND LOAN ASSOCIATION by

MORTGAGE 19680174445

10/04/1974	Tempe's sixth zoning ordinance went into effect. Ordinance 808 codified much of what was being done "by practice" by City Boards, Commissions and City Council. Zoning for Maple-Ash included CCD, I-2, R-2, R-3R, R-3, R-4, and R1-PAD
12/16/1977	Tempe's third General Plan adopted. The 1978 General Plan projected Land Use for Maple-Ash area changes direction, projected circulation realignment, "Ash Avenue Loop" to Mill and Eleventh Street. Properties north of Ninth Street projected for commercial use and the rest of the Maple-Ash area is projected for residential use with a maximum of 15 du per acre and a small portion for a maximum of 10 du per acre
05/07/1984	Tempe Multiple Resource Area Nomination lists 16 Tempe properties in the in the National Register of Historic Places, including six in the Gage Addition, Park Tract, and College View subdivisions.
12/04/1986	Maple-Ash Neighborhood Association (MANA) formed when area residents organize Tempe's first Neighborhood Association "To preserve and restore residential historical character in the neighborhood.
08/30/1988	COMMONWEALTH MORTGAGE CO OF AMERICA to JOHNSON ROBERT G & SOCORRA by DEED TRST 19880430318
12/29/1988	JOHNSON ROBERT GSOCORRA to KREJCA GARY F ETAL & ALENA KIM L ETAL by WAR DEED 19880631972
05/29/1998	Jacqui and Matt Conway acquire 1203 South Ash Avenue from Kim & Gary Krejca – KREJCA GARY F ETAL & KREJCA KIM L ETAL to CONWAY JACQUELINE F ETAL & CONWAY MATTHEW E ETAL by WAR DEED 19980451977
11/04/1999	Mayor & Council designate the 1936 Tempe Woman's Club located at 1290 S. Mill Avenue as historic. This is the first property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.
04/27/2000	Mayor & Council designate the 1910 W. A. Moeur House (Casey Moore's) located at 850 S. Ash Avenue historic. This is the second property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.
05/11/2000	The Keeper of the National Register lists the Tempe Woman's Club, located at 1290 S. Mill Avenue, in the National Register of Historic Places; this is the seventh property in the Maple Ash Neighborhood to be so listed.
02/15/2001	Mayor & Council designate the 1928 Hiatt – Barnes House at 1104 S. Ash Avenue as historic. This is the third property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.
12/14/2001	Tempe Historic Preservation Commission produces the Post World War II Subdivisions Survey (Solldiday, 2001). The study recommended the Gage Addition, Park Tract, and College View subdivisions for designation as historic districts.
09/02/2003	Historic Preservation Commission members attend a meeting of the General Plan 2030 Advisory Team to present information comparing existing developed densities, densities permitted under the current land use plan and densities proposed for adoption by GP2030. Advisory Team decides unanimously to adopt the Cultural Resource Area designation for thirty-one first- and second-tier historic subdivisions.
12/03/2003	Voters approve Tempe General Plan 2030 recognizing Park Tract Subdivision as a Cultural Resource Area. (<i>Arizona Republic</i> , 5 December 2004).
06/10/2004	Mayor & Council designate the 1939 Butler (Gray) House located at 1220 S. Mill Avenue historic. This is the fourth property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.
08/06/2004	Mayor & Council designate the 1940 Selleh House located at 1104 S. Mill Avenue historic. This is the fifth

property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.

