

Staff Summary Report

Council Meeting Date: April 9, 2009

Agenda Item Number:

SUBJECT: Hold the second public hearing for a Zoning Map Amendment with a Planned Area Development for 2150 SOUTHERN CAMPUS MASTERPLAN, located at 2150 East Southern Avenue.

DOCUMENT NAME: 20090409dsk01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request for **2150 SOUTHERN CAMPUS MASTERPLAN (PL080282)** (Thomas Sawner, Educational Options, property owner; William Sawner, applicant) consisting of a phased mixed-use development with a charter school, a private school, assembly space for performances, recreational uses, commercial and residential uses initially located within six existing structures and eventually built into five new structures with building heights of 48 to 70 feet tall. Completed development will consist of approximately 192,156 s.f., on 8.87 net acres net acres, located at 2150 East Southern Avenue in the R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential Districts. The request includes the following:

ZON08011 – (Ordinance No 2008.66) Zoning Map Amendment from R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential districts to MU-2, Mixed-Use, Medium Density District.

PAD08019 – (Ordinance No 2008.66) Planned Area Development Overlay to define setbacks: zero-foot front and street side, 30-foot side and rear, with an actual building location 80 feet from the rear; building height to be 42 feet at rear of lot and 60 feet at front of lot; maximum lot coverage 40% and minimum landscape area 15%; maximum density not to exceed 9 dwelling units per acre, with a maximum of 80 residences.

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

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

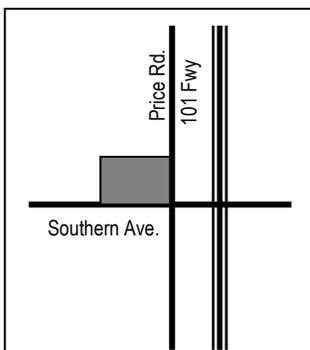
LEGAL REVIEW BY: Teresa Voss, Assistant City Attorney (480-350-8814)

FISCAL NOTE: N/A

RECOMMENDATION: **Staff – Approval, subject to conditions**
Development Review Commission – Approval of the requested MU-2 zoning (6 to 1 vote) and Denial of the planned area development (4 to 3 vote)

ADDITIONAL INFO:

Gross/Net site area	9.95/8.87 acres
Total Building area	192,156 s.f. (after completion of phase III)
Lot Coverage	40 % - 76,862 s.f. (35-50% maximum allowed in R/O, R1-6 & CSS)
Building Height	42-60 PROPOSED MODIFICATION: 20-65 feet depending on location on site (30-40 ft maximum allowed in R/O, R1-6 & CSS)
Density	9 dwelling units per acre (9 and 15 du/ ac maximum allowed by General Plan)
Building setbacks	20' PROPOSED MODIFICATION: 0' front (Southern Avenue side), 0' street side yard (Price Road side), 30' side yard (west) and 30' rear yard (north) with actual buildings located 80' from the north and west property lines. (current zoning setbacks: 0-20' front, 0-10' street side, 0'-10' side, 10-15' rear minimum in R/O, R1-6 & CSS)



- PAGES:**
- 2. List of Attachments
 - 3-7. Comments / Reasons for Approval
 - 8-9. Conditions of Approval
 - 10-12. Code Requirements
 - 13-14. History & Facts / Zoning & Development Code Reference

- ATTACHMENTS:**
- 1-3. Ordinance No. 2008.66
 - 4-7. Waiver of Rights and Remedies form
 - 8. Location Map
 - 9. Aerial Photo
 - 10-17. PAD Letter of Explanation
 - 18-22. EdOptions Neighborhood Meeting Summary
 - 23. EdOptions Response to Neighborhood Concerns
 - 24. General Plan and Zoning Maps (G101)
 - 25. PAD Cover Sheet
 - 26. Parking Analysis
 - 27-29. Phased Site plans (A100 existing, A200 phase II & A300 phase III)
 - 30-34. Floor plans (A210, A211, A212, A310.A & A310.B)
 - 35-38. Conceptual Building Elevations (A220, A221, A320.A & A320.B)
 - 39-43. Conceptual Building Sections (A230, A310.A, 310.B, A320.A & 320.B)
 - 44-45. Conceptual Landscape Plan (A201 & A301)
 - 46-77. Views of structures from neighborhood
 - 78-80. Alternative proposal presented from neighbors at 3/10/09 DRC hearing
 - 81-84. Applicant outreach document
 - 85-88. Letters of support provided by applicant at 3/10/09 DRC hearing
 - 89-97. E-mails received in support

ADDITIONAL INFORMATION PROVIDED AT CITY COUNCIL HEARING ON MARCH 26, 2009:

- 98. REVISED PAD Cover Sheet
- 99. Detail of PAD setbacks and heights
- 100. Detail of Site plan
- 101. Detail of Site plan with setbacks and heights overlaid
- 102. Section view looking North A.1
- 103. Section view looking East B.2
- 104. Section view looking West C.1
- 105. Section view looking North D.1

COMMENTS:

This site is located on the north side of Southern Avenue, west of Price Road and the 101 Freeway and east of Country Club Way. The site has been used by the Tri-City Baptist Church since 1981, and recently sold to EdOptions for the purpose of educational uses within the existing buildings and phased development for a new mixed-use development consisting of commercial offices, educational classrooms for a charter school and private school and residential units for staff of the school. This request includes a Zoning Map Amendment and a Planned Area Development.

The Zoning Map Amendment would remove 1.98 acres from R/O Residential Office, .56 acres from CSS Commercial Shopping and Service and 6.24 acres from R1-6 Single Family Residential districts and designate all 8.78 acres as MU-2, Mixed-Use, Medium Density District.

