

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 07/27/2021
Agenda Item: 5**

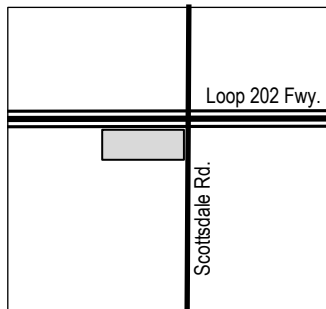
ACTION: Request a Preliminary Subdivision Plat for BEST WESTERN TEMPE, located at 670 North Scottsdale Road. The applicant is Gilbert Land Surveying, PLC.

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

RECOMMENDATION: Approve, subject to conditions.

BACKGROUND INFORMATION: BEST WESTERN TEMPE (PL200194) is proposing a Preliminary Subdivision Plat consisting of two (2) lots. Staff has accepted the applicant’s request to utilize the Adaptive Reuse Program for the purpose of applying the reduced parking ratio for the restaurant use existing on Lot 2 of the proposed plat. The Adaptive Reuse Program allows for restaurant uses to be parked at 1 space per 150 square feet, instead of the standard 1 space per 75 square feet. After applying the reduced parking ratio Lot 2 will still be deficient by two (2) spaces, but Lot 1 will have a surplus of twelve (12) spaces and will provide a minimum of two (2) spaces to Lot 1 through a parking affidavit. The requirement for a parking affidavit has been added as a condition of approval. The request includes the following:

SBD200016 Preliminary Subdivision Plat consisting of two (2) lots.



Property Owner
Applicant
Zoning District
Net Site Area
Lot 1
Lot 2

Tempe Town Lake Investments
Ryan Gilbert, Gilbert Land Surveying, PLC
GID / RSOD
+/- 2.350 (+/- 102,391 SF)
+/- 1.804 acres (+/- 78,599 SF)
+/- 0.546 acres (+/- 23,792 SF)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Obenia Kingsby II, Planner II (480) 858-2394

Department Director: Shelly Seyler, Interim Community Development Director
Legal review by: N/A
Prepared by: Obenia Kingsby II, Planner II
Reviewed by: Suparna Dasgupta, Principal Planner

COMMENTS

This site is located on the southwest corner of Scottsdale Road and the Loop 202 freeway.

CONCLUSION

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

CONDITIONS OF APPROVAL:

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

1. A Final Subdivision Plat approval is required prior to recordation of this plat.
2. The property owner shall record an off-site refuse agreement between all lots and provide evidence of such agreement to the Planning Division prior to recordation of the subdivision plat.
3. The property owner shall sign and submit an agreement providing an easement for a common driveway for City emergency and trash collection vehicles between lots and submit recordable exhibits, when necessary, to the Planning Division prior to recordation of the subdivision plat.
4. The plat shall provide a note to reference the cross-access agreement between lots. Provide evidence of such agreement to the Planning Division prior to recordation of the subdivision plat.
5. The property owner shall record a Parking Affidavit(s) with the Community Development Department to transfer the unqualified availability of a specific number of parking spaces from one property to another to satisfy the minimum required parking spaces for each new lot. The completed (but unrecorded) affidavit shall be submitted to the Planning Division prior to recordation of the plat.

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.

DEADLINE: Preliminary Subdivision Plat approval shall be valid for a period of twelve (12) months from the date of Commission approval. Failure to submit a Final Subdivision Plat application within 12 months shall make the Preliminary Plat null and void.

HISTORY & FACTS:

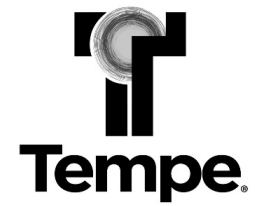
July 17, 2019 A Development Plan Review was administratively approved for site and landscape modifications, located at 670 North Scottsdale Road. (PL190040)

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-307, Subdivisions, Lot Splits and Adjustments