01/20/2005	Tempe Zoning & Development Code adopted by Mayor and Council (effective February 22, 2005). ZDC implements Tempe General Plan 2030 by encouraging creative development of the built environment in order to build a community that promotes the livability and uniqueness of Tempe.
11/05/2005	The Keeper of the National Register lists the 1940 Selleh House located at 1104 S. Mill Avenue in the National Register of Historic Places; this is the eighth property in the Maple Ash Neighborhood to be so listed.
05/04/2006	Mayor & Council designate the 1938 Governor Howard J. Pyle House located at 1120 S. Ash Avenue historic. This is the sixth property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.
06/05/2005	Maple Ash Neighborhood Association Neighborhood Meeting with the Tempe Historic Preservation Commission to discuss district designation (nomination forms distributed).
07/19/2006	Tempe HPO submitted zoning amendment application for historic overlay zoning for historic designation and listing in the Tempe Historic Property Register for the Gage Addition, Park Tract, and College View historic subdivisions.
08/16/2006	Tempe Historic Preservation Commission holds a Neighborhood Meeting for historic designation and listing in the Tempe Historic Property Register for the Gage Addition, Park Tract, and College View historic subdivisions.
09/14/2006	Tempe HPC Public Hearing for historic designation and listing in the Tempe Historic Property Register for the Gage Addition, Park Tract, and College View historic subdivisions - continued to 10/12/2006.
10/12/2006	Tempe HPC Public Hearing for historic designation and listing in the Tempe Historic Property Register for the Gage Addition, Park Tract, and College View historic subdivisions and finds properties eligible for designation and listing.
09/06/2007	Maple Ash Neighborhood Applicants withdraw request for historic district designation and listing in the Tempe Historic Property Register at the second City Council public hearing. With the designation of districts in the Maple Ash Neighborhood interrupted, Tempe HPC began encouraging property owners to pursue listing their properties individually.
01/22/2009	Mayor & Council designate the 1937 Wilkie (Braun / Gutierrez) House located at 1290 S. Maple Avenue historic. This is the seventh property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.
05/28/2009	Mayor & Council designate the 1929 Elliott (Garbinski) House located at 1010 S. Maple Avenue historic. This is the eighth property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.
03/25/2010	Mayor & Council designate the 1935 Douglass / Gitlis Residence located at 1206 S. Ash Avenue historic. This is the ninth property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.
02/04/2011	Owners nominate the McGinnis House for historic designation and listing in the Tempe Historic Property Register.
03/24/2011	Mayor & Council designate the 1940 Laird - Simpson House located at 1204 S. Mill Avenue historic. This is the tenth property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.
06/02/2011	Mayor & Council designate the 1933 Lucier / O'Neill Residence located at 1114 S. Maple Avenue historic. This is the 11th property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.
06/02/2011	Mayor & Council designate the 1920 Windes - Bell House located at 24 & 26 W. 9th Street historic. This is

the 12th property in the Maple Ash Neighborhood to be listed in the Tempe Historic Property Register.

08/11/2011

A neighborhood meeting is held by the Historic Preservation Commission for historic designation and listing in the Tempe Historic Property Register for the Barnes (Conway) House.

08/11/ 2011

A public hearing is held by the Historic Preservation Commission for historic designation and listing in the Tempe Historic Property Register for the Barnes (Conway) House.

Sep 27, 2011

Development Review Commission scheduled hearing for this request.

Oct 20, 2011

Tempe City Council scheduled hearing for this request.

Nov 03, 2011

Tempe City Council scheduled hearing for historic designation and listing on the Tempe Historic Property Register for the Barnes (Conway) House.

CODE REFERENCES:

Zoning and Development Code, Section 6-304, Zoning Amendment

City Code, Chapter 14a, Historic Preservation

ORDINANCE NO. 2011.26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Section 2-106 and 2-107, by adding an Historic Overlay to the existing R-3R, Multi-Family Residential Restricted District and designating it as R-3R (H), Multi-Family Residential Limited District with an Historic Overlay on 0.24 acres at the historic Barnes (Conway) House.

LEGAL DESCRIPTION

Lot 7, Block 6, Park Tract, according to Book 13 of Maps, Page 27, records of Maricopa County, Arizona

TOTAL AREA IS 0.24 ACRES

Section 2. Further, those conditions of approval, if any, imposed by the Tempe City Council as part of Case # PL110250 are hereby incorporated into and adopted as part of this ordinance by this reference.

Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this THIRD day of NOVEMBER, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

June 19, 2011

Mr. Joe Nucci
Historic Preservation Officer
Tempe Historic Preservation Office
Community Development Department
31 East 5th Street
P.O. Box 5002
Tempe, AZ 85280

Tempe Historic Property Register
1203 South Ash Avenue
Tempe, AZ 85281
Parcel # 132-45-078
Lot 7, Block 6, Park Tract, according to Book 13 of Maps, Page 27, records
of Maricopa County, Arizona

Mr. Nucci:

The purpose of this letter is to transmit the application materials for the nomination of our property to the Tempe Historic Property Register. We were pleased to learn from your letter that our property located at 1203 South Ash Avenue is considered eligible for listing in the Tempe Historic Property Register. This letter authorizes the Tempe Historic Preservation Office to act as our agent to make application for historic designation and listing in the Tempe Historic Property Register.