The Planned Area Development would define the standards in an overlay for the MU-2 district on this site: setbacks to be **0' front** and street side, 30' side and rear, with a building location 80' from the rear; building height to be **20' at rear of lot and 65' at front of lot**; maximum lot coverage 40% and minimum landscape area 15%; maximum density not to exceed 9 dwelling units per acre (80 units allowed), with 10 residences being built.

The proposed development would be phased:

- o Phase one implements minor site improvements such as repairs to the existing walls, replacement of dead or missing plant material, addition of screen trees along the perimeter wherever possible, and paint and maintenance to the existing buildings. Phase two is conditioned to begin construction within three years, but this may be extended by request if the applicant is not ready to proceed.
- o Phase two would consist of removal of existing buildings along the west and north sides of the site, additions to the existing gymnasium building, and construction of two new classroom buildings, the existing sanctuary space on Southern and play field on Price would stay.
- o Phase three is dependant upon market conditions, and could be anywhere from 3-20 years from developing. Phase three would include one or two office buildings located along Southern and Price, with podium and underground parking.

EdOptions made application to the City of Tempe for preliminary site plan review on July 29, 2008. Two inter-departmental reviews were made of the project prior to a formal application process. All requirements of the formal application process were met. The applicant is requesting approval of the Zoning Map Amendment and Planned Area Development. For further processing, the applicant will need approval for a Subdivision Plat, to combine the individual lots into one and a Development Plan Review for the landscape plan and building elevations and materials.

PUBLIC INPUT

A neighborhood meeting was required for this request, and was held on November 3, 2008 from 7:00 p.m. to 9:30 p.m. at 3280 S. Country Club Way. The owner, architect and a facilitator hosted the meeting, Development Services staff attended and approximately 38 residents were in attendance, the applicant's meeting summary is attached. The property owner Jeff Sawner of EdOptions provided an overview of his company services, and a list of what this project would or would not do. At this meeting, a site plan, conceptual elevations and sections were shown, an explanation of the proposed uses was provided and the applicant outlined what the

project would not do:

and what the project would do:

Does not change the General Plan	Implement the General Plan
Does not open access to Geneva Drive	Request a zoning change to allow the combination of uses
Does not build high density residential condominiums	Continue the educational use on this site
Does not include student housing	Request a Planned Area Development to set the standards for new development: including larger setbacks on the residential sides and staggered height away from the existing residences
Does not add bright sports lighting to the athletic field	Bring the site up to compliance with current codes, including an 8' screen wall and a 20' landscape buffer to residences.

Is not designed yet, so there is no Development Plan Review or request for building permits	With new construction, cluster the new buildings in a more efficient layout, farther away from the residences to the north and west.
Does not allow outdoor entertainment events or loud concerts	Provide all required parking on site, no reductions requested
Does not have an outdoor PA system	Include a request to rent the facilities to other schools, churches or community groups in need of gathering space for events.
Is not a vocational school, the curriculum would follow state requirements for graduation.	Provide an alternative schedule for students seeking a high school education, either by an on-site charter school or a private school on-line.

The meeting was opened up for discussion. All questions and concerns were provided with an answer either from the architect, the owner, or staff. Most residents were curious to see what was being proposed. Some had concerns about the student demographics, traffic, building heights and design. The proposed setbacks for phases II and III were positively received by residents. The building heights were the primary concern. As a result of the meeting and other discussions with residents, the applicant made changes to the project. Most of these changes are specific to the design of the buildings, not the development standards.

The following changes were made to the proposed project as a result of the public input:

- Elimination of a driveway on Price Road.
- Perimeter trees along the north and west sides of the property will be planted where possible as soon after the zoning change as possible, so that trees would have more time to grow prior to phase II construction beginning. This would accommodate the first row of trees within the existing landscape buffer, which is not large enough to support the required 20' landscape buffer. Additional trees will be added after demolition of existing buildings and construction of phase II. This is a condition of approval for phase I.
- The northernmost building is 42' tall, with a 6' high mechanical parapet in the center of the roof area, set back from the building face. The requested development standard of 48' is to accommodate this roof-mounted equipment, and has been conditioned so that the building is 42 feet with 48' allowed only for this equipment.
- In response to concerns about privacy, the exterior stairwells were relocated or enclosed and upper story exterior circulation paths adjacent to single family residences were eliminated.
- To increase screening, landscape islands were rearranged in the parking area to provide one tree per 10 parking spaces.
- The originally proposed west side alley configuration has been removed, and the existing alley configuration will be retained, with a landscape buffer to the east of the dead-end T-turn-around.
- Staff housing is relocated farther away from the neighborhood residences.
- The building façade will have more architectural variation with undulation to break up the massing.
- A commitment to ongoing and open communication regarding the building design as phases II and III are developed.
- The project name was changed to avoid confusion with the Tempe Center for the Arts.

Because this request is not for the design of the building, conditions of approval have been added to specifically require future design applications to address these agreed-upon features. Conditions of approval will become part of the Planned Area Development by approval of this request, and will be met during phases II and III of the site development, unless otherwise noted.