Section 6-314, Adaptive Reuse Program

Section 4-602(E), Parking Standards Applicable in the Adaptive Reuse Program



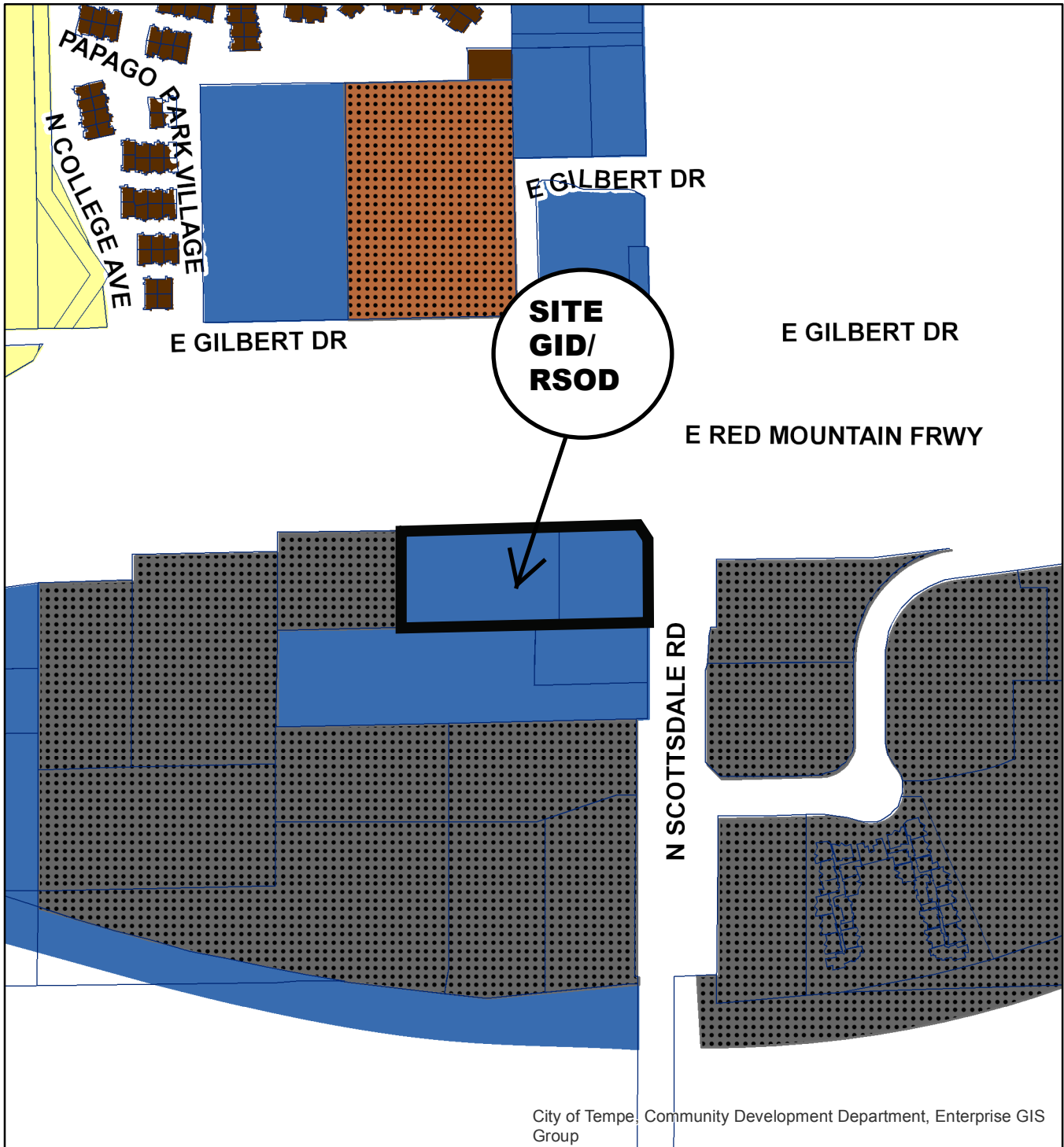
DEVELOPMENT PROJECT FILE
for
BEST WESTERN TEMPE
(PL200194)

ATTACHMENTS:

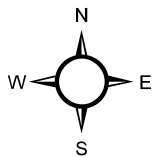
1. Location Map
2. Aerial
- 3-4. Letter of Explanation
- 5-6. Preliminary Plat

BEST WESTERN TEMPE

PL200194



- General Industrial District (GID)
- Multi-Family Residential Limited (R-3)
- Mixed Use High (MU-4)
- Multi-Family Residential General (R-4)
- Agricultural (AG)