Documentation and information that we have regarding the property is summarized below and attached as appropriate.

- The one page nomination form is attached.
- Signed and notarized *Waiver of Rights and Remedies Under A.R.S. §12-1134* is attached..
- Property history – our knowledge of the history of the property is limited at this time to the information in your attached letter as well the attached Arizona Historic Property Inventory Form.
 - Construction date appears to be 1940.
 - The property is located in the Park Tract subdivision which is an earlier subdivision that was platted in August of 1924.
 - Michael R. Barnes owned the property in 1946 – 1948.
 - The property is in the top 99.5 % of all Tempe properties in terms of age and provides an excellent early example of Transitional or Early Ranch-style residential architecture due to its raised floor elevation.

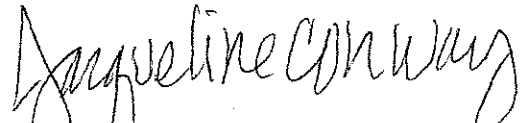
- Another character-defining feature of the property is the dominant chimney which is not seen on many of the later houses in the area.
- According to the Arizona Historic Property Inventory Form, most of the original fabric of the house remains intact.

Please note that we intend to conduct additional historical research on the property. We will transmit any findings that we discover to your office.

Thank you in advance for your help in this process. We look forward to working with you on the project.

Regards,


Matthew Conway


Jacqueline Conway



NOMINATION FORM

TEMPE HISTORIC PROPERTY REGISTER

Property Location (Address or Boundaries)

1203 S. Ash Avenue
Tempe, AZ 85281

Legal Description (Subdivision Name, Lot and Block)

Lot 7, Block 6, Park Tract, according
to Book 13 of Maps, Page 27, records
of Maricopa County, Arizona

Date of Construction / source of date

~1940/AZ Historic Property Inventory

Existing Historic Designation or Identification (check if any)

☐ National Register _____
(Date Listed)

☐ State Register _____
(Date Listed)

☐ Tempe Survey # _____

Summary of Historic Function or Use

Property located in Park Tract subdivision which was platted in August of 1924. Property provides an excellent early example of Transitional or Early Ranch-style residential architecture due to its raised floor elevation. Property has dominant chimney and was owned by Michael Barnes (1946-1948)

Present, Common, or Proposed Name

Conway Residence

Present Function or Use

Single-family home

Classification (check one)

☒ Property (Building or Structure)

☐ Archaeological Site

☐ District

☐ Landmark

Ownership Information:

MATTHEW CONWAY
Owner Name
1203 S. Ash Avenue
Address
Tempe AZ 85281
City State Zip
() 480 921-2286
Phone
Matthew Conway 6/21/7
Signature (if required) Date

Applicant Information (if different from ownership)

Name
Address
City State Zip
()
Phone
Signature Date

A CHECKLIST OF ADDITIONAL INFORMATION NECESSARY IS PROVIDED WITH THIS FORM.
PLEASE INCLUDE THESE ITEMS WITH THE NOMINATION.

WHEN RECORDED RETURN TO:

City of Tempe
Historic Preservation Office
21 E. 6th Street, #208
Post Office Box 5002
Tempe, AZ. 85280

**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 Matthew and Jacqueline Conway (Owner/s)

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 PL110250 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 No. : 132-45-078

Lot 7, Block 6, PARK Tract, according to Book 13 of Maps, Page 27
Records of Maricopa County, Arizona
(Legal Description and Address)

1203 S. Ash Avenue Tempe, AZ 85281

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 2 day of June, 2011.

Matthew E. Conway

MATTHEW E. CONWAY

(Signature of Owner)

(Printed Name)

Jacqueline Conway

JACQUELINE CONWAY

(Signature of Owner)

(Printed Name)

State of Arizona

County of Maricopa

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) ss
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SUBSCRIBED AND SWORN to before me this 2nd day of June, 2011, by

Matthew E. Conway

Sandra L. Dressman
(Signature of Notary)

(Notary Stamp)