At the January 13, 2009 hearing, the Development Review Commission approved two use permits: to operate a Charter School and a Private School on site and to allow live entertainment on site. The first Use Permit was approved to operate a Charter School operated by EdOptions Foundation, a non-profit organization and a Private School operated by Blue Ridge Mountain Academy, an on-line web-based school with offices and testing on site. The second Use Permit was approved to allow live entertainment on site. Both use permits were approved with conditions. At the January 13, 2009 hearing, the Development Review Commission also voted 6 to 1 in favor of the recommendation to approve the Zoning Map Amendment in fulfillment of the General Plan 2030 mixed-use designation for this site. The Commission also voted to continue the hearing for the development standards proposed in the Planned Area Development, so that issues about the traffic, setbacks and building height raised during the public hearing could be addressed with residents.

At the March 10th hearing, the applicant stated that they had met with four neighbors and staff on February 3rd, had additional

communication with a few of these residents, and requested a drawing prepared by some neighbors they'd seen earlier be provided for their architect to consider. The diagram was presented by residents to the Development Review Commission at the March 10th hearing, and has been included in the attachments of this report for Council Consideration. Staff received 8 e-mails in support of the project and one letter from the Chamber of Commerce. Also presented at the Commission hearing were approximately 165 signatures from the applicant of households in support of the project. These signatures were collected from around the City, not necessarily adjacent to the property. A sample of the information provided is attached.

The applicant revised drawings and setbacks and held a larger advertised neighborhood meeting on February 23, 2009 from 6-9pm at the Tempe Library Connections Café Program Room. The owner, architect and a facilitator hosted the meeting, staff and approximately 45 residents attended. The focus was primarily on the building heights, setbacks, entitlement process, and the phasing of the project. Primary concerns remained the building height and the re-zoning of the property without design of the buildings, or commitment to build within a given schedule. The architect walked through proposed changes, including changes to the north and west buffer from 85 to 80 feet, increased setback on Southern from 0 to 20 feet, and decreased front building height from 70 to 60 feet, including the mechanical equipment. The building height would be closer to 55 feet, the remaining 5 feet would be for mechanical equipment. The same for the northern-most buildings, which would be no taller than 42 feet, with allowed height to 48 feet for mechanical equipment set back into the center of the roof. The owner agreed to put one level of parking for the two office buildings fully underground, requiring mechanical ventilation. Many additional suggestions were made for consideration, primarily affecting future building design.

Between the Development Review Commission hearing and the first City Council hearing, additional meetings were held with a small group of neighbors to try to reach consensus on the proposed project. As a result of these meetings, additional information was provided prior to the March 26, 2009 Council Hearing, which proposed further modifications to the Planned Area Development.

The revised Planned Area Development proposes new standards for the overlay for the MU-2 district on this site:

- **20' 0' setback** added in the front yard along Southern Avenue to provide approximately 40' from curb to face of building;
- 0' in the street side along Price Road no proposed change from last request;
- 30' side and rear yard setback along the west and north sides of the property, with the building location to be 80' from the north and west property lines.
- the proposed building heights would be ~~42-60~~ **20-65 feet high, plus mechanical equipment as noted on the attached PAD height standard and site plan**, depending on location within the site.
 - ~~42-foot height allowed between 80 to 100 feet from the north and west property lines,~~
 - ~~48-foot height allowed from 100 feet in from the west and north property edges, and~~
 - ~~60-foot height allowed within the first 250 feet of the south setback,~~
 - ~~60-foot height allowed within the first 250 feet of the east property line.~~
- The lot coverage would be 40% and would have a minimum landscape area of 15%.

Because this request is not for the design of the building, conditions of approval have been added to specifically require future design applications to address these agreed-upon features. Conditions of approval on pages 8-9 will become part of the Planned Area Development by approval of this request, and will be met during phases II and III of the site development, unless otherwise noted.

PROJECT ANALYSIS

GENERAL PLAN

The existing land use map shows this site as a civic place of worship, a designation only given to existing facilities. The projected land use map shows this site as mixed-use, with a split density of 9 dwelling units per acre on the rear 6.24 acres of the site (56.16 units), and 15 dwelling units per acre for the remaining 2.53 acres of the site facing Southern Avenue (37.95 units), which would allow a total of 95 units split between the respective density areas. The intent of this land use and split density designation was to allow residential development on this site, while retaining the commercial viability of the site in a low-intensity development compatible with the adjacent residential areas. The zoning classifications for mixed-use do not limit density to 9 du/ac however; this must be done through a restriction within the Planned Area Development Overlay. The density may be combined over the entire site, as long as it does not exceed 95 dwelling units total, and provides a buffer to the residences to the west and north.

ZONING

The existing zoning is split on this lot between 6.24 acres of R1-6 Single Family Residential, 1.98 acres of R/O Residential Office, and .56 acres of CSS Commercial Shopping and Service districts. The proposed amendment from these districts to MU-2 Mixed Use Medium Density for the total 8.87 would unify the zoning and bring the site into compliance with the General Plan projected land use designation. MU-2 allows a maximum density of 15 dwelling units per acre; the proposed Planned Area Development would restrict the density for the entire site to 9 dwelling units per acre, to conform to the General Plan density designation for the lowest density on the site. This would restrict the entire site to a maximum of 80 dwelling units. Student housing is not being proposed. The majority of students are under 18 years of age, or adults attending part-time or off-site via internet courses. The proposed project would include ten units with one, two and three bedroom configurations for staff or teaching faculty for the school. The Development Review Commission took action on this request at the January 13, 2009 hearing and recommended approval of the zoning amendment to MU-2 in accordance with Section 6-304 C.2 approval criteria for a zoning amendment: the proposed zoning amendment is in the public interest by preserving a low intensity use on site compatible to the surrounding residences and retaining commercial uses along Southern Avenue and conforms with and facilitates implementation of the General Plan.