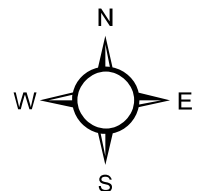


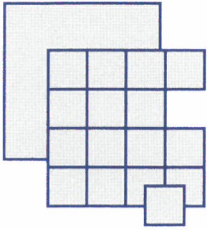
BEST WESTERN TEMPE

PL200194



Aerial Map





Pew & Lake, P.L.C.
Real Estate and Land Use Attorneys

W. Ralph Pew
Certified Real Estate Specialist
Sean B. Lake
Reese L. Anderson

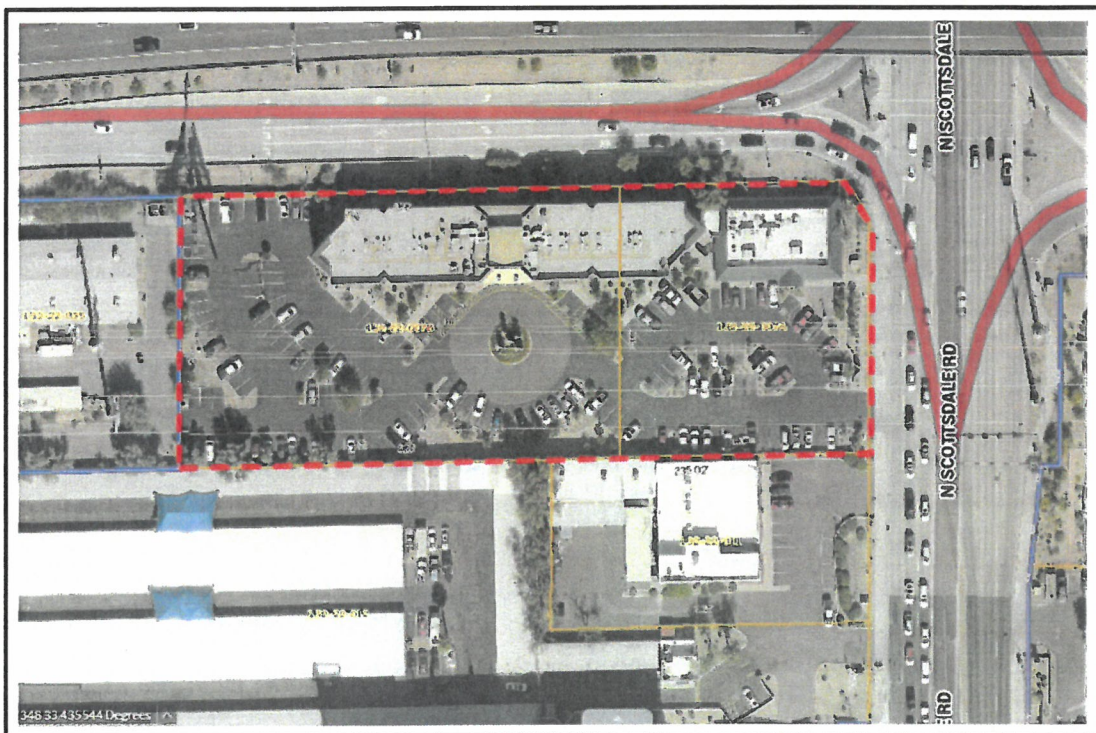
June 16, 2021

Mr. Obenia Kingsby II
Planner II
City of Tempe
Development Services
31 East Fifth Street
Tempe, AZ 85281

**RE: "Best Western Tempe"; 670 North Scottsdale Road, ("The Property");
Preliminary/Final Plat Application**

Dear Obenia:

This Letter of Explanation is being provided on behalf of Tempe Town Lake Investments, LLC, regarding its application for a preliminary/final plat application in the City of Tempe. The 2.35-acre Property is located at the southwest corner of Scottsdale/Rural Road, and the Loop 202 Freeway, near the north shore of Tempe Town Lake. The Property is also known as Maricopa County Assessor Parcel numbers 132-22-007A and 132-22-007B, and is shown below outlined in red.



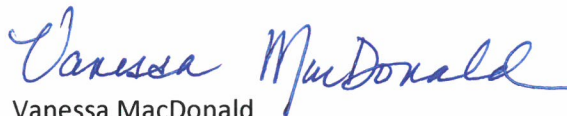
In early 2019, while working on an Administrative Development Plan Review for a Site and Landscape modification of this Property, it was discovered that the line separating the two tax parcels on the Property, runs through the existing Best Western Hotel building on the site (see the yellow parcel line in the aerial photo on Page 1). At that time, the belief among the Property Owner and Tempe City Staff was that a lot line adjustment could be made, correcting the obvious peculiarity of having a property line bisect hotel rooms. However, in a unique circumstance, the City of Tempe Zoning and Development Code Section 6-307 specifies that Lot Line Adjustments apply only to “property line modifications *within a recorded subdivision plat*” (emphasis added). The hotel on this property was built in 1997, and there is no existing subdivision plat. Accordingly, a lot line adjustment cannot be requested due to this atypical language in the City Code, and a preliminary and final plat must be approved.