PLANNED AREA DEVELOPMENT

Religious uses of a site are not required to conform to use boundaries defined by zoning district: they enjoy the freedom of using the site regardless of the underlying zoning. Private development requires conformance to the use standards defined in the code. Under the current R1-6 zoning with an alley behind the site would allow 25 new single-family homes could be built with 30 foot heights and a 5 foot backyard (using the 15 foot rear yard setback as measured from the center point of the 20' alley).

The General Plan mixed-use designation encourages a new form of development on this site that traditional zoning districts would not allow. Mixed-use requires the combination of commercial and residential to retain the commercial value and provide combinations of uses that work well together and create a live-work environment. In this case, the vision of live-work is expanded with learning and playing through the use permits for charter and private school and live entertainment on site. The mixed-use zoning requires a Planned Area Development in order to define the development standards (ie. building height and setbacks) specific to a proposed project.

This site is challenged with unique conditions that warrant flexibility. This medium-sized site with existing 30-year old infrastructure is landlocked between a well-established neighborhood on two sides and older commercial uses on one corner; it is also bound by a freeway off-ramp and a major arterial which limits access and visibility to the site. The site functions as a transitional area between dissimilar land uses. The proposed PAD is designed to minimize impacts to the residents while maximizing the use of the site. Traditional development patterns would require shorter buildings spread out over more area of the site with surface parking, reduced landscape area and a reduced setback adjacent to residents. The unique characteristics of this PAD are a staggered building height that shifts the height to the front of the site and provides a larger setback and buffer than would be possible with the existing zoning.

The proposed development standards, and the imposed conditions of approval not only restrict building within 80 feet of the property line, and limit the height to 42 ~~20-35~~ feet within the first 20 ~~50-100~~ feet of building envelope, it restricts the design of the buildings to not have view corridors, walkways, balconies, etc. facing the residential properties to the north and west. The proposed site plan uses podium and underground parking and adds additional parking islands for trees on the limited surface parking provided. The applicant has also agreed to have neighborhood meetings prior to the Development Review process to provide more public input on the final design of the buildings. The applicant has demonstrated what the view corridors would be from the neighborhoods to these structures, given the height restrictions and setbacks. The PAD zoning is deemed appropriate and necessary to replace traditional zoning regulations, encourage unique development of this site, protect the neighborhood from what could be built with existing zoning, and implement the General Plan.

- **DENSITY:** The proposed Planned Area Development would modify the allowable density on the south portion of the site to restrict this portion to match the 9 dwelling units per acre allowed by General Plan on the northern portion of the site. The applicant is proposing to build 10 dwelling units, however would have entitlements of up to 80 dwelling units (this is a reduction of 15 units from what would be allowed by the General Plan).
- **SETBACKS:** The street side yard (east) setback remains at 0 feet, and the front yard (south) setback ~~has been changed to 20~~ **is proposed to be 0** feet. There is a required 20' landscape buffer adjacent to the residences on the north and west sides. The previous request included 30-foot setbacks with buildings located ~~85~~ **80** feet from the property line. As a result of changes to the building heights, the footprints and locations of the buildings shifted to the north by 5 feet to accommodate a wider building footprint on the front portion of the site. The applicant proposed 20-foot setbacks on the rear (north) and side yard (west) to allow flexibility in the

future design phase of this project. Upon review of the modified request, staff is recommending that the original 30 foot setback listed by condition be kept on the north and west, and the building location change from 85 feet to 80 feet per the revised drawings. The applicant has agreed to the original conditions of approval and the modified building location of 80 feet.

- **BUILDING HEIGHT:** The original requested building height was 70 feet; the revised proposed PAD would allow a building height of ~~48 to 60~~ **20-65** feet. MU-2 allows up to 48 feet with a use permit; this was used **originally** as the determination for the height on the north and west sides. The building is proposed to be 42 feet to the parapet with a 48-foot top of mechanical height, no rooftop amenities are planned. ~~60~~ **65** feet would be allowed within the first ~~250~~ **220-240** feet from the south and east property lines, per the attached site plan. The street-front buildings are proposed to be **55-65** feet to the parapet with a ~~60-foot top of~~ **additional height allowed for the** mechanical equipment height.
- **STEP-BACK:** A 48-foot tall building would need to be located at least 48 feet from the property line (18 feet from the 30-foot setback). The northern-most building is located 80 feet from the property line and is 42 feet tall with screened mechanical equipment up to 48 feet tall. The 60-foot tall buildings would need to be located 60 feet from the north or west property lines (30 feet from the setback). The proposed office buildings are located ~~150~~ **80-180** feet from the north and west property lines. All proposed buildings comply with the Zoning Development Code step-back requirement.

The proposed setbacks and proposed building locations provide for a significant buffer from the proposed development. The front of the property along Southern has approximately 20 feet of landscaped right of way, ~~plus the 20-foot setback~~, the buildings would be located ~~40~~ **20** feet north of the existing curb. Development standards are defined as shown in the table on the next page. The MU-2, R1-6, R/O, CSS, PCC-1 and Existing Condition columns are provided for comparison to what is being proposed in the MU-2 with the PAD.