As shown on the attached Preliminary plat, the intent is to create a new lot line that will divide the property so that the new property line no longer runs through the hotel building. This new property line is also important in that it will allow the continued use of the Macayo’s restaurant, as a separate tax parcel, which was recently developed on the northeast corner of the Property. This request conforms to Chapter 30 of the City Code, *Subdivisions*, in the following manner:

- a) This request conforms to the requirements and objectives of the General Plan by “maintaining the downtown/Town Lake/ASU as a central urban core of Tempe and infusing new mixed-use development into hubs, by establishing the high-density land use to support revitalization with goods, services and activities serving residents daily needs and creating social magnets for residents to gather, and enhancing character and heritage.” The revitalization of this corner, along with the new multifamily developments to the south, is important in providing services for the residents in this area.
- b) The plat conforms to the requirements of the City of Tempe Zoning and Development Code.
- c) The Property is not subject to periodic flooding, it drains properly and is suitable for the existing land use.

It should be noted that the proposed plat will not alter the shape, size, layout, configuration or number of total lots. If approved, this request will correct a lot line that should have been corrected when this property was first developed and an existing legal nonconformity within the City of Tempe. On behalf of the Property Owner, we respectfully request approval of this preliminary and final plat request.

Sincerely,



Vanessa MacDonald
Pew & Lake, PLC

Attachment

**A SUBDIVISION PLAT FOR
"BEST WESTERN TEMPE"**

LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH,
RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA

DEDICATION:

TEMPE TOWN LAKE INVESTMENTS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF "BEST WESTERN TEMPE", LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AND HEREBY PUBLISHES THIS PLAT OF "BEST WESTERN TEMPE" AND DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOT, TRACTS, STREETS AND EASEMENTS CONSTITUTING THE SAME AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF TEMPE FOR PUBLIC USE SAID STREETS AND EASEMENTS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES.

OWNER AUTHORIZATION:

BY: TEMPE TOWN LAKE INVESTMENTS, LLC,
AN ARIZONA LIMITED LIABILITY COMPANY

BY: _____ DATE: _____
SHANE KUBER
ITS: MANAGER

ACKNOWLEDGMENT:

ON THIS _____ DAY OF _____, 2020 BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED SHANE KUBER, 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 HEREUNTO SET MY HAND AND OFFICIAL SEAL

BY: _____ MY COMMISSION EXPIRES _____
NOTARY PUBLIC

RATIFICATION STATEMENT:

AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST RECORDED IN THE COUNTY RECORDER'S OFFICE, MARICOPA COUNTY, ARIZONA, IN RECORDER'S NUMBER 2020-0117368, THE UNDERSIGNED HEREBY RATIFIES, APPROVES AND CONFIRMATION IS GIVEN TO SAID DEDICATIONS AS STATED IN THIS PLAT AS TO THE INTEREST OF THE UNDERSIGNED. THE PERSON SIGNING FOR BENEFICIARY WARRANTS AND REPRESENTS THEY HAVE POWER AND AUTHORITY TO DO SO.

BY: THE BANKCORP BANK, A DELAWARE SATE-CHARTERED BANK

_____ TITLE

_____ DATE

ACKNOWLEDGMENT:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021

BY: _____ MY COMMISSION EXPIRES _____
NOTARY PUBLIC

OWNER/DEVELOPER:

SHANE KUBER
TEMPE TOWN LAKE INVESTMENTS, LLC
1550 S. 52ND STREET
TEMPE, AZ 85281
602-768-7000

BENCHMARK:

BRASS CAP IN HANDHOLE AT THE INTERSECTION OF RIO SALADO AND SCOTTSDALE ROAD. ELEVATION= 1167.41 PER CITY OF TEMPE VERTICAL DATUM AND SURVEY CONTROL MAP.