Development Standard	MU-2 with Planned Area Development Overlay	MU-2 Zoning Code	PCC-1	R1-6	CSS
Residential Density	8.87 acres 9 du/ac	8.87 acres 15 du/ac	across the street (permit)	6.31 acres 4 du/ac	.56 acres (permit)
Residential Units	80 du allowed, 10 units proposed	133 units		25 units	11 units
Building Height Maximum	42-foot high within 80-100 feet of the north and west property lines 48-foot high from 100 feet of the north and west property lines 60-foot high from the south and east setbacks up to 250 feet into the site. PROPOSED MODIFICATION AT FIRST COUNCIL HEARING: 20 feet high to 65 feet high plus mechanical as noted on the attached PAD height standard and site plan.	40 feet (48 feet with a use permit)	35 feet (42 feet with a use permit)	30 feet (33 feet with a use permit)	35 feet (42 feet with a use permit)
Maximum Lot Coverage	40%	NS	50%	45%	50%
Minimum Landscape Area	15%	NS	15%	NS	15%
Front Setback (South)	20 feet PROPOSED MODIFICATION AT FIRST HEARING: 0 feet	NS	0 feet	20 feet	0 feet
Street Side Setback (East)	0 feet	NS	0 feet	10 feet	0 feet
Side Setback (West)	30 feet*	NS	20 feet 30 feet (20 feet if adjacent to single family)	5 feet	0 feet 10 feet (20 feet if adjacent to single family)
Rear Setback (North)	30 feet*	NS		15 feet	

*Buildings to be located 80' from north and west property line

Traffic and Parking

A traffic study was completed in December and updated in January; both have been reviewed and accepted by traffic engineering staff. The report provides 2008 data without the project as a base of comparison, and then projects for phases II and III into years 2013 and 2023 as a built-out site. The report uses standard industry models for analysis and provides estimated trip generation to and from the site. This report indicates at build-out the site would have:

A morning peak of:

- 110 trips into the site from Price;
- 70 exiting the site on Price;
- 190 making right turns into the site from Southern;
- 156 making left turns into the site from Southern; and
- 149 exiting the site onto Southern.

An evening peak of:

- 40 trips into the site from Price;
- 120 trips exiting the site onto Price;
- 38 making right turns into the site from Southern;
- 20 making left turns into the site from Southern;
- 200 exiting the site onto Southern.

The report also projects levels of service for current, 2013 and 2023 conditions both with and without the project. The study indicates that the conditions on both Price Road and Country Club intersections will not be significantly impacted by the proposed development. The future level of service for this area is anticipated to decrease by 2023 to a level F on Price and a level B on Country Club based on projected regional growth and traditional methods of transportation and commute hours. Levels of Service on Country Club, Southern and Price would not be significantly impacted by this development at this location.

The first phase of development does not change the use or the buildings on site. The current K-12 school has traffic during peak hours, with many students dropped off and picked up, doubling the trips to and from the site. The proposed 9-12 charter school would have students biking, taking the bus, car pooling, driving on their own and being dropped off. The class times are staggered, so that rather than 400 students being dropped off at 8am and picked up at 3pm, groups of 200 students would arrive at times throughout the day, reducing the traffic load during peak times.

Phase II will be removing approximately 50% of the existing building space, but in total will be increasing the square footage by about 35% more than the existing; from 68,098 s.f. to 104,002 s.f., including 10 residences. Parking will increase from 351 to 475 to accommodate all of the new development, without requesting a reduction for the staff residences that would be using their parking spaces during the work day.

Phase III would require 713 spaces, however the 25 required residential spaces are dedicated staff spaces and could be used for both their residential and office parking demand, no reduction is being requested; 731 spaces are proposed to be provided in a combination of surface, structured and underground parking. The site is self-parked with the office and classroom and assembly spaces all meeting the code requirements individually, assuming no shared uses; the only shared use being the staff residents who also work on site. A new traffic study is being required by condition prior to phase III to account for any changes in the future conditions. The table below illustrates the current use in comparison to the first phase of development, phases II and III.

1994 data provided by Tri-City Baptist Church: Phase I Proposed use of the site:

Tri-City Baptist Church Use Information from 1994:			2150 E Southern Campus Masterplan proposed adaptive reuse of site:					
Building	Use	Square Footage	Provided Parking	Phase I Existing Buildings	Phase I Proposed Uses	Existing S.F.	Parking Ratio	Parking Required
Building A	Sanctuary	11,246	112	Building A	Assembly	15,500	1/125 s.f.	124
	Classroom	5,075	25					
Building B	Gymnasium	10,120	81	Building B	Gymnasium	10,120	1/125 s.f.	81
	Classroom	5,900	23		Charter High School Classroom	6,820	1/200 s.f.	34
Building C	Classroom	13,528	45	Building C	Office	17,862	1/300	60
Building D	Classroom	5,518	18	Building D	Storage (space for churches to lease)	5,597	1/500 s.f.	11
Building E	Classroom	4,920	16	Building E	Classroom (Nursery use during church services)	5,712	1/300 s.f.	19
Building F	Classroom	6,460	22	Building F	Office	6,487	1/300 s.f.	22
	Offices	2,000	8					
			64,767	Existing surveyed built area:		68,098		351
							EXISTING PARKING PROVIDED:	351
Sunday use: 250 maximum								
Weekday use: 50 (8 students drove to school in 1994)								
Special event use: 170 spaces								

Proposed Phase II:

Proposed Phase III:

2150 E Southern Campus Masterplan proposed adaptive reuse of site:										
Phase II Building	Phase II Proposed Uses	Planned S.F.	Parking Ratio	Parking Required	Phase III Building	Phase III Proposed Uses	Planned S.F.	Parking Ratio	Parking Required	
Building A	Assembly	15,500	1/125 s.f.	124	Building A	Removed				
Building B	Gymnasium	10,120	1/125 s.f.	81	Building B	Gymnasium	10,120	1/125 s.f.	81	
	Classroom	11,800	1/200 s.f.	59		Classroom	11,800	1/200 s.f.	59	
	Office	10,070	1/300 s.f.	34		Office	10,070	1/300 s.f.	34	
Building C	Removed				Building C	Removed				
Building D	Removed				Building D	Removed				
Building E	Removed				Building E	Removed				
Building F	Removed				Building F	Removed				
Building G (north bldg)	Office	28,400	1/300 s.f.	95	Building G (north bldg)	Office	28,400	1/300 s.f.	95	
Building H (south bldg)	Office	17,000	1/300 s.f.	57	Building H (south bldg)	Office	17,000	1/300 s.f.	57	
Buildign H (south bldg)	Residential	11,112			Buildign H (south bldg)	Residential	11,112			
	4 - 1 bedroom			1.7	6.8		4 - 1 bedroom		1.7	6.8
	3 - 2 bedroom			3	9		3 - 2 bedroom		3	9
	3 - 3 bedroom			3.2	9.6		3 - 3 bedroom		3.2	9.6
	Proposed square footage:	104,002		475.4						
	No reductions requested for overlap of staff residences also using office parking spaces				Building I (Southern)	Office	54,387	1/300 s.f.	181	
						Restaurant (café)	1,628	1/75 s.f.	22	
					Building J (Price)	Office	47,639	1/300 s.f.	159	
						Proposed Square Footage:	192,156		713.4	
						No reductions requested for overlap of staff residences also using office parking spaces				
						PARKING PROVIDED:	475		731	

USE PERMIT

The proposed use requires a use permit, to operate a Charter School and a Private School within the MU-2 Mixed-Use District. The proposed use also requires a use permit for live entertainment on site. These requests were approved with conditions at the January 13, 2009 Development Review Commission hearing.

Conclusion

This site is challenged with unique conditions that warrant the flexibility of a Planned Area Development. This medium-sized site with existing 30-year old infrastructure is landlocked between a well-established neighborhood on two sides and older commercial uses on one corner; it is also bound by a freeway off-ramp and a major arterial which limits access and visibility to the site. It has existing zoning that is not in concert with the General Plan. It has 3 different classes of zoning, making development of the site difficult with three sets of standards. It is also a transitional area between dissimilar land uses. The proposed PAD is designed to minimize impacts to the residents while maximizing the use of the site. Traditional development patterns would require shorter 30-foot buildings spread out over more area of the site with surface parking, reduced landscape area and a reduced setback adjacent to residents. The unique characteristics of this PAD are a staggered building height that shifts height to the front of the site and provides a larger buffer than would be possible with the existing zoning. The proposed development standards with the imposed conditions of approval not only restrict building within 80 feet of the property line, they restrict the design of the buildings to not have view corridors, walkways, balconies, etc. facing the residential properties to the north and west. The proposed site plan uses podium and underground parking and adds additional parking islands for trees on the limited surface parking provided. The applicant has agreed to have neighborhood meetings prior to the Development Review process to provide more public input on the final design of the buildings. The applicant previously demonstrated what the view corridors would be from the neighborhoods to these structures, given the height restrictions and setbacks. The PAD zoning is deemed appropriate and necessary to replace traditional zoning regulations, encourage unique development of this site, protect the neighborhood from what could be built with existing zoning, and implement the General Plan. Based on the information provided by the applicant, the public input received, the changes made as a result of the public input and the above analysis staff recommends approval of the requested Zoning Map Amendment and Planned Area Development with conditions.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use by rezoning to MU-2 and the Projected Residential Density by limiting the density to 9 du/ac by the Planned Area Development.
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. This PAD encourages a new form of development on this site that traditional zoning districts would not allow. The current zoning would not allow a school with residences for staff, and commercial offices all on the same property.
4. There are additional conditions that the applicant agreed to in order to address neighborhood involvement with the design.

ZON08011 AND PAD08019 CONDITIONS OF APPROVAL: EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

General

1. The Planned Area Development is approved with the following standards:

Development Standard	MU-2 with Planned Area Development Overlay
	8.87 acres
Residential Density	9 du/ac
Residential Units	80 du allowed, 10 units proposed
Building Height Maximum	42 feet high within 80-100 feet of the north and west property lines 48 feet high from 100 feet of the north and west property lines 60 feet high from the south and east setbacks up to 250 feet into the site. 20 feet high to 65 feet high plus mechanical as noted on the attached PAD height standard and site plan.
PROPOSED MODIFICATION AT FIRST COUNCIL HEARING:	
Maximum Lot Coverage	40%
Minimum Landscape Area	15%
Front Setback (South)	20 feet PROPOSED MODIFICATION AT FIRST HEARING: 0 feet
Street Side Setback (East)	0 feet
Side Setback (West)	30 feet*
Rear Setback (North)	30 feet*

*Buildings to be located 80' from north and west property line

2. Plant the west and north perimeter with 1 ½" caliper trees within the existing available landscape buffer as part of phase I, with additional trees to be added during development in phase II.
3. Perimeter buffer trees shall be non-deciduous dense canopy trees that retain canopy in the 9-30' height at maturity.
4. Replace all dead or missing landscape as part of phase I, including 1 ½" caliper trees and 5 gallon shrubs within the landscape islands and along the street front and perimeter. Species may be modified pursuant to planning staff review.
5. Repair any gaps, breaks or structurally deficient sections of the existing wall within 6 months of occupancy of the site or no later than the start of the 2009 school year.
6. Provide an 8' cmu screen wall along the north and west perimeter of the property with commencement of phase II construction. Work with residents on the schedule and implementation of construction of any walls impacting yards.
7. Retain as many mature trees on site as possible in phase I, for phases II & III, provide a plant inventory no later than the start of the 2009 school year, that identifies all existing trees to remain with the new landscape.
8. The applicant shall conduct a neighborhood meeting prior to the Development Plan Review for phases II and III. Notification and process to be determined by the applicant, but with a minimum mailing to property owners within 300 feet of the property lines of the site.
9. The applicant must follow the same process used for a hearing for the Development Review Commission meeting for the Development Plan Review (sign postings and mailings) in compliance with the Zoning and Development Code requirements for hearings: Section 6-404 Public Hearing requirements.
10. A building permit shall be obtained for phase II on or before April 9, 2012 or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.