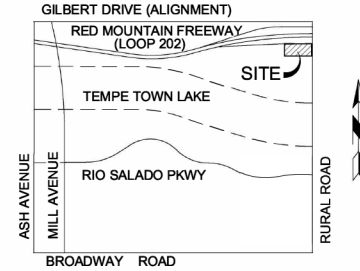
BASIS OF BEARINGS:

THE BASIS OF BEARING USED FOR THIS PLAT IS THE CENTERLINE OF SCOTTSDALE ROAD BETWEEN RIO SALADO DRIVE AND GILBERT DRIVE.

SAID BEARING= NORTH 00 DEGREES 07 MINUTES 02 SECONDS EAST (CITY OF TEMPE HORIZONTAL CONTROL DATUM)

LEGAL DESCRIPTION: (Prior to Subdivision)

PARCEL NO. 1: THE EAST 568 FEET OF THE SOUTH 200 FEET OF THE NORTH 600 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT ANY PORTION THEREOF LYING WITHIN THE LANDS DESCRIBED IN FINAL ORDER OF CONDEMNATION CV90-11210, RECORDED JANUARY 20, 1992 IN DOCUMENT NO. 1992-0030261, RECORDS OF MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS: THAT PORTION OF THE ABOVE DESCRIBED PROPERTY WHICH LIES EAST OF THE LINE DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 00 DEGREES 06 MINUTES 39 SECONDS WEST ALONG THE EAST SECTION LINE OF SAID SECTION 15, A DISTANCE OF 601.33 FEET; THENCE NORTH 89 DEGREES 53 MINUTES 21 SECONDS WEST, A DISTANCE OF 52.00 FEET TO THE POINT OF BEGINNING ON THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE NORTH 00 DEGREES 06 MINUTES 39 SECONDS EAST, PARALLEL WITH SAID SECTION LINE, A DISTANCE OF 146.00 FEET; THENCE FROM A LOCAL TANGENT BEARING OF NORTH 00 DEGREES 06 MINUTES 39 SECONDS EAST ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 72.00 FEET, A DISTANCE OF 60.34 FEET TO THE POINT OF ENDING ON THE NORTH LINE OF THE ABOVE DESCRIBED PROPERTY; AND EXCEPT THAT PORTION THEREOF AS CONVEYED TO THE CITY OF TEMPE, A MUNICIPAL CORPORATION IN QUIT CLAIM DEED RECORDED DECEMBER 11, 1997 IN DOCUMENT NO. 1997-0869313, RECORDS OF MARICOPA COUNTY, ARIZONA. PARCEL NO. 2: A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, AS CREATED IN ABANDONMENT AND RECIPROCAL ACCESS EASEMENT RECORDED MARCH 14, 1996 IN DOCUMENT NO. 1996-0171512, RECORDS OF MARICOPA COUNTY, ARIZONA, OVER THAT PORTION OF THE SOUTH 200.00 FEET OF THE NORTH 600.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 00 DEGREES 07 MINUTES 02 SECONDS WEST, A DISTANCE OF 568.64 FEET ALONG THE EAST LINE OF SAID SECTION 15 AND THE MONUMENT LINE OF RURAL ROAD TO THE SOUTH LINE OF THE NORTH 568.50 FEET OF SAID SECTION 15; THENCE SOUTH 88 DEGREES 50 MINUTES 38 SECONDS WEST, A DISTANCE OF 568.64 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 24-FOOT WIDE EASEMENT, 12.00 FEET LYING ON EACH SIDE OF SAID CENTERLINE; THENCE SOUTH 89 DEGREES 50 MINUTES 38 SECONDS WEST, A DISTANCE OF 258.38 FEET ALONG SAID SOUTH LINE TO THE EAST LINE OF THE WEST 495.00 FEET OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15 AND THE TERMINUS OF SAID CENTERLINE. PARCEL NO. 3: THOSE BENEFICIAL AND APPURTENANT EASEMENTS FOR COMMON DRIVEWAY AS SET FORTH IN AGREEMENT RECORDED MAY 29, 1996 IN DOCUMENT NO. 1996-0372996, RECORDS OF MARICOPA COUNTY, ARIZONA.



VICINITY MAP:
N.T.S.

APPROVALS:

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA ON THIS _____ DAY OF _____, 2020.

BY: _____ DATE _____
MAYOR

ATTEST: _____ DATE _____
CITY CLERK

BY: _____ DATE _____
CITY ENGINEER

BY: _____ DATE _____
COMMUNITY DEVELOPMENT

CERTIFICATION:

THIS IS TO CERTIFY THAT THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF DECEMBER, 2020; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THE POSITION ARE CORRECTLY SHOWN AND THE SAID MONUMENTS ARE SUFFICIENT ENABLE THE SURVEY TO BE RETRACED.

RYAN D. GILBERT, RLS# 54333
4361 S SQUIRES LANE
GILBERT, AZ 85297
480.275.8020
RYAN@GILBERTSURVEY.COM



DATE _____

DS201087

SBD200016

REC20119

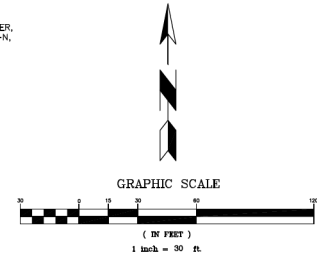
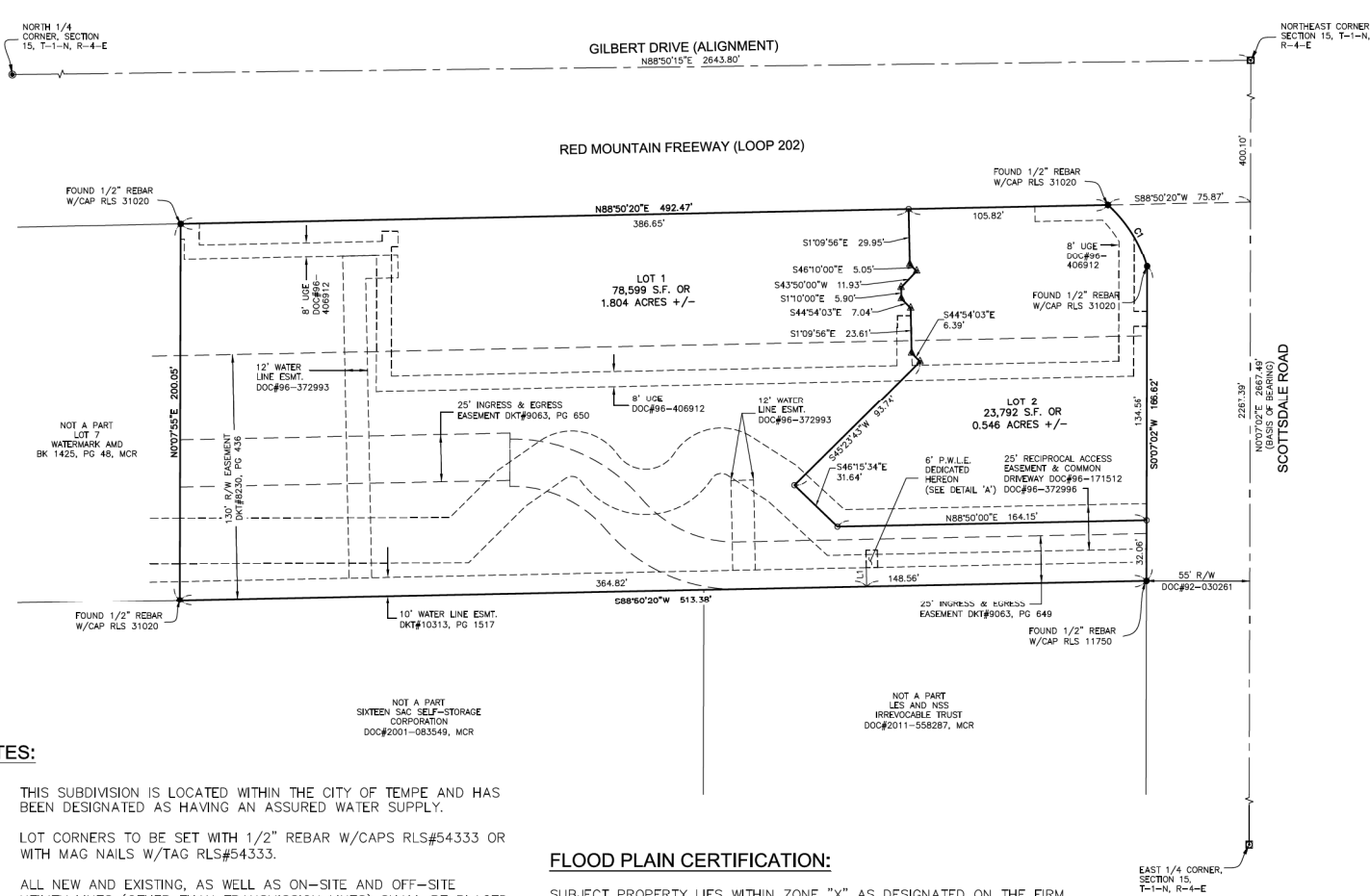
<p>GILBERT LAND SURVEYING, PLC 4361 S. Squires Lane, Gilbert, Arizona 85297 Phone: 480.275.8020</p>	A SUBDIVISION PLAT FOR "BEST WESTERN TEMPE" OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA				
	DATE: 6/21/2021	FIELD: RG	DRAWN: RG	JOB NO.: 200902	SHEET: 10F2