11. The property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134 that may now or in the future exist, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, which shall be submitted to the Development Services Department no later than May 9, 2009, or the Zoning Amendment and PAD approval shall be null and void.
12. If any portions of phases II or III encroach within City right-of way, an Encroachment Permit must be obtained from the Engineering Department prior to submittal of construction documents for building permit. The limitations of this encroachment include;
 - a. a maximum projection of eight (8) feet for any upper level balconies or decorative architectural features of the building,
 - b. a minimum clear distance of twenty-four (24) feet between the sidewalk level and any overhead structure, and
 - c. any other requirements described by the encroachment permit or the building code.
13. The Planned Area Development for 2150 Southern Campus Masterplan shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
14. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
15. The developer must provide a final traffic impact study prior to any submittal for a building permit for phase II.
16. The developer must receive approval of the final Traffic Impact Study from the Traffic Engineering prior to issuance of a building permit for phase II.
17. An updated Traffic Impact Study shall be completed prior to Development Plan Review process for phase III.
18. The number of units shall not exceed 80 dwelling units (10 units proposed) or student housing as part of any phase of the development.

CONDITIONS FOR FUTURE DESIGN:

19. Applicant shall work with City staff and residents in Phase II and Phase III to control view corridors into adjacent residential properties prior to approval at the Development Review Commission.
20. All stairwells shall be enclosed or internal to the buildings or not visible from the perimeter of the site.
21. There shall be no upper story exterior circulation paths adjacent to or facing single-family residences.
22. ~~Staff housing shall be away from the existing residences.~~ **Exterior building surfaces shall include at least three distinct building materials.**
23. The building façade shall have architectural variation to break up the massing.
24. Parking islands shall be spaced 1 per 10 parking spaces on the north and west side of the site.
25. No temporary or permanent athletic field lights shall be added to the existing field.
26. Any parking or site lighting added shall not exceed 18' in height and shall have no light trespass outside of the north and west property line and shall comply to the CPTED standards as integrated in the Zoning and Development Code.
27. No loud speaker or public announcement system shall be installed or used on the property.

ALL PREVIOUS CONDITIONS OF APPROVAL FOR THE TWO USE PERMITS ARE STILL APPLICABLE AS APPROVED ON JANUARY 13, 2009.

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 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, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through www.tempe.gov/zoning, or purchased at Development Services.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated August 6, 2008. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- **STANDARD DETAILS:**
 - Tempe Standard "T" details may be accessed through www.tempe.gov/engineering or purchased from the Engineering Division, Public Works Department.
 - Tempe Standard "DS" details for refuse enclosures may be accessed through www.tempe.gov or may be obtained at Development Services.
- **BUILDING HEIGHT:** Measure height of buildings from top of curb along front of property (as defined by Zoning and Development Code).
- **COMMUNICATIONS:** If this building is taller than 50'-0", Staff recommends (does not require) a parapet system that would allow a cellular provider to incorporate and/or conceal antenna within the architecture of building, such that future installations may be accomplished with little modification.
- **PUBLIC ART:** Phases II and III are required to provide public art as part of this development in conformance with the Art in Private Development Ordinance and the Zoning and Development Code; see the Zoning and Development Code Sec. 4-407 and Appendix D. Contact the City of Tempe, Cultural Services (480-350-5161) regarding implementation of this requirement prior to receiving building permits.
- **WATER CONSERVATION:** Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for this project. Have the landscape architect and the mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59, available from Building Safety (480-350-8341). Contact Water Conservation Division (480-350-2668) if there are any questions regarding the water conservation reports.
- **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). Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding the process described in this condition.
- **SECURITY REQUIREMENTS:**
 - Phases II & III design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage to opportunity for ambush opportunity. Distances of 20'-0" or greater, between a pedestrian path of travel and any hidden area allow for increased reaction time and safety.
 - Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
 - Phases II and III will need to provide emergency radio amplification for buildings larger than 50,000 square feet, as required.

Amplification will allow Police and Fire personnel to communicate in the buildings during a catastrophe. Refer to this link (http://www.tempe.gov/itd/Signal_booster.htm) and if needed contact Information Technology Department (480-350-8364) to discuss the size and materials of the buildings, to verify radio amplification requirement, and determine the extent of construction to fulfill this condition.

- FIRE:
 - Fire lanes need to be clearly defined. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies; or overhead structure, if allowed by Fire Department. Details of fire lane(s) are subject to approval of the Fire Department.

- ENGINEERING AND LAND SERVICES:
 - Commencing with phase II, power lines on or adjacent to the site to be undergrounded as part of the new development. Underground utilities requirement excludes high-voltage transmission line unless project inserts a structure under the transmission line. Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
 - Commencing with phase I, clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
 - Commencing with phase I, verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
 - Maintain existing retention during phase I and provide 100 year onsite retention for this property during phases II and III; coordinate design with requirements of the Engineering Department.