REC20119

SBD200016

DS201087

A SUBDIVISION PLAT FOR
"BEST WESTERN TEMPE"
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH,
 RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN,
 MARICOPA COUNTY, ARIZONA

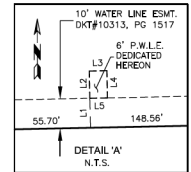


LEGEND:

- FOUND BRASS CAP FLUSH
- FOUND BRASS CAP IN HANDHOLE
- FOUND AS NOTED
- ▲ SET NAIL W/TAG RLS# 54333
- SET 1/2" REBAR W/CAP RLS# 54333
- - - BREAKLINE
- R/W RIGHT-OF-WAY
- M.C.K. MARICOPA COUNTY RECORDS
- P.W.L.E. PUBLIC WATER LINE EASEMENT
- REGISTERED LAND SURVEYOR
- BOUNDARY LINE
- - - ADJOINING BOUNDARY LINE
- - - EASEMENT LINE
- CENTERLINE

Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD LENGTH
C1	39.50'	72.00'	31°25'52"	N32°12'05"W	39.00'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N1°09'40"W	10.00'
L2	N1°09'45"W	9.24'
L3	N88°50'15"E	6.00'
L4	S1°09'45"E	9.24'
L5	S88°50'15"W	6.00'



NOTES:

- 1.) THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF TEMPE AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- 2.) LOT CORNERS TO BE SET WITH 1/2" REBAR W/CAPS RLS#54333 OR WITH MAG NAILS W/TAG RLS#54333.
- 3.) ALL NEW AND EXISTING, AS WELL AS ON-SITE AND OFF-SITE UTILITY LINES (OTHER THAN TRANSMISSION LINES) SHALL BE PLACED UNDERGROUND.
- 4.) ANY RETENTION SYSTEM AS SHOWN ON THE GRADING AND DRAINAGE PLANS SHALL RETAIN THE RUNOFF VOLUME FROM THE 100-YEAR DESIGN STORM AND SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER TO: (1) REGULARLY INSPECT THE SYSTEM (AT LEAST ANNUALLY), AND (2) MAINTAIN THE SYSTEM IN A CONDITION THAT WILL ALLOW THE SYSTEM TO STORE AND DISSIPATE THE VOLUME OF STORM WATER AS SHOWN ON THE DESIGN PLANS. THE FOREGOING RESTRICTION CANNOT BE CHANGED WITHOUT PRIOR WRITTEN CONSENT OF THE CITY OF TEMPE ENGINEER.

FLOOD PLAIN CERTIFICATION:

SUBJECT PROPERTY LIES WITHIN ZONE "X" AS DESIGNATED ON THE FIRM FLOOD INSURANCE RATE MAP NUMBER 04013C2245L, MAP REVISED OCTOBER 16, 2013. ZONE "X" SHADED IS DESIGNATED AS BEING "AREA OF 0.2% ANNUAL CHANCE FLOOD IN AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES, DIKES OR OTHER STRUCTURES SUBJECT TO FAIL DURING LARGER FLOODS, FROM 1% ANNUAL CHANCE FLOOD.

A SUBDIVISION PLAT FOR
"BEST WESTERN TEMPE"
 OF A PORTION OF THE NORTHEAST QUARTER
 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4
 EAST OF THE GILA AND SALT RIVER MERIDIAN,
 MARICOPA COUNTY, ARIZONA

DATE: 8/21/2021	FIELD: RG	DRAWN: RG	JOB NO.: 209602	SHEET: 20F2
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