- REFUSE commencing when any changes are made to refuse:
 - Double container enclosure is exclusively for refuse. Construct walls, pad and bollards in conformance with Standard Detail DS-116.
 - Contact Sanitation Division (480-350-8131) to verify that vehicle maneuvering and access to the enclosure is adequate.
 - Develop strategy for recycling collection and pick-up from site with Sanitation. Roll-outs may be allowed for recycled materials. Coordinate storage area for recycling containers with overall site and landscape layout.
 - Gates for refuse enclosure(s) are not required, unless visible from the street. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.

- DRIVEWAYS commencing with phase II:
 - Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works, Traffic Engineering (480-350-2775)
 - Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from Development Services or from Traffic Engineering (480-350-2775) if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.

- PARKING SPACES commencing with phase I:
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
 - At parking areas, provide demarcated accessible aisle for disabled parking.
 - Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.

- LIGHTING commencing with phase I:
 - For phase I, repair and replace any missing lamps or fixtures from the original plan, and provide any additional lighting required

- per the security plan to assure the safety of students and guests during phase I uses of the site.
- For phases II and III, follow requirements of ZDC Part 4 chapter 8
- Follow the guidelines listed under appendix E “Photometric Plan” of the Zoning and Development Code.
- Indicate the location of all exterior light fixtures on the site, landscape (and photometric) plans. Avoid conflicts with lights in order to maintain illumination levels for exterior lighting.

- LANDSCAPE commencing with phase II:
 - Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the Landscape Architect or a plant salvage specialist. Note original locations and species of native and “protected” trees and other plants on site. Move, preserve in place, or demolish native or “protected” trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department (602-364-0935). Notice of Intent to Clear Land form is available at www.agriculture.state.az.us . Follow the link to “form”, to “native plants”, and to “notice intent to clear land”.

- SIGNS commencing with phase I: Obtain sign permit for any identification signs as well as for internally (halo) illuminated address signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process. Separate Development Plan Review process is required for signs ZDC Part 4 Chapter 9 (Signs).

HISTORY & FACTS:

1970-1979	According to property record cards the property was used as a farm: residential and agricultural uses.
1972-2001	The site has a long history of incremental site changes and use modifications, including addition of a church, expansion from a day care to an elementary school, later to a high school, and finally adding a college to the site. All uses were contained within existing buildings or additions to these buildings, but no modifications were made to parking to accommodate the incremental intensification of the site.
November 24, 1972	Building permits issued for construction of a 1,660 s.f. building.
November 21, 1973	Building permits issued for construction of a 4,640 s.f. building.
September 12, 1979	Building permits issued for construction of a 2,700 s.f. building.
September 12, 1980	Change of occupancy from residential to Sunday school.
June 26, 1981	Series of building permits issued for daycare, classroom and office space, conditional upon design review board approval for an 8,887 s.f. church.
June 8, 1982	Building permits issued for a 5,230 s.f. of classroom building.
June 17, 1982	Design Review Board approved building elevations, site and landscape plans for Tri-City Baptist Church gymnasium. Conditions included 15 gallon trees planted 15' on center and 5 gallon oleander planted 5' on center planted along the north property line and street trees of 15 gallon size planted 1 per 30 linear feet along Price Road frontage and 30-40% vegetative ground cover.
October 21, 1982	Design Review Board approved building addition for Tri-City Baptist Church, with the same conditions listed in the June approval above.
October 19, 1984	Building permits issued for a series of buildings.
January 20, 1988	Design Review Board approved the request for building elevations, site and landscape plans for a gymnasium and classroom building.
July 20, 1988	Design Review Board approved a landscape plan for Tri-City Baptist Church.
December 6, 1988	Covenant and agreement to hold the property as one parcel (#88.066)
August 31, 1990	Building permits issued for a 10,995 s.f. gymnasium building.
March 18, 1991	Building permits issued for 6,820 s.f. of kitchen and classroom space added to the gymnasium.
September 15, 1995	Building permits issued for a 6,130 s.f. building.
November 3, 1995	Building permits issued for 760 s.f. addition to a building.
February 27, 1997	Building permits issued for a 794 s.f. addition to a building.
2001	Building permits issued for a restroom addition.
December 9, 2008	Development Review Commission continued the request until January 13, 2009.
January 13, 2009	Development Review Commission heard a request for a Zoning map amendment, Planned Area Development, and two use permits. After taking public comment, the commission voted to recommend approval of the zoning amendment to conform with the General Plan land use designation for mixed use: ZON08011 (Ordinance No

2008.66) would amend the site from R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential districts to MU-2, Mixed-Use, Medium Density District. The Commission also voted to approve both use permits: ZUP08156 a Use Permit to allow a charter school and private school in the Mixed-Use Medium Density District and ZUP08169 a Use Permit to allow a live entertainment in the Mixed-Use Medium Density District. The requested PAD development standards were discussed and the commission voted to continue the request until further dialogue with the neighbors could occur regarding the building heights and setbacks.

- March 10, 2009 Development Review Commission voted 4 to 3 in opposition to the requested Planned Area Development.
- March 26, 2009 City Council introduced and held a first public hearing for the requested Zoning Map Amendment and Planned Area Development. Additional information was provided prior to the hearing by the applicant and residents.

DESCRIPTION:

Owner – Thomas Sawner, Educational Options
Applicant – Jeff Sawner, Educational Options
Existing zoning – R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential Districts
Total site area - 9.95/8.87 acres
Total Building area - 192,156 s.f. (after completion of phase III)

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendment
Section 6-305, Planned Area Development (PAD) Overlay districts